

Board of County Commissioners

Work Session

Vision 2050 and OCPS Concerns

May 20, 2025

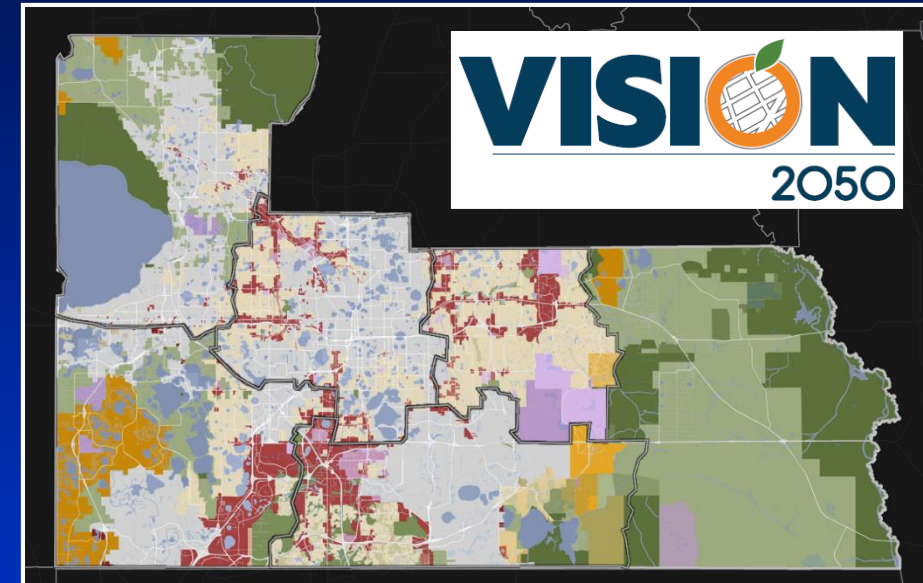


Presentation Outline

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- Purpose
- Background
- OCPS's Current Request
- Considerations
 - Legal
 - Planning
- Staff Recommendations
- Summary
- Board Direction

- Connect the dots between Vision 2050, OCPS concerns, and the Orange County Charter
- Provide historical context as to application of the Charter and school overcrowding
- Seek Board direction as to any policy changes to include with the Vision 2050 adoption hearing or future ordinance amendments





Background

■ Regular Board feedback...

- Compatible infill development
- Affordable, mixed-income housing
- Protection of the rural area and lifestyle
- Strong environmental protections
- Diverse and value-added economic development
- Growth that pays for itself
- Available infrastructure capacity to accommodate new development

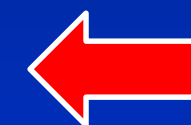


■ Implementation...

- Establish a Vision
- Develop a predictable and efficient growth management framework
- Calibrate the plan through public engagement
- Implement through a future land use and zoning map and application of land development regulations

- Vision 2050 is an organizing framework for future growth through the creation of Sectors:

–Targeted	177,000	(42%)
–Intended	65,000	(15%)
–Established	14,000	(3%)
–Rural	7,000	(2%)
–Preserved	0	(0%)
–Incorporated	159,000	(38%)
–Countywide	422,000	(100%)



Future land use
and zoning map
and associated
policies work to
ensure this will
happen



Orange County Charter

- **Section 704.B.2. and Chapter 30, Article XV**
 - Rezoning or comprehensive plan amendments that increase residential densities where OCPS cannot certify available capacity shall only take effect upon the approval of a significantly affected local government
 - Charter approved in 2004 and renewed in 2012
 - Implementing ordinance approved in 2006
 - ILA between Orange County, OCPS, and eventually municipalities
- **Between 2006 and 2019, the CEA process provided OCPS's certification of available capacity**
- **Legislative changes (HB 7103) in 2019 affected CEAs and the implementing ordinance was abated by the County in 2020**



