

ORDINANCE NO. 2025 - ____

AN ORDINANCE PERTAINING TO THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; AMENDING AND REPEALING CERTAIN PROVISIONS OF CHAPTER 38 (“ZONING”) OF THE ORANGE COUNTY CODE TO PROVIDE CONSISTENCY WITH THE COMPREHENSIVE POLICY PLAN AND NEW LAND DEVELOPMENT REGULATIONS KNOWN AS ORANGE CODE; AMENDING ARTICLE I (“IN GENERAL”); AMENDING ARTICLE II (“ADMINISTRATION, ENFORCEMENT AND PENALTIES”); REPEALING ARTICLE III (“NONCONFORMING USES”; REPEALING ARTICLE IV (“ZONING DISTRICTS ESTABLISHED; ZONING MAP); REPEALING ARTICLE V (“AGRICULTURAL DISTRICTS”); REPEALING ARTICLE VI (“RESIDENTIAL DISTRICTS”); AMENDING AND REPEALING CERTAIN PROVISIONS OF ARTICLE VII (“COMMERCIAL DISTRICTS”); REPEALING ARTICLE VIII (“P-D PLANNED DEVELOPMENT DISTRICT”) AND REENACTING CERTAIN PROVISIONS AS NEW CHAPTER 39 (“PLANNED DEVELOPMENT”) OF ORANGE COUNTY CODE; REPEALING CERTAIN PROVISIONS OF ARTICLE IX (“GENERAL SUPPLEMENTAL REGULATIONS”); REPEALING ARTICLE X (“PERFORMANCE STANDARDS”); REPEALING ARTICLE XI (“OFF-STREET PARKING AND LOADING REGULATIONS”); REPEALING ARTICLE XII (“SITE AND BUILDING REQUIREMENTS”); REPEALING ARTICLE XIII (“CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS”); REPEALING ARTICLE XVII (“NEIGHBORHOOD DISTRICTS”); REPEALING ARTICLE XVIII (“PUBLIC SCHOOL SITING REGULATIONS”); REPEALING CERTAIN PROVISIONS OF ARTICLE XIX (“COLLECTION BINS”); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the codification of ordinances adopted by counties is provided for in Section 125.68, Florida Statutes; and

WHEREAS, Orange County has adopted a new Chapter 40 of the Orange County Code of Ordinances for the purpose of implementing the land use and development policies and

objectives of “Vision 2050: Orange County Comprehensive Plan” or “Vision 2050” and providing improved regulations for the public interest and the physical development of the County; and

WHEREAS, to be consistent with the adoption of Chapter 40, the existing Orange County Code of Ordinances have been reviewed to determine those amendments necessary to avoid conflict between ordinances enacted as land development regulations, as defined by Section 163.3164, Florida Statutes, for the control and regulation of the development of land.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendments; In General. The chapters identified from Orange County Code are hereby amended as set forth in Section 2 through Section 15 below and unless noted otherwise, with additions being shown as underlined and deletions being shown as strike-throughs.

Section 2. Amendment to Chapter 38 (“Zoning”), Article I (“In General”). Chapter 38, Article I is amended to read as follows:

Sec. 38-1. Definitions.

Except where specific definitions are used within a specific article or section of this chapter or chapter 39, for the purpose of such sections the following terms, phrases, words and their derivations shall have the meanings given herein when not inconsistent with the context. The word “lot” includes “plot” and “tract.” The word “building” shall include “structure.” The words “used for” shall include the meaning “designed for.” If any of the definitions herein conflict with definitions in other provisions of the county code, these definitions control for the purposes of this chapter or chapter 39.

* * * * *

In all other respects, Article I shall remain unchanged.

Section 3. Amendment to Chapter 38 (“Zoning”), Article II (“Administration, Enforcement and Penalties”). Chapter 38, Article II is amended to read as follows:

* * * * *

76 **Sec. 38-30. Major Economic Development Project Program.**

 * * * * *

78 (b) Definitions. The following words, terms, and phrases, when
80 used in this section or in any county policy or regulation adopted
82 pursuant to this section, whether capitalized or not, shall have the
 meanings ascribed to them in this section unless the context clearly
 indicates a different meaning.

 * * * * *

84 *Perimeter development plan* or *PDP* shall mean a development
86 plan for the project, including the perimeter of the project which
88 shall be a minimum of twenty-five (25) feet in width measured from
 each adjacent existing or planned public right-of-way and adjacent
90 parcel of land not part of the project. Such plan shall address those
 provisions of section 39-6~~section 38-1206~~ of the code related to
92 perimeter buffering, landscaping, walls, access (including, but not
 limited to, ingress and egress), signage, and lighting, all in
94 accordance with the PD Land Use Plan (“PD/LUP”) for the MEDP.
96 Applicant may request that the county consider easements,
 conservation areas, and wetland creation areas located at the
 boundary of the project as perimeter buffering for purposes of the
 PDP.

 * * * * *

98 (f) Process.

 * * * * *

100 (3) All other development permits. For the following processes,
102 the applicant shall submit an application and supporting
104 materials to the CPM who will, within five (5) business days
 of submission or resubmittal, as applicable, review the
106 application and determine whether the application is
 technically sufficient. If the CPM determines that an
108 application is not technically sufficient, the CPM shall so
 notify the applicant within five (5) business days of the date
 of submission or resubmittal, as applicable. Upon
110 determining that an application is technically sufficient, the
 CPM will be responsible for: (1) entering the application into
112 the LDMS system and assigning it a project number (if
 appropriate); (2) distributing the application to any county
114 staff which the CPM deems appropriate in order to obtain
 staff input and create a staff report; (3) coordinating and
 conducting a community meeting regarding the application

116 if the County Commissioner for the district in question, or
118 the CPM, determines one to be necessary; (4) assembling
120 staff comments in a timely manner, and providing them to
122 applicant (if applicant wishes to continue forward with the
124 project, applicant must respond to staff comments via a
126 “resubmittal;” if applicant has not submitted a resubmittal
within ninety (90) business days, the application for which
resubmittal was not made will be deemed withdrawn); (5)
coordinating the distribution of any resubmittals and follow-
up staff meetings or meetings with the applicant, as may be
deemed necessary by CPM; and (6) preparing a final staff
report (collectively, the “CPM process”).

