

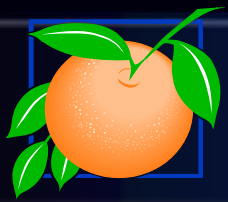
Board of County Commissioners

**2020-2 Out-of-Cycle Regular Cycle
Staff Initiated Text and Map
Amendments**

Transmittal Public Hearing

Agenda Item VI.H.11

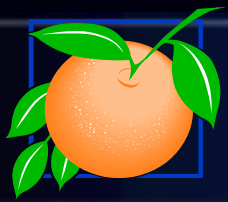
September 22, 2020



Amendment 2020-2-C-CP-1

Request: Text and Map Amendments to update the Comprehensive Plan to edit/delete Alternative Mobility Area (AMA) policies and the associated AMA Map to re-establish transportation concurrency within the current AMA boundary, and restore proportionate share and mitigation Countywide.

District: Countywide

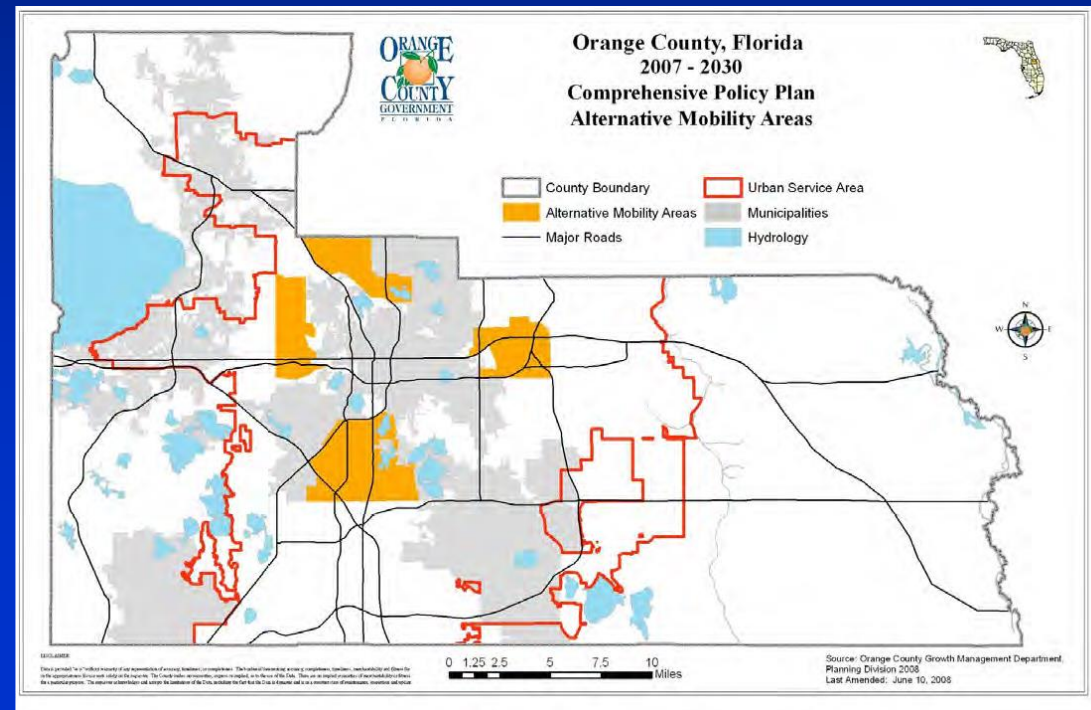


Amendment 2020-2-C-CP-1

AMA Policies Deleted: FLU2.3.3, OBJ T2.3, T1.3.2, T2.3.1-14

Policies with AMA References Modified: FLU1.1.4, FLU2.2.4, FLU2.2.6, FLU3.2.2

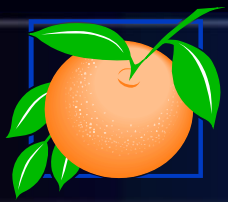
AMA Map 16 Deleted:





Amendment 2020-2-C-CP-1

- LPA Transmittal Hearing – August 20, 2020
- BCC Transmittal Hearing – **September 22, 2020**
- LPA Adoption Hearing – November 19, 2020
- BCC Adoption Hearing – December 15, 2020



Amendment 2020-2-C-CP-1

Staff Recommendation:

TRANSMIT

LPA Recommendation:

TRANSMIT

Recommended action:

Transmit Amendment 2020-2-C-CP-1 for state review

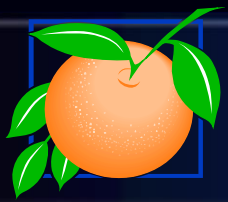
Board of County Commissioners

**2020-2 Out-of-Cycle Regular Cycle
Staff Initiated Text Amendments**

Adoption Public Hearings

Agenda Item VI.I.12

September 22, 2020



Amendment 2020-2-C-PSFE-1

Request:

Text amendment to Public Schools Facilities Element Policy PS6.3.1 addressing the ability of the Board to consider school overcrowding when reviewing certain Comprehensive Plan amendment and rezoning requests

District:

Countywide



Capacity Enhancement Agreements (CEAs)

- Any requested Comprehensive Plan Amendment or rezoning in Orange County (including its municipalities) involving a proposed increase in residential density must undergo **school capacity review** by OCPS.
- If there is **insufficient capacity** at an impacted elementary, middle, and/or high school, the prospective developer and OCPS must enter into a Capacity Enhancement Agreement (CEA).
- CEAs typically include provisions requiring the pre-payment of impact fees, a timing mechanism, and payment of a “capital contribution”, in addition to school impact fees.



