

Summary of Ordinance

The purpose of this Ordinance is to amend Lake County Code, Appendix E, Land Development Regulations (“LDR”), to update the provisions for non-conforming lots and impervious surface ratio. Specifically, this Ordinance:

1. Revises the setback criteria for nonconforming lots to allow nonconforming lots to utilize the setback provisions of the zoning district for which they most closely match in size; and
2. Revises the impervious surface ratio criteria for nonconforming lots to allow nonconforming lots to utilize the impervious surface ratio provisions of the zoning district for which they most closely match in size; and
3. Exempts existing nonconforming lots from adhering to the impervious surface ratio criteria of their Future Land Use Category; and
4. Increases the impervious surface ratio of the R-3 and R-4 zoning district from 0.35 and 0.45 to 0.55; and
5. Adds a note stating that Development approved after September 22, 2011 shall adhere to the ISR of its zoning district or Future Land Use Category, whichever is more stringent.

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

ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 1.08.03 ENTITLED “NONCONFORMING USES” TO ALLOW NONCONFORMING LOTS TO UTILIZE THE SETBACK AND IMPERVIOUS SURFACE RATIO CRITERIA OF THE ZONING DISTRICT WHICH MOST CLOSELY MATCHES THE SIZE OF THE LOT AND TO EXEMPT EXISTING NONCONFORMING LOTS FROM ADHERING TO THE IMPERVIOUS SURFACE RATIO OF THE APPLICABLE FUTURE LAND USE CATEGORY; AMENDING SECTION 3.02.06, ENTITLED “DENSITY, IMPERVIOUS SURFACE, FLOOR AREA, AND HEIGHT REQUIREMENTS” TO INCREASE THE IMPERVIOUS SURFACE RATIO OF THE R-3 AND R-4 ZONING DISTRICTS TO 0.55 AND TO CLARIFY THAT DEVELOPMENT APPROVED AFTER SEPTEMBER 22, 2011 MUST ADHERE TO THE IMPERVIOUS SURFACE RATIO CRITERIA OF ITS ZONING DISTRICT OR FUTURE LAND USE CATEGORY, WHICHEVER IS MORE STRINGENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the “Board”) desires to amend Chapters I and III of the Land Development Regulations to update the provisions for non-conforming lots and the application of impervious surface ratio; and

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2 **WHEREAS**, on the 28th day of November, 2018, this Ordinance was heard at a public
3 hearing before the Lake County Planning & Zoning Board, who considered this ordinance and
4 recommended approval; and

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6 **WHEREAS**, on the XX day of XXXX, 2018, this Ordinance was heard at a public hearing
7 before the Board; and

8
9 **WHEREAS**, the Board determined that these amendments are in the best interests of the
10 citizens of Lake County, Florida.

11
12 **NOW THEREFORE**, be it ordained by the Board of County Commissioners of Lake
13 County, Florida, as follows:

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15 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
16 herein.

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18 **Section 2. Amendment.** Section 1.08.03, Lake County Code, Appendix E, Land
19 Development Regulations, entitled “Nonconforming Uses,” is hereby amended as follows:

20 **1.08.03. Nonconforming Uses.**

- 21 A. Generally. The continuation or reestablishment of nonconforming uses previously existing,
22 prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011) is
23 allowed, unless:
- 24 1. There is a change of use from one (1) Use Classification identified in Subsection
25 3.01.03 to another Use Classification;
 - 26 2. There is an expansion, change, enlargement or alteration of a use, which increases
27 its nonconformity in any way;
 - 28 3. The nonconforming use is discontinued or abandoned for a period of eighteen (18)
29 months;
 - 30 4. An agricultural use, not requiring a CUP, is discontinued for fifteen (15)
31 consecutive years; or
 - 32 5. The use is determined to be inconsistent with the character of the surrounding
33 community to such an extent as to cause an adverse impact to the public interest,
34 as determined by the Board of County Commissioners, at a regularly scheduled
35 public hearing.

36 Any adult entertainment establishment existing prior to November 16, 2000 and not
37 meeting all requirements of Chapter 3, Article IV of the Lake County Code shall be
38 considered a nonconforming use.

- 39 B. Nonconforming Landscaping. For landscaping that is nonconforming due to Sections
40 9.01.00 and 9.02.00, the following shall apply:
- 41 1. Existing development shall comply with the landscape and tree protection
42 regulations of Sections 9.01.00 and 9.02.00, when the floor area of a principal
43 structure or parking area is increased by fifty (50) percent or more.

2. Increases in area of a new structure, construction of an additional structure, parking area or vehicular use area of less than fifty (50) percent, shall require only the new structure, addition, increased parking area or increased vehicular use area to be buffered in accordance with the provisions of Section 9.01.00.
3. Nonconforming landscaping shall not be required to be brought into compliance as a result of a natural disaster.

C. Nonconforming Parking.

1. Nonconforming Parking Lots. Nonconforming off-street parking shall be required to be brought into compliance with Section 9.03.00, Land Development Regulations, if there is:
 - a. An increase in floor area, volume, capacity or space that is added to structures; or,
 - b. A change in business type or activity that would require additional parking.
2. All parking, storing or keeping of vehicles, boats, buses, trailers, trucks, and commercial vehicles with a "Gross Vehicle Weight Rating" (GVWR) of 12,000 lbs. or less shall be in compliance with Section 3.06.03, entitled "Permitted Parking" in the following zoning districts:

• Agriculture (A)	• Urban Residential (R-6)
• Ranchette (RA)	• Mixed Residential (R-7)
• Agricultural Residential (AR)	• Multifamily Residential(R-10)
• Rural Residential (R-1)	• Residential Professional (RP)
• Estate Residential (R-2)	• Mobile Home Rental Park (RMRP)
• Medium Residential (R-3)	• Mobile Home Residential (RM)
• Medium Suburban Residential (R-4)	• Recreational Vehicle (RV)

- D. Setbacks (side, rear and secondary frontage) for Nonconforming Lots. Structures that are built on lots that meet Section 1.08.04 (Existing Lots Nonconforming to the Density Requirements), or that do not meet the minimum Lot size of the Zoning District, ~~or that have a width of one hundred fifty (150) feet or less in the "A" Agriculture, "RA" Ranchette, "AR" Agricultural Residential or "R-1" Rural Residential Zoning Districts, shall utilize the setback requirement of the zoning district closest to the size of the nonconforming lot. For example, a 44,000 square foot lot in the Agriculture "A" zoning district shall utilize the setback requirement for the Rural Residential "R-1" zoning district (10') rather than the setback for the Agriculture zoning district (25').~~ following side and rear setbacks:

Zoning District	Nonconforming Lots (setbacks in feet)
A	5 SF, 5 AB
RA	5 SF, 5 AB

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

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2 ~~SF—Single Family Dwelling Unit~~

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, to the property line.

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

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

12 E. Nonconforming Wetland Setbacks (excluding canals). Development approved prior to
13 September 22, 2011, with a wetland setback of less than 50 feet shall be considered
14 conforming and shall be allowed to develop at the previously approved wetlands setback
15 as prescribed in the approved development order or ordinance. The term "development" as
16 used in this subsection shall expressly include any type of variance, ordinance, average
17 setback determination, or waiver. Additions to an existing residence may be allowed, if the
18 addition does not extend beyond the existing rear and sides of the residence.

19
20 F. Impervious Surface Ratio (ISR) calculated on nonconforming lots. A nonconforming lot
21 ~~shall meet the ISR of the zoning district or Future Land Use Category, whichever is more~~
22 ~~stringent created prior to September 22, 2011 which does not meet the lot size requirement~~
23 ~~of its zoning district Shall utilize the ISR category which is closest to the actual area of the~~
24 ~~non-conforming lot. For example, a 16,000 square foot lot in the Agriculture "A" zoning~~

district would utilize the ISR for the “R-3” zoning district (.55) rather than the ISR for “A” Agriculture Zoning District (.10).

G. Existing ~~lots n~~Nonconforming Lots and Subdivisions ~~to open space and clustering requirements~~. Lots of record, lots meeting the provisions of 1.08.04 of this Section (Existing Lots Nonconforming to Density Requirements) and lots existing on September 22, 2011, shall be exempt from open space, impervious surface ratio, and clustering requirements of the 2030 Comprehensive Plan, provided that said lots are not further subdivided.

Section 3. Amendment. Section 3.02.06, Lake County Code, Appendix E, Land Development Regulations, entitled “Density, Impervious Surface, Floor Area, and Height Requirements,” is hereby amended as follows:

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 <u>.55</u>	40
R4	4 DU/AC	.40	.45 <u>.55</u>	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

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Note 1. Maximum allowable Density refers to Base Site Area.

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

Note 3. ISR: Impervious Surface Ratio. ISR applies to both residential and nonresidential Development. Development approved after September 22, 2011 shall adhere to the ISR of its zoning district or Future Land Use Category, whichever is more stringent.

Section 4. Inclusion in Code. It is the intent of the Board 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 5. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioners’ intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

Section 6. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 7. Effective Date. This ordinance shall become effective as provided for by law.

1 ENACTED this day of _____ day of _____, 2018.

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3 FILED with the Secretary of State the ____ day of _____, 2018.

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7 ATTEST: BOARD OF COUNTY COMMISSIONERS
8 OF LAKE COUNTY, FLORIDA

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12 _____
13 Gary J. Cooney, Clerk of the _____
14 Board of County Commissioners of _____, Chair
15 Lake County, Florida

16 This ____ day of _____, 2018.

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19 Approved as to form and legality:

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22 _____
23 Melanie Marsh, County Attorney