

BCC Mtg. Date: November 30, 2021

EFFECTIVE DATE: January 16, 2022

ORDINANCE NO. 2021-44

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 (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 November 30, 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. Creation of the Property Rights Element. The Comprehensive Plan is hereby amended by adopting the Property Rights Element to read as follows, with underlines

showing new numbers and words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

* * *

[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.**

POLICIES

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.**

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.**

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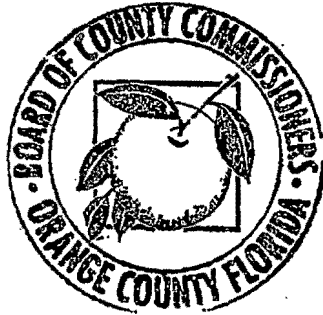
Section 4. Effective Dates for Ordinance and Amendment.

(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 30th DAY OF NOVEMBER, 2021.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for 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