
Why these changes are needed:

- We need to close the loophole in § 4.3.11(B)(1)(c) (“Removal of excess material...”), paired with optional Mass Grading Plans that authorize excavation prior to site improvements. As written, a developer can claim “excess” and haul commercially valuable sand/fill offsite without a Special Use Permit (SUP).
- Florida Statutes define “borrow pits” and “extraction” in ways that we (Marion County) can mirror: any offsite removal for commercial use is extraction/mining. Using that definition and other counties’ thresholds (e.g., Seminole’s 5,000 net cubic yards and ≤200% of required stormwater volume), we can cap truly incidental offsite disposal of unsuitable materials (muck/clay/contaminated soils) and require an SUP for anything beyond—especially export/sale of sand/fill.
- Lake County explicitly treats borrow pits as mining and emphasizes resource protection; Sumter County requires mining as a special/conditional use with strong buffers. We aim to incorporate those policy cues for regional consistency, while staying within Marion County’s structure.

Summary of Changes

- The changes clarify that off-site removal of excavated material for sale is “resource extraction” and requires a SUP. It redefines the “excess material” exception (4.3.11.B.1.c) so it cannot be used to export/sell suitable sand/fill, and caps only unsuitable disposal with clear thresholds—consistent with Seminole County’s approach and Florida’s definition.
- Adds definitions referencing F.S. §378.403.
- Revises pond and road project exceptions to prevent off-site sale of suitable fill.
- Adds cross-reference in §2.15.1 (Mass Grading Plan) stating Mass Grading does not authorize resource extraction.
- Aligns with peer counties (Lake County treats borrow pits as mining; Sumter uses special/conditional permits and strong buffers). The changes keep our basic framework but adds teeth.
- It also pins Mass Grading to construction, explicitly stating it does not authorize resource extraction, and routes any off-site removal beyond the small, unsuitable carve-out straight to an SUP

Sec. 4.3.11. Mining and excavation.

- A. Existing mines which are permitted in conformance with the requirements of the Florida Statutes and the Florida Administrative Code will be allowed to continue operation in rural and urban areas wherein the

excavation, screening, crushing, processing, storing or distributing of limerock, phosphate, sand, gravel, clay or other mineral resources, within the same ownership or leasehold, has been actively pursued within the three-year period prior to June 11, 1992.

- B. Resource extraction from sites other than existing mines will be allowed in any zoning classification by SUP. Buffers and screening will be provided within a minimum setback of 25 feet in accordance with Article 6. Resource extraction shall be conducted in accordance with federal and state statutes. For purposes of this Section, any removal of excavated material from a site for offsite use or sale, whether or not associated with a permitted development or an approved Mass Grading Plan, constitutes "resource extraction" and requires a Special Use Permit (SUP), except as expressly limited in § 4.3.11(B)(1)(c). "Resource extraction" has the meaning set forth in F.S. § 378.403(6); "Borrow pit" has the meaning set forth in F.S. § 378.403(3); "Net cubic yards" include only the volume of unsuitable material removed for legitimate onsite construction purposes and excludes otherwise suitable fill removed for commercial use.

(1) Exceptions. A SUP is not required for the following activities:

- a. Existing mines covered by Section 4.3.11.A above.
- b. Expansion of existing, on-going aquaculture operations.
- c. Removal of excess material resulting from commercial, industrial and residential site improvements, except fish ponds. Excavation incidental to permitted commercial, industrial, or residential site improvements where all excavated material remains on-site for on-site use or on-site disposal, and no excavated material is removed from the site for sale or off-site use. Limited off-site removal of unsuitable material (e.g., muck, contaminated soils, or clay) necessary to construct approved stormwater facilities may occur, provided the total off-site removal does not exceed 5,000 net cubic yards or 200% of the minimum stormwater retention/detention volume required for the approved project, whichever is less, and provided the removed material is not suitable for structural fill and is not sold or used as a commercial resource. Any off-site removal beyond these limits, or any off-site removal of suitable sand/fill for sale or commercial use, is resource extraction and requires an SUP under this Section
- d. Any size pond, providing excavated material remains on-site. Excavation for ponds solely to serve on-site stormwater management or bona fide agricultural uses, where all excavated material remains on-site and is not sold or removed for off-site use. Any off-site removal of material from pond construction constitutes resource extraction and requires an SUP.
- e. Road construction projects wherein materials are reused or excess materials must be removed. Road construction projects under an approved permit where removal of unsuitable material is necessary and no excavated material is sold for off-site use. Off-site sale or use of suitable sand/fill removed from such projects constitutes resource extraction and requires an SUP

