

CHAPTER 17

ENVIRONMENTAL PROTECTION

SECTION 1: WETLANDS PROTECTION

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

SECTION 2: PERMIT REQUIREMENTS FOR WETLAND ALTERATION

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

a) Application Procedure.

Application shall be made to the City as part of the application for development plan approval, when applicable. Application submittal shall include the following information:

- 1) Name, address, and phone number of applicant, and of any biologists, engineers, or other consultants providing information or acting as agent for the applicant.
- 2) A survey of the property which delineates existing structures, pavement, adjacent streets, and other improvements.
- 3) A sketch, map or survey with the type and extent of wetland area as designated by the St. Johns River Water Management District (SJRWMD) mapped to scale, or a copy of any previously submitted permit application to other agencies depicting the subject wetlands.
- 4) A detailed description of any proposed activity within the jurisdictional wetlands and buffer zones.
- 5) Copies of permit applications made to all Federal, State and regional agencies with jurisdiction over the wetlands on the site.

b) Permit Issuance.

The City shall accept wetland alteration permits issued by Federal, State or regional agencies where such permits are deemed to completely address the requirements of this chapter. No final development order shall be issued by the City until any or all such other permits are issued.

SECTION 3: WETLANDS PROTECTION STANDARDS

Application for a wetlands alteration permit shall meet the following wetlands protection standards:

- a) There shall be no net loss of wetland function, and wetlands shall be protected or used in a manner that does not adversely impact their beneficial functions. Passive recreation activities such as, but not limited to, boardwalks, fishing piers and boat docks; and nature trails are allowed within wetlands.
- b) Wetlands shall be protected from sedimentation during development activities.
- c) Where impacts on wetlands are determined to be unavoidable, mitigation shall be required based on the appropriate jurisdictional agency.
- d) Wetlands shall be buffered through preservation or planting of a suitable width of upland vegetation, based on the criteria of Section 4 of this chapter.
- e) Non-altered wetlands or created wetlands shall be placed in a conservation easement in accordance with Chapter 704.06, F.S. and recorded in the Public Records of Lake County. Dedication of the conservation easement shall be to the City of Umatilla or a State of Florida regulatory agency.

SECTION 4: BUFFER REQUIREMENTS

Buffer zones shall be established upland of the landward extent of the wetland jurisdictional line as determined by the St. Johns River Water Management District criteria.

- a) The following buffers shall be required for isolated wetlands, non-isolated wetlands, and wetlands, hydrologically connected (contiguous to) to rivers or streams:

<u>TYPE</u>	<u>WIDTH</u>
Isolated	15 feet
Non-Isolated	25 feet
Rivers and Streams	50 feet

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

<u>TYPE</u>	<u>AVERAGE WIDTH</u>	<u>MINIMUM WIDTH</u>
Isolated	25 feet	10 feet
Non-Isolated	50 feet	15 feet
Rivers and Streams	100 feet	35 feet

- c) The buffer may coincide with a portion of the required setback on a developable lot, however, no building or primary structure shall be permitted within ten (10) feet of the buffer boundary.
- d) In such cases where limited vegetation cover and/or lack of native vegetation occurs within the upland extent of the wetland system stormwater swales and sodding will be permitted to occur within the upland buffer zone. The extent of the stormwater swales encroachment within the upland buffer shall be limited to 50%.
- e) In no case shall a buffer impede reasonable access to a body of water.

SECTION 5: EXEMPTIONS

Activities which are exempt from the requirements of this subsection include:

- a) Minor maintenance or emergency repair to existing structures or improved areas.
- b) Timber catwalks and docks four feet (4) or less in width.
- c) Recreational fishing or hunting, and creation and maintenance of temporary blinds.
- d) Selective cutting or hand-removal of non-native problematic vegetation including cattails (Typha spp.), primrose willow (ludwigia spp.), wild taro (Colocasia esculenta), giant reed (Phragmites spp.), paragrass (Panicum purpurascens), punk tree (Malaleuca quinquenervial), and pepper tree (Schinus terebinthifolius).

- e) Clearing of native vegetation within any shoreline shall be limited to 25 feet in width as measured parallel to the shoreline pursuant to Section 10 of this Code.
- f) Stormwater structures limited to outfall structures such that the installation of the structures does not adversely affect the function of the wetland.
- g) Cleared walking trails four (4) feet or less in width and having no structural components of impervious surface.
- h) Utility crossings.
- i) Maintenance, together with incidental dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way, and other related drainage systems.
- j) Bonafide mosquito control activities.
- k) Activities within artificial wetlands which are created as part of a man-made treatment system.
- l) Constructing fences where no fill is required and where navigational access will not be hindered.

