



COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): November 1, 2023.
Board of County Commissioners (BCC): December 5, 2023.

Case No. and Project Name: Comprehensive Plan Map Amendment – Allow PUD Land Use in Rural Protection Areas

Applicant: Lake County BCC

Owners:

Requested Action: Comprehensive Plan Text Amendment to allow Planned Unit Development Land Use designation within the Rural Protection Area categories and clarifying provisions related to associated conditional zoning categories.

Staff Determination: Staff finds the amendment consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Janie Barron, Chief Planner

PZB Recommendation:

Staff Analysis

The intent of the proposed Comprehensive Plan Text Amendment is to allow full implementation of the Planned Unit Development Future Land Use Series for parcels lying within certain Protection Areas defined in the Comprehensive Plan. The Amendment, if approved, shall provide landowners the option to petition the Lake County Board of County Commissioners to consider assigning a Planned Unit Development Land Use category to property governed by Comprehensive Plan Protection Area policies and assigning conditional zoning.

Policies & Objectives Subject to Amendment

<u>Policy / Objective</u>	<u>Title</u>
Policy I-3.3.2	Limit Density and Intensity of Land Use within the Wekiva River Protection Area
Policy I-5.2.2	Land Use in the Wekiva-Ocala Rural Protection Area
Policy I-5.3.2	Land Use in the Emeraldal Marsh Rural Protection Area
Policy I-5.4.2	Land Use in the Yalaha-Lake Apopka Rural Protection Area
OBJECTIVE I-7.14	PLANNED UNIT DEVELOPMENT FUTURE LAND USE SERIES

Standards for Review (LDR Section 14.02.03)

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

The proposed Comprehensive Plan Text amendment is consistent with all Comprehensive Plan policies. The proposed amendment complies with existing provisions of Protection Area policies as they apply to land development.

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

The proposed amendment is consistent with the Lake County Land Development Regulations. Conditional zoning is permitted with Planned Unit Development land use.

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

The proposed amendment is consistent with existing land uses. All future proposals shall comply with the provisions of the Comprehensive Plan Protection Area policies.

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

This proposed text amendment would support the expansion of options for future development by removing the future land use limitations of the Protection Area policies, while preserving the existing provisions of the Protection Area policies.

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

Future development shall be consistent with the requirements of Lake County Comprehensive Plan and Land Development Regulations.

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

The proposed text amendment should not affect 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 would not disrupt the existing orderly and logical development pattern of the area. Future development shall be consistent with the requirements of Lake County Comprehensive Plan and Land Development Regulations.

