

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).

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, SUBSECTION 3.02.05.I, TO ESTABLISH SETBACKS FOR CLAY OR DIRT ROADS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lake County’s existing Land Development Regulations (“LDRs”) provide for specific setbacks from property lines and roadways, among other things; and

WHEREAS, the LDR’s definition of “roadway” for purposes of setbacks therefrom includes a reference to the edge of the pavement, so it is necessary to amend the provisions of the Lake County Code to establish setbacks from clay or dirt roads; and

WHEREAS, the Board now finds it is in the best interests of the residents of Lake County to adopt this ordinance amending the Lake County Code.

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.** Subsection 3.02.05.I, Lake County Code, Appendix E, Land Development Regulations (“LDR”), entitled *Setbacks*, is hereby amended to read as follows (all other sections of LDR Section 3.02.00 not specifically modified herein remain in effect without change):

3.02.05 Setbacks.

(Subsections A-H shall remain unchanged.)

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:

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.
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):

a. Arterials:

| Classification | Minimum Right-Of-Way ¹⁸ Width (ft) | | |
|-------------------|---|--------|--------|
| | 4-Lane | 6-Lane | 8-Lane |
| Freeway | 216 | 240 | 264 |
| Rural Arterial | 200 | 200 | — |
| Suburban Arterial | 174 | 200 | — |
| Urban Arterial | 94 | 240 | — |

b. Collector Roads:

| Classification | Minimum Right-Of-Way Width (ft) | |
|-----------------|---------------------------------|--------|
| | Curb and Gutter | Swales |
| Major Collector | 80 | 100 |
| Minor Collector | 70 | 80 |

c. Local Roads:

| Classification | Minimum Right-Of-Way Width (ft) | |
|------------------------|---------------------------------|--------|
| | Curb and Gutter | Swales |
| Feeder/Distributor | 60 | 80 |
| Neighborhood Collector | 50 | 66 |
| Local Street | 50 | 66 |
| Cul-de-sac (radius) | 50 | 60 |

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

Enacted this _____ day of _____, 2023.

Filed with the Secretary of State _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

ATTEST:

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