

DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF ECONOMIC OPPORTUNITY,

Petitioner,

v.

DOAH CASE NO. 15-005278GM
DEO CASE NO. 15-1SP-NOI-3501-(A)-(N)

LAKE COUNTY, FLORIDA,

Respondent.

STIPULATED SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is entered into by and between the State of Florida Department of Economic Opportunity (“DEO”) and Lake County, Florida (“County”) to effectuate a resolution of the above-styled action filed by DEO challenging the Wellness Way Sector Plan Comprehensive Plan Amendment, adopted by Ordinance No. 2015-27 on July 21, 2015 (the “WWSP Amendment”).

WHEREAS, DEO and the County are authorized by section 163.3184(6)(b), Florida Statutes, to enter into agreements to settle disputes for challenges filed with respect to comprehensive plan amendments; and

WHEREAS, DEO is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (“Act”); and

WHEREAS, the County is a local government with the duty to adopt comprehensive plan amendments that are “in compliance” as that term is defined in section 163.3184(1)(b), Florida Statutes; and

WHEREAS, the County adopted the WWSP Amendment by Ordinance No. 2015-27 on July 21, 2015;

WHEREAS, Ordinance No. 2015-27 adopted the Wellness Way Sector Plan pursuant to sections 163.3184 and 163.3245, Florida Statutes, and purported to adopt a Sector Plan under the statutory framework provided for such comprehensive plan amendments under section 163.3245, Florida Statutes;

WHEREAS, Ordinance No. 2015-27 was rendered to DEO and deemed complete by DEO on August 6, 2015, and DEO issued its Statement and Notice of Intent concerning Ordinance No. 2015-27 on September 18, 2015;

WHEREAS, as set forth in the Statement of Intent, DEO alleges that the WWSP Amendment is not “in compliance” because: a) it failed to identify an adequate water supply as required under section 163.3245, Florida Statutes; b) it allowed development to occur without a detailed specific area plan and not in conformance with the long-term master plan as required under section 163.3245, Florida Statutes; c) it lacked minimum and maximum densities and intensities as required under section 163.3245, Florida Statutes; d) it failed to adopt a Framework Map as required under section 163.3245, Florida Statutes; e) it lacked meaningful and predictable guidelines for open space in conjunction with the Framework Map and Hierarchy of Place as required under section 163.3245, Florida Statutes; f) it lacked the required mobility options for multi-modal transportation requirements as required under section 163.3245, Florida Statutes; and g) it lacked the required percentages for a mix of uses and did not emphasize an urban form as required under section 163.3245, Florida Statutes;

WHEREAS, pursuant to section 163.3184(5), Florida Statutes, DEO timely filed this administrative challenge on September 18, 2015; and

WHEREAS, the County and DEO wish to avoid the expense, delay, and uncertainty of litigation and wish to resolve this proceeding under the terms set forth herein.

NOW, THEREFORE, in consideration of the terms and conditions set forth below and the full, complete, and final settlement of all claims arising out of DEO's challenge:

General Provisions

1) Whereas Clauses – The representations set forth above are incorporated into this Agreement and are essential elements to it.

2) Definitions – As used in this Agreement, the following words and phrases shall have the following meanings:

a) Act – The Local Government Comprehensive Planning and Land Development Regulation Act, as codified in Part II, Chapter 163.

b) Agreement – This stipulated settlement agreement.

c) WWSP Amendment – The comprehensive plan amendments adopted in Ordinance No. 2015-27.

d) In compliance – The meaning set forth in Section 163.3184(1)(b), Florida Statutes.

e) Remedial Action – A remedial comprehensive plan amendment, submission of a Support Document, or other action described in either the statement of intent or within this Agreement as an action which must be completed to bring the Plan Amendment in compliance.

f) Remedial Plan Amendment – An amendment to the comprehensive plan or the submission of a Support Document including any exhibits (the need for which may be identified in this Agreement), which the local government must adopt to complete all Remedial Actions. Remedial Plan Amendments adopted pursuant to this Agreement must, in the opinion of the DEO,

be consistent with and substantially similar in concept and content to the ones identified in this Agreement or be otherwise acceptable to the DEO.

g) Support Document – any studies, maps, surveys, data, inventories, listings, or analysis used to develop and support the WWSP Amendment or the Remedial Plan Amendment.

3) Department Powers – The Department is the state land planning agency and has the power and duty to administer and enforce the Act and to determine whether the WWSP Amendment is in compliance.

4) Negotiation of Agreement – DEO issued its Notice and Statement of Intent and filed this action to find the WWSP Amendment not in compliance. The County and DEO have conferred and agreed to resolve the issues set forth in the Statement of Intent, the Notice of Intent, and those set forth in this action through this Agreement. It is the intent of this Agreement to fully resolve all issues between the parties in this proceeding.

5) Not In Compliance Determination and Remedial Actions – Exhibit A to this Agreement is a copy of the Statement of Intent, which identifies the provisions of the WWSP Amendment that DEO alleges are not in compliance. Exhibit B contains the Remedial Plan Amendment, which is a proposed text amendment and Future Land Use Map amendment identifying the proposed changes that are acceptable to DEO. More specifically, the Remedial Plan Amendment converts the Wellness Way Sector Plan from a statutory sector plan, which is required to meet the statutory parameters of section 163.3245, Florida Statutes, into an Urban Service Area with new Future Land Use categories, as defined in section 163.3164(50), Florida Statutes, which is not required to meet the statutory requirements of section 164.3245, Florida Statutes. Exhibits A, and B are incorporated into this Agreement by reference.

6) Legal Effect of Agreement – This Agreement constitutes a stipulation that if the Remedial Actions are accomplished, the WWSP Amendment will be “in compliance” as that term is defined in Chapter 163, Florida Statutes.

7) Remedial Actions to be Considered for Adoption – The County agrees to consider for adoption by formal action of its governing body the Remedial Plan Amendment described in Exhibit B, no later than the time period provided for in this Agreement.

8) Adoption or Approval of Remedial Plan Amendments – Within sixty (60) days after execution of this Agreement by the parties, the County shall consider for adoption the Remedial Plan Amendment which shall be accomplished in a single adoption hearing. Within ten (10) working days after adoption of the Remedial Plan Amendment, the County shall transmit the Remedial Plan Amendment to DEO as provided by any applicable statute or rule.

9) Review of Remedial Plan Amendment and Notice of Intent - Within twenty (20) days after receipt of the adopted Remedial Plan Amendment, DEO shall issue a Notice of Intent pursuant to section 163.3184(6)(f), Florida Statutes, for the adopted Remedial Plan Amendment in accordance with this Agreement.

10) Dismissal – If the County completes the Remedial Actions required by this Agreement, DEO will issue a cumulative Notice of Intent and file it with the Division of Administrative Hearings, addressing both the Remedial Plan Amendment and the Wellness Way Sector Plan Amendment subject to this action. DEO will also file a request to relinquish jurisdiction to DEO for dismissal of this proceeding or for realignment of the parties, as appropriate under section 163.3184(6)(f), Florida Statutes.

11) Purpose of this Agreement – DEO and the County enter into this Agreement in a spirit of cooperation and for the purpose of avoiding costly, lengthy, and unnecessary litigation

and also in recognition of the desire for a speedy and reasonable resolution of disputes arising out of or related to the Plan Amendment. The acceptance of proposals for purposes of this Agreement is part of a negotiated agreement affecting many factual and legal issues and is not an endorsement of, and does not establish precedent for, the use of these proposals in any other circumstances or by any other local government.

12) Approval by Governing Body – This Agreement has been approved by the County’s governing body at a public hearing advertised at least ten 10 days prior to the hearing in the manner prescribed in section 163.3184(6)(c), Florida Statutes. This Agreement has been executed by the appropriate office as provided in the County’s charter or other regulations.

13) Changes in Law – Nothing in this Agreement shall be construed to relieve either party from adhering to the law, and in the event of a change in any statute or administrative regulation inconsistent with this Agreement, any such amended statute or regulation shall take precedence and shall be deemed incorporated in this Agreement.

14) Other Persons Unaffected – Nothing in this Agreement shall be deemed to affect the rights of any person not a party to this Agreement. This Agreement is further not intended to benefit any third party.

15) Attorney Fees and Costs – Each party shall bear its own costs, including attorney’s fees, incurred in connection with the above-captioned case and this Agreement.

16) Effective Date – This Agreement shall become effective upon the date of the last party signing this Agreement.

17) Filing and Continuance – This Agreement shall be filed with DOAH by DEO after execution by the parties. Upon the filing of this Agreement, the administrative proceeding shall be

stayed by the Administrative Law Judge in accordance with section 163.3184(6)(b), Florida Statutes.

18) Retention of Right to Final Hearing – Both parties retain the right to have a final hearing in the event of a breach of this Agreement and nothing contained herein shall be deemed a waiver of such right. Any party to this Agreement may move to have this matter set for hearing if it becomes apparent that any other party whose action is required by this Agreement is not proceeding in good faith to take that action.

19) Entire Agreement - This Agreement constitutes the entire and exclusive agreement between the parties and may not be modified in any manner except by an instrument in writing and signed by the parties.

20) Governmental Discretion Unaffected – This Agreement is not intended to bind the County in the exercise of governmental discretion, which is exercisable in accordance with law only upon the giving of appropriate public notice and required public hearings.

21) Multiple Originals – This Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

In witness thereof, the parties have caused this Agreement to be executed as indicated below.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Approved as to form and legal sufficiency

By: _____
Julie A. Dennis
Interim Division Director
Division of Community Development

Date

Date

**Stipulated Settlement Agreement
DEO vs Lake County, FL
DOAH Case No. 15-005278GM**

ATTEST:

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

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

_____, Chairman

This _____ day of _____, 2015.

Approved as to form and legality:

Melanie Marsh
County Attorney

EXHIBIT “A”

Department of Economic Opportunity’s Statement of Intent

Seven (7) Pages

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY**

IN RE: LAKE COUNTY
COMPREHENSIVE PLAN AMENDMENT
15-1SP; ADOPTING ORDINANCE NO.
2015-27, LPA # 14/10/L-2WELLNESS
WAY SECTOR PLAN MAP AND TEXT
AMENDMENT TO THE COUNTY
COMPREHENSIVE PLAN

**Docket No.
15-1SP-NOI-3501-(A)-(N)**

**STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE**

The Florida Department of Economic Opportunity, pursuant to section 163.3184(5)(b), Florida Statutes, hereby issues this Statement of Intent to find the comprehensive plan amendment adopted by the Lake County Ordinance Number 2015-27, LPA # 14/10/l-2 Wellness Way Sector Plan Map and Text Amendment on July 21, 2015, (“Amendment”) not “in compliance” based upon the Objections, Recommendations and Comments Report issued by the Department on February 6, 2015, which is hereby incorporated by reference. The Department finds the Amendment not “in compliance,” as the term is defined in section 163.3184(1)(b), Florida Statutes, for the following reasons:

1. **Failure to Identify Adequate Potable Water Supply:** The data and analysis provided by the County intending to support the Long Term Master Plan (LTMP) indicates there will be insufficient water to meet the projected demand from the Wellness Way Sector Plan (WWSP). The County has not included other water supply options or water development projects to meet the projected potable water demand needs for the WWSP. Section 163.3245(3)(a)(2), Florida Statutes requires sector plans provide a general identification of the water supplies needed and available sources of water, including water resources development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long term master plan.

Authority: Sections 163.3177(1); 163.3177(1)(f); 163.3177(5)(b); 163.3177(6)(a)2.d.; 163.3177(6)(a)3.f.; 163.3177(4)(a); 163.3177(6)(c); 163.3245(1); 163.3245(3)(a)2., and 6.; and 163.3245(3)(b)3., Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to provide a general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan.

2. Allowing Development within the LTMP without a Detailed Specific Area Plan: Within the boundaries of the WWSP is property that prior to the adoption of the LTMP received local government approval to develop, including Planned Unit Development (PUD) approval. The County adopted Policy 1-8.7.9 specifically allowing the Avalon Groves PUD to develop and continue to develop until the adoption of a detailed specific area plan (DSAP). Section 163.3245(3), Florida Statutes, states that sector planning encompasses two levels: adoption pursuant to section 163.3184, Florida Statutes, of a LTMP for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more DSAPs that implement the LTMP and within which section 380.06, Florida Statutes is waived. Section 163.3245(5)(a), Florida Statutes, further states that “[l]ocal governments may not issue any permits or approvals ... to development that are not consistent with the detailed specific area plan.” If a DSAP has not been adopted for the area included within the PUD it cannot be demonstrated that the development permitted is consistent with a DSAP. Furthermore, the land uses allowed within the Avalon Groves PUD are inconsistent those identified on the Wellness Way Sector Plan Future Land Use Map.

Policy 1-8.7.9, further adopts a self-amending policy in violation of section 163.3245(8), Florida Statutes. The policy allows the Avalon Groves PUD to be deemed withdrawn from the Sector Plan if the portion of the policy allowing the PUD to continue development without a DSAP is rendered unenforceable or interpreted by a court or administrative body in any way that causes an impairment or other adverse change to the Avalon Groves PUD. The policy also states, that to the extent required, this provision shall constitute Lake County’s authorization for the owner of any lands within such PUD to voluntarily withdraw from the sector plan. Section 163.3245(8), Florida Statutes, states that after adoption of a long term master plan, an owner may withdraw his or her property from the master plan only with the approval of the local government by plan amendment adopted and reviewed pursuant to section 163.3184, Florida Statutes.

Finally, Policy 1-8.7.1 states development approvals (i.e. lot splits, conditional use permits, etc.) may be approved after the adoption of the Long Term Master Plan but before the approval of the DSAP. Such development approvals cannot occur until after the adoption of the DSAP consistent with section 163.3245(5)(a), Florida Statutes. The policy also states that development approvals cannot occur until after adoption of the DSAP. The policy is internally inconsistent with itself, with other adopted policies, including Policies 1-8.7.8., 1-8.7.9., and Policy 1-8.7.10., as well as the requirements of section 163.3245(5)(a), Florida Statutes.

Authority: Section 163.3177(1); and Section 163.3245 (1), (3), (5)(a), and (8), Florida Statutes

Recommended Remedial Actions: This inconsistency may be remedied by revising Policy 1-8.7.9 to delete the exemption of the Avalon Groves PUD from the requirement of a DSAP consistent with the LTMP before commencing development. The policy also needs to be revised to remove the self-amending portion of the policy to be consistent with the requirements of section 163.3245(8), and section 163.3184, Florida Statutes. Policy 1-8.7.1 needs to be revised to recognize the need for a DSAP for any development approval to occur within the LTMP.

