




**Interoffice Memorandum**

**DATE:** May 13, 2024

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

**FROM:** Tanya Wilson, AICP, Director   
Planning, Environmental, and Development Services  
Department

**CONTACT PERSON:** **Jason Sorensen, AICP, Chief Planner**  
**407-836-5602**

**SUBJECT:** Adoption Public Hearing – June 4, 2024, Small-Scale  
Future Land Use Map Amendment and Concurrent  
Rezoning Request  
Applicant: Orange County Housing and Community  
Development Division  
SS-24-04-012 and RZ-24-04-013  
District 6

Please find the attached staff report and associated back-up material for the Small-Scale Future Land Use Map Amendment and Concurrent Rezoning request scheduled for a Board adoption public hearing on June 4, 2024.

The 0.16 gross-acre site is located at 125 S. John Street; generally located north of Old Winter Garden Road, south of W. Church Street, east of S. Powers Drive, and west of S. Kirkman Road. The request is to change the Future Land Use Map designation from Commercial (C) to Low Density Residential (LDR) and rezone the property from R-3 (Multiple-Family Dwelling District) to R-1 (Single-Family Dwelling District) to allow for one (1) single-family dwelling unit, proposed to be certified affordable, and dedicated to a nonprofit agency for development.

This request supports the County's Housing for All 10-year Action Plan and the Affordable Housing Trust Fund Plan. This single-family home lot is intended to be marketed to low-to-moderate income families.

The Planning and Zoning Commission / Local Planning Agency hearing was held on April 18, 2024, where the requests were unanimously recommended for

approval. No speakers were present during the public comment period. A community meeting was not required for this amendment.

If the Board adopts the proposed amendment, the Small-Scale Development Amendment will become effective 31 days after the public hearing, provided no challenges are brought forth for the amendment.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Low Density Residential (LDR) Future Land Use map designation (SS-24-04-012), ADOPT the associated ordinance, and APPROVE the R-1 (Single-Family Dwelling District) (RZ-24-04-013).  
District 6**

TW/JS/kh  
Attachments

**CASE # SS-24-04-012**

**RZ-24-04-013**

Commission District: #6

**GENERAL INFORMATION**

**APPLICANT:** Orange County, Housing Division

**OWNER:** Orange County BCC

**HEARING TYPE:** Planning and Zoning Commission

**FLUM REQUEST:** **Commercial (C) to  
Low Density Residential (LDR)**

**ZONING REQUEST:** **R-3 (Multiple-Family Dwelling District) to  
R-1 (Single-Family Dwelling District)**

**LOCATION:** 125 S. John Street; generally located north of Old Winter Garden Rd, south of W Church Street, east of S Powers Dr, and west of S Kirkman Rd.

**PARCEL ID NUMBER:** 25-22-28-6424-03-080

**SIZE/ ACREAGE:** 0.16- gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred thirty-three (133) notices were mailed to those property owners in the surrounding area.

**COMMUNITY MEETING:** A community meeting was not required for this application.

**PROPOSED USE:** One Single-Family Dwelling Unit (Proposed to be certified affordable)

**STAFF RECOMMENDATION**

**PLANNING**

**Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Low Density Residential (LDR) Future Land Use Map designation.**

**Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.**

## **SUBJECT PROPERTY ANALYSIS**

### **Overview**

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 0.16-acre subject property from Commercial (C) to Low Density Residential (LDR) and to rezone from R-3 (Multiple-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to allow for the lot to be dedicated to a nonprofit agency for development of one certified affordable detached single-family home. This property was zoned R-3 in 1957 and received the conflicting Commercial FLUM designation when the comprehensive plan was adopted in 1991.

The subject property is a County-owned surplus lot that is currently vacant with an inconsistent future land use and zoning designation. The immediate surrounding area is developed with detached single-family homes on 50 ft wide lots, retail commercial properties, and a cemetery.

This request supports the County's Housing for All 10-year Action Plan and the Affordable Housing Trust Plan. This lot will be advertised and subsequently dedicated to a nonprofit agency for the development of a certified affordable single-family home intended to be marketed to low- to moderate- income families.

