

ORDINANCE NO. 2021-09

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 AN AMENDMENT PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2019 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING AN EFFECTIVE DATE.

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 23, 2021, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

Section 3. Amendments to Text of Urban Design, Conservation, Recreation, and Open Space Elements. The Comprehensive Plan is hereby amended by amending the text of the

Urban Design, Conservation, Recreation, and Open Space Elements to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words.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.)

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[Amendment 2019-2-C-CP-3:]

**Urban Design Element
Goals, Objectives and Policies**

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UD1.1.5 Guide and encourage project exterior lighting that maximizes project safety, while avoiding nuisance glare, embracing dark sky ~~principals~~ principles, and minimizing energy demand.

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OBJ UD1.4 Within the “pedestrian shed” distance of existing or planned transit stations, projects shall be encouraged to incorporate Transit Oriented Development (TOD) design solutions including vertically mixed uses, and higher residential densities and commercial intensities.

POLICIES

UD1.4.1 Building frontages should have direct access to public walkways and, inviting transit stop waiting areas.

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UD1.4.3 Traffic-calming measures such as speed bumps, roundabouts, raised crosswalks, reduced pavement widths and continuous walking and bicycling routes shall be encouraged around Transit Oriented Developments (TODs).

UD1.4.4 Seek to reduce parking requirements for development within established distances of Transit Oriented Developments (TODs).

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UD1.5.4 Research incentives and methods to encourage new projects to provide overhead shade structures or shade trees and landscaping that effectively shield parking surfaces, provide drivers with shelter, and avoid solar heat-island ~~affects~~ effects.

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UD1.5.10 The County should encourage and facilitate new stormwater management systems that are designed, constructed, and maintained with a focus on safety and aesthetics. Such systems should feature greater efficiency, and give importance to the aesthetic characteristics of all system components that might be visible to the public including structures, fencing, slopes, landscape design, and plant materials, location within the project, and the potential for passive park uses.

OBJ UD1.6 Projects within shopping, Transit Oriented Development (TOD) or activity centers, should be, to the greatest extent possible, physically integrated into the surrounding neighborhood and adjacent street and sidewalk corridors.

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UD1.6.3 Sheltered and shaded outdoor pedestrian grid corridors, with convenient access between individual buildings, outdoor spaces, and parking facilities, shall be considered a goal of early project site planning.

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UD1.6.6 Orange County shall explore the most feasible block lengths needed to encourage pedestrian traffic within and surrounding designated village shopping centers, Transit Oriented Developments (TODs), and activity center nodes.

UD1.6.7 Bike paths shall be separated from vehicular roadways, whenever possible.

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UD2.3.1 Building entrances should be visually prominent, oriented toward the street, and feature overhead sun and weather protection for the approaching visitor.

UD2.3.2 When appropriate, a variety of exterior building finish materials, including spandrel glass, graphics, canopies, awnings, lighting, and/or landscaping, should be used to introduce visual interest on inappropriately elongated and featureless building façades.

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UD2.3.4 The County should explore the use of standards that address appropriate spacing and rhythm for windows, doors, and other elements along activity center sidewalks.

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UD3.1.3 Encourage the integration of vertically mixed uses, and varying housing styles, sizes, and types.

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UD4.2.4 Development shall be encouraged to invest in complete street pattern of design and should incorporate design patterns and innovative strategies and guidelines to allow the vertical mixing of uses and the ease of movement for all modes of transportation, including bike, transit, and pedestrian.

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OBJ UD5.2 The County should ensure that parks, open space, and recreation facilities are efficiently and adequately provided, the design for which shall be integrated into the overall community fabric and effectively maintained for access by all the residents of Orange County.

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GOAL UD6 It is Orange County's goal to protect public safety, and enhance the perception of safety, and to encourage development that considers Crime Prevention Through Environmental Design (CPTED) principles, which must be balanced against other County design objectives.

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POLICIES

UD6.1.1 Promote safety through design by employing principles of Crime Prevention through Environmental Design (CPTED) in the site plan and appearance review process.

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UD6.1.4 Encourage the development of housing that includes public, public/private and private spaces that would emphasize Crime Prevention through Environmental Design (CPTED) transitions.

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UD6.1.7 Maximize the visibility of high-risk areas by providing lighting, windows, building placement, and other means.

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UD6.1.12 By reducing opportunities for entrapment, concealment, and vandalism, the following exterior design and building treatment principles should be considered in design development:

- a. Ensure that entrances to buildings are oriented to face open or “active” spaces.
- b. Minimize blank walls overlooking parks, parking lots, and other common space areas and public rights-of-ways.
- c. Design entrances and other features to limit opportunities for concealment.
- d. Clearly distinguish areas near entrances that lead from public walkways.
- e. Maximize the variety of building design and landscaping to create interesting built environments.
- f. Provide clear sight lines from within the building at the entry point so that occupants can see out into a space before exiting.
- g. Provide opportunities for users of the building to see inside the foyer/reception before they enter.
- h. Ensure that landscaping design will not provide concealment or entrapment areas.

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OBJ UD7.3 Promote and facilitate innovative, visually appealing, and sustainable stormwater management design solutions.

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**Conservation Element
Goals, Objectives and Policies**

GOAL C1 Orange County shall conserve, protect, and enhance the County's natural resources including air, surface water, groundwater, vegetative communities, ~~wildlife listed as threatened, endangered, or species of special concern~~ imperiled species, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations. Lands located within the Wekiva Study Area (WSA) shall be considered high priority for protection. All development within the WSA shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act or future Acts, as applicable, so as to provide, promote, and maintain a level of environmental quality to ensure natural resources are preserved for the benefit of current and future generations. (Amended 12/07, Ord. 2007-20)

OBJ C1.1 Orange County shall continue to maintain and improve air quality in the County to meet all National Ambient Air Quality standards for regulated air pollutants and in order to ensure a healthy environment for all citizens and visitors. ~~implement State and Federal mandated programs to maintain or improve air quality, continue to monitor and protect air quality, and~~

~~ensure that the County continues to meet or exceed all applicable air quality standards~~

POLICIES

C1.1.1 ~~Orange County shall implement and maintain State and Federal mandated programs, including meeting the objectives of its existing, approved local air program in accordance with Florida Statutes and interagency agreements with the State of Florida Department of Environmental Protection and the United States Environmental Protection Agency. The County shall also administer state and federal agreements and work plans, integrating any new rules and regulations into existing County programs. continue its current comprehensive monitoring, compliance, permitting, and enforcement programs, in order to protect and maintain air quality.~~

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C1.1.3 ~~Orange County will continue to promote alternative transportation modes and air quality awareness through public education and outreach programs. The County shall increase awareness of air quality issues through the development of educational programs for the regulated community, residents, schools, local businesses, and municipalities. Orange County shall promote and educate the public, through public seminars, dissemination of information and media presentations, about mass transit, carpooling, bikeways, park n ride lots, and other alternative transportation modes. The use of hybrid and alternative fuel vehicles as well as electric vehicles should be promoted as the market develops for these options. The use of low sulfur diesel fuel for both on-road and off-road diesel equipment should be used. This will be done in order to reduce automobile emission pollution, as proposed in the Traffic Circulation and Mass Transit Elements.~~

C1.1.4 ~~Orange County shall continue to maintain the air compliance, inspection, and enforcement programs to fulfill the terms of the interagency agreement with the Florida Department of Environmental Protection. Orange County shall regulate businesses and industries that have an impact on air quality and ensure that proper pollution control devices are used and maintained. This policy shall be achieved through Interlocal Agreements with the Department of Environmental Protection. (Added 12/00, Ord. 00-25)~~

C1.1.5 ~~Orange County shall continue to enforce regulations regarding activities such as land clearing, open burning, or other activities to eliminate or reduce air pollution. Orange County shall continue to enforce regulations regarding open burning, and other practices such as land clearing that have an adverse impact on air quality in Orange County.~~

