

Comments on revised Sept 11th FLUE draft by LPA member Keith Schue

Objective 1.1 Establish a Smart Growth Framework

The second paragraph represents text moved from the TND section, but it was not been adjusted to apply in general to a smart growth framework. The following text is suggested:

In order to provide appropriate opportunities for employment in proximity to residential development and associated services, the County shall require the allocation of one or more employment-based Future Land Use Categories, such as Workplace or Office, in close proximity to any new urban residential district proposed within the county.

Policy 1.2.5 Comments on the table:

Mt Plymouth-Sorrento should not be categorized under the generic rural land use series. It is a geographically-specific unique land use “series” of its own, containing mostly urban densities with transitional attributes at its extremity. Move it further down in the table with the other geographically-specific Wekiva and Green Swamp categories.

Traditional Neighborhood—The table should indicate a total density not to exceed 4 DU/net acre over the residential area. Insert “residential area” in front of “development site”.

Workplace District—Replace “preferred” with “primary” to be consistent with the category description. Delete subjective language such as “would be expected”, “could”, etc. Clarify that residential density is calculated over the residential development area of the site.

Group the Commercial, Office, Industrial, Public/Quasi-public, Recreation, and Conservation categories under a general series. These uses could exist in either rural or urban areas.

Wekiva River Protection Area—Receiving Area Two only affects land in Mt Plymouth-Sorrento east of CR435 and CR437, and technically includes some area outside of the designated Mt Plymouth-Sorrento planning area. It would be more accurate and understandable to simply title the four categories as Sending Area 1, Sending Area 2, Receiving Area 1, and Receiving Area 2.

Delete the overlay districts from the future land use category table. They vary widely in their purpose and are adequately described elsewhere in the document.

Objective 1.3 Rural Land Use Series

There should only be three categories in the Rural Land Use Series: Rural Low Density, Rural Medium Density, and Rural Transition Density. Mt Plymouth-Sorrento is the size of a small city and is mostly urban, so delete it from the rural land use series. It is properly identified in its own objective as a unique geographically-specific land use series with its own set of categories.

Policy 1.3.1 Conservation Subdivision Design

Delete “Subdivision” from title and text, since this also applies to non-residential uses. The opening sentence states “shall require”, yet the next two sentences refer to “design options and

guidelines”. Add “within certain land use categories and overlay districts”. Replace “options” with “criteria” in the second and third sentence.

Policy 1.3.3 Rural Medium Density

Add the following sentence since RMD has been added to the FLUM within the WSA:

Within the WSA, this category shall require the provision of at least 35% open space to achieve a maximum density of one (1) dwelling unit per three (3) net buildable acres. Alternatively, development may be permitted within the Rural Medium Density category at one dwelling unit per five net buildable acres if dedicated common open space is not provided.

Objective 1.4 Mt. Plymouth-Sorrento Community

Since Mt Plymouth-Sorrento is a unique geographically-specific future land use series, it would be better to locate this objective later in the document following the urban and a general land use series. Restore the employment center policy created by the Mt Plymouth-Sorrento Advisory Committee following Policy 1.4.6:

Policy --- Employment Center

The County shall coordinate with the City of Mt Dora to establish a Regional Professional Employment Center designated as Office in the vicinity of State Road 46 and Round Lake Road for the purpose of creating quality professional jobs within the east Lake County and convenient to the residential areas of both communities. The intent of this employment center shall be to promote orderly and logical development of land for office complexes and light, clean industrial development in an attractively designed, park-type setting, and to assure appropriate design in order to maintain the integrity of existing or future nearby residential areas.

Objective 1.5 Urban Land Use Series

Delete Office and Commercial from the objective. (Office and Commercial categories belong in a general group with Industrial, Public/Quasi Public, Recreation, and Conservation.)