128 a. Amendments to PD/LUP. With regard to any
130 amendments to the PD/LUP requested by the applicant,
132 including any waivers, deviations, and/or variances
134 requested therein, the CPM shall ensure the CPM
Process is followed and, in addition, the CPM shall
136 determine whether the proposed amendment is classified
138 as substantial or non-substantial in accordance with the
140 criteria set forth in ~~section 39-7(a)~~ ~~section 38-1207(a)~~. If
the amendment is determined to be non-substantial, the
CPM shall complete the CPM process and render a
decision within forty-five (45) business days from the
date of the receipt of a final technically sufficient
142 submittal or resubmittal, as applicable. If the CPM
determines that the proposed changes, alterations, or
144 modifications are substantial, the CPM will review the
plans and supporting data provided by applicant and
prepare a report with a recommendation to the BCC for
146 final action within fifteen (15) business days from the
date of the receipt of a final technically sufficient
148 submittal or resubmittal, as applicable. A public hearing
before the BCC will be held within forty-five (45)
150 calendar days after the CPM determination, or the next
BCC meeting thereafter.

152 b. Perimeter development plan. An application for a PDP
may be submitted and processed concurrently with or
154 subsequent to any proposed amendment to the PD/LUP.
However, the PDP will not receive final decision until
156 after the PD/LUP amendment has been approved by the
CPM or the BCC, as applicable, including the expiration
158 of all applicable appeal periods, with no appeal being
filed, or if one (1) was filed, until the last court reviewing
the matter upholds the amendment. The CPM shall
160 ensure that the CPM process is followed. As part of the
CPM process, the CPM will undertake a review of the

PDP, in consultation with any appropriate staff, in order to determine whether the PDP substantially complies with the PD/LUP and with the provisions of section 39-6 ~~section 38-1206~~ of the code related to perimeter buffering, landscaping, access, walls, signage, and lighting, as such requirements may have been amended relative to the project by the PD/LUP approval, any waivers granted therein, and/or any applicable overlay or similar district. The CPM will issue a written decision regarding the PDP, including any conditions which may be applicable thereto, within thirty (30) business days after the date of the receipt of a final technically sufficient submittal or resubmittal, as applicable. Any proposed change, alteration, or modification to an approved PDP will be reviewed and approved by the CPM, in accordance with the procedure for review of PDPs outlined herein, even if the underlying PDP had been approved by the BCC on appeal, unless the BCC requires otherwise. Approval of a PDP (or amendment thereto) shall have the following effect:

* * * * *

In all other respects, Article II shall remain unchanged.

Section 4. Repeal of Chapter 38 (“Zoning”), Article III (“Nonconforming Uses”).

Chapter 38, Article III, consisting of Sections 38-46 through 38-70 (with Sections 38-57 through 38-70 already marked “Reserved.”) is hereby repealed and reserved for future use.

Section 5. Repeal of Chapter 38 (“Zoning”), Article IV (“Zoning Districts Established; Zoning Map”). Chapter 38, Article IV, consisting of Sections 38-71 through 38-90 (with Sections 38-80 through 38-90 already marked “Reserved.”) is hereby repealed and reserved for future use. Specifically, while Section 38-77.1 (“Horizon West Town Center PD Code Land Use Table”) and Section 38-79 (“Conditions for permitted uses, special exceptions”) are repealed, they are reenacted into the new Chapter 39, as described herein at Section 9.

Section 6. Repeal of Chapter 38 (“Zoning”), Article V (“Agricultural Districts”).

Chapter 38, Article V, consisting of Sections 38-91 through 38-250 (with Sections 38-91 through

38-100, Sections 38-103 through 38-115, Sections 38-121 through 38-135, Sections 38-141
through 38-155 and Sections 38-162 through 38-250 already marked “Reserved.”) is hereby
repealed and reserved for future use.

Section 7. Repeal of Chapter 38 (“Zoning”), Article VI (“Residential Districts”).

Chapter 38, Article VI, consisting of Sections 38-251 through 38-750 (with Sections 38-251
through 38-275, Sections 38-282 through 38-300, Sections 38-307 through 38-325, Sections
38-332 through 38-350, Sections 38-357 through 38-375, Sections 38-382 through 38-400,
Sections 38-407 through 38-425, Sections 38-432 through 38-450, Section 38-452, Sections
38-457 through 38-475, Sections 38-482 through 38-500, Sections 38-507 through 38-525,
Sections 38-256 through 38-550, Sections 38-560 through 38-576, Sections 38-582 through
38-600, and Sections 38-608 through 38-750 already marked “Reserved.”) is hereby repealed and
reserved for future use.

Section 8. Amendment of Chapter 38 (“Zoning”), Article VII (“Commercial Districts”). With the exception of Division 4.5 (“I-Drive District Overlay Zone”) as referenced
herein, Chapter 38, Article VII, consisting of Sections 38-751 through 38-1200 (with Sections
38-751 through 38-801, Sections 38-810 through 38-825, Sections 38-834 through 38-850, Section
38-859, Sections 38-884 through 38-900, Section 38-904, Sections 38-910 through 38-925,
Section 38-929, Sections 38-935 through 38-975, Section 38-979, Section 38-984, Sections 38-986
through 38-1000, Section 38-1005, Sections 38-1011 through 38-1025, Sections 38-1032 through
38-1050, Section 38-1055, Sections 38-1057 through 38-1058, Section 38-1063, Section 38-1073
through 38-1079, and Section 38-1089 already marked “Reserved.”) is hereby repealed and
reserved for future use. The I-Drive District Overlay Zone, codified at Article VII, Division 4.5
is hereby renamed the “I-Drive District Code” and amended as follows:

218

* * * * *

Sec. 38-864.1. Dynamic Art.

220

(a) Intent and purpose.

222

These regulations are intended to establish Dynamic Art standards within the I-Drive District ~~Code Overlay Zone~~, with the purpose and goal of promoting broader-scale works of art that are visible to the public, encouraging creativity, developing a stronger sense of place that activates the public realm and the built environment, and balancing a unique tourism and entertainment experience with the need for traffic safety.

224

226

228

(b) General standards.

230

Subject to approval of an application submitted under subsection c., and subject to the application satisfying any and all other regulatory jurisdiction's requirements, including the requirements of Chapter 479, Florida Statutes, to the extent those requirements may be deemed applicable by the State of Florida Department of Transportation, Dynamic Art may only be displayed on an exterior surface area of a building or parking structure with a minimum height of 3 stories or 35 feet in I-Drive District ~~Overlay Code~~ Sub-Districts 1, 2, and 3.

232

234

236

238

(1) Site and Building Requirements. Dynamic Art shall meet all applicable Site and Building Requirements of the I-Drive District ~~Overlay Zone Code~~, unless otherwise stated in this Section.

240

242

* * * * *

Sec. 38-865. Uses.

244

* * * * *

(d) Definition of Uses and Additional Standards.

246

* * * * *

248

(7) Infrastructure. A use involving communication towers, including cell towers, shall meet all standards outlined in the code except where they conflict with the I-Drive District ~~Overlay Zone Code~~. Communication towers shall be located on the top of buildings, and are prohibited on buildings less than 4 stories.

250

252

* * * * *

(10) Package sale vendors. No more than four (4) package sale vendors may be permitted within the I-Drive District ~~Overlay Zone Code~~. Only one such package sale vendor may be located within sub-district 2 of the I-Drive District ~~Overlay Zone Code~~, only one package sale vendor may be located within sub-district 3, only one package sale vendor may be located within sub-district 4, and only one package sale vendor may be located within sub-district 5 or 6, provided that no package sale vendor within a sub-district may be located within three thousand five hundred (3,500) feet of a package sale vendor in another sub-district. The package sale vendor existing within sub-district 3 as of October 30, 2018, may close its location and relocate once to a location outside of the I-Drive District ~~Overlay Zone Code~~ anywhere within unincorporated Orange County that is no closer than three thousand five hundred (3,500) feet of any existing package sale vendor in the county. Distances referenced in this subsection d(10) shall be measured as described in Chapter 40 Section 38-1414(e).

* * * * *

Sec. 38-868. Approval Requirements.

(a) Scope of Regulations.

(1) New development. Unless otherwise exempt or vested pursuant to subsection b., c. or d. below, all development within the I-Drive District Code ~~Overlay Zone~~ and all development undertaken by, and all actions taken in regard to, development orders shall be consistent with the I-Drive District Code ~~Overlay Zone code~~ ("I-Drive District Code" or "Code").

(2) Nonconforming structures and uses; alterations. All buildings and uses in existence on February 7, 2017 that do not comply with the I-Drive District Code and that are not exempt or vested pursuant to subsection b., or c. or d. below shall be considered nonconforming, and, except as otherwise provided below, shall be subject to the requirements relating to nonconforming structures and uses in ~~Article III, Chapter 38~~ Chapter 40, Orange County Code. Notwithstanding the foregoing and anything to the contrary in ~~Article III of Chapter 38~~ Chapter 40, the following shall apply to renovations or alterations of buildings and uses in existence on February 7, 2017:

* * * * *

- 296 (i) Amendments to the Regulating Plan.
- 298 (1) This subsection is intended to describe the process by which
the owners of properties within the Code Overlay District
300 may seek to change their Transect or Special Zone
302 designation, or by which the Code Overlay District boundary
may be expanded, necessitating an amendment to the
Regulating Plan.

* * * * *

304 **Sec. 38-869. Definitions.**

* * * * *

- 306 (b) Defined Terms.

308 For the purposes of Sections 38-860 through 38-875, the following
terms shall have the following meanings.

* * * * *

- 310 (3) Artistic Sponsor. Any person, business, organization,
312 corporation, or other entity or party that creates, subsidizes,
develops, or otherwise financially supports the installation,
314 presentation and/ or exhibition of Dynamic Art within the
I-Drive District Overlay Zone Code.

* * * * *

- 316 (38) Package sale vendor. A “package sale vendor” means as
defined at ~~Section 38-1414(a)~~ in Chapter 40.

318 In all other respects, Division 4.5 shall remain unchanged.

*Section 9. Repeal of Chapter 38 (“Zoning”), Article VIII (“P-D Planned
320 Development”) and reenactment of certain provisions to create new Chapter 39 (“Planned
Development District”). Chapter 38, Article VIII, consisting of Sections 38-1201 through
322 38-1400.10 is hereby repealed and reserved for future use as set forth herein.*

*A. Repeal and Reserve. Specifically in Article VIII, Division 6 (“Development
324 Guidelines, Development Review Procedures, Design Guidelines and Site Development
Standards Community Village Centers”), consisting of Sections 38-1340 through 38-1369*

(with Sections 38-1354 and Sections 38-1358 through 38-1369 already marked as “Reserved.”), Division 7 (“Four Corners Community Village Center Guidelines and Standards”), consisting of Sections 38-1370 through 38-1379, Division 9 (“Buena Vista North District Standards”), consisting of Sections 38-1391 through 38-1399 (with Sections 38-1395 through 38-1395.2 already marked “Reserved.”) and Division 10 (“Lake Willis Neighborhood Buffering and Design Guidelines”), consisting of Sections 38-1400 through Sections 38-1400.10 are repealed and reserved for future use.

B. *Repeal and Reenact.* Specifically in Article VIII, Division 1 (“Generally”), consisting of Sections 38-1201 through 38-1225 (with Sections 38-1210 through 38-1225 already marked “Reserved.”), Division 2 (“General Site Development Standards”), consisting of Sections 38-1226 through 38-1250 (with Sections 38-1237 through 38-1250 already marked “Reserved.”), Division 3 (“Site Development Standards for Residential Developments”), consisting of Sections 38-1251 through 38-1270 (with Sections 38-1261 through 38-1270 already marked “Reserved.”), Division 4 (“Site Development Standards for Commercial Developments”), consisting of Sections 38-1271 through 38-1325 (with Sections 38-1273 through 38-1285 and Sections 38-1301 through 38-1325 already marked “Reserved.”), Division 5 (“Site Development Standards for Industrial Developments”), consisting of Sections 38-1326 through 38-1339 (with Sections 38-1331 through 38-1339 already marked “Reserved.”), Division 8 (“Village Planned Development Code”), consisting of Sections 38-1380 through 38-1390, Division 8.5 (“Horizon West Town Center Planned Development Code”), consisting of Sections 38-1390.1 through 38-1390.56 (with Sections 38-1390.8 through 38-1390.9, Section 38-1390.11, Section

38-1390.24, Section 38-1390.50 already marked as “Reserved.”) are repealed and reenacted to create a new Chapter 39 (“Planned Development District”) as shown below.

C. New provisions created as Chapter 39 are not shown as underline and where previous Chapter 38, Article VIII references to “article,” “division,” “subdivision” or “subpart” reflect, all such references shall be and are hereby changed accordingly wherever referenced in Chapter 38, or in any other part of Orange County Code.

CHAPTER 39 – PLANNED DEVELOPMENT DISTRICT

ARTICLE I. GENERALLY

Sec. 39-1. Intent and purpose of district.

