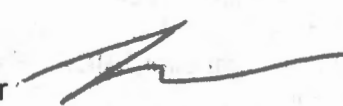




Interoffice Memorandum

DATE: May 1, 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: Public Hearing - Zoning in Progress Ordinance
Countywide

On May 21, 2024, staff will present a Zoning in Progress Ordinance that provides for a temporary suspension in applications for both small and large-scale Future Land Use Map and Text Amendments, Rezoning, and Special Exceptions, in anticipation of Vision 2050 and Orange Code adoption in September 2024. The temporary pause is necessary to reduce conflicts between the old and new regulation and afford staff the opportunity to fully facilitate the completion and final adoption of Vision 2050 and Orange Code. Additionally, the typical timeline for an application varies from three to six months, with some applications taking longer if, for example, a Conservation Area Determination is required. Without the pause these applications could run beyond the September 2024 adoption of Vision 2050 and Orange Code. If approved by the Board, the subject Ordinance would become effective immediately, with expiration occurring at Vision 2050 and Orange Code adoption or a period not to exceed six months, whichever comes first. The draft ordinance is scheduled to be heard by the Local Planning Agency on May 16, 2024.

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 at (407) 836-5602 or Jason.Sorensen@ocfl.net.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and adopt the Zoning in Progress Ordinance. Countywide

Attachment

TW/JHS;kh

- c: Jon V. Weiss, P.E., Deputy County Administrator
- Georgiana Holmes, Deputy County Attorney
- Whitney Evers, Senior Assistant County Attorney
- Roberta Alfonso, Assistant County Attorney
- Alberto Vargas, Manager, Planning Division
- Olan D. Hill, AICP, Assistant Manager, Planning Division
- Jason Sorensen, AICP, Chief Planner, Planning Division
- Jim Resta, AICP, Chief Planner, Planning Division
- Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
- Read File

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO LAND USE IN ORANGE COUNTY ENACTING A TEMPORARY SUSPENSION PROHIBITING THE PROCESSING OF CERTAIN COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS, REZONINGS, AND SPECIAL EXCEPTIONS TO ALLOW COUNTY STAFF TIME TO THOROUGHLY REVIEW, STUDY, AND PREPARE AMENDMENTS TO THE ORANGE COUNTY COMPREHENSIVE PLAN ("VISION 2050") AND THE ORANGE COUNTY LAND DEVELOPMENT CODE ("ORANGE CODE"); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1(g), Florida Constitution; Section 125.01, Florida Statutes; and the Orange County Charter, the Orange County Board of County Commissioners (the "Board") is authorized to enact ordinances not inconsistent with general law and to establish development and zoning regulations as are necessary for the protection of the public; and

WHEREAS, the Board determines that it is in the best interest of its residents, businesses and visitors to enact sufficient development and zoning regulations to ensure their health, safety and welfare; and

WHEREAS, Orange County ("County") adopted its original Land Development Code in 1957 and its original Comprehensive Plan in 1991; and

WHEREAS, the Land Development Code and Comprehensive Plan guide the decision-making by setting policies for future land use, mobility, and public services and have since been amended to reflect the growth and changing dynamics of the area; and

WHEREAS, the Board supported the initiation and development of Orange Code ("Code"), which prompted various County Departments to study, review, and provide amendments to portions of existing Orange County Code that will result in new land development regulations that focus on placemaking standards and context-based regulations; and

WHEREAS, following a public hearing on July 25, 2023, the Board approved transmittal of Amendment 2023-1-C-CP-1, Vision 2050: Orange County Comprehensive Plan ("Vision

2050”), to the Florida Department of Economic Opportunity (“DEO”) and other State agencies,
44 consistent with Section 163.3184(3), Florida Statutes; and

46 **WHEREAS**, in recognition that Vision 2050 will largely be implemented through the
48 adoption of Orange Code and the pending changes to various aspects of certain land development
50 regulations, a temporary suspension on the processing of certain comprehensive plan text and map
amendments, rezonings, and special exceptions will provide County staff with time to inspect,
analyze, and draft the necessary provisions to complete both updates and contemplate the
consideration of these revisions; and

52 **WHEREAS**, the Board finds that it is essential to protect the health, safety and welfare of
54 the County and its citizenry, that it is in the County’s best interest, and that it is consistent with the
56 Comprehensive Plan for the County to study and evaluate the development potential of these areas
and to place a temporary suspension on the processing of certain comprehensive plan text and map
amendments, rezonings, and special exceptions in the unincorporated areas of Orange County for
a period not to exceed six (6) months.

58 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
60 **ORANGE COUNTY:**

62 **Section 1. *Enactment of Zoning in Progress Ordinance.*** A new Zoning in Progress
Ordinance is enacted to read as follows:

64 **Section 2. *Purpose and Intent.*** The recitals, as set forth above, are incorporated herein
66 and are hereby found true and correct. The purpose of this Ordinance is to enable Orange County
68 sufficient time to review, study, hold public hearings, and prepare and adopt an amendment or
amendments to the Orange County Comprehensive Plan and/or Code of Ordinances as a part of
Vision 2050 and Orange Code.

70 **Section 3. *Temporary Suspension of Certain Processes.*** Orange County hereby
72 imposes a temporary suspension of six (6) months from the effective date of this Ordinance, unless
74 rescinded sooner, in which the County will not process new applications for Comprehensive Plan
text and map amendments, rezonings, and special exceptions. During this suspension, the County
will not accept any new applications for any of the land development approvals as described herein.
76 This will allow County staff time to thoroughly review, study, and prepare amendments for Vision
2050 and Orange Code.

78 **Section 4. *Existing Applications, Existing Businesses, and Other Exceptions.*** The
80 temporary suspension shall not apply to applications received by the County prior to the Effective
Date of this Ordinance. Additionally, existing Planned Developments will be unaffected and as
82 such, change determination requests will still be processed. This temporary suspension shall not
affect any business lawfully operating within the unincorporated area of the County, as of the
84 effective date of this Ordinance, pursuant to valid permits and approvals if the existing business is
compliant with all applicable County, State and Federal laws, codes, ordinances, rules, regulations
86 and policies.

88 Comprehensive Plan text and map amendments, rezonings, and special exceptions
90 occurring inside the Master Planned Communities, identified below, will not be included in the
temporary suspension:

- 92 1) Horizon West Special Planning Area (Map 2 – Future Land Use Map 3 of the
Comprehensive Plan);
- 94 2) Lake Pickett (Map 22 – Future Land Use Map 23 of the Comprehensive Plan);
- 96 3) Avalon Park (Avalon Park Development of Regional Impact, Ordinance #93-20,
Orange County Code);
- 98 4) Innovation Way (Map 4 – Future Land Use Map 5 of the Comprehensive Plan);
- 100 5) I-Drive District Conceptual Regulating Plan (Map 23 – Future Land Use Map 24 of
the Comprehensive Plan).

102 **Section 5. Conflicts of Law.** Whenever the requirements or provisions of this
Ordinance conflict with the requirements or provisions of any other lawfully adopted Orange
County Code provision or Florida Statute, the more restrictive requirement shall apply.

104 **Section 6. Severability.** It is the intent of the Board that if any section, subsection,
106 clause, phrase, portion, or provision of this Ordinance is deemed invalid or found unconstitutional
by a court of competent jurisdiction, such part, section, subsection, clause, phrase, portion, or other
108 provision shall be severable, and the remaining provisions of this Ordinance, and all applications
thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and
110 effect.

112 **Section 7. Non-Codification.** The provisions of this Ordinance shall not be included
and incorporated with the Orange County Code.

114 **Section 8. Effective date.** This ordinance shall take effect on May 28, 2024.
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118

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]

120 ADOPTED THIS _____ DAY OF _____, 2024.

122 ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

124
126 By: _____
Jerry L. Demings
Orange County Mayor

128
130 ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

132 By: _____
134 Deputy Clerk