

ORDINANCE NO. 2020-_____

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 AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2020 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;

c. On July 16, 2020, the Orange County Local Planning Agency (“LPA”) held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

d. On July 28, 2020, the Orange County Board of County Commissioners (“Board”) held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

31 e. On September 9, 2020, the Florida Department of Economic Opportunity (“DEO”)
32 issued a letter to the County relating to the DEO’s review of the proposed amendments to the
33 Comprehensive Plan, as described in this ordinance; and

34 f. On September 17, 2020, the LPA held a public hearing at which it reviewed and
35 made recommendations regarding the adoption of the proposed amendments to the Comprehensive
36 Plan, as described in this ordinance; and

37 g. On September 22, 2020, the Board held a public hearing on the adoption of the
38 proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to
39 adopt them.

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

42 **Section 3. Amendments to Text of Public Schools Facilities and Future Land Use**
43 **Elements.** The Comprehensive Plan is hereby further amended by amending the text of the Public
44 Schools Facilities and Future Land Use Elements to read as follows, with underlines showing new
45 numbers and words, and strike-throughs indicating repealed numbers and words. (Words,
46 numbers, and letters within brackets identify the amendment number and editorial notes, and shall
47 not be codified.)

48 * * *

49 **[Amendment 2020-2-C-PSFE-1:]**

50 PS6.3.1 ~~Orange County shall not approve~~When reviewing a developer-initiated
51 Comprehensive Plan amendment or rezoning that would increase residential
52 density on property that is not otherwise vested, Orange County shall seek input
53 from until such time as OCPS has determined as to whether sufficient school
54 capacity will exist concurrent with the development, or a capacity enhancement
55 agreement is executed that provides for ~~If OCPS indicates there is insufficient~~
56 capacity in the affected schools, Orange County may take into consideration the
57 severity of the overcrowding and the timing of the availability of the needed

58 capacity to accommodate the proposed development when deciding whether to
59 approve or deny the requested Comprehensive Plan amendment or rezoning.

60 * * *

61 **[Amendment 2020-2-C-FLUE-2:]**

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

- 65 A. For non-residential uses when the proposed use is permitted in the existing
66 zoning district, and the same use is permitted in each of the zoning districts
67 that are consistent with the adopted FLUM designation; or
68 B. For non-residential and residential uses when the proposed use is permitted
69 in the existing zoning district, but the use would require a special exception
70 if the property is rezoned to be consistent with the adopted FLUM
71 designation. In this case, however, the same use must be permitted or
72 allowed by special exception in each of the zoning districts that are
73 consistent with the adopted FLUM designation; ~~or~~
74 C. For residential uses when the proposed use is single-family detached
75 residential and the Zoning and Future Land Use are both residential. The
76 lot upon which the single-family detached residential is proposed must be a
77 Lot of Record, a lot created through a plat, or a lot split as recognized by
78 Orange County.

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

86 * * *

87 ***Section 4. Effective Dates for Ordinance and Amendments.***

88 (a) This ordinance shall become effective as provided by general law.

89 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment
90 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County
91 that the plan amendment package is complete. However, if an amendment is timely challenged,

92 the amendment shall not become effective until the DEO or the Administration Commission issues
93 a final order determining the challenged amendment to be in compliance.

94 (c) No development orders, development permits, or land uses dependent on any of
95 these amendments may be issued or commence before the amendments have become effective.

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100 ADOPTED THIS 22nd DAY OF SEPTEMBER, 2020.
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103 **ORANGE COUNTY, FLORIDA**
104 By: Board of County Commissioners

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108 By: _____
109 Jerry L. Demings
110 Orange County Mayor

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

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117 By: _____
118 Deputy Clerk