



LAKE COUNTY CODE AMENDMENT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): December 6, 2023.
Board of County Commissioners (BCC): January 9, 2024.

Case No. and Project Name: Lake County Code Amendment – LDR Appendix E, Land Development Regulations, Section 3.01.02 and Section 3.01.03 - Amend Regulations in accordance with the provisions required under Chapter 2023-17, Laws of Florida.

Applicant: Lake County BCC

Requested Action: Amendment to Appendix E, Land Development Regulations: Section 3.01.02, Entitled Classification of Uses; Section 3.01-03, Entitled Schedule of Permitted and Conditional Uses, permitting multi-family and mixed-use residential in commercial and industrial zoning districts as required under Chapter 2023-17, Laws of Florida.

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

Case Manager: Michael Fitzgerald, AICP, Director

PZB Recommendation:

Staff Analysis

The intent of the proposed Lake County Code Amendment is to comply with recently enacted amendments to State law as set forth in Chapter 2023-17, Laws of Florida, preempting some provisions of local comprehensive plans, zoning and land development regulation provisions for certain mixed-use projects and multi-family projects having at least forty percent (40%) of residential units within a project being affordable housing units for at least a thirty (30) year period. The proposed Lake County Code Amendment complies with recently enacted legislation, known as the Live Local Act, requiring a county to authorize multi-family and mixed-use residential in any area zoned for commercial, industrial, or mixed-use if the development satisfies the requirements set forth in Section 125.01055, Florida Statutes.

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.

B. 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 supporting affordable housing.

C. 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.

D. Whether there have been changed conditions that justify an amendment.

This proposed code amendment complies with recently enacted State law.

E. 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 development shall be consistent with the requirements of Lake County Comprehensive Plan and Land Development Regulations.

F. 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.

G. 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.

H. 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 State law, the Comprehensive Plan, and Land Development Regulations as stated in above sections.

Summary of Ordinance

The purpose of this Ordinance is to amend Sections 3.01.02 and 3.01.03, Lake County Code, Appendix E, Land Development Regulations, to allow multi-family and mixed-use residential in commercial and industrial zoning districts. This Ordinance is required by the provisions contained within Chapter 2023-17, *Laws of Florida*, approved by the Governor on March 29, 2023, with an effective date of July 1, 2023, known as the Live Local Act. This Ordinance also corrects inconsistencies in the zoning matrix.

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 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 3.01.02, ENTITLED *CLASSIFICATION OF USES*; SECTION 3.01.03, ENTITLED *SCHEDULE OF PERMITTED AND CONDITIONAL USES*; PERMITTING MULTI-FAMILY AND MIXED-USE RESIDENTIAL IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS AS REQUIRED UNDER CHAPTER 2023-17, *LAWS OF FLORIDA*, KNOWN AS THE LIVE LOCAL ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, recent amendments to State law as set forth in Chapter 2023-17, *Laws of Florida*, will preempt some provisions of local comprehensive plans, zoning and land development regulation provisions for certain mixed-use projects and multi-family projects having at least forty percent (40%) of residential units within a project being affordable housing units for at least a thirty (30) year period; and

WHEREAS, the recently enacted legislation requires a county to authorize multi-family and mixed-use residential in any area zoned for commercial, industrial, or mixed-use if the development satisfies the requirements set forth in Section 125.01055, *Florida Statutes*; and

WHEREAS, the Board of County Commissioners (Board) did adopt Resolution 2023-91, on August 8, 2023, for purposes of putting property owners and developers on notice that the Board will be implementing regulations associated with the Live Local Act; and

WHEREAS, the Board has determined that adopting this Ordinance is in the best interests of the residents of Lake County, Florida.

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

3
4 Section 1. Legislative Findings of Fact. The foregoing recitals are hereby adopted as
5 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
6 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

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8 Section 2. Amendment. Section 3.01.02, Lake County Code, Appendix E, Land
9 Development Regulations, entitled *Classification of Uses*, is hereby amended to read as follows:

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11
12 **3.01.02 Classification of Uses.**

13 (Subsections A through F shall remain unchanged.)

14 *****

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18 G. Mixed-Use Residential District. This district is established to identify areas within
19 the County that are transitioning from conventional single use areas and are appropriate for the
20 development of low intensity commercial, office, service, educational, institutional, and
21 residential uses. The purpose of this district is to provide a mechanism which can contribute to
22 the diversification of the area and support the economic base of an area in a manner consistent
23 with the County’s Comprehensive Plan.

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26 Section 3. Amendment. Section 3.01.03, Lake County Code, Appendix E, Land
27 Development Regulations, entitled *Schedule of Permitted and Conditional Uses*, is hereby
28 amended to read as follows:

Ordinance 2023-___: Amending Section 3.01.03 LDR; Multi-family & Mixed-Use in Commercial and Industrial Districts

Horse-Breeding Farms	P	P	P	P																			
Kennels	C													P		P	P	P	P				Sec. 3.01.02.B.6 & Chap. II, Definitions
Loft/Aviary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							
Mills	C																			P			Sec. 3.01.2.B.7
Mining and Quarrying	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		Sec. 3.01.02.B.8
Plant Nurseries *5 acre requirement	P	C	C	C*									P	P	P	P							Sec. 3.01.02.B.9
Obnoxious Uses	C													C	C	C	C	C	C	C	C		Chap. II, Definitions
Roadside Farm Stands	P	P	C																				Sec. 3.01.02.B.10
Slaughter Houses	C																			C			
Veterinary Clinics	P									C				C	C	C	P	C	P	P			Sec. 3.01.02.B.11
COMMERCIAL USES (See Policy 1-1.13 of Comprehensive Plan for commercial site restrictions in Employment Center land use designation.)																							
Adult Use																C		C					Sec. 3.01.02.C.2 & Sec. 3.07.00
Amusements, Commercial	C													C	C		P						Sec. 3.01.02.C.2
Automotive Repair															P	P	P	P	P	P			Sec. 3.01.02.C.3
Automotive Service Station/Convenience Store														P	P	P	P			P			Sec. 3.01.02.C.4
Banking														P	P	P	P				P		Sec. 3.01.02.C.5
Bar or Tavern														P	P	P	P	P	P	P			Sec. 3.01.02.C.6
Carwash														P	P	P	P				P		Chap. II, Definitions
Consumer Services and Repair															P		P	P		P		C	Sec 3.01.02.C.7
Electronic Game Room Facility														p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴			Sec. 3-67, Article X
Hotel or Motel															P	P	P						Sec.3.01.02.C.8

Ordinance 2023-___: Amending Section 3.01.03 LDR; Multi-family & Mixed-Use in Commercial and Industrial Districts

Marina	C	C	C												P	P	P			P	P		Sec. 3.01.02.C.9
Medical Service										P					P	P	P	P	P	P	P		Sec.3.01.02.C.10
Personal Care Services															P	P	P	P	P		P		Sec.3.01.02.C.11
Professional Office										P					P	P	P	P	P	P	P	P	Sec.3.01.02.C.12
Recreation, Commercial															P	P	P	P					Sec.3.01.02.C.13
Research Services															P	P	P	P	P	P			Sec.3.01.02.C.14
Restaurant, Fast Food															P	P	P	P	P	P	P		Sec.3.01.02.C.15
Restaurant, General															P	P	P	P	P	P	P	C	Sec.3.01.02.C.16
Retail, Convenience											C				P	P	P	P	P	P	P	C	Sec. 3.01.02.C.17
Retail, General															P	P	P	P			P	C	3.01.02.C.18
Self-Service Laundry										P	P				P	P		P					Sec. 3.01.02.C.19
Self-Service Storage															C		P	P	P	P			Sec. 3.01.02.C.20
Theaters															P		P					P	Sec. 3.01.02.C.21
Recreational Vehicles																						P	Sec. 3.01.02.C.21
Truck Yard	C																P	P	P	P			Sec. 3.01.02.C.22
Vehicular Sales															C	C	P	P	P	P			Sec. 3.01.02.C.23
Wholesale and Warehouse															P	P	P	P	P	P			Sec.3.01.02.C.24
INDUSTRIAL USES																							
Airport																			P	P	P		Sec. 4.01.00
Industrial, Light																			P	P	P		Sec. 3.01.02.D.1
Industrial, Heavy	C																		P,	P,			Sec. 3.01.02.D.2
Junkyard																	P		P	P			Sec. 3.01.02.D.4
Recycling Center																			P	P	P	P	Sec. 3.01.02.D.3
Trucking Facilities																			P	P	P		

Ordinance 2023-___: Amending Section 3.01.03 LDR; Multi-family & Mixed-Use in Commercial and Industrial Districts

COMMUNITY FACILITY USES																							
Assisted Living Facility																						P	F.S. Ch. 400, Pt. III
Cemetery	C																					P	Sec. 3.01.02.E.1
College or University	C														P	P	P					P	Sec. 3.01.02.E.2
Church															P	P	P	P				P	Sec. 3.01.02.E.3
Comprehensive Transitional Education Facility																						P	Sec. 3.01.02.E.11
Community Residential Home										P					P	P						P	Sec. 3.01.02.E.4
Cultural Institution															P	P	P	P	P			P	Sec. 3.01.02.E.5
Day Care Center															P	P	P	P				P	Sec. 3.01.02.E.6
Dormitory																P	P	P				P	Sec. 3.01.02.E.7
Expressway Interchange, Wekiva																						P	
Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P	Sec. 3.01.02.E.8
Family Residential Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	Sec. 3.01.02.E.9
Landfill	C																		P	C	C	P	Sec. 3.01.02.E.12
Nursing Home										C	C	C						P	P			P	Sec. 3.01.02.E.13
Primary or Secondary School	C	C	C	C	C	C	C	C	P	P	P	C	C	P	P	P						P	Sec. 3.01.02.E.10
Public Safety Service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.01.02.E.16
Utilities, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec.3.01.02.E.14
Utilities, Major	C														P	P	P	P	P	P	P	P	Sec.3.01.02.E.15
Wireless Antennas, Towers and Equipment																					a., b. & c. below covered in Sec. 3.13.00		
a. Camouflaged	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
b. Amateur Radio Station Operators/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

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Receive Only Antennas																								
c. All others must meet 3.13.00 requirements	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	
RECREATIONAL USES																								
Club Private or Country															P	P	P	P				P		Sec. 3.01.02.F.1
Riding Stable or Academy	C	C	C																			P		Sec. 3.01.02.F.2
Parks and Recreation	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	p ⁵	C	Sec. 3.01.02.F.4	
Hunting and Fishing Resorts	C	C	C	C	C										C							P	C	Sec. 3.01.02.F.3

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- Note 1. Only rental mobile home dwelling units are allowed in RMRP.
- Note 2. Residences permitted with site plan approval when used in conjunction with business.
- Note 3. Agricultural uses in these use classifications are limited to hay production.
- Note 4. Section 3-67, Article X.
- Note 5. Active Recreation Uses as defined by the Comprehensive Plan permitted with site plan approval.
- Note 6. Uses shown as "P" under the CP, MP, and CFD district are only permitted to the extent the use is specifically identified in an approved zoning ordinance for a particular property.
- Note 7. Uses shown as "P" under the CP and MP districts are only permitted to the extent they are specifically identified, or specifically not excluded, in an approved zoning ordinance for a particular property.
- Note 8. Multi-family uses are permitted in LM and HM districts, and Mixed-Use Residential uses are permitted in C-1, C-2, C-3, LM and HM, only if the proposed Multi-family or Mixed-Use Residential developments comply with the requirements of Section 125.01055(7)(a), Florida Statutes, and Section 11-40, Lake County Code. Otherwise, Multi-family uses are not permitted in LM and HM districts, and Mixed-Use Residential is only permitted as otherwise allowed under these regulations.

1 **Section 4. Inclusion in Code.** It is the intent of the Board of County Commissioners
2 that the provisions of this Ordinance shall become and be made a part of the Lake County Code
3 and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance”
4 may be changed to “section”, “article”, or such other appropriate word or phrase to accomplish
5 such intentions.
6

7 **Section 5. Severability.** If any section, sentence, clause, or phrase or word of this
8 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
9 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
10 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners’
11 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
12 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
13 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
14 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
15 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
16 other person, property or circumstances.
17

18 **Section 6. Filing with the Department of State.** The Clerk shall be and is hereby
19 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the
20 State of Florida in accordance with Section 125.66, Florida Statutes.
21

22 **Section 7. Effective Date.** This Ordinance shall become effective as provided for by
23 law.
24

25
26 ENACTED this day of _____ day of _____, 2023.
27

28 FILED with the Secretary of State the ____ day of _____, 2024.
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32 ATTEST:
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34 BOARD OF COUNTY COMMISSIONERS
35 OF LAKE COUNTY, FLORIDA
36

37 _____
38 Gary J. Cooney, Clerk
39 Board of County Commissioners of
40 Lake County, Florida
41

42 _____
43 Kirby Smith, Chairman
44 This ____ day of _____, 2023.
45

46 Approved as to form and legality:
47

48 _____
49 Melanie Marsh, County Attorney