



ORANGE COUNTY

PLANNING DIVISION

2021-2 TAB 13a

AMENDMENT

2021-2-B-FLUE-4

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

SEPTEMBER 14, 2021

TRANSMITTAL PUBLIC HEARING

**2021-2-B-FLUE-4 (FKA 2019-2-C-2 AND
2019-2-B-FLUE-5)**

PREPARED BY:

ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

September 14, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners (BCC)

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

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

SUBJECT: 2021-2 Regular Cycle Comprehensive Plan Amendment
2021-2-B-FLUE-4 (fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5)
(FLU8.1.1) Small Lots
Board of County Commissioners (BCC) Transmittal Public Hearing

2021-2 Regular Cycle Staff-Initiated Text Amendment 2021-2-B-FLUE-4 is scheduled for a BCC transmittal public hearing on September 14, 2021. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on July 23, 2021.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The above-referenced 2021-2 Regular Cycle Staff-Initiated Text Amendment scheduled for consideration on September 14 entails a staff-initiated text amendment. This amendment includes changes to the Goals, Objectives, or Policies of the Comprehensive Plan.

Following the BCC transmittal public hearing, the proposed amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in October 2021. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be adopted within 180 days of receipt of the comment letter. The adoption hearings are tentatively scheduled before the LPA on November 18, 2021, and before the BCC on December 14, 2021.

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

2021-2 Regular Cycle Amendment 2021-2-B-FLUE-4
(fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5)
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AAV/sw

Enc: 2021-2 Regular Cycle Amendment 2021-2-B-FLUE-4
(fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5)
BCC Transmittal Staff Report

c: Christopher R. Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Gregory Golgowski, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Eric P. Raasch, AICP, Planning Administrator, Planning Division
Read File

Amendment Number	Sponsor		Project Planner	Staff Rec	LPA Rec
2021-2-B-FLUE-4 (fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5) (FLU8.1.1)	Planning Division	Residential (LDR) future land use	Jason Sorensen	Transmit	Transmit (7-0)
ABBREVIATIONS INDEX:					

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2021 SECOND REGULAR CYCLE STAFF-INITIATED TEXT AMENDMENT

AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS TRANSMITTAL BOOK

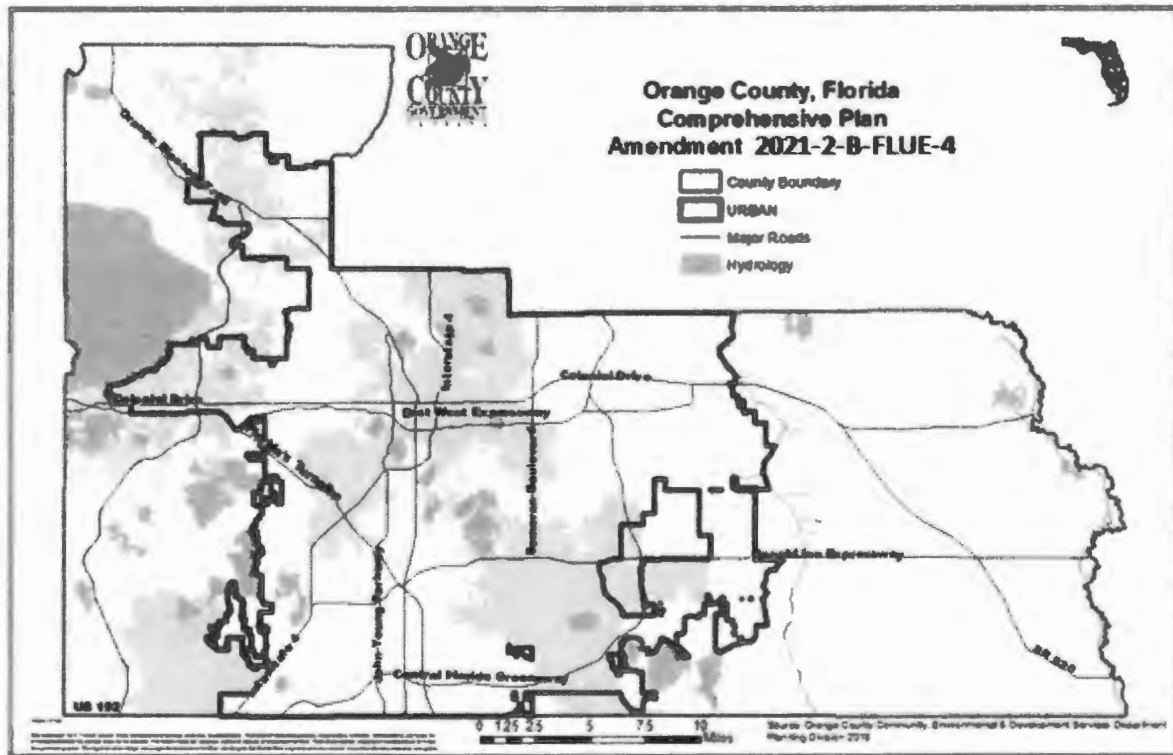
INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal staff report for the Second Regular Cycle Amendment 2021-2-B-FLUE-4 (fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on July 23, 2021.

