

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

PLANNING AND ZONING BOARD	 LAKE COUNTY <small>FLORIDA</small>	BOARD OF COUNTY COMMISSIONERS
Transmittal November 27, 2013		Transmittal December 17, 2013

LPA #13/8-2T Economic Development Overlay District Text Amendment	Case Manager: Steve K. Greene, AICP Chief Planner	Agenda Item #1
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- Item -

Type: Comprehensive Plan Amendment (text and map series)– BOCC initiated

Creation or Revision: Creation

Description: Establish an Economic Development Overlay District for incorporation into the Future Land Use Element of the 2030 Lake County Comprehensive Plan consisting of economic objectives, implementation policies and an overlay district map. The establishment of this overlay is pursuant to Chapter 163.3177 Florida Statutes (F.S.).

- Summary of Staff Recommendation -

Staff Recommendation: APPROVAL to create an Economic Development Overlay District in the 2030 Lake County Comprehensive Plan by adding new Objective I-6.5 and associated Policies to the Future Land Use Element, amending Policies I-1.3.2 (Urban Low Density Future Land Use Category), I-1.3.3 (Urban Medium Density Future Land Use Category), I-1.3.4 (Urban High Density Future Land Use Category), I-1.4.4 (Rural Future Land Use Category) and I-1.4.5 (Rural Transition Future Land Use Category) to allow Economic Development Overlay District Uses for properties included within the Overlay area, and by adding new Map 20 (Economic Development Overlay District Map) to the Future Land Use Map Series.

Planning and Zoning Board Recommendation:

- Summary –

Analysis: This proposed amendment seeks to create an Economic Development Overlay District as a land use protocol to encourage economic development projects within certain existing future land use categories without having to undergo a future land use amendment. This Comprehensive Plan (Comp Plan) amendment is requested pursuant to Florida Statute 403.973, Expedited Permitting (Attachment 1) to encourage and facilitate the location and expansion of those economic development projects that offer job creation and high wages, which strengthen and diversity the state's economy through an expedited permitting process and comprehensive plan amendment process.

The proposed Economic Development Overlay District establishes policy provisions requiring a rezoning of the property in order to allow Economic Development Overlay (industrial, manufacturing, and office) uses, if certain conditions are met. Prospective properties must be entirely within the Economic Development Overlay District; have access to an arterial or collector road or rail access; connection to central water and sewer (public or private), infrastructure concurrent with development impacts; and shall not exceed the applicable floor area ratio (FAR) (ranging from 0.35 to 2.0, depending on the underlying Future Land Use Category) and the applicable impervious surface ratio (ISR) (ranging from 0.50 to 0.80, depending on the underlying Future Land Use Category). The proposed overlay will be applicable within the Urban, Rural and Rural Transition Future Land Use Categories, except that the Green Swamp Area of Critical State Concern, the proposed Wellness Way Sector Plan Area, and the Wekiva Study Area will not be included in the overlay district. The proposed Economic Development Overlay District is consistent with and furthers Goal IV-1 of the Economic Element, entitled "Sustained Efforts for Economic Development Success".

- Standards for Review –

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

The intent of the proposed Economic Development Overlay District is to create a land use tool to encourage economic growth and redevelopment in Lake County pursuant to the goals, objectives and policies of the Economic Element of the Comprehensive Plan. This element emphasizes the need to meet the demands of population growth for additional infrastructure by increasing the commercial tax base to fund the necessary improvements to serve the growing population.

The proposed Economic Development Overlay District is consistent with Objective IV-1.2 ("Economic Development Programs"), as it will identify areas for targeted industry relocation in Lake County. Implementation of the Economic Development Overlay District will facilitate economic development opportunities within selected future land use categories. It will foster an economic development system that will be market driven rather than directed by land use. Consistent with Objective IV-2.4 ("Target Industry Sectors"), the proposed overlay will create greater development and redevelopment opportunities in unincorporated Lake County. This objective seeks to increase employment opportunities and diversify the tax base by encouraging target industries such as Agri-Tech, Arts, Recreation and Leisure, Business Services, Health/Wellness, Clean Tech, Manufacturing and Warehouse/Distribution. The creation of the overlay is consistent with Policy IV-2.4.1 ("Build Awareness") in that it facilitates the County's business attraction strategic and ability to increase the awareness among site selectors of targeted industries of economic development opportunities within Lake County.

B. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.

The proposed amendment to create an Economic Development Overlay District is not in conflict with the Comp Plan.

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 the underlying Urban (Low, Medium and High), Rural, and Rural Transition Future Land Use Categories allow some degree of non-residential uses.

In addition, the proposed Comprehensive Plan amendment includes qualifying criteria and approval criteria for Economic Development Overlay District uses to ensure mitigation of impacts. In order to qualify as an Economic Development Overlay District use, the proposed office, industrial or manufacturing project must create at least 25 new jobs that are at or above the Lake County average annual wage, and have a capital investment of at least ten million dollars in new construction or renovations, or must qualify for State Incentive Funding through Enterprise Florida. In addition, proposed new office, industrial and manufacturing development situated within the Overlay District must have direct access to arterial or collector roads or to railway, central water and sewer connections and adequate infrastructure.

The requirement that projects utilize existing transportation and rail systems will also ensure a degree of land use compatibility, as land areas surrounding existing systems generally exhibit some level of urban development intensity.

Establishing the overlay will expedite the development process by reducing the need for a future land use map amendment to accommodate future economic growth and development. The future land use amendment process typically takes six (6) months to complete. This includes conducting two transmittal public hearings and one adoption public hearing. Speed to market factors are considerations site developers use to guide locational site decisions to achieve competitive advantages for new business opportunities. If the Economic Development Overlay District is approved, a prospective office, industrial or manufacturing development within the Overlay District would only have to undergo a ninety-day rezoning public hearing process, since the proposed Comprehensive Plan amendment requires uses within the Overlay District to be approved through a rezoning of the underlying property to Planned Unit Development (PUD), Planned Commercial (CP) or Planned Industrial (MP). Requiring Economic Development Overlay uses to be rezoned to a planned district will promote functional compatibility between land uses and the efficient provision of infrastructure to serve the land use needs, while at the same time ensuring proper and appropriate development impact mitigation.

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

The need for a land development tool to encourage economic diversity and development in the County is predicated on the Economic Development Element of the 2030 Comprehensive Plan, which requires Lake County to make “sustained efforts leading to long-term opportunities that will diversify Lake County’s tax base and encourage high-wage employment opportunities” in Lake County (Goal IV-1).

The Economic Development Overlay District would apply in only five Future Land Use Categories (Urban Low, Urban Medium, Urban High, Rural and Rural Transition) in the areas shown on the Economic Development Overlay District Map. Urban Low, Urban Medium, Urban High, Rural and Rural Transition are the Future Land Use Categories where office, industrial and manufacturing development is either limited in location and scope, or is prohibited altogether. Approval of the proposed Overlay District would significantly expedite the development process within the Overlay District area and would offer greater assurances to developers of these uses as to the time needed to obtain development approvals. Additionally, housing became the major industry in most central Florida counties with the decline of the citrus industry in the 1980’s. The recent economic downturn caused by the national housing collapse creates the need for a more diversified economy to sustain the needs of Lake County’s projected population growth. This is evidenced in the decreased number of building permits issued in June 2007 compared to the number issued in Year 2012. Building permit data shows that Lake County experienced the economic downturn around June 2007. At that time, the Lake County Building Department issued 10,971 building permits. One year later in Year 2008, there were 7,280 building permits issued. In Year 2009, there were 5,522 building permits issued. In fiscal Year 2012 (December), only 5,532 building permits were issued, which represents a 50% decline in building permits compared to June 2007. The needs of the 2015-projected population may not be met without a substantial increase in building permit activity.

Typically, non-residential permit activity increases commercial tax revenues. Commercial permit activity is tied to residential development demands as the housing industry supplanted the citrus industry in central Florida. Based on the planning premise that commercial activity lags behind the needs of residential development, the decline in the number of

permits between 2007 and 2012 negatively affected Lake County's tax revenue stream. Diversified economies within the state have been able to withstand the economic downturn as evidenced by various news reports on the state of the national and local economy. A more diversified economy may have resulted in less governmental budgetary cuts to offset the fall in tax revenues.

- 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.**

Transportation

An analysis of the existing road network throughout the County is being conducted to demonstrate the level of impact that could be caused by establishing an Economic Development Overlay District. However, any increase in development intensity will require mitigation to the transportation (road) network pursuant to Capital Improvements Policy II-1.1.3. This policy requires public facilities and services to be provided concurrent with development impacts. Implementation of the Economic Development Overlay District will require coordination with the Florida Department of Transportation (FDOT) and the Lake-Sumter Metropolitan Planning Organization as part of the development review and approval process. Since most of the affected arterial roads are state jurisdictional or county roads, input and coordination by these agencies is essential to approve any targeted industry project. Additionally, planned zoning districts are required for proposed projects within the Economic Development Overlay District, in order to allow for the creation of development order conditions through the public hearing process. Conditions appended to planned district rezoning ordinances require a demonstration of transportation concurrency with development impacts via the site plan review and development process.

Utilities

The criteria proposed to establish the Economic Development Overlay District would require connections to public or private central water and sewer. This requirement is consistent with Comp Plan Public Facilities Element Policies IX-2.2.3 and IX-3.1.2. The proposed policy to require planned zoning districts for targeted industry economic development will facilitate the creation of development conditions for approval by the Board of County Commissioners. Such conditions will require a demonstration of public facility availability concurrent with development impacts during the site development approval process.

Solid Waste

The proposed policy will require planned zoning districts for targeted industry projects to allow creation of development conditions by ordinance to be approved by the Board of County Commissioners. This will assure the availability of solid waste services to meet the demands of the project.

Schools

Schools of the Lake County School System will not be affected by the proposed overlay district, as it is limited to non-residential impacts only.

Fire Facilities

Fire Services will be assured with the implementation of the inter-local/first responder agreement that the County has with its municipalities. Additionally, the provision of emergency services will be assured through the site plan development process.

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

The establishment of the proposed overlay anticipates no adverse impacts on natural resources. The goals and objectives of Comprehensive Plan Conservation Element demands preservation and protection of all natural resources. An environmental assessment will be required for all development applications to identify areas needing protection and avoidance. The Economic Development Overlay District will not include areas designated as or within the Conservation Future Land Use Category, the Green Swamp Area of Critical State Concern, the Wekiva River Study Area, or the proposed Wellness Way Sector Planning Area.

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

Property valuation analysis was not conducted in the development of the overlay. However, positive impacts can be expected, as the overlay will increase development opportunities of land areas to their highest and best use.

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 proposed overlay is targeted to areas within the Urban, Rural and Rural Transition Future Land Use Series categories. These land use categories currently allow some level of non-residential uses, either by right or with a conditional use permit, or prohibit them altogether. The proposed Economic Development Overlay District requires that approval of any proposed office, industrial or manufacturing use within the Overlay area be accomplished through a planned district rezoning, in order to ensure that assessment of development impacts is extensively reviewed as part of the rezoning and site development review process, to ensure compatibility prior to development approval.

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 proposed amendment is consistent with the interest of the public and these regulations by encouraging economic development opportunities within the areas identified by the economic development overlay.

– Conclusions –

The proposed amendment recommended above will enhance economic development opportunities throughout Lake County. Establishing the Economic Development Overlay District will facilitate achievement of a greater residential to non-residential land use balance that will produce a more sustainable community and better economy for Lake County residents and businesses.

– Staff Recommendation –

APPROVAL of the proposed Economic Development Overlay District.

Planning & Zoning Board Recommendation:

ATTACHMENT 1Select Year: 2013

The 2013 Florida Statutes

[Title XXIX](#)
PUBLIC HEALTH

[Chapter 403](#)
ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

403.973 Expedited permitting; amendments to comprehensive plans.—

(1) It is the intent of the Legislature to encourage and facilitate the location and expansion of those types of economic development projects which offer job creation and high wages, strengthen and diversify the state's economy, and have been thoughtfully planned to take into consideration the protection of the state's environment. It is also the intent of the Legislature to provide for an expedited permitting and comprehensive plan amendment process for such projects.

