

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

PLANNING AND ZONING BOARD		BOARD OF COUNTY COMMISSIONERS
September 5, 2018		September 25, 2018 (Transmittal)

CP-18-16 Amend the Comprehensive Plan to establish a Planned Unit Development Future Land Use Category to accommodate site specific development proposals.	Case Managers: Tim McClendon, Director of Planning & Zoning Michele Janiszewski, Chief Planner	Agenda Item #4
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Case Information	
Applicant:	Lake County Government (Staff Initiated)
Type:	Comprehensive Plan Text Amendment
Creation or Revision:	Revision
Description:	Amend Table Flue 2 – Future Land Use Categories Table to include a Planned Unit Development Future Land Use Category; establish Objective I-7.14, entitled ‘Planned Unit Development Future Land Use Series;’ and establish Policy I-7.14.1 through Policy I-7.14.4.

Summary of Staff Recommendation
Staff recommends APPROVAL of the proposed text amendment to the Lake County 2030 Comprehensive Plan to Amend Table Flue 2 – Future Land Use Categories Table to include a Planned Unit Development Future Land Use Category; establish Objective I-7.14, entitled ‘Planned Unit Development Future Land Use Series;’ and establish Policy I-7.14.1 through Policy I-7.14.4 to establish a Planned Unit Development Future Land Use Category to accommodate site specific development proposals.
Planning and Zoning Board Recommendation:
Board of County Commissioners Recommendation (Transmittal Hearing):

-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 nineteen (19) Future Land Use Categories. Since its adoption, the Bella Collina, Summer Bay, Cagan Crossings, South Lake Regional Park, and Green Swamp Interlachen Future Land Use Categories were established to accommodate vested or site specific developments. All five (5) of these Future Land Use Categories were adopted in conjunction with a condition, site specific zoning district (Planned Unit Development or Community Facility District).

To accommodate site specific development and development proposals which do not conform to an established Future Land Use Category, staff is proposing to establish a Planned Unit Development (PUD) Future Land Use Category (FLUC). An application for the PUD FLUC will be reviewed in conjunction with an application to rezone the property PUD. The applications would be reviewed for consistency with all elements of the Comprehensive Plan; compliance with the Land Development Regulations; and compatibility with the surrounding areas. If the proposal is compliant with these items, the development proposal will be included in the PUD Future Land Use Series and will be governed by the associated PUD Ordinance. Any amendment to an adopted PUD which increases the off-site impacts will require an amendment to the Comprehensive Plan. If development has not commenced within three (3) years, staff will move forward with amending the Future Land Use Map to reflect the former Future Land Use Category.

- 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 goal of the Future Land Use Element is to promote the conservation and preservation of Lake County's natural and cultural resources; ensure compatibility between densities and intensities of development, providing for land use transitions as appropriate to protect the long-term integrity of both urban and rural areas; and Provide for the efficient allocation of public facilities and services concurrent with the impacts of development and in compliance with adopted Levels of Service.

The proposed amendment it consistent with Comprehensive Plan Policy I-1.1.1, *Elements of Innovative Planning*, which seeks to protect communities, enhance the economic viability of the County, promote the efficient use of infrastructure and preserve natural resources. These goals will be accomplished by establishing the PUD FLUC which will better ensure consistency with neighboring communities, protect natural resources, and efficiently provide services.

Comprehensive Plan Objective I-1.2, *Future Land Use*, seeks to promote compact growth through the use of innovative Land Development Regulations including, but not limited to, planned unit development, clustering, Traditional Neighborhood Development, and mixed land use development techniques. A PUD FLUC is an innovative method to ensure consistency with a property's FLUC and PUD zoning district. The PUD FLUC can be used by residential, commercial, or mixed use development.

Policy I-1.2.7, *Interpretation of Density and Intensity Allocations*, Criteria to be considered in allocating the specific density and intensity through zoning shall include, but not be limited to, the following Presence of onsite and adjacent natural resources or environmentally sensitive features such as surface waters, wetlands, tree canopy, upland habitat, listed species, wildlife corridors, and karst features; Floodplain and flood hazards; Neighborhood compatibility, cohesiveness and stability of established community character; Compatibility to abutting land uses such as residential development or public conservation land; Availability of infrastructure and services; and Zoning overlay policies or special criteria contained within the Comprehensive Plan or Land Development Regulations specific to the area. The PUD FLUC will establish development standards (density and intensity) consistent with the criteria contained within Policy I-1.2.7, *Interpretation of Density and Intensity Allocations*, to ensure the FLUC and PUD are consistent with all policies in the Comprehensive Plan.

