

BCC Mtg. Date: April 26, 2016




**Interoffice Memorandum**

**AGENDA ITEM**

April 4, 2016

**TO:** Mayor Teresa Jacobs  
–AND–  
Board of County Commissioners

**FROM:** Jon V. Weiss, Director   
Community, Environmental and Development  
Services Department

**CONTACT PERSON:** **Alberto Vargas, March., Manager**  
**Planning Division**  
**407 836-5354**

**SUBJECT:** April 26, 2016 – Consent Item  
Evaluation and Appraisal of Orange County  
Comprehensive Plan

Pursuant to Section 163.3191, Florida Statutes, at least once every seven years, Orange County must review its comprehensive plan to determine if plan amendments are necessary to reflect changes in requirements of state law, and notify the state land-planning agency (Florida Department of Economic Opportunity) by May 1, 2016 as to its determination. Orange County will have one year from the notification letter's date to develop necessary updates and transmit them to the DEO as comprehensive plan amendments.

If you have any additional questions, please feel free to contact Greg Golgowski at 407 836-4824.

**ACTION REQUESTED:** **Authorization for the Planning Manager to Prepare a Comprehensive Plan Evaluation and Appraisal Letter to the State Land Planning Agency by May 1, 2016, pursuant to Section 163.3191, Florida Statutes. All Districts**

JVW/AV/GG:rep

Attachments



April 26, 2016

Mr. Ray Eubanks, Plan Review Administrator  
Florida Department of Economic Opportunity  
Division of Community Development  
107 East Madison Street, MSC-160  
Tallahassee, Florida 32399-4120

SUBJECT: 2016 Orange County Evaluation and Appraisal Notification Letter

Dear Mr. Eubanks:

In conformity with the requirements in Section 163.3191(1), F.S., this letter is provided to notify DEO that Orange County has completed an evaluation of its Comprehensive Plan to determine if plan amendments are necessary to reflect changes in state statutory requirements in Chapter 163, Part II, F.S., since the last Evaluation and Appraisal Report in 2008.

Orange County has determined that plan amendments are necessary for the purpose of updating our plan and ensuring it complies with current statutory requirements. Accompanying this document is the completed legislative change matrix which describes the recent changes in statutory requirements and any associated required changes in the County's Comprehensive Plan.

In accordance with the Evaluation and Appraisal Notification Schedule provided by the Department of Economic Opportunity, Orange County anticipates transmittal of the EAR based amendments within the statutorily mandated one year time frame. Consistent with the encouragement of Section 163.3191 (3) FS, we also anticipate evaluating the plan over the coming months for other amendments that may be needed.

For additional information or clarification regarding this Evaluation and Appraisal letter please contact:

Greg Gologowski, Chief Planner, Comprehensive Planning Section  
Orange County Planning Division  
Tel: 407-836-5624 Fax: 407-836-5862  
Email: Gregory.Gologowski@OCFL.net

Sincerely,

Alberto Vargas, March.  
Planning Division Manager

PLANNING DIVISION  
ALBERTO A. VARGAS, *Planning Manager*  
201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando FL 32802-1393  
Telephone 407-836-5600 ■ FAX 407-836-5862 ■ [orangecountyfl.net](http://orangecountyfl.net)

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Description of changes to Chapter 163, Part II, F.S.,	F.S Citation	Addressed Where in Comprehensive Plan	Amendment Needed to Comprehensive Plan
<b>2008 [CIL 2008-191]</b>			
Adds requirement that the Future Land Use Plan be based on the discouragement of urban sprawl and the encouragement of energy efficient land use patterns	163.3177 (6)(a)	FLU1.3.1	None
<b>2009 [CB 2009-03 &amp; CIL 2009-01]</b>			
Requires Future Land Use element to include criteria that will be used to achieve compatibility of lands near public use airports	163.3177(6)(a)	T3.5.2.4	None
Requires Intergovernmental Coordination Element to include mandatory rather than voluntary dispute resolution process and requires use of the process prescribed in 186.509 F.S	163.3177(6)(h)1.b	ICE1.1.4.	Clarify commitment to process in 186.509. Replace reference to Chapter 185.509 with 186.509 F.S. Remove reference to Rule 9J-5.015, FAC.
<b>2011 [CIL 2011-187]</b>			
Changes definition of "optional sector plan" to "sector plan" and clarifies the purpose of a sector plan.	163.3164(42)	N/A	None
Prohibits all initiatives or referendums on a development order or comprehensive plan amendment, not just those affecting 5 or fewer parcels.	163.3167(8)	N/A	Procedural change, No change to Comp Plan needed.
Section 163.3167(8) was changed to 163.3167(5)	163.3167(8) (Old)	PS6.3.7(C)	Change reference in PS6.3.7(C) from 163.3167(8) to 163.3167(5)
Modifies provisions for preparing the capital improvements element to require the schedule to cover a 5 year period and identify whether projects are either funded or unfunded and given a level of priority funding. Deletes requirement for financial feasibility for capital improvements funded by the developer.	163.3177(3)(a)4	CIE1.1.6	None, change has already been made.
Modifies requirements for local government annual review of capital improvements element to no longer require transmittal of the adopted amendment to the state land planning agency. Deletes provisions relates to sanctions by the administration commission, adoption of long term concurrency management systems and financial feasibility.	163.3177(3)(b)	CIE 1.1.6, CIE1.1.16	Change reference 163.3177(3)(b)1 to 163.3177(3)(b) in CIE 1.1.16. Remove financial feasibility requirement in CIE 1.1.6, T1.3.1

