

UNION COUNTY
LAND DEVELOPMENT REGULATIONS AMENDMENT
APPLICATION

Name of Applicant(s): _____ Board of County Commissioners _____ LDR 18-03

Address: _____ 15 Northeast First Street _____

City, State, Zip Code: _____ Lake Butler, FL 32054 _____

Telephone: _____ 386.496.4241 _____

Name of Applicant's Agent (if applicable): _____ N/A _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

Please complete the following for proposed amendments to the Official Zoning Atlas.
For amendments to the text of the Land Development Regulations, which do not require an
Official Zoning Atlas amendment, please omit responses to Part I and complete Part II of this
Application.

PART I Legal Description: _____

N/A

Total acreage of land to be considered under this amendment: _____

Present Use: _____
(commercial, industrial, residential, agricultural, vacant, etc.)

Zoning District: _____

Present: _____ Requested: _____

Future Land Use Plan Map Category: _____

PART II

For amendments to the text of the Land Development Regulations, please provide in the space
provided below (or on separate pages to be attached and made a part herewith) the text of the
proposed amendment.

See Attachment A

APPLICATION FOR AMENDMENT
OF THE LAND DEVELOPMENT REGULATIONS

A previous application for amendment to the Land Development Regulations:

_____ was made with respect to these premises, Application No. _____

N/A was not made with respect to these premises.

I hereby certify that all of the above statements and statements contained in any documents or plans submitted herewith are true and correct to the best of my knowledge and belief.

If title holder(s) are represented by an agent, a letter of such designation from the title holder(s) addressed to the Land Development Regulation Administrator must be attached.

Karen E. Cossey, Chair
Applicant/Agent Name (Type or Print Name)

Applicant/Agent Signature

11/27/18
Date

FOR OFFICE USE ONLY

Date Filed: 11/27/18
Application No: LDR 18-03
Fee Amount: _____
Receipt No. _____
Date of Planning and Zoning Board Public Hearing: 12/17/18
Date notice published: 12/6/18
Newspaper: Union County Times
Date of Local Planning Agency Public Hearing: 12/17/18
Date notice published: 12/6/18
Newspaper: Union County Times
Date(s) Board of County Commissioners Public Hearing: (1) 12/17/18 (2) N/A
Date notice published: (1) 12/6/18 (2) N/A
Newspaper: Union County Times
Date Notice of Enactment of an Ordinance published: 12/6/18
Newspaper: Union County Times
Board of County Commissioners decision: _____

(Granted/Denied)

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ATTACHMENT A
LDR 18-03
BOARD OF COUNTY COMMISSIONERS

1LDR 18-03, an application by the Board of County Commissioners, to amend the text of the Land Development Regulations by amending a portion of Section 2.1 entitled Definitions, General by revising the definition of mining and adding other definitions related to mining and excavation; and by deleting and replacing in its entirety 14.7 entitled 2Special Permits For Land and Water Fills, Dredging, Excavation, and Mining.

SECTION 2.1 DEFINITIONS, GENERAL

By revising the definition of mining to read, as follows:

~~**Mining. Mining also means mining operations and means those physical activities, other than prospecting and site preparation, which are necessary for extraction, waste disposal, storage, or dam operations prior to abandonment.**~~

Mining: Mining means the extraction of natural deposits from the earth which are regulated by the State of Florida under Chapter 211, Florida Statutes, Part II and Chapter 378, Florida Statutes, and by County Land Development Regulations.

By adding the following definitions to read, as follows:

Excavation: Excavation means the removal and transport of earth materials, sometimes referred to as borrow activities. This definition excludes commercial mining operations such as limerock, phosphate, and sand mining operations, excavation associated with construction of stormwater management facilities, excavation activities governed by County subdivision regulations, and excavation associated with sod farming and removal activities, and tree farming activities.

Excavation and fill operation: Excavation and fill operation means an operation that involves the removal of surface and subsurface materials, including but not limited to earth, gravel, materials, minerals, peat, sand and soil, and replacing such material with clean debris.

Geologic features: Geologic features means a prominent or conspicuous characteristic of earth materials in the landscape.

Mining operation: Mining operation means a collective term referring to all aspects of the proposed mining scheme, including the plant, processing areas and total land area for which the applicant is applying for a permit.

Mining permit: Mining permit means a valid operating permit for the conduct of mining operations.

Mining unit: Mining unit means specified areas of land from which minerals are extracted in a specified period of time.

Significant geologic features: Significant geologic features means geologic features such as sinkholes, springs, caves, stream bluffs, escarpments, outcroppings and other karst features.

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By deleting in its entirety Section 14.7:

**~~SECTION 14.7— SPECIAL PERMITS FOR LAND AND WATER FILLS, DREDGING,
EXCAVATION, AND MINING.~~**

~~No mining, borrow pit operations (excepting temporary borrow pit operations of less than one-half (1/2) acre in size and further excepting the creation of irrigation, agricultural and agricultural water conservation purpose ponds approved by the United States Department of Agriculture), activities which involve the dredging or filling of land or water areas shall be conducted without first obtaining a special permit for such activities from the Board of County Commissioners in conformance with the requirements as stated below. Requests for such special permits shall be submitted in writing to the Land Development Regulation Administrator together with the payment of such reasonable fees as the Board of County Commissioners may determine through action in setting fees as set out in Article 1 of these land development regulations. The Land Development Regulation Administrator shall forward the request to the Planning and Zoning Board for review and shall erect a sign advertising the permit request on a prominent position on said land. The Planning and Zoning Board shall hold a public hearing in accordance with Article 13 of these land development regulations. The Planning and Zoning Board report and recommendations shall be advisory only and not binding upon the Board of County Commissioners.~~

~~Within a reasonable time after receiving the Planning and Zoning Board report and recommendations, the Board of County Commissioners shall hold a public hearing in accordance with Article 13 of these land development regulations. At the hearing, any person may appear in person or by agent. The Board of County Commissioners shall take final action on the permit request by either approving, approving with conditions, or denying the permit request. Appeals from decisions of the Board of County Commissioners shall be heard as set out in Article 12 of these land development regulations.~~

~~The County shall limit mining operations to those areas shown on Illustration A-XI of the Future Land Use Map Series of the County's Comprehensive Plan entitled Mining Areas, provided no mining or borrow pit operations shall be allowed within a recorded subdivision. All such mining activities shall be conducted in accordance with the following criteria:~~

- a. ~~The filing of a mining master plan with the Board of County Commissioners, which shall:~~
 1. ~~Describe the boundaries of the areas of proposed mining;~~
 2. ~~Describe the location of existing or proposed processing facilities, highways and railroads;~~
 3. ~~Provide a topographic map of the area and its relationship to watersheds, drainageways, floodways, streams, rivers and lakes;~~
 4. ~~Describe the mining process to be conducted; and~~
 5. ~~Describe the reclamation process to be conducted after mining, including the delineation of areas to be restored.~~
- b. ~~Upon review of the mining master plan, the Board of County Commissioners may approve, approve with conditions or deny an operating permit to commence the activities stated within the master plan, subject to all areas mined or disturbed by mining operations be reclaimed. Land and water areas shall be considered reclaimed if they include the following, when applicable:~~
 1. ~~Land areas not less than 3 feet above the groundwater table, that have been graded to a level, gently rolling, sloping or terraced topography, with major continuous slopes no steeper than 4 horizontal to 1 vertical and in a way to minimize erosion due to rainfall, break up long uninterrupted slopes and make the surface suitable for vegetation. Vegetation shall be appropriately planted to prevent erosion and promote the future land use of the reclaimed area.~~
 2. ~~Water areas shall have a diversity of shallow and deep areas to enhance lake~~

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~~productivity for fish and wildlife habitat Subaqueous slopes shall be no steeper than 4 horizontal to 1 vertical out to 6 foot depth at design elevation. Water quality shall be satisfactory for fish production and other wildlife.~~

3. ~~Reclamation shall commence on mined areas, not used for waste settling areas, within 18 months after mining is completed in the area. Progress shall be according to a time schedule established prior to commencing work and reported upon annually as to the reclamation accomplished during the preceding calendar year.~~

4. ~~Other standards set forth in Chapter 16C-16, Florida Administrative Code, Mine Reclamation, in effect upon adoption of this policy, shall be applied in this policy. Nothing in this policy shall be in conflict with Chapter 16C-16, Florida Administrative Code, in effect upon adoption of this policy.~~

5. ~~Mining shall be prohibited which will result in an adverse effect on environmentally sensitive lands, such as wetlands, floodplains, endangered, threatened, or species of special concern wildlife habitats, as designated by the Florida Game and Fresh Water Fish Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities, which cannot be restored, based upon competent and substantial scientific evidence presented to the County at the time the master mining plan is reviewed by the Board of County Commissioners. Environmentally sensitive lands, such as wetlands, floodplains, endangered, threatened, or species of special concern wildlife habitats, as designated by the Florida Game and Fresh Water Fish Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities, which can be restored shall be restored to the same type, nature and function ecosystem.~~

~~For the purposes of these Land Development Regulations "restoration" when used in conjunction with mining operations shall mean the recontouring and revegetation of lands, which will return the type, nature, and function of the ecosystem to the condition in existence immediately prior to mining operations. The County shall recognize technological limitations and economic considerations concerning the methods and practices to be used to restore environmentally sensitive lands, such as wetlands, floodplains, endangered, threatened, or species of special concern wildlife habitats, as designated by the Florida Game and Fresh Water Fish Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative Communities. However, such considerations shall not result in environmentally sensitive lands, such as wetlands, floodplains, endangered, threatened, or species of special concern wildlife habitats, as designated by the Florida Game and Fresh Water Fish Commission within the publication entitled Critical Wildlife Conservation Areas, and rare or unique vegetative communities, not being restored to the same type, nature and function ecosystem. For example, restoration shall be considered accomplished when immature trees are used; mature trees are not required to be replanted in areas where mature trees were removed to allow for mining.~~

~~For the purposes of these Land Development Regulations "revegetation" when used in conjunction with mining operations in reclaimed areas means a cover of vegetation consistent with land form created and the future land uses. In restored areas, it means a cover of vegetation that is designed to return the restored area to the condition in existence prior to mining operations.~~

~~In addition to obtaining this permit, the applicant shall meet any additional requirements of the County, regional agencies, the State of Florida and the United States of America.~~

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By replacing it its entirety Section 14.7 to read, as follows:

**SECTION 14.7 SPECIAL PERMITS FOR MINING, LAND EXCAVATION, AND FILLING
ACTIVITIES**

14.7.1 Purpose

The purpose of this Section is to regulate mining and land excavation and filling activities with provisions for reclamation and reuse such that these activities do not adversely affect established residential areas, conservation or environmentally sensitive areas identified on the Future Land Use Map, or adversely affect transportation corridors, the quality of air, groundwater, surface water, land and wildlife in the County.

14.7.2 Applicability

The requirements of this Section shall apply to all new or expanded mining or excavation and fill operations, and shall not affect the validity of any special permit for mining operations approved prior to February 15, 2016. No existing operation shall be expanded or otherwise modified without first being authorized in accordance with this Section. In addition, any mining or excavation and fill operation shall be subject to the requirements of this Section as part of any annual report, as required by Section 14.7.12, or as a result of an application to expand or modify the facility.

14.7.3 Exemptions

The activities listed below are exempt from the requirements of this Section.

- 1. Approved Development. Grading, land clearing, land filling, site development and related activities undertaken in accordance with an approved site and development plan, building permit, or similar permit issued by the County.**
- 2. Public Improvements. Onsite excavation or filling in connection with the construction, maintenance or repair of a public facility or improvement carried out under the supervision of the County or the Florida Department of Transportation, or off-site borrow pits constructed on private property in conjunction with a County or Florida Department of Transportation Construction Permit. Off-site borrow pits on private property shall be subject to review by the Board of County Commissioners prior to commencement of any development activity.**
- 3. Minor Excavation or Filling. Minor excavation or filling shall be any filling or excavation activity which involves the removal or filling of less than five hundred (500) cubic yards of material. For the purposes of this Section, a single site is defined to be one (1) parcel or a group of contiguous parcels under common ownership.**
- 4. Emergencies. Filling or excavation activity undertaken in connection with the emergency filling of a newly formed or newly expanded sinkhole, or severe erosion problem, other subsidence or similar circumstances affecting the public health, safety, or welfare as determined by the County.**
- 5. Temporary Borrow Pit and Agriculture. Temporary borrow pit operations of less than one-half (1/2) acre in size, the creation of irrigation, agricultural and agricultural water conservation purpose ponds approved by the Florida Department of Agriculture and Consumer Services or the United States Department of Agriculture.**

14.7.4 Limitation on Exemptions

The activities identified in Section 14.7.3 shall not be considered exempt and must comply with the provisions of this Section, if the activity requires permits from a water management district, the

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Florida Department of Environmental Protection, or U.S. Army Corps of Engineers, or the activity occurs within a floodplain or conservation or environmentally sensitive area.

14.7.5 Permitted Location of Mining, Excavation and Fill Operations

Mining or excavation and fill operations may be permitted, subject to the requirements of this Section and other applicable requirements in these Land Development Regulations.

14.7.6 Special Permit Approval Required

Activities related to a new or expanded mining or excavation and fill operation shall not commence until a special permit for land and water fills, dredging, excavation and mining has been issued by the Board of County Commissioners and a development plan, meeting the conditions of the special permit, has been approved by the Board of County Commissioners.

1. Pre-application Conference. Prior to the submittal of an application for a special permit, the applicant shall request and participate in a pre-application conference with the Board of County Commissioners and/or Board of County Commissioners designated representative or consultant.
2. Neighborhood Workshop. An applicant shall hold a neighborhood workshop prior to submittal of a special permit application in accordance with the Neighborhood Workshop provisions of this Section, except for minor amendments to existing special permits.
 - a. Purpose. The purpose of a neighborhood workshop is to ensure early citizen participation in an informal forum in conjunction with a special permit application, and to provide an applicant the opportunity to understand and try to mitigate any impacts a special permit application may have on an affected community. These workshops ensure that citizens and property owners have an adequate opportunity to learn about special permit applications that may affect them and to work with the applicant to resolve any concerns at an early stage of the process. A neighborhood workshop is not intended to produce complete consensus on special permit applications, but to encourage applicants to be good neighbors and to allow for informed decision making. If a special permit applicant fails to hold a required neighborhood workshop, the County shall not accept that special permit application for review.
 - b. Public Notice. Public notice of a neighborhood workshop shall be provided as indicated below.
 - (1) Notice to County. An applicant holding a neighborhood workshop shall coordinate with the County prior to scheduling the workshop.
 - (2) Notice Required
 - (a) The applicant shall provide notification by mail. The County shall provide a mailing list to the applicant. The applicant shall mail these notices with proper postage a minimum of ten (10) days before the workshop. The mailed notice shall describe the proposal or request, the location, time and date of the workshop. A location map indicating the general boundaries of the property, with reference to the closest intersection of public streets, when possible. Notice shall be deemed mailed by its deposit in the mail, properly addressed and with postage paid.

The following information shall be submitted to the County for notice of neighborhood workshops. This information shall be submitted as part of the application packet for which the neighborhood workshop is required:

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- (i) A notarized affidavit certifying that the notices were mailed in compliance with the standards of this Article;**
- (ii) A copy of the mailed notice; and**
- (iii) The name and address list of property owners and jurisdictions to which the mailed notices were provided.**

Jurisdictions - All bodies of government, including other counties or municipalities, adjacent to land subject to the application shall be mailed a written notice of a workshop.

Notice for Neighborhood Workshops shall be mailed by the applicant to: Property Owners of the Subject Property - All property owners of the land subject to the application shall be mailed a written notice of a workshop.

Nearby Property Owners - The property owners listed below shall be mailed a written notice of a workshop. When land that is the subject of an application is contiguous to property under common ownership or control, the distance shall be measured from the boundaries of the entire ownership. When the distance measurement from a property boundary as required below ends in a roadway, the property directly across the roadway shall also be mailed a written notice. Requirements for notice to abutting property owners shall mean those identified using the most recent available tax rolls at the time of development application.

- (i) Abutting Property Owners. All property owners within two thousand-six hundred and forty (2,640) feet of the boundaries of the property for application shall receive notice.**
- (ii) Neighborhood and Property Owners Associations. If any dwelling within the required notification area is part of a neighborhood association or property owners association, and that information is a matter of record with the County, the association shall receive notice.**

(b) The applicant shall publish notice of the workshop in a newspaper of general circulation a minimum of ten (10) days before the workshop. The advertisement shall be a minimum of two (2) columns width and four (4) inches long. The advertisement shall be titled "Public Notice," with a description of the request and of the land involved by street address, if any, or by legal description or parcel number(s), the size of subject property rounded to the nearest one-ten of an acre, a location map of workshop, time and date of workshop, and contact information.

(3) Postponed Workshops. New public notice consistent with this Section shall be provided for any rescheduled workshop.

c. Neighborhood Workshop General Requirements

- (1) Workshop Time and Location. The workshop shall start between 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. The initial workshop shall be held within the general area of the subject property. Additional workshops may be held but are not required.**
- (2) Workshop Summary. The applicant shall submit to the County, as part of the application, a summary of the materials presented at the workshop, the issues raised by those in attendance, the suggestions and concerns of those in attendance,**

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a copy of the sign-in sheet, a copy of the workshop advertisement and a copy of the mailed notices sent to property owners.

(3) Workshop Elements. At the workshop, the applicant shall present the following, as applicable:

(a) A general concept plan for the use of all included lands. Such plans shall indicate the general location of residential areas (including density and unit types), open space, active or resource-based recreation areas, natural areas (including wetlands and floodplains), and non-residential areas (including maximum square footage and maximum height).

(b) A plan of circulation showing the general locations and right-of way widths of roads, and access points to the external and internal thoroughfare network.

3. Application Requirements. An application for a special permit shall be submitted in accordance with this Article of the Land Development Regulations.

4. Public Notice Requirements. Published notice and posted notice shall be required for any application for a special permit in accordance with the procedures in Section 13.4 of these Land Development Regulations.

5. Review by the Planning and Zoning Board

a. Planning and Zoning Board Public Hearing. All applications for special permits shall be considered by the Planning and Zoning Board at a public hearing, prior to a public hearing or action by the Board of County Commissioners.

b. Consideration of Special Permit Applications. The Planning and Zoning Board shall consider a proposed special permit utilizing the criteria for approval listed in this Section of these Land Development Regulations.

c. Planning and Zoning Board Recommendation. A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed special permits should be approved, approved with conditions or denied.

6. Action by the Board of County Commissioners

a. Public Hearing. Upon receipt of the recommendation from the Planning and Zoning Board, the Board of County Commissioners shall hold a public hearing to consider a proposed special permit.

b. Action by the Board of County Commissioners. Following the public hearing, the Board of County Commissioners may take one of the following actions:

(1) Approve the special permit application;

(2) Approve the special permit application with conditions and limitations; or

(3) Deny the special permit application.

7. Criteria for Approval. The Board of County Commissioners shall, as part of a decision to approve an application for a special permit, make a finding that an application complies with both the general criteria and the review factors listed below:

a. The proposed use is consistent with the Comprehensive Plan and Land Development Regulations;

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- b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
 - c. The proposed use shall not adversely affect the health, safety, and welfare of the public, and
 - d. Satisfactory provision sand arrangements have been made concerning the following matters, where applicable:
 - (1) Ingress and egress to the property and proposed structures thereon with particular reference to automotive safety and convenience, traffic flow and control and access in case of fire or catastrophe;
 - (2) Off-street parking and loading areas where required, with particular attention to item (1) above;
 - (3) The noise, glare or odor effect of the special permit on surrounding properties;
 - (4) Refuse and service areas, with particular reference to location, screening and items (1) and (2) above;
 - (5) Utilities, with reference to location and availability;
 - (6) Screening and buffering with reference to type, dimensions and character;
 - (7) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
 - (8) Required yards and other open space;
 - (9) General compatibility with surrounding properties; and
 - (10) Any special requirements set forth in these Land Development Regulations for the particular use involved.
 - 8. Conditions and Safeguards. In granting any special permit, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with these Land Development Regulations. Failure to comply with the conditions adopted as part of a special permit shall constitute a violation punishable by the penalties and remedies outlined in Section 15.4 of these Land Development Regulations.
 - 9. Expiration of Special Permit. Approval of a special permit for a mining or excavation and fill operation shall be valid for a maximum of five (5) years, except for excavation, clean debris and land clearing debris operations, which shall be valid for a period specified in the special permit necessary for the completion of all operations including necessary reclamation.
 - 10. Amendment of Special Permit. An extension of time for an approved special permit may be granted as an amendment to the existing approval. Any changes to the approved conditions will also require an amendment to an approved special permit.
 - 11. Transfer of Special Permit. A special permit for a mining or excavation and fill operation may be transferred subject to the standards listed below.
 - a. Notification. The permittee of a special permit shall file a notice of transfer with the County, in a form approved by the County.
 - b. Evidence of Financial Responsibility. The transferee shall provide, in a form acceptable to the County, proof of financial responsibility as required by Section 14.7.13.
- 14.7.7 General Standards for Mining or Excavation and Fill Operations:

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The standards listed below shall apply to all mining or excavation and fill operations.

1. Prohibited Activities. Unless permitted by a special permit, the activities listed below are prohibited in association with a mining or excavation and fill operation.
 - a. Surface Waters and Wetlands. Mining, excavation or filling shall not be permitted in surface waters or wetlands. Nor shall water be diverted from natural stream channels and drainage ways shall not be interrupted or relocated.
 - b. Operations in Groundwater. Mining, excavation or filling shall not be permitted in groundwater of the Floridan or intermediate aquifer systems, except as provided in the applicable requirements of the Florida Administrative Code. Groundwater withdrawals permitted as part of an approved mining or excavation and fill operation shall not result in a lowering of the potentiometric levels of the surficial shallow groundwater aquifer, intermediate groundwater aquifer, or Floridan Aquifer beyond the boundaries of the approved mining or excavation and fill operation.
 - c. Vibration. Vibration resulting from any mining or excavation and fill operation sufficient to cause damage of any kind to persons or property not included within the approved area of operation.
 - d. Blasting. Where specifically permitted by the conditions of a special permit, blasting or other use of explosives shall comply with all applicable federal and state standards.
 - e. Degradation of Water Quality. All surface drainage from site runoff shall be directed away from open pit excavations to avoid groundwater contamination. Pollutants or substance of any kind which may be detrimental to water quality shall not be permitted to enter the surface drainage system or the groundwater system through sinkholes on or adjacent to the site.
2. Limited Disposal of Materials. In a mining or excavation and fill operation, disposal of materials as fill is limited to clean debris and land clearing debris, unless specified by the approved special permit for the site.

