

BCC Mtg. Date: October 12, 2021

EFFECTIVE DATE: December 10, 2021

**ORDINANCE NO. 2021-39**

**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  
AN AMENDMENT PURSUANT TO SECTION 163.3184(3),  
FLORIDA STATUTES, FOR THE 2021 CALENDAR YEAR  
(FIRST 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; and

c. On October 12, 2021, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

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

***Section 3. Amendments to Text of Open Space Element.*** The Comprehensive Plan is hereby amended by amending the text of the Open Space Element to read as follows, with

underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words.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

\* \* \*

**[Amendment 2021-1-C-OS-1:]**

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. 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 by January 1, 2007 for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats.

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.

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.

To maximize open space and preserve the natural environment, 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 onsite 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.

The following text describes 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.

**C. Residential land uses in Rural Settlement expansions.**

For any Rural Settlement expansions in the Wekiva Study Area, 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) in a development with an overall size of less than or equal to 100 acres – open space shall equal 60% or greater;
- 2) development with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater;
- 3) development with densities greater than one unit per acre (1du/ac) in a development with an overall size less than or equal to 100 acres – open space shall be 70% or greater;
- 4) 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 80% or greater.

**D. Residential land uses in Growth Centers [except the Northwest Growth Center].**

Within Growth Centers in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows.

- 1) development with densities of less than or equal to 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 40% or greater;
- 2) development with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 50% or greater;

- 3) 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;
- 4) 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.

**E. Residential land uses in the Urban Service Area and Northwest Growth Center (Not in a Rural Settlement).**

Within the Urban Service Area and Northwest Growth Center in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows:

- 1) development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- 2) development with an overall size greater than 100 acres – open space shall be 50% or greater.

**F. Vertical mixed-use in the Urban Service Area and Growth Center.**

Vertical mixed-use (non-residential and residential land uses) within the Urban Service Area and Growth Centers in the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses.

**G. Non-residential land uses in the Rural Service Area.**

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. Comprehensive plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses.

**H. Non-residential land uses in the Urban Service Area.**

New non-residential uses permitted in the Wekiva Study Area within the Urban Service Area shall be consistent with Goals, Objectives and Policies of the Comprehensive Plan and specifically with the Policies FLU1.4.3 through FLU1.4.25. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space.

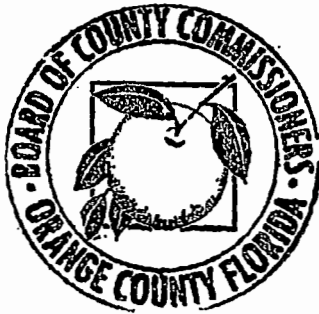
Non-residential sites too small to accommodate the above requirements – generally existing lots of record – may apply for a waiver from some or all of these open space requirements, provided that competent and sufficient evidence is provided documenting that fulfilling these requirements either is not physically possible or would constitute an undue hardship rendering the property unusable under the land use designation in effect on July 1, 2006.

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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.

ADOPTED THIS 12th DAY OF OCTOBER, 2021.



**ORANGE COUNTY, FLORIDA**

By: Board of County Commissioners

By: *Jerry L. Demings*

*JL* Jerry L. Demings  
Orange County Mayor

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

By: *Katie Smith*

Deputy Clerk