

Summary of Ordinance

This Ordinance repeals Section 3.02.09, Lake County Code, Appendix E, Land Development Regulations, entitled *Minimum Structure Size Requirements*. Section 3.02.09, originally enacted in 1995, established minimum square footage requirements for structures based on zoning categories and is obsolete. The Ordinance also amends Section 10.01.03, Lake County Code, Appendix E, Land Development Regulations, entitled *Accessory Dwelling Units*, to delete a reference to Section 3.02.09, and amends Section 3.01.02.A.1, Lake County Code, Appendix E, Land Development Regulations, entitled *Residential Uses*, to delete the requirement that single-family dwelling units have a minimum width of 23 feet 4 inches.

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 NO. 2023-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; REPEALING AND AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS: REPEALING SECTION 3.02.09, ENTITLED *MINIMUM STRUCTURE SIZE REQUIREMENTS*; AMENDING SECTION 10.01.03, ENTITLED *ACCESSORY DWELLING UNITS*; AMENDING SECTION 3.01.02.A.1, ENTITLED *RESIDENTIAL USES*; REPEALING THE REQUIREMENT OF A MINIMUM WIDTH FOR SINGLE FAMILY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3.02.09, Lake County Code, Appendix E, Land Development Regulations, establishes minimum structure size requirements for each zoning district ranging from 850 square feet to 1,500 square feet; and

WHEREAS, the minimum structure size requirements contained within Section 3.02.09 has been in the Land Development Regulations since at least 1995, with no modifications; and

WHEREAS, as part of Ordinance 2003-85, the Board of County Commissioners (Board) imposed a minimum width regulation on all single-family dwelling units in response to a Florida law that required regulations on mobile homes and modular homes be applied without regard to the type of construction for such structures, thereby resulting in a code requirement that all single-family dwelling units be no less than 23 feet 4 inches in width; and

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1 **WHEREAS**, the Florida Building Code defines a “tiny home” as any dwelling under 400
2 square feet of floor area, excluding lofts; and
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4 **WHEREAS**, according to the Florida Association of Counties (FAC), “Florida remains
5 ground zero for the broader housing crisis, as the state and its communities continue to pace the
6 nation in key housing and rental cost metrics...Input costs (materials and labor) of homebuilding
7 have climbed 8% since the start of 2022 and 39% from pre-pandemic levels, per the Producer Price
8 Index... Tiny homes offer a relatively untested vehicle for housing development, though they often
9 compare favorably to other low-rise counterparts in cost, density, and mobility”; and
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11 **WHEREAS**, minimum square footage requirements and minimum widths effectively
12 suppress tiny home development, which may also impact the availability of affordable housing
13 options; and
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15 **WHEREAS**, to encourage affordable housing within the unincorporated areas of Lake
16 County, the Board of County Commissioners finds that repealing minimum structure size and
17 minimum widths is in the best interests of the public health, safety and welfare of the residents of
18 Lake County, Florida.
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20 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
21 Lake County, Florida as follows:
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23 **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as
24 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
25 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
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27 **Section 2. Repealer.** Section 3.02.09, Lake County Code, Appendix E, Land
28 Development Regulations, entitled *Minimum Structure Size Requirements*, is hereby repealed in
29 its entirety.
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31 **Section 3. Amendment.** Section 10.01.03, Lake County Code, Appendix E, Land
32 Development Regulations, entitled *Accessory Dwelling Units*, is hereby amended to read as
33 follows:
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35 **10.01.03 Accessory Dwelling Units.**

- 36 A. Purpose. The purpose of this Section is to provide for less expensive housing units to
37 accommodate growth, provide housing for relatives and to provide for security.
- 38 B. Definition and Standards. Accessory Dwelling Unit is a self-contained dwelling with its
39 own entrance, cooking accommodations, and complete bathing facilities, which shares
40 a parcel or lot with a single-family dwelling unit. Accessory Dwelling Unit may be
41 allowed within the Agricultural and residential zoning districts provided that all of the
42 following requirements are met:
- 43 1. The Lot must be a Lot of Record or a legally created Lot.
 - 44 2. No more than one (1) Principal Dwelling Unit and one (1) Accessory Dwelling Unit
45 Shall be permitted on any Lot of Record, or legally created Lot. A lot or parcel of
46 land containing an Accessory Dwelling Unit shall be occupied by the owner of the

