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**LAKE COUNTY'S RESPONSE TO  
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT  
AND ADOPTION OF PROPOSED COMPREHENSIVE PLAN AMENDMENT 10-1ER**

**DCA OBJECTION 1**

Numerous proposed comprehensive plan policies in the proposed amendment state that land development regulations will be adopted within 24 months or 36 months of the effective date of the comprehensive plan. The plan does not ensure that within one year after submission of its revised comprehensive plan for review pursuant to Section (S.) 163.3167(2), F.S., the County shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan. [S.163.3202(1), F.S., Rule 9J-5.005(6), F.A.C.]

**DCA Recommendation.** Revise comprehensive plan policies to state that land development regulations will be adopted within one year after submission of the revised comprehensive plan for review pursuant to S. 163.3167(2), F.S.

**Board Direction**

In accordance with S. 163.3167(2), F.S. amend all references to the adoption of Land Development Regulations to be consistent with the one (1) year adoption requirement.

**DCA OBJECTION 2**

The Transportation Element uses Bureau of Economic and Business Research (BEBR) medium as the basis for the analysis of demand on roadway capacity for the five-year and long-term timeframes. The Future Land Use Element uses the average of BEBR medium and BEBR low. The comprehensive plan is not based on one professionally acceptable population projection. [Section 163.3177(2), (6)(a), (8), (10)(e), F.S., Rule 9J-5.005(2)(a) through (e), (5)(a) and (6), F.A.C.]

**DCA Recommendation.** Revise the comprehensive plan to be based upon a single professionally acceptable population projection throughout the entire plan. The comprehensive plan shall be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections shall be either those provided by the University of Florida, Bureau of Economic and Business Research (BEBR), those provided by the Executive Office of the Governor, or shall be generated by the local government. If the County chooses to base its plan on the figures provided by the University of Florida or the Executive Office of the Governor, medium range projections should be utilized. If the County chooses to base its plan on either low or high range projections provided by the University of Florida or the Executive Office of the Governor, a detailed description of the rationale for such a choice shall be included with such projections.

**Board Direction**

Utilize BEBR Medium as County Population. The Transmitted Future Land Use Map allocates land uses adequate to support this projection and is consistent with BEBR medium numbers. Upon approval by the Board, the Future Land Use Element Data, Inventory and Analysis will be updated to reflect the change.

1 **DCA OBJECTION 3**

2  
3 A complete five-year and long-term analysis of demand on roadway capacity for the years  
4 2010-2015, and 2015-2030 was not completed. [Section 163.3177(2), (6)(a), (b), (8), (10)(e),  
5 F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.019(3)(a) through (j), Rule 9J-5.019(4) and (5),  
6 F.A.C.]

7 **Recommendation.** Complete a five-year and long-term (2030) analysis of demand on roadway  
8 capacity. The five-year analysis should identify trip generation patterns and the assumed level  
9 of build-out. In preparing the 2030 transportation analysis, the County should identify any  
10 assumptions regarding changes in trip distribution patterns, or the use of non-auto transportation  
11 modes as a result of the modified Future Land Use Map. The analysis should state the adopted  
12 LOS standard and maximum service volume for each the roadway segments on the long-term  
13 transportation map. Long-term mitigation strategies, where needed, may include development of  
14 parallel corridors, development of concurrency alternatives, and investment in alternative modes.  
15 Note that the notes that the minimum statewide LOS standards apply to Strategic Intermodal  
16 Systems (SIS) and Florida Intrastate Highway System facilities (i.e., LOS C for SR 40, the SIS  
17 sections of US 27, and the Turnpike). Ensure that Transportation Element goals, objectives and  
18 policies; and the future transportation map, are consistent with this analysis.

19  
20 **Board Direction**

21  
22 Add the data and analyses as shown in Exhibit #1 to the Transportation Data, Inventory and  
23 Analysis.  
24

25 **DCA OBJECTION 4**

26  
27 Policy I-3.4.2, "Open Space Requirements within the WSA", was amended as follows: "Inside the  
28 WSA, any subdivision of land ~~three (3) or more lots, within the Rural Future Land Use Category~~  
29 ~~into ten (10) or more lots and~~ resulting in an allowable density greater than one (1) dwelling per  
30 twenty (20) net acres or larger calculated over the original parcel shall be configured as a  
31 clustered Rural Conservation Subdivision with a minimum 35% of the net buildable area as  
32 common open space. Increasing the minimum threshold in Policy I-3.4.2 from three or more lots to  
33 ten or more lots creates the potential for less common open space, increased fragmentation of  
34 wildlife habitat corridors, the application of increased chemicals and fertilizers to open space,  
35 and decreased protection of the aquifer. This amendment is not based on adequate data and  
36 analysis. The amendment does not adequately conserve, appropriately use and protect minerals  
37 and soils, native vegetative communities, including forests, wildlife habitat and water sources. [S.  
38 163.3177(2), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and (5)(a), 9J-5.006(3)(b)1., Rule  
39 9J-5.013(2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3., 6., 8. and 9., F.A.C.]

40  
41 **Recommendation.** Do not amend Policy I-3.4.2.

42  
43 The Wekiva Parkway and Protection Act does not establish a specific threshold on the number of  
44 lots or density that will require the preservation of a certain amount of Open Space based on the  
45 subdivision of land.

46  
47 Chapter 369. 321(3), F.S. (also known as the Wekiva Parkway and Protection Act) requires local  
48 governments to establish land use strategies that optimize open space and promote a pattern of

1 development on a jurisdiction-wide basis that protects. It specifically requires that most effective  
2 recharge areas, karst features, and sensitive natural habitats be protected through the use of  
3 open space.

4  
5 The statute is specific in that it requires such protection strategies recognize property rights and  
6 the varying circumstances within the Wekiva Study Area, including rural and urban land use  
7 patterns.

8  
9 The Act specifically provides that local governments shall have flexibility to achieve the  
10 preservation of open space to meet this objective through comprehensive plan strategies that may  
11 include, but are not limited to:

- (a) Coordinated greenway plans;
- (b) Dedication of conservation easements;
- (c) Land acquisition;
- (d) Clustering of development;
- (e) Density credits and density incentives which result in permanent protection of open space; and
- (f) Low to very low density development.

1  
2 However, the following options are offered as potential means to address this objection. In  
3 addition, the policy as transmitted contained a scrivener's error in the transmitted version since the  
4 policy was intended to apply only to the Rural Future Land Use Category. Similar language is  
5 also included in Policy I-5.2.2 *Land Use in the Wekiva-Ocala Rural Protection Area* and Policy I-  
6 5.3.2 *Land Use in the Emeralda Marsh Rural Protection Area*, however the Department did not  
7 object to the threshold in either of these policies. Therefore, at a minimum a change limiting the  
8 requirements of the policy to the Rural Category within the Wekiva Study Area should be made.

9  
10 **Board Direction**

11  
12 Leave as transmitted at 10-lots and add the following revisions.

13  
14 Policy I-3.4.2, "Open Space Requirements within the WSA", was amended as follows: "Inside  
15 the WSA, any subdivision of land [in the Rural Future Land Use Category](#) into ten (10) or more  
16 lots and resulting in an allowable density greater than one (1) dwelling per twenty (20) net  
17 acres ~~or larger~~ calculated over the original parcel shall be configured as a clustered Rural  
18 Conservation Subdivision with a minimum 35% of the net buildable area as common open  
19 space.

20  
21 **DCA OBJECTION 5**

22  
23 The proposed future land use map series does not identify wellhead protection areas.  
24 Conservation Policy III-2.1.28 states that the County shall update its well field protection program,  
25 and maintain a map of well fields and protected wellheads. Policy III-2.1.28 is not supported by  
26 appropriate data and analysis. [S. 163.3177(2), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-  
27 5.005(2), (3) and (5)(a), 9J-5.006(4)(b)1., 9J-5.013(1)(a), F.A.C.]

28  
29 **Recommendation.** Identify wellhead protection areas on the Future Land Use Map Series, based  
30 on best available data and analysis.

1 **Board Direction**

2  
3 Add the attached map (Exhibit #2) showing the Wellheads and the Wellhead Protection Areas to  
4 the Future Land Use Map Series. Add the Data and Analysis (Exhibit #2) to support Policy III-  
5 2.1.28 to the Conservation Data, Inventory and Analysis (DIA).  
6

7 **DCA OBJECTION 6**

8  
9 Policy I-1.2.2 includes a table that identifies future land use categories, density, floor area ratio,  
10 impervious surface ratio, open space and building heights. The open space column for three of  
11 the four Green Swamp Area of Critical State Concern (ACSC) land use categories contains the  
12 term “up to.” This policy does not provide meaningful and predictable standards for the use and  
13 development of land, and does not provide meaningful guidelines for the content of the land  
14 development regulations, because the policy does not specify the amount of open space required.  
15 [S. 163.3177 (2), (4) (a), (6)(a) and (d), (8), (10)(e), F.S.; Rule 9J-5.005(2), (5)(a), and (6), Rule  
16 9J-5.006(3)(c)1. and 7., Rule 28-26.003, F.A.C.]  
17

18 **Recommendation.** Delete the words “up to” in Policy I-1.2.2. Revise this policy to provide  
19 meaningful and predictable standards for the use and development of land, and provide  
20 meaningful guidelines for the content of the land development regulations. Specify the amount of  
21 open space required in each future land use category.  
22

23 **Board Direction**

24  
25 Amend Table FLUE 2 under Policy I-1.2.2. Under the column titled Open Space, replace the  
26 words “up to” with “minimum”. This will provide a predictable standard of open space required  
27 for each Future Land Use Category.  
28

29 Table FLUE 2, under Policy I-1.2.2 has a column titled Density; the Regional Office, Regional  
30 Commercial and Public Service Facilities and Infrastructure Future Land Use Categories  
31 information concerning density was not completed in that column. The additions to the table as  
32 well as Note #6 shown below will describe the density allowed in those categories.  
33

Table FLUE 1 - Future Land Use Categories Table

<b>FUTURE LAND USE CATEGORY</b>	<b>DENSITY (1)</b>	<b>F.A.R. (INTENSITY)</b>	<b>I.S.R</b>	<b>OPEN SPACE</b>	<b>BUILDING HEIGHT (2)(4)</b>
Urban Low Density	4 d.u./1 acre	0.25 to 0.35	0.60	25%	Note (3)
Urban Medium Density	7 d.u./1 acre	0.35 to 0.50	0.70	20%	Note (3)
Urban High Density	Min. 4 d.u./1 acre Max 12 d.u./1 acre	2.0	0.80	10%	Note (3)
Cagan Crossings (728.5 acres) (4)	8,000 d.u.	700,000 s.f.	NS	44%	Note (3)

<b>FUTURE LAND USE CATEGORY</b>	<b>DENSITY (1)</b>	<b>F.A.R. (INTENSITY)</b>	<b>I.S.R</b>	<b>OPEN SPACE</b>	<b>BUILDING HEIGHT (2)(4)</b>
Regional Office	<u>1 multi-family du per 10,000 sq. ft. of commercial space (Note (6))</u> NS	3.0	0.75	15%	Note (3)
Regional Commercial	<u>1 multi-family du per 10,000 sq. ft. of commercial space (Note (6))</u> NS	3.0	0.75	15%	Note (3)
Industrial	NS	1.0	0.80	NS	Note (3)
Public Service Facilities & Infrastructure	<u>1 caretaker unit per parcel</u> NS	1.0	0.80	NS	Note (3)
Mt. Plymouth-Sorrento Main Street	5.5 d.u./1 acre	0.30	0.60	20% to 25%	“see Mt. Plymouth- Sorrento Policies”
Mt. Plymouth - Sorrento Neighborhood	2 d.u./1 acre	0.20 to 0.30	0.30	30% to 50%	“see Mt. Plymouth- Sorrento Policies”
Rural	1 d.u./5 acres	NS	0.20 0.30	<u>Min. Up to</u> 35%	Note (3)
Rural Transition	1 d.u./5 acres 1 d.u./3 acres 1 d.u./1 acre	NS	0.30 0.50	35% to 50%	Note (3)
Recreation	NS	0.10	0.50	NS	Note (3)
Conservation	NS	NS	NS	NS	Note (3)
Public Service Facilities and Infrastructure	NS	0.10	0.80	NS	Note (3)
<b>APPLICABLE ONLY IN THE WEKIVA RIVER PROTECTION AREA</b>					
A-1-40 Sending Area (Sending Area Number One)	1 d.u./40 acres 1 d.u./10 acres	NS	0.20 to 0.30	<u>Min. Up to</u> 50%	Note (3)
A-1-20 Sending Area (Sending Area Number Two)	1 d.u./10 acres 1 d.u./5 acres	NS	0.20 to 0.30	<u>Min. Up to</u> 50%	Note (3)

<b>FUTURE LAND USE CATEGORY</b>	<b>DENSITY (1)</b>	<b>F.A.R. (INTENSITY)</b>	<b>I.S.R</b>	<b>OPEN SPACE</b>	<b>BUILDING HEIGHT (2)(4)</b>
A-1-20 Receiving Area (Receiving Area Number One)	1 d.u./20 acres 1 d.u./5 acres 1 d.u./1 acre	NS	0.20 to 0.30	<del>Min. Up to</del> 50%	Note (3)
Mt. Plymouth Sorrento Receiving Area (Receiving Area Number Two)	5.5 d.u./1 acre	0.30	0.60	20% to 25%	Note (3)
<b>APPLICABLE ONLY IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN</b>					
Green Swamp Ridge	4 d.u./1 acre	0.25 to 0.35	0.45	40%	40 ft.
Green Swamp Rural	1 d.u./5 acres	NS	0.20 to 0.30	<del>Min. Up to</del> 60%	40 ft.
Green Swamp Rural Conservation	1 d.u./10 acres	NS	0.20	<del>Min. Up to</del> 80%	40 ft.
Green Swamp Core Conservation	1 d.u./20 acres	NS	0.10	<del>Min. Up to</del> 90%	40 ft.

1 ABBREVIATIONS: F.A.R =Floor Area Ratio I.S.R =Impervious Surface Ratio  
2 NS = Not Specified d.u. = Dwelling Unit ~~Min. = Minimum~~  
3 ft. = Feet s.f. = Square Feet

4 NOTES:

5 Should there be any discrepancy between entries in this summary table and the more detailed  
6 text of the Comprehensive Plan, the text of the Goals, Objectives, and Policies shall control.  
7 All density and intensity standards refer to Net Density or Net Buildable Area, which excludes  
8 wetlands and water bodies.

9 Please refer to the specific policies pertaining to each Future Land Use Category for details on  
10 allowed density, Floor Area Ratio, Impervious Surface Area, and open space requirements.

11 (1) Within all residential Future Land Use categories, additional dwelling units may be built  
12 within the net buildable area of a parcel based upon a transfer from wetland areas.  
13 Please refer to Policy I-1.2.4 Calculation of Residential Densities for details.

14 (2) Building heights in the Ferndale Community and the Ferndale Center District are limited to  
15 three (3) habitable stories. Building heights are limited to 35 feet within the Pinecastle  
16 Military Operations Area.

17 (3) Refer to Building Heights within Future Land Use Categories Policy (Policy I-1.2.3).

18 (4) Applies only to the Cagan Crossings FQD as recorded in OR Book 2470, Page 815.

19 (5) Height limitations do not apply to structural appurtenances such as spires, steeples,  
20 chimneys, radio towers, antennae, or similar structures in residential areas, unless otherwise  
21 addressed specifically in the Land Development Regulations. Height limitations do not  
22 apply to silos, windmills, water towers, or similar structures in agricultural areas. Height  
23 limitations do apply to mechanical systems and screening walls, parapets or other roof  
24 treatments on commercial buildings.

25 (6) The total number of multi-family dwelling units shall be no more than one (1) unit per  
26 10,000 square feet of gross leasable area of commercial space. Residential uses are

1 [excluded on parcels in this category located within Mount Dora joint planning area first](#)  
2 [authorized by the Board of County Commissioners on September 28, 2004.](#)

#### 3 4 **DCA OBJECTION 7**

5  
6 Policy I-1.2.6 provides for the calculation of density and intensity within mixed use developments.  
7 The policy states that the maximum residential density shall be up to 100%, and the maximum  
8 non-residential intensity shall be up to 100%, for certain land use designations. The policy also  
9 states that in all other land use designations, the sum of the residential and non-residential shall  
10 not exceed a combined total of 100%. The policy does not provide meaningful and predictable  
11 guidelines to the land development regulations. The policy does not clearly establish standards  
12 for densities and intensities, and allows for a doubling of development potential on certain land  
13 use designations. [S. 163.3177(2), (4)(a), (6)(a),(d), (8), (10)(e), Rule 9J-5.005(2), (5)(a) and (6),  
14 Rule 9J-5.006(3)(c)1. and 7., FA.C.]

15  
16 **Recommendation.** Revise Policy I-1.2.6 to provide meaningful and predictable guidelines to the  
17 land development regulations, to clearly establish standards for densities and intensities, and to  
18 eliminate doubling of development potential on certain land use designations.

#### 19 20 **Board Direction**

21  
22 Add the following definition of Mixed Use Development to Chapter X, Definitions and Acronyms:

23  
24 [Mixed Use Development: A proposed development that includes primary non-residential and](#)  
25 [primary residential uses on the same development site, with a minimum requirement of 25%](#)  
26 [development for each use.](#)

27  
28 Policy I-1.2.6 provides meaningful and predictable guidelines to the Land Development  
29 Regulations. Note: The intensity and impervious surface ratios for each category will be adhered  
30 to. Add the revisions shown below to the Policy for clarity:

#### 31 **Policy I-1.2.6 Calculation of Density and Intensity in Mixed Use Development**

32 Within a mixed-use development, the maximum residential density shall be up to 100 % and  
33 the maximum non-residential intensity shall be up to 100% for development within the  
34 following Future Land Use Categories:

- 35 • Urban Medium Density
- 36 • Urban High Density
- 37 • Regional Office
- 38 • Regional Commercial
- 39 • Industrial
- 40 • Cagan Crossings
- 41 • Mt. Plymouth-Sorrento Main Street
- 42 • Ridge in the Green Swamp Area of Critical State Concern; and

- Public Service Facilities and Infrastructure.

Residential density may be calculated over the entire net acreage of the site, and the non-residential intensity may be calculated over the entire net acreage of the site.

Example: A parcel consisting of 50-net acres with a density of seven dwelling units per net acre and an intensity of 0.35 could potentially develop 350 dwelling units and 762,300 square feet of non-residential development.

**Calculations:**

Residential

7 du X 50 net acres = 350 du

Non-Residential

0.35 X 50 net acres X 43,560 square feet in one acre = 762,300 square feet

In all other Future Land Use Categories the *sum* of the residential density and the non-residential intensity shall not exceed a combined total of 100% calculated as follows:

$$\frac{\text{Residential density}}{\text{Maximum allowed density}} + \frac{\text{Non-residential Floor Area Ratio}}{\text{Maximum allowed Floor Area Ratio}} \leq 100\%$$

Residential density shall be calculated over the net acreage of the site that is used for residential development, and non-residential intensity shall may be calculated over the net acreage of the site that is used for non-residential development. ~~entire net buildable area of the parcel.~~

Example: A parcel consisting of 50-net acres with a density of four dwelling units per net acre and an intensity of 0.25, with residential development on one-half of the parcel (25-net acres) and commercial development on one-half (25-net acres) of the parcel you could potentially develop 100 dwelling units and 272,250 square feet of non-residential development.

**Calculations:**

Residential

4 du X 25 net acres = 100 du

Non-Residential

0.25 X 25 net acres X 43,560 square feet in one acre = 272,250 square feet

**DCA OBJECTION 8**

Policy I-1.3.8 describes the Industrial land use category and provides uses that would require a conditional use permit, including “Manufacturing uses that could have an adverse impact on water quality or sensitive environment.” The phrase “adverse impact on water quality or sensitive environments” is not clear. This policy does not provide meaningful and predictable standards for



1 the use and development of land, and does not provide meaningful guidelines for the content of  
2 the land development regulations. Additionally, this policy is weaker than the adopted policy 1-  
3 2.2 that prohibited certain types of manufacturing uses in the Industrial category. [S. 163.3177  
4 (2), (6)(a), (d), (8), (10)(e), Rule 9J-5.005(2), 9J-5.005(6), Rule 9J-5.006(3)(c)1. and 7., FA.C.]  
5

6 **Recommendation.** Revise Policy I-1.3.8 to provide meaningful and predictable standards for the  
7 use and development of land, and to provide meaningful guidelines for the content of the land  
8 development regulations. One way to add guidance and specificity would be to refer to a section  
9 of the North American Industry Classification System (NAICS) codes for industrial and  
10 manufacturing activities that would have an adverse impact on water quality or sensitive  
11 environmental resources or prohibit manufacturing or industrial activity that requires a particular  
12 type of stormwater permit.  
13

#### 14 **Board Direction**

15  
16 Amend the last bullet in *Policy I-1.3.8 Industrial Future Land Use Category*, under Typical Uses  
17 Requiring a Conditional Use Permit as follows to provide clear guidelines. Amend *Policy I-3.3.9*  
18 *Industrial Development* and *Policy I-4.4.11 Prohibition of Industrial Uses in the Green Swamp Area*  
19 *of Critical State Concern* as follows to give clear and specific guidelines on the types of industrial  
20 uses prohibited within the Wekiva River Protection Area and the Green Swamp Area of Critical  
21 State Concern:

#### 22 **Policy I-1.3.8 Industrial Future Land Use Category**

- 23  
24 • Manufacturing uses [that require permits for potential adverse impacts to natural](#)  
25 [resources. ~~that could have an adverse impact on water quality or sensitive~~](#)  
26 [environmental resources.](#)

#### 27 **Policy I-3.3.9 [Prohibition of Industrial UsesDevelopment within the Wekiva River](#)** 28 **[Protection Area](#)**

29 New Industrial development shall be prohibited within the Wekiva River Protection Area. [This](#)  
30 [prohibition shall specifically include facilities engaged in industrial activities, as defined in](#)  
31 [EPA's National Pollution Discharge and Elimination System for Stormwater Associated with](#)  
32 [Industrial Activity \(NPDES\) \(Chapter 40, CFR Part 122\), including:](#)

- 33 • [Petroleum pipelines](#)  
34 • [Landfills](#)  
35 • [Incinerators](#)  
36 • [Wholesale chemical operations](#)  
37 • [Petroleum related industries and fuel dealers \(with the exception of gas stations and](#)  
38 [truck stops, which may be permitted\)](#)  
39 • [Dry cleaning plants, and](#)  
40 • [Chemical research operations.](#)

41  
42 [Uses specifically allowed by this Comprehensive Plan such as general temporary construction](#)  
43 [activities are exempt from this policy.](#)  
44

1 **Policy I-4.4.11 Prohibition of Industrial Uses in the Green Swamp Area of Critical State**  
2 **Concern**

3 All new industrial uses shall be prohibited in the Green Swamp Area of Critical State Concern  
4 shall be prohibited. This prohibition shall specifically include facilities engaged in industrial  
5 activities, as defined in EPA's National Pollution Discharge and Elimination System for  
6 Stormwater Associated with Industrial Activity (NPDES) (Chapter 40, CFR Part 122), including::

- 7 • Petroleum pipelines
- 8 • Landfills
- 9 • Incinerators
- 10 • Wholesale chemical operations
- 11 • Petroleum related industries and fuel dealers (with the exception of gas stations and  
12 truck stops, which may be permitted)
- 13 • Dry cleaning plants, and
- 14 • Chemical research operations.

