

AN ORDINANCE AMENDING CHAPTER 70 (DREDGE AND FILLING), LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, FLORIDA; ADDING A NEW CHAPTER 71 (SEMINOLE COUNTY SHORELINE PROTECTION ORDINANCE); ESTABLISHING FINDINGS, PURPOSES, OBJECTIVES, AND DEFINITIONS FOR THE SHORELINE PROTECTION ORDINANCE; PROVIDING FOR THE REGULATION OF SHORELINE ALTERATIONS ON AND MANAGEMENT OF AQUATIC PLANTS IN WATERBODIES WITHIN SEMINOLE COUNTY, INCLUDING REQUIREMENTS FOR PERMITS, PERMIT APPLICATIONS, AND EXEMPTIONS; PROVIDING FOR REGULATION OF WATERFRONT LOTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; CLARIFYING PROVISIONS IN CHAPTER 70; AMENDING CHAPTER 2, "DEFINITIONS", LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, FLORIDA, TO INCLUDE A DEFINITION FOR FILL; AMENDING SUBSECTIONS 35.1, 40.2, 40.83 AND 40.86, LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, FLORIDA, TO PROVIDE CONSISTENCY WITH THE SHORELINE PROTECTION ORDINANCE; AMENDING CHAPTER 53, "CODE ENFORCEMENT", SEMINOLE COUNTY CODE, CONCERNING PENALTIES; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY AND THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, shoreline and other beneficial aquatic vegetation are necessary for the health and viability of a lake or stream system, and both protects and improves water quality; and

WHEREAS, both wave action and stormwater runoff may cause extensive erosion of nutrient-laden soils, particularly where those soils have been destabilized by removal of shoreline vegetation; and

WHEREAS, erosion of shoreline soils can cause waterbodies to slowly fill in, contribute to the nutrient load of a lake, and accumulate nutrients that support the accelerated growth of algae and nuisance aquatic plants in these waterbodies; and

WHEREAS, it is in the best interest of the citizens of Seminole County for shorelines to be protected and alterations to shorelines be restricted according to regulatory standards; and



WHEREAS, the new Shoreline Protection Ordinance logically should be placed in a new Chapter 71 of the Land Development Code of Seminole County, Florida; and

WHEREAS, the existing provisions of Chapter 70 concerning dredging and filling and other provisions of the Land Development Code of Seminole County, Florida, should be clarified for consistency and other reasons; and

WHEREAS, Seminole County is responsible for protecting and maintaining the health of Natural Waterbodies within its jurisdiction under the rules of the federal Clean Water Act, and as defined by and delegated to the State of Florida under Florida Administrative Code Rules 62-302 and 62-624, and under the terms of Seminole County's National Pollutant Discharge Elimination System (NPDES) Stormwater Permit (FLS#000038).

WHEREAS, beneficial aquatic plants are an important part of a healthy aquatic ecosystem and must be managed in such a way as to balance both recreational and environmental needs; and

WHEREAS, Total Maximum Daily Load (TMDL) credits can be allocated as part of a Basin Management Action Plan (BMAP) when implementing Best Management Practices (BMP) related to shoreline restoration projects. Because of such credits available, shoreline vegetation should be protected; and

WHEREAS, the Seminole County Local Planning Agency held a public hearing, with all required public notice on April 7, 2021 for the purpose of providing recommendations to the Board of County Commissioners with regard to the Ordinance amending the Land Development Code and recommended that the Board of County Commissioners adopt the Ordinance amending the Land Development Code to amend Chapter 70 concerning dredging and filling and to add a new Chapter 71 concerning shoreline protection.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Chapter 70 (Dredge and Filling) of the Land Development Code of Seminole County, Florida, is hereby amended to read:

Chapter 70 - DREDGE AND FILLING

Sec. 70.1. Dredge/ and fill permitting. ~~The Development Review Division~~ Development Services Department in coordination with Public Works ("Department") ~~shall be~~ is responsible for:

- (a) Devising and maintaining a supply of application forms conforming to the requirements of this ~~chapter~~ Chapter 70.
- (b) Accepting permit applications and fees and processing ~~said~~ these applications.
- (c) Placing advertisements of public hearings and notifying the appropriate property owners of property located within ~~three~~ five hundred (~~300~~ 500) feet of the property for which the permit is requested as measured along the shoreline from the proposed work.
- (d) Inspecting all ~~dredge/fill~~ dredge and fill and related activities, ~~and~~ for compliance with permit conditions.
- (e) Granting of permit applications not requiring a public hearing or denial of permit applications.
- (f) Coordination with Florida Department of Environmental Protection and the St. Johns River Water Management District to ensure consistency in environmental permits and streamlining the permitting process, when necessary, to avoid the ~~county's~~ County's procedures being duplicative of those of other agencies.

Sec. 70.2. Purpose. This ~~chapter~~ Chapter 70 is enacted for the purpose of governing ~~dredge/fill dredge and fill~~ activities in waters and wetlands within the ~~county~~ County in the interest of public health, safety, and welfare. It is the intent of this ~~chapter~~ Chapter to promote good environmental practices through published regulations and permitting.

Sec. 70.3. ~~Scope~~ Applicability. ~~All dredge/fill and related activities in~~ This Chapter 70 applies only to the unincorporated area of Seminole County ~~are within the purview of this chapter.~~

Sec. 70.4. Permit required. Unless specifically exempt as set forth ~~herein~~ in this Code, no person ~~shall~~ may engage, in any waters of the County, in any dredging, ~~or filling, or the~~ construction of buildings, docks, floating boat docks, piers, seawalls, or other structures, or other related activities in, on or upon any waters of the County without first having obtained a dredge and fill permit ~~as is hereinafter provided in this Code~~. This permit ~~shall be~~ is in addition to any other building permits required for the construction of buildings, docks, or other structures. Any works being performed without required permits ~~shall be~~ are subject to issuance of a Stop Work Order until such time as the works are in compliance with the provisions of this Chapter 70. No County official, employee, or agent ~~shall~~ may issue a permit, ~~as herein provided for, in that would result in a violation of this Chapter 70.~~

Sec. 70.5. Exceptions.

(a) ~~Activities that~~ The following activities do not require ~~permits~~ a permit under this ~~chapter~~ are Chapter 70:

(1) ~~Construction which~~ that is reviewed and approved as part of the site plan review process according to Chapter 40 of this Code; ~~provided, however, that if the public hearing thresholds as set forth in Section 70.6(g) of this Code are not surpassed and public notice as described in Section 70.6(d) of this Code has been given~~ provided.

(2) Construction ~~which that~~ is reviewed and approved as part of the subdivision review process according to Chapter 35 of this Code; ~~provided, however, that if the~~ public hearing thresholds as set forth in Section 70.6(g) are not surpassed.

