




**Interoffice Memorandum**

DATE: December 5, 2022

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

THROUGH: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development Services Department 

FROM: Alberto A. Vargas, MArch., Manager, Planning Division

SUBJECT: 2022-2 Regular Cycle Privately-Initiated Text Amendment  
Amendment 2022-P-FLUE-1 and Concurrent Substantial Change  
Request# CDR-21-09-288 (Hannah Smith Property PD)  
Adoption Public Hearing

The 2022-2 Regular Cycle Privately Initiated Text Amendment 2022-2-P-FLUE-1 is scheduled for a Board adoption public hearing on December 13, 2022. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on November 17, 2022.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:  
<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The 2022-2 Regular Cycle Privately-Initiated Text Amendment scheduled for consideration on December 13, 2022 entails one privately-initiated text amendment located in District 1 with a concurrent substantial change. This amendment includes changes to the Goals, Objectives and/or Policies of the Comprehensive Plan.

In summary, the action items addressed by this memo for December 13, 2022 are:

- Amendment 2022-2-P-FLUE-1 (Hannah Smith Property PD)
- Substantial Change Request CDR-21-09-288 (Hannah Smith Property PD/LUP).

In conjunction with these two action items, the Board will also consider an adopting an Ordinance for Amendment 2022-2-P-FLUE-1.

The 2022-2 Regular Cycle State-Expedited Review Amendment was heard by the PZC/LPA at a transmittal public hearing on August 18, 2022, and by the Board at a transmittal public hearing on September 13, 2022. This amendment was reviewed by the Florida Department of Economic Opportunity (DEO), as well as other state and


regional agencies. On November 3, 2022, 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. Therefore, this amendment is expected to become effective in January 2023, 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](mailto:Alberto.Vargas@ocfl.net) or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/sw

Enc: 2022-2 Regular Cycle Privately-Initiated Text Amendment 2022-2-P-  
FLUE-1 BCC Adoption Staff Report and Concurrent Substantial Change  
Request# CDR-21-09-288

c: Christopher R. Testerman, AICP, Deputy County Administrator  
Joel Prinsell, Deputy County Attorney  
Whitney Evers, Assistant County Attorney  
Roberta Alfonso, Assistant County Attorney  
Gregory Golgowski, AICP, Chief Planner, Planning Division  
Olan D. Hill, AICP, Assistant Manager, Planning Division  
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division  
Read File



**ORANGE COUNTY**  
PLANNING DIVISION  
**2022-2 REGULAR**  
**CYCLE AMENDMENT**  
**2022-2-P-FLUE-1**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY**  
**COMMISSIONERS**

**DECEMBER 13, 2022**  
**ADOPTION PUBLIC HEARING**

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

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



# 2022 SECOND REGULAR CYCLE PRIVATELY-INITIATED TEXT AMENDMENT

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

### INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the proposed Second Regular Cycle Amendment (2022-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment were conducted before the PZC/LPA on November 17, 2022. This amendment is scheduled for an adoption public hearing before the BCC on December 13, 2022.

The 2022-2 Regular Cycle Privately-Initiated Amendment scheduled for BCC consideration on December 13 was heard by the PZC/LPA at a transmittal public hearing on August 18, 2022, and by the BCC at a transmittal public hearing on September 13, 2022.

The 2022-2 **Regular Cycle State-Expedited Review Amendment** scheduled for BCC consideration on December 13 entails one privately-initiated text amendment located in District 1 with a concurrent substantial change request. The text amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2022-2 **Regular Cycle-State-Expedited Review Amendment** was reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On November 3, 2022, 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 heard for adoption 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 January 2023, 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) 836-5308 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net), or Gregory Golgowski, AICP, Chief Planner at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

# TABLE OF CONTENTS

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

**REGULAR CYCLE AMENDMENT.....Tab 2**

***Privately-Initiated Regular Cycle Text Amendment***

Amendment			Page
1.	2022-2-P-FLUE-1 Hannah Smith Property PD	Text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity of the Hannah Smith Property PD through the modification of the development program of the portion of the PD designated as Tract 4 on the PD Land Use Plan	1
	-and-		
	Substantial Change CDR-21-09-288	A change determination is requested to the previously-approved Hannah Smith Property PD Land Use Plan to amend the Tract 4 development program to add 33,000 square feet of office uses and 55 hotel rooms by deleting 20,518 square feet of commercial uses.	

**Ordinance.....Tab 3**

**State Agencies Comments/ORC.....Tab 4**

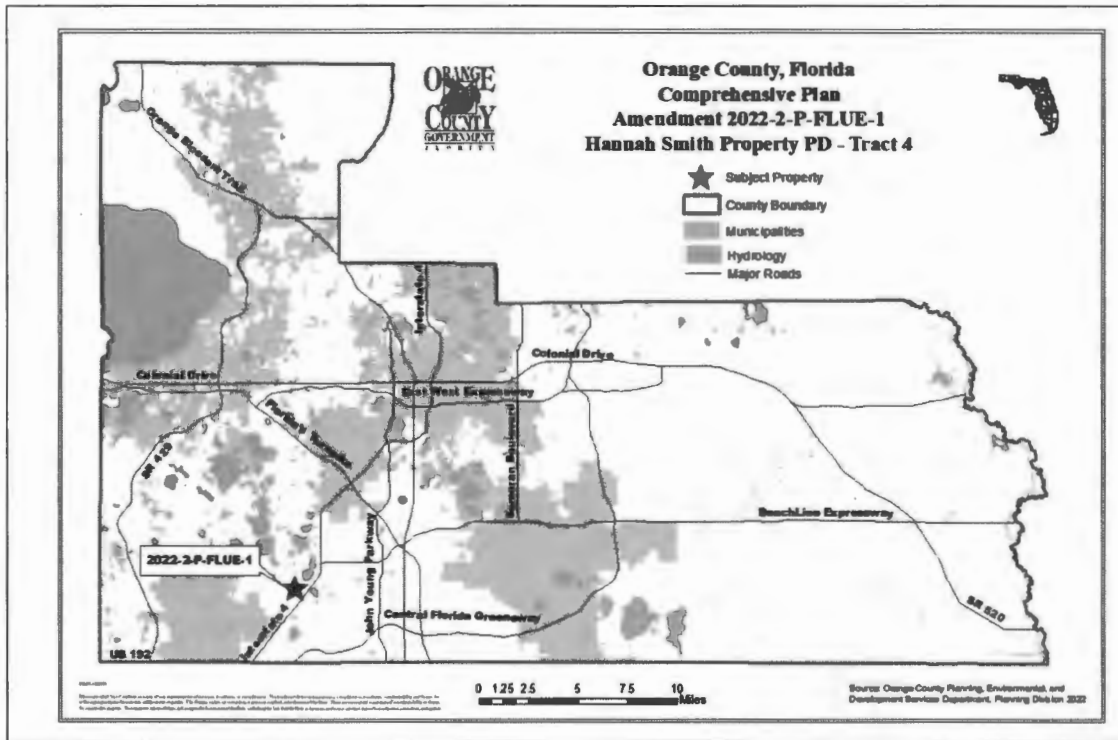
2023-2 Regular Cycle Comprehensive Plan Amendments

Privately-Initiated Comprehensive Plan Test Amendment

Amendment Number	Consistent Recording or Substantial Change	Owner	Agent	Parcel ID Number(s)	Current Location / Comments	Future Land Use Map Designation PMSD	Future Land Use Map Designation YD	Zoning Map Designation PMSD	Zoning Map Designation YD	Acres	Project Planner	Staff Fee	LPA Fee
Item 1													
2023-2-PLS-1 Hensch Smith Property PZ	050-01-00-00	City Center of Queens Blvd, LLC	Jin Hee, VISA		Test amendment to Future Land Use District Policy PLS 1.1 according to conditions compatibility of the Hensch Smith Property PZ through the modification of the jurisdiction of the PZ designated as Tract 4 on the PZ Land Use Map.						Jennifer Bellini	Adopt	Adopt PZ

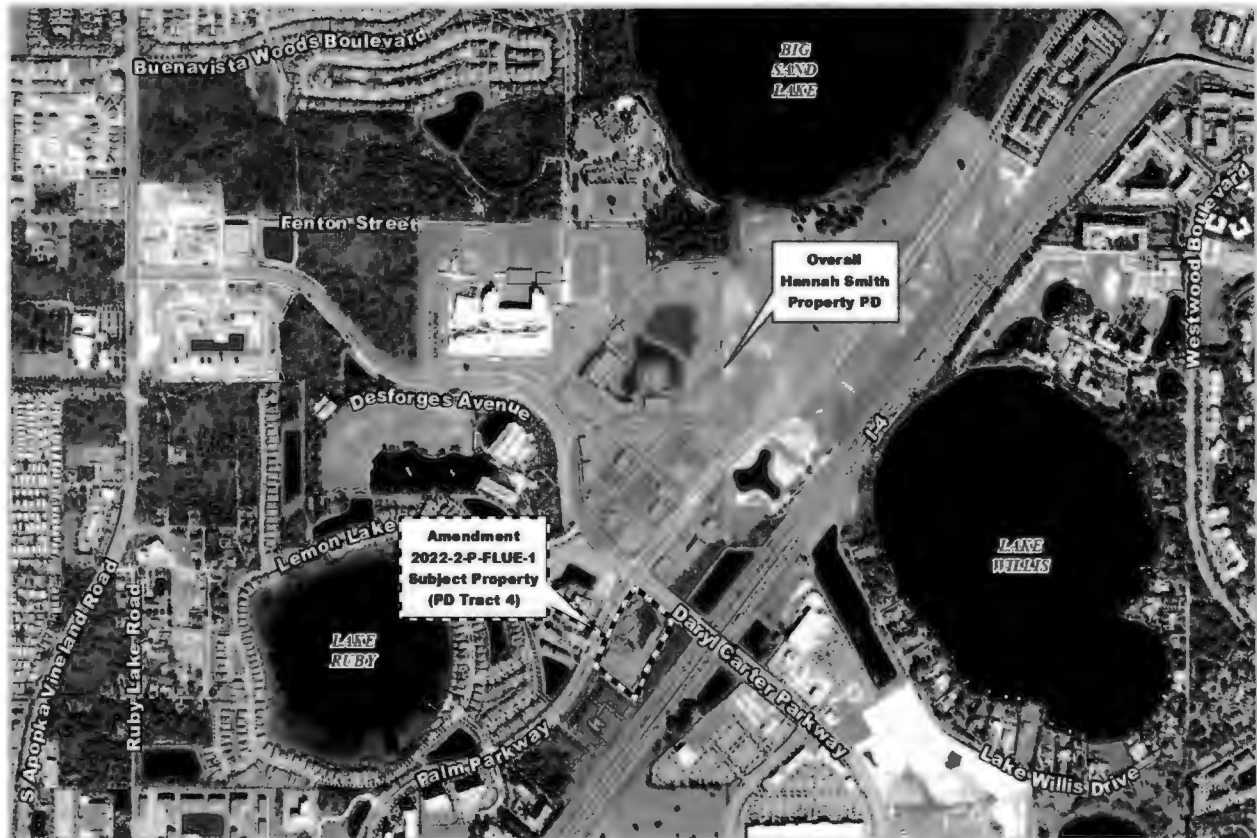
ADDITIONAL INFO:

ADDITIONAL INFO: PZ Planned Development, OP Comprehensive Plan, PLS Future Land Use District, SPS-06-01, SPS-06-02, SPS-06-03, SPS-06-04, SPS-06-05, SPS-06-06, SPS-06-07, SPS-06-08, SPS-06-09, SPS-06-10, SPS-06-11, SPS-06-12, SPS-06-13, SPS-06-14, SPS-06-15, SPS-06-16, SPS-06-17, SPS-06-18, SPS-06-19, SPS-06-20, SPS-06-21, SPS-06-22, SPS-06-23, SPS-06-24, SPS-06-25, SPS-06-26, SPS-06-27, SPS-06-28, SPS-06-29, SPS-06-30, SPS-06-31, SPS-06-32, SPS-06-33, SPS-06-34, SPS-06-35, SPS-06-36, SPS-06-37, SPS-06-38, SPS-06-39, SPS-06-40, SPS-06-41, SPS-06-42, SPS-06-43, SPS-06-44, SPS-06-45, SPS-06-46, SPS-06-47, SPS-06-48, SPS-06-49, SPS-06-50, SPS-06-51, SPS-06-52, SPS-06-53, SPS-06-54, SPS-06-55, SPS-06-56, SPS-06-57, SPS-06-58, SPS-06-59, SPS-06-60, SPS-06-61, SPS-06-62, SPS-06-63, SPS-06-64, SPS-06-65, SPS-06-66, SPS-06-67, SPS-06-68, SPS-06-69, SPS-06-70, SPS-06-71, SPS-06-72, SPS-06-73, SPS-06-74, SPS-06-75, SPS-06-76, SPS-06-77, SPS-06-78, SPS-06-79, SPS-06-80, SPS-06-81, SPS-06-82, SPS-06-83, SPS-06-84, SPS-06-85, SPS-06-86, SPS-06-87, SPS-06-88, SPS-06-89, SPS-06-90, SPS-06-91, SPS-06-92, SPS-06-93, SPS-06-94, SPS-06-95, SPS-06-96, SPS-06-97, SPS-06-98, SPS-06-99, SPS-06-100



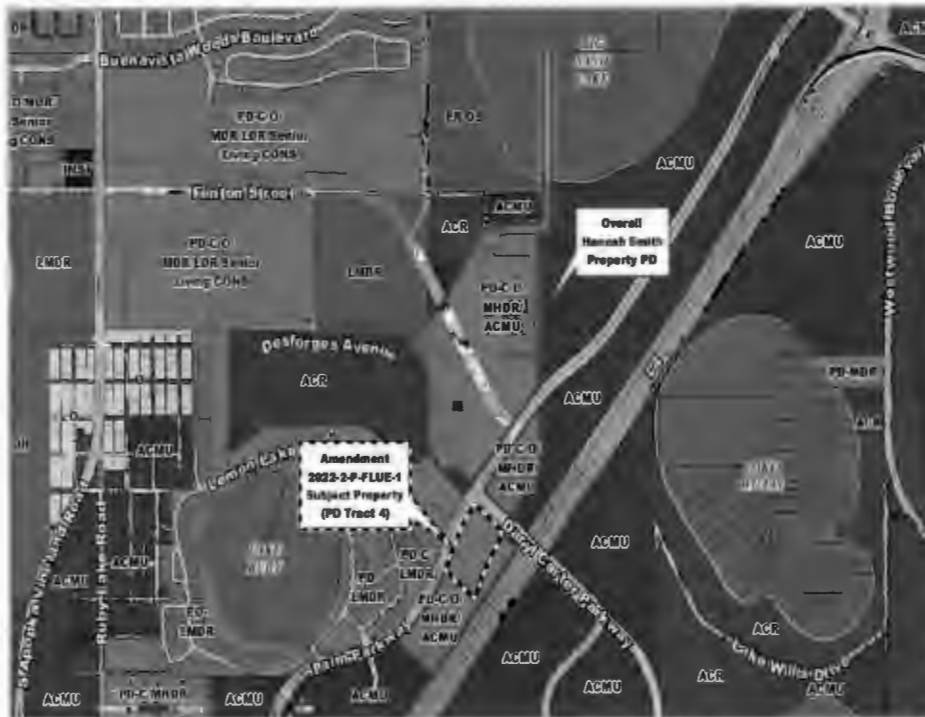
The following meetings and hearings have been held:		Project Information
Report/Public Hearing	Outcome	
✓ Staff Report	Recommend transmittal	<b>Applicant/Owner:</b> Jim Hall, HDSi/City Center at O-town West, LLC
✓ LPA Transmittal August 18, 2022	Recommend transmittal (6-0)	<b>Location:</b> Tract 4 of the Hannah Smith Property PD, generally located in the southeast quadrant of the intersection of Palm Parkway and Daryl Carter Parkway
✓ BCC Transmittal September 13, 2022	Transmit (7-0)	<b>Parcel ID Number:</b> 14-24-28-6180-01-000 (Tract 4)
✓ State Comments No. 22-08-ESR	November 3, 2022 – No comments were received.	<b>Existing Use:</b> Boardwalk at O-Town West (under construction)
✓ LPA Adoption November 17, 2022	Recommend adoption (7-0)	<b>Tract Size:</b> 7.13 gross/net developable acres (FLUM Amendment) / 86.64 gross/83.88 net developable acres (CDR)
		<b>Request:</b> Privately-initiated text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity of the Hannah Smith Property PD through the modification of the development program of the portion of the PD designated as Tract 4 on the PD Land Use Plan. As a text amendment and per County policy, this is reviewed as a Regular Cycle amendment.
		<b>Revision: Future Land Use Element Policy FLU8.1.4</b>
		<b>From: Overall Hannah Smith Property PD:</b> 314,000 SF Office, 165 Hotel Rooms, 349,000 SF Commercial, 1,300 Multi-Family Units, 1 Timeshare Unit
		<b>Tract 4:</b> 314,000 SF Office, 165 Hotel Rooms, 50,000 SF Commercial
		<b>To: Overall Hannah Smith Property PD:</b> 347,000 SF Office, 220 Hotel Rooms, 328,482 SF Commercial, 1,300 Multi-Family Units, 1 Timeshare Unit
		<b>Tract 4:</b> 347,000 SF Office, 220 Hotel Rooms, 29,482 SF Commercial

**SITE AERIAL**





**FUTURE LAND USE – CURRENT**



**Current Future Land Use Designation:**

Planned Development-Commercial/Office/Medium-High Density Residential/Activity Center Mixed Use (PD-C/O/MHDR/ACMU)

**Special Area Information:**

The subject property is located within the Buena Vista North Overlay District and the Dr. Phillips Urban Preservation District.

**ZONING – CURRENT**



**Current Zoning Classification:**

PD (Planned Development District) (Hannah Smith Property PD/LUP)

## Staff Recommendations

**FUTURE LAND USE MAP AMENDMENT:** Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU1; Objectives FLU1.1, FLU1.2, FLU2.2, and FLU8.2; and Policies FLU1.1.1, FLU1.4.1, FLU1.4.2, FLU1.4.3, FLU1.4.4, FLU1.4.9, FLU8.1.4, FLU8.2.1, and FLU8.2.11), determine that the proposed amendment is in compliance, and **ADOPT** Amendment 2022-2-P-FLUE-1.

**CHANGE DETERMINATION REQUEST (CDR-21-09-288)** (November 16, 2022 DRC Recommendation): Make a finding of consistency with the Comprehensive Plan and **APPROVE** the Hannah Smith Property Planned Development/Land Use Plan (PD/LUP), dated "Received October 10, 2022", subject to the following fourteen (14) conditions:

1. Development shall conform to the Hannah Smith Property Planned Development dated "Received October 10, 2022," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 10, 2022," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a

permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this Land Use Plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
7. The project shall comply with the terms and conditions of that certain Palm Parkway to Apopka - Vineland Connector Road Agreement recorded at Official Records Book/Page 8387/3416, Public Records of Orange County, Florida, as may be amended.
8. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
9. Pole signs and billboards shall be prohibited. All other signage shall comply with the master sign plan and Ch. 31.5 Buena Vista North District Standards (31.5-195), as applicable.

10. For short-term rental, length of stay shall not exceed 179 consecutive days.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 23, 2021, shall apply:

- a. ~~Development shall conform to the Hannah Smith Planned Development (PD) dated "Received December 11, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received December 11, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.~~

**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1.**

- b. ~~This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.~~

**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #2.**

- c. ~~Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create~~

~~any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.~~

***11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #3.***

- d. ~~Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.~~

***11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #4.***

- e. ~~Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).~~

***11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #5.***

- f. ~~Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or capacity reservation certificate.~~



**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #6.**

- g. ~~Billboards and pole signs shall be prohibited. All other signage shall comply with the Master Sign Plan. Any signage not within the MSP shall comply with Orange County Code Chapter 31.5 Buena Vista North Standards.~~

**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #9.**

- h. The following waivers from Orange County Code are requested:
- 1) A waiver from Section 31.5-195(1)(a) is requested within Tracts 2, 3 and 4 to allow a maximum height of a multiple tenant ground sign to be ten (10) feet in lieu of eight (8) feet.
  - 2) A waiver from Section 31.5-195(1)(b) is requested within Tracts 1, 2, 3 and 4 to allow multiple wall signs on a primary façade, and to allow signage to be placed on secondary facades, in lieu of only one (1) sign per establishment being placed on the primary façade, and no signs being placed on a secondary façade.
  - 3) A waiver from Section 31.5-67(e) is requested within Tract 2 to allow a maximum number for two (2) ground signs permitted per parcel, in lieu of a maximum number of one (1) ground sign permitted per parcel, provided that any pole signs and ground signs on the parcel shall be separated by a distance of not less than one hundred (100) feet on Parcels 2, 3, and 6.
  - 4) A waiver from Section 31.5-67(f) is requested within Tracts 1, 2, 3, and 4 to allow a maximum number of three (3) ground signs permitted per parcel with a right-of-way frontage in excess of four hundred (400) linear feet, in lieu of two (2) ground signs per parcel with a right-of-way frontage in excess of four hundred (400) linear feet.
  - 5) A waiver from Section 31.5-67(g) is requested within Tracts 2 and 3 to allow a minimum setback of zero (0) feet from the right-of-way or any property line in lieu of ten (10) feet from the right-of-way or any property line.
  - 6) A waiver from Section 31.5-67(1) is requested within Tracts 2 and 3 to allow the minimum allowable copy area for each individual tenant on a multitenant ground sign shall be one (1) square foot per sign face and within Tract 4 to allow the minimum allowable copy area for each individual tenant on a multitenant ground sign to be two (2) square feet per sign face in lieu of twelve (12) square feet per sign face.
  - 7) A waiver from Section 31.5-76(b) is requested within Tracts 1, 2, 3, and 4 to allow for a maximum copy area of fifteen (15) square feet in lieu of a maximum allowable copy area of six (6) square feet per sign face for any directional sign.

- 8) A waiver from Section 31.5-195(1)(a) is requested within Tracts 1, 2, 3, and 4 to allow for internal illumination in lieu of external illumination only for ground signs.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, Dated June 23, 2020, shall apply:
- a. The project shall comply with the terms and conditions of The Palm Parkway to Apopka -Vineland Connector Road Agreement recorded at Official Records Book 8387, Page 3416, Public Records of Orange County, Florida, as may amended and shall dedicate the necessary right-of-way and easements prior to or concurrently with the approval for this project.
  - b. Hotel and Office entitlements shall only be allocated to Tract 4, consistent with FLU Policy 8.1.4.
  - c. Multi-Family entitlements shall be prohibited from being allocated to Tract 4, consistent with FLU 8.1.4.
  - d. A waiver from Orange County Code Section 38-1393 is granted to allow for a maximum height of 200 feet for non-residential development for Tract 4, in lieu of the proximity based requirements is granted.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 13, 2018 shall apply:
- a. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
  - b. Big Sand Lake has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Big Sand Lake, this project shall be required to be a participant.
  - c. A waiver from Section 38-1394.1(a)(2) is granted for Parcel 14-24-28-0000-00-027 to allow for multi-family developments to have tree planting requirements around the building base area per Section 24-4(d)(2), in lieu of one (1) canopy tree for each one hundred (100) square feet of green space.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 6, 2018, shall apply:
- a. The following Education Condition of Approval shall apply:
    - Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-17-020) entered into with the Orange County School Board as of October 30, 2017.

- Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- b. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
- c. No motorized watercraft shall be permitted onto Big Sand Lake from this development. (Condition from BCC 2/20/2001).
- d. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
- e. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
- f. Outside sales, storage, and display shall be prohibited.

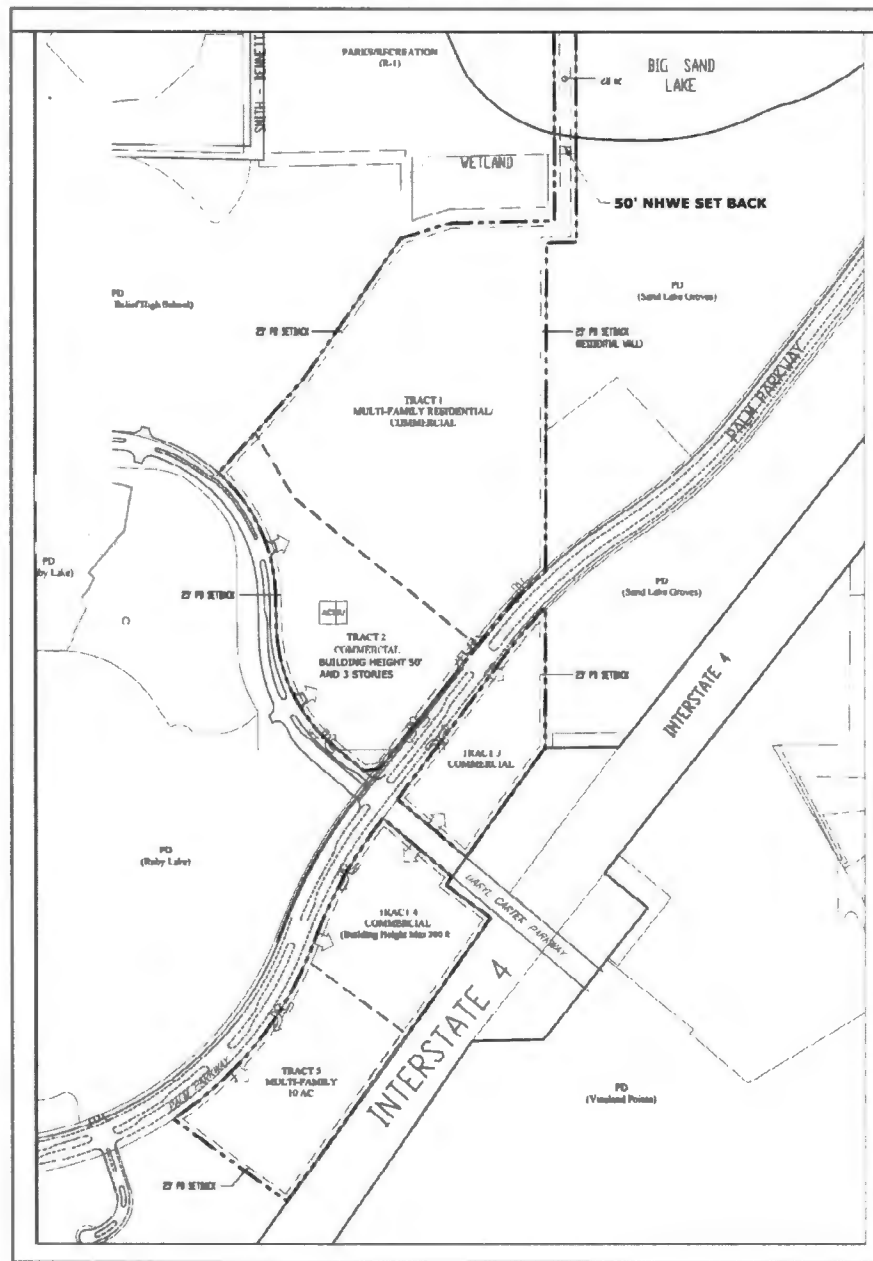


- g. Development shall comply with the Buena Vista North overlay standards unless waivers have been explicitly approved by the BCC.
- h. ~~Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.~~  
**11/16/2022: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #8.**
- i. A waiver from Orange County Code Section 38-1393 is granted to allow for a maximum building height of 75 feet (6-stories) for multi-family buildings internal to the PD with a separation of 20 feet from single-family uses, in lieu of the proximity based requirements.
- j. A waiver from Orange County Code Section 38-1258(j) is granted to require a minimum building separation of 20 feet between all multi-family buildings internal to the PD with no increase in proportion to additional structural height; in lieu of a minimum separation of 30 feet for two-story buildings, 40 feet for three-story buildings, and proportionate separation increases for additional building heights.
- k. A waiver from Orange County Code Section 38-1287(1)(b) is granted to allow for a minimum 40-foot building setback for all buildings internal to the PD from an abutting arterial right-of-way, in lieu of a minimum 60-foot building setback from a abutting arterial right-of-way.
- l. A waiver from Orange County Code Section 38-1251(b) is granted to allow the maximum coverage of all buildings to not exceed 75% of the gross land area internal to the PD, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area.

#### A. Background

The applicant, Jim Hall of HDSi, is seeking to amend Future Land Use Element Policy FLU8.1.4—which establishes the maximum densities and intensities for Planned Development (PD) and Lake Pickett (LP) Future Land Use Map designations adopted subsequent to January 1, 2007—to allow for a revision to the currently-approved development program for the Hannah Smith Property PD. Specifically, Mr. Hall, representing City Center at O-town West LLC, is requesting to revise the development program of the 7.13-acre parcel, Parcel 14-24-28-6180-01-000, identified as Tract 4 on the current PD Land Use Plan below.

### Hannah Smith Property PD Land Use Plan



As illustrated on the Future Land Use Map included in this report, the 86.64-acre Hannah Smith Property PD currently possesses a future land use designation of Planned Development-Commercial/Office/Medium-High Density Residential/Activity Center Mixed Use (PD-C/O/MHDR/ACMU), the result of Future Land Use Map Amendment 2020-1-C-1-1, adopted by the Orange County Board of County Commissioners (BCC) on June 23, 2020. The adoption of this amendment established the present Tract 4 development program of up to 314,000 square feet of office uses, 165 hotel rooms, and 50,000 square feet of commercial uses and the maximum development program of the

overall Hannah Smith Property PD of up to 314,000 square feet of office uses, 1,300 multi-family units, 165 hotel rooms, one (1) timeshare unit, and 349,000 square feet of commercial uses. These entitlements were incorporated into Policy FLU8.1.4 via the concurrent adoption of Staff-Initiated Text Amendment 2020-1-C-FLUE-1.

As shown on the accompanying photographs of the subject site, construction of the Boardwalk at O-Town West, a non-residential development featuring a mix of hotel, office, and commercial uses consistent with the adopted FLU8.1.4 development program, is substantially underway on Tract 4. However, the applicant is now proposing to amend the non-residential development program by reducing 20,518 square feet of commercial space to allow for the simultaneous addition of 33,000 square feet of office uses and 55 hotel rooms, thus necessitating this requested amendment to Policy FLU8.1.4. If adopted, the revised FLU8.1.4 development program, which encompasses the overall Hannah Smith Property PD, will be established as follows:

Commercial:	328,482 square feet
Office:	347,000 square feet
Hotel:	220 rooms
Multi-Family	1,300 dwelling units
Timeshare:	1 villa.

Development of Tract 4 shall be limited to 220 hotel rooms, 347,000 square feet of office uses, and 29,482 square feet of commercial uses.

In conjunction with this proposed text amendment, the applicant is requesting a substantial change to the overall Hannah Smith Property PD-LUP, Case CDR-21-09-288, to revise the PD's current entitlement mix and amend the present Conditions of Approval. The application has undergone review by the Orange County Technical Review Group (TRG) and the Development Review Committee (DRC). On November 16, 2022, the DRC recommended approval of Case CDR-21-09-288, subject to fourteen (14) conditions. The substantial change petition will be considered concurrently with the text amendment application during the December 13 BCC adoption hearing.

#### **B. Privately-Initiated Text Amendment**

**Future Land Use Element Policy FLU8.1.4** establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. If adopted, the maximum development program requested by Amendment 2022-2-P-FLUE-1 will replace the currently-approved Hannah Smith Property development program adopted by Ordinance No. 2020-13 as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
<u>2020-1-C-1-1</u> <u>Hannah Smith Property</u>	<u>Planned Development-Commercial/Office/Medium-High Density Residential/Activity Center Mixed Use (PD-C/O/MHDR/ACMU)</u>	<u>Multi-Family: Up to 1,300 dwelling units</u> <u>Commercial: Up to 349,000 square feet</u> <u>Office: Up to 314,000 square feet</u> <u>Hotel: Up to 165 rooms</u> <u>Timeshare: 1 unit</u> <u>Development of Tract 4 shall be limited to 165 hotel rooms, 314,000 square feet of office uses, and 50,000 square feet of commercial uses.</u>	2020-13
* * *	* * *	* * *	* * *
<u>2022-2-P-FLUE-1</u> <u>Hannah Smith Property</u>	<u>Planned Development-Commercial/Office/Medium-High Density Residential/Activity Center Mixed Use (PD-C/O/MHDR/ACMU)</u>	<u>Multi-Family: Up to 1,300 dwelling units</u> <u>Commercial: Up to 328,482 square feet</u> <u>Office: Up to 347,000 square feet</u> <u>Hotel: Up to 220 rooms</u> <u>Timeshare: 1 unit</u> <u>Development of Tract 4 shall be limited to 220 hotel rooms, 347,000 square feet of office uses, and 29,482 square feet of commercial uses.</u>	2022-

**C. Analysis**

**Consistency**

The requested text amendment appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. Future Land Use Element **Goal FLU1, Objective FLU1.1, and Policy FLU1.1.1** describe Orange County’s urban planning framework, including the requirement that urban land uses be concentrated within the Urban Service Area (USA). As required by **Policy FLU1.1**, the subject property lies within the USA, and development of Tract 4 under the existing FLUM designation of Planned Development-Commercial/Office/Medium-High Density Residential/Activity Center Mixed Use will create employment opportunities and contribute to the mix of retail, service, and hotel

options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**. Future Land Use Element **Objective FLU1.2** requires Orange County to use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. Per **Objective FLU1.2**, the USA shall be used to identify the area in which Orange County has the primary responsibility for providing infrastructure and services to support urban development.

In addition, the proposed amendment is consistent with Future Land Use Element **Policy FLU1.4.1**, which states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified community. If approved, the 347,000-square-foot office development will likely serve as a significant employment center and will be complemented by the planned 220-room hotel and 29,482 square feet of commercial uses.

The requested amendment is further consistent with Future Land Use Element **Objective FLU2.2**, which establishes that Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently, and promoting a sense of community. As stated above, the applicant is proposing an amended combination of office, hotel, and commercial uses on the site, located in an area characterized by tourist-oriented commercial activity and residential development with a variety of housing types. It is staff's belief that the project will complement both residential and non-residential development in the neighboring area upon completion and could reduce the travel distance to purchase goods and services and shorten the commute for nearby residents employed on the premises. To ensure that the existing residential neighborhoods are not adversely impacted by the commercial uses, Future Land Use Element **Policy FLU1.4.4** states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. As depicted on the aerial photograph, the subject property is located at the intersection of two major roads: Palm Parkway and Daryl Carter Parkway. The site photographs show the planned office, hotel, and commercial uses concentrated near this intersection, away from the neighboring Veere Apartments to the south and the Overlook at Ruby Lake townhome community to the west. Staff notes that the current Hannah Smith Property PD Land Use Plan designates Tract 4 as a commercial parcel, with which the revised non-residential development program is consistent.

Lastly, Future Land Use Element **Policy FLU1.4.3** states that the location of commercial development shall be concentrated at major intersections within the Urban Service Area. The Boardwalk at O-Town West development—with its mix of commercial, office, and hotel uses—is situated at the intersection of Palm Parkway and Daryl Carter Parkway, thus meeting the intent of this policy. Similarly, Future Land Use Element **Policy FLU1.4.9** follows by stating that the full retail/general commercialization of an intersection shall be avoided unless sufficient justification of need is provided. This policy additionally states that office, hotel, and multi-family uses can be used to avoid the full commercialization of an intersection. Along with the proposed 29,482 square feet of commercial development, the request is to add entitlements for 347,000 square feet of office uses and 220 hotel rooms, thereby rendering the project—upon its completion—consistent with the intent of **Policy FLU1.4.9**.

#### **Compatibility**

The requested text amendment appears to be **compatible** with the existing development and development trend of the surrounding area. Future Land Use Element **Objective FLU8.2** states that

compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. The subject property is located in an area characterized by existing and planned tourist-oriented development, as well as single-family and multi-family residential communities. It is staff's belief that the proposed project is compatible with this mixed-use development trend.

Future Land Use Element **Policy FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Although the existing and proposed mix of office, hotel, and commercial uses is not identical to existing neighboring development, it is staff's belief that it complements the commercial uses and residential communities in the surrounding area, including the adjacent multi-family complex to the south. The PD-C/O/MHDR/ACMU FLUM designation—which will remain unchanged—is consistent with Future Land Use Element **Policy FLU1.4.2**, which mandates that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. The proposed 28,482 square feet of commercial uses will serve both the local and tourist populations and, combined with the increased 347,000 square feet of office development and 220-room hotel, will generate employment opportunities for residents of the neighboring area.

Staff believes the mixed-use project will continue to contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area, creating additional employment opportunities, efficiently using existing infrastructure, reducing trip lengths, and encouraging accessibility via multiple modes of transportation. Staff, therefore, recommends adoption of this requested amendment.

#### **Community Meeting**

The requested amendment does not involve removing or adding future land use designations to Tract 4 or the overall Hannah Smith Property PD, nor do the proposed revisions to the development entitlements represent major shifts in the program. As the entire Tract 4 is currently under construction, the change was judged to not be sufficient enough to warrant a community meeting. Therefore, a community meeting was not scheduled.

#### **D. Policy References**

**GOAL FLU1 - URBAN FRAMEWORK.** Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County. (Goal One-r)

**OBJ FLU1.1 - Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development. (Added 12/00, Ord. 00-25-r, Obj. 1.1)**

**FLU1.1.1 - Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements. (Added 12/00, Ord. 00-24, Policy 1.1.1-r)**

**OBJ FLU1.2 - URBAN SERVICE AREA (USA) CONCEPT; USA SIZE AND MONITORING.** Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing



growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. (Added 12/00, Ord. 00-25, Obj. 1.1-r; Amended 5/13, Ord. 2013-11)

**FLU1.4.1** - Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.2** - Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

**FLU1.4.3** - The location of commercial development shall be concentrated at major intersections and within Activity Centers and Neighborhood Activity Nodes within the Urban Service Area. (Added 12/00, Ord. 00-25, Policy 3.2.1-r)

**FLU1.4.4** - The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided. (Added 12/00, Ord. 00-25, Policy 3.2.12-r).

**FLU1.4.9** - The full retail/general commercialization of an intersection shall be avoided unless sufficient justification of need is provided. Office, hotel, and multi-family uses can be used to avoid the full commercialization of an intersection. (Policy 3.2.13)







**OBJ FLU2.2 - MIXED-USE.** Orange County shall develop, adopt and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. (Obj. 3.8-r)

**FLU8.1.4** - The following table details the maximum densities and intensities for the Planned Development (PD) and Lake Pickett (LP) Future Land Use designations that have been adopted subsequent to January 1, 2007.

**OBJ FLU8.2 - COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

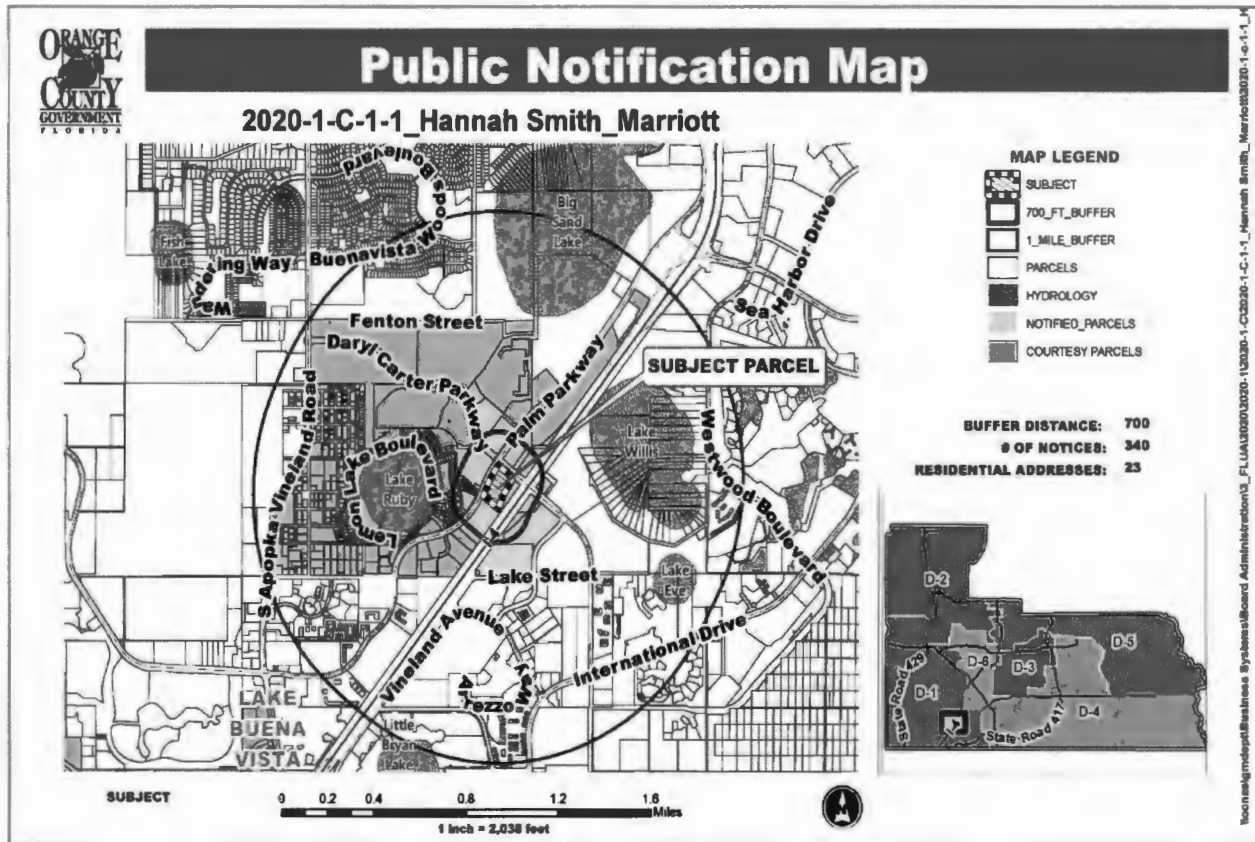
**FLU8.2.1** - Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change. (Policy 3.2.25)

