

Summary of Ordinance

The purpose of this Ordinance is to amend Section 14.03.05, Lake County Code, Appendix E, Land Development Regulations (“LDR”), entitled *Waivers from Planned Zoning Districts (CP, MP, CFD, PUD)*, to make the waiver process available to applicants seeking conditional use permits in lieu of requiring those applicants to appear before the Board of Adjustment if a variance is needed, thus streamlining the public hearing processes.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The

ORDINANCE 2022-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.03.05, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *WAIVERS FROM PLANNED ZONING DISTRICTS (CP, MP, CFD, PUD)*; TO ALLOW FOR WAIVERS TO BE GRANTED BY THE BOARD OF COUNTY COMMISSIONERS FOR APPLICANTS SEEKING A CONDITIONAL USE PERMIT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 29, 2019, the Board of County Commissioners (Board) adopted Ordinance 2019-04 for the purposes of creating Section 14.03.05, Land Development Regulations (LDR), which established a process whereby applicants wanting to rezone their properties to certain specified conditional zoning districts could seek waivers as part of their rezoning request in lieu of submitting a separate application for a variance; and

WHEREAS, the districts are currently identified as Planned Commercial District (CP), Planned Industrial District (MP), Community Facility District (CFD) and Planned Unit Development (PUD); and

WHEREAS, a Conditional Use Permit (CUP) is like a planned district in that the purpose of the CUP is for the Board to place conditions upon the use to make it compatible with the surrounding uses; and

WHEREAS, to further streamline the development process, it is necessary to amend the code to include requests for a conditional use permit in the waiver process; and

WHEREAS, the Board hereby 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. Amendment. Section 14.03.05, Lake County Code, Appendix E, Land Development Regulations, entitled *Waivers from Planned Zoning Districts (CP, MP, CFD, PUD)*, is hereby amended to read as follows:

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1 **14.03.05 Waivers ~~from~~ Part of Planned Zoning Districts (CP, MP, CFD, PUD).**

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3 A. Applicants seeking to rezone their property to Planned Commercial District (CP),
4 Planned Industrial District (MP), Community Facility District (CFD), Planned Unit
5 Developments (PUD) or applicants seeking to obtain a Conditional Use Permit (CUP)
6 may also seek a waiver to other provisions of the Land Development Regulations through
7 the rezoning process without the need to submit a separate application for a variance.

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

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

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18 **Section 3. Inclusion in Code.** It is the intent of the Board of County Commissioners that the
19 provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections
20 of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section”,
21 “article”, or such other appropriate word or phrase in order to accomplish such intentions.

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23 **Section 4. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is
24 for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall
25 not affect the remaining portions of this Ordinance; and it shall be construed to have been the
26 Commissioners’ intent to pass this Ordinance without such unconstitutional, invalid or inoperative part
27 therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and
28 held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof
29 shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set
30 of circumstances, such holding shall not affect the applicability thereof to any other person, property or
31 circumstances.

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33 **Section 5. Filing with the Department of State.** The Clerk shall be and is hereby directed
34 forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in
35 accordance with Section 125.66, Florida Statutes.

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

ENACTED this day of _____ day of _____, 2022.

FILED with the Secretary of State the ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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

Sean M. Parks, Chairman

This ____ day of _____, 2022.

Approved as to form and legality:

Melanie Marsh, County Attorney