

**Summary of Ordinance**

The purpose of this Ordinance is to amend Lake County Code, Appendix E, Land Development Regulations (“LDR”), to revise the criteria pertaining to Accessory Dwelling Units (ADUs). Specifically, this Ordinance:

- Allows ADUs to contain up to 70% of the enclosed living area for the principle structure;
- Allows ADUs on an acre or greater to be a different architectural style than the principal dwelling unit;
- Allows ADUs to be a width less than twenty-three (23) feet four (4) inches at the narrowest point;
- Allows ADUs a different roof style than the primary residence; and
- Eliminates the conflicting ADU criteria within the Wekiva River Protection Area.

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 re-lettering that might be needed).

**ORDINANCE 2021-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 10.01.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *ACCESSORY DWELLING UNITS*; AMENDING SECTION 7.00.04, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *PERMITTED USES IN THE WEKIVA RIVER PROTECTION AREA*; INCREASING SQUARE FOOTAGE LIMITATIONS; ADDRESSING DESIGN CRITERIA FOR ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Lake County Land Development Regulations allows accessory dwellings to be placed in agricultural and residential zoning districts provided that certain criteria are met; and

**WHEREAS**, the current criteria for an accessory dwelling unit limits the size of the structure to 1,200 square feet or forty percent (40%) of the size of the principal dwelling, whichever is greater; and

**WHEREAS**, accessory dwelling units must also be of the same architectural style as the primary structure and a minimum width of twenty-three (23) feet four (4) inches at the narrowest point; and

**WHEREAS**, the land development regulations for the Wekiva River Protection Area impose additional restrictions on accessory dwelling units; and

**WHEREAS**, thus far in 2021, there have been approximately seven (7) variances approved by the Lake County Board of Adjustment to allow accessory dwelling units to deviate from the current regulations; and

1           **WHEREAS**, the use of accessory dwelling units offers an affordable option for residents  
2 to provide housing for extended family members which the Board of County Commissioners  
3 (Board) recognized when it adopted Ordinance No. 2020-8 for the purposes of providing  
4 educational impact fee waivers and deferrals for these types of dwellings; and  
5

6           **WHEREAS**, the Board now desires to amend Chapter VII and Chapter X of the Land  
7 Development Regulations to revise the criteria for accessory dwelling units which will further  
8 encourage the use of these types of dwellings if residents do not have to submit applications and  
9 pay fees to obtain variances to the current regulations; and  
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11           **WHEREAS**, the Board has determined that these amendments are in the best interests of  
12 the citizens of Lake County, Florida.  
13

14           **NOW THEREFORE**, be it ordained by the Board of County Commissioners of Lake  
15 County, Florida, as follows:  
16

17           **Section 1.     Recitals.** The foregoing recitals are true and correct and incorporated  
18 herein.  
19

20           **Section 2.     Amendment.** Section 10.01.03, Lake County Code, Appendix E, Land  
21 Development Regulations, entitled *Accessory Dwelling Units*, is hereby amended as follows:  
22

**10.01.03 Accessory Dwelling Units.**

- 23           A. Purpose. The purpose of this Section is to provide for less expensive housing units to  
24 accommodate growth, provide housing for relatives and to provide for security.  
25           B. Definition and Standards. Accessory Dwelling Unit is a self-contained dwelling with its  
26 own entrance, cooking accommodations, and complete bathing facilities, which shares a  
27 parcel or lot with a single-family dwelling unit. Accessory Dwelling Unit may be allowed  
28 within the Agricultural and residential zoning districts provided that all of the following  
29 requirements are met:  
30           1. The Lot must be a Lot of Record or a legally created Lot.  
31           2. No more than one (1) Principal Dwelling Unit and one (1) Accessory Dwelling Unit  
32 Shall be permitted on any Lot of Record, or legally created Lot. A lot ~~or~~ parcel of  
33 land containing an Accessory Dwelling Unit shall be occupied by the owner of the  
34 premises, and the owner may live in either the Accessory Dwelling Unit or the  
35 Principal Dwelling Unit. Prior to the date a building permit is issued for an  
36 Accessory Dwelling Unit or prior to the use of an existing Structure as an Accessory  
37 Dwelling Unit, the Owner Shall execute and the County Manager or designee Shall  
38 record in the public records of Lake County, Florida, at the Owner's expense, a legal  
39 document that requires the principal dwelling and the Accessory Dwelling to  
40 remain in the same ownership and limiting occupancy of either the Principal  
41 Dwelling Unit or the Accessory Dwelling Unit to the owner of the property. Proof  
42 that such restrictions has been recorded shall be provided to the County Manager,  
43 or designee, prior to issuance of the occupancy permit for the Accessory Dwelling  
44 Unit.

- 1 3. An Accessory Dwelling Unit may be attached to a principal dwelling, an apartment  
2 unit within the principal dwelling, or a stand-alone building.
- 3 4. ~~An The enclosed living area of the~~ Accessory Dwelling Unit Shall not exceed ~~one~~  
4 ~~thousand two hundred (1,200) square feet or forty~~ seventy percent (74%) of the  
5 air conditioned, enclosed living area of the principal dwelling (excludes garages,  
6 patios, porches and the like), ~~whichever is greater.~~
- 7 5. The Accessory Dwelling Unit Shall be located and designed not to interfere with  
8 the appearance of the principal dwelling as a one-family Dwelling Unit. If the lot  
9 is less than an acre, ~~the~~ Accessory Dwelling Unit Shall be the same architectural  
10 style as the principal Dwelling Unit unless developed under the provisions of  
11 Section 22-19, Lake County Code.
- 12 6. An Accessory Dwelling Unit must meet the setback requirements of the principal  
13 dwelling but does not need to adhere to the minimum structure size established in  
14 Section 3.02.09 of these regulations.
- 15 7. The principal dwelling unit and the Accessory Dwelling Unit shall share a common  
16 driveway if access to the Accessory Dwelling Unit is from the same right-of-way  
17 or easement.
- 18 8. Impact fees Shall be paid on an Accessory Dwelling Units ~~as if it was a separate~~  
19 ~~dwelling unless it qualifies for an exemption under Chapter 22, Lake County Code.~~
- 20 9. Accessory Dwelling Units are not required to adhere to the design criteria for  
21 single-family dwelling units established in Section 3.01.02.A.1. Accessory  
22 Dwelling Units shall have a solid foundation or Permanent skirting around the  
23 perimeter of the unit and any wheels, tongue or any transportation apparatus must  
24 be removed or enclosed.

25  
26 **Section 3. Amendment.** Section 7.00.04, Lake County Code, Appendix E, Land  
27 Development Regulations, entitled *Permitted Uses in the Wekiva River Protection Area*, is hereby  
28 amended as follows:

29 **7.00.04 Permitted Uses in the Wekiva River Protection Area.**

- 30 A. Residential Uses.
- 31 1. Single-family unit meeting the requirements for minimum Living Area and  
32 maximum Density as provided in Section 7.00.02B for the A-1-40 district, and  
33 Section 7.00.02B for the A-1-20 district.
  - 34 2. Cluster Housing.
- 35 B. Other Permitted Uses.
- 36 1. Accessory Buildings or Structures incidental thereto.
  - 37 2. Accessory ~~Apartments may be allowed in agricultural and residential zoning districts~~  
38 ~~provided that all of the following requirements shall be met:~~
    - 39 ~~a. No more than one (1) Accessory Apartment shall be Permitted on any~~  
40 ~~residential Lot.~~

- ~~b. Accessory Apartments may be attached to a principal or Accessory Structure or be freestanding.~~
  - ~~c. An Accessory Apartment Shall not exceed 800 square feet of principal Structure (under roof), or twenty five (25) percent of the gross square footage of the principal Structure which ever is less.~~
  - ~~d. The Accessory Apartment Shall be located and designed not to interfere with the appearance of the principal Structure as a one family Dwelling Unit.~~
  - ~~e. In no case Shall the guest or servant quarters be constructed prior to the principle Dwelling Unit. Dwelling Units, consistent with Section 10.01.03.~~
3. Establishments primarily engaged in the production of field crops, plants and Trees, i.e., Silviculture; nurseries; greenhouses and normal related Accessories thereto; sod farms and the production of bulbs, flowers; vegetables, citrus, peaches, berries and nut seed and crops.
  4. Farm Accessory Structure, such as barns, pole sheds and other ~~out Buildings~~ outbuildings.
  5. Establishments for the keeping, grazing or feeding of livestock, i.e., mules, burros, horses, cattle, sheep and goats. This Subsection Shall include dairies, riding academies and horse-breeding farms provided that all pens, Buildings or Structures used for milking, feeding or sheltering such livestock Shall maintain a two-hundred-foot Setback from the nearest Right-of-Way line of any public Street, Road or highway or the adjacent boundary of property owned by others. However, on Lots or Tracts of ten (10) acres or more, one (1) stable or barn to house not more than three (3) horses or cattle or any combination of three (3) horses or cattle may maintain a seventy-five-foot Setback rather than a two-hundred-foot Setback from the nearest Right-of-Way line of any public Street, Road or highway or the adjacent boundary of property owned by others.
  6. Establishments for the keeping and breeding of rabbits, chinchillas, up to fifty (50) poultry or nutria.
  7. Apiaries.
  8. Veterinary Clinics provided that any open runs, animal service and confinement areas Shall be located not less than two hundred (200) feet from the nearest Right-of-Way line of any public Street, Road or highway or the adjacent boundary of property owned by others.
  9. Roadside farm stands provided that such stands Shall be used to show and sell products raised or produced on the farmland of which they are a part and may be composed of a minimum Structure.
  10. Commercial Development within the Wekiva River Protection Area, as defined in Chapter 369, Part III, Florida Statutes, Shall be allowed as follows:
    - a. Commercial Development within the Wekiva River Protection Area Shall only be Permitted in the CP Planned Commercial District, or within a residential PUD Planned Unit Development.

- 1           b. The Commercial Development Shall be located within the interior of a PUD at  
2 increments no greater than one (1) acre per five hundred (500) Dwelling Units.
- 3           c. Commercial uses Shall not be Permitted adjacent to water bodies within the  
4 Wekiva River Protection Area, as defined in Chapter 369, Florida Statutes, Part  
5 III.
- 6           d. No Land adjacent to ~~publicly-owned~~publicly owned Conservation or  
7 preservation areas within the Wekiva River Protection Area, as defined in ~~F.S.~~  
8 ~~Ch. Chapter~~ 369, ~~Pt. Part~~ III, Florida Statutes, Shall be Developed for  
9 commercial uses.
- 10          e. Commercial Development Shall be restricted to the following intersections:
- 11           (1) SR 44 and CR 437
- 12           (2) CR 44A and CR 437
- 13           (3) SR 46 and CR 437
- 14           (4) SR 44 in the vicinity of the Royal Trails Subdivision;
- 15           (5) SR 46 and CR 435.
- 16           Commercial Development Shall not exceed two (2) acres in the aggregate at each  
17 intersection, and Shall be Developed under the "CP" Planned Commercial  
18 District, as provided for in these Regulations in Chapter III.
- 19          f. The commercial uses Permitted in the RP Residential Professional District Shall  
20 only be Permitted in the Wekiva River Protection Area if located at one of the  
21 intersections, or areas within the Wekiva River Protection Area identified in (e),  
22 (g), or (h).
- 23          g. Limited Commercial Development will also be considered in the Pine Lakes and  
24 Cassia areas when densities increase, and a small area study conducted by the  
25 ~~Lake County Planning Department~~County Manager or designee determines the  
26 need for such Development. A Land Use plan amendment Shall be processed  
27 pursuant to Chapter 163, Florida Statutes, to Permit any commercial uses in the  
28 Pine Lakes and Cassia areas.
- 29          h. No commercial uses Shall be considered in the vicinity of the proposed  
30 interchange of the proposed northwest beltway until the completion of the  
31 beltway interchange, and after a small area study to determine appropriate uses  
32 and locations has been conducted by the ~~Lake County Planning~~  
33 ~~Department~~County Manager or designee. A Land Use plan amendment Shall be  
34 processed pursuant to Chapter 163, Florida Statutes, to Permit any commercial  
35 uses in the vicinity of the proposed interchange.
- 36          i. Commercial facilities may be Permitted, operated, or leased by local, State or  
37 Federal agencies or established non-profit entities on Conservation or  
38 preservation Lands which are owned by the public or such non-profit entity.  
39 Such uses Shall be related solely to the use and enjoyment of such Lands by the  
40 public.

- 1 11. Expansion of services and major Arterial Roads beyond planned urban areas Shall  
2 be restricted, unless it can be demonstrated that such services, such as central water  
3 and sewer facilities, will have less harmful impacts upon the environment than if they  
4 were prohibited. However, such Improvements or Construction Shall follow the path  
5 of existing Rights-of-Way to the greatest practical extent.
- 6 12. All expressway interchanges within the Wekiva River Protection Area, as defined in  
7 Chapter 369, Part III, Florida Statutes, Shall be Developed as planned units under the  
8 ~~CFD~~ Community Facilities District zoning category provided for in these  
9 Regulations in Chapter III.
- 10 13. Parcels of Land adjacent to the Surface Waters and Watercourses of the Wekiva  
11 River System, including the Wekiva River, Black Water Creek, Sulphur Run, Lake  
12 Norris, and Seminole Creek, Shall not be subdivided so as to interfere with the  
13 implementation of protection zones as established pursuant to Section 373.415,  
14 Florida Statutes or Section 7.00.05.D of this Chapter.
- 15 14. Any Land Use that would Significantly alter surface and subSurface Water levels  
16 and have an adverse effect on the environment Shall be prohibited; unless such  
17 impacts can be successfully mitigated in accordance with accepted Mitigation  
18 policies and practices. Such Mitigation Shall be subject to approval by Lake County.
- 19 15. Aquatic and wetland-dependent wildlife species associated with the Wekiva River  
20 System Shall be protected through the protection of Wetlands, associated habitat, and  
21 Aquatic systems in accordance with Chapter 369, Part III, Florida Statutes, Wekiva  
22 River Protection.
- 23 16. The Excavation of borrow pits within the Wekiva River Protection Area may be  
24 Permitted only after approval by the Board of County Commissioners. It is the intent  
25 herein to limit the Excavation of borrow pits to those necessary for the Construction  
26 of or improvement to highways or other public Wworks projects within the Wekiva  
27 River Protection Area.
- 28 C. Prohibited Uses.
  - 29 1. Mining Activities Shall be prohibited within the Wekiva River Protection Area.  
30 Expansion of existing Mining Activities within the Wekiva River Protection Shall be  
31 subject to the provisions of the Lake County Code and the approval of the Board of  
32 County Commissioners.
  - 33 2. New Industrial Development Shall be prohibited in the Wekiva River Protection  
34 Area.
  - 35 3. No Land adjacent to ~~publicly-owned~~publicly owned Conservation or preservation  
36 areas within the Wekiva River Protection Area, as defined in Chapter 369, Part III,  
37 Florida Statutes, Shall be Developed for industrial uses, other than what is vested.
  - 38 4. The keeping, grazing or feeding of livestock Shall not be Permitted within the A-1-  
39 40 Overlay District within the Riparian Habitat Protection Zones created pursuant to  
40 Chapter 373, Florida Statutes.
- 41 D. Uses Permitted in the "A-1-40" Overlay District 1 and A-1-20 Overlay District Only After  
42 Conditional Use. The Lake County Planning and Zoning Board and the Board of County

1 Commissioners shall ensure that the conditions imposed in conditional use permits meet  
2 the requirements of the Lake County Code.

- 3 1. Poultry ranches.
- 4 2. Hog ranches.
- 5 3. Educational institutions.
- 6 4. Grove caretaking and maintenance.
- 7 5. Citrus and produce transporting operation.
- 8 6. Mushroom farms.
- 9 7. Fish farms.
- 10 8. Home Occupations. This subsection includes the following occupations and  
11 activities and is subject to the following rules and regulations:

12 a. Permitted Home Occupations:

- 13 (1) Physicians, doctor, dentist, veterinarian for consultation or emergency  
14 treatment or limited practice but not general practice of the profession.
- 15 (2) Attorneys, architects, engineer, clergymen and other professional persons  
16 for consultation but not general practice of the profession.
- 17 (3) Artists, custom dressmaking, antiques or other customary home occupation.

18 b. Rules and Regulations for home occupations:

- 19 (1) The use shall be conducted by a member of the immediate family residing  
20 on the premises and entirely within a structure.
- 21 (2) A limitation of one (1) person outside the immediate family may assist in  
22 the operation of the home occupation.
- 23 (3) No chemical, electrical or mechanical equipment is to be used except that  
24 which is normally used for purely domestic, household purposes or which  
25 is specifically approved by the Board of County Commissioners and is  
26 enumerated within the conditional use permit.
- 27 (4) No commodity or stores shall be stockpiled or stored on the premises, nor  
28 shall a display of products be visible from the street.
- 29 (5) No external evidence or sign that the dwelling unit is being used for the  
30 home occupation other than one (1) unanimated, non-illuminated, flat  
31 window sign having a total area of not more than one hundred forty-four  
32 (144) square inches shall be allowed.
- 33 (6) The area devoted to the home occupation shall not be the dominant use of  
34 the dwelling. The Board shall approve a building plan showing the area to  
35 be allowed for use as a home occupation. The building plan shall be  
36 submitted at the time of the application for a conditional use permit.

37 9. ~~Reserved.~~ Camps.



10. ~~Camps.~~[Reserved.]

**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 re-lettered 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 Commissioner’s 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.

ENACTED this day of \_\_\_\_\_ day of \_\_\_\_\_, 2021.

FILED with the Secretary of State the \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Gary J. Cooney, Clerk of the  
Board of County Commissioners of  
Lake County, Florida

\_\_\_\_\_  
Sean M. Parks, Chairman

This \_\_\_\_ day of \_\_\_\_\_, 2021.

Approved as to form and legality:

\_\_\_\_\_  
Melanie Marsh, County Attorney