



ORANGE COUNTY

PLANNING DIVISION

2018-2-C-FLUE-2 ROCKING HORSE RURAL ENCLAVES

**BOARD OF COUNTY
COMMISSIONERS**

**OCTOBER 16, 2018
ADOPTION PUBLIC HEARING**

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION





DATE: October 5, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners (BCC)

FROM: Alberto A. Vargas, MArch., Manager
Planning Division

THROUGH: Jon V. Weiss, P.E., Director
Community, Environmental, and Development Services Department

SUBJECT: 2018-2-C-FLUE-2 Regular Cycle Out-of-Cycle / Staff-Initiated
Comprehensive Plan Amendment - Rocking Horse Rural Residential Enclave
Board of County Commissioners (BCC) Adoption Public Hearing

Please find attached the staff report and associated back-up materials for the proposed 2018-2 Regular Cycle Out-of-Cycle Comprehensive Plan Amendment (Rocking Horse Rural Residential Enclave). The adoption public hearing for this amendment was held before the Local Planning Agency (LPA) on August 16, 2018, and is now scheduled before the Board on October 16, 2018.

The subject 2018-2 Regular Cycle-State-Expedited Review amendment is staff-initiated includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan and Future Land Use Map Series. It was previously was considered by the LPA and the Board at transmittal public hearings on May 17, 2018 and June 19, 2018, respectively. The Department of Economic Opportunity (DEO) and other state / regional agencies completed their reviewed of the amendment, and on August 7, 2018, DEO issued a comment letter indicating no concerns. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. If adopted by the Board on October 16, 2018, and provided no challenges are received, the amendment is expected to become effective in November 2018.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 / Alberto.Vargas@ocfl.net, or Olan D. Hill, AICP, Assistant Manager, Planning Division, at (407) 836-5373 / Olan.Hill@ocfl.net.

AAV/ODH

Enc: 2018-2 Regular Cycle Out-of-Cycle Comprehensive Plan Amendment – Rocking Horse
Rural Residential Enclave – BCC Adoption Staff Report

c: Christopher R. Testerman, AICP, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Olan D. Hill, AICP, Assistant Manager, Planning Division
Gregory Gologowski, AICP, Chief Planner, Planning Division

Read File

TABLE OF CONTENTS

INTRODUCTION **Tab 1**

OUT OF CYCLE AMENDMENT.....**Tab 2**

Staff Initiated Out of Cycle Text Amendment.....**Tab 3**

Amendment			Page
1.	2018-2-C-FLUE-2 Rural Residential Enclave (Rocking Horse)	This is a Future Land Use Map and Policy amendment regarding the proposed Rocking Horse Rural Residential Enclave. The proposed policy language would establish a formal boundary, minimum lot sizes, and development guidelines for the Rocking Horse Rural Residential Enclave and which are intended to recognize and protect the Enclave’s existing rural character.	1

2018-2-C-FLUE-2 Out of Cycle Comprehensive Plan Amendment

Staff Initiated Comprehensive Plan Text and Map Amendment

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2018-2-C-FLUE-2	Planning Division	This is a Future Land Use Map and Policy amendment regarding the proposed Rocking Horse Rural Residential Enclave. The proposed policy language would establish a formal boundary, minimum lot sizes, and development guidelines for the Rocking Horse Rural Residential Enclave which are intended to recognize and protect the Enclave's existing rural character.	Olan Hill	Adopt	Adopt (5-0)

ABBREVIATIONS INDEX:

IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural /Agricultural; RS-Rural Settlement; GC-Growth Center; V-Village; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; RRE-Rural Residential Enclaves; SR-State Road; AC-Acres

2018 SECOND REGULAR CYCLE OUT-OF-CYCLE AMENDMENT ROCKING HORSE RURAL RESIDENTIAL ENCLAVE

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

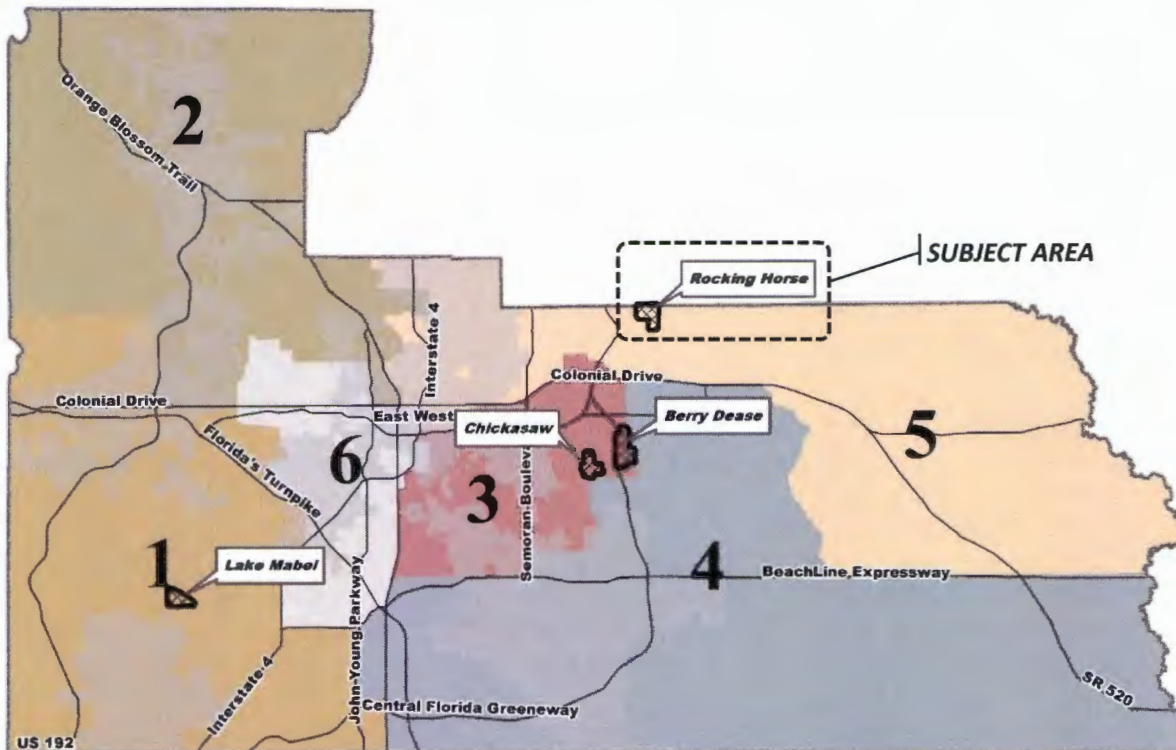
This is the Board of County Commissioners (BCC) adoption public hearing staff report for the proposed Out-of-Cycle Second Regular Cycle Amendment (2018-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on August 16, 2018, and is scheduled before the BCC on October 16, 2018.

This Out-of-Cycle Regular Cycle Staff-Initiated Map and Text Amendment scheduled for BCC consideration on October 16 was heard by the PZC/LPA at a transmittal public hearing on May 17, 2018, and by the BCC at a transmittal public hearing on June 19, 2018.

The 2018-2 **Regular Cycle-State-Expedited** Review amendment scheduled for consideration on October 16 is a staff-initiated map and text amendment. The amendment may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The **Regular Cycle-State-Expedited** Review Amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On August 7, 2018, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in November 2018, provided no challenges are brought for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.