The PUD FLUC will require proposed developments to adhere to all policies in the Comprehensive Plan while providing an innovative Future Land Use Category option for unique properties or development proposals which do not conform to established FLUCs.

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 LDR contains provisions for a Planned Unit Development (PUD) zoning district and references the established Future Land Use Categories but has not been updated since the adoption of the 2030 Comprehensive Plan. As such, revising the Comprehensive Plan would not make the LDR any more inconsistent with the Comprehensive Plan than it already is. All inconsistencies 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.

Applications for the PUD FLUC will be evaluated to determine if the application is consistent with existing and proposed land uses.

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

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.

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 proposed development more flexibility with their development standards to create more orderly and logical development patterns.

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*, which states that the goal of the Future Land Use Element is to promote the conservation and preservation of Lake County's natural and cultural resources; ensure compatibility between densities and intensities of development, providing for land use transitions as appropriate to protect the long-term integrity of both urban and rural areas; and Provide for the efficient allocation of public facilities and services concurrent with the impacts of development and in compliance with adopted Levels of Service; and
2. The proposed amendment is consistent with Comprehensive Plan Policy I-1.1.1, Elements of Innovative Planning, which seeks to protect communities, enhance the economic viability of the County, promote the efficient use of infrastructure and preserve natural resources; and
3. The proposed amendment is consistent with Comprehensive Plan Objective I-1.2, Future Land Use, seeks to promote compact growth through the use of innovative Land Development Regulations including, but not limited to, planned unit development, clustering, Traditional Neighborhood Development, and mixed land use development techniques; and
4. The proposed amendment is consistent with Policy I-1.2.7, Interpretation of Density and Intensity Allocations, Criteria to be considered in allocating the specific density and intensity through zoning, overlays, and site constraints; and
5. 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 .

Case Manager: Michele Janiszewski, Chief Planner

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

Opposition: -0-

ORDINANCE 2018-XX
CP-18-16
Planned Unit Development Future Land Use Category

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING TABLE FLUE 2 – FUTURE LAND USE CATEGORIES TABLE TO INCLUDE PLANNED UNIT DEVELOPMENT FUTURE LAND USE CATEGORY; ESTABLISHING OBJECTIVE I-7.14, ENTITLED ‘PLANNED UNIT DEVELOPMENT FUTURE LAND USE SERIES’ AND ASSOCIATED POLICIES TO BE NUMBERED I-7.14.1 TO I-7.14.4; 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 25th 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 23rd 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 22nd 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 5th day of September 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 25th day of September 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, Table FLUE 2 – Future Land Use Categories Table, is amended to read as follows:

Table FLUE 1 - Future Land Use Categories Table

FUTURE LAND USE CATEGORY	DENSITY (1)	F.A.R. (INTENSITY)	I.S.R	OPEN SPACE	BUILDING HEIGHT (2)(5)
Urban Low Density	4 d.u./1 acre	0.25 to 0.35	0.60	25%	Note (3)
Urban Medium Density	7 d.u./1 acre	0.35 to 0.50	0.70	20%	Note (3)
Urban High Density	Min. 4 d.u./1 acre Max 12 d.u./1 acre	2.0	0.80	10%	Note (3)
Bella Collina	868 d.u.	500,000 s.f.	0.60	25%	Note (3)
Summer Bay (351 acres) (9)	2,040 d.u.	Note (7)	NS	NS	Note (3)
Cagan Crossings (728.5 acres) (4)	8,000 d.u.	700,000 s.f.	NS	44%	Note (3)
Regional Office	1 multi-family du per 10,000 sq. ft. of commercial space (Note (6))	3.0	0.75	15%	Note (3)
Regional Commercial	1 multi-family du per 10,000 sq. ft. of commercial space (Note (6))	3.0	0.75	15%	Note (3)
Industrial	NS	1.0	0.80	NS	Note (3)
Public Service Facilities & Infrastructure	1 caretaker unit per parcel	1.0	0.80	NS	Note (3)
Mt. Plymouth-Sorrento Main Street	5.5 d.u./1 acre	0.30	0.60	20% to 25%	“see Mt. Plymouth- Sorrento Policies”
Mt. Plymouth - Sorrento Neighborhood	2 d.u./1 acre	0.20 to 0.30	0.30	30% to 50%	“see Mt. Plymouth- Sorrento Policies”
Rural	1 d.u./5 acres	NS	0.20 0.30	Min. 35%	Note (3)
Rural Transition	1 d.u./5 acres 1 d.u./3 acres 1 d.u./1 acre	NS	0.30 0.50	35% to 50%	Note (3)
Recreation	NS	0.10	0.50	NS	Note (3)

