

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

PLANNING AND ZONING BOARD	 LAKE COUNTY <small>FLORIDA</small>	BOARD OF COUNTY COMMISSIONERS
Transmittal April 1, 2015		Transmittal - April 21, 2015 Adoption – July 21, 2015*

CP-2015-01 Future Land Use Element Text Amendment	Case Manager: Tim McClendon Chief Planner	Agenda Item # 4
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- Item -

Type: Comprehensive Plan Amendment (text)– Staff initiated

Creation or Revision: Text revision to Chapter I, Future Land Use Element

Description: Amending Chapter I, Future Land Use Element by amending Policy I-1.4.5, entitled Rural Transition Future Land Use category by allowing a fourth alternative for residential development within the Rural Transition FLUC.

- Summary of Staff Recommendation -

Staff Recommendation: APPROVAL to amend Future Land Use Element Policy I-1.4.5 (Rural Transition Future Land Use Category) by allowing a fourth alternative for residential development with development requirements and criteria for development.

Planning and Zoning Board Recommendation:

- Summary -

Analysis: There are currently three opportunities/possibilities/alternatives for residential development within the Rural Transition Future Land Use Category (FLUC). The three current possibilities for residential development are as follows:

- 1) Up to one (1) dwelling unit per five (5) net buildable acres;
- 2) Up to one (1) dwelling unit per three (3) net buildable acres provided any subdivision be developed as a Rural Conservation Subdivision utilizing a PUD along with a 35% open space requirement; and
- 3) Up to one (1) dwelling unit per one (1) net buildable acre provided any subdivision be developed as a Rural Conservation Subdivision utilizing a PUD along with a 50% open space requirement.

This amendment proposes to add an additional alternative for residential development with the Rural Transition FLUC. The proposed fourth alternative would allow for up to two (2) dwelling units per one (1) net buildable acre. Any such development would be required to be developed as a Rural Conservation Subdivision utilizing a PUD. Other development standards include a minimum development of 100 net buildable acres, a 50% open space requirement, required central utilities, proper buffering, and no encroachments into any wetlands or the 100 year flood plain.

The proposed amendments to Policy I-1.4.5 is shown below (~~striketrough~~ for deletions and underline for additions; the notation “* * *” means that all preceding or subsequent text remains unchanged).

CHAPTER I, FUTURE LAND USE ELEMENT

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.

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

Alternatively, residential development not to exceed a maximum density of one (1) dwelling unit per three (3) net buildable acres may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a PUD, and provided that at least 35% 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.

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.

As a fourth alternative, residential development not to exceed a maximum density of two (2) dwelling units per one (1) net buildable acre may be permitted provided that any subdivision shall be developed as a Rural Conservation Subdivision utilizing a PUD zoning and meeting the following the restrictions:

1. Minimum Size: The PUD must contain a minimum of 100 acres of net buildable area.
2. Location: A portion of the PUD must be within one (1) mile from any current municipal utility connection.
3. Central Utilities: Development of the property must include central potable water, central waste water and provide infrastructure for the future connection to a re-use water system for landscape irrigation.
4. Open Space: A minimum of fifty percent (50%) the net buildable area of the PUD shall be designated as open space as an amenity and buffer for the parcel and shall be configured with connections between major open spaces. The required minimum open space shall be dedicated by plat or other legal instrument to the County or Home Owner's Association (HOA) duly created for the property. A management plan shall be prepared and approved to provide minimal enhancement where appropriate and long term maintenance of the open space.
5. Perimeter Buffer: To the extent practicable and except in areas required for access, a minimum 50 foot (50') buffer shall be established around the perimeter of the property. Said buffer shall count towards the minimum open space requirement.
6. Wetlands: There shall be no encroachments into wetlands located on any parcel within the PUD.
7. 100 year Flood: There shall be no encroachments into the 100 year flood areas on any parcel within the PUD.
8. In order to minimize impervious areas the following must be included within the PUD:
 - a. Roadway width: Allow for a maximum of 9 feet of paved surface for all travel lanes that are internal to the property, unless additional pave surface for travel lanes is required for fire or EMS service. An additional 3 ft. of pavement may be provided for bicycle lanes on each travel lane;
 - b. Cluster the higher density portions of the development in order to reduce overall road length;
 - c. Limit the front residential building setbacks to a maximum of 22 feet (including porches) to shortern drive ways on all lots less than 60 feet in width;
 - d. Install porous pavement / pavers for all access drives and parking; and
 - e. Allow shared driveways for higher density single family homes.