(3) Normal maintenance, repair, and replacement work ~~which that~~ does not require the addition ~~nor or~~ relocation of structural or physical features and does not exceed the size of the original structure by more than five (5) percent. ~~Said~~ This maintenance work ~~shall must~~ not include the removal of ~~desirable shoreline vegetation~~ beneficial Aquatic Plants, which means indigenous Aquatic Plant species that provide fish and wildlife habitat, water quality protection, and shoreline stabilization, unless a Shoreline Alteration Permit has been issued for the site.

(b) ~~Activities that~~ The following activities do not require permits under this ~~chapter~~ Chapter 70, but ~~which will be reviewed by the division for advice and comment are~~ do require submittal of a Scope of Work to the Development Services Department in association with site permitting for the activity:

(1) Improvements, construction, or maintenance dredging of drainage canals, retention or detention basins, borrow pits, and private ponds under single ownership on privately owned property or maintenance dredging of existing man-made canals, channels, and discharge structures; ~~provided, however, that if a county~~ County building or site permit has been issued ~~therefore~~ for this activity.

(2) Construction of overhead power or communications lines, water, sewer, and effluent mains, and petrochemical lines, ~~which that~~ do not create a navigational hazard; ~~provided, however, that a~~ pursuant to a validly issued county County building or site permit ~~has been issued~~ therefore.

(3) Construction or replacement of supports in jurisdictional areas; ~~provided, however, that a~~, pursuant to a validly issued county/County building or site permit has been issued therefore.

(4) Installation of subaqueous power or communications lines, water, sewer, and effluent mains, and petrochemical lines; ~~provided, however, that a~~, pursuant to a validly issued county/County building or site permit has been issued therefore.

(5) ~~The non-mechanical removal of undesirable aquatic or shoreline vegetation; provided, however, that such removal shall not affect the physical stability of the shoreline or embankment.~~

(6) ~~Aquatic plant control operations involving chemical or biological methods.~~

(7) (5) Boat docks, unenclosed boat houses and gazebos alone or in any combination in which the total aggregate size is less than one thousand (1,000) square feet or five hundred (500) square feet if located upon an Outstanding Florida Water; ~~provided, however, that a~~, if constructed pursuant to a validly issued county/County building permit has been issued ~~therefore~~ and the construction complies with all conditions as set forth in ~~section~~ Section 70.10 and Chapter 71 (Shoreline Protection) of this Code.

~~(8)~~ (6) Construction of seawalls less than two hundred (200) feet in length, provided a building permit has been issued therefor for the seawall, and the construction complies with all conditions as set forth in Section 70.10 and Chapter 71 (Shoreline Protection).

~~(9)~~ (7) The installation of native trees, plants, or shrubs.

(10) ~~Clearing of vegetation to create an access area or beach less than twenty-five (25) feet in width.~~

~~(11)-(8)~~ (8) Clearing and construction of walking trails or timber boardwalks that are six (6) feet wide or less and that do not require fill for direct access to ~~water bodies; provided,~~ waterbodies, if performed pursuant to a validly issued county-County building permit has been issued therefore or a Shoreline Alteration Permit under Chapter 71 of this Code.

~~(12)-(9)~~ (9) A private boat ramp, solely for ~~the a property owner(s) owner's~~ use, which does not exceed fifteen (15) feet in width, which is located twenty-five (25) feet from any adjacent property line or ten (10) feet from an adjacent property line with the written approval of the adjacent property owner, and which requires less than ten (10) cubic yards of fill, ~~provided,~~ and which was constructed pursuant to a validly issued county-County building permit has been issued therefore.

~~(13)-(10)~~ (10) The installation of aids to navigation, including bridge fenders, pilings, buoys, and regulatory signs, ~~provided, however, that a,~~ pursuant to a validly issued county-County building permit has been issued therefore.

Sec. 70.6. Permit application; procedures. The following procedures ~~shall~~ govern the application and the issuance of all permits for dredging, filling, or other related activities within the waters of the ~~county-County~~:

(a) *Application.* Any person desiring to obtain a permit for dredging, filling, or other related activities, such as docks and seawalls, shall first make application to the ~~Development Review Division Department.~~ Said-This application ~~shall-must~~ contain such information as is hereinafter set forth in this Section 70.6 and ~~shall-must~~ be filed with the ~~division-Department.~~ After filing, the ~~division-Department~~ shall process the application ~~in accordance with this chapter according to this Chapter.~~

(b) *Application contents.* Unless determined by the ~~division~~Department to be not applicable, all applications ~~shall~~must include the following items at a minimum:

(1) The applicant's full name, address, and, if different, the name and mailing address of the property owner.

(2) The date of application.

(3) The name, address, and local phone number of any ~~agent(s)~~agents or ~~contractor(s)~~contractors that will perform any of the regulated work.

(4) The name, designation, or description of any and all affected bodies of water.

(5) An accurate written description of the activity, its purpose, and intent.

(6) The nature, type, and quantities of materials to be used.

(7) The types of equipment to be used.

(8) A description of the controls to be used to prevent or minimize water quality degradation.

(9) A description of methods of disposal, ~~and/or treatment, or both~~ of any spoil, dredging wastes, or dewatering effluent.

(10) The time period of the construction or maintenance activity.

(11) The estimated cost of the project.

(c) Each application ~~shall~~must be accompanied by the following submittals:

(1) A copy of a legal survey or plat of the property involved, including offshore ownership, if any. In the case of major construction projects as determined by the ~~division~~Department, plans completed and prepared by an engineer registered in the State of Florida are required. The name, address, and registration number of any ~~engineer(s)~~licensed professional

engineers that ~~prepares~~ prepare any plans or specifications for the regulated activities must also be provided. All such documents ~~shall~~ must be signed and sealed by ~~said a licensed~~ professional engineer.

(2) Affidavit as proof of ownership to all areas or bottomland on which dredging, filling, or other related activities are to take place.

(3) Construction plans, details, and vertical elevations, drawn to a scale satisfactory for the scope of the proposed activity, as determined by the Development Review Engineering Manager, which also depicts the limits and depths of all surface waters.

(4) An application fee to cover costs incurred by the ~~county~~ County in the processing of ~~said this application,~~ said This fee is to be established by duly adopted resolution of the Board of County Commissioners.

(d) Upon receipt of a completed application, the ~~division~~ Department ~~will~~ shall develop a notice to be published in a newspaper of general circulation in the area where the permit is being requested. This notice will contain a description of the proposed work, a legal and general description of the location of the project, and a request for written comments from interested parties. In addition, notices of the application ~~shall~~ will be mailed to all property owners within ~~three~~ five hundred ~~(300)~~ (500) feet in any direction fronting on the body of water; these notices ~~shall~~ must be substantially the same information as published in the newspaper.

(e) If no adverse comments are received within fourteen (14) days of publication, the ~~division~~ Department shall proceed with the application process.

(f) If adverse comments are received and the applicant is unable to resolve objections to the satisfaction of the ~~natural resources officer or, on appeal, to the Development Review Manager~~ Development Review Engineering Manager or, on appeal, to the Development Services

Department Director, based upon the intent and purpose of ~~this chapter~~ Chapters 70 and 71, or if public hearing thresholds have been exceeded, ~~then the division~~ Department shall schedule a public hearing on the application before the Board of County Commissioners.

