

Board of County Commissioners

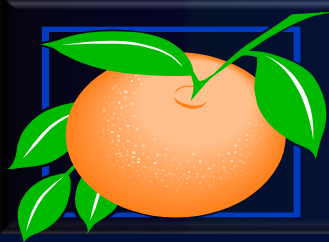
2021-2 Regular Cycle Amendment

Amendment 2021-2-A-2-1

Transmittal Public Hearing

September 14, 2021

Agenda Item V. H. 11. a.



Amendment 2021-2-A-2-1

Agent: Thomas Sullivan, GrayRobinson, P.A.

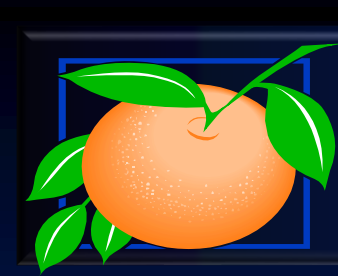
Owner: ECP Grassmere, LLC

From: Rural Settlement 1/1 (RS 1/1)

To: Rural Settlement Low Density (RSLD 2/1)

Acreage: 124.08 gross acres

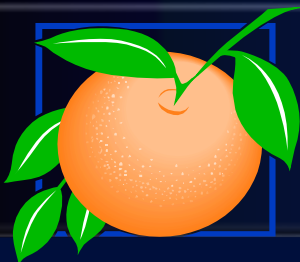
Proposed Use: 179 single-family detached dwelling units



Board of County Commissioners

Requested Action:

- **Continue Amendment 2021-2-A-2-1
to 2:00 PM, October 12, 2021**



Board of County Commissioners

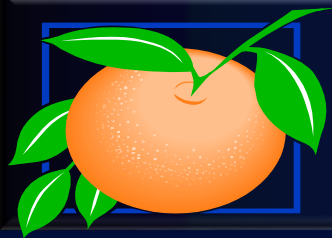
2021-2 Regular Cycle Amendment

Amendment 2021-2-B-FLUM-1

Transmittal Public Hearing

September 14, 2021

Agenda Item V. H. 12. a.



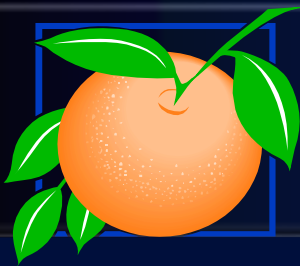
Amendment 2021-2-B-FLUM-1 **WITHDRAWN**

Agent: Erika Hughes, VHB, Inc.

Owner: Byrdley Realty Co., L.P.

Request: Amendment of Map 22 of the Future Land Use Map Series: Lake Pickett Study Area and Communities, amending the Lake Pickett Study Area boundary to add the 48.46-acre Parcel 20-22-32-0000-00-038 to the Lake Pickett South Community

Acreage: 48.46 gross acres/38.12 net developable acres



Board of County Commissioners

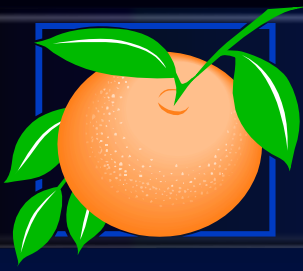
2021-2 Staff-Initiated Text Amendment

**Amendment 2021-2-B-FLUE-4
(fka 2019-2-C-FLUE-2 and 2019-2-B-FLUE-5)**

Transmittal Public Hearing

September 14, 2021

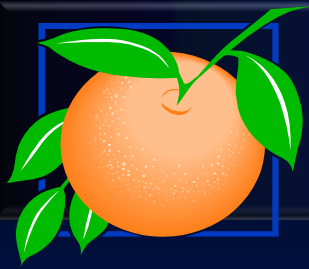
Agenda Item V. H. 13. a.



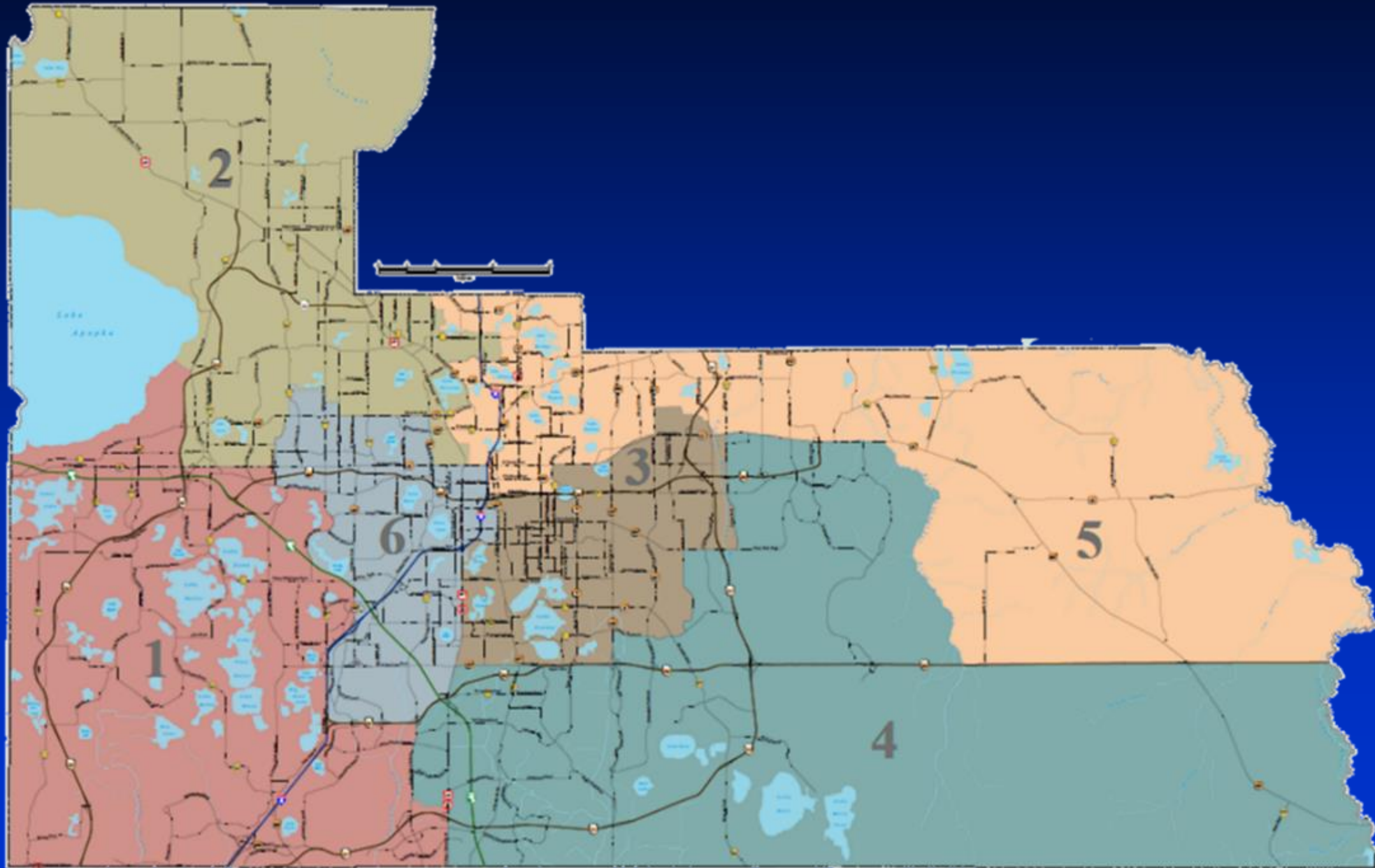
Amendment 2021-2-B-FLUE-4

Request: Text Amendment to the Future Land Use Element relieving the density requirement and, in certain instances, the requirement for a Preliminary Subdivision Plan (PSP), for certain qualifying parcels with the Low Density Residential (LDR) Future Land Use (FLU) designation.

District: Countywide



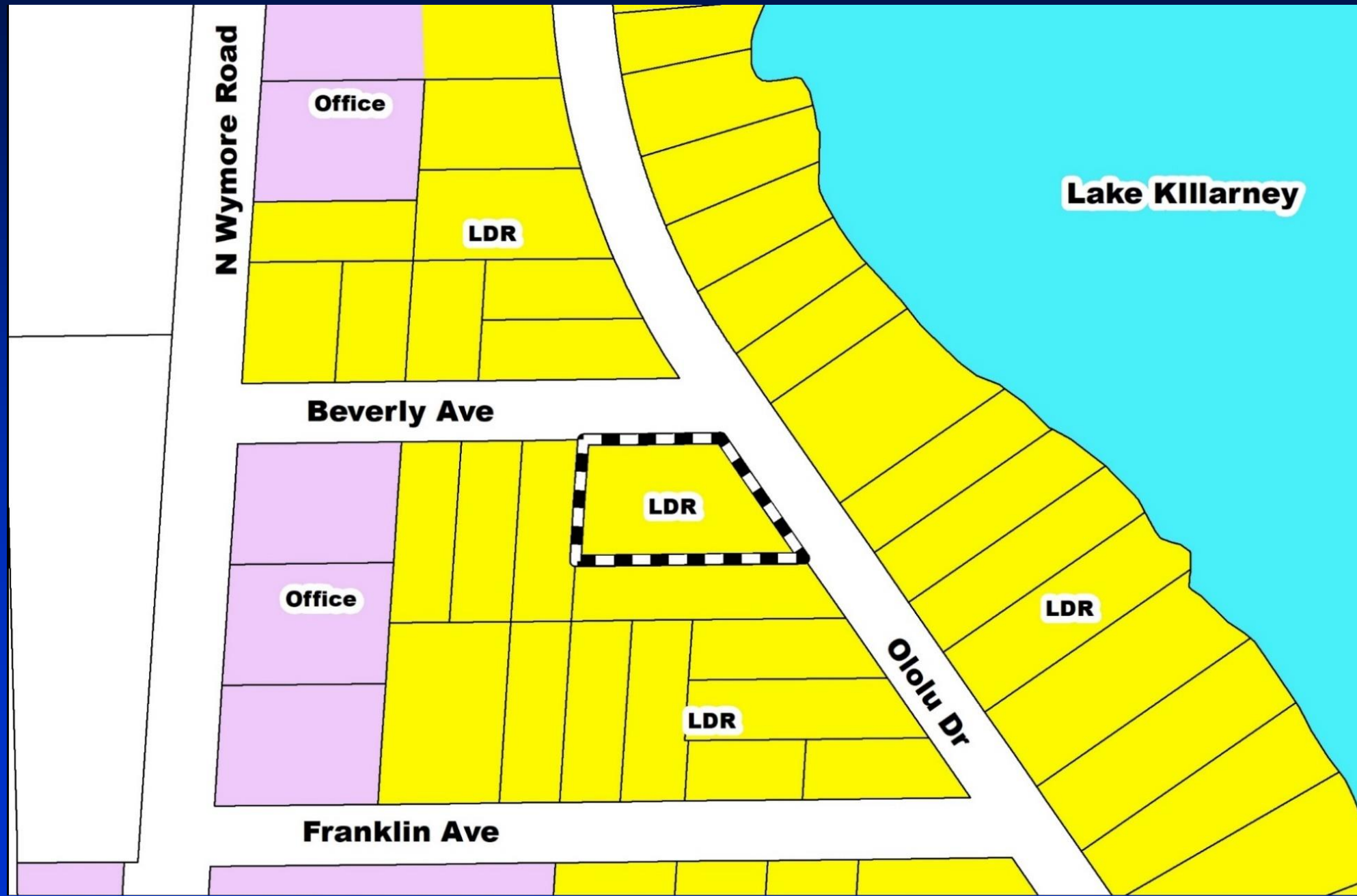
Location Map

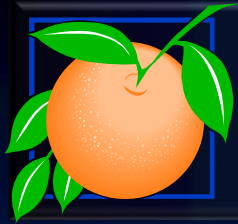




Previous Case – Ololu Drive (SS-21-06-040 & RZ-21-06-041)