9. Housing Types: A minimum 10% of the lot sizes shall be less than 5,000 square feet and a maximum of 20% of the lot sizes shall be greater than 10,000 square feet.
10. Impervious Surface Ratio: Shall be allowed up to 75% for individual home sites containing less than 7,000 square feet.
11. Community Garden: Areas within the open space shall provide for a community garden opportunity.
12. Private Wells: Private wells shall be prohibited.
13. Landscape: A Florida-friendly landscaping plan should be used in all areas to decrease water and fertilizer requirements while increasing disease and drought resistance of the plants.
14. Stormwater:
 - a. To the extent feasible or as required by the applicable water management district, stormwater runoff should be infiltrated rather than discharged off-site. Soils on the proposed site have a high infiltration capacity and much of the existing natural drainage is to localized depressions. Stormwater treatment ponds should not discharge to sinkholes.
 - b. On-site stormwater treatment can be provided in rain garden depressions and road-side swales for medium and low density residential lots. One or more larger stormwater treatment pond is likely to be needed for more dense residential area. These can be designed as wetlands with native plantings to aid nutrient removal and create attractive natural appearing water features.
 - c. Open drainage systems are encouraged. In higher density areas, roof downspouts should not be directly connected and runoff from any other impervious areas should discharge to vegetated areas before reaching a piped system.

- Standards for Review –

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

The proposed comprehensive plan amendment is consistent with Objective I-1.4, the Rural Future Land Use Series. This objective seeks to preserve the rural character and the agricultural potential of areas within Lake County. The Rural Future Land Use Series includes the future land use categories “Rural” and “Rural Transition”.

Policy I-1.4.5 address “edge” areas or conditions where the Rural Transition Future Land Use Category about Urban Future Land Use Categories by allowing lower rural densities to be increased utilizing Rural Conservation Subdivisions that apply clustering techniques. The proposed amendment is consistent with this policy.

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

The proposed amendment to add a fourth alternative for residential development with the Rural Transition FLUC does not create any inconsistency or incompatibility with the existing residential uses that can occur within the Rural Transition FLUC. Rural Conservation Subdivisions that utilize cluster techniques may already be developed within the Rural Transition FLUC.

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

As previously stated, Future Land Use Objective I-1.4 states that Lake County allows growth in the “edge” areas or conditions where Rural Transition Future Land Use Categories abut Urban Future Land Use Categories. Due to a lack of market interest in the three (3) existing development alternatives in the Rural Transition FLUC and in an order to promote controlled and reasonable growth around the “edge” areas of the county as identified in Objective I-1.4, staff believes the amendment is needed.

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.

Transportation

Any increase in development intensity will require mitigation to the transportation (road) network pursuant to Capital Improvements Policy II-1.1.3, which requires public facilities and services to be provided concurrent with development impacts. Development conditions are incorporated into planned district rezoning ordinances, which include a demonstration of transportation concurrency with development impacts via the site plan review and development process.

Utilities

The proposed criteria and development standards within the fourth development alternative requires connections to central potable water, central waste water as well as providing infrastructure for the future connection to a re-use water system for landscape irrigation. Any proposed development will require planned zoning district ordinances with development conditions subject to approval by the Board of County Commissioners. During the planned zoning district approval process, the project must demonstrate the availability of central water and sewer services concurrent with development impacts.

This requirement is consistent with Comprehensive Plan Public Facilities Element Policies IX-2.2.3 and IX-3.1.2.

Solid Waste

Any proposed development will require planned zoning district ordinances with development conditions subject to approval by the Board of County Commissioners. During the planned zoning district approval process, the project must assure the availability of solid waste services to meet development impact demands.

Schools

The proposed amendment to add the fourth development alternative to the Rural Transition future land use category will not adversely affect Lake County Schools. Any new development utilizing the fourth development alternative will be required to go through the school concurrency process. Any site specific impacts generated shall be properly mitigated.

Fire Facilities

The provision of emergency services will be assured through the PUD rezoning process.

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

The proposed addition of a fourth alternative for residential development within the Rural Transition FLUC will not have significant impacts on the natural environment. The proposed language does not allow any development to encroach into any wetlands. Any proposed development also requires the use of a Rural Conservation Subdivision. Future Land Use Policy I-1.4.6 (Open Space within Rural Conservation Subdivisions) states at least 50% of the required open space be configured in a single contiguous tract, which would leave the natural environment in its current unaltered state.

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

Although property valuation analysis was not conducted for this proposed text amendment, there are no foreseeable impacts on property values where development could or would occur.