- C. New and expanding mining projects which include: (a) at least 35 percent of the proposed excavated area is located in a MCAVA category of "more" or "most" vulnerable, or (b) the operations will excavate within 15 feet of predicted height of potentiometric surface, or lime rock, whichever is higher, shall meet the requirements of the Springs Protection Overlay Zone in Article 5.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

Lake County

Sec. 4.3.XX. (Mass Grading/Excavation)

Mass Grading resulting in excavation, in conjunction with bona fide commercial, industrial or Subdivision Construction provided a Construction approval or Building Permit has been obtained from the County and Excavation is completed and Construction initiated within a reasonable period of time from the date that Excavation is initiated. Said time period Shall be determined by the County based upon the type of Construction and Shall be indicated on the written exemption document (3 months, six months, one year). Excess Overburden generated, in preparation, or as a result of the bona fide Construction may be Removed offsite only as follows:

- a) Excess overburden generated as a result of the bona fide Construction, including roadways, may be removed offsite so long as the County Manager or designee is provided written notice during Construction approval or Building Permit application process and so long as the total amount of material removed offsite is not greater than two hundred (200) percent of the minimum stormwater retention/detention volume required.*
- b) If the above criteria is exceeded or excavation is not storm water related, the County Manager or designee may give approval for removal of such excess Overburden if the applicant shows that removal of such excess Overburden is necessary for development of the Site due to physical factors of the Land or Permitting requirements from a governmental agency. In making this decision, the Growth Services Director or designee shall consider the following factors:*
 - (1) Unique physical characteristics and topography of the Land involved;*
 - (2) Engineering and environmental factors requiring overburden removal;*
 - (3) Whether excavation and removal of Overburden is necessary for access to the property;*
 - (4) Permitting requirements of state, local and federal governmental agencies; or*
 - (5) Such other matters that may be deemed appropriate by the Growth Services Director or designee.*
- c) If the County Manager or designee gives written approval of such Overburden removal, the County Manager or designee may attach such conditions, limitations and requirements to such approval as are necessary to effectuate the purposes of this exemption; to carry out the spirit and purpose of the Mining Regulations and the Marion County Comprehensive Plan; and to prevent or minimize adverse effects upon Natural Resources and other nearby properties, including but not limited to requiring;*

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- (1) A Mining Conditional Use Permit;*
 - (2) A Mining Operating Plan;*
 - (3) A Mining Reclamation Plan;*
 - (4) DEP Permitting*
 - (5) A Grading Plan;*
 - (6) Provision of bonds or other security necessary to enforce the conditions of the approval; and/or*
 - (7) Limitations on the development operation such as regulation of Ingress and Egress, operational hours, duration of the approval, and limitations in size and amount of removal, etc.*

Exemptions shall include, but not be limited to:

- a) Minor Landscaping projects provided they do not encroach in Flood-prone Areas as depicted on the FEMA maps or change the natural drainage pattern of the ground surface at the property line.*
- b) Swimming pool Construction provided a Building Permit has been issued by the County for Construction of the pool.*
- c) Excavation on agricultural properties, provided the following conditions are met:*
 - (1) Excavation shall be restricted to upland areas unless all required Water Management District permits or exemptions are obtained for potential wetland disturbance.*
 - (2) The extent of excavation is wholly within one (1) Owner's property.*
 - (3) Offsite drainage is not affected.*
 - (4) The excavated material remains on-Site and is stored on the upland areas. If excavated material cannot be stored onsite on the upland areas, a mining conditional use permit shall be required.*

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- (5) *Activities where no extractable material is Removed from the Site.*
- (6) *Excavation for the Construction of approved Stormwater/water Retention Areas and Roads (within the proposed right-of-way only) as part of a Platted Subdivision.*
- (7) *Materials as a result of shoreline clearing or shoreline excavation as allowed under state and local law and where all appropriate state permits have been issued where applicable.*

2.

SEMINOLE COUNTY

- **Chapter 65 - MINING, BORROW PITS AND EXCAVATION**
- **Sec. 65.1. - Permit required.**

Borrow pits may be permitted in any zoning classification by the Board of County Commissioners on real property as an interim use if the Board determines that all of the

terms and conditions of this Chapter will be met by the applicant. It is unlawful for any person to operate or create a borrow pit or borrow area or conduct **mining** or excavating activities without a permit from the Board of County Commissioners or its designated representative. Permits for removal of up to five thousand (5,000) cubic yards may be approved by agreement of both the Development Services Director and the Public Works Director (Office of The County Engineer). The Directors are not required to approve any application. An appeal of the Directors' decision to issue or not issue a permit shall be in accordance with [Section 20.12](#) of the Seminole County Land Development Code. The Directors shall consider the factors set forth in [Section 65.6](#), Permit Issuance Criteria. Operations removing more than five thousand (5,000) cubic yards shall require a public hearing and Board of County Commissioners' approval. A borrow pit permit shall not be required for the removal of five thousand (5,000) net cubic yards or less of material in association with any of the following activities listed in subsections (a) through (g) below when they are located on private property; but if five thousand (5,000) gross cubic yards of material is to be removed from the site notice shall be provided in accordance with subsection (h) below. An activity not required to obtain a borrow pit permit under this Section shall be required to obtain all other applicable development permits/orders for the activities and such development permits/orders shall address and mitigate any associated excavation. The calculation of "net cubic yards" as used in [Section 65.1](#) includes only improvement of soil for legitimate on site construction purposes. For example, situations include, but are not limited to, the removal and replacement of muck with suitable construction fill, the removal of clayey soil associated with storm water retention construction, or other substandard or contaminated soils and not the removal and replacement of otherwise suitable fill for commercial purposes.

(a) The installation of utilities.

(b) The installation of the foundations of any building or structure.

(c) Digging drainage ditches and canals where their locations and sizes have been authorized and approved by the Board of County Commissioners and the County Engineer and if the excavated material is not removed from the tract of land.

(d) Excavations relating to lawful accessory uses of land and designed to be filled upon completion of excavation, such as, graves, septic tanks, etc.

(e) The construction of a swimming pool when a permit has been issued for its construction.

(f) The excavation, grading, and moving of earth in conjunction with the platting of a subdivision or other development when such activities are approved by both the Development Services Director and the Public Works Director, provided the amount of excavated material to be removed from the tract of land is not greater than two hundred percent (200%) of the minimum stormwater retention/detention volume required. In no

case shall the excavated material removed from the tract exceed five thousand (5,000) net cubic yards without a borrow pit permit.

(g) Any other lawful use similar in nature to those listed above where the excavated material is not removed from the boundaries of the tract where the excavation is taking place with the approval of the Development Services Director and the Public Works Director.

(h) At least fourteen (14) days prior to the Development Services Director and Public Works Director's consideration of permit approval under their authority outlined in [Section 65.1](#), notice shall be provided to all residents living within one (1) mile of the property proposed to be permitted where soil would leave the property. At a minimum, notice shall contain:

(1) Delivery of written notice to those properties within fifteen hundred (1500) feet of the property to be permitted;

(2) Posting on three (3) consecutive days on a relevant social media outlet serving the community, such as but not limited to "Next Door"; and

(3) Posting on the County's website.

(§ 9.1, LDC, through Supp 16; Part VII, § 1, Ord. No. 92-5, 3-30-92; § 1, Ord. 92-16, 9-22-92; § 25, Ord. No. 94-15, 12-13-94; Ord. No. 97-18, § 17, 5-13-97; [Ord. No. 2021-11](#), § 4, 3-23-21).

- **Sec. 65.2. - Permit application; information required.**

(a) Any person desiring a permit for the operation of a borrow pit or borrow area or to conduct **mining** or excavating activities shall make written application to the appropriate approval authority based upon the number of cubic yards of material to be removed from the property.

(b) The application shall include the following information:

(1) The name and address of applicant.

(2) The date of application.

(3) A general description and legal description of project site.

(4) A brief explanation of project.

(5) The date the work is planned to start.

(6) *The anticipated length of time of the project.*

(7) *The hours of operation.*

(8) *A truck haul route map depicting, at a minimum, the primary haul routes within two (2) miles of the borrow pit or borrow area for operations serving general or countywide construction needs or specific roadway haul routes for operations consistently supplying a single area such as highway, bridge or small construction activities as determined by the development review manager. Haul route maps shall be supplied to the Seminole County School Board, the Seminole County Sheriff, the county traffic engineer and any city manager of any city which the development review manager determines to be affected by the operation for their review and comments.*

(9) *The size of vehicles to be utilized in hauling or transporting excavated materials.*

(10) *The amount of excavated materials to be removed.*

(11) *Copies of all similar or related applications to other agencies for the proposed activities, including, but not limited to, copies of all support documents.*

(c) *In addition, the application shall be accompanied by the following:*

(1) *A complete survey and topographic map certified by a surveyor registered in the state indicating the extent of the work proposed. The map shall depict the location of all wells and surface waters within one thousand (1,000) feet of the site.*

(2) *Proof of ownership as to all areas of land upon which it is to be operated.*

(3) *A reclamation and revegetation plan, restoration plan or mitigation plan indicating appropriate final cover and/or plantings in accordance with [Section 65.8\(1\)](#), shall be submitted with the application. The plan shall adhere to the standards set forth in the rules of the Florida Department of Environmental Protection, Division of Resource Management, at Chapter 16C-39, Florida Administrative Code, as amended, or its successor provisions.*

(4) *An erosion control plan which details methods to be used during construction and after completion to prevent wind and water erosion shall be included in the application.*

(5) *Soil borings shall be performed at all sites in order to determine the location of the wet and dry season groundwater table. A minimum of one (1) boring for each two and one-half (2.5) acres is required. Minimum depth of borings to be equal to the depth of the excavation. Excavations which will be performed below the groundwater table shall perform soil and geological assessments to fully determine the sub-surface soils and groundwater conditions, determine the proximity to sub-surface aquifers and confining*

layers and address the potential impacts upon the water quality of the aquifers. All soils information shall be prepared by a registered geotechnical engineer.

(6) Limits of wetlands and flood prone areas shall be determined in the field by survey and delineated on the plans. All activities shall conform to the Seminole County Wetlands and Floodplain regulations.

(7) Equipment refueling and maintenance areas shall be determined and their location shown on the plan. Petroleum and waste oil storage tanks shall comply with county, state and federal laws, rules and regulations.

(8)(A) Applications shall specify the methods to be utilized in dewatering the excavation, the duration of the operation, the volume of water pumped per hour and per day, and the disposition of the dewatering effluent. In the event the applicant cannot obtain legal use of the off-site disposal route and proposes on-site storage of effluent, the plan shall indicate the size and location of on-site holding ponds and include calculations used in determining the size of holding ponds. The soils report shall document the ability of the sub-surface soils to percolate the effluent directed to the holding ponds.

(B) Should the dewatering operation exceed ninety (90) days duration or twenty-five thousand (25,000) gallons per day, a groundwater draw down analysis shall be prepared by a geotechnical engineer which details the zone of influence for the given pumping rate over the anticipated duration of the activity. The analysis shall demonstrate that the proposed operation will not have an adverse impact on groundwater quality or adjacent wells.

(9) A copy of the St. Johns River Water Management District permit or letter of exemption shall be submitted prior to the scheduling of a public hearing.

(d) Due to the uniqueness and site specificity of restoration and mitigation plans, if a restoration or mitigation plan is submitted, no work may be performed prior to the issuance of a permit unless the county, in writing, approves the submitted plan. Such plans must meet with federal, state and local requirements.

