

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

<b>PLANNING AND ZONING BOARD</b>		<b>BOARD OF COUNTY COMMISSIONERS</b>
<b>May 2, 2012</b>		<b>Transmittal: May 22, 2012</b> Adoption: June 26, 2012

<b>LPA#12/5-1</b> Policy III-2.2.7 Protection of Shorelines	<b>Case Manager:</b> Brian T. Sheahan, AICP, Planning & Community Design Manager	<b>Agenda Item # 4</b>
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- Item -

**Type:** County-initiated Comprehensive Plan Text Amendment

**Creation or Revision:** Revision

**Description:** Amends the Conservation Element, ***Policy III-2.2.7 Protection of Shorelines***, by eliminating setback requirements for structures to the mean high water line or jurisdictional wetland line on canal lots, allowing for an administrative adjustment for drain field setbacks and recognizing previously approved variances and average setback determinations.

- Summary of Staff Recommendation -

Staff recommends **APPROVAL** of the request to adopt the Comprehensive Plan Conservation Element Text Amendments.

- Summary -

**Analysis:** On September 22, 2011, the 2030 Comprehensive Plan became effective. As the policies were implemented, it became apparent that the setback requirements caused unintentional circumstances on lots that front on canals, on lots where an onsite wastewater system is used and on lots which had previously been approved for a reduced setback through an average setback determination or variance.

When the Policy was originally adopted, impacts to lots fronting on canals were not sufficiently considered. The implementation of the Policy caused some canal lots that were previously buildable to become unbuildable due to the inability to meet setbacks. The amended policy removes the 50-foot setback requirement for structures or impervious surfaces on canal lots, as canals are typically manmade surface waters and dredged out of

uplands. Setbacks for structures and impervious surfaces to canals are addressed in the Land Development Regulations.

The Policy requires septic tank drain fields to be at least 100 feet away from all mean high water lines of lakes and wetlands or jurisdictional wetland lines. If the existing lot for which a final Lot of Record determination was completed and approved is not able to meet this requirement due to inadequate width or depth, a variance approved by the Board of Adjustment is required along with an advanced treatment system or an alternative system designed to remove nutrients from the effluent. The Florida Department of Health requires a septic tank drain field to be located at least 75 feet away from mean high annual flood lines, jurisdictional wetland lines and mean high water lines.

The proposed amendment allows an administrative adjustment, approved by the County Manager or designee, if the lot would otherwise be deemed unbuildable due to the inability to locate the drain field a 100 feet from the mean high water line or jurisdictional wetland line. Such adjustment may be granted if the placement of the septic tank drain field is:

- As far landward as possible, and
- Has the least impact on surface waters and wetlands, and
- The setback is consistent with state law, and
- The septic tank and drain field is an advanced treatment system or an alternative system designed to remove nutrients from the effluent.

The variance procedure through the Board of Adjustment is approximately a 45-day process due to notice requirements; allowing the drain field setback reduction to be accomplished through an administrative adjustment will reduce the process time significantly.

The Policy currently does not recognize previously approved variances and average setback determinations. Owners who received approved average setback determinations or variances prior to the effective date of the 2030 Comprehensive Plan are unable to move forward with the construction of their dwelling unit or additions at their planned footprint. The proposed amendment will allow variances and average setback determinations approved prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011) to be recognized, allowing the owners to move forward with their projects.

#### **- Standards for Review -**

- A. **Whether the proposed amendment is consistent with all elements of the Comprehensive Plan:**  
The amendment is consistent with all elements of the Comprehensive Plan.
- B. **Whether the proposed amendment is in conflict with any applicable provisions of these regulations:**  
The amendment is not in conflict with provisions of these regulations.
- C. **Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses:**  
Eliminating the 50-foot setback to canals, allowing an administrative adjustment for drain field setbacks from wetlands and recognizing previously approved variances and average setback determinations will not create inconsistencies with land uses, whether existing or proposed.
- D. **Whether there have been changed conditions that justify an amendment:**

There were unintended results to the strict adherence of the 50-foot setback from canals and the 100-foot setback for drain fields from wetlands, which caused previously buildable lots to become unbuildable. Previously approved variances and average setback determinations were not recognized, which prevented the development on those lots.

- 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.

- 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 affects 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:**

The amendment will allow existing undeveloped lots to be developed, which would be unbuildable due to the inability to meet the setback requirements. This will allow an orderly and logical development pattern.

- 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 setback requirements set forth in Policy III-2.2.7, Protection of Shorelines, which unintentionally caused existing buildable canal lots to become non-buildable because of the inability to construct a structure or impervious surfaces that meet setbacks from the mean high water line or jurisdictional wetland line; it will allow for an administrative adjustment for drain field setbacks and will also allow variances and average setbacks, approved prior to September 22, 2011, to be recognized.

**– Staff Recommendation –**

**APPROVAL** of the proposed amendments.

**– Planning & Zoning Board Recommendation –**