




Interoffice Memorandum

DATE: May 1, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Tim Boldig, Interim Director 
Planning, Environmental, and Development Services Department

FROM: Alberto A. Vargas, MArch., Manager, Planning Division

SUBJECT: Adoption Public Hearing – May 23, 2023, Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request
Applicant: S. Brent Spain, Esquire, Theriaque & Spain
SS-23-01-108 and RZ-23-01-109

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request** scheduled for a Board adoption public hearing on May 23, 2023.

The subject property is located at 3700 N. Orange Blossom Trail, generally located on the west side of N. Orange Blossom Trail, north of Willow Street, south of Holly Street, and east of Day Care Center Road. The request is to change the Future Land Use Map designation from LDR (Low Density Residential) Rural Settlement (RS) to Commercial (C) Rural Settlement (RS) and rezone the property from R-CE-2 (Rural Residential District) to C-1 Restricted (Retail Commercial District). The applicant is proposing to construct up to 20,386 square feet of C-1 neighborhood commercial / office uses.

A community meeting was held on February 28, 2023, with seventeen residents in attendance. Residents expressed concerns about site access, proposed uses (including gas stations and convenience stores), hours of operation, increased traffic, and loitering. The residents stated they would not want a convenience store, gas station, or any other 24-hour business located on the property.

The adoption public hearing for Small-Scale Development Amendment SS-23-01-108 and Rezoning RZ-23-01-109 was conducted before the Planning and Zoning Commission / Local Planning Agency on April 20, 2023, where the request was recommended for approval.

If the Board adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for this amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at 407-836-5802 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, at 407-836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Commercial (C) Rural Settlement (RS) Future Land Use Map designation, APPROVE the associated ordinance, and APPROVE the C-1 Restricted (Retail Commercial District) zoning, subject to the seven (7) restrictions listed in the staff report.
District 2**

TB/JHS/sw

c: Jon V. Weiss, P.E., Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division

CASE # SS-23-01-108
RZ-23-01-109

Commission District: #2

GENERAL INFORMATION

| | |
|----------------------------|---|
| APPLICANT | S. Brent Spain, Esquire, Theriaque & Spain |
| OWNER | Joseph P. Mulvihill |
| HEARING TYPE | Small-Scale Future Land Use Map (FLUM) Amendment / Rezoning |
| FLUM REQUEST | Low Density Residential (LDR) (Rural Settlement) (RS) to Commercial (C) (Rural Settlement) (RS) |
| ZONING REQUEST | R-CE-2 (Rural Residential District) to C-1 Restricted (Retail Commercial District) |
| LOCATION | 3700 N. Orange Blossom Trail, generally located on the west side of N. Orange Blossom Trail, north of Willow Street, south of Holly Street, and east of Day Care Center Road. |
| PARCEL ID NUMBER | 21-20-27-0000-00-018 |
| TRACT SIZE | 3.12 gross acres |
| PUBLIC NOTIFICATION | The notification area for this public hearing was 1,300 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred forty-four (244) notices were mailed to property owners and residents in the mailing area. |
| COMMUNITY MEETING | A community meeting was held on February 28, 2023, and is summarized in this report. |
| PROPOSED USE | Up to 20,386 square feet of C-1 neighborhood commercial / office uses. |

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) (Rural Settlement) (RS) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning, subject to the following restrictions:

1. Self-storage uses shall be prohibited;
2. Gas stations and convenience stores shall be prohibited;
3. Twenty-four (24)-hour operations shall be prohibited;
4. A Type C landscape buffer shall be provided along the northern and western property boundaries;
5. Development shall be limited to a floor area ratio (FAR) of 0.15; and
6. Billboards and pole signs shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Future Land Use Map Amendment to change the Future Land Use Map (FLUM) designation of the 3.12-acre subject property from Low Density Residential (LDR) (Rural Settlement) (RS) to Commercial (C) (Rural Settlement) (RS) and to rezone from R-CE-2 (Rural Residential District) to C-1 Restricted (Retail Commercial District) to allow for the development of up to 20,386 square feet of C-1 neighborhood commercial / office uses.

The subject property is undeveloped and is located at the corner of N. Orange Blossom Trail and Willow Street within the Otter Lake Rural Settlement. Single-family residences and a vacant residentially-zoned parcel are located immediately north of the subject property. A church and a vacant residentially-zoned parcel are located immediately west. A daycare center, a church, a vacant commercial parcel, and single-family residences are located across the street along Willow Street, south of the subject site. Agricultural grazing uses are located across the street on N. Orange Blossom Trail, east of the subject property.

As stated above, the subject property is located within the Otter Lake Rural Settlement and is subject to the policies pertaining to commercial activity within Rural Settlements listed in the Orange County Comprehensive Plan (CP). Future Land Use Element Policy FLU6.2.11 states that neighborhood commercial and office uses shall be allowed in Rural Settlements designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores or professional services that utilize existing structures and small-scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 uses and a floor area ratio (FAR) of up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

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At the community meeting held on February 28, 2023, the applicant stated that he does not know the specific C-1 neighborhood use(s) that will occupy the site if the plan amendment and rezoning applications are approved. However, he communicated that the use will be consistent with the County's Rural Settlement policies that limit the uses to neighborhood commercial/office uses that serve the surrounding community and cap the FAR at 0.15. The applicant seeks to develop up to 20,386 square feet of neighborhood commercial/office uses, the maximum permitted under the 0.15 FAR limitation.

Additionally, Future Land Use Element Policy FLU6.2.12 establishes that neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria: (a) These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and (b) these uses shall contain retail and personal services to serve the immediate population. The subject property is located at the intersection of Willow Street and N. Orange Blossom Trail, a four-lane principal arterial road. It is surrounded by single-family homes, commercial uses, churches, and vacant commercial and residentially-zoned properties.

The proposed C-1 neighborhood/office use(s) would serve the residents within the Otter Lake Rural Settlement.

Existing FLUM Development Program

The existing Low Density Residential (Rural Settlement) Future Land Use Map designation and R-CE-2 (Rural Residential District) zoning classification are not consistent with one another. Therefore, the site is currently undevelopable until the future land use and zoning are compatible.

Proposed FLUM Development Program

The proposed C-1 Restricted (Retail Commercial District) zoning with the proposed Future Land Use Map designation of Commercial (C) will allow the applicant to develop up to 20,386 square feet of neighborhood commercial/office uses.

Land Use Compatibility

The requested Commercial (Rural Settlement) Future Land Use Map designation and C-1 Restricted zoning would allow for neighborhood commercial/office uses that will serve the residents of the rural area and not primarily attract "pass-by" trips.

Site Analysis

| | Yes | No | Information |
|----------------------------|-------------------------------------|-------------------------------------|-----------------------------|
| Rural Settlement | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Otter Lake Rural Settlement |
| Joint Planning Area (JPA) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Overlay District Ordinance | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Airport Noise Zone | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Code Enforcement | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Other | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Wekiva Study Area |

Comprehensive Plan (CP) Consistency

As mentioned previously, the underlying CP FLUM designation of the subject property is Low Density Residential (LDR) (Rural Settlement) (RS), which is inconsistent with the R-CE-2 zoning category. However, the proposed C-1 Restricted zoning classification is consistent with the proposed Commercial (C) (Rural Settlement) (RS) Future Land Use Map designation. The request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU6.2.5 states the permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(B).

FLU6.2.11 states neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores or professional services that utilize existing structures and small scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.