3. Lack of Minimum and Maximum Density and Intensities: The adopted LTMP did not include minimum or maximum density or intensity standards for the land uses within the Sector Plan as required by section 163.3245(3)(a)1., Florida Statutes. Objective 1-8.2, the supporting policies, and the Framework Map submitted with the data and analysis for the amendment did not adopt minimum or maximum density or intensity standards. Policies 1-8.2.1.1 and 1-8.2.1.2 adopted minimum “Average” densities, maximum “Average” densities, minimum “Average” floor area ratio (FAR), and maximum “Average” FAR. These are averages and not absolute minimum and maximum densities and intensities. Without these minimum and maximum densities and intensities, the LTMP is lacking in demonstrating general principles and guidelines addressing urban form and the interrelationships of future land uses.

Authority: Sections 163.3177(1); 163.3177(6)(a)1.; and 163.3245(1) and (3)(a)1. and 6., Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to specify maximum and minimum densities and intensities of use, linked to a Framework Map that generally depicts areas of urban, agricultural, rural, and conservation land use; identifies allowed uses in various parts of the planning area; and supports the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components.

4. Failure to Adopt the Required Framework Map and Hierarchy of Places: The required Framework Map in section 163.3245(3)(a)1., and 6., Florida Statutes, was not included as part of the adopted amendment. Furthermore, the Framework map that was submitted as part of the data and analysis for the adopted amendment is internally inconsistent with the adopted Long Term Master Plan and does not meet the requirements of section 163.3245(3)(a), Florida Statutes.

Furthermore, the Framework Map submitted as part of the data and analysis with the adopted LTMP does not meet the requirements of section 163.3245(3)(a), Florida Statutes.

Section 163.3245(3)(a)1., Florida Statutes, requires the plan to contain a framework map that, at a minimum, generally depicts areas of urban, agricultural, rural, and conservation land use and provides the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components. This is not illustrated on the map identified as the Framework Map. The Framework Map is internally inconsistent with the adopted Future Land Use Map (FLUM); areas designated for rural and conservation uses on the Framework Map are depicted with intense urban uses on the Future Land Use Map.

Authority: Section 163.3177(1); and Section 163.3245 (1), (3)(a)(1), Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to provide an adopted Framework Map that, at a minimum, generally depicts areas of urban, agricultural, rural, and conservation land use; identifies allowed uses in various parts of the planning area; specifies maximum and minimum densities and intensities of use; and provides the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components. The Framework Map must also be consistent with the Future Land Use Map adopted as part of the amendment and the densities and intensities should be reflected in the policies under Objective 1-8.2.

5. Lack of Meaningful and Predictable Open Space Guidelines: The adopted LTMP is not meaningful and predictable in providing for open space as part of the overall urban form of the area creating internal inconsistencies.

The adopted amendment removed the requirement to preserve a minimum of 50% open space and instead provided “a significant amount” without criteria to direct what will be recognized as “significant amount.” The adopted amendment also created internal inconsistencies between the depiction of open space and the policies guiding open space. The un-adopted Framework Map does not depict the required urban form, in part, because the open space areas and preserve areas are not identified on the map. The Framework Map is also inconsistent with the adopted Future Land Use Map. The FLUM identifies a major portion of the Sector Plan Area as Wellness Way 1, the most intense land use outside of the Town Center land use. The Framework Map however, identifies a portion of the Wellness Way 1 area as Rural. The Wellness Way 4 land use category, the least intensive of the land use categories in the sector plan and thus the area with the most amount of open space, is the remainder of the area identified as “Rural”. Therefore, it is not clear the character of the mislabeled Wellness Way 1 area on the Framework Map. Policy 1-8.2.4 identifies elements that may make up the Wellness Corridors. The elements include community farms and gardens, preserved uplands, water bodies, wetlands, cultural and

environmental resources among a longer list of uses. The areas identified as Wellness Corridors on the un-adopted Framework Map are simply the proposed paved roadway network. The Framework Map does not depict any of the areas identified in Policy 1-8.2.4 as making up the Wellness Corridor.

Authority: Sections 163.3177(1); 163.3177(6)(a)2.c.; 163.3177(6)(e), and 163.3245(1) and (3)(a)6., Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied, in part, by revising the amendment clearly depict on the adopted Framework Map the known suitability open space areas (wetlands, waterbodies or floodprone areas, and conservation areas) together with projected or envisioned Wellness Corridors areas. A depiction of the general open space areas and linkages envisioned to form the Wellness Corridor Network to the communities, the Town Center, Job Hubs, neighborhoods, and external destinations would contribute to providing the general framework for the inter-relationships of the developed areas to the Open Space. Policy I-1.8.4 should be amended to provide meaningful and predictable standards for determining “a significant amount of land area in the form of open space” that will be preserved. Policies should also provide more meaningful and predictable direction for uses within the Wellness Way 4 land use category for the development pattern based on the location of open space and developed areas.

6. Lack of Mobility Options: The adopted LTMP lacks the proper land use planning and urban form to optimize mobility required in section 163.3245(3)(a)3., and 6., Florida Statutes.

The adopted amendment did not contain guidelines to establish each modal component intended to optimize mobility nor did the amendment propose quality communities of a design that promote travel by multiple transportation modes. Further the adopted polices require only an average minimum density of 1.3 units per acre which is not sufficient to support pedestrian, bicycle, or transit mobility. The plan does not include policies that require a predictable urban form or mix of uses which further reduces the likelihood of development occurring in any fashion other than an automobile dependent manner.

Authority: Sections 163.3177(6)(b)1.d., and 2.a.; 163.3245(1); 163.3245(3)(a)3.; and 163.3245(3)(a)6, Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to provide an identification of the transportation facilities to serve the future land uses in the long-term master plan, including guidelines to be used to establish each modal component intended to optimize mobility. Planning for improved mobility options would be furthered by revising the amendment to provide an adopted Framework Map to

better identify allowed uses in various parts of the planning area; specify maximum and minimum densities and intensities of use in these areas; and providing the general framework for the development pattern in developed areas. There are more developable areas of the Sector Plan (non-wetland, non-waterbody or flood-prone, and non-conservation areas). These areas are where development can have sufficient density and intensity and development pattern to support multiple mobility options. Indicating in the LTMP these likely developable areas and the mobility option type guidelines to establish each modal component within and between areas, and to areas outside of the Sector Plan, will assist later at the DSAP stage(s) as the location, capacity, design, and phasing of major transportation facilities occur with greater detail.

Also, as indicated above, providing a Framework Plan with more graphic illustrations guiding the hierarchy of places and functional place-making components for indicated developable nodes will better present a general framework for the development pattern in developed areas.

7. Lack of Required Mix of Uses and Urban Form: The proposed amendment did not include the required percentage mix of uses within the proposed Wellness Way future land use categories and did not emphasize an urban form or functional place making pursuant to section 163.3245(3)(a)3., 5., and 6., Florida Statutes. The adopted amendment relies upon minimum and maximum “Average” densities and intensities for the land use categories along with a “Maximum Capacity Allocation Table” to direct density/intensity and mix of uses. These measures are averages and in the case of the density only address maximum density allocation. Additionally, the Sector Plan is bifurcated by Conserv II property (a regional wastewater reuse and recharge facility) and a separate discontinuous north Wellness Way Sector Plan portion resulting in fragmentation of the sector plan. The adopted policies do not emphasize an urban form or functional place-making. For example, the County did not adopt a percent distribution for the mixed use categories; the lack of minimum densities do not ensure an urban form of development; the lack of an adopted Framework Map and hierarchy of places also contributes to the lack of urban form and a general framework for the development pattern in developed areas.

Authority: Sections 163.3177(1), (6)(a)3.h., and 163.3245(1) , (3)(a)1, 3, 5 and 6, Florida Statutes

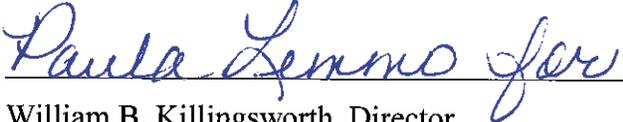
Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to strengthen the general principles and guidelines addressing the urban form and the interrelationships of land uses to Conserv II, and the discontinuous north Wellness Way Sector Plan area, that advances the efficient use of land and other resources, creating

quality communities of a design that promotes travel by multiple transportation modes within and external to the Sector Plan.

CONCLUSIONS

1. The Amendment is not consistent with the requirements of Chapter 163, Part II, Florida Statutes;
2. The Amendment is not “in compliance” as defined in section 163.3184(1)(b), Florida Statutes; and
3. In order to bring the Amendment into compliance, the County may complete the recommended remedial actions described above or adopt another remedial actions that eliminate the inconsistencies.

Executed this 18th day of September, 2015, at Tallahassee, Florida.



William B. Killingsworth, Director
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399

EXHIBIT “B”

Remedial Plan Amendment

Forty Eight (48) Pages

1 ADOPTION

2 **ORDINANCE NO. 2016-**
3 **LPA # 14/10/1-2 Wellness Way Area Plan**
4 **Map and Text Amendment**
5
6

7 **AN ORDINANCE OF THE BOARD OF COUNTY**
8 **COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING**
9 **THE LAKE COUNTY COMPREHENSIVE PLAN BY PROVIDING**
10 **TEXT AND MAP AMENDMENTS TO THE FUTURE LAND USE**
11 **ELEMENT & MAP RELATED TO THE CREATION OF THE**
12 **WELLNESS WAY AREA PLAN PURSUANT TO F.S. CH. 163.3164;**
13 **AMENDING POLICY I-1.2.2, "CONSISTENCY BETWEEN**
14 **FUTURE LAND USE AND ZONING", TO INCLUDE ADDITIONAL**
15 **LAND USE CATEGORIES UNDER THE WELLNESS WAY AREA**
16 **PLAN; CREATING GOAL I-8, TO BE ENTITLED "WELLNESS**
17 **WAY AREA PLAN", IN ORDER TO ESTABLISH AN URBAN**
18 **SERVICE AREA UNDER SECTION 163.3164, FLORIDA**
19 **STATUTES, WITH URBAN SERVICE AREA MAPS, TABLES,**
20 **OBJECTIVES AND POLICIES, AND CREATE A LONG-TERM**
21 **MASTER PLAN FOR THE SOUTHEAST LAKE REGION;**
22 **PROVIDING FOR IMPLEMENTATION; PROVIDING FOR**
23 **TRANSMITTAL; PROVIDING FOR ADVERTISEMENT AND**
24 **PUBLICATION AS REQUIRED BY SECTION 163.3184(11),**
25 **FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND**
26 **PROVIDING FOR AN EFFECTIVE DATE.**

27
28 **WHEREAS**, Chapter 163, Florida Statutes, Part II, governs growth policy, county
29 and municipal planning, and land development regulation in the State of Florida; and

30 **WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorized the
31 Board of County Commissioners of Lake County to "Prepare and enforce comprehensive
32 plans for the development of the county"; and

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

36 **WHEREAS**, on the 23rd day of July, 2010, the State of Florida Department of
37 Community Affairs, now known as the Community Planning and Development Division
38 of the Florida Department of Economic Opportunity, published a Notice of Intent finding
39 the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter
40 163, Florida Statutes; and

41 **WHEREAS**, on the 22nd day of September, 2011, the Lake County 2030
42 Comprehensive Plan became effective; and
43

1 **WHEREAS**, the Wellness Way Area Plan has been prepared pursuant to the
2 provisions of Chapter 163.3164, Florida Statutes, and in compliance with Florida
3 Administrative Code Rules; and

4 **WHEREAS**, the Wellness Way Area Plan contains urban service area, goals,
5 objectives and policies to guide the development, redevelopment and revitalization of the
6 County through the year 2040, addressing job growth, employment, future land uses,
7 transportation, public facilities and infrastructure, capital improvements, conservation, and
8 recreational facilities; and

9 **WHEREAS**, residents and property owners of the County have been instrumental
10 to the drafting of the Wellness Way Area Plan, through participation in scoping exercises,
11 workshops and series of public hearings held to solicit feedback on the draft elements and
12 key issues; and

13 **WHEREAS**, on the 29th day of October, 2014, at a duly noticed public hearing, the
14 Planning & Zoning Board, in its capacity as the Local Planning Agency, considered and
15 recommended to the Lake County Board of County Commissioners approval of an
16 ordinance which created the Wellness Way Sector Plan and which was designated LPA #
17 14/10/1-2; and

18 **WHEREAS**, on the 18th day of November, 2014, the ordinance creating the
19 Wellness Way Sector Plan was heard at a public hearing before the Lake County Board of
20 County Commissioners for transmittal to the State of Florida Department of Economic
21 Opportunity, Community Planning and Development Division, in its capacity as the State
22 Land Planning Agency; and

23 **WHEREAS**, on the 21st day of July, 2015, the ordinance creating the Wellness
24 Way Sector Plan was heard at a public hearing before the Lake County Board of County
25 Commissioners for adoption and transmittal to the State of Florida Department of
26 Economic Opportunity, Community Planning and Development Division, in its capacity
27 as the State Land Planning Agency; and

28 **WHEREAS**, on the 18th day of September, 2015, the State of Florida Department
29 of Economic Opportunity (DEO) issued its Statement of Intent to Find the Ordinance Not
30 in Compliance, and filed a Petition for Formal Administrative Hearing regarding the
31 ordinance creating the Wellness Way Sector Plan with the Division of Administrative
32 Hearings (DOAH), which Petition was assigned DOAH Case Number 15-005278GM; and

33 **WHEREAS**, Lake County and DEO negotiated a resolution to the matters
34 identified in DEO's Statement of Intent, by converting the Wellness Way Sector Plan from
35 a statutory sector plan under Section 163.3245, Florida Statutes, into an Urban Service
36 Area pursuant to Section 163.3164(50), Florida Statutes, with new Future Land Use
37 categories; and

38 **WHEREAS**, on the 15th day of December, 2015, Lake County approved the
39 execution of a compliance agreement with DEO at a public hearing pursuant to Section
40 163.3184(6)(c), Florida Statutes, to which this Ordinance, adopting the Wellness Way Area
41 Plan as an Urban Service Area, was appended in Exhibit "B" as a remedial amendment;
42 and

1 **WHEREAS**, on the ____ day of December, 2015, DEO executed the compliance
2 agreement with Lake County; and

3 **WHEREAS**, in accordance with the compliance agreement and Section
4 163.3184(6)(d), the Lake County Board of County Commissioners held a single public
5 hearing to adopt this Ordinance as a remedial amendment on the 5th day of January, 2016;
6 and

7 **WHEREAS**, the Board of County Commissioners finds that the proposed
8 amendment to the Comprehensive Plan to include and implement the Wellness Way Area
9 Plan complies with applicable laws and is consistent with the State Plan and the Community
10 Planning Act , and promotes and protects the public health, safety and welfare; and

11 **WHEREAS**, the Board of County Commissioners desires to adopt the goal,
12 objectives and policies of the attached Wellness Way Area Plan and all elements thereof into
13 the Comprehensive Plan of Lake County, in accordance with State law.

