

## ORDINANCE NO. 2017-90

**An Ordinance of the Board of County Commissioners of Osceola County, Florida establishing a temporary moratorium of one hundred eighty (180) days prohibiting the processing and consideration of applications for Comprehensive Plan Amendments and Zoning Map Amendments, to allow sufficient time to prepare new goals, objectives, policies and land development regulations; Providing Definitions; Making Certain Findings; Providing for Severability; Providing for Conflicts; Providing for Non-codification; and Providing for an Effective Date.**

**WHEREAS**, Osceola County, as a Charter County, is granted the authority, under Section 1 (g), Article VII of the State Constitution, to exercise any power for local self-government, except when inconsistent with general or special law; and

**WHEREAS**, the Osceola County Board of County Commissioners, in partnership with the State of Florida, University of Central Florida, Orlando Economic Partnership and other private and public sector partners, has committed to the creation of an advanced manufacturing and Research Park known as NeoCity; and

**WHEREAS**, the Board of County Commissioners, in partnership with Central Florida Expressway Authority (CFX), has committed to a regional transportation network for further expansion within the Urban Growth Boundary for access to, and the attraction of, quality working and living environments; and

**WHEREAS**, on September 18, 2017, the Board of County Commissioners adopted a report called "Strategies for a Sustainable Future", which recommends a new approach to managing growth to ensure fiscally sustainable development that allows the County to provide government services in an efficient manner; and

**WHEREAS**, Osceola County has an existing condition of land area mix of residential at 88%, employment at 11% and mixed use district at 2%, and in order to meet sustainability goals, the goals, objectives, policies of the Osceola County Comprehensive Plan (2025) ("Comprehensive Plan") and land development regulations ("Land Development Code") necessary to implement County goals will be modified to create a desired future condition of land area mix of residential at 51%, employment at 13% and mixed use district at 35%; and

**WHEREAS**, Osceola County has entitled the East of Lake Toho, South Lake Toho and North East District Conceptual Master Plans (CMPs) for 65,000 single family units, 27,450 multifamily units, 10,050 hotel rooms, 6,705,000 square feet of institutional/civic space and 30,440,000 square feet of commercial/office/industrial space; and less than 1200 residential single family units have been permitted and these can continued to be permitted through concept plans as they are not zoning actions; and

**WHEREAS**, Osceola County regulates the use of land and land development through its Comprehensive Plan and Land Development Code pursuant to Section 163.3164, Florida Statutes; and

**WHEREAS**, Osceola County seeks to create goals, objectives, policies and land development regulations necessary to implement County goals to create an attractive urban environment with a balanced and sustainable approach for residential and non-residential uses capable of attracting state-of-the-art employers and employees; and

**WHEREAS**, the Board of County Commissioners desires that its Staff to have sufficient time to review and make recommendations for the enactment of new Comprehensive Plan goals, objectives, policies, and land development regulations; and

**WHEREAS**, this moratorium will allow for sufficient time to prepare new Comprehensive Plan goals, objectives, policies, and land development regulations; and

**WHEREAS**, it is the intent of the Board of County Commissioners to place a temporary moratorium and suspension on the processing and approval of all applications for Comprehensive Plan Amendments and Zoning Map Amendments for one-hundred eighty (180) days, with certain exceptions; and

**WHEREAS**, the Board of County Commissioners finds it is in the best interest of the County's residents to place a temporary moratorium for one-hundred eighty (180) days to improve the quality of life and improve property values by adopting new Comprehensive Plan goals, objectives, policies and land development regulations; and

**WHEREAS**, Osceola County has authority in accordance with the Florida Constitution, and Chapters 163 and 125 of the Florida Statutes, to enact regulations in the interest of the public health, safety, and welfare of its residents.

**IT IS HEREBY ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, AS FOLLOWS:**

**SECTION 1. PURPOSE AND INTENT.** The foregoing "Whereas" clauses are hereby ratified and affirmed as being true and correct and are incorporated herein by reference.