15  
16 Uses specifically allowed by this Comprehensive Plan such as general temporary construction  
17 activities are exempt from this policy.

18  
19 **DCA OBJECTION 9**

20  
21 Policies I-4.2.2 and I-4.2.3 provide for increases in development potential based on a use that is  
22 not defined. Policy 1-4.2.2 describes the Green Swamp Ridge Future Land Use Category.  
23 Included within the policy are development criteria, among them, “The maximum intensity of this  
24 category shall be 0.25 F.A.R. except for institutional uses which shall be 0.35 F.A.R.” Policy I-4.2.3  
25 allows for an increase in impervious surface ratio for institutional uses. The term “Institutional uses”  
26 is not defined in the plan. These policies do not provide meaningful and predictable standards for  
27 the use and development of land, and do not provide meaningful guidelines for the content of the  
28 land development regulations. [S. 163.3177 (2),(4)(a), (6)(a),(d), (8), (10)(e), Rule 9J-5.005(2),  
29 9J-5.005(6), Rule 9J-5.006(3)(c)1. and 7., F.A.C.].

30  
31 **Recommendation.** Define the term “Institutional uses” in the comprehensive plan. Revise the  
32 policies to provide meaningful and predictable standards for the use and development of land,  
33 and to provide meaningful guidelines for the content of the land development regulations.

34  
35 **Board Direction**

36  
37 Replace the word Institutional, in Policies I-4.2.2 and I-4.2.3, with Civic and amend the definition  
38 of Civic as follows:

39  
40 Civic Use: A County, Municipal, State or Federal Use or Service, and community facility uses,  
41 excluding K-12 schools.

42  
43 **DCA OBJECTION 10**

44  
45 Policy 1-4.2.2 allows “Commercial uses, including Services and retail trade, of 5,000 square feet  
46 or less per parcel.” The “per parcel” standard has inadequate standards, such as locational  
47 criteria or floor area ratio, to clearly define the development potential. Without additional  
48 locational standards or floor area ratios, it would be possible to develop multiple 5,000 sf

1 buildings on multiple parcels on the same site, essentially allowing for extensive commercial within  
2 the Ridge land use designation. Similarly, Policy I-2.1.4, addressing the Market Square District in  
3 the Mount Plymouth Sorrento Main Street land use category states, “individual building floor area  
4 allocation shall not exceed 5,000 square feet for new development.” The policies do not  
5 establish clear standards for density and intensity for each future land use designation. The  
6 policies do not contain adequate locational criteria. Additionally, these policies do not provide  
7 meaningful and predictable standards for the use and development of land, and do not provide  
8 meaningful guidelines for the content of the land development regulations. [S. 163.3177 (2),  
9 (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), 9J-5.005(6), 9J-5.006(3)(c)1. and 7,  
10 F.A.C.]

11  
12 **Recommendation.**

- 13 1. Revise Policy I-4.2.2 to ensure that the “per parcel” standard has additional locational criteria  
14 included, or some other measure, such as floor area ratio, to clearly define the development  
15 potential.  
16 2. Revise Policy I-2.1.4, addressing Mount Plymouth Sorrento Main Street land use category to  
17 ensure that the “per parcel” standard has additional locational criteria included, or some other  
18 measure, such as floor area ratio, to clearly define the development potential.

19  
20 Policy I-4.2.2 states the Impervious Surface Ratio (0.45) and the Floor Area Ratio (0.25 and 0.35  
21 for civic uses) for the Future Land Use Category (FLUC). All development within this FLUC shall  
22 abide by these ratios. Policy I-2.1.4 addresses Design Standards for the Mount Plymouth-  
23 Sorrento Main Street Future Land Use Category. The Floor Area Ratio (0.30) and the Impervious  
24 Surface Ratio (0.60) for the Mount Plymouth-Sorrento Main Street Future Land Use Category are  
25 listed in Policies I-3.2.6 and I-1.2.2 (Table FLUE 2). These ratios apply to all development within  
26 the Mount Plymouth-Sorrento Main Street Future Land Use Category.

27  
28 **Board Direction**

29  
30 To further clarify Policy I-4.2.2, revise the last bullet under “Typical Uses Include” as follows:

- 31  
32 • Commercial uses, including services and retail trade, of 5,000 square feet or less per  
33 parcel. [However, the square footage can be increased to the maximum FAR and ISR,](#)  
34 [providing that the development meets or exceeds the sustainable building rating and](#)  
35 [certification system, and retains the first three inches \(3”\) of stormwater runoff on the](#)  
36 [property.](#)

37  
38 To further clarify Policy I-2.1.4, revise the sixth bullet as follows:

- 39  
40 • Include the provision for a Market Square District, located at the intersection of Hunter  
41 Avenue and State Road 46, not to exceed 40 acres in size and a maximum of  
42 100,000 square feet of floor area in the aggregate. Required open space within the  
43 Market Square shall be contiguous and centrally configured as an amenity for the  
44 community. This Market Square District shall contain no more than one anchor store  
45 which shall be sized to serve the needs of the Mount Plymouth-Sorrento Planning Area  
46 and not exceed 30,000 square feet of floor area. Such a store, if located within the  
47 Planning Area, must not be visible from Main Street, and shall be designed with  
48 architectural features compatible with the character of the Mount Plymouth-Sorrento

1 Community; all other structures within the Market Square District shall be limited to  
2 8,000 square feet for new development. Outside of the Market Square District,  
3 individual building floor area allocation shall not exceed 5,000 square feet for new  
4 development on each parcel up to a maximum Floor Area Ratio of 0.30 and  
5 Impervious Surface Ratio of 0.60 as specified within the Mount Plymouth-Sorrento  
6 Main Street Future Land Use Category.

#### 7 8 **DCA OBJECTION 11**

9  
10 Policies I-4.2.2, I-4.2.3, I-4.2.4, and I-4.2.5 include a list of uses including the term “sports and  
11 recreational clubs or small-scale sports and recreational club.” The terms are not defined in the  
12 comprehensive plan and could allow very intense uses within environmentally sensitive areas. The  
13 policies do not provide meaningful and predictable standards for the use and development of  
14 land, do not provide meaningful guidelines for the content of the land development regulations,  
15 and do not conserve, appropriately use and protect water sources, minerals, soils, native  
16 vegetative communities and wildlife habitat. [S. 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e),  
17 F.S., Rule 9J-5.005(2) and (6), Rule 9J-5.013(2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3., 6., 8.  
18 and 9., F.A.C.]

19  
20 **Recommendation.** Revise Policies I-4.2.2, I-4.2.3, I-4.2.4, and I-4.2.5 to clearly define the term  
21 “sports and recreational clubs or small-scale sports and recreational club.” Revise the policies to  
22 provide meaningful and predictable standards for the use and development of land, provide  
23 meaningful guidelines for the content of the land development regulations, and to conserve,  
24 appropriately use and protect water sources, minerals, soils, native vegetative communities and  
25 wildlife habitat.

#### 26 27 **Board Direction**

28  
29 Place the following definitions of Outdoor Sports and Recreation Clubs and Small-Scale Outdoor  
30 Sporting and Recreational Camps in *Chapter X, Definitions and Acronyms*:

31  
32 Outdoor Sports and Recreation Clubs - Establishments primarily engaged in operating sporting  
33 and recreational camps, such as boys' and girls' camps, and fishing and hunting camps.

34  
35 Small-Scale Outdoor Sporting and Recreational Camps - Sports and Recreation clubs that are  
36 comprised of 20-developed acres or less (excluding areas maintained in their natural state).

#### 37 38 39 **DCA OBJECTION 12**

40  
41 Policy I-4.1.5 describes the development requirements within the Green Swamp Area of Critical  
42 State Concern. The requirements do not include a higher standard for stormwater treatment in  
43 areas with hydrologic type “A” soils. The policy fails to protect the functions of natural drainage  
44 features and natural groundwater recharge areas. The Guiding Principles require protection of  
45 the normal quantity, *quality* and flow of ground water and surface waters that are necessary for  
46 the protection of resources of state and regional concern.

47  
48 Although Policy III-2.1.14 addresses the need for a higher standard of treatment for stormwater  
49 in type A soils, the policy defers to the land development regulations for implementation. [Section

1 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and (6), Rule 9J-  
2 5.011(2)(b)5 and (c)4 and 5, Rule 9J-5.013(1)(a), (2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., and  
3 Rule 9J-5.015(2)(d), and Rule 28-26.003, F.A.C.]  
4

5 **Recommendation.** Revise Policy I-4.1.5 to include a higher standard for stormwater treatment in  
6 areas with hydrologic Type “A” soils. Require retention of the first three inches of runoff from  
7 directly connected impervious areas. Do not defer implementation to the land development  
8 regulations. Revise the policy to provide meaningful and predictable standards for the use and  
9 development of land, to provide meaningful guidelines for the content of the land development  
10 regulations, and to conserve, appropriately use and protect water sources, minerals, soils, native  
11 vegetative communities and wildlife habitat.

### 12 **Board Direction**

13 Add the following bullet to Policy I-4.1.5:

- 14 • Development in Most Effective Recharge Areas (Type “A” Hydrologic Soil Group) must  
15 retain the first three inches (3”) of runoff. Alternatively, the applicant may demonstrate  
16 that the post-development recharge will be equal to or greater than the pre-development  
17 recharge. Stormwater shall be retained such that the storage volume is recovered within  
18 14 days following a storm event. The method of demonstrating this requirement will be  
19 described in the Land Development Regulations.

### 20 **DCA OBJECTION 13**

21 Policy I-7.5.5 addresses the County's intent to implement a wetlands assessment program that  
22 would identify wetlands by type, land use, extent, and significance; require placement of  
23 wetlands in a conservation easement; and mitigate by restoration. The policy is vague, fails to  
24 direct development away from wetlands, and does not include predictable and measurable  
25 standards for the use and development of land. The County did not adequately identify all  
26 connected wetland systems and wetlands adjacent to lakes and rivers, including Outstanding  
27 Florida Waters. The County did not designate these natural features on the Future Land Use map  
28 as Conservation use. The County did not include policies for Cypress domes within the Green  
29 Swamp, which may be isolated, but perform an important pollution filtration function and retain  
30 water for long periods of time, providing slow groundwater recharge and flood detention. As  
31 written, policy I-7.5.5 is inconsistent with Rule 28-26.003, F.A.C., Principles for Guiding  
32 Development. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and  
33 (6), Rule 9J-5.013(1)(a) and (b), (2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3. and 6., Rule 9J-  
34 5.013(3)(a) and (b), and Rule 28-26.003, F.A.C.]  
35

36 **Recommendation.** Revise Policy I-7.5.5 to include predictable and measurable guidelines that  
37 direct development away from wetlands. Due to the extensive surface waters in Lake County, the  
38 County must identify all connected wetland systems, wetlands adjacent to lakes and rivers, and  
39 Outstanding Florida Waters, and designate them on the Future Land Use map as Conservation  
40 use. Development within these wetlands should be limited to pile-supported structures. Special  
41 policies must be developed for Cypress domes within the Green Swamp, which may be isolated,  
42 but perform an important pollution filtration function and retain water for long periods of time  
43 providing slow groundwater recharge and flood detention. Revise the policy to be consistent with  
44 Rule 28-26.003, F.A.C., Principles for Guiding Development.  
45  
46  
47  
48  
49

1  
2 Policy I-7.5.5 does not require revision when evaluated with the other policies of the transmitted  
3 comprehensive plan.  
4

5 In order to direct development away from wetlands, the County has included the following  
6 policies in the transmitted Comprehensive Plan:  
7

- 8 • *Policy I-4.4.7 Treatment of Wetlands for Development Approval* establishes a requirements  
9 for conservation easements when wetlands are within a project; it requires they be  
10 maintained in their natural state; and requires that wetlands larger than one (1) acre be  
11 platted in a common tract.
- 12 • *Policy I-7.5.3 Consistency with Conservation Element* which requires any proposal for a  
13 change in the use of land or development of property conform to all applicable goals,  
14 objectives, and policies of the Conservation Element. This policy also requires that prior to  
15 a change in the use of land or development that the location and significance of all  
16 environmental features and constraints shall be identified, including but not limited to  
17 wetlands identified.
- 18 • *Policy I-7.5.6 Platting of Wetlands and Water Bodies* that requires wetlands over one (1)  
19 acre in size to be platted as a common tract.
- 20 • *Policy I-7.5.9 Required Use of Conservation Easements* that requires wetland buffers be  
21 protected.
- 22 • *Policy III-2.2.7 Protection of Shorelines* establishes a minimum setback and buffer of 50  
23 feet from wetlands.
- 24 • *Policy III-2.5.3 Protection of Wetlands* requires the adoption of land development  
25 regulations to preserve wetlands and other environmentally sensitive areas for natural  
26 water management and hydrologic functions; for use by aquatic and wetland dependent  
27 wildlife; as habitat for endangered, threatened or species of special concern; and for  
28 passive recreation. Further, this policy prohibits the placement of fill within wetlands, to the  
29 extent allowed by law, except for ingress and egress from uplands within the Wekiva  
30 Study Area, Wekiva River Protection Area, Wekiva-Ocala Greenway and Green Swamp  
31 Area of Critical State Concern (Policy I-5.1.7 extends this fill prohibition to the Rural  
32 Protection Areas as well).
- 33 • *Policy III-2.5.7 Assign Future Land Use Designations* directs incompatible development  
34 away from wetlands.
- 35 • *Policy III-2.5.10 Minimize the use and impact to wetlands* prohibits dredge or fill activities  
36 in wetlands except for water dependent activities and as needed for access.
- 37 • *Policy III-2.5.12 Establish Minimum Buffer Requirements* establishes minimum setbacks from  
38 wetlands (NOTE: This policy is proposed for revision based on DCA Objection 19)
- 39 • *Policy III-2.5.13 Wetland Impacts and Mitigation* that requires mitigation of wetlands when  
40 impacted to the same drainage basin to ensure no net loss of wetland functionality.  
41

42 The County did identify all connected wetland systems and wetlands adjacent to lakes and rivers,  
43 including Outstanding Florida Waters in its Future Land Use Map Series and is entitled Wetlands  
44 (Wetlands Classification Map). This data was considered in assigning appropriate future land use  
45 categories on the Future Land Use Map.  
46

47 The County did designate all connected wetland systems and wetlands adjacent to lakes and  
48 rivers, including Outstanding Florida Waters that are within public ownership as either

1 Conservation or to a limited extent Recreation Future Land Use on the Future Land Use Map. The  
2 County did not intend on designating wetland systems under private ownership as Conservation as  
3 stated by the Department to protect property rights.  
4

5 The County provided significant protection of wetlands in the plan as indicated above. The  
6 County also included a specific policy for the protection of Cypress Domes, not limited to only the  
7 Green Swamp but County wide, as follows:  
8

- 9 • **Policy III-2.5.4 Protection of Isolated and Ephemeral Wetlands.** This policy was included  
10 with the specific intent of adding additional protection for isolated wetlands such as  
11 Cypress Domes.  
12

13 [NOTE: Isolated wetlands are defined in the plan as “Cypress domes or shallow marshes  
14 where no naturally occurring outfall exists.” Cypress domes are also specifically called out in  
15 the definition of wetlands included in the plan]  
16

### 17 **Board Direction**

18  
19 Although no modification is necessary to *Policy I-7.5.5 Protection of Wetlands and Wetland*  
20 *Assessment Program*, in order to address the DCA recommendation, revise the Policies as shown  
21 below:  
22

#### 23 **Policy III-2.5.2 Assessment of Wetland Significance**

24 The County shall accept wetland assessments performed by the Government Agency having  
25 jurisdiction. Within 12 months of the effective date of the Comprehensive Plan, Land  
26 Development Regulations shall be adopted to ensure protection, mitigation, or restoration of  
27 wetlands based on the wetland assessments and in accordance with the wetland’s significance.  
28 ~~Consistent with the Future Land Use Element, Lake County shall work with federal, state and~~  
29 ~~local agencies to establish criteria for assessing the significance of wetlands based on factors~~  
30 ~~including but not limited to size, location, vegetation, and functional integrity. Once this activity~~  
31 ~~is complete, the County shall update this Comprehensive Plan and the Land Development~~  
32 ~~Regulations as appropriate to include policies regarding protection, mitigation, or restoration~~  
33 ~~of wetlands based on wetland assessments. The County shall develop criteria for protection,~~  
34 ~~mitigation, or restoration according to a wetland’s significance within 36 months of the~~  
35 ~~effective date of the Comprehensive Plan.~~

36 **-AND -**

37  
38 **Policy III-2.2.7 Protection of Shorelines** should be split into two Policies (creating **Policy III-**  
39 **2.2.8 Shoreline Vegetation**) and modified as shown below:

#### 40 **Policy III-2.2.7 Protection of Shorelines**

41 To protect natural water bodies, canals, and wetland areas from the encroachment of  
42 development, the County shall implement the following shoreline protection standards,  
43 incorporated within the Land Development Regulations:

44 The County shall establish a minimum setback of 50 feet from the mean high water line  
45 (MHWL) or jurisdictional wetland line (JWL), whichever is further landward, except for  
46 ~~water-dependent development such as docks and pile-supported walkways. Should an~~

1 ~~existing lot of record not be able to meet this requirement due to inadequate width and~~  
2 ~~depth, a variance may be requested for a primary residence only. No variance shall be~~  
3 ~~allowed for any accessory structure, porch addition, expansion of a residence, or~~  
4 ~~swimming pool within 50 feet of the mean high water line, however, a~~ Exceptions to this  
5 requirement are listed below:  
6

7 1. Additions which match existing rear and side setbacks may be allowed to “square  
8 off” a residence;

9 2. Water dependant activities including uses and structure such as docks, platforms, and  
10 pile-supported walkways or similar structures;

11  
12 3. Development approved prior to June 1, 2010 with a wetland setback of between 25  
13 and 50 feet shall be allowed to maintain the approved setback and shall not be  
14 considered nonconforming; and,

15  
16 4. Upland lots with a developable area less than 30 feet in width or depth, as measured  
17 landward from the JWL (as illustrated below) provided:

18 

- The lot is a buildable Lot of Record, or the lot was legally created through a  
19 development order prior to March 2, 1993; and

20 

- The maximum developable area shall be limited to 30 feet in width or depth;  
21 and

22 

- In no case shall the JWL setback be less than 20 feet; and

23 

- The first one inch (1”) of stormwater runoff shall be captured on site; and

24 

- Development must be constructed as far landward on the lot as possible.

25 5. A variance to the setback requirements listed above may be granted if:

26 

- The lot is a developable Lot of Record, or the lot was legally created through  
27 a development order prior to March 2, 1993; and

28 

- All other remedies have been exhausted, such as a variance to all other  
29 setback requirements; and

30 

- The maximum developable area shall be limited to 30 feet in width or depth;  
31 and

32 

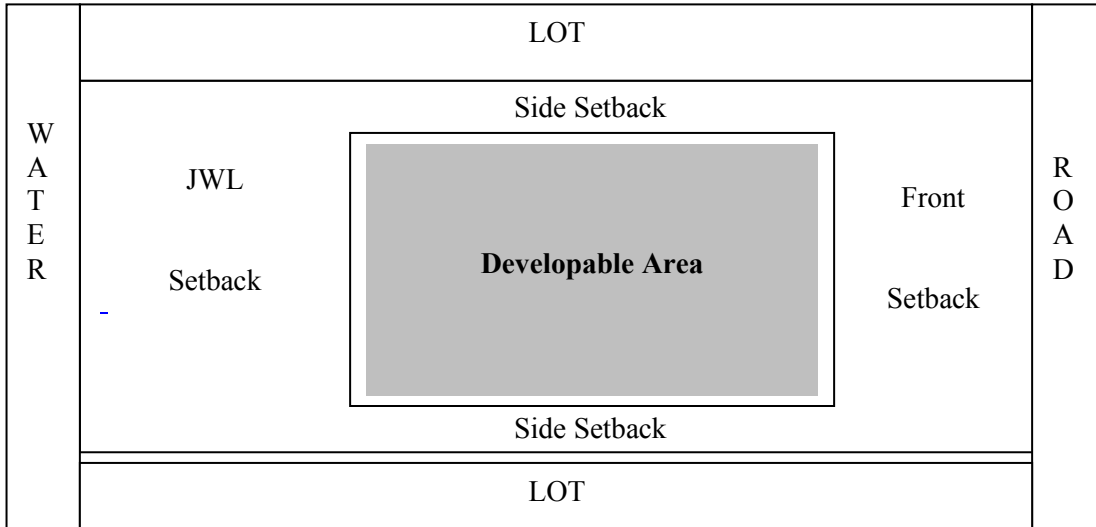
- The first one inch (1”) of stormwater runoff shall be captured on site; and,

33 

- Development is constructed as far landward on the lot as possible.

34  
35 For this policy only, the "developable area" of a lot is where a building or impervious surface  
36 can be located in compliance with all setbacks.  
37





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The County shall require a 100-foot setback, from the mean high water line of ~~lakes and wetlands~~ waterbodies or the jurisdictional wetland line, whichever is further landward for the installation of septic tanks and drain fields. Should an existing lot of record not be able to meet this requirement due to inadequate width or depth, a variance may be requested, however, any on-site wastewater system approved with such a variance shall be an advanced treatment system or alternative system designed to remove nutrients from the effluent.

**Policy III-2.2.8 Shoreline Vegetation [Adding policy name for clarity]**

The County shall require compliance with State regulations in Chapters 68F-20 and 18-20, F.A.C. or their successors, regarding removal of shoreline vegetation. The County may establish more stringent regulations and standards regarding the protection of shoreline and littoral zone vegetation. The County shall extend the provisions of Chapter 68F-20, F.A.C. to all waters of the County. The extension of this policy shall be implemented in a manner so as to not unreasonably infringe upon the common law or statutory riparian rights of the upland riparian property owners.

In addition to the state vegetation removal regulations referenced above, the following restrictions shall apply to all lakeshores and water bodies greater than ten (10) acres in size and to all rivers, streams, and springs.

- Clearing of native shoreline vegetation above the mean high water line (MHWL) shall be limited to 20% or 30 feet of the total linear shoreline (whichever is ~~more~~ less). The remainder of the shoreline must remain vegetated. No wetland trees greater than four inches (4") in caliper DBH or any endangered plants may be removed from the shoreline, however, limited tree removal and relocation of endangered plants may be permitted for dock and access walkway construction, when no other option exists.
- Clearance of nuisance or invasive plants along shorelines outside the exempt area (described above) is required for all new development and redevelopment. Such clearing shall be subject to state permitting criteria.
- All use of herbicides is subject to Chapter 68F-20, F.A.C, or its successors.

1 • It is permissible to have an access corridor for swimming and boating within the littoral  
2 zone up to 30 feet in width. This corridor can be kept free of aquatic vegetation below  
3 the MHWL if done by hand.

4 • The placement of sand along shorelines to create beaches is prohibited unless such sand is  
5 contained so that it cannot enter into the water body.

