

**ADDENDUM NO. 1**  
**BOARD OF COUNTY COMMISSIONERS' MEETING**

**FEBRUARY 24, 2009**

**I. REPORTS:**

- A. **County Manager:** Discussion of resolution pertaining to SR44. *Note:* Information from Eustis and Mt. Dora to follow under separate cover.
- B. **Commissioner Renick:**
1. Approval of resolution opposing proposals to withdraw water from the St. Johns River. See attached resolution.
  2. Discussion of white paper as presented by the Water Alliance. See attached documentation.
- C. **Commissioner Stewart:** Approval to send a letter to the St. John's River Water Management District in opposition to the CUP to allow Seminole Co. to withdraw the first 5.5mgd from the St. John's River. See attached documentation.

**II. WORKSHOP:**

- A. Discussion regarding approval and implementation of the St. Johns River Water Management District's new irrigation ordinance.

**LAKE COUNTY BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION 2009 -**

**RESOLUTION OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS  
ESTABLISHING A FORMAL POSITION ON KEY COMPONENTS OF  
STATE ROAD 44 DESIGN AND ENGINEERING PERTAINING TO THE SEGMENT  
CONNECTING US 441 IN MOUNT DORA TO ORANGE AVENUE IN EUSTIS; AFFIRMING THE  
PROJECT'S RANKING; ACKNOWLEDGING RIGHT-OF-WAY CONSTRAINTS; REQUESTING  
INCLUSION OF A MULTI-USE PATH OR TRAIL WITH CONSIDERATIONS; AUTHORIZING  
TRANSMITTAL TO AGENCIES**

**WHEREAS**, the segment of State Road 44 from US 441 in Mount Dora north to Orange Avenue in Eustis was formerly designated as County Road 44B; and

**WHEREAS**, the Florida Department of Transportation partnered with Lake County to re-designate former CR 44B to SR 44, thus removing the SR 44 designation from Orange Avenue into downtown Eustis; and

**WHEREAS**, the agreement to change the aforementioned roadway designations also included agreement by FDOT to improve the newly designated segment of SR 44 as prescribed in the FDOT Planning, Development & Environment (PD&E) Study approved by Lake County; and

**WHEREAS**, public hearings were held in Mount Dora in October and December 2008 by FDOT to solicit public input on the engineering and design of a four-lane roadway with median, bike lanes and sidewalks on each side; and

**WHEREAS**, concerns were raised by the public and by the City of Eustis regarding the design of the roadway as a four-lane facility, regarding the designed location of medians and median openings and regarding the preference of a multiuse trail or pathway on the western side of the corridor; and

**WHEREAS**, comments at the public hearings led to further discussions among leadership of the City of Eustis, the City of Mount Dora and the Lake-Sumter Metropolitan Planning Organization (MPO) resulting in a request of FDOT to further analyze the future performance of the roadway as a three-lane section on the northern end of the corridor and resulting in a consensus to pursue a multi-use pathway on the western side of the corridor; and

**WHEREAS**, the MPO has an interlocal agreement with the local governments of the MPO Area to manage data for transportation concurrency management; and

**WHEREAS**, the MPO has notified the cities of Mount Dora and Eustis, as well as Lake County, that the two-lane segment of SR 44 north to Orange Avenue is performing below the adopted level of service and therefore would potentially result in a transportation concurrency failure for any proposed developments impacting the corridor; and

**WHEREAS**, capacity improvements to the corridor to improve to a four-lane facility would improve the level of service of the roadway to at least the adopted level of service, thus eliminating any transportation concurrency deficiencies; and

**WHEREAS**, SR 44 is adopted by the MPO on the List of Project Priorities as the Number Four regional need for road capacity funding and has been ranked on the MPO's priority list since the MPO's inception; and

**WHEREAS**, FDOT has requested affirmation by the MPO on SR 44 regarding the MPO's prioritization of the project and the MPO's desire to see design of SR 44 completed, altered or halted and the MPO has therefore made the request of the Lake County BCC to formalize a position.

