



# ORANGE COUNTY

PLANNING DIVISION

## 2019-2 SECOND

## REGULAR CYCLE

## OUT-OF -CYCLE

## STAFF INITIATED TEXT

## AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

### BOARD OF COUNTY COMMISSIONERS

December 17, 2019  
TRANSMITTAL PUBLIC HEARING

PREPARED BY:  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES


PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION





DATE: December 17, 2019

TO: Mayor Jerry L. Demings  
-AND-  
Board of 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: 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment  
(Administrative Clean-up to the Urban Design Element, Recreation  
Element, Open Space Element, and Conservation Element)  
Board of County Commissioners (BCC) Transmittal Public Hearing

The 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment was considered by the Local Planning Agency (LPA) at a transmittal public hearing held on November 21, 2019. This amendment has been scheduled for a transmittal public hearing before the BCC on December 17, 2019. The report is also available online in the "AMENDMENT CYCLES" section of:

[www.ocfl.net/PlanningDevelopment/ComprehensivePlanning](http://www.ocfl.net/PlanningDevelopment/ComprehensivePlanning).

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 other State agencies for review in January 2020. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be considered for adoption within 180 days of the comment letter. Adoption hearings for this amendment are tentatively scheduled before the LPA on May 21, 2020 and the BCC on June 9, 2020.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division at (407) 836-5354 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net); or Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, Planning Division, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/sgw

Enc: 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment  
(Administrative Clean-up to the Urban Design Element, Recreation Element,  
Open Space Element, and Conservation Element)

c: Christopher R. Testerman, AICP, Assistant County Administrator  
Jon V. Weiss, P.E., Director, Planning, Environmental and Development  
Services Department  
Gregory Golgowski, AICP, Chief Planner, Planning Division

# TABLE OF CONTENTS

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

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

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

Amendment			Page
1.	2019-2-C-CP-3 Staff - Comp Plan Admin Cleanup Part 3 – Urban Design Element, Conservation Element, Recreation Element, Open Space Element	Comprehensive Plan Administrative Clean-up to the Urban Design Element, Conservation Element, Recreation Element, and Open Space Element	1

# **2019 SECOND REGULAR CYCLE OUT-OF-CYCLE STAFF-INITIATED TEXT AMENDMENT**

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

### **INTRODUCTION**

This is the Board of County Commissioners (BCC) transmittal public hearing book for the proposed Out-of-Cycle Second Regular Cycle Staff-Initiated Text Amendments (2019-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). This amendment was heard by the Local Planning Agency (LPA) during a transmittal public hearing held on November 21, 2019, and will go before the Board of County Commissioners (BCC) for a transmittal public hearing on December 17, 2019.

The 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment entails one staff-initiated text amendment. Since this is the transmittal stage for the 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, which are expected in January 2020. Adoption public hearings are tentatively scheduled for the LPA on May 21, 2020 and the BCC on June 9, 2020.

Once the Out-of-Cycle Amendment is adopted by the BCC, it will become effective 31 days after DEO notifies the County that the plan amendment package is complete, provided no challenges are brought forth for the amendment. If adopted per the expected schedule, this amendment is expected to become effective in July 2020.

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 Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

2019-2-C-CP-3 Out-of-Cycle State Expedited Review Comprehensive Plan Amendment ( Urban Design Element, Recreation Element, Open Space Element, and Conservation Element Clean-up)

2019-2-C-CP-3 Out-of-Cycle Comprehensive Plan Amendment  
Staff Initiated Comprehensive Plan Text Amendment

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2019-2-C-CP-3 Comprehensive Plan Administrative Clean-up Urban Design Element, Recreation Element, Open Space Element, and Conservation Element	Planning Division	Comprehensive Plan Administrative Clean-up to the Urban Design Element, Recreation Element, Open Space Element, and Conservation Element	Misty Mills Greg Golegowski	Transmit	Transmit (9-0)

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; HDR-High Density Residential; PD-Planned Development; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural /Agricultural; RS-Rural Settlement; GC-Growth Center; V-Village; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; SR-State Road; AC-Acres

### Background Information

The Urban Design Element is considered an optional element of the comprehensive plan by the State enabling legislation.

The Urban Design Element was adopted in 1998. It is substantially derived from *Introduction to a Community Design Plan for Orange County* prepared by the Orange County Urban Design Task Force. This voluntary task force was created to make recommendations “to improve the aesthetic quality of the physical environment in Orange County.” The task force constructed the underpinnings for active public policy in urban design.

The goal of the Urban Design Element is to improve the aesthetic quality of the physical environment in Orange County and to create a stronger sense of place and community identity.

The element contains seven (7) objectives from the community building systems established in the *Introduction to a Community Design Plan for Orange County*, which were used to establish policies for achieving the goal:

- Provide a more pleasing sense of open space
- To create attractive neighborhoods that serve residents with a variety of housing types
- To create public buildings and spaces that inspire community pride
- To create streets that are more pedestrian friendly and serve as visual assets
- To allow development of distinct urban design plans
- To encourage the development of mixed-use, pedestrian friendly activity centers
- To develop the strategies for implementing a comprehensive urban design plan for the County.

### Past Evaluation and Appraisals

The 2000 Evaluation and Appraisal Report of the 1991 Comprehensive Plan did not mention the newly adopted Urban Design Element.

The 2006 Evaluation and Appraisal Report (July 11, 2006) assessed the successes and shortcoming of the Element. Included in the report were the following recommendations:

1. To revise and update the element to reflect the current planning period and recent changes in County standards and procedures.
2. To include design criteria for public and private open space that address location, size, purpose, design, and context. The element should discuss the economic activity and positive social interaction generated by appropriately designed and sited public and private open spaces, as well as the more general community benefits of improved aesthetics and a sense of a high quality of life.
3. To include requirements for site design and address a development's context with surrounding properties.
4. The County should develop a comprehensive design plan for the County that looks at design issues at varying scales, from structures to site layout to the location of development with respect to the overall urban context.

Changes were made to the element as part of the 2010 regular amendment cycle, approved October 19, 2010, by the Board of County Commissioners. The element was updated to reflect the outcomes of stakeholder, peer, and public review, such as the 2006 Evaluation and Appraisal Report, Emergency Access Standards for Development (May 2007), Infill Master Plan (April 2008), and Economic Return on New Urbanism Study (March 2008).

### Summary of Proposed Changes

Staff from the Planning Division collaborated on the review and proposed amendments to the Urban Design Element policies.

The Urban Design Element contains seven goals, twenty objectives, and one hundred ten policies, as shown in the table below. The table also shows the proposed number of changes to the element.

	Current	Proposed Retain	Proposed Revise	Proposed Delete
Goal	7	7	0	0
Objective	20	20	0	0
Policy	110	109	1	0
Total	137	136	1	0

The chart to the right illustrates the proposed outcome of the clean-up of the Urban Design Element. At this time, all policies are being kept with only typographic revisions.

The Orange County Land Development Code is currently being looked at for revisions that will address many of the aesthetic objectives of this element. It can be expected that the Urban Design Element will see revisions to those policies that are exceptionally prescriptive and might be better contained in the Code. .







**Urban Design Element -  
Goals, Objectives and Policies  
PLACEMAKING  
(Added 10/10, Ord. 2010-13)**

**GOAL UD1**      **Community Character. Enjoy a community characterized by charming, pleasant, and vibrant exterior gathering spaces and streetscape corridor settings that create inviting outdoor, human- scaled spaces, and encourage walking and social interaction.**

The goal, objective, and policies are original to the element. No changes are proposed.

**OBJ UD1.1**      **Ensure that new land developments assume a built form and character that reflects the most flattering qualities of the Central Florida area and its citizens.**

**POLICIES**

UD1.1.1      Explore options that guide and encourage the building forms, scale, massing, high-quality finish materials and surfaces, patterns, and details, to create outdoor spaces and sidewalk corridors that possess appreciable and lasting character and pride.

UD1.1.2      Explore options to guide and encourage sidewalk pedestrian traffic and shopping opportunities to maximize pedestrian-level interest.

UD1.1.3      Explore options to guide and encourage the inclusion of trees, shrubs and ground cover plant materials that mitigate severe weather, and emphasize the Florida vernacular.

UD1.1.4      Encourage project design that incorporates aesthetically-integrated storm water capture and management solutions.

UD1.1.5      Guide and encourage project exterior lighting that maximizes project safety, while avoiding nuisance glare, embracing dark sky ~~principals principles~~, and minimizing energy demand.

UD1.1.6      Signage should be designed and architecturally incorporated into the structures and businesses they are meant to advertise. Signage should contribute to the aesthetics and character of the area while also functioning to identify the use of the site.

UD1.1.7      Encourage the use of unique lighting fixtures to create a 'sense of place' and themes that can identify corridors, districts, and communities.

**OBJ UD1.2    Wayfinding signage should complement the local character and architecture of the surrounding neighborhood, while providing safe pedestrian circulation.**

The objective and policies are original to the element. No changes are proposed.

**POLICIES**

- UD1.2.1    Wayfinding signage may use a “theme park” approach that adopts a theme for neighborhoods allowing users to quickly and easily navigate places with comfort and ease.
- UD1.2.2    Encourage wayfinding signage that is succinct and place-oriented, yet considers different cultures and abilities.
- UD1.2.3    The County should update and expand its system of gateway signs for established neighborhoods and activity centers.
- UD1.2.4    Seek to optimize the use of pedestrian signage for crossings by making them highly visible to drivers at all times of the day, thus providing a sense of safety for users.
- UD1.2.5    The use of signage, contrasting materials, and elevated crosswalks should be encouraged where appropriate to ensure pedestrian safety.
- UD1.2.6    Encourage entrances at primary pedestrian access points, where public walkways are comfortable and are perceived safe for pedestrians.

**OBJ UD1.3 Encourage the efficient use of land by integrating uses and creating interconnected and diverse spaces that feature a horizontal and vertical mix of higher residential densities, and smaller scale residential and non-residential uses.**

The objective and policies are original to the element. No changes are proposed.

**POLICIES**

UD1.3.1 Development should incorporate the highest densities practical at the "Village Center" along with a vertical and horizontal mix of small-scale uses typically featuring residential or office uses functioning immediately over sidewalk retail uses.

UD1.3.2 The shops and business along neighborhood nodes and gathering spaces should be dominated by inviting transparent surfaces featuring shops and businesses with small scale forms and reduced building footprints.

**OBJ UD1.4 Within the "pedestrian shed" distance of existing or planned transit stations, projects shall be encouraged to incorporate **Transit Oriented Development (TOD)** design solutions including vertically mixed uses, and higher residential densities and commercial intensities.**

The objective and policies are original to the element. No changes are proposed.

**POLICIES**

UD1.4.1 Building frontages should have direct access to public walkways and inviting transit stop waiting areas.

UD1.4.2 In an effort to prioritize pedestrian movement, where feasible, narrow streets and wide sidewalks shall be constructed.

UD1.4.3 Traffic-calming measures such as speed bumps, roundabouts, raised crosswalks, reduced pavement widths and continuous walking and bicycling routes shall be encouraged around **Transit Oriented Developments (TODs)**.

UD1.4.4 Seek to reduce parking requirements for development within established distances of Transit Oriented Developments (TODs).

**OBJ UD1.5**     **Seek innovative means for addressing surface parking facilities’ design to minimize their horizontal footprint and visual impact on adjacent public rights-of-way. Also, encourage their location to be distant from neighborhood streets.**

The objective and policies are original to the element.

**POLICIES**

- UD1.5.1     Research incentives and disincentives for reducing parking demand and supply to determine best practices for Orange County.
- UD1.5.2     Encourage alternative transportation facilities while supporting owners and tenants to incorporate parking stall pricing disincentives.
- UD1.5.3     Encourage owners, tenants and employers to foster alternative transportation choices by developing and implementing incentives ~~such as on-site shower and locker facilities, and covered parking stalls dedicated to compact cars, car pooling and hybrids.~~
- UD1.5.4     Research incentives and methods to encourage new projects to provide overhead shade structures or shade trees and landscaping that effectively shield parking surfaces, provide drivers with shelter, and avoid solar heat-island ~~affects effects.~~
- UD1.5.5     Explore incentives and methods for encouraging new projects to incorporate and maintain Low Impact Development (LID) techniques, including porous asphalt, pervious concrete, grass pavers, or other permeable paving materials. Such LID solutions shall be designed to maximize the capture, management, and treatment of parking lot stormwater runoff, and to best maintain and enhance the pre-development hydrologic regime of urban and developing watersheds.
- UD1.5.6     Encourage new projects to provide bicycle parking that is visible from the street, at convenient and sheltered locations near building entrances (or within buildings). Such bike parking facilities shall be located to minimize conflict with pedestrian or vehicular movement.
- UD1.5.7     Pedestrian-oriented environments shall be created and protected by properly locating parking entrances to minimize visual impacts and pedestrian discomfort. This may include placing parking facilities to the rear of structures.
- UD1.5.8     New projects will be encouraged to incorporate an internal landscaped alley system to separate vehicular and pedestrian facilities, where feasible.

Staff recommends omitting the listed incentives as to encourage creative solutions.

UD1.5.9 The use of on-street parking shall be encouraged to help create a pedestrian friendly sidewalk corridor and provide a barrier between pedestrians and vehicular travel and ultimately reduce driving speeds.

UD1.5.10 The County should encourage and facilitate new stormwater management systems that are designed, constructed, and maintained with a focus on safety and aesthetics. Such systems should feature greater efficiency, and give importance to the aesthetic characteristics of all system components that might be visible to the public including structures, fencing, slopes, landscape design, and plant materials, location within the project, and the potential for passive park uses.

**OBJ UD1.6** **Projects within shopping, Transit Oriented Development (TOD) or activity centers, should be, to the greatest extent possible, physically integrated into the surrounding neighborhood and adjacent street and sidewalk corridors.**

The objective and policies are original to the element. No changes are proposed.

**POLICIES**

- UD1.6.1 The project’s periphery buildings, ancillary structures, and circulation systems shall acknowledge and engage the adjacent neighborhood, and blur the project’s edges.
- UD1.6.2 Early site planning shall encourage walking between the project’s interior components, and facilitate pedestrian and bicycle trips from surrounding off-site locations.
- UD1.6.3 Sheltered and shaded outdoor pedestrian grid corridors, with convenient access between individual buildings, outdoor spaces, and parking facilities, shall be considered a goal of early project site planning.
- UD1.6.4 To encourage residents to move around by means other than automobiles, developments will be encouraged to include a modified grid design with sidewalks that is mixed with linear parks and parkways, when feasible. The County may adopt requirements setting minimum levels of interconnectivity and may adopt requirements for road stub-outs for connections to future development.
- UD1.6.5 Encourage developments to establish multiple access points to surrounding neighborhoods to reduce overloading adjacent collector and arterial streets. This would instead help to spread trips out to a greater number of local streets.
- UD1.6.6 Orange County shall explore the most feasible block lengths needed to encourage pedestrian traffic within and surrounding designated village shopping centers, Transit Oriented Developments (TODs), and activity center nodes.
- UD1.6.7 Bike paths shall be separated from vehicular roadways, whenever possible.
- UD1.6.8 Standard transit collection areas shall be located to provide convenient access to employment centers.

**GOAL UD2 Individual project components should be configured, organized and manipulated with the objective of achieving human scale and proportional relationship(s) within building façades, between buildings, within adjacent exterior corridors, and within the resulting “outdoor rooms.”**

The goal, objective and policies are original to the element. No changes are proposed.

**OBJ UD2.1 Orange County should identify specific mixed use activity center locations where a hierarchy of increased building heights and increased floor area ratios are appropriate in order to create vibrant active communities.**

**POLICIES**

UD2.1.1 Building heights shall be compatible with surrounding existing buildings and on-going successive efforts to define street edges.

UD2.1.2 Buildings along the edges of neighborhoods should use building height transition techniques.

**OBJ UD2.2 When appropriate, the vertical and horizontal mass and bulk of individual buildings shall be reduced by visually subdividing the buildings into a series of smaller components, including the expression of building “base,” “middle,” and “top.”**

**POLICIES**

UD2.2.1 The horizontal bulk of buildings shall be mitigated through adoption of land development regulations that encourage the use of liner buildings for smaller scale businesses; external expression of interior spaces and uses; multiple off-set planes and roof surfaces; peaked, jogged, or otherwise dynamic rooflines; prominent, and projected and recessed entrances; substantial overhangs and awning systems; and alternating material surfaces.

UD2.2.2 Building form should be compatible with surrounding buildings in size, shape, and scale and may be regulated by form-based land development codes.

**OBJ UD2.3    Ensure that the materials and finishes on new and renovated buildings deliver a compatible visual character that communicates a sense of permanence.**

The objective and policies are original to the element. No changes are proposed.

**POLICIES**

UD2.3.1    Building entrances should be visually prominent, oriented toward the street, and feature overhead sun and weather protection for the approaching visitor.

UD2.3.2    When appropriate, a variety of exterior building finish materials, including spandrel glass, graphics, canopies, awnings, lighting, and/or landscaping, should be used to introduce visual interest on inappropriately elongated and featureless building façades.

UD2.3.3    The County should develop minimum window glazing and transparency requirements along retail and activity center sidewalks.

UD2.3.4    The County should explore the use of standards that address appropriate spacing and rhythm for windows, doors, and other elements along activity center sidewalks.



## SMART GROWTH

**GOAL UD3**     **Orange County will encourage infill and redevelopment strategies for adaptive reuse and rehabilitation of existing structures to maximize infrastructure investments.**

**OBJ UD3.1**    **Infill and redevelopment projects should take into consideration the pre-existing residential “fabric” of the immediate and surrounding neighborhoods and ensure that such projects are compatible with their surrounding uses.**

The goal, objective, and policies are original to the element. No changes are proposed.

## POLICIES

- UD3.1.1     Develop infill guidelines within the land development code to address compatibility of forms, character, and circulation.
- UD3.1.2     When appropriate, a mixture of uses shall be encouraged within abandoned stores and properties that allow for neighborhood convenience and the encouragement of multi-purpose trips.
- UD3.1.3     Encourage the integration of vertically mixed uses, and varying housing styles, sizes, and types.
- UD3.1.4     Encourage adaptive reuse of vacant stores and homogenous sites by considering a concurrent mixture of land uses involving retail, office, and residential.
- UD3.1.5     Early in project programming and County permitting, considerations should be given to reusing project sites and structures and eventual reconfiguration of large interior spaces into multiple smaller leasable spaces.
- UD3.1.6     The County should encourage shared parking by providing incentives such as reduced parking requirements.
- UD3.1.7     Early in design and permitting of large retail sites and buildings, exterior design consideration should be given to the future conversion of large single user façades into multiple and diverse smaller shop fronts, including multiple entrances, along with landscaping schemes that contemplate multiple entrance designs.

**GOAL UD4**     **The County shall encourage and facilitate desirable neighborhood and individual project forms. New and redeveloped neighborhood projects should emphasize compact mixed uses, and give strong consideration to long-term character and sustainability. They should also emphasize choices in transportation modes, housing types and sizes, while preserving natural features.**

The goal, objective, and policies are original to the element. No changes are proposed.

**OBJ UD4.1**     **The County shall explore the feasibility of amending the land development regulations to include and emphasize strategies that support compact, mixed uses.**

**POLICIES**

UD4.1.1     The County should develop a land development code that encourages and facilitates compact development.

UD4.1.2     The County should consider changing its requirements for buffer, wall and separation distances, thus encouraging connectivity, pedestrian activity, an increase in visual surveillance, and alternative vehicular access.

**OBJ UD4.2 The County will develop and maintain design standards for mixed use developments within established pedestrian activity centers.**

The objective and policies are original to the element. No changes are proposed.

**POLICIES**

- UD4.2.1 Orange County shall encourage a vertical mix of land uses to provide opportunities for live/work structures and a commercial base for supporting public transportation.
- UD4.2.2 Development shall coordinate land use and transportation systems as a strategy for implementing the County's development framework.
- UD4.2.3 Continue to encourage design and construction of stormwater plans that avoid multiple smaller ponds, and instead use fewer larger ponds that are integrated throughout the project.
- UD4.2.4 Development shall be encouraged to invest in complete street pattern of design and should incorporate design patterns and innovative strategies and guidelines to allow the vertical mixing of uses and the ease of movement for all modes of transportation, including bike, transit, and pedestrian.
- UD4.2.5 To encourage increased pedestrian activity at street-level, streets shall be designed with a hierarchy in mind, with the built form adjacent to the street.
- UD4.2.6 Public open spaces shall be placed at strategic locations in order to slow traffic and provide community gathering locations.

**OBJ UD4.3 The County shall encourage a variety of housing products that incorporate detailed façades and provide a variety of amenities that support an active community.**

The objective and policies are original to the element. No changes are proposed.

**POLICIES**

- UD4.3.1 Provide an inventory of residential lands consistent with statewide planning goals to accommodate anticipated housing needs to offer a variety of housing choices that will meet the needs of existing and future residents.
- UD4.3.2 A variety of residential development will be provided by permitting the development of housing types within the Orange County Urban Service Area that include accessory dwellings on single-family lots, elderly housing, residential care homes and facilities, as well as traditional single-family detached homes and multi-family developments.
- UD4.3.3 Encourage flexible site design to accommodate a variety of housing options.
- UD4.3.4 The County should, when appropriate, encourage and facilitate integration of residential development within mixed land use office and retail settings.
- UD4.3.5 Apply clear and objective design and development standards for housing, while allowing flexibility through review processes.
- UD4.3.6 The County shall encourage the preservation and incorporation of natural features, including but not limited to open space and trees, in new residential developments.
- UD4.3.7 The County shall encourage a compatible mix of housing types and services in residential areas.
- UD4.3.8 The County shall consider a range of tools to meet the housing needs of present and future residents, including multiple residential zones, mixed-use zones, sufficient land to meet identified housing needs, appropriate minimum lot sizes, and accessory dwelling units.
- UD4.3.9 The County shall implement strategies to meet planned residential densities, while maintaining the community's unique character by encouraging design that fits with existing neighborhoods.

**GOAL UD5** Provide safe, accessible, convenient, and efficient multimodal transportation systems that enhance the County's desired compact urban form.

The goal, objective and policies are original to the element. No changes are proposed.

**OBJ UD5.1** Connectivity of road, trail, and transit systems should be encouraged by providing facilities for users to support multiple modes.

**POLICIES**

UD5.1.1 Public thoroughfares should provide multi-modal opportunities for pedestrians by including sidewalks, bike lanes, and transit stops.

UD5.1.2 Dedicated bike lanes for bicycle commuters and recreational bicyclists should be programmed and included in the design of roads with higher speed limits.

UD5.1.3 Roads without marked bike lanes should use signage to inform drivers about bike sharing to improve road safety.

UD5.1.4 Transit stops throughout pedestrian thoroughfares should be highly visible and provide a safe and comfortable space for pedestrians during day and evening hours.

UD5.1.5 Transit stops shall include comfortable seating, lighting, and shelter to service current riders and attract new users to the transit system.

UD5.1.6 Themes or branding of transit stops should be encouraged and used as a tool for placemaking throughout the community by using unique materials for seating, lighting, and shelter structures that can be identified by both current and prospective users.

**OBJ UD5.2    The County should ensure that parks, open space, and recreation facilities are efficiently and adequately provided, the design for which shall be integrated into the overall community fabric and effectively maintained for access by all the residents of Orange County.**

The objective and policies are original to the element. No changes are proposed.

**POLICIES**

- UD5.2.1    Children’s play environments should be separated from streets by fences, barrier plantings, or other recreation facilities but should allow clear views into and out of the area.
- UD5.2.2    In existing residential communities, opportunities to provide passive and/or active recreational amenities should be encouraged.
- UD5.2.3    As residential / mixed-use communities are developed, substantial open spaces should be preserved through the use of planned developments and/or the subdivision regulations.
- UD5.2.4    The County should encourage the inclusion of easements for public access, habitat, and recreational use as part of any redevelopment effort.
- UD5.2.5    Lake edges and conservation areas should be treated as recreational features and shared amenities and should be accessible, visually and or physically.

**GOAL UD6** It is Orange County’s goal to protect public safety, and enhance the perception of safety, and to encourage development that considers **Crime Prevention Through Environmental Design (CPTED)** principles, which must be balanced against other County design objectives.

The goal, objective, and policies are original to the element. No changes are proposed.

**OBJ UD6.1** Orange County will encourage developments that foster distinct, attractive and safe places to live.

**POLICIES**

- UD6.1.1 Promote safety through design by employing principles of **Crime Prevention through Environmental Design (CPTED)** in the site plan and appearance review process.
- UD6.1.2 The scale, placement, and design of lighting systems should facilitate safety while minimizing light impacts on the surrounding neighborhood and night sky.
- UD6.1.3 Designs of the built environment shall be developed to reduce the perception of risk by creating clearly delineated public and private routes of travel.
- UD6.1.4 Encourage the development of housing that includes public, public/private and private spaces that would emphasize **Crime Prevention through Environmental Design (CPTED)** transitions.
- UD6.1.5 Locate development to overlook open space and/or adjacent development.
- UD6.1.6 Create building frontages that include a sense of activity.
- UD6.1.7 Maximize the visibility of high-risk areas by providing lighting, windows, building placement, and other means.
- UD6.1.8 Design site layout so that pedestrian corridors and destination points are easily identified and have generous sightlines.
- UD6.1.9 Avoid strict separation of compatible land uses that may result in the isolation of some buildings or spaces.
- UD6.1.10 Locate activity generators or seating around active edges or fringes of a space to create casual surveillance of a space within.

UD6.1.11 Encourage pedestrian activity in areas, at grade level, to promote casual surveillance.

UD6.1.12 By reducing opportunities for entrapment, concealment, and vandalism, the following exterior design and building treatment principles should be considered in design development:

- a. Ensure that entrances to buildings are oriented to face open or "active" spaces.
- b. Minimize blank walls overlooking parks, parking lots, and other common space areas and public rights-of-ways.
- c. Design entrances and other features to limit opportunities for concealment.
- d. Clearly distinguish areas near entrances that lead from public walkways.
- e. Maximize the variety of building design and landscaping to create interesting built environments.
- f. Provide clear sight lines from within the building at the entry point so that occupants can see out into a space before exiting.
- g. Provide opportunities for users of the building to see inside the foyer/reception before they enter.
- h. Ensure that landscaping design will not provide concealment or entrapment areas.

UD6.1.13 Non-motorized transportation corridors that are adjacent to walled communities should have increased visual access from surrounding development.



## **SUSTAINABILITY**

**GOAL UD7**     **Orange County should encourage the use of sustainable development and construction practices that conserve natural resources and the management of greenhouse gas emissions and stormwater placement.**

**OBJ UD7.1**    **The County should seek opportunities to encourage new, infill, and redevelopment projects that are designed, constructed, and maintained to minimize water consumption, energy use, greenhouse gas emissions, and impacts on natural water, wildlife habitat, and vegetative resources.**

### **POLICIES**

UD7.1.1        The County shall seek opportunities to encourage Low Impact Development (LID) techniques to maintain and enhance the pre-development hydrologic regime of urbanized and developing watersheds.

UD7.1.2        The County shall continue to implement conservation policies and programs that encourage environmental resource protection and renewable energy initiatives.

UD7.1.3        The County should, when appropriate, guide new development toward existing and planned urban infill and redevelopment areas.

UD7.1.4        The County should explore the feasibility of establishing incentive programs that encourage owners, developers, and design professionals to design and develop energy-efficient infill and redevelopment projects.

UD7.1.5        The County should continue to develop landscape water conservation education, outreach, pricing, and regulatory programs aimed at reducing potable water consumption.

UD7.1.6        The County should strive to maintain the natural character of neighborhoods by identifying and preserving historic trees and plant communities.

The goal, objective, and policies are original to the element. No changes are proposed.

- UD7.1.7 The County should explore means to minimize energy demands related to heating and cooling of buildings, by encouraging the optimal solar orientation of buildings and lots.
- UD7.1.8 The County should encourage and support revisions of the building/energy code to require more energy-efficient developments.
- UD7.1.9 The County should continue its efforts to incentivize private sector green building and green development.

**OBJ UD7.2 Promote and facilitate energy-efficient land use patterns, which minimize greenhouse gas emissions and related demands on existing and future electric power generation and transmission systems.**

The objectives and policies are original to the element. No changes are proposed.

**POLICIES**

UD7.2.1 The County should research the feasibility of using urban design and form standards that incorporate green infrastructure facilities, which organically suppress greenhouse gas emissions and reduce heat island effects.

UD7.2.2 The County should educate homeowner, condominium, and other community and neighborhood associations about car and bike sharing programs.

**OBJ UD7.3 Promote and facilitate innovative, visually appealing, and sustainable stormwater management design solutions.**

**POLICIES**

UD7.3.1 The County should consider alternative regulations to encourage and facilitate the integration of stormwater management systems into the fabric and open space amenities of new development.

UD7.3.2 The County should encourage the use of stormwater for irrigation, where feasible.

**OBJ UD7.4 Exterior lighting systems should be designed, installed, timed, field-adjusted and maintained in order to provide safe, convenient, and efficient settings for customers, pedestrians and vehicles.**

**POLICIES**

UD7.4.1 Maintain, and update as needed, a lighting ordinance that adheres to dark sky principles.



## **Urban Design Element - Goals, Objectives and Policies**

### **PLACEMAKING**

**(Added 10/10, Ord. 2010-13)**

**GOAL UD1**      **Community Character. Enjoy a community characterized by charming, pleasant, and vibrant exterior gathering spaces and streetscape corridor settings that create inviting outdoor, human- scaled spaces, and encourage walking and social interaction.**

**OBJ UD1.1**     **Ensure that new land developments assume a built form and character that reflects the most flattering qualities of the Central Florida area and its citizens.**

### **POLICIES**

UD1.1.1        Explore options that guide and encourage the building forms, scale, massing, high-quality finish materials and surfaces, patterns, and details, to create outdoor spaces and sidewalk corridors that possess appreciable and lasting character and pride.

UD1.1.2        Explore options to guide and encourage sidewalk pedestrian traffic and shopping opportunities to maximize pedestrian-level interest.

UD1.1.3        Explore options to guide and encourage the inclusion of trees, shrubs and ground cover plant materials that mitigate severe weather, and emphasize the Florida vernacular.

UD1.1.4        Encourage project design that incorporates aesthetically-integrated storm water capture and management solutions.

UD1.1.5        Guide and encourage project exterior lighting that maximizes project safety, while avoiding nuisance glare, embracing dark sky principles, and minimizing energy demand.

UD1.1.6        Signage should be designed and architecturally incorporated into the structures and businesses they are meant to advertise. Signage should contribute to the aesthetics and character of the area while also functioning to identify the use of the site.

UD1.1.7        Encourage the use of unique lighting fixtures to create a 'sense of place' and themes that can identify corridors, districts, and communities.

**OBJ UD1.2 Wayfinding signage should complement the local character and architecture of the surrounding neighborhood, while providing safe pedestrian circulation.**

**POLICIES**

- UD1.2.1 Wayfinding signage may use a “theme park” approach that adopts a theme for neighborhoods allowing users to quickly and easily navigate places with comfort and ease.
- UD1.2.2 Encourage wayfinding signage that is succinct and place-oriented, yet considers different cultures and abilities.
- UD1.2.3 The County should update and expand its system of gateway signs for established neighborhoods and activity centers.
- UD1.2.4 Seek to optimize the use of pedestrian signage for crossings by making them highly visible to drivers at all times of the day, thus providing a sense of safety for users.
- UD1.2.5 The use of signage, contrasting materials, and elevated crosswalks should be encouraged where appropriate to ensure pedestrian safety.
- UD1.2.6 Encourage entrances at primary pedestrian access points, where public walkways are comfortable and are perceived safe for pedestrians.

**OBJ UD1.3 Encourage the efficient use of land by integrating uses and creating interconnected and diverse spaces that feature a horizontal and vertical mix of higher residential densities, and smaller scale residential and non-residential uses.**

**POLICIES**

- UD1.3.1 Development should incorporate the highest densities practical at the “Village Center” along with a vertical and horizontal mix of small-scale uses typically featuring residential or office uses functioning immediately over sidewalk retail uses.
- UD1.3.2 The shops and business along neighborhood nodes and gathering spaces should be dominated by inviting transparent surfaces featuring shops and businesses with small scale forms and reduced building footprints.

**OBJ UD1.4 Within the “pedestrian shed” distance of existing or planned transit stations, projects shall be encouraged to incorporate Transit Oriented Development (TOD) design solutions including vertically mixed uses, and higher residential densities and commercial intensities.**

**POLICIES**

- UD1.4.1 Building frontages should have direct access to public walkways and inviting transit stop waiting areas.
- UD1.4.2 In an effort to prioritize pedestrian movement, where feasible, narrow streets and wide sidewalks shall be constructed.
- UD1.4.3 Traffic-calming measures such as speed bumps, roundabouts, raised crosswalks, reduced pavement widths and continuous walking and bicycling routes shall be encouraged around Transit Oriented Developments (TODs).
- UD1.4.4 Seek to reduce parking requirements for development within established distances of Transit Oriented Developments (TODs).

**OBJ UD1.5     Seek innovative means for addressing surface parking facilities’ design to minimize their horizontal footprint and visual impact on adjacent public rights-of-way. Also, encourage their location to be distant from neighborhood streets.**

**POLICIES**

- UD1.5.1     Research incentives and disincentives for reducing parking demand and supply to determine best practices for Orange County.
- UD1.5.2     Encourage alternative transportation facilities while supporting owners and tenants to incorporate parking stall pricing disincentives.
- UD1.5.3     Encourage owners, tenants and employers to foster alternative transportation choices by developing and implementing incentives.
- UD1.5.4     Research incentives and methods to encourage new projects to provide overhead shade structures or shade trees and landscaping that effectively shield parking surfaces, provide drivers with shelter, and avoid solar heat-island effects.
- UD1.5.5     Explore incentives and methods for encouraging new projects to incorporate and maintain Low Impact Development (LID) techniques, including porous asphalt, pervious concrete, grass pavers, or other permeable paving materials. Such LID solutions shall be designed to maximize the capture, management, and treatment of parking lot stormwater runoff, and to best maintain and enhance the pre-development hydrologic regime of urban and developing watersheds.
- UD1.5.6     Encourage new projects to provide bicycle parking that is visible from the street, at convenient and sheltered locations near building entrances (or within buildings). Such bike parking facilities shall be located to minimize conflict with pedestrian or vehicular movement.
- UD1.5.7     Pedestrian-oriented environments shall be created and protected by properly locating parking entrances to minimize visual impacts and pedestrian discomfort. This may include placing parking facilities to the rear of structures.
- UD1.5.8     New projects will be encouraged to incorporate an internal landscaped alley system to separate vehicular and pedestrian facilities, where feasible.
- UD1.5.9     The use of on-street parking shall be encouraged to help create a pedestrian friendly sidewalk corridor and provide a barrier between pedestrians and vehicular travel and ultimately reduce driving speeds.
- UD1.5.10    The County should encourage and facilitate new stormwater management systems that are designed, constructed, and maintained with a focus on safety and aesthetics. Such systems should feature greater efficiency, and give importance to the aesthetic characteristics of all system components that might be visible to the public including structures, fencing, slopes, landscape design, and plant materials, location within the project, and the potential for passive park uses.

**OBJ UD1.6 Projects within shopping, Transit Oriented Development (TOD) or activity centers, should be, to the greatest extent possible, physically integrated into the surrounding neighborhood and adjacent street and sidewalk corridors.**

**POLICIES**

- UD1.6.1 The project's periphery buildings, ancillary structures, and circulation systems shall acknowledge and engage the adjacent neighborhood, and blur the project's edges.
- UD1.6.2 Early site planning shall encourage walking between the project's interior components, and facilitate pedestrian and bicycle trips from surrounding off-site locations.
- UD1.6.3 Sheltered and shaded outdoor pedestrian grid corridors, with convenient access between individual buildings, outdoor spaces, and parking facilities, shall be considered a goal of early project site planning.
- UD1.6.4 To encourage residents to move around by means other than automobiles, developments will be encouraged to include a modified grid design with sidewalks that is mixed with linear parks and parkways, when feasible. The County may adopt requirements setting minimum levels of interconnectivity and may adopt requirements for road stub-outs for connections to future development.
- UD1.6.5 Encourage developments to establish multiple access points to surrounding neighborhoods to reduce overloading adjacent collector and arterial streets. This would instead help to spread trips out to a greater number of local streets.
- UD1.6.6 Orange County shall explore the most feasible block lengths needed to encourage pedestrian traffic within and surrounding designated village shopping centers, Transit Oriented Developments (TODs), and activity center nodes.
- UD1.6.7 Bike paths shall be separated from vehicular roadways, whenever possible.
- UD1.6.8 Standard transit collection areas shall be located to provide convenient access to employment centers.



**GOAL UD2** Individual project components should be configured, organized and manipulated with the objective of achieving human scale and proportional relationship(s) within building façades, between buildings, within adjacent exterior corridors, and within the resulting “outdoor rooms.”

**OBJ UD2.1** Orange County should identify specific mixed use activity center locations where a hierarchy of increased building heights and increased floor area ratios are appropriate in order to create vibrant active communities.

**POLICIES**

UD2.1.1 Building heights shall be compatible with surrounding existing buildings and on-going successive efforts to define street edges.

UD2.1.2 Buildings along the edges of neighborhoods should use building height transition techniques.

**OBJ UD2.2** When appropriate, the vertical and horizontal mass and bulk of individual buildings shall be reduced by visually subdividing the buildings into a series of smaller components, including the expression of building “base,” “middle,” and “top.”

**POLICIES**

UD2.2.1 The horizontal bulk of buildings shall be mitigated through adoption of land development regulations that encourage the use of liner buildings for smaller scale businesses; external expression of interior spaces and uses; multiple off-set planes and roof surfaces; peaked, jogged, or otherwise dynamic rooflines; prominent, and projected and recessed entrances; substantial overhangs and awning systems; and alternating material surfaces.

UD2.2.2 Building form should be compatible with surrounding buildings in size, shape, and scale and may be regulated by form-based land development codes.

**OBJ UD2.3** Ensure that the materials and finishes on new and renovated buildings deliver a compatible visual character that communicates a sense of permanence.

**POLICIES**

UD2.3.1 Building entrances should be visually prominent, oriented toward the street, and feature overhead sun and weather protection for the approaching visitor.

UD2.3.2 When appropriate, a variety of exterior building finish materials, including spandrel glass, graphics, canopies, awnings, lighting, and/or landscaping, should be used to introduce visual interest on inappropriately elongated and featureless building façades.

UD2.3.3 The County should develop minimum window glazing and transparency requirements along retail and activity center sidewalks.

UD2.3.4 The County should explore the use of standards that address appropriate spacing and rhythm for windows, doors, and other elements along activity center sidewalks.

## **SMART GROWTH**

**GOAL UD3**     **Orange County will encourage infill and redevelopment strategies for adaptive reuse and rehabilitation of existing structures to maximize infrastructure investments.**

**OBJ UD3.1**    **Infill and redevelopment projects should take into consideration the pre-existing residential “fabric” of the immediate and surrounding neighborhoods and ensure that such projects are compatible with their surrounding uses.**

### **POLICIES**

- UD3.1.1     Develop infill guidelines within the land development code to address compatibility of forms, character, and circulation.
- UD3.1.2     When appropriate, a mixture of uses shall be encouraged within abandoned stores and properties that allow for neighborhood convenience and the encouragement of multi-purpose trips.
- UD3.1.3     Encourage the integration of vertically mixed uses, and varying housing styles, sizes, and types.
- UD3.1.4     Encourage adaptive reuse of vacant stores and homogenous sites by considering a concurrent mixture of land uses involving retail, office, and residential.
- UD3.1.5     Early in project programming and County permitting, considerations should be given to reusing project sites and structures and eventual reconfiguration of large interior spaces into multiple smaller leasable spaces.
- UD3.1.6     The County should encourage shared parking by providing incentives such as reduced parking requirements.
- UD3.1.7     Early in design and permitting of large retail sites and buildings, exterior design consideration should be given to the future conversion of large single user façades into multiple and diverse smaller shop fronts, including multiple entrances, along with landscaping schemes that contemplate multiple entrance designs.

**GOAL UD4**     **The County shall encourage and facilitate desirable neighborhood and individual project forms. New and redeveloped neighborhood projects should emphasize compact mixed uses, and give strong consideration to long-term character and sustainability. They should also emphasize choices in transportation modes, housing types and sizes, while preserving natural features.**

**OBJ UD4.1**    **The County shall explore the feasibility of amending the land development regulations to include and emphasize strategies that support compact, mixed uses.**

**POLICIES**

UD4.1.1        The County should develop a land development code that encourages and facilitates compact development.

UD4.1.2        The County should consider changing its requirements for buffer, wall and separation distances, thus encouraging connectivity, pedestrian activity, an increase in visual surveillance, and alternative vehicular access.

**OBJ UD4.2**    **The County will develop and maintain design standards for mixed use developments within established pedestrian activity centers.**

**POLICIES**

UD4.2.1        Orange County shall encourage a vertical mix of land uses to provide opportunities for live/work structures and a commercial base for supporting public transportation.

UD4.2.2        Development shall coordinate land use and transportation systems as a strategy for implementing the County's development framework.

UD4.2.3        Continue to encourage design and construction of stormwater plans that avoid multiple smaller ponds, and instead use fewer larger ponds that are integrated throughout the project.

UD4.2.4        Development shall be encouraged to invest in complete street pattern of design and should incorporate design patterns and innovative strategies and guidelines to allow the vertical mixing of uses and the ease of movement for all modes of transportation, including bike, transit, and pedestrian.

UD4.2.5        To encourage increased pedestrian activity at street-level, streets shall be designed with a hierarchy in mind, with the built form adjacent to the street.

UD4.2.6        Public open spaces shall be placed at strategic locations in order to slow traffic and provide community gathering locations.

**OBJ UD4.3 The County shall encourage a variety of housing products that incorporate detailed façades and provide a variety of amenities that support an active community.**

**POLICIES**

- UD4.3.1 Provide an inventory of residential lands consistent with statewide planning goals to accommodate anticipated housing needs to offer a variety of housing choices that will meet the needs of existing and future residents.
- UD4.3.2 A variety of residential development will be provided by permitting the development of housing types within the Orange County Urban Service Area that include accessory dwellings on single-family lots, elderly housing, residential care homes and facilities, as well as traditional single-family detached homes and multi-family developments.
- UD4.3.3 Encourage flexible site design to accommodate a variety of housing options.
- UD4.3.4 The County should, when appropriate, encourage and facilitate integration of residential development within mixed land use office and retail settings.
- UD4.3.5 Apply clear and objective design and development standards for housing, while allowing flexibility through review processes.
- UD4.3.6 The County shall encourage the preservation and incorporation of natural features, including but not limited to open space and trees, in new residential developments.
- UD4.3.7 The County shall encourage a compatible mix of housing types and services in residential areas.
- UD4.3.8 The County shall consider a range of tools to meet the housing needs of present and future residents, including multiple residential zones, mixed-use zones, sufficient land to meet identified housing needs, appropriate minimum lot sizes, and accessory dwelling units.
- UD4.3.9 The County shall implement strategies to meet planned residential densities, while maintaining the community's unique character by encouraging design that fits with existing neighborhoods.

**GOAL UD5** Provide safe, accessible, convenient, and efficient multimodal transportation systems that enhance the County’s desired compact urban form.

**OBJ UD5.1** Connectivity of road, trail, and transit systems should be encouraged by providing facilities for users to support multiple modes.

**POLICIES**

UD5.1.1 Public thoroughfares should provide multi-modal opportunities for pedestrians by including sidewalks, bike lanes, and transit stops.

UD5.1.2 Dedicated bike lanes for bicycle commuters and recreational bicyclists should be programmed and included in the design of roads with higher speed limits.

UD5.1.3 Roads without marked bike lanes should use signage to inform drivers about bike sharing to improve road safety.

UD5.1.4 Transit stops throughout pedestrian thoroughfares should be highly visible and provide a safe and comfortable space for pedestrians during day and evening hours.

UD5.1.5 Transit stops shall include comfortable seating, lighting, and shelter to service current riders and attract new users to the transit system.

UD5.1.6 Themes or branding of transit stops should be encouraged and used as a tool for placemaking throughout the community by using unique materials for seating, lighting, and shelter structures that can be identified by both current and prospective users.

**OBJ UD5.2** The County should ensure that parks, open space, and recreation facilities are efficiently and adequately provided, the design for which shall be integrated into the overall community fabric and effectively maintained for access by all the residents of Orange County.

**POLICIES**

UD5.2.1 Children’s play environments should be separated from streets by fences, barrier plantings, or other recreation facilities but should allow clear views into and out of the area.

UD5.2.2 In existing residential communities, opportunities to provide passive and/or active recreational amenities should be encouraged.

UD5.2.3 As residential / mixed-use communities are developed, substantial open spaces should be preserved through the use of planned developments and/or the subdivision regulations.

UD5.2.4 The County should encourage the inclusion of easements for public access, habitat, and recreational use as part of any redevelopment effort.

UD5.2.5 Lake edges and conservation areas should be treated as recreational features and shared amenities and should be accessible, visually and or physically.

**GOAL UD6** It is Orange County’s goal to protect public safety, and enhance the perception of safety, and to encourage development that considers Crime Prevention Through Environmental Design (CPTED) principles, which must be balanced against other County design objectives.

**OBJ UD6.1** Orange County will encourage developments that foster distinct, attractive and safe places to live.

**POLICIES**

- UD6.1.1 Promote safety through design by employing principles of Crime Prevention through Environmental Design (CPTED) in the site plan and appearance review process.
- UD6.1.2 The scale, placement, and design of lighting systems should facilitate safety while minimizing light impacts on the surrounding neighborhood and night sky.
- UD6.1.3 Designs of the built environment shall be developed to reduce the perception of risk by creating clearly delineated public and private routes of travel.
- UD6.1.4 Encourage the development of housing that includes public, public/private and private spaces that would emphasize Crime Prevention through Environmental Design (CPTED) transitions.
- UD6.1.5 Locate development to overlook open space and/or adjacent development.
- UD6.1.6 Create building frontages that include a sense of activity.
- UD6.1.7 Maximize the visibility of high-risk areas by providing lighting, windows, building placement, and other means.
- UD6.1.8 Design site layout so that pedestrian corridors and destination points are easily identified and have generous sightlines.
- UD6.1.9 Avoid strict separation of compatible land uses that may result in the isolation of some buildings or spaces.
- UD6.1.10 Locate activity generators or seating around active edges or fringes of a space to create casual surveillance of a space within.
- UD6.1.11 Encourage pedestrian activity in areas, at grade level, to promote casual surveillance.
- UD6.1.12 By reducing opportunities for entrapment, concealment, and vandalism, the following exterior design and building treatment principles should be considered in design development:
  - a. Ensure that entrances to buildings are oriented to face open or “active” spaces.
  - b. Minimize blank walls overlooking parks, parking lots, and other common space areas and public rights-of-ways.
  - c. Design entrances and other features to limit opportunities for concealment.
  - d. Clearly distinguish areas near entrances that lead from public walkways.
  - e. Maximize the variety of building design and landscaping to create interesting built environments.
  - f. Provide clear sight lines from within the building at the entry point so that occupants can see out into a space before exiting.
  - g. Provide opportunities for users of the building to see inside the foyer/reception before they enter.
  - h. Ensure that landscaping design will not provide concealment or entrapment areas.

- UD6.1.13 Non-motorized transportation corridors that are adjacent to walled communities should have increased visual access from surrounding development.

## **SUSTAINABILITY**

**GOAL UD7 Orange County should encourage the use of sustainable development and construction practices that conserve natural resources and the management of greenhouse gas emissions and stormwater placement.**

**OBJ UD7.1 The County should seek opportunities to encourage new, infill, and redevelopment projects that are designed, constructed, and maintained to minimize water consumption, energy use, greenhouse gas emissions, and impacts on natural water, wildlife habitat, and vegetative resources.**

## **POLICIES**

- UD7.1.1 The County shall seek opportunities to encourage Low Impact Development (LID) techniques to maintain and enhance the pre-development hydrologic regime of urbanized and developing watersheds.
- UD7.1.2 The County shall continue to implement conservation policies and programs that encourage environmental resource protection and renewable energy initiatives.
- UD7.1.3 The County should, when appropriate, guide new development toward existing and planned urban infill and redevelopment areas.
- UD7.1.4 The County should explore the feasibility of establishing incentive programs that encourage owners, developers, and design professionals to design and develop energy-efficient infill and redevelopment projects.
- UD7.1.5 The County should continue to develop landscape water conservation education, outreach, pricing, and regulatory programs aimed at reducing potable water consumption.
- UD7.1.6 The County should strive to maintain the natural character of neighborhoods by identifying and preserving historic trees and plant communities.
- UD7.1.7 The County should explore means to minimize energy demands related to heating and cooling of buildings, by encouraging the optimal solar orientation of buildings and lots.
- UD7.1.8 The County should encourage and support revisions of the building/energy code to require more energy-efficient developments.
- UD7.1.9 The County should continue its efforts to incentivize private sector green building and green development.

**OBJ UD7.2 Promote and facilitate energy-efficient land use patterns, which minimize greenhouse gas emissions and related demands on existing and future electric power generation and transmission systems.**

## **POLICIES**

- UD7.2.1 The County should research the feasibility of using urban design and form standards that incorporate green infrastructure facilities, which organically suppress greenhouse gas emissions and reduce heat island effects.
- UD7.2.2 The County should educate homeowner, condominium, and other community and neighborhood associations about car and bike sharing programs.

**OBJ UD7.3 Promote and facilitate innovative, visually appealing, and sustainable stormwater management design solutions.**

**POLICIES**

UD7.3.1 The County should consider alternative regulations to encourage and facilitate the integration of stormwater management systems into the fabric and open space amenities of new development.

UD7.3.2 The County should encourage the use of stormwater for irrigation, where feasible.

**OBJ UD7.4 Exterior lighting systems should be designed, installed, timed, field-adjusted and maintained in order to provide safe, convenient, and efficient settings for customers, pedestrians and vehicles.**

**POLICIES**

UD7.4.1 Maintain, and update as needed, a lighting ordinance that adheres to dark sky principles.



## Background Information

The Conservation Element is one of the seven required elements of the Comprehensive Plan as per Florida Statutes §163.3177. It has been part of the Plan since the 1980 Growth Management Plan.

This element was included in the 1980 and 1985 Growth Management Plan which became the 1990 Comprehensive Plan. The purpose of this element has been and continues to be:

“to guide efforts to protect and preserve Orange County’s natural resources. *These resources will face increasing development pressures and need greater protection as urban expansion continues.*”

The natural resources which are described and analyzed include: surface water, floodplains, groundwater, vegetative communities (upland and wetland), soils, endangered wildlife and plants, and air.

The 1990 Plan included the acreage of upland and wetland vegetative communities. It noted that these communities are inextricably linked, each natural resource is interdependent with other resources. The aim of the goals, objectives, and policies of the element is to recognize these linkages and to ensure that these diverse resources are retained and enhanced for enjoyment by the County’s existing and future residents.