6 Water bodies less than 10 acres in size shall be subject to these regulations if  
7 hydrologically connected to Outstanding Florida Waters, navigable water bodies, or  
8 other special waters.  
9

10 No new seawalls shall be allowed along the shoreline of any spring, lake, canal, river, or  
11 stream; however, existing seawalls may be repaired. Planting of shoreline and aquatic  
12 vegetation is the preferred method of protecting shorelines from erosion. Should shoreline  
13 hardening be required to protect property from erosion by adjacent waters, only rip-rap,  
14 vegetated open-cell block, geo-textile tubing, or similar, non-vertical systems shall be used.  
15 Gabions (rock-filled wire mesh) may be used in canals where insufficient upland area exists to  
16 install other shoreline protection measures. Erosion from upland runoff shall be controlled by  
17 shoreline vegetation or berm and swale systems, if appropriate.  
18

19 The County shall prohibit the disposal of yard and other wastes along the shoreline and in  
20 wetlands.  
21

22 In order to protect the quality and quantity of surface water and provide habitat for semi-  
23 aquatic or water-dependent terrestrial species of wildlife, upland buffer zones shall be  
24 established for vegetation ~~occurring within the 100-year floodplain~~. The use of fertilizers,  
25 pesticides, or herbicides is strictly prohibited within upland buffer zones unless specifically  
26 authorized by the appropriate federal or state agency. All management activities within  
27 upland buffers shall be done by hand.

28 **-AND-**

29 **Policy III-2.5.12 Establish Minimum Buffer Requirements**

30 Upland buffers adjacent to wetlands provide habitat for wetland dependent species, and  
31 assist in minimizing the deleterious effects of development adjacent to the wetland. The  
32 County shall require that all developments provide natural upland buffers adjacent to  
33 wetlands. These buffers shall be of such size to ensure that the quality and quantity of surface  
34 waters and the habitat for aquatic and wetland-dependent species of wildlife are not  
35 adversely affected by the ~~proposed~~ development.

36 Buffers shall be determined to start landward from the mean high water line or wetland  
37 jurisdictional line, whichever is further landward; the wetland jurisdictional line shall be  
38 determined by a qualified person acceptable to the County, according to the State-approved  
39 methodology adopted by Rule, and which shall be subject to field verification and approval  
40 by the agency exercising jurisdiction or the County, if necessary. ~~A~~The following minimum 50-  
41 foot buffer requirements shall apply to isolated wetlands, non-isolated wetlands and rivers  
42 and streams.  
43  
44

**Table CON 1 – Wetland Minimum Buffer Requirements**

WETLAND SYSTEM	MINIMUM WIDTH
isolated	15 feet
non-isolated	25 feet
ivers and streams	50 feet

In situations where more extensive buffering is necessary, the County may alternatively allow for the use of a variable natural upland buffer adjacent to wetlands. The purpose of a variable buffer is to provide additional protection to areas that are considered more environmentally sensitive than others, provided that the aggregate buffer area is not less than that required pursuant to the previous standard. Buffers shall be determined to start landward from the mean high water line or wetland jurisdictional line, whichever is further landward; the wetland jurisdictional line shall be determined by a qualified person acceptable to the County, according to the State-approved methodology adopted by Rule, and which shall be subject to field verification and approval by the agency with exercising jurisdiction or the County, if necessary. The following standards shall apply to variable buffers:

**Table CON 2 – Variable Wetland Buffer Requirements**

WETLAND SYSTEM	AVERAGE WIDTH	MINIMUM WIDTH
isolated	25 feet	10 feet
non-isolated	50 feet	15 feet
ivers and streams	100 feet	35 feet

Uses allowed in buffers are limited to: passive recreation activities, limited stormwater facilities and water dependent structures such as, but not limited to, fishing piers, docks, walkways, ~~passive recreation activities, and limited stormwater facilities.~~ Buffers without native vegetation shall be re-vegetated with indigenous habitat to protect the quality of the adjacent isolated wetland, wetland system, river or stream. A buffer of native upland edge vegetation shall be provided or preserved on new development sites. Native vegetation within buffers shall be preserved.

To the extent that federal, state or regional requirements exceed the minimum wetland buffers adjacent to wetlands established here, the County shall require compliance with the stricter standard. The County shall require compliance with ~~all riparian and wetland~~ buffer requirements for the Wekiva River System and other Outstanding Florida Waters.

Revise the definition of Wetlands as shown below:

Wetlands: As defined by 62-340 F.A.C and Florida Statutes [373.019(25) F.S.], as may be amended. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas.

1 **DCA OBJECTION 14**

2  
3 Policy I-4.4.7 and Policy I-7.5.6 address wetlands and provide guidance on when wetlands can  
4 be included within a platted lot. The policies do not contain language that provides that lots  
5 contain at least one acre of uplands in areas served by septic tanks, or a provision requiring that  
6 development be set back at least 50 feet from wetlands. As written, policies I-4.4.7 and I-7.5.6  
7 do not protect and conserve the natural functions of existing soils, wildlife habitats, rivers, lakes,  
8 floodplains and wetlands. These additional criteria are essential to implementing the Principles for  
9 Guiding Development. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8) and (10), F.S. ; Rule 9J-  
10 5.005(2) and (6), Rule 9J-5.013(1)(a), (2)(c)1.and 3., 9J-5.013(3) F.A.C., Rule 28-26.003(1)(a),  
11 (b), (c), (e), (g), (h), (i), (j), and (k), F.A.C.]  
12

13 **Recommendation.** Revise Policy I-4.4.7 and Policy I-7.5.6 to contain language that requires  
14 that lots contain at least one acre of uplands in areas served by septic tanks, or a provision  
15 requiring that development be set back at least 50 feet from wetlands. Revise the policies to be  
16 consistent with requirements to protect and conserve of the natural functions of existing soils,  
17 wildlife habitats, rivers, lakes, floodplains and wetlands. Revise the policies to be consistent with  
18 Rule 28-26.003, Principles for Guiding Development.  
19

20 **Revision to Policy I-4.4.7.** Revision of **Policy I-4.4.7 Treatment of Wetlands for Development**  
21 **Approval**, is not needed; the recommended revisions exist in transmitted Policy I-4.4.8 as revised  
22 in the response to Objection 15 below.  
23

24 **Revision to Policy I-7.5.6.** The revision of **Policy I-7.5.6 Protection of Wetlands and Wetland**  
25 **Assessment Program** in order to protect and conserve the natural functions of existing soils,  
26 wildlife habitats, rivers, lakes, floodplains and wetlands **is not** necessary as Lake County has  
27 incorporated other policies that address this objection. For example:  
28

- 29 • *Policy III-2.2.7 Protection of Shorelines* establishes a minimum setback of 50 feet from  
30 wetlands.
- 31 • *Policy I-4.4.7 Treatment of Wetlands for Development Approval* establishes a requirements  
32 for conservation easements when wetlands are within a project; it requires they be  
33 maintained in their natural state; and requires that wetlands larger than one acre be  
34 platted in a common tract.
- 35 • *Policy I-7.5.9 Required Use of Conservation Easements* requires wetland buffers be  
36 protected.
- 37 • *Policy III-2.5.3 Protection of Wetlands* requires the adoption of land development  
38 regulations to and preserve wetlands and other environmentally sensitive areas for  
39 natural water management and hydrologic functions; for use by aquatic and wetland  
40 dependent wildlife; as habitat for endangered, threatened or species of special concern;  
41 and for passive recreation. Further, this policy prohibits the placement of fill within  
42 wetlands, to the extent allowed by law, except for ingress and egress from uplands within  
43 the Wekiva Study Area, Wekiva River Protection Area, Wekiva-Ocala Greenway and  
44 Green Swamp Area of Critical State Concern (Policy I-5.1.7 extends this fill prohibition to  
45 the Rural Protection Areas as well).
- 46 • *Policy III-2.5.7 Assign Future Land Use Designations* directs incompatible development  
47 away from wetlands.

- *Policy III-2.5.10 Minimize the use and impact to wetlands* prohibits dredge or fill activities in wetlands except for water dependent activities and as needed for access.
- *Policy III-2.5.12 Establish Minimum Buffer Requirements* establishes minimum setbacks from wetlands (NOTE: This policy is proposed for revision based on DCA Objection 19)
- *Policy III-2.5.13 Wetland Impacts and Mitigation* that requires mitigation of wetlands when impacted to the same drainage basin to ensure no net loss of wetland functionality.

**Board Direction**

**Based on the policies referenced above and the revision in response to Objection 15, no further revision is necessary to address this Objection.**

**DCA OBJECTION 15**

Policy I-4.4.8, Policy I-7.5.4, and Policy III-2.4.7 address floodplain study requirements and exempt subdivisions with only ten lots from completing the study regardless of the acreage within the one hundred year floodplain. The policy does not contain language that requires that newly platted lots contain at least one acre not in the one hundred year floodplain for areas served by septic tanks. The policies incorrectly refer to FEMA Publication 37, rather than “Guidelines and Specifications for Flood Hazard Mapping Partners.”

[Section 163.3177(2), (4)(a), (6)(a) and (d), (8) and (10), F.S. ; Rule 9J-5.005(2) and (6), Rule 9J-5.013(1)(a), (2)(c)1.and 3., 9J-5.013(3) F.A.C., 9J-5.006(2)(e), (3)(c), 9J-5.013(1)(a), 9J-5.013(2)(c)6., Rule 28-26.003(1)(a), (b), (j) and (k), F.A.C.]

**Recommendation.** Revise Policy I-4.4.8, Policy I-7.5.4, and Policy III-2.4.7 to include language that requires that newly platted lots contain at least one acre not in the one hundred year floodplain for areas served by septic tanks. The term FEMA Publication 37 should be revised to reference “Guidelines and Specifications for Flood Hazard Mapping Partners.”

**Board Direction**

Revise Policy I-4.4.8 *Flood Insurance Study Requirements*, as shown below to satisfy this Objection:

**Policy I-4.4.8 Flood Insurance Study Requirements in the Green Swamp**

A detailed flood insurance study shall be performed for all subdivision proposals and other proposed development, including proposals for manufactured home parks, which have five (5) acres or more in the 100-year floodplain or which contain fifty (50) lots or more in the 100-year floodplain. The construction of a single-family residence on a parcel of land containing five (5) or more acres which is not part of a subdivision or which is part of a subdivision in existence on the effective date of this Plan, such as Groveland Farms Subdivision, is exempt from this requirement. Phases of a larger development, if the larger development meets the 5-acre or 50 lot criteria, are not exempt from this requirement. If existing subdivisions are proposed for replatting, the replatted portion shall be required to comply with this requirement if the replatted portion meets the 5-acre or 50 lot criteria. Subdivisions which contain ten (10) lots or less shall be exempt from these requirements.

The study shall be performed in accordance with the Guidelines and Specifications for Flood Hazard Mapping Partners. ~~Flood Insurance Study Guidelines and Specifications for Flood~~

1 ~~Contractors (Federal Emergency Management Agency (FEMA) Publication 37).~~ The purpose  
2 of this study shall be to map more precisely the extent of the 100-year floodplain.  
3

4 Subdivisions with septic tanks shall be designed ~~so that each lot has at least one acre of~~  
5 ~~upland not contained within the floodplain. The one-acre upland area to provide an average~~  
6 ~~of one (1) acre of upland area per septic system which may include private lots and common~~  
7 ~~areas. Individual lots~~ must be of sufficient size and shape to accommodate the proposed  
8 structures, including septic tank and drainfield, without any part encroaching into the  
9 floodplain or any required septic tank setback.  
10

#### 11 **DCA OBJECTION 16**

12  
13 Under proposed Policies I-4.2.3, I-4.2.4, and I-4.2.5., Civic uses are an allowable conditional use.  
14 A civic use is defined in the plan as “A County, Municipal, State or Federal Use or Service, and  
15 community facility uses.” This broad definition would allow uses such as incinerators, power plants,  
16 and Class I, II and III sanitary landfills, in Rural, Rural/Conservation and Core/Conservation, which  
17 were previously prohibited by adopted comprehensive plan policies 1-17.6, 1A-1.3b and 1-  
18 1.15. In addition, proposed Policies I-4.2.3, I-4.2.4, and I-4.2.5 do not adequately guide the  
19 location of school facilities. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8) and (10)(e), (12)(g)6  
20 and 7, F.S.; Rule 9J-5.005(2) and (6), Rule 9J-5.006(3)(b)1 and 4, Rule 9J-5.013(1)(a) and (b),  
21 (2)(b), (2)(c)1., 3., 9. and 10., F.A.C.]  
22

23 **Recommendation.** Revise proposed Policies I-4.2.3, I-4.2.4, and I-4.2.5., to prohibit uses such as  
24 incinerators, power plants, and Class I, II and III sanitary landfills in Rural, Rural/Conservation and  
25 Core/Conservation. These uses were previously prohibited by adopted comprehensive plan  
26 policies. In addition, revise proposed Policies I-4.2.3, I-4.2.4, and I-4.2.5. to adequately guide the  
27 location of school facilities. The policies should include the currently adopted prohibited uses in the  
28 Green Swamp ACSC land use designations. Policies should allow schools only under specially  
29 defined circumstances, with locational criteria and development controls.  
30

31 The Response to Objection 8 modifying Policy I-4.4.11 *Prohibition of Industrial Uses in the Green*  
32 *Swamp Area of Critical State Concern* clearly prohibits these uses, so modification to Policies I-  
33 4.2.3, I-4.2.4, and I-4.2.5 is no longer necessary.

34 As indicated in the response to Objection 9, the definition of Civic Use will be revised to exclude  
35 K-12 Schools. Therefore, K-12 schools will not be an allowed use in these three categories within  
36 the Green Swamp.  
37

#### 38 **Board Direction**

39 No further revisions are necessary to answer this Objection.  
40  
41

#### 42 **DCA OBJECTION 17**

43  
44 The Capital Improvements Element does not identify roads, sanitary sewer, solid waste, drainage,  
45 potable water and public school facilities that are needed to meet adopted level of service  
46 standards for the long-term timeframe, 2030. [Section 163.3177(2), (3)( a), (6)(a), (b) and (c),  
47 (8) and (10)(e) and (12), F.S.; Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.011(1)(f), (2)(b) 1, 2  
48 and 3, 9J-5.015(1)(a), (2)(b), and (3)(b)1., 9J-5.019(3)(f) and (4)(b)2., F.A.C.]

1  
2 **Recommendation.** Revise the Capital Improvements Element to identify roads, sanitary sewer,  
3 solid waste, drainage, potable water and public school facilities that are needed to meet  
4 adopted level of service standards for the long-term timeframe, 2030.

5  
6 **Board Direction**

7  
8 Add the new Table and summary (attached as Exhibit #3) created to address the projected  
9 2030 facility needs, into the Capital Improvements Element. Revise Policy VIII-3.2.3 as shown  
10 below and add *Policy VIII-3.2.4 Update Long Range Transportation Plan* to ensure consistency and  
11 timely updates to the Transportation and Capital Improvement Elements. No Potable, Non-  
12 potable or Alternative Water Supply projects are identified because Lake County is not a  
13 supplier.

14 **Policy VIII-3.2.3 Include Five-Year Plan in the TIP**

15 Lake County shall submit its annual update of the 5-year Transportation Construction Program  
16 to the LSMPO for inclusion in the Transportation Improvement Program. Lake [County shall](#)  
17 [seek to ensure consistency between the LSMPO Long-Range Transportation Plan \(LRTP\) and](#)  
18 [the Comprehensive Plan.](#)

19 **Policy VIII-3.2.4 Update Long Range Transportation Plan**

20 [Within 12 months of the effective date of this Comprehensive Plan, Lake County shall amend](#)  
21 [the Long Range Transportation Plan in the Transportation Element of the Comprehensive Plan](#)  
22 [utilizing the LSMPO 2035 Long-Range Transportation Plan, as appropriate.](#)

23  
24 **DCA OBJECTION 18**

25  
26 CIE Goal II-2, which addresses timing and provision of public facilities, is not supported by  
27 adequate data and analysis. The County did not address the following CIE analysis requirements:

- 28  
29
  - Current local practices that guide the timing and location of construction, extension or
  - 30 increases in capacity of each public facility;
  - 31 • The use of timing and location of capital improvements to public facilities to support efficient
  - 32 land development and goals, objectives, and policies in the future land use element. This
  - 33 analysis must take into consideration plans of state agencies and water management districts
  - 34 that provide public facilities within the local government jurisdiction.

35 [Section 163.3177(2), (3)( a), (6)(a), (b) and (c), (8) and (10)(e) and (12), F.S.; Rule 9J-5.005(2),  
36 (5)(a) and (6), Rule 9J-5.015(2)(a), 9J-5.015(3)(c)1., F.A.C.]

37  
38 **Recommendation.** To support CIE Goal II-2 and implementing objectives and policies, revise the  
39 Capital Improvements Element data and analysis to identify

- 40  
41
  - Current local practices that guide the timing and location of construction, extension or
  - 42 increases in capacity of each public facility;
  - 43 • The use of timing and location of capital improvements to public facilities to support efficient
  - 44 land development and goals, objectives, and policies in the future land use element. This
  - 45 analysis must take into consideration plans of state agencies and water management districts
  - 46 that provide public facilities within the local government jurisdiction.

1  
2 The Department of Community Affairs review staff clarified this Objection after receipt of their  
3 report. The clarification indicated that the County needs to show how urban sprawl will be  
4 prevented and how coordination with the municipalities and private utility providers will be  
5 accomplished to ensure utilities are available to support land development and ensure efficient  
6 use of the land.

7  
8 The following Policies were transmitted in the Comprehensive Plan and address coordination and  
9 participation with municipalities. The Policies require the County to pursue Joint Planning Areas,  
10 which would address provisions of services and facilities, establish service areas, establish service  
11 boundary areas, and provides the opportunity to address annexations and coordination with  
12 investor owned central sewer and water providers.

13 **Policy VI-1.1.3 Adoption of Joint Planning Areas**

14 The County shall pursue Joint Planning Areas (JPAs) with each of the municipalities in Lake  
15 County and with adjacent counties to address, at minimum, future annexations, provision of  
16 services and facilities and land use compatibility. The County shall adhere to this  
17 Comprehensive Plan when negotiating Joint Planning Areas. A summary of all Joint Planning  
18 Areas shall be included in this Comprehensive Plan. The County shall evaluate the  
19 effectiveness of Joint Planning Areas and revise them as necessary.

20 **Policy VI-1.6.9 Coordination of Potable Water Services with the Municipalities**

21 Lake County shall execute Interlocal Agreements with the municipalities that supply utilities  
22 within Lake County for establishing service areas so as not to duplicate services and to  
23 provide for conditions for the establishment of, and the operation within, the service area.

24 **Policy VI-1.6.13 Coordination of Wastewater Services with the Municipalities**

25 Lake County shall execute Interlocal Agreements with municipalities providing wastewater  
26 utility services within unincorporated areas of Lake County. These Interlocal Agreements will  
27 establish service area boundaries so as to prevent or eliminate duplicative service areas and  
28 provide conditions for establishment and operation within the service areas.

29 **Policy VI-1.6.12 Notification of Central Sewer Availability**

30 The County shall coordinate with publicly owned or investor owned central sewer providers  
31 regarding the process for notification of existing owners of the availability of central sewer  
32 facilities.

33 The following Policies require mandatory sewer and water connection on land within the Urban  
34 Future Land Use Series. Within rural areas, the Policies state that the County shall rely primarily  
35 on individual on-site wastewater treatment and disposal systems as the method of wastewater  
36 disposal and shall rely primarily on individual wells for potable water. Central water and sewer  
37 services are not intended nor required for areas within the Rural Future Land Use Series. This  
38 prevents urban sprawl and shows coordination with municipal and privately owned providers.

39 **Policy IX-3.1.2 Mandatory Sewer Connection**

40 Lake County shall review and revise, as appropriate, its existing mandatory sewer connection  
41 ordinance, which at a minimum, shall require new development within the Urban Future Land  
42 Use Series to connect to public sanitary sewer, when available.



1 Where a public sanitary sewer system is not available, a new development exceeding a  
2 density of one unit per net acre shall provide a regional/sub-regional sanitary sewer system,  
3 unless exempted by the Board of County Commissioners via public hearing.

4 At a minimum, existing homes and development in any Future Land Use Series shall be  
5 required to connect to an available public sanitary sewer when:

- 6 1. The Board of County Commissioners determines that there is endangerment to the  
7 environment, public health, safety, or welfare; or
- 8 2. The private sewer system (septic tank or drainfield) fails and replacement is  
9 required, and the property is within an urban area; or
- 10 3. The system is relocated and the property is within an urban area.

11 **Policy IX-3.1.5 Provision of Central Sewer Services Inside of Designated Urban Areas**

12 The County shall require that property within the Urban Future Land Use Series connect to  
13 central sewer services consistent with the mandatory connection policy. Independent utility  
14 providers or public-private partnerships may be considered to provide regional central sewer  
15 services within the Urban Future Land Use Series where connection to a municipal system is not  
16 feasible, and if such services are both cost efficient and environmentally sound.

17 **Policy I-7.12.2 Provision of Potable Water, Sanitary Sewer and Reclaimed Water Utilities**

18 Potable water, sanitary sewer, and reclaimed water public utilities needed to support  
19 approved development may be permitted in all Urban Future Land Use Categories.

20 **Policy IX-2.2.5 Provision of Potable Water Services Inside of Designated Urban Areas**

21 The County shall require that property within the Urban Future Land Use Series connect to  
22 potable water services consistent with mandatory connection policy. Independent utility  
23 providers or public-private partnerships may be considered to provide regional potable  
24 water services within the Urban Future Land Use Series where connection to a municipal system  
25 is not feasible, and if such services are both cost efficient and environmentally sound.

26 **Policy I-7.12.3 Provision of Central Water and Sewer Services**

27 The County shall encourage compact development and ensure that future urban development  
28 occurs in a contiguous fashion through the detailed requirements of policies within the Potable  
29 Water and Sanitary Sewer Sub-Elements. Within rural areas, the County shall rely primarily  
30 on individual on-site wastewater treatment and disposal systems as the method of wastewater  
31 disposal and shall rely primarily on individual wells for potable water.

32 Central water and sewer services are not intended nor required for areas within the Rural  
33 Future Land Use Series; however, property within the Rural Transition Future Land Use  
34 Category adjacent to urban areas shall be encouraged to connect to central services if  
35 available. Otherwise, central services shall only be provided within the Rural Future Land Use  
36 Series if the absence of such facilities would result in a threat to public health or the  
37 environment. The provision of central utilities shall not be used as sole justification for a future  
38 land use amendment.

39 The following transmitted Policies discourage, deter, or prevent urban sprawl and guide the  
40 timing and location of construction, and extension or increases in capacity of public facilities.

1       **Policy I-1.1.1 Elements of Innovative Planning**

2       The Comprehensive Plan embodies strategies designed to protect the rural character of the  
3       County, build long-term community value, **discourage urban sprawl**, and ensure that public  
4       facilities and services are provided in the most cost-effective and efficient manner...