(g) ~~Project~~ The following project types requiring require a public hearing for granting or denying permits:

(1) Boat docks and unenclosed boat houses and gazebos alone or in any combination in which the total aggregate size is one thousand (1,000) square feet or more or five hundred (500) square feet or more if located upon an Outstanding Florida Water.

(2) Enclosed boat houses of any size.

(3) Dredging, ~~and/or~~ filling or both in excess of four thousand (4,000) cubic yards of material.

(4) Any projects where the applicant is unable to resolve adverse comments of affected property owners to the satisfaction of the ~~natural resources officer~~ Development Review Engineering Manager or, after an appeal, the ~~Development Review Manager~~ Development Services Department Director based upon the intent and purpose of this ~~chapter~~ Chapter.

(h) Based upon the findings of the ~~division~~ Department, an application for a permit for dredging, filling or other related activities below the threshold for a public hearing may be granted or denied. The ~~division~~ Department may place such reasonable restrictions and conditions upon the granting of a permit as necessary to protect the rights and interests of the public and to prevent or minimize any deleterious effects upon the water quality and Normal High Water Elevation (NHWE) of affected waters.

Sec. 70.7. Permit issuance criteria. In granting or denying permits for dredging, filling, or other related activities, the following ~~shall~~ must be considered:

(a) Turbidity in streams, wetlands, and estuarine areas must be minimized and ambient conditions ~~shall~~must not be increased by more than ~~fifty (50)~~twenty-nine (29) nephelometric turbidity units (NTU) ~~or other equivalent, acceptable standard above natural background conditions~~ at any one time, nor more than ~~twenty-five (25)~~twenty-nine (29) nephelometric turbidity units above natural background conditions on a daily average outside the immediate construction area. In Outstanding Florida Waters (OFW), turbidity must not exceed zero (0) nephelometric turbidity units above natural background conditions at any one time. ~~Such~~This determination ~~shall~~must be made based upon the physical and geographical characteristics of the proposed construction area.

(b) The possible effect on ~~the quality of waters of the county water quality.~~

(c) The possible effect on the propagation of wildlife, fish, and ~~aquatic plants~~ Aquatic Plants, and animals.

(d) The possible effect on all property owners fronting the body of water involved.

(e) The possible negative effect on NHWE and flood stages.

~~(e)~~(f) The possible effect upon the public health, safety, comfort, good order, appearance, prosperity, and general welfare.

~~(f)~~(g) The recommendations of any governmental ~~and/or~~ or professional agencies.

~~(g)~~(h) The possible effect upon the safe navigation of vessels and watercraft.

Sec. 70.8. Emergency issuance of permit. Where there ~~shall~~exists a bona fide emergency involving an imminent threat to life or property, the County Manager or the Board of County Commissioners may waive the notice and procedural requirements ~~herein~~ of this Chapter 70 and grant to any applicant an “emergency permit.” If the permit is granted by the County Manager, the permit ~~shall~~will be noted at the next Board of County Commissioners’ public

hearing, spreading on the record the reasons for such permit. The Board of County Commissioners may, at that time, impose such conditions on ~~said this~~ emergency permit as ~~shall the Board~~, in its discretion, ~~be determines~~ is necessary to promote the intent and purpose of this ~~chapter~~ Chapter 70 and to preserve life and property.

Sec. 70.9. Denial, suspension, or revocation of permit.

(a) The Board of County Commissioners, ~~and/or division the Department~~ or both, at ~~its their~~ discretion, may refuse to issue, renew, suspend, or revoke any permit on any of the following grounds:

- (1) Material misstatement in the application for the permit.
- (2) Willful disregard or violation of any of the provisions of ~~this chapter~~ Chapters 70 and 71 of this Code.
- (3) Willful disregard or violation of any condition or conditions imposed upon any permit granted.
- (4) Negligence on the part of the applicant, his contractor, or subcontractor in the performance of any dredging, filling, or other related activities permitted.
- (5) Any other grounds ~~which that~~ is found by the Board of County Commissioners, ~~and/or division the Department, or both~~ to constitute a threat to the health, safety and welfare of the citizens and inhabitants of the ~~county~~ County.

(b) The permittee or applicant ~~shall will~~ be notified in writing of denial, suspension, or revocation within seven (7) days.

(c) If the permit is revoked or denied, the permittee shall remove, ~~and/or restore, or both~~ any dredging, filling, or other related activities already performed to its original condition prior to such activity including vegetation.

Sec. 70.10. General regulations.

(a) ~~All~~ The work force at the site of the activity shall possess at all times an approved copy of the permit and its attachments must be in the possession of the work force at the site of the activity at all times.

(b) The dredge and fill activity ~~shall~~ must comply with all applicable federal, state, district, county, and local laws, rules and regulations.

(c) The ~~division~~ Department ~~shall have~~ has the right, after receipt of the application, to require additional information prior to granting or denying the permit.

(d) The permit ~~shall~~ will be valid for a period not to exceed one (1) year from the date of issuance. A permit extension or revision may be granted for good cause by the Development Review Engineering Manager if found to be consistent with the intent and purpose of this ~~chapter~~ Chapter.

(e) ~~Due~~ The dredge and fill permittee must give due consideration ~~shall be given to~~ aesthetics, sound engineering practices, impacts on NHWE, and flood elevations, water quality protection, and the continued propagation of biological organisms.

(f) ~~All~~ The dredge and fill permittee shall restore all disturbed properties ~~shall be restored~~ to the original condition prior to the permitted activity, as far as practical, in keeping with the activity's specifications, and in a manner satisfactory to the ~~division~~ Department.

(g) ~~All~~ The dredge and fill permittee shall dispose of all excess material, excavated or otherwise, ~~shall be disposed of~~ at the permittee's expense. Fill may only be placed below the one hundred (100) year flood prone elevation if both of the following conditions are met:

(1) ~~such~~ Such action is consistent with all applicable ~~county~~ County land development regulations and state and federal law~~s~~.

(2) A site plan has been approved that is consistent with the floodplain ordinance.

(h) ~~Trees~~ The dredge and fill permittee shall replace trees, and/or shrubs and vegetation destroyed during the activity shall be replaced by the permittee at the direction of the individual responsible for arbor permitting or Aquatic Plant permitting, as applicable. The indiscriminate cutting of trees or disfiguring of any feature of scenic value ~~shall be~~ is prohibited, including the use of herbicides for this purpose.

