

## **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.

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*COMMENT: The portfolio ecosystem of concern here is actually the Wekiva-Ocala, which includes the St Johns River and associated lands that extend along the entire eastern boundary of Lake County and up through the Ocala Forest. I recommend either expanding the range of this objective (Wekiva-Ocala), or preferably adding a separate objective to deal with the Ocala Forest and its connectivity to the Wekiva basin. If the later occurs, then Objective 1.2 is generally good; although a better title would be “Wekiva Basin and Springshed”. (The Wekiva River itself is only one component of the greater Wekiva ecosystem. The title “Wekiva Basin and Springshed” would be consistent with the text of the objective.)*

*Please add springs/karst features, wildlife, and habitat to the description. Also note that the Wekiva River Protection Act is Part II, Chapter 369, F.S. The Wekiva Parkway and Protection Act is Part III.*

*Although the third paragraph may be OK, the text which states that regardless of land use or zoning, development shall not be approved that does not conform with provisions of the Act, is rather circuitous. Specific policy-level provisions to implement the Act are not included in the legislation--Rather, the statutes call upon local governments to adopt their own specific policies for the Wekiva, subject to state review. This became a critical issue for Seminole County within the Wekiva River Protection Area around 1999-2000, and was only resolved after a set of legal challenges, significant debate and discussion between DCA, the environmental community, and county—and then eventually the adoption of more specific policies to truly carry out implementation requirements of the Act. To avoid similar difficulties, policies for Lake County will have to clearly spell out a specific land use strategy for the Wekiva Study Area with a level of content similar to what was prepared for the Wekiva River Protection Area.*

*The staff FLU memos have stated that policies within the WRPA and Green Swamp shall remain the same. It appears that text from former Objectives 1-23 and 1-24 from today’s Comp Plan can be relocated to the potable water and sewer elements; but what about Objectives 1-20 (density and intensity), 1-21 (natural resources and 1-22 (land acquisition)?*

*Like the Green Swamp, the Wekiva River Protection Area and Wekiva Study Area are components of a significant state and regional portfolio landscape that overlap the jurisdiction of multiple local governments. This is why both the Wekiva and Green Swamp have received special state and regional attention through the Florida Statutes, and why a focused level of review by state agencies including the DCA is to be expected. Because of their very nature as large landscapes of statewide concern and consistent with the spirit and intent of statute, it is essential that Lake County maintains visibility in its Comprehensive Plan with substantive policies tailored for these two ecosystems, subject to review by DCA (now and in the future.)*

*I am not sure that I agree with the total prohibition of schools within the Wekiva River Protection Area. (It looks like this policy was lifted out of Seminole County’s Comp Plan, but the size and complexion of the Protection Area in that county is very different.) The*

*prohibition is based on a desire not to allow the intense footprint and traffic associated with a school complex in the protection area, which is certainly an appropriate concern. I recommend including a policy that would at least permit elementary schools within the designated higher-density Receiving Areas of the Wekiva River Protection Area. (An elementary school typically does not have as large of a footprint with ancillary structures.) From the standpoint of growth management and efficiency, the Receiving Area requirement would also ensure that schools are located closest to population centers.*

**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.

*COMMENT: It seems that the above list should be included as policies. Please add protection of ground and surface waters, protection of aquifer recharge, protection of the Green Swamp Potentiometric High, and protection of water quality/quantity.*

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

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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 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

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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; 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.

*COMMENT: There is a significant amount of redundancy within former Comp Plan Objectives 1-17, 1-18, and 1-19 pertaining to the Green Swamp. Although these could probably be consolidated within a single objective without losing any content, it will still be important to have them in the Comp Plan in some fashion, including policies that enumerate the “Principles for Guiding Development for the Green Swamp Area of Critical State Concern” (protection objectives/regulatory guidelines.)*

*Former Goal 1A to sustain and enhance the Green Swamp’s role as part of Florida’s natural systems should be retained, along with the Objective 1A-1 (Consistency with Management Plans) and 1A-2 (Guidance and Timing for Development). These relate to limiting development within the Green Swamp, special policy requirements for the four unique Green Swamp FLU categories, lot approval limits, allowable manufacturing uses, transitional timing criteria, prohibition of sludge disposal, waterway crossings,*

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*silviculture, special septic tank provisions, special wetland protection (requiring conservation easement), flood insurance study requirement, no new road construction in the core area, prohibition of new mines, and prohibition of new industrial uses.*

*Please note that the statutory Area of Critical State Concern (ACSC) designation for the Green Swamp creates a different type of relationship between local government and the state. Unlike elsewhere, provisions governing an Area of Critical State Concern are adopted as rules within the Florida Administrative Code (FAC) through DCA. The local government, in this case Lake County, is not actually the final authority (unlike elsewhere in which the county has final jurisdiction, with DCA retaining the right to challenge through an administrative hearing.) Chapter 28-26.003, F.A.C. describes the “Principles for Guiding Development for the Green Swamp Area of Critical State Concern”, and Chapter 28-28 specifies regulations that have been adopted by the state of Florida for Lake County. It is therefore especially necessary to preserve content of the Comp Plan in the form of goals, objectives, and policies in order to maintain consistency with the DCA’s overarching jurisdiction in this area.*

*Are annual development caps within the Green Swamp being maintained?*

**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.

*(The following would presumably be policies under this objective)*

- 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.