5       **Policy I-1.1.3 Direct Orderly, Compact Growth**

6       Land use patterns delineated on the Future Land Use Map shall direct orderly, compact  
7       growth. The County shall **discourage urban sprawl**, as defined in Rule 9J-5.006 F.A.C., and  
8       direct growth and development to urban areas where public facilities and services are  
9       presently in place or planned.

10       **OBJECTIVE I-1.2 FUTURE LAND USE**

11       Lake County hereby establishes Future Land Use Categories that reflect the grouping of  
12       compatible land uses, provide sufficient acreage to meet projected population growth,  
13       designate suitable land for development and redevelopment, recognize existing land uses,  
14       and provide guidance in the preparation and updating of the Land Development Regulations.

15       To implement this objective, the County shall seek to...

- 16           • **Discourage the proliferation of urban sprawl...**

17       **Policy I-1.3.1 Traditional Neighborhood Development**

18       ...Traditional Neighborhood Development is intended to foster infill and redevelopment, **deter**  
19       **urban sprawl**, encourage a mix of housing options, and reduce vehicular trips...

20       **Policy I-7.9.1 Location of DRIs**

21       In order to prevent urban sprawl, provide for growth in proximity to existing infrastructure  
22       and services, and ensure the long-term protection of rural areas, the County shall guide new  
23       DRIs to municipalities and to the Urban Future Land Use Series as designated within the Future  
24       Land Use Element...

25       **OBJECTIVE I-7.11 PUBLIC FACILITIES AND SERVICES**

26       The County shall require that all development be consistent with the Capital Improvements  
27       Element and the approved facility and service plans in order to discourage urban sprawl,  
28       meet adopted level of service standards, and thereby minimize associated public costs.

29       **Policy I-7.13.5 Standards of Review for Amending the Future Land Use Map**

30       The County shall include within its Land Development Regulations provisions for the review of  
31       amendments to the Future Land Use Map consistent with this Comprehensive Plan. At a  
32       minimum, the Land Development Regulations shall include the following standards of review...

- 33           • Demonstration that any proposed Future Land Use Map amendment to the Urban  
34           Future Land Use Series from the Rural Future Land Use Series is contiguous to existing  
35           urban development in the Urban Future Land Use Series so as **to discourage urban**  
36           **sprawl...**

1       **Policy VI-1.1.10 Direct Density to Existing Urban Centers**

2       The County shall work cooperatively with municipalities to promote urban infill and  
3       redevelopment within established municipal limits and as appropriate within municipal  
4       enclaves in order to **prevent urban sprawl** and the premature annexation of land.

5       **Policy VI-1.6.11 Coordination of Potable Water Facilities to Discourage Urban Sprawl**

6       The County shall coordinate the extension of lines or increase of facility capacity with  
7       adjacent municipal and private facilities to **discourage urban sprawl**.

8       **Policy VI-1.6.14 Coordination of Wastewater Facilities to Discourage Urban Sprawl**

9       The County shall coordinate the extension of service or increase of facility capacity with  
10      adjacent municipal and private facilities to **discourage urban sprawl**.

11      **Policy IX-2.2.7 Prohibit the Provision of Potable Water as Sole Justification for Land Use**  
12      **Amendments**

13      The provision of central utilities shall not be the sole justification for a future land use  
14      amendment where new or expanded development will adversely impact  
15      resource/conservation areas or neighborhoods **or will otherwise promote urban sprawl**.

16      **Policy IX-2.2.8 Coordination of Potable Water with Land Use**

17      Lake County shall maximize the use of existing and planned facilities and **discourage urban**  
18      **sprawl** by encouraging the provision of central potable water services within existing and  
19      planned service areas where possible and prohibiting the extension of potable water facilities  
20      outside of existing and planned service areas.

21      **Policy IX-3.3.7 Prohibit Provision of Sanitary Sewer as Sole Justification for Land Use**  
22      **Amendments**

23      Lake County shall prohibit the provision of sanitary sewer as sole justification for amendments  
24      to the Future Land Use Element where new or expanded development will adversely impact  
25      resource/ conservation areas or neighborhoods **or will otherwise promote urban sprawl**.

26      **Policy IX-3.3.8 Coordination of Sanitary Sewer with Land Use**

27      Lake County shall maximize the use of existing facilities and **discourage urban sprawl** by  
28      eliminating the use of septic tanks and package plants within existing and planned service  
29      areas where possible, and prohibit the extension of sanitary sewer facilities outside of  
30      existing and planned service areas.

31      **Policy VI-1.6.5 Coordinate With Utility Providers**

32      The County shall require applicants to submit site plans and plats to the electrical, potable  
33      water, sanitary sewer, reclaimed water, and all other public or private utilities at the same  
34      time plans are submitted to the County for review to assist in the planning and programming  
35      of utility service.

1 The term “urban sprawl” is not defined in the Comprehensive Plan.

2  
3 **Board Direction**

4  
5 Add the following definition of Urban Sprawl to Chapter X, Definitions and Acronyms:

6 “Urban sprawl” means urban development or uses which are located in predominantly rural  
7 areas, or rural areas interspersed with generally low-intensity or low-density urban uses, and  
8 which are characterized by one or more of the following conditions: (a) The premature or  
9 poorly planned conversion of rural land to other uses; (b) The creation of areas of urban  
10 development or uses which are not functionally related to land uses which predominate the  
11 adjacent area; or (c) The creation of areas of urban development or uses which fail to  
12 maximize the use of existing public facilities or the use of areas within which public services  
13 are currently provided. Urban sprawl is typically manifested in one or more of the following  
14 land use or development patterns: Leapfrog or scattered development, ribbon or strip  
15 commercial or other development.

16  
17 The Table shown in DCA Objection 17 (attachment #3) shows how the future need for public  
18 facilities is determined and that the need is provided to 2030. The following tables are included  
19 in Exhibit #2 for review: Gross Per Capita Values and Percent of CUP-Allocated Water Use by  
20 Category for Public Supply Utilities, Public Water Supply Use for 1995, 2005 and 2030, and  
21 Public Supply Water use by Type for 1995, 2005 and 2030 in Lake County.

22  
23 **DCA OBJECTION 19**

24  
25 Policy III-2.5.12 establishes minimum buffer requirements for wetland systems. The County is  
26 proposing an average buffer. Tables CON1 and CON 2, which describe the minimum buffer and  
27 average buffer requirements, appear to conflict with this policy and create an internal  
28 inconsistency. The text does not clarify how the average buffer requirement will be applied.  
29 Isolated and non-isolated wetlands need a greater buffer to ensure groundwater quality  
30 protection and to protect the filtration capability of wetlands. Policy III-2.5.12 does not provide  
31 meaningful and predictable standards for the use and development of land, and does not  
32 provide meaningful guidelines for the content of the land development regulations. [Section  
33 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and (6), Rule 9J-  
34 5.013(1)(a) and (b), (2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3. and 6., Rule 9J-5.013(3)(a) and  
35 (b), Rule 28-26.003, F.A.C.]

36  
37 **Recommendation.** Revise Policy III-2.5.12 and Tables CON1 and CON 2 to be internally  
38 consistent. Revise the text to clarify how the average buffer requirements will be applied. A  
39 minimum buffer of 50 feet from isolated and non-isolated wetlands is recommended.

40  
41 The revisions required are also discussed in the response to Objection 13. The average buffers in  
42 Policy III-2.5.12 should be removed and a minimum buffer of 50 feet from isolated, non-isolated  
43 wetlands, and river and streams should be added as shown below to provide a clear and  
44 unambiguous standard.

1 **Board Direction**

2  
3 Revise *Policy III-2.5.12 Establish Minimum Buffer Requirements* to require a minimum buffer of 50  
4 feet and add *Policy I-1.1.7 Policy Authority* to ensure Policy authority in the event a conflict  
5 between policies occurs.

6 **Policy III-2.5.12 Establish Minimum Buffer Requirements**

7 Upland buffers adjacent to wetlands provide habitat for wetland dependent species, and  
8 assist in minimizing the deleterious effects of development adjacent to the wetland. The  
9 County shall require that all developments provide natural upland buffers adjacent to  
10 wetlands. These buffers shall be of such size to ensure that the quality and quantity of surface  
11 waters and the habitat for aquatic and wetland-dependent species of wildlife are not  
12 adversely affected by the proposed development.

13 Buffers shall be determined to start landward from the mean high water line or wetland  
14 jurisdictional line, whichever is further landward; the wetland jurisdictional line shall be  
15 determined by a qualified person acceptable to the County, according to the State-approved  
16 methodology adopted by Rule, and which shall be subject to field verification and approval  
17 by the agency exercising jurisdiction or the County, if necessary. ~~A~~The following minimum 50-  
18 foot buffer requirements shall apply to isolated wetlands, non-isolated wetlands and rivers  
19 and streams.

20 **Table CON 1 – Wetland Minimum Buffer Requirements**

<u>WETLAND SYSTEM</u>	<u>MINIMUM WIDTH</u>
<u>isolated</u>	<u>15 feet</u>
<u>non-isolated</u>	<u>25 feet</u>
<u>rivers and streams</u>	<u>50 feet</u>

21 ~~In situations where more extensive buffering is necessary, the County may alternatively allow~~  
22 ~~for the use of a variable natural upland buffer adjacent to wetlands. The purpose of a~~  
23 ~~variable buffer is to provide additional protection to areas that are considered more~~  
24 ~~environmentally sensitive than others, provided that the aggregate buffer area is not less than~~  
25 ~~that required pursuant to the previous standard. Buffers shall be determined to start~~  
26 ~~landward from the mean high water line or wetland jurisdictional line, whichever is further~~  
27 ~~landward; the wetland jurisdictional line shall be determined by a qualified person~~  
28 ~~acceptable to the County, according to the State-approved methodology adopted by Rule,~~  
29 ~~and which shall be subject to field verification and approval by the agency with exercising~~  
30 ~~jurisdiction or the County, if necessary. The following standards shall apply to variable~~  
31 ~~buffers:~~

32 **Table CON 2 – Variable Wetland Buffer Requirements**

<u>WETLAND SYSTEM</u>	<u>AVERAGE WIDTH</u>	<u>MINIMUM WIDTH</u>
<u>isolated</u>	<u>25 feet</u>	<u>10 feet</u>
<u>non-isolated</u>	<u>50 feet</u>	<u>15 feet</u>
<u>rivers and streams</u>	<u>100 feet</u>	<u>35 feet</u>

1 Uses allowed in buffers are limited to: passive recreation activities, limited stormwater  
2 facilities, and water dependent structures such as, but not limited to, fishing piers, docks,  
3 walkways, ~~passive recreation activities, and limited stormwater facilities.~~ Buffers without  
4 native vegetation shall be re-vegetated with indigenous habitat to protect the quality of the  
5 adjacent isolated wetland, wetland system, river or stream. A buffer of native upland edge  
6 vegetation shall be provided or preserved on new development sites. Native vegetation  
7 within buffers shall be preserved.

8 To the extent that federal, state or regional requirements exceed the minimum wetland  
9 buffers established here, the County shall require compliance with the stricter standard. The  
10 County shall require compliance with all riparian and wetland buffer requirements for the  
11 Wekiva River System and other Outstanding Florida Waters.  
12

### 13 Policy I-1.1.7 Policy Authority

14 If there is a conflict between policies within this plan, the more stringent policy shall apply.

### 15 **DCA OBJECTION 20**

16 Policy III-2.5.10 says, “Except for water-dependent activities and access, there shall be no  
17 dredge or fill activities in wetlands.” The term “water-dependent activities” is not defined in the  
18 proposed amendment. Policy III-2.5.10 is vague, fails to direct development away from  
19 wetlands, and does not include predictable and measurable standards for the use and  
20 development of land. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-  
21 5.005(2) and (6), Rule 9J-5.013(1)(a) and (b), (2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3. and  
22 6., Rule 9J-5.013(3)(a) and (b), and Rule 28-26.003, F.A.C.]

23 **Recommendation.** Revise Policy III-2.5.10 to define the term “water-dependent activities.”  
24 Revise Policy III-2.5.10 to direct development away from wetlands, and to include predictable  
25 and measurable standards for the use and development of land.  
26

### 27 **Board Direction**

28 Revise *Policy III-2.5.10 Minimize the use and impact to Wetlands* to define water-dependent  
29 activities as shown below:  
30

### 31 **Policy III-2.5.10 Minimize the use and impact to Wetlands**

32 There shall be no dredge or fill activities in wetlands ~~Except for water dependent activities~~  
33 and as needed for access. Water dependant activities shall include uses and structure such as  
34 docks, platforms, and pile-supported walkways or similar structures. ~~there shall be no dredge or~~  
35 ~~fill activities in wetlands~~ In those instances where dredge or fill activities are authorized, the  
36 applicant must demonstrate that (a) there is no other reasonable, practical or economical  
37 alternative, (b) without the dredge or fill activity the property owner will be deprived of all  
38 reasonable uses of the property, and (c) the developer can adequately mitigate for the  
39 dredge or fill activity.  
40

41 Development shall be directed away from the wetlands and conducted in a manner to protect  
42 the vegetation, habitat and the water storage, water quantity, water quality, and recharge  
43 functions of the wetlands to the maximum extent allowed by law.  
44  
45  
46

1  
2 **DCA OBJECTION 21**

3  
4 Policy I-4.4.12 allows airstrips and airports in the Green Swamp. The policy allows expansions of  
5 existing airports provided the runways are limited in length and are unpaved. The policy is  
6 vague because it does not clarify that unpaved strips shall not be counted toward open space in  
7 order to be internally consistent with the comprehensive plan's definition of open space and the  
8 open space definition of Rule 9J-5, F.A.C. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8),  
9 (10)(e), F.S., Rule 9J-5.003(84), Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.013(1)(a) and (b),  
10 (2)(b) 3. and 4., Rule 9J-5.013(2)(c)2. and 7., Rule 28-26.003, F.A.C.]

11  
12 **Recommendation.** Revise the policy to state that unpaved airstrips shall not be counted toward  
13 open space in order to be internally consistent with the comprehensive plan's definition of open  
14 space and the Rule 9J-5.003(84), F.A.C., definition of open space.

15  
16 **Board Direction**

17 Revise Policy I-4.4.12 to clarify that runways shall not count towards open space requirements as  
18 shown below:

19 **Policy I-4.4.12 Aviation Facilities within the Green Swamp Area of Critical State**  
20 **Concern**

21 Within twelve (12) months of the effective date of this Comprehensive Plan, Lake County  
22 shall adopt Land Development Regulations to regulate aviation facilities in the Green  
23 Swamp Area of Critical State Concern. Runways shall be unpaved and limited to 4,000  
24 lineal feet or less. ["Runways shall not count towards open space requirements"](#)

25 New airport and airstrip facilities shall be limited to private residential uses and no more  
26 than three (3) aircraft based at the facility, subject to conditional use approval. Airports  
27 and airstrips in existence serving more than three (3) aircraft at the time of the adoption  
28 of this Comprehensive Plan may expand, subject to conditional use approval.

29 All facilities shall comply with all federal and state regulations, including Federal Aviation  
30 Administration and Florida Department of Transportation rules and regulations.

31  
32 **DCA OBJECTION 22**

33  
34 Policy III-2.4.7 allows the use of floodplains for development under certain conditions, provided  
35 that compensating mitigation is required and the hydrological flow regime is maintained. Septic  
36 tanks located within the floodplain are prone to flooding, and fail to provide adequate  
37 treatment. Septic tanks should not be allowed within the 100-year floodplain. Policy III-2.4.7  
38 does not provide meaningful and predictable standards for the use and development of land,  
39 and does not provide meaningful guidelines for the content of the land development regulations.  
40 [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule  
41 9J-5.013(1)(a) 2., and (b), (2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., and 6, Rule 28-26.003,  
42 F.A.C.]

43 **Recommendation.** Revise Policy III-2.4.7. to state that septic tanks are prohibited from the 100-  
44 year floodplain.

1 This objection is addressed by the revision in the response to Objective 15, which revises Policy I-  
2 4.4.8.

3  
4 If *Policy III-2.4.7 Permitted Use of Floodplains* is revised to state that septic tanks are prohibited  
5 from the 100-year floodplain, it will essentially prohibit development of existing lots that are  
6 within the 100-year floodplain that do not have the availability to hook up to central sewer.

7  
8 Mound septic systems are used to elevate the septic tank and drainfield above the 100-year  
9 flood zone elevation. This mounding methodology is consistent with Department of Health (DOH)  
10 rules for wet soil types (Type A soils). The DOH has no specific rules for septic tanks in floodplains  
11 in Central Florida and adoption by Lake County of any rules may be contrary to the future rule  
12 making by the Department of Health or Department of Environmental Protection.

13  
14 **Board Direction**

15  
16 Based on the information above, do not amend *Policy III-2.4.7 Permitted Use of Floodplains*.

17 **DCA OBJECTION 23**

18 Policy III-1.1.5 states, “The County shall reduce or stabilize vehicular emission levels by requiring  
19 an air quality impact analysis be performed on all significant traffic-generating development  
20 proposals. Projects that are predicted to violate air quality standards shall be required to pursue  
21 the implementation of traffic mitigation techniques to achieve compliance standards as a condition  
22 for approval in all development orders. Within 36 months of the effective date of the  
23 Comprehensive Plan, Land Development Regulations shall be adopted to provide standards to  
24 identify and regulate significant traffic-generating development and establish appropriate  
25 criteria for air quality analysis.” The term “significant traffic-generating development proposals”  
26 does not provide clear guidance for the requirements of the air quality impact analyses. The  
27 term “significant traffic-generating development proposals” is not defined. Therefore, the policy  
28 does not protect the quality of the Floridan Aquifer. Policy III-1.1.5 does not provide meaningful  
29 and predictable standards for the use and development of land, and does not provide  
30 meaningful guidelines for the content of the land development regulations. [Section 163.3177(2),  
31 (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.013(1)(a), and  
32 (b), (2)(b)1. and 2., Rule 9J-5.013(2)(c)1. and 6, Rule 28-26.003, F.A.C.]

33 **Recommendation.** Revise Policy III-1.1.5 to define “significant traffic generating development  
34 proposals.” Adopt land development regulations within 12 months of the effective date of the  
35 Comprehensive Plan that establish appropriate criteria for air quality analysis and regulate  
36 significant traffic-generating development. Revise the policy to provide clear guidance for the  
37 requirements of the air quality impact analyses. Revise the policy to protect the quality of the  
38 Floridan Aquifer, to provide meaningful and predictable standards for the use and development  
39 of land, and to provide meaningful guidelines for the content of land development regulations  
40 that are intended to reduce or stabilize vehicular emission levels.



1 **Board Direction**

2 Revise the Policy as shown below to provide clear direction of when air quality impact analyses  
3 will be required and what role the County will provide in the review of the documents.

4 **Policy III-1.1.5 Reduce Vehicular Pollutant Emission Levels**

5  
6 The County shall reduce or stabilize vehicular emission levels by requiring an air quality  
7 impact analyses be performed on all Developments of Regional Impact (DRI), significant  
8 ~~traffic-generating development proposals.~~ Projects which are predicted to violate air quality  
9 standards shall be required to pursue the implementation of traffic mitigation techniques to  
10 achieve compliance standards as a condition for approval in all development orders. The  
11 County shall coordinate the review with the appropriate agencies for the air quality impacts  
12 and the air-quality mitigative measures for the projects, both to be provided by the applicant  
13 for the DRI. Within 36 months of the effective date of the Comprehensive Plan, Land  
14 Development Regulations shall be adopted to provide standards to identify and regulate  
15 significant traffic-generating development and establish appropriate criteria for air quality  
16 analysis.

17  
18 **DCA OBJECTION 24**

19  
20 Policy III-2.2.17 and Policy III-2.2.18 address Outstanding Lake Waters and Outstanding Florida  
21 Waters. The policies state that these resources will be identified and mapped at an unspecified  
22 time in the future. These resources must be mapped in the adopted comprehensive plan. [Section  
23 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (b), (6), Rule 9J-  
24 6.006(1)(b), Rule 9J-5.013(1)(a)1., F.A.C.]

25 **Recommendation.** Identify Outstanding Lake Waters and Outstanding Florida Waters on the  
26 Future Land Use Map Series.

27  
28 **Board Direction**

29 Add the Outstanding Lake Waters and Outstanding Florida Waters map to the Future Land Use  
30 Map Series (attached as Exhibit #4).

31 **DCA OBJECTION 25**

32 Policy III-3.3.5, which addresses protection of sensitive natural habitat within the Wekiva Study  
33 Area, does not include karst features and effective aquifer recharge areas. [Section  
34 163.3177(2), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a), (6), Rule 9J-5.011(1)(g)  
35 and (h), Rule 9J-5.011(2)(b)5., Rule 9J-5.011(2)(c) 4., Rule 9J-5.013(1)(a) and (b), Rule 9J-  
36 5.013(2)(b) 2., 3. and 4., F.A.C.]

37  
38 **Recommendation.** Revise Policy III-3.3.5, to include karst features and effective aquifer  
39 recharge areas.

40  
41 Policy III-3.3.5 *Protection of Sensitive Natural Habitat within the Wekiva Study Area* is located  
42 under *Objective III-3.3 Conservation of Natural Uplands* and relates specifically to *biological*  
43 *systems not geological systems as follows:*

1       **Policy III-3.3.5 Protection of Sensitive Natural Habitat within the Wekiva Study Area**  
2

3       The County shall protect sensitive natural habitat identified by the Wekiva Parkway and  
4       Protection Act within the Wekiva Study Area, including Longleaf Pine/Sandhill, Sand Pine  
5       Scrub, and Xeric Oak Scrub communities, through land acquisition and regulation.  
6

7       Biological systems relate to flora (plants) and fauna (animals). *Karst features* are defined in the  
8       2030 Comprehensive Plan as “Features including but not limited to springs, sinkholes, sinking  
9       streams, closed depressions, subterranean drainage and caves.” All of these features are  
10      geological (i.e. soils, rocks) or hydrological (water) systems.  
11

12      Given that this policy is located under an objective that specifically addresses conservation of  
13      upland habitats, the addition of Karst Features within Policy III-3.3.5 could create confusion and  
14      would not provide any additional protection than what is already provided in other objectives  
15      and policies, such as:

- 16      • *Policy I-3.4.6 Protection of Karst Features*, providing for protection of karst features,  
17      directing development away from karst features and providing priority acquisition of  
18      karst features;
- 19      • *Policy I-3.4.7 Identification of Karst Features*, providing for identification and protection of  
20      karst features during development;
- 21      • *Policy I-3.4.8 Setbacks from Karst Features*, providing for minimum setbacks for  
22      development from karst features;
- 23      • *Policy I-5.1.4 Development Design Standards*, providing for specific minimum design  
24      standards for development to protect aquifer recharge and karst features;
- 25      • *Policy I-7.5.7 Ground Water Protection*, providing for regulations of uses and activities to  
26      protect ground water resources including karst features;
- 27      • *Policy I-7.13.5 Standards of Review for Amending the Future Land Use Map*, providing a  
28      requirement that any Future Land Use Amendments demonstrate that there will be no  
29      adverse impacts on karst features;
- 30      • *Policy III-2.1.25 Protection of Sinkholes and Surface Water Basins with Internal Drainage*,  
31      providing for protection of karst features from adverse stormwater drainage impacts, and  
32      prohibits the use of karst features having an aquifer connection for stormwater or  
33      wastewater disposal;
- 34      • **OBJECTIVE III-2.3 SPRINGSHEDS**, providing for the protection of karst features;
- 35      • *Policy III-2.3.3 Acquire Land in Springshed Protection Zones* and *Policy III-2.3.5 Protect*  
36      *Springsheds and Karst Features Through Purchase*, that both provide for priority acquisition  
37      of property containing karst features;
- 38      • *Policy III-2.3.8 Environmental Education*, providing for education on karst features;
- 39      • *Policy III-2.3.12 Regulate Land Use Activities*, prohibiting inappropriate land uses from  
40      being located in karst areas with an aquifer connection;
- 41      • *Policy III-2.3.14 Require Open Space and Buffers within Springsheds*, providing a minimum  
42      requirement for development to provide a minimum undisturbed buffer areas of at least  
43      100 feet from karst features with an aquifer connection.  
44

1 **Board Direction**

2  
3 Based on the policies referenced above an amendment to Policy III-3.3.5 is not necessary.

