

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

PLANNING AND ZONING BOARD	 LAKE COUNTY FLORIDA	BOARD OF COUNTY COMMISSIONERS
March 7, 2018		March 27, 2018 (Transmittal)

CP-18-02 EAR Updates Text amendments to the Lake County 2030 Comprehensive Plan to ensure consistency with current Florida law.	Case Manager: Michele Janiszewski, Chief Planer	Agenda Item #7
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Case Information	
Applicant:	Lake County Government (Staff Initiated)
Type:	Comprehensive Plan Text Amendment
Creation or Revision:	Revisions
Description:	Amend Lake County 2030 Comprehensive Plan to provide consistency with current Florida law.

Summary of Staff Recommendation
Staff recommends APPROVAL of the proposed changes to the Lake County 2030 Comprehensive Plan to provide consistency with Florida law.
Planning and Zoning Board Recommendation:
Board of County Commissioners Transmittal:

-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.

Section 163.3191, Florida Statutes, requires each local government to complete an evaluation and appraisal of changes to state growth management laws to determine if the local comprehensive plan must be updated to remain in compliance with state law. Lake County's evaluation and appraisal of our 2030 Comprehensive Plan was acknowledged as received by the Florida Department of Economic Opportunity on April 25, 2017. By April 21, 2018, the County must transmit the associated amendments based on the findings of the report. The chart below details the proposed revisions to the Comprehensive Plan.

Section	Summary of Proposed Change
1.	Delete reference to Rule 9J-5.006 which was repealed from the Florida Administrative Code
2.	Delete reference to Rule 9J-5.006 which was repealed from the Florida Administrative Code
3.	Renames Department of Community Affairs to Department of Economic Opportunity
4.	Renames Department of Community Affairs to Department of Economic Opportunity
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11.	Renames Department of Community Affairs to Department of Economic Opportunity
12.	Renames Department of Community Affairs to Department of Economic Opportunity
13.	Removes references to the requirements of Chapter 163, Florida Statutes and 9J-5, Florida Administrative Code. Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction. Lake County will continue to require concurrency review for roadways, sanitary sewer, stormwater, potable water, solid waste, public schools, and parks and recreation facilities.
14.	Deletes reference to 9J-5, Florida Administrative Code.
15.	Renames Department of Community Affairs to Department of Economic Opportunity
16.	Renames Department of Community Affairs to Department of Economic Opportunity
17.	Renames Department of Community Affairs to Department of Economic Opportunity
18.	Retitles Policy VIII-1.4.3 from 'Transportation Concurrency Exception Areas and Management Areas' to 'Transportation Concurrency Exemptions' and revises the policy to include language exempting projects that promote public transportation from transportation concurrency.
19.	Deletes reference to the repealed 9J-5, Florida Administrative Code
20.	Deletes 'FDCA,' which stands for Florida Department of Community Affairs, from the list of acronyms. There are no references to FDCA within the Comprehensive Plan.
21.	Renames "Local Comprehensive Community Planning and Land Development Regulation Act" to "Community Planning Act."

Case Manager: Michele Janiszewski, Chief Planner

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

ORDINANCE 2018-XX
CP-18-02
Evaluation and Appraisal Report Updates

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,
2 FLORIDA; AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING
3 POLICY I-1.1.3 ENTITLED 'DIRECT ORDERLY, COMPACT GROWTH;' AMENDING OBJECTIVE
4 I-1.2 ENTITLED 'FUTURE LAND USE;' AMENDING POLICY I-3.3.12 ENTITLED
5 'AGRICULTURAL USES;' AMENDING POLICY I-3.3.13 ENTITLED 'SILVICULTURE IN WEKIVA
6 RIVER PROTECTION AREA;' AMENDING POLICY I-4.1.4 ENTITLED 'PRINCIPLES FOR
7 GUIDING DEVELOPMENT WITHIN THE GREEN SWAMP AREA OF CRITICAL STATE
8 CONCERN;' AMENDING POLICY I-5.1.5 ENTITLED 'SUSTAINABLE AGRICULTURE;'
9 AMENDING OBJECTIVE I-1.6 ENTITLED 'SUB-AREA POLICIES;' AMENDING POLICY I-1.6.1
10 ENTITLED 'SPECIFIC LIMITATIONS ON THE CENTER LAKE PROPERTIES;' AMENDING
11 POLICY I-1.6.2 ENTITLED 'SPECIFIC LIMITATIONS ON THE CORBETT PROPERTY;'
12 AMENDING POLICY I-1.6.3 ENTITLED 'SPECIFIC LIMITATIONS ON THE HART PROPERTY;'
13 AMENDING POLICY I-6.3.5 ENTITLED 'AGRICULTURAL USES IN THE LAKE APOPKA BASIN
14 OVERLAY DISTRICT;' AMENDING POLICY I-1.6.4 ENTITLED 'SPECIFIC LIMITATIONS ON THE
15 VRABLIK PROPERTY;' AMENDING POLICY II-1.1.2 ENTITLED 'APPLY LEVEL OF SERVICE
16 CATEGORIES TO PUBLIC FACILITIES;' AMENDING POLICY II-3.1.7 ENTITLED
17 'DETERMINATION OF CAPACITY FOR PRELIMINARY DEVELOPMENT ORDERS;' AMENDING
18 POLICY III-2.3.4 ENTITLED 'DEVELOPMENT PRACTICES IN SPRINGSHEDS;' AMENDING
19 POLICY III-2.3.9 ENTITLED 'THE USE OF BEST MANAGEMENT PRACTICES IN
20 AGRICULTURAL AND SILVICULTURE OPERATIONS TO PROTECT SPRINGSHEDS;'
21 AMENDING POLICY III-2.3.18 ENTITLED 'GOLF COURSES WITHIN SPRINGSHEDS;'
22 AMENDING POLICY VIII-1.4.3 ENTITLED 'TRANSPORTATION CONCURRENCY EXCEPTION
23 AREAS AND MANAGEMENT AREAS;' AMENDING PUBLIC SCHOOL FACILITIES SUB-
24 ELEMENT; AMENDING CHAPTER X, ENTITLED 'ACRONYMS AND DEFINITIONS;' PROVIDING
25 FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES;
26 PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