House Bill 7103 (2019)

- **HB 7103 of 2019, amended Section 163.31801, Florida Statutes:**
 - (4) **The local government must credit** against the collection of the impact fee **any contribution**, whether identified in a proportionate share agreement or other form of exaction, related to public education facilities, including land dedication, site planning and design, or construction. Any contribution must be applied to reduce any education-based impact fees **on a dollar-for-dollar basis** at fair market value.*
- **Providing full credit negates the dollar value of the capital contribution.**
- **OCPS has taken the position that without the benefit of the capital contribution, they can no longer certify additional school capacity as required by Charter, Code, and adopted Interlocal Agreements (ILAs).**



Proposed Policy PS6.3.1 Amendment

PS6.3.1 –

Orange County **shall not approve** a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density on property that is not otherwise vested **until such time as OCPS has determined** whether sufficient capacity will exist concurrent with the development **or a capacity enhancement agreement is executed** that provides for the needed capacity to accommodate the proposed development.

(Added 6/08, Ord. 08-11)



Proposed Policy PS6.3.1 Amendment

PS6.3.1

~~Orange County shall not approve~~ When reviewing a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density ~~on property that is not otherwise vested,~~ Orange County shall seek input from ~~until such time as OCPS has determined as to whether sufficient school capacity will exist concurrent with the development, or a capacity enhancement agreement is executed that provides for~~ If OCPS indicates there is insufficient capacity in the affected schools, Orange County may take into consideration the severity of the overcrowding and the timing of the availability of the needed capacity to accommodate the proposed development when deciding whether to approve or deny the requested Comprehensive Plan amendment or rezoning. (Added 6/08, Ord. 08-11)



Proposed Policy PS6.3.1 Amendment

PS6.3.1

When reviewing a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density, Orange County shall seek input from OCPS as to whether sufficient school capacity will exist concurrent with the development. If OCPS indicates there is insufficient capacity in the affected schools, Orange County may take into consideration the severity of the overcrowding and the timing of the availability of the needed capacity to accommodate the proposed development when deciding whether to approve or deny the requested Comprehensive Plan amendment or rezoning.

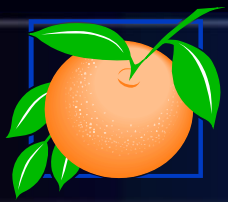


Amendment 2020-2-C-PSFE-1

Staff Recommendation: ADOPT

LPA Recommendation: ADOPT

- **Make a finding of consistency with the Comprehensive Plan;**
- **Determine that the proposed amendment is in compliance; and**
- **Adopt Amendment 2020-2-C-PSFE-1**



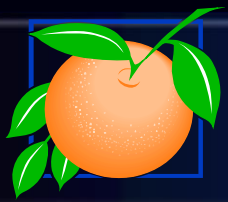
Amendment 2020-2-C-FLUE-2

Request:

Text amendment to Future Land Use Element Policy FLU8.2.5.1 addressing inconsistencies between parcel Future Land Use and Zoning designations to allow construction of a detached, single-family house

District:

Countywide



Amendment 2020-2-C-FLUE-2

FLU8.2.5.1 A rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations under the following circumstances:

- A. For non-residential uses when the proposed use is permitted in the existing zoning district, and the same use is permitted in each of the zoning districts that are consistent with the adopted FLUM designation; or
- B. For non-residential and residential uses when the proposed use is permitted in the existing zoning district, but the use would require a **special exception** if the property is rezoned to be consistent with the adopted FLUM designation. In this case, however, the same use must be permitted or allowed by special exception in each of the zoning districts that are consistent with the adopted FLUM designation.

Any development of such properties shall meet the minimum site and building requirements of the existing zoning district. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment.

LDR

LDR

LDR

LDR

E WALLACE ST

DUMONT ST

LDR

LDR

LDR

LDR

LDR

ANNO AVE

E FILLMORE AVE

LDR

LDR

LDR

LDR

C

C

C

R-3

R-3

R-3

R-3

DUMONT ST

E WALLACE ST

C-3

R-3

R-3

R-3

R-3

R-3

ANNO AVE

C-3

E FILLMORE AVE

R-3

R-3

R-3

R-3

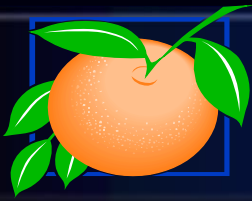
C-3

An aerial photograph of a residential neighborhood. The image shows a grid of streets: E Wallace St at the top, E Fillmore Ave at the bottom, and Dumont St running vertically through the center. A specific lot on the east side of Dumont St, between E Wallace St and E Fillmore Ave, is highlighted with a dashed black border. The neighborhood consists of single-family homes with green lawns and trees. The highlighted lot is currently empty, showing grass and some trees.