FUTURE LAND USE CATEGORY	DENSITY (1)	F.A.R. (INTENSITY)	I.S.R	OPEN SPACE	BUILDING HEIGHT (2)(5)
Conservation	NS	NS	NS	NS	Note (3)
<u>Planned Unit Development</u>	<u>Note (11)</u>	<u>Note (11)</u>	<u>Note (11)</u>	<u>Note (11)</u>	<u>Note (11)</u>
APPLICABLE ONLY IN THE WEKIVA RIVER PROTECTION AREA					
A-1-40 Sending Area (Sending Area Number One)	1 d.u./40 acres 1 d.u./10 acres	NS	0.20 to 0.30	Min. 50%	Note (3)
A-1-20 Sending Area (Sending Area Number Two)	1 d.u./20 acres 1 d.u./5 acres	NS	0.20 to 0.30	Min. 50%	Note (3)
A-1-20 Receiving Area (Receiving Area Number One)	1 d.u./20 acres 1 d.u./5 acres 1 d.u./1 acre	NS	0.20 to 0.30	Min. 50%	Note (3)
Mt. Plymouth Sorrento Receiving Area (Receiving Area Number Two)	5.5 d.u./1 acre	0.30	0.60	20% to 25%	Note (3)
APPLICABLE ONLY IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN					
Green Swamp Ridge	4 d.u./1 acre	0.25 to 0.35	0.45	40%	40 ft.
Green Swamp Rural	1 d.u./5 acres	NS	0.20 to 0.30	Min. 60%	40 ft.
Green Swamp Rural Conservation	1 d.u./10 acres	NS	0.20	Min. 80%	40 ft.
Green Swamp Core Conservation	1 d.u./20 acres	NS	0.10	Min. 90%	40 ft.
South Lake Regional Park	NS	0.35	0.45	40%	40 ft.
Green Swamp Interlachen (10)	35 d.u.	NS	NS	Min. 60%	40 ft.
APPLICABLE ONLY IN THE WELLNESS WAY AREA PLAN					
Town Center	4 d.u./ 1 acre	0.30	NS	Min. 30%	NS
Wellness Way 1	1.85 d.u./ 1 acre	0.25	NS	Min. 30%	NS
Wellness Way 2	1.6 d.u./ 1 acre	0.20	NS	Min. 30%	NS
Wellness Way 3	1.35 d.u./ 1 acre	0.15	NS	Min. 30%	NS
Wellness Way 4	0 d.u./ 1 acre	N/A	NS	Min 30%	NS

ABBREVIATIONS: F.A.R =Floor Area Ratio I.S.R =Impervious Surface Ratio
 NS = Not Specified d.u. = Dwelling Unit Min. = Minimum
 ft. = Feet s.f. = Square Feet
 M.A.F.A.R.= Minimum Average Floor Area Ratio

NOTES:

Should there be any discrepancy between entries in this summary table and the more detailed text of the Comprehensive Plan, the text of the Goals, Objectives, and Policies shall control.

All density and intensity standards refer to Net Density or Net Buildable Area, which excludes wetlands and water bodies.

Please refer to the specific policies pertaining to each Future Land Use Category for details on allowed density, Floor Area Ratio, Impervious Surface Area, and open space requirements.

- (1) Within all residential Future Land Use categories, additional dwelling units may be built within the net buildable area of a parcel based upon a transfer from wetland areas. Please refer to Policy I-1.2.4 Calculation of Residential Densities for details.
- (2) Building heights in the Ferndale Community and the Ferndale Center District are limited to three (3) habitable stories. Building heights are limited to 35 feet within the Pinecastle Military Operations Area.
- (3) Refer to Building Heights within Future Land Use Categories Policy (Policy I-1.2.3).
- (4) Applies only to the Cagan Crossings FQD as recorded in OR Book 2470, Page 815.
- (5) Height limitations do not apply to structural appurtenances such as spires, steeples, chimneys, radio towers, antennae, or similar structures in residential areas, unless otherwise addressed specifically in the Land Development Regulations. Height limitations do not apply to silos, windmills, water towers, or similar structures in agricultural areas. Height limitations do apply to mechanical systems and screening walls, parapets or other roof treatments on commercial buildings.
- (6) The total number of multi-family dwelling units shall be no more than one (1) unit per 10,000 square feet of gross leasable area of commercial space and the allowed FAR shall not be applied to such residential areas. Residential uses are excluded on parcels in this category located within Mount Dora joint planning area first authorized by the Board of County Commissioners on September 28, 2004.
- (7) Refer to Policy I-8.7.3, Determined at the Master Planned Unit Development (PUD).
- (8) Refer to Policy I-8.2.1.1 and I-8.2.1.2, for Minimum to Maximum Density and Maximum Capacity of Dwelling Units (d.u.) per Net Acre.
- (9) Applies only to the Summer Bay DRI as described in Policy I-1.3.13 Summer Bay Future Land Use Category.
- (10) Refer to Policy 1-4.2.6 Green Swamp Interlachen Future Land Use Category for development criteria specific for this Future Land Use Category.
- (11) Development standards for the Planned Unit Development Future Land Use Category shall be established within each respective development order, pursuant to Objective I-7.14, Planned Unit Development Future Land Use Series, and supporting policies.