(i) All boat docks, boat houses, gazebos, fishing docks, boardwalks, and related structures ~~shall~~ must have a minimum deck elevation of one (1) foot above the ~~ordinary high water elevation~~ NHWE. ~~The structure shall be governed by the site, but shall~~ Subject to any further constraints imposed by the site, the structure must not project, when measured perpendicularly to a canal or waterbody, more than twenty-five (25) percent into the navigable width of the canal or waterbody, as determined by the ~~natural resources officer~~ Department, nor at any time pose a hazard in navigable waters as determined by the ~~natural resources officer~~ Department. ~~Said These~~ structures and boat ramps ~~shall~~ must not be placed within ten (10) feet of a property line; ~~provided, however, that.~~ However, upon application, and except where this Code requires a hearing before the Board of County Commissioners, the board of adjustment Board of Adjustment may grant a variance to the length or setback requirements based upon the criteria established in Section ~~5.43(b)(3)~~ 30.43(b)(3) of this Code and may impose appropriate conditions and safeguards in accordance with Section ~~5.43(b)(4)~~ 30.43(b)(4) of this Code.

(j) The Development Review Engineering Manager or the Board of County Commissioners may, in the public interest, require the applicant, ~~and/or his~~ the applicant's contractor, ~~and/or the applicant's~~ subcontractors, or any combination of them, as a condition for

the permit, to provide ~~the following~~ safeguards to prevent any deleterious effect that may occur in any body of water, or connected bodies of water, as a result of work performed under the permit.

These safeguards are to accomplish the following:

(1) To control turbidity and introduction of silt into ~~public waters~~ bodies of water by the use of properly located silt-restraining devices.

(2) To place speed restraints on equipment operations and confine operations to specified periods of time.

(3) To contain the dredged material and control runoff from spoil areas designated by the Development Review Engineering Manager or the Board.

(4) To avoid exposing submerged soil types which are subject to being scoured and disbursed, or subject to becoming colloidal and creating long-range turbidity problems.

(5) To prevent pollution or any deleterious effect that may occur in any body of water, or connected bodies of water, as a result of the work performed.

(6) To use specific types of equipment while accomplishing the work.

(k) All boat docks and boat houses located upon property assigned a single-family residential zoning classification ~~shall-must not~~ be designed not to accommodate more than three (3) motorized vessels or watercraft.

Sec. 70.11. Bonding requirements. As a condition for the granting of a permit, the Board of County Commissioners or the ~~division manager~~ Development Review Manager may require the posting of a surety bond guaranteeing that ~~said-the permit applicant will~~ shall correct any unforeseen or deleterious effects that may occur in any body of water, or any adjacent ~~water body~~ waterbody, as a result of the permitted activity. ~~Said-This~~ bond ~~shall-must~~ be in the form as approved by the ~~county attorney~~ County Attorney and in an amount as determined by the ~~manager~~

Development Review Engineering Manager after careful consideration of the activity's scope. Copies of said forms shall be appended hereto for informational purposes.

Sec. 70.12. Inspection.

(a) The ~~division shall be~~ Department is responsible for inspecting the work within the scope of this ~~chapter~~ Chapter 70.

(b) The permittee shall inform the ~~division~~ Department of the date that construction activity is to begin and arrange a pre-work conference, if determined necessary by the ~~division manager~~ Development Review Engineering Manager.

(c) The Department shall inspect the activity ~~shall be inspected~~ according to against the provisions of the permit. The ~~division~~ Department shall not issue a certificate of completion until all provisions are met and any required tests performed and accepted.

(d) The ~~division manager~~ Development Review Engineering Manager and Public Works Department staff may authorize the issuance of a "stop work" order to any permittee who is committing or creating unsafe acts which may create a public hazard, or for noncompliance with the provisions of the permit and this ~~chapter~~ Chapter, until such time as the violation or acts are corrected. The ~~county~~ County ~~shall not be~~ is not responsible for any damages in any way resulting from such an order.

Sec. 70.13. Other required permits. Permits issued under this ~~chapter~~ Chapter ~~shall not be~~ are not valid unless all applicable local, state, and federal permits have been obtained by the applicant and are continually valid during the course of the work being performed.

Secs. 70.14 – 70.20. Reserved.

CHAPTER 71 – SHORELINE PROTECTION ORDINANCE

Sec. 71.1. Short Title. The regulations established in this Article are designated and may be cited as the “Seminole County Shoreline Protection Ordinance” (SPO).

Sec. 71.2. Applicability. This Chapter 71 applies only to the unincorporated area of Seminole County and not to any municipality.

Sec. 71.3. Findings, Purposes and Objectives. The Board of County Commissioners finds:

(a) The County’s Shorelines are among the most valuable and fragile of its natural resources and there is great concern throughout the County relating to their utilization, protection, restoration, and preservation.

(b) Ever increasing pressures of additional uses are being placed on the Shorelines necessitating increased coordination in the management and development of the Shorelines of the County.

(c) Much of the Shorelines of the County and the uplands adjacent thereto are in private ownership.

(d) Unrestricted construction on the privately owned or publicly owned Shorelines is not in the best public interest.

(e) Unrestricted use of aquatic herbicides can negatively impact the ecosystem, water quality and recreational use of a natural waterbody.

(f) Therefore, coordinated planning and permitting is necessary in order to protect the public interest associated with the Shorelines and Aquatic Plants within the County while, at the same time, recognizing and protecting private property rights consistent with the public interest.

Sec. 71.4. Definitions. The following definitions apply to this Chapter 71:

Aquatic Plant. Any plant, including a floating, emersed (emergent), submersed, or ditch bank species, growing in, or closely associated with, an aquatic environment, and includes any part or seed of such plant.

Clearance. The alteration of or removal of Shoreline Vegetation by chemical treatment, mechanical or non-mechanical uprooting, or removal.

Code Enforcement Officer. County employee positions and employee positions of County Officers who have been designated as Code Enforcement Officers by the Board pursuant to Chapter 53, Code Enforcement, Seminole County Code, or its successor provisions, including Public Works Department staff so authorized.

Emergent Aquatic Vegetation. Aquatic plants rooted below a body of water or in an area that is periodically submerged but extending above the NHWE, as appropriate.

Eutrophication. The natural process by which lakes become nutrient enriched and over long periods of time may change from open water to marsh systems. This process may be greatly accelerated by urbanization, Shoreline Alteration, and stormwater runoff.

Fill. The addition of materials, including but not limited to dirt, sand, gravel, stone, crushed stone, cement, cement rubble, mulch, wood or railroad ties, which results in changes to the topography or vegetation that exists on the Shoreline and Waterfront areas of Waterfront properties.

FWC: The Florida Fish and Wildlife Conservation Commission.

Natural Lake. A natural body of water of non man-made origins (e.g., not a man-made retention pond).

Reestablish. The regrowth of Shoreline Vegetation, where the average growth height is more than twelve (12) inches above the NHWE or water surface, as appropriate.

Shoreline. All land or water which is on the waterward side of the NHWE.

Shoreline Alteration. Any alteration of the natural condition of the Shoreline such as changes in Shoreline topography, vegetation, sediment, or structural changes.

Shoreline Revegetation. The planting and establishment of native terrestrial and aquatic grasses and plants, both emergent and non-emergent, associated with Waterfront and Shoreline environments.