E WALLACE ST

DUMONT ST

E FILLMORE AVE



Amendment 2020-2-C-FLUE-2

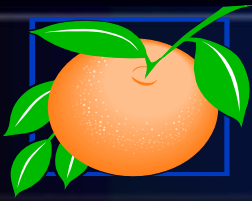
FLU8.2.5.1 A rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations under the following circumstances:

A. For non-residential uses when the proposed use is permitted in the existing zoning district, and the same use is permitted in each of the zoning districts that are consistent with the adopted FLUM designation; or

B. For non-residential and residential uses when the proposed use is permitted in the existing zoning district, but the use would require a special exception if the property is rezoned to be consistent with the adopted FLUM designation. In this case, however, the same use must be permitted or allowed by special exception in each of the zoning districts that are consistent with the adopted FLUM designation; or.

C. For residential uses when the proposed use is single-family detached residential and the Zoning and Future Land Use are both residential. The lot upon which the single-family detached residential is proposed must be a Lot of Record, or a lot created prior to July 1, 1991 through a plat, or a lot split as recognized by Orange County.

Any development of such properties shall meet the minimum site and building requirements of the existing zoning district, **except for substandard Lots of Record**. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment.



Amendment 2020-2-C-FLUE-2

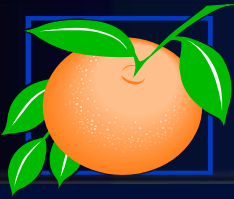
Staff Recommendation:

ADOPT

LPA Recommendation:

ADOPT

- **Make a finding of consistency with the Comprehensive Plan;**
- **Determine that the proposed amendment is in compliance; and**
- **ADOPT Amendment 2020-2-C-FLUE-2**



Out-of-Cycle Regular Development Ordinance

Staff Recommendation:

ADOPT

Action Requested:

- **Make a finding of consistency with the Comprehensive Plan, determine that the amendments are in compliance, and adopt the Ordinance approving the proposed Text Amendments, consistent with today's action.**