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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 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

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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:

*COMMENT: Will this objective include schools? Perhaps a separate objective dedicated to this very important issue is appropriate. Although a school element will be written, policies in the Future Land Use Element may be very beneficial to establish criteria for approval or rejection of residential development as a function in part on the projected burden on existing school facilities.*

**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.

*It would be beneficial to reference the use of Joint Planning Areas and establishing urban service boundaries as critical components of intergovernmental coordination.*

**OBJECTIVE FLU 1.11: UTILITIES**

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

*COMMENT: This objective as worded is over-broad. It might even be interpreted as obligating the county to provide utilities for new development. The text associated with former Objective 1-9 in the current Comp Plan seems more appropriate:*

*“The County shall assure that needed utilities are provided concurrent with the impact of new development, including adoption of a concurrency management system with the Comp Plan and implemented through the Land Development Regulations. Sufficient land area shall be available to accommodate utilities”.*

**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.

*COMMENT: It may be beneficial to adopt an urban/rural boundary or boundaries as has been done in Seminole County.*

**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.

*COMMENT: As written, this objective appears to be over-broad. If a dispute arises from a sound decision by the County not to approve a requested land use change, zoning, or development order, then the County should retain the right to defend that decision by all legal means necessary. The text as worded could be interpreted as creating a presumption that Lake County will be expected to negotiate with a property owner toward a result that may conflict either wholly or in part with decisions made by the BCC or staff in their duty to uphold the Comp Plan, land development code, or other rules within their jurisdictions. The term "maximum extent practicable" is not clear. If this objective is really necessary (which it may not be), then I recommend adding language that says something like "to the extent consistent with specific direction given by the BCC and consistent with the Comprehensive Plan, land development regulations, and all other adopted rules or covenants."*

**OBJECTIVE FLU 1.17: ENVIRONMENTAL CONSIDERATIONS**

*COMMENT: No text has been included for this objective. Policies under this section should embody the content of former Objective 1-2 (planning for conservation of environmentally sensitive lands, other natural resources...) and former Objective 1-6 (topographic and soil conditions).*

*COMMENT:*

*LAND USE ALONG LAKES AND LAKE SHORES*

*In addition to the Green Swamp and Wekiva-Ocala areas, I recommend dedicating an objective within the Future Land Use Element to lakes and lake shores. Under this could be included policies that emphasize low-density cluster development as an appropriate means of protecting the lakes, littoral zones, associated wetlands, and upland buffers surrounding the lakes of Lake County. It would also be appropriate here to include specific policies relating to land use and development abutting protected lakeshore conservation lands such as Emeralda Marsh, Sawgrass Island Preserve, and the Lake Apopka restoration area.*

*COMMENT:*

*ECONOMIC DEVELOPMENT:*

*I suggest adding an objective relating to economic development as a component of future land use planning with policies that seek to balance revenue generating land uses*

*relating to employment and economic development with revenue deficit land uses, which includes most forms of housing.*

**COMMENT:**

**OTHER OBJECTIVES:**

*Other objectives in the current Comp Plan which do not seem to be similarly addressed among the objectives presented here include commercial activities (former Objective 1-3 and 1-3A), industrial activities (former Objective 1-4), public facilities and institutional activities (former Objective 1-5), redevelopment and blighted areas (former Objective 1-8), and vested rights (former Objective 1-12). How will these be addressed? Additional objectives may be necessary.*

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

- 1. Land Use Densities/Intensities and Allowable Zoning Classifications**
- 2. Optional Land Use Designations (What does this mean?)**
- 3. Services and Facilities/Concurrency**

*COMMENT: How will concurrency management be addressed? (former Objectives 1-7 and 1-3) What are the ramifications of the recent Growth Management legislation (SB380) and are there goals, objectives and policies needed to address this?*

- 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**

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- **FUTURE LAND USE DESIGNATIONS AND ALLOWABLE ZONING CLASSIFICATIONS**

*COMMENT: Please include definitions for the special Green Swamp and Wekiva Future Land Use categories here too. The density and intensity of MUDD and TND districts should still conform to their assignment on the future land use map within urban or rural areas.*