### LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS COMPREHENSIVE PLAN AMENDMENT

PLANNING AND ZONING BOARD	LAKE COUNTY	BOARD OF COUNTY COMMISSIONERS
January 7, 2014		Transmittal: January 28, 2014
		Adoption: TBD

LPA 14/1-2T	Case Manager:	Agenda Item	
Text amendment to increase	Anita Greiner, Chief Planner	#5	
the maximum impervious	Planning & Community		
surface ratio (ISR ) for Rural	Design Division		
Support uses within Rural	on behalf of		
Support Corridors in the	Brian T. Sheahan		
Rural Transition and Wekiva			
River Protection Area A-1-20			
Sending Area Future Land			
Use Categories, to reflect an			
ISR consistent with other			
nonresidential uses allowed			
in these categories for Rural			
Support Corridors.			

- Item -

Type:County-initiated Comprehensive Plan Text Amendment

Creation or Revision

**Revision:** 

**Description:** Text Amendment. This request amends Future Land Use Policy I-1.4.5 *Rural Transition Future Land Use Category* and Policy I-3.2.2 *Wekiva River Protection Area (WRPA)* A-1-20 *Sending Area Future Land Use Category* to provide for the maximum permitted impervious surface ratio (ISR) for rural support uses within Rural Support Corridors (RSC) to be consistent with that permitted for agricultural, civic and recreational uses, as was intended by the Board when similar changes were approved for the Rural Future Land Use Category in January 2013. Policy I-1.4.7.2 *Rural Support Corridors* is also amended to clarify that it is the policy's intent to provide the same ISR allowance as the underlying future land use category.

- Summary of Staff Recommendation -

Staff recommends **APPROVAL** of the request to adopt the Comprehensive Plan Future Land Use Element Text Amendments.

Planning & Zoning Board:

#### - Summary -

**Analysis:** In January 2013, a Comprehensive Plan amendment was adopted by the Board to allow additional commercial square footage and to increase the impervious surface ratio (ISR) to 30% for uses within the Rural Support Corridors within the Rural Future Land Use Category. The intent was that this increase in ISR would be applicable to all Rural Support Corridors, regardless of the future land use category; however, the prior Comprehensive Plan amendment did not accomplish this goal. This amendment proposes to amend Policy I-1.4.5 *Rural Transition Future Land Use Category* and Policy I-3.2.2 *Wekiva River Protection Area (WRPA) A-1-20 Sending Area Future Land Use Category* where Rural Support Corridors exist in order to increase the allowed ISR to 50% and 30%, respectively, for consistency with that allowed for agricultural, civic and recreational uses in those categories. This change affects the Pine Lakes and Altoona Rural Support Corridors.

Further, this amendment proposes to amend Policy I-1.4.7.2 *Rural Support Corridors* in order to clarify that the policy's intent is to provide the same ISR as the underlying future land use category allows for agricultural, civic and recreational uses.

### - Standards for Review –

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

The proposed amendment would be consistent with the purpose and intent of the Comprehensive Plan as previously determined by the Board.

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

The proposed amendment would not be in conflict with the Comprehensive Plan. The amendment will provide greater opportunities for development in Rural Support Corridors that will serve the needs of their respective rural communities and provide consistent standards for all corridors. This amendment would allow local access to goods and services at the size and scope necessary to meet the rural community's needs.

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

The proposed amendment is consistent with the existing and proposed uses as the ISR in the Rural Support Corridors will be the same as allowed in the underlying FLUC for agricultural, civic and recreational uses.

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

### Impervious Surface Ratio (ISR)

Policies I-1.4.5 *Rural Transition Future Land Use Category* and Policy I-3.2.2 *Wekiva River Protection Area (WRPA) A-1-20 Sending Area Future Land Use Category* allow a 50% and 30% ISR, respectively, for agricultural, civic and recreational uses.

The proposed Comprehensive Plan amendment is intended, in part, to provide sufficient area for required parking. Rural support uses would generally require more parking as they are more intense than other uses typically associated with rural uses. An ISR of 20% is difficult to achieve in the development of a small general store. This amendment would simply make the ISR consistent for nonresidential uses within the affected future land use categories; impacts are minimal.

E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

The amendment will not result in any additional demand on public facilities. Stormwater impacts resulting from the increase in impervious area would be addressed prior to site plan approval, through the development review process.

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

The amendment will not result in a significant impact on the natural environment.

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

There is no indication that there will be any adverse effects on the property values.

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

This amendment would affect two Rural Support Corridors. The storm water impacts of Rural Support uses and institutional/civic uses are essentially the same or proportional. Policy I-1.4.5 *Rural Transition Future Land Use Category* allows a higher ratio (50%) of impervious surface for agricultural, civic and recreational uses; the proposed ordinance would allow equal treatment of development within Rural Support Corridors for civic, recreational and agricultural uses. This will allow an orderly and logical development pattern as previously determined by the Board.