FLU6.2.12 states Neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trends in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to

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ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use Vacant parcel

| Adjacent | FLUM | Zoning |
|-----------------|--|--|
| North | Low Density Residential (LDR) (Rural Settlement) (RS) (1991) | R-CE-2 (Rural Residential District) (3/18/1982) |
| South | Low Density Residential (LDR) (Rural Settlement) (RS) (1991) and Commercial (C) (Rural Settlement) (RS) (1991) | C-1 (Retail Commercial District) (10/7/1957) and R-3 (Multiple-Family Dwelling District) (10/7/1957) |
| East | Rural / Agricultural (R) (1991) | A-1 Restricted (Citrus Rural District) (04/26/2016) |
| West | Low Density Residential (LDR) (Rural Settlement) (RS) (1991) | R-CE-2 (Rural Residential District) (3/18/1982) |

Adjacent Land Uses

- N: Single-family residences and vacant residential
- E: Agricultural grazing land (semi-improved pasture)
- W: Church and vacant residential
- S: Store/office/residential, church, and single-family residences

C-1 (Retail Commercial District) Development Standards

Min. Lot Area: 6,000 sq. ft.

Min. Lot Width: 80 ft. on major streets, see Article XV; 60 ft. for all other streets; 100 ft. for corner lots on major streets, see Article XV

Max. Height: 50 ft.; 35 ft. within 100 ft. of all residential districts

Min. Floor Area: 500 sq. ft.

Building Setbacks:

- Front: 25 ft.
- Rear: 20 ft.
- Side: 0 ft.; 15 ft. when abutting residential district; side street, 15 ft.

** These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Intent, Purpose, and Uses

The intent and purpose of this C-1 (Retail Commercial District) are as follows: This district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in Rural Settlements throughout the County to meet the needs of an identified community, or in Growth Centers as defined in the comprehensive policy plan.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

| | Yes | No | Information |
|-------------------------|-------------------------------------|-------------------------------------|---------------------------------|
| Environmental | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See comments below table. |
| Transportation / Access | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See comments below table. |
| Schools | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not applicable to this request. |
| Parks and Recreation | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not applicable to this request. |
| Sheriff's Department | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Fire Rescue | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

Environmental Comments:

Binding Determination of Exemption - Current aerial photographs, soils, land cover, and flood maps do not show conclusive indicators of wetlands or surface waters onsite. For an official determination, submit an application to petition for a Binding Determination of Exemption (BDE), in accordance with OC Code Chapter 15 Environmental Control, Article X Wetland Conservation Areas, Section 381, Subsection (a).

Delineated Groundwater Contamination Area - The project site is located within a delineated area of groundwater contamination as defined by the Florida Department of Environmental Protection (FDEP). Prior to construction plan approval, EPD will require a completed Phase I Environmental Site Assessment (ESA). If this site is determined to have a prior use that would result in soil or groundwater contamination, then the applicant must provide documentation to ensure compliance with the Florida

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Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. Depending upon the Phase I results, sampling of soils and/or groundwater may also be required.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. Reference Orange County Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible for determining the presence of these concerns and verifying and obtaining, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Wekiva Study Area - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference Orange County Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Transportation Comments:

The applicant is requesting to change ~3.12 acres from Low Density Residential (LDR) (Rural Settlement) (RS) to Commercial (C) (Rural Settlement) (RS) and rezone from R-CE-2 (Rural Residential District) to C-1 Restricted (Retail Commercial District) to allow up to 20,386 square feet of neighborhood-serving commercial and/or office uses.

Analysis of the project trips from the currently-approved future land use designation versus the requested classification indicates that the proposed commercial use will result in an increase of 72 p.m. peak trips and, therefore, will impact the area roadways. The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

Roadway Capacity Analysis:

A Traffic Study was not submitted with the case for review and comment. The subject property is located generally bounded by N. Orange Blossom Trail to the east, Willow Street to the south, Holly Street to the north, and Day Care Center Road to the west.

Based on the Concurrency Management (CMS) database, there are multiple failing roadway segments within the project's impact area. Orange Blossom Trail from Ponkan Road to Sadler Road (Segment 1) and Orange Blossom Trail from Earwood Avenue to Lake County Line (2 segment). This information is dated and subject to change.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Plan.

Community Meeting Summary

A community meeting was held on February 28, 2023, at the Willow Street Community Center in Zellwood. Seventeen residents were in attendance. The residents expressed concerns about site access, proposed uses (including gas stations and convenience stores), hours of operation, increased traffic, and loitering. The residents stated they would not want a convenience store, gas station, or any other 24-hour business located on the property. The overall tone of the meeting was positive.

Utilities

Water: City of Apopka

Wastewater: City of Apopka

Reclaimed Water: City of Apopka

This property is within the City of Apopka's Water, Wastewater, and Reclaimed Water Service Areas.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (April 20, 2023)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Commercial (C) Rural Settlement (RS) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning, subject to the following restrictions:

1. Self-storage uses shall be prohibited;
2. Gas stations shall be prohibited;
3. Twenty-four (24)-hour operations shall be prohibited;
4. A Type C landscape buffer shall be provided along the northern and western property boundaries;
5. Development shall be limited to a floor area ratio (FAR) of 0.15;
6. Billboards and pole signs shall be prohibited; and
7. Building height shall be limited to one (1) story.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of both applications for the requested Commercial (C) Rural Settlement (RS) Future Land Use Designation, and the C-1 Restricted (Retail Commercial District) zoning, subject to six (6) restrictions. The applicant was present and agreed with the staff recommendation.

Staff indicated that two hundred forty-four (244) notices were mailed to those property owners in the mailing area extending 1,300 feet of the surrounding property, and that staff received no comments in favor or in opposition. During public comments, no member of the public was present to speak. After discussion about the proposed uses and the height of the proposed building adjacent to single-family residentially-zoned properties, the PZC added an additional restriction to limit building height to one (1) story.

A motion was made on the Future Land Use Map Amendment by Commissioner David Boers, and seconded by Commissioner Gordon Spears to recommend ADOPTION of the requested Commercial (C) Rural Settlement (RS) Future Land Use Map designation and APPROVAL of

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PZC Hearing Date: April 20, 2023**

the requested C-1 Restricted (Retail Commercial District) zoning, subject to the seven restrictions. The motion carried on a 5-0 vote.