(2) As used in this section, the term:

(a) "Duly noticed" means publication in a newspaper of general circulation in the municipality or county with jurisdiction. The notice shall appear on at least 2 separate days, one of which shall be at least 7 days before the meeting. The notice shall state the date, time, and place of the meeting scheduled to discuss or enact the memorandum of agreement, and the places within the municipality or county where such proposed memorandum of agreement may be inspected by the public. The notice must be one-eighth of a page in size and must be published in a portion of the paper other than the legal notices section. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the memorandum of agreement.

(b) "Jobs" means permanent, full-time equivalent positions not including construction jobs.

(c) "Permit applications" means state permits and licenses, and at the option of a participating local government, local development permits or orders.

(d) "Secretary" means the Secretary of Environmental Protection or his or her designee.

(3)(a) The secretary shall direct the creation of regional permit action teams for the purpose of expediting review of permit applications and local comprehensive plan amendments submitted by:

1. Businesses creating at least 50 jobs or a commercial or industrial development project that will be occupied by businesses that would individually or collectively create at least 50 jobs; or
2. Businesses creating at least 25 jobs if the project is located in an enterprise zone, or in a county having a population of fewer than 75,000 or in a county having a population of fewer than 125,000 which is contiguous to a county having a population of fewer than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county.

(b) On a case-by-case basis and at the request of a county or municipal government, the Department of Economic Opportunity may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the Department of Economic Opportunity to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, the Department of Economic Opportunity shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;
2. The project's potential to diversify and strengthen the area's economy;
3. The amount of capital investment; and
4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, the Department of Economic Opportunity or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

(d) Projects located in a designated brownfield area are eligible for the expedited permitting process.

(e) Projects that are part of the state-of-the-art biomedical research institution and campus to be established in this state by the grantee under s. 288.955 are eligible for the expedited permitting process, if the projects are designated as part of the institution or campus by the board of county commissioners of the county in which the institution and campus are established.

(f) Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2)(d), are eligible for the expedited permitting process.

(g) Projects for natural gas storage facilities that are permitted under chapter 377 are eligible for the expedited permitting process.

(h) Projects to construct interstate natural gas pipelines subject to certification by the Federal Energy Regulatory Commission are eligible for the expedited permitting process.

(4) The regional teams shall be established through the execution of a project-specific memorandum of agreement developed and executed by the applicant and the secretary, with input solicited from the respective heads of the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memorandum of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(5) In order to facilitate local government's option to participate in this expedited review process, the secretary shall, in cooperation with local governments and participating state agencies, create a standard form memorandum of agreement. The standard form of the memorandum of agreement shall be used only if the local government participates in the expedited review process. In the absence of local government participation, only the project-specific memorandum of agreement executed pursuant to subsection (4) applies. A local government shall hold a duly noticed public workshop to review and explain to the public the expedited permitting process and the terms and conditions of the standard form memorandum of agreement.

(6) The local government shall hold a duly noticed public hearing to execute a memorandum of agreement for each qualified project. Notwithstanding any other provision of law, and at the option of the local government, the workshop provided for in subsection (5) may be conducted on the same date as the public hearing held under this subsection. The memorandum of agreement that a local government signs shall include a provision identifying necessary local government procedures and time

limits that will be modified to allow for the local government decision on the project within 90 days. The memorandum of agreement applies to projects, on a case-by-case basis, that qualify for special review and approval as specified in this section. The memorandum of agreement must make it clear that this expedited permitting and review process does not modify, qualify, or otherwise alter existing local government nonprocedural standards for permit applications, unless expressly authorized by law.

(7) Appeals of local government comprehensive plan approvals for a project shall be pursuant to the summary hearing provisions of s. 120.574, pursuant to subsection (14), and consolidated with the challenge of any applicable state agency actions.

(8) Each memorandum of agreement shall include a process for final agency action on permit applications and local comprehensive plan amendment approvals within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the secretary determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day timeframe. Permit applications governed by federally delegated or approved permitting programs whose requirements would prohibit or be inconsistent with the 90-day timeframe are exempt from this provision, but must be processed by the agency with federally delegated or approved program responsibility as expeditiously as possible.

(9) The secretary shall inform the Legislature by October 1 of each year which agencies have not entered into or implemented an agreement and identify any barriers to achieving success of the program.

(10) The memoranda of agreement may provide for the waiver or modification of procedural rules prescribing forms, fees, procedures, or time limits for the review or processing of permit applications under the jurisdiction of those agencies that are members of the regional permit action team. Notwithstanding any other provision of law to the contrary, a memorandum of agreement must to the extent feasible provide for proceedings and hearings otherwise held separately to be combined into one proceeding or held jointly and at one location. Such waivers or modifications are not authorized for permit applications governed by federally delegated or approved permitting programs, the requirements of which would prohibit, or be inconsistent with, such a waiver or modification.

(11) The memoranda of agreement shall include guidelines to be used in working with state, regional, and local permitting authorities. Guidelines may include, but are not limited to, the following:

(a) A central contact point for filing permit applications and local comprehensive plan amendments and for obtaining information on permit and local comprehensive plan amendment requirements.

(b) Identification of the individual or individuals within each respective agency who will be responsible for processing the expedited permit application or local comprehensive plan amendment for that agency.

(c) A mandatory preapplication review process to reduce permitting conflicts by providing guidance to applicants regarding the permits needed from each agency and governmental entity, site planning and development, site suitability and limitations, facility design, and steps the applicant can take to ensure expeditious permit application and local comprehensive plan amendment review. As a part of this process, the first interagency meeting to discuss a project shall be held within 14 days after the secretary's determination that the project is eligible for expedited review. Subsequent interagency meetings may be scheduled to accommodate the needs of participating local governments that are unable to meet public notice requirements for executing a memorandum of agreement within this timeframe. This accommodation may not exceed 45 days from the secretary's determination that the project is eligible for expedited review.

(d) The preparation of a single coordinated project description form and checklist and an agreement by state and regional agencies to reduce the burden on an applicant to provide duplicate information to multiple agencies.

