

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

PLANNING AND ZONING BOARD		BOARD OF COUNTY COMMISSIONERS
May 31, 2017		June 20, 2017 (Transmittal)

CP-2017-04 Amend the Comprehensive Plan to establish a process to allow a an exception to the density requirements for the creation of lots for family members.	Case Managers:  Michele Janiszewski, Chief Planer  Janie Barrón, Planner	Agenda Item #6
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Case Information	
Applicant: Type:	Lake County Government (Staff Initiated) Comprehensive Plan Text Amendment
Creation or Revision:	Revision and Creation
Description:	Amend Lake County 2030 Comprehensive Plan Policy I-1.2.4 <i>Calculation of Residential Density</i> , to allow a subdivision of land or lot split at a higher density than that allowed by the property's Future Land Use Category consistent with Policy I-1.2.10 <i>Creation of Parcels for Family Members</i> , which is a proposed policy to allow an exception to the density for the creation of lots for family members.

Summary of Staff Recommendation
<p>Staff recommends <b>APPROVAL</b> of the proposed text amendment to the Lake County 2030 Comprehensive Future Land Use Element Policy I-1.2.4 <i>Calculation of Residential Density</i>, to allow a subdivision of land or lot split at a higher density than that allowed by the property's Future Land Use Category consistent with Policy I-1.2.10 <i>Creation of Parcels for Family Members</i>, which is a proposed policy to allow an exception to the density for the creation of lots for family members</p> <p>Planning and Zoning Board Recommendation:</p> <p>Board of County Commissioners Transmittal:</p> <p>Board of County Commissioners Adoption:</p>

**-Analysis-**

Chapter 163.3179 of Florida Statutes allows local governments to include provisions in their Comprehensive Plan to allow the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan. This provision can only apply once to any individual.

The 1992 Comprehensive Plan contained a policy to allow the subdivision of land at a higher density than the future land use category allows for an immediate family member. Section 14.11.02 of the Land Development Regulations ("LDR") was adopted to establish the process for creating lot in accordance with the family density exception. Once an application was submitted, staff would review the request for the standards contained within LDR Section 14.11.02.D. and then record the family density exception, and easements if necessary, on the Lake County Zoning Map and within the public records of Lake County, Florida.

The 2030 Comprehensive Plan, adopted on May 25, 2010, did not include a policy to allow the creation of lots for family members at a higher density than the assigned future land use category. LDR Section 14.11.02 has not been changed since the adoption of the Comprehensive Plan, but has not been utilized. This amendment seeks to amend the Comprehensive Plan to allow an exception to the density requirements for the creation of lots for family members, consistent with Florida Statutes.

Allowing the Family Lot Splits will be achieved by amending the last sentence of Policy I-1.2.4 *Calculation of Residential Density* to read as follows:

Any subdivision of land or lot split shall not create densities greater than that allowed by the assigned Future Land Use Category specified in this Comprehensive Plan, unless created for a family member as described in Policy I-1.2.10 Creation of Parcels for Family Members.

This amendment will also establish a new Policy I-1.2.10 entitled "*Creation of Parcels for Family Members*", which is proposed to state as follows:

**Policy I-1.2.10 Creation of Parcels for Family Members**

It is the intent of this Plan, to permit the development of tracts of land in the rural areas for the use of family members as their primary residences. Creation of individual parcels of land by sale, gift, or testate or intestate succession, out of lawful parcels of record at time of the adoption of this policy, between or among the owner and his or her spouse, lineal descendent(s) or ascendant(s) shall be allowed without regard to density restrictions of this Plan, provided, however, only one parcel may be created hereunder for each spouse, lineal descendent or ascendant of the property owner, provided such parcels be used for single family residential or agricultural purposes, and subject to other applicable laws and all other provisions of this Plan. Any parcel of land created through this provision shall contain a minimum of one (1) net acre. This provision can only be applied to properties within the Rural Future Land Use Series.

This exemption to the density requirements shall not be permitted within the Wekiva Study Area (WSA), as defined by Florida Statutes, or the Green Swamp Area of Critical State Concern (GSACSC), as described within Rule Chapter 28-28, FAC.

**- Standards for Review -**

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

The proposed amendment is consistent with Comprehensive Plan Policy I-1.4.3 *Purpose of the Rural Future Land Use Series*, which states that intent of the Rural Future Land Use Series is to maintain the rural character by permitting new single-family homes at a rural density; maintain levels of service that reflect the characteristics of a rural density and intensity of use; and control the scale, appearance and operation of public and private uses to ensure compatibility with rural character. The amendment will allow properties within the Rural Future Land Use Series to have an exception to the density requirements for the creation of lots for family members, consistent with the criteria contained within the Land Development Regulations.

**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 Land Development Regulations. The LDR Section 14.11.02 contains the criteria previously applied for Family Density Exception. The amendment is inconsistent with LDR Section 14.11.02.D.4, which states that “parcels created for family members shall be allowed only in the Suburban, Transitional, Rural, Rural/Conservation, and Core/Conservation land use districts, as well as the A-1-20 and A-1-40 overlay districts in the Wekiva River Protection Area.” This section references the Future Land Use Categories established in the former 1992 Comprehensive Plan.

The verbiage proposed for Policy I-1.2.10 *Creation of Parcels for Family Members*, states that this exception to the density will only apply to properties within the Rural Future Land Use Series and will not apply to properties within the Wekiva Study Area or the Green Swamp Area of Critical State Concern. This inconsistency will be addressed through a policy update to the Land Development Regulations if the proposed amendment is adopted.

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

The proposed amendment will allow for the subdivision of property at a higher density than the future land use category allows for immediate family members.

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

On May 25, 2010, Lake County adopted the 2030 Comprehensive Plan, which did not allow the subdivision of land at a greater density than the future land use category allows. Lake County wishes to amend the Comprehensive Plan to reenact the Family Density Exception process as outlined in LDR Section 14.11.02.

**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 proposed amendment will not affect the existing level of services for schools or parks and recreation, nor will it adversely impact the County’s adopted levels of service for police, drainage, solid waste, and fire and emergency medical facilities.

Anyone intending to subdivide their property in accordance with these policies will be required to meet the standards of review provided within the Land Development Regulations and Comprehensive Plan.

**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. Any sensitive resources will be addressed through the development review process. Additionally, the proposed amendment would not impact the Green Swamp or the Wekiva Study Area.

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

No evidence has been provided that would indicate the amendment would have an impact on 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 the creation of lots for family members in rural areas. The created lots would not be consistent with the density requirements of the Future Land Use Category but would be a minimum of one (1) acre in size to ensure rural compatibility.

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

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

**FINDINGS OF FACT:** Staff has reviewed the application for this rezoning request and found:

1. Florida Statutes allows local governments to include provisions in their Comprehensive Plan to allow the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan; and
2. Lake County desires to reenact the Family Density Exception, as allowed by the former Comprehensive Plan; and
3. Section 14.11.02 of the Land Development Regulations (LDR) contains the process, submittal requirements, and standards of review for the Family Density Exception; and
4. LDR Section 14.11.02.D.4 will need to be updated to accurately reflect which properties could apply for the Family Density Exception; and
5. The proposed amendment is consistent with the Comprehensive Plan.

CP-2017-04 Family Density Exception

Based on these findings of fact, staff recommends **APPROVAL** of the proposed text amendment to the Lake County 2030 Comprehensive Plan, Future Land Use Element Policy I-1.2.4 *Calculation of Residential Density*, to allow a subdivision of land or lot split at a higher density than that allowed by the property's Future Land Use Category consistent with Policy I-1.2.10 *Creation of Parcels for Family Members*. Additionally staff recommends **APPROVAL** of amendment to the Lake County 2030 Comprehensive Plan to create a new Policy 1-1.2.10 entitled "*Creation of Parcels for Family Members*" which allows an exception to the density for the creation of lots for family members

**Case Manager:** Michele Janiszewski, Chief Planner & Janie Barrón, Planner

**WRITTEN COMMENTS FILED: Support: -0-      Questions: -0-      Opposition: -0-**

**ORDINANCE 2017-XX**  
**CP-2017-04**  
**Family Density Exception**

1       **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**  
2       **FLORIDA; AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE**  
3       **FUTURE LAND USE ELEMENT POLICY I-1.2.4 ENTITLED “CALCULATION OF RESIDENTIAL**  
4       **DENSITY”; ESTABLISHING POLICY I-1.2.10 ENTITLED “CREATION OF PARCELS FOR**  
5       **FAMILY MEMBERS”; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION**  
6       **163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR**  
7       **AN EFFECTIVE DATE.**

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

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

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

16       **WHEREAS**, on the 23<sup>rd</sup> day of July, 2010, the State of Florida Department of Community Affairs, now known  
17      as the Community Planning and Development Division of the Florida Department of Economic Opportunity, in its  
18      capacity as the State Land Planning Agency, published a Notice of Intent finding the Lake County 2030  
19      Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