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C1.1.7 Orange County's standards for the placement of transit facilities shall be ~~designed to continue to, at a minimum, address~~ minimize adverse impacts to natural resources, water quality; wildlife (flora and fauna) listed as threatened, endangered, or species of special concern; scenic rivers; rare upland vegetative communities; noise; air pollution; and waste disposal. (Added 12/00, Ord. 00-25, Policy 1.1.9)

OBJ C1.2 Orange County shall protect and improve ~~continue to identify important sources of surface waters by identifying sources of pollution in Orange County and coordinate~~ coordinating the development and implementation of pollution abatement devices, methods and programs with local governments, State, and Federal agencies. (Added 12/00, Ord. 00-25)

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C1.2.2 Orange County shall continue to enforce water quality standards by identifying all point and significant non-point sources of water pollution, and expand programs to reduce the harmful impacts of these pollutants on the natural environment. Orange County shall implement projects to reduce pollutant loads as required by the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit and Basin Management Action Plans (BMAP) through the Florida Department of Environmental Protection Total Maximum Daily Load (FDEP's TMDL) program. (Amended 6/10, Ord. 10-07)

C1.2.3 RESERVED

C1.2.4 Orange County shall protect lakes and streams, ~~and~~ continue to maintain a surface water monitoring program and follow the water quality guidelines of the Florida Department of Environmental Protection (FDEP) and Orange County Ordinances. (Added 12/00, Ord. 00-25, Policy 1.2.4; Amended 6/10, Ord. 10-07)

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C1.2.6 Orange County shall continue to improve design standards, monitoring, construction, and maintenance requirements for stormwater retention/detention systems, and shall ensure compliance of these requirements to prevent degradation of the receiving surface water bodies. These requirements shall be included in the Land Development Code and shall apply to all new projects. (Added 12/00, Ord. 00-25, Policy 1.2.6-r)

C1.2.7 Orange County shall continue to implement the approved Wekiva River Protection Ordinance, the Econlockhatchee River Protection Ordinance, and the requirements of the Wekiva Parkway and Protection Act by continuing to adopt regulations in the Land Development Code and through the acquisition of Environmentally Sensitive Lands within these basins to protect these river resources and other Outstanding Florida Waters and Outstanding National

Resource Waters. These regulations and acquisitions shall ensure protection and maintenance of water quality, water quantity, aesthetics, open space, historical/archaeological resources, rare upland habitat, wildlife habitat, ~~and~~ floodplains, and nature-based recreational values. (Added 12/00, Ord. 00-25, Policy 1.2.7-r; Amended 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07)

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C1.2.11 Orange County shall prohibit the direct or indirect discharge of hazardous, toxic, chemical, petroleum, nuclear waste, heated water discharges, or liquid sludge pollutants into surface waters or wetlands systems. (Policy 1.2.14; Amended 6/10, Ord. 10-07)

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C1.2.14 Orange County will reduce pollutants to the “maximum extent practicable” through implementation of pollution control measures, including developing nonpoint source control plans and compliance inspections of private and public facilities, for point and non-point discharges in accordance with County Code Chapter 15 Article II, Section 15-39; NPDES MS4 Permit FLS000011; FAC 62-624; 40 CFR 122.26; and Section 402(p)(3)(b) of the Federal Clean Water Act. (Added 12/00, Ord. 00-25, Policy 1.11.8)

C1.2.15 Orange County shall identify areas within the County that are susceptible to impacts associated with nutrient loadings from specific activities including lawn and turf fertilizer application and reclaimed water irrigation. These susceptible areas shall include but are not limited to: Total Maximum Daily Load (TMDL) impaired waterbodies, Outstanding Florida Waters, Outstanding National Resource Waters, and waterbodies with declining water quality associated with nutrient loads and areas adjacent to surface water conveyance systems that drains to a waterbody of special interest. The County will make efforts to reduce the potential impacts from these specific activities. The identified areas will also be used for planning and future use considerations. (Amended 6/10. Ord. 10-07)

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OBJ C1.3 Orange County shall protect the natural functions of floodplains and flood zone areas to maintain flood-carrying and flood-storage capacities; and to protect life and property, and Orange County shall to continue to maintain its eligibility in the National Flood Insurance Program by implementing the following policies.

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C1.3.2 Orange County shall continue to identify and recommend, to the State and the Water Management Districts, floodplains that would warrant acquisition under

the Conservation and Recreation Lands Program, Florida Forever Program, and the Save Our Rivers Program. (Amended 6/10, Ord. 10-07)

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OBJ C1.4 Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats by implementing the following policies.

POLICIES

C1.4.0 For the purposes of this Comprehensive Plan, Environmentally Sensitive Lands shall ~~mean include at a minimum~~ Class I conservation areas as defined in Chapter 15, Article X Orange County Code Conservation Policy C1.4.1, and their adjacent uplands, rare upland habitat including but not limited to sandhill and scrub, and those wetland and upland systems that support any imperiled species Threatened, Endangered Species, or Species of Special Concern. (Added 8/92, Ord. 92-24; Amended 06/17; Ord. 2017-12)

C1.4.1 Orange County shall continue to adopt and enforce regulations that protect and conserve wetlands and surface waters as defined in Orange County Code. Such regulations shall include criteria for identifying the significance functional habitat value of wetlands or surface waters.

~~Class I conservation areas shall mean those wetland areas that meet at least one of the following criteria:~~

- ~~A. Any wetland of any size that has a hydrological connection to natural surface water bodies or Floridan aquifer; or~~
- ~~B. Any wetland of any size that is within a lake littoral zone; or~~
- ~~C. Any large isolated uninterrupted wetlands forty (40) acres or larger; or~~
- ~~D. Any wetland of any size that provides critical habitat for federal and/or state listed threatened or endangered species.~~

~~Class II conservation areas shall mean those wetland areas that meet any of the following criteria:~~

- ~~A. Consist of isolated wetlands or formerly isolated wetlands that by way of man's activities have been directly connected to other surface water drainage; and are greater than or equal to five (5) acres; or~~
- ~~B. Are less than 40 acres and do not otherwise qualify as a Class I conservation area.~~

~~Class III conservation areas shall mean those wetland areas that meet all of the following criteria:~~

- ~~A. Isolated wetlands less than five (5) acres; and do not otherwise qualify as a Class I or Class II conservation area. Stormwater ponds are not considered conservation areas.~~

~~The removal, alteration or encroachment within a Class I Conservation Area shall be allowed only in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of these areas.~~

Removal, encroachment or alteration for Class II conservation areas should be presumed to be allowed unless removal, encroachment or alteration is contrary to the public interest. Removal, encroachment or alteration may be allowed in Class III conservation areas.

When encroachment, alteration, or removal of a wetland or surface water conservation area is permitted, habitat compensation or mitigation as a condition of development approval shall be required. The basis for mitigation shall be determined by using Uniform Mitigation Assessment Method (UMAM) as the sole basis for evaluation, integrating any new rules and regulations into existing County programs. ~~In the case where a mitigation bank has not been awarded credits using UMAM, the mitigation shall be no less than the following:~~

~~Class I conservation areas: case by case basis, but not less stringent than the mitigation requirements for Class II conservation areas.~~

~~Class II conservation areas:~~

~~A. Freshwater marshes and wet prairies—1.5:1.~~

~~B. Cypress wetlands—2.0:1.~~

~~C. Hydric hammocks, bayheads, and mixed hardwood swamps—2.5:1.~~

~~Class III conservation areas: 1:1.~~

~~For off-site, unlike, or other mitigation proposals, ratios shall be determined on a case-by-case basis. The regulation shall stipulate that the following types of mitigation shall be given priority:~~

~~A. Restoration of non-functional wetlands;~~

~~B. Off-site preservation of wetland and upland systems;~~

~~C. Creation of type-for-type mitigation areas adjacent to preserved Class I Conservation Areas or that connect Class I, II and/or III conservation areas; and,~~

~~D. Creation of type-for-type mitigation areas. (Added 8/92, Ord. 92-24; Amended 12/00 Ord. 00-25)~~

C1.4.2 Orange County shall coordinate with the United States Army Corps of Engineers, the Florida Department of Environmental Protection, and the St. Johns River and South Florida water management districts to identify and regulate wetland areas under their jurisdiction.

- C1.4.3 ~~By 2011,~~ Orange County shall establish regulations in the Land Development Code concerning upland buffer areas adjacent to wetlands, major riverine systems and Outstanding Florida Waters, and Outstanding National Resource Waters, in order to protect water quality, preserve natural wetland or surface water functions, and preserve wildlife and plant species listed as imperiled species ~~threatened, endangered, or species of special concern~~. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
- C1.4.4 The future land use designation of **Preservation** shall be established to recognize publicly or privately-owned lands of significant environmental importance for the purposes of environmental protection. Publicly owned lands designated Preservation shall be lands owned by federal, state, or local governments acquired for environmental preservation, rehabilitation, or management. Privately owned lands such as wetland mitigation banks, Regional Offsite Mitigation Areas, and environmentally sensitive properties owned by the Florida Audubon Society, Nature Conservancy or similar types of non-profit entities, may be designated as Preservation so long as formal consent is provided.
- Compatible very-low impact nature-based recreational or educational uses, such as hiking, non-motorized boating, ~~bird watching~~wildlife viewing, horseback riding, fishing, primitive camping, and nature study, that use natural amenities of the site for public benefit are allowable uses in the Preservation designation, so long as these uses avoid development encroachment into warranted, environmentally-sensitive areas. All other uses are prohibited. Furthermore, development within areas designated Preservation cannot exceed a 0.1 Floor Area Ratio. (Deleted 12/00, Ord. 00-25; Added 05/03, Ord. 03-03, Policy 1.4.4-r; Amended 6/10, Ord. 10-07)
- C1.4.5 The **Conservation/Wetlands** designation on the Future Land Use Map shall serve as an ~~conceptual~~ indicator of conservation and wetland areas. The precise delineation of these areas shall be determined through site specific studies and field determinations that assess the extent of wetland vegetation, consistent with Conservation Policy C1.4.1. If an area designated as Conservation/Wetlands on the Future Land Use Map is determined to be a developable area, the underlying Future Land Use Map designation shall ~~be as shown~~ control. (Added 12/00, Ord. 00-25)
- C1.4.6 All attempts should be made to mitigate wetland or surface water impacts within the County. Off-site mitigation or out of County mitigation for all ~~Classes of~~ wetlands (~~i.e. I, II, and III~~) or surface waters will be considered only when, 1) the mitigation site is deemed as appropriate (i.e. functional equal or like for like) mitigation to offset any direct or secondary impacts and, 2) is located within the same hydrologic basin as the impact or 3) the applicant can demonstrate that mitigation area will have spillover benefits to the basin where the impact is to occur. This includes Orange County Capital Improvement Projects. Orange County may approve out-of-County mitigation areas ~~on a~~

~~case-by-case basis~~ under limited circumstances; this includes mitigation banks, which benefit the County's wetland resources. (Added 6/95, Ord. 95-13; Amended 12/00, Ord. 00-25; Amended 10/10, Ord. 2010-13)

C1.4.7 Orange County shall protect identified wetland and surface water areas and existing wildlife (flora or fauna) habitat through the control and maintenance of invasive non-native (exotic) plants and animal species on County owned Environmentally Sensitive Lands. The Orange County Environmental Protection Division has adopted an internal Standard Operational Procedure for the identification and tracking of invasive/exotic Plant Species that is applicable for all Green PLACE properties. Maintenance and control of invasive/exotic plant and animal species is conducted by contractual and in-house resources. Orange County shall continue to identify funding sources and grants to assist in the maintenance and control activities. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)

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C1.4.9 An upland buffer of a minimum of 25 feet is recommended, unless otherwise stated elsewhere in Orange County Code or in the Orange County Comprehensive Plan for all ~~Class I, II, and III~~ wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions. This shall be incorporated into Chapter 15 of the Orange County ~~eCode by July 2011~~. (Amended 6/10, Ord. 10-07, Amended 10/10, Ord. 2010-13)

OBJ C1.5 **Orange County shall require proper soil management practices, appropriate best management practices, and use of technology be implemented to prevent pollution from impacting the County's Municipal Separate Storm Sewer (MS4) and Surface Waters as outlined in the County's MS4 National Pollutant Discharge Elimination System (NPDES) permit to avoid erosion as outlined in the County's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit. This objective shall be made measurable by implementing the following policies.**

POLICIES

C1.5.1 ~~RESERVED~~ Orange County shall continue to work with the Natural Resource Conservation Service to rate and classify Orange County's soils according to their development potential.

C1.5.2 Orange County shall on an ongoing basis, assist the Natural Resource Conservation Service with those activities directed at implement policies and practice that minimize soil erosion and sedimentation, including the adoption and enforcement of Best Management Practices for agriculture and urban development. (Added 12/00, Ord. 00-25; Amended 10/10, 2010-13)

C1.5.3 ~~RESERVED Orange County shall assist the Water Management Districts, Florida Department of Environmental Protection and other applicable agencies to improve soil management adjacent to Orange County surface water bodies. This assistance may include, but not be limited to, protection and planting of desirable native species of vegetation and erosion control measures. (Amended 6/10, Ord. 10-07)~~

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C1.5.5 Orange County shall continue to require and enforce State ~~recommended~~ required minimum Best Management Practices to protect soils during development activities. (Added 12/00, Ord. 00-25)

C1.5.6 Orange County shall provide information regarding training opportunities that instruct private entities and County Staff on erosion control and best management practices as required by the National Pollutant Discharge Elimination System (NPDES) permit ~~Training of inspectors is available through the Florida Stormwater, Erosion and Sediment Control Training and Certification Course.~~

C1.5.7 Orange County shall require proposed development in, on, or near contaminated soils to properly address the contamination prior to any approvals allowing disturbance of the contaminated soils with land clearing, mass grading, and/or construction. (Added 6/10, Ord. 10-07)

C1.5.8 Development on any soils in which buried waste is found shall comply with the guidelines established in the most recent version of the "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida," published by the Florida Department of Environmental Protection. (Added 6/10, Ord. 10-07)

OBJ C1.6 Orange County shall require that mining be regulated to prevent adverse impacts to air, groundwater, surface water, and other natural resources by implementing the following policies. (Added 12/00, Ord. 00-25)

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C1.6.3 ~~By July 2011, Orange County shall develop~~ maintain landscape and grading standards for mine reclamation that provide for the restoration of previously mined land. ~~Such standards shall be included~~ in the Land Development Code. (Amended 10/10, Ord. 2010-13)

C1.6.4 Orange County shall require that a reclamation plan and proof of financial responsibility has been provided by mining operators as a condition of permit approval. Such requirements are ~~shall be~~ included in the Land Development Code.

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OBJ C1.7 Orange County shall manage and protect plant and wildlife species designated as imperiled ~~threatened, endangered or species of special concern~~ through programmatic and planning approaches for ecosystem analysis and through adoption of land development regulations. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)

POLICIES

C1.7.1 Orange County shall assist in the application of, and compliance with, all State and Federal regulations that pertain to imperiled species ~~plants and wildlife listed as threatened, endangered, or species of special concern.~~

C1.7.2 ~~In addition to consulting with the appropriate State agencies,~~ Orange County shall coordinate with Federal and State agencies that require management plans for land use permits that would result in harm to any wildlife or plants listed as imperiled ~~threatened, endangered, or species of special concern~~ found on site or determined to use the site. ~~Such requirements shall be included in the Land Development Code and, at a minimum, shall require~~ An applicant may be required to provide a habitat survey and management plan approved by or otherwise satisfactory to and in full compliance with the regulations promulgated by the Florida Fish and Wildlife Conservation Commission, the County, and any other state or federal agency with jurisdiction. (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.7.2-r; Amended 6/10, Ord. 10-07)

C1.7.3 Orange County must establish on an ongoing basis, an education and incentive program to encourage private landowners to use environmental management practices that protect habitat for plants and wildlife listed as imperiled ~~threatened, endangered, or species of special concern.~~ (Added 12/00, Ord. 00-25)

C1.7.4 Land containing plants and wildlife listed as imperiled ~~threatened, endangered, or species of special concern~~, or that is part of a riverine corridor system shall be given priority for environmentally sensitive land acquisition and protection by Orange County.

