



## Interoffice Memorandum

October 12, 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: 2021-1 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment  
2021-1-C-OS-1 (Growth Center Wekiva Open Space)  
Board of County Commissioners (BCC) Adoption Public Hearing

The 2021-1 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment is scheduled for a BCC adoption public hearing on October 12, 2021. This amendment was heard by the Planning and Zoning Commission/Local Planning Agency at an adoption hearing on September 16, 2021. The report will also be available under the Amendment Cycle section of the County's Comprehensive Planning webpage:

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

The 2021-1 **Out-of-Cycle Regular Cycle-State-Expedited Review** amendment scheduled for consideration on October 12 entails one staff-initiated text amendment. The text amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2021-1 **Out-of-Cycle Regular Cycle-State-Expedited Review** Amendment was heard by the PZC/LPA at a transmittal public hearing on April 15, 2021, and by the BCC at a transmittal public hearing on May 11, 2021. This amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On June 25, 2021, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in November 2021, 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](mailto:Alberto.Vargas@ocfl.net) or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/sw

Enc: 2021-1 Out-of-Cycle Regular Cycle Comprehensive Plan Amendment –  
BCC Adoption Staff Report

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Read File



# **ORANGE COUNTY**

**PLANNING DIVISION**

## **2021-1 OUT-OF-CYCLE REGULAR CYCLE 2021-1-C-OS-1**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**OCTOBER 12, 2021  
ADOPTION PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION



# TABLE OF CONTENTS

**INTRODUCTION.....Tab 1**

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

***Out-of-Cycle Staff-Initiated Text Amendment***

Amendment			Page
1.	2021-1-C-OS-1 (Growth Center Wekiva Open Space)	Text Amendment to Open Space Element Policy OS1.3.6 deleting the open space requirements for residential land uses in Rural Settlement expansions within the Wekiva Study Area, consistent with Future Land Use Element Policy FLU6.2.1, and amending the open space requirements for residential land uses in Growth Centers within the Wekiva Study Area	1

# **2021 FIRST REGULAR CYCLE OUT-OF-CYCLE STAFF-INITIATED TEXT AMENDMENT**

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

### **INTRODUCTION**

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the proposed Out-of-Cycle Second Regular Cycle Staff-Initiated Text Amendment (2021-1) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on September 16, 2021, and is scheduled before the BCC on October 12, 2021.

This Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment scheduled for BCC consideration on October 12 was heard by the PZC/LPA at a transmittal public hearing on April 15, 2021, and by the BCC at a transmittal public hearing on May 11, 2021.

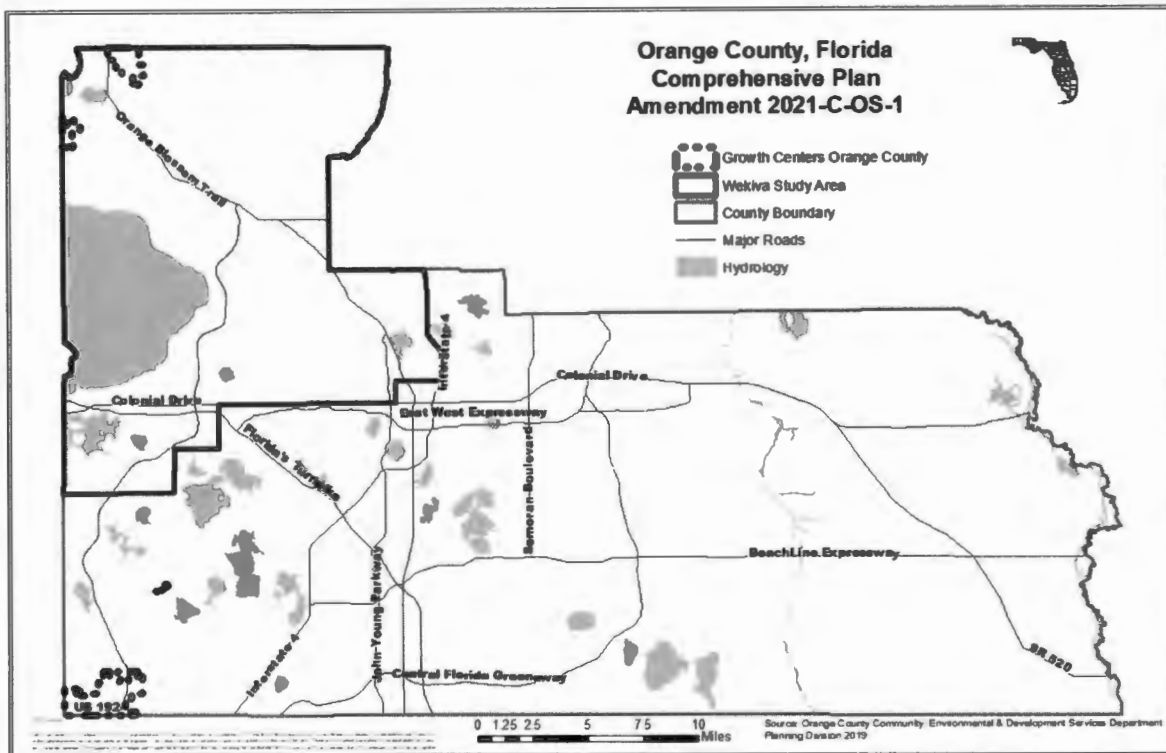
The 2021-1 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review amendment scheduled for consideration on October 12 is a staff-initiated text amendment. This amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2021-1 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review Amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On June 25, 2021, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in November 2021, 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](mailto:Alberto.Vargas@ocfl.net) or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

Amendment Number	Sponsor	Project Planner	Rezoner	Staff Rec	LPA Rec
2021-1-C-OS-1 (Growth Center Wekiva Open Space)	Planning Division Use Element	Chris DeManche	N/A	Adopt	Adopt (6-1)

ABBREVIATIONS INDEX:



The following meetings/hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing		Outcome	Title: Amendment 2021-1-C-OS-1	
✓	Staff Report	Recommend Adoption	Division: Planning	
✓	LPA Transmittal April 15, 2021	Recommended Transmittal (6-1)	Request: Text Amendment to Open Space Element Policy OS1.3.6 deleting the open space requirements for residential land uses in Rural Settlement expansions within the Wekiva Study Area, consistent with Future Land Use Element Policy FLU6.2.1, and amending the open space requirements for residential land uses in Growth Centers within the Wekiva Study Area.	
✓	BCC Transmittal May 11, 2021	Transmit (5-1)		
✓	Agency Comments	June 2021		
	LPA Adoption September 16, 2021	Recommend Adoption (6-1)	Revision: OS1.3.6	
	BCC Adoption	October 12, 2021		

### Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **ADOPTION** of Amendment 2021-1-C-OS-1, revising Open Space Element Policy OS1.3.6.

## A. Background

The Open Space Element of the Orange County Comprehensive Plan contains objectives and policies directed at protecting the Wekiva Study Area. These policies were intended to provide aquifer recharge and natural habitat protection in conjunction with the policies of OBJ FLU6.6, Wekiva. The policies of OBJ OS1.3 outline protections for the Wekiva Springshed and its natural resources through the preservation of open space within the Wekiva Study Area.

These policies relating to the protection of ground water and surface water resources within the Wekiva Springshed address the statutory requirements of the Wekiva Parkway and Protection Act. The protection measures of the Act include the establishment of land use strategies that optimize open space and promote a pattern of development on a jurisdiction-wide basis that protects the most effective recharge areas, karst features and sensitive natural habitats. The Act encourages the need to balance resource protection, existing infrastructure and improvements planned or committed as part of approved development, consistent with existing municipal or county comprehensive plans. The Act further encourages balance for planned community development initiatives that assure protection of surface and groundwater resources while promoting compact, ecologically and economically sustainable growth.