(§ 73, Ord. 87-1, 2-10-87; § 9.2, LDC, through Supp 16; Part VII, § 2, Ord. No. 92-5, 3-30-92; § 2, Ord. No. 92-16, 9-22-92; § 26, Ord. No. 94-15, 12-13-94; Ord. No. 97-18, § 18, 5-13-97; Ord. No. 95-4, § 19, 6-26-95).

- ***Sec. 65.3. - Permit application; fee.***

An application for a permit to operate a borrow pit, mine or excavation-site shall be accompanied by such fee as is established by duly adopted resolution of the Board of County Commissioners.

(§ 9.3, LDC, through Supp 16; Part VII, § 3, Ord. No. 92-5, 3-30-92).

- **Sec. 65.4. - Notice of hearing.**

*Upon the receipt of an application for the operation of a borrow pit or borrow area, **mine** or excavation area requiring a public hearing, the Board of County Commissioners shall set a date for the required public hearing and publish a notice of such hearing one (1) time in a newspaper of general circulation in the county at least one (1) week prior to the hearing, describing the work proposed and a general and legal description of the location of the project. In addition, the board shall cause notices of all applications, whether or not a public hearing is required, to be sent to all property owners who, as determined by it in its discretion, might be affected by such excavations or the transporting or hauling of excavated materials therefrom.*

(§ 9.4, LDC, through Supp 16; Part VII, § 3, Ord. No. 92-5, 3-30-92; § 27, Ord. No. 94-15, 12-13-94).

- **Sec. 65.5. - Conduct of public hearing.**

*At the required public hearing for a borrow pit or borrow area permit, or **mine** or excavation-site permit the Board of County Commissioners shall hear such testimony and presentation and shall review such submittals, recommendations, and information as shall be necessary to determine the effects of the proposed work on the rights and interests of the public; the board may require such reports to be made as deemed necessary prior to the issuance of such borrow pit or borrow area permit or **mine** or excavation-site permit.*

(§ 9.5, LDC, through Supp 16; Part VII, § 3, Ord. No. 92-5, 3-30-92).

- **Sec. 65.6. - Permit issuance criteria.**

*In granting or denying a permit for the operation of a borrow pit or borrow area, or a **mine** or excavation-site the Board of County Commissioners shall consider all adverse effects on any sanitary, storm, or other drainage system; any possible damage to public streets or roads; the creation of a traffic or other hazard; the effect of the project upon the public health, safety, comfort, good order, appearance, prosperity, and general welfare; any adverse impacts upon the environment including protected plant and animal species; any adverse impacts upon ground water conditions including private wells, freshwater springs, the Geneva lens and aquifer recharge areas; any adverse impacts upon surface waters, and any other applicable criteria.*

(§ 9.6, LDC, through Supp 16; Part VII, § 3, Ord. No. 92-5, 3-30-92; Ord. No. 97-18, § 19, 5-13-97; [Ord. No. 2021-11](#), § 4, 3-23-21).

- ***Sec. 65.7. - Issuance of permit.***

(a) Based upon their findings, the Board of County Commissioners, or their designated representative, shall either grant or deny a permit for the operation of a borrow pit or borrow area, mine or excavation area and may place such reasonable restrictions and conditions upon the granting of said permit as shall be necessary to protect the rights and interests of the public.

(b) If a permit is granted, the permit shall be in the name of both the applicant and the current property owner, which shall be consistent with the names shown on any related permit issued by any and all other appropriate agencies, and shall be valid for use by either party in accordance with all conditions of the permit. The applicant and the property owner shall jointly and severally bear full responsibility and liability for fulfilling all conditions of the permit.

(§ 9.7, LDC, through Supp 16; Part VII, § 3, Ord. No. 92-5, 3-30-92; § 3, Ord. No. 92-16, 9-22-92).

- ***Sec. 65.8. - Permit restrictions.***

All projects undertaken under authority of a permit issued in accordance with the provisions of this chapter shall be subject to the following restrictions and regulations:

(a) Setbacks to the edge of the excavation shall be as follows:

(1) One hundred (100) feet from the right-of-way line of any state or county road.

(2) One hundred (100) feet from all property lines.

(3) Three hundred (300) feet from wetlands or natural surface waters.

(4) Two hundred and fifty (250) feet from private wells and five hundred (500) feet from public supply wells.

(b) No stockpiling of earth from any borrow-type, mining or excavating operations may be within the setback areas. Setback areas shall remain undisturbed during the borrow operation except for access roads as shown on the approved plans.

(c) Property corners shall be set with permanent reference monuments (P.R.M.s) and the property corners and buffer areas flagged prior to start of work.

(d) The entire perimeter of the site shall be enclosed with at least four (4) feet high hog wire fence plus two (2) strands of barbed wire reaching a total height of at least six (6) feet, or equivalent fence, prior to the start of operation. An access gate which shall be locked and secured when the borrow pit is not in operation and provides a minimum opening width of twenty (20) feet shall be installed.

(e) Warning signs a minimum size of thirty-two (32) square feet shall be located prominently at the perimeter of the site on each side of the property not more than five hundred (500) feet apart and at the entrance. The sign shall have a white background with twelve (12) inch high red letters stating "posted, no trespassing, construction-site." The sign at the entrance shall also contain the owner or operator's emergency daytime and nighttime phone numbers for the fire and sheriff's department use in the event of emergencies. Vehicular control signs shall include a thirty (30) inch hi-intensity "stop" sign at the exit and a forty-eight (48) inch "trucks entering and leaving highway" in each direction from entrance shall be posted. Signs shall conform to M.U.T.C.D. Standards.

(f) Side slopes of the finished excavation shall be as follows:

(1) Wet ponds. 6:1 (six foot horizontal to one foot vertical) to a water depth of three (3) feet, then 2:1 to a water depth of six (6) feet then 1:1 to the bottom. A minimum water depth of six (6) feet and a minimum surface width of fifty (50) feet is required to prevent the creation of a stagnant pool.

(2) Dry ponds. 4:1 slopes

(g) Traffic control is the responsibility of the pit, **mine** or excavation operator. Traffic control shall be provided by the said operator when deemed necessary by the appropriate county staff.

(h) All operations accessing paved roads shall provide a driveway paved with asphalt or concrete to industrial standards from the edge of the existing paved road to the right-of-way line, at the entrance to the site and, when located on a two-lane road, shall widen the opposite side of the road by six (6) feet from radius point to radius point to provide an adequate turning area. The applicant is responsible for restoration of any and all damages to roads resulting from the hauling operation. The gates of all trucks shall be cleaned prior to exiting the site and the pit, **mine** or excavation operator shall remove all dirt from the pavement at the end of each day and during the day if necessary.

(i) All operations accessing unpaved roads shall be responsible for full-time maintenance of the unpaved road at the applicant's sole expense in a condition satisfactory to the county public works department. Equipment for grading and watering of the road shall be available and a schedule for the maintenance approved prior to the start of work.

(j) Quality of effluent water shall meet F.D.E.R. regulations for the type of receiving surface water. The F.D.E.R. classification of receiving waters shall be shown and the pre-treatment methods to be used prior to discharge shall be detailed. Well point water may not require pre-treatment prior to discharge, however, all water removed by other methods shall require pre-treatment. The more stringent of F.D.E.R. regulations or this chapter with respect to dewatering shall apply.

(k) A minimum separation of ten (10) feet between the bottom of any pit, **mine**, excavation or lake pit and the top of the sub-surface limestone formation shall be maintained.

(l) Reclamation and revegetation plantings shall, at a minimum, be planted as follows:

(1) Installation of plantings shall begin within thirty (30) days following completion of the borrow, **mining** or excavation operation and be completed within ninety (90) days of starting date. A certificate of completion shall not be issued until the reclamation plantings have been completed.

