

Section 3

General Procedures

3-1 General Requirements ~~Permit Required~~

- (A) No person may proceed with any construction work, landscape modification, or maintenance which alters or disturbs the lake, lakebed, or lakeshore (i.e. the lakeshore protection zone), as outlined in Section ~~3-53-4~~ of these regulations until she/he has obtained and has physical possession of a valid "Lakeshore Construction Permit" issued by the governing body.
- (B) The person who does or authorizes work in the lakeshore protection zone is responsible for assuring that a valid permit has been obtained from the governing body.
- (C) The person who does or authorizes work in the lakeshore protection zone is responsible for assuring ~~shall acknowledge~~ that the proposed construction is limited to all "Conditions of Approval" attached to the permit, and that the proposed construction complies with the policy criteria, general construction requirements and design standards as outlined in Sections 5-1, 5-2 and 5-3 of these regulations, unless a variance has been granted by the governing body.

3-2 Restoration

- ~~(B)~~ A person who performs or authorizes work or landscape modification which alters or disturbs the lakeshore protection zone, as outlined in Section 3-4 of these regulations after May 1, 1975 without possession of a valid permit for that work shall, if required by the governing body or the district court, restore the lakeshore protection zone to its original condition.
- (C) ~~The person who does or authorizes work in the lakeshore protection zone is responsible for assuring that a valid permit has been obtained from the governing body.~~
- (D) ~~The person who does or authorizes work in the lakeshore protection zone shall acknowledge that the proposed construction is limited to all "Conditions of Approval" attached to the permit.~~

3-3 Rights

- ~~(E)~~ Work or development approved by permit under these regulations shall not create any vested property right in the permitted project, other than in the physical structure, if any.

3-42 Permission to Enter

- (A) The governing body, the planning board, ~~or~~ the planning staff and/or their consultants may conduct investigations, examinations and site evaluations as they deem necessary in order to verify information supplied as a requirement of these regulations, to evaluate a proposed project for compliance with the "Policy Criteria for Issuance of a Permit" (Section 5-1), to observe and monitor construction, and/or to evaluate completed projects for compliance with approved plans, these regulations, and any specific "Conditions of Approval".
- (B) The filing of an "Application for a Lakeshore Construction Permit" with ~~the governing body~~ Lake County by a landowner or his/her authorized agent shall constitute a grant by the landowner to the governing body, planning board, ~~and~~ planning staff, and/or their consultants permission to trespass and enter upon the subject property for review and evaluation purposes under these regulations.

3-54 Work for Which a Requiring a Permit is Required

- (A) Any work, including maintenance, which will temporarily or permanently alter, diminish, or increase the course, current or cross-sectional area of the lakeshore protection zone must first be secured by a permit from the governing body before any work is commenced.
- (B) Without limitation, the following activities, when conducted within the lakeshore protection zone ~~water ward of the perimeter of a lake when it is at its mean annual high water elevation~~, are examples of work for which a permit is required:
- (1) construction of channels and/or ditches,
 - (2) excavation or dredging,
 - (3) filling,
 - (4) construction of lagoons
 - (5) construction of riprap, retaining walls and/or breakwaters,
 - (6) construction of wharves, docks, and/or piers,
 - (7) Installation of new floating docks, swim rafts, moveable docks and shore stations.
 - (8) construction of boathouses, boat shelters, ~~buildings~~ structures, or other impervious surface areas,
 - (9) construction of boat service facilities, including the installation of fuel pumps or sewage pump out facilities,
 - (10) construction of aerial structures, including extensions into the air space,
 - (11) installation of water lines, sewer lines, drain lines, electrical lines or lighting, or other utility lines or facilities,
 - (12) installation of fuel delivery systems, including storage tanks and pumps. ~~(see Section 5-3).~~
 - (13) installation of ~~shore stations,~~ boat rail systems, boat ramps, buoys,

- ~~floating docks, or pilings,~~
- ~~(10)(14) construction of decks, ramps, stairways, walkways, or fencing~~
- ~~(14) development of roads or driving surfaces~~
- ~~(9)(16)——removal or clearing of vegetation,~~
- ~~(10)(17)——maintenance and reconstruction of existing facilities,~~
- ~~(11)——stockpiling brush, trees, vegetation, or construction debris or materials,~~
- ~~(19)——burning of brush, trees, vegetation or construction debris or materials,~~
- (20) any other work, not herein mentioned, that may have an impact on the lakeshore protection zone.

- ~~(C) Without limitation, the following activities, when conducted within the lakeshore protection zone, are examples of work for which a permit is required:~~
- ~~(1)——construction of channels or ditches,~~
- ~~(2)——excavation or dredging,~~
- ~~(3)——filling,~~
- ~~(4)——construction of lagoons,~~
- ~~(5)——construction of living quarters, buildings, boathouses, boat shelters, or other impervious surface areas,~~
- ~~(6)——construction of boat service facilities, including the installation of fuel pumps,~~
- ~~(7)——construction of aerial structures, including extensions into the air space,~~
- ~~(8)——installation of waterlines, sewer lines, drain lines, lighting, or other utility lines or facilities,~~
- ~~(9)——clearing of vegetation,~~
- ~~(10)——maintenance and reconstruction of existing facilities,~~
- ~~(11)——stockpiling brush, trees, vegetation, or construction debris or materials,~~
- ~~(12)——burning of brush, trees, vegetation, or construction debris or materials.~~

3-6 Construction or Activities NOT Allowed in the Lakeshore Protection Zone

- (A) wells,
- (B) pump houses,
- (C) heat exchange systems
- (D) sewer lines or components
- (E) living quarters,
- (F) decks attached to living quarters,
- (G) elevated or cantilevered decks or patios, either free-standing or extending from a house or other structure,
- (H) satellite antennas/dishes

- (I) hot tubs and saunas,
- (J) any asphalt application,
- (K) roads or driveways except to serve boat ramps,
- (L) filling for the purpose of expanding existing land areas,
- (M) filling for the purpose of reclaiming property which has been eroded away over a period of one (1) year or more,
- (N) retaining walls designed to reclaim property or to extend land area into a lake
- (O) dredging for the purpose of extending the lake area landward
- (P) construction of lagoons
- (Q) filling of wetlands adjacent to a lake
- (R) solid concrete, piling, plank or crib docks that block the transfer of water beneath a dock,
- ~~(S)~~ (S) stockpiling of construction debris (including excess backfill, brush, trees, cleared vegetation, concrete, old construction materials or waste from new construction),
- ~~(T)~~ (T) burning of weeds, grass, shrubs, brush, trees, old construction materials, waste from new construction, or similar materials,
- (U) treated or painted lumber
- (V) jetties and groins
- (W) gabion baskets
- (X) permanent overhead electrical lines
- (Y) livestock/grazing/pasturing of animals

3-73 Exemptions from Regulations Emergency Work *rearranged*

Emergency work is exempt from the permitting provisions of these regulations providing that all of the following ~~conditions~~ are met:

- (1) there is a bona fide emergency condition where there is an eminent threat to people, the environment, property, or improvements;
- (2) the work is only what is necessary to mitigate the immediate threat ~~to property or improvements~~; and,
- (3) the conditions which constitute the eminent threat are caused by extenuating circumstances which could not be readily anticipated and which do not re-occur ~~are not recurrent~~ on an annual basis.

(B) The person proposing to do emergency work shall notify the governing body/planning department ~~receives notification~~ as to the nature of the emergency, including a description of the work to be done and the location of the project site. If the work date falls on a normal working day (Monday through Friday, excluding holidays) notification must be accomplished prior to beginning work; if the work date falls on a non-working day (Saturday, Sunday, and holidays) notification shall be accomplished the next working day.

(C) If work done under this emergency provision goes beyond what is minimally necessary to mitigate the danger ~~to property or improvements,~~

or if work is done where no emergency condition existed, such work shall be considered a violation of these regulations, and appropriate action ~~shall~~ may be commenced by the county pursuant to Section 3-6 of these regulations.

- ~~(B) there is a bona fide emergency condition where there is an eminent threat to property or improvements,~~
- ~~(C) the work done is only what is necessary to mitigate the immediate threat to property or improvements, and~~
- ~~(D) the conditions which constitute the eminent threat are caused by extenuating circumstance which could not be readily anticipated and which are not recurrent on an annual basis.~~

~~3-5 Variances~~ *moved to a different section*

~~(A) The governing body may grant a variance from the "Policy Criteria for Issuance of a Permit" (Section 5-1) only after preparing an environmental impact assessment, at the expense of the applicant, which conforms to the requirements of this section, and after holding a public hearing as specified in this section.~~

~~(1) The environmental impact assessment shall contain the following information:~~

- ~~(a) description of the proposed project,~~
- ~~(b) description of the variance being considered,~~
- ~~(c) description of existing conditions,~~
- ~~(d) description of known environmental effects,~~
- ~~(e) probable environmental effects, and~~
- ~~(f) any unavoidable environmental effects, and~~
- ~~(g) alternatives to the proposed project.~~

~~(2) After the governing body has prepared and distributed the environmental impact assessment, a public hearing shall be held. Notice of the time and place of the public hearing shall be given by publication in a newspaper of general circulation in the county not less than fifteen (15) days prior to the date of the hearing. The applicant and all adjoining landowners shall be sent notice of the time and place of the hearing and one (1) copy of the environmental impact assessment by certified mail not less than fifteen (15) days prior to the date of the hearing.~~

~~(3) Following the public hearing, the governing body may grant the variance, deny the variance or continue the hearing to provide for the input of additional information. If a variance is granted, the governing body may attach "Conditions of Approval".~~

~~(B) The governing body may grant reasonable variances from the construction requirements and design standards contained in Sections 5-2 and 5-3 of these regulations when the governing body determines that due to unusual circumstances a strict enforcement of such requirements and standards would result in undue hardship, that no reasonable alternatives exist which do meet the standards contained herein, and that granting of the variance will not be adverse to the "Policy Criteria for Issuance of a Permit" as outlined in Section 5-1 of these regulations. Variances from design standards which would be adverse to the "Policy Criteria for Issuance of a Permit" must be reviewed under the provisions of Section 3-5(A) of these regulations.~~

~~(C) Variance requests require additional staff and board review. Therefore, the project is subject to supplemental fees as outlined in Section 4-1 (B). All fees shall be paid at the time of application for variance. These fees are non-refundable.~~

~~3-6~~ Violations

~~(A) A person who violates an order issued under the authority of these regulations, or a person who knowingly violates a provision of these regulations, or a person who knowingly does or authorizes work on or alters a lake, lakebed, and lakeshore without first obtaining a permit for such work, or does work in excess of a permit, commits a misdemeanor and, on conviction, may be sentenced to thirty (30) days in the county jail, fined five hundred dollars (\$500.00) or both.~~

~~(B) Fines collected under this section shall be paid to the General Fund of Lake County for the purpose of administering these regulations.~~

~~3-7~~ Judicial Review and Enforcement

~~(A) The District Court may hear and decide any complaint and petition of a governing body or an interested person for an order to restore a lake to its previous condition or to enjoin further work in the lakeshore protection zone.~~

~~(B) The District Court may hear and decide any petition of an interested person for review of final action of the governing body on an application for a permit.~~

~~3-8~~ Amendment of Regulations

~~(A) These regulations may be amended from time to time. Prior to adopting any proposed amendments, the governing body shall hold a public hearing thereon. The governing body shall give notice of the time and place of the~~

~~public hearing by publication in a newspaper of general circulation in the county not less than fifteen (15) days prior to the date of the hearing.~~

~~(B) Following the public hearing, the governing body may adopt proposed amendments and thereby effect a change in these regulations. The county may publish adopted changes in a form which is convenient for use.~~