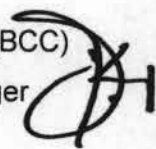




DATE: February 11, 2020
TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners (BCC)
FROM: Alberto A. Vargas, MArch., Manager
Planning Division 
THROUGH: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services Department
SUBJECT: 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment
Board of County Commissioners (BCC) Adoption Public Hearing

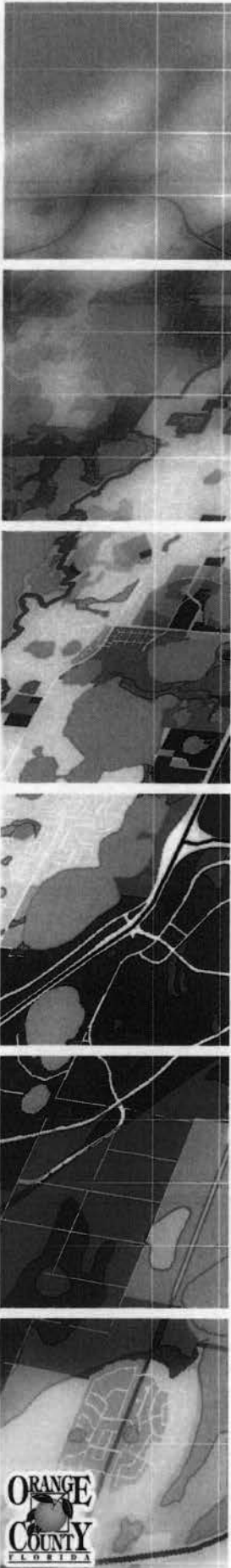
Please find attached the staff report and associated back-up materials for the proposed 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment. The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on January 16, 2020, and is scheduled before the Board of County Commissioners (BCC) on February 11, 2020. Staff-Initiated Text Amendment 2019-2-C-FLUE-1 was heard by the PZC/LPA on January 16, 2020, but will be scheduled for the May 5, 2020 BCC meeting.

Amendment Summary

The 2019-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review Amendment scheduled for consideration on February 11 is a staff-initiated text amendment. The amendment may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2019-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review Amendment was heard by the PZC/LPA at a transmittal public hearing on September 17, 2019, and by the BCC at a transmittal public hearing on October 22, 2019. This Amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On December 13, 2019, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in March 2020, provided no challenges are brought for the amendment.

PLANNING DIVISION
ALBERTO A. VARGAS, MArch., *Planning Manager*
201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando FL 32802-1393
Telephone 407-836-5600 ■ FAX 407-836-5862 ■ orangecountyfl.net



ORANGE COUNTY
PLANNING DIVISION

**2019-2 Out-of-Cycle
Regular Cycle
Staff-Initiated
Text Amendments**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**FEBRUARY 11, 2020
ADOPTION PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