Clean debris shall be limited to brick, glass, ceramic, and uncontaminated concrete including embedded pipe or steel. Land clearing debris shall be limited to uncontaminated soil and rock, tree remains, trees and other vegetative matter from land clearing for a construction project.
3. Hours of Operation. Mining or excavation and filling activities shall be limited from 6:00 a.m. to 8:00 p.m., Monday through Saturday. More limited hours of operation may be imposed at the time of approval of the special permit.
4. Access Routes. Mining or excavation and fill operations shall be permitted only at sites served by roads adequate to accommodate the projected truck traffic. Access shall not be permitted from an interior road through a platted subdivision unless the excavation and fill is specifically designed to facilitate the completion of the subdivision in which the haul route is located. Haul roads through platted subdivisions must be closed prior to the issuance of the first Certificate of Occupancy along the haul road. If access to a site is over an unpaved segment of public road, the operator shall be responsible for maintenance of the unpaved segment in a satisfactory operating condition.
5. Temporary Road Stabilization. On the site of mining or excavation and fill operations, the use of milled or crushed asphalt is permitted for road stabilization. Asphalt used for this purpose may be stored temporarily within an unexcavated area or a reclaimed area of the site. The material shall be removed from a roadway when it is no longer in use, and onsite disposal or burial of asphalt is prohibited. The special permit shall include an identification

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of all areas proposed as asphalt or material storage areas and procedures for the disposal of material utilized for temporary road stabilization.

- Dust Controls. Mining or excavation and fill activities shall be operated in a manner that shall minimize fugitive dust emissions. Dirt roads within the site and unpaved public roads in the vicinity used for access to and circulation within the project may require dust retardant treatment at the expense of the operator. The use of suppressants as a dust retardant technique shall be evaluated by the Board of County Commissioners and receive approval before their use is permitted. Natural vegetation shall not be removed within any required setback or buffer areas, or from any area of the site prior to excavation of that area.

14.7.8 Site Development and Operational Standards

All mining or excavation and fill operations, activities and structures shall comply with the standards in this Section for site development and operations on site. Existing mining, excavation and fill sites or reclamation projects operating with current and valid special permits originally approved prior to February 15, 2016 shall be exempt from the operational standards found in this section unless otherwise required as a condition of the special permit.

- Setbacks. Each operation shall comply with minimum setbacks, based on features on or adjacent to the site and the future land use classifications of properties adjacent to the site, as established in Table 14.7.7.1 below. An additional setback of five hundred (500) feet to the setback distances as established in Table 14.7.7.1 below shall be provided from all beneficiation facilities and associated infrastructure.

Table 14.7.7.1

Minimum Setbacks for Mining or Excavation and Fill Activities

<u>Natural Features or Adjacent Future Land Use Designations</u>	<u>Minimum Required Setback from Property Line or feature (in feet)</u>	
	<u>Mining Activities^{1,2}</u>	<u>Excavation and Fill Activities³</u>
<u>Public right-of-way or public or private utility easement</u>	<u>200 feet</u>	<u>50 feet</u>
<u>100-year floodplain</u>	<u>200 feet</u>	<u>200 feet</u>
<u>Wetlands</u>	<u>500 feet</u>	<u>250 feet</u>
<u>Surface water</u>	<u>500 feet</u>	<u>250 feet</u>
<u>Significant geological features</u>	<u>500 feet</u>	<u>250 feet</u>
<u>Potable water wells</u>	<u>500 feet</u>	<u>500 feet</u>
<u>Inhabited residential structures</u>	<u>1,000 feet</u>	<u>150 feet</u>
<u>Schools</u>	<u>500 feet</u>	<u>250 feet</u>
<u>Conservation Future Land Use Classification</u>	<u>1,000 feet</u>	<u>250 feet</u>
<u>Residential Future Land Use Classification</u>	<u>1,000 feet</u>	<u>150 feet</u>
<u>Commercial Future Land Use Classification</u>	<u>250 feet</u>	<u>150 feet</u>
<u>Public Future Land Use Classification</u>	<u>500 feet</u>	<u>250 feet</u>
<u>Recreation Future Land Use Classification</u>	<u>500 feet</u>	<u>250 feet</u>
<u>Industrial Future Land Use Classification</u>	<u>200 feet</u>	<u>100 feet</u>
<u>Agriculture Future Land Use Classification</u>	<u>200 feet</u>	<u>100 feet</u>
<u>Designated Urban Development Area</u>	<u>1,000 feet</u>	<u>150 feet</u>

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¹Includes processing and material separating facilities, mechanical draglines, ponds or structures for settling, thickening, tailings and slime.

²Includes beneficiation facility and associated infrastructure.

³Includes mechanical draglines, spoil piles, stockpiles, or storage of materials.

2. Screening and Buffering

a. Visual Buffers. A vegetated landscaped buffer of at least fifty (50) feet in width shall be provided along the entire boundary of the mining or excavation and fill site. Where the site is adjacent to or within one thousand (1,000) feet of a residential land use or an inhabited residential structure or school, a vegetated landscaped buffer of at least one hundred (100) feet in width shall be provided. Points of access shall be given exception from these minimum buffer requirements. To the greatest extent possible, natural vegetation and foliage existing on the site shall be retained to establish buffers. If the natural vegetation and foliage does not provide adequate visual buffer or noise attenuation, additional plantings, fences, earth berms or similar materials may be required.

b. Buffer for Significant Geologic Features. Buffers to significant geological features that have a direct connection to the surficial shallow groundwater aquifer, intermediate groundwater aquifer or Floridan Aquifer shall be a minimum of one hundred (150) feet.

3. Setbacks Where Blasting Proposed. Where blasting is proposed as part of the mining operation, setbacks sufficient to protect significant geologic features, including subsurface conduits, are required.

4. Maximum Heights

a. Buildings and Structures. All buildings and structures shall comply with the height of the zoning district in which the mining or excavation and fill operation is located, and may be further limited by the conditions of the special permit.

b. Stockpiles, Spoil Piles, and Storage of Materials. Stockpiles, spoil piles or storage of excavated materials shall not exceed fifty (50) feet in height, and may be limited further by the conditions of the special permit.

5. Fencing and Security. Unless otherwise provided by the Board of County Commissioners, each mining or excavation and fill site shall be completely enclosed by a fence consisting of chain link, field wire, or other material not less than six (6) feet in height, with a heavy duty, locking, security gate at each access point. All gates shall be kept locked at all times unless an employee of the owner or operator is on site. All fences and gates shall prominently display permanent "No Trespassing" signs a minimum of every five-hundred (500) feet.

6. Test Borings. For proposed new or expanded mining or excavation and fill operations, test borings shall be required to delineate geologic conditions, and to determine the interface between the surficial, intermediate and Floridan aquifers and the location of groundwater tables on a site. In existing operations, new test borings shall be performed prior to development of new excavation or mining area. At a minimum, the test borings shall comply with the standards listed below.

a. Minimum Depth. All borings shall be conducted to a depth of not less than ten (10) feet below the deepest proposed mining or excavation.

b. Maximum Space. All boring shall be spaced at a maximum of five-hundred (500) foot interval in two (2) transverse directions.

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- c. Log Content. The boring log shall indicate the location coordinates, surface grade elevation, geologic description and thickness of all strata encountered, including topsoil, overburden mineral deposit or material to be mined or excavated and material immediately underlying the mineral deposit or material, and the position of the groundwater in relating to individual borings.
7. Filling in Surficial Aquifer. Filling may be permitted in groundwater of the surficial aquifer system, in excavation and fill operations or in limestone pits or quarries, but shall be limited to clean soil or rock materials including sand, clay, or limestone. Exceptions to these standards may be considered if liners, leachate collection systems and cover systems are proposed for a site. Prior to mining operations, surface and groundwater hydraulic and hydrologic modeling must be conducted and adequately demonstrate post-mining reclamation hydrology associated with surface waters and wetlands, surficial shallow groundwater aquifer and intermediate groundwater aquifer water elevations will match pre-mining conditions. This includes demonstrating mining activities (e.g. excavation and filling voids) and post-reclamation soil characteristics (e.g. structure, permeability, infiltration), landscape features (e.g. open water ponds, constructed contours above and below surface waters) and associated surficial and groundwater hydrology and hydraulic gradients will retain water resource and contributing watershed conditions, including existing and proposed surface waters, wetlands (with appropriate hydroperiods) and floodplains.
8. Groundwater Standards. For each mining or excavation and fill operation, a groundwater quality monitoring plan shall be installed according to the standards of the Florida Department of Environmental Protection. Groundwater quality on each site of a mining or excavation and fill operation shall be monitored according to the standards of the Florida Department of Environmental Protection, and all test results from monitoring wells shall be provided to the County. For the purpose of sampling and analysis to gather baseline data regarding groundwater resources, the County shall have access to all test wells on site.
9. Dewatering. Dewatering operations shall be planned and controlled so as to provide minimum drawdown of the shallow groundwater table. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent wetlands area shall be terminated until such time as a satisfactory plan is approved by the Board of County Commissioners to maintain water levels in such areas.
10. Planned Water Bodies. Planned water bodies or groundwater lakes incorporated in the final reclamation plan are required to meet the following standards:
 - a. A minimum of ten (10) percent of the lake shall be refilled to shallower depths of two (2) to four (4) feet in order to encourage aquatic plant growth and fish propagation.
 - b. If side slope different from the ten (10) percent ratio are proposed, terracing may be utilized, subject to approval by the Board of County Commissioners for an engineering evaluation of the long-term stability of such slopes.

14.7.9 Additional Excavation and Fill Operation Requirements

1. Method of Excavation. The method of excavation shall be planned so that the greatest volume of earth can be moved without resulting in deep holes scattered throughout the site. The use of the land shall be so that excavation is brought to the permitted depth at one (1) part of the property and then proceeds to the remainder of the property.
2. Depth of Excavation. Where the Floridan Aquifer is unconfined, excavation shall be permitted no deeper than fifteen (15) vertical feet above the top of Floridan Aquifer, to ensure that a minimum of fifteen (15) feet of undisturbed soil remains above the wet season high

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water table or limestone. Field adjustments shall be made as necessary to accomplish this intent. A land surveyor licensed in the State of Florida shall establish accessible benchmarks on five-hundred (500) foot centers within the limits of the areas of the active excavation reflecting the limits of excavation depth to ensure fifteen (15) feet of undisturbed soil remains above the top of the Floridan Aquifer.

3. Continuous Reclamation. Permanent vegetative cover shall be established in five (5) or ten (10) acre increments. Upon filling of five (5) acres of the site, a soil cap shall be placed and permanent vegetative cover shall be established so that no more than ten (10) acres of the site is being actively filled. For those areas that are not planned for backfilling, 1:4 (rise: run) side slope shall be created and permanent vegetative cover established on these slopes. Final grading and establishment of permanent vegetation shall occur on an area-by-area basis as backfilling is completed so that reclamation takes place in conjunction with excavation and fill. Reclamation shall be continuous, and shall commence immediately after activity within an area of the site. Revegetation of all areas shall be accomplished no later than ninety (90) days after the completion of other aspects of reclamation. Vegetation types utilized shall consist of grasses to be used for hay/sod production or native species replicating natural habitat that are well adapted to the soil conditions and terrain features on the site.

14.7.10 Additional Mining Operation Requirements

1. Method of Excavation. All excavation of overburden shall be accomplished in a manner conducive to segregated stockpiling of differing geologic materials. Topsoil, clean sands and clayey soils shall each be stockpiled separately or layered in stockpiles in such a manner as to avoid commingling of differing geologic materials, and in all cases care shall be taken to avoid contaminating topsoil with clayey materials.
2. Soil Restoration. Upon completion of the mining operation, restoration of the ground surface shall be accomplished by replacement of each of the differing soil types in reverse sequence from that in which they were removed. Each separate layer, horizon or geologic strata shall be replaced and consolidated before the succeeding layer is replaced. Topsoil uncontaminated with clayey materials shall be placed as the final surface cover on all mining operations.
3. Final Contours. Contours shall be as close as possible to those existing originally on the site unless the reclamation plan has established an alternate set of contours as being more desirable for the final intended use of the reclaimed land. If the nature of mining operations is such that quantities of available spoil material are not adequate for restoration to original contours, than the site shall be reclaimed so that no slope is steeper than one (1) foot of vertical run to six (6) feet of horizontal run, except in the case of limerock cuts, which shall be left at a stable slope. The final contours of created water bodies should resemble the same characteristics of natural north Florida lakes, including a variety of emergent habitats, balance of deep and shallow water, fluctuating water levels, high ratios of shoreline length to surface area and variety of shoreline slopes.

14.7.11 Required Materials for Special Permit Review

The information in this Section shall be submitted by an applicant as part of special permit review.

1. Project Description. A general project description of the proposed or expanded mining or excavation and fill operation shall include the following, as applicable:
 - a. Types of minerals or materials to be mined or excavated on the site;
 - b. The nature of materials to be used for fill, including clean debris, construction and demolition debris, or similar materials;
 - c. Estimated total area, in acres, to be mined or excavated and filled;

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- ~~d.~~ **Proposed approximate dates for beginning and completing all mining or excavation and fill operations;**
 - ~~e.~~ **Proposed days and hours of operation;**
 - ~~f.~~ **Proposed method for onsite process of minerals or materials;**
 - ~~g.~~ **Proposed method for receipt, stockpiling and fill of clean debris or construction and demolition debris;**
 - ~~h.~~ **A description of truck or transportation routes to be used for transport of minerals, materials or fill, onsite and within one-thousand (1,000) feet of the site;**
 - ~~i.~~ **A description of how the minerals or materials are to be transported to and from the site, including all types and sizes of carriers to be utilized;**
 - ~~j.~~ **The anticipated number of trips per day to and from the site; and**
 - ~~k.~~ **The destinations to which minerals and materials will be transported, and a description of any trans-shipment points and changes in mode of transport.**
- 2. Location Map. This map shall show the location of the site and boundaries of property lines in relation to state and County roads.**
 - 3. Georectified Aerial Photograph. A georectified aerial photograph taken within one (1) year of application submittal, showing property lines and areas proposed for mining, excavation or fill.**
 - 4. Development Plan. This graphic shall include the following features:**
 - a. All property lines within five-hundred (500) feet of subject property;**
 - b. Public and private roads, paved or unpaved;**
 - c. Planned access for public or private roads;**
 - d. Utility lines and easements on site;**
 - e. Septic tanks and drain fields on site;**
 - f. Conservation areas on or adjacent to site;**
 - g. The approximate location and acreage of existing and proposed mining excavation and fill areas, with a legend relating approximate time frames of activity within these areas;**
 - h. Cross-section of the proposed depth of areas to be mined or excavated and relationship to the wet season high water table and geologic material, based on test borings performed on the site;**
 - i. Proposed location of groundwater monitoring wells on the site;**
 - j. Proposed location of buildings and structures on site, including pipelines;**
 - k. Proposed location and height of milled asphalt storage piles, stockpiles, and spoil or other excavation materials;**
 - l. Proposed location of tanks for liquids stored on the site;**
 - m. Location of all fences, walls, earth berms, and vegetative buffers to be installed or existing on site;**
 - n. Dimensions and total square feet of existing and planned impervious areas on the site;**
 - o. Location and dimensions of planned stormwater management facilities;**

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- ~~p. Setback proposed for all structures and operations; and~~
- ~~q. Existing potable water wells within five-hundred (500) feet of the site boundaries.~~
- ~~5. Floodplain Map. A Federal Emergency Management Agency Digital Flood Insurance Rate Map depicting one-hundred (100)-year floodprone areas. The map shall include property lines of the proposed mining activities and/or excavation and fill site. The Board of County Commissioners shall have the right to require the applicant to submit data to establish the location of the one-hundred (100)-year floodprone area.~~
- ~~6. Soils Map. A map of generalized soils, with property lines delineated. Natural Resource Conservation Service maps may be used for general reference.~~
- ~~7. Site Topography. A map of topography showing property lines and contour lines on the site at a maximum of two (2) foot intervals.~~
- ~~8. Water Resources. A map of all delineated wetlands on the site. The map shall show the proposed location of test wells on the site which will be used to determine average and seasonal high water table depths and the direction of flow gradient.~~
- ~~9. Survey Site. The survey shall include all areas subject to the application and a legal description. The survey shall have been completed no more than one (1) year prior to the application submittal. The survey shall include locations and elevations of required five-hundred (500) foot-centered benchmarks in areas designated for mining, excavation, or fill.~~
- ~~10. Environmental Assessment. An environmental assessment shall be submitted in order to assess the potential adverse impact to natural resources and historic resources. The assessment shall be prepared by person(s) qualified in the appropriate fields of study, conducted according to professionally accepted standards, and based on data that is considered to be recent with respect to the resource. Names, qualifications and resumes of all personnel involved in the assessment, and their roles with respect to the assessment, shall be attached, if not already on file with the County. The requirements of the natural resources assessment consists of the following:~~
 - ~~a. Methodology. The assessment shall use and report professionally accepted scientific methodology specific to each natural and historic resource onsite, in order to assess the actual and potential presence of natural and historic resources. The assessment shall include background research and analysis of available existing data, as well as ground-truthing. Field surveys shall be conducted during the seasons, times of day and field conditions under which each natural and historic resource characteristic would most likely be observed, otherwise presence will be presumed.~~
 - ~~b. Minimum contents. The assessment shall include site-specific identification, mapping and analysis of each natural and historic resource or characteristic present on the site, and background research and analysis with aerial map review and fence line ground-truthing of resources adjacent to the site (same or contiguous tax parcels). At a minimum, the following shall also be provided:~~
 - ~~(1) Cover letter and/or executive summary, including written explanation of the need and intent of the project, description of construction or alteration methodologies, and signed statement as to the likely presence of regulated natural or historic resources.~~
 - ~~(2) Maps drawn to scale, including a north arrow and scale showing the following:~~
 - ~~(a) Location of project site in relation to major roads or other readily identifiable landmarks, showing parcel boundaries with dimensions.~~

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- ~~(b) Existing roads, structures, wells, utilities, and other existing conditions and noteworthy features.~~
- ~~(c) Identification of all regulated natural and historic resources, labeled by resource type.~~
- ~~(d) General vegetation characteristics and quality.~~
- ~~(e) General soil types.~~
- ~~(f) Proposed location of protected conservation resources and open space.~~
- ~~(g) Potential connections to existing green space, open space, trails, and adjacent preservation or conservation resources.~~
- ~~(3) Data and analysis that includes assessment and evaluation of the following:~~
 - ~~(a) Existing quality and characteristics of regulated natural or historic resources.~~
 - ~~(b) Impact of the proposal on each individual natural resource and on the ecosystems in which they function.~~
 - ~~(c) Proposed measures to protect natural resources, or to avoid, minimize, or mitigate impacts on natural resources.~~
 - ~~(d) Methods of stormwater pollution prevention.~~
- ~~c. Additional information. Additional data and analysis may be required as appropriate for the complexity of the proposed activity and types of natural or historic resources identified. Such information may include but is not limited to:~~
 - ~~(1) Copies of historical and recent aerial photographs, topographic and other resource maps reviewed.~~
 - ~~(2) Land use and land cover classifications per Florida Land Use Classification Code or Water Management District systems.~~
 - ~~(3) Wetlands, surface waters, or 100-year floodplains identified by the National Wetlands Inventory, United States Geological Survey, Water Management Districts, or Federal Emergency Management Agency.~~
 - ~~(4) Wildlife corridors, biodiversity hot spots, strategic habitat conservation areas, or element occurrences identified by the Florida Fish and Wildlife Conservation Commission, Florida Natural Areas Inventory or Florida Department of Environmental Protection.~~
 - ~~(5) Field surveys that provide for actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests or evidence of feeding), population estimates, and occupied habitat boundaries.~~
 - ~~(6) Inventories of natural or historic resources within an expanded planning parcel that includes additional lands under common ownership or control, or additional lands within a designated resource planning area.~~
 - ~~(7) Detailed assessment beyond project boundaries which are necessary to understand the scope of impact of proposed activities on areas not included in a proposal involving only a portion of a parent tract.~~
 - ~~(8) A mitigation and monitoring plan.~~

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(9) A resource management plan.

11. Hazardous Materials Management Plan. A hazardous materials management plan shall be submitted to establish a mining or excavation and fill operation or to extend the approval period of such operation. This plan shall be evaluated and found adequate by the Board of County Commissioners as a condition of final approval. A hazardous materials management plan shall address, but is not limited to the following;

1. Establishment of procedures for the prevention of releases of hazardous materials into the natural environment, including air, groundwater and surface water resources;
2. Establishment of procedures for identification, removal, disposal and remediation of release of hazardous materials into the natural environment;
3. Identification and use of proper procedures to prevent improper release into the environment of vehicle maintenance materials used on site, including fluids, lubricants, oils and similar materials, and to ensure such materials are utilized and disposed of in accordance with manufacture's specifications;
4. Establishment of procedures for the identification, collection and disposal of wastes, other than clean debris or land clearing debris, that may be delivered to approved excavation and fill sites; and
5. Establishment of a method for monitoring the identification, disposal and mitigation of adverse impacts from authorized materials.

12. Waste Management Plan. A waste management plan for the handling of unauthorized waste shall be established for the purpose of outlining procedures for properly managing the removal and disposal of such wastes identified on the site. This plan shall be evaluated and found adequate by the Board of County Commissioners as a condition of final approval of the special permit for mining.

- a. Effect of Unauthorized Materials Present on Site. If unauthorized materials are present on site and can, based upon the specific nature of such materials and their threat to groundwater quality, or the amount of such materials on site, or the location of such materials in relation to groundwater resources, the Board of County Commissioners may authorize monitoring of the threat of such materials to contaminate water quality.
- b. Materials Used On Site. Any materials such as lubricants, hydraulic fluids, oils or other materials used in equipment maintenance shall be properly stored, collected and disposed of. The management plan shall outline spill cleanup and disposal procedures to deal with lubricants, oils and similar materials used on site but not within the scope of the permit for disposal on site.

13. Groundwater Quality Monitoring Plan. A water quality monitoring plan, prepared by the applicant, shall be required for one (1) or more of the following: new mining or excavation and fill operations; expansion of existing mining operations; as part of an annual review of an approved special permit, existing mining or excavation and fill conducted where similar previous site activities may have degraded groundwater or surface water quality; or in instances where there is evidence of disposal of prohibited material. A water quality monitoring plan shall include the information listed below.

- a. The type of device or procedure to be installed or followed.
- b. The monitoring, sampling and reporting schedule to be followed.

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- c. The proposed depth, locations and construction details for monitor wells or water quality monitoring stations.
 - d. The proposed water sampling program with anticipated sampling schedule and parameter coverage. A proposal for the compilation of data and the submission of reports to the Board of County Commissioners.
 - e. A proposal for the compilation of data and the submission of reports to the Board of County Commissioners.
14. Reclamation Plan. A reclamation plan, prepared and sealed by a professional engineer, shall be submitted with the application for a mining or excavation and fill operation. The plan shall describe the proposed mining and land reclamation operations and procedures to be followed for a minimum period of five (5) years. The plan shall include the information required herein and shall comply with applicable federal, state or water management district requirements.
- a. Reclamation Plan General Requirements
 - (1) Areas to be Reclaimed. The total area of the entire mined, excavated or otherwise disturbed area that is to be reclaimed, in both percent of site area and total acres, as well as an annual schedule for the areas to be reclaimed.
 - (2) Reclamation Methods. A description of the manner in which restructuring, reshaping and revegetation will be accomplished.
 - (3) Reclamation Timetable. A timetable detailing the estimated time periods for stages of reclamation and reuse after the mining, excavation and fill activity has been completed. A time limit for completion of reclamation shall not be placed on areas reserved for slime ponds or settling ponds in mining operations.
 - (4) Potential Future Users of Site. The potential and planned uses of the reclaimed area and an analysis of how proposed reuse complies with the Comprehensive Plan. Areas utilized for mining or excavation and fill operations shall not be reused for residential purposes, except where engineering data is submitted showing that there has been adequate compaction to allow the type of residential construction proposed.
 - (5) Final Buffers and Screening. The location of fences, walls, earth berms or vegetative buffers required for reclamation.
 - (6) Proposed Erosion Control. Proposed erosion control measures, including final site grading, final slopes and the locations and types of trees, grasses or other plant materials to be utilized.
 - (7) Water Bodies and Stormwater Facilities. The location, size and water elevations of any water bodies or stormwater facilities proposed as a permanent feature following mining operations. The proposed method for retaining water levels in permanent lakes.
 - (8) Site Plan Maps. The maps of the entire mined, excavated or otherwise disturbed area that is to be reclaimed, all drawn at the same scale, showing pre-mining and conceptual reclamation, contours and water bodies. As well as, pre-mining and post-reclamation vegetation, using the Florida Land Use cover Classification System or Codes.
 - b. Phosphate Mine Reclamation Plan. A phosphate mine reclamation plan shall be consistent with Chapter 378, Part II, Florida Statutes, and administrative rules adopted

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thereunder, and any amendments to Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder, promulgated after adoption of the ordinance from which this Section of the Land Development Regulations is derived and the provisions contained in this Section.

