

**ORDINANCE NO. 2021-11**

**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 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 February 23, 2021, 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. Amendments to Text of Future Land Use, Economic, Public Schools Facilities, Capital Improvements, and Intergovernmental Coordination Elements.*** The

Comprehensive Plan is hereby amended by amending the text of the Future Land Use, Economic, Public Schools Facilities, Capital Improvements, and Intergovernmental Coordination Elements to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words.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 2020-2-C-CP-5:]

**Future Land Use Element  
Goals, Objectives and Policies**

\* \* \*

**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)**

**POLICIES**

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)

FLU1.1.2 ~~A.~~—The Future Land Use Map shall reflect the most appropriate ~~maximum and minimum~~ densities for residential development.

Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay, (~~Scenario 5~~) and Growth Centers may include specific provisions for maximum and minimum densities.

The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan. (Added 8/93, Ord. 93-19; Amended 12/00, Ord. 00-25, Policy 1.1.10-r)

~~A.B.~~ The following are the residential densities permitted within the Urban Service Area for all new residential development or redevelopment. Future Land Use densities for the following categories shall be:

<b>Table 1.1.2.A – Urban Service Area – Urban Residential</b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density</b>
<b><del>Urban Residential – Urban Service Area</del></b>		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single-family to small lot <u>single-family</u> development.	0 to 4 du/ac
Low-Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single-family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multi-family residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood-serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac
(Amended 8/92, Ord. 92-24, Policy 1.1.11-r; Amended 11/17, Ord. 2017-19)		

B.C. Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. Accessory Dwelling Units (ADUs) shall not be included in density calculations. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. In order to include ~~new~~ Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved

Conservation Area Impact permit from the Orange County Environmental Protection Division. (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19, Policy 1.1.11; Amended 6/10, Ord. 10-07; Amended 11/19 2019-18)

~~C.D.~~ Orange County may, in its Land Development Code, identify standards and criteria for alternative density compliance consistent with the intent of this policy and CP update. Specifically, minimum density standards may be reduced by the Planning Manager on parcels limited to less than one developable acre if conditions and constraints prohibit development in accordance with ~~FLU1.1.2~~ the adopted density of the future land use designation and if the project otherwise promotes infill and redevelopment ~~consistent with this update~~. Alternative compliance should further the aims of 2007 Workforce Housing Task Force recommendations or transit ready locations consistent with the intent of the Transportation Element. There may be different standards for designated types of Transportation Planning Areas.

~~D.E.~~ ~~By 2010,~~ Orange County shall periodically update the Residential Capacity Analysis to revise the estimate of residential build-out in the Urban Service Area. This evaluation shall be based on the most recent population and economic data. Based on the results of this analysis, the County shall re-evaluate its strategies related to residential densities.

~~E.F.~~ Student housing may be permitted only on property with a future land use designation of Medium Density Residential (MDR), Medium-High Density Residential (MHDR), High Density Residential (HDR), or Planned Development (PD) (in which medium or high density student housing is included as a single use or part of a mix of uses). (Amended 11/17, Ord. 2017-19)

(1) A P-D (Planned Development) zoning classification shall be required for all student housing projects.

~~(1)~~(2) Student housing density shall be calculated based on the number of bedrooms, with four (4) bedrooms equal to one (1) multi-family unit. An alternative density calculation may be permitted upon the approval of the Board of County Commissioners, provided the developer has committed to a mobility plan to be implemented with the development of the student housing project, has demonstrated a need for the additional units, ~~and/or~~ or has proposed a redevelopment project located within the area extending one (1) mile east and one (1) mile west of the Alafaya Trail corridor, between McCulloch Road and State Road 408.

~~(2)~~(3) Any conversion of student housing to unrestricted housing shall require a Comprehensive Plan amendment and/or the approval of a substantial change to the approved Planned Development-Land Use Plan (PD-LUP) by the Board of County Commissioners at a public hearing. If the Comprehensive Plan

amendment and/or substantial change is approved, school impact fees in effect at the time shall be paid, and the project shall comply with any school capacity regulations in effect at the time of the proposed change. (Added 5/13, Ord. 2013-11)

F.G. A Community Residential Home (CRH) is defined in §419.001(1)(a), Florida Statutes as “a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents”. The definition of a Community Residential Home (CRH) can include uses such as Assisted Living Facilities, Adult Family Care Homes, group homes, and other similar uses.

- (1) A CRH that serves six (6) or fewer residents, which otherwise meets the definition of a CRH, shall be deemed a noncommercial, residential use and shall be permitted in any
- (2) .oresidential or rural/agricultural Future Land Use (FLU) designation or zoning district.
- (3) A CRH serving seven (7) to fourteen (14) residents shall be permitted in the Low-Medium Density Residential (LMDR) and all higher-density residential FLU designations and the Office and Commercial FLU designations.
- (4) A CRH, such as an Assisted Living Facility, serving greater than fourteen (14) residents shall be permitted in any residential FLU designation that allows multi-family uses, as well as the Commercial and Office designations. In residential districts, density for such uses shall be calculated based on the number of beds, with two (2) beds equal to one (1) residential unit. Facilities located in nonresidential districts shall be regulated based on the Floor Area Ratio (FAR) consistent with the FLU designation. (Added 09/2020, Ord. 2020-04)

FLU1.1.3 The interpretation of FLU1.1.2 shall not:

A. ~~preclude~~ Preclude construction of a residential unit (including ancillary buildings or improvements to include tennis courts and pools), modification, or expansion on an existing lot or tax parcel of more than one acre that is legally subdivided according to the Zoning Division records; ~~or~~

B. ~~This policy shall not preclude~~ Preclude the construction of one (1) residential unit (including ancillary buildings or improvements) on an

existing lot of record (according to Zoning Division records) as of July 1, 1991.

Pursuant to this policy, development on an existing lot of record shall continue to be subject to all applicable County development regulations. This policy is not intended to be the sole impetus for altering the type, density, intensity or character of an existing residential area, nor shall this policy preclude compliance with all development regulations. (Added 8/92, Ord. 92-24, Policy 1.1.11-r)

FLU1.1.4

In addition to the residential densities listed in FLU1.1.2(~~BA~~), 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(~~CB~~). The Future Land Use and Zoning Correlation table 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)

**A. OTHER URBAN RELATED OPTIONS** – The following are non-residential Future Land Use designations that are predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within OBJ FLU6.2.) Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objectives and/or policies in this Comprehensive Plan. (Amended 11/17, Ord. 2017-19)

<b>Table 1.1.4A – Urban Non-Residential</b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b>Urban Non-Residential – Predominantly urban in use</b>		
Office (O)	Office uses include professional office and office park-style development. Office uses can be considered as a transitional use between two different types of land use or land use intensities.	1.25 FAR <u>within the Urban Service Area</u> <del>{0.15 FAR for Rural Settlements per FLU6.2.9}</del> unless otherwise restricted or increased for specific location pursuant to adopted County Comprehensive Plan policy or land development code

<b>Table 1.1.4A – Urban Non-Residential</b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	1.50 FAR <u>within the Urban Service Area</u> (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code
Industrial ( <u>IND</u> )	Industrial uses include the processing of both hazardous and nonhazardous materials ranging from light assembly and manufacturing to chemical processing.	0.75 FAR
Institutional (INST)	Institutional uses include public and private utilities, facilities, structures and lands that serve a public or quasi-public purpose. Public schools that have been designated Institutional may continue to maintain that designation.	2.0 FAR
Educational (EDU)	Educational includes public elementary, K-8, middle, and high schools and ninth grade centers.	2.0 FAR

**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.

<b>Table 1.1.4B – Urban Service Area – Urban Mixed-Use</b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b>Urban Mixed Use – Urban Service Area</b>		
Planned Development (PD)	The PD designation ensures that adjacent land use compatibility and physical integration and design. <u>The development program established at Future Land Use approval may be single or multiple use. See FLU8.1.4.</u>  Innovation Way is another large planning area similar in some respects to the planning process for Horizon West. Developments within the Innovation Way Overlay (Scenario 5) are processed as Planned Developments. Innovation Way is being implemented through the policies found in <u>Chapter 4 Goal 5 of the Future Land Use Element.</u>	Must establish development program at Future Land Use amendment stage per FLU8.1.4.
Traditional Neighborhood Development (TND)	TND uses include mixed use communities with “towns and villages” designed to be within a walking distance of central commercial and transit stops. TNDs include a town center, public facilities and open space designed to integrate with the residential development. <u>A P-D zoning district is required.</u>	Office 1.7 FAR Commercial 1.0 FAR Industrial 0.5 FAR
Mixed Use Corridor (MUC)	MUCs are intended to promote redevelopment of suburban corridors and transit-oriented development, including transit design standards, in conjunction with Activity Centers and transit planning efforts. See FLU2.2.6 – FLU2.2.7. MUC amendments are staff-initiated.	Minimum 0.3 to 1.0 FAR Up to 20 DU/AC

- C. **HOLDEN HEIGHTS** – At this time, the Future Land Use designations below apply only to properties within Holden Heights. A Special Area Study was undertaken to create the eligible properties within Holden



Heights. In addition, specific code provisions for Holden Heights are found in Chapter 38-1725 of the Orange County Code (OCC).

<b><u>Table 1.1.4C – Area Specific Designated as boundaries on the Future Land Use Map</u></b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b><del>Area Specific – Designated as boundaries on the FLUM (such as Holden Heights)</del></b>		
Neighborhood Activity Corridor (NAC)	NAC is a linear core district providing a mixture of land uses along main roadways. Generally, mixed-use developments including single-family, multi-family and neighborhood-scale non-residential.	Up to 25 DU/AC Up to 1.0 FAR non-residential
Neighborhood Center (NC)	NC is a mixture of neighborhood-serving land uses including retail, restaurants, office, and civic uses designed at a pedestrian-friendly scale. Residential units also may be considered.	Up to 40 DU/AC Up to 2.0 FAR non-residential
Neighborhood Residential (NR)	NR provides for diverse residential densities at higher densities <del>then</del> <u>than</u> surrounding neighborhoods in NAC.	Up to 20 DU/AC Up to 0.40 all non-residential

- D. INTERNATIONAL DRIVE ACTIVITY CENTER** – The following two Future Land Use designations are located only in the International Drive Activity Center. More information about the ACR and ACMU Future Land Use designations are found in the International Drive Activity Center Element, which is a separate and optional element in the Comprehensive Plan.

<b><u>Table 1.1.4D – I-Drive – Refer to International Drive Activity Center Element</u></b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b><del>I – Drive</del> – Refer to International Drive Activity Center Element</b>		
Activity Center Residential (ACR)	As described in the I-Drive element, ACR facilitates residential development in proximity to employment areas to minimize travel distances between uses. Intended to promote workforce housing for tourist-oriented employment. Establishes 50,000 square feet of non-residential neighborhood support per development. A PD <u>zoning district</u> is required.	<del>Minimum 12 DU/AC</del> <u>Up to 30 DU/AC, minimum 12 DU/AC</u> Non-residential 10,000 SF per 125 units with a maximum of 50,000 square feet total of non-residential per development*
Activity Center Mixed Use (ACMU)	As described in the I-Drive element, ACMU is a mixture of tourist-related development and supportive residential activity. No more than 30% of a site designated ACMU shall be for residential purposes. A PD is required.	Non-residential FAR 3.0* Hotel/motel lodging 60 rooms/acre (see note) Minimum 12 du/ac up to 30 DU/AC with a maximum of 30% of the site in residential use (see note)
<p>* The maximum FAR or square footage does not include floor area within a parking structure associated with the parking requirements for the principal use.</p> <p>Note: More than 60 hotel/motel rooms per acre or more than 30 DU/AC may be permitted if it can be demonstrated: an increase in traffic impact on the adjoining road network does not occur; and, the developable land area required for the residential portion of the development does not exceed a maximum of 30 percent of the total developable land area of the subject property.</p>		

**E. HORIZON WEST** – ~~Properties that are eligible for incorporation into Horizon West either have a Village designation or are currently part of a Specific Area Plan.~~ Horizon West Properties include those that are designated “Village” on the Future Land Use Map (FLUM), with specific parcel development entitlements assigned and secured with the approval of a required Planned Development / Land Use Plan

(PD/LUP). Horizon West ~~is an~~ was originally established through the State of Florida's ~~Optional Sector Planning Process~~ program beginning in 1996, but was released from the program in 2016. Currently, there are six adopted Special Planning Areas (Villages) – Lakeside, Bridgewater, Town Center, Village F, Village H (Hickory Nut), and Village I (pending; see CP inset to the 2010 2030 FLUM – Horizon West). The ~~adopted SAPs are conceptual approvals. A PD Future Land Use designation must be adopted to secure entitlements and assign parcel specific allocations and locations.~~ Policies for Horizon West are found in ~~Chapter 4 Future Land Use Element Goal 4.~~

<b>Table 1.1.4E – Horizon West – Refer to Adopted Special Planning Areas</b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b>Horizon West – Refer to adopted Specific Area Plans</b>		
Village Horizon West (V)	Horizon West is a mixed use integrated development that includes integrated neighborhoods and schools. Must be a minimum of 1,000 acres and consist of two neighborhoods. Boundaries established through <del>Specific Area Plan</del> <u>Special Planning Area</u> . Includes minimum densities (5 DU/AC), design standards, and requirements for adequate public facilities. Must be developed as PD; separate calculation standards are required.	One dwelling unit per 10 acres, unless approved as a <del>SAPSPA</del> . Densities and intensities are designated through implementation of <del>SAPs</del> <u>SPAs</u> at the Planned Development stage.

F. **GROWTH CENTER(S)** – Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. Orange County has ~~two~~ three Growth Centers – one in the northwest referred to as the Northwest Growth Center, ~~and~~ one in the southeast referred to as Growth Center/Resort/PD, and the Aviation Growth Center.

<b><u>Table F1.1.4 – Growth Centers – Refer to Future Land Use Map and associated Growth Center policies under OBJ FLU7.4</u></b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b><del>Growth Center – Refer to Future Land Use Map and associated Growth Center policies</del></b>		
Growth Center (boundary)	Growth Center recognizes urban development outside and adjacent to the boundaries of unincorporated Orange County. New Growth Centers or extensions shall be established only as part of adopted JPAs. The initial capital costs will not be incurred by Orange County. A PD is required.	PD
Growth Center/ Resort PD (GC/RPD)	GC/RPD is similar to GC boundary in GC requirements, but it also must have a minimum of 200 acres. FLU7.4.7 states applicant must demonstrate clear rationale for separating from Horizon West. See FLU7.4.1 – FLU7.4.7. A PD is required.	PD
<u>Aviation Growth Center (AGC)</u>	<u>The purpose of the AGC is to anticipate and coordinate development related to future establishment of a general aviation facility within the West Orange Aviation District.</u>	<u>Refer to FLU7.4.9</u>

**G. OPEN SPACE RELATED** – Orange County uses ~~several~~three Future Land Use designations to permanently establish open space, conservation protection or recreational areas. ~~These three options are shown below.~~ In addition, open space can be established through code provisions.

<b><u>Table 1.1.4G – Open Space – Refer to Future Land Use Map and associated open space policies</u></b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b>Open Space – Refer to Future Land Use Map and associated open space policies</b>		
Parks and Recreation / <u>Open Space (PR/OS)</u>	Refers to undeveloped or developed lands as passive and active parks.	0.8 ISAR

**Table 1.1.4G – Open Space – Refer to Future Land Use Map and associated open space policies**

<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
Conservation (map overlay)	Conservation recognizes lands designated for conserving natural resources. EPD formally reviews proposals within these designations. Must be determined by Conservation Area Determination (CAD). <u>Refer to Conservation Element policy C1.4.5</u>	0.01 ISAR – Class 1 0.25 ISAR – Class 2 1.0 ISAR – Class 3
Preservation	Preservation recognizes publicly or privately owned lands of significant environmental importance for the purposes of environmental protection. Publicly owned lands shall be lands owned by federal, state, or local governments acquired for environmental preservation, rehabilitation, or management. Designation of privately owned lands shall be limited to lands used for wetland mitigation banks. Compatible very-low impact recreational or educational uses that use natural amenities of the site for public benefit are allowable uses. All other uses are prohibited. <u>Refer to Conservation Element policy C1.4.4</u>	FAR 0.10

**H. RURAL, LAKE PICKETT, AND RURAL SETTLEMENT RELATED** – These Future Land Use designations ~~can be applied~~ are applicable only to areas outside the County’s Urban Service Area. Uses such as agricultural or agricultural-related activities predominate. These Future Land Use designations also are appropriate for locations in which residents prefer a rural lifestyle with limited services. Policies for these locations are found in ~~Chapter 5~~ Future Land Use Element Goal 6. (Amended 07/16, Ord. 2016-17)

<b>Table 1.1.4H – Rural and Rural Settlements</b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
<b>Rural – Rural Service Area</b>		
Rural/Agricultural (R)	Rural promotes long-term viability of agricultural uses as an economic asset while allowing single family residential on large lots. Compatible non-residential activity may be related to agribusiness.	1 DU/10 AC
<b>Rural Settlement related</b>		
Rural Settlement 1/5 (RS 1/5)	RS 1/5 recognizes and preserves existing development patterns, provides for a rural residential lifestyle, and manages the transition of rural areas near the USA.	1 DU/5 AC
Rural Settlement 1/2 (RS 1/2)	Similar to above but the acreage required is less.	1 DU/2 AC
Rural Settlement 1/1 (RS 1/1)	Similar to above, but lots once again are smaller size.	1 DU/1 AC
Rural Settlement Low Density (RSLD 2/1)	RSLD is intended to recognize existing development patterns and rural and suburban lots at 2 DU/AC. However, this category may be suited for new residential projects abutting urban development in adjacent municipalities.	2 DU/1 AC
<u>Office (O) (RS)</u>	<u>See Future Land Use Element Policy FLU6.2.9</u>	<u>0.15</u>
<u>Commercial (C) (RS)</u>	<u>See Future Land Use Element Policy FLU6.2.9</u>	<u>0.15</u>

<b>Table 1.1.4H – Rural and Rural Settlements</b>		
<b>FLUM Designation</b>	<b>General Description</b>	<b>Density/Intensity</b>
Lake Pickett (LP)	The LP designation provides for a transition of development from surrounding rural neighborhood densities and preservation areas to more dense development towards the center of the Lake Pickett Study Area. Transition is provided through compatibility measures.	Transect-based; Densities/intensities established on a Conceptual Regulating Plan
<p>The following are footnotes applicable to the above tables related to FLU1.1.4.</p> <p>FAR – Floor Area Ratio: The amount of permitted, developable floor area of a building to the area of the lot.</p> <p>ISAR – Impervious Surface Area Ratio: Ratio of impervious surface area to area of the affected wetland or recreation, as applicable. Commonly referred to as impervious coverage.</p> <p>*** Any area outside the impervious surface areas of a conservation area shall remain undisturbed in a natural state. Furthermore, the encroachments shall be limited to restrictions in C1.4.1 of the Conservation Element. (Added 8/92, Ord. 92-24; Amended 5/03, Ord. 03-03; Amended 10/03, Ord. 03-15, Policy 1.1.12-r)</p>		

FLU1.1.5 Orange County shall encourage mixed-use development, infill development, and transit-oriented development to promote compact urban form and the efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County’s desired urban framework. ~~Infill is defined as development consistent with the *Infill Master Plan* (2008).~~

**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)

**POLICIES**

FLU1.2.1 The Urban Service Area boundary, and its acreage allocation, shall be based on the supply of usable land needed to accommodate the County’s population and

employment forecasts by Year 2030 with respect to the County's desired development pattern, the County's ability to provide urban services and facilities, and the County's urban strategies to achieve its desired development pattern. (Added 8/92, Ord. 92-94; Amended 12/00, Ord. 00-25, Policy 1.1.2-r; Amended 5/13, Ord. 2013-11)

FLU1.2.2 Urban development during the 2007-2030 planning period, as identified in FLU1.2.1, will occur only in the Urban Service Area and the established boundary for the Horizon West ~~SAP Sector Area Plan~~ SPA (Special Planning Area) (identified on Map 2 in the Future Land Use Element of the Comprehensive Plan), ~~and the Innovation Way Overlay, and Growth Centers where urban services are available as specified by Joint Planning Agreement or other agreements. (Scenario 5).~~ (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.1.2.1-r; Amended 5/13, Ord. 2013-11)

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FLU1.2.7 If the Urban Service Area boundary intersects any tax parcel of land, the total parcel shall be included in the Urban Service Area unless the parcel of land intersected is of such size or nature that inclusion within the Urban Service Area constitutes a substantial alteration of the Urban Service Area boundary. The term "parcel" shall not include any alterations to the property's tax parcel legal description that are made after the adoption of the original Growth Management Policy (June 1980). A substantial alteration is determined to exist if:

More than forty acres of the parcel is outside the Urban Service Area boundary;

The property is intersected by a natural or man-made boundary that also serves as the Urban Service Area boundary; or

The developable land that is located outside the Urban Service Area is separated from the Urban Service Area by a substantial area designated as a Conservation Area by the ~~CP~~ Comprehensive Plan process. (Policy 1.1.8-r)

FLU1.2.8 ~~By the 2016 Evaluation and Appraisal Report,~~ Orange County will develop a fiscal sustainability analysis tool. In addition, the County will include policies to support fiscally sustainable development patterns in the Future Land Use and Capital Improvements elements. The methodology and policies will further the County's effort to evaluate the impacts of proposed Urban Service Area expansions, as well as the impact of proposed development in Rural Settlements and in the Rural Service Area, on the County's capacity to efficiently provide and maintain infrastructure and services. (Added 5/13, Ord. 2013-11)

**OBJ FLU1.3 APPLICATION FOR URBAN SERVICE AREA EXPANSION. No new expansions to the Urban Service Area boundary, except for those planned for Horizon West and the Innovation Way Overlay (Scenario 5), shall be permitted unless supported by data and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service**



**Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan. (Amended 5/13, Ord. 2013-11)**

**POLICIES**

FLU1.3.1 All proposed amendments (i.e. expansions) to the Urban Service Area shall include a comprehensive review to ensure the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent development. (Added 12/00, Ord. 00-25, Policy 1.1.4.1-r)

A. Per Section 163.3177(6)(a)~~9.a(9)(a)~~, Florida Statutes, amendments to the Comprehensive Plan, including Urban Service Area expansion requests, shall discourage urban sprawl. The primary indicators used to evaluate whether a plan or plan amendment encourages the proliferation of urban sprawl are listed below.

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B. In accordance with Florida Statutes 163.3177(6)(a)~~9.b(9)(b)~~, an amendment to the Comprehensive Plan shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

\* \* \*

C. In addition to the sprawl criteria outlined in FLU1.3.1A and FLU1.3.1B, the County shall consider the following factors when evaluating development proposals for inclusion within the Urban Service Area:

1. The extent to which the proposed development contributes to the urban strategies and urban form identified in the ~~CP~~ Comprehensive Plan;

\* \* \*

FLU1.3.2 An application to expand the Urban Service Area shall be approved only when the application is found to be consistent with the Comprehensive Plan and complies with the following procedural steps and additional criteria, with the exception of those planned for Horizon West and the Innovation Way Overlay (~~Scenario 5~~).

a. The applicant demonstrates that the proposed development is needed to satisfy acreage demands of the projected population and land use needs identified in the ~~CP~~ Comprehensive Plan and will not detract from the ~~CP~~ Comprehensive Plan's urban strategies of infill, mixed use and transit oriented development.

b. The provision of infrastructure/services to the proposed development shall be a logical and fiscally prudent extension of existing lines, and shall not deplete capacity allocated or reserved for vacant, vested

developable land within the Urban Service Area.

- c. The application shall detail existing and planned availability of services and facilities, how these services and facilities will be funded and an accounting for the development potential of vacant land within the Urban Service Area. Services and facilities shall include, but not limited to, potable water provision, wastewater disposal, law enforcement, fire protection/emergency medical service, road capacity, transit service, stormwater management, parks and open space, solid waste disposal, libraries and health care and schools. The identified funding strategies must be consistent with the County's Capital Improvements Plan (CIP) and Capital Improvements Element (CIE) processes.
- d. To ensure new development can be accommodated, an applicant wishing to request an Urban Service Area (USA) expansion must submit a Small Area Study, whose methodology is based on professionally accepted standards. This Small Area Study must demonstrate the growth-related impacts as it relates to concurrency requirements and the fiscal sustainability of a project over its lifetime. Such information must be submitted as part of a Large Scale or Small Scale Future Land Use Map amendment application process to request an expansion to the USA. For any Urban Service Area expansion or phased large-scale Future Land Use amendment, the County may require the applicant to demonstrate the capacity to provide the necessary infrastructure over the entire build-out period. The developer shall pay the full cost of initial services and facility expansion, unless excess uncommitted infrastructure/service capacity exists.
- e. To discourage urban sprawl, the travel distance between proposed residential development and identified employment centers shall not exceed a ten miles/twenty minute travel distance standard as referenced in Section 73C-40.048(2)(r), Florida Administrative Code (the Adequate Housing Uniform Standard Rule); or the project will include a mix of uses that allows a jobs/housing balance keeping with planning standards, which typically recommends a 1.5:1 jobs to housing balance.
- f. The total linear footage of the perimeter of the property to be added to the Urban Service Area USA shall be at least 25% contiguous (excluding wetlands and surface water) to the existing USA boundary as shown on the County's Future Land Use Map. The perimeter of the property shall be measured as a percentage of the total linear footage of the perimeter of the property proposed for inclusion as compared to the perimeter of the parcel that is contiguous. To discourage urban sprawl and reduce enclaves, the proposed development shall not extend into the Rural Service Area in a ribbon like manner or create enclaves or pockets of Rural Service Area.

If the property is contiguous but the contiguity is less than 25%, the following additional criteria must be met:

- The subject property shall not leave intervening parcels of developable property between the subject property and the Urban Service Area;
- The proposed development shall meet the minimum required site and building placemaking design standards for Mixed-Use Development Activity Centers, consistent with Policy FLU3.2.6; (Amended 10/10, Ord. 2010-13).
- The subject property is located within five miles of a regional employment center containing no less than 5,000 existing employees;
- The proposed development shall meet the design requirements for a Multimodal Transportation District (MMTD) as outlined in FDOT's *Multimodal Transportation Districts and Area-wide Quality of Service Handbook*, and the property owner/developer agrees to be included within a proposed MMTD boundary if and when the County proposes an MMTD;
- The application demonstrates that the proposed development will not adversely affect the County's ability to provide public safety services. This shall include a demonstration that adequate police and fire protection facilities are available (consistent with Policies FR1.2.2 and FR1.2.3), that adequate fire flows are or will be available, and that reflex time for fire and EMS response will be consistent with Policy FR1.2.1;
- The application contributes to the County's desired urban form strategies and urban form, consistent with Policy FLU1.3.1C(1); and
- The application meets all other requirements addressed in Policies FLU1.3.1A, FLU1.3.1B, and FLU1.3.1C.

(Added 5/95, Ord. 95-13; Amended 5/09, Ord. 2009-15, Policy 1.1.5-r; Amended 10/10, Ord. 2010-13; Amended 5/13, Ord. 2013-11)

- g. ~~In addition, an~~ An application for an Urban Service Area USA expansion may be required to include an imperiled Listed Species-species survey. If imperiled species Listed Species are identified, the applicant must demonstrate that ~~tion must include information as to whether there have been~~ adequate provisions have been made to protect those species.
- h. The application for an Urban Service Area USA expansion should include a commitment to nationally recognized Green Building standards, water and energy conservation measures and as well as to meet other sustainability criteria. Sustainability criteria can include, but are not limited to, the mix and balance of uses, the timing of development (with respect to the Capital Improvements Program

(CIP)), the jobs to housing balance, the environmental impacts of the project, as well as how the site integrates with the surrounding built environment at the time of the application.

- i. (Policy deleted 6/14, Ord. 2014-12; incorporated into new Policy FLU8.8.1.A.)

FLU1.3.3 All applications must be accepted as complete by the County for the application to be processed pursuant to Objective FLU1.3. The determination of completeness shall include the use of data that meets generally acceptable professional standards as well as addressing all issues required by this process. An accepted application does not bind staff or the Local Planning Agency (LPA) to an affirmative recommendation, or the Board of County Commissioners (BCC) in its final decision on the Future Land Use Amendment request. An application request can be denied based on inadequate or inconsistent data with respect to the County's commitment to the 2030 vision. (Amended 5/13, Ord. 2013-11)

**OBJ FLU1.4 The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 Comprehensive Plan CP. (Obj. 3.2-r)**

## **POLICIES**

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.

## **Commercial and Office**

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

\* \* \*

~~FLU2.3.6~~ FLU1.4.6 The County shall consider the following criteria when evaluating, on a case-by-case basis, whether conversion of residential use to non-residential use may be permitted:

- A. There has been a significant change in area land use character;
- B. The adjacent road satisfies one or more of the following: is a major street, as identified in the Land Development Code; provides access to

an existing mix of residential and non-residential uses; or will support a compatible mix of uses based on existing conditions;

- C. The site satisfies one or more of the following: is adjacent to commercial or office uses that are consistent with the Comprehensive Plan and Land Development Code; adjoins an intersection of two streets; or adjoins wetlands, stormwater facilities or other features that serve to buffer the use from adjacent residential uses;
- D. Sufficient land area is available to support the land use intensity increase, such as the need for parking, stormwater retention, on-site maneuvering, and meeting minimum site and building standards of the requested zoning district;
- E. The converted use shall be compatible with adjacent land use;
- F. The conversion would provide a commercial or office use that has the potential to serve the neighborhood in which it is located;
- G. Outside traffic resulting from the converted use would not adversely affect the residential neighborhood;
- H. All other applicable policies detailed for non-residential use shall be met; and
- I. A mix of uses shall be encouraged. Office use, in a residential scale and character, may be considered to be a transitional use between commercial and residential uses. (Policy 3.6.5-r; Amended 6/12, Ord. 2012-14)

FLU1.4.67

The following guidelines illustrate different types of commercial and retail development consistent with the Orange County Comprehensive Plan.

It is the goal of the 2030 ~~CPC~~Comprehensive Plan to increase densities and intensities in the Urban Service Area in order to accommodate projected growth.

The Commercial floor area ratio (FAR) shall be 1.50 unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code. (See FLU1.1.4A,~~and~~ FLU2.2.4 – FLU2.2.7,~~and~~ FLU3.2.1 – FLU3.2.13.) The basis for increasing densities and intensities is the finding that productive use of vacant land within the Urban Service Area is critical to the County’s future urban form. Therefore, with respect to new development and redevelopment, the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed use design and complementary land uses in close proximity to one another, in its desired development pattern for the County’s Urban Service Area. (Policy 3.2.4 and 3.2.5-r; Amended 10/10, Ord. 10-13 Amended 1/17, Ord. 2017-19)

The following criteria are intended to serve as guidance for commercial-related future land use amendment requests within the Urban Service Area. Consistent

with FLU1.4.5, Orange County may require a market study for Commercial and Office future land use requests. A mix of two or more uses will be encouraged where appropriate. (Amended 10/10, Ord. 10-13)

**Neighborhood Centers and Neighborhood Activity Nodes** – Neighborhood center commercial is intended to serve the needs of nearby residents, employees, visitors and businesses (within two to three miles).

**Village Centers** – Village Center commercial is intended to more centrally serve the needs of residents, employees, visitors and businesses within a community of neighborhoods (within three to five miles).

**Lifestyle Centers** – Lifestyle Centers are open-air shopping centers with a mix of national retailers and local boutiques and housing choices. These locations emphasize convenience and a mix of uses and choices.

**Wholesale/Retail** – Also may be referred to as Big Box retail or Power Centers. Big Box retail, as defined by County Ordinance 2007-1, is described as a retail wholesale commercial establishment (store) with more than seventy-five thousand (75,000) square feet of gross floor area, which may include a home improvement center or a membership warehouse club. The gross floor area of such a store includes outdoor storage areas and any outdoor area providing services. (Ord. 2007-1)

<b><i>Table FLU1.4.7A CHARACTERISTICS OF SHOPPING CENTERS</i></b>			
<b><i>Type</i></b>	<b><i>Size</i></b>	<b><i>Gross Leasable Area</i></b>	<b><i>FAR</i></b>
Neighborhood Center	4 acres	20,000 - 40,000 SF	See applicable County policy or code
Community Center	10 acres	100-300,000 SF	See applicable County policy or code
Village Center	20 acres	200-400,000 SF	See applicable County policy or code
Lifestyle Centers	25 acres	400,000 SF	See applicable County policy or code
Wholesale/Retail Centers	See Ordinance 2007-1, Big Box Ordinance		
All commercial should have safe, adequate and appropriate access per FLU1.4.8. (Amended 10/10, Ord. 2010-13)			

FLU1.4.78 Commercial activity larger than the Neighborhood Center size shall be limited to the Urban Service Area and Growth Centers. (Policy 3.2.6)

FLU1.4.89 Village Center Commercial uses shall be located at or near major road intersections where one road is an arterial. Access to the center shall be designed to promote safety and avoid conflicts with the functional classification of the road. (Policy 3.2.7-r, 3.2.8-r)

FLU1.4.9~~10~~ 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)

FLU1.4.10~~11~~ Strip commercial land uses shall be defined as commercial uses adjacent to roadways that are located outside the reasonable zone of influence of the intersection to which they relate. They are characterized by individual curb and median cuts and lack visual landscaped buffers. Strip commercial land use patterns shall be avoided by requiring a transition of land uses, encouraging a mix of land uses, or requiring incorporation of a buffer into the development's design. Strip commercial land uses do not include outparcels in shopping centers, malls, or similar developments where access is provided internally from the shopping center/mall or similar development, or via a system of shared or common driveways. More compact, clustered pedestrian and transit-friendly development options shall be encouraged. (Policy 3.2.14-r)

FLU1.4.11 ~~RESERVED The County will provide limited retail commercial establishments and neighborhood-scale offices, with or without residential components, as a means of diversifying uses in single use areas consistent with the intent of the Neighborhood Office Commercial (NOC) district.~~

\* \* \*

FLU1.4.15 ~~RESERVED Commercial uses within Rural Settlements shall be in compliance with Future Land Use FLU6.2.9 and FLU6.2.10. (Policy 3.2.9)~~

\* \* \*

FLU1.4.17~~18~~ The Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, ensure efficient freight movement and operations, avoid large concentrations of freight traffic, provide adequate and sufficient locations for industrial uses – particularly in existing corridors and areas in proximity to Activity Centers – and provide a variety of locations with different transportation accessibility opportunities (such as arterials, limited-access highways, airports and railroad). (Added 12/00, Ord. 00-25, Policy 3.2.15, Amended 11/16, Ord. 2016-28)

FLU1.4.18~~21~~ Orange County shall not approve industrial uses that produce or emit noises, significant vibrations or noxious/hazardous wastes/fumes resulting in adverse impacts to adjacent residential uses, unless such impacts are mitigated. (Policy 4.1.19-r)

FLU1.4.25~~19~~ Orange County may require appropriate design controls for each industrial district such as, but not limited to, building setbacks, lot size building coverage ratios, impervious surface limitations and landscaping provisions to ensure industrial districts are compatible with surrounding areas. (Policy 4.1.12-r)

FLU1.4.1720 Orange County seeks to retain an adequate supply of industrial land use designations and freight-intensive land uses during the planning horizon, consistent with the findings of the County's most current *Industrial Lands Analysis* and the desire to maintain jobs to housing balance within the County. Industrial requests found to be consistent with the Comprehensive Plan in areas where there are industrial deficits should be supported, provided these locations are found to be compatible and services are available. Further, amendments to DRIs or PDs that have the effect of reducing industrial lands in these submarkets should be discouraged, consistent with FLU1.4.16. (Amended 11/16, Ord. 2016-28)

FLU1.4.17421 Orange County will plan appropriately for fuel terminal infrastructure to ensure efficient and reliable multimodal transportation, consistent with s. 163.3206, Florida Statutes, (Added 11/16, Ord. 2016-28)

~~FLU1.4.17~~ Orange County seeks to retain an adequate supply of industrial land use designations and freight intensive land uses during the planning horizon, consistent with the findings of the County's most current *Industrial Lands Analysis* and the desire to maintain jobs to housing balance within the County. Industrial requests found to be consistent with the Comprehensive Plan in areas where there are industrial deficits should be supported, provided these locations are found to be compatible and services are available. Further, amendments to DRIs or PDs that have the effect of reducing industrial lands in these submarkets should be discouraged, consistent with FLU1.4.16. (Amended 11/16, Ord. 2016-28)

~~FLU1.4.18~~ The Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, ensure efficient freight movement and operations, avoid large concentrations of freight traffic, provide adequate and sufficient locations for industrial uses particularly in existing corridors and areas in proximity to Activity Centers and provide a variety of locations with different transportation accessibility opportunities (such as arterials, limited access highways, airports and railroad). (Added 12/00, Ord. 00-25, Policy 3.2.15, Amended 11/16, Ord. 2016-28)

FLU1.4.1922 Redevelopment of former landfills as defined by the State and "brownfield development" standards shall comply with the County's Planned Development process, S38-1201, OCC. The proponent for redevelopment shall enter into a developer's agreement with the County delineating specific procedures and/or conditions to deal with any environmental issues before redevelopment. (Amended 6/10, Ord. 10-07)

FLU1.4.2023 Orange County will evaluate, and support accordingly, the freight-intensive land use concepts, including intermodal logistics centers, distribution centers, and freight villages, identified in MetroPlan Orlando *Regional Freight Study* to enhance freight movement and efficiency and to attract high-value employment. Orange County will review the conceptual locations identified in



the *Regional Freight Study* to assess their compatibility with existing Future Land Use designations and evaluate the locations within the context of surrounding land uses. (Amended 11/16, Ord. 2016-28)

FLU1.4.2124 Orange County will encourage the use of vacant land within the Urban Service Area for redevelopment to improve existing conditions on-site.

FLU1.4.2225 Utilities and public facilities, and all pipes and lines associated with such utilities and facilities, shall be allowed in all Future Land Use designations, subject to complying with applicable laws and regulations, including zoning restrictions. Utilities and public facilities, except associated pipes and lines, shall have a Future Land Use Map designation of Institutional. (Policies 4.1.15 and 4.3.1; Amended 11/17; Ord. 2017-19).

FLU1.4.2326 New adult entertainment shall be located only within Industrial designated areas within the Urban Service Area. This policy does not supersede International Drive Policy ID1.1.6. (Added 8/92, Ord. 92-24, Policy 3.2.24)

~~FLU1.4.24 Orange County shall not approve industrial uses that produce or emit noises, significant vibrations or noxious/hazardous wastes/fumes resulting in adverse impacts to adjacent residential uses, unless such impacts are mitigated. (Policy 4.1.19-r)~~

~~FLU1.4.25 Orange County may require appropriate design controls for each industrial district such as, but not limited to, building setbacks, lot size building coverage ratios, impervious surface limitations and landscaping provisions to ensure industrial districts are compatible with surrounding areas. (Policy 4.1.12-r)~~

FLU 1.4.27 The County shall not support the siting of developments at urban residential densities adjacent or near solid waste disposal facilities (landfills).

**URBAN STRATEGIES: INFILL, MIXED-USE, LAND USE AND TRANSPORTATION, SMALL AREA STUDIES~~MIXED-USE~~**

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**GOAL FLU2 URBAN STRATEGIES.** Orange County will encourage urban strategies such as, but not limited to, infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

**OBJ FLU2.1 INFILL.** Orange County shall promote and encourage infill development ~~through incentives identified in the Land Development Code for relatively small~~ vacant and underutilized parcels within the County's established ~~core areas in the~~ Urban Service Area. (Obj. 3.3-r)

**POLICIES**

FLU2.1.1 ~~By 2008,~~ Orange County shall ~~adopt an~~ regularly review and update the 2008 Infill Master Plan to identify vacant parcels suitable for infill development. The plan shall identify appropriate land use and intensities and address the provision of services in Orange County's established core areas to accommodate new development in these designated areas. The Plan will consider economic factors that affect development, such as land values, land requirements, market area standards, and current development prototypes. In addition, the plan shall identify incentives such as, but not limited to, density bonuses to encourage infill and redevelopment. (Policy 3.3.1-r)

FLU2.1.2 Regular updates to the ~~The~~ Infill Master Plan will evaluate the County's redevelopment needs and capacities. Specific core areas will be the focus as the infill development potential of specific parcels is analyzed and identified, including assessment of the surrounding interconnectivity of transportation networks and land uses, road capacity, and available transit service.