**NOW, THEREFORE, BE IT RESOLVED** by the Lake County Board of County Commissioners:

- Section 1. The Lake County BCC affirms the ranking of SR 44 as the MPO's Number Four production priority and requests funding consideration to advance the project through right-of-way acquisition for stormwater facilities.
- Section 2. The Lake County BCC acknowledges that a finite amount of right-of-way, 100 feet, is already secured for the project and acknowledges that request of additional facilities could create the need for additional right-of-way acquisition.
- Section 3. The Lake County BCC, through the MPO, requests of FDOT a redesign of the corridor to include a multi-use path or trail along the western side of the corridor for use by pedestrians and bicyclists and further requests the path or trail be designed at the widest dimension feasible within the constraints of the right-of-way already acquired, even if other required facilities must be reduced in width or eliminated, including but not limited to: bike lanes, median widths, lane widths and sidewalks.
- Section 4. The Lake County BCC authorizes the transmittal of this resolution to the following agencies:
1. Lake-Sumter MPO
  2. FDOT, District 5
  3. FDOT, Central Office
  4. City of Eustis
  5. City of Mount Dora

**DULY PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Neil Kelly, Clerk to the  
Board of County Commissioners  
Lake County, Florida

\_\_\_\_\_  
Welton G. Cadwell

This \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Approved as to Form and Legality:

\_\_\_\_\_  
Sanford A. Minkoff  
County Attorney

**Resolution No. 2009-**

**A RESOLUTION OPPOSING PROPOSALS TO WITHDRAW WATER FROM THE ST. JOHNS RIVER AND OCKLAWAHA RIVER SYSTEMS; EMPHASIZING WATER CONSERVATION MEASURES AS A MORE APPROPRIATE ALTERNATE SOURCE OF WATER WITHIN THE DISTRICT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the St. Johns River, the Ocklawaha River, and their tributaries are outstanding natural resources of irreplaceable value to Lake County and the people of Florida; and

**WHEREAS**, the St. Johns River Water Management District (SJRWMD), is currently considering plans to withdraw hundreds of millions of gallons per day of surface water from the St. Johns River and Ocklawaha River as an "alternate water supply"; and

**WHEREAS**, Seminole County is spearheading the aforementioned effort by requesting a permit to withdraw water from the St. Johns River at its Yankee Lake facility; and

**WHEREAS**, environmental studies evaluating the ecological impacts to the river have not been completed, and Minimum Flows and Levels have not been established for all water bodies within the District affected by plans for surface water withdrawal; and

**WHEREAS**, the SJRWMD has not met the intent of the 2020 Water Supply Plan adopted by its Board of Governors, which requires meaningful implementation of water conservation measures before developing other alternative water supplies; and

**WHEREAS**, developing the associated infrastructure for withdrawal, treatment and transmission of surface water from the St. Johns River and Ocklawaha River is estimated to cost billions of dollars, an expense to be borne by Central Florida through water bill rates that are expected to be many times higher than today; thereby placing a burden upon residents, families, businesses and the economy; and

**WHEREAS**, Florida has one of the highest per-capita rates of domestic water use in the country; a number that has increased dramatically from 102 gallons per day in 1950 to 174 gallons per day in 2000 for residents served by public supply; and

**WHEREAS**, over 50% of the per capita domestic use of water within the SJRWMD occurs outside of the home for the inefficient irrigations of lawns and landscaping; and

**WHEREAS**, significant water savings can be realized to meet future needs with less financial burden through meaningful conservation programs, including the effective regulation and enforcement of water use, drought-tolerant landscaping, low-impact development practices, and the limitation of growth to sustainable levels, compatible with the protection of natural resources and quality of life; and

**WHEREAS**, meaningful, mandatory and enforceable conservation programs have not been established in Central Florida or within the SJRWMD to yield an effective reduction in the per capita domestic use of water; and

**WHEREAS**, if efforts to withdraw water from the St. Johns River system or Ocklawaha River system prevail and a dependence on that supply is created, the reversal of such water withdrawal, regardless of environmental impacts, will be difficult if not impossible to achieve;

**NOW THEREFORE, BE IT RESOLVED BY LAKE COUNTY, FLORIDA:**

**SECTION 1.** Lake County hereby opposes the withdrawal of water from the St. Johns River, the Ocklawaha River, or their tributaries for public supply.

**SECTION 2.** Lake County finds that costly efforts to increase available public water supplies by withdrawing from the St. Johns River system or Ocklawaha River system will have the deleterious effect of perpetuating the ongoing wasteful use of water from all sources, and thus contravene necessary change in behaviors and practices required to ensure environmental sustainability and economic health.

**SECTION 3.** Lake County urges the SJRWMD and local governments, including its municipalities, to fully exercise their respective authorities to implement aggressive water conservation programs and regulatory measures, coupled with necessary enforcement and responsible growth management, in order to maximize conservation as an effective "alternative water supply."

