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3
4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE
5 COUNTY, FLORIDA; AMENDING SECTION 14.11.01, LAKE COUNTY CODE,
6 APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED MINOR
7 LOT SPLITS; AMENDING SECTION 14.11.02, LAKE COUNTY CODE,
8 APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED FAMILY
9 DENSITY EXCEPTIONS; AMENDING SECTION 14.11.03, LAKE COUNTY
10 CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED
11 AGRICULTURAL LOT SPLITS; PROHIBITING THE CREATION OF A LOT
12 WHOLLY IN THE 100 YEAR FLOOD ZONE; REQUIRING A CREATED LOT
13 TO BE 21,780 SQUARE FEET IF SERVICED BY PRIVATE WELL AND AT
14 LEAST 10,890 SQUARE FEET IF SERVICED BY SEPTIC TANK; LIMITING
15 THE SIZE OF A PARCEL CREATED THROUGH A FAMILY DENSITY
16 EXCEPTION TO NO SMALLER THAN FIVE ACRES, WITH ONE ACRE OF
17 UPLANDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
18 INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
19

20 WHEREAS, the intent of the Lake County Land Development Regulations has
21 been to prohibit the creation of new lots in flood zones through the lot split processes;
22 and
23

24 WHEREAS, the Board of County Commissioners wishes to continue the
25 County's participation in National Flood Insurance Program in good standing; and
26

27 WHEREAS, the Board has determined that such amendment is in the best
28 interests of the citizens of Lake County, Florida.
29

30 NOW THEREFORE, BE IT ORDAINED by the Board of County
31 Commissioners of Lake County, Florida, as follows:
32

33 Section 1. Recitals. The foregoing recitals are true and correct and
34 incorporated herein by reference.
35

36 Section 2. Amendment. Section 14.11.01, Lake County Code, Appendix E,
37 Land Development Regulations, entitled Minor Lot Splits, is amended to read as follows:
38
39

40 **14.11.01 Minor Lot Splits**

41
42 *{Subsection A-C shall remain unchanged}*
43

44 D. Standards. All minor lot splits shall conform to the following standards
45

- 1 1. Only two (2) lots may be created from the original legally created lot or lot
2 of record. The total number of lots created shall include the original
3 parcel. The original parcel shall be known as the parent parcel and those
4 lots created out of the parent parcel shall not be entitled to another minor
5 lot split.
6
- 7 2. Each lot shall either (1) front on a publicly maintained paved road and
8 conform to the required minimum lot dimensions for the land use category
9 and zoning district where the lots are located OR (2) contain a minimum
10 of twenty (20) acres with at least one (1) acre of uplands AND front either
11 on a publicly maintained clay road OR an easement meeting the following
12 requirements:
13
14 a. Non-exclusive easement for ingress and egress, dedicated to the
15 public for road, utility, and drainage purposes, if satisfying the
16 criteria set forth in Section 14.00.08, Land Development
17 Regulations, and accepted by the Board of County Commissioners.
18 However, a private easement may be permitted if it is determined
19 that there is no need for a future road corridor.
20
21 b. Connect to a publicly maintained road.
22
23 c. Have a minimum width of fifty (50) feet.
24
25 d. Not obligate the County to maintain the easement.
26
27 e. Have road name signs installed in accordance with applicable
28 County regulations.
29
30 f. Record deed restrictions which require the property owners to
31 maintain the paved private road or easement. Such restrictions
32 must be recorded prior to the recordation of the approved lot split.
33
- 34 3. If any lot abuts a publicly maintained road that does not conform to the
35 right-of-way specifications provided or adopted by reference in these
36 regulations, the owner may have to dedicate the required right-of-way
37 width necessary to meet the minimum design if satisfying the criteria set
38 forth in Section 14.00.08, Land Development Regulations.
39
- 40 4. Easements created pursuant to this Section Shall comply with the Federal
41 Emergency Management Agency (FEMA) regulations and Lake County
42 floodplain management regulations.
43
- 44 5. The creation of a lot wholly within the 100 year flood zone is prohibited.
45
- 46 5.6. Flag lots are prohibited.

1
2 ~~6.7.~~ All other Sections of the Land Development Regulations, and all
3 requirements of the Comprehensive Plan Shall apply.
4

5 8. If the property is supplied with water service by a private well, the
6 proposed lot must be at least 21,780 square feet. If the property is
7 serviced by a septic tank, the proposed lot(s) must be at least 10,890
8 square feet.
9

10 **Section 3. Amendment.** Section 14.11.02, Lake County Code, Appendix E,
11 Land Development Regulations, entitled Family Density Exceptions, shall be amended to
12 read as follows:
13

14 **14.11.02 Family Density Exception.**

15 *{Subsection A-C shall remain unchanged}*
16
17

18
19 D. Standards. The creation of parcels for family members, as provided for in the
20 Comprehensive Plan, shall not require adherence to the minimum lot dimensions
21 for the land use category or zoning district where the lots are located, but shall
22 conform to the following standards:
23

24 1. Only as many lots may be created as are the number of descendants and
25 descendants plus one for the subdividing family member. In order to
26 qualify as a family member under this section, a descendant must be
27 eighteen (18) years of age or older.
28

29 ~~2. Each proposed lot shall be a minimum of one (1) acre of uplands.~~
30

31 3-2. The creation of a lot wholly within the 100 year flood zone is prohibited.
32

33 4.3. Parcels created must be a minimum of five (5) acres, with one (1) acre of
34 uplands.
35

36 3-4. Parcels created for family members shall be allowed only in the Suburban,
37 Transitional, Rural, Rural/Conservation, Urban, and Urban Expansion
38 Core/Conservation land use districts, as well as the A-1-20 and A-1-40
39 overlay districts in the Wekiva River Protection Area.
40

41 4.5. If any lot abuts a publicly maintained road that does not conform to the
42 right-of-way specifications provided or adopted by reference in these
43 regulations, the owner may be required to dedicate the right-of-way width
44 necessary to meet the minimum design standards. Such dedication shall be
45 determined based upon the criteria set forth in subsection 14.00.08, Land
46 Development Regulations.

- 1
2 ~~5-6.~~ Each proposed lot shall front on a paved private road, a publicly
3 maintained road, or an easement.
4
- 5 ~~6-7.~~ If an easement is utilized in subsection 14.11.02.D.5, the easement shall
6 be:
7
- 8 a. Non-exclusive easement for ingress and egress, dedicated to the
9 public for road, utility, and drainage purposes, if satisfying the
10 criteria set forth in Section 14.00.08, Land Development
11 Regulations, and accepted by the Board of County Commissioners.
12 However, a private easement may be permitted if it is determined
13 that there is no need for a future road corridor.
14
 - 15 b. Connect to a publicly maintained road.
 - 16 c. Have a minimum width of fifty (50) feet.
 - 17 d. Not obligate the County to maintain the easement.
 - 18 e. Have road name signs installed in accordance with applicable
19 County regulations.
- 20
- 21 ~~7-8.~~ Flag lots are prohibited.
22
- 23 ~~8-9.~~ If a paved private road or easement is utilized in subsection 14.11.02.D.5,
24 then deed restrictions, which require the property owners to maintain the
25 paved private road or easement, shall be recorded prior to the recordation
26 of the lot split.
27
- 28 ~~9-10.~~ Parcels created for family members must be retained by the family
29 members for five (5) years, pursuant to County approved deed restrictions
30 recorded in the public records. This requirement shall not apply to
31 institutional lenders who obtain ownership as a result of foreclosure or
32 deed in lieu of foreclosure.
33
- 34 ~~10-11.~~ Only one (1) lot shall be created for each family member, regardless of
35 where the lot is located or the amount of time that has passed.
36
- 37 ~~11-12.~~ If a residence is to be constructed on a parcel created for a family member,
38 such parcel must be intended to be used as a residence by the ascending or
39 descending family member. Parcels created for family members shall be
40 contingent upon the issuance of a building permit and certificate of
41 occupancy, or being classified as agricultural lands by the property
42 appraiser, pursuant to Section 193.461, Florida Statutes, for each parcel to
43 be created. For example, if an applicant requests that a five (5) acre,
44
45
46

1 vacant lot, in the Rural land use category, be subdivided into a three (3)
2 acre lot and a two (2) acre lot, then the applicant would have to submit a
3 family density exception application concurrent with two (2) building
4 permit applications or show proof of being granted the agricultural
5 exemption. The family density exception would not be finalized until
6 certificates of occupancy were issued for both dwelling units.

7 ~~42.13.~~ Easements created pursuant to this section shall comply with the Federal
8 Emergency Management Agency (FEMA) regulations and Lake County
9 floodplain management regulations.

10
11
12 **Section 4. Amendment.** Section 14.11.03, Lake County Code, Appendix E,
13 Land Development Regulations, entitled Agricultural Lot Splits, shall be amended to read
14 as follows:

15
16 **14.11.03 Agricultural Lot Splits.**

17
18 *{Subsections A-C shall remain unchanged}*

19
20
21 D. Standards. All agricultural lot splits Shall conform to the following standards:

- 22
23 1. There is no limit on the number of lots that may be created.
24
25 2. Each proposed lot Shall be a minimum of forty (40) gross acres with at
26 least five (5) acres of uplands.
27
28 3. The creation of a lot wholly within the 100 year flood zone is prohibited.
29
30 ~~3.4.~~ Each proposed lot Shall have "A" Agricultural zoning.
31
32 4.5. If any lot abuts a publicly maintained road that does not conform to the
33 right-of-way specifications provided or adopted by reference in these
34 regulations, the owner may be required to dedicate the required right-of-
35 way width necessary to meet the minimum design standards. Such
36 dedication shall be determined based upon the criteria set forth in
37 Subsection 14.00.08, Land Development Regulations.
38
39 ~~5-6.~~ Each proposed lot Shall front on a paved private road, a publicly
40 maintained road, or an easement.
41
42 6.7. If an easement is utilized in Subsection 14.11.03.D.5, the easement Shall
43 be:
44
45 a. Non-exclusive easement for ingress and egress, dedicated to the
46 public for road, utility, and drainage purposes, if satisfying the

1 criteria set forth in Section 14.00.08, Land Development
2 Regulations, and accepted by the Board of County Commissioners.
3 However, a private easement may be permitted if it is determined
4 that there is no need for a future road corridor.
5

- 6 b. Connect to a publicly maintained road.
- 7 c. Have a minimum width of forty (40) feet.
- 8
- 9 d. Not obligate the County to maintain the easement.
- 10

11
12
13 **Section 5. Severability.** If any section, sentence, clause, or phrase of the
14 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
15 then said holding shall in no way affect the validity of the remaining portion of this
16 Ordinance.
17

18 **Section 6. Inclusion in Code.** It is the intent of the Board of County
19 Commissioners that the provisions of this Ordinance shall become and be made a part of
20 the Lake County Code and that the sections of this Ordinance may be renumbered or
21 relettered and the word "ordinance" may be changed to "section", "article", or such other
22 appropriate word or phrase in order to accomplish such intentions.
23

24 **Section 7. Effective Date.** This ordinance shall become effective as provided
25 for by law.
26
27
28
29

30 Enacted this _____ day of _____, 2005.

31
32 Filed with the Secretary of State _____ 2005.

33
34 Effective _____.

6 BOARD OF COUNTY COMMISSIONERS
7 OF LAKE COUNTY, FLORIDA
8
9

10 _____
11 Jennifer Hill, Chairman

12 This _____ day of _____ 2005.
13
14
15

16 ATTEST:
17

18 _____
19 James C. Watkins, Clerk of the
20 Board of County Commissioners
21 of Lake County, Florida
22
23
24
25

26
27 Approved as to form and legality:
28
29

30 _____
31 Sanford A. Minkoff
County Attorney