

**LAKE COUNTY OFFICE OF PLANNING AND ZONING  
COMPREHENSIVE PLAN AMENDMENT STAFF REPORT**

<b>PLANNING AND ZONING BOARD</b>		<b>BOARD OF COUNTY COMMISSIONERS</b>
September 5, 2018		September 25, 2018 (Transmittal)

<b>CP-18-14</b> Amend Comprehensive Plan Policy III-2.2.7, entitled 'Protection of Shorelines,' and Policy III-2.5.12, entitled 'Wetland Dedication.'	<b>Case Managers:</b>  Janie Barrón, Senior Planner  Michele Janiszewski, Chief Planer	<b>Agenda Item #3</b>
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<b>Case Information</b>	
<b>Applicant:</b>	Lake County Government (Staff Initiated)
<b>Type:</b>	Comprehensive Plan Text Amendment
<b>Creation or Revision:</b>	Revision
<b>Description:</b>	Amend Lake County 2030 Comprehensive Plan Policy III-2.2.7, entitled Protection of Shorelines, to include the ordinary high water line and establish criteria for new plats and site plans abutting natural water bodies and wetland areas, and to allow development approved prior to March 2, 1993 to continue development with the existing established wetland setback; and amend Lake County Comprehensive Plan Policy III-2.5.12, <i>Wetland Dedication</i> , to require the fifty (50) foot upland buffer to be included in the common area tract with the wetlands.

<b>Summary of Staff Recommendation</b>
Staff recommends <b>APPROVAL</b> of the proposed text amendment to the Lake County 2030 Comprehensive Plan Policy III-2.2.7 <i>Protection of Shorelines</i> , to include the ordinary high water line and establish criteria for new plats, new lots created through an administrative process, and site plans abutting natural water bodies and wetland areas; and to allow development approved prior to March 2, 1993 to continue development with the existing established wetland setback; and amendment to Lake County Comprehensive Plan Policy III-2.5.12, <i>Wetland Dedication</i> , to require the fifty (50) foot upland buffer to be included in the common area tract with the wetlands
<b>Planning and Zoning Board Recommendation:</b>
<b>Board of County Commissioners Transmittal:</b>

### **-Summary of Analysis-**

On May 25, 2010, the Board of County Commissioners adopted Ordinance 2010-25 which included the Lake County 2030 Comprehensive Plan. The 2030 Comprehensive Plan became effective September 22, 2011.

The Comprehensive Plan included Policy III-2.2.7, Protection of Shorelines, which establishes a fifty (50) foot setback from the mean high water line (MHWL) or jurisdictional wetland line (JWL), whichever is further landward, from natural water bodies, canals, and wetland areas. The policy included a few exceptions to this requirement, including:

1. Water dependent structures;
2. Additions to existing residences;
3. Development approved prior to September 22, 2011;
4. Upland lots with limited developable area with conditions; and
5. Variance for properties with limited developable area with conditions.

Ordinance 2012-53 (LPA #12/5-1) was approved by the Board of County Commissioners on July 24, 2012 and amended Policy III-2.2.7, Protection of Shorelines, to exclude canals, revise the applicability of the term “development” for the subsection, and require a one-hundred (100) foot setback from the mean high water line of lakes and wetlands, or the jurisdictional wetland line for placement of the drain fields.

Staff is seeking to amend the policy to include the Ordinary High Water Line (OHWL) as a method to establish the fifty (50) foot setback. Section 18-20.003, Florida Administrative Code, defines the “Mean high water line” as “the intersection of the tidal plane of mean high water with the shore as determined in accordance with Chapter 177 Part II, Florida Statutes, and Chapter 18-11, Florida Administrative Code.” The same section defines “Ordinary high water line (OHWL)” as “the boundary between sovereign submerged lands and the adjacent uplands along nontidal waterbodies.” The section continues to define “Shoreline” as “the mean or ordinary high water line” and “Uplands” as “those lands above the mean high water line or ordinary high water line.” OHWL and MHWL can be used interchangeable to determine a shoreline or the extent of uplands; the only difference between the terms is whether the natural water body is a tidal or non-tidal waterbody. Section 6.01.04 (A.) (1.) of the Land Development Regulations (LDR) states “Principal structures, structures, buildings, and impervious surface, excluding water dependent structures, shall be located at least (50) feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, whichever is further landward.” Including the ordinary high water line in the Comprehensive Plan as a mechanism to delineate shorelines would be consistent with the LDR.

The proposed revisions also remove the strict criteria for which a variance can be allowed for residential and non-residential development approved prior to March 3, 1993 (the date the fifty (50) foot setback was established). The criteria has been adopted into the Land Development Regulations but the strict application of the policy has been a hardship for lots legally created prior to March 3, 1993. To implement the policy, staff is recommending that new residential and non-residential development (plats, site plans, and administrative lot splits) are required to adhere to the fifty (50) foot setback from the ordinary high water line (OHWL), mean high water line (MHWL) or jurisdictional wetland line (JWL), whichever is further landward. For residential lots and non-residential development approved prior to March 3, 1993, the fifty (50) setback will be encouraged to the greatest extent possible but allow variances as long as:

1. The development does not adversely impact the natural water body or wetlands;

2. All other feasible alternatives have been exhausted;
3. The first one inch (1") of stormwater runoff shall be captured on site; and
4. Development must be constructed as far landward on the lot as possible.

The Land Development Regulations will continue to require a fifty (50) foot setback from the mean high water line (MHWL), ordinary high water line (OHWL), or jurisdictional wetland line (JWL) but allow development approved prior to March 3, 1992 the flexibility of applying for a variance if the conditions provided above are met.

Comprehensive Plan Policy III-2.5.12, *Wetland Dedication*, requires wetlands, water bodies, and their associated buffers to be included in a Conservation Easement dedicated to a conservation agency, non-profit organization, or Lake County. The intent of this policy is to ensure that wetlands and wetland buffers are maintained in perpetuity in their natural and unaltered state. The wetland buffer is required to be included in the conservation easement and maintained in its natural, unaltered state but there is no policy preventing the upland buffer from being platted on the residential lots.

Staff is seeking to amend Policy I-7.5.6, entitled 'Platting of Wetlands and Water Bodies,' to require the fifty (50) foot upland, wetland buffer to be included in the common area tract with the wetlands. It is difficult to enforce the conditions of a conservation easement if the easement is included on platted residential lots. The proposed condition would only apply to wetlands area which do not abut open bodies of water and are required to be platted as a common area.

#### - Standards for Review -

##### **A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.**

Comprehensive Plan Goal I-1, *Purpose of the Future Land Use Element*, states that part of the goal of the Future Land Use Element is to Promote the conservation and preservation of Lake County's natural and cultural resources. Goal III-1, *Preservation of Natural Resources*, states that The County shall strive to preserve, properly manage and, where possible, enhance the quantity, quality and function of its natural resources and natural environment for existing and future generations and identifies lakes and surface waters, springs and springsheds, wetlands, and aquifer recharge areas as natural resources.

The proposed amendment is consistent with Comprehensive Plan Goal III-2, *Water*, which states that the County shall conserve, protect, and enhance the County's surface water, groundwater, springsheds, floodplains, and wetlands to ensure that these resources are preserved for the benefit of present and future generations. The proposed amendment is consistent with Comprehensive Plan Objective III-2.5, *Wetlands*, which states that the County shall protect wetlands and the functions provided by wetlands.

The proposed amendment revises the strict criteria for which a variance can be granted to development approved prior to March 3, 1993 but maintains the same criteria for granting a variance. A variance can only be granted if the development does not adversely impact the natural water body or wetlands; all other feasible alternatives have been exhausted; the first one inch (1") of stormwater runoff shall be captured on site; and development must be constructed as far landward on the lot as possible.

Requiring the first one (1) inch of stormwater to be retained on site is compliant with Comprehensive Plan Policy I-4.3.7, *Minimization of Adverse Impacts to Wetlands and Floodplains Caused by Development Activities*, which states that Lake County shall minimize adverse impacts to wetlands and floodplain; Policy IX-5.2.11, *Protection of Natural Hydrologic Functions*, which states that the County

shall adopt Land Development Regulations to ensure that proposed stormwater management facilities do not adversely impact natural hydrologic features or functions, including but not limited to water bodies, wetlands, floodplain storage capacity, sinkholes and other karst features; and Policy IX-5.1.4, *Stormwater Management Regulations*, which states that the County shall implement, update, and improve Land Development Regulations relating to construction and maintenance of stormwater management facilities to prevent degradation of water bodies and wetlands, to ensure aquifer recharge, and to provide for adequate flood protection and storage.

**B. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.**

The proposed amendment would not conflict with the Land Development Regulations (LDR). Requiring new plats, new lots created through an administrative process, and site plans abutting natural water bodies and wetland areas with a minimum setback of fifty (50) feet from the mean high water line (MHWL), ordinary high water line (OHWL), or jurisdictional wetland line (JWL) is consistent with the Comprehensive Plan and Land Development Regulations (LDR) Section 6.01.04(A)(1).

Allowing residential lots and non-residential development approved prior to March 2, 1993 to continue development with an existing reduced established wetland setback as long as the development does not adversely impact the natural water body or wetland area and where all other feasible alternative have been exhausted is consistent with Land Development Regulations, Section 6.01.04(1)(a).

Allowing the exemption to the Protection of Shorelines Policy to properties abutting to canals and created water bodies is consistent with Land Development Regulations, Section 6.01.04(d).

**C. Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.**

The amendment will establish a minimum setback of fifty (50) feet from the mean high water line (MHWL), ordinary high water line (OHWL), or jurisdictional wetland line (JWL), whichever is further landward for new plats, new lots created through an administrative process, and site plans abutting water bodies and wetland areas. This amendment will allow properties within new developments to be developed in accordance with the Land Development Regulations (LDR).

Additionally, this amendment will allow for residential lots and non-residential development approved prior to March 2, 1993 to continue development with an existing reduced established wetland setback as long as the development does not adversely impact the natural water body or wetland area and where all other feasible alternative have been exhausted. Allowing development approved prior to March 2, 1993 to continue development with an existing reduced established wetland setback will allow these properties to be development in accordance with prior approvals.

**D. Whether there have been changed conditions that justify an amendment.**

On May 25, 2010, Lake County adopted the 2030 Comprehensive Plan, which did not allow development with a minimum setback of fifty (50) feet from the ordinary high water line (OHWL), and did not allow residential lots or non-residential development approved prior to March 2, 1993 to be developed with an existing reduced established wetland setback. Additionally, the 2030 Comprehensive Plan did not allow for residential lots and non-residential development approved prior to March 2, 1993 to continue development with an existing reduced established wetland setback as long as the development does not adversely impact the natural water body or wetland area and where all other feasible alternative have been exhausted.

Lake County wishes to amend the Comprehensive Plan Protection of Shorelines Policy to allow a minimum setback of fifty (50) feet from the from the mean high water line (MHWL), ordinary high water line (OHWL), or jurisdictional wetland line (JWL), whichever is further landward for new plats, new lots created through an administrative process, and site plans abutting natural water bodies and wetland areas. This requirement shall not apply to canals and created water bodies. Additionally, Lake County wishes to amend the Comprehensive Plan Protection of Shorelines Policy to allow residential and non-residential development approved prior to March 2, 1993 to continue development with an existing reduced established wetland setback as long as the development does not adversely impact the natural water body or wetland area and where all other feasible alternative have been exhausted.

- E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.**

The proposed amendment will not affect the existing level of services for schools or parks and recreation, nor will it adversely impact the County's adopted levels of service for police, drainage, solid waste, and fire and emergency medical facilities. The proposed amendment pertains to existing residential development which would no impact the public facilities or existing levels of service.

- F. Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.**

The amendment will not result in a significant impact on the natural environment. The amendment to the Protection of Shorelines Policy is proposing to allow residential lots and non-residential development approved prior to March 2, 1993 to continue development with an existing reduced established wetland setback as long as the development does not adversely impact the natural water body or wetland area and where all other feasible alternative have been exhausted, provided that:

- The first one inch (1") of stormwater runoff shall be captured on site; and
- Development must be constructed as far landward on the lot as possible.

All new plats, new lots created through an administrative process, and site plans abutting natural water bodies and wetland areas will need to adhere to the policies contained within the Comprehensive Plan and the Land Development Regulations (LDR).

- G. Whether, and the extent to which, the proposed amendment would affect the property values in the area.**

No evidence has been provided that would indicate the amendment would have an impact on property values.

- H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The amendment will allow residential lots and non-residential development approved prior to March 2, 1993 to continue development with an existing reduced established wetland setback.

- I. Whether the proposed amendment would be consistent with or advance the public interest, and is in harmony with the purpose and interest of these regulations.**

The amendment is consistent with the interest of the public and these regulations.

**FINDINGS OF FACT:** Staff has reviewed the application for this rezoning request and found:

1. The proposed amendment is consistent with Comprehensive Plan Comprehensive Plan Goal I-1, Purpose of the Future Land Use Element, states that part of the goal of the Future Land Use Element is to Promote the conservation and preservation of Lake County's natural and cultural resources; and
2. The proposed amendment is consistent with Comprehensive Plan Goal III-1, Preservation of Natural Resources, states that The County shall strive to preserve, properly manage and, where possible, enhance the quantity, quality and function of its natural resources and natural environment for existing and future generations and identifies lakes and surface waters, springs and springsheds, wetlands, and aquifer recharge areas as natural resources; and
3. The proposed amendment is consistent with Comprehensive Plan Goal III-2, Water, which states that the County shall conserve, protect, and enhance the County's surface water, groundwater, springsheds, floodplains, and wetlands to ensure that these resources are preserved for the benefit of present and future generations; and
4. The proposed amendment is consistent with Comprehensive Plan Objective III-2.5, Wetlands, which states that the County shall protect wetlands and the functions provided by wetlands; and
5. The proposed amendment is consistent with Comprehensive Plan Policy I-4.3.7, Minimization of Adverse Impacts to Wetlands and Floodplains Caused by Development Activities, which states that Lake County shall minimize adverse impacts to wetlands and floodplain; and
6. The proposed amendment is consistent with Comprehensive Plan Policy IX-5.2.11, Protection of Natural Hydrologic Functions, which states that the County shall adopt Land Development Regulations to ensure that proposed stormwater management facilities do not adversely impact natural hydrologic features or functions, including but not limited to water bodies, wetlands, floodplain storage capacity, sinkholes and other karst features; and
7. The proposed amendment is consistent with Comprehensive Plan Policy IX-5.1.4, Stormwater Management Regulations, which states that the County shall implement, update, and improve Land Development Regulations relating to construction and maintenance of stormwater management facilities to prevent degradation of water bodies and wetlands, to ensure aquifer recharge, and to provide for adequate flood protection and storage; and
8. The proposed amendment is not in conflict with any portion of the Land Development Regulations.

Based on these findings of fact, staff recommends **APPROVAL** of the proposed text amendment to the Lake County 2030 Comprehensive Plan Policy III-2.2.7 *Protection of Shorelines*, to include the ordinary high water line and establish criteria for new plats, new lots created through an administrative process, and site plans abutting natural water bodies and wetland areas, and to allow development approved prior to March 2, 1993 to continue development with the existing established wetland setback.

**Case Manager:** Janie Barrón, Senior Planner and Michele Janiszewski, Chief Planner

**WRITTEN COMMENTS FILED:**      **Support: -0-**                      **Questions: -0-**                      **Opposition: -0-**

**ORDINANCE 2018-XX**  
**CP-18-14**  
**Revision to Policy III-2.2.7 - Protection of Shorelines**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING COMPREHENSIVE PLAN POLICY III-2.2.7, ENTITLED 'PROTECTION OF SHORELINES;' AMENDING COMPREHENSIVE PLAN POLICY I-7.5.6, ENTITLED 'PLATTING OF WETLANDS AND WATER BODIES;' PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal planning, and land development regulation in the State of Florida; and

**WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorized the Board of County Commissioners of Lake County to "Prepare and enforce comprehensive plans for the development of the county"; and

**WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, on the 25<sup>th</sup> day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan; and

**WHEREAS**, on the 23<sup>rd</sup> day of July, 2010, the State of Florida Department of Community Affairs, now known as the Community Planning and Development Division of the Florida Department of Economic Opportunity, in its capacity as the State Land Planning Agency, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

**WHEREAS**, on the 22<sup>nd</sup> day of September, 2011, the Lake County 2030 Comprehensive Plan ("Comprehensive Plan") became effective; and

**WHEREAS**, on the 24<sup>th</sup> day of July, 2012, Comprehensive Plan Policy III-2.2.7, entitled 'Protection of Shorelines,' was amended by Ordinance 2012-53; and