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

The amendment is consistent with the interest of the public and these regulations.

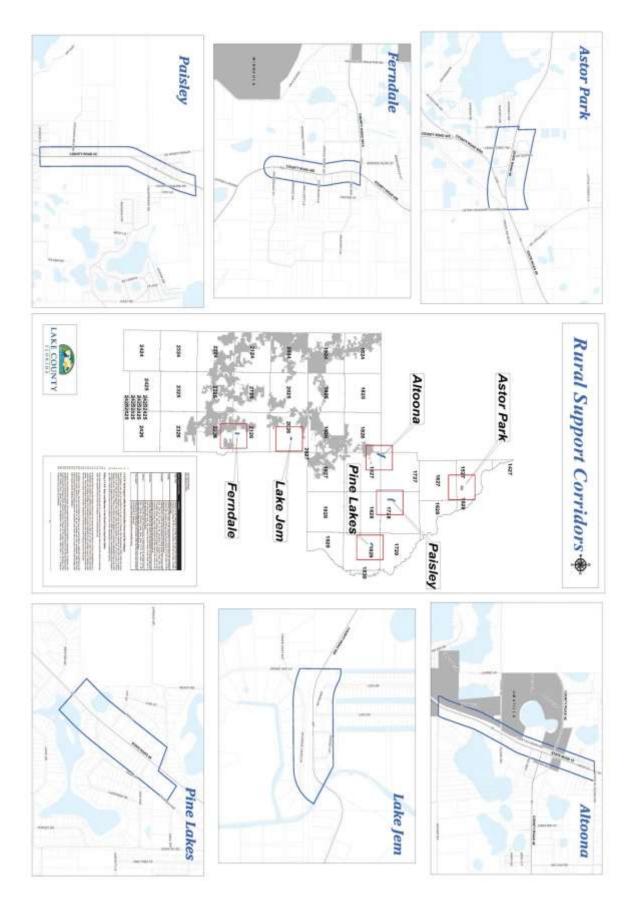
### – Conclusions –

The amendments recommended above will address the specific needs of the Pine Lakes and Altoona Communities, as is currently allowed for the general needs of the other communities served by a Rural Support Corridor. Amending the Comprehensive Plan policies to facilitate development of Rural Support Corridor uses, by allowing more impervious surface than currently allowed under the Plan, meets the intent of the Lake County 2030 Comprehensive Plan.

### – Staff Recommendation –

**APPROVAL** of the proposed amendments.

Planning & Zoning Board Recommendation:



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2	TRANSMITTAL ONLY
3	ORDINANCE 2014 – XX
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5	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE
6	COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE
7 8	PLAN; AMENDING <i>POLICY I-1.4.5, RURAL TRANSITION FUTURE LAND USE</i> CATEGORY TO PERMIT RURAL SUPPORT USES WITHIN RURAL SUPPORT
8 9	CORRIDORS HAVE THE SAME IMPERVIOUS SURFACE RATIO AS CIVIC USES,
10	AGRICULTURAL USES AND RECREATIONAL USES; AMENDING POLICY I-
11	1.4.7.2, RURAL SUPPORT CORRIDORS TO PERMIT RURAL SUPPORT USES TO
12	DEVELOP AT THE SAME IMPERVIOUS SURFACE RATIO AS ALLOWED BY THE
13	UNDERLYING FUTURE LAND USE CATEGORY FOR AGRICULTURAL, CIVIC
14	AND RECREATIONAL USES; AMENDING POLICY I-3.2.2, WEKIVA RIVER
15	PROTECTION AREA A-1-20 SENDING AREA FUTURE LAND USE CATEGORY TO
16 17	PERMIT RURAL SUPPORT USES WITHIN RURAL SUPPORT CORRIDORS TO HAVE THE SAME IMPERVIOUS SURFACE RATIO AS CIVIC USES,
17	AGRICULTURAL USES AND RECREATIONAL USES; PROVIDING FOR
19	PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES;
20	PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE
21	DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.
22	WHEREAS, Chapter 163, Florida Statutes, Part II, governs growth policy, county and
23	municipal planning, and land development regulation in the State of Florida; and
24 25 26	WHEREAS, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorized the Board of County Commissioners of Lake County to "Prepare and enforce comprehensive plans for the development of the county"; and
27 28 29	WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, on the 25 <sup>th</sup> day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan; and
30 31 32 33	WHEREAS, on the 23 <sup>rd</sup> day of July, 2010, the State of Florida Department of Community Affairs, now known as the Community Planning and Development Division of the Florida Department of Economic Opportunity, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and
34 35	WHEREAS, on the 22 <sup>nd</sup> day of September, 2011, the Lake County 2030 Comprehensive Plan became effective; and
36 37	WHEREAS, Section 163.3184, Florida Statutes, sets forth the process for adoption of Comprehensive Plan Amendments; and
38 39 40	WHEREAS, on the 7th day of January 2014, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and
41 42	WHEREAS, on the day of 2014, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for transmittal to the Florida

### 1 Department of Economic Opportunity; and

2 **WHEREAS,** it serves the health, safety and general welfare of the residents of Lake 3 County to adopt these amendments to the Lake County Comprehensive Plan;

4 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake 5 County, Florida, that:

Section 1. Comprehensive Plan Text Amendment. The following Policies shall be amended as shown (added text is shown as <u>underlined</u> and deleted text is <del>struck</del> through. "\* \* \*" signifies that no changes are proposed in remainder of section):

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

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

16 This Future Land Use Category provides for residential development at densities 17 equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural 18 operations, civic uses compatible with a rural community, and Rural Support functions 19 where appropriate.