37 **WHEREAS**, on the 22nd day of September, 2011, the Lake County 2030 Comprehensive Plan
38 ("Comprehensive Plan") became effective; and

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

1 **WHEREAS**, Section 163.3191(1), Florida Statutes, requires local governments to evaluate their
2 comprehensive plan, at least once every seven (7) years, to determine if plan amendments are necessary to reflect
3 changes in state requirements in this part since the last update of the comprehensive plan; and

4 **WHEREAS**, Lake County Board of County Commissioners has determined that amendments are necessary
5 to reflect the changes in state requirements has notified the state land planning agency; and

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

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

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

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

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

16 **Section 1. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land
17 Use Element, Policy I-1.1.3 *Direct Orderly, Compact Growth*, is hereby amended as follows:

18
19 **Policy I-1.1.3 Direct Orderly, Compact Growth**

20 Land use patterns delineated on the Future Land Use Map shall direct orderly, compact growth. The County shall
21 discourage urban sprawl, ~~as defined in Rule 9J-5.006 F.A.C.~~, and direct growth and development to urban areas
22 where public facilities and services are presently in place or planned.

23
24 **Section 2. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land
25 Use Element, Objective I-1.2 Future Land Use, is hereby amended as follows:

26
27 **OBJECTIVE I-1.2 FUTURE LAND USE**

28 Lake County hereby establishes Future Land Use Categories that reflect the grouping of compatible land uses,
29 provide sufficient acreage to meet projected population growth, designate suitable land for development and
30 redevelopment, recognize existing land uses, and provide guidance in the preparation and updating of the Land
31 Development Regulations.

32
33 To implement this objective, the County shall seek to:

- 34 • Achieve an appropriate balance between public and private interests;
35 • Discourage the proliferation of urban sprawl;
36 • Provide for compatibility of adjacent land uses;
37 • Protect natural and historic resources;
38 • Coordinate future land uses with the appropriate topography and soil conditions;
39 • Encourage the redevelopment and renewal of blighted areas;
40 • Eliminate or reduce uses inconsistent with the community's character and proposed future land uses;
41 • Create favorable economic conditions;
42 • Provide adequate housing;

- 1 • Provide adequate services and facilities and ensure the availability of suitable land for such facilities;
- 2 • Maintain established residential neighborhoods;
- 3 • Promote compact growth through the use of innovative Land Development Regulations including, but
- 4 not limited to, planned unit development, clustering, Traditional Neighborhood Development, and
- 5 mixed land use development techniques;
- 6 • Preserve rural and agricultural areas;
- 7 • Protect private property rights; [and](#)
- 8 • Encourage the elimination or reduction of uses that are inconsistent with any interagency hazard
- 9 mitigation report recommendations that the County determines to be appropriate; ~~and.~~
- 10 • ~~Adopt all requirements of F.A.C. Rule 9J-5.006, as required.~~

11
12 **Section 3. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land
13 Use Element, Policy I-3.3.12 *Agricultural Uses*, is hereby amended as follows:

14
15 **Policy I-3.3.12 Agricultural Uses**

16 Recognizing agriculture as an important and necessary economic activity within Florida and Lake County, adequate
17 and appropriate land and water shall be reserved for its continuance. Agriculture, as defined by Section 570.02
18 F.S. and more specifically Section 193.461 F.S. conducted in compliance with appropriate Best Management
19 Practices (BMPs), is recognized as a legitimate and productive use of lands within the Wekiva River Protection
20 Area. Agricultural operations within the Wekiva River Protection Area that file a Notice of Intent with the Department
21 of Agriculture and Consumer Services and implement BMPs developed by the Florida Department of Agriculture
22 and Consumer Services and adopted by rule pursuant to Section 403.067, F.S., shall be considered to meet the
23 requirements of this policy. The County shall also encourage the use of the protection practices contained in the
24 publication "Protecting Florida's Springs-Land Use Planning Strategies and Best Management Practices"
25 (Department of [Economic Opportunity](#) ~~Community Affairs~~/Department of Environmental Protection, 2002) by
26 Agricultural uses.