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Ordinance..... Tab 3

2019 SECOND REGULAR CYCLE OUT-OF-CYCLE AMENDMENT

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

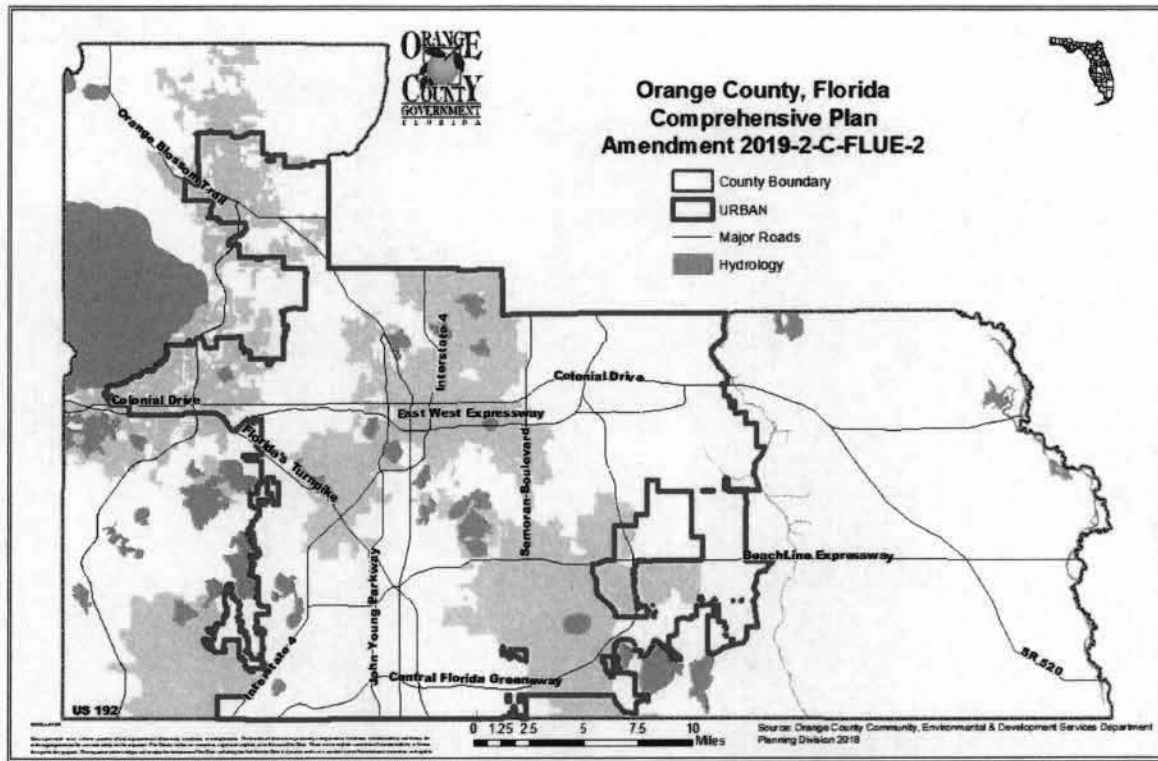
This is the Board of County Commissioners (BCC) adoption public hearing staff report for the proposed Out-of-Cycle Second Regular Cycle Staff-Initiated Text Amendment (2019-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on January 16, 2020, and is scheduled before the BCC on February 11, 2020. Staff-Initiated Text Amendment 2019-2-C-FLUE-1 was heard by the PZC/LPA on January 16, 2020, but will be scheduled for the May 5, 2020 BCC meeting.

This Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment scheduled for BCC consideration on February 11 was heard by the PZC/LPA at a transmittal public hearing on September 19, 2019, and by the BCC at a transmittal public hearing on October 22, 2019.

The 2019-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review amendment scheduled for consideration on February 11 is a staff-initiated text amendment. The amendment may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2019-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review Amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On December 13, 2019, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in March 2020, provided no challenges are brought forth for the 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 Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.



The following meetings/hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title: Amendment 2019-2-C-FLUE-2 (fka 2019-2-B-FLUE-5)	
✓	Staff Report	Recommend Transmittal	Division: Planning	
✓	LPA Transmittal September 19, 2019	Recommend Transmittal (8-0)	Request: Text amendment to Future Land Use Element Policy FLU8.1.1 relieving the density requirements for certain parcels with the Low Density Residential (LDR) future land use designation	
✓	BCC Transmittal October 22, 2019	Transmit (7-0)		
✓	Agency Comments December 2019	No Comments		
✓	LPA Adoption January 16, 2020	Recommend Adoption (6-0)		
	BCC Adoption	February 11, 2020	Revision: FLU8.1.1	

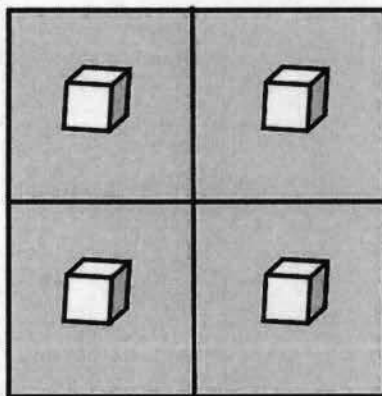
Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **ADOPTION** of Amendment 2019-2-C-FLUE-2, revising Future Land Use Element Policy FLU8.1.1.

