

CHAPTER I GENERAL PROVISIONS

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1.00.00 Title.

These regulations shall be entitled the "Lake County Land Development Regulations" and may be referred to herein as the Regulations.

1.01.00 Authority and Applicability.

These Land Development Regulations are enacted pursuant to the requirements and authority of F.S. § 163.3202, and the general powers in F.S. Ch. 125.

1.01.01 General Application. These Regulations shall apply to the unincorporated area of the County, and no Subdivision of Land or Development Activity shall be undertaken without prior authorization pursuant to these Regulations.

(Ord. No. 1996-88, § 1, 11-26-96)

1.02.00 VESTING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN*

* **Editors Note:** Ord. No. 1996-13, § 1, adopted Feb. 6, 1996, amended §§ 1.02.01--1.02.06 to read as herein set out. Section 2 of ordinance repealed §§ 1.02.07--1.02.30. See the Code Comparative Table.

In recognition that the rights of some property owners to develop their Land may be vested despite the particular development being inconsistent with the Lake County Comprehensive Plan or the Land Development Regulations, this section sets forth the standards for the determination and recognition of those vested rights.

(Ord. No. 1996-13, § 1, 2-6-96)

1.02.01 Statutory Vesting.

Pursuant to Section 163.3167(8), Florida Statutes, nothing in the Comprehensive Plan or the Land Development Regulations shall limit or modify the rights of any person to complete any project that has been authorized as a Development of Regional Impact pursuant to Chapter 380, Florida Statutes, or who has been issued a final local Development order and Development has commenced prior to the effective date of the portion of the Comprehensive Plan or Land Development Regulation which is inconsistent with the

Development and such Development is continuing in good faith.
(Ord. No. 1996-13, § 1, 2-6-96)

1.02.02 Common Law Vesting.

Pursuant to this Section, nothing in the Comprehensive Plan or the Land Development Regulations Shall limit or modify the rights of any person to complete any project for which there is proof that prior to the effective date of the portion of the Comprehensive Plan or Land Development Regulation which is inconsistent with the Development that:

1. Lake County has committed a governmental act or omission with respect to Development of the property; and
2. Extensive obligations or expenses (other than land purchase costs and payment of taxes) including, but not limited to, professional expenses related directly to the Development, expenses associated with installation of utility infrastructure or public improvement related directly to the development, or expenses related to the dedication of Land to a government entity related directly to the Development, have been incurred or there has otherwise been a substantial change in position; and
3. Such obligations, expenses, and change in position were undertaken by the property owner in good faith reliance on the governmental act or omission of Lake County; and
4. It would be unfair to deny the property owner the opportunity to complete the project.

(Ord. No. 1996-13, § 1, 2-6-96)

1.02.03 Vested Development within the Wekiva River Protection Area.

In addition to the provisions of 1.02.01 and 1.02.02, land contained within the Wekiva River Protection Area, as defined in Chapter 369, Florida Statutes, Part III (1993), may be developed at the density permitted by the Zoning classification in place immediately prior to March 12, 1990, provided one (1) of the following conditions are satisfied:

1. Recorded Plat of the Property. A plat of the property based upon the Zoning classification in place immediately prior to March 12, 1990, and depicted on Comprehensive Plan Map I-4, has been recorded in the Public Records of Lake County, Florida.
2. Complete Site Plan Application. A complete application for Site Plan approval was filed prior to December 21, 1989, the effective date of Ordinance No, 1989-12, which imposed a moratorium on Development permit applications within the Wekiva River Protection Area.
3. Complete Preliminary Plat Application. A complete application for Preliminary plat approval was filed prior to December 21, 1989, the effective date of Ordinance No. 1989-12, which placed a moratorium on Development applications within the Wekiva River Protection Area. A Final Plat processed after a Preliminary Plat submitted prior to December 21, 1989, and subsequently

approved by the Lake County Board of County Commissioners, Shall be subject to the Lake County Code provisions in effect immediately prior to December 21, 1989.

4. Commercial (and Industrial) Development. Commercial Zoning within the Wekiva River Protection Area existing on March 12, 1990, is vested for commercial uses whether or not a Site Plan has been previously approved and if a Site Plan has not been previously approved, county approval is required. Commercial and industrial uses permitted in the Wekiva River Protection Area are depicted on the "Future Land Use Map" Series (Map I-3). Commercial and Residential uses are permitted in the Industrial Land Use Category when the alternate use Shall result in a reduction in Density or intensity.

5. Non-Exempt Parcels. A parcel of Land within the Wekiva River Protection Area Shall be allowed a maximum of one (1) dwelling unit provided that such parcel:
 - a. Is not exempted due to a determination of vested rights;

 - b. Was under single ownership as of March 12, 1990, and contained twenty (20) or forty (40) acres or less in total area, depending on the location of the Land within the Wekiva River Protection Area; and

 - c. Has a minimum of twelve thousand five hundred (12,500) feet, including any easement existing on a parcel of Land, that is not:
 - (1) Classified as open waterbodies or wetlands by Lake County or the St. Johns River Water Management District;

 - (2) Within the Wekiva River Basin Riparian Habitat Protection Zone established pursuant to Section 373.415, Florida Statutes; or

 - (3) Designated a flood prone area by the Federal Emergency Management Administration.

(Ord. No. 1996-13, § 1, 2-6-96)

1.02.04 Vested Rights Determinations.

Any person may request from Lake County a determination of whether the person's right to complete a project is vested pursuant to Section 1.02 of these Regulations. Such request Shall be made on application forms as Lake County may from time to time prescribe, and the request Shall be made and Shall be reviewed and approved or disapproved in accordance with the procedures set forth in Section 14.16.00.

(Ord. No. 1996-13, § 1, 2-6-96)

1.02.05 Effect of Vested Rights Determination.

If an affirmative Vested Rights Determination becomes Final, then the particular provisions of the Lake County Comprehensive Plan or Land Development Regulations specified in the Final Determination Shall not

limit or modify the Vested Right of the applicant to complete the particular project in question. However, such a Final Vested Rights Determination Shall not limit the applicability of any other provisions of the Lake County Comprehensive Plan or any other ordinances, rules, regulations and requirements of Lake County. Nor Shall the Vested Rights Determination entitle the application to the issuance of any Development order or Permit not specified in the Final Vested Rights Determination. Nor Shall the Vested Rights Determination relieve the applicant from paying any impact or other fees assessed by Lake County after the effective date of such determination (or any increases thereto).

(Ord. No. 1996-13, § 1, 2-6-96)

1.02.06 Termination of Vested Rights Determinations.

Any Vested Rights Determination based upon statutory vesting Shall terminate upon the termination or invalidity of the Final Development Order which formed the basis for the Vested Rights Determination.

In addition, in order to implement effective decision making by the County with regard to the planning, financing and construction of infrastructure, any applicant affirmatively demonstrating the existence of Vested Rights pursuant to Section 1.02 must continue in good faith to develop the Vested Project after the date of the Vested Rights Determination. Every Vested Rights Determination Shall include a deadline for commencement of physical development which Shall be a maximum of three (3) years from the date of the Vested Rights Determination. In addition, affirmative Vested Rights Determinations may include other definite criteria and requirements which may include one (1) or more of the following (listed by way of illustration and not limitation):

1. Phasing or staging requirements, as appropriate, including but not limited to deadlines for requesting or receiving permits or approvals for initiating and completing various Development activities.
2. Termination dates, which Shall reasonably reflect the time required to complete the phase in question or to complete the Development, as applicable, and which may take into consideration the requirements of lenders while diligently enforcing security interests; or
3. Any other appropriate Development requirements set forth in prior Development permits. The Vested Rights Determination may require the submission of annual reports by the applicant on the anniversaries of the Vested Rights Determination, which may include such information as the Development activity actually conducted for the past year, sales of undeveloped Parcels to third parties, an assessment of the applicant's compliance with the criteria and requirements set forth in the Vested Rights Determination with any conditions of the original approval, and any other information reasonably required.

(Ord. No. 1996-13, § 1, 2-6-96)

1.02.07 Special Vesting Provisions for Mobile Homes.

For purposes of Section 3.01.02(A)(1)(a), mobile homes which have a minimum width of twenty-three (23) feet and which have a roof pitch of the main roof not less than ten and three-quarters (10.75) inches of rise for each four (4) feet of horizontal run shall meet the provisions of such section if the following requirements

are met:

- A. Such mobile home must have been in the inventory of or ordered by a licensed mobile home dealer on or before October 15, 2003. Proof must be provided by such dealer showing the date of receipt of such home or verification of the date of the order in order to meet the requirements of this subsection. For purposes of this subsection, a mobile home dealer shall only be entitled to apply for vesting if the mobile home dealer sold and delivered to a site in Lake County, Florida, a minimum of ten (10) mobile homes during the 2002 calendar year.
- B. A building permit for such mobile home must be procured and such mobile home must have achieved all final inspections by December 31, 2005.
- C. An application must be filed on or before May 1, 2004 by such mobile home dealer including documents evidencing that the dealer sold and delivered the required number of mobile homes to Lake County, Florida, and documents evidencing that the mobile homes to be vested were in inventory or ordered in accordance with the provisions is subsection A.

(Ord. No. 2004-14, § 6, 3-16-04)

1.02.08 Special Vesting for Subdivisions, Site Plans and Lot Splits.

Applications for preliminary subdivision Plats received on or before September 5, 2006, and applications for Site Plans, master park plans, and Lot splits received on or before September 5, 2006, Shall not be subject to the provisions of Chapter V-A, Land Development Regulations, provided that the Final Plat is recorded or a final developer order is issued granting Site Plan, lot split or master park plan approval on or before September 6, 2007; and further provided that the Development order which approved such development did not require the proposed Development to meet school concurrency. It is the intent of this provision to provide an additional means of vesting and Shall not prohibit an applicant from availing themselves of any other available vesting procedure.

(Ord. No. 2006-107, § 9, 10-17-06)

1.02.09--1.02.30. Reserved.

1.03.00 Purpose and Intent of Regulations.

1.03.01 General Purpose and Intent. The provisions of these regulations Shall be construed and implemented to achieve the following intentions and purposes of the County Commission:

- A. To establish the regulations, procedures and standards for review and approval of all proposed Development in the unincorporated area of the County.
- B. To foster and preserve public health, safety, and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial Development of the County in accordance with the Comprehensive Plan.
- C. To adopt a Development review process that is:

1. Efficient, in terms of time and expense;
2. Effective, in terms of addressing the natural resource and Public Facility implications of proposed Development; and
3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property Owners, and consideration of the interests of the residents of Lake County.

D. To implement the Lake County Comprehensive Plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act," F.S. Ch. 163, Part II.

E. To provide specific procedures to ensure that Development Orders and Permits are conditioned on the availability of public facilities and services that meet level of service requirements.

(Ord. No. 1993-19, § 1, 11-16-93)

1.03.02. [Reserved.]

(Ord. No. 1993-19, § 1, 11-16-93)

1.04.00 Findings.

1.04.01 Generally.

- A. F.S. Ch. 163, requires Lake County to enact Land Development Regulations that implement and are consistent with the Lake County Comprehensive Plan.
- B. Controlling the location, design and Construction of Development within the unincorporated area of Lake County is necessary to maintain and improve the quality of life in the County and to protect the health, safety, and welfare of its residents.
- C. The requirements and standards of these regulations for transportation facilities are necessary for the public benefit of safe travel because the number of accidents resulting in property damage and injury increases as congestion increases on Roads and that the fire, rescue, and law enforcement response times and disaster evacuation times increase as congestion increases on Roads.
- D. The standards and requirements of these regulations for facilities for potable water, sanitary sewer, Solid Waste, and stormwater Management are necessary for the health, safety and welfare of the residents of Lake County and the protection of the environment and natural resources of Lake County.
- E. The standards and requirements of these regulations for parks are necessary for the health, safety, welfare and enjoyment of the residents of Lake County.

