

# LAKE COUNTY PLANNING AND ZONING DIVISION COMPREHENSIVE PLAN AMENDMENT STAFF REPORT

<b>PLANNING AND ZONING BOARD</b>		<b>BOARD OF COUNTY COMMISSIONERS</b>
<b>March 30, 2016</b>		Transmittal – April 19, 2016 Adoption – July 26, 2016*

<b>CP-2016-04</b> Proposed Text Amendment to modify mandatory central water and sewer connection exemptions.	<b>Case Manager:</b> Christine Rice Planner	<b>Agenda Item</b> # 1
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<b>Case Information</b>	
<b>Applicant:</b>	Lake County Government
<b>Type:</b>	Text Amendment
<b>Creation or Revision:</b>	Revision
<b>Description:</b>	Amend Policy IX-2.2.2 Mandatory Central Water Connection by adding language which will allow the Board of County Commissioners to grant exemptions to mandatory connection to a public or private central water system and amend Policy IX-3.1.2 Mandatory Sewer Connection by adding language which will allow the Board of County Commissioners to grant exemptions to mandatory connection to a public or private sanitary sewer system. As well as amend both policies, Policy IX-2.2.2 and Policy IX-3.1.2, by adding language which will clarify the term “available.”

The amended Policy IX-2.2.2 Mandatory Central Water Connection and the amended Policy IX-3.1.2 Mandatory Sewer Connection will be amended to state:

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

Lake County shall review and revise, as appropriate, its mandatory central water connection ordinance which, at a minimum shall require new development within the Urban Future Land Use Series to connect to a public water system, when available (as defined by the Land Development Regulations, as amended).

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

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

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

Disconnecting from a public or private central water system is prohibited, unless exempted by the Board of County Commissioners.

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

Lake County shall review and revise, as appropriate, its existing mandatory sewer connection ordinance, which at a minimum, shall require new development within the Urban Future Land Use Series to connect to public sanitary sewer, when available (as defined by the Land Development Regulations, as amended).

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

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

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

Disconnecting from a public or private sanitary sewer system is prohibited, unless exempted by the Board of County Commissioners.

<b>Summary of Staff Recommendation</b>
<p>Staff recommends <b>APPROVAL</b> to amend Policy IX-2.2.2 Mandatory Central Water Connection and to amend Policy IX-3.1.2 Mandatory Sewer Connection by adding language to both policies which will allow the Board of County Commissioners to grant exemptions to mandatory connection and clarify the term "available".</p> <p><b>Planning and Zoning Board Transmittal:</b></p> <p><b>Board of County Commissioners Transmittal:</b></p> <p><b>Board of County Commissioners Adoption:</b></p>

## Analysis

**Analysis:** In August of 2015, Lake County staff was approached by a property owner located in the Eustis area that requested an exemption to the central potable water service connection requirement contained within Lake County Comprehensive Plan Policy IX-2.2.2 Mandatory Central Water Connection. The Mandatory Central Water Connection Policy states that where central water systems are not available, a development exceeding a density of one unit per net acre must provide a central water system unless exempted by the Board of County Commissioners via a public hearing.

The Comprehensive Plan is unclear and does not define the term “availability”. However, availability is defined in the Lake County Land Development Regulations (LDR) Section 6.12.01(A) as “a connection to potable water system when lines are within 300 feet of a private potable water system or any of the central lines of the private potable water system, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement.” Staff determined the utilities for this applicant to be unavailable. Through this amendment, staff looks to clarify the term “available” in order to simplify any future interpretations of the policy.

In order to seek an exemption from Policy IX-2.2.2., the property owner requested a public hearing through the Board of County Commissioners, delaying construction of their home several months while waiting to be placed on the next available County Commission agenda. This was the 5<sup>th</sup> such exemption requested over a three (3) year time frame.

In January of 2016, Lake County staff was approached by a developer wishing to construct Phase IV of Minneola Landing, a project which included construction of 69 single family homes. Under Policy IX-3.2.1 Mandatory Sewer Connection applicants are required to provide a regional/sub-regional sanitary sewer system for development exceeding a density of one dwelling unit per net acre unless exempted by the Board of County Commissioners. In this instance, the applicant requested such an exemption.

LDR Section 6.12.01(B) defines availability as “a connection to a private sewer system when lines are within 1,000 feet of regional/sub-regional waste system, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement.” Staff determined the utilities for the applicant to be unavailable. Again, through this amendment, staff looks to clarify the term “available” in order to simplify any future interpretations of the policy.

In order to seek an exemption from Comprehensive Plan IX-3-2.1, the applicant requested a public hearing with the Board of County Commissioners, delaying their construction project by several months while waiting to be placed on the next available County Commission agenda.

The proposed amendment to both Policy IX-2.2.2 Mandatory Central Water Connection and Policy IX-3.1.2 Mandatory Sewer Connection looks to define, clarify, and mirror the language in each exemption policy to become consistent in the way exemptions are granted by the Board of County Commissioners.

## Standards for Review

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

The proposed Comprehensive Plan text amendment is consistent with all elements of the Comprehensive Plan.

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

The proposed text amendment is not inconsistent with existing and proposed land uses.

**C. Whether there have been changed conditions that justify an amendment.**

As stated in the analysis over the last year, two applicants have requested an exemption to each the potable water requirement and the sewer connection requirement at the Board of County Commissioners. Each of these requests met the separation requirements of the Land Development Regulations. By requiring the exemption be heard via a public hearing, these projects were and have been delayed by several months while waiting to get on the next available County Commissioner agenda.

**D. 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 proposed text amendment will not result in any demands on public facilities.

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

The proposed text amendment will not result in any significant impacts on the natural environment.

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

The proposed text amendment will not affect the property values within the surrounding area.

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

The proposed text amendment will not change the orderly and logical development pattern in the area and will have no negative effects on the development pattern in the area.

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

The proposed text amendment will be consistent with the purpose and interest of Lake County's regulations.

**Conclusion**

The proposed text amendment to Policy IX-2.2.2 Mandatory Central Water Connection will allow the Board of County Commissioners to grant exemptions from mandatory connection to public or private central water systems and clarify the term "available".

The proposed text amendment to Policy IX-3.1.2 Mandatory Sewer Connection will allow the Board of County Commissioners to grant exemptions from mandatory connection to public or private central water systems and from mandatory connection to public or private sanitary sewer systems clarify the term "available".

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**TRANSMITTAL ONLY  
ORDINANCE 2016–XX  
CP-2016-04**

**Policy IX-2.2.2 Mandatory Central Water Connection and  
Policy IX-3.1.2 Mandatory Sewer Connection – Text Amendment**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; ADDING LANGUAGE TO POLICY IX-2.2.2, MANDATORY CENTRAL WATER CONNECTION, AND ADDING LANGUAGE TO POLICY IX-3.1.2, MANDATORY SEWER CONNECTION, WHICH WILL ALLOW EXEMPTIONS TO MANDATORY CONNECTION TO EACH SYSTEM.; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal planning, and land development regulation in the State of Florida; and

**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

**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

**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

**WHEREAS**, on the 22<sup>nd</sup> day of September, 2011, the Lake County 2030 Comprehensive Plan became effective; and

**WHEREAS**, Section 163.3184, Florida Statutes, sets forth the process for adoption of Comprehensive Plan Amendments; and

**WHEREAS**, on the 30<sup>th</sup> day of March 2016, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

**WHEREAS**, on the 19<sup>th</sup> day of April 2016, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for transmittal; and

**WHEREAS**, on the 26<sup>th</sup> day of July 2016, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for adoption; and





**Exhibit A**

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