

BCC Mtg. Date: May 21, 2024

Effective Date: May 28, 2024

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO LAND USE IN ORANGE COUNTY ENACTING A TEMPORARY SUSPENSION PROHIBITING THE PROCESSING OF CERTAIN COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS, REZONINGS, AND SPECIAL EXCEPTIONS TO ALLOW COUNTY STAFF TIME TO THOROUGHLY REVIEW, STUDY, AND PREPARE AMENDMENTS TO THE ORANGE COUNTY COMPREHENSIVE PLAN (“VISION 2050”) AND THE ORANGE COUNTY LAND DEVELOPMENT CODE (“ORANGE CODE”); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1(g), Florida Constitution; Section 125.01, Florida Statutes; and the Orange County Charter, the Orange County Board of County Commissioners (the “Board”) is authorized to enact ordinances not inconsistent with general law and to establish development and zoning regulations as are necessary for the protection of the public; and

WHEREAS, the Board determines that it is in the best interest of its residents, businesses and visitors to enact sufficient development and zoning regulations to ensure their health, safety and welfare; and

WHEREAS, Orange County (“County”) adopted its original Land Development Code in 1957 and its original Comprehensive Plan in 1991; and

WHEREAS, the Land Development Code and Comprehensive Plan guide the decision-making by setting policies for future land use, mobility, and public services and have since been amended to reflect the growth and changing dynamics of the area; and

WHEREAS, the Board supported the initiation and development of Orange Code (“Code”), which prompted various County Departments to study, review, and provide amendments to portions of existing Orange County Code that will result in new land development regulations that focus on placemaking standards and context-based regulations; and

WHEREAS, following a public hearing on July 25, 2023, the Board approved transmittal of Amendment 2023-1-C-CP-1, Vision 2050: Orange County Comprehensive Plan (“Vision

2050”), to the Florida Department of Economic Opportunity (“DEO”) and other State agencies, consistent with Section 163.3184(3), Florida Statutes; and

WHEREAS, in recognition that Vision 2050 will largely be implemented through the adoption of Orange Code and the pending changes to various aspects of certain land development regulations, a temporary suspension on the processing of certain comprehensive plan text and map amendments, rezonings, and special exceptions will provide County staff with time to inspect, analyze, and draft the necessary provisions to complete both updates and contemplate the consideration of these revisions; and

WHEREAS, the Board finds that it is essential to protect the health, safety and welfare of the County and its citizenry, that it is in the County’s best interest, and that it is consistent with the Comprehensive Plan for the County to study and evaluate the development potential of these areas and to place a temporary suspension on the processing of certain comprehensive plan text and map amendments, rezonings, and special exceptions in the unincorporated areas of Orange County for a period not to exceed six (6) months.

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

Section 1. Enactment of Zoning in Progress Ordinance. A new Zoning in Progress Ordinance is enacted to read as follows:

Section 2. Purpose and Intent. The recitals, as set forth above, are incorporated herein and are hereby found true and correct. The purpose of this Ordinance is to enable Orange County sufficient time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Orange County Comprehensive Plan and/or Code of Ordinances as a part of Vision 2050 and Orange Code.

Section 3. Temporary Suspension of Certain Processes. Orange County hereby imposes a temporary suspension of six (6) months from the effective date of this Ordinance, unless rescinded sooner, in which the County will not process new applications for Comprehensive Plan text and map amendments, rezonings, and special exceptions. During this suspension, the County will not accept any new applications for any of the land development approvals as described herein. This will allow County staff time to thoroughly review, study, and prepare amendments for Vision 2050 and Orange Code.

Section 4. Existing Applications, Existing Businesses, and Other Exceptions. The temporary suspension shall not apply to applications received by the County prior to the Effective Date of this Ordinance. Additionally, existing Planned Developments will be unaffected and as such, change determination requests will still be processed. This temporary suspension shall not affect any business lawfully operating within the unincorporated area of the County, as of the effective date of this Ordinance, pursuant to valid permits and approvals if the existing business is compliant with all applicable County, State and Federal laws, codes, ordinances, rules, regulations and policies.

Comprehensive Plan text and map amendments, rezonings, and special exceptions occurring inside the Master Planned Communities, identified below, will not be included in the temporary suspension:

- 1) Horizon West Special Planning Area (Map 2 – Future Land Use Map 3 of the Comprehensive Plan);
- 2) Avalon Park (Avalon Park Development of Regional Impact, Ordinance #93-20, Orange County Code);
- 3) Innovation Way (Map 4 – Future Land Use Map 5 of the Comprehensive Plan);
- 4) I-Drive District Conceptual Regulating Plan (Map 23 – Future Land Use Map 24 of the Comprehensive Plan).

Section 5. Conflicts of Law. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted Orange County Code provision or Florida Statute, the more restrictive requirement shall apply.

Section 6. Severability. It is the intent of the Board that if any section, subsection, clause, phrase, portion, or provision of this Ordinance is deemed invalid or found unconstitutional by a court of competent jurisdiction, such part, section, subsection, clause, phrase, portion, or other provision shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Section 7. Non-Codification. The provisions of this Ordinance shall not be included and incorporated with the Orange County Code.

Section 8. Effective date. This ordinance shall take effect on May 28, 2024.

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ADOPTED THIS 21st DAY OF MAY, 2024.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

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

By: Jennifer Ann-Kline
fol Deputy Clerk