(a) The intent and purposes of the P-D planned development district are as follows:

- (1) To provide for planned residential communities, containing a variety of residential structures and diversity of building arrangements, with complementary and compatible commercial or industrial uses or both; planned commercial centers with complementary and compatible residential or industrial uses or both; planned tourist commercial centers with complementary and compatible uses which may include tourist attractions, theme parks, residential and light storage; or planned industrial parks with complementary and compatible residential or commercial uses or both; and public and quasipublic facilities developed in accordance with an approved development plan.
- (2) To allow diversification of uses, structures, and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
- (3) To reduce improvement and energy costs through a more efficient use of land design and smaller networks of utilities and streets than is possible through application of other zoning districts and subdivision requirements.
- (4) To ensure that development will occur according to limitations of use, design, density, coverage and phasing stipulated on an approved development plan.

382 (5) To preserve the natural amenities and environmental assets
of the land by encouraging the preservation and
improvement of scenic and functional open areas.

384 (6) To encourage an increase in the amount and use of open
space areas by permitting a more economical and
386 concentrated use of building areas than would be possible
through conventional zoning districts.

388 (7) To provide maximum opportunity for application of
innovative concepts of site planning in the creation of
390 aesthetically pleasing living, shopping and working
environments on properties of adequate size, shape and
392 location.

394 (8) The P-D district is a flexible zoning district which is
intended to provide an appropriate balance between the
intensity of development and the ability to provide adequate
396 capacity within the support services and facilities.

(b) *Exemption:*

398 (1) Orange County is exempt from and is therefore not subject
to this chapter when developing or using property it owns or
400 leases for any governmental purpose as determined by the
board of county commissioners. However, any proposed
402 project added to the county capital improvement program
after April 29, 1997, must be reviewed and evaluated by the
404 mayor and the district commissioner in whose district the
proposed project is situated. The mayor or the district
406 commissioner must furnish to the Office of Management and
Budget by October 1 of each year a list of any such proposed
408 projects for which either or both desires a public meeting to
be noticed and conducted in accordance with county
410 administrative regulations. Notwithstanding the foregoing,
the county shall endeavor to comply with all sections of
412 code.

414 (2) The conditions of any development order adopted prior to
the effective date of this ordinance continue in full force and
effect unless a new approval is obtained. Only at that time
416 must the development come into conformance with the
regulations of this code as required.

418 **Sec. 39-2. Uses permitted.**

420 The following uses shall be permitted in the planned development
district if designated on an approved land use plan, subdivision plan,
or development plan:

- (1) *Planned residential communities.* Complementary and compatible commercial and industrial uses may be included if they are compatibly and harmoniously designed into the total residential community within a planned development district.
- (2) *Planned commercial centers.* Complementary and compatible residential and industrial uses may be included if they are compatibly and harmoniously designed into the total commercial center within a planned development district.
- (3) *Planned tourist commercial, tourist attractions or theme parks.* Complementary and compatible residential uses may be included, provided that their design within the planned development district will produce a reasonable living environment.
- (4) *Planned industrial parks.* Complementary and compatible residential and commercial uses may be included if properly related to the total industrial park within a planned development district.
- (5) *Other uses.* Any other private, public or semipublic use complementary to, and compatible with, planned residential, commercial, tourist commercial or industrial developments (including sewer and water utility plants) may be included. An incinerator facility as defined in the incinerator management ordinance, Orange County Code chapter 15, article XIV, may be included provided the P-D approval contains a condition stating that prior to construction of an incinerator facility the incinerator facility shall first receive a special exception through the exception process as set forth in Orange County Code chapter 30, article II and is otherwise consistent with the requirements of the incinerator management ordinance.
- (6) *Big box developments* (defined in chapter 40, article VI.) Complementary and compatible residential, office, and industrial uses may be incorporated if they are compatibly designed into the total big box development within a planned development. The intent and purposes of the P-D planned development district are as follows:

Sec. 39-3. Approval procedure.

The procedure for obtaining approval of a planned development shall be as follows:

- (1) *Land use plan.* The applicant shall submit to the planning division an electronic file of the land use plan and support data. The planning division shall schedule the project for

466 staff review. Upon resolution of staff comments, or at the
468 discretion of the assigned project manager from the Planning
470 Division when certain comments or issues cannot be
472 resolved, a Planned Development application may be
474 scheduled for a Development Review Committee (DRC)
meeting. The planning and zoning managers shall determine
if review of the project is necessary by other advisory boards
other than the planning and zoning commission. Upon
recommendation by the DRC, the planning manager shall
schedule the project for the next regular meeting of the
planning and zoning commission for a review hearing.

476 a. The DRC shall review the proposed land use plan, and
478 issue a written recommendation to the planning and
480 zoning commission. A copy of the DRC
482 recommendation shall be sent to the applicant at least
484 five (5) days prior to the planning and zoning
commission public hearing. (The DRC must complete
their review at least twenty-one (21) days prior to the
date of the planning and zoning commission public
hearing in order to be placed on the agenda.)

486 b. Upon receipt of the DRC's written recommendation, the
488 planning and zoning commission shall hold a public
490 hearing to review the application and shall submit its
492 recommendation (which may include conditions of
approval) to the county commission for its official
action. Public notice to consider the land use plan shall
include a generalized list of the proposed land uses and
shall indicate that the board of county commissioners
will hold a public hearing to consider the project. The
public hearing before the board of county commissioners
shall be held at least ten (10) days after the planning and
zoning commission hearing.

496 c. In addition to complying with all approval procedures
498 contained in this section, a big box development shall
500 comply with all the standards and requirements outlined
502 or referenced in chapter 40, article 3. Any big box
504 development applicant seeking a waiver from any such
506 standard or requirement shall, concurrently with and as a
part of the land use plan submittal, include such waiver
request, stating and explaining, in detail, the exceptional
circumstances which the applicant believes justify a
waiver. Orange County shall review such request, and
may either deny or grant the waiver. Furthermore, before
any public hearing is held regarding a big box
development land use plan, a community meeting shall

510 be held with public notice issued to the owners of record
512 of properties located within a two thousand-foot radius
514 of the proposed development site. In establishing the
516 limits of public notification, all addresses within an
518 entire neighborhood, any part of which falls within the
two thousand-foot notification radius, shall be noticed.
In addition, the applicant shall be responsible for
prominently and conspicuously posting notice of the
community meeting directly on the property.

(2) *Development plan.* The applicant shall submit to the
520 planning division an electronic file of the development plan
and support materials.

522 a. The development plan may cover all or a portion of the
524 approved land use plan. The planning department shall
review the plans to determine if all appropriate data and
information has been properly provided.

526 b. The development plan shall be reviewed by the DRC in
order to determine that:

- 528 1. It substantially complies with the land use plan;
- 530 2. The phase of development can exist as a stable
independent unit; and
- 532 3. Existing or proposed utility services and
transportation systems are adequate for the uses
proposed.