14 **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
15 **COMMISSIONERS OF LAKE COUNTY, FLORIDA, AS FOLLOWS:**

16
17 **Section 1. Recitals.** The above recitals are true and correct and incorporated herein
18 by this reference.

19 **Section 2. Comprehensive Plan Amendment.** The Comprehensive Plan is hereby
20 amended to incorporate and include the “Wellness Way Area Plan,” attached hereto and
21 incorporated herein by reference as **Attachment “A”**. Changes are shown using ~~striketrough~~
22 for deletions, if any, and underline for additions to the Comprehensive Plan. The notation “* * *”
23 indicates that all preceding or subsequent text remains unchanged.

24 **Section 3. Transmittal.** Lake County Economic Growth Department staff is directed
25 to timely transmit the Wellness Way Area Plan attached in **Attachment “A”** and all data and
26 analysis to the State of Florida Department of Economic Opportunity in its capacity as the
27 State Land Planning Agency (the “Department”), as required by Chapter 163, Florida Statutes.

28 **Section 4. Advertisement.** This Ordinance was advertised pursuant to Chapter
29 163, Florida Statutes, Section 163.3184(11).

30 **Section 5. Severability.** If any section, sentence, clause, or phrase of this
31 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
32 then said holding shall in no way affect the validity of the remaining portions of this
33 Ordinance.

34 **Section 6. Effective Date.** This Ordinance shall become effective as provided for
35 by law.

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ENACTED this ____ day of _____, 2016.

FILED with the Secretary of State _____, 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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

_____, Chairman

This _____ day of _____, 2016.

Approved to as to form and legality:

Melanie Marsh
County Attorney

ATTACHMENT "A"
WELLNESS WAY AREA PLAN

* * *

Policy I-1.2.2 Consistency between Future Land Use and Zoning

The County shall regulate land use activities within the Future Land Use Categories and overlay areas illustrated on the Future Land Use Map and described within the Comprehensive Plan through the implementation of zoning districts. Zoning districts shall be defined within the Land Development Regulations, and a zoning map produced that depicts the demarcation of each zoning district. The maximum density and intensity of zoning districts shall not exceed the density and intensity allowed by the Future Land Use Category. The Future Land Use Categories are summarized in Table FLUE-2, as follows:

Table FLUE 1 - Future Land Use Categories Table

FUTURE LAND USE CATEGORY	DENSITY (1)	F.A.R. (INTENSITY)	I.S.R	OPEN SPACE	BUILDING HEIGHT (2)(5)
Urban Low Density	4 d.u./1 acre	0.25 to 0.35	0.60	25%	Note (3)
Urban Medium Density	7 d.u./1 acre	0.35 to 0.50	0.70	20%	Note (3)
Urban High Density	Min. 4 d.u./1 acre Max 12 d.u./1 acre	2.0	0.80	10%	Note (3)
Cagan Crossings (728.5 acres) (4)	8,000 d.u.	700,000 s.f.	NS	44%	Note (3)
Regional Office	1 multi-family du per 10,000 sq. ft. of commercial space (Note (6))	3.0	0.75	15%	Note (3)
Regional Commercial	1 multi-family du per 10,000 sq. ft. of commercial space (Note (6))	3.0	0.75	15%	Note (3)
Industrial	NS	1.0	0.80	NS	Note (3)
Public Service Facilities & Infrastructure	1 caretaker unit per parcel	1.0	0.80	NS	Note (3)
Mt. Plymouth-Sorrento Main Street	5.5 d.u./1 acre	0.30	0.60	20% to 25%	"see Mt. Plymouth-Sorrento Policies"
Mt. Plymouth - Sorrento Neighborhood	2 d.u./1 acre	0.20 to 0.30	0.30	30% to 50%	"see Mt. Plymouth-Sorrento Policies"
Rural	1 d.u./5 acres	NS	0.20 0.30	Min. 35%	Note (3)
Rural Transition	1 d.u./5 acres 1 d.u./3 acres 1 d.u./1 acre	NS	0.30 0.50	35% to 50%	Note (3)
Recreation	NS	0.10	0.50	NS	Note (3)
Conservation	NS	NS	NS	NS	Note (3)
APPLICABLE ONLY IN THE WEKIVA RIVER PROTECTION AREA					

FUTURE LAND USE CATEGORY	DENSITY (1)	F.A.R. (INTENSITY)	I.S.R	OPEN SPACE	BUILDING HEIGHT (2)(5)
A-1-40 Sending Area (Sending Area Number One)	1 d.u./40 acres 1 d.u./10 acres	NS	0.20 to 0.30	Min. 50%	Note (3)
A-1-20 Sending Area (Sending Area Number Two)	1 d.u./20 acres 1 d.u./5 acres	NS	0.20 to 0.30	Min. 50%	Note (3)
A-1-20 Receiving Area (Receiving Area Number One)	1 d.u./20 acres 1 d.u./5 acres 1 d.u./1 acre	NS	0.20 to 0.30	Min. 50%	Note (3)
Mt. Plymouth Sorrento Receiving Area (Receiving Area Number Two)	5.5 d.u./1 acre	0.30	0.60	20% to 25%	Note (3)
APPLICABLE ONLY IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN					
Green Swamp Ridge	4 d.u./1 acre	0.25 to 0.35	0.45	40%	40 ft.
Green Swamp Rural	1 d.u./5 acres	NS	0.20 to 0.30	Min. 60%	40 ft.
Green Swamp Rural Conservation	1 d.u./10 acres	NS	0.20	Min. 80%	40 ft.
Green Swamp Core Conservation	1 d.u./20 acres	NS	0.10	Min. 90%	40 ft.
FUTURE LAND USE CATEGORY	CAPACITY(8)	M.A.F.A.R. (INTENSITY)	I.S.R (7)	OPEN SPACE	BUILDING HEIGHT (7)
APPLICABLE ONLY IN THE WELLNESS WAY AREA PLAN					
<u>Town Center</u>	<u>4 d.u./ 1 acre</u>	<u>0.30</u>	<u>NS</u>	<u>Min. 30%</u>	<u>NS</u>
<u>Wellness Way 1</u>	<u>1.85 d.u./ 1 acre</u>	<u>0.25</u>	<u>NS</u>	<u>Min. 30%</u>	<u>NS</u>
<u>Wellness Way 2</u>	<u>1.6 d.u./ 1 acre</u>	<u>0.20</u>	<u>NS</u>	<u>Min. 30%</u>	<u>NS</u>
<u>Wellness Way 3</u>	<u>1.35 d.u./ 1 acre</u>	<u>0.15</u>	<u>NS</u>	<u>Min. 30%</u>	<u>NS</u>
<u>Wellness Way 4</u>	<u>0 d.u./ 1 acre</u>	<u>N/A</u>	<u>NS</u>	<u>Min 30%</u>	<u>NS</u>

ABBREVIATIONS: F.A.R =Floor Area Ratio I.S.R =Impervious Surface Ratio
NS = Not Specified d.u. = Dwelling Unit Min. = Minimum
ft. = Feet s.f. = Square Feet
M.A.F.A.R.= Minimum Average Floor Area Ratio

NOTES:

Should there be any discrepancy between entries in this summary table and the more detailed text of the Comprehensive Plan, the text of the Goals, Objectives, and Policies shall control.

All density and intensity standards refer to Net Density or Net Buildable Area, which excludes wetlands and water bodies.

Please refer to the specific policies pertaining to each Future Land Use Category for details on allowed density, Floor Area Ratio, Impervious Surface Area, and open space requirements.

(1) Within all residential Future Land Use categories, additional dwelling units may be built within the net buildable area of a parcel based upon a transfer from wetland areas. Please refer to Policy I-1.2.4 Calculation of Residential Densities for details.

(2) Building heights in the Ferndale Community and the Ferndale Center District are limited to three (3) habitable stories. Building heights are limited to 35 feet within the Pinycastle Military Operations Area.

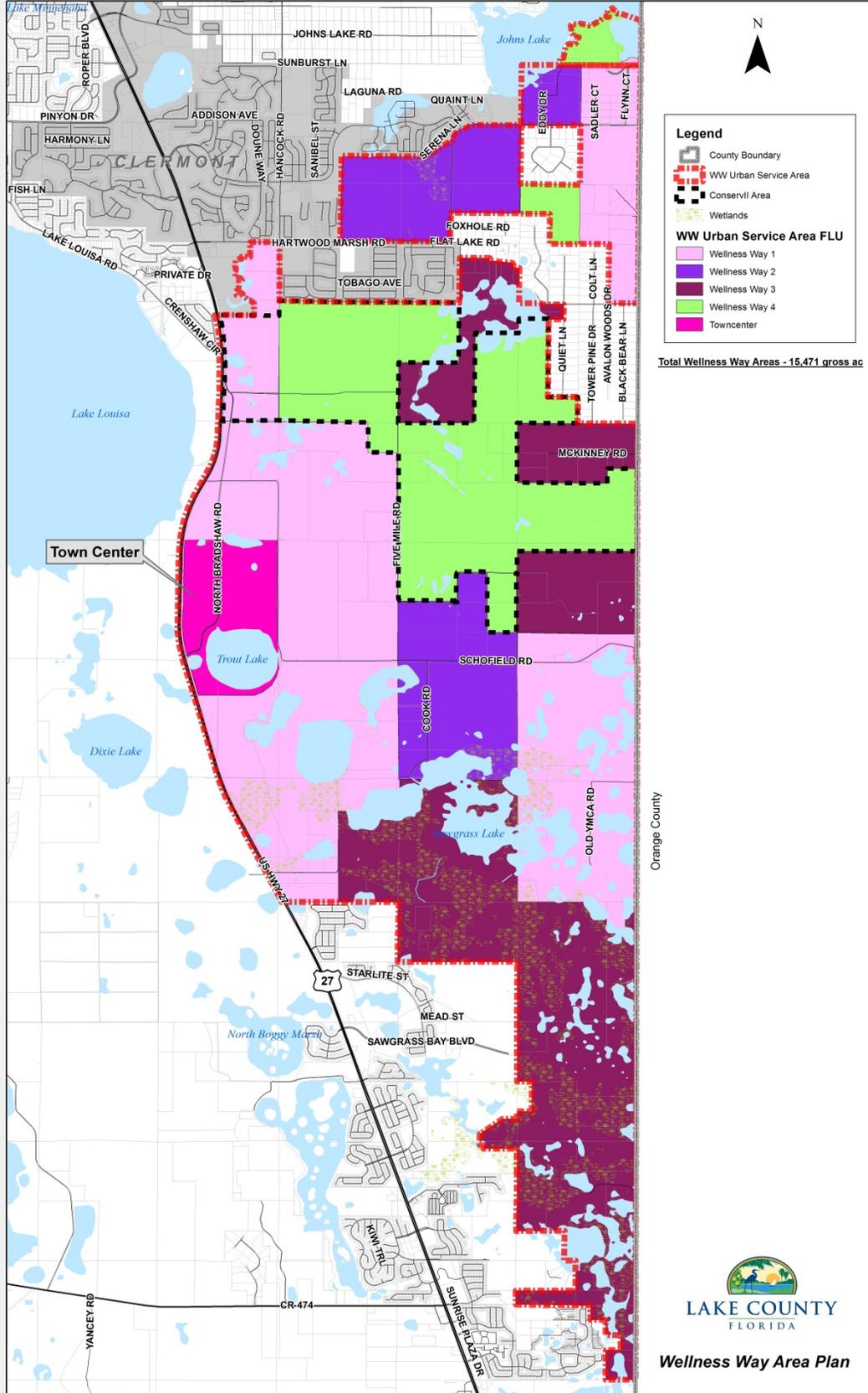
(3) Refer to Building Heights within Future Land Use Categories Policy (Policy I-1.2.3).

- (4) Applies only to the Cagan Crossings FQD as recorded in OR Book 2470, Page 815.
- (5) Height limitations do not apply to structural appurtenances such as spires, steeples, chimneys, radio towers, antennae, or similar structures in residential areas, unless otherwise addressed specifically in the Land Development Regulations. Height limitations do not apply to silos, windmills, water towers, or similar structures in agricultural areas. Height limitations do apply to mechanical systems and screening walls, parapets or other roof treatments on commercial buildings.
- (6) The total number of multi-family dwelling units shall be no more than one (1) unit per 10,000 square feet of gross leasable area of commercial space and the allowed FAR shall not be applied to such residential areas. Residential uses are excluded on parcels in this category located within Mount Dora joint planning area first authorized by the Board of County Commissioners on September 28, 2004.
- (7) Refer to Policy I-8.7.3, Determined at the Master Planned Unit Development (PUD).
- (8) Refer to Policy I-8.2.1.1 and I-8.2.1.2, for Minimum to Maximum Density and Maximum Capacity of Dwelling Units (d.u.) per Net Acre.

* * *

Section III:
FUTURE LAND USE MAP & GOAL,
OBJECTIVES AND POLICIES

URBAN SERVICE AREA & FUTURE LAND USE MAP



III. Future Land Use Map & Goal, Objectives and Policies

GOAL I-8 WELLNESS WAY AREA PLAN

The intent of the Wellness Way Area Plan, which is an Urban Service Area under Section 163.3164(50), Florida Statutes (2015) (hereinafter, “WWUSA”), is to create a long-term master plan for the South Lake region which promotes significant economic development while encouraging fiscally efficient and well-balanced development patterns that minimize environmental impacts and leverage existing resources.