Motion / Second

David Boers / Gordon Spears

Voting in Favor

David Boers, Eddie Fernandez, Gordon Spears, Nelson Pena, and Evelyn Cardenas

Voting in Opposition

None

Absent

George Wiggins, Walter Pavon, Camille Evans, and Michael Arrington


SS-23-01-108 & RZ-23-01-109



 Subject Property

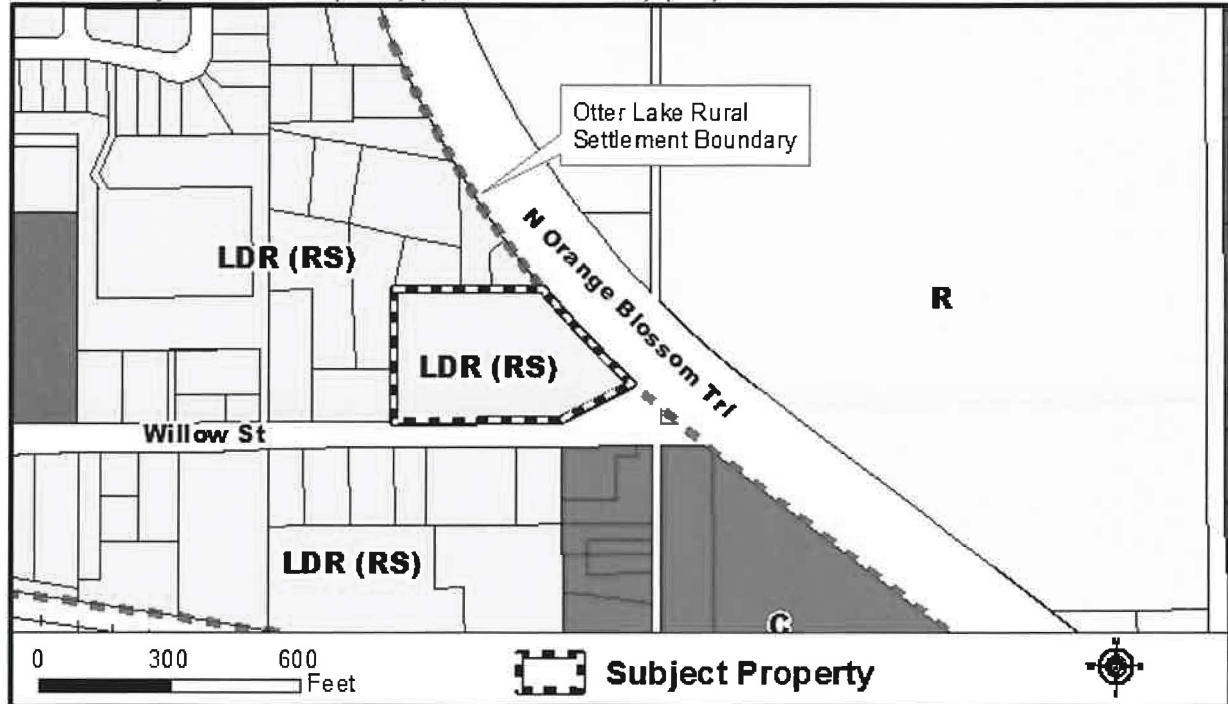


0 250 500 Feet

A horizontal scale bar with markings at 0, 250, and 500 feet.

