



ORANGE COUNTY

PLANNING DIVISION

2021-2 REGUAR CYCLE

AMENDMENT

2021-2-B-FLUE-4

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

DECEMBER 14, 2021

ADOPTION PUBLIC HEARING

**2021-2-B-FLUE-4 (FKA 2019-2-C-FLUE-2 AND
2019-2-B-FLUE-5)**

PREPARED BY:

ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

December 14, 2021

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

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

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

SUBJECT: 2021-2 Regular Cycle Comprehensive Plan Amendment
2021-2-B-FLUE-4 (fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5)
(FLU8.1.1) Small Lots
Board of County Commissioners (BCC) Adoption Public Hearing

2021-2 Regular Cycle Staff-Initiated Text Amendment 2021-2-B-FLUE-4 is scheduled for a BCC adoption public hearing on December 14, 2021. This amendment was heard by the Planning and Zoning Commission/Local Planning Agency at an adoption hearing on November 18, 2021. The report will also be available under the Amendment Cycle section of the County's Comprehensive Planning webpage:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The 2021-2 **Regular Cycle-State-Expedited Review Amendment** scheduled for consideration on December 14 entails a staff-initiated text amendment. This amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2021-2 **Regular Cycle-State-Expedited Review Amendment** was heard by the PZC/LPA at a transmittal public hearing on July 23, 2021, and by the BCC at a transmittal public hearing on September 14, 2021. This amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On November 3, 2021, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in January 2022, provided no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Jason Sorensen, AICP, Chief Planner, Current Planning Section, at (407) 836-5602 or Jason.Sorensen@ocfl.net.

AAV/sw

Enc: 2021-2 Regular Cycle Amendment 2021-2-B-FLUE-4
(fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5)
BCC Adoption Staff Report

c: Christopher R. Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney

2021-2 Regular Cycle Amendment 2021-2-B-FLUE-4
(fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5)
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Whitney Evers, Assistant County Attorney
Eric Raasch, AICP, Planning Administrator, Planning Division
Gregory Gologowski, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Read File

2021 SECOND REGULAR CYCLE STAFF-INITIATED TEXT AMENDMENT

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

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the proposed Second Regular Cycle Amendment 2021-2-B-FLUE-4 (fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on November 18, 2021, and is scheduled before the BCC on December 14, 2021.

This Regular Cycle Staff-Initiated Text Amendment scheduled for BCC consideration on December 14 was heard by the PZC/LPA at a transmittal public hearing on July 23, 2021, and by the BCC at a transmittal public hearing on September 14, 2021.

The 2021-2 ***Regular Cycle-State-Expedited Review Amendment*** scheduled for consideration on December 14 is a staff-initiated text amendment. This amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2021-2 ***Regular Cycle-State-Expedited Review Amendment*** has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On November 3, 2021, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in January 2022, provided no challenges are brought forth for the amendment.

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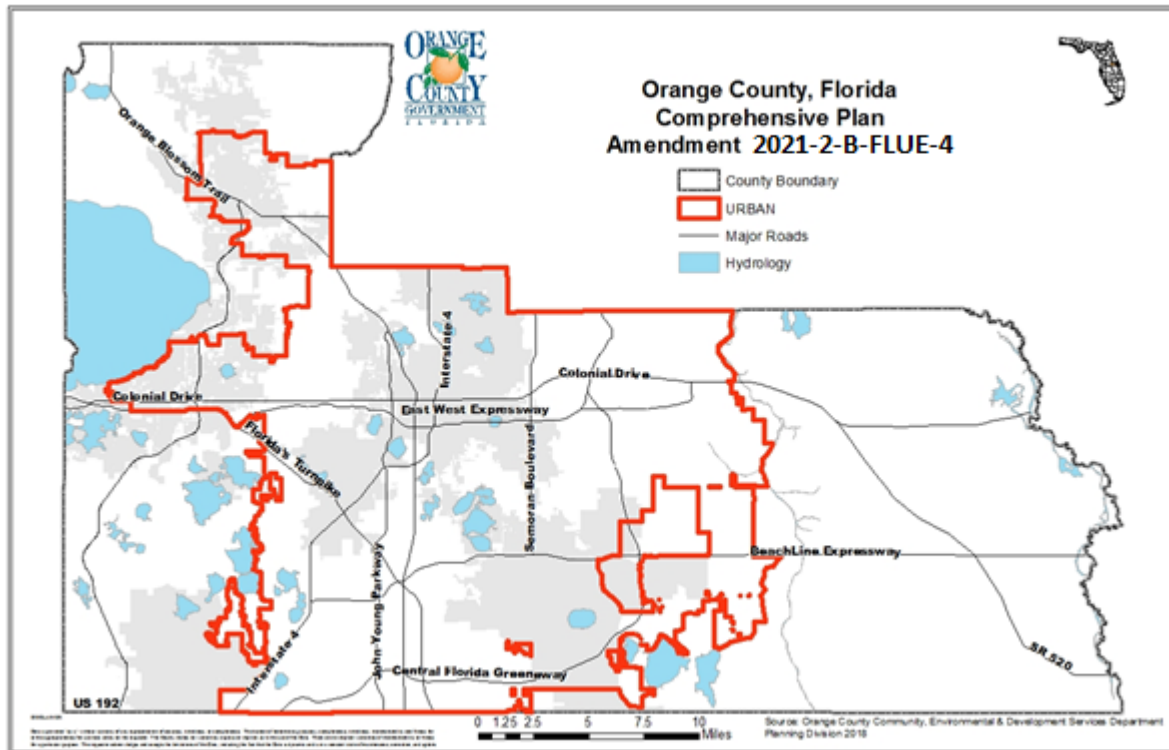
INTRODUCTION.....Tab 1

