

## **GOAL FLU 1**

To implement the County's Future Land Use Plan to achieve an appropriate balance between public and private interests in the:

- Protection of the environment;
- Creation of favorable economic conditions;
- Provision of adequate housing;
- Provision of adequate services and facilities;
- Maintenance of established residential neighborhoods;
- Protection of rural and agricultural areas; and
- Protection of private property rights.

### **OBJECTIVE FLU 1.1: NATURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES**

The County shall ensure that natural, historic and archaeological resources are protected for the enjoyment of all citizens through provisions of the Land Development Regulations of Lake County (the "LDRs") and Planning Horizon 2025 Comprehensive Plan (the "Plan") policies.

### **OBJECTIVE FLU WEKIVA 1.2: Wekiva River Protection**

The County shall regulate the development of land along the Wekiva River and its wetlands, tributaries, springshed and recharge areas to implement protection policies and regulations maintaining rural density and character in the aggregate, development setbacks, concentrating permitted development farthest from surface waters and wetlands where permitted, minimizing development impacts on water quantity and quality, and restricting open space areas to passive recreational uses.

The County shall support and further the Wekiva Parkway and Protection Act through adoption of land use strategies that protect and preserve the function of natural resources within the Wekiva Study Area as delineated in FS. 369.316.

Regardless of the land use designation or zoning classification assigned to any parcel of property located within the Wekiva River Protection Area as defined in Section 369.303(9), Florida Statutes, no development may be approved upon parcels so located unless the proposed development conforms to the provisions of the Wekiva River Protection Act (Part III, Chapter 369, Florida Statutes), and the requirements and performance standards adopted for the Wekiva Study Area, pursuant to the Wekiva Parkway and Protection Act, Chapter 369, Part III (s. 369-314-369.324), Florida Statutes and the provisions of this Plan adopted to conform to said Act.

Notwithstanding any other provision of this Plan, schools shall not be permitted on property located within the Wekiva River Protection Area.

**OBJECTIVE FLU 1.3: GREEN SWAMP AREA OF CRITICAL STATE CONCERN**

The County shall, at a minimum, regulate development consistent with the Green Swamp Area of Critical State Concern to ensure the natural resource. Minimum ordinance provisions necessary to ensure protection of the Green Swamp Area of Critical State Concern shall include:

- A. Protection of floodplain, wetlands and critical native upland habitat;
- B. Historic and archaeological resource assessments; and
- C. Minimal removal of native habitats.
- D. Mandatory septic tank pumping every five years.

Green Swamp Boundary. The Green Swamp Area of Critical State Concern was designated in 1979 by the Florida Legislature pursuant to Chapter 380, Florida Statutes, at Section 380.0551, Florida Statutes. This legislation set forth the requirements of the designation which are also found within the Florida Administrative Code. The boundary of the Green Swamp Area of Critical State Concern is shown on **Map X** within the Future Land Use Element Data Inventory and Analysis of the Comprehensive Plan and is legally described within Rule **Chapter 28-28**, Florida Administrative Code, and is also described as follows:

**GREEN SWAMP AREA OF CRITICAL STATE CONCERN LEGAL DESCRIPTION**

The following area is hereby designated as the Green Swamp Area of Critical State Concern:

All that certain lot, piece, or parcel of land situated, lying, and being in Lake County, in the State of Florida, being more particularly described as follows:

Beginning at a point in Section 34, Township 24 South, Range 24 East, which point is the southwest corner of said Section 34, and running thence in Lake County, north along the west boundary line of Sections 34, 27 and 22 in Township 24 South, Range 24 East, a distance of three (3) miles; thence turning and running east along the north boundary line of Section 22 in Township 24 South, Range 24 East, to the point of intersection of the north boundary line of said Section 22 and the westerly right-of way line of the Seaboard Coast Line Railroad; thence Northwesterly along the westerly right-of-way line of the Seaboard Coast Line Railroad to a point in the north boundary line of Section 4, in Township 24 South, Range 24 East, a distance of 3.5 miles, more or less; thence turning and running west along the boundary between Townships 23 and 24 South, which boundary is the south boundary line of Sections 33 and 32 in Township 23 South, Range 24 East; thence turning and running north along the west boundary of Section 32 in Township 23 South, Range 24 East, a distance of one mile; thence turning and running east along the north boundary line of Sections 32 and 33 in Township 23 South, Range 24 East to a point in the westerly right-of-way line of the Seaboard Coast Line Railroad; thence turning and running northwesterly along the westerly right-of-way line of Seaboard Coast