The original Conservation Element contained two goals, fourteen objectives, and 90 policies. The original goals were:

- **Goal 1** Orange County shall conserve, protect, and enhance the County’s natural resources including air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered, or species of special concern, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations.
- **Goal 2** Orange County’s goal is to protect, enhance and maintain the unique and irreplaceable values, functions, diversity and benefit of the natural resources within the Econlockhatchee River Basin and Wekiva River Protection Area.

## Past Evaluation and Appraisals

The 2000 Evaluation and Appraisal Update to the 1991 Comprehensive Plan made revisions to the element. These revisions included removing objectives and policies directing the County to adopt regulations in the Land Development Code. This update also added an objective (Obj. 2.4) under Goal 2 to address the pollution in the Lake Apopka Drainage Basin.

The 2006 Evaluation and Appraisal Report (July 11, 2006) listed environmental protection as one of the nine major issues in Orange County. It stated that as the County’s development proceeds toward build-out, additional pressures are being placed on natural resources throughout the County, especially within developable areas of the Urban Service Area and on areas adjacent to environmentally sensitive lands and public conservation areas. The report made 59 recommendations to various elements related to environmental protection. It concluded that the County’s natural resources are diverse and still plentiful, but are subject to increasing development pressure.

The 2009 Comprehensive Plan Update included an updated data and analysis section with updates to data, current programs, and information about the Wekiva Protection Area. As in past Comprehensive Plan reviews, this update addressed upland communities and wetland communities. New to the 2009 update was a goal addressing climate change and sustainability.

## Summary of Proposed Changes

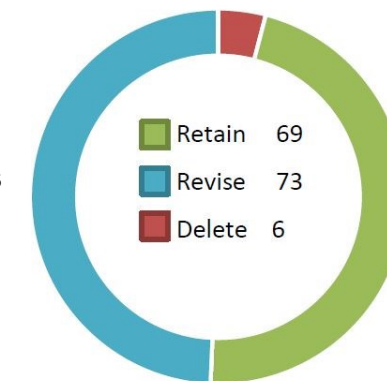
Staff from the Environmental Protection Division and the Planning Division collaborated on the review and proposed amendments to the Conservation Element policies.

The Conservation Element contains three goals, seventeen objectives, and one hundred twenty-eight policies, as shown in the table below. The table also shows the proposed number of changes to the element.

	Current	Proposed Retain	Proposed Revise	Proposed Delete
Goal	3	0	3	0
Objective	17	2	15	0
Policy	128	67	55	6
<b>Total</b>	<b>148</b>	<b>69</b>	<b>73</b>	<b>6</b>

The chart to the right illustrates the proposed outcome of the clean-up of the Conservation Element. The staff proposes revising seventy-three (73) policies and deleting six (6).

Conservation Element Clean-Up Results



The reason for policy deletion is the policy is either repeated elsewhere in the Comprehensive Plan or the policy objective has been met. Detailed explanations of the proposed changes are included in the column notes that accompany the proposed text amendments.

The following meetings and hearings have been held for this proposal:		
Report/Public Hearing	Outcome	
✓ Staff Report	Recommend Transmittal	
✓ LPA Transmittal November 21, 2019	Recommend Transmittal (9-0)	
BCC Transmittal	December 17, 2019	
Agency Comments	December 2019	
LPA Adoption	May 21, 2020	
BCC Adoption	June 9, 2020	

## Conservation Element Goals, Objectives and Policies

**GOAL C1** Orange County shall conserve, protect, and enhance the County's natural resources including air, surface water, groundwater, vegetative communities, ~~wildlife listed as threatened, endangered, or species of special concern~~ imperiled species, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations. Lands located within the Wekiva Study Area (WSA) shall be considered high priority for protection. All development within the WSA shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act or future Acts, as applicable, so as to provide, promote, and maintain a level of environmental quality to ensure natural resources are preserved for the benefit of current and future generations. (Amended 12/07, Ord. 2007-20)

**OBJ C1.1** Orange County shall continue to ~~implement State and Federal mandated programs to maintain or improve air quality, continue to monitor and protect air quality, and ensure that the County continues to meet or exceed all applicable air quality standards~~ maintain and improve air quality in the County to meet all National Ambient Air Quality standards for regulated air pollutants and in order to ensure a healthy environment for all citizens and visitors.-

### POLICIES

C1.1.1 Orange County shall ~~continue its current comprehensive monitoring, compliance, permitting, and enforcement programs, in order to protect and maintain air quality.~~ implement and maintain State and Federal mandated programs, including meeting the objectives of its existing, approved local air program in accordance with Florida Statutes and interagency agreements with the State of Florida Department of Environmental Protection and the United States Environmental Protection Agency. The County shall also administer state and federal agreements and work plans, integrating any new rules and regulations into existing County programs.

C1.1.2 The Orange County Environmental Protection Division shall continue to implement an air monitoring program and follow the air quality guidelines of the Florida Department of Environmental Protection and Orange County Ordinances. (Amend. 12/00, Ord. 00-25)

C1.1.3 ~~Orange County shall promote and educate the public, through public seminars, dissemination of information and media presentations, about mass transit, carpooling, bikeways, park-n-ride lots, and other alternative transportation modes. The use of hybrid and alternative fuel vehicles as well as electric vehicles should be promoted as the market develops for these options. The use of low sulfur diesel fuel for both on-road and off-road diesel equipment should be used. This will be done in order to reduce automobile emission pollution, as proposed in the Traffic Circulation and Mass Transit Elements~~ Orange County will continue to promote alternative transportation modes and air quality awareness through public education and outreach programs. The County shall increase awareness of air quality issues through the development of educational programs for the regulated community, residents, schools, local businesses, and municipalities.

C1.1.4 ~~Orange County shall regulate businesses and industries that have an impact on air quality and ensure that proper pollution control devices are used and maintained. This~~

~~policy shall be achieved through Interlocal Agreements with the Department of Environmental Protection. (Added 12/00, Ord. 00-25) Orange County shall continue to maintain the air compliance, inspection, and enforcement programs to effectively meet/fulfill the terms of the interagency agreements with the Florida Department of Environmental Protection and the United States Environmental Protection Agency.~~

C1.1.5 ~~Orange County shall continue to enforce regulations regarding open burning, and other practices such as land clearing that have an adverse impact on air quality in Orange County.~~ Orange County shall continue to enforce regulations regarding activities such as land clearing, open burning, or other activities to eliminate or reduce air pollution.

C1.1.6 Orange County shall investigate and continue to promote, through incentives and education, the use of alternatives to open burning such as mulching, composting, leaving the existing vegetation where possible, air curtain incinerators, and best available control technology.

C1.1.7 Orange County's standards for the placement of transit facilities shall be designed to continue to, at a minimum, address minimize adverse impacts to natural resources, water quality; wildlife (flora and fauna) listed as threatened, endangered, or species of special concern; scenic rivers; rare upland vegetative communities; noise; air pollution; and waste disposal. ~~(Added~~ Amended 12/00, Ord. 00-25, Policy 1.1.9)

**OBJ C1.2** **Orange County shall ~~protect and improve~~ ~~continue to identify important sources of surface waters by identifying sources of pollution~~ ~~pollution in Orange County~~ and ~~coordinate~~ coordinating the development and implementation of pollution abatement devices, methods and programs with local governments, State, and Federal agencies. (Added 12/00, Ord. 00-25)**

**POLICIES**

- C1.2.1 Orange County shall maintain acceptable water quality standards for surface water bodies, ensuring an aquatic environment that meets or exceeds Orange County, State and Federal standards. (Added 12/00, Ord. 00-25)
- C1.2.2 Orange County shall continue to enforce water quality standards by identifying all point and significant non-point sources of water pollution, and expand programs to reduce the harmful impacts of these pollutants on the natural environment. Orange County shall implement projects to reduce pollutant loads as required by the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit and Basin Management Action Plans (BMAP) through the Florida Department of Environmental Protection Total Maximum Daily Load (FDEP's TMDL) program. (Amended 6/10, Ord. 10-07)
- C1.2.3 RESERVED.
- C1.2.4 Orange County shall protect lakes and streams, ~~and~~ continue to maintain a surface water monitoring program and follow the water quality guidelines of the Florida Department of Environmental Protection (FDEP) and Orange County Ordinances. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.4; Amended 6/10, Ord. 10-07)
- C1.2.5 Orange County shall continue to protect shoreline vegetation by restricting the removal of desirable native vegetation through implementation of the Land Development Code and the Lakeshore Protection Ordinance requirements. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.5-r; Amended 6/10, Ord. 10-07)
- C1.2.6 Orange County shall continue to improve design standards, monitoring, construction, and maintenance requirements for stormwater retention/detention systems, and shall ensure compliance of these requirements to prevent degradation of the receiving surface water bodies. These requirements shall be included in the Land Development Code and shall apply to all new projects. (Added 12/00, Ord. 00-25, Policy 1.2.6-r)
- C1.2.7 Orange County shall continue to implement the approved Wekiva River Protection Ordinance, the Econlockhatchee River Protection Ordinance, and the requirements of the Wekiva Parkway and Protection Act by continuing to adopt regulations in the Land Development Code and through the acquisition of Environmentally Sensitive Lands within these basins to protect these river resources and other Outstanding Florida Waters and Outstanding National Resource Waters. These regulations and acquisitions shall ensure protection and maintenance of water quality, water quantity, aesthetics, open space, historical/archaeological resources, rare upland habitat, wildlife habitat, and floodplains and recreational values. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.7-r; Amended 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07)
- C1.2.8 Orange County shall continue to develop, prioritize, and implement feasible and specific criteria for water quality when applicable in accordance with the State's Class III water quality standards for all surface waters, lakes, and rivers. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.8-r)
- C1.2.9 Orange County shall on an ongoing basis identify and prioritize lakes that are in need of restoration, through the analysis of specific water quality parameters and following the

water quality guidelines of the Florida Department of Environmental Protection (FDEP) and Orange County Ordinances. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.11-r)

- C1.2.10 Orange County, in conjunction with the Water Management Districts and other State agencies, shall on an ongoing basis, seek funding and implementation of lake management plans for those water bodies in greatest need of restoration. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.12)
- C1.2.11 Orange County shall prohibit the direct or indirect discharge of hazardous, toxic, chemical, petroleum, nuclear waste, heated water discharges, or liquid sludge pollutants into surface waters or wetlands systems. (Policy 1.2.14; Amended 6/10, Ord. 10-07)
- C1.2.12 Orange County shall prohibit the location of petroleum businesses where they will negatively affect the quality of surface waters, the surficial Aquifer or the Floridan Aquifers. (Added 6/95, Ord. 95-13, Policy 1.2.15-r; Amended 6/10, Ord. 10-07)
- C1.2.13 Where appropriate Orange County shall control non-native invasive aquatic plants in its waterways to promote good water quality and positive recreational benefits to its citizens and visitors. (Added 12/00, Ord. 00-25, Policy 1.2.16-r)
- C1.2.14 Orange County will reduce pollutants to the "maximum extent practicable" through implementation of pollution control measures, including developing nonpoint source control plans and compliance inspections of private and public facilities, for point and non-point discharges in accordance with County Code Chapter 15 Article II, Section 15-39; NPDES MS4 Permit FLS000011; FAC 62-624; 40 CFR 122.26; and Section 402(p)(3)(b) of the Federal Clean Water Act. (Added 12/00, Ord. 00-25, Policy 1.11.8)
- C1.2.15 Orange County shall identify areas within the County that are susceptible to impacts associated with nutrient loadings from specific activities including lawn and turf fertilizer application and reclaimed water irrigation. These susceptible areas shall include but are not limited to: Total Maximum Daily Load (TMDL) impaired waterbodies, Outstanding Florida Waters, Outstanding National Resource Waters, and waterbodies with declining water quality associated with nutrient loads and areas adjacent to surface water conveyance systems that drains to a waterbody of special interest. The County will make efforts to reduce the potential impacts from these specific activities. The identified areas will also be used for planning and future use considerations. (Amended 6/10. Ord. 10-07)
- C1.2.16 Orange County shall develop a street sweeping plan that addresses the routine collection and disposal of nutrient laden leaf litter, sediment, trash and other debris within Orange County. When applicable the street sweeping plan shall take into account any Total Maximum Daily Load, Basin Management Action Plan (BMAP), or National Pollution Discharge Elimination System (NPDES) requirements. (Added 2/12, Amended 1/12, Ord 11-16).

**OBJ C1.3**      **Orange County shall protect the natural functions of floodplains and flood zone areas to maintain flood-carrying and flood-storage capacities, and to protect life and property, and Orange County shall to continue to maintain its eligibility in the National Flood Insurance Program by implementing the following policies.**

**POLICIES**

C1.3.1      Orange County shall continue to improve and enforce the Orange County Floodplain Management Ordinance by requiring compensatory storage for encroachment in floodplains, restricting encroachment in floodways, and requiring habitable structures to be flood proofed. ~~(Added 12/00, Ord. 00-25)~~

C1.3.2      Orange County shall continue to identify and recommend, to the State and the Water Management Districts, floodplains that would warrant acquisition under the Conservation and Recreation Lands Program, Florida Forever Program, and the Save Our Rivers Program. (Amended 6/10, Ord. 10-07)

C1.3.3      Orange County shall strengthen floodplain protection requirements for riverine systems by adopting regulations prohibiting floodplain encroachment without compensating storage. ~~(Added 12/00, Ord. 00-25)~~

C1.3.4      Orange County shall, on an ongoing basis, in conjunction with other appropriate agencies such as the Water Management Districts, identify and prioritize problem floodplain areas in need of corrective measures. ~~(Added 12/00, Ord. 00-25)~~

**OBJ C1.4 Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats ~~by implementing the following policies.~~**

**POLICIES**

C1.4.0 For the purposes of this Comprehensive Plan, Environmentally Sensitive Lands shall ~~mean include at a minimum Class I~~ conservation areas as defined in Chapter 15, Article X Orange County Code ~~Conservation Policy C1.4.1~~, and their adjacent uplands, rare upland habitat including but not limited to sandhill and scrub, and those wetland and upland systems that support ~~any imperiled species. Threatened, Endangered Species, or Species of Special Concern.~~ (Added 8/92, Ord. 92-24; Amended 06/17; Ord. 2017-12)

C1.4.1 Orange County shall continue to adopt and enforce regulations that protect and conserve wetlands and surface waters as defined in Orange County Code. Such regulations shall include criteria for identifying the ~~significance~~ functional habitat value of wetlands or surface waters.

~~Class I conservation areas shall mean those wetland areas that meet at least one of the following criteria:~~

- ~~A.—Any wetland of any size that has a hydrological connection to natural surface water bodies or Floridan aquifer; or~~
- ~~B.—Any wetland of any size that is within a lake littoral zone; or~~
- ~~C.—Any large isolated uninterrupted wetlands forty (40) acres or larger; or~~
- ~~D.—Any wetland of any size that provides critical habitat for federal and/or state listed threatened or endangered species.~~

~~Class II conservation areas shall mean those wetland areas that meet any of the following criteria:~~

- ~~A.—Consist of isolated wetlands or formerly isolated wetlands that by way of man's activities have been directly connected to other surface water drainage; and are greater than or equal to five (5) acres; or~~
- ~~B.—Are less than 40 acres and do not otherwise qualify as a Class I conservation area.~~

~~Class III conservation areas shall mean those wetland areas that meet all of the following criteria:~~

- ~~A.—Isolated wetlands less than five (5) acres; and do not otherwise qualify as a Class I or Class II conservation area. Stormwater ponds are not considered conservation areas.~~

~~The removal, alteration or encroachment within a Class I Conservation Area shall be allowed only in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of these areas.~~

~~Removal, encroachment or alteration for Class II conservation areas should be presumed to be allowed unless removal, encroachment or alteration is contrary to the public interest. Removal, encroachment or alteration may be allowed in Class III conservation areas.~~

~~When encroachment, alteration, or removal of a wetland or surface water conservation area is permitted, habitat compensation or mitigation as a condition of development approval shall be required. The basis for mitigation shall be determined by using Uniform Mitigation Assessment Method (UMAM) as the ~~sole~~ basis for evaluation, integrating any new rules and regulations into existing County programs. ~~In the case where a mitigation~~~~

bank has not been awarded credits using UMAM, the mitigation shall be no less than the following:

~~Class I conservation areas: case by case basis, but not less stringent than the mitigation requirements for Class II conservation areas.~~

~~Class II conservation areas:~~

~~A. Freshwater marshes and wet prairies — 1.5:1.~~

~~B. Cypress wetlands — 2.0:1.~~

~~C. Hydric hammocks, bayheads, and mixed hardwood swamps — 2.5:1.~~

~~Class III conservation areas: 1:1.~~

~~For off-site, unlike, or other mitigation proposals, ratios shall be determined on a case-by-case basis. The regulation shall stipulate that the following types of mitigation shall be given priority:~~

~~A. Restoration of non-functional wetlands;~~

~~B. Off-site preservation of wetland and upland systems;~~

~~C. Creation of type-for-type mitigation areas adjacent to preserved Class I Conservation Areas or that connect Class I, II and/or III conservation areas; and,~~

~~D. Creation of type-for-type mitigation areas. (Added 8/92, Ord. 92-24; Amended 12/00 Ord. 00-25)~~

C1.4.2 Orange County shall coordinate with the United States Army Corps of Engineers, the Florida Department of Environmental Protection, and the St. Johns River and South Florida water management districts to identify and regulate wetland areas under their jurisdiction.

C1.4.3 ~~By 2011,~~ Orange County shall establish regulations in the Land Development Code concerning upland buffer areas adjacent to wetlands, major riverine systems and Outstanding Florida Waters, and Outstanding National Resource Waters, in order to protect water quality, preserve natural wetland or surface water functions, and preserve wildlife and plant species listed ~~as as imperiled species threatened, endangered, or species of special concern.~~ (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)

C1.4.4 The future land use designation of **Preservation** shall be established to recognize publicly or privately owned lands of significant environmental importance for the purposes of environmental protection. Publicly owned lands designated Preservation shall be lands owned by federal, state, or local governments acquired for environmental preservation, rehabilitation, or management. Privately owned lands such as wetland mitigation banks, Regional Offsite Mitigation Areas, and environmentally sensitive properties owned by the Florida Audubon Society, Nature Conservancy or similar types of non-profit entities, may be designated as Preservation so long as formal consent is provided.

Compatible very-low impact recreational or educational uses, such as hiking, non-motorized boating, bird watching, horseback riding, fishing, primitive camping, and nature study, that use natural amenities of the site for public benefit are allowable uses in the Preservation designation, so long as these uses avoid development encroachment into warranted, environmentally-sensitive areas. All other uses are prohibited.

Furthermore, development within areas designated Preservation cannot exceed a 0.1 Floor Area Ratio. (Deleted 12/00, Ord. 00-25; Added 05/03, Ord. 03-03, Policy 1.4.4-r; Amended 6/10, Ord. 10-07)



- C1.4.5 The **Conservation/Wetlands** designation on the Future Land Use Map shall serve as a conceptual indicator of conservation and wetland areas. The precise delineation of these areas shall be determined through site specific studies and field determinations that assess the extent of wetland vegetation, consistent with Conservation Policy C1.4.1. If an area designated as Conservation/Wetlands on the Future Land Use Map is determined to be a developable area, the underlying Future Land Use Map designation shall ~~be as shown~~ control. (Added 12/00, Ord. 00-25)
- C1.4.6 All attempts should be made to mitigate wetland or surface water impacts within the County. Off-site mitigation or out of County mitigation for all ~~Classes of wetlands (i.e., I, II, and III)~~ or surface waters will be considered only when, 1) the mitigation site is deemed as appropriate (i.e. functional equal or like for like) mitigation to offset any direct or secondary impacts and, 2) is located within the same hydrologic basin as the impact or 3) the applicant can demonstrate that mitigation area will have spillover benefits to the basin where the impact is to occur. This includes Orange County Capital Improvement Projects. Orange County may approve out-of-County mitigation areas ~~on a case-by-case basis~~ under limited circumstances; this includes mitigation banks, which benefit the County's wetland resources. (Added 6/95, Ord. 95-13; Amended 12/00, Ord. 00-25; Amended 10/10, Ord. 2010-13)
- C1.4.7 Orange County shall protect identified wetland and surface water areas and existing wildlife (flora or fauna) habitat through the control and maintenance of invasive non-native (exotic) plants and animal species on County owned Environmentally Sensitive Lands. The Orange County Environmental Protection Division has adopted an internal Standard Operational Procedure for the identification and tracking of invasive/exotic Plant Species that is applicable for all Green PLACE properties. Maintenance and control of invasive/exotic plant and animal species is conducted by contractual and in-house resources. Orange County shall continue to identify funding sources and grants to assist in the maintenance and control activities. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
- C1.4.8 Orange County shall continue to seek out innovative partnerships and opportunities to preserve and conserve its natural resources in a balanced approach that ensures multiple and compatible uses of those lands while providing just compensation to the landowner. (Added 12/00, Ord. 00-25)
- C1.4.9 An upland buffer of a minimum of 25 feet is recommended, unless otherwise stated elsewhere in Orange County Code or in the Orange County Comprehensive Plan for all ~~Class I, II, and III~~ wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions. This shall be incorporated into Chapter 15 of the Orange County eCode ~~by July 2011~~. (Amended 6/10, Ord. 10-07, Amended 10/10, Ord. 2010-13)

**OBJ C1.5** ~~Orange County shall require proper soil management practices, to avoid erosion as outlined in the County's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit. This objective shall be made measurable by implementing the following policies~~appropriate best management practices, and use of technology technologies be implemented to prevent pollution from impacting the County's Municipal Separate Storm Sewer (MS4) and Surface Waters as outlined in the County's MS4 National Pollutant Discharge Elimination System (NPDES) permit.

**POLICIES**

- C1.5.1 ~~RESERVED. Orange County shall continue to work with the Natural Resource Conservation Service to rate and classify Orange County's soils according to their development potential.~~
- C1.5.2 ~~Orange County shall on an ongoing basis, assist the Natural Resource Conservation Service with those activities directed at~~implement policies and practice that minimize soil erosion and sedimentation., including the adoption and enforcement of Best Management Practices for agriculture and urban development. (Added 12/00, Ord. 00-25; Amended 10/10, 2010-13)
- C1.5.3 ~~RESERVED. Orange County shall assist the Water Management Districts, Florida Department of Environmental Protection and other applicable agencies to improve soil management adjacent to Orange County surface water bodies. This assistance may include, but not be limited to, protection and planting of desirable native species of vegetation and erosion control measures. (Amended 6/10, Ord. 10-07)~~
- C1.5.4 Orange County shall incorporate regulations into the Land Development Code concerning soils and their suitability for future development. These regulations shall include restricting development in areas with hydric soils, preservation of groundwater recharge areas, and controlling the location of individual on-site sewage disposal systems. (Amended 6/10, Ord. 10-07)
- C1.5.5 Orange County shall continue to require and enforce State ~~recommended~~required minimum Best Management Practices to protect soils during development activities. (Added 12/00, Ord. 00-25)
- C1.5.6 Orange County shall provide information regarding training opportunities that instruct private entities and County Staff on erosion control and best management practicesas required by the National Pollutant Discharge Elimination System (NPDES) permit. ~~Training of inspectors is available through the Florida Stormwater, Erosion and Sediment Control Training and Certification Course.~~
- C1.5.7 Orange County shall require proposed development in, on, or near contaminated soils to properly address the contamination prior to any approvals allowing disturbance of the contaminated soils with land clearing, mass grading, and/or construction. (Added 6/10, Ord. 10-07)
- C1.5.8 Development on any soils in which buried waste is found shall comply with the guidelines established in the most recent version of the "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida," published by the Florida Department of Environmental Protection. (Added 6/10, Ord. 10-07)

**OBJ C1.6 Orange County shall require that mining be regulated to prevent adverse impacts to air, groundwater, surface water, and other natural resources by implementing the following policies. (Added 12/00, Ord. 00-25)**

**POLICIES**

C1.6.1 Orange County shall regulate any proposed mining activities to ensure such uses are compatible with their surroundings and are environmentally acceptable.

C1.6.2 Orange County shall prohibit mining activities that adversely impact prime water recharge areas and/or lower groundwater potentiometric surface elevations.

C1.6.3 ~~By July 2011, Orange County shall develop~~ maintain landscape and grading standards for mine reclamation that provide for the restoration of previously mined land. ~~Such standards shall be included~~ in the Land Development Code. (Amended 10/10, Ord. 2010-13)

C1.6.4 Orange County shall require that a reclamation plan and proof of financial responsibility has been provided by mining operators as a condition of permit approval. Such requirements ~~are~~ shall be included in the Land Development Code.

C1.6.5 Orange County shall require and enforce erosion control practices during mining activities and shall require State recommended Best Management Practices to protect: soils, receiving waters, and open drainage facilities as well as to prevent fugitive air emissions through site management, engineering controls and with dust control techniques. (Added 6/10, Ord. 10-07)

**OBJ C1.7 Orange County shall manage and protect plant and wildlife species designated as ~~imperiled threatened, endangered or species of special concern~~ through programmatic and planning approaches for ecosystem analysis and through adoption of land development regulations. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)**

**POLICIES**

- C1.7.1 Orange County shall assist in the application of, and compliance with, all State and Federal regulations that pertain to ~~imperiled species, plants and wildlife listed as threatened, endangered, or species of special concern.~~
- C1.7.2 ~~In addition to consulting with the appropriate State agencies,~~ Orange County shall coordinate with Federal and State agencies that require management plans for land use permits that would result in harm to any wildlife or plants listed as imperiled threatened, endangered, or species of special concern found on site or determined to use the site. ~~Such requirements shall be included in the Land Development Code and, at a minimum, shall require~~ An applicant may be required to provide a habitat survey and management plan approved by or otherwise satisfactory to and in full compliance with the regulations promulgated by the Florida Fish and Wildlife Conservation Commission, the County, and any other state or federal agency with jurisdiction. ~~(Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.7.2-r; Amended 6/10, Ord. 10-07)~~
- C1.7.3 Orange County must establish on an ongoing basis, an education and incentive program to encourage private landowners to use environmental management practices that protect habitat for plants and wildlife listed as ~~imperiled, threatened, endangered, or species of special concern.~~ (Added 12/00, Ord. 00-25)
- C1.7.4 Land containing plants and wildlife listed ~~as imperiled threatened, endangered, or species of special concern,~~ or that is part of a riverine corridor system shall be given priority for environmentally sensitive land acquisition and protection by Orange County.
- C1.7.5 Orange County shall, through conservation easement and fee simple land acquisition, discourage fragmentation and encourage the creation of wildlife/open space corridors, ~~that are to be identified in the Open Space Element as referenced in Open Space policies OS1.1.5 and OS1.1.6.~~ A priority for wildlife/open space corridors shall be given to land located within the Wekiva Study Area to connect the Wekiva River area to the Ocala National Forest. Wherever possible, public and private open space areas shall be connected together to establish corridors for wildlife movement. (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.7.5-r; Amended 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07, 10/10, Ord. 2010-13)
- C1.7.6 Orange County shall, ~~through the County's Legislative Delegation's actions,~~ continue to implement the provisions of the Florida Blue Belt amendment as a means for preserving rare uplands and recharge areas, recognizing that uplands in Orange County are rare ecosystems that contain both high recharge areas and habitat for ~~endangered, threatened and imperiled species, of special concern.~~ The County will encourage citizens to take advantage of this new legislation through public education initiatives. (Added 12/00, Ord. 00-25)
- C1.7.7 Orange County shall ~~amend~~ implement the Orange County tree ordinance and associated land development regulations, in order to require preservation of valuable tree species that provide valuable habitat for animals, prohibit indiscriminate clearing, and require replacement and maintenance measures. ~~These regulations shall be included in the Land Development Code.~~ (Added 12/00, Ord. 00-25)
- C1.7.8 Orange County shall continue to protect ~~land such as~~ rare upland habitats, as identified by FNAI,s that provide habitat for plants and wildlife listed as imperiled threatened,

~~endangered, or species of special concern~~ through land use planning requiring buffers, open space, management plans, and/or clustering. Orange County's process of development review ensures that rare upland ~~areas~~ habitats are inventoried for any possible ~~endangered-imperiled~~ species that may necessitate habitat protection. Orange County shall also consider incentive programs such as density bonuses, acquisition or purchase of development rights as a means of preserving these areas. ~~Critical-Rare~~ upland habitats including Longleaf Pine-Turkey Oak, ~~vegetation communities (~~Sandhill~~)~~, Xeric Oak Scrub, Sand Pine Scrub, Pine Flatwoods and areas of Type A soils located within the Wekiva Study Area shall be considered high priority for protection efforts. All areas that are to be set aside as protected open space shall be identified as such on development plans. (Added 12/00, Ord. 00-25; Amended 12/07, Ord. 2007-20; 10/09, Ord. 2009-28)

- C1.7.9 Orange County shall, on a continuous basis, identify and recommend to the State and other appropriate agencies rare uplands that would warrant acquisition under appropriate land acquisition programs. Orange County shall pursue long-term revenue sources for purchases of rare upland habitat that warrants acquisition. (Added 12/00, Ord. 00-25)
- C1.7.10 Orange County shall use the Conservation Trust Fund, Florida Forever and other available funding sources to acquire rare upland and wetland vegetative communities and identified wildlife corridors. (Added 12/00, Ord. 00-25)
- C1.7.11 Orange County shall consult the natural habitat evaluations prepared by the Florida Natural Areas Inventory (FNAI) to prioritize land for acquisition based on its ability to provide the following: habitat corridors, high ranking vegetative cover, species diversity, hydrologic function, ecological integrity and aquifer recharge potential. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07, Amended 10/10, Ord. 2010-13)
- C1.7.12 Orange County shall continue to seek long term revenue sources and partnerships for open-space acquisition and maintenance that will serve to balance habitat related goals with those for improved passive recreation areas and citizen education programs. (Added 12/00, Ord. 00-25)
- OBJ1.8 RESERVED.

**OBJ C1.9**      **Orange County shall require the protection of natural resources by minimizing adverse impacts from adjacent developments. ~~This objective shall be made measurable by implementing the following policies.~~**

**POLICIES**

- C1.9.1      Orange County shall cooperate with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission and the Florida Division of Forestry to improve the management of Wekiva Springs State Park, Rock Springs Run State Reserve, Tosohatchee State Reserve, Seminole Ranch Wildlife Management Area, Neighborhood Lakes, Joshua Creek Conservation Area, Hal Scott Preserve and Split Oak Forest Preserve. (Amended 6/10, Ord. 10-07)
  
- C1.9.2      Orange County shall continue to require compatible land uses and enhanced protective mechanisms, such as, but not limited to, Notices of Proximity, buffers, vegetative buffers, setbacks, density restrictions, easements, physical barriers, pollution abatement swales, erosion control techniques, treatment of stormwater runoff, and fire management that will permit continued habitat management practices in areas adjacent to major managed natural resources. This is necessary in order to minimize adverse impacts from development and allow continuation of management activities for these areas. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
  
- C1.9.3      Orange County shall continue to establish Interlocal Agreements with adjacent counties and municipalities to protect rare upland vegetative communities and all wetland vegetative communities that are located in more than one jurisdiction. (Added 12/00, Ord. 00-25)

**OBJ C1.10 Orange County shall conserve energy resources for future generations. ~~This objective shall be made measurable by implementing the following policies.~~**

**POLICIES**

- C1.10.1 Orange County shall continue to ~~implement~~ develop an energy conservation programs that requires new developments to incorporate energy efficient buildings and site design techniques to the extent practical and feasible. Preliminary Subdivision Plans and Development Plans and all commercial plans shall include a list of the energy efficient measures that will be incorporated into the buildings and used in the site design techniques. If ~~the~~ a developer can show that a 15% higher energy performance will be achieved (on an annual basis) over the existing code required building practices then the comprehensive plan goal cited above, "to the extent practical and feasible," will be met. Refer to the ~~Florida Green Commercial Building Standard~~ green buildings standards such as Florida Green Commercial Building Standards and the Leadership in Energy and Environmental Design (LEED) Green Building Rating System standards for guidance. Another option to comply with this policy is to achieve an energy certification from one of the organizations listed above that is at least equivalent to the 15% goal stated above. (Added 12/00, Ord. 00-25-r)
- C1.10.2 Orange County shall continue to pursue the reduction of greenhouse gases through increased fuel efficiency and diversification of the County fleet through the use of hybrid vehicles including electric vehicles and alternative fuel vehicles. ~~the use of diversify the County fleet through the use of hybrid vehicles and alternative fuel vehicles as they become available on the market. The County shall continue to closely monitor vehicle manufacturers alternate fuel programs and consider such vehicles when purchasing new fleet vehicles. It is anticipated that plug-in electric hybrid cars will be made available on the market and they will be incorporated into the fleet as appropriate. The County will continue to participate with manufacturer testing of hydrogen powered buses and fueling facilities.~~ The County will promote the use of all these vehicles by the general public by encouraging the construction of the necessary infrastructure such as charging stations. (Added 8/92, Ord. 92-24, Policy 1.10.2-r; Amended 6/10, Ord. 10-07)
- C1.10.3 Orange County shall investigate and implement alternative means of reducing the County's solid waste and dependency on fossil fuels.
- C1.10.4 Orange County shall investigate and implement ways of reducing Styrofoam expanded polystyrene consumption use throughout Orange County including its own facilities. ~~in the interest of reducing harmful chlorofluorocarbon (CFC) discharge to the atmosphere.~~
- C1.10.5 Orange County shall investigate and implement ways to increase the use of recycled paper products. ~~reduce its new paper products consumption by such means as using recycled paper products.~~
- C1.10.6 Orange County, shall continue to implement ways of reducing fossil fuel consumption in new County facilities by such means as including solar panels, solar water heaters, double or triple pane windows, wide roof eaves to maximize exterior wall shading, passive solar design concepts, and higher insulation values. Orange County shall ~~offer~~ investigate and consider incentives to property owners and builders/developers who demonstrate energy conservation in building design to include options that supplement existing utilities. Such incentives shall be included in the energy conservation program referenced in Conservation Policy C1.10.1. (Added 12/00, Ord. 00-25)

**OBJ C1.11 Orange County shall protect and conserve groundwater quantity and quality by implementing the following policies.**

**POLICIES**

- C1.11.1 Orange County's Environmental Protection Division shall continue to implement its monitoring program and procedures to mitigate adverse impacts, ~~if detected,~~ of private businesses ~~in the unincorporated area~~ that use, generate, or produce any material characterized or listed on the Resource Conservation and Recovery Act's or the Environmental Protection Agency's hazardous waste lists ~~as required in the Aquifer/Wellfield Protection regulations.~~ (Added 12/00, Ord. 00-25, Policy 2.1.5r)
- C1.11.2 Orange County shall coordinate and cooperate with the St. Johns River Water Management District and South Florida Water Management District in the enforcement of the provisions of their emergency water shortage plans, and in the implementation of the appropriate groundwater conservation and protection programs outlined in the Regional Water Supply Plans of the St. Johns River Water Management District and the South Florida Water Management District.
- C1.11.3 Orange County, a designated Primary Water Resource Caution Area, will draft and include incentives in the update of the Land Development Code to encourage water conservation measures and water wise landscaping principles, and the use of native vegetation or other drought resistant species, in order to reduce the irrigation demand for potable water in new developments or redevelopment. (~~Added~~ Amended 12/00, Ord. 00-25)
- C1.11.4 Orange County shall use the water quality and quantity protection, preservation, and conservation measures as designated in the objectives and policies of the *Potable Water, Wastewater and Reclaimed Water* and the *Aquifer Recharge* Elements, to protect groundwater quality and quantity.
- C1.11.5 ~~RESERVED. Orange County shall develop regulations supporting the use of stormwater runoff for irrigation of agricultural areas, open space and landscaped areas to facilitate aquifer recharge and reduce potable water demands, in accordance with the SJRWMD's "District Water Supply 2020 Plan 2005." Such regulations shall be included in the Land Development Code. (Added 12/00, Ord. 00-25, Policy 1.11.5-r)~~
- C1.11.6 ~~RESERVED. Aquifer recharge areas typically comprise Hydrologic Soil Group Type "A," as indicated on the Soil Survey Map for the County prepared by the Natural Resources USDA Soil Conservation Service. Regulations shall be adopted as part of the Land Development Code that require a detailed soils report prepared by a geotechnical engineer to be submitted to the County prior to site development plan approval if such soils exist on-site. If the site is determined to be within a high recharge area, retention of the total run-off generated by a 25-year frequency, 24-hour duration storm event from the developed site will be required. (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.11.6-r)~~
- C1.11.7 Orange County shall identify and take action to combat sources of pollution that could threaten groundwater quality such as malfunctioning drainwells, improperly installed or failing septic tanks, and improper disposal of hazardous waste areas. For areas inside the urban service area, with failing septic tanks Orange County shall investigate and prioritize the provision of Wastewater and Water utilities to these areas. This will be done through the MSTU (Municipal Services Taxing Unit) or MSBU (Municipal Service Benefit Unit) that can help provide the costs attributed to retrofitting those areas that require infrastructure improvements for wastewater and stormwater. (Added 12/00, Ord. 00-25, Policy 1.11.7)



C1.11.8 Orange County will reduce pollutants to the maximum extent practicable through implementation of pollution control measures, and developing nonpoint source control plans, in accordance with Section 402(p)(3)(b) of the Clean Water Act, 40 CFR 122.26 and existing state regulations. (Added 12/00, Ord. 00-25, Policy 1.11.8)

- C1.11.9 The County shall protect the Wekiva Study Area through the establishment of three protection zones based upon the aquifer vulnerability data provided in the Florida Geological Survey Report of Investigation 104: Wekiva Aquifer Vulnerability Assessment (WAVA). The three Protection Zones as determined by the WAVA report are depicted in Figure WSA-5. The Primary Protection Zone is comprised of those areas expected to most directly affect the water quality surfacing at the springs within the WSA [time of travel and reduced natural attenuation]. The Secondary Protection Zone still contributes water to the springs, but over a longer period of time and allowing for somewhat greater natural treatment and reduction of the nitrogen.
- The Tertiary Protection Zone covers all other areas in the WSA, where the flow to the springs is minimal or nonexistent. As part of its analysis, the County shall determine whether certain land uses with the potential to contaminate or harm the aquifer shall be limited or prohibited within portions of the WSA. The evaluation will need to address monitoring mechanisms as well as the costs of implementation and enforcement of protection zones and land use limitations. ~~By January 1, 2007, Orange County will continue to revise the Land Development Code will be revised to include protection zones and appropriate standards for development within them, including stormwater runoff.~~ (Added 12/07, Ord. 07-20, Policy 1.11.9)
- C1.11.10 Orange County shall adopt a Water Supply Facilities Work Plan (Work Plan) which will assess existing and projected water sources and needs for at least a 10-year planning period considering the Regional Water Supply Plans of the St. Johns River Water Management District and South Florida Water Management District. The Work Plan will identify traditional and alternative water supply sources, including water conservation efforts, which the County may use to reduce or satisfy existing and projected water demands.
- C1.11.11 Orange County will continue to implement the water conservation efforts identified in the Work Plan. These efforts include:
- Continued staffing of the County's water conservation program and extensive public education program;
  - Continued enforcement of ordinances and policies that limit irrigation days and hours, encourage Florida Friendly landscaping, and use of smart irrigation technology, require the use of ultra-low volume fixtures, and require rain sensor devices;
  - Continued water conservation practices, such as participation in Florida Friendly Landscape workshops, water use audits, toilet retrofit program, showerhead exchange program, efficient irrigation nozzle replacement program, distribution system leak program, presentation and events, and participation in public awareness campaigns; (Amended 05/17, Ord. 2017-10)
  - Continued use of a tiered inclined block water conservation rate structure, including rate increases;
  - Further assessment of existing water conservation program effectiveness and development of new program initiatives; and,
  - Periodic review and update of existing water conservation and landscaping ordinances to promote additional improvements in water conservation.

**OBJ C1.12 Orange County shall protect, preserve and enhance its vegetative resources, including, but not limited to, tree species, emergent and submerged aquatic vegetation. This shall be accomplished through the implementation of the following policies.-(Added 12/00, Ord. 00-25)**

**POLICIES**

C1.12.1 Orange County shall augment its protection of vegetated natural resources ~~in urban areas~~, including but not limited to the tree protection ordinance. This action would ensure that high quality trees would receive greater protection in the development review process, require preservation of valuable tree species, prohibit indiscriminate clearing, require replacement, and maintenance measures, and establish ratios for replacement if removal is unavoidable. The County shall ~~update~~ maintain the existing Tree Protection Ordinance ~~by 2009~~. (Added 12/00, Ord. 00-25)

C1.12.2 Orange County shall encourage the planting of native trees and vegetation along the roadways, through inclusion of landscaping and buffering requirements in the Land Development Code, Activity Center development guidelines, Arbor Day promotions, and expansion of the Urban Forestry Program, in order to reduce the level of carbon dioxide in the air, dilute air pollutants, and reduce noise impacts, to enhance the aesthetic quality, design, and quality of life in Orange County. (Added 12/00, Ord. 00-25, Policy 1.12.2-r)

C1.12.3 Orange County shall develop incentive programs for the conservation of existing, wetland and upland vegetative communities.

C1.12.4 Orange County shall continue to implement invasive/exotic plant species control on Orange County Green PLACE properties, ~~continue to~~ conduct prescribed fire events, and restore ~~restoration of~~ degraded habitats with native vegetation. (Amended 6/10, Ord. 10-07)

**GOAL C2** Orange County's goal is to protect, enhance and maintain the unique and irreplaceable values, functions, diversity and benefit of the natural resources within the Econlockhatchee River Basin, Wekiva Protection Area, Wekiva River Basin -and the Lake Apopka Drainage Basin. (Amend. 12/00, Ord. 00-25, Goal 2)

**OBJ C2.1** All new development within the Wekiva Protection Area shall be residential at very low densities, agricultural or low intensity recreational in character.

**POLICIES**

C2.1.1 The Future Land Use Map shall establish the permitted land use, densities and intensities for the Wekiva River Protection Area and the Wekiva River Study Area.

C2.1.2 Within the Wekiva River Protection Area, development that is not residential, agricultural or low intensity recreational in character shall be prohibited. Amendments to the Future Land Use Map that would allow a residential density greater than 1 DU/5 Acres shall be denied.

**OBJ C2.2** ~~\_\_\_\_\_The natural resources of the Wekiva River shall be protected. This objective shall be made measurable by implementing the following policies.~~

## **POLICIES**

- C2.2.1 A buffer zone is hereby established five hundred and fifty (550) feet from the landward limit of waters of the State (FAC § 62-340), or edge of the Wekiva River, or from the landward edge of the wetlands associated with the Wekiva River, whichever is the greater. In no case shall development activities be permitted closer than five hundred fifty (550) feet from the river's edge except for created forested or herbaceous wetlands, and passive recreation when it is clearly demonstrated by the applicant that the areas shall not adversely affect aquatic and wetland-dependent wildlife, water quality, groundwater table or surface water levels.
- An upland buffer a minimum of 25 feet and an average of 50 feet shall be required for all Class I, Class II or Class III wetland systems/-conservation areas, that are not associated with the Wekiva River, that occur within the Wekiva Study Area. Larger buffers can be applied if scientific data on wetland function or local conditions dictates it. ~~This shall be incorporated into Chapter 15 of the Orange County Code by 2012.~~ Added Amended 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
- ~~C2.2.2 In order to protect the Wekiva River, parcels shall not be subdivided so as to interfere with the buffer zone established in Conservation Policy C2.2.1.~~
- C2.2.3 In order to preserve native vegetation to the maximum extent possible, clustering of development or submission as a Planned Development (PD) shall be encouraged within the Wekiva River Protection Area.
- C2.2.4 Where ~~endangered, threatened imperiled species of~~ plants and animals or species of special concern are known to be present, or are likely to be present, the developer of any subdivision, or planned development, shall be required as part of the development review process to liaise with the Florida Fish and Wildlife Conservation Commission in order to protect the above plants and animals within the Wekiva River Protection Area. ~~This requirement shall be included in the Land Development Code.~~
- C2.2.5 Within the 100 Year Floodplain of the Wekiva River, developments shall be required to minimize the clearance of native vegetation. Prior to construction plan submittal, a vegetation clearing plan shall be submitted to the County for review and approval. Clearing of vegetation will only be permitted, where necessary, in order to complete the development. ~~Such requirements shall be included in the Land Development Code.~~ (Amended 6/10, Ord. 10-07)
- C2.2.6 The County shall continue to monitor surface water quality within the Wekiva Study Area in order to identify potential pollutant sources and track long term trends in quality. The County shall follow the requirements of any Basin Management Action Plan (BMAP) developed under the Total Maximum Daily Load (TMDL) Program. ~~Added Amended 12/00, Ord. 00-25)~~
- C2.2.7 Pre-development and post-development stormwater run-off rates shall be equal. ~~Added Amended 12/00, Ord. 00-25)~~
- C2.2.8 Developments that have the potential to degrade groundwater quality shall be prohibited.
- C2.2.9 Within the 100 Year Floodplain of the Wekiva River, septic tank use shall be discouraged. Where public utilities are available, new development will be required to hook-up to these facilities. In order to obtain a Septic Tank Permit within the Floodplain, the applicant must demonstrate that there will be no detriment to water quality. Such

requirements shall be included in the septic tank regulations of the Land Development Code.

- C2.2.10 In order to protect the water quality of the Wekiva River, and to protect the River's rural character, the density or intensity of development permitted on parcels adjacent to the River shall be concentrated/clustered on the portion of the parcel furthest from the River.
- C2.2.11 In order to protect the Wekiva River, parcels shall not be subdivided so as to interfere with the buffer zone established in Conservation Policy C2.2.1.
- C2.2.12 Orange County shall coordinate with the St. Johns River Water Management District to monitor and manage the quantity of groundwater withdrawals, in order to prevent saltwater contamination due to a decline in potentiometric surface.
- C2.2.13 Orange County shall coordinate with the City of Apopka concerning implementation of the required provisions of the Wekiva River Protection Act through meetings on an as needed basis.

**OBJ C2.3 Orange County shall protect and preserve the surface water quality and quantity, wildlife populations and habitat, aesthetics, open space, historical and archaeological resources, floodplains, wetland areas, native upland areas and recreation lands of the Econlockhatchee (Econ) River Basin by implementing the following policies.**

**POLICIES**

- C2.3.1 The Land Development Code shall provide for the protection of the Econ River Basin through mechanisms such as upland buffers, specific restrictions within a 2,200 foot total width protection zone, requiring habitat and historical/archaeological resource assessments and protection, allowing for mitigation, open space or density credits, requiring landscaping to include use of native plant species, utilization of wetland areas as part of drainage facility systems, requiring ~~State or Federal listed species protection~~ imperiled species protection, clustering of development, restricting floodplain encroachment, and limiting forested habitat fragmentation. (Added 12/00, Ord. 00-25)
- C2.3.2 Orange County shall coordinate, through provision of information and technical assistance, with the St. Johns River Water Management District and adjacent counties for the development of consistent regulations protecting the Econ River Basin.
- C2.3.3 Orange County shall support educational programs promoting the scenic and natural values of the Econ River Basin through provision of information and technical assistance, ~~and attendance at appropriate meetings.~~
- C2.3.4 Orange County shall continue to monitor surface water quality in the Econ River Basin in order to identify potential pollutant sources and track long term trends in quality. The County shall follow the requirements of any Basin Management Action Plan (BMAP) developed under the Total Maximum Daily Load (TMDL) Program. (Amended 6/10, Ord. 10-07)

**OBJ C2.4**      **Orange County shall help restore, protect and preserve the surface populations and habitat, aesthetics, open space, historical and archaeological resources, floodplains, wetland areas, native upland areas and recreation lands of the Lake Apopka River Basin by implementing the following policies.**

**POLICIES**

C2.4.1      Orange County shall support, through the provision of information, technical assistance, planning, land acquisition, land use designations, and intergovernmental coordination the restoration of Lake Apopka through the Lake Apopka Surface Water Improvement and Management (SWIM) Program, the Lake Apopka Planning Initiative and the efforts of the Lake Apopka Restoration Council. Orange County shall also support the South Florida Water Management District's Lake Butler SWIM Program. (Added 12/00, Ord. 00-25)

C2.4.2      Orange County shall continue to monitor surface water quality in the Lake Apopka Basin in order to identify potential pollutant sources and track long term trends in quality. The County shall follow the requirements of any Basin Management Action Plan (BMAP) developed under the Total Maximum Daily Load (TMDL) Program. (Amended 6/10, Ord. 10-07)



**GOAL C3** Orange County's goal is to reduce the County's green-house gases (GHG) emissions to prevent global warming and to set the pace for a livable sustainable community.