534 c. The DRC shall review the development plan and shall
536 evaluate it for consistency with the land use plan and all
applicable ordinances, regulations and policies. The
538 DRC shall either approve the development plan (which
may include technical conditions consistent with
540 applicable county ordinances, regulations and policies)
or deny the development plan based upon specific
findings which shall be stated.

542 d. The decision of the DRC may be appealed to the board
544 of county commissioners by an aggrieved party. Any
party choosing to appeal the DRC decision shall file a
546 notice of appeal within fifteen (15) days of the rendition
of the DRC decision. If the developer or applicant
548 proposes to create a subdivision, a preliminary
subdivision plan should be processed concurrently with
the development plan and shall be subject to approval by
550 the board of county commissioners.

e. In addition to complying with all approval procedures contained in this section, a big box development plan shall comply with the land use plan and with all the standards and requirements outlined or referenced in chapter 40, article 3, except that any PD approved for commercial uses prior to April 3, 2006, shall not be subject to the two hundred-foot buffer requirement adjacent to single-family residentially-zoned property only to the extent that it can be demonstrated that the property is physically constrained from meeting that requirement. Any big box development applicant seeking a waiver from any standard or requirement governing big box development shall, concurrently with and as a part of the development plan submittal, include such waiver request, stating and explaining, in detail, the exceptional circumstances which the applicant believes justify the waiver. Such a request shall be deemed a substantial change to the land use plan, and shall require a public hearing before the board of county commissioners. The board may approve or deny the waiver request.

Sec. 39-4. Concept plan requirements.

(a) The concept plan shall consist of a generalized sketch which is drawn to scale (the proportion and locations of land uses may be generalized), and which shows or addresses (with supporting information) the following items and matters:

- (1) Boundary of the subject property, identified by a heavy line.
- (2) Major natural features such as lakes, streams and conservation areas.
- (3) Existing or proposed streets abutting the project and other major streets and intersections within five hundred (500) feet of access points to the subject property.
- (4) Generalized location map and legal description, including acreage.
- (5) Proposed land use types and their locations (land use or building bubbles are acceptable).
- (6) Gross densities.
- (7) Approximate minimum lot size.
- (8) Approximate number of units.
- (9) Approximate floor area for commercial or industrial.
- (10) Adjacent zoning.

(11) Anticipated internal major road network.

(12) Anticipated maximum building height.

(13) Anticipated phasing plan.

(14) Proposed method of providing:

a. Water service (including fire protection).

b. Sewage disposal.

c. Stormwater management.

d. Parks/recreation facilities.

e. Schools.

(b) The plan shall include all information known by the applicant at the time of submission. Review of the plan shall be based on the data submitted.

Sec. 39-5. Land use plan requirements.

The land use plan, consisting of properly identified exhibits and support materials, shall clearly indicate the following:

(1) The project name, legal description, total acreage and location map.

(2) Existing topography at one-foot contours based on the county datum (or as approved by the county engineer) and other natural features including lakes, watercourses and conservation area. On-site soil (based on the soil conservation service classification system), flood hazard areas and generalized vegetation. All plans shall be drawn to scale, not to exceed one (1) inch equals two hundred (200) feet, unless otherwise permitted.

(3) Existing and proposed land uses, with each phase of the total development identified.

a. *Residential*. Maximum gross density, total number of units, type of unit where feasible or necessary, minimum net lot size, minimum net living floor area, building height, open space and recreation area.

b. *Commercial*. Types of uses, gross floor area, floor area ratio, building height, setbacks and open space.

c. *Industrial*. Types of uses, gross floor area, floor area ratio, building height, setbacks, open space and buffers.

(4) The phasing of development and the manner in which each phase of development can exist as an independent stable unit.

- 630 (5) The location of collector and arterial streets and highways
632 proposed in the development, right-of-way widths, the
location of access points to abutting streets and highways,
634 and projected traffic generation based on established
standards. (A traffic study may be required.)
- 636 (6) Identification of existing major street setbacks and planned
right-of-way lines as required by **article XV** of this chapter.
- 638 (7) Proposed method of providing the following services:
- 640 a. Water service (including fire flows), plus gallons-per-
day requirement.
- 642 b. Sewage disposal, plus gallons per day generated.
- c. Stormwater management concept.
- d. School age population.
- e. Parks/recreation facilities.
- 644 (8) Waivers from the subdivision regulations or the site
development standards of the P-D district shall be indicated
646 on the land use plan or submitted in writing.
- 648 (9) The proposed location(s) and height(s) of communication
towers.

Sec. 39-6. Development plan.

- 650 The development plan for the entire project or any phase,
consisting of properly identified exhibits and support materials,
652 shall include the following:
- 654 (1) Project name (indicate if different than approved land use
plan).
- 656 (2) Legal description and the gross acreage of the proposed
development, including and identifying land and water
bodies.
- 658 (3) A location map identifying the relationship of the
development plan to the approved land use plan.
- 660 (4) Preliminary subdivision plan if the applicant proposes to
subdivide the project.
- 662 (5) Waivers from the subdivision regulations or site
development standards of the P-D district shall be indicated
664 on the development plan or submitted in writing.
- 666 (6) The development plan, drawn at an appropriate scale (one
(1) inch equals one hundred (100) feet) with all dimensions
provided, shall identify:

- 668 a. Certified topography drawn at one-foot contours using
county datum and showing natural features.
- 670 b. Existing street intersections or rights-of-way within five
hundred (500) feet of access points.
- 672 c. Surface improvements of primary streets serving the
project.
- 674 d. Proposed uses.
- 676 e. Number of dwelling units, density, minimum square
footage of living area, minimum net lot area.
- 678 f. Total square footage of commercial, industrial or office
space and floor area ratio.
- g. Maximum building height (stories and feet).
- 680 h. Maximum building coverage.
- 682 i. Acreage, types and percent of open space and recreation
area.
- j. Pedestrian/bike path facilities.
- 684 k. Stormwater management plan, including direction of
surface drainage flow.
- 686 l. On-site soils based upon the soil conservation service
classification system (if muck soils exist, their depth and
688 extent must be identified).
- m. On-site vegetation.
- 690 n. Method of providing support utilities including water,
sewer, fire flows and refuse storage areas.
- 692 o. Existing or proposed easements.
- 694 p. Parking spaces and location, in accordance with **article
XI.**
- q. Exterior lighting.
- 696 r. Signing and pavement marking plans with details of
installation consistent with traffic engineering division
698 specifications.
- (7) Recreation area plan.
- 700 (8) Landscape, tree planting and screening concept plan.
- (9) Design elevations or renderings of structures.
- 702 (10) Sign plan, including scaled plans of proposed signs.

