

1 **ORDINANCE SUMMARY**
2 **NONCONFORMING DEVELOPMENT**
3

4 This ordinance proposes to amend Chapters I, II, III, IX, and XI of the Lake County Land
5 Development Regulations (LDR) entitled "General Provisions", "Definitions", "Zoning District
6 Regulations", "Development Design and Improvement Standards" and "Signs". This ordinance
7 will update the LDR to meet all requirements of the 2030 Comprehensive Plan relating to
8 nonconformities. Generally this ordinance does the following:
9

- 10 • Clarifies and reorganizes the sections relating to nonconforming development and
11 nonconforming uses that are currently in various locations throughout the LDRs.
12 • Updates regulations for existing lots nonconforming to density requirements, for compliance
13 with the Comprehensive Plan.
14 • Provides for additions to a single-family dwelling unit that is nonconforming to the width, roof
15 pitch or overhang requirements.
16 • Provides definitions for nonconforming structures and nonconforming uses.
17 • Places all regulations relating to nonconformities in Chapter I of the LDRs. Sections moved
18 include nonconforming parking lots, signs, impervious surface, open space, clustering,
19 landscaping and setbacks.
20

21 After consideration by the Lake County Planning & Zoning Board on April 24, 2013, several
22 minor editing changes to the ordinance were made. These changes did not affect the title.
23 Specifically, portions of the LDR had been omitted from the ordinance and were inserted in
24 order ensure it was clear that that text was either being retained, or deleted, and incorporated
25 elsewhere in this ordinance. In addition, staff deleted references to "farm buildings" in Table
26 3.02.05 ("Setback Requirements"), as non-residential farm buildings are not subject to setback
27 requirements pursuant to Section 604.50, Florida Statutes and Attorney General Opinion 2013-
28 01.
29

30 Changes are shown as follows: Strikethrough for deletions and Underline for additions to
31 existing Code sections. The notation "(*)" shall mean that all preceding or subsequent text
32 remains unchanged (excluding any renumbering or relettering that might be needed).
33

34 **Ordinance No. 2013-25**
35

36 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**
37 **FLORIDA; AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT**
38 **REGULATIONS; AMENDING CHAPTER I, ENTITLED "GENERAL PROVISIONS", SECTION**
39 **1.08.00, ENTITLED "NONCONFORMING DEVELOPMENT", IN ORDER TO PROVIDE FOR**
40 **CONTINUATION OR TERMINATION OF NONCONFORMING DEVELOPMENT AS**
41 **PRESCRIBED BY THE LAKE COUNTY 2030 COMPREHENSIVE PLAN, AND TO**
42 **INCORPORATE PROVISIONS RELATED TO NONCONFORMITIES FROM OTHER**
43 **CHAPTERS OF THE LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER II,**
44 **ENTITLED "DEFINITIONS", IN ORDER TO ADD DEFINITIONS FOR NONCONFORMING**
45 **STRUCTURES AND NONCONFORMING USES; AMENDING CHAPTER III, ENTITLED**
46 **"ZONING DISTRICT REGULATIONS", SECTION 3.02.00, ENTITLED "BULK**
47 **REGULATIONS", IN ORDER TO REPEAL LOT OF RECORD PROVISIONS AND DELETE**
48 **PROVISIONS RELATED TO NONCONFORMITIES TO BE INCORPORATED IN CHAPTER I,**
49 **LDR, BY THIS ORDINANCE, AND AMENDING SECTION 3.07.00, ENTITLED "ADULT**
50 **ENTERTAINMENT ESTABLISHMENTS", IN ORDER TO REPEAL PROVISIONS RELATED**

1 TO NONCONFORMING ADULT ENTERTAINMENT USES TO BE INCORPORATED IN
2 CHAPTER I, LDR, BY THIS ORDINANCE; AMENDING CHAPTER IX, ENTITLED
3 "DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS", SECTION 9.03.00,
4 ENTITLED "OFF-STREET PARKING REGULATIONS", IN ORDER TO REPEAL
5 PROVISIONS RELATED TO NONCONFORMING PARKING LOTS TO BE INCORPORATED
6 IN CHAPTER I, LDR, BY THIS ORDINANCE; AND AMENDING CHAPTER XI, ENTITLED
7 "SIGNS", IN ORDER TO REPEAL SECTION 11.03.00, ENTITLED "PROVISION FOR
8 CONVERTING EXISTING NONCONFORMING SIGNS TO GROUND SIGNS", TO BE
9 INCORPORATED IN CHAPTER I, LDR, BY THIS ORDINANCE; PROVIDING FOR
10 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING
11 WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.
12

13 **WHEREAS**, on September 22, 2011, the Lake County 2030 Comprehensive Plan
14 became effective, requiring the Land Development Regulations to be updated; and
15

16 **WHEREAS**, on November 8, 2011, the Board of County Commissioners approved the
17 Land Development Regulation Work Program; and
18

19 **WHEREAS**, the amendments to Chapter 1 of the LDR, entitled "General Provisions",
20 which includes provisions regarding Vesting and Nonconformities, is scheduled on the first year
21 Agenda for the Land Development Regulations Work Program; and
22

23 **WHEREAS**, the Planning & Zoning Board, in its capacity as the Local Planning Agency,
24 considered this ordinance and recommended approval at a properly advertised public hearing
25 on February 6, 2013, and April 24, 2013; and
26