SECTION 6: VIOLATIONS

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

- a) Where unauthorized removal or destruction of wetland vegetation has taken place in an otherwise undisturbed wetland or buffer area, it shall be replaced based on any information from approved permits, or based on surrounding undisturbed vegetation.
- b) A stop work order shall be issued for all sites in violation where any construction has been previously authorized. No further City permits shall be issued for the subject site, nor any attendant inspection made, until such violations are corrected or a restoration mitigation plan has been approved by the appropriate jurisdictional agency. This shall include a certificate of occupancy for any attendant structure.
- c) Where violations of the dredge and fill or wetland rules and regulations imposed by Federal, State or regional agencies are noted by the City, such violations will be reported in writing to the appropriate agency.

SECTION 7: VARIANCES AND APPEALS

Variations and appeals to this chapter shall be considered as follows:

- a) No variance or appeal will be considered, where the action or requirement in question clearly is derived from the actions or requirements of Federal, State or regional agencies as part of their permitting process.
- b) Minor technical variations, where clearly within the intent of this chapter, may be authorized by the City Clerk.
- c) Variations shall be considered based on the procedures of Chapter 20 “Variance Procedures”.
- d) Appeals shall be considered based on the procedure of Chapter 2 “Administration”.

SECTION 8: SHORELINE PROTECTION STANDARDS

The purpose of this section of the chapter is to protect the shoreline areas of the City and, specifically, to regulate the land use development of these shorelines.

SECTION 9: SETBACKS

- a) Setbacks from the Ordinary High Water Line (OHWL) shall be as follows:
 - 1) All habitable structures shall be located no closer than fifty (50) feet.
 - 2) Septic tanks shall be located a minimum of one hundred (100) feet from the OHWL or as far landward from the shoreline as possible based on the depth of the lot.

Adopted January 20, 2009 Ordinance 2008-W

SECTION 10: CLEARING LIMITATIONS

- a) No more than a total of twenty-five (25) feet of the shoreline vegetation of any lot measured parallel to the shoreline may be removed for the creation of a beach, or for any other purpose or structure.
- b) Exotic and nuisance plant species such as cattails, primrose willow, elderberry, wild taro, giant reed, paragrass, punk tree, and pepper tree may be removed from the entire shoreline.

SECTION 11: WASTE DISPOSAL

- a) Disposal of any wastes, including but not limited to, liquid, solid, construction materials, debris, including yard trash, is prohibited within the shoreline buffer.

SECTION 12: PERMIT REQUIRED

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

SECTION 13: BUFFERS

- a) A buffer zone of native upland vegetation shall be provided around lakefronts and open water bodies which are constructed or preserved on new development sites.
- b) The buffer zone may consist of preserved or planted vegetation, but shall include canopy, understory, and ground cover of native species, if present.
- c) The edge of the buffer zone shall begin at the upland limit of the wetland or littoral zone, whichever is greater.
- d) A minimum of twenty-five (25) feet of such buffer shall be provided that lies adjacent to uplands.

SECTION 14: WHOLLY OWNED LAKES AND OPEN WATER BODIES

- a) If the lake or open water body is wholly owned and contained within a single lot or parcel then the buffer may be modified to allow for greater access. In this case, the upland buffer shall be located such that not less than an average of twenty-five (25) feet of total upland buffer with a minimum of ten (10) feet exists along the perimeter or the wetland littoral zone.

SECTION 15: CONSERVATION EASEMENT

- a) All area preserved or conserved under this chapter shall be recorded with the Public Records of Lake County as a conservation easement in accordance with Chapter 704.06, F.S.
- b) Dedication of the conservation easement shall be to the City of Umatilla or a State of Florida regulatory agency.

SECTION 16: CONSTRUCTION STANDARDS

- a) Standards for construction activities within shoreline areas are stated within Chapter 10, “Stormwater Management”.

SECTION 17: EXEMPTIONS

- A) Individual single family dwellings constructed within existing lot or parcels of record are exempt from the upland buffer requirement.

SECTION 18: LISTED SPECIES AND NATIVE VEGETATION PROTECTION

The purpose of this section is to protect the natural resources of the City for the benefit of its citizens and specifically to prevent destruction of listed plant and animal species in the City and to preserve areas of native vegetation.

