

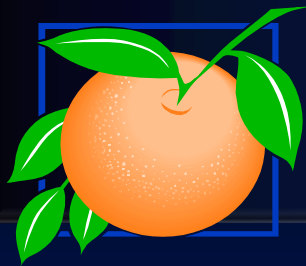
Board of County Commissioners

2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment

Amendment 2021-2-C-PRE-1

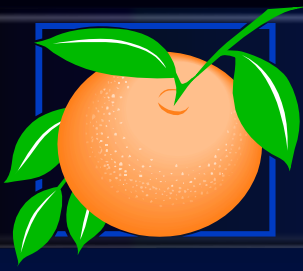
Adoption Public Hearing

November 30, 2021



2021-2 Out-of-Cycle Amendment Process

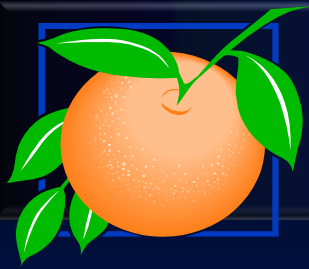
- **Transmittal public hearings**
LPA – August 19, 2021
BCC – September 14, 2021
- **State and regional agency comments**
November 4, 2021
- **Board Work Session**
November 9, 2021
- **Adoption public hearings**
LPA – November 18, 2021
BCC – November 30, 2021