- (1) The Board of County Commissioners may require a more expeditious reclamation schedule than required by Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder in order to minimize impacts to neighbors, wetlands, off-site drainage, or floodplains. Reclamation land types shall be defined by Florida Land Use Classification Code System or Florida Department of Environmental Protection habitat types.
- (2) Agricultural lands. Land reclaimed for agricultural use shall meet the following standards:
 - (a) Topography. The land shall be sufficiently level and free of holes, gullies and washouts to permit safe operation of conventional farm and agricultural equipment.
 - (b) Stability. The land shall have settled and firmed to the extent that it will support conventional farm and agricultural equipment and that livestock will be able to walk on the surface of the land.
 - (c) Slope. The land surface shall be returned to the elevations approved by the County and the slope of all land, except dikes and low profile berms, shall not be steeper than 4:1.
- (3) Pine flatwoods. Pine flatwoods are by far the dominant plant community in the County. Pine flatwoods areas disturbed by phosphate mining shall be reclaimed with native species of trees, shrubs, forbs and grasses to re-establish the general distribution of native flora necessary to ensure suitable wildlife habitat, giving consideration to plant diversity, edge-effect and escape cover. The goal will be to achieve suitable livestock carrying capacity by utilization of low management native forages while secondary benefits such as wildlife, timber and aesthetics are maintained.
- (4) Lakes and other water bodies. Lands reclaimed as lakes and other water bodies shall meet the following standards:
 - (a) Littoral zones. For the purposes of establishing an area that will sustain fish and wildlife, and to provide a measure of nonstructural water quality maintenance, the applicant shall establish a littoral zone below the mean water level along the shoreline and within a central area of the lake. The applicant may provide for alternative littoral zone placement for meeting requirements herein which would result in more beneficial environmental and wildlife impacts than strict adherence to the requirements of the Land Development Regulations. Such alternative methodology shall follow generally accepted scientific principles and must be approved in writing by the County.
 - (b) Perimeter berms and swales. For the purposes of ensuring water quality control and to provide for a measure of long-term water quality maintenance, the applicant shall construct a low profile perimeter berm and swale system designed to intercept and filter overland runoff before allowing it to discharge into the lake. In addition to this requirement, applicant shall

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provide alternative nonstructural means for meeting requirements herein which would result in more beneficial environmental and wildlife impacts than strict adherence to the requirements of the Land Development Regulations. Such alternative methodology shall follow generally accepted U.S. Department of Agriculture Best Management Practices for Riparian/Lacustrine Buffers and must be approved by the County.

(c) Lake depth. The requirements in Chapter 62C-16.0051 (Mandatory Phosphate Mine Reclamation Rule), Florida Administrative Code, as it may be amended, shall apply to lake depths.

(d) Soil stability. All banks and slopes shall be stabilized with self-sustaining vegetation. No evidence of excessive erosion shall exist. No evidence of unplanned channel development shall exist.

(e) Native species. The applicant shall demonstrate, using generally accepted scientific methodology, that healthy and self-propagating native grasses and forbs shall be established and that the reforestation of native trees shall be accomplished.

(5) Revegetation. To ensure timely and successful establishment of ground cover and suitable habitat diversity, the applicant shall comply with the following criteria:

(a) Diversity:

i. Improved pasture: Not applicable.

ii. Pine flatwoods: In general, flatwoods have a low diversity of tree species. Understory plants common to flatwoods are wire grass, saw palmetto, wax myrtle, mulberry and fetterbush.

(b) Density/cover:

i. Improved pasture: Eighty (80) percent ground cover of perennial vegetation following one complete growing season. Bare areas shall not exceed one-fourth acre.

ii. Pine flatwoods: Twenty (20) trees per acre with adequate native vegetative ground cover to prevent erosion after one complete growing season. Fifteen (15) trees per acre with a minimum height of one meter after five years. Fifty percent ground cover of herbaceous flatwoods species after one complete growing season shall be established.

(c) Other protections:

i. Improved pasture: Not applicable.

ii. Pine flatwoods: Protection from grazing, mowing or other land uses to allow establishment for a minimum of five (5) years following planting.

(d) Measurement:

i. Improved pasture: Point intercept method on ten-acre units with total number of points submitted to County for prior review and approval.

ii. Pine flatwoods: Point intercept method according to acceptable practices.

15. Mining Operation Plan. The plan shall contain information regarding proposed mining and excavation on the site, including but not limited to the following information:

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- a. The ultimate method for disposal of stockpiles, spoil piles or other materials stored on the site;
- b. The proposed dewatering plan, including the method of disposal for water created by the process, the location and size of any disposal area, and the method of treatment of any waters to be discharged offsite or into surface waters;
- c. Estimated annual water consumption, in gallons per day, for all operations and activities;
- d. Proposed uses of water recycling or reclamation process or techniques in gallons per day;
- e. Proposed transfers of water from one (1) watershed or basin to another, including amounts in gallons per day;
- f. Proposed importing of water from another source, including identification of source, amount in gallons per day, length of transfer in miles, and method of transfer;
- g. The anticipated amount of waste, tailing and similar materials to be produced and plans for disposal including the size and nature of treatment facilities located onsite;
- h. The anticipated amounts of airborne emissions from the mining operation, including all equipment, transportation, processing or other sources; and
- i. A complete description, including process flow diagram, of any proposed mineral-resource processing operation to be conducted on the site.

14.7.12 Annual Report

An annual report of any approved special permit for any mining or excavation and fill operation shall be submitted no later than October 1st of each year. Failure to file an annual report shall be grounds for suspension of an approved special permit and operations on the site. This annual report requirement shall apply to all existing approvals for mining or excavation and fill operations. All reports shall include, at a minimum, the information listed below:

1. Development Plan Update. A graphic illustration, utilizing the approved development plan for the mining or excavation and fill operation, showing changes to the site during the previous twelve (12) months due to mining, excavation, fill, placement of overburden or materials and similar changes based upon the operations on the site. This graphic shall include an as-built survey. The survey shall include current topographic contours and current survey elevations at five-hundred (500) foot centered benchmarks to ensure compliance with permitted excavation depths. The graphic shall show the location and acreage of existing excavation, filled, and reclaimed areas, as well as areas proposed for excavation, fill, and reclamation over the next twelve (12) months. The graphic shall also show the location of milled asphalt storage piles on the site.
2. Operations Update. A written report summarizing the changes occurring to the site during the previous twelve (12) months, accompanied with tabular data indicating the approximate number of acres changed due to mining, excavation, fill and reclamation. The report shall address how such changes are consistent with the requirements of this Section, all applicable approved plans and all conditions of approval of the special permit.
3. Report of Waste Stream. A monthly compilation of the incoming waste stream over the last year, including total amounts (in tons or cubic yards) of waste received, as well as the total amounts disposed of at the site, recycled at the site, or transferred to another location for property disposal or recycling.

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4. Monitoring. The result of monitoring programs, such as groundwater quality monitoring, that are required by the approved special permit.
5. Status of Plantings. An update on the status of required plantings in buffers, stormwater facilities, and reclaimed areas, including the number of surviving plantings and any plantings made to maintain required survivorship as defined by the approved development plan.
6. Certification. Certification by a professional engineer that all mining or excavation and fill operations are carried out in compliance with the approval granted by the Board of County Commissioners, the approved master mining or development plan, all applicable federal, state, water management district or County requirement and in accordance with generally accepted engineering practices.
7. Enforcement Actions. A description of all code enforcement, legal or other enforcement actions pertaining to the property or operation, initiated by the County or other governmental agency in the preceding twelve (12) months, and the disposition or status of such actions.

14.7.13 Bond and Surety Requirements

1. Liability for Mining or Excavation and Fill Operations. The owner and operator of a mining operation shall have absolute liability and financial responsibility for any damage to public or private property, human, animal or plant life, or any mineral or water-bearing geological formation incurred due to mining or excavation and fill operations, failure of any dam, spillway or outlet structure of a settling or thickening pond, or failure to properly reclaim mined-out lands.
2. Bond for Reclamation Required. As a condition of special permit approval, the Board of County Commissioners shall require posting of a reclamation bond. The bond shall guarantee funds in an amount of one hundred and ten percent (110%) of the estimated cost to complete all required reclamation of a mining or excavation and fill operation, and may be increased to ensure the financial resources to complete reclamation, including placement of a soil cap and revegetation. The bond shall be maintained in perpetuity or until reclamation occurs, and the Board of County Commissioners may withhold a specified portion of the reclamation bond to ensure the reclamation is completed properly.
 - a. Forms of Security. Acceptable forms of security may include but are not limited to, a letter of credit, surety bond or cash bond.
 - b. Retention of Security. The financial security shall be held by the County until the reclamation plan is implemented and completed for the entire site under permit. Proof of sureties posted with the Florida Department of Environmental Protection shall satisfy this requirement.
 - c. Alternate Form Security. The security may be provided in an alternate form acceptable to the County Attorney.
 - d. Posting of Security. The financial security shall be reviewed by the County Attorney, and shall be posted prior to issuance of approval and the initiation of any land excavation and fill operations.
 - e. Partial Release Security. If it is determined that the partial completion of reclamation activities reduces the costs of further reclamation, the amount of the financial security may be reduced.
 - (1) At no time shall the security be less than one-hundred and ten (110) percent of the cost of uncompleted reclamation activities.

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(2) Reduction in the amount of the financial security shall not occur more often than once in each calendar year.

3. Exemptions from Providing Bond or Surety. The following shall be exempt from the requirements of financial security required by this Section:

- a. Mining or excavation and fill operations that may provide proof of a reclamation bond issued to the Florida Department of Environmental Protection or other regulatory agency that guarantees funds in an amount sufficient to complete all required reclamation of a mining or excavation and fill operation.
- b. Units of local, regional, state and federal government operating on government-owned property.

14.7.14 Annual Inspection

In addition to fees for the processing of applications for special permit, the Board of County Commissioners shall impose an annual permit fee for all mining and excavation and fill operations. A separate fee shall be charged for each special permit approving mining, excavation or fill operations. This fee will be due and payable on October 1 of each year and shall cover the period beginning October 1 and ending September 30 the following year. In the instance of an operation involving both excavation and filling activities, one (1) fee for both operations shall be imposed. A reduced fee shall be charged for inactive excavation and fill operations. The owner of each excavation and fill operation shall be responsible for notifying the Board of County Commissioners prior to October 1 of each fiscal year if an excavation and fill operation is inactive. Within this section, the term inactive shall mean that no activity commonly associate with an exaction and fill operation has occurred at the site for period of at least ninety (90) days. Notwithstanding the provisions of this section, no unit of local, state or federal government shall be assessed the annual inspection fee.

14.7.15 Surface Waters and Wetlands

1. Purpose. It is the purpose if this Section to preserve, protect, and improve the public health, safety and general welfare of the citizens of the County, and to conserve and protect open bodies of water and flowing streams, wetlands, and the natural and scenic resources of County and to implement the County Comprehensive Plan.

2. Applicability.

- a. Waters Included - Surface waters is a comprehensive term that includes all rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface. Wetlands comprise a specific subset of surface waters that meet certain hydrologic, vegetative and soil criteria (see full definition in Article II of these Land Development Regulations).
- b. Regulated Activities - Except as otherwise expressly provided in this section, no alteration shall occur in, or over a surface water or wetland area or buffer, and no alteration shall occur adjacent to or connected to a surface water or wetland area, such that the water regime is modified in a way that precludes the area in question from maintaining surface water or hydroperiod necessary to sustain wetland structure and function equivalent to pre-alteration levels.

14.7.16 Jurisdiction and Delineation

The County shall have regulatory authority over all surface waters and wetlands located within the unincorporated area of the County.

1. Delineation Methodology - The County shall utilize the uniform statewide methodology adopted by the Florida Department of Environmental Protection and water management

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districts to delineate wetlands, as outlined in Florida Administrative Code Rule 62-340.300 for wetlands, and Rule 62-340.600 for surface waters. The County shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation.

2. General Mapping - The locations and general extent of surface waters and wetlands in the County are depicted on multiple digital map sources, including: the United States Department of the Interior, United States Fish and Wildlife Service, 1985, National Wetlands Inventory; the United States Geological Survey, Hydrography; the United States Department of Agriculture Natural Resources Conservation Service, Hydric Soils; and Water Management District Wetlands Mapping, 1995. The maps are intended for use only as a general reference for determining location and approximate extent surface wetland. The provisions of this Section shall apply to all surface waters and wetlands, and adjacent areas, shall not be limited to those depicted on maps described above.

3. Site Specific Determination

a. Applicants for any activity in, on or over a jurisdictional surface water or wetland or buffer, or adjacent to (same or contiguous tax parcel) or connected to a surface water or wetland, regardless of size, shall be required to submit a natural resources assessment that includes identification of all surface waters, wetlands and buffers.

b. The County shall provide verification of a wetlands jurisdictional determination of a specified parcel of land prior to final approval, and before any activity is allowed to proceed in a buffer area or on or adjacent to a surface water or wetland. Final jurisdictional determinations shall be considered valid for a period of five (5) years.

c. If the applicant has received a delineation of the extent of a surface water or wetland by the Florida Department of Environmental Protection or water management district, pursuant to a formal determination under Section 373.421(2), Florida Statutes, or pursuant to a permit issued under Chapter 373, Florida Statutes in which the delineation was field-verified by the permitting agency and specifically approved in the permit, the delineation shall be binding on the County for the duration of the formal determination or state permit.

4. Final Drawings. All final drawings for applications other than work on a private single-family residential lot shall be sealed or certified by:

a. A Florida registered professional engineer; or

b. A Florida registered professional surveyor; or

c. A Florida registered professional landscape architect; or

d. An environmental professional certified by the National Association of Environmental Professionals or the Florida Association of Environmental Professionals.

14.7.17 Water Resources Buffers

1. Landscaped buffers are integral to the maintenance of surface water and wetland structure and function. A landscaped buffer shall be required between all proposed activity and the landward extend of the surface water or wetland located on the site as established in this Section.

2. Minimum landscaped buffer widths shall apply for the resources set forth in the following table:

<u>Protected Resource</u>	<u>Buffer</u>
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	<u>Distance</u>
<u>Surface waters and wetlands less than or equal to 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table</u>	<u>50 feet</u>
<u>Surface waters and wetlands greater than 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table</u>	<u>75 feet</u>
<u>Areas where federally and/or state regulated vertebrate wetland/aquatic dependent animal species have been documented within three hundred (300) feet of a surface water or wetland</u>	<u>100 feet</u>
<u>Per the Suwannee River System 100-Year Floodplain Special Planning Area of the County Comprehensive Plan - Surface waters and wetlands associated with the New River, Olustee Creek, or any Outstanding Florida Waters</u>	<u>150 feet</u>

3. The landscaped buffer shall retain the existing undisturbed vegetation. No activity shall occur within a landscaped buffer area, except as necessary to access the property or would otherwise preclude all economically viable use of the property. The above shall not be interpreted to prohibit the removal of non-native vegetation or the planting of native vegetation.

14.7.18 General Approval Criteria

Final approval of an application may not be granted pursuant to this Section until it is determined that each of the following criteria will be met:

1. There shall be no net loss of wetland values and functions;
2. The project is designed to minimize adverse impacts regarding the conservation of populations of fish or wildlife or their habitats;
3. The project is designed to control and will not cause excessive erosion;
4. The project will not adversely affect commercial or recreational fisheries or their habitats;
5. Listed species and/or their critical habitats will not be adversely impacted;
6. The project will not adversely impact historic resources or paleontological resources;
7. Project alternatives and modifications to less impacts have been determined to be infeasible, i.e. there are no reasonable design alternatives or modification available to lessen impacts;
8. The project does not conflict with any other federal, state or local designated preserve or conservation area;
9. Any structure proposed in, on or over a surface water is water-dependent. If not water-dependent, structure must clearly demonstrate an overriding public purpose;
10. There will be no violation of water quality standards and the project complies with state and local water quality rules and standards set forth in Florida Administrative Code Chapters 62-302, 62-550, and 40C-4.301(1)(e); and
11. In conjunction with other projects, the project will not result in cumulative impacts that in the aggregate fail the criteria of this Section.

14.7.19 Permanent Protection

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Applicants shall be required to designate and protect surface waters, wetlands, and associated buffers on the parcel for which development activity is proposed.

14.7.20 Application Review Fee for Special Use Permit for Mining

1. Fees.

a. All fees shall be payable by certified check or bank draft, in U.S. funds, made payable to the County. Upon receipt of the initial fee deposit, the County will establish an account or cost center for review of the mining special permit application.

b. Applicants shall deposit a total of fifty thousand dollars (\$50,000) with the County in the following manner:

(1) For each special permit for mining application, the County shall collect from the applicant a fee deposit of fifteen thousand dollars (\$15,000), of which five thousand dollars (\$5,000) is non-refundable, prior to conducting a pre-application conference. The application for special permit for mining shall not be accepted for review unless accompanied by an additional thirty-five thousand dollar (\$35,000) deposit.

2. Allowable Charges.

a. The applicant shall be liable to the County for one hundred percent (100%) of the actual costs for reviewing an application for mining special permit.

b. The applicant shall be notified by the County each time when the funds in the account or cost center for the review of the application are less than or equal to five thousand dollars (\$5,000). The notice shall indicate whether the County estimates the costs of reviewing the application will exceed the existing deposit and, if so, request an additional deposit in the amount of fifty thousand dollars (\$50,000) to cover the remaining costs. The applicant shall make such additional deposit with the County. No further review of the special permit for mining by the County shall occur until after receipt by the County of the additional deposit in the amount of fifty thousand dollars (\$50,000).

3. Other Reviews. The applicant shall be responsible for one hundred percent (100%) of the costs for the review of requests for the modification of a previously approved mining special use permit. The submittal of these requests shall be accompanied by a deposit of twenty-five thousand dollars (\$25,000) and charges will be handled in the same manner as for an application for mining special use permit.

4. Refunds. If the applicant's deposit exceeds the final fee total, any remaining balance shall be refunded to the applicant within ninety (90) days of the final charge to the account or cost center for the review of the application. Should the applicant notify the County, in writing, at any time during the review process that he/she wishes to withdraw the application and discontinue the review process, the County shall, within ninety (90) days, refund to the applicant any remaining balance in the account or cost center for the review of the application, excluding the non-refundable five thousand dollar (\$5,000) deposit, after deducting all costs incurred prior to receipt of written notification of withdrawal of the application.

ORDINANCE NO. 18-07

AN ORDINANCE OF UNION COUNTY, FLORIDA, AMENDING ORDINANCE NO. 95-04, AS AMENDED, ENTITLED THE UNION COUNTY LAND DEVELOPMENT REGULATIONS, PURSUANT TO AN APPLICATION, LDR 18-03, BY THE BOARD OF COUNTY COMMISSIONERS, TO AMEND THE TEXT OF THE LAND DEVELOPMENT REGULATIONS, PROVIDING FOR AMENDING A PORTION OF SECTION 2.1 ENTITLED DEFINITIONS, GENERAL BY REVISING THE DEFINITION OF MINING AND ADDING OTHER DEFINITIONS RELATED TO MINING AND EXCAVATION; PROVIDING FOR DELETING AND REPLACING IN ITS ENTIRETY SECTION 14.7 ENTITLED 1SPECIAL PERMITS FOR LAND AND WATER FILLS, DREDGING, EXCAVATION, AND MINING; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 125.01, Florida Statutes, as amended, empowers the Board of County Commissioners of Union County, Florida, hereinafter referred to as the Board of County Commissioners, to prepare, adopt and enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, requires the Board of County Commissioners to prepare and adopt regulations concerning the use of land and water to implement the Union County Comprehensive Plan, hereinafter referred to as the Comprehensive Plan;

WHEREAS, an application for an amendment, as described below, has been filed with the County;

WHEREAS, the Board of County Commissioners has been designated as the Planning and Zoning Board of Union County, Florida, hereinafter referred to as the Planning and Zoning Board;

WHEREAS, the Board of County Commissioners has been designated as the Local Planning Agency of Union County, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and Land Development Regulations, the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the Board of County Commissioners approval of said application for an amendment, as described below;

WHEREAS, pursuant to Section 125.01, Florida Statutes, as amended, the Board of County Commissioners held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Board of County Commissioners reviewed and considered all comments received during said public hearing, including the recommendation of the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, concerning said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, is consistent with the purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations, and actions designed to implement the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, LDR 18-01, by Florida Power and Light Company, to amend the text of the Land Development Regulations, Section 2.1 entitled Definitions, General is hereby amended by revising the following definition to read, as follows:

Mining: Mining means the extraction of natural deposits from the earth which are regulated by the State of Florida under Chapter 211, Florida Statutes, Part II and Chapter 378, Florida Statutes, and by County Land Development Regulations.

Section 2. Pursuant to an application, LDR 18-01, by Florida Power and Light Company, to amend the text of the Land Development Regulations, Section 2.1 entitled Definitions, General is hereby amended by adding the following definitions to read, as follows:

Excavation: Excavation means the removal and transport of earth materials, sometimes referred to as borrow activities. This definition excludes commercial mining operations such as limerock, phosphate, and sand mining operations, excavation associated with construction of stormwater management facilities, excavation activities governed by County subdivision regulations, and excavation associated with sod farming and removal activities, and tree farming activities.

Excavation and fill operation: Excavation and fill operation means an operation that involves the removal of surface and subsurface materials, including but not limited to earth, gravel, materials, minerals, peat, sand and soil, and replacing such material with clean debris.

Geologic features: Geologic features means a prominent or conspicuous characteristic of earth materials in the landscape.

Mining operation: Mining operation means a collective term referring to all aspects of the proposed mining scheme, including the plant, processing areas and total land area for which the applicant is applying for a permit.

Mining permit: Mining permit means a valid operating permit for the conduct of mining operations.

Mining unit: Mining unit means specified areas of land from which minerals are extracted in a specified period of time.

Significant geologic features: Significant geologic features means geologic features such as sinkholes, springs, caves, stream bluffs, escarpments, outcroppings and other karst features.

