**Summary of Ordinance**

The purpose of this Ordinance is to create Chapter XVII, Lake County Code, Appendix E, Land Development Regulations, to be entitled *Rural Conservation Subdivision Design Standards*, which establishes design standards for new subdivisions developed within the Rural Future Land Use Series, Wekiva River Protection Area, Wekiva Study Area, and the Green Swamp Area of Critical State Concern Comprehensive Plan categories. The Ordinance also amends Chapter II and Section 3.02.06 of the Land Development Regulations to accommodate Rural Conservation Subdivisions.

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).

**ORDINANCE 2022-_____**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; CREATING CHAPTER XVII, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO BE ENTITLED *RURAL CONSERVATION SUBDIVISION DESIGN STANDARDS*; PROVIDING FOR PURPOSE; APPLICABLITY; DESIGN STANDARDS FOR PROTECTED LANDS; DENSITY STANDARDS; EVALUATION CRITERIA; WATER SUPPLY & SEWAGE DISPOSAL FACILITIES; OPTIONAL DENSITY BONUSES; PROCEDURES FOR APPLICATION; SPECIFICATIONS FOR CONCEPTUAL PLANS; AMENDING CHAPTER II, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *DEFINITIONS*; AMENDING SECTION 3.02.06, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *DENSITY, IMPERVIOUS SURFACE, FLOOR AREA, AND HEIGHT REQUIREMENTS;* AMENDING SECTION 6.12.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, REGARDING CENTRAL WATER AND SEWER CONNECTION REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Lake County Comprehensive Plan for Planning Horizon 2030 contains numerous policies that require development to be in the form of a rural conservation subdivision; and

**WHEREAS,** Policy I-7.4.2 of the Comprehensive Plan required the adoption of design criteria and guidelines for the development of conservation subdivisions in the Rural Future Land Use Series, Wekiva River Protection Area, Wekiva Study Area, and the Green Swamp Area of Critical State Concern; and

**WHEREAS,** Goal I-5.1 of the Comprehensive Plan creates and governs the Rural Protection Areas (RPA) and Policy I-5.1 states that the County shall update its land development

regulations to implement conservation design standards for the RPAs; and

**WHEREAS,** the County engaged the services of Randall Arendt, who is a landscape planner, site designer, author, lecturer, and an advocate of conservation planning, to develop the conservation subdivision design criteria; and

**WHEREAS,** the Board of County Commissioners did, on May 10, 2022, and June 14, 2022, receive public comments on the proposed Ordinance; and

**WHEREAS,** the Board of County Commissioners has determined that adopting these regulations are in the best interests of the public health, safety, and welfare of the residents of Lake County, Florida.

**NOW, THEREFORE,** be it ordained by the Board of County Commissioners of Lake County, Florida, as follows:

**Section 1.** **Legal Findings of Fact.** The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** **Creation.** Chapter XVII, Lake County Code, Appendix E, Land Development Regulations, to be entitled *Rural Conservation Subdivision Design Standards*, is hereby created to read as follows:

## CHAPTER XVII RURAL CONSERVATION SUBDIVISION DESIGN STANDARDS

### 17.00.00 – Generally.

17.00.01 Purpose.

A. The purpose of these regulations is to provide housing in a manner that also preserves agricultural and forestry lands, natural and cultural features, scenic viewsheds, and rural community character that would be at great risk of becoming lost through conventional development approaches, and which it is the policy to incorporate, to the greatest extent practicable, into an interconnected network of permanent greenway conservation lands adding both economic and environmental value to the proposed development and to the broader community.

B. Specific objectives include:

1. Cluster development to create large contiguous tracts of common open space or protected space; to protect environmentally sensitive areas, including, but not limited to, habitat, wildlife, and wildlife corridors; to maximize buffering to adjacent conservation land; to protect aquifer recharge and karst features; and to create opportunities for passive recreation;

2. Maintain, enhance, and protect corridors for wildlife movement in coordination with adjacent properties;

3. Minimize site disturbance and alteration of terrain, through use of design techniques that protect native vegetation and minimize earth movement such as reduced lane widths, stem-wall construction, and swales;

4. Protect common open space, wetlands, and other natural features in perpetuity by conservation easement or similar recorded and legally binding instrument, to the extent allowed by law;

5. Protect natural amenity areas for passive recreation;

6. Protect dark skies through a dark sky lighting ordinance;

7. Retain all stormwater on site or located in the same area of recharge. Stormwater management systems shall be designed using Low Impact Development principles and practices;

8. Ensure that development along roadway corridors improves or protects the rural character of the corridor;

9. Require the use of Best Management Practices for native landscaping and "right plant-right place" landscaping techniques to provide compatibility with the natural environment and minimize the use of chemicals, pesticides, and water for irrigation;

10. Implement water conservation techniques including the limitation of overhead irrigation, except for low-volume irrigation such as drip or micro-irrigation systems, and areas used for vegetable gardens;

11. Enhance the rural character of the project and surrounding area; and

12. To comply with existing Comprehensive Plan policies that provide for compatibility with adjacent land uses to protect rural residents' equestrian and agrarian lifestyles and economies.

17.00.02 Applicability. The regulations contained within this Chapter shall apply wherever a conservation subdivision is required under the Comprehensive Plan, including within the designated Rural Protection Areas, and may also be used to develop property not otherwise subject to the mandatory requirement. All conservation subdivision development shall also comply with any other applicable provisions of the Land Development Regulations to the extent the other regulations are not in conflict with this Chapter.

**17.01.00 – Open Space and Protected Space Requirements.**

17.01.01 Minimum Required Open Space. The minimum open space to be set aside shall be as follows:

| **Future Land Use Category** | **Minimum Open Space Requirement*** |
|---|---|
| Rural Transition: 1 Unit / 3 Net Buildable Acres | 35% |
| Rural Transition: 1 Unit / 1 Net Buildable Acre | 50% |
| Ferndale Community: 10 or more Dwelling Units | 50% |
| Wekiva River Protection Area A-1-40 Sending | 50% |
| Wekiva River Protection Area A-1-20 Sending | 50% |
| Wekiva Study Area: 10 or more Dwelling Units (resulting in a density greater than 1 Unit / 20 Net Acres) | 35% |
| Wekiva-Ocala Rural Protection Area: 10 or more Dwelling Units (resulting in a density greater than 1 Unit / 20 Net Acres) | 35% |
| Emeralda Marsh Rural Protection Area: 10 or more Dwelling Units (resulting in a density greater than 1 Unit / 20 Net Acres | 35% |
| Yalaha-Lake Apopka Rural Protection Area | 35% |
| Green Swamp Ridge | 40% |
| Green Swamp Rural | 60% |
| Green Swamp Rural Conservation | 80% |
| Green Swamp Core Conservation | 90% |

* Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirements. Some portions of the protected space may be credited toward the minimum open space requirements. Open space requirements for Future Land Use categories not shown above shall be as set forth in the Comprehensive Plan.

17.01.02 Protected Space and Open Space.

A. Conserved land shall be comprised of two types: “Primary Conservation Areas” and “Secondary Conservation Areas” and shall be configured to create or maintain interconnected networks of conservation lands, to the greatest extent that is practicable.

B. Primary Conservation Areas are the natural features that form the core of the area to be protected. They consist of the following constrained (unbuildable) land, and include the following site features:

1. Wetlands as defined by Section 373.019, Florida Statutes;
2. Floodplains (100-year) and alluvial soils identified as part of a Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA);
3. Sinkholes, and steep slopes greater than twenty-five (25) percent, identified as part of a site analysis conducted by a registered engineer, land surveyor,

landscape architect, architect or land planner and calculated using topographic maps from an actual survey from the U.S. Geological Survey.