**OBJ C3.1** ~~Green-House Gas (GHG) emissions generated by County actions shall be reduced to prevent mitigate global warming. The reductions, based on 2005 GHG emissions, shall be as follow: 15% by the year 2010; 28% by the year 2015; 40% by the year 2020. It is Orange County's goal to be GHG neutral by 2040.~~

**POLICIES**

- C3.1.1 ~~By the year 2012, To reach the objective of being greenhouse gas neutral, 60% of all County owned vehicles should be either hybrids, electric vehicles, or use alternative fuel, as vehicles are replaced. (Amended 6/10, Ord. 10-07, Amended 10/10, Ord. 2010-13)~~
- C3.1.2 The County shall reduce vehicle miles traveled by using mobile technology in vehicles such as computer connections to office.
- C3.1.3 ~~By the year 2010, the~~The County shall reduce petroleum consumption by 20%, using the year 2005 as the base. The County shall reduce petroleum consumption to assist in becoming greenhouse gas neutral by 2040.
- C3.1.4 The County shall support mass transit and multimodal transportation centers.
- C3.1.5 The County shall increase, as feasible, the number of miles of bicycle trails and roadside bicycle lanes.
- C3.1.6 The County shall ~~make all possible~~continue supporting efforts to ~~participate in a pilot program for~~ promote the use of plug-in hybrid alternative fuel vehicles.
- C3.1.7 The County shall continue to support hydrogen projects as feasible. (Amended 10/10, Ord. 2010-13)
- C3.1.8 The County shall continue supporting the methane recovery at the Orange County Landfill and ensure that all new cells recover methane gas rather than flaring.
- C3.1.9 The County shall recover methane gas at County wastewater treatment plants or use other technologies to reduce GHG emissions.
- C3.1.10 ~~RESERVED. The County shall identify jurisdictions on a regional and even worldwide basis to partner in formal agreements to reduce GHG emissions. Encourage local municipalities to develop local climate action plans to work together on this issue. Consider establishing a "sister" city in the United Kingdom to share ideas and plans.~~
- C3.1.11 ~~RESERVED. The County shall partner with various agencies that have the ability to support the Orange County Climate Change Sustainability Plan and can assist in reducing GHG emissions. Explore partnerships with Central Florida Orlando Orange County Expressway Authority to encourage the use of alternative fuel vehicles and/or car pooling.~~

**OBJ C3.2 Orange County shall set the pace to become a livable sustainable community.**

**POLICIES**

- C3.2.1 The County shall continue applying for grants and committing funds for ~~projects like the solar photovoltaic (PV) projects. panels at the Orange County Convention Center (OCCC). This, up to 1 megawatt, system will help the OCCC reduce their energy consumption from fossil fuel.~~
- C3.2.2 The County shall partner with electric utilities to develop green power programs, and also sell renewable energy credits (RECs) from the Orange County Convention Center (OCCC) project to generate more alternative energy on County owned buildings.
- C3.2.3 The County shall retrofit County buildings with renewable energy systems consistent with the Sustainable Orange County Plan. This supports hurricane mitigation efforts to have decentralized energy available. ~~Efforts shall be made to have 15% of power supplied to all County owned buildings from alternative energy sources within 15 years.~~
- C3.2.4 The County shall develop a program to encourage Clean Tech or green businesses within the County.
- C3.2.5 The County shall support new technologies for generation of energy from solid waste, including garbage. Set up and encourage pilot programs when feasible.
- C3.2.6 All new County buildings shall at least meet the minimum points for Leadership in Energy and Environmental Design (LEED) recognition for certification. (Amended 6/10, Ord. 10-07)
- C3.2.7 The County shall create incentives to support green building and green development, ~~for~~ within the private sector such as reduced fees, and expedited permit review.
- C3.2.8 The County shall encourage all county sponsored or financially supported projects to build green.
- C3.2.9 The County shall support revision of the building code and/or energy code to support greater efficiencies. The County shall support state effort and consider adopting local ordinance as needed.
- C3.2.10 The County shall develop a program to reward water conservation. This could include creating water conservation credits when a new permit demonstrates less water will be used.
- C3.2.11 The County shall make efforts to ~~establish~~ continue to support an incentive program to increase solar hot water heaters and PV panels on residential homes and businesses within the County.
- C3.2.12 The County shall encourage redevelopment of properties ~~thru~~ through the State Brownfield Program.
- ~~C3.2.13~~ Redevelopment of former solid waste disposal facilities (landfills), including any property where regulated solid waste remains onsite, shall comply with Orange as defined by the State and "brownfield development" standards shall comply with County's Planned Development process, §38-1201, OCC. The proponent for redevelopment of a former landfill shall enter into a developer's agreement with the County delineating specific procedures and/or conditions to deal with any environmental issues before redevelopment. (Added 6/10, Ord. 10-07)

## Conservation Element Goals, Objectives and Policies

GOAL C1	<p>Orange County shall conserve, protect, and enhance the County's natural resources including air, surface water, groundwater, vegetative communities, <del>wildlife listed as threatened, endangered, or species of special concern</del>, <u>imperiled species</u>, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations. Lands located within the Wekiva Study Area (WSA) shall be considered high priority for protection. All development <u>within the WSA</u> shall meet the requirements of the Wekiva River Protection Act and the Wekiva Parkway and Protection Act <u>or future Acts, as applicable, so as to provide, promote, and maintain a level of environmental quality to ensure natural resources are preserved for the benefit of current and future generations.</u> (Amended 12/07, Ord. 2007-20)</p>	<p>Suggest revision to reflect changes in nomenclature. Also suggest additional language to provide support Wekiva River and Wekiva Parkway and Protection Act.</p>
OBJ C1.1	<p>Orange County shall continue to <del>implement State and Federal mandated programs to maintain or improve air quality, continue to monitor and protect air quality, and ensure that the County continues to meet or exceed all applicable air quality standards</del> <u>maintain and improve air quality in the County to meet all National Ambient Air Quality standards for regulated air pollutants and in order to ensure a healthy environment for all citizens and visitors.</u></p>	<p>Recommend revising the objective to reflect current programs and practices.</p>
<b>POLICIES</b>		
C1.1.1	<p>Orange County shall <del>continue its current comprehensive monitoring, compliance, permitting, and enforcement programs, in order to protect and maintain air quality.</del> <u>implement and maintain State and Federal mandated programs, including meeting the objectives of its existing, approved local air program in accordance with Florida Statutes and interagency agreements with the State of Florida Department of Environmental Protection and the United States Environmental Protection Agency. The County shall also administer state and federal agreements and work plans, integrating any new rules and regulations into existing County programs.</u></p>	<p>Staff recommends revising the policy to reflect current adopted Code practices and to ensure compliance with State and Federal requirements.</p>

C1.1.2 The Orange County Environmental Protection Division shall continue to implement an air monitoring program and follow the air quality guidelines of the Florida Department of Environmental Protection and Orange County Ordinances. (Amend. 12/00, Ord. 00-25)

C1.1.3 ~~Orange County shall promote and educate the public, through public seminars, dissemination of information and media presentations, about mass transit, carpooling, bikeways, park-n-ride lots, and other alternative transportation modes. The use of hybrid and alternative fuel vehicles as well as electric vehicles should be promoted as the market develops for these options. The use of low sulfur diesel fuel for both on-road and off-road diesel equipment should be used. This will be done in order to reduce automobile emission pollution, as proposed in the Traffic Circulation and Mass Transit Elements~~  
Orange County will continue to promote alternative transportation modes and air quality awareness through public education and outreach programs. The County shall increase awareness of air quality issues through the development of educational programs for the regulated community, residents, schools, local businesses, and municipalities.

The first part of the policy is original to the 1990 Comprehensive Plan, and the second part was added in 2007. Changes are proposed to focus the policy on promoting alternative transportation modes and air quality awareness through education.

C1.1.4 ~~Orange County shall regulate businesses and industries that have an impact on air quality and ensure that proper pollution control devices are used and maintained. This policy shall be achieved through Interlocal Agreements with the Department of Environmental Protection. (Added 12/00, Ord. 00-25)~~  
Orange County shall continue to maintain the air compliance, inspection, and enforcement programs to effectively meet/fulfill the terms of the interagency agreements with the Florida Department of Environmental Protection and the United States Environmental Protection Agency.

Recommend revising to clarify scope and agencies involved in air quality programs.

C1.1.5 ~~Orange County shall continue to enforce regulations regarding open burning, and other practices such as land clearing that have an adverse impact on air quality in Orange County~~  
Orange County shall continue to enforce regulations regarding activities such as land clearing, open burning, or other activities to eliminate or reduce air pollution.

Recommend revising to clarify the activities that can affect air pollution.

C1.1.6 Orange County shall investigate and continue to promote, through incentives and education, the use of alternatives to open burning such as mulching, composting, leaving the existing vegetation where possible, air curtain incinerators, and best available control technology.

C1.1.7 Orange County's standards for the placement of transit facilities shall ~~be designed to continue to, at a minimum, address minimize adverse impacts to natural resources, water quality, wildlife (flora and fauna) listed as threatened, endangered, or species of special concern; scenic rivers; rare upland vegetative communities; noise; air pollution; and waste disposal.~~ (Added/Amended 12/00, Ord. 00-25, Policy 1.1.9)

Recommend revising to reflect the efforts of Orange County in the consideration of the placement of transit facilities.

**OBJ C1.2** ~~Orange County shall protect and improve~~  
~~continue to identify important sources of~~  
~~surface waters by identifying sources of~~  
~~pollution pollution in Orange County and~~  
~~coordinate coordinating the development~~  
~~and implementation of pollution abatement~~  
~~devices, methods and programs with local~~  
~~governments, State, and Federal agencies.~~  
**(Added 12/00, Ord. 00-25)**

Recommend clarifying Orange County's ongoing effort to identify and improve sources of water pollution.

**POLICIES**

C1.2.1 Orange County shall maintain acceptable water quality standards for surface water bodies, ensuring an aquatic environment that meets or exceeds Orange County, State and Federal standards. (Added 12/00, Ord. 00-25)

C1.2.2 Orange County shall continue to enforce water quality standards by identifying all point and significant non-point sources of water pollution, and expand programs to reduce the harmful impacts of these pollutants on the natural environment. Orange County shall implement projects to reduce pollutant loads as required by the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit and Basin Management Action Plans (BMAP) through the Florida Department of Environmental Protection Total Maximum Daily Load (FDEP's TMDL) program. (Amended 6/10, Ord. 10-07)

Recommend updating the policy to clarify the programs that oversee water quality standards.

C1.2.3 RESERVED.

This policy was deleted as part of the 2000 update to the Comprehensive Plan.

C1.2.4 Orange County shall protect lakes and streams, ~~and~~ continue to maintain a surface water monitoring program and follow the water quality guidelines of the Florida Department of Environmental Protection (FDEP) and Orange County Ordinances. ~~(Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.4; Amended 6/10, Ord. 10-07)

C1.2.5 Orange County shall continue to protect shoreline vegetation by restricting the removal of desirable native vegetation through implementation of the Land Development Code and the Lakeshore Protection Ordinance requirements. ~~(Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.5-r; Amended 6/10, Ord. 10-07)

- C1.2.6 Orange County shall continue to improve design standards, monitoring, construction, and maintenance requirements for stormwater retention/detention systems, and shall ensure compliance of these requirements to prevent degradation of the receiving surface water bodies. These requirements shall be included in the Land Development Code and shall apply to all new projects. (Added 12/00, Ord. 00-25, Policy 1.2.6-r)
- C1.2.7 Orange County shall continue to implement the approved Wekiva River Protection Ordinance, the Econlockhatchee River Protection Ordinance, and the requirements of the Wekiva Parkway and Protection Act by continuing to adopt regulations in the Land Development Code and through the acquisition of Environmentally Sensitive Lands within these basins to protect these river resources and other Outstanding Florida Waters and Outstanding National Resource Waters. These regulations and acquisitions shall ensure protection and maintenance of water quality, water quantity, aesthetics, open space, historical/archaeological resources, rare upland habitat, wildlife habitat, and floodplains and recreational values. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.7-r; Amended 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07)
- C1.2.8 Orange County shall continue to develop, prioritize, and implement feasible and specific criteria for water quality when applicable in accordance with the State's Class III water quality standards for all surface waters, lakes, and rivers. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.8-r)
- C1.2.9 Orange County shall on an ongoing basis identify and prioritize lakes that are in need of restoration, through the analysis of specific water quality parameters and following the water quality guidelines of the Florida Department of Environmental Protection (FDEP) and Orange County Ordinances. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.11-r)
- C1.2.10 Orange County, in conjunction with the Water Management Districts and other State agencies, shall on an ongoing basis, seek funding and implementation of lake management plans for those water bodies in greatest need of restoration. (~~Added~~ Amended 12/00, Ord. 00-25, Policy 1.2.12)

- C1.2.11 Orange County shall prohibit the direct or indirect discharge of hazardous, toxic, chemical, petroleum, nuclear waste, heated water discharges, or liquid sludge pollutants into surface waters or wetlands systems. (Policy 1.2.14; Amended 6/10, Ord. 10-07)
- C1.2.12 Orange County shall prohibit the location of petroleum businesses where they will negatively affect the quality of surface waters, the surficial Aquifer or the Floridan Aquifers. (Added 6/95, Ord. 95-13, Policy 1.2.15-r; Amended 6/10, Ord. 10-07)
- C1.2.13 Where appropriate Orange County shall control non-native invasive aquatic plants in its waterways to promote good water quality and positive recreational benefits to its citizens and visitors. (Added 12/00, Ord. 00-25, Policy 1.2.16-r)
- C1.2.14 Orange County will reduce pollutants to the "maximum extent practicable" through implementation of pollution control measures, including developing nonpoint source control plans and compliance inspections of private and public facilities, for point and non-point discharges in accordance with County Code Chapter 15 Article II, Section 15-39; NPDES MS4 Permit FLS000011; FAC 62-624; 40 CFR 122.26; and Section 402(p)(3)(b) of the Federal Clean Water Act. (Added 12/00, Ord. 00-25, Policy 1.11.8)
- C1.2.15 Orange County shall identify areas within the County that are susceptible to impacts associated with nutrient loadings from specific activities including lawn and turf fertilizer application and reclaimed water irrigation. These susceptible areas shall include but are not limited to: Total Maximum Daily Load (TMDL) impaired waterbodies, Outstanding Florida Waters, Outstanding National Resource Waters, and waterbodies with declining water quality associated with nutrient loads and areas adjacent to surface water conveyance systems that drains to a waterbody of special interest. The County will make efforts to reduce the potential impacts from these specific activities. The identified areas will also be used for planning and future use considerations. (Amended 6/10. Ord. 10-07)



C1.2.16

Orange County shall develop a street sweeping plan that addresses the routine collection and disposal of nutrient laden leaf litter, sediment, trash and other debris within Orange County. When applicable the street sweeping plan shall take into account any Total Maximum Daily Load, Basin Management Action Plan (BMAP), or National Pollution Discharge Elimination System (NPDES) requirements. (Added 2/12, Amended 1/12, Ord 11-16).

**OBJ C1.3**      **Orange County shall protect the natural functions of floodplains and flood zone areas to maintain flood-carrying and flood-storage capacities, and to protect life and property, and Orange County shall to continue to maintain its eligibility in the National Flood Insurance Program by implementing the following policies.**

**POLICIES**

- C1.3.1      Orange County shall continue to improve and enforce the Orange County Floodplain Management Ordinance by requiring compensatory storage for encroachment in floodplains, restricting encroachment in floodways, and requiring habitable structures to be flood proofed. ~~(Added 12/00, Ord. 00-25)~~
- C1.3.2      Orange County shall continue to identify and recommend, to the State and the Water Management Districts, floodplains that would warrant acquisition under the Conservation and Recreation Lands Program, Florida Forever Program, and the Save Our Rivers Program. (Amended 6/10, Ord. 10-07)
- C1.3.3      Orange County shall strengthen floodplain protection requirements for riverine systems by adopting regulations prohibiting floodplain encroachment without compensating storage. ~~(Added 12/00, Ord. 00-25)~~
- C1.3.4      Orange County shall, on an ongoing basis, in conjunction with other appropriate agencies such as the Water Management Districts, identify and prioritize problem floodplain areas in need of corrective measures. ~~(Added 12/00, Ord. 00-25)~~

**OBJ C1.4 Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats by implementing the following policies.**

**POLICIES**

C1.4.0 For the purposes of this Comprehensive Plan, Environmentally Sensitive Lands shall ~~mean include~~ at a minimum Class I conservation areas as defined in Chapter 15, Article X Orange County Code Conservation Policy C1.4.1, and their adjacent uplands, rare upland habitat including but not limited to sandhill and scrub, and those wetland and upland systems that support any imperiled species. Threatened, Endangered Species, or Species of Special Concern. (Added 8/92, Ord. 92-24; Amended 06/17; Ord. 2017-12)

Recommend changes to reflect current actions of the County and changes in nomenclature. Staff recommends moving to the Open Space Element. This move will be part of the Adoption hearings.

C1.4.1 Orange County shall continue to adopt and enforce regulations that protect and conserve wetlands and surface waters as defined in Orange County Code. Such regulations shall include criteria for identifying the ~~significance~~ functional habitat value of wetlands or surface waters.

Recommend changes to reflect policy being adopted into the Land Development Code. Additional changes include changing conservation area to wetland or surface waters. Chapter 15, Article X, Orange County Code define wetlands and surface waters.

~~Class I conservation areas shall mean those wetland areas that meet at least one of the following criteria:~~

- ~~A. Any wetland of any size that has a hydrological connection to natural surface water bodies or Floridan aquifer; or~~
- ~~B. Any wetland of any size that is within a lake littoral zone; or~~
- ~~C. Any large isolated uninterrupted wetlands forty (40) acres or larger; or~~
- ~~D. Any wetland of any size that provides critical habitat for federal and/or state listed threatened or endangered species.~~

~~Class II conservation areas shall mean those wetland areas that meet any of the following criteria:~~

- ~~A. Consist of isolated wetlands or formerly isolated wetlands that by way of man's activities have been directly connected to other surface water drainage; and are greater than or equal to five (5) acres; or~~
- ~~B. Are less than 40 acres and do not otherwise qualify as a Class I conservation area.~~

~~Class III conservation areas shall mean those wetland areas that meet all of the following criteria:~~

~~A.—Isolated wetlands less than five (5) acres; and do not otherwise qualify as a Class I or Class II conservation area. Stormwater ponds are not considered conservation areas.~~

~~The removal, alteration or encroachment within a Class I Conservation Area shall be allowed only in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of these areas.~~

~~Removal, encroachment or alteration for Class II conservation areas should be presumed to be allowed unless removal, encroachment or alteration is contrary to the public interest. Removal, encroachment or alteration may be allowed in Class III conservation areas.~~

~~When encroachment, alteration, or removal of a wetland or surface water conservation area is permitted, habitat compensation or mitigation as a condition of development approval shall be required. The basis for mitigation shall be determined by using Uniform Mitigation Assessment Method (UMAM) as the sole basis for evaluation, integrating any new rules and regulations into existing County programs. ~~In the case where a mitigation bank has not been awarded credits using UMAM, the mitigation shall be no less than the following:~~~~

~~Class I conservation areas: case by case basis, but not less stringent than the mitigation requirements for Class II conservation areas.~~

~~Class II conservation areas:~~

~~A.—Freshwater marshes and wet prairies — 1.5:1.~~

~~B.—Cypress wetlands — 2.0:1.~~

~~C.—Hydric hammocks, bayheads, and mixed hardwood swamps — 2.5:1.~~

~~Class III conservation areas: 1:1.~~

~~For off-site, unlike, or other mitigation proposals, ratios shall be determined on a case-by-case basis. The regulation shall stipulate that the following types of mitigation shall be given priority:~~

~~A.—Restoration of non-functional wetlands;~~

~~B.—Off-site preservation of wetland and upland systems;~~

~~C.—Creation of type-for-type mitigation areas adjacent to preserved Class I Conservation Areas or that connect Class I, II and/or III conservation areas; and,~~

~~D.—Creation of type-for-type mitigation areas. (Added 8/92, Ord. 92-24; Amended 12/00 Ord. 00-25)~~

C1.4.2 Orange County shall coordinate with the United States Army Corps of Engineers, the Florida Department of Environmental Protection, and the St. Johns River and South Florida water management districts to identify and regulate wetland areas under their jurisdiction.

C1.4.3 ~~By 2011,~~ Orange County shall establish regulations in the Land Development Code concerning upland buffer areas adjacent to wetlands, major riverine systems and Outstanding Florida Waters, and Outstanding National Resource Waters, in order to protect water quality, preserve natural wetland or surface water functions, and preserve wildlife and plant species listed ~~as as imperiled species threatened, endangered, or species of special concern.~~ (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)

Recommend updating to reflect changes in nomenclature.

C1.4.4 The future land use designation of **Preservation** shall be established to recognize publicly or privately owned lands of significant environmental importance for the purposes of environmental protection. Publicly owned lands designated Preservation shall be lands owned by federal, state, or local governments acquired for environmental preservation, rehabilitation, or management. Privately owned lands such as wetland mitigation banks, Regional Offsite Mitigation Areas, and environmentally sensitive properties owned by the Florida Audubon Society, Nature Conservancy or similar types of non-profit entities, may be designated as Preservation so long as formal consent is provided.

Staff proposes moving this policy to the Future Land Use Element under Objective FLU1.1. The policy will remain here until the adoption hearings.

Compatible very-low impact recreational or educational uses, such as hiking, non-motorized boating, bird watching, horseback riding, fishing, primitive camping, and nature study, that use natural amenities of the site for public benefit are allowable uses in the Preservation designation, so long as these uses avoid development encroachment into warranted, environmentally-sensitive areas. All other uses are prohibited. Furthermore, development within areas designated Preservation cannot exceed a 0.1 Floor Area Ratio. (Deleted 12/00, Ord. 00-25; Added 05/03, Ord. 03-03, Policy 1.4.4-r; Amended 6/10, Ord. 10-07)

C1.4.5 The **Conservation/Wetlands** designation on the Future Land Use Map shall serve as a conceptual indicator of conservation and wetland areas. The precise delineation of these areas shall be determined through site specific studies and field determinations that assess the extent of wetland vegetation, consistent with Conservation Policy C1.4.1. If an area designated as Conservation/Wetlands on the Future Land Use Map is determined to be a developable area, the underlying Future Land Use Map designation shall ~~be as shown~~ control. (Added 12/00, Ord. 00-25)

Staff proposes moving this policy to the Future Land Use Element under Objective FLU1.1. The policy will remain here until the adoption hearings.

C1.4.6 All attempts should be made to mitigate wetland or surface water impacts within the County. Off-site mitigation or out of County mitigation for all ~~Glasses of wetlands (i.e. I, II, and III)~~ or surface waters will be considered only when, 1) the mitigation site is deemed as appropriate (i.e. functional equal or like for like) mitigation to offset any direct or secondary impacts and, 2) is located within the same hydrologic basin as the impact or 3) the applicant can demonstrate that mitigation area will have spillover benefits to the basin where the impact is to occur. This includes Orange County Capital Improvement Projects. Orange County may approve out-of-County mitigation areas ~~on a case-by-case basis~~ under limited circumstances; this includes mitigation banks, which benefit the County's wetland resources. (Added 6/95, Ord. 95-13; Amended 12/00, Ord. 00-25; Amended 10/10, Ord. 2010-13)

C1.4.7 Orange County shall protect identified wetland and surface water areas and existing wildlife (flora or fauna) habitat through the control and maintenance of invasive non-native (exotic) plants and animal species on County owned Environmentally Sensitive Lands. The Orange County Environmental Protection Division has adopted an internal Standard Operational Procedure for the identification and tracking of invasive/exotic Plant Species that is applicable for all Green PLACE properties. Maintenance and control of invasive/exotic plant and animal species is conducted by contractual and in-house resources. Orange County shall continue to identify funding sources and grants to assist in the maintenance and control activities. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)

C1.4.8 Orange County shall continue to seek out innovative partnerships and opportunities to preserve and conserve its natural resources in a balanced approach that ensures multiple and compatible uses of those lands while providing just compensation to the landowner. (Added 12/00, Ord. 00-25)

C1.4.9 An upland buffer of a minimum of 25 feet is recommended, unless otherwise stated elsewhere in Orange County Code or in the Orange County Comprehensive Plan for all ~~Class I, II, and III~~ wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions. This shall be incorporated into Chapter 15 of the Orange County eCode ~~by July 2014~~. (Amended 6/10, Ord. 10-07, Amended 10/10, Ord. 2010-13)

Recommend adding language to indicate the buffer requirement has been adopted into the Land Development Code.

**OBJ C1.5**      **Orange County shall require proper soil management practices, ~~to avoid erosion as outlined in the County's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit. This objective shall be made measurable by implementing the following policies~~ appropriate best management practices, and use of technology technologies be implemented to prevent pollution from impacting the County's Municipal Separate Storm Sewer (MS4) and Surface Waters as outlined in the County's MS4 National Pollutant Discharge Elimination System (NPDES) permit.**

Recommend revising the objective to include best management practices and technologies be implemented.

**POLICIES**

C1.5.1      ~~RESERVED. Orange County shall continue to work with the Natural Resource Conservation Service to rate and classify Orange County's soils according to their development potential.~~

Recommend deleting because the policy is no longer relevant.

C1.5.2      ~~Orange County shall on an ongoing basis, assist the Natural Resource Conservation Service with those activities directed at implement policies and practice that minimize soil erosion and sedimentation., including the adoption and enforcement of Best Management Practices for agriculture and urban development. (Added 12/00, Ord. 00-25; Amended 10/10, 2010-13)~~

Recommend updating the policy to reflect current practices.

C1.5.3      ~~RESERVED. Orange County shall assist the Water Management Districts, Florida Department of Environmental Protection and other applicable agencies to improve soil management adjacent to Orange County surface water bodies. This assistance may include, but not be limited to, protection and planting of desirable native species of vegetation and erosion control measures. (Amended 6/10, Ord. 10-07)~~

Recommend deleting from the Conservation Element because this policy is included in the Intergovernmental Coordination Element and referring the reader to ICE1.8.7.

C1.5.4      Orange County shall incorporate regulations into the Land Development Code concerning soils and their suitability for future development. These regulations shall include restricting development in areas with hydric soils, preservation of groundwater recharge areas, and controlling the location of individual on-site sewage disposal systems. (Amended 6/10, Ord. 10-07)

C1.5.5      Orange County shall continue to require and enforce State ~~recommended~~ required minimum Best Management Practices to protect soils during development activities. (Added 12/00, Ord. 00-25)

Recommend changes to clarify that State BMPs are required.



- |        |   |  |
|--------|---|--|
| C1.5.6 | <p>Orange County shall provide information regarding training opportunities that instruct private entities and County Staff on erosion control and best management practices <u>as required by the National Pollutant Discharge Elimination System (NPDES) permit</u>. <del>Training of inspectors is available through the Florida Stormwater, Erosion and Sediment Control Training and Certification Course.</del></p> | <p>Recommend deleting information about inspector training as it is not needed in a Comprehensive Plan Policy.</p> |
| C1.5.7 | <p>Orange County shall require <u>proposed</u> development in <u>on</u> or near contaminated soils to properly address the contamination prior to any approvals allowing disturbance of the contaminated soils with land clearing, mass grading, and/or construction. (Added 6/10, Ord. 10-07)</p>  | <p>Recommend revising the policy to clarify the policy applies to proposed development.</p>                        |
| C1.5.8 | <p>Development on any soils in which buried waste is found shall comply with the guidelines established in the most recent version of the "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida," published by the Florida Department of Environmental Protection. (Added 6/10, Ord. 10-07)</p>  |  |

**OBJ C1.6**      **Orange County shall require that mining be regulated to prevent adverse impacts to air, groundwater, surface water, and other natural resources by implementing the following policies. (Added 12/00, Ord. 00-25)**

**POLICIES**

C1.6.1      Orange County shall regulate any proposed mining activities to ensure such uses are compatible with their surroundings and are environmentally acceptable.

C1.6.2      Orange County shall prohibit mining activities that adversely impact prime water recharge areas and/or lower groundwater potentiometric surface elevations.

