

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 will reinstate the 1200 square foot option for an ADU that was inadvertently deleted by Ordinance No. 2022-4.

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 2022-___

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*; REINSTATING THE 1200 SQUARE FOOT OPTION; 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 Board of County Commissioners (Board) did adopt Ordinance 2022-4 for the purposes of updating and revising the regulations pertaining to accessory dwelling units; and

WHEREAS, the current criteria for an accessory dwelling unit limits the size of the structure to seventy percent (70%) of the size of the principal dwelling; and

WHEREAS, Ordinance No. 2022-4 inadvertently removed the option for a 1200 square foot accessory dwelling unit in lieu of the specified percentage of the size of the principal dwelling; and

WHEREAS, the Board now desires to reinstate the 1200 square foot accessory dwelling unit option and has determined that this amendment is in the best interests of the citizens of Lake County, Florida.

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

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

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

10.01.03 Accessory Dwelling Units.

- A. Purpose. The purpose of this Section is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.
- B. Definition and Standards. Accessory Dwelling Unit is a self-contained dwelling with its own entrance, cooking accommodations, and complete bathing facilities, which shares a parcel or lot

1 with a single-family dwelling unit. Accessory Dwelling Unit may be allowed within the
2 Agricultural and residential zoning districts provided that all of the following requirements are met:

- 3 1. The Lot must be a Lot of Record or a legally created Lot.
- 4 2. No more than one (1) Principal Dwelling Unit and one (1) Accessory Dwelling Unit Shall
5 be permitted on any Lot of Record, or legally created Lot. A lot or parcel of land containing
6 an Accessory Dwelling Unit shall be occupied by the owner of the premises, and the owner
7 may live in either the Accessory Dwelling Unit or the Principal Dwelling Unit. Prior to the
8 date a building permit is issued for an Accessory Dwelling Unit or prior to the use of an
9 existing Structure as an Accessory Dwelling Unit, the Owner Shall execute and the County
10 Manager or designee Shall record in the public records of Lake County, Florida, at the
11 Owner's expense, a legal document that requires the principal dwelling and the Accessory
12 Dwelling to remain in the same ownership and limiting occupancy of either the Principal
13 Dwelling Unit or the Accessory Dwelling Unit to the owner of the property. Proof that such
14 restrictions has been recorded shall be provided to the County Manager, or designee, prior
15 to issuance of the occupancy permit for the Accessory Dwelling Unit.
- 16 3. An Accessory Dwelling Unit may be attached to a principal dwelling, an apartment unit
17 within the principal dwelling, or a stand-alone building.
- 18 4. The enclosed living area of the Accessory Dwelling Unit Shall not exceed one thousand
19 two hundred (1,200) square feet or seventy percent (70%) of the air conditioned, enclosed
20 living area of the principal dwelling (excludes garages, patios, porches, and the like),
21 whichever is greater.
- 22 5. The Accessory Dwelling Unit Shall be located and designed not to interfere with the
23 appearance of the principal dwelling as a one-family Dwelling Unit. If the lot is less than
24 an acre, the Accessory Dwelling Unit Shall be the same architectural style as the principal
25 Dwelling Unit unless developed under the provisions of Section 22-19, Lake County Code.
- 26 6. An Accessory Dwelling Unit must meet the setback requirements of the principal dwelling
27 but does not need to adhere to the minimum structure size established in Section 3.02.09
28 of these regulations.
- 29 7. The principal dwelling unit and the Accessory Dwelling Unit shall share a common
30 driveway if access to the Accessory Dwelling Unit is from the same right-of-way or
31 easement.
- 32 8. Impact fees Shall be paid on an Accessory Dwelling Units less it qualifies for an exemption
33 under Chapter 22, Lake County Code.
- 34 9. Accessory Dwelling Units are not required to adhere to the design criteria for single-family
35 dwelling units established in Section 3.01.02.A.1. Accessory Dwelling Units shall have a
36 solid foundation or Permanent skirting around the perimeter of the unit and any wheels,
37 tongue or any transportation apparatus must be removed or enclosed.

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39 **Section 3. Inclusion in Code.** It is the intent of the Board that the provisions of this
40 Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance
41 may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article”, or such
42 other appropriate word or phrase in order to accomplish such intentions.

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

1 of circumstances, such holding shall not affect the applicability thereof to any other person, property or
2 circumstances.
3

4 **Section 5. Filing with the Department of State.** The Clerk shall be and is hereby directed
5 forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in
6 accordance with Section 125.66, Florida Statutes.
7

8 **Section 6. Effective Date.** This ordinance shall become effective as provided for by law.
9

10 ENACTED this day of ____ day of _____, 2022.

11 FILED with the Secretary of State the ____ day of _____, 2022.
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15 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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18 _____
19 Gary J. Cooney, Clerk of the
20 Board of County Commissioners of
21 Lake County, Florida

Sean M. Parks, Chairman

This ____ day of _____, 2022.

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25 Approved as to form and legality:
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28 _____
29 Melanie Marsh, County Attorney