

ORDINANCE 2019 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; CREATING LAKE COUNTY CODE, APPENDIX E, SECTION 3.16.00; ESTABLISHING A TEMPORARY MORATORIUM OF DEVELOPMENT IN THE UNINCORPORATED AREAS OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board has the authorization under Chapter 125, Florida Statutes, and Article VIII of the Florida Constitution to protect the public health, safety and welfare of its residents and to enact ordinances for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Green Swamp Area of Critical State Concern (“GSACSC”) is an area located in Lake County designated by the Florida Legislature; and

WHEREAS, the boundary of the GSACSC is legally described within Chapter 28-28 of the Florida Administrative Code and is depicted on the Future Land Use Map of the Lake County 2030 Comprehensive Plan; and

WHEREAS, the Green Swamp Area of Critical State Concern (“GSACSC”) is an area of natural resources of irreplaceable value to the people of Lake County and the State of Florida; and

WHEREAS, there are limited existing regulations regarding developmental activity within the GSACSC, by way of the Lake County 2030 Comprehensive Plan and the County’s Land Development Regulations; and

WHEREAS, the Lake County Board of County Commissioners (“Board”) desires to establish a temporary moratorium on development activity in the GSACSC for the purpose of evaluating the impacts of development in the GSACSC; and

WHEREAS, the Board finds that a temporary moratorium will service the public interest by allowing the Board time to insure the impacts of development are acceptable in relationship to the unique character and environmental value of the GSACSC; and

WHEREAS, the Board finds that a temporary moratorium will provide time for Lake County staff to evaluate whether the current regulations pertaining to the GSACSC are appropriate and adequate; and

WHEREAS, the purpose of this Ordinance is to place a temporary moratorium on the processing of any development applications within the unincorporated areas within the boundaries of the GSACSC for a period of time that is reasonable and necessary; and

WHEREAS, the Board finds that this ordinance promotes, protects, and improves the health, safety, and welfare of the natural resources and 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 by reference.

Section 2. Creation. The following article entitled “Green Swamp Area of Critical State Concern Moratorium” is included in Lake County Code, Appendix E – Land Development Regulations, Section 3.16.00 to state as follows. Any reference to the section and titles shall be reflected in the table of contents of the Lake County Code, as provided herein.

3.16.00 - GREEN SWAMP AREA OF CRITICAL STATE CONCERN

3.16.01 Purpose and Intent. The purpose of this temporary moratorium is to allow time to insure the impacts of development are acceptable and appropriate in relationship to preserving the integrity and environmental value of the Green Swamp Area of Critical State Concern (GSACSC).

3.16.02 Moratorium. Commencing on the effective date of this ordinance, a temporary moratorium shall exist until May 1, 2020, or sooner as provided herein, on the processing of certain land development applications for or regarding subdivision plats, site development plans, mining, PUD rezonings, future land use category amendments, and zoning amendments for more than two (2) lots in the unincorporated area within the boundaries of the Green Swamp Area of Critical State Concern “GSACSC”, as depicted on the Future Land Use Map and is legally described within Rule 28-26.002, Florida Administrative Code as adopted in Policy 1-4.1.1 of the Lake County Comprehensive Plan and shown on the Future Land Use Map. This moratorium shall expire on the earlier of the following:

- A. On May 1, 2020; or
- B. The effective date of an ordinance or Comprehensive Plan amendment to address development within all or a part of the boundaries of the GSACSC; or
- C. At such time as the board of county commissioners votes by a majority vote to repeal this moratorium.

3.16.03 Remedy. Any property owner who contends the application of this moratorium constitutes a temporary regulating taking or illegally interferes with a vested right shall submit a written request to the County Manager for relief from this ordinance. The request must include all evidence known to the property owner to support the property owner’s contention. The County Manger or designee is directed to evaluate the following factors: (1) history of property; (2) whether the property owner will be denied substantially all beneficial use of the property; (3) previously existing legal right to proceed; (4) economic impact of the temporary moratorium; (5) extent which the temporary moratorium has interfered with the property owner’s investment-backed expectations; and (6) complete application was submitted prior to effective date of this ordinance which use, activity or

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rezoning is found to be consistent with the 2030 Comprehensive Plan and Land Development Regulations and no purpose would be served by delaying approval. The County Manger or designee shall make a recommendation after receipt of the request and will schedule the request for consideration by the Board of County Commissioners to determine whether to grant or deny such request.

Section 3. Inclusion in Code. 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 4. 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 Commissioner's 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 5. Filing with the Department of State. 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.

Section 6. Effective Date. This ordinance shall become effective as provided for by law.

ENACTED this day of ____ day of _____, 2019.

FILED with the Secretary of State the ____ day of _____, 2019.

ATTEST

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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

Leslie Campione, Chairman

Approved as to form and legality:

This __ day of _____, 2019.

Melanie Marsh, County Attorney