

1 **ORDINANCE SUMMARY**
2 **NONCONFORMING DEVELOPMENT**
3

4 This ordinance proposes to amend Chapters I, II, III, IX, and XI of the Lake County Land
5 Development Regulations (LDR), entitled “General Provisions”, “Definitions”, “Zoning District
6 Regulations”, “Development Design and Improvement Standards” and “Signs”. This ordinance
7 will update the LDR to meet all requirements of the 2030 Comprehensive Plan relating to
8 nonconformities. Generally this ordinance does the following:
9

- 10 • Clarifies and reorganizes the sections relating to nonconforming development and
11 nonconforming uses that are currently in various locations throughout the LDRs.
- 12 • Updates regulations for existing lots nonconforming to density requirements, for compliance
13 with the Comprehensive Plan.
- 14 • Provides for additions to a single-family dwelling unit that is nonconforming to the width, roof
15 pitch or overhang requirements.
- 16 • Provides definitions for nonconforming structures and nonconforming uses.
- 17 • Places all regulations relating to nonconformities in Chapter I of the LDRs. Sections moved
18 include, nonconforming parking lots, signs, impervious surface, open space, clustering,
19 landscaping and setbacks.

20
21 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to
22 existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text
23 remains unchanged (excluding any renumbering or relettering that might be needed).

24
25 **Ordinance No. 2013-_____**

26 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**
27 **FLORIDA; AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT**
28 **REGULATIONS; AMENDING CHAPTER I, ENTITLED “GENERAL PROVISIONS”, SECTION**
29 **1.08.00, ENTITLED “NONCONFORMING DEVELOPMENT”, IN ORDER TO PROVIDE FOR**
30 **CONTINUATION OR TERMINATION OF NONCONFORMING DEVELOPMENT AS**
31 **PRESCRIBED BY THE LAKE COUNTY 2030 COMPREHENSIVE PLAN, AND TO**
32 **INCORPORATE PROVISIONS RELATED TO NONCONFORMITIES FROM OTHER**
33 **CHAPTERS OF THE LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER II,**
34 **ENTITLED “DEFINITIONS”, IN ORDER TO ADD DEFINITIONS FOR NONCONFORMING**
35 **STRUCTURES AND NONCONFORMING USES; AMENDING CHAPTER III, ENTITLED**
36 **“ZONING DISTRICT REGULATIONS”, SECTION 3.02.00, ENTITLED “BULK**
37 **REGULATIONS”, IN ORDER TO REPEAL LOT OF RECORD PROVISIONS AND DELETE**
38 **PROVISIONS RELATED TO NONCONFORMITIES TO BE INCORPORATED IN CHAPTER I,**
39 **LDR, BY THIS ORDINANCE, AND AMENDING SECTION 3.07.00, ENTITLED “ADULT**
40 **ENTERTAINMENT ESTABLISHMENTS”, IN ORDER TO REPEAL PROVISIONS RELATED**
41 **TO NONCONFORMING ADULT ENTERTAINMENT USES TO BE INCORPORATED IN**
42 **CHAPTER I, LDR, BY THIS ORDINANCE; AMENDING CHAPTER IX, ENTITLED**
43 **“DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS”, SECTION 9.03.00,**
44 **ENTITLED “OFF-STREET PARKING REGULATIONS”, IN ORDER TO REPEAL**
45 **PROVISIONS RELATED TO NONCONFORMING PARKING LOTS TO BE INCORPORATED**

1 IN CHAPTER I, LDR, BY THIS ORDINANCE; AND AMENDING CHAPTER XI, ENTITLED
2 "SIGNS", IN ORDER TO REPEAL SECTION 11.03.00, ENTITLED "PROVISION FOR
3 CONVERTING EXISTING NONCONFORMING SIGNS TO GROUND SIGNS", TO BE
4 INCORPORATED IN CHAPTER I, LDR, BY THIS ORDINANCE; PROVIDING FOR
5 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING
6 WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

7 WHEREAS, on September 22, 2011, the Lake County 2030 Comprehensive Plan
8 became effective, requiring the Land Development Regulations to be updated; and

9 WHEREAS, on November 8, 2011, the Board of County Commissioners approved the
10 Land Development Regulation Work Program; and

11 WHEREAS, the amendments to Chapter 1 of the LDR, entitled "General Provisions",
12 which includes provisions regarding Vesting and Nonconformities, is scheduled on the first year
13 Agenda for the Land Development Regulations Work Program; and

14 WHEREAS, the Planning & Zoning Board, in its capacity as the Local Planning Agency,
15 considered this ordinance and recommended approval at a properly advertised public hearing
16 on February 6, 2013; and

17 WHEREAS, the Board of County Commissioners (the "Board") desires to amend
18 Chapters I, II, III, IX and XI, LDR, to bring the LDR into conformity with the 2030 Comprehensive
19 Plan by adding, amending and relocating regulations pertaining to nonconformities;

20
21 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake
22 County, Florida, that:

23
24 Section 1. Recitals. The foregoing recitals are true and correct and incorporated
25 herein by reference.
26

27 Section 2. Amendment. Section 1.08.00, Lake County Code, Appendix E, Land
28 Development Regulations, entitled "Nonconforming Development", shall be amended to read as
29 follows:
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31 **1.08.00 - Nonconforming Development.**

32
33 **1.08.01 ~~Defined.~~** The following provisions apply to Nonconforming Development as defined in
34 Chapter II.
35

36 ~~**1.08.02 Normal Maintenance.** Normal maintenance and incidental repair of a lawful
37 nonconformity Shall be permitted provided that such maintenance and repair does not violate
38 any other Section of these Regulations and is in full compliance with all building and technical
39 codes adopted by Lake County.~~
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1 **1.08.023 Continuation of Nonconforming Development.** A lawful nonconforming use or
2 structure can continue in its nonconforming state.
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4 ~~Subject to the provisions below for terminating Nonconforming Development, such uses and~~
5 ~~development may, if otherwise lawful, remain in use in their nonconforming state.~~

6 A. It may be expanded as provided below:
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- 8 1. Minor expansions to uses or structures nonconforming to the Comprehensive Plan may
9 be made to meet regulatory requirements so long as the expansion does not exceed ten
10 percent (10%) of the nonconforming use or structure. The ten percent (10%) shall be
11 based on the use or structure as it existed on September 22, 2011.
12 2. Modification or rebuilding of a nonconforming communication tower in order to
13 accommodate co-location of additional communication antennas shall be allowed so
14 long as the tower is of the same type (e.g., monopole, lattice, guyed, etc.) and there is
15 no increase in height.
16 3. Adding to the size of a single-family dwelling unit that is non-conforming due to the
17 minimum width, roof pitch, or overhang requirement may be allowed, provided that:
18 a. A mobile home, travel trailer, recreational vehicle or the like shall not be used as the
19 addition; and
20 b. The expansion shall meet all other requirements of these Land Development
21 Regulations and the Florida Building Code.
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23 ~~**1.08.04 Termination of Nonconforming Development.**~~

24 ~~A. Generally, Nonconforming development Shall be brought into full compliance with the~~
25 ~~other requirements of these Regulations, in conjunction with the following activities:~~

26 ~~B. Repair or reconstruction of nonconforming structures.~~
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- 28
29 ~~1. Any expansion, change, enlargement, or alteration of a use or development in any way~~
30 ~~which increases its nonconformity. This Shall not be construed to include nNormal~~
31 ~~maintenance and incidental repair (e.g., painting, providing for a new replacing a roof,~~
32 ~~replacing windows or doors, rescreening an existing porch, etc.) is allowed, nor Shall it~~
33 ~~include the modification or rebuilding of a nonconforming communication tower in order~~
34 ~~to accommodate co-location of additional communication antennas so long as the tower~~
35 ~~is of the same type which existed and there is no increase in height.~~
36 ~~2. Reconstruction of the pPrincipal or accessory structures, other than signs, may be~~
37 ~~repaired or reconstructed after the structure has been damaged or substantially~~
38 ~~destroyed by fire or other natural disaster as long as a certificate of occupancy is issued~~
39 ~~for the rebuilt nonconforming principal or accessory structure within two (2) years from~~
40 ~~the date that it was damaged or destroyed and so long as the nonconformity is not~~
41 ~~increased. A structure is "substantially destroyed" if the cost of reconstruction is fifty (50)~~
42 ~~percent or more of the fair market value of the structure before the fire or natural~~
43 ~~disaster. If there are multiple principal structures on a site, the cost of reconstruction~~
44 ~~Shall be compared to the combined fair market of all the structures. A nonconforming~~
45 ~~development may continue if, within two (2) years from the date that the principal~~
46 ~~structure was substantially destroyed, a Certificate of Occupancy is issued for the rebuilt~~
47 ~~principal structure.~~

3. Interior Structural alteration, as defined in Chapter II (Structural Work and Alteration), is allowed.
4. Structural alteration required to resolve a safety issue as determined by the Building Official or Fire Official.
- ~~4. Any change in the use of the property, whereby a change from one Use Classification identified in Subsection 3.01.03 to another Use Classification constitutes a change in the use of the property. This Shall not be construed to include normal maintenance and incidental repair (e.g., painting, providing for a new roof, rescreening an existing porch, etc.).~~
- ~~5. The discontinuance of any nonagricultural use or development for twelve (12) consecutive months or the registration of a business tax receipt for which the expiration has exceeded one (1) year.~~
- ~~6. The discontinuance of any agricultural uses (not requiring a CUP) for fifteen (15) consecutive years.~~
- ~~7. The substantial improvement of any nonconforming development that does not comply with the drainage and flood hazard area requirements of the Land Development Regulations.~~

C. Repair or reconstruction of a nonconforming sign.

1. Normal maintenance and incidental repair (e.g., painting, re-facing, interchange of letters) is allowed.
2. Repair or rebuilding of a sign that has been destroyed or damaged where the replacement of materials is involved is allowed, provided that such replacement shall not exceed 50% of the structural materials in the sign within any 24 month period.
3. Existing nonconforming Pole and roof signs, made nonconforming by the Land Development Regulations, may be relocated to a ground sign of the same size, subject to any required permits.
4. If the provisions of Section 479.15(3)-(6), Florida Statutes, relating to outdoor advertising would apply to a sign, a hearing shall be held before the Board of County Commissioners for the purpose of determining whether the owner of the nonconforming sign is permitted to relocate the sign or whether the County will compensate the owner for its removal. The Board's determination shall be based upon the amount of just compensation due the owner, the current location of the sign, the proposed relocation site, and any other factors applicable to the removal of the sign.

B. Nonconforming Signs. In addition to the requirements above the following Shall apply:

- ~~1. Nonconforming signs Shall be brought into full compliance with the other requirements of these Regulations in conjunction with the following activities:
 - ~~a. Any structural or mechanical extension or change which expands the nonconformity;~~
 - ~~b. Repair or rebuilding of a sign that has been destroyed or damaged to the extent of fifty (50) percent or more of its replacement value.~~~~

1.08.03. Nonconforming Uses.

1 A. Generally. The continuation or reestablishment of nonconforming uses previously existing,
2 prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011) is allowed,
3 unless:

- 4 1. There is a change of use from one Use Classification identified in Subsection 3.01.03 to
5 another Use Classification;
- 6 2. There is an expansion, change, enlargement or alteration of a use, which increases its
7 nonconformity in any way;
- 8 3. The nonconforming use is discontinued or abandoned for a period of eighteen (18)
9 months;
- 10 4. An agricultural use, not requiring a CUP, is discontinued for fifteen (15) consecutive
11 years;
- 12 5. The use is determined to be inconsistent with the character of the surrounding
13 community to such an extent as to cause an adverse impact to the public interest, as
14 determined by the Board of County Commissioners, at a regularly scheduled public
15 hearing;
- 16 6. Any adult entertainment establishment existing prior to November 16, 2000 and not
17 meeting all requirements of Chapter 3, Article IV of the Lake County Code shall be
18 considered a nonconforming use.

19 B. Nonconforming Landscaping. For landscaping that is nonconforming due to Sections
20 9.01.00 and 9.02.00, Land Development Regulations, the following shall apply:

- 21 1. Existing development shall comply with the landscape and tree protection regulations of
22 Sections 9.01.00 and 9.02.00, Land Development Regulations when the floor area of a
23 principal structure or parking area is increased by fifty (50) percent or more.
- 24 2. Increases in area of a new structure, construction of an additional structure, parking area
25 or vehicular use area of less than fifty (50) percent, shall require only the new structure,
26 addition, increased parking area or increased vehicular use area to be buffered in
27 accordance with the provisions of Section 9.01.00.
- 28 3. Nonconforming landscaping shall not be required to be brought into compliance as a
29 result of a natural disaster.

30 C. Nonconforming Parking Lots.

- 31 1. Nonconforming off-street parking shall be required to be brought into compliance with
32 Section 9.03.00, Land Development Regulations, if there is:
 - 33 a. An increase in floor area, volume, capacity or space that is added to structures; or,
 - 34 b. A change in business type or activity that would require additional parking.

35 D. Setbacks (side, rear and secondary frontage) for Nonconforming Lots. Structures that are
36 built on lots that meet Section 1.08.04.B.8 (Existing Lots Nonconforming to the Density
37 Requirements) of this Section, or that do not meet the minimum Lot size of the Zoning
38 District, or that have a width of one hundred fifty (150) feet or less in the "A" Agriculture,
39 "RA" Ranchette, "AR" Agricultural Residential or "R-1" Rural Residential Zoning Districts,
40 shall meet the following side and rear setbacks:

41 Table 1.08.04 Nonconforming Lots –
42 Setback Requirements Notes: 1,2 and 3

<u>Zoning District</u>	<u>Nonconforming Lots (setbacks in feet).</u>
<u>A</u>	<u>5 SF, 5 AB</u>

<u>RA</u>	<u>5 SF, 5 AB</u>
<u>AR</u>	<u>5 SF, 5 AB</u>
<u>R1</u>	<u>5 SF, 5 AB</u>
<u>R2</u>	<u>5 SF, 5 AB</u>
<u>R3</u>	<u>5 SF, 5 AB</u>
<u>R4</u>	<u>5 SF, 5 AB</u>
<u>R6</u>	<u>5 SF, 5 AB</u>
<u>R7</u>	<u>5 SF, 5 AB</u>
<u>R10</u>	<u>5 SF, 5 AB</u>
<u>RP</u>	<u>Ten (10) feet for any building not exceeding two (2) stories.</u> <u>Ten (10) feet plus fifteen (15) feet for each story in excess of two (2).</u>
<u>RM</u>	<u>5 SF, 5 AB</u>

SF – Single-Family Dwelling Unit AB - Accessory Building

Note 1. All setbacks for structures shall be measured from the exterior wall of the structure or structural component, excluding eaves or overhangs.

Note 2. A secondary front yard setback shall be established for corner lots and double frontage lots as follows: lots less than seventy-five (75) feet in width shall maintain a secondary front yard setback of fifteen (15) feet. For lots of seventy-five (75) feet and greater, a secondary front yard setback shall be established at twenty-five (25) feet.

Note 3. The setbacks for common private docks shall be as shown in Chapter X, Land Development Regulations (“Accessory and Temporary Structures and Uses”).

E. Nonconforming Wetland Setbacks (excluding canals). Development approved prior to September 22, 2011, with a wetland setback of less than 25 feet shall be considered nonconforming and shall not be allowed to develop closer to the wetlands (unless vested under Chapter 1, Land Development Regulations). However, additions to a residence may be allowed, if the addition does not extend beyond the existing rear and sides of the residence.

F. Impervious Surface Ratio (ISR) calculated on nonconforming lots. A nonconforming lot shall meet the ISR of the zoning district or Future Land Use Category, whichever is more stringent.

G. Existing lots nonconforming to open space and clustering requirements. Lots of record, lots meeting the provisions of 1.08.04.B.8 of this Section (“Existing lots nonconforming to the density requirements) and lots existing on September 22, 2011, shall be exempt from open space and clustering requirements of the 2030 Comprehensive Plan, provided that said lots are not further subdivided.

H. Existing lots nonconforming to density requirements. If the requirements specified below are met, the lot will be considered a buildable lot subject to all other requirements of the

1 Comprehensive Plan and Land Development Regulations. This exception relates to density
2 only; development undertaken pursuant to this section shall be consistent with and subject
3 to all other provisions of the Comprehensive Plan and Land Development Regulations.

4 If a lot, or combination of lots, meets one of the criteria listed below (1 through 5), an
5 exception to the densities established by the Comprehensive Plan shall be granted:

6 1. There shall be an exception to the density requirements for lots which were legally
7 created by a deed dated and recorded in the Public Records of Lake County, Florida on
8 or before May 20, 1981. A dwelling unit and accessory uses thereto, may be permitted
9 on the lot, or combination of lots, provided that each of the following requirements are
10 met:

11 a. The lot shall front on a publicly maintained road, or an easement. If the lot fronts on
12 an easement, the easement must connect to a publicly maintained road, and the lot
13 shall be within 1,320 feet of the publicly maintained road;

14 b. The lot shall be accessible by public safety and other public service providers;

15 c. The lot shall have a minimum frontage of forty (40) feet; and

16 d. The lot shall contain a minimum of 12,500 square feet (excluding open water
17 bodies), unless the lot is served by central water and wastewater utility service.

18
19 Contiguous lots may be combined into one or more lots in order to meet the criteria set
20 forth in this section.

21 If the lot fronts on an easement that is within 1,320 feet from a publicly maintained road
22 as described above, the property owner(s) shall execute a legal document wherein the
23 property owner(s) agrees to be subject to a special assessment for road improvements
24 should the County obtain the necessary right-of-way and elect to improve the road
25 through the special assessment process. Lake County shall record said document in the
26 public records of Lake County, at the owner's cost.

27 2. There shall be an exception to the density requirements of the Comprehensive Plan for a
28 lot or combination of lots created through a subdivision approved by the Board of County
29 Commissioners and recorded in the Public Records of Lake County in Plat Books 1
30 through 22 or lots created through one of the following Recognized Unrecorded
31 Subdivisions.

- Astor Forest Campsites
- Belmont Heights Unit 2
- Blue Creek Point
- Deerhaven
- Forest Acres
- Forest Park
- Forest Ridge
- Groveswood
- H.O. Peters and Associates
- Oak Ridge
- Pittman
- Ravenswood
- River Road Acres
- Robbins Heights

- St. Johns Waterfront Est. 1st Add.
- Sunnyside Shores
- Villa City
- Villa City Shores
- Western Shores

A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of lots, provided that each of the following requirements are met:

- a. The lot shall front on a publicly maintained road, or an easement. If the lot fronts on an easement, the easement must connect to a publicly maintained road, and the lot shall be within 1320 feet of a publicly maintained road;
- b. The lot shall be accessible by public safety and other public (i.e. sanitation) agencies;
- c. The lot shall have a minimum frontage of forty (40) feet; and
- d. The lot shall contain a minimum of 12,500 square feet (excluding open water bodies), unless the lot will be served by central water and wastewater utility service.

Contiguous lots may be combined into one or more lots in order to meet the criteria set forth in this section.

If the lot fronts on an easement that is within 1320 feet from a publicly maintained road as described above, the property owner(s) shall execute a legal document wherein the property owner(s) agrees to be subject to a special assessment for road improvements should the County obtain the necessary right-of-way and elect to improve the road through the special assessment process.. Lake County shall record said document in the public records of Lake County, at the owner's cost.

3. There shall be an exception to the density requirements of the Comprehensive Plan for lots or combination of lots described in Paragraphs "1" or "2" above but that do not meet the requirements contained therein. A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of lots, if one of the following criteria is met:
 - a. The owner demonstrates that on March 2, 1993 such lot was owned by the owner or their predecessor in title and no contiguous lots were owned by the owner or their predecessor in title on that date;
 - b. Contiguous lots owned by the owner or predecessor in title on March 2, 1993 have been aggregated so that the aggregated lots meet the minimum density of the Future Land Use Category or a minimum of five (5) acres (excluding open water bodies), whichever creates the least density; or
 - c. All contiguous lots owned by the owner or their predecessor in title on March 2, 1993 have been aggregated.
4. There shall be an exception to the density requirements of the Comprehensive Plan for a lot within any plat beginning with Plat Book 23, which has met all requirements at the time it was approved by the Board of County Commissioners and recorded in the Public Records of Lake County. A dwelling unit and accessory uses thereto may be permitted on the lot.
5. There shall be an exception to the density requirements to the Comprehensive Plan for any lot for which a final Lot of Record determination was completed and approved by Lake County, in accordance with terms and conditions of such approval in place prior to the adoption of the Comprehensive Plan. A dwelling unit and accessory uses thereto may be permitted on the lot.

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- ~~c. If a Lot of Record adheres to all of the requirements of Subsections 3.02.01.B through 3.02.01.E.~~
- ~~2. The minimum Lot size requirement for the Suburban and Transitional Land Use Categories Shall be one (1) acre.~~
- ~~3. Notwithstanding Subsections 3.02.01.A.1, if a Final Lot of Record Determination was issued prior to November 16, 1993, then a Building Permit Shall be issued for the Lot of Record if the requirements of Subsections 3.02.01.B, and 3.02.01.E are met.~~
- ~~4. Notwithstanding Subsections 3.02.01.A.1, if a Final Lot of Record Determination was issued on or after November 16, 1993, then a Building Permit Shall be issued for the Lot of Record if the requirements of Subsection 3.02.01 are met.~~
- ~~B. Septic Tanks and Sewage Disposal Systems. A Lot of Record of any size which meets the minimum Lot size requirements of Chapter 10D-6, Florida Administrative Code, Shall be allowed.~~
- ~~C. Road Requirement. A Lot of Record created by a recorded plat must have Road Frontage of at least forty (40) feet.~~
- ~~D. Aggregation of Lots.~~
 - ~~1. Except Wekiva. In addition to meeting Subsection 3.02.01.D.3, an Applicant Shall adhere to the Subsection which produces the least density of Subsections 3.02.01.D.1.a., 3.02.01.D.1.b, or 3.02.01.D.1.c.~~
 - ~~a. If Abutting Lots of Record were under common ownership as of March 2, 1993, then as many of the Abutting Lots of Record as necessary Shall be aggregated so that the aggregated Lots of Record are consistent with the Lot size requirements of the Land Use Category on the Future Land Use Map in the March 2, 1993 Comprehensive Plan. If all of the aggregated Lots of Record do not meet the Lot size requirements of the Land Use Category on the Future Land Use Map in the March 2, 1993 Comprehensive Plan, then only one Building Permit Shall be issued.~~
 - ~~b. If a Lot of Record fronts on a publicly maintained Road and Abutting Lots of Record were under common ownership as of March 2, 1993, then as many of the Abutting Lots of Record as necessary Shall be aggregated so that the aggregated Lots of Record meet the minimum Lot size of 12,500 square feet, excluding open water bodies. If all of the aggregated Lots of Record do not meet the minimum Lot size of 12,500 square feet, excluding open water bodies, then only one Building Permit Shall be issued.~~
 - ~~c. IF (1) a Lot of Record does NOT front on a publicly maintained Road and (2) Abutting Lots of Record were under common ownership as of March 2, 1993, THEN as many of the Abutting Lots of Record as necessary Shall be aggregated so that the aggregated Lots of Record meet the minimum Lot size of five (5) acres, excluding open water bodies. If all of the aggregated Lots of Record do not meet the minimum Lot size of five (5) acres, excluding open water bodies, then only one Building Permit Shall be issued.~~

- 1 ~~d. Example One. If, on March 2, 1993, a Person owned twenty-five (25) Lots of~~
2 ~~Record, each containing 1,000 square feet, zoned R-1 (formerly RR), in Urban~~
3 ~~Future Land Use Category, and all were on a publicly maintained Road, then no~~
4 ~~more than two (2) Building Permits Shall be issued. (25,000/12,500 = 2).~~
5 ~~e. Example Two. If, on March 2, 1993, a Person owned twenty-five (25) Lots of~~
6 ~~Record, each containing 1,000 square feet, zoned R-1 (formerly RR), in Rural~~
7 ~~Future Land Use Category, and all were on a publicly maintained Road, then~~
8 ~~only one (1) Building Permit Shall be issued. (25,000 square feet is less than five~~
9 ~~(5) acres).~~
10 ~~f. Example Three. If, on March 2, 1993, a Person owned twenty-five (25) Lots of~~
11 ~~Record, each containing 1,000 square feet, zoned R-1 (formerly RR), in Urban~~
12 ~~Future Land Use Category, and none were on a publicly maintained Road, then~~
13 ~~only one (1) Building Permit Shall be issued. (Nonpublicly maintained Road less~~
14 ~~than five (5) acres = one Building Permit).~~
15 ~~2. Wekiva. In addition to meeting Subsection 3.02.01.D.3, an Applicant Shall adhere to~~
16 ~~the Subsection which produces the least density of Subsections 3.02.01.D.2.a. or~~
17 ~~3.02.01.D.2.b.~~
18 ~~a. If a Lot of Record fronts on a publicly maintained Road and Abutting Lots of~~
19 ~~Record were under common ownership as of March 2, 1993, then as many of the~~
20 ~~Abutting Lots of Record as necessary Shall be aggregated so that the~~
21 ~~aggregated Lots of Record meet the minimum Lot size of the zoning district in~~
22 ~~place on March 12, 1990 or 12,500 square feet, whichever is greater, excluding~~
23 ~~open water bodies. If all of the aggregated Lots of Record do not meet the Lot~~
24 ~~size requirements of the zoning district in place on March 12, 1990 or 12,500~~
25 ~~square feet, whichever is greater, excluding open water bodies, then only one~~
26 ~~Building Permit Shall be issued.~~
27 ~~b. If a Lot of Record does NOT front on a publicly maintained Road and Abutting~~
28 ~~Lots of Record were under common ownership as of March 2, 1993, then as~~
29 ~~many of the Abutting Lots of Record as necessary Shall be aggregated so that~~
30 ~~the aggregated Lots of record meet the minimum Lot size or five (5) acres,~~
31 ~~excluding open water bodies. If all of the aggregated Lots of Record do not meet~~
32 ~~the minimum Lot size of five (5) acres, excluding open water bodies, then only~~
33 ~~one Building Permit Shall be issued.~~
34 ~~3. Prior to the date that a Final Lot of Record Determination or Building Permit is~~
35 ~~issued, the owner Shall execute and Lake County Shall record in the Public~~
36 ~~Records of Lake County, at the owner's cost, a legal document prohibiting the~~
37 ~~subdivision of the aggregated Lots.~~
38 ~~4. Lake County Shall determine whether Lots of Record were under common~~
39 ~~ownership as of March 2, 1993, by utilizing the 1992 Lake County Tax Roll. If the~~
40 ~~owner of a Lot of Record can produce a deed that was recorded in the Public~~
41 ~~Records of Lake County after the 1992 Lake County Tax Roll was published and~~

~~prior to March 2, 1993, then Lake County Shall rely of the recorded deed to determine common ownership.~~

~~E. Road Dedication and Special Assessment. Prior to the date that a Final Lot of Record Determination or Building Permit is issued, the property owner Shall comply with Subsection 9.04.03.B and execute a legal document wherein the property owner agrees to be subject to a special Assessment for Road Improvements, including dedication of required Right-of-Way consistent with Lake County's Road Policy. Lake County Shall record said document in the Public Records of Lake County, at the owner's cost. The dedication of the required Right-of-Way Shall not affect the calculations for aggregation of Lots or setbacks. For example, if a twenty-five (25) foot by one hundred (100) foot Lot is required to dedicate one (1) foot of Right-of-Way, the Lot Shall still be considered to have two thousand five hundred (2,500) square feet (25 x 100 = 2,500), not two thousand four hundred (2,400) square feet (24 x 100 = 2400) AND the Lot Shall still be considered to have a length of one hundred (100) feet, not ninety-nine (99) feet.~~

~~F. Exception to Lot of Record Definition. If a Lot does not meet the Lot of Record definition set out in Chapter 2, the County Manager or designee may determine that if a deed was executed, witnessed, and notarized prior to May 20, 1981, and created a parcel of Land by metes and bounds, but the deed was not recorded in the Public Records of Lake County until May 20, 1981, or later, the Lot is a Lot of Record.~~

3.02.05 Setbacks

TABLE 3.02.05 - Setback Requirements^{1, 3, 4, & 5}

Zoning District	Front	
	Existing Development	New Development
A RA AR R1 R2 R3 R4 R6 R7 R10 RP RM	Property adjacent to state, federal, and County secondary highways Shall maintain a 50-foot setback from the highway ROW for any structure. Property adjacent to Roads other than state, federal, and County secondary highways Shall maintain, for any structure, a setback of 62 feet from the centerline of the Road or 25 feet from the Road ROW, whichever is greater	Property adjacent to state, federal, and County secondary highways Shall maintain a 50-foot setback from the highway ROW for any structure. Property adjacent to Roads other than state, federal, and County secondary highways Shall maintain a 25-foot setback from the ROW for any structure or 50 feet from the centerline of the traveling surface of a prescriptive Road. The side and rear setbacks for a farm Building Shall be 25 feet. In the RP and RM districts, in the case of internal easements for ingress or egress, where such easements have been legally

		created, the setback Shall be 25 feet from the ROW easement.
Side and Rear		
Zoning District	New Development and Existing Development With Conforming Lots	Existing Development With Nonconforming Lots
A	25 SF 25 FB 25 AB	-5 SF 25 FB -5 AB
RA	25 SF 25 FB 25 AB	-5 SF 25 FB -5 AB
AR	25 SF 25 FB 25 AB	-5 SF 25 FB -5 AB
R1	10 SF 25 FB 10 AB	-5 SF 25 FB -5 AB
R2	10 SF 10 AB	-5 SF -5 AB
R3	5 SF 5 AB	-5 SF -5 AB
R4	5 SF 5 AB	-5 SF -5 AB
R6	5 SF 5 AB	-5 SF -5 AB
R7	5 SF 5 AB	-5 SF -5 AB
R10	5 SF 5 AB	-5 SF -5 AB
RP	See Note 2	See Note 2
RM	5 SF 5 AB	-5 SF -5 AB

1 FB - Farm Building

2 SF - Single family

3 AB - Accessory Building

4 Note 1. All setbacks for structures Shall be measured from the exterior wall of the structure
5 or structural component, excluding eaves or overhangs.

6 Note 2. The Building Line from any rear or side property line Shall be:

7 (a) For any Building not exceeding two (2) stories, ten (10) feet.

8 (b) For any Building exceeding two (2) stories in height, ten (10) feet plus fifteen (15)
9 feet for each story in excess of two (2).

Note 3. A secondary front yard setback Shall be established for Corner Lots and Double Frontage Lots. The following setbacks Shall apply:

(a) Ongoing Development - Lots less than seventy-five (75) feet in width Shall maintain a secondary front yard setback of fifteen (15) feet. For Lots of seventy-five (75) feet and greater, a secondary front yard setback Shall be established at twenty-five (25) feet.

(b) New Development Shall maintain a secondary front yard setback of fifteen (15) feet.

Note 4. The applicable setbacks Shall apply to common private docks as set out in Subsection 10.04.01.

Note 5. See Subsection 3.01.04, Note 1, for the setback for a Livestock Building.

3.02.06 Density, Impervious Surface, Floor Area, and Height Requirements. The minimum Lot size Shall be in accordance with gross acreage requirements for each zoning district listed in Table 3.02.06.

	Maximum Density* ¹	Maximum FAR* ²	Maximum ISR* ³	Height (feet)
A	1 DU/5 AC	.10	.10* ⁴	40
RA	1 DU/5 AC	.10	.10* ⁴	40
AR	1 DU/2 AC	.20	.25* ⁴	40
R1	1 DU/AC	.20	.30* ⁴	40
R2	2 DU/AC	.30	.35	40
R3	3 DU/AC	.30	.35	40
R4	4 DU/AC	.40	.45	40
R6	6 DU/AC	.40	.55	40

R7	8 DU/AC	.40	.65	40
R10	10 DU/AC	.50	.65	40
RP	8 DU/AC	.50	.65	40
RM	8 DU/AC	.50	.65	40
RMRP	8 DU/AC	.50	.65	40
RV	Subsection 3.02.08.K	.60	.75	40
A-1-20	1 DU/20 NET AC	.025	.025	40
A-1-40	1 DU/40 NET AC	.0125	.0125	40
Urban Compact Node	5.5 DU/NET AC	.40	.55	40
C1	—	.50	.70	50
C2	—	.70	.70	50
C3	—	1.0	.70	50
CP	—	2.0	.70	50
LM	—	1.0	.70	50
HM	—	1.0	.80	50

MP	—	1.0	.80	50
CFD	—	1.0	.80	50

1 Note 1. Maximum allowable Density refers to Base Site Area. The maximum allowable
2 Density in the Urban, Urban Expansion, and Suburban areas as depicted on the Lake County
3 Future Land Use Map is determined by the zoning district and by the urban area residential
4 Density point system. See Section 3.03 for determination of maximum Density in these areas.

5 Note 2. FAR: Floor Area Ratio. FAR applies only to non-residential Development.

6 Note 3. ISR: Impervious Surface Ratio. ISR applies to both residential and nonresidential
7 Development. ~~A nonconforming Lot which does not meet the minimum Lot size requirement of a
8 zoning district Shall utilize the ISR Category which is closest to the actual area of the non-
9 conforming Lot. For example, a 16,000 square foot Lot in the "A" Agricultural Zoning District
10 would utilize the ISR for the "R-3" Zoning District (.35) rather than the ISR for "A" Agriculture
11 Zoning District (.10).~~

12 Note 4. The Maximum ISR may be increased to .65 for a valid Agricultural operation utilizing
13 structures with Impervious Surfaces.
14

15 ***

16 **Section 5. Amendment.** Section 3.07.00, Lake County Code, Appendix E, Land
17 Development Regulations, entitled "Adult Entertainment Establishments", shall be amended as
18 follows:

19 ***

20 ~~**3.07.03 Reserved. Nonconforming Uses.** Any adult entertainment establishment existing
21 prior to adoption of the Lake County Adult Entertainment Code and not meeting all requirements
22 of the Lake County Adult Entertainment Code Shall be considered a nonconforming use.~~

24 **Section 6. Amendment.** Section 9.03.00, Lake County Code, Appendix E, Land
25 Development Regulations, entitled "Off-Street Parking Regulations", shall be amended as
26 follows.

27 ***

28 ~~**9.03.02 Reserved. Non-Conforming Parking Lots.**~~

29 ~~A. Remodeling, Alterations, repairs. Conforming Buildings and uses existing as of February 4,
30 1992, may be remodeled, altered or repaired without providing Additional off-Street parking,
31 provided there is no increase in the Floor Area or capacity of the Building or use.~~

1 ~~B. Increased Floor area, volume, capacity, space occupied. Where a Conforming Building or~~
2 ~~Use existed as of February 4, 1992, and such Building or Use is increased in Floor area,~~
3 ~~volume, capacity, or space occupied, off-Street parking Shall be provided for the Additional~~
4 ~~area, volume, capacity, or space so created and used.~~

5 ~~C. Change in use. A change of Use of a Building or Use existing as of February 4, 1992, Shall~~
6 ~~require Additional off-Street parking in compliance with requirements of this Section for the~~
7 ~~new use.~~

9 ***

10 **Section 7. Amendment.** Section 11.03.00, Lake County Code, Appendix E, Land
11 Development Regulations, entitled "Provision for Converting Existing Nonconforming Signs to
12 Ground Signs, shall be repealed and reserved.

13 ~~**11.03.00 Reserved. Provision for Converting Existing Nonconforming Signs to Ground**~~
14 ~~**Signs.**~~

15 ~~To encourage those affected owners of pole and roof signs, made nonconforming by this~~
16 ~~ordinance, to bring those signs into conformance, owners may relocate the sign assembly from~~
17 ~~an existing support system to a ground sign. If such relocation takes place within twelve (12)~~
18 ~~months from the date of adoption of this ordinance, the owners of such sign shall be entitled to:~~

19 ~~1. An exemption from the maximum square footage requirements of the ground sign code if~~
20 ~~utilizing the existing sign face currently located on the parcel.~~

21 ~~2. An exemption from the maximum height requirements of the ground sign code if utilizing~~
22 ~~the existing sign face.~~

23 ~~3. A waiver of associated permitting fees.~~

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

28 **Section 9. Inclusion in the Code.** It is the intent of the Board of County
29 Commissioners that the provisions of this Ordinance shall become and be made a part of the
30 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
31 the word "ordinance" may be changed to "section", "article" or such other appropriate word or
32 phrase in order to accomplish such intentions.

33 **Section 10. Filing with the Department of State.** The clerk shall be and is hereby
34 directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the
35 State of Florida.

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Section 11. Effective. This Ordinance shall become effective upon filing with the Secretary of the State.

Enacted this _____ day of _____, 2013.

Filed with the Secretary of State _____, 2013.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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

Leslie Campione, Chairman

Approved as to form and legality:

Sanford A. Minkoff
County Attorney