27 **WHEREAS**, the Board of County Commissioners (the "Board") desires to amend
28 Chapters I, II, III, IX and XI, LDR, to bring the LDR into conformity with the 2030 Comprehensive
29 Plan by adding, amending and relocating regulations pertaining to nonconformities;
30

31 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake
32 County, Florida, that:
33

34 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
35 herein by reference.
36

37 **Section 2. Amendment.** Section 1.08.00, Lake County Code, Appendix E, Land
38 Development Regulations, entitled "Nonconforming Development", shall be amended to read as
39 follows:
40

41 **1.08.00 - Nonconforming Development.**
42

43 **1.08.01-Defined.** The following provisions apply to Nonconforming Development as defined in
44 Chapter II.
45

46 ~~**1.08.02 Normal Maintenance.** Normal maintenance and incidental repair of a lawful
47 nonconformity shall be permitted provided that such maintenance and repair does not violate
48 any other Section of these Regulations and is in full compliance with all building and technical
49 codes adopted by Lake County.~~
50

1 **1.08.023 Continuation of Nonconforming Development.** A lawful nonconforming use or
2 structure can continue in its nonconforming state.

3
4 ~~Subject to the provisions below for terminating Nonconforming Development, such uses and~~
5 ~~development may, if otherwise lawful, remain in use in their nonconforming state.~~

6 A. It may be expanded as provided below:

- 7
8 1. Minor expansions to uses or structures nonconforming to the Comprehensive Plan may
9 be made to meet regulatory requirements so long as the expansion does not exceed ten
10 percent (10%) of the nonconforming use or structure. The ten percent (10%) shall be
11 based on the use or structure as it existed on September 22, 2011.
12 2. Modification or rebuilding of a nonconforming communication tower in order to
13 accommodate co-location of additional communication antennas shall be allowed so
14 long as the tower is of the same type (e.g., monopole, lattice, guyed, etc.) and there is
15 no increase in height.
16 3. Adding to the size of a single-family dwelling unit that is non-conforming due to the
17 minimum width, roof pitch, or overhang requirement may be allowed, provided that:
18 a. A mobile home, travel trailer, recreational vehicle or the like shall not be used as the
19 addition; and
20 b. The expansion shall meet all other requirements of these Land Development
21 Regulations and the Florida Building Code.

22
23 **1.08.04 Termination of Nonconforming Development.**

24 ~~A. Generally Nonconforming development Shall be brought into full compliance with the~~
25 ~~other requirements of these Regulations, in conjunction with the following activities:~~

26
27 B. Repair or reconstruction of nonconforming structures.

- 28
29 ~~1. Any expansion, change, enlargement, or alteration of a use or development in any way~~
30 ~~which increases its nonconformity. This Shall not be construed to include nNormal~~
31 ~~maintenance and incidental repair (e.g., painting, providing for a new replacing a roof,~~
32 ~~replacing windows or doors, rescreening an existing porch, etc.) is allowed, nor Shall it~~
33 ~~include the modification or rebuilding of a nonconforming communication tower in order~~
34 ~~to accommodate co-location of additional communication antennas so long as the tower~~
35 ~~is of the same type which existed and there is no increase in height.~~
36 2. Reconstruction of the pPrincipal or accessory structures, other than signs, may be
37 repaired or reconstructed after the structure has been damaged or substantially
38 destroyed by fire or other natural disaster as long as a certificate of occupancy is issued
39 for the rebuilt nonconforming principal or accessory structure within two (2) years from
40 the date that it was damaged or destroyed and so long as the nonconformity is not
41 increased. A structure is "substantially destroyed" if the cost of reconstruction is fifty (50)
42 percent or more of the fair market value of the structure before the fire or natural
43 disaster. If there are multiple principal structures on a site, the cost of reconstruction
44 Shall be compared to the combined fair market of all the structures. A nonconforming
45 development may continue if, within two (2) years from the date that the principal
46 structure was substantially destroyed, a Certificate of Occupancy is issued for the rebuilt
47 principal structure.
48 3. Interior Sstructural alteration, as defined in Chapter II (Structural Work and Alteration), is
49 allowed.
50 4. Structural alteration required to resolve a safety issue as determined by the Building
51 Official or Fire Official.

4. ~~Any change in the use of the property, whereby a change from one Use Classification identified in Subsection 3.01.03 to another Use Classification constitutes a change in the use of the property. This Shall not be construed to include normal maintenance and incidental repair (e.g., painting, providing for a new roof, rescreening an existing porch, etc.).~~
5. ~~The discontinuance of any nonagricultural use or development for twelve (12) consecutive months or the registration of a business tax receipt for which the expiration has exceeded one (1) year.~~
6. ~~The discontinuance of any agricultural uses (not requiring a CUP) for fifteen (15) consecutive years.~~
7. ~~The substantial improvement of any nonconforming development that does not comply with the drainage and flood hazard area requirements of the Land Development Regulations.~~

C. Repair or reconstruction of a nonconforming sign.

1. Normal maintenance and incidental repair (e.g., painting, re-facing, interchange of letters) is allowed.
2. Repair or rebuilding of a sign that has been destroyed or damaged where the replacement of materials is involved is allowed, provided that such replacement shall not exceed 50% of the structural materials in the sign within any 24 month period.
3. Existing nonconforming Pole and roof signs, made nonconforming by the Land Development Regulations, may be relocated to a ground sign of the same size, subject to any required permits.
4. Another nonconforming sign shall not replace a nonconforming permanent on-premise or off-premise sign, with the exception of substitution or interchange of letters, painted boards, dismantlable material or repair/replacement of existing electrical.
5. If the provisions of Section 479.15(3)-(6), Florida Statutes, relating to outdoor advertising would apply to a sign, a hearing shall be held before the Board of County Commissioners for the purpose of determining whether the owner of the nonconforming sign is permitted to relocate the sign or whether the County will compensate the owner for its removal. The Board's determination shall be based upon the amount of just compensation due the owner, the current location of the sign, the proposed relocation site, and any other factors applicable to the removal of the sign.

B. Nonconforming Signs. In addition to the requirements above the following Shall apply:

1. ~~Nonconforming signs Shall be brought into full compliance with the other requirements of these Regulations in conjunction with the following activities:~~
 - a. ~~Any structural or mechanical extension or change which expands the nonconformity;~~
 - b. ~~Repair or rebuilding of a sign that has been destroyed or damaged to the extent of fifty (50) percent or more of its replacement value.~~
 - c. ~~Nonconforming status Shall not be granted to any sign erected without the required permit issued by the County, State, or any Federal agency before or after the enactment of this Code, or to any preexisting signs which have been illegally installed, constructed, placed, or maintained.~~

- ~~2. Another nonconforming sign shall not replace a nonconforming permanent on-premise or off-premise sign with the exception of substitution or interchange of letters, painted boards, or dismantlable material.~~
- ~~3. No permits shall be issued for electrical or mechanical work for a nonconforming sign unless there is a present safety hazard.~~
- ~~4. For the purpose of this Section, existing ground signs shall be deemed to be conforming signs for the purpose of continued use.~~
- ~~5. If the provisions of Section 479.15(3)-(6), Florida Statutes, would apply to a sign, a hearing shall be held before the Board of County Commissioners for the purpose of determining whether the owner of the nonconforming sign is permitted to relocate the sign or whether the County will compensate the owner for its removal. The Board's determination shall be based upon the amount of just compensation due the owner, the current location of the sign, the proposed relocation site, and any other factors applicable to the removal of the sign.~~

~~C. Nonconforming Landscaping. For landscaping that is nonconforming due to Sections 9.01 and 9.02, the following shall apply instead of (A) above:~~

- ~~1. Existing development shall comply with the landscape regulations of Sections 9.01 and 9.02 when the floor area of a principal structure or parking area is increased by fifty (50) percent or more.~~
- ~~2. Increases in area of a new structure, an additional structure, parking area or vehicular use area less than the requirement of subsection (1) above, shall require only the new structure, addition, increased parking area or increased vehicular use area to be buffered in accordance with the provisions of Section 9.01.~~
- ~~3. Nonconforming landscaping shall not be required to be brought into compliance as a result of a natural disaster.~~

1.08.03. Nonconforming Uses.

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

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

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

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

1. Existing development shall comply with the landscape and tree protection regulations of Sections 9.01.00 and 9.02.00, Land Development Regulations when the floor area of a principal structure or parking area is increased by fifty (50) percent or more.

2. Increases in area of a new structure, construction of an additional structure, parking area or vehicular use area of less than fifty (50) percent, shall require only the new structure, addition, increased parking area or increased vehicular use area to be buffered in accordance with the provisions of Section 9.01.00.

3. Nonconforming landscaping shall not be required to be brought into compliance as a result of a natural disaster.

C. Nonconforming Parking Lots. Nonconforming off-street parking shall be required to be brought into compliance with Section 9.03.00, Land Development Regulations, if there is:

1. An increase in floor area, volume, capacity or space that is added to structures; or,

2. A change in business type or activity that would require additional parking.

D. Setbacks (side, rear and secondary frontage) for Nonconforming Lots. Structures that are built on lots that meet Section 1.08.04.B.8 (Existing Lots Nonconforming to the Density Requirements) of this Section, or that do not meet the minimum Lot size of the Zoning District, or that have a width of one hundred fifty (150) feet or less in the "A" Agriculture, "RA" Ranchette, "AR" Agricultural Residential or "R-1" Rural Residential Zoning Districts, shall meet the following side and rear setbacks:

Table 1.08.04 Nonconforming Lots –
Setback Requirements Notes: 1,2 and 3

<u>Zoning District</u>	<u>Nonconforming Lots (setbacks in feet).</u>
<u>A</u>	<u>5 SF, 5 AB</u>
<u>RA</u>	<u>5 SF, 5 AB</u>
<u>AR</u>	<u>5 SF, 5 AB</u>
<u>R1</u>	<u>5 SF, 5 AB</u>
<u>R2</u>	<u>5 SF, 5 AB</u>
<u>R3</u>	<u>5 SF, 5 AB</u>
<u>R4</u>	<u>5 SF, 5 AB</u>
<u>R6</u>	<u>5 SF, 5 AB</u>
<u>R7</u>	<u>5 SF, 5 AB</u>
<u>R10</u>	<u>5 SF, 5 AB</u>
<u>RP</u>	<u>Ten (10) feet for any building not exceeding two (2) stories.</u> <u>Ten (10) feet plus fifteen (15) feet for each</u>

	story in excess of two (2).
RM	5 SF, 5 AB

SF – Single-Family Dwelling Unit AB - Accessory Building

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

Note 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.