The following Objectives and Policies shall govern the WWUSA as depicted on the Future Land Use Map. In the event that these Goals, Objectives or Policies present either an express (direct) or implied (indirect) conflict with the Goals, Objectives and Policies that appear elsewhere in the comprehensive plan, the provision elsewhere in the comprehensive plan that is in direct or indirect conflict with a Wellness Way Goal, Objective or Policy shall not apply to the WWUSA area. All Goals, Objectives and Policies in the Lake County Comprehensive Plan that do not directly or indirectly conflict with this Goal and associated Objectives and Policies shall apply to the WWUSA area depicted on the Future Land Use Map.

The primary intent of the Urban Service Area is to effectuate positive change for the following initiatives:

- Job creation and economic development
- Regional transportation connectivity
- Creation of the wellness corridor/recreation/open space network
- Promotion of recreation and healthy living
- Water smart approaches
- Preservation of scenic resources including topography
- Health and wellness community development

To achieve these initiatives in the Urban Service Area, these Goals, Objectives and Policies (GOPs) specifically address the unique conditions of Wellness Way. It is paramount for these GOPs to be flexible for the long term horizon of development in Wellness Way. Further, to provide predictability within the Urban Service Area, there are five (5) future land use categories (FLUC) as described below:

- A. Town Center
- B. Wellness Way 1
- C. Wellness Way 2
- D. Wellness Way 3
- E. Wellness Way 4

These five future land use categories are depicted on the Future Land Use Map. The Map will also identify the five proposed arterial roadways that make up the primary roadway network. Final

primary roadway alignments may be determined in the Planned Unit Development (PUD) process or through an independent alignment study.

The WWUSA is based upon providing sufficient land area to achieve a target of 1.50 to 1 jobs-to-housing ratio. The plan will also require significant open space set asides within each PUD to ensure internal open space connectivity as well as connectivity to Lake Louisa State Park, Orange County and the City of Clermont. While locations of the Future Land Use Categories are provided by the Urban Service Area and the Future Land Use Map, the decisions on where specific land uses occur is defined by the Framework Map at the next required planning step; the PUD.

OBJECTIVE I-8.1 ECONOMIC DEVELOPMENT

Through the WWUSA, Lake County shall develop a comprehensive economic development and branding strategy that achieves a target jobs-to-housing ratio within the WWUSA by focusing on growth and retention of target industries and the complimentary land uses and infrastructure needed to support them.

Policy I-8.1.1 Jobs-to-Housing Ratio, Minimum Non-Residential Square Feet & Land Area Set-Asides

Lake County shall seek to achieve a target jobs-to-housing ratio of 1.5 jobs per one (1) dwelling unit (1.5:1) within the WWUSA area. The target jobs-to-housing ratio will be achieved by ensuring a minimum volume of employment generating non-residential uses can be accommodated within each PUD. The County shall analyze each PUD submittal to ensure the PUD reserves an adequate amount of land for employment uses to achieve the desired volume of non-residential square footage that will produce the targeted ratio. Proposed PUDs will determine the required volume of non-residential square footage utilizing the following calculation:

Allocated number of residential dwelling units multiplied by the FLUC target jobs-to-housing ratio for the total number of PUD jobs multiplied by 450 square feet of building space per job to arrive at the total volume of non-residential square footage required to meet the jobs-to-housing ratio.

To ensure that an adequate volume of land is set aside to accommodate the required non-residential square footage, a FLUC specific minimum FAR (as shown in Policy I-8.2.1.2) is applied to the non-residential square footage requirement. All PUDs are required to set aside enough acreage, as calculated above, to accommodate the required non-residential square footage at the minimum average FAR.

Land use types that can be counted towards the non-residential square footage requirements include traditional, job-generating commercial, office and industrial uses, as well as other job-generating land uses, such as secondary education facilities, hotels, technical schools and hospitals/medical.

Policy I-8.1.2 Target Industries

Non-residential employment development within the WWUSA shall target, but are not limited to, a broad base of industry sectors. This will allow for a diverse and dynamic range of economic development and job growth opportunities. Target industries may include:

- A. Ag-Tech
- B. Eco-tourism and Agri-tourism
- C. Education and Health Services
- D. Human Performance, Sports Medicine and Sports Training
- E. Leisure and Hospitality
- F. Manufacturing
- G. Medical and bio-medical
- H. Professional and Business Services
- I. Research Facilities
- J. Retail Trade
- K. Transportation, Trade and Utilities

Policy I-8.1.3 Technology Infrastructure

Key to the success of the WWUSA will be the application of an advanced technology infrastructure network. PUDs within the WWUSA shall include an analysis of technology infrastructure to determine if the most current and innovative technologies are being utilized. PUDs shall identify technology infrastructure corridors and shall develop a strategy for ensuring the long term viability of the technology infrastructure network.

Policy I-8.1.4 Energy Conservation

A primary component to the WWUSA will be the use of alternative energy sources to promote economic development. The use of sustainable energy generation will attract businesses and foster the proliferation of green technology. Alternative energy resources should be encouraged as a power source for residential and non-residential development alike. PUD's should demonstrate how alternative energy sources will be incorporated into the development when economically feasible.

Policy I-8.1.5 Economic Development Incentives

Within 12 months of adoption of the WWUSA, Lake County shall develop a program intended to attract and retain target industries within the WWUSA area. This program may include financial incentives, expedited permitting and review processes, flexibility in development standards and marketing/branding initiatives.

OBJECTIVE I-8.2 LAND USE, HIERARCHY OF PLACE AND WELLNESS CORRIDORS

The intent of the Urban Service Area is to create a fiscally efficient development pattern through a diversity of land uses and locally appropriate urban form. The Urban Service Area shall promote land use densities, intensities and mixed uses that integrate and support alternative transportation modes, decrease trip lengths, and promote internal capture. The Framework Map shall guide the relationships of land use, transportation, Wellness Space and is intended to provide a hierarchy of place within each PUD.

Policy I-8.2.1 Future Land Use Categories

The following five future land use categories, as depicted on the Future Land Use Map, shall be unique to the WWUSA and are intended to provide for a broad range of compatible and complimentary uses including employment, housing, recreation, agriculture and conservation uses as follows:

- A. **Town Center FLUC** allows the permitted and conditional land uses listed below with a jobs-to-housing ratio of 2.00 to 1.
- Agriculture and Agri-business.
 - Commercial: Retail, banking, restaurants, convenience stores, lodging, gas/service station, day care, and similar uses.
 - Industrial: Manufacturing, warehousing/distribution, wholesale trade, transportation services, communication services, and similar uses.
 - Office: General, medical/dental, corporate headquarters, government, research and development, and similar uses.
 - Public/Institutional: Schools, parks, civic, public safety, hospitals, educational facilities, transportation facilities, utilities, and similar uses.
 - Residential: Multi-family, single family, and similar uses.
 - Target industries
 - Wellness Corridors/Recreation/Open Space networks: Active/passive recreation, trails, ecotourism related uses, scenic, natural and cultural resources, community farms and gardens and similar uses.
 - Mining and Natural resource-based operations (requires Conditional Use Permit)

- B. **Wellness Way 1 FLUC** allows the permitted and conditional land uses listed below with a jobs-to-housing ratio of 1.75 to 1.
- Agriculture and Agri-business.
 - Commercial: Retail, banking, restaurants, convenience stores, lodging, gas/service station, day care, and similar uses.
 - Industrial: Manufacturing, warehousing/distribution, wholesale trade, transportation services, communication services, and similar uses.
 - Office: General, medical/dental, corporate headquarters, government, research and development, and similar uses.
 - Public/Institutional: Schools, parks, civic, public safety, hospitals, educational facilities, transportation facilities, utilities, and similar uses.
 - Residential: Multi-family, single family, and similar uses.
 - Target industries
 - Wellness Corridors/Recreation/Open Space networks: Active/passive recreation, trails, ecotourism related uses, scenic, natural and cultural resources, community farms and gardens and similar uses.
 - Mining and Natural resource-based operations (requires Conditional Use Permit)
- C. **Wellness Way 2 FLUC** allows the permitted and conditional land uses listed below and a jobs-to-housing ratio of 1.5 to 1.
- Agriculture and Agri-business.
 - Commercial: Retail, banking, restaurants, convenience stores, lodging, gas/service station, day care, and similar uses.
 - Industrial: Manufacturing, warehousing/distribution, wholesale trade, transportation services, communication services, and similar uses.
 - Office: General, medical/dental, corporate headquarters, government, research and development, and similar uses.
 - Public/Institutional: Schools, parks, civic, public safety, hospitals, educational facilities, transportation facilities, utilities, and similar uses.
 - Residential: Multi-family, single family, and similar uses.
 - Target industries
 - Wellness Corridors/Recreation/Open Space networks: Active/passive recreation, trails, ecotourism related uses, scenic, natural and cultural resources, community farms and gardens and similar uses.
 - Mining and Natural resource-based operations (requires Conditional Use Permit)

D. **Wellness Way 3 FLUC** allows the permitted and conditional land uses listed below and a jobs-to-housing ratio of 1.25 to 1.

- Agriculture and Agri-business.
- Commercial: Retail, banking, restaurants, convenience stores, lodging, gas/service station, day care, and similar uses.
- Industrial: Manufacturing, warehousing/distribution, wholesale trade, transportation services, communication services, and similar uses.
- Office: General, medical/dental, corporate headquarters, government, research and development, and similar uses.
- Public/Institutional: Schools, parks, civic, public safety, hospitals, educational facilities, transportation facilities, utilities, and similar uses.
- Residential: Multi-family, single family, and similar uses.
- Target industries
- Wellness Corridors/Recreation/Open Space networks: Active/passive recreation, trails, ecotourism related uses, scenic, natural and cultural resources, community farms and gardens and similar uses.
- Mining and Natural resource-based operations (requires Conditional Use Permit)

E. **Wellness Way 4 FLUC** is land owned by a government entity. Permitted and conditional land uses include:

- Active/passive recreation
- Agriculture
- Community gardens
- Ecotourism related uses
- Institutional uses
- Preservation
- Scenic resources
- Trails, pedestrian ways and bikeways
- Mining and Natural resource-based operations (requires Conditional Use Permit)

Policy I-8.2.1.1 Future Land Use Categories Capacity Allocation

Development potential and buildable densities/intensities within the WWUSA shall be determined according to a two (2) step process. The first step determines the maximum number of residential units that can be constructed within a PUD and the minimum amount of non-residential acreage that must be set aside within the PUD. These figures are referred to as “capacity” within the WWUSA. Regardless of the actual buildable densities and intensities, the MAXIMUM number of residential units within a PUD cannot exceed the capacity determined in Step 1¹, while the set asides for non-residential uses cannot fall below the MINIMUM capacity determined in Step 1. “Capacity” is calculated utilizing “net acres” (gross acres minus wetland acres minus water body acres).

Each upland acre regardless of tier designation shall receive an allocation of residential capacity and be required to set aside non-residential acreage according to the figures provided below, with the exception of existing PUDs, which maintain their current entitlements until such time as a PUD is approved.

Maximum Capacity Allocation Table

<u>Future Land Use Category</u>	<u>Residential</u>	<u>Non-Residential</u>		
	<u>Maximum Capacity / Net Acre</u>	<u>Jobs to Housing Ratio</u>	<u>Square Feet per Employee</u>	<u>Minimum FAR</u>
<u>Town Center</u>	<u>4.00 (d.u)</u>	<u>2.00 / 1.00</u>	<u>450</u>	<u>0.30</u>
<u>Wellness Way 1</u>	<u>1.85 (d.u)</u>	<u>1.75 / 1.00</u>	<u>450</u>	<u>0.25</u>
<u>Wellness Way 2</u>	<u>1.60 (d.u)</u>	<u>1.50 / 1.00</u>	<u>450</u>	<u>0.20</u>
<u>Wellness Way 3</u>	<u>1.35 (d.u)</u>	<u>1.25 / 1.00</u>	<u>450</u>	<u>0.15</u>
<u>Wellness Way 4</u>	<u>0.00</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

¹ This does not include potential right-of-way density bonuses (Policy I-8.8.1).

Policy I-8.2.1.2 Future Land Use Categories Density and Intensity Calculations

The second step in the process outlines the actual densities and intensities for construction of residential and non-residential structures. Densities and intensities are calculated utilizing “net buildable acres” (Gross acres minus wetland acres minus water body acres minus designated open space, see Policy I-8.2.5. for open space guidelines). The total number of residential units within a PUD cannot exceed the maximum residential capacity calculation as indicated in Policy I-8.2.1.1²; however, residential units can be constructed at any density as long as the average density across all residential units within the PUD is within the average density range as indicated by the FLUC specific Minimum and Maximum Average Densities. Similarly, non-residential uses can be constructed at any intensity as long as the average intensity across all non-residential square footage within the PUD is within the average intensity range, as indicated by the FLUC specific Minimum and Maximum Average Intensities.

The following table summarizes the ratios to be utilized in the calculations of residential densities (average dwelling units/net buildable acre) and non-residential land-use acreage set asides (average FAR) allowed within each Future Land Use Category.

Future Land Use Category Summary Table

<u>Future Land Use Categories</u>	<u>Minimum Density/Net Buildable Acre</u>	<u>Maximum Density/Net Buildable Acre</u>	<u>Minimum Average FAR</u>	<u>Maximum Average FAR</u>
<u>Town Center</u>	<u>6.00 (d.u)</u>	<u>25.00 (d.u)</u>	<u>0.30</u>	<u>2.00</u>
<u>Wellness Way 1</u>	<u>3.00 (d.u)</u>	<u>20.00 (d.u)</u>	<u>0.25</u>	<u>2.00</u>
<u>Wellness Way 2</u>	<u>2.50 (d.u)</u>	<u>15.00 (d.u)</u>	<u>0.20</u>	<u>2.00</u>
<u>Wellness Way 3</u>	<u>2.00 (d.u)</u>	<u>10.00 (d.u)</u>	<u>0.15</u>	<u>2.00</u>
<u>Wellness Way 4</u>	<u>0.00</u>	<u>0.00</u>	<u>N/A</u>	<u>N/A</u>

Example Density and Non-Residential Acreage Set-Aside Calculation: A proposed PUD contains 1,000 net acres within Wellness Way 1 and 500 net acres within Wellness Way 2. Wellness Way 1 FLUC requires a 1.75 jobs-to-housing ratio, allows a density 1.85 dwelling units per net acre and requires a minimum average FAR of 0.30. Wellness Way 2 FLUC, which requires a 1.50 jobs-to-housing ratio, allows a density of 1.60 dwelling units per net acre and requires a minimum average FAR of 0.25.