Insert and objective for General Land Uses. Commercial, Office, Industrial, Public/Quasi-public, Recreation, and Conservation categories should be grouped under a general objective in the document since these are not unique to either rural or urban areas. The following text is suggested:

Objective -- General Land Uses

The County has established a set of general land use categories to provide for a variety of public needs including centers for employment, provision of services, infrastructure, recreation, and the protection of natural resources. These future land use categories include “Commercial”, “Office”, “Industrial”, “Public/Quasi-Public/Institutional”, “Recreation” and “Conservation”.

Policy 1.5.6 Office/Commerce

This is not the most recent version of the text. Restore text approved by the LPA on May 22nd.

Replace title with “Office”. In the third paragraph, replace “land in the Low Density Residential Future Land Use” with “land uses”. Delete fifth bullet item, removing residential and delete sixth bullet, consistent with the LPA’s direction on May 22nd.

Policy 1.5.7 Commercial

This is not the most recent version of the text. Restore text approved by the LPA on May 22nd. Delete seventh bullet item and replace with “schools” as a bullet item following hotels and motels. Delete paragraph following bullet items and all text prior to “To discourage the proliferation of urban sprawl...”, removing residential consistent with the LPA’s direction on May 22nd.

Policy 1.5.8 Workplace District (WD)

This policy should be included in the urban land use series following Traditional Neighborhood.

Objective 1.7 Allow for Neighborhood Commercial Uses

This should be a policy under the previous Objective 1.6, relating to protection of residential neighborhoods.

Policy 1.8.10 Community Based Planning Approach to Rural Area

This policy confuses the designation of rural areas for preservation with the purpose of community-based Historic Overlay Districts. Change title to “Designation of Protected Rural Areas” and edit opening paragraph as follows:

The County shall ~~implement a community based planning approach through the Rural Areas as mapped on the FLUM, to designate specific parts of the county as Rural Overlay Areas on the FLUM and preserve rural character and economic viability of agriculture in these areas. These areas shall be mapped to represent an existing rural development pattern. Community Based Planning shall be based on planning principles that~~ The County shall limit residential development within Rural Overlay Areas to the Rural Low Density and Rural Medium Density future land use categories and incorporate incentives for landowners within the mapped areas to dedicate conservation and scenic easements. The County shall evaluate and analyze sending and receiving areas appropriate for transfer of development rights to areas outside of the Rural Overlay Areas. The Rural Overlay Areas shall have the following principles:”

Objective 1.9 Coordinate Land Use with Environmental Protection

Make the last sentence into a separate policy under this objective titled “Designation of Conservation and Recreation Future Land Use.” This is consistent with original structure.

Policy 2.1.1 Definitions Applicable to WRPA and WSA

Restore the definition of open space in this section.

Policy 2.1.2 Wekiva River Protection Area (WRPA)

This should be an objective, just like the WSA.

Policy 2.1.5 Limit Density and Intensity of Land Use within the WRPA

1. General Provisions

Delete the words “overlay District 1” and “Overlay District 2” from the first paragraph, consistent with later edits. Insert “base densities” prior to “set forth below.”

2. Transfer of Development Rights within the WRPA

A. Sending Area Number One

The following corrections are needed to accurately describe this area:

1. Land within the Wekiva River Protection Area, inside the Wekiva River Hydrologic Basin Protection Zones established pursuant to the Florida Statutes, ~~not vested pursuant to the policies above, and excluding the Receiving Areas~~ described below shall be allowed a base density of one (1) dwelling unit per forty (40) net acres. This shall be known as the “A-1-40” Wekiva River Protection Area ~~Overlay District 1~~. Density may be increased to a maximum of one (1) dwelling unit per ten (10) net acres through the application of the Development Point Rating System described below.

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B. Sending Area Number Two

The following corrections are needed to accurately describe this area:

1. Land within the Wekiva River Protection Area, outside the Wekiva River Hydrologic Basin Protection Zones established pursuant to the Florida Statutes, ~~not vested pursuant to the policies above, and excluding the area~~ Receiving Areas described below ~~as Receiving Area Number One~~ shall be allowed a base density of one (1) dwelling unit per twenty (20) net acres. This area is a portion of the “A-1-20” Wekiva River Protection Area ~~Overlay District 2~~. Density may be increased to a maximum of one (1) dwelling unit per five (5) net acres through the application of the Development Point Rating System described below.

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C. Receiving Area Number One

The following corrections are needed to accurately describe this area:

1. Land within the Wekiva River Protection Area and contained in the area described below shall have a base density of one (1) dwelling unit per twenty (20) net acres ~~and~~. This area is a portion of the “A-1-20” Wekiva River Protection Area. Density may be increased to a maximum of one (1) dwelling unit per five (5) net acres through the application of the Development Point Rating System described below. Density may be also increased to a maximum of one (1) dwelling unit per one (1) net acre utilizing the Development Point Rating System in conjunction with the purchase and utilization of Transferable Development Rights from Sending Areas Numbers One and Two.

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D. Receiving Area Number Two

The following corrections are needed to accurately describe this area:

1. Lands ~~within the Wekiva River Protection Area~~ and contained in the area described below may be developed to a maximum density of five and one-half (5.5) dwelling units per one (1) net acre through the purchase and use of Transferable Development Rights (TDRs) from Sending Areas Numbers One and Two. These lands must utilize the “R-6” Residential district, the “RP” Residential Professional district, or the “PUD” Planned Unit Development district, as provided in the Lake County Land Development Regulations, Lake County Code. Any increase in density above that permitted by the zoning classification in place immediately prior to March 12, 1990, shall require the purchase and use of TDRs development rights.

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~~32.~~ This area is hereby designed as Receiving Area Number Two for Transferable Development Rights as shown on Map I-4 of the Comprehensive Plan, and is described as follows:

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~~4. The Mount Plymouth Sorrento Urban Compact Node is defined as follows:~~

Southwest ¼ of the Southwest ¼ of Section 17, Township 19 South, Range 28 East; the South ½ of Section 18, Township 19 South, Range 28 East; Sections 19, 28, 29, 30, 32, and 33, Township 19 South, Range 28 East; less all lands outside of the Wekiva River Protection Area.

NOTE: Include the referenced Map I-4 in the FLUE.

Policy 2.1.6. Development Point Rating System...

Second row of Table 1: Replace “TDR receiving zone outside the Mount Plymouth-Sorrento Urban Compact Node” with “TDR Receiving Area One”.

Policy 2.1.13 Location of Commercial Development

Delete Item number 2, since the location of commercial development is adequately described in Item 3. In Item 3, delete “except as provided in Subsection 2 above”. The last two items should be numbered 3 and 4.

Policy 2.1.14 Location of Public School Facilities within the Wekiva River Protection Area

Private schools have the same potential impact as public schools. Delete the added word “public” from the title and policy.

Policy 2.3.3 Provision of Activity Based Recreation Facilities

Delete “and” at the end of the sentence.

Policy 2.4.1 Provision of Central Water Systems within the WRPA

Replace “Urban Compact Node” with “Community” in text.

Policy 2.4.1 Provision of Sewer Water Systems within the WRPA

Replace “Sewer Water” with “Central Sewer” in title.

Replace “Urban Compact Node” with “Community” in text.

Policy 2.7.2 Development within the Ocala National Forest

Edit first sentence as follows:

In order to protect natural resources of the Ocala National Forest, it shall be the policy of Lake County to limit future development on private land within boundaries of the forest to the ~~rural future land use series~~ Rural Low Density future land use category with the exception of the Astor community as depicted on the Future Land Use Map.

Policy 3.1.1. Green Swamp Boundary

Restore legal description of the GSACSC from the current Comp Plan.

Policy 3.1.8 Development within the GSACSC Relative to the Protection of Natural Resources

This should actually be Objective 3.2.

Objective 3.2 Minimization of Adverse Impact to the Floridan Aquifer in the GSCACS

This is not an objective. It should be the first policy under Objective 3.2 as corrected above.

Policy 3.2.9 Development within the GSACSC Relative to Public Facilities

This should actually be Objective 3.3, and subsequent policies renumbered beneath.

Objective 3.4 Specific Regulated Activities and Uses within the GSACSC

Restore text from before: “*Lake County shall regulate the following activities and uses within the GSACSC.*”

Objective 3.5 Water Quality and Quantity within the GSACSC

This is not an objective. It should be a policy under Objective 3.4, as it had been before.

Otherwise the structure does not make sense because some of the underlying policies do not relate to water quality and quantity.

GOAL FLU 4 – EMERALDA MARSH

The EMPA as depicted does not provide rural buffers to the marsh on the south or east. It appears to be only those lands which had been formerly part of the Emeralda Marsh Florida Forever project area for potential acquisition. The protection area boundary formerly submitted by K.Schue included the marsh and an appropriate buffer areas to the south and Sawgrass Island preserve to the east which provides a logical eastern boundary. Sawgrass Island Preserve is still named in Policy 5.1.2 even though it has been removed from the EMPA.

As modified, it is no longer clear what form of development is appropriate or permissible in the EMPA. The present text states under policy 5.1.1 that the density rural land use (RLD) shall be required; however it also stated the all new development will be clustered in policy 5.1.8, which typically would involve a density bonus since current regulations do not require clustering.

Although policy 5.1.8 requires that 50% of open space be configured as a contiguous tract, an actual requirement for the quantity of required open space is no longer specified. Will five acre lots be permitted or not? The absence of any protection abutting lands to the south makes the EMPA as now defined weak.

Policy 5.1.7 Land Use Strategy

This policy has been stripped of meaningful content. The text remaining had preceded the explanation of a suggested land use strategy addressing the issues raised above.

Policy 5.1.8 Open Space and Clustering

Because the originally recommended Land Use Strategy text has been deleted, there is no longer a predictable standard for protection of required open space in the EMPA. The originally proposed land use strategy should be restored, but if this does not take place, then at least a quantifying sentence is needed in this policy such as:

“At a minimum, _____% of the net buildable area of the development site shall be protected as common open space through the use of PUD zoning.”

GOAL 7.0 PLAN FOR PUBLIC AND INSTITUTIONAL FACILITIES

Rename this goal “SCHOOL FACILITIES” since the subsequent objective and underlying policies relate on to school facilities. Replace the first sentence with the following:

“Lake County shall ensure that adequate school facilities are provided concurrent with new development.”

Delete the second sentence since it is redundant with the subsequent objective.

Objective 7.1 Sufficient land shall be available to accommodate public facility improvements

The title of this objective is an entire sentence and does not correlate with the text. Change the title of the objective to “Allocation of Land for Schools”. Replace the text as follows:

“Sufficient land shall be available to ~~accommodate public facility improvements~~ ~~proposed~~ meet school capacity needs identified in the Comprehensive Plan and programmed in the Capital Improvement Program.”

Objective 8.1 Historic Overlay District

The text describing a “leadership group” is poorly worded and prone to criticism and legal dispute. A leadership group, if elevated to a status of serving as a “principle means of communication” for the county and “preparing text, standards and administrative procedures” as described by the draft document, must be constructed as a committee under the Sunshine Laws of Florida. Below is suggested edits that establish two legitimate processes for developing Historic Overlay policies. One maintains the clear authority and responsibility for policies with county staff, and the other establishes an appointed committee operating under Florida Sunshine

law similar to the one created for the Mt Plymouth-Sorrento community. Also restore text included in the draft Comp Plan limiting the expansion of urban enclaves within rural areas.

The Historic Overlay District is intended to recognize and protect the unique character of existing, historic communities within Lake County. The County shall develop Comprehensive Plan policies and Land Development Regulations through a community based process that protects the unique character of existing, historic communities.