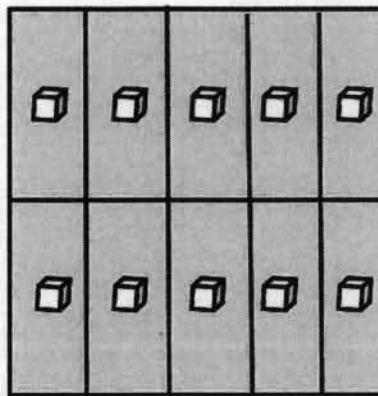
A. Background

In 1980, Orange County adopted the Growth Management Plan (GMP) along with a Future Land Use Map. As part of the GMP, the County established the Urban Service Area and the Rural Service Area along with future land use designations. The Urban Service Area (USA) is the area of the county in which a full range of urban services either exist or can be expected to be available. The Rural Service Area (RSA) generally contains agricultural and rural residential developments which do not require urban levels of service. These two broad areas contain future land use designations that are reflective of the existing land use and development that is envisioned, including residential, commercial, and industrial areas. Each future land use category establishes maximum densities for residential development and maximum intensities for commercial and industrial development. These established future land use designations and future land use map were ultimately adopted as the Comprehensive Plan in 1991.

The residential future land use designations establish the maximum density along with correlating zoning districts, listed in Future Land Use Element **Policy FLU8.1.1**. The zoning districts regulate (along with permitted uses and development standards) the minimum lot area, lot width, and setbacks for parcels. The Future Land Use designations within the Urban Service Area (USA) range in density from Low Density Residential (LDR) allowing up to four (4) dwelling units per acre to High Density Residential (HDR) allowing up to fifty (50) dwelling units an acre. The density requirements and the minimum lot area/parcel size should correlate. For example, a maximum density of four (4) units an acre would result in minimum lot sizes that range from one acre to 10,890 square feet (0.25 acres). A density maximum of ten (10) dwelling units an acre would result in lot sizes that range from one acre to four thousand three hundred fifty-six square feet (4,356 sq. ft.).¹



Low Density Residential (LDR)
4 dwelling units an acre
10,890 sq. ft. lot



Low Medium Density Residential (LMDR)
10 dwelling units an acre
4,356 sq. ft. lot

The focus of the current Comprehensive Plan amendment is on those parcels within the Urban Service Area that have a Low Density Residential (LDR) future land use designation and, because they cannot meet the minimum density requirements, become inconsistent with the density requirement although they can still meet the minimum standards of the zoning district. This is problematic because there are existing lots located in zoning districts in the Low Density Residential

¹ The smallest lot size permitted by the zoning code is 4,500 sq. ft.

(LDR) future land use designation that allow minimum lot sizes that are less than the density will permit.

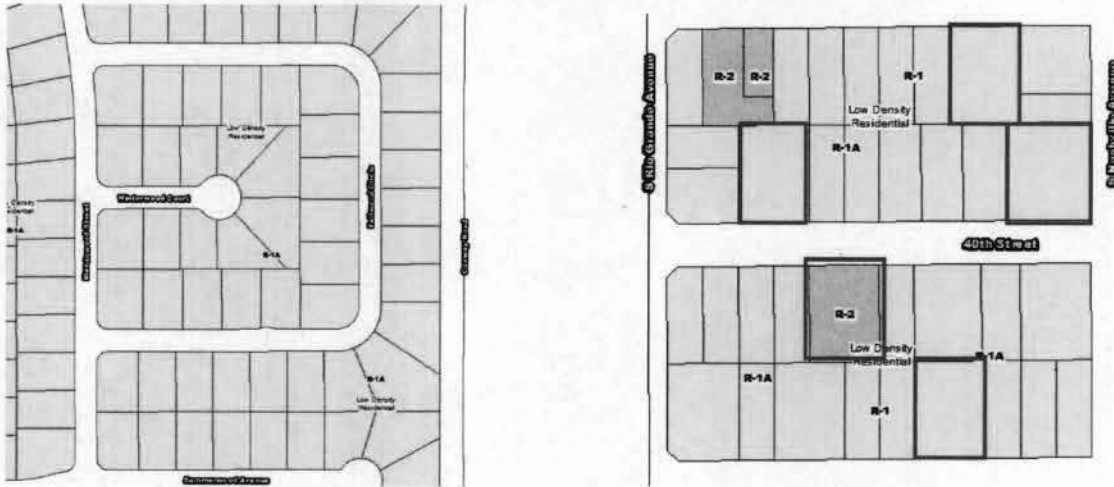
The table below lists the zoning districts that correlate with the Low Density Residential (LDR) future land use designation. The zoning districts with minimum lot area standards meeting the density requirement of Low Density Residential (LDR) are shaded in light grey. The zoning districts with special zoning standards that apply are shaded in dark grey. The remaining parcels are those with minimum lot area requirements that do not correlate with the Low Density Residential (LDR) density. Those that are unshaded are the subject of this amendment.