Note 3. The setbacks for common private docks shall be as shown in Chapter X, Land Development Regulations ("Accessory and Temporary Structures and Uses").

E. Nonconforming Wetland Setbacks (excluding canals). Development approved prior to September 22, 2011, with a wetland setback of less than 25 feet shall be considered nonconforming and shall not be allowed to develop closer to the wetlands (unless vested under Chapter 1, Land Development Regulations). However, additions to a residence may be allowed, if the addition does not extend beyond the existing rear and sides of the residence.

F. Impervious Surface Ratio (ISR) calculated on nonconforming lots. A nonconforming lot shall meet the ISR of the zoning district or Future Land Use Category, whichever is more stringent.

G. Existing lots nonconforming to open space and clustering requirements. Lots of record, lots meeting the provisions of 1.08.04.B.8 of this Section ("Existing lots nonconforming to the density requirements) and lots existing on September 22, 2011, shall be exempt from open space and clustering requirements of the 2030 Comprehensive Plan, provided that said lots are not further subdivided.

H. Existing lots nonconforming to density requirements. If the requirements specified below are met, the lot will be considered a buildable lot subject to all other requirements of the Comprehensive Plan and Land Development Regulations. This exception relates to density only; development undertaken pursuant to this section shall be consistent with and subject to all other provisions of the Comprehensive Plan and Land Development Regulations. If a lot, or combination of lots, meets one of the criteria listed below (1 through 5), an exception to the densities established by the Comprehensive Plan shall be granted:

1. There shall be an exception to the density requirements for lots which were legally created by a deed dated and recorded in the Public Records of Lake County, Florida on or before May 20, 1981. A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of lots, provided that each of the following requirements are met:
 - a. The lot shall front on a publicly maintained road, or an easement. If the lot fronts on an easement, the easement must connect to a publicly maintained road, and the lot shall be within 1,320 feet of the publicly maintained road;
 - b. The lot shall be accessible by public safety and other public service providers;
 - c. The lot shall have a minimum frontage of forty (40) feet; and

1 d. The lot shall contain a minimum of 12,500 square feet (excluding open water
2 bodies), unless the lot is served by central water and wastewater utility service.

3
4 Contiguous lots may be combined into one or more lots in order to meet the criteria set
5 forth in this section.

6
7 If the lot fronts on an easement that is within 1,320 feet from a publicly maintained road
8 as described above, the property owner(s) shall execute a legal document wherein the
9 property owner(s) agrees to be subject to a special assessment for road improvements
10 should the County obtain the necessary right-of-way and elect to improve the road
11 through the special assessment process. Lake County shall record said document in the
12 public records of Lake County, at the owner's cost.

13 2. There shall be an exception to the density requirements of the Comprehensive Plan for a
14 lot or combination of lots created through a subdivision approved by the Board of County
15 Commissioners and recorded in the Public Records of Lake County in Plat Books 1
16 through 22 or lots created through one of the following Recognized Unrecorded
17 Subdivisions.

- Astor Forest Campsites
- Belmont Heights Unit 2
- Blue Creek Point
- Deerhaven
- Forest Acres
- Forest Park
- Forest Ridge
- Groewood
- H.O. Peters and Associates
- Oak Ridge
- Pittman
- Ravenswood
- River Road Acres
- Robbins Heights
- St. Johns Waterfront Est. 1st Add.
- Sunnyside Shores
- Villa City
- Villa City Shores
- Western Shores

19 A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination
20 of lots, provided that each of the following requirements are met:

21
22 a. The lot shall front on a publicly maintained road, or an easement. If the lot fronts on
23 an easement, the easement must connect to a publicly maintained road, and the lot
24 shall be within 1320 feet of a publicly maintained road;

25 b. The lot shall be accessible by public safety and other public (i.e. sanitation)
26 agencies;

27 c. The lot shall have a minimum frontage of forty (40) feet; and

28 d. The lot shall contain a minimum of 12,500 square feet (excluding open water
29 bodies), unless the lot will be served by central water and wastewater utility service.

1 Contiguous lots may be combined into one or more lots in order to meet the criteria set
2 forth in this section.

3 If the lot fronts on an easement that is within 1320 feet from a publicly maintained road
4 as described above, the property owner(s) shall execute a legal document wherein the
5 property owner(s) agrees to be subject to a special assessment for road improvements
6 should the County obtain the necessary right-of-way and elect to improve the road
7 through the special assessment process.. Lake County shall record said document in
8 the public records of Lake County, at the owner's cost.

9
10 3. There shall be an exception to the density requirements of the Comprehensive Plan for
11 lots or combination of lots described in Paragraphs "1" or "2" above but that do not meet
12 the requirements contained therein. A dwelling unit and accessory uses thereto, may be
13 permitted on the lot, or combination of lots, if one of the following criteria is met:

14 a. The owner demonstrates that on March 2, 1993 such lot was owned by the owner or
15 their predecessor in title and no contiguous lots were owned by the owner or their
16 predecessor in title on that date;

17 b. Contiguous lots owned by the owner or predecessor in title on March 2, 1993 have
18 been aggregated so that the aggregated lots meet the minimum density of the Future
19 Land Use Category or a minimum of five (5) acres (excluding open water bodies),
20 whichever creates the least density; or

21 c. All contiguous lots owned by the owner or their predecessor in title on March 2, 1993
22 have been aggregated.