SECTION 19: APPLICATION

- a) Application shall be made as part of the application for development plan approval, when applicable. Application submittal shall include the following information:
 - 1) An environmental assessment and wildlife survey shall be required for projects which are more than ten (10) acres in size and/or exceed two (2) acres of impervious surface. The environmental assessment shall be prepared by a qualified biologist and/or environmental scientist. The environmental survey shall delineate and label the vegetative community types observed on the site, in accordance with the “Natural Communities Listing” in the Appendix to this Code;
 - 2) Indication of the presence of listed species evidence;

- 3) Delineation of the field surveying method applied, such as transect, arrays, etc.
- 4) For projects less than ten (10) acres and/or less than two (2) acres of impervious surface in size and located within the Native Vegetation Communities as designated on Map I-5 of the Future Land Use Element, the applicant shall submit a FLUCFCS map delineating the extent of the native vegetation on site.
- 5) A Habitat Management Plan shall be required for all developments if listed species are found on the property if on-site preservation is warranted. The Management Plan shall be prepared as outlined later in this chapter. The Habitat Management Plan must receive approval from Florida Game and Fresh Water Fish Commission and U.S. Fish and Wildlife Service (if applicable) before final construction plan approval.

SECTION 20: NATURAL COMMUNITY

The vegetation of the natural community shall be preserved through project site design. A minimum of ten (10) percent of the total cumulative acreage of natural upland communities which occur on-site shall be preserved. In no case, shall the required set aside areas exceed the open space requirements for the proposed development. The preserved set aside area(s) shall be allowed as credit toward landscape requirements, landscape buffers, wetland buffers, habitat protection areas and open space requirements.

SECTION 21: HABITAT MANAGEMENT PLAN

- a) The Habitat Management Plan must be prepared by a qualified biologist and/or environmental scientist. This management plan must document the species targeted for preservation, population estimate, the habitat needs of the species and the management techniques which will be utilized to preserve the habitat. The management plan shall include:
 - 1) A map at the scale of the development application to include the following:
 - A) Habitat classifications depicted by using FLUCFS codes;
 - B) location of individuals, nest sites, burrows, feeding areas, roosting areas, etc.; and
 - C) areas to be preserved, including habitat and buffers.
 - 2) Management Plan
 - A) Implementation plan;

- B) schedule; and
 - C) responsible parties.
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- b) The applicant or his successor in interest if fully responsible for all aspects of the implementation of the management plan. A monitoring report as to the condition of the habitat and the results of the management techniques applied to the habitat shall be submitted to Florida Game and Fresh Water Fish Commission for review on an annual basis from the date when Authorization for Construction was approved.
 - c) The Preservation Areas and associated buffers shall exist as “open space” for the development and will be credited toward open space requirements. Development within these areas shall be limited to passive recreational activities which do not degrade the habitat and may include picnic areas and mulched trails. A conservation easement shall be granted to the City for the preserved areas and associated buffers as a condition of the Final Development Order. In addition, the transfer of density from the Preservation Area to an unoccupied area is permitted within a Planned Unit Development (PUD).
 - d) In the event that adjacent parcels include conservation easements or other public lands, the City shall propose to connect the easements to provide wildlife corridors.

SECTION 22: OFF-SITE MITIGATION

The property owner and/or developer may contribute funds in lieu of protecting critical habitat on-site. The funds may be allocated toward a county or regional mitigation park or contributed to the “Fish and Wildlife Trust Fund” administered and managed by the Florida Game and Fresh Water Fish Commission (FGFWFC). Contributions will be based on the acreage of on-site suitable habitat that would otherwise be required to be preserved. The amount of the contribution will be determined by either the administration of the designated mitigation bank and/or FGFWFC.

SECTION 23: RELOCATION

The property owner and/or developer may relocate individual utilizing the standards and criteria developed by FGFWFC and/or U.S. Fish and Wildlife Service.

A copy of the Relocation Permit shall be forwarded to the City prior to initiation of the relocation effort.

SECTION 24: **PRIME RECHARGE AREAS AQUIFER PROTECTION STANDARDS**

The purpose of this section is to comply with Policy 5-1.2.1 Restrict Activities Known to Adversely Affect the Quality of Surface and Ground Water within the Goals and Objectives of the Conservation Element for the City of Umatilla. It is the intent of this section to prohibit Large Quantity Generators of hazardous wastes within the areas designated as High or Prime Recharge Areas as designated by the St. Johns River Water Management District.