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Lake County will prepare appropriate Comprehensive Plan policies and Land Development Regulations for a Historic Overlay District based on a specific and viable request from ~~a leadership group representing residents of the area to be encompassed within the Historic Overlay District.~~ Policies and regulations for the Historic Overlay District shall be prepared and implemented through either of the following two processes:

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- The County may conduct one or more advertised public workshops to obtain input regarding the Historic Overlay District.
- The County may appoint a citizen advisory committee consisting of residents within the Historic Overlay District subject to requirements of the Florida Sunshine law. The citizen advisory committee shall participate in the process of recommending policies and regulations to the County and serve as the principal means of communication with residents and property owners within the Historic Overlay District.

The Historic Overlay District shall address means and methods of preserving historic qualities and characteristics through architectural, landscape, site or community design standards and guidelines. In order to discourage urban sprawl, historically recognized or platted subdivisions within rural parts of the county shall not be expanded in scale or geographic extent.

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Objective 8.2 Rural Areas Overlay Districts

This objective confuses the designation of rural areas for preservation with the purpose of community-based Historic Overlay Districts that may exist in either urban or rural areas. Furthermore, the proposed overlay map only depicts one designated Rural Overlay District. Revise and include policies that describe the intended rural overlay areas. The following text is suggested:

The intent of the Rural Area Overlay Districts ~~are~~ is to utilize a community based ~~planning approach~~ to preserve rural land and lifestyles in ~~at least four~~ key areas of the County. These areas are currently allotted one dwelling unit per five or three net acres and are characterized as agricultural or have unique environmental features. It shall be the express intent of the County to recognize the long-term preservation of these rural areas as a fundamental component of Lake County's growth management plan. By January 1, 2008, the County shall develop incentives to allow for compensating land owners for the decrease in densities and intensities within the Rural Areas Overlay District. These overlay districts shall be depicted on the Future Land Use Map.

Objective 8.4 Establish the Getway State Road Overlay District

Delete “Establish the” from the title.

Objective 8.5 Community Enhancement Area (CEA) Overlays: Implement Plans for Unincorporated Communities

This describes a process. Rename the objective “Community Enhancement Areas” and relocate under Goal 9: Implement the Future Land Use Element.

Policy 8.5.1 Action Plan Guiding Principles

The CEA should be a vehicle to implement community enhancement efforts only, not to change the Comp Plan policies or the FLUM. In the second sentence, delete “land use”, “zoning”, and “housing”. The last bulleted item referring to “delivery of services” is ambiguous. What does this mean?

Policy 8.5.2. Community Enhancement Area Designation Process

Why is there a separate committee for CEA’s? Explain or delete the last sentence.

Policy 8.5.3 Community Enhancement Area Overlay District

Delete this policy. A CEA should not be used as a mechanism to change the Comp Plan or FLUM. This policy seems to have been written to divest the LPA of its planning role and process new future land use changes.

Objective 8.7 Special Area Plan/Overlay District

This describes a process for an already defined district. Rename the objective “Special Area Plans” and revise text as follows in order to convey that this implements a future land use assignment.

The Special Area Plan (SAP) is ~~an important element of Lake County’s approach to Growth Management.~~ A SAP is intended to be a “master plan” for large tracts of lands with multiple owners and included under a single Future Land Use Category such as Traditional Neighborhood or Workplace. The purpose of the plan is to provide a framework within which affected property owners, citizens, agencies, and local governments can jointly participate in a ~~planning~~ process that defines the specific characteristics of development consistent with the assigned future land use. The SAP shall include provisions for a cohesive and functional transportation network, adequate public facilities and services, compatible and complementary ~~land uses~~ development, development phasing, architecture and landscape design, protection of natural resources, and coordination through the permitting process. Special Area Plans shall be developed through a public process coordinated by the County and involving the participation of affected stateholders, citizens, agencies and local governments.

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Objective 9.8 Mandatory Consistency with the Comprehensive Plan

This should be a policy under Objective 9.7: Comprehensive Plan Amendments Standards for Review.

Objective 9.9 Framework for Review

This should also be a policy under Objective 9.7: Comprehensive Plan Amendments Standards for Review.