Description of changes to Chapter 163, Part II, F.S.,	F.S Citation	Addressed Where in Comprehensive Plan	Amendment Needed to Comprehensive Plan
<b>2011 [CIL 2011-11]</b>			
Deletes requirement for intergovernmental coordination element to provide for recognition of campus master plans and airport master plans.	163.3177(6)(h)1	ICE1.9.8, ICE1.4.18	<b>Delete statutory references</b>
This section was rescinded. (Required the public school facilities element to implement a school concurrency program)	163.3177(12)	PS5.2.6	<b>Remove reference to 163.3177(12)(g)4.</b>
Removed parks and recreation, schools and transportation from the list of public facilities and services subject to the concurrency requirement on a statewide basis. Now Optional. To rescind any existing concurrency provisions on these now optional concurrency facilities requires a comprehensive plan amendment which is not subject to state review.	163.3180(1)	N/A	<b>None</b>
Deletes requirement that professionally accepted techniques be used for measuring levels of service for automobiles, bicycles, pedestrians, transit and trucks.	163.3180(1)(b)	N/A	<b>None</b>
Deleted requirement that local government adopt long term transportation and school concurrency management systems. Process now optional.	163.3180(9)(a)	CIE1.3.17	<b>Remove statutory references.</b>
Sets forth process for adopting and processing plan amendments according to the "expedited" and "coordinated" review process, the scope of comments to be provided by reviewing agencies, responsibilities of the state land planning agency.	163.3184(3)	N/A	<b>Procedural change has already been made. No change to Comp Plan needed.</b>
Modifies provision to address the process for adoption of small-scale comprehensive plan amendments, deleting several exceptions. Also Plan Amendments are no longer limited to two times per calendar year and text changes that relate directly to and are adopted simultaneously with small scale FLUM Amendments are now permissible.	163.3187(1)(a-d)	FLU8.8.1	<b>Procedural change. No change to Comp Plan needed.</b>
Creates new provisions for evaluation and appraisal of comprehensive plan which shift the process from a formal mandated audit report to a less formal review every 7 years of whether changes are needed to meet changes in state requirements and notify the state land planning agency of its determination. If the determination is that plan amendments are necessary the local government must prepare and transmit the needed plan amendments for review, pursuant to section 183.3184, within one year.	163.3191(1-4)	FLU1.2.3, FLU1.2.8, T2.3.14, H1.8.3, OBJ FLU8.4	<b>These policies directed analyses related to deleted EAR requirements and may no longer be needed. / Update the Comprehensive Plan;s overview of GOPs</b>
This section of the Florida Administrative Code prescribing the content of Comprehensive Plans was repealed.	9J-5.025 FAC	PS5.2.6, PS6.1.7, ICE1.1.4, OJB 5.1, OBJ T2.1, OBJ T2.3, C1.4.0, OS1.1.1, OS1.1.3, SM1.4.5	<b>Remove References to Rule 9J-5, FAC</b>

Description of changes to Chapter 163, Part II, F.S.,	F.S Citation	Addressed Where in Comprehensive Plan	Amendment Needed to Comprehensive Plan
<b>2012 [CSL 2012-43, 2012-59, 2012-73]</b>			
Requires the comprehensive plan to be based upon population projections published by either the Office of Economic and Demographic Research or generated by the Local Government. (Removed UFs BEBR)	163.3177 (1)(f)3	N/A	<b>Procedural change. No change to Comp Plan needed.</b>
Adds developments proposed under 380.06(24) to the list of amendments that must follow the state coordinated review process. Includes: Hospital, electrical transmission line or electrical power plant, addition to an existing sports facility complex	163.3184 (2)(C )	N/A	<b>Procedural change. No change to Comp Plan needed.</b>
<b>2011 [CSL 2011-30, 2011-31, 2011-34]</b>			
Clarifies that an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited. However, an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment that affects more than five parcels of land is allowed if it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011; a general local government charter provision for an initiative or referendum process is not sufficient.	163.3167(8)(b)	N/A	<b>Procedural change. No change to Comp Plan needed.</b>
States the intent of the Legislature that initiatives and referendums be prohibited in regard to any local comprehensive plan or map amendment, except as specifically and narrowly permitted in paragraph (b) with regard to local comprehensive plan or map amendments that affect more than five parcels of land.	163.3167(8)(c)	N/A	<b>Procedural change. No change to Comp Plan needed.</b>
Sets provisions for a local manufacturing development program; master development approval for manufacturers. Allows a local government to adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for the development or expansion of sites that are, or are proposed to be, operated by manufacturers at specified locations within the local government's geographic boundaries.	163.3252	N/A	N/A
<b>2015 [CSL 2015-30]</b>			
Requires amendments to an adopted sector plan and developments that qualify as developments of regional impact to follow the state coordinated review process in s.163.3184 (4)	163.3184(2)(C )	N/A	<b>Procedural change. No change to Comp Plan needed.</b>

Description of changes to Chapter 163, Part II, F.S.,	F.S Citation	Addressed Where in Comprehensive Plan	Amendment Needed to Comprehensive Plan
<b>2016 [HB 1361]</b>			
Decreases the minimum required acreage of sector plans from 15,000 acres to 5,000 acres	163.3245(1)	N/A	<b>Procedural change. No change to Comp Plan needed.</b>
Provides that a proposed DRI that is consistent with the applicable comprehensive plan is not required to undergo review pursuant to s.163.3184 (4) or s 380.06(30), F.S. This does not apply to amendments to a development order governing an existing DRI.	163.3184 (2)(C )	N/A	<b>Procedural change. No change to Comp Plan needed.</b>