



# ORANGE COUNTY

PLANNING DIVISION

## 2020-2 OUT-OF-CYCLE REGULAR CYCLE STAFF INITIATED TEXT AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**SEPTEMBER 22, 2020  
ADOPTION PUBLIC HEARING**

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

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION





**DATE:** September 22, 2020  
**TO:** Mayor Jerry L. Demings  
-AND-  
Board of 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:** 2020-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendments  
Board of County Commissioners (BCC) Adoption Public Hearing

Please find the staff reports and associated back-up materials for the proposed 2020-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendments. The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on September 17, 2020, and is scheduled before the Board of County Commissioners (BCC) on September 22, 2020.

#### **Amendment Summary**

The 2020-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review Amendments scheduled for consideration on September 22 include two staff-initiated text amendments. These amendments include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2020-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review Amendments were heard by the PZC/LPA at transmittal public hearings on July 16, 2020, and by the BCC at transmittal public hearings on July 28, 2020. These amendments has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On September 9, 2020, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in October 2020, provided no challenges are brought for any of the amendments.

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: 2020-2 Out-of-Cycle Regular Cycle Comprehensive Plan Amendmentd – BCC Adoption Staff Reports

c: Christopher R. Testerman, AICP, Assistant County Administrator  
Joel Prinsell, Deputy County Attorney  
Whitney Evers, Assistant County Attorney  
Roberta Alfonso, Assistant County Atttorney  
Gregory Golgowski, AICP, Chief Planner, Planning Division  
Olan D. Hill, AICP, Assistant Manager, Planning Division  
Eric P. Raasch, AICP, Planning Administrator, Planning Division  
Read File

**2020-2 Out-of-Cycle Regular Cycle Comprehensive Plan Amendments**

**Staff-Initiated Comprehensive Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Rezoner	Staff Rec	LPA Rec
2020-2-C-PSFE-1	Planning Division	Text amendment to Public Schools Facilities Element Policy PS6.3.1 addressing the ability of the Board of County Commissioners to consider school overcrowding when reviewing certain rezoning and comprehensive plan amendment requests	Jennifer DuBois	N/A	Adopt	
2020-2-C-FLUE-2	Planning Division	Text amendment to Future Land Use Element Policy FLU8.2.5.1 to not require a rezoning for properties with inconsistent Zoning and Future Land Use Map designations when the proposed use is single-family detached residential; the Zoning and Future Land Use Map designations are both residential; and the lot is a Lot of Record or has been legally subdivided	Jason Sorenson	N/A	Adopt	

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; PSFE-Public Schools Facilities Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective

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2.	2020-2-C-PSFE-1 CEA	Text amendment to Public Schools Facilities Element Policy PS6.3.1 addressing the ability of the Board of County Commissioners to consider school overcrowding when reviewing certain rezoning and comprehensive plan amendment requests	7

