## ORDINANCE SUMMARY NONCONFORMING WETLAND SETBACK

This ordinance proposes to amend Chapter I, Section 1.08.00 of the Lake County Land Development Regulations (LDR), entitled "Nonconforming Development". This ordinance will update the LDR in accordance with a companion ordinance proposing to amend Policy III-2.2.7 of the Comprehensive Plan, to state that developments approved prior to September 22, 2011, with a wetland setback of less than 50 feet, shall be considered conforming. The ordinance also provides that the term "development" will include any type of variance, average setback determination, ordinance or waiver.

Currently, developments approved prior to September 22, 2011 with a wetland setback of less than 25 feet are considered nonconforming, and are not allowed to be developed at the previously approved wetland setback.

 The proposed amendment will meet the requirements of the 2030 Comprehensive Plan, Policy III-2.2.7, entitled *Protection of Shorelines*, as amended, which recognizes developments approved prior to September 22, 2011 with a wetland setback of less than 50 feet; the proposed ordinance would permit development of the site at the setback prescribed by the prior development order or ordinance and would consider such development conforming.

Changes are shown as follows: Strikethrough for deletions and <u>Underline</u> for additions to existing Code sections. The notation "\* \* \*" shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

26 Ordinance No. 2013-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER I, "GENERAL PROVISIONS", SECTION 1.08.00, ENTITLED "NONCONFORMING DEVELOPMENT", IN ORDER TO PROVIDE THAT DEVELOPMENT ORDERS AND ORDINANCES APPROVED PRIOR TO SEPTEMBER 22, 2011, WITH A WETLAND SETBACK OF LESS THAN 50 FEET, SHALL BE CONSIDERED CONFORMING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 22, 2011, the Lake County 2030 Comprehensive Plan became effective; and

**WHEREAS**, currently, Comprehensive Plan Policy III-2.2.7, entitled *Protection of Shorelines*, recognizes development approved prior to September 22, 2011, and with a wetland setback of between 25 and 50 feet, as conforming; and

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1	WHEREAS, the Policy as currently written effectively restricts the developable area of		
2	lots approved prior to September 22, 2011 with a wetland setback of less than 25 feet, and		
3	causes some lots that were previously buildable to become unbuildable; and		
4	WHEREAS, on July 3, 2013, the Planning & Zoning Board, in its capacity as the Local		
5	Planning Agency, considered and recommended approval of an amendment to Comprehensive		
6	Plan Policy III-2.2.7, entitled Protection of Shorelines, to recognize development approved prior		
7	to September 22, 2011, and with a wetland setback of less than 50 feet, as conforming, which		
8	creates the need for this companion ordinance to amend the Nonconforming Developmen		
9	section of the LDR accordingly; and		
LO	WHEREAS, the Planning & Zoning Board, in its capacity as the Local Planning Agency		
l1	considered this ordinance and recommended approval at a properly advertised public hearing		
12	on July 3, 2013; and		
L3	WHEREAS, the Board of County Commissioners (the "Board") desires to amend		
L4	Chapter I, Section 1.08.00, to bring the LDR into conformity with the 2030 Comprehensive Plan		
L5	by amending regulations pertaining to wetland setbacks; and		
L6	WHEREAS, on the day of, 2013, this Ordinance was heard at a public		
L7	hearing before the Lake County Board of County Commissioners; and		
L8	NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake		
19	County, Florida, that:		
	<b>7,</b>		
20 21	Section 1. Recitals. The foregoing recitals are true and correct and incorporated		
22			
23	Tiereni by Tereferice.		
24	Section 2. Amendment. Section 1.08.00, Lake County Code, Appendix E, Land		
25	Development Regulations, entitled "Nonconforming Development", shall be amended to read as		
26	follows:		
27			
28	1.08.00 - Nonconforming Development.		
29	***		
30	1.08.03. Nonconforming Uses.		
31			
32 33	E. Nonconforming Wetland Setbacks (excluding canals). Development approved prior to September 22, 2011, with a wetland setback of less than 5025 feet shall be considered		
2/	pop conforming and shall not be allowed to develop at the previously approved closer to		

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1	the wetlands setback as prescribed in the approved development order or ordinance			
2	The term "development" as used in this subsection shall expressly include any type of			
3				
4	Chapter 1, Land Development Regulations). However, aAdditions to an exist residence may be allowed, if the addition does not extend beyond the existing rear a			
5 6	sides of the residence.	does not extend beyond the existing rear and		
7	sides of the residence.	•		
8	Section 3. Severability. If any section	n, sentence, clause or phrase or the Ordinance		
9				
10	shall in no way effect the validity of the remaining portion of this Ordinance.			
11	Section 4. Inclusion in the Code.	It is the intent of the Board of County		
12	·			
13	Lake County Code and that the sections of this Ordinance may be renumbered or relettered and			
14 15	the word "ordinance" may be changed to "section", "article" or such other appropriate word of phrase in order to accomplish such intentions.			
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16 17				
18	State of Florida.	is Ordinance to the Secretary of State for the		
		and the state of the still and the state of		
19 20	<b>Section 6. Effective.</b> This Ordinand Secretary of the State.	ce shall become effective upon filing with the		
21		2040		
22	Enacted this day of	, 2013.		
23	Filed with the Secretary of State	, 2013.		
24				
25		BOARD OF COUNTY COMMISSIONERS		
26	ATTEST:	OF LAKE COUNTY, FLORIDA		
27				
28				
29	Neil Kelly, Clerk of the	Leslie Campione, Chairman		
30	Board of County Commissioners			
31 32	of Lake County, Florida			
33	Approved as to form and legality:			
34				
35 36	Sanford A. Minkoff			
37	County Attorney			

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