C. Secondary Conservation Areas consist of unconstrained (buildable) land that would otherwise be suitable for development, and include the following site features:

1. Natural Upland Communities as set forth in Section 6.03.00 of these regulations.
2. Farmland, whether actively used or not, including cropland, horticultural operations, fields, pastures, and meadows.
3. Natural areas, and wildlife habitats, including existing gopher tortoise habitat, and corridors identified as part of:
   a. An Inventory of Natural Areas and Wildlife Habitats as prepared by a state agency, the Nature Conservancy, or a local land trust;
   b. A required Environmental Assessment or Environmental Impact Statement; and/or
   c. An independent site study conducted by a trained botanist and/or biologist.
4. Slopes of fifteen (15) percent to twenty-five (25) percent which require special site protection due to their erosion potential, limitations for septic tank nitrification fields, and terrain or elevation changes. Such areas may be suitable for building, but higher site preparation and construction costs are to be expected.
5. Historic and/or archaeological sites, including, but not limited to, sites listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark or district, and/or designated as having a high potential for archaeological remains. Such sites are generally identified as part of:
   a. A local architectural survey;
   b. A local archaeological survey;
   c. A required Environmental Assessment;
   d. Environmental Impact Statement; and/or
   e. An independent site study conducted by an architectural historian or archaeologist.
6. Public and/or private passive recreation areas, including pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, Land in this category receives full credit toward meeting the minimum open space requirement when it is located on unconstrained land. Active recreation areas shall not be counted towards the open space requirements.
7. Rain Gardens for stormwater bio-infiltration up to a maximum size of 7,500 square feet each and with a maximum depth of twenty-four (24) inches. These features shall be heavily landscaped on their sides and bottom with plant material (sometimes including shrubs and trees) that are able to tolerate alternating wet and dry conditions. Appropriate native vegetation shall be used. Prohibited and invasive plants listed in the University of

Florida, Institute of Food and Agricultural Sciences (IFAS) Assessment of Non-Native Plants in Florida's Natural Areas shall not be permitted. The list can be found at https://assessment.ifas.ufl.edu/assessments/. Appropriate native vegetation shall be used. A second form of stormwater infiltration that may be counted when calculating development density is the broad, shallow type with very gentle side slopes (not exceeding 1:10) and not deeper than thirty (30) inches. These areas, which are not limited in extent, almost disappear visually into the landscape, and can sometimes be used for informal recreation and buffering new homes from existing roads. Examples are shown in Section 17.10.00. Specifically excluded are stormwater detention and retention basins with steeper side slopes and greater depths.

8. Scenic views of natural and cultural features visible on the property from public roads, and from potential home sites. (Because scenic views are not easily measurable in acreage, this provision is included for design purposes and is not part of the density calculation.)

17.01.03 Location of Protected Space. The protected space consists of Primary and Secondary Conservation Areas. The protected space may be in undivided preserves, and/or as part of an interconnected network of protected land, as follows:

A. Undivided Preserves. Both the Primary Conservation Areas (unbuildable land) and the Secondary Conservation Areas fifty (50) percent or more of the unconstrained, buildable land) shall be placed in undivided preserves which adjoin housing areas that have been designed more compactly to create larger conservation units that may be enjoyed by all residents of the subdivision. Such undivided areas, or preserves, shall be accessible to the largest number of lots within the development. Safe and convenient pedestrian access to the preserve from all adjoining house lots shall be provided, except in the case of farmland or other resource areas vulnerable to trampling damage or human disturbance.

Where an undivided preserve is designated as separate non-contiguous parcels, no parcel shall consist of less than three (3) acres in area, nor have a length-to-width ratio more than 4:1, except such areas that are specifically designed for neighborhood commons or greens, boulevard medians, foreground buffers along existing public roadways, playing fields, buffers adjacent to wetlands and watercourses, wildlife corridors, or trail links

B. Interconnected Network of Protected Space. As these standards are implemented, the protected space in each new subdivision should be consciously designed to adjoin each other, and/or to other permanently protected lands, so that they may ultimately form an inter-connected network of Primary and Secondary Conservation Areas across larger areas and across the County.

C. Perimeter Buffers. Each new subdivision shall provide a perimeter buffer with a minimum width of one hundred (100) feet unless the Board of County

Commissioners approves an alternate plan that incorporates a smaller enhanced buffer including, but not limited to, other forms of natural screening. Additionally, at the time that homes are constructed, a four-board equestrian style fence, or other similar alternative, must be placed across the rear property line of each lot to create a continuous delineation fore the common open space or protected space.

17.01.04 Ownership of Protected Space. Protected space may be owned and/or administered by any of the following methods, either individually or in combination. All protected space shall be permanently restricted from further subdivision through permanent conservation or open space easements recorded in the public records of Lake County, Florida, as further set forth in Section 17.09.00, below. Ownership options include:

A. Fee simple conveyance to the State of Florida, or an agency thereof, or to a private nonprofit land conservancy.

B. Fee simple conveyance to a Homeowners Association where specific development restrictions and maintenance requirements are included as part of its governing documents and restrictive covenants. Such land may also be protected through permanent conservation easements. Membership in the Homeowners Association shall be automatic and mandatory for every purchaser of property within the development.

C. Up to fifteen (15) percent of the protected land within the subdivision may be "non-common open space" that is designated for individual private ownership, such as by the original farmer or landowner, the developer, or another private entity that maintains the space for the uses permitted in these regulations (such as a nursery business or commercial equestrian operation). Non-common open space may also include the land within a large "Conservancy Lot" (containing a minimum of three acres), which may contain an original historic farmhouse (that could be used as a private dwelling or as a community building). Non-common open space shall not be counted towards the minimum open space requirements.

17.01.05 Maintenance of Protected Space. Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, functioning, or overall condition, as recommended by experts in the area being modified. Permitted modifications may include:

A. Reforestation;

B. Pastureland, cropland, and horticultural operations;

C. Buffer area landscaping;

D. Stream bank protection; and/or

E. Wetlands management.

Unless agreed to by the County, the State of Florida, or a private non-profit land conservancy, the cost and responsibility of maintaining protected space and any facilities located thereon shall be borne by the property owner and/or homeowners association. Management Plans are required for all protected space within the subdivision establishing conservation objectives, outlining procedures, and defining the roles and responsibilities for managing the space, including the

establishment of a Qualified Management entity as appropriate. The Plan shall also address wildfire mitigation requirements to include vegetation management practices to prevent hazardous fuel buildup and possible wildfire threat within the community. See Section 17.08.00 for Management Plan requirements. If not properly maintained, the County Manager or designee may enforce the maintenance provisions of the Management Plan by any method allowed by law.

**17.02.00 -- Densities and Design Standards.**

17.02.01 Densities. The density calculation for the rural conservation subdivision shall be as set forth in the Comprehensive Plan based upon the assigned Future Land Use Category.

17.02.02 Rain Gardens. Special stormwater management areas known as rain gardens may be included in the acreage on which development density is calculated, provided they do not exceed 7,500 square feet in area (each) and are designed for maximum water depths of twenty-four (24) inches. Such rain gardens are relatively small, shallow areas capable of moderately rapid stormwater infiltration requiring no more than forty-eight (48) hours to drain fully. These features shall be heavily landscaped on their sides and bottoms with plant materials (sometimes including shrubs and trees) that can tolerate alternating wet and dry conditions. Appropriate native vegetation shall be used. Prohibited and invasive plants listed in the University of Florida, Institute of Food and Agricultural Sciences (IFAS) Assessment of Non-Native Plants in Florida's Natural Areas shall not be permitted. The list can be found at https://assessment.ifas.ufl.edu/assessments/. Rain Garden examples are included in Section 17.10.00.

17.02.03 Existing Features/Site Analysis Map**.** An Existing Features/Site Analysis Map analyzing each site's special features forms the basis of the design process and is required for all proposed subdivisions. The Map shall identify those natural, historic, and cultural features listed in Section 17.01.02 without distinction as to whether they are Primary or Secondary Conservation Areas.