27
28 **Section 4. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land
29 Use Element, Policy I-3.3.13 *Silviculture in Wekiva River Protection Area*, is hereby amended as follows:

30
31 **Policy I-3.3.13 Silviculture in Wekiva River Protection Area**

32 Silviculture, conducted as an agricultural operation as defined by Section 570.02 F.S. and more specifically in
33 193.461 F.S. as a bona fide agricultural operation, is recognized as a legitimate and productive use of lands within
34 the Wekiva River Protection Area. Silviculture operations, including harvesting plans, within the Wekiva River
35 Protection Area that file a Notice of Intent with the Department of Agriculture and Consumer Services and
36 implement Best Management Practices (BMPs) developed by the Florida Department of Agriculture and Consumer
37 Services and adopted by rule pursuant to Section 403.067, F.S., shall be considered to meet the requirements of
38 this policy. The County shall also encourage the use of the protection practices contained in the publication
39 "Protecting Florida's Springs - Land Use Planning Strategies and Best Management Practices" (Department of
40 [Economic Opportunity](#) ~~Community Affairs~~/Department of Environmental Protection, 2002) by Silvicultural uses.
41 Long crop rotation shall be encouraged when land within Primary Springshed Zones is used for silviculture.

42
43 **Section 5. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land
44 Use Element, Policy I-4.1.4 *Principles for Guiding Development within the Green Swamp Area of Critical State Concern*,
45 is hereby amended as follows:

1 **Policy I-4.1.4 Principles for Guiding Development within the Green Swamp Area of Critical State Concern**

2 The following shall apply to the GSACSC, in order to effectively and equitably conserve and protect its
3 environmental and economic resources; provide a land and water management system to protect resources; and
4 facilitate orderly and well planned growth. Any review and approval mechanism shall not become effective,
5 amended or modified, and no action taken under such mechanism shall be effective, until first reviewed and
6 approved by the Department of [Economic Opportunity](#) ~~Community Affairs~~, pursuant to Chapter 380, F.S.

7 Protection Objectives:

- 8 • Minimize the adverse impacts of development on resources of the Floridan Aquifer, wetlands, and flood
9 detention areas;
- 10 • Protect the normal quantity, quality, and flow of groundwater and surface water, which are necessary for
11 the protection of resources of State and regional concern.
- 12 • Protect the water available for aquifer recharge;
- 13 • Protect the functions of the Green Swamp Potentiometric High of the Floridan Aquifer;
- 14 • Protect the normal supply of ground and surface waters;
- 15 • Prevent further salt-water intrusion into the Floridan Aquifer;
- 16 • Protect or improve existing ground and surface water quality;
- 17 • Protect the water-retention, and biological filtering capabilities of wetlands;
- 18 • Protect the natural flow regime of drainage basins; and
- 19 • Protect the design capacity of flood detention areas, and the water-management objectives of these areas
20 through the maintenance of hydrologic characteristics of drainage basins.

21 Regulatory Guidelines:

- 22 1. Site Planning - The platting of land shall be permitted only when such platting commits development to a
23 pattern which will not result in the alteration of the natural surface water flow regime, and which will not
24 reduce the natural recharge rate of the platted site.
- 25 2. Site Alteration - Site Alteration shall be permitted only when such alteration will not adversely affect the
26 natural surface water flow regime, or natural recharge capabilities of the site; and when it will not cause
27 siltation of wetlands, or reduce the natural retention and filtering capabilities of wetlands. Any site alteration
28 shall adhere to Low Impact Development principles and practices and shall minimize site disturbance,
29 clearing of natural vegetation, and soil compaction.
- 30 3. All site alteration activities shall provide for water retention and settling facilities, maintain an overall site
31 runoff equivalent to the natural flow regime prior to alteration, and maintain a runoff rate which does not
32 cause erosion. No site work shall be initiated prior to the issuance of drainage/stormwater permits by
33 concerned agencies. Stormwater management systems shall be designed according to Low Impact
34 Development principles and practices over conventional systems.
 - 35 • Soils - All soils exposed as a result of site alteration or development activities shall be located and
36 stabilized in a manner to prevent erosion and the alteration of natural flow regimes.
 - 37 • Groundwater - Groundwater withdrawal shall not result in a reduction of the minimum flows and levels
38 per acre as determined by the St. John's River Water Management District or the Southwest Florida
39 Water Management District, or their successor agencies.

- 1 • Stormwater – Pre-treated Stormwater runoff shall be released into the wetlands in a manner
- 2 approximating the natural flow regime if consistent with the stormwater management ordinance.
- 3 • Industrial and Sewage Waste - Any industrial waste, sewage, or other human-induced wastes shall be
- 4 effectively treated by the latest technological advances, and shall not be allowed to discharge into
- 5 these waters unless in conformance with Florida Department of Environmental Protection rules and
- 6 regulations.
- 7 • Solid Waste - There shall be no solid waste facilities located in the GSACSC.
- 8 • Structures - Structures shall be placed in a manner that will not adversely affect the natural flow regime
- 9 and which will not reduce the recharge capabilities. Placement of structures shall be consistent with
- 10 sound floodplain management practices such as compliance with the Flood Disaster Protection Act of
- 11 1973.
- 12 4. Resource extraction within the GSACSC shall be limited to sand deposits only. Land Development
- 13 Regulations to limit the impacts of mining activities shall be adopted by the County within 12 months of the
- 14 effective date of the Comprehensive Plan.