23
24 4. There shall be an exception to the density requirements of the Comprehensive Plan for a
25 lot within any plat beginning with Plat Book 23, which has met all requirements at the
26 time it was approved by the Board of County Commissioners and recorded in the Public
27 Records of Lake County. A dwelling unit and accessory uses thereto may be permitted
28 on the lot.

29
30 5. There shall be an exception to the density requirements to the Comprehensive Plan for
31 any lot for which a final Lot of Record determination was completed and approved by
32 Lake County, in accordance with terms and conditions of such approval in place prior to
33 the adoption of the Comprehensive Plan. A dwelling unit and accessory uses thereto
34 may be permitted on the lot.

35
36 **Section 3. Amendment.** Chapter 2, Lake County Code, Appendix E, Land
37 Development Regulations, entitled "Definitions", shall be amended to add the following
38 definitions in alphabetical order:
39

40 ***

41 **Nonconforming Structures.** A structure that is no longer allowed by current regulations, due
42 to its size, location or other characteristic.

43
44 **Nonconforming Uses.** The prior lawful use of a parcel, including but not limited to, setbacks,
45 landscaping, impervious surface, parking, open space, clustering and density on a parcel which
46 is no longer allowed by current regulations.

47 ***
48
49

1 **Section 4. Amendment.** Section 3.02.00, Lake County Code, Appendix E, Land
2 Development Regulations, entitled "Bulk Regulations", shall be amended to read as follows:

3 **3.02.00 Bulk Regulations**

4 **3.02.01 Reserved Lot of Record.**

5 A. ~~Generally.~~

6 1. ~~A Lot of Record shall be issued a Building Permit if the Lot of Record meets the~~
7 ~~requirements of Subsections 3.02.01A.1.a, 3.02.01.A.1.b., OR 3.02.01.A.1.c:~~

8 a. ~~If a Lot of Record:~~

- 9 1. ~~Is not in the Wekiva River Protection Area;~~
10 2. ~~Meets the minimum Lot size requirements of the Land Use Category on the~~
11 ~~Future Land Use Map in the March 2, 1993 Comprehensive Plan, excluding~~
12 ~~open water bodies;~~
13 3. ~~Meets the minimum Lot size requirement of 12,500 square feet;~~
14 4. ~~Fronts on a publicly maintained Road; and~~
15 5. ~~Adheres to the requirements of Subsection 3.02.01.B and 3.02.01.E;~~

16 b. ~~If a Lot of Record:~~

- 17 1. ~~Is in the Wekiva River Protection Area;~~
18 2. ~~Meets the minimum Lot size requirement of the zoning category in place on~~
19 ~~March 12, 1990, or 12,500 square feet, whichever is greater, excluding open~~
20 ~~water bodies;~~
21 3. ~~Fronts on a publicly maintained Road; and~~
22 4. ~~Adheres to the requirements of Subsections 3.02.01.B, and 3.02.01.E.~~

23 c. ~~If a Lot of Record adheres to all of the requirements of Subsections 3.02.01.B~~
24 ~~through 3.02.01.E.~~

25 2. ~~The minimum Lot size requirement for the Suburban and Transitional Land Use~~
26 ~~Categories shall be one (1) acre.~~

27 3. ~~Notwithstanding Subsections 3.02.01.A.1, if a Final Lot of Record Determination was~~
28 ~~issued prior to November 16, 1993, then a Building Permit shall be issued for the Lot~~
29 ~~of Record if the requirements of Subsections 3.02.01.B, and 3.02.01.E are met.~~

30 4. ~~Notwithstanding Subsections 3.02.01.A.1, if a Final Lot of Record Determination was~~
31 ~~issued on or after November 16, 1993, then a Building Permit shall be issued for the~~
32 ~~Lot of Record if the requirements of Subsection 3.02.01 are met.~~

33 B. ~~Septic Tanks and Sewage Disposal Systems. A Lot of Record of any size which meets~~
34 ~~the minimum Lot size requirements of Chapter 10D-6, Florida Administrative Code, shall~~
35 ~~be allowed.~~

36 C. ~~Road Requirement. A Lot of Record created by a recorded plat must have Road~~
37 ~~Frontage of at least forty (40) feet.~~

38 D. ~~Aggregation of Lots.~~

39 1. ~~Except Wekiva. In addition to meeting Subsection 3.02.01.D.3, an Applicant shall~~
40 ~~adhere to the Subsection which produces the least density of Subsections~~
41 ~~3.02.01.D.1.a., 3.02.01.D.1.b, or 3.02.01.D.1.e.~~

42 a. ~~If Abutting Lots of Record were under common ownership as of March 2, 1993,~~
43 ~~then as many of the Abutting Lots of Record as necessary shall be aggregated~~
44 ~~so that the aggregated Lots of Record are consistent with the Lot size~~
45 ~~requirements of the Land Use Category on the Future Land Use Map in the~~
46 ~~March 2, 1993 Comprehensive Plan. If all of the aggregated Lots of Record do~~
47 ~~not meet the Lot size requirements of the Land Use Category on the Future Land~~
48 ~~Use Map in the March 2, 1993 Comprehensive Plan, then only one Building~~
49 ~~Permit shall be issued.~~

50 b. ~~If a Lot of Record fronts on a publicly maintained Road and Abutting Lots of~~
51 ~~Record were under common ownership as of March 2, 1993, then as many of the~~