Section 3. Pursuant to an application, LDR 18-01, by Florida Power and Light Company, to amend the text of the Land Development Regulations, Section 14.7 entitled Special Permits for Land and Water Fills, Dredging, Excavation and Mining is hereby deleted and replaced in its entirety to read, as follows:

SECTION 14.7 SPECIAL PERMITS FOR MINING, LAND EXCAVATION, AND FILLING ACTIVITIES

14.7.1 Purpose

The purpose of this Section is to regulate mining and land excavation and filling activities with provisions for reclamation and reuse such that these activities do not adversely affect established residential areas, conservation or environmentally sensitive areas identified on the Future Land Use Map, or adversely affect transportation corridors, the quality of air, groundwater, surface water, land and wildlife in the County.

14.7.2 Applicability

The requirements of this Section shall apply to all new or expanded mining or excavation and fill operations, and shall not affect the validity of any special permit for mining operations approved prior to February 15, 2016. No existing operation shall be expanded or otherwise modified without first being authorized in accordance with this Section. In addition, any mining or excavation and fill operation shall be subject to the requirements of this Section as part of any annual report, as required by Section 14.7.12, or as a result of an application to expand or modify the facility.

14.7.3 Exemptions

The activities listed below are exempt from the requirements of this Section.

1. **Approved Development.** Grading, land clearing, land filling, site development and related activities undertaken in accordance with an approved site and development plan, building permit, or similar permit issued by the County.
2. **Public Improvements.** Onsite excavation or filling in connection with the construction, maintenance or repair of a public facility or improvement carried out under the supervision of the County or the Florida Department of Transportation, or off-site borrow pits constructed on private property in conjunction with a County or Florida Department of Transportation Construction Permit. Off-site borrow pits on private property shall be subject to review by the Board of County Commissioners prior to commencement of any development activity.
3. **Minor Excavation or Filling.** Minor excavation or filling shall be any filling or excavation activity which involves the removal or filling of less than five hundred (500) cubic yards of material. For the purposes of this Section, a single site is defined to be one (1) parcel or a group of contiguous parcels under common ownership.
4. **Emergencies.** Filling or excavation activity undertaken in connection with the emergency filling of a newly formed or newly expanded sinkhole, or severe erosion problem, other subsidence or similar circumstances affecting the public health, safety, or welfare as determined by the County.
5. **Temporary Borrow Pit and Agriculture.** Temporary borrow pit operations of less than one-half (1/2) acre in size, the creation of irrigation, agricultural and agricultural water conservation purpose ponds approved by the Florida Department of Agriculture and Consumer Services or the United States Department of Agriculture.

14.7.4 Limitation on Exemptions

The activities identified in Section 14.7.3 shall not be considered exempt and must comply with the provisions of this Section, if the activity requires permits from a water management district, the Florida Department of Environmental Protection, or U.S. Army Corps of Engineers, or the activity occurs within a floodplain or conservation or environmentally sensitive area.

14.7.5 Permitted Location of Mining, Excavation and Fill Operations

Mining or excavation and fill operations may be permitted, subject to the requirements of this Section and

other applicable requirements in these Land Development Regulations.

14.7.6 Special Permit Approval Required

Activities related to a new or expanded mining or excavation and fill operation shall not commence until a special permit for land and water fills, dredging, excavation and mining has been issued by the Board of County Commissioners and a development plan, meeting the conditions of the special permit, has been approved by the Board of County Commissioners.

1. Pre-application Conference. Prior to the submittal of an application for a special permit, the applicant shall request and participate in a pre-application conference with the Board of County Commissioners and/or Board of County Commissioners designated representative or consultant.
2. Neighborhood Workshop. An applicant shall hold a neighborhood workshop prior to submittal of a special permit application in accordance with the Neighborhood Workshop provisions of this Section, except for minor amendments to existing special permits.
 - a. Purpose. The purpose of a neighborhood workshop is to ensure early citizen participation in an informal forum in conjunction with a special permit application, and to provide an applicant the opportunity to understand and try to mitigate any impacts a special permit application may have on an affected community. These workshops ensure that citizens and property owners have an adequate opportunity to learn about special permit applications that may affect them and to work with the applicant to resolve any concerns at an early stage of the process. A neighborhood workshop is not intended to produce complete consensus on special permit applications, but to encourage applicants to be good neighbors and to allow for informed decision making. If a special permit applicant fails to hold a required neighborhood workshop, the County shall not accept that special permit application for review.
 - b. Public Notice. Public notice of a neighborhood workshop shall be provided as indicated below.
 - (1) Notice to County. An applicant holding a neighborhood workshop shall coordinate with the County prior to scheduling the workshop.
 - (2) Notice Required
 - (a) The applicant shall provide notification by mail. The County shall provide a mailing list to the applicant. The applicant shall mail these notices with proper postage a minimum of ten (10) days before the workshop. The mailed notice shall describe the proposal or request, the location, time and date of the workshop. A location map indicating the general boundaries of the property, with reference to the closest intersection of public streets, when possible. Notice shall be deemed mailed by its deposit in the mail, properly addressed and with postage paid.

The following information shall be submitted to the County for notice of neighborhood workshops. This information shall be submitted as part of the application packet for which the neighborhood workshop is required:

 - (i) A notarized affidavit certifying that the notices were mailed in compliance with the standards of this Article;
 - (ii) A copy of the mailed notice; and
 - (iii) The name and address list of property owners and jurisdictions to which the mailed notices were provided.

Jurisdictions - All bodies of government, including other counties or municipalities, adjacent to land subject to the application shall be mailed a written notice of a workshop.

Notice for Neighborhood Workshops shall be mailed by the applicant to: Property Owners of the Subject Property - All property owners of the land subject to the application shall be mailed a written notice of a workshop.

Nearby Property Owners - The property owners listed below shall be mailed a written notice of a workshop. When land that is the subject of an application is contiguous to property under common ownership or control, the distance shall be measured from the boundaries of the entire ownership. When the distance measurement from a property boundary as required below ends in a roadway, the property directly across the roadway shall also be mailed a written notice. Requirements for notice to abutting property owners shall mean those identified using the most recent available tax rolls at the time of development application.

- (i) Abutting Property Owners. All property owners within two thousand-six hundred and forty (2,640) feet of the boundaries of the property for application shall receive notice.
- (ii) Neighborhood and Property Owners Associations. If any dwelling within the required notification area is part of a neighborhood association or property owners association, and that information is a matter of record with the County, the association shall receive notice.

- (b) The applicant shall publish notice of the workshop in a newspaper of general circulation a minimum of ten (10) days before the workshop. The advertisement shall be a minimum of two (2) columns width and four (4) inches long. The advertisement shall be titled "Public Notice," with a description of the request and of the land involved by street address, if any, or by legal description or parcel number(s), the size of subject property rounded to the nearest one-ten of an acre, a location map of workshop, time and date of workshop, and contact information.

- (3) Postponed Workshops. New public notice consistent with this Section shall be provided for any rescheduled workshop.

c. Neighborhood Workshop General Requirements

- (1) Workshop Time and Location. The workshop shall start between 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. The initial workshop shall be held within the general area of the subject property. Additional workshops may be held but are not required.
- (2) Workshop Summary. The applicant shall submit to the County, as part of the application, a summary of the materials presented at the workshop, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, a copy of the workshop advertisement and a copy of the mailed notices sent to property owners.
- (3) Workshop Elements. At the workshop, the applicant shall present the following, as applicable:

- (a) A general concept plan for the use of all included lands. Such plans shall indicate the general location of residential areas (including density and unit types), open space, active or resource-based recreation areas, natural areas (including wetlands and floodplains), and non-residential areas (including maximum square footage and maximum height).
 - (b) A plan of circulation showing the general locations and right-of way widths of roads, and access points to the external and internal thoroughfare network.
3. Application Requirements. An application for a special permit shall be submitted in accordance with this Article of the Land Development Regulations.
4. Public Notice Requirements. Published notice and posted notice shall be required for any application for a special permit in accordance with the procedures in Section 13.4 of these Land Development Regulations.
5. Review by the Planning and Zoning Board
 - a. Planning and Zoning Board Public Hearing. All applications for special permits shall be considered by the Planning and Zoning Board at a public hearing, prior to a public hearing or action by the Board of County Commissioners.
 - b. Consideration of Special Permit Applications. The Planning and Zoning Board shall consider a proposed special permit utilizing the criteria for approval listed in this Section of these Land Development Regulations.
 - c. Planning and Zoning Board Recommendation. A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed special permits should be approved, approved with conditions or denied.
6. Action by the Board of County Commissioners
 - a. Public Hearing. Upon receipt of the recommendation from the Planning and Zoning Board, the Board of County Commissioners shall hold a public hearing to consider a proposed special permit.
 - b. Action by the Board of County Commissioners. Following the public hearing, the Board of County Commissioners may take one of the following actions:
 - (1) Approve the special permit application;
 - (2) Approve the special permit application with conditions and limitations; or
 - (3) Deny the special permit application.
7. Criteria for Approval. The Board of County Commissioners shall, as part of a decision to approve an application for a special permit, make a finding that an application complies with both the general criteria and the review factors listed below:
 - a. The proposed use is consistent with the Comprehensive Plan and Land Development Regulations;
 - b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
 - c. The proposed use shall not adversely affect the health, safety, and welfare of the public, and
 - d. Satisfactory provision and arrangements have been made concerning the following matters, where applicable:

- (1) Ingress and egress to the property and proposed structures thereon with particular reference to automotive safety and convenience, traffic flow and control and access in case of fire or catastrophe;
 - (2) Off-street parking and loading areas where required, with particular attention to item (1) above;
 - (3) The noise, glare or odor effect of the special permit on surrounding properties;
 - (4) Refuse and service areas, with particular reference to location, screening and items (1) and (2) above;
 - (5) Utilities, with reference to location and availability;
 - (6) Screening and buffering with reference to type, dimensions and character;
 - (7) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
 - (8) Required yards and other open space;
 - (9) General compatibility with surrounding properties; and
 - (10) Any special requirements set forth in these Land Development Regulations for the particular use involved.
8. Conditions and Safeguards. In granting any special permit, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with these Land Development Regulations. Failure to comply with the conditions adopted as part of a special permit shall constitute a violation punishable by the penalties and remedies outlined in Section 15.4 of these Land Development Regulations.
 9. Expiration of Special Permit. Approval of a special permit for a mining or excavation and fill operation shall be valid for a maximum of five (5) years, except for excavation, clean debris and land clearing debris operations, which shall be valid for a period specified in the special permit necessary for the completion of all operations including necessary reclamation.
 10. Amendment of Special Permit. An extension of time for an approved special permit may be granted as an amendment to the existing approval. Any changes to the approved conditions will also require an amendment to an approved special permit.
 11. Transfer of Special Permit. A special permit for a mining or excavation and fill operation may be transferred subject to the standards listed below.
 - a. Notification. The permittee of a special permit shall file a notice of transfer with the County, in a form approved by the County.
 - b. Evidence of Financial Responsibility. The transferee shall provide, in a form acceptable to the County, proof of financial responsibility as required by Section 14.7.13.

14.7.7 General Standards for Mining or Excavation and Fill Operations:

The standards listed below shall apply to all mining or excavation and fill operations.

1. Prohibited Activities. Unless permitted by a special permit, the activities listed below are prohibited in association with a mining or excavation and fill operation.
 - a. Surface Waters and Wetlands. Mining, excavation or filling shall not be permitted in surface waters or wetlands. Nor shall water be diverted from natural stream channels and drainage ways shall not be interrupted or relocated.

- b. Operations in Groundwater. Mining, excavation or filling shall not be permitted in groundwater of the Floridan or intermediate aquifer systems, except as provided in the applicable requirements of the Florida Administrative Code. Groundwater withdrawals permitted as part of an approved mining or excavation and fill operation shall not result in a lowering of the potentiometric levels of the surficial shallow groundwater aquifer, intermediate groundwater aquifer, or Floridan Aquifer beyond the boundaries of the approved mining or excavation and fill operation.
 - c. Vibration. Vibration resulting from any mining or excavation and fill operation sufficient to cause damage of any kind to persons or property not included within the approved area of operation.
 - d. Blasting. Where specifically permitted by the conditions of a special permit, blasting or other use of explosives shall comply with all applicable federal and state standards.
 - e. Degradation of Water Quality. All surface drainage from site runoff shall be directed away from open pit excavations to avoid groundwater contamination. Pollutants or substance of any kind which may be detrimental to water quality shall not be permitted to enter the surface drainage system or the groundwater system through sinkholes on or adjacent to the site.
2. Limited Disposal of Materials. In a mining or excavation and fill operation, disposal of materials as fill is limited to clean debris and land clearing debris, unless specified by the approved special permit for the site.

Clean debris shall be limited to brick, glass, ceramic, and uncontaminated concrete including embedded pipe or steel. Land clearing debris shall be limited to uncontaminated soil and rock, tree remains, trees and other vegetative matter from land clearing for a construction project.
 3. Hours of Operation. Mining or excavation and filling activities shall be limited from 6:00 a.m. to 8:00 p.m., Monday through Saturday. More limited hours of operation may be imposed at the time of approval of the special permit.
 4. Access Routes. Mining or excavation and fill operations shall be permitted only at sites served by roads adequate to accommodate the projected truck traffic. Access shall not be permitted from an interior road through a platted subdivision unless the excavation and fill is specifically designed to facilitate the completion of the subdivision in which the haul route is located. Haul roads through platted subdivisions must be closed prior to the issuance of the first Certificate of Occupancy along the haul road. If access to a site is over an unpaved segment of public road, the operator shall be responsible for maintenance of the unpaved segment in a satisfactory operating condition.
 5. Temporary Road Stabilization. On the site of mining or excavation and fill operations, the use of milled or crushed asphalt is permitted for road stabilization. Asphalt used for this purpose may be stored temporarily within an unexcavated area or a reclaimed area of the site. The material shall be removed from a roadway when it is no longer in use, and onsite disposal or burial of asphalt is prohibited. The special permit shall include an identification of all areas proposed as asphalt or material storage areas and procedures for the disposal of material utilized for temporary road stabilization.
 6. Dust Controls. Mining or excavation and fill activities shall be operated in a manner that shall minimize fugitive dust emissions. Dirt roads within the site and unpaved public roads in the vicinity used for access to and circulation within the project may require dust retardant treatment at the expense of the operator. The use of suppressants as a dust retardant technique shall be evaluated by the Board of County Commissioners and receive approval before their use is permitted. Natural vegetation shall not be removed within any required setback or buffer areas, or from any area of the site prior to excavation of that area.

14.7.8 Site Development and Operational Standards

All mining or excavation and fill operations, activities and structures shall comply with the standards in this Section for site development and operations on site. Existing mining, excavation and fill sites or reclamation projects operating with current and valid special permits originally approved prior to February 15, 2016 shall be exempt from the operational standards found in this section unless otherwise required as a condition of the special permit.

1. Setbacks. Each operation shall comply with minimum setbacks, based on features on or adjacent to the site and the future land use classifications of properties adjacent to the site, as established in Table 14.7.7.1 below. An additional setback of five hundred (500) feet to the setback distances as established in Table 14.7.7.1 below shall be provided from all beneficiation facilities and associated infrastructure.

Table 14.7.7.1
Minimum Setbacks for Mining or Excavation and Fill Activities

Natural Features or Adjacent Future Land Use Designations	Minimum Required Setback from Property Line or feature (in feet)	
	Mining Activities ^{1,2}	Excavation and Fill Activities ³
Public right-of-way or public or private utility easement	200 feet	50 feet
100-year floodplain	200 feet	200 feet
Wetlands	500 feet	250 feet
Surface water	500 feet	250 feet
Significant geological features	500 feet	250 feet
Potable water wells	500 feet	500 feet
Inhabited residential structures	1,000 feet	150 feet
Schools	500 feet	250 feet
Conservation Future Land Use Classification	1,000 feet	250 feet
Residential Future Land Use Classification	1,000 feet	150 feet
Commercial Future Land Use Classification	250 feet	150 feet
Public Future Land Use Classification	500 feet	250 feet
Recreation Future Land Use Classification	500 feet	250 feet
Industrial Future Land Use Classification	200 feet	100 feet
Agriculture Future Land Use Classification	200 feet	100 feet
Designated Urban Development Area	1,000 feet	150 feet

¹Includes processing and material separating facilities, mechanical draglines, ponds or structures for settling, thickening, tailings and slime.

²Includes beneficiation facility and associated infrastructure.

³Includes mechanical draglines, spoil piles, stockpiles, or storage of materials.

2. Screening and Buffering
 - a. Visual Buffers. A vegetated landscaped buffer of at least fifty (50) feet in width shall be provided along the entire boundary of the mining or excavation and fill site. Where the site is adjacent to or within one thousand (1,000) feet of a residential land use or an inhabited residential structure or school, a vegetated landscaped buffer of at least one hundred (100) feet in width shall be provided. Points of access shall be given exception from these minimum buffer requirements. To the greatest extent possible, natural vegetation and foliage existing on the site shall be retained to establish buffers. If the natural vegetation and foliage does not provide adequate visual buffer or noise attenuation, additional plantings, fences, earth berms or similar materials may be required.
 - b. Buffer for Significant Geologic Features. Buffers to significant geological features that have a direct connection to the surficial shallow groundwater aquifer, intermediate groundwater aquifer or Floridan Aquifer shall be a minimum of one hundred (150) feet.
3. Setbacks Where Blasting Proposed. Where blasting is proposed as part of the mining operation, setbacks sufficient to protect significant geologic features, including subsurface conduits, are required.
4. Maximum Heights
 - a. Buildings and Structures. All buildings and structures shall comply with the height of the zoning district in which the mining or excavation and fill operation is located, and may be further limited by the conditions of the special permit.
 - b. Stockpiles, Spoil Piles, and Storage of Materials. Stockpiles, spoil piles or storage of excavated materials shall not exceed fifty (50) feet in height, and may be limited further by the conditions of the special permit.
5. Fencing and Security. Unless otherwise provided by the Board of County Commissioners, each mining or excavation and fill site shall be completely enclosed by a fence consisting of chain link, field wire, or other material not less than six (6) feet in height, with a heavy duty, locking, security gate at each access point. All gates shall be kept locked at all times unless an employee of the owner or operator is on site. All fences and gates shall prominently display permanent "No Trespassing" signs a minimum of every five-hundred (500) feet.
6. Test Borings. For proposed new or expanded mining or excavation and fill operations, test borings shall be required to delineate geologic conditions, and to determine the interface between the surficial, intermediate and Floridan aquifers and the location of groundwater tables on a site. In existing operations, new test borings shall be performed prior to development of new excavation or mining area. At a minimum, the test borings shall comply with the standards listed below.
 - a. Minimum Depth. All borings shall be conducted to a depth of not less than ten (10) feet below the deepest proposed mining or excavation.
 - b. Maximum Space. All boring shall be spaced at a maximum of five-hundred (500) foot interval in two (2) transverse directions.
 - c. Log Content. The boring log shall indicate the location coordinates, surface grade elevation, geologic description and thickness of all strata encountered, including topsoil, overburden mineral deposit or material to be mined or excavated and material immediately underlying the mineral deposit or material, and the position of the groundwater in relating to individual borings.

7. Filling in Surficial Aquifer. Filling may be permitted in groundwater of the surficial aquifer system, in excavation and fill operations or in limestone pits or quarries, but shall be limited to clean soil or rock materials including sand, clay, or limestone. Exceptions to these standards may be considered if liners, leachate collection systems and cover systems are proposed for a site. Prior to mining operations, surface and groundwater hydraulic and hydrologic modeling must be conducted and adequately demonstrate post-mining reclamation hydrology associated with surface waters and wetlands, surficial shallow groundwater aquifer and intermediate groundwater aquifer water elevations will match pre-mining conditions. This includes demonstrating mining activities (e.g. excavation and filling voids) and post-reclamation soil characteristics (e.g. structure, permeability, infiltration), landscape features (e.g. open water ponds, constructed contours above and below surface waters) and associated surficial and groundwater hydrology and hydraulic gradients will retain water resource and contributing watershed conditions, including existing and proposed surface waters, wetlands (with appropriate hydroperiods) and floodplains.
8. Groundwater Standards. For each mining or excavation and fill operation, a groundwater quality monitoring plan shall be installed according to the standards of the Florida Department of Environmental Protection. Groundwater quality on each site of a mining or excavation and fill operation shall be monitored according to the standards of the Florida Department of Environmental Protection, and all test results from monitoring wells shall be provided to the County. For the purpose of sampling and analysis to gather baseline data regarding groundwater resources, the County shall have access to all test wells on site.
9. Dewatering. Dewatering operations shall be planned and controlled so as to provide minimum drawdown of the shallow groundwater table. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent wetlands area shall be terminated until such time as a satisfactory plan is approved by the Board of County Commissioners to maintain water levels in such areas.
10. Planned Water Bodies. Planned water bodies or groundwater lakes incorporated in the final reclamation plan are required to meet the following standards:
 - a. A minimum of ten (10) percent of the lake shall be refilled to shallower depths of two (2) to four (4) feet in order to encourage aquatic plant growth and fish propagation.
 - b. If side slope different from the ten (10) percent ratio are proposed, terracing may be utilized, subject to approval by the Board of County Commissioners for an engineering evaluation of the long-term stability of such slopes.

14.7.9 Additional Excavation and Fill Operation Requirements

1. Method of Excavation. The method of excavation shall be planned so that the greatest volume of earth can be moved without resulting in deep holes scattered throughout the site. The use of the land shall be so that excavation is brought to the permitted depth at one (1) part of the property and then proceeds to the remainder of the property.
2. Depth of Excavation. Where the Floridan Aquifer is unconfined, excavation shall be permitted no deeper than fifteen (15) vertical feet above the top of Floridan Aquifer, to ensure that a minimum of fifteen (15) feet of undisturbed soil remains above the wet season high water table or limestone. Field adjustments shall be made as necessary to accomplish this intent. A land surveyor licensed in the State of Florida shall establish accessible benchmarks on five-hundred (500) foot centers within the limits of the areas of the active excavation reflecting the limits of excavation depth to ensure fifteen (15) feet of undisturbed soil remains above the top of the Floridan Aquifer.
3. Continuous Reclamation. Permanent vegetative cover shall be established in five (5) or ten (10) acre increments. Upon filling of five (5) acres of the site, a soil cap shall be placed and permanent vegetative cover shall be established so that no more than ten (10) acres of the site is being actively

filled. For those areas that are not planned for backfilling, 1:4 (rise: run) side slope shall be created and permanent vegetative cover established on these slopes. Final grading and establishment of permanent vegetation shall occur on an area-by-area basis as backfilling is completed so that reclamation takes place in conjunction with excavation and fill. Reclamation shall be continuous, and shall commence immediately after activity within an area of the site. Revegetation of all areas shall be accomplished no later than ninety (90) days after the completion of other aspects of reclamation. Vegetation types utilized shall consist of grasses to be used for hay/sod production or native species replicating natural habitat that are well adapted to the soil conditions and terrain features on the site.

