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2 Staff Summary  
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4 This ordinance creates Chapter V-A, Land Development Regulations, and affects applications for  
5 final plats, site plans, master park plans and lot splits which create five or more lots or dwelling  
6 units. The purpose of this Chapter is to require a certification from the School Board that  
7 sufficient school capacity either exists or will exist at the time the development takes place. If the  
8 School Board cannot issue such certification, the final development order will not be issued by  
9 the County. The ordinance also makes provision for an applicant to apply for a vested rights  
10 status if they meet the standards set forth in the newly created section 1.02.08.  
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12  
13 **ORDINANCE NO. 2006-107**  
14

15 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**  
16 **COUNTY, FLORIDA; AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND**  
17 **DEVELOPMENT REGULATIONS; CREATING NEW CHAPTER V-A ENTITLED**  
18 **NECESSARY PUBLIC SERVICES AND FACILITIES; CREATING SECTION 5A.00.00**  
19 **GENERAL PROVISIONS AND PURPOSE AND INTENT; CREATING SECTION**  
20 **5A.01.01, ENTITLED REQUIRED EDUCATIONAL FACILITIES TO BE IN PLACE**  
21 **PRIOR TO CREATION OF NEW LOTS OR CREATION OF NEW DWELLING UNITS**  
22 **THROUGH SITE PLAN APPROVAL; CREATING SECTION 5A.01.02**  
23 **APPLICABILITY; AMENDING SECTIONS 14.07.01 SUBDIVISIONS, 14.09.01 SITE**  
24 **PLANS, 14.10.01 MASTER PARK PLANS, AND 14.11.01 MINOR LOT SPLITS; 14.11.02**  
25 **FAMILY LOT SPLITS, AND 14.11.03 AGRICULTURAL LOT SPLITS TO REQUIRE**  
26 **AUTHORIZATION FROM THE LAKE COUNTY SCHOOL BOARD SHOWING THAT**  
27 **EXISTING SCHOOL CAPACITY EXISTS OR IS PLANNED PRIOR TO FINAL**  
28 **APPROVAL OF PLATS, SITE PLANS OR LOT SPLITS WHICH CREATE FIVE (5) OR**  
29 **MORE NEW LOTS OR DWELLING UNITS; CREATING SECTION 1.02.08 SPECIAL**  
30 **VESTING FOR SUBDIVISIONS, SITE PLANS AND LOT SPLITS TO PROVIDE A**  
31 **SPECIAL VESTING PROVISION FOR SUBDIVISION PLATS WHERE**  
32 **APPLICATIONS FOR PRELIMINARY PLAT APPROVAL WERE FILED ON OR**  
33 **BEFORE SEPTEMBER 5, 2006 AND FOR SITE PLANS AND LOT SPLITS WHICH**  
34 **WERE APPLIED FOR BEFORE SEPTEMBER 5, 2006; PROVIDING FOR**  
35 **SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING**  
36 **FOR AN EFFECTIVE DATE.**  
37

38  
39 **WHEREAS**, the Lake County Comprehensive Plan, Chapter XB, Concurrency  
40 Management, states that public facilities are defined for purposes of interpreting the  
41 content of the Comprehensive Plan to mean the capital improvements and systems  
42 associated with public education; and

43 **WHEREAS**, the Lake County Comprehensive Plan, Objective 1-5 provides that  
44 Lake County shall assure that needed public services and facilities are developed  
45 concurrent with the impact of new development; and

1           **WHEREAS**, the Lake County Comprehensive Plan, Policy 1-5.1, states that  
2 undeveloped land shall not be designated for development without assurance through the  
3 Comprehensive Plan and Land Development Regulations that public facilities shall be  
4 available concurrently with the impacts of development; and

5           **WHEREAS**, the Lake County Comprehensive Plan, Policy 1-5.2, provides that  
6 the timing and location of public facilities shall be coordinated through the Concurrency  
7 Management System to assure that development occurs in an orderly and timely manner  
8 consistent with the availability of public facilities and services; and

9           **WHEREAS**, the Lake County Comprehensive Plan, Objective 1-7, states that the  
10 County shall assure that future land use patterns promote efficient provision of public  
11 facilities, and that facilities are available concurrent with the impact of development; and

12           **WHEREAS**, the Lake County Comprehensive Plan, Policy 1-7.1, provides that  
13 development orders and permits shall not be issued unless the necessary facilities and  
14 services are available concurrent with the impacts of development; and

15           **WHEREAS**, the Lake County Comprehensive Plan, Policy 1-7.2, states that  
16 allocation of future land use shall occur in a manner which promotes efficient distribution  
17 and provision of public facilities; and

18           **WHEREAS**, the Lake County Comprehensive Plan, Policy 1-1.9, provides that  
19 residential densities shall be compatible with available public facilities and their capacity  
20 to serve development, and further that public facilities shall be required to be in place  
21 concurrent within the impacts of new residential development; and

22           **WHEREAS**, the Lake County Comprehensive Plan, Policy 11-1.1, provides that  
23 Lake County shall create a desirable business environment by, among other things,  
24 providing necessary infrastructure for development; and

25           **WHEREAS**, the court has held in Mann v. Board of County Commissioners, 830  
26 So.2d 144 (Fla. 5<sup>th</sup> DCA 2002), that a denial of a development order based upon specific  
27 comprehensive plan policies and objectives was appropriate and was not a deviation from  
28 the essential requirements of law; and

29           **WHEREAS**, the court has held in Franklin County v. S.G.I. Limited, 728 So.2d  
30 1210 (Fla. 1<sup>st</sup> DCA 1999), that local governments are not only permitted but required by  
31 section 163.3194(1)(a), Florida Statutes, to deny development requests that are not in

1 conformity with the adopted comprehensive plan. The court also stated that as long as  
2 the comprehensive plan objectives are specific enough, they may be taken into  
3 consideration when reviewing applications for development such as site plans; and

4 **WHEREAS**, the United States Supreme Court held in Tahoe-Sierra Preservation  
5 Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302, 122 S.Ct 1465, 152  
6 L.Ed.2d 517 (2002), that inefficient and ill-conceived growth would result from  
7 landowners seeking to develop their properties quickly before a comprehensive plan  
8 could be enacted if the local government were unable to impose restrictions on  
9 development; and

10 **WHEREAS**, the court in Franklin County v. Leisure Properties, Ltd., 430 So.2d  
11 475 (Fla. 1<sup>st</sup> DCA 1983), held that local governments are not prevented from enacting  
12 development restrictions while in the process of adopting a new comprehensive plan  
13 pursuant to Chapter 163, Florida Statutes; and

14 **WHEREAS**, the court in Bradfordville Phipps Limited Partnership v. Leon  
15 County, 804 So.2d 464 (Fla. 1<sup>st</sup> DCA 2002), held that land use planning is a necessarily a  
16 complex, time-consuming undertaking for a community, and that temporary development  
17 restrictions promote effective planning by preserving the status quo during the planning  
18 process; and

19 **WHEREAS**, Senate Bill 360 (SB 360), passed by the Florida Legislature in 2005  
20 requires all counties to create a school concurrency element as part of the Comprehensive  
21 Plan by the year 2008; and

22 **WHEREAS**, Lake County, Florida was chosen and elected to participate as a  
23 Pilot Community by the Department of Community Affairs, to develop the necessary  
24 data and inventory and documents to implement school concurrency; and

25 **WHEREAS**, representatives from Lake County, the School Board of Lake  
26 County and the fourteen (14) municipalities within Lake County on August 23, 2006, did  
27 come to a consensus on the content of an interlocal agreement, the data and analysis, and  
28 comprehensive plan elements necessary to implement school concurrency in Lake  
29 County; and

30 **WHEREAS**, the County has initiated comprehensive plan amendments in order  
31 to formally adopt school concurrency as defined by SB360; and



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3 **5-A.00.00 General Provisions; Purpose and Intent.** The purpose of this Chapter is  
4 to prevent further overcrowding of school facilities during the time in which the Lake  
5 County Comprehensive Plan is being revised. In order to ensure this purpose, plats, site  
6 plans, master park plans or lot splits which create five (5) or more lots or dwelling units  
7 shall not be approved unless a certification is received from the Lake County School  
8 Board that sufficient school capacity exists or will exist to provide educational services  
9 for the students who will live in homes constructed on such lots, site plans, parks or  
10 multi-family parcels.  
11

12 **5-A.01.01 Required Educational Facilities To Be In Place Prior to Creation Of**  
13 **New Lots or Creation of New Dwelling Units.**  
14

15 A. No plat, site plan, master park plan or lot split which creates five (5) or  
16 more lots or dwelling units shall be approved unless there is sufficient  
17 school capacity at the time of application to provide education services for  
18 the students who will live in dwelling units placed or constructed on such  
19 lots.  
20

21 B. The applicant shall submit a school concurrency application to the School  
22 Board. The School Board shall review the applications and either issue or  
23 deny the school concurrency certification in accordance with the standards  
24 and procedures set forth in the *Interlocal Agreement between Lake County*  
25 *and Lake County School Board and Municipalities for School Facilities*  
26 *Planning and Siting*, as approved by the Board of County Commissioners  
27 on September 5, 2006.  
28

29 **5-A.01.02 Applicability.** The requirements of this Chapter shall be applicable to all  
30 final plats, site plans, master park plans or lot splits approved on or after September 6,  
31 2006, unless vested pursuant to Chapter 1 of these Land Development Regulations. This  
32 Chapter shall remain in effect until December 31, 2007, unless extended by the Board of  
33 County Commissioners.  
34

35 **Section 3. Amendment.** Section 14.07.01, Lake County Code, Appendix E,  
36 Land Development Regulations, entitled Subdivisions Generally, shall be amended to  
37 read as follows:  
38

39 **14.07.01 A. Generally.** The purpose of this section is to provide for the review  
40 of the subdivision of land into individual saleable, leasable or rental units. The County  
41 Manager or designee shall approve all preliminary plats, construction plans and final  
42 plats if each is found to be in compliance with these regulations. Any preliminary plat,  
43 construction plan or final plat not in compliance with these regulations shall be denied

1 and a letter of denial shall be sent to the applicant stating the reasons for the denial. All  
2 final plats shall also be required to be accepted by the Board of County Commissioners.  
3 This section shall apply to the subdivision of land into residential lots only.  
4

5 **B. Necessary Public Services and Facilities.** No final plat which authorizes  
6 the development of five (5) or more lots or dwelling units shall be approved by the Board  
7 of County Commissioners unless the School Board has provided to the County Manager,  
8 or designee, a certification in accordance with Chapter V-A of these regulations  
9 indicating that there is or will be sufficient school capacity to provide education services  
10 for the students who will live in dwelling units placed or constructed on such lots.  
11

12 **Section 4. Amendment.** Section 14.09.01, Lake County Code, Appendix E,  
13 Land Development Regulations, entitled Site Plans Generally, shall be amended to read  
14 as follows:  
15

16 **14.09.01 Generally.** The County may approve site plans for non-residential  
17 development or multi-family development if found to be in compliance with the  
18 requirements of these regulations. Additionally, site plans shall be required for all  
19 ancillary uses to a residential subdivision, mobile home or recreational vehicle park,  
20 including but not limited to clubhouses, community buildings, active recreation sites, golf  
21 courses, and community pools. No application for a building permit on a parcel requiring  
22 site plan approval shall be granted unless the site has been approved by the County  
23 Manager or designee. No site plan which authorizes the development of five (5) or more  
24 lots or dwelling units shall be approved by the County Manager, or designee, unless the  
25 School Board has provided a certification in accordance with Chapter V-A of these  
26 regulations indicating that there is or will be sufficient school capacity to provide  
27 education services for the students who will live in dwelling units placed or constructed  
28 on such lots.  
29

30 *[Subsections A and B shall remain unchanged]*  
31

32 **Section 5. Amendment.** Section 14.10.01, Lake County Code, Appendix E,  
33 Land Development Regulations, entitled Master Park Plans Generally, shall be amended  
34 to read as follows:  
35

36 **14.10.01 Generally.** The County Manager or designee shall have the  
37 authority to approve master park plans to permit the development of mobile home and  
38 recreational vehicle parks; provided, however, that no master park plan which authorizes  
39 the development of five (5) or more lots, dwelling units, or placement of recreational  
40 vehicles shall be approved by the County Manager, or designee, unless the School Board  
41 has provided a certification in accordance with Chapter V-A of these regulations  
42 indicating that there is or will be sufficient school capacity to provide education services  
43 for the students who will live in dwelling units or recreational vehicles placed or  
44 constructed on such lots.  
45

1           **Section 6.    Amendment.** Section 14.11.01, Lake County Code, Appendix E,  
2 Land Development Regulations, entitled Minor Lot Splits, shall be amended to read as  
3 follows:

4           **14.11.01       Minor Lot Splits**

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6           A.       Generally. The County may approve a minor lot split of a legally created  
7 lot that conforms to the requirements of this Subsection. ~~A minor lot split~~  
8 ~~shall not be approved within a platted subdivision when such lot split~~  
9 ~~changes the character of the subdivision, or where the lot split changes the~~  
10 ~~character of the subdivision, or where the lot split increases the density,~~  
11 ~~beyond the general nature of the subdivision.~~ An applicant for a minor lot  
12 split shall have six (6) months from the date the application is submitted to  
13 the County to finalize the lot split. No extensions shall be permitted.  
14

15           B.       Initial Submittal. The County Shall consider a proposed minor lot split  
16 upon the submittal of the following materials:

- 17                   1.       An application form provided by the County.
- 18                   2.       One (1) paper copy of the proposed minor lot split.
- 19                   3.       A statement indicating whether water and/or sanitary sewer service  
20 is available to the property.
- 21                   4.       Soils map showing the proposed minor lot split boundaries  
22 overlain.
- 23                   5.       Two (2) aerial photographs no older than the most recent aerials  
24 available from the County Manager or designee showing the  
25 proposed minor lot split boundaries overlain.
- 26                   6.       Current property record card for the subject property.
- 27                   7.       Current warranty deed for the subject property.
- 28                   8.       Federal Emergency Management Agency (FEMA) flood insurance  
29 map with property boundaries overlain.
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39           C.       Review Procedure.

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- 41                   1.       The County Manager or designee Shall transmit a copy of the  
42 proposed minor lot split to any other appropriate departments of  
43 the County for review and comments.
- 44
- 45                   2.       If the proposed minor lot split meets the conditions of these  
46 regulations and otherwise complies with all applicable laws and

1 ordinances, the County Manager or designee Shall approve the  
2 minor lot split.

- 3  
4 3. Any other information as required by the County Manager or  
5 designee.

6  
7 D. Standards. All minor lot splits Shall conform to the following standards:

- 8  
9 1. Only two (2) lots may be created from the original legally created  
10 lot or lot of record. The total number of lots created Shall include  
11 the original parcel. The original parcel Shall be known as the  
12 parent parcel and those lots created out of the parent parcel Shall  
13 not be entitled to another minor lot split.

- 14  
15 2. Each lot Shall either (1) front on a publicly maintained paved road  
16 and conform to the required minimum lot dimensions for the land  
17 use category and zoning district where the lots are located OR (2)  
18 contain a minimum of twenty (20) acres with at least one (1) acre  
19 of uplands AND front either on a publicly maintained clay road  
20 OR an easement meeting the following requirements:

- 21  
22 a. Non-exclusive easement for ingress and egress, dedicated  
23 to the public for road, utility, and drainage purposes, if  
24 satisfying the criteria set forth in Section 14.00.08, Land  
25 Development Regulations, and accepted by the Board of  
26 County Commissioners. However, a private easement may  
27 be permitted if it is determined that there is no need for a  
28 future road corridor.

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30 b. Connect to a publicly maintained road.

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32 c. Have a minimum width of fifty (50) feet.

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34 d. Not obligate the County to maintain the easement.

- 35  
36 e. Have road name signs installed in accordance with  
37 applicable County regulations.

- 38  
39 f. Record deed restrictions which require the property owners  
40 to maintain the paved private road or easement. Such  
41 restrictions must be recorded prior to the recordation of the  
42 approved lot split.

- 43  
44 3. If any lot abuts a publicly maintained road that does not conform to  
45 the right-of-way specifications provided or adopted by reference in  
46 these regulations, the owner may have to dedicate the required

1 right-of-way width necessary to meet the minimum design if  
2 satisfying the criteria set forth in Section 14.00.08, Land  
3 Development Regulations.  
4

- 5 4. Easements created pursuant to this Section Shall comply with the  
6 Federal Emergency Management Agency (FEMA) regulations and  
7 Lake County floodplain management regulations.  
8
- 9 5. The creation of a lot wholly within the 100 year flood zone is  
10 prohibited.  
11
- 12 6. Flag lots are prohibited.  
13
- 14 7. A minor lot split shall not be approved within a platted subdivision  
15 when such lot split changes the character of the subdivision, or  
16 where the lot split increases the density, beyond the general nature  
17 of the subdivision.  
18
- 19 8. A minor lot split which authorizes the development of five (5) or  
20 more lots or dwelling units shall not be approved by the County  
21 Manager, or designee, unless the School Board has provided a  
22 certification in accordance with Chapter V-A of these regulations  
23 indicating that there is or will be sufficient school capacity to  
24 provide education services for the students who will live in  
25 dwelling units placed or constructed on such lots.  
26
- 27 ~~7~~ 9. All other Sections of the Land Development Regulations, and all  
28 requirements of the Comprehensive Plan Shall apply.  
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30

31 *[Subsections E and F shall remain unchanged]*  
32  
33

34 **Section 7. Amendment.** Section 14.11.02, Lake County Code, Appendix E,  
35 Land Development Regulations, entitled Family Density Exceptions, shall be amended to  
36 read as follows:  
37

38 **14.11.02 Family Density Exceptions.**  
39

- 40 A. Generally. The County may approve a family density exception of a  
41 legally created lot that conforms to the requirements of this Subsection. ~~A~~  
42 ~~family density exception shall not be approved within a platted~~  
43 ~~subdivision when such density exception changes the character of the~~  
44 ~~subdivision, or where the density exception increases the density, beyond~~  
45 ~~the general nature of the subdivision.~~ An applicant for a family density  
46 exception Shall have twelve (12) months from the date the application is

1 submitted to the County to finalize the family density exception, unless the  
2 applicant has been granted an extension of time on the building permit. An  
3 application for family density exception will be finalized upon the  
4 applicant receiving a certificate of occupancy for the structures.  
5

6 B. Initial Submittal. The County Shall consider a proposed family density  
7 exception upon the submittal of the following materials:  
8

- 9 1. An application form provided by the County.
- 10 2. One (1) paper copy of the proposed lot split.
- 11 3. A statement indicating whether water and/or sanitary sewer service  
12 is available to the property.
- 13 4. Soils map showing the proposed lot split boundaries overlain.
- 14 5. Two (2) aerial photographs no older than the most recent aerials  
15 available from the County Manager or designee showing the  
16 proposed lot split boundaries overlain.
- 17 6. Current property record card for the subject property.
- 18 7. Current warranty deed for the subject property.
- 19 8. Proof of ascending or descending relationship and ages of family  
20 members, i.e. birth certificate.
- 21 9. Federal Emergency Management Agency (FEMA) flood insurance  
22 map with property boundaries overlain.

23 C. Review Procedure.  
24

- 25 1. The County Manager or designee Shall transmit a copy of the  
26 proposed family density exception to any other appropriate  
27 departments of the County for review and comments.
- 28 2. If the proposed family density exception meets the conditions of  
29 this subsection and otherwise complies with all applicable laws  
30 and ordinances, the County Manager or designee Shall approve the  
31 family density exception.
- 32 3. Any other information as is required by the County Manager or  
33 designee.

1 D. Standards. The creation of parcels for family members, as provided for in  
2 the Comprehensive Plan, Shall not require adherence to the minimum lot  
3 dimensions for the land use category or zoning district where the lots are  
4 located, but Shall conform to the following standards:  
5

6 1. Only as many lots may be created as are the number of  
7 descendants and descendants plus one (1) for the subdividing  
8 family member. In order to qualify as a family member under this  
9 section, a descendant must be eighteen (18) years of age or older.  
10

11 2. Each proposed lot Shall be a minimum of one (1) acre of uplands.  
12

13 3. The creation of a lot wholly within the 100 year flood zone is  
14 prohibited.  
15

16 4. Parcels created for family members Shall be allowed only in the  
17 Suburban, Transitional, Rural, Rural/Conservation, and  
18 Core/Conservation land use districts, as well as the A-1-20 and A-  
19 1-40 overlay districts in the Wekiva River Protection Area.  
20

21 5. If any lot abuts a publicly maintained road that does not conform to  
22 the right-of-way specifications provided or adopted by reference in  
23 these regulations, the owner may be required to dedicate the right-  
24 of-way width necessary to meet the minimum design standards.  
25 Such dedication Shall be determined based upon the criteria set  
26 forth in subsection 14.00.08, Land Development Regulations.  
27

28 6. Each proposed lot Shall front on a paved private road, a publicly  
29 maintained road, or an easement.  
30

31 7. If an easement is utilized in subsection 14.11.02.D.5, the easement  
32 Shall be:  
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34 a. Non-exclusive easement for ingress and egress, dedicated  
35 to the public for road, utility, and drainage purposes, if  
36 satisfying the criteria set forth in Section 14.00.08, Land  
37 Development Regulations, and accepted by the Board of  
38 County Commissioners. However, a private easement may  
39 be permitted if it is determined that there is no need for a  
40 future road corridor.  
41

42 b. Connect to a publicly maintained road.  
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44 c. Have a minimum width of fifty (50) feet.  
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46 d. Not obligate the County to maintain the easement.

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- e. Have road name signs installed in accordance with applicable County regulations.
  
- 8. Flag lots are prohibited.
  
- 9. If a paved private road or easement is utilized in subsection 14.11.02.D.5, then deed restrictions, which require the property owners to maintain the paved private road or easement, Shall be recorded prior to the recordation of the lot split.
  
- 10. Parcels created for family members must be retained by the family members for five (5) years, pursuant to County approved deed restrictions recorded in the public records. This requirement Shall not apply to institutional lenders who obtain ownership as a result of foreclosure or deed in lieu of foreclosure.
  
- 11. Only one (1) lot Shall be created for each family member, regardless of where the lot is located or the amount of time that has passed.
  
- 12. If a residence is to be constructed on a parcel created for a family member, such parcel must be intended to be used as a residence by the ascending or descending family member. Parcels created for family members Shall be contingent upon the issuance of a building permit and certificate of occupancy, or being classified as agricultural lands by the property appraiser, pursuant to Section 193.461, Florida Statutes, for each parcel to be created. For example, if an applicant requests that a five (5) acre, vacant lot, in the Rural land use category, be subdivided into a three (3) acre lot and a two (2) acre lot, then the applicant would have to submit a family density exception application concurrent with two (2) building permit applications or show proof of being granted the agricultural exemption. The family density exception would not be finalized until certificates of occupancy were issued for both dwelling units.
  
- 13. Easements created pursuant to this section Shall comply with the Federal Emergency Management Agency (FEMA) regulations and Lake County floodplain management regulations.
  
- 14. A family density exception Shall not be approved within a platted subdivision when such density exception changes the character of the subdivision, or where the density exception increases the density, beyond the general nature of the subdivision.

1                   15. A family density exception which authorizes the development of  
2                   five (5) or more lots or dwelling units shall not be approved by the  
3                   County Manager, or designee, unless the School Board has  
4                   provided a certification in accordance with Chapter V-A of these  
5                   regulations indicating that there is or will be sufficient school  
6                   capacity to provide education services for the students who will  
7                   live in dwelling units placed or constructed on such lots.

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9                   16. All other Sections of the Land Development Regulations, and all  
10                   requirements of the Comprehensive Plan Shall apply

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12  
13                   *[Subsection E, F and G shall remain unchanged]*

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15                   **Section 8.     Amendment.** Section 14.11.03, Lake County Code, Appendix E,  
16                   Land Development Regulations, entitled Agricultural Lot Splits, shall be amended to read  
17                   as follows:

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19                   **14.11.03       Agricultural Lot Splits.**

- 20  
21                   A.     Generally. The County Shall approve an agricultural lot split of a legally  
22                   created lot if it conforms to the requirements of this Subsection. An  
23                   applicant for an agricultural lot split Shall have six (6) months from the  
24                   date the application is submitted to the County to finalize the lot split, with  
25                   no extensions.  
26  
27                   B.     Initial Submittal. The County Shall consider a proposed agricultural lot  
28                   split upon the submittal of the following materials:  
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30                   1.     An application form provided by the County.  
31  
32                   2.     One (1) paper copy of the proposed agricultural lot split.  
33  
34                   3.     A statement indicating whether water and/or sanitary sewer service  
35                   is available to the property.  
36  
37                   4.     Soils map showing the boundaries of the proposed lot split  
38                   overlain.  
39  
40                   5.     Two (2) aerial photographs no older than the most recent aerials  
41                   available from the County Manager or designee showing the  
42                   boundaries of the proposed lot split overlain.  
43  
44                   6.     Current property record card for the subject property.  
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46                   7.     Current warranty deed for the subject property.

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8. Federal Emergency Management Agency (FEMA) flood insurance map with property boundaries overlain.

C. Review Procedure.

1. The County Manager or designee Shall transmit a copy of the proposed agricultural lot split to any other appropriate departments of the County for review and comments.
2. If the proposed agricultural lot split meets the conditions of this Subsection and otherwise complies with all applicable laws and ordinances, the County Manager or designee Shall approve the agricultural lot split.
3. Any other information as is required by the County Manager or designee.

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

1. There is no limit on the number of lots that may be created.
2. Each proposed lot Shall be a minimum of forty (40) gross acres with at least five (5) acres of uplands.
3. The creation of a lot wholly within the 100 year flood zone is prohibited.
4. Each proposed lot Shall have "A" Agricultural zoning.
5. If any lot abuts a publicly maintained road that does not conform to the right-of-way specifications provided or adopted by reference in these regulations, the owner may be required to dedicate the required right-of-way width necessary to meet the minimum design standards. Such dedication Shall be determined based upon the criteria set forth in Subsection 14.00.08, Land Development Regulations.
6. Each proposed lot Shall front on a paved private road, a publicly maintained road, or an easement.
7. If an easement is utilized in Subsection 14.11.03.D.5, the easement Shall be:

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- a. Non-exclusive easement for ingress and egress, dedicated to the public for road, utility, and drainage purposes, if satisfying the criteria set forth in Section 14.00.08, Land Development Regulations, and accepted by the Board of County Commissioners. However, a private easement may be permitted if it is determined that there is no need for a future road corridor.
- b. Connect to a publicly maintained road.
- c. Have a minimum width of forty (40) feet.
- d. Not obligate the County to maintain the easement.

8. An agricultural lot split which authorizes the development of five (5) or more lots or dwelling units shall not be approved by the County Manager, or designee, unless the School Board has provided a certification in accordance with Chapter V-A of these regulations indicating that there is or will be sufficient school capacity to provide education services for the students who will live in dwelling units placed or constructed on such lots.

*[Subsections E and F shall remain unchanged]*

**Section 9. Creation.** Section 1.02.08, Lake County Code, Appendix E, Land Development Regulations, entitled Special Vesting for Subdivisions, Site Plans and Lot Splits, shall be created to read as follows:

**1.02.08 Special Vesting for Subdivisions, Site Plans and Lot Splits.** Applications for preliminary subdivision plats received on or before September 5, 2006, and applications for site plans, master park plans, and lot splits received on or before September 5, 2006, shall not be subject to the provisions of Chapter V-A, Land Development Regulations, provided that the final plat is recorded or a final developer order is issued granting site plan, lot split or master park plan approval on or before September 6, 2007; and further provided that the development order which approved such development did not require the proposed development to meet school concurrency. It is the intent of this provision to provide an additional means of vesting and shall not prohibit an applicant from availing themselves of any other available vesting procedure.

**Section 10. Inclusion in 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.

1           **Section 11. Severability.** If any section, sentence, clause, or phrase of the  
2 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
3 then said holding shall in no way affect the validity of the remaining portion of this  
4 Ordinance.

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6           **Section 12. Effective Date.** This ordinance shall become effective ~~October 1,~~ *as provided by law.*  
7 ~~2006.~~

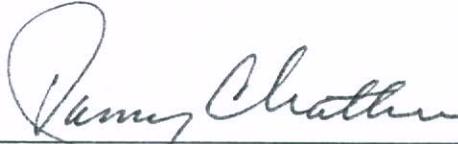
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9           Enacted this 17<sup>th</sup> day of October, 2006.

10          Filed with the Secretary of State October 24, 2006.

11          Effective October 24, 2006.

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14        ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

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19        James C. Watkins, Clerk of the  
20        Board of County Commissioners  
21        of Lake County, Florida

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Welton G. Cadwell, Vice Chair

This 19<sup>th</sup> day of October, 2006.

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24        Approved as to form and legality:

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27        Sanford A. Minkoff  
28        County Attorney

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