Board of County Commissioners

**2019-2 Small-Scale
Privately-Initiated Map Amendment**

Adoption Public Hearing

Agenda VI.I.13

September 22, 2020



Amendment 2019-2-S-1-2

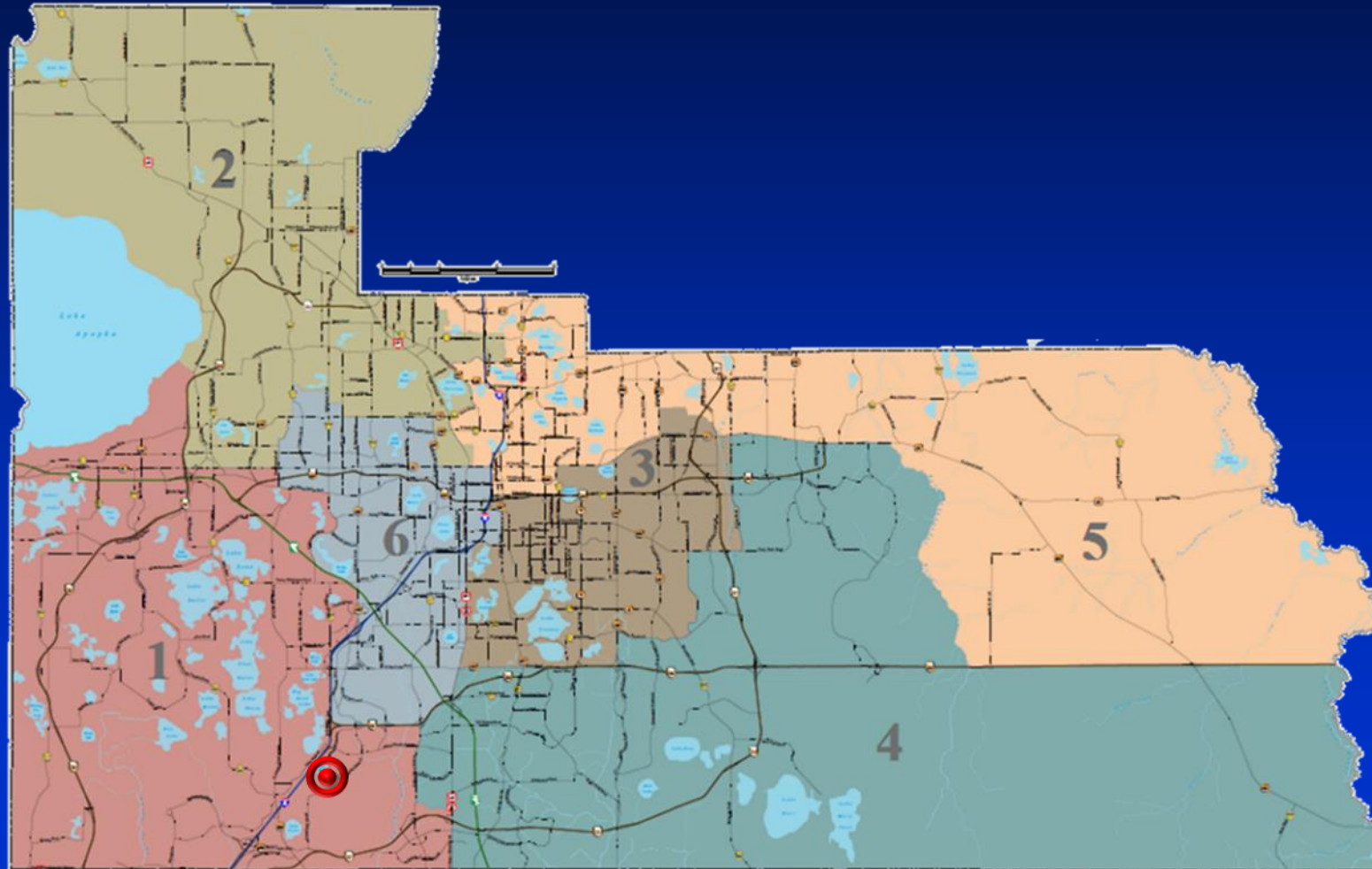
Rezoning Case LUP-19-08-258

- Agent:** Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
- Owner:** Westwood Partners Group, LLC
- From:** Activity Center Residential (ACR) and R-CE (Country Estate District)
- To:** Planned Development-Medium Density Residential (PD-MDR) and PD (Planned Development District) (Townhomes at Westwood PD/LUP)
- Acreage:** 8.88 gross/4.02 net developable acres
- Proposed Use:** Up to 43 single-family attached dwelling units



Amendment 2019-2-S-1-2 Rezoning Case LUP-19-08-258

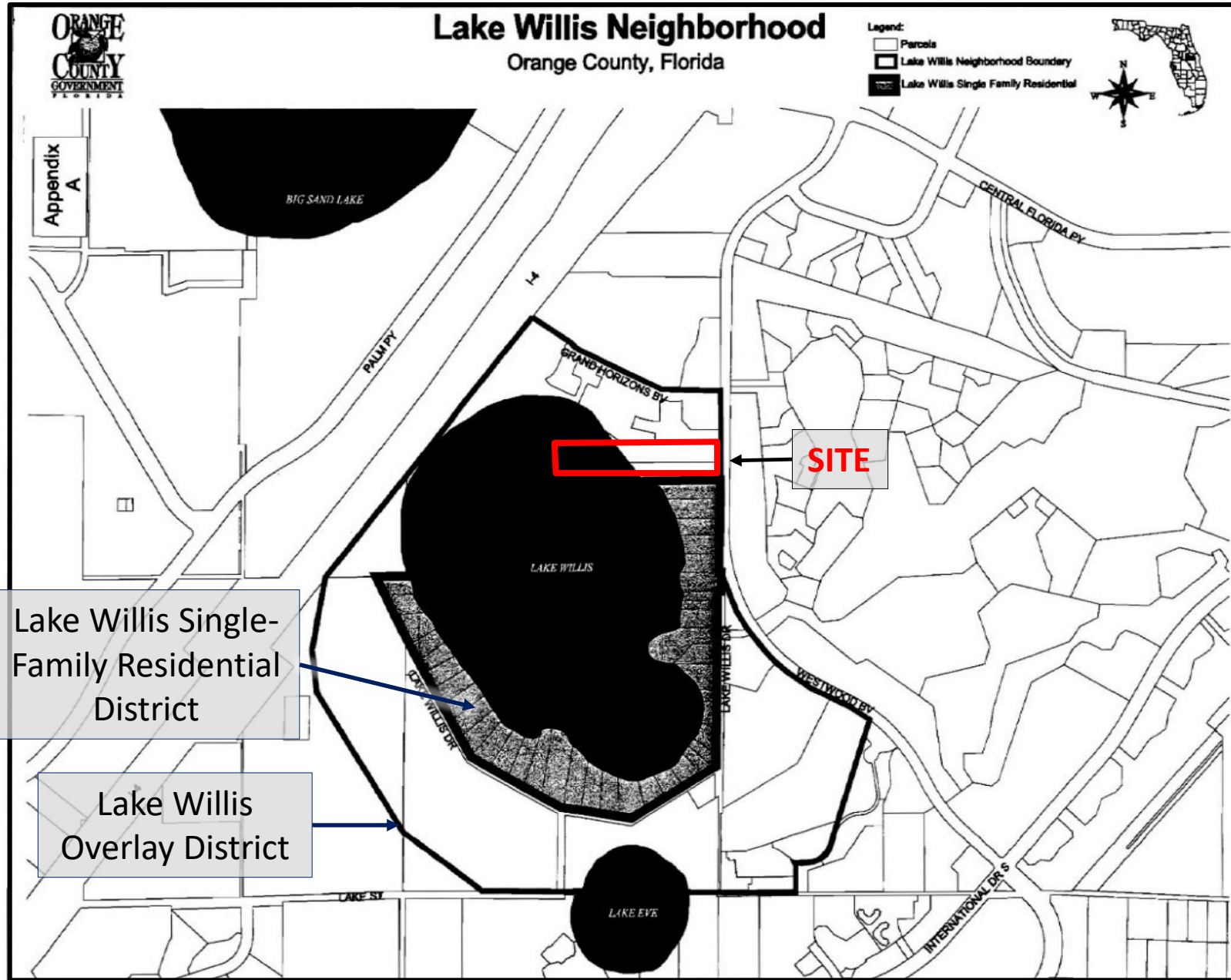
Location

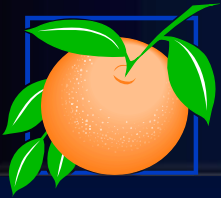


Aerial



Lake Willis Neighborhood Overlay District





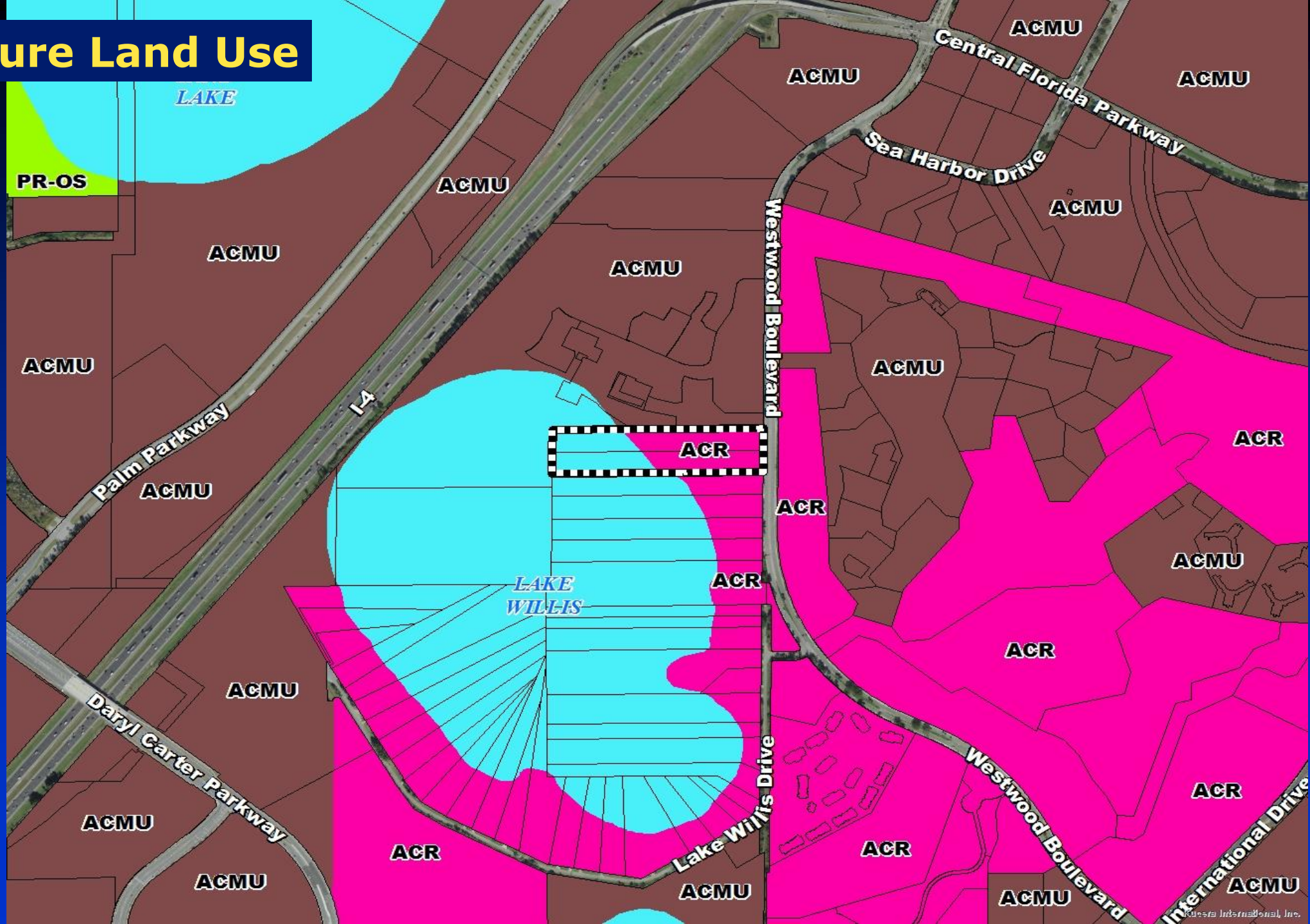
Property History

- **Previously considered as Rezoning Case LUP-16-09-335 (R-CE to PD) (Townhomes at Westwood PD/LUP)**
 - **Activity Center Residential (ACR) Future Land Use**
 - **Up to 80 single-family attached units proposed**
 - **LPA: Approval recommendation May 17, 2018**
 - **BCC: Denied July 10, 2018**

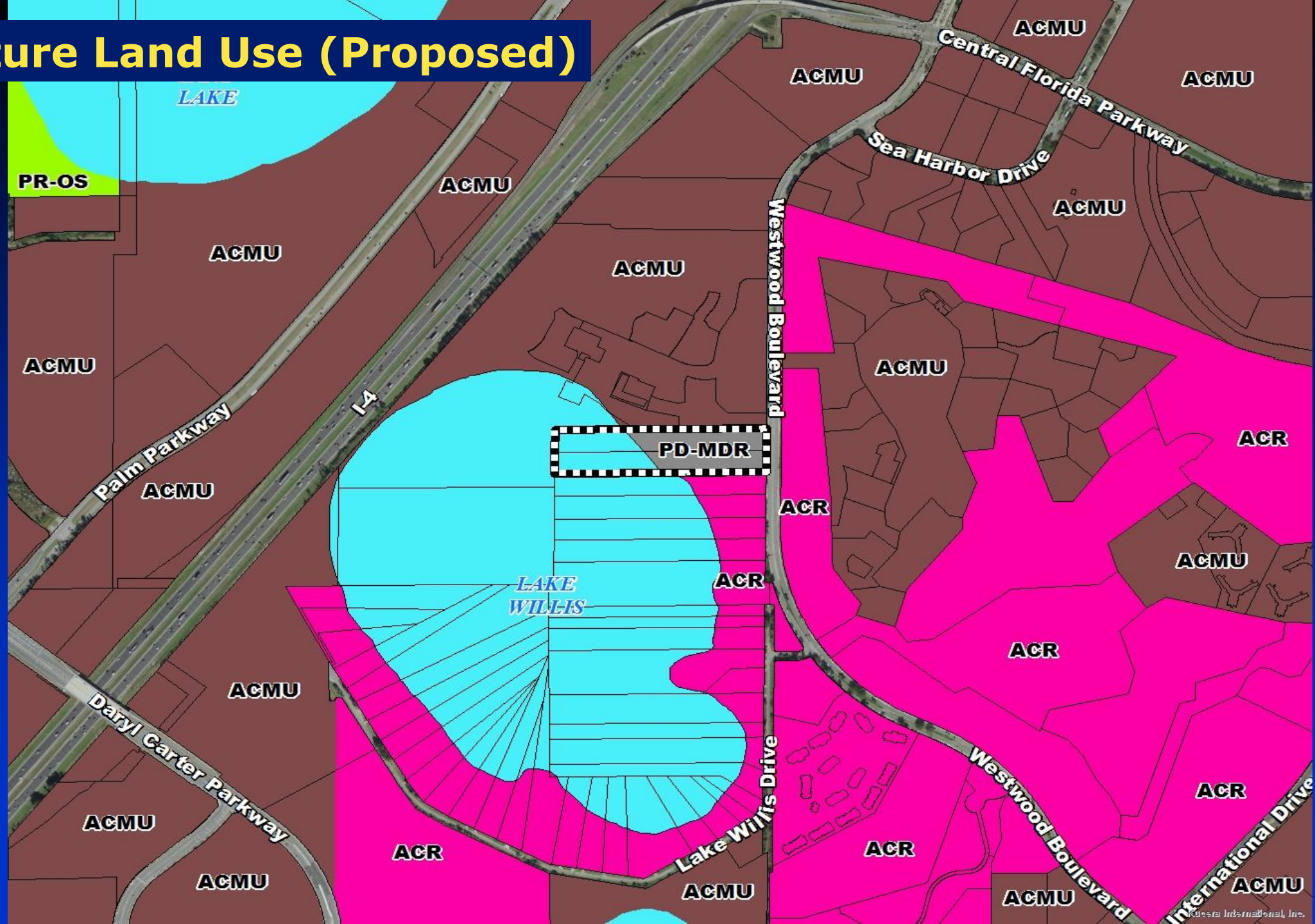
- **Property owner and Orange County mediated the case through the Special Magistrate process, resulting in the Settlement Agreement approved by the BCC on July 16, 2019**

- **Current applications per the Settlement Agreement:**
 - **Planned Development-Medium Density Residential (PD-MDR) FLUM**
 - **Up to 43 single-family attached units**
 - **Amend Policy FLU8.1.4 to record the development program in the Comprehensive Plan.**

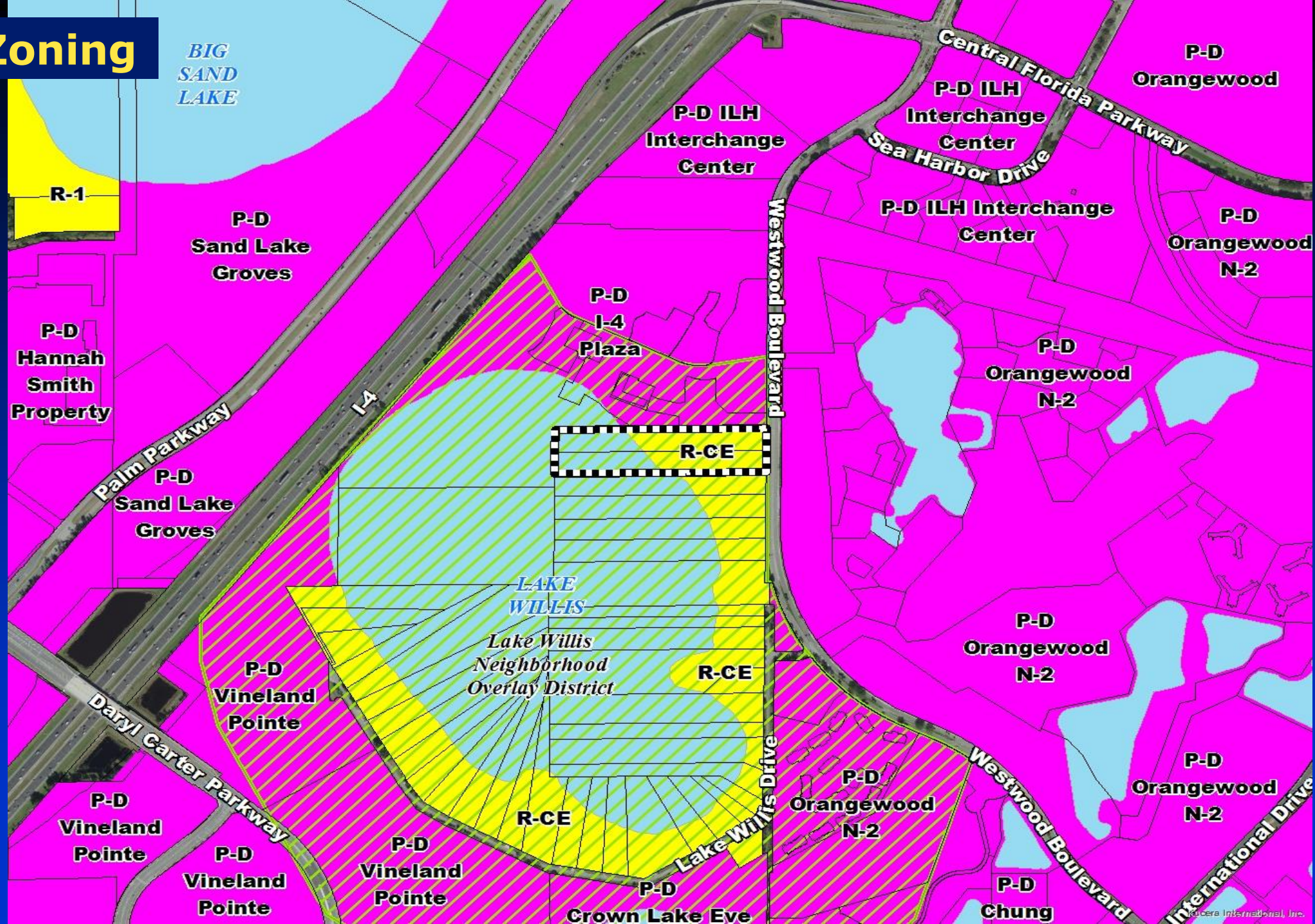
Future Land Use



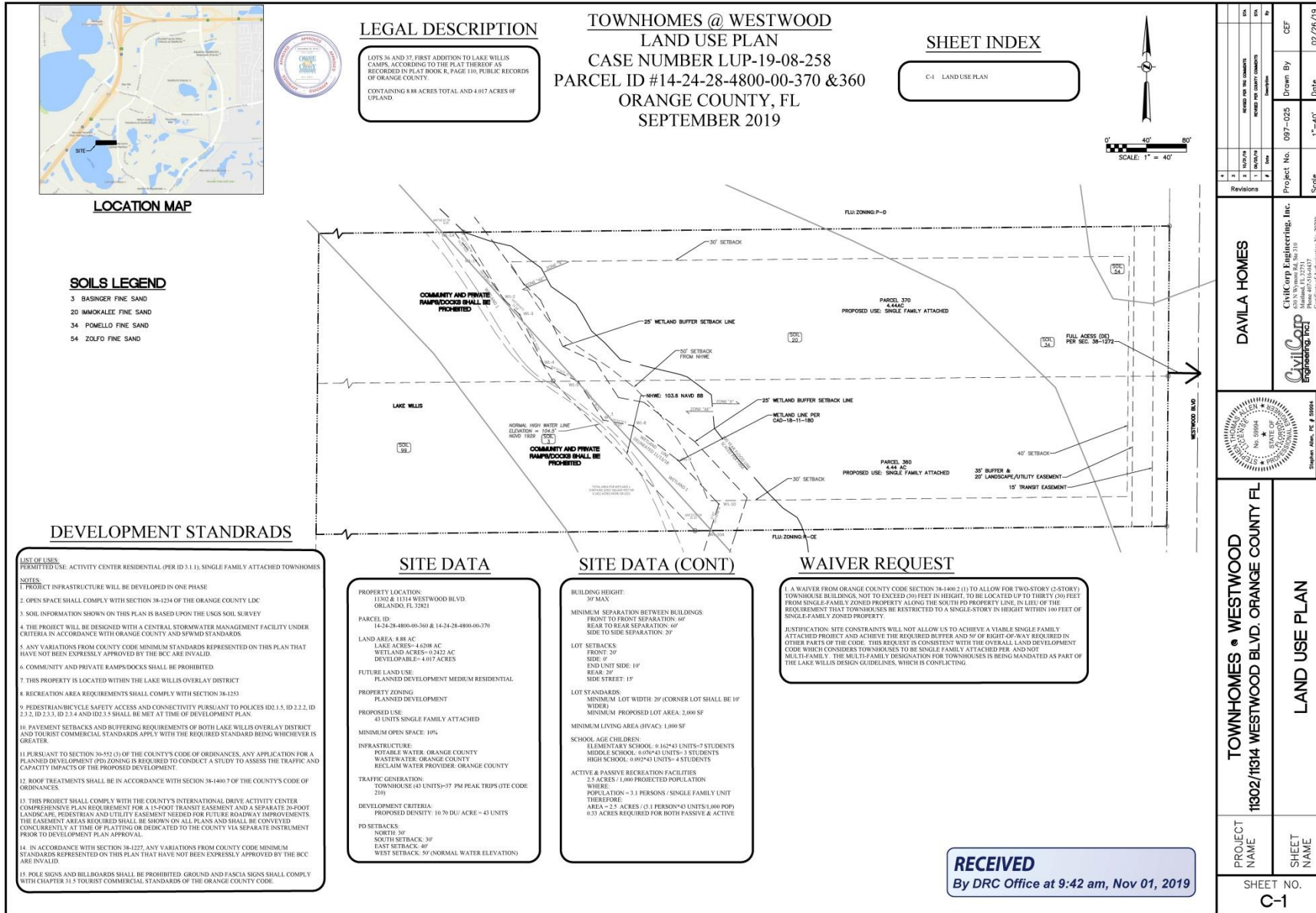
Future Land Use (Proposed)



Zoning



Townhomes at Westwood PD Land Use Plan

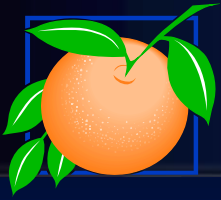




Amendment 2019-2-S-FLUE-3

Request: Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County

District: Countywide



Amendment 2019-2-S-1-2

Staff Recommendation:

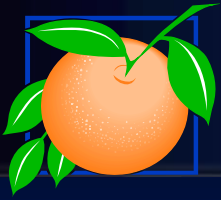
ADOPT

LPA Recommendation:

ADOPT

Action Requested:

- **Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1, FLU2.2, and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1);**
- **Determine that the proposed amendment is in compliance; and**
- **Adopt Amendment 2019-2-S-1-2, Activity Center Residential (ACR) to Planned Development-Medium Density Residential (PD-MDR).**



Rezoning Case LUP-19-08-258

DRC Recommendation:

APPROVE

PZC Recommendation:

APPROVE

Action Requested:

- **Make a finding of consistency with the Comprehensive Plan and Approve Rezoning Case LUP-19-08-258, Townhomes at Westwood Planned Development/Land Use Plan (PD/LUP), subject to the nineteen (19) conditions listed in the staff report.**



