

BCC Mtg. Date: May 21, 2019

EFFECTIVE DATE: July 18, 2019

**ORDINANCE NO. 2019-04**

**AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2019 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING EFFECTIVE DATES.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:**

***Section 1. Legislative Findings, Purpose, and Intent.***

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County's 2010-2030 Comprehensive Plan;

c. On January 17, 2019, the Orange County Local Planning Agency ("LPA") held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance, except for Amendment 2019-1-B-FLUE-2; and

d. On February 12, 2019, the Orange County Board of County Commissioners ("Board") held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance, except for Amendment 2019-1-B-FLUE-2; and

e. On February 21, 2019, and March 12, 2019, respectively, the LPA and the Board held transmittal public hearings on Amendment 2019-1-B-FLUE-2; and

f. On April 11, 2019, the Florida Department of Economic Opportunity (“DEO”) issued a letter to the County relating to the DEO’s review of the proposed amendments to the Comprehensive Plan, as described in this ordinance, except for Amendment 2019-1-B-FLUE-2; and

g. On April 8, 2019, the DEO issued a letter to the County relating to the DEO’s review of Amendment 2019-1-B-FLUE-2; and

h. On April 18, 2019, the LPA held a public hearing at which it reviewed and made recommendations regarding the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

i. On May 21, 2019, the Board held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

**Section 2. Authority.** This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

**Section 3. Amendments to Future Land Use Map.** The Comprehensive Plan is hereby amended by amending the Future Land Use Map designations as described at **Appendix “A,”** attached hereto and incorporated herein.

**Section 4. Amendments to the Text of the Future Land Use Element.** The Comprehensive Plan is hereby further amended by amending the text of the Future Land Use Element to read as follows, with underlines showing new numbers and words, and strike-

throughs indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

\* \* \*

**[Amendment 2019-1-B-FLUE-1:]**

FLU8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) and Lake Pickett (LP) Future Land Use designations that have been adopted subsequent to January 1, 2007.

<b>Amendment Number</b>	<b>Adopted FLUM Designation</b>	<b>Maximum Density/Intensity</b>	<b>Ordinance Number</b>
* * *	* * *	* * *	* * *
<u>2019-1-A-1-2</u> <u>The Registry on</u> <u>Grass Lake</u>	<u>Growth Center-Planned</u> <u>Development-Medium-</u> <u>High Density</u> <u>Residential (GC-PD-</u> <u>MHDR)</u>	<u>Up to 360 multi-family</u> <u>dwelling units</u>	<u>2019-04</u>
<u>2019-1-A-1-3</u> <u>Ruby Lake</u>	<u>Planned Development-</u> <u>Commercial/Low-</u> <u>Medium Density</u> <u>Residential (PD-</u> <u>C/LMDR)</u>	<u>Up to 20 townhome units and</u> <u>up to 200,000 square feet of</u> <u>non-residential uses, to include</u> <u>an off-site (freestanding)</u> <u>emergency department and</u> <u>commercial and offices uses</u> <u>permitted in the C-1 (Retail</u> <u>Commercial) zoning district</u>	<u>2019-04</u>
<u>2019-1-A-1-4</u> <u>Bering I</u>	<u>Planned Development-</u> <u>Commercial/ Medium-</u> <u>High Density</u> <u>Residential (PD-</u> <u>C/MHDR)</u>	<u>Up to 400 multi-family</u> <u>dwelling units and 15,000</u> <u>square feet of C-1 (Retail</u> <u>Commercial District) uses</u>	<u>2019-04</u>
<u>2019-1-A-4-1</u> <u>Innovation Pointe</u>	<u>Planned Development-</u> <u>Medium Density</u> <u>Residential/Industrial/</u> <u>Parks and Recreation/</u> <u>Open Space (PD-</u> <u>MDR/IND/PR/OS)</u>	<u>350 multi-family dwelling</u> <u>units, 284,000 sq. ft. of</u> <u>industrial, and parks and</u> <u>recreation/open space</u>	<u>2019-04</u>

<u>2019-1-A-4-3 Boggy Creek Crossings</u>	<u>Planned Development- Commercial/Medium Density Residential (PD-C/MDR)</u>	<u>Up to 45,750 square feet of retail commercial uses and up to 336 multi-family dwelling units</u>  <u>The combined development program is limited by a maximum of 5,362 ADT (Average Daily Trips), as established in the approved traffic study.</u>	<u>2019-04</u>
<u>2019-1-A-5-1 12151 E Colonial Drive</u>	<u>Planned Development- Commercial/Medium Density Residential (Student Housing) (PD-C/MDR (Student Housing)</u>	<u>Up to 162 student housing units (up to 650 bedrooms) or up to 802,375 square feet of commercial uses</u>	<u>2019-04</u>
<u>2019-1-A-5-3 Silver City Properties Student Housing</u>	<u>Planned Development- Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing)</u>	<u>Up to 2,400 student housing bedrooms (600 student housing units) and up to 30,000 square feet of commercial uses</u>	<u>2019-04</u>

Such policy allows for a one-time cumulative density or intensity differential of 5% based on ADT within said development program.

\* \* \*

**[Amendment 2019-1-B-FLUE-2:]**

**FLU4.1.4** Each Village shall demonstrate consistency with Policies FLU4.1.1, FLU4.1.2 and FLU4.1.3 by providing a compact, integrated development pattern with neighborhood centers generally located within a 1/2-mile walking distance of the residences, and by establishing a population density for each neighborhood that can support the neighborhood school. Modifications to these minimum densities may be approved subject to a Comprehensive Plan Amendment. Such amendments, however, shall not reduce the minimum density of any Village below four (4) dwelling units per net developable acre. Amendments may be based on, but not limited to, the following:

- To provide more diversity in lot sizes and the land use mix;
- To recognize existing geographic features or environmentally sensitive areas;

- To provide additional buffering to preexisting development;
- To make use of updated student generation rates; and
- To provide for enhanced environmental corridors.