C1.7.5 Orange County shall, through conservation easement and fee simple land acquisition, discourage fragmentation and encourage the creation of wildlife/open space corridors ~~that are to be identified in the Open Space Element as referenced in Open Space policies OS1.1.5 and OS1.1.6.~~ A priority for wildlife/open space corridors shall be given to land located within the Wekiva Study Area to connect the Wekiva River area to the Ocala National Forest. Wherever possible, public and private open space areas shall be connected together to establish corridors for wildlife movement. (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.7.5-r; Amended 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07, 10/10, Ord. 2010-13)

C1.7.6 Orange County shall, ~~through the County's Legislative Delegation's actions,~~ continue to implement the provisions of the Florida Blue Belt amendment as a means for preserving rare uplands and recharge areas, recognizing that uplands in Orange County are rare ecosystems that contain both high recharge areas and habitat for ~~endangered, threatened and imperiled species, of special concern.~~ imperiled species. ~~The County will encourage citizens to take advantage of this new legislation through public education initiatives.~~ (Added 12/00, Ord. 00-25)

C1.7.7 Orange County shall implement ~~amend~~ the Orange County tree ordinance and associated land development regulations, in order to require preservation of valuable tree species that provide valuable habitat for animals, prohibit indiscriminate clearing, and require replacement and maintenance measures. ~~These regulations shall be included in the Land Development Code.~~ (Added 12/00, Ord. 00-25)

C1.7.8 Orange County shall continue to protect ~~land such as~~ rare upland habitats, as identified by Florida Natural Areas Inventory (FNAI), that provide habitat for plants and wildlife listed as imperiled ~~threatened, endangered, or species of special concern~~ through land use planning requiring buffers, open space, management plans, and/or clustering. Orange County's process of development review ensures that rare upland habitats ~~areas~~ are inventoried for any possible imperiled ~~endangered~~ species that may necessitate habitat protection. Orange County shall also consider incentive programs such as density bonuses, acquisition or purchase of development rights as a means of preserving these areas. Rare Critical upland habitats including Longleaf Pine-Turkey Oak, ~~vegetation communities ("s Sandhill")~~, Xeric Oak Scrub, Sand Pine Scrub, Pine Flatwoods and areas of Type A soils located within the Wekiva Study Area shall be considered high priority for protection efforts. All areas that are to be set aside as protected open space shall be identified as such on development plans. (Added 12/00, Ord. 00-25; Amended 12/07, Ord. 2007-20; 10/09, Ord. 2009-28)

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C1.7.11 Orange County shall consult the natural habitat evaluations prepared by the Florida Natural Areas Inventory (FNAI) ~~The Florida Natural Areas Inventory completed a natural habitat evaluation. The final results of the evaluation and other evaluations shall be used by Orange County~~ to prioritize land for acquisition based on its ability to provide the following: habitat corridors, high ranking vegetative cover, species diversity, hydrologic function, ecological integrity and aquifer recharge potential. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07, Amended 10/10, Ord. 2010-13)

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OBJ1.8 RESERVED

OBJ C1.9 Orange County shall require the protection of natural resources by minimizing adverse impacts from adjacent developments. ~~This objective shall be made measurable by implementing the following policies.~~

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OBJ C1.10 Orange County shall conserve energy resources for future generations. ~~This objective shall be made measurable by implementing the following policies.~~

POLICIES

C1.10.1 Orange County shall continue to develop ~~implement~~ an energy conservation program~~s~~ that requires new developments to incorporate energy efficient buildings and site design techniques to the extent practical and feasible. Preliminary Subdivision Plans and Development Plans and all commercial plans shall include a list of the energy efficient measures that will be incorporated into the buildings and used in the site design techniques. If ~~the a~~ developer can show that a 15% higher energy performance will be achieved (on an annual basis) over the existing code required building practices then the comprehensive plan goal cited above, "to the extent practical and feasible," will be met. Refer to the Florida Green Commercial Building Standard green buildings standards such as Florida Green Commercial Building Standards and the Leadership in Energy and Environmental Design (LEED) Green Building Rating System standards for guidance. Another option to comply with this policy is to achieve an energy certification from one of the organizations listed above that is at least equivalent to the 15% goal stated above. (Added 12/00, Ord. 00-25-r)

C1.10.2 Orange County shall continue to pursue the reduction of greenhouse gases through increased fuel efficiency and diversification of the County fleet through the use of hybrid vehicles including electric vehicles and alternative fuel vehicles. ~~diversify the County fleet through the use of hybrid vehicles and alternative fuel vehicles as they become available on the market. The County shall continue to closely monitor vehicle manufacturers alternate fuel programs and consider such vehicles when purchasing new fleet vehicles. It is anticipated that plug-in electric hybrid cars will be made available on the market and they will be incorporated into the fleet as appropriate. The County will continue to participate with manufacturer testing of hydrogen powered buses and fueling facilities.~~ The County will promote the use of all these vehicles by the general public by encouraging the construction of the necessary infrastructure such as charging stations. (Added 8/92, Ord. 92-24, Policy 1.10.2-r; Amended 6/10, Ord. 10-07)

* * *

C1.10.4 Orange County shall investigate and implement ways of reducing ~~Styrofoam~~ expanded polystyrene consumption use throughout Orange County including

its own facilities, ~~in the interest of reducing harmful chlorofluorocarbon (CFC) discharge to the atmosphere.~~

C1.10.5 Orange County shall investigate and implement ways to increase the use of recycled paper products. ~~reduce its new paper products consumption by such means as using recycled paper products.~~

C1.10.6 Orange County, shall continue to implement ways of reducing fossil fuel consumption in new County facilities by such means as including solar panels, solar water heaters, double or triple pane windows, wide roof eaves to maximize exterior wall shading, passive solar design concepts, and higher insulation values. Orange County shall ~~offer~~ investigate and consider incentives to property owners and builders/developers who demonstrate energy conservation in building design to include options that supplement existing utilities. Such incentives shall be included in the energy conservation program referenced in Conservation Policy C1.10.1. (Added 12/00, Ord. 00-25)

OBJ C1.11 Orange County shall protect and conserve groundwater quantity and quality by implementing the following policies.

POLICIES

C1.11.1 Orange County's Environmental Protection Division shall continue to implement its monitoring program and procedures to mitigate adverse impacts, ~~if detected,~~ of private businesses ~~in the unincorporated area~~ that use, generate, or produce any material characterized or listed on the Resource Conservation and Recovery Act's or the Environmental Protection Agency's hazardous waste lists ~~as required in the Aquifer/Wellfield Protection regulations.~~ (Added 12/00, Ord. 00-25, Policy 2.1.5r)

* * *

C1.11.5 ~~RESERVED~~ Orange County shall ~~develop regulations supporting the use of stormwater runoff for irrigation of agricultural areas, open space and landscaped areas to facilitate aquifer recharge and reduce potable water demands, in accordance with the SJRWMD's "District Water Supply 2020 Plan 2005."~~ Such regulations ~~shall be included in the Land Development Code.~~ (Added 12/00, Ord. 00-25, Policy 1.11.5 r)

C1.11.6 ~~RESERVED.~~ Aquifer recharge areas typically comprise Hydrologic Soil Group Type "A," as indicated on the Soil Survey Map for the County prepared by the Natural Resources USDA Soil Conservation Service. Regulations shall be adopted as part of the Land Development Code that require a detailed soils report prepared by a geotechnical engineer to be submitted to the County prior to site development plan approval if such soils exist on site. If the site is determined to be within a high recharge area, retention of the total run-off generated by a 25-year frequency, 24 hour duration storm event from the