15 All development in the GSACSC shall conform to the regulatory guidelines and objectives outlined in the Principles
16 for Guiding Development within the GSACSC.

17 **Section 6. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land
18 Use Element, Policy I-5.1.5 *Sustainable Agriculture*, is hereby amended as follows:

19
20 **Policy I-5.1.5 Sustainable Agriculture**

21 The County shall support sustainable agriculture, including silviculture, within Rural Protection Areas that is
22 compatible with the protection of natural resources. The County shall coordinate with landowners regarding the
23 implementation of Best Management Practices to protect natural features, conserve water, and limit the use of
24 fertilizers and pesticides in compliance with “Silviculture Best Management Practices” (Florida Department of
25 Agriculture and Consumer Services, Division of Forestry) and “Protecting Florida’s Springs-Land Use Planning
26 Strategies and Best Management Practices” (Department of [Economic Opportunity](#) ~~Community Affairs~~/Department
27 of Environmental Protection, 2002). Within twelve (12) months following the adoption of this Comprehensive Plan,
28 the County shall evaluate the use of agricultural easements to support sustainable agriculture compatible with the
29 protection of natural resources.

30
31 **Section 7. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land
32 Use Element, Objective I-1.6: *Sub-Area Policies*, is hereby amended as follows:

33
34 **OBJECTIVE I-1.6: SUB-AREA POLICIES. Coordinate Land Use with the Elements of the Comprehensive**
35 **Plan through Future Land Use Element Sub-Area Policies Applicable to a Specific Geographic Area**

36 These sub-area policies identify Future Land Use Map amendments for parcels based upon data and analysis that
37 assumes a development potential less than the maximum development potential allowed by the future land use
38 category. A sub-area policy for the amendment parcel may be appropriate in order to establish the land use,
39 development potential and facilities necessary that are supported by data and analysis. If a sub-area policy adopts
40 a document verbatim or by reference, a plan amendment is required to change the content or language of that
41 portion of the document that is contained in the adopted sub-area policy. Settlement Agreements with the Florida
42 Department of [Economic Opportunity](#) ~~Community Affairs~~ and the Florida Division of Administrative Hearings shall
43 be incorporated herein, as needed.

44
45 **Section 8. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land

1 Use Element, Policy I-1.6.1 *Specific Limitations on the Center Lake Properties*, is hereby amended as follows:

2
3 **Policy I-1.6.1 Specific Limitations on the Center Lake Properties**

4 The Future Land Use Map designation on the subject property (Center Lake Properties, LTD, Lake County Property
5 Appraiser Alternate Key Numbers 3809254, 3809251, 1724813, and 2873752), totaling about 122 acres, shall be
6 Urban Low Density (four dwelling units per one acre-4 du/net ac). Development shall meet the requirements of all
7 applicable goals, objectives, and policies of the Comprehensive Plan; however, the land use and development
8 potential is hereby further limited by Ordinance 2007-58, resulting from a Settlement Agreement with the Florida
9 Department of [Economic Opportunity](#) ~~Community Affairs~~, as follows:

- 10 1. Residential development shall not exceed one hundred twenty-five (125) residential dwelling units.
- 11 2. This parcel shall be provided central potable water by the Town of Montverde and individual potable water
12 wells shall be prohibited.
- 13 3. Wastewater treatment shall be provided by the developer via an on-site wastewater package plant and
14 individual septic systems shall be prohibited. If an onsite wastewater system is utilized it shall be an interim
15 system and its use shall terminate upon the availability of a regional system. If an onsite wastewater system
16 is utilized, there shall be a notation on the plat specifying that if and when regional wastewater service is
17 available to the property, a homeowners' association to be created by the developer shall be responsible
18 for converting from the interim system to the regional system and may levy assessment in order to perform
19 its obligations hereunder.

20
21 **Section 9. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future Land
22 Use Element, Policy I-1.6.2 *Specific Limitations on the Corbett Property*, is hereby amended as follows:

23
24 **Policy I-1.6.2 Specific Limitations on the Corbett Property**

25 In order to resolve all outstanding issues raised by the Department of [Economic Opportunity](#) ~~Community Affairs~~ in
26 the Statement of Intent to Find Comprehensive Plan Amendments Not In Compliance, dated February 18, 2005,
27 as to Ordinance 2004-68 (Corbett parcel) and all issues related to that portion of the Amendment Cycle which have
28 been raised in DOAH Case No. 05-000954GM, Lake County is undertaking remedial measures as per Ordinance
29 2008-46.

