

ORANGE COUNTY

PLANNING DIVISION

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

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**FEBRUARY 8, 2022
TRANSMITTAL PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

February 8, 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) Transmittal Public Hearing

2022-1 Regular Cycle Staff-Initiated Text Amendment 2022-1-B-FLUE-3 is scheduled for a BCC transmittal public hearing on February 8, 2022. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 20, 2022.

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

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

The above-referenced 2022-1 Regular Cycle Staff-Initiated Text Amendment scheduled for consideration on February 8 entails a staff-initiated text amendment. This amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

Following the BCC transmittal public hearing, the proposed amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in March 2022. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be adopted within 180 days of receipt of the comment letter. The adoption hearings are tentatively scheduled before the LPA on April 21, 2022, and before the BCC on May 10, 2022.

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.

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AAV/sw

Enc: 2022-1 Regular Cycle Amendment 2022-1-B-FLUE-3
BCC Transmittal Staff Report

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

2022 FIRST REGULAR CYCLE STAFF-INITIATED TEXT AMENDMENT

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

INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal staff report for the First Regular Cycle Amendment 2022-1-B-FLUE-3 to the Comprehensive Plan (CP). This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 20, 2022.

The above-referenced 2022-1 Regular Cycle Staff-Initiated Text Amendment entails a staff-initiated text amendment. Since this is the transmittal stage for this amendment, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendment and provide comments, expected in March 2022. Adoption public hearings are tentatively scheduled before the LPA on April 21, 2022 and the BCC on May 10, 2022.

Once the Regular Cycle amendment has been adopted by the BCC, it will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in 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 Gregory Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

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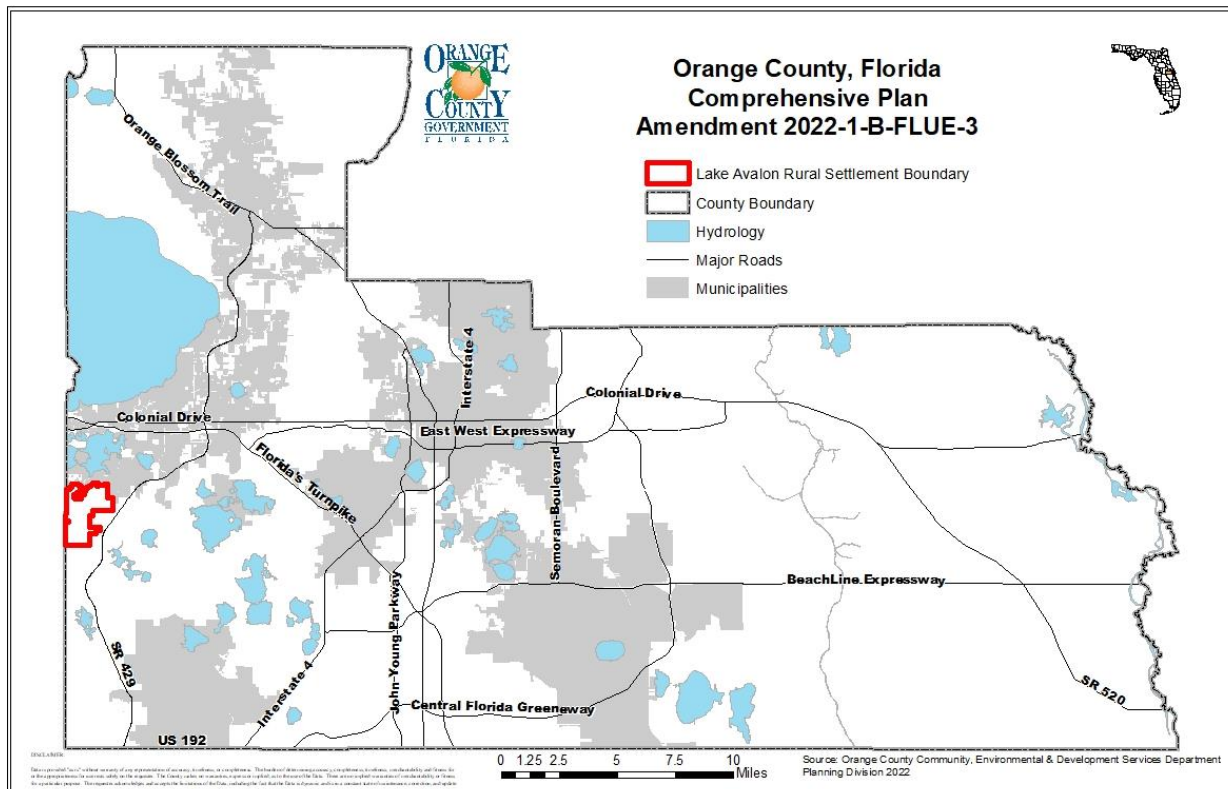
2022-1 Regular Cycle Comprehensive Plan Amendment

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	Transmit	Transmit (8-0)

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	
	Agency Comments	March, 2022	
	LPA Adoption	April 21, 2022	
	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 recommend **TRANSMITTAL** of 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 transmittal 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.

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