Table 1 Zoning Districts that Correlate with Low Density Residential Future Land Use

Zoning	Minimum Lot Area	Minimum Lot Width
R-CE (Country Estate District)	43,560 sq. ft. (1 acre)	130'
R-1AAAA (Residential Urban District)	21,780 sq. ft. (1/2 acre)	110'
R-1AAA (Residential Urban District)	14,520 (1/3 acre)	95'
R-1AA (Single-Family Dwelling)	10,000	100'
R-1A (Single-Family Dwelling)	7,500	75'
R-1 (Single-Family Dwelling)	5,000	50'
R-2 (Residential District)	Single-Family 4,500	45'
	Two Dwelling Units 8,000/9,000 sq. ft.	80'/90'
R-T-1 (Mobile Home Subdivision District)	4,500 sq. ft.	45'
R-T-2 (Mobile Home and Single-Family Dwelling District)	Depends on when lot was platted	Depends on when lot was platted
PD	Special	Special
U-V	Special	Special
R-L-D	Special	Special

The illustrations below are examples of two areas that have a future land use designation of Low Density Residential (LDR).

- The map to the left is of a neighborhood where the density and the zoning are consistent and reflect the parcel sizes. This neighborhood was platted in 1973.
- The map to the right is an area where the density and zoning are consistent but have some lots that meet the minimum lot area but do not meet the minimum density requirement, such as those outlined in red. This neighborhood was platted in 1924.

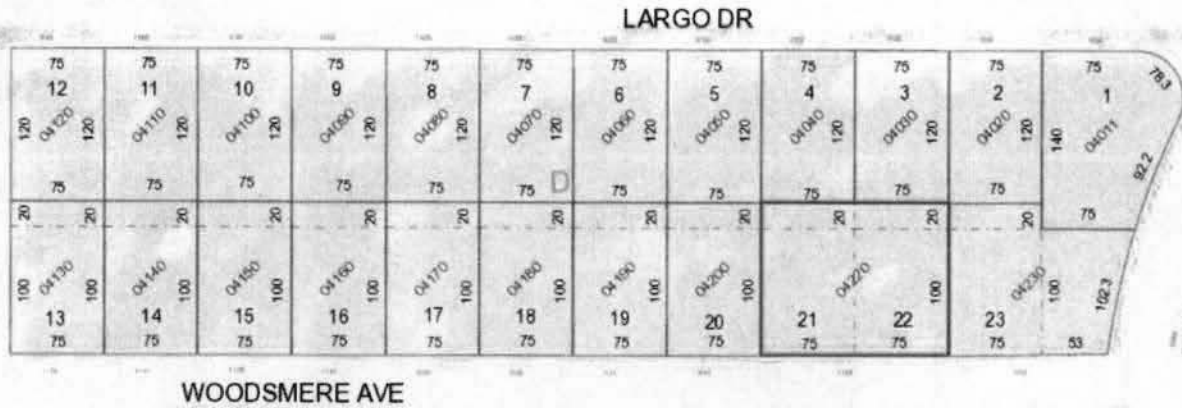


This inconsistency creates a situation where an owner who wishes to revert to the original lot configuration or create lots that are similar in size to others in the immediate area cannot because the existing lot is not large enough for the necessary area to meet the density requirements to qualify for a lot split.

