

CEDS Department

Development Process Overview Comprehensive Planning

February 7, 2017



Presentation Outline

- **Work Session Overview**
- **Background**
- **Comprehensive Plan Structure**
- **Amendment Process**
- **Nature of Proceedings**



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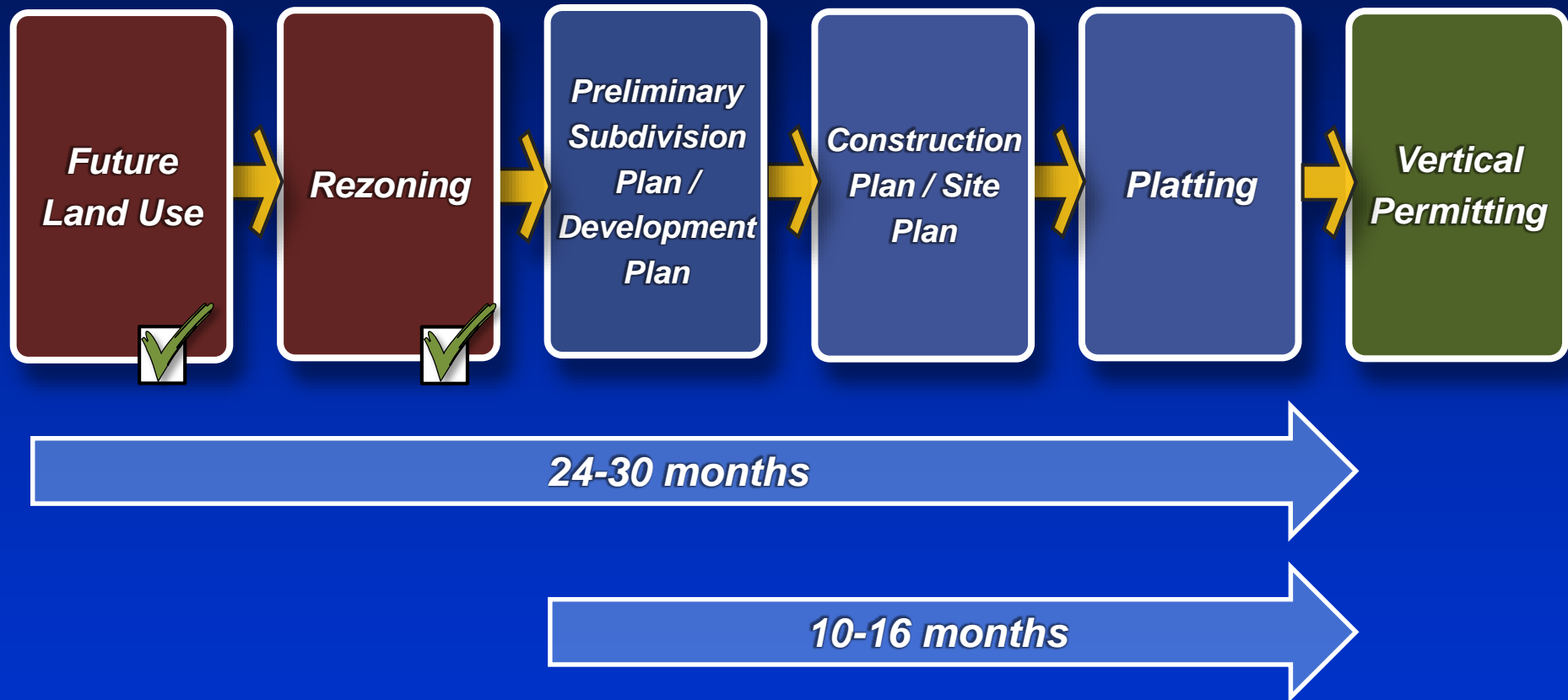
Work Session Overview

- Purpose is to review Orange County's development processes
- Last discussed with BCC in 2011 after changes to Florida's growth management laws
- Work Session Schedule
 1. Comprehensive Planning – Overview
 2. Comprehensive Planning – Framework Policies
 3. Zoning and Zoning Changes
 4. Environmental Permitting
 5. Residential and Commercial Subdivisions



Work Session Overview

General Orange County Development Process





Presentation Outline

- Work Session Overview
- **Background**
- Comprehensive Plan Structure
- Amendment Process
- Standard for Review



