



# ORANGE COUNTY

PLANNING DIVISION

## 2020-2 OUT-OF-CYCLE REGULAR CYCLE STAFF INITIATED MAP AND TEXT AMENDMENT

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**SEPTEMBER 22, 2020  
TRANSMITTAL PUBLIC HEARING**

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


PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION





DATE: September 22, 2020

TO: Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners (BCC)

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

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

SUBJECT: 2020-2 Out-of-Cycle Regular Cycle Staff-Initiated Map and Text Amendment  
Board of County Commissioners (BCC) Transmittal Public Hearing

The 2020-2 Out-of-Cycle Regular Cycle Staff-Initiated Map and Text Amendment was considered by the Local Planning Agency (LPA) at a transmittal public hearing held on August 20, 2020. This amendment has been scheduled for a transmittal public hearing before the BCC on September 22, 2020. The report is also available online in the "AMENDMENT CYCLES" section of: [www.ocfl.net/PlanningDevelopment/ComprehensivePlanning](http://www.ocfl.net/PlanningDevelopment/ComprehensivePlanning).

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 for review in October 2020. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be considered for adoption within 180 days of the comment letter. Adoption hearings for the amendment are tentatively scheduled before the LPA on November 19, 2020 and the BCC on December 15, 2020.

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

AAV/sgw

Enc: 2020-2 Out-of-Cycle Regular Cycle Staff-Initiated Map and Text Amendment BCC Transmittal Staff Report

c: Christopher R. Testerman, AICP, Assistant County Administrator  
Jon V. Weiss, P.E., Director, Planning, Environmental and Development Services Department  
Gregory Golgowski, AICP, Chief Planner, Planning Division

2020-2 Out-of-Cycle Regular Cycle Comprehensive Plan Amendment						
Staff-Initiated Comprehensive Map and Text Amendment						
Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Rezoner	Staff Rec	LPA Rec
2020-2-C-CP-1	Planning Division	Text and map amendments to update the Comprehensive Plan to remove the Alternative Mobility Area (AMA).	Kirsten Warren	N/A	Transmit	Transmit (7-0)

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective

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**2020 SECOND REGULAR CYCLE  
OUT-OF-CYCLE  
STAFF-INITIATED MAP AND TEXT AMENDMENT  
AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN  
BOARD OF COUNTY COMMISSIONERS TRANSMITTAL BOOK**

**INTRODUCTION**

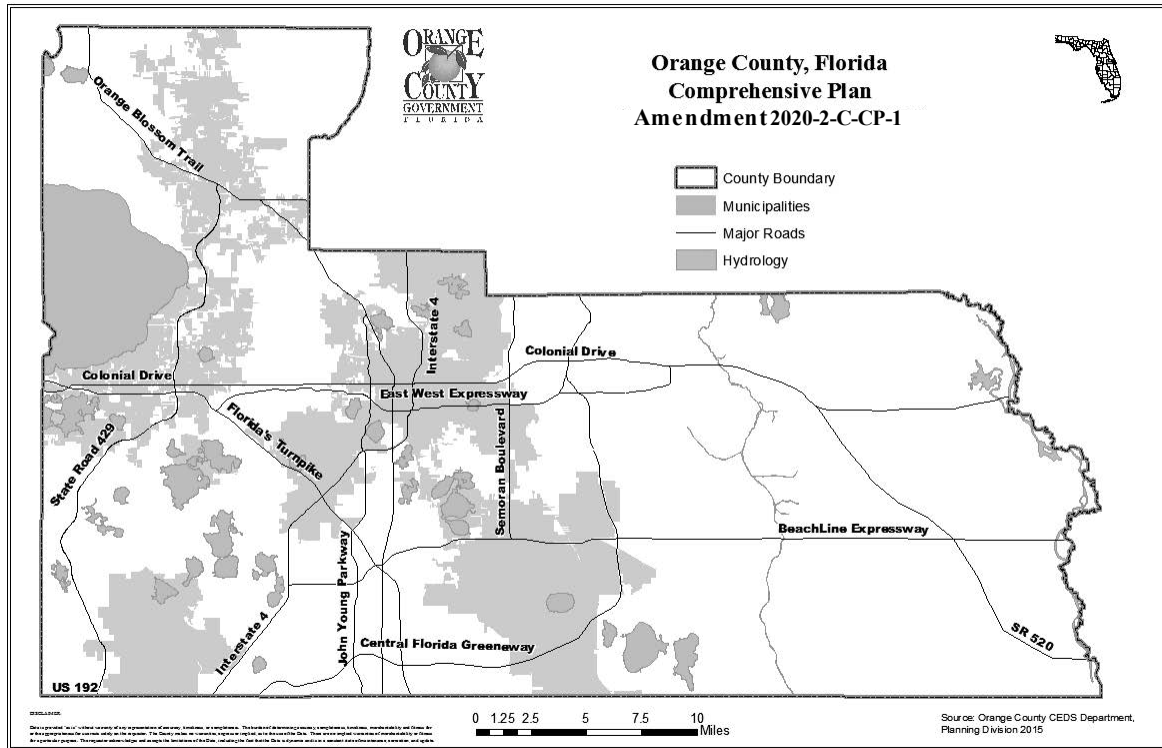
This is the Board of County Commissioners (BCC) transmittal public hearing book for the proposed Out-of-Cycle Second Regular Cycle Staff-Initiated Map and Text Amendment (2020-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). This amendment was heard by the Local Planning Agency (LPA) during a transmittal public hearing held on August 20, 2020. This amendment has been scheduled for a transmittal public hearing before the Board of County Commissioners (BCC) on September 22, 2020.