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 addition of a fourth alternative for residential development within the Rural Transition FLUC will not cause a disruption to the current orderly and logical development pattern within the County. Rural Conservation Subdivisions require clustering. Future Land Use Policy I-1.4.6 defines clustering as the built area of the development site that is well defined and compact, thereby enabling the creation of continuous expanses of open space. Open spaces are also required to be contiguous with protected open spaces on adjacent parcels and public conservation lands to the maximum extent feasible and configured in such a way as to ensure compatibility with adjacent rural properties.

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 amendment is consistent with the interest of the public and these regulations by encouraging controlled residential growth while providing large open space requirements next to “edge” (where Rural Future Land Use Categories abut Urban Land Use Categories) conditions or areas.

– Conclusions –

The proposed amendment recommended above will enhance residential development opportunities throughout Lake County. The addition of the fourth alternative for development provides potential developers another opportunity for denser development while still protecting the existing patterns of rural development in Lake County.

– Staff Recommendation –

Staff recommends **APPROVAL** of the amendment to Future Land Use Element Policy I-1.4.5 (Rural Transition Future Land Use Category) which provides a fourth alternative for residential development with subsequent development requirements and criteria for development.

Planning and Zoning Board Recommendation

TBD

Board of County Commissioners Transmittal Recommendation

TBD

–State Agency Recommendation –

TBD

1 **ORDINANCE SUMMARY**
2 **FUTURE LAND USE ELEMENT AMENDMENT**

3 This Ordinance amends the 2030 Comprehensive Plan amends Chapter I, Future Land Use Element by amending
4 Policy I-1.4.5, entitled Rural Transition Future Land Use Category, by allowing a fourth alternative for residential
5 development within the Rural Transition FLUC.

6
7 Changes are shown as follows: Underline for additions to existing Code sections, and ~~striketrough~~ for deletions.
8 The notation "****" shall mean that all preceding or subsequent text remains unchanged.

9
10 Rev.

11 **TRANSMITTAL**

12 **ORDINANCE NO. 2015 –xx**

13 **CP-2015-01**

14 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA,**
15 **AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN, AMENDING CHAPTER 1, FUTURE**
16 **LAND USE ELEMENT BY AMENDING POLICY I-1.4.5, ENTITLED "RURAL TRANSITION FUTURE**
17 **LAND USE CATEGORY' BY ADDING A FOURTH ALTERNATIVE FOR RESIDENTIAL DEVELOPMENT,**
18 **ALLOWING UP TO 2 DWELLING UNITS PER NET DEVELOPABLE ACRE; AND TO PROVIDE**
19 **DEVELOPMENT REQUIREMENTS AND CRITERIA FOR THE FOURTH ALTERNATIVE FOR**
20 **RESIDENTIAL DEVELOPMENT; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION**
21 **163.3184(11), FLORIDA STATUES; PROVIDING FOR SERVABILITY; AND PROVIDING FOR AN**
22 **EFFECTIVE DATE.**

23
24 **WHEREAS**, Chapter 163, Florida Statues, Part II, governs growth policy, county and municipal planning,
25 and land development regulation in the State of Florida; and

26 **WHEREAS**, Chapter 125, Florida Statues, Section 125.01(1)(g), authorized the Board of County
27 Commissioners of Lake County to "Prepare and enforce comprehensive plans for the development of the county.";
28 and

29 **WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, on May 25, 2010, the Board of County
30 Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan; and

31 **WHEREAS**, on July 23, 2010, the State of Florida Department of Community Affairs, now known as the
32 Community Planning and Development Division of the Florida Department of Economic Opportunity, published a
33 Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163,
34 Florida Statues; and

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

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

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

69

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

75

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

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79 As a fourth alternative, residential development not to exceed a maximum density of two (2) dwelling units per
80 one (1) net buildable acre may be permitted provided that any subdivision shall be developed as a Rural