Orange County Charter

- Because Vision 2050 is an administrative Plan update and not a private development application, OCPS does not precisely know where the growth will occur, and therefore cannot certify that capacity will be available to accommodate the entitlement change
- The Charter provision has only been applied to private development applications through the CEA process
- In 2006, the Board opined the Charter should not be applied to administrative code amendments
- Orange County has not adopted administrative updates to its Plan since 2006, but at least 1 municipality has, and several municipalities have major updates underway



Initial OCPS Concerns and Solution Framework

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Problem

- Entitlements are being conveyed absent consideration of school capacity
- Largest changes are in the Targeted Sector where school capacity is limited
- OCPS is not engaged in the development process

Solution

- OCPS was engaged in all development reviews
- Entitlements in the Targeted Sector were limited to 2030 plan levels
- DAA process was created for the Targeted Sector
 - Proceed if school capacity is available
 - May reduce, phase, negotiate with OCPS
 - May proceed with a public hearing before the Board



OCPS's Current Request

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- Objectives from Chair Jacobs' email on May 9, 2025
 - Extend school capacity reviews in all areas of unincorporated Orange County for all residential density increases, except those deemed *de minimis* by Orange County
 - Require County Commission approval for any application that would increase residential uses beyond available school capacity
 - Ensure consistency with the School Capacity Charter provision in the event overcrowding becomes so severe that the County Commission determines it is necessary to reactivate Sec. 30-742 of the Orange County Code (implements the School Overcrowding Charter Amendment)
 - Ensure a level playing field for municipalities



OCPS's Current Request

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- **Suggested Policy Changes from Chair Jacobs' email on May 9, 2025**
 - **The Density Activation Application process shall be considered a “rezoning” as defined in Section 30-741, Orange County Code.**
 - **Amend Section 30-742 to add a new section (e):**
 - (e) This section shall not apply to a jurisdiction wide administrative local government-initiated update to a comprehensive plan or rezoning which results in less than a 1% increase in student enrollment for the then current Orange County Public Schools K-12 traditional public school countywide enrollment. This exemption is limited to one such administrative update in any five-year period.**