FLU2.1.3 ~~After completion of the Infill Master Plan,~~ Orange County shall regularly evaluate various mechanisms for its the implementation of the 2008 Infill Master Plan, including, but not limited to, code changes, incentive programs such as increased density on infill parcels, and overlays or special districts. (Policy 3.3.2-r)

\* \* \*

**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)

\* \* \*

FLU2.2.3 ~~By 2010, Orange County shall adopt revisions to the revise its off-street parking regulations in Chapter 38, Article XI, Orange County Code. These revisions will to reflect smart growth principles, current research on parking demand, methodologies to determine appropriate shared parking, incentives for adjacent transit service that may lessen parking demand, and available studies done by the private sector for land development in Orange County.~~

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:~~

1. Location within the Urban Service Area, with special emphasis on the Alternative Mobility Area and potential Transit Corridors;
2. Locations identified in the *Infill Master Plan*, ~~locations consistent with FLU3.2.2 and FLU3.2.3,~~ and locations identified as Energy Economic Development Zones;
3. Locations that will facilitate the County's Mobility Planning efforts, such as those locations that either have or potentially can:
  - a) Establish and promote community and neighborhood connectivity;
  - b) Provide multimodal opportunities for enhanced mobility, improved access, and flow of people and goods;
  - c) Have proximity to existing or planned transit corridor or transit stop.

(Amended 10/10, Ord. 2010-13)

\* \* \*

FLU2.2.8 ~~By 2010, Orange County shall implement a mixed-use zoning and building district to facilitate infill and mixed-use corridor development.~~

FLU2.2.9 ~~By 2010, Orange County shall promote smart growth principles in residential design, parking standards, minimum project size and open space requirements of the Urban Village zoning district. These changes include providing for development of infill parcels and redevelopment of greyfield sites between 10 and 200 acres. This development and redevelopment shall provide an integrated mix of residential and residential-support uses, including recreation and limited~~

neighborhood commercial, office and personal services. To create a community/village-like setting, the land uses within each Urban Village shall be interconnected and oriented around a Village Center and shall have specific design standards.

\* \* \*

FLU2.2.13 The County shall expand the role of ~~major~~ established commercial centers that are well served by transit ~~and by encourage~~ encouraging a mix of retail, office, and service uses that are compatible with the surrounding area. As part of these efforts, residential uses in the vicinity should be retained to support the mix of uses.

FLU2.2.14 Orange County will encourage and promote effective examples of mixed-use development at appropriate scales through incentives, public education, transit planning, Traditional Neighborhood Development (TND) and Village principles, ~~and via its Design Awards program.~~ (Policy 3.6.1-r)

\* \* \*

FLU2.2.16 The County's Land Development Code shall include zoning districts that encourage a concentrated urban form in order to efficiently accommodate its projected ~~resident~~ population.

\* \* \*

FLU2.2.18 New development and infill redevelopment areas ~~shall~~ should incorporate sustainable building design, construction materials, and energy conservation strategies consistent with national and state-recognized green building standards ~~as these options become required.~~

\* \* \*

FLU2.3.1 The design function of roads shall be maintained by considering the safe, convenient access and mobility of all roadway users, incorporating context sensitive design that considers ~~by coordinating~~ local development patterns and land use, Quality and Level of Service standards, and the functional classification of roads. (Policy 3.6.1)

FLU2.3.2 The Future Land Use Map shall reflect a correlation between densities and intensities of development and capacity and quality of service of the transportation system. (Policy 3.6.2)

FLU2.3.3 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.

FLU2.3.4 ~~The W~~widening of roadways shall not be the sole reason to allow increased land use intensity. (Policy 3.6.3)

\* \* \*

FLU2.3.6 ~~RESERVED. The County shall consider the following criteria when evaluating, on a case-by-case basis, whether conversion of residential use to non-residential use may be permitted:~~

- ~~A. — There has been a significant change in area land use character;~~
- ~~B. — The adjacent road satisfies one or more of the following: is a major street, as identified in the Land Development Code; provides access to an existing mix of residential and non-residential uses; or will support a compatible mix of uses based on existing conditions;~~
- ~~C. — The site satisfies one or more of the following: is adjacent to commercial or office uses that are consistent with the Comprehensive Plan and Land Development Code; adjoins an intersection of two streets; or adjoins wetlands, stormwater facilities or other features that serve to buffer the use from adjacent residential uses;~~
- ~~D. — Sufficient land area is available to support the land use intensity increase, such as the need for parking, stormwater retention, on-site maneuvering, and meeting minimum site and building standards of the requested zoning district;~~
- ~~E. — The converted use shall be compatible with adjacent land use;~~
- ~~F. — The conversion would provide a commercial or office use that has the potential to serve the neighborhood in which it is located;~~
- ~~G. — Outside traffic resulting from the converted use would not adversely affect the residential neighborhood;~~
- ~~H. — All other applicable policies detailed for non-residential use shall be met; and~~
- ~~I. — A mix of uses shall be encouraged. Office use, in a residential scale and character, may be considered to be a transitional use between commercial and residential uses. (Policy 3.6.5 r; Amended 6/12, Ord. 2012-14)~~

\* \* \*

FLU2.3.12 The County shall evaluate and support accordingly commuter rail proposals and plan for its supporting facilities, including locations for Transit Oriented Development and activity nodes, and shall coordinate with local jurisdictions to establish a corridor land use plan for the commuter rail stations.

FLU2.3.13 Orange County shall improve transportation accessibility, air quality, and energy conservation by developing a multi-modal system.

FLU2.3.14 Orange County shall promote the use of multi-occupant vehicles (car pool and transit) to minimize emission impacts to air quality in its Land Development Code (LDC) ~~and conditions of approval for DRIs~~, where appropriate. Further, Orange County shall support the Orange to Green Initiative as well as other sustainability efforts, including ~~the~~ fulfilling its status as a certified Green Local Government. (Policy 4.2.2)

**OBJ FLU2.4 SMALL AREA STUDIES. Orange County shall use Small Area Studies as an appropriate urban strategy to facilitate infill, mixed use development, and redevelopment in a manner compatible with existing communities. Small Area Studies shall incorporate public outreach techniques, such as ~~charettes~~ charrettes, and community meetings, ~~and other public involvement~~, to ensure they reflect the community's preferred vision for the area's future. (Added 10-13-09, Ord. 2009-28)**

\* \* \*

FLU2.4.3 Land use decisions in the State Road 436/SR 50 Area Redevelopment Plan Study Area shall reinforce community preservation and enhancement and promote new social, recreational, and business opportunities. (Added 10-13-09, Ord. 2009-28)

\* \* \*

FLU2.4.6 The Planning Division shall explore the feasibility of ~~Activity Center~~ designations, consistent with ~~Objective FLU3.2, and Mixed Use Corridor~~ designations, consistent with Policy FLU2.2.6, for properties within the State Road 436/SR 50 Area Redevelopment Plan. (Added 10-13-09, Ord. 2009-28)

\* \* \*

**GOAL FLU3 URBAN FORM. The County will develop ~~more~~ urban tools to promote mixed uses, walkability, and locations with multi-modal access. These tools will include development regulations and incentives that encourage Traditional Neighborhood Development, ~~mixed-use Activity Centers~~ and other forms that will result in more efficient land use and better coordination between land use and transportation.**

**OBJ FLU3.1 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)~~TND~~. The County may, at its discretion, amend the Future Land Use Map to classify lands within the County as TND (Traditional Neighborhood Development) to allow for development alternatives that will alleviate the pressure for urban sprawl, reinforce a more efficient pattern of development, provide interconnected wildlife corridors, reduce excessive travel demands, link**

**road and transit networks, provide affordable housing and create a stronger sense of place through the layout of streets, arrangements of open space, appearance of streetscapes and linkage of neighborhoods to commercial services and jobs. (Added 8/93, Ord. 93-20, Obj. 1.6-r)**

## **POLICIES**

### **FLU3.1.1**

To be considered as a TND, projects must contain the following general design elements:

- A. Town and Village Centered Development.** The project must be designed as a mixed-use community with "towns and villages" designed to be within an average one-third mile walking distance of a central commercial area and transit stop. Village and town centers will allow for a mix of residential, retail, office, green space and public uses within a comfortable walking distance, making it possible for residents and employees to travel by bicycle, foot or transit, as well as by car.
- B. Neighborhood Residential Area.** Village and town centers shall be surrounded by a supporting neighborhood residential area that includes lower density housing, golf courses or other open spaces, public schools, community parks and a limited number of convenience retail centers.
- C. Core Commercial Areas.** Village and town centers must have centrally located mixed-uses, core commercial areas and contiguous residential areas of such size, density and intensity to permit the ability to include a feeder bus transit stop. Each core commercial area shall include a centralized shopping area, offices and public uses such as a post office, library, civic services, and village green. A smaller scale core commercial area with a similar mix of uses may be provided for each neighborhood.
- D. Employment Centers.** Employment centers must be included as a component of design in all TNDs. The core commercial centers will provide additional employment opportunities. Employment centers may include office, light industrial, and research, as well as convenience retail and commercial services oriented toward serving the needs of workers.
- E. Multimodal Transportation Design.** The development shall be designed in a manner that encourages multiple modes of transportation, walking, bicycling, park-and-ride, and transit. Both walking and transit is encouraged by locating residential neighborhood within 1,600 feet of transit stops.
- F. Urban Design Standards.** All applications for TND shall include ~~an~~ Urban Design Standards and must address the building types to be included in the TND and the related requirements for use, placement, easements, parking, height, density, FAR, landscaping, street design and general architectural details relative to materials, configurations and

technique unless or until Orange County approves a TND District.  
(Policy 1.6.1)

\* \* \*

FLU3.1.3

TND shall be implemented through the provisions in the Land Development Code and developer's agreements as necessary. The TND is intended to facilitate high quality mixed-use communities developed under specific design standards. The TND should, at a minimum, incorporate the following performance standards:

- A. A TND shall allow for a mix of residential, retail, office, green space and public uses at a scale and relation that is attractive to pedestrian and cycling activity, as well as at an intensity that makes transit a viable alternative to the automobile.
- B. A TND shall include one or more core commercial areas that are centrally located to residential components. These core areas shall include uses such as, but not limited to, retail, office, light industrial, day care centers, and public uses, such as a post office, library, or village green.
- C. The residential component of a TND shall be a mixture of building types, densities, and costs.
- D. The design standards of the TND shall address land use, building placement, parking, landscaping, recreation, street design and general architectural controls relative to materials, configurations, and technique.
- E. An application for TND approval shall include specific mechanisms to ensure the development will be connected to a regional mass transit system.
- F. Specific requirements for public uses and public buildings, such as parks, plazas, and schools, shall be included in the design standards to facilitate their maximum accessibility to residents and employees of the TND.
- G. The TND design criteria shall include street design criteria that promote construction of an interconnected road system. Cul-de-sacs shall be avoided.
- H. The TND design criteria shall include requirements for pedestrian and bicycle systems.
- I. The TND design criteria shall require stormwater management systems to be designed as amenities. The TND design criteria shall ensure ~~the~~ that lakes and other natural resources are an amenity, visually accessible to the public. (Policy 1.6.4)



**OBJ FLU3.2 ~~RESERVED MIXED-USE DEVELOPMENT ACTIVITY CENTERS.~~**  
~~Orange County shall promote pedestrian-friendly, compact, transit-ready and transit-oriented development in Mixed-Use Development Activity Centers as a means of making more efficient use of land, infrastructure and services within the Urban Service Area (USA) boundary. Mixed-Use Development Activity Centers (MXDACs) will help achieve energy conservation and reduce automobile use through greater multi-modal connectivity, supporting transit services, and opportunities for workforce housing, while encouraging quality urban design standards to achieve attractive pedestrian-friendly environments. This option does not require a Future Land Use amendment if the following policies are met. (Amended 10/10, Ord. 2010-13)~~

**POLICIES**

**FLU3.2.1 ~~RESERVED Intent, Types and Elements of Mixed-Use Development Activity Centers.~~**

- ~~A. **Intent.** Mixed-Use Development Activity Centers are intended to:~~
- ~~1. Occur within the USA at locations where relatively higher intensities of urban activity already exist;~~
  - ~~2. Encourage a balanced mix of land uses, including a variety of residential, office, commercial, recreational, educational, cultural, open space, and, when appropriate, institutional and industrial facilities;~~
  - ~~3. Ensure development intensities and densities at locations that would make transit a viable alternative to the automobile;~~
  - ~~4. Provide opportunities for multi-modal mobility:
    - ~~a. At the regional scale with a variety of high-capacity travel choices and connections,~~
    - ~~b. Within the Mixed-Use Development Activity Center, to ensure that the circulation network is designed to be safe, comfortable, and attractive and encourages more walking, bicycling, and transit use, while still providing options for some automobile movement, and~~
    - ~~c. At the local scale, to enhance connectivity to surrounding development and the regional transportation network,~~~~
  - ~~5. Promote best environmental practices for:
    - ~~a. Protecting and enhancing natural systems, such as drainage systems and hydrological connections,~~
    - ~~b. Encouraging the treatment of surface water, conservation lands, and environmental open space as a visual amenity by avoiding the placement of surface parking and service areas next to these areas and, in as much as possible, using~~~~

open space requirements to provide landscaped buffers and passive parks along their borders;

e. ~~Protecting or enhancing wildlife corridors by minimizing road crossings over wetlands and floodplains and designing crossings to allow for unimpeded passage of wildlife, and~~

d. ~~Achieving the County's goals for reductions of greenhouse gas emissions, energy efficiency, environmental protection green building and green development, in addition to high performance building practices that protect the quality of our natural resources and that provide both employees and the public with safe and healthy environments;~~

6. ~~Recognize, enhance and protect existing and well established neighborhoods;~~

7. ~~Ensure that new development provides appropriate scale, massing, design features, and active ground floor uses that are conducive to pedestrian activity, including, but not limited to, clusters of retailing, personal services, entertainment, eating and drinking establishments, and climate protection elements, such as arcades, colonnades, and awnings;~~

8. ~~Promote reduced and shared parking standards and ensure that parking facilities are shielded from public view along primary pedestrian corridors through the use of appropriate positioning, liner shops, well designed permeable facades, and/or landscaping;~~

9. ~~Ensure that new development incorporates transitional intensities and design elements conducive to achieving compatibility with surrounding development, particularly neighborhoods; and~~

10. ~~Ensure sufficient infrastructure capacity and services to meet the needs of the development in the Mixed Use Development Activity Centers, which shall be required to be reflected in the annual update of the County's Capital Improvements Element (CIE) 5-year plan.~~

B. ~~**Types of Mixed Use Development Activity Centers (MXDAC).** Mixed Use Development Activity Centers shall be defined and designated by the scale of the area they serve and function, as follows:~~

1. ~~*Regional Mixed Use Development Activity Centers* are intended to serve a regional purpose and promote moderate to high concentration of density and intensity of uses.~~

2. ~~*Community Mixed Use Development Activity Centers* are intended to serve community wide needs and functions and~~

~~promote low moderate to moderate density and intensity development in a compact area.~~

- ~~3. *Transit Oriented Development Mixed Use Development Activity Centers* are intended to provide users of high capacity premium transit service such as commuter rail, light rail, or express bus service access to a walkable environment with a varied mix of services, housing, and parking choices in areas surrounding the stations.~~
- ~~4. *Neighborhood Activity Nodes* are intended to serve a neighborhood purpose by allowing a compact mix of non-residential uses that meet a local need generated by the surrounding neighborhoods.~~
- ~~5. *International Drive Activity Center* is another type of Activity Center, which is defined separately under FLU3.2.14 and in the International Drive Element of the Orange County Comprehensive Plan. The policies contained under Objective FLU3.2 do not apply to the International Drive Activity Center.~~

~~**C. Mixed Use Development Activity Center Elements: Size, Sub-Districts, and Master Plan.** The Mixed Use Development Activity Centers (MXDAC) size and location of its sub-districts will be determined through a Master Plan or unified Planned Development Land Use Plan (PD-LUP) as defined in FLU3.2.9. Mixed Use Development Activity Centers (MXDAC) shall have distinct Core and Edge sub-districts and Gateways.~~

~~The Core sub-district will contain the highest intensities and densities within the MXDAC and will be defined primarily by level of multi-modal accessibility, proximity to transit stations or stops, and parcel size. Primary and Secondary MXDAC Eligibility Criteria, per FLU3.2.2. B & C will be used to determine location and extent of the MXDAC Core sub-district.~~

~~Transitional densities and intensities will be required in the Edge sub-district, which will be located between the Core sub-district and less intense development immediately outside the MXDAC boundary. The Edge subdistrict can be further subdivided into medium intensity and low medium intensity subdistricts, which may be defined in the MXDAC master plans and land development regulations. Heights in portions of the Edge sub-district may be limited to one or two stories above the height of the adjacent development outside the MXDAC boundary.~~

~~Gateways generally will be associated with the intersection of the MXDAC boundary with major roadways and with the spaces adjacent to passenger rail stations, bus stations, and/or transit super stops. The purpose of a Gateway is to help provide a sense of place, which may be~~

accomplished through a combination of branding and pedestrian-friendly elements, such as signage (wayfinding), main building façade oriented 45 degrees relative to the intersection, streetscape, hardscaping and landscaping, public art, and/or the placement of plazas or public open space.

(Amended 10/10, Ord. 2010-13)

FLU3.2.2

~~RESERVED 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.

~~A. Eligibility Points.~~ The points required for each level of activity center eligibility will be as follows:

- ~~1. Regional Mixed-Use Development Activity Center designation requires at least 14 points;~~
- ~~2. Community Mixed-Use Development Activity Center designation requires at least 10 points;~~
- ~~3. Transit Oriented Development (TOD) Mixed-Use Development Activity Centers (TOD-MXDAC) per County Ordinance 2008-2, the area within a half-mile of the nearest Central Florida Commuter Rail station is subject to interim transit-oriented development ("TOD") criteria, standards, and guidelines applicable to new developments and is designated as an eligibility area for Mixed-Use Development Activity Center policies. Additional TOD-MXDAC may be designated at transit hubs related to other high-capacity premium transit corridors;~~
- ~~4. Neighborhood Activity Nodes are subject to separate criteria per FLU3.2.3.~~

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

<i>Primary Criteria</i>		<i>Points</i>
1	Required Condition: The parcel must be located within the Orange County Urban Service Area. (Amended 10/10, Ord. 2010-13)	N/A

<i>Primary Criteria</i>		<i>Points</i>
2	Existing Employment: (1) Within one half mile of a building occupied by a top fifty (50) private employer with the greatest number of employees per InfoUSA or Census data, or other major public employer such as a large government building, major university or community college campus, or major entertainment facility with over 100 onsite employees.	1 point for each such employer within a half mile of the subject site
	Proposed Onsite Employment: The proposed development will be occupied by a large employer that meets the employee criteria below. The County will determine the documents needed for the applicant to demonstrate that such employer will occupy the proposed development and that the employees will be located onsite.	
	Employs at least 100 employees	1
	Employs over 100 and less than 400 employees	2
	Employs 400 or more employees	3
	Commercial Clusters: Defined by distance to larger shopping centers, large clusters of commercial activity located within the USA boundaries (identified using DOR codes), and/clusters of Commercial contiguous FLUM designations totaling 10 acres in size or greater.	
	Within one half of a mile of a parcel or group of parcels with major commercial or office activity	1
	Within one quarter of a mile	2
	Within one eighth of a mile	3
	Clusters of Medium to High Density Residential: the parcel is adjacent to or has LMDR, MDR or HDR Future Land Use Map designation (Amended 10/10, 2010-13)	1
	Central Florida Commuter Rail: defined by proximity to the stations along the proposed Central Florida Commuter Rail line	
	Within one mile of a station	1
	Within one half of a mile	2
	Within one quarter of a mile	3
	Proximity to proposed Orlando International Airport (OIA)/Sand Lake Road Connector Light Rail Corridor or any adopted high capacity transit corridor	

<i>Primary Criteria</i>		<i>Points</i>
	Within one half of a mile of the corridor	1
	Within one quarter of a mile of the corridor	2
	Proximity to a Multi-Modal Corridors: located within a quarter mile distance of multi-modal roadway corridor, including the proposed Innovation Way corridor, where the transportation system will be designed around opportunities for automobile, high-capacity premium transit (such as light rail, bus rapid transit, or streetcars), pedestrian and bicycle travel to become part of the level of service determination (Amended 10/10, 2010-13)	3
	Location on a Bus Rapid Transit (BRT) Corridor: Located on a roadway corridor where BRT is planned and is on the Orange County Long Range Transportation Plan	1
	Located on the roadway corridor where Bus Rapid Transit service exists or will be implemented within 5 years (Amended 10/10, Ord. 2010-13)	2
	Location within a designated Transportation Concurrency Exception Area (TCEA) or Alternative Mobility Area, as defined in the Orange County Transportation Element	1
	Location within a designated Transportation Concurrency Management Area (TCMA) (Amended 10/10, 2010-13)	1
	Location within an area identified in the Infill Master Plan (Amended 10/10, Ord. 2010-13)	2
	Location within an area identified in the of a mile of a trailhead of an Orange County Trail, such as the West Orange Trail, Cady Way Trail, or other similar component of the Orange County Trails Master Plan	1
	Certified "Green" Development: The developer or development is registered with the US Green Building Council and there is an intent to apply for certification of each building under the Leadership in Energy and Environmental Design (LEED) rating program, or the development is registered by an alternate green building rating system that Orange County finds appropriate, by resolution	1

<i>Primary Criteria</i>		<i>Points</i>
	Existing concurrency capacity: The applicant can demonstrate that there is sufficient capacity to meet all county mandated concurrency requirements, including schools to meet the needs of the proposed development	4

**C. Secondary Criteria for Mixed-Use Development Activity Center Eligibility.** The following factors also shall be considered to determine eligibility for Mixed-Use Development Activity Center designation on a parcel or group of contiguous parcels:

1. Position relative to natural or manmade obstacles to connectivity to other potential activity center parcels, including environmental, land use, and infrastructure factors, and major roadway or highway arteries.
2. Level of connectivity to surrounding development and how deficiencies will be addressed by the proposed development. Primary connections through local residential streets shall be considered during the planning process.
3. Obstacles/Opportunities for Development—whether or not the parcel is of sufficient size to promote the desired type of development or redevelopment.
4. Proximity to other Activity Centers in adjacent municipalities or other adjoining jurisdictions or existing or proposed Mixed-Use Development Activity Centers.
- ~~5. Adjacency and potential impacts to existing well established neighborhoods.~~
- ~~6. Potential to assemble multiple adjacent parcels to be developed as an integrated project.~~
- ~~7. Capacity of infrastructure, existing or proposed, to support the proposed development.~~

~~**D. Minimum and Maximum Mixed-Use Development Activity Center Size.** The minimum size for Mixed-Use Development Activity Center eligibility is 40 acres for Regional Activity Centers, 25 acres for Community Activity Centers, and two acres for Neighborhood Activity Nodes. The County may consider allowing smaller activity centers if additional criteria and/or requirements are met, particularly at TOD-MXDAC eligibility areas. The County reserves the right to limit the Mixed-Use Development Activity Center size to ensure that development in the center is compact and that the proposed development is consistent with the intent of the MXDAC policies.~~

~~**E. Location.** Within the MXDAC Location Eligibility Areas, the following locations will have priority consideration for approving a~~

**MXDAC PD:**

1. ~~The MXDAC Core shall be located generally adjacent to or in close proximity to one or more of the following: two major arterials that serve the MXDAC, an existing or planned bus or rail transit station, an existing or planned multi-modal transportation center or corridor, or a limited access freeway or interstate highway.~~
2. ~~Where a transit station or corridor does not exist, the MXDAC shall be designed to be “transit ready” by providing land and rights-of-way for future transit stations or corridors as specified by Orange County, where applicable.~~
3. ~~A MXDAC shall be planned in a manner that maximizes internal circulation and minimizes conflicts on the Florida Intrastate Highway System and other major arterial roadways that have the primary function of moving high volumes of statewide and regional traffic. (Amended 10/10, Ord. 2010 13)~~

**FLU3.2.3**

~~**RESERVED Neighborhood Activity Nodes.** Orange County shall promote mixed-use, neighborhood-scale nodes to serve existing neighborhoods by allowing a compact mix of residential and non-residential uses that provide for the needs generated by the adjacent neighborhoods. Neighborhood Activity Nodes (NANs) shall have the following characteristics:~~

~~A. Neighborhood Activity Nodes shall be compact and range from 2 to 24 acres in size. To ensure compatibility with the surrounding neighborhoods, projects greater than 9 acres must include a mix of residential and non-residential land uses and projects greater than 15 acres may be required to complete a master plan, described in FLU3.2.9.~~

~~B. Neighborhood Activity Nodes may be located only at roadway intersections with the following characteristics:~~

1. ~~Any quadrant of a three-way or four-way roadway intersection where either right-of-way does not exceed 80 ft. in width.~~
2. ~~Where all roads have sidewalks on both sides and all roads meet County construction standards.~~
3. ~~The FLUM designation of the proposed site is either Commercial (C); Office (O); Low-Medium, Medium, or High-Density Residential; Neighborhood Corridor (NC) or Neighborhood Activity Center (NAC); or Planned Development that contains any combination of the above listed FLUM designations and meets the intent of this policy.~~
4. ~~Bicycle and pedestrian access also shall be considered in determining the location of Neighborhood Activity Nodes, as well as accessibility requirements.~~



- C. Parcels greater than one (1) acre in size that are located in an existing Neighborhood Activity Node and meet the size and location criteria listed in FLU3.2.3.B, above, with a residential designation of Low-Medium, Medium, or High-Density Residential may be rezoned to a mixed-use neighborhood activity node designation. However, at least 50% of the square footage of the land use mix of the proposed development program must be dedicated to residential uses.
- D. Neighborhood Activity Nodes may be allowed in mid-block locations, if a combination of the following additional transportation access criteria is met: opportunities for safe pedestrian crossings, existing or proposed bicycle lane or trail, or dedicated transit stop within a short walking distance.
- E. With the exception of existing drive-through facilities (at, for example, gas stations, banks, pharmacies), no new drive-through style commercial uses will be allowed in Neighborhood Activity Nodes.
- F. All development in Neighborhood Activity Nodes shall provide the required Mixed-Use Development Activity Center site and building standards described in FLU3.2.6. Projects may be eligible for additional incentives of up to 15% intensity or density increases, if required site and building design elements are provided, per FLU3.2.6.

(Amended 10/10, Ord. 2010-13)

FLU3.2.4

~~RESERVED **Mixed-Use Development Activity Center Land Use Mix.** By **December 31, 2011**, Orange County shall adopt a land development code to guide design and mixing of uses in Regional, Community, and Transit-Oriented Mixed-Use Development Activity Centers, as well as Neighborhood Nodes. For tracking purposes, requests for single use projects will be considered against the list and percentages of Desired Mix of Land Uses for the applicable type of activity center to determine whether the thresholds for the requested use already have been met. A desirable mix of land uses in MXDACs includes residential, office/commercial, institutional, public/civic and public open space. Desired types of industrial uses include those allowed in I-1A and I-1/I-5 zoning designations. Other industrial uses shall be limited to those with existing entitlements as of May 19, 2009. The County may consider allowing expansion of industrial uses in MXDACs where they are allowed based on compatibility with surrounding existing or proposed uses. Industrial uses shall be highly discouraged within ¼ of a mile radius of a commuter or passenger rail station platform. (Amended 10/10, Ord. 2010-13)~~

~~**Table—Desired Mix of Land Uses by Type of Mixed-Use Development Activity Center.**~~

~~(Percentage of land use floor area measured in square feet of construction; surface parking shall be counted towards square footage of the use for which it is being provided; shared parking shall be proportionately distributed by use.)~~

Land Uses	Type of Mixed-Use Development Activity Center			
	Regional	Community	TOD	Neighborhood
Residential	20%—50%	25%—75%	10%—75%	0%—50%
Office/Institutional <sup>1</sup>	10%—40%	10%—30%	10%—30%	10%—40%
Commercial <sup>2</sup>	5%—40%	5%—40%	5%—40%	10%—100%
Public and Civic	10%—60%	10%—40%	0%—40%	0%—75%
Public Open Space/ Recreational <sup>3</sup>	5%—20%	5%—20%	5%—20%	5%—20%
Industrial <sup>4</sup>	5%—15%	5%—20%	5%—15%	not permitted

**Notes**

1 Includes libraries, educational, religious, and medical institutions. Religious institutions shall be urban in character and meet the requirements and intent of the Mixed-Use Development Activity Center (MXDAC) policies.

2 Only uses that are allowed in C-1 or C-2 are allowed in MXDACs.

3 Includes space dedicated to plazas and squares or recreational space located on private property that is open to the public; golf courses or private courts and fields shall not be used to count towards public open space or recreational and shall be limited to a maximum of 15% of the MXDAC.

4 This percentage applies only in MXDACs where industrial uses are allowed. Desirable industrial uses include those allowed in I-1/I-5 and I-1A zoning designations. Industrial uses allowed in industrial zoning designations of I-2, I-3, and I-4 shall be discouraged in MXDACs. (Amended 10/10, Ord. 2010-13)

FLU3.2.5 ~~RESERVED Densities and Intensities of Development.~~ In order to help make transit a viable alternative to the automobile in Mixed-Use Development Activity Centers, the following minimum and maximum residential densities and non-residential intensities shall apply by activity center type. Densities and intensities shall be defined by the type of transit service available. Rail shall consist of light, commuter, streetcars and/or high-speed rail service. The highest densities and intensities shall be allowed within the core sub-district and along major roadway corridors and shall taper towards the outer edges of the Mixed-Use Development Activity Centers to provide transition and ensure compatibility with surrounding development. Densities and floor area ratios (FARs) are based on net developable land area, as defined in FLU1.1.2, and shall be determined at the time of rezoning. Projects designated through the procedure outlined under FLU3.2.9, within transit ready, Mixed-Use Development Activity Center eligibility areas will be eligible for the densities and intensities provided in the table below.

Higher or lower densities or intensities may be established in the MXDAC Master Plan to address compatibility with surrounding development. (Amended 10/10, Ord. 2010-13)

**A. Tables. Minimum and Maximum Densities and Intensities by Type of Mixed-Use Development Activity Center** (Densities and intensities based on net developable area as defined in FLU1.1.2).

<b>Regional MXDAC</b>	<b>Density/Intensity*</b>			
<b>Subdistrict</b>	<b>Minimum Residential (Dwelling units/acre)</b>	<b>Maximum Residential (Dwelling units/acre)</b>	<b>Minimum Non-Residential<sup>1</sup> (Floor/Area Ratio)</b>	<b>Maximum Non-Residential<sup>1</sup> (Floor/Area Ratio)</b>
<b>Core (up to 1/4 mile)</b>	Rail: 30 du/acre Bus: 11 du/acre	Rail: 100 du/acre Bus: 45 du/acre	1.0 FAR	3.0 FAR <sup>1</sup>
<b>Medium-Intensity (1/8 – 1/2 mile)</b>	Rail: 15 du/acre Bus: 7 du/acre	Rail: 35 du/acre Bus: 20 du/acre	0.4 FAR	
<b>Low-Medium Intensity (1/4 – 3/4 mile)</b>	7 du/acre	20 du/acre	NA	
<sup>1</sup> Except Industrial uses. Where allowed, the maximum FAR for industrial uses is 0.75, except that the County may consider up to 3.0 FAR for I-1/I-5 and I-1A uses, subject to the standards in FLU3.2.6.				

<b>Community MXDAC</b>	<b>Density/Intensity*</b>			
<b>Subdistrict</b>	<b>Minimum Residential (Dwelling units/acre)</b>	<b>Maximum Residential (Dwelling units/acre)</b>	<b>Minimum Non-Residential<sup>1</sup> (Floor/Area Ratio)</b>	<b>Maximum Non-Residential<sup>1</sup> (Floor/Area Ratio)</b>
<b>Core (up to 1/4 mile)</b>	Rail: 21 du/acre Bus: 11 du/acre	Rail: 75 du/acre Bus: 35 du/acre	1.0 FAR	3.0 FAR
<b>Medium-Intensity (1/8 – 1/2 mile)</b>	Rail: 15 du/acre Bus: 7 du/acre	Rail: 35 du/acre Bus: 15 du/acre	0.4 FAR	

Community MXDAC	Density/Intensity*			
<b>Low-Medium Intensity (1/4–3/4 mile)</b>	7 du/acre	15 du/acre	NA	
<sup>1</sup> Except Industrial uses. Where allowed, the maximum FAR for industrial uses is 0.75, except that the County may consider up to 3.0 FAR for I-1/I-5 and I-1A uses, subject to the standards in FLU3.2.6.				

~~A. **Transit-Oriented Development (TOD) Mixed Use Development Activity Center (MXDAC) Density/Intensity Requirements.** A TOD MXDAC shall meet the requirements of either a Regional or Community MXDAC, if the location meets the respective location eligibility criteria. However, if a proposed development within a designated TOD area does not meet the minimum location eligibility criteria for MXDACs, the County shall consider the site to allow TOD-MXDAC development if the sum of the location eligibility criteria points are at least 7 points and the property is located in a TOD Overlay Zone, in which case the Community MXDAC use mix, density, and intensity requirements shall apply.~~

~~B. Projects that incorporate workforce housing units shall be eligible for additional density bonuses of up to 50%; however, all of these bonus units must be workforce housing units. The provision of workforce housing units shall be subject to County requirements for maintaining the units affordable over time. Workforce housing units shall be mixed with other income/market rate units onsite to be eligible for any bonuses.~~

~~(Amended 10/10, Ord. 2010-13)~~

FLU3.2.6

~~**RESERVED Site and Building Placemaking Design Standards.** The following lists contain the required minimum site and building design standards. Unless otherwise specified through a master planning process for specific Mixed Use Development Activity Centers (MXDAC), heights in MXDAC Cores will be limited by the maximum applicable FAR (per FLU3.2.5) or by applicable height limitations for properties near an airport, and in no case will be higher than 200 feet. The height of structures within the outermost edge of the Edge sub-districts of MXDACs may be limited to up to two stories above the height of development on adjacent parcels located outside of the MXDAC boundaries. The minimum standards listed below will be required of all development within Mixed Use Development Activity Centers. Development standards for the Mixed Use Development Activity Centers will be implemented through a land development code, per FLU3.2.4.~~

A. ~~Minimum Required Standards for Mixed-Use Development Activity Center Projects.~~ All projects proposed within Mixed-Use Development Activity Centers must, at a minimum, provide the site and building design elements and standards listed below, in addition to those required in the Orange County land development code.

- ~~1. Active ground floor uses that are conducive to pedestrian activity along all primary roadway frontages; however, parking is not considered an active ground floor use. The footprint of retail or service commercial establishments, or institutional or civic uses (excluding movie theaters) shall be no greater than 30,000 square feet of gross floor area within the Core and Medium Intensity sub-districts, and shall not exceed 50,000 square feet within the Low Medium Intensity sub-district.~~
- ~~2. Crime Prevention Through Environmental Design (CPTED) principles shall be followed in site and building design.~~
- ~~3. Pedestrian friendly urban design elements including appropriate site design, scale, massing, design, façade and roof articulation, and streetscape features that are supportive of pedestrian activity.~~
- ~~4. Streetscape features including wider sidewalks, on street parking, traffic calming elements, appropriate lighting heights and intensity for location and function, landscaping, and seating and other street furniture elements.~~
- ~~5. Internal and external connectivity, mobility plans, and any other applicable transit supportive and mobility requirements established in the Transportation Element.~~
- ~~6. To enhance multi modal connectivity in the area, development and redevelopment projects shall be subdivided into or simulate traditional "Main Street" block face lengths and widths. The maximum permitted block length is 600 feet, and total length of block perimeters shall range from 1,200 to 2,400 feet. Block faces that range from 300-450 feet in length are preferred. However, greater block face lengths may be allowed to accommodate for variations in geography or location. New development that results in block face lengths greater than 600 feet shall provide a wide, visible, paved, and safely lighted mid-block pedestrian pass through easement, unless environmental conditions dictate otherwise.~~
- ~~7. Parking shall be provided to the rear or side of the property, except when deemed necessary due to site constraints, and shall be designed to consider pedestrian amenities and safety, minimizing potential conflicts with vehicular access. Structured parking will be lined with active ground floor uses along the main frontage. The design of vehicular access points will clearly~~

~~address pedestrian visibility and safety. Bicycle parking and facilities shall be required, and the County will develop standards for this purpose. Shared parking arrangements may be used to reduce parking requirements. A parking study will be required as part of the development proposal to determine the actual percentage of parking reductions. When offsite parking is being provided, it must be located within a short walking distance, as defined by Orange County code.~~

- ~~8. Energy saving and water saving features that meet local, state, federal, and/or nationally recognized guidelines or standards shall be provided.~~
- ~~9. At least ten percent (10%) of the dwelling units shall be workforce housing units, unless otherwise determined by the findings of the Mixed Use Development Activity Center Master Plan, per FLU3.2.9, or a workforce housing study. Such units shall be mixed with other income/market rate units in the project.~~
- ~~10. Buildings at Gateways designated in an MXDAC Master Plan or PD land use plan shall provide a combination of pedestrian-friendly elements such as streetscape, hardscaping, landscaping, public art, and/or the placement of plazas or public open space in the front setback. If a building is located adjacent to a passenger rail station, bus station, and/or transit super stop, a primary entrance shall be provided facing the transit facility and shall include a combination of the pedestrian friendly elements listed above. If located on a corner in a gateway sub district, the main building façade shall be oriented 45 degrees relative to the intersection.~~
- ~~11. In non residential areas of a project, the open space requirements can be met through a combination of highly accessible, well designed landscaped areas, including plazas, squares, and/or courtyards that are connected to the public sidewalk system. Stormwater ponds designed as accessible open space amenities may count towards a percentage of the open space requirements which shall be defined in the land development code. Residential areas of the project shall be located so that they are highly visible and easily accessed by all residents. The County shall also promote water saving landscape features as well as features that increase water absorption and retention, such as providing rain gardens, St. Johns River Water Management Waterwise program elements, and urban Low Impact Development features and/or any water conservation program adopted by the County.~~
- ~~12. Additional energy savings, water savings, or other "green"~~

features that meet nationally recognized energy or water saving or “green” building standards are eligible for County incentives when the developer or development is registered with the US Green Building Council and there is an intent to apply for certification of each building under the Leadership in Energy and Environmental Design (LEED) rating program, or the development is registered by an alternate green building rating system that Orange County finds appropriate, by resolution.

13. The County may consider reductions in parking and/or open space requirements if the project includes a mix of two or more uses within a single unified project. Vertical mixing of uses within the same building will be considered more favorably than horizontal mixing of uses. Residential uses shall provide transition between non-residential uses within the MXDAC and residential uses abutting the outer edge of the MXDAC.

**B. Compatibility Requirements.** In all cases, proposed projects shall consider physical and functional relationships with existing or potential future development on adjacent parcels that may be impacted by the proposed development, including opportunities for connectivity, access, and multi-modal options; and appropriate scale and massing, particularly in transitional or edge areas.

(Amended 10/10, Ord. 2010-13; Amended 11/12, Ord. 2012-20)

FLU3.2.7 ~~RESERVED Connectivity Requirements for Mixed-Use Development Activity Center Designation.~~ Development within Mixed-Use Development Activity Centers shall be subject to connectivity and mobility requirements located in the Transportation Element.

FLU3.2.8 ~~RESERVED Prohibited and Limited Uses.~~ Drive-through facilities in Mixed-Use Development Activity Centers shall be restricted in number, spacing and design. Drive-through standards shall be implemented through land development code. Signs may be limited to those allowed in the Neighborhood Activity Centers (NAC) zoning designation in the Orange County Code, unless otherwise stated by the Orange County Land Development Code. (Amended 10/10, Ord. 2010-13)

FLU3.2.9 ~~RESERVED Mixed-Use Development Activity Center Application, Procedure and Designation and Expansion Procedures.~~ Mixed-Use Development Activity Centers may be established through the development and approval of a Mixed-Use Development Activity Center Master Plan (MXDAC Master Plan) and/or the approval of Mixed-Use Development Activity Center Planned Development (MXDAC-PD). The following requirements apply to MXDAC Master Plan and/or MXDAC-PD zoning designation or modification:

A. Demonstrate Eligibility for Mixed-Use Development Activity Center (MXDAC) designation. The applicant must demonstrate that:

1. The proposed project is located in a Mixed-Use Development Activity Center Eligibility Area and meets Primary and Secondary Eligibility Criteria, as well as the points, size and location conditions stipulated in FLU3.2.2.
2. The cumulative size of the subject parcel(s) is at least 25 acres in size for a Community MXDAC or 40 acres for a Regional MXDAC, unless otherwise permitted per FLU3.2.2.D and/or FLU3.2.5.B. The subject parcels seeking MXDAC Master Plan or MXDAC-PD designation must be substantially contiguous to each other. In the case of MXDAC expansion, the requirements of FLU3.2.11 must be met.
3. The parcel(s) for the proposed project currently has one or more of the following FLUM designations:

Commercial (C)

Office (O)

Low-Medium Density Residential (LMDR), Medium Density Residential (MDR), or High Density Residential (HDR); except that residential FLUM designations will not automatically be allowed to develop onsite commercial.

Industrial (IND), except that new industrial uses will be highly discouraged within ¼ mile of the nearest passenger station platform or within Neighborhood Activity Nodes. In MXDACs where industrial uses are allowed, only uses allowed in I1/15 or I-1A zoning designations are considered desirable within MXDACs. Uses allowed in I-2/I-3 or I-4 zoning designations are considered undesirable and incompatible with Mixed-Use Development Activity Center development and will therefore be discouraged with MXDACs.

Planned Development (PD) with entitlements that include any of the above listed FLUM designations.

- a. ~~Hold a public input workshop that shall include the participation of the property owners within the proposed MXDAC boundaries. All property owners within the proposed MXDAC Master Plan boundary and within 300 ft. of the proposed MXDAC boundary perimeter shall be notified of the charrette process and public meeting dates. Additional efforts shall be made to notify other property owners, residents and business owners in the area, including the use of posters and posting information of the County's website. The public input workshop shall provide a discussion of Core and Edge sub-district boundaries, and Gateway locations; recommendations for design guidelines; and issues and concerns. The proposed master~~



plan boundary may be modified as a result of the charrette process.

- b. ~~Develop a MXDAC Master Area Plan containing the following elements:~~
  - (i) ~~Proposed boundary for the Mixed Use Development Activity Center;~~
  - (ii) ~~Proposed boundaries for Core, Edge subdistricts and Gateway locations;~~
  - (iii) ~~Mobility plan as described in the Transportation Element Policy T3.1.2;~~
  - (iv) ~~Open space plan, showing location of existing and proposed open spaces and relationship with multi-modal circulation system, and may also show potential location for stormwater management systems;~~
  - (v) ~~Generalized location of buildings and parking;~~
  - (vi) ~~Design guidelines that standards for site design; build to lines along specific frontages; building design guidelines, including a theme for the MXDAC; Gateway design standards; landscaping; and streetscape design elements, including street furniture, and lighting; among others determined by the County.~~
  - (vii) ~~Discussion of potential funding mechanisms for infrastructure, and services~~
  - (viii) ~~Proposed location of school sites, if there is an anticipated need.~~
  - (ix) ~~Recommendations for implementation.~~
- e. ~~Hold a third workshop to discuss the proposed MXDAC Master Plan.~~
- d. ~~The County shall strive to work with a Steering Committee composed of property owners within the proposed MXDAC boundaries, representatives of other stakeholders from the area where the MXDAC will be located, and staff from the County Planning Division, and others as needed.~~
- 1. ~~The MXDAC Master Plan shall be reviewed by the Planning and Zoning Commission prior to being considered by the Board of County Commissioners for approval at a public hearing. Notification standards set by the County for public hearings shall apply.~~

- C. MXDAC-PD Pre-Application Conference.** As part of the procedure for approval of a Mixed-Use Development Activity Center-Planned Development (MXDAC-PD), the applicant shall request a Planned Development pre-application conference, as set forth in the Orange County Code, and shall submit the following additional information:
1. Demonstrate proposed project is located within a Mixed-Use Development Activity Center Eligibility Area per FLU3.2.22 or within an existing MXDAC Master Plan boundary;
  2. Discussion of how the required site and building placemaking standards listed in FLU3.2.6 are to be met;
  3. Discussion of how the County concurrency requirements are to be met; and
  4. Discussion of how the proposed development will enhance placemaking and connectivity within the area.
- D. Mixed-Use Development Activity Center-Planned Development (MXDAC-PD) Zoning Designation.** The MXDAC-PD Rezoning process is not a substitute for DRI review or requirements, if applicable, which must also be met if the proposed development meets or exceeds Orange County DRI development thresholds. MXDAC-PD rezoning application requires that the following information be provided:
1. Demonstrate eligibility for MXDAC designation per FLU3.2.9.A or that the proposed project is located within an existing MXDAC Master Plan boundary.
  2. A plan showing conceptual boundaries or approved boundaries for the Mixed-Use Development Activity Center Master Plan, per FLU3.2.9.B, if part of County record, identified by a heavy dashed line;
  3. A list of participating landowners accompanied by applicable signed and notarized agent/applicant authorizations.
  - ~~4. A Mixed Use Development Activity Center Planned Development Land Use Plan (MXDAC PD LUP): Until such time as the County develops specific mixed-use land development codes for the MXDAC implementation, development within MXDACs shall meet the procedural requirements of a PD LUP, Orange County Code, and provide the following additional information:~~
    - ~~a. MXDAC Land Use Plan (LUP), containing the following elements:~~
      - ~~(i) approved Mixed Use Development Activity Center Master Plan boundary (identified by a heavy dashed line) and project location within the boundary (identified by a heavy solid line), or~~

~~project boundary for the Mixed Use Development Activity Center, if no approved boundary exists; project location relative to approved Core, Edge Medium Intensity, Low Medium Intensity sub-districts, and Gateways, if existing, or identification of the sub-districts and Gateways within the project boundary, as applicable;~~

- ~~(ii) proposed land uses and densities, intensities and square footage for each use;~~
- ~~(iii) mobility plan, or acceptable equivalent per County policy or code, showing internal multi-modal circulation system, multi-modal connections to the surrounding transportation systems (including sidewalk, transit station and stop locations, bike paths, and on-street parking locations, as well as any traffic calming elements);~~
- ~~(iv) open space plan, showing location of existing and proposed open spaces, including but not limited to outdoor plazas, squares, greens and stormwater management, and how the spaces are linked by the multi-modal circulation system;~~
- ~~(v) number and location of workforce units, provided onsite, distributed throughout the development;~~
- ~~(vi) land use plan requirements shall include residential, office, commercial, civic/institutional, and industrial, where allowed; and~~
- ~~(vii) design guidelines, including site, building, and landscaping.~~

~~b. In order to meet the intent and standards of the MXDACs, additional information may be requested during subsequent stages of the development approval process (such as Preliminary Subdivision Plan or Development Plan), to be determined by the Planning Manager.~~

~~e. Public participation. At least one community meeting will be held to provide information and receive community input, prior to the public hearing where the Board of County Commissioners shall consider the MXDAC PD LUP. The standard notification process established by the County shall be followed, unless otherwise specified by the County.~~

~~d. The County shall determine the appropriate stage at which infrastructure and service funding requirements shall be met, including, but not limited to developers agreements.~~

The County shall reserve the right to request that these requirements be met prior to LUP adoption.

e. ~~The County may require the applicant to submit additional transportation analyses or Parking Assessment Study, if applicable.~~

~~E. **Mixed-Use Development Activity Center Separation Criteria.** to ensure the viability of existing Mixed Use Development Activity Centers, a proposed Mixed Use Development Activity Center (MXDAC) must be separated from the nearest existing MXDAC or other type of Activity Center by at least one mile distance in any direction. A market study shall be required, if the proposed MXDAC is within 2 miles of an approved or other proposed MXDAC, or an existing Activity Center.~~

~~F. **Entitlements are not automatic.** Nothing stated under Objective FLU3.2 and related Policies FLU3.2.1 – FLU3.2.13 shall be construed as creating entitlements that do not currently exist at the time these objective and policies are adopted.~~

~~G. The County may determine whether a proposed change to an MXDAC Master Plan or MXDAC PD requires that any of the designation steps listed under FLU3.2.9 be repeated. Substantial changes to adopted MXDAC PDs shall be subject to County code requirements.~~

~~(Amended 10/10, Ord. 2010-13; Amended 11/12, Ord. 2012-20)~~

FLU3.2.10 ~~RESERVED~~ Orange County shall develop land development regulations for Planned Development Mixed Use Development Activity Centers (PD-MXDAC) by 2011.

FLU3.2.11 ~~RESERVED~~ **Mixed-Use Development Activity Center Expansion.**

~~A. **Applications.** Applications for MXDAC expansion may be considered for parcels that exhibit the following characteristics:~~

~~1. At least twenty five percent (25%) of the parcel boundary is contiguous to an approved MXDAC PD or Master Plan boundary.~~

~~2. The parcel meets the primary MXDAC eligibility criteria and also meets the following secondary MXDAC eligibility criteria:~~

~~a. The parcel is not disconnected or isolated from the MXDAC due to natural or manmade obstacles.~~

~~b. Demonstrate that accessibility to the MXDAC and surrounding transportation network is sufficient, and connectivity potential to surrounding development.~~

~~c. The parcel is of sufficient size to promote the desired type of development or redevelopment.~~

- d. ~~Impacts to adjacent existing neighborhoods will be minimized.~~
  - e. ~~The applicant is able to demonstrate that there will be adequate public facilities to support the proposed expansion.~~
3. ~~An expansion to a Community MXDAC may be considered for Regional MXDAC designation approval if it meets the Regional MXDAC requirements. The County reserves the right to request additional planning and procedural requirements to ensure that the change meets the intent of Objective FLU3.2.~~

**B. ~~Application Requirements.~~**

- 1. ~~The applicant will be required to amend the Master Plan and will be subject to the design guidelines approved for the MXDAC.~~
- 2. ~~Demonstrate how the expansion will relate to and benefit the existing MDXAC and surrounding neighborhoods and development.~~
- 3. ~~Provide a vacant land analysis demonstrating that there is no or insufficient vacant land within the MXDAC designated for similar uses.~~
- 4. ~~A market analysis also may be required for the proposed uses.~~
- 5. ~~The application will be subject to the requirements set forth in FLU3.2.9, unless otherwise waived by Planning Manager or his/her designee.~~

~~(Amended 10/10, Ord. 2010-13)~~

FLU3.2.12 ~~**RESERVED Developments of Regional Impact (DRI) and Mixed-Use Development Activity Centers (MXDAC).** If a new DRI or substantial DRI expansion is proposed within 500 ft. of an existing or proposed MXDAC boundary, the DRI or expansion may be required to be partially or entirely included in the Mixed-Use Development Activity Center boundary and meet all of the multi-modal connectivity requirements of the MXDAC, in addition to other requirements defined by the County. The MXDAC boundary will be expanded as part of the DRI application. If not included, the DRI will still be required to provide adequate connectivity to the MXDAC.~~

FLU3.2.13 ~~**RESERVED** Concurrency and Capital Improvements Element Requirements. Nothing in Objective FLU1.9 exempts projects from the County concurrency requirements and Mixed-Use Development Activity Center development shall be consistent with other Federal, State, and County regulations. Subsequent to the approval of an MXDAC Master Plan or PD-MXDAC, the County's Future Land Use Element shall be updated concurrently with the County's Capital Improvements Element to reflect the approved MXDAC designations.~~

FLU3.2.14 ~~RESERVED International Drive Activity Center and other planned centers of activity. The International Drive Activity Center is a special activity center that was adopted with a Strategic Development Plan and shall be subject to the policies contained in the Orange County International Drive Activity Center Element. The Buena Vista North Overlay, Horizon West Town Center and Villages, and Innovation Way Overlay (Scenario 5) are not subject to the policies set forth in Objective FLU3.2.~~

\* \* \*

**OBJ FLU4.1 Orange County shall use a Village Land Use Classification to realize the long range planning vision for West Orange County created through the Horizon West planning process. The Village land use classification has been designed to address the need to overcome the problems associated with and provide a meaningful alternative to the leap-frog pattern of sprawl now occurring in western Orange and eastern Lake County; create a better jobs/housing balance between the large concentration of employment in the tourism industry and the surrounding land uses; create a land use pattern that will reduce reliance on the automobile by allowing a greater variety of land uses closer to work and home; and, replace piecemeal planning that reacts to development on a project by project basis with a long range vision that uses the Village as the building block to allow the transition of this portion of Orange County from rural to urban use through a specific planning process that uses a creative design approach to address regional, environmental, transportation, and housing issues. Properties with Village Future Land Use Map (FLUM) designation, as well as six villages adopted to date, are depicted on Map 2 of the FLUM series. (Added 6/95, Ord. 95-13; Amended 5/97, Ord. 97-07, Obj. 6.1; Amended 11/13, Ord. 2013-22; Amended 11/16, Ord. 2016-26)**

## **POLICIES**

FLU4.1.1 General Village Principles. Each Village ~~Specific Area Plan (SAP)~~ Special Planning Area (SPA) shall be designed based on an urban development pattern, which encourages the formation of a suburban village while ensuring the provision of adequate public facilities and services concurrent with development and protection of environmental quality.

- A. Planning for the Village shall be in the form of complete and integrated neighborhoods containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the Village residents.
- B. Village size shall be designed so that housing is generally within a 1.2-mile radius of the Village Center (shops, services and other activities). This radius may be relaxed where natural or community facilities and services interrupt the design.
- C. A Village shall contain a diversity of housing types to enable citizens

from a wide range of economic levels and age groups to live within its boundaries.

- D. The Village and each neighborhood shall have a center focus that combines commercial, civic, cultural and recreational uses. Higher density residential development should be encouraged in proximity to these centers, with the highest density/attached housing encouraged in proximity to the Village Center District. These residential and adjacent uses shall be sufficiently integrated to support convenient and comfortable pedestrian and bicycle movement and enhance the viability of future transit connections. (Amended 11/16, Ord. 2016-26)
- E. The Village shall contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
- F. Each Village shall have a well-defined edge, such as greenbelts or wildlife corridors permanently protected from development.
- G. Local and collector streets, pedestrian paths and bike paths shall contribute to a system of fully connected and interesting routes from individual neighborhoods to the Village Center District and to other villages. Their design should encourage pedestrian and bicycle use by being spatially defined by buildings, trees, and lighting; and by discouraging high-speed traffic.
- H. Wherever possible, the natural terrain, drainage and vegetation of the area shall be preserved with superior examples contained within parks or greenbelts.
- I. The Village Center District shall be designed to encourage and accommodate future linkage with the regional transit system. (Added 6/95, Ord. 95-13; Amended 5/97, Ord. 97-07; Amended 05/01, Ord. 01-11, Policy 6.1.1; Amended 11/13, Ord. 2013-22; Amended 11/16, Ord. 2016-26)

\* \* \*

FLU4.1.4

Each Village shall demonstrate consistency with Policies FLU4.1.1, FLU4.1.2 and FLU4.1.3 by providing a compact, integrated development pattern with neighborhood centers generally located within a 1/2-mile walking distance of the residences, and by establishing a population density for each neighborhood that can support the neighborhood school. Modifications to these minimum ~~densities~~ densities may be approved subject to a Comprehensive Plan Amendment. Such amendments, however, shall not reduce the minimum density of any Village below four (4) dwelling units per net developable acre. Amendments may be based on, but not limited to, the following:

- To provide more diversity in lot sizes and the land use mix;
- To recognize existing geographic features or environmentally sensitive areas;

- To provide additional buffering to preexisting development;
- To make use of updated student generation rates; and
- To provide for enhanced environmental corridors.

The use of TDRs (transfers of development rights) shall be evaluated for impacts to the neighborhood schools as a part of the development review process. Notwithstanding any density reduction, development shall continue to adhere to the General Village Principles outlined in FLU4.1.1.

The minimum densities approved for each Village (Lakeside, Bridgewater, Village H, Village F, Village I and the Town Center) are as noted in the following table:

Village	Minimum Overall Density per Net Developable Acre	Notes
Lakeside	5.0 DU/Ac	
Bridgewater	5.0 DU/Ac	In order to maintain the design principles of Policy FLU4.1.1 and to preserve environmentally sensitive areas, consistent with FLU4.5.6 and as recommended in the Village of Bridgewater Ecological Summary Report, the net density for the Village of Bridgewater may be reduced to 4.3 dwelling units per acre for the Fourth Neighborhood.
Village H	4.0 DU/Ac	The maximum number of residential units allowed for each parcel will be determined with the <u>(Preliminary Subdivision Plan (PSP) or Development Plan</u> approval for each parcel using the surveyed upland acres within the parcel, including stormwater management areas and parks/upland open space multiplied by the density for each parcel designated within the Village H. The residential density for any district shall not fluctuate from the required density range as specified in FLU4.6.3, unless modified in accordance with the Transfer of Development Rights (TDR) Ordinance adopted by the County or through internal density transfers as described in this policy or as provided in Policy FLU4.2.6. More specifically, the ability to transfer residential density from certain Townhome, Condominium or Apartment Districts within Village H to other districts within the Village shall not undermine the intent of providing a mixture of residential densities within any Village H neighborhood, and shall promote the Horizon



Village	Minimum Overall Density per Net Developable Acre	Notes
		<p>West planning principle of having higher density/intensity land uses within or in close proximity to the Village Center <u>District</u> and Neighborhood Centers. Should internal density transfers be authorized as part of a PD Land Use Plan approval or amendment, the affected districts shall be developed consistent with the applicable development standards of the resulting land use district, and the range of applicable residential densities in accordance with the TDR Ordinance.</p> <p>All wetlands and upland greenbelts within Village H are designated as TDR Sending Areas, and all development parcels are designated as Sending and Receiving Areas. As a matter of right and without use of TDRs, the actual density for any district or parcel within Village H may decrease by 20% from the maximum density allocated to that district or parcel.</p> <p>Residential units from one development parcel that are not needed to maintain the required minimum density in that parcel may be transferred to a different parcel, regardless of whether the parcels are owned by different entities or are in different Planned Developments. The parcels in the northern part of Village H will be outside the 1/2-mile radius, but will be proximate to the Town Center.</p>
Village F	4.95 DU/Ac	The identified net density is needed to maintain the Village design principles outlined in Policy FLU4.1.1, and aids in the preservation of environmentally sensitive areas.
Village I	5.0 DU/Ac	The identified net density is needed to maintain the Village design principles outlined in Policy FLU4.1.1 and aids in the preservation of environmentally sensitive areas.
Town Center	4.0 DU/Ac	To ensure compatibility with existing rural development, the density for property adjacent to the Lake Avalon Rural Settlement and depicted on the Horizon West Special Planning Area Land Use Map shall be 2.0 DU/ac.

(Added 05/03, Ord. 03-03, Policy 6.1.3.1; Amended 11/13, Ord. 2013-22, Policy FLU4.1.5-r; Amended 11/16, Ord. 2016-26; Amended 07/19 Ordinance 2019-04)

FLU4.1.6

**Neighborhood Center.** The location of Neighborhood Centers is flexible and shall be identified on the PD Land Use Plan and boundaries fixed no later than the time of the final development plan approval. Commercial development shall be permitted in Neighborhood Centers in association with the following standards:

- Total land area of the commercial development may not exceed two (2) acres.
- Floor area ratio (FAR) may not exceed 0.4 FAR with maximum gross floor area as follows:
  - Lakeside 20,000 square feet
  - Bridgewater 20,000 square feet
  - Village H 20,000 square feet
  - Village F 20,000 square feet
  - Village I 10,000 square feet.
- Located within walking distance (generally no greater than ½ mile) of most neighborhood residents.
- Must be generally located central to the neighborhood, separated from major collector or arterial roads, and adjacent to the Neighborhood Park or Green but separated from neighborhood school/civic uses by no more than 2,000 feet.
- Access shall be limited to local and collector roadways.
- Site design that places parking behind or beside buildings and incorporates the use of landscaping and pedestrian amenities such as benches, bike parking and coordinated architectural scheme must be linked to the adjoining neighborhood by sidewalks and bike paths.
- Residential dwellings shall be permitted only above ground floor commercial uses (not to exceed five (5) dwelling units per net developable acre unless increased through the use of TDRs).
- Uses shall be limited to convenience retail service operations and offices, which are designed to serve the immediate neighborhood population.

When a neighborhood elementary school is located adjacent to the Village Center, the Neighborhood Center commercial uses District should be located adjacent to or within the Village Center. (Added 6/95, Ord. 95-13; Amended 5/97, Ord. 97-07; Amended 3/99, Ord. 99-04; Amended 5/01, Ord. 01-11, Policy 6.1.5-r; Amended 11/13, Ord. 2013-22, Policy FLU4.1.6.A-r)

FLU4.1.7

**Village Center.** The Village Center District should function as a community of compatible uses in a compact setting serving the adjoining neighborhoods. The Village Center District should provide for a mix of land uses including residential, commercial and office uses, personal and household service

establishments, institutional uses, public facilities, parks, playgrounds, and other similar services designed to meet the needs of the adjoining neighborhoods. The Village Center District shall be generally located central to the Village that it serves. In order to account for student population, the Village Center District shall be incorporated into the boundaries of a neighborhood. The design of the Village Center District shall not be oriented primarily to serve “pass-by” trips, but the focus shall be on serving the immediate neighborhood needs. The size and location of the Village Center District shall be determined at the time of adoption of each Village and, for reference purposes, shall be shown on the Horizon West Special Planning Area Land Use Map. The final location of the Village Center District is flexible and shall be identified on the PD Land Use Plan and boundaries fixed no later than the time of the final development plan approval. The following standards should be used in designing the Village Center District:

\* \* \*

The Village Center District should be located on a collector road serving the village or at the junction of two (2) collector roads. The Village Center District may be located on an arterial road, provided that it is not a principal arterial road and that the center is not designed to be located on both sides of the arterial road. The Village Center District shall be designed to accommodate future linkage with the regional transit system. The transit stops should be located so that they are easily accessible to commercial uses. The Village Center District may not be consolidated into a larger commercial complex serving more than one Village. The Village Center District should maintain a minimum separation of approximately 10,000 feet from another Village Center District and 2,640 feet from a Neighborhood Center. Prior to approving a development plan or subdivision for a Village Center District, a middle school site within the Village shall have been conveyed, or a developer’s agreement for such conveyance shall have been approved by Orange County. School sites shall not be included in the computation for maximum size of the Village Center District.

Rezoning in any Village Center District shall not be approved until the following conditions have been met:

- Lakeside Village: Land for the middle school site has been conveyed to Orange County.
- Bridgewater: An elementary school site has been conveyed to the County and development in the first neighborhood has begun.
- Village H: Land for the middle school site has been conveyed to Orange County.
- Village F: The elementary school sites have been conveyed to the County and residential development in at least one of the two neighborhoods has been approved.

(Added 6/95, Ord. 95-13; Amended 5/97, Ord. 97-07; Amended 3/99, Ord. 99-04; Amended 5/01, Ord. 01-11, Policy 6.1.5-r; Amended 11/13, Ord. 2013-22, Policy FLU4.1.6.B-r; Amended 11/16, Ord. 2016-26)

\* \* \*

FLU4.2.1

**Adequate Public Facilities and Services.** Orange County shall use an Adequate Public Facilities Ordinance (APFO) as a growth management tool for directing the timing and location of future development within the Horizon West Village Classification. Prior to commencing development within any Village, the following adequate public facilities shall be determined to meet the standards, as established by the APFO:

- Distance to workplace
- Regional roadway network
- Road rights-of-way
- Stormwater management
- Water supply
- Wastewater treatment
- Solid waste collection and disposal
- Regional, community and local parks
- School sites
- Distance to transit
- Environmental preservation/constraints
- Police and fire protection
- Relationship to existing urban development
- Distance to community shopping centers
- Employment generation
- Incentives for infrastructure completion

Prior to or in conjunction with approval of the land use plan for any **Village Planned Development** within any particular neighborhood or the Village Center District, a developer's agreement addressing the conveyance of adequate public facility lands in accordance with the APFO, where applicable shall be approved by Orange County to include, but not be limited to the following:

- Land for the neighborhood elementary school
- Land for the minimum five (5)-acre park in association with the elementary school
- Land for APF Park Sites

- Right-of-way for all roads necessary to serve the particular development
- Land for bicycle/pedestrian facilities
- Land for the water and wastewater treatment sites
- Right-of-way for all utilities necessary to serve the particular development
- Land for the middle school as required for the Village Center District.

Subsequent to approval of the land use plan and prior to approval of the development plan or subdivision for any Village Planned Development, the APF lands identified above that fall within the boundaries of that development plan, for the following adequate public facilities shall be conveyed to Orange County in accordance with the APFO and the approved developer's agreement.

Prior to, or in conjunction with approval of the land use plan for any **Village Center District**, a developer's agreement addressing the conveyance of the following adequate public facility lands in accordance with the APFO shall be approved by Orange County:

- Middle school site
- Village Center District park and community space, including any land provided for transit facilities.

The valuation for such adequate public facilities shall not exceed \$22,500 per acre. These criteria shall be in addition to and shall not replace or supersede any provisions of the Orange County Concurrency Management System. The following additional adequate public facilities shall be provided, as needed to support development:

- Town Center: High School Site.

Each Village shall be evaluated to determine that adequate facilities and services are or will be available. Where facilities or services are determined to be inadequate, the developer(s) shall have the option of entering into a Development Agreement with Orange County to correct any deficiency and allow development to proceed. All development in the Village will be served by central sewer and water service operated by Orange County or other utility providers as approved by Orange County Public Utilities. Septic tank use shall be discouraged. However, on-site utilities, temporary septic tanks and potable water wells, where approved by Orange County Utilities, may be used in initial stages of development until adequate demand is available to support a central water and wastewater system. On-site utilities may be used only where soil and water table conditions will permit their use, and where the developer will install the necessary water and sewer lines (dry lines) to ultimately connect the development to the central utility system; and the area is included in a capital improvement program or enforceable development agreement, pursuant to the APFO referenced in this policy and the Village Code referenced in FLU4.6.2, that provides for central utility services to be in place in the next five (5) years.

Where it is determined that services and facilities are adequate to permit development, the project shall be deemed in compliance with the Urban Service Area requirements in the Orange County Comprehensive Plan.

In order to ensure that new development adequately pays for growth-related impacts, the Board of County Commissioners shall have the authority to determine the valuation or date of valuation of property for the purpose of impact fee credits for property deemed as a required adequate public facility. The terms of this valuation shall be incorporated into the developer's agreement for a specific development.

Trails that are not part of the County trail system identified in the Trails Master Plan or are in excess of the width required by the County subdivision standards will be required to be in a tract owned and maintained by a Homeowner's Association (HOA) or Property Owners' Association (POA) and the maintenance responsibility will be solely that of the related HOA or POA. (Added 6/95, Ord. 95-13; Amended 5/97, Ord. 97-07; Amended 3/99, Ord. 99-04; Amended 5/01, Ord. 01-11, Policy 6.1.7; Amended 6/08, Ord. 08-09, Policy 6.1.7.1-r; Amended 11/13, Ord. 2013-22, Policy FLU4.1.10-r; Amended 11/16, Ord. 2016-26)

\* \* \*

FLU4.2.3

Prior to obtaining approval of a Preliminary Subdivision Plan and/or a Development Plan for any portion of its property within Village H, the property owner shall deliver evidence satisfactory to the County that the owner or its predecessor in title has entered into an agreement with the County to convey APF lands or purchase APF credits available for sale and has also entered into an agreement with the County or with other property owners in the Village that is satisfactory to the County to:

- ~~1. — Pay the owner's proportionate share of the costs of providing the Master Utility Systems for the Village;~~
- ~~2.1.~~ Pay the owner's proportionate share of costs associated with mitigating the projected impacts that development within Village H will have on the off-site road system, including C.R. 545;
- ~~3.2.~~ Pay the costs associated with providing any necessary school capacity that is not funded through the collection of school impact fees;
- ~~4.3.~~ Pay the principal and interest that may be due if another landowner in Village H was required to pay a disproportionate share of the cost to install the Master Utility Systems or the costs associated with mitigating off-site road impacts, or the costs associated with providing necessary school capacity that were not paid earlier by the owner of the land on which the development is proposed or by the owner's predecessor in title; and
- ~~5.4.~~ Pay the costs associated with services provided by an escrow agent, if any, retained by property owners in Village H to track various payment obligations, APF credit sales, TDR sales, and to issue receipts for

payments made. Interest charged for advancing another property owner's proportionate share of ~~utility costs, off-site road costs, or other costs specified herein~~ shall not exceed the applicable prime rate as reported in the *Wall Street Journal*. (Added 6/06, Ord. 06-08, Policy 6.18.2; Amended 11/12, Ord. 2012-20; Amended 11/13, Ord. 2013-22, Policy FLU4.15.2-r)

FLU4.2.4

**Plan Implementation.** Orange County will continue to examine and recommend a variety of funding mechanisms that will be considered by the Orange County Board of County Commissioners to accomplish the extension of public facilities and services as well as allow for the acquisition of environmentally sensitive areas within the Village District Center. Alternate financing methods should consider the funding for both capital and operation and maintenance of facilities. The County shall also consider the establishment of a Special Taxing Districts for each adopted Village for the construction and maintenance of common open space and civic uses and Adequate Public Facilities required to support development in the village. (Added 6/95, Ord. 95-13; Amended 5/97, Ord. 97-04; Amended 5/01, Ord. 01-11, Policy 6.1.12; Amended 11/13, Ord. 2013-22, Policy FLU4.1.15-r)

FLU4.2.5

**Water, wastewater, and reclaimed water.** ~~Water, wastewater, and reclaimed water facilities shall be provided in accordance with the conceptual utility plan outlined in each adopted Village, which illustrates the conceptual phased provision of centralized utility services.~~ With the exception of the Estate Rural District in Village F, all development within each adopted Village shall receive service from the central water, wastewater and reclaimed water facilities operated by Orange County or other utility providers as approved by Orange County. Interim facilities may be provided in accordance with County requirements. All development shall also be required to install reclaimed water lines to service the entire property of the development and such systems shall be designed to facilitate future extensions. (Added 11/13, Ord. 2013-22; Amended 11/16, Ord. 2016-26)

For water, wastewater, and reclaimed water utilities, the following conditions are required for all development within all Villages:

The property owners shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the Planned Development and to accommodate the ultimate flows for the entire Village. Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village Master Utility Plan.

Prior to construction plan approval, all property owners within the Village, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share

agreement provided master utilities sized for Village requirements are constructed.

Property owners shall coordinate with the Orange County Utilities Director, or their designee, with respect to any utility easements necessary to accommodate appropriately-sized wastewater sewer mains or lines, potable water mains or lines, and/or reclaimed water mains or lines.

FLU4.2.6

**Village H.** The method for allocating all shared costs within Village H, including costs associated with ~~the provision of utilities and~~ the mitigation of transportation impacts, shall be based on Total Two-way PM Peak Hour Trips (Trips) determined for each property owner's development program. The *Institute of Traffic Engineers Trip Generation Report, 8th Edition*, shall be used to determine the Trips for development within Village H through full build-out of the Village, and later editions of this Report shall not be used. In addition, the following provisions shall apply for Village H:

- A. Within 120 days following the effective date of the Specific Area Plan, each property owner, for itself, its successors and assigns, informed the ~~County's Utility Director and the County's Planning Manager~~ in writing of the specific type of land uses and the maximum number of residential units that will be developed on that owner's property within the range of land uses and densities approved in the Village as applied to the property owner's actual acreage. The maximum density allocated to each parcel can only be exceeded through the purchase of TDRs, or through internal density transfers as provided in Policy FLU4.1.5, or as provided in this policy. The owners of land approved for non-residential uses have informed the ~~County's Utility Manager and the County's Planning Manager~~ in writing of the maximum square footage for each type of non-residential use that will be developed on that owner's land. ~~The information provided by each property owner has been used to determine the appropriate sizing of the Village H Master Utility Systems and each property owner's proportionate share of the cost of providing the Master Utility Systems. Once the Master Utility Systems for Village H have been designed based on the information provided by the various property owners in the Village, the development plans subsequently proposed for each owner's property shall not exceed the maximum land use/density/intensity projections on which the design of Master Utility Systems was based, unless development rights that were not used by an owner are assigned to the owner seeking to exceed its maximum land use/density/intensity projections using the same process applicable to TDR transfers.~~
- B. With the exception of those property owners within the Rural Enclave, each property owner within Village H, its successors or assigns, shall pay a proportionate share of the cost of ~~providing the Village H Master Utility Systems and of mitigating the Village H transportation impacts on CR 545.~~ Each property owner's proportionate share of the costs of



~~providing the Village H Master Utility Systems and the Road Mitigation Costs shall be determined in the following manner:~~

1. The maximum land use/density information provided by each property owner, in accordance with FLU4.6.3, shall be used to determine the projected Trips that will be generated by each owner's property (the Property Owner's Trips);
2. The trip generation projections for each owner's land shall be added to determine the cumulative projected total Trips for Village H (the Cumulative Trips);
3. The Property Owner's Trips shall be divided by the Cumulative Trips to determine that owner's proportionate share of the Cumulative Trips, expressed as a percentage figure (the Property Owner's Percentage); and
4. ~~The total cost of the Village H Master Utility Systems shall be multiplied by the Property Owner's Percentage to determine that owner's proportionate share of the cost.~~

~~C. No building permit shall be issued until the applicant has submitted to the County evidence satisfactory to the County that the property owner, a predecessor in title, or the applicant has paid that portion of the property owner's proportionate share contribution for the Village H Master Utility Systems that is applicable to the development program reflected in the Preliminary Subdivision Plan and/or Development Plan.~~

D.C. No building permit shall be issued within any Neighborhood or the Village Center unless the APF lands necessary to support a specific development proposal (including an elementary school and a middle school) have been conveyed to the Orange County Board of County Commissioners or have been provided for in a developer's agreement that also requires the purchase from other landowners within Village H of any APF credits that may be required in addition to the APF land conveyance. A Preliminary Subdivision Plan or Development Plan for lands within any specific Neighborhood may be obtained only when a development agreement between the property owner and Orange County has been executed addressing the conveyance of public land necessary to support the provision of adequate facilities and services to the Neighborhood.

(Added 6/06, Ord. 06-08, Policy 6.18.3; Amended 11/12, Ord., 2012-20; Amended 11/13, Ord. 2013-22, Policy FLU4.15.3-r, Amended 11/16, Ord. 2016-26)

\* \* \*

FLU5.1.1 **Prior Development Approvals in the Innovation Way Overlay.** Properties located in the Innovation Way Overlay with development that meets one of the

criteria ~~critierion~~ listed below shall not be required to comply with the Innovation Way policies.

- A. Development that has approval as of June 13, 2006, and is developed consistent with such approval; or
- B. Development with a consistency vested rights determination, provided the vested rights do not expire and the development occurs in a manner that is consistent with the vested rights determination; or
- C. Development that is consistent with the uses, densities and intensities allowed by the Comprehensive Plan as of June 13, 2006.
- D. Nothing in these policies is intended to supersede Orange County's existing environmental regulations or the Econlockhatchee River Protection regulations. (Added 01/16, Ord. 2016-04)

FLU5.1.1.1 RESERVED (~~Policy deleted 01/16, Ord. 2016-04~~)

FLU5.1.2 **Innovation Way Conceptual Urban Form.** Map 4 of the Future Land Use Map Series is intended to provide for the generalized and illustrative location and extent of transect zones that collectively depict the desired urban form for the Innovation Way Overlay. This map will guide the preparation of Conceptual Regulating Plans and Planned Development Regulating Plans. Final boundaries and configurations of transect zones and the specific location and type of Innovation Way land use districts, road alignments and trails shall be determined through the adoption of an Innovation Way Planned Development Regulating Plan for individual properties within the Overlay.

The Innovation Way Overlay (Map 4) does not provide any entitlements beyond the underlying Future Land Use Map designations and zoning classifications. As such, Orange County shall, in conjunction with a transect-based approach, use Conceptual Regulating Plans (CRP), the Innovation Way (IW) Future Land Use Map designation, and Innovation Way-Planned-Development-Regulating Plans (IW-PD-RP) to implement the long-range planning vision for Innovation Way. Proposed Future Land Use Map amendments and rezonings in the Innovation Way Overlay, except as permitted by FLU5.1.1 and ~~OBJ FLU5.14~~, must follow the process as outlined in the associated policies. (Added 01/16, Ord. 2016-04)

\* \* \*

FLU5.1.5.2 Districts

The Innovation Way districts provide the means to implement the transect based policies through the identification of a variety of urban or rural development standards that address land use, transportation, green infrastructure, utility, site design and permitting procedures. The Innovation Way districts will function to ensure a compatible transition from rural to urban and facilitate a mix of uses that support multi-modal transportation. With the exception of Special

Districts, all other districts are intended to be located within a transect zone with which they are compatible.

- A. Transit Station Area Cores (TSAC) are consistent with the T-5 transect zone and Transportation Network. These centers are generally located where access is provided through at least one of the Multimodal Corridors, and it has been identified as a location to be served by a high-capacity transit service. Permitted uses include high tech/clean industry, support commercial/retail, personal and business services, office, light industrial/research, hotel, high-density residential, civic, and parks/open space. Walkable blocks and compact high density/intensity mixed use development characterize this type of district. Vertical mixing of uses shall be highly encouraged within the TSACs. The average perimeter of blocks within each (TSAC) shall be sized to achieve a 5-minute walk.
- B. Town Centers and Innovation Way Activity Center (IWAC) districts are consistent with the T-4 transect zone and are intended to include a variety of uses that support the daily needs of residents within adjoining neighborhoods. When collocated with a TSAC district, the IWAC shall be the appropriate district to provide the land uses necessary to support high capacity transit service. Alternatively, when located independently of a Medium Density Zone, the Town Center district shall be the appropriate option and be located with multimodal access serving the civic, commercial and personal service needs of a larger market area. These districts shall provide a place for a mix of residential, office, retail, light industrial uses, and high tech/clean tech uses at a scale that should not be permitted in the T-3 (Transect Zone-3). IWAC and Town Center districts must be designed to encourage and accommodate linkage with the regional transit system and must provide for connections to, and be integrated with, the collector streets and pedestrian and bike path systems. The average perimeter of blocks within each Town Center and IWAC shall be sized to achieve a 5 to 10-minute walk.
- C. The Neighborhood district is consistent with the T-3 transect zone and is intended to be walkable, highly connected by streets, trails and pedestrian paths, and adequately served by parks and open space. Standards and requirements for neighborhood development will vary based on several criteria including the mix of housing types provided, overall residential density, inclusion of non-residential uses permitted by location, and placement of dwellings relative to street frontages. The following policy elements provide direction for standards that will be developed for inclusion in an Innovation Way Sustainable Development Code and the Regulating Plans for individual Innovation Way projects.
  - 1) Individual neighborhoods should be sized so that dwellings are generally within a maximum five-minute walk of a central focal point or neighborhood node.

- 2) Developments within neighborhoods that are proposed to develop within a density range of 6-10 dwellings per net developable acre should be located in close proximity to a neighborhood node, or a location that would serve as a transition between a T-3 zone and T-4 or T-5 zone.
  - 3) An elementary school site shall be provided for each 2,500 dwellings and school sites should be centrally located to serve up to four (4) typical neighborhoods.
  - 4) Each Neighborhood may contain a maximum of one Neighborhood Node, but shall be required to include a central neighborhood focal point in a form determined through the adopted Regulating Plan. Residential Neighborhoods can be clustered particularly in proximity to the transit corridors.
  - 5) Neighborhoods shall not be gated and perimeter walls will not be permitted.
  - 6) Neighborhoods should be planned with at least seventy-five (75) percent of the blocks having a perimeter length that does not exceed a distance associated with a ten-minute walk.
- D. Neighborhood Nodes are consistent with the T-3 transect zone and may contain a mix of neighborhood serving commercial, business personal service, and civic uses to provide for daily commercial and service needs of a residential neighborhood. Neighborhood retail and office uses shall be characterized by small-scale units, organized in compact nodes, designed to be visually compatible with surrounding development. The following standards shall apply to Neighborhood Nodes:
- 1) Centrally located and grouped as nodes of non-residential or mixed-use development easily accessible on foot or by bicycle to neighborhood residents;
  - 2) Use type and size shall be limited to neighborhood scale commercial, personal service and civic uses, which are designed primarily to serve the needs of residents and/or employees within the immediate area;
  - 3) Residential uses shall be encouraged to be built above ground floor commercial or office uses and may be configured into live/work type of units;
  - 4) Designs shall incorporate access to transit and include bicycle-related facilities; and
  - 5) Additional standards regarding design, specific use types, size, and location criteria, shall be adopted in the land development code to ensure compatibility with surrounding development and consistency with the urban development patterns envisioned for

the Innovation Way Overlay.