(e) Establishment of a process for the adoption and review of any comprehensive plan amendment needed by any certified project within 90 days after the submission of an application for a comprehensive plan amendment. However, the memorandum of agreement may not prevent affected persons as defined in s. 163.3184 from appealing or participating in this expedited plan amendment process and any review or appeals of decisions made under this paragraph.

(f) Additional incentives for an applicant who proposes a project that provides a net ecosystem benefit.

(12) The applicant, the regional permit action team, and participating local governments may agree to incorporate into a single document the permits, licenses, and approvals that are obtained through the expedited permit process. This consolidated permit is subject to the summary hearing provisions set forth in subsection (14).

(13) Notwithstanding any other provisions of law, projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and does not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. For the issuance of department licenses required under any federally delegated or approved permit program, the department, and not the Governor, shall enter the final order. The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action.

(b) Projects identified in paragraphs (3)(f)-(h) or challenges to state agency action in the expedited permitting process for establishment of a state-of-the-art biomedical research institution and campus in this state by the grantee under s. 288.955 are subject to the same requirements as challenges brought under paragraph (a), except that, notwithstanding s. 120.574, summary proceedings must be conducted

within 30 days after a party files the motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

(15) The Department of Economic Opportunity, working with the agencies providing cooperative assistance and input regarding the memoranda of agreement, shall review sites proposed for the location of facilities that the Department of Economic Opportunity has certified to be eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the Department of Economic Opportunity, the agencies shall provide to the Department of Economic Opportunity a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(16) This expedited permitting process shall not modify, qualify, or otherwise alter existing agency nonprocedural standards for permit applications or local comprehensive plan amendments, unless expressly authorized by law. If it is determined that the applicant is not eligible to use this process, the applicant may apply for permitting of the project through the normal permitting processes.

(17) The Department of Economic Opportunity shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the Department of Economic Opportunity that a project meeting the minimum job creation threshold undergo expedited review.

(18) The Department of Economic Opportunity, working with the Rural Economic Development Initiative, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of fewer than 75,000 residents, or counties having fewer than 125,000 residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

(19) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in s. 377.709, and located within that government's jurisdiction.

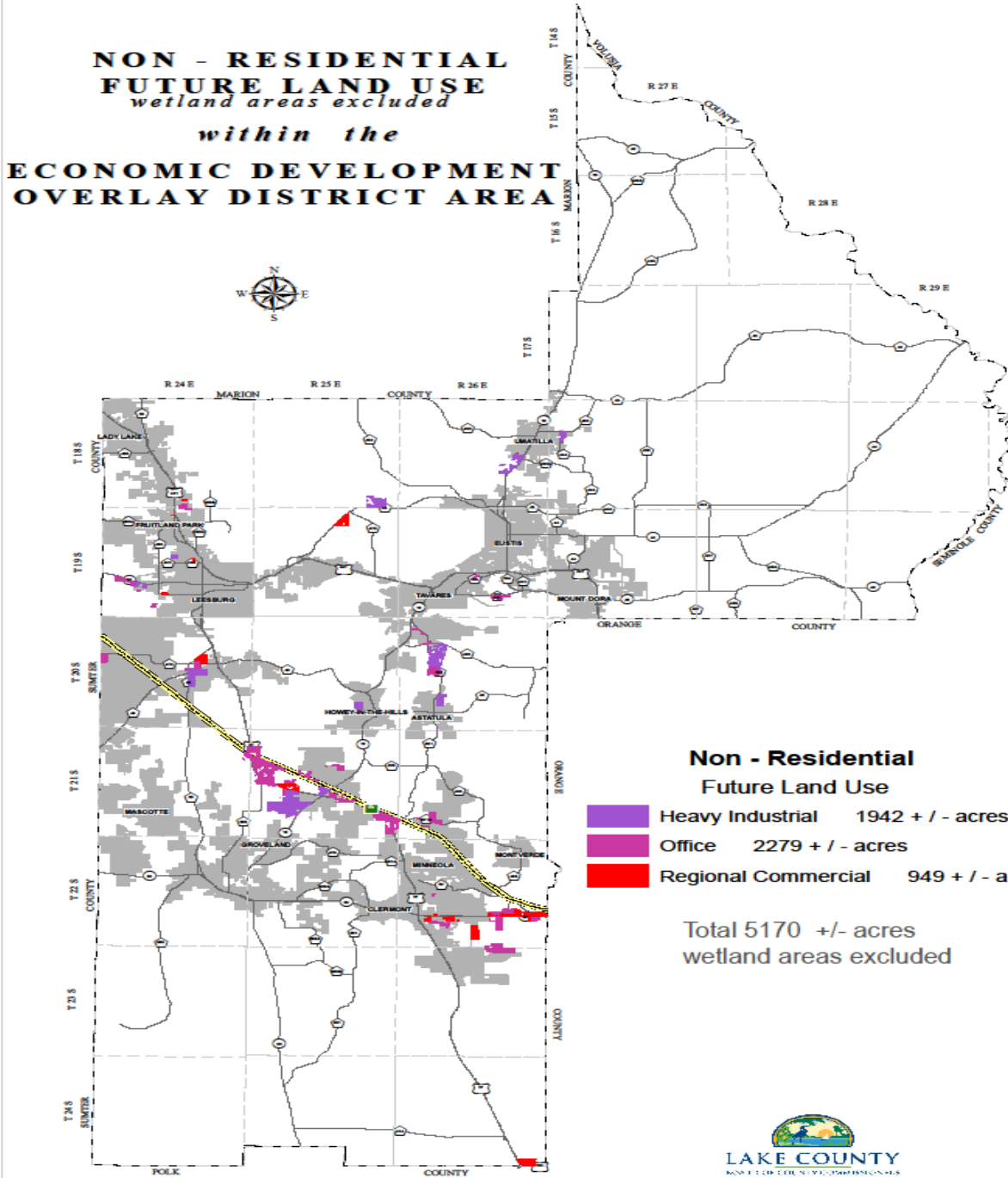
(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.
2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project or the electrical power is derived from a fuel source for renewable energy as defined in s. 366.91(2)(d).
3. Extract natural resources.
4. Produce oil.
5. Construct, maintain, or operate an oil, petroleum, or sewage pipeline.

History.—s. 148, ch. 96-320; s. 2, ch. 97-28; s. 9, ch. 99-244; s. 221, ch. 99-245; s. 91, ch. 2000-165; s. 14, ch. 2000-317; s. 3, ch. 2003-420; s. 6, ch. 2006-55; s. 23, ch. 2007-105; s. 110, ch. 2008-4; s. 62, ch. 2010-205; s. 63, ch. 2011-139; s. 296, ch. 2011-142; s. 21, ch. 2012-205; s. 23, ch. 2013-92; s. 24, ch. 2013-205.

LAKE COUNTY FLORIDA

NON - RESIDENTIAL FUTURE LAND USE *wetland areas excluded* within the ECONOMIC DEVELOPMENT OVERLAY DISTRICT AREA



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**ORDINANCE SUMMARY
ECONOMIC DEVELOPMENT OVERLAY DISTRICT**

This Ordinance amends the 2030 Comprehensive Plan by creating an Economic Development Overlay District to allow industrial, manufacturing, and office uses within the Overlay District area, as shown on new Map 20 in the Future Land Use Map series, provided that the uses meet certain conditions, location criteria and development criteria. To qualify as an Economic Development Overlay District use, the proposed development shall create at least 25 new jobs that are at or above the Lake County average annual wage, and shall have a capital investment of at least ten million dollars, excluding acquisition or land purchase costs. Economic Development Overlay uses shall:

- Be located entirely within the Economic Development Overlay District;
- Have direct access to an arterial or collector road or rail access;
- Have central water and sewer connection available to the development, which includes private systems;
- Have adequate infrastructure available to support the proposed use; and
- Meet distance separation criteria from residential uses, if the proposed Economic Development Overlay use has off-site impacts, with such criteria to be specified in the Land Development Regulations.

In addition, development within the Overlay District shall be subject to the following development criteria:

- The maximum floor area ratio (FAR) shall be as stated in the Policy for the underlying Future Land Use Category, or the FAR shall be 0.35 if not specified in the Policy; and
- The maximum impervious surface ratio (ISR) shall be as stated in the Policy for the underlying Future Land Use Category.

The subject parcel shall be zoned planned unit development or another type of planned district, and shall meet the specific requirements of the Land Development Regulations.

The ordinance proposes to add Economic Development Overlay District uses to specific Future Land Use Categories as typical uses, and to add the Economic Development Overlay District map to the Future Land Use Map Series.

TRANSMITTAL ONLY

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING CHAPTER I, FUTURE LAND USE ELEMENT BY AMENDING POLICY I-1.3.2. ENTITLED "URBAN LOW DENSITY FUTURE LAND USE CATEGORY" TO ADD ECONOMIC DEVELOPMENT OVERLAY DISTRICT USES AS A TYPICAL USE AND TO DESIGNATE THE MAXIMUM INTENSITY FOR SUCH USES; AMENDING POLICY I-1.3.3, ENTITLED "URBAN MEDIUM DENSITY FUTURE LAND USE CATEGORY" TO ADD ECONOMIC DEVELOPMENT OVERLAY DISTRICT USES AS A TYPICAL USE AND TO DESIGNATE THE MAXIMUM

1 INTENSITY FOR SUCH USES; AMENDING POLICY I-1.3.4, ENTITLED "URBAN HIGH DENSITY FUTURE
2 LAND USE CATEGORY" TO ADD ECONOMIC DEVELOPMENT OVERLAY DISTRICT USES AS A TYPICAL
3 USE; AMENDING POLICY I-1.4.4, ENTITLED "RURAL FUTURE LAND USE CATEGORY" TO ADD
4 ECONOMIC DEVELOPMENT OVERLAY DISTRICT USES AS A TYPICAL USE AND TO DESIGNATE THE
5 MAXIMUM IMPERVIOUS SURFACE RATIO FOR SUCH USES; AMENDING POLICY I-1.4.5, ENTITLED
6 "RURAL TRANSITION FUTURE LAND USE CATEGORY" TO ADD ECONOMIC DEVELOPMENT
7 OVERLAY DISTRICT USES AS A TYPICAL USE AND TO DESIGNATE THE MAXIMUM IMPERVIOUS
8 SURFACE RATIO FOR SUCH USES; CREATING OBJECTIVE I-6.5, TO BE ENTITLED, "ECONOMIC
9 DEVELOPMENT OVERLAY DISTRICT", AND SUBSEQUENT AND ASSOCIATED POLICIES TO SPECIFY
10 THE QUALIFYING CRITERIA, LOCATION CRITERIA AND DEVELOPMENT REQUIREMENTS FOR USES
11 WITHIN THE ECONOMIC DEVELOPMENT OVERLAY DISTRICT; AMENDING THE FUTURE LAND USE
12 MAP SERIES BY DESIGNATING THE ECONOMIC DEVELOPMENT DISTRICT OVERLAY MAP AS FUTURE
13 LAND USE MAP SERIES NUMBER 20; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION
14 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH
15 THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

16
17 **WHEREAS**, in February 2008, the Lake County Board of County Commissioners adopted an
18 economic strategic plan entitled, "Building Bridges for Development in Lake County"; and

19 **WHEREAS**, on September 22, 2011, the 2030 Comprehensive Plan became effective, and
20 includes a Future Land Use Element and a Future Land Use Map, both of which delineate land use patterns
21 to direct orderly and compact growth and development to urban areas where public facilities and services
22 are presently in place or planned; and

23 **WHEREAS**, the Economic Element of the 2030 Comprehensive Plan is based on the 2008 economic
24 development strategic plan, which encourages organization and collaboration with regional allies while
25 focusing on industry/innovation, talent, and quality of place with the overarching goal of attaining a
26 diversified, stable and sustainable economy for Lake County; and

27 **WHEREAS**, pursuant to Goal IV-1 of the Comprehensive Plan, Lake County's economic
28 development success hinges on sustained efforts leading to long-term opportunities that will diversify Lake
29 County's tax base and encourage high-wage employment opportunities in the County; and

30 **WHEREAS**, the Board of County Commissioners desire to expand the limited areas throughout the
31 County where industrial, manufacturing, and office uses can be developed by creating an Economic
32 Development Overlay District, while ensuring that all proposed development within the Overlay District is
33 consistent with the overall goal to balance economic development with sound land management practices;
34 and

35 **WHEREAS**, on the 27th day of November, 2013, this Ordinance was heard at the public hearing
36 before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

37 **WHEREAS**, on the 17th day of December, 2013, this Ordinance was heard at the public hearing
38 before the Lake County Board of County Commissioners for transmittal to the Department of Economic
39 Opportunity in its capacity as the State Land Planning Agency; and

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

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

44
45 **SECTION 1. Recitals.** The foregoing recitals are true and correct and incorporated herein by
46 reference.