C1.6.3      ~~By July 2011, Orange County shall develop~~ maintain landscape and grading standards for mine reclamation that provide for the restoration of previously mined land. ~~Such standards shall be included~~ in the Land Development Code. (Amended 10/10, Ord. 2010-13)

C1.6.4      Orange County shall require that a reclamation plan and proof of financial responsibility has been provided by mining operators as a condition of permit approval. Such requirements ~~are~~ shall be included in the Land Development Code.

C1.6.5      Orange County shall require and enforce erosion control practices during mining activities and shall require State recommended Best Management Practices to protect: soils, receiving waters, and open drainage facilities as well as to prevent fugitive air emissions through site management, engineering controls and with dust control techniques. (Added 6/10, Ord. 10-07)

**OBJ C1.7**      **Orange County shall manage and protect plant and wildlife species designated as ~~imperiled threatened, endangered or species of special concern~~ through programmatic and planning approaches for ecosystem analysis and through adoption of land development regulations. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)**

Recommend updating to reflect change in nomenclature.

**POLICIES**

C1.7.1      Orange County shall assist in the application of, and compliance with, all State and Federal regulations that pertain to ~~imperiled species, plants and wildlife listed as threatened, endangered, or species of special concern.~~

Recommend updating to reflect change in nomenclature.

C1.7.2      ~~In addition to consulting with the appropriate State agencies,~~ Orange County shall coordinate with Federal and State agencies that require management plans for land use permits that would result in harm to any wildlife or plants listed as ~~imperiled threatened, endangered, or species of special concern~~ found on site or determined to use the site. ~~Such requirements shall be included in the Land Development Code and, at a minimum, shall require~~ An applicant may be required to provide a habitat survey and management plan approved by or otherwise satisfactory to and in full compliance with the regulations promulgated by the Florida Fish and Wildlife Conservation Commission, the County, and any other state or federal agency with jurisdiction. ~~(Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.7.2-r; Amended 6/10, Ord. 10-07)~~

Recommend updating the policy because the Environmental Protection Division cannot regulate imperiled species, the Florida Wildlife Commissions is the agency that regulates management plans for imperiled species.

C1.7.3      Orange County must establish on an ongoing basis, an education and incentive program to encourage private landowners to use environmental management practices that protect habitat for plants and wildlife listed as ~~imperiled, threatened, endangered, or species of special concern.~~ (Added 12/00, Ord. 00-25)

Recommend updating to reflect change in nomenclature.

C1.7.4      Land containing plants and wildlife listed as ~~imperiled threatened, endangered, or species of special concern~~, or that is part of a riverine corridor system shall be given priority for environmentally sensitive land acquisition and protection by Orange County.

Recommend updating to reflect change in nomenclature. Staff recommends moving to the Open Space Element the time of Adoption hearings.

- |        |  |   |
|--------|--|---|
| C1.7.5 | <p>Orange County shall, through conservation easement and fee simple land acquisition, discourage fragmentation and encourage the creation of wildlife/open space corridors, <del>that are to be identified in the Open Space Element as referenced in Open Space policies OS1.1.5 and OS1.1.6.</del> A priority for wildlife/open space corridors shall be given to land located within the Wekiva Study Area to connect the Wekiva River area to the Ocala National Forest. Wherever possible, public and private open space areas shall be connected together to establish corridors for wildlife movement. (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.7.5-r; Amended 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07, 10/10, Ord. 2010-13)</p> | <p>Recommend omitting the cross reference to Open Space Element as wildlife/open space corridors are not identified in the Open Space Element. This policy should also be included in the Open Space Element.</p> |
| C1.7.6 | <p>Orange County shall, <del>through the County's Legislative Delegation's actions,</del> continue to implement the provisions of the Florida Blue Belt amendment as a means for preserving rare uplands and recharge areas, recognizing that uplands in Orange County are rare ecosystems that contain both high recharge areas and habitat for <u>endangered, threatened and imperiled</u> species, of special concern. <del>The County will encourage citizens to take advantage of this new legislation through public education initiatives.</del> (Added 12/00, Ord. 00-25)</p>  | <p>Staff recommends revising the policy. The County used this legislation for one property and it has since expired.</p>  |
| C1.7.7 | <p>Orange County shall <del>amend</del> <u>implement</u> the Orange County tree ordinance and associated land development regulations, in order to require preservation of valuable tree species that provide valuable habitat for animals, prohibit indiscriminate clearing, and require replacement and maintenance measures. <del>These regulations shall be included in the Land Development Code.</del> (Added 12/00, Ord. 00-25)</p>   |   |

- C1.7.8 Orange County shall continue to protect ~~land such as rare upland habitats, as identified by Florida Natural Areas Inventory (FNAI), that provide habitat for plants and wildlife listed as imperiled threatened, endangered, or species of special concern~~ through land use planning requiring buffers, open space, management plans, and/or clustering. Orange County's process of development review ensures that rare upland ~~areas~~ habitats are inventoried for any possible ~~endangered-imperiled~~ species that may necessitate habitat protection. Orange County shall also consider incentive programs such as density bonuses, acquisition or purchase of development rights as a means of preserving these areas. ~~Critical-Rare upland habitats including Longleaf Pine-Turkey Oak, vegetation communities (as Sandhill<sup>2</sup>), Xeric Oak Scrub, Sand Pine Scrub, Pine Flatwoods and areas of Type A soils located within the Wekiva Study Area shall be considered high priority for protection efforts. All areas that are to be set aside as protected open space shall be identified as such on development plans. (Added 12/00, Ord. 00-25; Amended 12/07, Ord. 2007-20; 10/09, Ord. 2009-28)~~
- Recommend omitting the consideration of incentives as the County does not offer incentive programs for protections of uplands.
- C1.7.9 Orange County shall, on a continuous basis, identify and recommend to the State and other appropriate agencies rare uplands that would warrant acquisition under appropriate land acquisition programs. Orange County shall pursue long-term revenue sources for purchases of rare upland habitat that warrants acquisition. (Added 12/00, Ord. 00-25)
- Staff recommends moving this policy to the Open Space Element at the Adoption hearings.
- C1.7.10 Orange County shall use the Conservation Trust Fund, Florida Forever and other available funding sources to acquire rare upland and wetland vegetative communities and identified wildlife corridors. (Added 12/00, Ord. 00-25)
- Staff recommends moving this policy to the Open Space Element at the Adoption hearings.
- C1.7.11 Orange County shall consult the natural habitat evaluations prepared by the Florida Natural Areas Inventory (FNAI) ~~The Florida Natural Areas Inventory completed a natural habitat evaluation. The final results of the evaluation and other evaluations shall be used by Orange County to~~ prioritize land for acquisition based on its ability to provide the following: habitat corridors, high ranking vegetative cover, species diversity, hydrologic function, ecological integrity and aquifer recharge potential. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07, Amended 10/10, Ord. 2010-13)
- Staff recommends revising the policy to consult the natural habitat evaluations because the natural habitat evaluation was not completed. Staff recommends moving this policy to the Open Space Element at the Adoption hearings.

C1.7.12 Orange County shall continue to seek long term revenue sources and partnerships for open-space acquisition and maintenance that will serve to balance habitat related goals with those for improved passive recreation areas and citizen education programs. (Added 12/00, Ord. 00-25)

Staff recommends moving this policy to the Open Space Element at the Adoption hearings.

OBJ1.8 RESERVED.

As part of the 2000 Comprehensive Plan update, Objective 1.8 and supporting policies were incorporated into Objective 1.7.

**OBJ C1.9**      **Orange County shall require the protection of natural resources by minimizing adverse impacts from adjacent developments. ~~This objective shall be made measurable by implementing the following policies.~~**

**POLICIES**

- C1.9.1      Orange County shall cooperate with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission and the Florida Division of Forestry to improve the management of Wekiva Springs State Park, Rock Springs Run State Reserve, Tosohatchee State Reserve, Seminole Ranch Wildlife Management Area, Neighborhood Lakes, Joshua Creek Conservation Area, Hal Scott Preserve and Split Oak Forest Preserve. (Amended 6/10, Ord. 10-07)
  
- C1.9.2      Orange County shall continue to require compatible land uses and enhanced protective mechanisms, such as, but not limited to, Notices of Proximity, buffers, vegetative buffers, setbacks, density restrictions, easements, physical barriers, pollution abatement swales, erosion control techniques, treatment of stormwater runoff, and fire management that will permit continued habitat management practices in areas adjacent to major managed natural resources. This is necessary in order to minimize adverse impacts from development and allow continuation of management activities for these areas. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
  
- C1.9.3      Orange County shall continue to establish Interlocal Agreements with adjacent counties and municipalities to protect rare upland vegetative communities and all wetland vegetative communities that are located in more than one jurisdiction. (Added 12/00, Ord. 00-25)

**OBJ C1.10 Orange County shall conserve energy resources for future generations. ~~This objective shall be made measurable by implementing the following policies.~~**

**POLICIES**

C1.10.1 Orange County shall continue to ~~implement~~ develop an energy conservation programs that requires new developments to incorporate energy efficient buildings and site design techniques to the extent practical and feasible. Preliminary Subdivision Plans and Development Plans and all commercial plans shall include a list of the energy efficient measures that will be incorporated into the buildings and used in the site design techniques. If ~~the a~~ developer can show that a 15% higher energy performance will be achieved (on an annual basis) over the existing code required building practices then the comprehensive plan goal cited above, "to the extent practical and feasible," will be met. Refer to the ~~Florida Green Commercial Building Standard~~ green buildings standards such as Florida Green Commercial Building Standards and the Leadership in Energy and Environmental Design (LEED) Green Building Rating System standards for guidance. Another option to comply with this policy is to achieve an energy certification from one of the organizations listed above that is at least equivalent to the 15% goal stated above. (Added 12/00, Ord. 00-25-r)

C1.10.2 Orange County shall continue to pursue the reduction of greenhouse gases through increased fuel efficiency and diversification of the County fleet through the use of hybrid vehicles including electric vehicles and alternative fuel vehicles. ~~the use of diversify the County fleet through the use of hybrid vehicles and alternative fuel vehicles as they become available on the market. The County shall continue to closely monitor vehicle manufacturers alternate fuel programs and consider such vehicles when purchasing new fleet vehicles. It is anticipated that plug-in electric hybrid cars will be made available on the market and they will be incorporated into the fleet as appropriate. The County will continue to participate with manufacturer testing of hydrogen-powered buses and fueling facilities. The County will promote the use of all these vehicles by the general public by encouraging the construction of the necessary infrastructure such as charging stations.~~ (Added 8/92, Ord. 92-24, Policy 1.10.2-r; Amended 6/10, Ord. 10-07)

Staff recommends changes to the policy to reflect the continuing effort of Orange County to conserve energy through the use of fuel efficient and alternative fuel vehicles.



- C1.10.3 Orange County shall investigate and implement alternative means of reducing the County's solid waste and dependency on fossil fuels.
- C1.10.4 Orange County shall investigate and implement ways of reducing ~~Styrofoam-expanded polystyrene consumption use~~ throughout Orange County including its own facilities, ~~in the interest of reducing harmful chlorofluorocarbon (CFC) discharge to the atmosphere.~~ Staff recommends deleting the interest of reducing CFC discharge because CFCs are not used in the production of expanded polystyrene.
- C1.10.5 Orange County shall investigate and implement ways to increase the use of recycled paper products. ~~reduce its new paper products consumption by such means as using recycled paper products.~~
- C1.10.6 Orange County, shall continue to implement ways of reducing fossil fuel consumption in new County facilities by such means as including solar panels, solar water heaters, double or triple pane windows, wide roof eaves to maximize exterior wall shading, passive solar design concepts, and higher insulation values. Orange County shall ~~offer~~ investigate and consider incentives to property owners and builders/developers who demonstrate energy conservation in building design to include options that supplement existing utilities. Such incentives shall be included in the energy conservation program referenced in Conservation Policy C1.10.1. (Added 12/00, Ord. 00-25)

**OBJ C1.11 Orange County shall protect and conserve groundwater quantity and quality by implementing the following policies.**

**POLICIES**

- C1.11.1 Orange County's Environmental Protection Division shall continue to implement its monitoring program and procedures to mitigate adverse impacts, if detected, of private businesses in the ~~unincorporated area~~ that use, generate, or produce any material characterized or listed on the Resource Conservation and Recovery Act's or the Environmental Protection Agency's hazardous waste lists ~~as required in the Aquifer/Wellfield Protection regulations~~. (Added 12/00, Ord. 00-25, Policy 2.1.5r)
- C1.11.2 Orange County shall coordinate and cooperate with the St. Johns River Water Management District and South Florida Water Management District in the enforcement of the provisions of their emergency water shortage plans, and in the implementation of the appropriate groundwater conservation and protection programs outlined in the Regional Water Supply Plans of the St. Johns River Water Management District and the South Florida Water Management District.
- C1.11.3 Orange County, a designated Primary Water Resource Caution Area, will draft and include incentives in the update of the Land Development Code to encourage water conservation measures and water wise landscaping principles, and the use of native vegetation or other drought resistant species, in order to reduce the irrigation demand for potable water in new developments or redevelopment. (~~Added~~ Amended 12/00, Ord. 00-25)
- C1.11.4 Orange County shall use the water quality and quantity protection, preservation, and conservation measures as designated in the objectives and policies of the *Potable Water, Wastewater and Reclaimed Water* and the *Aquifer Recharge* Elements, to protect groundwater quality and quantity.

- C1.11.5 ~~RESERVED. Orange County shall develop regulations supporting the use of stormwater runoff for irrigation of agricultural areas, open space and landscaped areas to facilitate aquifer recharge and reduce potable water demands, in accordance with the SJRWMD's "District Water Supply 2020 Plan 2005." Such regulations shall be included in the Land Development Code. (Added 12/00, Ord. 00-25, Policy 1.11.5-r)~~
- Staff recommends deleting the policy as it is covered in the Stormwater Management Element Policy SM1.6.6.
- C1.11.6 ~~RESERVED. Aquifer recharge areas typically comprise Hydrologic Soil Group Type "A," as indicated on the Soil Survey Map for the County prepared by the Natural Resources USDA Soil Conservation Service. Regulations shall be adopted as part of the Land Development Code that require a detailed soils report prepared by a geotechnical engineer to be submitted to the County prior to site development plan approval if such soils exist on-site. If the site is determined to be within a high recharge area, retention of the total run-off generated by a 25-year frequency, 24-hour duration storm event from the developed site will be required. (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.11.6-r)~~
- Staff recommends deleting the policy as it is covered in the Stormwater Management Element Policy SM1.6.6.
- C1.11.7 Orange County shall identify and take action to combat sources of pollution that could threaten groundwater quality such as malfunctioning drainwells, improperly installed or failing septic tanks, and improper disposal of hazardous waste areas. For areas inside the urban service area, with failing septic tanks Orange County shall investigate and prioritize the provision of Wastewater and Water utilities to these areas. This will be done through the MSTU (Municipal Services Taxing Unit) or MSBU (Municipal Service Benefit Unit) that can help provide the costs attributed to retrofitting those areas that require infrastructure improvements for wastewater and stormwater. (Added 12/00, Ord. 00-25, Policy 1.11.7)
- C1.11.8 Orange County will reduce pollutants to the maximum extent practicable through implementation of pollution control measures, and developing nonpoint source control plans, in accordance with Section 402(p)(3)(b) of the Clean Water Act, 40 CFR 122.26 and existing state regulations. (Added 12/00, Ord. 00-25, Policy 1.11.8)

C1.11.9 The County shall protect the Wekiva Study Area through the establishment of three protection zones based upon the aquifer vulnerability data provided in the Florida Geological Survey Report of Investigation 104: Wekiva Aquifer Vulnerability Assessment (WAVA). The three Protection Zones as determined by the WAVA report are depicted in Figure WSA-5. The Primary Protection Zone is comprised of those areas expected to most directly affect the water quality surfacing at the springs within the WSA [time of travel and reduced natural attenuation]. The Secondary Protection Zone still contributes water to the springs, but over a longer period of time and allowing for somewhat greater natural treatment and reduction of the nitrogen.

The Tertiary Protection Zone covers all other areas in the WSA, where the flow to the springs is minimal or nonexistent. As part of its analysis, the County shall determine whether certain land uses with the potential to contaminate or harm the aquifer shall be limited or prohibited within portions of the WSA. The evaluation will need to address monitoring mechanisms as well as the costs of implementation and enforcement of protection zones and land use limitations. ~~By January 1, 2007, Orange County will continue to revise~~ the Land Development Code ~~will be revised~~ to include protection zones and appropriate standards for development within them, including stormwater runoff. (Added 12/07, Ord. 07-20, Policy 1.11.9)

C1.11.10 Orange County shall adopt a Water Supply Facilities Work Plan (Work Plan) which will assess existing and projected water sources and needs for at least a 10-year planning period considering the Regional Water Supply Plans of the St. Johns River Water Management District and South Florida Water Management District. The Work Plan will identify traditional and alternative water supply sources, including water conservation efforts, which the County may use to reduce or satisfy existing and projected water demands.

C1.11.11

Orange County will continue to implement the water conservation efforts identified in the Work Plan. These efforts include:

- Continued staffing of the County's water conservation program and extensive public education program;
- Continued enforcement of ordinances and policies that limit irrigation days and hours, encourage Florida Friendly landscaping, and use of smart irrigation technology, require the use of ultra-low volume fixtures, and require rain sensor devices;
- Continued water conservation practices, such as participation in Florida Friendly Landscape workshops, water use audits, toilet retrofit program, showerhead exchange program, efficient irrigation nozzle replacement program, distribution system leak program, presentation and events, and participation in public awareness campaigns; (Amended 05/17, Ord. 2017-10)
- Continued use of a tiered inclined block water conservation rate structure, including rate increases;
- Further assessment of existing water conservation program effectiveness and development of new program initiatives; and,
- Periodic review and update of existing water conservation and landscaping ordinances to promote additional improvements in water conservation.

Staff recommends adding landscaping and use of smart irrigation technology to reflect Orange County's ongoing efforts at water conservation.

**OBJ C1.12 Orange County shall protect, preserve and enhance its vegetative resources, including, but not limited to, tree species, emergent and submerged aquatic vegetation. This shall be accomplished through the implementation of the following policies. (Added 12/00, Ord. 00-25)**

**POLICIES**

- C1.12.1 Orange County shall augment its protection of vegetated natural resources ~~in urban areas~~, including but not limited to the tree protection ordinance. This action would ensure that high quality trees would receive greater protection in the development review process, require preservation of valuable tree species, prohibit indiscriminate clearing, require replacement, and maintenance measures, and establish ratios for replacement if removal is unavoidable. The County shall ~~update~~ maintain the existing Tree Protection Ordinance ~~by 2009~~. (Added 12/00, Ord. 00-25)
- C1.12.2 Orange County shall encourage the planting of native trees and vegetation along the roadways, through inclusion of landscaping and buffering requirements in the Land Development Code, Activity Center development guidelines, Arbor Day promotions, and expansion of the Urban Forestry Program, in order to reduce the level of carbon dioxide in the air, dilute air pollutants, and reduce noise impacts, to enhance the aesthetic quality, design, and quality of life in Orange County. (Added 12/00, Ord. 00-25, Policy 1.12.2-r)
- C1.12.3 Orange County shall develop incentive programs for the conservation of existing, wetland and upland vegetative communities.
- C1.12.4 Orange County shall continue to implement invasive/exotic plant species control on Orange County Green PLACE properties, ~~continue to~~ conduct prescribed fire events, and restore ~~restoration of~~ degraded habitats with native vegetation. (Amended 6/10, Ord. 10-07)

**GOAL C2** Orange County's goal is to protect, enhance and maintain the unique and irreplaceable values, functions, diversity and benefit of the natural resources within the Econlockhatchee River Basin, Wekiva Protection Area, Wekiva River Basin -and the Lake Apopka Drainage Basin. (Amend. 12/00, Ord. 00-25, Goal 2)

Staff recommends adding Wekiva River Basin as this is included in the scope of the goal.

**OBJ C2.1** All new development within the Wekiva Protection Area shall be residential at very low densities, agricultural or low intensity recreational in character.

**POLICIES**

C2.1.1 The Future Land Use Map shall establish the permitted land use, densities and intensities for the Wekiva River Protection Area and the Wekiva River Study Area.

Recommend deleting the policy as the Future Land Use Map establishes land use, density for the Wekiva River.

C2.1.2 Within the Wekiva River Protection Area, development that is not residential, agricultural or low intensity recreational in character shall be prohibited. Amendments to the Future Land Use Map that would allow a residential density greater than 1 DU/5 Acres shall be denied.

**OBJ C2.2\_\_\_\_\_The natural resources of the Wekiva River shall be protected. This objective shall be made measurable by implementing the following policies.**

**POLICIES**

C2.2.1 A buffer zone is hereby established five hundred and fifty (550) feet from the landward limit of waters of the State (FAC § 62-340), or edge of the Wekiva River, or from the landward edge of the wetlands associated with the Wekiva River, whichever is the greater. In no case shall development activities be permitted closer than five hundred fifty (550) feet from the river's edge except for created forested or herbaceous wetlands, and passive recreation when it is clearly demonstrated by the applicant that the areas shall not adversely affect aquatic and wetland-dependent wildlife, water quality, groundwater table or surface water levels.

An upland buffer a minimum of 25 feet and an average of 50 feet shall be required for all Class I, Class II or Class III wetland systems/-conservation areas, that are not associated with the Wekiva River, that occur within the Wekiva Study Area. Larger buffers can be applied if scientific data on wetland function or local conditions dictates it. ~~This shall be incorporated into Chapter 15 of the Orange County Code by 2012. (Added Amended 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)~~

~~C2.2.2 In order to protect the Wekiva River, parcels shall not be subdivided so as to interfere with the buffer zone established in Conservation Policy C2.2.1.~~

C2.2.3 In order to preserve native vegetation to the maximum extent possible, clustering of development or submission as a Planned Development (PD) shall be encouraged within the Wekiva River Protection Area.

Staff recommends deleting the last sentence of the policy because this has been adopted as part of the Land Development Code.

The policy was omitted from the Comprehensive Plan. It was related to the Orange County Conservation Ordinance which restricted and regulated development in wetland areas. Staff recommends moving Policy C2.2.11 here because it relates to C2.2.1.



- |         |   |  |
|---------|---|--|
| C2.2.4  | Where <del>endangered, threatened imperiled species</del> <u>of plants and animals or species of special concern</u> are known to be present, or are likely to be present, the developer of any subdivision, or planned development, shall be required as part of the development review process to liaise with the Florida Fish and Wildlife Conservation Commission in order to protect the above plants and animals within the Wekiva River Protection Area. <del>This requirement shall be included in the Land Development Code.</del> | Recommend revision to reflect changes in nomenclature.   |
| C2.2.5  | Within the 100 Year Floodplain of the Wekiva River, developments shall be required to minimize the clearance of native vegetation. Prior to construction plan submittal, a vegetation clearing plan shall be submitted to the County for review and approval. Clearing of vegetation will only be permitted, where necessary, in order to complete the development. <del>Such requirements shall be included in the Land Development Code.</del> (Amended 6/10, Ord. 10-07)   | Recommend deleting the last sentence of the policy because this has been adopted in the Land Development Code. |
| C2.2.6  | The County shall continue to monitor surface water quality within the <u>Wekiva</u> Study Area in order to identify potential pollutant sources and track long term trends in quality. The County shall follow the requirements of any Basin Management Action Plan (BMAP) developed under the Total Maximum Daily Load (TMDL) Program. ( <del>Added</del> <u>Amended</u> 12/00, Ord. 00-25)  |  |
| C2.2.7  | Pre-development and post-development stormwater run-off rates shall be equal. ( <del>Added</del> <u>Amended</u> 12/00, Ord. 00-25)  |  |
| C2.2.8  | Developments that have the potential to degrade groundwater quality shall be prohibited.  |  |
| C2.2.9  | Within the 100 Year Floodplain of the Wekiva River, septic tank use shall be discouraged. Where public utilities are available, new development will be required to hook-up to these facilities. In order to obtain a Septic Tank Permit within the Floodplain, the applicant must demonstrate that there will be no detriment to water quality. Such requirements shall be included in the septic tank regulations of the Land Development Code.   |  |
| C2.2.10 | In order to protect the water quality of the Wekiva River, and to protect the River's rural character, the density or intensity of development permitted on parcels adjacent to the River shall be concentrated/clustered on the portion of the parcel furthest from the River.   |  |

- |         |  |  |
|---------|--|--|
| C2.2.11 | In order to protect the Wekiva River, parcels shall not be subdivided so as to interfere with the buffer zone established in Conservation Policy C2.2.1.   | Staff recommends moving this policy to Policy C2.2.2.  |
| C2.2.12 | Orange County shall coordinate with the St. Johns River Water Management District to monitor and manage the quantity of groundwater withdrawals, in order to prevent saltwater contamination due to a decline in potentiometric surface. | Staff recommends moving this policy to the Potable Water Element because saltwater concern should be under that element. |
| C2.2.13 | Orange County shall coordinate with the City of Apopka concerning implementation of the required provisions of the Wekiva River Protection Act through meetings on an as needed basis.   |  |

**OBJ C2.3 Orange County shall protect and preserve the surface water quality and quantity, wildlife populations and habitat, aesthetics, open space, historical and archaeological resources, floodplains, wetland areas, native upland areas and recreation lands of the Econlockhatchee (Econ) River Basin by implementing the following policies.**

**POLICIES**

- C2.3.1 The Land Development Code shall provide for the protection of the Econ River Basin through mechanisms such as upland buffers, specific restrictions within a 2,200 foot total width protection zone, requiring habitat and historical/archaeological resource assessments and protection, allowing for mitigation, open space or density credits, requiring landscaping to include use of native plant species, utilization of wetland areas as part of drainage facility systems, requiring ~~State or Federal listed species protection~~ imperiled species protection, clustering of development, restricting floodplain encroachment, and limiting forested habitat fragmentation. (Added 12/00, Ord. 00-25)
- C2.3.2 Orange County shall coordinate, through provision of information and technical assistance, with the St. Johns River Water Management District and adjacent counties for the development of consistent regulations protecting the Econ River Basin.
- C2.3.3 Orange County shall support educational programs promoting the scenic and natural values of the Econ River Basin through provision of information and technical assistance, ~~and attendance at appropriate meetings.~~
- C2.3.4 Orange County shall continue to monitor surface water quality in the Econ River Basin in order to identify potential pollutant sources and track long term trends in quality. The County shall follow the requirements of any Basin Management Action Plan (BMAP) developed under the Total Maximum Daily Load (TMDL) Program. (Amended 6/10, Ord. 10-07)

Recommend revision to reflect changes in nomenclature.

