

1. Future Land Use

FLU6.6.8 Land uses within the Rural Service Area portion of the Wekiva Study Area shall be limited to very low and low intensity uses to the greatest extent possible. Existing land uses are recognized, but density and intensity shall not be increased through a future land use change ~~or rezoning~~ unless there is substantial evidence that the change will satisfy a demonstrated need in the community or area.

Any petitioner for a future land use map amendment ~~or rezoning~~ must submit documentation ~~that substantiates~~ that substantiates that a particular need exists in the community or area in which the change is being ~~proposed~~ petitioned. This documentation shall clearly identify the particular need and clearly describe how the proposed change is anticipated to satisfy that need.

Evidence and documentation indicating need and indicating that the proposed development would satisfy that need must be submitted from a third party objective source. In preparing such documentation, the petitioner shall keep in mind that market demand does not necessarily constitute need ~~in the community or area for rezoning~~.

The following evaluation factors shall be used to determine consistency with this policy: To ensure environmental protection, residential, non-residential and mixed-use projects shall identify demonstrate whether a site is located in an environmentally sensitive area and whether that locations in areas of lower vulnerability or areas that already allow the proposed land use are not available within a reasonable distance.

Applicants must demonstrate that the proposed land use is compatible with existing land uses and community character and is the least intensive to meet the demonstrated need. Additionally, the project will be evaluated based upon whether that community/public or economic benefits are derived from the proposed land use at that location, as well as whether that the proposed use benefits the environment provides environmental and economic benefits, that the proposed use(s) are the least intensive to meet a demonstrated need and that the proposed uses (such as projects that will be designed developed and constructed using conservation design and green principles).

In addition to the above criteria, Residential projects shall also demonstrate the need for additional residential development through using analytical tools such as population projections and availability of existing or already approved vacant lots and/or units. Additional considerations will include housing affordability to local residents consistent with the goals, objectives and policies of the Housing Element and impacts on public services and facilities.

Non-residential and mixed-use projects shall demonstrate that the proposed land use provides a need for goods and services, does will not generate hazardous materials and waste. Additionally, within the Rural Service Area factors such as support for forestry, agriculture, fishing and natural resource-based outdoor recreation industries, as well as dependence on site-specific natural resources will be evaluated for the proposed land use.

A. Evaluation factors for both residential and non-residential projects:

- ~~Whether a project site is located in an environmentally sensitive area;~~
- ~~Presence of existing compatibly zoned areas with the same or similar land use and demonstration that locations in areas of lower vulnerability or areas that already allow the proposed land use are not available within a reasonable distance;~~
- ~~Community support;~~
- ~~Compatibility with community character;~~
- ~~Special community or public benefits derived from the specific use in the proposed location;~~
- ~~Environmental benefits;~~
- ~~Economic benefits;~~
- ~~Evidence that the proposed uses are the least intensive uses that will meet a demonstrated need; and~~
- ~~Whether or not the proposed uses will be developed and constructed with conservation design techniques and green building principles.~~

~~B. Additional evaluation factors for residential projects:~~

- ~~Population growth rate;~~
- ~~Availability of vacant lots/units;~~
- ~~Housing affordable to local residents; and~~
- ~~Impact on public services and facilities.~~

~~C. Additional evaluation factors for non-residential projects:~~

- ~~Need for goods and services;~~
- ~~Projected customer base;~~
- ~~Use or generation of hazardous materials and waste;~~
- ~~Support for the forestry, agricultural, or fishing industry;~~
- ~~Support for the natural resource-based outdoor recreation industry; and~~
- ~~Dependence on site-specific natural resources.~~

~~D. Overall consistency with the Comprehensive Policy Plan~~

- FLU6.6.9 By January 1, 2007, the County shall establish land use strategies that optimize open space and promote a pattern of development that protects the most effective recharge areas, karst features, and sensitive natural habitats, including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub (Figures WSA-3 and WSA-4). Such strategies shall recognize property rights and the varying circumstances within the Wekiva Study Area, including rural and urban land use patterns. The County shall map, using best available data from the St. Johns River Water Management District, the Florida Fish and Wildlife Conservation Commission, and other sources, recharge areas and sensitive upland habitats for this purpose. The County will maintain flexibility to achieve this objective through various comprehensive plan strategies that shall include, but are not limited to:
- Coordinated greenway plans;
 - Dedication of conservation easements;
 - Land acquisition, both fee simple and less-than-fee;
 - Clustering of development;

- Density credits and density incentives that result in permanent protection of open space; and
- ~~Transfers of development rights; and~~
- Low to very low density development in the Rural Service Area.

2. Open Space

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 ~~providing assured environmental protection,~~ 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.

~~No more than 25% of the preserved open space shall be provided in linear strips.~~ 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.

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

Limited structures for common use or under common ownership may be allowed within the open space preserve areas. Homeowners’ personal property and

residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such. (Added 12/07; Ord 07-20, Policy OS1.3.5)

- 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 ~~there is~~ a discrepancy exists between the City of Apopka and Orange County in terms of requirements, the most stringent shall apply. ~~The County shall apply similar standards for the preservation and protection of open space through clustering and limited intensities of development for all areas located within the Wekiva Study Area but outside of the Joint Planning Area as of July 1, 2006.~~ 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.

All areas shown as High Recharge Areas ~~on~~ 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.

During the site planning process, ~~an~~ soil analysis ~~of soils~~ 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.

To maximize open space and preserve the natural environment, all development shall conform to the following requirements.

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 new Rural Settlements and expansions. For any ~~Within all new~~ Rural Settlements ~~or 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. 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. 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. 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 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%~~60%~~ 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%~~75%~~ 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%~~80%~~ or greater.

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.

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.

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 regulations 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.

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 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 OS1.3.6-r)

3. Intergovernmental Coordination

ICE1.7.8 In an effort to protect the Wekiva Springshed, for the 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. (Open Space Element, Policy OS1.3.6)