



# ORANGE COUNTY

PLANNING DIVISION

## 2021-2 OUT-OF-CYCLE REGULAR CYCLE STAFF-INITIATED TEXT AMENDMENT

2010 - 2030 COMPREHENSIVE PLAN

### BOARD OF COUNTY COMMISSIONERS

APRIL 5, 2022  
ADOPTION PUBLIC HEARING  
2021-2-C-FLUE-2

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

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION








Interoffice Memorandum

April 5, 2022

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 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment  
2021-2-C-FLUE-2 (Rural Settlement Perimeters – Policies FLU6.2.7 and FLU6.2.8)  
Board of County Commissioners (BCC) Adoption Public Hearing

2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment 2021-2-C-FLUE-2 is scheduled for a BCC adoption public hearing on April 5, 2022. This amendment was heard by the Planning and Zoning Commission/Local Planning Agency at an adoption hearing on March 17, 2022. 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 **Out-of-Cycle Regular Cycle-State-Expedited** Review amendment scheduled for consideration on April 5 entails one staff-initiated text amendment. The text amendment involves changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2021-2 **Out-of-Cycle Regular Cycle-State-Expedited** Review Amendment was heard by the PZC/LPA at a transmittal public hearing on December 16, 2021, and by the BCC at a transmittal public hearing on January 11, 2022. This amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On February 25, 2022, 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 considered for adoption 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 May 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](mailto:Alberto.Vargas@ocfl.net) or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/sw

Enc: 2021-2 Out-of-Cycle Regular Cycle Comprehensive Plan Amendment 2021-2-C-FLUE-2 –



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**2021 SECOND REGULAR CYCLE  
OUT-OF-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 Out-of-Cycle Second Regular Cycle Staff-Initiated Text Amendment (2021-2) to the Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on March 17, 2022, with the BCC adoption public hearing scheduled for April 5, 2022.

The Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment scheduled for BCC consideration on April 5 was heard by the PZC/LPA at a transmittal public hearing on December 16, 2021, and by the BCC at a transmittal public hearing on January 11, 2022.

The 2021-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review amendment entails one staff-initiated text amendment. The text amendment involves changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2021-2 ***Out-of-Cycle 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 February 25, 2022, 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 considered for adoption 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. Therefore, this amendment is expected to become effective in May 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](mailto:Alberto.Vargas@ocfl.net) or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

