

**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-2017-05	Case Managers:	Agenda Item
Add the subdivided lots of the Century Estates Subdivision to the list of recognized, unrecorded subdivisions and add additional criteria for the issuance of exceptions to the density requirements of the Comprehensive Plan.	Michele Janiszewski, Chief Planer  Janie Barrón, Planner	#7

Case Information	
Applicant:	Lake County Government (Staff Initiated)
Type:	Map and Text Amendment
Creation or Revision:	Revision to Policy I-7.1.3 Existing Lot Exception for Density
Description:	Amend Lake County 2030 Comprehensive Plan Policy I-7.1.3 <i>Existing Lot Exception for Density</i> to add the Century Estates to the list of recognized unrecorded subdivisions and to add additional criteria for allowing exceptions to the density requirements.

Summary of Staff Recommendation
<p>Staff recommends <b>APPROVAL</b> of the proposed text amendment to the Lake County 2030 Comprehensive Plan Policy I-7.1.3 <i>Existing Lot Exception for Density</i> by adding Century Estates (specifically, the east and west halves of the Century Estates subdivision/duplexes as recorded in Plat Book 29, Page 9) to the list of recognized unrecorded subdivisions and by adding additional criteria to the Policy for allowing exceptions to the density requirements.</p> <p>Planning and Zoning Board Transmittal:</p> <p>Board of County Commissioners Transmittal:</p> <p>Board of County Commissioners Adoption:</p>

-Analysis-

The plat for the Century Estates Subdivision was approved by the Board of County Commissioners on September 15, 1987 and was recorded in Plat Book 29, Page 9 of Public Records of Lake County, Florida. The subdivision consists of 25 lots with three common area tracts. The lots are approximately 0.28 +/- acres in size. In 1989, the Owner/Developer (Business Promotions Inc) began applying for and obtaining building permits for the construction of duplexes on each of the 25 platted lots. The building permit, zoning permit, and plot plan all show duplexes proposed on each lot. Each platted lot was split through the Lake County Property Appraiser's office in order to sell the duplexes and the half of the lot it was located on.

Land Development Regulation (LDR) Section 14.07.02 states that no application for a single-family building permit for construction in the unincorporated area of Lake County shall be granted unless a plat including such parcel of land has been approved by the Board of County Commissioners and recorded in the official records of Lake County, Florida with the following exceptions: Lots of Record, as defined in the LDR; Lots Created Via Administrative Lot Split; and dwellings built in conjunction with a Developers Agreement. Dividing the properties in half through the Lake County Property Appraiser's office and not through the Planning and Zoning Division has made the lots 'unrecognized' on our zoning maps and staff cannot issue zoning permits on these lots.

Comprehensive Plan Policy I-7.1.3 entitled "Existing Lot Exception for Density" includes a list of recognized, unrecorded subdivisions. After reviewing the history of this subdivision, staff determined that it is not feasible to require all the property owners to replat the subdivision or to complete minor lot splits on each lot in order to issue zoning permits. Staff concluded that the best course of action would be to add the subdivided lots of the Century Estates Subdivision to the list of recognized unrecorded subdivisions. In order to accomplish this course of action, Comprehensive Plan Policy I-7.1.3 Existing Lot Exception for Density must be amended to include this subdivision on the list of recognized unrecorded subdivisions.

Policy I-7.1.3 Existing Lot Exception for Density allows property to develop at a higher density than their assigned future land use category. The criteria within this policy is an update of a previously instated process. Since the adoption of the Comprehensive Plan, it has been determined that the criteria for issuing an exception to the density requirements needs to be updated to include administratively approved development after May 20, 1981. Development approved by Lake County after May 20, 1981 met the criteria of the Land Development Regulations and Comprehensive Plan at the time they were approved but, with the adoption of the new Comprehensive Plan and its policies, would not meet the criteria for an exception to the density requirements. In addition, staff recommends adding an exception to the density requirements for lots which were legally developed with single family residences and received a Certificate of Occupancy.

- Standards for Review -

- A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan. The proposed amendment would be consistent with Comprehensive Plan Objective I-7.1 *Nonconformities And Vested Rights*, which seeks to reduce or eliminate existing nonconforming land uses and structures to the greatest reasonable and practical extent without intruding on the constitutional rights of the affected land owners. The proposed amendments will allow development previously approved by Lake County to have an exception to the density requirements of the Comprehensive Plan.

- 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. An amendment to the Land Development Regulations to reflect the proposed amendment will be required 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 is consistent with the existing and proposed land uses because it would allow previously approved development to have an exception to the density requirements contained within the 2030 Comprehensive Plan.