**FLU8.2.11** - Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

<p><b>Subject Site</b></p>	<p><b>Subject Site</b></p>
	
<p><b>West of Subject Site</b></p>	<p><b>West of Subject Site</b></p>
	
<p><b>North of Subject Site</b></p>	<p><b>South of Subject Site</b></p>
	



**PUBLIC NOTIFICATION MAP**



**Notification Area**

700 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

340 notices sent



Hannah Smith Property PD Land Use Plan  
 DRC-Approved Plan

DATE: 12/13/2022  
 DRAWN BY: JDB  
 CHECKED BY: ATV

**NOTES**

**HANNAH SMITH  
 LAND USE PLAN**

SHEET NUMBER  
**03**

**DEVELOPMENT STANDARDS**

Item	Requirement
1	Minimum lot area: 115,000 sq ft
2	Minimum lot width: 500 ft
3	Minimum lot depth: 500 ft
4	Minimum front setback: 200 ft
5	Minimum side setback: 200 ft
6	Minimum rear setback: 200 ft
7	Minimum front yard setback: 200 ft
8	Minimum side yard setback: 200 ft
9	Minimum rear yard setback: 200 ft
10	Minimum front yard setback: 200 ft
11	Minimum side yard setback: 200 ft
12	Minimum rear yard setback: 200 ft
13	Minimum front yard setback: 200 ft
14	Minimum side yard setback: 200 ft
15	Minimum rear yard setback: 200 ft
16	Minimum front yard setback: 200 ft
17	Minimum side yard setback: 200 ft
18	Minimum rear yard setback: 200 ft
19	Minimum front yard setback: 200 ft
20	Minimum side yard setback: 200 ft
21	Minimum rear yard setback: 200 ft
22	Minimum front yard setback: 200 ft
23	Minimum side yard setback: 200 ft
24	Minimum rear yard setback: 200 ft
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26	Minimum side yard setback: 200 ft
27	Minimum rear yard setback: 200 ft
28	Minimum front yard setback: 200 ft
29	Minimum side yard setback: 200 ft
30	Minimum rear yard setback: 200 ft

**NOTES**

1. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE FOLLOWING DEVELOPMENT STANDARDS AND REGULATIONS:
2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE FOLLOWING DEVELOPMENT STANDARDS AND REGULATIONS:
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**DEVELOPMENT STANDARDS**

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ORDINANCE NO. 2022-\_\_\_\_\_

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, FOR THE 2022 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING AN EFFECTIVE DATE.

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; and

c. On December 13, 2022, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

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

***Section 3. Amendment to Text of the Future Land Use Element.*** The Comprehensive Plan is hereby amended by amending the text of the Future Land Use Element to read as follows,

with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

\* \* \*

**[Amendment 2022-2-P-FLUE-1:]**

FLU8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) and Lake Pickett (LP) Future Land Use designations that have been adopted subsequent to January 1, 2007.

\* \* \*

<b>Amendment Number</b>	<b>Adopted FLUM Designation</b>	<b>Maximum Density/Intensity</b>	<b>Ordinance Number</b>
* * *	* * *	* * *	* * *
<del>2020-1-C-1-1</del> <u>Hannah Smith Property</u>	<del>Planned Development Commercial/Office/Medium-High Density Residential/Activity Center Mixed Use (PD-C/O/MHDR/ACMU)</del>	<del>Multi-Family: Up to 1,300 dwelling units</del> <del>Commercial: Up to 349,000 square feet</del> <del>Office: Up to 314,000 square feet</del> <del>Hotel: Up to 165 rooms</del> <del>Timeshare: 1 unit</del> <del>Development of Tract 4 shall be limited to 165 hotel rooms, 314,000 square feet of office uses, and 50,000 square feet of commercial uses.</del>	2020-13
* * *	* * *	* * *	* * *

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2022-2-P-FLUE-1</u> <u>Hannah Smith</u> <u>Property</u>	<u>Planned Development-</u> <u>Commercial/Office/Medium-</u> <u>High Density Residential/</u> <u>Activity Center Mixed Use</u> <u>(PD-C/O/MHDR/ACMU)</u>	<u>Multi-Family: Up to 1,300</u> <u>dwelling units</u> <u>Commercial: Up to 328,482</u> <u>square feet</u> <u>Office: Up to 347,000 square</u> <u>feet</u> <u>Hotel: Up to 220 rooms</u> <u>Timeshare: 1 unit</u> <u>Development of Tract 4 shall be</u> <u>limited to 220 hotel rooms,</u> <u>347,000 square feet of office</u> <u>uses, and 29,482 square feet of</u> <u>commercial uses.</u>	<u>2022-</u>

Such policy allows for a one-time cumulative density or intensity differential of 5% based on ADT within said development program

\* \* \*

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

- (a) This ordinance shall become effective as provided by general law.
- (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment adopted under this ordinance becomes effective until 31 days after the DEO notifies the County that the plan amendment package is complete. However, if an amendment is timely challenged, the amendment shall not become effective until the DEO or the Administration Commission issues a final order determining the challenged amendment to be in compliance.
- (c) No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

ADOPTED THIS 13th DAY OF DECEMBER, 2022.

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

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

By: \_\_\_\_\_  
Deputy Clerk