² This does not include potential right-of-way density bonuses (Policy I-8.8.1).

Step 1: Maximum Density Calculation

- Tier 1: 1,000 net acres X 1.85 du/ac = 1,850 dwelling units
- Tier 2: 500 net acres X 1.60 du/ac = 800 dwelling units
- Total Dwelling Units: 2,650

Step 2: Job Generation

- Tier 1: 1,850 dwelling units X 1.75 j/h = 3,238 jobs required
- Tier 2: 800 Dwelling units X 1.50 j/h = 1,200 jobs required
- Total Jobs Required: 4,438

Step 3: Non-Residential Square Feet

- Tier 1: 3,238 jobs X 450 sf/emp = 1,457,100 sf
- Tier 2: 1,200 jobs X 450 sf/emp = 540,000 sf
- Total Non-Residential Square Feet = 1,997,100 sf

Step 4: Non-Residential Acreage Set-Aside

- Tier 1: 1,457,100 sf non-res / 43,560 / 0.30 FAR = 112 acres
- Tier 2: 540,000 sf non-res / 43,560 / 0.25 FAR = 50 acres
- Total Non-Residential Acreage Set-Aside = 162 acres

Policy I-8.2.1.3 Location and Timing of Non-Residential Construction

Land areas set aside for the purposes of non-residential uses will be termed a Job Hub. A Job Hub refers only to the land upon which vertical non-residential construction will be built. Mixed use areas may have a mix of Job Hub (non-residential) and residential acreage. All Job Hubs shall be appropriately placed in commercially viable locations located along an arterial or collector road. Job Hubs are restricted to non-residential uses only, except in cases of multi-level mixed-use development where residential uses will be located above non-residential uses. In these cases, the residential uses must be built concurrently or after the construction of the non-residential uses.

Policy I-8.2.2 Urban Form Guiding Principles

WWUSA is envisioned as a mixed-use area proximate to arterial thoroughfares. Land uses within WWUSA are intended to be flexible allowing employment, residential, institutional, agriculture and Wellness/Green Space. Urban Service Area Goals, Objectives and Policies establish urban form guiding principles as follows:

- A. Each FLUC is intended to include a mix of uses that integrate residential, non-residential and open space networks. As such, the following guidelines shall be in place for the desired percentage distribution of uses within each FLUC (as measured by net acreage): An interconnected Wellness/Green Corridor network including a trail system to reach destinations within WWUSA such as the Town Center, Job Hubs, schools, parks as well as neighborhoods.
 - a. Town Center: 25% Non-Residential; 45% Residential; 30% Open Space
 - b. Wellness Way 1: 10% Non-Residential; 60% Residential; 30% Open Space
 - c. Wellness Way 2: 10% Non-Residential; 60% Residential; 30% Open Space
 - d. Wellness Way 3: 10% Non-Residential; 60% Residential; 30% Open Space
 - e. Wellness Way 4: 10% Non-Residential; 60% Residential; 30% Open Space
- B. Plan for and implement regional roadway connectivity as generally depicted on the Future Land Use Map.
- C. An emphasis on complete streets and multi-modal facilities (bike trails, on-street parking, enhanced pedestrian environments).
- D. A green strategy considering a balance of development, preservation, energy, conservation and water conservation.
- E. School centered development pattern with a co-located neighborhood park and connectivity to the Wellness Corridor network for each school.
- F. Neighborhood scale development based upon a pedestrian orientation with neighborhood centers/parks as the center of the neighborhood to create neighborhood identity and place.
- G. Allow interim and/or permanent agricultural uses.
- H. All development will adhere to dark sky standards.

These guiding principles shall be specifically demonstrated in the PUDs.

Policy I-8.2.3 Pedestrian Orientation

Design decisions must be oriented to the pedestrian scale. This begins at the Urban Service Area level, is documented as development standards in the PUD zoning and culminates at the detailed design level with the specifications for complete street design.

Policy I-8.2.4 Wellness Corridors

Wellness Corridor (WC) networks connect communities, the Town Center, Job Hubs, neighborhoods and destinations together in a series of integrated trail and pedestrian facilities. WC networks may contain the following elements:

- A. Community farms and gardens
- B. Wetlands
- C. Water bodies
- D. Preserved uplands
- E. Trails, pedestrian ways and bikeways
- F. Viewsheds and scenic resources
- G. Cultural and environmental resources
- H. Wellness Corridors/open space
- I. Parks/recreation facilities for active and passive use
- J. Stormwater management facilities

Policy I-8.2.5 Open Space

The WWUSA will preserve a significant amount of land area in the form of open space and natural protected areas. The natural protected areas include wetlands and water bodies. Open space will be divided into two separate categories, Wellness Space and Green Space, with each type allowing different uses.

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

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

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

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

Policy I-8.2.6 Conservation Lands

The determination of areas most suitable for permanent preservation shall occur during the preparation of a Planned Unit Development (PUD). The permanent preservation of suitable areas through recordation of conservation easements, consistent with s. 704.06 FS, as amended, shall correspond with each development phase or stage. The conservation easement shall be recorded prior to PUD approval. Once an area is placed in permanent preservation, either through easement or acquisition, the Future Land Use Map designation of that area may be amended to Conservation.

OBJECTIVE I-8.3 MOBILITY

Development within the WWUSA area shall be managed to reduce vehicle trips, minimize vehicle trip lengths, and reduce vehicle miles travelled through the encouragement of clustered mixed-use development and the internal capture of trips and through the development of an interconnected, transportation network. The proposed arterial roadways as generally depicted on the Future Land Use Map make up the primary roadway network. Final primary roadway alignments and additional connections may be determined in the PUD process.

Policy I-8.3.1 Primary Roadway Network

System-wide transportation capacity within the WWUSA area shall be achieved through the design and development of an interconnected, multi-modal roadway network with appropriately spaced and properly sized roadway, pedestrian, bicycle, transit and alternative vehicular components. Planned Unit Developments (PUD) within the WWUSA shall be generally consistent with the primary roadway network identified on the Framework Map. Any deviations from the number and location of primary roadways identified on the Framework Map shall not deteriorate the high level of interconnectivity within the Urban Service Area's network. Deviations to a significant extent are possible

to protect environmentally sensitive lands so long as the continuity of the network and each of the multimodal features for that facility are maintained.

Policy I-8.3.2 Roadway Network

Thoroughfares within the WWUSA shall be designed to accommodate pedestrians, bicycles, transit, freight, and motor vehicles within a circulation network with the allocation of right-of-way provided for in the PUD approval process. To assist with the design of future roadways and ensure that these facilities consider all modes of transportation, typical complete street cross-sections have been placed in WWUSA and shall be used to guide the design of proposed facilities during the PUD process.

Policy I-8.3.3 Pedestrian Facilities

Through a complementary relationship between transportation, land use and urban design, development within the WWUSA shall support walking as an important part of daily travel. Design and construction of transportation facilities and land uses within the Urban Service Area shall give highest priority to walking as a basic and efficient mode of transportation and may include the following:

- a. Appropriately sized and obstruction-free sidewalks connecting residential neighborhoods to employment districts, retail areas, parks and schools;
- b. Well designed and highly-visible crosswalks which ensure pedestrian safety in areas where conflicts with vehicular traffic may occur;
- c. The use of streetscapes that offer a safe and inviting environment for pedestrians especially by providing shade, amenities and buffering from vehicular traffic; and/or,
- d. Pedestrian oriented design of buildings adjacent to sidewalks including, minimal front setbacks, entrances that provide direct access from the public sidewalk, maximum first floor opacity standards, and the placement of vehicular use areas to the back or side of buildings.
- e. Provision of Wellness Corridors with multi-use paths and trails.

Policy I-8.3.4 Bicycle Facilities

PUDs within the WWUSA shall include a safe and continuous bicycle network that encourages cycling as both a means of transportation and a recreational activity. Bicycle networks shall connect residential neighborhoods with the Town Center, Job Hubs, neighborhoods and parks and schools and may include:

- a. Shared lane markings;
- b. Designated bike lanes;
- c. Separated bike facilities or “cycle tracks”; and/or,
- d. Multi-use paths and trails.

Policy I-8.3.5 Transit

Job Hubs located on arterial and collector roads offer the future opportunity for the Regional Transit Authority to consider providing transit service to and between Job Hubs and other regional destinations.

Policy I-8.3.6 External Trip Reduction

PUDs within the WWUSA shall introduce measures that shall produce a reduction in net external trips. A variety of options and innovative techniques to meet this goal shall be included in the PUD including Wellness Corridors, complete streets, a pedestrian oriented design emphasis and the possible inclusion of future bus service with the regional Transit Authority.

Policy I-8.3.7 Level of Service

The minimum roadway level of service standard within the WWUSA shall be “E,” except for US 27 which shall remain at LOS “D.”

Policy I-8.3.8 Multimodal Street Design Standards

Lake County shall establish design standards to ensure streets are safe, convenient and appealing for all modes of travel, including automobiles, trucks, bicycles and pedestrians and possible future bus service. Strategies shall include marked crosswalks, wider sidewalks, on-street parking, traffic calming, raised medians, adequate drainage or other appropriate safety enhancements that reduce hazardous conflicts between modes and that are consistent with the planned functions of the roadway.

Policy I-8.3.9 Connectivity

To promote communities that are physically connected to each other and to foster community and connectedness beyond the development, all PUDs shall include sub-arterial streets stubbed to the boundary of the development in all cardinal directions unless physically constrained by natural or other features. Development plans within a PUD shall include streets connecting to all streets stubbed to the boundary of adjacent development plans. Street connections shall be made between adjacent development regardless of the parent development and adjacent land uses in order to continue the interconnected street network.

Policy I-8.3.10 Land Use

The WWUSA land use densities, intensities and mixture of land uses integrate and support alternative transportation modes, enhance multi-modal transportation, decrease trip lengths, and promote internal capture.

OBJECTIVE I-8.4 NATURAL AND SCENIC RESOURCES

The WWUSA area is home to many natural resources; the area consists of xeric uplands, wetlands and surface waters, most notably Trout Lake, Adain Lake, Sawgrass Lake, and the Urban Service Area borders Johns Lake to the north. The Planned Unit Developments (PUDs) shall provide for the conservation of significant natural, scenic and cultural resources through the creation of an interconnected open space known as the WC network within the WWUSA area. These resources and corridors shall be specifically demonstrated in the PUDs.

Lake County shall protect its natural resources in the WWUSA area through adoption of PUDs that promote the preservation or conservation of environmentally sensitive lands to include habitats containing listed animal and plant species. Natural resource protection shall be achieved through mechanisms such as buffer requirements, lower allowable densities in environmentally sensitive areas, open space preservation requirements, removal of exotic plant and animal species, maintenance of corridors, preservation of native vegetation, control of hydrological characteristics, and through use of clustering to help minimize the effect of development. The permanent preservation of suitable areas through recordation of conservation easements, consistent with s. 704.06 FS, as amended, shall correspond with each development phase or stage. The conservation easement shall be recorded prior to PUD approval. Policy III-3.2.5, Native Vegetation, Habitat, and Wildlife within Development Projects shall also be adhered to, and utilized when processing a PUD.

Policy I-8.4.1 Identification of Environmentally Sensitive Areas

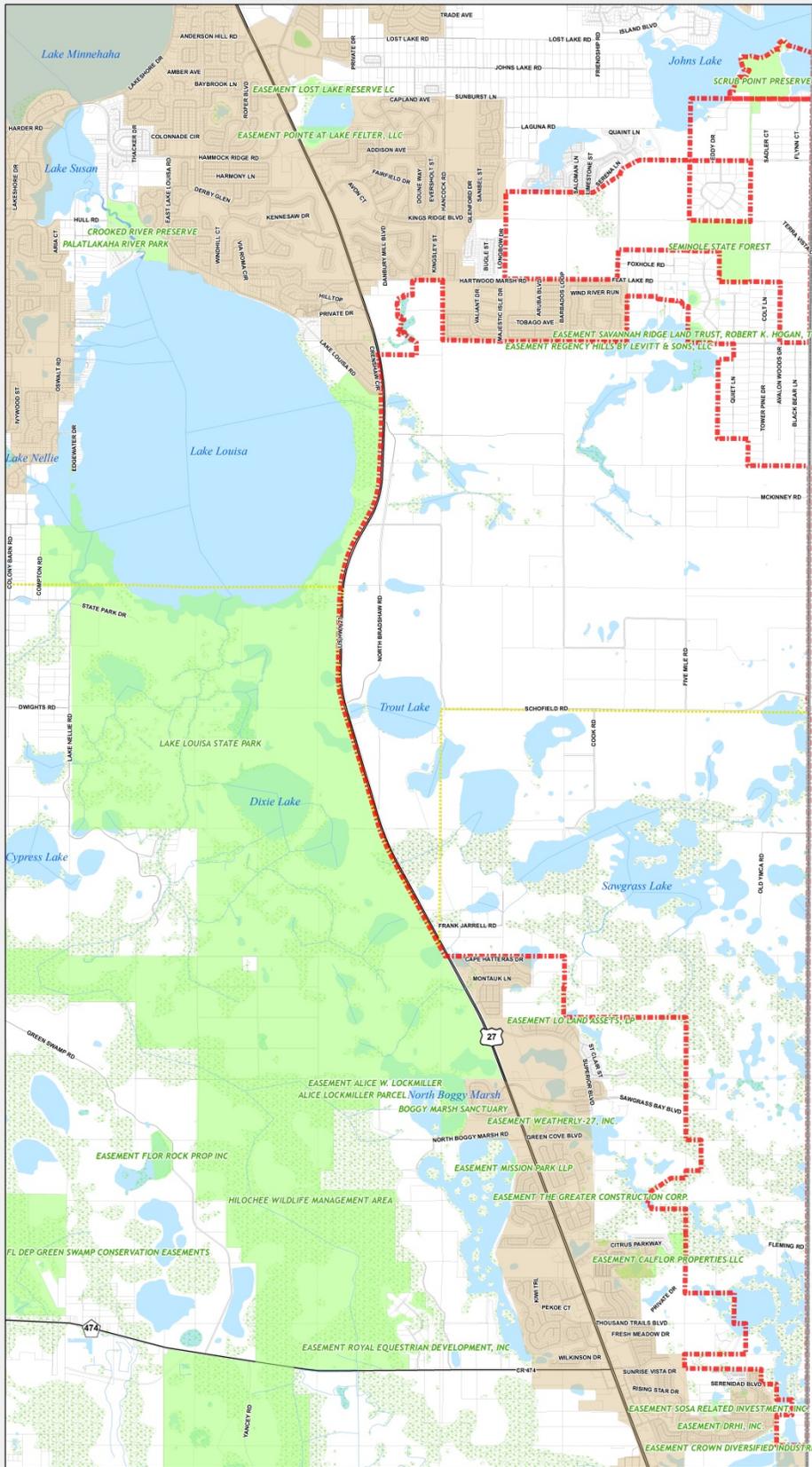
The Wellness Way Future Land Use Map generally identifies areas of potential environmentally sensitive lands within the Urban Service Area. The Conservation Land Map shall guide the preparation of subsequent PUDs and their respective detailed identification of lands for permanent protection or preservation.

Policy I-8.4.2 Identification and Preservation of Wetlands and Water Bodies

Wetlands and water bodies shall be delineated during the PUD process. The types, values, functions, sizes, conditions and locations of wetlands within the planning area, shall be determined through on site studies and field verification as the primary data source conducted by qualified professionals in accordance with state and federal regulations, guidelines and procedures. The existing wetland systems have several important functions, including flow of water (lakes are connected by waterways and streams), and habitat for plants and wildlife. Wetland impacts shall be carefully planned so as to avoid inordinate impacts to the wetlands system.

A mandatory minimum setback of 50 feet from all jurisdictional wetland lines shall be established in the PUDs, and a minimum 50 foot wide buffer shall apply to isolated wetlands, non-isolated wetlands, and rivers and streams, except where the required buffer makes a lot unbuildable, in which case a variable buffer consisting of a minimum width of 15 feet and average width of 50 feet shall be provided.

A Conservation Lands Map of the Wellness Way area is shown below:



Conservation Land

- Urban Area
- Committed Conservation

Hydrology

- Open Water
- Canal/Ditch
- Stream/River
- Wetlands/Swamp/Marsh
- Waterway

Boundaries

- WWUSA Boundary
- Urban Growth Boundary
- County Boundary

Orange County



LAKE COUNTY
FLORIDA

**Wellness Way Area Plan
Conservation Lands**

Policy I-8.4.3 Conservation of Regionally Significant Natural Resources

The Critical Lands and Waters Identification Project (CLIP), and Florida Fish and Wildlife Conservation Commission (FFWCC) databases shall be consulted during the preparation of PUDs within the WWUSA area. Areas designated as Priority 1 or 2 within the CLIP database and areas within the FFWC database containing known locations of rare and imperiled species of plants and animals shall be given the highest consideration for protection or preservation within a PUD.

The following chart lists the State of Florida Listed Animal Species with a possibility of occurrence in Lake County.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
<u>American Alligator</u>	<u>Alligator mississippiensis</u>	<u>Federally-designated Threatened (FT)</u>
<u>Bald Eagle</u>	<u>Haliaeetus leucocephalus</u>	<u>Not currently listed</u>
<u>Eastern Indigo Snake</u>	<u>Drymarchon couperi</u>	<u>FT</u>
<u>Florida Black Bear</u>	<u>Ursus americanus floridanus</u>	<u>State-designated Threatened (ST)</u>
<u>Florida Sandhill Crane</u>	<u>Grus Canadensis pratensis</u>	<u>ST</u>
<u>Florida Scrub-Jay</u>	<u>Aphelocoma coerulescens</u>	<u>FT</u>
<u>Florida Burrowing Owl</u>	<u>Athene cunicularia floridana</u>	<u>State Species of Special Concern (SSC)</u>
<u>Florida Mouse</u>	<u>Podomys floridanus</u>	<u>SSC</u>
<u>Gopher Tortoise</u>	<u>Gopherus polyphemus</u>	<u>ST</u>
<u>Least Tern</u>	<u>Stemula antillarum</u>	<u>ST</u>
<u>Little Blue Heron</u>	<u>Egretta caerulea</u>	<u>SSC</u>
<u>Red-Cockaded WoodPecker</u>	<u>Picoides borealis</u>	<u>Federally-designated Endangered (FE)</u>
<u>Sherman's Fox Squirrel</u>	<u>Sciurus niger shermani</u>	<u>SSC</u>
<u>Short-tailed Snake</u>	<u>Lampropeltis extenuate</u>	<u>ST</u>
<u>Sand Skink</u>	<u>Plestiodon reynoldsi</u>	<u>FT</u>
<u>Snowy Egret</u>	<u>Egretta thula</u>	<u>SSC</u>
<u>Southeastern American Kestrel</u>	<u>Falco sparverius paulus</u>	<u>ST</u>
<u>Tricolored Heron</u>	<u>Egretta Tricolor</u>	<u>SSC</u>
<u>White Ibis</u>	<u>Eudocimus albus</u>	<u>SSC</u>
<u>Wood Stork</u>	<u>Mycteria Americana</u>	<u>FE</u>
<u>Osprey</u>	<u>Pandion hallaetus</u>	<u>SSC</u>

There are no known species that occur in the area that require special management plans or planning considerations other than the gopher tortoise, a state-designated threatened species; the bald eagle, which is not currently listed as a threatened or endangered species; and sand skink, which are listed as federally-designated threatened. The Wildlife Resources Map, shown below, illustrates known wildlife occurrences within the area.



Wildlife

-  Eagle Nest
-  Eagle Nest 600' Buffer
-  Sand Skink
-  Gopher Tortoise

Boundaries

-  WWUSA Boundary
-  Urban Growth Boundary
-  County Boundary



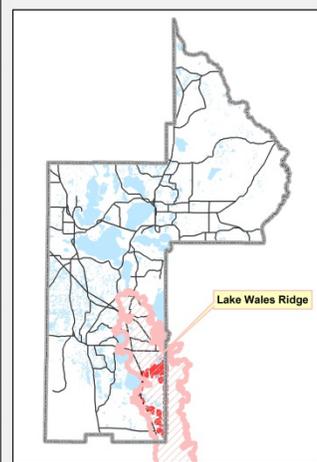
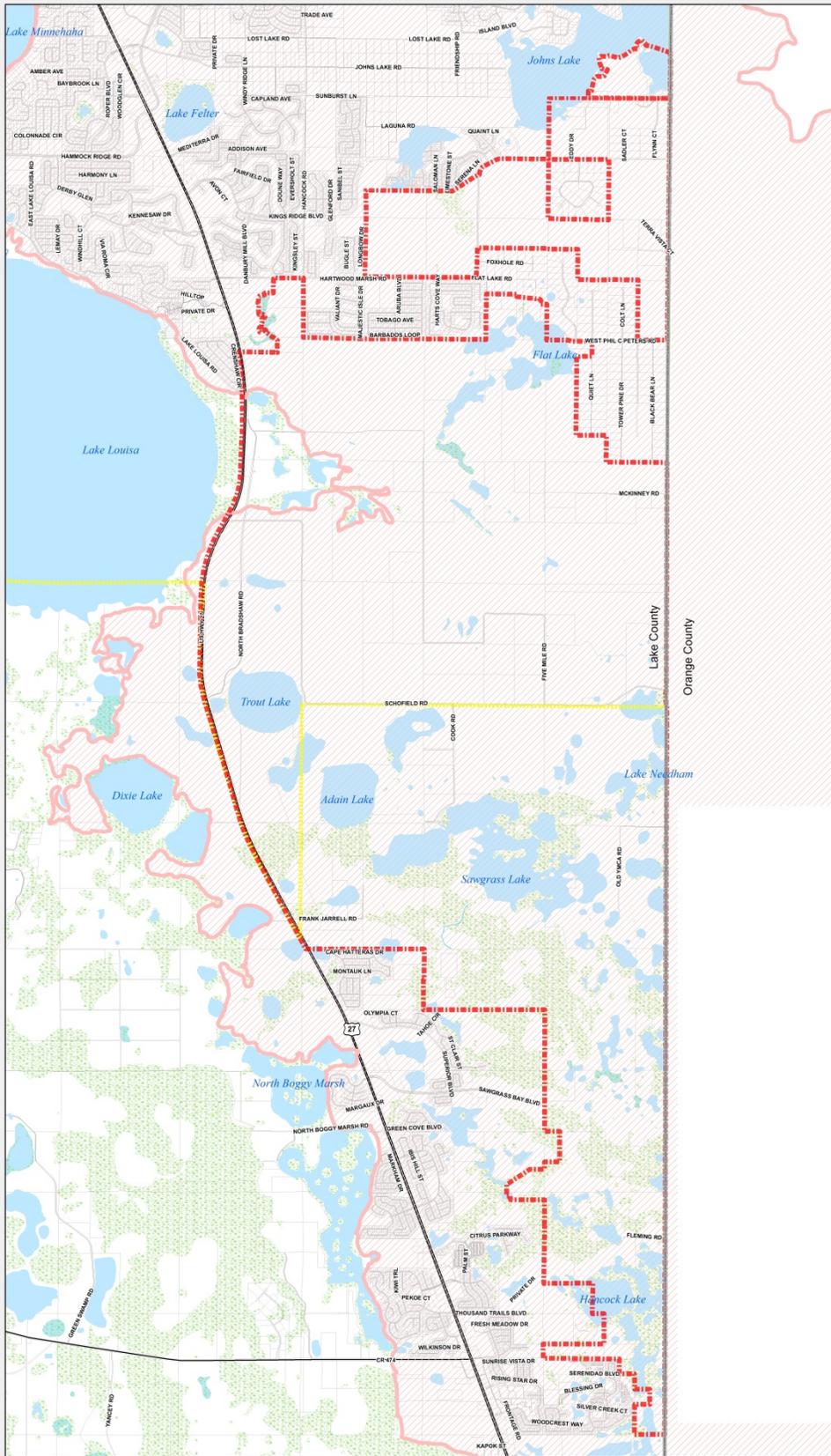
**Wellness Way Area Plan
Wildlife Locations**

Endangered and threatened species shall be afforded protection based on the regulatory requirements of the U.S. Fish and Wildlife Services, the Florida Fish and Wildlife Conservation Commission (FWCC), and the Florida Department of Environmental Protection.

Policy I-8.4.4 Lake Wales Ridge

The Lake Wales Ridge follows the east side of US Highway 27 south from Lake Apopka through Polk County and ending in Highlands County. The ridge consists of an ecosystem known as scrub and is currently home to 53 rare, indigenous and endangered plant and animal species including the Florida scrub jay, sand skink, and scrub mint. The planning area is located east of US Highway 27; the Lake Wales Ridge is illustrated on the Lake Wales Ridge Map shown below.

Endangered and threatened species shall be afforded protection based on the regulatory requirements of the U.S. Fish and Wildlife Services, the Florida Fish and Wildlife Conservation Commission (FWCC), and the Florida Department of Environmental Protection.



Legend

- Lake Wales Ridge
- WW Urban Service Area
- County Boundary
- Urban Growth Boundary



Policy I-8.4.5 Wildlife Data

An applicant for a PUD shall submit baseline data consistent with the guidelines for any state or federally listed wildlife or plant species, based on Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service survey methodologies and casual observation of non-listed wildlife and plant species. The purpose of the baseline data is to recognize the cumulative effects that development within the WWUSA is having on species diversity and habitat over a period of time.

Policy I-8.4.6 Identification and Preservation of Xeric Uplands

During the preparation of PUDs, upland areas containing xeric or scrub habitats should be analyzed closely for permanent preservation. Large habitat patches in close proximity to each other provide for the greatest species diversity and minimizes extinction probabilities; small patches that are isolated are less likely to preserve species. Habitat fragmentation shall be discouraged. If preserved, these areas may serve as relocation sites for gopher tortoises, sand skinks, and other xeric-adapted species that may be present within the Urban Service Area and surrounding areas.

Policy I-8.4.7 Creation of Wellness Corridor Network

At build-out, the WWUSA area shall contain a large, interconnected WC network comprised of water bodies, wetlands, open space, important upland habitats and publicly owned lands. This system shall serve to protect environmentally sensitive lands, allow for the continued and safe movement of wildlife and provide for significant passive recreation areas for the residents, employees and visitors.

Native Vegetation within Corridors

Non-native landscape species shall be prohibited within these corridors, with the exception of turf grass used as road or yard stabilizer. Vegetation identified on the Florida Exotic Pest Plant Council's List of Invasive Plant Species shall be prohibited.

Movement of Wildlife Crossings

Collaboration with the Florida Fish and Wildlife Conservation Commission (FFWCC), the U.S. Fish and Wildlife Service, and the Florida Department of Transportation shall be required to establish standards and locations for the movement of wildlife on public roads and other corridors, as well as ensuring the crossings or corridors are of the appropriate size.

Each PUD shall be reviewed for consistency with this policy during the approval process.

Policy I-8.4.8 Site Development Standards

Collaboration with the Florida Fish and Wildlife Conservation Commission shall be required to prepare site development standards that promote preservation of wildlife during development and promote the provision of usable habitat post-development. Site development standards shall include, but are not limited to, monitoring, low-voltage lighting, berms, and fencing. Post-development measures may include, but are not limited to, planting of native vegetation, low-voltage lighting, berms, and fencing. The County shall also require that vegetative communities and wildlife habitats be protected from adverse effects associated with development.

The PUDs shall include provisions to require that development preserve wetlands and portions of developable uplands containing designated species or rare upland habitats. The permanent preservation of suitable areas through recordation of conservation easements, consistent with s. 704.06 FS, as amended, shall correspond with each development phase or stage. The conservation easement shall be recorded prior to PUD approval. The PUD shall ensure the protection of trees and native vegetation with a target of protecting 50% of trees onsite. As appropriate, a tree replacement ratio may be implemented based on type and caliper. Special consideration shall be given to rare upland habitats and designated species within ecologically significant areas identified herein. The extent to which preservation of vegetative communities and wildlife habitats shall be protected and incorporated into protected open space on a development site, shall be determined during the PUD process.