30 The Future Land Use Map designation of the following three parcels, totaling about 18 acres, shall be Urban Low
31 Density (four dwelling units per one acre, 4 du/net ac) and Community Commercial Center Overlay. The parcels
32 are:

- 33 • Alternate Key no. 3704690 (parcel no. 07-21-25-000200002000 further described as the W 1/2 of Govt.
34 Lot 2, in S7, T21S, R25E, lying E of US Hwy 27 & lying N of Turnpike); and
- 35 • Alternate Key no. 3869416 (parcel no. 07-21-25-000200002300 further described as the W 1/2 of Govt
36 Lot 2, in S7, T21S, R25E, lying W of Hwy 27 & N of the Turnpike); and
- 37 • Alternate Key no. 3869417 (parcel no. 07-21-25-000200002400 further described as the W 1/2 OF Govt.
38 Lot 2, in S7, T21S, R25E, lying E of Hwy 27 & S of the Turnpike).

39 Development shall meet the requirements of all applicable goals, objectives, and policies of the Comprehensive
40 Plan; however, the commercial land use and development potential of the above three parcels is hereby limited to,
41 and shall not exceed, a cumulative total of two hundred and fifty thousand (250,000) square feet. The Future Land
42 Use Map shall contain a note stating this limitation.

43
44 **Section 10. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future
45 Land Use Element, Policy I-1.6.3 *Specific Limitations on the Hart Property*, is hereby amended as follows:

46
47 **Policy I-1.6.3 Specific Limitations on the Hart Property**

1 In order to resolve all outstanding issues raised by the Department of [Economic Opportunity](#) ~~Community Affairs~~ in
2 the Statement of Intent to Find Comprehensive Plan Amendments Not In Compliance, dated February 18, 2005,
3 as to Ordinance 2004-90 (Hart parcel) and all issues related to that portion of the Amendment Cycle which have
4 been raised in DOAH Case No. 05-000954GM, Lake County is undertaking remedial measures as per Ordinance
5 2009-31.

6
7 The Future Land Use designation for the approximately one hundred and forty-two (142)-acre subject property
8 (Lake County Property Appraiser Alternate Key Number 1070082) shall be Urban Low Density (four dwelling units
9 per one acre-4 du/net ac).

10
11 Development shall meet the requirements of all applicable goals, objectives, and policies of the Comprehensive
12 Plan; however, the development of the property is hereby limited to, and shall not exceed, a maximum residential
13 density for the subject parcel of 320 dwelling units, all of which must be single-family detached (multi-family dwelling
14 units are not allowed). Non-residential uses are as allowed in the "Urban Low Density" future land use category.
15 The County anticipates that the City of Clermont will annex the subject property. Pursuant to s. 171.062(2), Florida
16 Statutes, the subject property shall continue to be governed by the Lake County Comprehensive Plan and Land
17 Development Regulations until the City of Clermont annexes the parcel and then adopts a comprehensive plan
18 amendment that includes the annexed area. No residential development shall be allowed on the subject property
19 until and unless it is annexed by the City of Clermont and that annexation becomes final. The Future Land Use
20 Map shall contain a note stating this limitation.

21
22 **Section 11. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future
23 Land Use Element, Policy I-6.3.5 *Agricultural Uses in the Lake Apopka Basin Overlay District*, is hereby amended as
24 follows:

25
26 **Policy I-6.3.5 Agricultural Uses in the Lake Apopka Basin Overlay District**

27 The County shall support the use of land within the Lake Apopka Basin Overlay District for sustainable agriculture,
28 such as silviculture, that is compatible with natural resource protection. The County shall require compliance with
29 the most current Best Management Practices for the protection of water quality and for the specific agricultural
30 product or operation.

31 The following BMP manuals, subsequent revisions, or new and appropriate manuals published by the Natural
32 Resources Conservation Service, the Florida Department of Agriculture and Consumer Services, the Florida
33 Cooperative Extension Service, the Florida Department of Environmental Protection, the Florida Department of
34 [Economic Opportunity](#) ~~Community Affairs~~, or other relevant agency shall be used as appropriate:

- 35 • **Protecting Florida's Springs-Land Use Planning Strategies and Best Management**
36 **Practices** (Department of [Economic Opportunity](#) ~~Community Affairs~~/Department of Environmental
37 Protection, 2002).
- 38 • **Best Management Practices for Silviculture (2003)**, Florida Department of Agriculture and
39 Consumer Services (FDACS), Division of Forestry, (Chapter 5I-6, F.A.C.).
- 40 • **Nitrogen Best Management Practices (BMPs) for Florida Ridge Citrus (7-23-02)**, FDACS,
41 Office of Agricultural Water Policy, (OAWP) (Rule: 5E-1.023, F.A.C.).
- 42 • **Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic**
43 **Crops (Edition 2005)**, FDACS, OAWP, (Chapter 5M-8, F.A.C.).
- 44 • **Best Management Practices for Agrichemical Handling and Farm Equipment Maintenance,**
45 **FDACS and Florida Department of Environmental Protection (FDEP), May 1998.**
- 46 • **Water Quality/Quantity Best Management Practices for Florida Container Nurseries (Edition**
47 **2007)**, FDACS, OAWP, (Chapter 5M-6, F.A.C.).