47
48 **SECTION 2. Comprehensive Plan Future Land Use Element Text Amendment.** The 2030
49 Comprehensive Plan Future Land Use Element is amended as follows to create an Economic Development
50 Overlay District with supporting objective and policies, and to amend specific Future Land Use Categories
51 to include the Economic Development Overlay uses as typical uses and designate the maximum intensity
52 and impervious surface ratios within the Future Land Use Categories:
53
54

CHAPTER I, FUTURE LAND USE ELEMENT

Policy I-1.3.2 Urban Low Density Future Land Use Category

The Urban Low Density Future Land Use Category provides for a range of residential development at a maximum density of four (4) dwelling units per net buildable acre in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use, unless permitted as an Economic Development Overlay District use.

This category shall be located on or in proximity to collector or arterial roadways to minimize traffic on local streets and provide convenient access to transit facilities.

Within this category any residential development in excess of 10 dwelling units shall be required to provide a minimum 25% of the net buildable area of the entire site as common open space.

The maximum intensity in this category shall be 0.25, except for civic uses and Economic Development Overlay District uses, which shall be 0.35. The maximum Impervious Surface Ratio shall be 0.60.

TYPICAL USES INCLUDE:

- Residential;
- Nursing and personal care facilities;
- Civic uses;
- Residential professional offices;
- Passive parks;
- Religious organizations;
- Day care services;
- Schools;
- Commerce uses, including: services, retail trade, finance, insurance and real estate as allowed pursuant to Policy I-1.3.10 Commercial Activities within the Urban Future Land Use Series; ~~and~~
- Public order and safety; and
- Economic Development Overlay District Uses for properties included within the Economic Development Overlay District (Map 20, Future Land Use Map Series), and subject to Objective I-6.5.

TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- Active parks and recreation facilities;
- Light industrial such as manufacturing, wholesale trade, transportation, communications, electric, gas and sanitary services shall require a conditional use permit, unless the proposed use is permitted as an Economic Development Overlay District use. Light industrial conditional use activities are limited to those without off-site impacts and that takes place primarily within an enclosed building;
- Animal specialty services;
- Mining and resource extraction;
- Hospitals; and
- Utilities.

Policy I-1.3.3 Urban Medium Density Future Land Use Category

The Urban Medium Density Future Land Use Category provides for a range of residential development at a maximum density of seven (7) dwelling units per one (1) net buildable acre, in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light

1 industrial uses may only be allowed as a conditional use, unless permitted as an Economic Development
2 Overlay District use.

3 This category shall be located on or in close proximity to major collectors and arterial roadways to
4 minimize traffic on local and minor collector roadways and to provide convenient access to transit facilities.

5 This category may serve as an effective transition between more intense and less intense urban land uses.

6 Within this category any residential development in excess of 10 dwelling units shall be required to
7 provide a minimum 20% of the net buildable area of the entire site as common open space. The maximum
8 intensity in this category shall be 0.35, except for civic uses and Economic Development Overlay District
9 uses, which shall be 0.50. The maximum Impervious Surface Ratio shall be 0.70.

10 TYPICAL USES INCLUDE:

- 11 • Residential;
- 12 • rooming and boarding houses;
- 13 • Nursing and personal care facilities;
- 14 • Civic uses;
- 15 • Passive parks;
- 16 • Schools;
- 17 • Religious organizations;
- 18 • Day care services;
- 19 • Office uses;
- 20 • Commerce uses, including: Services and Retail trade as allowed pursuant to Policy I-1.3.10
- 21 commercial activities within the urban future land use series; ~~and~~
- 22 • Public order and safety; and
- 23 • Economic Development Overlay District Uses for properties included within the Economic
- 24 Development Overlay District Map (Map 20, Future Land Use Map Series), and subject to
- 25 Objective I-6.5.

26 TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- 27 • Active parks and recreation facilities;
- 28 • Light industrial such as Manufacturing, Wholesale Trade, Transportation, Communications, Electric,
- 29 Gas and Sanitary Services shall require a conditional use permit, unless the proposed use is
- 30 permitted as an Economic Development Overlay District use. Light industrial conditional use
- 31 Aactivities are limited to those without off-site impacts and that takes place primarily within an
- 32 enclosed building;
- 33 • Animal specialty services;
- 34 • Mining and resource extraction;
- 35 • Hospitals; and
- 36 • Utilities.

37
38
39 **Policy I-1.3.4 Urban High Density Future Land Use Category**

40 The Urban High Density Future Land Use Category provides for a range of residential development at a
41 minimum density of four (4) dwelling units and a maximum density of twelve (12) dwelling units per net
42 buildable acre, in addition to civic, commercial, and office uses at an appropriate scale and intensity to
43 serve this category. Limited light industrial uses may only be allowed as a conditional use, unless permitted
44 as an Economic Development Overlay District use.

45 This category shall be located adjacent to major collectors and arterial roadways to minimize traffic on
46 local and minor collector roadways and to provide convenient access to transit facilities. This category shall
47 be restricted to urban core areas that are substantially surrounded by and adjacent to one or more
48 municipalities and likely to be annexed within the planning horizon.

1 Within this category, any residential development in excess of 10 dwelling units shall be required to
2 provide a minimum 15% of the net buildable area of the entire site as common open space. The maximum
3 intensity in this category shall be 2.0. The maximum Impervious Surface Ratio shall be 0.80.