E. The Rural Residential and Conservation Development districts are consistent with the T-2 transect zone and are intended to provide conventional or clustered single-family detached dwellings in a traditional rural setting. Clustered dwellings shall comply with the County’s existing cluster district code. In addition to residential dwellings, the Rural Residential and Conservation Development districts may include and emphasize agricultural lands, conservation areas, and/or passive parks and open space. Dwellings may be included in a conservation subdivision designed to enhance the living environment and promote the ecological well-being of both the built and natural environments. Standards and requirements for neighborhood development will reflect a rural lifestyle in harmony with the non-residential uses permitted by location and shall emphasize placement of dwellings relative to open space, conservation and agricultural vistas. (Added 01/16, Ord. 2016-04)

FLU5.1.5.3 Within the Innovation Way Overlay, all development proposals shall contribute to accomplishing an overall mix of residential and non-residential uses that is consistent with the requirements in the table below and shall meet the requirements of the Innovation Way Jobs-to-Housing Linkage Program (Ord. 2010-05). Additionally, each designated Mixed-Use Center within a proposed or adopted ~~DAP~~, and/or ~~PD-LUPIW-PD-RP~~, shall also meet the land use mix requirements in FLU5.1.6. (Added 10/10, Ord. 2010-13)

Land Use	Preferred Overall Mix (Minimum percentage of total land area)
Residential	20%
Office/Commercial/Industrial	30%
Institutional/Civic <sup>2</sup>	5%
Open Space/ Parks/Recreational <sup>1, 3</sup>	5%
<sup>1</sup> Does not include “Stewardship Lands” as defined in FLU5.5.1. <sup>2</sup> Institutional and civic uses are allowed in any Innovation Way use district, except as otherwise restricted by the Orange County land development codes. <sup>3</sup> Within TSA Cores, open space shall consist of urban open spaces, such as but not limited to plazas, squares, and greens; County parks larger than 5 acres shall be designated as “Park” and should preferably not be located within TSA Cores.	

FLU5.1.5.4 Within the Innovation Way Overlay, each ~~DAP~~ IW-PD-RP and PD-LUP adopted after October 19, 2010 shall accommodate land uses within one or more of the following types of use districts, which shall be designated on the PD-LUP:

1. Mixed-Use Centers, which may consist of any of the following:
  - a. High Tech Centers,
  - b. Town Centers,
  - c. Innovation Way Activity Centers,
  - d. Village Centers, and
  - e. Neighborhood Nodes;
2. Industrial;
3. Residential neighborhoods;
4. Parks, which shall be used to designate public parks larger than five (5) acres that Orange County agrees to maintain subject to BCC approval; and
5. Stewardship Lands, as defined in Objective FLU5.5. (Added 10/10, Ord. 10-13, Policy 5.2.5-r)

FLU5.1.6

Within the Innovation Way Overlay, each IW-PD-RP adopted after January 26, 2016 shall identify the Innovation Way transect zones, districts, and uses and shall contribute to accomplishing an overall mix of residential and non-residential uses.

The following correlation table shall be used in connection with the evaluation of a proposed development’s consistency and compatibility with the Innovation Way Overlay policies, the conceptual development framework depicted on Future Land Use Map Series Map 4, and the Innovation Way Regulating Plan document:

<b>Transect Zones</b>	<b>Allowable Use Districts</b>	<b>General Uses</b>	<b><sup>1</sup>Preferred Mix of Uses</b>
<b>T1</b> – Natural Zone (NZ)	N/A	Passive parks and open space, greenbelts, agriculture	<sup>2</sup> Passive Parks and Open Space, Agriculture <del><sup>3</sup>Civic/Institutional</del>
<b>T2</b> – Rural Development Zone (RDZ)	Rural Residential Development Conservation Subdivisions <del>Development</del>	Clustered, conservation, and/or conventional single-family detached residential uses, agriculture, passive parks and open space;	<sup>2</sup> Passive Parks and Open Space, Agriculture Residential <del><sup>3</sup>Civic/Institutional</del>

<b>Transect Zones</b>	<b>Allowable Use Districts</b>	<b>General Uses</b>	<b><sup>1</sup>Preferred Mix of Uses</b>
<b>T3 – Low-Medium Density Zone (IW-LMDZ)</b>	Neighborhood Nodes Residential Neighborhoods	Single-family attached and detached, neighborhood commercial, business and personal services;	Residential <sup>2</sup> Open Space/Parks/Recreation Neighborhood Node <sup>3</sup> Civic/Institutional
<b>T4 – Medium Density Zone (MDZ)</b>	Town Center and Innovation Way Activity Center	Single-family attached and detached residential, apartments, business and personal services, employment centers, commercial and retail uses that serve the surrounding market area, high tech/clean tech and light industrial, hotel & entertainment, civic , health care	Non-residential Residential <sup>2</sup> Open Space/Parks/Recreation <sup>5</sup> High Tech/Clean Tech/Light Industrial
<b>T5- Transit Station Area Core (TSAC)</b>	Transit Station Area Core	Employment centers, commercial and retail uses that serve the surrounding market area, mixed-use buildings that accommodate retail, offices, workspaces, civic buildings, apartments, hotel, and high-tech/clean tech industries	Non Residential Residential <sup>2, 4</sup> Open Space/Parks/Recreation <sup>5</sup> High Tech/Clean Tech/Light Industrial
<b>T-SD- Special District</b>	PD-SD	Established during the Innovation Planned Development Regulating Plan process	Established during the Innovation Planned Development Regulating Plan process

<sup>1</sup>The mix of uses is listed for each transect zone in descending order of the preferred allocation. The mix of uses will be calculated as a percentage of net developable acres.

<sup>2</sup> Does not include “Stewardship Lands” as defined in Chapter 15 of the Orange County Code.

<sup>3</sup> Institutional and civic uses are allowed in any Innovation Way use district, except T-1 Natural Zone and except as otherwise restricted by the Orange County land development codes.

<sup>4</sup> Within T-5 TSA Cores, open space shall consist of urban open spaces, such as but not limited

to plazas, squares, and greens; County parks larger than 5 acres shall be designated as “Park” and should preferably not be located within TSA Cores.

<sup>5</sup> The percentage of High Tech/Clean Tech and the type of uses that constitute High Tech/Clean Tech shall be included in the non-residential percentage. (Added 01/16, Ord. 2016-04)

\* \* \*

**OBJ FLU5.2 Innovation Way Future Land Use Map amendment (FLUM) and IW-Planned Development – Regulating Plan (IW-PD-RP).** The approval of development in the Innovation Way Overlay, shall require an IW Future Land Use Map designation and an approved IW-PD Regulating Plan, which determines the adopted boundaries and location of the transect zones. The proposed location of the transects shall be illustrated on the ~~CRP~~Conceptual Regulating Plan during the Future Land Use Map amendment process and finalized in the approved IW-PD-RP. Nothing in this policy is intended to supersede the exceptions as outlined in FLU5.1.1 and OBJ FLU5.14 and the associated policies. (Added 01/16, Ord. 2016-04)

**FLU5.2.1 Innovation Way FLUM.** A Future Land Use Map amendment for properties within the Innovation Way Overlay shall require the following:

**A. Conceptual Regulating Plan (CRP):** The Conceptual Regulating Plan ~~CRP~~ is a general and illustrative representation of the proposed development and location of transects, and it is precursory to the IW-PD-RP. The Conceptual Regulating Plan ~~CRP~~ is provided during the transmittal phase of the Future Land Use Map amendment application and review process, and will be refined throughout the review process. When a CRP is approved by the Board of County Commissioners, the net developable land area allocated for urban development by the Conceptual Regulating Plan ~~CRP~~ shall be counted against the amount of additional land identified by FLU1.2.4. The following items shall be depicted on the Conceptual Regulating Plan ~~CRP~~ or included ~~with~~ as an attachment:

1. ~~General location~~ Location of the transect zones
2. ~~General location~~ The location of existing roadways and the proposed location of ~~and planned~~ major roadways, trails, or other transportation modes
3. ~~General location~~ Location of any primary utility facilities and operations areas
4. ~~General location~~ Location of any fire or emergency response facilities
5. ~~General location~~ Location of public school sites
6. ~~OCPS~~ Orange County Public Schools Capacity Enhancement or Mitigation Agreement (prior to adoption)



7. Amount of net developable land area for each transect zone
  8. Proposed development program
  9. Environmental Land Stewardship Program (ELSP) lands
- B. Transportation Analysis:** Prior to submittal of an application for an IW PD, a pre-application meeting shall be required with the Transportation Planning Division to determine the methodology required for the traffic study. The traffic study shall be submitted in accordance with the deadlines for the associated IW-PD-RP and will evaluate the existing and future conditions of the transportation network in accordance with the agreed upon methodology and will serve as data and analysis for an Innovation Way Transportation Agreement (IW-TA).
- C. Environmental Land Stewardship:** Identification of the amount and type of land to be dedicated to Orange County to satisfy the requirements of the Environmental Land Stewardship Program (Chapter 15, Article XVIII), consistent with Ordinance 2010-04, as it may be amended from time to time. Data must be based on professionally acceptable standards and analysis and identification of ELSP lands shall be based on the following sources: the Innovation Way Study, Florida Natural Areas Inventory, St. Johns River Water Management District and South Florida Water Management District Databases, Florida Land Use and Cover Classification Systems, Natural Resources Conservation Service, Federal Emergency Management Agency, Florida Fish and Wildlife Conservation Commission Habitat Model Data, and specific site indicators such as topography, vegetation, soils data, floodplain information, and other field observations.
- D. Consistency with the Comprehensive Plan:** The justification statement should:
- 1) ~~identify~~ Identify relevant Comprehensive Plan policies ~~and~~
  - 2) Explain ~~explain~~ how the proposed request is consistent with the identified policies.
  - 3) Any privately-initiated text amendments related to the application should also be included and explained as part of the justification statement. Proposals for privately-initiated text amendments must also include an evaluation of consistency with the Comprehensive Plan.
- E. Infrastructure and Public Services:** Development within Innovation Way is subject to the requirements of Orange County's Concurrency Ordinance and the Capital Improvements Element.
- F. Coordinated Development:** Although there is separate property ownership within the Innovation Way Overlay, planning for development will occur in a coordinated, comprehensive, and

integrated manner. The Conceptual Regulating Plan CRP will establish a general guide for connectivity and coordinated development.

- G. Community Meetings/Public Participation:** A minimum of two community meetings/public workshops shall be held. All workshops are subject to the County's notification requirements. The County maintains the discretion to require additional community meetings/workshops as part of the application review process.

*Future Land Use Map Amendment:* The first community meeting is intended to provide an overview of the proposed change and to present the proposed development program and Conceptual Regulating Plan CRP and receive feedback from residents and property owners.

*Rezoning/Planned Development Regulating Plan:* The purpose of the second community meeting is to present the IW PD-RP which should incorporate and acknowledge the community input received on the Conceptual Regulating Plan CRP.

*Previous Submittals:* If a Future Land Use Map amendment application was previously submitted to the County for review and workshops were held consistent with the requirements of the Comprehensive Plan policies requiring a Detailed Area Plan, only one workshop is necessary to explain the proposed revisions from the previous submittal. If the Comprehensive Plan amendment and IW-PD-RP are not processed concurrently, however, the County shall require an additional community meeting when the PD-Regulating Plan is submitted. (Added 01/16, Ord. 2016-04)

#### FLU5.2.2

#### **Innovation Way – Planned Development – Regulating Plan**

The IW-PD-RP requires the following during the rezoning phase of a proposed development in the Innovation Way Overlay:

- A. Regulating Plan:** The Regulating Plan shall finalize the specific transect locations and establish detailed development performance standards. The performance standards in the regulating plan shall be consistent with the adopted Innovation Way Regulating Plan Structure Guide and, at a minimum, address the following:
1. Classification of streets/street hierarchy
  2. Location, boundaries and land area of transect zones
  3. Location, boundaries and land area for land use districts within the respective transect zones
  4. Block and intersection density standards within the transect zones

5. Open space requirements
  6. Identification of ~~ELSP~~ Environmental Land Stewardship Program lands
  7. Maximum building heights by districts/transects
  8. Building frontage and placement standards
  9. Landscape and streetscape requirements
  10. Proposed location of major infrastructure components including water, wastewater, reclaimed water and stormwater
  11. General location of public school sites
  12. General location and size of proposed parks and open space based on development standards and park and open space types
  13. Storm water management and low impact development standards and facilities where appropriate
  14. General location of police substations, fire stations, and government buildings (if any)
- B. Planned Development-Land Use Plan:** The IW-PD-RP should be used as a mechanism to promote coordinated development that allows for a transit-ready development pattern and a comprehensive provision of infrastructure and services within the Innovation Way Overlay.
- C. Development Program:** The proposed development program shall be included and adopted as part of the IW-PD-RP. The development program shall be substantially consistent with the program submitted with the Conceptual Regulating Plan ~~CRP~~ and approved with the IW FLUM amendment, with revisions necessary to reflect any changes to the boundaries of transect zones or as required for consistency with the provisions of the Regulating Plan and required Agreements.
- D. Connectivity:** All development within the Innovation Way Overlay shall provide for an interconnected transportation network. The intersection density shall range between 100 and 140 intersections per square mile. Compliance with the intersection density requirements shall be a condition placed on the IW-PD-RP and subsequent ~~PSPs~~ Preliminary Subdivision Plans, DPs—Development Plans, and amendments to the IW-PD-RP must meet the intersection density requirements.
- E. Transportation Analysis:** In conjunction with submittal of an application for IW PD, a pre-application meeting shall be required with the Transportation Planning Division to determine the methodology required for the traffic study. The traffic study shall be submitted in accordance with the deadlines for the IW-PD-RP and will serve as the data and analysis for the provision of a financially feasible capital improvements plan as defined by the County and applicable policies in

the adopted Comprehensive Plan, including but not limited to Objective CIE1.6 and implementing Policies CIE1.6.5 and 1.6.6.

**F. Infrastructure Agreements:** To facilitate coordinated infrastructure, the following items are required prior to or concurrent with the adoption of the IW-PD-RP:

1. ~~OCPS—Orange County Public School~~ Capacity Enhancement or Mitigation Agreement;
2. Financially feasible capital improvements plan as defined by the County and applicable policies in the adopted Comprehensive Plan, including but not limited to Objective CIE1.6 and implementing Policies CIE1.6.5 and 1.6.6;
3. Adequate Public Facilities Agreement for sheriff, fire, utilities, parks and recreation; and
4. Prior to approval of the IW-PD-RP, the developer shall meet with Orange County Utilities to discuss connection points and any facility locations for water, wastewater, and reclaimed water.

**G. Environmental Land Stewardship Program Compliance:** Proposed ELSP lands shall be identified on the PD-IW-RP. If a proposed stewardship land is either partially or completely within the Econlockhatchee Basin, the land to be protected or development rights to be dedicated shall be uplands or wetlands, or both, within or abutting the River Protection Zone as defined by Chapter 15, Article XI. Section 15-443(1), as amended from time to time. (Added 01/16, Ord. 2016-04)

FLU5.2.3

**Changes to and consistency with an Existing CRP.** Upon adoption of a Comprehensive Plan Amendment and its associated Conceptual Regulating Plan~~CRP~~, any addition or deletion of property or substantial changes to the Conceptual Regulating Plan ~~CRP~~—boundaries shall be processed as an amendment to the Comprehensive Plan and shall include an evaluation and analysis of the impacts to the approved or planned land uses, overall densities, adequate public facilities, green belts, schools and other general urban community principles and the ability to meet the conceptual prototypical urban form size and density requirements. Subject to approval by the Board of County Commissioners, the uses within any particular IW-PD-RP may vary in arrangement from the adopted Conceptual Regulating Plan~~CRP~~, provided that the overall density for the Conceptual Regulating Plan ~~CRP~~ continues to meet or exceed the minimum density requirements specified in Policy FLU5.1.7.

Approval of variations shall be based on consistency with the ~~CRP~~ Conceptual Regulating Plan, Map 4 of the Future Land Use Map Series, and the Innovation Way policies. The process for the review or approval of those variations shall be established in the Innovation Way land development code. (Added 08/08, Ord. 06-08, Policy 8.2.11; Amended 10/10, Ord. 2010-13; Amended 01/16, Ord. 2016-04)

\* \* \*

FLU5.4.2 Orange County's land development code will be amended, if applicable, by July 1, 2017 to consider and implement appropriate mechanisms to preserve Ecologically Important Lands through acquisition and/or conservation easements. Ecologically Important Lands are defined as lands, with a qualifying environmental characteristic or function based on scientific data or study. Lands that should be protected include key wildlife corridors and key habitat, which are defined as follows: contiguous stands of natural plant communities that have the potential to support healthy and diverse populations of plants and animals, including, but not limited to, state and federal ~~Threatened and Endangered Species of Special Concern~~ Imperiled Species. Orange County has addressed the protection of state and federal ~~Threatened and Endangered Species and Species of Special Concern~~ Imperiled Species with the implementation of Objective FLU5.5 and the underlying policies. (Added 08/08, Ord. 06-08; Amended 10/09, Ord. 2009-28; Amended 06/10, Ord. 10-07, Policy 8.4.4-r; Amended 01/16, Ord. 2016-04)

\* \* \*

FLU5.4.4 The County will collaborate with the Florida Fish and Wildlife Conservation Commission (FFWCC) to develop site development standards that promote preservation of wildlife during construction and focus on the provision of useable habitat post-development. Such site development standards shall include but are not limited to monitoring, low voltage lighting, berms, and fencing. Post-construction measures may include, but are not limited to native plantings, low voltage lights, berms, fencing and controlled burns. ~~This policy will be implemented through the amendment of the land development code by July 1, 2017.~~ (Added 08/08, Ord. 06-08, Policy 8.4.7-r; Amended 01/16, Ord. 2016-04)

FLU5.4.5 Orange County will collaborate with the FFWCC, the U.S. Fish and Wildlife Service (FWS), the Central Florida Expressway Authority, and Florida Department of Transportation to establish development standards to ensure that wildlife crossings are provided at public roads that cross river systems, wetlands, and other potential wildlife corridors. ~~This policy will be implemented through the amendment of the land development code by July 1, 2017.~~ To facilitate these wildlife crossings, Orange County shall require appropriately sized crossings and fencing to direct species to the crossings. (Added 08/08, Ord. 06-08; Amended 10/09, Ord. 2009-28, Policy 8.4.8-r; Amended 01/16, Ord. 2016-04)

\* \* \*

FLU5.4.8 The County shall ~~amend the land development code by July 1, 2017 to~~ require upland buffers for environmentally sensitive areas within the Innovation Way Study Area and determine the appropriate criteria for such buffers, which may

be similar to those used in the Econlockhatchee River Protection Area. (Added 08/08, Ord. 06-08; Amended 10/09, Ord. 2009-28, Policy 8.4.12-r; Amended 01/16, Ord. 2016-04)

\* \* \*

FLU5.4.10 To promote wildlife usage and corridors, all proposed development within the Innovation Way Study Area shall incorporate the use of native vegetation in the landscaping. ~~The land development code will be amended by July 1, 2017, to implement this policy.~~ (Added 08/08, Ord. 06-08; Amended 10/09, Ord. 2009-28, Policy 8.4.14-r; Amended 01/16, Ord. 2016-04)

\* \* \*

FLU5.5.3 All property owners seeking a CRP Conceptual Regulating Plan and/or IW-PD-RP, within the Innovation Way Overlay must commit to the protection of stewardship lands or dedicate suitable lands to the County or a County-approved conservation-related public or private entity pursuant to the requirements of the ELSP Ordinance. If the proposed stewardship land is either partially or completely within the Econlockhatchee Basin, the land to be protected or development rights to be dedicated shall be uplands within or abutting the River Protection Zone as defined by Chapter 15, Article XI, Section 15-443(1), as amended from time to time. (Added 10-09, Ord. 2009-28; Amended 01/16, Ord. 2016-04)

\* \* \*

FLU5.6.1 Orange County will amend the land development code ~~by July 1, 2017~~, to include ~~“Green Development”~~ practices to guide sustainable development, such as, but not limited to, the Florida Green Development Designation Standard, innovative mechanisms to preserve environmentally sensitive areas that consider development siting and land use issues,; energy conservation,; water,; and, energy- and resource-efficient products. (Added 01/16, Ord. 2016-04)

FLU5.6.2 Orange County shall develop education programs and requirements for Innovation Way that encourage ~~Xeriscape~~ and Waterwise landscaping and other water conservation measures. The County will, through development approvals and regulation changes, minimize the amount of impervious surface area for development in the Innovation Way Overlay Area. (Added 01/16, Ord. 2016-04)

FLU5.6.3 Master planning stormwater requirements shall be the preferred method to address the permitting requirements of Orange County and ~~the South Florida Water Management District~~ the Water Management Districts of jurisdiction. Wherever feasible, stormwater facilities should be located and sized to accommodate stormwater from multiple basins. Joint use stormwater facilities intended to serve drainage requirements associated with major thoroughfares as

well as adjoining development should also be planned to provide the maximum benefits associated with master planning. It is the County's desire to reduce the number of stormwater facilities for which maintenance is required, and to increase opportunities to utilize master planned facilities as site amenities and as focal points for development within Innovation Way, while still being protective of the hydrologic needs of natural systems. (Added 01/16, Ord. 2016-04)

FLU5.6.4 The use of Low Impact Development (LID) practices will be encouraged by Orange County, particularly for:

A. ~~h~~Basins that drain to an impaired water body for which a BMAP is applicable; and

B. ~~f~~For land use districts that are intended for intense residential and non-residential development.

LID practices should be utilized, at a minimum, to improve water quality of receiving bodies, limit the amount of gray infrastructure required, and to reduce the amount of post development stormwater discharge. (Added 01/16, Ord. 2016-04)

\* \* \*

FLU5.7.1 ~~By July 1 2017,~~ Orange County will develop a program that includes: incentives to promote Innovation Way as a premiere high-tech/clean-tech community; the identification of public/private partnership opportunities for infrastructure planning and development supporting sites intended for high-tech/clean-tech industries; and, a target industry analysis of high-tech/clean tech companies that provides a framework for economic development strategies designed to attract and site such industries. Orange County will coordinate with the Linkage Program Area property owners in the development of the program. (Added 08/08, Ord. 06-08, Policy 8.6.2-r; Amended 01/16, Ord. 2016-04)

\* \* \*

FLU5.9.1 Orange County will continue to develop the regional recreational trail system, where appropriate, that connects county parks and other publicly owned environmentally sensitive areas. (Added 08/08, Ord. 06-08, Policy 8.9.1)

\* \* \*

**OBJ FLU5.10 INNOVATION WAY FUNDING. Orange County will work with developers, landowners, MetroPlan Orlando, ~~FDOT~~Florida Department of Transportation, Central Florida Expressway Authority, Lynx, and other transportation agencies as needed to ensure adequate funding for the transportation network. (Added 08/08, Ord. 06-08, Obj. 8.10; Amended 01/16, Ord.2016-04)**

\* \* \*

FLU5.10.2 Orange County shall evaluate alternative funding mechanisms to finance adequate public facilities in Innovation Way. The County may require, as a condition of development approval, the participation of the development in such funding programs. (Added 08/08, Ord. 06-08, Policy 8.10.3; Amended 01/16, Ord. 2016-04)

\* \* \*

**GOAL FLU6 PROTECTION OF RURAL LAND RESOURCES AND OTHER ASSETS. The County will promote the management of land uses within the Rural Service Area, including agricultural lands, historic resources, the Lake Pickett Study Area, and Rural Settlements, together with environmental lands, natural resources and the Wekiva and Econlockhatchee River Protection Areas environmental lands including the Wekiva Area, so as to conserve these assets and their values. (Goal 2-r; Amended 07/16, Ord. 2016-17)**

\* \* \*

FLU6.1.3 Residential uses in areas designated Rural shall be limited to a maximum density of 1 DU/10 acres.

Density shall refer to the total number of units divided by developable land area, excluding natural water bodies and conservation areas (wetlands areas). Agriculturally zoned areas that do not have active agricultural use may be the subject of amendments to the comprehensive plan in order that such areas may be rezoned to an appropriate residential category. Cluster zoning shall not be permitted in the Rural Service Area except where required for protection of significant environmental features, such as Wekiva Study Area, Class I conservation areas, or rare upland habitat. (Added 11/99, Ord. 99-19; Amended 10/10, Ord. 2010-13, Policy 2.2.4-r)

\* \* \*

FLU6.1.7 Orange County shall evaluate the Conservation Subdivision as a development tool for Rural Settlements within the Rural Service Area. In addition, Orange County shall support the use of low impact development strategies, ~~such as those identified by the Water Management Districts and the Institute of Food and Agricultural Science,~~ as a means to conserve water, soils, and vegetation where needed. Such techniques shall not be used to enable more density than would be allowable in the Rural Service Area.

FLU6.1.8 Under special conditions, the County may consider approval of those uses that by their nature;



- A. ~~require~~ Require isolation due to a high degree of security for national defense purposes, such use may involve hazardous operation or testing that should be located in remote areas away from population concentrations; or
- B. by their nature are appropriate to locate in the Rural Service Area. ~~The former type of project may involve hazardous operation or testing that should be located in remote areas away from population concentrations. Other such~~ Such uses may include gun ranges, landfills, and kennels.

Both types of uses will require review as ~~either~~ a special exception to the existing zoning or under the Planned Development zoning category; with special attention and analysis applied to the following considerations, at a minimum:

- A. General public safety measures;
- B. Environmental impacts, particularly related to surface and subsurface hydrological effects and endangered flora and fauna;
- C. Access limitation considerations and increased service provisions to ensure an adequate level of self-sufficiency, and
- D. Availability and requirements for central water service
- E. Where such uses are located in the Rural Service Area, but adjacent to the Urban Service Area, these uses requiring isolation or separation from residential uses may be approved by the Board of County Commissioners for central water services. Central water services provided within the Rural Service Area may only be approved when the applicant agrees to pay all connection fees related to water services, where central water is available immediately adjacent to the project, and where the use of a potable well would clearly present a health hazard due to the normal byproducts of the activities proposed on the subject site. Connection to such services shall not be an impetus or basis to urbanize adjacent land, nor can it create a precedent for adding additional properties into the Urban Service Boundary. Any alternative use will require an amendment to the Future Land Use Map of the comprehensive plan. (Added 11/99, Ord. 99-19, Policy 2.2.5)

~~OBJ E2.2~~ FLU6.1.11 Orange County shall protect and promote the vitality of the nursery industry in Northwest Orange County.

FLU6.1.14 Orange County shall continue to promote the long-term viability of agricultural uses, and agribusiness itself, as an economic asset. (Obj. 2.2-r)

FLU6.1.12 Orange County will support the creation and availability of fresh food initiatives and efforts, including local farmers markets, community vegetable gardens, and other small scale agricultural efforts that promote local sustainability.

**OBJ FLU6.2 RURAL SETTLEMENTS. Rural Settlements provide for a rural**

**residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP Comprehensive Plan was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities. (Added 12/00, Ord. 00-25, Obj. 2.1-r)**

**POLICIES**

FLU6.2.1

The following Rural Settlements shall be designated on the Future Land Use Map to meet the desire for a rural lifestyle. No new Rural Settlements or expansions to the existing Rural Settlement boundaries shall occur; ~~however, within 18 months, Orange County shall complete a study to determine whether the existing Rural Settlements should be expanded.~~

<i><b>Rural Settlements</b></i>
Bithlo
Bridle Path <u>(annexed by Apopka)</u>
Christmas
Clarcona
Corner Lake
Gotha
Lake Avalon
Lake Hart/Lake Whippoorwill
Lake Mary Jane
Lake Pickett
North Apopka/Wekiva
North Christmas
Otter Lake
Paradise Heights
Rainbow Ridge
Sunflower Trail/Seaward Plantation
Tangerine
Tildenville
Wedgfield
West Windermere
Zellwood
Zellwood Station

~~The basis of this policy is that Rural Settlements were implemented to recognize communities that existed at the time of the 1991 CPP Comprehensive Policy~~

Plan adoption. The intent of the prohibition of expansions of existing or the creation of new rural settlements is to focus development within the County's USA Urban Service Area and discourage the proliferation of extended Rural Settlement boundaries. In addition this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living. This policy will be monitored and evaluated as part of the 2014 EAR. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07, Policy 2.1.1-r)

FLU6.2.2 Every effort shall be made to preserve the existing character of the ~~Tangerine, Clarcona, Christmas, Zellwood, and Gotha~~ Clarcona, Gotha, Tangerine, and Zellwood Rural Settlements rural settlements as part of Orange County's heritage and historic preservation. Rural Settlements may be designated as Preservation Districts for the purposes of municipal annexation pursuant to the Orange County Charter, Article V. (Added 12/00, Ord. 00-25, Policy 2.1.2-r)

\* \* \*

FLU6.2.4 In addition, the ~~The~~ County may use the ~~PD~~ Planned Development designation ~~tool includes criteria~~ to ensure new development within the Rural Settlement contributes to the community's sense of place. These criteria shall include, but not be limited to, the following:

- A. Designs for new roads, and alterations to existing roads, should ensure the physical impact on the natural and historic environment is kept to a minimum;
- B. New roads or road improvements shall be designed to accommodate the anticipated volume and nature of traffic, but pavement shall be kept as narrow as safety allows while encouraging equestrian, bicycle, pedestrian, and other non-motorized, alternative means of transportation, preservation of wildlife corridors and habitat, and aesthetically pleasing landscape treatment; and,
- C. New buildings and structures shall be located where their construction or access does not cause substantial modification to the topography and natural resources.
- D. Provide for increased setbacks along roadways to preserve views, open space, and rural character; and provide guidelines for lot layout and cluster development for residential development to maintain open space and rural character. (Added 12/00, Ord. 00-25, Policy 2.1.7-r)

FLU6.2.5 The permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use

Element Policy FLU1.1.2(~~CB~~). (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07, Policy 2.1.8-r, 2.1.9-r)

FLU6.2.6 The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in the Future Land Use Element Policy FLU1.1.2(~~CB~~). (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19; Amended 6/10, Ord. 10-07, Policy 1.1.11)

Clustering shall be supported to maintain the rural character through preservation of open space and lot layout and design. Generally recognized and accepted conservation subdivisions can be used where they minimize impacts on areas with rural character provided their use is consistent with the overall intent of Rural Settlement boundaries.

Clustering, with permanent protection of open space, shall be encouraged or required for all new development and redevelopment within the Wekiva Study Area, based on location, i.e., Urban Service Area, Rural Service Area, Rural Settlement, Growth Center and overall project acreage. The County shall evaluate incentives to further the implementation of open space preservation and maximum impervious surface ratios and include these in the Land Development Code by January 1, 2007. (Added 12/00, Ord. 00-25, Policy 2.1.9-r)

FLU6.2.7 ~~With the exception of land designated Low Density and Low-Medium Density Residential on the Future Land Use Map within the Rural Settlement at the time of plan adoption, additional land Amendments to the residential densities of the Rural Settlement shall not allow residential densities greater than one dwelling unit per acre designated Low Density Residential shall not be permitted in Rural Settlement, except for those exemptions listed below:~~

- A. Land designated Low Density and Low-Medium Density Residential at the time of the 1991 Comprehensive Plan adoption;
- B. ~~except for~~ County certified affordable housing projects that are rural in character and meet the Small Scale FLUM criteria and requirements. ~~All other amendments to residential densities of the Rural Settlement shall not allow residential development to exceed one (1) dwelling unit per acre.~~ (Added 6/94, Ord. 94-13; Amended 12/00, Ord. 00-25, Policy 2.1.10)

FLU6.2.458 Residential development in a Rural Settlement may be permitted up to two (2) dwelling units per acre in limited areas that are adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions, provided site design standards are provided to ensure compatibility with the Rural Settlement. This provision is intended to serve as a buffer and transition. The Future Land Use designation of Rural Settlement Low Density Residential

shall be restricted to no more than 2 DU/AC. Parcels greater than 25 Acres must be approved as a PD. Higher density shall only be considered if existing or vested development. Adjacency requires a minimum of 25% contiguity. Such increased density shall not be an impetus for the provision of central services within Rural Settlements. (Added 6/94, Ord. 94-13, 12/00, Ord. 00-25, Policy 2.1.17-r)

FLU6.2.89 ~~RESERVED Amendments to residential densities of the Rural Settlements shall not allow residential development to exceed 1 DU/Acre except as provided for in Future Land Use Policy FLU6.2.7. (Policy 2.1.11)~~

FLU6.2.1410 The future land use, density, and intensity of development adjacent to a Rural Settlement shall not negatively impact the character of the Rural Settlement. Density on adjacent parcels shall be reviewed in the context of its compatibility with the Rural Settlement. Additional compatibility may be provided using buffering or the clustering of units with dedicated open space, consistent with Future Land Use FLU6.2.6. Adjacent development shall be designed to produce minimal impact on local roads within the Rural Settlement. (Added 12/00, Ord. 00-25, Policy 2.1.18)

FLU6.2.911 Neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses, ~~i.e., neighborhood commercial,~~ shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores ~~or,~~ professional services that utilize existing structures ~~and,~~ small scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character. (Added 12/00, Ord. 00-25, Policy 2.1.12-r)

FLU6.2.1012 Neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population. (Added 12/00, Ord. 00-25, Policy 2.1.14)

FLU6.2.1213 Any proposed use within a Rural Settlement intended for the construction of a structure(s) with a Gross Buildable Area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- A. The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements;
- B. It is determined that the proposed use(s) by size, massing, and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- C. The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement; and
- D. It is not demonstrated that other potential sites were evaluated as being suitable. (Amended 11/17, Ord. 2017-19)

FLU6.2.14 Industrial uses in the Rural Service Area shall be permitted only as shown on the Future Land Use Map within the Rural Settlements of Bithlo, Christmas, and Zellwood. Any development order permitting industrial uses within a Rural Settlement shall be consistent with the Orange County Individual On-site Sewage Disposal System (OSDS) Ordinance, Article 17, Chapter 37 of the Orange County Code and shall be contingent upon the provision of adequate fire flows. Furthermore, such industrial uses shall be limited to those that do not produce hazardous, toxic, or industrial waste. Further industrial designations shall be prohibited from all Rural Settlements including Bithlo, Christmas, and Zellwood. (Added 12/00, Ord. 00-25, Policy 2.1.13)

~~FLU6.2.12 Any proposed use within a Rural Settlement intended for the new construction of a structure(s) with a Gross Buildable Area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:~~

- ~~A. The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.~~
- ~~B. It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;~~
- ~~C. The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.~~
- ~~D. It is not demonstrated that other potential sites were evaluated as being suitable. (Amended 11/17, Ord. 2017-19)~~

FLU6.2.15 Expansion of existing water and wastewater facilities providing service to Rural Settlements shall be consistent with Conservation Element C1.11.7, Potable Water Objective PW1.5 with Wastewater Objective WW1.5 Potable Water, Wastewater and Reclaimed Water Element Objectives WAT1.5 and WAT1.6, and applicable Future Land Use Policies. The existing capacity shall not be used

as a reason for increased densities within the Rural Settlement. (Added 12/00, Ord. 00-25, Policy 2.1.15)

~~FLU6.2.15 Residential development in a Rural Settlement may be permitted up to two (2) dwelling units per acre in limited areas that are adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions, provided site design standards are provided to ensure compatibility with the Rural Settlement. This provision is intended to serve as a buffer and transition. The Future Land Use designation of Rural Settlement Low Density Residential shall be restricted to no more than 2 DU/AC. Parcels greater than 25 Acres must be approved as a PD. Higher density shall only be considered if existing or vested development. Adjacency requires a minimum of 25% contiguity. Such increased density shall not be an impetus for the provision of central services within Rural Settlements. (Added 6/94, Ord. 94-13, 12/00, Ord. 00-25, Policy 2.1.17-r)~~

**OBJ FLU6.3 Orange County shall protect and preserve certain existing Rural Settlements and their established neighborhoods, which by their particular location, may be impacted by adjacent urban uses. This objective shall be made measurable by implementing the following policies. (Added 05/01, Ord. 01-11, Obj. 2.4)**

## **POLICIES**

### **Lake Hart/Lake Whippoorwill Rural Settlement**

FLU6.3.1 Orange County shall continue to address development impacts to the Lake Hart/Lake Whippoorwill Rural Settlement from adjacent properties in the City of Orlando via agreements or studies. (Added 5/01, Ord. 01-11, Policy 2.4.1-r)

\* \* \*

FLU6.3.2 On November 18, 2008, the Narcoossee Road-Lake Hart/Lake Whippoorwill Rural Settlement Study was presented to the Board of County Commissioners. The study's intent was to provide sound planning guidelines along the east side of Narcoossee Road in keeping with development occurring in the City of Orlando to the west, and to transition the intensity of land uses from Narcoossee Road east to the Rural Settlement in order to protect the Rural Settlement and Lake Whippoorwill. Policies FLU6.3.2.1 through FLU6.3.4.2 shall apply only to properties with direct frontage on the east side of Narcoossee Road between Kirby Smith Road and Tyson Road in the Lake Hart/Lake Whippoorwill Rural Settlement. Nothing in these policies shall be construed to convey entitlements of development rights.

To address the specific and unique issues affecting the Lake Hart/ Lake Whippoorwill Rural Settlement, applications for development approval for property fronting on Narcoossee Road in the Lake Hart/Lake Whippoorwill Rural Settlement shall be processed as Planned Developments (at both the Comprehensive Plan Amendment and the rezoning stage) to ensure

compatibility with the Rural Settlement. (Added 5/01, Ord. 01-11; Amended 10/09, Ord. 2009-28, Policy 2.4.2-r; Amended 11/15, Ord. 2015-20)

\* \* \*

### **Lake Avalon Rural Settlement**

FLU6.3.5 Orange County shall establish the **Lake Avalon Rural Settlement**. The permitted densities and intensities of land use within the Rural Settlement shall maintain the rural character of Lake Avalon area as designated on the Future Land Use Map. The predominant designation shall be 1/5 to reflect the existing development pattern. Densities shall range from 1/1, 1/2, 1/5 to 2/1 provided that a density of 2/1 may be permitted only if it is consistent with ~~FLU6.2.15~~6.2.8 (with the restriction that “adjacent political jurisdictions” means municipalities located in Orange County).

All other residential densities of the Lake Avalon Rural Settlement shall be as provided for in FLU6.2.7. In addition, residential densities in the Lake Avalon Rural Settlement shall be consistent with ~~FLU6.2.15~~6.2.8. Furthermore, notwithstanding anything to the contrary in ~~FLU6.2.15~~6.2.8, a person owning more than fifty (50) contiguous acres of property may apply for a change of 2 DU/1 AC for not more than fifty (50) contiguous acres, provided that such acreage is situated adjacent to an Orange County’s municipality’s jurisdictional boundaries. (Added 5/04, Ord. 04-06; Amended 5/05, Ord. 05-05, Policy 2.4.5-r)

FLU6.3.6 Limited neighborhood commercial and office uses shall be allowed in the Lake Avalon Rural Settlement consistent with Future Land Use Element ~~FLU6.2.10~~6.2.12. The scale, intensity and types of commercial and office uses must be compatible with the existing rural development pattern of the Lake Avalon area. Commercial and Office uses shall be processed as comprehensive policy amendments. (Added 5/04, Ord. 04-06, Policy 2.4.6)

FLU6.3.7 In addition to the ~~existing~~ criteria listed in FLU6.2.4, non-residential development will be subject to the Lake Avalon Rural Settlement Commercial Design Guidelines and ~~All non-residential development~~ will be required to be zoned PD (Planned development) or granted a Special Exception. ~~These guidelines will be implemented on a case-by-case basis during the rezoning or special exception process.~~ The guidelines shall include, but not limited to, the following:

- Uses
- Access management
- Site requirements
- Signage
- Fencing (Added 5/04, Ord. 04-06, Policy 2.4.7)



FLU6.3.8 Orange County shall support the development of multi-purpose trails, including equestrian, pedestrian and bicycling trails within the Lake Avalon Rural Settlement ~~in an effort to promote the development of multi-purpose trails, including equestrian, pedestrian and bicycling trails.~~ (Added 5/04, Ord. 04-06, Policy 2.4.8)

FLU6.3.9 The County will identify the Lake Avalon Rural Settlement area boundaries and community facilities with ~~establish a community identification signage program for the Lake Avalon Rural Settlement that will recognize the physical boundaries of the area and will be used for identification of community facilities.~~ (Added 5/04, Ord. 04-06, Policy 2.4.9)

FLU6.3.10 ~~In the interest of maintaining adequate potable water quality for the Lake Avalon Rural Settlement, amendments to the Lake Avalon Rural Settlement shall be approved by the BCC on a case by case basis consistent with the Comprehensive Plan.~~ Any existing potable water facilities serving the Rural Settlement shall not be used as reason to increase allowable densities within the Rural Settlement. (Added 5/04, Ord. 04-06, Policy 2.4.10)

\* \* \*

FLU6.3.12 Development that is adjacent to the Lake Avalon Rural Settlement ~~Pursuant to FLU6.2.5 adjacent development~~ shall consider appropriate buffering and compatibility standards using the guidelines of FLU6.2.5 for development that is adjacent to the Lake Avalon Rural Settlement. (Added 5/04, Ord. 04-06, Policy 2.4.12)

### Bargrove

FLU6.3.13 Refer to Stipulated Settlement Agreement with **Bargrove** and the Department of Community Affairs in DOAH Case No. 06-003320GM regarding Comprehensive Plan Amendment 2006-1-A-2-1, and explicitly applies only to the 189-acre parcel known as the “Bargrove Property” and referred to herein as the “Property.” A copy of this Policy and its Exhibits are on file with the Clerk to the Board of County Commissioners, the Orange County Planning Division and the Orange County Library (downtown Orlando branch). A legal description of the Property is set forth in Exhibit 1 to this Policy. A color map of the Property that shows the Property boundaries as well as the location and the size of the 5 areas of Karst geology and their 50-foot wide buffers, the natural vegetative buffers, and the 25-foot perimeter buffer is attached to this Policy as Exhibit 2. No development shall be allowed in the 5 on-site areas of karst geology, their 50-foot wide buffers, the natural vegetative buffers, and the perimeter buffer, which areas are included as part of the open space indicated on Exhibit 2. The Property shall be developed consistent with a planned development (“PD”) zoning designation to be established in accordance with the County’s Land Development Regulations. The PD zoning for the Property shall include the following restrictions: Residential density shall not exceed 188 single family dwelling units (which equates to one dwelling unit per gross acre),

the residential lot sizes shall not be less than 1/3 acre, and the lots shall be clustered in a manner that retains not less than 63.2 acres (33%) open space within the Property at the specific locations indicated on the map that is attached to this Policy as Exhibit 2. Use of all chemicals, including but not limited to fertilizers, weed control agents, insecticides, pesticides or other similar products, shall be prohibited within the designated open space areas, which specifically include the karst geology and their buffers, the natural vegetative buffer, the perimeter buffer, the elementary school site, and the neighborhood parks. This restriction on the open space areas shall apply in perpetuity. Maintenance activities including but not limited to mowing, edging, hand weeding and trash removal shall be allowed in all designated open space areas. Notwithstanding the prohibition on development stated above, dry retention ponds may be located in the open space areas that are not designated as karst geology or the 50-foot wide buffers contiguous to the karst geology. A reverse (environmental) swale shall be provided at the rear of any residential lot that backs up to one of the designated open space areas. These swales shall not count toward the open space. In addition, the individual lots and homes developed on the Property shall be designed so that stormwater runoff from the roof will be directed to a grassed area before discharging into a storm drain. Potable water and wastewater services to the Property shall be provided by the City of Apopka. (Added, 5/04, Ord. 04-06, Policy 2.4.13)

### **Wedgfield**

FLU6.3.14

**Wedgfield** is located is east Orange County and has two (2) distinct parts. There is the portion located within the Rural Settlement and there is the portion located outside the Rural Settlement. The portion outside the Rural Settlement is designated Rural within the Rural Service Area with a density ~~of~~ of one (1) unit per ten (10) acres. However, this section of Wedgfield is unique and is distinguishable from other areas in the Rural Service Area. Since 1992, Orange County has had a policy regarding development in this area. Prior to the adoption of the Comprehensive Plan (CP), this portion of Wedgfield has been subdivided and split many times. In 1992, Orange County recognized this pre-CP arrangement and set out parameters for the issuance of building permits for single family ~~residents~~residences. Over the years numerous residences have been constructed. This created an inequity for some property owners who could not document that their property was divided prior to 1991. In order to provide a fair and equitable policy for all the property owners in the Wedgfield Rural Service Area, the following policies shall apply.

- A. These policies shall apply only to those properties platted as Rocket City or Cape Orlando Estates and located within the Ranger Drainage District within the Rural Service Area of Orange County.
- B. Permitted density shall be one (1) unit per two (2) acres. Density refers to the total number of units divided by developable land, i.e., Natural Lakes and designated Conservation Areas are excluded from the gross land area.

~~C. Lots utilizing elevated septic tanks shall only be permitted on lots having a minimum of 110 feet of street frontage (lot width).~~

~~D.C.~~ Lots of less than two (2) acres may be permitted for a single family residence, if documentation is provided to Orange County that shows the property was deeded as a separate parcel of record prior to July 1, 1991.

\* \* \*

FLU6.4.3 All actions taken by the County with regard to development orders shall be consistent with Conservation Element Policy C1.4.1 ~~(of the Conservation Element)~~ and the regulations adopted pursuant thereto with respect to wetland protection. (Added 8/92, Ord. 92-24, Policy 4.2.7-r)

\* \* \*

FLU6.4.20 The Orange County Individual on-site Sewage Disposal System (OSDS) Ordinance, Article ~~17~~XVII, Chapter 37 of the Orange County Code shall specify that general and heavy commercial and industrial land use must be served by central sewer to avoid potential contamination of groundwater by possible malfunction or improper maintenance of onsite sewage disposal systems. (Added 12/00, Ord. 00-25, Policy 4.2.3)

\* \* \*

**OBJ FLU6.6 WEKIVA. ~~By January 1, 2007,~~ The Land Development Code shall establish specific requirements for development within the Wekiva Study Area that may be necessary to protect ground water and surface water resources and to help attain target water quality standards. The requirements shall address, but not be limited to, allowed uses, stormwater management, open space, habitat protection, and public facilities. (Added Ord. 07-20, Policy 4.1.27)**

\* \* \*

FLU6.6.9 ~~By January 1, 2007,~~ The County shall establish ~~implement~~ land use strategies that optimize open space and promote a pattern of development that protects the most effective recharge areas, karst features, and sensitive natural habitats, including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub (Figures WSA-3 and WSA-4). Such strategies shall recognize property rights and the varying circumstances within the Wekiva Study Area, including rural and urban land use patterns. The County shall map, using best available data from the St. Johns River Water Management District, the Florida Fish and Wildlife Conservation Commission, and other sources, recharge areas and sensitive upland habitats for this purpose. The County will maintain flexibility to achieve this objective through various comprehensive plan strategies that shall include, but are not limited to:

Coordinated greenway plans;

Dedication of conservation easements;

Land acquisition, both fee simple and less-than-fee;

Clustering of development;

Density credits and density incentives that result in permanent protection of open space; and

Low to very low density development in the Rural Service Area. (Added Ord. 07-20; Amended 6/10, Ord. 10-07, Policy 4.5.6)

FLU6.6.10

Development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. All new residential subdivisions or developments that may be located entirely or partially within the Wekiva Study Area shall cluster to the maximum extent to preserve open space. Such clustering is density neutral and lot sizes may be reduced to accommodate the preserved open space. Priority for open space protection shall be given to the following resources, as required to be protected by the Wekiva Act: the most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities. A minimum of fifty percent (50%) of any sensitive natural habitat occurring shall be preserved on-site.

The purposes of *open space design* development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space providing assured environmental protection, while remaining density and intensity neutral. ~~By January 1, 2007, the~~The Land Development Code shall include standards and incentives for open space/conservation subdivision design including minimum open space requirements, maximum lot size, and design standards. (Added Ord. 07-20, Policy 4.5.7)

Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas. To the extent possible, preserved open space shall be used to create corridors and larger parcels more suitable for Nature-based recreation, low-intensity agriculture, silviculture, aquifer recharge protection, or wildlife and habitat management, so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the development. If a project is located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is required.

“Compatible” means similar or complementary such as uplands adjacent to wetlands or isolated wetlands within flatwoods or scrub areas. (Amended 6/10, Ord. 10-07)

Open space property shall be preserved through publicly recorded, permanent conservation easements or similar legal instruments to preclude future development or further subdivision of the land while ensuring maintenance of and appropriate access to the open space areas in perpetuity. Preserved areas shall be owned in common by a property owners’ association, a public agency, a land trust, or another appropriate entity. This open space shall be used for conservation, aquifer recharge protection, nature-based recreation, low intensity agriculture, or silviculture. Agriculture and silviculture operations shall adhere to the appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

Limited structures for common use or under common ownership may be allowed within the open space preserve areas, areas other than wetlands, conservation mitigation areas, conservation easements or wetland protective buffers. Homeowners’ personal property and residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such. (Added 12/07, Ord. 07-20, Policy 1.3.5; Amended 6/10, Ord. 10-07)

FLU6.6.11 ~~By July 1, 2007, the~~The County will evaluate implementing enhanced landscaping and irrigation standards within environmentally sensitive areas in the Wekiva Study Area. These may include, but are not limited to, requiring native plant species appropriate to on-site soils to reduce the use of fertilizers and irrigation, and the maximum feasible retention of existing on-site natural vegetation. (Added Ord. 07-20, Policy 4.5.8)

FLU6.6.12 New development and redevelopment within the Wekiva Study Area shall minimize directly connected impervious areas (DCIA), direct runoff to vegetated areas for pollutant uptake, recharge, and storage. The County recognizes that under certain circumstances a developed property’s runoff may contain high levels of contaminants whereby it may be more efficient to direct all stormwater to a single water quality treatment area. Enhanced development standards and stormwater best management practices (BMPs) shall be adopted as needed into the Land Development Code ~~by July 1, 2007~~ to minimize DCIA and provide high levels of stormwater treatment. (Added Ord. 07/20, Policy 4.5.9)

FLU6.6.13 ~~By January 1, 2008, the~~The County will evaluate adopting development standards for new and substantially redesigned golf courses within the Wekiva Study Area. Such standards may incorporate the strategies and practices outlined in the publication: *Protecting Florida’s Springs: Land Use Planning Strategies and Best Management Practices*, Florida Department of Community Affairs and the Florida Department of Environmental Protection, November 2002, Tallahassee, Florida. (Added Ord. 07-20, Policy 4.5.10)

FLU6.6.15

For that portion of the Wekiva Study Area located within the Joint Planning Area of the City of Apopka, Orange County shall require compliance with minimum open space and density requirements described by the Joint Planning Area Agreement (JPA) with the City of Apopka adopted on October 26, 2004 and as may be amended. If a discrepancy exists between the City of Apopka and Orange County in terms of requirements, the most stringent shall apply. The County shall adopt Land Development Regulations by January 1, 2007 for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats. (Amended 6/10, Ord. 10-07)

All areas shown as High Recharge Areas identified in the Data and Analysis of the Future Land Use Element map series, Map 4 (aka Figure WSA-3) shall be recognizable by the presence of Type “A” Hydrologic Soil Group identifying the most effective recharge areas. (Amended 6/10, Ord. 10-07)

During the site planning process, a soil analysis shall be performed by a qualified professional to determine the location of most effective recharge areas, considered Type “A” Hydrologic soils described by the NRCS Soil Survey maps. (Amended 6/10, Ord. 10-07).

\* \* \*

FLU6.9.5

**East Orange Area-wide Transportation Study.** ~~By Spring 2020–December 2017, the County shall complete–commence an East Orange Area-wide Transportation Study. The study area shall generally be bounded by the Seminole County line to the north, SR 50 to the south, Alafaya Trail to the west, and Chuluota Road to the east. The purpose of the study is to identify and analyze potential transportation projects to improve network connectivity and provide relief to constrained transportation corridors. The study shall be utilized~~ used by the County to identify potential future transportation improvement projects–prioritize for further evaluation and development of future transportation improvement projects, including intersection improvements. In completion–conducting of the study, the County shall seek comment from eordinate–with local residents, property owners, and community associations. The County also shall coordinate with the Florida Department of Transportation, the Central Florida Expressway Authority, LYNX, the University of Central Florida, Central Florida Research Park, and Seminole County. (Added 07/16, Ord. 2016-17)

\* \* \*

**GOAL FLU7 REGIONALISM.** **Orange County will continue to work with the municipalities in its jurisdiction as well as adjacent counties to address regional issues including water supply, transportation, and workforce housing. The County also should continue its involvement in regional projects and organizations.**

**OBJ FLU7.1 As opportunities arise, the County will use mutually beneficial planning practices to coordinate development plans and the location of recreational facilities, as well as infrastructure improvements and capital facilities with local agencies, jurisdictions, and adjacent local governments.**

\* \* \*

FLU7.2.2 ~~RESERVED~~ The County shall establish an internal team to monitor and review DRIs in adjacent counties to determine the environmental, traffic and land use impacts of proposed development on the County and its residents.

FLU7.2.3 The County shall establish a Capital Improvements (CIP) working group to share and discuss planned infrastructure improvements with adjacent jurisdictions. This coordination shall consist of GIS data sharing and notification of planned improvements and development applications.

\* \* \*

FLU7.3.3 Where the acquisition of additional lands is necessary for the continued growth and expansion of university facilities, the county shall work cooperatively with UCF on any required amendments to the ~~CP~~Comprehensive Plan.

FLU7.3.4 Orange County shall arrange an annual meeting to discuss and review updates related to campus development plans, infrastructure improvements and support facilities.

FLU7.3.5 Orange County shall work with UCF to establish additional opportunities for increased coordination as identified in the ~~2005-2015~~ Campus Master Plan.

**OBJ FLU7.4 Orange County shall recognize growth as a regional issue and shall use Growth Centers as an effective planning tool to allow, address and guide urban-scale, single-purpose public or quasi-public uses that serve a regional purpose or market and require a location outside the Urban Service Area. Growth Centers established prior to June 21, 2011, and which would not be consistent with the provisions of this Objective or associated Policies, shall be permitted to continue subject to the ~~FLU~~ Future Land Use Goals, Objectives and Policies under which the Growth Center was originally approved. (Amended 10/11, Ord. 2011-08, Obj. 1.2)**

## **POLICIES**

### **Establishment or Extension of Growth Centers**

FLU7.4.1 Establishment of new or extensions of existing Growth Centers shall only be accomplished through an amendment to the Comprehensive Plan, along with amendment to the Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

- (1) ~~as part of:~~ a Joint Planning Area agreement that is consistent with the Intergovernmental Coordination Element. If appropriate, the Joint Planning Area agreement shall define the Growth Center boundary and establish Future Land Use Map designations, infrastructure and utility provision, and development regulations, as applicable, or
- (2) ~~through a~~ sService agreement between Orange County and a duly established Authority enabled to provide or secure an adequate level of urban public facilities and services to serve the use(s) for which the Authority is responsible, or
- (3) ~~to enter into~~ An agreement with other service providers for the provision of all necessary public facilities and services. (Added 8/92, Ord. 92-24; Amended 2/96, Ord. 96-13; Amended 10/11, Ord. 2011-08, Policy 1.2.1-r)

FLU7.4.2 After the adoption of a Joint Planning Area or Service agreement, the Future Land Use Map may be amended to reflect the boundaries and future land use of Growth Centers, if other ~~CP~~ Comprehensive Plan and application requirements are met. (Amended 10/11, Ord. 2011-08, Policy 1.2.2-r)

FLU7.4.3 RESERVED

\* \* \*

FLU7.4.6 Within a Growth Center, all new development must apply for Planned Development zoning, in order to specifically identify densities, intensities and mixture of land use.

Additionally, all new development and substantial redevelopment in portions of Growth Centers located within the Wekiva Study Area shall adhere to the development standards adopted to implement the Wekiva Parkway and Protection Act, Ch. 369, Part III, FS.

Such standards shall include, but are not limited to one or more of the following:

- (1) ~~additional~~ Additional stormwater treatment and retention (maintenance of water quality and recharge);
- (2) ~~enhanced~~ Enhanced wastewater treatment;
- (3) ~~limitations~~—Limitations of certain allowed uses within the most vulnerable portions of the Study Area;
- (4) ~~subdivision~~ Subdivision standards;
- (5) ~~open~~ Open space requirements;
- (6) ~~smart~~ Smart growth” roadway design standards;
- (7) ~~parking~~ Parking lot design standards,
- (8) upland Upland habitat protection, and



- (9) ~~such~~Such other measures as required to protect ground and surface water in the Wekiva Study Area.

(Added 11/95, Ord. 95-35, Ord. 2007-20, Policy 1.2.5)

### **Established Growth Centers**

#### **Northwest Growth Center**

FLU7.4.3 To ensure managed growth consistent with the rural characteristics and environmentally sensitive areas around the Northwest Growth Center, development within the Growth Center must provide a transition in land use density and intensity. In providing this internal transition, the Foothills of Mount Dora Planned Development (PD); and described herein, the area defined as “Parcel S-1” and “Parcel S-2” on the Foothills of Mount Dora PD/Land Use Plan approved by the Board of County Commissioners on December 17, 2002, shall be limited to a net residential density of 1 dwelling unit per acre as required by the PD conditions. In addition, the Northwest Growth Center boundary, as adopted, shall not be expanded unless amendments to the Future Land Use Map and all applicable policies, including FLU7.4.3 are adopted. Furthermore, the Joint Planning Area between Orange County and the City of Mount Dora shall not be expanded. (Added 10/03, Ord. 03/15; Amended 6/10, Ord. 10-07, Policy 1.2.2.1)

#### **West 192 Growth Center/Resort/PD**

- FLU7.4.7 Expansion of the West 192 Growth Center/Resort/PD shall occur only by amendment to the Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and shall be considered pursuant to the criteria defined herewith.
- A. A minimum of 200 gross acres to ensure establishment of at least one integrated development.
  - B. Each comprehensive plan amendment request must be immediately adjacent to the existing U.S. 192 Growth Center or immediately adjacent to an established Growth Center/Resort/PD in order to eliminate urban sprawl or leapfrogging of development. Growth Center/Resort/PD development must also be consistent with Ordinance 96-11 related to Growth Centers. Each comprehensive plan amendment must demonstrate clearly defined rationale for separating from the Rural Service Area or Horizon West and establishing a Growth Center/Resort/PD in accordance with ~~JPA~~Joint Planning Area requirements and other policies defined herewith.
  - C. In general, the overall planning evaluation to establish and/or expand the West 192 Growth Center/Resort/PD shall include but not be limited to:
    1. Adjacent land use compatibility in the transition of urban to rural areas and proposed internal plan compatibility as it relates to transition of land uses from a tourist orientation to a permanent

community orientation envisioned by Horizon West.

2. Availability of central sewer/water transmission facilities within two miles of the subject site, consistent with the Orange County Comprehensive Plan (e.g., Obj. FLU7.4).
3. Separation of land by collector or arterial roadways, natural resource areas or the ability to plan upland buffer areas to separate resort planned developments from existing or planned permanent residential neighborhoods of Horizon West.
4. Avoidance of premature conversion of active agricultural land areas.
5. Each specific comprehensive plan amendment will be independently evaluated by Orange County in context of the remaining Horizon West Village Land Use Classification and the adjacent Growth Center.
6. When a comprehensive plan amendment is approved by the Board of County Commissioners, the net developable acreage allocated for urban development by the small area analysis shall be counted as Urban Service Area allocation. (Added 5/96, Ord. 96-11; Amended 12/00, Ord. 00-25; Amended 10/11, Ord. 2011-08, Policy 1.2.6.1-r)

#### **Aviation Growth Center (West Orange Aviation District)**

FLU7.4.8

A portion of the West Orange Aviation District, the District, is established as an Aviation Growth Center (AGC). The purpose of the AGC is to anticipate and coordinate development related to future establishment of a general aviation facility within the District. The AGC is a unique application of the Growth Center concept established in Policies FLU 7.4.1 through FLU 7.4.7. The policy framework established by FLU7.4.8 through FLU7.4.11 shall apply to future expansions of the AGC, if any. AGC implementation shall be accomplished through a two-part process, referred to herein as Boundary Designation (Part I) and Master Plan (Part II).

- A. Until such time as all of the requirements of FLU7.4.10 have been completed, no further new development entitlements under the Aviation Growth Center (AGC) Future Land Use designation shall be approved by Orange County. Existing or proposed land use entitlements consistent with the Rural FLU designation or permitted by a prior approved development order shall continue or may be considered for approval by Orange County.
- B. Annexation of lands within the District and the AGC to the municipal boundary of the City of Apopka shall not occur unless and until Orange County agrees with Apopka to amend the 2004 Joint Planning Agreement, as amended, for the Joint Planning Area between the County and the City. (Added 10/11, Ord. 2011-08)

FLU7.4.9

The Part I process shall begin upon County approval and execution of a Compliance Agreement with the Florida Department of Community Affairs and amendment of the Comprehensive Plan to adopt Policies FLU7.4.8 through FLU7.4.11, and shall conclude with County approval and incorporation by reference into the Comprehensive Plan of the West Orange Aviation Authority Airport Master Plan. The Boundary Designation for the AGC shall incorporate the following:

- A. Authorization of development entitlements encompassing 2.8 million square feet of industrial land uses, 50,000 square feet of commercial uses, 150,000 square feet of office land uses, and 750,000 square feet of airport-related land uses. These development entitlements explicitly apply to the 447-acre parcel known as the “Long and Scott Property” and referred to herein as the Property. The Property’s legal description is hereby incorporated as Exhibit 1. A color map of the property (which shows the property boundaries and Remedial Future Land Use designation for comparison) is hereby incorporated as Exhibit 2. Development consistent with the authorized entitlements and consistent with the provisions and requirements contained within Objective FLU7.4 and associated policies may be approved by the County in conjunction with establishment of a Planned Development (PD) zoning district for the Property or any portion thereof. These authorized entitlements shall not be contractually allocated among any current or future owners of the property prior to approval of an entitlement through the PD zoning process. Accordingly, the County shall not recognize any contractual allocations occurring prior to approval of the PD Zoning. For the purposes of Boundary Designation, the property shall be considered as two tracts, referred to as the northern and southern tracts. No residential subdivision/ development shall be permitted on either the northern or southern tract.
- B. The northern tract refers to that portion of the Aviation Growth Center (AGC) north of Jones Road. Development of this tract shall not be permitted unless and until such time as: 1) an agreement between the property owner, Orange County, the West Orange Aviation Authority and any other agency or unit of local government with jurisdiction has been approved by all parties to address the financial and operational responsibilities for improvement and maintenance of Jones Road and any other public facilities or services necessary to maintain acceptable levels of service for the full complement of entitlements referenced in these Policies; and 2) the West Orange Aviation Authority has officially adopted an Airport Master Plan, and the applicable local governments have amended their respective Comprehensive Plans and/ or development regulations to implement the land use and development recommendations of the Airport Master Plan. Prior to accomplishment of the conditions described in this paragraph, the northern tract shall be permitted to develop consistent with provisions of the Rural Future Land Use designation and existing zoning applicable to the tract. In

addition, an algae-based biofuels production facility (land and facilities) shall continue to be a permitted use pursuant to a letter from the Orange County Zoning Division Manager to the property owner, attached hereto as Exhibit 3. The Wekiva open space standard on the northern tract shall be 25% for non-residential development.

- C. The southern tract refers to the portion of the Aviation Growth Center (AGC) south of Jones Road. Development of this tract shall not be permitted unless and until: 1) an agreement between the property owner, Orange County, the West Orange Aviation Authority and any other agency or unit of local government with jurisdiction has been approved by all parties to address the financial and operational responsibilities for improvement and maintenance of Jones Road and any other public facilities and services necessary to maintain acceptable levels of service for the full complement of urban land uses referenced in this Policy and, 2) the West Orange Aviation Authority has officially adopted an Airport Master Plan and the applicable local governments have amended their respective Comprehensive Plans and/ or development regulations to implement the land use and development recommendations of the Airport Master Plan.

Prior to accomplishment of the conditions described herein, the southern tract shall be permitted to develop:

- (a) ~~consistent~~ Consistent with provisions of the Rural Future Land Use designation;
- (b) ~~up~~ Up to the maximum entitlement of 90,000 square feet of airport-related uses authorized by these policies; or
- (c) ~~up~~ Up to a maximum of 750,000 square feet of airport-related uses authorized by these policies contingent upon execution of an interim agreement between the property owner and service provider(s) for provision of public facilities and services necessary to maintain acceptable levels of service for the 750,000 square feet of airport-related uses.

Per FLU8.1.1, (the County's Future Land Use and Zoning Correlation Table) the ~~PD~~ Planned Development rezoning process may determine the final allocation of improvements for airport and airport-related uses, and ancillary office and commercial uses. Permitted zoning uses may include aircraft hangers/storage, aircraft maintenance, pilot services, fixed based operation, technical aviation training facilities, avionics assembly and testing, aviation schools and museums, as well as ancillary warehouse storage, office and retail to support the above listed airport/aviation uses. Pursuant to FLU8.2.6, Orange County retains authority to implement additional conditions it deems appropriate to ensure enforcement of its future land use designations. Development existing on the southern tract as of the date of approval of these policies shall be permitted to continue and shall be deemed to be a part of the

entitlements authorized for the Property. The Wekiva open space standard for non-residential development on the southern tract shall be 25%. The West Orange Aviation Authority and/ or the owner or owners of the Property shall enter into an agreement for provision of potable water and sanitary sewer services with a local government or service provider other than Orange County.

- D. Should the conditions of FLU7.4.9 ~~above~~ be accomplished prior to issuance of a Development Order for an Application for Development Approval of a Development of Regional Impact (ADA/DRI) for the West Orange Growth Center/ Aviation Authority, the owner of the property shall request the applicable local government and DRI administrative agency to determine if the land use program referenced herein for the property is subject to the requirements of Chapter 380, Florida Statutes, for submission and review of an ADA/ DRI. If the authorized or approved entitlements are determined to qualify as a DRI, no development of the property shall occur until such time as a Development Order has been issued encompassing the authorized or approved entitlements. (Added 10/11, Ord. 2011-08)

\* \* \*

FLU8.1.1 ~~(a)~~ The following future land use and zoning ~~zoning and future land use correlation table~~ shall be used to determine zoning consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities; market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate.

Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(~~CB~~).

Orange County's ~~Zoning and Future Land Use~~ Zoning and Zoning Correlation Table is referenced herein as follows:

<b><i>Zoning-Future Land Use and Zoning and Future Land Use Correlation</i></b>		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
<b><i>Urban Residential</i></b>		
Low Density Residential (LDR)	(0 to 4 du/ac)	A-1*, A-2*, R-CE* R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V * R-CE is not available as a rezoning request in the USA.
Low-Medium Density Residential (LMDR)	(0 to 10 du/ac) + workforce housing bonus	R-1, R-1A, R-2, R-T, R-T-1, PD, U-V

<b><i>Zoning Future Land Use and Zoning and Future Land Use Correlation</i></b>		
<b><i>FLUM Designation</i></b>	<b><i>Density/Intensity</i></b>	<b><i>Zoning Districts</i></b>
Medium Density Residential (MDR)	(0 to 20 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
Medium-High Density Residential (MHDR)	(0 to 35 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
High Density Residential (HDR)	(0 to 50 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
<b><i>Urban and/or Non-Residential</i></b>		
Office (O)	1.25 FAR <del>0.15 FAR for Rural Settlements</del> Unless otherwise restricted by County policy or code	P-O, PD
Commercial (C)	1.50 FAR <del>0.15 FAR for Rural Settlements</del> Unless otherwise restricted or increased by County policy or code	C-1, C-2, C-3, P-O, PD
Industrial (IND)	.75 FAR	I-1A, I-1/I-5, I-2/I-3, I-4, PD
Institutional (INST)	2.0 FAR	Any
Educational (EDU)	2.0 FAR	PD
<b><i>Urban Mixed Use</i></b>		
Planned Development (PD)	See FLU8.1.2 and FLU8.1.4	PD
I-Drive Activity Center Mixed Use (ACMU) I-Drive Activity Center Residential (ACR)	See I-Drive Element	PD
Mixed-Use Corridor (MUC) (Staff-initiated)	3.0 FAR unless otherwise restricted by County policy or code (11 to 20 DU/AC)	PD, (Mixed Use District – to be developed); Staff-initiated; Urban Service Area only
<b><i>Area Specific</i></b>		
Neighborhood Center (NC) Neighborhood Activity Corridor (NAC) Neighborhood Residential (NR)	40 DU/AC (2.0) 25 DU/AC (1.0) 20 DU/AC (.40) Study required per FLU8.3.1	NC NAC NR

<b><i>Zoning Future Land Use and Zoning and Future Land Use Correlation</i></b>		
<b><i>FLUM Designation</i></b>	<b><i>Density/Intensity</i></b>	<b><i>Zoning Districts</i></b>
Village Classification (V) (Horizon West)	See Policy FLU4.1.9	PD within adopted Village Boundary or conventional zoning districts within a Rural Residential Enclave. (See below)
Traditional Neighborhood Development (TND)		PD
Growth Center (GC)	See FLUE See FLU Goal 7	PD
Innovation Way Overlay	See Chapter 4 See FLU Goal 5	Innovation Way – Planned Development – Regulating Plan (IW-PD-RP)
I-Drive District Overlay	See Conceptual Regulating Plan, Map 23 of Future Land Use Map Series	PD, C-1, C-2, I-2/I-3
Rural Residential Enclave (FLUM designation varies)	See Objective OBJ2.5, related subpolicies, and Maps 25(a) through 25(d) of the Future Land Use Map Series.	PD, R-CE, A-1, A-2, A-R, R-1A, R-1AA (See: Maps 25(a) through 25(d) of the Future Land Use Map Series for minimum area requirements and location of identified Rural Residential Corridors.
<b><i>Rural</i></b>		
Rural Settlement Low Density 2/1 (RSLD 2/1)	2 DU/AC	R-CE, R-CE Cluster, R-CE-2, R-CE-5, PD***
Rural Settlement 1/1 (RS 1/1)	1 DU/AC	R-CE, R-CE Cluster, R-CE-2, R-CE-5, PD*** A-R, A-1, A-2
Rural Settlement 1/2 (RS 1/2)	1 DU/2 AC	R-CE-2, R-CE-5, A-R, A-1, A-2, PD***
Rural Settlement 1/5 (RS 1/5)	1 DU/5 AC	R-CE-5, A-1, A-2 (all previously listed districts are restricted to a minimum 5-acre lot size), PD***
Rural/Agricultural 1/10 aka (R) on FLUM See FLU6.1.1	1 DU/10 AC	A-1, A-2, A-R, R-CE
Lake Pickett (LP)	Transect-based; Densities/intensities established on a Conceptual Regulating Plan	Lake Pickett Planned Development-Regulating Plan (PD-RP)

<b><i>Zoning-Future Land Use and Zoning and Future Land Use Correlation</i></b>		
<b><i>FLUM Designation</i></b>	<b><i>Density/Intensity</i></b>	<b><i>Zoning Districts</i></b>
<u>Rural Settlement Office (O)</u>	<u>0.15 FAR for Rural Settlements</u> <u>Unless otherwise restricted by County policy or code</u>	<u>P-O or PD</u>
<u>Rural Settlement Commercial (C)</u>	<u>0.15 FAR or Rural Settlements</u> <u>Unless otherwise restricted by County policy or code</u>	<u>C-1 or PD</u>
<p>* (1) R-CE districts are consistent with the LDR designation only when located in a Rural Settlement or Rural Residential Enclave. (2) A-1 and A-2 districts are also consistent with the LDR designation only when located in a Rural Residential Enclave. (3) Within the Urban Service Area (USA), rezoning requests to R-CE, A-1, and A-2 shall only be allowed for properties located in a Rural Residential Enclave.</p> <p>** Limited to 4 dwelling units per acre.</p> <p>*** Consistent with FLU6.2.3.</p> <p><b>General Notes:</b></p> <p>a) As of adoption of the 2030 update, the CVC FLUM designation no longer will be available as a FLUM request. Existing CVC-designated properties shall not be considered inconsistent as a result of this change. See FLU8.5.8.</p> <p>b) Refer to FLU8.2.5, FLU8.2.5.1, and FLU8.2.5.2 to determine whether a rezoning is required prior to a special exception, or to determine whether a rezoning is required in specific cases of inconsistent zoning and future land use.</p> <p>c) Consistency of A-1, A-2 and A-R zoning districts with a Rural Settlement FLUM designation is limited to: residential uses permitted by right or by special exception approval; and, non-residential uses requiring approval by special exception and which are common to all zoning districts consistent with a Rural Settlement FLUM designation. A use that is not common to all listed districts is not consistent with a Rural Settlement designation.</p> <p>Uses that may be permitted in a Planned Development zoning district are limited to those uses permitted by right or by special exception approval for districts consistent with the specific FLUM designation.</p>		

(b)(a) In making the transition from the Future Land Use Map designation to the most appropriate zoning district classification, it shall be permissible to require use of a PD District that provides for fewer uses than permitted with a standard zoning district classification. Furthermore, in making the transition for residential development, the Future Land Use Map shall establish only the maximum permitted density and intensity



of development. It is permissible to impose a more restrictive zoning district classification as an interim use until such time as the property is found through an administrative decision-making process to be suitable and ready for ultimate development. (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19, 5/96, Ord. 96-11, 12/00, Ord. 00-25, 12/04, Ord. 04-21; Amended 10/10, Ord. 2010-13; Amended 6/12, Ord. 2012-14, Policy 1.1.14-r; Amended 6/14, Ord. 2014-12; Amended 6/16, Ord. 2016-15; Amended 11/17, Ord. 2017-19; Amended 07/16, Ord. 2016-17, Amended 8/18, Ord, 2018-17)

FLU8.1.1.1(C) FLU8.2.5, FLU 8.2.5.1, FLU8.2.5.2 and other applicable policies of the Comprehensive Plan. The zoning categories indicated in the Zoning and Future Land Use correlation are those in effect as of the date of the consistency determination. This policy was FLU8.1.1(C).

FLU8.1.2 Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the ~~PD~~ Planned Development land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. (Policy 3.1.19)

FLU8.1.3 As part of Orange County’s Future Land Use correlation, specific land use designations (e.g., hotel and/or restaurants) may be approved on a site-specific basis. Such designation shall be conditioned on the development proposal being reviewed under the ~~PD-Planned Development~~ Planned Development Zoning District. ~~PD-Planned Development~~ review shall ensure adjacent land use compatibility and efficient physical integration with existing infrastructure. Such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity. The Future Land Use designation shown on the Future Land Use Map shall indicate the approved use and the ~~PD-Planned Development~~ Planned Development designation. A use other than that approved shall require a comprehensive plan amendment. This policy shall apply only to parcels located in the Urban Service Area (USA), Rural Settlements and Growth Centers, excluding the International Drive Activity Center. (Added 08/93, Ord. 93-19; Amended 12/00, Ord. 00-25, 12/04, Ord. 2004-21; Policy 1.1.12.1-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.

\* \* \*

~~Such policy allows~~ Allowance for a one-time cumulative density or intensity differential of 5% based on ~~ADT~~ Average Daily Trips within said development program ~~at a staff~~ level review to be approved by the Planning Manager. (Added 12/07 Ord. 07/18, Policy 1.1.12.1.A-4; Amended as shown in table.)

\* \* \*

FLU8.1.6 A proposed change to an approved P-D Planned Development zoning designation that would

A. Increase the land use intensity within the P-D Planned Development without a corresponding decrease in some other portion of the P-D Planned Development, and

B. ~~result~~Result in greater off-site impacts

shall be reviewed to determine consistency with the CP-Comprehensive Plan and whether a ~~plan~~future land use map amendment is necessary. Nothing in this policy shall be construed to supersede or negate other limitations on PDs in the Orange County Land Development Code. (Policy 3.1.20-r)

FLU8.1.7 A commercial land use designation, including a nonresidential ~~PD~~Planned Development, approved in response to a Future Land Use Map amendment request by an applicant shall be considered for reversion to its former designation if development on the site has not commenced within a five-year period following the date of adoption of the ~~FLU~~Future Land Use amendment, unless such timeframe is modified by the Board of County Commissioners. Reversion shall not be automatic, but through an amendment to the CP-Comprehensive Plan. This policy is not intended to be retroactive. (Policy 1.1.17-r)

FLU8.1.8 A proposed amendment to an approved Planned Development shall be determined to be inconsistent with the Future Land Use Map if any of the following conditions exist:

A. The proposed amendment is inconsistent with CP-Comprehensive Plan policies, including policies aimed at ensuring land use compatibility and adequate public facilities; or,

B. The proposed amendment would result in either of the following: inclusion of a land use not previously approved or permitted by the ~~PD~~Planned Development Land Use Plan or the Future Land Use Map (unless permitted by FLU8.1.10) or,

C. An increase in the intensity of an existing approved land use without a corresponding decrease in another approved land use, and additional off-site impacts result from the increase.

~~D. This policy shall not apply to the Mixed Use Activity Center District (MXDAC). (Added 8/93, Ord. 93-19; Amended 12/00, Ord. 00-25, Policy 3.8.5-r)~~

\* \* \*

FLU8.1.10 Ancillary residential development may be considered in a non-residential Planned Development without a comprehensive plan amendment, provided all

the standards listed below are met.

- A. The residential component shall be limited to a maximum of thirty percent (30%) of the total Planned Development acreage; and,
- B. The overall residential development shall be a minimum of 10 units per acre and a maximum of 50 units per acre (unless located within an activity center, where the activity center maximum density shall apply); and,
- C. The residential component shall be integrated into and compatible with the nonresidential land use by location and/or design; and,
- D. The ~~PD~~Planned Development Plan change shall be processed as required in the Zoning Regulations. (Added 8/93, Ord. 93-19; Amended 12/00, Ord. 00-25, Policy 3.8.7)

FLU8.1.11 Subsequent to adoption of the Comprehensive Plan CP, building permits shall not be issued for development on property whose zoning, subject to exemptions provided for in the CP and/or vested development rights, is inconsistent with the Future Land Use Map. (Policy 3.7.6)

\* \* \*

FLU8.2.1 Future Land use changes shall be required to be compatible with the existing development and development trends 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)

\* \* \*

FLU8.2.3 ~~RESERVED Village Commercial (community level) uses shall be located at or near major road intersections where one road is an arterial. Access to the center shall be designated so as to avoid conflicts with the functional classification of the road. (Policy 3.2.8 r)~~

FLU8.2.4 The Land Development Code shall require tourist-related commercial development to be submitted and reviewed under the ~~PD~~Planned Development or ~~Tourist Commercial~~ Zoning District to ensure quality development to Orange County visitors. (Policy 4.1.7-r)

\* \* \*

FLU8.2.9 ~~RESERVE A neighborhood office/commercial zoning district for undersized lots shall be adopted in the Land Development Code by 2009 in order to incorporate the performance standards authorized by FLU8.2.10. (Added 8/92, Ord. 92-24, Policy 3.1.34 r)~~

\* \* \*

**OBJ FLU8.3 OVERLAYS. The use of overlays shall be implemented and managed consistent with the furtherance of the goals of the CPComprehensive Plan, including the use of design, redevelopment and aesthetic techniques to promote compatibility objectives.**

**POLICIES**

FLU8.3.1 To promote redevelopment of blighted communities, the County shall establish the Neighborhood Center, Neighborhood Activity Corridor, and Neighborhood Residential future land use designations. These land uses shall be designated on the Future Land Use Map through an amendment to the CPComprehensive Plan to implement strategies to physically and functionally integrate a mixture of land uses in a specified location. Proposals to amend the CPComprehensive Plan to establish these designations on the future land use map shall require a special area study. Such studies can be public or private sector sponsored but must be adopted by the Board of County Commissioners. (Added 11/99, Ord. 99-19, Policy 3.4.4-r)

\* \* \*

FLU8.3.3 Changes to the Neighborhood Residential, Neighborhood Center, and Neighborhood Activity Corridor boundaries shall not be permitted ~~devoid~~ without a prior small area study. (Added 05/00, Ord. 00-10, Policy 3.4.8)

FLU8.3.4 Orange County will reinforce the residential character of the Holden Heights neighborhood by encouraging the planning and design of new development to complement the architectural design and features ~~with~~ of the existing neighborhood character. New development or redevelopment will be conditioned upon Crime Prevention Through Environmental Design (CPTED) and limited expansion of demonstrated nuisance-generated uses. (Added 05/00, Ord. 00-10, Policy 3.4.9-r)

\* \* \*

**OBJ FLU8.4 PUBLIC PARTICIPATION AND NOTIFICATION. Orange County shall provide for and encourage public participation in the comprehensive planning process, including consideration of proposed amendments to the CPComprehensive Plan. ~~This includes the use of community meetings, forums and visioning techniques, as needed.~~ (Added 6/98, Ord. 98-13, Goal 7-r; Amended 06/17, Ord. 2017-12)**

**POLICIES**

FLU8.4.1 Orange County will ensure that residents will receive adequate and timely notification of public hearings to facilitate participation in comprehensive planning in Orange County. This includes using technology and the internet to facilitate public information and information exchange. Timely notice shall generally be interpreted to be two weeks. Staff reports should be available seven days prior to a public hearing. (Objective 7.1-r)

FLU8.4.2 Community meetings may be required for ~~large-scale~~ comprehensive planning processes that involve land use changes, including comprehensive plan amendments proposed by the private sector, to ensure public awareness of these processes and proposals. This policy shall not apply to staff-initiated amendments for countywide updates to the Future Land Use Map, such as for Institutional uses or amendments that address scrivener's errors or annexations on the Future Land Use Map.