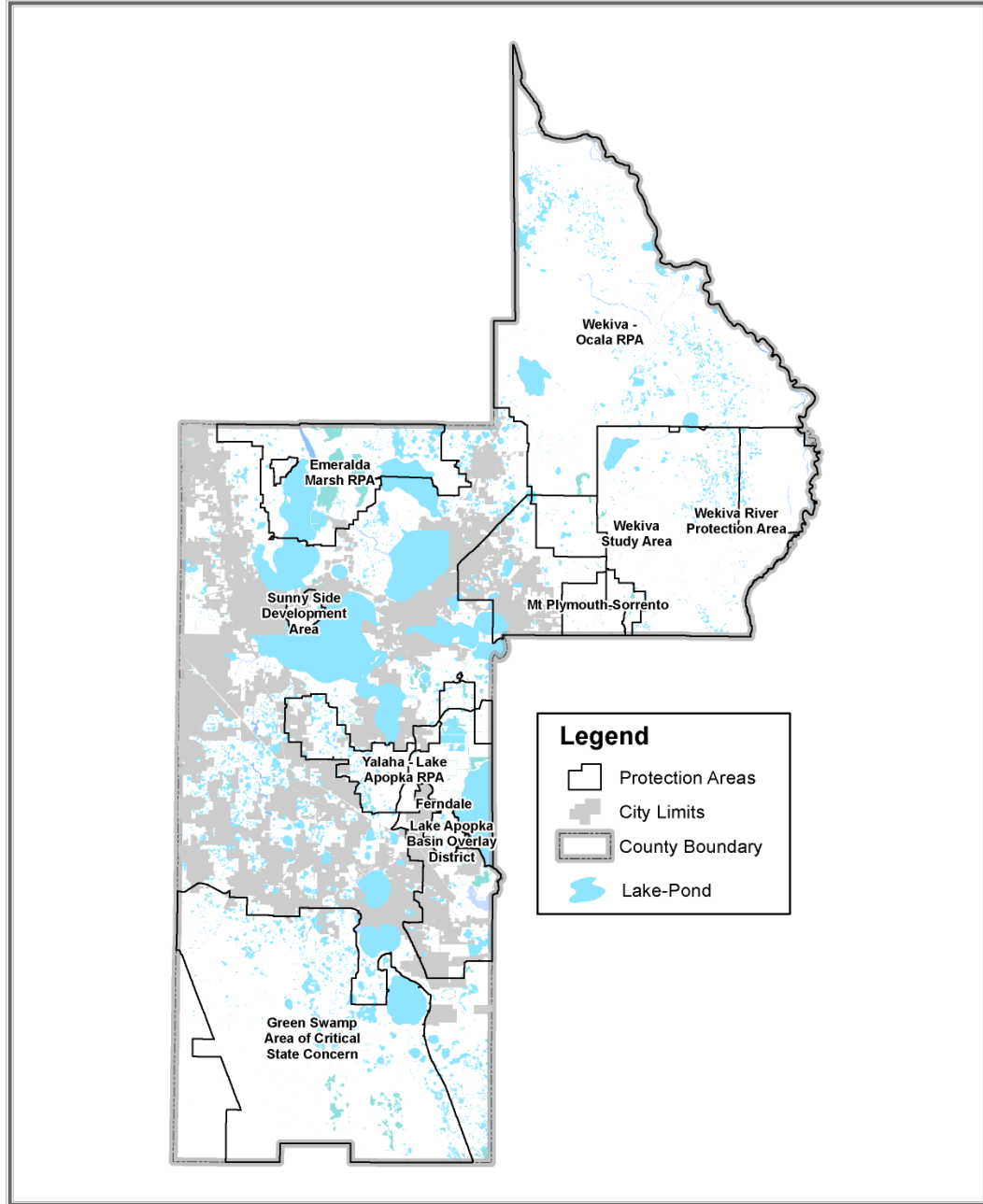
H. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The request is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in above sections.

Map of Protection Areas



Comprehensive Plan Text Amendment Protection Areas



ORDINANCE 2024 – XX

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,
2 FLORIDA; AMENDING POLICY I-3.3.2, ENTITLED *LIMIT DENSITY AND INTENSITY OF LAND*
3 *USE WITHIN THE WEKIVA RIVER PROTECTION AREA*; AMENDING POLICY I-5.2.2.,
4 ENTITLED *LAND USE IN THE WEKIVA-OCALA RURAL PROTECTION AREA*; AMENDING
5 POLICY I-5.3.2, ENTITLED *LAND USE IN THE EMERALDA MARSH RURAL PROTECTION*
6 *AREA*; AMENDING POLICY I-5.4.2, ENTITLED *LAND USE IN THE YALAHA-LAKE APOPKA*
7 *RURAL PROTECTION AREA*; ALLOWING FOR THE PLANNED UNIT DEVELOPMENT FUTURE
8 LAND USE DESIGNATION WITHIN THE RURAL PROTECTION AREA CATEGORIES;
9 AMENDING OBJECTIVE I-7.14, ENTITLED *PLANNED UNIT DEVELOPMENT FUTURE LAND*
10 *USE SERIES*; CLARIFYING PROVISIONS RELATED TO ASSOCIATED CONDITIONAL ZONING
11 CATEGORIES; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11),
12 FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
13 EFFECTIVE DATE.
14

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

17 **WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County
18 Commissioners of Lake County to “prepare and enforce comprehensive plans for the development of the county”; and

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

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

25 **WHEREAS**, on the 22nd day of September 2011, the Lake County 2030 Comprehensive Plan became
26 effective; and

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

29 **WHEREAS**, on the 29th day of January 2019, the Board of County Commissioners did adopt Ordinance No.
30 2019-07 for purposes of establishing the Planned Unit Development Future Land Use Series; and

31 **WHEREAS**, additional comprehensive plan objectives and policies require amendment to allow the full
32 implementation of the Planned Unit Development Future Land Use Series; and

33 **WHEREAS**, on the 1st day of November 2023, this Ordinance was heard at a public hearing before the Lake
34 County Planning & Zoning Board in its capacity as the Local Planning Agency; and

35 **WHEREAS**, on the 5th day of December 2023, this Ordinance was heard at a public hearing before the Lake
36 County Board of County Commissioners for approval to transmit to the state planning agency and other reviewing
37 agencies; and

38 **WHEREAS**, on the X day of XXXXXXXX 2024, this Ordinance was heard at a public hearing before the Lake
39 County Board of County Commissioners for adoption; and

40 **WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt the
41 amendment to the Lake County Comprehensive Plan.

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

1 **Section 1. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan Policy I-3.3.2,
2 entitled *Limit Density and Intensity of Lake Use within the Wekiva River Protection Area*, shall be amended to read as
3 follows:

4
5 **Policy I-3.3.2 Limit Density and Intensity of Land Use within the Wekiva River Protection Area**

6
7 Lake County shall set the following limitations on density and intensity within the Wekiva River Protection Area, which
8 are deemed necessary in order to protect and enhance the natural resources contained therein:
9

- 10 1. General Provisions. Land within the Wekiva River Protection Area (WRPA) must comply with the density and
11 open space requirements of the WRPA Future Land Use Categories, or the Planned Unit Development Future
12 Land Use Series. Such development shall utilize the concept of clustering of units, promote protection of
13 environmentally sensitive areas, concentrate units on those portions of a parcel of land farthest away from
14 publicly owned conservation or preservation lands, and from the surface waters and wetlands of the Wekiva
15 River System and the ~~WRPA Wekiva River Protection Area~~; shall have less impact on natural resources than
16 if developed at lower densities under its overlay district zoning classification; and shall otherwise meet all
17 other requirements of the Lake County Comprehensive Plan, Lake County Land Development Regulations
18 set forth in the Lake County Code, regulations of the St. Johns River Water Management District, regulations
19 of the Florida Department of Environmental Protection, and the Florida Statutes.
- 20 2. Transfer of Development Rights within the Wekiva River Protection Area (WRPA). In order to permit the
21 owners of property subject to the limitation on density established herein to utilize the development potential
22 of that property existing prior to March 12, 1990, a system of transferability of development rights has been
23 established. Transferable development rights (TDRs) can be transferred within the ~~WRPA Wekiva River~~
24 ~~Protection Area~~ from the WRPA Sending Areas 1 and 2. ~~TDRs Transferable development rights~~ can be
25 transferred to the WRPA Receiving Area Numbers 1 and 2, and that portion of the Mt. Plymouth Main Street
26 Future Land Use Category located within the WRPA.

27 Property within the Sending Areas may be eligible to transfer development rights to property within the
28 Receiving Areas subject to the following:

- 29 a. The TDRs from a Sending Area shall be calculated on the gross density permitted under the zoning
30 classification for the particular sending parcel in place immediately prior to March 12, 1990;
- 31 b. As a condition of transfer, a conservation easement shall be recorded on the sending parcel, or portion
32 thereof, to extinguish the rights from the parcel. Such easement shall be in favor of the County or agency
33 approved by the County. The minimum size of the conservation tract shall be five (5) acres to be eligible
34 for transfer;
- 35 c. Public conservation lands and lands subject to existing conservation easements are not eligible as
36 Sending Areas; and
- 37 d. Property with density or intensity equal to or exceeding the current Future Land Use Category or zoning
38 in place immediately prior to March 12, 1990, shall not be eligible for TDRs.

39
40 **Section 2. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan Policy I-
41 5.2.2, entitled *Land Use in the Wekiva-Ocala Rural Protection Area*, shall be amended to read as follows:
42

1 **Policy I-5.2.2 Land Use in the Wekiva-Ocala Rural Protection Area**

2
3 Lake County shall limit future land use within the Wekiva-Ocala Rural Protection Area to the Rural Future Land Use
4 Category, Conservation Future Land Use Category, Planned Unit Development Future Land Use Series, and Public
5 Benefit Future Land Use Series.

6
7 Inside that portion of the Wekiva-Ocala Rural Protection Area located south of the Ocala National Forest and north of
8 the Wekiva River Protection Area, any subdivision of land into ten (10) or more lots and resulting in an allowable density
9 greater than one (1) dwelling unit per twenty (20) net acres calculated over the original parcel shall be configured as a
10 clustered Rural Conservation Subdivision with at least thirty-five percent (35%) of the net buildable area as common
11 open space.

12
13 Within 12 months of the effective date of this Comprehensive Plan, Land Development Regulations shall be adopted
14 that establish criteria and thresholds for Rural Conservation Subdivision design. Rural Conservation Subdivision shall
15 use clustering and common open space to protect natural resources including, but not limited to, habitat, wildlife, and
16 wildlife corridors; maximize buffers and open space adjacent to public conservation land; protect aquifer recharge; and
17 ~~the~~ provide opportunities for passive recreation.

18
19 **Section 3. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan Policy I-5.3.2,
20 entitled *Land Use in the Emeralda Marsh Rural Protection Area*, shall be amended to read as follows:

21
22 **Policy I-5.3.2 Land Use in the Emeralda Marsh Rural Protection Area**

23
24 Lake County shall limit future land use within the Emeralda Marsh Rural Protection Area to the Rural Future Land Use
25 Category, Conservation Future Land Use Series, Planned Unit Development Future Land Use Series, and Public
26 Benefit Future Land Use Series.

27
28 Inside that portion of the Emeralda Marsh Rural Protection Area located east of Lake Griffin and west of CR452, any
29 subdivision of land into ten (10) or more lots and resulting in an allowable density greater than one (1) dwelling unit per
30 twenty (20) net acres calculated over the original parcel shall be developed as either (i) a clustered Rural Conservation
31 Subdivision or (ii) rezoned to a Planned Unit Development (PUD) zoning district consistent with the policies of this
32 Comprehensive Plan. A minimum of thirty-five percent (35%) of the net buildable area of the entire site shall be
33 preserved as common open space in the same manner as set forth in Policy I-1.4.6.

34
35 **Section 4. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan Policy I-5.4.2,
36 entitled *Land Use in the Yalaha-Lake Apopka Rural Protection Area*, shall be amended to read as follows:

37
38 **Policy I-5.4.2 Land Use in the Yalaha-Lake Apopka Rural Protection Area**

39
40 Lake County shall limit future land use within the Yalaha-Lake Apopka Rural Protection Area to the Rural Future Land
41 Use Category, Conservation Future Land Use Series, Planned Unit Development Future Land Use Series and Public
42 Benefit Future Land Use Series. The County shall require residential subdivisions be developed as either (i) a clustered
43 Rural Conservation Subdivision or (ii) rezoned to a Planned Unit Development (PUD) zoning district consistent with
44 the policies of this Comprehensive Plan. Common open space shall be preserved in the same manner as set forth in
45 Policy I-4.1.6. Clustering and common open space shall emphasize the protection of natural resources including but

1 not limited to habitat, wildlife, and wildlife corridors; maximization of buffers and open space adjacent to public
2 conservation land; protection of aquifer recharge; and the provision of opportunities for passive recreation.

3 **Section 5. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan Objective I-
4 7.14 entitled *Planned Unit Development Future Land Use Series*, shall be amended to read as follows:

5
6 **OBJECTIVE I-7.14 PLANNED UNIT DEVELOPMENT FUTURE LAND USE SERIES**

7
8 The Planned Unit Development (PUD) Future Land Use Series is established to provide an implementing tool to
9 accommodate site specific development standards for unique properties and developments which do not conform to
10 an established Future Land Use Category.