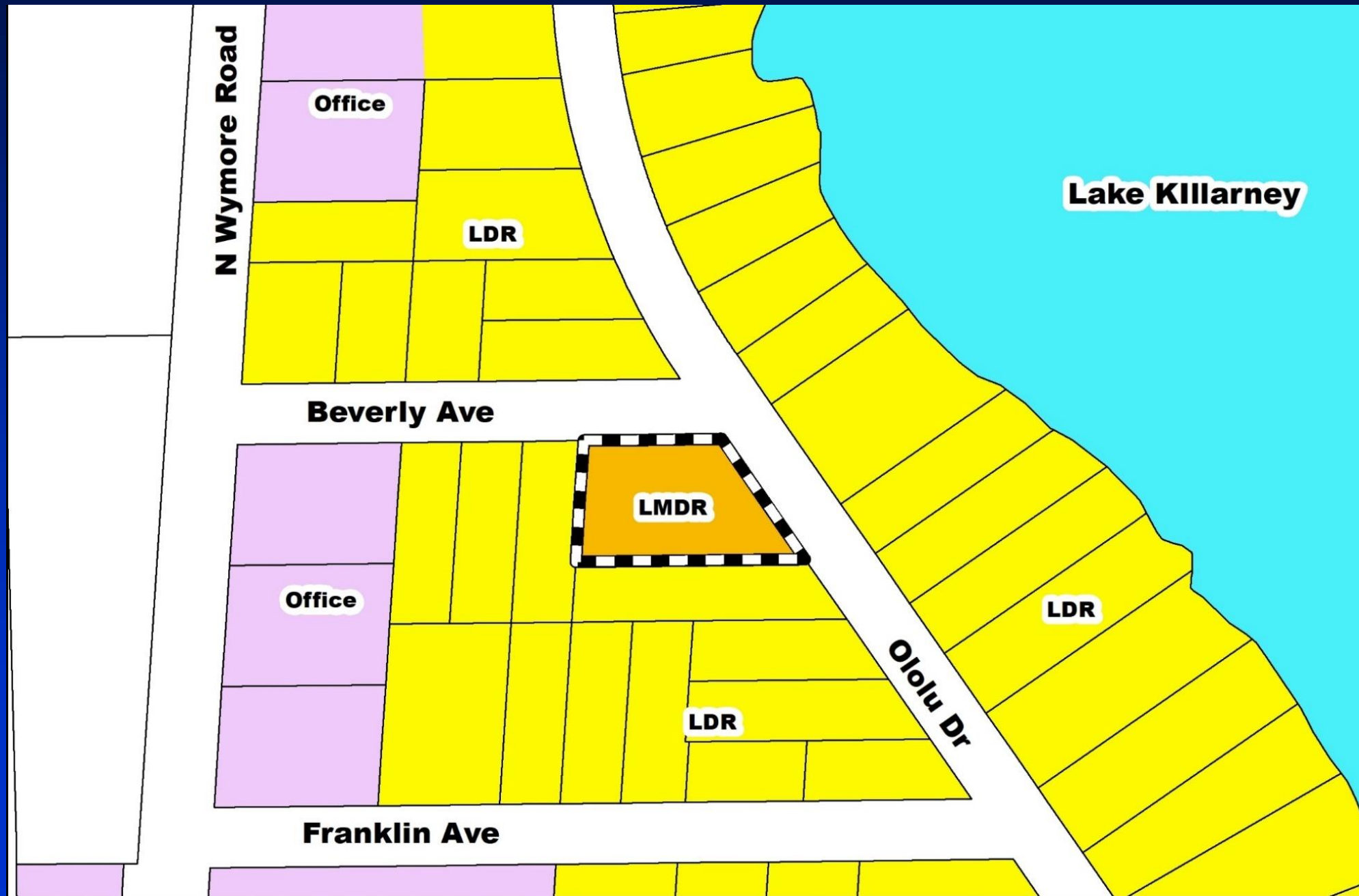
Future Land Use

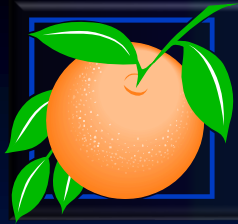




Previous Case – Ololu Drive (SS-21-06-040 & RZ-21-06-041)

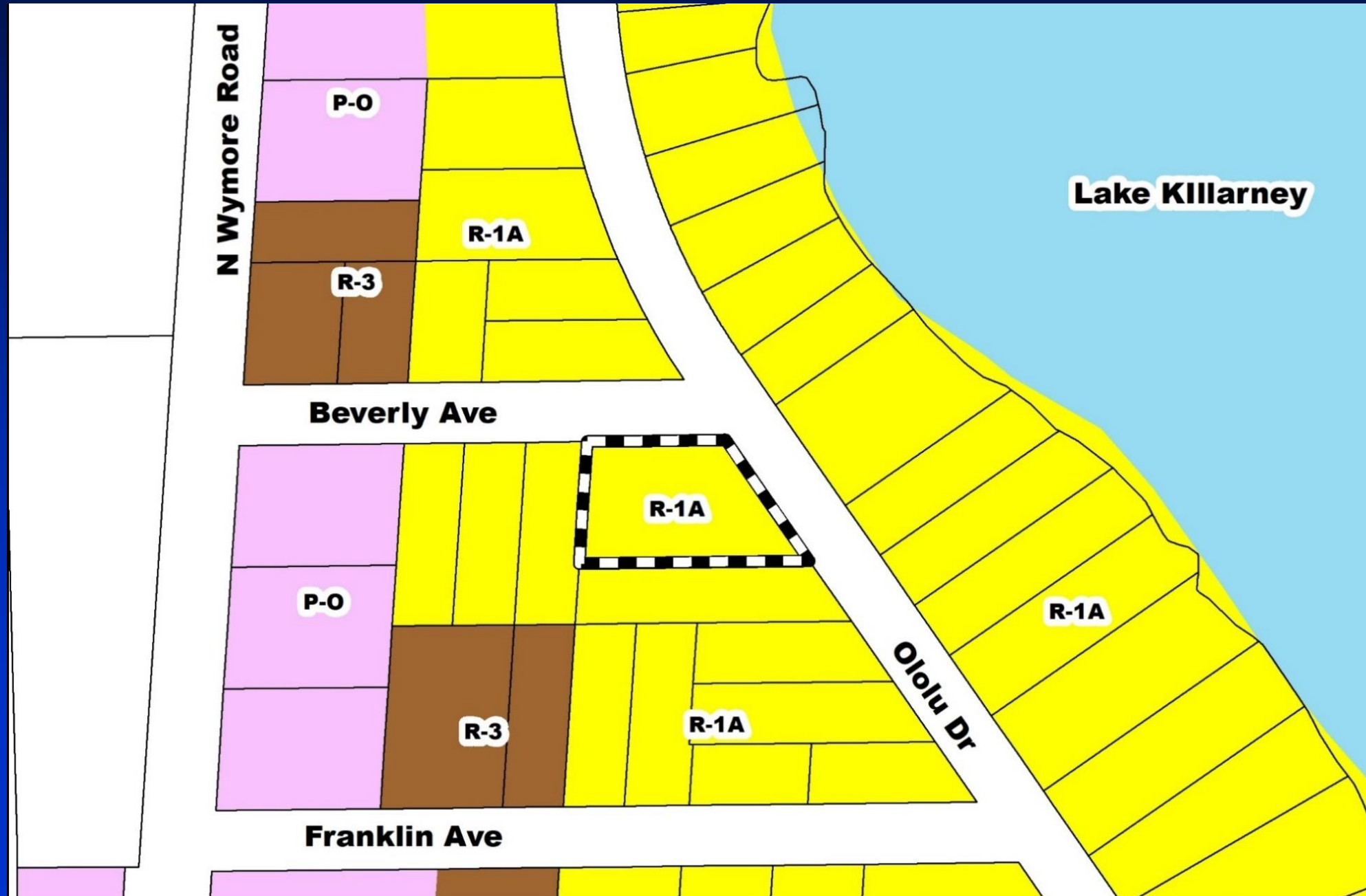
Future Land Use Change





Previous Case – Ololu Drive (SS-21-06-040 & RZ-21-06-041)