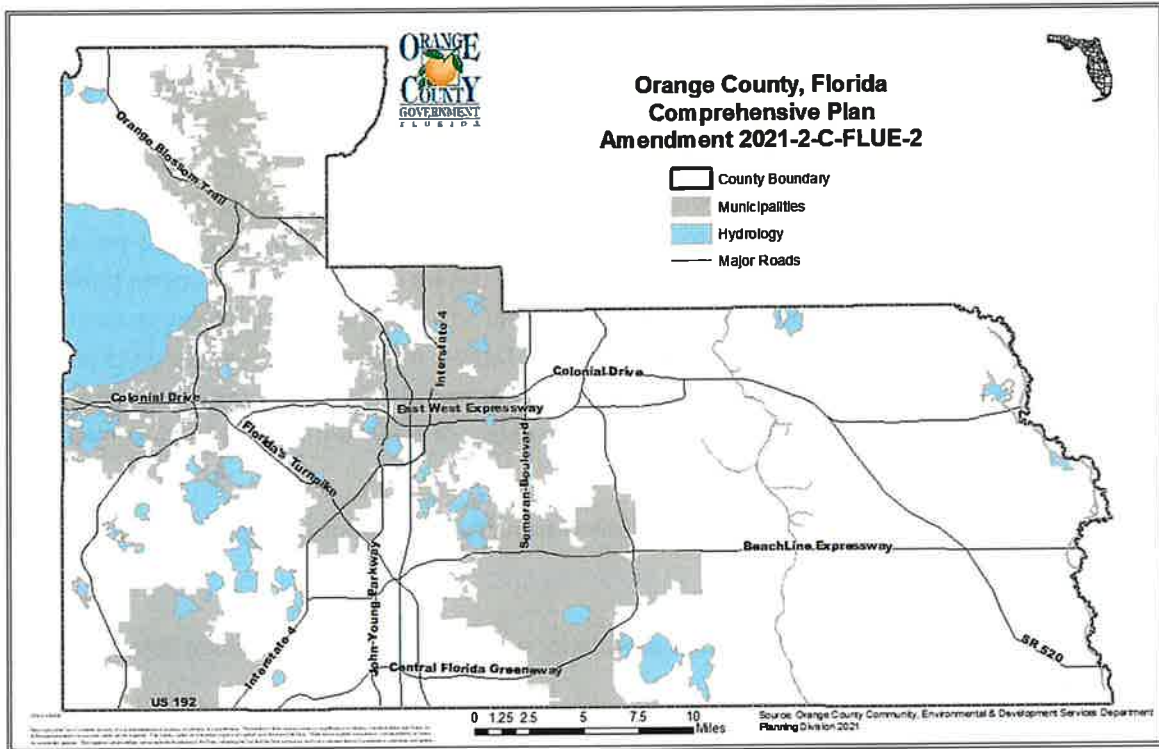




**2021-2 Out-of-Cycle Regular Cycle Comprehensive Plan Amendment  
Staff-Initiated Comprehensive Plan Text Amendment**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Resear	Staff Rec	LPA Rec
2021-2-C-FLUE-3 (Rural Settlement Parameters - Policies FLUR.2.7 and FLUR.2.8)	Planning Division	Text amendment to Future Land Use Element Policies FLUR.2.7 and FLUR.2.8, allowing the owners of certain parcels of over 100 gross acres situated at the perimeter of Rural Settlements and meeting other specific location criteria to request a Future Land Use Map designation of Rural Settlement Low Density (RRLD 21).	Gregory Goldsmid	N/A	Adopt	Adopt (7/2)
ABBREVIATIONS INDEX:		ABBREVIATIONS INDEX: CP-Comprehensive Plan; FLUR-Future Land Use Map; FLUE-Future Land Use Element; GOFP-Goals, Objectives, and Policies; OSJ-Objective				





The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title: Amendment 2021-2-C-FLUE-2	
✓ Staff Report	Recommend Transmittal		Division: Planning	
✓ LPA Transmittal December 16, 2021	Recommend Transmittal (7-0)		Request: Text amendment to Future Land Use Element Policies FLU6.2.7 and FLU6.2.8, allowing the owners of certain parcels of over 100 gross acres situated at the perimeter of Rural Settlements and meeting other specific location criteria to request a Future Land Use Map designation of Rural Settlement Low Density (RSLD 2/1).	
✓ BCC Transmittal January 11, 2022	Transmit (6-1)		Revision: Policies FLU6.2.7 and FLU6.2.8	
✓ State Comments February 25, 2022	No comments			
✓ LPA Adoption March 17, 2022	Recommend Adoption (7-0)			
BCC Adoption April 5, 2022				

### Staff Recommendation

This request involves a staff-initiated text amendment to Future Land Use Element Policies FLU6.2.7 and FLU6.2.8 to allow consideration of privately-initiated amendments to the Future Land Use Map that would increase the allowable residential densities of certain individual parcels of more than 100 gross acres located within a Rural Settlement from their current maximum net densities of one dwelling unit per five acres (Rural Settlement 1/5), one dwelling unit per two acres (Rural Settlement 1/2), and/or one dwelling unit per acre (Rural Settlement 1/1) to a maximum net density of two dwelling units per acre (Rural Settlement Low Density). Parcels eligible for such consideration must be situated on the border of their respective Rural Settlement and must be located adjacent to unincorporated parcels outside of the Rural Settlement with a Future Land Use designation of Low Density Residential (up to four units per net acre) or Low-Medium Density Residential (up to ten units per net acre). If adopted, the proposed amendment will provide for a residential density transition at the edge of Rural Settlements while still ensuring the preservation of their rural character.

Staff recommends that the Board of County Commissioners (BCC) **adopt** Amendment 2021-2-C-FLUE-2.

### Background

This proposed amendment is intended to provide for a residential density transition at the edge of Rural Settlements under certain conditions.

