Summary of Ordinance

The purpose of this Ordinance is to amend Chapter II, Lake County Code, Appendix E, Land Development Regulations, Section 7.00.04, entitled *Permitted Uses in the Wekiva River Protection Area*, to correct an inconsistency between the Lake County 2030 Comprehensive Plan and the Lake County Land Development Regulations regarding commercial development located within both the Wekiva River Protection Area and the Mt. Plymouth-Sorrento Planning Area.

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 2024

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 7.00.04, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *PERMITTED USES IN THE WEKIVA RIVER PROTECTION AREA*; REMOVING THE MT. PLYMOUTH-SORRENTO PLANNING AREA FROM COMMERCIAL LOCATIONAL CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

5

6

7

8

9

10

11

12

13

22

26

34

14 WHEREAS, Objective I-3.3, entitled Wekiva River Protection Area, of the Lake County 15 2030 Comprehensive Plan ("Comprehensive Plan"), requires that the County regulate the uses of land within Wekiva River Protection Area ("WRPA") as defined by the Florida Statutes, to 16 implement protection policies and regulations that maintain rural density and character in 17 18 aggregate, concentrate development farthest from surface waters and wetlands of the Wekiva River 19 System, minimize impacts on water quantity and quality, protecting native vegetation, wetlands, 20 habitat, wildlife and wildlife corridors, and restrict open space areas to conservation and passive 21 recreational uses; and

WHEREAS, Policy I-3.3.7, *Commercial Development within the Wekiva River Protection Area*, requires that commercial areas within the WRPA be developed at clearly defined locations,
 harmoniously related to surrounding land use, traffic flow and the Comprehensive Plan; and

WHEREAS, Policy I-3.3.7(A.) specifically restricts commercial development to certain
 intersections within the WRPA, unless they are in the Mt. Plymouth-Sorrento Planning Area; and

WHEREAS, under Section 7.00.04(B.)(10.), Lake County Code, Appendix E, Land Development Regulations, entitled *Permitted Uses in the Wekiva River Protection Area*, commercial development has been restricted to certain intersections without exempting the areas within the Mt. Plymouth-Sorrento Planning Area as required by Policy I-3.3.7(A.); and

35 **WHEREAS,** this has created an inconsistency between the Lake County Land 36 Development Regulations and the Comprehensive Plan; and Ordinance 2024-___: Amending Chapter II, Appendix E, LDRs, Section 7.00.04, entitled *Permitted Uses in the Wekiva River Protection Area*

1 WHEREAS, the Board of County Commissioners has determined that adopting this 2 Ordinance is in the best interests of the residents of Lake County, Florida. 3 4 NOW THEREFORE, be it ordained by the Board of County Commissioners of Lake 5 County, Florida, as follows: 6 7 Section 1. Legislative Findings of Fact. The foregoing recitals are hereby adopted as 8 legislative findings of the Board of County Commissioners and are ratified and confirmed as being 9 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof. 10 11 Section 2. Amendment. Section 7.00.04, Lake County Code, Appendix E, Land Development Regulations, entitled Permitted Uses in the Wekiva River Protection Area, is hereby 12 13 amended to read as follows: 14 15 7.00.04 Permitted Uses in the Wekiva River Protection Area. 16 A. Residential Uses. Single-family unit meeting the requirements for minimum Living Area and 17 1. 18 maximum Density as provided in Section 7.00.02.B. for the "A-1-40" Wekiya River Protection Area Overlay dDistrict 1, and Section 7.00.032.B. for the "A-19 1-20" Wekiva River Protection Area Overlay dDistrict 2. 20 21 2. Cluster Housing. 22 Other Permitted Uses. B. 23 Accessory Buildings or Structures incidental thereto. 1. 24 2. Accessory Dwelling Units, consistent with Section 10.01.03. 25 3. Establishments primarily engaged in the production of field crops, plants and Trees, i.e., Ssilviculture; nurseries; greenhouses and normal related 26 Aaccessories thereto; sod farms and the production of bulbs, flowers; 27 28 vegetables, citrus, peaches, berries and nut seed and crops. 29 4. Farm Accessory Structure, such as livestock buildings for farm animals, barns, 30 pole sheds, and other outbuildings. Establishments for the keeping, grazing or feeding of livestock, i.e., mules, 31 5. burros, horses, cattle, sheep and goats. This Subsection Shall include dairies, 32 33 riding academies and horse-breeding farms provided that all pens, Buildings or Structures used for milking, feeding or sheltering such livestock Shall maintain 34 35 a two-hundred-foot Setback from the nearest Right-of-Way line of any public 36 Street, Road or highway or the adjacent boundary of property owned by others. 37 However, on Lots or Tracts often (10) acres or more, one (1) stable or barn to 38 house not more than three (3) horses or cattle or any combination of three (3) 39 horses or cattle may maintain a seventy-five-foot Setback rather than a two-40 hundred-foot Setback from the nearest Right-of-Way line of any public Street, 41 Road or highway or the adjacent boundary of property owned by others.

2

1 2	6.	Establishments for the keeping and breeding of rabbits, chinchillas, up to fifty (50) poultry or nutria.	
3	7.	Apiaries.	
4 5 6 7	8.	Veterinary Clinics provided that any open runs, animal service and confinement areas Shall be located not less than two hundred (200) feet from the nearest Right-of-Way line of any public Street, Road or highway or the adjacent boundary of property owned by others.	
8 9 10	9.	Roadside farm stands provided that such stands Shall be used to show and sell products raised or produced on the farmland of which they are a part and may be composed of a minimum Structure.	
11 12	10.	Commercial Development within the Wekiva River Protection Area, as defined in Chapter 369, Part II ¹ / ₄ , Florida Statutes, Shall be allowed as follows:	
13 14 15		a. Commercial Development within the Wekiva River Protection Area Shall only be Permitted in the <u>"CP"</u> Planned Commercial District, or within a residential PUD Planned Unit Development.	
16 17 18		b. The Commercial Development Shall be located within the interior of a <u>"PUD"</u> at increments no greater than one (1) acre per five hundred (500) Dwelling Units.	
19 20 21		c. Commercial uses Shall not be Permitted adjacent to water bodies within the Wekiva River Protection Area, as defined in Chapter 369, Florida Statutes, Part II <u>I</u> .	
22 23 24		d. No Land adjacent to publicly owned Conservation or preservation areas within the Wekiva River Protection Area, as defined in Chapter 369, Part II ¹ / ₄ , Florida Statutes, Shall be Developed for commercial uses.	
25 26 27		e. Commercial Development <u>within the Wekiva River Protection Area, but</u> <u>outside the Mt. Plymouth-Sorrento Planning Area</u> , Shall be restricted to the following intersections:	
28 29		(1) SR 44 and <u>CR 437Brantley Branch Road, subject to the criteria for</u> <u>Rural Support Intersection in the Lake County Comprehensive Plan.</u>	
30 31 32		(2) <u>The East side of the intersection of CSR 44A</u> and CR 437, <u>subject to</u> <u>the criteria for Rural Support Intersection the Lake County</u> <u>Comprehensive Plan.</u>	
33 34 35 36		(3) <u>SR 46 and CR 437A corridor along that portion of SR 44 located within</u> <u>the Pine Lakes plat identified in Plat Book 12 Page 67, subject to</u> <u>criteria for a Rural Support Corridor in the Lake County</u> Comprehensive Plan.	
37		(4) SR 44 in the vicinity of the Royal Trails Subdivision;	
38		(5) SR 46 and CR 435.	

1 2 3	<u>f.</u> Commercial Development Shall not exceed two (2) acres in the aggregate at each intersection and Shall be Developed under the "CP" Planned Commercial District, as provided for in these Regulations in Chapter III.		
4 5 6 7	f.g. The commercial uses Permitted in the "RP" Residential Professional District Shall only be Permitted in the Wekiva River Protection Area if located at one of the intersections, or areas within the Wekiva River Protection Area identified in (e), (g), or (h).		
8	g.h. Limited Commercial Development will also be considered in the Pine Lakes		
9	and Cassia areas when densities increase, and a small area study conducted		
10	by the County Manager or designee determines the need for such		
11	Development. A Land Use plan amendment Shall be processed pursuant to		
12	Chapter 163, Florida Statutes, to Permit any commercial uses in the Pine		
13	Lakes and Cassia areas.		
14	 h. No commercial uses Shall be considered in the vicinity of the proposed		
15	interchange of the proposed northwest beltway until the completion of the		
16	beltway interchange, and after a small area study to determine appropriate		
17	uses and locations has been conducted by the County Manager or designee.		
18	A Land Use plan amendment Shall be processed pursuant to Chapter 163,		
19	Florida Statutes, to Permit any commercial uses in the vicinity of the		
20	proposed interchange.		
21	i. Commercial facilities may be Permitted, operated, or leased by local, State		
22	or Federal agencies or established non-profit entities on Conservation or		
23	preservation Lands which are owned by the public or such non-profit entity.		
24	Such uses Shall be related solely to the use and enjoyment of such Lands		
25	by the public.		
26 27 28 29 30 31 32 33	j. That portion of Mt. Plymouth-Sorrento Main Street Future Land Use Category located within the Wekiva River Protection Area shall comply with the requirements and the transfer of development rights applicable to the Wekiva River Protection Area Mt. Plymouth-Sorrento Receiving Area Future Land Use Category. All development within the Wekiva River Protection Area Mt. Plymouth-Sorrento Receiving Area Future Land Use Category must utilize PUD zoning.		
34	Expansion of services and major Arterial Roads beyond planned urban areas		
35	Shall be restricted, unless it can be demonstrated that such services, such as		
36	central water and sewer facilities, will have less harmful impacts upon the		
37	environment than if they were prohibited. However, such Improvements or		
38	Construction Shall follow the path of existing Rights-of-Way to the greatest		
39	practical extent.		
40 41 42 43	12. All expressway interchanges within the Wekiva River Protection Area, as defined in Chapter 369, Part III, Florida Statutes, Shall be Developed as planned units under the Community Facilities District zoning category provided for in these Regulations in Chapter III.		

1 2 3 4 5 6	13. Parcels of Land adjacent to the Surface Waters and Watercourses <u>inof</u> the Wekiva River System, including the Wekiva River, <u>Little Wekiva River</u> , Black Water Creek, <u>Rock Springs Run</u> , Sulphur Run, <u>Lake Norris</u> , and Seminole Creek, Shall not be subdivided so as to interfere with the implementation of protection zones as established pursuant to Section 373.415, Florida Statutes or Section 7.00.05.D. of this Chapter.
7 8 9 10 11	14. Any Land Use that would Significantly alter <u>sS</u> urface and <u>sS</u> ubSurface Water levels and have an adverse effect on the environment Shall be prohibited unless such impacts can be successfully mitigated in accordance with accepted Mitigation policies and practices. Such Mitigation Shall be subject to approval by Lake County.
12 13 14 15	15. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System Shall be protected through the protection of Wetlands, associated habitat, and Aquatic systems in accordance with Chapter 369, Part III, Florida Statutes, Wekiva River Protection.
16 17 18 19 20	16. The Excavation of borrow pits within the Wekiva River Protection Area may be Permitted only after approval by the Board of County Commissioners. It is the intent herein to limit the Excavation of borrow pits to those necessary for the Construction of or improvement to highways or other public works projects within the Wekiva River Protection Area.
21	***
22 23 24 25	{All other portions of Section 7.00.04 shall remain unchanged}
23 26 27 28 29 30 31	Section 4. <u>Inclusion in 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 to accomplish such intentions.
32 33 34 35 36 37 38 39 40 41	Section 5. <u>Severability.</u> 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.

41 42

43 Section 6. <u>Filing with the Department of State.</u> The Clerk shall be and is hereby
44 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the
45 State of Florida in accordance with Section 125.66, Florida Statutes.

Ordinance 2024-___: Amending Chapter II, Appendix E, LDRs, Section 7.00.04, entitled *Permitted Uses in the Wekiva River Protection Area*

1	Section 7. Effective Date. This Ordin	nance shall become effective as provided for by
2	law.	
3		
4	ENACTED this day of day of	, 2024.
5		
6 7	FILED with the Secretary of State the	day of, 2024.
8 9		BOARD OF COUNTY COMMISSIONERS
10		OF LAKE COUNTY, FLORIDA
11		
12	ATTEST:	
13		
14		Kirby Smith, Chairman
15		
16	Gary J. Cooney, Clerk	This day of, 2024.
17	of Board of County Commissioners of	
18	Lake County, Florida	
19		
20	A managed as to form and locality	
21 22	Approved as to form and legality:	
22		
23 24		
25	Melanie Marsh, County Attorney	