~~developed site will be required. (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.11.6-r)~~

- C1.11.7 Orange County shall identify and take action to combat sources of pollution that could threaten groundwater quality such as malfunctioning drainwells, improperly installed or failing septic tanks, and improper disposal of hazardous waste areas. For areas inside the urban service area, with failing septic tanks Orange County shall investigate and prioritize the provision of Wastewater and Water utilities to these areas. This will be done through the MSTU (Municipal Services Taxing Unit) or MSBU (Municipal Service Benefit Unit) that can help provide the costs attributed to retrofitting those areas that require infrastructure improvements for wastewater and stormwater. (Added 12/00, Ord. 00-25, Policy 1.11.7)

* * *

- C1.11.9 The County shall protect the Wekiva Study Area through the establishment of three protection zones based upon the aquifer vulnerability data provided in the Florida Geological Survey Report of Investigation 104: Wekiva Aquifer Vulnerability Assessment (WAVA). The three Protection Zones as determined by the WAVA report are depicted in Figure WSA-5. The Primary Protection Zone is comprised of those areas expected to most directly affect the water quality surfacing at the springs within the WSA [time of travel and reduced natural attenuation]. The Secondary Protection Zone still contributes water to the springs, but over a longer period of time and allowing for somewhat greater natural treatment and reduction of the nitrogen.

The Tertiary Protection Zone covers all other areas in the WSA, where the flow to the springs is minimal or nonexistent. As part of its analysis, the County shall determine whether certain land uses with the potential to contaminate or harm the aquifer shall be limited or prohibited within portions of the WSA. The evaluation will need to address monitoring mechanisms as well as the costs of implementation and enforcement of protection zones and land use limitations. ~~By January 1, 2007,~~ Orange County will continue to revise the Land Development Code ~~will be revised~~ to include protection zones and appropriate standards for development within them, including stormwater runoff. (Added 12/07, Ord. 07-20, Policy 1.11.9)

- C1.11.10 Orange County shall adopt and maintain a Water Supply Facilities Work Plan (Work Plan) which will assess existing and projected water sources and needs for at least a 10-year planning period considering the Regional Water Supply Plans of the St. Johns River Water Management District and South Florida Water Management District. The Work Plan will identify feasible traditional and alternative water supply sources, including water conservation efforts, which the County may use to reduce or satisfy existing and projected water demands.

- C1.11.11 Orange County will continue to implement the water conservation efforts identified in the Work Plan. These efforts include:
- Continued staffing of the County’s water conservation program and extensive public education program;
 - Continued enforcement of ordinances and policies that limit irrigation days and hours, encourage Florida Friendly landscaping, and use of smart irrigation technology, require the use of ultra-low volume fixtures, and require rain sensor devices;
 - Continued water conservation practices, such as participation in Florida Friendly Landscape workshops, water use audits, toilet retrofit program, showerhead exchange program, efficient irrigation nozzle replacement program, distribution system leak program, presentation and events, and participation in public awareness campaigns; (Amended 05/17, Ord. 2017-10)
 - Continued use of a tiered inclined block water conservation rate structure, including rate increases;
 - Further assessment of existing water conservation program effectiveness and development of new program initiatives; and,
 - Periodic review and update of existing water conservation and landscaping ordinances to promote additional improvements in water conservation.

OBJ C1.12 Orange County shall protect, preserve and enhance its vegetative resources, including, but not limited to, tree species, emergent and submerged aquatic vegetation. ~~This shall be accomplished through the implementation of the following policies.~~ (Added 12/00, Ord. 00-25)

POLICIES

C1.12.1 Orange County shall augment its protection of vegetated natural resources ~~in urban areas~~, including but not limited to the tree protection ordinance. This action would ensure that high quality trees would receive greater protection in the development review process, require preservation of valuable tree species, prohibit indiscriminate clearing, require replacement, and maintenance measures, and establish ratios for replacement if removal is unavoidable. The County shall ~~update~~ maintain the existing Tree Protection Ordinance ~~by 2009~~. (Added 12/00, Ord. 00-25)

C1.12.2 Orange County shall encourage the planting of native trees and vegetation along the roadways, through inclusion of landscaping and buffering requirements in the Land Development Code, Activity Center development guidelines, Arbor Day promotions, and expansion of the Urban Forestry Program, in order to reduce the level of carbon dioxide in the air, dilute air pollutants, and reduce noise impacts, to enhance the aesthetic quality, design, and quality of life in Orange County. (Added 12/00, Ord. 00-25, Policy 1.12.2-r)

* * *

C1.12.4 Orange County shall continue to implement invasive/exotic plant species control on Orange County Green PLACE properties, ~~continue to conduct prescribed fire controlled burn~~ events, and ~~restore restoration of degraded habitats with native vegetation.~~ (Amended 6/10, Ord. 10-07)

GOAL C2 Orange County's goal is to protect, enhance and maintain the unique and irreplaceable values, functions, diversity and benefit of the natural resources within the Econlockhatchee River Basin, Wekiva Protection Area, Wekiva River Basin and the Lake Apopka Drainage Basin. (Amend. 12/00, Ord. 00-25, Goal 2)

* * *

POLICIES

C2.1.1 The Future Land Use Map shall establish the permitted land use, densities and intensities for the Wekiva River Protection Area and the Wekiva River Study Area.

* * *

OBJ C2.2 The natural resources of the Wekiva River shall be protected. ~~This objective shall be made measurable by implementing the following policies.~~

POLICIES

C2.2.1 A buffer zone is hereby established five hundred and fifty (550) feet from the landward limit of waters of the State (FAC § 62-340), or edge of the Wekiva River, or from the landward edge of the wetlands associated with the Wekiva River, whichever is the greater. In no case shall development activities be permitted closer than five hundred fifty (550) feet from the river's edge except for created forested or herbaceous wetlands, and passive recreation when it is clearly demonstrated by the applicant that the areas shall not adversely affect aquatic and wetland-dependent wildlife, water quality, groundwater table or surface water levels.

An upland buffer a minimum of 25 feet and an average of 50 feet shall be required for all Class I, Class II or Class III wetland systems/conservation areas, that are not associated with the Wekiva River, that occur within the Wekiva Study Area. Larger buffers can be applied if scientific data on wetland function or local conditions dictate. ~~s it. This shall be incorporated into Chapter 15 of the Orange County Code by 2012.~~ (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)

C2.2.22.2.11 In order to protect the Wekiva River, parcels shall not be subdivided so as to interfere with the buffer zone established in Conservation Policy C2.2.1.

* * *

C2.2.4 Where imperiled species of~~endangered, threatened~~ plants and animals or species of special concern are known to be present, or are likely to be present, the developer of any subdivision, or planned development, shall be required as part of the development review process to liaise with the Florida Fish and Wildlife Conservation Commission in order to protect the above plants and animals within the Wekiva River Protection Area. ~~This requirement shall be included in the Land Development Code.~~

C2.2.5 Within the 100 Year Floodplain of the Wekiva River, developments shall be required to minimize the clearance of native vegetation. Prior to construction plan submittal, a vegetation clearing plan shall be submitted to the County for review and approval. Clearing of vegetation will only be permitted, where necessary, in order to complete the development. ~~Such requirements shall be included in the Land Development Code.~~ (Amended 6/10, Ord. 10-07)

C2.2.6 The County shall continue to monitor surface water quality within the Wekiva Study Area in order to identify potential pollutant sources and track long term trends in quality. The County shall follow the requirements of any Basin Management Action Plan (BMAP) developed under the Total Maximum Daily Load (TMDL) Program. (Added 12/00, Ord. 00-25)

* * *

OBJ C2.3 Orange County shall protect and preserve the surface water quality and quantity, wildlife populations and habitat, aesthetics, open space, historical and archaeological resources, floodplains, wetland areas, native upland areas and recreation lands of the Econlockhatchee (Econ) River Basin by implementing the following policies.

POLICIES

C2.3.1 The Land Development Code shall provide for the protection of the Econ River Basin through mechanisms such as upland buffers, specific restrictions within a 2,200 foot total width protection zone, requiring habitat and historical/archaeological resource assessments and protection, allowing for mitigation, open space or density credits, requiring landscaping to include use of native plant species, utilization of wetland areas as part of drainage facility systems, requiring ~~State or Federal listed species protection~~ imperiled species protection, clustering of development, restricting floodplain encroachment, and limiting forested habitat fragmentation. (Added 12/00, Ord. 00-25)

* * *

C2.3.3 Orange County shall support educational programs promoting the scenic and natural values of the Econ River Basin through provision of information and technical assistance, ~~and attendance at appropriate meetings.~~

* * *

OBJ C2.4 Orange County shall help restore, protect and preserve the surface populations and habitat, aesthetics, open space, historical and archaeological resources, floodplains, wetland areas, native upland areas and recreation lands of the Lake Apopka River Basin by implementing the following policies.

POLICIES

C2.4.1 Orange County shall support, through the provision of information, technical assistance, planning, land acquisition, land use designations, and intergovernmental coordination the restoration of Lake Apopka through the Lake Apopka Surface Water Improvement and Management (SWIM) Program, the Lake Apopka Planning Initiative and the efforts of the Lake Apopka Restoration Council. Orange County shall also support the South Florida Water Management District’s Lake Butler SWIM Program. (Added 12/00, Ord. 00-25)

* * *

GOAL C3 Orange County’s goal is to reduce the County’s green-house gases (GHG) emissions to prevent global warming and to set the pace for a livable sustainable community.

OBJ C3.1 Greenhouse Gas (GHG) emissions generated by County actions shall be reduced to prevent mitigate global warming. The reductions, based on 2005 GHG emissions, shall be as follow: 15% by the year 2010; 28% by the year 2015; 40% by the year 2020. It is Orange County’s goal to be GHG neutral by 2040.

POLICIES

C3.1.1 ~~By the year 2012, To reach the objective of being greenhouse gas neutral, 60% of all County owned vehicles should be either hybrids, electric vehicles, or use alternative fuel, as vehicles are replaced. (Amended 6/10, Ord. 10-07, Amended 10/10, Ord. 2010-13)~~

* * *

C3.1.3 ~~By the year 2010, the~~ The County shall reduce petroleum consumption by 20%, using the year 2005 as the base. The County shall reduce petroleum consumption to assist in becoming greenhouse gas neutral by 2040.

C3.1.4 The County shall support mass transit and multimodal transportation centers.

C3.1.5 The County shall increase, as feasible, the number of miles of bicycle trails and roadside bicycle lanes.

C3.1.6 The County shall ~~make all possible~~ continue supporting efforts to ~~participate in a pilot program for~~ promote the use of plug-in hybrid alternative fuel vehicles.

* * *

C3.1.10 ~~RESERVED~~ The County shall ~~identify jurisdictions on a regional and even worldwide basis to partner in formal agreements to reduce GHG emissions. Encourage local municipalities to develop local climate action plans to work together on this issue. Consider establishing a “sister” city in the United Kingdom to share ideas and plans.~~

C3.1.11 ~~RESERVED~~ The County shall ~~partner with various agencies that have the ability to support the Orange County Climate Change Plan and can assist in reducing GHG emissions. Explore partnerships with Orlando Orange County Expressway Authority to encourage the use of alternative fuel vehicles and/or car pooling.~~

* * *

C3.2.1 The County shall continue applying for grants and committing funds for ~~projects like the solar photovoltaic (PV) projects, panels at the Orange County Convention Center (OCCC). This, up to 1 megawatt, system will help the OCCC reduce their energy consumption from fossil fuel.~~

C3.2.2 The County shall partner with electric utilities to develop green power programs, and also sell renewable energy credits (RECs) from the Orange County Convention Center (OCCC) project to generate more alternative energy on County owned buildings.

C3.2.3 The County shall retrofit County buildings with renewable energy systems consistent with the Sustainable Orange County Plan. This supports hurricane mitigation efforts to have decentralized energy available. ~~Efforts shall be made to have 15% of power supplied to all County owned buildings from alternative energy sources within 15 years.~~

* * *

C3.2.7 The County shall create incentives to support green building and green development, ~~for~~ within the private sector such as reduced fees, and expedited permit review.

* * *

C3.2.11 The County shall make efforts to ~~establish~~ continue to support an incentive program to increase solar hot water heaters and PV panels on residential homes and businesses within the County.

C3.2.12 The County shall encourage redevelopment of properties ~~thru~~ through the State Brownfield Program.

C3.2.13 Redevelopment of former solid waste disposal facilities (landfills), including any property where regulated solid waste remains onsite, shall comply with Orange as defined by the State and “brownfield development” standards shall ~~comply with County’s Planned Development process, §38-1201, OCC.~~ The proponent for redevelopment of a former landfill shall enter into a developer’s agreement with the County delineating specific procedures and/or conditions to deal with any environmental issues before redevelopment. (Added 6/10, Ord. 10-07)

* * *

**Recreation Element
Goals, Objectives and Policies**

GOAL R1 Orange County shall strive to provide the residents of unincorporated Orange County with sufficient resource based and activity based park land and recreation facilities to satisfy their health, safety, and welfare needs. (Added 12/00, Ord. 00-25)

OBJ R1.1 Orange County shall strive to achieve a level of service of 2.5 acres of publicly owned activity-based park land and trails per one thousand (1,000) residents of unincorporated Orange County by 2030 2020, contingent upon adequate funding sources being in place. (Added 12/00, Ord. 00-25)

POLICIES

* * *

R1.1.2 RESERVED

R1.1.3 RESERVED

* * *

R1.1.7 The Orange County Parks and Recreation Division shall maintain an up-to-date inventory of all Orange County maintained activity-based park and recreation facilities. ~~Orange County Planning Division shall maintain an inventory of other private facilities, which may count towards the County’s Level of Service.~~ (Added 12/00, Ord. 00-25)

R1.1.8 The Parks and Recreation Division shall provide the Planning Division with an up-to-date inventory of activity-based parks to ensure the minimum level of service is met. ~~This information will be provided to the Orange County Building Division to ensure that the minimum level of service is maintained.~~ (Added

12/00, Ord. 00-25)

R1.1.9 The Orange County Land Development Code shall clearly address the provisions of public and private activity-based recreation space in developments. ~~The definition of activity-based recreation areas shall be consistent with activity-based park/recreation area definition contained in this element.~~ (Added 12/00, Ord. 00-25)

* * *

R1.2.3 Orange County shall continue to investigate opportunities for the development of nature interpretive centers and programs to take advantage of unique natural resources and to provide educational experiences to residents. (Added 12/00, Ord. 00-25)

R1.2.4 The Orange County Parks and Recreation Division shall maintain an up-to-date inventory of all Orange County maintained public resource-based park facilities that count towards Orange County's level of service. ~~This information shall be provided to the Orange County Building Division to ensure that the minimum level of service is maintained.~~ (Added 12/00, Ord. 00-25)

R1.2.5 The Orange County Land Development Code shall clearly address the provision of public and private resource-based recreation space in developments. ~~The definition of resource-based recreation shall be consistent with the definition contained in this element.~~ (Added 12/00, Ord. 00-25)

* * *

R1.2.7 ~~RESERVED Orange County shall use resource-based parks to create open spaces to assist in establishing the county's urban form.~~ (Added 12/00, Ord. 00-25)

* * *

R1.3.6 Orange County shall assist ~~any~~ non-profit land trusts that are ~~is~~ established in Orange County for the purpose of receiving and managing public park and recreation lands through the provision of information and technical assistance.