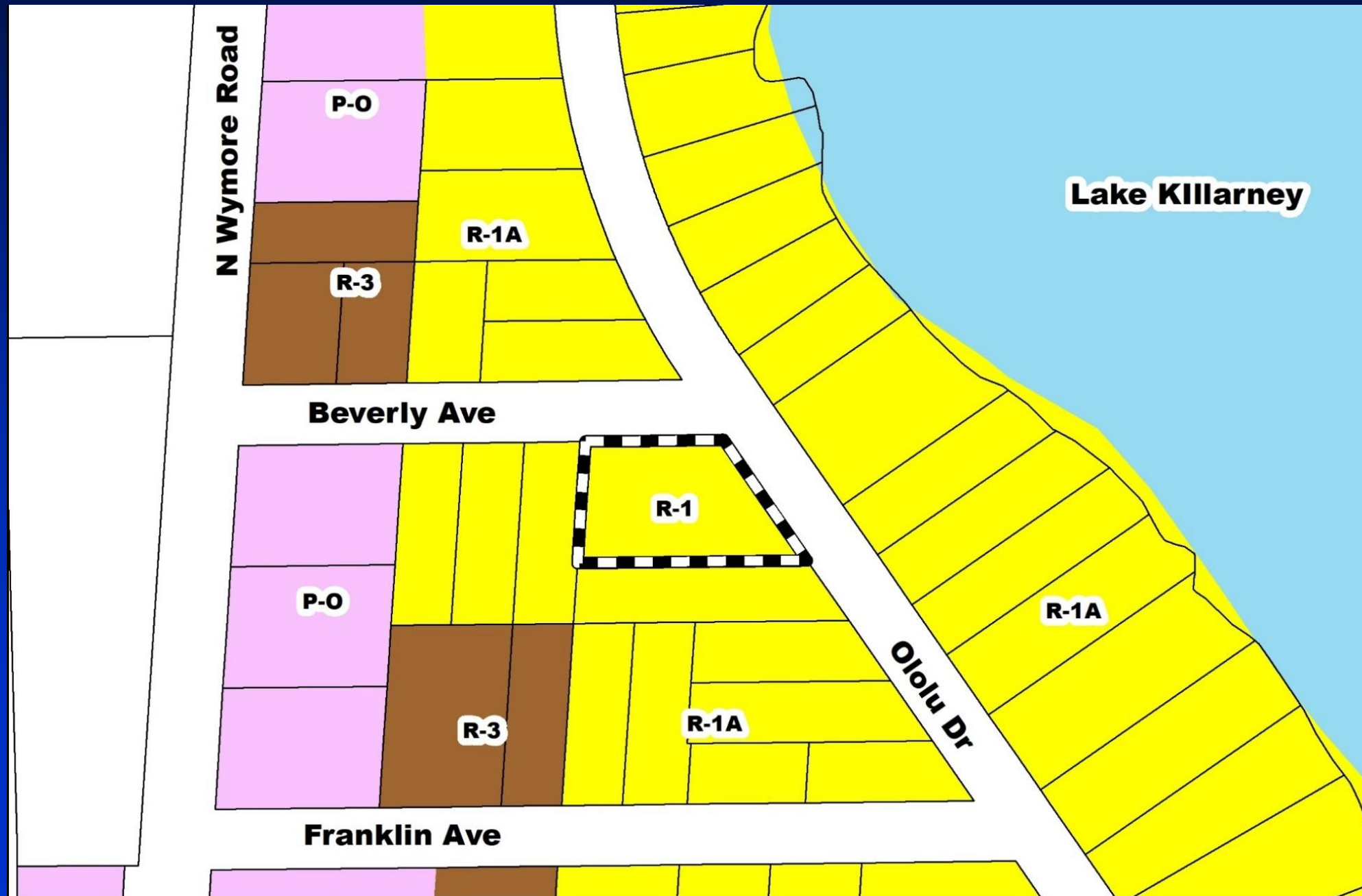
Zoning





Previous Case – Ololu Drive (SS-21-06-040 & RZ-21-06-041)

Zoning Change



Lake Killarn

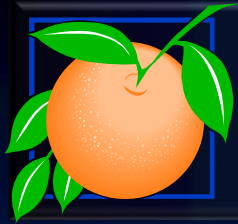
Beverly Ave

Olulu Dr

Franklin Ave



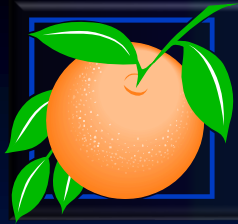




Summary of Proposed Criteria

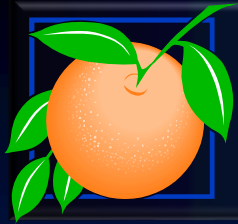
Zoned: R-1A, R-1, R-2, or R-T-1

1. Must be located in the Urban Service Area;
2. Proposed split must be similar to the existing neighborhood;
3. Must access a County-approved right-of-way;
4. Must meet the zoning district requirements;
5. Must revert to the legally subdivided lots prior to 1991, or be rearranged such that the original number of lots is not exceeded;
6. For R-2, the proposal is single-family detached residential.



FLU8.1.1 Amendment

- ** 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:
 1. The subject property is located within the Urban Service Area;
 2. 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;
 3. 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;
 4. 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;
 5. 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
 6. For R-2 zoned properties, the proposed use is single-family detached residential.

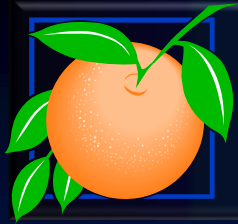


FLU8.1.1 Amendment

(continued)

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.

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.



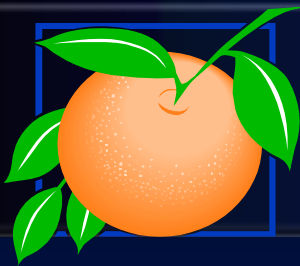
Amendment 2021-2-B-FLUE-4

Staff Recommendation: TRANSMIT

LPA Recommendation: TRANSMIT

Action Requested:

- **Make a finding that the information contained in the application for the proposed amendment is sufficiently complete;**
- **TRANSMIT Amendment 2021-2-B-FLUE-4 to the reviewing agencies.**



Board of County Commissioners

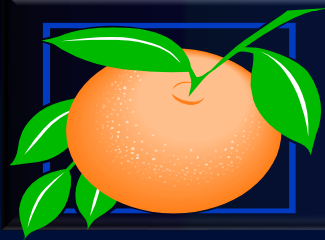
2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment

Amendment 2021-2-C-PRE-1

Transmittal Public Hearing

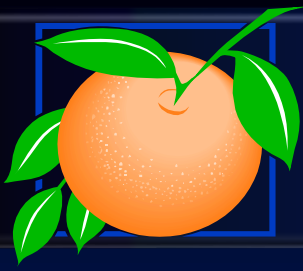
September 14, 2021

Agenda Item V. I. 14. a.



2021-2 Out-of-Cycle Amendment Process

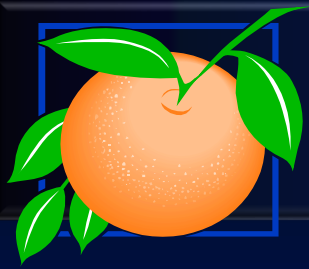
- **Transmittal public hearings**
 - LPA – August 19, 2021**
 - BCC – September 14, 2021**
- **State and regional agency comments**
 - October 2021**
- **Adoption public hearings**
 - LPA – November 18, 2021**
 - BCC – November 30, 2021**



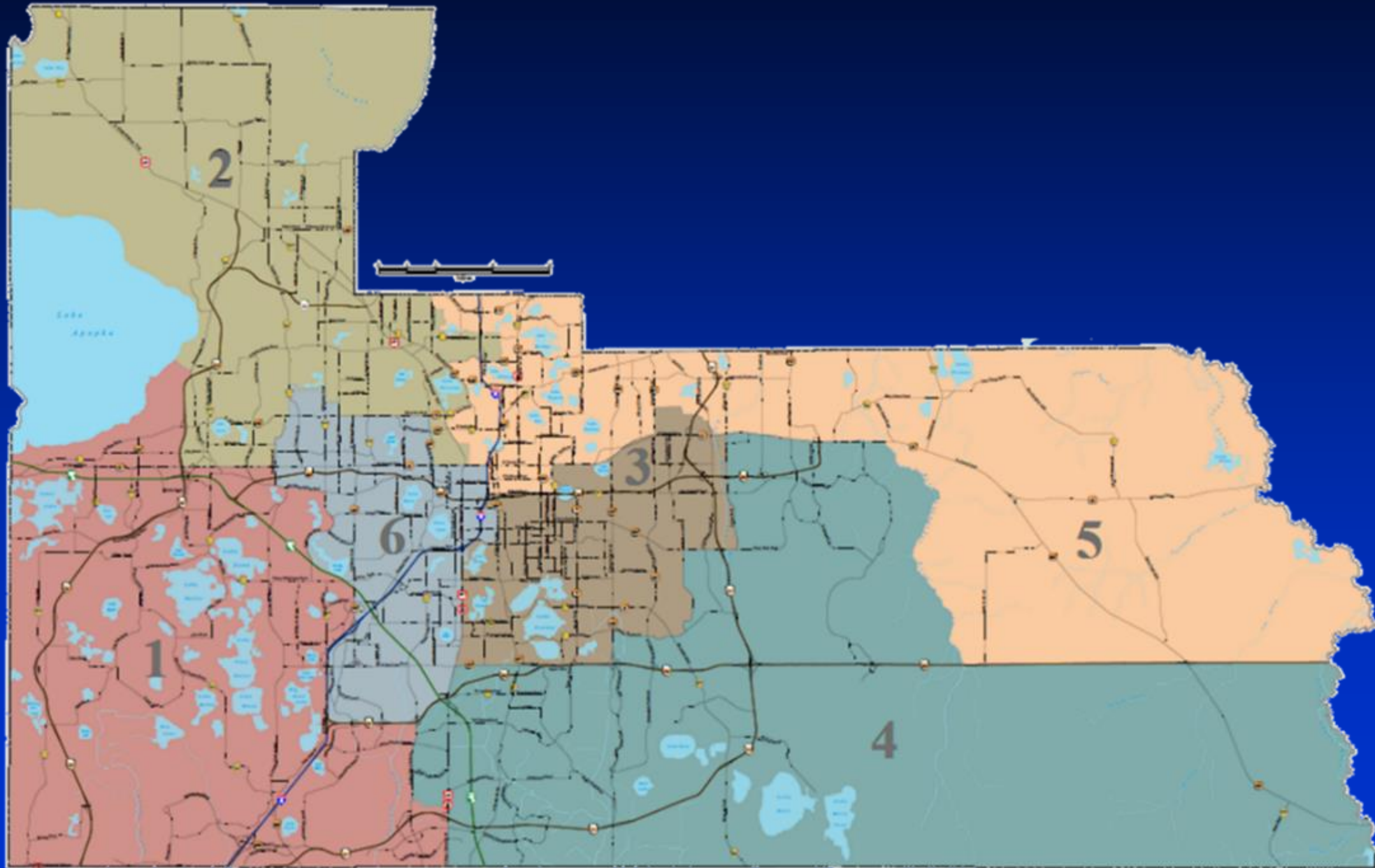
Amendment 2021-2-C-PRE-1

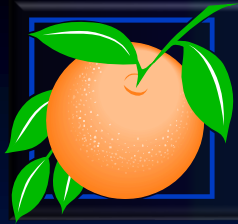
Request: Text Amendment creating a Private Property Rights Element in the Comprehensive Plan, as required by HB 59 (2021), amending Sec. 163.3177, Florida Statutes.

District: Countywide



Location Map

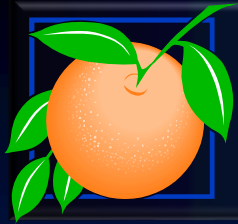




2021 Private Property Rights Legislation

“Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of its next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191.”

Source: s. 163.3177 (6)(i)2, F.S.



2021 Private Property Rights Legislation

In accordance of the legislative intent of ss. 163.3161(10) and 187.101(3), the law requires that local governments “respect judicially acknowledged and constitutionally protected private property rights,” by including in their comprehensive plans “a property rights element to ensure that private property rights are considered in local decisionmaking.”

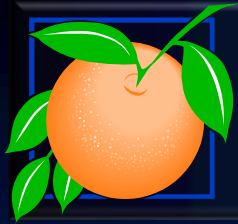
Source: s. 163.3177 (6)(i)1, F.S.



Suggested Language from s. 163.3177 F.S.

