



COMPREHENSIVE PLAN AMENDMENT  
STAFF REPORT  
OFFICE OF PLANNING & ZONING

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Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): January 5, 2022  
Board of County Commissioners (BCC) (Transmittal): February 1, 2022  
Board of County Commissioners (BCC) (Approval): To Be Determined

Case No. and Project Name: CP-22-1

Applicant: Lake County Board of County Commissioners

Requested Action: Amend and create definitions within the Comprehensive Plan

Case Manager: Tim McClendon AICP, Director of Planning and Zoning

Staff Determination: Find the request consistent with the Comprehensive Plan.

PZB Recommendation: TBD

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### **Staff Analysis**

Staff has identified two inconsistencies within the Lake County Comprehensive Plan, specifically with two definitions, “animal specialty services” and “open space”, as it relates to Wellness Way. The Lake County Comprehensive Plan allows “animal specialty services” as a conditional use permit in several Future Land Use designations. The Comprehensive Plan fails to define what “animal specialty services.” The failure to define animal specialty services has led to confusion and lengthy public hearing discussions during conditional use permit applications for kennel facilities at the Board of County Commissioners meetings.

Open space is defined in the Comprehensive Plan, Open space is currently defined as the following:

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

Open space is treated differently within the Wellness Way Area Plan (WWAP). Policy Policy 1-8.2.5 states the following: “The WWUSA will preserve a significant amount of land area in the form of open space and natural protected areas. The natural protected areas include wetlands and water bodies. Open space will be divided into two separate categories, Wellness Space and Green Space, with each type allowing different uses.

Wellness Space includes land area that remains minimally developed, such as trails and boardwalks, as part of a natural resource preserve or active/passive recreation area. Wellness Space also includes land area open to public access and gathering places, such as parks, piazzas, plazas and urban squares. Wellness Space may include permeable storm water areas if enhanced as amenities using native vegetation. Open water bodies, completely surrounded by uninterrupted Wellness Space, may also be counted as Wellness Space. Wellness Space is limited 10% impervious surface ratio.

Green Space includes land areas for the purpose of protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, or protection of vegetative communities or wild life habitat and shall include land preserved for conservation purposes. Green Space should be maintained in such a way to encourage the proliferation of native flora and fauna. Active recreation is prohibited in Green Space; passive recreation is allowed in Green Space.

PUD's in all WWUSA FLUCs will identify and reserve 20% of the net acres as Wellness Space and 10% of the net acres as Green Space. Wetlands and water bodies cannot be counted towards a PUD's Wellness Space or Green Space allocation, with the exception of water bodies that are completely surrounded by uninterrupted Wellness Space, in which case, up to 25% of the water body may be counted towards the Open Space requirement. A 50-foot wide continuous upland buffer is required around all wetlands and waterbodies counted towards Open Space.

Open Space is meant to provide an amenity to the community and should be designed to promote public access. Open Space tracts are encouraged to be placed in the interior of a PUD. Narrow open space tracts, boarding the perimeter of a PUD, being used solely as a buffer, shall be discouraged. All open space calculations shall be applied at the PUD and shall be phased consistent with development.”

While the definition of open space specifically prohibits wetlands and water bodies be counted towards open space requirements, the WWAP allows wetlands and water bodies to count towards the open space calculations and allows impervious surface within those open space areas. The definition of open space is currently inconsistent and is direct conflict with how WWAP treats open space.

In order to rectify the inconsistencies, staff has proposed to define “animal specialty services” and amend the definition of open space to allow wetlands and waterbodies be counted towards open space calculations with the caveat that it would require the Board of County Commissioners approval (all applications within Wellness Way require BCC approval).

### **Standards for Review (LDR Section 14.03.03)**

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

The proposed amendment is consistent with all elements of the Comprehensive Plan. The proposed amendment seeks to ensure the internal consistency within the Comprehensive Plan. By amending the open space definition, the WWAP and subsequent policies would no longer be inconsistent or in direct conflict with the definition of open space.

#### **. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.**

If adopted, the proposed amendment is not in any conflict with any applicable provisions of the Comprehensive Plan and again seeks to end the conflict between how the WWAP treats open space and the definition of open space.

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

The amendment is not inconsistent with existing or proposed land uses. The amendment seeks greater consistency of how the WWAP treats open space and the definition of open space.

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

Several BCC discussions centering on animal specialty services turned contentious and applications were defined as a result of the Comprehensive Plan not defining animal specialty services (i.e. is a kennel an animal specialty service or is a veterinary clinic an animal specialty service).