**SECTION 2. DEFINITIONS.** For purposes of this ordinance, the following terms shall be defined as follows:

"Comprehensive Plan Amendments" has the meaning given as provided in Chapter 2.1.1. B. and other sections of Chapter 1 and Chapter 2 of the Osceola County Land Development Code.

"Zoning Map Amendments" has the meaning given as provided in Chapter 2.1.1.C. and other sections of Chapter 1 and Chapter 2 of the Osceola County Land Development Code.

**SECTION 3. MORATORIUM IMPOSED.** Osceola County hereby prohibits the processing and approval of all applications for Comprehensive Plan Amendments and Zoning Map Amendments and a moratorium is hereby declared and imposed as follows:

- A. Osceola County shall complete the processing of any Comprehensive Plan Amendments or Zoning Map Amendments that are advertised and heard at the Planning Commission of November 2, 2017 and to be heard at the Board of County Commission on November 13, 2017.
- B. Osceola County shall not process or approve any applications for Comprehensive Plan Amendments (CPAs) and/or Zoning Map Amendments (ZMAs) on a County-wide basis, except for the exemptions identified below.
- C. An exemption is specifically provided for CPAs that address County-initiated EAR-based Amendments, Natural Resource Utilization (NRU) Amendments, FLUM Amendments for Mixed-Use District (with a density over eight units per acre), Urban Infill Activity Center Amendments (so long as any residential has a density over eight units per acre), and any Amendment necessary to accommodate a Qualified Targeted Industry (QTI).
- D. An exemption is specifically provided for ZMAs that address and are necessary to correlate to any County-initiated EAR-based Amendments, NRU Amendments, Mixed-Use District FLUM Amendments (with a density over eight units per acre), existing MXD FLUM Amendments and Urban Infill Activity Center Amendments (so long as any residential has a density over eight units per acre).
- E. An exemption is specifically provided for all ZMAs to existing Planned Developments (PD), all Commercial Zoning map designations including Residential Professional Business (RPB), and Transit Oriented Developments (TODs) that do not require a CPA and contain density over 8 units per acre.
- F. An exemption is specifically provided for an existing PD to rezone to another Zoning Map classification, except for Low Density Residential (LDR) classification, that does not decrease intensity or density.
- G. An exemption is specifically provided for an existing PD to expand or contract its land area as long as the density or intensity remains the same or is increased.
- H. An exemption is specifically provided for all ZMAs to accommodate a QTI.
- I. An exemption is specifically provided for housing affordable to households earning no more than \$35,000 annually (with a density over eight units per acre).

**SECTION 4.** The County agrees to include owner requested Comprehensive Plan Amendments in its EAR based amendment if the request is consistent with the goals, objectives and policies being amended.

**SECTION 5. DURATION OF MORATORIUM.** The moratorium imposed by this Ordinance shall be effective until May 5, 2018, unless rescinded sooner.

**SECTION 6. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid, or inoperative parts therein; and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if this Ordinance had been

adopted without such unconstitutional, invalid, or inoperative parts herein, and if this Ordinance, or any provision thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property, or circumstances.

**SECTION 7. NON-CODIFICATION.** The provisions of this Ordinance shall not be included and incorporated within the Code of Ordinances of Osceola County.

**SECTION 8. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten days after enactment.

DULY ENACTED this 06 day of November 2017.

BOARD OF COUNTY COMMISSIONERS  
OF OSCEOLA COUNTY, FLORIDA

By: \_\_\_\_\_

Chair/Vice Chair

ATTEST:  
OSCEOLA COUNTY CLERK OF THE BOARD.

By: \_\_\_\_\_

Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of  
County Commissioners meeting of:

11-06-17

Ordinance 2017-90





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

November 9, 2017

Ms. Paula J. Carpenter  
Clerk of the Board  
Osceola County  
1 Courthouse Square, Suite 2401  
Kissimmee, Florida 34741

Attention: Tammy Ross, Deputy Clerk

Dear Ms. Carpenter:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Osceola County Ordinance No. 2017-90, which was filed in this office on November 9, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb