

**Summary of Ordinance**

The purpose of this Ordinance is to amend Section 14.08.00, Lake County Code, Appendix E, Land Development Regulations, entitled *Guarantees and Sureties*, to require the establishment of a Municipal Services Taxing Unit or Benefit Unit for the internal roadway maintenance of all new residential subdivisions. This Ordinance also amends Section 14.14.02, Lake County Code, Appendix E, Land Development Regulations, entitled *Zoning Permits*, to require each owner of a property on a non-county maintained road or right of way to sign an acknowledgment of the road’s status.

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 2023- \_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS: AMENDING SECTION 14.08.00, ENTITLED *GURANTEES AND SURETIES*; ESTABLISHING A MUNICIPAL SERVICE TAXING/BENEFIT UNIT PROCESS FOR MAINTENANCE OF INTERNAL ROADWAYS OF ALL NEW RESIDENTIAL SUBDIVISIONS; AMENDING SECTION 14.14.02, ENTITLED *ZONING PERMITS*; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 125.01, Florida Statutes, authorizes local governments to establish municipal service taxing or benefit units for any part or all of the unincorporated areas of the county to provide for essential facilities and municipal services, including streets, sidewalks, street lighting, and drainage; and

**WHEREAS**, Lake County maintains more than 1,200 miles of paved roadways and 144 miles of clay, concrete, and gravel roads; and

**WHEREAS**, the County currently allocates about \$2 million in Infrastructure Sales Tax annually to resurfacing roads, which equates to approximately 18 miles per year. To accelerate road resurfacing projects, a \$10 million bond issue was approved by the Board of County Commissioners (Board) which allowed for the resurfacing of approximately 63 miles of roadway in the poorest condition along with approximately 28 miles of roads that need repaving. However, these funding sources are primarily used for collector roadways under the jurisdiction of the County rather than internal subdivision roads; and

**WHERAS**, there is currently no dedicated funding source to address repairs or resurfacing needs of internal subdivision roads even though residential development within the county continues at a rapid pace; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

1           **WHEREAS**, as of the 2020 census, the population of the State of Florida is 21,538,187  
2 and the population of Lake County is 375,059 thereby making it the 17<sup>th</sup> most populated county  
3 within the state out of 67 counties according to the Florida Office of Economic and Demographic  
4 Research; and

5  
6           **WHEREAS**, the Board hereby finds that the creation of a process to impose a Municipal  
7 Services Taxing or Benefit Unit for internal residential subdivisions is in the best interests of the  
8 health, general welfare, and safety of the residents of Lake County.

9  
10           **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
11 Lake County, Florida, as follows:

12  
13           **Section 1.     Legal Findings of Fact.** The foregoing recitals are hereby adopted as  
14 legislative findings of the Board of County Commissioners and are ratified and confirmed as being  
15 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

16  
17           **Section 2.     Amendment.** Section 14.08.00, Lake County Code, Appendix E, Land  
18 Development Regulations, entitled *Guarantees and Sureties*, is hereby amended to read as follows:  
19

20   **14.08.00 Guarantees and Sureties; Establishment of a Muncipal Services Taxing or Benefit**  
21           **Unit.**

22   A.   Applicability.

23       1.   Development Orders approved by Lake County often contain requirements for the  
24       construction of infrastructure, the installation of landscaping, or other required  
25       improvements to be constructed by a developer in connection with the approved  
26       development. In some instances, it is acceptable to delay the construction of  
27       infrastructure, the installation of landscaping, or the construction of other required  
28       improvements. The purpose of this Section is to provide a mechanism for such delay,  
29       while at the same time providing a guarantee to Lake County that such infrastructure,  
30       landscaping, or other improvements will be provided.

31       2.   The provisions of this Section apply to all proposed developments in Lake County,  
32       including private road subdivisions.

33       3.   Nothing in this Section Shall be construed as relieving a developer of any requirement  
34       relating to concurrency in the Comprehensive Plan or Chapter V, Land Development  
35       Regulations.