Section 2. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Future Land Use Element, Objective I-7.14, entitled 'Planned Unit Development Future Land Use Series,' and sub-policies I-7.14.1 through Policy I-7.14.3 are hereby established as follows:

Objective I-7.14 Planned Unit Development Future Land Use Series

The Planned Unit Development (PUD) Future Land Use Series is established to provide an implementing tool to accommodate site specific development standards for unique properties and developments which do not conform to an established Future Land Use Category. It is intended to incorporate a broad mixture of uses with specific design standards, and provide development standards which are consistent with all elements of the 2030 Comprehensive Plan.

Specific land use designations within an approved PUD land use designation may be approved on a site-specific basis. Such designation shall be conditioned on the development proposal being reviewed as a PUD zoning district with a corresponding ordinance. Each PUD zoning district shall ensure adjacent land use compatibility and efficient physical integration within existing infrastructure.

Each specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use types along with densities and intensities. The Future Land Use designation shown on the Future Land Use Map shall indicate the approved use and the PUD designation.

Policy I-7.14.1 Standards of Review for the Planned Unit Development Future Land Use Category

All applications for the Planned Unit Development Future Land Use Category shall comply with Objective I-7.13, Comprehensive Plan Amendment Standards of Review. Applicants shall demonstrate that the proposed amendment is compatible with the surrounding area in regards to density, intensity, and proposed uses.

Policy I-7.14.2 Time frame of Planned Unit Developments

An approved PUD land use designation shall be considered for reversion to its former designation if development on the site has not commenced within a three (3) year period following the date of adoption of the land-use amendment, unless such timeframe has been modified by the Board of County Commissioners. Such reversion shall not be automatic and shall be considered by staff as an amendment to the Comprehensive Plan.

The following criteria shall apply to Planned Unit Developments constructed after the effective date of this Comprehensive Plan:

- Physical construction of infrastructure must begin within three (3) years of the effective date of the PUD ordinance. During this time frame the PUD shall be considered active.
- If a phased development is proposed, a time frame shall be established for commencement and completion of each phase of the development in the ordinance.
- Prior to expiration of the three-year time frame, the Board of County Commissioners may grant, via a Public Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a showing that reasonable efforts have been made towards securing the required approvals and commencement of work. The applicant shall be required to demonstrate that the proposed development meets all concurrency requirements prior to granting of a time extension.
- If the above time frames expire, then the PUD shall become inactive and no further development shall be permitted until a public hearing on the ordinance occurs to consider a change in zoning. A time certain shall be established within the Land Development Regulations within which a mandatory public hearing shall occur to consider and adopt an appropriate zoning assignment for the subject property.
- PUD approval shall be contingent upon the ability to provide, concurrent with the impacts of the development, the adopted Level of Service for public services and facilities.

Policy I-7.14.3 Proposed Amendments to an Approved Planned Unit Development Land Use Category

A proposed amendment to an approved PUD land use designation that increases the approved intensities or densities of the PUD without a corresponding decrease in another portion of the PUD and resulting in greater off-site impacts shall require an amendment to the Comprehensive Plan.

A proposed amendment to an approved PUD shall be determined to be inconsistent with the Comprehensive Plan if either of the following conditions are met:

- a) The amendment is inconsistent with CP policies, including policies that ensure land use compatibility and adequate public facilities; or
- b) The amendment includes an inclusion of a land use not previously approved.

Policy I-7.14.4 Planned Unit Development Land Use Category

The following land use table details the development program, including the maximum densities and intensities, for the adopted Planned Unit Development Future Land Use designations:

<u>Amendment No.</u>	<u>Name / Location</u>	<u>Former FLU Designation</u>	<u>Development Program</u>	<u>Ordinance No.</u>

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.

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ENACTED this ____ day of _____, 2018.

FILED with the Secretary of State _____, 2018.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Timothy I. Sullivan, Chairman

ATTEST:

Gary J. Cooney, Clerk of the
Board of County Commissioners,
Lake County, Florida

Approved as to form and legality:

Melanie Marsh
County Attorney