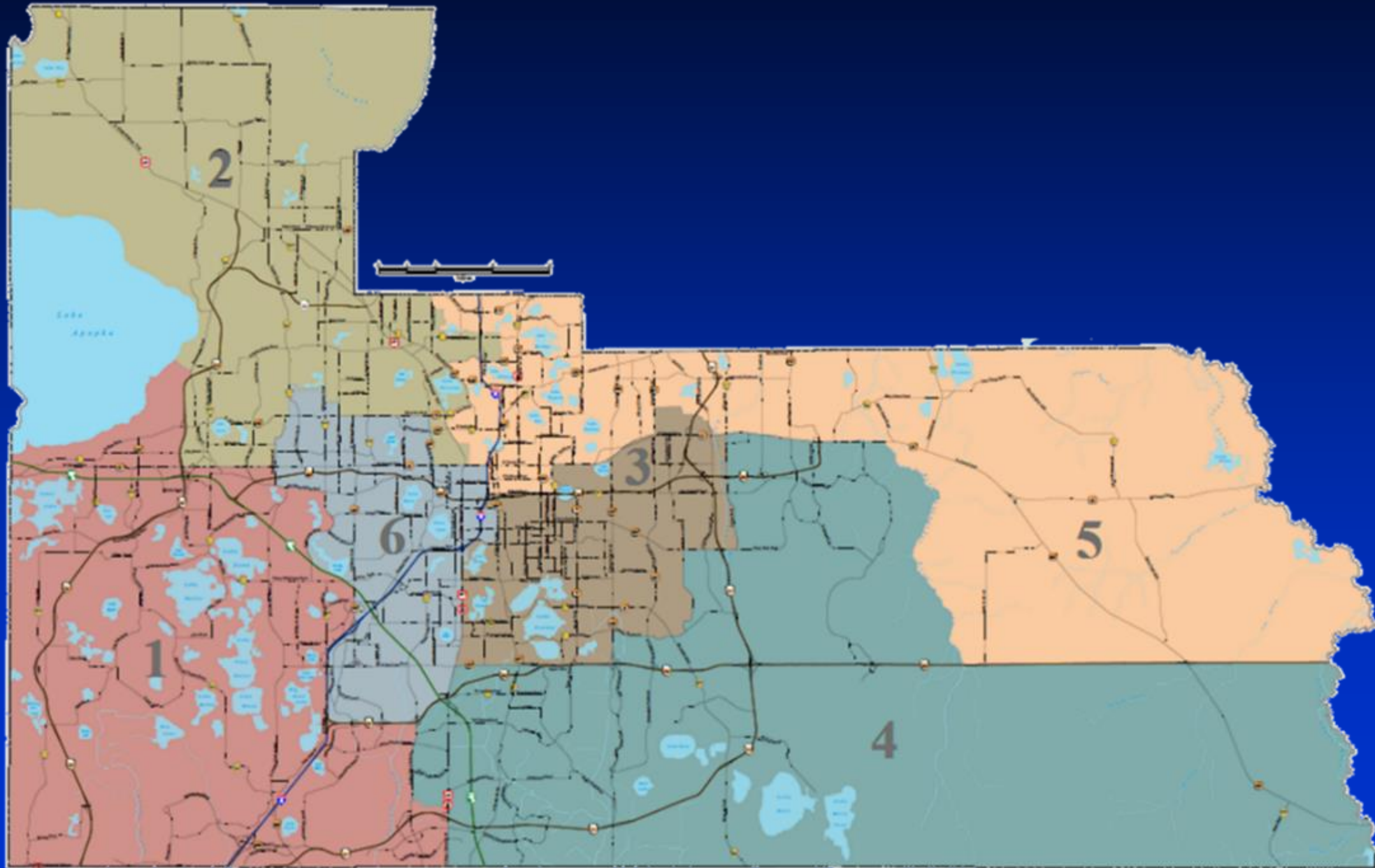
Amendment 2021-2-C-PRE-1

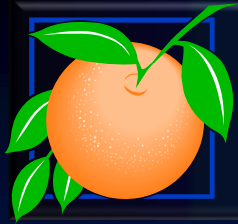
Request: Text Amendment creating a Private Property Rights Element in the Comprehensive Plan, as required by HB 59 (2021), amending Sec. 163.3177, Florida Statutes.

District: Countywide



Location Map

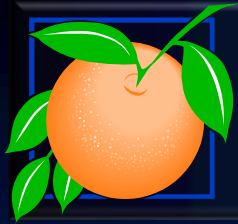




2021 Private Property Rights Legislation

“Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of its next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191.”

Source: s. 163.3177 (6)(i)2, F.S.



2021 Private Property Rights Legislation

In accordance of the legislative intent of ss. 163.3161(10) and 187.101(3), the law requires that local governments “respect judicially acknowledged and constitutionally protected private property rights,” by including in their comprehensive plans “a property rights element to ensure that private property rights are considered in local decisionmaking.”

Source: s. 163.3177 (6)(i)1, F.S.

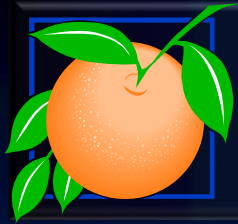


Amendment 2021-2-C-PRE-1

Property Rights Element - Goals, Objectives, and Policies

GOAL PRE1 Orange County shall ensure that private property rights are considered in its local decision-making.

OBJ PRE1.1 In order to comply with the legislative intent expressed in Section 163.3161(10), F.S., that governmental entities respect private property rights, and the requirements of Section 163.3177(6), F.S., that each local government include a property rights element in its comprehensive plan, Orange County shall consider private property rights in its local decision-making in accordance with the policies herein.



Amendment 2021-2-C-PRE-1

PRE1.1.1 Orange County shall consider constitutionally-protected private property rights in its local decision-making.

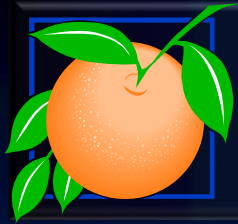
PRE1.1.2 Orange County shall consider judicially-acknowledged private property rights in its local decision-making.

PRE1.1.3 Orange County shall consider statutorily-protected private property rights in its local decision-making.



Amendment 2021-2-C-PRE-1

PRE1.1.4 To the extent Orange County may be unaware of a private property right, such as an easement, lease, or mineral interest, the owner shall be responsible for informing Orange County of such private property right so that Orange County can consider it in its local decision-making.