Lot Splits

There are instances where two platted lots were previously combined into one parcel and the owner requests to split the parcel into the original configuration of two lots. However, the proposed parcels do not meet the density requirement of the Low Density Residential future land use designation, preventing the applicant from applying for a lot split. The reason for this is the density requirements of the Comprehensive Plan are not eligible for waivers.

The parcels in the illustration below have a Low Density Residential (LDR) Future Land Use and R-1A (Single-Family Dwelling District) zoning. The parcels have a lot width of seventy-five feet (75') and a lot area of seven thousand five hundred square feet (7,500 sq. ft.), meeting the minimum lot width and lot area requirements. However, these existing parcels do not meet the minimum density requirements of the LDR future land use of a quarter acre (10,890 sq. ft.). The parcel outlined in blue consists of two lots that were combined into one. The owner cannot revert to the original lot configuration, which is consistent with the other lots in the block, because the proposal would create lots with an area of 7,500 square feet and that does not meet the minimum density requirement of the Low Density Residential future land use designation of 10,890 square feet (0.25 acre).



In this situation, to allow the lot split, a property owner would apply for a Future Land Use Map amendment, requesting to change the future land use from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) increasing the density from four (4) dwelling units per acre to (10) dwelling units per acre. Future land use designations are intended to apply to an area, not to individual parcels; therefore, such an amendment would likely not be approvable. However, without amending the Future Land Use Map to a designation with a higher density, the parcel cannot be split, even while the parcel meets the minimum standards of the underlying zoning district. This situation runs counter to adopted policy of allowing infill development where it is compatible with adjacent properties.

Location of Parcels

Staff analyzed parcels similar to the example above, to understand the extent of this inconsistency and the location of these parcels. The map below illustrates the location of parcels with R-1A, R-1, R-2, and R-T-1 zoning districts with Low Density Residential (LDR) future land use. The red boundary is the Urban Service Area (USA). The majority of the parcels are located within the USA adjacent to municipalities. The parcels within the USA are the focus of the proposed text amendment.

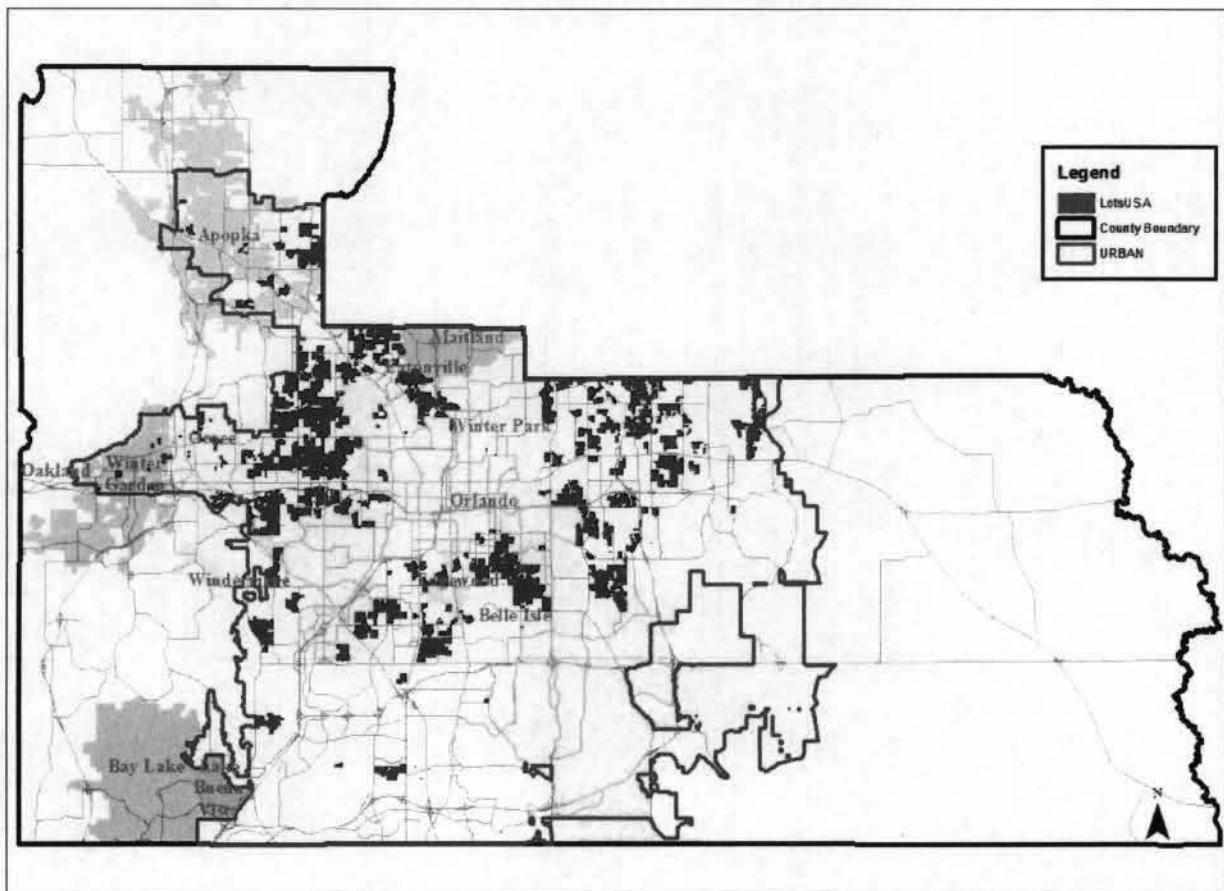
Within Orange County, there are approximately 134,000 parcels with Low Density Residential (LDR) Future Land Use. Of these, there are 74,600 parcels with R-1A, R-1, R-2, or R-T-1 zoning and Low Density Residential (LDR) future land use. To further refine the data, staff excluded those parcels located within the Rural Service Area and included those within the Urban Service Area with a return of 71,568 parcels.

To aggregate the data, staff extrapolated the lots that are greater than twice the minimum lot area. For example, for the R-1A (Single-Family Dwelling District), the minimum lot area used was 15,000 sq. ft. The reason for doubling the minimum lot area is the existing parcel must exceed the minimum required by twice the requirement to create two parcels that meet the minimum requirement. The result of this caused the return of all lots that exceed double the minimum requirement, including parcels that have not been subject to subdivision. This return also includes parcels that are located outside of the Urban Service Area. Deducting these parcels gave the eligible parcel counts of the fifth column.

Table 2

Zoning District	Minimum Lot Area	Total Parcels	Minimum Lot Area Needed to Split	Number of Parcels Eligible to Split
R-1A (Single-Family Dwelling)	7,500 sq. ft.	42,236	15,000 sq. ft.	5,157
R-1 (Single-Family Dwelling)	5,000 sq. ft.	24,160	10,000 sq. ft.	7,522
R-2 (Residential District)	4,500 sq. ft. single-family	5,172	9,000 sq. ft.	1,671
R-T-1 (Mobile Home Subdivision District)	4,500 sq. ft.	0	9,000 sq. ft.	0

Low Density Residential Parcels with R-1A, R-1, R-2 or R-T-1 Zoning



Regulations in Place

Orange County has regulations pertinent to residential development within the Orange County Land Development Code. These include the subdivision regulations in Chapter 34 and the zoning regulations in Chapter 38.

The Orange County Subdivision regulations require a preliminary subdivision plan for the creation of more than four (4) lots or three (3) or more lot splits.

A proposed lot split must meet the minimum requirements of the underlying zoning district, including minimum lot area, lot width, front and side yard setbacks. A proposed lot split cannot create a nonconformity. Staff cannot recommend approval of a lot split for a parcel improved with a residence that cannot meet the setbacks.

B. Summary of Proposed Changes

Staff proposes amending the Comprehensive Plan to exempt single-family and two-family residences with a Low Density Residential future land use and R-1A, R-1, R-2, and R-T-1 zoning located within the Urban Service Area from the density requirement. This would allow lot splits that otherwise meet the zoning district requirements but do not meet the density requirement.

Staff analyzed the existing conditions to understand the extent to which the proposed amendment could affect residential parcels. The majority of the parcels that could be affected by this are allocated within the Urban Service Area in existing platted subdivisions. The proposed amendment would apply only to parcels located within the Urban Service Area that were platted prior to the Comprehensive Plan adoption in 1991. Parcels in the Rural Service Area or in Rural Settlements are not affected by this amendment. These areas, because of their unique nature, deserve additional staff analysis.

C. Policy Amendments

Following are the policy changes proposed by this amendment. The proposed amendments are shown in underline/strikethrough format. Staff recommends transmittal of the amendments.

FLU8.1.1

* * *

** For parcels located within the Urban Service Area and in subdivisions platted prior to July 1, 1991, the minimum residential density shall not apply to single-family dwellings within the Low Density Residential (LDR) future land use designation and which have an existing zoning of R-1A, R-1, R-2, and R-T-1, provided the proposed lot split meets the applicable site and building requirements of the Orange County land development regulations and all other applicable regulations.

* * *

ORDINANCE NO. 2020-_____

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 AN AMENDMENT PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES; 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 September 19, 2019, the Orange County Local Planning Agency ("LPA") held a public hearing on the transmittal of the proposed amendment to the Comprehensive Plan, as described in this ordinance; and

d. On October 22, 2019, the Orange County Board of County Commissioners ("Board") held a public hearing on the transmittal of the proposed amendment to the Comprehensive Plan, as described in this ordinance; and

30 e. On December 13, 2019, the Florida Department of Economic Opportunity (“DEO”)
31 issued a letter to the County relating to the DEO’s review of the proposed amendment to the
32 Comprehensive Plan, as described in this ordinance; and

33 f. On January 16, 2020, the LPA held a public hearing at which it reviewed and made
34 recommendations regarding the adoption of the proposed amendment to the Comprehensive Plan,
35 as described in this ordinance; and

36 g. On February 11, 2020, the Board held a public hearing on the adoption of the
37 proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to
38 adopt it.

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

41 **Section 3. Amendments to the Text of the Future Land Use Element.** The
42 Comprehensive Plan is hereby further amended by amending the text of the Future Land Use
43 Element to read as follows, with underlines showing new numbers and words, and strike-throughs
44 indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the
45 amendment number and editorial notes, and shall not be codified.)

46 * * *

47 **[Amendment 2019-2-C-FLUE-2 (fka 2019-2-B-FLUE-5):]**

48
49 FLU8.1.1

50
51 **** For parcels located within the Urban Service Area and in subdivisions**
52 **platted prior to July 1, 1991, the minimum residential density shall not**
53 **apply to single-family dwellings within the Low Density Residential**
54 **(LDR) future land use designation and which have an existing zoning**
55 **of R-1A, R-1, R-2, and R-T-1, provided the proposed lot split meets**
56 **the applicable site and building requirements of the Orange County**
57 **land development regulations and all other applicable regulations.**

58 * * *

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

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

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

67 (c) No development orders, development permits, or land uses dependent on this
68 amendment may be issued or commence before the amendment has become effective.

69
70
71
72 **ADOPTED THIS 11th DAY OF FEBRUARY, 2020.**

73
74 **ORANGE COUNTY, FLORIDA**
75 **By: Board of County Commissioners**

76
77
78
79 **By: _____**
80 **Jerry L. Demings**
81 **Orange County Mayor**

82
83 **ATTEST: Phil Diamond, CPA, County Comptroller**
84 **As Clerk to the Board of County Commissioners**
85

86
87
88 **By: _____**
89 **Deputy Clerk**
90
91
92