Policy OS1.3.6 specifically outlines areas of Orange County within the Wekiva Study Area that contain special criteria for open space.

The proposed plan amendment requests a revision to Open Space Element Policy OS1.3.6 with the following changes:

1. Deletion of the open space requirements for **Residential land uses in Rural Settlement expansions**.
2. Amend the open space requirements for **Residential land uses in Growth Centers**, specifically the Northwest Growth Center.

### **Residential land uses in Rural Settlements expansions**

The proposed plan amendment to Open Space Element Policy OS1.3.6, includes a proposed deletion of the standards for **residential land uses in Rural Settlement expansions**. The proposed deletion removes outdated language that conflicts with Future Land Use Element Policy FLU6.2.1. Policy FLU6.2.1 was adopted in 2000 and amended in 2007 to state that “No new Rural Settlements or expansions to the existing Rural Settlement boundaries shall occur”. It did allow for a study to be completed within 18 months (of the 2007 adoption) to determine whether existing rural settlements should be expanded. No study recommended that any settlement be expanded and since then it has been the Board’s practice to not approve any expansions, consistent with the policy’s primary intent. On February 23, 2021 amendment 2020-2-C-CP-5 removed the reference to a study from FLU6.2.1, leaving only the directive that Rural Settlements shall not be expanded or new ones created. Because the open space criteria for expansions of rural settlements addresses a situation which cannot occur, i.e. an expansion of a rural settlement, this section of OS1.3.6 is in conflict with well-defined County policy and should therefore be deleted.

### **Residential land uses in Growth Centers**

The proposed plan amendment to Open Space Element Policy OS1.3.6, includes a proposed amendment to the open space requirements for residential land uses in Growth Centers. Currently in Growth Centers within the Wekiva Study Area, any sensitive resource elements shall



be permanently protected, and a minimum open space requirement based on density and parcel size shall be provided ranging from 40% to 70% or greater. The Wekiva Study Area criteria is applicable only to the Northwest Growth Center and the Aviation Growth Center. The proposed plan amendment for residential land uses in Growth Centers would provide the following:

1. Recognition of the urban development pattern comprised of residential and commercial land uses in the Northwest Growth Center, by combining the residential land use criteria of the Northwest Growth Center and the Urban Service Area (not in a Rural Settlement) into one section, resulting in open space requirements ranging from 35% to 50% or greater. These standards would be based on parcel size.
2. Protection of sustainable agricultural lands comprised of and contiguous to the Aviation Growth Center, by maintaining the current open space criteria for residential land uses in Growth Centers for the Aviation Growth Center. The open space requirements range from 40% to 70% or greater, and based on density and parcel size.

The open space requirements for residential land uses in Growth Centers and the Urban Service Area, as presented in policy OS1.3.6, currently state:

**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.

- i. 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;
- ii. 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;
- iii. 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.
- iv. 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)

**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:

- i. development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- ii. development with an overall size greater than 100 acres – open space shall be 50% or greater.

The proposed amendment would result in a reduction in open space requirements for residential land uses in the Northwest Growth Center, while maintaining the current open space requirements for residential land uses in the Aviation Growth Center. Residential land uses

located in the Northwest Growth Center and the Urban Service Area share similar characteristics such as access to urban services, allowance for higher residential densities and more intense residential use types as compared to residential land uses in the Rural Service Area or Rural Settlements.

By comparison, the Rural Service Area limits residential uses to single-family detached dwellings or mobile homes at a density of one dwelling unit per ten acres and requires open space of 50% or greater. Rural Settlements, while allowing for higher densities as compared to the Rural Service Area, also permit single family detached dwelling units (R-CE-5, R-CE-2, R-CE, R-CE-C, A-1, A-2 and PD) and mobile homes (A-1, A-2 and PD) for residential land uses.

Comprehensive Plan policies for Growth Centers and Open Space provide requirements within the Wekiva Study Area to help protect ground water and surface water resources. These requirements while establishing minimum standards, provide for the identification of on-site resources prior to site development, and may result in additional site protections as identified in the following policies:

- FLU6.6.10** 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 shall cluster to the maximum extent to preserve open space. Such clustering is density neutral and lot sizes may be reduced to accommodate the preserved open space. Priority for open space protection shall be given to the following resources, as required to be protected by the Wekiva Act: the most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities. A minimum of fifty percent (50%) of any sensitive natural habitat occurring shall be preserved on-site.
- FLU6.6.12** New development and redevelopment within the Wekiva Study Area shall minimize directly connected impervious areas (DCIA), direct runoff to vegetated areas for pollutant uptake, recharge, and storage. The County recognizes that under certain circumstances a developed property's runoff may contain high levels of contaminants whereby it may be more efficient to direct all stormwater to a single water quality treatment area. Enhanced development standards and stormwater best management practices (BMPs) shall be adopted as needed into the Land Development Code by July 1, 2007 to minimize DCIA and provide high levels of stormwater treatment.
- FLU7.4.4** Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.
- FLU7.4.6** Within a Growth Center, all new development must apply for Planned Development zoning, in order to specifically identify densities, intensities and mixture of land use.

Additionally, all new development and substantial redevelopment in portions of Growth Centers located within the Wekiva Study Area shall adhere to the development standards adopted to implement the Wekiva Parkway and Protection Act, Ch. 369, Part III, FS.

Such standards shall include, but are not limited to: additional stormwater treatment and retention (maintenance of water quality and recharge); enhanced wastewater treatment; limitations of certain allowed uses within the most vulnerable portions of the Study Area; subdivision standards; open space requirements; “smart growth” roadway design standards; parking lot design standards, upland habitat protection, and such other measures as required to protect ground and surface water in the Wekiva Study Area.

- 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, wetlands, Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub.
- 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. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas using Best Management Practices. 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. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, OS-3 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.
- OS1.3.3** The County shall incorporate land use strategies that will optimize open space and protect the health of the Wekiva River System, which may include but are not limited to:
- Conservation design subdivisions;
  - Conservation easements and other less-than-fee acquisition strategies;
  - Coordinated greenway plans;

- Land acquisition, including fee simple and less-than-fee;
- Density incentives and density credits;
- Transfers of development rights;
- Clustering of developments; and
- Low to very low density development.

**OS1.3.4** 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: the most effective recharge areas; karst features; and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

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 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)

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 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)

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 OS-4 shall adhere to the

appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

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.

The Northwest Growth Center is bounded to the north by the City of Mount Dora and Unincorporated Lake County, and is largely developed with residential uses. The Northwest Growth Center contains two large undeveloped tracts associated with the Parks at Mount Dora site and Phase 2 of the Foothills of Mount Dora PD. Each of these parcels contain entitlements for mostly residential uses. The Parks at Mount Dora (2010-1-A-2-2) parcel is 63+/- acres in size and located along the east side of US 441. The site's entitlements include 75,000 sq. ft. of office uses, and 280 multi-family senior housing units. This site is the subject of an active Future Land Use Map (FLUM) amendment, 2021-1-A-2-1 (The Parks of Mt. Dora). The FLUM amendment proposes the removal of the 75,000 sq. ft. of office uses, removal of the senior housing requirement, and the conversion of the 280 multi-family dwelling units to 188 single-family detached dwelling units. The current open space requirement for the parcel under OS1.3.6 is 60% or greater. Staff's review of the FLUM amendment for this parcel coincides with the separate review of this proposed plan amendment.