- 1 ~~Abutting Lots of Record as necessary Shall be aggregated so that the~~
- 2 ~~aggregated Lots of Record meet the minimum Lot size of 12,500 square feet,~~
- 3 ~~excluding open water bodies. If all of the aggregated Lots of Record do not meet~~
- 4 ~~the minimum Lot size of 12,500 square feet, excluding open water bodies, then~~
- 5 ~~only one Building Permit Shall be issued.~~
- 6 ~~c. IF (1) a Lot of Record does NOT front on a publicly maintained Road and (2)~~
- 7 ~~Abutting Lots of Record were under common ownership as of March 2, 1993,~~
- 8 ~~THEN as many of the Abutting Lots of Record as necessary Shall be aggregated~~
- 9 ~~so that the aggregated Lots of Record meet the minimum Lot size of five (5)~~
- 10 ~~acres, excluding open water bodies. If all of the aggregated Lots of Record do~~
- 11 ~~not meet the minimum Lot size of five (5) acres, excluding open water bodies,~~
- 12 ~~then only one Building Permit Shall be issued.~~
- 13 ~~d. Example One. If, on March 2, 1993, a Person owned twenty five (25) Lots of~~
- 14 ~~Record, each containing 1,000 square feet, zoned R-1 (formerly RR), in Urban~~
- 15 ~~Future Land Use Category, and all were on a publicly maintained Road, then no~~
- 16 ~~more than two (2) Building Permits Shall be issued. (25,000/12,500 = 2).~~
- 17 ~~e. Example Two. If, on March 2, 1993, a Person owned twenty five (25) Lots of~~
- 18 ~~Record, each containing 1,000 square feet, zoned R-1 (formerly RR), in Rural~~
- 19 ~~Future Land Use Category, and all were on a publicly maintained Road, then~~
- 20 ~~only one (1) Building Permit Shall be issued. (25,000 square feet is less than five~~
- 21 ~~(5) acres).~~
- 22 ~~f. Example Three. If, on March 2, 1993, a Person owned twenty five (25) Lots of~~
- 23 ~~Record, each containing 1,000 square feet, zoned R-1 (formerly RR), in Urban~~
- 24 ~~Future Land Use Category, and none were on a publicly maintained Road, then~~
- 25 ~~only one (1) Building Permit Shall be issued. (Nonpublicly maintained Road less~~
- 26 ~~than five (5) acres = one Building Permit).~~
- 27 ~~2. Wekiva. In addition to meeting Subsection 3.02.01.D.3, an Applicant Shall adhere to~~
- 28 ~~the Subsection which produces the least density of Subsections 3.02.01.D.2.a. or~~
- 29 ~~3.02.01.D.2.b:~~
- 30 ~~a. If a Lot of Record fronts on a publicly maintained Road and Abutting Lots of~~
- 31 ~~Record were under common ownership as of March 2, 1993, then as many of the~~
- 32 ~~Abutting Lots of Record as necessary Shall be aggregated so that the~~
- 33 ~~aggregated Lots of Record meet the minimum Lot size of the zoning district in~~
- 34 ~~place on March 12, 1900 or 12,500 square feet, whichever is greater, excluding~~
- 35 ~~open water bodies. If all of the aggregated Lots of Record do not meet the Lot~~
- 36 ~~size requirements of the zoning district in place on March 12, 1900 or 12,500~~
- 37 ~~square feet, whichever is greater, excluding open water bodies, then only one~~
- 38 ~~Building Permit Shall be issued.~~
- 39 ~~b. If a Lot of Record does NOT front on a publicly maintained Road and Abutting~~
- 40 ~~Lots of Record were under common ownership as of March 2, 1993, then as~~
- 41 ~~many of the Abutting Lots of Record as necessary Shall be aggregated so that~~
- 42 ~~the aggregated Lots of record meet the minimum Lot size or five (5) acres,~~
- 43 ~~excluding open water bodies. If all of the aggregated Lots of Record do not meet~~
- 44 ~~the minimum Lot size of five (5) acres, excluding open water bodies, then only~~
- 45 ~~one Building Permit Shall be issued.~~
- 46 ~~3. Prior to the date that a Final Lot of Record Determination or Building Permit is~~
- 47 ~~issued, the owner Shall execute and Lake County Shall record in the Public~~
- 48 ~~Records of Lake County, at the owner's cost, a legal document prohibiting the~~
- 49 ~~subdivision of the aggregated Lots.~~
- 50 ~~4. Lake County Shall determine whether Lots of Record were under common~~
- 51 ~~ownership as of March 2, 1993, by utilizing the 1992 Lake County Tax Roll. If the~~

owner of a Lot of Record can produce a deed that was recorded in the Public Records of Lake County after the 1992 Lake County Tax Roll was published and prior to March 2, 1993, then Lake County shall rely on the recorded deed to determine common ownership.