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

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

24       **WHEREAS**, on the 31<sup>st</sup> day of May 2017, this Ordinance was heard at a public hearing before the Lake  
25      County Planning & Zoning Board in its capacity as the Local Planning Agency; and

26       **WHEREAS**, on the 20<sup>th</sup> day of June 2017, this Ordinance was heard at a public hearing before the Lake  
27      County Board of County Commissioners for transmittal to the State of Florida Department of Economic Opportunity,  
28      Community Planning and Development Division, in its capacity as the State Land Planning Agency;

29       **WHEREAS**, on the XX day of XXXXX 2017, this Ordinance was heard at a public hearing before the Lake  
30      County Board of County Commissioners for adoption; and

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

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

1 **Section 1. Comprehensive Plan Text Amendment.** The following policy shall be amended as shown below.  
2 ~~Strikethrough~~ indicates text has been deleted, underline indicates text has been added, and \* \* \* indicates that no  
3 changes are proposed in the remainder of the section.  
4

5 \* \* \*

6 **Policy I-1.2.4 Calculation of Residential Density**

7 Maximum residential density, expressed as “dwelling units per net acre,” shall be defined as the total allowable  
8 number of dwelling units that may be constructed on the “net buildable area” of a parcel. “Net buildable area”  
9 shall be defined as the total area of a parcel, or combination of parcels, proposed for development, less wetlands  
10 and water bodies. In addition to the aforementioned allowance, one (1) additional dwelling unit may be built within  
11 the net buildable area of a parcel for every five (5) acres of wetlands on the entire subject parcel. The term “net  
12 acre” shall be synonymous with the term “net buildable acre.”

13 Within the Green Swamp Area of Critical State Concern only one (1) additional dwelling unit may be built within  
14 the net buildable area of a parcel for every twenty (20) acres of wetlands on the subject parcel.

15 Within the Wekiva River Protection Area Sending Area 1, only one (1) additional dwelling unit may be built within  
16 the net buildable area of a parcel for every forty (40) acres of wetlands of the subject parcel. Within the Wekiva  
17 River Protection Area Sending Area 2 and Wekiva River Protection Area Receiving Area 1, only one (1)  
18 additional dwelling unit may be built within the net buildable area of a parcel for every twenty (20) acres of  
19 wetlands of the subject parcel.

20 Any subdivision of land or lot split shall not create densities greater than that allowed by the assigned Future  
21 Land Use Category specified in this Comprehensive Plan, unless created for a family member as described in  
22 Policy I-1.2.10 Creation of Parcels for Family Members.

23  
24 **Section 2. Establish Comprehensive Plan Policy.** The following policy shall be established

25 \*\*\*

26 **Policy I-1.2.10 Creation of Parcels for Family Members**

27 It is the intent of this Plan, to permit the development of tracts of land in the rural areas for the use of family  
28 members as their primary residences. Creation of individual parcels of land by sale, gift, or testate or intestate  
29 succession, out of lawful parcels of record at time of the adoption of this policy, between or among the owner and  
30 his or her spouse, lineal descendent(s) or ascendant(s) shall be allowed without regard to density restrictions of  
31 this Plan, provided, however, only one parcel may be created hereunder for each spouse, lineal descendent or  
32 ascendant of the property owner, provided such parcels be used for single family residential or agricultural  
33 purposes, and subject to other applicable laws and all other provisions of this Plan. Any parcel of land created  
34 through this provision shall contain a minimum of one (1) net acre. This provision can only be applied to  
35 properties within the Rural Future Land Use Series.

36 This policy shall not apply to properties located within the Wekiva Study Area (WSA), or the Green Swamp Area  
37 of Critical State Concern (GSACSC), as described within Rule Chapter 28-28, FAC.

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**Section 3. Advertisement.** This Ordinance was advertised pursuant to Chapter 163, Florida Statutes, Section 163.3184(11).

**Section 4. 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 5. Effective Date.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

FILED with the Secretary of State \_\_\_\_\_, 2017.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Timothy I. Sullivan, Chairman

ATTEST:

\_\_\_\_\_  
Neil Kelly, Clerk of the  
Board of County Commissioners,  
Lake County, Florida

Approved as to form and legality:

\_\_\_\_\_  
Melanie Marsh  
County Attorney



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**Exhibit A. Lake County, Florida.**

