

M E M O R A N D U M

ECONOMIC GROWTH

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To: Lake County Planning and Zoning Board
From: Tim McClendon, Manager, Planning and Zoning Division
Date: June 27, 2017
Subject: Land Development Regulation Changes

Summary of Request

This memorandum is submitted to the Planning and Zoning Board to inform you of the proposed changes to the Land Development Regulations. These changes have been a joint effort between LPG, Urban Land Planners and the Planning and Zoning staff in an effort to eliminate obsolete provisions; provide clarification to existing procedures; and update the regulations to provide consistency between the Land Development Regulations and the 2030 Comprehensive Plan.

Several of the proposed changes are to remove provisions which are no longer in compliance with state statutes or the Lake County Comprehensive Plan. These items include the removal of the semi-annual Comprehensive Plan schedule which was removed from state statutes in 2012 and the removal of the *Urban Area Residential Density Point System and Timeliness*, which has been superseded by the 2030 Comprehensive Plan.

The inclusion of a new lighting standards section has been proposed; these standards meet the principles of “dark skies” as required by the 2030 Comprehensive Plan.

Several new definitions are proposed including Accessory Dwelling Units, which was not previously defined. Agri-tourism and eco-tourism are now defined, both of which match their respective definitions as provided in the 2030 Comprehensive Plan.

The City of Clermont has requested a change to the LDR section of Lake County Code pertaining to the Clermont Joint Planning Area. Specifically, the city wishes to prohibit LED/digital signs within the Joint Planning Area between Clermont and unincorporated Lake County.

Staff Recommendation

The Planning and Zoning Division recommends approval of the proposed LDR changes as the changes seek to eliminate obsolete provisions; provide clarification to existing procedures; and update the regulations to provide consistency between the Land Development Regulations and the 2030 Comprehensive Plan.

Summary of Ordinance

The purpose of this Ordinance is to amend Lake County Code, Appendix E, Land Development Regulations (“LDR”), in order to provide consistency with the Lake County 2030 Comprehensive Plan and to update the LDR by removing unnecessary provisions and making additional modifications. Specifically, this Ordinance:

1. Amends Chapter I, Section 1.08.03 to create a new Section 1.08.04 to be entitled *Existing Lots Nonconforming to Density Requirements*; and
2. Amends Chapter II Definitions to modify definitions of *Agriculture* and *FGFWC* and provide definitions for *Accessory Dwelling Units (ADU)*, *Agritourism*, *Net Buildable Area/Net Acre*, *Rustic Campground* and *Ecotourism*; and
3. Amends Chapter III, Section 3.01.01 *Generally* to provide clarification regarding the use of Schedule of Permitted and Conditional Uses and other uses are prohibited in such zoning district; and
4. Amends Section 3.02.02 *Density* to remove reference to 3.03.00 which is being repealed by this ordinance; and
5. Amends Section 3.02.06 *Density, Impervious Surface, Floor Area, And Height Requirements* to delete references to a note which no longer exists; and
6. Repeals Section 3.03.00 *Urban Area Residential Density Point System And Timeliness*, which has been superseded by the 2030 Comprehensive Plan and reserves this section; and
7. Repeals and replaces Section 3.09.00 with a revised section entitled *Lighting Standards* setting standards for commercial and residential lighting and provides for exemptions; and
8. Amends Section 4.03.01 *Purpose and Intent* to eliminate reference to Section 3.03.03 which is being repealed by this ordinance; and
9. Amends Section 6.06.05 *Financial Responsibility* to modify the obligation for financial responsibility for mining if meet State requirements and exempts government owned property; and
10. Updates references to State agencies in Section 7.00.05 concerning *Wekiva River Regulations*; and
11. Amends Section 10.01.03 *Accessory Structures That Are Dwellings* to allow accessory dwelling units of properties less than an acre in size and require the property owner to reside in one of the residences; and
12. Amends Section 10.01.06 *Backyard Chickens* to allow backyard chickens within all residential and agriculture zoning districts; and
13. Amends Section 14.00.05 *Notice Procedures* to allow applicant or property owner to post notice of the public hearing; and
14. Repeals Section 14.02.04 *Time for Amendments* to eliminate the semiannual Comprehensive Plan Amendment schedule; and
15. Amends Sections 14.06.00, 14.18.02(D), 14.18.05 and 14.18.06 to replace Department of Community Affairs with the Department of Economic Opportunity; and
16. Amends Section 14.15.01 *Variances and Appeals* to clarify the Board of Adjustment is authorized to grant variances to PUD zoning ordinances; and
17. Amends sign standards in the Clermont Joint Planning Area set forth in Section 15.02.06 *Signage Standards* to prohibit digital and LED signs.

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ORDINANCE 2017-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 1.08.03; CREATING NEW SECTION 1.08.04 CONCERNING EXISTING LOTS NONCONFORMING TO DENSITY REQUIREMENTS; AMENDING CHAPTER II “DEFINITIONS”; AMENDING SECTION 3.01.00 TO CLARIFY USE OF THE SCHEDULE OF

1 **PERMITTED AND CONDITIONAL USES; AMENDING SECTION 3.02.02 TO**
2 **DELETE REFERENCE TO URBAN AREA RESIDENTIAL DENSITY POINT**
3 **SYSTEM; REMOVING REFERENCES TO NOTES IN SECTION 3.02.06 TABLE;**
4 **REPEALING SECTION 3.03.00 “URBAN AREA RESIDENTIAL DENSITY**
5 **POINT SYSTEM AND TIMELINESS” TO BE CONSISTENT WITH THE 2030**
6 **COMPREHENSIVE PLAN; REPEALING AND REPLACING SECTION 3.09.00**
7 **TO ESTABLISH NEW LIGHTING STANDARDS; AMENDING SECTION 4.03.01**
8 **TO REMOVE REFERENCE TO A REPEALED SECTION; AMENDING**
9 **SECTION 6.06.05 ON FINANCIAL RESPONSIBILITY REQUIREMENTS IF**
10 **MEET STATE REQUIREMENTS AND EXEMPTIONS; UPDATING AGENCY**
11 **NAMES CONTAINED IN SECTION 7.00.05; AMENDING SECTION 10.01.03**
12 **“ACCESSORY STRUCTURES THAT ARE DWELLINGS” TO ALLOW**
13 **ACCESSORY DWELLING UNITS ON PROPERTIES LESS THAN AN ACRE;**
14 **AMENDING SECTION 10.01.06 “BACKYARD CHICKENS” TO ALLOW**
15 **CHICKENS WITHIN ALL RESIDENTIAL AND AGRICULTURE ZONING**
16 **DISTRICTS; CREATING SECTION 13.02.00 TO BE ENTITLED**
17 **“APPOINTMENT OF ALTERNATE MEMBERS”; AMENDING SECTION**
18 **14.00.05 “NOTICE PROCEDURES” TO ALLOW APPLICANT/OWNER TO POST**
19 **NOTICE; REPEALING SECTION 14.02.04 ON TIMING OF COMPREHENSIVE**
20 **PLAN AMENDMENTS; AMENDING PORTIONS OF LDR CHAPTER XIV TO**
21 **REFERENCE DEPARTMENT OF ECONOMIC OPPORTUNITY; AMENDING**
22 **SECTION 14.15.01 TO AUTHORIZE BOARD OF ADJUSTMENT TO GRANT**
23 **VARIANCES FOR PUDs; AMENDING SECTION 15.02.06 TO PROHIBIT**
24 **DIGITAL AND LED SIGNS IN THE CLERMONT JOINT PLANNING AREA;**
25 **PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE**
26 **CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND**
27 **PROVIDING AN EFFECTIVE DATE.**