- (11) Preliminary engineering plans for the provisions of road, water, sewer and stormwater management for the proposed phase and its relationship to the master stormwater concept.
- (12) Proposed covenants, conditions, restrictions, agreements and grants which govern the use, maintenance and continued protection of building structures, drainage systems and landscaping within the planned development.
- (13) Areas to be conveyed or dedicated and improved for roadways, parks, parkways, playgrounds, school sites, utilities, public buildings and other similar public and public service uses. Improvement bonds for facilities to be owned and maintained by the county and not completed, shall be posted before the issuance of building permits.
- (14) Identification of owners, developers and the consultants involved in the development plan.

Sec. 39-7. Alterations to the land use plan and development plans.

(a) Alterations to the approved land use plan or development plan shall be classified as either substantial or nonsubstantial amendments. The following criteria shall be used to identify a substantial amendment:

- (1) A change which would include a land use not previously permitted under the approved P-D zoning.
- (2) A change which would alter a land use type adjacent to a property boundary, except when it is (i) a reduction in the density or (ii) a reduction of intensity of approved residential development, unless the reduction locates the residential use adjacent to an incompatible land use.
- (3) A change which would require an amendment to the board of county commissioners' conditions of approval.
- (4) A change which would increase the land use intensity within any development phase without a corresponding decrease in some other portion of the overall P-D.
- (5) An amendment to the phasing which would propose a land use in advance of the development it was designed to support.
- (6) Any proposed change in the type, location or size (except reduction in the number of units) of a multi-family land use or student housing land use in the PD.

(b) The determination of a substantial or nonsubstantial alteration shall be made jointly by the planning and zoning

managers. Either or both managers may opt to direct that the determination be made instead by the Development Review Committee (DRC).

(c) Where the developer proposes to reduce the number of units or floor area in one (1) phase of the project, a corresponding increase in the number of units of floor area in another phase may be considered, if other conditions of approval are not adversely affected, nor any other change is proposed which would be considered a substantial change as described above.

(d) Alterations to the land use plan determined to be substantial must submit plans and support data (following the land use plan requirements) for review by the DRC and then a public hearing for final action by the board of county commissioners.

(e) All nonsubstantial alterations must be submitted (including plans and support data) and approved by the DRC.

(f) When partial amendments are requested to the land use plan, the overall project shall be evaluated in conjunction with the proposed amendment, to determine its compatibility with the remaining portion of the P-D. Amendments which the DRC considers to be incompatible or conflict with the proposed plans or conditions of approval, will be required to update the land use plan or may be subject to an administrative rezoning public hearing.

Sec. 39-8. Control of development following approval.

(a) Upon the approval of the development plan or any phase thereof, the use of land and the construction or modification of any buildings or structures within the P-D shall be in accordance with the development plan. However, all other county codes, ordinances, policies and resolutions shall apply.

(b) The zoning manager shall be responsible for certifying that all aspects of the P-D, including conditions of approval (applicable to the subject portion of the project) have been satisfactorily completed prior to the issuance of a certificate of completion for the project or phase.

(c) After certification no changes may be made in the approved development plan except under the procedures provided below:

(1) Any structural extension, alteration or modification of existing building structures which are consistent with the approved development plan may be authorized by the zoning manager.

(2) A building or structure that is seventy-five (75) percent or more destroyed may be reconstructed only in compliance with the development plan unless an amendment to the

development plan is approved under the provisions of this article.

Sec. 39-9. Other requirements.

(a) Off-site improvements may be required in conjunction with the land use plan approval in order to offset the impacts created by the proposed development. All projects shall be required to provide an adequate level of facilities and services to accommodate the project as proposed in the development plan.

(b) At the time of development, the P-D or any phase proposed for development shall comply with all regulations and ordinances in force at the time of engineering plan approval.

(c) Those projects which the board of county commissioners considers to be inconsistent with the provisions of this article may be required to update the land use plan or may be subject to an administrative rezoning public hearing.

Secs. 39-10 – 39-25. Reserved.

**ARTICLE II. GENERAL SITE DEVELOPMENT
STANDARDS**

Sec. 39-26. Purpose.

Site development standards are established for planned development to insure adequate levels of light, air and density, to maintain and promote functional compatibility of uses, to promote the safe and efficient circulation of pedestrian and vehicular traffic, to provide for orderly phasing of development, and to otherwise protect the public health, safety and general welfare.

Sec. 39-27. Waivers.

(a) For good cause shown, waivers from the minimum standards set forth in this chapter, or chapter 40 as applicable, may be granted by the board of county commissioners. However, such waivers must be specified in conjunction with the land use plan, otherwise all standards shall apply. Waiver requests shall be identified in the public hearing notice.

(b) Waivers requested after approval of the land use plan must be approved by the board of county commissioners at a public hearing, after notification of abutting property owners.

Sec. 39-28. Natural features/project design.

(a) The natural topography, soils and vegetation should be preserved and utilized, where possible, through the careful location and design of circulation ways, buildings and structures, parking

826 areas, recreation areas, open space, and drainage facilities.
Designation and use of conservation areas must be consistent with
the adopted growth management policy.

828 (b) The proposed location and arrangement of structures should
not be detrimental to the existing or committed adjacent land uses
830 or to the existing or committed development of the neighborhood.
Building setbacks from the normal high-water elevation of all
832 natural water bodies shall be a minimum of fifty (50) feet.
Established minimum floor elevations shall be observed. Lighting,
834 access point, or activities resulting in high noise levels which
adversely affect abutting property shall be prohibited.

836 **Sec. 39-29. Street facilities.**

838 (a) All streets, including pedestrian and bicycle facilities, that
are or will become part of public rights-of-way, shall meet all
applicable standards of chapter 34 and section 21-176, including
840 accessibility requirements of the most recent edition of Florida
Department of Transportation Americans with Disabilities Act
842 Standards for Transportation Facilities.

844 (b) All streets shall meet minimum county standards with
appropriate design for vehicle, pedestrian, and bicycle safety and
efficient circulation within the development and connections to
846 roadways and bus stops adjacent to the development. Roadway
connections shall be in compliance with all requirements of the
848 Americans with Disabilities Act and corresponding standards.

850 (c) Provisions should be made for the continuation of all
functionally-classified roadways where applicable. Collector streets
shall provide a direct connection from local streets to arterial
852 roadways and shall be designed and located such that future
development will not require their conversion to arterial roadways.