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

On May 25, 2010, Lake County adopted the 2030 Comprehensive Plan, which included new criteria to allow exceptions to the density requirements of the Comprehensive Plan. The policy did not provide an exception to the density requirements for previously approved lots and lots which have been developed with a single family residence. In addition, the policy did not include the divided lots of the Century Estates subdivision as a recognized unrecorded subdivision.

- 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. This amendment will only allow previously approved development an exception to the density requirements. All new development will be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

- 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. All new development will be required to meet all Comprehensive Plan policies and Land Development Regulations to protect the environment.

- 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 effect 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 amended will only allow previously approved development an exception to the density requirements

and will not have an adverse effect on the development patterns in Lake County.

- 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:

The proposed amendment is consistent with Objective I-7.1 *Nonconformities And Vested Rights*, which seeks to reduce or eliminate existing nonconforming land uses and structures to the greatest reasonable and practical extent without intruding on the constitutional rights of the affected land owners.

Based on these findings of fact, staff recommends **APPROVAL** of the proposed text amendment to the Lake County 2030 Comprehensive Plan Policy I-7.1.3 entitled "*Existing Lot Exception for Density*" to add the Century Estates subdivision to the list of recognized unrecorded subdivisions and to add additional criteria to the Policy for allowing exceptions to the density requirements.

Case Managers: Michele Janiszewski, Chief Planner & Janie Barrón, Planner

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

**ORDINANCE 2017-XX**  
**CP-2017-05**  
**Amendment to Policy I-7.1.3 Existing Lot Exception for Density**

1       **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA;**  
2       **AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE FUTURE**  
3       **LAND USE ELEMENT POLICY I-7.1.3 ENTITLED “EXISTING LOT EXCEPTION FOR DENSITY”;**  
4       **ADDING THE SUBDIVIDED DUPLEX LOTS OF THE CENTURY ESTATES SUBDIVISION TO THE**  
5       **LIST OF RECOGNIZED UNRECORDED SUBDIVISIONS; ESTABLISHING ADDITIONAL**  
6       **CRITERIA TO ALLOW AN EXCEPTION TO THE DENSITY REQUIREMENTS OF THE**  
7       **COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION**  
8       **163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR**  
9       **AN EFFECTIVE DATE.**

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

12       **WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorized the Board of County  
13 Commissioners of Lake County to "Prepare and enforce comprehensive plans for the development of the county"; 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 Comprehensive  
19 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 County  
25 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 County  
27 Board of County Commissioners for transmittal to the State of Florida Department of Economic Opportunity, Community  
28 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, that:

34  
35       **Section 1. Comprehensive Plan Text Amendment.** The Comprehensive Plan Policy I-7.1.3 *Existing Lot*  
36 *Exception for Density*, shall be amended as shown below. ~~Strikethrough~~ indicates text has been deleted, underline

1 indicates text has been added, and \* \* \* indicates that no changes are proposed in the remainder of the section.

2  
3 \* \* \*

4 **Policy I-7.1.3 Existing Lot Exception for Density**

5 There shall be an exception to the density requirements established by this Comprehensive Plan for lots that were  
6 legally created prior to the adoption of this Comprehensive Plan. If the requirements specified below are met, the lot  
7 will be considered a buildable lot subject to all other requirements of this plan. This exception relates to density only.  
8 Development undertaken pursuant to this policy shall be consistent with and subject to all other provisions of the  
9 Comprehensive Plan, including, but not limited to, concurrency and protection of natural resources. Within twelve (12)  
10 months of the effective date of this Comprehensive Plan, Lake County shall adopt Land Development Regulations to  
11 implement this policy.

12 If a lot, or combination of lots, meets one of the five (5) criteria listed below, an exception to the densities established  
13 by this Comprehensive Plan shall be granted:

- 14 A. There shall be an exception to the density requirements for lots which were legally created by a deed dated  
15 and recorded in the Public Records of Lake County, Florida on or before May 20, 1981. A dwelling unit  
16 and accessory uses thereto, may be permitted on the lot, or combination of lots, provided that each of the  
17 following requirements are met:
  - 18 1. The lot shall front on a publicly maintained road, or an easement. If the lot fronts on an easement, the  
19 easement must connect to a publicly maintained road, and the lot shall be within 1,320 feet of the  
20 publicly maintained road;
  - 21 2. The lot shall be accessible by public safety and other public (i.e. sanitation) agencies;
  - 22 3. The lot shall have a minimum frontage of forty (40) feet; and
  - 23 4. The lot shall contain a minimum of 12,500 square feet (excluding open water bodies), unless the lot is  
24 served by central water and wastewater utility service;

25 Contiguous lots may be combined into one or more lots in order to meet the criteria set forth in this section.

26 If the lot fronts on an easement that is within 1,320 feet from a publicly maintained road as described above,  
27 the property owner(s) shall execute a legal document wherein the property owner(s) agrees to be subject to a  
28 special assessment for road improvements. Lake County shall record said document in the public records of  
29 Lake County, at the owner's cost.

- 30 B. There shall be an exception to the density requirements of this Comprehensive Plan for a lot or combination  
31 of lots created through a subdivision approved by the Board of County Commissioners and recorded in the  
32 Public Records of Lake County in Plat Books 1 through 22 or lots created through one of the following  
33 Recognized Unrecorded Subdivisions.

- Astor Forest Campsites
- Banning Beach
- Belmont Heights Unit 2
- Blue Creek Point
- Deerhaven
- Forest Acres
- Forest Park
- Forest Ridge
- Grovewood
- H.O. Peters and Associates

- Oak Ridge
- Pittman
- Ravenswood
- River Road Acres
- Robbins Heights
- St. Johns Waterfront Est. 1<sup>st</sup> Add.
- Sunnyside Shores
- Villa City
- Villa City Shores
- Western Shores
- The East and West Halves of the Century Estates subdivision as recorded in PB 29, PG 9.

1 A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of lots, provided that  
2 each of the following requirements are met:

- 3 1. The lot shall front on a publicly maintained road, or an easement. If the lot fronts on an easement, the  
4 easement must connect to a publicly maintained road, and the lot shall be within 1320 feet of a publicly  
5 maintained road;
- 6 2. The lot shall be accessible by public safety and other public (i.e. sanitation) agencies;
- 7 3. The lot shall have a minimum frontage of forty (40) feet; and
- 8 4. The lot shall contain a minimum of 12,500 square feet (excluding open water bodies), unless the lot  
9 will be served by central water and wastewater utility service.

10 Contiguous lots may be combined into one or more lots in order to meet the criteria set forth in this section.

11 If the lot fronts on an easement that is within 1320 feet from a publicly maintained road as described above,  
12 the property owner(s) shall execute a legal document wherein the property owner(s) agrees to be subject to a  
13 special assessment for road improvements. Lake County shall record said document in the public records of  
14 Lake County, at the owner's cost.

15 C. There shall be an exception to the density requirements of this Comprehensive Plan for lots or combination  
16 of lots described in Paragraphs A or B above but that do not meet the requirements contained therein. A  
17 dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of lots, if one of the  
18 following criteria is met:

- 19 • The owner demonstrates that on March 2, 1993 such lot was owned by the owner or their predecessor  
20 in title and no contiguous lots were owned by the owner or their predecessor in title on that date;
- 21 • Contiguous lots owned by the owner or predecessor in title on March 2, 1993 have been aggregated  
22 so that the aggregated lots meet the minimum density of the Future Land Use Category or a minimum  
23 of five (5) acres (excluding open water bodies), whichever creates the least density; or
- 24 • All contiguous lots owned by the owner or their predecessor in title on March 2, 1993 have been  
25 aggregated.

26 D. There shall be an exception to the density requirements of this Comprehensive Plan for a lot within any  
27 plat beginning with Plat Book 23, that have met all requirements at the time it was approved by the Board  
28 of County Commissioners and recorded in the Public Records of Lake County. A dwelling unit and  
29 accessory uses thereto may be permitted on the lot.

E. There shall be an exception to the density requirements to this Comprehensive Plan for any lot for which a final Lot of Record determination was completed and approved by Lake County, in accordance with terms and conditions of such approval in place prior to the adoption of this plan. A dwelling unit and accessory uses thereto may be permitted on the lot.

F. There shall be an exception to the density requirements for lots which were legally created dated after May 21, 1981 pursuant to the Lake County Code in place at the time of approval. This provision shall not apply to properties within the Green Swamp Area of Critical State Concern.

G. There shall be an exception to the density requirements to this Comprehensive Plan for any lot for which a Certificate of Occupancy was issued for a single family residence by Lake County, in accordance with Lake County terms and conditions, prior to the adoption of this plan.

\* \* \*

**Section 2. Advertisement.** This Ordinance was advertised pursuant to Chapter 163, Florida Statutes, Section 163.3184(11).

**Section 3. 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 4. Effective Date.** The effective date of this Comprehensive Plan 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.

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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2  
3  
4

Exhibit A.  
Lake County, Florida.