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Line Railroad to a point, which point is in the boundary between Ranges 23 East and 24 East, which point is also in the west boundary of Section 31 in Township 22 South, Range 24 East, a distance of six miles more or less; thence turning and running north along the boundary between Range 23 East and Range 24 East to a point in the southerly right-of-way line of the Seaboard Coast Line Railroad, a distance of 3.25 miles, more or less; thence turning and running east along the south right-of-way line of said Seaboard Coast Line Railroad to a point in the east boundary line of Section 16 in Township 22 South, Range 24 East; thence turning and running south along the east boundary line of Section 16, in Township 22 South, Range 24 East, a distance of one-half mile; thence turning and running east along the north boundary line of Section 22 in Township 22 South, Range 24 East, a distance of one mile; thence turning and running south along the east boundary line of Section 22 in Township 22 South, Range 24 East, a distance of one mile; thence turning and running east along the north boundary line of Sections 26 and 25 Township 22 South, Range 24 East and Section 30 in Township 22 South, Range 25 East, a distance of three miles; thence turning and running north along the west boundary of Section 20, Township 22 South, Range 25 East to a point in the south right-of-way line of State Road 50, a distance of one-half mile, more or less; thence turning and running east along the south right-of-way line of State Road 50 to a point in Section 23, Township 22 South, Range 25 East, which point is the point of intersection of State Road 50 and the east boundary of the canal which connects Lake Minnehaha and Lake Minneola; thence turning and running south along the eastern bank of said canal and continuing south along the eastern shore of Lake Palatlahaha to a point in the westerly right-of-way line of State Road 561, a distance of one-half mile, more or less; thence Southerly along the westerly right-of-way line of State Road 561 to a point in Section 11, Township 23 South, Range 25 East, which point is the point of intersection of State Road 561, a distance of one-half mile, more or less; thence turning and running west along the north right-of-way line of State Road 565B to a point in the west boundary line of Section 11 in Township 23 South, Range 25 East, a distance of one-quarter mile, more or less; thence South along the west boundary line of Sections 11 and 14 Township 23 South, Range 25 East, a distance of 1.5 miles, more or less; thence East along the south boundary line of Sections 14 and 13 in Township 23 South, Range 25 East, a distance of two miles; thence North along the west boundary line of Section 18 and 7 in Township 23 South, Range 26 East, to a point in the north right-of-way line of Hull Road, which is depicted on the February 1969 edition of the Florida State Road Department General Highway Map of Lake County as a graded and drained road skirting the south end of Lake Susan while running approximately along the north boundary line of Section 12 in Township 23 South, Range 25 East; thence turning and running west along the north right-of-way line of Hull Road a distance of one-half mile, more or less, to a point in Section 12, Township 23 South, Range 25 East, which point is the intersection of the north right-of-way line of Hull Road with the east right-of-way line of Lake Shore Road, which is depicted on the February 1969 edition of the Florida State Road Department General Highway Map of Lake County as a paved road running west and then north of Lake Susan;

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thence turning and running north, then easterly, along the easterly, then southerly, right-of-way line of Lake Shore Road a distance of 1.5 miles, more or less, to a point in Section 6, Township 23 South, Range 26 East, which point is the intersection of the southerly right-of-way line of Lake Shore Road, with the west right-of-way line of Lake Louisa Road, which is depicted on the February 1969 edition of the Florida State Road Department General Highway Map of Lake County as a bituminous road running in a north-south direction to the east of Lake Susan and skirting the northeast shoreline of Lake Louisa; thence turning and running south, then southeasterly, along the westerly right-of-way line of Lake Louisa Road to a point in Section 16, Township 23 South, Range 26 East, which point is the intersection of the westerly right-of-way line of Lake Louisa Road with the west right-of-way line of United States Route 27 (State Road 25), a distance of four miles, more or less; thence South along the west right-of-way line of United States Route 27 to a point of intersection of the south boundary of Lake County and the north boundary of Polk County; thence turning and running west, then north, then west, then south, then west along the south boundary of Lake County, to the point of beginning. Specifically excluding and exempting Lake Louisa State Park.

**OBJECTIVE FLU 1.4: HISTORIC AND ARCHAEOLOGICAL RESOURCES  
AND THE NATIONAL PARK SERVICES**

The County shall apply for matching archaeological site survey grants from the Florida Department of State, Division of Historical Resources Grants-in-Aid program and the US Park Service.

A. Protection of Historical Resources

Significant historical and archaeological sites, including, but not limited to, sites on the Florida Master Site File, shall be protected by implementing the following:

1. After the identification and evaluation of the County's historic resources following the grant surveys, the County shall determine which structures or archaeological sites are deemed significant as judged in part by the criteria listed in this policy and adopt by resolution a local historic register and map of designated sites.
2. As part of all site plan evaluations, County staff shall identify whether or not the proposed construction activity and/or final development would disturb a site listed on the Florida Master Site File. If so, the developer shall be notified and shall in turn notify the Florida Division of Historical Resources, Bureau of Historic Preservation, Compliance Review Section and shall enter a binding agreement in which the developer agrees to comply with the recommended course of action or mitigation requested by the Division prior to a development order being issued.

Additionally, all developers shall affirm that they have notified the construction manager of the potential for artifact discoveries within Lake County. In the event of the discovery of artifacts of potential historical or

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archaeological significance during construction, the construction manager shall immediately suspend all disruptive activity within a twenty foot (20') radius of the site of discovery and report the suspected finding(s) to the Florida Division of Historical Resources, Bureau of Historic Preservation, Compliance Review Section and developer. The developer shall comply with the recommended course of action or mitigation requested by the Division and provide written notification to the Building Official, Director of the County Building Division of the action or mitigation requested. From the date of notification, construction shall be suspended for a period of up to one-hundred twenty (120) days to allow evaluation of the site and mitigation, if necessary.

3. The County shall enforce Land Development Regulations to ensure that future land development and public improvement activities limit and mitigate disruption to or damage of sites determined to be significant historical resources, both structural and archaeological. Land Development Regulation provisions shall be based on the guidelines and criteria listed in this policy and, at a minimum, consider criteria and procedures for protecting, reporting and evaluating the on-site discovery of artifacts. Mitigation, incentives, disincentives and long-term protection guidelines for historically significant sites shall also be addressed.

**B. Guidelines and Criteria For Preservation and Protection of Historic Resources**

The criteria for evaluating historic resources as significant shall include, but not be limited to, the following adapted for the "Criteria For Listing" of the National Register of Historical Places:

1. That the resource be associated with events that have made a significant contribution to the broad patterns of history; or
2. That the resource be associated with the lives of persons significant in the past; or
3. That the resource embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (e.g., historic district); or
4. That the resource has yielded, or may be likely to yield, information important in prehistory or history.

Guidelines for evaluation and assessment of historical resources shall be based on but not limited to the Secretary of the Department of Interior's Guidelines for Architectural and Engineering Documentation and the Historic Preservation Compliance Review Program of the Florida Department of State, Division of Historical Resources, in particular Chapter 4, Standards for Conducting, Reporting, and Reviewing Archaeological and Historic Site Assessment Survey Activities.

**OBJECTIVE FLU 1.5: PROTECTION OF RESIDENTIAL NEIGHBORHOODS**

The County shall ensure the long-term viability of residential neighborhoods by regulating future development to create compatibility with surrounding land uses.

**OBJECTIVE FLU 1.6: REDUCTION OF NONCONFORMING USES AND ANTIQUATED PLATS**

The County shall reduce the number of uses that are inconsistent with community character, future land uses and service and facility plans through a systematic program to reduce non-conforming uses, eliminate nonconforming zonings, and resolve issues related to antiquated plats.