854 (d) Local streets shall provide access to each parcel of land
within the planned development in a manner that will provide
856 convenient vehicle, pedestrian, and bicycle access to parking areas
serving each group of units. Local streets shall be designed and
858 located so that future urban development will not require their
conversion to functionally-classified roadways. Arterial and major
860 collector streets shall be free of backing movement from adjoining
parking areas.

862 (e) Private streets may be permitted subject to guarantees for
adequate maintenance as required by chapter 34.

864 (f) Street facilities shall meet all access management
requirements of section 30-248.

(g) Streets, driveways, and shared use path/trail crossings shall provide appropriate horizontal and/or vertical sight distances in accordance with the latest edition of the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook).

Sec. 39-30. Parking facilities.

(a) Vehicle and bicycle parking and loading facilities shall meet the minimum requirements set forth in chapter 40, article 3.

(b) Vehicular and pedestrian passageways shall be separated on public rights-of-way and within parking facilities and shall meet all accessibility requirements of applicable federal and state standards. A system of pedestrian and bicycle facilities connecting buildings, common open spaces, recreation areas, community facilities and parking areas, and transit stops shall be provided and adequately lighted for nighttime use. Within the alternative mobility area or an urban area transportation impact fee district, whichever one is applicable and governs, pedestrian and bicycle access between adjacent commercial, multifamily, and office uses will be required to promote accessibility. On parcels more than six hundred sixty (660) feet deep, vehicular connections between adjacent commercial and office projects are required, whenever practicable.

(c) The entrances to parking areas should be easily accessible and identifiable from public streets and should not interfere with vehicular, pedestrian, and bicycle traffic movement on adjoining streets or driveways.

(d) All parking areas should be designed and landscaped to be visually and functionally integrated with other land uses. A minimum of three (3) percent of all commercial, office, or industrial parking areas should be landscaped.

Sec. 39-31. Stormwater management.

The design and construction of stormwater management systems shall be in accordance with the subdivision regulations and applicable codes, ordinances, resolutions, rules and regulations.

Sec. 39-32. Utilities systems.

Central water systems, sewerage systems, utility lines, and easements shall be provided in accordance with the appropriate sections of the subdivision regulations and applicable codes, ordinances, resolutions, rules and regulations.

Sec. 39-33. Landscaping.

Landscaping consisting of trees, shrubs, vines, ground cover or any combination thereof shall be installed. Irrigation facilities shall

908 be installed in all landscaped common areas. Special attention
910 should be given to the type and location of trees in order to provide
912 for relief from the exposure of the sun on both buildings and paved
914 areas. Attention shall also be given to the location and type of
916 planting in and around parking areas, around refuse storage areas
and in building setback and separation areas to achieve proper
screening of these areas from occupied buildings and exterior
roadways. Development plans shall comply with the landscape
requirements of chapter 40, article 3.

Sec. 39-34. Open space.

918 Open space areas shall be provided within all planned
920 developments in order to enhance the living and working
environment.

(1) Open space areas are defined as areas serving any one of the
922 following four (4) basic functions:

924 a. *Shapes urban patterns.* Areas which define and delineate
urban concentration on a large scale. They can be used
to separate or consolidate development and prevent
926 development in undesirable locations.

928 b. *Production.* Lands which are utilized for the production
of products which contribute to the county's economy.
This includes croplands (vegetable and citrus), pasture,
930 commercial forests and plant nurseries.

932 c. *Recreation.* Lands which support a specified recreation
pursuit, whether it is an active or passive form of
recreation.

934 d. *Conservation.* Areas with unique natural qualities or
physical benefits which need protection or preservation
936 from man-built developments.

(2) All planned developments shall provide open space in the
938 form of greenbelts and buffer zones at a ratio of two (2)
percent of the gross land area.

940 (3) Open space shall be provided within the planned
development based on the following ratios:

942 a. Residential:

1. Single-family, (excluding lot area) 10%

944 2. Multifamily 25%

b. Office 20%

946 c. Commercial 20%

d. Tourist-commercial 25%

- 948 e. Industrial 15%
- 950 f. Big box development:
- 952 1. One (1) story and two hundred thousand (200,000)
- square feet or greater 30%
- 954 2. One (1) story and less than two hundred thousand
- 956 (200,000) square feet 25%
- 958 3. Two (2) stories, provided that the second story is
- forty (40) percent or more of the gross floor area that
- 960 is open to customers 20%
- 958 4. Two (2) stories with multi-level structured parking,
- provided that the second story is forty (40) percent or
- 960 more of the gross floor area that is open to customers
- 15%
- 962 (4) Open space in the form of greenbelts or buffers provided
- within the legal description portion of the proposed phase or
- 964 project may be included to meet the minimum open space
- criteria. Excess open space committed in prior phases
- 966 adjacent to a proposed development phase may be
- considered to meet up to seventy-five (75) percent of the
- open space criteria.
- 968 (5) Category A open space. All of the uses listed below shall
- 970 count one hundred (100) percent towards meeting the total
- open space required:
- 972 a. Buffer zones and greenbelts.
- 974 b. Recreational areas (active and passive).
- c. Landscaped areas.
- 976 d. All other permanently undeveloped uplands.
- 978 (6) Category B open space. All of the uses listed below may be
- 976 credited towards meeting the minimum open space
- requirements if the performance standards are met but shall
- 978 not account for more than fifty (50) percent of the total open
- space required.
- 980 a. Wet-bottom stormwater management ponds that meet
- the following requirements:
- 982 1. Minimum of 1.0 acre.
- 984 2. 5:1 side slopes.
3. Sodded or an equivalent ground cover.
- 986 4. Unfenced.
5. Curvilinear in shape rather than angular.

988 6. Landscaped in accordance with the following
criteria:

990 i. 1.0—2.5 acres: At least ten (10) percent of
the land above the design high-water level
992 excluding maintenance berms shall be landscaped
with at least fifty (50) percent of the required area
994 landscaped with plant materials other than ground
cover (the use of native plant species is
996 encouraged); or a littoral zone band of at least five
(5) feet in width for at least fifty (50) percent of the
998 shoreline established with native aquatic or
semiaquatic plant species;

1000 ii. 2.5—5.0 acres: At least five (5) percent of the
land above the design high-water level excluding
1002 maintenance berms shall be landscaped with at
least fifty (50) percent of the required area
1004 landscaped with plant materials other than ground
cover (the use of native plant species is
1006 encouraged); or a littoral zone band of at least five
(5) feet in width for at least thirty-five (35) percent
1008 of the shoreline established with native aquatic or
semiaquatic plant species;

1010 iii. More than 5.0 acres: A littoral zone band of
at least five (5) feet in width for at least twenty (20)
1012 percent of the shoreline established with native
aquatic or semiaquatic plant species.