Schedule and outcome of public meetings and hearings:		
Report/Public Hearing	Outcome	
✓ Staff Report 05/09/2018	Recommend Transmittal	
✓ LPA Transmittal 05/17/2018	Recommend Transmittal (6-2)	
✓ BCC Transmittal 06/19/2018	Transmit (6-0)	
✓ State Agency Comments 08/07/2018	No Comments or Concerns	
✓ Staff Report 08/08/2018	Recommend Adoption	
✓ LPA Adoption 08/16/2018	Recommend Adoption with Boundary Adjustment and Minor Policy Revision (5-0)	
BCC Adoption October 16, 2018	To be Determined	

Project/Legal Notice Information
Title: Amendment #2018-2-C-FLUE-2
Division: Planning
Request: Text and Map amendments to the adopted Rural Residential Enclave policies of the Future Land Use Element, establishing the Rocking Horse Rural Residential Enclave.
Revisions: On August 16, 2018, the Local Planning Agency (LPA) recommended ADOPTION of the Rocking Horse Rural Residential Enclave and related Comprehensive Plan text and map amendments, with the exclusion of an 8.27-acre parcel located at 3626 Rouse Road from the Enclave boundary, and one minor modification to Policy FLU2.5.8.

Local Planning Agency (LPA) Recommendation:

Make a finding of consistency with the Comprehensive Plan; determine that proposed text and map amendments are in compliance, and recommend **ADOPTION** of proposed Amendment #2018-2-C-FLUE-2 related to the ***Rocking Horse Rural Residential Enclave***, with the exclusion of an 8.27-acre parcel located at 3626 Rouse Road from the Enclave boundary, and one minor modification to Policy FLU2.5.8. If the 8.27-acre parcel at 3626 Rouse Road were to be excluded from the Enclave boundary as recommended by the LPA, the proposed Rocking Horse Rural Enclave would contain approximately 215 acres and is further depicted in Section “B” below.

A. Background Information

Orange County is at the center of a highly dynamic region that has become one of the world’s leading destinations since the 1970s. Over that period, many rural or semi-rural neighborhoods have transitioned into urban or suburban neighborhoods, while others have maintained their historic rural development patterns.

Some of these rural neighborhoods are located within or in close proximity to the Orange County Urban Service Area (USA) boundary and can be considered “***Rural Residential Enclaves***”. They are characterized as single-family neighborhoods with a homogenous and stable pattern of development, fairly defined geographic boundaries, and very low residential densities that are commonly associated with rural settings. The intent of the proposed amendment is to recognize and protect these existing rural neighborhoods from suburban development pressure that is otherwise encouraged by the County’s existing development framework and urban infill policies.

With the adoption of Comprehensive Plan (CP) Amendment #2018-2-C-FLUE-1 on July 6, 2018, the Board of County Commissioners (Board) created or amended ten (10) Future Land Use Element (FLUE) Objectives and Policies to support and preserve the local character of designated Rural Residential Enclaves. Included in the amendment were Exhibits 25(a-c) of the FLUE Map Series that depict the geographical location of the Lake Mabel (District 1), Chickasaw (District 3), and Berry Dease (District 3) Rural Residential Enclaves. The adopted CP provisions established a definition and intent for Rural Residential Enclaves and outlined the process for creating new enclaves; established minimum net developable land area requirements for new residential lots; and prohibited the use of clustering for purposes of achieving smaller lot sizes. Development features and design techniques aimed at enhancing “rural character”, such as fencing, street / rural corridor design, and prohibition of gated developments, were further outlined in Policy FLU2.5.7. Finally, the Zoning and Future Land Use Correlation table of Policy FLU8.1.1 was amended to establish consistency between the underlying Future Land Use Map (FLUM) designations for each enclave and their existing zoning district(s). The updated Correlation Table cross references the related Policies and Maps.

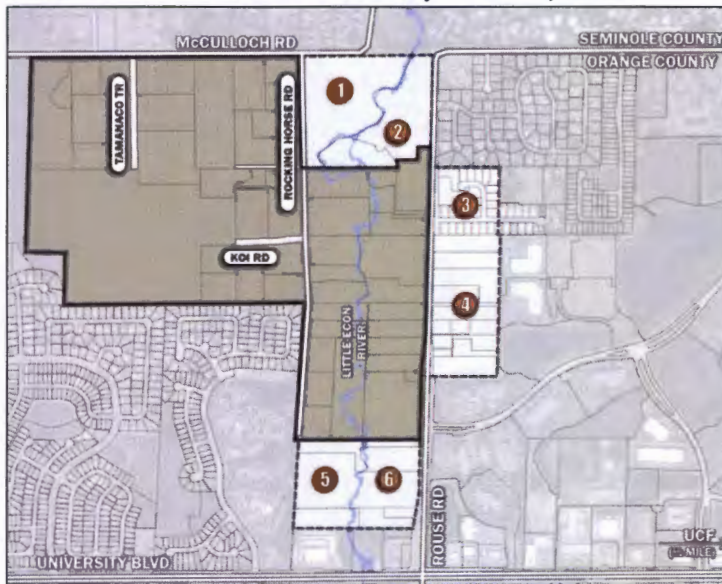
B. Summary of Proposed Amendment

Through proposed Comprehensive Plan Amendment (#2018-2-C-FLUE-2), the recently adopted Rural Residential Enclave Policies would be updated to include the Rocking Horse Rural Residential Enclave in District 5. The proposed enclave, as recommended for adoption by the Local Planning Agency (LPA) on August 16, 2018, contains approximately 215 acres and is generally located south of McCulloch

Road and the Orange / Seminole County line, west of Rouse Road, and along both sides of the Little Econlockhatchee River.

On June 19, 2018, the Board transmitted the subject Rocking Horse Rural Residential Enclave to the State Department of Economic Opportunity (DEO) for further review. Included in the transmittal package was a modification to Policy FLU2.5.4 requiring a minimum of two (2) net developable acres for any newly created residential lots. Also included was new Policy FLU2.5.8 requiring new land use, zoning, and development applications proposed within or in close proximity to a Rural Residential Enclave boundary, or which rely on vehicular access to/from a designated rural residential corridor, to be reviewed for compatibility in the context of the Enclave's rural character. Finally, during their transmittal hearing, the Board directed staff to reflect in the meeting minutes that in the future, the County would evaluate the potential inclusion of certain properties located just beyond the proposed Rocking Horse Rural Residential Enclave boundary. The properties cited by the Board for future evaluation are depicted in the following map as Areas 1-6.