The following rights shall be considered in local decision-making:

- 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.**
- 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.**
- 3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.**
- 4. The right of a property owner to dispose of his or her property through sale or gift.**



Amendment 2021-2-C-PRE-1

Property Rights Element - Goals, Objectives, and Policies

GOAL PRE1 Orange County shall ensure that private property rights are considered in its local decision-making.

OBJ PRE1.1 In order to comply with the legislative intent expressed in Section 163.3161(10), F.S., that governmental entities respect private property rights, and the requirements of Section 163.3177(6), F.S., that each local government include a property rights element in its comprehensive plan, Orange County shall consider private property rights in its local decision-making in accordance with the policies herein.

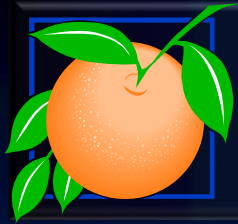


Amendment 2021-2-C-PRE-1

PRE1.1.1 Orange County shall consider constitutionally-protected private property rights in its local decision-making.

PRE1.1.2 Orange County shall consider judicially-acknowledged private property rights in its local decision-making.

PRE1.1.3 Orange County shall consider statutorily-protected private property rights in its local decision-making.



Amendment 2021-2-C-PRE-1

PRE1.1.4 To the extent Orange County may be unaware of a private property right, such as an easement, lease, or mineral interest, the owner shall be responsible for informing Orange County of such private property right so that Orange County can consider it in its local decision-making.



Amendment 2021-2-C-PRE-1

Staff Recommendation: TRANSMIT

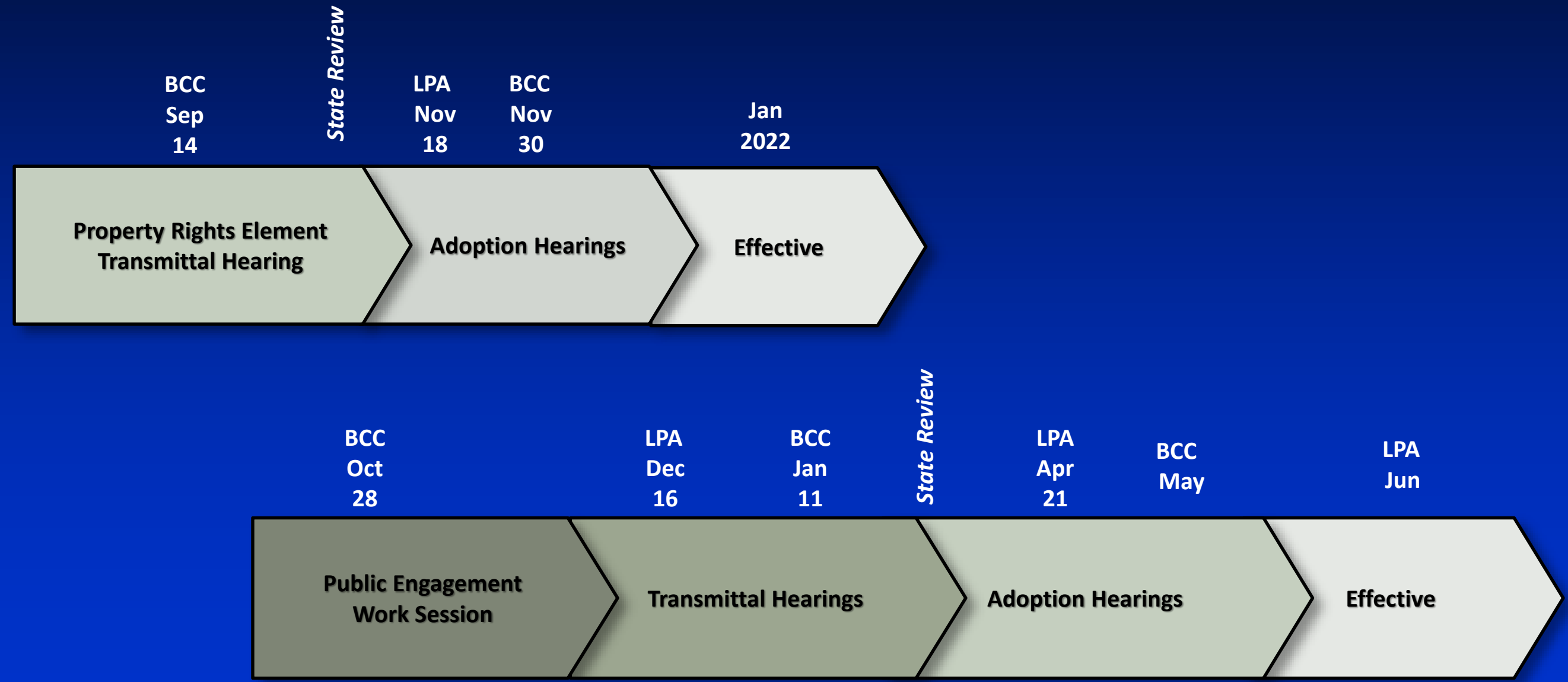
LPA Recommendation: TRANSMIT

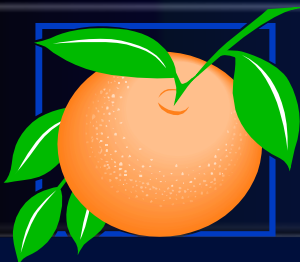
Action Requested:

- **Make a finding that the information contained in the application for the proposed amendment is sufficiently complete;**
- **TRANSMIT Amendment 2021-2-C-PRE-1 to the reviewing agencies.**



Out of Cycle Adoption Schedule





Board of County Commissioners

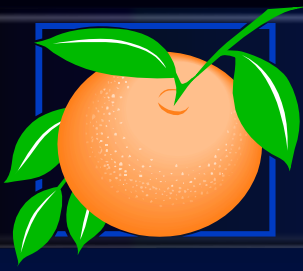
2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment

Amendment 2021-2-C-FLUE-1

Transmittal Public Hearing

September 14, 2021

Agenda Item V. I. 15. a.



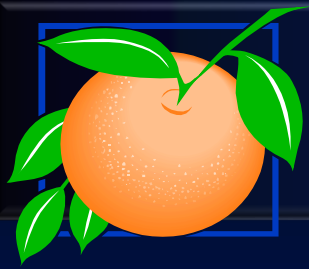
Amendment 2021-2-C-FLUE-1

Request:

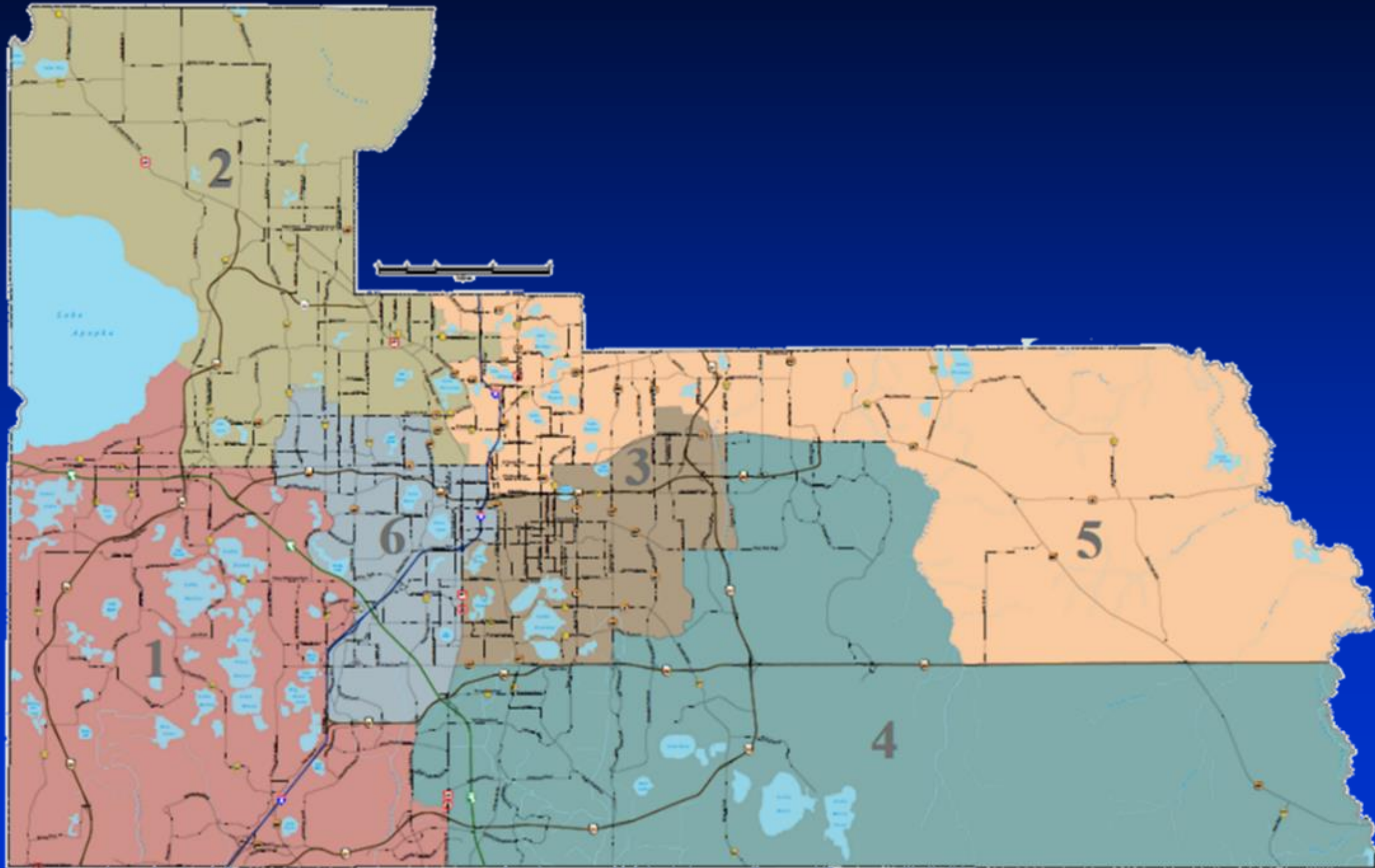
Text Amendment to Future Land Use Element Policy FLU8.8.2, delegating authority to the County Planning Manager or his/her designee to assign a privately-initiated or staff-initiated Comprehensive Plan amendment application to the appropriate regular cycle or small scale development review category

District:

Countywide



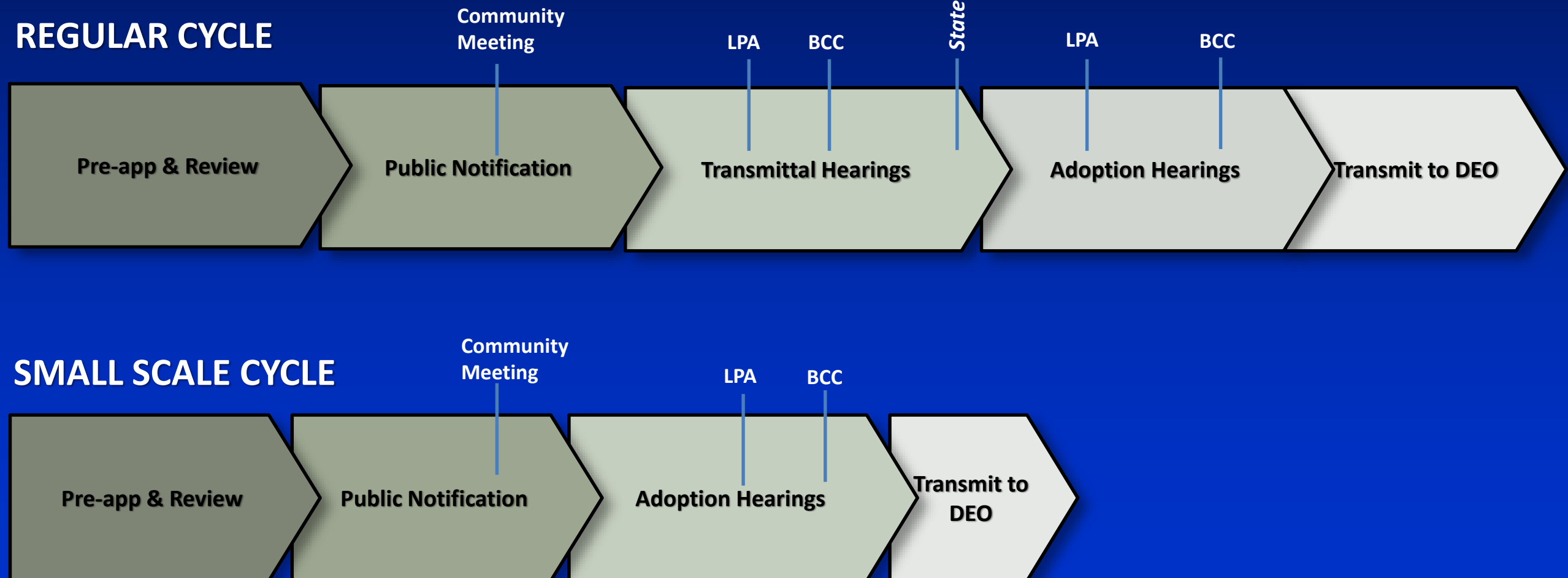
Location Map





Comparison of Review Steps – Regular vs. Small Scale

- Regular Cycles – Applications Received Twice per Year
- Small Scale Cycles – Applications Received Monthly





2021 Small Scale Development Amendment Legislation

Process for adoption of small-scale comprehensive plan amendment —

(1) “A small scale development amendment may be adopted under the following conditions:

(a) The proposed amendment involves a use of 50 ~~10~~ acres or fewer ...”

Source: s. 163.3187 (1) F.S.

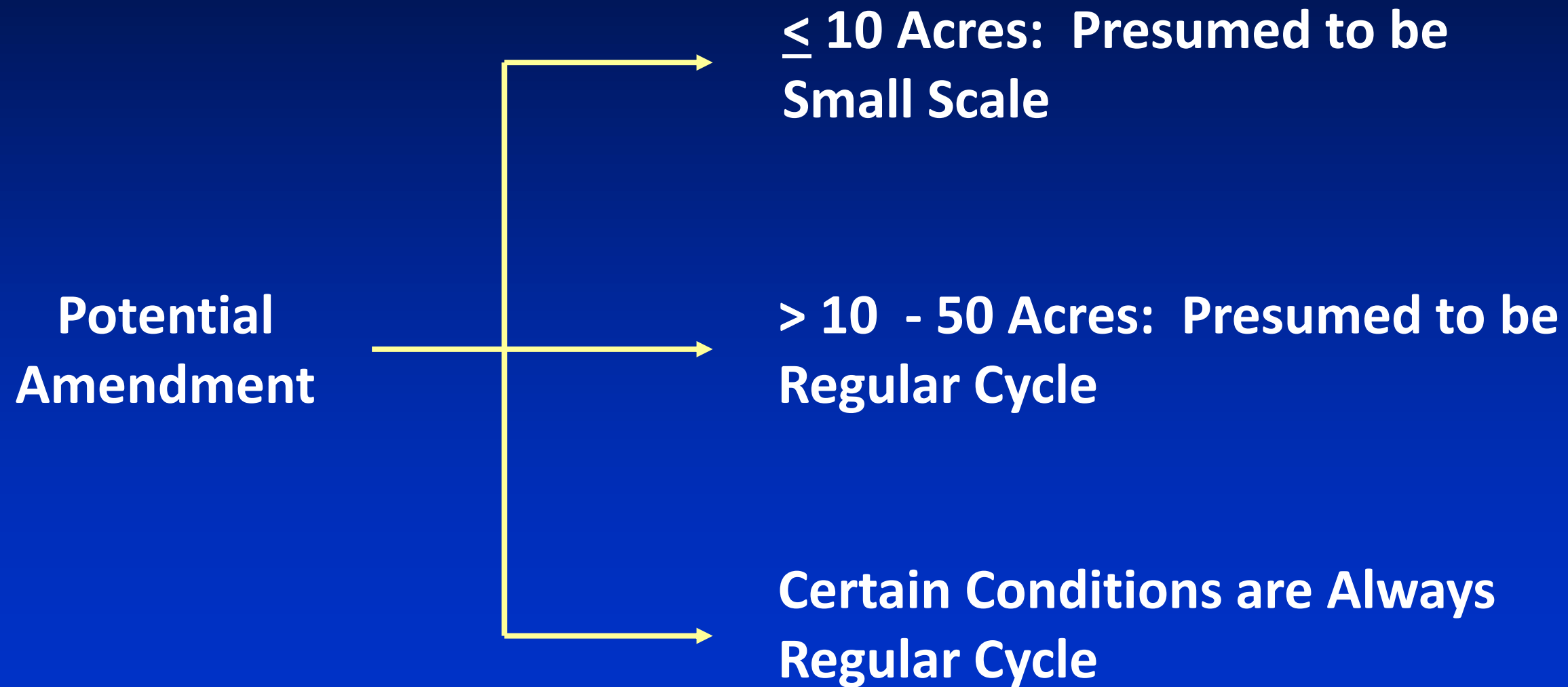


Response to Small Scale Amendments Legislation

- **The law is permissive, allowing local governments to process projects up to 50 gross acres as small scale development amendments if they choose.**



Response to Small Scale Amendments Legislation

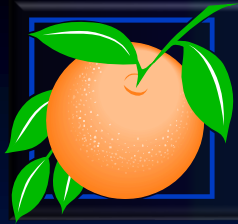




Decision-Making Guidance

Under 10 acres may become regular if:

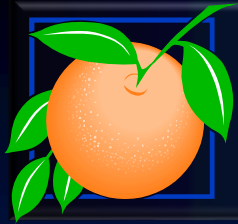
- **Have the potential for regional or state interest;**
- **Involve an amendment to a Joint Planning Area Agreement or a Developer's Agreement;**
- **Involve an expansion of the Urban Service Area; or**
- **Have other complicating concerns.**



Decision-Making Guidance

Over 10 to 50 acres may process as small scale if:

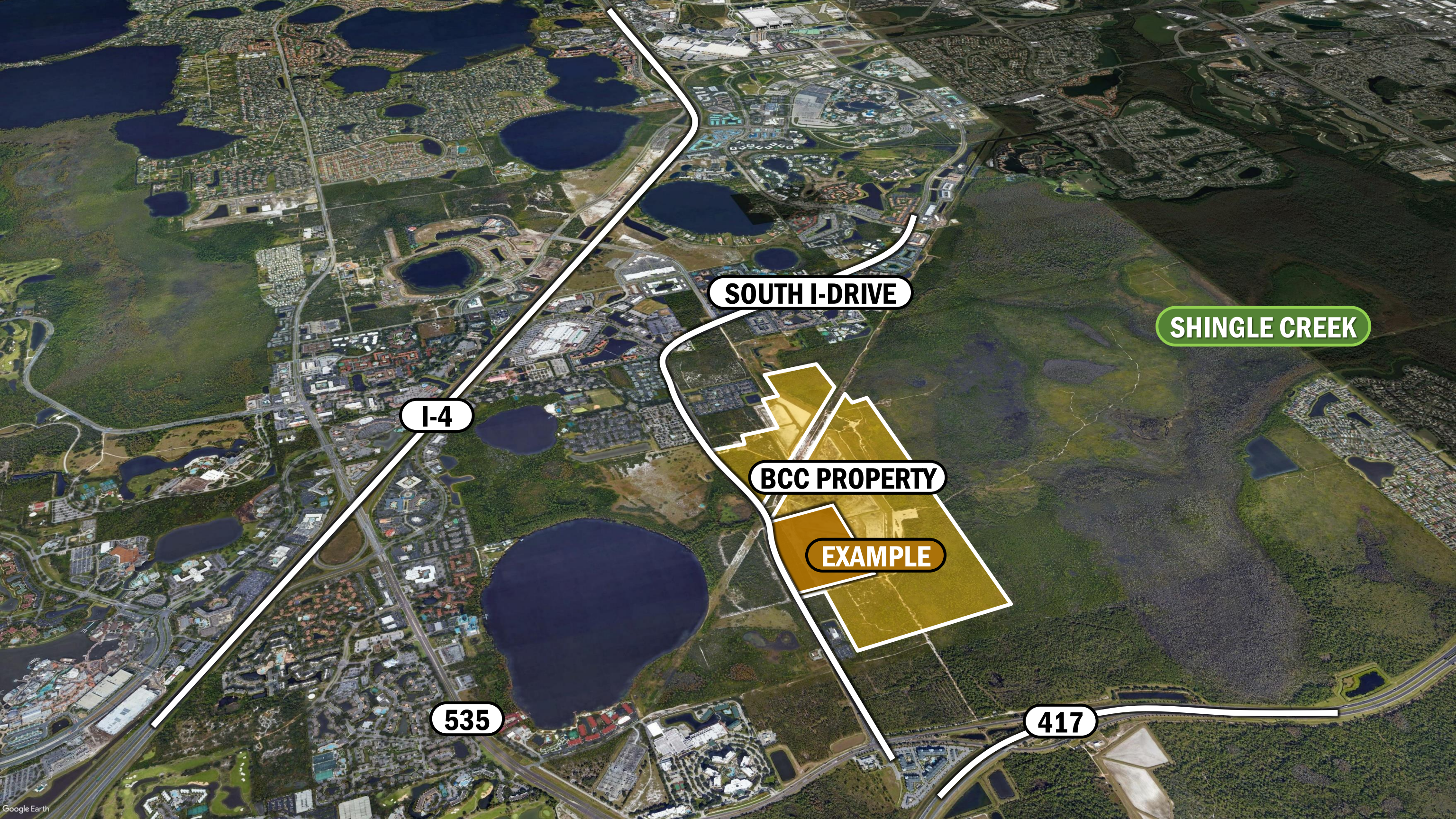
- **Involve previously-developed properties within the Urban Service Area **and in targeted areas** that are proposed for redevelopment;**
- **Are proposed for the development of a significant number of County-certifiable affordable housing units at locations that score high on the County Access and Opportunity Model or are in targeted areas based on existing or planned direct access to transit, services, and employment;**
- **Involve properties proposed for Preservation;**
- **Are proposed for the creation of a vertical mix of uses within buildings in targeted areas based on existing or planned direct access to transit, services, and employment; or**
- **Are the subject of County-initiated amendments.**