28
29 **WHEREAS**, on September 22, 2011, the Lake County 2030 Comprehensive Plan became
30 effective, requiring the Land Development Regulations to be updated; and

31
32 **WHEREAS**, Policy I-1.1.8 of the 2030 Comprehensive Plan requires the County to adopt and
33 maintain a set of specific and detailed Land Development Regulations that implement and are consistent
34 with the goals, objectives and policies of the Comprehensive Plan; and

35
36 **WHEREAS**, the Board of County Commissioners of Lake County, Florida desires to amend Lake
37 County Code, Appendix E, Land Development Regulations, to provide unnecessary provisions contained
38 therein, to provide additional definitions, to clarify existing regulations, and to provide consistency between
39 the Land Development Regulations and the 2030 Comprehensive Plan; and

40
41 **WHEREAS**, the City of Clermont, Florida request an amendment to the Clermont Joint Planning
42 Area (JPA) Land Development Regulations concerning signs and the Board of County Commissioners is
43 agreeable to such amendment; and

44
45 **WHEREAS**, the Lake County Board of County Commissioners determines that these amendments
46 are in the best interests of the citizens of Lake County, Florida.

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48 **NOW THEREFORE**, be it ordained by the Board of County Commissioners of Lake County,
49 Florida, as follows:

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51 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated herein.

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2 **Section 2. Amendment.** Section 1.08.03, Lake County Code, Appendix E, Land
3 Development Regulations entitled *Nonconforming Uses*, is hereby amended as follows and a new Section
4 1.08.04 entitled *Existing Lots Nonconforming to Density Requirements* is hereby created to read as follows:
5

6 **1.08.03. Nonconforming Uses.**

7 A. Generally. The continuation or reestablishment of nonconforming uses previously existing,
8 prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011) is allowed,
9 unless:

- 10 1. There is a change of use from one (1) Use Classification identified in Subsection 3.01.03
11 to another Use Classification;
- 12 2. There is an expansion, change, enlargement or alteration of a use, which increases its
13 nonconformity in any way;
- 14 3. The nonconforming use is discontinued or abandoned for a period of eighteen (18) months;
- 15 4. An agricultural use, not requiring a CUP, is discontinued for fifteen (15) consecutive
16 years; ~~or~~
- 17 5. The use is determined to be inconsistent with the character of the surrounding community
18 to such an extent as to cause an adverse impact to the public interest, as determined by the
19 Board of County Commissioners, at a regularly scheduled public hearing~~;~~.

20 ~~6.~~ Any adult entertainment establishment existing prior to November 16, 2000 and not meeting
21 all requirements of Chapter 3, Article IV of the Lake County Code shall be considered a
22 nonconforming use.

23 B. Nonconforming Landscaping. For landscaping that is nonconforming due to Sections 9.01.00
24 and 9.02.00, the following shall apply:

- 25 1. Existing development shall comply with the landscape and tree protection regulations of
26 Sections 9.01.00 and 9.02.00, when the floor area of a principal structure or parking area
27 is increased by fifty (50) percent or more.
- 28 2. Increases in area of a new structure, construction of an additional structure, parking area or
29 vehicular use area of less than fifty (50) percent, shall require only the new structure,
30 addition, increased parking area or increased vehicular use area to be buffered in
31 accordance with the provisions of Section 9.01.00.
- 32 3. Nonconforming landscaping shall not be required to be brought into compliance as a result
33 of a natural disaster.

34 C. Nonconforming Parking.

- 35 1. Nonconforming Parking Lots. Nonconforming off-street parking shall be required to be
36 brought into compliance with Section 9.03.00, Land Development Regulations, if there is:
37 a. An increase in floor area, volume, capacity or space that is added to structures; or,
38 b. A change in business type or activity that would require additional parking.
- 39 2. All ~~Nonconforming~~ parking, storing or keeping of vehicles, boats, buses, trailers, trucks,
40 and commercial vehicles with a "Gross Vehicle Weight Rating" (GVWR) of 12,000 lbs. or
41 less shall be ~~brought into~~ compliance with Section 3.06.03, entitled "Permitted Parking" ~~by~~
42 ~~August 1, 2014~~ in the following zoning districts:

• Agriculture (A)	• Urban Residential (R-6)
• Ranchette (RA)	• Mixed Residential (R-7)
• Agricultural Residential (AR)	• Multifamily Residential(R-10)
• Rural Residential (R-1)	• Residential Professional (RP)
• Estate Residential (R-2)	• Mobile Home Rental Park (RMRP)
• Medium Residential (R-3)	• Mobile Home Residential (RM)
• Medium Suburban Residential (R-4)	• Recreational Vehicle (RV)

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D. Setbacks (side, rear and secondary frontage) for Nonconforming Lots. Structures that are built on lots that meet Section 1.08.04-~~B-8~~ (Existing Lots Nonconforming to the Density Requirements) ~~of this Section~~, or that do not meet the minimum Lot size of the Zoning District, or that have a width of one hundred fifty (150) feet or less in the "A" Agriculture, "RA" Ranchette, "AR" Agricultural Residential or "R-1" Rural Residential Zoning Districts, shall meet the following side and rear setbacks:

Zoning District	Nonconforming Lots (setbacks in feet).
A	5 SF, 5 AB
RA	5 SF, 5 AB
AR	5 SF, 5 AB
R1	5 SF, 5 AB
R2	5 SF, 5 AB
R3	5 SF, 5 AB
R4	5 SF, 5 AB
R6	5 SF, 5 AB
R7	5 SF, 5 AB
R10	5 SF, 5 AB
RP	Ten (10) feet for any building not exceeding two (2) stories. Ten (10) feet plus fifteen (15) feet for each story in excess of two (2).
RM	5 SF, 5 AB

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SF — Single-Family Dwelling Unit

AB — Accessory Building

Note 1. All setbacks for structures shall be measured from the exterior wall of the structure or structural component, excluding eaves or overhangs.

Note 2. A secondary front yard setback shall be established for corner lots and double frontage lots as follows: lots less than seventy-five (75) feet in width shall maintain a secondary front yard setback of fifteen (15) feet. For lots of seventy-five (75) feet and greater, a secondary front yard setback shall be established at twenty-five (25) feet.

1 Note 3. The setbacks for common private docks shall be as shown in Chapter X, Land Development
2 Regulations ("Accessory and Temporary Structures and Uses").

3 E. Nonconforming Wetland Setbacks (excluding canals). Development approved prior to
4 September 22, 2011, with a wetland setback of less than 50 feet shall be considered conforming
5 and shall be allowed to develop at the previously approved wetlands setback as prescribed in
6 the approved development order or ordinance. The term "development" as used in this
7 subsection shall expressly include any type of variance, ordinance, average setback
8 determination, or waiver. Additions to an existing residence may be allowed, if the addition
9 does not extend beyond the existing rear and sides of the residence.

10 F. Impervious Surface Ratio (ISR) calculated on nonconforming lots. A nonconforming lot shall
11 meet the ISR of the zoning district or Future Land Use Category, whichever is more stringent.

12 G. Existing lots nonconforming to open space and clustering requirements. Lots of record, lots
13 meeting the provisions of 1.08.04-~~B-8~~ of this Section ("~~Existing Lots n~~Nonconforming to ~~the~~
14 ~~d~~Density ~~r~~Requirements) and lots existing on September 22, 2011, shall be exempt from open
15 space and clustering requirements of the 2030 Comprehensive Plan, provided that said lots are
16 not further subdivided.

17 **~~H-1.08.04 Existing Lots n~~Nonconforming to ~~d~~Density ~~r~~Requirements.** If the requirements
18 specified below are met, the lot will be considered a buildable lot subject to all other requirements
19 of the Comprehensive Plan and Land Development Regulations. This exception relates to density
20 only; development undertaken pursuant to this section shall be consistent with and subject to all
21 other provisions of the Comprehensive Plan and Land Development Regulations. If a lot, or
22 combination of lots, meets one (1) of the criteria listed below (~~4A~~ through ~~5E~~), an exception to the
23 densities established by the Comprehensive Plan shall be granted:

24 ~~A~~1. There shall be an exception to the density requirements for lots which were legally created
25 by a deed dated and recorded in the Public Records of Lake County, Florida on or before
26 May 20, 1981. A dwelling unit and accessory uses thereto, may be permitted on the lot, or
27 combination of lots, provided that each of the following requirements are met:

28 ~~1a~~1a. The lot shall front on a publicly maintained road, or an easement. If the lot fronts on
29 an easement, the easement must connect to a publicly maintained road, and the lot shall
30 be within one thousand three hundred twenty (1,320) feet of the publicly maintained
31 road;

32 ~~2b~~2b. The lot shall be accessible by public safety and other public service providers;

33 ~~3e~~3e. The lot shall have a minimum frontage of forty (40) feet; and

34 ~~4d~~4d. The lot shall contain a minimum of twelve thousand five hundred (12,500) square feet
35 (excluding open water bodies), unless the lot is served by central water and wastewater
36 utility service.

37 Contiguous lots may be combined into one (1) or more lots in order to meet the criteria set
38 forth in this section.

39 If the lot fronts on an easement that is within one thousand three hundred twenty (1,320) feet
40 from a publicly maintained road as described above, the property owner(s) shall execute a
41 legal document wherein the property owner(s) agrees to be subject to a special assessment
42 for road improvements should the County obtain the necessary right-of-way and elect to
43 improve the road through the special assessment process. Lake County shall record said
44 document in the public records of Lake County, at the owner's cost.

1 ~~B~~. There shall be an exception to the density requirements of the Comprehensive Plan for a
2 lot or combination of lots created through a subdivision approved by the Board of County
3 Commissioners and recorded in the Public Records of Lake County in Plat Books 1 through
4 22 or lots created through one (1) of the following Recognized Unrecorded Subdivisions.

- 5 • Astor Forest Campsites
- 6 • Belmont Heights Unit 2
- 7 • Blue Creek Point
- 8 • Deerhaven
- 9 • Forest Acres
- 10 • Forest Park
- 11 • Forest Ridge
- 12 • Grovewood
- 13 • H.O. Peters and Associates
- 14 • Oak Ridge
- 15 • Pittman
- 16 • Ravenswood
- 17 • River Road Acres
- 18 • Robbins Heights
- 19 • St. Johns Waterfront Est. 1st Add.
- 20 • Sunnyside Shores
- 21 • Villa City
- 22 • Villa City Shores
- 23 • Western Shores

24 A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of
25 lots, provided that each of the following requirements are met:

- 26 a. The lot shall front on a publicly maintained road, or an easement. If the lot fronts on
27 an easement, the easement must connect to a publicly maintained road, and the lot shall
28 be within one thousand three hundred twenty (1,320) feet of a publicly maintained
29 road;
- 30 b. The lot shall be accessible by public safety and other public (i.e. sanitation) agencies;
- 31 c. The lot shall have a minimum frontage of forty (40) feet; and
- 32 d. The lot shall contain a minimum of twelve thousand five hundred (12,500) square feet
33 (excluding open water bodies), unless the lot will be served by central water and
34 wastewater utility service.

35 Contiguous lots may be combined into one (1) or more lots in order to meet the criteria set
36 forth in this section.

37 If the lot fronts on an easement that is within one thousand three hundred twenty (1,320)
38 feet from a publicly maintained road as described above, the property owner(s) shall

1 execute a legal document wherein the property owner(s) agrees to be subject to a special
2 assessment for road improvements should the County obtain the necessary right-of-way
3 and elect to improve the road through the special assessment process. Lake County shall
4 record said document in the public records of Lake County, at the owner's cost.