Board-Transmitted Enclave Boundary – June 19, 2018

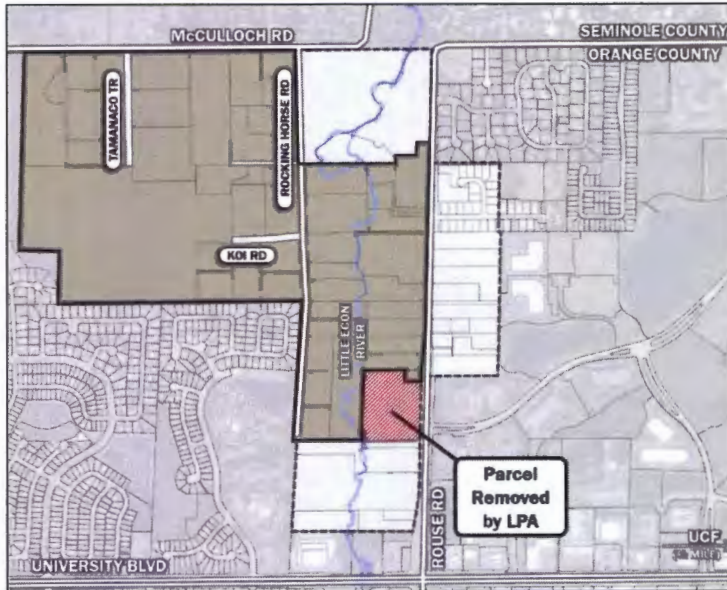


During the subsequent August 16, 2018 Local Planning Agency (LPA) adoption public hearing, a legal representative for Mr. Thomas Jokerst—the sole Manager of 1185/3626N Rouse, LLC, which owns an 8.27-acre parcel located at 3626 Rouse Road—formally requested that the LPA remove the subject parcel from the recommended Enclave boundary. Justification for the requested action included an existing contract to sell the parcel, along with adjacent properties located beyond the proposed Enclave boundary. Mr. Jokerst's attorney alleged an impairment to that contract created by the more restrictive development criteria in the Enclave. Mr. Jokerst's attorney cited Article I, Section 10 ("Prohibited laws") of the Florida Constitution, which states that "No... law impairing the obligation of contracts shall be passed."

Following public testimony, the LPA briefly discussed a minor change to proposed Policy FLU2.5.8, but deliberated at length on the request to remove the 8.27-acre parcel from the proposed Enclave boundary. Some LPA members initially preferred to retain the proposed Enclave boundary as recommended by staff

in order to allow more time for the County Attorney's Office to consider the impairment of contract claim. However, they ultimately concurred with the affected property owner and recommended unanimous adoption (5-0) of the proposed amendment as presented by staff, with the exclusion of the 8.27-acre tract from the Enclave boundary and the minor modification to Policy FLU2.5.8. The following map depicts the LPA-recommended Rocking Horse Rural Residential Enclave, while the revision to Policy 2.5.8 is reflected in Section "C" below.

LPA-Recommended Enclave Boundary – August 16, 2018



C. Proposed Policy Amendments

As previously indicated, the subject amendment includes changes to the recently adopted objectives and policies of the FLUE related to Rural Residential Enclaves (OBJ FLU2.5 and Policies FLU2.5.1 – FLU2.5.7, FLU4.1.9 and FLU8.1.1). In addition, the amendment also establishes new Policy FLU2.5.8 and Map 25(d) of the FLUE Map Series which depicts the boundary of the Rocking Horse Rural Residential Enclave. Proposed changes to the adopted policies are shown in **highlighted** and ~~strike through~~/underline format, with a minor modification recommended by the LPA on August 16, 2018 shown in double underline format.

Future Land Use Element

Goals, Objectives and Policies

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.

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(ed) of the Future Land Use Map Series:

- a) Lake Mabel Rural Residential Enclave
- b) Berry Dease Rural Residential Enclave
- c) Chickasaw Rural Residential Enclave
- d) Rocking Horse 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 minimum net developable land area* requirements and corridor guidelines as specified below, and as depicted on Maps 25(a) through 25(ed) of the Future Land Use Map Series.

Rural Residential Enclave	Minimum Net Developable Land Area Requirement*	Identified Rural Residential Corridors	FLU Map Reference
Lake Mabel	1.0 Ac. Min.	None	25(a)
Berry Dease	2.0 Ac. Min.	Berry Dease Road Sunderson Road Gregory Raad	25(b)
Chickasaw	1.0 Ac. Min.	S. Chickasaw Trail Chickasaw Farms Lane	25(c)
Rocking Horse	2.0 Ac. Min	Rocking Horse Road Tamanaco Trail Koi Road	25(d)

*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 July 10, 2018 in the Lake Mabel, Berry Dease and Chickasaw Rural Residential Enclaves, and prior to October 16, 2018 in the Rocking Horse Rural Residential Enclave, 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 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 located.

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.

FLU2.5.8 New land use, zoning, and development applications proposed within or in close

proximity to a Rural Residential Enclave boundary, and/or which rely on vehicular access to/from a designated rural residential corridor, shall be reviewed for compatibility in the context of the Enclave's rural character.

- FLU4.1.9 Beyond the approved boundaries of the six Villages, 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 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:

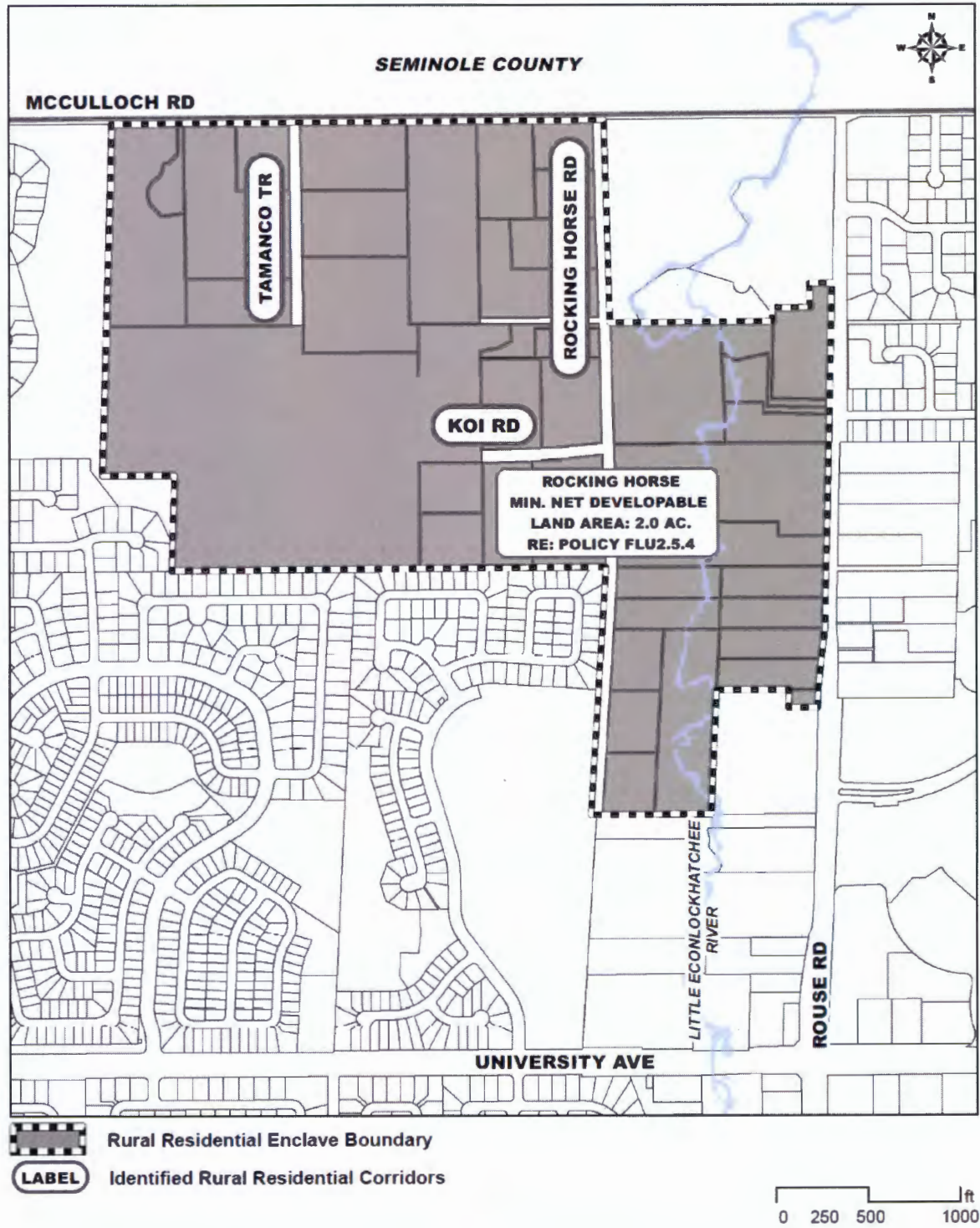
Zoning and Future Land Use Correlation		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
Urban Residential		
Low Density Residential (LDR)	(0 to 4 du/ac)	A-1*, A-2*, R-CE*, R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V
***	***	***
Area Specific		
***	***	***
Village Classification (V) (Horizon West)	See: Policy FLU4.1.9	PD within adopted Village Boundary or conventional zoning districts within a Rural Residential Enclave. (See below)
***	***	***
Rural Residential Enclave (FLUM designation varies)	See Objective OBJ2.5, related sub-policies, and Maps 25(a) through 25(ed) of the Future Land Use Map Series	PD, R-CE, A-1, A-2, A-R, R-1A, R-1AA (see: Maps 25(a) through 25(ed) of the Future Land Use Map Series for minimum area requirements and location of Identified Rural Residential Corridors)
***	***	***