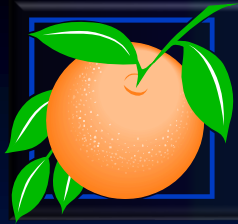
Amendment 2021-2-C-PRE-1

Staff Recommendation: ADOPT

LPA Recommendation: ADOPT

Action Requested:

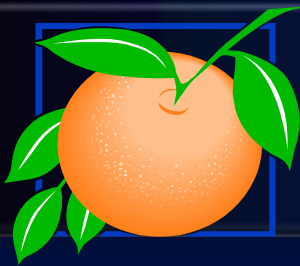
- **Make a finding of consistency with the Comprehensive Plan;**
- **Determine that the amendment is in compliance; and**
- **ADOPT Amendment 2021-2-C-PRE-1.**



Amendment 2021-2-C-PRE-1 and Ordinance

Action Requested:

- **ADOPT Amendment 2021-2-C-PRE-1 and its associated ordinance**



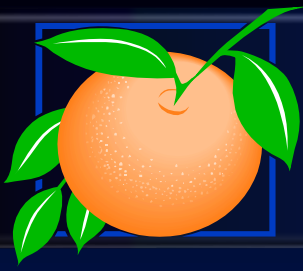
Board of County Commissioners

2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment

Amendment 2021-2-C-FLUE-1

Adoption Public Hearing

November 30, 2021



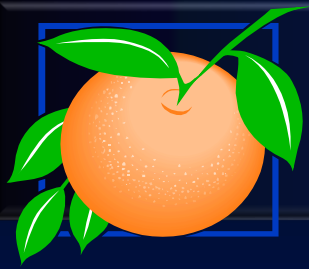
Amendment 2021-2-C-FLUE-1

Request:

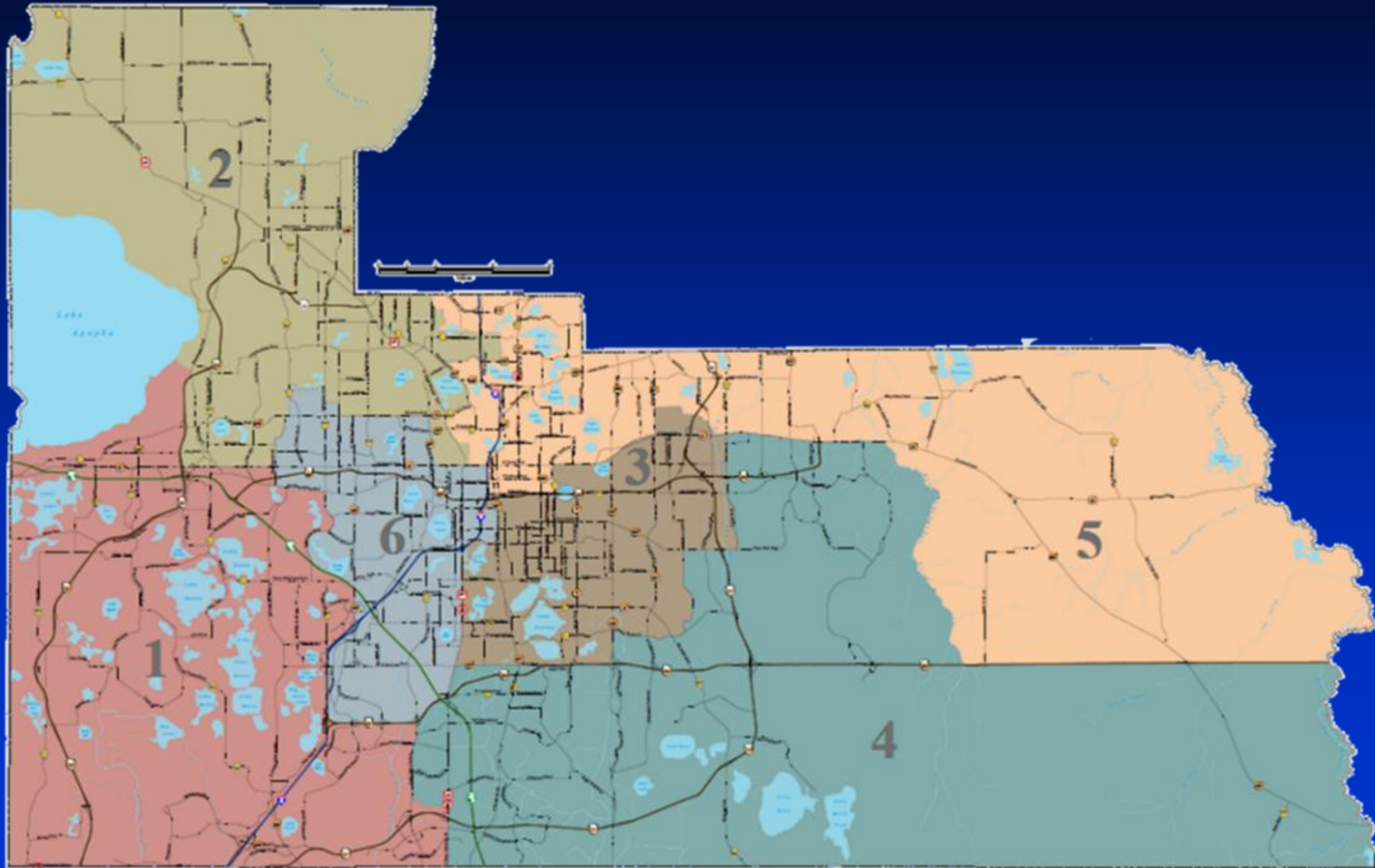
Text Amendment to Future Land Use Element Policy FLU8.8.2, delegating authority to the County Planning ~~Manager~~ Division to assign a privately-initiated or staff-initiated Comprehensive Plan amendment application to the appropriate regular cycle or small scale development review category

District:

Countywide



Location Map





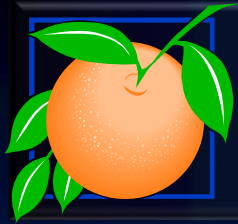
2021 Small Scale Development Amendment Legislation

Process for adoption of small-scale comprehensive plan amendment —

(1) “A small scale development amendment may be adopted under the following conditions:

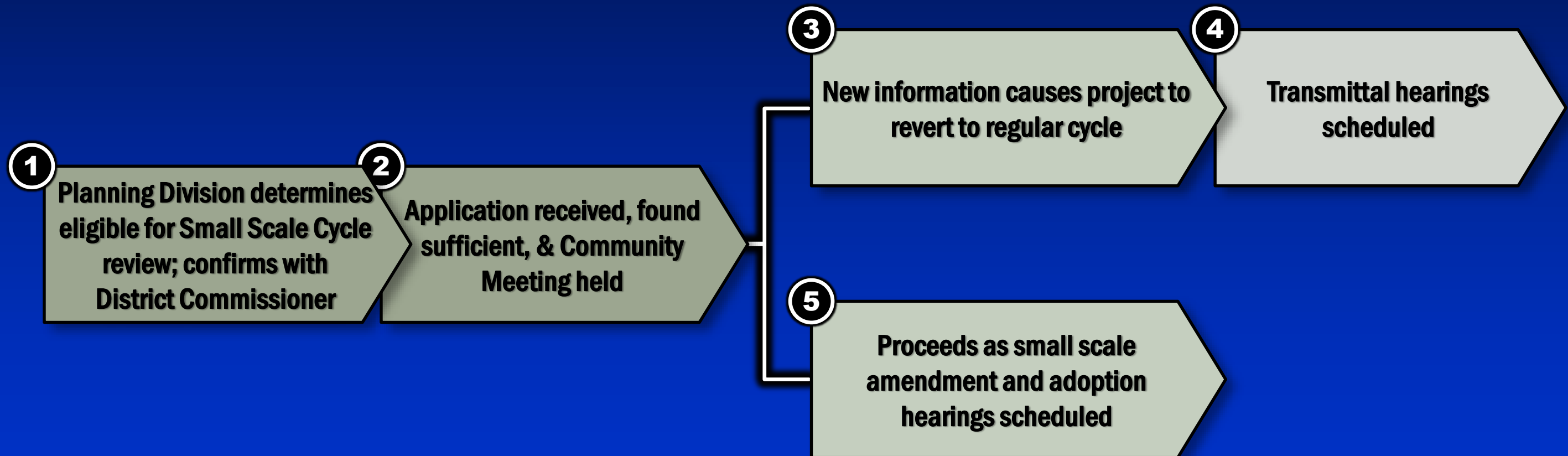
(a) The proposed amendment involves a use of 50 ~~10~~ acres or fewer ...”

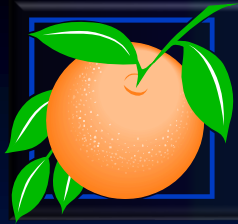
Source: s. 163.3187 (1) F.S.



Considering Community Concerns

- **Confirming Small Scale review is appropriate for sites of 10 – 50 acres**





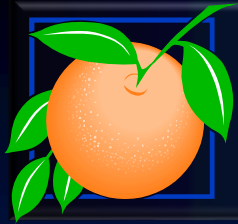
Future Land Use Element Policy FLU8.8.2

Marked-up Version

FLU8.8.2

A Requests for a Future Land Use Map amendments and and/or a text amendments to the Comprehensive Plan shall be considered only upon the submittal of an a completed application meeting satisfying the County's application requirements. Prior to submittal of the application, the applicant Proposed map and text amendments must be reviewed prior to submittal as part of shall participate in a pre-application meeting with the appropriate County staff. Staff shall have the authority to request additional information and documentation related to amendment applications.

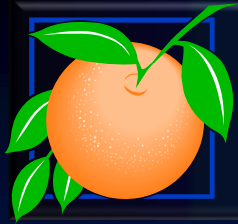
Per Sec. 163.3187(1), F.S., Orange County will continue its practice of processing certain amendments involving a use of 10 acres or fewer as small scale development amendments and those of larger acreage as regular cycle amendments. Certain **However, upon consultation with the applicable District Commissioner, the Planning Division may determine that certain** amendments involving a use of greater than 10 acres and no more than 50 acres may also be processed as small scale development amendments. The Planning **Division** ~~Manager or his/her designee~~ shall have the authority to determine the appropriate review cycle for each proposed amendment and shall develop publicly available guidance for making such determinations that is consistent with Sec. 163.3187(1), F.S. For any application, the County staff shall have the authority to request pertinent additional information and/or documentation related to an application during the course of its review.



Future Land Use Element Policy FLU8.8.2

Marked-up Version (Continued)

- A. The County shall be entitled to charge a reasonable application fee ~~for Future Land Use Map and text amendments to the Comprehensive Plan~~. An application fee waiver policy shall be adopted by the County, with any such waivers request reviewed and approved by the Board of County Commissioners (BCC) on a case-by-case basis.
- B. The ~~Orange~~ County staff may deem a submitted application that has not been transmitted to the ~~State Land Planning Agency~~ Department of Economic Opportunity (DEO) withdrawn if it remains inactive for two consecutive cycles. Consistent with Sec. 163.3184-(3)(c)1, F.S., if the County has transmitted the amendment to the ~~Department of Economic Opportunity DEO~~ and the amendment is not adopted within 180 days after the County receives ~~State Land Planning Agency and other review agency~~ comments from the DEO and other reviewing agencies, the application will be considered withdrawn unless extended by agreement with notice to the ~~state land planning agency DEO~~ and any affected person that may have provided comments on the proposed amendment. The 180-day limitation does not apply to an amendments processed pursuant to Sec. 380.06, F.S.



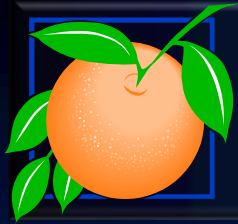
Amendment 2021-2-C-FLUE-1

Staff Recommendation: ADOPT

LPA Recommendation: ADOPT

Action Requested:

- **Make a finding of consistency with the Comprehensive Plan;**
- **Determine that the amendment is in compliance; and**
- **ADOPT Amendment 2021-2-C-FLUE-1.**



Amendment 2021-2-C-FLUE-1 and Ordinance

Action Requested:

- **ADOPT Amendment 2021-2-C-FLUE-1 and its associated ordinance**

