



MEMORANDUM

Lake County Board of County Commissioners • Office of Planning & Zoning
315 W. Main St., Suite 510, Tavares, FL 32778 • www.lakecountyfl.gov

To: Planning and Zoning Board

Through: Tim McClendon, AICP, Director, Office of Planning and Zoning

From: Steve K. Greene, AICP, Chief Planner, Office of Planning and Zoning

Date: July 22, 2020

Subject: Proposed LDR Amendment – Medical Service use within the C-1 Zoning District

Summary of Request

This memorandum is provided and will function as the staff report for an amendment to the Land Development Regulations (LDR) to establish medical service(s) as a permitted use within Neighborhood Commercial (C-1) zoning districts.

Background and Analysis

Although medical service is an essential service for residential communities, it is not listed as a permitted or conditional use within the Schedule of Permitted and Conditional Uses of LDR Section 3.01.03. The exclusion of this use from the classification of commercial uses is most likely indicative of the early period of land use zoning in Lake County. As the County enters the second decade of the twenty-first century, the County's growth patterns have changed dramatically and demand service to address the needs of an ever-growing population. The establishment of medical service uses within Rural future land use series specified in the 2030 Comprehensive Plan (Comp Plan) is indicative of new commercial and service needs that were never contemplated in the early years of County zoning.

Similarly, the County has attempted to accommodate commercial infill to existing C-1 zoning within the urban areas along US 27, north of US 192, in south Lake County. The C-1 zoning districts in this area pre-date the 2030 Comp Plan, that inadvertently assigned greater development standards to these zoning districts due to their location within the Green Swamp Area of Critical State Concern. The BCC recognized this zoning/land use disconnect and with concurrence of the Florida Department of Economic Opportunity (DEO), allowed grandfathering the pre-existing C-1 zoning to develop at intensities more in-line with the surrounding pre-existing urban development pattern.

In response to that action, the Office of Planning and Zoning received a development application that proposes medical service use within one of the pre-existing C-1 zoning districts. As indicated, this area of the County has developed predominately in urban form of residential and commercial uses. There is a strong demand for medical service needs within this developed area.



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During Staff's review of the development application, it was determined that the LDR does not allow medical service use within C-1 zoning districts. To address this matter and to further the intention for commercial infill development in this urbanized area along US 27 in south Lake County, Staff proposes to amend LDR Section 3.01.03, the Schedule of Permitted and Conditional Uses to allow medical service use as a permitted use within C-1 zoning districts.

Besides analysis of the 2030 Comp Plan, staff surveyed nearby counties to assess which zoning districts those jurisdictions allowed medical service use. A chart is attached for reference of that survey effort. Based on that research it can be concluded that medical service use is allowed within the least intensive commercial zoning districts of all the counties surveyed. For a scope and scale comparison, Volusia County allows hospitals and medical center uses within its least intensive commercial district.

Staff Recommendation

Staff finds the amendment to LDR Section 3.01.03, Schedule of Permitted and Conditional Uses, to allow medical service use as a permitted use within C-1 zoning districts, consistent with 2030 Comprehensive Plan Policy I-1.1.3 regarding the development of land use in an orderly and compact manner in Lake County and therefore recommends approval of this LDR amendment.

SKG/tm

Medical Service Use Research

<u>County</u>	<u>Least Intensive Commercial Zoning District</u>	<u>Medical Use Equivalent Classification</u>	<u>Allowed? Y/N</u>
Orange County	C-1 Retail Commercial	Health Service	See Table
Marion County	B-1 Neighborhood Business	Professional Office	Y
Polk County	See LDC	Clinics & Medical Offices	Y / Conditionally
Sumter County	CN Neighborhood Commercial	Medical, Dental, Optometry, or Psychiatric Office (less than 2,000 sf)	Y
		Medical, Dental, Optometry, or Psychiatric Office (more than 2,000 sf)	Special Use
Osceola County	CN Commercial Neighborhood	Offices and Professional Services / Vet Clinic	Y
		Hospital / Health Institute	Y
Seminole County	OP Office District		Y
	CN Restricted Neighborhood Commercial District	Dental and Medical Clinics / Laboratories	Y
Volusia County	B-1 General Office, Hospital-Medical		Y
	B-2 Neighborhood Commercial	Medical and Dental Clinics	Y

Compiled By: Emily W. Johnson, Planner Date: 18 June 2020

Summary of Ordinance

The purpose of this Ordinance is to update and amend, Lake County Code, Appendix E, Land Development Regulations (“LDR”), in order to designate medical service uses as a permitted use within a commercial zoning district where the use is currently not allowed. Specifically, this Ordinance will amend LDR Section 3.01.03, the Schedule of Permitted and Conditional Uses to allow medical service(s) as a permitted use within Neighborhood Commercial (C-1) zoning districts.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

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ORDINANCE 2020-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, “LAND DEVELOPMENT REGULATIONS” TO ESTABLISH MEDICAL SERVICE(S) AS A PERMITTED USE BY AMENDING LAND DEVELOPMENT REGULATION SECTION 3.01.03, THE SCHEDULE OF PERMITTED AND CONDITIONAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 22, 2011, the Lake County 2030 Comprehensive Plan became effective, which required the Land Development Regulations be updated; and

WHEREAS, Objective I-1.1 of the Lake County Comprehensive Plan, entitled Planning Framework, Lake County shall establish a planning framework to provide for the efficient provision of services, use of innovative planning techniques, a variety of transportation, employment and housing options, the protection of the environment, and a sustainable diversified economy; and

WHEREAS, Policy I-1.1.3 of the Lake County Comprehensive Plan, entitled Direct Orderly, Compact Growth, land use patterns delineated on the Future Land Use Map shall direct orderly, compact growth; and

