

1 **ORDINANCE SUMMARY**
2 **NONCONFORMING WETLAND SETBACK**
3

4 This ordinance proposes to amend Chapter I, Section 1.08.00 of the Lake County Land
5 Development Regulations (LDR), entitled "Nonconforming Development". This ordinance will
6 update the LDR in accordance with a companion ordinance proposing to amend Policy III-2.2.7
7 of the Comprehensive Plan, to state that developments approved prior to September 22, 2011,
8 with a wetland setback of less than 50 feet, shall be considered conforming. The ordinance also
9 provides that the term "development" will include any type of variance, average setback
10 determination, ordinance or waiver.

11
12 Currently, developments approved prior to September 22, 2011 with a wetland setback of less
13 than 25 feet are considered nonconforming, and are not allowed to be developed at the
14 previously approved wetland setback.

15
16 The proposed amendment will meet the requirements of the 2030 Comprehensive Plan, Policy
17 III-2.2.7, entitled *Protection of Shorelines*, as amended, which recognizes developments
18 approved prior to September 22, 2011 with a wetland setback of less than 50 feet; the proposed
19 ordinance would permit development of the site at the setback prescribed by the prior
20 development order or ordinance and would consider such development conforming.

21
22 Changes are shown as follows: Strikethrough for deletions and Underline for additions to
23 existing Code sections. The notation " " shall mean that all preceding or subsequent text
24 remains unchanged (excluding any renumbering or relettering that might be needed).

25
26 **Ordinance No. 2013-68**

27 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**
28 **FLORIDA; AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT**
29 **REGULATIONS; AMENDING CHAPTER I, "GENERAL PROVISIONS", SECTION 1.08.00,**
30 **ENTITLED "NONCONFORMING DEVELOPMENT", IN ORDER TO PROVIDE THAT**
31 **DEVELOPMENT ORDERS AND ORDINANCES APPROVED PRIOR TO SEPTEMBER 22,**
32 **2011, WITH A WETLAND SETBACK OF LESS THAN 50 FEET, SHALL BE CONSIDERED**
33 **CONFORMING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE**
34 **CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING**
35 **FOR AN EFFECTIVE DATE.**

36 **WHEREAS**, on September 22, 2011, the Lake County 2030 Comprehensive Plan
37 became effective; and

38 **WHEREAS**, currently, Comprehensive Plan Policy III-2.2.7, entitled *Protection of*
39 *Shorelines*, recognizes development approved prior to September 22, 2011, and with a wetland
40 setback of between 25 and 50 feet, as conforming; and

1 the wetlands setback as prescribed in the approved development order or ordinance.
2 The term "development" as used in this subsection shall expressly include any type of
3 variance, ordinance, average setback determination, or waiver. (unless vested under
4 Chapter 1, Land Development Regulations). However, additions to an existing
5 residence may be allowed, if the addition does not extend beyond the existing rear and
6 sides of the residence.
7

8 **Section 3. Severability.** If any section, sentence, clause or phrase or the Ordinance
9 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
10 shall in no way effect the validity of the remaining portion of this Ordinance.

11 **Section 4. Inclusion in the Code.** It is the intent of the Board of County
12 Commissioners that the provisions of this Ordinance shall become and be made a part of the
13 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
14 the word "ordinance" may be changed to "section", "article" or such other appropriate word or
15 phrase in order to accomplish such intentions.

16 **Section 5. Filing with the Department of State.** The clerk shall be and is hereby
17 directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the
18 State of Florida.

19 **Section 6. Effective.** This Ordinance shall become effective upon filing with the
20 Secretary of the State.

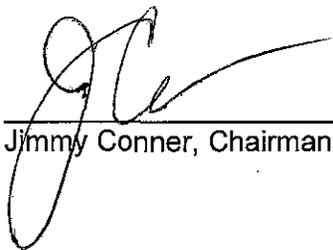
21
22 Enacted this 17th day of December, 2013.

23 Filed with the Secretary of State December 26, 2013.

24
25
26 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

27 
28 _____
29 Neil Kelly, Clerk of the
30 Board of County Commissioners
31 of Lake County, Florida
32



Jimmy Conner, Chairman

33 Approved as to form and legality:

34 
35 _____
36 Sanford A. Minkoff
37 County Attorney

Treen, Shannon

From: Hall, Mario R. <Mario.Hall@dos.myflorida.com>
Sent: Thursday, December 26, 2013 8:45 AM
To: County Ordinance Submittals
Cc: County Ordinances
Subject: RE: Lake County Ordinance No. 2013-68
Attachments: Lake 2013-68 - Ack.pdf

From: County Ordinance Submittals [<mailto:COS@lakecountyclerk.org>]
Sent: Tuesday, December 24, 2013 1:40 PM
To: County Ordinances
Cc: County Ordinance Submittals
Subject: Lake County Ordinance No. 2013-68

Sender Full Name:	Shannon Treen
Sender Phone number:	352-343-9482
County Name:	Lake County
Ordinance Number:	2013-68

Shannon Treen

Senior Secretary, Board Support
Office of Neil Kelly, Lake County Clerk of Courts
315 W. Main Street, PO Box 7800, Tavares, FL 32778
352-343-9482
streen@lakecountyclerk.org

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 26, 2013

Honorable Neil Kelly
Clerk of the Circuit Court
Lake County
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

Attention: Courtney T. Vincent, Senior Secretary

Dear Mr. Kelly:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge of your electronic copy of Lake County Ordinance No. 2013-68, which was filed in this office on December 26, 2013.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

Enclosure