5 3C. There shall be an exception to the density requirements of the Comprehensive Plan for lots
6 or combination of lots described in Paragraphs "1A" or "2B" above but that do not meet
7 the requirements contained therein. A dwelling unit and accessory uses thereto, may be
8 permitted on the lot, or combination of lots, if one (1) of the following criteria is met:

9 1a. The owner demonstrates that on March 2, 1993 such lot was owned by the owner or
10 their predecessor in title and no contiguous lots were owned by the owner or their
11 predecessor in title on that date;

12 2b. Contiguous lots owned by the owner or predecessor in title on March 2, 1993 have
13 been aggregated so that the aggregated lots meet the minimum density of the Future
14 Land Use Category or a minimum of five (5) acres (excluding open water bodies),
15 whichever creates the least density; or

16 3e. All contiguous lots owned by the owner or their predecessor in title on March 2, 1993
17 have been aggregated.

18 D4. There shall be an exception to the density requirements of the Comprehensive Plan for a
19 lot within any plat beginning with Plat Book 23, which has met all requirements at the time
20 it was approved by the Board of County Commissioners and recorded in the Public Records
21 of Lake County. A dwelling unit and accessory uses thereto may be permitted on the lot.

22 E5. There shall be an exception to the density requirements to the Comprehensive Plan for any
23 lot for which a final Lot of Record determination was completed and approved by Lake
24 County, in accordance with terms and conditions of such approval in place prior to the
25 adoption of the Comprehensive Plan. A dwelling unit and accessory uses thereto may be
26 permitted on the lot.

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28 **Section 3. Amendment.** Chapter II, Lake County Code, Appendix E, Land Development
29 Regulations, entitled "Definitions", shall be amended to include the following. All other definitions
30 contained in Chapter II, not specifically referenced herein as being amended, shall remain the same.

31
32 **Chapter II – Definitions.**

33 Accessory Dwelling Unit. A self-contained dwelling with its own entrance, cooking
34 accommodations, and complete bathing facilities, which shares a parcel or lot with a single-family
35 dwelling unit. An Accessory Dwelling Unit may be attached or detached to the primary residence
36 and must remain under the same ownership as the primary dwelling.

37 Agriculture. ~~The use of the Land and/or water for agricultural purposes, including farming, the~~
38 ~~keeping of rarties, dairying and pasturage, apiculture, aquaculture, horticulture, floriculture,~~
39 ~~viticulture, Silviculture, animal and poultry husbandry, and the necessary Accessory Uses for~~
40 ~~packing, treating, or storing the produce raised thereon. Agriculture includes normal agricultural~~
41 ~~operations such as, but not limited to, Site preparation, Clearing, fencing, contouring, soil~~
42 ~~preparation, plowing, planting, harvesting, Construction of Access Roads, placement of bridges~~
43 ~~and culverts, and extraction of stumps and submerged logs. The science and art of production of~~
44 ~~plants and animals useful to humans, including to a variable extent the preparation of these products~~
45 ~~for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture,~~
46 ~~floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm~~

products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition. A bona fide agricultural purpose means good faith commercial agricultural use of the land, as described in F.S. § 193.461, as amended.

Agritourism. Any agriculturally related activity as defined F.S. § 570.06, as amended

Ecotourism. Low-impact form of tourism that involves the visitation of natural areas, agricultural areas, or archeological sites. Activities such as hiking, biking, canoeing, horseback riding, wildlife observation and eco-tours are considered a low-impact form of ecotourism.

~~FGFWFC~~ Florida ~~Game and Freshwater~~ Fish and Wildlife Conservation Commission.

Net Buildable Area/Net Acre. The total area of a parcel, or combination of parcels, proposed for development, less wetlands and water bodies.

Rustic Campground. Campground occupants are housed in tents or similar housing which provide protection from the elements and typically may include fire pits and/or grills. This definition does not include self-contained Recreational Vehicles (RVs).

Section 4. Amendment. Zoning District Use Regulations in Section 3.01.00, Lake County Code, Appendix E, Land Development Regulations is hereby amended as follows. Specifically, Section 3.01.01 entitled *Generally* regarding is amended to provide clarification regarding use of the *Schedule of Permitted and Conditional Uses* and Table 3.01.03 *Schedule of Permitted and Conditional Uses* is amended to allow Club, Private or County as a conditional use in Agriculture (A) zoning districts.

3.01.01 Generally. The purpose of this section is to describe the specific uses and restrictions that apply to the zoning districts established in these regulations. These regulations are intended to allow Development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan. Permitted uses and conditional uses are listed in the 3.01.03 Schedule of Permitted and Conditional Uses. A use or structure not identified as a permitted use or conditional use under the applicable zoning district listed in the Schedule of Permitted and Conditional Uses, shall be prohibited.

* * *

Use Classifications	ZONING DISTRICTS																				CONDITI ON/ LDR SECTION
	A	R A	A R	R 1	R 2	R 3	R 4	R 6	R 7	R1 0	R P	RMR P*	R M	C1 *	C2 *	C3 *	C P	L M	H M	M P	

Club Private or Country	C														P	P	P	P					P	14 & Sec. 3.01.02.F.1
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1 **Section 5. Amendment.** Section 3.02.02, Lake County Code, Appendix E, Land
 2 Development Regulations entitled *Density*, is hereby amended as follows:

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 4 **3.02.02 Density.**

5 A. Generally. The Density is the relationship between the number of Dwelling Units on a site and
 6 the Base Site Area. Table 3.02.06 sets forth the maximum Density for each zoning district.

7 ~~B. Urban Area Residential Density Point System. The Lake County Comprehensive Plan~~
 8 ~~establishes an Urban area residential Density point system to guide the determination of~~
 9 ~~Density in the Urban, Urban Expansion, and Suburban Land Use districts as depicted in the~~
 10 ~~Lake County Future Land Use Map. Therefore, the maximum allowable Density in the Urban,~~
 11 ~~Urban Expansion, and Suburban areas is determined by the zoning district regulations and the~~
 12 ~~Density point system. This point system is set forth in section 3.03.00. The methodology for~~
 13 ~~determining maximum Density in the Urban, Urban Expansion, and Suburban areas is set forth~~
 14 ~~in section 3.03.02.~~

15 ~~CB.~~ Septic Tanks. Septic Tanks Shall be approved in accordance with Chapter ~~10D-664E-6~~, Florida
 16 Administrative Code.

17 ~~DC.~~ Sanitary Facilities. All water supply and sewerage disposal facilities Shall conform to the
 18 regulations of the ~~Lake County Health Department~~ Florida Department of Health in Lake
 19 County and/or Florida Sanitary Codes.