WHEREAS, Policy I-1.1.8 of the 2030 Comprehensive Plan requires the County to adopt and maintain a set of specific and detailed Land Development Regulations that implement and are consistent with the goals, objectives and policies of the Comprehensive Plan; and

1 **WHEREAS**, the Board of County Commissioners of Lake County, Florida desires to
 2 amend Lake County Code, Appendix E, Land Development Regulations to remove
 3 unnecessary provisions contained therein, and to provide consistency between the Land
 4 Development Regulations and the 2030 Comprehensive Plan; and
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6 **WHEREAS**, the Lake County Board of County Commissioners determines that these
 7 amendments are in the best interests of the citizens of Lake County, Florida; and
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9 **WHEREAS**, on the 5th day of August, 2020, this Ordinance was heard at a public hearing
 10 before the Lake County Planning & Zoning Board, who considered this ordinance and
 11 recommended approval; and
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13 **WHEREAS**, on the 25th day of August, 2020, this Ordinance was heard at a public hearing
 14 before the Lake County Board of County Commissioners.
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 17 **NOW THEREFORE**, be it ordained by the Board of County Commissioners of Lake
 18 County, Florida, as follows:
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20 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
 21 herein.
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23 **Section 2. Amendment.** **Lake County Code, Appendix E, Land Development**
 24 **Regulations**, entitled Schedule of Permitted and Conditional Uses, is amended as follows.
 25 Specifically Section 3.01.03 Table Schedule of Permitted and Conditional Uses is amended to
 26 allow Medical Service(s) as a permitted use in the Neighborhood Commercial (C-1) zoning district
 27 by adding the letter “P” under the C-1 zoning column associated with Medical Service(s) use as
 28 listed beneath the Commercial Uses subsection of the table.

29 **Table 3.01.03 Schedule of Permitted and Conditional Uses.**
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3.01.03 Schedule of Permitted and Conditional Uses.																	
COMMERCIAL USES (See Policy 1-1.13 of Comprehensive Plan for commercial site restrictions in Employment Center land use designation.)																	
Adult Use											C	C	2 & Sec. 3.07.00				
Amusements, Commercial	C										C	C	P	Sec. 3.01.02.C.2			
Automotive Repair											P	P	P	P	P	P	Sec. 3.01.02.C.3
Automotive Service Station/Convenience Store											P	P	P	P		P	Sec. 3.01.02.C.4
Banking											P	P	P	P		P	Sec. 3.01.02.C.5
Bar or Tavern											P	P	P	P	P	P	Sec. 3.01.02.C.6
Carwash											P	P	P	P		P	See Chap. II, Definitions

Consumer Services and Repair																		P	P	P	P	C	Sec 3.01.02.C.7	
Hotel or Motel																		P	P	P			Sec.3.01.02.C.8	
Marina	C	C	C															P	P	P		P	P	15 & Sec. 3.01.02.C.9
Medical Service										P		P	P	P	P	P	P							Sec.3.01.02.C.10
Personal Care Services												P	P	P	P	P	P							Sec.3.01.02.C.11
Professional Office										P		P	P	P	P	P	P	P						Sec.3.01.02.C.12
Recreation, Commercial												P	P	P	P									Sec.3.01.02.C.13
Research Services												P	P	P	P	P	P							Sec.3.01.02.C.14
Restaurant, Fast Food												P	P	P	P	P	P							Sec.3.01.02.C.15
Restaurant, General												P	P	P	P	P	P	P					C	Sec.3.01.02.C.16
Retail, Convenience										C		P	P	P	P	P	P	P					C	5 & Sec. 3.01.02.C.17
Retail, General												P	P	P	P								C	3.01.02.C.18
Self-Service Laundry										P	P	P	P											6 & Sec. 3.01.02.C.19
Self-Service Storage												C		P	P	P	P							Sec. 3.01.02.C.20
Theaters													P	P									P	Sec. 3.01.02.C.21
Recreational Vehicles																							P	17
Truck Yard	C																		P	P	P	P		13 & Sec. 3.01.02.C.22
Vehicular Sales													C	C	P	P	P	P						Sec. 3.01.02.C.23
Wholesale and Warehouse														P	P	P	P	P	P					Sec.3.01.02.C.24

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2 [\(Ord. No. 2012-4, § 2, 1-24-12; Ord. No. 2012-70, § 4, 11-6-12\)](#)
3 P = Permitted Use C = Conditional Use
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5 **Section 3. Inclusion in Code.** It is the intent of the Board of County Commissioners
6 that the provisions of this Ordinance shall become and be made a part of the Lake County Code
7 and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance"
8 may be changed to "section", "article", or such other appropriate word or phrase in order to
9 accomplish such intentions.

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11 **Section 4. Severability.** If any section, sentence, clause, phrase or word of this
12 Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such
13 holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be
14 construed to have been the Commissioner’s intent to pass this Ordinance without such
15 unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the
16 exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been
17 included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any
18 person, groups of persons, property, kind of property, circumstances or set of circumstances, such
19 holding shall not effect the applicability thereof to any other person, property or circumstances.
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1 **Section 5. Filing with the Department of State.** The Clerk shall be and is hereby
2 directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State
3 of Florida.

4 **Section 6. Effective Date.** This ordinance shall become effective as provided for by
5 law.

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7 ENACTED this day of _____ day of _____, 2020.

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9 FILED with the Secretary of State the ____ day of _____, 2020.

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ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Neil Kelly, Clerk of the
Board of County Commissioners of
Lake County, Florida

Leslie Campione, Chairman

This ____ day of _____, 2020.

Approved as to form and legality:

Melanie Marsh, County Attorney