OBJ R1.4 Orange County shall continue to pursue public Public access to existing and future Orange County parks ~~shall be accomplished by year 2020~~ by developing programs consistent with the Parks and Recreation and Trails Master Plans and implementation of the Land Development Code. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

* * *

R1.4.4 The Parks and Recreation Master Plan shall look for ~~identify~~ appropriate sites for development of boat ramps/launches on and adjacent to public waterways

and lakes and shall contain programs to promote the development of these sites. ~~As sites are recommended, Orange County shall consider incorporating them into this element over the course of the planning period.~~ (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

* * *

R1.4.6 Orange County shall continue to ensure the provision of parking spaces, barrier free access, and park programs are accessible to and accommodate patrons with special needs. ~~ensure the provision of handicapped parking spaces and barrier-free access to activity based parks and facilities, where appropriate.~~

* * *

R1.4.8 The Orange County Parks and Recreation Division shall continue to distribute information ~~in an appropriate manner~~ to inform and educate the residents of Orange County about the public park and recreation system.

R1.4.9 Orange County shall continue to pursue a Countywide multi-use trails system through implementation of the Trails Master Plan.

R1.4.10R1.7.1 Orange County shall continue to pursue the acquisition of abandoned railroad rights-of-way for use as recreational and wildlife corridors.

OBJ R1.5 To avoid duplication of services and promote efficient use of land and funding, Orange County shall continue to coordinate efforts with other local governments, agencies, and private development entities by implementing the following policies.

POLICIES

R1.5.1 ~~RESERVED Orange County shall continue to cooperate with St. Johns River Water Management District, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the Florida Division of Forestry in their management of programs for the Wekiva Springs State Park, Rock Springs Run, Tosohatchee State Game Preserve, and the Seminole Ranch Wildlife Management Areas, as well as with other governmental agencies on their management of programs for those parks that extend into the Orange County service area.~~ (Added 12/00, Ord. 00-25)

R1.5.2 ~~RESERVED Orange County shall continue to pursue joint agency funding for purchase of public parks.~~ (Added 12/00, Ord. 00-25)

R1.5.3 Orange County shall continue to coordinate efforts with County and local utility agencies to identify sites for public recreation purposes, such as utilization of easements of power lines, drainage or gas lines for recreational trails or linear parks consistent with Florida Department of Environmental Protection (DEP's), Florida Department of Transportation (FDOT's), and Federal Highway Administration (FHWA's) guidelines for greenways and trails. (Added 12/00,

Ord. 00-25; Amended 11/13, Ord. 2013-22)

* * *

R1.5.5 Orange Country shall pursue joint use agreements with the Orange County School Board for the use of school recreation areas as public park facilities, or for use of public park facilities as school recreation areas. ~~Orange County shall continue to enter into joint use agreements to allow park facilities to be used by the Orange County School Board during regular school hours.~~ (Added 12/00, Ord. 00-25)

R1.5.6 RESERVED ~~Orange County shall consider accepting the donation of combined park and education facility sites. If such donation is accepted, upon request of the School Board, Orange County may lease these donated educational facility sites to the Orange County School System for education facilities in accordance with Section 235.055, Florida Statutes.~~

* * *

R1.5.9 Orange County shall look for incentives for developers to provide open space/neighborhood parks ~~promote the development of private neighborhood parks by allowing density bonuses in appropriate zoning districts included in the Land Development Code.~~ The promotion of private neighborhood parks does not require Orange County to own, operate or maintain these facilities.

OBJ R1.6 ~~By implementing the following policies, Orange County shall develop a public park and recreation system that includes a diversity of facilities and programs to serve effectively a population with varied characteristics, needs and interests.~~

POLICIES

R1.6.1 The Orange County Parks and Recreation Division shall conduct ~~a~~ citizen surveys in coordination with the seven-year updates of the Parks and Recreation and Trails Master Plans. Data collected from these surveys shall be used to determine what types of facilities Orange County residents desire to have in their public parks in an attempt to satisfy the diverse needs of Orange County residents. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

* * *

OBJ R1.7 Reserved ~~Orange County shall continue to pursue a Countywide multi-use trails system through implementation of the Trails Master Plan. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)~~

POLICIES

R1.7.1 RESERVED ~~Orange County shall continue to pursue the acquisition of abandoned railroad rights-of-way for use as recreational and wildlife corridors.~~

(Added 12/00, Ord. 00-25)

R1.7.2 ~~RESERVED Orange County shall coordinate efforts with County and local utility agencies to identify sites for public recreation purposes, such as utilization of easements of power lines, drainage, or gas lines and other lands for recreation trails or linear parks.~~

* * *

Open Space Element Goals, Objectives and Policies

* * *

OS1.1.1 ~~RESERVED Open space shall be clearly defined and be internally consistent in the Land Development Code. (Added 12/00, Ord. 00-25, Policy 1.1.2; Amended 06/17, Ord. 2017-12)~~

OS1.1.2 ~~RESERVED Future development in Orange County shall meet the minimum tree requirement pursuant to Land Development Code, Chapter 15, Article VIII, or any subsequent revisions. (Added 12/00, Ord. 00-25, Policy 1.1.4; Amended 6/10, Ord. 10-07)~~

* * *

OS1.1.4 Orange County shall continue to review use the existing tree protection ordinance for modifications and improvement opportunities. ~~Land Development Code, Chapter 15, Article VIII, to require the following:~~

- ~~1. Hardwood tree protection and replacement;~~
- ~~2. Conservation and natural resource protection (plant and animal species);~~
- ~~3. Protection and enhancement of existing hardwood tree canopies;~~
- ~~4. Development of hardwood tree canopy roads and corridors;~~
- ~~5. Using trees to create sense of place and space;~~
- ~~6. Enhancement of community appearance and value. (Added 12/00, Ord. 00-25, Policy 1.1.4.2-r; Amended 6/10, Ord. 10-07)~~

OS1.1.5 ~~RESERVED Orange County shall create a master plan for wildlife/open space corridors and incorporate applicable sections into the Conservation Element. (Added 12/00, Ord. 00-25, Policy 1.1.5 r)~~

OS1.1.6 Orange County shall encourage the creation of wildlife/open space corridors and investigate mechanisms and incentive programs to implement the corridors. The County shall develop mechanisms and incentive programs to implement programs to implement the master plan for wildlife/open space corridors. (Added 12/00, Ord. 00-25, Policy 1.1.6 r)

- OS1.1.7 Orange County shall continue implementation of the Environmentally Sensitive Lands (ESL) Program, ~~to assist in maintaining the resource-based park level of service (LOS) of 6.0 acres per thousand residents of unincorporated Orange County.~~ (Added 12/00, Ord. 00-25, Policy 1.1.7)
- OS1.1.8 RESERVED ~~Consistent with Urban Design Policy 1.1.4 and as a method to increase open space opportunities, Orange County shall attempt to establish interlocal agreements with the Orange County School Board to facilitate co-location of parks and open spaces with educational facilities.~~ (Added 12/00, Ord. 00-25, Policy 1.1.8)
- OS1.1.9 Where environmentally sensitive open space areas contribute to public nature-based recreation, wetland function or wildlife habitat, exotic plants shall be controlled consistent with Conservation Policy C1.4.7. (Added 12/00, Ord. 00-25, Policy 1.1.9-r)
- OS1.1.10 Orange County shall assist in designing and creating urban land patterns form through acquisition and management of Environmentally Sensitive Lands ~~passive land areas~~ and resource-based parks. (Added 12/00, Ord. 00-25, Policy 1.1.10)

* * *

- OS1.2.4 Orange County shall consider acquiring natural undeveloped land areas via public/private ventures to address development impacts on wetlands, protecting wetland buffers and uplands with rare or sensitive habitat. Land areas acquired for these purposes shall accommodate the development of greenways and wildlife corridors in the County. ~~Such areas may also contribute to the resource-based park provision in the County.~~ (Added 12/00, Ord. 00-25, Policy 1.2.3.2; Amended 6/10, Ord. 10-07)
- OS1.2.5 Orange County may ~~shall~~ provide technical assistance and information to non-profit land trusts established in the County. (Added 12/00, Ord. 00-25, Policy 1.2.4)

* * *

POLICIES

- OS1.3.1 In addition to development or redevelopment of properties located within the Wekiva Study Area as specified in Future Land Use Element policies FLU6.6.8, FLU6.6.10 and FLU6.6.12, any proposed amendment to the Comprehensive Plan that proposes an increase in density or intensity of land use greater than that allowed for under the existing Future Land Use Map shall ensure protection of identified sensitive resources, including recharge areas, sensitive uplands as defined by FNAI, wetlands, and Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities. (Added 12/07; Ord. 07-20, Policy 1.3.1)

OS1.3.2

Open space within the Wekiva Study Area (WSA) and Wekiva River Protection Ordinance area shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of developable area remain preserved, which shall represent the minimum open space requirement.