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

Zoning and Future Land Use Correlation		
FLUM Designation	Density/Intensity	Zoning Districts
<p>* (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.</p> <p>** Limited to 4 dwelling units per acre.</p> <p>*** Consistent with FLU6.2.3.</p>		
<p>General Notes:</p> <p>a) 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) 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) 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) 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>		

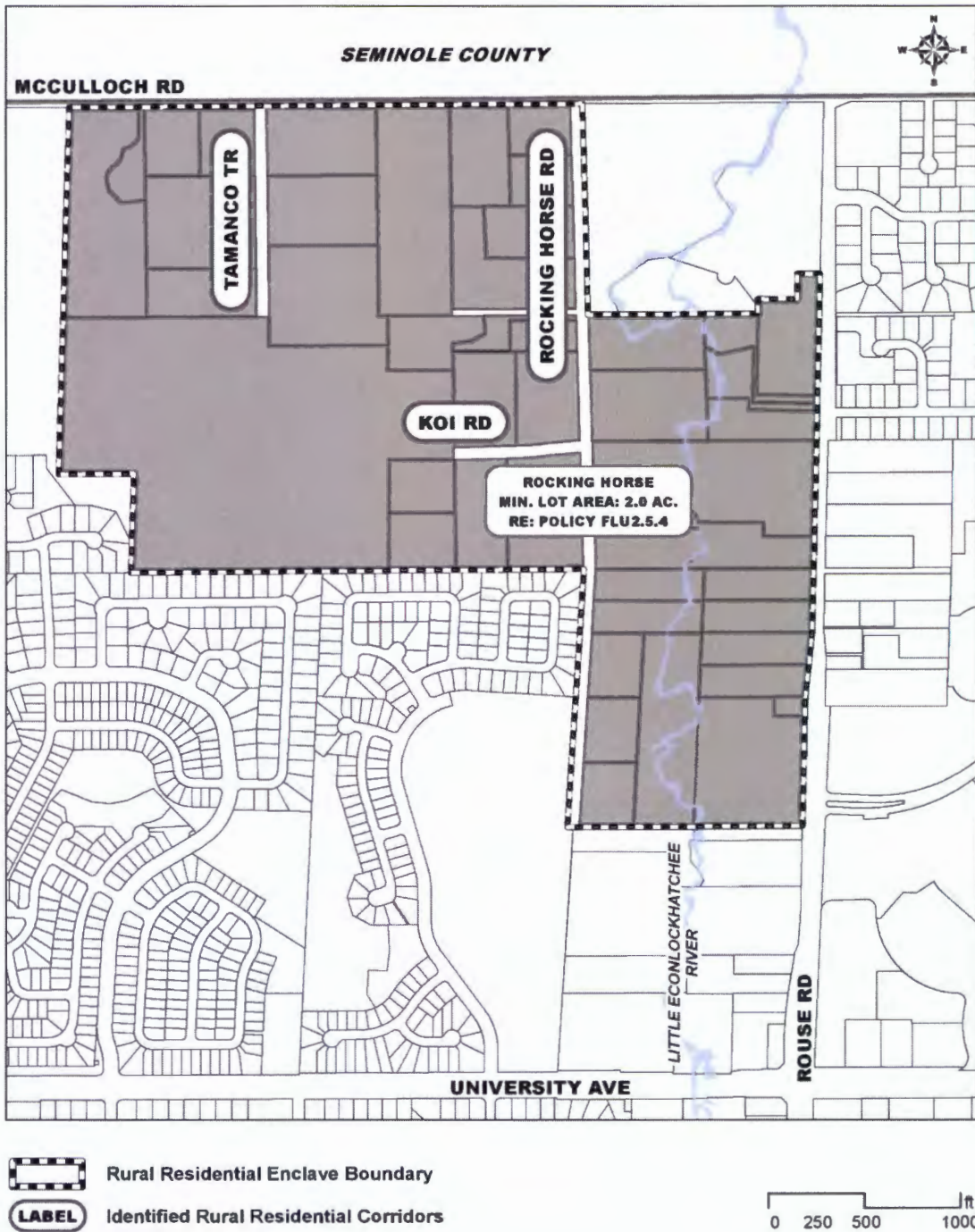
LPA-Recommended Map – August 16, 2018

**Map 25(d) of Future Land Use Map Series
Rocking Horse Rural Residential Enclave**



Board-Transmitted Map – June 19, 2018

**Map 25(d) of Future Land Use Map Series
Rocking Horse Rural Residential Enclave**



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. In 2015 and at the request of several members of the Orange County Board of
County Commissioners, Orange County staff began conducting a Small Area Study of four
neighborhoods in unincorporated Orange County that, by staff's analysis, have relatively low
densities of residential development, have retained a rural or agricultural character and
development pattern, and have inconsistencies between the zoning of the area and the applicable
Future Land Use Map designation; and

b. The Small Area Study included the neighborhood located on the east and west
sides of Rocking Horse Road, which lies south of the Orange County boundary line with
Seminole County and which is bisected in a north-south direction by both Rocking Horse Road
and the Little Econlockhatchee River; and

c. In connection with the part of the Small Area Study related to the Rocking Horse
Road neighborhood, staff held three community meetings at which staff received comments and

input from neighborhood residents and other attendees regarding the desired future density and character of development in the area; and

d. On October 3, 2017, the Orange County Board of County Commissioners (“Board”) conducted a work session in which staff presented the results of the Small Area Study; and

e. On October 17, 2017, the Board conducted a second work session and directed staff to proceed with drafting Comprehensive Plan policies for “Rural Residential Enclaves,” including the Rocking Horse Rural Residential Enclave; and

f. On July 10, 2018, the Board held a public hearing on the adoption of amendments to the Comprehensive Plan relating to the Lake Mabel, Berry Dease and Chickasaw Rural Residential Enclaves as described in Ordinance No. 2018-17, and decided to adopt them; and

g. 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; and

h. 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; and

i. On May 17, 2018, the Orange County Local Planning Agency (“LPA”) held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan relating to the Rocking Horse Rural Residential Enclave, as described in this ordinance; and

j. On June 19, 2018, the Board held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

k. On August 7, 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

l. On August 16, 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

m. On October 16, 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; and

n. The purpose of the proposed amendments to the Comprehensive Plan is to guide and manage future development within the Rocking Horse Rural Residential Enclave pursuant to Section 163.3161, Florida Statutes, by limiting density of residential development and by encouraging certain site and design characteristics that are consistent with the existing and desired future character of development in the Enclave, in order to preserve the rural and agricultural character and development pattern in the Enclave; and

o. The adoption of the Rocking Horse Rural Residential Enclave will also resolve existing inconsistencies between the zoning and Future Land Use categories for those parcels within the Enclave with A-2 (Farmland Rural District), A-R (Agricultural-Residential District), or R-CE (Country Estate District) zoning classifications; and

p. Resolution of those inconsistencies will permit subdivision of property for development of more than one single-family dwelling unit without necessitating a rezoning or Future Land Use Map Amendment, provided the development meets the criteria of the Enclave as further described herein.

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 adding Map 25(d) to the Future Land Use Map Series 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-2:]

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

- a) Lake Mabel Rural Residential Enclave
- b) Berry Dease Rural Residential Enclave
- c) Chickasaw Rural Residential Enclave
- d) Rocking Horse Rural Residential Enclave

* * *

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

<i>Rural Residential Enclave</i>	<i>Minimum Net Developable Land Area Requirement*</i>	<i>Identified Rural Residential Corridors</i>	<i>FLU Map Reference</i>
<i>Lake Mabel</i>	<i>1.0 Ac. Min.</i>	<i>None</i>	<i>25(a)</i>
<i>Berry Dease</i>	<i>2.0 Ac. Min.</i>	<i>Berry Dease Road Sunderson Road Gregory Road</i>	<i>25(b)</i>
<i>Chickasaw</i>	<i>1.0 Ac. Min.</i>	<i>S. Chickasaw Trail Chickasaw Farms Lane</i>	<i>25(c)</i>
<u><i>Rocking Horse</i></u>	<u><i>2.0 Ac. Min</i></u>	<u><i>Rocking Horse Road Tamanaco Trail Koi Road</i></u>	<u><i>25(d)</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 July 10, 2018 in the Lake Mabel, Berry Dease and Chickasaw Rural Residential Enclaves, and prior to October 16, 2018 in the Rocking Horse Rural Residential Enclave, 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.

FLU2.5.8 New land use, zoning, and development applications proposed within or in close proximity to a Rural Residential Enclave boundary, or which rely on vehicular access to/from a designated rural residential corridor, shall be reviewed for compatibility in the context of the Enclave's rural character.

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 Residential		
Low Density Residential (LDR)	(0 to 4 du/ac)	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
***	***	***
Area Specific		
***	***	***
Village Classification (V) (Horizon West)	See: Policy FLU4.1.9	PD within adopted Village Boundary or conventional zoning districts within a Rural Residential Enclave. (See below)
***	***	***
Rural Residential Enclave (FLUM designation varies)	See Objective OBJ2.5, related sub-policies, and Maps 25(a) through 25(ed) of the Future Land Use Map Series	PD, R-CE, A-1, A-2, A-R, R-1A, R-1AA (see: Maps 25(a) through 25(ed) of the Future Land Use Map Series for minimum area requirements and location of Identified Rural Residential Corridors)
***	***	***
Rural		
***	***	***
<p>* (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.</p> <p>** Limited to 4 dwelling units per acre.</p> <p>*** Consistent with FLU6.2.3.</p> <p>General Notes:</p> <p>a) 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) 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) 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) 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.

ADOPTED THIS 16th DAY OF OCTOBER, 2018.

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

By: _____
Deputy Clerk

SAEHartigan\2018\ORDINANCES\Comp Plan Amendments\2018 Second Cycle\2018-2-C-FLUE-2 Rocking Horse Rural Residential Enclave Ordinance_10-04-2018 Draft_clean copy

189
190

APPENDIX "A"

Map 25(d) of Future Land Use Map Series
Rocking Horse Rural Residential Enclave





Community Meeting Memorandum

DATE: December 21, 2017
TO: Alberto A. Vargas, MArch., Planning Manager
FROM: Marcos Bastian, AICP, Chief Planner
SUBJECT: Rural Residential Enclaves – Rocking Horse Community Meeting
CC: Project File

Project Location The area of study is generally located west of Rouse Road, between University Boulevard and McCulloch Road, comprised of approximately 49 parcels.

Meeting Date Monday, December 18 - 6:30 PM – Riverdale Elementary School Cafeteria 11301 Lokanotosa Trail, Orlando, Florida 32817

Meeting Attendance:

District Commissioner District 5 Commissioner Emily Bonilla;
Zoé Colón, Aide to Commissioner Bonilla

Orange County Staff Marcos Bastian, Olan Hill, Stephen Conschafter, Sharon DeAndrade, Steven Thorpe - Planning Division

Attendees Approximately 40 attendees

Overview of Project:

Orange County is at the center of a highly dynamic region that has become one of the world's leading destinations since the 1970s. Over that period, many rural or semi-rural neighborhoods have transitioned into urban or suburban neighborhoods, while others have maintained their historic rural development patterns.

Some of these neighborhoods have been characterized as "Rural Residential Enclaves." More specifically: Rural Residential Enclaves are single-family neighborhoods with a homogenous and stable pattern of development, well-defined geographic boundaries, and very low residential densities characteristic of rural settings. In most cases, rural enclaves are located within the USA, where infill and redevelopment is actively encouraged through intensification and diversification of land uses.

Stable neighborhoods play a critical role in supplying a variety of lifestyles and housing choices that foster rich, diverse and vibrant places. They are at the core of Orange County's enduring desirability.

This study will recommend new Comprehensive Plan Policies that support and preserve the local character of designated Rural Residential Enclaves, while addressing compatibility challenges, and maintaining the necessary consistency with the County's goal of a more compact and efficient urban fabric that promotes a wide range of living environments.



Meeting Summary:

Marcos Bastian opened the meeting, introducing the public officials and staff in attendance. Staff provided a brief explanation about the current zoning entitlements, followed by a summary of the amendments establishing four Rural Residential Enclaves in Orange County: Rocking Horse, Berry Dease, Chickasaw South, and Lake Mabel. After reviewing the proposed amendments, staff provided an overview of the current process and presented an implementation timeline to bring this project to completion in mid-2018.

Stakeholder questions focused on the effects of the Rural Residential Enclaves designations on future development in the study area, and on additional details regarding the Rural Enclave designation and its impacts on the community, such as the allowable densities proposed, varying from of 1 home per 1-Acre to 1 home per 2-Acres.

There were additional questions and discussions regarding properties that were removed from the study area and the type of development proposed for these parcels. Commissioner Bonilla emphasized that she was opposed to the removal of the parcels from the study area and that she has advocated for 1 home per 2-acres as a minimum throughout the entire study area.

Attendees generally expressed support to the study. Commissioner Bonilla requested a 2-acre minimum lot requirement for the entire study area, the prohibition of development clustering, and a change to the enclave boundaries with the inclusion of parcels previously removed from the study area.

The meeting was adjourned approximately at 8:00 p.m.

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

July 16, 2018

RECEIVED
JUL 23 2018
Planning Manager

Mr. Alberto A. Vargas, MArch, Manager
Orange County Planning Division
201 South Rosalind Avenue, 2nd Floor
Orlando, Florida 32802-1393

Dear Mr. Vargas, MArch:

Thank you for submitting Orange County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Orange County 18-4ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **August 15, 2018**.

If you have any questions please contact Anita Franklin, Plan Processor at (850) 717-8486 or Kelly Corvin, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8503.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

MEMORANDUM

TO: Florida Department of Environmental Protection
Florida Department of Education
Florida Department of State
Florida Department of Transportation District 5
East Central Florida Regional Planning Council
St Johns River Water Management
South Florida Water Management District
Florida Fish and Wildlife Conservation Commission
Florida Department of Agriculture and Consumer Services

DATE: July 16, 2018

SUBJECT: COMMENTS FOR PROPOSED EXPEDITED STATE REVIEW PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: ORANGE CO 18-04ESR

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: Kelly Corvin/(850)717-8503

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: DCPexternalagencycomments@deo.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment directly to your agency. See attached transmittal letter. Be sure to contact the local government if you have not received the amendment. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.



RECEIVED
Div. of Community Development and Economic Opportunity
JUL 16 2018
Div. of Community Development
Dept. Economic Opportunity

July 5, 2018

Mr. Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity (DEO)
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

Re: Orange County Transmittal of the 2018-2-C-FLUE-2 Regular Cycle Out-of-Cycle Staff-Initiated Comprehensive Plan Amendment (Rocking Horse Rural Residential Enclave)

Dear Mr. Eubanks:

The Orange County Board of County Commissioners (BCC) is pleased to transmit to the Florida Department of Economic Opportunity (DEO) this 2018-2 transmittal packet, which consists of a Regular Cycle Out-of-Cycle – State-Expedited Review amendment (Rocking Horse Rural Residential Enclave) to the Orange County 2010-2030 Comprehensive Plan. Transmittal public hearings for this amendment were held on May 17, 2018, and June 19, 2018, before the Local Planning Agency (LPA) and BCC, respectively. One paper and two electronic copies (CD) of the proposed amendments are enclosed.

Regular Cycle Amendments

Per 163.3184(3), Florida Statutes, please note the following:

The 2018-2 Regular Cycle Out-of-Cycle – State-Expedited Review amendment entails one staff-initiated map and text amendment. The proposed amendment was on a regular agenda and was heard individually.

Staff-Initiated Map Amendment

2018-2-C-FLUE-2 This is a Future Land Use Map and Policy amendment regarding the proposed Rocking Horse Rural Residential Enclave. The proposed policy language would establish a formal boundary, minimum lot sizes, and development guidelines for the Rocking Horse Rural Residential Enclave and which are intended to recognize and protect the Enclave's existing rural character.

Orange County certifies that the proposed amendments, including associated data and analysis and all supporting documents, have been submitted to the parties listed below simultaneously with submittal to DEO, pursuant to 163.3184(3)(b)2, Florida Statutes. The amendment package is available for public inspection at the Orange County Planning Division as well as online at:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning> or
www.cityurl.com/OCCompPlan

DEO Letter to Ray Eubanks
2018-2 Regular Cycle Out-of-Cycle DEO Transmittal – State-Expedited Review Amendment
Rocking Horse Rural Residential Enclave
July 5, 2018
Page 2

Agency

Department of Agriculture and Consumer Services
Department of Education

Department of Environmental Protection
Department of State
Florida Fish and Wildlife Conservation Commission
Governor's Office of Tourism, Trade, and
Economic Development
Department of Transportation, District Five

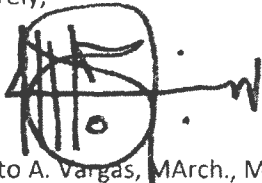
East Central Florida Regional Planning Council
St. Johns River Water Management District
South Florida Water Management District

Contact

Comprehensive Plan Review
Tracy D. Suber, Education Consultant-Growth
Management Liaison
Suzanne E. Ray
Deena Woodward, Historic Preservation Planner
Scott Sanders
Sherri Martin, Sr. Analyst
Heather S. Garcia, Planning & Corridor
Development Manager
Andrew Landis, Regional Planner
Steven Fitzgibbons, Intergovernmental Planner
Terry Manning, AICP, Policy and Planning Analyst

We look forward to working with DEO staff during your review of the amendment packet. If you have any questions, please contact Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at 407.836.5624 or via email at Gregory.Golgowski@ocfl.net.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alberto A. Vargas', written over a circular stamp that contains a grid pattern.

Alberto A. Vargas, MArch., Manager
Orange County Planning Division

AAV/GG/tlp

enc: 2018-2 Regular Cycle Out-of-Cycle State-Expedited Review Amendment (Rocking Horse Rural Residential Enclave) DEO Transmittal Binder

c w/enclosures: Chris Testerman, AICP, Assistant County Administrator
Jon V. Weiss, P.E., Director, Community, Environmental, and Development Services Dept.
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney
John Smogor, Planning Administrator, Planning Division
Gregory Golgowski, Chief Planner, Planning Division
Sue Watson, Planner II, Planning Division

Rick Scott
GOVERNOR



August 7, 2018

The Honorable Teresa Jacobs
Mayor, Orange County
201 South Rosalind Avenue, 5th Floor
Orlando, Florida 32801

RECEIVED
AUG 15 2018
Planning Manager

Dear Mayor Jacobs:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Orange County (Amendment No. 18-4ESR), which was received on July 16, 2018. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

We appreciate the opportunity to work with the County's staff in the review of the amendment. If you have any questions concerning this review, please contact Jennie Leigh Copps, at (850) 717-8534, or by email at jennie.copps@deo.myflorida.com.

Sincerely,

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JS/jlc

Enclosure(s): Procedures for Adoption

cc: Alberto A. Vargas, MARCH., Manager, Orange County Planning Division
Hugh W. Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning Council

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. "

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Watson, Sue

From: Golgowski, Gregory F
Sent: Tuesday, August 14, 2018 9:40 AM
To: Watson, Sue
Cc: Hill, Olan D
Subject: FW: Orange County 18-4ESR Proposed

[No DEP Rocking Horse comments](#)

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Tuesday, August 14, 2018 9:38 AM
To: Golgowski, Gregory F <Gregory.Golgowski@ocfl.net>; DCPexternalagencycomments@deo.myflorida.com
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Orange County 18-4ESR Proposed

To: Greg Golgowski, Chief Planner

Re: Orange County 18-4ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to plan.review@dep.state.fl.us. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.

Lindsay Weaver





Florida Fish
and Wildlife
Conservation
Commission

Commissioners

Bo Rivard
Chairman
Panama City

Robert A. Spottswood
Vice Chairman
Key West

Joshua Kellam
Palm Beach Gardens

Gary Lester
Oxford

Gary Nicklaus
Jupiter

Sonya Rood
St. Augustine

Michael W. Sole
Tequesta

Office of the
Executive Director

Eric Sutton
Executive Director

Thomas H. Eason, Ph.D.
Assistant Executive Director

Jennifer Fitzwater
Chief of Staff

850-487-3796
850-921-5786 FAX

*Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.*

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: 850-488-4676

Hearing/speech-impaired:
800-955-8771 (T)
800-955-8770 (V)

MyFWC.com

Technical Assistance Regarding the Florida Black Bear

Dear Applicant, Property Owner, or Interested Party:

According to Florida Fish and Wildlife Conservation Commission (FWC) data, there is the potential for Florida black bears (*Ursus americanus floridanus*) to occur in the project area. The FWC has received a sufficient number of reports of human-bear conflicts and/or reports of bear killed by vehicles surrounding the project area to suggest recommendations that may reduce the likelihood of negative human-wildlife interactions onsite. While black bears tend to shy away from people, they are adaptable and will take advantage of human-provided food sources that are available near this site or may be available after construction, which can include unsecured garbage, pet food, and bird seed. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to private property and public safety.

There are measures that can be taken during the project life cycle to prevent or reduce conflicts with bears. During the construction phase, construction sites should be kept clean with bear-resistant containers for any refuse that would attract bears, which includes all food-related materials. If a homeowners' association or community covenants are planned, we recommend bylaws that would require residents to take measures to prevent attracting bears into the neighborhood. Sample bylaw language that has been used by other Florida communities is available at the bear management website (<http://myfwc.com/wildlifehabitats/managed/bear/living/community-group/bylaw/>).

Once the development is completed, residents should be provided with bear-resistant garbage cans as part of their regular waste service and any larger waste storage containers should also be bear-resistant. We encourage the property owner to provide residents with information on how to avoid human-bear conflicts. This information can include:

- Options for keeping garbage secure which can include using bear-resistant garbage containers, modifying regular cans to be bear-resistant, or keeping cans secure in a garage or sturdy shed and then placing garbage on the curb the morning of pick-up rather than the night before (<http://myfwc.com/wildlifehabitats/managed/bear/living/attractants/>);
- Removing bird and wildlife feeders, or modifying them to exclude bears (<http://myfwc.com/wildlifehabitats/managed/bear/wildlife-feeders/>);
- Using electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, compost, and small livestock (<http://myfwc.com/media/1333878/ElectricFence.pdf>);
- Proper methods to compost in bear range;
- Securing pet food; and
- Cleaning and securing barbecue grills.

Information should also include guidelines for how residents should respond to bears in the area, such as:

- What to do if they encounter a bear, whether from a distance or at close range,
- How to keep pets and livestock safe in bear range, and
- When and how to contact the FWC regarding a bear issue.

FWC staff is always available to assist with residential planning to incorporate the above recommendations and reduce the potential for unwanted interactions between bears and humans. Please feel free to contact our office at FWCconservationplanningservices@myfwc.com for technical assistance. Further information can also be found on the FWC website at <http://www.myfwc.com/wildlifehabitats/managed/bear>.

Sincerely,

Fritz Wettstein

Fritz Wettstein
Land Use Planning Program Administrator
Office of Conservation Planning Services

TA Florida Black Bear_060418



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

July 30, 2018

VIA EMAIL (planning@ocfl.net) & Gregory.Golgowski@ocfl.net

Mr. Alberto A. Vargas, MArch, Manager
Orange County Planning Division
201 South Rosalind Avenue, 2nd Floor
Orlando, Florida 32802-1393

Re: DACS Docket # -- 20180702-1141
Orange County 2018-2-C-FLUE-2
Submission dated July 5, 2018

Dear Mr. Vargas, MArch:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on July 2, 2018 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2280.

Sincerely,

A handwritten signature in blue ink that reads "Derek Buchanan".

Derek Buchanan
Budget Director
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Orange County 18-4 ESR)

Watson, Sue

From: Golgowski, Gregory F
Sent: Thursday, August 09, 2018 8:48 AM
To: Watson, Sue
Subject: FW: Orange County, DEO #18-4ESR Comments on Proposed Comprehensive Plan Amendment Package Rocking Horse

From: Oblaczynski, Deborah <doblaczy@sfwmd.gov>
Sent: Thursday, August 09, 2018 8:16 AM
To: Vargas, Alberto A <Alberto.Vargas@ocfl.net>
Cc: Corvin, Kelly D. <Kelly.Corvin@deo.myflorida.com>; Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com) <DCPexternalagencycomments@deo.myflorida.com>; Steve Fitzgibbons (SFitzgibbons@sjrwmd.com) <SFitzgibbons@sjrwmd.com>; Hugh Harling Jr. (hharling@ecfrpc.org) <hharling@ecfrpc.org>; Golgowski, Gregory F <Gregory.Golgowski@ocfl.net>
Subject: Orange County, DEO #18-4ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Vargas:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Orange County (County). The amendment establishes a formal boundary, minimum lot sizes, and development guidelines for the Rocking Horse Rural Residential Enclave. The County is within the boundaries of both the District and the St. Johns River Water Management District with whom we have coordinated our review. The St. Johns River Water Management District has provided their comments in a separate response. The proposed changes do not appear to adversely impact the water resources within the South Florida Water Management District; therefore, the District has no comments on the proposed amendment package.

The District offers its technical assistance to the County in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski
Policy & Planning Analyst
Water Supply Implementation Unit
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
(561) 682-2544 or doblaczy@sfwmd.gov



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

719 South Woodland Boulevard
DeLand, Florida 32720

**MIKE DEW
SECRETARY**

August 6, 2018

Alberto A. Vargas, MArch
Manager, Orange County Planning Division
P.O. Box 1393
Orlando, FL 32802

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: ORANGE COUNTY
DEO #: 18-4ESR

Dear Mr. Vargas,

The Department of Transportation has completed its review of the subject Proposed Comprehensive Plan Amendment as requested in your memorandum dated July 5, 2018.

We appreciate the opportunity to participate in this review process and we offer our technical assistance with this letter. The proposed text amendments are not expected to result in significant adverse impacts to the State Highway System (SHS) and the Strategic Intermodal System (SIS). Therefore, the Department does not have any comments or recommendations.

If you have any questions, you may contact Steve Shams at 386-943-5421 or by e-mail at Steve.Shams@dot.state.fl.us.

Sincerely,

Jean Parlow
Growth Management Coordinator

Attachment

C: Renzo Nastasi, Orange County
Anganie Durbal, Orange County
Sue Watson, Orange County
Fred Milch, ECFRPC

Carol Scott, FDOT
Jennifer Carver, FDOT
Kelly Corvin, DEO
D. Ray Eubanks, DEO

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Orange County
DEO Amendment #: 18-4ESR
Date Amendment Received FDOT: 07/12/2018
Review Comments Deadline: 08/11/2018
Today's Date: 08/06/2018

GENERAL BACKGROUND INFORMATION

Orange County has submitted the proposed Orange County 18-4ESR large scale Comprehensive Plan amendment for text amendments pertaining to the Future Land Use (FLU) Element and Future Land Use Map (FLUM) Series of the Orange County Comprehensive Plan.

TEXT AMENDMENTS

Elements: Future Land Use
Future Land Use Map Series
Rule Reference: Chapter 163, Florida Statutes

Background:

The proposed Orange County 18-3ESR Comprehensive Plan amendment reviewed by the Department, dated June 1, 2018, established a definition and intent for Rural Residential Enclaves, designated boundaries for three Rural Residential Enclaves, established minimum lot sizes and other development guidelines for these areas, and updated existing tables and FLU policies for consistency with the new Rural Residential Enclave policies.