11
12 Specific land use designations within an approved PUD land use designation may be approved on a site-specific basis.
13 Such designation shall be conditioned on the development proposal being reviewed as a PUDconditional zoning district
14 (e.g., PUD, CP, MP) with a corresponding ordinance. Each PUDconditional zoning district shall ensure adjacent land
15 use compatibility and efficient physical integration within existing infrastructure.

16
17 Each specific land use designation shall be established by a comprehensive plan amendment that identifies the specific
18 land use types along with densities and intensities. The Future Land Use designation shown on the Future Land Use
19 Map shall indicate the approved use and the PUDconditional zoning designation.

20
21 The PUD land use designation is not permitted within the Green Swamp Area of Critical State Concern (GSACSC), as
22 described within Rule 28-26.002, FAC.

23
24 **Policy I-7.14.1 Standards of Review for the Planned Unit Development Future Land Use Category**

25
26 All applications for the Planned Unit Development Future Land Use Category, or amendments thereto, shall comply
27 with Objective I-7.13, Comprehensive Plan Amendment Standards of Review. Applicants shall demonstrate that the
28 proposed application or amendment is compatible with the surrounding area in regards to density, intensity, and
29 proposed uses.

30
31 ~~**Policy I-7.14.2 Time frame of Planned Unit Developments**~~

32
33 ~~An approved PUD land use designation shall be considered for reversion to its former designation if development on~~
34 ~~the site has not commenced within a three (3) year period following the date of adoption of the land use amendment,~~
35 ~~unless such timeframe has been modified by the Board of County Commissioners. Such reversion shall not be~~
36 ~~automatic and shall be considered by staff as an amendment to the Comprehensive Plan.~~

37
38 ~~The following criteria shall apply to Planned Unit Developments constructed after the effective date of this~~
39 ~~Comprehensive Plan:~~

- 40
41 ~~• Physical construction of infrastructure must begin within three (3) years of the effective date of the PUD~~
42 ~~ordinance. During this time frame the PUD shall be considered active.~~
43 ~~• If a phased development is proposed, a time frame shall be established for commencement and~~
44 ~~completion of each phase of the development in the ordinance.~~
45 ~~• Prior to expiration of the three year time frame, the Board of County Commissioners may grant, via a~~
46 ~~Public Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a showing that~~
47 ~~reasonable efforts have been made towards securing the required approvals and commencement of~~

~~work. The applicant shall be required to demonstrate that the proposed development meets all concurrency requirements prior to granting of a time extension.~~

- ~~• If the above time frames expire, then the PUD shall become inactive and no further development shall be permitted until a public hearing on the ordinance occurs to consider a change in zoning. A time certain shall be established within the Land Development Regulations within which a mandatory public hearing shall occur to consider and adopt an appropriate zoning assignment for the subject property.~~
- ~~• PUD approval shall be contingent upon the ability to provide, concurrent with the impacts of the development, the adopted Level of Service for public services and facilities.~~

~~An application to establish a Planned Unit Development Future Land Use Category shall be accompanied with an application to rezone the subject property to Planned Unit Development. Both applications shall be considered simultaneously by the Board of County Commissioners for approval.~~

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

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

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

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

~~**Policy I-7.14.4|7.14.2 Planned Unit Development Land Use Category**~~

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

~~*(The table shall remain unchanged)*~~

~~**Section 6. Advertisement.** This Ordinance was advertised pursuant to Sections 125.66 and 163.3184, Florida Statutes.~~

~~**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. Effective Date.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration~~

1 Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective
2 status, a copy of which resolution shall be sent to the state land planning agency.

3

4 **ENACTED** this ____ day of _____, 2023.

5

6 **FILED** with the Secretary of State _____, 2023.

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**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

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Kirby Smith, Chairman

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ATTEST:

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

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Approved as to form and legality:

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Melanie Marsh, County Attorney

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