- 1 • **Aquaculture Best Management Practices Manual, January, 2007**, FDACS, Division of
- 2 *Aquaculture, (Chapter 5L-3, F.A.C.).*
- 3 • **Irrigation and Nutrient Management Practices for Commercial Leatherleaf Fern Production**
- 4 **in Florida**, University of Florida, Cooperative Extension Services, Institute of Food and Agricultural
- 5 *Sciences Bulletin 300 (published February 1995), (Rule: 5E-1.023, F.A.C.).*
- 6 • **Florida Agricultural Water Conservation Best Management Practices, 2006 Edition**, FDACS,
- 7 *OAWP.*
- 8 • **Water Quality/Quantity Best Management Practices for Florida Sod, 2008 Edition**, FDACS,
- 9 *OAWP.*
- 10 • **Water Quality Best Management Practices for Florida Cow/Calf Operations, 2007 Edition**,
- 11 *FDACS, OAWP.*
- 12 • **Water Quality/Quantity Best Management Practices for Florida Equine, 2008 Edition**,
- 13 *FDACS, OAWP.*
- 14 • **Agrichemical Handling Facility, Interim Conservation Practice Standard (No.) Code 703**,
- 15 *Natural Resources Conservation Service.*

16
17 **Section 12. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Future
18 Land Use Element, Policy I-1.6.4 *Specific Limitations on the Vrablik Property*, is hereby amended as follows:

19
20 **Policy I-1.6.4 Specific Limitations on the Vrablik Property**

21 In order to resolve all outstanding issues raised by the Department of [Economic Opportunity](#) ~~Community Affairs~~
22 in the Statement of Intent to Find Comprehensive Plan Amendments Not In Compliance, dated February 18, 2005,
23 as to Ordinance 2004-99 (Vrablik property) and all issues related to that portion of the Amendment Cycle which
24 have been raised in DOAH Case No. 05-000954GM, Lake County is taking remedial measures as per Ordinance
25 2009-32.

26
27 The Future Land Use designation for the approximately four hundred and sixty (460) acre subject property (Lake
28 County Property Appraiser Alternate Key Numbers 1024501, 1390770, 1390761, 1390745, and 1024471) shall be
29 Urban Low Density (four dwelling units per one acre-4 du/net ac).

30
31 The total number of residential units on these five parcels shall not exceed six hundred and fifty (650) units
32 combined, and there shall be no encroachments into wetlands located on these parcels except that which is
33 necessary for access. A minimum of fifty percent (50%) of open space on these five parcels combined,
34 corresponding with and providing protection for wildlife resources is required. The Future Land Use Map shall
35 contain a note stating this limitation.

36
37 All residential units shall be constructed and sold as 'workforce housing.' 'Workforce housing' shall be defined as
38 a single family housing unit or units built or sold to accommodate persons in the workforce. 'Workforce' shall be
39 defined as those persons engaged in an occupation whose workers normally perform manual labor for a wage,
40 and those persons engaged in a profession for which the mean income for professionals is \$75,000 or less,
41 according to the most recent data available as of June 2009, as reported by the U.S. Department of Labor, Bureau
42 of Labor Statistics of State Cross-Industry Estimates of Occupational Employment and Wage Estimates. Workers
43 and professionals meeting the test set forth above and working in the following industries shall be considered
44 members of the workforce:

- 45 • Agriculture, Forestry, Fishing and Hunting (e.g. farmers, foresters, fishermen, hunting guides);
- 46 • Mining (e.g. miners, dragline operators);
- 47 • Utilities (e.g. linemen, maintenance workers, pipe fitters);
- 48 • Construction (e.g. plumbers, electricians, roofers, carpenters, cement truck drivers);

- 1 • Manufacturing (e.g. saw mill workers, paper mill workers, printers, oil workers, chemical workers);
- 2 • Wholesale (e.g. warehousemen, stock workers);
- 3 • Retail (e.g. sales clerks, cashiers, rack jobbers);
- 4 • Transportation (e.g. truck drivers, cab drivers, locomotive engineers);
- 5 • Information (e.g. computer technologists, cable installers);
- 6 • Finance (e.g. bookkeepers, accountants);
- 7 • Real Estate (e.g. agents, appraisers);
- 8 • Professional Services (e.g. paralegals, draftsmen, interior designers);
- 9 • Management (e.g. managers, supervisors);
- 10 • Administration (e.g. support staff, employment service providers);
- 11 • Education (e.g. teachers, educational support personnel);
- 12 • Health Care (e.g. dental hygienists, laboratory workers);
- 13 • Arts, Entertainment and Recreation (e.g. artists, theater workers, amusement park workers);
- 14 • Accommodations (e.g. hotel workers, wait staff);
- 15 • Other Services (e.g. auto mechanic, cosmetologist);
- 16 • Public Administration (e.g. Police Officers, Firefighters)

17
18 A housing unit sold to a buyer who is a member of the workforce as defined above shall be a workforce housing
19 unit. Further, any housing unit with a sales price of less than \$265,000 exclusive of any governmental fees and
20 costs such as permit fees and impact fees shall be a workforce housing unit.

21
22 The property owner shall donate approximately twenty-two (22) lots to Lake County to be used for affordable
23 housing purposes. Accordingly, the Future Land Use Map shall contain an attached note that states as follows:

24
25 Prior to or in concert with the approval of a plat for any of the properties, the infrastructure and platting for Phase
26 V will be complete or bonded, and all lots in Phase V, in accordance with the Owner/Developer's offer of same, will
27 be deeded to Lake County for affordable housing purposes.

