



COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearings: Planning & Zoning Board (PZB): June 5, 2019
Board of County Commissioners (BCC): June 25, 2019

Case No. and Project Name: FLU-19-04-2, Yacht Club at Lake Susan

Applicant: Staff Initiated

Owner: Yacht Club at Lake Susan LLC

Requested Action: Amend the Future Land Use Map (FLUM) to change the Future Land Use Category on approximately 5.1 acres from Green Swamp Rural to Yacht Club at Lake Susan Future Land Use Category, a newly proposed land use designation, and amend comprehensive plan policies to incorporate the proposed future land use category.

Staff Determination: Staff finds the application consistent with the Comprehensive Plan and Land Development Regulations.

Case Manager: Michele Janiszewski, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 5.1 gross acres (some wetlands present on the subject property)

Location: 11834 Lakeshore Drive, Clermont

Alternate Key No.: 1587654 & 1587662

Future Land Use: Green Swamp Rural

Proposed Future Land Use: Yacht Club at Lake Susan

Current Zoning District: Planned Unit Development by Ordinance 2005-86

Floodzone: X & AE

Joint Planning Area/ ISBA: Not Applicable

Overlay Districts: Green Swamp Area of Critical State Concern

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Medium Residential District (R-3)	County Maintained Road & Residential	Lakeshore Drive and Osprey Pointe Subdivision
South	N/A	N/A	Open Water Body	Lake Susan
East	Green Swamp Rural	Rural Residential (R-1)	Undeveloped	Vacant residential land with wetlands
West	Green Swamp Rural	Rural Residential (R-1)	Residential	Single Family Residences

Staff Analysis

Conditional use permit (CUP) 624-3 was approved by the Board of County Commissioners On September 12, 1978, and allowed the subject property to operate as a lodge and marina. The CUP approved the property the use of fourteen (14) existing cottages, bar, bait shop, office, residence for owner, boat stalls, and accessory structures. The property obtained site plan approval (SP-88-1-2) on February 10, 1988.

Ordinance 2005-86 (Tracking No. #87-05-PUD) rezoned the subject property Planned Unit Development (PUD) and revoked CUP 624-3. The PUD Ordinance allowed the property to be redeveloped with fifteen (15) age-restricted townhomes, a restaurant, and boat storage facility for the residents of the townhomes. The ordinance required the existing cottages, marina, boat ramp, convenience store, and package store to be removed. The property was never redeveloped in accordance with the approved ordinance.

Lake County Board of County Commissioners adopted the Lake County 2030 Comprehensive Plan, effective September 22, 2011 which designated the subject property as part of the Green Swamp Rural Future Land Use Category FLUC. The Green Swamp Rural FLUC allows residential development at a density of one dwelling unit per five (5) net acres and does not allow restaurants or other commercial uses making the subject property's PUD Ordinance inconsistent with its Future Land Use Category.

On January 19, 2018, the Property Owner submitted a Notice of Claim to the County under the Bert J. Harris, Jr., Private Property Rights Protection Act claiming the County inordinately burdened the Owner's Property. The Lake County and the Property Owner entered into a settlement agreement which was approved by the Board on January 10, 2019. The settlement agreement stated that Lake County would process an amendment to the Comprehensive Plan and Future Land Use Map to establish a site specific Future Land Use Category to exist solely on the subject property. As proposed, the Yacht Club at Lake Susan FLUC will allow the property to develop in accordance with the uses and conditions established in Ordinance 2005-86.

Standards for Review (LDR Section 14.03.03)

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

The amendment is consistent with the Comprehensive Plan. Comprehensive Plan Objective I-7.1 Nonconformities and Vested Rights states that the "County shall reduce or eliminate existing nonconforming land uses and structures to the greatest reasonable and practical extent." The proposed amendment will make the property's current zoning district consistent with its future land use category.

The amendment is consistent with Comprehensive Plan Policy I-7.13.5 which states that a FLUM amendment resulting in an increase in residential density must be in the most appropriate location with respect to the efficient use of public facilities and services for this increase in density, and with respect to all other policies of this Comprehensive Plan. The subject property is situated in an area developed with single family residences with central water and wastewater services available making it an appropriate location for the residential development proposed with this application.

Policy I-4.1.2 Uses of Land Determined to be of Environmental Value, states that the Green Swamp ACSC is a statewide environmental value and that Lake County shall emphasize passive parks, agriculture, and very low density rural residential development to protect the environment. Creating the Yacht Club at Lake Susan Future Land Use Category will allow the property to be developed in accordance with the property's PUD zoning ordinance, Lake County's rules and regulations, and state regulations pertaining to the GSACSC.