1014 7. Access provided for all residents/employees of the
P-D.

8. One hundred (100) feet minimum width.

1016 b. Dry-bottom stormwater management ponds that meet
the following requirements:

1018 1. Sodded.

2. Unfenced.

1020 3. Must be dry within seventy-two (72) hours after a
twenty-five-year storm event.

1022 4. A skimmer must be provided to minimize the
accumulation of trash and pollutants.

1024 5. At least five (5) percent of the area above the peak
stage elevation must be landscaped with at least fifty
1026 (50) percent of the required area landscaped with
plant materials other than ground cover (the use of
1028 native plant species is encouraged).

- 1030 c. Easements that meet the following requirements:
- 1032 1. Minimum twenty-five (25) feet wide.
- 1034 2. Accessible for public use.
- 1036 3. Written verification from the easement holder
- 1038 authorizing unrestricted access.
- 1040 d. Plazas/hardscapes that meet the following requirements:
- 1042 1. Twenty (20) percent landscaped.
- 1044 2. Seating areas.
- 1046 3. Thirty (30) percent pedestrian accessible (excluding
- 1048 sidewalks) for area remaining after landscaping and
- 1050 water features/sculptures.
- 1052 e. Natural lakes that meet the following requirements:
- 1054 1. Only lakes which are totally within the legal
- 1056 description of the land use plan shall be credited
- 1058 towards open space.
- 1060 2. Must be accessible to all residents/employees.
- 1062 3. Common access to natural lakes shall be at least
- 1064 equal to the minimum lot size established by the land
- 1066 use plan or one-half acre, whichever is greater.
- 1068 (7) Category C open space. Areas within a project, phase, or
- tract, which are classified as conservation areas (including
- mitigation areas), pursuant to chapter 15, article X (the
- conservation ordinance), shall be identified at the time of
- development plan submission. Conservation areas shall
- qualify as open space. However, to insure that conservation
- areas or mitigation areas which comprise a high percentage
- of a project or tract do not constitute the only open space for
- the project, the amount of open space credit shall be limited
- to no more than fifty (50) percent of the total open space
- required.
- (8) Open space categories “B” and “C” cannot count more than
- seventy-five (75) percent of the total open space required for
- the project, phase or tract.
- (9) Big box development open space. All of the uses listed
- below may be credited towards meeting the minimum open
- space requirements if the performance standards are met, but
- shall not account for more than fifty (50) percent of the total
- open space required:
- a. All retention ponds, fenced or nonfenced, which are
- meant to fulfill a portion of the open space requirements

shall be designed as a project landscaping amenity. As such, they shall have curvilinear water edges which incorporate substantial curve off-sets along the water perimeter. Furthermore, all ponds shall incorporate a continuous row of drought-tolerant shrubs and understory trees along their top edge. Understory trees shall be planted at a rate of one (1) per twenty-five (25) feet of perimeter edge. Clustering of understory trees is acceptable.

1. Nonfenced ponds may fulfill up to fifty (50) percent of the project's open space requirement, provided they meet the curvilinear requirements above.

2. Decoratively-fenced ponds may fulfill up to fifty (50) percent of the project's open space requirements. However, the decorative fencing shall be constructed with black wrought iron-styled post and railing system, and shall incorporate landscaping along the exterior of the fencing. The post and railing system, while including a gated access system for pond maintenance purposes, shall incorporate masonry columns, minimum twenty-four (24) inches in diameter, space at a maximum of fifty (50) feet on-center. The columns shall incorporate a decorative cap feature, and the surface (or veneer) and trim of the columns shall replicate those of the principal structure. Furthermore, the decoratively-fenced ponds shall incorporate the required shrubs and understory trees mentioned above along the exterior base of the fence.

3. Ponds which are fenced with chain link, or with any other system which fails to meet the decorative fence description above, shall not fulfill any of the required project open space.

Sec. 39-35. Planned development guidelines.

The following planned development guidelines shall serve as site development standards for planned developments unless specifically waived by the planning and zoning commission. They are intended to complement applicable provisions of chapter 34 (pertaining to subdivisions).

(1) *Natural features:*

a. The natural topography, soils, natural vegetation, and surface water should be preserved and utilized through the careful location and design of circulation ways,

1112 buildings and structures, parking areas, recreation areas,
open space, and drainage facilities.

1114 b. Buildings and recreation areas should be situated to take
advantage of natural air flow, sun angle, and views.

1116 (2) *Pedestrian accommodations*: Pedestrian accommodations
shall meet all requirements of section 30-250.

1118 (3) *Utilities*:

1120 a. All utilities should be supplied through underground
networks.

1122 b. A planned development shall connect to an existing
central sewer system which is adequate to serve the
1124 anticipated needs of the development, or a private sewer
system shall be constructed according to regulations
1126 prevailing at the time construction is begun. The sewage
treatment and disposal system shall be approved by the
county and state health departments.

1128 c. Water pipelines shall be of sufficient size and located
appropriately to provide adequate fire protection for all
1130 structures in the planned development.

1132 (4) *Residential densities in general*. Residential densities within
the urban service area shall be consistent with **Future Land
Use Element Policy 1.1.11** of the Comprehensive Policy
Plan (CPP). Within rural settlements, densities shall comply
1134 with **Future Land Use Element Policy 2.1.10** of the CPP.
Within the rural service area, densities shall comply with
1136 **Future Land Use Element Policy 2.2.4** of the CPP.

1138 The criteria for establishing the residential density shall
include:

1140 a. The location of the development in relation to current
and anticipated growth patterns in the county.

1142 b. The preservation of natural features of the site.

1144 c. The provision of landscaped common open space for the
leisure and recreational use of residents and/or
employees.

1146 d. The adequacy of public utilities, services, and facilities
to serve the development.

1148 For the purpose of calculating net density, land shall be
included only if it is committed to the explicit use of
1150 residential buildings or structures or contributes to the
amenities of residents of the development such as usable
1152 park and open space. Land devoted to nonresidential,

nonpublic uses, streets or other public and semipublic uses, other than to usable park and common open space use, shall not be included.

(5) *Density credits within rural settlements.* For any area designated 1/1 within a rural settlement, an applicant may opt to apply for a density credit subject to the following:

a. The developer may offer to dedicate land within Orange County for a specified public purpose, including, but not limited to, parks, schools, fire stations, and utility plants. