Summary of Ordinance

The purpose of this Ordinance is to amend Lake County Code, Appendix E, Land Development Regulations ("LDR"), in order to create an LDR waiver process for planned zoning districts in lieu of requiring a public hearing for both a variance and a rezoning, thus streamlining the public hearing processes.

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

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ORDINANCE 2019-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; CREATING SECTION 14.03.05, ENTITLED "WAIVERS FROM PLANNED ZONING DISTRICTS (CP, MP, CFD, PUD)", TO ALLOW FOR WAIVERS TO BE GRANTED BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 14.15.01, ENTITLED "PURPOSE OF VARIANCES", TO CLARIFY THE AUTHORITY OF THE BOARD OF ADJUSTMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lake County, Florida desires to amend Lake County Code, Appendix E, Land Development Regulations, to exempt certain types of signage; and

WHEREAS, the Lake County Board of County Commissioners determines that this amendment is in the best interests of the citizens of Lake County, Florida.

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

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

Section 2. <u>Amendment.</u> Section 14.03.05, Lake County Code, Appendix E, Land Development Regulations, entitled *Waivers from Planned Zoning Districts (CP, MP, CFD, PUD)*, is hereby created as follows.

14.03.05 Waivers from Planned Zoning Districts (CP, MP, CFD, PUD).

A. As part of a rezoning application, with demonstrated good cause, waivers from the minimum standards set forth in these Land Development Regulations may be requested by an applicant and granted by the Board of County Commissioners. However, such waivers must be specified in conjunction with a concept plan or site plan, otherwise all standards shall apply. Waiver requests shall be identified in the public hearing notice.

B. Waivers requested after approval of a rezoning application must be approved by the Board of County Commissioners at a public hearing, after notification to abutting property owners.

 Section 3. <u>Amendment.</u> Section 14.15.01, Land Development Regulations, entitled Purpose of Variances, is hereby amended to read as follow:

14.15.01 Purpose of Variances. Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons and entities subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations and adopted ordinances concerning Planned Unit Development (PUD) zoning districts consistent with the rules contained in these regulations. Pursuant to F.S. § 553.73(5), the Board of Adjustment shall hear and decide appeals and variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This Section does not authorize the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the Land Development Regulations in the zoning district. In addition, the existence of nonconforming use of neighboring lands or unpermitted use of neighboring lands Shall not be considered grounds for authorization of a variance. Nothing herein shall preclude the Board of County Commissioners from granting variances or waivers under the provisions of Section 14.03.05.

Section 4. <u>Inclusion in Code.</u> It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioners' intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

Section 6. <u>Filing with the Department of State.</u> The Clerk shall be and is hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

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Section 7. <u>Effective</u>	ve Date. This ordinar	nce shall become e	ffective as provided fo	r by law.	
T. V. CTT. T. I.		0	2010		
ENACTED this day of day		ıy of	, 2019.		
EILED 41. 41	C C	C	2010		
FILED with the	Secretary of State the	e day of	, 2019.		
ATTEST:		BOAR	RD OF COUNTY CON	MISSIONERS	
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Gary J. Cooney, Clerk		Leslie	Leslie Campione, Chairman		
Board of County Comm	issioners of				
Lake County, Florida		This _	day of	, 2019	
Approved as to form and	d legality:				
Melanie Marsh, County	Attomory				
Micialle Maish, Coully	Auomey				