

ORDINANCE NO. 2018-_____

**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; 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;

c. On February 15, 2018, 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; and

d. On April 10, 2018, the Orange County 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; and

e. On June 15, 2018, the Florida Department of Economic Opportunity (“DEO”) issued a letter to the County relating to the DEO’s review of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

f. On June 21, 2018, 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 July 10, 2018, the Board held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan 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 the Text of the 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Land Use Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words.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 2018-2-C-FLUE-1:]

OBJ FLU2.5 RURAL RESIDENTIAL ENCLAVES play a critical role in supplying a variety of lifestyles and housing choices that foster rich, diverse and vibrant places. The County shall continue to support these rural residential neighborhoods by addressing local compatibility challenges while promoting context-sensitive community planning solutions.

POLICIES

FLU2.5.1 *Rural Residential Enclaves* are generally described as established neighborhoods with a homogeneous and stable rural residential development pattern; well-defined or fairly defined geographic boundaries; and the presence of historic, physical, environmental, regulatory, or other site-specific constraints. Rural Residential Enclaves may also reflect other rural characteristics, despite being located in the Urban Service Area (USA), or in close proximity to designated urban growth areas.

FLU2.5.2 The following Rural Residential Enclaves are hereby established, with boundaries defined on Maps 25(a) through 25(c) of the Future Land Use Map Series:

- a) Lake Mabel Rural Residential Enclave
- b) Berry Dease Rural Residential Enclave
- c) Chickasaw Rural Residential Enclave.

FLU2.5.3 Rural Residential Enclave designations must be initiated by the Board of County Commissioners (BCC), or by County staff, in coordination with the BCC. Comprehensive Plan Amendment(s) shall be required for all new designations, or changes to existing enclaves, with boundaries incorporated into the Future Land Use Map Series.

FLU2.5.4 Properties within Rural Residential Enclaves shall be subject to the minimum net developable land area* requirements and corridor guidelines as specified below, and as depicted on Maps 25(a) through 25(c) of the Future Land Use Map Series.

<u><i>Rural Residential Enclave</i></u>	<u><i>Minimum Net Developable Land Area Requirement*</i></u>	<u><i>Identified Rural Residential Corridors</i></u>	<u><i>FLU Map Reference</i></u>
<u><i>Lake Mabel</i></u>	<u><i>1.0 Ac. Min.</i></u>	<u><i>None</i></u>	<u><i>25(a)</i></u>
<u><i>Berry Dease</i></u>	<u><i>2.0 Ac. Min.</i></u>	<u><i>Berry Dease Road Sunderson Road Gregory Road</i></u>	<u><i>25(b)</i></u>
<u><i>Chickasaw</i></u>	<u><i>1.0 Ac. Min.</i></u>	<u><i>S. Chickasaw Trail Chickasaw Farms Lane</i></u>	<u><i>25(c)</i></u>

*Minimum Net Developable Land Area as defined by Policy FLU1.1.2(c).

An undeveloped parcel of property that was legally created and recorded in the Public Records of Orange County prior to [insert effective date here], and which meets all other applicable laws and regulations, shall be entitled to develop a single family residential structure on such parcel without further board action regardless of whether such parcel meets the minimum net developable land area requirements of this Policy.

FLU2.5.5 Clustering of residential units to accommodate smaller lot sizes than as prescribed

by Policy FLU2.5.4 shall be prohibited.

FLU2.5.6 Pursuant to and consistent with Policy FLU8.1.1(a) and Section 38-77, Orange County Code, uses district of property within a Rural Residential Enclave shall be permitted by right or Special Exception, permitted with conditions or prohibited, in accordance with the zoning district in which the property is.

FLU2.5.7 To protect and enhance existing rural character, the following requirements and guidelines shall apply to all new development or redevelopment within Rural Residential Enclaves:

- a) Gated subdivisions shall be prohibited within Rural Residential Enclaves, except where those rights have been vested.
- b) Built forms commonly associated with suburban development, such as 'themed' subdivisions, entryway monuments, geometric or layered landscaping forms, or similar design elements shall be prohibited.
- c) Continuous masonry walls shall be prohibited along frontages of Identified Rural Residential Corridors, as specified by Policy FLU2.5.4.
- d) The existing character of Identified Rural Residential Corridors should be preserved and/or enhanced. Examples of character-defining elements include, but are not limited to:
 - i. Agriculture, croplands, pastures, rural open spaces, thickets of trees and bushes, hedgerows, natural topography, and other natural elements.
 - ii. Rural fencing, such as split-rail, paddock, picket, rustic timber, barbed wire, wire meshes or panels, livestock fences, or similar styles and materials.
 - iii. Narrow streets, often containing no more than two vehicular lanes, grass shoulders, and limited or absent lane striping.
 - iv. Drainage swales or other open stormwater systems, and the absence of curb-and-gutter systems.
 - v. Shared use of Right-of-Way by motorists, pedestrians, cyclists, and horses.
 - vi. Single-family residential frontages, often characterized by an organic distribution of homes and auxiliary structures, with large front setbacks, narrow residential driveways, and alternative paving materials.
 - vii. Shade trees, continuous street canopy, and scattered clusters of natural landscaping.

FLU4.1.9 Beyond the approved boundaries of the six Villages, ~~the property in the properties~~ with the Village Land Use Classification shall maintain the future land use designation existing prior to the Village Land Use Classification Amendment (i.e., Rural: 1 dwelling unit per 10 acres, Conservation, Rural Settlement), except for those projects that are vested, or properties within designated Rural Residential Enclaves (FLU2.5.2), where a property's existing zoning district standards may be applied. All applications for development approval (i.e. lot splits, special exceptions, variances, etc.) on any property within the Village Land Use Classification shall be reviewed on a case-by-case basis ~~for~~ to determine the effects of such development approval on adopted Villages.

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		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
Urban Residential		
Low Density Residential (LDR)	(0 to 4 du/ac)	<u>A-1*, A-2*, R-CE*, R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V</u> * R-CE is not available as a rezoning request in USA.
***	***	***
Area Specific		
***	***	***
Village Classification (V) (Horizon West)	See: SAP <u>See: Policy FLU4.1.9</u>	PD within adopted Village Boundary or <u>conventional zoning districts within a Rural Residential Enclave. (See below) Specific Area Plan (SAP)</u> Densities and Intensities determined at PD based on the adopted SAP.
***	***	***
<u>Rural Residential Enclave (FLUM designation varies)</u>	<u>See Objective OBJ2.5, related sub-policies, and Maps 25(a) through 25(c) of the Future Land Use Map Series</u>	<u>PD, R-CE, A-1, A-2, A-R, R-1A, R-1AA (see: Maps 25(a) through 25(c) of the Future Land Use Map Series for minimum area requirements and location of Identified Rural Residential Corridors)</u>
***	***	***

Zoning and Future Land Use Correlation		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
Rural		
***	***	***
<p>* Rural Settlement only.</p> <p>* <u>(1) R-CE districts are consistent with the LDR designation only when located in a Rural Settlement or Rural Residential Enclave. (2) A-1 and A-2 districts are also consistent with the LDR designation only when located in a Rural Residential Enclave. (3) Within the Urban Service Area (USA), rezoning requests to R-CE, A-1, and A-2 shall only be allowed for properties located in a Rural Residential Enclave.</u></p> <p>** Limited to 4 dwelling units per acre.</p> <p>*** Consistent with FLU6.2.3.</p> <p>General Notes:</p> <p>a) Note: As of adoption of the 2030 update, the CVC FLUM designation no longer will be available as a FLUM request. Existing CVC-designated properties shall not be considered inconsistent as a result of this change. See FLU8.5.8.</p> <p>b) Note: Please see Refer to FLU8.2.5, FLU8.2.5.1, and FLU8.2.5.2 to determine whether a rezoning is required prior to a special exception, or to determine whether a rezoning is required in specific cases of inconsistent zoning and future land use.</p> <p>c) Note: Consistency of A-1, A-2 and A-R zoning districts with a Rural Settlement FLUM designation is limited to: residential uses permitted by right or by special exception approval; and, non-residential uses requiring approval by special exception and which are common to all zoning districts consistent with a Rural Settlement FLUM designation. A use that is not common to all listed districts is not consistent with a Rural Settlement designation.</p> <p>d) Note: Uses that may be permitted in a Planned Development zoning district are limited to those uses permitted by right or by special exception approval for districts consistent with the specific FLUM designation.</p>		

* * *

Section 5. 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.

179 ADOPTED THIS 10th DAY OF JULY, 2018.

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ORANGE COUNTY, FLORIDA

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By: Board of County Commissioners

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By: _____

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Teresa Jacobs

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Orange County Mayor

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190 ATTEST: Phil Diamond, CPA, County Comptroller

191 As Clerk to the Board of County Commissioners

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195 By: _____

196 Deputy Clerk

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211 S:\EHartigan\2018\ORDINANCES\Comp Plan Amendments\2018 Second Cycle\2018-2-C-FLUE-1 Lake Mabel Berry Dease and Chickasaw

212 Rural Residential Enclaves Ordinance_CAO review 6.27.18

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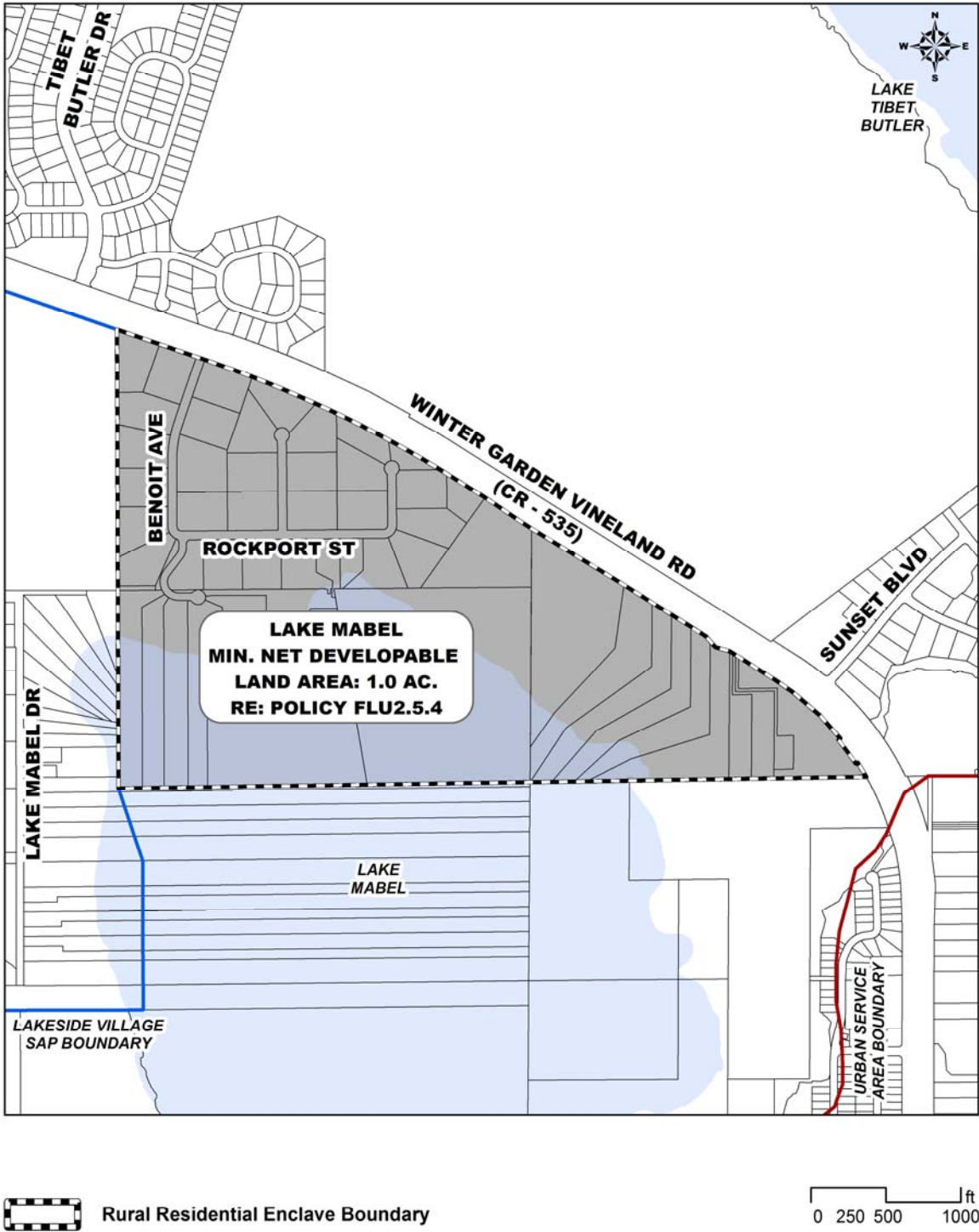
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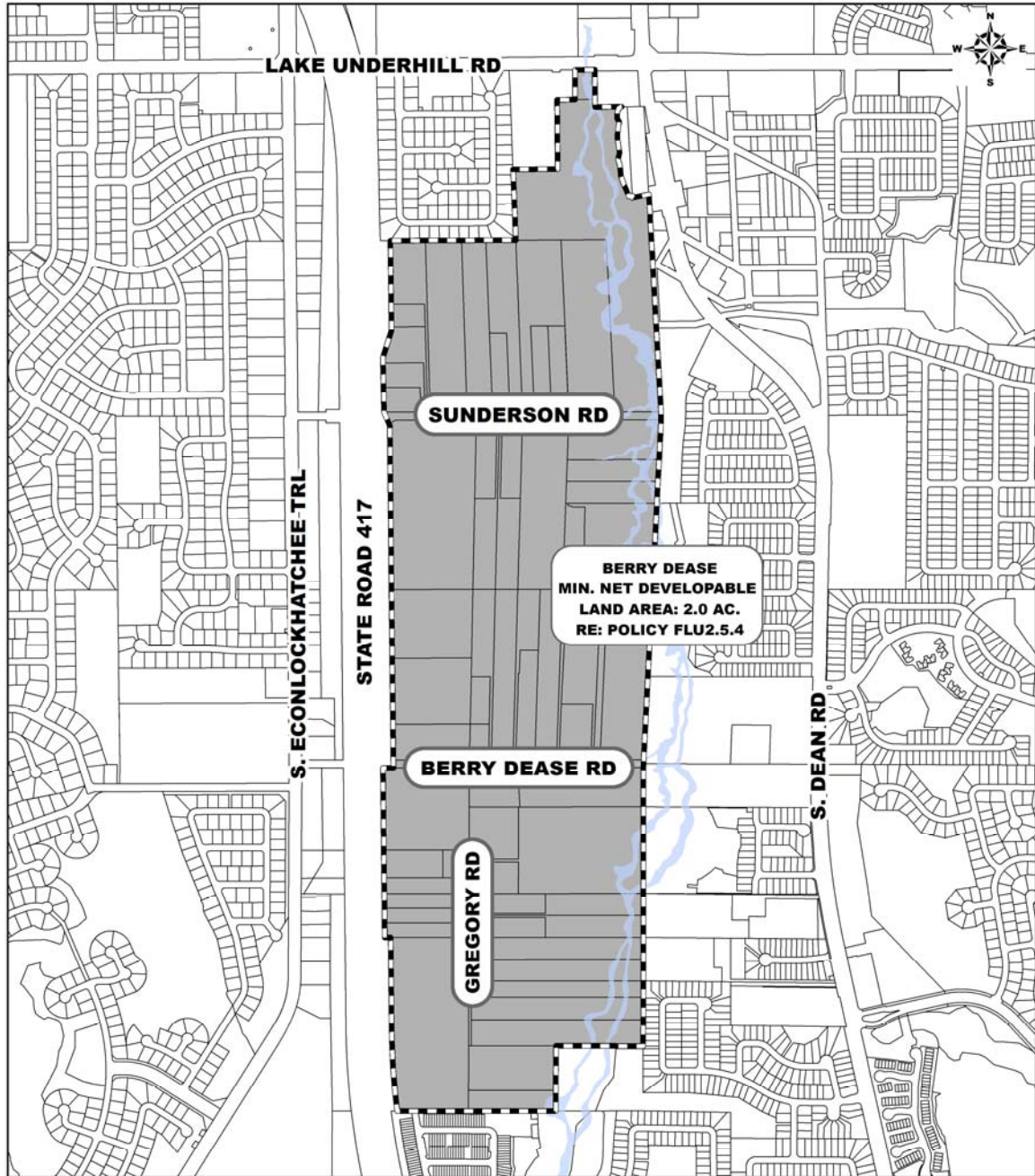
APPENDIX “A”

Map 25(a) of Future Land Use Map Series
Lake Mabel Rural Residential Enclave



APPENDIX “B”

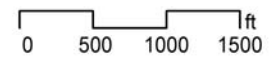
Map 25(b) of Future Land Use Map Series
Berry Dease Rural Residential Enclave



Rural Residential Enclave Boundary



Identified Rural Residential Corridors - Re: Policy FLUE2.5.7 (c)



APPENDIX “C”

Map 25(c) of Future Land Use Map Series
Chickasaw Rural Residential Enclave