When Rural Settlements were first recognized by the Comprehensive Plan, the aforementioned residential Future Land Use designations were established to reflect their existing conditions, preserve their prevailing development patterns at the time of the Plan's July 1, 1991, adoption, and help protect each community's unique rural character, history, and resources. Four residential Rural Settlement designations and their corresponding densities—ranging from one unit per five acres to two units per acre, as discussed above—have been created to date. The densest of these, Rural Settlement Low Density (RSLD 2/1) was intended to recognize the higher densities of suburban lots within Rural Settlements that existed at the time of Plan adoption, as set forth in Future Land Use Element Policy FLU1.1.4 H. This Policy further states that the RSLD 2/1 designation may also be suitable for future residential projects in Rural Settlements, but only where they abut urban development in adjacent municipalities.

A Future Land Use Map Amendment petition involving the north 124.08 acres of the 129.08-acre Grassmere Reserve PD, Amendment 2021-2-A-2-1, is currently scheduled for adoption public hearings in conjunction with this amendment on March 17, 2022 (Local Planning Agency) and April 5, 2022 (Board of County Commissioners) as an 2021-2 Out-of-Cycle Regular Cycle request. That amendment entails a desired Future Land Use (FLU) change from Rural Settlement 1/1 (RS 1/1) to RSLD 2/1, with the five-acre Commercial (C) Rural Settlement (RS)-designated portion of the PD excluded from the application. As the 124.08-acre Grassmere property, located in the Zellwood Rural Settlement in northwest Orange County, does not meet the criterion of adjacency to a municipality with existing development of greater density or intensity, staff determined that the proposed change could not be found consistent with the Comprehensive Plan. Staff therefore recommended to the Local Planning Agency (LPA) that it not be transmitted for state review. The LPA endorsed that recommendation at its August 19, 2021, meeting. At its January 11, 2022 meeting, the Board of County Commissioners (BCC) acted to transmit Amendment

2021-2-A-2-1 upon staff's recommendation that it only be done if this amendment to Policies FLU6.2.7 and FLU6.2.8 were also transmitted. As no comments or objections to either amendment have been received since its transmittal, staff now recommends that Amendment 2021-2-C-FLUE-2 be adopted. This amendment will provide a policy basis for finding the Grassmere FLUM proposal of Amendment 2021-2-A-2-1 consistent with the Comprehensive Plan.

### A. Amendment Discussion

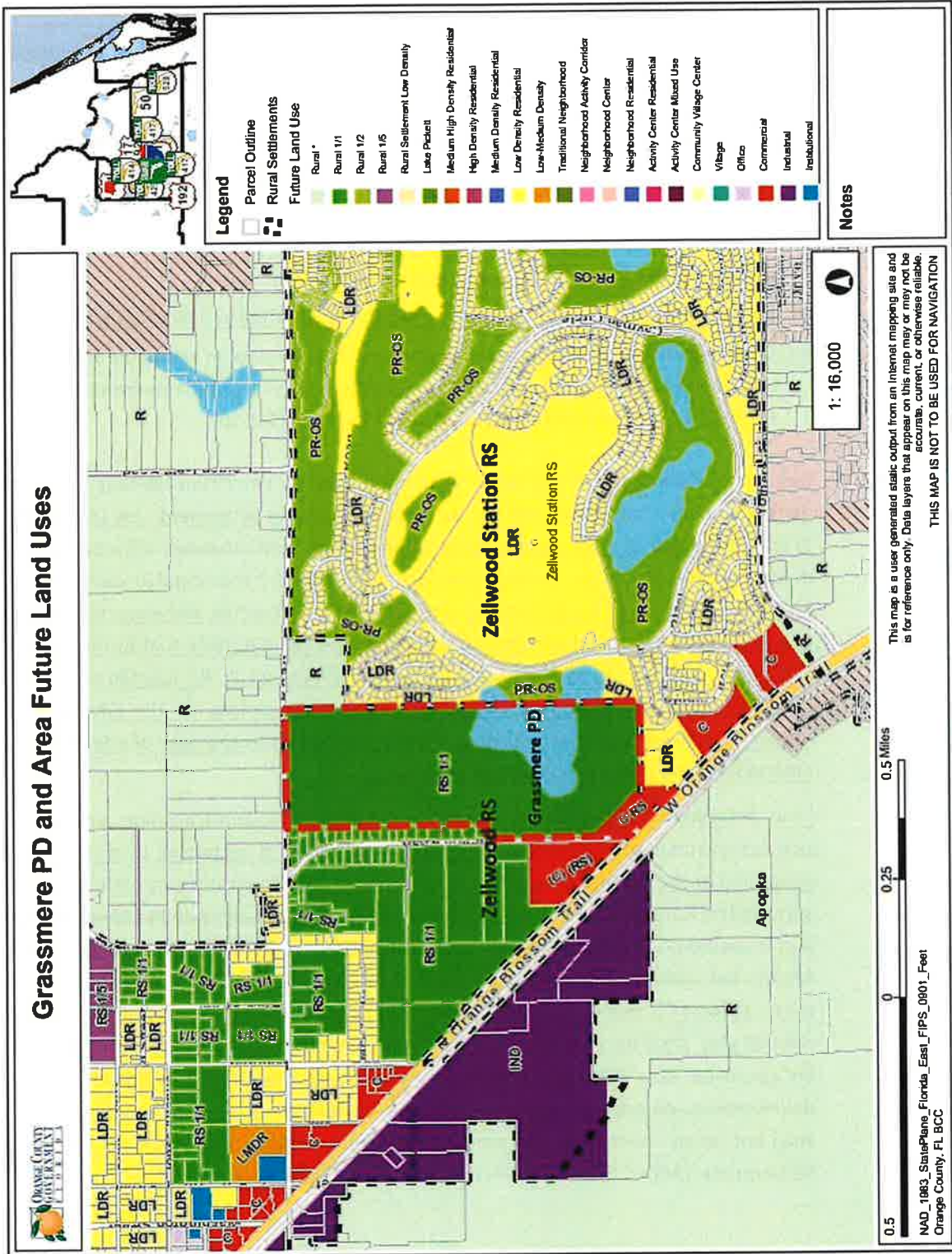
As noted above, Policy FLU6.2.8 supports a net residential density of two units per acre for Rural Settlement parcels adjacent to development at higher densities or intensities within a municipality. While the Grassmere Reserve PD parcel that is the subject of Amendment 2021-2-A-2-1 is not adjacent to a municipality, it is contiguous along its eastern boundary to a development, the 843-acre Zellwood Station PD, approved by the BCC on October 30, 1973. The residential component of Zellwood Station, designated as its own Rural Settlement, has a constructed density of 2.6 units per acre, consistent with its BCC approval and its Low Density Residential FLU classification, assigned via the July 1, 1991, Comprehensive Plan adoption. (The Zellwood Station golf course has a corresponding FLU designation of Parks and Recreation/Open Space, while its undeveloped commercial tracts fronting W Orange Blossom Trail are classified as Commercial.) It should also be noted that existing residential development on Junction Road along Grassmere's western boundary—although likewise located within the Zellwood Rural Settlement and designated Rural Settlement 1/1—consists of roughly 1/2-acre lots, i.e. at the same 2:1 density proposed in the Grassmere petition. (See Map: *Grassmere PD and Area Future Land Uses* on the following page.)

The Grassmere applicant, Tom Sullivan of GrayRobinson, P.A., has therefore argued that allowing the RSLD 2/1 density on the Grassmere site would be compatible with the densities of the adjacent properties. In recognition of that position, staff is proposing the current amendment of Policies FLU6.2.7 and FLU6.2.8 that would enable the approval of the RSLD 2/1 FLU designation through the application of stringent location criteria, summarized as follows: A single parcel within a Rural Settlement with a minimum area of 100 gross acres must have at least 25% of its perimeter adjacent to unincorporated land outside that Rural Settlement with an adopted FLU designation of Low Density Residential (LDR) or Low-Medium Density Residential (LMDR). Separation by a public right-of-way shall not constitute adjacency. Adoption of this text amendment and approval of the RSLD 2/1 classification proposed in the Grassmere Future Land Use Map Amendment application would result in an area of transitional land use between the LDR parcels to the east and the Rural Settlement 1/1 (RS 1/1) properties to the west. Staff emphasizes, though, that to create an effective, recognizable land use transition, such a density increase should not be available to small, individual parcels of limited acreage, but rather should be applied solely to larger parcels where natural buffers, contiguous open space, protection of environmentally-sensitive land, and clustering of lots can occur to preserve the rural character while creating a transition in density.

Open Space Element Policy OS1.3.4 establishes the framework for protecting open space, providing for aquifer recharge, and clustering development in the Wekiva Study Area. Associated Policy OS1.3.6 B. (3) requires that residential development with a density greater than one unit per acre on more than 100 acres set aside 70% or more of the site's total upland area as permanently-protected open space. If this proposed text amendment and Amendment 2021-2-A-2-1 are adopted, both policies will be applicable to

the Grassmere development. Therefore, this text change is intended to apply only to individual parcels of more than 100 acres to allow sufficient room to create a clustered transitional development with meaningful open space protection that will maintain the character of the surrounding Rural Settlement.

Staff analyzed parcels similarly situated in other Rural Settlements throughout Orange County for the application of the proposed criteria. This analysis found that the Grassmere parcel was the only one that met all criteria.





### C. Proposed Policy Amendments

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

FLU6.2.7 Amendments to the residential densities of the Rural Settlement shall not allow residential densities greater than one dwelling unit per acre, except for those exemptions listed below:

- A. Land designated Low Density Residential ~~and/or~~ Low-Medium Density Residential at the time of the July 1, 1991, Comprehensive Plan adoption;
- B. Land meeting the location and/or size criteria established in Policy FLU6.2.8;
- ~~B.C.~~ County-certified affordable housing projects that are rural in character and meet the Small Scale ~~FLUM~~ Future Land Use Map Amendment criteria and requirements. (Added 6/94, Ord. 94-13; Amended 12/00, Ord. 00-25, Policy 2.1.10)

FLU6.2.8 Residential development in a Rural Settlement may be permitted ~~up to a maximum density of two (2) dwelling units per acre under the Rural Settlement Low Density (RSLD 2/1) Future Land Use Map designation in limited areas that are adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions, or on an individual parcel of more than 100 gross acres situated within and along the perimeter of a Rural Settlement and adjacent to unincorporated land outside that Rural Settlement and designated Low Density Residential or Low-Medium Density Residential on the Future Land Use Map, provided such individual parcel is recognized by the Orange County Property Appraiser's official records as in existence on [insert the date of adoption of this amendment to FLU6.2.8 in 2022, once known].~~

Land designated RSLD 2/1 is intended to serve as a buffer and transition, provided with site design standards—including those otherwise required pertaining to minimum open space and environmentally-sensitive land—are provided to ensure compatibility with the surrounding Rural Settlement development. 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. "Adjacent" per this Policy shall mean at least 25 percent parcel perimeter contiguity, excluding separation by a public right-of-way. An area or parcels greater than 25 Acres benefitting from this Policy 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 elsewhere within the Rural Settlements. (Added 6/94, Ord. 94-13, 12/00, Ord. 00-25, Policy 2.1.17-r)



**Clean Version**

FLU6.2.7 Amendments to the residential densities of the Rural Settlement shall not allow residential densities greater than one dwelling unit per acre, except for those exemptions listed below:

- A. Land designated Low Density Residential or Low-Medium Density Residential at the time of the July 1, 1991, Comprehensive Plan adoption;
- B. Land meeting the location and/or size criteria established in Policy FLU6.2.8;
- C. County-certified affordable housing projects that are rural in character and meet the Small Scale Future Land Use Map Amendment criteria and requirements. (Added 6/94, Ord. 94-13; Amended 12/00, Ord. 00-25, Policy 2.1.10)

FLU6.2.8 Residential development in a Rural Settlement may be permitted at a maximum density of two (2) dwelling units per acre under the Rural Settlement Low Density (RSLD 2/1) Future Land Use Map designation in an area adjacent to higher density or intensity urban development located in adjacent municipal jurisdictions or on an individual parcel of more than 100 gross acres situated within and along the perimeter of a Rural Settlement and adjacent to unincorporated land outside that Rural Settlement and designated Low Density Residential or Low-Medium Density Residential on the Future Land Use Map, provided such individual parcel is recognized by the Orange County Property Appraiser's official records as in existence on [insert the date of adoption of this amendment to FLU6.2.8 in 2022, once known].

Land designated RSLD 2/1 is intended to serve as a buffer and transition, with site design standards—including those otherwise required pertaining to minimum open space and environmentally-sensitive land—to ensure compatibility with surrounding Rural Settlement development. "Adjacent" per this Policy shall mean at least 25 percent parcel perimeter contiguity, excluding separation by a public right-of-way. An area or parcel greater than 25 acres benefitting from this Policy must be approved as a PD. Such increased density shall not be an impetus for the provision of central services elsewhere within the Rural Settlement. (Added 6/94, Ord. 94-13, 12/00, Ord. 00-25, Policy 2.1.17-r)

**D. Policy References**

**Future Land Use Element**

FLU1.1.4 In addition to the residential densities listed in FLU1.1.2(A), 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(B). 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)

\* \* \*

**H RURAL, LAKE PICKETT, AND RURAL SETTLEMENT RELATED** – These Future Land Use designations 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 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
Office (O) (RS)	See Future Land Use Element Policy FLU6.2.9	0.15
Commercial (C)(RS)	See Future Land Use Element Policy FLU6.2.9	0.15

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>		

**Open Space Element**

OS1.3.4 A. 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 are required to cluster to the maximum extent feasible to preserve open space. Such clustering is intended to be density neutral, and lot sizes may be adjusted as needed to accommodate preserved open space. Priority for open space protection shall be given to the following resources required to be protected by the Wekiva Parkway and Protection Act:

1. the most effective recharge areas;
2. karst features; and
3. sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

B. The purposes of “open space design” within a 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 while remaining density and intensity neutral. The Land Development Code shall include requirements and incentives for open space/conservation subdivision design including minimum open space requirements, maximum lot size and design standards. (Amended 6/10, Ord. 10-07)

C. 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)

D. 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, passive 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.

E. 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)

OS1.3.6 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 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 this element on 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).

To maximize open space and preserve the natural environment within the Wekiva Study Area, all development shall conform to the following requirements:

An acceptable alternative plan to a configuration in which the required percentage of open space is located on site is a plan that ensures that the required percentage of open space is permanently preserved through the transfer of density credits, development rights, or property purchases (such off-site transfers shall be limited to property located within the Wekiva Springshed), and such open space shall be permanently protected through conservation easements or similar binding mechanisms. (Added 10/10, Ord. 2010-13)

The following policies describe areas of Orange County that contain special criteria for open space. For these following areas, all open space shall be permanently protected and unless otherwise noted, the clustering of open space is required.

**A. Residential land uses in the Rural Service Area.**

Within all areas designated as Rural/Agricultural, the following standards shall apply:

- 1) Development with densities less than or equal to one unit per ten acres (1du/10ac) – open space shall be 50% or greater.

**B. Residential land uses in existing Rural Settlements.**

Within all areas in the Wekiva Study Area designated as Rural Settlement, minimum lot size shall be determined by the availability of water and sewer services. Within any such development, any sensitive resource elements shall be permanently protected. The following standards shall apply:

- 1) Development with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- 2) Development with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater;
- 3) Development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater.



ORDINANCE NO. 2022-\_\_\_\_\_

1  
2  
3  
4  
5 AN ORDINANCE PERTAINING TO COMPREHENSIVE  
6 PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING  
7 THE ORANGE COUNTY COMPREHENSIVE PLAN,  
8 COMMONLY KNOWN AS THE "2010-2030  
9 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING  
10 AN AMENDMENT PURSUANT TO SECTION 163.3184(3),  
11 FLORIDA STATUTES, FOR THE 2021 CALENDAR YEAR  
12 (SECOND CYCLE); AND PROVIDING AN EFFECTIVE  
13 DATE.  
14

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

17 *Section 1. Legislative Findings, Purpose, and Intent.*

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

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

24 c. On April 5, 2022, the Board of County Commissioners held a public hearing on the  
25 adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance,  
26 and decided to adopt it.

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

29 *Section 3. Amendments to Text of the Future Land Use Element.* The  
30 Comprehensive Plan is hereby amended by amending the text of the Future Land Use Element to

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

34 \* \* \*

35 **[Amendment 2021-2-C-FLUE-2:]**

36 FLU6.2.7 Amendments to the residential densities of the Rural Settlement shall not  
37 allow residential densities greater than one dwelling unit per acre, except  
38 for those exemptions listed below:

39 A. Land designated Low Density Residential ~~and/or~~ Low-Medium  
40 Density Residential at the time of the July 1, 1991, Comprehensive  
41 Plan adoption;

42 B. Land meeting the location and/or size criteria established in Policy  
43 FLU6.2.8;

44 ~~B.C.~~ County-certified affordable housing projects that are rural in  
45 character and meet the Small Scale ~~FLUM~~Future Land Use Map  
46 Amendment criteria and requirements. (Added 6/94, Ord. 94-13;  
47 Amended 12/00, Ord. 00-25, Policy 2.1.10)

49 FLU6.2.8 Residential development in a Rural Settlement may be permitted ~~up to a~~  
50 maximum density of two (2) dwelling units per acre under the Rural  
51 Settlement Low Density (RSLD 2/1) Future Land Use Map designation in  
52 limited-an areas ~~that are~~ adjacent to higher density or intensity urban  
53 development located in adjacent municipal jurisdictions; or on an individual  
54 parcel of more than 100 gross acres situated within and along the perimeter  
55 of a Rural Settlement and adjacent to unincorporated land outside that Rural  
56 Settlement and designated Low Density Residential or Low-Medium  
57 Density Residential on the Future Land Use Map, provided such individual  
58 parcel is recognized by the Orange County Property Appraiser's official  
59 records as in existence on [insert the date of adoption of this amendment  
60 to FLU6.2.8 in 2022, once known].

61 Land designated RSLD 2/1 is intended to serve as a buffer and transition,  
62 provided-with site design standards—including those otherwise required  
63 pertaining to minimum open space and environmentally-sensitive land—  
64 are provided to ensure compatibility with the surrounding Rural Settlement  
65 development. This provision is intended to serve as a buffer and transition.  
66 The Future Land Use designation of Rural Settlement Low Density  
67 Residential shall be restricted to no more than 2-DU/AC. "Adjacent" per this  
68 Policy shall mean at least 25 percent parcel perimeter contiguity, excluding  
69 separation by a public right-of-way. An area or Pparcels greater than 25  
70 Aacres benefitting from this Policy must be approved as a PD. Higher



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~~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 elsewhere within the Rural Settlements. (Added 6/94, Ord. 94-13, 12/00, Ord. 00-25, Policy 2.1.17-r)~~

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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.

87 ADOPTED THIS 5th DAY OF APRIL, 2022.

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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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98 ATTEST: Phil Diamond, CPA, County Comptroller

99 As Clerk to the Board of County Commissioners

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By: \_\_\_\_\_

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Deputy Clerk



## Interoffice Memorandum

April 5, 2022

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-A-2-1 (Grassmere PD)  
Board of County Commissioners (BCC) Adoption Public Hearing

2021-2 Regular Cycle Comprehensive Plan Amendment 2021-2-A-2-1 is scheduled for a BCC adoption public hearing on April 5, 2022. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on March 17, 2022. The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

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

The 2021-2 Regular Cycle State-Expedited Amendment was heard by the PZC/LPA at a transmittal public hearing on August 19, 2021, and by the BCC at a transmittal public hearing on January 11, 2022. This amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On February 25, 2022, 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. Therefore, this amendment is expected to become effective in May 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](mailto:Alberto.Vargas@ocfl.net) or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

AAV/sw

Enc: 2021-2 Regular Cycle Amendment 2021-2-A-2-1 BCC Adoption Staff Report

c: Christopher R. Testerman, AICP, Deputy County Administrator  
Joel Prinsell, Deputy County Attorney  
Whitney Evers, Assistant County Attorney  
Roberta Alfonso, Assistant County Attorney  
Gregory Gologowski, AICP, Chief Planner, Planning Division  
Olan D. Hill, AICP, Assistant Manager, Planning Division  
Nicolas Thalmueller, AICP, Acting Planning Administrator, Planning Division  
Read File