# 2020 SECOND REGULAR CYCLE OUT-OF-CYCLE STAFF-INITIATED TEXT AMENDMENTS

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

### INTRODUCTION

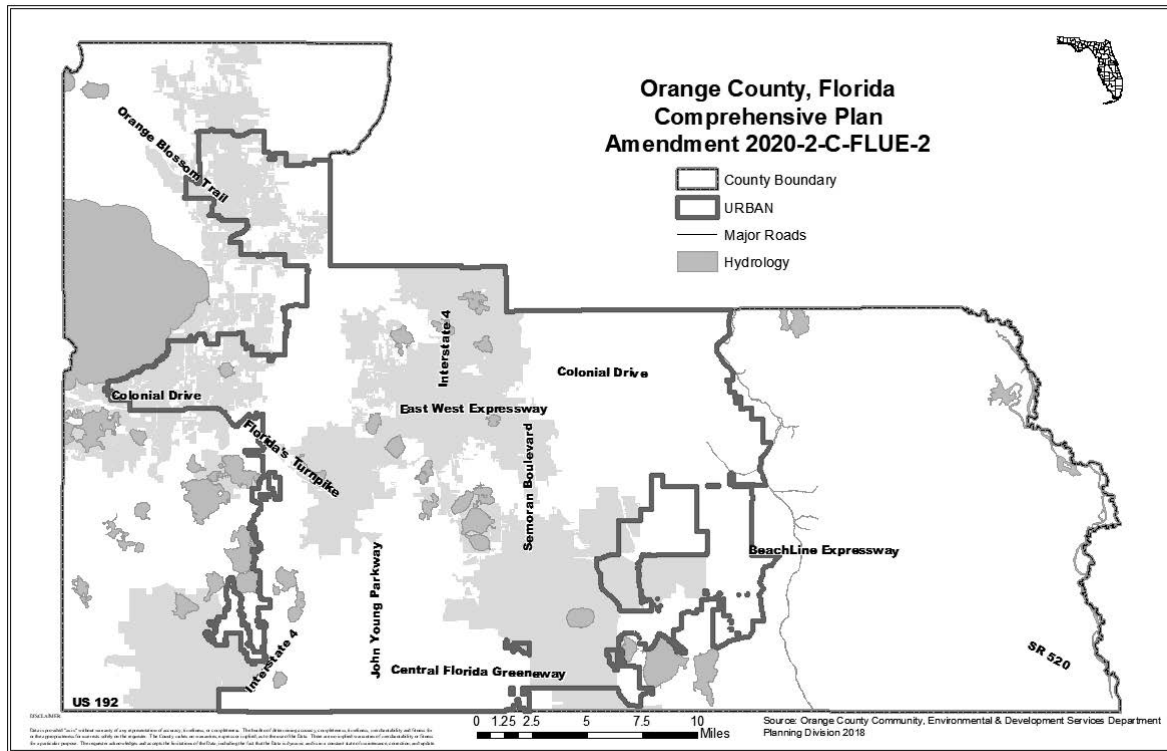
This is the Board of County Commissioners (BCC) adoption public hearing staff reports for the proposed Out-of-Cycle Second Regular Cycle Staff-Initiated Text Amendments (2020-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on September 17, 2020, and are scheduled before the BCC on September 22, 2020.

These Out-of-Cycle Regular Cycle Staff-Initiated Text Amendments scheduled for BCC consideration on September 22 were heard by the PZC/LPA at transmittal public hearings on July 16, 2020, and by the BCC at transmittal public hearings on July 28, 2020.

The 2020-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review amendments scheduled for consideration on September 22 are staff-initiated text amendments. These amendments include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2020-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review Amendments have been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On September 9, 2020, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in October 2020, provided no challenges are brought forth for any of the amendments.

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).



The following meetings/hearings have been held for this proposal:			Project/Legal Notice Information
Report/Public Hearing		Outcome	<b>Title:</b> Amendment 2020-2-C-FLUE-2
✓	Staff Report	Recommend Transmittal	<b>Division:</b> Planning
✓	LPA Transmittal July 16, 2020	Recommend Transmittal (7-0)	<b>Request:</b> Text amendment to Future Land Use Element Policy FLU8.2.5.1 to not require a rezoning for properties with inconsistent Zoning and Future Land Use Map designations when the proposed use is single-family detached residential, the Zoning and Future Land Use Map designations are both residential, and the lot is a Lot of Record, a lot created through a plat, or a lot split as recognized by Orange County
✓	BCC Transmittal July 28, 2020	Transmit (7-0)	
✓	Agency Comments	Expected by September 9, 2020	
	LPA Adoption	September 17, 2020	
	BCC Adoption	September 22, 2020	<b>Revision:</b> FLU8.2.5.1

### Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2020-2-C-FLUE-2, revising Future Land Use Element Policy FLU8.2.5.1.

## A. Background

Future Land Use designations establish the vision for future development in Orange County. Additionally, the future land uses establish the permitted density or intensity allowable on parcels of land. Zoning establishes the permitted uses and development standards. Zoning districts are required to correlate, or be consistent with the future land use designations. This correlation table is presented in the Comprehensive Plan’s Future Land Use Element Policy FLU8.1.1. The residential portion of this table is shown below.

<i>Zoning and Future Land Use Correlation</i>		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
<b><i>Urban Residential</i></b>		
Low Density Residential (LDR)	(0 to 4 du/ac)	A-1*, A-2*, R-CE* R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V
Low-Medium Density Residential (LMDR)	(0 to 10 du/ac) + workforce housing bonus	R-1, R-1A, R-2, R-T, R-T-1, PD, U-V
Medium Density Residential (MDR)	(0 to 20 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
Medium-High Density Residential (MHDR)	(0 to 35 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
High Density Residential (HDR)	(0 to 50 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V

As mentioned, the future land use and the zoning must correlate. For example, if a property has a future land use of Low-Medium Density Residential (LDR) and a zoning of R-2 (Residential District) development can occur. However, if the property has the same future land use designation but is zoned R-3 (Multiple-Family Dwelling District) and the owner wishes to construct a single-family residence, they must either amend the Future Land Use Map or rezone.

### HISTORY

In 2012, policy FLU8.2.5.1 was added to the Future Land Use Element (2012-1-B-FLUE-5).

This amendment addressed process issues related to inconsistencies between a zoning district and Future Land Use Map (FLUM) designation. Prior to this amendment, there were two primary methods to address inconsistent zoning districts and FLUM designations: amend the Future Land Use Map or rezone the property. This amendment allowed for uses that were permitted in a zoning district to be allowed without rezoning or amendment the FLUM. The pertinent language is italicized.

FLU8.2.5.1 A rezoning may not be required for properties with inconsistent zoning and future land use map (FLUM) designations when:

- A. *The proposed use is permitted in the existing zoning district, and the same use is permitted in a zoning district that is consistent with the adopted FLUM designation; or*
- B. The proposed use is permitted in the existing zoning district, but the use would require a special exception if the property is rezoned to be consistent with the adopted FLUM designation. In this case, only a special exception would be required.



Any development of such properties shall meet the minimum site and building requirements of the existing zoning district. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment.

In 2014, policy FLU8.2.5.1 was amended (2014-1-B-FLUE-4). The amendment narrowed the requirements for not requiring a rezoning to those properties that are non-residential uses. As it was written in 2012 it allowed for the exception for residential and non-residential uses. Upon an analysis by Planning staff it was determined that the most common inconsistency involved properties with C-3 (Wholesale Commercial District) zoning and IND (Industrial) future Land Use. The impetus to create FLU8.2.5.1(A) was to address the effect of an inconsistency on a business owner's ability to obtain an occupational license and because the highest occurrences of inconsistencies involve non-residential uses, the policy was amended so that it would not apply to residential uses.

Also, as noted in the 2014 staff report, there were minor issues with the application of FLU8.2.5.1(A) to residential properties. The revised policy was seen as a proactive measure to prevent future problems and unintended consequences. The policy was also amended to require that the proposed use be permitted in *each* of the zoning districts consistent with the adopted FLUM designation rather than any zoning district.

FLU8.2.5.1 A rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations under the following circumstances:

- A. For non-residential uses when the proposed use is permitted in the existing zoning district, and the same use is permitted in each of the zoning districts that are consistent with the adopted FLUM designation; or
- B. For non-residential and residential uses when the proposed use is permitted in the existing zoning district, but the use would require a special exception if the property is rezoned to be consistent with the adopted FLUM designation. In this case, however, the same use must be permitted or allowed by special exception in each of the zoning districts that are consistent with the adopted FLUM designation.

Any development of such properties shall meet the minimum site and building requirements of the existing zoning district. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment. (Added 6/12, Ord. 2012-14; Amended 6/14, Ord. 2014-12)

#### **PROPOSED AMENDMENT**

Staff is proposing the following language which would exempt a property from being rezoned if the proposed use is a single-family detached residential whose future land use and zoning are both residential. Also, the lot must be a Lot of Record, a lot created through a plat, or a lot split as

recognized by Orange County. The purpose of this provision is to make sure that property owners of large lots do not split their lot into smaller lots in an unofficial manner and then come in to the County for permits for single-family homes on each of the lots.

FLU8.2.5.1 A rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations under the following circumstances:

- A. For non-residential uses when the proposed use is permitted in the existing zoning district, and the same use is permitted in each of the zoning districts that are consistent with the adopted FLUM designation; or
- B. For non-residential and residential uses when the proposed use is permitted in the existing zoning district, but the use would require a special exception if the property is rezoned to be consistent with the adopted FLUM designation. In this case, however, the same use must be permitted or allowed by special exception in each of the zoning districts that are consistent with the adopted FLUM designation; or.
- C. For residential uses when the proposed use is single-family detached residential and the Zoning and Future Land Use are both residential. The lot upon which the single-family detached residential is proposed must be a Lot of Record, a lot created through a plat, or a lot split as recognized by Orange County.

Any development of such properties shall meet the minimum site and building requirements of the existing zoning district, except for substandard Lots of Record. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment.

#### **AFFORDABLE HOUSING INITIATIVE**

In 2006, the Florida Legislature passed House Bill 1363 creating Section 125.379, Florida Statutes, to provide for the disposition of county-owned properties for affordable housing (the "Act"). The Act requires each County to prepare an inventory list of County-owned properties appropriate for affordable housing, and it provides several options for disposition of property, with one of the options being to donate the properties to non-profit housing organizations for construction of permanent affordable housing. Orange County Housing and Community Development (HCD) Division currently partners with local non-profit entities to transfer county-owned properties for the purpose of affordable housing.

Furthermore, a Housing for All Task Force, initiated by Mayor Demings to help address the affordable housing crisis, made a number of recommendations to jumpstart production of affordable and attainable housing units. Those recommendations list "active land banking for affordable housing" as one of the strategies. This strategy includes a regular assessment of County-owned properties and making them available for construction of affordable housing units.

In compliance with the Act and recommendations of the Housing for All Task Force, the Real Estate Management Division and HCD Division prepared an inventory list for review by the Board of County Commissioners (BCC). The list was reviewed during the December 17, 2019 BCC meeting, and an updated resolution was adopted by the Board. Properties were identified during the review process, with some properties having an inconsistent Future Land Use and Zoning designations.

The proposed FLU8.2.5.1 text amendment will allow some of these properties to move forward without the need for a FLUM amendment or rezoning. Additionally, there are a multitude of

properties across the County that would benefit from this updated text amendment as they would no longer need to go through the FLUM amendment or rezoning process, thereby reducing the overall cost and time to construct a home.

## B. Policy Amendment

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

\* \* \*

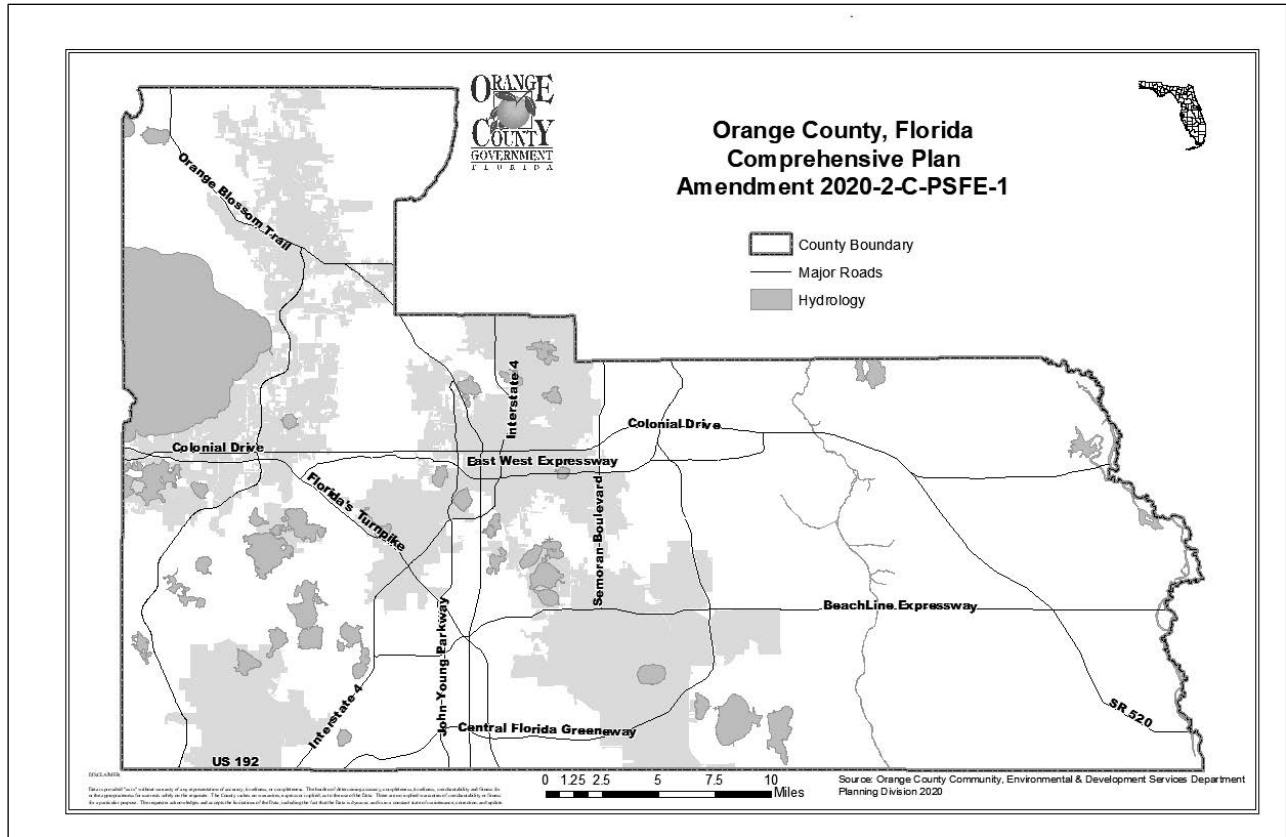
FLU8.2.5.1 A rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations under the following circumstances:

- A. For non-residential uses when the proposed use is permitted in the existing zoning district, and the same use is permitted in each of the zoning districts that are consistent with the adopted FLUM designation; or
- B. For non-residential and residential uses when the proposed use is permitted in the existing zoning district, but the use would require a special exception if the property is rezoned to be consistent with the adopted FLUM designation. In this case, however, the same use must be permitted or allowed by special exception in each of the zoning districts that are consistent with the adopted FLUM designation; or-
- C. For residential uses when the proposed use is single-family detached residential and the Zoning and Future Land Use are both residential. The lot upon which the single-family detached residential is proposed must be a Lot of Record, a lot created through a plat, or a lot split as recognized by Orange County.

Any development of such properties shall meet the minimum site and building requirements of the existing zoning district, except for substandard Lots of Record. Subsequent requests for expansions and changes in the permitted uses on the property must conform to this policy. Requests not conforming to this policy shall be subject to a rezoning, special exception, or FLUM amendment.

\* \* \*





The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
	<b>Report/Public Hearing</b>	<b>Outcome</b>	<b>Title:</b> Amendment 2020-2-C-PSFE-1	
✓	Staff Report	Recommend Transmittal	<b>Division:</b> Planning	
✓	LPA Transmittal July 16, 2020	Recommend Transmittal (8-0)	<b>Request:</b> Text amendment to Public Schools Facilities Element Policy PS6.3.1 addressing the ability of the Board to consider school overcrowding when reviewing certain rezoning and Comprehensive Plan amendment requests	
✓	BCC Transmittal July 28, 2020	Transmit (7-0)		
✓	State Comments	Expected by September 9, 2020	<b>Revision:</b> PS6.3.1	
	LPA Adoption	September 17, 2020		
	BCC Adoption	September 22, 2020		

### Staff Recommendation

This request involves a staff-initiated text amendment to Public Schools Facilities Element Policy PS6.3.1. Staff recommends that the Local Planning Agency (LPA) make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2020-2-C-PFSE-1.

## A. Background

Public Schools Facilities Element Objective PS6.3 of the Orange County Comprehensive Plan establishes that Orange County and Orange County Public Schools (OCPS) shall develop and maintain a joint process for the implementation of school concurrency, as provided for in the Interlocal Agreement for Public School Facility Planning and Implementation for School Concurrency, adopted in 2008 and subsequently amended in 2010 and 2011 (the “Interlocal Agreement”).

Presently, any requested Comprehensive Plan amendment and/or rezoning in Orange County (including its municipalities) that entails a proposed increase in residential density must undergo a capacity review by OCPS. If there is insufficient capacity at an impacted elementary, middle, and/or high school, the prospective developer and OCPS must enter into a Capacity Enhancement Agreement (CEA). These agreements typically include provisions requiring the pre-payment of impact fees, a timing mechanism, and payment of a “capital contribution”, in addition to school impact fees. However, House Bill 7103, signed into law on June 28, 2019, and effective as of July 1, 2019, now requires a credit against school impact fees on a dollar-for-dollar basis for any such contribution. This credit, in essence, means OCPS would not receive any additional monies to mitigate the impacts of additional students generated by the increased residential density. As such, at the June 23, 2020, School Board meeting, OCPS issued a Declaration Relating to the HB 7103 Impact on School Overcrowding Mitigation (the “Declaration”). That Declaration declares that OCPS will no longer enter into CEAs, but will only certify whether school capacity exists.

Although a legislative fix was sought in the last legislative session by the County, OCPS, and various stakeholders in the development community, none was approved. Therefore, any project that was required to apply for a CEA on or after July 1, 2019, is on hold. Currently, there are a total of 18 projects, countywide, that have been placed on hold since July 1, 2019.

To resolve the present impasse, staff is proposing this amendment to Public Schools Facilities Element Policy PS6.3.1. That policy currently prohibits the County from approving any developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density for which OCPS has not certified that school capacity exists or for which a CEA has not been executed. If approved, this amended policy will require County staff, in its review of any developer-initiated Comprehensive Plan amendment or rezoning petition that would increase residential density, to seek input from OCPS regarding the existence of sufficient school capacity at the public schools that would serve the development. In cases in which sufficient capacity is not available in the affected school(s), OCPS would provide information to the County on the severity of the overcrowding and the timing of the availability of the needed capacity to accommodate the proposed development. The Orange County Board of County Commissioners (the “Board”) would then have the discretion to weigh school overcrowding and timing of school capacity in its decision to approve or deny developer-initiated Comprehensive Plan amendments or rezonings that would increase residential density.

If adopted, this proposed amendment to Policy PS6.3.1 will provide for continued cooperation between the County and OCPS to address the issues of school overcrowding while allowing for the development of additional housing for Orange County’s growing residential population. Adoption of this amendment may also prompt County staff to propose future amendments to Chapter 30,

Planning and Development, of the Orange County Code and, potentially, to the Interlocal Agreement.

Staff recommends the Local Planning Agency make a finding of **CONSISTENCY** with the Comprehensive Plan and recommend **TRANSMITTAL** of Amendment 2020-2-C-PSFE-1.

## B. Policy Amendments

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

PS6.3.1 ~~Orange County shall not approve~~When reviewing a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density ~~on property that is not otherwise vested,~~ Orange County shall seek input from until such time as OCPS has ~~determined as to whether sufficient school capacity will exist concurrent with the development, or a capacity enhancement agreement is executed that provides for~~ If OCPS indicates there is insufficient capacity in the affected schools, Orange County may take into consideration the severity of the overcrowding and the timing of the availability of the needed capacity to accommodate the proposed development when deciding whether to approve or deny the requested Comprehensive Plan amendment or rezoning. (Added 6/08, Ord. 08-11)

### Clean Version

PS6.3.1 When reviewing a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density, Orange County shall seek input from OCPS as to whether sufficient school capacity will exist concurrent with the development. If OCPS indicates there is insufficient capacity in the affected schools, Orange County may take into consideration the severity of the overcrowding and the timing of the availability of the needed capacity to accommodate the proposed development when deciding whether to approve or deny the requested Comprehensive Plan amendment or rezoning. (Added 6/08, Ord. 08-11)

ORDINANCE NO. 2020-\_\_\_\_\_

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 AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2020 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

c. On July 16, 2020, the Orange County Local Planning Agency (“LPA”) held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

d. On July 28, 2020, the Orange County Board of County Commissioners (“Board”) held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and



31 e. On September 9, 2020, the Florida Department of Economic Opportunity (“DEO”)  
32 issued a letter to the County relating to the DEO’s review of the proposed amendments to the  
33 Comprehensive Plan, as described in this ordinance; and

34 f. On September 17, 2020, the LPA held a public hearing at which it reviewed and  
35 made recommendations regarding the adoption of the proposed amendments to the Comprehensive  
36 Plan, as described in this ordinance; and

37 g. On September 22, 2020, the Board held a public hearing on the adoption of the  
38 proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to  
39 adopt them.

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

42 **Section 3. Amendments to Text of Public Schools Facilities and Future Land Use**  
43 **Elements.** The Comprehensive Plan is hereby further amended by amending the text of the Public  
44 Schools Facilities and Future Land Use Elements to read as follows, with underlines showing new  
45 numbers and words, and strike-throughs indicating repealed numbers and words. (Words,  
46 numbers, and letters within brackets identify the amendment number and editorial notes, and shall  
47 not be codified.)

48 \* \* \*

49 **[Amendment 2020-2-C-PSFE-1:]**

50 PS6.3.1 ~~Orange County shall not approve~~When reviewing a developer-initiated  
51 Comprehensive Plan amendment or rezoning that would increase residential  
52 density on property that is not otherwise vested, Orange County shall seek input  
53 from until such time as OCPS has determined as to whether sufficient school  
54 capacity will exist concurrent with the development, or a capacity enhancement  
55 agreement is executed that provides for ~~If OCPS indicates there is insufficient~~  
56 capacity in the affected schools, Orange County may take into consideration the  
57 severity of the overcrowding and the timing of the availability of the needed

58 capacity to accommodate the proposed development when deciding whether to  
59 approve or deny the requested Comprehensive Plan amendment or rezoning.

60 \* \* \*

61 **[Amendment 2020-2-C-FLUE-2:]**

62 FLU8.2.5.1 A rezoning may not be required for properties with inconsistent zoning and  
63 Future Land Use Map (FLUM) designations under the following  
64 circumstances:

- 65 A. For non-residential uses when the proposed use is permitted in the existing  
66 zoning district, and the same use is permitted in each of the zoning districts  
67 that are consistent with the adopted FLUM designation; or  
68 B. For non-residential and residential uses when the proposed use is permitted  
69 in the existing zoning district, but the use would require a special exception  
70 if the property is rezoned to be consistent with the adopted FLUM  
71 designation. In this case, however, the same use must be permitted or  
72 allowed by special exception in each of the zoning districts that are  
73 consistent with the adopted FLUM designation; ~~or~~  
74 C. For residential uses when the proposed use is single-family detached  
75 residential and the Zoning and Future Land Use are both residential. The  
76 lot upon which the single-family detached residential is proposed must be a  
77 Lot of Record, a lot created through a plat, or a lot split as recognized by  
78 Orange County.

79  
80 Any development of such properties shall meet the minimum site and  
81 building requirements of the existing zoning district, except for substandard  
82 Lots of Record. Subsequent requests for expansions and changes in the  
83 permitted uses on the property must conform to this policy. Requests not  
84 conforming to this policy shall be subject to a rezoning, special exception,  
85 or FLUM amendment.

86 \* \* \*

87 ***Section 4. Effective Dates for Ordinance and Amendments.***

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

89 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment  
90 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County  
91 that the plan amendment package is complete. However, if an amendment is timely challenged,

92 the amendment shall not become effective until the DEO or the Administration Commission issues  
93 a final order determining the challenged amendment to be in compliance.

94 (c) No development orders, development permits, or land uses dependent on any of  
95 these amendments may be issued or commence before the amendments have become effective.

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100 ADOPTED THIS 22nd DAY OF SEPTEMBER, 2020.  
101

102

103 **ORANGE COUNTY, FLORIDA**  
104 By: Board of County Commissioners

105  
106  
107

108 By: \_\_\_\_\_  
109 Jerry L. Demings  
110 Orange County Mayor

111

112 ATTEST: Phil Diamond, CPA, County Comptroller  
113 As Clerk to the Board of County Commissioners

114  
115  
116

117 By: \_\_\_\_\_  
118 Deputy Clerk