- A. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas.
- B. Minimum required open space may include permeable stormwater management areas using Best Management Practices.
- C. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement.
- D. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, which is defined as the total area of a parcel less wetlands and natural water bodies. Non-developable areas, including wetlands and natural water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement. (Added 12/07, Ord. 07-20, Policy 1.3.2; Amended 6/10, Ord. 10-07)

* * *

OS1.3.4

A. Development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. All new residential subdivisions or developments that may be located entirely or partially within the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space. Such clustering is intended to be density neutral, and lot sizes may be adjusted as needed to accommodate preserved open space. Priority for open space protection shall be given to the following resources required to be protected by the Wekiva Parkway and Protection Act:

1. the most effective recharge areas;
2. karst features; and
3. sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

B. The purposes of “open space design” within a development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost-effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space while remaining density and intensity neutral. ~~By January 1, 2007, the~~ The Land Development

Code shall include requirements and incentives for open space/conservation subdivision design including minimum open space requirements, maximum lot size and design standards. (Amended 6/10, Ord. 10-07)

C. Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas. To the extent possible, preserved open space shall be used to create corridors and larger parcels more suitable for nature-based nature-based ~~passive~~ recreation, low-intensity agriculture, silviculture, aquifer recharge protection, or wildlife and habitat management, so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the development. If a project is located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is required. “Compatible” means similar or complementary such as uplands adjacent to wetlands or isolated wetlands within flatwoods or scrub areas. (Amended 6/10, Ord. 10-07)

D. Open space property shall be preserved through publicly recorded, permanent conservation easements or similar legal instruments to preclude future development or further subdivision of the land while ensuring maintenance of and appropriate access to the open space areas in perpetuity. Preserved areas shall be owned in common by a property owners’ association, a public agency, a land trust, or another appropriate entity. This open space shall be used for conservation, aquifer recharge protection, passive recreation, low intensity agriculture, or silviculture. Agriculture and silviculture operations shall adhere to the appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

E. Limited structures for common use or under common ownership may be allowed within the open space preserve areas, areas other than wetlands, conservation mitigation areas, conservation easements or wetland protective buffers. Homeowners’ personal property and residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such. (Added 12/07, Ord. 07-20, Policy 1.3.5; Amended 6/10, Ord. 10-07)

OS1.3.6

For that portion of the Wekiva Study Area located within the Joint Planning Area of the City of Apopka, Orange County shall require compliance with minimum open space and density requirements described by the Joint Planning Area Agreement (JPA) with the City of Apopka adopted on October 26, 2004 and as may be amended. If a discrepancy exists between the City of Apopka and Orange County in terms of requirements, the most stringent shall apply. The County shall adopt Land Development Regulations ~~by January 1, 2007~~ for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats. (Amended 6/10, Ord. 10-07)

All areas shown as High Recharge Areas identified in the Data and Analysis of

this element on Map 4 (aka Figure WSA-3) shall be recognizable by the presence of Type “A” Hydrologic Soil Group identifying the most effective recharge areas. (Amended 6/10, Ord. 10-07)

During the site planning process, a soil analysis shall be performed by a qualified professional to determine the location of most effective recharge areas, considered Type “A” Hydrologic soils described by the NRCS Soil Survey maps. (Amended 6/10, Ord. 10-07).

To maximize open space and preserve the natural environment within the Wekiva Study Area, all development shall conform to the following requirements:

An acceptable alternative plan to a configuration in which the required percentage of open space is located on site is a plan that ensures that the required percentage of open space is permanently preserved through the transfer of density credits, development rights, or property purchases (such off-site transfers shall be limited to property located within the Wekiva Springshed), and such open space shall be permanently protected through conservation easements or similar binding mechanisms. (Added 10/10, Ord. 2010-13)

The following policies ~~text~~ describes areas of Orange County that contain special criteria for open space. For these following areas, all open space shall be permanently protected and unless otherwise noted, the clustering of open space is required.

A. Residential land uses in the Rural Service Area.

Within all areas designated as Rural/Agricultural, the following standards shall apply:

- 1) Development with densities less than or equal to one unit per ten acres (1du/10ac) – open space shall be 50% or greater.

B. Residential land uses in existing Rural Settlements.

Within all areas in the Wekiva Study Area designated as Rural Settlement, minimum lot size shall be determined by the availability of water and sewer services. Within any such development, any sensitive resource elements shall be permanently protected. The following standards shall apply:

- 1) ~~Development-development~~ with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- 2) ~~Development-development~~ with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater;
- 3) ~~Development-development~~ with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater.

C. Residential land uses in Rural Settlements expansions.

For any Rural Settlement expansions in the Wekiva Study Area, minimum lot size shall be determined by the availability of water and sewer services. Within any such development, any sensitive resource elements shall be permanently protected. The following standards shall apply:

- 1) ~~Development~~ with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall equal 60% or greater;
- 2) ~~Development~~ with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater;
- 3) ~~Development~~ with densities greater than one unit per acre (1du/ac) in a development with an overall size less than or equal to 100 acres – open space shall be 70% or greater;
- 4) ~~Development~~ with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 80% or greater.

D. Residential land uses in Growth Centers.

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

- 1) ~~Development~~ with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 40% or greater;
- 2) ~~Development~~ with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 50% or greater;
- 3) ~~Development~~ with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater.
- 4) ~~Development~~ with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater. (Amended 6/10, Ord. 10-07)

E. Residential land uses in the Urban Service Area (not in a Rural Settlement).

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

- 1) ~~Development~~ with an overall size less than or equal to 100 acres – open space shall be 35% or greater;

- 2) ~~Development-development~~ with an overall size greater than 100 acres – open space shall be 50% or greater.

F. Vertical mixed-use in the Urban Service Area and Growth Center.

Vertical mixed-use (non-residential and residential land uses) within the Urban Service Area and Growth Centers in the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses. (Added 6/10, Ord. 10-07)

G. Non-residential land uses in the Rural Service Area and Rural Settlements.

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area (including Rural Settlements) generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. Comprehensive plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses. (Amended 6/10, Ord. 10-07)

H. Non-residential land uses in the Urban Service Area.

New non-residential uses permitted in the Wekiva Study Area within the Urban Service Area shall be consistent with Goals, Objectives and Policies of the Comprehensive Plan and specifically with the Policies FLU1.4.3 through FLU1.4.25. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. (Added 6/10, Ord. 10-07; Amended 10/10, Ord. 2010-13)

Non-residential sites too small to accommodate the above requirements – generally existing lots of record – may apply for a waiver from some or all of these open space requirements, provided that competent and sufficient evidence is provided documenting that fulfilling these requirements either is not physically possible or would constitute an undue hardship rendering the property unusable under the land use designation in effect on July 1, 2006. (Added 12/07, Ord. 07-20, Policy 1.3.6-r; Amended 10-09, Ord. 2009-28)

* * *

Section 4. Effective Dates for Ordinance and Amendment.

(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 this amendment may be issued or commence before the amendment has become effective.

ADOPTED THIS 23rd DAY OF FEBRUARY, 2021.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

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

By: *Katie Smith*
Deputy Clerk