14.7.10 Additional Mining Operation Requirements

1. Method of Excavation. All excavation of overburden shall be accomplished in a manner conducive to segregated stockpiling of differing geologic materials. Topsoil, clean sands and clayey soils shall each be stockpiled separately or layered in stockpiles in such a manner as to avoid commingling of differing geologic materials, and in all cases care shall be taken to avoid contaminating topsoil with clayey materials.
2. Soil Restoration. Upon completion of the mining operation, restoration of the ground surface shall be accomplished by replacement of each of the differing soil types in reverse sequence from that in which they were removed. Each separate layer, horizon or geologic strata shall be replaced and consolidated before the succeeding layer is replaced. Topsoil uncontaminated with clayey materials shall be placed as the final surface cover on all mining operations.
3. Final Contours. Contours shall be as close as possible to those existing originally on the site unless the reclamation plan has established an alternate set of contours as being more desirable for the final intended use of the reclaimed land. If the nature of mining operations is such that quantities of available spoil material are not adequate for restoration to original contours, then the site shall be reclaimed so that no slope is steeper than one (1) foot of vertical run to six (6) feet of horizontal run, except in the case of limerock cuts, which shall be left at a stable slope. The final contours of created water bodies should resemble the same characteristics of natural north Florida lakes, including a variety of emergent habitats, balance of deep and shallow water, fluctuating water levels, high ratios of shoreline length to surface area and variety of shoreline slopes.

14.7.11 Required Materials for Special Permit Review

The information in this Section shall be submitted by an applicant as part of special permit review.

1. Project Description. A general project description of the proposed or expanded mining or excavation and fill operation shall include the following, as applicable:
 - a. Types of minerals or materials to be mined or excavated on the site;
 - b. The nature of materials to be used for fill, including clean debris, construction and demolition debris, or similar materials;
 - c. Estimated total area, in acres, to be mined or excavated and filled;
 - d. Proposed approximate dates for beginning and completing all mining or excavation and fill operations;
 - e. Proposed days and hours of operation;
 - f. Proposed method for onsite process of minerals or materials;
 - g. Proposed method for receipt, stockpiling and fill of clean debris or construction and demolition debris;
 - h. A description of truck or transportation routes to be used for transport of minerals, materials

- or fill, onsite and within one-thousand (1,000) feet of the site;
- i. A description of how the minerals or materials are to be transported to and from the site, including all types and sizes of carriers to be utilized;
 - j. The anticipated number of trips per day to and from the site; and
 - k. The destinations to which minerals and materials will be transported, and a description of any trans-shipment points and changes in mode of transport.
2. Location Map. This map shall show the location of the site and boundaries of property lines in relation to state and County roads.
 3. Georectified Aerial Photograph. A georectified aerial photograph taken within one (1) year of application submittal, showing property lines and areas proposed for mining, excavation or fill.
 4. Development Plan. This graphic shall include the following features:
 - a. All property lines within five-hundred (500) feet of subject property;
 - b. Public and private roads, paved or unpaved;
 - c. Planned access for public or private roads;
 - d. Utility lines and easements on site;
 - e. Septic tanks and drain fields on site;
 - f. Conservation areas on or adjacent to site;
 - g. The approximate location and acreage of existing and proposed mining excavation and fill areas, with a legend relating approximate time frames of activity within these areas;
 - h. Cross-section of the proposed depth of areas to be mined or excavated and relationship to the wet season high water table and geologic material, based on test borings performed on the site;
 - i. Proposed location of groundwater monitoring wells on the site;
 - j. Proposed location of buildings and structures on site, including pipelines;
 - k. Proposed location and height of milled asphalt storage piles, stockpiles, and spoil or other excavation materials;
 - l. Proposed location of tanks for liquids stored on the site;
 - m. Location of all fences, walls, earth berms, and vegetative buffers to be installed or existing on site;
 - n. Dimensions and total square feet of existing and planned impervious areas on the site;
 - o. Location and dimensions of planned stormwater management facilities;
 - p. Setback proposed for all structures and operations; and
 - q. Existing potable water wells within five-hundred (500) feet of the site boundaries.
 5. Floodplain Map. A Federal Emergency Management Agency Digital Flood Insurance Rate Map depicting one-hundred (100)-year floodprone areas. The map shall include property lines of the proposed mining activities and/or excavation and fill site. The Board of County Commissioners shall have the right to require the applicant to submit data to establish the location of the one-hundred (100)-year floodprone area.
 6. Soils Map. A map of generalized soils, with property lines delineated. Natural Resource

Conservation Service maps may be used for general reference.

7. Site Topography. A map of topography showing property lines and contour lines on the site at a maximum of two (2) foot intervals.
8. Water Resources. A map of all delineated wetlands on the site. The map shall show the proposed location of test wells on the site which will be used to determine average and seasonal high water table depths and the direction of flow gradient.
9. Survey Site. The survey shall include all areas subject to the application and a legal description. The survey shall have been completed no more than one (1) year prior to the application submittal. The survey shall include locations and elevations of required five-hundred (500) foot-centered benchmarks in areas designated for mining, excavation, or fill.
10. Environmental Assessment. An environmental assessment shall be submitted in order to assess the potential adverse impact to natural resources and historic resources. The assessment shall be prepared by person(s) qualified in the appropriate fields of study, conducted according to professionally accepted standards, and based on data that is considered to be recent with respect to the resource. Names, qualifications and resumes of all personnel involved in the assessment, and their roles with respect to the assessment, shall be attached, if not already on file with the County. The requirements of the natural resources assessment consists of the following:
 - a. Methodology. The assessment shall use and report professionally accepted scientific methodology specific to each natural and historic resource onsite, in order to assess the actual and potential presence of natural and historic resources. The assessment shall include background research and analysis of available existing data, as well as ground-truthing. Field surveys shall be conducted during the seasons, times of day and field conditions under which each natural and historic resource characteristic would most likely be observed, otherwise presence will be presumed.
 - b. Minimum contents. The assessment shall include site-specific identification, mapping and analysis of each natural and historic resource or characteristic present on the site, and background research and analysis with aerial map review and fence line ground-truthing of resources adjacent to the site (same or contiguous tax parcels). At a minimum, the following shall also be provided:
 - (1) Cover letter and/or executive summary, including written explanation of the need and intent of the project, description of construction or alteration methodologies, and signed statement as to the likely presence of regulated natural or historic resources.
 - (2) Maps drawn to scale, including a north arrow and scale showing the following:
 - (a) Location of project site in relation to major roads or other readily identifiable landmarks, showing parcel boundaries with dimensions.
 - (b) Existing roads, structures, wells, utilities, and other existing conditions and noteworthy features.
 - (c) Identification of all regulated natural and historic resources, labeled by resource type.
 - (d) General vegetation characteristics and quality.
 - (e) General soil types.
 - (f) Proposed location of protected conservation resources and open space.
 - (g) Potential connections to existing green space, open space, trails, and adjacent preservation or conservation resources.

- (3) Data and analysis that includes assessment and evaluation of the following:
 - (a) Existing quality and characteristics of regulated natural or historic resources.
 - (b) Impact of the proposal on each individual natural resource and on the ecosystems in which they function.
 - (c) Proposed measures to protect natural resources, or to avoid, minimize, or mitigate impacts on natural resources.
 - (d) Methods of stormwater pollution prevention.
- c. Additional information. Additional data and analysis may be required as appropriate for the complexity of the proposed activity and types of natural or historic resources identified. Such information may include but is not limited to:
 - (1) Copies of historical and recent aerial photographs, topographic and other resource maps reviewed.
 - (2) Land use and land cover classifications per Florida Land Use Classification Code or Water Management District systems.
 - (3) Wetlands, surface waters, or 100-year floodplains identified by the National Wetlands Inventory, United States Geological Survey, Water Management Districts, or Federal Emergency Management Agency.
 - (4) Wildlife corridors, biodiversity hot spots, strategic habitat conservation areas, or element occurrences identified by the Florida Fish and Wildlife Conservation Commission, Florida Natural Areas Inventory or Florida Department of Environmental Protection.
 - (5) Field surveys that provide for actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests or evidence of feeding), population estimates, and occupied habitat boundaries.
 - (6) Inventories of natural or historic resources within an expanded planning parcel that includes additional lands under common ownership or control, or additional lands within a designated resource planning area.
 - (7) Detailed assessment beyond project boundaries which are necessary to understand the scope of impact of proposed activities on areas not included in a proposal involving only a portion of a parent tract.
 - (8) A mitigation and monitoring plan.
 - (9) A resource management plan.
- 11. Hazardous Materials Management Plan. A hazardous materials management plan shall be submitted to establish a mining or excavation and fill operation or to extend the approval period of such operation. This plan shall be evaluated and found adequate by the Board of County Commissioners as a condition of final approval. A hazardous materials management plan shall address, but is not limited to the following;
 - 1. Establishment of procedures for the prevention of releases of hazardous materials into the natural environment, including air, groundwater and surface water resources;
 - 2. Establishment of procedures for identification, removal, disposal and remediation of release of hazardous materials into the natural environment;
 - 3. Identification and use of proper procedures to prevent improper release into the environment of vehicle maintenance materials used on site, including fluids, lubricants, oils and similar

- materials, and to ensure such materials are utilized and disposed of in accordance with manufacture's specifications;
4. Establishment of procedures for the identification, collection and disposal of wastes, other than clean debris or land clearing debris, that may be delivered to approved excavation and fill sites; and
 5. Establishment of a method for monitoring the identification, disposal and mitigation of adverse impacts from authorized materials.
12. **Waste Management Plan.** A waste management plan for the handling of unauthorized waste shall be established for the purpose of outlining procedures for properly managing the removal and disposal of such wastes identified on the site. This plan shall be evaluated and found adequate by the Board of County Commissioners as a condition of final approval of the special permit for mining.
- a. **Effect of Unauthorized Materials Present on Site.** If unauthorized materials are present on site and can, based upon the specific nature of such materials and their threat to groundwater quality, or the amount of such materials on site, or the location of such materials in relation to groundwater resources, the Board of County Commissioners may authorize monitoring of the threat of such materials to contaminate water quality.
 - b. **Materials Used On Site.** Any materials such as lubricants, hydraulic fluids, oils or other materials used in equipment maintenance shall be properly stored, collected and disposed of. The management plan shall outline spill cleanup and disposal procedures to deal with lubricants, oils and similar materials used on site but not within the scope of the permit for disposal on site.
13. **Groundwater Quality Monitoring Plan.** A water quality monitoring plan, prepared by the applicant, shall be required for one (1) or more of the following: new mining or excavation and fill operations; expansion of existing mining operations; as part of an annual review of an approved special permit, existing mining or excavation and fill conducted where similar previous site activities may have degraded groundwater or surface water quality; or in instances where there is evidence of disposal of prohibited material. A water quality monitoring plan shall include the information listed below.
- a. The type of device or procedure to be installed or followed.
 - b. The monitoring, sampling and reporting schedule to be followed.
 - c. The proposed depth, locations and construction details for monitor wells or water quality monitoring stations.
 - d. The proposed water sampling program with anticipated sampling schedule and parameter coverage. A proposal for the compilation of data and the submission of reports to the Board of County Commissioners.
 - e. A proposal for the compilation of data and the submission of reports to the Board of County Commissioners.
14. **Reclamation Plan.** A reclamation plan, prepared and sealed by a professional engineer, shall be submitted with the application for a mining or excavation and fill operation. The plan shall describe the proposed mining and land reclamation operations and procedures to be followed for a minimum period of five (5) years. The plan shall include the information required herein and shall comply with applicable federal, state or water management district requirements.
- a. **Reclamation Plan General Requirements**
 - (1) **Areas to be Reclaimed.** The total area of the entire mined, excavated or otherwise

disturbed area that is to be reclaimed, in both percent of site area and total acres, as well as an annual schedule for the areas to be reclaimed.

- (2) Reclamation Methods. A description of the manner in which restructuring, reshaping and revegetation will be accomplished.
 - (3) Reclamation Timetable. A timetable detailing the estimated time periods for stages of reclamation and reuse after the mining, excavation and fill activity has been completed. A time limit for completion of reclamation shall not be placed on areas reserved for slime ponds or settling ponds in mining operations.
 - (4) Potential Future Users of Site. The potential and planned uses of the reclaimed area and an analysis of how proposed reuse complies with the Comprehensive Plan. Areas utilized for mining or excavation and fill operations shall not be reused for residential purposes, except where engineering data is submitted showing that there has been adequate compaction to allow the type of residential construction proposed.
 - (5) Final Buffers and Screening. The location of fences, walls, earth berms or vegetative buffers required for reclamation.
 - (6) Proposed Erosion Control. Proposed erosion control measures, including final site grading, final slopes and the locations and types of trees, grasses or other plant materials to be utilized.
 - (7) Water Bodies and Stormwater Facilities. The location, size and water elevations of any water bodies or stormwater facilities proposed as a permanent feature following mining operations. The proposed method for retaining water levels in permanent lakes.
 - (8) Site Plan Maps. The maps of the entire mined, excavated or otherwise disturbed area that is to be reclaimed, all drawn at the same scale, showing pre-mining and conceptual reclamation, contours and water bodies. As well as, pre-mining and post-reclamation vegetation, using the Florida Land Use cover Classification System or Codes.
- b. Phosphate Mine Reclamation Plan. A phosphate mine reclamation plan shall be consistent with Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder, and any amendments to Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder, promulgated after adoption of the ordinance from which this Section of the Land Development Regulations is derived and the provisions contained in this Section.
- (1) The Board of County Commissioners may require a more expeditious reclamation schedule than required by Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder in order to minimize impacts to neighbors, wetlands, off-site drainage, or floodplains. Reclamation land types shall be defined by Florida Land Use Classification Code System or Florida Department of Environmental Protection habitat types.
 - (2) Agricultural lands. Land reclaimed for agricultural use shall meet the following standards:
 - (a) Topography. The land shall be sufficiently level and free of holes, gullies and washouts to permit safe operation of conventional farm and agricultural equipment.
 - (b) Stability. The land shall have settled and firmed to the extent that it will support conventional farm and agricultural equipment and that livestock will be able to walk on the surface of the land.

- (c) Slope. The land surface shall be returned to the elevations approved by the County and the slope of all land, except dikes and low profile berms, shall not be steeper than 4:1.
- (3) Pine flatwoods. Pine flatwoods are by far the dominant plant community in the County. Pine flatwoods areas disturbed by phosphate mining shall be reclaimed with native species of trees, shrubs, forbs and grasses to re-establish the general distribution of native flora necessary to ensure suitable wildlife habitat, giving consideration to plant diversity, edge-effect and escape cover. The goal will be to achieve suitable livestock carrying capacity by utilization of low management native forages while secondary benefits such as wildlife, timber and aesthetics are maintained.
- (4) Lakes and other water bodies. Lands reclaimed as lakes and other water bodies shall meet the following standards:
 - (a) Littoral zones. For the purposes of establishing an area that will sustain fish and wildlife, and to provide a measure of nonstructural water quality maintenance, the applicant shall establish a littoral zone below the mean water level along the shoreline and within a central area of the lake. The applicant may provide for alternative littoral zone placement for meeting requirements herein which would result in more beneficial environmental and wildlife impacts than strict adherence to the requirements of the Land Development Regulations. Such alternative methodology shall follow generally accepted scientific principles and must be approved in writing by the County.
 - (b) Perimeter berms and swales. For the purposes of ensuring water quality control and to provide for a measure of long-term water quality maintenance, the applicant shall construct a low profile perimeter berm and swale system designed to intercept and filter overland runoff before allowing it to discharge into the lake. In addition to this requirement, applicant shall provide alternative nonstructural means for meeting requirements herein which would result in more beneficial environmental and wildlife impacts than strict adherence to the requirements of the Land Development Regulations. Such alternative methodology shall follow generally accepted U.S. Department of Agriculture Best Management Practices for Riparian/Lacustrine Buffers and must be approved by the County.
 - (c) Lake depth. The requirements in Chapter 62C-16.0051 (Mandatory Phosphate Mine Reclamation Rule), Florida Administrative Code, as it may be amended, shall apply to lake depths.
 - (d) Soil stability. All banks and slopes shall be stabilized with self-sustaining vegetation. No evidence of excessive erosion shall exist. No evidence of unplanned channel development shall exist.
 - (e) Native species. The applicant shall demonstrate, using generally accepted scientific methodology, that healthy and self-propagating native grasses and forbs shall be established and that the reforestation of native trees shall be accomplished.
- (5) Revegetation. To ensure timely and successful establishment of ground cover and suitable habitat diversity, the applicant shall comply with the following criteria:
 - (a) Diversity:
 - i. Improved pasture: Not applicable.

- ii. Pine flatwoods: In general, flatwoods have a low diversity of tree species. Understory plants common to flatwoods are wire grass, saw palmetto, wax myrtle, mulberry and fetterbush.
 - (b) Density/cover:
 - i. Improved pasture: Eighty (80) percent ground cover of perennial vegetation following one complete growing season. Bare areas shall not exceed one-fourth acre.
 - ii. Pine flatwoods: Twenty (20) trees per acre with adequate native vegetative ground cover to prevent erosion after one complete growing season. Fifteen (15) trees per acre with a minimum height of one meter after five years. Fifty percent ground cover of herbaceous flatwoods species after one complete growing season shall be established.
 - (c) Other protections:
 - i. Improved pasture: Not applicable.
 - ii. Pine flatwoods: Protection from grazing, mowing or other land uses to allow establishment for a minimum of five (5) years following planting.
 - (d) Measurement:
 - i. Improved pasture: Point intercept method on ten-acre units with total number of points submitted to County for prior review and approval.
 - ii. Pine flatwoods: Point intercept method according to acceptable practices.
15. Mining Operation Plan. The plan shall contain information regarding proposed mining and excavation on the site, including but not limited to the following information:
- a. The ultimate method for disposal of stockpiles, spoil piles or other materials stored on the site;
 - b. The proposed dewatering plan, including the method of disposal for water created by the process, the location and size of any disposal area, and the method of treatment of any waters to be discharged offsite or into surface waters;
 - c. Estimated annual water consumption, in gallons per day, for all operations and activities;
 - d. Proposed uses of water recycling or reclamation process or techniques in gallons per day;
 - e. Proposed transfers of water from one (1) watershed or basin to another, including amounts in gallons per day;
 - f. Proposed importing of water from another source, including identification of source, amount in gallons per day, length of transfer in miles, and method of transfer;
 - g. The anticipated amount of waste, tailing and similar materials to be produced and plans for disposal including the size and nature of treatment facilities located onsite;
 - h. The anticipated amounts of airborne emissions from the mining operation, including all equipment, transportation, processing or other sources; and
 - i. A complete description, including process flow diagram, of any proposed mineral-resource processing operation to be conducted on the site.

14.7.12 Annual Report

An annual report of any approved special permit for any mining or excavation and fill operation shall be submitted no later than October 1st of each year. Failure to file an annual report shall be grounds for

suspension of an approved special permit and operations on the site. This annual report requirement shall apply to all existing approvals for mining or excavation and fill operations. All reports shall include, at a minimum, the information listed below:

1. **Development Plan Update.** A graphic illustration, utilizing the approved development plan for the mining or excavation and fill operation, showing changes to the site during the previous twelve (12) months due to mining, excavation, fill, placement of overburden or materials and similar changes based upon the operations on the site. This graphic shall include an as-built survey. The survey shall include current topographic contours and current survey elevations at five-hundred (500) foot centered benchmarks to ensure compliance with permitted excavation depths. The graphic shall show the location and acreage of existing excavation, filled, and reclaimed areas, as well as areas proposed for excavation, fill, and reclamation over the next twelve (12) months. The graphic shall also show the location of milled asphalt storage piles on the site.
2. **Operations Update.** A written report summarizing the changes occurring to the site during the previous twelve (12) months, accompanied with tabular data indicating the approximate number of acres changed due to mining, excavation, fill and reclamation. The report shall address how such changes are consistent with the requirements of this Section, all applicable approved plans and all conditions of approval of the special permit.
3. **Report of Waste Stream.** A monthly compilation of the incoming waste stream over the last year, including total amounts (in tons or cubic yards) of waste received, as well as the total amounts disposed of at the site, recycled at the site, or transferred to another location for property disposal or recycling.
4. **Monitoring.** The result of monitoring programs, such as groundwater quality monitoring, that are required by the approved special permit.
5. **Status of Plantings.** An update on the status of required plantings in buffers, stormwater facilities, and reclaimed areas, including the number of surviving plantings and any plantings made to maintain required survivorship as defined by the approved development plan.
6. **Certification.** Certification by a professional engineer that all mining or excavation and fill operations are carried out in compliance with the approval granted by the Board of County Commissioners, the approved master mining or development plan, all applicable federal, state, water management district or County requirement and in accordance with generally accepted engineering practices.
7. **Enforcement Actions.** A description of all code enforcement, legal or other enforcement actions pertaining to the property or operation, initiated by the County or other governmental agency in the preceding twelve (12) months, and the disposition or status of such actions.

14.7.13 Bond and Surety Requirements

1. **Liability for Mining or Excavation and Fill Operations.** The owner and operator of a mining operation shall have absolute liability and financial responsibility for any damage to public or private property, human, animal or plant life, or any mineral or water-bearing geological formation incurred due to mining or excavation and fill operations, failure of any dam, spillway or outlet structure of a settling or thickening pond, or failure to properly reclaim mined-out lands.
2. **Bond for Reclamation Required.** As a condition of special permit approval, the Board of County Commissioners shall require posting of a reclamation bond. The bond shall guarantee funds in an amount of one hundred and ten percent (110%) of the estimated cost to complete all required reclamation of a mining or excavation and fill operation, and may be increased to ensure the financial resources to complete reclamation, including placement of a soil cap and revegetation. The bond shall be maintained in perpetuity or until reclamation occurs, and the Board of County

Commissioners may withhold a specified portion of the reclamation bond to ensure the reclamation is completed properly.

- a. Forms of Security. Acceptable forms of security may include but are not limited to, a letter of credit, surety bond or cash bond.
 - b. Retention of Security. The financial security shall be held by the County until the reclamation plan is implemented and completed for the entire site under permit. Proof of sureties posted with the Florida Department of Environmental Protection shall satisfy this requirement.
 - c. Alternate Form Security. The security may be provided in an alternate form acceptable to the County Attorney.
 - d. Posting of Security. The financial security shall be reviewed by the County Attorney, and shall be posted prior to issuance of approval and the initiation of any land excavation and fill operations.
 - e. Partial Release Security. If it is determined that the partial completion of reclamation activities reduces the costs of further reclamation, the amount of the financial security may be reduced.
 - (1) At no time shall the security be less than one-hundred and ten (110) percent of the cost of uncompleted reclamation activities.
 - (2) Reduction in the amount of the financial security shall not occur more often than once in each calendar year.
3. Exemptions from Providing Bond or Surety. The following shall be exempt from the requirements of financial security required by this Section:
- a. Mining or excavation and fill operations that may provide proof of a reclamation bond issued to the Florida Department of Environmental Protection or other regulatory agency that guarantees funds in an amount sufficient to complete all required reclamation of a mining or excavation and fill operation.
 - b. Units of local, regional, state and federal government operating on government-owned property.

14.7.14 Annual Inspection

In addition to fees for the processing of applications for special permit, the Board of County Commissioners shall impose an annual permit fee for all mining and excavation and fill operations. A separate fee shall be charged for each special permit approving mining, excavation or fill operations. This fee will be due and payable on October 1 of each year and shall cover the period beginning October 1 and ending September 30 the following year. In the instance of an operation involving both excavation and filling activities, one (1) fee for both operations shall be imposed. A reduced fee shall be charged for inactive excavation and fill operations. The owner of each excavation and fill operation shall be responsible for notifying the Board of County Commissioners prior to October 1 of each fiscal year if an excavation and fill operation is inactive. Within this section, the term inactive shall mean that no activity commonly associate with an exaction and fill operation has occurred at the site for period of at least ninety (90) days. Notwithstanding the provisions of this section, no unit of local, state or federal government shall be assessed the annual inspection fee.

14.7.15 Surface Waters and Wetlands

1. Purpose. It is the purpose if this Section to preserve, protect, and improve the public health, safety and general welfare of the citizens of the County, and to conserve and protect open bodies of water and flowing streams, wetlands, and the natural and scenic resources of County and to implement the

County Comprehensive Plan.

2. Applicability.

- a. Waters Included - Surface waters is a comprehensive term that includes all rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface. Wetlands comprise a specific subset of surface waters that meet certain hydrologic, vegetative and soil criteria (see full definition in Article II of these Land Development Regulations).
- b. Regulated Activities - Except as otherwise expressly provided in this section, no alteration shall occur in, or over a surface water or wetland area or buffer, and no alteration shall occur adjacent to or connected to a surface water or wetland area, such that the water regime is modified in a way that precludes the area in question from maintaining surface water or hydroperiod necessary to sustain wetland structure and function equivalent to pre-alteration levels.

14.7.16 Jurisdiction and Delineation

The County shall have regulatory authority over all surface waters and wetlands located within the unincorporated area of the County.

1. Delineation Methodology - The County shall utilize the uniform statewide methodology adopted by the Florida Department of Environmental Protection and water management districts to delineate wetlands, as outlined in Florida Administrative Code Rule 62-340.300 for wetlands, and Rule 62-340.600 for surface waters. The County shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation.
2. General Mapping - The locations and general extent of surface waters and wetlands in the County are depicted on multiple digital map sources, including: the United States Department of the Interior, United States Fish and Wildlife Service, 1985, National Wetlands Inventory; the United States Geological Survey, Hydrography; the United States Department of Agriculture Natural Resources Conservation Service, Hydric Soils; and Water Management District Wetlands Mapping, 1995. The maps are intended for use only as a general reference for determining location and approximate extent surface wetland. The provisions of this Section shall apply to all surface waters and wetlands, and adjacent areas, shall not be limited to those depicted on maps described above.
3. Site Specific Determination
 - a. Applicants for any activity in, on or over a jurisdictional surface water or wetland or buffer, or adjacent to (same or contiguous tax parcel) or connected to a surface water or wetland, regardless of size, shall be required to submit a natural resources assessment that includes identification of all surface waters, wetlands and buffers.
 - b. The County shall provide verification of a wetlands jurisdictional determination of a specified parcel of land prior to final approval, and before any activity is allowed to proceed in a buffer area or on or adjacent to a surface water or wetland. Final jurisdictional determinations shall be considered valid for a period of five (5) years.
 - c. If the applicant has received a delineation of the extent of a surface water or wetland by the Florida Department of Environmental Protection or water management district, pursuant to a formal determination under Section 373.421(2), Florida Statutes, or pursuant to a permit issued under Chapter 373, Florida Statutes in which the delineation was field-verified by the permitting agency and specifically approved in the permit, the delineation shall be binding on the County for the duration of the formal determination or state permit.
4. Final Drawings. All final drawings for applications other than work on a private single-family

residential lot shall be sealed or certified by:

- a. A Florida registered professional engineer; or
- b. A Florida registered professional surveyor; or
- c. A Florida registered professional landscape architect; or
- d. An environmental professional certified by the National Association of Environmental Professionals or the Florida Association of Environmental Professionals.

14.7.17 Water Resources Buffers

1. Landscaped buffers are integral to the maintenance of surface water and wetland structure and function. A landscaped buffer shall be required between all proposed activity and the landward extend of the surface water or wetland located on the site as established in this Section.
2. Minimum landscaped buffer widths shall apply for the resources set forth in the following table:

Protected Resource	Buffer Distance
Surface waters and wetlands less than or equal to 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	50 feet
Surface waters and wetlands greater than 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	75 feet
Areas where federally and/or state regulated vertebrate wetland/aquatic dependent animal species have been documented within three hundred (300) feet of a surface water or wetland	100 feet
Per the Suwannee River System 100-Year Floodplain Special Planning Area of the County Comprehensive Plan - Surface waters and wetlands associated with the New River, Olustee Creek, or any Outstanding Florida Waters	150 feet

3. The landscaped buffer shall retain the existing undisturbed vegetation. No activity shall occur within a landscaped buffer area, except as necessary to access the property or would otherwise preclude all economically viable use of the property. The above shall not be interpreted to prohibit the removal of non-native vegetation or the planting of native vegetation.

14.7.18 General Approval Criteria

Final approval of an application may not be granted pursuant to this Section until it is determined that each of the following criteria will be met:

1. There shall be no net loss of wetland values and functions;
2. The project is designed to minimize adverse impacts regarding the conservation of populations of fish or wildlife or their habitats;
3. The project is designed to control and will not cause excessive erosion;
4. The project will not adversely affect commercial or recreational fisheries or their habitats;
5. Listed species and/or their critical habitats will not be adversely impacted;
6. The project will not adversely impact historic resources or paleontological resources;
7. Project alternatives and modifications to less impacts have been determined to be infeasible, i.e. there are no reasonable design alternatives or modification available to lessen impacts;
8. The project does not conflict with any other federal, state or local designated preserve or

conservation area;

9. Any structure proposed in, on or over a surface water is water-dependent. If not water-dependent, structure must clearly demonstrate an overriding public purpose;
10. There will be no violation of water quality standards and the project complies with state and local water quality rules and standards set forth in Florida Administrative Code Chapters 62-302, 62-550, and 40C-4.301(1)(e); and
11. In conjunction with other projects, the project will not result in cumulative impacts that in the aggregate fail the criteria of this Section.

14.7.19 Permanent Protection

Applicants shall be required to designate and protect surface waters, wetlands, and associated buffers on the parcel for which development activity is proposed.

14.7.20 Application Review Fee for Special Use Permit for Mining

1. Fees.
 - a. All fees shall be payable by certified check or bank draft, in U.S. funds, made payable to the County. Upon receipt of the initial fee deposit, the County will establish an account or cost center for review of the mining special permit application.
 - b. Applicants shall deposit a total of fifty thousand dollars (\$50,000) with the County in the following manner:
 - (1) For each special permit for mining application, the County shall collect from the applicant a fee deposit of fifteen thousand dollars (\$15,000), of which five thousand dollars (\$5,000) is non-refundable, prior to conducting a pre-application conference. The application for special permit for mining shall not be accepted for review unless accompanied by an additional thirty-five thousand dollar (\$35,000) deposit.
2. Allowable Charges.
 - a. The applicant shall be liable to the County for one hundred percent (100%) of the actual costs for reviewing an application for mining special permit.
 - b. The applicant shall be notified by the County each time when the funds in the account or cost center for the review of the application are less than or equal to five thousand dollars (\$5,000). The notice shall indicate whether the County estimates the costs of reviewing the application will exceed the existing deposit and, if so, request an additional deposit in the amount of fifty thousand dollars (\$50,000) to cover the remaining costs. The applicant shall make such additional deposit with the County. No further review of the special permit for mining by the County shall occur until after receipt by the County of the additional deposit in the amount of fifty thousand dollars (\$50,000).
3. Other Reviews. The applicant shall be responsible for one hundred percent (100%) of the costs for the review of requests for the modification of a previously approved mining special use permit. The submittal of these requests shall be accompanied by a deposit of twenty-five thousand dollars (\$25,000) and charges will be handled in the same manner as for an application for mining special use permit.
4. Refunds. If the applicant's deposit exceeds the final fee total, any remaining balance shall be refunded to the applicant within ninety (90) days of the final charge to the account or cost center for the review of the application. Should the applicant notify the County, in writing, at any time during the review process that he/she wishes to withdraw the application and discontinue the review process, the County shall, within ninety (90) days, refund to the applicant any remaining balance in

the account or cost center for the review of the application, excluding the non-refundable five thousand dollar (\$5,000) deposit, after deducting all costs incurred prior to receipt of written notification of withdrawal of the application.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. Pursuant to Section 125.66, Florida Statutes, as amended, a certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Florida Department of State.

Section 7. Authority. This ordinance is adopted pursuant to the authority granted by Section 125.01, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting, by the Board of County Commissioners, this 17th day of December 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, FLORIDA

Kellie Hendricks Connell, County Clerk

Karen E. Cossey, Chair

December 7, 2018

Ms. Dianne Hannon
Secretary to the
Board of County Commissioners
Union County
15 Northeast First Street
Lake Butler, FL 32054

COPY SENT VIA ELECTRONIC MAIL
SIGNED ORIGINAL ON FILE

RE: Application No. LDR 18-03 (Board of County Commissioners)

Ordinance
Concerning an Amendment to the
Text of the Land Development Regulations

Dear Diane:

Please find enclosed the above referenced ordinance. **If any changes are made to this document, prior to adoption, please provide us with a copy of the revised document and identify the changes made to the document.**

The County Attorney should review the ordinance as to legal form and sufficiency.

Subsequent to adoption of the ordinance, please send a copy of the signed ordinance to me.

If you have any questions concerning this matter, please do not hesitate to contact Sandra Joseph, Senior Planner, at 352.955.2200, ext. 111.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S R Koons', with a stylized flourish at the end.

Scott R. Koons, AICP
Executive Director

Enclosure

SRK/cf

xc: Russell A. Wade, III, County Attorney

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, FLORIDA, SERVING AS THE PLANNING AND ZONING BOARD OF UNION COUNTY, FLORIDA, AND THE LOCAL PLANNING AGENCY OF UNION COUNTY, FLORIDA; RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, FLORIDA, APPROVAL OF AN AMENDMENT TO THE TEXT OF THE UNION COUNTY LAND DEVELOPMENT REGULATIONS, PURSUANT TO AN APPLICATION, LDR 18-03, BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR AMENDING A PORTION OF SECTION 2.1 ENTITLED DEFINITIONS, GENERAL BY REVISING THE DEFINITION OF MINING AND ADDING OTHER DEFINITIONS RELATED TO MINING AND EXCAVATION; PROVIDING FOR DELETING AND REPLACING IN ITS ENTIRETY SECTION 14.7 ENTITLED 2SPECIAL PERMITS FOR LAND AND WATER FILLS, DREDGING, EXCAVATION, AND MINING; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Union County Land Development Regulations, as amended, hereinafter referred to as the Land Development Regulations, empowers the Board of County Commissioners of Union County, Florida, serving as the Planning and Zoning Board of Union County, Florida, hereinafter referred to as the Board of County Commissioners, serving as the Planning and Zoning Board, to recommend to the Board of County Commissioners of Union County, Florida, hereinafter referred to as the Board of County Commissioners, approval or denial of amendments to the text of the Land Development Regulations, in accordance with said regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, empowers the Board of County Commissioners of Union County, Florida, serving as the Local Planning Agency of Union County, Florida, hereinafter referred to as the Board of County Commissioners, serving as the Local Planning Agency, to recommend to the Board of County Commissioners, approval or denial of amendments to the text of the Land Development Regulations, in accordance with said statute;

WHEREAS, an application for an amendment, as described below, has been filed with the County;

WHEREAS, the Board of County Commissioners has been designated as the Planning and Zoning Board;

WHEREAS, the Board of County Commissioners has been designated as the Local Planning Agency;

WHEREAS, pursuant to the Land Development Regulations and Section 163.3174, Florida Statutes, as amended, the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, held the required public hearing, with public notice, on said application for amendment, as described below, and considered all comments received during said public hearing concerning said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, has determined and found that approval of said application for an amendment, as described below, is consistent with purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, has determined and found that approval of said application for an amendment, as described below, will further the purposes of the land development regulations and other ordinances, regulations, and actions designed to implement the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, FLORIDA, SERVING AS THE PLANNING AND ZONING BOARD OF UNION COUNTY, FLORIDA AND THE LOCAL PLANNING AGENCY, OF UNION COUNTY, FLORIDA, THAT:

Section 1. Pursuant to an application, LDR 18-03, by the Board of County Commissioners, to amend the text of the Land Development Regulations, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, recommends to the Board of County Commissioners that Section 2.1 entitled Definitions, General be amended by revising the following definition to read, as follows:

Mining: Mining means the extraction of natural deposits from the earth which are regulated by the State of Florida under Chapter 211, Florida Statutes, Part II and Chapter 378, Florida Statutes, and by County Land Development Regulations.

Section 2. Pursuant to an application, LDR 18-03, by the Board of County Commissioners, to amend the text of the Land Development Regulations, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, recommends to the Board of County Commissioners that Section 2.1 entitled Definitions, General be amended by adding the following definitions:

Excavation: Excavation means the removal and transport of earth materials, sometimes referred to as borrow activities. This definition excludes commercial mining operations such as limerock, phosphate, and sand mining operations, excavation associated with construction of stormwater management facilities, excavation activities governed by County subdivision regulations, and excavation associated with sod farming and removal activities, and tree farming activities.

Excavation and fill operation: Excavation and fill operation means an operation that involves the removal of surface and subsurface materials, including but not limited to earth, gravel, materials, minerals, peat, sand and soil, and replacing such material with clean debris.

Geologic features: Geologic features means a prominent or conspicuous characteristic of earth materials in the landscape.

Mining operation: Mining operation means a collective term referring to all aspects of the proposed mining scheme, including the plant, processing areas and total land area for which the applicant is applying for a permit.

Mining permit: Mining permit means a valid operating permit for the conduct of mining operations.

Mining unit: Mining unit means specified areas of land from which minerals are extracted in a specified period of time.

Significant geologic features: Significant geologic features means geologic features such as sinkholes, springs, caves, stream bluffs, escarpments, outcroppings and other karst features.

Section 3. Pursuant to an application, LDR 18-03, by the Board of County Commissioners, to amend the text of the Land Development Regulations, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, recommends to the Board of County Commissioners that Section 14.7 entitled Special Permits for Land and Water Fills, Dredging, Excavation and Mining is hereby deleted and replaced in its entirety to read, as follows:

SECTION 14.7 SPECIAL PERMITS FOR MINING, LAND EXCAVATION, AND FILLING ACTIVITIES

14.7.1 Purpose

The purpose of this Section is to regulate mining and land excavation and filling activities with provisions for reclamation and reuse such that these activities do not adversely affect established residential areas, conservation or environmentally sensitive areas identified on the Future Land Use Map, or adversely affect transportation corridors, the quality of air, groundwater, surface water, land and wildlife in the County.

14.7.2 Applicability

The requirements of this Section shall apply to all new or expanded mining or excavation and fill operations, and shall not affect the validity of any special permit for mining operations approved prior to February 15, 2016. No existing operation shall be expanded or otherwise modified without first being authorized in accordance with this Section. In addition, any mining or excavation and fill operation shall be subject to the requirements of this Section as part of any annual report, as required by Section 14.7.12, or as a result of an application to expand or modify the facility.

14.7.3 Exemptions

The activities listed below are exempt from the requirements of this Section.

1. **Approved Development.** Grading, land clearing, land filling, site development and related activities undertaken in accordance with an approved site and development plan, building permit, or similar permit issued by the County.
2. **Public Improvements.** Onsite excavation or filling in connection with the construction, maintenance or repair of a public facility or improvement carried out under the supervision of the County or the Florida Department of Transportation, or off-site borrow pits constructed on private property in conjunction with a County or Florida Department of Transportation Construction Permit. Off-site borrow pits on private property shall be subject to review by the Board of County Commissioners prior to commencement of any development activity.
3. **Minor Excavation or Filling.** Minor excavation or filling shall be any filling or excavation activity which involves the removal or filling of less than five hundred (500) cubic yards of material. For the purposes of this Section, a single site is defined to be one (1) parcel or a group of contiguous parcels under common ownership.
4. **Emergencies.** Filling or excavation activity undertaken in connection with the emergency filling of a newly formed or newly expanded sinkhole, or severe erosion problem, other subsidence or similar circumstances affecting the public health, safety, or welfare as determined by the County.
5. **Temporary Borrow Pit and Agriculture.** Temporary borrow pit operations of less than one-half (1/2) acre in size, the creation of irrigation, agricultural and agricultural water conservation purpose ponds approved by the Florida Department of Agriculture and Consumer Services or the United States Department of Agriculture.

14.7.4 Limitation on Exemptions

The activities identified in Section 14.7.3 shall not be considered exempt and must comply with the provisions of this Section, if the activity requires permits from a water management district, the Florida Department of Environmental Protection, or U.S. Army Corps of Engineers, or the activity occurs within a floodplain or conservation or environmentally sensitive area.

14.7.5 Permitted Location of Mining, Excavation and Fill Operations

Mining or excavation and fill operations may be permitted, subject to the requirements of this Section and other applicable requirements in these Land Development Regulations.

14.7.6 Special Permit Approval Required

Activities related to a new or expanded mining or excavation and fill operation shall not commence until a special permit for land and water fills, dredging, excavation and mining has been issued by the Board of County Commissioners and a development plan, meeting the conditions of the special permit, has been approved by the Board of County Commissioners.

1. Pre-application Conference. Prior to the submittal of an application for a special permit, the applicant shall request and participate in a pre-application conference with the Board of County Commissioners and/or Board of County Commissioners designated representative or consultant.
2. Neighborhood Workshop. An applicant shall hold a neighborhood workshop prior to submittal of a special permit application in accordance with the Neighborhood Workshop provisions of this Section, except for minor amendments to existing special permits.
 - a. Purpose. The purpose of a neighborhood workshop is to ensure early citizen participation in an informal forum in conjunction with a special permit application, and to provide an applicant the opportunity to understand and try to mitigate any impacts a special permit application may have on an affected community. These workshops ensure that citizens and property owners have an adequate opportunity to learn about special permit applications that may affect them and to work with the applicant to resolve any concerns at an early stage of the process. A neighborhood workshop is not intended to produce complete consensus on special permit applications, but to encourage applicants to be good neighbors and to allow for informed decision making. If a special permit applicant fails to hold a required neighborhood workshop, the County shall not accept that special permit application for review.
 - b. Public Notice. Public notice of a neighborhood workshop shall be provided as indicated below.
 - (1) Notice to County. An applicant holding a neighborhood workshop shall coordinate with the County prior to scheduling the workshop.
 - (2) Notice Required
 - (a) The applicant shall provide notification by mail. The County shall provide a mailing list to the applicant. The applicant shall mail these notices with proper postage a minimum of ten (10) days before the workshop. The mailed notice shall describe the proposal or request, the location, time and date of the workshop. A location map indicating the general boundaries of the property, with reference to the closest intersection of public streets, when possible. Notice shall be deemed mailed by its deposit in the mail, properly addressed and with postage paid.

The following information shall be submitted to the County for notice of neighborhood workshops. This information shall be submitted as part of the application packet for which the neighborhood workshop is required:

- (i) A notarized affidavit certifying that the notices were mailed in compliance with the standards of this Article;
- (ii) A copy of the mailed notice; and
- (iii) The name and address list of property owners and jurisdictions to which the mailed notices were provided.

Jurisdictions - All bodies of government, including other counties or municipalities, adjacent to land subject to the application shall be mailed a written notice of a workshop.

Notice for Neighborhood Workshops shall be mailed by the applicant to: Property Owners of the Subject Property - All property owners of the land subject to the application shall be mailed a written notice of a workshop.

Nearby Property Owners - The property owners listed below shall be mailed a written notice of a workshop. When land that is the subject of an application is contiguous to property under common ownership or control, the distance shall be measured from the boundaries of the entire ownership. When the distance

measurement from a property boundary as required below ends in a roadway, the property directly across the roadway shall also be mailed a written notice. Requirements for notice to abutting property owners shall mean those identified using the most recent available tax rolls at the time of development application.

- (i) **Abutting Property Owners.** All property owners within two thousand-six hundred and forty (2,640) feet of the boundaries of the property for application shall receive notice.
- (ii) **Neighborhood and Property Owners Associations.** If any dwelling within the required notification area is part of a neighborhood association or property owners association, and that information is a matter of record with the County, the association shall receive notice.

- (b) The applicant shall publish notice of the workshop in a newspaper of general circulation a minimum of ten (10) days before the workshop. The advertisement shall be a minimum of two (2) columns width and four (4) inches long. The advertisement shall be titled "Public Notice," with a description of the request and of the land involved by street address, if any, or by legal description or parcel number(s), the size of subject property rounded to the nearest one-ten of an acre, a location map of workshop, time and date of workshop, and contact information.

- (3) **Postponed Workshops.** New public notice consistent with this Section shall be provided for any rescheduled workshop.

c. **Neighborhood Workshop General Requirements**

- (1) **Workshop Time and Location.** The workshop shall start between 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. The initial workshop shall be held within the general area of the subject property. Additional workshops may be held but are not required.
- (2) **Workshop Summary.** The applicant shall submit to the County, as part of the application, a summary of the materials presented at the workshop, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, a copy of the workshop advertisement and a copy of the mailed notices sent to property owners.
- (3) **Workshop Elements.** At the workshop, the applicant shall present the following, as applicable:
 - (a) A general concept plan for the use of all included lands. Such plans shall indicate the general location of residential areas (including density and unit types), open space, active or resource-based recreation areas, natural areas (including wetlands and floodplains), and non-residential areas (including maximum square footage and maximum height).
 - (b) A plan of circulation showing the general locations and right-of way widths of roads, and access points to the external and internal thoroughfare network.

- 3. **Application Requirements.** An application for a special permit shall be submitted in accordance with this Article of the Land Development Regulations.
- 4. **Public Notice Requirements.** Published notice and posted notice shall be required for any application for a special permit in accordance with the procedures in Section 13.4 of these Land Development Regulations.
- 5. **Review by the Planning and Zoning Board**

- a. Planning and Zoning Board Public Hearing. All applications for special permits shall be considered by the Planning and Zoning Board at a public hearing, prior to a public hearing or action by the Board of County Commissioners.
 - b. Consideration of Special Permit Applications. The Planning and Zoning Board shall consider a proposed special permit utilizing the criteria for approval listed in this Section of these Land Development Regulations.
 - c. Planning and Zoning Board Recommendation. A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed special permits should be approved, approved with conditions or denied.
6. Action by the Board of County Commissioners
- a. Public Hearing. Upon receipt of the recommendation from the Planning and Zoning Board, the Board of County Commissioners shall hold a public hearing to consider a proposed special permit.
 - b. Action by the Board of County Commissioners. Following the public hearing, the Board of County Commissioners may take one of the following actions:
 - (1) Approve the special permit application;
 - (2) Approve the special permit application with conditions and limitations; or
 - (3) Deny the special permit application.
7. Criteria for Approval. The Board of County Commissioners shall, as part of a decision to approve an application for a special permit, make a finding that an application complies with both the general criteria and the review factors listed below:
- a. The proposed use is consistent with the Comprehensive Plan and Land Development Regulations;
 - b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
 - c. The proposed use shall not adversely affect the health, safety, and welfare of the public, and
 - d. Satisfactory provision and arrangements have been made concerning the following matters, where applicable:
 - (1) Ingress and egress to the property and proposed structures thereon with particular reference to automotive safety and convenience, traffic flow and control and access in case of fire or catastrophe;
 - (2) Off-street parking and loading areas where required, with particular attention to item (1) above;
 - (3) The noise, glare or odor effect of the special permit on surrounding properties;
 - (4) Refuse and service areas, with particular reference to location, screening and items (1) and (2) above;
 - (5) Utilities, with reference to location and availability;
 - (6) Screening and buffering with reference to type, dimensions and character;
 - (7) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
 - (8) Required yards and other open space;
 - (9) General compatibility with surrounding properties; and

- (10) Any special requirements set forth in these Land Development Regulations for the particular use involved.
8. Conditions and Safeguards. In granting any special permit, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with these Land Development Regulations. Failure to comply with the conditions adopted as part of a special permit shall constitute a violation punishable by the penalties and remedies outlined in Section 15.4 of these Land Development Regulations.
 9. Expiration of Special Permit. Approval of a special permit for a mining or excavation and fill operation shall be valid for a maximum of five (5) years, except for excavation, clean debris and land clearing debris operations, which shall be valid for a period specified in the special permit necessary for the completion of all operations including necessary reclamation.
 10. Amendment of Special Permit. An extension of time for an approved special permit may be granted as an amendment to the existing approval. Any changes to the approved conditions will also require an amendment to an approved special permit.
 11. Transfer of Special Permit. A special permit for a mining or excavation and fill operation may be transferred subject to the standards listed below.
 - a. Notification. The permittee of a special permit shall file a notice of transfer with the County, in a form approved by the County.
 - b. Evidence of Financial Responsibility. The transferee shall provide, in a form acceptable to the County, proof of financial responsibility as required by Section 14.7.13.

