

1 **ORDINANCE SUMMARY**

2 The ordinance proposes to amend the Floodplain Management and Lot Grading standards within  
3 unincorporated Lake County. Specifically, the amendment looks to remove Lot Grading from the  
4 Floodplain Management Section of Lake County Land Development Regulations and create a separate  
5 Lot Grading section. The change is necessary to clarify that the lot grading provisions apply to all  
6 property within the unincorporated area rather than to just properties located in flood zones. This  
7 ordinance does not change the substantive lot grading provisions.  
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9 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code  
10 sections. The notation “\* \* \*” indicates that all preceding or subsequent text remains unchanged.  
11 Renumbering and/or relettering were added as needed.

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14 **ORDINANCE 2016 –**

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16 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**  
17 **FLORIDA; RENUMBERING SECTION 9.07.14, LAKE COUNTY CODE, APPENDIX E, LAND**  
18 **DEVELOPMENT REGULATIONS, TO NEW SECTION 9.11.00, TO BE ENTITLED “LOT**  
19 **GRADING”; AMENDING SECTION 3.02.05, LAKE COUNTY CODE, APPENDIX E, LAND**  
20 **DEVELOPMENT REGULATIONS, ENTITLED “SETBACKS”; AMENDING SECTION 14.14.02,**  
21 **LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED**  
22 **“ZONING PERMITS”; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING**  
23 **WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; AND PROVIDING**  
24 **FOR AN EFFECTIVE DATE.**

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26 **WHEREAS**, Ordinance No. 2012-71 repealed and replaced Section 9.07.00 of the Lake County  
27 Land Development Regulations (LDR), entitled “Floodplain Management Regulations and Lot Grading”,  
28 and combined two related but separate sets of regulations for floodplain management and lot grading  
29 under one Section; and  
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31 **WHEREAS**, the Board of County Commissioners wishes to separate the lot grading provisions in  
32 Section 9.07.00 LDR from those relating to floodplain management, in order to remove any inference  
33 that lot grading regulations apply only to properties within flood hazard areas; and  
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35 **WHEREAS**, the Board desires to correct references in the LDR to the lot grading provisions, since  
36 they are now being recreated in new Section 9.11.00, and to clarify regulations for lot grading that are  
37 streamlined and appropriate for Lake County; and  
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39 **WHEREAS**, the Planning & Zoning Board, in its capacity as the Local Planning Agency, considered  
40 this ordinance and recommended approval at a properly advertised public hearing on April 27, 2016.  
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43 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
44 Florida, as follows:  
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- a. All property lines.
- b. All road rights-of-way with road names labeled, if applicable.
- c. All easements.
- d. The location of the proposed building or structure that is to be occupied, the location of the proposed accessory building or structure, or the proposed location of the boat dock, including all setbacks.
- e. The location of all existing buildings or structures, including proposed additions.
- f. The location of all adjacent surface water bodies, wetlands, jurisdiction wetland line or high water line when necessary to establish a setback distance that is not available with the current information possessed by staff.
- g. The location of special flood hazard areas showing base flood elevation and lowest adjacent grade to proposed structure.
- h. On parcels which contain or abut water bodies, wetlands or are located in a flood hazard area, an Affidavit of No Wetland Alteration is required prior to the issuance of a building permit. If alteration of wetlands is proposed, the applicant must show proof of all applicable permits from the appropriate agencies; Florida Department of Environmental Protection, St. Johns River Water Management District, Southwest Florida Water Management District and U.S. Army Corps of Engineers.
- i. The location of the septic tank, drain field and well.
- j. If the lot is located in a subdivision with an approved mass grading plan, those sections of the mass grading plan which include the lot and all adjoining lots shall be provided. If the lot approval is proposed using the simplified approval procedure set forth in subsection ~~9.07.09~~ 9.11.00.E of these Regulations, relative elevation changes shall be shown on the plot plan. If the lot requires the submittal of a lot grading plan as provided in subsection ~~9.07.09~~ 9.11.00.F, such plan shall be provided.

The applicant must depict the above submittal requirements on the plot plan so that it may be determined whether the development complies with county ordinances and regulations.

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**Section 6. Severability.** If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 7. Inclusion in the Code.** It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

**Section 8. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

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**Section 9. Effective Date.** This Ordinance shall become effective as provided for by law.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Filed with the Secretary of State \_\_\_\_\_, 2016.

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

**ATTEST:**

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

\_\_\_\_\_  
Sean M Parks, Chairman  
This \_\_\_\_\_ day of \_\_\_\_\_, 2016

**Approved as to form and legality:**

\_\_\_\_\_  
Melanie Marsh  
County Attorney