The 2020-2 Out-of-Cycle Regular Cycle Staff-Initiated Map and Text Amendment entails one staff-initiated map and text amendment. 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 are expected in October 2020. Adoption public hearings are tentatively scheduled for the LPA on November 19, 2020 and the BCC on December 15, 2020.

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 January 2021.

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 2020-2-C-CP-1	
✓	Staff Report	Recommend transmittal	Division: Transportation Planning	
✓	LPA Transmittal August 20, 2020	Recommend transmittal	Request: Text and Map Amendments to update the Comprehensive Plan to remove the Alternative Mobility Area (AMA).	
	BCC Transmittal	September 22, 2020		
	Agency Comments	Month of October/November	Modify: FLU1.1.4, FLU2.2.4, FLU2.2.6, FLU3.2.2 Delete: FLU2.3.3, OBJ T2.3, T1.3.2, T2.3.1-14, Map 16: Alternative Mobility Area	
	LPA Adoption	November 19, 2020		
	BCC Adoption	December 15, 2020		

### Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the proposed Comprehensive Plan text and amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2020-2-C-CP-1, deleting references related to the Alternative Mobility Area (AMA) and deleting Map 16: Alternative Mobility Area of the Transportation Element.



Specifically, modifications are proposed for Future Land Use element policies; FLU1.1.4, FLU2.2.4, FLU2.2.6, FLU3.2.2 and Transportation element Policy T1.3.2. Future Land Use element Policy FLU2.3.3 and Transportation element Objective OBJ T2.3, Policies T2.3.1-14 and Map 16 are proposed to be deleted.

## Background

In 2017, Orange County began the process of updating the Transportation Impact Fee (TIF) schedule adopted in 2012. Pursuant to Section 23-29(d), Orange County Code, the transportation impact fee shall be reviewed every 5 years to examine construction costs and needed improvements to ensure that the transportation impact fee assessed is proportionate to the amount of need created by the new growth. The existing Transportation Impact Fee structure is a roadway-based impact fee and includes a separate multi-modal fee rate in the more urbanized parts of the County based on the Alternative Mobility Area (AMA) boundary.

Staff conducted multiple work sessions with the Board of County Commissioners (BCC) in 2019 and 2020 regarding the Transportation Impact Fee update. As a result of the work session and ensuing discussions, the BCC directed staff to revise the AMA framework and to re-establish transportation concurrency within the current AMA boundary, restore proportionate share and mitigation County wide.

The proposed amendments are in response to the BCC direction and seek to make the Transportation Impact Fee consistent with the Comprehensive Plan.

## A. Policy Amendments Future Land Use and Transportation Elements

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

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FLU1.1.4 In addition to FLU1.1.2(B), 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(C). The Future Land Use and Zoning Correlation 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). ...B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the County’s ~~Alternative Mobility Areas and~~ Activity Center policies.

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FLU2.2.4 Projections indicate that Orange County is anticipated to have an adequate amount of single use commercial land available throughout the planning horizon. As part of the Destination 2030 Plan, Orange County will be transitioning to more mixed-use options available for new commercial future land use requests, including vertical mixed-use. As part of this transition, the County will update its land development code to provide incentives to achieve a complementary mixing of uses by revising development standards to remove constraints for development meeting criteria that may include, but is not limited to, the following: Location within the Urban Service Area, with special emphasis on ~~the Alternative Mobility Area and~~ potential Transit Corridors;

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FLU2.2.6 Orange County may consider properties meeting the following criteria for Mixed-Use Corridor (MUC) Future Land Use designation, consistent with the urban strategies in the Destination 2030 Plan. This option is available only through a staff-initiated process and must consider the following criteria:

1. Access to a 4-lane road within the Urban Service Area;
2. There are opportunities for infill, reinvestment and redevelopment consistent with the Infill Master Plan and Mixed-Use Activity Center FLU3.2.1 – FLU3.2.13;...
3. Locations where infrastructure can be more fully used ~~such as an Alternative Mobility Area;~~

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~~FLU2.3.3 **RESERVED.** To maximize existing infrastructure and enhance mobility options, Orange County shall designate Alternative Mobility Areas, or AMAs (referred to in Florida Statutes as Transportation Concurrency Exception Areas) as identified in the Transportation Element. These efforts will be coordinated in conjunction with the County's Capital Improvements Element. Part of this effort will include adoption and implementation of long term strategies to support and fund mobility enhancements within designated areas.~~

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FLU3.2.2 Mixed-Use Development Activity Center Eligibility. The following criteria shall be applied to determine the appropriateness for promoting a Mixed-Use Development Activity Center at a specific location. Consideration for Regional, Community, or Transit-Oriented Development (TOD) Mixed-Use Development Activity Center designation is dependent upon the number of points accumulated by the proposed location and transit service availability. Neighborhood Activity Nodes are subject to separate criteria

and not subject to designation criteria contained in Tables B and C below. Designation approval procedures are described under FLU3.2.9.

... B. Minimum Primary Criteria for Mixed-Use Development Activity Center Eligibility ...

Primary Criteria		Points
	...	...
	Location within a designated Transportation Concurrency Exception Area (TCEA) or <del>Alternative Mobility Area</del> , as defined in the Orange County Transportation Element	1
	...	...

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T1.3.2 To ensure the Capital Improvements Program is responsive to transportation demands, priority for funding County transportation improvement projects shall be based on factors such as: ...

G. Located within the County's Urban Service Boundary, especially within the ~~Alternative Mobility Area~~ and activity centers;

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~~OBJT.2.3~~ RESERVED. ~~The County establishes the Orange County Alternative Mobility Area (AMA) as an extension of the existing Orlando Transportation Concurrency Exception Area for the area shown in Map 16 of the Future Land Use Map Series to promote urban infill development and redevelopment and maximize the use of existing public infrastructure in established areas of the County. (Amended 06/10, Ord. 2010-07; Amended 03/13, Ord. 2013-07)~~

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~~T2.3.1~~ ~~Transportation network investment and connectivity shall increase in the AMA through support of alternative modes of transportation and development design that provides daily activities within walking distance of residences; public infrastructure that is safe, comfortable, and attractive for pedestrians with adjoining buildings open to the street and an attractive streetscape; and parking designed to avoid pedestrian conflicts with pedestrian, transit, automobile, and truck traffic. (Amended 06/10, Ord. 2010-07; Amended 03/13, Ord. 2013-07)~~

- ~~T2.3.2 All land use and development located within the AMA shall be exempt from transportation concurrency, and thus shall not be required to meet roadway level of service standards, based on their compliance with Objective T2.3 and related policies. Developments outside of the AMA that impact roadways within the AMA shall be required to meet transportation concurrency requirements and level of service standards. (Amended 06/10, Ord. 2010-07; Amended 03/13, Ord. 2013-07)~~
- ~~T2.3.3 Parcels located within unincorporated Orange County and located within the boundaries of an approved municipal transportation concurrency exception area shall be subject to the requirements of Objective T2.3 and associated policies. (Amended 06/10, Ord. 2010-07)~~
- ~~T2.3.4 Any project in the AMA with an existing capacity reservation or encumbrance account may elect to satisfy mobility requirements by converting the existing account to a pre-paid impact fee account. (Amended 06/10, Ord. 2010-07; Amended 03/13, Ord. 2013-07)~~
- ~~T2.3.5 All development or redevelopment in the AMA shall be required to provide safe and convenient movement on the development site for all users, particularly pedestrians, through strategies that may include but are not limited to the following:~~
- ~~A. Cross access connections/easements or joint driveways, where available.~~
  - ~~B. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined in Section 30-248 of the Land Development Code.~~
  - ~~C. Provide safe and convenient on-site pedestrian circulation such as sidewalks and crosswalks connecting buildings and parking areas at the development site. (Amended 06/10, Ord. 2010-07, Policy T2.3.6 r).~~
- ~~T2.3.6 The AMA shall be implemented, in part, using system level and site level mobility strategies to enhance mobility and accessibility as found in Section 30, Article XII, Orange County Code. (Amended 06/10, Ord. 2010-07, Policy T2.3.7 r; Amended 03/13, Ord. 2013-07)~~
- ~~T2.3.7 The County shall require special transportation studies including, but not limited to, information about trip generation, trip distribution, trip credits, signal warrants, and/or~~

~~transit, bicycle, and pedestrian facilities needed within an AMA. (Amended 06/10, Ord. 2010-07; Policy T2.3.10 r; Amended 03/13, Ord. 2013-07)~~

T2.3.8 The County shall amend the Concurrency Management section and any other relevant sections of the Land Development Code to reflect adoption of the Alternative Mobility Areas. (Amended 06/10, Ord. 2010-07, Policy T2.3.11 r)

T2.3.9 Development plans (DPs) and Preliminary Subdivision Plans (PSPs) approved prior to adoption of the AMA with requirements for transportation improvements, modifications or mitigation shall comply with such requirements unless the DP or PSP is substantially changed and the previously approved improvements, modifications, or mitigation are inconsistent with current design standards or other adopted policies. (Amended 06/10, Ord. 2010-07, Policy T2.3.12 r)

T2.3.10 Orange County shall coordinate on an ongoing basis with the Florida Department of Transportation (FDOT) concerning the AMA. (Amended 06/10, Ord. 2010-07, Policy T2.3.13 r)

T2.3.11 Orange County shall coordinate on an ongoing basis with municipalities and counties adjacent to the AMA concerning the AMA. (Amended 06/10, Ord. 2010-07, Policy T2.3.14 r; Amended 03/13, Ord. 2013-07, Policy T2.3.12 r)

T2.3.12 Orange County shall monitor and evaluate the impacts of approved development in the AMA on adjacent city or adjacent county maintained roads and the state highway system, and share that information accordingly. (Amended 06/10, Ord. 2010-07, Policy T2.3.14.1 r; Amended 03/13, Ord. 2013-07, Policy T2.3.13 r)

T2.3.13 Orange County shall monitor the success of AMA strategies using the following performance measures. Evaluation of the AMA using these performance measures shall occur in 2015. (Amended 06/10, Ord. 2010-07, Policy T2.3.15 r; Amended 03/13, Ord. 2013-07, Policy T2.3.14 r)