Shoreline Vegetation. Vegetation that grows within the Shoreline area; included are semi-woody herbaceous plants (such as shrub species and willow) and Aquatic Plants (such as emergent, floating, and submersed) associated with wetlands and including, but not limited to, those plants listed in Sections 62-340.450, Florida Administrative Code (2021), as this regulation may be amended from time to time.

Submersed Aquatic Vegetation. Aquatic Plants that live at or below the water surface.

Vegetated Buffer Zone. Permanent area of land at least ten (10) feet in width, upland of the Waterfront Vegetation, which contains native vegetation that helps to trap sediment and enhance filtration of nutrients and pesticides by slowing down runoff that could enter a Waterbody.

Waterbody. A body of water forming a physiographical feature, for example a lake or a pond, is manmade or natural, and which may include conveyance ditches, canals, creeks, and streams.

Waterfront. The land area abutting a Waterbody.

Waterfront Vegetation. Permanent area of land at least ten (10) feet in width, contiguous to the shore and proximate to the Waterbody, which contain native vegetation of terrestrial and aquatic plants, both emergent and non-emergent, associated with wetlands.

Sec. 71.5. Shoreline Alterations.

(a) This Chapter 71 applies to all Shorelines of all Natural Lakes, or any part of a Natural Lake, which are non-man made in origin and encompass more than two (2) surface acres of open water and less than one hundred sixty (160) surface acres of open water, located within the unincorporated areas of Seminole County, but not in any municipalities. Where a Natural Lake is partially within the unincorporated areas of Seminole County and partially within one (1) or more municipalities, this Section applies only to the Shorelines that are within the unincorporated areas of Seminole County.

(b) The following restrictions apply to the performance of Shoreline Alterations:

(1) A property owner that desires to clear any Shoreline Vegetation or Waterfront Vegetation by any means from more than fifty percent (50%) of the property owner's frontage or more than fifty (50) feet, whichever is less, or uses chemicals to create a corridor to allow access for a boat or swimmer to reach open water, must obtain a Shoreline Alteration Permit from the County, in addition to all other permits to comply with federal, state, district, County, and local laws, rules, and regulations. If a special exemption for such Waterbodies is needed, a request for review must be submitted to the Watershed Management Division for approval and prior to commencing any Shoreline Alteration activity.

(2) Any use of chemicals, as identified in Section 71.7, requires a County Shoreline Alteration Permit.

(3) Waterbodies exempted under ruling by other permitting agencies, such as FWC for Natural Lakes under 160 acres in size, are not exempt from the County's Shoreline Protection Ordinance.

(4) The changing of any Shoreline by digging or adding Fill, which alters or changes the Shoreline or existing topography of the Shoreline or Waterfront of any Waterbody within the County, is prohibited, unless done in accordance with an approved building permit or within applicable regulation requirements. Any person pumping or withdrawing sand or any other material from lake bottoms shall obtain all permits as required and comply with all federal, state, district, County, and local laws, rules and regulations such as, but not limited to, the use of turbidity barriers.

(5) The construction of retaining walls or seawalls on any lakefront, canal front, stream front, or other water frontage, is prohibited except when done in accordance with all applicable regulations and required federal, state, district, and County permits have been obtained. Additional County requirements for the construction of seawalls are set forth in Section 70.5(b)(6) and in Section 71.5(b)(6) of this Code.

(6) Building Permits for seawalls will be considered favorably only when the structure is a necessity to stop erosion and loss of Shoreline and cannot be achieved by other non-structural means. Sloped riprap type structures that allow wave energy dissipation and allow Shoreline Vegetation to propagate are favored in lieu of vertical seawalls. As a condition of the seawall permit, Shorelines that do not meet the vegetation standards of this Section are required to be planted so that no more than fifty (50) feet, or fifty percent (50%), whichever is less, of the Shoreline remains clear of vegetation.

(7) Nothing in this subsection is intended to relieve a property owner or contractor of any obligation under State law to obtain required permits from the Florida Department of Environmental Protection, St. John's River Water Management District, or other governmental or municipal authorities having jurisdiction, when applicable.

Sec. 71.6. Permits Required for Shoreline Alterations.

(a) The owner shall obtain a Seminole County Shoreline Alteration Permit, as well as any applicable federal, state, district, or local permit prior to commencing any Shoreline Alteration activities.

(b) In the event changes, modifications, or alterations in the permitted area are made, the owner is responsible for submitting the proposed change to the permitting agency before continuing with the Shoreline Alteration activities.

(c) Upon receipt of a permit, two (2) copies of the permit must be posted, one (1) visible at the clearing site; the other visible from the road until clearing is complete or for seven (7) days, whichever is longer.

Sec. 71.7. Shoreline Alteration Applications.

(a) The management of aquatic plants may be necessary for both environmental and recreational purposes. It is critical that both the health of the waterbody and its recreational uses be taken into consideration, as well as the methodology and impacts of such methods be reviewed and analyzed such that unintended negative consequences are avoided.

(1) Methods for Aquatic Plant management include the following:

(i) Chemical – use of pesticides, herbicides, fungicides, algicides, or an intended use for plant or algae growth regulator, defoliant, or desiccant.

(ii) Mechanical – use of machinery designed to cut, shear, shred, crush, press, lift, and remove Aquatic Plants and associated organic material from Waterbodies.

(iii) Biological – use of biological control agents such as insects, fish, and pathogens.

(iv) Physiscal – use with hand-removal and hand-held tools or managing with water level manipulation, bottom barriers, dyes, prescribed fire, jet pumps, and aeration manipulation.

(b) No person or public agency may attempt to manage, eradicate, remove, or otherwise alter any aquatic plant except as provided in a Shoreline Alteration Permit issued by Seminole County unless the activities or waters in which aquatic plant management activities are to take place are expressly exempted in Section 71.8 of this Code.

(c) Permits issued under this Chapter 71 are not intended to allow for the collection and reintroduction of the removed plants into another waterbody, unless specifically provided for in the permit issued.

(d) Application format and requirements:

(1) All applications for new permits or amendments to existing permits must be submitted in compliance with the requirements of this Chapter 71.

(2) Applications for new permits, renewal permits, or amendments to existing permits must be submitted electronically through the County's online Shoreline Alteration permitting system. Persons unable to apply electronically should contact the County's Watershed Management Division for assistance with the application process.

(3) All applications, except for those from government agencies, research institutions, and wastewater treatment facilities that have been approved by the Department of

Environmental Protection, must be in the name of the riparian owner. If the County is unable to determine if the applicant is a riparian owner, the applicant shall provide proof of riparian ownership upon request. An application may be submitted by an agent authorized by the riparian owner. Persons authorized to represent multiple riparian owners, including, but not limited to, officers of homeowners associations, may submit a single application for multiple sites provided that a signed written consent is submitted for each riparian owner being represented. If a local ordinance requiring aquatic vegetation management is enacted, such as an MSBU, the ordinance will serve as documentation for the riparian representation.

(4) As part of the application, the applicant shall provide the name of the waterbody, if it is named, the street address of the management site, or a map with directions to the proposed management site using county, state, and U.S. highway names and route numbers.

(5) As part of the application, the applicant shall provide a diagram of the proposed management site ("site map"), which must contain the following information at a minimum:

- (i) The riparian owner's property boundaries, including dimensions.
- (ii) The approximate water's edge at the time of the proposed application.
- (iii) Prominent features such as docks, fences, trees, and other prominent artificial or natural features, located near the water's edge.
- (iv) Prominent aquatic plant communities located at the site identified by name or symbol, with a clear depiction of the aquatic plants proposed for management, including the dimensions of the management area and the vegetation not to be managed.
- (v) The proposed aquatic plant management control method to be used.

(vi) A copy of any existing conservation easement established in the area aquatic plant management is proposed.

(vii) Legends that explain all symbols and patterns used in the site map.

(d) The County's Watershed Management Division shall review and determine the completeness of each application.

(e) Applications and permittees shall allow reasonable access to Watershed Management Division staff for the purpose of engaging in surveys and examinations of the proposed aquatic plant management site.

(f) Final agency action on permit applications.

(1) All conditions of the permit must be stated on the permit.

(2) Permits will be effective for a period of three years from the date issued.

(3) The permittee must sign the permit and have a copy of the signed permit on site for review while conducting any management activities.

(g) Permit amendments:

(1) The permittee may request an amendment subject to the procedures and review criteria of this chapter.

(2) Following notice to the permittee, the County is authorized to amend a permit issued pursuant to this Section during the term of the permit to restrict or limit the scope of the permitted activity. This must be done if necessary to ensure the protection of human health, safety, recreation, plant and animal life, and property.

(3) A permit issued pursuant to this Section may be transferred at the written request of a new owner or assignee of the permitted property when accompanied by written consent

from the permit holder. If any changes, additions, or amendments to the permit are requested, an application for a new permit must be submitted for processing.

(h) It will be the responsibility of the permittee to submit a renewal application 45 days prior to the expiration date of the permit.

Sec. 71.8. Exemptions. The following activities are exempt from the requirements of this Chapter 71:

(a) A property owner may physically or mechanically remove Shoreline Vegetation within an area delimited by up to fifty percent (50%) of the property owner's frontage or fifty (50) feet, whichever is less, and by a sufficient length waterward from, and perpendicular to, the riparian owner's Shoreline to create a corridor to allow access for a boat or swimmer to reach open water. All unvegetated areas must be cumulatively considered when determining the width of the exempt corridor. Physical or mechanical removal does not include the use of any chemicals or any activity that requires a separate permit on lands at or below the NHWE, except that the following Shoreline Vegetation is specifically excluded from this exemption: any aquatic species which is listed by the Florida Department of Agricultural and Consumer Services as threatened, endangered or commercially exploited pursuant to Section 581.185, Florida Statutes (2020), as may be amended or replaced.

(b) Emergency repairs on public or private projects may be made if necessary for the preservation of life, health or property, where taken to implement and accomplish the beneficial purposes of these regulations as set forth in this Chapter 71. Such emergency repairs may be made only where it would be impractical to obtain approval from the County prior to making such emergency repairs and on the condition that a retroactive building permit for the emergency repairs be obtained as soon as practical after the emergency repairs.

(c) Waters where all of the surrounding upland property and submerged land are wholly owned by one (1) person, other than the County or state.

(d) Maintenance of publicly or privately owned portions of a structural stormwater or drainage control system is exempt if it does not constitute major construction or rebuilding.

(e) Mowing of terrestrial sod grasses that may incidentally become established on lake bottom (below NHWE) from adjacent lawns is exempt. The Shoreline and lake bottom areas which can be mowed must not be inundated, and the exposed soils must be dry enough to support the mower so that incidental Shoreline Alteration does not occur. Disking (turning the soil with blades to uproot vegetation) is excluded from this exemption.

(f) Biological controls, specifically the use of sterile triploid grass carp fish, are exempted from County permitting, but require FWC permits.

(g) Lakes that are 160 acres or larger are exempt from the County permitting requirements, but appropriate permits must be obtained from FWC.

(h) Activities conducted, authorized, or contracted by the County.

(i) Although certain waters are exempt from the County's permit requirements, all Aquatic Plant management activities must be conducted in a manner so as to protect human health, safety, recreational use, and to prevent injury to non-target plant and animal life, and property, to the greatest degree practicable. When applying a herbicide in exempt waters, all persons shall comply with the label rates, instructions, cautions, and directions, and shall follow the public notice requirements of Florida Administrative Code Rule 68F-20.0055(2)(c) (2021), as this regulation may be amended from time to time.

Section 71.9. Waterfront Lots.

(a) Building Plans. A building permit will not be issued for any new structure, addition to any existing structure, fence, or wall or to an existing property on a lakefront, canal front, or stream front lot until satisfactory building plans are reviewed and approved. The Building Division, with the assistance of the Public Works Department, has the authority to review and determine whether to approve construction upon lakefront lots, canal front lots, and stream front lots. The Building Division, with the assistance of the Public Works Department, also has the authority to review and determine whether to approve new construction or major repair of boathouses, docks, and gazebos over the lakes or other waterbodies. Major repair means the elimination of the damage or restoration of damaged material in excess of fifty percent (50%) of the existing structure.

(b) Waterfront Vegetation. If no natural vegetation exists, strips of Shoreline Vegetation at least ten (10) feet in width must be planted. The Shoreline Vegetation must provide coverage for fifty percent (50%) of the parcel width and must be composed of vegetation that includes beneficial terrestrial and Aquatic Plants, both emergent and non-emergent, associated with wetlands.

(c) Construction of a berm or swale system or Vegetated Buffer Zone. Swales are gently sloping depressions planted with dense vegetation or grass that treat stormwater runoff. As the runoff flows along the length of the swale, the vegetation slows and filters the runoff, allowing it to percolate into the ground. A berm and swale system or a Vegetated Buffer Zone must be designed and installed for any new structure or significant change to an existing property on a lakefront or stream front lot. A significant change is defined as five hundred (500) square feet or more of new impervious area that drains to the water-ward side of the parcel. A berm and swale

system should be designed with a total depth between six (6) and twelve (12) inches and a landward slope between 4:1 and 6:1. A berm and swale system must be constructed on a lot as to ensure that runoff on the lot does not negatively impact adjoining lots. Lakefront and stream front lots must be developed to maximize the amount of natural rainfall that is percolated into the soil and to minimize direct overland runoff into the water. With the exception of boathouses, docks, or other overwater construction, stormwater runoff from structures and other impervious surfaces must be directed into swales or terraces on the lot or restrained by berms so as to provide for the on-site retention and percolation to the maximum extent practicable. Properties being developed or redeveloped must eliminate any direct piped discharges of stormwater into the water, so that any runoff is directed to the on-site retention and percolation areas. All stormwater retention compliance must prioritize the preservation of existing trees and the impacts of Fill or excavation on tree root systems must be minimized. In cases where construction of a berm and a swale is not practical or feasible, applicant must provide a Vegetated Buffer Zone of at least ten (10) feet of width between the Waterfront Vegetation and the development activities. The applicant shall demonstrate the Vegetated Buffer Zone is sufficiently planted so runoff is slowed and filtered allowing for percolation into the ground, to the maximum extent practicable.