81 Conservation Subdivision utilizing a PUD zoning and meeting the following the restrictions:

- 82 1. Minimum Size: The PUD must contain a minimum of 100 acres of net buildable area.
- 83 2. Location: A portion of the PUD must be within one (1) mile from any current municipal utility
84 connection.
- 85 3. Central Utilities: Development of the property must include central potable water, central waste water
86 and provide infrastructure for the future connection to a re-use water system for landscape irrigation.
- 87 4. Open Space: A minimum of fifty percent (50%) the net buildable area of the PUD shall be designated
88 as open space as an amenity and buffer for the parcel and shall be configured with connections
89 between major open spaces. The required minimum open space shall be dedicated by plat or other
90 legal instrument to the County or Home Owner's Association (HOA) duly created for the property. A
91 management plan shall be prepared and approved to provide minimal enhancement where
92 appropriate and long term maintenance of the open space.
- 93 5. Perimeter Buffer: To the extent practicable and except in areas required for access, a minimum 50
94 foot (50') buffer shall be established around the perimeter of the property. Said buffer shall count
95 towards the minimum open space requirement.
- 96 6. Wetlands: There shall be no encroachments into wetlands located on any parcel within the PUD.
- 97 7. 100 year Flood: There shall be no encroachments into the 100 year flood areas on any parcel within
98 the PUD.
- 99 8. In order to minimize impervious areas the following must be included within the PUD:
 - 100 a. Roadway width: Allow for a maximum of 9 feet of paved surface for all travel lanes that are
101 internal to the property, unless additional pave surface for travel lanes is required for fire or
102 EMS service. An additional 3 ft. of pavement may be provided for bicycle lanes on each
103 travel lane;
 - 104 b. Cluster the higher density portions of the development in order to reduce overall road length;
 - 105 c. Limit the front residential building setbacks to a maximum of 22 feet (including porches) to
106 shortern drive ways on all lots less than 60 feet in width;

- 107 d. Install porous pavement / pavers for all access drives and parking; and
- 108 e. Allow shared driveways for higher density single family homes.
- 109 9. Housing Types: A minimum 10% of the lot sizes shall be less than 5,000 square feet and a
- 110 maximum of 20% of the lot sizes shall be greater than 10,000 square feet.
- 111 10. Impervious Surface Ratio: Shall be allowed up to 75% for individual home sites containing less than
- 112 7,000 square feet.
- 113 11. Community Garden: Areas within the open space shall provide for a community garden opportunity.
- 114 12. Private Wells: Private wells shall be prohibited.
- 115 13. Landscape: A Florida-friendly landscaping plan should be used in all areas to decrease water and
- 116 fertilizer requirements while increasing disease and drought resistance of the plants.
- 117 14. Stormwater:
- 118 a. To the extent feasible or as required by the applicable water management district,
- 119 stormwater runoff should be infiltrated rather than discharged off-site. Soils on the
- 120 proposed site have a high infiltration capacity and much of the existing natural drainage
- 121 is to localized depressions. Stormwater treatment ponds should not discharge to sinkholes.
- 122 b. On-site stormwater treatment can be provided in rain garden depressions and road-side
- 123 swales for medium and low density residential lots. One or more larger stormwater
- 124 treatment pond is likely to be needed for more dense residential area. These can be
- 125 designed as wetlands with native plantings to aid nutrient removal and create attractive
- 126 natural appearing water features.
- 127 c. Avoid stormwater pipes for collection systems, but if necessary in higher density areas, roof
- 128 downspouts should not be directly connected and runoff from any other impervious areas
- 129 should discharge to vegetated areas before reaching a piped system.

130 TYPICAL USES INCLUDE:

- 131 • Agriculture and forestry;

- 132 • Residential;
- 133 • Passive parks;
- 134 • Equestrian related uses;
- 135 • K-12 schools;
- 136 • Religious organizations; and
- 137 • Rural Support uses as provided for in this Comprehensive Plan

138 TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- 139 • Mining and Resource Extraction;
- 140 • Active parks and recreation facilities;
- 141 • Nursing and personal care facilities;
- 142 • Daycare services;
- 143 • Outdoor Sports and recreation clubs;
- 144 • Civic uses;
- 145 • Animal specialty services;
- 146 • Unpaved airstrips;
- 147 • Public order and safety;
- 148 • Utilities; and
- 149 • Ports and Marinas

150 **Section 4. Advertisement.** This Ordinance was advertised pursuant to Chapter 163, Florida Statutes,
151 Section 163.3184 (15), and a copy of that advertisement is attached hereto as Exhibit “B”.

152 **Section 5. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be
153 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of
154 the remaining portions of this Ordinance

155 **Section 6.** **Effective Date.** The effective date of this plan amendment, if the amendment is not timely
156 challenged, shall be 31 days after the state land planning agency notifies the local government that the plan
157 amendment package is complete.

158 **ENACTED** this ____ day of _____, 2014.

159
160 **FILED** with the Secretary of State _____, 2014.

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ATTEST:

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

166 _____
167 Neil Kelly, Clerk of the Board of
168 County Commissioners
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Jimmy Conner, Chairman

170 Approved as to form and legality:

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173 _____
174 Sanford A. Minkoff, County Attorney
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