4  
5 **DCA OBJECTION 26**

6  
7 Policy I-4.2.2, addressing the Green Swamp Ridge Future Land Use Category, states,  
8 “Development orders shall be issued with a condition that specifies a regional wastewater service  
9 provider and that requires the development to connect to the regional provider when sewer  
10 services are available.” The comprehensive plan does not clearly define a “regional wastewater  
11 service provider” by setting a gallon threshold for wastewater facility capacity, or other means.  
12 The policy does not provide meaningful and predictable standards for the use and development  
13 of land, and does not provide meaningful guidelines for the content of land development  
14 regulations. [Section 163.3177(2), (4)(a), (6)(a), (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and  
15 (6), Rule 9J-5.013(1)(a), and (b), (2)(b)1. and 2., Rule 9J-5.013(2)(c)1., and 6., Rule 28-26.003,  
16 F.A.C.]

17  
18 **Recommendation.** Revise Policy I-4.2.2 to clearly define a “regional wastewater service  
19 provider” by setting a gallon threshold for wastewater facility capacity, or other means. This  
20 should be done to control the proliferation of developments with package plants. Revise the  
21 policy to protect the quality of the Floridan Aquifer, to provide meaningful and predictable  
22 standards for the use and development of land, and to provide meaningful guidelines for the  
23 content of land development regulations that address development in the Green Swamp Ridge  
24 Category.

25  
26 **Board Direction**

27  
28 Add the following definition to *Chapter X, Definitions and Acronyms*:

29  
30 [Regional Wastewater System: A wastewater system with a capacity of 100,000 GPD or](#)  
31 [greater.](#)

32  
33 **DCA OBJECTION 27**

34  
35 The County did not show all existing transportation features on an existing transportation map or  
36 map series. For example, the Transportation Network map does not show existing bus service in  
37 Lake County provided by LYNX, which is operated by Orange County. [Section 163.3177(2),  
38 (6)(a), (b), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.019(2)(a) and (b), F.A.C.]

39  
40 **Recommendation.** Revise the existing transportation map or map series to show all existing  
41 transportation features. Include the existing bus service in Lake County provided by LYNX.

42  
43 **Board Direction**

44  
45 Add the LYNX Existing Transit Service and the LakeXpress Service, Parking Garages and Park &  
46 Ride Facilities maps (attached as Exhibit #5) to the Transportation Element Map Series.

47  
48 Add *Policy VIII-1.8.4 Passenger Rail* to acknowledge the potential for a Passenger Rail along the  
49 U.S. Hwy 441 Corridor.

1  
2 **Policy VIII-1.8.4 Passenger Rail**

3 Lake County acknowledges the potential future need for a passenger rail along the U.S. Hwy  
4 441 Corridor.

5 **DCA OBJECTION 28**

6 The long-term transportation map shows conditions for 2025 and not 2030, the proposed  
7 planning horizon. [Section 163.3177(2), (6)(a), (b), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a), (b)  
8 and (6), Rule 9J-5.019(4)(a) and (4)(b)2., Rule 9J-5.019(5) F.A.C.]

9 **Recommendation.** Revise the long-term transportation map to show conditions for 2030.

10  
11 **Board Direction**

12 Replace the existing 2025 Lake-Sumter MPO Long Range Transportation Map, which is part of  
13 the Future Land Use Map Series, with the updated 2030 Lake-Sumter MPO Long Range  
14 Transportation Map (attached as Exhibit #6).

15 **DCA OBJECTION 29**

16 Policy VIII-2.2.3 states, “Within 36 months of the effective date of the Comprehensive Plan, the  
17 County shall establish a level of service for transit.” The LOS standard should be included in a  
18 policy in the adopted plan, since Lake and Orange counties already provide transit service in  
19 Lake County. [Section 163.3177(2), (6)(a), (b), (8), (10)(e), F.S., Rule 9J-5.005(2), (3), (5)(a), and  
20 (6), Rule 9J-5.019(2), (3) and (4)(c)1. and 11., F.A.C.]

21 **Recommendation.** Adopt a transit level of service in the comprehensive plan in coordination with  
22 existing transit providers and the Lake-Sumter Metropolitan Planning Organization.

23  
24 **Board Direction**

25  
26 Revise Policy VIII-2.2.3 Level of Service as shown below:

27 **Policy VIII-2.2.3 Level of Service**

28 ~~Within 36 months of the effective date of the Comprehensive Plan, the County shall establish~~  
29 ~~a-level of service for transit~~ shall be the FDOT “Transit quality level of service”.

30 **DCA OBJECTION 30**

31 Policy VIII-1.4.4 addresses proportionate fair-share. Policy VIII-1.4.4 states that within 12 months  
32 of the effective date of the Comprehensive Plan, land development regulations shall be adopted  
33 that allow an applicant to request the use of a proportionate fair-share contribution to satisfy  
34 transportation concurrency. Policy VIII-1.4.4 does not include methodologies that will be applied  
35 to calculate proportionate fair-share mitigation. The methodologies were not included in the  
36 Concurrency Management System by December 1, 2006, as required by statute. [Section  
37 163.3177(2), (6)(a), (b) and (h), (8), (10)(e), F.S., Section 163.3180 (16), Rule 9J-5.005(2), (5)(a),  
38 (b) and (6), Rule 9J-5.019(1) through (4), F.A.C.]

1 **Recommendation.** Revise Policy VIII-1.4.4 to include methodologies that will be applied to  
2 calculate proportionate fair-share mitigation. The methodologies were required by statute to be  
3 included in the Concurrency Management System by December 1, 2006.

4  
5 **Board Direction**

6  
7 Revise Policy *VIII-1.4.4 Proportionate Share* to include the methodology applied to proportionate  
8 fair-share mitigation as shown below:

9 **Policy VIII-1.4.4 Proportionate Share**

10 Within 12 months of the effective date of this Comprehensive Plan, Land Development  
11 Regulations shall be adopted to allow an applicant who receives a capacity encumbrance  
12 denial letter for transportation facilities deficiency reasons, to request the use of a  
13 proportionate fair-share contribution to satisfy transportation concurrency. In such case, that  
14 application shall be reviewed and considered by the County. A proportionate fair-share  
15 proposal may be approved (whether as submitted or as subsequently modified) for the  
16 issuance of a capacity encumbrance letter (which capacity encumbrance letter of concurrency  
17 may contain conditions for its issuance), provided that the proposed development is consistent  
18 with the Comprehensive Plan.

19 [The County shall use the methodology for Proportionate Fair-Share obligation as provided for](#)  
20 [in §-163.3180, F.S. Consistent with this methodology the County shall determine improvement](#)  
21 [costs based upon the actual cost of the improvement as obtained from cost estimates](#)  
22 [contained in the CIE, the Lake County Transportation Construction Program or the FDOT Work](#)  
23 [Program. Where such information is not available, improvement cost shall be determined using](#)  
24 [an analysis of costs by cross-section type that considers data from recent projects. Any such](#)  
25 [analysis shall be updated annually and approved by the jurisdiction maintaining the facility.](#)  
26 [Project costs may be adjusted to accommodate increases in construction material costs.](#)  
27

28 **DCA OBJECTION 31**

29 Policy VIII-1.1.4 and Policy VIII-1.1.5 state that the County will coordinate with FDOT, the MPO,  
30 and the Federal Highway Administration to determine functionally classified arterials, collectors  
31 and local roads. These features should already be determined and mapped on the future  
32 transportation map. [Section 163.3177(2), (6)(a), (b) and (h), (8), (10)(e), F.S., Rule 9J-5.005(2),  
33 (5)(a), (b) and (6), Rule 9J-5.019(1) through (5), F.A.C.]

34 **Recommendation.** Revise the data and analysis to determine functionally classified arterials,  
35 collectors and local roads. Revise the future transportation map to depict functionally classified  
36 arterials, collectors and local roads.

37  
38 **Board Direction**

39  
40 Revise Policy *VIII-1.1.4 Arterial Functional Classification System* as shown below. Update the  
41 Transportation Data, Inventory and Analysis to include the designated roads classified as  
42 arterials, collectors, and locals. Add the maps (attached as Exhibit #7, pages 1 through 4)  
43 depicting the functionally classified arterial, collector and local roads to the Transportation  
44 Element Map Series.

1 **Policy VIII-1.1.4 Arterial Functional Classification System**

2 Functionally classified existing arterial roadways shall be identified on the Transportation  
3 Element Map Series Lake County, in coordination with the Florida Department of  
4 Transportation, the LSMPO, and Federal Highway Administration (FHA), ~~shall determine~~  
5 ~~functionally classified arterial roadways.~~  
6

7 **DCA OBJECTION 32**

8  
9 The future transportation map does not meet all of the requirements of Rule 9J-5.019(5), F.A.C.,  
10 which lists the required components of this map. The map does not identify collectors, arterials,  
11 and any local roads the County uses to achieve mobility goals. The map does not completely  
12 show the public transit system. Maintenance responsibility for all roads is not identified. The map  
13 or map series does not identify projected peak hour levels of service for all transportation  
14 facilities for which level of service standards are established. In addition, the road classifications  
15 listed in Table Tran 1 on page 266 is not consistent with the road classifications shown on the  
16 future transportation map. [Section 163.3177(2), (6)(a), (b) and (h), (8), (10)(e), F.S., Rule 9J-  
17 5.005(2), (3), (5)(a), (b) and (6), Rule 9J-5.019(1) through (5), F.A.C.]  
18

19 **Recommendation.** Revise the future transportation map to identify collectors, arterials, and any  
20 local roads the County uses to achieve mobility goals. Identify the public transit system.  
21 Maintenance responsibility for all roads must be identified. The map or map series must identify  
22 projected peak hour levels of service for all transportation facilities for which level of service  
23 standards are established. Road classifications listed in Table Tran 1 on page 266 must be  
24 consistent with the road classifications shown on the future transportation map.  
25

26 The Transportation Facilities Maps are attached (Exhibit #7, Pages 1 through 4) and identify the  
27 collector, arterial and local roads. The Lynx Existing Transit Service Map and the Parking  
28 Garages, Park & Ride Facilities, LakeXpress & Lynx Transit Services Map are attached (Exhibit  
29 #6), which identifies the public transit systems.  
30

31 The road classifications listed in Table Tran 1 (page 266 of the Comprehensive Plan) are  
32 consistent with the road classifications shown on the Adopted Standard Level of Service Map.  
33

34 **Board Direction**

35  
36 Add the Roadway Network Base Map (attached as Exhibit #8), which shows the maintenance  
37 responsibilities for all roads to the Transportation Element Map Series. Add the Adopted  
38 Standard Level of Service Map (attached as Exhibit #8), which shows the established level of  
39 service standards for the transportation facilities to the Transportation Element Map Series.  
40

41 Add the following Policies to ensure coordination, ensure that transportation corridors are  
42 protected and acquired and ensure public transit is accessible to new development within public  
43 transit corridors:

44 **Policy VIII-3.3.3 Strategic Transportation Corridor Preservation**

45 Lake County recognizes the need to protect and acquire strategic transportation corridors to  
46 provide for future planned growth. In the interest of protecting the health, safety, and welfare  
47 of its citizenry, Lake County shall continue to act proactively, to ensure the transportation

1 system is adequate to meet future needs and adopted concurrency requirements for  
2 transportation are satisfied. The County shall coordinate with the Florida Department of  
3 Transportation to ensure that local traffic has alternatives to the use of Strategic Intermodal  
4 System (SIS) and Florida Intrastate Highway System (FIHS) roadways.

5 **Policy VIII-3.3.8 Ensure Accessibility to Public Transit**

6 Lake County shall review and, as deemed necessary, revise its currently adopted land  
7 development regulations to ensure the accessibility to public transit for new development  
8 within exclusive public transit corridors. Where such corridors are within, or are adjacent to  
9 municipalities the County shall coordinate with the municipality to ensure accessibility to public  
10 transit through Interlocal Service Boundary Agreements or similar agreements.

11 **Policy VIII-2.1.2 Transportation System Coordination**

12 Lake County shall coordinate with the Lake Sumter Metropolitan Planning Organization,  
13 Expressway Authority, and the Florida Department of Transportation to ensure consistency  
14 between the Transportation Construction Program and their respective adopted work  
15 programs.

16  
17 **DCA OBJECTION 33**

18  
19 The amendment must address facilities that provide service within Lake County. The amendment  
20 does not identify water and sewer service areas in the County, and does not describe the  
21 proportional capacity of potable water and sanitary sewer facilities that are allocated to serve  
22 Lake County. The amendment did not identify the existing levels of service provided by  
23 wastewater, potable water and solid waste facilities in Lake County. For potable water and  
24 sanitary sewer facilities serving Lake County, the plan does not include a facility capacity analysis  
25 for the initial and long-term planning periods. [Section 163.3177(2), (6)(a), (c) and (h)(1), (8),  
26 (10)(e), F.S., Rule 9J-5.005(2), (3), (5)(a), (b) and (6), Rule 9J-5.011(1)(a), (c), (d), (e), Rule 9J-  
27 5.015(3)(b)1., F.A.C.]

28  
29 **Recommendation.** 1. Revise the amendment to address sewer and water facilities that provide  
30 service within Lake County. Identify all water and sewer service areas in the County, and describe  
31 the proportional capacity of potable water and sanitary sewer facilities that are allocated to  
32 serve Lake County. 2. Identify the existing levels of service provided by wastewater, potable  
33 water and solid waste facilities in Lake County. Include a facility capacity analysis, for the initial  
34 and long-term planning periods, for potable water and sanitary sewer facilities serving Lake  
35 County.

36  
37 **Board Direction**

38  
39 Add the information described below to the *Public Facilities Element Data, Inventory & Analysis*.

- 40  
41 **1.** An inventory of facilities for Wastewater and Potable Water is contained in the *Public*  
42 *Facilities Element Data, Inventory & Analysis* in Tables 2, 3, and 6. However, a map depicting  
43 Utility Service Areas (attached as Exhibit #9) has been added to the *Public Facilities Element*  
44 *Data, Inventory & Analysis* to indicate the service areas for the utility providers in Lake County  
45 as a supplement to this data.

1 The Department recommends that the County describe the proportional capacity of potable  
 2 water and sanitary sewer facilities that are allocated to serve Lake County. Rule 9J-  
 3 011(2)(c), F.A.C. requires that the Public Facilities Sub-Elements contain one or more policies  
 4 for each objective for **each** of the facilities or resources addressed in the element which  
 5 address implementation, replacement, correction of **existing facility** deficiencies and providing  
 6 for **future facility** needs. Lake County has stressed that it has no existing or future planned  
 7 water (except temporary management of the Umatilla facility) or sewer facilities. Water and  
 8 Sewer Service Areas are therefore within the jurisdiction of the municipalities or private  
 9 utility providers.

10  
 11 The proportional capacity within existing Municipal and Private Utility Service Areas is  
 12 demonstrated in *Public Facilities Element Data, Inventory & Analysis Tables 2 and 6*. The  
 13 capacity to serve the expected growth within these service areas has been demonstrated by  
 14 the respective Municipalities through their respective Comprehensive Plans based on their  
 15 projected populations. *Table 2 - Historic Population Increase 1990, 2000, 2005, and*  
 16 *Population Projections in 5-year increments: 2005-2030* of the Future Land Use Element Data,  
 17 Inventory and Analysis was compiled based on the municipal projected populations provided  
 18 by each municipality. This population data is the best available data; all municipalities within  
 19 Lake County have an effective Comprehensive Plan that has been found in compliance by the  
 20 Department as the State Planning Agency. Using these municipal population projections it is  
 21 demonstrated that there is sufficient existing or planned municipal sewer and water facilities  
 22 to provide the necessary capacity to serve the projected population, particularly since the  
 23 County expects a decrease in the unincorporated population by the year 2030.

- 24  
 25 **2.** Two additional tables have been added to the Wastewater and Potable Water Facilities  
 26 sections of the Public Facilities Data Inventory and Analysis that provides the minimum level of  
 27 service provided by the municipalities.

28  
 29 Table 2A: 2010 Wastewater Minimum Municipal Level of Service has been added to the  
 30 *Public Facilities Element Data, Inventory & Analysis* listing the adopted Levels of Service  
 31 provided by the municipal providers in Lake County.

32  
 33 **Table 2A: 2010 Wastewater Minimum Municipal Level of Service**

<b>Municipality</b>	<b>Min. Sewer LOS (gpdpc)</b>
Lady Lake	100
Astatula (note 1)	111
Astatula	111
Clermont	111
Minneola	111
Tavares	225
Mascotte	240
Eustis	250
Groveland	250
Leesburg	251
Mount Dora	300
Montverde	N/A



Howey-in-the-Hills	N/A
Umatilla	100
Fruitland Park	111

**gpdpc** - gallons per day per capita

**NOTE 1:** Provides no central system for Wastewater

**SOURCE:** Respective Municipal Comprehensive Plans, April 2010

1  
2 Table 7A: 2010 Potable Water Minimum Municipal Level of Service has been added to the  
3 *Public Facilities Element Data, Inventory & Analysis* listing the adopted Levels of Service  
4 provided by the municipal providers in Lake County.  
5  
6

**Table 7A: 2010 Potable Water Minimum Municipal Level of Service**

<b>Municipality</b>	<b>Min. Water LOS (gpppd)</b>
Lady Lake	160
Astatula (note 1)	125
Astatula	125
Clermont	210
Minneola	210
Tavares	325
Mascotte	105
Eustis	99
Groveland	250
Leesburg	150
Mount Dora	350
Montverde	126
Howey-in-the-Hills	485
Umatilla	115
Fruitland Park	137

**gpdpc** - gallons per day per person per day

**NOTE 1:** Provides no central system for Water

**SOURCE:** Respective Municipal Comprehensive Plans, April 2010

7  
8 Table 2 and 6 of the *Public Facilities Element Data, Inventory & Analysis* already provide the  
9 capacity of regional facilities in Lake County.  
10

11 The existing levels of service provided by solid waste facilities in Lake County has been  
12 addressed in the response to DCA Objection 17 and includes a facility capacity analysis for  
13 those facilities for the initial and long-term planning periods.  
14

#### **DCA OBJECTION 34**

15  
16  
17 The amendment does not adopt level of service standards for sanitary sewer and potable water.  
18 [Section 163.3177(2), (6)(a), (c) and (h)(1), (8), (10)(e), F.S., Rule 9J-5.005(2), (3), (5)(a), (b) and  
19 (6), Rule 9J-5.011(1), (2)(c)2., Rule 9J-5.015(3)(b)3., F.A.C.]

1  
2 **Recommendation.** Revise the amendment to adopt policies containing level of service standards  
3 for sanitary sewer and potable water.  
4

5 At this time, the Board of County Commissioners has not expressed any intention of constructing,  
6 owning or operating any regional sewage treatment or regional potable water systems. The  
7 County expects that the municipalities and regional utility providers will continue to provide  
8 utilities within their respective Utility Service Areas. A map depicting these service areas has been  
9 added to the Public Facilities Data, Inventory and Analysis to indicate the approved service  
10 areas.  
11

12 Central water and sewer for development within the unincorporated areas over a density of one  
13 (1) dwelling unit per net acre, or its functional equivalent, will be served by a regional utility  
14 provider or an interim system capable of connecting to a regional facility when one becomes  
15 available.  
16

17 It is our opinion that the sections cited in the Departments objection do not specifically require  
18 adoption of a Level of Service for Water or Wastewater Facilities. Rule 9J-5.011(2)(c)2. F.A.C.  
19 requires that the County include one or more policies for each objective for the facilities or  
20 resources addressed in the Sanitary Sewer and Potable Water Elements to address  
21 implementation activities for:  
22

- 23 (1) Establishing priorities for replacement, correcting existing facility deficiencies and  
24 providing for future facility needs;
- 25 (2) Establishing and utilizing level of service standards provided by facilities as  
26 provided by subsection 9J-5.005(3) and subparagraph 9J-5.015(3)(b)3., F.A.C., of  
27 this chapter, such as:
  - 28 a. Average and peak flow design capacity for sanitary sewer facilities;
  - 29 b. Design capacity for solid waste facilities;
  - 30 c. Design storm return frequency for stormwater facilities capacity;
  - 31 d. Minimum design flow, storage capacity, and pressure for potable water  
32 facilities;
  - 33
  - 34

35 The reference contained in 9J-5.005(3), F.A.C., is as follows:  
36

37 “Level of Service Standards. Level of service standards shall be established for ensuring  
38 that adequate facility capacity will be provided for future development and for purposes  
39 of issuing development orders or development permits, pursuant to Section  
40 163.3202(2)(g), F.S. Each local government shall establish a level of service standard for  
41 each public facility located within the boundary **for which the local government has**  
42 **authority to issue development orders or development permits.** Level of service  
43 standards shall be set for each individual facility or facility type and not on a system wide  
44 basis.”  
45

46 It is noted that this section specifically limits the requirement to establish a level of service (LOS) to  
47 facilities *for which the local government has authority to issue development orders.* As stated above,  
48 Lake County does not currently have any permanent authority over any existing wastewater or

1 potable water facilities nor does it propose any in the future. This section further states that LOS  
2 standards shall be set for *each individual facility*.