1 premises, and the owner may live in either the Accessory Dwelling Unit or the
2 Principal Dwelling Unit. Prior to the date a building permit is issued for an
3 Accessory Dwelling Unit or prior to the use of an existing Structure as an Accessory
4 Dwelling Unit, the Owner shall execute and the County Manager or designee shall
5 record in the public records of Lake County, Florida, at the Owner's expense, a legal
6 document that requires the principal dwelling and the Accessory Dwelling to
7 remain in the same ownership and limiting occupancy of either the Principal
8 Dwelling Unit or the Accessory Dwelling Unit to the owner of the property. Proof
9 that such restrictions has been recorded shall be provided to the County Manager,
10 or designee, prior to issuance of the occupancy permit for the Accessory Dwelling
11 Unit.

12 3. An Accessory Dwelling Unit may be attached to a principal dwelling, an apartment
13 unit within the principal dwelling, or a stand-alone building.

14 4. The enclosed living area of the Accessory Dwelling Unit shall not exceed one
15 thousand two hundred (1,200) square feet or seventy percent (70%) of the air
16 conditioned, enclosed living area of the principal dwelling (excludes garages,
17 patios, porches and the like), whichever is greater.

18 5. The Accessory Dwelling Unit shall be located and designed not to interfere with
19 the appearance of the principal dwelling as a one-family Dwelling Unit. If the lot is
20 less than an acre, the Accessory Dwelling Unit shall be the same architectural style
21 as the principal Dwelling Unit unless developed under the provisions of Section 22-
22 19, Lake County Code.

23 ~~6. An Accessory Dwelling Unit must meet the setback requirements of the principal~~
24 ~~dwelling but does not need to adhere to the minimum structure size established in~~
25 ~~Section 3.02.09 of these regulations.~~

26 76. The principal dwelling unit and the Accessory Dwelling Unit shall share a common
27 driveway if access to the Accessory Dwelling Unit is from the same right-of-way
28 or easement.

29 87. Impact fees shall be paid on an Accessory Dwelling Units unless it qualifies for an
30 exemption under Chapter 22, Lake County Code.

31 98. Accessory Dwelling Units are not required to adhere to the design criteria for
32 single-family dwelling units established in Section 3.01.02.A.1. Accessory
33 Dwelling Units shall have a solid foundation or Permanent skirting around the
34 perimeter of the unit and any wheels, tongue or any transportation apparatus must
35 be removed or enclosed.

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37 **Section 4. Amendment.** Section 3.01.02.A, Lake County Code, Appendix E, Land
38 Development Regulations, entitled *Classification of Uses – Residential Uses*, shall be amended to
39 read as follows:
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42 **3.01.02 Classification of Uses.**

43 A. Residential Uses:

44 1. Single-Family Dwelling Unit. One (1) Dwelling Unit, including modular and
45 mobile homes, that may be detached from any other Dwelling Unit or may be

1 attached to another single-family Dwelling Unit on an adjacent Lot by a common
2 party wall.

3 ~~a. Single Family Dwelling Units Shall have a minimum width of twenty three~~
4 ~~(23) feet four (4) inches at the narrowest point, excluding any attached screened~~
5 ~~room, architectural design features, garages, Carports or utility area. Prior to the~~
6 ~~issuance of any Building or use Permits, site plans set forth under the general~~
7 ~~provision section Shall be submitted to the County Manager or designee for his~~
8 ~~approval.~~

9 ~~ba.~~ The pitch of the main roof Shall not be less than one (1) foot of rise for each
10 four (4) feet of horizontal run and a minimal overhang of six (6) inches.
11 Installed gutter may be counted as part of the six (6) inch overhang.

12 ~~eb.~~ A solid foundation or Permanent skirting Shall be required around the perimeter
13 of the unit.

14 ~~ec.~~ Any wheels, tongue or any transportation apparatus must be removed or
15 enclosed.

16 2. Duplex or Two-Family Dwelling. A single Building containing two (2) Dwelling
17 Units.

18 3. Multifamily Dwelling. Three (3) or more Dwelling Units within a single Building.
19 Typical uses include Apartments, residential Condominiums, and townhouses.

20 4. Mobile Home Dwelling. One (1) Dwelling Unit within a mobile home.

21 5. Recreational Vehicle Park. A parcel of Land under unified ownership and
22 Management which is planned, designed and constructed for the placement of
23 recreational vehicles and tents for short-term occupancy of spaces rented from the
24 owner for recreational purposes.

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26 *(All other subsections of Section 3.01.02 shall remain unchanged)*
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30 **Section 5. Severability.** If any section, sentence, clause, or phrase or word of this
31 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
32 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
33 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners'
34 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
35 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
36 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
37 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
38 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
39 other person, property or circumstances.
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41 **Section 6. Inclusion in the Code.** It is the intent of the Board of County
42 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
43 County Code and that the sections of this Ordinance may be renumbered or relettered and the word
44 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in
45 order to accomplish such intentions.
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AFFORDABLE HOUSING IMPACT STATEMENT

Contact Information

Date:	7/6/2023	Contact Name:	Dan Matthys
			Affordable Housing Advisory Committee Member

Ordinance Information

Describe the Ordinance: Repeal Section 3.02.09, LDR – Minimum Structure Size Requirements

This Ordinance repeals Section 3.02.09, Lake County Code, Appendix E, Land Development Regulations, entitled *Minimum Structure Size Requirements*. Section 3.02.09, originally enacted in 1995, established minimum square footage requirements for structures based on zoning categories and is obsolete. The Ordinance also amends Section 10.01.03, Lake County Code, Appendix E, Land Development Regulations, entitled *Accessory Dwelling Units*, to delete a reference to Section 3.02.09, and amends Section 3.01.02.A.1, Lake County Code, Appendix E, Land Development Regulations, entitled *Residential Uses*, to delete the requirement that single-family dwelling units have a minimum width of 23 feet 4 inches.

Describe the direct impact of the ordinance upon the provision of affordable housing:

Deleting a minimum width for single-family units, repealing minimum structure size and amending the language for accessory dwelling units will allow for more housing option, including size of houses, thus potentially adding to the affordable housing stock in the County.

Describe the direct impact of the ordinance upon the property owner/taxpayers/citizens who need affordable housing:

If approved, this ordinance will allow for tiny homes and smaller, more affordable homes for residents who need affordable housing. It also lessens the restrictions on Accessory Dwelling Units, thereby providing more options for these type of units on smaller lots and eliminates minimum dwelling widths, all of which will help provide more affordable housing stock and options.

Identify any potential indirect impacts, positive or negative which might occur as a result of the ordinance:

The impact is positive for citizens seeking affordable housing. Eliminating the minimum dwelling unit size, width and location of accessory dwelling units will promote the opportunity for more affordable housing options in the County.



ECONOMIC IMPACT STATEMENT

Contact Information

Date:	7/25/2023	Contact Name:	Mary Ellen Stern
Dept./Division:	Economic Growth	Contact Phone:	352-343-9647

Ordinance Information

Describe the Ordinance:

This Ordinance repeals Section 3.02.09, Lake County Code, Appendix E, Land Development Regulations, entitled *Minimum Structure Size Requirements*. Section 3.02.09, originally enacted in 1995, established minimum square footage requirements for structures based on zoning categories and is obsolete. The Ordinance also amends Section 10.01.03, Lake County Code, Appendix E, Land Development Regulations, entitled *Accessory Dwelling Units*, to delete a reference to Section 3.02.09, and amends Section 3.01.02.A.1, Lake County Code, Appendix E, Land Development Regulations, entitled *Residential Uses*, to delete the requirement that single-family dwelling units have a minimum width of 23 feet 4 inches.

Describe the direct economic impact of the ordinance upon the operation of the County:

There is no direct economic impact upon the operation of the County.

Describe the direct economic impact of the ordinance upon the property owner/taxpayers/citizens who are expected to be affected:

This ordinance may have a direct economic impact upon property owners who desire to downsize or build smaller homes due to the increase in construction costs.

Identify any potential indirect economic impacts, positive or negative which might occur as a result of the ordinance:

The removal of minimum structure sizes and minimum single family dwelling width may encourage a wider variety of affordable housing options which will be an indirect, positive benefit to the residents of Lake County.