20 Alternatively, residential development not to exceed a maximum density of one (1) 21 dwelling unit per three (3) net buildable acres may be permitted provided that any 22 subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a 23 PUD, and provided that at least 35% of the net buildable area of the entire PUD site shall 24 be dedicated in perpetuity for preservation as common open space through the use of a 25 conservation easement or similar recorded and legally binding instrument, as allowed 26 by law. A proposed Rural Conservation Subdivision shall consist of at least fifteen (15) 27 net buildable acres in order to be considered for this alternate density.

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

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

The maximum Impervious Surface Ratio within this category shall be 0.30, except for agricultural <u>uses</u>, civic <u>uses</u>, recreational uses<u>, and all rural support uses within Rural</u> <u>Support Corridors, for</u> which <u>the maximum impervious surface ratio</u> shall be 0.50.

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## 1 I-1.4.7.2 Rural Support Corridors

Corridors appropriate for Rural Support uses shall be limited to specific locations identified within the Comprehensive Plan and depicted on the Future Land Use Map. In order to maintain the functional and aesthetic integrity of rural areas, Rural Support Corridors shall be limited strictly to rural communities with an established pattern of commercial activity. Where located, a Rural Support Corridor shall be defined to exist within a distance of 330 feet measured perpendicular to the road from the edge of the right of way between specified termini. The County shall adopt Land Development Regulations defining characteristics including but not limited to the specific type, size, height, and appearance of Rural Support uses within the corridor.

Subject to further restrictions within the Land Development Regulations, the maximum aggregate floor area ratio for primary structures in all Rural Support Corridors other than the Astor Park Rural Support Corridor shall not exceed 0.10, and no single primary structure in any Rural Support Corridor shall exceed 10,000 square feet. In the Astor Park Rural Support Corridor, the maximum aggregate floor area ratio for primary structures shall not exceed 0.20 calculated on the area of the lot. <u>The maximum impervious surface ratio for rural support uses within Rural Support Corridors shall be the same as for agricultural uses, civic uses, and recreational uses within the underlying Future Land Use Category.</u>

\* \* \*

## Policy I-3.2.2 Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category

The Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category is intended to apply to land within the Wekiva River Protection Area, outside the Wekiva River Hydrologic Basin Protection Zones established pursuant to the Florida Statutes as depicted on the future land use map.

Unless otherwise vested, a maximum base density of one (1) dwelling unit per twenty (20) net acres may be allowed. A proposed subdivision may increase density to a maximum of one (1) dwelling unit per five (5) net buildable acres if developed as a clustered Rural Conservation Subdivision utilizing PUD, and provided that at least 50% of the net buildable area is dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument.

Land within this Future Land Use Category is hereby designated as *Sending Area Number Two* for transferable development rights.

The maximum Impervious Surface Ratio within this category shall be 0.20, except for agricultural **uses**, civic **uses**, and recreational uses **and all rural support uses within <u>Rural Support Corridors, for</u>** which <u>the maximum Impervious Surface Ratio</u> shall be 0.30.

\* \* \*

Section	2. Advertisement. This Ordinance was advertised pursuant to Chapter 163,	
Florida	Statutes, Section 163.3184(11).	
Section	<b>3.</b> Severability. If any section, sentence, clause, or phrase of this Ordinance is	
held to be invalid or unconstitutional by any court of competent jurisdiction, then said		
holding	shall in no way affect the validity of the remaining portions of this Ordinance.	
Section 4. Filing with the Department of State. The Clerk shall be and is hereby directed		
	th to send a copy of this Ordinance to the Secretary of State for the State of	
Florida	in accordance with Section 125.66, Florida Statutes.	
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Section	<b>5. Effective Date.</b> This Ordinance shall become effective as provided for by law.	
ENACTED this _	day of, 2014.	
FILED with the	Secretary of State, 2014.	
	BOARD OF COUNTY COMMISSIONERS	
	LAKE COUNTY, FLORIDA	
	Jimmy Conner , Chairman	
	Sinning Conner, Chairman	
ATTEST:		
Neil Kelly, Clerk	k of the	
Board of Count	ty Commissioners,	
Lake County, Fl	lorida	
Approved as to	o form and legality:	
Sanford A. Min		
County Attorne	žγ	