SECTION 25: **DETERMINATION OF HIGH OR PRIME RECHARGE AREAS**

High or Prime ground water recharges areas shall be those areas designated by St. Johns River Water Management District pursuant to Section 373.0395 F.S.

SECTION 26: **PROHIBITIONS**

Large Quantity Generators of hazardous waste as designated by the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Regulation (FDER) shall be prohibited within areas designated at High or Prime recharge areas.

SECTION 27: **HAZARDOUS SUBSTANCES**

All new development involving the handling, generation or storage of hazardous wastes shall meet the following standards for permitting approval:

- a) Environmental Protection Agency, 40 CFR Parts, 260, 261, 262, 263, 270 and 271, dated March 24, 1986, as amended.
- b) Florida Department of Environmental Regulation, including the submittal of the approved state permits, relating to rule 17-730, F.A.C., Hazardous Waste; rule 17-761, F.A.C., underground storage tank systems; and rule 17-762, F.A.C., above ground storage tank systems.

SECTION 28: **SINKHOLE PROTECTION STANDARDS**

The purpose of this subsection is to comply with Policy 5-8.1 Designation of Environmentally Sensitive Areas, Policy 5-8.6 Development Restrictions Within and Adjacent to Sinkholes and Policy 5-2.9 Groundwater Contamination Introduced through Sinkhole Passages within the Goals and Objectives of the Conservation Element for the City of Umatilla.

SECTION 29: **PROTECTION STANDARDS**

- a) When the sudden collapse of the land surface develops due to the effects of sinkhole development there are also other environmental hazards involved. Proper planning and engineering to repair or alleviate damages are needed to reduce adverse environmental impacts.

- b) A geological/geotechnical investigation to evaluate potential sinkhole hazards may be required either in the planning phase of a site plan or as a remedial action. If a sinkhole hazard is significant, then it is warranted that a detailed site specific investigation be conducted.

SECTION 30: **DEVELOPMENT STANDARDS**

- a) For all development proposals whether residential or non-residential, a geologic investigation may be warranted to determine the potential for development. This investigation must be prepared and conducted by a certified geologist or professional engineer and submitted to the City Council for consideration. The geologic investigation shall be designed to produce information and provide recommendations for site planning, engineering design and construction techniques.

- b) The City Council shall make recommendations upon the approval or denial of the development proposals based upon the scale of the development and the hazards revealed within the investigation.

SECTION 31: **PROTECTION STANDARDS FOR SINKHOLE AREAS**

- a) No stormwater structures other than stormwater swales shall be placed within 50 feet of any existing sinkhole area.

- b) No utility structures, above or beneath ground, shall be placed adjacent to an existing sinkhole unless approved by the City Engineer.

- c) No buildings, structures or impervious surface shall be located adjacent to an existing sinkhole unless approved by a certified geologist or professional engineer following a completed geologic investigation.

- d) No septic systems or drain fields, swimming pools, solid waste disposal areas, or chemical storage shall occur within 100 feet of the existing sinkhole unless approved by a certified geologist or professional engineer following a completed geologic investigation.

- e) All stormwater designs located adjacent to existing sinkholes must receive approval from the St. Johns River Water Management District.

SECTION 32: CONSERVATION EASEMENT

All existing sinkholes and/or any new sinkhole areas shall be placed into a conservation easement, if warranted. The conservation easement shall be recorded with the Public Record of Lake County in accordance with Chapter 704.06 F.S.

Dedication of the conservation easement shall be to the City of Umatilla or a State of Florida regulatory agency.

SECTION 33: AIR QUALITY AND OPEN BURNING

The purpose of this subsection is to comply with Policy 5-1.1 Promote Activities Conducive to Safe Air Quality within the Goals and Objectives of the Conservation Element for the City of Umatilla.

The City Council finds that it is in the best interest of the public health and safety, and of the environment, to prohibit the open burning of material discarded incidental to land clearing or construction practices. It is the purpose of the subsection to regulate open burning.

SECTION 34: EXEMPTIONS

The following activities are exempt from the provisions of this subsection.

- a) Burning activities incidental to agricultural and silvicultural operations as set forth in the State of Florida Department of Agriculture and Consumer Services, Division of Forestry (Chapter 51-2, Florida Administrative Code).
- b) Burning activities associated with the use of above ground refractory air curtain incinerators permitted by the Florida Department of Environmental Regulation (FDER) and operated by governmental entities.
- c) Open burning activities to reduce yard trash and household paper products generated on occupied residential premises of not more than two (2) family dwelling units, subject to setbacks, time frames, and other conditions and restrictions as stated within Chapter 17-256, Open Burning and Frost Protection Fires, Florida Administrative Code (F.A.C.).

- d) Open burning activities associated with control burns of native vegetative communities and habitat management. These activities must be supervised by either the Division of Forestry or a qualified consultant.

SECTION 35: PROHIBITIONS

All land uses in all zoning districts shall be constructed and operated in a manner which is not injurious or offensive to the adjacent land uses due to the emission or creation of smoke, dust or other particulate matter, toxic or noxious waste material and fire.

- a) Air pollutants. Air pollutants, including smoke and particulate matter shall be regulated by the standards cited below.
 - 1) Smoke. Every use shall be so operated as to prevent the emission of smoke as specified in Chapter 17-2 F.A.C. Florida Department of Environmental Regulation, Air Pollution and Chapter 17-256, Open Burning and Frost Protection Fires.
 - 2) Particulate matter. Every use shall be operated as to prevent the emission of solid matter into the air as specified in Chapter 17-2 F.A.C. air Pollution.

SECTION 36: HAZARDOUS WASTE AND MATERIALS

Hazardous substance shall mean any substance which is defined as a hazardous substance in 42 USC Section 9601 (14) and which is designated as a hazardous substance in 40 CFR Section 302.4 (1987)

SECTION 37: FACILITY

Facility shall mean (a) any building structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or (b) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

SECTION 38: HAZARDOUS WASTE GENERATORS

All users and generators of hazardous waste and materials located in the City of Umatilla shall submit plans, procedures and necessary government permits to the City Council to insure that such waste and materials are properly stored, disposed and processed. The

City Council shall have the authority to require that such plans, procedures and permits include but not limited to the following:

- a) Construction Plans, Procedures and Facilities – Explanation of procedures, processes and facilities to be utilized for the storage, disposal and processing of hazardous waste and materials.

- b) Federal, State and Local Governmental Agencies – Documentation from responsible governmental agencies that approved the construction plans, procedures and programs for the premises in question. Such responsible agencies shall include one or more of the following:
 - U.S. Environmental Protection Agency
 - U.S. Department of Transportation
 - Florida Department of Environmental Regulation
 - Florida Department of Natural Resources
 - Florida Department of Transportation
 - Florida Department of community Affairs
 - Florida Department of Labor and Security
 - Florida Department of Law Enforcement
 - Florida Department of State
 - St. Johns River Water Management District

- c) Private Agencies – Documentation from private agencies and businesses may include information, contracts, agreements, procedures and similar materials from private waste management companies employed by the owner to dispose of hazardous waste and materials from the premises in question.

SECTION 39: APPLICATION AND USE OF FERTILIZERS

- a) Legislative Findings. As a result of impairment to the City’s surface waters caused by excessive nutrients, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers or springs, the City has determined that the use of fertilizers on lands within the City of Umatilla has the potential for adverse effects on surface and/or ground water. Accordingly, the City finds that management measures contained in the "*Florida-Friendly Best Management Practices/or Protection of Water Resources by the Green Industries*", as amended, may be required by this ordinance.

- b) Purpose and intent. This section regulates the proper use of fertilizers by any applicator; requires proper training of Commercial and Institutional Fertilizer Applicators; establishes training and licensing requirements; establishes a Prohibited Application Period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The Ordinance requires the use of Best Management Practices that provide specific management guidelines to minimize negative secondary and cumulative

environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the City of Umatilla's natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of Umatilla residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorous and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

- c) Scope of Application. This Ordinance shall be applicable to and shall regulate any and all Applicators of fertilizer and areas of Application of fertilizer within the incorporated portions of the City of Umatilla, Lake County, Florida, unless such Applicator is specifically exempted under this section from the regulatory provisions of this section. This ordinance shall be prospective only and shall not impair any contracts existing before adoption of this ordinance.
- d) Definitions. The following words, terms and phrases, when used in this section, will have the meaning set forth below unless the context clearly indicates otherwise.

Application or Apply means the actual physical deposit of fertilizer to turf or landscape plants.

Applicator means any Person who applies fertilizer on turf and/or landscape plants in the City of Umatilla, Lake County, Florida.

Best Management Practices means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Commercial Fertilizer Applicator, except as provided in F.S. § 482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

Fertilize, Fertilizing, Fertilization means the act of applying fertilizer to turf, specialized turf, or landscape plants.

Fertilizer means any substance or mixture of substances, that contains one of more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides either soil enrichment, or provides other collective measures to the soil.

Institutional Applicator means any person, other than a private, non-commercial or a Commercial Applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious

institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Landscape Plant means any native or exotic tree, shrub, or groundcover (excluding turf).

Low Maintenance Zone means an area a minimum of fifteen (15) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

Person means any natural person, business, corporation, Limited Liability Company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

Prohibited Application Period means the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of Lake County, issued by the National Weather Service.

Saturated soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this ordinance, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

Slow Release means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

Turf, Sod, or Lawn means a piece of grass-covered soil held together by the roots of the grass.

Urban landscape means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants.

e) General Requirements.

1. Timing of Fertilizer Application.

- A. No Applicator shall apply Fertilizers containing nitrogen or phosphorus or both to turf or landscape plants during the Prohibited Application Period, or to saturated soils.
- B. Fertilizers containing nitrogen or phosphorus may not be applied to Turf from June 1st to and including September 30th of each year.
- C. Fertilizers containing iron, manganese and other micronutrients (excluding nitrogen, phosphorus, or both), commonly referred to as summer blends, may be applied to Turf
- D. From June 1st to and including September 30th of each year as recommended by Florida Yards & Neighborhood/Florida Friendly Landscape Program.

2. Fertilizer Free Zones.

- A. Fertilizer shall not be applied within fifteen (15) feet of any pond, stream, watercourse, lake, canal, or wetland as defined in Chapter 62-340, F.A.C., as amended, or from the top of a seawall, unless a

deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge is used, in which case a minimum of three (3) feet shall be maintained. Newly planted turf and/or landscape plants may be fertilized in this zone only for a sixty (60) day period beginning thirty (30) days after planting if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

3. Low Maintenance Zones.

A. A voluntary fifteen (15) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. If more stringent regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care shall be taken to prevent the over-spray of aquatic weed products in this zone.

4. Fertilizer Content and Application Rates.

- A. Fertilizers applied to turf within incorporated City of Umatilla shall be applied in accordance with requirements and directions provided by Section 5E-1 .003, F.A.C, as amended.
- B. Fertilizers containing nitrogen shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (30) days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.
- C. Fertilizers containing nitrogen or phosphorus shall not be applied to Turf or landscape plants except as provided in subsection (1) above for Turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs. Furthermore, fertilizers containing phosphorus shall not be applied to Turf unless a soil or issue deficiency has been verified by an approved test.
- D. Fertilizers containing nitrogen applied to Turf or landscaping plants during the period of October 1st through May 31st must contain no less than fifty percent (50%) slow release nitrogen.

5. Application Practices.

- A. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that Fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
- B. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

- C. Any Fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
 - D. Fertilizer released on an impervious surface must be immediately contained and either legally applied to Turf or any other legal site, or returned to the original or other appropriate container.
 - E. In no case shall Fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.
6. Management of Grass Clipping and Vegetative Matter.
- A. In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.
- f. Exemptions. The provisions set forth above in this Ordinance shall not apply to:
- 1. Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14, as amended;
 - 2. Other properties not subject to or covered under the Florida Right to Farm Act pursuant to the previous subsection that have pastures used for grazing livestock;
 - 3. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture; and
 - 4. Golf courses, athletic fields and Turf managed for active recreation, whose owners implement best management practices as described in Section 5E-L003(2)(d), F.A.C. entitled "Fertilizers Labeled, for Sports Turf at Golf Courses, Parks and Athletic Fields", as amended.
- g. Training
- 1. All commercial and institutional applicators of Fertilizer within the incorporated area of the City of Umatilla shall abide by and successfully complete the training program in the "*Florida Best Management Practices for Protection of Water Resources by the Green Industries*" offered by the Florida Department of Environmental Protection through the University of Florida Extension "*Florida Friendly Landscaping*" program, or an approved equivalent.
 - 2. Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program when applying fertilizers.
- h. Licensing of Commercial Applications.
- 1. All commercial applicators of Fertilizer within the incorporated area of the City of Umatilla shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of

Agriculture and Consumer Services as a Commercial Fertilizer Applicator per Section 5E-14.117(18), F.A.C. All businesses applying Fertilizer to Turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "*Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*" training certificate.

(Adopted February 5, 2019 - Ordinance 2019-A)