## **Summary of Ordinance**

The purpose of this Ordinance is to amend Subsection 3.02.05.I, Lake County Code, Appendix E, Land Development Regulations ("LDR"), to establish setbacks applicable to clay or dirt roads.

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).

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2	ORDINANCE NO. 2023
3	
4	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
5	LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE,
6	APPENDIX E, LAND DEVELOPMENT REGULATIONS, SUBSECTION
7	3.02.05.I, TO ESTABLISH SETBACKS FOR CLAY OR DIRT ROADS;
8	PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN
9	THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF
10	STATE; AND PROVIDING FOR AN EFFECTIVE DATE.
11	
12	WHEREAS, Lake County's existing Land Development Regulations ("LDRs") provide
13	for specific setbacks from property lines and roadways, among other things; and
14	
15	WHEREAS, the LDR's definition of "roadway" for purposes of setbacks therefrom
16	includes a reference to the edge of the pavement, so it is necessary to amend the provisions of the
17	Lake County Code to establish setbacks from clay or dirt roads; and
18	
19	WHEREAS, the Board now finds it is in the best interests of the residents of Lake County
20	to adopt this ordinance amending the Lake County Code.
21	
22	NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of
23	Lake County, Florida as follows:
24	
25	Section 1. Legal Findings of Fact. The foregoing recitals are hereby adopted as
26	legislative findings of the Board of County Commissioners and are ratified and confirmed as being
27	true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
28	Section 2 Amondment Subsection 2.02.05 I. Lake County Code Anneadiv E. Land
29 20	<b>Section 2.</b> <u>Amendment.</u> Subsection 3.02.05.I, Lake County Code, Appendix E, Land Development Regulations ("LDR"), entitled <i>Setbacks</i> , is hereby amended to read as follows (all
30	other sections of LDR Section 3.02.00 not specifically modified herein remain in effect without
31 32	change):
32 33	change).
33 34	
54	

1	3.02.05 Setbacks.					
2	(Subsections A-H shall remain unchanged.)					
3	****					
4 5 6	I. Fences, walls, landscaping, agricultural crops, silvicultural crops, Building appurtenances not within the visibility triangle described in Subsection 3.02.05.H, may be placed on the property line with the following restrictions:					
7 8 9	1. Fences, walls, landscaping, agricultural crops, silvicultural crops and Building appurtenances Shall have a minimum setback from the outside edge of a clay or dirt road a distance of 15 feet.					
10 11 12 13 14 15 16 17	appurtenances Shall h Roadway of one-half o Road. Minimum Righ Road, and Shall be in a	<ul> <li>2. Fences, walls, landscaping, agricultural crops, silvicultural crops and Building appurtenances Shall have a minimum setback from the centerline of a traveled Roadway of one-half of the Right-Of-Way width required for the classification of the Road. Minimum Right-Of-Way widths Shall be based upon the classification of the Road, and Shall be in accordance with the following tables (Right-Of-Way widths on State Arterial Roads may vary depending upon FDOT standards):</li> <li>a. Arterials:</li> </ul>				
19	Classification Freeway Rural Arterial Suburban Arterial Urban Arterial	Minimum Width (ft) 4-Lane 216 200 174 94	6-Lane 240 200 200 240	8	<u>18</u> nt-Of-Way -Lane 64 	-
20 21	b. Collector Roads: Classification	Minimum Right Curb and Gutter		lth (ft) Swales		 
	Major Collector	80		100		
	Minor Collector	70		80		j
22 23	c. Local Roads: Classification		Minimum Rig (ft)	ght-Of-W	/ay Width	
			Curb and Gut	ter	Swales	
	Feeder/Distributor		60		80	
	Neighborhood Colle	ctor	50		66	
	Local Street		50 50		66	
24	Cul-de-sac (radius)		50		60	I

1	2 <u>3</u> . Fences, walls, landscaping, agricultural crops, silvicultural crops, Building
2	appurtenances Shall be prohibited from encroaching into a Right-of-Way or Easement for Roads, or drainage, unless specifically required as a condition of a government-
3	
4	issued Permit. The County Manager or designee may allow fences, walls, landscaping, agricultural crops, silvicultural crops, Building appurtenances to be placed temporarily
5	in a Right-of-Way, or Road or drainage easement with a Right-of-Way Utilization
6 7	Permit, subject to the terms and conditions as approved as approved by the County
8	Manager or designee.
9	34. Fences, walls, landscaping, agricultural crops, silvicultural crops, Building
10	appurtenances may be placed in utility easements with the understanding that the
11	temporary removal and replacement may be necessary during servicing of the utilities
12	located within said easement.
13	45. Fences, walls, landscaping, agricultural crops, silvicultural crops, Building
14	appurtenances Shall have an Additional setbacks beyond the setback required in
15	Subsection 3.02.05.E.1 when the County Manager or designee determines that the
16	Public's health, safety, and welfare are threatened.
17	
18	
19	****
20	(All other subsections shall remain unchanged.)
20	(Itti onter subsections shall remain unchanged.)
22	
23	Section 3. Severability. If any section, sentence, clause, or phrase or word of this
24	Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
25	any court of competent jurisdiction, then said holding shall in no way affect the validity of the
26	remaining portion of this Ordinance; and it shall be construed to have been the Commissioners'
27	intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
28	the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
29	to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
30	thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
31	circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
32	other person, property or circumstances.
33	
34	Section 4. Inclusion in the Code. It is the intent of the Board of County
35	Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
36	County Code and that the sections of this Ordinance may be renumbered or relettered and the word
37	"ordinance" may be changed to "section," "article," or such other appropriate word or phrase in
38	order to accomplish such intentions.
39	
40	Section 5. Filing with the Department of State. The Clerk shall be and is hereby
41	directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the
42	State of Florida in accordance with Section 125.66, Florida Statutes.

43

<b>—</b>	2022
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:	