14.7.7 General Standards for Mining or Excavation and Fill Operations:

The standards listed below shall apply to all mining or excavation and fill operations.

1. Prohibited Activities. Unless permitted by a special permit, the activities listed below are prohibited in association with a mining or excavation and fill operation.
 - a. Surface Waters and Wetlands. Mining, excavation or filling shall not be permitted in surface waters or wetlands. Nor shall water be diverted from natural stream channels and drainage ways shall not be interrupted or relocated.
 - b. Operations in Groundwater. Mining, excavation or filling shall not be permitted in groundwater of the Floridan or intermediate aquifer systems, except as provided in the applicable requirements of the Florida Administrative Code. Groundwater withdrawals permitted as part of an approved mining or excavation and fill operation shall not result in a lowering of the potentiometric levels of the surficial shallow groundwater aquifer, intermediate groundwater aquifer, or Floridan Aquifer beyond the boundaries of the approved mining or excavation and fill operation.
 - c. Vibration. Vibration resulting from any mining or excavation and fill operation sufficient to cause damage of any kind to persons or property not included within the approved area of operation.
 - d. Blasting. Where specifically permitted by the conditions of a special permit, blasting or other use of explosives shall comply with all applicable federal and state standards.
 - e. Degradation of Water Quality. All surface drainage from site runoff shall be directed away from open pit excavations to avoid groundwater contamination. Pollutants or substance of any kind which may be detrimental to water quality shall not be permitted to enter the surface drainage system or the groundwater system through sinkholes on or adjacent to the site.
2. Limited Disposal of Materials. In a mining or excavation and fill operation, disposal of materials as fill is limited to clean debris and land clearing debris, unless specified by the approved special permit for the site.

Clean debris shall be limited to brick, glass, ceramic, and uncontaminated concrete including embedded pipe or steel. Land clearing debris shall be limited to uncontaminated soil and rock, tree remains, trees and other vegetative matter from land clearing for a construction project.

3. Hours of Operation. Mining or excavation and filling activities shall be limited from 6:00 a.m. to 8:00 p.m., Monday through Saturday. More limited hours of operation may be imposed at the time of approval of the special permit.
4. Access Routes. Mining or excavation and fill operations shall be permitted only at sites served by roads adequate to accommodate the projected truck traffic. Access shall not be permitted from an interior road through a platted subdivision unless the excavation and fill is specifically designed to facilitate the completion of the subdivision in which the haul route is located. Haul roads through platted subdivisions must be closed prior to the issuance of the first Certificate of Occupancy along the haul road. If access to a site is over an unpaved segment of public road, the operator shall be responsible for maintenance of the unpaved segment in a satisfactory operating condition.
5. Temporary Road Stabilization. On the site of mining or excavation and fill operations, the use of milled or crushed asphalt is permitted for road stabilization. Asphalt used for this purpose may be stored temporarily within an unexcavated area or a reclaimed area of the site. The material shall be removed from a roadway when it is no longer in use, and onsite disposal or burial of asphalt is prohibited. The special permit shall include an identification of all areas proposed as asphalt or material storage areas and procedures for the disposal of material utilized for temporary road stabilization.
6. Dust Controls. Mining or excavation and fill activities shall be operated in a manner that shall minimize fugitive dust emissions. Dirt roads within the site and unpaved public roads in the vicinity used for access to and circulation within the project may require dust retardant treatment at the expense of the operator. The use of suppressants as a dust retardant technique shall be evaluated by the Board of County Commissioners and receive approval before their use is permitted. Natural vegetation shall not be removed within any required setback or buffer areas, or from any area of the site prior to excavation of that area.

14.7.8 Site Development and Operational Standards

All mining or excavation and fill operations, activities and structures shall comply with the standards in this Section for site development and operations on site. Existing mining, excavation and fill sites or reclamation projects operating with current and valid special permits originally approved prior to February 15, 2016 shall be exempt from the operational standards found in this section unless otherwise required as a condition of the special permit.

1. Setbacks. Each operation shall comply with minimum setbacks, based on features on or adjacent to the site and the future land use classifications of properties adjacent to the site, as established in Table 14.7.7.1 below. An additional setback of five hundred (500) feet to the setback distances as established in Table 14.7.7.1 below shall be provided from all beneficiation facilities and associated infrastructure.

Table 14.7.7.1
Minimum Setbacks for Mining or Excavation and Fill Activities

Natural Features or Adjacent Future Land Use Designations	Minimum Required Setback from Property Line or feature (in feet)	
	Mining Activities ^{1,2}	Excavation and Fill Activities ³
Public right-of-way or public or private utility easement	200 feet	50 feet
100-year floodplain	200 feet	200 feet
Wetlands	500 feet	250 feet
Surface water	500 feet	250 feet
Significant geological features	500 feet	250 feet
Potable water wells	500 feet	500 feet
Inhabited residential structures	1,000 feet	150 feet
Schools	500 feet	250 feet
Conservation Future Land Use Classification	1,000 feet	250 feet
Residential Future Land Use Classification	1,000 feet	150 feet
Commercial Future Land Use Classification	250 feet	150 feet
Public Future Land Use Classification	500 feet	250 feet
Recreation Future Land Use Classification	500 feet	250 feet
Industrial Future Land Use Classification	200 feet	100 feet
Agriculture Future Land Use Classification	200 feet	100 feet
Designated Urban Development Area	1,000 feet	150 feet

¹Includes processing and material separating facilities, mechanical draglines, ponds or structures for settling, thickening, tailings and slime.

²Includes beneficiation facility and associated infrastructure.

³Includes mechanical draglines, spoil piles, stockpiles, or storage of materials.

2. Screening and Buffering

- a. Visual Buffers. A vegetated landscaped buffer of at least fifty (50) feet in width shall be provided along the entire boundary of the mining or excavation and fill site. Where the site is adjacent to or within one thousand (1,000) feet of a residential land use or an inhabited residential structure or school, a vegetated landscaped buffer of at least one hundred (100) feet in width shall be provided. Points of access shall be given exception from these minimum buffer requirements. To the greatest extent possible, natural vegetation and foliage existing on the site shall be retained to establish buffers. If the natural vegetation and foliage does not provide adequate visual buffer or noise attenuation, additional plantings, fences, earth berms or similar materials may be required.
- b. Buffer for Significant Geologic Features. Buffers to significant geological features that have a direct connection to the surficial shallow groundwater aquifer, intermediate groundwater aquifer or Floridan Aquifer shall be a minimum of one hundred (150) feet.

3. Setbacks Where Blasting Proposed. Where blasting is proposed as part of the mining operation, setbacks sufficient to protect significant geologic features, including subsurface conduits, are required.

4. **Maximum Heights**
 - a. **Buildings and Structures.** All buildings and structures shall comply with the height of the zoning district in which the mining or excavation and fill operation is located, and may be further limited by the conditions of the special permit.
 - b. **Stockpiles, Spoil Piles, and Storage of Materials.** Stockpiles, spoil piles or storage of excavated materials shall not exceed fifty (50) feet in height, and may be limited further by the conditions of the special permit.
5. **Fencing and Security.** Unless otherwise provided by the Board of County Commissioners, each mining or excavation and fill site shall be completely enclosed by a fence consisting of chain link, field wire, or other material not less than six (6) feet in height, with a heavy duty, locking, security gate at each access point. All gates shall be kept locked at all times unless an employee of the owner or operator is on site. All fences and gates shall prominently display permanent “No Trespassing” signs a minimum of every five-hundred (500) feet.
6. **Test Borings.** For proposed new or expanded mining or excavation and fill operations, test borings shall be required to delineate geologic conditions, and to determine the interface between the surficial, intermediate and Floridan aquifers and the location of groundwater tables on a site. In existing operations, new test borings shall be performed prior to development of new excavation or mining area. At a minimum, the test borings shall comply with the standards listed below.
 - a. **Minimum Depth.** All borings shall be conducted to a depth of not less than ten (10) feet below the deepest proposed mining or excavation.
 - b. **Maximum Space.** All boring shall be spaced at a maximum of five-hundred (500) foot interval in two (2) transverse directions.
 - c. **Log Content.** The boring log shall indicate the location coordinates, surface grade elevation, geologic description and thickness of all strata encountered, including topsoil, overburden mineral deposit or material to be mined or excavated and material immediately underlying the mineral deposit or material, and the position of the groundwater in relating to individual borings.
7. **Filling in Surficial Aquifer.** Filling may be permitted in groundwater of the surficial aquifer system, in excavation and fill operations or in limestone pits or quarries, but shall be limited to clean soil or rock materials including sand, clay, or limestone. Exceptions to these standards may be considered if liners, leachate collection systems and cover systems are proposed for a site. Prior to mining operations, surface and groundwater hydraulic and hydrologic modeling must be conducted and adequately demonstrate post-mining reclamation hydrology associated with surface waters and wetlands, surficial shallow groundwater aquifer and intermediate groundwater aquifer water elevations will match pre-mining conditions. This includes demonstrating mining activities (e.g. excavation and filling voids) and post-reclamation soil characteristics (e.g. structure, permeability, infiltration), landscape features (e.g. open water ponds, constructed contours above and below surface waters) and associated surficial and groundwater hydrology and hydraulic gradients will retain water resource and contributing watershed conditions, including existing and proposed surface waters, wetlands (with appropriate hydroperiods) and floodplains.
8. **Groundwater Standards.** For each mining or excavation and fill operation, a groundwater quality monitoring plan shall be installed according to the standards of the Florida Department of Environmental Protection. Groundwater quality on each site of a mining or excavation and fill operation shall be monitored according to the standards of the Florida Department of Environmental Protection, and all test results from monitoring wells shall be provided to the County. For the purpose of sampling and analysis to gather baseline data regarding groundwater resources, the County shall have access to all test wells on site.

9. Dewatering. Dewatering operations shall be planned and controlled so as to provide minimum drawdown of the shallow groundwater table. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent wetlands area shall be terminated until such time as a satisfactory plan is approved by the Board of County Commissioners to maintain water levels in such areas.
10. Planned Water Bodies. Planned water bodies or groundwater lakes incorporated in the final reclamation plan are required to meet the following standards:
 - a. A minimum of ten (10) percent of the lake shall be refilled to shallower depths of two (2) to four (4) feet in order to encourage aquatic plant growth and fish propagation.
 - b. If side slope different from the ten (10) percent ratio are proposed, terracing may be utilized, subject to approval by the Board of County Commissioners for an engineering evaluation of the long-term stability of such slopes.

14.7.9 Additional Excavation and Fill Operation Requirements

1. Method of Excavation. The method of excavation shall be planned so that the greatest volume of earth can be moved without resulting in deep holes scattered throughout the site. The use of the land shall be so that excavation is brought to the permitted depth at one (1) part of the property and then proceeds to the remainder of the property.
2. Depth of Excavation. Where the Floridan Aquifer is unconfined, excavation shall be permitted no deeper than fifteen (15) vertical feet above the top of Floridan Aquifer, to ensure that a minimum of fifteen (15) feet of undisturbed soil remains above the wet season high water table or limestone. Field adjustments shall be made as necessary to accomplish this intent. A land surveyor licensed in the State of Florida shall establish accessible benchmarks on five-hundred (500) foot centers within the limits of the areas of the active excavation reflecting the limits of excavation depth to ensure fifteen (15) feet of undisturbed soil remains above the top of the Floridan Aquifer.
3. Continuous Reclamation. Permanent vegetative cover shall be established in five (5) or ten (10) acre increments. Upon filling of five (5) acres of the site, a soil cap shall be placed and permanent vegetative cover shall be established so that no more than ten (10) acres of the site is being actively filled. For those areas that are not planned for backfilling, 1:4 (rise: run) side slope shall be created and permanent vegetative cover established on these slopes. Final grading and establishment of permanent vegetation shall occur on an area-by-area basis as backfilling is completed so that reclamation takes place in conjunction with excavation and fill. Reclamation shall be continuous, and shall commence immediately after activity within an area of the site. Revegetation of all areas shall be accomplished no later than ninety (90) days after the completion of other aspects of reclamation. Vegetation types utilized shall consist of grasses to be used for hay/sod production or native species replicating natural habitat that are well adapted to the soil conditions and terrain features on the site.

14.7.10 Additional Mining Operation Requirements

1. Method of Excavation. All excavation of overburden shall be accomplished in a manner conducive to segregated stockpiling of differing geologic materials. Topsoil, clean sands and clayey soils shall each be stockpiled separately or layered in stockpiles in such a manner as to avoid commingling of differing geologic materials, and in all cases care shall be taken to avoid contaminating topsoil with clayey materials.
2. Soil Restoration. Upon completion of the mining operation, restoration of the ground surface shall be accomplished by replacement of each of the differing soil types in reverse sequence from that in which they were removed. Each separate layer, horizon or geologic strata shall be replaced and consolidated before the succeeding layer is replaced. Topsoil uncontaminated with clayey materials shall be placed as the final surface cover on all mining operations.

3. Final Contours. Contours shall be as close as possible to those existing originally on the site unless the reclamation plan has established an alternate set of contours as being more desirable for the final intended use of the reclaimed land. If the nature of mining operations is such that quantities of available spoil material are not adequate for restoration to original contours, then the site shall be reclaimed so that no slope is steeper than one (1) foot of vertical run to six (6) feet of horizontal run, except in the case of limerock cuts, which shall be left at a stable slope. The final contours of created water bodies should resemble the same characteristics of natural north Florida lakes, including a variety of emergent habitats, balance of deep and shallow water, fluctuating water levels, high ratios of shoreline length to surface area and variety of shoreline slopes.

14.7.11 Required Materials for Special Permit Review

The information in this Section shall be submitted by an applicant as part of special permit review.

1. Project Description. A general project description of the proposed or expanded mining or excavation and fill operation shall include the following, as applicable:
 - a. Types of minerals or materials to be mined or excavated on the site;
 - b. The nature of materials to be used for fill, including clean debris, construction and demolition debris, or similar materials;
 - c. Estimated total area, in acres, to be mined or excavated and filled;
 - d. Proposed approximate dates for beginning and completing all mining or excavation and fill operations;
 - e. Proposed days and hours of operation;
 - f. Proposed method for onsite process of minerals or materials;
 - g. Proposed method for receipt, stockpiling and fill of clean debris or construction and demolition debris;
 - h. A description of truck or transportation routes to be used for transport of minerals, materials or fill, onsite and within one-thousand (1,000) feet of the site;
 - i. A description of how the minerals or materials are to be transported to and from the site, including all types and sizes of carriers to be utilized;
 - j. The anticipated number of trips per day to and from the site; and
 - k. The destinations to which minerals and materials will be transported, and a description of any trans-shipment points and changes in mode of transport.
2. Location Map. This map shall show the location of the site and boundaries of property lines in relation to state and County roads.
3. Georectified Aerial Photograph. A georectified aerial photograph taken within one (1) year of application submittal, showing property lines and areas proposed for mining, excavation or fill.
4. Development Plan. This graphic shall include the following features:
 - a. All property lines within five-hundred (500) feet of subject property;
 - b. Public and private roads, paved or unpaved;
 - c. Planned access for public or private roads;
 - d. Utility lines and easements on site;
 - e. Septic tanks and drain fields on site;
 - f. Conservation areas on or adjacent to site;

- g. The approximate location and acreage of existing and proposed mining excavation and fill areas, with a legend relating approximate time frames of activity within these areas;
 - h. Cross-section of the proposed depth of areas to be mined or excavated and relationship to the wet season high water table and geologic material, based on test borings performed on the site;
 - i. Proposed location of groundwater monitoring wells on the site;
 - j. Proposed location of buildings and structures on site, including pipelines;
 - k. Proposed location and height of milled asphalt storage piles, stockpiles, and spoil or other excavation materials;
 - l. Proposed location of tanks for liquids stored on the site;
 - m. Location of all fences, walls, earth berms, and vegetative buffers to be installed or existing on site;
 - n. Dimensions and total square feet of existing and planned impervious areas on the site;
 - o. Location and dimensions of planned stormwater management facilities;
 - p. Setback proposed for all structures and operations; and
 - q. Existing potable water wells within five-hundred (500) feet of the site boundaries.
5. Floodplain Map. A Federal Emergency Management Agency Digital Flood Insurance Rate Map depicting one-hundred (100)-year floodprone areas. The map shall include property lines of the proposed mining activities and/or excavation and fill site. The Board of County Commissioners shall have the right to require the applicant to submit data to establish the location of the one-hundred (100)-year floodprone area.
 6. Soils Map. A map of generalized soils, with property lines delineated. Natural Resource Conservation Service maps may be used for general reference.
 7. Site Topography. A map of topography showing property lines and contour lines on the site at a maximum of two (2) foot intervals.
 8. Water Resources. A map of all delineated wetlands on the site. The map shall show the proposed location of test wells on the site which will be used to determine average and seasonal high water table depths and the direction of flow gradient.
 9. Survey Site. The survey shall include all areas subject to the application and a legal description. The survey shall have been completed no more than one (1) year prior to the application submittal. The survey shall include locations and elevations of required five-hundred (500) foot-centered benchmarks in areas designated for mining, excavation, or fill.
 10. Environmental Assessment. An environmental assessment shall be submitted in order to assess the potential adverse impact to natural resources and historic resources. The assessment shall be prepared by person(s) qualified in the appropriate fields of study, conducted according to professionally accepted standards, and based on data that is considered to be recent with respect to the resource. Names, qualifications and resumes of all personnel involved in the assessment, and their roles with respect to the assessment, shall be attached, if not already on file with the County. The requirements of the natural resources assessment consists of the following:
 - a. Methodology. The assessment shall use and report professionally accepted scientific methodology specific to each natural and historic resource onsite, in order to assess the actual and potential presence of natural and historic resources. The assessment shall include background research and analysis of available existing data, as well as ground-truthing. Field surveys shall be conducted during the seasons, times of day and field conditions under which each natural and historic resource characteristic would most likely be observed, otherwise presence will be presumed.

- b. Minimum contents. The assessment shall include site-specific identification, mapping and analysis of each natural and historic resource or characteristic present on the site, and background research and analysis with aerial map review and fence line ground-truthing of resources adjacent to the site (same or contiguous tax parcels). At a minimum, the following shall also be provided:
- (1) Cover letter and/or executive summary, including written explanation of the need and intent of the project, description of construction or alteration methodologies, and signed statement as to the likely presence of regulated natural or historic resources.
 - (2) Maps drawn to scale, including a north arrow and scale showing the following:
 - (a) Location of project site in relation to major roads or other readily identifiable landmarks, showing parcel boundaries with dimensions.
 - (b) Existing roads, structures, wells, utilities, and other existing conditions and noteworthy features.
 - (c) Identification of all regulated natural and historic resources, labeled by resource type.
 - (d) General vegetation characteristics and quality.
 - (e) General soil types.
 - (f) Proposed location of protected conservation resources and open space.
 - (g) Potential connections to existing green space, open space, trails, and adjacent preservation or conservation resources.
 - (3) Data and analysis that includes assessment and evaluation of the following:
 - (a) Existing quality and characteristics of regulated natural or historic resources.
 - (b) Impact of the proposal on each individual natural resource and on the ecosystems in which they function.
 - (c) Proposed measures to protect natural resources, or to avoid, minimize, or mitigate impacts on natural resources.
 - (d) Methods of stormwater pollution prevention.
- c. Additional information. Additional data and analysis may be required as appropriate for the complexity of the proposed activity and types of natural or historic resources identified. Such information may include but is not limited to:
- (1) Copies of historical and recent aerial photographs, topographic and other resource maps reviewed.
 - (2) Land use and land cover classifications per Florida Land Use Classification Code or Water Management District systems.
 - (3) Wetlands, surface waters, or 100-year floodplains identified by the National Wetlands Inventory, United States Geological Survey, Water Management Districts, or Federal Emergency Management Agency.
 - (4) Wildlife corridors, biodiversity hot spots, strategic habitat conservation areas, or element occurrences identified by the Florida Fish and Wildlife Conservation Commission, Florida Natural Areas Inventory or Florida Department of Environmental Protection.
 - (5) Field surveys that provide for actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests or evidence of feeding), population estimates, and occupied habitat boundaries.

- (6) Inventories of natural or historic resources within an expanded planning parcel that includes additional lands under common ownership or control, or additional lands within a designated resource planning area.
 - (7) Detailed assessment beyond project boundaries which are necessary to understand the scope of impact of proposed activities on areas not included in a proposal involving only a portion of a parent tract.
 - (8) A mitigation and monitoring plan.
 - (9) A resource management plan.
11. Hazardous Materials Management Plan. A hazardous materials management plan shall be submitted to establish a mining or excavation and fill operation or to extend the approval period of such operation. This plan shall be evaluated and found adequate by the Board of County Commissioners as a condition of final approval. A hazardous materials management plan shall address, but is not limited to the following;
- 1. Establishment of procedures for the prevention of releases of hazardous materials into the natural environment, including air, groundwater and surface water resources;
 - 2. Establishment of procedures for identification, removal, disposal and remediation of release of hazardous materials into the natural environment;
 - 3. Identification and use of proper procedures to prevent improper release into the environment of vehicle maintenance materials used on site, including fluids, lubricants, oils and similar materials, and to ensure such materials are utilized and disposed of in accordance with manufacture's specifications;
 - 4. Establishment of procedures for the identification, collection and disposal of wastes, other than clean debris or land clearing debris, that may be delivered to approved excavation and fill sites; and
 - 5. Establishment of a method for monitoring the identification, disposal and mitigation of adverse impacts from authorized materials.
12. Waste Management Plan. A waste management plan for the handling of unauthorized waste shall be established for the purpose of outlining procedures for properly managing the removal and disposal of such wastes identified on the site. This plan shall be evaluated and found adequate by the Board of County Commissioners as a condition of final approval of the special permit for mining.
- a. Effect of Unauthorized Materials Present on Site. If unauthorized materials are present on site and can, based upon the specific nature of such materials and their threat to groundwater quality, or the amount of such materials on site, or the location of such materials in relation to groundwater resources, the Board of County Commissioners may authorize monitoring of the threat of such materials to contaminate water quality.
 - b. Materials Used On Site. Any materials such as lubricants, hydraulic fluids, oils or other materials used in equipment maintenance shall be properly stored, collected and disposed of. The management plan shall outline spill cleanup and disposal procedures to deal with lubricants, oils and similar materials used on site but not within the scope of the permit for disposal on site.
13. Groundwater Quality Monitoring Plan. A water quality monitoring plan, prepared by the applicant, shall be required for one (1) or more of the following: new mining or excavation and fill operations; expansion of existing mining operations; as part of an annual review of an approved special permit, existing mining or excavation and fill conducted where similar previous site activities may have degraded groundwater or surface water quality; or in instances where there is evidence of disposal of prohibited material. A water quality monitoring plan shall include the information listed below.