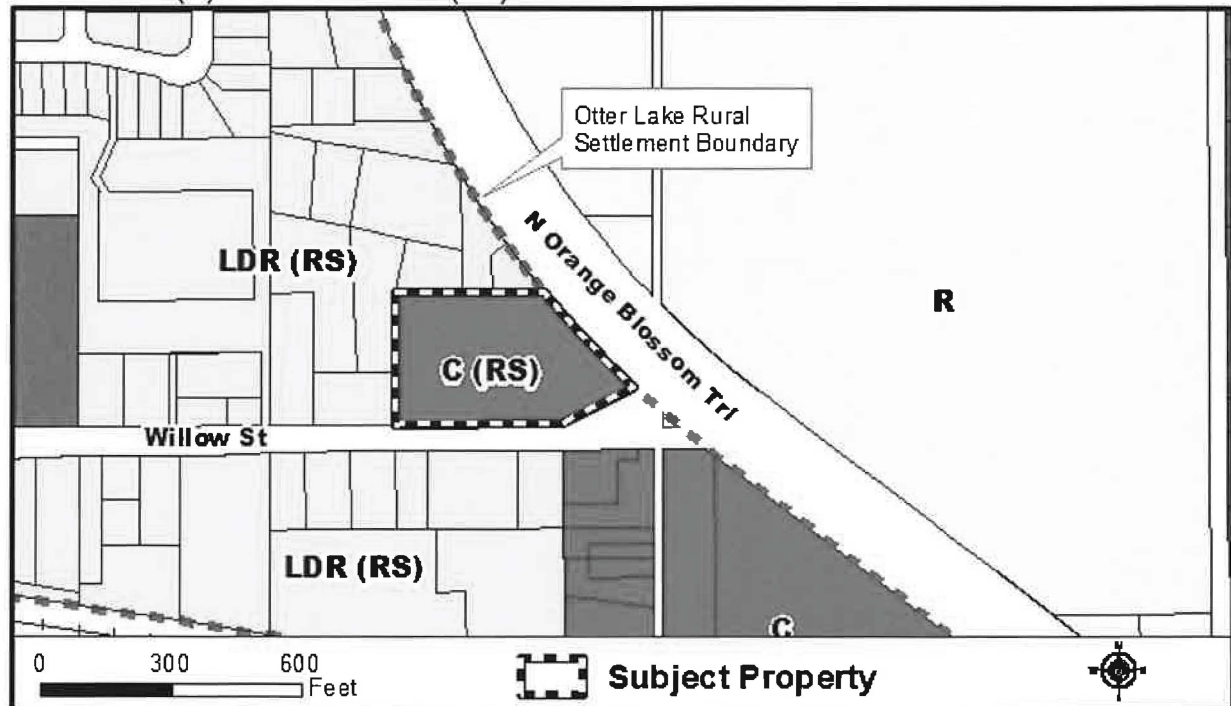
FUTURE LAND USE – CURRENT

Low Density Residential (LDR) (Rural Settlement) (RS)



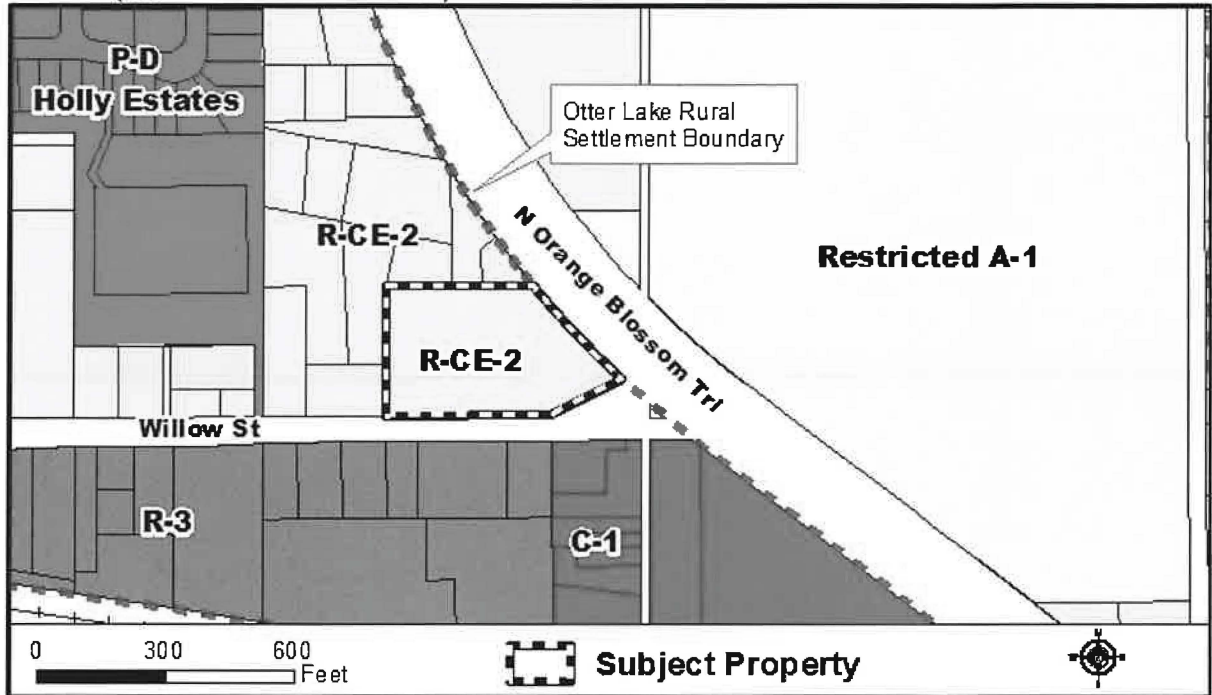
FUTURE LAND USE - PROPOSED

Commercial (C) Rural Settlement (RS)



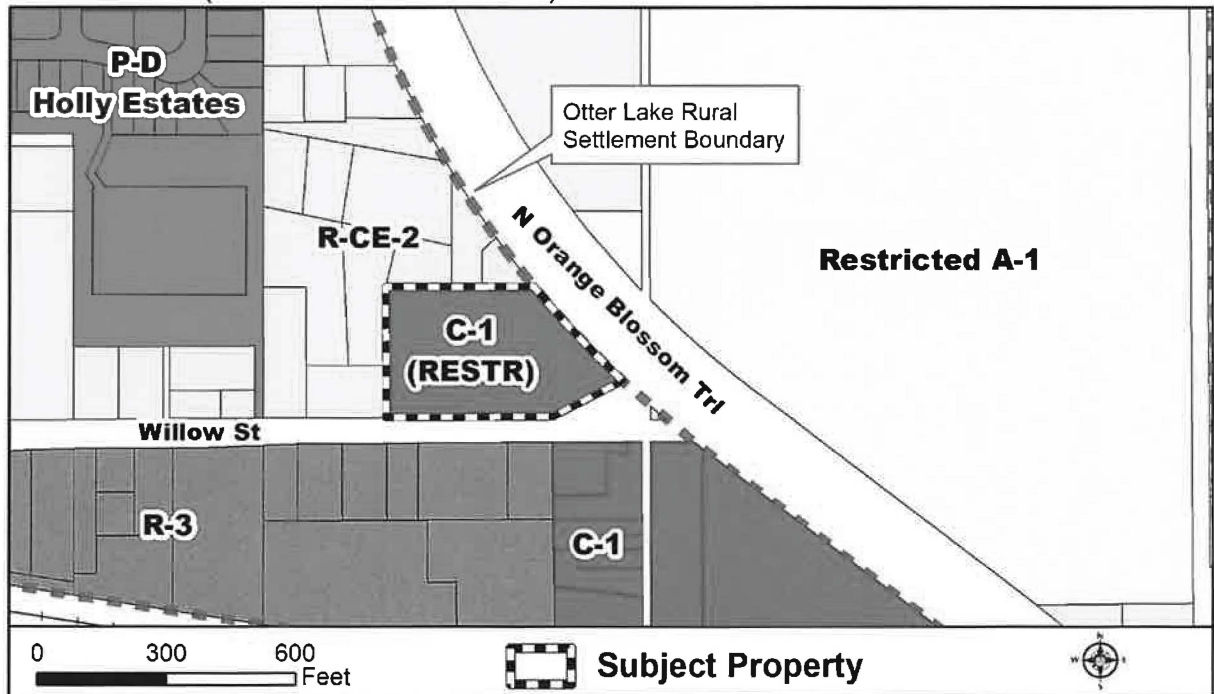
ZONING – CURRENT

R-CE-2 (Rural Residential District)