**OBJECTIVE FLU 1.7: IMPROVE QUALITY OF LIFE IN UNINCORPORATED COMMUNITIES**

The County shall guide and assist underserved communities in the unincorporated area to develop action plans to improve their quality of life through the Community Enhancement Area Partnership Program.

**OBJECTIVE FLU 1.8: FUTURE LAND USE MAP FOUNDATION: GROWTH MANAGEMENT POLICIES FOR COMPATIBILITY, MIXED USE DEVELOPMENT, AND URBAN SPRAWL**

The County shall develop and enforce innovative planning techniques and land development regulations designed to protect residential neighborhoods, enhance the economic viability of the community, promote the efficient use of infrastructure, including transportation, and preserve natural resources. The Future Land Use Map series embodies strategies designed to build long-term community value, discourage urban sprawl, and ensure that public facilities and services are provided in the most cost-effective and efficient manner.

**OBJECTIVE FLU 1.9: PUBLIC FACILITIES AND SERVICES**

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

**OBJECTIVE FLU 1.10: INTERGOVERNMENTAL COORDINATION**

The County shall coordinate with the cities and other agencies to facilitate consistent facility and land use plans, to provide cost-effective services, to maintain compatible land uses, and to ensure coordination of resource planning and management plans. The County shall coordinate with responsible local, regional and State authorities and private utility companies, as applicable, in the establishment of level of service standards for public facilities. Upon adoption of the County and adjacent governments' comprehensive plans, the County shall initiate further coordination efforts, if necessary, to ensure consistency with adopted level of service standards.

**OBJECTIVE FLU 1.11: UTILITIES**

The County shall ensure the availability of utilities to support new development.

**OBJECTIVE FLU 1.12: SPECIFIC AREA PLANS**

The County shall develop, when necessary, specific area plans to provide direction for Plan and Land Development Regulation updates and in the review and approval of development proposals.

**OBJECTIVE FLU 1.13: AFFORDABLE HOUSING**

The County shall implement and enforce innovative land development techniques and programs to promote safe and decent affordable housing for existing and future residents to support growing affordable housing needs and ensure the continued viability of low income housing by encouraging de-concentration of low income neighborhoods.

**OBJECTIVE FLU 1.14: PRESERVE RURAL LIFESTYLES IN IDENTIFIED AREAS OF LAKE COUNTY**

The County shall identify, implement and enforce policies and programs designed to preserve and reinforce the positive qualities of the rural lifestyle presently enjoyed in certain areas of Lake County, referred to herein on occasion as the "Rural Series Areas," (as defined in *Exhibit FLU: Special Area Boundaries* and thereby ensure the rural lifestyle is available to future residents.

**OBJECTIVE FLU 1.15: PROTECTION OF PRIVATE PROPERTY RIGHTS**

The County shall not intentionally enact or impose any unreasonable land development regulation or apply any land development regulation in an unreasonable manner such that the taking without compensation of private property rights would result.

**OBJECTIVE 1. 16: DISPUTE RESOLUTION**

The County shall attempt to resolve all disputes to the maximum extent practicable without resort by the County or property owners to the courts.

**OBJECTIVE FLU 1.17: ENVIRONMENTAL CONSIDERATIONS**

**FUTURE LAND USE ELEMENT PLAN AMENDMENT STANDARDS OF REVIEW**

- 1. Land Use Densities/Intensities and Allowable Zoning Classifications**
- 2. Optional Land Use Designations**
- 3. Services and Facilities/Concurrency**
- 4. State/Federal Agency Review**
- 5. Special Studies**

**DEFINITIONS OF FUTURE LAND USE DESIGNATIONS**

- RURAL LAND USE SERIES**
- CONSERVATION**
- URBAN LAND USE DESIGNATION SERIES - LANDS WITHIN THE PROPOSED AND ADOPTED JOINT PLANNING AREAS**
- MIXED USE DEVELOPMENT DISTRICT(MUDD)/TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) DISTRICT**
- FUTURE LAND USE DESIGNATIONS AND ALLOWABLE ZONING CLASSIFICATIONS**