Summary of Ordinance

The purpose of this Ordinance is to amend Subsection 9.04.02, Lake County Code, Appendix E, Land Development Regulations ("LDR"), to require all gated communities to have an approved emergency public safety access gate opening system.

Changes are shown as follows: Strikethrough for deletions and <u>Underline</u> 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. 2024-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, SUBSECTION 9.04.02, ENTITLED *PLANNING*, *DESIGN AND CONSTRUCTION REQUIREMENTS*; ESTABLISHING THE REQUIREMENT THAT ALL GATED COMMUNITIES HAVE AN APPROVED EMERGENCY ACCESS GATE OPENING SYSTEM FOR PUBLIC SAFETY VEHICLES; 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") do not provide for uniformity in emergency public safety access for gated communities; and

WHEREAS, the platting of a residential subdivision as a gated community is a County granted privilege that runs with the land but is subject to forfeiture for failure to comply with emergency access requirements; and

WHEREAS, upon forfeiture of the privilege, the County may prohibit the closure of gates; and

WHEREAS, specific requirements and uniformity throughout the County is required to ensure emergency vehicle access to gated communities at all times; 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:

<u>Section 1.</u> <u>Legal Findings of Fact.</u> 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.

<u>Section 2.</u> <u>Amendment.</u> Subsection 9.04.02, Lake County Code, Appendix E, Land Development Regulations ("LDR"), entitled *Planning, Design and Construction Requirements*, is hereby amended to add a paragraph "C." to that Section (all other Sections of LDR Section 9.04.00 not specifically modified herein remain in effect without change):

9.04.02 Planning, Design and Construction Requirements

(Subsections A-B shall remain unchanged.)

C. Gated Community Access. Every electronic roadway entrance gate must be equipped with an approved public safety access emergency gate opening system ("Access System"). The Access System must be permitted, inspected, and approved by Lake County prior to installation and operation. In the event an Access System is found to be malfunctioning, Lake County Fire Rescue may order that the entrance gate remain in the locked-open position until the system is repaired and inspected. As of July 1, 2024, any electronic gate opening system being installed shall be permitted and approved utilizing a specific and exclusive radio frequency channel for all public safety agencies utilizing the "Click-2-Enter®" public safety access technology.

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(All other subsections shall remain unchanged.)

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

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

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

law. <u>Section 6.</u> <u>Effective Date.</u> This	is Ordinance shall become effective as provided
iaw.	
Enacted this day of	, 2024.
Filed with the Secretary of State	, 2024.
	BOARD OF COUNTY COMMISSIONERS
ATTEST:	OF LAKE COUNTY, FLORIDA
Gary J. Cooney, Clerk of the Board of County Commissioners	Kirby Smith, Chairman
of Lake County, Florida	
	This, 2024
Approved as to form and legality:	
Trproved us to form und regulity.	
Melanie Marsh, County Attorney	