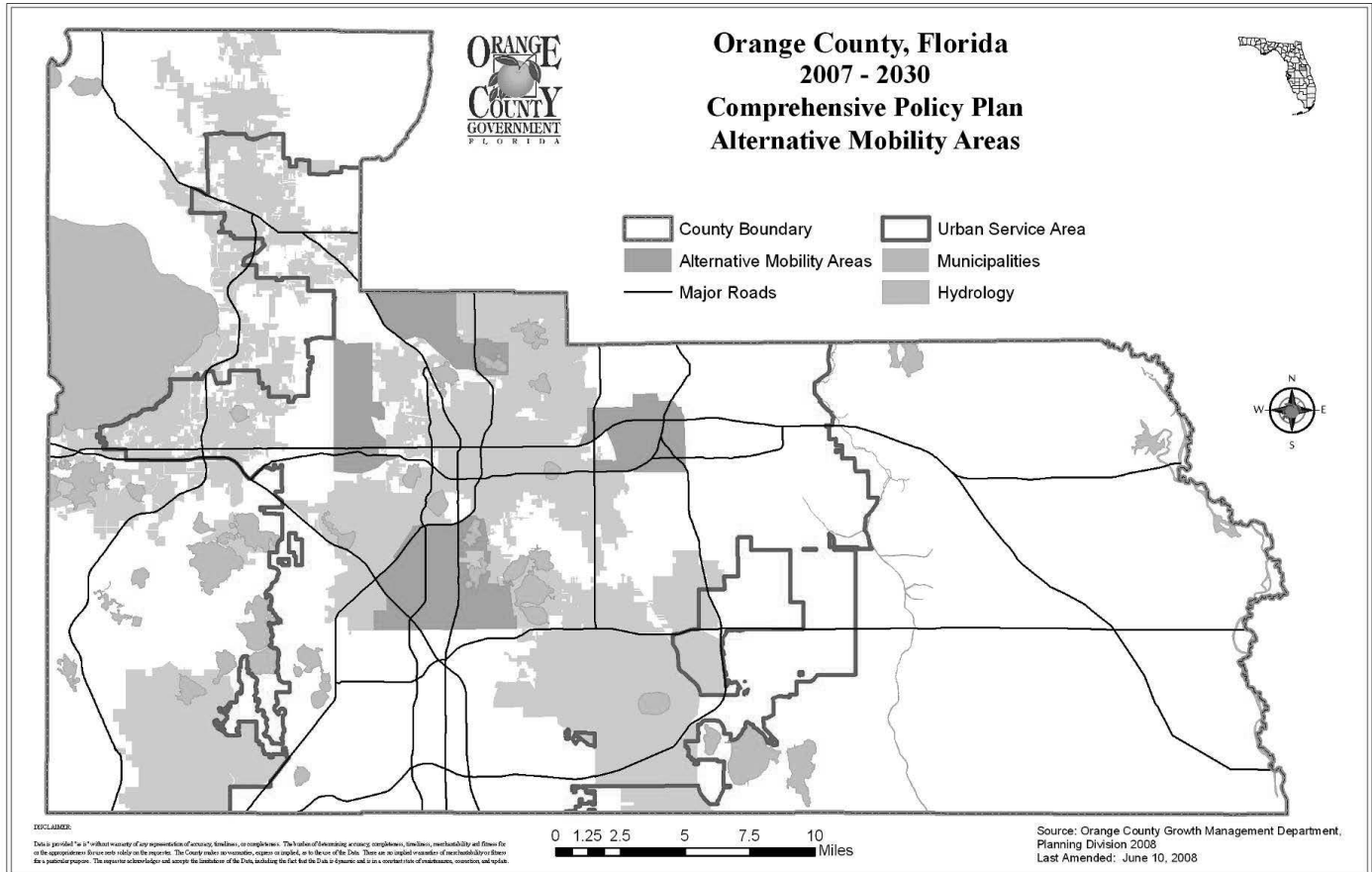
Mobility Strategy	Measure	Target and Timeline
Support alternative modes of transportation	Transit shelters in the AMA	Increase number of bus shelters

Mobility Strategy	Measure	Target and Timeline
	Sidewalk coverage near transit stops in the AMA	Increase percentage of roadways within ¼ mile of transit stops with sidewalks (at least one side)
	Pedestrian, bicycle and transit Q/LOS	Achieve grade C or better
	VMT in the AMA (per capita)	Maintain or reduce amount
	Accidents involving pedestrians and bicyclists in the AMA	Reduce annual number of accidents involving pedestrians and bicyclists in the AMA.
Transportation network connectivity	Pedestrian connectivity index	Increase pedestrian connectivity index score by measuring link to node ratio.