17.02.04 Design Process. Subdivisions shall be designed around both the Primary and Secondary Conservation Areas. The design process should commence with the delineation of all potential protected space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step. This "four-step" design process is further described below and is illustrated in Section 17.10.00. Applicants shall provide to the County Manager or designee a visual representation of the steps they took to design the subdivision to demonstrate compliance with this section.

A. Step One: Designating Protected Space. During the first step, all potential Conservation Areas, both Primary and Secondary, shall be identified, using the Existing Features/Site Analysis Map. Primary Conservation Areas shall consist of those features described in Section 17.01.02.B. Secondary Conservation Areas shall comprise at least fifty (50) percent of the remaining unconstrained (buildable) land and shall include the most sensitive and noteworthy natural, scenic, and cultural resources as described in Section 17.01.02.C. On sites containing few special natural or cultural features (such as open farmland), the site designer shall

create areas such as central greens or internal greenway systems (not including perimeter fringe buffers) linking multiple smaller neighborhood greens, as illustrated in Section 17.10.00. Guidance as to which parts of the unconstrained (buildable) land to classify as Secondary Conservation Areas to be permanently protected shall be based upon:

1. On-site visits, as described in Section 17.06.01.B;
2. The Standards contained in Section 17.01.00; and
3. The Evaluation Criteria contained in Section 17.03.00.

B. Step Two: Aligning Streets and Trail Networks. The second step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical manner, and in laying out a network of informal trails or formal walkways connecting neighborhood areas to conserved space. When lots and access streets are laid out, it shall be in a way that avoids or minimizes impacts on both Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing slopes greater than five (5) percent shall be strongly discouraged, unless such streets link one buildable portion of a site with another when no other means of access is available.

Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes on different parts of the property and on adjoining parcels. The preferred alternative to the conventional cul-de-sac is a "close", which is essentially a short driving lane looping around an elongated green space or very wide median, typically about forty (40) feet in width. "Closes", which are typically not more than 500 feet in length, shall be planted with shade trees within the green space, which may also function as infiltrative stormwater management areas. Trees planted within the closes must be of a species with a root base that will not impact the asphalt. Closes shall be designed to meet the Florida Fire Prevention Code. Please see illustrations in Section 17.10.00.

Cul-de-sacs serving more than six (6) homes shall generally be designed with a central island containing indigenous trees and shrubs, either conserved or planted. All cul-de-sacs shall provide pedestrian access to the protected space and/or other nearby streets. The creation of single-loaded residential access streets is encouraged to maximize the number of homes in new developments that may enjoy views of open or protected space. To make this approach economical, narrower lots as well as flag lots, both of which help to make the street system more efficient, are permitted in these subdivisions.

C. Step Three: Locating House Sites. During the third step, potential house sites are tentatively located.

D. Step Four: Drawing the Lot Lines. The fourth step consists of drawing lot lines around potential house sites. Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory

uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways. Individual wells and septic systems, if allowed under Section 17.04.01, shall be located on the lots.

17.02.05 Dimensional Standards. Provided the arrangement, design, and shape of house lots is such that lots provide satisfactory and desirable sites for building and contribute to the preservation of designated Primary and/or Secondary Conservation Areas, minimum lot area, lot width, and setback requirements may be reduced as set forth below.

A. The *average minimum* lot size shall be 6,000 square feet. To encourage housing variety, this average allows for lots that are smaller or larger than this lot size. Developments without internal lot lines such as pocket neighborhoods may be included, and these may also contain attached housing with buildings containing up to four dwellings.

B. Minimum lot width for detached single-family dwellings shall be thirty-four (34) feet (these units are sometimes referred to as detached townhouses).

C. Minimum front setback requirements for residences shall be no less than twelve (12) feet (or eight (8) feet for unenclosed front porches), and no less than twenty-five (25) feet for front-facing garages.

D. Minimum rear and side setback requirements shall be no less than seven and one-half (7.5) feet. Side setbacks may be combined to be greater than seven and one-half (7.5) feet on one side, provided that at least five (5) feet of setback remains on the other. Such combinations are permitted in lot layouts where this pattern is repeated with homes located off-center on their lots but evenly spaced (by no less than fifteen (15) feet) between buildings on adjoining lots.

E. Minimum lot frontage requirements shall generally be thirty-four (34) feet but may be reduced to twenty (20) feet to allow for a driveway extension.

F. Street frontage shall not be required when the garage access is provided *via* a back lane or alley, and when the lot directly abuts permanent open or protected space such as a neighborhood green (sometimes called an "attached green") or a "greenway street'' (sometimes called a "mews"), as depicted in Section 17.10.00. Sidewalks shall be required on each side of the long green space (not be built down the middle), which shall be planted with shade trees like any other residential street.

G. To prevent garage doors from dominating streetscapes, the following two standards shall apply: (1) Garages shall be accessed *via* a back lane or alley for any lot that is less than fifty-five (55) feet wide, and (2) on lots that are fifty-five (55) feet or wider (and not served by an alley), front-facing garage doors shall be set back at least eight (8) feet beyond the front edge of the dwelling (excluding porches), as depicted in Section 17.10.00.

H. Street frontage shall not be required for lots accessed *via* private common driveways (or "country lanes"), serving up to four (4) dwellings, which shall have a minimum gravel surface of sixteen (16) feet wide within a minimum right-of-way of twenty-five (25) feet.

## 17.03.00 -- Evaluation Criteria.

17.03.01. Resource Priority. For any given site, resources may vary widely in importance; e.g., a natural area compared with a historic site. Likewise, for each type of resource, there may be examples of greater or lesser significance; e.g., a notable example of local vernacular building traditions compared to a much-altered older home. Priorities for conserving such resources should therefore be based upon a thorough site analysis and an understanding of what is more special, unique, environmentally sensitive, and/or historic as compared with other similar features or different types of resources.

17.03.02. Evaluation Criteria. In evaluating the layout of lots, protected space, and open space, the following criteria will be considered as indicating design appropriate to the site's features and meeting the intent of these regulations. Whereas diversity and originality in lot layout are encouraged, it is recognized that not all objectives may be achieved on a given site. Each applicant must therefore attempt to achieve the best possible relationship between development and preservation objectives. In evaluating the relative significance of different categories of site features, or of individual features within certain categories, applicants shall consider comments received from the County Manager or designee during the Pre-Application Review and the On-Site Visit (See 17.06.01), which precedes submission of the Conceptual Sketch Plan.

A. General Criteria. The following criteria apply to all subdivisions:

1. Protect and preserve all wetlands, floodplains, and steep slopes from clearing, grading, filling, or construction except as may be approved by the County Commissioners.
2. The shape of the protected space and open space shall be reasonably contiguous, coherently configured, and shall abut existing or potential protected or open space on adjacent properties. Long narrow segments should be avoided except in the case of trail or stream corridors, wildlife corridors, trail links, or landscape buffers adjoining street rights-of-way and/or neighborhood boundaries.
3. The pedestrian circulation system shall be designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood protected space or open space system. All roadside footpaths should connect with off-road trails, and link with existing or potential protected or open space on adjoining parcels.
4. Landscape common areas (neighborhood greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.