This property is within the Orange County Utilities wastewater service area and wastewater is considered unavailable at this property. Development on this property will be required to adhere to the criteria for advanced septic tanks.

### **Existing FLUM**

Today the subject property has a Future Land Use Designation (FLUM) of Commercial (C) which allows for commercial uses and a maximum Floor Area Ratio of 1.5.

### **Proposed FLUM**

The proposed Low Density Residential (LDR) FLUM designation and R-1 zoning will allow one detached single-family home to be built.

### **Land Use Compatibility**

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

### **Site Analysis**

#### **Rural Settlement**

The subject property is not located in a Rural Settlement.

#### **Joint Planning Area (JPA)**

The subject property is not located in a JPA.

#### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located in an Airport Noise Zone.

**Code Enforcement**

No cases found.

**Comprehensive Plan (CP) Consistency**

The proposed CP amendment to Low Density Residential (LDR) Future Land Use Map (FLUM) designation and the proposed R-1 (Single-Family Dwelling District) zoning would allow consistency of FLUM and zoning designations.

The proposed request is consistent with the following Comprehensive Plan provisions:

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

**FLU1.4.4** states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

**FLU8.1.1** states that the 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.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

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

**FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

**H1.3.8** states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

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

**SITE DATA**

**Existing Use** **County Owned Surplus Lot**

<b>Adjacent</b>	<b>FLUM</b>	<b>Zoning</b>
<b>North</b>	Low Density Residential (LDR)	R-3 (Multiple-Family Dwelling District) (1957)
<b>East</b>	Commercial (C)	Restricted C-1 (Retail Commercial District) (2006)
<b>West</b>	Commercial (C)	Restricted P-O (Professional Office District) (2002)
<b>South</b>	Commercial (C)	C-1 (Retail Commercial District) (1957)

**Adjacent Land Uses**    N: Single-Family Residential  
                                   E: Commercial Vacant Land  
                                   W: Commercial Vacant Land  
                                   S: Retail

**R-1 (Single-Family Dwelling District) Development Standards**

Min. Lot Area: 5,000 sq. ft.  
 Min. Lot Width: 50 ft.  
 Max. Height: 35 ft.  
 Min. Living Area: 1,000 sq. ft.

**Building Setbacks**

Front: 20 ft.  
 Rear: 20 ft.  
 Side: 5 ft.

*\* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

**Intent, Purpose, and Uses**

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

## **SPECIAL INFORMATION**

### **Staff Comments**

#### **Environmental**

Enhanced Septic/Sewer Requirement - This site is located within the Lake Okeechobee Basin Management Action Plan (BMAP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required.

Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. There is an increased likeliness for presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

#### **Transportation / Access**

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in a decrease of 47 pm peak trips and therefore will not impact the area roadways. The subject property is located on South John Street, north of Old Winter Garden Road. Based on the Concurrency Management System (CMS) database dated March 4, 2024, all roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment

to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

**Schools**

One home is de minimis.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities Service Area (Availability of services may vary)**

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

This property is within the Orlando Utilities Commission Water Service Area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Area. In accordance with Orange County Code Chapter 37:

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

Development on this property will required an advanced treatment septic system.

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.



**ACTION REQUESTED**

Planning and Zoning Commission (PZC) Recommendation – April 18, 2024

**Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Low Density Residential (LDR) Future Land Use Map designation.**

**Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.**

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Low Density Residential (LDR) Future Land Use Map designation and APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present for the hearing and agreed with staff's recommendation. No speakers were present to speak during the public comment portion.

Staff indicated that one hundred thirty-three (133) notices were sent to property owners and residents extending 500 feet surrounding the property, and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

A brief discussion ensued about the trees on the property. Commissioner Spears helped to clarify that the trees shown are not live oaks and are likely laurel oaks which typically have a short lifespan and can become hazardous in high winds. A motion was made by Commissioner Evans and seconded by Commissioner Wiggins to recommend adoption and approval of the requested Low Density Residential (LDR) Future Land Use Map designation and R-1 (Single-Family Dwelling District) zoning. The motion carried on a 7-0 Vote.

- |                             |  |
|-----------------------------|--|
| <b>Motion / Second</b>      | <i>Camille Evans / George Wiggins</i>  |
| <b>Voting in Favor</b>      | <i>Camille Evans, George Wiggins, Eddie Fernandez, Michael Arrington, Evelyn Cardenas, David Boers and Gordon Spears</i> |
| <b>Voting in Opposition</b> | <i>None</i>  |
| <b>Absent</b>               | <i>Nelson Pena and Walter Pavon</i>  |

SS-24-04-012 & RZ-24-04-013

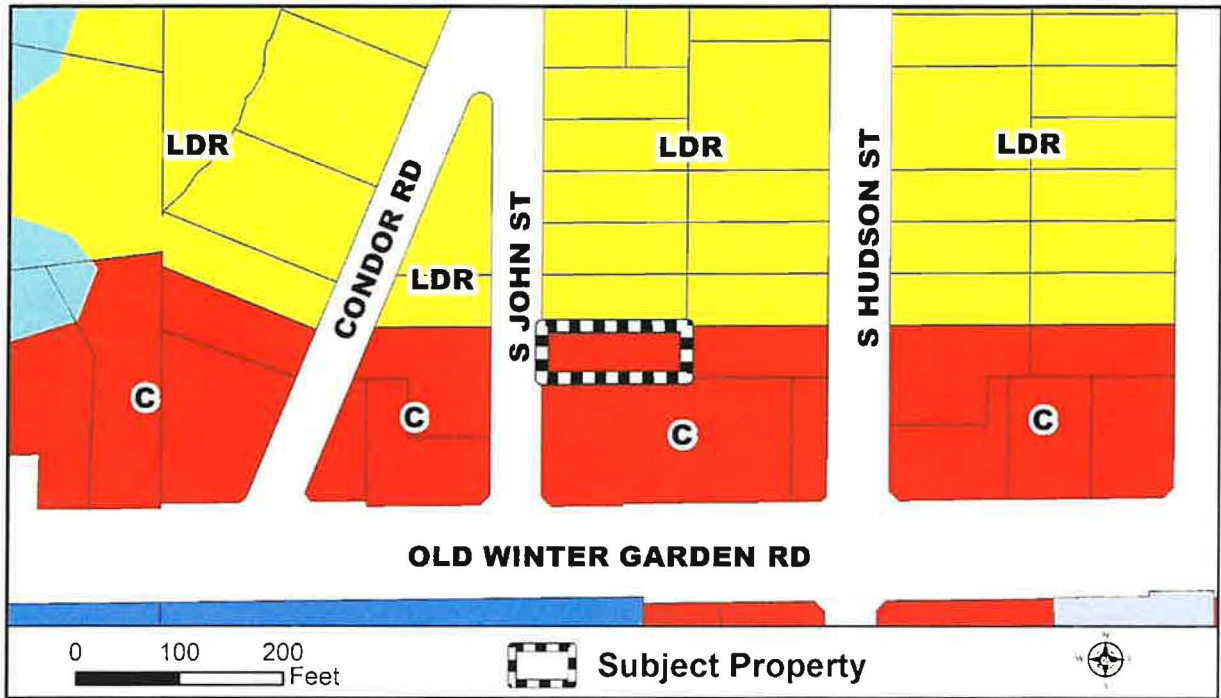


 Subject Property

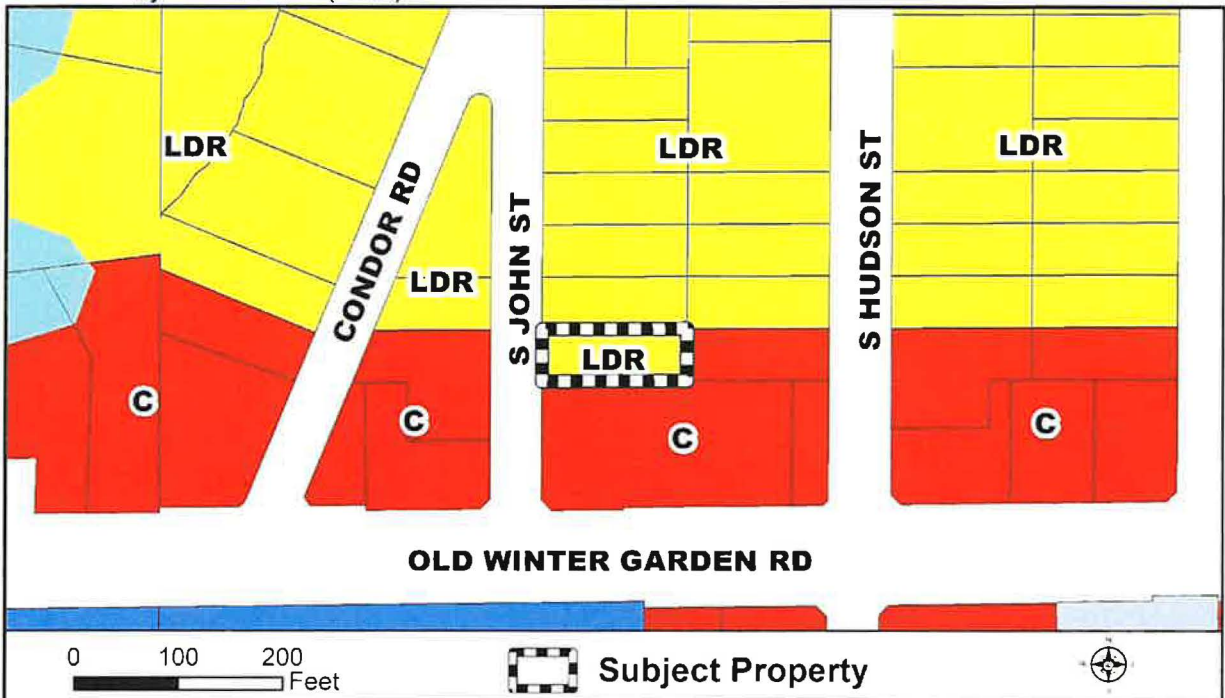


0 100 200  
Feet

**FUTURE LAND USE – CURRENT**  
Commercial (C)

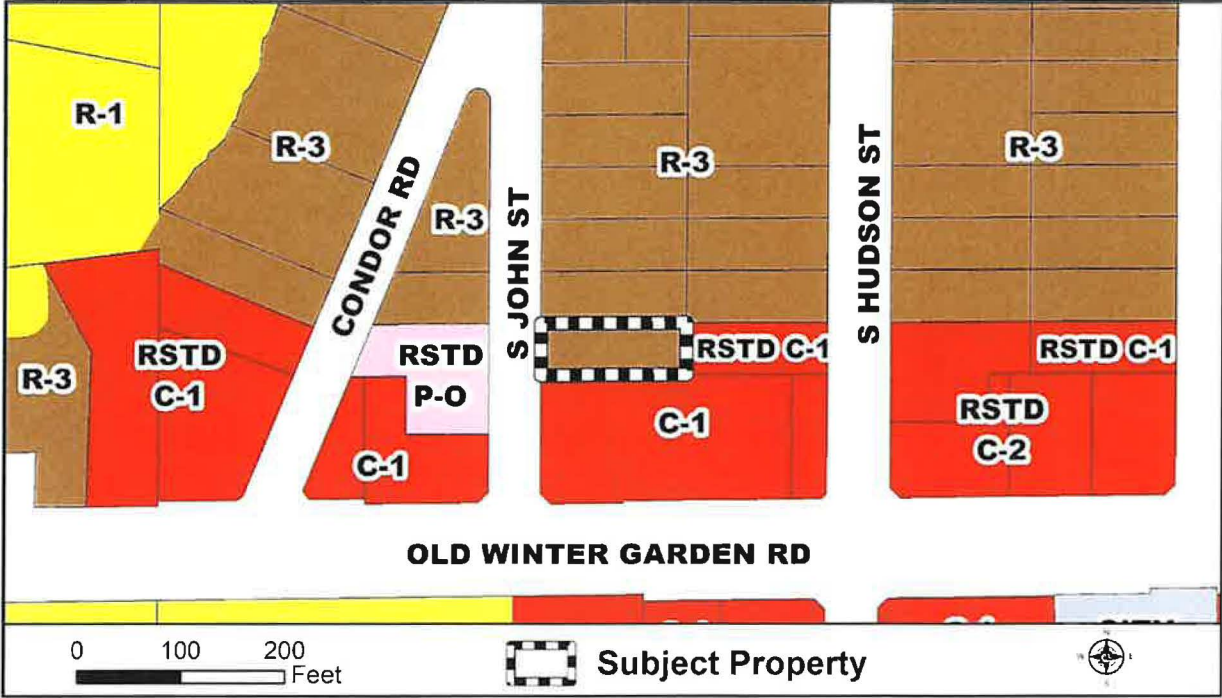


**FUTURE LAND USE – PROPOSED**  
Low Density Residential (LDR)



**ZONING – CURRENT**

R-3 (Multiple-Family Dwelling District)



**ZONING – PROPOSED**

R-1 (Single-Family Dwelling District)



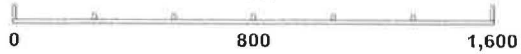


# Public Notification Map

SS-24-04-012 & RZ-24-04-013



SUBJECT\_SITE



## MAP LEGEND



SUBJECT\_SITE

NOTIFIED\_PARCELS



500 FT BUFFER

COURTESY PARCELS



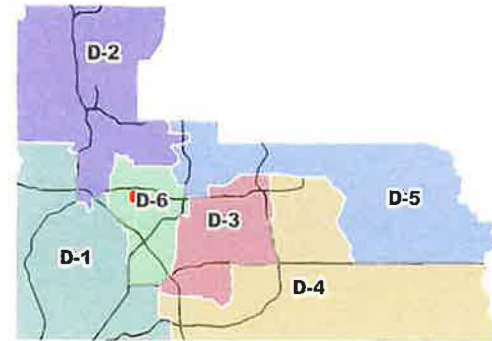
HYDROLOGY



PARCELS

**BUFFER DISTANCE:** 500

**# OF NOTICES:** 133



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## NOTIFICATION MAP

Case # SS-24-04-012  
 Orange County Planning Division  
 BCC Hearing Date: June 4, 2024

ORDINANCE NO. 2024-\_\_\_\_\_

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 A SMALL SCALE DEVELOPMENT AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; 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 June 4, 2024, 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 Future Land Use Map.*** The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 \* \* \*

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

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

35 (b) Pursuant to Section 163.3187(5)(c), Florida Statutes, the small scale development  
36 amendment adopted in this ordinance may not become effective until 31 days after adoption.  
37 However, if an amendment is challenged within 30 days after adoption, the amendment that is  
38 challenged may not become effective until the Department of Commerce or the Administration  
39 Commission issues a final order determining that the adopted amendment is in compliance.

40 (c) In accordance with Section 163.3184(12), Florida Statutes, any concurrent zoning  
41 changes approved by the Board are contingent upon the related Comprehensive Plan amendment  
42 becoming effective. Aside from any such concurrent zoning changes, no development orders,  
43 development permits, or land uses dependent on this amendment may be issued or commence  
44 before the amendment has become effective.

45 ADOPTED THIS 4TH DAY OF JUNE, 2024.

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

48  
49  
50  
51 By: \_\_\_\_\_  
52 Jerry L. Demings  
53 Orange County Mayor

54  
55 ATTEST: Phil Diamond, CPA, County Comptroller  
56 As Clerk to the Board of County Commissioners

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59  
60 By: \_\_\_\_\_  
61 Deputy Clerk

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## APPENDIX "A"

### FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
SS-24-04-012	Commercial (C)	Low Density Residential (LDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

67