T2.3.14 ~~Objective T2.3 and all associated policies shall apply to any Transportation Concurrency Exception Area (Alternative Mobility Area) designated within Orange County's jurisdiction. (Amended 06/10, Ord. 2010-07, Policy T2.3.16 r; Amended 03/13, Ord. 2013-07, Policy T2.3.15 r).~~

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MAP-16 Alternative Mobility Areas





Date: July 29, 2020

To: Mayor Jerry L. Demings  
Board of County Commissioners

RE: Development Advisory Board Recommendation  
Transportation Impact Fees

On July 20, 2020, the Development Advisory Board (DAB) reviewed the Transportation Impact Fee Update Study, dated June 9, 2020, as presented by Renzo Nastasi, Manager, Transportation Planning Division. The professional, detailed, objective presentation, which included a robust discussion and Q&A opportunity with the traffic consultant regarding methodology and data sources, was well received by the DAB; however, the DAB found that, given the uncertainty surrounding the effects of current conditions, the report lacked vital information that could have a significant bearing on the results. The following summarizes the DAB's concerns:

- The report data is based on historical information, excluding 2020 – this omits a year in which background traffic is affected by major variables, such as commutes to work and educational facilities, as well as tourism related traffic. Why not collect 2020 counts, as have been done every other year, while these major variables are not present on the roads?
- Bedroom count was correlated with vehicle counts at the direction of the BCC Workshop, which is an appropriate analysis to test for number of trips; however, the new fee scale was created based on square footage, rather than bedroom count because of complications in verifying the number of bedrooms constructed. The analysis was based on the average square footage of all existing housing inventory constructed over many decades and driven by a variety of policy decisions and market forces. Recent Housing Task Force efforts revealed that past and current policy decisions have not generated an adequate supply of affordable or attainable housing for Orange County residents, and new housing innovation is needed to solve this problem. While there is an exemption for certified Affordable Housing in the staff recommendation, no consideration is made to incentivize or address attainable housing. Why not incorporate some of the Task Force's research into this Impact Fee update to include potential incentives for the creation of new, attainable housing supply?

PLANNING DIVISION

ALBERTO A. VARGAS, MArch., *Planning Manager*

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- Based on the June report, the 100% Traffic Impact fee is a roughly 2x increase from today's published rate. This is a market shocking headline regardless of what percentage of the calculated fee the BCC ultimately adopts. At the same time, the BCC is encouraging business relief in the form of recent "timing of payment" amendments and "change of use" exemptions to Chapter 23-29, reviewed by DAB in the same meeting. This is a mixed message.
- As you are aware, today's policy decisions lead to tomorrow's market behaviors, which take a few years to play out after new policies are adopted. Why make this policy decision now, knowing it influences the next several years of economic investment behavior when there's so much 2020 data unfolding now, and available, but not considered in the analysis?

Based on the above and by vote, the DAB recommends that the Board of County Commissioners update the Transportation Impact Fee Study to include the 2020 data. This process is absolutely brutal, and we don't envy the decisions you must make here; yet, given the present fragility of the economy and the real estate industry's tremendous influence, the DAB's final recommendation is more of a "measure twice, cut once" approach.

Please accept our appreciation and respect for how planning staff handled this July 20, DAB presentation and discussion. They showed patience and professionalism while handling the various questions from members, which DAB arrived at this recommendation.

Respectfully,

A handwritten signature in black ink, appearing to be "Brock Nicholas", written over a horizontal line.

Brock Nicholas, Chairman  
Development Advisory Board

# Transportation Impact Fee Benefit Zones