**OBJ C2.4**      **Orange County shall help restore, protect and preserve the surface populations and habitat, aesthetics, open space, historical and archaeological resources, floodplains, wetland areas, native upland areas and recreation lands of the Lake Apopka River Basin by implementing the following policies.**

**POLICIES**

C2.4.1      Orange County shall support, through the provision of information, technical assistance, planning, land acquisition, land use designations, and intergovernmental coordination the restoration of Lake Apopka through the Lake Apopka Surface Water Improvement and Management (SWIM) Program, the Lake Apopka Planning Initiative and the efforts of the Lake Apopka Restoration Council. Orange County shall also support the South Florida Water Management District's Lake Butler SWIM Program. (Added 12/00, Ord. 00-25)

C2.4.2      Orange County shall continue to monitor surface water quality in the Lake Apopka Basin in order to identify potential pollutant sources and track long term trends in quality. The County shall follow the requirements of any Basin Management Action Plan (BMAP) developed under the Total Maximum Daily Load (TMDL) Program. (Amended 6/10, Ord. 10-07)

**GOAL C3** Orange County's goal is to reduce the County's green-house gases (GHG) emissions to prevent global warming and to set the pace for a livable sustainable community.

**OBJ C3.1** ~~Green-Hhouse Gas (GHG) emissions generated by County actions shall be reduced to prevent-mitigate global warming. The reductions, based on 2005-GHG emissions, shall be as follow: 15% by the year 2010; 28% by the year 2015; 40% by the year 2020. It is Orange County's goal to be GHG neutral by 2040.~~

Recommend revising the policy to reflect current objective of becoming GHG neutral by 2040.

**POLICIES**

C3.1.1 ~~By the year 2012, To reach the objective of being greenhouse gas neutral, 60% of all County owned vehicles should be either hybrids, electric vehicles, or use-alternative fuel, as vehicles are replaced. (Amended 6/10, Ord. 10-07, Amended 10/10, Ord. 2010-13)~~

C3.1.2 The County shall reduce vehicle miles traveled by using mobile technology in vehicles such as computer connections to office.

C3.1.3 ~~By the year 2010, the~~The County shall reduce petroleum consumption by 20%, using the year 2005 as the base. The County shall reduce petroleum consumption to assist in becoming greenhouse gas neutral by 2040.

C3.1.4 The County shall support mass transit and multimodal transportation centers.

C3.1.5 The County shall increase, as feasible, the number of miles of bicycle trails and roadside bicycle lanes.

Recommend revising the policy to continue Orange County's support of reducing greenhouse gases.

C3.1.6 The County shall ~~make all possible~~continue supporting efforts to ~~participate in a pilot program for promote the use of plug-in hybrid alternative fuel~~ vehicles.

C3.1.7 The County shall continue to support hydrogen projects as feasible. (Amended 10/10, Ord. 2010-13)

C3.1.8 The County shall continue supporting the methane recovery at the Orange County Landfill and ensure that all new cells recover methane gas rather than flaring.

C3.1.9 The County shall recover methane gas at County wastewater treatment plants or use other technologies to reduce GHG emissions.

- |         |   |  |
|---------|---|--|
| C3.1.10 | <p><del>RESERVED. The County shall identify jurisdictions on a regional and even worldwide basis to partner in formal agreements to reduce GHG emissions. Encourage local municipalities to develop local climate action plans to work together on this issue. Consider establishing a "sister" city in the United Kingdom to share ideas and plans.</del></p>        | <p>Recommend deleting from the Conservation element because this policy is included in the Intergovernmental Coordination Element and referring the reader to ICE1.8.17.</p> |
| C3.1.11 | <p><del>RESERVED. The County shall partner with various agencies that have the ability to support the Orange County Climate Change Sustainability Plan and can assist in reducing GHG emissions. Explore partnerships with Central Florida Orlando Orange County Expressway Authority to encourage the use of alternative fuel vehicles and/or car pooling.</del></p> | <p>Recommend deleting from the Conservation element because this policy is included in the Intergovernmental Coordination Element and referring the reader to ICE1.8.18.</p> |

**OBJ C3.2 Orange County shall set the pace to become a livable sustainable community.**

**POLICIES**

- C3.2.1 The County shall continue applying for grants and committing funds for ~~projects like the solar photovoltaic (PV) projects. panels at the Orange County Convention Center (OCCC). This, up to 1-~~ megawatt, system will help the OCCC reduce their energy consumption from fossil fuel. Recommend deleting the 1 megawatt system that is mentioned in the policy as it is overly specific.
- C3.2.2 The County shall partner with electric utilities to develop green power programs, and also sell renewable energy credits (RECs) from the Orange County Convention Center (OCCC) project to generate more alternative energy on County owned buildings. Staff recommends revision to provide support to the policy as this is consistent with the Sustainable Orange County Plan.
- C3.2.3 The County shall retrofit County buildings with renewable energy systems consistent with the Sustainable Orange County Plan. This supports hurricane mitigation efforts to have decentralized energy available. ~~Efforts shall be made to have 15% of power supplied to all County owned buildings from alternative energy sources within 15 years.~~
- C3.2.4 The County shall develop a program to encourage Clean Tech or green businesses within the County.
- C3.2.5 The County shall support new technologies for generation of energy from solid waste, including garbage. Set up and encourage pilot programs when feasible.
- C3.2.6 All new County buildings shall at least meet the minimum points for Leadership in Energy and Environmental Design (LEED) recognition for certification. (Amended 6/10, Ord. 10-07)
- C3.2.7 The County shall create incentives to support green building and green development, ~~for within the~~ private sector such as reduced fees, and expedited permit review.
- C3.2.8 The County shall encourage all county sponsored or financially supported projects to build green.
- C3.2.9 The County shall support revision of the building code and/or energy code to support greater efficiencies. The County shall support state effort and consider adopting local ordinance as needed.
- C3.2.10 The County shall develop a program to reward water conservation. This could include creating water conservation credits when a new permit demonstrates less water will be used.

C3.2.11 The County shall make efforts to ~~establish~~ continue to support an incentive program to increase solar hot water heaters and PV panels on residential homes and businesses within the County.

Recommend revision to continue Orange County's support of use of solar power.

C3.2.12 The County shall encourage redevelopment of properties ~~thru~~ through the State Brownfield Program.

~~C3.2.13~~ Redevelopment of former ~~solid waste disposal facilities (landfills), including any property where regulated solid waste remains onsite, shall comply with Orange as defined by the State and "brownfield development" standards shall comply with County's Planned Development process, §38-1201, OCC.~~ The proponent for redevelopment of a former landfill shall enter into a developer's agreement with the County delineating specific procedures and/or conditions to deal with any environmental issues before redevelopment. (Added 6/10, Ord. 10-07)

This policy was part of C3.2.12. Recommend creating a new policy to differentiate this from Policy C3.2.12.



### Background Information

The Recreation Element is one of the seven required elements of the Comprehensive Plan as per Florida Statutes §163.3177. It has been part of the Plan since the 1980 Growth Management Plan.

The purpose of the element is to guide the provision of activity-based and resource-based park lands for the existing and future residents of Orange County and to meet their expected health, safety, and welfare needs.

The County classifies all of its recreation sites as either activity-based or resourced-based sites. Activity-based recreation sites are the areas containing facilities such as basketball courts, tennis courts, and playground equipment. Resource-based recreation sites typically contain minimum facilities and focus on the natural environment. These sites can offer passive recreation activities such as hiking, fishing, swimming, and camping.

### Past Evaluation and Appraisals

The 2000 update to the 1991 Comprehensive Plan included updates to target dates, Level of Service Standards, utilization of citizen surveys to ascertain community desires for recreational facilities, the utilization for the Parks and Recreation Master Plan and Bikeways, Trails and Greenways Master Plan to identify needed improvements.

Also included were revisions to the introduction and supporting text to reflect planning trends at the time of the update. Many of the current policies were adopted into the Comprehensive Plan at this time. The Level of Service (LOS) Chart was also updated. Of note was the information regarding determining level of service for resource based parks. Orange County administers the Environmentally Sensitive Lands (ESL) Acquisition Program to acquire natural undeveloped areas and accommodate level of service provisions for resource-based parks. The manner in which resource-based recreation acreage is derived from ESL acreage and delineated as open space acreage and/or conservation acreage is within the Conservation and Open Space Elements. During the 2000 EAR the LOS for activity based and resource based parks was updated for all park sites.

As part of the 2006 Evaluation and Appraisal Report (July 11, 2006) Orange County identified nine major issues facing the County. One of these issues was parks and recreation. The issue at hand was that vacant land was available to

meet some of the level of service needs, but many of the properties were not conveniently located for residents and many children do not have any neighborhood parks within walking or bicycling distance. Recommendations were made which included adopting location criteria for parks and recreation facilities, recognizing the positive social and economic impacts of parks, incorporating the Bikeways, Trails, and Greenways Master Plan into the Recreation Element, more definition to the required upland preservation areas in the Open Space Element, and possibilities to expand parks in conjunction with mass transit terminal facilities through partnerships with merchants, shopping malls, and other types of development.

The Recreation Element provided an inventory of existing public activity-based and resource-based recreation sites available to Orange County residents. One of the noted recommendations was to update the data and analysis section of the element because it had been more than 5-years since it was revised. Parks and Recreation Division anticipated that the vast majority of the tables and maps would be updated.

The 2009 update included updates to the population projections, the list of private parks, the actual level of service for activity-based recreation and parkland, and level of service for resource-based recreation sites. The Goals, Objectives, and Policies were not revised during the update.

The following meetings and hearings have been held for this proposal:		
Report/Public Hearing	Outcome	
✓	Staff Report	Recommend Transmittal
✓	LPA Transmittal November 21, 2019	Recommend Transmittal (9-0)
	BCC Transmittal	December 17, 2019
	Agency Comments	December 2019
	LPA Adoption	May 21, 2020
	BCC Adoption	June 9, 2020

### Summary of Proposed Changes

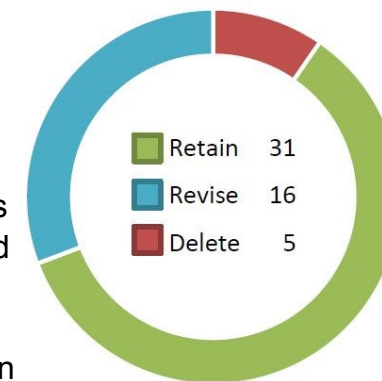
Staff from the Parks and Recreation Division, Environmental Protection Division, and the Planning Division collaborated on the review and proposed amendments to the Recreation Element policies.

The Recreation Element contains one goal, seven objectives, and forty-four policies, as shown in the table below. The table also shows the proposed number of changes to the element if it is a goal, objective, or policy.

	Current	Proposed Retain	Proposed Revise	Proposed Delete
Goal	1	0	1	0
Objective	7	2	5	0
Policy	44	29	10	5
Total	52	31	16	5

The chart to the right illustrates the proposed outcome of the clean-up of the Recreation Element. The majority of the policies are retained, sixteen (16) are revised, five (5) are deleted.

Recreation Element Clean-Up Results



The reason for policy deletion is that the policy is either repeated elsewhere in the Comprehensive Plan or the in the instance of Policy R1.2.4, an inventory is not provided to the Building Division to ensure the minimum level of service is maintained. Detailed explanations of the proposed changes are included in the column notes that accompany the proposed text amendments.

## **Recreation Element Goals, Objectives and Policies**

**GOAL R1**      **Orange County shall strive to provide the residents of unincorporated Orange County with sufficient resource based and activity based park land and recreation facilities to satisfy their health, safety, and welfare needs.**

**OBJ R1.1**      **Orange County shall strive to achieve a level of service of 2.5 acres of publicly owned activity-based park land and trails per one thousand (1,000) residents of unincorporated Orange County by 2030, contingent upon adequate funding sources being in place. (Updated 12/00, Ord. 00-25)**

### **POLICIES**

- R1.1.1      Orange County shall continue to maintain the adopted level of service of 1.5 acres of publicly owned activity-based parkland and trails per 1,000 residents of unincorporated Orange County. (Added 12/00, Ord. 00-25)
- R1.1.2      RESERVED.
- R1.1.3      RESERVED.
- R1.1.4      Public park or recreation areas operated or maintained by Orange County shall not be converted to other uses, except by determination of the Board of County Commissioners that such conversion is in the public interest. Orange County shall seek appropriate compensation or replacement land if such land is taken.
- R1.1.5      Orange County's priority for acquisition of future public activity-based recreation sites shall be in areas identified in the Parks and Recreation and Trails Master Plans as lacking in the provision of activity-based parks. Particular importance shall be placed on those areas within the Urban Service Area; however, this should not preclude opportunities for park acquisition in the Rural Service Area. (Amended 11/13; Ord. 2013-22)
- R1.1.6      Orange County shall continue to identify additional sites for public activity-based park acquisition and funding mechanisms to acquire these sites in conjunction with the adopted Parks and Recreation and Trails Master Plans. (Amended 12/00, Ord. 00-25; Amended 11/13; Ord. 2013-22)
- R1.1.6.1      Orange County shall continue to update the Parks and Recreation and the Trails Master Plans every seven years to accommodate the needs of our diverse and changing population. (Added 12/00, Ord. 00-25; Amended 11/13; Ord. 2013-22)
- R1.1.7      The Orange County Parks and Recreation Division shall maintain an up-to-date inventory of all Orange County maintained activity-based park and recreation facilities. . (Amended 12/00, Ord. 00-25)
- R1.1.8      The Parks and Recreation Division shall provide the Planning Division with an up-to-date inventory of activity-based parks to ensure the minimum level of service is met. This information will be provided to the Orange County Building Division to ensure that the minimum level of service is maintained. (Added 12/00, Ord. 00-25)
- R1.1.9      The Orange County Land Development Code shall clearly address the provisions of public and private activity-based recreation space in developments. (Amended 12/00, Ord. 00-25)
- R1.1.10      Orange County shall adopt a needs map as part of the Parks and Recreation Master Plan that will depict future recreation needs for the planning horizon. (Amended 11/13; Ord. 2013-22)

R1.1.11

Orange County shall amend the Comprehensive Plan as necessary to include all pertinent information from the Parks and Recreation and the Trails Master Plans and their updates subsequent to adoption of the master plans. (Amended 11/13; Ord. 2013-22)

**OBJ R1.2 Orange County shall ensure that resource-based park land is adequately and efficiently provided to meet the needs of the residents of unincorporated Orange County. (Added 12/00, Ord. 00-25)**

**POLICIES**

- R1.2.1 Orange County shall maintain the adopted level of service of 6.0 acres of publicly owned resource-based park land per 1,000 residents of unincorporated Orange County. This level of service shall not preclude opportunities to acquire resource-based parkland. (Added 12/00, Ord. 00-25)
- R1.2.2 Orange County shall continue to investigate the acquisition of wetland, rare upland vegetative communities, and lands for wildlife and riverine corridors for incorporation into the environmentally sensitive lands program as resource-based parks.
- R1.2.3 Orange County shall continue to investigate opportunities for the development of nature interpretive centers and programs to take advantage of unique natural resources and to provide educational experiences to residents. (Amended 12/00, Ord. 00-25)
- R1.2.4 The Orange County Parks and Recreation Division shall maintain an up-to-date inventory of all Orange County maintained public resource-based park facilities that count towards Orange County's level of service. (Amended 12/00, Ord. 00-25)
- R1.2.5 The Orange County Land Development Code shall clearly address the provision of public and private resource-based recreation space in developments. The definition of resource-based recreation shall be consistent with the definition contained in this element. (Added 12/00, Ord. 00-25)
- R1.2.6 Historic resources included within Orange County public parks shall be protected and maintained by using the guidelines of the Florida Department of State, Division of Historic and Archaeological Resources and local historic resource protection measures. (Amended 12/00, Ord. 00-25)
- R1.2.7 RESERVED.

**OBJ R1.3 Orange County shall consider the feasibility of and then pursue all appropriate funding mechanisms for acquisition, development and maintenance of public park and recreation lands. (Amended 12/00, Ord. 00-25)**

**POLICIES**

- R1.3.1 Orange County shall continue to evaluate the feasibility of and need for the application of the Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU) for acquisition, development and maintenance of publicly owned park and recreation lands. (Amended 12/00, Ord. 00-25)
- R1.3.2 Orange County shall annually pursue all appropriate park and recreation grant programs to seek financial support for public parks and recreation lands.
- R1.3.3 Orange County shall encourage acquisition of public resource-based parkland through the Conservation Trust Fund (CTF) wherever possible. The use of the fund for activity-based parks is prohibited. (Added 12/00, Ord. 00-25)
- R1.3.4 Orange County shall continue to investigate other funding sources for public park land acquisition, facilities and maintenance.
- R1.3.5 Orange County shall preserve and maintain existing public parks and recreation facilities through the use of adequate operating budgets and proper management techniques.
- R1.3.6 Orange County shall assist non-profit land trusts that are established in Orange County for the purpose of receiving and managing public park and recreation lands through the provision of information and technical assistance.

**OBJ R1.4 Orange County shall continue to pursue public access to existing and future Orange County parks by developing programs consistent with the Parks and Recreation and Trails Master Plans and implementation of the Land Development Code. (Amended 11/13, Ord. 2013-22)**

**POLICIES**

- R1.4.1 Orange County public parks shall be designed and constructed with access ways that are compatible with the natural features and character of the individual park area.
- R1.4.2 Orange County shall ensure that sidewalks and/or bikeways are provided to link residential areas to park sites where feasible.
- R1.4.3 Orange County shall continue to promote the development of all-purpose trails, including biking, hiking, and equestrian trails, and to provide non-motorized vehicular linkage between park sites, as illustrated in the Trails Master Plan. (Amended 11/13, Ord. 2013-22)
- R1.4.4 The Parks and Recreation Master Plan shall look for appropriate sites for development of boat ramps/launches on and adjacent to public waterways and lakes and shall contain programs to promote the development of these sites. (Amended 11/13, Ord. 2013-22)
- R1.4.5 Orange County shall ensure the provision of parking areas and bicycle racks, where appropriate, at recreation sites.
- R1.4.6 Orange County shall continue to ensure the provision of parking spaces, barrier free access, and park programs are accessible to and accommodate patrons with special needs.
- R1.4.7 Orange County shall continue to coordinate with local transit providers for the provision of mass transit routes to public activity-based parks and facilities. (Added 12/00, Ord. 00-25)
- R1.4.8 The Orange County Parks and Recreation Division shall continue to distribute information to inform and educate the residents of Orange County about the public park and recreation system.
- R1.4.9 Orange County shall continue to pursue a Countywide multi-use trails system through implementation of the Trails Master Plan.
- R1.4.10 Orange County shall continue to pursue the acquisition of abandoned railroad rights-of-way for use as recreational and wildlife corridors.

**OBJ R1.5 To avoid duplication of services and promote efficient use of land and funding, Orange County shall continue to coordinate efforts with other local governments, agencies, and private development entities.**

**POLICIES**

R1.5.1 RESERVED

R1.5.2 RESERVED.

R1.5.3 Orange County shall continue to coordinate efforts with County and local utility agencies to identify sites for public recreation purposes, such as utilization of easements of power lines, drainage or gas lines for recreational trails or linear parks consistent with Florida Department of Environmental Protection, Florida Department of Transportation, and Federal Highway Administration guidelines for greenways and trails. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

R1.5.3.1 (Policy deleted 11/13, Ord. 2013-22)

R1.5.4 Orange County shall continue to coordinate with Orange County municipalities and adjacent counties for provision of public parks and recreation facilities through the use of interlocal agreements. In cases where the park acreage of another jurisdiction, whose service area extends into unincorporated Orange County area, that acreage shall be counted towards the level of service standard if an interlocal agreement exists. (Added 12/00, Ord. 00-25)

R1.5.5 Orange Country shall pursue joint use agreements with the Orange County School Board for the use of school recreation areas as public park facilities, or for use of public park facilities as school recreation areas. . (Added 12/00, Ord. 00-25)

R1.5.6 RESERVED.

R1.5.7 The Orange County Parks and Recreation Division shall continue to plan for public/private ventures of recreation facilities. (Added 12/00, Ord. 00-25)

R1.5.8 Orange County shall provide incentives in the Land Development Code to encourage private participation in providing public recreation sites, such as, but not limited to, density bonuses, tax reductions, impact fee waivers, joint funding, and public facilities priority. (Added 12/00, Ord. 00-25)

R1.5.9 Orange County shall look for incentives for developers to provide open space/neighborhood parks. The promotion of private neighborhood parks does not require Orange County to own, operate or maintain these facilities.

**OBJ R1.6**      **Orange County shall develop a public park and recreation system that includes a diversity of facilities and programs to serve effectively a population with varied characteristics, needs and interests.**

**POLICIES**

R1.6.1      The Orange County Parks and Recreation Division shall conduct citizen surveys in coordination with the seven-year updates of the Parks and Recreation and Trails Master Plans. Data collected from these surveys shall be used to determine what types of facilities Orange County residents desire to have in their public parks in an attempt to satisfy the diverse needs of Orange County residents. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

R1.6.2      The Parks and Recreation and Trails Master Plans shall identify improvements needed to correct existing facility deficiencies in Orange County public parks, the cost associated with the needs, and a schedule of improvements. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

**OBJ R1.7**      **Reserved.**

**POLICIES**

R1.7.1      RESERVED.

R1.7.2      RESERVED.



## Recreation Element Goals, Objectives and Policies

**GOAL R1** Orange County shall strive to provide the residents of unincorporated Orange County with sufficient resource based and activity based park land and recreation facilities to satisfy their health, safety, and welfare needs. (~~Added 12/00, Ord. 00-25~~)

Staff recommends updating to include the two types of parks the County maintains to provide clarification to the user.

**OBJ R1.1** Orange County shall strive to achieve a level of service of 2.5 acres of publicly owned activity-based park land and trails per one thousand (1,000) residents of unincorporated Orange County by ~~2020~~2030, contingent upon adequate funding sources being in place. (~~Added~~ Updated 12/00, Ord. 00-25)

Staff recommends revising to update the year.

### POLICIES

R1.1.1 Orange County shall continue to maintain the adopted level of service of 1.5 acres of publicly owned activity-based parkland and trails per 1,000 residents of unincorporated Orange County. (Added 12/00, Ord. 00-25)

R1.1.2 RESERVED.

R1.1.3 RESERVED.

Policy R1.1.2 was deleted December 5, 2000 and Policy R1.1.3 was deleted, unknown date.

R1.1.4 Public park or recreation areas operated or maintained by Orange County shall not be converted to other uses, except by determination of the Board of County Commissioners that such conversion is in the public interest. Orange County shall seek appropriate compensation or replacement land if such land is taken.

R1.1.5 Orange County's priority for acquisition of future public activity-based recreation sites shall be in areas identified in the Parks and Recreation and Trails Master Plans as lacking in the provision of activity-based parks. Particular importance shall be placed on those areas within the Urban Service Area; however, this should not preclude opportunities for park acquisition in the Rural Service Area. (~~Added 12/00, Ord. 00-25~~; Amended 11/13; Ord. 2013-22)

- R1.1.6 Orange County shall continue to identify additional sites for public activity-based park acquisition and funding mechanisms to acquire these sites in conjunction with the adopted Parks and Recreation and Trails Master Plans. (~~Added~~ Amended 12/00, Ord. 00-25; Amended 11/13; Ord. 2013-22)
- R1.1.6.1 Orange County shall continue to update the Parks and Recreation and the Trails Master Plans every seven years to accommodate the needs of our diverse and changing population. (Added 12/00, Ord. 00-25; Amended 11/13; Ord. 2013-22)
- R1.1.7 The Orange County Parks and Recreation Division shall maintain an up-to-date inventory of all Orange County maintained activity-based park and recreation facilities. ~~Orange County Planning Division shall maintain an inventory of other private facilities, which may count towards the County's Level of Service.~~ (Added Amended 12/00, Ord. 00-25)
- R1.1.8 The Parks and Recreation Division shall provide the Planning Division with an up-to-date inventory of activity-based parks to ensure the minimum level of service is met. This information will be provided to the Orange County Building Division to ensure that the minimum level of service is maintained. (Added 12/00, Ord. 00-25)
- R1.1.9 The Orange County Land Development Code shall clearly address the provisions of public and private activity-based recreation space in developments. ~~The definition of activity-based recreation areas shall be consistent with activity-based park/recreation area definition contained in this element.~~ (Added Amended 12/00, Ord. 00-25)
- R1.1.10 Orange County shall adopt a needs map as part of the Parks and Recreation Master Plan that will depict future recreation needs for the planning horizon. (~~Added 12/00, Ord. 00-25;~~ Amended 11/13; Ord. 2013-22)
- R1.1.11 Orange County shall amend the Comprehensive Plan as necessary to include all pertinent information from the Parks and Recreation and the Trails Master Plans and their updates subsequent to adoption of the master plans. (~~Added 12/00, Ord. 00-25;~~ Amended 11/13; Ord. 2013-22)
- Staff recommends revising because Orange County Planning does not maintain an inventory of private facilities which may count towards the level of service.
- Staff recommends revising the policy to delete the reference to the definition of activity based recreation areas because it is not defined in the element. In the 2009 Plan it was defined on page 1 of the Recreation Element.

**OBJ R1.2 Orange County shall ensure that resource-based park land is adequately and efficiently provided to meet the needs of the residents of unincorporated Orange County. (Added 12/00, Ord. 00-25)**

**POLICIES**

R1.2.1 Orange County shall maintain the adopted level of service of 6.0 acres of publicly owned resource-based park land per 1,000 residents of unincorporated Orange County. This level of service shall not preclude opportunities to acquire resource-based parkland. (Added 12/00, Ord. 00-25)

R1.2.2 Orange County shall continue to investigate the acquisition of wetland, rare upland vegetative communities, and lands for wildlife and riverine corridors for incorporation into the environmentally sensitive lands program as resource-based parks.

R1.2.3 Orange County shall continue to investigate opportunities for the development of nature interpretive centers and programs to take advantage of unique natural resources and to provide educational experiences to residents. (Added ~~Amended~~ 12/00, Ord. 00-25)

R1.2.4 The Orange County Parks and Recreation Division shall maintain an up-to-date inventory of all Orange County maintained public resource-based park facilities that count towards Orange County's level of service. ~~This information shall be provided to the Orange County Building Division to ensure that the minimum level of service is maintained.~~ (Added ~~Amended~~ 12/00, Ord. 00-25)

Staff recommends revising the policy to delete the last sentence because the Parks and Recreation Division does not provide the Building Division an inventory to ensure the minimum level of service is maintained.

R1.2.5 The Orange County Land Development Code shall clearly address the provision of public and private resource-based recreation space in developments. The definition of resource-based recreation shall be consistent with the definition contained in this element. (Added 12/00, Ord. 00-25)

R1.2.6 Historic resources included within Orange County public parks shall be protected and maintained by using the guidelines of the Florida Department of State, Division of Historic and Archaeological Resources and local historic resource protection measures. (~~Added~~ Amended 12/00, Ord. 00-25)

R1.2.7 ~~RESERVED. Orange County shall use resource-based parks to create open spaces to assist in establishing the county's urban form. (Added 12/00, Ord. 00-25)~~

Recommend deleting because the policy is found in Open Space Element Policy OS1.1.10.

**OBJ R1.3 Orange County shall consider the feasibility of and then pursue all appropriate funding mechanisms for acquisition, development and maintenance of public park and recreation lands. (~~Added~~ Amended 12/00, Ord. 00-25)**

**POLICIES**

R1.3.1 Orange County shall continue to evaluate the feasibility of and need for the application of the Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU) for acquisition, development and maintenance of publicly owned park and recreation lands. (~~Added~~ Amended 12/00, Ord. 00-25)

R1.3.2 Orange County shall annually pursue all appropriate park and recreation grant programs to seek financial support for public parks and recreation lands.

R1.3.3 Orange County shall encourage acquisition of public resource-based parkland through the Conservation Trust Fund (CTF) wherever possible. The use of the fund for activity-based parks is prohibited. (Added 12/00, Ord. 00-25)

R1.3.4 Orange County shall continue to investigate other funding sources for public park land acquisition, facilities and maintenance.

R1.3.5 Orange County shall preserve and maintain existing public parks and recreation facilities through the use of adequate operating budgets and proper management techniques.

R1.3.6 Orange County shall assist ~~any~~ non-profit land trusts that ~~is~~ are established in Orange County for the purpose of receiving and managing public park and recreation lands through the provision of information and technical assistance.

**OBJ R1.4** Orange County shall continue to pursue public access to existing and future Orange County parks shall be accomplished by year 2020 by developing programs consistent with the Parks and Recreation and Trails Master Plans and implementation of the Land Development Code. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

Staff recommends revising the policy to make it a directive and to remove the deadline.

**POLICIES**

- R1.4.1 Orange County public parks shall be designed and constructed with access ways that are compatible with the natural features and character of the individual park area.
- R1.4.2 Orange County shall ensure that sidewalks and/or bikeways are provided to link residential areas to park sites where feasible.
- R1.4.3 Orange County shall continue to promote the development of all-purpose trails, including biking, hiking, and equestrian trails, and to provide non-motorized vehicular linkage between park sites, as illustrated in the Trails Master Plan. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)
- R1.4.4 The Parks and Recreation Master Plan shall identify look for appropriate sites for development of boat ramps/launches on and adjacent to public waterways and lakes and shall contain programs to promote the development of these sites. ~~As sites are recommended, Orange County shall consider incorporating them into this element over the course of the planning period.~~ (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)
- R1.4.5 Orange County shall ensure the provision of parking areas and bicycle racks, where appropriate, at recreation sites.
- R1.4.6 Orange County shall continue to ensure the provision of parking spaces, barrier free access, and park programs are accessible to and accommodate patrons with special needs. ~~ensure the provision of handicapped parking spaces and barrier free access to activity-based parks and facilities, where appropriate.~~
- R1.4.7 Orange County shall continue to coordinate with local transit providers for the provision of mass transit routes to public activity-based parks and facilities. (Added 12/00, Ord. 00-25)

Staff recommends removing the directive regarding site recommendation being incorporated into the Recreation Element. In 2000 this policy was amended to include the sentence that is being recommended for deletion.

Staff recommends revising the policy to reflect a similar policy in the Parks and Recreation Master Plan.

R1.4.8 The Orange County Parks and Recreation Division shall continue to distribute information ~~in an appropriate manner~~ to inform and educate the residents of Orange County about the public park and recreation system.

~~R1.4.9~~ Orange County shall continue to pursue a ~~Countywide~~ Countywide multi-use trails system through implementation of the Trails Master Plan.

~~R1.4.10~~ ~~R1.7.1~~ Orange County shall continue to pursue the acquisition of abandoned railroad rights-of-way for use as recreational and wildlife corridors.

Staff recommends moving Objective R1.7 and Policy R1.7.1 from Objective R1.7 under Objective R1.4 because this objective speaks to multi-use trails.

**OBJ R1.5 To avoid duplication of services and promote efficient use of land and funding, Orange County shall continue to coordinate efforts with other local governments, agencies, and private development entities by implementing the following policies.**

**POLICIES**

R1.5.1 ~~RESERVED. Orange County shall continue to cooperate with St. Johns River Water Management District, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the Florida Division of Forestry in their management of programs for the Wekiva Springs State Park, Rock Springs Run, Tosohatchee State Game Preserve, and the Seminole Ranch Wildlife Management Areas, as well as with other governmental agencies on their management of programs for those parks that extend into the Orange County service area. (Added 12/00, Ord. 00-25)~~

Staff recommends deleting because this policy is repeated in Intergovernmental Coordination Element, Policy ICE1.7.7.

R1.5.2 ~~RESERVED. Orange County shall continue to pursue joint agency funding for purchase of public parks. (Added 12/00, Ord. 00-25)~~

Staff recommends deleting because this policy is repeated in Intergovernmental Coordination Element, Policy ICE1.4.7.

R1.5.3 Orange County shall continue to coordinate efforts with County and local utility agencies to identify sites for public recreation purposes, such as utilization of easements of power lines, drainage or gas lines for recreational trails or linear parks consistent with ~~DEP's~~Florida Department of Environmental Protection, ~~FDOT's~~Florida Department of Transportation, and ~~FHWA's~~Federal Highway Administration guidelines for greenways and trails. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

R1.5.3.1 (Policy deleted 11/13, Ord. 2013-22)

R1.5.4 Orange County shall continue to coordinate with Orange County municipalities and adjacent counties for provision of public parks and recreation facilities through the use of interlocal agreements. In cases where the park acreage of another jurisdiction, whose service area extends into unincorporated Orange County area, that acreage shall be counted towards the level of service standard if an interlocal agreement exists. (Added 12/00, Ord. 00-25)



R1.5.5 Orange Country shall pursue joint use agreements with the Orange County School Board for the use of school recreation areas as public park facilities, or for use of public park facilities as school recreation areas. ~~Orange County shall continue to enter into joint use agreements to allow park facilities to be used by the Orange County School Board during regular school hours. (Added 12/00, Ord. 00-25)~~

R1.5.6 ~~RESERVED. Orange County shall consider accepting the donation of combined park and education facility sites. If such donation is accepted, upon request of the School Board, Orange County may lease these donated educational facility sites to the Orange County School System for education facilities in accordance with Section 235.055, Florida Statutes.~~

Staff recommends deleting the policy. Section 235.055 as repealed and is not in 1013.16.

R1.5.7 The Orange County Parks and Recreation Division shall continue to plan for public/private ventures of recreation facilities. (Added 12/00, Ord. 00-25)

R1.5.8 Orange County shall provide incentives in the Land Development Code to encourage private participation in providing public recreation sites, such as, but not limited to, density bonuses, tax reductions, impact fee waivers, joint funding, and public facilities priority. (Added 12/00, Ord. 00-25)

R1.5.9 Orange County shall look for incentives for developers to provide open space/neighborhood parks~~promote the development of private neighborhood parks by allowing density bonuses in appropriate zoning districts included in the Land Development Code.~~ The promotion of private neighborhood parks does not require Orange County to own, operate or maintain these facilities.

Staff recommends revising this policy. This policy was part of the Recreation element since 1990. Page 16 of the Recreation Element found in the 2009 plan explains the practice of developers providing parks. Chapter 38, Article VI, Division 13 (R-CE-Cluster District) Sec. 38-558. Chapter 38, Article VI, Division 15 (residential Low Density District) Sec. 38-607.

**OBJ R1.6** ~~By implementing the following policies,~~  
**Orange County shall develop a public park and recreation system that includes a diversity of facilities and programs to serve effectively a population with varied characteristics, needs and interests.**

**POLICIES**

R1.6.1 The Orange County Parks and Recreation Division shall conduct ~~a~~ citizen surveys in coordination with the seven-year updates of the Parks and Recreation and Trails Master Plans. Data collected from these surveys shall be used to determine what types of facilities Orange County residents desire to have in their public parks in an attempt to satisfy the diverse needs of Orange County residents. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

R1.6.2 The Parks and Recreation and Trails Master Plans shall identify improvements needed to correct existing facility deficiencies in Orange County public parks, the cost associated with the needs, and a schedule of improvements. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)

**OBJ R1.7** ~~**Reserved. Orange County shall continue to pursue a Countywide multi-use trails system through implementation of the Trails Master Plan. (Added 12/00, Ord. 00-25; Amended 11/13, Ord. 2013-22)**~~

Staff recommends moving this Objective under Objective 1.4 as it also concerns multi-use trails.

**POLICIES**

R1.7.1 ~~RESERVED. Orange County shall continue to pursue the acquisition of abandoned railroad rights-of-way for use as recreational and wildlife corridors. (Added 12/00, Ord. 00-25)~~

Staff recommends moving this policy under Objective 1.4 as it concerns multi-use trails.

R1.7.2 ~~RESERVED. Orange County shall coordinate efforts with County and local utility agencies to identify sites for public recreation purposes, such as utilization of easements of power lines, drainage, or gas lines and other lands for recreation trails or linear parks.~~

Staff recommends deleting as it is repeated in Recreation Element Policy R1.5.3.

**Background Information**

The Open Space Element is one of the required elements of the Comprehensive Plan as per Florida Statutes §163.3177. This element was included in the 1980 and 1985 Growth Management Plan which became the 1990 Comprehensive Plan.

The purpose of the Element is to identify the need for open space in Orange County and to identify mechanisms for open space preservation with an emphasis on the role of open space for recreation. The Comprehensive Plan recognizes three types of open space:

- Conservation areas are areas set aside for protection of natural resources and areas unsuitable for development due to natural hazards;
- Recreation areas include both activity-based and resource-based sites;
- Urban open space are areas set aside to enhance the urban landscape, such as buffer areas, landscaped areas, and stormwater retention areas designed as an amenity.

**Past Evaluation and Appraisals**

The 2000 Update to the 1991 Comprehensive Plan included revisions to specify that the Land Development Code will include open space requirements for public and private development. Policies were revised to specify protection of natural communities, open space level of service, and utilization of open space to create an urban form. Additional policies were revised to specify continuance of the MSTU and MSBU for the acquisition of open spaces; the application of all viable finding sources; funding opportunities of public/private partnerships; utilization of open spaces to develop greenways and wildlife corridors.

As part of the 2006 Evaluation and Appraisal (July 11, 2006), Orange County identified nine major issues facing the County. One of these issues was environmental protection. There was concern that as development was proceeding toward build-out, additional pressures were being placed on natural resources throughout the County, especially within developable areas of the Urban Service Area and on areas adjacent to environmentally sensitive lands and public conservation. The report recommended revising the Open Space Element to provide more definition to the required upland preservation areas. It is also noted that recent enforcement of 25-foot upland buffers to wetlands should be extended to 50-foot buffers that would direct more open space to wetland protection and wildlife safe zones.

In 2007 the policies regarding the protection of the Wekiva Springshed and its natural resources by preserving open space within the Wekiva Study Area were added to the Open Space Element.

No changes were made to the Open Space Element as part of the 2009 Comprehensive Plan update.

**Summary of Proposed Changes**

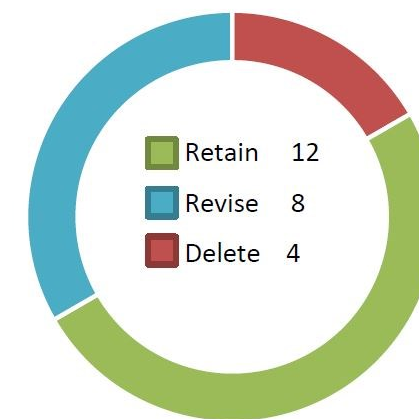
Staff from the Environmental Protection Division and the Planning Division collaborated on the review and proposed amendments to the Open Space Element policies.

The Open Space Element contains one goal, three objectives, and twenty (20) policies, as shown in the table below. The table also shows the proposed number of changes to the element.

	Current	Proposed Retain	Proposed Revise	Proposed Delete
Goal	1	1	0	0
Objective	3	3	0	0
Policy	20	8	8	4
<b>Total</b>	<b>24</b>	<b>12</b>	<b>8</b>	<b>4</b>

The chart to the right illustrates the proposed outcome of the clean-up of the Open Space Element. The majority of the policies are retained, eight (8) are revised, and four (4) are proposed to be deleted.

Open Space Element Clean-Up Results



Detailed explanations of the proposed changes are included in the column notes that accompany the proposed text amendments.

The following meetings and hearings have been held for this proposal:		
Report/Public Hearing	Outcome	
✓ Staff Report	Recommend Transmittal	
✓ LPA Transmittal November 21, 2019	Recommend Transmittal (9-0)	
BCC Transmittal	December 17, 2019	
Agency Comments	December 2019	
LPA Adoption	May 21, 2020	
BCC Adoption	June 9, 2020	

## **Open Space Element**

### **Goals, Objectives and Policies**

**GOAL OS1** It is a goal of Orange County to protect and preserve valuable open space resources. (Goal 1)

**OBJ OS1.1** The Land Development Code shall include open space requirements for both public and private development to enhance the urban environment. (Added 12/00, Ord. 00-25, Objective 1.1)

#### **POLICIES**

OS1.1.1 RESERVED.

OS1.1.2 RESERVED.

OS1.1.3 Tree removal shall be authorized consistent with provisions of the Orange County Land Development Code, Chapter 15, Article VIII, or any subsequent revisions. (Added 12/00, Ord. 00-25, Policy 1.1.4.1; Amended 6/10, Ord. 10-07; Amended 06/17, Ord. 2017-12)

OS1.1.4 Orange County shall continue to review the existing tree protection ordinance for modifications and improvement opportunities. (Added 12/00, Ord. 00-25, Policy 1.1.4.2-r; Amended 6/10, Ord. 10-07)

OS1.1.5 RESERVED.

OS1.1.6 Orange County shall encourage the creation of wildlife/open space corridors and investigate mechanisms and incentive programs to implement the corridors.

OS1.1.7 Orange County shall continue implementation of the Environmentally Sensitive Lands (ESL) Program. (Added 12/00, Ord. 00-25, Policy 1.1.7)

OS1.1.8 RESERVED.

OS1.1.9 Where environmentally sensitive open space areas contribute to public recreation, wetland function or wildlife habitat, exotic plants shall be controlled consistent with Conservation Policy C1.4.7. (Added 12/00, Ord. 00-25, Policy 1.1.9-r)

OS1.1.10 Orange County shall assist in designing and creating urban land patterns through acquisition and management of Environmentally Sensitive Lands and resource-based parks. (Added 12/00, Ord. 00-25, Policy 1.1.10)

**OBJ OS1.2 Orange County shall maintain the Environmentally Sensitive Lands Program (ESL) as a funding mechanism for acquisition and maintenance of environmentally sensitive lands throughout the planning horizon. (Added 12/00, Ord. 00-25, Objective 1.2; Amended 6/10, Ord. 10-07)**

**POLICIES**

- OS1.2.1 Orange County shall continually evaluate the feasibility of and need for the application of the Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU) for the acquisition and maintenance of publicly owned lands. (Added 12/00, Ord. 00-25, Policy 1.2.1; Amended 6/10, Ord. 10-07)
- OS1.2.2 Orange County will seek financial support for public lands by annually pursuing grant programs. (Added 12/00, Ord. 00-25, Policy 1.2.3; Amended 6/10, Ord. 10-07)
- OS1.2.3 Orange County shall continually pursue public/private partnerships for funding land acquisition of environmentally sensitive lands and natural open spaces. (Added 12/00, Ord. 00-25, Policy 1.2.3.1)
- OS1.2.4 Orange County shall consider acquiring natural undeveloped land areas via public/private ventures to address development impacts on wetlands, protecting wetland buffers and uplands with rare or sensitive habitat. Land areas acquired for these purposes shall accommodate the development of greenways and wildlife corridors in the County. (Added 12/00, Ord. 00-25, Policy 1.2.3.2; Amended 6/10, Ord. 10-07)
- OS1.2.5 Orange County may provide technical assistance and information to non-profit land trusts established in the County. (Added 12/00, Ord. 00-25, Policy 1.2.4)

**OBJ OS1.3 Orange County shall protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area. (Added 12/07, Ord. 07-20, Objective 1.3)**

**POLICIES**

- 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 as defined by FNAI, wetlands, and Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities. (Added 12/07; Ord. 07-20, Policy 1.3.1)
- 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.
- A.** The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas.
  - B.** Minimum required open space may include permeable stormwater management areas using Best Management Practices.
  - C.** 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.
  - D.** The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, 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. (Added 12/07, Ord. 07-20, Policy 1.3.2; Amended 6/10, Ord. 10-07)
- 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. (Added 12/07, Ord. 07-20, Policy 1.3.3)

OS1.3.4

A. 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:

1. the most effective recharge areas;
2. karst features; and
3. sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

B. 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. 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)



- C. 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)
- D. 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.
- E. 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. (Added 12/07, Ord. 07-20, Policy 1.3.5; Amended 6/10, Ord. 10-07)

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 and as may be amended. 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 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 within the Wekiva Study Area, 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 policies describe 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.

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

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

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

**B. 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:

- 1) Development with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- 2) 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;
- 3) 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.

**C. 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:

- 1) 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;
- 2) 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;
- 3) 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;
- 4) 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.

**D. 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.

- 1) 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;
- 2) 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;
- 3) 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.
- 4) 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)

**E. 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:

- 1) Development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- 2) Development with an overall size greater than 100 acres – open space shall be 50% or greater.

**F. 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)

### **G. Non-residential land uses in the Rural Service Area and Rural Settlements.**

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

### **H. 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)

**Open Space Element  
Goals, Objectives and Policies**

**GOAL OS1** It is a goal of Orange County to protect and preserve valuable open space resources. (Goal 1)

**OBJ OS1.1** The Land Development Code shall include open space requirements for both public and private development to enhance the urban environment. (Added 12/00, Ord. 00-25, Objective 1.1)

**POLICIES**

OS1.1.1 RESERVED.

Staff recommends deleting. Open space is defined within the Land Development Code.

OS1.1.2 RESERVED.

OS1.1.3 Tree removal shall be authorized consistent with provisions of the Orange County Land Development Code, Chapter 15, Article VIII, or any subsequent revisions. (Added 12/00, Ord. 00-25, Policy 1.1.4.1; Amended 6/10, Ord. 10-07; Amended 06/17, Ord. 2017-12)

Staff recommends deleting. The policy is met, adopted in the Land Development Code, Chapter 15, Article VIII.

OS1.1.4 Orange County shall continue to review the existing tree protection ordinance for modifications and improvement opportunities. (Added 12/00, Ord. 00-25, Policy 1.1.4.2-r; Amended 6/10, Ord. 10-07)

Staff recommends deleting. The policy is met, adopted in the Land Development Code, Chapter 15, Article VIII

Staff recommends revising by deleting the items that are contained in the Land Development Code and requiring staff to review the ordinance for modification and improvement opportunities..

OS1.1.5	RESERVED.	Staff recommends combining Open Space Polices OS1.1.5 and 1.1.6. The Conservation Element discusses open space corridors in C1.7.5 which directs the reader to Open Space polices OS1.1.5 and 1.1.6. The master plan that is referenced was never created.
OS1.1.6	Orange County shall encourage the creation of wildlife/open space corridors and investigate mechanisms and incentive programs to implement the corridors.	
OS1.1.7	Orange County shall continue implementation of the Environmentally Sensitive Lands (ESL) Program. (Added 12/00, Ord. 00-25, Policy 1.1.7)	
OS1.1.8	RESERVED.	Staff recommends revising the policy to reflect properties in the ESL Program are not considered resource based parks and do not contribute to the LOS.
OS1.1.9	Where environmentally sensitive open space areas contribute to public recreation, wetland function or wildlife habitat, exotic plants shall be controlled consistent with Conservation Policy C1.4.7. (Added 12/00, Ord. 00-25, Policy 1.1.9-r)	
OS1.1.10	Orange County shall assist in designing and creating urban land patterns through acquisition and management of Environmentally Sensitive Lands and resource-based parks. (Added 12/00, Ord. 00-25, Policy 1.1.10)	Staff recommends deleting this policy as it is repeated in Public School Element and the Neighborhoods Element.
		Staff recommends revising the policy to clarify the intent of using urban open space as areas set aside to enhance the urban landscape.

**OBJ OS1.2 Orange County shall maintain the Environmentally Sensitive Lands Program (ESL) as a funding mechanism for acquisition and maintenance of environmentally sensitive lands throughout the planning horizon. (Added 12/00, Ord. 00-25, Objective 1.2; Amended 6/10, Ord. 10-07)**

**POLICIES**

OS1.2.1 Orange County shall continually evaluate the feasibility of and need for the application of the Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU) for the acquisition and maintenance of publicly owned lands. (Added 12/00, Ord. 00-25, Policy 1.2.1; Amended 6/10, Ord. 10-07)

OS1.2.2 Orange County will seek financial support for public lands by annually pursuing grant programs. (Added 12/00, Ord. 00-25, Policy 1.2.3; Amended 6/10, Ord. 10-07)

OS1.2.3 Orange County shall continually pursue public/private partnerships for funding land acquisition of environmentally sensitive lands and natural open spaces. (Added 12/00, Ord. 00-25, Policy 1.2.3.1)

OS1.2.4 Orange County shall consider acquiring natural undeveloped land areas via public/private ventures to address development impacts on wetlands, protecting wetland buffers and uplands with rare or sensitive habitat. Land areas acquired for these purposes shall accommodate the development of greenways and wildlife corridors in the County. (Added 12/00, Ord. 00-25, Policy 1.2.3.2; Amended 6/10, Ord. 10-07)

Staff recommends revising the policy. Natural undeveloped land areas are not considered as part of the resource based parks program.

OS1.2.5 Orange County may provide technical assistance and information to non-profit land trusts established in the County. (Added 12/00, Ord. 00-25, Policy 1.2.4)

**OBJ OS1.3 Orange County shall protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area. (Added 12/07, Ord. 07-20, Objective 1.3)**

**POLICIES**

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 as defined by FNAI, wetlands, and Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities. (Added 12/07; Ord. 07-20, Policy 1.3.1)

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.

Staff recommends creating sub-policies to provide for ease of use and reading.

- A.** The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas.
- B.** Minimum required open space may include permeable stormwater management areas using Best Management Practices.
- C.** 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.



D. The minimum required quantity of open space within a development site shall be calculated over the net developable area of a parcel, 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. (Added 12/07, Ord. 07-20, Policy 1.3.2; Amended 6/10, Ord. 10-07)

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. (Added 12/07, Ord. 07-20, Policy 1.3.3)

OS1.3.4

A. 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:

1. the most effective recharge areas;
2. karst features; and
3. sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

B. 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. 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)

Staff recommends creating subheadings because this is a lengthy policy. The reason is to create a policy that is easier to read and use.

C. 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)

D. 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.

E. 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. (Added 12/07, Ord. 07-20, Policy 1.3.5; Amended 6/10, Ord. 10-07)

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 and as may be amended. 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 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).

o maximize open space and preserve the natural environment within the Wekiva Study Area, 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 policies describe 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.

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

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

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

**B. 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:

- 1) Development with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- 2) 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;
- 3) 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.

**C. 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:

- 1) 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;
- 2) 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;
- 3) 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;
- 4) 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.

**D. 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.

- 1) 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;
- 2) 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;
- 3) 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.
- 4) 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)

**E. 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:

- 1) Development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- 2) Development with an overall size greater than 100 acres – open space shall be 50% or greater.

**E. 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)

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

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

**H. 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)