B. Forest Land/Natural Areas Conservation Criteria. Where the goal of the subdivision is to conserve forest land and/or natural areas and wildlife habitats, the following criteria apply:

1. Dwellings should be in unwooded parts of the site away from mature forests, natural areas, and/or wildlife corridors.
2. To the greatest extent practicable, development should be designed around existing hedgerows and tree lines between fields or meadows. The impact on larger woodlands (greater than five (5) acres), especially those containing mature trees, natural areas, and/or wildlife corridors should be minimized.
3. When any woodland is developed, care shall be taken to locate buildings, streets, yards, and septic disposal fields to avoid mature forests, natural areas, and/or wildlife corridors

C. Farmland Conservation Criteria. Where the goal of the subdivision is to conserve farmland, the following criteria apply:

1. Locate building lots away from existing grazing areas, cropland, feedlots, and similar uses.
2. If development must be located on open fields or pastures because of greater constraints on other parts of the site, dwellings should be sited in locations at the far edge of a field, as seen from a public road.
3. Identify the most productive portions of existing grazing areas and cropland and locate building lots on less productive land.
4. Buffers shall be provided between house lots and cropland or pastures, to reduce the potential for conflict between residents and farming activities. Such buffers shall generally be seventy-five (75) feet or more in depth and shall be managed to encourage the growth of successional woodland or other habitat.

D. Conservation of Scenic Views Criteria. Where the goal of the subdivision is to conserve scenic views, the following criteria apply:

1. Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. Consider “no-build, no-plant” buffers along public roadways where views or vistas are prominent or locally significant. In wooded areas where enclosure is a feature to be maintained, consider a “no-build, no-cut” buffer created through the preservation of existing vegetation.
2. Where development is in unwooded areas clearly visible from existing public roads, it should be buffered from direct view by a vegetative buffer, or an earth berm constructed to reflect the topography of the surrounding area or located out of sight on slopes below existing ridge lines.
3. Protect rural roadside character and vehicular carrying capacity by avoiding development fronting on existing public roads; e.g., limiting access to all lots from interior rather than exterior roads.
4. Protect rural roadside character and scenic views by providing conservancy lots (e.g., three (3) acres or more in size) adjacent to existing public roads.

5. Avoid siting new construction on prominent hilltops or ridges, or so close to hilltops and ridges that roofline break the horizon (unless such buildings can be effectively screened or buffered with trees).

E. Historic and Archaeological Features Criteria. Where the goal of the subdivision is to conserve historic and archaeological sites and structures, the following guidelines apply:

1. Design around and preserve sites of historic, archaeological, or cultural value to safeguard the character of the feature(s), including fences and walls, farm outbuildings, burial grounds, abandoned roads, and earthworks.
2. New streets, driveways, fences, and utilities must be sited so as not to intrude on rural, historic landscapes. Wherever possible, streets and driveways are to follow existing hedgerows, fence lines, and historic farm drives.
3. New developments must include plantings which reflect natural and historic landscape materials and are in harmony with the character of the area.
4. Building designs and styles used in new construction should be compatible with the architectural style of historic buildings located on or adjacent to the site, especially in terms of scale, height, roof shape, and exterior materials.

F. Recreation Provision Criteria. Where recreation and parks facilities are proposed to be provided for neighborhood residents and/or the public, the guidelines contained in Section 17.01.02 shall apply.

## 17.04.00 – Water and Wastewater.

17.04.01 Alternative Options. Water supply and sewage disposal facilities to serve these subdivisions may be provided using various alternatives, including:

A. Connection to a public water supply and/or sewage disposal system operated by a municipality or water or sewer authority. System extensions are permitted only in accordance with applicable water and sewer, and land use policies.

B. If a public water supply or public sewage disposal system is not available, a central water system and/or distributed wastewater system designed, constructed, and maintained in conformity with all applicable state, federal, and local rules, and regulations shall be allowed.

C. If public utilities are not available and the developer asserts that utilizing a central water system or distributed wastewater system is not feasible, individual wells and septic tanks located on each lot may be allowed if the Board of County Commissioners grants a waiver to the connection requirements at a public hearing. Any waivers granted hereunder are only valid until:

1. The Board of County Commissioners has determined that the existing method of providing water and wastewater is endangering the environment, public health, safety, or welfare; or
2. The private system fails, and a replacement is required, the property is within the distance established in these regulations to be considered available; or
3. The private system is relocated.

**17.05.00 – Optional Density Bonuses.**

17.05.01 Generally. The maximum number of building lots or dwelling units in a subdivision shall not exceed the number that could otherwise be developed by the application of the minimum lot size requirement and/or density standard of the zoning district or districts in which the parcel is located. However, increases in the number of building lots or dwelling units are permitted at the discretion of the Board of County Commissioners when it determines that the applicant has met one of the bonus criteria. Such discretionary bonuses are permitted through one or more of the options in this subsection, and shall not exceed, in total, more than a twenty-five (25) percent increase in density.

17.05.02 To Encourage Additional Open Space. A density increase is permitted where more than the minimum required open space (as specified in these regulations) is provided. The amount of the density increase shall be based on the following standards:

A. For each additional acre of protected, unconstrained (buildable), open space land provided in the subdivision, two (2) additional building lots or dwelling units are permitted.

B. In *lieu* of providing such additional open space within the proposed development, the applicant may purchase in fee simple or less than fee (e.g., development rights) land separate from the subdivision which is comprised of unconstrained (buildable) land. Land purchased for conservation purposes in fee may be dedicated to a unit of local government, the State of Florida, or a private non-profit land conservancy.

C. For land purchased in less than fee, a conservation easement shall be recorded which restricts the development potential of the land. The conservation easement shall be dedicated to a unit of local government, the State of Florida, or a private non-profit land conservancy.

17.05.03 To Encourage Public Access. Dedication of land for public use (including trails, active recreation, municipal spray irrigation fields, etc.), in addition to any public land dedication authorized under Florida law, may be eligible for a density bonus. This density bonus, for open space that would be in addition to what is required under this Chapter or under Florida law, shall be computed based on two (2) dwelling units for every acre of publicly accessible land. The decision whether to accept an applicant's offer to dedicate open space for public access shall be at the discretion of the Board of County Commissioners.

## 17.06.00 – Procedures for Application and Approval.

### 17.06.01 Conceptual Sketch Plan

A. Pre-Application Review: To promote better communication and avoid unnecessary expense in the design of acceptable subdivision proposals, each applicant shall attend a Pre-Application Conference under Section 14.00.03 of these regulations prior to filing an application for Conceptual Sketch Plan approval. The Pre-Application Conference cannot be waived.

B. On-Site Visit: Prior to the submission of a Conceptual Sketch Plan, the applicant shall schedule a mutually convenient time to walk the property with the County Manager or designee, or an agent of the County if the County elects to utilize a consultant for this purpose. If the County elects to use a consultant for the on-site visit, the applicant shall pay the consultant's fee. The purpose of this visit is to familiarize the County Manager or designee, or County's agent, with the property's special features, and to provide an informal opportunity to offer guidance to the applicant regarding the tentative location of Secondary Conservation Areas, and potential street alignments. Prior to scheduling the on-site visit, the applicant shall have prepared the Existing Features/Site Analysis Map as required in Section 17.02.03.

C. Application Requirements: Applications for Conceptual Sketch Plan approval shall be submitted to the County Manager or designee prior to the submission of a Preliminary Plat and shall contain the following information:

1. The applicant's name and address.
2. A narrative describing the request which includes how the Plan is consistent with the applicable design guidelines, the Comprehensive Plan, and the purposes of the zoning district within which the development is to be located.
3. A complete legal description of the property.
4. One (1) original of a Conceptual Sketch Plan of the proposed major subdivision prepared in accordance with the specifications for Conceptual Sketch Plan drawings as contained in Section 17.07.00 of these regulations. A Concept Plan shall consist of an Existing Features/Site Analysis Map and an Open Space Development Conceptual Sketch Plan.

D. Public Information Meeting: Upon receipt and acceptance of the Conceptual Sketch Plan application, the applicant shall schedule a Public Information Meeting at a location near the property to be developed. The applicant shall mail notices of the meeting to each owner of property within 1,000 feet of the property proposed to be subdivided. The Public Information Meeting shall be held within thirty (30) days of date the applicant is notified by the County Manager or designee that the application is deemed sufficient. Notices shall be mailed by first class mail at least ten (10) days prior to the date of the meeting. The applicant shall provide the County

a list of all adjacent owners who were notified and a copy of the notification. The applicant shall incorporate as many suggestions or comments as is reasonably practicable into the Conceptual Sketch Plan. The applicant shall provide a list identifying the public comments or suggestions made to the County Manager or designee and shall notate which have been incorporated into the Plan and the reasons why the remainder were not incorporated.

E. Public Hearings. When two hundred (200) or more lots are proposed, the Conceptual Sketch Plan shall be presented to the Planning and Zoning Board and Board of County Commissioners for approval following the procedures set forth in Section 14.00.00 of these regulations. The Board of County Commissioners may approve, approve with conditions, or deny the application. For subdivisions of one hundred ninety-nine (199) lots or less, a public hearing is not required, and the Conceptual Sketch Plan may be approved by the County Manager or designee if found to be in compliance with these regulations.

F. Expiration of Conceptual Sketch Plan. Conceptual Sketch Plan approval shall be effective for twelve (12) months from the date the Board of County Commissioners approved the Plan. The applicant must submit a Preliminary Plat application, and have the Preliminary Plat approved, within this initial twelve (12) months. An applicant may request a single extension for an additional six (6) months. Such written request shall be submitted at least thirty (30) days prior to the expiration date. If submitted on time, the extension shall be granted where the applicant has demonstrated a good-faith effort to submit a substantially complete Preliminary Plat application and has diligently worked with the County Manager or designee towards approval of the Preliminary Plat. However, the extension shall be denied if any portion of the Conceptual Sketch Plan has become inconsistent with the Comprehensive Plan as determined by the County Manager or designee. If the applicant's Conceptual Sketch Plan expires without receiving Preliminary Plat approval, the applicant must submit a new application for Conceptual Sketch Plan approval.

H. Appeal Procedures: The decision of the of the Board of County Commissioners may be appealed as provided for by Florida law.

I. Expedited Permitting. The County Manager or designee may establish expedited permitting procedures to encourage the use of rural conservation subdivision design standards.

## 17.07.00 Components of the Conceptual Sketch Plan.

17.07.01 Requirements. The Conceptual Sketch Plan required by Section 17.06.00 shall consist of two parts:

A. An Existing Features/Site Analysis Map; and

B. A Conceptual Sketch Plan.

The Conceptual Sketch Plan shall be prepared according to the "four-step" process for designing rural conservation subdivisions described in Section 17.02.04. In addition, the Conceptual Sketch Plan shall be prepared by a team including at least a civil engineer or registered land surveyor, plus either a landscape architect or a land use planner experienced in open space design. All design professionals must be appropriately licensed by the State of Florida.
Each map or plan shall be drawn to a scale of not less than 200 feet to the inch, whatever fits best on a standard 24" x 36" sheet, unless otherwise approved by the County Manager or designee. The scale chosen shall be large enough to show all required detail clearly and legibly.

17.07.02 General Information. Each map or plan required in Section 17.07.01 shall contain the following general information:

A. A sketch vicinity map showing the location of the subdivision in relation to the existing street or highway system;

B. The plotted boundaries of the tract from deeds or maps of record and the portion of the tract to be subdivided;

C. The total acreage to be subdivided, including tax map, block, and lot number reference;

D. The name, address and telephone number of the subdivider or owner and the person responsible for the subdivision design;

E. Scale, approximate north arrow, and date of plat preparation; and

F. Proposed name of subdivision.

17.07.03 Existing Features/Site Analysis Map. As determined from readily identifiable on-site inventories, aerial photographs, maps of record, State/Federal resource maps, and local planning documents and inventories, the Existing Features/Site Analysis Map shall contain the following information:

A. Primary Conservation Areas: Identification of physical resources associated with the site which restrict its development potential or contain significant natural and/or cultural resources, including:

1. Topographic contours at two-foot intervals, showing slopes of fifteen (15) to twenty-five (25) percent, and slopes of more than twenty-five (25) percent.
2. Soil type locations and characteristics relating to seasonal high-water table and depth to bedrock (for unsewered properties).
3. Hydrologic characteristics of the site, including drainage tributaries, surface water bodies, natural springs, floodplains, sinkholes, and wetlands.

B. Secondary Conservation Areas: Identification of significant site elements on buildable portions of the site, including:

1. Vegetation of the site, defining approximate location and boundaries of woodland areas, and, wherever possible, vegetative association in terms of species and size. Information from aerial photographs shall be acceptable at the Conceptual Sketch Plan stage.
2. Current land use and land cover (cultivated areas, pastures, etc.), existing buildings and structures, and burial grounds.
3. Natural areas (including pastures), and wildlife habitats and corridors.
4. Historic and archaeological sites, especially those listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark, and/or located in a local historic district.
5. Scenic views onto the site from surrounding roads as well as views of scenic features from within the site.

C. Transportation and Utility Systems: Identification of facilities associated with the movement of people and goods, or the provision of public services, including:

1. Railroad and street rights-of-way.
2. Easements for vehicular access, electric and gas transmission lines, and similar uses.
3. Public and private water and sewer lines, and storm drainage facilities.

17.07.04 Sketch Plan.

A. A Sketch Plan shall be submitted by the applicant as a diagrammatic basis for informal discussion with the County Manager or designee regarding the design of a proposed subdivision or land development. One of the purposes of the Sketch Plan is to help applicants and officials develop a better understanding of the property prior to the required On-Site Visit, and to help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.

B. To provide a better understanding of the site's potential the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Features/Site Analysis Map, a document that must in any case be prepared and submitted no later than the date of the On-Site Inspection, which precedes the Preliminary Plat. The diagrammatic Sketch Plan shall be prepared as an overlay sheet placed on top of the Site Analysis Map, both maps therefore being drawn to the same scale.

C. Sketch Plans shall be prepared by a landscape architect, licensed by the State of Florida or by a planner with experience designing conservation subdivisions.

Florida licensed civil engineers and surveyors may also be added to the design team at this stage. However, their role does not become pre-eminent until the Preliminary Plan stage.

D. The Conceptual Sketch Plan shall contain the following information:

1. The proposed arrangement of lots within the subdivision, including size and number.
2. The proposed street layout within the subdivision, including street pavement and right-of-way widths, and connection to existing streets.
3. The location, type, and area of the protected space and open space proposed in the subdivision, including spaces to be preserved:

a. In a separate lot or lots under the ownership of a homeowners association.
b. As part of individually owned lots through a conservation easement applicable to multiple lots.
c. In a separate lot or lots through dedication for public use, such as a park site, to a unit of local government, state government or a private land conservancy.
d. The location of proposed water supply and sewage disposal facilities, including:

i. Well sites for individual and community water systems.
ii. Nitrification fields and land application areas for community sewage disposal systems employing subsurface disposal and spray irrigation, respectively.
iii. Nitrification fields and land application areas for individual sewage disposal systems employing subsurface disposal and spray irrigation, respectively.
iv. Public water and sewer lines, where such facilities are available or capable of being extended.

17.07.05 Sketch Plan Submission and Review. Copies of a diagrammatic Sketch Plan, meeting the requirements described above, shall be submitted to the County Manager or designee for presentation to the Planning and Zoning Board and Board of County Commissioners. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for Open Space lands, house sites, and street alignments, and shall be based closely upon the information contained in the Site Analysis Map. The Sketch Plan shall also be designed in accordance with the four-step design process described herein.

## 17.08.00 Management Plan.

17.08.01 Management Plan

A. Applicants shall submit simultaneously with the application for Conceptual Sketch Plan a *Plan for Management of all the Protected Space and Open Space and Common Facilities* ("*Plan*") that:

1. Allocates responsibility and guidelines for the maintenance and operation of the protected space and pen space and any facilities located thereon, including:

   a. The required management or maintenance task;
   b. The season, month, or other date at which time the task should be carried out;
   c. The location at which the task should be carried out;
   d. Contractors, certified professions, or volunteers necessary to carry out the task;
   e. The estimated cost of equipment, labor, materials, and other activities associated with carrying out the maintenance or management task.

2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance and outlines how such funding will be obtained or provided;
3. Provides that any changes to the Plan be approved by the County Manager or designee; and
4. Provides for enforcement of the Plan.

B. Annually, after the approval of the Conceptual Sketch Plan, the managing entity shall submit to the County a report demonstrating compliance with the approved Management Plan. The County Manager or designee shall also annually inspect the property to ensure compliance with the conditions of approved Management Plan. An annual inspection fee will be assessed. Additionally, the managing entity agrees and acknowledges that the County Manager or designee may inspect at any time, with or without notice, to ensure compliance with the Management Plan.

C. In the event the party responsible for maintenance of the protected space or open fails to maintain all or any portion in reasonable order and condition, the County may avail itself of all legal remedies to enforce compliance with the Plan.

## 17.09.00 Legal Instrument for Permanent Protection.

17.09.01 Legal Instrument for Permanent Protection.

A. As required in Section 17.01.04, protected space and open space (comprising both Primary and Secondary Conservation Areas) shall be preserved in perpetuity by a binding legal instrument that is recorded in the public records of Lake County, Florida, such as:

1. A permanent conservation or open space easement in favor of either:

a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

b. A governmental entity with an interest in pursuing goals compatible with the purposes of this Chapter. If the entity accepting the easement is not the County, then a third right of enforcement favoring the County shall be included in the easement.

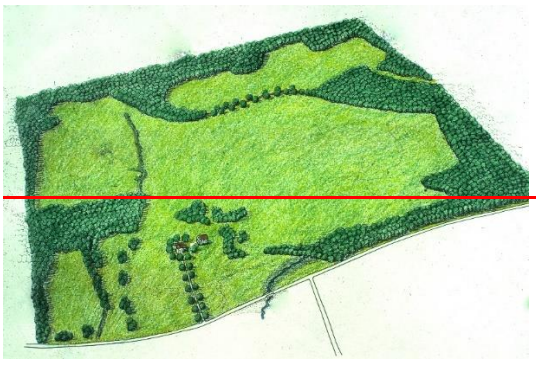
2. A plat restriction that establishes the conditions and restrictions on the uses for each protected space or open space.

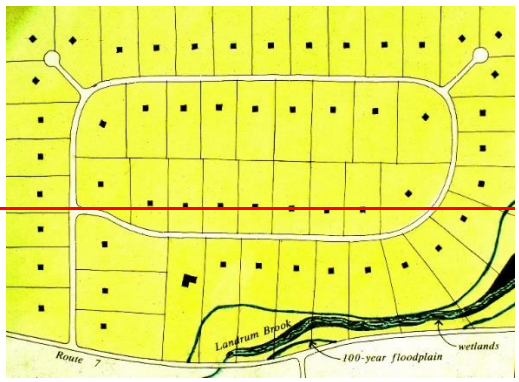
B. The instrument for permanent protection shall include clear restrictions on the use of the Open Space, including all restrictions contained in this Chapter as well as any further restrictions the applicant chooses to place on the use of the protected space or open space.

C. All provisions contained in Section 17.01.00 above, pertaining to open space management, shall be observed.

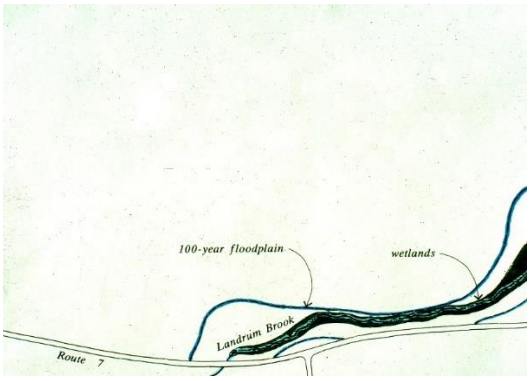
## 17.10.00 Illustrations.

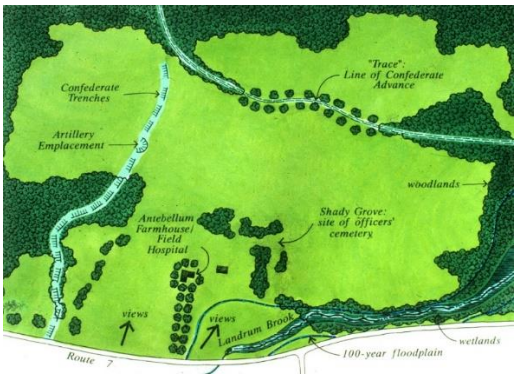
17.10.01 The Four-Step Design Process. As described in Section 17.02.04, the below graphics show each step of the conservation subdivision design process. (Source: *Conservation Design for Subdivisons* by Randall Arendt, published by Island Press and ASLA, 1996.)



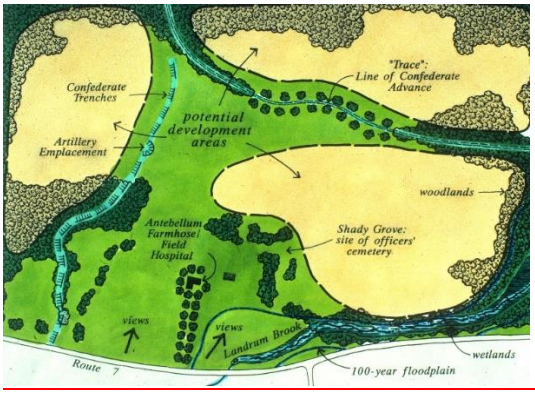


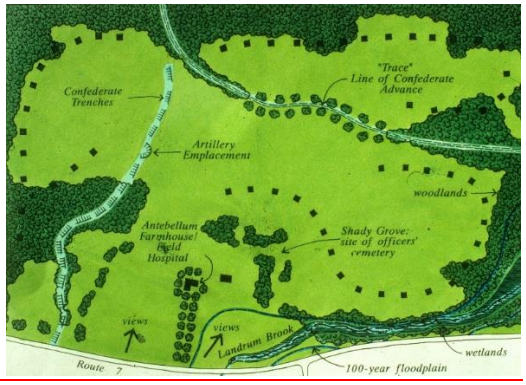

Site before development (left) and "Yield Plan" (right) showing maximum density in a conventional layout (54 lots).



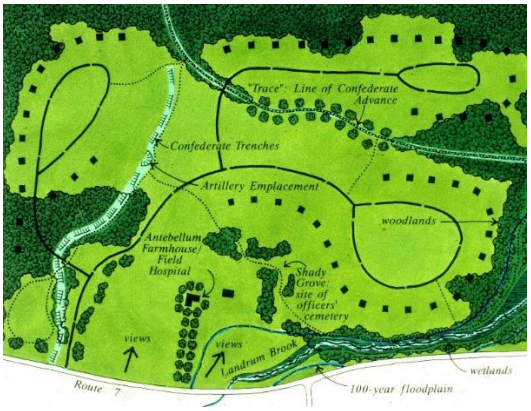




Step One: Identifying Unbuildable Primary Conservation Areas (left) including wetlands, floodplains, and steep slopes, and potential Secondary Conservation Areas (right) including woodlands, military earthworks, an abandoned lane used by Confederate troops, and the scenic viewshed from the public roadway.




Potential Development Areas (left) in tan, on land not within the Potential Conservation Areas identified in Step One. Step Two (right): Locating house sites for best views, greatest liveabily, fastest sales, and premium prices. *(Note: in nonrural sewered areas, Steps Two and Three are often reversed.)*



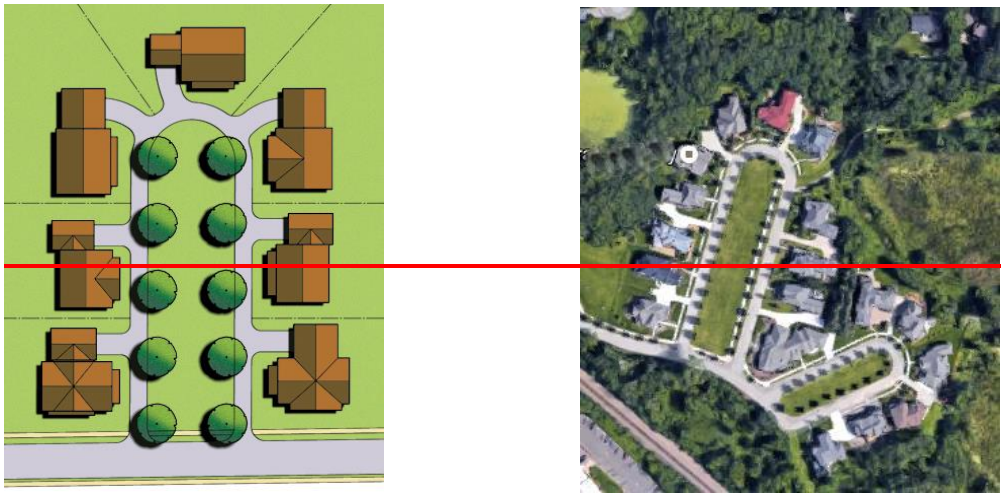


Step Three: Aligning streets and trails (left), and Step Four: Drawing in the lot lines (right).

Aerial views of conventional developemt with 54 lots (left), and conservation design development with 54 lots (right).

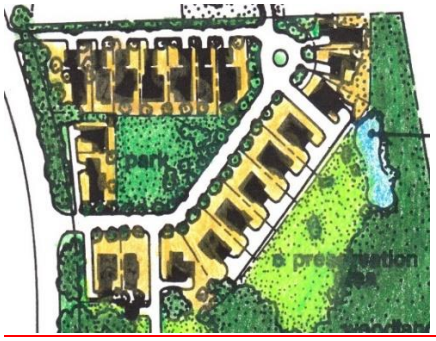
17.10.02 Special Design Elements.

A. *Closes*: These are one-way looping lanes, usually with a 20-foot paved width, curving around a central green, having a centerline turning radius similar to those in cul-de-sacs, typically fifty (50) feet to the edge of pavement, to accommodate large vehicles. Their green areas are ideal for stormwater infiltration such as the well-landscaped "rain gardens" described below. In such cases, the pavement is typically sloped inward toward the central green.



B. *Attached greens*: Where one or more sides are directly bordered by lots accessed by rear lanes or alleys, and with homes facing the open space. Immediately below:

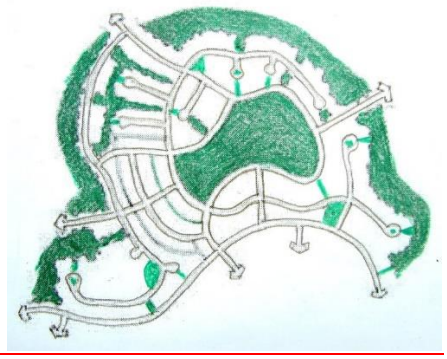
Westwood Common in Beverly Hills, MI.





The above photo pair shows an "attached green" with multi-family housing with rear garages accessed *via* an alley.

C. *Neighborhood Greens and Greenways on Open Farmland.*

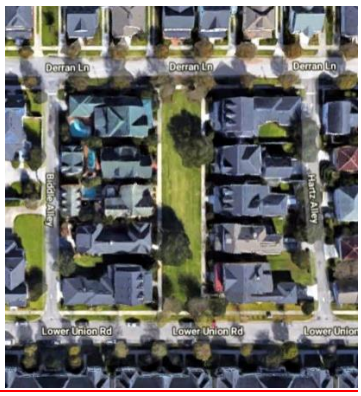


Even when a property has few (if any) distinguishing or special natural or cultural features, as shown above left, distinctive, attractive, useful, and value-adding open spaces can and should be created -- such as large central greens and/or smaller neighborhood greens connected *via* internal greenway systems. Please also note the numerous footpath connections at the ends of cul-de-sacs, making it easier for pedestrians of all ages and types to get around the neighborhood. The best site designers consider their needs, and try to think like joggers, dog-walkers, and ten-year old's.

Designing creative layouts as illustrated above requires special skill-sets such as those possessed by most landscape architects and some architects, who should design the conceptual layouts. Afterwards, the complementary skill-sets of engineers are useful in designing the technical details of streets and drains.


Above left is an aerial photo of the Asbury Park development in Louisville with a large central green and multiple neighborhood greens, all adding value, increasing marketability, and enhancing livability (not to mention creating lot premiums for the developer). Above right is a typical cluster development whose open space overwhelmingly consists of a useless fringe perimeter buffer, utilitarian stormwater basins, and several relatively tiny "greenlets".

D. *Greenway Streets (or Mews).* The below photos show alley-accessed homes directly fronting onto greens instead of paved streets. This design approach reduces development costs and stormwater generation, while adding value to the real estate, boosting sales velocity and developers' bottom lines. Most importantly, it increases livability and creates safe, quiet pedestrian greenways within the development, not requiring any additional land consumption to achieve that end.




Baldwin Park (above) contains several greenway streets, each one-block long. In Laureate Park below (also in Orlando) they are linked to create a multi-block greenway. It is important to prohibit sidewalks running down the middle of these green areas, which would destroy the sense of a semi-public neighborhood green, and instead turn the grass into nothing more than deep front lawns.


E. *Landscaped Alleys.*


Alleys providing garage access should be planted with shade trees and other landscaping elements. When they are, the land they occupy may be counted when calculating residential density, because they also serve a valuable function in terms of pedestrian circulation and informal recreation by children. The above examples are from Eagleview in Chester County, PA (left) and Middletowne Arch in Norfolk, VA. Below are two alleys at Baldwin Park, where surplus land was used to create parklets.


F. *Rain Garden Bio-Infiltration Stormwater Areas*. Rain gardens, illustrated below, are relatively small, shallow areas specially designed for moderately-rapid stormwater infiltration, which are heavily landscaped on their sides and bottoms

with plant materials that can tolerate alternating wet and dry conditions. Please see Sections 17.01.02.C and 17.02.02 for regulatory details.


The above 7,500 SF example, from the Villas at Five Points in Athens, GA, illustrates the kind of exceptional design quality that landscape archiects can create in rain gardens to qualify them for inclusion in the acreage on which development density is calculated. Another high-quality example, immediately below, is from Hanover, MN.

The final two examples, above, are from Connecticut and Massachusetts. The right-hand example is from Partridgeberry Place in Ipswich.

G. *Foreground Meadow Infiltration/Recharge Areas.* The term "foreground meadow" refers to a related type of stormwater infiltration area that may also be counted when calculating development density. This is a broad, shallow form with very gentle

side slopes (not exceeding 1:10) and not deeper than thirty (30) inches. These areas almost disappear visually into the landscape, can sometimes be used for informal recreation, and are good uses for "foreground meadows" buffering new homes from existing roads (and *vice versa*).

The shallow infiltration area in the foreground meadow shown above (at The Park at Wolf Branch Oaks, near Mt. Dora) is almost imperceptible. The examples below are from near San Antonio (left) and Kennebunk, Maine.