28
29 **Section 13. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Policy II-
30 1.1.2 *Apply Level of Service Categories to Public Facilities*, is hereby amended as follows:

31
32 **Policy II-1.1.2 Apply Level of Service Categories to Public Facilities**

33 Lake County shall apply level of service standards to public facilities according to the following categories:

- 34 • **Category A (Concurrency)** - Public facilities for which a level of service must be established for concurrency
35 determination, ~~as mandated by Chapter 163, F.S.~~ These facilities include roadways, sanitary sewer,
36 stormwater, potable water, solid waste, public schools, and parks and recreation facilities within Lake County's
37 unincorporated jurisdictional area, and in municipal (unincorporated) areas served by certain facilities provided
38 by Lake County. The County shall ensure that potable water and sanitary sewer services provided in
39 unincorporated Lake County by providers other than the County meet the appropriate level of service. All
40 Category A Facilities shall be inventoried and analyzed within mandatory elements of the Comprehensive Plan
41 supporting document titled Data Inventory & Analysis.
- 42 • **Category B (Non-Concurrency)** - Public facilities and services ~~not subject to concurrency under Ch. 163.3180~~
43 ~~F.S. and 9J-5.0055 F.A.C. but which are~~ incorporated into the Comprehensive Plan under a mandatory
44 element. These facilities include aviation and rails.
- 45 • **Category C (Non-Mandatory)** - Public facilities and services ~~not required by Chapter 163 F.S., and 9J-5,~~
46 ~~F.A.C., to be inventoried and analyzed within an element of the Comprehensive Plan, but~~ whose cost or
47 implementation may affect the financial feasibility of a Category A or B facility. All other County governmental

1 facilities and services not included under Category A or B represent Category C facilities. These facilities
2 include, but are not limited to, fire protection, law enforcement, public buildings, library services, emergency
3 medical service, mosquito control, mass transit, and jail facilities.
4

5 **Section 14. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan, Policy II-
6 3.1.7 *Determination of Capacity for Preliminary Development Orders*, is hereby amended as follows:

7 **Policy II-3.1.7 Determination of Capacity for Preliminary Development Orders.**

8 The capacity of public facilities shall be determined for preliminary development orders at the time an applicant of
9 a development order requests a determination of such capacity as part of the review and approval of the preliminary
10 development order provided that:

11 The determination that such capacity is available shall apply only to specific uses, densities and intensities
12 based on information provided by the applicant and included in the development order; and

13 The determination that such capacity is available shall be valid for the same period of time as the underlying
14 development order, including any extension of the underlying development order. If the underlying
15 development order does not have an expiration date, the capacity shall be valid for a period:

- 16 • not to exceed four (4) years; or
- 17 • any period of time acceptable to the County and the applicant, provided that the period of time is
18 explicitly set forth in an enforceable development agreement as authorized by Florida Statutes.

19 The determination that such capacity is available shall be binding on the County at such time as the
20 applicant provides assurances, acceptable to the County in form and amount, to guarantee to the County
21 the applicant's pro rata share of the County's financial obligation for public facilities which are constructed
22 by the County for the benefit of the subject property:

- 23 1. The assurances to be provided by the applicant may include one or more of the following:
 - 24 • payment of capacity reservation fees;
 - 25 • prepayment of capacity connection charges; or
 - 26 • establishment of special assessment districts.
- 27 2. Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility,
28 the County shall do one of the following:
 - 29 • contract with the applicant for the full cost of the facility, including terms regarding
30 reimbursement to the applicant for costs in excess of the applicant's pro rata share; or
 - 31 • obtain assurances similar to those in subsection (1) from other sources; or
 - 32 • amend this Comprehensive Plan to modify the adopted standard for the level of service so as
33 to reduce the required facility to equal the applicant's needs. Such an amendment shall be
34 consistent with procedures defined in Chapter 163.3187, F.S., and must be supported by data
35 and analysis prepared within the Comprehensive Plan supporting documents. Level of service
36 standards not compatible with state standards established for state roads must be coordinated
37 with the Florida Department of Transportation and shall remain consistent with Florida
38 Department of Transportation standards to the maximum extent allowed under the Florida
39 Highway System Plan, Section 187.201 (State Comprehensive Plan), F.S., and Chapter 163,
40 F.S., ~~and Chapter 9J-5, F.A.C.~~ In the event the adopted level of service is not compatible with
41 the level of service standards established by the Florida Department of Transportation, Lake

County shall provide a justification in the data inventory and analysis document that supports its Comprehensive Plan.

3. Public facilities which serve less than all of Lake County shall achieve and maintain the standard for levels of service within their assigned service area. No development order shall be issued in an assigned service area if the standard for levels of service are not achieved and maintained throughout the assigned service area for the following public facilities and assigned service areas:

- Arterial and Collector Roads. All roads and road segments affected by the proposed development, according to the number of trips generated by the proposed development;
- Stormwater Management Systems: Site Specific;
- Potable Water Systems: Water Facility Service Area; or
- Sanitary Sewer Systems: Sewer Facility Service Area.

Section 15. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Policy III-2.3.4 *Development Practices in Springsheds*, is hereby amended as follows:

Policy III-2.3.4 Development Practices in Springsheds

In addition to providing for consistency with all provisions of the Future Land Use Element, new development and the expansion of existing development within springsheds shall be required to employ Low Impact Development (LID) and Best Management Practices identified in the Florida Department of Environmental Protection/Florida Department of Economic Opportunity ~~Community Affairs~~ publication “Protecting Florida’s Springs—Land Use Planning Strategies and Best Management Practices”, or its successor documents. Existing development shall be required to employ Low Impact Development practices and Best Management Practices, to the greatest extent possible. Land Development Regulations shall be adopted to specify the required practices.

Section 16. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Policy III-2.3.9 *The Use of Best Management Practices in Agricultural and Silviculture Operations to Protect Springsheds*, is hereby amended as follows:

Policy III-2.3.9 The Use of Best Management Practices in Agricultural and Silviculture Operations to Protect Springsheds.

Within springsheds, agricultural and silviculture operations shall use Best Management Practices that are compatible with the need to protect springsheds and conserve the water resources pursuant to Section 403.067, F.S. Agricultural and silviculture operations that file a Notice of Intent with the Department of Agriculture and Consumer Services and implement Best Management Practices developed by the Department of Agriculture and Consumer Services and adopt by rule pursuant to Section 403.067, F.S., shall be considered to meet the requirements of this policy. The County shall also encourage the use of the protection practices contained in the publication “Protecting Florida’s Springs-Land Use Planning Strategies and Best Management Practices” (Department of Economic Opportunity ~~Community Affairs~~/Department of Environmental Protection, 2002) by Agricultural and Silvicultural uses. The County shall encourage long-crop rotation silviculture and unimproved pasture within the primary zone and minimum tillage farming elsewhere within the springshed.

The County shall work with federal, state, regional, and local agencies, and existing agricultural extension programs to educate, encourage and assist farmers and the agricultural industry within springsheds to use Best Management Practices that minimize use of water, fertilizers, herbicides and pesticides and that reduce erosion.

Section 17. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Policy III-2.3.18 *Golf Courses within Springsheds*, is hereby amended as follows:

Policy III-2.3.18 Golf Courses within Springsheds

The County shall require that all golf course siting, design, construction, management, and monitoring practices within springshed areas in the County, implement golf course practices described in the "Protecting Florida's Springs Manual-Land Use Planning Strategies and Best Management Practices" (Florida Department of [Economic Opportunity Community Affairs](#) and Florida Department of Environmental Protection, 2002), or its successor documents. In addition, the County shall implement Land Development Regulations to further govern the development and management of golf courses within springsheds and aquifer protection zones.

Section 18. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Policy VIII-1.4.3 *Transportation Concurrency Exception Areas and Management Areas*, is hereby amended as follows:

Policy VIII-1.4.3 Transportation Concurrency Exceptions ~~Areas and Management Areas~~

The County shall exempt projects that promote public transportation from transportation concurrency. For the purposes of this policy, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this sub-subparagraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

The County shall, in coordination with the LSMPO and municipalities, examine the utility of transportation concurrency exception areas and management areas as tools to promote compact growth and development patterns that establish a clear delineation between urban and rural land uses and promote economic development.

Section 19. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Public School Facilities Sub-Element is hereby amended as follows:

PUBLIC SCHOOL FACILITIES SUB-ELEMENT

This section establishes the Public School Facilities Sub-element Goals, Objectives, and Policies for implementation ~~pursuant to Section 9J-5.025, Florida Administrative Code.~~

Section 20. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Acronyms, is hereby amended as follows:

FDCA	Florida Department of Community Affairs
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Section 21. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Chapter X, Definitions, is amended to read as follows:

Comprehensive Plan	A plan adopted pursuant to the " Local Comprehensive Community Planning and Land Development Regulation Act " and meeting the requirements of F.S. 163.3177 and 163.3178.
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Section 22. Advertisement. This Ordinance was advertised pursuant to Chapter 163, Florida Statutes, Section 163.3184(11).

Section 23. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or

1 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining
2 portions of this Ordinance.
3

4 **Section 24. Effective Date.** The effective date of this plan amendment, if the amendment is not timely challenged,
5 shall be thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment
6 package is complete. If timely challenged, this amendment will become effective on the date the state land planning
7 agency or the administration commission enters a final order determining this adopted amendment to be in compliance.
8 No development orders, development permits, or land uses dependent on this amendment may be issued or
9 commence before it has become effective. If a final order of noncompliance is issued by the administration commission,
10 this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy
11 of which resolution will be sent to the state land planning agency.

12
13 ENACTED this ____ day of _____, 2018.

14
15 FILED with the Secretary of State _____, 2018.

16
17 BOARD OF COUNTY COMMISSIONERS
18 LAKE COUNTY, FLORIDA

19
20
21
22 _____
23 Timothy I. Sullivan, Chairman

24 ATTEST:

25 _____
26 Neil Kelly, Clerk of the
27 Board of County Commissioners,
28 Lake County, Florida

29 Approved as to form and legality:

30
31
32 _____
33
34 Melanie Marsh
35 County Attorney