

Summary of Ordinance

This Ordinance amends Section 14.00.09, Lake County Code, Land Development Regulations, entitled *Res Judicata*. The purpose of this Ordinance is to allow, at the request of a County Commissioner, a denied zoning application to be brought back before the Board of County Commissioners for consideration prior to the expiration of the one-year threshold.

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. 2023-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.00.09, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS ENTITLED *RES JUDICATA*; TO ALLOW A DENIED ZONING APPLICATION TO BE BROUGHT BACK FOR CONSIDERATION PRIOR TO THE EXPIRATION OF THE ONE-YEAR THRESHOLD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 14.00.09, Lake County Code, Appendix E, Land Development Regulations, sets forth that once denied, a zoning application cannot be brought back for consideration for a period of one-year from the denial, and there must be a substantial change in circumstances to justify reconsideration; and

WHEREAS, there may be circumstances where the Board of County Commissioners (Board) may desire to reconsider a denied application before the expiration of the one-year threshold; and

WHEREAS, the Board finds that it is in the best interest of the residents of Lake County, Florida, to amend the provisions of the Land Development Regulations.

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

Section 1. Legal Findings of Fact. The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Amendment. Section 14.00.09, Lake County Code, Appendix E, Land Development Regulations, entitled *Res Judicata*, is hereby amended to read as follows:

1 **14.00.09 Res Judicata.** Once a final decision denying an application has been made by the
2 Board of County Commissioners or the Board of Adjustment, the matter Shall not be considered
3 again for a period of one (1) year from the date the application was denied. The applicant may re-
4 apply prior to the one (1) year, but the matter will not be presented to the Lake County Planning
5 and Zoning Board, Board of County Commissioners or Board of Adjustment until after one (1)
6 year has elapsed. However, the Board of County Commissioners and the Board of Adjustment
7 Shall refuse to hear subsequent applications based upon a determination that a substantial change
8 in circumstances has not occurred between the original denied application and the subsequent
9 application, even where the subsequent application has been filed after the one (1) year has elapsed.
10 Notwithstanding the foregoing, if:

11 A. ~~the~~The Board of County Commissioners denies an application without prejudice,
12 the applicant may re-apply within ninety (90) days of the denial so long as a
13 substantial change in circumstances has occurred between the time of the original
14 denied application and the subsequent application.

15 B. At the request of a County Commissioner who voted in favor of denying an
16 application, the application may be brought back for consideration before the
17 expiration of the one (1) year, so long as there is a substantial change in
18 circumstances warranting the reconsideration of the application.

19
20 **Section 3. Severability.** If any section, sentence, clause, or phrase or word of this
21 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
22 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
23 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners'
24 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
25 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
26 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
27 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
28 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
29 other person, property or circumstances.

30
31 **Section 4. Inclusion in the Code.** It is the intent of the Board of County
32 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
33 County Code and that the sections of this Ordinance may be renumbered or relettered and the word
34 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in
35 order to accomplish such intentions.

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

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Section 6. Effective. This Ordinance shall become effective as provide for by law.

Enacted this _____ day of _____, 2023.

Filed with the Secretary of State _____, 2023.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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

Kirby Smith, Chairman

This _____ day of _____, 2023.

Approved as to form and legality:

Melanie Marsh, County Attorney