REGULAR CYCLE AMENDMENT.....Tab 2

Staff-Initiated Text Amendment

Amendment			Page
1.	2021-2-B-FLUE-4 (fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5) (FLU8.1.1) Small Lots	Text amendment to the Future Land Use Element Policy FLU8.1.1 relieving the density requirement, and, in certain instances, the requirement for a Preliminary Subdivision Plan (PSP), for certain qualifying parcels with the Low Density Residential (LDR) future land use designation	1

2021-2 Regular Cycle Comprehensive Plan Amendment					
Staff-Initiated Comprehensive Text Amendment					
Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2021-2-B-FLUE-4 (flka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5) (FLU8.1.1)	Planning Division	Text amendment to the Future Land Use Element Policy FLU8.1.1 relieving the density requirement, and, in certain instances, the requirement for a Preliminary Subdivision Plan (PSP), for certain qualifying parcels with the Low Density Residential (LDR) future land use designation	Jason Sorensen	Adopt	Adopt (7-0)
ABBREVIATIONS INDEX: ABBREVIATIONS INDEX: CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective					



The following meetings/hearings have been held for this proposal:			Project/Legal Notice Information
Report/Public Hearing		Outcome	Title: Amendment 2021-2-B-FLUE-4 (fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5)
✓	Staff Report	Recommend Transmittal	Division: Planning
✓	LPA Transmittal July 23, 2021	Recommend Transmittal (7-0)	
✓	BCC Transmittal September 14, 2021	Recommend Transmittal (7-0)	Request: Text amendment to Future Land Use Element Policy FLU8.1.1 relieving the density, and, in certain instances, the requirement for a Preliminary Subdivision Plan (PSP), for certain parcels with the Low Density Residential (LDR) future land use designation.
✓	Agency Comments	November 2021	
✓	LPA Adoption November 18, 2021	Recommend Adoption (7-0)	
	BCC Adoption	December 14, 2021	Revision: FLU8.1.1

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **ADOPTION** of Amendment 2021-2-B-FLUE-4, revising Future Land Use Element Policy FLU8.1.1.

A. Background

Orange County's Comprehensive Plan establishes Future Land Use (FLU) designations and corresponding densities. However, the zoning districts correlated with each of the FLU designations do not equate the same way in terms of units able to be accommodated per acre.

For example, a ten (10)-acre parcel with a Low Density Residential (LDR) FLU designation would be allowed a development program of up to forty (40) units (four units per acre). However, if the zoning district is R-1 (Single-Family Dwelling District), the proposed lots would be a minimum of 5,000 square feet in size, which suggests that the ten-acre parcel could accommodate eighty-seven (87) units. However, the developer would need to provide roads, open space, stormwater retention, etc., which would reduce the available land for the lots. In the end, the math generally works out.

In areas where infrastructure already exists, the mismatch between the FLU densities and the zoning district size and dimension criteria becomes problematic.

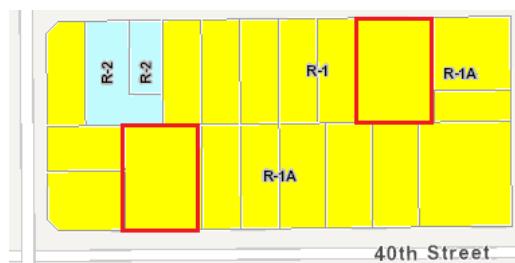
Despite the LDR FLU, the density of an R-1 minimum lot is 8.7 units per acre. To look at it another way, the minimum lot size needed for an LDR parcel at four units per acre is 10,890 square feet (43,560 sq. ft. divided by 4). The table below describes the relationship between the LDR FLU and R-1 zoning. This example omits land for roads, stormwater, etc. and is meant to simply show the mismatch between the calculations.

Property Size - 1 acre	LDR FLU	R-1 Zoning
Density	4 units / acre	N/A
Minimum Lot Size	N/A	5,000 s.f.
Lots feasible for property	4	8 (8.7)
Inverse Calculation		
Lot Size	10,890 s.f. needed per lot	N/A
Density	N/A	8.7 units per acre

This mathematical dilemma is obstructive when a homeowner wants to split their lot in a neighborhood where infrastructure already exists.

The illustration below is an example of an area that has a FLU designation of Low Density Residential (LDR) and mixed zoning of R-1 and R-1A (Single-Family Dwelling District). If the lots outlined in red were proposed to be split (reverted to the underlying platted lots), it would require a FLU of Low-Medium Density Residential (LMDR), which allows consideration of up to ten (10) units per acre. In this example, the lots proposed for a reversion to plat would need R-1 zoning, since the lots are 50 feet wide and 5,000 square feet in size.

This inconsistency creates a situation where an owner who wishes to revert to the original lot configuration or create lots that are similar in size to others in the immediate area cannot because the existing lot is not large enough for the necessary area to meet the density requirements to qualify for a lot split.



The focus of the current Comprehensive Plan amendment is on those parcels within the Urban Service Area that have a Low Density Residential (LDR) future land use designation and, because they cannot meet the minimum density requirements, become inconsistent with the density requirement, although they can still meet the minimum standards of the zoning district.

Regulations in Place

The Orange County Subdivision Regulations (Chapter 34 of the Orange County Code) require a Preliminary Subdivision Plan (PSP) for the creation of four (4) or more lots.

A proposed lot split must meet the minimum requirements of the underlying zoning district, including minimum lot area, lot width, and front and side yard setbacks. A proposed lot split cannot create a nonconformity. Staff cannot approve a lot split for a parcel improved with a residence that cannot meet the setbacks unless variances are approved through the Board of Zoning Adjustment.

The proposed language associated with this amendment would allow for lot splits of more than four lots, as long as infrastructure already exists.

B. Summary of Proposed Changes

Staff proposes amending the Comprehensive Plan to exempt single-family residences (and mobile-homes within R-T-1) with a Low Density Residential Future Land Use and R-1A, R-1, R-2 (Residential District), and R-T-1 (Mobile Home Subdivision District) zoning located within the Urban Service Area from the density requirement and to not require a PSP for lot splits proposed under this amendment when infrastructure already exists. This would allow lot splits that otherwise meet the zoning district requirements but do not meet the density requirement.

Staff analyzed the existing conditions to understand the extent to which the proposed amendment could affect residential parcels. The majority of the parcels that could be affected by this are located within the Urban Service Area in existing platted subdivisions. The proposed amendment would apply only to parcels located within the Urban Service Area that were platted prior to the Comprehensive Plan adoption in 1991.

C. Policy Amendments

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

- FLU8.1.1 (a) The following zoning and future land use correlation shall be used to determine 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(C). Orange County's **Zoning and Future Land Use Correlation** is referenced herein as follows:

Zoning and Future Land Use Correlation		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
Urban Residential		
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

<p>**** The maximum density requirement of four (4) units per acre shall not apply to a legal lot of record as recognized by the Zoning Division with a future land use designation of Low Density Residential (LDR) and which, as of _____, 20____, is zoned R-1A, R-1, R-2, or R-T-1, or may be rezoned from one of those four zoning districts to another of those zoning districts in accordance with this policy, provided that each of the following criteria are met:</p> <ol style="list-style-type: none"> 1. <u>The subject property is located within the Urban Service Area;</u> 2. <u>The proposed density and/or lot sizes are similar and compatible to those in the surrounding area and consistent with the pattern of surrounding development;</u> 3. <u>The subject lot of record, or each resulting lot if a lot split is proposed, is accessed by an open and maintained County-approved roadway;</u> 4. <u>The proposed minimum lot size and lot width requirements comply with the underlying zoning district, unless a variance or rezoning is obtained in accordance herewith;</u> 5. <u>Any proposed lot split would revert to the configuration of the originally platted lots or legally subdivided lots prior to 1991; if a parcel of land contains two (2) or more lots of record in their entirety, lot lines may be reconfigured, so long as each resulting lot created is able to meet the minimum lot width and area requirements (subject to obtaining a variance if needed), and so long as the total number of lots created does not exceed the number of lots of record contained within the parcel as originally platted or legally subdivided; and</u> 6. <u>For R-2 zoned properties, the proposed use is single-family detached residential.</u> <p><u>Also, provided the existing infrastructure is sufficient to support the lots created under this policy, a Preliminary Subdivision Plan (PSP), or an additional PSP, as the case may be, will not be required.</u></p> <p><u>A property that needs to be rezoned in order to benefit from this policy may do so, provided: (1) it is rezoned from one of the above-referenced zoning districts to another of the above-referenced zoning districts, (2) the rezoning is necessary to ensure the proposed residential development of the property is consistent with the development pattern in the surrounding area, and (3) the Zoning Manager determines that any development, if built, would constitute a bona fide "urban infill" project in a manner consistent with the County's policies to encourage compact urban development and discourage urban sprawl.</u></p>		

* * *

ORDINANCE NO. 2021-_____

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 2021 CALENDAR YEAR
(SECOND CYCLE); AND PROVIDING AN EFFECTIVE
DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for
a local government in the State of Florida to adopt a comprehensive plan and amendments to a
comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of
Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive
Plan; and

c. On December 14, 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. Amendment to Text of the Future Land Use Element. The Comprehensive
Plan is hereby amended by amending the text of the Future Land Use Element to read as follows,

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

* * *

[Amendment 2021-2-B-FLUE-4, f/k/a 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5:]

FLU8.1.1 (a) The following zoning and future land use correlation shall be used to determine 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(C). Orange County's **Zoning and Future Land Use Correlation** is referenced herein as follows:

<i>Zoning and Future Land Use Correlation</i>		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
<i>Urban Residential</i>		
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

**** The maximum density requirement of four (4) units per acre shall not apply to a legal lot of record as recognized by the Zoning Division with a future land use designation of Low Density Residential (LDR) and which, as of December 14, 2021, is zoned R-1A, R-1, R-2, or R-T-1, or may be rezoned from one of those four zoning districts to another of those zoning districts in accordance with this policy, provided that each of the following criteria are met:		
<ol style="list-style-type: none">1. <u>The subject property is located within the Urban Service Area;</u>2. <u>The proposed density and/or lot sizes are similar and compatible to those in the surrounding area and consistent with the pattern of surrounding development;</u>3. <u>The subject lot of record, or each resulting lot if a lot split is proposed, is accessed by an open and maintained County-approved roadway;</u>4. <u>The proposed minimum lot size and lot width requirements comply with the underlying zoning district, unless a variance or rezoning is obtained in accordance herewith;</u>		

<i>Zoning and Future Land Use Correlation</i>		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
<p>5. <u>Any proposed lot split would revert to the configuration of the originally platted lots or legally subdivided lots prior to 1991; if a parcel of land contains two (2) or more lots of record in their entirety, lot lines may be reconfigured, so long as each resulting lot created is able to meet the minimum lot width and area requirements (subject to obtaining a variance if needed), and so long as the total number of lots created does not exceed the number of lots of record contained within the parcel as originally platted or legally subdivided; and</u></p> <p>6. <u>For R-2 zoned properties, the proposed use is single-family detached residential.</u></p> <p><u>Also, provided the existing infrastructure is sufficient to support the lots created under this policy, a Preliminary Subdivision Plan (PSP), or an additional PSP, as the case may be, will not be required.</u></p> <p><u>A property that needs to be rezoned in order to benefit from this policy may do so, provided: (1) it is rezoned from one of the above-referenced zoning districts to another of the above-referenced zoning districts, (2) the rezoning is necessary to ensure the proposed residential development of the property is consistent with the development pattern in the surrounding area, and (3) the Zoning Manager determines that any development, if built, would constitute a bona fide “urban infill” project in a manner consistent with the County’s policies to encourage compact urban development and discourage urban sprawl.</u></p> <p style="text-align: center;">***</p>		

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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.

58 ADOPTED THIS 14th DAY OF DECEMBER, 2021.

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ORANGE COUNTY, FLORIDA

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By: Board of County Commissioners

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By: _____

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Jerry L. Demings

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Orange County Mayor

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69 ATTEST: Phil Diamond, CPA, County Comptroller

70 As Clerk to the Board of County Commissioners

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74 By: _____

75 Deputy Clerk