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

The amendment will accommodate the uses and conditions established within the property's PUD zoning ordinance. As such, the proposed amendment is consistent with the property's zoning district which is generally consistent with the Land Development Regulations.

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

The amendment will accommodate the development plan proposed by the Owner, as established in Ordinance 2005-86, to develop the property with age restricted townhomes and a restaurant.

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

The adoption of the 2030 Comprehensive Plan designated the subject property as Green Swamp Rural Future Land Use Category which made the property's zoning ordinance non-conforming. On January 19, 2018, the Property Owner submitted a Notice of Claim to the County under the Bert J. Harris, Jr., Private Property Rights Protection Act claiming the County inordinately burdened the Owner's Property. The Lake County and the Property Owner entered into a settlement agreement which was approved by the Board on January 10, 2019. The settlement agreement stated that Lake County would process an amendment to the Comprehensive Plan and Future Land Use Map to establish a site specific Future Land Use Category to exist solely on the subject property.

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.

There are no anticipated adverse impacts on public facilities identified at this time.

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

Ordinance 2005-86 requires all development to be setback fifty (50) feet from the jurisdictional wetland line. All future development will need to adhere to the land development regulations and comprehensive plan, as amended.

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

There is no indication that the amendment would have an adverse impact on property values.

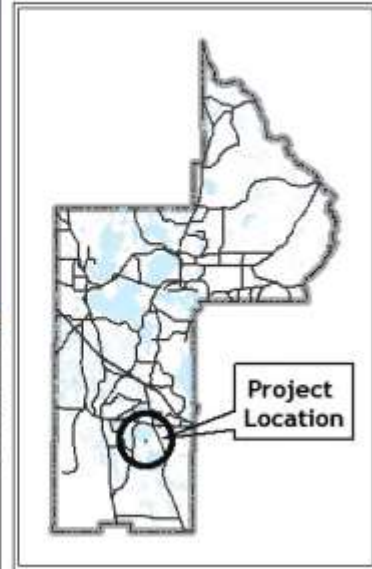
H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

If approved, the subject property will have a site specific future land use category in order to allow the property to be developed with townhomes, a restaurant, and associated uses. The property was previously developed with 14 cottages and the property abuts residential development to the west and north.

I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed amendment will be consistent with the purpose and interest of Lake County's regulations.

Subject Property.



ORDINANCE 2019-____
FLU-19-04-2
Yacht at Lake Susan Lodge Future Land Use Category

1 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**
2 **FLORIDA; AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING TABLE**
3 **FLUE 2 ENTITLED 'FUTURE LAND USE CATEGORIES TABLE;' AMENDING POLICY I-4.2.1**
4 **ENTITLED 'LIMITATIONS OF DEVELOPMENT WITHIN THE GREEN SWAMP AREA OF**
5 **CRITICAL STATE CONCERN;' ESTABLISHING POLICY I-1.3.12 ENTITLED 'YACHT CLUB AT**
6 **LAKE SUSAN FUTURE LAND USE CATEGORY;' AMENDING THE FUTURE LAND USE MAP**
7 **ON APPROXIMATELY 4.08 ACRES LOCATED ON LAKESHORE DRIVE IN THE CLERMONT**
8 **AREA, AS DESCRIBED IN THIS ORDINANCE, FROM GREEN SWAMP RURAL TO YACHT**
9 **CLUB AT LAKE SUSAN FUTURE LAND USE CATEGORY; PROVIDING FOR PUBLICATION AS**
10 **REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR**
11 **SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

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

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

27 **WHEREAS,** on the 5th day of June 2019, this Ordinance was heard at a public hearing before the Lake County
28 Planning & Zoning Board in its capacity as the Local Planning Agency; and

29 **WHEREAS,** on the 25th day of June 2019, this Ordinance was heard at a public hearing before the Lake County
30 Board of County Commissioners for transmittal to the State of Florida Department of Economic Opportunity, Community
31 Planning and Development Division, in its capacity as the State Land Planning Agency;

32 **WHEREAS,** on the XX day of XXXXX 2019, this Ordinance was heard at a public hearing before the Lake
33 County Board of County Commissioners for adoption; and

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

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

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Section 1. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Future Land Use Element, Table FLUE 2 entitled 'Future Land Use Categories Table', is hereby amended as follows:

Table FLUE 2 - 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)
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 Note (12)	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.
Yacht Club at Lake Susan	15 dwelling units	Note (11)	Note (11)	Note (11)	Note (11)
FUTURE LAND USE CATEGORY	CAPACITY(8)	M.A.F.A.R. (INTENSITY)	I.S.R (7)	OPEN SPACE	BUILDING HEIGHT (7)
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

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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) Refer to Policy I-1.3.12 Yacht Club at Lake Susan Future Land Use Category for development criteria specific for this Future Land Use Category.