The above-referenced 2021-2 Regular Cycle Staff-Initiated Text Amendment entails a staff-initiated text amendment. Since this is the transmittal stage for this amendment, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendment and provide comments, expected in October 2021. Adoption public hearings are tentatively scheduled before the LPA on November 18, 2021 and the BCC on December 14, 2021.

Once the Regular Cycle amendment has been adopted by the BCC, it will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in January 2022, provided no challenges are brought forth for the amendment.

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



The following meetings/hearings have been held for this proposal:		
Report/Public Hearing		Outcome
✓	Staff Report	Recommend Transmittal
✓	LPA Transmittal July 23, 2021	Recommend Transmittal (7-0)
	BCC Transmittal	September 14, 2021
	Agency Comments	October 2021
	LPA Adoption	November 18, 2021
	BCC Adoption	December 14, 2021

Project/Legal Notice Information
Title: Amendment 2021-2-B-FLUE-4 (fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5)
Division: Planning
Request: Text amendment to Future Land Use Element Policy FLU8.1.1 relieving the density, and, in certain instances, the requirement for a Preliminary Subdivision Plan (PSP), for certain parcels with the Low Density Residential (LDR) future land use designation.
Revision: FLU8.1.1

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2021-2-B-FLUE-4, revising Future Land Use Element Policy FLU8.1.1.

A. Background

Orange County's Comprehensive Plan establishes future land use designations and corresponding densities. However, the zoning districts correlated with each of the future land use designations do not equate the same way in terms of units able to be accommodate per acre.

For example, a ten (10) acre parcel with a Low Density Residential (LDR) Future Land Use would be allowed a development program of up to forty (40) units (four units per acre). However, if the zoning district is R-1, the proposed lots would be a minimum of 5,000 square feet in size which suggests that the ten-acre parcel could accommodate eighty-seven (87) units. However, the developer would need to provide roads, open space, storm water retention, etc., which would reduce the available land for the lots. In the end, the math generally works out.

In areas where infrastructure already exists, the mismatch between the future land use densities and the zoning district size and dimension criteria becomes problematic.

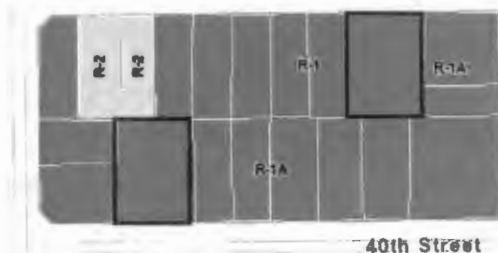
Despite the LDR FLU, the density of an R-1 minimum lot is 8.7 units per acre. To look at it another way, the minimum lot size needed for an LDR parcel at four units per acre is 10,890 square feet (43,560 sq. ft. divided by 4). The table below describes the relationship between the LDR FLU and R-1 zoning. This example omits land for roads, stormwater, etc. and is meant to simply show the mismatch between the calculations.

Property Size - 1 acre	LDR FLU	R-1 Zoning
Density	4 units / acre	N/A
Minimum Lot Size	N/A	5,000 s.f.
Lots feasible for property	4	8 (8.7)
Inverse Calculation		
Lot Size	10,890 s.f. needed per lot	N/A
Density	N/A	8.7 units per acre

This mathematical dilemma is obstructive when a home owner wants to split their lot in a neighborhood where infrastructure already exists.

The illustration below is an example of an area that has a future land use designation of Low Density Residential (LDR) and mixed zoning of R-1 and R-1A. If the lots outlined in red were proposed to be split (reverted to the underlying platted lots), it would require a FLU of Low-Medium Density Residential (LMDR) which allows consideration of up to ten (10) units per acre. In this example, the lots proposed for a reversion to plat would need R-1 zoning since the lots are 50' wide and 5,000 square feet in size.

This inconsistency creates a situation where an owner who wishes to revert to the original lot configuration or create lots that are similar in size to others in the immediate area cannot because the existing lot is not large enough for the necessary area to meet the density requirements to qualify for a lot split.



The focus of the current Comprehensive Plan amendment is on those parcels within the Urban Service Area that have a Low Density Residential (LDR) future land use designation and, because they cannot meet the minimum density requirements, become inconsistent with the density requirement although they can still meet the minimum standards of the zoning district.

Regulations in Place

The Orange County Subdivision regulations (Chapter 34) require a preliminary subdivision plan for the creation of four (4) or more lots splits.

A proposed lot split must meet the minimum requirements of the underlying zoning district, including minimum lot area, lot width, front and side yard setbacks. A proposed lot split cannot create a nonconformity. Staff cannot approve a lot split for a parcel improved with a residence that cannot meet the setbacks unless variances are approved through the Board of Zoning Adjustment.

The proposed language associated with this amendment would allow for lot splits of more than four lots as long as infrastructure already exists.

B. Summary of Proposed Changes

Staff proposes amending the Comprehensive Plan to exempt single-family residences with a Low Density Residential future land use and R-1A, R-1, R-2, and R-T-1 zoning located within the Urban Service Area from the density requirement and to not require a Preliminary Subdivision Plan (PSP) for lot splits proposed under this amendment when infrastructure already exists. This would allow lot splits that otherwise meet the zoning district requirements but do not meet the density requirement.

Staff analyzed the existing conditions to understand the extent to which the proposed amendment could affect residential parcels. The majority of the parcels that could be affected by this are located within the Urban Service Area in existing platted subdivisions. The proposed amendment would apply only to parcels located within the Urban Service Area that were platted prior to the Comprehensive Plan adoption in 1991.

C. Policy Amendments

Following are the policy changes proposed by this amendment. The proposed amendments are shown in underline/~~strikethrough~~ format. Staff recommends transmittal of the amendments.

- FLU8.1.1 (a) The following zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities; market demand and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County's **Zoning and Future Land Use Correlation** is referenced herein as follows:

Zoning and Future Land Use Correlation		
FLUM Designation	Density/Intensity	Zoning Districts
Urban Residential		
Low Density Residential (LDR)	(0 to 4 du/ac)**	A-1*, A-2*, R-CE* R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V

<p>** The maximum density requirement of four (4) units per acre shall not apply to a legal lot of record as recognized by the Zoning Division with a future land use designation of Low Density Residential (LDR) and which, as of _____, 20____, is zoned R-1A, R-1, R-2, or R-T-1, or may be rezoned from one of those four zoning districts to another of those zoning districts in accordance with this policy, provided that each of the following criteria are met:</p> <ol style="list-style-type: none"> <u>The subject property is located within the Urban Service Area;</u> <u>The proposed density and/or lot sizes are similar and compatible to those in the surrounding area and consistent with the pattern of surrounding development;</u> <u>The subject lot of record, or each resulting lot if a lot split is proposed, is accessed by an open and maintained County-approved roadway;</u> <u>The proposed minimum lot size and lot width requirements comply with the underlying zoning district, unless a variance or rezoning is obtained in accordance herewith;</u> <u>Any proposed lot split would revert to the configuration of the originally platted lots or legally subdivided lots prior to 1991; if a parcel of land contains two (2) or more lots of record in their entirety, lot lines may be reconfigured, so long as each resulting lot created is able to meet the minimum lot width and area requirements (subject to obtaining a variance if needed), and so long as the total number of lots created does not exceed the number of lots of record contained within the parcel as originally platted or legally subdivided; and</u> <u>For R-2 zoned properties, the proposed use is single-family detached residential.</u> <p><u>Also, provided the existing infrastructure is sufficient to support the lots created under this policy, a Preliminary Subdivision Plan (PSP), or an additional PSP, as the case may be, will not be required.</u></p> <p><u>A property that needs to be rezoned in order to benefit from this policy may do so, provided: (1) it is rezoned from one of the above-referenced zoning districts to another of the above-referenced zoning districts, (2) the rezoning is necessary to ensure the proposed residential development of the property is consistent with the development pattern in the surrounding area, and (3) the zoning manager determines that any development, if built, would constitute a bona fide "urban infill" project in a manner consistent with the county's policies to encourage compact urban development and discourage urban sprawl.</u></p>		
