ORDINANCE SUMMARY

The ordinance proposes to amend the Floodplain Management and Lot Grading standards within unincorporated Lake County. Specifically, the amendment looks to remove Lot Grading from the Floodplain Management Section of Lake County Land Development Regulations and create a separate Lot Grading section. The change is necessary to clarify that the lot grading provisions apply to all property within the unincorporated area rather than to just properties located in flood zones. This ordinance does not change the substantive lot grading provisions.

Changes are shown as follows: Strikethrough for deletions and <u>Underline</u> for additions to existing Code sections. The notation "* * " indicates that all preceding or subsequent text remains unchanged. Renumbering and/or relettering were added as needed.

ORDINANCE 2016 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; RENUMBERING SECTION 9.07.14, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO NEW SECTION 9.11.00, TO BE ENTITLED "LOT GRADING"; AMENDING SECTION 3.02.05, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED "SETBACKS"; AMENDING SECTION 14.14.02, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED "ZONING PERMITS"; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2012-71 repealed and replaced Section 9.07.00 of the Lake County Land Development Regulations (LDR), entitled "Floodplain Management Regulations and Lot Grading", and combined two related but separate sets of regulations for floodplain management and lot grading under one Section; and

WHEREAS, the Board of County Commissioners wishes to separate the lot grading provisions in Section 9.07.00 LDR from those relating to floodplain management, in order to remove any inference that lot grading regulations apply only to properties within flood hazard areas; and

WHEREAS, the Board desires to correct references in the LDR to the lot grading provisions, since they are now being recreated in new Section 9.11.00, and to clarify regulations for lot grading that are streamlined and appropriate for Lake County; and

WHEREAS, the Planning & Zoning Board, in its capacity as the Local Planning Agency, considered this ordinance and recommended approval at a properly advertised public hearing on April 27, 2016.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, as follows:

1 2 3 4	Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference. Section 2. Renumbering. Section 9.07.14, Lake County Code, Appendix E, Land						
Development Regulations, entitled "Grading", is hereby renumbered to Section 9.11.00 Code, Appendix E, Land Development Regulations, to be entitled "Lot Grading."							
7 8 9	Section 3. Renaming Section. Section 9.07.00, Lake County Code, Appendix E, Land Development Regulations, entitled "Floodplain Management and Lot Grading" shall be renamed to "Floodplain Management."						
10 11	Section 4. Amendment. Section 3.02.05, Lake County Code, Appendix E, Land Development Regulations, entitled "Setbacks", is hereby amended to read as follows:						
12	2 3.02.05 Setbacks.						
13	A. Required Setbacks. The Zoning District Regulations establish the required setbacks.						
14	B. Minimum Setbacks on Side and Rear Yards.						
15	1. If the distance from the exterior wall to the property line is less than five (5) feet, the						
16	Applicant must show evidence of a Maintenance Easement granted by adjacent						
17	property owners.						
	property owners.						
18 19	 The structure may be built on the property line provided the Owner Shall grant an Attachment Easement to the adjacent property owner(s). 						
20 21	 Impervious surfaces may be allowed to be placed within the setback, if the requirements of <u>9.07.14.B.6</u> <u>9.11.00.C.6</u> are met. 						
22	***						
23							
24 25	Section 5. Amendment. Section 14.14.02, Lake County Code, Appendix E, Land Development Regulations, entitled "Zoning Permits", is hereby amended to read as follows:						
26	14.14.02 Zoning Permits.						
27	A. Generally. A zoning permit Shall be required prior to the issuance of any building permit or						
28	sign permit. Applications for a zoning permit Shall be available from the County Manager or						
29	designee.						
30	***						
24	D. Diet Dies						
31	D. Plot Plan.						
32	1. Submittal Requirements. For any proposed residential building, or structure, any						
33	proposed addition to an existing residential building or structure, any proposed						
34	residential accessory building or structure, or boat dock, the County Shall require a plot						
35	plan drawn to scale. The following Shall be included or shown in the submittal:						

1	a. All property lines.					
2	b. All road rights-of-way with road names labeled, if applicable.					
3	c. All easements.					
4	d. The location of the proposed building or structure that is to be occupied, the location					
5	of the proposed accessory building or structure, or the proposed location of the boat					
6	dock, including all setbacks.					
7	e. The location of all existing buildings or structures, including proposed additions.					
8	f. The location of all adjacent surface water bodies, wetlands, jurisdiction wetland line					
9	or high water line when necessary to establish a setback distance that is not available					
10	with the current information possessed by staff.					
11	g. The location of special flood hazard areas showing base flood elevation and lowest					
12	adjacent grade to proposed structure.					
13	h. On parcels which contain or abut water bodies, wetlands or are located in a flood					
14	hazard area, an Affidavit of No Wetland Alteration is required prior to the issuance of					
15	a building permit. If alteration of wetlands is proposed, the applicant must show					
16	proof of all applicable permits from the appropriate agencies; Florida Department of					
17	Environmental Protection, St. Johns River Water Management District, Southwest					
18	Florida Water Management District and U.S. Army Corps of Engineers.					
19	i. The location of the septic tank, drain field and well.					
20	j. If the lot is located in a subdivision with an approved mass grading plan, those					
21	sections of the mass grading plan which include the lot and all adjoining lots Shall be					
22	provided. If the lot approval is proposed using the simplified approval procedure set					
23	forth in subsection 9.07.09 9.11.00.E. of these Regulations, relative elevation					
24 25	changes Shall be shown on the plot plan. If the lot requires the submittal of a lot					
25 26	grading plan as provided in subsection 9.07.09 9.11.00.F., such plan Shall be					
26 27	provided.					
28	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					
29	regulations.					
30	regulations.					
31	***					
31						
32	Section 6. Severability. If any section, sentence, clause or phrase of the Ordinance is held					
33	to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way					
34	affect the validity of the remaining portions of this Ordinance.					
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36	Section 7. Inclusion in the Code. It is the intent of the Board of County Commissioners					
37	that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that					
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39	changed to "section", "article" or such other appropriate word or phrase in order to accomplish such					
40	intentions.					

- 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.

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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.

Se	ection 9.	Effective Date.	This Ordinance shall become effective as provided for by law.
Er	nacted this	day of	, 2016.
Fil	led with the S	ecretary of State	, 2016.
			BOARD OF COUNTY COMMISSIONERS
			OF LAKE COUNTY, FLORIDA
ATTEST:			
Neil Kelly,	Clerk of the		Sean M Parks, Chairman
Board of County Commissioners			This day of, 2016
of Lake Co	unty, Florida		
Approved	as to form a	nd legality:	
Melanie M	 1arsh		
County At	tornev		