(12) The maximum ISR shall be 0.60 for parcels with pre-existing commercial zoning prior to adoption of the 2030 Comprehensive Plan.

Section 2. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Future Land Use Element, Policy I-4.2.1 entitled 'Limitations of Development within the Green Swamp Area of Critical State Concern,' is hereby amended as follows:

Policy I-4.2.1 Limitations of Development within the Green Swamp Area of Critical State Concern

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The densities and intensities established in these policies are the only densities and intensities that apply in the Green Swamp Area of Critical State Concern. Proposed development within the GSACSC shall be required to follow the policies set forth herein which are additional to the other requirements of the Comprehensive Plan.

Except as provided in this Policy, Lake County shall limit the amount of development that can occur in the GSACSC to the uses allowed in each of the Future Land Use categories identified in the policies below and which are located on the County FLUM.

A portion of the Cagan Crossings Future Land Use Category as described in Policy 1-1.3.5 (Cagan Crossings Future Land Use Category) of this element is recognized to exist in the GSACSC prior to the adoption of this Comprehensive Plan and continues to be recognized. The Cagan Crossings Future Land Use Category shall not be expanded or applied to any other property.

In addition, the South Lake Regional Park Future Land Use Category, Green Swamp Interlachen Future Land Use Category, Yacht Club at Lake Susan Future Land Use Category, and the Conservation Future Land Use Category within the Public Benefit Future Land Use Series may be assigned to property within the GSACSC.

Section 3. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Future Land Use Element, Policy I-1.3.12 entitled 'Yacht Club at Lake Susan Future Land Use Category,' is hereby established to read as follows:

Policy I-1.3.12 Yacht Club at Lake Susan Future Land Use Category

This category shall exist and apply solely on the properties described as Alternate Key Numbers: 1587662 and 1587654, also identified as Parcel Number: 01-23-25-000100000200 and Parcel Number: 01-23-25-000100000300.

The development program shall meet requirements set forth in PUD Ordinance #2005-86.

Section 4. Comprehensive Plan Future Land Use Map Amendment. The 2030 Comprehensive Plan Future Land Use Map is hereby amended to change the Future Land Use Category for the subject property, described in Exhibit A attached and incorporated in this Ordinance, from Green Swamp Rural to Yacht Club at Lake Susan Future Land Use Category.

Section 5. Advertisement. This Ordinance was advertised pursuant to Chapter 163, Florida Statutes, Section 163.3184(11).

Section 6. 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 7. 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 _____, 2019.

FILED with the Secretary of State _____, 2019.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Leslie Campione, 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. Legal Description.

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PARCEL 1:

Begin at a point on the Southerly Right of Way of Highway 561 which is 533 feet, more or less, South of the Northeast corner of Section 1, Township, 23 South, Range 25 East, Lake County, Florida, run Southwesterly along the South line of Highway 828.2 feet for Point of Beginning, said Point of Beginning marked by an Iron pin, continuing along the Highway 103.3 feet to an iron pin, thence South 45°33'00" East 483.9 feet to Lake Susan; thence Northeasterly along the Lake 110 feet; thence North 45°33'00" West to the Point of Beginning. The same including all lands between the Western boundary line of the Haynes Property and the land herein before purchased from Lake Susan Homesites, Inc.

PARCEL 2:

From the Northeast corner of Section 1, Township 23 South, Range 25 East, Lake County, Florida, run South along the East line of Section 1, a distance of 533 feet to the point of intersection with the South right of way line of State Highway #561, thence run in a Southwesterly direction along said South right of way line 931.5 feet to the POINT OF BEGINNING, from the Point of Beginning run Southwesterly along the highway right of way to the Northeast corner of Lot 1, LAKE SUSAN HOMESITES subdivision as recorded in Plat Book 14, Page 49, public records of Lake County, Florida: thence run South 20°03' East 238 feet to the eastern bank of a canal, thence run Southeasterly along the canal bank to the shore of Lake Susan, thence run Northeasterly along the shore line of Lake Susan to the point that is South 45°33' East of the Point of Beginning, thence run North 45°33' West to the Point of Beginning.

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