Policy I-8.4.9 Water Conservation Based Landscaping

A significant amount of water resources are used for irrigation of landscaped spaces in traditional developments. In recognition of the limited water resources available in South Lake County, developers in the Wellness Way Urban Service Area shall base their landscaping plans on water conservation principles and practices. The County may develop a landscape design handbook which provides examples of water conserving landscape designs for commercial, residential and institutional developments as well as planted right of way areas. The handbook designs will feature the use of Florida native, drought tolerant species that require no irrigation once they have been established. The handbook will contain several design examples, listing acceptable plants and providing plan view layouts and pictorial representations of each design concept. Developers within the Wellness Way Urban Service Area shall utilize the handbook designs or shall propose a landscape design that conforms with water conservation principles for review during the permitting process. Exceptions may be granted for designs that receive irrigation solely from retained stormwater.

Policy I-8.4.10 Regulation For Reclaimed Water Shall Be Enforced To Prevent Adverse Environmental Impacts.

The intent of the WWUSA is to require 100% of landscape irrigation be provided by re-use water. Another type of non-potable water supply may be used for landscape irrigation if re-use water is not available to the PUD. In no instance shall potable water be used for landscape irrigation unless authorized by the St. Johns River Water Management District pursuant to part II of Chapter 373, F.S.

Conservation programs, system interconnections and alternative water supply options such as reclaimed water reuse and storage, shall occur when accessible. All development containing irrigated open space shall be required to accept reclaimed water for irrigation when such reclaimed water is available adjacent to the development's boundary. Connection shall be made at the developer's cost.

OBJECTIVE I-8.5 PUBLIC FACILITIES

The County shall require that all development be consistent with the Capital Improvements Element and the approved facility and service plans in order to discourage urban sprawl, meet adopted level of service standards, and thereby minimize associated public costs.

Policy I-8.5.1 Identification of Water Supplies

All new development shall connect to non-potable sources of water, such as reclaimed water, for landscape irrigation, when available. The availability of, and requirement to connect to, Alternative Water Supplies, including reclaimed water, will be determined during the PUD approval process unless the use of water from other water sources is authorized by the St. Johns River Water Management District pursuant to part II of Chapter 373, F.S.

To ensure that the WWUSA's water suppliers (i.e., City of Clermont, Lake Utility Services, and Southlake Utilities) account for and meet the water needs of the WWUSA, the County will monitor, and participate as necessary, in those water suppliers' water supply planning related processes, such as water supply facility work plans, consumptive use permits, and the South Lake Regional Water Initiative.

Policy I-8.5.2 Potable and Re-use Water Facilities

PUDs within the WWUSA shall include an analysis of potable and re-use water facilities, including sources, treatment plants and delivery infrastructure, required to accommodate projected impacts and maintain the County's or utility provider's adopted level of service (LOS) for such facilities. If it is determined that sites and/or right-of-way is needed to accommodate the projected impacts, then those sites shall be conveyed prior to the issuance of building permits for development within the PUD.

Policy I-8.5.3 Sanitary Sewer Facilities

PUDs within the WWUSA shall include an analysis of sanitary sewer facilities, including treatment plants and delivery infrastructure, required to accommodate projected impacts and maintain the County's or utility provider's adopted level of service (LOS) for such facilities. If it is determined that sites and/or right-of-way is needed to accommodate the projected impacts, then those sites shall be conveyed prior to the issuance of building permits for development within the PUD.

Policy I-8.5.4 Solid Waste Facilities

PUDs within the WWUSA shall include an analysis of solid waste impacts and, when necessary, mitigation plans that ensure adequate capacity exists to accommodate proposed demand.

Policy I-8.5.5 Parks and Trails Facilities

PUDs within the WWUSA shall include an analysis of parks and trails required to accommodate projected impacts and maintain the County's adopted level of service (LOS) for such facilities. If it is determined that one or more park sites within the proposed PUD are needed to accommodate projected impacts, then those sites shall be conveyed prior to the issuance of building permits for development within the PUD. The Framework Map shall be used as a guide to provide parks and trails facilities within the WWUSA area.

Trails within a proposed PUD that serve as a component of the WWUSA's multi-modal mobility system shall be identified as part of the PUD process. The right-of-way required for such trails shall be conveyed prior to the issuance of building permits for development within the PUD.

Policy I-8.5.6 Provision of Educational Facilities

PUDs within the WWUSA shall include an analysis of impacts to public schools and, when necessary, mitigation consistent with the policies and procedures identified in the 2030 Comprehensive Plan, Objective VI-1.8 as amended. If it is determined that one or more school sites within the proposed PUD are needed to accommodate projected impacts, then those sites shall be consistent with the PSFE's School Facility Siting objective and policies.

PUDs shall analyze the impacts of the future residential land uses on public schools and identify the facilities needed; include an amendment of the County's Capital Improvements Element/Schedule and the Lake County School Board's five-year district facilities work plan to adopt the capacity projects which mitigate the impacts on public school facilities, if required.

In addition to the PSFE's school facility siting objective and policies, the public school siting provisions of Sections 333.03 and 1013.36, F.S., and the First Amended Interlocal Agreement between Lake County and Lake County School Board and Municipalities for School Facilities Planning and Siting (the ILA) be followed when identifying and dedicating public school sites

Future school sites shall be suitable for development as a public school and have the ability to be served with the necessary infrastructure, such as the following: potable and non-potable water, sanitary sewer, electrical power, high-speed internet service and transportation facilities.

When it is not possible to avoid soil conditions on a public school site that would require remediation in order to permit vertical construction, such remediation will be included in the applicant's capital improvements plan for mitigation of the impacts on public schools.

Policy I-8.5.7 Provision of Law Enforcement, Fire Protection and Emergency Services

PUDs within the WWUSA shall include an analysis of law enforcement, fire protection and emergency services impacts and shall include coordination with the agencies providing these services to determine if facility sites are required within the PUD to ensure the provision of adequate public facilities and services. If it is determined that land is needed to accommodate the siting of facilities required to address the impacts of the proposed PUD, these lands shall be conveyed prior to the issuance of building permits for development within the PUD.

Policy I-8.5.8 Conveyed Land Value

In order to ensure that new development adequately pays for growth-related impacts, the Board of County Commissioners shall have the authority to determine the valuation or date of valuation of property for the purpose of impact fee credits for property deemed as a required adequate public facility beyond the needs of WWUSA. The value will be agreed upon by both the County and the land owner or established by appraisals by registered appraisers acceptable to both the County and land owner. The terms of this valuation shall be incorporated into a developer's agreement for a specific development.

Policy I-8.5.9 Coordinated Development

While there is separate property ownership within WWUSA, planning for development will occur in a coordinated and comprehensive way. The initial extension of potable and non-potable water and sewer service must be sized for the PUD with a Utilities Agreement and built infrastructure and conveyed lands are eligible for reimbursement for excess capacity and land area beyond the need of the proposed development. The Future Land Use Map will establish a general guide for connectivity. Primary Roadway alignments will be set with the PUD process and/or a Roadway Agreement between participating property owners and built infrastructure and conveyed lands are eligible for reimbursement for excess capacity and land area beyond the need of the proposed development. Roadway terminus to terminus alignments are strongly preferred, but not required.

Policy I-8.5.10 Concurrency Requirements

The County shall ensure that public services and facilities are available concurrent with new development. All development orders, permits, and agreements shall be subject to the adopted Concurrency Management System consistent with the Concurrency Management Element of this Comprehensive Plan.

OBJECTIVE I-8.6 INTERGOVERNMENTAL COORDINATION

Ensure continued coordination of development plans, infrastructure planning and development, approvals and impacts with affected local governments and public agencies throughout the duration of the WWUSA.

Policy I-8.6.1 Coordinated Review of Planned Unit Developments

To provide for intergovernmental coordination, Lake County shall provide adjacent municipalities, counties, and regional agencies a copy of applications for a Planned Unit Development (PUD). To ensure communication and coordination are used to minimize any potential adverse impacts, these government agencies shall have thirty (30) days to review and provide comments to the County regarding the proposed PUD, unless the County is notified in writing by an agency representative that the agency does not wish to receive notice of or have an opportunity to comment on the proposed PUD. The agencies to be notified are as follows:

- City of Clermont
- City of Orlando
- City of Winter Garden
- East Central Florida Regional Planning Council
- Florida's Turnpike Authority
- Lake County School Board
- Lake Sumter State College
- Lake Utility Services
- Lake-Sumter MPO
- Orange County
- Orlando-Orange County Expressway Authority
- Osceola County
- Polk County
- Reedy Creek Improvement District
- South Lake Utilities
- St. Johns River Water Management District
- Valencia College

OBJECTIVE I-8.7 URBAN SERVICE AREA IMPLEMENTATION

Develop a straightforward, predictable and efficient process for the preparation, review and approval of Planned Unit Developments (PUDs) and subsequent development approvals within the WWUSA area.

Policy I-8.7.1 Master Planned Unit Developments (PUDs)

Development within the WWUSA area shall be contingent upon the adoption of Planned Unit Developments (PUDs). Each PUD shall be developed in sufficient detail to allow evaluation of the interrelationship of its parts and establish consistency with principles and criteria contained within the Lake County Comprehensive Plan and the Wellness Way Goals, Objectives and Policies. A PUD of less than 1,000 gross acres may be approved by Lake County, based on consideration of the following criteria:

- Proximity to existing public infrastructure with adequate capacity to serve development;
- Compatibility with surrounding existing and future land uses; and,
- Consistency with the financial capability of local government and/or private entities to fund needed infrastructure concurrent with development.

A Master PUD shall be processed as a PUD application as provided for in the Land Development Code. Principles, guidelines, and standards for each PUD shall be codified in the Lake County Land Development Regulations. The PUD may only be approved after funding agreements for infrastructure have been agreed upon by the participating parties.

Each PUD shall be evaluated to determine that adequate facilities and services are or will be available. Where facilities or services are determined to be deficient, the developer(s) shall have the option of entering into a funding agreement with Lake County and/or Lake County School Board to correct any deficiency and allow development to proceed. All development in the PUD will be served by central sewer and water service. On-site utilities may be used only where soil and water table conditions will permit their use, and where the developer will install the necessary water and sewer lines (dry lines) to ultimately connect the development to the central utility system; and the area is included in a capital improvement program.

Until and unless a PUD is approved by the Lake County Board of County Commissioners, the property in the WWUSA area shall maintain the existing zoning (e.g. A, R-1, CFD, PUD). All applications for development approvals (i.e. lot splits, conditional use permits, variances, etc.) on any property within the WWUSA area shall be reviewed on a case-by-case basis for the effect of such development approval on adopted or potential PUDs and compliance with the general principles of the Urban Service Area.

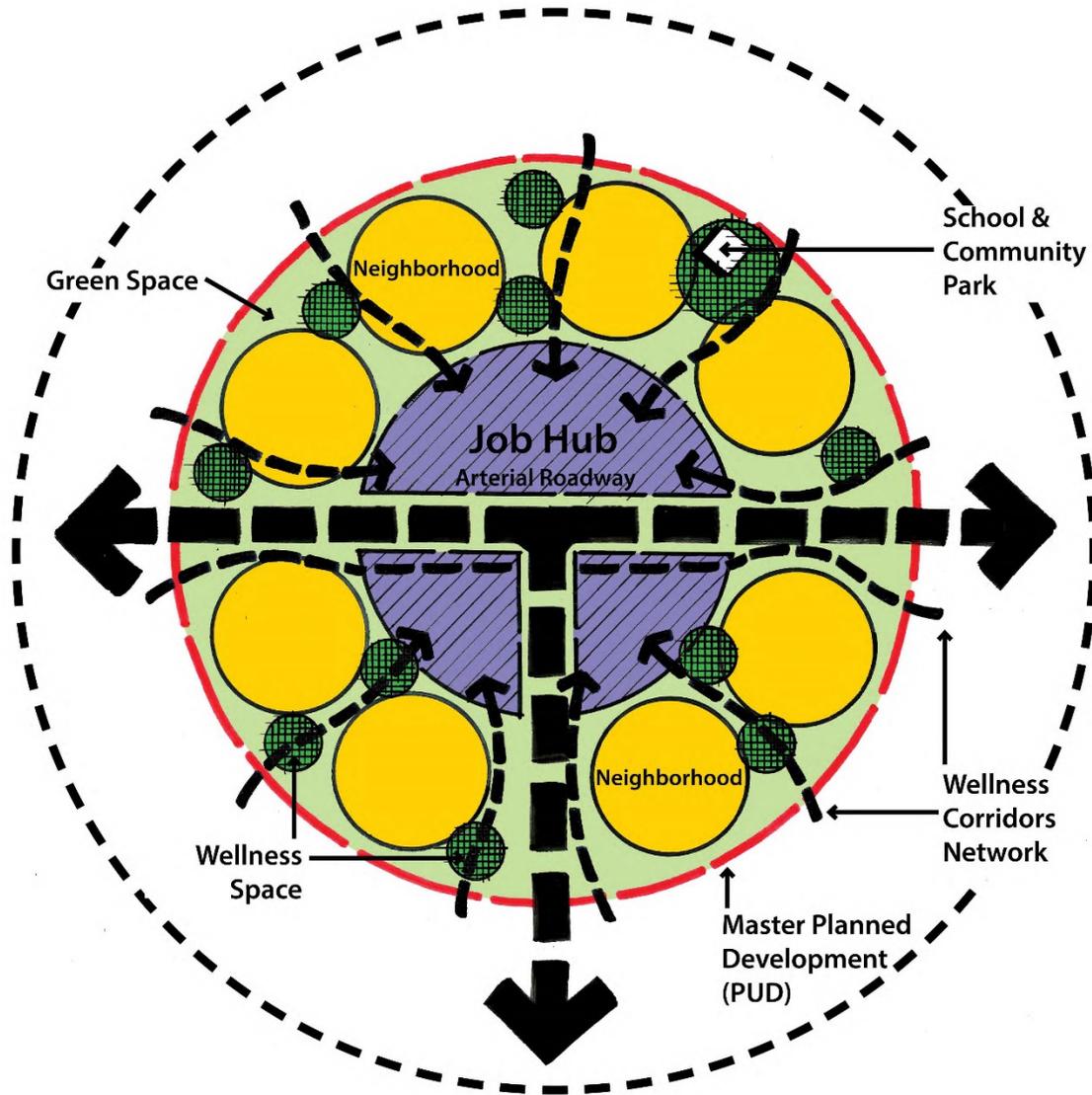
Policy I-8.7.2 Urban Service Area Framework and Hierarchy of Place

Scale is important as context towards details. The bigger the scale, the more aspirational the initiatives and less detailed the plan. As the scale gets smaller, the initiatives evolve into implementation actions and increased design detail. The second scale of planning in Wellness Way is a Planned Unit Development (PUD) with approximately 1,000 acres. The PUD begins the refined urban design process to allow Wellness Way to successfully meet the Urban Service Area initiatives. The Urban Service Area Goals, Objectives and Policies in the comprehensive plan guide the planning of the PUD to include the following principles:

- PUDs are generally 1,000 acres or more with access to the regional roadway network.
- PUDs must determine the location and size of the Job Hub(s) based upon the regional roadway network and the FLUC jobs-to-housing ratio and then locate the Wellness/Green Corridors and residential neighborhoods.
- Residential neighborhoods cluster beyond the Job Hub(s). Each neighborhood is adjacent to an interconnected wellness Corridor/open space system. This helps define neighborhoods and provides the opportunity for trail use for the residents to reach other neighborhoods, Job Hub(s), other PUDs, the Town Center, and the State Park.
- Along with the Job Hub(s), neighborhoods and WC networks, there is a required community park. Not only are the school and park a requirement, it is at the PUD level when agreements must be reached to pay for educational facilities roads, utilities and the park. Without such agreements, development may not proceed.