As a result of a separate application, the Wellness Way remedial amendments, it was noted that the open space definition is wholly inconsistent with how Wellness Way treats open space.

The proposed changes are needed to resolve outstanding issues.

**D. 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 would have no impact to public facilities, including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire/emergency medical facilities. All development would be required to be consistent with the existing policies in place for public facilities.

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

With regards to the open space definition, the Wellness Way Area Plan currently sets aside 30% of the natural area in open space. The proposed amendment does not change that requirement. Wellness Way already allows wetlands and water bodies to count towards open space calculations, the amended definition simply clarifies when wetlands and water bodies may count towards open space (with BCC approval).

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

By clarifying the two definitions, there is no indication that the amendment would have an adverse impact on property values.

**G. 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 proposed amendment only seeks to clarify definitions in the Comprehensive Plan and would have no affect on the development patterns within Lake County.

**H. 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 seeks to become consistent with and be in harmony with the entirety of the Comprehensive Plan. Without the amendment, open space would remain inconsistent with the Wellness Way policies and lead to direct conflicts and issues with applications submitted within the Wellness Way area.

**ORDINANCE 2021 – XX**  
**FLU-21-XX-X**  
**Comprehensive Plan Definitions**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; CREATING AND AMENDING “DEFINITIONS”; 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 “prepare and enforce comprehensive plans for the development of the county”; and

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

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

**WHEREAS**, on the 22<sup>nd</sup> day of September 2011, the Lake County 2030 Comprehensive Plan became effective and designated the property as part of the Green Swamp Ridge Future Land Use Category; and

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

**WHEREAS**, on the 5<sup>th</sup> day of January 2022, 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 1<sup>st</sup> day of February 2022, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for approval to transmit to the state planning agency and other reviewing agencies; and

**WHEREAS**, on the XX day of XXXX 2021, 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 the amendment to the Lake County Comprehensive Plan and Future Land Use Map.

**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, Chapter X, Definitions shall be amended to include the following text/map amendments. Added text is shown as underlined, deleted text is shown as ~~strikethrough~~. The notation \* \* \* shall mean that all preceding or subsequent text remains unchanged.

<p><u>Animal Specialty Services</u></p>	<p><u>Establishments primarily engaged in performing services, except veterinary, for pets, equines, and other animal specialties. Specialty services include:</u></p> <ul style="list-style-type: none"><li>▪ <u>Animal shelters</u></li><li>▪ <u>Artificial insemination services: animal specialties</u></li><li>▪ <u>Boarding horses</u></li><li>▪ <u>Boarding kennels</u></li><li>▪ <u>Breeding of animals, other than cattle hogs, sheep, goats, and poultry</u></li><li>▪ <u>Dog grooming</u></li><li>▪ <u>Dog pounds</u></li><li>▪ <u>Honey straining on the farm</u></li><li>▪ <u>Pedigree record services for pets and other animal specialties</u></li><li>▪ <u>Showing of pets and other animal specialties</u></li></ul>
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	<ul style="list-style-type: none"> <li>▪ <u>Training horses, except racing</u></li> <li>▪ <u>Training of pets and other animal specialties</u></li> <li>▪ <u>Vaccinating pets and other animal specialties, except by veterinarians</u></li> </ul>
<p>Open Space</p>	<p>Land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of buildable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies*, wetlands*, residential lots, street rights of way, parking lots, impervious surfaces*, and active recreation areas*. Minimum required open space may include permeable stormwater management areas if enhanced as amenities utilizing native vegetation. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net buildable area of a parcel, which is defined as the total area of a parcel less wetlands and water bodies. Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement*.</p> <p><u>*may count towards minimum open space requirements if approved by the Board of County Commissioners</u></p>

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**Section 2. Advertisement.** This Ordinance was advertised pursuant to Sections 125.66 and 163.3184, Florida Statutes.

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1 **Section 3. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to  
2 be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it  
3 shall be construed to have been the Commissioners' intent to pass this Ordinance without such unconstitutional, invalid or  
4 inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to  
5 be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to  
6 any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the  
7 applicability thereof to any other person, property or circumstances.

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

15 ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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17 FILED with the Secretary of State \_\_\_\_\_, 2021.

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20 BOARD OF COUNTY COMMISSIONERS  
21 LAKE COUNTY, FLORIDA

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25 Sean M. Parks, Chairman

26 ATTEST:  
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29 Gary J. Cooney, Clerk  
30 Board of County Commissioners of  
31 Lake County, Florida

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35 Approved as to form and legality:  
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38 Melanie Marsh, County Attorney