Summary of Ordinance

The purpose of this ordinance is to amend Lake County Code, Appendix E, Land Development Regulations, Section 14.15.01, entitled Purpose of Variances, to authorize the Board of Adjustment to grant variances to Planned Unit Development (PUD) ordinances.

Changes are shown as follows: Strikethrough for deletions and Underline 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).

ORDINANCE NO. 2020 - ___ AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF 2 LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, 3 4 APPENDIX E, LAND DEVELOPMENT REGULATIONS, SECTION 14.15.01, ENTITLED PURPOSE OF VARIANCES; PROVIDING FOR 5 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 6 7 **PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.** 8

- 9 WHEREAS, the Lake County Code, Land Development Regulations, establishes Planned Unit Development (PUD) zoning districts; and 10
- WHEREAS, on occasion there is a need to add conditions, deviate from, or provide relief 11 to requirements imposed by a PUD ordinance; and 12

WHEREAS, an amendment to the Land Development Regulations to allow one to seek a 13 variance to a PUD requirement is in the best interest of the residents of Lake County, Florida. 14

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of 15 Lake County, Florida as follows: 16

17 Section 1. **Recitals.** The foregoing recitals are incorporated herein by reference. Amendment. Lake County Code, Appendix E, Land Development Section 2. 18 Regulations, Section 14.15.01, entitled Purposes of Variances, is amended to state as follows: 19

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14.15.00 Variances and Appeals.

Purpose of Variances. Strict application of uniformly 14.15.01 21 applicable Land Development Regulations can lead to unreasonable, unfair, and 22 unintended results in particular instances. The Board of County Commissioners finds 23 that it is appropriate in such cases to adopt a procedure to provide relief to persons and 24 entities subject to the Land Development Regulations. The Board of Adjustment is 25 authorized to grant variances to requirements of the Land Development Regulations 26 and adopted ordinances concerning Planned Unit Development (PUD) zoning districts 27 28 consistent with the rules contained in these regulations. Pursuant to F.S. § 553.73(5), 29 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 30 Code. This Section does not authorize the Board of Adjustment to grant variances 31 32 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 33 implication prohibited by the terms of the Land Development Regulations in the zoning 34

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.

39 Section 3. Severability. If any section, sentence, clause, or phrase or word of this Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by 40 41 any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance; and it shall be construed to have been the Commissioners' 42 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and 43 44 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 45 thereof shall be held inapplicable to any person, groups of persons, property, kind of property, 46 47 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any 48 other person, property or circumstances.

50 Section 4. <u>Inclusion in the Code.</u> It is the intent of the Board of County 51 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake 52 County Code and that the sections of this Ordinance may be renumbered or relettered and the word 53 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in 54 order to accomplish such intentions.

55 Section 5. <u>Filing with the Department of State.</u> The Clerk shall be and is
 56 hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for
 57 the State of Florida in accordance with Section 125.66, Florida Statutes.

58 Section 6. <u>Effective Date.</u> This Ordinance shall become effective as provide for
59 by law.

60 Enacted this _____ day of _____, 2020.

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61 Filed with the Secretary of State _____, 2020.

62		BOARD OF COUNTY COMMISSIONERS
63	ATTEST:	OF LAKE COUNTY, FLORIDA

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65	Gary J. Cooney, Clerk	Leslie Campione, Chairman		
66	Board of County Commissioners			
67	of Lake County, Florida	This	day of	, 2020.
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69	Approved as to form and legality:			
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71	Melanie Marsh, County Attorney			
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