(2) Borrow pits, **mines** or excavation activities which result in the creation of a lake or pond shall provide plantings of a mixture of at least two (2) species each of native wetland trees, shrubs, plants and grasses in, along and within fifty (50) feet of the water to achieve a cover of at least seventy (70) percent above normal water level and thirty (30) percent below normal water level at the end of one (1) year and ninety (90) percent above normal water level and sixty (60) percent below normal water level at the end of two (2) years. A minimum of one (1) tree, two (2) inches in diameter at breast height, and twelve (12) tree saplings, a minimum of twelve (12) inches in height, shall be planted for every one thousand (1,000) square feet of property to be reclaimed or revegetated.

(3) Plantings of a mixture of at least three (3) species each of native trees, shrubs, plants and grasses shall be planted in and upon disturbed uplands to achieve a cover of at least seventy (70) percent at the end of one (1) year and ninety (90) percent at the end of two (2) years. A minimum of one (1) tree, two (2) inches in diameter at breast height, and twelve (12) tree saplings, a minimum of twelve (12) inches in height, shall be planted for every five hundred (500) square feet of disturbed uplands property.

(4) Topsoil or natural organic material shall be placed in all disturbed areas to provide soils enrichment necessary for healthy plant growth.

(5) Lakes shall be stocked with native freshwater fish in order to more quickly establish a wildlife habitat. Lakes shall be stocked with a minimum of fifty (50) fingerlings per acre of water after completion of shoreline plantings.

(6) The property owner shall guaranty for a period of no less than two (2) years, the growth and establishment of the plantings by the posting of a bond or other instrument acceptable

to the county. During the two (2) year period, the owner shall be responsible for all continuous maintenance necessary to ensure growth, to correct and control erosion, to replace vegetation that has failed to survive and to remove all vegetation not acceptable to the county and which exceeds ten (10) percent of the reclamation plantings.

(m)(1) The conversion or use of any borrow pit, **mine** or excavation-site as a landfill is prohibited.

(2) The conversion or use of any lake or pond created as a result of a borrow pit, **mine**, or excavation-site as a stormwater retention area shall be permitted only if a separate retention area provides pollution control volume for the first one-half (½) inch of runoff prior to discharge into the pit.

(§ 9.8, LDC, through Supp 16; Part VII, § 4, Ord. No. 92-5, 3-30-92; § 4, Ord. No. 92-16, 9-22-92).

- **Sec. 65.9. - Bond.**

(a) As a condition for the granting of a permit to operate a borrow pit or borrow area or **mine** or excavation-site, the Board of County Commissioners, or their designated representative, may require the applicant to post a bond or other instrument acceptable to the county, guaranteeing that he will correct any damage that may occur, by way of example and not limitation, to public streets or roads, adjacent structures or wells, or to the environment, and to assure that the borrowing, **mining** or excavation conforms to the specific requirements of this chapter and to any special conditions made by the board at the time of approval of this application. The bond or other instrument shall be in the amount of not less than five thousand dollars (\$5,000.00), nor more than thirty cents (\$0.30) per cubic yard of total excavation volume approved. The board may also require the applicant to post a performance bond or other instrument, guaranteeing the completion of landscaping and other revegetation measures required by this chapter or made by the board at the time of approval of this application. This bond or other instrument, shall be in the amount of not less than two thousand dollars (\$2,000.00), nor more than one thousand five hundred dollars (\$1,500.00) per acre of total area disturbed by this activity. All bonds and other instruments, shall be submitted on a form developed or approved by the county attorney and issued by a surety company or financial institution licensed to do business in the State of Florida and rated by the State Insurance Commissioner or authorized by the State Division of Banking. Bonding requirements may also be met by an escrow deposit held by the county.

(b) The bond, cash escrow or other instrument, for the borrow pit operation or **mining** or excavation activities shall not be released until a certificate of completion is issued and a two (2) year maintenance bond, cash escrow or other instrument, in the amount of twenty-five (25) percent of reclamation plantings, to ensure complete establishment and growth of

plantings, is accepted by the county. Prior to issuance of the certificate of completion, a certified topographic survey showing the finished slope condition of the site shall be submitted and approved by the development review division.