20
 21 **Section 6. Amendment.** Section 3.02.06, Lake County Code, Appendix E, Land
 22 Development Regulations entitled *Density, Impervious Surface, Floor Area, and Height Requirements*, is
 23 hereby amended to delete references to notes 4 and “*” as follows:

24
 25 **3.02.06 Density, Impervious Surface, Floor Area, and Height Requirements.** The minimum
 26 Lot size Shall be in accordance with gross acreage requirements for each zoning district listed in
 27 Table 3.02.06.

	Maximum Density ^{*1}	Maximum FAR ^{*2}	Maximum ISR ^{*3}	Height (feet)
A	1 DU/5 AC	.10	.10 ^{*4}	40
RA	1 DU/5 AC	.10	.10 ^{*4}	40
AR	1 DU/2 AC	.20	.25 ^{*4}	40
R1	1 DU/AC	.20	.30 ^{*4}	40
R2	2 DU/AC	.30	.35	40
R3	3 DU/AC	.30	.35	40
R4	4 DU/AC	.40	.45	40
R6	6 DU/AC	.40	.55	40
R7	8 DU/AC	.40	.65	40
R10	10 DU/AC	.50	.65	40
RP	8 DU/AC	.50	.65	40
RM	8 DU/AC	.50	.65	40
RMRP	8 DU/AC	.50	.65	40

RV	Subsection 3.02.08.K	.60	.75	40
A-1-20	1 DU/20 NET AC	.025	.025	40
A-1-40	1 DU/40 NET AC	.0125	.0125	40
Urban Compact Node	5.5 DU/NET AC	.40	.55	40
C1	—	.50	.70	50
C2	—	.70	.70	50
C3	—	1.0	.70	50
CP	—	2.0	.70	50
LM	—	1.0	.70	50
HM	—	1.0	.80	50
MP	—	1.0	.80	50
CFD	—	1.0	.80	50

Note 1. Maximum allowable Density refers to Base Site Area. ~~The maximum allowable Density in the Urban, Urban Expansion, and Suburban areas as depicted on the Lake County Future Land Use Map is determined by the zoning district and by the urban area residential Density point system. See Section 3.03 for determination of maximum Density in these areas.~~

Note 2. FAR: Floor Area Ratio. FAR applies only to non-residential Development.

Note 3. ISR: Impervious Surface Ratio. ISR applies to both residential and nonresidential Development.

Section 7. Repealer. Section 3.03.00, Lake County Code, Appendix E, Land Development Regulations entitled *Urban Area Residential Density Point System and Timeliness*, consisting of Subsections 3.03.01-3.03.03 and Tables 3.03.03 and 3.03.04, is hereby repealed in its entirety and Section is reserved for future use.

Section 8. Repeal and Replacement. Section 3.09.00, Lake County Code, Appendix E, Land Development Regulations, entitled *Lighting*, shall be repealed and deleted in its entirety and replaced with the following entitled section to be entitled *Lighting Standards*:

3.09.00 Lighting Standards.

~~All lighting fixtures shall be designed and arranged so as not to interfere with the enjoyment of neighboring properties, residents, or the safety of neighboring Roads. The amount of light which radiates from a source and crosses a residential or agricultural Lot Line shall not exceed two tenths (0.2) of one (1) foot candle as measured by an illuminance or foot candle meter from the residential or agricultural Lot Line.~~

3.09.01 Purpose and Intent. Lighting design shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed to enhance the visual impact on the community and/or blends into the landscape.

3.09.02 General Provisions. Outdoor lighting for any development approved for construction shall follow the standards as outlined below. Product documentation and lighting plans shall be

1 required for review and approval with all projects requiring a building permit for a final site plan
2 approval.

3 **3.09.03 Street Lighting.** Street Lighting applies to all common lighting within subdivisions.
4 All lighting fixtures shall be designed and arranged so as not to interfere with the enjoyment of
5 neighboring properties, residents, or the safety of neighboring roads. The amount of light which
6 radiates from a street lighting source and crosses an adjacent lot, parcel or property lot line shall
7 not exceed two tenths (0.2) of one (1) foot candle as measured from five (5) feet the parcel or
8 property Lot Line of the adjacent residential lot. The following standards apply:

- 9 A. Lighting shall be decorative and blend with the architectural style of the development.
10 B. Lighting shall be cutoff fixtures designed and located to minimize glare and overhead sky
11 glow.
12 C. Lighting shall be spaced no greater than three hundred (300) feet apart and shall be top
13 shielded, downward directional lighting.
14 D. Canopy and overhead lighting shall be recessed or shielded in a manner that prevents
15 lighting of the horizontal axis.
16 E. Lighting controls shall be provided that will automatically extinguish all outdoor lighting
17 when sufficient daylight is available.

18 **3.09.04 Commercial Lighting.** Commercial buildings and projects, including parking areas
19 and outparcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians
20 and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site.
21 The lighting and lighting fixtures shall be integrated and designed to enhance the visual impact of
22 the project on the community and/or blends into the landscape. The following standards apply:

- 23 A. Lighting shall be designed to prevent direct glare, light spillage and hazardous interference
24 with automotive and pedestrian traffic on adjacent streets and all adjacent properties.
25 B. Lighting fixtures shall be a maximum of thirty (30) feet in height within the parking lot
26 and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas.
27 C. Lighting shall be used to provide safety while accenting key architectural elements and/or
28 to emphasize landscape features. Light fixtures shall be designed as an integral design
29 element that complements the design or the project through style, material or color and
30 shall be designed to blend into the landscape using dark colors. Mill finish is not permitted.
31 D. Parking lots that are to be used after dark shall be adequately lighted. The lighting shall
32 not shine directly upon any adjacent residence or street and shall not produce excessive
33 glare.
34 E. Lighting controls shall be provided that will automatically extinguish all outdoor lighting
35 when sufficient daylight is available.

36 **3.09.05 Residential Lighting.** All outside residential lighting fixtures shall be designed and
37 arranged so as not to interfere with the enjoyment of neighboring properties, residents, or the safety
38 of neighboring roads. The amount of light which radiates from a source and crosses an adjacent
39 residential or agricultural lot line shall not exceed two tenths (0.2) of one (1) foot candle as
40 measured at the residential or agricultural lot line. Lighting shall be provided that will automatically
41 extinguish all outdoor lighting when sufficient daylight is available .

42 **3.09.06 Exemptions.** The following shall be exempt from the provisions of this Section:

- 43 A. Lighting within a public right-of-way or easement for the principal purpose of illuminating
44 streets or roads other than those within new subdivisions.