Background

- **Florida's Legislative Framework**
 - Part II, Ch. 163, Florida Statutes
 - State Land Planning Agency:
Department of Economic Opportunity (DEO)
- **Five waves of major changes**
 1. Environmental Protection (1970s)
 2. Growth Management (1980s)
 3. Monitoring and Evaluation (1990s)
 4. Paying for Growth (2000s)
 5. Local Control (2010s)

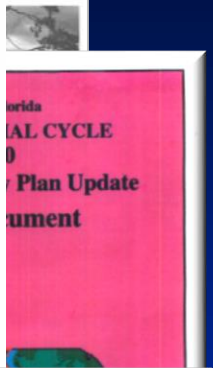
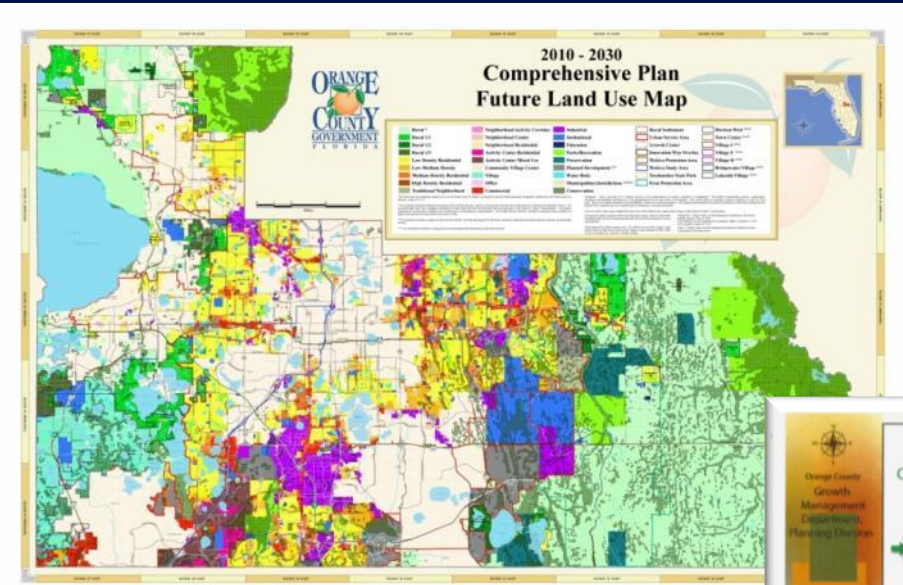
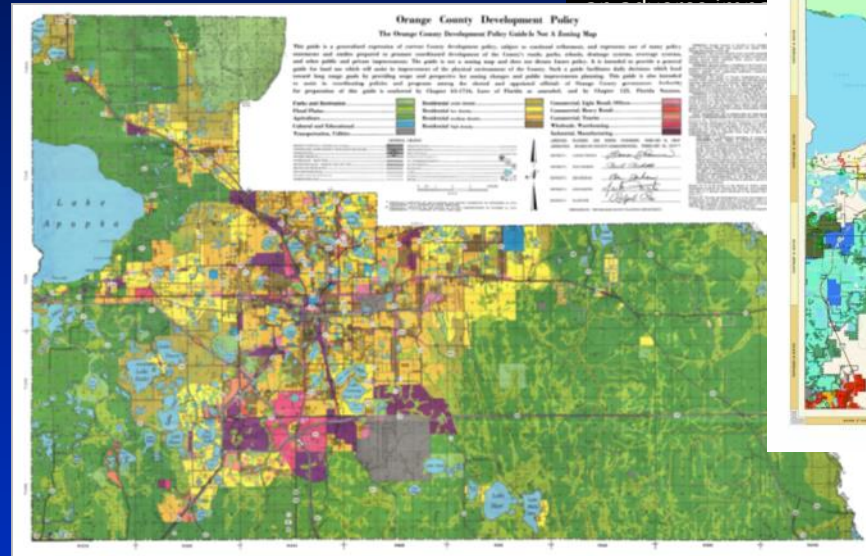
Year	Population (Millions)	
1960	4.9	
1970	1.9	6.8
1980	2.9	9.7
1990	3.2	12.9
2000	3.0	15.9
2010	2.9	18.8





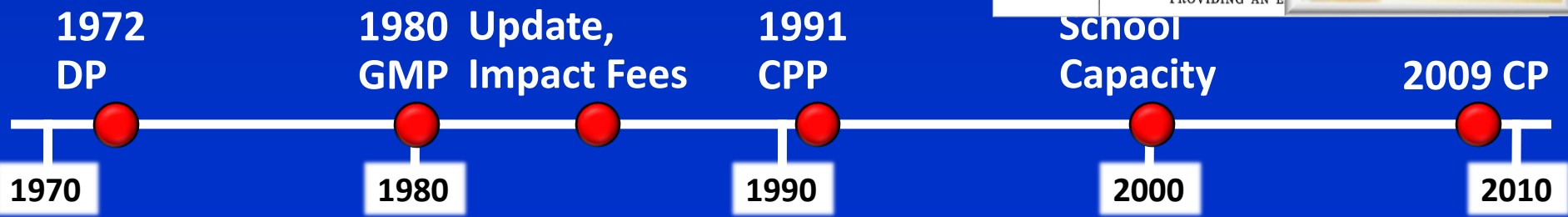
Background

Land Use Change
In March 2000, school capacity.



proposing residential rezonings and amendments.

Prepared By
Orange County Planning Department





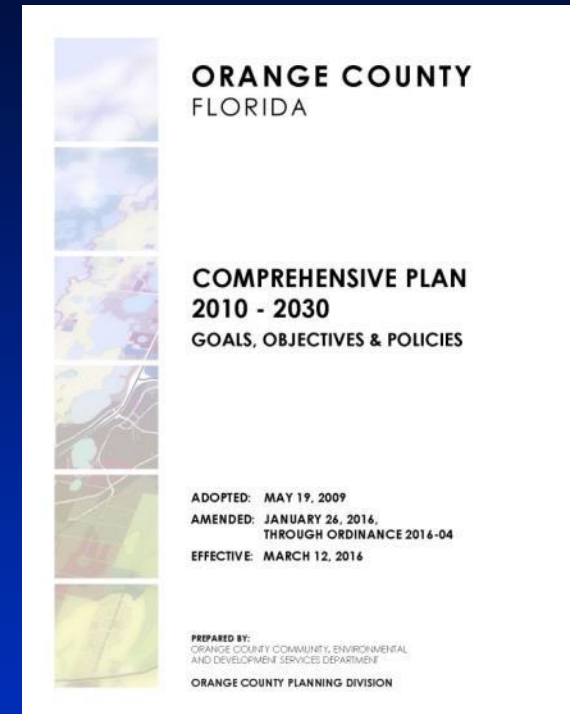
Presentation Outline

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Comprehensive Plan Structure

- Vision document for Orange County guiding growth and capital investment
- Comprehensive Plan Structure:
 - Elements
 - Goals
 - Objectives
 - Policies
 - Maps
- FS 163.3177 identifies required and optional elements





Comprehensive Plan Structure

■ Orange County Comprehensive Plan Elements

- **Future Land Use**
- **Urban Design**
- **International Drive Activity Center**
- **Transportation**
- **Housing**
- **Neighborhood**
- **Economic**
- **Conservation**
- **Recreation**
- **Open Space**
- **Potable Water, Wastewater and Reclaimed Water**
- **Aquifer Recharge**
- **Stormwater Management**
- **Solid Waste**
- **Fire Rescue**
- **Public Schools Facilities**
- **Capital Improvements**
- **Intergovernmental Coordination**
- **Appendices**

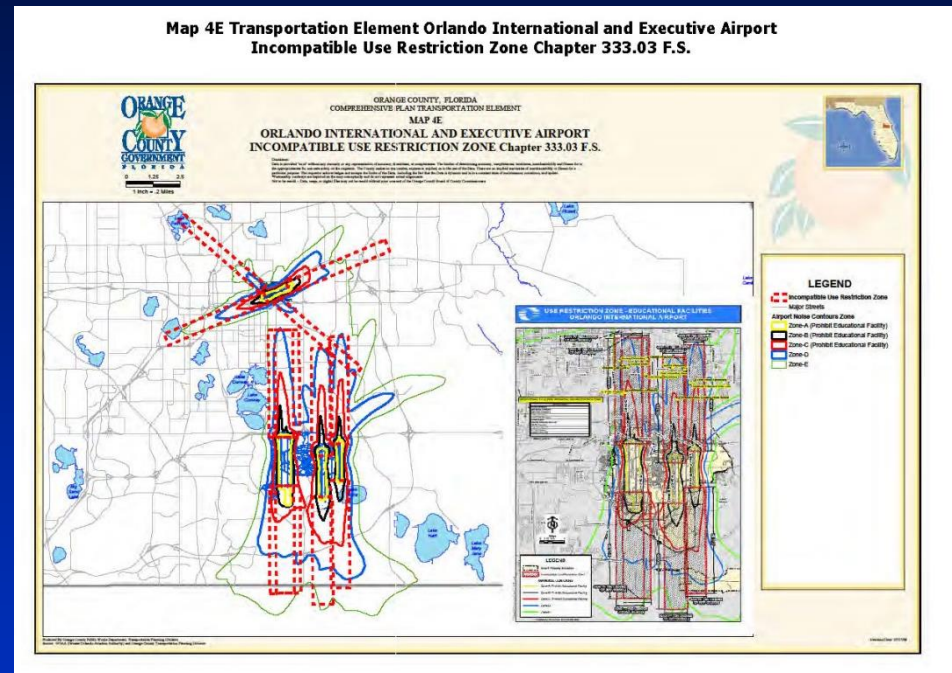
Required elements



Comprehensive Plan Structure

■ Maps

- Future Land Use Map
- Horizon West
- Overlays
- Urban Service Area
- Rural Settlements
- Long Range Transportation Plan
- Transit, Bicycle, and Pedestrian Plans
- Various informational maps





Comprehensive Plan Structure

▪ Future Land Use Map (FLUM)

- Long range land use plan (20 years)
- Shows general categories of land use



Residential



Commercial



Office



Industrial



Institutional



Conservation



Mixed Use / Planned Development

- Densities and Intensities (max DUs/acre and FAR)
- Development standards addressed through Zoning



Comprehensive Plan Structure

- **Framework policies**
 - Urban Framework
 - Rural Protection
 - Conservation and Water Management
 - Capital Projects
 - Intergovernmental Coordination
- **Framework policies will be discussed in more detail on February 21, 2017**



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Amendment Process

■ State Expedited Review

- Regular (more than 10 acres) and text amendments
- Small Scale Development (10 or fewer acres)

■ State Coordinated Review

- Sector Plans (e.g., NE District in Osceola County)
- Developments of Regional Impact (DRIs)
- Evaluation and Appraisal Report (EAR)

■ DEO Correspondence

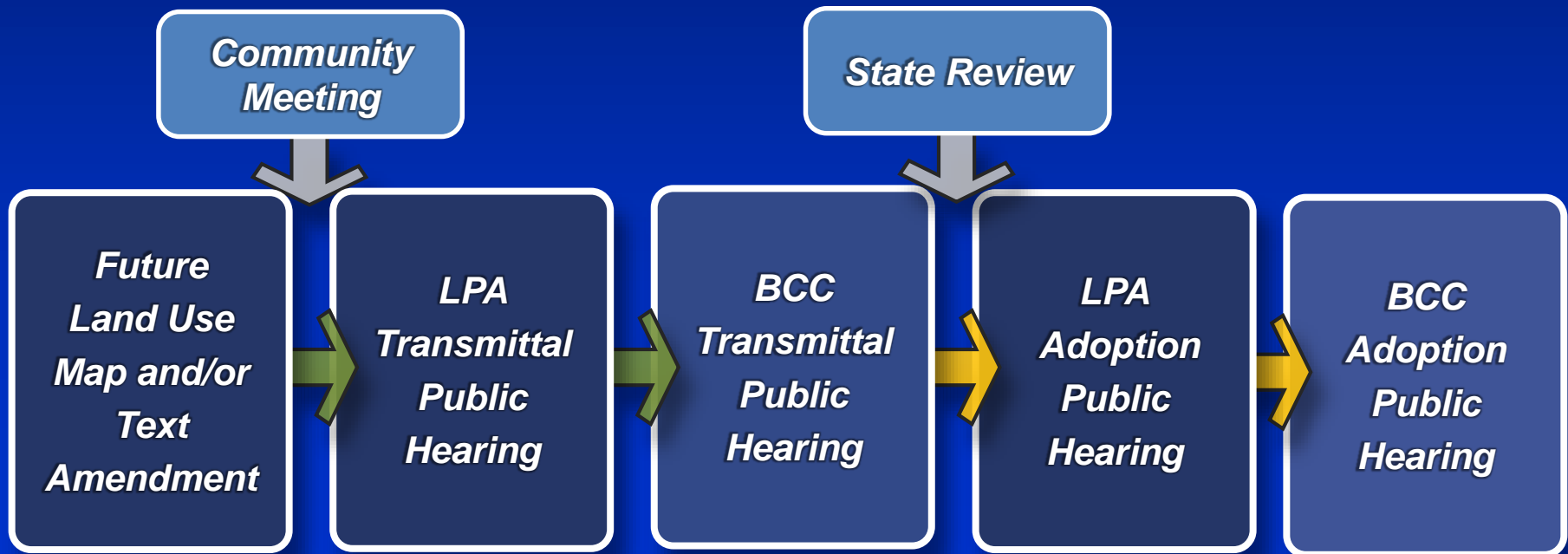
- ORC (Objections, Recommendations, and Comments) Report
- After adoption of amendment, issues notice of intent regarding compliance



Amendment Process

- Two Regular and Two Small Scale Review Cycles per Year

Regular Amendment Process





Amendment Process

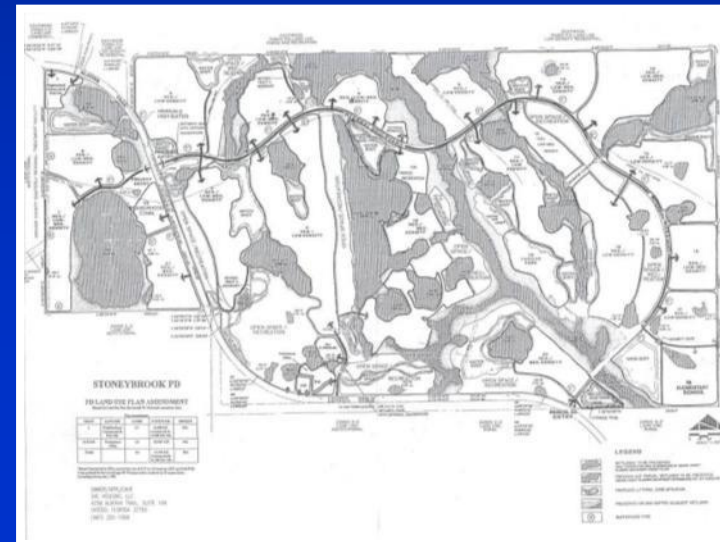
2017-1 Amendment Cycle Schedule

	Regular	Small Scale
Pre-application Mtg	July 2016	October 2016
Application	August 2016	November 2016
Community Meetings	October 2016	February 2017
LPA Transmittal Hearing	December 15, 2016	None
BCC Transmittal Hearing	January 24, 2017	None
State Review	March 2017	None
LPA Adoption Hearing	April 20, 2017	April 20, 2017
BCC Adoption Hearing	June 6, 2017	June 6, 2017
State Notice Letter	July 2017	July 2017



Amendment Process

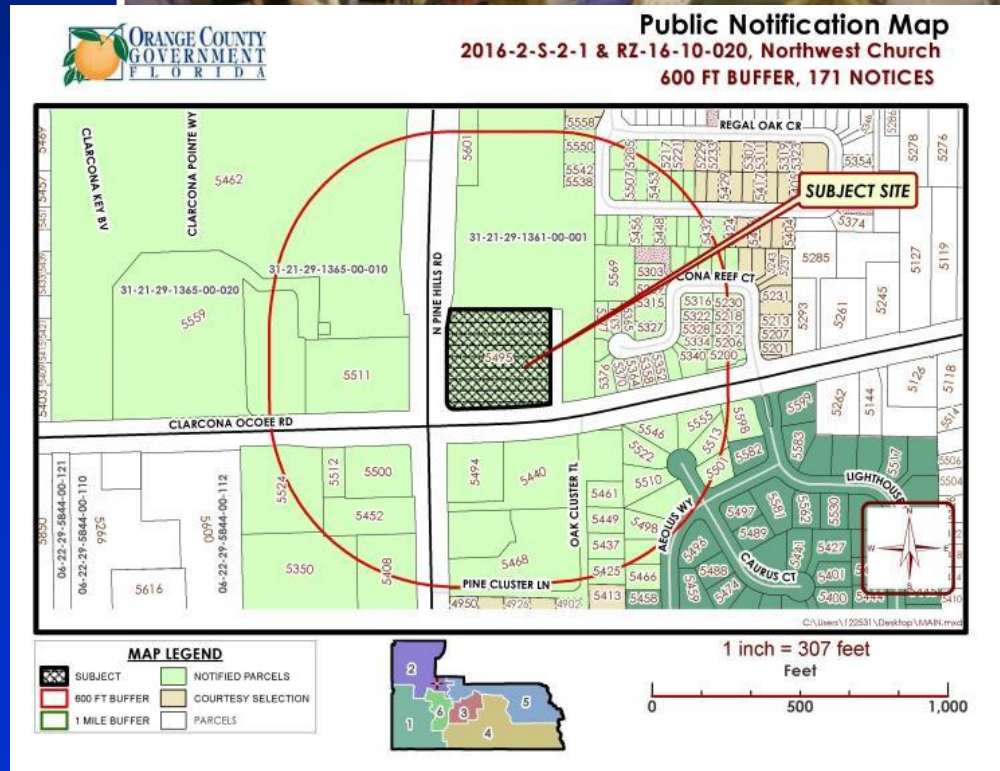
- **Concurrent Rezoning**
 - Required to consider, if requested, per Florida Statutes
 - Evaluated for consistency with the Comp Plan, as amended
 - e.g., Compatibility (FLU Obj. 8.2)
 - May be reasonably conditioned or approved concurrent with other agreements (APF, Road, etc.)





Amendment Process

- Public Participation
 - Community meetings
 - Notification
 - Public hearings
 - 4 for Regular
 - 2 for Small Scale





Amendment Process

- **Data and Analysis (Staff Report)**
 - Background and Development Program
 - Relevant Policies
 - Consistency
 - Compatibility
 - Preliminary review of:
 - Environmental
 - Transportation
 - Utilities
 - Schools (may require CEA)





Amendment 2016-2-S-0-0

Staff Recommendation: ADOPT

LPA Recommendation: ADOPT

Action Requested:

- Make a **finding of consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objectives FLU2.1 and FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU8.2.1, and FLU8.2.10; and Neighborhood Element Objective N1.1);
- Determine that the proposed amendment is **in compliance***; and
- Adopt Amendment 2016-2-S-0-0 , Low Density Residential (LDR) to Commercial (C)

*** with 163 Florida Statutes**

SAMPLE



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Nature of Proceedings

- **BCC's adoption of Comprehensive Plan amendments is legislative in nature**
 - Legislative decision results in formulation of rule or policy
 - BCC determines if proposed amendment is “in compliance” with applicable law
- **BCC's adoption of Concurrent Rezoning is quasi-judicial in nature**
 - Quasi-judicial decision applies policy



Nature of Proceedings

- **BCC's decision adopting a comprehensive plan amendment may be challenged in the Division of Administrative Hearings (DOAH)**
 - Challenge may be brought by an Affected Person or Department of Economic Opportunity (DEO)
 - Case is heard by an Administrative Law Judge (ALJ), and ALJ issues order
 - In challenge brought by Affected Person:
 - BCC's decision must be upheld if “fairly debatable”
 - In challenge brought by DEO:
 - BCC's decision is presumed correct, and
 - DEO has burden to show by preponderance of evidence that decision is incorrect



Nature of Proceedings

- After filing of challenge, parties may voluntarily enter into a Compliance Agreement (settlement proposal)
- After Compliance Agreement is executed, DOAH case is stayed by ALJ
- Before approving Compliance Agreement, BCC must hold a public hearing
- BCC must adopt remedial amendments at a public hearing



Future Work Sessions

- **Future Work Sessions**
 - Comprehensive Planning – Framework Policies
 - Zoning and Zoning Changes
 - Environmental Permitting
 - Residential and Commercial Subdivisions

- **Questions?**