**SECTION 4.** This resolution shall be effective upon adoption.

**DONE AND PROCLAIMED** by the Board of County Commissioners of Lake County, Florida this 24th day of February, 2009.

**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**WELTON G. CADWELL, CHAIRMAN**

\_\_\_\_\_  
**JENNIFER HILL, VICE CHAIRMAN**

\_\_\_\_\_  
**ELAINE RENICK, DISTRICT 2**

\_\_\_\_\_  
**JIMMY CONNER, DISTRICT 3**

\_\_\_\_\_  
**LINDA STEWART, DISTRICT 4**

**ATTEST:**

\_\_\_\_\_  
**NEIL KELLY, CLERK TO THE  
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

\_\_\_\_\_  
**SANFORD A. MINKOFF  
COUNTY ATTORNEY**

The most challenging aspect of the transmission of water is not engineering but is ownership and governance. The transmission systems will transit multiple jurisdictional areas complicating the initial construction of the system and later operational and maintenance issues.

To overcome all these issues, this paper proposes the creation of a regional water transmission system through a single organization that would design, construct, operate and maintain such a system. Such an organization would be funded with bonds backed by the State of Florida. It is further proposed that this organization could be authorized to construct, operate and maintain seawater desalination plants that could be sited adjacent to power plants along the coasts.

### **Details**

In 1994, St. Johns River Water Management District as part of its Water Supply Needs and Sources Assessment, advised the East Central Florida Public Water Supply Utilities to begin planning for alternatives to ground water sources due to growth projections and projected unacceptable water resources impacts. More recent evaluations based on updated computer modeling of the Floridian and surficial aquifers confirmed the projected unacceptable impacts to aquifer-dependent water resources; which includes lakes, wetlands and springs. Three water management districts, South Florida (SFWMD), Southwest Florida (SWFWMD) and St. Johns River (SJRWMD) have agreed to limit ground water withdrawals to the 2013 demands within the Central Florida Coordination Area (CFCA). The CFCA includes all or parts of Lake, Orange, Osceola, Polk and Seminole counties.

The water management districts, in cooperation with the CFCA utilities, began the development of conceptual alternative water supply project options. The initial approach for the SJRWMD portion of the CFCA was developed around two sources of surface water, the St. Johns and the Lower Ocklawaha Rivers. Each option consisted of a water supply facility along with a dedicated transmission system. Due to the complexity and cost associated with permitting and construction of these alternative systems, the various utilities realized the need to pool resources and take advantage of purported economies of scale. Conceptual plans for alternative water supply projects were developed for the Lower Ocklawaha River in Marion County; the St. Johns River near Deland, the St. Johns near Yankee Lake, the St. Johns near State Road 46 and the St. Johns/Taylor Creek Reservoir; and for seawater desalination along the Coquina Coast (Flagler County).

Initial estimates for transmission of water produced by the alternative water supply facilities showed this element to be very costly, often representing more than half the total capital cost for the entire project. Pipelines sized to carry "base load" (average day) demands at project "build out" to the participants in a given water supply project were conceptualized and used to estimate probable costs. The assumption was made that the new water sources would be used to meet "base load" and that existing groundwater sources would be used to meet peak day demands. Capital, operating and maintenance costs for each pipe segment (and

associated repumping stations) were preliminarily apportioned to the various downstream subscribers based on the percentage of pipe capacity required by each downstream user.

There are inherent uncertainties associated with any individual water supply withdrawal point regardless of the source. Extreme events including hurricanes, floods, droughts and source water contamination, as well as mechanical failure could cause periodic system failure and interruption of product water delivery. It is clear that fully independent water supply projects with one way transmission pipelines lack reliability and operational flexibility that would be provided by an interconnected regional transmission system. As envisioned, such an interconnected system would be able to transport from any connected source to any connected demand center. An integrated interconnected transmission system would provide a level of redundancy and reliability not provided by a series of fully independent water supply projects. In addition, SJRWMD has stated that once a surface water supply withdrawal is permitted, the permit will be subject to periodic renewal wherein environmental impacts will be evaluated and third party challenges may be offered. The SJRWMD statement that a surface water source could be eliminated or reduced due to future environmental or political actions is further justification that the pipeline network needs to be built to accommodate movement of water throughout the region to avoid dependence on any given source.

Probably the most challenging aspect of the regional alternative water supply initiative, however, is not engineering, system redundancy or science related. It is the issue of ownership and governance. Models in the region exist for sharing wastewater plant capacity (South Central Regional Wastewater System Treatment and Disposal Board, etc. in Brevard County) and wastewater collection and transmission (South Seminole North Orange County Wastewater Transmission Authority). Few, if any, examples exist in Florida for potable water transmission governance. To accomplish regional pipeline governance, separate interlocal agreements for each pipeline segment could be negotiated with each combination of users, but this concept could, for example in the case of the transmission system contemplated for the Yankee Lake Plant, result in numerous agreements between combinations of parties in different Counties, multiple construction contracts, and extremely difficult and complex coordination issues. Of equal concern is the lack of flexibility for others who were not part of the original group that built them to use these pipelines in the future. Such use would require that excess capacity be included in the original design. Finally, routine operation and maintenance would suffer from the same limitations and constraints.

Funding the shared pipeline projects using debt would be complicated and very difficult because no revenue stream would be associated with the pipelines themselves. For the Yankee Lake Project the Seminole County Commission has stated as part of their "deal points" with their "partners" that they would strongly prefer the transmission systems be handled "by others" but that they would require assurances that they would be constructed to ensure the use of their plant facilities. Obviously they are concerned with pipeline construction. However, neither the County nor their potential partners have formulated a solution that has been embraced.

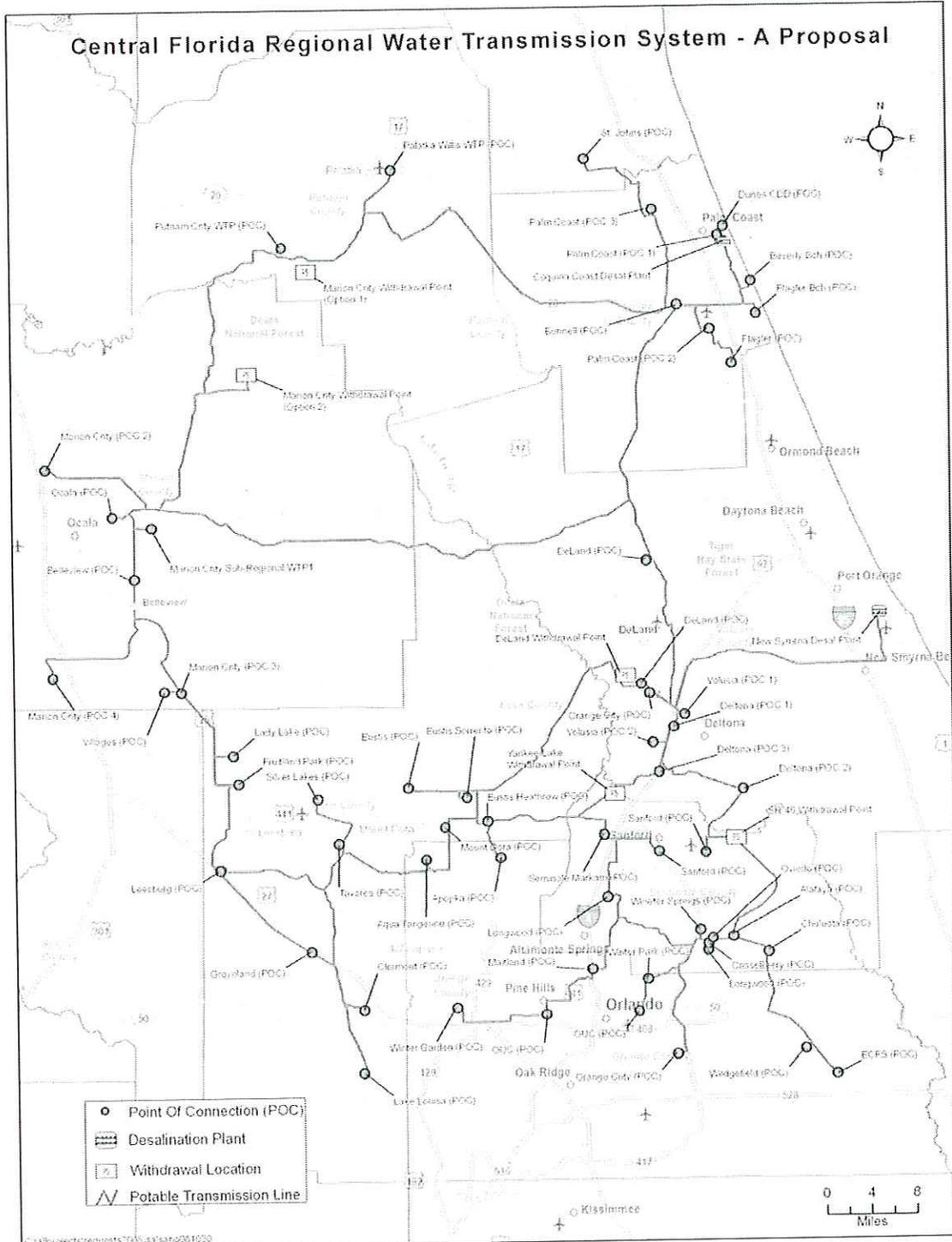
By interconnecting the various alternative water supply projects stated earlier into one system, a Central Florida Water Transmission concept is proposed. The system would be supplied with potable water from all the available alternative water supply sources that can be permitted thus providing the necessary reliability to meet the area's needs. The proposed system modifies existing single-source systems by eliminating redundant pipe sections, expanding selected pipe sections to allow movement of water in either direction and employing dual paths that provide operational flexibility. This gives local and regional water planners a wide array of source and transmission options from which to meet their needs. The conceptual system consists of over 500 miles of pipe ranging in size from 8 inches in diameter up to 72 inches and there are 16 booster pumping stations. The system could be built in phases and ultimately be extended across the peninsula giving the ability to supply potable water from desalination plants sited along both coasts and from water treatment plants supplied from all available permissible surface water sources. While various surface water sources continue to be included, environmental, political and public concerns may reduce if not eliminate them as a viable source.

Centralized computer control and monitoring could be used to properly manage the transmission and delivery of water to meet the demands of the various utilities. Such a control system could be configured to provide additional safety and security features such as leak detection, remote valve operation to isolate a break, remote booster pump station operation and detection of unauthorized activity within the system corridors.

The organization that would design, construct, operate and maintain the regional water transmission system could be an adjunct to the Water Management Districts or a separate entity. It is proposed that such an organization, however structured, be funded with bonds backed by the State of Florida. It is further proposed that this organization would design, construct, operate and maintain seawater desalination plants that could be sited adjacent to future power plants erected along the coasts. Revenues collected from the utilities based upon unit quantities shipped, would provide the funds to payoff the bonds as well as met maintenance and operating expenses. The utilities would be required to have Consumptive Use Permits from their respective Water Management District in order to take water up to their allocation from the transmission system. This is, in the opinion of the authors of this document, the single most effective incentive that could be offered by State of Florida to encourage multiple utilities to subscribe to centralized alternative water supply projects.

Robert Thielhelm Keith Riger Ray Sharp  
City of Mt. Dora City of DeLand City of Leesburg

# Central Florida Regional Water Transmission System - A Proposal



## Booth, Niki

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**From:** Hall, Cindy  
**Sent:** Tuesday, February 17, 2009 4:43 PM  
**To:** Booth, Niki  
**Subject:** FW: letter before SJRWMD public hearing on March 10th

Niki, this is an addendum under Comm Stewart's business for next week. The action is: approval to send a letter to the St. John's Water Management District in opposition to the CUP to allow Seminole Co. to withdraw the first 5.5mgd from the St. John's River.

Background is: See attached. (this e-mail.)

Thanks.

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**From:** Stewart, Linda  
**Sent:** Tuesday, February 17, 2009 4:36 PM  
**To:** Hall, Cindy  
**Subject:** FW: letter before SJRWMD public hearing on March 10th

Hi Cindy. Could I have this put up for discussion during my time at the meeting next week?  
Thanks.  
Linda

Linda Stewart  
Commissioner, District 4  
Lake County Board of County Commissioners  
PO Box 7800  
Tavares FL 32778-7800  
Phone: 352-343-9850  
FAX: 352-343-9495  
Email: [lstewart@lakecountyfl.gov](mailto:lstewart@lakecountyfl.gov)

Please Note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

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**From:** Linda K. Bystrak [mailto:[linda@bystrak.com](mailto:linda@bystrak.com)]  
**Sent:** Monday, February 16, 2009 10:30 PM  
**To:** Hill, Jennifer; Renick, Elaine; Stewart, Linda; Cadwell, Welton; Conner, Jimmy  
**Subject:** letter before SJRWMD public hearing on March 10th

To: The Lake Co. Board of County Commissioners  
From: The Oklawaha Valley Audubon Society  
Date: Feb. 16, 2009  
Regarding: 5.5mgd Water Withdraw from the St. Johns River for Alternative Water Supply

One of the Oklawaha Valley Audubon Society's goal's during 2008-9 is to encourage more water conservation to help offset the need to use surface water for continued growth and development. That is why we endorsed the City of Mt. Dora's water rate increases, and the planting of drought tolerant vegetation around their city hall, in hopes that it would serve as an example to other municipalities in Lake Co., but very few of them have followed the example. In fact, very little has been done county wide to encourage REAL water conservation. We understand that their efforts are being hampered by a rule that eliminates water conservation from being considered as an "alternative water source", and if we can help in any way to get that rule changed, OVAS is willing to assist.

In the meantime, on March 10, 2009 the SJRWMD Board of Trustees is going to vote on whether or not to allow Seminole Co. to withdraw the first 5.5mgd from the St. John's River. OVAS is urging the Lake Co. BCC to write a letter against that

CUP. The 5.5mgd is just the first request of what could be over 160mgd in total withdrawals from the St. Johns River on our border. That river is important to the citizens of Lake County for fishing, boating, and ecotourism.

On Sept. 17, 2009, I attended the 2 day Water Institute program in Gainesville regarding the possible environmental impacts on the St. Johns River, if such withdraws were to be made. The complete EIS will not be completed until 2010, so it is not justified that any permits be given until that study is completed, even if the current request is for only a fraction of the total water wanted for the future. During that symposium, it was revealed that the CORPS began measuring the flow of the St. Johns in 1933 at RT. 44. Up until 1956 the flow was northbound, but beginning that year it began changing it's flow. In 1995 it reversed it's flow 153 times, and it continues to reverse its flow 100 times or more each year! The river has a very gentle slope, and drought coupled with water withdraws from adjoining wells could already be having a negative effect. Our concern is what if the Reverse Osmosis brine is washed backwards with those reverse flows? Will the cost of continued salt removal be higher as the salinity increases at the pump site? Will the RO filters function properly with the returning brine? Will the ecosystem tolerate the additional salinity? Will there be more salt water intrusion in the wells of Lake Co. waterfront residents? Too many questions remain unanswered to invest in this project. That is one reason why OVAS urges the BCC to write a letter opposing the Seminole Co. CUP for 5.5mgd.

Respectfully,  
Linda Bystrak  
OVAS Conservation Committee Co-chair

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**ORDINANCE SUMMARY**

The Lake County Board of County Commissioners has determined that a number of measures should be taken in order to extend the availability of groundwater to its citizens. In order to accomplish this, the following measures are devised to be an initial step toward that end.

Rev. 2-17-09

**ORDINANCE NO. 2009 -**

**AN ORDINANCE OF LAKE COUNTY, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the St. Johns River Water Management District has responsibility and exclusive authority under Chapter 373, Florida Statutes, for regulating the consumptive use of water; and

**WHEREAS**, the St. Johns River Water Management District has amended Rule 40C- 2.042, F.A.C., its General Consumptive Use Permit by Rule that regulates small irrigation uses below consumptive use permit thresholds in Rule 40C-2.04 1 (l), F.A.C.; and

**WHEREAS**, Rule 40C-2.042(2)(a), F.A.C., grants a general permit to each person located within the District to use, withdraw or divert water for small landscape irrigation uses, provided that irrigation occurs in accordance with Sections 3 and 5, subject to the exceptions set forth in Section 4; and

**WHEREAS**, Rule 40C-2.042(2), F.A.C., applies to landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility; and

1 **WHEREAS**, Rule 40C-2.042(2)(b), F.A.C., strongly encourages a local government to adopt an  
2 ordinance to enforce Rule 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape  
3 irrigation ordinance that incorporates each of the provisions set forth in Rule 40C-2.042(2)(a),  
4 F.A.C.; and

5  
6 **WHEREAS**, it is the desire of the Board of County Commissioners of Lake County to adopt such  
7 an ordinance in accordance with 40C-2.042(2)(a) and (b), F.A.C.; and

8  
9 **WHEREAS**, the Board of County Commissioners of Lake County hereby finds and declares that  
10 the adoption of this ordinance is appropriate, and in the public interest of the citizens of this  
11 community.

12  
13 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
14 **LAKE COUNTY, FLORIDA:**

15  
16 **Section -.** Sections - through -, Code of Ordinances, are hereby created to read:

17  
18 **WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION**

19  
20 **SECTION ONE. Recitals.** The foregoing recitals are true and correct and incorporated  
21 herein by reference.

22  
23 **SECTION TWO. Amendment.** Chapter 21, Article VII "Landscape Irrigation" is created as  
24 shown below:

25  
26 **Article VII. Landscape Irrigation.**

27  
28 **Section 21 - 167. Intent and Purpose.** It is the intent and purpose of this Ordinance to  
29 implement procedures that promote water conservation through more efficient landscape  
30 irrigation.

31  
32 **Section 21 – 168. Definitions.**

33  
34 For the purpose of this Article, the following terms, phrases, words and their derivatives shall  
35 have the meaning given herein. When not inconsistent with the context, words used in the  
36 present tense include the future, words in the plural include the singular, and words in the  
37 singular include the plural.

- 38  
39 (a) "Address" means the house number of a physical location of a specific property. This  
40 includes "rural route" numbers but excludes post office box numbers. If a lot number in  
41 a mobile home park or similar community is used by the U.S. Postal Service to  
42 determine a delivery location, the lot number shall be the property's address. An "even  
43 numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters

- 1 A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9  
2 or the letters N-Z.
- 3 (b) "District" means the St. Johns River Water Management District.
- 4 (c) "Person" means any person, firm partnership, association, corporation, company, or  
5 organization of any kind.
- 6 (d) "Landscape irrigation" means the outside watering of plants in a landscape such as  
7 shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora  
8 that are situated in such diverse locations as residential areas, public, commercial, and  
9 industrial establishments, and public medians and rights-of-way .
- 10 (e) "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries,  
11 golf course greens, tees, fairways, primary roughs, and vegetation associated with  
12 recreational areas such as playgrounds, football, baseball and soccer fields.
- 13 (f) "Residential landscape irrigation" means the irrigation of landscape associated with any  
14 housing unit having sanitary and kitchen facilities designed to accommodate one or  
15 more residents, including multiple housing units and mobile homes.
- 16 (g) "Non-residential landscape irrigation" means the irrigation of landscape not included  
17 within the definition of "residential landscape irrigation," such as that associated with  
18 public, commercial and industrial property, including commercial or transient housing  
19 units, hotel and motel units, and public medians and rights-of-way.
- 20

21 **Section 21 - 169. Landscape Irrigation Schedules**

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- 23 1. When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance  
24 with the following irrigation schedule:
- 25
- 26 a. Residential landscape irrigation at odd numbered addresses or no address may occur  
27 only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.;  
28 and
- 29 b. Residential landscape irrigation at even numbered addresses may occur only on  
30 Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- 31 c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not  
32 occur between 10:00 a.m. and 4:00 p.m.; and
- 33 d. No more than 3/4 inch of water may be applied per irrigation zone on each day that  
34 irrigation occurs, and in no event shall irrigation occur for more than 1 hour per  
35 irrigation zone on each day that irrigation occurs.
- 36
- 37 2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance  
38 with the following irrigation schedule:
- 39
- 40 a. Residential landscape irrigation at odd numbered addresses or no address may occur  
41 only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- 42 b. Residential landscape irrigation at even numbered addresses may occur only on Sunday  
43 and shall not occur between 10:00 a.m. and 4:00 p.m.; and

- 1 c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur  
2 between 10:00 a.m. and 4:00 p.m.; and  
3 d. No more than 3/4 inch of water may be applied per irrigation zone on each day that  
4 irrigation occurs, and in no event shall irrigation occur for more than 1 hour per  
5 irrigation zone on each day that irrigation occurs.  
6

- 7 3. All landscape irrigation shall be limited in amount to only that necessary to meet landscape  
8 needs.  
9

10 **Section 21 – 170. Exceptions to Landscape Irrigation Schedules**

11  
12 Landscape irrigation shall be subject to the following irrigation schedule exceptions:  
13

- 14 1. Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed  
15 anytime.  
16 2. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days  
17 and every other day for the next 30 days for a total of one 60-day period, provided that the  
18 irrigation is limited to the minimum amount necessary for such landscape establishment.  
19 3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and  
20 herbicides, when required by law, the manufacturer, or best management practices, is  
21 allowed at any time of day on any day within 24 hours of application. Watering in of  
22 chemicals shall not exceed ¼ inch of water per application except as otherwise required by  
23 law, the manufacturer, or best management practices.  
24 4. Irrigation systems may be operated at any time of day on any day for maintenance and  
25 repair purposes not to exceed 20 minutes per hour per zone.  
26 5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at  
27 any time of day on any day.  
28 6. Discharge of water from a water-to-air air-conditioning unit or other water-dependent  
29 cooling system is not limited.  
30 7. The use of water from a reclaimed water system is allowed anytime. For the purpose of this  
31 paragraph, a reclaimed water system includes systems in which the primary source is  
32 reclaimed water, which may or may not be supplemented from another source during peak  
33 demand periods.  
34 8. The use of recycled water from wet detention treatment ponds for irrigation is allowed  
35 anytime provided the ponds are not augmented from any ground or off-site surface water,  
36 or public supply sources.  
37