Wellness Way Area Plan Framework Map



LEGEND	
	Job Hub
	Neighborhood
	Green Space
	Wellness Space
	Community School
	Wellness Corridors Network

FRAMEWORK MAP: HIERARCHY OF PLACE DIAGRAM
WELLNESS WAY 2040 AREA PLAN
 SIMPLE • FLEXIBLE • PREDICTABLE

SCALE IN FEET
 0' 2000' 4000'




 DATE: May 6, 2015
 PROJECT NUMBER: 01251001
 225 E. Robinson St., Suite 300 | Orlando, Florida 32801
 Tel: 407.839.4006 | Fax: 407.839.4008 | www.vhb.com

Policy I-8.7.3 Master PUD Process

The primary intent of the Urban Service Area is to effectuate positive change for the following initiatives:

- Job creation and economic development
- Regional transportation connectivity
- Creation of the Wellness/Green space corridors
- Promotion of recreation and healthy living
- Water smart approaches
- Preservation of scenic resources including topography
- Health and wellness communities development

These same principles must be demonstrated in the proposed PUD based upon the Goal, Objectives and Policies of the Urban Service Area. The PUD approval process has three tasks as follows:

- PUD Boundary Analysis
- Preliminary PUD development and community input
- Final PUD application and public hearings as a PUD

A. PUD Boundary Analysis

Conduct a preliminary analysis of the proposed PUD area to determine appropriateness. This analysis shall include the following:

- Proposed PUD boundary including gross acreage and ownership information
- General identification of the extent and location of significant natural and scenic resources.
- Identification of net acres (gross acres less water bodies and wetlands).
- Determination of a maximum residential and non-residential capacity.
- A preliminary jobs-to-housing balance assessment consistent with Policy I-8.1.1, Jobs-to-Housing Ratio, utilizing the methodology contained in that same Policy.
- General identification of public facilities and services available to the area; available capacity; and potential deficiencies.

The Boundary Analysis application must include

- A location map,
- Acreage,
- General calculation of gross and net acres,
- FLUC designations,
- Primary roadways
- Justification Report demonstrating consistency and compatibility with the WWUSA GOPs

The parcels within a PUD are not required to be contiguous parcels.

B. Preliminary PUD

The intent of the Preliminary PUD process is to prepare an initial plan for public review and comment. The plan for the Preliminary PUD shall consider the Framework Map and the Urban Service Area Goal, Objectives and Policies. At a minimum, a Preliminary PUD shall address the following:

- The location of proposed land uses.
 - An integrated open space system based upon Policy I-8.2.5, Open Space, shall include at least 20% of the net acres within the PUD as Wellness Space and 10% of the net buildable acreage as Green Space.
 - For employment uses, sufficient land area shall be allocated based upon the required Jobs-to-Housing Ratio of the future land use designation(s), the Framework Map and Policy I-8.1.1, Jobs-to-Housing Ratio. These employment or activity centers shall be called Job Hubs.
 - Job Hubs must have sufficient size to reach the target Jobs-to-Housing Ratio from the calculation described in Policy I.8.1.1, but may be larger in size if desired. Residential use in the Job Hub is encouraged.
 - To provide a dedicated space for community events, each Job Hub containing over 100,000 square feet will have an open space area defined as a Square.

The size of the Square is based upon the amount of non-residential uses as follows:

- Over 100,000 square feet and up to 250,000 square of non-residential uses require up to two acres of Square.
- Over 250,000 square feet of non-residential uses up to two and half acres of Square.
- Multiple Square locations are permitted.
- Job Hubs are located adjacent to arterial roadways within Wellness Way as identified on the Future Land Use Map
- Multiple Job Hubs within a PUD are permitted.
- For residential areas, the maximum residential capacity allocation is based upon Policy I- 8.2.1.1, Residential Density Allocation.
 - Neighborhoods should be designed at a pedestrian scale.
 - Each neighborhood shall be surrounded by Wellness Corridor/open space.
 - Each neighborhood shall have a central focal point of a park, community building, playground or similar uses.
- For mixed-use areas, requirements for both employment uses and residential uses shall be met.
- A general description of proposed land use districts, including purpose and intent, permitted uses and general design standards.
- The identification of significant natural, scenic and cultural resources including areas for potential preservation, permanent protection and/or restoration.
- Proposed transportation facilities for pedestrians, bicycles, and automobiles, including
- consideration for connection with facilities outside the PUD. For each facility to be included in the PUD, design criteria should be included to address:
 - Roadway cross-sections
 - Pedestrian, Bicycle and Multi-modal facilities
 - Landscape and streetscape standards
 - Proposed WC network
- Proposed location and size/capacity of major public facilities, including potable water, re-use water, sanitary sewer, solid waste, parks and trails, public schools, law enforcement, fire protection and emergency services.
- When applicable, strategies for the integration of existing development.

The Preliminary PUD community presentation must include

- a location map,
- calculation of land use acreage,
- general calculation of gross and net acres,
- FLUC designations,
- primary roadways
- Master Plan
- Context Plan
- Wellness/Green Space Corridor Plan
- Hierarchy of Place consist with the Framework Map
- Natural, scenic and cultural resources Plan
- Justification Report demonstrating consistency and compatibility with the WWUSA GOPs

The Preliminary PUD shall be presented to the public at a workshop. This workshop is to be advertised in a manner consistent with Florida Statute. In addition, each property owner in the PUD and each property owner within 1,000 feet of the boundary of the PUD shall be notified of the workshop. Substantial compliance with the provisions of this policy regarding the various methods for providing notice shall be sufficient to constitute notice to all affected parties. Comments from the public shall be documented by the applicant and included in a letter to Lake County.

C. Final PUD

Following the informational workshop described in the Preliminary PUD phase, a Final PUD shall be prepared as a Master PUD application. At a minimum, this plan shall consist of the following elements:

- A detailed land use plan indicating the distribution, extent and location of land use districts including design standards for the various districts proposed in the land use plan, including:
 - Purpose and intent of districts;
 - Permitted land uses;
 - Consistency with the WWUSA Policies
 - District development standards, including:
 - Density
 - Floor Area Ratio
 - Impervious Surface Ratio
 - Setbacks
 - Height limitations
 - Other regulations as deemed necessary.
- A detailed natural and scenic resource plan that identifies significant natural and scenic resources within the PUD and outlines specific measures to ensure the protection and, as appropriate, preservation, restoration and management of areas containing these resources.

- A detailed transportation plan containing, at a minimum, the following:
 - A roadway plan containing the general location of all arterial and collector roadways necessary to serve the PUD, their right-of-way width, and design cross section.
 - A WC plan containing the general location of all bikeways and multi-use trails in a manner which connects residential neighborhoods with employment districts, retail centers, parks and schools.
 - A report demonstrating the PUD’s impact on transportation facilities and documenting the timing and estimated cost and funding sources for needed transportation improvements. Each PUD shall analyze the cumulative traffic impact of all previously approved PUDs within the WWUSA on the area road network.
- A detailed public facilities plan identifying public facilities. At a minimum, this plan shall address:
 - Potable water
 - Re-use water
 - Sanitary sewer
 - Solid waste
 - Parks and trails
 - Public schools (if any)
 - Law enforcement, fire protection and emergency services (if any)
 - Non-potable water demand shall utilize Alternative Water Supplies, such as reclaimed water, when available. The availability of, and requirement to use and connect to, Alternative Water Supplies will be determined during the PUD approval process unless other low quality water sources are authorized by the St. Johns River Water Management District pursuant to part II of Chapter 373, F.S.
- Identification of specific procedures to facilitate intergovernmental coordination to address extra jurisdictional impacts from the PUD.
- A matrix indicating compliance with the specific requirements of Sec. 163.3245, Florida Statutes.

The Final PUD application shall be submitted to Lake County for review and recommendation by the Planning & Zoning Board and approval by the Board of County Commissioners.

Policy I-8.7.4 Changes to an Approved PUD

Any addition or deletion of property or changes to the land use district boundaries in an approved PUD shall follow the process for adoption of a PUD. It shall include an evaluation and analysis of the impacts to the approved or planned land uses and the ability of the proposed amendment to meet the principles and standards set forth in the WWUSA.

Policy I-8.7.5 Development Approvals within a PUD

Once a Master PUD as a PUD application is adopted by the Board of County Commissioners, all applications for development approval (i.e., subdivision plans, site plans, lot splits, and special exceptions) shall be evaluated for compatibility and compliance with the adopted PUD.

Policy I-8.7.6 Agriculture, Silviculture, Mining or Other Natural Resource-Based Operations

Agriculture, silviculture, mining or other natural resource-based operations are permitted uses in any future land use designation. The Future Land Use Map and associated objectives and policies for the WWUSA shall not limit the right to carry out agricultural, silvicultural, mining uses or other natural resource-based operations.

Policy I-8.7.7 Urban Service Area Build-out Date

The planning horizon for the WWUSA is projected to be 2040.

Policy I-8.7.8 Developments of Regional Impact

Nothing in the WWUSA shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380, Florida Statutes, or who has been issued a final local development order and development has commenced and is continuing in good faith.

Policy I-8.7.9 Existing Approved Development

Avalon Groves PUD (Ordinance# 2012-10 / ORB 4141 PGS 961-980) may develop and continue until adoption of a PUD, which includes a portion of the Avalon Groves PUD's legal description. The PUD shall address the phasing out of any Avalon Groves PUD use or other entitlement that is not approved and or recognized by the WWUSA policies. Avalon Groves PUD shall be allowed to redistribute approved density and open space within the existing boundary of the PUD and such redistribution shall not require an amendment to the Comprehensive Growth Management Plan or be deemed to be a substantial amendment to the existing PUD; however, the approved minimum/maximum limitations of the PUD shall not be altered. Substantial changes to an approved PUD will require the abandonment of the PUD. Proposed development within an abandoned PUD will be subject to the WWUSA Future Land Use categories and goal, objectives and policies.

If this policy is rendered unenforceable or interpreted by a court or administrative body in any way that causes an impairment or other adverse change to the Avalon Groves PUD, then: (i) the owner of any lands within such PUD shall be deemed to withdraw from the WWUSA unless such owner affirmatively elects to remain part of the WWUSA (to the extent required this provision shall constitute Lake County's authorization for the owner of any lands within such PUD to voluntarily withdraw from the WWUSA); and (ii) upon such withdrawal, the PUD shall remain in full force and effect and all deadlines in such PUD shall

be automatically extended for the number of months from July 21, 2015 until the date of such withdrawal or until litigation is resolved.

Policy I-8.7.10 Existing Conforming Commercial and Industrial Operations

Existing, conforming commercial and industrial operations in the WWUSA shall be allowed to continue their operations until a PUD is adopted. The PUD will address allowable uses and location criteria of all commercial and industrial uses.

Policy I-8.7.11 Annexation by the City of Clermont

It is anticipated that a large portion of the WWUSA area may be annexed into the City of Clermont. The County shall seek to incorporate procedures for such annexations into Interlocal Service Boundary Agreements to provide consistency and predictability to landowners seeking to develop property within the planning area.

Policy I-8.7.12 Conserv II

Conserv II is designated as Wellness Way 4 and is comprised of properties owned and used by Orange County and the City of Orlando for a water reclamation project. Portions of this property may be deemed unnecessary for either existing or future needs of the project. Therefore, the County and City (as applicable) (or assignees or successors) may request that such properties be included in PUD's in the Urban Service Area. The land uses within PUD's may be blended for residential, nonresidential or open space uses throughout PUD regardless of designation.

OBJECTIVE I-8.8 FINANCING

Develop financing mechanisms that support the WWUSA's economic development goals while ensuring the equitable distribution of infrastructure costs.

Policy I-8.8.1 Potential Funding Mechanisms for Regional Infrastructure

Each PUD shall identify the revenue sources implementable by county ordinance (or by resolution of a dependent district created by county ordinance) as the public shares of a funding partnership to provide essential regional infrastructure including transportation, public safety and park improvements required to implement the economic development uses incorporated in the PUD. Potential revenue sources may include, but are not limited to, special assessments collected as non-ad valorem assessments on the ad valorem tax statement pursuant to section 197.3632, Florida Statutes; impact or mobility fees that are PUD specific; allocation of a portion of the transportation needs component in a regional or countywide impact or mobility fee; dedication of tax increment funds within identified tax increment areas; and utility capacity assessment fees and advanced funding agreements with the appropriate utility providers. A density bonus of two (2) dwelling units per acre may be granted to a PUD for right-of-way donated for arterial or collector roads.

Policy I-8.8.2 Funding Mechanisms for Site Specific Infrastructure

Within each PUD, the transportation related infrastructure and other infrastructure necessary to accommodate the economic goals of specific sites or individual development shall be incorporated as a cost requirement of site development either directly or provided as a funding component of any dependent or independent district created to provide regional infrastructure.

Policy I-8.8.3 Phasing of Regional Infrastructure

To the maximum extent possible, regional infrastructure shall be phased as necessary to support economic development of specific sites or individual developments within each PUD and as required to meet economic expectations of the property bearing the burden of the infrastructure costs. Such site development infrastructure shall be, to the maximum extent possible, integrated with adjacent infrastructure and incorporated into the capital improvement plan of the County, the adjacent municipalities, the Florida Department of Transportation work plan or the appropriate utility provider.