

Summary of Ordinance

The purpose of this Ordinance is to amend Sections 3.08.00 and 3.01.04(10), Lake County Code, Appendix E, Land Development Regulations, entitled *Cemeteries*, to bring the sections into compliance with Chapter 2026-87, *Laws of Florida*. Chapter 2026-87, *Laws of Florida*, amended Section 267.21, Florida Statutes, to require the administrative approval of the rezoning or future land use change to allow development of excess vacant cemetery property to fund the cemetery's long-term maintenance and upkeep with no further action of the governing body so long as the cemetery is a historic African American cemetery recorded in the Florida Master Site File.

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. 2026-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTIONS 3.08.00 AND 3.01.04(10), LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *CEMETERIES*; PROVIDING FOR ADMINISTRATIVE REZONING OR LAND USE APPROVAL IN ACCORDANCE WITH SECTION 267.21, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 21, 2026, Governor DeSantis signed into law, House Bill (HB) 425, with an effective date of July 1, 2026, which requires administrative approval of applications from historic African American cemeteries to change the land use category and zoning district of excess vacant land under certain conditions to allow development consistent and compatible with adjacent land uses; and

WHEREAS, to comply with the requirement of HB 425 (Chapter 2026-87, *Laws of Florida*), the Board of County Commissioners (Board) must amend Section 3.08.00 and Section 3.01.04(10), Lake County Code, Appendix E, Land Development Regulations, both entitled *Cemeteries*; and

WHEREAS, the Board has determined that amending the Land Development Regulations is in the best interests of the residents of Lake County, Florida.

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. Section 3.08.00, Lake County Code, Appendix E, Land Development regulations, entitled *Cemeteries*, is hereby amended to read as follows:

3.08.00 Cemeteries.

- A. Adequate means of ingress and egress Shall be provided for vehicles so that traffic along adjacent Roads is not Blocked or unduly congested while funeral processions are entering or leaving the cemetery.
- B. Setbacks for grave Lots from the nearest property line adjacent to the Right-of-Way line of any public street, County Road, secondary or primary state or federal Road or highway Shall be one hundred (100) feet.
- C. Setbacks for grave Lots Shall be five (5) feet from any property not within the approved boundaries of the cemetery.
- D. A Landscaped Buffer strip five (5) feet in depth Shall be provided around all sides of the cemetery not fronting a Road.
- E. Section 3.08.00 Shall only apply to new cemeteries and new sections of existing cemeteries Permitted after February 15, 1993.
- F. For historic African American cemeteries recorded in the Florida Master Site File where a valid fully executed contract to sell excess vacant land for the express purpose of funding the cemetery's long-term maintenance and upkeep is in place, an application may be filed with the County Manager or designee seeking administrative approval of a zoning or future land use change to allow development of the excess property. The applicant shall provide a copy of the purchase agreement or other documentation that clearly demonstrates the proceeds of the sale shall be used solely for the long-term maintenance and upkeep of the cemetery. The applicant must also sign an affidavit, under oath with penalties of perjury, attesting to the restricted use of the funds. Upon receipt of the application, the County Manager or designee shall use reasonable discretion in determining the new zoning or land use designation, provided that the zoning or land use designation is consistent and compatible with the surrounding area in accordance with Section 267.21, Florida Statutes. The administrative approval of the rezoning or future land use change shall not become effective until the transaction has been completed and a deed into the purchaser has been recorded.

Section 3. Amendment. Section 3.01.04(10), Lake County Code, Appendix E, Land Development regulations, entitled *Cemeteries*, is hereby amended to read as follows:

3.01.04 Key to Conditions in Table of Permitted and Conditional Uses.

{All Preceding Sections Shall Remain Unchanged.}

10. Cemeteries. See Section 3.08.00.

- ~~a. Shall provide adequate means of ingress and egress for vehicles so that traffic along adjacent Public Roads or highways is not Blocked or unduly congested while funeral processions are entering or leaving the cemetery.~~
- ~~b. Setbacks for grave Lots from the nearest property line adjacent to the Right of Way line of any Public Road, secondary or primary state or federal Road or highway Shall be fifty (50) feet.~~
- ~~c. Setbacks for grave Lots Shall be five (5) feet from any property not within the approved boundaries of the cemetery.~~
- ~~d. A Landscaped Buffer strip five (5) feet in depth Shall be provided around all sides of the cemetery not fronting a Public Road, Road or highway and the requirements thereof Shall be made as a condition of approval.~~

{All Subsequent Sections Shall Remain Unchanged.}

Section 4. 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.

Section 5. Inclusion in the Code. 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.

Section 6. Filing with the Department of State. 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.

Section 7. Effective Date. This Ordinance shall become effective as provided for by law.

Enacted this _____ day of _____, 2026.

Filed with the Secretary of State _____, 2026.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA**

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman

This _____ day of _____, 2026.

Approved as to form and legality:

Melanie Marsh, County Attorney