

1 **Summary of Ordinance**

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3 The purpose of this Ordinance is to amend Section 10.01.03, and Chapter II, Lake County Code,
4 Appendix E, Land Development Regulations, entitled *Accessory Dwelling Units and Definitions*,
5 respectively, to adjust the definition of Accessory Dwelling Unit. Section 22-14, Lake County
6 Code, entitled *Refund of Impact Fees Paid*, is also being amended to allow for a refund of impact
7 fees if a primary structure is demolished after construction of an accessory dwelling unit under
8 specified conditions. Section 22-11, Lake County Code, is being amended to make minor
9 clarifications and remove the reference to impact fee waivers.

10
11 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing
12 Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains
13 unchanged (excluding any renumbering or re-lettering that might be needed).

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16 **ORDINANCE NO. 2025-__**

17
18 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
19 **COUNTY, FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE**
20 **COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS: CHAPTER**
21 **II, ENTITLED *DEFINITIONS*; SECTION 10.01.03 ENTITLED *ACCESSORY DWELLING***
22 ***UNITS (ADU)*; CLARIFYING THE DEFINITION OF AN ACCESSORY DWELLING**
23 **UNIT; AMENDING SECTION 22-11, LAKE COUNTY CODE, ENTITLED *WAIVER OR***
24 ***DEFERRAL OF IMPACT FEES FOR ACCESSORY DWELLING UNITS*; REMOVING**
25 **PROVISIONS FOR WAIVERS; AMENDING SECTION 22-14, LAKE COUNTY CODE,**
26 **ENTITLED *REFUND OF IMPACT FEES PAID*; PROVIDING FOR A REFUND IF A**
27 **PRIMARY STRUCTURE IS DEMOLISHED AFTER CONSTRUCTION OF AN**
28 **ACCESSORY DWELLING UNIT; PROVIDING FOR SEVERABILITY; PROVIDING**
29 **FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE**
30 **DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

31
32 **WHEREAS**, the Lake County Land Development Regulations allows accessory dwellings
33 to be placed in agricultural and residential zoning districts provided that certain criteria are met;
34 and

35
36 **WHEREAS**, the use of accessory dwelling units offers an affordable option for residents
37 to provide housing for extended family members which the Board of County Commissioners
38 (Board) recognizes as a public health, safety and welfare benefit; and

39
40 **WHEREAS**, the Board has determined that the definition of an accessory dwelling unit
41 must be amended to clarify what constitutes an accessory dwelling unit as compared to an
42 expansion or renovation of an existing single-family dwelling unit; and

43
44 **WHEREAS**, situations exist where a property owner may construct an accessory dwelling
45 unit with the intention to make the accessory dwelling unit their primary dwelling after the
46 Certificate of Occupancy is issued. In some situations, the property owner resides in the primary

1 dwelling during the construction of the accessory dwelling unit and thereby must pay the impact
2 fees for construction of the accessory dwelling unit; and
3

4 **WHEREAS**, to further encourage the replacement of older, substandard or dilapidated
5 structures, the Board has determined that providing for a refund of impact fees for the accessory
6 dwelling unit upon demolition of the primary structure serves a legitimate public purpose; and
7

8 **WHEREAS**, the Board declares that the amendments set forth herein are in the best
9 interests of the residents of Lake County, Florida.
10

11 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
12 Lake County, Florida as follows:
13

14 **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as
15 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
16 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
17

18 **Section 2. Amendment.** Chapter II, Lake County Code, Appendix E, Land
19 Development Regulations, entitled *Definitions*, is hereby amended to read as follows:
20

21 *****
22

23 **Accessory Dwelling Unit.** ~~A self-contained dwelling unit with its own entrance, cooking~~
24 ~~accommodations, and complete bathing facilities, which shares a parcel or lot with a single family~~
25 ~~dwelling unit. An Accessory Dwelling Unit may be attached or detached to the primary residence~~
26 ~~and must remain under the same ownership as the primary dwelling See Section 10.01.03 of these~~
27 ~~regulations.~~
28

29 *****
30

31 *(All other definitions shall remain unchanged)*
32

33 **Section 3. Amendment.** Section 10.01.03, Lake County Code, Appendix E, Land
34 Development Regulations, entitled *Accessory Dwelling Units*, is hereby amended to read as
35 follows:
36

37 **10.01.03 Accessory Dwelling Units.**
38

- 39 A. Purpose. The purpose of this Section is to provide for less expensive housing units to
40 accommodate growth, provide housing for relatives and to provide for security.
41
- 42 B. Definition and Standards. Accessory Dwelling Unit is a self-contained dwelling with its
43 own entrance, cooking accommodations, and complete bathing facilities, which shares a
44 parcel or lot with a single-family dwelling unit. Accessory Dwelling Unit may be allowed
45 within the Agricultural and residential zoning districts provided that all of the following
46 requirements are met:
47

- 1 1. The Lot must be a Lot of Record or a legally created Lot.
- 2
- 3 2. No more than one (1) Principal Dwelling Unit and one (1) Accessory Dwelling Unit
- 4 Shall be permitted on any Lot of Record, or legally created Lot. A lot or parcel of land
- 5 containing an Accessory Dwelling Unit shall be occupied by the owner of the premises,
- 6 and the owner may live in either the Accessory Dwelling Unit or the Principal Dwelling
- 7 Unit. Prior to the date a building permit is issued for an Accessory Dwelling Unit or
- 8 prior to the use of an existing Structure as an Accessory Dwelling Unit, the Owner
- 9 Shall execute and the County Manager or designee Shall record in the public records
- 10 of Lake County, Florida, at the Owner's expense, a legal document that requires the
- 11 principal dwelling and the Accessory Dwelling to remain in the same ownership and
- 12 limiting occupancy of either the Principal Dwelling Unit or the Accessory Dwelling
- 13 Unit to the owner of the property. Proof that such restrictions has been recorded shall
- 14 be provided to the County Manager, or designee, prior to issuance of the occupancy
- 15 permit for the Accessory Dwelling Unit.
- 16
- 17 3. An Accessory Dwelling Unit may be ~~attached to a principal dwelling~~, an apartment
- 18 unit ~~within the principal dwelling~~, or a stand-alone building that is not accessible from
- 19 the interior living area of the primary dwelling.
- 20
- 21 4. One or more of the following factors support a determination that an Accessory
- 22 Dwelling Unit is being constructed:
- 23
- 24 a. A separate utility meter will service the additional living space;
- 25 b. The additional living space will have a separate address;
- 26 c. The additional living space is connected to the primary dwelling by a breezeway or
- 27 walkway regardless of whether it is enclosed or open; or
- 28 d. The additional living area qualifies as a separate dwelling under the Florida
- 29 Building Code.
- 30
- 31 4.5. The enclosed living area of the Accessory Dwelling Unit Shall not exceed one thousand
- 32 two hundred (1,200) square feet or seventy percent (70%) of the air conditioned,
- 33 enclosed living area of the principal dwelling (excludes garages, patios, porches and
- 34 the like), whichever is greater.
- 35
- 36 5.6. The Accessory Dwelling Unit Shall be located and designed not to interfere with the
- 37 appearance of the principal dwelling as a one-family Dwelling Unit. If the lot is less
- 38 than an acre, the Accessory Dwelling Unit Shall be the same architectural style as the
- 39 principal Dwelling Unit unless developed under the provisions of Section 22-19, Lake
- 40 County Code.
- 41
- 42 6.7. The principal dwelling unit and the Accessory Dwelling Unit shall share a common
- 43 driveway if access to the Accessory Dwelling Unit is from the same right-of-way or
- 44 easement.
- 45

1 7 8. Impact fees Shall be paid on an Accessory Dwelling Units unless it qualifies for an
2 exemption under Chapter 22, Lake County Code.

3
4 8 9. ~~Accessory Dwelling Units are not required to adhere to the design criteria for single-~~
5 ~~family dwelling units established in Section 3.01.02.A.1. Mobile or modular homes~~
6 ~~installed for purposes of being used as an~~ Accessory Dwelling Units shall have a solid
7 foundation or Permanent skirting around the perimeter of the unit and any wheels,
8 tongue or any transportation apparatus must be removed or enclosed.

9
10 **Section 4. Amendment.** Section 22-11, Lake County Code, entitled *Waiver or*
11 *Deferral of Impact Fees For Accessory Dwelling Units*, is hereby amended to read as follows:
12

13 **Sec. 22-11. ~~Waiver or d~~Deferral of impact fees for accessory dwelling units.**

14 (a) When an application for a building permit for an accessory building unit is made, the county
15 manager or designee may ~~waive or~~ defer the educational impact fees as set forth herein. ~~For~~
16 ~~purposes of this section, the term "accessory dwelling unit" shall mean a self-contained~~
17 ~~dwelling with its own entrance, cooking accommodations, and complete bathing facilities,~~
18 ~~which shares a parcel or lot with a single-family dwelling unit. An accessory dwelling unit~~
19 ~~may be attached or detached to the primary residence and must remain under the same~~
20 ~~ownership as the primary dwelling. An accessory dwelling unit, as defined under Section~~
21 ~~10.01.03 of the Land Development Regulations, shall not exceed must be 800 square feet or~~
22 ~~less to be eligible for a deferral under for purposes of this section.~~

23 (b) The educational impact fees for an accessory dwelling unit may be deferred upon the
24 applicant's request until the property is sold or conveyed. Any such deferral shall be
25 conditioned upon the applicant executing a mortgage to Lake County in the amount of the
26 deferred impact fees. The mortgage shall be recorded in the public records of Lake County
27 and shall obtain priority status as a lien holder subject only to the lien of a first mortgage. The
28 county manager is authorized to consent to subordination of the mortgage in the case that the
29 first mortgage is being refinanced so long as the principal amount of the first mortgage is not
30 increased. The term of the mortgage shall be for thirty (30) years.

31 ~~(c) In the event the board of county commissioners approves an impact fee rate specific to~~
32 ~~accessory dwelling units, any deferrals approved between January 28, 2020, and the date such~~
33 ~~new fee goes into effect, may be amended to incorporate the new fee if such fee is lower than~~
34 ~~the original amount charged. The property owner shall be required to execute a mortgage~~
35 ~~modification to obtain the benefit of the reduction. The mortgage modification shall be~~
36 ~~recorded in the public records of Lake County and shall have the same priority status as the~~
37 ~~original mortgage.~~

38 ~~(d)~~ (dc) The applicant or property owner, where applicable, shall pay all recording fees associated
39 with recording the mortgage.

40 ~~(e) Waivers of the educational impact fee shall be contingent upon the board of county~~
41 ~~commissioners identifying a source of funding that will be used to pay the educational impact~~
42 ~~fees for the accessory dwelling unit. Should no funding source be available, or should an~~
43 ~~available funding source be inadequate to cover the total amount of the educational impact~~

~~fees that are being waived, the waiver shall not be granted unless or until such funding becomes available so long as a certificate of occupancy has not been issued for the accessory dwelling unit. Once a certificate of occupancy has been issued, the property shall no longer be eligible for a waiver under this section.~~

Section 5. Amendment. Section 22-14, Lake County Code, entitled *Refund of Impact Fees Paid*, is hereby amended to read as follows:

Sec. 22-14. Refund of impact fees paid.

- (a) Generally. If a building permit or final development order expires or is canceled without commencement of the construction the owner of record shall be entitled to a refund, without interest, of the impact fee. The owner of record shall submit an application for the refund to the county manager, or designee, within one hundred eighty (180) days of the expiration of the permit or final development order. Failure to submit the application for refund within the time specified constitutes a waiver of any claim to such monies. Upon review of the completed application the county manager shall issue the refund if it is clear the building permit or final development order has expired without the commencement of construction.
- (b) Unexpended or Unencumbered Funds. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee or land dedication monies were paid shall, upon application of the owner of record, be returned to such owner of record without interest provided that the owner of record submits an application for a refund to the county manager or designee, and to the school board in the case of the educational impact fee, within one hundred eighty (180) days of the expiration of the six-year period. This six-year period may be extended by action of the board of county commissioners for up to an additional three (3) years. Failure to submit the application within the time specified herein constitutes a waiver of any claim to such monies. The board shall issue such refund if a determination is made that the impact fees were not expended or encumbered within the time specified.
- (c) Double Payment. In the event the owner of record demonstrates that the impact fees have been paid twice or that the impact fees have been calculated incorrectly, the owner of record shall submit an application for refund to the county manager or designee within three hundred sixty-five (365) days of the double payment or error date. The county manager shall issue such refund if a determination is made that the double payment or error was made on the impact fees. Failure to submit the application within the time specified herein constitutes a waiver of any claim to such monies. Double payment includes prepayment and payment at time of issuance of building permit, payment at time of issuance of building permit when a waiver of impact fees had previously been granted, etc.
- (d) Affordable Housing. In the event a new single family residence is constructed with impact fees being paid at the time of issuance of building permit, and title to such home is sold, conveyed or otherwise transferred to a person who would qualify for an impact fee waiver pursuant to Section 22-9, the county manager shall issue a refund to the qualifying individual if such person is the first person to reside in such residence and if application is made to the county manager within one hundred eighty (180) days from the date of such sale, conveyance

1 or transfer. The first homeowner must also be granted a homestead exemption from the Lake
2 County Property Appraiser’s Office.

3 (e) Accessory Dwelling Unit Conversion. In the event a property owner resides in an existing
4 primary dwelling unit while constructing an accessory dwelling unit, the property owner may
5 request the impact fees paid for the accessory dwelling unit be refunded upon the following
6 conditions:

7 (1) The property owner paid in full all impact fees associated with the construction of the
8 accessory dwelling unit.

9 (2) Upon receipt of the Certificate of Occupancy (CO) for the accessory dwelling unit, the
10 property owner obtains a demolition permit for the primary dwelling unit within thirty
11 (30) days of receipt of the CO.

12 (3) Upon receipt of the demolition permit, the property owner demolishes and properly
13 disposes of all debris associated with the primary dwelling unit so that the accessory
14 dwelling unit is now the only dwelling unit on the property, becoming the primary
15 dwelling unit.

16 (4) Demolition and removal of debris of the primary dwelling unit must be completed within
17 six (6) months of issuance of the demolition permit and a final passing inspection and
18 Certificate of Completion must be obtained for the property owner to be entitled to a
19 refund.

20 The property owner may submit a request for refund after obtaining a passing final inspection
21 and Certificate of Completion of the demolition permit. A request for refund must be
22 submitted within thirty (30) days of the Certificate of Completion otherwise the property
23 owner waives their right to have the refund issued.

24 (ef) Any refund approved pursuant to this section may be disbursed to someone other than the
25 owner of record if the county manager is presented with a sworn, notarized affidavit from the
26 owner of record stating that such money should be refunded to another person, with such
27 person's name and address included therein.

28 (fg) An applicant for a refund the need for which has not been caused by county error shall be
29 charged an administrative fee as set by the board of county commissioners by resolution.
30 Refunds caused by failure of an applicant to claim credit for a prepayment, a concurrency
31 payment, or a preexisting structure shall be charged an administrative fee. Refunds issued
32 pursuant to subsection (d) above shall not be charged an administrative fee.

33 (g h) No refund shall be made of the administrative fee collected pursuant to section 22-17(a).

34
35
36 **Section 4. Severability.** If any section, sentence, clause, or phrase or word of this
37 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
38 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
39 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners’
40 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
41 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
42 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions

1 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
2 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
3 other person, property or circumstances.

4
5 **Section 5. Inclusion in the Code.** It is the intent of the Board of County
6 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
7 County Code and that the sections of this Ordinance may be renumbered or re-lettered and the
8 word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase
9 in order to accomplish such intentions.

10
11 **Section 6. Filing with the Department of State.** The Clerk shall be and is
12 hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for
13 the State of Florida in accordance with Section 125.66, Florida Statutes.

14
15 **Section 7. Effective Date.** This Ordinance shall become effective as provide for
16 by law.

17
18 Enacted this _____ day of _____, 2025.

19
20 Filed with the Secretary of State _____, 2025.

21
22
23
24 BOARD OF COUNTY COMMISSIONERS
25 OF LAKE COUNTY, FLORIDA

26
27
28
29 ATTEST:

30 _____
31 Gary J. Cooney, Clerk
32 Board of County Commissioners
33 of Lake County, Florida

34 _____
35 Leslie Campione, Chairman

36 This _____ day of _____, 2025.

37
38
39 Approved as to form and legality:

40 _____
41 Melanie Marsh
County Attorney