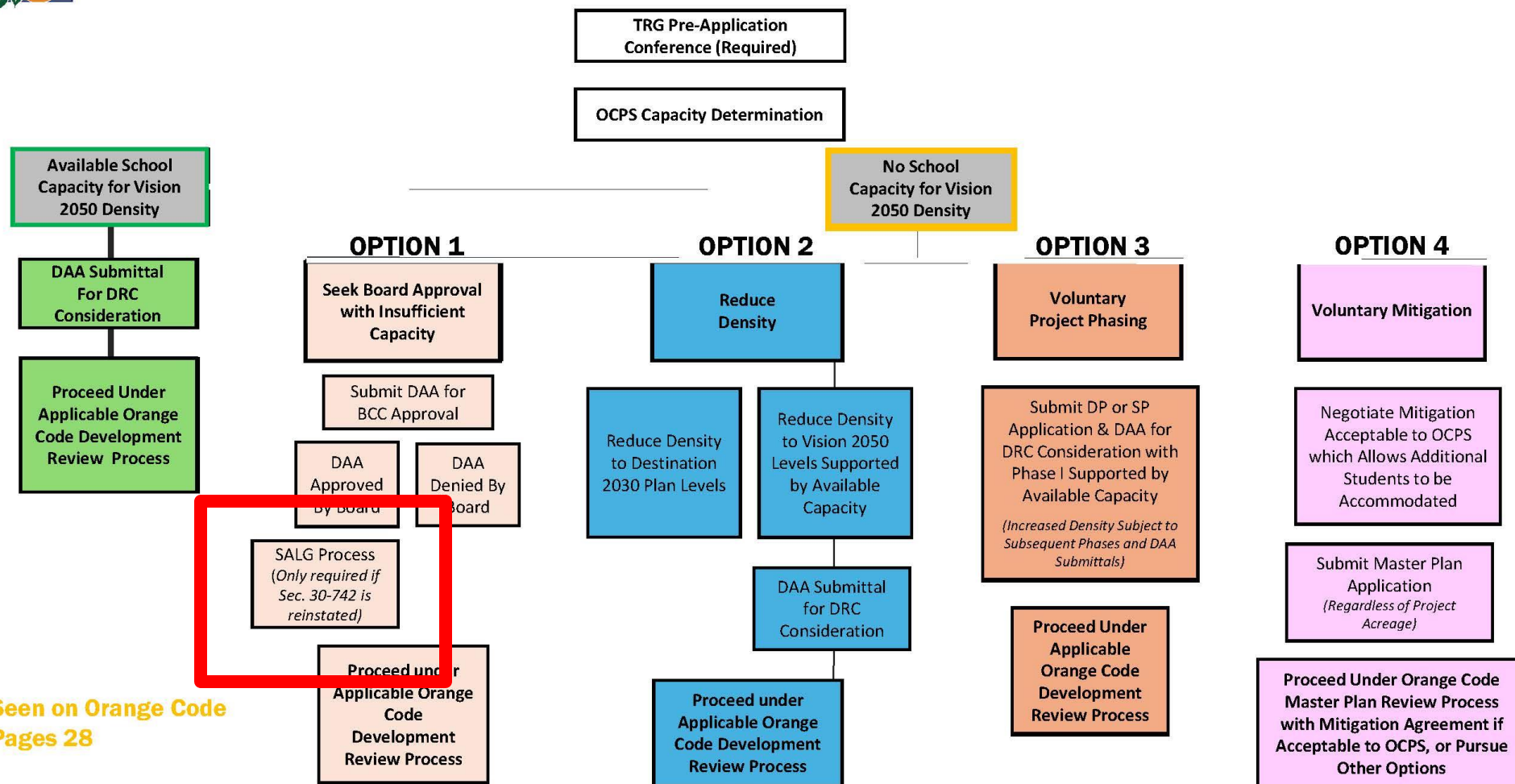


OCPS's Current Request

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NEW OR REVISED PROCESSES



Seen on Orange Code
Pages 28



Legal Considerations

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1. The Ordinance implementing the Charter is currently abated
2. EAR-based or local government administrative amendments have not previously been subject to Section 704.B.2.
3. An interpretation that EAR-based amendments and Code updates would delay their effectiveness until any SALG approval
4. The County's limiting of residential entitlements because of the Charter would suggest the municipalities adopt a similar limitation
5. OCPS's request effectively limits residential entitlements to being considered on an application-by-application basis, akin to concurrency
6. The DAA is not a rezoning and should not be treated as such



Planning Considerations

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7. “Guardrail” language may work for Vision 2050 but has not been discussed with the municipalities
8. Targeted Sector policies work for OCPS
9. Proposed policies balance requirements of Florida Statutes and Charter
10. Broader application of DAA and making it subject to the Charter would create significant uncertainty in entitlements and process
11. Residential density increases in the Established Sector amount to a maximum of ~5,600 units, or less than 1,700 students
12. Post Vision 2050 adoption, the County will still receive comprehensive plan amendments and rezonings



OCPS Request and Staff Recommendations

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1. Redefine the DAA to be a “rezoning” pursuant to 30-471

Policy Evaluation: The DAA is not a rezoning as it does not change the classification of zoning districts. Calling the DAA a rezoning would require a fundamentally different framework and approval process.

Staff Recommendation: Keep the DAA as defined. Adopt new Policy into Vision 2050 to address this issue as necessary at a future point in time:

LMN 1.4.4.13: To ensure consistency with Section 704.B.2. of the Orange County Charter, Orange County and OCPS shall monitor residential development, student generation rates, and school overcrowding. In the event overcrowding becomes so severe that the Board determines it is necessary to reactivate Sec. 30-742 of the Orange County Code to ensure consistency with the School Capacity Charter provision, the Board may review the DAA process and implement modifications to require the granting of residential entitlements within the Targeted Sector be subject to the multi-jurisdictional review requirements of the Charter and implementing Ordinance.



OCPS Request and Staff Recommendations

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2. OCPS's request to commit to threshold language for *de minimis*

Policy Evaluation:

- Would first require Board take a different position than in 2006 regarding applicability of the Charter to administrative amendments
- Any threshold should be based on *pro rata* student enrollment
- No discussions have occurred with municipalities about the Charter or how this might affect their ongoing or future plan updates

Staff Recommendation:

- If the Board decides that the Charter should apply to administrative amendments, any final language amending Sec 30-472 should be deferred to when the ordinance is unabated and following municipal outreach



OCPS Request and Staff Recommendations

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3. Ensure that changes in residential entitlements would otherwise be *de minimis*

Policy Evaluation:

- No density changes are proposed for the Preserved or Rural Sectors
- Density changes in the Intended Sector are required to rezone to PD
- Densities in the Targeted Sector are limited, with activation via the DAA
- Maximum density changes across the entire Established Sector amount to 5,608 units, or 1,682 students, much less than the estimated available school capacity in that sector

Staff Recommendation:

- No policy changes are required if the Board finds these changes *de minimis*, regardless of the Board's position regarding application of the Charter.

- Vision 2050 will not result in significant school overcrowding
- Vision 2050 policies balance statutory planning requirements and the intent of the Charter
- Application of the Charter to certain administrative updates would set a precedent and have far reaching implications
- Vision 2050 achieves the Board's policy objectives through an efficient and predictable framework
 - ✓ Compatible infill development
 - ✓ Affordable, mixed-income housing
 - ✓ Protection of the rural area and lifestyle
 - ✓ Strong environmental protections
 - ✓ Diverse and value-added economic development
 - ✓ Growth that pays for itself
 - ✓ Available infrastructure capacity to accommodate new development



Board Direction

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- Keeping in mind that the Ordinance implementing the Charter is currently abated, staff requests direction on the following:

1. Should the DAA be considered a “rezoning” as defined in Sec 30-741?

- If Yes, major changes to both Vision 2050 and Orange Code are needed.
- If No, no changes to the Plan are needed, but does the Board support including the new proposed policy in Vision 2050 as a compromise?

Staff
Rec. →

LMN 1.4.4.13: To ensure consistency with Section 704.B.2. of the Orange County Charter, Orange County and OCPS shall monitor residential development, student generation rates, and school overcrowding. In the event overcrowding becomes so severe that the Board determines it is necessary to reactivate Sec. 30-742 of the Orange County Code to ensure consistency with the School Capacity Charter provision, the Board may review the DAA process and implement modifications to require the granting of residential entitlements within the Targeted Sector be subject to the multi-jurisdictional review requirements of the Charter and implementing Ordinance.



Board Direction

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- Keeping in mind that the Ordinance implementing the Charter is currently abated, staff requests direction on the following:

2. **Should local government amendments remain exempted from the requirements of the Charter consistent with the 2006 direction of the BCC?**

Staff
Rec.



- If Yes, no changes are needed.
- If No, should the Board direct staff to consider a future amendment to Section 30-742 to provide a limited exception for local government amendments if/when school overcrowding concerns require re-implementation of the Charter?



Board Direction

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- Keeping in mind that the Ordinance implementing the Charter is currently abated, staff requests direction on the following:

3. Should the Established Sector density changes be considered *de minimis*?

Staff
Rec.

- ➔ • If yes, these areas would be exempted from the DAA and any policies limiting the granting of residential densities with Vision 2050.
- If no, policy revisions would be needed to expand application of the DAA which would have the effect of not granting any new residential entitlements with Vision 2050 across all of unincorporated Orange County.