38 **Section 21 – 171. Additional Requirement**

39  
40 Any person who irrigates landscape with an automatic lawn sprinkler system installed after  
41 May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides  
42 the irrigation system when adequate rainfall has occurred.  
43  
44

1 **Section 21 – 172. Variance from Specific Day of the Week Limitations**

2  
3 A variance from the specific landscape irrigation days or day set forth in Section 3 may be  
4 granted if strict application of the scheduled days or day would lead to unreasonable or unfair  
5 results in particular instances, provided that the applicant demonstrates with particularity that  
6 compliance with the scheduled days or day will result in a substantial economic, health or other  
7 hardship on the applicant requesting the variance or those served by the applicant. Where a  
8 contiguous property is divided into different zones, a variance may be granted hereunder so  
9 that each zone may be irrigated on different days or day than other zones of the property.  
10 However, in no event shall a variance allow a single zone to be irrigated more than two days per  
11 week during Daylight Savings Time or more than one day per week during Eastern Standard  
12 Time.

13  
14 **Section 21 – 173. Application Of Ordinance**

15  
16 The provisions of this Ordinance shall apply to each person located within the unincorporated  
17 areas of Lake County.

18  
19 **Section 21 - 174. Enforcement Officials**

20  
21 Law enforcement officials having jurisdiction in the area governed by this Ordinance are hereby  
22 authorized to enforce the provisions of this Ordinance. In addition, the County Manager may  
23 also delegate enforcement responsibility for this ordinance to agencies and departments of  
24 Lake County.

25  
26 **Section 21 – 175. Penalties**

27  
28 It shall be unlawful for any person to violate any provision of this Article, or any provision of any  
29 resolution enacted pursuant to the authority of this Article. Violations of this Article shall  
30 include, but not be limited to, failure to properly maintain irrigation system equipment or  
31 adhere to irrigation restrictions, as set forth in this Article. Any violation of this ordinance  
32 related to irrigation restrictions concerning days or time shall be considered to be irreparable or  
33 irreversible in nature as defined by F.S. § 162.

34  
35 Violation of any provisions of this article shall be subject to the following penalties:

36  
37 TABLE INSET:

38

First violation	\$50 or Written Warning
Subsequent violations	\$50 for each violation, doubling for each subsequent violation to a maximum of \$1000 for each violation.

1 Each day in violation of this article shall constitute a separate offense. Enforcement officials  
2 shall provide violators with no more than one (1) written warning. The issuance of a citation  
3 pursuant to this article in no way prohibits the enforcement of this article through all other  
4 legal means, including commencing an injunction action against the violator.

5  
6 In addition to the enforcement provisions provided, the county may avail itself of any other  
7 legal or equitable remedy available to it including, without limitation, injunctive relief, in the  
8 enforcement of any provision of this Article or any provision of any resolution enacted pursuant  
9 to the authority of this Article. Any person violating this Article shall be held liable for all costs  
10 incurred by the county in connection with enforcing this Article, or any resolution enacted  
11 pursuant to the authority of this Article including, but not limited to, attorney's fees.

12  
13 **SECTION THREE. Codification**

14  
15 Codification of this Ordinance is hereby directed and authorized.

16  
17 **SECTION FOUR. Severability**

18  
19 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
20 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect  
21 the validity of the remaining portions of this Ordinance.

22  
23 **SECTION FIVE. Effective Date.** This Ordinance shall become effective as provided for by law.

24  
25  
26 Enacted this \_\_\_\_ day of \_\_\_\_\_, 2009.

27  
28 Filed with the Secretary of State \_\_\_\_\_ 2009.

29  
30 Effective \_\_\_\_\_.

31  
32  
33  
34 ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

35  
36  
37 \_\_\_\_\_  
38 Neil Kelly, County Clerk of  
39 of Lake County, Florida

\_\_\_\_\_   
Welton G. Cadwell, Chairman  
This \_\_\_\_ day of \_\_\_\_\_, 2009.

40  
41  
42  
43 Approved as to form and legality:

1  
2  
3  
4  
5  
6

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Sanford A. Minkoff  
County Attorney