~~E. Road Dedication and Special Assessment. Prior to the date that a Final Lot of Record Determination or Building Permit is issued, the property owner shall comply with Subsection 9.04.03.B and execute a legal document wherein the property owner agrees to be subject to a special Assessment for Road Improvements, including dedication of required Right-of-Way consistent with Lake County's Road Policy. Lake County shall record said document in the Public Records of Lake County, at the owner's cost. The dedication of the required Right-of-Way shall not affect the calculations for aggregation of Lots or setbacks. For example, if a twenty five (25) foot by one hundred (100) foot Lot is required to dedicate one (1) foot of Right-of-Way, the Lot shall still be considered to have two thousand five hundred (2,500) square feet (25 x 100 = 2,500), not two thousand four hundred (2,400) square feet (24 x 100 = 2400) AND the Lot shall still be considered to have a length of one hundred (100) feet, not ninety-nine (99) feet.~~

~~F. Exception to Lot of Record Definition. If a Lot does not meet the Lot of Record definition set out in Chapter 2, the County Manager or designee may determine that if a deed was executed, witnessed, and notarized prior to May 20, 1981, and created a parcel of Land by metes and bounds, but the deed was not recorded in the Public Records of Lake County until May 20, 1981, or later, the Lot is a Lot of Record.~~

3.02.05 Setbacks

TABLE 3.02.05 - Setback Requirements^{1, 3, & 4, & 5}

Zoning District	Front	
	Existing Development	New Development
A RA AR R1 R2 R3 R4 R6 R7 R10 RP RM	Property adjacent to state, federal, and County secondary highways shall maintain a 50-foot setback from the highway ROW for any structure. Property adjacent to Roads other than state, federal, and County secondary highways shall maintain, for any structure, a setback of 62 feet from the centerline of the Road or 25 feet from the Road ROW, whichever is greater	Property adjacent to state, federal, and County secondary highways shall maintain a 50-foot setback from the highway ROW for any structure. Property adjacent to Roads other than state, federal, and County secondary highways shall maintain a 25-foot setback from the ROW for any structure or 50 feet from the centerline of the traveling surface of a prescriptive Road. The side and rear setbacks for a farm Building shall be 25 feet. In the RP and RM districts, in the case of internal easements for ingress or egress, where such easements have been legally created, the setback shall be 25 feet from the ROW easement.
	Side and Rear	
Zoning District	New Development and Existing Development	Existing Development With Nonconforming Lots

	With Conforming Lots	
A	25 SF 25 FB 25 AB	5 SF 25 FB 5 AB
RA	25 SF 25 FB 25 AB	5 SF 25 FB 5 AB
AR	25 SF 25 FB 25 AB	5 SF 25 FB 5 AB
R1	10 SF 25 FB 10 AB	5 SF 25 FB 5 AB
R2	10 SF 10 AB	5 SF 5 AB
R3	5 SF 5 AB	5 SF 5 AB
R4	5 SF 5 AB	5 SF 5 AB
R6	5 SF 5 AB	5 SF 5 AB
R7	5 SF 5 AB	5 SF 5 AB
R10	5 SF 5 AB	5 SF 5 AB
RP	See Note 2	See Note 2
RM	5 SF 5 AB	5 SF 5 AB

- 1 FB - Farm Building
- 2 SF - Single family
- 3 AB - Accessory Building

4 Note 1. All setbacks for structures Shall be measured from the exterior wall of the structure
5 or structural component, excluding eaves or overhangs.

6 Note 2. The Building Line from any rear or side property line Shall be:

- 7 (a) For any Building not exceeding two (2) stories, ten (10) feet.
- 8 (b) For any Building exceeding two (2) stories in height, ten (10) feet plus fifteen (15)
9 feet for each story in excess of two (2).

10 Note 3. A secondary front yard setback Shall be established for Corner Lots and Double
11 Frontage Lots. The following setbacks Shall apply:

- 12 (a) Ongoing Development - Lots less than seventy-five (75) feet in width Shall maintain
13 a secondary front yard setback of fifteen (15) feet. For Lots of seventy-five (75) feet
14 and greater, a secondary front yard setback Shall be established at twenty-five (25)
15 feet.
- 16 (b) New Development Shall maintain a secondary front yard setback of fifteen (15) feet.

1 Note 4. The applicable setbacks Shall apply to common private docks as set out in
 2 Subsection 10.04.01.

3 ~~Note 5. See Subsection 3.01.04, Note 1, for the setback for a Livestock Building.~~

4

5

* * *

6

7 **3.02.06 Density, Impervious Surface, Floor Area, and Height Requirements.** The minimum
 8 Lot size Shall be in accordance with gross acreage requirements for each zoning district listed
 9 in Table 3.02.06.

	Maximum Density* ¹	Maximum FAR* ²	Maximum ISR* ³	Height (feet)
A	1 DU/5 AC	.10	.10* ⁴	40
RA	1 DU/5 AC	.10	.10* ⁴	40
AR	1 DU/2 AC	.20	.25* ⁴	40
R1	1 DU/AC	.20	.30* ⁴	40
R2	2 DU/AC	.30	.35	40
R3	3 DU/AC	.30	.35	40
R4	4 DU/AC	.40	.45	40
R6	6 DU/AC	.40	.55	40
R7	8 DU/AC	.40	.65	40
R10	10 DU/AC	.50	.65	40
RP	8 DU/AC	.50	.65	40
RM	8 DU/AC	.50	.65	40

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RMRP	8 DU/AC	.50	.65	40
RV	Subsection 3.02.08.K	.60	.75	40
A-1-20	1 DU/20 NET AC	.025	.025	40
A-1-40	1 DU/40 NET AC	.0125	.0125	40
Urban Compact Node	5.5 DU/NET AC	.40	.55	40
C1	—	.50	.70	50
C2	—	.70	.70	50
C3	—	1.0	.70	50
CP	—	2.0	.70	50
LM	—	1.0	.70	50
HM	—	1.0	.80	50
MP	—	1.0	.80	50
CFD	—	1.0	.80	50

- 1 Note 1. Maximum allowable Density refers to Base Site Area. The maximum allowable
- 2 Density in the Urban, Urban Expansion, and Suburban areas as depicted on the Lake County
- 3 Future Land Use Map is determined by the zoning district and by the urban area residential
- 4 Density point system. See Section 3.03 for determination of maximum Density in these areas.
- 5 Note 2. FAR: Floor Area Ratio. FAR applies only to non-residential Development.
- 6 Note 3. ISR: Impervious Surface Ratio. ISR applies to both residential and nonresidential
- 7 Development. A nonconforming Lot which does not meet the minimum Lot size requirement of a
- 8 zoning district shall utilize the ISR Category which is closest to the actual area of the non-

1 | conforming Lot. For example, a 16,000 square foot Lot in the "A" Agricultural Zoning District
2 | would utilize the ISR for the "R-3" Zoning District (.35) rather than the ISR for "A" Agriculture
3 | Zoning District (.10).

4 | Note 4. The Maximum ISR may be increased to .65 for a valid Agricultural operation utilizing
5 | structures with Impervious Surfaces.

6 |
7 | ***

8 | **Section 5. Amendment.** Section 3.07.00, Lake County Code, Appendix E, Land
9 | Development Regulations, entitled "Adult Entertainment Establishments", shall be amended as
10 | follows:

11 | ***

12 | **3.07.03 Reserved. Nonconforming Uses.** Any adult entertainment establishment existing
13 | prior to adoption of the Lake County Adult Entertainment Code and not meeting all requirements
14 | of the Lake County Adult Entertainment Code shall be considered a nonconforming use.

15 |
16 | **Section 6. Amendment.** Section 9.03.00, Lake County Code, Appendix E, Land
17 | Development Regulations, entitled "Off-Street Parking Regulations", shall be amended as
18 | follows.

19 | ***

20 | **9.03.02 Reserved. Non-Conforming Parking Lots.**

21 | A. ~~Remodeling, Alterations, repairs. Conforming Buildings and uses existing as of February 4,~~
22 | ~~1992, may be remodeled, altered or repaired without providing Additional off-Street parking,~~
23 | ~~provided there is no increase in the Floor Area or capacity of the Building or use.~~

24 | B. ~~Increased Floor area, volume, capacity, space occupied. Where a Conforming Building or~~
25 | ~~Use existed as of February 4, 1992, and such Building or Use is increased in Floor area,~~
26 | ~~volume, capacity, or space occupied, off-Street parking shall be provided for the Additional~~
27 | ~~area, volume, capacity, or space so created and used.~~

28 | C. ~~Change in use. A change of Use of a Building or Use existing as of February 4, 1992, shall~~
29 | ~~require Additional off-Street parking in compliance with requirements of this Section for the~~
30 | ~~new use.~~

31 |
32 | ***

33 | **Section 7. Amendment.** Section 11.03.00, Lake County Code, Appendix E, Land
34 | Development Regulations, entitled "Provision for Converting Existing Nonconforming Signs to
35 | Ground Signs, shall be repealed and reserved.

36 |
37 | **11.03.00 Reserved. Provision for Converting Existing Nonconforming Signs to Ground**
38 | **Signs.**

39 | ~~To encourage those affected owners of pole and roof signs, made nonconforming by this~~
40 | ~~ordinance, to bring those signs into conformance, owners may relocate the sign assembly from~~
41 | ~~an existing support system to a ground sign. If such relocation takes place within twelve (12)~~
42 | ~~months from the date of adoption of this ordinance, the owners of such sign shall be entitled to:~~

43 | 1. ~~An exemption from the maximum square footage requirements of the ground sign code if~~
44 | ~~utilizing the existing sign face currently located on the parcel.~~

45 | 2. ~~An exemption from the maximum height requirements of the ground sign code if utilizing~~
46 | ~~the existing sign face.~~

47 | 3. ~~A waiver of associated permitting fees.~~
48 |

1 **Section 8. Severability.** If any section, sentence, clause or phrase or the Ordinance
2 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
3 shall in no way effect the validity of the remaining portion of this Ordinance.
4

5 **Section 9. 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
7 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
8 the word "ordinance" may be changed to "section", "article" or such other appropriate word or
9 phrase in order to accomplish such intentions.

10
11 **Section 10. Filing with the Department of State.** The clerk shall be and is hereby
12 directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the
13 State of Florida.
14

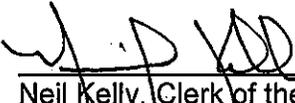
15 **Section 11. Effective.** This Ordinance shall become effective upon filing with the
16 Secretary of the State.

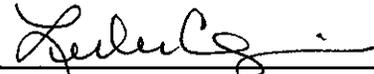
17 Enacted this 21st day of May, 2013.

18
19 Filed with the Secretary of State _____, 2013.
20
21
22

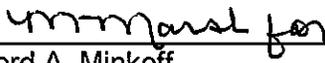
23
24 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

25
26
27 
28 _____
29 Neil Kelly, Clerk of the
30 Board of County Commissioners
31 of Lake County, Florida
32

33
34 
35 _____
36 Leslie Campione, Chairman
37

38 Approved as to form and legality:

39 
40 _____
41 Sanford A. Minkoff
42 County Attorney
43
44
45
46
47
48
49
50