Decision-Making Guidance

Regular cycle amendments will include those that:

- Are judged by the Planning Manager or his/her designee to have a potential for regional or state interest;**
- Involve a Joint Planning Area Agreement or Developer's Agreement;**
- Involve an Urban Service Area expansion;**
- Are located in the Rural Service Area or a Rural Settlement; or**
- Have other complicating concerns.**



SOUTH I-DRIVE

SHINGLE CREEK

I-4

BCC PROPERTY

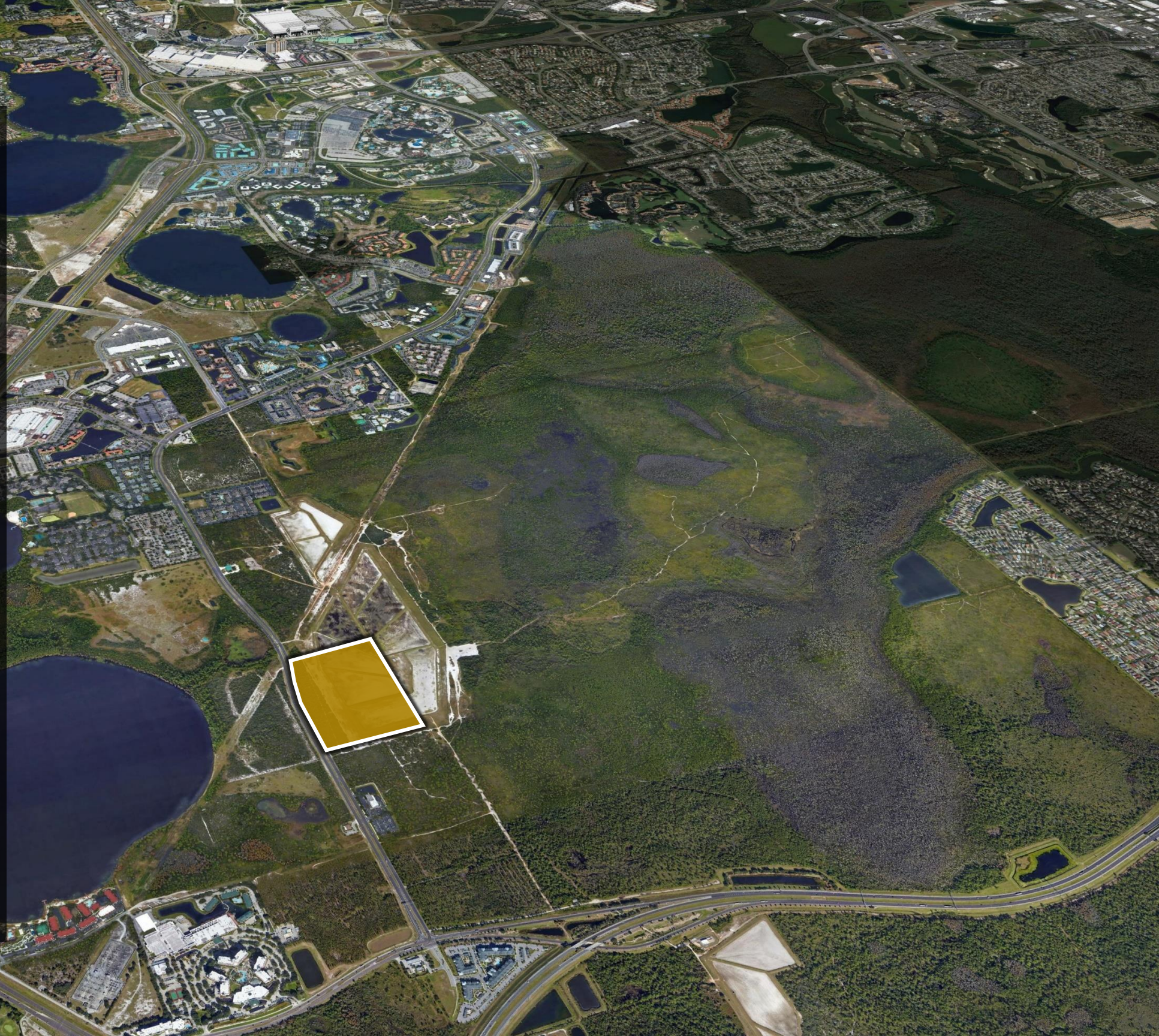
EXAMPLE

535

417

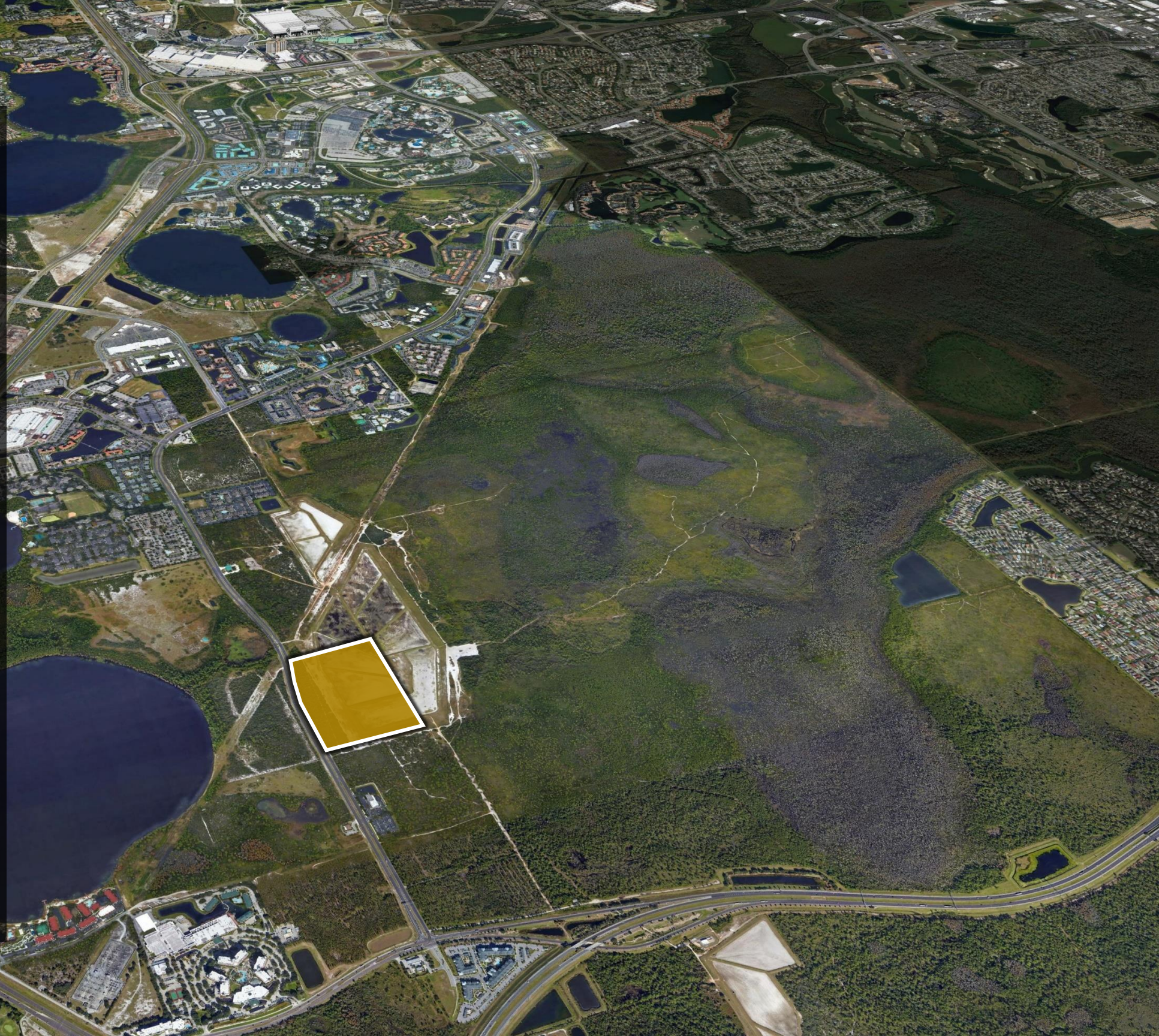
Small Scale Amendments Evaluation Criteria:

- ☐ those previously developed properties within the Urban Service Area that are proposed in targeted areas for redevelopment;
- ☐ that include a significant number of County certifiable affordable housing units
 - ☐ at locations that score high on the County Access and Opportunity Model, or;
 - ☐ are in targeted areas based on existing or planned direct access to transit, services and employment;
- ☐ consist of properties proposed for Preservation;
- ☐ are proposed to create a vertical mix of uses within buildings in targeted areas based on existing or planned direct access to transit, services and employment;



Small Scale Amendments Evaluation Criteria:

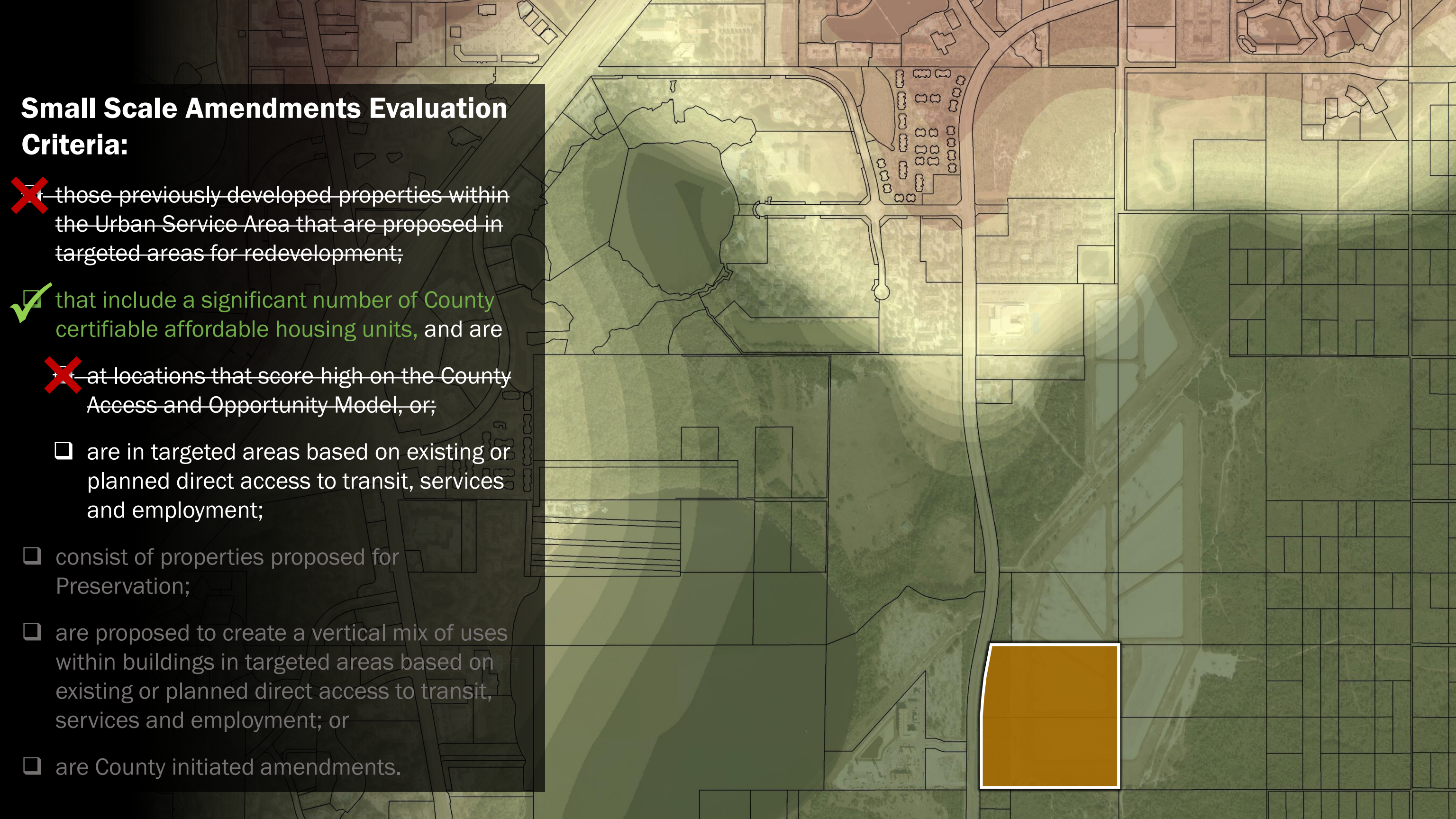
- ☒ these previously developed properties within the Urban Service Area that are proposed in targeted areas for redevelopment;
- ☐ that include a significant number of County certifiable affordable housing units and are
 - ☐ at locations that score high on the County Access and Opportunity Model, or;
 - ☐ are in targeted areas based on existing or planned direct access to transit, services and employment;
- ☐ consist of properties proposed for Preservation;
- ☐ are proposed to create a vertical mix of uses within buildings in targeted areas based on existing or planned direct access to transit, services and employment;



Small Scale Amendments Evaluation Criteria:

- ☒ ~~these previously developed properties within the Urban Service Area that are proposed in targeted areas for redevelopment;~~
- ☒ that include a significant number of County certifiable affordable housing units, and are
 - ☐ at locations that score high on the County Access and Opportunity Model, or;
 - ☐ are in targeted areas based on existing or planned direct access to transit, services and employment;
- ☐ consist of properties proposed for Preservation;
- ☐ are proposed to create a vertical mix of uses within buildings in targeted areas based on existing or planned direct access to transit, services and employment; or
- ☐ are County initiated amendments.



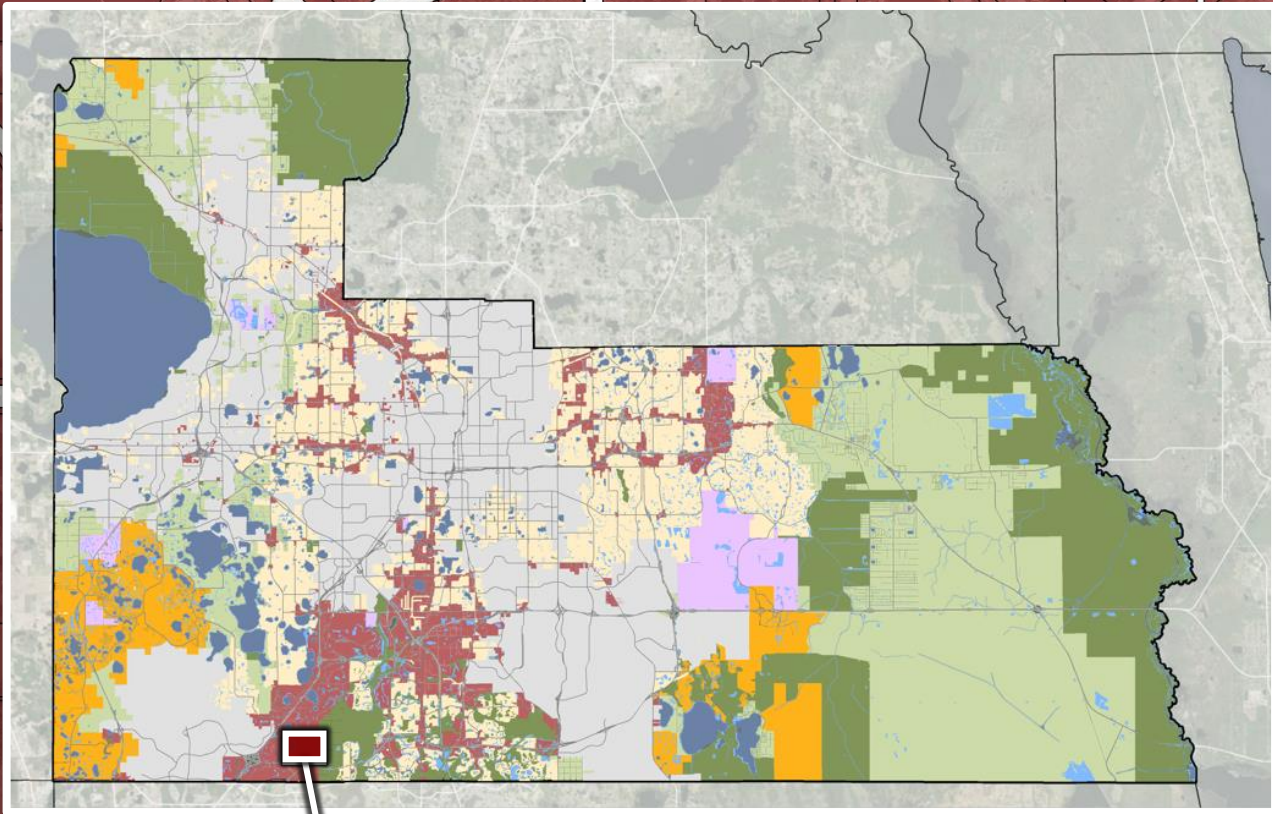


Small Scale Amendments Evaluation Criteria:

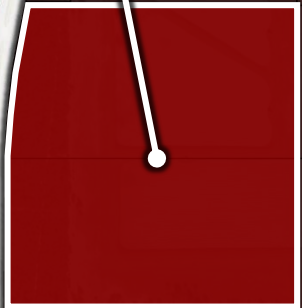
- ~~✗~~ these previously developed properties within the Urban Service Area that are proposed in targeted areas for redevelopment;
- ✓ that include a significant number of County certifiable affordable housing units, and are
- ~~✗~~ at locations that score high on the County Access and Opportunity Model, or;
- ☐ are in targeted areas based on existing or planned direct access to transit, services and employment;
- ☐ consist of properties proposed for Preservation;
- ☐ are proposed to create a vertical mix of uses within buildings in targeted areas based on existing or planned direct access to transit, services and employment; or
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Small Scale Amendments Evaluation Criteria:

- ~~✗~~ these previously developed properties within the Urban Service Area that are proposed in targeted areas for redevelopment;
- ✓ that include a significant number of County certifiable affordable housing units and are
- ~~✗~~ at locations that score high on the County Access and Opportunity Model, or;
- ✓ are in targeted areas based on existing or planned direct access to transit, services and employment;
- consist of properties proposed for Preservation;
- are proposed to create a vertical mix of uses within buildings in targeted areas based on existing or planned direct access to transit, services and employment;



TARGETED AREA



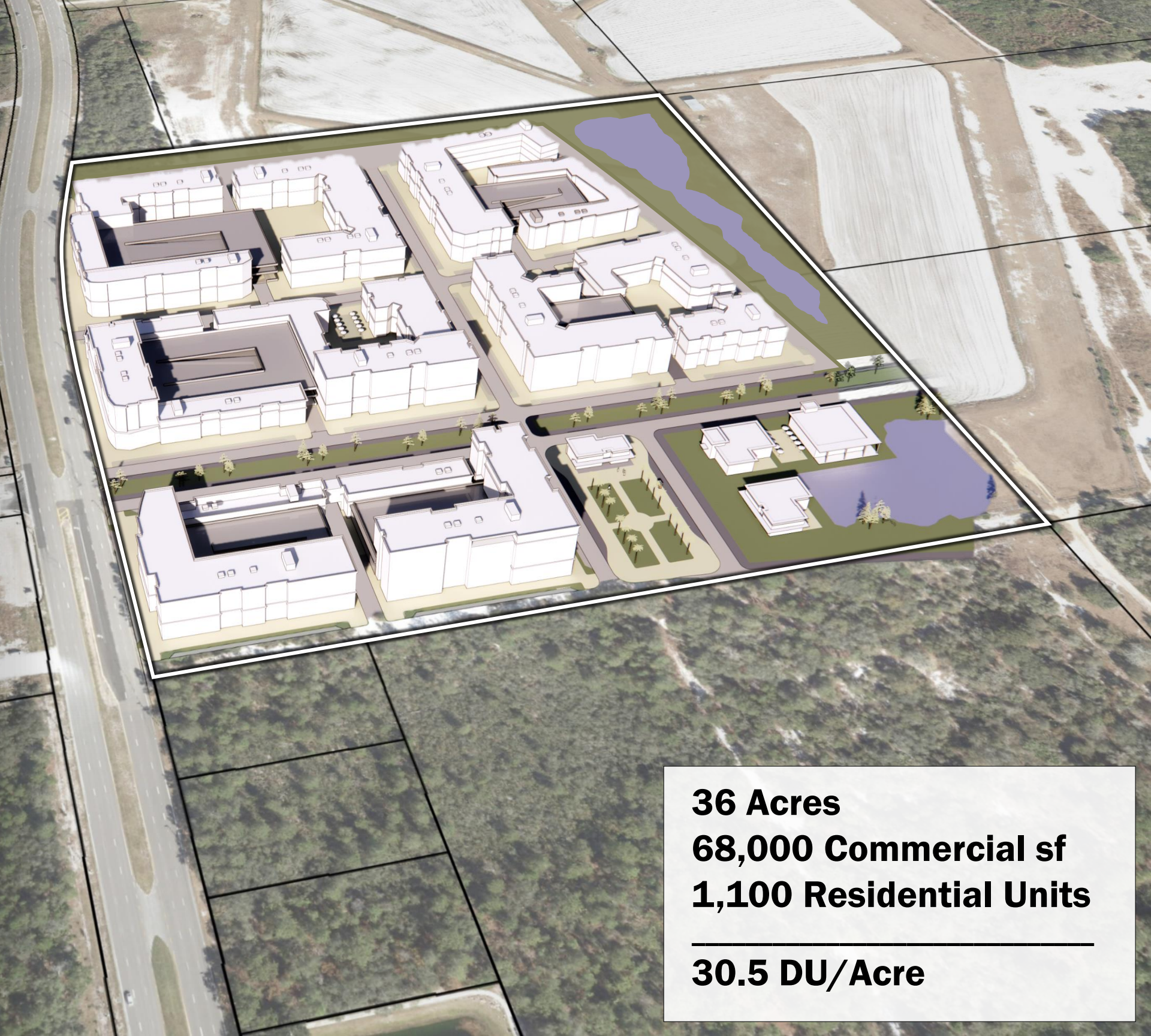
Small Scale Amendments Evaluation Criteria:

- ☒ ~~these previously developed properties within the Urban Service Area that are proposed in targeted areas for redevelopment;~~
- ☒ that include a significant number of County certifiable affordable housing units and are
- ☒ ~~at locations that score high on the County Access and Opportunity Model, or;~~
- ☒ are in targeted areas based on existing or planned direct access to transit, services and employment;
- ☐ consist of properties proposed for Preservation;
- ☐ are proposed to create a vertical mix of uses within buildings in targeted areas based on existing or planned direct access to transit, services and employment;



Small Scale Amendments Evaluation Criteria:

- ~~✗~~ these previously developed properties within the Urban Service Area that are proposed in targeted areas for redevelopment;
- ✓ that include a significant number of County certifiable affordable housing units and are
- ~~✗~~ at locations that score high on the County Access and Opportunity Model, or;
- ✓ are in targeted areas based on existing or planned direct access to transit, services and employment;
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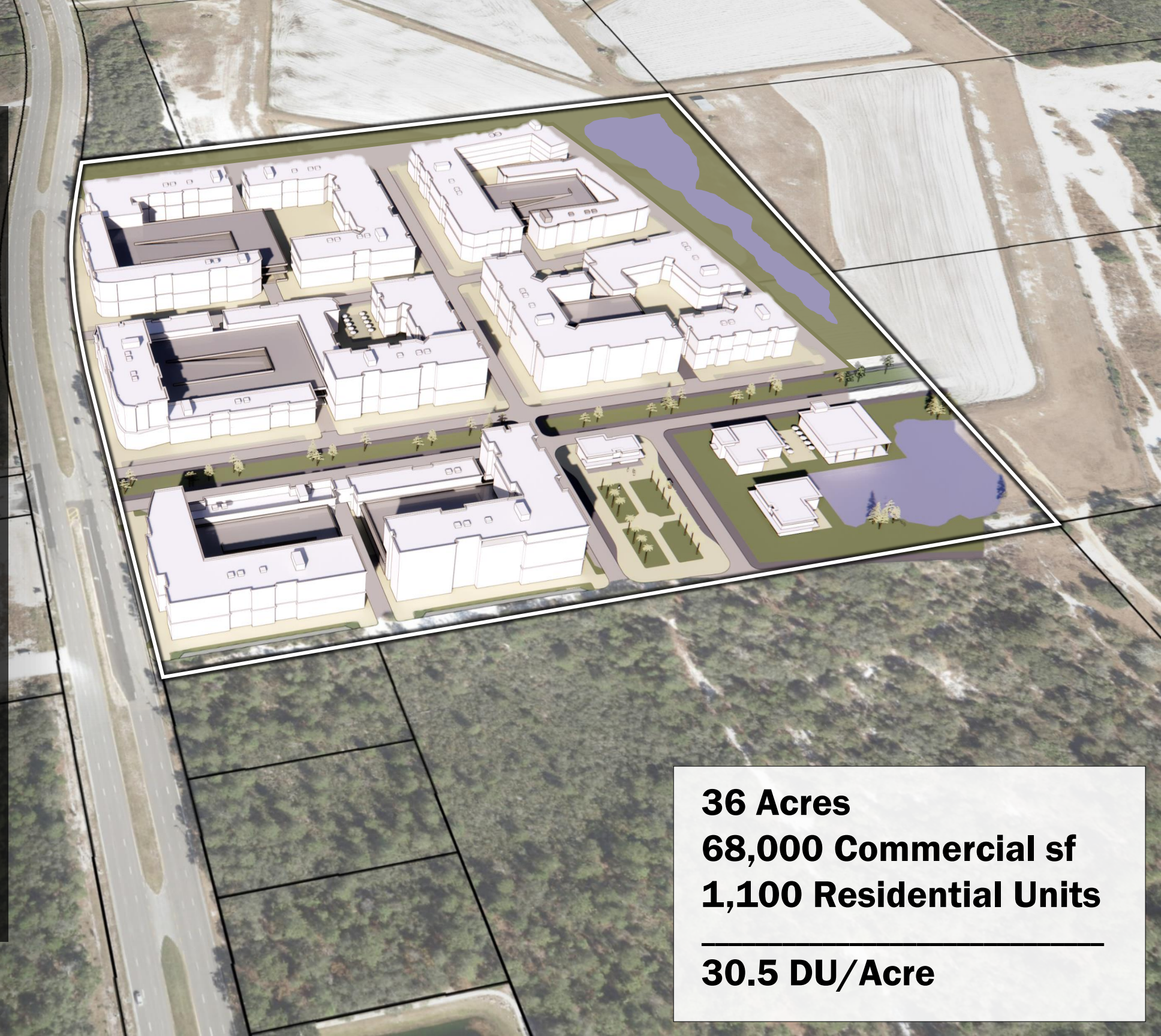


36 Acres
68,000 Commercial sf
1,100 Residential Units

30.5 DU/Acre

Small Scale Amendments Evaluation Criteria:

- ☒ these previously developed properties within the Urban Service Area that are proposed in targeted areas for redevelopment;
- ☒ that include a significant number of County certifiable affordable housing units and are
- ☒ at locations that score high on the County Access and Opportunity Model, or;
- ☒ are in targeted areas based on existing or planned direct access to transit, services and employment;
- ☒ consist of properties proposed for Preservation;
- ☒ are proposed to create a vertical mix of uses within buildings in targeted areas based on existing or planned direct access to transit, services and employment;



36 Acres
68,000 Commercial sf
1,100 Residential Units

30.5 DU/Acre

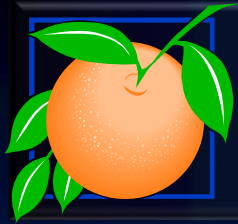


Future Land Use Element Policy FLU8.8.2

Marked-up Version

FLU8.8.2

A Rrequests for a Future Land Use Map amendments ~~and~~ and/or a text amendments to the Comprehensive Plan shall be considered only upon the submittal of an a completed application meeting satisfying the County's application requirements. Prior to submittal of the application, the applicant ~~Proposed map and text amendments must be reviewed prior to submittal as part of~~ shall participate in a pre-application meeting with the appropriate County staff. ~~Staff shall have the authority to request additional information and documentation related to amendment applications.~~



Future Land Use Element Policy FLU8.8.2

Marked-up Version

FLU8.8.2

Per Sec. 163.3187(1), F.S., Orange County will continue its practice of processing amendments involving a use of 10 acres or fewer as small scale development amendments, **subject to processing any such amendments as regular cycle amendments instead when circumstances warrant**, and continue its practice of processing those of larger acreage, including those of up to 50 acres, as regular cycle amendments. **However, when approved by the Board of County Commissioners on a recommendation by the Planning Manager**, certain amendments involving a use of greater than 10 acres and no more than 50 acres may be processed **instead** as small scale development amendments **when circumstances warrant**. **Except for amendments involving a use of greater than 10 acres and no more than 50 acres**, the Planning Manager or his/her designee shall have the authority to determine the appropriate review cycle for each proposed amendment and shall develop publicly available **criteria** for making such determinations that is consistent with Sec. 163.3187(1), F.S. For any application, the County staff shall have the authority to request pertinent additional information and/or documentation related to an application during the course of its review.

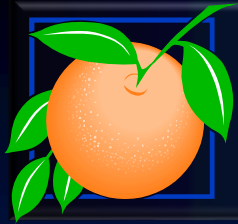


Future Land Use Element Policy FLU8.8.2

Clean Version

FLU8.8.2

Per Sec. 163.3187(1), F.S., Orange County will continue its practice of processing amendments involving a use of 10 acres or fewer as small scale development amendments, subject to processing any such amendments as regular cycle amendments instead when circumstances warrant, and continue its practice of processing those of larger acreage, including those of up to 50 acres, as regular cycle amendments. However, when approved by the Board of County Commissioners on a recommendation by the Planning Manager, certain amendments involving a use of greater than 10 acres and no more than 50 acres may be processed instead as small scale development amendments when circumstances warrant. Except for amendments involving a use of greater than 10 acres and no more than 50 acres, the Planning Manager or his/her designee shall have the authority to determine the appropriate review cycle for each proposed amendment and shall develop publicly available criteria for making such determinations that is consistent with Sec. 163.3187(1), F.S. For any application, the County staff shall have the authority to request pertinent additional information and/or documentation related to an application during the course of its review.



Future Land Use Element Policy FLU8.8.2

Marked-up Version (Continued)

- A. The County shall be entitled to charge a reasonable application fee ~~for Future Land Use Map and text amendments to the Comprehensive Plan~~. An application fee waiver policy shall be adopted by the County, with any such waivers request reviewed and approved by the Board of County Commissioners (BCC) on a case-by-case basis.
- B. The ~~Orange~~ County staff may deem a submitted application that has not been transmitted to the ~~State Land Planning Agency~~ Department of Economic Opportunity (DEO) withdrawn if it remains inactive for two consecutive cycles. Consistent with Sec. 163.3184-(3)(c)1, F.S., if the County has transmitted the amendment to the ~~Department of Economic Opportunity DEO~~ and the amendment is not adopted within 180 days after the County receives ~~State Land Planning Agency and other review agency~~ comments from the DEO and other reviewing agencies, the application will be considered withdrawn unless extended by agreement with notice to the ~~state land planning agency DEO~~ and any affected person that may have provided comments on the proposed amendment. The 180-day limitation does not apply to an amendments processed pursuant to Sec. 380.06, F.S.



Amendment 2021-2-C-FLUE-1

Staff Recommendation: TRANSMIT

LPA Recommendation: TRANSMIT

Action Requested:

- **Make a finding that the information contained in the application for the proposed amendment is sufficiently complete;**
- **TRANSMIT Amendment 2021-2-C-FLUE-1 to the reviewing agencies.**