3  
4 The reference to subparagraph 9J-5.015(3)(b)3., F.A.C., requires the County to have Goals,  
5 Objectives and Policies in its Intergovernmental Coordination Element that:

6  
7 “Ensure coordination in establishing level of service standards for public facilities with any  
8 state, regional or local entity having operational and maintenance responsibility for such  
9 facilities;”

10  
11 The County has transmitted the following Goals, Objectives and Policies that accomplish this  
12 requirement, including Goal VI-1 *Intergovernmental Coordination* and its Objectives and Policies,  
13 the most pertinent to this objection and recommendations are:

- 14  
15 1. *Objective VI-1.1 Coordination of the Lake County Comprehensive Plan with Adjacent*  
16 *Localities and Other Units of Government* - which specifically includes a requirement to  
17 coordinate and distribute level of service data for public facilities;
- 18 2. *Objective VI-1.6 Coordination of Level of Service Standards and Provision of Public Facilities*  
19 *and Services* - which requires coordination with municipalities and private utilities to ensure  
20 consistency with levels of service standards;
- 21 3. *Objective VI-1.6 Coordination Of Level Of Service Standards And Provision Of Public*  
22 *Facilities And Services* – which requires the County to maintain coordination efforts with  
23 responsible local, regional and state authorities, and private utility companies, as  
24 appropriate, *to provide adequate public facilities and services and ensure consistency with*  
25 *adopted level of service standards.*
- 26 4. *Policy VI-1.6.2 Interlocal Service Boundary Agreements* – which requires the County to  
27 consider central water and sewer utilities in Joint Planning Areas so the County and the  
28 municipality can agree upon the future land use of the lands within the JPA to avoid urban  
29 sprawl.
- 30 5. *Policy VI-1.6.3 Coordinated Concurrency Management Systems* – which requires the County  
31 to coordinate with the municipalities in the implementation of their concurrency  
32 management system for compatible adopted levels of service.
- 33 6. *Policy VI-1.6.5 Coordinate With Utility Providers* – which requires applicants to submit site  
34 plans and plats to the electrical, potable water, sanitary sewer, reclaimed water, and all  
35 other public or private utilities prior to development approval to assist in the planning and  
36 programming of utility service.
- 37 7. *Policy VI-1.6.6 Coordinate Levels of Service* – which requires the County to develop and  
38 provide levels of service for public and private facilities compatible with adopted Levels  
39 of Service of neighboring jurisdictions.
- 40 8. *Policy VI-1.6.11 and Policy VI-1.6.14* – which require the County to coordinate the  
41 extension of lines or increase of facility capacity with adjacent municipal and private  
42 facilities to discourage urban sprawl.

1 The major focus of all these policies is to ensure the County coordinates with the municipal and  
2 private utility providers to ensure adequate level of service is provided and to discourage urban  
3 sprawl which is the foundation of the Rule.  
4

5 Given the above policies it is clear that Lake County has included ample policies to ensure level of  
6 service standards are established to make certain that adequate facility capacity will be  
7 provided for future development and for purposes of issuing development orders or development  
8 permits. The County has also demonstrated that it has no permanent authority over any public  
9 potable water or wastewater facility located within its boundaries for which it has authority to  
10 issue development orders or permits. However, the County acknowledges that it has not adopted  
11 a minimum level of service.  
12

13 A review of similar counties that do not provide water or sewer utilities reveals that these counties  
14 have adopted a minimum level of service for their unincorporated areas:  
15

16 **Levy County** has adopted an LOS of 150 gpcpd for potable water (see Levy County  
17 Comprehensive Plan Potable Water Sub Element Policy 4.1) and 100 gpcpd for sewer  
18 (Levy County Comprehensive Plan Sanitary Sewer Sub-Element Policy 1.5). The Levy Plan  
19 was found in compliance by the Department in 2009.  
20

21 **Sumter County** for example has adopted an LOS of 169 gpcpd for potable water and  
22 100 gpcpd for sewer (see Sumter County Comprehensive Plan Capital Improvements  
23 Element Policy 8.1.1.1). The policy also allows the Sumter County Board of County  
24 Commissioners to set a lower level of service under certain criteria. The Sumter Plan was  
25 found in compliance by the Department in 2008.  
26

## 27 **Board Direction**

28  
29 To address the Objection amend Policy II-1.1.8 *Potable Water Levels of Service* and Policy II-1.1.9  
30 *Sanitary Sewer Levels of Service* as follows to incorporate a level of service for the unincorporated  
31 areas, but recognizing that the level of service of an approved utility service area would be  
32 required within the service areas.  
33

### 34 **Policy II-1.1.8 Potable Water Levels of Service**

35 The Level of Service standard for central potable water supplies in unincorporated areas  
36 is 100 gallons per capita per day, or the Equivalent Residential Unit (ERU) for non-  
37 residential development. If connection is required to a municipal or private utility, and the  
38 development is within the Utility Service Area of the utility, the higher level of service as  
39 adopted by that utility shall supersede the County's LOS.

40 ~~The level of service for potable water supplied by a municipality in Lake County to~~  
41 ~~unincorporated Lake County shall be the same as the level of service within the municipality.~~

42 ~~The level of service for potable water supplied by a private provider in unincorporated Lake~~  
43 ~~County shall be the minimum design and operating standards as established by the authorized~~  
44 ~~federal, state, regional, water management district, and local regulatory agencies.~~

### 45 46 **Policy II-1.1.9 Sanitary Sewer Levels of Service**

47 The Level of Service standard for central sanitary sewer systems shall be 100 gallons per  
48 capita per day, or the Equivalent Residential Unit (ERU) for non-residential development.

1 If connection is required to a municipal or private utility, and the development is within the  
2 Utility Service Area of the utility, the higher level of service as adopted by that utility shall  
3 supersede the County's LOS. The level of service for sanitary sewer supplied by a municipality  
4 in Lake County to unincorporated Lake County shall be the same as the level of service within the  
5 municipality.

6 ~~The level of service for sanitary sewer supplied by a private provider in unincorporated Lake~~  
7 ~~County shall be the minimum design and operating standards as established by the authorized~~  
8 ~~federal, state, regional, water management district, and local regulatory agencies.~~

### 9

### 10 **DCA OBJECTION 35**

11 Intergovernmental Coordination Element (ICE) Policy VI-1.1.3, VI-1.6.9 and VI-1.6.13 do not  
12 include a measurable timeframe by which the County will enter into joint planning agreements  
13 (JPAs) with the 11 remaining local governments within the County. The County currently has JPAs  
14 with the cities of Clermont, Mount Dora and the Town of Lady Lake. Policy VI-1.1.3, VI-1.6.9 and  
15 VI-1.6.13 do not provide meaningful and predictable standards for the use and development of  
16 land, and do not provide meaningful guidelines for the content of the land development  
17 regulations to discourage the proliferation of urban sprawl. [Section 163.3177(2) [Financial  
18 Feasibility], (6)(a) [planning/future land uses] and (h)(1) [policies must be based on data and  
19 surveys], (8), (10)(e), F.S., Rule 9J-5.005(2), (3), (5)(a) and (6), Rule 9J-5.006(3)(b)8. and (5), Rule  
20 9J-5.011(1)(2)(b)2., Rule 9J-5.015(3)(b)1., 2. and 3., F.A.C.]

21  
22 **Recommendation.** Revise ICE Policy VI-1.1.3, VI-1.6.9 and VI-1.6.13 to include a measurable  
23 timeframe by which the County will enter into JPAs with the 11 remaining local governments within  
24 the County. Policies VI-1.1.3, VI-1.6.9 and VI-1.6.13 should:

- 25 a) describe how public water supply and wastewater systems will be made available to serve  
26 new and existing development,  
27 b) provide meaningful and predictable standards for the use and development of land,  
28 c) provide meaningful guidelines for the content of the land development regulations, and  
29 d) discourage the proliferation of urban sprawl.  
30  
31

32 Although the objection above recommends that the policy be revised to include a timeframe which  
33 the County will enter into a JPA with the remaining municipalities, it is evident that the County can  
34 only seek the agreement and cannot force the municipality to enter into the agreement.

35 Section 163.3177(h)(1), F.S. (h)1(a) (cited above in the Objection) requires the element to provide  
36 procedures to identify and implement joint planning areas, especially for the purpose of  
37 annexation, municipal incorporation, and joint infrastructure service areas.

38 The policy as amended below would clearly establish the timeframe for which JPA's would be  
39 implemented by the County. The three adopted Joint Planning Areas that have been adopted by  
40 the County have demonstrated that JPA's take a tremendous amount of negotiation and  
41 compromise on the part of both the County and municipality. Therefore, it is not possible to state a  
42 specific period at which the agreement would be agreed to by the municipality. Therefore the  
43 revisions shown below should satisfy the Objection above by establishing "a measurable  
44 timeframe by which the County will enter into JPAs."  
45  
46

1 **Board Direction**

2  
3 Revise *Policy VI-1.1.3 Adoption of Joint Planning Areas* to include a timeframe as shown below.  
4 The County shall adhere to the Comprehensive Plan when negotiating Joint Planning Areas, which  
5 discourages proliferation of urban sprawl and provides guidelines and predictable standards for  
6 the content of the Land Development Regulations.

7 **Policy VI-1.1.3 Adoption of Joint Planning Areas**

8 Within 12 months of the adoption of this Comprehensive Plan, the County shall pursue Joint  
9 Planning Areas (JPAs) with each of the municipalities in Lake County and with adjacent  
10 counties to address, at minimum, future annexations, provision of services and facilities and  
11 land use compatibility. The County shall adhere to this Comprehensive Plan when negotiating  
12 Joint Planning Areas. A summary of all Joint Planning Areas shall be included in this  
13 Comprehensive Plan. The County shall evaluate the effectiveness of Joint Planning Areas and  
14 revise them as necessary.

15 Revise Policies VI-1.6.9 and VI-1-6.13 to include a timeframe as shown below and to establish a  
16 timeframe to pursue written agreements defining the relationship with all privately owned water  
17 suppliers and wastewater providers in unincorporated areas.

18 **Policy VI-1.6.9 Coordination of Potable Water Services with the Utility**  
19 **ProvidersMunicipalities**

20 Within 12 months of the adoption of this Comprehensive Plan, Lake County shall  
21 ~~pursue~~execute Interlocal Agreements with the municipalities that supply utilities within Lake  
22 County for establishing service areas so as not to duplicate services and to provide for  
23 conditions for the establishment of, and the operation within, the service area. Within 12  
24 months of the adoption of this Comprehensive Plan, Lake County shall pursue written  
25 agreements defining the relationship with all privately-owned water suppliers who provide  
26 service to unincorporated Lake County.

27 **Policy VI-1.6.13 Coordination of Sanitary Sewer Services with the MunicipalitiesUtility**  
28 **Providers**

29 Within 12 months of the adoption of this Comprehensive Plan, Lake County shall  
30 ~~pursue~~execute Interlocal Agreements with municipalities providing wastewater utility services  
31 within unincorporated areas of Lake County. These Interlocal Agreements will establish  
32 service area boundaries so as to prevent or eliminate duplicative service areas and provide  
33 conditions for establishment and operation within the service areas.

34 Within 12 months of the adoption of this Comprehensive Plan, Lake County shall pursue  
35 written agreements defining the relationship with all privately-owned sanitary sewer suppliers  
36 who provide service to unincorporated Lake County.

37  
38 **DCA OBJECTION 36**

39  
40 The Housing Element data and analysis does include an affordable housing needs assessment by  
41 number, type, cost or rent, tenure, and any other special housing needs. Housing objectives and  
42 policies that address the provision of affordable housing are not supported by appropriate data  
43 and analysis. [Section 163.3177(2), (6)(a) and (f), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and  
44 (6), Rule 9J-5.010(1) and (2)(b), F.A.C.]

1  
2 **Recommendation.** Revise the Housing Element data and analysis to include an affordable  
3 housing needs assessment by number, type, cost or rent, tenure, and any other special housing  
4 needs. Housing objectives and policies that address the provision of affordable housing must be  
5 supported by appropriate data and analysis.  
6

7 **Board Direction**  
8

9 Place the housing needs assessment data (attached as Exhibit #10) in the Data, Inventory and  
10 Analysis for the Housing Element to indicate the number, type, cost or rent, tenure, and any other  
11 special housing needs.  
12

13 Note: The data will be updated over the next year as part of the CDBG 5-year Consolidated  
14 Plan for 2011 – 2015 Analysis of Impediments to housing, and the County’s Fair Housing Plan.  
15 These plans are due to the U.S. Department of Housing and Urban Development (HUD) in August  
16 of 2011.  
17

18 **DCA COMMENT 37**  
19

20 Policy I-4.1.4 contains regulatory guidelines for implementing the Principles for Guiding  
21 Development within the Green Swamp Area of Critical State Concern. Among these is a  
22 provision, “Groundwater - Groundwater withdrawal shall not exceed the safe yield per acre as  
23 determined by the St. John’s River Water Management District or the Southwest Florida Water  
24 Management District, or their successor agencies.” This provision should be revised to use the term  
25 “minimum flows and levels” because the water management districts no longer measure by means  
26 of determining “safe yield per acre.”  
27

28 **Board Direction**  
29

30 Revise Policy I-4.1.4 *Principles for Guiding Development within the Green Swamp Area of Critical*  
31 *State Concern* (second bullet under number 3) as follows:  
32

- 33 • Groundwater - Groundwater withdrawal shall not result in a reduction of the minimum  
34 flows and levels safe yield per acre as determined by the St. John’s River Water  
35 Management District or the Southwest Florida Water Management District, or their  
36 successor agencies.  
37

38 **DCA COMMENT 38**  
39

40 The County did not demonstrate it is eliminating or reducing land uses are inconsistent with the  
41 Local Mitigation Strategy. Specifically, the County did not address the need to reduce wildfire  
42 hazards in accordance with Division of Forestry Recommendations. Please see their attached  
43 agency comments.  
44

45 **Board Direction**  
46

47 Revise the Policies listed below and add a new Policy to address the need to reduce wildfire  
48 hazards in accordance with the Division of Forestry recommendations:

1 **Policy I-1.1.7 Adopt Land Development Regulations**

2 The County shall adopt and maintain a set of specific and detailed Land Development  
3 Regulations that implement and are consistent with the goals, objectives and policies of the  
4 Comprehensive Plan. The Land Development Regulations at a minimum shall address the  
5 following:

6 ..., and

- 7 • [Development and site design standards for development susceptible to wildfire risk](#)  
8 [exposure.](#)

9 **Policy I-1.4.1 Elements of Rural Character**

10 The character of future development within the Rural Future Land Use Series shall be  
11 compatible and consistent with rural characteristics described below.

- 12 • Individual parcels that are generally equal to or larger than five (5) acres in size.
- 13 • Smaller parcels clustered in a configuration that provides contiguous common open  
14 space while maintaining rural densities over the net buildable area of the  
15 development site.
- 16 • A predominance of sites wherein a limited number of principal and accessory  
17 structures are surrounded by substantial areas of undeveloped land.
- 18 • An emphasis on agriculture, equestrian-related activities and conservation areas.
- 19 • A system of rural roads intended to provide access to widely spaced home-sites and  
20 farms with substantial building setbacks from adjoining roadways.
- 21 • Naturally occurring or informal vegetative patterns protective of the environment.
- 22 • Commercial and civic land uses limited in distribution, scale and scope to serve the  
23 basic and special needs of rural areas and to ensure compatibility with the character  
24 of rural areas.

25 Within 12 months of the effective date of the Comprehensive Plan, Lake County’s Land  
26 Development Regulations shall be updated to include rural planning and design standards  
27 that address, at a minimum, each of the elements of rural character defined above and to  
28 regulate features including, but not limited to, the type, size, height, and location of uses and  
29 structures, fencing, signage, lighting, landscaping and viewscales. [These regulations shall  
30 include requirements to minimize the hazards of wildland fire risks for rural developments.  
31 Risk exposure shall follow the National Fire Protection Act \(NFPA\) Standards or similar ignition  
32 potential risk reduction standards for wildfires.](#)

33 **Policy I-1.4.6 Open Space within Rural Conservation Subdivisions**

34 Open space within Rural Conservation Subdivisions shall be applied and protected as follows:

- 35 1. Open space shall be designated to remain undeveloped and protected in perpetuity  
36 through the use of conservation easements, plat restrictions, or similar legally recorded and  
37 binding instruments that run with the land and establish the conditions and restrictions on the  
38 use of the open space area, as allowed by law. Open space conservation easements shall be  
39 dedicated to one or a combination of the following, which shall be designated prior to  
40 development:



- 1 • Conservation agency such as Florida Department of Environmental Protection or St.
- 2 Johns River Water Management District;
- 3 • Non-profit conservation organization or land trust; or
- 4 • Lake County, subject to County approval.

5 2. Open space shall be shown on all plats as a common area, which shall be deeded to the  
 6 homeowners association, the County, a conservation agency, or non-profit conservation  
 7 organization for ownership and maintenance. Any deeded open space shall be credited to  
 8 the dedicating subdivision in calculating open space requirements. The cost and responsibility  
 9 of maintaining open space shall be borne by the owner of the open space. An open space  
 10 management plan shall be required to accompany the development, subject to County  
 11 approval. The management plan shall establish conservation objectives, outline procedures,  
 12 and define the roles and responsibilities for managing open space, including establishment of  
 13 a Qualified Management Entity as appropriate. The management plan will also address  
 14 wildfire mitigation requirements to include vegetation management practices to prevent  
 15 hazardous fuel build up and possible wildfire threat within the community. If not properly  
 16 maintained, the County may enforce maintenance. Designated open space shall be clearly  
 17 delineated on project site plans, including recorded plats, and marked in the field.

18 3. Clustering shall mean that the built area of the development site is well defined and  
 19 compact, thereby enabling the creation of contiguous expanses of open space and the  
 20 protection of environmentally sensitive areas. At least 50% of required open space shall be  
 21 configured in a single contiguous tract. Open space shall be contiguous with protected open  
 22 space on adjacent parcels and public conservation lands to the maximum extent feasible and  
 23 configured to ensure compatibility with adjacent rural properties.

24 **Policy I-7.2.1 Enforcement of Regulatory Standards on All Development**

25 The County shall protect the viability of established and future residential neighborhoods by  
 26 enforcing Land Development Regulations relating, but not limited to:

- 27 • Development within flood-prone areas;
- 28 • Building setbacks and heights;
- 29 • Roadway buffers and buffers between land uses;
- 30 • Landscaping;
- 31 • Tree preservation;
- 32 • Signage;
- 33 • On-site traffic circulation and parking;
- 34 • Drainage and stormwater management;
- 35 • Fences, walls and entrance features;
- 36 • Maintenance and use of common open space areas;
- 37 • Interconnection of neighborhoods and pedestrian accessibility;
- 38 • Lighting; ~~and~~
- 39 • Transportation corridors and access, and
- 40 • Development within wildland interface and wildfire risk exposure areas.

1 **Policy I-7.3.2 Community Wildfire Protection Plan**

2 The County shall, in partnership with the Division of Forestry and other state and local  
3 agencies, participate in the development and implementation of a Community Wildfire  
4 Protection Plan (CWPP) for Lake County, which will designate high-hazard fire areas and  
5 specify methods of reducing the hazards.

6 **Policy I-7.8.1 Requirements for Planned Unit Developments**

7 Within 24 months of effective date of this Comprehensive Plan, the County shall adopt Land  
8 Development Regulations for new development that utilizes Planned Unit Development zoning,  
9 subject to the following:

- 10 • The density and intensity of a PUD shall not exceed the density and intensity of the  
11 underlying Future Land Use Categories and may be further restricted in the Land  
12 Development Regulations.
- 13 • A PUD shall be developed as an integrated unit containing one or more land uses,  
14 and shall ensure compatibility with existing and allowed uses on neighboring  
15 properties.
- 16 • A PUD shall be required to include provisions for the protection of open space and for  
17 the conservation and protection of significant natural resources that may be located  
18 within the development site, consistent with this Comprehensive Plan. Clustering,  
19 flexible lot design, or other innovative strategy to preserve large areas of contiguous  
20 open space and protect significant natural resources shall be required.
- 21 • A resources and vegetation management plan shall be prepared that addresses  
22 wildfire mitigation where potential wildfire threats exist, including private lots and  
23 common open spaces.
- 24 • Within urban areas, Planned Unit Developments shall provide for innovative planning  
25 concepts of site development, such as Traditional Neighborhood Design or Transit  
26 Oriented Development, to create aesthetically pleasing living, shopping, and working  
27 environments on properties of adequate size and location, consistent with other policies  
28 of this Comprehensive Plan.
- 29 • The application for a PUD shall be accompanied by a conceptual site plan depicting  
30 important features including but not limited to the location of major roads, structures,  
31 and required open space. Approval of a PUD shall require that development occur  
32 substantially as depicted on the proposed conceptual site plan.
- 33 • A Planned Unit Development shall be required for any application seeking to increase  
34 the existing density with the potential of fifty (50) or more dwelling units.

35  
36 Add the amendments to the Objective and Policy and the new Policies shown below (in addition to  
37 those stated above):

38 **Policy I-3.4.5 Development Design Standards**

39 In order to protect natural resources, including but not limited to aquifer recharge, karst  
40 features, native vegetation, habitat, and wildlife, new development within the Wekiva  
41 Study Area (WSA) shall implement conservation design standards including at a  
42 minimum:...

- Implementation of Firewise community design, including but not limited to, residential defensive space, setbacks from conservation lands, common area design and recommended construction material selection should be based on the recommendations of National Fire Plan standards.

### **OBJECTIVE III-3.2 HABITAT AND WILDLIFE PRESERVATION**

Lake County shall conserve habitat and wildlife populations in order to maintain the health of natural ecosystems and maintain biodiversity. In addition, the County shall cooperate with federal, state, and local agencies to protect and maintain viable habitat for species designated as endangered, threatened, or species of special concern.

Habitat management of conservation lands is vital towards maintaining the quality of land. Prescribed burning is a vital management tool for an array of wildlife species. The County shall provide for the use of prescribed fires on conservation lands.

#### **Policy III-3.2.3 Prescribed Fire in the Management of Conservation Land**

Fire is an important and natural process for many of Florida's natural plant communities such as, but not limited to, pine flatwoods, sandhill, sand pine scrub, and xeric oak scrub. The use of prescribed fire is important to the continued health of these natural communities and improves their wildlife habitat value.

The County shall encourage Best Management Practices associated with native habitats, such as prescribed fires, and shall coordinate with the federal, state, and local agencies regarding management programs and policy.

#### **III-3.2.6.1 Development within or near Fire-Dependent Plant Communities**

Developments proposed within or near fire-dependent plant communities such as, but not limited to, pine flatwoods, sandhill, sand pine scrub, and xeric oak scrub shall be designed to accommodate prescribed fire as part of the management of those communities.

The Developer shall be responsible for ensuring that the people moving into the new developments are informed of the importance of fire on Florida's natural habitats, and that periodic prescribed fire may occur in, and around their development.

A note shall be added to a site plan or a final plat, prior to approval, indicating that prescribed fires could occur in, and around this development.

### **DCA COMMENT 39**

Revise PFE Objective IX-2.2 as follows: Lake County shall guide the orderly growth and development of the County by coordinating water service availability with the municipalities, private enterprises, and individuals. The coordination of service delivery shall be in a manner that provides maximum use of existing and planned facilities.

### **Board Direction**

Revise the following Objective and Policies as shown below to provide coordination with municipalities, private enterprises, and individuals, for existing and planned facilities.

1  
2 **OBJECTIVE IX-2.2 PROVISION OF CENTRAL WATER FACILITIES**

3 Lake County shall guide the orderly growth and development of the County by coordinating  
4 water service availability with the municipalities, private enterprises and individuals. The  
5 coordination of service delivery shall be in a manner that provides maximum use of existing  
6 facilities prior to new planned facilities.

7 **Policy IX-2.2.2 Mandatory Central Water Connection**

8 Lake County shall review and revise, as appropriate, its mandatory central water connection  
9 ordinance which, at a minimum shall require new development within the Urban Future Land  
10 Use Series to connect to a public water system, when available.

11 Where central systems are not available, a new development exceeding a density of one unit  
12 per net acre shall provide a central water system, unless exempted by the Board of County  
13 Commissioners via public hearing.

