

BCC Mtg. Date: June 6, 2017

EFFECTIVE DATE: August 10, 2017

ORDINANCE NO. 2017-12

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(4), FLORIDA STATUTES, FOR THE 2017 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING EFFECTIVE DATES.

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 ("Comprehensive Plan");

c. On December 15, 2016, 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;

d. On January 24, 2017, the 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;

e. On March 31, 2017, the State of Florida's Department of Economic Opportunity ("DEO") issued a letter to the County relating to the DEO's review of those proposed amendments;

f. On April 20, 2017, the LPA held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan as described in this ordinance; and

g. On June 6, 2017, the Board held a public hearing on adoption of the proposed amendments as described in this ordinance, and decided to adopt them.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to the Act, now known as the "Community Planning Act," Sections 163.3161-163.3217, Florida Statutes, as amended.

Section 3. Amendments to Text of Future Land Use Element. The Comprehensive Plan is hereby further amended by amending the text of the Future Land Use Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words:

FLU1.2.3 The amount of usable land and the need for land to accommodate the projected population within the Urban Service Area shall be monitored and updated on a regular basis as part to reflect changes in local conditions, consistent with the objectives of the Evaluation and Appraisal Report process. As part of this effort, ~~The County will assess its progress toward implementing the urban strategies contained herein in order to achieve its planned development pattern report the findings as part of the Evaluation and Appraisal Report.~~

FLU6.1.10 Orange County shall support the goals of the Rural Land Stewardship program as presented in Chapter 163.3248, F.S., encouraged by the ~~Department of Community Affairs~~ and consider cooperative implementation of this program where there are interested property owners, and adjoining entities willing to participate in this effort.

OBJ FLU8.4 PUBLIC PARTICIPATION. Orange County shall provide for and encourage public participation in the comprehensive planning process, including consideration of proposed amendments to the CP and

~~Evaluation and Appraisal Reports.~~ This includes the use of community meetings, forums and visioning techniques, as needed.

Section 4. Amendments to Text of International Drive Element. The Comprehensive Plan is hereby further amended by amending the text of the International Drive Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words:

OBJ 5.1 In order to minimize adverse development impacts, the County will pursue adoption of land development regulations to ensure land use compatibility and environmental protection within and adjacent to the Activity Center. ~~Until such time, the County will ensure that development within the Activity Center is consistent with Rules 9J-5.006(3)(c)2 and 9J-5.013(2)(c), Florida Administrative Code (FAC) regarding land use compatibility and environmental resource protection.~~

Section 5. Amendments to Text of Transportation Element. The Comprehensive Plan is hereby further amended by amending the text of the Transportation Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words:

T1.3.1 Orange County shall continue to use an annually-updated, ~~financially feasible~~ and phased Five-Year Capital Improvement Program to implement the identified transportation improvements required to maintain the designated level of service and quality of service.

Section 6. Amendments to Text of Housing Element. The Comprehensive Plan is hereby further amended by amending the text of the Housing Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words:

~~**H1.8.3** The number and type of approved units shall be periodically monitored in the Evaluation and Appraisal Report.~~

Section 7. Amendments to Text of Conservation Element. The Comprehensive Plan is hereby further amended by amending the text of the Conservation Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words:

- C1.4.0 For the purposes of this Comprehensive Plan, ~~Environmentally Sensitive Lands, per 9J-5, Florida Administrative Code and Chapter 163, Florida Statutes, for the purposes of this Comprehensive Plan~~ shall mean at a minimum Class I conservation areas as defined in Conservation Policy C1.4.1, and their adjacent uplands, rare upland habitat including but not limited to sandhill and scrub, and those wetland and upland systems that support any Threatened, Endangered Species, or Species of Special Concern.

Section 8. Amendments to Text of Open Space Element. The Comprehensive Plan is hereby further 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:

- OS1.1.1 Open space shall be clearly defined and be internally consistent in the Land Development Code. ~~However, in cases where environmentally sensitive land acreage is attributed to maintaining the resource-based recreation level of service, the functionality of open space shall be consistent with Rule 9J-5.003(88), Florida Administrative Code.~~

- OS1.1.3 ~~As it pertains to protection of vegetative communities and existing natural reservations specified in this element and the Recreation Element, tree protection shall be consistent with Rule 9J-5.013(2)(c)(3) and (7), F.A.C.~~ Tree removal shall be authorized consistent with provisions of the Orange County Land Development Code, Chapter 15, Article VIII, or any subsequent revisions.

Section 9. Amendments to Text of Stormwater Management Element. The Comprehensive Plan is hereby further amended by amending the text of the Stormwater

Management Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words:

- SM1.4.5 Orange County shall update all of the stormwater master plans on an as-needed basis, as identified in Stormwater Management Policy SM1.4.1. ~~These master stormwater plans shall include, at a minimum, all data and analysis requirements of Chapter 9J-5.011(1)(a) through (f), Florida Administrative Code.~~ To make these planning efforts more efficient, the level of detail for a specific basin can be targeted toward the prioritized needs referenced in Stormwater Management Policy SM1.4.7.

Section 10. Amendments to Text of Public Schools Facilities Element. The Comprehensive Plan is hereby further amended by amending the text of the Public Schools Facilities Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words:

- PS5.2.6 Orange County shall protect existing schools from the intrusion of incompatible land uses through the development review process.
~~{163.3177(12)(g)4, FS} and {9J-5.025(3)(b)5, FAC}.~~

- PS6.3.7 Consistent with Section 16.2 of the Interlocal Agreement, the following residential uses shall be exempt from the requirements of school concurrency:

- c. Any building or structure that has received a building permit as of the effective date of the Interlocal Agreement, or is described in section 163.3167(8)(5), Florida Statutes.

Section 11. Amendments to Text of Capital Improvements Element. The Comprehensive Plan is hereby further amended by amending the text of the Capital Improvements

Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words:

CIE1.1.6 The County annually shall update the Capital Improvements Element in order to maintain a ~~financially feasible~~ 5-year schedule of capital improvements. The Capital Improvements Budget will be based on the multi-year Capital Improvements Program. Future capital improvements expenditures necessitated by changes in population, changes in real estate development, or changes in economic base will be calculated and included in capital improvements budget projections.

CIE1.1.16 Consistent with s.163.3177(3)(b)~~4~~, FS, the following changes may be adopted by local ordinance provided they are consistent with the Comprehensive Policy Plan:

- Corrections and modifications of the cost of a project already included in the Capital Improvements Program
- Corrections and modifications to revenue sources identified in the Capital Improvements Program
- The acceptance of facilities pursuant to dedications

Section 12. Amendments to Text of Intergovernmental Coordination Element. The Comprehensive Plan is hereby further amended by amending the text of the Intergovernmental Coordination Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words:

ICE1.1.4 Orange County shall voluntarily enter into a dispute resolution process to resolve intergovernmental coordination disputes with other municipalities and jurisdictions on a case-by-case basis, using the procedures below:

- A. The County shall seek dispute resolution assistance and guidance from the East Central Florida Regional Planning Council or other mediation group.
- B. The resolution process will be developed consistent with ~~Chapter 185.509, F.S. and Rule 9J-5.015, FAC. Chapter 164, F.S., Sections 164.101-164.1061.~~
- C. Unless requested by the disputing parties, the process shall not be used to address environmental permitting or other regulatory issues.

ICE1.9.8 ~~In accordance with Florida Statute Chapter 240.155, Orange County shall review and coordinate land use planning and development of the University of Central Florida (UCF) as specified in the UCF Campus Master Plan (1995) and as amended of Campus Master Plans prepared or amended pursuant to Section 1013.30, F.S.~~ Subsequent development agreements shall be established and periodically amended in conjunction with or based on campus development, which singularly or cumulatively result in:

- A. A 10 percent increase in campus land use intensities or densities;
- B. A 10 percent decrease in campus natural areas, open space or buffers;
- C. A 10 percent increase of development impacts on roads or another public facility or service provided or maintained by the state, County or any affected local government.

Section 13. Effective Dates for Ordinance and Amendments.

- (a) This ordinance shall become effective as provided by general law.
- (b) In accordance with Section 163.3184(4)(e)5., Florida Statutes, a plan amendment adopted under the state coordinated review process shall go into effect pursuant to the DEO's notice of intent. If timely challenged, an amendment does not become effective until the DEO or the Administration Commission enters a final order determining the adopted amendments to be in compliance.
- (c) No development orders, development permits, or land uses dependent on these amendments may be issued or commence before these amendments have become effective.

{Signature Page Follows}

ADOPTED THIS 6th DAY OF JUNE, 2017.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

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

Phil Diamond
Deputy Clerk