

LAKE COUNTY PLANNING AND ZONING DIVISION COMPREHENSIVE PLAN AMENDMENT STAFF REPORT

PLANNING AND ZONING BOARD		BOARD OF COUNTY COMMISSIONERS
April 27, 2016		Transmittal May 10, 2016 Adoption August 17, 2016

CP-2016-05 Proposed Text Amendment to modify the allowed used within Policy I-1.4.7 <i>Rural Support</i>	Case Manager: Tim McClendon Chief Planner	Agenda Item # 2
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Case Information	
Applicant:	Lake County Government (Staff Initiated)
Type:	Text Amendment
Creation or Revision:	Revision
Description:	Amend Policy I-1.4.7 <i>Rural Support</i> , by modifying the list of allowed uses that are intended to serve the commercial and office needs of residentially populated areas within the Rural Future Land Use Series.

Summary of Staff Recommendation
<p>Staff recommends APPROVAL of the proposed text amendment to the Future Land Use Element Policy I-1.4.7 <i>Rural Support</i> by modifying the list of allowed uses intended to serve the commercial and office needs of residentially populated areas within the Rural Future Land Use Series.</p> <p>Planning and Zoning Board Transmittal:</p> <p>Board of County Commissioners Transmittal:</p> <p>Board of County Commissioners Adoption:</p>

Analysis

Analysis: Future Land Use Element Policy I-1.4.7 *Rural Support* identifies rural support uses that “are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series.” Rural Support uses are permitted and limited to designated Rural Support Intersections (Future Land Use Policy I-1.4.7.1) and Rural Support Corridors (Future Land Use Policy I-1.4.7.2) and within the Rural Transition Future Land Use Category. The location of Rural Support Corridors and Rural Support Intersections can be seen on Exhibit A.

In May of 2015, a property owner located within a designated Rural Support Corridor contacted the Lake County Planning and Zoning Division to discuss a proposed expansion of their existing restaurant. While restaurant uses are not strictly identified within the rural support uses policy, the use of a restaurant is open to interruption. Policy I-1.4.7 *Rural Support* allows land uses including “professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, or similar uses as defined in the Land Development Regulations.”

In order to clearly define, clarify and facilitate development suited for Rural Support Corridors (Future Land Use Policy I-1.4.7.2) and Rural Support Intersections (Future Land Use Policy I-1.4.7.1), staff is proposing an amendment to the Comprehensive Plan to identify the list of “similar uses as defined by the Land Development Regulations.” The “similar uses” recognized by the Land Development Regulations are contained within Sec 3.01.02 *Classification of Uses* and are designated in the C-1 (Neighborhood Commercial) Zoning District.

The list of “similar uses” contained in the Land Development Regulations have equivalent impacts to the existing list of uses in the Rural Support Policy. These impacts include, but are not limited to, transportation impacts, compatibility with rural uses, the nature of the use, the intensity of the use, and the defining characteristics of the use (i.e. type, size, height and appearance). The proposed amendment seeks to identify banks, bars/taverns, gas stations, medical services, general restaurants, and communication towers as allowed uses within Future Land Use Policy I-1.4.7 *Rural Support*. Amending Policy I-1.4.7 *Rural Support* by defining these uses removes any uncertainty or vagueness that the existing policy presents.

The proposed amendment to Future Land Use Policy I-1.4.7 Rural Support is shown below (~~strikethrough~~ for deletions and underline for additions; the notation “* * *” means that all preceding or subsequent text remains unchanged).

Policy I-1.4.7 Rural Support

Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series. Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars/taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care/family residential homes, utilities, and communication towers ~~or similar uses as defined in the Land Development Regulations~~. Such uses shall be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas.

Elements of compatibility shall be addressed in the Land Development Regulations, including but not limited to signage, hours of operation, lighting, building orientation, height, facade, architectural design, parking, landscaping and buffering. New Rural Support uses shall not be located adjacent to public conservation land.

With the exception of commercial uses vested pursuant to this Comprehensive Plan, Rural Support uses shall be limited to designated Rural Support Intersections, Rural Support Corridors, and as an allowable use within the Rural Transition Future Land Use Category.

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. The amendment only seeks to identify the list of “similar uses” that are defined in the Land Development Regulations.

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

The proposed text amendment is consistent with existing and proposed land uses. The list of uses in the Land Development Regulations has already been identified as consistent within the Comprehensive Plan. The amendment merely identifies the entire list of allowed uses within Policy I-1.4.7 *Rural Support* in lieu of directing end users to a separate document.

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

Following a customer’s interpretation and misunderstanding of allowed uses within Rural Support Corridors and Rural Support Intersections, the Comprehensive Plan amendment would clearly identify all allowed uses within Policy I-1.4.7 *Rural Support*.

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 as the uses being identified are already allowed within the existing Policy.

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 as the uses being identified are already allowed within the existing Policy.

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 as the uses being identified are already allowed within the existing Policy.

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 as the uses being identified are already allowed within the existing Policy.

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 amendment seeks to identify banks, bars/taverns, gas stations, medical services, general restaurants, and communication towers as allowed uses within Policy I-1.4.7 *Rural Support*. Amending Policy I-1.4.7 *Rural Support* by identifying these uses removes any uncertainty or vagueness that the existing policy presents.

Staff recommends **APPROVAL** of the proposed text amendment to the Future Land Use Element Policy I-1.4.7 *Rural Support* by modifying the list of allowed uses intended to serve the commercial and office needs of residentially populated areas within the Rural Future Land Use Series.

WRITTEN COMMENTS FILED: Supportive: 0 Concern: 0 Opposition: 0

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**TRANSMITTAL ONLY
ORDINANCE 2016--XX
CP-2016-05**

Policy I-1.4.7 Rural Support - Text Amendment

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN, AMENDING POLICY I-1.4.7, RURAL SUPPPORT, BY AMENDING THE LIST OF ALLOWED USED THAT ARE INTENDED TO SERVE THE COMMERCIAL AND OFFICE NEEDS OF RESIDENTIALLY POPULATED AREAS WITHIN THE RURAL FUTURE LAND USE SERIES, SPECIFICALLY IN RURAL SUPPORT CORRIDORS AND RURAL SUPPORT INTERSECTIONS; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SERVABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

18 **WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorized the Board of County Commissioners
19 of Lake County to "Prepare and enforce comprehensive plans for the development of the county"; and

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

22 **WHEREAS**, on the 23rd day of July, 2010, the State of Florida Department of Community Affairs, now known as
23 the Community Planning and Development Division of the Florida Department of Economic Opportunity, published a
24 Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida
25 Statutes; and

26 **WHEREAS**, on the 22nd day of September, 2011, the Lake County 2030 Comprehensive Plan became effective;
27 and

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

30 **WHEREAS**, on the 27th day of April 2016, this Ordinance was heard at a public hearing before the Lake County
31 Planning & Zoning Board in its capacity as the Local Planning Agency; and

32 **WHEREAS**, on the 10th day of May 2016, this Ordinance was heard at a public hearing before the Lake County
33 Board of County Commissioners for transmittal; and

34 **WHEREAS**, on the 17th day of August 2016, this Ordinance was heard at a public hearing before the Lake County
35 Board of County Commissioners for adoption; and

1 **Section 4. Effective Date.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be
2 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete.
3

4 ENACTED this ____ day of _____, 2016.

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6 FILED with the Secretary of State _____, 2016.
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10 ATTEST:

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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14 _____
15 Neil Kelly, Clerk of the
16 Board of County Commissioners,
17 Lake County, Florida

Sean M. Parks, Chairman

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19 Approved as to form and legality:

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22 _____
23 Melanie Marsh
24 County Attorney
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