ORDINANCE SUMMARY
LOT GRADING ORDINANCE

This ordinance proposes to amend the Lake County Land Development Regulations (LDR), Chapter III, entitled, "Zoning District Regulations", Section 3.02.05, entitled, "Setbacks", to allow impervious surface to be located within the side or rear setbacks, meeting requirements of 9.07.14.B.6. This ordinance also proposes to amend LDR Chapter IX, entitled, "Development Design and Improvement Standards", Section 9.07.14, entitled "Grading", to provide for an exemption to lot grading requirements to allow two areas with a maximum size of four feet by four feet (4' X 4') each for mechanical equipment, step-off pads, pool equipment and other similar uses to encroach into the side or rear setback, provided that conditions are met. In addition, this ordinance provides for an increase in the allowed height of retaining walls from five feet to six feet and for an increase in the spacing between retaining walls used in terracing from five feet to six feet.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. Renumbering and/or relettering were added as needed.

FILED
2013 MAR 31 PM 1:18
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

ORDINANCE NO. 2013-26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER III, ENTITLED "ZONING DISTRICT REGULATIONS", SECTION 3.02.05, ENTITLED "SETBACKS", BY ALLOWING IMPERVIOUS SURFACE TO BE LOCATED WITHIN SIDE AND REAR SETBACKS, WITH CONDITIONS; AMENDING CHAPTER IX, ENTITLED "DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS", SECTION 9.07.14, ENTITLED "GRADING", BY PROVIDING FOR AN INCREASE IN THE ALLOWED HEIGHT OF RETAINING WALLS FROM FIVE TO SIX FEET, AND BY PROVIDING FOR AN INCREASE IN SPACING BETWEEN RETAINING WALLS USED IN TERRACING FROM FIVE TO SIX FEET; PROVIDING FOR AN EXEMPTION TO LOT GRADING REQUIREMENTS TO ALLOW TWO AREAS WITH A MAXIMUM SIZE OF 4 FEET BY 4 FEET EACH FOR MECHANICAL EQUIPMENT, STEP-OFF PADS, POOL EQUIPMENT AND OTHER SIMILAR USES TO ENCROACH INTO THE SIDE OR REAR SETBACK, WITH CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County Land Development Regulations contains minimum regulations on setbacks and lot grading; and

WHEREAS, the Land Development Regulations currently prohibit the placement of mechanical equipment, step-off pads, pool equipment and other similar uses on the side of the structure if such placement would intrude upon the required setbacks; and

WHEREAS, while it is customary in other jurisdictions and in the housing market to place such equipment or step-off pads on the side of a structure so as to enhance the property owners' rear view of

their property, and while, side placement of such equipment may be more efficient and economically feasible;

WHEREAS, in addition, to allow sufficient terracing, the County's retaining wall allowance for height and spacing should be increased from five feet to six feet, which will also promote consistency among jurisdictions in Lake County, as it is customary in Lake County municipalities to allow retaining walls at a height of six feet; and

WHEREAS, the Planning & Zoning Board, in its capacity as the Local Planning Agency, considered this ordinance and recommended approval at a properly advertised public hearing on April 3, 2013; and

WHEREAS, the Board of County Commissioners (the "Board") desires to amend Chapter III and Chapter IX, Land Development Regulations, to amend regulations pertaining to setbacks and lot grading;

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

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

Section 2. Amendment. Section 3.02.00, Lake County Code, Appendix E, Land Development Regulations, entitled "Bulk Regulations", shall be amended to read as follows (deletions are indicated by ~~strikethrough~~, additions are indicated by <u>underline</u>, and the notation "***" indicates that all preceding or subsequent text remains unchanged):

3.02.00 Bulk Regulations.

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3.02.05 Setbacks.

A. Required Setbacks. The Zoning District Regulations establish the required setbacks.

B. Minimum Setbacks on Side and Rear Yards.

1. If the distance from the exterior wall to the property line is less than five (5) feet, the Applicant must show evidence of a Maintenance Easement granted by adjacent property owners.
2. The structure may be built on the property line provided the Owner Shall grant an Attachment Easement to the adjacent property owner(s).
3. <u>Impervious surfaces may be allowed to be placed within the setback, if the requirements of 9.07.14.B.6 are met.</u>

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Section 3. Amendment. Section 9.07.00, Lake County Code, Appendix E, Land Development Regulations, entitled "Floodplain Management Regulations and Lot Grading", shall be amended to read as follows (deletions are indicated by ~~strikethrough~~, additions are indicated by underline, and the notation "***" indicates that all preceding or subsequent text remains unchanged):

9.07.00 Floodplain Management Regulations and Lot Grading.

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9.07.14 Grading.

A. Lot Grading. Lot Grading is the movement, extraction and/or placement of soils within the limits of an individual residential lot or parcel boundary.
   1. Lot Grading shall not adversely affect surrounding or downstream wetlands, floodplains or neighboring property. Runoff directed to drainage easements shall not be considered an adverse impact. The volume, rate and quality of stormwater runoff shall be consistent with conditions prior to the lot grading, or consistent with approved site or lot grading plans.
   2. Reasonable measures to prevent the erosion of soils due to the action of water and wind shall be taken. Measures shall include the following as appropriate:
      a. Limit clearing to expose the smallest possible area;
      b. Immediately vegetate with sod, seed, mulch or other equivalent forms of landscaping in all exposed areas;
      c. Provide silt fencing, berms, or staked hay bales for protection from erosion, and/or;
      d. Provide a source of water for application to dry exposed soil in order to prevent wind erosion during construction.
   3. Elevation changes in topography shall not exceed a maximum of ten (10) feet except for the footprint of the structure.
   4. Graded slopes shall be rounded and shaped to blend with naturally occurring slopes at a radius compatible with the existing natural terrain and shall follow the natural contours, unless terracing techniques are used. Retaining walls shall not exceed six (6) ~~five (5)~~ feet in height. Spacing between retaining walls used in terracing shall be no less than six (6) ~~five (5)~~ feet.

B. Exempt Activities. The following activities are exempt from lot grading requirements, and no inspection or lot grading plan shall be necessary:
   1. Any permitted improvement that does not increase the impervious surface area and does not change the existing grade.
   2. Additional impervious areas consisting of 200 cumulative square feet or less on a lot where the additional impervious area is offset at least five (5) feet from the property line and where no earthwork takes place in the offset area.
   3. Additional impervious areas consisting of 300 cumulative square feet or less on a lot where the additional impervious area is offset at least ten (10) feet from the property line and where no earthwork or grading takes place in the offset area.

4. Additional impervious areas consisting of 500 cumulative square feet or less on a lot where the additional impervious area is offset at least fifteen (15) feet from the property line and where no earthwork or grading takes place in the offset area.
5. Additional impervious area of any size on a lot greater than one-half (½) acre where the additional impervious area is offset at least twenty (20) feet from the property line and where no earthwork takes place in the offset area.
6. Additional impervious surface that intrudes into any portion of the setback that is within five (5) feet of the side or rear property line, provided that:
   a. Impervious surface is installed in no more than two areas with a maximum size of four (4) feet by four (4) feet each, for the purpose of supporting mechanical equipment, pool equipment, step-off pads and other similar uses; and
   b. A detailed plan is submitted by the owner or applicant demonstrating that stormwater will be conveyed in a way to protect neighboring property. Drainage pipes, underdrains, inlets, or other approved methods may be used to convey the stormwater. The plan shall be reviewed and approved prior to construction of an alternative method of stormwater conveyance.

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Section 4. Severability. If any section, sentence, clause or phrase or the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portion of this Ordinance.

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 a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 7. Effective. This Ordinance shall become effective upon filing with the Secretary of State.

Enacted this 21st day of May, 2013.

Filed with the Secretary of State _____, 2013.

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Leslie Campione, Chairman

Approved as to form and legality:

Sanford A. Minkoff
County Attorney