FLU8.4.3 Orange County will use community meetings, forums, visioning techniques, small area studies, neighborhood plans, and other community planning processes to involve residents in comprehensive planning.

\* \* \*

FLU8.4.5 The Planning Division shall prepare a response to the ~~Department of Community Affairs' Objections~~State Land Planning Agency, Recommendations and Comments Report before the LPA-Local Planning Agency adoption hearing. Such response, which shall be deemed preliminary in nature, shall be available for public inspection and review at least seven (7) days prior to the ~~LPA-Local Planning Agency~~ adoption hearing. This requirement, however, does not preclude the Planning Division from revising such response, provided that such revised response shall be available for public inspection and review at least seven (7) days prior to the ~~BCC-Board of County Commissioners~~ adoption hearing. Furthermore, this requirement does not preclude the Planning Division from finalizing the response after the BCC adoption hearing in a manner not inconsistent with the ~~BCC's Board of County Commissioners'~~ action. (Added 6/98, Ord. 98-13, Policy 7.1.2)

~~FLU8.8.38.4.6~~ In addition to any statutory requirements for changes to the Future Land Use Map, the published notice for the Local Planning Agency (LPA) transmittal and adoptions hearing(s) shall be of sufficient size to identify the location of land subject to consideration for any Future Land Use Designation change by no less than street address of developed property, a designated map location on a map in readable form to reasonably identify the subject location, and the current and proposed Future Land Use Designation. Additionally, notice for Local Planning Agency and the Board of County Commissioners hearings on proposed land use changes to the Future Land Use Map, excluding annexations and those institutional uses that have already been constructed, shall be provided to all adjacent property owners and to all property owners located within approximately 300 feet of the property subject to the change. Such notice shall contain no less than the street address of the subject property (if available), current and proposed Future Land Use Designations, hearing date, time and place. Substantial compliance with the provision of the article pertaining to the various methods of providing notice shall be sufficient to constitute notice to all parties affected. (Added 6/94, Ord. 94-13, Policy 3.2.23.2)

~~FLU8.8.58.4.7~~ Newspaper advertisement for proposed Comprehensive Plan amendments shall

be consistent with the requirements of Policy FLU8.8.3 and Section 163.3184, Florida Statutes. Moreover, Orange County shall request that such advertisements be placed only in the regular daily sections of the newspaper (e.g., Sports, Local and State, Living) or the main section of the Orange Extra. This request will state that such advertisement not be placed in special supplements to the newspaper (e.g., Transportation, Food, Rave, Real Estate, Travel, etc.). If for any reason the newspaper fails to comply with this request, but such notice otherwise complies with statutory requirements and Policy FLU8.8.3, the notice shall be deemed valid. (Added 6/95, Ord. 95-13, Policy 3.2.23.4)

FLU8.4.68.4.8 When a party proposing an amendment conducts or prepares special studies, text amendments or evaluations to support a requested change to the CPComprehensive Plan, including collecting site-specific data or analysis of site-specific conditions, such studies, text amendments or evaluations, even if preliminary, shall be available for public inspection and review at least seven (7) days prior to the LPA—Local Planning Agency adoption hearing. This requirement, however, does not preclude the party from revising such studies or evaluations or gathering supplemental information, provided that such revised studies or evaluations or supplementary information shall be available for public inspection and review at least seven (7) days prior to the Board of County Commissioners' adoption hearing. (Added 6/98, Ord. 98-13, Policy 7.1.1-r)

\* \* \*

FLU8.8.1 Amendments to the Comprehensive Plan Goals, Objectives, and Policies and large scale Future Land Use Map (FLUM) amendments shall be considered no more than two times a year, unless the amendment is a staff-initiated FLUMFuture Land Use Map or text amendment, or a privately-initiated FLUMFuture Land Use amendment continued to a date certain at the request of the Board of County Commissioners. Nothing in this policy shall preclude the more frequent consideration of amendments to the Future Land Use Map in association with Developments of Regional Impact, Florida Quality Developments, or small-scale development activities. The County may require DRIs to be submitted concurrently with Future Land Use Map Amendment requests. (Added 10/94, Ord. 94-20; Amended 6/12, Ord. 2012-14, Policy 3.2.23-r, 3.2.23.1-r; Amended 6/14, Ord. 2014-12)

A. Privately-initiated text amendments may be submitted for Horizon West and the Innovation Way Overlay (~~Scenario 5~~) in conjunction with a Future Land Use Map amendment or as a stand-alone text amendment during a large-scale Comprehensive Plan amendment cycle. Privately-initiated text amendments in these areas may not be processed out-of-cycle, unless the amendments are associated with a DRI or Florida Quality Development. The Horizon West and Innovation Way Overlay planning processes involved comprehensive and extensive public

participation and visioning efforts, and as such, were designed for applicant submittals consistent with their master plans. (Added 6/14, Ord. 2014-12, Policy FLU1.3.2(i)-r)

- B. Privately-initiated text amendments, not within Horizon West or the Innovation Way Overlay (~~Scenario 5~~), may be accepted for processing twice-per-year as part of a large-scale Comprehensive Plan amendment cycle when any of the following conditions have been satisfied:
- a) The proposed amendment supports a Workforce Housing project consistent with the *Workforce Housing Task Force Report* (2007);
  - b) The proposed amendment supports an infill development project consistent with the *Infill Master Plan* (2008);
  - c) The proposed amendment supports a transit-related development project consistent with the Transportation Element and Transit Oriented Development Overlay;
  - d) The proposed amendment supports a development project meeting nationally recognized Green Building and Energy Conservation standards; or
  - e) The Planning Manager determines the amendment may be submitted for processing. In making a determination, the Planning Manager will consider whether the proposed amendment maintains the internal consistency of the Comprehensive Plan, furthers the overall goal of the Comprehensive Plan, directly relates to a Future Land Use Map Amendment, and has a limited geographic effect. The Planning Manager will also evaluate whether the proposal contravenes the Comprehensive Plan, Land Development Code, or state law. The Planning Manager's denial to process a proposed text amendment may be appealed to the Board of County Commissioners. No privately-initiated text amendments will be processed out-of-cycle unless associated with a DRI or Florida Quality Development. (Added 6/14, Ord. 2014-12)
- C. Text amendments may be submitted for small scale map amendments when the text amendments are directly related to and simultaneously adopted with the corresponding small scale map amendment. (Added 6/14, Ord. 2014-12)

#### FLU8.8.2

Requests for Future Land Use Map amendments and text amendments to the Comprehensive Plan shall be considered only upon the submittal of an application meeting the County's requirements. Proposed map and text amendments must be reviewed prior to submittal as part of a pre-application meeting with staff. Staff shall have the authority to request additional information and documentation related to amendment applications. (Added 6/94, Ord. 94-13, Policy 3.2.23-r, 3.2.23.1-r; Amended 6/14, Ord. 2014-12)

- A. The County shall be entitled to charge a reasonable fee for Future Land Use Map and text amendments to the Comprehensive Plan. An application fee waiver policy shall be adopted by the County, with such waivers approved by the Board of County Commissioners (BCC) on a case-by-case basis. (Added 6/14, Ord. 2014-12, Policy FLU8.8.2-r)
- B. Orange County staff may deem a submitted application that has not been transmitted to the ~~Department of Economic Opportunity~~State Land Planning Agency withdrawn if it remains inactive for two consecutive cycles. Consistent with 163.3184 (3)(c)1, F.S., if the County has transmitted the amendment to the Department of Economic Opportunity and the amendment is not adopted within 180 days after the County receives ~~Department of Economic Opportunity~~State Land Planning Agency and other review agency comments, the application will be considered withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to 380.06, F.S. (Added 6/14, Ord. 2014-12, Policy FLU8.8.2-r)

FLU8.3.3 ~~RESERVED In addition to any statutory requirements for changes to the Future Land Use Map, the published notice for the Local Planning Agency (LPA) transmittal hearing shall be of sufficient size to identify the location of land subject to consideration for any Future Land Use Designation change by no less than street address of developed property, a designated map location on a map in readable form to reasonably identify the subject location, and the current and proposed Future Land Use Designation. Additionally, notice for LPA and BCC hearings on proposed land use changes to the Future Land Use Map, excluding annexations and those institutional uses that have already been constructed, shall be provided to all adjacent property owners and to all property owners located within approximately 300 feet of the property subject to the change. Such notice shall contain no less than the street address of the subject property, if available, current and proposed Future Land Use Designations, hearing date, time and place. Substantial compliance with the provision of the article pertaining to the various methods of providing notice shall be sufficient to constitute notice to all parties affected. (Added 6/94, Ord. 94-13, Policy 3.2.23.2)~~

FLU8.8.4 For consideration of each, any and all changes and amendments to the Orange County ~~CP~~Comprehensive Plan, the requisite public hearings shall be the ~~LPA~~Local Planning Agency and the ~~BCC~~Board of County Commissioners transmittal and adoption hearings, except for compliance with the Objections, Recommendations and Comments (ORC) Report amendments, and any other exemptions as provided by Law. (Added 6/94, Ord. 94-13, Policy 3.2.23.3)

FLU8.8.5 ~~RESERVED Newspaper advertisement for proposed CP amendments shall be consistent with the requirements of Policy FLU8.8.3 and Section 163.3184, FS.~~



Moreover, Orange County shall request that such advertisements be placed only in the regular daily sections of the newspaper (e.g., Sports, Local and State, Living) or the main section of the Orange Extra. This request will state that such advertisement not be placed in special supplements to the newspaper (e.g., Transportation, Food, Rave, Real Estate, Travel, etc.). If for any reason the newspaper fails to comply with this request, but such notice otherwise complies with statutory requirements and Policy FLU8.8.3, the notice shall be deemed valid. (Added 6/95, Ord. 95-13, Policy 3.2.23.4)

FLU8.8.6 Subsequent to a decision of the Board of County Commissioners (BCC) to not transmit or not adopt an amendment to the Orange County Comprehensive Plan, the Planning Division shall not accept any application for an amendment on what constitutes substantially the same property for a period of two (2) years from the date of the last action. The Planning Manager's decision not to accept an application can be appealed to the Board of County Commissioners. (Added 10/94, Ord. 94-20, Policy 3.2.26-r)

**OBJ FLU8.5 VESTING. Orange County shall follow fair, consistent and objective criteria and documentation in determining the applicability of the CP Comprehensive Plan and the Land Development Code. Development rights that are vested, either statutorily or under the common law, and certain land uses that are exempt, pursuant to the provisions of the following policies, shall be protected by Orange County. (Objective 3.7-r)**

**POLICIES**

FLU8.5.1 Subject to any vested development rights, developed land that is inconsistent with the adopted comprehensive plan shall be “grandfathered.” The existing structures of the grandfathered uses may be enlarged, renovated, demolished or removed, and rebuilt or replaced without amendment to this plan if:

- A. ~~such~~ Such actions are confined to the boundaries of the site as it existed on the date (i.e. July 1, 1991) of adoption of the ~~CP~~ Comprehensive Plan;
- B. ~~the~~ The density/intensity of the proposed change to the grandfathered use does not exceed any of the following Level of Service (LOS) impacts;

<i>Facility Type</i>	<i>LOS Impact</i>
Roads	Twenty average trip ends
Potable Water	700 gallons per day
Wastewater	600 gallons per day

- C. ~~such~~ Such actions do not violate other land development regulations and the grandfathered development has not been terminated, abandoned or demolished for a period of twenty-four (24) consecutive months.

(Added 8/92, Ord. 92-24; Amended 6/94, Ord. 94-13, Policy 3.7.2)

\* \* \*

FLU8.5.4 The Rural Future Land Use Map designation is not intended to prohibit the development of tracts of land by their current owners for use by immediate family members for their primary residences. Therefore, notwithstanding FLU6.1.3, the Land Development Code may allow the owner (as of the date of adoption, i.e. July 1, 1991, of the ~~CP~~ Comprehensive Plan) of a parcel of property that has been legally created and recorded in the Public Records of Orange County prior to May 21, 1991, to subdivide and develop the parcel for residential structures, but only if:

- A. the density of the residential structures is no more than one dwelling unit per two acres;
- B. the use is restricted to the primary residence for the owner, the owner's spouse, or the children, parents, or siblings of either of them; and
- C. the Land Development Code contains provisions to ensure that this exception is not abused and cannot be used as an artifice to evade the restrictions of FLU6.1.3.

The Board of County Commissioners may grant an exception to properties that do not meet the absolute criteria of this policy, on a case-by-case basis, in order to avoid an unreasonable hardship, based upon a finding that the intent of this policy is met. (Added 12/00, Ord. 00-25; Amended 10/10, Ord. 2010-13, Policy 3.7.8-r)

FLU8.5.5 Pursuant to FLU8.5.4, an authorized determination that a particular development order request is "consistent" with the ~~CP~~ Comprehensive Plan as mandated by Section 163.3194, Florida Statutes, at the time such development order is issued, shall preclude a second determination that the development order is inconsistent with the ~~CP~~ Comprehensive Plan. It shall be incumbent upon the applicant to ensure that potential consistency issues are reasonably and timely raised. If requested by the applicant, the County Administrator or his designee shall make specific determinations of consistency concerning any matters raised by the applicant. In the event that this policy conflicts with any particular situation with Section 163.3215 of Florida Statutes, as may be amended or replaced, the statute shall govern. (Added 8/92, Ord. 92-24, Policy 3.7.10)

\* \* \*

FLU8.5.8 Effective the adoption date the 2030 ~~CP~~ Comprehensive Plan update, the Community Village Center (CVC) shall no longer be available as a ~~FLUM~~ Future Land Use Map request. Existing CVC designated sites shall not be made inconsistent by this change.

\* \* \*

FLU8.6.1 Proposed land use amendments and Developmentdevelopment in Orange County shall be subject to the provisions of the Concurrency Management System (CMS), Ordinance 91-27 as amended through Ordinance 2006-06as set forth in the Orange County Code.

The ~~CMS~~ Concurrency Management System shall ensure that the necessary facilities and services are in place at the time a development permit is issued; that a development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or that the necessary facilities are guaranteed through an enforceable agreement.

As part of the Destination 2030 Comprehensive Plan update, the concurrency requirement for potable water supplies and facilities shall also require consultation with all applicable water suppliers, including internal coordination within Orange County, prior to approval of a building permit, to determine if adequate water supplies and facilities will be available to serve the development by the anticipated issuance date of the certificate of occupancy or functional equivalent. In addition, the County will maintain data regarding the permitted capacity, available (pumping) capacity, water level depth, and condition of all wells, wellfields, or other sources of potable water, including the design capacity of potable water treatment and distribution facilities, consistent with the ~~CMS~~ Concurrency Management System and the Water Supply Facilities Work Plan. (Policy 3.5.3-r, Policy 3.5.11-r, WSFWP)

FLU8.6.2 Within the Urban Service Area, sewage disposal from residential development must be accommodated by a central wastewater system. The use of septic tanks for development shall be allowed only in areas of suitable soils and when central wastewater services are not available. Where there are moderate soils, as determined by the County, the County may allow the use of septic tanks based on detailed soil and site analysis that demonstrates that ground or surface waters will not be polluted. Specific septic tank criteria shall be governed by the ~~Orange County Subdivision Regulations or supplemental guidelines adopted under the proposed Land Development Code, as well as the requirements established in Chapter 10D-6 of the Florida Administrative Code~~ applicable criteria of the Orange County Land Development Code and rules of the State of Florida. (Policy 3.5.4-r)

\* \* \*

FLU8.6.6 As required by Subsection 163.3202(2) (g), Florida Statutes, on and after December 1, 1991, or the effective date of an ordinance adopting a Concurrency Management System, the County shall not issue any development order or permit that results in a reduction in the levels of service for the affected public facilities below the minimum levels of service required by the ~~CPC~~ Comprehensive Plan. (Policy 3.5.8-r)

FLU8.6.7 The ordinance adopting a Concurrency Management System shall set forth the

circumstances under which a person is to be deemed to have a vested right pursuant to ~~Subsection 163.3167(8), Florida Statutes to complete a development, notwithstanding the concurrency requirements of the foregoing FLU8.6.6 and Subsection 63.3202(2) (g), Florida Statutes. (Policy 3.5.9).~~

\* \* \*

- FLU8.6.9 Prior to the issuance of a development order for a proposed new development, the following shall be identified:
- A. The impacts created by the proposed development;
  - B. Whether the public facilities covered under the Concurrency Management System will be available as defined by Chapter 163, ~~FS~~ Florida Statutes;
  - C. The facility improvements or additions that are required to ensure the finding of concurrency; and,
  - D. The entity responsible for the design and installation of all required facility improvements or additions. (Policy 3.5.13-r)

\* \* \*

- FLU8.6.11 The County shall ensure that the ~~LOS~~ Level of Service for active and passive parkland shall be met on a countywide basis prior to any change in the Future Land Use Map for land designated as Parks/Recreation on the Future Land Use Map. (Added 6/94, Ord. 94-13, Policy 3.5.15)

\* \* \*

- FLU8.6.13 RESERVED ~~A proposed land use amendment must be consistent with the County's concurrency management system. (CIE1.7.5)~~

\* \* \*

- FLU8.6.15 If a proposed development is consistent with the Land Development Code and ~~CP~~ the Comprehensive Plan, but one or more concurrency-related facilities is deficient, the applicant may, at his/her expense, improve the level of service of the facility if and when such improvement is consistent with County plans and the County agrees to the improvement. (CIE1.6.4)

- OBJ FLU8.7 PUBLIC SCHOOLS SITING.** Orange County shall promote safe and adequate public school site locations. (For purposes of this Comprehensive Plan, the terms “public schools,” “schools,” “public school facilities,” “educational facilities,” and the like, shall mean (1) traditional, publicly supported and controlled schools under the jurisdiction of the Orange County School Board, consisting of kindergarten, elementary and/or secondary school grades, and (2) schools organized as a nonprofit organization that have applied for and received authorization from the

**School Board to operate a charter school for kindergarten, elementary and/or secondary school grades in accordance with Florida Statutes pertaining to charter schools, which became law in 1996, as that statute may be amended or replaced, but only where the permanent student capacity is 550 or greater.) (Amended 11/17, Ord. 2017-19)**

\* \* \*

FLU8.7.2 Orange County shall coordinate with the Orange County School Board to identify the locations for new high schools on the periphery of residential neighborhoods, where access to major roads is available. (Added 12/00, Ord. 00-25, Policy 3.2.19)

FLU8.7.3 Orange County shall coordinate with the Orange County School Board to provide school sites and facilities within planned neighborhoods, unless precluded by existing development patterns. (Added 12/00, Ord. 00-25, Policy 3.2.19.1)

\* \* \*

FLU8.7.11 For those projects that submitted a legally sufficient application for a Capacity Enhancement Agreement (CEA) prior to July 1, 2019, If the Orange County School Board determines that a Capacity Enhancement Agreement (CEA) is required, the applicant must deliver to the Planning Division, a copy of a fully-executed CEA at least two weeks prior to the BCC adoption public hearing for the respective large scale or small scale Future Land Use Map amendment. If a CEA is required, but the applicant is receiving an assignment or transfer of school capacity credits in lieu of executing a CEA, a copy of the executed transfer or assignment document must be delivered to the Planning Division at least two weeks prior to the BCC adoption public hearing. If the applicant has negotiated a postponement agreement with the Orange County School Board, delaying the CEA to the rezoning stage, a copy of the executed postponement agreement must be delivered to the Planning Division at least two weeks prior to the adoption public hearing.

If the applicant does not deliver a copy of a fully-executed CEA, transfer document, assignment document, or postponement agreement at least two weeks prior to the BCC adoption public hearing, the Future Land Use Map amendment application may be continued to the next Future Land Use Map amendment cycle. If the application is continued to the next cycle, the applicant is still required to submit the necessary documents to the Planning Division at least two weeks prior to the scheduled BCC adoption public hearing for that Future Land Use Map amendment cycle.

Any Future Land Use Map amendment application continued under this policy is subject to the refund policy in effect at that time. (Amended 6/14, Ord. 2014-12)

**OBJ FLU8.9 IMPLEMENTING CODES.** Orange County shall promote sustainable practices, ~~and green building objectives~~ objectives, and minimize adverse impacts on the built and natural environment from development through use of the Land Development Code and by minimizing adverse impacts on the built and natural environment from development. This objective shall be measurable by implementing the following policies.

## **POLICIES**

**FLU8.9.1** ~~By 2010~~ Orange County shall consider ~~and/or implement changes to promote the findings and strategies contained in this update and modifying its~~ Comprehensive Plan, codes, and ordinances, as necessary, to ~~accordingly.~~ This work will include review and efforts toward promoting the following sustainability strategies:

- ~~Mixed-use zoning, and mixed-use buildings, and~~ Mixed-use zoning and mixed-use corridor district(s);
- ~~Smart growth and a~~ Alternative parking standards, including use of shared and reduced parking standards;
- Transit-Oriented Development;
- Activity center zoning code overlay and review standards;
- ~~Where feasible, a~~ Alternative drainage, landscaping, open space standards and setbacks to promote urban infill;
- Provision of more Live/Work and ~~a~~ Accessory ~~d~~ Dwelling ~~u~~ Unit options;
- Low Impact Development (LID) and water conservation techniques;
- Revisions to lot split parent parcel restriction to encourage the creation of more lots for eligible lots within the Urban Service Area.
- Incentives for small lot development and redevelopment of greyfield areas;
- Green building code innovations, including recognized energy and water conservation and reuse requirements. Specifically it is the County's policy to:
  - Develop building code that supports greater energy and conservation related efficiencies. Support state efforts and consider adopting local ordinance as needed.
  - Create incentives to support green building and green development for private sector, such as reduced fees and expedited permit review.
  - Continue to use green materials, especially in renovations, such as low volatile organic compound containing paints and coatings, carpets and carpet adhesives and composite wood, energy efficient light fixtures and mechanical systems.

- Encourage all county sponsored or financially supported projects to build green and be LEED-certified.
- Develop incentives for water conservation such as crediting reuse, or creating water conservation credits when a new permit demonstrates less water will be used.

\* \* \*

**Economic Element  
Goals, Objectives and Policies**

**GOAL E1      Orange County shall develop and retain a globally competitive workforce that supports the needs of both present and emerging ~~naseent~~ industries.**

**OBJ E1.1      Orange County shall promote educational opportunities in the sciences at elementary and middle school levels.**

\* \* \*

E1 1.2      ~~RESERVED Work with the Orange County School Board to create science-based curricula at the middle school level.~~

**OBJ E1.2      Orange County shall promote continuing education efforts to foster a workforce with the ~~containing~~ latest skills.**

E1.2.1      ~~The County shall promote~~ Promote employer activities that increase English language literacy for the local workforce.

E1.2.2      ~~The County shall support~~ Supplement existing higher education programs with more non-degree training and continuing education.

\* \* \*

E1.3.1      ~~The County shall promote~~ Promote the creation of post-doctoral fellowships and internships within the private sector.

E1.3.2      ~~The County shall support~~ Support the expansion of research centers that focus on technology commercialization and entrepreneurship.

**GOAL E2      ~~RESERVED Orange County shall promote a stronger connection between land use policies and economic decisions.~~**

**OBJ E2.1      ~~RESERVED Orange County shall promote the use and protection of industrial land.~~**

E2.1.1      ~~RESERVED The Future Land Use Map shall reflect appropriate locations for industrial use. Potentially incompatible land use designations, such as~~

~~residential or neighborhood commercial, shall not be established adjacent to industrial land use designations. Proposed land use changes from industrial to residential or commercial shall be evaluated in the context of potential impacts to long-term viability of surrounding industrial uses. Proposed industrial land use changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development, consistent with FLU1.4.16 (Amended 10/10, Ord. 2010-13)~~

E2.1.2 ~~RESERVED Orange County seeks to retain an adequate supply of Industrial lands, especially larger tracts that support new research and/or industrial parks and employment centers, during the 2030 planning horizon, consistent with the findings of the County's most current Industrial Capacity Analysis and the desire to maintain a positive jobs to housing balance within the County. Further, amendments to DRIs or PDs that have the effect of reducing industrial lands in these submarkets should be discouraged, consistent with FLU1.4.17. (Amended 10/10, Ord. 2010-13).~~

E2.1.3 ~~RESERVED The Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses particularly in existing corridors and areas in proximity to Activity Centers — and provide a variety of locations with different transportation accessibility opportunities (such as arterials and highways, airports and railroads), consistent with FLU1.4.18. (Amended 10/10, Ord. 2010-13)~~

E2.1.4 ~~RESERVED Orange County will continue to work with METROPLAN ORLANDO to evaluate the freight village concept and potential locations in the metropolitan area that are consistent and compatible with the County's Comprehensive Plan, based on needs identified in the METROPLAN ORLANDO *Freight, Goods, and Services Mobility Study*, consistent with FLU1.4.20. (Added 10/10, Ord. 2010-13)~~

E2.1.5 ~~RESERVED Orange County shall not approve industrial uses that produce or emit noises, significant vibrations or noxious/hazardous wastes/fumes resulting in adverse impacts to adjacent residential uses, unless such impacts are mitigated, consistent with FLU1.4.24. (Added 10/10, Ord. 2010-13)~~

**OBJ E2.2** ~~RESERVED Orange County shall protect and promote the vitality of the nursery industry in Northwest Orange County.~~

## **POLICIES**

E2.2.1 ~~RESERVED Use Enterprise Zone incentives to promote the nursery business in Orange County.~~

E2.2.2 ~~RESERVED Discourage the expansion of utilities in this area to prevent~~



suburbanization.

E2.2.3 ~~RESERVED~~ Discuss with the Metro Orlando EDC the possibility of expanding the agri-technology district to include northwest Orange County.

**OBJ E2.3** ~~RESERVED~~ ~~Orange County shall use the Activity Center concept to promote the efficient use of land.~~

**POLICIES**

E2.3.1 ~~RESERVED~~ Promote infill development in distressed areas of the County.

E2.3.2 ~~RESERVED~~ Promote changes to land use and zoning to address the economic development needs of the County.

**OBJ E3.1** **Orange County shall continue to support the efforts of the 2018 Regional Housing Task Force Workforce Housing Task Force.**

**POLICIES**

E3.1.1 The County shall promote ~~Promote~~ the development of affordable ~~workforce~~ housing close to transportation centers.

E3.1.2 The County shall promote ~~Promote~~ the development of affordable housing on brownfield and greyfield sites.

E3.1.3 ~~RESERVED~~ ~~Promote initiatives of major employers to fund housing developments for employees near worksites.~~

**OBJ E3.2** **The County shall promote ~~Promote~~ mobility in Orange County by continuing to fund public transportation.**

**POLICIES**

E3.2.1 The County shall support ~~Support~~ the expansion of commuter rail stations to major employment centers such as Orlando International Airport (OIA), International Drive, and Central Florida Research Park.

E3.2.2 The County shall work ~~Work~~ with Lynx to promote the use of express routes between major employment and living centers.

\* \* \*

**OBJ E4.1** **Orange County recognizes the need for support services as important to employees' quality of life. ~~Promote the development of family childcare facilities.~~**

**POLICIES**

E4.1.1 Orange County shall facilitate the development of childcare facilities ~~Facilitate the development of childcare facilities~~ within the County, including employer

based ~~childcare~~ ~~child-care~~ centers.

E4.1.2 Orange County shall support the development of accessory housing in Orange County.

**OBJ E4.2** **RESERVED ~~Promote the development of accessory housing in Orange County.~~**

**POLICIES**

E4.2.1 ~~RESERVED~~ Allow accessory housing as of right in residential districts to permit people to take care of family members.

\* \* \*

E5.1.2 Orange County shall promote the competitiveness of industries that comprise Orange County’s economic base, such as tourism and hospitality; photonics, lasers, and electro optics; nursery and foliage; modeling, simulation, and training; and life and medical sciences. (Added 10/10, Ord. 2010-13; revised 2018)

E5.1.3 Orange County shall support the creation and expansion of economic clusters within economic base industries by attracting suppliers and other related industries. (Added 10/10, Ord. 2010-13)

**OBJ E5.2** **RESERVED ~~Orange County shall promote the competitiveness of industries that comprise Orange County’s economic base. (Added 10/10, Ord. 2010-13)~~**

E5.2.1 ~~RESERVED~~ Orange County shall support the growth of the industries that comprise Orange County’s economic base, such as tourism and hospitality; photonics, lasers, and electro optics; nursery and foliage; modeling, simulation, and training; and life and medical sciences. (Added 10/10, Ord. 2010-13)

E5.2.2 ~~RESERVED~~ Orange County shall support the creation and expansion of economic clusters within economic base industries by attracting suppliers and other related industries. (Added 10/10, Ord. 2010-13)

\* \* \*

**Public Schools Facilities Element  
Goals, Objectives and Policies**

\* \* \*

**OBJ PS1.1** **Strengthen family and children’s services. Support and encourage the involvement of communities, community agencies, businesses, and families**

**in an effective range of programs and activities which support families and children in conjunction with School Board facilities and programs.**

**POLICIES**

PS1.1.1 ~~RESERVED Support and encourage the involvement of communities, community agencies, businesses and families in an effective range of programs and activities which support families and children in conjunction with School Board facilities and programs.~~

PS1.1.2 Support and encourage community and business partnerships for educational support services, to include, but not be limited to, magnet programs, work training, and job placement.

\* \* \*

**GOAL PS2** **Make public schools the cornerstones of community planning and design. (See OBJ-FLU8.7 for the meaning of the terms “public schools”, “schools”, “public school facilities”, “educational facilities,” and the like.)** (Amended 11/17, Ord. 17-19)

**OBJ PS2.1** **Enhance community communities ~~/neighborhood design~~ through the joint use of educational facilities by encouraging the location of parks, recreation, and community facilities, in new and existing communities, in conjunction with school sites.**

**POLICIES**

PS2.1.1 ~~RESERVED. Encourage the location of parks, recreation and community facilities in new and existing communities in conjunction with school sites.~~

PS2.1.2 Where feasible, Orange County Public Schools (OCPS) and Orange County shall work jointly to co-locate public facilities such as parks, libraries, and community centers with public schools. Where such co-location occurs, both entities shall establish an ongoing management relationship via written agreement that permits the school’s use of the public facilities and the public’s use of school facilities for community meetings and sports activities. OCPS reserves the right to impose reasonable restrictions on interconnectivity to ensure the safety and security of students and school facilities. (Added 06/08, Ord. 8/11)

PS2.1.3 Upon notice from the Orange County School Board that it is considering contracting for a school site, promptly notify the School Board of the County’s interest, if any, in joint acquisition for other public facilities.

PS2.1.4 Coordinate with the Orange County School Board to jointly fund and design new school facilities for joint-use such as community meeting sites, and community-based recreational activities.

PS2.1.5 Encourage the business community and other private organizations to coordinate with ~~the Orange County~~ and the Orange County School Board to jointly fund and design community-based services and facilities (i.e. recreational facilities) in conjunction with existing and proposed school sites.

PS2.1.6 RESERVED. ~~Link schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks.~~

PS2.1.7 Support and encourage community based programs for children’s athletics, performing arts, and after-school enrichment in conjunction with school facilities.

\* \* \*

## **POLICIES**

PS2.2.1 Work to identify new school sites that will provide logical focal points for community activities, ~~and~~ serve as the cornerstone for innovative urban design standards, and are compatible with the Future Land Use Map and with land uses surrounding proposed school sites. (Amended 11/17, Ord. 17-19)

PS2.2.2 ~~Provide school sites and facilities within planned neighborhoods, unless precluded by existing development patterns.~~ Orange County shall coordinate with the Orange County School Board to provide school sites and facilities within planned neighborhoods, unless precluded by existing development patterns. (Duplicated in FLU8.7.3)(Added 12/00, Ord. 00-25, Policy 3.2.19.1)

PS2.2.3 Unless otherwise prohibited or precluded by existing development patterns, Orange County shall support and encourage the location of new elementary, K-8, and middle schools, internal to new and existing residential neighborhoods and the County shall coordinate with the Orange County School Board to identify locations for new high schools on the periphery of residential neighborhoods, where access to major roads is available, ~~unless otherwise prohibited.~~ (Amended 11/17, Ord. 17-19)

PS2.2.4 RESERVED ~~Coordinate with the School Board to identify the locations for new high schools on the periphery of residential neighborhoods, where access to major roads is available.~~

\* \* \*

PS2.2.6 ~~Include language in the Land Development Code stipulating that the School Board shall not acquire~~ New school sites in residential subdivisions ~~that shall not create~~ remnant parcels not suitable in size, shape and location for the uses depicted on the Future Land Use Map ~~and~~ or permitted by the existing zoning district designation.

PS2.2.7 Support the Orange County School Board in locating appropriate school services, ancillary facilities, and services throughout the county—such as administrative offices, night classes and adult education, in alternative locations, such as but not limited to commercial plazas, shopping malls and community centers.

~~PS2.1.6~~2.8 Link schools, parks, libraries, and other public facilities with bikeways, trails, and sidewalks.

**GOAL PS3 Provide safe and secure schools in healthy, well designed neighborhoods.**

\* \* \*

PS3.1.1 ~~RESERVED Continue to utilize the Land Development Code to ensure the compatibility of land uses adjacent to existing schools and reserved school sites, including uses serving an at-risk clientele. (Added 6/02, Ord. 02-06)~~

PS3.1.2 Coordinate with the Orange County School Board to ensure that both existing educational facilities and proposed school sites are accessible from and integrated into a planned system of sidewalks, trails, and bikeways. This can be accomplished through the provision of interconnected pedestrian access between neighborhoods to allow direct access to school sites and drop-off locations.

\* \* \*

PS3.1.4 ~~RESERVED Provide interconnected pedestrian access between neighborhoods to allow direct access to school sites and bus drop-off locations.~~

PS3.1.5 Provide assistance in developing traffic circulation plans to serve schools and the surrounding neighborhoods.

PS3.1.6 In cooperation with the Orange County School Board, develop and adopt design standards for school bus stops and turnarounds in new developments.

PS3.1.7 Turn lanes and signalization shall be provided at school entrances and at other locations near schools, where warranted, to provide safe access to students and the public. Responsibility for construction of school-related signalization and road construction at school entrances shall be the responsibility of Orange County Public Schools (OCPS). (Added 6/08, Ord. 08-11)

\* \* \*

PS3.1.9 In accordance with Section 1006.23, Florida Statutes, and as funding permits, Orange County shall provide construction of sidewalks along roadways and trails connecting neighborhoods that are within two miles of schools to the school facility. Orange County Public Schools (OCPS) shall be responsible for the construction of sidewalks and trails on school property and shall provide

connections to existing and future sidewalks and trails identified by the County. Also refer to T2.5.11.2 (Added 6/08, Ord. 08/11)

PS3.1.10 ~~RESERVED OCPS shall coordinate with Orange County in the construction of new public school facilities and in rehabilitation of existing public school facilities to serve as emergency shelters as required by Section 1013.372, Florida Statutes. (Added 6/08, Ord. 08/11)~~

\* \* \*

PS3.2.2 Coordinate with the Orange County School Board and appropriate youth service agencies to provide ongoing educational opportunities for juvenile offenders.

**GOAL PS4 Support Orange County School Board efforts to ensure that adequate capital facilities and technology resources are available to support the educational mission of public schools.**

**OBJ PS4.1 Support Orange County School Board programs to effectively and efficiently manage existing capital funds and resources.**

#### **POLICIES**

PS4.1.1 Support Orange County School Board efforts to ensure sufficient capacity for current and future school enrollment by identifying capital needs for each campus, identifying available funding sources for school capital requirements and establishing a financially feasible capital improvements program for schools.

PS4.1.2 Support the Orange County School Board in encouraging the State to allow flexibility in state, local, and private sector participation in capital funding of public school facilities.

PS4.1.3 Consider development incentives (i.e. density bonus, expedited development review, etc.) for residential properties that are located within half (1/2) mile of an existing elementary school that has a school enrollment below 100% of the permanent core capacity, excluding portables, and the residential property is located in the subject school attendance zone. No development incentives shall be granted that would result in the school enrollment over 100% of the permanent capacity.

PS4.1.4 Orange County in consultation with Orange County Public Schools (OCPS) and Orange County Municipalities (Municipalities) shall review and update the school impact fee study at least once every four (4) years. (Added 6/02, Ord. 02-06; amended 6/08, Ord. 08-11)

PS4.1.5 ~~With the School Board, review and recommend amendments, as necessary, to the school impact fee ordinance, consistent with current applicable law.~~Any

amendments to the School Impact Fee Ordinance shall be developed with input from Orange County Public Schools (OCPS).

\* \* \*

PS4.2.3 County programs and capital improvements which are consistent with and which meet the capital needs identified in the Orange County School Board campus planning program(s) will be given scheduling priority. The County will give priority in scheduling its programs and capital improvements which are consistent with and which meet the capital needs identified in the School Board campus planning program(s).

PS4.2.4 Support the Orange County School Board by giving priority consideration to developments or property owners who provide incentives including, but not limited to, donation of site(s), reservation or sale of school sites at pre-development prices, construction of new facilities or renovations to existing facilities, and providing transportation alternatives.

\* \* \*

PS4.2.6 Orange County will coordinate with the Orange County School Board to evaluate alternative funding sources such as, but not limited to analysis and reform of state and local assessment benefit districts, community development districts, additional sales tax, bonds, special service fees, documentary stamps, transfer taxes, and lease-purchase of facilities to fund for school capital needs and will consider support for changes to state legislation to provide for these options, as needed. Additional Alternative school capital funding mechanisms shall be considered on a countywide basis, including all municipalities. (Added 6/08, Ord. 08-11)

PS4.2.7 Support the Orange County School Board's efforts to allow local governments or the private sector to construct school facilities and/or lease land or facilities to the School Board.

\* \* \*

PS4.2.9 Orange County will support efforts by Orange County Public Schools (OCPS) to formally request additional funding from the State of Florida to meet class size reduction obligations. (Added 6/08, Ord. 08-11)

\* \* \*

**POLICIES**

PS5.1.1 RESERVED. With the support of the School Board, encourage countywide consistency of local school elements and, as requested, assist municipalities in developing a local school element.

\* \* \*

- PS5.1.4 Orange County shall ~~Invite~~ invite an Orange County School Board representative to serve as an ex-officio member on the Orange County Development Review Committee.
- PS5.1.5 Orange County shall assign a County representative to serve as an ex-officio member on the School Board Advance Planning Committee. Also, pursuant to Section 163.3174(1), Florida Statutes, Orange County's Local Planning Agency (LPA) shall include a representative of Orange County Public Schools (OCPS) appointed by the School Board as a nonvoting member of the LPA to attend those meetings at which the LPA considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. (Amended 11/17, Ord. 17-19)
- PS5.1.6 For purposes of coordinating planning efforts, Orange County shall routinely provide to the school board-School Board ~~of~~ the data and reports identified below.
- a. A summary and maps of projected build-out populations for all approved development in Orange County in a format reasonably suitable for assisting in development of school population projections and development of long range capital programs for schools and ancillary facilities.
  - b. Listing and maps showing all major capital improvements programmed for parks, recreation, pedestrian, and bike trails, libraries, children's services, and related improvements impacting schools or suitable for joint planning and design of improvements.
  - c. A bikeway/pedestrian plan for student access for each school in the County showing all improvements needed to serve students within two miles of all existing and proposed school sites and a schedule for construction of such projects.
  - d. For each school facility in the County, a schedule for all public construction impacting the campus. (Added 6/08, Ord. 08-11)
- PS5.1.7 Orange County School Board comments shall be sought and considered on comprehensive plan amendments and other land use decisions ~~as provided for in Ch. 235.193(2), FS.~~
- PS5.1.8 Orange County will ~~Enter~~ enter into an agreement with the Orange County School Board for the School Board to annually provide to Orange County a general educational facilities report containing the following information:
- a. School Board facilities and leases.



- b. Sites owned by the School Board, sites under option, lease or reservation, and sites for which preliminary negotiations have been undertaken.
- c. The School Board's approved program for capital improvements.
- d. A summary of all five-year joint use programs conducted on school campuses or jointly on schools and adjacent property controlled by other governmental agencies.
- e. An identification of educational facility needs and areas in the County which the School Board has identified as potentially suitable for site acquisition to meet those needs.
- f. A listing of school properties declared surplus and of school facilities scheduled for replacement or demolition. (Added 6/08, Ord. 08-11)

PS5.1.9 Coordinate neighborhood planning and community development activities with school based faculty, school advisory committees, and neighborhood groups.

PS5.1.10 Pursuant to the adopted *First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency*, adopted in 2011, as it may be amended from time to time ("Interlocal Agreement"), a Technical Advisory Committee comprised of representatives from the Orange County, Municipalities, Orange County Public Schools (OCPS) and the East Central Florida Regional Planning Council shall be established to discuss issues of mutual concern. OCPS shall be responsible for arranging meetings, providing notification, and maintaining a written summary of meeting actions. (Added 6/08, Ord. 08-11, amended 11/17, Ord. 17-19)

PS5.1.11 The Technical Advisory Committee shall meet quarterly, or as needed, to discuss issues and formulate recommendations regarding coordination of land use and school facilities. Specific areas addressed by the committee shall include:

- a. Short and long-range planning, population and student projections, and future development trends;
- b. Co-location and joint-use opportunities, and ancillary infrastructure improvements needed to support the school facilities and ensure safe student access to schools;
- c. Planning for needed supporting infrastructure for schools such as utilities, roads, sidewalks, etc.;
- d. The need for new schools to meet the adopted level of service (LOS) within the adopted Concurrency Service Areas (CSAs) and the coordination of annual revisions to the ten (10) year District Capital Outlay Plan (DCOP); and
- e. Update of the District Capital Outlay Plan (DCOP) for inclusion in Orange County's Comprehensive Plan. (Added 6/08, Ord. 08/11)

PS5.1.12 Pursuant to the Interlocal Agreement referenced in Policy PS5.1.10, Orange County shall provide an update of information on approved developments, phases of development and estimated build out by phase to the Orange County Public Schools (OCPS) Planning Department on an as needed basis. (Added 6/08, Ord. 08/11; amended 11/17, Ord. 17-19)

\* \* \*

PS5.2.2 Within a Rural Settlement or the Rural Service Area, public schools shall be allowed as set forth in Policy FLU8.7.5, ~~Policy FLU8.7.6~~ and FLU8.7.7, respectively. (Amended 11/17, Ord. 17-19)

PS5.2.3 In the event that the Orange County School Board determines a public school facility is required in an area designated Rural/Agricultural on the Future Land Use Map, an amendment to the Future Land Use Map shall be required. The School Board may request an amendment to the Future Land Use Map for a proposed school site at no cost.

\* \* \*

PS5.2.5 ~~RESERVED. Orange County shall amend the Land Development Regulations to allow schools as permitted uses and special exceptions in appropriate categories, consistent with Future Land Use Policies FLU3.2.21, FLU3.2.21.1, and FLU3.2.21.2.~~

\* \* \*

PS5.2.7 Orange County and Orange County Public Schools (OCPS) shall, throughout the planning period, coordinate the siting of new public schools to ensure to the extent possible public school facilities are located to address the needs of future residential development, are coordinated with necessary services and infrastructure development, provide for safe learning environments, are consistent with the County's adopted Future Land Use Map and with other provisions of the Comprehensive Plan. (Added 6/08, Ord. 08-11)

\* \* \*

## **POLICIES**

PS5.3.1 ~~The school siting ordinance shall include With the School Board's consent, establish minimum standards and criteria for school sites, procedures for the review and coordination of plans for school sites, and an expedited review process for review and approval of public educational facilities not meeting minimum standards and criteria on otherwise approvable sites, which shall be incorporated into a school siting ordinance.~~

PS5.3.2 ~~RESERVED. The school siting ordinance shall establish procedures for the review and coordination of plans for school sites. (Added 6/08, Ord. 08/11)~~

PS5.3.3 ~~RESERVED. For sites not meeting minimum standards and criteria, develop an expedited review process for review and approval of public educational facilities.~~

PS5.3.4 Orange County shall ~~C~~oordinate the timing of infrastructure improvements to be in place when new school facilities are constructed.

\* \* \*

PS5.3.6 Applications for Future Land Use Map amendments, rezonings, variances, ~~conditional use/special exceptions~~, and site plans for schools shall be given priority status. Orange County Public Schools (OCPS) shall not be required to pay application fees or impact fees for the development of public school facilities, provided, however, OCPS shall not be exempt from payment of capital connection fees for water and wastewater. (Added 6/08, Ord. 08/11)

\* \* \*

PS5.4.1 Review and update reservation requirements to insure that school sites are identified prior to changes in urban service ~~lines~~area, land use, zoning, or approval of projects generating new students.

PS5.4.2 Coordinate with the Orange County School Board to establish procedures and standards for school siting as part of area wide planning studies.

PS5.4.3 Consider entering into a developer's agreement whereby a portion of property dedicated to the County may be donated or leased to the Orange County School Board to develop public schools facilities.

PS5.4.4 In concert with Orange County Public Schools (OCPS), Orange County ~~shall~~ may consider ~~providing~~ developing incentives (such as but not limited to, density credits, priority with capital improvement projects and development approval preferences) to developments that donate land (or cash in lieu of land), for new or existing OCPS facilities ~~public school sites~~.

PS5.4.5 ~~RESERVED. Review standards for school site appraisal and acquisition to insure that school site appraisals are determined on predevelopment prices and that costs are not inflated by the reservation process or by values arising from approvals based on the presumed availability of schools.~~

PS5.4.6 Before disposing of surplus property, Orange County will offer first right of refusal for surplus County property to the Orange County School Board.

PS5.4.7 Orange County will ~~S~~upport Orange County School Board efforts to identify long-range school site needs and select sites based on the criteria established in this element and in the Public School Siting Ordinance. (Added 6/08, Ord. 08-11)

PS5.4.8 Coordinate with the Orange County School Board ~~to review and update the school concept plans annually~~ to ensure the identified proposed new school sites are based on the best available growth and development patterns and related data. (Added 6/08, Ord. 08-11)

PS5.4.9 Where the Orange County School Board elects to advance funds to construct off-site road and utility improvements as part of school construction, Orange County shall provide for timely reimbursement of all funds advanced for projects included in ~~the~~ Orange County's Capital Improvement Program or from benefiting private developers if the project was not to be funded by the County. Reimbursement of above-stated funds shall be allowed through individual agreements made between Orange County and the School Board.

PS5.4.10 Orange County shall Givegive priority consideration to land use, zoning, and development approvals in areas where school sites adequate to serve potential growth have been donated or set aside for purchase by the School Board at raw land (pre-development approval) prices reflected in written agreements approved by the Orange County School Board.

**GOAL PS6** **Orange County shall establish plans, regulations and programs, in conjunction with Orange County Public Schools (OCPS) to facilitate the future availability of public school facilities to serve residents, consistent with the adopted level of service for public schools and with State of Florida concurrency statutes and regulations. (Added 6/08, Ord. 08-11)**

**OBJ PS6.1** **Orange County shall coordinate with Orange County Public Schools (OCPS) to implement a Concurrency Management System that ensures adequate classroom capacity to accommodate the impacts of new residential development throughout the planning period. (Added 6/08, Ord. 08-11)**

## **POLICIES**

PS6.1.1 The Concurrency Management System shall include standards and procedures to ensure that new residential development complies with the Level of Service (LOS) standards provided in the Interlocal Agreement between Orange County Public Schools (OCPS), the Municipalities, and the County, and the adopted Capital Improvements Element (CIE). The adopted LOS shall be used to determine the available capacity of Elementary, Middle, and High Schools within the designated Concurrency Service Area (CSA) where the development is proposed. ~~The adopted LOS must be achieved in all CSAs for each school type by end of the five year period, except for backlogged CSAs that have been included in an adopted Long Term Concurrency Management System for Schools pursuant to CIE Policy CIE1.3.18.~~ (Added 6/08, Ord. 08-11; amended 04/05, Ord. 11-03)

PS6.1.2 The County shall utilize the Orange County Public Schools (OCPS) calculation of school capacity, which is annually determined by OCPS using the Adjusted Florida Inventory of School Houses (FISH) Capacity for each school and Concurrency Service Area (CSA) within the school district. Consistent with the Interlocal Agreement, Adjusted FISH Capacity shall be defined as the number of students who can be served in a permanent public school facility as provided in FISH adjusted to account for the design capacity of Modular or In-Slot Classrooms on the campuses designed as Modular or In-Slot schools, but not to exceed Core Capacity. (Added 6/08, Ord. 08-11)

PS6.1.3 The level of service (LOS) standards, except for backlogged facilities as provided in Capital Improvements Element (CIE) Policy CIE1.3.18, to implement school concurrency shall be calculated as a percentage of the Adjusted Florida Inventory of School Houses (FISH) Capacity as follows: (Added 6/08, Ord. 08-11)

- a. Elementary: 110% of Adjusted FISH using Modified Middle School Attendance Zones as Concurrency Service Areas (CSAs)
- b. Middle: 100% of Adjusted FISH using Middle School Attendance Zones as CSAs
- c. High, including ninth grade centers: 100% of Adjusted FISH using High School Attendance Zones as CSAs (Note: Adjusted permanent FISH for high schools does not include in-slots).

The LOS for OCPS' K-8 schools shall be incorporated in the adopted LOS for elementary and middle school CSAs in the following manner: ~~All grades~~ Grades K-5 of Arbor Ridge K-8 and Windy Ridge K-8 shall be incorporated in the adopted LOS for elementary schools. For ~~Blankner K-8~~ all other K-8 (and any PS-8 schools), grades kindergarten through five shall be included in the adopted LOS for elementary schools and grades six through eight shall be included in the adopted LOS for middle schools. (Added 04/10, Ord. 10-03)

PS6.1.4 Any changes or modifications to the adopted Level of Service (LOS) shall follow the process and guidelines as outlined in the Interlocal Agreement referenced in Policy PS5.1.10. (Added 6/08, Ord. 08-11; amended 11/17, Ord. 17-19)

PS6.1.5 Orange County shall support Orange County Public School's (OCPS') efforts to initiate any of the following strategies to ensure compliance with adopted level of service (LOS) standard:

- a. Building new schools to relieve over capacity schools in (Concurrency Service Areas (CSAs)) that exceed the adopted LOS.
- b. Renovating over capacity schools to add permanent capacity and replace on campus portables,
- c. Rezoning students from over capacity schools to under capacity schools,

- d. Moving special programs from over capacity schools to under capacity schools to utilize excess permanent capacity where it exists.

\* \* \*

PS6.1.8 The number of elementary, middle, and high school students generated by a residential development, shall be calculated by multiplying the number of dwelling units by the student generation rates by school type as set forth in the current Orange County Public Schools School Impact Fee Study Update Table 12 of the Orange County Public Schools Public Schools Facilities Element Data Inventory and Analysis dated May 2, 2008. (Added 6/08, Ord. 08-11)

PS6.1.9 The County shall support Orange County Public Schools' (OCPS') efforts to meet adopted level of service (LOS) standards through the adoption of a ten (10) year, financially feasible District Capital Outlay Plan (DCOP). Where the LOS cannot be achieved through the construction of new school capacity as provided in the five (5) year DCOP, the County shall cooperate with OCPS' efforts to adopt a long range ten (10) year DCOP as part of the School District's annual capital planning process. (Added 06/08, Ord. 08-11)

PS6.1.10 Where adequate school facilities will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, or the functional equivalent, the County shall not deny an application for site plan approval, final subdivision approval, or the functional equivalent thereof, for any development or phase of a development that includes residential uses, based solely on failure to achieve and maintain the adopted level of service (LOS) in a Concurrency Service Area CSA. (Added 06/08, Ord. 08-11)

PS6.1.11 Orange County, in conjunction with Orange County Public Schools (OCPS), shall review the level of service (LOS) standards and Concurrency Service Area (CSA) Boundaries for public schools facilities annually, and any changes to those standards shall be processed as amendments to the County's Public School Facilities Element and Capital Improvements Element. The projected LOS and CSAs shall be included and depicted in the most recent School Concurrency Data Supplement, which serves as supporting data and analysis for the annual update to the Capital Improvements Element. (Added 06/08, Ord. 08-11; amended 04/11, Ord. 11-03)

\* \* \*

**OBJ PS6.2 Orange County Public Schools (OCPS), in conjunction with the Orange County, consistent with the Interlocal Agreement referenced in Policy PS5.1.10 shall establish, and annually review, school Concurrency Service Areas (CSAs), which will be used to evaluate capacity of schools available to accommodate students generated by proposed development.** (Added 6/08, Ord. 08-11; amended 11/17, Ord. 17-19)

**POLICIES**

PS6.2.1 Concurrency Service Areas (CSAs) are depicted in the Orange County Public Schools *Public School Facilities Element Data, Inventory, and Analysis* dated May 2, 2008, as may be amended from time to time. (Added 6/08, Ord. 08-11)

PS6.2.2 Concurrency Service Areas (CSAs) shall be reviewed annually in conjunction with the Orange County Public Schools (OCPS) adoption of an updated ten (10) year District Capital Outlay Plan (DCOP). CSA boundaries may be adjusted to ensure that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, and other factors. (Added 6/08, Ord. 08-11)

**OBJ PS6.3 Orange County and Orange County Public Schools (OCPS) shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the adopted Interlocal Agreement. (Added 6/08, Ord. 08-11)**

**POLICIES**

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 Orange County Public Schools (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)

PS 6.3.2 Orange County will determine if a development is vested or exempt from school concurrency. Unless the development is determined to be vested or exempt from concurrency, Orange County shall not approve a site plan, final subdivision plan, or its functional equivalent, until a school concurrency recommendation has been provided by Orange County Public Schools (OCPS) and a school Concurrency Certificate has been issued for the development consistent with the provisions of the adopted Interlocal Agreement. (Added 6/08, Ord. 08-11)

\* \* \*

PS6.3.4 For Development of Regional Impacts (DRIs) that include residential development and are submitted after July 1, 2005, the County shall include Orange County Public Schools (OCPS) planning staff on the review team for the DRI, and shall ensure that DRI Development Orders, and DRI Development Order amendments that increase the total number of residential dwelling units, address the issue of school capacity. Where existing school capacity is exceeded, mitigation for school impacts shall be included in any mitigation agreements, Development Orders, and agreements. (Added 6/08, Ord. 08-11)

\* \* \*

PS6.3.7

Consistent with the Interlocal Agreement referenced in Policy PS5.1.10, the following residential uses shall be exempt from the requirements of school concurrency:

- a. Any proposed residential development considered de minimis as defined by ~~PSFE~~ Public Schools Facilities Element, Policy PS6.3.5.
- b. One single-family house, one duplex, and/or one accessory dwelling unit being developed on an existing platted residential lot of record.
- c. Any building or structure that has received a building permit as of the effective date of the Interlocal Agreement, or is described in section 163.3167(8), Florida Statutes.
- d. Any new residential development that has site plan approval for a site pursuant to a specific development order approved prior to the effective date of school concurrency, including the portion of any project that has received final subdivision plat approval as a residential subdivision into one dwelling unit per lot.
- e. Any amendment to any previously approved residential development, which does not increase the number of dwelling units or change the type of dwelling units (e.g., converts single-family to multi-family, etc.).
- f. Any age-restricted community that qualifies as one of the three types of communities designed for older persons as “housing for older persons” in the Housing for Older Persons Act, 42 USC §3607(b). This exemption shall be applied in conformity with the principles set forth in *Volusia County v. Aberdeen at Ormond Beach, L.P.*, 760 So. 2d, 126 (Fla. 2000). Provided, however, that any senior housing community or dwelling unit that loses its qualification as housing for older persons shall be required to meet applicable school concurrency requirements in effect at the time the qualification as housing for older persons is lost.
- g. Alterations or expansion of an existing dwelling unit where no additional dwelling units are created.
- h. The construction of accessory buildings or structures which will not create additional dwelling units.
- i. The replacement of a dwelling unit where no additional dwelling units are created and where the replacement dwelling unit is located on the same lot. If the type of dwelling unit is different from the original dwelling unit type, the exemption shall be limited to an exemption based on the current student generation rate for the original dwelling unit type, documentation of the existence of the original dwelling unit must be submitted to the concurrency management official.
- j. School concurrency shall not apply to property within a Development of Regional Impact (DRI) for which a Development Order was issued prior to July 1, 2005, or for which a DRI application was submitted prior to May 1, 2005, unless the developer elects otherwise or unless the



developer files a Notice of Proposed Change (NOPC) and/or Substantial Deviation to increase the total number of residential dwelling units; however, such exemption shall expire upon withdrawal, denial, or expiration of the application for a Development Order. If such Development of Regional Impact has been approved, or is approved, through a development order, such exemption shall expire for any phase of the Development Order upon expiration of the Development Order build-out date for such phase, or for the entire Development Order upon expiration of the Development Order, or upon any material default of the school mitigation conditions of the Development Order or a related development agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.

- k. The portion of any residential development that, prior to July 1, 2005, is the subject of a binding and enforceable development agreement or Capacity Enhancement Agreement designated as a Capacity Commitment Agreement by resolution of the School Board; however, such exemption shall expire upon expiration of the development agreement, Capacity Enhancement Agreement, or upon any material default of the school impact mitigation conditions of such development agreement or Capacity Enhancement Agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.
- l. Any residential development with a letter vesting it for purposes of complying with school concurrency, or which would be vested at common law for purposes of such concurrency requirement implemented by ~~this~~ the Interlocal Agreement, provided that the School Board may contest a vested rights determination as provided in the land development regulations.
- m. Group living facilities that do not generate students and including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse sleeping quarters, dormitory-type facilities for post-secondary students, and religious non-youth facilities, regardless of whether such facilities may be classified as residential uses. (Added 06/08, Ord. 08-11; amended 11/17, Ord. 17-19)

**OBJ PS6.4** Upon completion of an Orange County Public Schools (OCPS) Concurrency Review, a development that fails to meet level of service (LOS) requirements as set forth in policies PS6.4.1, PS6.4.2, PS6.4.3, and PS6.4.4 may be postponed until adequate public school capacity is created. (Added 6/08, Ord. 08-11)

## **POLICIES**

PS6.4.1 A development shall be deemed to meet concurrency if there is available capacity in the Concurrency Service Area (CSA) where the development is

located or where available capacity exists in one or more contiguous CSAs, so long as the level of service (LOS) in the adjacent zone does not exceed 95% of the LOS and the School District does not exceed 100% of capacity on a district-wide basis for the school type. The evaluation of capacity in the adjacent CSAs will also take into account transportation costs and court-ordered desegregation plans. (Added 6/08, Ord. 08-11)

PS6.4.2 Proportionate share, when used for mitigation, shall be calculated based on the number of elementary, middle, and high school students generated by the development at build out. As provided for in the adopted Interlocal Agreement, proportionate share shall be calculated based on reasonable methods of estimating cost of school construction, including, but not limited to, the cost of land, equipment, and school buses. Any Proportionate Share Mitigation must be directed by Orange County Public Schools (OCPS) to a school capacity improvement identified in the capital improvement schedule in the financially feasible five (5) year district work plan of the District Facilities Work Program, and in the Capital Improvements Element in the Comprehensive Plan of the County and the Orange County Municipalities to maintain financial feasibility based upon the adopted level of service (LOS) standards. If a school capacity improvement does not exist in the District Facilities Work Program, OCPS may, in its sole discretion, add a school capacity improvement to mitigate the impacts from a proposed residential development, so long as the financial feasibility of the District Facilities Work Program can be maintained and so long as the County agrees to amend its Capital Improvements Element to include the new school capacity improvement. (Added 06/08, Ord. 08-11)

PS6.4.3 Proportionate Share Mitigation may include payments of money, construction of schools, donations of land, expansion of permanent capacity of existing school campuses, payment of funds necessary to advance schools contained in the ten (10) year District Capital Outlay Plan (DCOP), establishment of charter schools that meet State Requirements for Educational Facilities (SREF) standards, payments into mitigation banks, establishment of an Educational Facilities Benefit District, Community Development District, or other methods identified in the Interlocal Agreement referenced in Policy PS5.1.10 and as may be negotiated between developer and Orange County Public Schools (OCPS) and, as appropriate, Orange County. (Added 06/08, Ord. 08-11; amended 11/17, Ord. 17-19)

\* \* \*

PS6.5.5 In accordance with FS 163.3180(6)(9)(a), the County adopts a long-term school concurrency management system for the most recent ~~the 2007/2008-2017/2018~~ ten (10) year planning period for areas where significant backlog exists. (Added 06/08, Ord. 08-11)

\* \* \*

**Capital Improvements Element  
Goals, Objectives and Policies**

\* \* \*

CIE1.1.1 Orange County shall annually prepare a 5-year schedule of capital improvements, also referred to as a Capital Improvements Program (CIP), for County departments, and those authorities and special districts ~~which~~ that depend on funds allocated by the Board of County Commissioners to guide the timing and location of capital expenditures. The CIP shall be consistent with and prepared pursuant to Section 163.3177(3)(a)4. and 5., Florida Statutes. (Amended 11/17, Ord. 2017-19)

CIE1.1.2 Public physical improvements, including land acquisition, buildings, structures, facilities, equipment, and infrastructure with a unit cost exceeding \$25,000 and a useful life of at least ten years shall be considered capital improvements. For purposes of the Capital Improvements Element, public facilities are defined as those facilities that maintain or improve adopted levels of service for traffic circulation, ~~mass transit,~~ potable water, sanitary sewer, solid waste, parks, stormwater management, and Orange County Public Schools (schools). (Amended 12/00, Ord. 00-25)

\* \* \*

CIE1.1.19 The Work Plan and Policies ~~PW3.1.6, PW3.1.7 and PW3.1.8~~ WAT3.1.6, WAT3.1.7, and WAT3.1.8 of the Potable Water, Wastewater and Reclaimed Water Element contain the water-related projects and improvements that shall be included as part of the County's 5-year schedule of capital improvements. (Added 5/09, Ord. 09-14)

\* \* \*

CIE1.3.2 The County will continue to ensure minimum level of service standards, or adopted quality of service standards, if applicable, are maintained on County roads and State roads within unincorporated Orange County. (Amended 12/00, Ord. 00-25; Amended 6/14, Ord. 2014-12; Amended 12/14, Ord. 2014-30)

CIE1.3.3 RESERVED ~~According to the adopted Concurrency Management System, development permits shall not be issued if the total weekday transit capacity drops below 73,500 person trips per day. This number is equal to 75 percent of the mass transit person trips that are available. (Amended 12/00, Ord. 00-25; Amended 6/14, Ord. 2014-12)~~

CIE1.3.4 When central water service from Orange County ~~Public~~ Utilities is required for development, the level of service standard shall be 275 gallons per day (average daily flow) per equivalent residential ~~unit~~ connection. Flow demands for commercial, industrial or other special developments differing from the flow

values established by the serving utility shall be established from existing records or by estimated projections, using the best available data. These levels of service shall also be applied for planning purposes ~~only to review Development of Regional Impact (DRI) and Comprehensive Plan Future Land Use Map Amendments.~~ (Amended 12/00, Ord. 00-25; Amended 5/13, Ord. 2013-11, Policy PW1.2.5-r)

**A. Timing of Future Treatment Facility Expansion.** Orange County Utilities shall ensure that sufficient water ~~treatment~~ supply facility (WSF) capacity is maintained, consistent with the requirements of the Florida Department of Environmental Protection (FDEP). ~~Once~~ When the WSF maximum daily flow demand (MDF) equals or exceeds 75% of a system's permitted maximum day water treatment capacity or once the sum of current MDF plus future commercial MDF equals or exceeds 90% of permitted capacity, a capacity analysis report shall be ~~presented~~ submitted to the Florida Department of Environmental Protection (FDEP) ~~on the need to increase capacity and, if capacity needs to be increased, the method of increase, estimated cost and timing.~~ The capacity analysis report shall identify recommended improvements, improvement costs and the timing of such improvements. Facilities scheduled for design and construction, as identified by the capacity analysis report, shall be considered for inclusion into Orange County's Five Year and Ten Year Capital Improvements Programs. Facilities approaching build out shall be exempt from this requirement. ~~Facilities approaching build out are defined to be built to the ultimate capacity required to accommodate all projected growth within the system's service area.~~

CIE1.3.5

When central wastewater service from Orange County Utilities is required for development, the level of service standard ~~for wastewater provided by Orange County to unincorporated areas shall be 225 gallons of wastewater per day (average daily flow) per equivalent residential unit. Interim wastewater systems (permanent package treatment plants are no longer allowed in Orange County) shall have the same level of service standard~~ also have an LOS a level of service standard of 225 gallons of wastewater per day (average daily flow) per equivalent residential unit. ~~Wastewater flow~~ Flow demands for commercial, industrial or other special developments differing from the flow values established by the serving utility shall be established from existing records or by estimated projections, using the best available data. These levels of service shall also be applied for planning purposes ~~only to review Development of Regional Impact (DRI) and Future Land Use Map Amendments to the Comprehensive Plan.~~ (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25; Amended 5/13, Ord. 2013-11, Policy WW1.2.5-r)

**A. Timing of Future Treatment Facility Expansion.** Orange County Utilities shall ensure that sufficient ~~wastewater treatment~~ water reclamation facility (WRF) capacity is maintained, consistent with the requirements of the FDEP. ~~Once~~ When the WRF three maximum 3

~~month average daily flow equals or exceeds 50% of a system's the permitted wastewater treatment capacity or once the sum of current three months average daily flow plus future committed average daily flow equals or exceeds 90% of permitted capacity, a capacity analysis report shall be presented submitted to the FDEP Florida Department of Environmental Protection on the need to increase capacity and, if capacity needs to be increased, the method of increase estimated cost and timing. The capacity analysis report shall identify recommended improvements, improvement costs and the timing of such improvements. Facilities scheduled for design and construction, as identified by the capacity analysis report, shall be considered for inclusion into Orange County's Five Year and Ten Year Capital Improvement Program. Facilities approaching build out shall be exempt from this requirement. Facilities approaching build out are defined to be built to the ultimate capacity required to accommodate all projected growth within the system's service area.~~

CIE1.3.6 ~~RESERVED. The level of service standard for solid waste is to maintain a landfill capacity to accommodate solid waste generated at a rate of 6.0 pounds of refuse per day per person.~~

CIE1.3.7 ~~RESERVED The level of service standards for recreation are 1.5 acres of activity based parks and trails per 1,000 residents of the unincorporated area and 6.0 acres of resource based parks per 1,000 residents of the unincorporated area.~~

CIE1.3.8 ~~Refer to SM1.5.8. Orange County shall maintain a level of service standard, for new and existing development, based on the following stormwater quantity and quality criteria:~~

~~A. Design storm based on 24 hour minimum.~~

<i><b>FACILITY</b></i>	<i><b>DESIGN STORM</b></i>
<i>Bridges</i>	<i>50 Year</i>
<i>Canals, ditches, or culverts for drainage external to the development</i>	<i>25 Year</i>
<i>Crossdrains, storm sewers</i>	<i>10 Year</i>
<i>Roadside swales for drainage internal to the development</i>	<i>10 Year</i>
<i>Detention basins</i>	<i>25 Year</i>
<i>Retention basins (no positive outfall)</i>	<i>100 Year</i>

~~B. Pollution abatement shall be accomplished by requiring stormwater management systems to retain or detain with filtration, the first one half inch of run off from developed sites, or the run off generated from the first inch of rainfall on developed sites, whichever is greater.~~

- ~~C. Orange County shall require a retention/detention system that limits peak discharge of a developed site to the discharge from the site in an undeveloped condition during a 24-hour/25-year frequency storm event.~~
- ~~D. Orange County shall require, prior to development approval that projects receive appropriate permits from State agencies to comply with the rules and regulations for stormwater facility design, performance and discharge.~~
- ~~E. Discharged stormwater run-off shall not degrade receiving surface water bodies below the minimum conditions as established by State water quality standards (17-302 and 17-40.420, Florida Administrative Code).~~

\* \* \*

- CIE1.3.11 The County shall review and update Orange County Public Schools' (OCPS') adopted Concurrency Service Areas (CSAs), adopted Level of Service (LOS) and enrollment projections in the annual update of the Capital Improvements Element (CIE) to ensure that the CIE continues to be financially feasible and that the LOS will be achieved. The Projected LOS and CSAs shall be included and depicted in the most recent School Concurrency Data Supplement, which serves as supporting data and analysis for the annual update to the CIE (Added 6/08, Ord. 08-11; Amended 4/11, Ord. 11-03)
- CIE1.3.12 The ten (10) year District Capital Outlay Plan (DCOP) shall include all planned capital projects which increase the capacity of public schools within the County be achieved. (Added 6/08, Ord. 08-11)
- CIE1.3.13 The County shall include the ten (10) year District Capital Outlay Plan (DCOP) in the annual update of the Capital Improvement Element (CIE). (Added 6/08, Ord. 08-11)
- CIE1.3.14 The County hereby incorporates by reference the Orange County Public School (OCPS) 10-Year Capital Outlay Plan for 2015-2016 adopted by the Orange County School Board on September 15, 2015 (the "10-Year Plan"), which includes school capacity sufficient to meet anticipated student demands projected by OCPS.

Notwithstanding the foregoing, to the extent that any proposed educational facility in the 10-Year Plan does not currently have the requisite Future Land Use designation, zoning, or any other legally required development permit (collectively, "Development Approvals"), the County's incorporation by reference of the 10-Year Plan shall not be construed to mean that such facility is approved by the County or that the facility's proposed location will receive approval of any requested Development Approvals in the future. Orange County reserves its right to make a decision on any such requested Development Approvals at a duly advertised and noticed public hearing. Furthermore, by virtue of Orange County's incorporation of the 10-Year Plan,

Orange County is not taking a position, and legally cannot bind its staff or elected officials to take any position in the future, on the potential success of any Development Approvals requested in the future.

(Added 6/08, Ord. 08-11; Amended 4/11, Ord. 11-03; Amended 02/13, Ord. 2013-03; Amended 6/16, Ord. 2016-15)

CIE1.3.15 The County may cooperate with the School Board to ensure that future needs are addressed consistent with the adopted Level of Service (LOS) standards for public schools. (Added 06/08, Ord. 08-11)

CIE1.3.16 The Level of Service (LOS) standards, except for backlogged facilities as provided in Capital Improvements Element (CIE) Policy CIE1.3.18, to implement school concurrency shall be calculated as a percentage of the Adjusted Florida Inventory of School Houses (FISH) Capacity as follows:

- A. Elementary: 110% of Adjusted FISH using Modified Middle School Attendance Zones as CSAs.
- B. Middle: 100% of Adjusted FISH using Middle School Attendance Zones as CSAs.
- C. High, including ninth grade centers: 100% of Adjusted FISH using High School Attendance Zones as CSAs (Note: Adjusted permanent FISH for High Schools does not include in-slots).

The LOS for OCPS' K-8 schools shall be incorporated in the adopted LOS for elementary and middle school CSAs in the following manner: All grades of Arbor Ridge K-8 and Windy Ridge K-8 shall be incorporated in the adopted LOS for elementary schools. For Blanker K-8, grades kindergarten through five shall be included in the adopted LOS for elementary schools and grades six through eight shall be included in the adopted LOS for middle schools. (Added 06/08, Ord. 08-11, Amended 04/10, Ord. 10-03)

\* \* \*

CIE1.3.18 Consistent with Section 15 of the First Amended and Restated Interlocal Agreement, the Level of Service (LOS) standards shall be applied consistently within Orange County and by the School Board to all schools of the same type. All Concurrency Service Areas (CSAs) must achieve the adopted LOS standards identified in CIE1.3.16 and PS6.1.3 by the end of the 5<sup>th</sup> year of the Capital Improvements Schedule, with the exception of the backlogged CSAs which have been placed in a long term concurrency management system. Each backlogged CSA must meet the adopted LOS within the 10-year period identified within the respective adopted Long Term Concurrency Management System for Schools (LTCMSS). The backlogged CSAs are identified in Table A and Table B, along with the existing LOS and projected 5-year and 10-year LOS. Table A reflects the LTCMSS adopted by Amendment 2010-1-B-CIE-1 on April 20, 2010. Table B reflects the LTCMSS adopted by Amendment 2011-1-B-CIE-1 on April 5, 2011 (Amended 4/11, Ord. 11-03):

School Type	Adopted LOS
Elementary	<p>110% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 13 of the Data, Inventory and Analysis.</p> <p>The following elementary school CSAs is designated as backlogged facilities: A, DD, U, and Arbor Ridge.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 6 of the Data, Inventory and Analysis, and must achieve a LOS of 110% by 2017.</p>
Middle	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 14 of the Data, Inventory and Analysis.</p> <p>The following middle school CSAs are designated as backlogged facilities: Apopka MS, Chain of Lakes MS, Gotha MS, Meadow Woods MS, and Walker MS.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 8 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</p>
High	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 15 of the Data, Inventory and Analysis.</p> <p>The following high school CSAs are designated as backlogged facilities: Freedom HS and University HS.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 10 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</p>
(Added 06/08, Ord. 08-11)	



Table A.

<b>Backlogged CSA</b>	<b>Adopted LOS Standard</b>	<b>2009-10 (Existing)</b>	<b>2013/14 (5 Year)</b>	<b>2016-17 (LTCMS 10 Year End Date)</b>
<b>Elementary</b>				
CSA DD	110%	111%	114.6%	100.6%
<b>Middle</b>				
Gotha	100%	147%	104.0%	81.9%
Meadow Woods	100%	113%	108.1%	99.3%
66-M-2-4 (2012)	100%	n/a	100.8%	100.0%
(Added 05/11, Ord. 11-03)				

Table B.

<b>Backlogged CSA</b>	<b>Adopted LOS Standard</b>	<b>2010-2011 (Existing)</b>	<b>2014/15 (5 Year)</b>	<b>2019-20 (LTCMS 10 Year End Date)</b>
<b>Elementary</b>				
CSA I	110%	99%	113%	110%
CSA V	110%	111%	138%	84%
<b>Middle</b>				
Avalon	100%	123%	129%	78%
<b>High</b>				
Dr. Phillips	100%	155%	132%	100%
Olympia	100%	97%	115%	100%
West Orange	100%	113%	155%	100%
(Added 05/11, Ord. 11-03)				

CIE1.3.19 Orange County shall annually review compliance and appropriateness of the adopted Level of Service (LOS) standard. (Added 06/08, Ord. 08-11)

\* \* \*

CIE1.4.5 Orange County will strongly lobby for the inclusion of appropriate projects on the ~~Metropolitan Planning Organization~~ MetroPlan Orlando Transportation Improvement Program (TIP) and the Florida Department of Transportation Work Program to ensure that the appropriate and equitable amount of money is expended on State and County eligible ~~road~~ transportation projects within the County. The County also shall pursue additional funding sources for transportation improvements, consistent with Policy T1.3.5. (Amended 12/00, Ord. 00-25; Amended 09/13, Ord. 2013-19)

\* \* \*

CIE1.4.9 On a project by project basis, Orange County may consider the feasibility and suitability of Community Development Districts, Educational Facilities Benefit Districts, special districts, special assessments, tax increment financing or other such financing mechanisms as deemed appropriate by the County, to serve as an alternative financing technique for the provision of infrastructure and public services. The County may also adopt appropriate application fees (including reimbursement of County expenses) for processing and reviewing requests for such financing mechanisms. Such mechanisms may be considered for, but not limited to, public recreation facilities, public schools, ~~mass-transit facilities~~, and transportation networks, including, but not limited to, roadway capacity projects, intersections and other operations improvements, and multimodal roads and other related infrastructure projects. However, such financing mechanisms shall not be considered for approval if they provide for the funding of infrastructure that would otherwise be funded through traditional land development regulations (i.e. subdivision regulations, etc.), unless the Board of County Commissioners expressly permits such an exception. (Amended 3/99, Ord. 99-04; Amended 06/06, Ord. 06-08)

\* \* \*

CIE1.7.4 Orange County shall use the Long Range Transportation Plan, adopted as part of the Transportation Element, as a long-term schedule of cost-feasible roadway improvements to address current and future roadway deficiencies and will update it annually. (Added 5/96, Ord. 96-11; Amended 12/00, Ord. 00-25; Amended 09/13, Ord. 2013-19)

CIE1.8.5 The County supports the development of multimodal transportation corridors to increase the viability of walking, biking, and transit along these corridors. Transportation improvements shall focus on operational (TSM&O) enhancements, intersection improvements that provide for safe movement of pedestrians and bicyclists, high-visibility pavement markings and refuge islands for pedestrians, multiuse paths, landscaping, bicycle facilities, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Considerations should include, but are not limited to, high-visibility pavement, parking and pedestrian refuge islands, shared use paths, landscaping, bicycle families, increased transit service and bus shelters, and facilities and design that support transit-oriented development. Development within these corridors shall be subject to the site design standards in Policy T2.2.4, as determined by a transportation impact study.

Orange County’s designated multimodal corridors include:

Alafaya Trail	Seminole County Line to Innovation Way
Econlockhatchee Trail	University Boulevard to Lake Underhill Road
Innovation Way	Alafaya Trail to SR 528
International Drive	Sand Lake Road to Central Florida Parkway
Orange Avenue	Hoffner Avenue to Sand Lake Road
University Boulevard	Semorán Boulevard to Alafaya Trail
Valencia College Lane	Goldenrod Road to Econlockhatchee Trail

Additional multimodal corridors may be designated, by amending the table above, where premium transit service is available or forthcoming and on state roadways that are the subject of multimodal corridor feasibility studies by the Florida Department of Transportation. (Amended 09/13; Ord. 2013-19; Amended 12/14, Ord. 2014-30)

\* \* \*

**Intergovernmental Coordination Element  
Goals, Objectives and Policies**

\* \* \*

**OBJ ICE1.1 Orange County shall establish joint planning area agreements ~~and use the informal mediation process of the East Central Florida Regional Planning Council or other mediation group~~ to implement the goals, objectives, and policies of the Comprehensive Plan.**

**POLICIES**

ICE1.1.1 Orange County shall continue discussions and identify issues with:

- A. ~~continue discussions and identify issues with~~ all local governments that have established joint planning area agreements with Orange County. (Amended 12/00, Ord. 00-25)
- B. with local governments that have yet to establish joint planning area agreements with Orange County.
- C. ~~continue discussions and identify issues~~ with its adjoining counties and adjacent cities in adjoining counties with regards to executing joint planning area agreements. (Added 12/00, Ord. 00-25)

ICE1.1.2 ~~Combined with ICE1.1.1 Orange County shall continue to initiate discussions and identify issues with local governments that have yet to establish joint planning area agreements with Orange County.~~

ICE1.1.3 Joint planning area agreements shall establish mechanisms to resolve conflicts resulting from multi-jurisdictional land development and transportation regulations.

\* \* \*

ICE1.1.5 RESERVED. ~~Orange County shall~~

ICE1.1.6 Joint planning area agreements shall establish maps depicting the joint planning area boundaries, land use designations, and densities/intensities for development for areas of joint planning.

\* \* \*

ICE1.1.12 Joint planning area agreements shall address consistent roadway design standards, extensions, widening, operational, and other ~~and~~ improvements.

\* \* \*

ICE1.1.18 Joint planning area agreements shall include provisions for the following:

- A. Collection of County impact fees from development in annexed areas if the City does not collect their own impact fees for the public services or facilities impacted by development in annexed areas; or,
- B. If City impact fees are collected, dedication of a portion of City impact fees for County facilities impacted by development in annexed areas. The provisions shall set forth the type, amount and use of the impact fees that will be dedicated to the County. ~~In addition, the agreement shall recognize the pursuit of establishing County-wide impact fees.~~
- C. Provisions relevant to annexations, which include specific references to enclaves, stormwater, drainage, and the appropriate jurisdictional transfer of roadways and associated drainage facilities. ~~and roadways.~~

\* \* \*

ICE1.2.1 Orange County shall continue its participation on ~~the Technical Committee of METROPLAN Orlando (the Metropolitan Planning Organization) technical committees and subcommittees of MetroPlan Orlando, and its subcommittees.~~ Participation shall include the provision of information and technical assistance as it ~~pertains to~~ for coordinating concurrency management for roads, ~~transit and intermodal transportation.~~ (Also Transportation Policy T2.2.8; Added 12/00, Ord. 00-25; Amended 11/12, Ord. 2012-20)

- ICE1.2.2 ~~Orange County shall continue to coordinate with all adjacent counties and local governments, in or adjacent to Orange County, as appropriate, to ensure the development impacts generated by future development occurring within one jurisdiction will not cause the level of service on arterial and collector roads within Orange County or in the adjacent jurisdiction to ~~diminish below~~ not meet the adopted standard. This coordination shall include provision of information ~~and technical assistance~~ during the comprehensive plan amendment and development review process, and attendance at appropriate meetings. (Also Transportation Policy T2.2.7)~~
  
- ICE1.2.3 ~~Orange County shall continue to coordinate, through written and verbal transmittals, participation in joint technical committees, and by participating in appropriate meetings, transportation level of service standards and capacities associated improvements, and context-based planning for State roads with the Florida Department of Transportation.~~
  
- ICE1.2.4 ~~RESERVED. Orange County shall coordinate with appropriate agencies and entities to ensure that the adopted level of service standards for traffic circulation, mass transit, recreation, potable water, sanitary sewer, solid waste, and stormwater management are maintained through public and private investments. (Also Capital Improvements Element, Objective CIE1.3)~~
  
- ICE1.2.5 ~~RESERVED Orange County shall use intergovernmental assistance to finance only those capital improvements that are consistent with the Capital Improvement Program and County priorities, and whose operating and maintenance costs have been included in operating budget forecasts. (Also Capital Improvements Element, Policy CIE1.1.8)~~
  
- ICE1.2.6 ~~RESERVED The County shall consider coordinating with other local government entities to the fullest extent possible, so as to minimize the overlapping debt burden to citizens. (Also Capital Improvements Element, Policy CIE1.2.13)~~
  
- ICE1.2.7 ~~RESERVED Orange County shall aggressively seek Federal and State funding for appropriate improvements and activities to reduce reliance on the County's ad valorem tax base. (Also Capital Improvements Element, Policy CIE1.4.4)~~
  
- ICE1.2.8 ~~RESERVED Orange County shall strongly lobby for inclusion of appropriate projects on the METROPLAN Orlando Transportation Improvement Program (TIP) and the Florida Department of Transportation Work Program to ensure that the appropriate and equitable amount of money is expended on State and County eligible road projects within the County. (Also Capital Improvements Element, Policy CIE1.4.5; Amended 11/12, Ord. 2012-20)~~

\* \* \*

ICE1.3.1 Orange County shall enter into interlocal agreements for solid waste disposal with other municipalities in order to maximize the long term capacity and

economic efficiency of the Orange County Landfill. The County shall encourage specific commitments to be incorporated in to the interlocal agreements, examples of commitments include but are not limited to tipping rights at the transfer station, guaranteed access to the County's recycling processing facilities and long-term predictable disposal capacity and pricing. Orange County shall enter into and maintain Interlocal Agreements with the cities of Orange County to ensure efficient solid waste disposal. (Added 12/00, Ord. 00-25; also Solid Waste Element, Policy SW1.3.3)

ICE1.3.2 ~~RESERVED~~ ~~Orange County shall continue to expand existing Interlocal Agreements to promote coordinated recycling efforts. (Added 12/00, Ord. 00-25; also Solid Waste Element, Policy SW1.2.6)~~

\* \* \*

ICE1.3.7 Orange County shall continue to ~~establish~~ enter into territorial/joint planning area agreements with adjacent municipalities, counties, and other water and wastewater utilities regulated by the Public Service Commission, in order to encourage cost-effective service to avoid unnecessary duplication in the provision of water and wastewater services, to describe the location of each utility's service area, and to coordinate and confirm the associated service provision commitments. Priorities for the extension of services by these other providers shall be established ~~are referenced~~ in the territorial/joint planning area agreements. (Added 12/00, Ord. 00-25; also ~~Potable Water, Wastewater and Reclaimed Water Element, Policies PW1.6.1 and WW1.6.1)~~

\* \* \*

**OBJ ICE1.4 ~~Orange County shall coordinate with agencies and governments to address inconsistencies with and to further the transportation goals, objectives, and policies of Orange County's comprehensive plan. This objective shall be achieved by implementation of the following policies.~~**

#### **POLICIES**

ICE1.4.1 ~~Orange County shall continue to coordinate and participate, in collaboration with FDOT, METROPLAN, MetroPlan Orlando, the Central Florida Commuter Rail Commission, the Florida Department of Transportation, LYNX, the Orlando-Orange-County Central Florida Expressway Authority, local governments, and the private sector on local and regional transportation issues, such as will plan the development and operation of~~ viable and financially feasible highway transportation systems, including roadway and public transit and mass transit facilities, including appropriate rail or Bus Rapid Transit. (Also Transportation Element, Policy T3.3.1 Policies T3.3.1 and T3.4.1)

ICE1.4.2 ~~Orange County shall~~ will continue to ~~work~~ coordinate with LYNX, ~~doing business as the Central Florida Regional Transportation Authority (CFRTA), to design and implement future transit coordination planning consistent with~~

~~METROPLAN MetroPlan Orlando, Central Florida Expressway Authority, local governments, and private entities to identify needed transportation projects. These include projects named on the Orange County Five-Year Capital Improvements Program and Ten-Year Capital Improvements Schedule, MetroPlan Orlando Transportation Improvement Program, State Transportation Improvement Program, and MetroPlan Orlando Long Range Transportation Plan. Long Range Transit of Regional Needs Network, METROPLAN Orlando Financially Constrained Transportation Network, LYNX Development Plan and LYNX Regional Rail Program. (Also Transportation Policy T3.4.2 Added 12/00, Ord. 00-25)~~

ICE1.4.3 ~~RESERVED Orange County shall continue active support of State Legislature initiatives to provide an adequate level of transportation funding, through written and verbal transmittals and provision of information. (Added 12/00, Ord. 00-25; Amended 11/12, Ord. 2012-20)~~

ICE1.4.4 ~~RESERVED The County shall pursue all additional funding sources such as user fees (rental car surcharge), and higher license and tag fees, or other sources deemed appropriate by the BCC. (Also Transportation Element, Policy T1.3.1.1; Amended 11/12, Ord. 2012-20)~~

ICE1.4.5 ~~RESERVED Orange County shall continue to integrate its public transportation planning with LYNX, the METROPLAN Orlando, the Florida Department of Transportation, the Central Florida Commuter Rail Commission, private entities and other local governments in order to plan for a regional multimodal transportation system. (Also Transportation Element, Objective T3.3; Amended 11/12, Ord. 2012-20)~~

ICE1.4.6 Orange County shall continue to coordinate with LYNX, and ~~METROPLAN MetroPlan Orlando, and Florida Department of Transportation and others, as appropriate,~~ to accommodate special needs of the transportation disadvantaged, in accordance with Federal, State, and local regulations and definitions. This includes including the provision of safe, accessible, and convenient public transportation service and facilities, through financial and technical assistance and through inter-agency agreements. (Also Transportation Element, Policy T3.3.46)

ICE1.4.7 ~~RESERVED Orange County shall coordinate with the local transit providers and other appropriate agencies to ensure the linkage of bus routes with all rail systems, including light rail and commuter rail routes, and to facilitate connection of high density and intensity land use areas to each other by appropriate modes. Such coordination should be done through written and verbal communications, joint ad hoc technical coordinating committees, and attendance at appropriate public hearings. (Amended 11/12, Ord. 2012-20)~~

ICE1.4.8 Orange County shall continue to work with the Orange County School Board, ~~other appropriate educational institutions~~ and LYNX to facilitate transportation

of students to and from school, ~~by written and verbal communications and attendance at appropriate staff and public meetings~~ promote Safe Routes to School and the use of non-motorized transportation, and to identify and address hazardous walking conditions consistent with statutory requirements. (Also Transportation Element, Policy T3.3-~~54.7~~)

ICE1.4.9 ~~Orange County, through its role on METROPLAN Orlando's and the Greater Orlando Aviation Authority's Governing Boards and the West Orange Airport Authority, shall continue to ensure that planned aviation expansions, siting, or construction of new aviation facilities are coordinated with the appropriate Federal, State, and regional agencies and consistent with the Comprehensive Plan.~~ Orange County shall continue to ensure that Greater Orlando Aviation Authority's aviation improvements and operations are coordinated with area transportation agencies and projects, and are supported by appropriate land use and airport noise regulations, are reviewed for potential transportation and environmental impacts and required mitigation, and area consistent with the Comprehensive Plan. (Added 12/00, Ord. 00-25; also Transportation Element, Policy T3.4.2; Amended 11/12, Ord. 2012-20)

\* \* \*

ICE1.4.12 ~~RESERVED Orange County, Greater Orlando Aviation Authority and the West Orange Airport Authority shall coordinate airport ground traffic-generating facilities with surface transportation and transit improvements. Existing and future airports shall be integrated into the overall transportation system.~~ (Added 12/00, Ord. 00-25)

ICE1.4.13 Orange County shall continue to support the transportation planning efforts of LYNX and ~~METROPLAN~~ MetroPlan Orlando, through provision of information, current land use data, socioeconomic projections, data on recent transportation improvements, and technical assistance, participation in meetings, and dissemination of pertinent information to the public. (Also Transportation Element, Policy T1.2.1)

\* \* \*

ICE1.4.15 The County will continue to coordinate with Florida Department of Transportation (FDOT), METROPLAN MetroPlan Orlando, ~~Orlando Orange County~~ Central Florida Expressway Authority, local governments, and private entities to identify needed roadway improvement projects. These include projects named on the Orange ~~county~~ County Five-Year and Ten-Year Capital Improvement Program, ~~METROPLAN~~ MetroPlan Orlando Transportation Improvement Program, State Transportation Improvement Program, and ~~METROPLAN~~ MetroPlan Orlando Long Range Transportation Plan Financially Constrained Network. (Also Transportation Element, Policy T3.3.2)



- ICE1.4.16 Orange County shall continue to coordinate with LYNX, Florida Department of Transportation (FDOT), METROPLAN MetroPlan Orlando and other local governments to identify and designate strategic locations for regional park-and-ride lots. (Also Transportation Element, Policy T3.3.3)
- ICE1.4.17 The County shall coordinate with METROPLAN MetroPlan Orlando and local governments to implement the regional connectivity of the Trails Master Plan. (Also Transportation Element, Policy T3.4.8) (~~Amended 11/13, Ord. 2013-22~~)
- ICE1.4.18 ~~RESERVED In accordance with Florida Statute Chapter 2009-85, House Bill 1021, Orange County shall review and coordinate land use planning and development of airport facilities as specified in the airport master plans. (Added 6/10, Ord. 10-07)~~
- ICE1.4.19 ~~RESERVED Orange County shall review the airport master plans, development proposals and other development plans for the existing and proposed airport facilities to ensure compatibility with surrounding uses and determine the impacts of the development on Orange County residents. (Added 6/10, Ord. 10-07)~~

**OBJ ICE1.5 Orange County shall coordinate with other local governments to address inconsistencies with and to further the potable water and wastewater goals, objectives, and policies of Orange County's comprehensive plan. This objective shall be achieved by implementation of the following policies.**

**POLICIES**

- ICE1.5.1 Orange County shall continue to pursue sources of funding and participate with other localities in order to plan and construct potable water and wastewater systems, through written and verbal communications, joint meetings, participation in planning activities, and by providing technical assistance. (~~Also Potable Water, Wastewater and Reclaimed Water Element, Policy WW1.2.12~~)
- ICE1.5.2 Orange County shall continue to participate in the regional water supply efforts of the St. Johns River Water Management District and the South Florida Water Management District to establish and implement efficient and cost-effective public water supply plans for the region without creating significant adverse impacts to natural systems. (~~Added 12/00, Ord. 00-25; also Potable Water, Wastewater and Reclaimed Water Element, Policy PW1.2.12~~)
- ICE1.5.3 Orange County ~~will~~ shall coordinate with the Water Management Districts, ~~through written and verbal communications and joint technical committees,~~ to monitor the amount of groundwater pumped from the aquifer underlying the Orange County and that is distributed for use outside the County; and, if necessary, assist in the emergency conservation of groundwater. ~~Such coordination should be done through the means of enforcing existing watering limits and a continuing conservation outreach program. (Also Potable Water, Wastewater and Reclaimed Water Element, Policy PW2.2.4)~~

ICE1.5.4 Refer to policy ICE1.3.7. The County shall continue to establish interlocal and territorial agreements with adjacent municipalities and other utilities regulated by the Public Service Commission to encourage cost-effective service to avoid unnecessary duplication in the provision of potable water and wastewater services, to describe the location of each utility's service area, and to coordinate and confirm the associated service provision commitments. (Added 12/00, Ord. 00-25; also Potable Water, Wastewater and Reclaimed Water Element, Policies PW1.6.1 and WW1.6.1)

ICE1.5.5 Orange County shall continue to support and assist the Department of Health, the St. Johns Water Management District, the Department of Environmental Protection, the Wekiva River Basin Commission, and the local governments in implementing the Wekiva Parkway and Protection Act of 2004.

\* \* \*

ICE1.5.7 Orange County shall encourage municipalities, counties, and private entities that export water underlying Orange County to use other sources of potable water and/or use water conservation measures. Such encouragement shall be by providing technical assistance and participating in studies conducted by the Water Management Districts. (~~Also Potable Water, Wastewater and Reclaimed Water Element, Policy PW2.2.5~~)

ICE1.5.8 Pursuant to Chapter 373.609, Florida Statutes, Orange County shall, upon request, assist the Water Management Districts in the enforcement of Water Management district guidelines during declared potable water shortages. (~~Also Potable Water, Wastewater and Reclaimed Water Element, Policy PW2.2.14~~)

ICE1.5.9 Orange County shall coordinate with the St. Johns River Water Management District, the South Florida Water Management District, and other entities to assist with implementation of goals and provisions of the applicable Regional Water Supply Plans, and other local/municipal water resource management and restoration programs, to evaluate the long-term needs of the natural and built environments; to restrict activities that may result in the degradation or overuse of potable water, and treated wastewater, and reclaimed water resources; and to assure adequate water supply for the competing needs of native ecosystems, agriculture, and domestic and industrial users. (~~Also Potable Water, Wastewater and Reclaimed Water Element, Policy PW3.3.1~~)

ICE1.5.10 Orange County shall coordinate, cooperate, and participate with utility providers in the region and the water management districts in the development and update of local and regional water supply plans and assessments. In addition, Orange County will continue to collaborate and jointly develop interconnected sources and facilities to consolidate water services and to improve efficiencies that will support and enable Orange County to perform and implement an effective water supply program. (~~Also Potable Water, Wastewater and Reclaimed Water Element, Policy PW3.2.3~~)

ICE1.5.11 The County will coordinate with the City of Orlando to evaluate improvements and expansion of the Water Conserv II system to support the Master Plan recommendations and other City of Orlando plans. ~~(Also Potable Water, Wastewater and Reclaimed Water Element, Policy PW3.2.4)~~

\* \* \*

**OBJ ICE1.6 Orange County shall coordinate with agencies and governments to address inconsistencies with and to further the groundwater protection goals, objectives and policies of Orange County's comprehensive plan. This objective shall be achieved by implementation of the following policies.**

**POLICIES**

ICE1.6.1 Orange County shall continue to support and assist the Water Management Districts in implementing the development of a County-wide consumptive use study ~~program~~ program utilizing water use projections and groundwater modeling to monitor the effects of withdrawals from the Floridan Aquifer; ~~through provision of information and technical assistance, and participation in joint meetings.~~ (Added 12/00, Ord. 00-25; also ~~Potable Water, Wastewater and Reclaimed Water Element, Policy PW2.2.1~~)

ICE1.6.2 ~~The~~ Orange County shall ~~continue to~~ coordinate with the Water Management Districts, ~~through the exchange of information and attendance at joint technical committee meetings, in order to~~ closely monitor the drilling of new wells, enforce the capping of abandoned wells, and require the placement of valves on existing free flowing wells so water will be used only as required. It is not the intent of this policy to affect agricultural production or agricultural processing. ~~(Also Potable Water, Wastewater and Reclaimed Water Element, Policy PW2.2.3)~~

\* \* \*

ICE1.6.5 Orange County shall continue to coordinate with all governmental entities to establish County-wide regulations for development within prime aquifer recharge areas. (Added 12/00, Ord. 00-25; also ~~Aquifer Recharge Element, Policy AR1.2.3~~)

\* \* \*

ICE1.6.8 If requested, Orange County shall continue to provide technical assistance to the St. Johns River and South Florida Water Management Districts for the preparation and completion of a Needs and Sources Inventory. (Added 12/00, Ord. 00-25; also ~~Aquifer Recharge Element, Policy AR1.2.1~~)

ICE1.6.9 During the course of the planning period Orange County shall attempt to enter into ~~Interlocal Agreements~~ interlocal agreements with other governmental agencies that are involved in stormwater management practices that affect

Orange County. Data sharing and exchange of drainage information shall be emphasized in the ~~Interlocal Agreements~~ interlocal agreements. As part of this process, Orange County shall encourage municipalities to enact surface water management criteria that are technically consistent with and meet State, regional, and County requirements for new development. Actions by municipalities that affect the Orange County drainage system should likewise be communicated to the County. (Added 12/00, Ord. 00-25)

ICE1.6.10 Orange County shall provide technical assistance to the Water Management Districts and United States Geological Survey for the purposes of researching the impacts of impervious surface ratios and land development on the natural rate of aquifer recharge, and preparing Groundwater Basin Resource Availability Inventories. (~~Also Aquifer Recharge Element, Policy AR1.1.9~~)

ICE1.6.11 In coordination with the St. Johns River Water Management District, the South Florida Water Management District, and other local governments or private utilities, Orange County shall seek the development of efficient, cost-effective, and technically feasible water sources that will satisfy ~~and supplement existing~~ and future demands, without causing ~~significant~~ adverse impacts to water quality, wetlands, aquatic systems or the environment. These sources may include, but are not limited to, fresh groundwater, treated wastewater, reclaimed water, stormwater, brackish groundwater, surface water and seawater. In addition, Orange County will proactively investigate the application of new water resource development technologies to meet existing and future water demand. (~~Also Aquifer Recharge Element and Potable Water, Wastewater and Reclaimed Water Element, Policies AR3.2.1 and PW3.2.1~~)

\* \* \*

ICE1.6.13 Orange County shall work with the St. John River Water Management Districts and South Florida Water Management District, during updates to their Regional Water Supply Plans, to identify potentially feasible alternative water supply projects, including those involving aquifer recharge treated wastewater or reclaimed water sources within Orange County. (~~Also Aquifer Recharge Element, Policy AR3.2.3 and Potable Water, Wastewater and Reclaimed Water Element, Policy PW3.3.2~~)

**OBJ ICE1.7 Orange County shall coordinate and plan with agencies and governments to address inconsistencies with and to further the recreation goals, objectives and policies of Orange County's comprehensive plan. This objective shall be achieved by implementation of the following policies.**

## **POLICIES**

ICE1.7.1 ~~Refer to ICE 1.3.3 Orange County shall continue efforts with local utility agencies, through provision of information and technical assistance, and by participating in appropriate meetings, in order to identify sites for recreation purposes, such as the utilization of easements of power lines, drainage or gas~~

~~lines and other lands for recreational trails or linear parks. (Added 12/00, Ord. 00-25; also Recreation Element, Policies R1.5.3 and R1.7.2)~~

\* \* \*

ICE1.7.3 Orange County shall cooperate with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the St. John River Water Management District, and the Florida Division of Forestry in their management programs for the Wekiva Springs State Park/Rock Springs Run State Reserve, the Tosohatchee State Game Preserve, the Hal Scott Preserve, the Split Oak Preserve, and the Seminole Ranch Wildlife Management Area on their management of programs for those parks that extend into the Orange County service area. This cooperation shall include the provision of information and technical assistance, and by attending appropriate staff and public meetings. ~~(Also Recreation Element, Policy R1.5.1)~~

ICE1.7.4 Orange County shall continue to pursue public/private partnerships for funding land acquisitions of natural open spaces and environmentally sensitive lands. ~~(Added 12/00, Ord. 00-25; also Open Space Element, Policy OS1.2.3.1)~~

\* \* \*

ICE1.7.6 Orange County shall continue to pursue joint agency funding for the purchase of public parks. ~~(Also Recreation Element, Policy R1.5.2)~~

ICE1.7.7 Orange County shall continue to coordinate with municipalities and adjacent counties for provision of public parks and recreation facilities through the use of interlocal agreements. In cases where the park acreage of another jurisdiction, whose service area extends into unincorporated Orange County area, that acreage shall be counted towards the level of service standard if an interlocal agreement exists. ~~(Also Recreation Element, Policy R1.5.4)~~

\* \* \*

**OBJ ICE1.8 Orange County shall coordinate with agencies and governments to address inconsistencies with and to further the environmental goals, objectives and policies of Orange County's comprehensive plan. ~~This objective shall be achieved by implementation of the following policies.~~**

\* \* \*

ICE1.8.5 Orange County shall, on an ongoing basis, in conjunction with other appropriate agencies, such as the Water Management Districts, identify and prioritize for corrective measures problem floodplain areas through basin studies. ~~(Also Conservation Element, Policy C1.3.5)~~

\* \* \*

ICE1.8.7 Orange County shall implement a program in conjunction with the Water Management Districts, Florida Department of Environmental Protection, and other applicable agencies to improve soil management along Orange County surface water bodies. This assistance may include, but not be limited to, the protection and planting of desirable native species of aquatic vegetation. Additional measures will be taken to protect the species in the Wekiva Springs Study Area. ~~(Also Conservation Element, Policy C1.5.3)~~

\* \* \*

ICE1.8.9 Orange County shall establish ~~Interlocal Agreements~~ interlocal agreements with adjacent counties and municipalities that protect wetlands, rare uplands, floodplains, habitat containing plants and wildlife listed as threatened, endangered, or species of special concern, and riverine corridors that are located in more than one jurisdiction. (Added 12/00, Ord. 00-25; ~~also Conservation Element, Policy C1.9.3~~)

ICE1.8.10 Orange County shall coordinate, through provision of information and technical assistance, with the St. Johns River Water Management District and adjacent counties for the development of consistent regulations to protect the Econ River Basin. (Added 12/00, Ord. 00-25; ~~also Conservation Element, Policy C2.3.2~~)

ICE1.8.11 Orange County shall coordinate with the City of Apopka concerning implementation of the requirements of the Wekiva River Protection Act through meetings on an as needed basis. ~~(Also Conservation Element, Policy C2.2.13)~~

ICE1.8.12 Orange County shall support, through the provision of information, technical assistance, planning, land acquisition, land use designations, and intergovernmental coordination the restoration of Lake Apopka through the Lake Apopka Surface Water Improvement and Management (SWIM) Program, the Lake Apopka Planning Initiative and the efforts of the Lake Apopka Restoration Council. Orange County shall also support the South Florida Water Management District's Lake Butler SWIM Program. ~~(Also Conservation Element, Policy C2.4.1)~~

ICE1.8.13 Orange County shall cooperate with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission and the Florida Division of Forestry to improve the management of Wekiva Springs Park, the Rock Springs Run State Reserve, the Tosohatchee State Reserve, and the Seminole Ranch Wildlife Management Area, Neighborhood Lakes, Joshua Creek Conservation Area, Hal Scott Preserve and Split Oak Forest Preserve. ~~(Also Conservation Element, Policy C1.9.1)~~

ICE1.8.14 Orange County shall cooperate with the applicable Water Management Districts in the enforcement of the provisions of their emergency water shortage plans. ~~(Also Conservation Element, Policy C1.11.2)~~

ICE1.8.15 Orange County shall coordinate with the St. Johns River Water Management District to monitor and manage the quality of groundwater withdrawals, in order to prevent saltwater contamination due to a decline in potentiometric surface. ~~(Also Conservation Element, Policy C2.2.12)~~

ICE1.8.16 Orange County shall continue to seek long-term revenue sources and partnerships for open-space acquisition and maintenance that will serve to balance habitat related goals with those for improved passive recreation areas and citizen education programs. ~~(Also Conservation Element, Policy C1.7.12)~~

ICE1.8.17 Orange County shall identify jurisdictions on a regional and even worldwide basis to partner in formal agreements to reduce ~~green house~~greenhouse gases (GHG) emissions and encourage local municipalities to develop local climate action plans to work together on this issue. ~~(Also Conservation Element, Policy C3.1.10)~~

ICE1.8.18 The County shall partner with various agencies that have the ability to support the ~~Orange County Climate Change~~ Sustainable Orange County Plan and can assist in reducing greenhouse gas (GHG) emissions. ~~The County shall also explore partnership opportunities with Orlando Orange County Expressway Authority to encourage the use of alternative vehicles and/or car pooling.~~ ~~(Also Conservation Element, Policy C3.1.11)~~

**OBJ ICE1.9 Orange County shall coordinate with agencies and governments to address inconsistencies with and to further the community facilities and services goals, objectives and policies of Orange County’s comprehensive plan. This objective shall be achieved by implementation of the following policies.**

\* \* \*

ICE1.9.3 Orange County shall continue to encourage the Orange County Sheriff’s Department, through written and verbal requests, to attempt to enter into agreements with other law enforcement agencies operating in the County to ensure the health, safety, and general welfare of the people who live, work, and visit Orange County. These agreements should include joint response and compatible communication systems.

\* \* \*

ICE1.9.9 Orange County should coordinate with the Orange County School Board to jointly fund and design new school facilities for joint use such as community meeting sites and community-based recreational activities ~~(Also Public Schools Facilities Element, Policy PS2.1.4)~~

ICE1.9.10 Orange County and the Orange County School Board should enter into agreements for joint use of facilities to include, but not be limited to, schools, community centers, libraries and parks ~~(Also Public Schools Facilities Element, Policy PS2.1.1)~~

ICE1.9.11 Where feasible, Orange County Public Schools (OCPS) and Orange County shall work jointly to co-locate public facilities such as parks, libraries, and community centers with public schools. Where such co-location occurs, both entities shall establish an ongoing management relationship via written agreement that permits the school's use of the public facilities and the public's use of school facilities for community meetings and sports activities. (~~Also Public Schools Facilities Element, Policy PS2.1.2~~)

**OBJ ICE1.10 Orange County shall coordinate with agencies and governments to address inconsistencies with and to further the housing goals, objectives, and policies of Orange County's comprehensive plan. ~~This objective shall be achieved by implementation of the following policies.~~**

### **POLICIES**

ICE1.10.1 The County shall continue to meet annually and coordinate all County housing assistance programs with other municipal, regional, State, and Federal programs that are designed to provide housing opportunities for low and moderate income groups. (~~Also Housing Element, Policy H1.3.3~~)

ICE1.10.2 Orange County shall continue to negotiate ~~Agreements~~ agreements between the County, non-profit groups, and/or other units of local government to implement affordable housing programs. (~~Also Housing Element, Policy H1.3.17~~)

ICE1.10.3 The County shall use available local, State, and Federal assistance programs to provide or rehabilitate housing for low and moderate income households. (~~Also Housing Element, Policy H1.5.1~~)

ICE1.10.4 The County shall continue to cooperate with and provide technical assistance to all housing assistance programs that are designed to provide housing opportunities for low income households in rural areas, homeless people, and the population with special needs. (~~Also Housing Element, Policies H1.7.2, H1.7.3, H1.7.12, H1.7.13~~)

ICE1.10.5 The County shall continue to seek funds from all available sources for affordable housing and rent subsidies for low income eligible senior citizens and persons with disabilities, as well as for construction, modification, or special design improvements of housing for the physically disabled. (~~Also Housing Element, Policies H1.7.9, H1.7.10~~)

ICE1.10.6 The County shall continue to encourage the formation of public/private partnerships to aid in providing assistance to farmworker housing. (Also Housing Element, Policy H1.7.14)

ICE1.10.7 The County shall encourage and coordinate the delivery of housing programs to low wage employees in partnership with major employers. (~~Also Housing Element, Policy H1.3.9~~)



ICE1.10.8 The County shall continue to provide technical assistance to and coordinate with the Central Florida Community Reinvestment Corporation (CFCRC), a not-for-profit lending consortium of local banks and thrifts, in order to help finance affordable housing projects. ~~(Also Housing Element, Policy H1.3.15)~~

ICE1.10.9 The County shall continue to use Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME), and State Housing Initiative Partnership Program (SHIP) funds and also seek legislative authorization of other designated funding sources in the provision of very low, low, and moderate income housing. ~~(Also Housing Element, Policy H1.3.6)~~

**OBJ ICE1.11 Orange County shall coordinate with agencies and governments to address inconsistencies with and to further the stormwater management goals, objectives and policies of Orange County's comprehensive plan. This objective shall be achieved by implementation of the following policies.**

**POLICIES**

ICE1.11.1 Orange County shall participate with other involved agencies to develop and implement lake management plans for those water bodies determined to be in greatest need. If stormwater is determined to be a major water quality problem for a lake, planning shall be undertaken for corrective measures as part of the master stormwater planning process. The Florida Department of Environmental Protection Total Maximum Daily Load Best Management Practices (FDEP TMDL BMAPs) will set the pollution reduction allocations to be accomplished by local, regional, and state agencies. (Also Stormwater Management Element, Policy SM1.2.8)

\* \* \*

ICE1.11.3 Orange County shall cooperate and consult with the City of Orlando, other municipalities, and adjoining governments for the completion of the identified master stormwater plans and the subsequent improvements to these systems. This cooperation shall include provision of information and technical assistance, participation on joint technical committees, and attendance at appropriate meetings. ~~(Also Stormwater Management Element, Policy SM1.4.8)~~

ICE1.11.4 Orange County shall seek from Federal and State sources, additional opportunities for funding and joint projects to facilitate County-wide surface water management programs. ~~(Also Stormwater Management Element, Policy SM1.5.10)~~

ICE1.11.5 Orange County shall continue to establish and strengthen interlocal agreements ~~Interlocal Agreements~~ with other government agencies that are involved in stormwater management practices that affect Orange County or where the parties are jointly involved in a Total Maximum Daily Load Best Management Practice (TMDL BMAP). Data sharing and exchange of drainage information

shall continue to be emphasized in the ~~Interlocal Agreements~~ interlocal agreements. As part of this process, Orange County shall encourage municipalities to enact surface water management criteria that are technically consistent and meet State, regional, and County requirements for new development. Actions by municipalities that affect the Orange County drainage system should likewise be communicated to the County. (~~Also Stormwater Management Element, Policy SM1.5.11~~)

**OBJ ICE1.12 Orange County shall coordinate with agencies and governments to address inconsistencies with and to further the solid waste goals, objectives, and policies of Orange County's Comprehensive Plan. This objective shall be achieved by implementation of the following policies.**

**POLICIES**

ICE1.12.1 Orange County shall coordinate with local governments, through joint meetings and provision of technical assistance, to evaluate alternatives to landfilling solid waste as identified in the Solid Waste Element. (~~Also Solid Waste Element, Objective SW1.6~~)

ICE1.12.2 Orange County shall cooperate, through joint meetings and provision of information, with all State and Federal authorities in the regulation and disposal of hazardous wastes by establishing or expanding programs at the local level. (~~Also Solid Waste Element, Policy SW2.1.1~~)

ICE1.12.3 Orange County shall continue coordination with the Department of Environmental Protection regarding hazardous waste management and collection, to include distributing educational material on this subject to households. (~~Added 12/00, Ord. 00-25; also Solid Waste Element, Policy SW2.1.4~~)

ICE1.12.4 Orange County shall improve its intergovernmental coordination efforts for establishing fees, locating transfer station, and controlling the movement of waste within the County. (~~Also Solid Waste Element, Objective SW1.3~~)

ICE1.12.5 To prevent groundwater contamination, to the maximum extent possible, Orange County shall cooperate with all State and Federal authorities in the regulation, collection, and disposal of hazardous wastes as defined in the Solid Waste Element by implementing programs which include, but are not limited to, the Small Quantity Generator Notification Program and the Local Hazardous Waste Program. (~~Also Aquifer Recharge Element, Policy AR1.2.8~~)

**OBJ ICE1.13 Orange County shall participate in data sharing with local governments and other agencies for the purpose of improving communication, creating efficient provision of services, and encouraging cooperative planning efforts. This objective shall be achieved by implementation of the following policies.**

\* \* \*

ICE1.13.4 Orange County will initiate meetings with cities, agencies, and other units of local government to jointly discuss, write, and implement small area studies and land use plans for areas of mutual interest. These areas shall be referred to as Cooperative Planning Areas (CPAs).

\* \* \*

ICE1.14.2 The County shall provide projected development data to Orange County Public Schools (OCPS) on a regular basis to assist in development of a long-range planning model to project student enrollment. (Added 06/08, Ord. 2008-11)

ICE1.14.3 As a member of the Technical Advisory Committee, the County shall review Orange County Public Schools (OCPS) model projections for consistency with the County's projections and, if necessary, shall recommend additions or modifications to the model results. (Added 06/08, Ord. 2008-11)

**OBJ ICE1.15 Orange County shall, throughout the planning period, coordinate with Orange County Public Schools (OCPS) on issues of concurrency, school siting, population projections and other matters. This objective shall be achieved by implementation of the following policies.**

\* \* \*

ICE1.15.2 The County shall meet regularly with Orange County Public Schools (OCPS) and municipal representatives to plan for the location of future public educational facilities and the needed infrastructure necessary to support future public education facilities, per the requirements of the Interlocal Agreement referenced in Policy PS5.1.10. (Amended 11/17, Ord. 2017-19)

\* \* \*

ICE1.15.4 In an effort to enhance local communities and neighborhoods, Orange County will participate with Orange County Public Schools (OCPS) in the school siting, design and development process so that the school serves as a focal point for the community and is compatible with the Future Land Use Map and with land uses surrounding proposed school sites. (~~Also Public Schools Facilities Element, Policy PS2.2.8~~)

ICE1.15.5 Orange County will coordinate with the Orange County School Board to evaluate alternative funding sources to fund school capital needs and consider support for changes to state legislation to provide for these options as needed. Additional school capital funding mechanisms shall be considered on a countywide basis, including all municipalities. (~~Also Public Schools Facilities Element, Policy PS4.2.6~~)

ICE1.15.6 Orange County and OCPS shall, throughout the planning period, coordinate the siting of new public schools to ensure to the extent possible public school facilities are located to address the needs of future residential development, are coordinated with necessary services and infrastructure development, provide for safe learning environments, are consistent with the County's adopted Future Land Use Map and with the other provisions of the Comprehensive Plan. ~~(Also Public Schools Facilities Element, Policy PS5.2.7)~~

ICE1.15.7 Orange County shall review Orange County Public Schools (OCPS)-generated future enrollment and growth projections on an annual basis and provide input to the OCPS Planning Department. ~~(Also Public School Facilities Element, Policy PS5.1.13)~~

\* \* \*

ICE1.15.9 Orange County shall enter into an agreement with Orange County Public Schools (OCPS) for the School Board to annually provide the Orange County a general educational facilities report containing information outlined in Policy PS5.1.8 of the Public Schools Facilities Element.

**OBJ ICE1.16 Orange County shall, throughout the planning period, coordinate with Orange County Public Schools (OCPS) on establishment and implementation of concurrency requirements for public school facilities, as specified in Section 163.3180(13)(f), FS. Such coordination should be achieved by implementing the policies described below.**

## **POLICIES**

ICE1.16.1 Orange County in consultation with Orange County Public Schools (OCPS), and Orange County municipalities will review and update the school impact fee study at least once every four (4) years. ~~(Also Public Schools Facilities Element, Policy PS4.1.4)~~

ICE1.16.2 Orange County shall cooperate with the Orange County School Board and other local jurisdictions and agencies to address and resolve multi-jurisdictional public schools issues. ~~(Also Public Schools Facilities Element, Policy PS5.1.2)~~

ICE1.16.3 Pursuant to the Interlocal Agreement referenced in Policy PS5.1.10, a Technical Advisory Committee (TAC) comprised of representatives from the County, Municipalities, Orange County Public Schools (OCPS) and the Regional Planning Council shall be established to discuss issues of mutual concern. TAC shall meet quarterly, or as needed, to discuss issues and formulate recommendations regarding coordination of land use and school facilities. (See also Public Schools Facilities Element, Policies PS5.1.10 and PS5.1.11.) (Amended 11/17, Ord. 2017-19)

ICE1.16.4 Pursuant to the Interlocal Agreement referenced in Policy PS5.1.10, Orange County shall provide an update of approved developments, phases of

development and estimated build out by phase to the OCPS Planning Department on an annual basis. ~~(See also Public Schools Facilities Element, Policy PS5.1.12.) (Amended 11/17, Ord. 2017-19)~~

ICE1.16.5 Orange County shall coordinate with OCPS to implement a Concurrency Management System that ensures adequate classroom capacity to accommodate the impacts of new residential development throughout the planning period. ~~(Also Public Schools Facilities Element, Objective PS6.1)~~

ICE1.16.6 The County and OCPS, consistent with the Interlocal Agreement referenced in Policy PS5.1.10, shall establish, and annually review, school CSAs, which will be used to evaluate capacity of schools available to accommodate students generated by proposed development. ~~(See also Public Schools Facilities Element, Objective PS6.2) (Amended 11/17, Ord. 2017-19)~~

ICE1.16.7 Orange County and OCPS shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the Interlocal Agreement referenced in Policy PS5.1.10. ~~(See also Public Schools Facilities Element, Objective PS6.3.) (Amended 11/17, Ord. 2017-19)~~

**OBJ ICE1.17 Orange County shall coordinate its infrastructure improvements and capital facilities, as well as establishment of level of service for public facilities, with state, regional and local governments and agencies. This objective shall be achieved by implementation of the following policies.**

## **POLICIES**

ICE1.17.1 The County shall coordinate future capital improvement projects with the cities in the County, local governments adjacent to the County, and the state to ensure effectiveness, efficiency and logical phasing of projects that may be impacted by another governmental entity. A more formal coordination framework may also be established via an ~~Interlocal~~ interlocal agreement.

\* \* \*

ICE1.17.5 Orange County shall establish plans, regulations and programs, in conjunction with Orange County Public Schools (OCPS) to facilitate the future availability of public school facilities to serve residents, consistent with the adopted level of service for public schools and with state of Florida concurrency statutes and regulations. (Also Public Schools Facilities Element, Goal PS6)

ICE1.17.6 Per University of Central Florida's (UCF's) Campus Master Plan, Orange County shall work cooperatively with the University to seek additional opportunities for joint use facilities.

**OBJ ICE1.18 Orange County shall review and evaluate proposed development, infrastructure improvements, and comprehensive plan amendments**

occurring in local governments and adjacent jurisdictions to ensure their comparability with existing and proposed land uses in the County, as well as their overall impact on the region. ~~This objective shall be achieved by implementation of the following policies.~~

**POLICIES**

ICE1.18.1 ~~RESERVED.~~ The County shall establish an internal team to monitor and review DRIs in adjacent counties to determine the environmental, traffic and land use impacts of proposed development on the County and its residents.

ICE1.18.2 The County shall establish a Capital Improvements Program (CIP) working group to share and discuss planned infrastructure improvements with adjacent jurisdictions and the University of Central Florida (UCF). This coordination shall consist of GIS data sharing and notification of planned improvements.

\* \* \*

**OBJ ICE1.19 Orange County shall coordinate its comprehensive plan with the comprehensive plans of affected local governments, such as municipalities and adjacent counties, as well as with other government agencies. ~~This objective shall be achieved by implementation of the following policies.~~**

\* \* \*

ICE1.20.1 Orange County shall review the campus master plan, development proposals and other development plans of the ~~university~~ University to ensure compatibility with off campus surrounding uses and to determine the impacts of the development on Orange County residents.

ICE1.20.2 The ~~university~~ University and the county shall work cooperatively to develop shared design and signage guidelines to ensure compatibility of on-campus development with the surrounding community.

ICE1.20.3 Where the acquisition of additional lands is necessary for the continued growth and expansion of university facilities, the county shall work cooperatively with UCF on any required amendments to the ~~CPP~~ Comprehensive Plan.

\* \* \*

ICE1.20.5 Orange County shall work with the University of Central Florida (UCF) to establish additional opportunities for increased coordination as identified in the ~~2005-2015~~ Campus Master Plan.

\* \* \*

ICE1.21.3 Orange County and the City of Orlando should explore opportunities to achieve a coordinated effort ~~in~~ planning for the provision of parks and recreation

facilities and services, and multimodal transportation access to parks particularly for large, community-based parks.

- ICE1.21.4 Orange County and its municipalities should continue their close coordination ~~in concerning~~ planning for roadways, multimodal facilities, and operations of traffic signalization systems. ~~This coordination should extend to all other jurisdictions in Orange County and to adjacent counties.~~ (Amended 11/12, Ord. 2012-20)
- ICE1.21.5 Orange County and its municipalities should continue cooperation in the expansion of the provision of emergency power for signalized intersections and other aspects of transportation systems management and operations. (Amended 11/12, Ord. 2012-20)
- ICE1.21.6 Orange County, the City of Orlando and Orlando Utilities Commission (OUC) should establish a joint committee(s) to evaluate issues related to water production, water distribution, water treatment, reclaimed water distribution and stormwater treatment with the goal of consolidating their respective water systems.
- ICE1.21.7 Orange County and its municipalities should jointly plan for parks, fire, schools, ~~roads~~ transportation, and other critical infrastructure needs. (Amended 11/12, Ord. 2012-20)

\* \* \*

***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 23rd DAY OF FEBRUARY, 2021.

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

By: *Jerry L. Demings*  
Jerry L. Demings  
for Orange County Mayor

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

*Katie Smith*  
By: \_\_\_\_\_  
Deputy Clerk