14 At a minimum, existing homes and development in any Future Land Use Category shall be  
15 required to connect to an available public potable water system, when:

- 16 1. The Board of County Commissioners determines that there is endangerment to the  
17 environment, public health, safety, or welfare; or  
18 2. The private potable water system fails and replacement is required, and the  
19 property is within an urban area; or  
20 3. The system is relocated and the property is within an urban area.

21 ~~Upon connection to a public water supply, private wells withdrawing water from the aquifer  
22 must be abandoned and sealed in accordance with State rules.~~

23 Disconnecting from a public or ~~investor-owned private central~~ water system ~~in favor of a~~  
24 ~~private well for potable use~~ is prohibited.

25 **Policy IX-2.2.3 Connection of ~~Community and Non-Community~~ Public or Private Systems**

26 Lake County shall require the connection ~~to of public or private central community and non-~~  
27 ~~community~~ utility services when the ~~private well or wastewater system causes re-is~~  
28 endangerment to the environment, public health, safety ~~or and~~ welfare. Financial assistance, to  
29 partially offset the cost of connecting to central utility services for individuals and non-profit  
30 utility service providers, may be provided by Lake County through application for federal  
31 and state grants/loans or through the establishment of a construction fund funded by user  
32 charges or special benefit assessments.

33 Within 12 months of the adoption of this Comprehensive Plan, Lake County shall adopt Land  
34 Development Regulations that establish standards for connection to centralized systems for  
35 development with private wells or wastewater system that do not cause endangerments as  
36 listed above when central utilities are available. Lake County shall identify those areas within  
37 the County where centralized utilities are needed and can be served by a utility through an  
38 agreement with Lake County.

39 ~~**Policy IX-2.2.4 Coordination of Services with Private Enterprises**~~

40 ~~Lake County shall identify, and exempt from mandatory connection, those privately owned~~  
41 ~~facilities located within those portions of Lake County, where centralized water services are~~

1 ~~available or planned, which have the ability to meet regulations and individual permit~~  
2 ~~criteria, and where mandatory connection would not be required for the economic viability of~~  
3 ~~a centralized system or necessary to protect public health, safety or welfare. Those privately-~~  
4 ~~owned facilities not meeting the above criteria shall be required to connect to the centralized~~  
5 ~~system when available. Lake County shall identify those areas within the County where~~  
6 ~~centralized utilities are needed and can be better served by a privately owned utility,~~  
7 ~~through an agreement with Lake County, for the provision of the service.~~

8 **Policy IX-2.2.5 Provision of Potable Water Services Inside of Designated Urban Areas**

9 The County shall require that property within the Urban Future Land Use Series connect to  
10 potable water services consistent with mandatory connection policy. Independent utility  
11 providers or public-private partnerships with planned facilities may be considered to provide  
12 regional potable water services within the Urban Future Land Use Series where connection to  
13 a municipal system is not feasible, and if such services are both cost efficient and  
14 environmentally sound.

15  
16 **DCA COMMENT 40**

17  
18 Revise PFE Policy IX-2.2.8 as follows: Lake County shall maximize the use of existing and planned  
19 facilities and discourage urban sprawl by encouraging the provision of central potable water  
20 services within existing and planned service areas, where possible, and prohibiting the extension  
21 of potable water facilities outside of existing and planned service areas, as depicted on the  
22 Future Land Use Map.

23  
24 **Board Direction**

25  
26 Revise the Policy as shown below:

27 **Policy IX-2.2.8 Coordination of Potable Water with Land Use**

28 Lake County shall maximize the use of existing facilities prior to new planned facilities and  
29 discourage urban sprawl by encouraging the provision of central potable water services  
30 within existing and planned service areas where possible and prohibiting the extension of  
31 potable water facilities outside of existing and planned service areas ~~as depicted on the~~  
32 Future Land Use Map.  
33

34 **DCA COMMENT 41**

35  
36 The County should revise the Concurrency Management and CIE tables to ensure consistency with  
37 the Public School Facilities Sub Element and the Interlocal Agreement for School Planning.

38  
39 **Board Direction**

40  
41 The Capital Improvements Element is consistent with the Lake County Schools Five-Year Facilities  
42 Master Plan. The Data, Inventory and Analysis will be continually updated as necessary to  
43 maintain the best available data for school planning. The County will continue to coordinate  
44 school facilities planning with the School Board on this issue.  
45

46 **DCA COMMENT 42**

1  
2 The County should consult with the School District to prepare a map series depicting long-term  
3 school facilities through 2030.

4  
5 **Board Direction**

6  
7 The County will continue to coordinate school facilities planning with the School Board.

8  
9 **DCA COMMENT 43**

10  
11 The Future Land Use Element should be revised to state that the Department of Defense or United  
12 States Navy administers the Pinecastle Bombing Complex. The proposed amendment should  
13 reference the Chief of Naval Operations Instruction 3550.1 Series, Range Air Installations  
14 Compatible Use Zones (RAICUZ), which are Navy guidelines that protect public health, safety, and  
15 welfare, and prevent encroachment and incompatible land use from degrading the operational  
16 capabilities of air-to-ground ranges. Revise the Intergovernmental Coordination Element (ICE) to  
17 include the following policy:

18  
19 "The County shall ensure that future development within the adopted Military Operating  
20 Area will not negatively impact current and long-term use of the military  
21 installation/range complex, as listed in the OPNAVINST 3550.1 series. The County will  
22 promote health and welfare by limiting incompatible land uses, and allow compatible  
23 land uses within such areas."  
24

25 Revise the ICE to state, "representative of the Department of Defense or Department of the Navy"  
26 instead of "representative of the range."  
27

28 **Board Direction**

29  
30 Revise the following Objective and Policies as shown below:

31  
32 **OBJECTIVE I-6.4 PINECASTLE MILITARY OPERATIONS AREA OVERLAY DISTRICT**

33 The U.S. Navy Pinecastle Range Complex (Range) Military Operations Area (MOA) is the  
34 special use airspace designated by the Federal Aviation Administration utilized by the U.S.  
35 Military for training and exercises overlying parts of northern Lake County and administered  
36 by the [United States Navy U.S. Naval Air Station in Jacksonville, Florida](#). Airspace contained  
37 within the Range consists of the Palatka 1 and Palatka 2 Military Operations Areas and  
38 Restricted Areas 2906, 2907A, 2907B, 2910, 2910 A, and 2910B. Lake County shall  
39 protect the mission and the long-term viability of this military installation through the  
40 management of underlying future land uses.

41 **Policy I-6.4.3 Residential Density Increases Incompatible Development within the Military**  
42 **Operations Area**

43 The County finds that existing development density and intensity is compatible with the testing  
44 and training mission of the Range and MOA. [The County shall ensure that future development](#)  
45 [within the adopted Military Operating Area will not negatively impact current and long-term](#)  
46 [use of the military installation/range complex, as listed in the Chief of Naval Operations](#)  
47 [Instruction \(OPNAVINST 3550.1 series\), will promote health and welfare by limiting](#)

1 [incompatible land uses, and allow compatible land uses within such areas, consistent with all](#)  
2 [other requirements of this Comprehensive Plan. Increases in residential development within the](#)  
3 [MOA bombing ranges and approach zones shall be considered incompatible with the mission](#)  
4 [of the Range unless determined to be compatible by the representative of the Range.](#)

5 **Policy VI-1.1.22 Planning and Zoning Board Membership for Military Operations**

6 The County shall ensure close coordination with U.S. Military and that this coordination can be  
7 fostered through the inclusion of a representative of the [Department of the Navy Range](#) as an  
8 ex-officio, non-voting member of the Local Planning Agency and Zoning Board. The County  
9 shall request that the Commanding Officer, Naval Air Station Jacksonville designate a  
10 representative to serve in this capacity. The designated representative shall be notified of all  
11 meetings and provided with copies of agenda packages related to the Pincastle Military  
12 Operations Area, as well as any special planning studies, such as the Evaluation and  
13 Appraisal Report.

14 **Policy VI-1.1.23 Review of Proposed Actions within the Military Operations Area**

15 The County shall refer to the [Department of the Navy Range](#) representative for review and  
16 comment prior to final action by the County, all proposed Comprehensive Plan amendments,  
17 proposed Land Development Regulations, rezonings, waivers, exceptions, variances and  
18 similar applications which, if approved, would affect the intensity, density, or use of land  
19 within the Pincastle Military Operations Area as specified in 163.3175(3) F.S., as may be  
20 amended.  
21

22 **DCA COMMENT 44**

23  
24 Several pages in the proposed plan amendment have incorrect headings that need to be revised.

25  
26 The corrections to the headings have been made.

27  
28 **II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**

29  
30 The proposed plan amendment is not consistent with the following goals and policies of Chapter  
31 187, F.S., the State Comprehensive Plan.

32  
33 Goal (4), Housing, and (b) Policy 3. This citation refers to Objection 35.

34  
35 Goal (7), Water Resources, and (b) Policies 1., 2., 3., 5., 8., 9., and 10. These citations refer to  
36 Objections 4, 5, 6, 8, 11, 12, 13, 14, 16, 19, 20, 22, 23, 24, and 25.

37  
38 Goal (9), Natural Systems and Recreational Lands, and (b) Policies 1., 3., 7., and 9. These  
39 citations refer to Objections 4, 6, 8, 9, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 24, 25, and 26.

40  
41 Goal (10), Air Quality and (b) Policies 1. and 2. These citations refer to Objections 16 and 23.

42  
43 Goal (15), Land Use, and (b) Policies 3., 5., and 6. These citations refer to Objections 4, 5, 6, 7,  
44 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, and 33.

1 Goal (17), Public Facilities, and (b) Policies 3., 4., 6., and 7. These citations refer to Objections 3,  
2 17, 18, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

3  
4 Goal (19), Transportation, and (b) Policies 2., 3., 7., 8, 13. and 15. These citations refer to  
5 Objections 3, 17, 27, 28, 29, 30, 31 and 32.

6  
7 Goal 20, Governmental Efficiency, and (b) Policies 1., 5., and 8. These citations refer to  
8 Objections 18, 26, 27, 29, 32, 33, and 35.

9  
10 Goal (25), Plan Implementation, and (b) Policies 7. and 8. These citations refer to Objections 1, 2  
11 and 35.

12  
13 Recommendation: By addressing the concerns noted in Section I above, these inconsistencies with  
14 Chapter 187, Florida Statutes, can be addressed.

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1 **Additional Recommended Revisions: During the review of the Comprehensive Plan the**  
2 **following Policies were found to be lacking or required clarification. Board Direction was**  
3 **given to address the issues as shown below.**  
4

- 5 1. The revisions were made to better describe what is meant by 'legal lot of record'.  
6

7 **Policy I-2.3.4 Residential Land Use**

8 Within the Ferndale Community, all residential development shall be consistent with the  
9 Rural Future Land Use Category of one (1) dwelling unit per five (5) net buildable  
10 acres; provided that a [lot for which a final Lot of Record determination was completed](#)  
11 [and approved by Lake County](#) ~~legal lot of record~~ existing on or before the effective  
12 date of this policy that is smaller than five (5) acres in size may be permitted one  
13 dwelling unit, consistent with all other provisions of this Comprehensive Plan and the  
14 Land Development Regulations. Within the Ferndale Center District, one (1) dwelling  
15 unit may coexist with a commercial or office use on a [lot for which a final Lot of](#)  
16 [Record determination was completed and approved by Lake County](#) ~~legal lot of~~  
17 ~~record~~. This may be a detached single-family dwelling or an upper-story residence  
18 within the same structure.

19 **Policy I-3.4.8 Setbacks from Karst Features**

20 Development shall be set back from karst features and spring runs as specified below.  
21 The setback shall consist of a buffer that retains all natural vegetation within the  
22 setback area.  
23

Feature	Minimum setback
Springs	300 feet
Spring runs	100 feet
Karst features	100 feet

24  
25 If a [lot for which a final Lot of Record determination was completed and approved by](#)  
26 [Lake County](#) ~~lot of record~~ existing on the effective date of this policy is too small to  
27 comply with the setback requirements above, structures and impervious surfaces shall  
28 be located at the maximum distance possible from the karst feature(s), and a swale  
29 and berm shall be built between the developed area and karst feature to direct  
30 drainage away from the feature.

31 **Policy III-2.2.7 Protection of Shorelines**

32 ... The County shall require a 100-foot setback, from the mean high water line of  
33 lakes and wetlands for the installation of septic tanks and drain fields. Should an  
34 existing [lot for which a final Lot of Record determination was completed and](#)  
35 [approved by Lake County](#) ~~lot of record~~ not be able to meet this requirement due to  
36 inadequate width or depth, a variance may be requested, however, any on-site

1 wastewater system approved with such a variance shall be an advanced treatment  
2 system or alternative system designed to remove nutrients from the effluent.

3 **Policy IX-1.3.8 Setbacks from Karst Features**

4 Development shall be set back from karst features and spring runs as specified below.  
5 The setback shall consist of a buffer that retains all natural vegetation within the  
6 setback area.

7 Feature	8 Minimum setback
9 Springs	100 feet
10 Spring runs	100 feet
11 Karst features	100 feet

12 If a lot for which a final Lot of Record determination was completed and approved by  
13 Lake County ~~lot of record~~ existing on the effective date of this policy is too small to  
14 comply with the setback requirements above, structures and impervious surfaces shall  
15 be located at the maximum distance possible from the karst feature(s), and a swale  
16 and berm shall be built between the developed area and karst feature to direct  
17 drainage away from the feature.

- 18 2. To following amendment was made to clarify that Floor Area Ratio (intensity) does not  
19 apply to residential development.

20 **Policy I-1.2.5 Calculation of Intensity**

21 Intensity shall be defined as the total square feet of gross floor area on a property,  
22 divided by the total square feet of net buildable area comprising the lot, parcel or  
23 building site. Intensity computations shall include all fully enclosed nonresidential uses  
24 on the lot, parcel or site. Parking structures shall not count as part of the floor area,  
25 but shall be counted when computing building height and number of stories. For the  
26 purposes of this policy, the term “property” shall include lots, parcels or building sites,  
27 including aggregated development of contiguous parcels under common ownership or  
28 having shared facilities. Floor Area Ratio (FAR) shall be synonymous with Intensity.  
29 Floor Area Ratio (Intensity) shall not apply to residential development.

- 30  
31 3. The following Policy relating to seawalls was discussed at the Transmittal Hearing. Staff  
32 was directed to research the Policy pertaining to the prohibition placed on new seawalls  
33 along shorelines. The following revisions to the Policy were made.

34 **Policy III-2.2.7 Protection of Shorelines**

35 ...~~No~~New seawalls shall be allowed along the shoreline of ~~any canals, but avoided~~  
36 ~~along~~ springs, lakes, ~~canal,~~ rivers, ~~or and~~ streams ~~except where no reasonable~~  
37 ~~alternative exists for the protection of uplands. ~~however,~~ Existing seawalls may be~~  
38 ~~repaired or replaced.~~ Planting of shoreline and aquatic vegetation is the preferred  
39 method of protecting shorelines from erosion. Should shoreline hardening be required  
40 to protect property from erosion by adjacent waters, ~~only~~ rip-rap, vegetated open-  
41 cell block, geo-textile tubing, or similar, non-vertical systems ~~shall~~should be used.  
42 ~~Gabions (rock-filled wire mesh) may be used in canals where insufficient upland area~~  
43 ~~exists to install other shoreline protection measures.~~ Erosion from upland runoff shall  
44 be controlled by shoreline vegetation or berm and swale systems, if appropriate...  
45

- 1 4. The following Policy addresses appropriate stormwater management systems; a sentence  
2 within the Policy referencing the calculation of impervious surface ratios is inappropriate  
3 as it creates a direct conflict with the established impervious surface ratios specified in the  
4 land use categories. Impervious Surface Ratios are established by the Future Land Use  
5 Category and are not based upon recommendation of a site-specific hydrogeological  
6 report. The sentence was stricken from the Policy.

7 **Policy III-2.3.13 Require Appropriate Stormwater Management Systems**

8 The County shall require the construction of site-appropriate stormwater management  
9 systems to minimize leaching or discharge of nutrients and to ensure that post-  
10 development recharge rates equal pre-development recharge rates within protected  
11 recharge areas and most effective recharge areas. ~~Impervious surface ratios shall be  
12 calculated based upon a recommendation of the site-specific hydrogeological report.~~  
13 Net retention and infiltration of pre-development recharge to the aquifer system must  
14 be maintained as determined from calculations presented in the site-specific  
15 hydrogeological and geotechnical reports. The County shall require compliance with  
16 all evaluation and design requirements specified within the Public Facilities Element  
17 and Land Development Regulations for the Wekiva Study Area.  
18

- 19 5. The following Policy requires submittal of development plans to utility providers to ensure  
20 coordination with the County during development review. The Policy required submittal of  
21 the development plans to the utility providers at the same time the plans are submitted to  
22 the County for review. The appropriate time is before submittal of the plans to the County  
23 to allow the utility comments and approvals to be submitted to the County with the  
24 development application.

25 **Policy VI-1.6.5 Coordinate With Utility Providers**

26 The County shall require applicants to submit site plans and plats to the electrical,  
27 potable water, sanitary sewer, reclaimed water, and all other public or private  
28 utilities ~~at the same time plans are submitted to the County for review~~ to assist in the  
29 planning and programming of utility services.  
30

- 31 6. On February 9, 2010, the County eliminated the Community Enhancement Program.  
32 Objective I-7 Community Enhancement Areas requires the County to guide and assist  
33 unincorporated communities through the Community Enhancement Area (CEA) Partnership  
34 Program. This program may be utilized by the County in the future; the Objectives and  
35 subsequent policies were revised for consistency with the County programs. This change  
36 will not affect the way funds are used, but may change the decision-making process.

37 **OBJECTIVE I-7.10 COMMUNITY ENHANCEMENT AREAS**

38 The County ~~shall may~~ guide and assist unincorporated communities to develop action  
39 plans to improve their quality of life through the Community Enhancement Area (CEA)  
40 Partnership Program.

41 County resources ~~shall may~~ be combined with federal and state funds and  
42 neighborhood resources to implement Community Enhancement Area Action Plans.  
43 Implementation will be jointly overseen by the County and the subject Community  
44 Enhancement Area governing body. All agencies committing resources during the  
45 strategic planning phase for a Community Enhancement Area will be expected to fully

1 cooperate during the implementation phase. Community Enhancement Area Action  
2 Plan implementation shall occur consistent with the Land Development Regulations.

### 3 **Policy I-7.10.1 Action Plan Guiding Principles**

4 The County ~~shall~~may assist each designated Community Enhancement Area to develop  
5 a partnership-based improvement strategy built upon identified assets within the  
6 community. Community Enhancement Area Action Plans may include strategies to  
7 address factors including, but not limited to infrastructure, housing, community  
8 appearance and amenities, human services, and financing mechanisms.

9 Community Enhancement Area Plans shall reflect the following guiding principles:

- 10 • A holistic, neighborhood-based approach that addresses the socioeconomic  
11 environment as well as the physical environment, including the protection of  
12 natural resources;
- 13 • Identified assets within the community to build improvement strategies;
- 14 • Partnerships that could include neighborhood groups and associations, the  
15 business community, outside organizations and County government; and
- 16 • Provision of community services when there is community involvement and need.

### 17 **Policy I-7.10.2 Community Enhancement Area Designation Process**

18 Community Enhancement Areas shall be designated through a competitive process  
19 from a list of potential Community Enhancement Areas, as explained in the "Community  
20 Enhancement Area Partnership Program Application". The list of potential CEAs shall  
21 be updated by the County periodically as information becomes available.

### 22 **Policy I-7.10.3 Neighborhood Revitalization Strategy Area**

23 When appropriate, the County ~~shall~~may apply for Neighborhood Revitalization  
24 Strategy Area (NRSA) designation for CEAs through the federal Housing and Urban  
25 Development (HUD) program. In order to be designated as a NRSA, a CEA must meet  
26 location criteria and other requirements outlined in Appendix 1 of the HUD publication  
27 "Home and Neighborhoods: A Guide to Comprehensive Revitalization Techniques."

- 28  
29 **7.** The following revision ensures that offices within or part of the industrial use are not  
30 limited to 10% of the floor area.

### 31 **Policy I-1.3.8 Industrial Future Land Use Category**

32 The Industrial Future Land Use Category is intended for industrial uses with nuisance or  
33 hazardous characteristics which, by the nature of their normal operations and activities  
34 as well as for reasons of health, safety, environmental effects or welfare, are best  
35 segregated from other uses.

36  
37 This category consists of uses that may have significant potential impacts on the  
38 environment or adjacent uses including but not limited to noise, hazards, emissions,  
39 vibration and odors.

40  
41 This category shall be located with direct access to rail systems, collector roadways or  
42 arterial roadways. No more than ten percent (10%) of the floor area shall be  
43 allocated to commercial uses and office uses. Offices that are an integral part of the  
44 operation shall not be subject to this limitation. Only commercial and office uses that

1 support this category shall be allowed, such as restaurants, cafes, associated  
2 retail/wholesale, daycares or shops located within an industrial park or industrial  
3 building. Industrial parks may utilize these allocations within the boundary of industrial  
4 park. It is the express intent of this provision to restrict highway-oriented commercial  
5 and office uses. Developments within this Category are not subject to Commercial  
6 Location Criteria.

7  
8 The maximum Impervious Surface Ratio shall be 0.80. The maximum intensity in this  
9 category shall be 1.0, except for office/manufacturing uses which shall be 2.0.

- 10  
11 **8.** The following revision ensures that the intent of prohibition on regional water and  
12 wastewater facilities is clear that it applies to the provision of utilities to development not  
13 the plants and facilities themselves. An Example of a potential conflict includes the Eustis  
14 Spray field, which is adjacent to the Rural and Rural Transition Land Use Category. This  
15 change was necessary to avoid potential confusion on whether the facilities themselves  
16 could be allowed in rural areas.

17 **Policy I-1.4.4 Rural Future Land Use Category**

18 The Rural Future Land Use Category is intended to protect rural lifestyles represented  
19 by single-family homes on large lots and to accommodate agricultural pursuits.

20 This Future Land Use Category provides for residential development at densities equal  
21 to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural  
22 operations, civic uses compatible with a rural community, and Rural Support functions  
23 where appropriate.

24 New development shall not utilize Rregional water and wastewater utilities shall not  
25 be allowed in this category.

26 The maximum Impervious Surface Ratio within this category shall be 0.20, except for  
27 agricultural, civic institutional and recreational uses which shall be 0.30.

- 28 **9.** The following revision ensures that it is clear that the limitation on Floor Area applies to  
29 commercial structures, not those used for residential or agricultural purposes. The term  
30 “primary” is unique to this policy and could cause confusion.

31 **I-1.4.7.1 Rural Support Intersections**

32 Intersections appropriate for Rural Support uses shall be limited to specific locations  
33 identified within the Comprehensive Plan and depicted on the Future Land Use Map.  
34 Where located, a Rural Support Intersection shall be defined to exist within a distance of  
35 330 feet measured perpendicular to the road from the edge of the right of way  
36 extending a distance of 330 feet along the right of way from the nearest corner of the  
37 intersection. Primary sStructures used for commercial purposes shall be limited to a  
38 maximum aggregate floor area ratio of 0.055 within each property zoned for Rural  
39 Support and no single primary structure shall exceed 5,000 square feet. A new Rural  
40 Support Intersection may only be located at the junction of two roads classified as  
41 arterials or collectors. No new Rural Support Intersections shall be located less than five  
42 (5) miles from another Rural Support Intersection or a Rural Support Corridor.

