

BCC Mtg. Date: October 16, 2018

EFFECTIVE DATE: December 6, 2018

ORDINANCE NO. 2018-23

**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>
<i><u>Rocking Horse</u></i>	<i><u>2.0 Ac. Min</u></i>	<i><u>Rocking Horse Road</u> <u>Tamanaco Trail</u> <u>Koi Road</u></i>	<i><u>25(d)</u></i>

**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, must 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		
<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)
***	***	***
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*
Teresa Jacobs
Orange County Mayor

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

By: *Laketa Louie*
Deputy Clerk

APPENDIX "A"

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