The use of TDRs (transfers of development rights) shall be evaluated for impacts to the neighborhood schools as a part of the development review process. Notwithstanding any density reduction, development shall continue to adhere to the General Village Principles outlined in FLU4.1.1.

The minimum densities approved for each Village (Lakeside, Bridgewater, Village H, Village F, Village I and the Town Center) are as noted in the following table:

Village	Minimum Overall Density per Net Developable Area Acre	Notes
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Village I	7.0 <del>5.0</del> DU/Ac	The identified net density is needed to maintain the Village design principles outlined in Policy FLU4.1.1 and aids in the preservation of environmentally sensitive areas.
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\* \* \*

**FLU4.3.10**

**Village I.** Prior to commencing development beyond Phase I per Table 7.5 of the document entitled *Village I Specific Area Plan (the "SAP")*, Village I developers/owners will assess the projected cumulative transportation impacts of Village I and demonstrate that any significant and adverse impacts, including impacts outside Orange County's jurisdiction, will be mitigated. The SAP will be amended to reflect any improvements needed to serve the approved Future Land Uses. Development beyond County approval of zoning, rezoning, and zoning amendment requests of Phase I consistent with Table 7.5 of the Village I Specific Area Plan, adopted by the Board of County Commissioners on June 10, 2008, may not continue beyond November 17, 2015, the anticipated adoption date of this amended FLU4.3.10, without a shall be subject to, and may not proceed without, a Board of County Commissioners-approved global rRoad nNetwork aAgreement (the "Road Network Agreement") in place that is determined to be financially feasible by the County and that substantially complies with a Global Road Network tTerm sSheet for Village I and unless adequate public facilities are demonstrated to be available or planned to be available in a financially feasible manner in Orange County's Capital Improvements Element, consistent with Section 163.3164(38), F.S. Chapter 163, Florida Statutes.

The Road Network Agreement, which must substantially conform with the Horizon West Village I Term Sheet reviewed and accepted by the BCC on

November 13, 2018, must be signed by the owners of a majority of the undeveloped acreage in Village I and approved by the BCC prior to approval of the first preliminary subdivision plan (“PSP”) and/or development plan (“DP”) in Village I. The foregoing notwithstanding, any project that has submitted a legally and technically sufficient application for a Planned Development prior to November 17, 2015, – been issued a capacity encumbrance letter (“CEL”) prior to November 13, 2018, may proceed with the applicable development in Phase I, pursuant to and in compliance with the terms of such CEL, prior to without entering into such a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I; provided, however, that such development shall be required to enter into and join the Road Network Agreement prior to approval of any subsequent PSP and/or DP request beyond that applicable to the aforementioned CEL. obtain at least one development permit for vertical construction other than a model home (the “Permit”) within thirty (30) months from the date of approval of the Planned Development. In the event any such project does not timely obtain a capacity reservation certificate in connection with the CEL, such project shall be subject to the County’s concurrency management system, as if the CEL had not been issued. obtain a permit within the thirty (30) month timeframe, such project shall then be subject to entering into a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I. If a Global development project is proposed after the Road Network Agreement Term Sheet for Village I has been finalized, such that the development cannot participate, then such proposed the development shall be subject to the County’s concurrency management system (and, potentially, entering into a proportionate share agreement), unless all of the signatories of the Road Network Agreement agree to amend such Road Network Agreement in order to add such development to the Agreement.

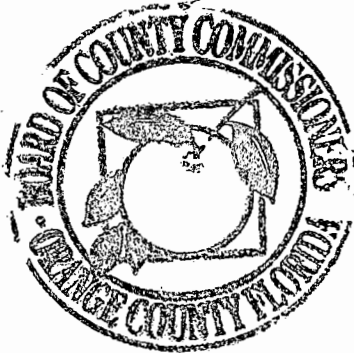
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***Section 5. Effective Dates for Ordinance and Amendments.***

- (a) This ordinance shall become effective as provided by general law.
- (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment adopted under this ordinance becomes effective until 31 days after the DEO notifies the County that the plan amendment package is complete. However, if an amendment is timely challenged, the amendment shall not become effective until the DEO or the Administration Commission issues a final order determining the challenged amendment to be in compliance.

(c) No development orders, development permits, or land uses dependent on any of these amendments may be issued or commence before the amendments have become effective.

ADOPTED THIS 21st DAY OF MAY, 2019.



**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: *Jerry L. Demings*  
Jerry L. Demings  
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk to the Board of County Commissioners

By: *Katie Smith*  
Deputy Clerk

## APPENDIX “A”

### FUTURE LAND USE MAP AMENDMENTS

<b>Appendix A*</b>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2019-1-A-1-2	Growth Center-Commercial (GC-C)	Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)
2019-1-A-1-3	Planned Development-Low-Medium Density Residential (PD-LMDR)	Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR)
2019-1-A-1-4	Activity Center Mixed Use (ACMU)	Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)
2019-1-A-4-1	Planned Development-Industrial/Commercial/Conservation (PD-IND/C/CONS)	Planned Development-Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS)
2019-1-A-4-3	Planned Development-Commercial (PD-C)	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)
2019-1-A-5-1	Commercial (C)	Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing)
2019-1-A-5-2	Commercial (C)	Medium-High Density Residential (MHDR)
2019-1-A-5-3	Commercial (C)	Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing)
*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		