36       4.   Once infrastructure improvements for new residential subdivisions are completed and  
37       accepted by the County, it is necessary to establish a Municipal Services Taxing or  
38       Benefit Unit (MSTU or MSBU) to provide long-term funding for the improvements  
39       accepted into the County's Road Maintenance System.

40   B.   Developer's Agreements Required Where a Plat is Recorded Prior to Completion of  
41       Infrastructure. The approval of any final plat prior to the completion of the infrastructure Shall  
42       be subject to the developer providing assurance that all required improvements, including,  
43       but not limited to storm drainage facilities, streets and highways, water and sewer lines,

1 wetlands mitigation, uplands mitigation, landscape requirements, and replacement trees Shall  
2 be satisfactory constructed according to the approved construction plans. The following  
3 information Shall be provided:

- 4 1. Agreement that all improvements, whether required by these regulations or constructed  
5 at the developer's option, Shall be constructed in accordance with the standards and  
6 provisions of these regulations.
- 7 2. The term of the agreement indicating that all required improvements Shall be  
8 satisfactorily constructed within the period stipulated. The term Shall not exceed two (2)  
9 years from the recording of the plat.
- 10 3. The projected total cost for each improvement. Cost for construction Shall be determined  
11 by either an estimate prepared and provided by the applicant's engineer or a copy of the  
12 executed construction contract.
- 13 4. Specification of the public improvements to be made and dedicated together with the  
14 timetable for making improvements.
- 15 5. Agreement that upon failure of the applicant to make the required improvements (or to  
16 cause them to be made) according to the schedule for making those improvements, the  
17 County Shall utilize the security provided in connection with the agreement to ensure  
18 performance.
- 19 6. Provision of the amount and type of security provided to ensure performance.

20 C. Developer's Agreements Required to Delay Construction of Sidewalks. In the case of a single-  
21 family residential subdivision where sidewalks, other than common area sidewalks, are  
22 required, a Developer may elect to delay construction of the sidewalks which would be in  
23 front of the single-family residences. The approval of this delay Shall be subject to the  
24 developer providing assurance that such sidewalks will be satisfactorily constructed  
25 according to the approved construction plans. The following information Shall be provided:

- 26 1. Agreement that the sidewalks Shall be constructed in accordance with the standards and  
27 provisions of these regulations.
- 28 2. The term of the agreement indicating that all sidewalks Shall be satisfactorily  
29 constructed within the period stipulated. The term Shall not exceed four (4) years from  
30 the recording of the final plat, with the condition that no single family dwelling Shall be  
31 given a certificate of occupancy until and unless the required sidewalk is constructed  
32 along the entire frontage of such single family lot.
- 33 3. The projected total cost for such sidewalk. Cost for construction Shall be determined by  
34 an estimate prepared and provided by the applicant's engineer.
- 35 4. Agreement that upon failure of the applicant to construct such sidewalks according to  
36 the schedule for making those improvements, the County Shall utilize the security  
37 provided in connection with the agreement to make the improvements.
- 38 5. Provision of the amount and type of security provided to ensure performance.

39 D. Developer's Agreements Required to Delay Installation of Required Landscaping.

1           1. In the case of a single-family residential subdivision where landscaping, other than  
2 common area landscaping, is required, a Developer may elect to delay installation of the  
3 landscaping, which would be on or in front of the single-family lots. The approval of this  
4 delay Shall be subject to the developer providing assurance that such landscaping will  
5 be satisfactorily installed according to the approved construction plans. The following  
6 information Shall be provided:

7           a. Agreement that the landscaping Shall be installed in accordance with the standards  
8 and provisions of these regulations.

9           b. The term of the agreement indicating that such landscaping Shall be satisfactorily  
10 constructed within the period stipulated. The term Shall not exceed four (4) years  
11 from the date of recording of the plat, except that landscaping required on a lot other  
12 than street trees or adjacent zoning district buffers may be delayed until such lot  
13 requests a certificate of occupancy. No certificate of occupancy for a lot Shall be  
14 issued unless all landscape requirements for that lot have been installed.

15           c. The projected total cost for such landscaping. Cost for landscaping Shall be  
16 determined by an estimate prepared and provided by the applicant's landscape  
17 architect.

18           d. Agreement that upon failure of the applicant to install such landscaping according  
19 to the schedule for making those improvements, the County Shall utilize the  
20 security provided in connection with the agreement to make the improvements.

21           e. Provision of the amount and type of security provided to ensure performance.

22           2. In the case of a site plan approval for a commercial, institutional, community facility,  
23 industrial, condominium, recreational vehicle parks, or multifamily sites, where such site  
24 plan includes the approval of parcels or multiple building sites, where landscaping will  
25 be required for each building site, a developer may elect to delay installation of the  
26 landscaping which would be on each individual building site until a site plan and  
27 building permit are issued for such site. A developer will not be allowed to delay any  
28 adjacent property buffering, public roadway buffering, or buffering which will be  
29 provided on any common area. The approval of this delay Shall be subject to the  
30 developer providing assurance that such landscaping will be satisfactorily installed  
31 according to the approved construction plans. The following information Shall be  
32 provided:

33           a. Agreement that the landscaping Shall be installed in accordance with the standards  
34 and provisions of these regulations.

35           b. The term of the agreement indicating that such landscaping Shall be satisfactorily  
36 constructed at the time a site plan and building permit is issued for such site.

37 E. Amount and Type of Security.

38           1. Security requirements may be met by but are not limited to the following:

39           a. Cash, certified check or cashiers check.

40           b. Irrevocable Letters of Credit.

41           c. Surety Bond.

1 2. The amount of security Shall be one hundred and ten (110) percent of the total  
2 construction costs for the required developer installed improvements, including, but not  
3 limited to storm and drainage facilities, streets and highways, water and sewer lines,  
4 wetlands mitigation, uplands mitigation and landscaping requirements.

5 F. Completion of Improvements. When improvements are completed, final inspection Shall be  
6 conducted and corrections, if any, Shall be completed before final acceptance is  
7 recommended by the County Manager or designee to the Board of County Commissioners.  
8 A recommendation for final acceptance to the Board of County Commissioners Shall be made  
9 upon receipt of a certification of project completion by the project engineer including sealed  
10 as-built plans and one (1) copy of all test results.

11 G. Maintenance of Improvements.

12 1. A maintenance agreement and security Shall be provided by every developer for those  
13 projects dedicating property to the public to assure the County that all required  
14 improvements Shall be maintained by the developer according to the following  
15 requirements:

16 a. The period of maintenance Shall be a minimum of two (2) years or as otherwise set  
17 out in other parts of these regulations.

18 b. The maintenance period Shall begin with the acceptance by the County of the  
19 construction of the improvements.

20 c. The security Shall be in the amount of ten (10) percent of the entire construction  
21 contract amount which includes all costs of the improvements. Prior to the  
22 conclusion of the two (2) year maintenance period, the work will be inspected by  
23 the County. Deficiencies Shall be corrected by the developer/owner. Should the  
24 developer/owner fail to make corrections prior to the expiration of the maintenance  
25 bond, the County Shall make corrections utilizing funds from the bond.

26 d. If the developer enters into an agreement for sidewalks as specified above, the  
27 developer Shall provide a maintenance bond for sidewalk infrastructure at the time  
28 of the agreement. The bond Shall be for a period not to exceed six (6) years from  
29 the date of the agreement or two (2) years from the date that all sidewalks are  
30 completed, whichever occurs first.

31 2. Whenever a proposed development provides for the creation of facilities or  
32 improvements which are not proposed for dedication to the County a legal entity Shall  
33 be created to be responsible for the ownership and maintenance of such facilities and/or  
34 improvements. No development order Shall be issued for a development for which an  
35 owner's association is required until the documents establishing such association have  
36 been reviewed and approved by the County Manager or designee.

37 H. Municipal Services Taxing/Benefit Unit (MSTU or MSBU).

38  
39 1. All new residential subdivisions, at the County's option, shall be subject to the  
40 imposition of a MSTU or MSBU to provide future funding for the long-term  
41 maintenance of the public infrastructure within the subdivision including, but not limited  
42 to, paving, grading, curbing, draining or other improvements of streets, sidewalks,  
43 drainage, or stormwater facilities. The MSTU or MSBU may also assess for street

1 lighting, traffic signals, signage and landscaping in the publicly dedicated and  
2 maintained areas only.

3  
4 2. A MSTU or MSBU will be created utilizing the process established in Article II, Chapter  
5 18, Lake County Code.

6  
7  
8 **Section 3. Amendment.** Section 14.14.02, Lake County Code, Appendix E, Land  
9 Development Regulations, entitled *Zoning Permits*, is hereby amended to read as follows:  
10

11 **14.14.02 Zoning Permits.**

12 A. Generally. A zoning permit Shall be required prior to the issuance of any building permit or  
13 sign permit. Applications for a zoning permit Shall be available from the County Manager or  
14 designee.

15 B. Submittal Requirements. For any proposed residential or commercial building or structure,  
16 any proposed addition to an existing residential or commercial building or structure, any  
17 proposed residential or commercial accessory building or structure, or boat dock, the County  
18 Shall require the following:

- 19 1. A zoning permit/building permit application completed by the applicant.  
20 2. A copy of the current tax receipt or property record card and a copy of the current  
21 recorded warranty deed.  
22 3. A plot plan depicting the submittal requirements in Subsection 14.14.02D so that it may  
23 be determined whether the proposed development complies with the county ordinances  
24 and regulations.

25 4. For properties located on non-county-maintained roads or rights-of-way, the property  
26 owner must sign an affidavit acknowledging that the road or right-of-way is non-county  
27 maintained and that the County does not have any responsibility for maintenance of the  
28 road or right-of-way unless it is voluntarily assumed by action of the Board of County  
29 Commissioners.

30 C. Expiration of Zoning Permit Approval. Zoning permits Shall expire and become null and void  
31 within thirty (30) calendar days from the date of issuance of the permit, unless a completed  
32 application for a building permit has been submitted within the thirty (30) calendar days.  
33 However, any zoning permit issued prior to the effective date of these regulations Shall expire  
34 and become null and void ninety (90) calendar days from the date of issuance of such permit.

35 D. Plot Plan.

36 1. Submittal Requirements. For any proposed residential building, or structure, any  
37 proposed addition to an existing residential building or structure, any proposed  
38 residential accessory building or structure, or boat dock, the County Shall require a plot  
39 plan drawn to scale. The following Shall be included or shown in the submittal:

- 40 a. All property lines.  
41 b. All road rights-of-way with road names labeled, if applicable.

- 1 c. All easements.
- 2 d. The location of the proposed building or structure that is to be occupied, the location
- 3 of the proposed accessory building or structure, or the proposed location of the boat
- 4 dock, including all setbacks.
- 5 e. The location of all existing buildings or structures, including proposed additions.
- 6 f. The location of all adjacent surface water bodies, wetlands, jurisdiction wetland line
- 7 or high water line when necessary to establish a setback distance that is not available
- 8 with the current information possessed by staff.
- 9 g. The location of special flood hazard areas showing base flood elevation and lowest
- 10 adjacent grade to proposed structure.
- 11 h. On parcels which contain or abut water bodies, wetlands or are located in a flood
- 12 hazard area, an Affidavit of No Wetland Alteration is required prior to the issuance
- 13 of a building permit. If alteration of wetlands is proposed, the applicant must show
- 14 proof of all applicable permits from the appropriate agencies; Florida Department
- 15 of Environmental Protection, St. Johns River Water Management District,
- 16 Southwest Florida Water Management District and U.S. Army Corps of Engineers.
- 17 i. The location of the septic tank, drain field and well.
- 18 j. If the lot is located in a subdivision with an approved mass grading plan, those
- 19 sections of the mass grading plan which include the lot and all adjoining lots Shall
- 20 be provided. If the lot approval is proposed using the simplified approval procedure
- 21 set forth in subsection 9.11.00.E. of these Regulations, relative elevation changes
- 22 Shall be shown on the plot plan. If the lot requires the submittal of a lot grading
- 23 plan as provided in subsection 9.11.00.F., such plan Shall be provided.