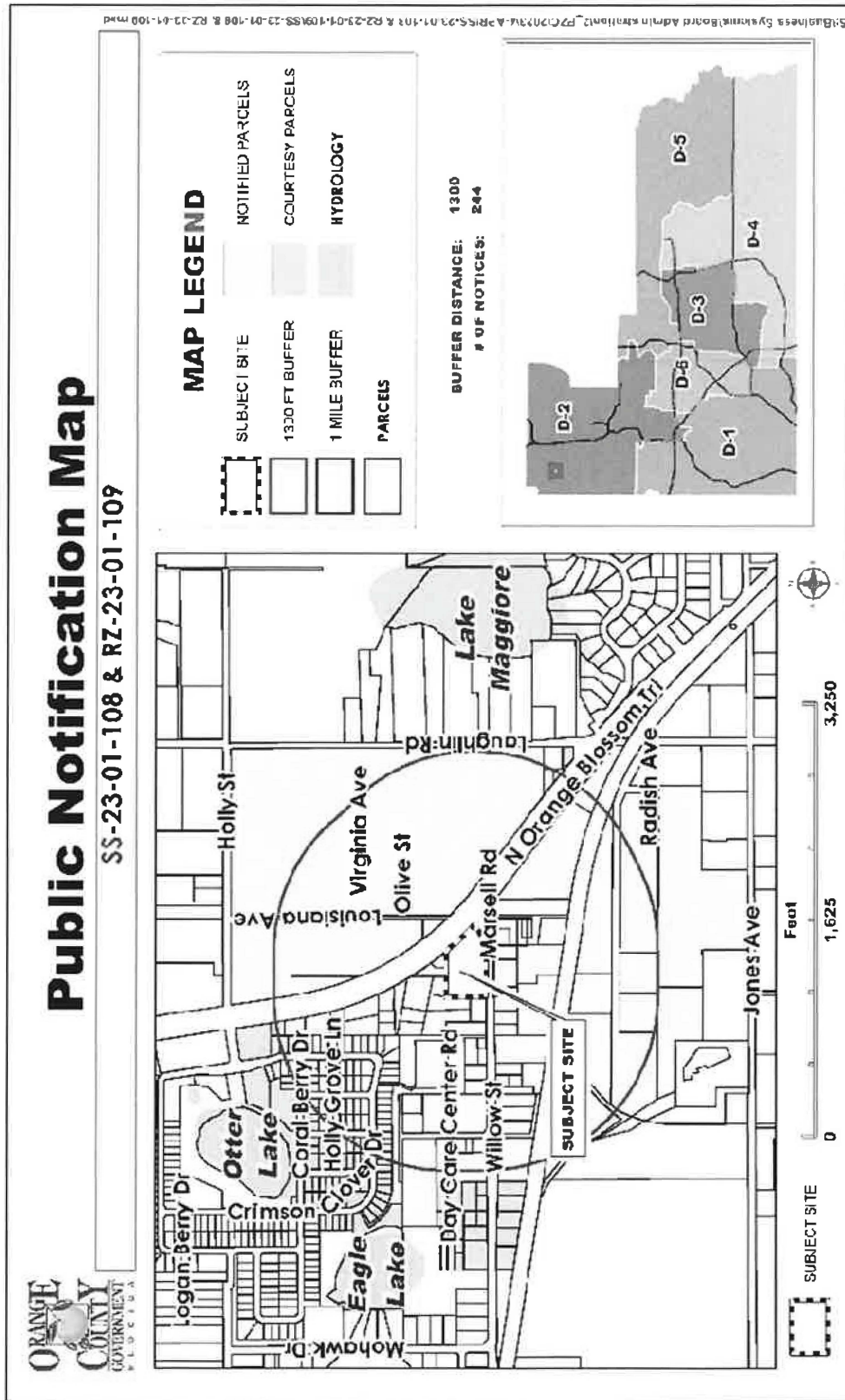


ZONING – PROPOSED

C-1 Restricted (Retail Commercial District)



Notification Map



ORDINANCE NO. 2023-_____

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 A SMALL SCALE DEVELOPMENT AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

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 May 23, 2023, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

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

Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 * * *

33 **Section 4. Effective Dates for Ordinance and Amendment.**

34 (a) This ordinance shall become effective as provided by general law.

35 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development
36 amendment adopted in this ordinance may not become effective until 31 days after adoption.
37 However, if an amendment is challenged within 30 days after adoption, the amendment that is
38 challenged may not become effective until the Department of Economic Opportunity or the
39 Administration Commission issues a final order determining that the adopted amendment is in
40 compliance.

41 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning
42 changes approved by the Board are contingent upon the related Comprehensive Plan amendment
43 becoming effective. Aside from any such concurrent zoning changes, no development orders,
44 development permits, or land uses dependent on this amendment may be issued or commence
45 before the amendment has become effective.

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48 ADOPTED THIS 23rd DAY OF MAY, 2023.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

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64 By: _____
65 Deputy Clerk

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APPENDIX "A"

FUTURE LAND USE MAP AMENDMENT

| <i>Appendix A*</i> | | |
|--|--|---|
| <i>Privately Initiated Future Land Use Map Amendment</i> | | |
| Amendment Number | Future Land Use Map Designation FROM: | Future Land Use Map Designation TO: |
| SS-23-01-108 | Low Density Residential (LDR) Rural Settlement (RS) | Commercial (C) Rural Settlement (RS) |
| *The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective. | | |

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