

BCC Mtg. Date: November 14, 2017

EFFECTIVE DATE: December 31, 2017

ORDINANCE NO. 2017-19

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(3), FLORIDA STATUTES, FOR THE 2017 CALENDAR YEAR (SECOND 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 June 15, 2017, 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 July 11, 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 August 25, 2017, the DEO issued a letter to the County relating to the DEO's review of those proposed amendments;

f. On October 19, 2017, the LPA held a public hearing at which it reviewed and made recommendations regarding the adoption of the proposed amendments to the Comprehensive Plan as described in this ordinance; and

g. On November 14, 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 Part II of Chapter 163, Florida Statutes.

Section 3. Amendments to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designations as described at **Appendix "A,"** attached hereto and incorporated herein.

Section 4. 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Land Use Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words. (Words, numbers and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

[Amendment 2017-2-B-FLUE-2:]

FLU1.1.4 In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

A. OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominately found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within Chapter 5).

FLUM Designation	General Description	Density/Intensity
Urban Non-Residential – Predominantly urban in use		
Office (O)	Office uses include professional office and office park-style development. Office uses can be considered as a transitional use between two different types of land use or land use intensities.	3.0-1.25 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted County Comprehensive Plan policy or land development code
Commercial (C)	Commercial uses include neighborhood and commercial scale commercial and office development that serves neighborhood or community or village needs. Examples include neighborhood center, community center and village commercial.	3.0-1.50 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased for specific locations pursuant to adopted by County Comprehensive Plan policy or land development code
***	***	***

- FLU1.4.6 The following guidelines illustrate different types of commercial and retail development consistent with the Orange County Comprehensive Plan. It is the goal of the 2030 CP to increase densities and intensities in the Urban Service Area in order to accommodate projected growth. The Commercial floor area ratio (FAR) shall be ~~3.0~~ 1.50 unless otherwise restricted or increased for specific locations pursuant to adopted by County Comprehensive Plan policy or land development code (See FLU1.1.4A, FLU2.2.4 – FLU2.2.7, and FLU3.2.1 – FLU3.2.13). The basis for increasing densities and intensities is the finding that productive use of vacant land within the Urban Service Area is critical to the County's future urban form. Therefore, with respect to new development and redevelopment, the County is seeking more integrated forms of commercial and non-residential development, including vertical mixed use design and complementary land uses in close proximity to one another, in its desired development pattern for the County's Urban Service Area.

- FLU8.1.1 (a) The following zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities; market demand and

environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County's **Zoning and Future Land Use Correlation** is referenced herein as follows:

Zoning and Future Land Use Correlation		
FLUM Designation	Density/Intensity	Zoning Districts

Urban and/ or Non-Residential		
Office (O)	<u>3.0-1.25 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased by County policy or code</u>	P-O, PD
Commercial (C)	<u>3.0-1.50 FAR (0.15 FAR for Rural Settlements per FLU6.2.9) unless otherwise restricted or increased by County policy or code</u>	C-1, C-2, C-3, P-O, PD
***	***	***

[Amendment 2017-2-B-FLUE-4:]

- FLU1.1.2 A. The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.
- B. The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single family development.	0 to 4 du/ac
Low Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
<u>Medium High Density Residential (MHDR)</u>	<u>Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walk shed.</u>	<u>0 to 35 du/ac</u>
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac

- F. Student housing may be permitted only on property with a future land use designation of Medium Density Residential, Medium-High Density Residential, High Density Residential, or Planned Development (in which medium or high density student housing is included as a single use or part of a mix of uses). A Planned Development zoning classification shall be required for all student housing projects.

- FLU8.1.1 (a) The following zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the

location, availability and capacity of services and facilities; market demand and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County's **Zoning and Future Land Use Correlation** is referenced herein as follows:

Zoning and Future Land Use Correlation		
FLUM Designation	Density/Intensity	Zoning Districts
<i>Urban Residential</i>		
Low Density Residential (LDR)	(0 to 4 du/ac)	R-CE* R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, RT-1, R-T-2, R-L-D, PD, U-V* R-CE is not available as a rezoning request in USA.
Low-Medium Density Residential (LMDR)	(0 to 10 du/ac) + workforce housing bonus	R-1, <u>R-1A</u> , R-2, R-T, R-T-1, PD, U-V
Medium Density Residential (MDR)	(0 to 20 du/ac) + workforce housing bonus	R- <u>32</u> , R- <u>23</u> , UR-3, PD, U-V
<u>Medium-High Density Residential (MHDR)</u>	<u>(0 to 35 du/ac) + workforce housing bonus</u>	<u>R-2, R-3, UR-3, PD, U-V</u>
High Density Residential (HDR)	(0 to 50 du/ac) + workforce housing bonus	R- <u>32</u> , R- <u>23</u> , UR-3, PD, U-V

<i>Area Specific</i>		
Neighborhood Center (NC) Neighborhood Activity Corridor (NAC) Neighborhood Residential (NR)	40 DU/AC (2.0) 25 DU/AC (1.0) 20 DU/AC (.40) Study required per FLU8.3.1	NC NAC NR
Village Classification (V) (Horizon West)	See SAP	PD within adopted Specific Area Plan (SAP) Densities and Intensities determined at PD based on the adopted SAP.
Traditional Neighborhood Development		PD

(TND)		
Growth Center (GC)	See FLUE	PD
Innovation Way Overlay (Scenario 5)	See Chapter 4	PD within adopted Detailed Area Plan (DAP) or PD consistent with DRI Development Order or Future Land Use Map amendment. Compliance with FLU8.1.4. Innovation Way – Planned Development – Regulating Plan (IW-PD-RP)
I-Drive District Overlay	See Conceptual Regulating Plan, Map 23 of Future Land Use Map Series	PD, C-1, C-2, I-2/I-3

[Amendment 2017-2-B-FLUE-5:]

FLU8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) Future Land Use designations that have been adopted subsequent to January 1, 2007.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
***	***	***	***
<u>2017-2-A-5-1</u> <u>15169 E.</u> <u>Colonial Dr.</u>	<u>Planned Development / Commercial / Conservation (PD/C/CONS)</u>	<u>Up to 60,000 square feet of C-1 uses</u>	<u>2017-19</u>

[Amendment 2017-2-B-FLUE-6:]

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

Amendment Number	Name	Size (acres)	Ordinance Number
***	***	***	***
<u>2017-2-A-5-1</u>	<u>15169 E. Colonial Dr.</u>	<u>12.1</u>	<u>2017-19</u>

[Amendment 2017-2-B-CP-1:]

FLU1.1.4 In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

A. OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are ~~predominately~~ predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within ~~Chapter 5~~ OBJ FLU6.2). Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objective and/or policies in this Comprehensive Plan.

FLUM Designation	General Description	Density/Intensity
***	***	***
Institutional (INST)	Institutional uses recognize <u>include</u> local, regional, state or Federal <u>public and private utilities, facilities, structures and lands that serve a public or quasi-public purpose. Public schools that have been designated Institutional may continue to maintain that designation.</u>	2.0 FAR
Educational (EDU)	Educational recognizes <u>includes</u> <u>public elementary, K-8, middle,</u>	2.0 FAR

	and high schools and ninth grade centers. Future Land Use change required for all schools proposed for RSA, and for high schools and ninth grade centers proposed in Rural Settlements.	
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FLU1.4.22

Utilities and public facilities, and all pipes and lines associated with such utilities and facilities, shall be allowed in all Future Land Use designations, subject to complying with applicable laws and regulations, including zoning restrictions. Utilities and public facilities, except associated pipes and lines, shall have a Future Land Use Map designation of Institutional. ~~If permitted to locate in or through conservation areas, mitigation shall be required consistent with County, State and Federal regulations.~~

* * *

FLU6.2.12

Any proposed use within a Rural Settlement intended for the new construction of a structure(s) with a Gross Buildable Area of 50,000 SFsquare feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.
- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable.

* * *

OBJ FLU8.7

PUBLIC SCHOOLS. Orange County shall promote safe and adequate public school site locations. (For purposes of this

Comprehensive Plan, the terms “public schools,” “schools,” “public school facilities,” “educational facilities,” and the like, shall mean (1) traditional, publicly supported and controlled schools under the jurisdiction of the Orange County School Board, consisting of kindergarten, elementary and/or secondary school grades, and (2) schools organized as a nonprofit organization that have applied for and received authorization from the School Board to operate a charter school for kindergarten, elementary and/or secondary school grades in accordance with Florida Statutes pertaining to charter schools, which became law in 1996, as that statute may be amended or replaced, but only where the permanent student capacity is 550 or greater.)

POLICIES

FLU8.7.1 Orange County shall support and encourage the location of new elementary, K-8, and middle schools, ~~unless otherwise required~~, internal to residential neighborhoods, unless otherwise prohibited.

* * *

FLU8.7.4 To the extent feasible, Educational facilitiespublic schools shall be accessible from sidewalks and bikeways.

FLU8.7.5 Within the Urban Service Area, elementary, K-8, middle, high schools, and ninth-grade centers developed in conjunction with high schools shall be allowed as permitted uses or may be allowed as special exceptions as stated in the Public School Siting Regulations of Article XVIII, Chapter 38, Orange County Code in each of the following future land use designations: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, High Density Residential, Institutional, Activity Center Residential, and Educational. High schools and ninth-grade centers developed in conjunction with high schools shall also be allowed as permitted uses or may be allowed as special exceptions as stated in the Public School Siting Regulations in each of the following future land use designations: Office, Commercial, and Industrial. Public elementary schools shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, High Density Residential, Institutional, Activity Center Residential and Educational. Public middle schools and free-standing ninth-grade centers shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Medium Density

~~Residential, High Density Residential, Institutional Activity Center Residential and Educational. Public middle schools and free-standing ninth-grade centers shall be allowed as special exceptions in the following land-use categories located in the Urban Service Area: Low Density Residential and Low-Medium Density Residential. Public elementary schools, middle schools, and free-standing ninth-grade centers shall be allowed as special exceptions in the following land-use categories located in the Rural Settlement Areas: 1/1, 1/2, 1/5, Low Density Residential, Low-Medium Density Residential, and Institutional. In addition to the locations identified above, public elementary schools, middle schools and freestanding ninth-grade centers shall be allowed as a permitted uses or may be allowed as special exceptions in all future land use categories if identified in an area-specific Future Land Use overlay, regulating plan, special planning area, (e.g. Horizon West, Innovation Way, Holden Heights, International Drive, etc.) or a Planned Development Land Use Plan approved by the Board of County Commissioners.~~

FLU8.7.6

Within a Rural Settlement, elementary, K-8, middle schools, and freestanding ninth-grade centers may be allowed within Planned Development Land Use Plans or as special exceptions in any Rural Settlement Future Land Use designation described in Policy FLU1.1.4H. Any such school in a Rural Settlement is exempt from Policy FLU6.2.12. High schools shall not be permitted in a Rural Settlement. Public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as permitted uses in the following land-use categories located in the Urban Service Area: Commercial, Industrial, Institutional, Activity Center Mixed-Use and Educational. Public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as special exceptions in the following land-use categories located in the Urban Service Area: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, High Density Residential, Office and Activity Center Residential. Public high schools and ninth-grade centers, developed in conjunction with high schools, shall be allowed as a special exception in the following land-use categories located in the Rural Settlement Areas: 1/1, 1/2, 1/5, Low Density Residential, Low-Medium Density Residential, Office, Commercial, Industrial, and Institutional. In addition to the locations identified above, public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as a permitted use in all future land-use categories if identified in a Planned Development Land Use Plan approved by the Board of County Commissioners.

- FLU8.7.7 In the event ~~that~~ the School Board determines a public school facility is required in an area designated Rural/Agricultural on the Future Land Use Map, an amendment to the Future Land Use Map as EDU shall be required. The School Board may request an amendment to the Future Land Use Map at no cost.
- FLU8.7.8 All new public school locations shall be subject to the terms and limitations established in the ~~sSchool sSiting Regulations ordinance~~ developed jointly by Orange County and the School Board, as it may be amended from time to time. The expansion of water and wastewater facilities in a Rural Settlement to serve public school sites shall not be the justification or impetus for future development in a Rural Settlement.
- FLU8.7.9 Public educational facilities shall be allowed in future land use designations specified in Policies FLU8.7.5 through FLU8.7.7 ~~as amended~~. Subsequent to their construction of those facilities, the Future Land Use Map ~~shall~~ may be amended to reflect an Educational (EDU) designation. Any plan amendments required under FLU8.7.6 in the Rural Service Area or under FLU8.7.7 in a Rural Settlement shall be designated EDU.
- FLU8.7.10 ~~Reserved. Orange County shall implement the School Siting Criteria contained in the Land Development Code.~~

* * *

Section 5. 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. (Words, numbers and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

[Amendment 2017-2-B-CP-1:]

GOAL PS2 Make public schools the cornerstones of community planning and design. (See OBJ FLU8.7 for the meaning of the terms “public schools,” “schools,” public school facilities,” “educational facilities,” and the like.)

* * *

PS2.2.1 Work ~~with the School Board and charter school sponsors~~ to identify new school sites that ~~would be in location to~~ will provide logical focal points for community activities and serve as the cornerstone for innovative urban design standards.

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PS2.2.3 Support and encourage the location of new elementary, K-8, and middle schools; ~~unless otherwise required~~, internal to residential neighborhoods, unless otherwise prohibited.

* * *

PS5.1.3 The Board of County Commissioners and the Orange County School Board shall endeavor to meet annually, and at least once every two years, shall meet annually and publicly to review and discuss the ~~Public School Facilities Element and other any~~ issues of ~~mutual~~ concern.

* * *

PS5.1.5 Orange County shall assign a County representative to serve as an ex-officio member on the School Board Advance Planning Committee Facilities Review Committee. Also, pursuant to Section 163.3174(1), Florida Statutes, Orange County's Local Planning Agency shall include a representative of OCPS appointed by the School Board as a nonvoting member of the LPA to attend those meetings at which the LPA considers comprehensive plan amendments and rezonings that would, if approved, increase residential density of the property that is the subject of the application.

* * *

PS5.1.10 Pursuant to the ~~adopted~~ First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of School Concurrency, adopted in 2011, as it may be amended from time to time ("Interlocal Agreement"), a Technical Advisory Committee comprised of representatives from the County, Municipalities, OCPS and the Regional Planning Council shall be established to discuss issues of mutual concern. OCPS shall be responsible for ~~making arranging meetings arrangements~~, providing notification and maintaining a written summary of meeting actions.

* * *

- PS5.1.12 Pursuant to the Interlocal Agreement referenced in Policy PS5.1.10, Orange County shall provide ~~an update of information on~~ approved developments, phases of development and estimated build out by phase to the OCPS Planning Department on an ~~annual as needed~~ basis.

* * *

- PS5.2.1 Within the Urban Service Area, public schools shall be allowed as set forth in Policy FLU8.7.5. ~~Public elementary schools shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Low Density Residential, Low Medium Density Residential, Medium Density Residential, High Density Residential, Institutional, and Activity Center Residential. Public middle schools and free-standing ninth-grade centers shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Medium Density Residential, High Density Residential, Institutional, and Activity Center Residential. Public middle schools and free-standing ninth-grade centers shall be allowed as special exceptions in the following land use categories located in the Urban Service Area: Low Density Residential and Low Medium Density Residential. Public elementary schools, middle schools, and free-standing ninth-grade centers shall be allowed as special exceptions in the following land use categories located in the Rural Settlement Areas: 1/1, 1/2, 1/5, Low Density Residential, Low Medium Density Residential, and Institutional. In addition to the locations identified above, public elementary schools, middle schools, and free-standing ninth-grade centers shall be allowed as a permitted use in all future land use categories if identified in a Planned Development Land Use Plan approved by the Board of County Commissioners.~~

- PS5.2.2 Within a Rural Settlement or the Rural Service Area, public schools shall be allowed as set forth in Policy FLU8.7.6 and Policy FLU8.7.7, respectively. ~~Public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Commercial, Industrial, Institutional, and Activity Center Mixed Use. Public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as special exceptions in the following land use categories located in the Urban Service Area: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, High Density Residential, Office, and Activity Center Residential. Public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as a special exception in the following land use categories located in the Rural Settlement Areas: 1/1, 1/2, 1/5, Low Density Residential, Low-Medium Density~~

~~Residential, Office, Commercial, Industrial, and Institutional. In addition to the locations identified above, public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as a permitted use in all future land use categories if identified in a Planned Development Land Use Plan approved by the Board of County Commissioners.~~

* * *

PS5.2.4 All new public school locations shall be subject to the terms and limitations established in the Public School Siting Regulations ~~ordinance~~ developed jointly by Orange County and the School Board, as they may be amended from time to time.

PS5.2.5 ~~Reserved~~Orange County shall amend the Land Development Regulations to allow schools as permitted uses and special exceptions in appropriate categories, consistent with Future Land Use Element Policies ~~3.2.21, 3.2.21.1 and 3.2.21.2.~~

* * *

PS5.3.5 Where central water and sewer service is not available to a public school site, a temporary on-site water and sewer system may be approved consistent with Potable Water Policy PW1.2.8 and Wastewater Policy WW1.2.9, provided that connection to public supply shall be required when utilities are available to the site. Schools located in a Rural Settlement shall also be subject to FLU8.7.8.

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PS6.1.4 Any changes or modifications to the adopted LOS shall follow the process and guidelines as outlined in ~~Section 13 of the Interlocal Agreement~~ referenced in Policy PS5.1.10.

* * *

PS6.1.7 Any changes or modifications to the adopted school concurrency service areas (“CSAs”) shall follow the process and guidelines as outlined in ~~Section 14 of the Interlocal Agreement~~ referenced in Policy PS5.1.10 ~~[9J-5.025(3)(e)1, FAC].~~

* * *

OBJ PS6.2 OCPS, in conjunction with the County, consistent with ~~Section 14 of the Interlocal Agreement~~ referenced in Policy PS5.1.10, shall establish, and annually review, school ~~Concurrency Service Areas (CSAs)~~, which will be used to evaluate capacity of schools available to accommodate students generated by proposed development.

* * *

PS6.3.7 Consistent with ~~Section 16.2 of the Interlocal Agreement~~ referenced in Policy PS5.1.10, the following residential uses shall be exempt from the requirements of school concurrency:

- a. Any proposed residential development considered de minimis as defined by PSFE Policy PS6.3.5.
- b. One single-family house, one ~~(1)~~-duplex, and/or one accessory dwelling unit being developed on an existing platted residential lot of record.
- 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), Florida Statutes.
- d. Any new residential development that has site plan approval for a site pursuant to a specific development order approved prior to the effective date of school concurrency, including the portion of any project that has received final subdivision plat approval as a residential subdivision into one ~~(1)~~-dwelling unit per lot.
- e. Any amendment to any previously approved residential development, which does not increase the number of dwelling units or change the type of dwelling units (e.g., converts single-family to multi-family, etc.).
- f. Any age-restricted community that qualifies as one of the three types of communities designed for older persons as "housing for older persons" in the Housing for Older Persons Act, 42 USC §3607(b). This exemption shall be applied in conformity with the principles set forth in Volusia County v. Aberdeen at Ormond Beach, L.P., 760 So.2d, 126 (Fla. 2000). Provided, however, that any senior housing community or dwelling unit that loses its qualification as housing for older persons shall be required to meet applicable school concurrency requirements in effect at the time the qualification as housing for older persons is lost.
- g. Alterations or expansion of an existing dwelling unit where no additional dwelling units are created.
- h. The construction of accessory buildings or structures which will not create additional dwelling units.
- i. The replacement of a dwelling unit where no additional dwelling units are created and where the replacement dwelling unit is located on the same

lot. If the type of dwelling unit is different from the original dwelling unit type, the exemption shall be limited to an exemption based on the current student generation rate for the original dwelling unit type, documentation of the existence of the original dwelling unit must be submitted to the concurrency management official.

- j. School concurrency shall not apply to property within a Development of Regional Impact (DRI) for which a Development Order was issued prior to July 1, 2005, or for which a DRI application was submitted prior to May 1, 2005, unless the developer elects otherwise or unless the developer files a Notice of Proposed Change (NOPC) and/or Substantial Deviation to increase the total number of residential dwelling units; however, such exemption shall expire upon withdrawal, denial, or expiration of the application for a Development Order. If such Development of Regional Impact has been approved, or is approved, through a development order, such exemption shall expire for any phase of the Development Order upon expiration of the Development Order build-out date for such phase, or for the entire Development Order upon expiration of the Development Order, or upon any material default of the school mitigation conditions of the Development Order or a related development agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.
- k. The portion of any residential development that, prior to July 1, 2005, is the subject of a binding and enforceable development agreement or Capacity Enhancement Agreement designated as a Capacity Commitment Agreement by resolution of the School Board; however, such exemption shall expire upon expiration of the development agreement, Capacity Enhancement Agreement, or upon any material default of the school impact mitigation conditions of such development agreement or Capacity Enhancement Agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.
- l. Any residential development with a letter vesting it for purposes of complying with school concurrency, or which would be vested at common law for purposes of such concurrency requirement implemented by this Agreement, provided that the School Board may contest a vested rights determination as provided in the land development regulations.
- m. Group living facilities that do not generate students and including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the

homeless, adult halfway houses, firehouse sleeping quarters, dormitory-type facilities for post-secondary students, and religious non-youth facilities, regardless of whether such facilities may be classified as residential uses.

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PS6.4.3 Proportionate Share Mitigation may include payments of money, construction of schools, donations of land, expansion of permanent capacity of existing school campuses, payment of funds necessary to advance schools contained in the ten (10) year DCOP, establishment of charter schools that meet State Requirements for Educational Facilities (SREF) standards, payments into mitigation banks, establishment of an Educational Facilities Benefit District, Community Development District, or other methods identified in ~~Section 17.6(b) of the~~ Interlocal Agreement referenced in Policy PS5.1.10 and as may be negotiated between developer and OCPS and, as appropriate, Orange County.

* * *

Section 6. 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. (Words, numbers and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

[Amendment 2017-2-B-CP-1:]

CIE1.3.18 Consistent with ~~Section 15 of the First Amended and Restated~~ Interlocal Agreement referenced in Policy PS5.1.10, the LOS standards shall be applied consistently within Orange County and by the School Board to all schools of the same type. All CSAs must achieve the adopted LOS standards identified in CIE1.3.16 and PS6.1.3 by the end of the 5th year of the Capital Improvements Schedule, with the exception of the backlogged CSAs which have been placed in a long term concurrency management system. Each backlogged CSA must meet the adopted LOS within the 10-year period identified within the respective adopted Long Term Concurrency Management System for Schools (LTCMSS). The backlogged CSAs are identified in Table A and Table B, along with the existing LOS and projected 5-year and 10-year LOS. Table A reflects the

LTCMSS adopted by Amendment 2010-1-BCIE-1 on April 20, 2010. Table B reflects the LTCMSS adopted by Amendment 2011-1-BCIE-1 on April 5, 2011:

School Type	Adopted LOS
Elementary	<p>110% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 13 of the Data, Inventory and Analysis.</p> <p>The following elementary school CSAs is designated as backlogged facilities: A, DD, U, and Arbor Ridge.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 6 of the Data, Inventory and Analysis, and must achieve a LOS of 110% by 2017.</p>
Middle	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 14 of the Data, Inventory and Analysis.</p> <p>The following middle school CSAs are designated as backlogged facilities: Apopka MS, Chain of Lakes MS, Gotha MS, Meadow Woods MS, and Walker MS.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 8 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</p>
High	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 15 of the Data, Inventory and Analysis.</p> <p>The following high school CSAs are designated as backlogged facilities: Freedom HS and University HS.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 10 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</p>

[Amendment 2017-2-B-CIE-1:]

CIE1.1.1 Orange County shall annually continue to prepare an annual a 5-year schedule of capital improvements, also referred to as a Capital Improvements Program (CIP), for County departments, and those authorities and special districts which depend on funds allocated by the Board of County Commissioners to guide the timing and location of capital expenditures. The CIP shall be consistent with and prepared pursuant to Section 163.3177(3)(a)4. and 5., Florida Statutes.

CIE1.1.5 All County capital improvements shall be made in accordance with ~~the~~ this adopted Capital Improvements Program, including amendments, and as outlined in the comprehensive plan.

CIE1.1.6 The County ~~annually~~ shall annually review and update the Capital Improvements Element in order to maintain a 5-year schedule of capital improvements, or Capital Improvements Program. 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.

CIE1.1.13 The Capital Improvements Budget will be adopted and incorporated into the annual Orange County Budget. ~~Orange County's (2015-16) Capital Improvements Program adopted on September 17, 2015, as modified by the Transportation 5-Year Capital Improvements Schedule and the Water and Wastewater CIE CIP, is hereby adopted as part of the annual update to the Capital Improvements Element. The Long Term Transportation Concurrency Management System Capital Improvements Schedule is also hereby adopted into the Capital Improvements Element.~~

CIE1.1.14 The ~~Orange County~~ Capital Improvements Program for each five year period shall be adopted by the Board of County Commissioners concurrently with approval of the annual budget. Modifications and ~~Deviations~~ from the adopted Capital Improvements Budget or Capital Improvements Program will require approval by the Board of County Commissioners. Copies of the Capital Improvements Program as adopted by the Board concurrently with the budget, and as modified from time to time, shall be made available to the public at www.orangecountyfl.net/PlanningDevelopment.aspx.

CIE1.1.15 Reserved.

CIE1.1.16 Consistent with s.163.3177(3)(b), FS, the following modifications ~~changes~~ may be adopted by ~~local~~ ordinance, provided they are consistent with the Comprehensive ~~Policy~~ Plan, and such modifications may not be deemed to be amendments to the Comprehensive 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, and/or

- The acceptance of facilities pursuant to dedications

Section 7. 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. (Words, numbers and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

[Amendment 2017-2-B-CP-1:]

ICE1.14.4 The County shall comply with the ~~Amended~~ Interlocal Agreement referenced in Policy PS5.1.10 for Public School and Implementation of Concurency adopted in 2008.

* * *

ICE1.15.1 Orange County shall use the Interlocal Agreement referenced in Policy PS5.1.10 to satisfy the applicable requirements~~Pursuant to the requirement of Section 163.3177(6)(h)2, Florida Statutes. FS, Orange County and OCPS entered into the Interlocal Agreement for Public School Facility Planning and Implementation of Concurency in 2008.~~

ICE1.15.2 The County shall meet regularly with OCPS and municipal representatives to plan for the location of future public educational facilities and the needed infrastructure necessary to support future public education facilities, per the requirements of the ~~Amended~~ Interlocal Agreement referenced in Policy PS5.1.10 for Public School Facility Planning and the Implementation of Concurency.

ICE1.15.3 The County shall continue to coordinate joint population projections, public school siting and the timing of infrastructure with the ~~Orange County~~ School Board, per the requirements of the ~~Amended~~ Interlocal Agreement referenced in Policy PS5.1.10. for Public School Facility Planning and the Implementation of Concurency.

* * *

ICE1.16.3 Pursuant to the ~~adopted~~ ~~Amended~~ Interlocal Agreement referenced in Policy PS5.1.10 for Public School Facility Planning and Implementation of Concurency, a Technical Advisory Committee (TAC) comprised of representatives from the County, Municipalities, OCPS and the Regional Planning Council shall be

established to discuss issues of mutual concern. TAC shall meet quarterly, or as needed, to discuss issues and formulate recommendations regarding coordination of land use and school facilities. (~~Also See also~~ Public Schools Facilities Element, Policies PS5.1.10 and PS5.1.11.)

- ICE1.16.4 Pursuant to the Interlocal Agreement referenced in Policy PS5.1.10, Orange County shall provide an update of approved developments, phases of development and estimated build out by phase to the OCPS Planning Department on an annual basis. (~~Also See also~~ Public Schools Facilities Element, Policy PS5.1.12.)

* * *

- ICE1.16.6 The County and OCPS, consistent with ~~Section 14 of the~~ Interlocal Agreement referenced in Policy PS5.1.10, shall establish, and annually review, school ~~Concurrency Service Areas (CSAs)~~, which will be used to evaluate capacity of schools available to accommodate students generated by proposed development. (~~Also See also~~ Public Schools Facilities Element, Objective PS6.2.)

- ICE1.16.7 Orange County and OCPS shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the ~~adopted~~ Interlocal Agreement referenced in Policy PS5.1.10. (~~Also See also~~ Public Schools Facilities Element, Objective PS6.3.)

* * *

Section 8. Amendments to Text of Potable Water, Wastewater and Reclaimed Water Element. The Comprehensive Plan is hereby further amended by amending the text of the Potable Water, Wastewater and Reclaimed Water 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 2017-2-B-CP-1:]

- PW1.4.2 Potable water service shall not be extended to areas outside the Urban Service Area except in the following circumstances:
- A. The facilities to be extended will serve a Growth Center, public school, or other exception areas as provided in the Comprehensive Plan ~~(CP)~~;

- B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such facilities shall not serve as the basis for additional new development;
- C. The facilities are to be extended to provide adequate fire flows to existing developments which are located within one-half (1/2) mile of an existing water transmission main;
- D. For approved sector plans as provided for in the CP; and
- E. The circumstances described under Policy PW1.5.2 and Policy PW1.5.3.

This policy is not intended to preclude the use of conservation or rural areas for withdrawal or treatment facilities.

* * *

PW1.5.2 When the provision of central water facilities for a Rural Settlement(s) is proposed, the Board of County Commissioners shall approve such a proposal(s) only ~~when~~ if the Board is able to make the following two findings:- First, the Board shall make a finding of need of central water facilities for the particular Rural Settlement;- and Second, the Board shall make a finding of consistency with the Comprehensive Plan, including the policies of the Potable Water and Future Land Use Elements. The provision of water services to a school located in a Rural Settlement is also subject to FLU8.7.8.

WW1.4.3 Central wastewater facilities, consisting of wastewater treatment facilities, pump stations, force and gravity mains shall not be extended beyond the boundary of the Urban Service Area except in the following circumstances:

- A. The facilities to be extended will serve a Growth Center, public school, or other exception areas within Specific Area Plan (SAP) boundaries as provided for in the Comprehensive Plan (CP);
- B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such extended facilities shall not serve as a basis for additional new development;
- C. For approved sector plans as provided for in the CP;
- D. Those circumstances described under Policy WW1.5.2 herein.

This policy is not intended to preclude the use of conservation or rural areas for wastewater treatment facilities or the interconnecting of the overall system.

* * *

WW1.5.2 New central wastewater facilities shall not be constructed and existing facilities shall not be expanded to serve Rural Settlements except under the following circumstances:

- A. The Board of County Commissioners has made an affirmative finding that the facilities are necessary to support existing future land use designations on the adopted Future Land Use (FLU) map consistent with the Future Land Use Objective FLU2.1. The future land use designations referenced in this policy are those reflected on the adopted FLU map as of the date of adoption of this policy. Facility expansion under this policy must be incorporated into the County's five-year Capital Improvements Program (CIP); or
- B. The Rural Settlement has experienced a State documented economic decline as a result of the loss of a major area employer. The central wastewater facilities may be expanded for the purpose of revitalizing the area by attracting new commercial and industrial businesses and offering incentives to existing businesses to remain in the area. This policy shall apply only to the Zellwood Rural Settlement, consistent with the Future Land Use Element.
- C. The Board of County Commissioners has made an affirmative finding that the facilities are necessary and available to remedy or prevent contamination of ground or surface water within the Wekiva Study Area.
- D. The provision of wastewater services to a school located in a Rural Settlement is also subject to FLU8.7.8.


Section 9. Effective Dates for Ordinance and Amendments.

- (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 any of these amendments may be issued or commence before the amendments have become effective.

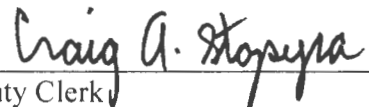
Ordinance 2017-19, Adopting 2017-2 Regular Cycle Comprehensive Plan Amendments

ADOPTED THIS 14th DAY OF NOVEMBER, 2017.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Teresa Jacobs
Orange County Mayor

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


for Deputy Clerk



APPENDIX "A"

FUTURE LAND USE MAP AMENDMENTS

Appendix A*		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2017-2-A-1-1	Activity Center Mixed Use (ACMU)	Education (EDU)
2017-2-A-3-1	Commercial (C)	Industrial (IND)
2017-2-A-5-1	Rural (R)	Planned Development - Commercial/Conservation (PD-C/CONS) and Urban Service Area (USA) Expansion
The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		