- F. F.S. § 163.3177, provides that public facilities and services needed to support Development must be available concurrent with the impacts of such Development.
- G. F.S. § 163.3202, provides that not later than one (1) year after its due date established by the State Land Planning Agency's rule for submission of local Comprehensive Plans, a local government Shall not issue a Development Order or Permit which results in a reduction in the level of service for the affected public facilities below the level of service established in the Comprehensive Plan or as provided in Chapter V, Concurrency Management.

1.05.00 Incorporation by Reference.

The official set of Lake County Zoning Maps and the Lake County Future Land Use Map as adopted in the Lake County Comprehensive Plan are hereby incorporated herein by reference.

1.06.00 Rules of Interpretation.

1.06.01 Generally. In the interpretation and application of these regulations all provisions Shall be liberally construed in favor of the objectives and purposes of the County and deemed neither to limit nor repeal any other powers granted to the County under state Statutes.

1.06.02 Responsibility For Interpretation. In the event that any question arises concerning the application of regulations, performance standards, definitions, Development criteria, or any other provision of these regulations, the County Manager or designee Shall be responsible for interpretation and Shall look to the Lake County Comprehensive Plan for guidance. Responsibility for interpretation by the County Manager or designee Shall be limited to standards, regulations and requirements of these regulations, but Shall not be construed as overriding the responsibilities given to any Commission, Board or official named in other Sections or chapters of these regulations. An Applicant may Appeal the interpretation of the County Manager or designee in accordance with Chapter XII.

1.06.03 Written Interpretations. All interpretations by the County Manager or designee Shall be in writing and maintained in a separate file by the County Manager or designee.

1.06.04 Computation of Time. In computing any period of time, the day of the act, event, or default from which the designated period of time begins to run Shall not be included. The last day of the period so computed Shall be included unless it is a Saturday, Sunday, or legal holiday in which event the period Shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

1.06.05 Delegation of Authority. Whenever a provision appears requiring the head of a department or some other County officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to perform the required act or duty unless the terms of the provision or Section specify otherwise.

1.06.06 Gender. Words importing the masculine gender Shall be construed to include the feminine gender and neuter.

1.06.07 Number. Words in the singular Shall include the plural and words in the plural Shall include the

singular.

1.06.08 Shall, May. The word "Shall" is mandatory; "may" is permissive.

1.06.09 Written or in Writing. The term "written" or "in writing" Shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

1.06.10 Year. The word "year" Shall mean a calendar year, unless otherwise indicated.

1.06.11 Day. The word "day" Shall mean a working day, unless a calendar day is indicated.

1.06.12 Boundaries. Interpretations regarding boundaries of zoning districts Shall be made in accordance with the following:

- A. Boundaries shown as following or approximately following any Public Road, Private Road or Right-of-Way or Easement Shall be construed as following the centerline of the Public Road, Private Road or Right-of-Way or Easement.
- B. Boundaries shown as following or approximately following any Platted Lot Line or other property line Shall be construed as following such line.
- C. Boundaries shown as following or approximately following Section lines, half-Section lines, or quarter-Section lines Shall be construed as following such lines.
- D. Boundaries shown as following or approximately following natural features Shall be construed as following such features.
- E. Boundaries shown in accordance with an actual legal description Shall take precedence over boundaries described in A through D, above.

1.06.13 Relationship of Specific to General Provisions. More specific provisions of these regulations Shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1.07.00 Abrogation.

It is not intended by this Code to interfere with or abrogate or annul any Easements, covenants or other agreements between parties; provided, however, that where this Code imposes a greater restriction upon the uses of Buildings and Lands or requires larger Open Space than is imposed or required by other resolution, rules or regulations or by Easements, covenants or agreements, the provisions of these regulations Shall govern.