



ORANGE COUNTY

PLANNING DIVISION

2022-1 REGULAR CYCLE AMENDMENT 2022-1-B-FLUE-3

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**MAY 10, 2022
ADOPTION PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

May 10, 2022

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: 2022-1 Regular Cycle Comprehensive Plan Amendment
2022-1-B-FLUE-3 (Lake Avalon Rural Settlement)
Board of County Commissioners (BCC) Adoption Public Hearing

The 2022-1-B-FLUE-3 Regular Cycle Staff-Initiated Text Amendment is scheduled for a BCC adoption public hearing on May 10, 2022. This amendment was heard by the Planning and Zoning Commission/Local Planning Agency at an adoption hearing on April 21, 2022. The staff report, including back-up materials, has been provided under separate cover. The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage:

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

The 2022-1 Regular Cycle-State-Expedited Staff-Initiated Text Amendment scheduled for consideration on May 10 entails a staff-initiated text amendment. This amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2022-1 Regular Cycle-State-Expedited Staff-Initiated Text Amendment was heard by the PZC/LPA at a transmittal public hearing on January 20, 2022, and by the BCC at a transmittal public hearing on February 8, 2022. This amendment was reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On March 25, 2022, 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 considered for adoption 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. Therefore, this amendment is expected to become effective in June 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 Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

2022 FIRST REGULAR CYCLE AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION PUBLIC HEARING

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Staff-Initiated Text Amendment 2022-1-B-FLUE-3 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 April 21, 2022, and is scheduled before the BCC on May 10, 2022.

The 2022-1 Regular Cycle Staff-Initiated Text Amendment scheduled for BCC consideration on May 10 was heard by the PZC/LPA at a transmittal public hearing on January 20, 2022, and by the BCC at a transmittal public hearing on February 8, 2022.

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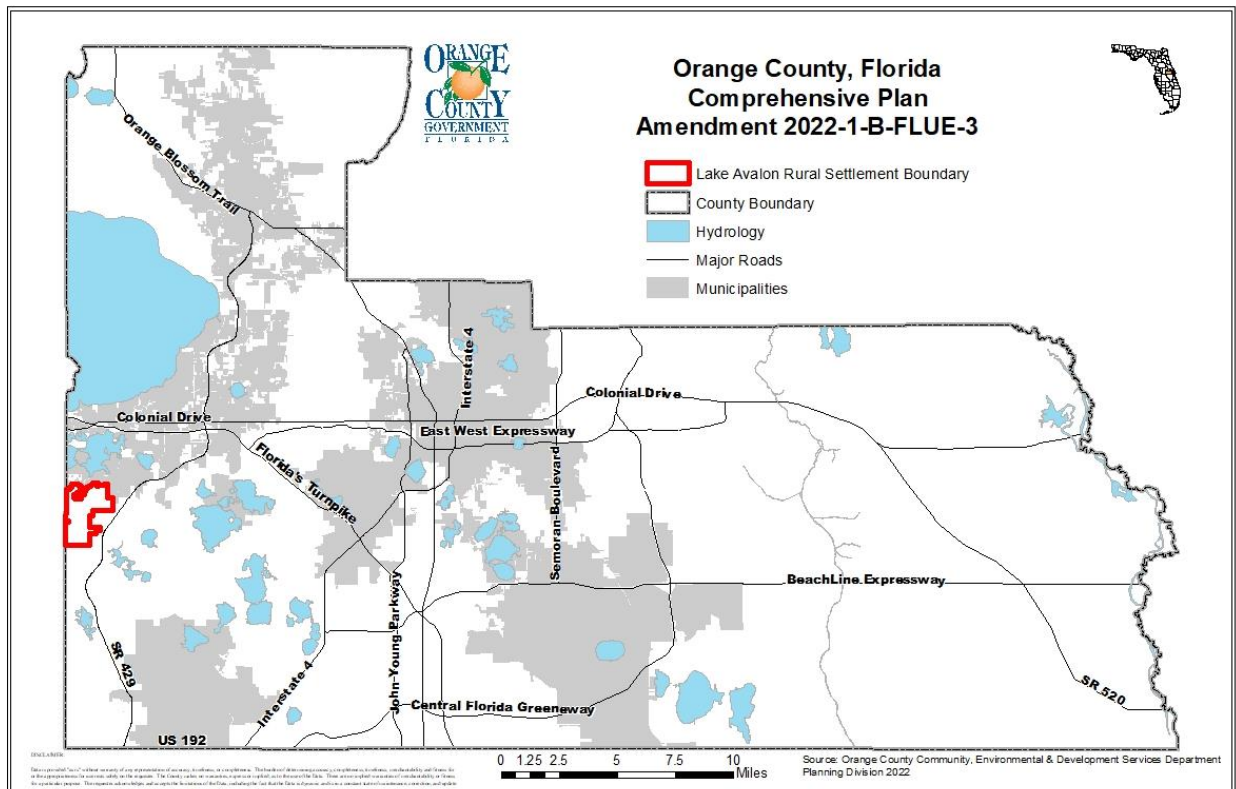
2022-1 Regular Cycle Comprehensive Plan Amendment

Staff-Initiated Comprehensive Text Amendment

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2022-1-B-FLUE-3 (Lake Avalon Rural Settlement)	Planning Division	Text amendment to Future Land Use Element to allow for properties within the Lake Avalon Rural Settlement with a Future Land Use designation of Rural Settlement 1/5 (RS 1/5) and with acreages between nine (9) and fifteen (15) acres to split into up to three lots whereas each lot is not less than four and one-half (4½) acres.	Jason Sorensen	Adopt	Adopt (7-0)

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; RS-Rural Settlement; RS 1/5-Rural Settlement 1/5; RS 1/2-Rural Settlement 1/2; RS 1/1-Rural Settlement 1/1



The following meetings/hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title: Amendment 2022-1-B-FLUE-3	
✓	Staff Report	Recommend Transmittal	Division: Planning	
✓	LPA Transmittal January 20, 2022	Recommend Transmittal (8-0)	Request: Text amendment to Future Land Use Element Policy FLU6.3.5.1 to allow for properties within the Lake Avalon Rural Settlement with a Future Land Use designation of Rural Settlement 1/5 (RS 1/5) and with acreages between nine (9) and fifteen (15) acres to split into up to three lots whereas each lot is not less than four and one-half (4 ½) acres.	
✓	BCC Transmittal February 8, 2022	Transmit (7-0)		
✓	Agency Comments	March 25, 2022		
✓	LPA Adoption April 21, 2022	Recommend Adoption (7-0)		
	BCC Adoption	May 10, 2022	New: Policy FLU6.3.5.1	

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and **ADOPT** Amendment 2022-1-B-FLUE-3, adding Future Land Use Element Policy FLU6.3.5.1.

A. Background

The area now known as the Lake Avalon Rural Settlement was once a sprawling citrus grove, first established in the 1920's, with a land purchase program established for and by citrus growers. Through this program, individuals could purchase "five (5)" acre lots for citrus growth. In the 1960's, land was subdivided and platted into rural residential tracts. In 1990, the Lake Avalon Community was considered for Rural Settlement Designation as one of the Rural Settlements in Orange County; however, it was not designated at the time.

The adoption of the Horizon West Sector Plan, which provides for the creation of mixed-use, urban villages in the vicinity of the Lake Avalon Rural Settlement, prompted residents to request that the County re-examine designation of the Lake Avalon area as a Rural Settlement. In 2003, a small-area study was completed, and in 2004, the Board of County Commissioners approved the Lake Avalon Rural Settlement.

The Lake Avalon Rural Settlement was given the Future Land Use designations of Rural Settlement 1/5, Rural Settlement 1/2, and Rural Settlement 1/1 where the goal for the area was to be predominantly 1/5 (1 unit per 5 acres). However, the lots were not platted as true five (5) acre parcels. Even the ten acre parcels were not truly platted as ten acres. Therein lies the issue that is addressed through the proposed text amendment.

The proposal is to allow for properties within the Lake Avalon Rural Settlement with acreages between nine (9) and fifteen (15) net acres to split into up to three lots, whereas each lot is not less than 4.5 acres. This language will allow a "ten" acre parcel that is actually only 9.8 acres, for example, to split into two lots and still meet the RS 1/5 intent.

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.

Currently, a lot in the Lake Avalon Rural Settlement can split a lot into multiple lots (up to three lots) as long as each lot is no less than five (5) acres.

Community Meeting

Two community meetings were held for this proposal. The first was a virtual community meeting held on October 7, 2021 which was attended by seven (7) residents, and the second was an in-person meeting held on October 14, 2021 which was attended by fifteen (15) residents. Staff started the discussion by proposing that lots with acreage between 9 to 9.99 acres could split into two properties whereas each lot would not be less than 4.5 acres, however the residents in attendance generally supported the idea of increasing the threshold to 15 acres and allow for an additional split (up to three lots).

B. Summary of Proposed Changes

Staff proposes amending the Comprehensive Plan to all properties within the Lake Avalon Rural Settlement with acreages between nine (9) and fifteen (15) net acres to split into up to three lots whereas each lot is not less than four and one-half (4½) acres.

C. Policy Amendments

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

FLU6.3.5.1 Within the Lake Avalon Rural Settlement, subject to the criteria set forth below, up to two lot splits may be allowed on certain parcels designated Rural Settlement 1/5 (RS 1/5), provided that the resulting lots shall be a minimum of four and one-half (4½) acres (notwithstanding the existing zoning district standards) and shall not result in the creation of more than three total lots from the original parent parcel. Assuming such lot(s) meet each of the following criteria, the resulting lots shall be deemed consistent with the RS 1/5 designation and the intent of this policy to maintain the rural character of the Lake Avalon Rural Settlement:

- 1) The lot(s) shall be designated RS 1/5;
- 2) The lot(s) shall be between nine (9) and fifteen (15) net acres in size;
- 3) The lot(s) shall have been platted prior to the May 18, 2004, creation of the Lake Avalon Rural Settlement; and
- 4) The lot(s) are otherwise consistent with the RS 1/5 Future Land Use designation and have met all other relevant land development code requirements.

* * *

ORDINANCE NO. 2022-_____

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 2022 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; and

c. On May 10, 2022, 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 the Future Land Use Element. The Comprehensive Plan is hereby amended by amending the text of the Future Land Use Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating

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

33 * * *

34 **[Amendment 2022-1-B-FLUE-3:]**

35 FLU6.3.5.1 Within the Lake Avalon Rural Settlement, subject to the criteria set forth
36 below, up to two lot splits may be allowed on certain parcels designated
37 Rural Settlement 1/5 (RS 1/5), provided that the resulting lots shall be a
38 minimum of four and one-half (4½) acres (notwithstanding the existing
39 zoning district standards) and shall not result in the creation of more than
40 three total lots from the original parent parcel. Assuming such lot(s) meet
41 each of the following criteria, the resulting lots shall be deemed consistent
42 with the RS 1/5 designation and the intent of this policy to maintain the rural
43 character of the Lake Avalon Rural Settlement:

- 44 1) The lot(s) shall be designated RS 1/5;
45 2) The lot(s) shall be between nine (9) and fifteen (15) net acres in size;
46 3) The lot(s) shall have been platted prior to the May 18, 2004, creation of
47 the Lake Avalon Rural Settlement; and
48 4) The lot(s) are otherwise consistent with the RS 1/5 Future Land Use
49 designation and have met all other relevant land development code
50 requirements.

51 * * *

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

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

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

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

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ADOPTED THIS 10th DAY OF MAY, 2022.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk