

1 Staff Summary

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3 This Ordinance amends s. 17-3 Lake County Code and s. 13.04.02 Lake County Land  
4 Development Regulations to add an ex officio, non-voting military representative to the Local  
5 Planning Agency and Zoning Board. This amendment is necessary due to mandatory  
6 language in Florida Statute 163.3175. The intent of the Statute is to facilitate communication  
7 between local governments and military installations located within their jurisdiction  
8 regarding possible incompatible land development adjacent to the installations.  
9 Communication between the local governments and military installations is necessary because  
10 incompatible development may present a safety hazard to the local citizenry or affect the  
11 ability of the military to carry out its mission.  
12

13  
14 **ORDINANCE 2006 – \_\_\_\_**

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16  
17 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**  
18 **LAKE COUNTY, FLORIDA; AMENDING CHAPTER 17, LAKE COUNTY**  
19 **CODE, ENTITLED LOCAL PLANNING AGENCY; AMENDING SECTION**  
20 **17-3, ENTITLED MEMBERSHIP; AMENDING SECTION 13.04.02, LAKE**  
21 **COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS,**  
22 **ENTITLED MEMBERSHIP; PROVIDING FOR THE ADDITION OF AN EX**  
23 **OFFICIO, NON-VOTING MEMBER TO THE LOCAL PLANNING AGENCY**  
24 **AND ZONING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING**  
25 **FOR INCLUSION IN THE LAKE COUNTY CODE; AND PROVIDING FOR**  
26 **AN EFFECTIVE DATE.**

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28 **WHEREAS**, the Board of County Commissioners previously enacted Ordinance 2004-13;  
29 and

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31 **WHEREAS**, the Florida Legislature has found that incompatible development of land close  
32 to military installations can adversely affect the ability of such an installation to carry out its mission;  
33 and

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35 **WHEREAS**, the Florida Legislature has also found that such incompatible development  
36 threatens the public safety because of the possibility of accidents occurring within the areas  
37 surrounding a military installation; and

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39 **WHEREAS**, the Florida Legislature has found it desirable for local governments in the state  
40 to cooperate with military installations to encourage compatible land use, help prevent incompatible  
41 encroachment, and facilitate the continued presence of major military installations in this state; and

42  
43 **WHEREAS**, Florida Statute 163.3175 requires the addition of a representative of a military  
44 installation as an ex officio, non-voting member to the affected local government's land planning and  
45 zoning board, in order to facilitate the exchange of information between military interests and local  
46 governments; and  
47

1           **WHEREAS**, the Board of County Commissioners wishes to amend Chapter 17, Lake County  
2 Code, entitled Land Planning Agency and Section 13.04.02, Lake County Code, Appendix E, Land  
3 Development Regulations, Entitled Membership to provide for the addition of a representative of a  
4 military installation to the Local Planning Agency and Zoning Board; and

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6           **WHEREAS**, the Board has determined that such amendment is in the best interests of the  
7 citizens of Lake County, Florida.

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

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12           **Section 1.     Recitals.**     The foregoing recitals are true and correct and hereby  
13 incorporated herein by reference.

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15           **Section 2.     Amendment.** Section 17-3 of Chapter 17, Lake County Code, entitled Local  
16 Planning Agency, is hereby amended to read as follows:

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18 **Sec. 17-3. Membership.**

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20 The LPA shall have ~~nine (9)~~ ten (10) members and shall consist of one (1) member representing each  
21 of the county commissioners' districts, three (3) members at-large, ~~and~~ one (1) member representing  
22 the Lake County School Board as recommended by the school board- , and one (1) ex-officio,  
23 nonvoting representative of a military installation acting on behalf of all military installations within  
24 Lake County. The member recommended by the Lake County School Board shall be a voting  
25 member. The board of county commissioners shall appoint the members, and initially the terms of the  
26 members representing commission districts 1, 3, and 5, and one (1) at-large member, shall expire on  
27 January 31, 2005, and the terms of members representing commission districts 2 and 4, two (2) at-  
28 large members and the Lake County School Board representative shall expire on January 31, 2007.  
29 Thereafter, all appointments shall be made for a term of four (4) years each. Any vacancy occurring  
30 during the unexpired term of office of any member shall be filled by appointment for the remainder  
31 of the term. Any member of the LPA may be removed from office by a majority vote of the board of  
32 county commissioners.

33 (Ord. No. 2004-13, § 3, 3-16-04)

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35           **Section 3.     Amendment.** Section 13.04.02, Lake County Code, Appendix E, Land  
36 Development Regulations, entitled Membership, is amended to read as follows:

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38 **13.04.02 Membership.**

39  
40 A. The Lake County Zoning Board shall have ~~seven (7)~~ eight (8) members, including one (1) from  
41 each County Commissioner's district, one (1) member at-large, ~~and~~ one (1) member recommended by  
42 the Lake County School Board, and one (1) ex-officio, nonvoting representative of a military  
43 installation acting on behalf of all military installations within Lake County. The member  
44 recommended by the Lake County School Board shall be a voting member.

45 B. Each Lake County Zoning Board member shall be appointed by the Lake County Board of County  
46 Commissioners for a term of four (4) years. Initially the terms of the members representing  
47 commission districts 1, 3, and 5 shall expire on January 31, 2005, and the terms of the members  
48 representing commission districts 2 and 4, the at-large category, and the Lake County School Board

1 shall expire on January 31, 2007. Thereafter, all appointments shall be made for a term of four (4)  
2 years each. Any vacancy occurring during the unexpired term of office of any member shall be filled  
3 by appointment for the remainder of the term. Any member of the Lake County Zoning Board may  
4 be removed from office by a majority vote of the Board of County Commissioners.  
5 (Ord. No. 2004-13, § 2, 3-16-04)  
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7 **Section 4. Severability.** If any section, sentence, clause, or phrase of the Ordinance is  
8 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
9 in no way affect the validity of the remaining portion of this Ordinance.  
10

11 **Section 5. Inclusion in Code.** It is the intent of the Board of County Commissioners  
12 that the provisions of this Ordinance shall become and be made a part of the Lake County Code and  
13 that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be  
14 changed to "section", "article", or such other appropriate word or phrase in order to accomplish such  
15 intentions.  
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17 **Section 6. Effective Date.** This ordinance shall become effective as provided for by law.  
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19 Enacted this \_\_\_\_ day of \_\_\_\_\_, 2006.  
20

21 Filed with the Secretary of State \_\_\_\_\_, 2006.  
22

23 Effective \_\_\_\_\_, 2006.  
24

25 BOARD OF COUNTY COMMISSIONERS  
26 OF LAKE COUNTY, FLORIDA

27 ATTEST:

28 \_\_\_\_\_  
29 Catherine Hanson, Chairman

30 \_\_\_\_\_  
31 James C. Watkins, Clerk of the  
32 Board of County Commissioners  
33 of Lake County, Florida  
34

This \_\_\_ day of \_\_\_\_\_, 2006.

35 Approved as to form and legality:  
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39 \_\_\_\_\_  
40 Sanford A. Minkoff  
County Attorney