**Section 3.** **Amendment**. Chapter II, Lake County Code, Appendix E, Land Development Regulations, entitled *Definitions,* is hereby amended to read as follows:

*****

**Low Impact Development.** ~~A site design strategy for maintaining or replicating the pre-development hydrologic regime. Hydrologic functions of storage, infiltration, and ground water recharge, plus discharge volume and frequency are maintained by integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Strategies also include, but are not limited to, green roofs, vegetated swales, narrower roads, permeable pavement, preservation of environmentally sensitive site features such as natural upland habitat, wetlands, wetland buffers and floodplains~~. A form of development that simultaneously conserves green space and manages stormwater effectively, including but not limited to green roofs, vegetated swales, narrower roads, permeable pavement, and clustering.

**Open Space.** ~~Any Parcel of Land set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of Owners and Occupants of Land 500adjoining or neighboring such Open Space. Open Space includes golf courses, parks, passive recreation areas, Landscaped areas, natural Floodways, Wetlands, Conservation and preservation areas, non-fenced in stormwater Retention areas, and non-activity-based, non-manmade Lakes wholly within the property. Open Space does not include Rights-of-Way, above-ground utilities, Parking Areas, side or rear Lots, Street surfaces, activity-based recreation facilities (except golf courses), and fenced in stormwater Retention areas.~~ 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.

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*(All other definitions shall remain unchanged)*

**Section 4.** **Amendment.** Section 3.02.06, Lake County Code, Land Development Regulations, entitled *Density, Impervious Surface, Floor Area, and Height Requirements*, shall be amended to read as follows:

**3.02.06 Density, Impervious Surface, Floor Area, and Height Requirements.** The minimum Lot size Shall be in accordance with gross acreage requirements for each zoning district listed in Table 3.02.06.

*{Remainder of page is left intentionally blank.}*

| | Maximum Density[*1] | Maximum FAR[*2] | Maximum ISR[*3] | Height (feet) |
|---|---|---|---|---|
| A | 1 DU/5 AC | .10 | .10[*4] | 40 |
| RA | 1 DU/5 AC | .10 | .10[*4] | 40 |
| AR | 1 DU/2 AC | .20 | .25[*4] | 40 |
| R1 | 1 DU/AC | .20 | .30[*4] | 40 |
| R2 | 2 DU/AC | .30 | .35 | 40 |
| R3 | 3 DU/AC | .30 | .55 | 40 |
| R4 | 4 DU/AC | .40 | .55 | 40 |
| R6 | 6 DU/AC | .40 | .55 | 40 |
| R7 | 8 DU/AC | .40 | .65 | 40 |
| R10 | 10 DU/AC | .50 | .65 | 40 |
| RP | 8 DU/AC | .50 | .65 | 40 |
| RM | 8 DU/AC | .50 | .65 | 40 |
| RMRP | 8 DU/AC | .50 | .65 | 40 |
| RV | Subsection 3.02.08.K | .60 | .75 | 40 |
| A-1-20 | 1 DU/20 NET AC | .025 | .025 | 40 |
| A-1-40 | 1 DU/40 NET AC | .0125 | .0125 | 40 |
| Urban Compact Node | 5.5 DU/NET AC | .40 | .55 | 40 |
| C1 | — | .50 | .70 | 50 |
| C2 | — | .70 | .70 | 50 |
| C3 | — | 1.0 | .70 | 50 |
| CP | — | 2.0 | .70 | 50 |
| LM | — | 1.0 | .70 | 50 |
| HM | — | 1.0 | .80 | 50 |
| MP | — | 1.0 | .80 | 50 |
| CFD | — | 1.0 | .80 | 50 |

Note 1. Maximum allowable Density refers to Base Site Area. Lot size can be smaller than the density requirements if developed as a rural conservation subdivision as set forth in Chapter XVII of these regulations.

Note 2. FAR: Floor Area Ratio. FAR applies only to non-residential Development.

Note 3. ISR: Impervious Surface Ratio. ISR applies to both residential and nonresidential Development. Development approved after September 22, 2011, shall adhere to the ISR of its zoning district or Future Land Use Category, whichever is more stringent.

**Section 5.** **Amendment.** Section 6.12.01, Lake County Code, Land Development Regulations, entitled *Connection Requirements*, shall be amended to read as follows:

## 6.12.00 Central Water System/Central Sewage System.

### 6.12.01 Connection Requirements.

A. Central Water System. ~~All private potable water systems, unless exempted by the Board of County Commissioners via Public Hearing, Shall be connected and utilized to regional/subregional potable water system when the regional/subregional potable water system comes within three hundred (300) feet of the private potable water system or any of the central lines of the private potable water system, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement. The private potable water system Shall be required to be connected and utilized within twelve (12) months of the availability of the regional/subregional potable water system. Notwithstanding the three hundred (300) feet mandatory Connection requirement, existing Development utilizing a private potable water system Shall be required to connect to a regional/subregional potable water system when the Board of County Commissioners determines that there is endangerment to the environment, public health, safety, and welfare.~~

1. New development within the Urban Future Land Use series shall connect to a public water system, when available. A public water system is considered available when the lines are within three hundred (300) feet of the property to be developed, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement, unless otherwise exempted as provided for in this subsection.

2. Where a public water system is not available, new development exceeding a density of one unit per net acre shall provide a central water system, unless a waiver to the mandatory connection is granted by the Board of County Commissioners.

3. The construction of a single-family dwelling unit on a parcel not part of a subdivision shall not be required to connect to a public water system if required to annex into a municipality.

4. Existing development, or development granted a waiver or otherwise exempt from the mandatory connection requirement, shall be required to connect to a public water system if:

   a. The Board of County Commissioners determines that there is endangerment to the environment, public health, safety, or welfare; or

   b. The private potable water system fails, and replacement is required, the property is within the Urban Future Land Use series, and a public water system is available; or

   c. The private system is relocated, and the property is within the Urban Future Land Use series.

B. Central Sewage System. ~~All private treatment systems, unless exempted by the Board of County Commissioners via Public Hearing, Shall be connected and utilized to a regional/subregional wastewater system when the regional/subregional system comes within one thousand (1,000) feet of the private treatment system or any of the central lines of the private treatment system, measured as a curb line distance within a Right-of-~~

~~Way or the centerline distance within an Easement. The private treatment system Shall be required to be connected and utilized within twelve (12) months of the availability of the regional/subregional wastewater system. Notwithstanding the one thousand (1,000) feet mandatory Connection requirement, existing Development utilizing a private treatment system Shall be required to connect to a regional/subregional wastewater system when the Board of County Commissioners determines that there is endangerment to the environment, public health, safety, and welfare.~~

1. New development within the Urban Future Land Use series shall connect to a regional/subregional wastewater system, when available. A regional/subregional wastewater system is considered available when the lines are within one thousand (1,000) feet of the property to be developed, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement, unless otherwise exempted as provided for in this subsection.

2. Where a regional/subregional wastewater system is not available, new development exceeding a density of one unit per net acre shall provide a regional/subregional wastewater system, unless a waiver to the mandatory connection is granted by the Board of County Commissioners.

3. The construction of a single-family dwelling unit on a parcel not part of a subdivision shall not be required to connect to a regional/subregional wastewater system if required to annex into a municipality.

4. Existing development, or development granted a waiver or otherwise exempt from the mandatory connection requirement, shall be required to connect to a regional/subregional wastewater system if:

   a. The Board of County Commissioners determines that there is endangerment to the environment, public health, safety, or welfare; or

   b. The private system fails, and replacement is required, the property is within the Urban Future Land Use series, and a regional/subregional wastewater system is available; or

   c. The private system is relocated, and the property is within the Urban Future Land Use series.

**Section 6.** **Inclusion in Code.** It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

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

**Section 8.** **Filing with the Department of State.** The Clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

**Section 9.** **Effective Date.** This ordinance shall become effective as provided for by law.

ENACTED this day of _____ day of _____, 2022.

FILED with the Secretary of State the ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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

_____
Sean Parks, Chairman

This ____ day of _____, 2022.

Approved as to form and legality:

_____
Melanie Marsh, County Attorney