1 B. Lighting of public monuments and statuary.

2 C. Lighting for signs.

3 D. Temporary lighting for construction sites.

4 E. Seasonal lighting.

5 F. Lighting for emergency purposes.

6 G. Lighting on property owned or under the control of any municipality, county, state or
7 federal government.

8
9 **Section 9. Amendment.** Section 3.10.00, Lake County Code, Appendix E, Land
10 Development Regulations, entitled *Road Frontage*, is hereby amended as follows:

11 **3.10.00 Road Frontage.** All Lots created pursuant to Subsections 14.11.01 and 14.11.02 Shall
12 have the minimum Frontage at both the Road and Building Setback Line as specified in Table
13 3.10.00.
14

Zoning District	Frontage (feet)
A-1-40	150
A-1-20	150
A	150
RA	150
AR	150
R-1	100
R-2	80
R-3	75
R-4	50
R-5	50
R-6	50
<u>R-7</u>	<u>50</u>
R-10	50
RM	50
RP	50

15
16
17 **Section 10. Amendment.** Section 4.03.01, Lake County Code, Appendix E, Land
18 Development Regulations entitled *Purpose and Intent*, is hereby amended as follows:

19 **4.03.01 Purpose and Intent.**
20

- 1 A. Planned Unit Developments Shall be allowed in all Land Use classifications. ~~In the Suburban and~~
2 ~~Transitional areas PUD's Shall be subject to the Timeliness Criteria as established under 3.03.02.~~
3 It is the purpose and intent of this Section to establish a Planned Unit Development (PUD) zoning
4 district in effort to:
- 5 1. Exercise greater ingenuity and imagination in the planning and Development of Tracts of
6 Land under unified control than generally is possible under these regulations;
 - 7 2. Allow a diversification of uses, Structures, and Open Space in a manner compatible with
8 both the surrounding, existing and approved Development of Land surrounding and abutting
9 the PUD Site;
 - 10 3. Provide a means for Land to be used more effectively, and for utilization of smaller networks
11 of utilities and Roads;
 - 12 4. Detail the natural amenities of Land encouraging scenic and functional Open Space within
13 the PUD;
 - 14 5. Provide for the reasonable protection of Designated Species of plants and animals;
 - 15 6. Ensure that Development will occur according to limitation of use, design, Density, and
16 phasing stipulated on an approved Development Plan; and
 - 17 7. Provide reasonable assurance of approval of a PUD application before a Developer expends
18 complete design monies, while providing the County with assurances that the PUD will be
19 Developed according to approved specifications.
- 20

21 **Section 11. Amendment.** Section 6.06.05, Lake County Code, Appendix E, Land
22 Development Regulations, entitled “Financial Responsibility” for mining, shall be amended as follows:
23

24 **6.06.05 Financial Responsibility.**

- 25 A. Before an Operating Plan is issued, the Board of County Commissioners shall require the
26 Applicant or Operator, ~~Shall provide proof financial responsibility and Shall file with the Board~~
27 ~~of County Commissioners a compliance and Reclamation to~~ guarantee ~~to ensure~~ that the Mine is
28 Developed, operated and reclaimed in conformance with the Lake County Code, the Lake County
29 Land Development Regulations, the approved Mining Conditional Use Permit and the Operating
30 Plan. Acceptable forms of the guarantee include cash, irrevocable letters of credit, or surety bonds.
31 In all cases, the form of the guarantee Shall be subject to approval by the County Attorney.
- 32 B. The amount of the guarantee Shall be set by the Board, upon recommendation of the County
33 Manager or designee in an amount not less than one hundred (100) percent of the estimated cost
34 of Reclamation based upon the phase that is being Permitted.
- 35 ~~C. —As the Reclamation progresses in accordance with the Reclamation plan, the amount required to~~
36 ~~complete the Reclamation may decrease. As time progresses, the amount required to complete~~
37 ~~the Reclamation may increase because of, among other things, changes in technology or inflation.~~
38 ~~If the Owner or Operator feels that, due to progress which has occurred in compliance with the~~
39 ~~Reclamation plan, the amount of the guarantee held by the County exceeds one hundred (100)~~
40 ~~percent of the amount necessary to complete the Reclamation plan, then the Owner or Operator~~
41 ~~may submit a request for a proportionate reduction. Such request Shall accompany the annual~~
42 ~~progress report and Shall provide justification for the request. If the County feels that, due to~~
43 ~~changes in technology, inflation or other events, the amount of the guarantee held by the County~~
44 ~~is less than one hundred (100) percent of the amount necessary to complete the Reclamation plan,~~
45 ~~the County may request Additional amounts of guarantee. After review, the County Manager or~~

1 ~~designee shall recommend to the Board of County Commissioners that the amount of the~~
2 ~~guarantee be reduced or that Additional guarantee amounts are necessary. The Board of County~~
3 ~~Commissioners shall review the recommendation of the County Manager or designee and~~
4 ~~determine the amount by which the guarantee shall be reduced or increased accordingly. Failure~~
5 ~~of the Operator to post such Additional guarantee amount shall be grounds for suspension or~~
6 ~~revocation of the Operating Plan or the Mining Conditional Use Permit Approval in Addition to~~
7 ~~the other remedies provided in the Lake County Code.~~

8 ~~D. Where Water Quality monitoring is required by the Board of County Commissioners for Mining~~
9 ~~Activities occurring within prime Aquifer Recharge areas, the costs of monitoring activity shall~~
10 ~~be borne by the extractor.~~

11 C. An Applicant or Operator is exempt from the financial responsibility required under this Section
12 if Applicant or Operator shows proof that the Applicant or Operator has provided financial
13 assurances for reclamation to the Florida Department of Environmental Protection or other
14 regulating agency in an amount that is the same as would have been otherwise been provided by
15 the Applicant or Operator to the County under this Section. If the County imposes an additional
16 requirement on the Mining Conditional Use Permit not required by the Florida Department of
17 Environmental Protection or other regulating agency, the Applicant or Operator shall provide a
18 financial guarantee directly to the County in an amount sufficient to cover the cost associated
19 with the additional requirement.

20 D. Units of local, regional, state and federal government operating on government-owned property
21 are exempt from the financial responsibility required under this Section.

22
23 E. An Applicant, Operator or Owner of a mining operation shall have absolute liability and financial
24 responsibility for any damages to public or private property, human, animal or plant life, or any
25 mineral or water-bearing geologic formation incurred due to mining or excavation and fill
26 operations, failure of any dam, spillway or outlet structure of a settling or thickening pond, or
27 failure to properly reclaim mined-out lands, regardless of whether financial assurances have been
28 provided under this section.
29

30 **Section 12. Amendment.** Lake County Code, Appendix E, Land Development Regulations,
31 Section 7.00.05, entitled "General Requirements", specifically subsection (I), concerning the Wekiva River
32 Regulations shall be amended as follows.

33
34 * * *

35 I. Water Conservation. In order to conserve supplies of potable water, Lake County Shall restrict
36 the use of potable water for Landscape irrigation consistent with policy of the Lake County
37 Comprehensive Plan, ~~as reproduced in 1. below,~~ or employ and/or conserve Native Vegetation,
38 or use other species with drought-resistant properties in their Landscaping to the greatest
39 extent practicable. Native or drought-resistant plants include, but are not limited to, those in
40 the Florida Native Plant Society's Native Plants for Landscaping in Florida, or comparable
41 guidelines prepared by the Florida Department Agriculture and Consumer Services,
42 FGFWFCC, FDNR, RPC, ~~or~~ the WMD's water management districts or other federal or state
43 agency.

44
45 ~~I.~~ J. Wastewater Treatment and Reuse. Lake County Shall require that the disposal of Effluents
46 from all wastewater treatment plants comply with State, Federal, Regional and local
47 regulations. ~~A remedial action and enforcement plan which encourages non-caustic treatment~~
48 ~~methods, shall be implemented by 1992. By 1993, the County shall cooperate with municipal~~

1 ~~and private utilities in preparing a grey water treatment and reuse program and Shall address~~
2 ~~the needs of this program within the future Land Use plan and Development regulations~~

3
4
5 **Section 13. Amendment.** Section 10.01.03, Lake County Code, Appendix E, Land
6 Development Regulations entitled *Accessory Structures that are Dwellings*, is hereby amended as follows:
7

8 **10.01.03 Accessory Structures that are Dwellings.**

9 A. Purpose. The purpose of this Section is to provide for less expensive housing units to
10 accommodate growth, provide housing for relatives and to provide for security.

11 B. Standards. Accessory Dwellings Unit may be allowed in agricultural and residential zoning
12 districts provided that all of the following requirements are met:

13 1. The Lot must be a Lot of Record or a legally created Lot ~~and must be one (1) acre in area~~
14 ~~or greater.~~

15 2. No more than one (1) principal ~~d~~ Dwelling ~~u~~ Unit and one (1) Accessory Dwelling Unit
16 Shall be permitted on any Lot of Record, or legally created Lot. ~~A lot of parcel of land~~
17 ~~containing an Accessory Dwelling Unit shall be occupied by the owner of the premises,~~
18 ~~and the owner may live in either the Accessory Dwelling Unit or the principal Dwelling~~
19 ~~Unit.~~ Prior to the date a Building Permit is issued for an Accessory Dwelling Unit or prior
20 to the use of an existing Structure as an Accessory Dwelling Unit, the Owner Shall execute
21 and the County Manager or designee Shall record in the public records of Lake County,
22 Florida, at the Owner's expense, a legal document that requires the principal dwelling and
23 the Accessory Dwelling to remain in the same ownership ~~and limiting occupancy of either~~
24 ~~the principal Dwelling Unit or the Accessory Dwelling Unit to the owner of the property.~~
25 ~~Proof that such restrictions has been recorded shall be provided to the County Manager, or~~
26 ~~designee, prior to issuance of the occupancy permit for the Accessory Dwelling Unit.~~

27 3. An Accessory Dwellings Unit may be attached to a principal dwelling, an apartment unit
28 within the principal dwelling, or a stand-alone building.

29 4. An Accessory Dwelling ~~u~~ Unit Shall not exceed one thousand two hundred (1,200) square
30 feet or forty ~~(40)~~ percent (40%) of the air conditioned, enclosed living area of the principal
31 dwelling (excludes garages, patios, porches and the like), whichever is greater.

32 5. The Accessory Dwelling Unit Shall be located and designed not to interfere with the
33 appearance of the principal dwelling as a one-family Dwelling Unit. ~~The Accessory~~
34 ~~Dwelling Unit Shall be the same architectural style as the principal Dwelling Unit.~~

35 6. An Accessory Dwelling ~~u~~ Units must meet the setback requirements of the principal
36 dwelling.

37 7. The principal dwelling unit and the ~~a~~ Accessory ~~d~~ Dwelling ~~u~~ Unit shall share a common
38 driveway if access to the ~~a~~ Accessory ~~d~~ Dwelling ~~u~~ Unit is from the same right-of-way or
39 easement.

40 8. Impact fees Shall be paid on an Accessory ~~d~~ Dwelling ~~u~~ Units as if it was a separate
41 dwelling.

42
43 **Section 14. Amendment.** Section 10.01.06, Lake County Code, Appendix E, Land
44 Development Regulations entitled *Backyard Chickens*, is hereby amended as follows:
45

1 **10.01.06 Backyard Chickens.** General Requirements. Chickens, other than roosters, shall be
2 allowed for personal use as an accessory use within the Agriculture (A), Agriculture Residential
3 (AR), Ranchette District (RA), Rural Residential (R-1), Estate Residential (R-2), Medium
4 Residential (R-3), Medium Suburban Residential (R-4), Urban Residential (R-6), Mixed
5 Residential (R-7), and Mixed Home Residential (RM) Districts.

6 A. Any person keeping, harboring, raising or maintaining chickens as an accessory to an
7 occupied dwelling unit shall be subject to the following restrictions:

- 8 1. No more than five (5) chickens may be kept;
- 9 2. Slaughtering of chickens is prohibited;
- 10 3. Chickens must be secured within the chicken coop or fenced enclosure at all times;
- 11 4. All feed and other items associated with the keeping of chickens that are likely to attract or
12 to become infested with rodents or other pests shall be kept in a rodent and pest-proof
13 container;
- 14 5. No manure shall be allowed to accumulate on the floor of the coop or ground. A fly-tight
15 bin for storage of manure shall be utilized; the size shall be sufficient to contain all
16 accumulations of manure. The fly-tight bin shall be kept at least twenty (20) feet away from
17 all property; and
- 18 6. Composting of chicken manure shall be allowed in an enclosed bin. The composting bin
19 shall be kept at least twenty (20) feet away from all property lines.

20 B. Chicken coop or fenced enclosure used to house chickens. Any chicken coop or fenced
21 enclosure used to house chickens shall:

- 22 1. Not be located in the front or side yards; and
- 23 2. Be set back a minimum of twenty (20) feet from all property lines

24
25
26 **Section 15. Creation.** Section 13.02.00, Lake County Code, Appendix E, Land Development
27 Regulations, to be entitled *Alternate Members* is hereby created to read as follows:
28

29 **13.02.00 Alternate Members.** The Board of County Commissioners may appoint alternate
30 members to the Board of Adjustment or Lake County Planning and Zoning Board as deemed
31 necessary in order ensure that quorum requirements are satisfied.
32

33
34 **Section 16. Amendment.** Section 14.00.05, Lake County Code, Appendix E, Land
35 Development Regulations entitled *Notice Procedure* is hereby amended as follows:
36

37 **14.00.05 Notice Procedure.** Notice of all public hearings which are required by a provision of
38 these regulations Shall be given as follows, unless expressly stated otherwise:

39 A. Publication of Notice.

- 40 1. Board of County Commissioners: Publication of the notice of a hearing before the Board
41 of County Commissioners Shall comply with the applicable provisions of the Florida
42 Statutes.
- 43 2. Lake County Planning and Zoning Board and Board of Adjustment. Publication of notice
44 before the Lake County Planning and Zoning Board and Board of Adjustment Shall be

1 properly advertised in a newspaper of general circulation at least ten (10) calendar days
2 before the hearing date.

3 3. Notice of intent to consider a development agreement under Section 14.18.00, Land
4 Development Regulations, Shall be advertised approximately seven (7) calendar days
5 before each public hearing in a newspaper of general circulation and readership in Lake
6 County. The day, time and place at which the second public hearing will be held Shall be
7 announced at the first public hearing.

8 B. Mailing of Notice.

9 1. The County Manager or designee Shall mail notices to the owners of all real property
10 contiguous to and within three hundred (300) feet of the perimeter of the applicant's
11 property subject to the application no later than ten (10) days before the hearing date. If the
12 property involved is part of a larger parcel, the perimeter of the larger parcel Shall be used
13 for this purpose. However, if the larger parcel is a planned unit development (PUD), all
14 owners within the PUD Shall be notified. The names and addresses of adjacent property
15 owners Shall be determined by reference to the latest approved ad valorem tax roll. Mailing
16 of said notice Shall be considered notice.

17 2. For development agreements pursuant to Section 14.18.00, Land Development
18 Regulations, notice of intent to consider a development agreement Shall be mailed to all
19 affected property owners before the first public hearing. The day, time, and place at which
20 the second public hearing will be held Shall be announced at the first public hearing.

21 C. Posting of Notice. The County Manager or designee, the applicant, or the property owner Shall
22 post a copy of the notice on the property subject to the application. The notice Shall be located
23 where the notice would be in the most conspicuous place to the passing public. In addition, the
24 notice Shall be posted on the public access roads and county road(s) closest to the property
25 subject to the application.

26 D. Content of Notice. All notices required hereunder Shall include at a minimum the following
27 information:

- 28 1. Date, time and place of public hearing.
29 2. Title of the ordinance, if applicable.
30 3. The place where the ordinance can be inspected, if applicable.
31 4. A statement advising that interested parties may appear at the meeting and be heard with
32 respect to the proposed ordinance.
33 5. For development agreements pursuant to Section 14.18.00, Land Development
34 Regulations, the notice Shall specify the location of the land subject to the development
35 agreement, the development uses proposed on the property, the proposed population
36 densities, and the proposed building intensities and height and Shall specify a place where
37 a copy of the proposed agreement can be obtained.

38

39 **Section 17. Repealer.** Section 14.02.04, Lake County Code, Appendix E, Land Development
40 Regulations entitled *Time for Amendments*, regarding timing for amendments to the Comprehensive Plan
41 is hereby repealed in its entirety and the Section is reserved for future use.

42

43

1 **Section 19. Amendment.** Section 14.15.01, Lake County Code, Appendix E, Land
2 Development Regulations entitled Purpose of Variances is amended as follows:

3 **14.15.01 Purpose of Variances.** Strict application of uniformly applicable Land Development
4 Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The
5 Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to
6 provide relief to persons and entities subject to the Land Development Regulations. The Board of
7 Adjustment is authorized to grant variances to requirements of the Land Development
8 Regulations and adopted ordinances concerning Planned Unit Development (PUD) zoning districts
9 consistent with the rules contained in these regulations. Pursuant to F.S. § 553.73(5), the Board of
10 Adjustment shall hear and decide appeals and variances from the strict application of the flood
11 resistant construction requirements of the Florida Building Code. This Section does not authorize
12 the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant
13 a variance to permit uses not generally permitted in the zoning district involved or any use expressly
14 or by implication prohibited by the terms of the Land Development Regulations in the zoning
15 district. In addition, the existence of nonconforming use of neighboring lands or unpermitted use
16 of neighboring lands Shall not be considered grounds for authorization of a variance.

17
18 **Section 20. Amendment.** Following a request by the City of Clermont, Section 15.02.00,
19 Lake County Code, Appendix E, Land Development Regulations concerning the Land Development
20 Regulations for the Clermont Joint Planning Area (JPA) concerning signs is hereby amended to including
21 the following:

22
23 **15.02.06 Signage Standards.**

- 24 A. Signs with visible moving, revolving or rotating parts or visible mechanical movement of any
25 description or other apparent visible movement achieved by electrical, electronic or mechanical
26 means Shall be prohibited.
27
28 B. Signs with the optical illusion of movement by means of a design that presents a pattern capable
29 of giving the illusion of motion or changing of copy Shall be prohibited.
30
31 C. Digital or light-emitting diode (LED) signs Shall be prohibited.

32
33 **Section 21. Inclusion in Code.** It is the intent of the Board of County Commissioners that
34 the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the
35 sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to
36 "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.
37

38 **Section 22. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is
39 for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall
40 not affect the remaining portions of this Ordinance; and it shall be construed to have been the
41 Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part
42 therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and
43 held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof
44 shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set
45 of circumstances, such holding shall not affect the applicability thereof to any other person, property or
46 circumstances.
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Section 23. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 24. Effective Date. This ordinance shall become effective as provided for by law.

ENACTED this day of _____ day of _____, 2017.

FILED with the Secretary of State the ____ day of _____, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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

Timothy I. Sullivan, Chairman

This ____ day of _____, 2017.

Approved as to form and legality:

Melanie Marsh, County Attorney