The subject proposed amendment adds a fourth Rural Residential Enclave pursuant to the previously proposed and reviewed policies. The newly proposed Rural Enclave, Rocking Horse, is 253+ acres, and generally located south of McCulloch Road and the Orange / Seminole County line, west of Rouse Road, and along both sides of the Little Econlockhatchee River, as identified in Figure 1.

The proposed text amendments to Policies FLU2.5.2, FLU2.5.4, and FLU 8.1.1, incorporates the name and standards for the Rocking Horse Rural Enclave into policies and tables identifying Rural Residential Enclaves in Orange County. There is also a new proposed policy regarding review of land use application within or in close proximity to Rural Residential Enclave. The proposed Policy FLU2.5.8 states "New land use, zoning, and development applications proposed within or in close proximity to a Rural Residential Enclave boundary, and which rely on vehicular access to/from a designated rural residential corridor, shall be reviewed for compatibility in the context of the Enclave's rural character."

FDOT Contact:	Steve Shams, MURP In-house Consultant FDOT District 5	Reviewed by:	Tyler K. Johnson, AICP
Telephone:	386-943-5421		Vanasse Hangen Brustlin, Inc.
Fax:	386-943-5713		407-839-4006
E-mail:	Steve.Shams@dot.state.fl.us		407-839-4008
File:	H:\OOC\Planning\Growth Management\CPA Project Files\Orange County\Review\2018\18-4ESR\Proposed\Orange_Proposed_18-4ESR_Review.docx		tjohnson@vnb.com

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Orange County
DEO Amendment #: 18-4ESR
Date Amendment Received FDOT: 07/12/2018
Review Comments Deadline: 08/11/2018
Today's Date: 08/06/2018

Figure 1: Proposed Rocking Horse Rural Residential Enclave



The State roadway segments within three miles of the amendment site are shown in the Table 2 with year 2018, 2028, and 2040 projected volumes.

FDOT Contact: Steve Shams, MURP
In-house Consultant
FDOT District 5
Telephone: 386-943-5421
Fax: 386-943-5713
E-mail: Steve.Shams@dot.state.fl.us
File: H:\00C\Planning\Growth Management\CPA Project Files\Orange County\Review\2018\18-4ESR\Proposed\Orange_Proposed_18-4ESR_Review.docx

Reviewed by: Tyler K. Johnson, AICP
Vanasse Hangen Brustlin, Inc.
407-839-4006
407-839-4008
tjohnson@vhb.com

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Orange County
DEO Amendment #: 18-4ESR
Date Amendment Received FDOT: 07/12/2018
Review Comments Deadline: 08/11/2018
Today's Date: 08/06/2018

Table 2: State Roadway Segments Affected by FLUM Amendment

Roadway(s)	Segment(s)	SHS / SIS ?	LOS Standard	2018			2028			2040		
				Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?
SR 417	SR 50 to University Blvd	Y	D	148,700	59,500	Y	148,700	70,100	Y	148,700	89,600	Y
	University Blvd to Seminole County Line	Y	D	148,700	45,600	Y	148,700	56,400	Y	148,700	78,300	Y
	Orange County Line to SR 426	Y	D	74,400	62,200	Y	148,700	75,500	Y	148,700	101,800	Y
	SR 426 to Red Bug Lake Rd	Y	D	74,400	51,900	Y	111,800	65,700	Y	111,800	94,400	Y
SR 426	Orange County Line to Tuskawilla Rd	Y	D	41,790	36,600	Y	41,790	40,600	Y	41,790	45,900	N
	Tuskawilla Rd to SR 417	Y	D	39,800	40,200	N	39,800	44,200	N	39,800	49,300	N
	SR 417 to Dean Rd	Y	D	41,790	34,500	Y	41,790	37,900	Y	41,790	41,900	N
	Dean Rd to Mitchell Hammock Rd	Y	D	41,790	29,400	Y	41,790	32,300	Y	41,790	35,700	Y
SR 434	SR 50 to University Blvd	Y	D	62,900	40,700	Y	62,900	44,600	Y	62,900	49,400	Y
	University Blvd to Seminole County Line	Y	D	62,900	51,700	Y	62,900	57,700	Y	62,900	62,600	Y
	McCullough Rd/Orange County Line to Chapman Rd	Y	D	62,900	44,500	Y	62,900	49,800	Y	62,900	53,800	Y
	Chapman Rd to Mitchell Hammock Rd	Y	D	62,900	42,300	Y	62,900	49,200	Y	62,900	50,700	Y
SR 50	Constantine St to Dean Rd	Y	D	62,900	56,900	Y	62,900	62,700	Y	62,900	68,900	N
	Dean Rd to Alamo Shop Center	Y	D	62,900	50,600	Y	62,900	57,600	Y	62,900	68,900	N
	Alamo Shop Center to SR 434/Alafaya Tr	Y	D	62,900	52,000	Y	62,900	57,700	Y	62,900	65,300	N

Source: FDOT District Five 2016 LOS_ALL Report Update

FDOT Contact: Steve Shams, MURP
In-house Consultant
FDOT District 5

Telephone: 386-943-5421
Fax: 386-943-5713
E-mail: Steve.Shams@dot.state.fl.us
File: H:\OOC\Planning\Growth Management\CPA Project Files\Orange County\Review\2018\18-4ESR\Proposed\Orange_Proposed_18-4ESR_Review.docx

Reviewed by: Tyler K. Johnson, AICP

Vanasse Hangen Brustlin, Inc.
407-839-4006
407-839-4008
tjohnson@vhb.com

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Orange County
DEO Amendment #: 18-4ESR
Date Amendment Received FDOT: 07/12/2018
Review Comments Deadline: 08/11/2018
Today's Date: 08/06/2018

Technical Assistance:

The segment of SR 426 from Tuskawilla Road to SR 417 is the only the segment of State Highway System (SHS) and the Strategic Intermodal System (SIS) located within three miles on the proposed amendment site currently exceeding LOS standards. There are three total segments of SR 426 and three segments of SR 50 projected to exceed the LOS standards through the year 2040. These conditions are projected with or without the proposed amendment.

The proposed amendment establishes a new Rural Residential Enclave pursuant to previously transmitted text amendments (Orange County 18-3ESR). This proposed amendment does not amend the underlying FLU designations of the subject areas. Therefore, the proposed text amendment is not expected to result in significant adverse impacts to the SHS and the SIS.

The Department does not have any comments or recommendations regarding the proposed amendment.

The Department respectfully requests a copy of the adopted plan. Please provide the adopted plan within 10 working days of adoption, in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statutes (State Coordinated Review Process Section 163.3184(4), Florida Statutes).

FDOT Contact:	Steve Shams, MURP In-house Consultant FDOT District 5	Reviewed by:	Tyler K. Johnson, AICP
Telephone:	386-943-5421		Vanasse Hangen Brustlin, Inc.
Fax:	386-943-5713		407-839-4006
E-mail:	Steve.Shams@dot.state.fl.us		407-839-4008
File:	tjohnson@vhb.com		
	\\C:\Users\Planning\Growth Management\CPA Project Files\Orange County\Review\2018\18-4ESR\Proposed\Orange_Proposed_18-4ESR_Review.docx		