(d) Waterfront Grading. No lakefront, canal front, or stream front lot owner may grade the lot in such a way as to interfere with the natural drainage of adjoining lots or in a way that diverts drainage from the lot onto adjoining lots. The Building Division may require, as conditions necessitate for lakefront, canal front, and stream front lots, the construction of physical features, grading, swales, and piping of roof gutters so as to ensure that runoff on a lot does not negatively impact adjoining lots. A special exception or variance for waterfront grading can be required and must be submitted within the permit request for approval. Required documents include engineering

plans or surveys demonstrating pre-post topographic plans. A final development order may provide the special exception documentation required which must be submitted with the County's Shoreline Alteration Permit for such uses.

Sec. 71.10. Enforcement, penalties and legal proceedings.

(a) This Chapter 71 is administered by the County Manager and enforced through the County's Code Enforcement Officers. Any person in violation of this Chapter 71 shall address such violations immediately upon written notification by the County's Code Enforcement Officers.

(b) The notice of violation must contain the following:

- (1) Be in writing.
- (2) Include a description of the site where the violation has occurred.
- (3) Cite the provisions of this article which have been violated.
- (4) Require remedial action or actions to be taken as deemed necessary and addressed within the Site Specific Restoration Proposal Guide provided by the Watershed Management Division.

(c) Any person receiving a notice of violation shall address it by providing a written response following the Site Specific Restoration Proposal Guide provide by the Watershed Management Division to the County's Code Enforcement Officers, which outlines the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of the corrective measures. Such remedial action may involve restoration of damaged topography, revegetation of the site to meet requirements of this Chapter 71, replacement of habitat for affected wildlife, payment of all permit and inspection fees, and other actions consistent with the intent of this Chapter 71. Proposals for corrective action are subject to the approval of the County's Code Enforcement Officers.

(d) The County's Code Enforcement Officers are authorized to issue cease and desist orders in the form of written official notices sent by certified mail, return receipt requested, to any person responsible for the violation. Specific activities and operations may be ordered to be ceased based upon the following conditions:

(1) In a situation that may have a serious effect on the health, safety or welfare of the public or the environment; or

(2) When irreversible or irreparable harm may result, in the reasonable opinion of the County's Code Enforcement Officers, and immediate cessation of the activity is necessary to protect the public or the environment.

(e) The Code Enforcement Officer may authorize the issuance of a "stop work" order to any property owner who is committing or creating unsafe acts which may create a public hazard, or for noncompliance with the provisions of the permit and this Chapter 71, until such time as the violation or acts are corrected. The County is not responsible for any damages in any way resulting from such an order.

(f) Any person who violates or fails to comply with the requirements of any provision of this Chapter 71 is subject to prosecution before the Code Enforcement Board or Special Magistrate of Seminole County, pursuant to Chapter 53, Code Enforcement, Seminole County Code, or successor provisions. Each day of violation constitutes a separate violation.

(g) If any person responsible for violation fails to take action required in this Chapter 71, the County has the right to take remedial action. Any person responsible for the violation shall reimburse all costs incurred by the County in taking such actions against that person.

(h) In addition to the remedies provided in this Section 71.10, the County is authorized to make application in a court of appropriate jurisdiction for an injunction restraining any person

from violating, or continuing to violate any provisions of this Chapter 71. In addition, the County may also seek entry of a court order requiring restoration and mitigation for any impacted land or waters or request any other appropriate, applicable legal remedy, including reimbursement of restoration, mitigation, and court costs.

(i) In accordance with Section 53, Code Enforcement, Seminole County Code, any person violating any of the provisions of this Chapter 71 is liable for a Class II civil penalty under Chapter 53, Code Enforcement, Seminole County Code, or successor provisions. Each day any violation of any provision of this Ordinance continues will constitute a separate offense. Violations of this Ordinance or the conditions of any permit issued constitute a violation of this Code, applicable to the area in which the violation has occurred.

(j) All fines and costs assessed under the provisions of this Chapter 71 may be enforced as a lien that may be foreclosed according to the procedures specified in Section 162.09, Florida Statutes (2020), as this statute may be amended from time to time.

(k) The County may elect to take any or all of the above remedies concurrently, and the pursuit of one does not preclude the pursuit of another.

(l) Any fines or other funds received as a result of enforcement under this Chapter 71 that are not used for specific purposes set forth in this Ordinance must be deposited in the General Fund of the County in the penalty, fine, and forfeiture account.

Secs. 71.11 – 71.20. Reserved.

Section 2. Chapter 2, “Definitions”, Land Development Code of Seminole County, Florida, is hereby amended to read:

Chapter 2 - DEFINITIONS

* * *

Sec. 2.3. Definitions.

[For the purposes of this chapter, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.]

* * *

Fenestration: The design, proportioning and disposition of windows and other exterior openings of a building.

Fill. The addition of materials, including but not limited to dirt, sand, gravel, stone, crushed stone, cement, cement rubble, mulch, wood or railroad ties, which results in changes to the topography or vegetation that exists on the Shoreline and Waterfront areas of Waterfront properties.

Final development order: The approval of a development of regional impact, a borrow pit permit, an electrical permit, a planned development final development plan, a right-of-way utilization permit, a site plan, a special exception or variance, a subdivision preliminary plat, a subdivision final plat, an underground utility permit, a waiver to subdivision platting requirements, a dredge and fill permit, a written agreement with Seminole County School Board for the provision of public facilities and services as required by State law and any other development order which results in an immediate and continuing impact upon concurrency public facilities. Final development orders may address future expansions of a development and may provide for phasing. A final development order may provide for conditions which must be met in order for subsequent approvals to be given or permits to be issued.

* * *

Section 3. Subsection 35.1, "Purpose and Intent", of Chapter 35, "Subdivision Regulations", Land Development Code of Seminole County, Florida, is hereby amended to read:

Sec. 35.1. Purpose and intent. The public health, safety, comfort, and welfare require the harmonious, orderly, and progressive development of land within the unincorporated areas of Seminole County. The subdivision of land has been shaped into building lots, blocks, and streets; the correction of defects is costly and difficult. Substantial public responsibility is created by each new subdivision, involving the maintenance of streets and drainage facilities, and the provision of additional public services. As the general welfare, health, safety, and convenience of the community are thereby directly affected by the use of land as a subdivision, it is in the direct interest of the public that subdivisions be conceived, designed, and developed in accordance with sound rules and proper standards. Consideration ~~shall~~ must be given to the character of an area and the availability of public facilities to ~~insure~~ ensure the compatibility and coordination of land uses and facilities within a given geographic unit.