**WHEREAS**, Section 163.3184, Florida Statutes, sets forth the process for adoption of Comprehensive Plan Amendments; and

**WHEREAS**, on the 5<sup>th</sup> day of September, 2018, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

**WHEREAS**, on the 25<sup>th</sup> day of September, 2018, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for transmittal to the State of Florida Department of Economic Opportunity, Community Planning and Development Division, in its capacity as the State Land Planning Agency;

**WHEREAS**, on the XX day of XXXXX 2018, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for adoption; and

**WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt these amendments to the Lake County Comprehensive Plan;

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that:

**Section 1. Comprehensive Plan Text Amendment.** The following policy shall be amended as shown below. ~~Strikethrough~~ indicates text has been deleted and underline indicates text has been added. The Lake County 2030 Comprehensive Plan, Policy III-2.2.7, entitled 'Protection of Shorelines,' shall be amended to read as follows:

**Policy III-2.2.7 Protection of Shorelines**

To protect natural water bodies and wetland areas from the encroachment of development, the County shall implement the following shoreline protection standards, incorporated within the Land Development Regulations:

The County shall establish a minimum setback of 50 feet from the mean high water line (MHWL), ordinary high water line (OHWL), or jurisdictional wetland line (JWL), whichever is further landward, for new plats, new lots created through an administrative process, and site plans abutting natural water bodies and wetland areas. ~~Exceptions to this requirement are listed below:~~ This policy shall not apply to canals.

The County shall encourage, to the greatest extent possible, a setback of 50 (fifty) feet from the ordinary high water line (OHWL), mean high water line (MHWL) or jurisdictional wetland line (JWL), whichever is further landward, for development abutting natural water bodies and wetland areas for existing residential and non-residential development. Existing development for this policy will be any site plan or plat approved prior to March 2, 1993. Residential lots and non-residential development approved prior to March 2, 1993 may be permitted to continue development with the existing established wetland setback as long as the development does not adversely impact the natural water body or wetlands and all other feasible alternatives have been exhausted, provided that:

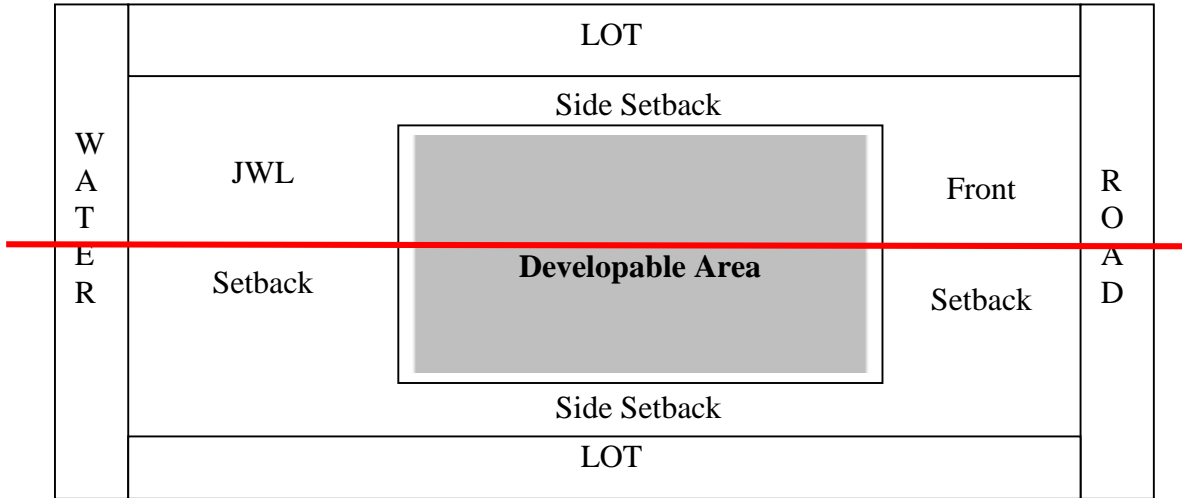
- The first one inch (1") of stormwater runoff shall be captured on site; and
  - Development must be constructed as far landward on the lot as possible.
- ~~1.— Additions which match existing rear and side setbacks may be allowed to "square off" a residence.~~
  - ~~2.— Water dependent activities including uses and structure such as docks, platforms, and pile-supported walkways or similar structures.~~
  - ~~3.— Development approved prior to September 22, 2011 with a wetland setback of less than 50 feet shall be allowed to maintain the approved setback as prescribed in the approved ordinance or development order and shall not be considered nonconforming. The term "Development" as used in this subsection, shall expressly include any type of variance, ordinance, average setback determination, or waiver.~~
  - ~~4.— Upland lots with a developable area less than 30 feet in width or depth, as measured landward from the JWL (as illustrated below) provided:
    - ~~• The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993; and~~
    - ~~• The maximum developable area shall be limited to 30 feet in width or depth; and~~
    - ~~• In no case shall the JWL setback be less than 20 feet; and~~
    - ~~• The first one inch (1") of stormwater runoff shall be captured on site; and~~
    - ~~• Development must be constructed as far landward on the lot as possible.~~~~
  - ~~5.— A variance to the setback requirements listed above may be granted if:
    - ~~• The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993; and~~
    - ~~• All other remedies have been exhausted, such as a variance to all other setback requirements; and~~
    - ~~• The maximum developable area shall be limited to 30 feet in width or depth; and~~
    - ~~• The first one inch (1") of stormwater runoff shall be captured on site; and,~~~~



~~• Development is constructed as far landward on the lot as possible.~~

~~6. Development on canals.~~

~~For this policy only, the "developable area" of a lot is where a building or impervious surface can be located in compliance with all setbacks.~~



The County shall require a 100-foot setback, from the mean high water line of lakes and wetlands, or the jurisdictional wetland line, whichever is further landward for the installation of septic tank drain fields. Development on lots legally created on or before March 2, 1993, and all Lots of Record, which cannot meet the 100-foot setback from the mean high water line of lakes and wetlands, or the jurisdictional wetland line for placement of the drain field, may be granted an administrative adjustment by the County Manager or designee, if the lot would otherwise be deemed unbuildable. Such adjustment may be granted to allow the placement of the septic tank drain field as far landward as possible, to have the least impact on surface waters and wetlands. All septic system setbacks shall be consistent with state law. All septic systems approved with an administrative adjustment shall be an advanced treatment system designed to remove nutrients from the effluent. ~~Any on-site wastewater system approved with an administrative adjustment shall be an advanced treatment system or alternative system designed to remove nutrients from the effluent.~~

**Section 1. Comprehensive Plan Text Amendment.** The following policy shall be amended as shown below. ~~Strikethrough~~ indicates text has been deleted and underline indicates text has been added. The Lake County 2030 Comprehensive Plan, Policy I-7.5.6, entitled 'Platting of Wetlands and Water Bodies,' shall be amended to read as follows:

**Policy I-7.5.6 Platting of Wetlands and Water Bodies**

Except as provided below, wetlands and water bodies shall not be included as part of any platted lot, except as provided herein. Wetlands and water bodies shall be shown on the plat as a common area, which shall be deeded to the homeowners' association, the County, a conservation agency, or non-profit conservation organization for ownership and maintenance. A portion of wetlands between an upland lot and a water body may be included in the lot to allow the lot owner access to the water. If the lot abuts a wetland area without a water body and is required to be platted as a common area, the associated fifty (50) foot upland buffer must be included in the common area tract with the wetlands and may not be included on a platted lot.

Wetlands and water bodies may be included in the platted lots for subdivisions which do not have a homeowners' association and which contain ten (10) lots or less. Wetlands between an upland lot and a water body may be included in the lot to allow the lot owner access to the water. Any isolated wetland, or water body, of less than one acre may be included in a platted lot.

**Section 3. Advertisement.** This Ordinance was advertised pursuant to Chapter 163, Florida Statutes, Section 163.3184(11).

**Section 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

**Section 5. Effective Date.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment will become effective on the date the state land planning agency or the administration commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the administration commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution will be sent to the state land planning agency.

ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2018.

FILED with the Secretary of State \_\_\_\_\_, 2018.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Timothy I. Sullivan, Chairman

ATTEST:

\_\_\_\_\_  
Gary J. Cooney, Clerk of the  
Board of County Commissioners,  
Lake County, Florida

Approved as to form and legality:

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