24 The applicant must depict the above submittal requirements on the plot plan so that it  
25 may be determined whether the development complies with county ordinances and  
26 regulations.

27 2. Preparation.

- 28 a. An engineer, surveyor, general contractor, building contractor, residential
- 29 contractor, landscape architect registered with the State of Florida, or property
- 30 owner Shall prepare a plot plan.
- 31 b. If a plot plan is superimposed upon a professional engineer, surveyor or landscape
- 32 architect's work, a note Shall be placed on the plot plan and signed by the applicant
- 33 stating that this has been done. The note Shall state "this is not an original plan or
- 34 survey."
- 35 c. A surveyor licensed and registered with the State of Florida is required to certify
- 36 existing elevations and topography, and provide jurisdictional wetland line when
- 37 required. An engineer or landscape architect is required for proposed improvements
- 38 and changes to existing drainage patterns.

39 3. Submittal Requirements.

- 1 a. All plot plans Shall be drawn at an appropriate scale not less than one (1) inch  
2 equals forty (40) feet (1" = 20 or 1" = 30 scale may also utilized), unless the County  
3 Manager or designee determines that a different scale is sufficient or necessary for  
4 proper review of the proposal, or another provision of these regulations requires a  
5 different scale.
- 6 b. The plans Shall be either eight and one-half (8½) inches by eleven (11) inches; or  
7 seventeen (17) by eleven (11) inches in size. A one-half (½) inch margin Shall be  
8 provided on all sides.
- 9 c. The name, address and telephone number of the owner(s) of the property. Where a  
10 corporation or company is the owner of the property, the name and address of the  
11 president and secretary of the entity Shall be shown.
- 12 d. Name, business address, and telephone number of those individuals responsible for  
13 the preparation of the drawing(s), if not the owner.
- 14 4. Compliance.
  - 15 a. The issuance of a building permit does not assure that the building setbacks have  
16 been met or that the structure does not encroach on an easement. The owner and/or  
17 contractor have the sole responsibility of determining compliance with setbacks and  
18 non-encroachment of easements.
  - 19 b. If the County determines the structure does not meet applicable setbacks or  
20 improperly encroaches on an easement the owner is responsible for moving the  
21 structure, restoring the easement to its original condition, or otherwise making the  
22 structure comply with County setbacks and other land use requirements.
- 23 E. Upon completion of work authorized by a development order or permit, and before the  
24 development is occupied, the developer Shall apply to the County for a certificate of  
25 occupancy. The County Shall inspect the work and issue.

26  
27  
28 **Section 4. Inclusion in Code.** It is the intent of the Board of County Commissioners  
29 that the provisions of this Ordinance shall become and be made a part of the Lake County Code  
30 and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance"  
31 may be changed to "section", "article", or such other appropriate word "or phrase in order to  
32 accomplish such intentions.  
33

34 **Section 5. Severability.** If any section, sentence, clause, phrase or word of this  
35 Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such  
36 holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be  
37 construed to have been the Commissioner's intent to pass this Ordinance without such  
38 unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the  
39 exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been  
40 included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any  
41 person, groups of persons, property, kind of property, circumstances or set of circumstances, such  
42 holding shall not affect the applicability thereof to any other person, property or circumstances.  
43