The purpose and intent, therefore, of this chapter is to ~~insure~~ ensure or secure the following:

- (a) The establishment of standards of subdivision design ~~which will~~ that encourage the development of sound and stable areas within the unincorporated areas of Seminole County.
- (b) Installation to prescribed standards by the land developer of those required improvements ~~which~~ that ought not become a charge on the citizens and taxpayers of already existing areas.
- (c) The adequate and efficient supply of utilities, streets, and services to new land developments.
- (d) The prevention of haphazard, premature, or scattered land development.
- (e) The prevention of traffic hazards and congestion ~~which~~ that result from narrow or poorly aligned streets and from excessive ingress and egress points along major traffic arteries,

and the provision of safe and convenient traffic circulation, both vehicular and pedestrian, in new land development.

(f) Safety from fire, panic, and other dangers, to promote health and the general welfare.

(g) ~~To minimize~~ The minimization of flooding hazards and ~~insure~~ the assurance of proper water management.

(h) The provision of public open spaces in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes.

(i) ~~To coordinate~~ The coordination of land development in accordance with orderly physical patterns and general plans and policies adopted by the Board of County Commissioners, in particular, the Seminole County Comprehensive Plan.

(j) ~~To help protect~~ The protection of the natural and scenic resources of Seminole County, including surface waters and ground-water recharge areas, and provisions as required by Chapter 71.

(k) ~~To promote~~ The promotion of the goals and objectives of the East Seminole County Rural Area Plan by providing standards that ensure preservation and enhancement of rural character.

(l) ~~To serve as~~ The establishment of one of the several instruments of land use control authorized by the Florida Legislature for Seminole County.

(m) ~~To promote~~ The promotion of increased pedestrian travel to increase citizen security, interaction, neighborliness, and community bonding.

(n) ~~To ensure that future~~ Future development promotes the use of non-motorized forms of transportation such as bicycling and walking so as to reduce society's dependency on the automobile.

Section 4. Subsection 40.2, "Applicability", of Chapter 40, "Site Plan Approval", Land Development Code of Seminole County, Florida, is hereby amended to read:

Sec. 40.2. Applicability.

(a) The procedures contained in this chapter ~~shall~~ must be utilized for the approval of the site plan for any development or the construction of any facility other than one-family and two-family residential dwelling units or minor appurtenances ~~thereto~~ to them (e.g., private swimming pools, yard fences, etc.). Projects involving land development without the construction of structures such as parking lots and site excavation or filling ~~which exceeds~~ that exceed one hundred (100) cubic yards of material ~~shall be~~ are subject to the provisions of this chapter and the County's Shoreline Protection Ordinance in Chapter 71. Projects ~~which~~ that involve the alteration or conversion of any existing structure into a multifamily, commercial, or industrial facility, which involves a change where there is the need for upgrading of the site whether through parking requirements, drainage improvements, fire flow, etc., ~~shall are to~~ are to be reviewed in accordance with the provisions of this ~~chapter~~ Chapter. Development of public buildings and facilities and private utilities buildings and facilities ~~shall are to~~ are to be reviewed in accordance with the provisions of this ~~chapter~~ Chapter. Agricultural production practices, which include fencing, drainage, irrigation and other agricultural uses and structures, including portable structures, which are found by the Development Review Engineering Manager ~~to not to~~ not to conflict with County codes and state and federal law, are exempt from review by the development review committee, but ~~will~~ applicants for

agricultural production practices will be required to submit a site plan with any application for a building permit to ~~insure~~ ensure compliance with all setback and drainage requirements.

(b) The provisions of this Code, where appropriate, are to be applied to development on and off-site.

(c) ~~This document shall be the governing document where there are conflicts and discrepancies with other County policies, ordinances, or regulations unless the other is more restrictive.~~

Section 5. Subsection 40.83, "Use of Natural Features", of Chapter 40, "Site Plan Approval", Land Development Code of Seminole County, Florida, is hereby amended to read:

Sec. 40.83. Use of natural features. The development of the site ~~shall~~ must make the most advantageous use of topography and preserve mature trees and other natural features wherever possible. No site plan ~~shall~~ may be approved that would result in the removal of over seventy-five (75) percent of existing trees, with trunk diameters of six (6) inches or greater, from any site, unless the Planning Manager finds that the development of the site would be severely restricted. Special consideration and credit ~~shall~~ must be given to the retention of trees having a trunk diameter of twenty-four (24) inches or larger. Special consideration must be given for Waterfront features and Shoreline protection as specified in Chapter 71 of this Code Any person aggrieved by the decision of the Planning Manager, may request a waiver from this requirement, from the Board of County Commissioners. Removal of any tree ~~shall be~~ is governed by the requirements contained in Chapter 30, ~~Land Development Code of Seminole County, Florida of~~ this Code.

Section 6. Subsection 40.86, "Special Considerations", of Chapter 40, "Site Plan Approval", Land Development Code of Seminole County, Florida, is hereby amended to read:

Sec. 40.86. Special considerations. Special consideration ~~shall~~ must be given in the following:

(a) Layout of streets, blocks, buildings, and easements to the preservation of large and specimen individual trees.

(b) Preserving natural drainage methods, natural topography, wetlands, Shorelines and landscape.

(c) Providing special screening, buffers, or berms where developments abut non-compatible land uses.

Section 7. Chapter 53, "Code Enforcement", of the Seminole County Code is hereby amended to read as follows:

* * *

Section 53.27. Schedule of Violations and Penalties.

(a) Civil infractions of County codes and ordinances, as may be amended, for which citations may be issued include, but are not limited to:

* * *

CLASS II

* * *

(33) L.D.C. Chapter 71 Violation of Shoreline Protection Ordinance.

* * *

Section 8. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance, including its preamble, will become and be made a part of the Land Development Code of Seminole County, Florida and the Seminole County Code, and that the word "ordinance" may be changed to "section", "article", or other appropriate word or phrase

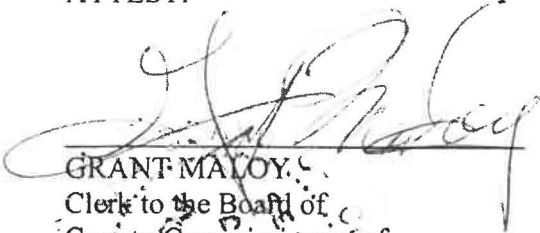
and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that the Sections 8, 9 and 10 of this Ordinance shall not be codified.

Section 9. Severability. If any provision of this Ordinance or the application of it to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 10. Effective date. This Ordinance takes effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this
27 day of April, 2021.

ATTEST:


GRANT MALOY,
Clerk to the Board of
County Commissioners of
Seminole County, Florida

DGS:sjs
4/23/21

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BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA


LEE CONSTANTINE, Chairman



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 3, 2021

Honorable Grant Maloy
Clerk of the Circuit Court
Seminole County
County Commission Records
1101 E. First Street, Room 2204
Sanford, Florida 32771

Attention: Chariti Colon

Dear Mr. Maloy:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Seminole County Ordinance No. 2021-19, which was filed in this office on April 30, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb