

**Applicant/Owner:**

Timothy Green, Green Consulting Group/Parks of Mt Dora LLC

**Location:**

6989 N. Orange Blossom Trl.; Generally located east of N. Orange Blossom Trl., north of Stoneybrook Hills Pkwy., and south of Robie Ave.

**Existing Use:**

Undeveloped/Grazing Land

**Parcel ID Number(s):**

04-20-27-0000-00-001

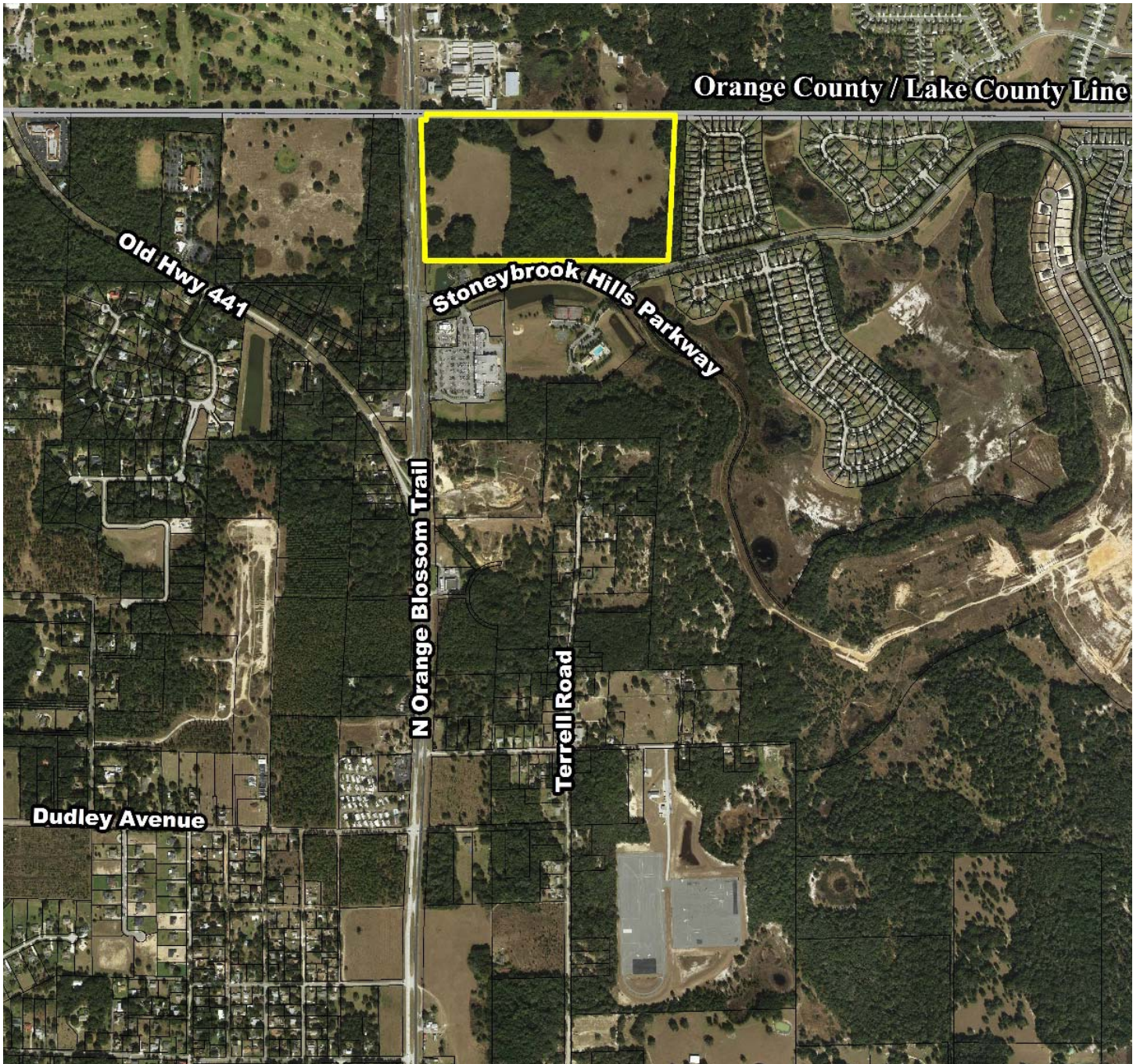
**Tract Size:**

63.57 gross acres

The following meetings/hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	<p><b>Future Land Use Map Amendment Request:</b> Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR)</p> <p><b>Proposed Development Program:</b> Up to 75,000 sq. ft. of commercial development and up to 500 multi-family dwelling units</p> <p><b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.</p> <p><b>Environmental:</b> Wetlands and surface waters are located on site. CAD-17-09-121 is in progress. The site is located within the Wekiva Study Area and special area regulations apply</p> <p><b>Transportation:</b> The proposed use will generate a net increase of 276 pm peak hour trips.</p> <p><b>Orange County Public Schools:</b> CEA application #OC-17-030) has been submitted to OCPS.</p>	
✓	Community Meeting held November 1, 2017, with 71 members of the public in attendance.	Negative		
✓	Staff Report	Recommend Transmittal		
✓	LPA Transmittal December 21, 2017	Recommend Transmittal (9-0)		
	BCC Transmittal January 23, 2018			
	Agency Comments March 2018			
	LPA Adoption April 19, 2018			
	BCC Adoption June, 2018			

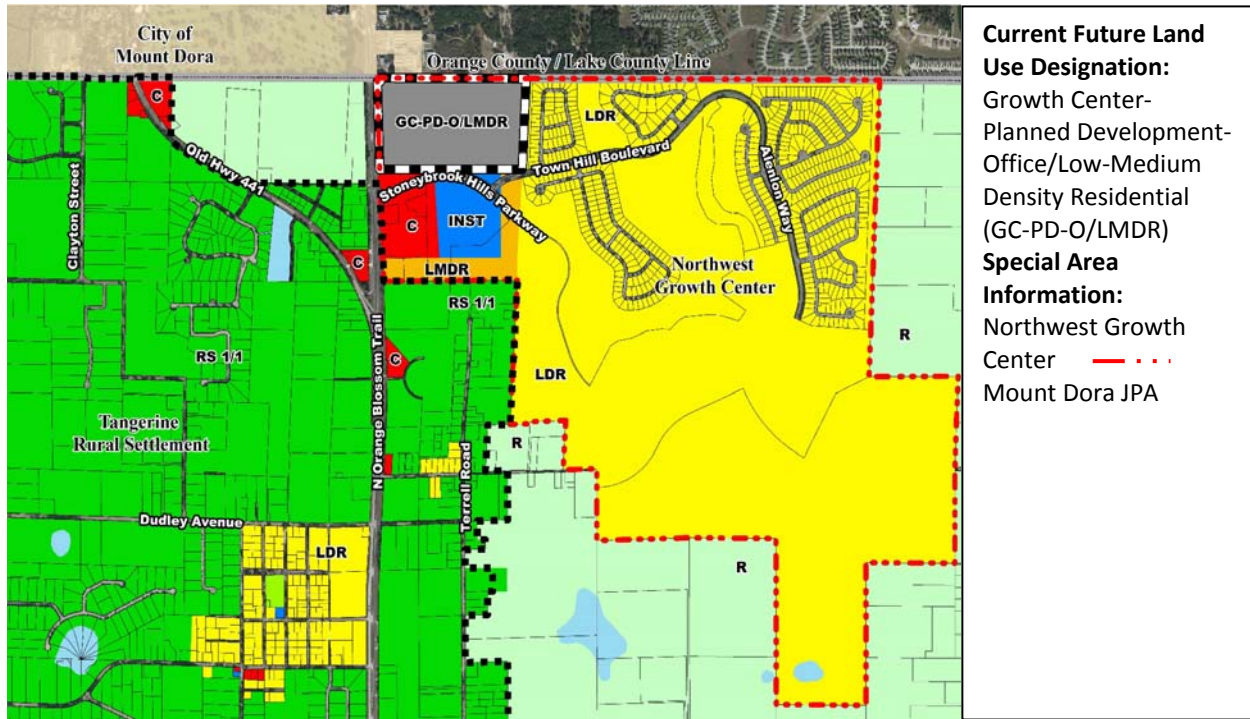


**SITE AERIAL**

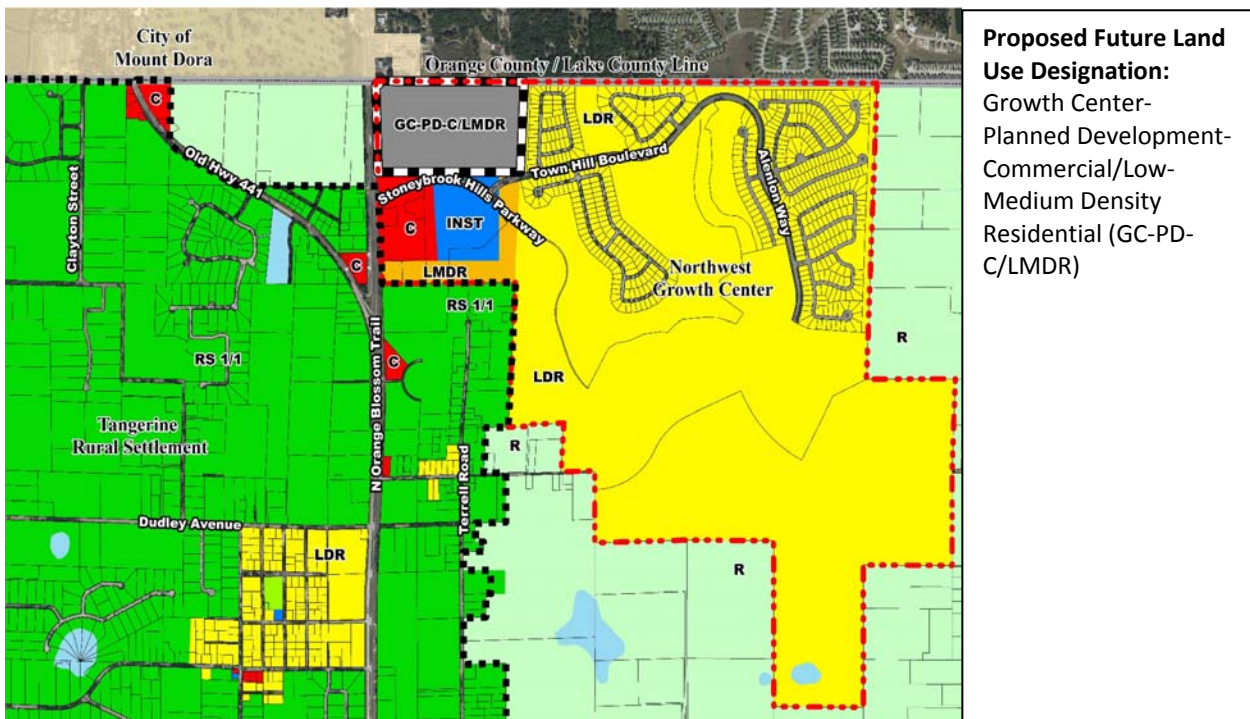




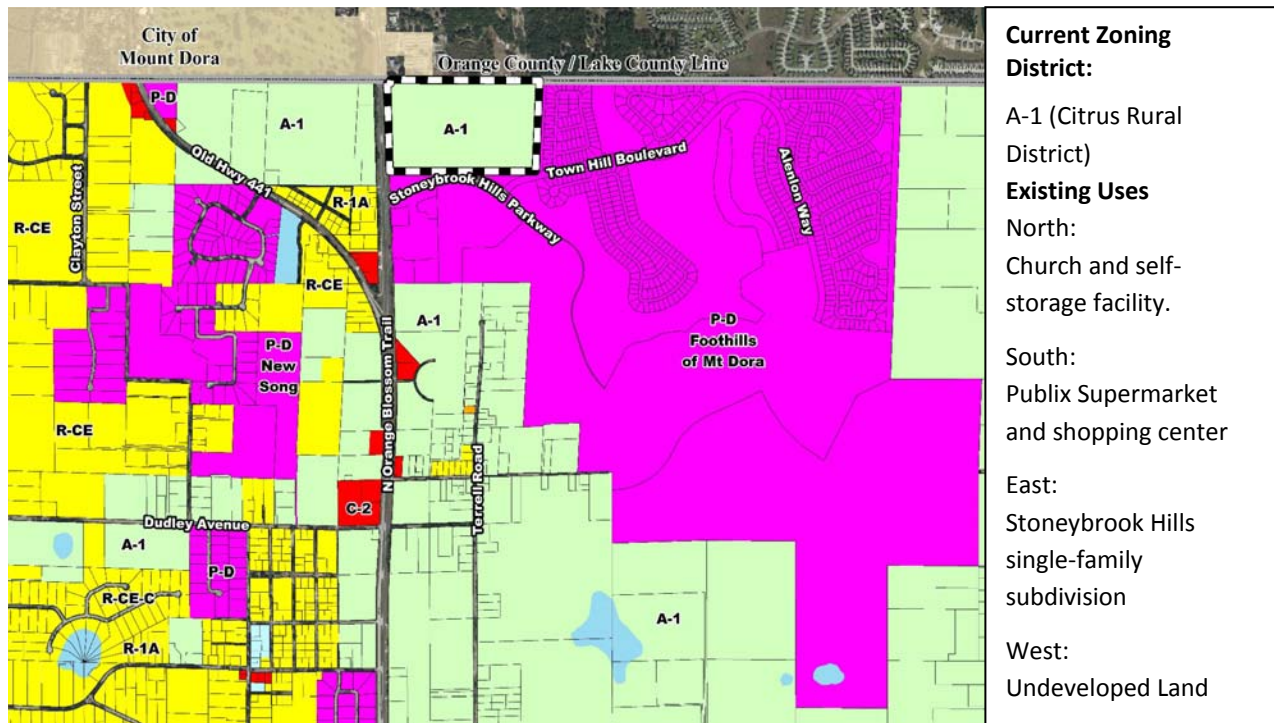
## FUTURE LAND USE - CURRENT



## FUTURE LAND USE - AS PROPOSED



## ZONING - CURRENT



## Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (See Future Land Use Element Objectives OBJ FLU2.2, OBJ FLU7.4, OBJ FLU8.2, and FLU1.1.1, FLU1.1.2 (A), FLU1.1.4 (F), FLU1.4.1, FLU1.4.10, FLU7.4.3, FLU7.4.4, FLU7.4.6, FLU8.2.2, FLU8.2.11, Housing Element Goal H1 and Objective OBJ H1.1, and Open Space Element Policies OS1.3.2, OS1.3.4, and OS1.3.6), determine that the amendment is in compliance, and **TRANSMIT** Amendment 2018-1-A-2-1, Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR).

## Analysis

### 1. Background Development Program

The applicant, Timothy Green with Green Consulting Group, has requested to change the Future Land Use (FLU) designation of the subject property from Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR). The subject property is currently undeveloped and has a zoning designation of A-1 (Citrus Rural District). A PD (Planned Development) rezoning request is required before development approval.

In 2010, the Orange County Board of County Commissioners approved FLU amendment 2010-1-A-2-2 to change the property's land use designation from Rural (R) to its current designation and to incorporate it into the Northwest Growth Center. The property was eligible for incorporation into the growth center because it is within the Orange County / Mount Dora Joint Planning Area (JPA). The Mount Dora JPA agreement requires all development within its boundaries to be approved as Planned Development. The agreement includes a conceptual land use map to which amendments must be processed jointly by the City and County. The conceptual JPA land use map includes two land use designations for the subject property: Office along N. Orange Blossom Trail and Low-Medium Density Residential (5 DU/AC) on the remainder of the property. The 2010 FLU change, which did not require an amendment to the JPA map, entitled the property for a specific development program of 75,000 sq. ft. of office uses and 280 multi-family senior housing units. The current request is to change the approved development program to 75,000 sq. ft. of commercial development and 500 multi-family dwelling units. The requested FLU amendment will require an amendment to the Mount Dora Joint Planning Area conceptual land use map to change the Office designation to Commercial.

The 63.57-acre subject site is located south of the Orange County/Lake County line on the east side of N. Orange Blossom Trail, north of Stoneybrook Hills Parkway, and south of Robie Avenue. To the east of the subject property is the Stoneybrook Hills single-family subdivision, and to the west, across N. Orange Blossom Trail is undeveloped, agriculturally zoned land. South of the site, across Stoneybrook Hills Parkway, is a Publix Supermarket shopping center including a McDonalds, and to the north, across the county line, is a church and self-storage facility.

A community meeting for the Future Land Use Amendment took place on Tuesday, November 1, 2017 at which seventy-one (71) residents attended. Residents at the meeting expressed concerns regarding the incompatibility of the proposed development with the existing community, increased traffic and insufficient school capacity, and the need for more commercial development in the area.

## 2. Future Land Use Map Amendment Analysis

### *Consistency*

The requested FLUM amendment appears to be consistent with the applicable Comprehensive Plan goals, objectives, and policies, which are specifically discussed in the paragraphs below.

As noted above, the subject property is located within the Northwest Growth Center and per **Future Land Use Element Policy FLU1.1.4 (F)**, Growth Center is a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. **Future Land Use Element Objective OBJ FLU7.4** goes on to define Growth Centers as planning tools intended to address and guide urban-scale uses that serve a regional market and require a location outside of the Urban Service Area (USA). Additionally, **Future land Use Element Policy FLU7.4.4** permits urban densities and intensities within Growth Centers. In accordance with **Policy FLU1.1.2 (A)**, the applicant has specified the maximum desired development program for the project, proposing 75,000 sq. ft. of commercial development and 500 multi-family dwelling units under the “urban-scale” Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR) FLUM designation. This proposed development program is consistent with the urban style development permitted by the Growth Center Comprehensive Plan objectives and policies.

**Policy FLU7.4.4** states that the approval of urban intensities within Growth Centers are contingent upon the availability of urban services from other sources, as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. The Mount Dora JPA requires the developer to enter into a service agreement with the City to provide water and wastewater services to properties within the Joint Planning Area. The subject property lies within the City of Mount Dora’s potable water and wastewater service area and the City has stated there is existing water capacity for the estimated demand.

The proposed FLUM amendment and associated residential development program are consistent with Orange County’s commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. Staff finds that the development of multi-family residential development on the subject property would be consistent with **Housing Element GOAL H1** and **Objective OBJH1.1**. These state the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs.

The subject property is located in an area characterized by low-density single-family development. The Stoneybrook Hills community located to the east of the subject property has an approved land use plan for 230 single-family residential lots at 2.3 units per acre. To the southeast of the subject property, the Tangerine Rural Settlement has a mixture of rural Future Land Use designations. Staff finds that multi-family residential development is consistent with **Future Land Use Element Policy**

**FLU1.4.1**, which states the County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community. Similarly, **Future Land Use Element Policy FLU8.2.2** directs the County to avoid continuous stretches of similar housing types and density of units. The proposed project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

The mixed-use development program also prevents the development of strip commercial land uses, consistent with **Future Land Use Element Policy FLU1.4.10**. Additionally, both the Mount Dora JPA and **Future Land Use Element Policy FLU7.4.6** require the property to rezone to Planned Development. Performance standards including, but not limited to, building height restrictions, compatible architectural design, floor area ratio limitations, landscaping and buffering requirements, transition of uses, and shared/common driveways will be addressed during the PD Rezoning review process. The proposed project is consistent with **Future Land Use Element Objective OBJ FLU2.2**, which states Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its Comprehensive Plan and Land Development Code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community.

### ***Compatibility***

As identified in **Future Land Use Element Objective OBJ FLU8.2**, compatibility will continue to be the fundamental consideration in all land use and zoning decisions that involve differing land uses. **Future Land Use Element Policy FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. However, as established in **Future Land Use Element Policy FLU8.2.11**, compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors to consider include the physical integration of a project and its function in the broader community, as well its contribution toward Comprehensive Plan goals and objectives. As noted above, the subject property was previously incorporated into the Northwest Growth Center with a development program of 75,000 sq. ft. of office uses and 180 senior multi-family dwelling units. The conversion of office to commercial uses and the removal of the senior requirement for multi-family development will still allow for a mixed-use product that is consistent with the Comprehensive Plan and that can respond to the needs in the region.

The subject property is within the Wekiva Study Area, and as stipulated in **Open Space Element Policy OS1.3.6**, a proposed project with a density exceeding one dwelling unit per acre on a Growth Center-designated site with an overall size less than or equal to 100 acres is subject to a permanently-protected open space requirement of 60 percent or greater. Per **Open Space Element Policy OS1.3.4**, all new residential developments located entirely or partially in the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space which, as mandated in **Open Space Element Policy OS1.3.2**, shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum

required open space may, however, include permeable stormwater management areas using Best Management Practices. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, defined as the total area of a parcel less wetlands and natural water bodies. The Foothills of Mt Dora Planned Development located to the south and east of the subject property contains a commercial component and Low Density Residential single-family development pattern. Given the significant open space that is required by the Wekiva Study Area policies, the proposed development program of Low-Medium Density Residential and Commercial development would be compatible and not disrupt the existing, surrounding community.

Staff notes that while the requested amendment is sufficient to be transmitted to the Department of Economic Opportunity for review, the required clustering of 500 multi-family units may result in an effective density that is incompatible with the existing development trends in the area. As previously discussed, the subject property is located in an area characterized primarily by suburban and rural residential development patterns. However, per **Future Land Use Element Policy FLU7.4.3**, development in the Northwest Growth Center must provide a transition in land use density and intensity. While conditions and/or restrictions cannot be placed on the property at the Comprehensive Plan amendment stage, the property must obtain Planned Development zoning. Additionally, as previously noted, at the community meeting on November 1, 2017, residents voiced concerns on the compatibility of the proposed density and intensity of the development program that was presented. It is possible that site design and continued review of the proposal could relieve these concerns.

Specific standards and conditions/restrictions to require a smooth transition in density of uses to ensure managed growth consistent with the rural characteristics of the area will be determined through the Planned Development review process. Staff will work with the applicant throughout the Comprehensive Plan and Planned Development review processes to refine the proposed development program and to attempt to develop a transition of densities and intensities that will allow the proposed development to blend into and become compatible with the surrounding development.

***Division Comments: Environmental, Public Facilities and Services***

**Environmental Protection Division**

Wetlands and surface waters are located on site. Conservation Area Determination application CAD-17-09-121 was submitted for this property and it is in progress. The CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to approval of this request. Until wetland permitting is complete, the net developable acreage is only an approximation.

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. These requirements may further reduce the total net developable acreage. Regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to



karst features and the watershed, and aquifer vulnerability. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

The site discharges into the Wolf Branch stream, a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP impairment: mercury in fish tissue). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code may increase the requirements for pollution abatement treatment of stormwater as part of the Upper Ocklawaha and Wekiva Basin Management Action Plans (BMAP).

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

The subject properties had a prior agricultural land use that may have resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection Division (EPD) and the Development Engineering (DE) Division.

#### **Transportation Planning Division**

The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. It is located adjacent to North Orange Blossom Trail, a four (4) lane Principal Arterial. Based on the County's concurrency management system database dated 11-28-2017, North Orange Blossom Trail from Plymouth Sorrento Road to the Lake County Line is currently deficient and is operating below the adopted level of service standards. All other roadways with a 2.5 mile project impact area are operating at acceptable level of service standards. Analysis of the short term (Year 2022) and Long Term (Year 2030) conditions indicates that Orange Blossom Trail will continue to operate at a deficient level of service with and without the proposed amendment and all other roadways will continue to operate at acceptable levels of service.

Currently, the allowable development based on the approved Future Land Use for the subject property will generate 322 new pm peak hour trips. The proposed use will generate 598 pm peak hour trips resulting in a net increase of 276 pm peak hour trips. Final permitting of any development

on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies.

#### OCPS

Orange County Public Schools determined that the project must have an executed Capacity Enhancement Agreement (CEA) prior to Board of County Commission approval. The applicant has submitted a formal capacity determination application to OCPS, reference #OC-17-030.

### 3. Policy References

**FLU1.1.1** Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

**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.

**FLU1.1.4 (F) GROWTH CENTER(S)** – Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. Orange County has two Growth Centers – one in the northwest referred to as the Northwest Growth Center and one in the southeast referred to as Growth Center/Resort/PD.

FLUM Designation	General Description	Density/Intensity
<b>Growth Center – Refer to Future Land Use Map and associated Growth Center policies</b>		
Growth Center (Boundary)	Growth Center recognizes urban development outside and adjacent to the boundaries of unincorporated Orange County. New Growth Centers or extensions shall be established only as part of adopted JPAs. The initial capital costs will not be incurred by Orange County. APD is required.	PD
Growth Center/ Resort PD (GC/RPD)	GC/RPD is similar to GC boundary in GC requirements, but it also must have a minimum of 200 acres. FLU7.4.7 states applicant must demonstrate clear rationale for separating from Horizon West. See FLU7.4.1 – FLU7.4.7. A PD is required.	PD

**FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

- FLU1.4.10** Strip commercial land uses shall be defined as commercial uses adjacent to roadways that are located outside the reasonable zone of influence of the intersection to which they relate. They are characterized by individual curb and median cuts and lack visual landscaped buffers. Strip commercial land use patterns shall be avoided by requiring a transition of land uses, encouraging a mix of land uses, or requiring incorporation of a buffer into the development's design. Strip commercial land uses do not include outparcels in shopping centers, malls, or similar developments where access is provided internally from the shopping center/mall or similar development, or via a system of shared or common driveways. More compact, clustered pedestrian and transit-friendly development options shall be encouraged.
- OBJ FLU2.2 MIXED-USE.** Orange County shall develop, adopt and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community.
- OBJ FLU7.4** Orange County shall recognize growth as a regional issue and shall use Growth Centers as an effective planning tool to allow, address and guide urban-scale, single-purpose public or quasi-public uses that serve a regional purpose or market and require a location outside the Urban Service Area. Growth Centers established prior to June 21, 2011, and which would not be consistent with the provisions of this Objective or associated Policies, shall be permitted to continue subject to the FLU Goals, Objectives and Policies under which the Growth Center was originally approved.
- FLU7.4.3** To ensure managed growth consistent with the rural characteristics and environmentally sensitive areas around the Northwest Growth Center, development within the Growth Center must provide a transition in land use density and intensity. In providing this internal transition, the Foothills of Mount Dora Planned Development (PD); and described herein, the area defined as "Parcel S-1" and "Parcel S-2" on the Foothills of Mount Dora PD/ Land Use Plan approved by the Board of County Commissioners on December 17, 2002, shall be limited to a net residential density of 1 dwelling unit per acre as required by the PD conditions. In addition, the Northwest Growth Center boundary, as adopted, shall not be expanded unless amendments to the Future Land Use Map and all applicable policies, including FLU7.4.3 are adopted. Furthermore, the Joint Planning Area between Orange County and the City of Mount Dora shall not be expanded.
- FLU7.4.4** Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.



**FLU7.4.6** Within a Growth Center, all new development must apply for Planned Development zoning, in order to specifically identify densities, intensities and mixture of land use. Additionally, all new development and substantial redevelopment in portions of Growth Centers located within the Wekiva Study Area shall adhere to the development standards adopted to implement the Wekiva Parkway and Protection Act, Ch. 369, Part III, FS.

Such standards shall include, but are not limited to: additional stormwater treatment and retention (maintenance of water quality and recharge); enhanced wastewater treatment; limitations of certain allowed uses within the most vulnerable portions of the Study Area; subdivision standards; open space requirements; “smart growth” roadway design standards; parking lot design standards, upland habitat protection, and such other measures as required to protect ground and surface water in the Wekiva Study Area.

**OBJ FLU8.2 COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses. **FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.2** Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

**FLU8.2.11** Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

**GOAL H1** Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

**OBJ H1.1** The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

**OS1.3.2** Open space within the Wekiva Study Area (WSA) and Wekiva River Protection Ordinance area shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of developable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may

include permeable stormwater management areas using Best Management Practices. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, which is defined as the total area of a parcel less wetlands and natural water bodies. Non-developable areas, including wetlands and natural water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement.

**OS1.3.4** Development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. All new residential subdivisions or developments that may be located entirely or partially within the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space. Such clustering is intended to be density neutral, and lot sizes may be adjusted as needed to accommodate preserved open space. Priority for open space protection shall be given to the following resources required to be protected by the Wekiva Parkway and Protection Act: the most effective recharge areas; karst features; and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

The purposes of “open space design” within a development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost-effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space while remaining density and intensity neutral. By January 1, 2007, the Land Development Code shall include requirements and incentives for open space/conservation subdivision design including minimum open space requirements, maximum lot size and design standards.

Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas. To the extent possible, preserved open space shall be used to create corridors and larger parcels more suitable for passive recreation, low-intensity agriculture, silviculture, aquifer recharge protection, or wildlife and habitat management, so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the development. If a project is located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is required. “Compatible” means similar or complementary such as uplands adjacent to wetlands or isolated wetlands within flatwoods or scrub areas.

Open space property shall be preserved through publicly recorded, permanent conservation easements or similar legal instruments to preclude future development or further subdivision of the land while ensuring maintenance of and appropriate access to the open space areas in perpetuity. Preserved areas shall be owned in common by a property owners’

association, a public agency, a land trust, or another appropriate entity. This open space shall be used for conservation, aquifer recharge protection, passive recreation, low intensity agriculture, or silviculture. Agriculture and silviculture operations shall adhere to the appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

Limited structures for common use or under common ownership may be allowed within the open space preserve areas, areas other than wetlands, conservation mitigation areas, conservation easements or wetland protective buffers. Homeowners' personal property and residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such.

- 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 on site 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. (Added 10/10, Ord. 2010-13)

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.

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**Residential land uses in Growth Centers.**



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

- i. 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;
- ii. 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;
- iii. 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.
- iv. 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.

## Site Visit Photos

**Subject Site – Undeveloped Land**



**North – Church / Self-storage Facility**



**South – Stormwater Pond**



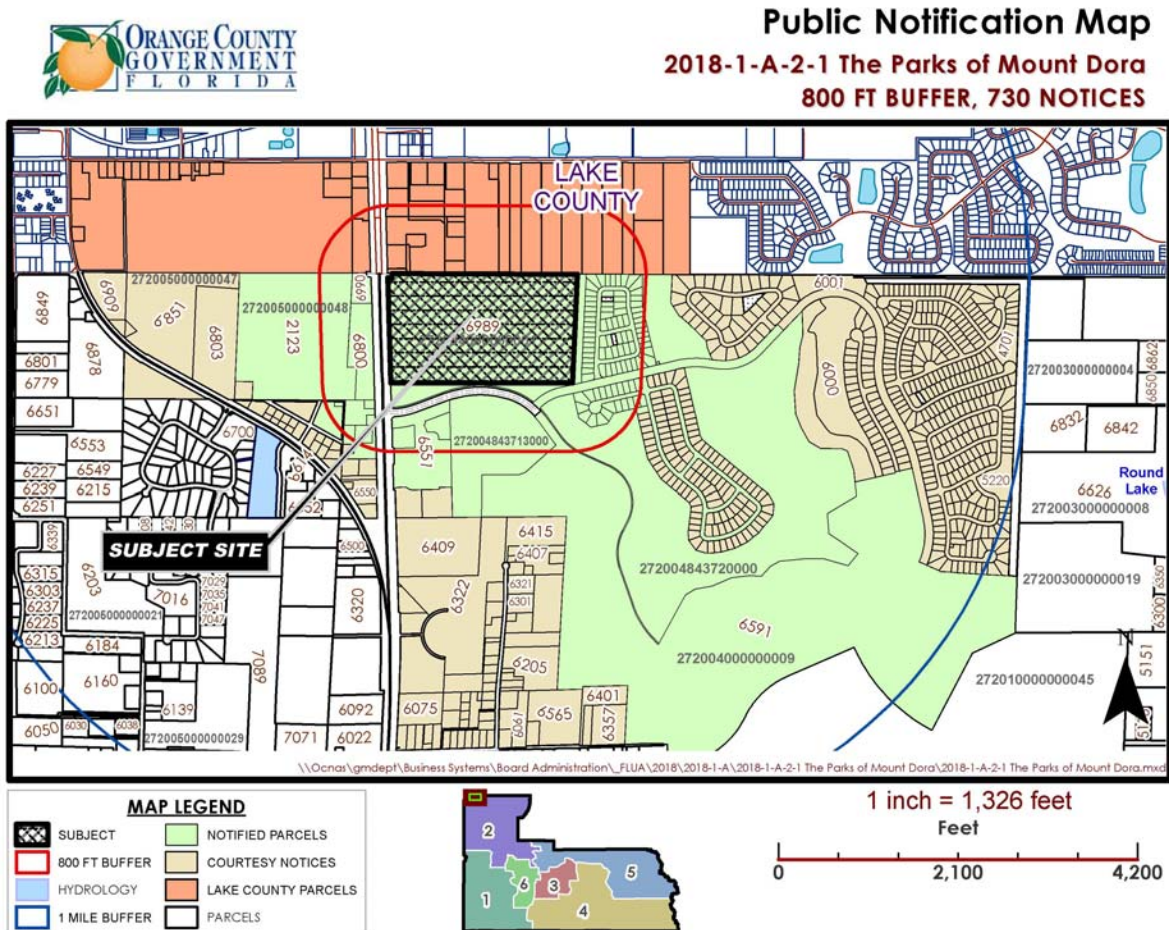
**West – Undeveloped Land**



**East – Single-family Subdivision**



## PUBLIC NOTIFICATION MAP



### Notification Area

800 ft. plus homeowner associations within a 1-mile radius of the subject site

730 notices sent