- 43  
44 **10.** The policy below has the only instance of the use “limited mining.” This was changed to  
45 “borrow pit” for consistency with other policies.

1 **Policy I-1.5.3 Public Service Facilities and Infrastructure Future Land Use Category**

2 This Public Service Facilities and Infrastructure Future Land Use Category consists of  
3 uses needed to address public facility or infrastructure needs.

4 The maximum intensity in this category shall be 1.0. The maximum Impervious Surface  
5 Ratio shall be 0.80.

6 TYPICAL USES INCLUDE:

- 7 • Civic uses;  
8 • Public order and safety;  
9 • Active and passive recreation facilities;  
10 • Transportation facilities;  
11 • Schools;  
12 • Energy plants; and  
13 • Utilities.

14 TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- 15 • Caretaker residences;  
16 • ~~Limited Mining~~Borrow pit; and  
17 • Landfills.

- 18  
19 **11.** The following revision ensures that residential uses adjacent to active parks such as that as  
20 the North Lake Park are not limited to low density. The policy only limits density next to  
21 natural resource based parks.

22 **Policy I-7.5.11 Protection from Incompatible Land Uses**

23 The Land Development Regulations shall require through the site plan and  
24 development review process the protection of conservation, recreation, and open  
25 space areas from incompatible adjacent land uses and activities.

26 Land uses adjacent to conservation, recreation, and open space areas shall be  
27 required to use appropriate screening and ample vegetated buffers to limit off-site  
28 impacts. Land uses adjacent to and near natural resource-based conservation and  
29 natural resource-based recreation sites shall be of a low density and intensity as  
30 defined in the Future Land Use Element.

31 Additional Land Development Regulations shall be established within 24 months of the  
32 effective date of the Comprehensive Plan to limit the undesirable intrusion of noise,  
33 light, access, and other impacts onto conservation and recreation lands from adjacent  
34 property.  
35

- 36 **12.** An energy audit of every county building is not necessary. The revision limits audits to  
37 County Buildings over 5,000 square feet. This limitation does not prevent the County from  
38 performing the audit on smaller buildings.

39 **Policy I-7.6.4 Energy Audits of County Facilities**

40 Energy efficiency is a priority, therefore, the County shall conduct audits of every County  
41 facility over 5,000 square feet at least once every five years to determine electric power  
42 usage and the potential for energy and cost savings in, but not limited to, lighting, heating and  
43 cooling of air and water, equipment power usage, and potential alternative/renewable  
44 electric power generation sources. The County may create a central database, or other  
45 appropriate system, to track electric and other utility costs.  
46

1 **13.** The allowance for small-scale alternative energy systems should not be limited; the Policy  
 2 was revised to provide greater flexibility and to encourage the use of such systems.

3 **Policy 1-7.12.1.1 Provisions for Electric Utilities.**

4 Small-scale, site-specific, or off-grid electrical generation systems ~~servicing single users~~  
 5 ~~or less than four (4) homes and~~ which use alternative energy sources shall generally be  
 6 permitted and allowed in all future land use categories. Such alternative systems shall  
 7 be encouraged to connect to an available electrical energy distribution system to sell  
 8 excess power to an electric utility provider. All substations adjacent to neighborhoods  
 9 or visible from a public roadway shall be reviewed by the County and required to  
 10 provide landscaping and buffering to minimize visual and noise impacts. The County  
 11 shall promote energy-efficient land use patterns, accounting for existing and future  
 12 electric power generation and transmission systems.  
 13

14 **14.** The following Policy revision allows alternative state standards for smaller projects; the  
 15 policy currently does not address small projects of 40 acres or less. The last bullet shown  
 16 below should be added to allow review based on State rules, which may be less stringent,  
 17 but equally effective, than conditions required for a 24 hour/25 year frequency storm  
 18 event.

19 **Policy II-1.1.6 Stormwater Levels of Service**

20 Lake County shall maintain a level of service standard, for new and existing  
 21 development, based on the following stormwater quantity and quality criteria:

**Table CAP 1- Lake County Stormwater Quantity and Quality Criteria**

FACILITY	FREQUENCY & DURATION
Bridges (not located on principal arterials or evacuation routes)	50 years, 24 hours
Principal arterial bridges and evacuation routes	100 years, 24 hours
Canals, ditches, swales or culverts for drainage external to the development	25 years, 24 hours
Canals, ditches, swales or culverts for drainage internal to the development	10 years, 24 hours
Detention and retention basins contributory to land-locked areas with no positive outlet	25 years, 96 hours
Detention/retention structures with a positive outlet	25 years, 24 hours Mean Annual Storm
Habitable structures first floor elevation must be, at a minimum, 18 inches above the 100-year flood elevation	100 years, 24 hours
Storm sewers	10-year storm

- Design storm based on 24 hour minimum.
- Pollution abatement shall be accomplished by requiring stormwater management systems to retain or detain with filtration, the first one-half inch of run-off from



1 developed sites, or the run-off generated from the first inch of rainfall on  
2 developed sites, whichever is greater.

- 3 • Lake County shall require a retention/detention system that limits peak discharge  
4 of a developed site to the discharge from the site in an undeveloped condition  
5 during a 24 hour/25 year frequency storm event.
- 6 • Lake County shall require, prior to development approval that projects receive  
7 appropriate permits from State agencies to comply with the rules and regulations  
8 for stormwater facility design, performance and discharge.
- 9 • Discharged stormwater run-off shall not degrade receiving surface water bodies  
10 below the minimum conditions as established by State water quality standards  
11 (17-302 and 17-40.420, F.A.C.).
- 12 • Parcels consisting of 40-developable acres or less shall adhere to the  
13 appropriate state or regional agency permit at a minimum.

14  
15 **15.** The following revisions to Objective II-2.5 Fair Share Costs allow collection of funds  
16 through other means in addition to impact fees and Proportionate Share Agreements.  
17

18 **OBJECTIVE II-2.5 FAIR SHARE COSTS**

19 Future development shall bear its fair share cost for facility improvements necessary to  
20 provide services demanded by new growth and development. The term "fair share" is  
21 defined as new growth paying the incremental capital costs for all facilities and  
22 services, as defined by documentation for existing and future impact fees and other  
23 funding mechanisms, necessary to accommodate the impacts created by new growth in  
24 order to maintain the adopted level of service. Fair share costs shall be assessed  
25 through the use of impact fees, ~~or~~ Proportionate Share Agreements or other legally  
26 binding agreements.  
27

28 **16.** The Policy states that the assurances of capacity provided by the applicant may include  
29 prepayment of impact fees; prepayment of impact fees does not guarantee capacity.  
30 Capacity reservation fees do guarantee capacity. The revision below corrects the issue.  
31

32 **Policy II-3.1.7 Determination of Capacity for Preliminary Development Orders.**

33 The capacity of public facilities shall be determined for preliminary development  
34 orders at the time an applicant of a development order requests a determination of  
35 such capacity as part of the review and approval of the preliminary development  
36 order provided that:

37 The determination that such capacity is available shall apply only to specific uses,  
38 densities and intensities based on information provided by the applicant and included  
39 in the development order; and

40 The determination that such capacity is available shall be valid for the same period of  
41 time as the underlying development order, including any extension of the underlying  
42 development order. If the underlying development order does not have an expiration  
43 date, the capacity shall be valid for a period:

- 44 • not to exceed four (4) years; or



- 1                   • any period of time acceptable to the County and the applicant, provided that  
2                   the period of time is explicitly set forth in an enforceable development  
3                   agreement as authorized by Florida Statutes.

4                   The determination that such capacity is available shall be binding on the County at  
5                   such time as the applicant provides assurances, acceptable to the County in form and  
6                   amount, to guarantee to the County the applicant's pro rata share of the County's  
7                   financial obligation for public facilities which are constructed by the County for the  
8                   benefit of the subject property:

- 9                   1. The assurances to be provided by the applicant may include one or more of the  
10                  following:
- 11                  • ~~prepayment of impact fees~~ payment of capacity reservation fees;
  - 12                  • prepayment of capacity connection charges; or
  - 13                  • establishment of special assessment districts.
- 14                  2. Whenever an applicant's pro rata share of a public facility is less than the full  
15                  cost of the facility, the County shall do one of the following:
- 16                  • contract with the applicant for the full cost of the facility, including terms  
17                  regarding reimbursement to the applicant for costs in excess of the  
18                  applicant's pro rata share; or
  - 19                  • obtain assurances similar to those in subsection (1) from other sources; or
  - 20                  • amend this Comprehensive Plan to modify the adopted standard for the  
21                  level of service so as to reduce the required facility to equal the  
22                  applicant's needs. Such an amendment shall be consistent with  
23                  procedures defined in Chapter 163.3187, F.S., and must be supported  
24                  by data and analysis prepared within the Comprehensive Plan  
25                  supporting documents. Level of service standards not compatible with  
26                  state standards established for state roads must be coordinated with the  
27                  Florida Department of Transportation and shall remain consistent with  
28                  Florida Department of Transportation standards to the maximum extent  
29                  allowed under the Florida Highway System Plan, Section 187.201 (State  
30                  Comprehensive Plan), F.S., Chapter 163, F.S., and Chapter 9J-5, F.A.C. In  
31                  the event the adopted level of service is not compatible with the level of  
32                  service standards established by the Florida Department of  
33                  Transportation, Lake County shall provide a justification in the data  
34                  inventory and analysis document that supports its Comprehensive Plan.
- 35                  3. Public facilities which serve less than all of Lake County shall achieve and  
36                  maintain the standard for levels of service within their assigned service area.  
37                  No development order shall be issued in an assigned service area if the  
38                  standard for levels of service are not achieved and maintained throughout the  
39                  assigned service area for the following public facilities and assigned service  
40                  areas:
- 41                  • Arterial and Collector Roads. All roads and road segments affected by  
42                  the proposed development, according to the number of trips generated  
43                  by the proposed development;
  - 44                  • Stormwater Management Systems: Site Specific;
  - 45                  • Potable Water Systems: Water Facility Service Area; or
  - 46                  • Sanitary Sewer Systems: Sewer Facility Service Area.
- 47

1 17. The Policies below are inconsistent. The revisions make the Policies consistent.

2 **Policy III-2.1.22 Regulate and Monitor Septic Tanks**

3 The County shall develop and implement guidelines and standards in the Land  
4 Development Regulations to regulate the location and use of septic tank systems in  
5 accordance with the Sanitary [Sewer Sub-element](#). If approved for use by the County,  
6 septic tanks and drain fields shall be located away from the most environmentally-  
7 sensitive portions of the site, including wetlands, floodplains, and karst features.

8 Except for existing platted lots, the County shall not approve the use of septic systems  
9 for new development in excess of one unit per net buildable acre. [De minimis  
10 development may be exempted from this requirement by the Board of County  
11 Commissioners via public hearing](#). In Rural Clustered Subdivisions where there is a  
12 demonstration that the associated sanitary systems will cause no degradation of  
13 surface water or groundwater quality, as determined by the Lake County Health  
14 Department, private septic may be allowed ~~on lots as small as 1/2 acre~~.

15 The County, in cooperation with the local Department of Health, shall work toward the  
16 development of a state inspection, maintenance and repair program for all septic  
17 tanks within the County.

18 **Policy IX-3.1.2 Mandatory Sewer Connection**

19 Lake County shall review and revise, as appropriate, its existing mandatory sewer  
20 connection ordinance, which at a minimum, shall require new development within the  
21 Urban Future Land Use Series to connect to public sanitary sewer, when available.

22 Where a public sanitary sewer system is not available, a new development exceeding  
23 a density of one unit per net acre shall provide a regional/sub-regional sanitary  
24 sewer system, [except for de minimus exemptions granted unless exempted](#) by the  
25 Board of County Commissioners via public hearing. [In a Rural Clustered Subdivisions  
26 where there is a demonstration that the associated sanitary systems will cause no  
27 degradation of surface water or groundwater quality, as determined by the Lake  
28 County Health Department, private septic may be allowed.](#)

29 At a minimum, existing homes and development in any Future Land Use Series shall be  
30 required to connect to an available public sanitary sewer when:

31 The Board of County Commissioners determines that there is endangerment to the  
32 environment, public health, safety, or welfare; or

33 The private sewer system (septic tank or drainfield) fails and replacement is required,  
34 and the property is within an urban area; or

35 The system is relocated and the property is within an urban area.  
36

37 18. The revision to the Policy shown below clarifies the standards by which the well fields and  
38 well-field protection zones will be updated and maintained.

39 **Policy III-2.1.28 Adopt Well field Overlay Zones**

40 [As required by state law,](#) ~~t~~The County shall update the well field protection program  
41 and siting criteria contained in the Land Development Regulations. A map of all well  
42 fields and protected wellheads shall be maintained to ensure that incompatible uses  
43 are not permitted within the setbacks from protected wells or well fields. The County  
44 shall pursue the establishment of interlocal agreements to ensure the protection of  
45 well-fields and well-field protection zones.

- 1  
2 **19.** The revision was made for clarification; the survey needed for projects 40 acres in size or  
3 more or 2 acres in size or more in the Wekiva Study Area and Green Swamp Area of  
4 Critical State Concern should be based on the acreage being impacted by the  
5 development, not the size of the parcel.

6 **Policy III-3.3.2 Survey and Protection of Natural Upland Plant Communities**

7 The County shall require development proposals to provide an inventory of the type  
8 and extent of natural upland vegetative communities if they occur on the development  
9 site. The survey shall be completed by a qualified biologist and also include a survey  
10 of plant and wildlife populations, and indicate the presence of any designated  
11 species. The species survey shall utilize a professionally accepted methodology  
12 approved by the County in consultation with the appropriate agency having  
13 jurisdiction. Within 24 months of the effective date of this comprehensive plan, the  
14 county shall adopt land development regulations specifying thresholds for the level of  
15 survey that will be required. Development ~~projects of impacting~~ 40 acres or more shall  
16 require the most intense survey, as shall development ~~projects of impacting~~ 2 acres or  
17 more within the Wekiva River Protection Area (WRPA), Wekiva-Ocala Greenway,  
18 Wekiva Study Area (WSA) and Green Swamp Area of Critical State Concern  
19 (GSACSC).

20 In addition, the survey shall inventory corridors important for wildlife movement. If a  
21 protected upland plant community identified in the previous policy is identified on site,  
22 then those communities shall be preserved for up to 50% of the subject site, to the  
23 extent as allowed by law. Within a clustered development, natural upland  
24 communities shall be incorporated as common open space. Connectivity shall be  
25 maintained among protected upland areas to the greatest extent possible. The County  
26 shall have the authority to accept alternatives to onsite conservation that provide for  
27 the long-term protection and management of upland communities of equal or greater  
28 value elsewhere. The County shall adopt and maintain maps identifying natural  
29 resources within the Wekiva Study Area, including but not limited to natural upland  
30 communities. These maps are for reference purposes and not intended to substitute for  
31 professional site surveys and studies required pursuant to this Comprehensive Plan or  
32 the Land Development Regulations.  
33

- 34 **20.** Comment 40 from the ORC Report suggested we revise Policy IX-2.2.8 as shown below.  
35 This Policy directs coordination of potable water with land use. Policy IX-3.3.8 is a similar  
36 policy that coordinates sanitary sewer within land use and was revised as shown below to  
37 be consistent with the change for coordination of potable water.

38 **Policy IX-2.2.89 Coordination of Potable Water with Land Use**

39 Lake County shall maximize the use of existing facilities prior to new planned facilities  
40 and discourage urban sprawl by encouraging the provision of central potable water  
41 services within existing and planned service areas where possible and prohibiting the  
42 extension of potable water facilities outside of existing and planned service areas ~~as~~  
43 ~~depicted on the Future Land Use Map.~~

1                   **Policy IX-3.3.8 Coordination of Sanitary Sewer with Land Use**

2                   Lake County shall maximize the use of existing [facilities prior to new planned](#) facilities  
3                   and discourage urban sprawl by eliminating the use of septic tanks and package  
4                   plants within existing and planned service areas where possible, and prohibit the  
5                   extension of sanitary sewer facilities outside of existing and planned service areas,  
6                   [depicted on the Future Land Use Map.](#)

- 7  
8                   **21.** The Policy below was revised to clarify that a Performance Based Systems shall be used  
9                   when required by the Department of Health (DOH) Rules. At this time, DOH does not have  
10                  a Rule that requires Performance Based Systems. However, in the future DOH could have  
11                  a Rule that requires placement of Performance Based Systems in certain areas; this Policy  
12                  would support that future Rule.

13                   **Policy IX-3.3.4 Onsite Wastewater System Replacement**

14                  At the time an existing onsite wastewater system fails based on a determination by  
15                  the Department of Health (DOH) that a permit or permit modification is required, it  
16                  shall be replaced with a performance based system [when required by pursuant to](#)  
17                  DOH rules, provided that central sewer facilities are not available.

- 18  
19                  **22.** As discussed at the May 11, 2010 Workshop, there are existing marinas located within  
20                  the proposed Rural and Rural Transition Future Land Use Categories which would become  
21                  non-conforming because marinas are not be an allowed use in those categories. Staff  
22                  was directed to add a Policy to allow marinas within the Rural Land Use Series. The  
23                  addition of *Policy I-1.4.8 Ports and Marinas in the Rural Future Land Use Series* and  
24                  amendments to *Policy I-1.4.4 Rural Future Land Use Category* and *Policy I-1.4.5 Rural*  
25                  *Transition Future Land Use Category* as shown below will resolve the issue.

26                   **Policy I-1.4.8 Ports and Marinas in the Rural Future Land Use Series**

27  
28                   [Ports and marinas may be approved as a Conditional Use in the Urban Future Land](#)  
29                   [Use Series as allowed under the respective Future Land Use Category as a](#)  
30                   [transportation use.](#)

31  
32                   [In the Rural Future Land Use Series marinas may be approved by the Board of County](#)  
33                   [Commissioners as a Conditional Use, limited to facilities providing wet or dry slips for](#)  
34                   [no more than twenty \(20\) motorized watercraft, and fueling facilities and commercial](#)  
35                   [services intended for the exclusive use of members and guests. Ports and marinas](#)  
36                   [existing prior to the adoption of this Comprehensive Plan shall be exempt from the](#)  
37                   [above provision and are hereby recognized as vested and conforming pursuant to this](#)  
38                   [policy.](#)

39  
40                   [In addition to the above, shared boat docking facilities may be constructed for](#)  
41                   [residential subdivisions with shorefront access, limited to one boat dock or slip per](#)  
42                   [dwelling unit. New subdivisions within the Rural Future Land Use Series providing](#)  
43                   [access for motorized watercraft with an excess of ten \(10\) dwelling units shall require](#)  
44                   [shared docking facilities.](#)

1 [All ports and marinas shall comply with environmental siting and regulatory](#)  
2 [requirements of agencies with jurisdiction, the Land Development Regulations, and best](#)  
3 [management practices of the Florida Department of Environmental Protection Clean](#)  
4 [Marina program. Pursuant to the major program policy directive of the FDEP Wekiva](#)  
5 [River Aquatic Preserve Management Plan, new marinas within Class 1 or 2 Resource](#)  
6 [Protection Areas shall be prohibited.](#)

#### 7 **Policy I-1.4.4 Rural Future Land Use Category**

8 The Rural Future Land Use Category is intended to protect rural lifestyles represented  
9 by single-family homes on large lots and to accommodate agricultural pursuits.

10 This Future Land Use Category provides for residential development at densities equal  
11 to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural  
12 operations, civic uses compatible with a rural community, and Rural Support functions  
13 where appropriate.

14 Regional water and wastewater utilities shall not be allowed in this category.

15 The maximum Impervious Surface Ratio within this category shall be 0.20, except for  
16 agricultural, institutional and recreational uses which shall be 0.30.

17 TYPICAL USES INCLUDE:

- 18 • Agriculture and forestry;
- 19 • Residential;
- 20 • Passive parks;
- 21 • Equestrian related uses;
- 22 • K-12 schools;
- 23 • Religious organizations; and
- 24 • Rural Support Uses as provided for in this Comprehensive Plan.

25 TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- 26 • Mining and Resource Extraction;
- 27 • Active parks and recreation facilities;
- 28 • Nursing and personal care facilities;
- 29 • Day care services;
- 30 • Outdoor Sports and recreation clubs;
- 31 • Civic uses;
- 32 • Animal specialty services;
- 33 • Unpaved airstrips; ~~and~~
- 34 • Public order and safety; ~~and~~
- 35 • [Ports and Marinas.](#)

#### 36 **Policy I-1.4.5 Rural Transition Future Land Use Category**

37 The Rural Transition Future Land Use Category is intended to address “edge”  
38 conditions where Rural Future Land Use Categories abut Urban Future Land Use  
39 Categories. These “edges” represent areas where lower rural densities may be  
40 increased for Rural Conservation Subdivisions that utilize clustering techniques.

41 This Future Land Use Category provides for residential development at densities equal  
42 to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural  
43 operations, civic uses compatible with a rural community, and Rural Support functions  
44 where appropriate.

1 Alternatively, residential development not to exceed a maximum density of one (1)  
2 dwelling unit per three (3) net buildable acres may be permitted provided that any  
3 subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing  
4 a PUD, and provided that at least 35% of the net buildable area of the entire PUD  
5 site shall be dedicated in perpetuity for preservation as common open space through  
6 the use of a conservation easement or similar recorded and legally binding instrument,  
7 as allowed by law. A proposed Rural Conservation Subdivision shall consist of at  
8 least fifteen (15) net buildable acres in order to be considered for this alternate  
9 density.

10 As a third alternative, residential development not to exceed a maximum density of  
11 one (1) dwelling unit per one (1) net buildable acre may be permitted provided that  
12 any subdivision shall be developed as a clustered Rural Conservation Subdivision  
13 utilizing a PUD, and provided that at least 50% of the net buildable area of the  
14 entire PUD site shall be dedicated in perpetuity for preservation as common open  
15 space through the use of a conservation easement or similar recorded and legally  
16 binding instrument, as allowed by law.

17 A proposed Rural Conservation Subdivision shall consist of at least fifteen (15) net  
18 buildable acres in order to be considered for this alternate density.

19 The maximum Impervious Surface Ratio within this category shall be 0.30, except for  
20 agricultural, institutional and recreational uses which shall be 0.50.

21 TYPICAL USES INCLUDE:

- 22 • Agriculture and forestry;
- 23 • Residential;
- 24 • Passive parks;
- 25 • Equestrian related uses;
- 26 • K-12 schools;
- 27 • Religious organizations; and
- 28 • Rural Support uses as provided for in this Comprehensive Plan.

29 TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- 30 • Mining and Resource Extraction;
- 31 • Active parks and recreation facilities;
- 32 • Nursing and personal care facilities;
- 33 • Daycare services;
- 34 • Outdoor Sports and recreation clubs;
- 35 • Civic uses;
- 36 • Animal specialty services;
- 37 • Unpaved airstrips;
- 38 • Public order and safety; ~~and~~
- 39 • Utilities; ~~and~~
- 40 • Ports and Marinas