

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

11  
12 Currently, developments approved prior to September 22, 2011 with a wetland setback of less  
13 than 25 feet are considered nonconforming, and are not allowed to be developed at the  
14 previously approved wetland setback.

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

21  
22 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to  
23 existing Code sections. The notation "\* \* \*" shall mean that all preceding or subsequent text  
24 remains unchanged (excluding any renumbering or relettering that might be needed).

25  
26 **Ordinance No. 2013-\_\_\_\_\_**

27 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**  
28 **FLORIDA; AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT**  
29 **REGULATIONS; AMENDING CHAPTER I, "GENERAL PROVISIONS", SECTION 1.08.00,**  
30 **ENTITLED "NONCONFORMING DEVELOPMENT", IN ORDER TO PROVIDE THAT**  
31 **DEVELOPMENT ORDERS AND ORDINANCES APPROVED PRIOR TO SEPTEMBER 22,**  
32 **2011, WITH A WETLAND SETBACK OF LESS THAN 50 FEET, SHALL BE CONSIDERED**  
33 **CONFORMING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE**  
34 **CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING**  
35 **FOR AN EFFECTIVE DATE.**

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

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



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 ~~variance, ordinance, average setback determination, or waiver. (unless vested under~~  
4 ~~Chapter 1, Land Development Regulations).~~ ~~However, a~~ additions to an existing  
5 residence may be allowed, if the addition does not extend beyond the existing rear and  
6 sides of the residence.

7 \*\*\*

8 **Section 3. Severability.** If any section, sentence, clause or phrase or the Ordinance  
9 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding  
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 Commissioners that the provisions of this Ordinance shall become and be made a part of the  
13 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and  
14 the word "ordinance" may be changed to "section", "article" or such other appropriate word or  
15 phrase in order to accomplish such intentions.

16 **Section 5. Filing with the Department of State.** The clerk shall be and is hereby  
17 directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the  
18 State of Florida.

19 **Section 6. Effective.** This Ordinance shall become effective upon filing with the  
20 Secretary of the State.

21  
22 Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

23 Filed with the Secretary of State \_\_\_\_\_, 2013.

24  
25  
26 ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

27  
28 \_\_\_\_\_  
29 Neil Kelly, Clerk of the  
30 Board of County Commissioners  
31 of Lake County, Florida  
32

\_\_\_\_\_  
Leslie Campione, Chairman

33 Approved as to form and legality:  
34

35 \_\_\_\_\_  
36 Sanford A. Minkoff  
37 County Attorney