- a. The type of device or procedure to be installed or followed.
 - b. The monitoring, sampling and reporting schedule to be followed.
 - c. The proposed depth, locations and construction details for monitor wells or water quality monitoring stations.
 - d. The proposed water sampling program with anticipated sampling schedule and parameter coverage. A proposal for the compilation of data and the submission of reports to the Board of County Commissioners.
 - e. A proposal for the compilation of data and the submission of reports to the Board of County Commissioners.
14. Reclamation Plan. A reclamation plan, prepared and sealed by a professional engineer, shall be submitted with the application for a mining or excavation and fill operation. The plan shall describe the proposed mining and land reclamation operations and procedures to be followed for a minimum period of five (5) years. The plan shall include the information required herein and shall comply with applicable federal, state or water management district requirements.
- a. Reclamation Plan General Requirements
 - (1) Areas to be Reclaimed. The total area of the entire mined, excavated or otherwise disturbed area that is to be reclaimed, in both percent of site area and total acres, as well as an annual schedule for the areas to be reclaimed.
 - (2) Reclamation Methods. A description of the manner in which restructuring, reshaping and revegetation will be accomplished.
 - (3) Reclamation Timetable. A timetable detailing the estimated time periods for stages of reclamation and reuse after the mining, excavation and fill activity has been completed. A time limit for completion of reclamation shall not be placed on areas reserved for slime ponds or settling ponds in mining operations.
 - (4) Potential Future Users of Site. The potential and planned uses of the reclaimed area and an analysis of how proposed reuse complies with the Comprehensive Plan. Areas utilized for mining or excavation and fill operations shall not be reused for residential purposes, except where engineering data is submitted showing that there has been adequate compaction to allow the type of residential construction proposed.
 - (5) Final Buffers and Screening. The location of fences, walls, earth berms or vegetative buffers required for reclamation.
 - (6) Proposed Erosion Control. Proposed erosion control measures, including final site grading, final slopes and the locations and types of trees, grasses or other plant materials to be utilized.
 - (7) Water Bodies and Stormwater Facilities. The location, size and water elevations of any water bodies or stormwater facilities proposed as a permanent feature following mining operations. The proposed method for retaining water levels in permanent lakes.
 - (8) Site Plan Maps. The maps of the entire mined, excavated or otherwise disturbed area that is to be reclaimed, all drawn at the same scale, showing pre-mining and conceptual reclamation, contours and water bodies. As well as, pre-mining and post-reclamation vegetation, using the Florida Land Use cover Classification System or Codes.
 - b. Phosphate Mine Reclamation Plan. A phosphate mine reclamation plan shall be consistent with Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder, and any amendments to Chapter 378, Part II, Florida Statutes, and administrative rules adopted

thereunder, promulgated after adoption of the ordinance from which this Section of the Land Development Regulations is derived and the provisions contained in this Section.

- (1) The Board of County Commissioners may require a more expeditious reclamation schedule than required by Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder in order to minimize impacts to neighbors, wetlands, off-site drainage, or floodplains. Reclamation land types shall be defined by Florida Land Use Classification Code System or Florida Department of Environmental Protection habitat types.
- (2) Agricultural lands. Land reclaimed for agricultural use shall meet the following standards:
 - (a) Topography. The land shall be sufficiently level and free of holes, gullies and washouts to permit safe operation of conventional farm and agricultural equipment.
 - (b) Stability. The land shall have settled and firmed to the extent that it will support conventional farm and agricultural equipment and that livestock will be able to walk on the surface of the land.
 - (c) Slope. The land surface shall be returned to the elevations approved by the County and the slope of all land, except dikes and low profile berms, shall not be steeper than 4:1.
- (3) Pine flatwoods. Pine flatwoods are by far the dominant plant community in the County. Pine flatwoods areas disturbed by phosphate mining shall be reclaimed with native species of trees, shrubs, forbs and grasses to re-establish the general distribution of native flora necessary to ensure suitable wildlife habitat, giving consideration to plant diversity, edge-effect and escape cover. The goal will be to achieve suitable livestock carrying capacity by utilization of low management native forages while secondary benefits such as wildlife, timber and aesthetics are maintained.
- (4) Lakes and other water bodies. Lands reclaimed as lakes and other water bodies shall meet the following standards:
 - (a) Littoral zones. For the purposes of establishing an area that will sustain fish and wildlife, and to provide a measure of nonstructural water quality maintenance, the applicant shall establish a littoral zone below the mean water level along the shoreline and within a central area of the lake. The applicant may provide for alternative littoral zone placement for meeting requirements herein which would result in more beneficial environmental and wildlife impacts than strict adherence to the requirements of the Land Development Regulations. Such alternative methodology shall follow generally accepted scientific principles and must be approved in writing by the County.
 - (b) Perimeter berms and swales. For the purposes of ensuring water quality control and to provide for a measure of long-term water quality maintenance, the applicant shall construct a low profile perimeter berm and swale system designed to intercept and filter overland runoff before allowing it to discharge into the lake. In addition to this requirement, applicant shall provide alternative nonstructural means for meeting requirements herein which would result in more beneficial environmental and wildlife impacts than strict adherence to the requirements of the Land Development Regulations. Such alternative methodology shall follow generally accepted U.S. Department of Agriculture Best Management Practices for Riparian/Lacustrine Buffers and must be approved by the County.

- (c) Lake depth. The requirements in Chapter 62C-16.0051 (Mandatory Phosphate Mine Reclamation Rule), Florida Administrative Code, as it may be amended, shall apply to lake depths.
 - (d) Soil stability. All banks and slopes shall be stabilized with self-sustaining vegetation. No evidence of excessive erosion shall exist. No evidence of unplanned channel development shall exist.
 - (e) Native species. The applicant shall demonstrate, using generally accepted scientific methodology, that healthy and self-propagating native grasses and forbs shall be established and that the reforestation of native trees shall be accomplished.
- (5) Revegetation. To ensure timely and successful establishment of ground cover and suitable habitat diversity, the applicant shall comply with the following criteria:
- (a) Diversity:
 - i. Improved pasture: Not applicable.
 - ii. Pine flatwoods: In general, flatwoods have a low diversity of tree species. Understory plants common to flatwoods are wire grass, saw palmetto, wax myrtle, mulberry and fetterbush.
 - (b) Density/cover:
 - i. Improved pasture: Eighty (80) percent ground cover of perennial vegetation following one complete growing season. Bare areas shall not exceed one-fourth acre.
 - ii. Pine flatwoods: Twenty (20) trees per acre with adequate native vegetative ground cover to prevent erosion after one complete growing season. Fifteen (15) trees per acre with a minimum height of one meter after five years. Fifty percent ground cover of herbaceous flatwoods species after one complete growing season shall be established.
 - (c) Other protections:
 - i. Improved pasture: Not applicable.
 - ii. Pine flatwoods: Protection from grazing, mowing or other land uses to allow establishment for a minimum of five (5) years following planting.
 - (d) Measurement:
 - i. Improved pasture: Point intercept method on ten-acre units with total number of points submitted to County for prior review and approval.
 - ii. Pine flatwoods: Point intercept method according to acceptable practices.
15. Mining Operation Plan. The plan shall contain information regarding proposed mining and excavation on the site, including but not limited to the following information:
- a. The ultimate method for disposal of stockpiles, spoil piles or other materials stored on the site;
 - b. The proposed dewatering plan, including the method of disposal for water created by the process, the location and size of any disposal area, and the method of treatment of any waters to be discharged offsite or into surface waters;
 - c. Estimated annual water consumption, in gallons per day, for all operations and activities;
 - d. Proposed uses of water recycling or reclamation process or techniques in gallons per day;

- e. Proposed transfers of water from one (1) watershed or basin to another, including amounts in gallons per day;
- f. Proposed importing of water from another source, including identification of source, amount in gallons per day, length of transfer in miles, and method of transfer;
- g. The anticipated amount of waste, tailing and similar materials to be produced and plans for disposal including the size and nature of treatment facilities located onsite;
- h. The anticipated amounts of airborne emissions from the mining operation, including all equipment, transportation, processing or other sources; and
- i. A complete description, including process flow diagram, of any proposed mineral-resource processing operation to be conducted on the site.

14.7.12 Annual Report

An annual report of any approved special permit for any mining or excavation and fill operation shall be submitted no later than October 1st of each year. Failure to file an annual report shall be grounds for suspension of an approved special permit and operations on the site. This annual report requirement shall apply to all existing approvals for mining or excavation and fill operations. All reports shall include, at a minimum, the information listed below:

1. **Development Plan Update.** A graphic illustration, utilizing the approved development plan for the mining or excavation and fill operation, showing changes to the site during the previous twelve (12) months due to mining, excavation, fill, placement of overburden or materials and similar changes based upon the operations on the site. This graphic shall include an as-built survey. The survey shall include current topographic contours and current survey elevations at five-hundred (500) foot centered benchmarks to ensure compliance with permitted excavation depths. The graphic shall show the location and acreage of existing excavation, filled, and reclaimed areas, as well as areas proposed for excavation, fill, and reclamation over the next twelve (12) months. The graphic shall also show the location of milled asphalt storage piles on the site.
2. **Operations Update.** A written report summarizing the changes occurring to the site during the previous twelve (12) months, accompanied with tabular data indicating the approximate number of acres changed due to mining, excavation, fill and reclamation. The report shall address how such changes are consistent with the requirements of this Section, all applicable approved plans and all conditions of approval of the special permit.
3. **Report of Waste Stream.** A monthly compilation of the incoming waste stream over the last year, including total amounts (in tons or cubic yards) of waste received, as well as the total amounts disposed of at the site, recycled at the site, or transferred to another location for property disposal or recycling.
4. **Monitoring.** The result of monitoring programs, such as groundwater quality monitoring, that are required by the approved special permit.
5. **Status of Plantings.** An update on the status of required plantings in buffers, stormwater facilities, and reclaimed areas, including the number of surviving plantings and any plantings made to maintain required survivorship as defined by the approved development plan.
6. **Certification.** Certification by a professional engineer that all mining or excavation and fill operations are carried out in compliance with the approval granted by the Board of County Commissioners, the approved master mining or development plan, all applicable federal, state, water management district or County requirement and in accordance with generally accepted engineering practices.
7. **Enforcement Actions.** A description of all code enforcement, legal or other enforcement actions pertaining to the property or operation, initiated by the County or other governmental agency in the preceding twelve (12) months, and the disposition or status of such actions.

14.7.13 Bond and Surety Requirements

1. **Liability for Mining or Excavation and Fill Operations.** The owner and operator of a mining operation shall have absolute liability and financial responsibility for any damage to public or private property, human, animal or plant life, or any mineral or water-bearing geological formation incurred due to mining or excavation and fill operations, failure of any dam, spillway or outlet structure of a settling or thickening pond, or failure to property reclaim mined-out lands.
2. **Bond for Reclamation Required.** As a condition of special permit approval, the Board of County Commissioners shall require posting of a reclamation bond. The bond shall guarantee funds in an amount of one hundred and ten percent (110%) of the estimated cost to complete all required reclamation of a mining or excavation and fill operation, and may be increased to ensure the financial resources to complete reclamation, including placement of a soil cap and revegetation. The bond shall be maintained in perpetuity or until reclamation occurs, and the Board of County Commissioners may withhold a specified portion of the reclamation bond to ensure the reclamation is completed properly.
 - a. **Forms of Security.** Acceptable forms of security may include but are not limited to, a letter of credit, surety bond or cash bond.
 - b. **Retention of Security.** The financial security shall be held by the County until the reclamation plan is implemented and completed for the entire site under permit. Proof of sureties posted with the Florida Department of Environmental Protection shall satisfy this requirement.
 - c. **Alternate Form Security.** The security may be provided in an alternate form acceptable to the County Attorney.
 - d. **Posting of Security.** The financial security shall be reviewed by the County Attorney, and shall be posted prior to issuance of approval and the initiation of any land excavation and fill operations.
 - e. **Partial Release Security.** If it is determined that the partial completion of reclamation activities reduces the costs of further reclamation, the amount of the financial security may be reduced.
 - (1) At no time shall the security be less than one-hundred and ten (110) percent of the cost of uncompleted reclamation activities.
 - (2) Reduction in the amount of the financial security shall not occur more often than once in each calendar year.
3. **Exemptions from Providing Bond or Surety.** The following shall be exempt from the requirements of financial security required by this Section:
 - a. Mining or excavation and fill operations that may provide proof of a reclamation bond issued to the Florida Department of Environmental Protection or other regulatory agency that guarantees funds in an amount sufficient to complete all required reclamation of a mining or excavation and fill operation.
 - b. Units of local, regional, state and federal government operating on government-owned property.

14.7.14 Annual Inspection

In addition to fees for the processing of applications for special permit, the Board of County Commissioners shall impose an annual permit fee for all mining and excavation and fill operations. A separate fee shall be charged for each special permit approving mining, excavation or fill operations. This fee will be due and payable on October 1 of each year and shall cover the period beginning October 1 and ending September 30 the following year. In the instance of an operation involving both excavation and filling activities, one (1) fee for both operations shall be imposed. A reduced fee shall be charged for inactive excavation and fill

operations. The owner of each excavation and fill operation shall be responsible for notifying the Board of County Commissioners prior to October 1 of each fiscal year if an excavation and fill operation is inactive. Within this section, the term inactive shall mean that no activity commonly associate with an exaction and fill operation has occurred at the site for period of at least ninety (90) days. Notwithstanding the provisions of this section, no unit of local, state or federal government shall be assessed the annual inspection fee.

14.7.15 Surface Waters and Wetlands

1. Purpose. It is the purpose if this Section to preserve, protect, and improve the public health, safety and general welfare of the citizens of the County, and to conserve and protect open bodies of water and flowing streams, wetlands, and the natural and scenic resources of County and to implement the County Comprehensive Plan.
2. Applicability.
 - a. Waters Included - Surface waters is a comprehensive term that includes all rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface. Wetlands comprise a specific subset of surface waters that meet certain hydrologic, vegetative and soil criteria (see full definition in Article II of these Land Development Regulations).
 - b. Regulated Activities - Except as otherwise expressly provided in this section, no alteration shall occur in, or over a surface water or wetland area or buffer, and no alteration shall occur adjacent to or connected to a surface water or wetland area, such that the water regime is modified in a way that precludes the area in question from maintaining surface water or hydroperiod necessary to sustain wetland structure and function equivalent to pre-alteration levels.

14.7.16 Jurisdiction and Delineation

The County shall have regulatory authority over all surface waters and wetlands located within the unincorporated area of the County.

1. Delineation Methodology - The County shall utilize the uniform statewide methodology adopted by the Florida Department of Environmental Protection and water management districts to delineate wetlands, as outlined in Florida Administrative Code Rule 62-340.300 for wetlands, and Rule 62-340.600 for surface waters. The County shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation.
2. General Mapping - The locations and general extent of surface waters and wetlands in the County are depicted on multiple digital map sources, including: the United States Department of the Interior, United States Fish and Wildlife Service, 1985, National Wetlands Inventory; the United States Geological Survey, Hydrography; the United States Department of Agriculture Natural Resources Conservation Service, Hydric Soils; and Water Management District Wetlands Mapping, 1995. The maps are intended for use only as a general reference for determining location and approximate extent surface wetland. The provisions of this Section shall apply to all surface waters and wetlands, and adjacent areas, shall not be limited to those depicted on maps described above.
3. Site Specific Determination
 - a. Applicants for any activity in, on or over a jurisdictional surface water or wetland or buffer, or adjacent to (same or contiguous tax parcel) or connected to a surface water or wetland, regardless of size, shall be required to submit a natural resources assessment that includes identification of all surface waters, wetlands and buffers.
 - b. The County shall provide verification of a wetlands jurisdictional determination of a specified parcel of land prior to final approval, and before any activity is allowed to proceed in a buffer area or on or adjacent to a surface water or wetland. Final jurisdictional determinations shall be considered valid for a period of five (5) years.

- c. If the applicant has received a delineation of the extent of a surface water or wetland by the Florida Department of Environmental Protection or water management district, pursuant to a formal determination under Section 373.421(2), Florida Statutes, or pursuant to a permit issued under Chapter 373, Florida Statutes in which the delineation was field-verified by the permitting agency and specifically approved in the permit, the delineation shall be binding on the County for the duration of the formal determination or state permit.
4. Final Drawings. All final drawings for applications other than work on a private single-family residential lot shall be sealed or certified by:
- a. A Florida registered professional engineer; or
 - b. A Florida registered professional surveyor; or
 - c. A Florida registered professional landscape architect; or
 - d. An environmental professional certified by the National Association of Environmental Professionals or the Florida Association of Environmental Professionals.

14.7.17 Water Resources Buffers

- 1. Landscaped buffers are integral to the maintenance of surface water and wetland structure and function. A landscaped buffer shall be required between all proposed activity and the landward extend of the surface water or wetland located on the site as established in this Section.
- 2. Minimum landscaped buffer widths shall apply for the resources set forth in the following table:

Protected Resource	Buffer Distance
Surface waters and wetlands less than or equal to 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	50 feet
Surface waters and wetlands greater than 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	75 feet
Areas where federally and/or state regulated vertebrate wetland/aquatic dependent animal species have been documented within three hundred (300) feet of a surface water or wetland	100 feet
Per the Suwannee River System 100-Year Floodplain Special Planning Area of the County Comprehensive Plan - Surface waters and wetlands associated with the New River, Olustee Creek, or any Outstanding Florida Waters	150 feet

- 3. The landscaped buffer shall retain the existing undisturbed vegetation. No activity shall occur within a landscaped buffer area, except as necessary to access the property or would otherwise preclude all economically viable use of the property. The above shall not be interpreted to prohibit the removal of non-native vegetation or the planting of native vegetation.

14.7.18 General Approval Criteria

Final approval of an application may not be granted pursuant to this Section until it is determined that each of the following criteria will be met:

- 1. There shall be no net loss of wetland values and functions;
- 2. The project is designed to minimize adverse impacts regarding the conservation of populations of fish or wildlife or their habitats;
- 3. The project is designed to control and will not cause excessive erosion;
- 4. The project will not adversely affect commercial or recreational fisheries or their habitats;

5. Listed species and/or their critical habitats will not be adversely impacted;
6. The project will not adversely impact historic resources or paleontological resources;
7. Project alternatives and modifications to less impacts have been determined to be infeasible, i.e. there are no reasonable design alternatives or modification available to lessen impacts;
8. The project does not conflict with any other federal, state or local designated preserve or conservation area;
9. Any structure proposed in, on or over a surface water is water-dependent. If not water-dependent, structure must clearly demonstrate an overriding public purpose;
10. There will be no violation of water quality standards and the project complies with state and local water quality rules and standards set forth in Florida Administrative Code Chapters 62-302, 62-550, and 40C-4.301(1)(e); and
11. In conjunction with other projects, the project will not result in cumulative impacts that in the aggregate fail the criteria of this Section.

14.7.19 Permanent Protection

Applicants shall be required to designate and protect surface waters, wetlands, and associated buffers on the parcel for which development activity is proposed.

14.7.20 Application Review Fee for Special Use Permit for Mining

1. Fees.
 - a. All fees shall be payable by certified check or bank draft, in U.S. funds, made payable to the County. Upon receipt of the initial fee deposit, the County will establish an account or cost center for review of the mining special permit application.
 - b. Applicants shall deposit a total of fifty thousand dollars (\$50,000) with the County in the following manner:
 - (1) For each special permit for mining application, the County shall collect from the applicant a fee deposit of fifteen thousand dollars (\$15,000), of which five thousand dollars (\$5,000) is non-refundable, prior to conducting a pre-application conference. The application for special permit for mining shall not be accepted for review unless accompanied by an additional thirty-five thousand dollar (\$35,000) deposit.
2. Allowable Charges.
 - a. The applicant shall be liable to the County for one hundred percent (100%) of the actual costs for reviewing an application for mining special permit.
 - b. The applicant shall be notified by the County each time when the funds in the account or cost center for the review of the application are less than or equal to five thousand dollars (\$5,000). The notice shall indicate whether the County estimates the costs of reviewing the application will exceed the existing deposit and, if so, request an additional deposit in the amount of fifty thousand dollars (\$50,000) to cover the remaining costs. The applicant shall make such additional deposit with the County. No further review of the special permit for mining by the County shall occur until after receipt by the County of the additional deposit in the amount of fifty thousand dollars (\$50,000).
3. Other Reviews. The applicant shall be responsible for one hundred percent (100%) of the costs for the review of requests for the modification of a previously approved mining special use permit. The submittal of these requests shall be accompanied by a deposit of twenty-five thousand dollars (\$25,000) and charges will be handled in the same manner as for an application for mining special use permit.

4. Refunds. If the applicant's deposit exceeds the final fee total, any remaining balance shall be refunded to the applicant within ninety (90) days of the final charge to the account or cost center for the review of the application. Should the applicant notify the County, in writing, at any time during the review process that he/she wishes to withdraw the application and discontinue the review process, the County shall, within ninety (90) days, refund to the applicant any remaining balance in the account or cost center for the review of the application, excluding the non-refundable five thousand dollar (\$5,000) deposit, after deducting all costs incurred prior to receipt of written notification of withdrawal of the application.

Section 4. All resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 5. This resolution shall become effective upon adoption by the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting, by the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, this 17th day of December 2018.

BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, FLORIDA
SERVING AS THE
PLANNING AND ZONING BOARD
OF UNION COUNTY, FLORIDA
AND THE LOCAL PLANNING AGENCY
OF UNION COUNTY, FLORIDA

Attest:

Kellie Hendricks Connell, County Clerk

Karen E. Cossey, Chair



Serving Alachua
Bradford • Columbia
Dixie • Gilchrist • Hamilton
Lafayette • Levy • Madison
Suwannee • Taylor • Union Counties

2009 NW 67th Place, Gainesville, FL 32653-1603 • 352.955.2200

December 7, 2018

Ms. Dianne Hannon
Secretary to the
Board of County Commissioners
Union County
15 Northeast First Street
Lake Butler, FL 32054

COPY SENT VIA ELECTRONIC MAIL
SIGNED ORIGINAL ON FILE

RE: Application No. LDR 18-03 (Board of County Commissioners)

Resolution
Concerning an Amendment to the
Text of the Land Development Regulations

Dear Dianne:

Please find enclosed the above referenced resolution.

The County Attorney should review the resolution as to legal form and sufficiency.

Subsequent to adoption of the resolution, please send a copy of the signed resolution to me.

If you have any questions concerning this matter, please do not hesitate to contact Sandra Joseph, Senior Planner, at 352.955.2200, ext. 111.

Sincerely,

Scott R. Koons, AICP
Executive Director

SRK/cf

Enclosure

xc: Russell A. Wade III, County Attorney

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