4 TYPICAL USES INCLUDE:

- 5 • Residential;
- 6 • Rooming and Boarding houses;
- 7 • Nursing and personal care facilities;
- 8 • Hotels and other lodging places;
- 9 • Civic uses;
- 10 • Passive parks;
- 11 • Schools;
- 12 • Religious organizations;
- 13 • Day care services;
- 14 • Office uses;
- 15 • Commerce uses, including: Services and retail trade as allowed pursuant to Policy I-1.3.10
16 Commercial Activities within the Urban Future Land Use Series; ~~and~~
- 17 • Public order and safety; and
- 18 • Economic Development Overlay District Uses for properties included within the Economic
19 Development Overlay District (Map 20, Future Land Use Map Series), and subject to Objective I-
20 6.5.

21
22 TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- 23 • Active parks and recreation facilities;
- 24 • Light industrial such as Manufacturing, Wholesale Trade, Transportation, Communications, Electric,
25 Gas and Sanitary Services shall require a conditional use permit, unless the proposed use is
26 permitted as an Economic Development Overlay District use. Light industrial conditional use
27 Activities are limited to those without off-site impacts and that takes place primarily within an
28 enclosed building;
- 29 • Hospitals, including a heliport;
- 30 • Nursing and personal care facilities;
- 31 • Mining and Resource Extraction; and
- 32 • Utilities.

33
34 ***

35 **Policy I-1.4.4 Rural Future Land Use Category**

36 The Rural Future Land Use Category is intended to protect rural lifestyles represented by single-family
37 homes on large lots and to accommodate agricultural pursuits.

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

41 New development shall not utilize regional water and wastewater utilities in this category, except when
42 the absence of such facilities would result in a threat to public health or the environment. An extension of
43 central services for either reason shall not justify an increase in density or intensity on the site being served,
44 or any property adjoining the extended utility or lines.

45 The maximum Impervious Surface Ratio within this category shall be 0.20, except for agricultural uses, civic
46 uses, recreational uses, and all uses within Rural Support Corridors, for which the maximum impervious
47 surface ratio shall be 0.30, and Economic Development Overlay District uses, for which the maximum
48 impervious surface ratio shall be 0.50.

1 TYPICAL USES INCLUDE:

- 2 • Agriculture and forestry;
- 3 • Residential;
- 4 • Passive parks;
- 5 • Equestrian related uses;
- 6 • K-12 schools;
- 7 • Religious organizations;
- 8 • Green Energy facility; ~~and~~
- 9 • Rural Support Uses as provided for in this Comprehensive Plan; ~~and~~
- 10 • Economic Development Overlay District Uses for properties included within the Economic
- 11 Development Overlay District (Map 20, Future Land Use Map Series), and subject to Objective I-
- 12 6.5.
- 13

14 TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- 15 • Mining and Resource Extraction;
- 16 • Active parks and recreation facilities;
- 17 • Nursing and personal care facilities;
- 18 • Day care services;
- 19 • Outdoor Sports and recreation clubs;
- 20 • Civic uses;
- 21 • Animal specialty services;
- 22 • Unpaved airstrips;
- 23 • Public order and safety;
- 24 • Ports and Marinas, and
- 25 • Renewable Energy Production Facility.
- 26
- 27

28
29 **Policy I-1.4.5 Rural Transition Future Land Use Category**

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

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

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

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

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

3 The maximum Impervious Surface Ratio within this category shall be 0.30, except for agricultural, civic,
4 [Economic Development Overlay District](#) and recreational uses which shall be 0.50.

5 TYPICAL USES INCLUDE:

- 6 • Agriculture and forestry;
- 7 • Residential;
- 8 • Passive parks;
- 9 • Equestrian related uses;
- 10 • K-12 schools;
- 11 • Religious organizations; ~~and~~
- 12 • Rural Support uses as provided for in this Comprehensive Plan; ~~and~~
- 13 • [Economic Development Overlay District Uses for properties included within the Economic](#)
14 [Development Overlay District \(Map 20, Future Land Use Map Series\), and subject to Objective I-](#)
15 [6.5.](#)

16 TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- 17 • Mining and Resource Extraction;
- 18 • Active parks and recreation facilities;
- 19 • Nursing and personal care facilities;
- 20 • Daycare services;
- 21 • Outdoor Sports and recreation clubs;
- 22 • Civic uses;
- 23 • Animal specialty services;
- 24 • Unpaved airstrips;
- 25 • Public order and safety;
- 26 • Utilities; and
- 27 • Ports and Marinas

28 ***

30 **[OBJECTIVE I-6.5 ECONOMIC DEVELOPMENT OVERLAY DISTRICT](#)**

31 [Lake County recognizes that expedited approvals may be necessary to attract and encourage targeted](#)
32 [industries projects that positively contribute to its economic base, while maximizing resources and](#)
33 [minimizing adverse public facility impacts. Employment and economic opportunity have an intrinsic](#)
34 [relationship in the creation of a highly competitive economy. Lake County wishes to provide an economic](#)
35 [environment in Lake County that would allow rapid availability of developable land in appropriate](#)
36 [locations for targeted industries, and hereby creates the Economic Development Overlay District depicted](#)
37 [in Map 20, Future Land Use Map Series, to permit industrial, manufacturing and office projects that meet](#)
38 [all of the criteria specified herein within areas subject to the Overlay District. Approval of targeted](#)
39 [industry projects within the Economic Development Overlay District shall be based on the demonstration of](#)
40 [efficient land use, resource protection and innovative planning techniques. Within 12-months of the](#)
41 [effective date of this new objective and associated policy, Land Development Regulations shall be](#)
42 [adopted to establish development standards for Economic Development Overlay District uses. These new](#)
43 [Land Development Regulations shall be consistent with the Economic Development Overlay District objective](#)
44 [and supporting policies. All property developed under this objective shall utilize planned unit](#)
45 [development or other planned district zoning to ensure that, if necessary, conditions can be placed on the](#)
46 [proposed development to mitigate off-site impacts to the maximum extent possible.](#)
47

1 **Policy I-6.5.1 Qualifying Criteria for Uses within the Economic Development Overlay District.**

2 Proposed industrial, manufacturing and office development shall meet at least one of the following
3 qualifying criteria to be considered a permissible use within the Economic Development Overlay District:

- 4 1. The project creates at least twenty five (25) new jobs that are at or above the Lake County average
5 annual wage, as published by the Department of Economic Opportunity, and the project has a capital
6 investment of at least ten million dollars (\$10,000,000.00) in new construction or renovations. This
7 shall not include acquisition costs for an existing facility or vacant land; or
- 8 2. The project qualifies for State Incentive Funding through Enterprise Florida.

9 **Policy I-6.5.2 Location Criteria for Uses within the Economic Development Overlay District.**

10 Industrial, manufacturing, and office development within the Economic Development Overlay District shall
11 be subject to the following location criteria:

- 12 1. The project area shall be located entirely within the Economic Development Overlay District as shown
13 on Map 20, Future Land Use Map Series;
- 14 2. The parcel shall have roadway access to an arterial road, collector road or rail access;
- 15 3. Central water and sewer connection shall be available and utilized, which may include private utilities;
- 16 4. Adequate infrastructure such as, but not limited to, telecommunications, energy, and fiber optics shall
17 be available to support the proposed use; and
- 18 5. The project area shall meet Land Development Regulations setback distances for land use separation
19 to minimize impacts to adjacent residential uses.

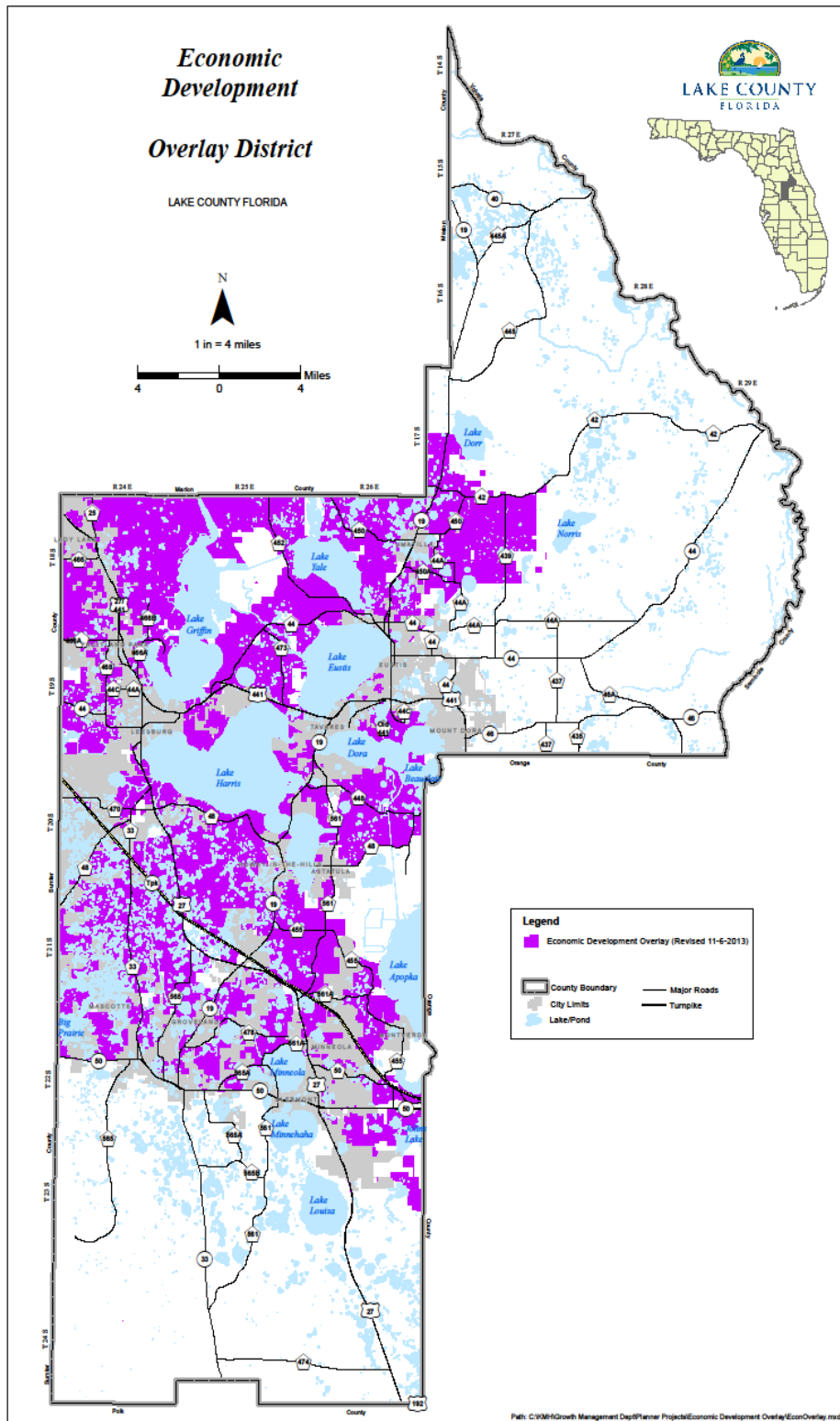
20 **Policy I-6.5.3 Development Requirements for Uses within the Economic Development Overlay District.**

21 Industrial, manufacturing, and office development within the Economic Development Overlay District shall
22 be subject to the following development criteria:

- 23
- 24 1. The maximum floor area ratio (FAR) shall be as stated in the Policy for the underlying Future Land Use
25 Category, or the FAR shall be 0.35 if not specified in the Policy; and
- 26 2. The maximum impervious surface ratio (ISR) shall be as stated in the Policy for the underlying Future
27 Land Use Category; and
- 28 3. Proposed uses within the Economic Development Overlay District shall only be permitted upon
29 approval of a rezoning of the underlying property to Planned Unit Development (PUD), Planned
30 Commercial (CP) District, or Planned Industrial (MP) District pursuant to the Land Development
31 Regulations.

1

Exhibit #1



2