

**LAKE COUNTY OFFICE OF PLANNING AND ZONING  
COMPREHENSIVE PLAN AMENDMENT STAFF REPORT**

<b>PLANNING AND ZONING BOARD</b>	 <b>LAKE COUNTY</b> FLORIDA	BOARD OF COUNTY COMMISSIONERS
<b>February 7, 2018</b>		February 27, 2018 (Transmittal)

<b>CP-18-01</b>	<b>Case Manager:</b>	<b>Agenda Item</b>
Amend the Comprehensive Plan by deleting the definition of open space and establishing Policy I-1.2.11, Open Space, to provide a revised definition of Open Space to allow 20% of the required Open Space to be utilized for Wellness Space which is defined in the proposed policy.	Michele Janiszewski, Chief Planner	#3

<b>Case Information</b>	
<b>Applicant:</b>	Lake County Government (Staff Initiated)
<b>Type:</b>	Comprehensive Plan Text Amendment
<b>Creation or Revision:</b>	Revision
<b>Description:</b>	Establish Lake County 2030 Comprehensive Plan Policy I-1.2.11, Open Space, to provide a revised definition of Open Space to allow 20% of the required Open Space to be utilized for Wellness Space which is defined in the policy as includes land area utilized for active/passive recreation area for the community such as bike paths, sports fields, playground equipment, and golf courses, land area open to public access and gathering places, such as parks, piazzas, plazas and urban squares.

<b>Summary of Staff Recommendation</b>
Staff recommends <b>APPROVAL</b> of the proposed text amendment to the Lake County 2030 Comprehensive Plan to establish Policy I-1.2.11 entitled 'Open Space', to provide a revised definition of Open Space to encourage 20% of the required Open Space to be utilized for Wellness Space, which is defined in the proposed policy, and revise the current definition of open space to refer to the proposed policy.
<b>Planning and Zoning Board Recommendation:</b>
<b>Board of County Commissioners Transmittal:</b>

### **-Summary of Analysis-**

On May 25, 2010, the Board of County Commissioners adopted Ordinance 2010-25 which included the Lake County 2030 Comprehensive Plan. The 2030 Comprehensive Plan became effective September 22, 2011.

The 2030 Comprehensive Plan established open space requirements for each future land use category in order to promote the conservation and preservation of Lake County's natural resources. Open Space is currently defined as:

*Land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of buildable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights of way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas if enhanced as amenities utilizing native vegetation. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net buildable area of a parcel, which is defined as the total area of a parcel less wetlands and water bodies. Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement.*

In order to promote recreation and healthy living and to encourage health and wellness community development, staff is recommending revising the Open Space definition to include limited active recreation uses and community gathering areas. To accommodate these uses without undermining the intent of open space, staff has drafted a new definition which allows up to 20% of the open space requirement to be satisfied utilizing 'Wellness Space.' The proposed policy describes Wellness Space as active recreational uses and public gathering places. The proposed policy also limits the impervious surface ratio of the Wellness Space to 10%. The proposed policy is as follows:

#### *Policy I-1.2.11 Open Space*

*Within a development site, the County shall require that a minimum quantity of buildable area remain preserved, which shall represent the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net buildable area of a parcel, which is defined as the total area of a parcel less wetlands and water bodies. Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights of way, and parking lots.*

*The Open Space requirement, as determined by the Future Land Use Category, may consist of Wellness Space and Green Space, with each type allowing different uses. Wellness Space is not required but is encouraged. No more than 20% of the open space requirement shall be satisfied using Wellness Space.*

*Wellness Space includes land area utilized for active/passive recreation area for the community such as bike paths, sports fields, playground equipment, and golf courses. Wellness Space may also include land*

*area open to public access and gathering places, such as parks, piazzas, plazas and urban squares. Wellness Space is limited to 10% impervious surface ratio.*

*Green Space includes land areas for the purpose of protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, or protection of vegetative communities or wildlife habitat and shall include land preserved for conservation purposes. Green Space should be maintained in such a way to encourage the proliferation of native flora and fauna. Green Space may include permeable stormwater management areas if enhanced as amenities utilizing native vegetation. Golf courses shall not be credited as Green Space except for the areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application. Active recreation is prohibited in Green Space; passive recreation is allowed in Green Space.*

### **- 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 Goal I-1, *Purpose of the Future Land Use Element*, which states that the Future Land Use Element is intended to promote the conservation and preservation of Lake County's natural and cultural resources; promote the use of clustering to create large contiguous expanses of common open space and the protection of natural resources; and protect the public health, safety and welfare.

Redefining Open Space will not decrease the amount of open space required for each future land use category, it will only slightly expand the permitted uses that can take place in within Open Space. Currently, only passive recreation is allowed within Open Space Areas. Passive recreation is defined as:

Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, wildlife appreciation and picnicking. Passive recreation involves existing natural resources and has a minimal impact which can be carried out with little alteration or disruption to the area in which they are performed.

The definition proposed for open space allows up to 20% of the open space to be used for Wellness Space. Wellness Space includes land area open to public access, gathering places, and land for activity-based recreation, such as parks, piazzas, plazas and urban squares. In addition to public gathering areas, Wellness Space allows passive and active recreational uses. Active Recreation is defined as:

Recreational activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes but is not limited to swimming, tennis, and other court games, baseball and other field sports, golf and playground activities; generally involves constructed facilities and organized activities.

Allowing a portion of the open space requirement to be satisfied by areas developed with public gathering areas and active recreational uses will encourage these uses which will further the goals outlined in Comprehensive Plan Goal I-1, *Purpose of the Future Land Use Element*.

Lake County Comprehensive Plan Chapter VII, *Parks and Recreational Element*, states that “The primary focus of this element is to enhance existing parks, recreation, and open space opportunities for all Lake County citizens and visitors.” Goal VII-1, *Recreation*, states that “Lake County shall facilitate the development and management of parks and facilities for a recreation system that includes environmental lands, trails, and other recreational opportunities that meets the diverse needs of a growing community.” Objective VII-1.4 *Facility Development*, states that “Lake County will facilitate the development of a well-balanced system of community and regional facilities that include active and resource based recreational opportunities to meet a variety of needs for individuals as well as groups.” Policy VIII-1.4.5, *Land for Activity-based Recreation*, states that “Lake County shall incorporate provisions within its Code, which require new residential development to provide recreation space consistent with the Concurrency Management System. The provision of land for activity-based recreation shall be in addition to the area required for open space.” Expanding the permitted uses within Open Space areas to include active recreation and public gathering areas will encourage these uses which is consistent with the goals of the Recreation Element 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 creating any additional conflicts with the Land Development Regulations (LDR). The current definition and criteria for Open Space in the LDR were not updated with the adoption of the 2030 Comprehensive Plan. As such, revising the open space definition in the Comprehensive Plan would not make the LDR any more inconsistent with the Comprehensive Plan than it already is. Any existing inconsistency will be addressed as the LDR are rewritten by Staff.

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

This amendment will not alter the amount of open space required by the future land use categories, it will only expand the permitted uses within Open Space areas. This will allow a small portion of the required open space to be used for active recreation and public gathering places.

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

On May 25, 2010, Lake County adopted the 2030 Comprehensive Plan, which included the current definition of Open Space. Since its adoption, there has been a desire to expand the uses permitted within open space areas to include active recreation and public gathering areas. To ensure the intent of providing Open Space is met, the impervious surface ratio for these uses are limited to 10%.

**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. The proposed amendment pertains to the open space definition for future developments.

**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 need to adhere to the policies contained within the Comprehensive Plan and the Land Development Regulations.

**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 additional uses within the required open space areas. There are proposed changes to the amount of required open space so there would still be an orderly and logical development pattern.

