



# **ORANGE COUNTY**

**PLANNING DIVISION**

## **2021-2 OUT-OF-CYCLE REGULAR CYCLE 2021-2-C-FLUE-2**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**JANUARY 11, 2022  
TRANSMITTAL PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION





## Interoffice Memorandum

January 11, 2022

TO: Mayor Jerry L. Demings  
-AND-  
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: 2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment  
2021-2-C-FLUE-2 (Rural Settlement Perimeters – Policies FLU6.2.7 and  
FLU6.2.8)  
Board of County Commissioners (BCC) Transmittal Public Hearing

ODH  
for AV

The above-referenced 2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment is scheduled for a BCC transmittal public hearing on January 11, 2022. This amendment was heard by the Local Planning Agency (LPA) at a transmittal public hearing held on December 16, 2021. The staff report, including back-up material, has been provided under separate cover.

The report is also available online in the "AMENDMENT CYCLES" section of: [www.ocfl.net/PlanningDevelopment/ComprehensivePlanning](http://www.ocfl.net/PlanningDevelopment/ComprehensivePlanning). The 2021-2 Out-of-Cycle Regular Cycle Amendment entails one staff-initiated text amendment. This amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

Following the BCC transmittal public hearing, the proposed amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and other State agencies in February 2022. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be considered for adoption within 180 days of the comment letter. The adoption hearings are tentatively scheduled for the LPA on March 17, 2022 and the BCC on April 5, 2022.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5354 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net), or Gregory Gologowski, AICP, Chief Planner, Comprehensive Planning Section, Planning Division, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

AAV/sgw

Enc: 2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment BCC Transmittal Staff Report

c: Christopher R. Testerman, AICP, Deputy County Administrator  
Joel Prinsell, Deputy County Attorney  
Roberta Alfonso, Assistant County Attorney  
Whitney Evers, Assistant County Attorney  
Gregory Gologowski, AICP, Chief Planner, Planning Division

2019-1 Regular Cycle Out-of-Cycle Amendment (Village I Minimum Density and Road Agreement Timing Policies) – BCC Transmittal Public Hearing  
March 12, 2019  
Page 2

Read file

# TABLE OF CONTENTS

**INTRODUCTION.....Tab 1**

**OUT-OF-CYCLE AMENDMENT.....Tab 2**

***Out-of-Cycle Staff-Initiated Text Amendment***

Amendment			Page
1.	2021-2-C-FLUE-2 (Rural Settlement Perimeters – Policies FLU6.2.7 and FLU6.2.8)	Text amendment to Future Land Use Element Policies FLU6.2.7 and FLU6.2.8, allowing the owners of certain parcels of over 100 gross acres situated at the perimeter of Rural Settlements and meeting other specific location criteria to request a Future Land Use Map designation of Rural Settlement Low Density (RSLD 2/1)	1

2021-2 Out-of-Cycle Regular Cycle Comprehensive Plan Amendment						
Staff-Initiated Comprehensive Text Amendment						
Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Rezoner	Staff Rec	LPA Rec
2021-2-C-FLUE-2 (RS Perimeters - Policies FLU6.2.7 and FLU6.2.8)	Planning Division	Text amendment to Future Land Use Element Policies FLU6.2.7 and FLU6.2.8, allowing the owners of certain parcels of over 100 gross acres situated at the perimeter of Rural Settlements and meeting other specific location criteria to request a Future Land Use Map designation of Rural Settlement Low Density (RSLD 2/1)	Gregory Golgowski	N/A	Transmit	Transmit (7-0)
ABBREVIATIONS INDEX:		ABBREVIATIONS INDEX: CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective				

# **2021 SECOND REGULAR CYCLE OUT-OF-CYCLE STAFF-INITIATED TEXT AMENDMENT**

## **AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS TRANSMITTAL BOOK**

### **INTRODUCTION**

This is the Board of County Commissioners (BCC) transmittal public hearing book for the proposed Out-of-Cycle Second Regular Cycle Staff-Initiated Text Amendment (2021-2) to the Comprehensive Plan (CP). This amendment was heard by the Local Planning Agency (LPA) at a transmittal public hearing held on December 16, 2021. This amendment has been scheduled for a transmittal public hearing before the Board of County Commissioners (BCC) on January 11, 2022.

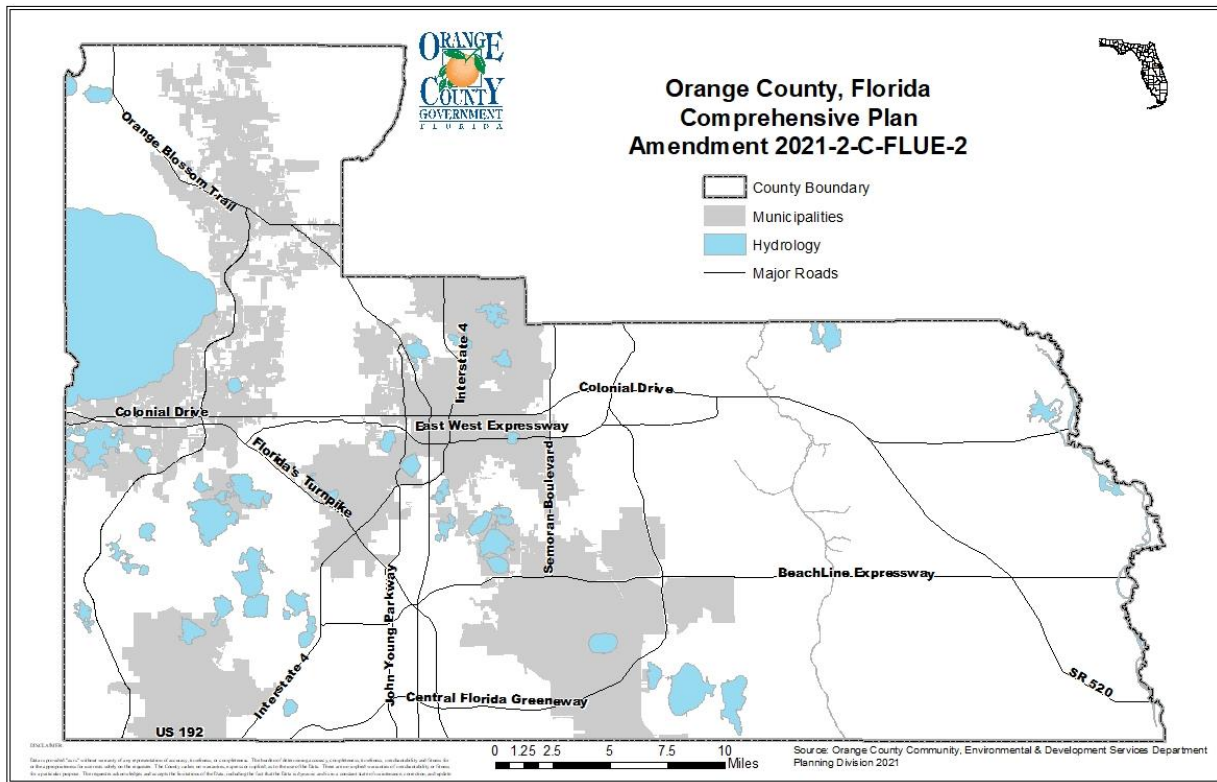
Please note the following modifications to this report:

<b>KEY TO HIGHLIGHTED CHANGES</b>	
<b>Highlight</b>	<b>When changes made</b>
<b>Yellow</b>	<b>At the LPA transmittal public hearing</b>

The 2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment entails proposed changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan. Since this is the transmittal stage for the amendment, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendment and provide comments, which expected in February 2022. Adoption public hearings are tentatively scheduled before the LPA on March 17, 2022 and before the BCC on April 5, 2022.

If the Out-of-Cycle Amendment is adopted by the BCC, it will become effective 31 days after DEO notifies the County that the plan amendment package is complete, provided no challenges are brought forth for the amendment. If adopted, the amendment is expected to become effective in May 2022.

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](mailto:Alberto.Vargas@ocfl.net) or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title: Amendment 2021-2-C-FLUE-2	
✓ Staff Report	Recommend Transmittal		Division: Planning	
✓ LPA Transmittal December 16, 2021	Recommend Transmittal (7-0)		Request: Text amendment to Future Land Use Element Policies FLU6.2.7 and FLU6.2.8, allowing the owners of certain parcels of over 100 gross acres situated at the perimeter of Rural Settlements and meeting other specific location criteria to request a Future Land Use Map designation of Rural Settlement Low Density (RSLD 2/1).	
BCC Transmittal January 11, 2022			Revision: Policies FLU6.2.7 and FLU6.2.8.	
State Comments February 2022				
LPA Adoption March 17, 2022				
BCC Adoption April 5, 2022				

## Staff Recommendation

This request involves a staff-initiated text amendment to Future Land Use Element Policies FLU6.2.7 and FLU6.2.8 to allow consideration of privately-initiated amendments to the Future Land Use Map that would increase the allowable residential densities of certain individual parcels of more than 100 gross acres located within a Rural Settlement from their current maximum net densities of one dwelling unit per five acres (Rural Settlement 1/5), one dwelling unit per two acres (Rural Settlement 1/2), and/or one dwelling unit per acre (Rural Settlement 1/1) to a maximum net density of two dwelling units per acre (Rural Settlement Low Density). Parcels eligible for such consideration must be situated on the border of their respective Rural Settlement and must be located adjacent to unincorporated parcels outside of the Rural Settlement with a Future Land Use designation of Low Density Residential (up to four units per net acre) or Low-Medium Density Residential (up to ten units per net acre). If adopted, the proposed amendment will provide for a residential density transition at the edge of Rural Settlements while still ensuring the preservation of their rural character.

Staff recommends that the Board of County Commissioners find Amendment 2021-2-C-FLUE-2 to be sufficiently complete and transmit it for state and regional agency review.

## A. Background

This proposed amendment is intended to provide for a residential density transition at the edge of Rural Settlements under certain conditions.

When Rural Settlements were first recognized by the Comprehensive Plan, the aforementioned residential Future Land Use designations were established to reflect their existing conditions, preserve their prevailing development patterns at the time of the Plan's July 1, 1991, adoption, and help protect each community's unique rural character, history, and resources. Four residential Rural Settlement designations and their corresponding densities—ranging from one unit per five acres to two units per acre, as discussed above—have been created to date. The densest of these, Rural Settlement Low Density (RSLD 2/1) was intended to recognize the higher densities of suburban lots within Rural Settlements that existed at the time of Plan adoption, as set forth in Future Land Use Element Policy FLU1.1.4 H. This Policy further states that the RSLD 2/1 designation may also be suitable for future residential projects in Rural Settlements, but only where they abut urban development in adjacent municipalities.

A Future Land Use Map Amendment petition for the Grassmere PD, Amendment 2021-2-A-2-1, is currently proceeding through the public hearing process as part of the 2021-2 Regular Cycle and entails a desired Future Land Use (FLU) change from Rural Settlement 1/1 (RS 1/1) to RSLD 2/1. As the 124.08-acre Grassmere property, located in the Zellwood Rural Settlement in northwest Orange County, does not meet the criterion of adjacency to a municipality with existing development of greater density or intensity, staff determined that the proposed change could not be found consistent with the Comprehensive Plan. Staff therefore recommended to the Local Planning Agency (LPA) that it not be transmitted for state review. The LPA endorsed that recommendation at its August 19, 2021, meeting. As of this writing, the requested amendment is scheduled to be heard at the Board of County Commissioners' (BCC's) January 11, 2022, meeting for a transmittal determination. In the event the BCC finds the proposal suitable for transmittal, staff is proposing the amendments to Comprehensive Plan Policies FLU6.2.7 and FLU6.2.8



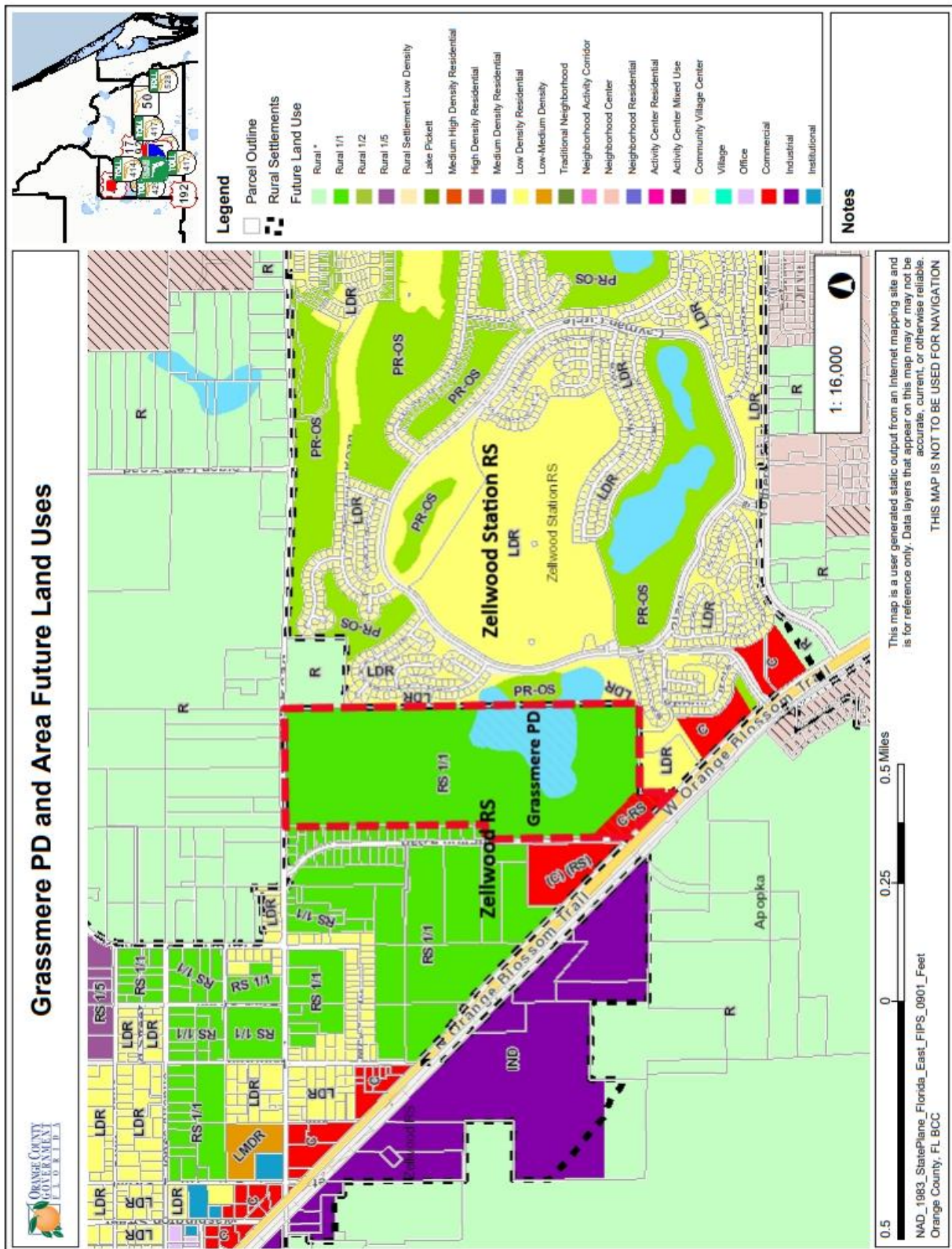
detailed in this staff report to provide a policy basis for finding the Grassmere proposal consistent with the Comprehensive Plan.

## **B. Amendment Discussion**

As noted above, Policy FLU6.2.8 supports a net residential density of two units per acre for Rural Settlement parcels adjacent to development at higher densities or intensities within a municipality. While the Grassmere PD parcel that is the subject of Amendment 2021-2-A-2-1 is not adjacent to a municipality, it is contiguous along its eastern boundary to a development, the 843-acre Zellwood Station PD, approved by the BCC on October 30, 1973. The residential component of Zellwood Station, designated as its own Rural Settlement, has a constructed density of 2.6 units per acre, consistent with its BCC approval and its Low Density Residential FLU classification, assigned via the July 1, 1991, Comprehensive Plan adoption. (The Zellwood Station golf course has a corresponding FLU designation of Parks and Recreation/Open Space, while its undeveloped commercial tracts fronting W Orange Blossom Trail are classified as Commercial.) It should also be noted that existing residential development on Junction Road along Grassmere's western boundary—although likewise located within the Zellwood Rural Settlement and designated Rural Settlement 1/1—consists of roughly 1/2-acre lots, i.e. at the same 2:1 density proposed in the Grassmere petition. (See Map: *Grassmere PD and Area Future Land Uses* on the following page.)

The Grassmere applicant, Tom Sullivan of GrayRobinson, P.A., has therefore argued that allowing the RSLD 2/1 density on the Grassmere site would be compatible with the densities of the adjacent properties. In recognition of that position, staff is proposing the current amendment of Policies FLU6.2.7 and FLU6.2.8 that would enable the approval of the RSLD 2/1 FLU designation through the application of stringent location criteria, summarized as follows: A single parcel within a Rural Settlement with a minimum area of 100 gross acres must have at least 25% of its perimeter adjacent to unincorporated land outside that Rural Settlement with an adopted FLU designation of Low Density Residential (LDR) or Low-Medium Density Residential (LMDR). Separation by a public right-of-way shall not constitute adjacency. Adoption of this text amendment and approval of the RSLD 2/1 classification proposed in the Grassmere Future Land Use Map Amendment application would result in an area of transitional land use between the LDR parcels to the east and the Rural Settlement 1/1 (RS 1/1) properties to the west. Staff emphasizes, though, that to create an effective, recognizable land use transition, such a density increase should not be available to small, individual parcels of limited acreage, but rather should be applied solely to larger parcels where natural buffers, contiguous open space, protection of environmentally-sensitive land, and clustering of lots can occur to preserve the rural character while creating a transition in density.

The Wekiva Study Area Open Space Element Policy OS1.3.4 provides a model for the goal of protecting open space, providing for aquifer recharge, and for clustering development. Associated Policy OS1.3.6 B. (3) requires that residential development with a density greater than one unit per acre on more than 100 acres set aside 70% or more of the site's total upland area as permanently-protected open space. If this proposed text amendment and Amendment 2021-2-A-2-1 are adopted, both policies will be applicable to the Grassmere development. Therefore, this text change is intended to apply only to individual parcels of more than 100 acres to allow sufficient room to create a clustered transitional development with meaningful open space protection that will maintain the character of the surrounding Rural Settlement.



### C. Proposed Policy Amendments

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

FLU6.2.7 Amendments to the residential densities of the Rural Settlement shall not allow residential densities greater than one dwelling unit per acre, except for those exemptions listed below:

- A. Land designated Low Density Residential ~~and/or~~ Low-Medium Density Residential at the time of the July 1, 1991, Comprehensive Plan adoption;
- B. Land meeting the location and/or size criteria established in Policy FLU6.2.8;
- ~~B-C.~~ County-certified affordable housing projects that are rural in character and meet the Small Scale ~~FLUM~~Future Land Use Map Amendment criteria and requirements. (Added 6/94, Ord. 94-13; Amended 12/00, Ord. 00-25, Policy 2.1.10)

FLU6.2.8 Residential development in a Rural Settlement may be permitted ~~up to~~ at a maximum density of two (2) dwelling units per acre under the Rural Settlement Low Density (RSLD 2/1) Future Land Use Map designation in limited areas that are adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions, or on an individual parcel of more than 100 gross acres situated within and along the perimeter of a Rural Settlement and adjacent to unincorporated land outside that Rural Settlement and designated Low Density Residential or Low-Medium Density Residential on the Future Land Use Map, provided such individual parcel is recognized by the Orange County Property Appraiser's official records as in existence on [insert the date of adoption of this amendment to FLU6.2.8 in 2022, once known].

Land designated RSLD 2/1 is intended to serve as a buffer and transition, provided with site design standards—including those otherwise required pertaining to minimum open space and environmentally-sensitive land—are provided to ensure compatibility with the surrounding Rural Settlement development. This provision is intended to serve as a buffer and transition. The Future Land Use designation of Rural Settlement Low Density Residential shall be restricted to no more than 2 DU/AC. "Adjacent" per this Policy shall mean at least 25 percent parcel perimeter contiguity, excluding separation by a public right-of-way. An area or Pparcels greater than 25 Acres benefitting from this Policy must be approved as a PD. Higher density shall only be considered if existing or vested development. Adjacency requires a minimum of 25% contiguity. Such increased density shall not be an impetus for the provision of central services elsewhere within the Rural Settlements. (Added 6/94, Ord. 94-13, 12/00, Ord. 00-25, Policy 2.1.17-r)

**Clean Version**

FLU6.2.7 Amendments to the residential densities of the Rural Settlement shall not allow residential densities greater than one dwelling unit per acre, except for those exemptions listed below:

- A. Land designated Low Density Residential or Low-Medium Density Residential at the time of the July 1, 1991, Comprehensive Plan adoption;
- B. Land meeting the location and/or size criteria established in Policy FLU6.2.8;
- C. County-certified affordable housing projects that are rural in character and meet the Small Scale Future Land Use Map Amendment criteria and requirements. (Added 6/94, Ord. 94-13; Amended 12/00, Ord. 00-25, Policy 2.1.10)

FLU6.2.8 Residential development in a Rural Settlement may be permitted at a maximum density of two (2) dwelling units per acre under the Rural Settlement Low Density (RSLD 2/1) Future Land Use Map designation in an area adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions or on an individual parcel of more than 100 gross acres situated within and along the perimeter of a Rural Settlement and adjacent to unincorporated land **outside that Rural Settlement and** designated Low Density Residential or Low-Medium Density Residential on the Future Land Use Map, provided such individual parcel is recognized by the Orange County Property Appraiser's official records as in existence on **[insert the date of adoption of this amendment to FLU6.2.8 in 2022, once known]**.

Land designated RSLD 2/1 is intended to serve as a buffer and transition, with site design standards—including those otherwise required pertaining to minimum open space and environmentally-sensitive land—to ensure compatibility with surrounding Rural Settlement development. "Adjacent" per this Policy shall mean at least 25 percent parcel perimeter contiguity, excluding separation by a public right-of-way. An area or parcel greater than 25 acres benefitting from this Policy must be approved as a PD. Such increased density shall not be an impetus for the provision of central services elsewhere within the Rural Settlement. (Added 6/94, Ord. 94-13, 12/00, Ord. 00-25, Policy 2.1.17-r)

## D. Policy References

### Future Land Use Element

FLU1.1.4 In addition to the residential densities listed in FLU1.1.2(A), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(B). The Future Land Use and Zoning Correlation table is found in FLU8.1.1. (Added 8/92, Ord. 92-24 8/93, Ord. 93-19, Policy 1.1.11-r; Amended 6/10, Ord. 10-07; Amended 12/14, Ord. 2014-30; Amended 11/17, Ord. 2017-19)

\* \* \*

**H RURAL, LAKE PICKETT, AND RURAL SETTLEMENT RELATED** – These Future Land Use designations are applicable only to areas outside the County's Urban Service Area. Uses such as agricultural or agricultural-related activities predominate. These Future Land Use designations also are appropriate for locations in which residents prefer a rural lifestyle with limited services. Policies for these locations are found in Future Land Use Element Goal 6. (Amended 07/16, Ord. 2016-17)

<b>Table 1.1.4H – Rural and Rural Settlements</b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b>Rural – Rural Service Area</b>		
Rural/Agricultural (R)	Rural promotes long-term viability of agricultural uses as an economic asset while allowing single family residential on large lots. Compatible non-residential activity may be related to agribusiness.	1 DU/10 AC
<b>Rural Settlement related</b>		
Rural Settlement 1/5 (RS 1/5)	RS 1/5 recognizes and preserves existing development patterns, provides for a rural residential lifestyle, and manages the transition of rural areas near the USA.	1 DU/5 AC
Rural Settlement 1/2 (RS 1/2)	Similar to above but the acreage required is less.	1 DU/2 AC
Rural Settlement 1/1 (RS 1/1)	Similar to above, but lots once again are smaller size.	1 DU/1 AC
Rural Settlement Low Density (RSLD 2/1)	RSLD is intended to recognize existing development patterns and rural and suburban lots at 2 DU/AC. However, this category may be suited for new residential projects abutting urban development in adjacent municipalities.	2 DU/1 AC
Office (O) (RS)	See Future Land Use Element Policy FLU6.2.9	0.15
Commercial (C)(RS)	See Future Land Use Element Policy FLU6.2.9	0.15

Lake Pickett (LP)	The LP designation provides for a transition of development from surrounding rural neighborhood densities and preservation areas to more dense development towards the center of the Lake Pickett Study Area. Transition is provided through compatibility measures.	Transect-based; Densities/intensities established on a Conceptual Regulating Plan
<p>The following are footnotes applicable to the above tables related to FLU1.1.4.</p> <p>FAR – Floor Area Ratio: The amount of permitted, developable floor area of a building to the area of the lot.</p> <p>ISAR – Impervious Surface Area Ratio: Ratio of impervious surface area to area of the affected wetland or recreation, as applicable. Commonly referred to as impervious coverage.</p> <p>*** Any area outside the impervious surface areas of a conservation area shall remain undisturbed in a natural state. Furthermore, the encroachments shall be limited to restrictions in C1.4.1 of the Conservation Element. (Added 8/92, Ord. 92-24; Amended 5/03, Ord. 03-03; Amended 10/03, Ord. 03-15, Policy 1.1.12-r)</p>		

## Open Space Element

OS1.3.4 A. Development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. All new residential subdivisions or developments that may be located entirely or partially within the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space. Such clustering is intended to be density neutral, and lot sizes may be adjusted as needed to accommodate preserved open space. Priority for open space protection shall be given to the following resources required to be protected by the Wekiva Parkway and Protection Act:

1. the most effective recharge areas;
2. karst features; and
3. sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

B. The purposes of “open space design” within a development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost-effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space while remaining density and intensity neutral. The Land Development Code shall include requirements and incentives for open space/conservation subdivision design including minimum open space requirements, maximum lot size and design standards. (Amended 6/10, Ord. 10-07)

C. Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas. To the extent possible, preserved open space shall be used to create corridors and larger parcels more suitable for nature-based recreation, low-intensity agriculture, silviculture, aquifer recharge protection, or wildlife and habitat management, so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the

development. If a project is located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is required. "Compatible" means similar or complementary such as uplands adjacent to wetlands or isolated wetlands within flatwoods or scrub areas. (Amended 6/10, Ord. 10-07)

D. Open space property shall be preserved through publicly recorded, permanent conservation easements or similar legal instruments to preclude future development or further subdivision of the land while ensuring maintenance of and appropriate access to the open space areas in perpetuity. Preserved areas shall be owned in common by a property owners' association, a public agency, a land trust, or another appropriate entity. This open space shall be used for conservation, aquifer recharge protection, passive recreation, low intensity agriculture, or silviculture. Agriculture and silviculture operations shall adhere to the appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

E. Limited structures for common use or under common ownership may be allowed within the open space preserve areas, areas other than wetlands, conservation mitigation areas, conservation easements or wetland protective buffers. Homeowners' personal property and residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such. (Added 12/07, Ord. 07-20, Policy 1.3.5; Amended 6/10, Ord. 10-07)

OS1.3.6 For that portion of the Wekiva Study Area located within the Joint Planning Area of the City of Apopka, Orange County shall require compliance with minimum open space and density requirements described by the Joint Planning Area Agreement (JPA) with the City of Apopka adopted on October 26, 2004 and as may be amended. If a discrepancy exists between the City of Apopka and Orange County in terms of requirements, the most stringent shall apply. The County shall adopt Land Development Regulations for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats. (Amended 6/10, Ord. 10-07)

All areas shown as High Recharge Areas identified in the Data and Analysis of this element on Map 4 (aka Figure WSA-3) shall be recognizable by the presence of Type "A" Hydrologic Soil Group identifying the most effective recharge areas. (Amended 6/10, Ord. 10-07)

During the site planning process, a soil analysis shall be performed by a qualified professional to determine the location of most effective recharge areas, considered Type "A" Hydrologic soils described by the NRCS Soil Survey maps. (Amended 6/10, Ord. 10-07).

To maximize open space and preserve the natural environment within the Wekiva Study Area, all development shall conform to the following requirements:



An acceptable alternative plan to a configuration in which the required percentage of open space is located on site is a plan that ensures that the required percentage of open space is permanently preserved through the transfer of density credits, development rights, or property purchases (such off-site transfers shall be limited to property located within the Wekiva Springshed), and such open space shall be permanently protected through conservation easements or similar binding mechanisms. (Added 10/10, Ord. 2010-13)

The following policies describe areas of Orange County that contain special criteria for open space. For these following areas, all open space shall be permanently protected and unless otherwise noted, the clustering of open space is required.

**A. Residential land uses in the Rural Service Area.**

Within all areas designated as Rural/Agricultural, the following standards shall apply:

- 1) Development with densities less than or equal to one unit per ten acres (1du/10ac) – open space shall be 50% or greater.

**B. Residential land uses in existing Rural Settlements.**

Within all areas in the Wekiva Study Area designated as Rural Settlement, minimum lot size shall be determined by the availability of water and sewer services. Within any such development, any sensitive resource elements shall be permanently protected. The following standards shall apply:

- 1) Development with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- 2) Development with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater;
- 3) Development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater.