



LAKE COUNTY CODE AMENDMENT  
STAFF REPORT  
OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): November 1, 2023.  
Board of County Commissioners (BCC): December 5, 2023.

Case No. and Project Name: Lake County Code Amendment – Amend Regulations Pertaining to Parking, Storing, or Keeping Vehicles, Vessels, Buses, Trailers, Trucks, and Commercial Vehicles.

Applicant: Lake County BCC

Owners:

Requested Action: Amendment to Section 3.06.00, Lake County Code, Appendix E, Lake County Code, regarding Parking, Storing, or Keeping Vehicles, Vessels, Buses, Trailers, Trucks, and Commercial Vehicles, recognizing tracts used for parking of vessels and recreational vehicles in residential subdivisions platted prior to January 1, 2004.

Staff Determination: Staff finds the amendment consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Janie Barron, Chief Planner

PZB Recommendation:

**Staff Analysis**

The intent of the proposed Lake County Code Amendment is to allow subdivisions platted prior to January 1, 2004, to utilize common area tracts as storage areas for vehicles and vessels belonging to residents of those subdivisions. Historic regulations did not clearly state that common areas or recreation areas could not be used for resident storage areas. The proposed amendment recognizes the historic use of the platted common area tracts as non-conforming storage use that may continue so long as the tract or parcel is continuously used for the storage of vessels and recreational vehicles and not discontinued for longer than twelve (12) months.

**Standards for Review (LDR Section 14.02.03)**

**A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.**

The proposed Lake County Code amendment is consistent with all Comprehensive Plan policies.

**Whether the proposed amendment is in conflict with any applicable provisions of these regulations.**

The proposed amendment is consistent with the Lake County Land Development Regulations allowing for pre-existing non-conforming uses.

**Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.**

The proposed amendment is consistent with existing land uses. All future proposals shall comply with the provisions of the Comprehensive Plan and Land Development Regulations.

**B. Whether there have been changed conditions that justify an amendment.**

This proposed code amendment would support the historic non-conforming use of certain common area tracts of land for storage purposes and protect subdivisions platted prior to January 1, 2004, from Code Enforcement violations in that regard.

**C. Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.**

No impact on the natural environment is indicated. Proposals for storage that are not in compliance with the provisions of the proposed ordinance shall be consistent with the requirements of Lake County Comprehensive Plan and Land Development Regulations.

**D. Whether, and the extent to which, the proposed amendment would affect the property values in the area.**

The proposed text amendment should not affect property values.

**E. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The proposed amendment would not disrupt the existing orderly and logical development pattern of the area. Future development shall be consistent with the requirements of Lake County Comprehensive Plan and Land Development Regulations.

**F. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.**

The request is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in above sections.

**Summary of Ordinance**

This Ordinance is amending Section 3.06.00, Lake County Code, Land Development Regulations, regarding regulations for Parking, Storing, or Keeping Vehicles, Vessels, Buses, Trailers, Trucks, and Commercial Vehicles, and amending Section 1.08.03, Lake County Code, Land Development Regulations, entitled *Nonconforming Uses*. The purpose of this Ordinance is to make provision for tracts used for parking and storage of vessels and recreational vehicles in residential subdivisions platted before January 1, 2004.

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; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS: SECTION 3.06.00, REGARDING THE PARKING, STORING, OR KEEPING OF VEHICLES, VESSELS, BUSES, TRAILERS, TRUCKS, AND COMMERCIAL VEHICLES; RECOGNIZING TRACTS USED FOR PARKING OF VESSELS AND RECREATIONAL VEHICLES IN RESIDENTIAL SUBDIVISIONS PLATTED PRIOR TO JANUARY 1, 2004; AMENDING SECTION 1.08.03, ENTITLED *NONCONFORMING USES*; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Lake County Land Development Regulations (LDR) has historically allowed the parking, storing, and keeping of boats and recreational vehicles on individual lots so long as the owner of the lot owns the vehicle or vessel; and

**WHEREAS**, subdivisions platted in the 1980’s and 1990’s tended to plat tracts or parcels for the purpose of designating common areas or recreation areas which residents within those communities used as storage areas for vehicles and vessels, especially where the community had waterfront common areas; and

**WHEREAS**, the historic LDR, did not clearly state that common areas or recreation areas could not be used for storage purposes; and

**WHEREAS**, upon receipt of a complaint, the homeowners’ associations may be cited by the Office of Code Enforcement for violating the LDR for using such tracts or parcels for the storage of vehicles and vessels; and

1  
2       **WHEREAS**, the Board of County Commissioners finds that recognizing the historic use  
3 of these residential tracts or parcels for vehicle and vessel storage as a nonconforming use is in the  
4 best interests of the residents of Lake County, Florida.

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6       **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
7 Lake County, Florida as follows:

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9       **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as  
10 legislative findings of the Board of County Commissioners and are ratified and confirmed as being  
11 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

12  
13       **Section 2. Amendment.** Section 3.06.00, Lake County Code, Appendix E, Lake  
14 County Code, regarding Parking, Storing, or Keeping Vehicles, Vessels, Buses, Trailers, Trucks,  
15 and Commercial Vehicles, is hereby amended to read as follows:

16       **3.06.00 Regulations for the Parking, Storing, or Keeping of Vehicles, Vessels, Buses,**  
17 **Trailers, Trucks, and Commercial Vehicles in the "~~A~~" Agriculture, "~~RA~~" Ranchette, "~~AR~~"**  
18 **Agricultural Residential, "~~R-1~~" Rural Residential, "~~R-2~~" Estate Residential, "~~R-3~~" Medium**  
19 **Residential, "~~R-4~~" Medium Suburban Residential, "~~R-6~~" Urban Residential, "~~R-7~~" Mixed**  
20 **Residential, "~~R-10~~" Multifamily Residential, "~~RP~~" Residential Professional, "~~RMRP~~"**  
21 **Mobile Home Rental park, "~~RM~~" Mobile Home Residential, and "~~RV~~" Recreational Vehicle**  
22 **Zoning Districts.**

23       **3.06.01 Purpose and Intent.** ~~The following regulations in Section 3.06~~ This Section Shall  
24 apply to the following zoning districts:

- 25       • ~~"A" Agriculture District;~~
- 26       • ~~"RA" Ranchette District;~~
- 27       • ~~"AR" Agricultural Residential;~~
- 28       • ~~"R-1" Rural Residential;~~
- 29       • ~~"R-2" Estate Residential;~~
- 30       • ~~"R-3" Medium Residential District;~~
- 31       • ~~"R-4" Medium Suburban Residential District;~~
- 32       • ~~"R-6" Urban Residential District;~~
- 33       • ~~"R-7" Mixed Residential District;~~
- 34       • ~~"R-10" Multifamily Residential;~~
- 35       • ~~"RP" Residential Professional;~~
- 36       • ~~"RMRP" Mobile Home Rental Park District;~~
- 37       • ~~"RM" MixedMobile Home Residential, and~~

1           • "RV" Recreational Vehicle ParkZoning Districts:

2           The intent of this Section is to provide regulations specifying the types of vehicles that may  
3 be parked, stored, or kept in zoning districts that are primarily residential districts. No vehicle Shall  
4 be parked, stored, or kept on any lot or parcel or on any public street, avenue, alley, or other  
5 thoroughfare or any Right-of-Way therewith, within any of the zoning districts listed herein unless  
6 authorized by this Section. No vehicle Shall be parked on any vacant lot or parcel of land within  
7 any of the zoning districts listed herein, except in cases in which such lot or parcel is contiguous  
8 to the residence of the owner or user of such vehicle, or as otherwise allowed as a nonconforming  
9 use under Section 1.08.00 of these regulations. In such case the lot containing the residence and  
10 the vacant lot Shall be considered one parcel for purposes of this sSection.

11           **3.06.02 Classification of Vehicles.** In case of doubt to proper classification of a specific  
12 vehicle, the determination by the Motor Vehicle Department of the State of Florida Shall be used  
13 to make the final determination. The body description and classification on the motor vehicle  
14 certificate of title Shall be "prima facie" evidence of such determinations. In case of doubt as to  
15 the "Gross Vehicle Weight Rating" (GVWR) of any vehicle, the manufacturer's specifications  
16 Shall be used to make the final determination.

17           **3.06.03 Permitted Parking.** The following types of vehicles and vessels are permitted to  
18 be parked, stored, or kept in the zoning districts listed in Subsection 3.06.01, provided they meet  
19 the specific conditions of any one or more of the paragraphs listed herein:

- 20           A. Vehicles with a "Gross Vehicle Weight Rating" (GVWR) of 12,000 lbs., or less.
- 21                 1. Any number of vehicles that are operable and currently licensed and registered.
- 22                 2. Any number of vehicles stored in a completely enclosed building. If stored in a  
23 completely enclosed building, vehicles are not required to be operable or currently  
24 licensed and registered.
- 25                 3. No more than three (3) operable vehicles that are not currently licensed and  
26 registered.
- 27           B. Trailers.
- 28                 1. Shall not be parked on any public street, avenue, alley, or other thoroughfare or any  
29 right-of-way therewith; and
- 30                 2. Shall be parked in such a way to meet the single-family front and secondary front  
31 yard setbacks established by Chapter 3 of the Land Development Regulations;
- 32           C. In cases where a lot or parcel is five (5) acres or greater in size, one (1) operable and  
33 currently licensed and registered vehicle which exceeds 12,000 lbs. GVWR may be  
34 parked on such lot or parcel if it is used by the resident of the lot or parcel. If such vehicle  
35 is a trailer, the vehicle which is used to transport such trailer may also be parked on such  
36 lot or parcel, even if it exceeds 12,000 lbs. GVWR. Unless permitted by another sSection  
37 of this Code, no vehicle with a GVWR of 12,000 lbs. or more Shall be parked, stored,  
38 or kept on any public street, avenue, alley, or other thoroughfare or any right-of-way  
39 therewith, within any of the zoning districts listed in Subsection 3.06.01 above.
- 40           D. Any vehicle which is temporarily parked on a lot or parcel, or road or right of way  
41 adjacent thereto, whereon construction is underway for which a current and valid

1 building permit or other development order has been issued by Lake County where such  
2 vehicle is being used in such construction.

3 E. Any vehicle which is making routine deliveries to or pickups from a residence or  
4 occupant of a lot or parcel, or a vehicle which is making a legitimate service call to a  
5 residence or occupant of a lot or parcel.

6 F. Any vehicle which becomes disabled during operation Shall be removed within twenty-  
7 four (24) hours, regardless of the nature of the breakdown.

8 G. Any vehicle owned by government or a public utility such as electric, telephone, gas, or  
9 cable television company that is being used for service or repair on ~~c~~Construction  
10 projects.

11 H. Any vehicle owned by government or a public utility such as electric, telephone, gas, or  
12 cable television company, that is required by the government or utility company to be  
13 driven home by an employee of such government or utility company because such  
14 vehicle may be needed for after-hours emergencies.

15 I. Any vehicle involved in ongoing, bona fide agricultural operations on such lot or parcel,  
16 such as the harvesting of citrus.

17 J. Vessels or recreational vehicles may be parked, stored, or kept on a lot or parcel, subject  
18 to the following restrictions and conditions:

19 1. Such vessel or recreational vehicle must be owned by or used by a resident of the  
20 lot or parcel.

21 2. A single vessel or recreational vehicle must be parked in such a way to meet the  
22 single-family front and secondary front yard setbacks established by Chapter 3 of  
23 the Land Development Regulations. All other vessels or recreational vehicles must  
24 be screened from view from right-of-way and screened from neighboring  
25 properties. The screening requirement does not apply for properties larger than two  
26 (2) acres in size.

27 3. For the purposes of this Section, ~~two~~ personal watercraft parked, stored, or kept on  
28 a single trailer will count as a single ~~v~~Vessel.

29 4. Any abandoned or derelict vessel or recreational vehicle must be stored in an  
30 enclosed permitted structure.

31 K. Vessels or recreational vehicles may be parked on a lot or parcel other than pursuant to  
32 subparagraph J above for a twenty-four (24) hour period for loading or unloading  
33 purposes. Such parking for unloading and loading on any lot or parcel Shall not occur  
34 more than four (4) times in any one (1) calendar month.

35 L. Recreational vehicles, and vehicles normally used to tow recreational vehicles, may be  
36 parked in the "RV" Recreational Vehicle zoning district.

37  
38 **Section 3. Amendment.** Section 1.08.03, Lake County Code, Appendix E, Lake  
39 County Code, entitled *Nonconforming Uses*, is hereby amended to read as follows:  
40

1       **1.08.03. Nonconforming Uses.**

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

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

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

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

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

31       C. Nonconforming Parking.

- 32       1. Nonconforming Parking Lots. Nonconforming off-street parking shall be required to be  
33       brought into compliance with Section 9.03.00, Land Development Regulations, if there  
34       is:
  - 35       a. An increase in floor area, volume, capacity or space that is added to structures; or,
  - 36       b. A change in business type or activity that would require additional parking.
- 37       2. Tracts or parcels located within residential subdivisions platted before January 1, 2004,  
38       located in the zoning district identified in Section 3.06.00 that meet the following  
39       requirements, are hereby declared as nonconforming uses for purposes of parking,  
40       storing, or keeping vessels and recreational vehicles even if such use was not specifically

permitted through a zoning ordinance or as set forth in Section 3.06.00 of these regulations. Such tracts or parcels must have been:

- a. Designated for community common area, recreation, or other similar uses on the plat; and
- b. Used for vessel or recreational vehicle storage by the residents of the subdivision; and
- c. Such use can be documented through the use of historic aerials or other similar evidence as having been consistently used for such purposes prior to January 1, 2004.

The nonconforming use may continue so long as the tract or parcel is continuously used for the storage of vessels and recreational vehicles. If tracts or parcels are not used for storage for a period of twelve (12) months, the use shall be deemed discontinued and abandoned.

~~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:~~

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

D. Setbacks (side, rear, and secondary frontage) for Nonconforming Lots. Structures that are built on lots that meet ~~S~~Subsection 1.08.04 (Existing Lots Nonconforming to the Density Requirements), or that do not meet the minimum ~~L~~ot size of the Zoning District, shall utilize the setback requirement of the zoning district closest to the size of the nonconforming lot. For example, a forty-four thousand (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').

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



- 1 E. Nonconforming Wetland Setbacks (excluding canals). Development approved prior to  
2 September 22, 2011, with a wetland setback of less than fifty (50) feet shall be considered  
3 conforming and shall be allowed to develop at the previously approved wetlands setback as  
4 prescribed in the approved development order or ordinance. The term "development" as used  
5 in this ~~s~~Subsection shall expressly include any type of variance, ordinance, average setback  
6 determination, or waiver. Additions to an existing residence may be allowed, if the addition  
7 does not extend beyond the existing rear and sides of the residence.
- 8 F. Impervious Surface Ratio (ISR) calculated on nonconforming lots. A nonconforming lot  
9 created prior to September 22, 2011, which does not meet the lot size requirement of its  
10 zoning district shall utilize the ISR category which is closest to the actual area of the non-  
11 conforming lot. For example, a sixteen thousand (16,000) square foot lot in the Agriculture  
12 "A" zoning district would utilize the ISR for the "R-3" zoning district (.55) rather than the  
13 ISR for "A" Agriculture Zoning District (.10).
- 14 G. Existing Nonconforming Lots and Subdivisions. Lots of record, lots meeting the provisions  
15 of 1.08.04 of this Section (Existing Lots Nonconforming to Density Requirements), and lots  
16 existing on September 22, 2011, shall be exempt from open space, ~~ISR~~impervious surface  
17 ~~ratio~~, and clustering requirements of the 2030 Comprehensive Plan, provided that said lots  
18 are not further subdivided.

19  
20 **Section 4. Severability.** If any section, sentence, clause, or phrase or word of this  
21 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by  
22 any court of competent jurisdiction, then said holding shall in no way affect the validity of the  
23 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners'  
24 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and  
25 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held  
26 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions  
27 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,  
28 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any  
29 other person, property or circumstances.

30  
31 **Section 5. Inclusion in the Code.** It is the intent of the Board of County  
32 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake  
33 County Code and that the sections of this Ordinance may be renumbered or relettered and the word  
34 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in  
35 order to accomplish such intentions.

36  
37 **Section 6. Filing with the Department of State.** The Clerk shall be and is hereby  
38 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the  
39 State of Florida in accordance with Section 125.66, Florida Statutes.

1           **Section 7.     Effective Date.** This Ordinance shall become effective as provide for by  
2 law.

3  
4           Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

5  
6           Filed with the Secretary of State \_\_\_\_\_, 2023.  
7  
8  
9

10  
11 ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

12  
13  
14 \_\_\_\_\_  
15 Gary J. Cooney, Clerk of the  
16 Board of County Commissioners  
17 of Lake County, Florida

14 \_\_\_\_\_  
Kirby Smith, Chairman

18           This \_\_\_\_ day of \_\_\_\_\_, 2023.  
19  
20  
21

22 Approved as to form and legality:  
23  
24

25 \_\_\_\_\_  
26 Melanie Marsh, County Attorney