Amendment 2019-2-S-FLUE-3

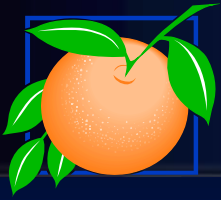
Staff Recommendation:

ADOPT

LPA Recommendation:

ADOPT

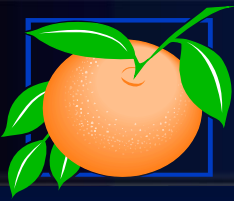
- **Make a finding of consistency with the Comprehensive Plan;**
- **Determine that the proposed amendment is in compliance; and**
- **Adopt Amendment 2019-2-S-FLUE-3**



Combined Recommended Action –

Actions Requested:

- **Adopt Amendment 2019-2-S-1-2;**
- **Approve Rezoning Case LUP-19-08-258, subject to the nineteen (19) conditions listed in the staff report;**
- **Adopt Amendment 2019-2-S-FLUE-3**



Small Scale Development Ordinance

Staff Recommendation:

ADOPT

Action Requested:

- **Make a finding of consistency with the Comprehensive Plan, determine that the amendments are in compliance, and adopt the Ordinance approving the proposed Future Land Use Map Amendment, consistent with today's action.**

Board of County Commissioners

**2019-2 Small-Scale
Privately-Initiated Map Amendment**

Adoption Public Hearing

Agenda VI.I.13

September 22, 2020