As the site is subject to Wekiva Study Area policies requiring aquifer recharge and habitat evaluations of the property, the applicant was asked to provide such information. Environmental and geotechnical reports submitted by the applicant for amendment 2021-1-A-2-1, reviewing the presence of most effective recharge areas, Karst features and sensitive habitats offered the following conclusions:

#### **Most Effective Recharge Areas**

- Due to the mostly poorly draining soil types, the criteria for most effective recharge areas does not apply. The site has many standing water areas and small isolated wetlands.
- The environmental assessment indicates the following for the site concerning the soils that do not indicate high recharge and contain terms such as: excessive runoff, muck, high water table, high runoff, poorly drained, frequent ponding, very poorly drained, and somewhat poorly drained. Some soils on the site are well drained but would not be listed or described as high recharge.
- The environmental assessment indicates the following for the site concerning soils that do not indicate high recharge and contain terms such as: poorly drained, very poorly drained and somewhat poorly drained. Some soils on the site are well drained but would not be listed or described as high recharge.

#### **Karst Features**

- There are no confirmed karst features on the site.

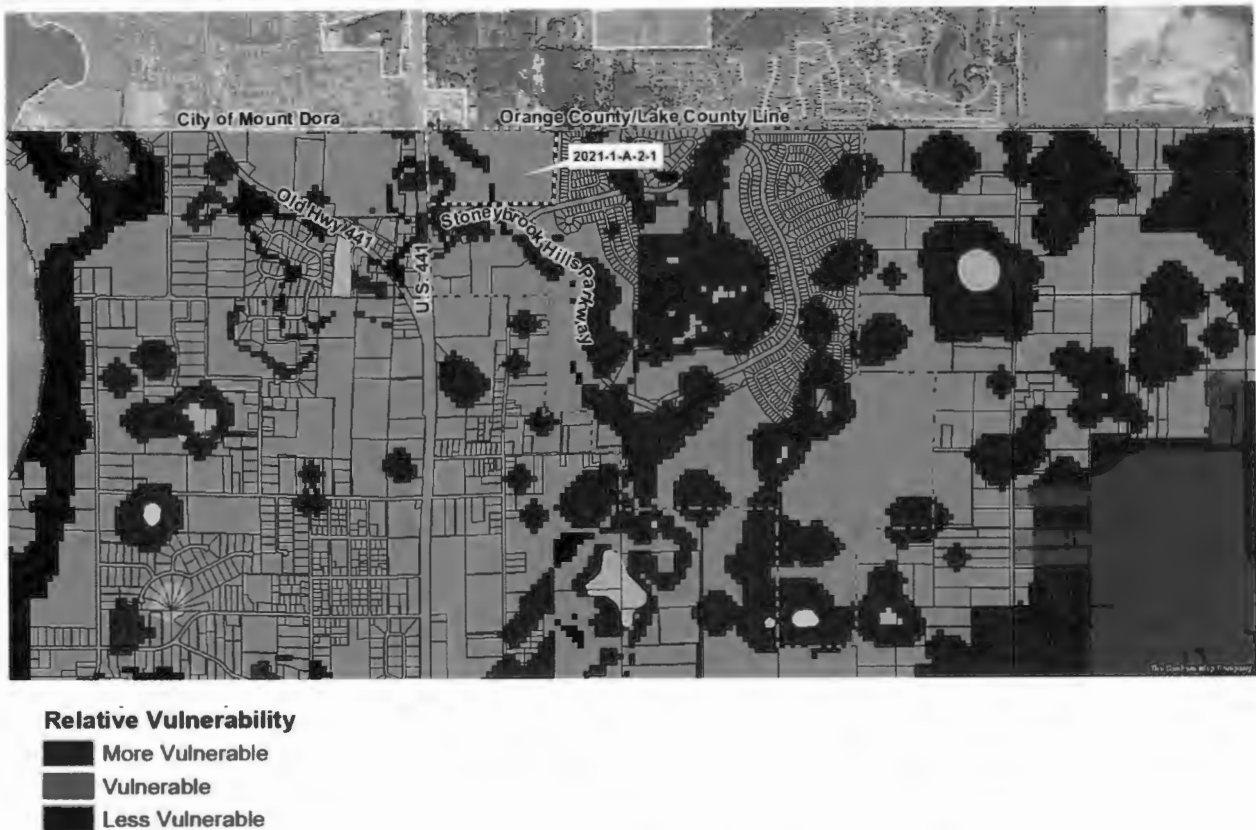
- The western pond has been reported to be man-made with no science being provided that it is a natural karst feature.
- No indications of karst, below counts above 5 at 20' depth.

**Sensitive Habitats.**

- The site contains no scrub / scrub xeric plant or long leaf pine communities of any significance.
- Over 42% of the site is pasture.
- No scrub habitat is noted.
- The 16 +/- acres of woodland pasture contain only a few sand pines.

Phase 2 of the Foothills of Mount Dora PD is an undeveloped parcel comprised of 296 acres. Site entitlements include 230 single-family dwelling units, an elementary school and a middle school. A total of 23.58% or 228.7 gross acres of total open space is provided between Phases 1 and 2. The Foothills of Mount Dora PD predates the passage of the Wekiva Parkway and Protection Act and the subsequent policies regulating open space for parcels located within the Wekiva Study Area.

The map below identifies relative vulnerability predicted by the Wekiva Aquifer Vulnerability Assessment (WAVA) model, identifying more vulnerable, vulnerable and less vulnerable areas of the Florida Aquifer System (FAS) for the Northwest Growth Center, including the project site associated with FLUM amendment 2021-1-A-2-1.



**Source:** Wekiva Aquifer Vulnerability Assessment, Florida Geological Survey, Report of Investigation 104.

The Aviation Growth Center (AGC) includes a portion of the West Orange Aviation District, and is located on Jones Avenue along the west boundary line of Orange County and Lake County. The AGC is largely comprised of and contiguous to active agricultural lands and areas labelled as Sustainable Agricultural Lands in Orange and Lake counties, along with conservation lands under the management of the St. Johns River Water Management District. The AGC was originally created for the development of a commercial airport in western Orange County. Although the airport was never constructed, an airstrip, the Orlando North Airpark, operates on approximately 26.13 acres in the Growth Center, providing small aircraft hangar rentals, airplane rentals and maintenance services. No other aviation related development has been constructed. The AGC was established by Amendment 2010-1-A-2-1 and was recognized by policy to have up to 750,000 sq. ft. of aviation uses, 2,800,000 sq. ft. of aviation related industrial uses, 50,000 sq. ft. of commercial uses and 150,000 sq. ft. of office uses. The AGC is subject to a 25% open space requirement for non-residential uses in the Rural Service Area and within the Wekiva Study Area. As an aviation-related complex, no residential uses are currently recognized for this Growth Center, but would be required to meet open space criteria for residential land uses ranging from 40% to 70% or greater, if proposed.



Source: Wekiva Aquifer Vulnerability Assessment, Florida Geological Survey, Report of Investigation 104.

## B. Policy Amendment

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

\* \* \*

- 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. 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, 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 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.

**Residential land uses in the Rural Service Area.**

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

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

**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:

- i. development with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- ii. 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;
- iii. 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.

**~~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:~~

- ~~i. 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;~~
- ~~ii. ii. 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;~~
- ~~iii. iii. 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;~~
- ~~iv. iv. 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.~~

**Residential land uses in Growth Centers.**

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

- v. 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;
- vi. 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;
- vii. 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.
- viii. 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)

**Residential land uses in the Urban Service Area and Northwest Growth Center (Not in a Rural Settlement).**

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

- i. development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- ii. development with an overall size greater than 100 acres – open space shall be 50% or greater.

**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)

**Non-residential land uses in the Rural Service Area.**

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area 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. Nonresidential 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)

**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)

\* \* \*

ORDINANCE NO. 2021-\_\_\_\_\_

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 2021 CALENDAR YEAR  
(FIRST 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 October 12, 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 Open Space Element.*** The Comprehensive Plan is  
hereby amended by amending the text of the Open Space Element to read as follows, with  
) underlines showing new numbers and words, and strike-throughs indicating repealed numbers and

words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

\* \* \*

**[Amendment 2021-1-C-OS-1:]**

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. 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, 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 onsite 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 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.

**Residential land uses in the Rural Service Area.**

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

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

9                   **Residential land uses in existing Rural Settlements.**

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

- 14                   i.           development with densities less than or equal to one unit per acre (1du/ac)  
15                   – open space shall equal 50% or greater;  
16                   ii.          development with densities greater than one unit per acre (1du/ac) in a  
17                   development with an overall size of less than or equal to 100 acres – open  
18                   space shall be 60% or greater;  
19                   iii.       development with densities greater than one unit per acre (1du/ac) in a  
20                   development with an overall size greater than 100 acres – open space shall  
21                   be 70% or greater.

22                   ~~**Residential land uses in Rural Settlements expansions.**~~

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

- 27                   ~~i.           development with densities less than or equal to one unit per acre (1du/ac)~~  
28                   ~~in a development with an overall size of less than or equal to 100 acres –~~  
29                   ~~open space shall equal 60% or greater;~~  
30                   ~~ii.          development with densities less than or equal to one unit per acre (1du/ac)~~  
31                   ~~in a development with an overall size greater than 100 acres – open space~~  
32                   ~~shall be 70% or greater;~~  
33                   ~~iii.       development with densities greater than one unit per acre (1du/ac) in a~~  
34                   ~~development with an overall size less than or equal to 100 acres – open~~  
35                   ~~space shall be 70% or greater;~~  
36                   ~~iv.       development with densities greater than one unit per acre (1du/ac) in a~~  
37                   ~~development with an overall size greater than 100 acres – open space shall~~  
38                   ~~be 80% or greater.~~

39                   **Residential land uses in Growth Centers.**

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

- 43                   i.           development with densities of less than or equal to one unit per acre (1du/ac)  
44                   in a development with an overall size of less than or equal to 100 acres –  
45                   open space shall be 40% or greater;  
46                   ii.          development with densities of less than or equal to one unit per acre (1du/ac)  
47                   in a development with an overall size greater than 100 acres – open space  
48                   shall be 50% or greater;

- iii. 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;
- iv. 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)

**Residential land uses in the Urban Service Area and Northwest Growth Center (Not in a Rural Settlement).**

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

- i. development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- ii. development with an overall size greater than 100 acres – open space shall be 50% or greater.

**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)

**Non-residential land uses in the Rural Service Area.**

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area 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)

**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

1 a minimum of 25% permanently protected open space. (Added 6/10, Ord. 10-07;  
2 Amended 10/10, Ord. 2010-13)

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

160 \* \* \*

161 ***Section 4. Effective Dates for Ordinance and Amendment.***

162 (a) This ordinance shall become effective as provided by general law.

163 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment  
164 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County  
165 that the plan amendment package is complete. However, if an amendment is timely challenged,  
5 the amendment shall not become effective until the DEO or the Administration Commission issues  
167 a final order determining the challenged amendment to be in compliance.

168 (c) No development orders, development permits, or land uses dependent on this  
169 amendment may be issued or commence before the amendment has become effective.



170

171 ADOPTED THIS 12th DAY OF OCTOBER, 2021.

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**ORANGE COUNTY, FLORIDA**

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By: Board of County Commissioners

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By: \_\_\_\_\_

179

Jerry L. Demings

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Orange County Mayor

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182 ATTEST: Phil Diamond, CPA, County Comptroller

183 As Clerk to the Board of County Commissioners

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185

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187

By: \_\_\_\_\_

188

Deputy Clerk