**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 the proposed text amendment to the Lake County 2030 Comprehensive Plan and found:

1. The proposed amendment is consistent with Comprehensive Plan Goal I-1, *Purpose of the Future Land Use Element*, since it promotes the conservation and preservation of Lake County's natural and cultural resources; promotes the use of clustering to create large contiguous expanses of common open space and the protection of natural resources; and protects the public health, safety and welfare; and
2. The proposed amendment is consistent with Comprehensive Plan Goal VII-1, *Recreation*, which states that Lake County shall facilitate the development and management of parks and facilities for a recreation system that includes environmental lands, trails, and other recreational opportunities that meet the diverse needs of a growing community; and
3. The proposed amendment is not creating any additional conflicts with the Land Development Regulations.

Based on these findings of fact, staff recommends **APPROVAL** of the proposed text amendment to the Lake County 2030 Comprehensive Plan to establish Policy I-1.2.11 entitled 'Open Space', to provide a revised definition of Open Space to encourage 20% of the required Open Space to be utilized for Wellness Space, which is defined in the proposed policy, and revise the current definition of open space to refer to the proposed policy.

**Case Manager:** Michele Janiszewski, Chief Planner

**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Questions: -0-**

**Opposition: -0-**

**ORDINANCE 2018-XX  
CP-17-010  
Open Space Definition**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; ESTABLISHING POLICY I-1.2.11 ENTITLED 'OPEN SPACE;' AMENDING THE DEFINITION OF OPEN SPACE;' PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County Commissioners of Lake County to "[p]repare and enforce comprehensive plans for the development of the county"; and

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

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

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

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

**WHEREAS**, on the 7<sup>th</sup> day of February 2018, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

**WHEREAS**, on the 27<sup>th</sup> day of February 2018, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for transmittal to the State of Florida Department of Economic Opportunity, Community Planning and Development Division, in its capacity as the State Land Planning Agency;

**WHEREAS**, on the XX day of XXXXX 2018, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for adoption; and

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

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

**Section 1. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land Use Element, Objective I-1.1, is amended to add a new Policy I-1.2.11 Open Space Defined entitled "Open Space Definition" stating as follows:

**Policy I-1.2.11 Open Space**

Within a development site, the County shall require that a minimum quantity of buildable area remain preserved, which shall represent the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net buildable area of a parcel, which is defined as the total area of a parcel less wetlands and water bodies. Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights of way, and parking lots.

The Open Space requirement, as determined by the Future Land Use Category, may consist of Wellness Space and Green Space, with each type allowing different uses. Wellness Space is not required but is encouraged. No more than 20% of the open space requirement shall be satisfied using Wellness Space.

Wellness Space includes land area utilized for active/passive recreation area, and land for activity-based recreation for the community such as bike paths, sports fields, playground equipment, and golf courses. Wellness Space may also include land area open to public access and gathering places, such as parks, plazas and urban squares. Wellness Space is limited to 10% impervious surface ratio.

Green Space includes land areas for the purpose of protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, or protection of vegetative communities or wildlife habitat and shall include land preserved for conservation purposes. Green Space should be maintained in such a way to encourage the proliferation of native flora and fauna. Green Space may include permeable stormwater management areas if enhanced as amenities utilizing native vegetation. Golf courses shall not be credited as Green Space except for the areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application. Green space exclude impervious surfaces. Green Space may include vegetated green (sod or turf), mulched, and landscaped areas within right-of-ways and landscaped islands within parking lots. Active recreation is prohibited in Green Space; passive recreation is allowed in Green Space.

**Section 2. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Chapter X, Definitions, is amended to read as follows:

<i>Open Space</i>	<p><del>Land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of buildable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights of way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas if enhanced as amenities utilizing native vegetation. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net buildable area of a parcel, which is defined as the total area of a parcel less wetlands and water bodies. Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement.</del></p> <p><u>Open Space is defined in Policy I-1.2.11.</u></p>
-------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**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, the holding will 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 thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment will 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 will be sent to the state land planning agency.

ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2018.

FILED with the Secretary of State \_\_\_\_\_, 2018.

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



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

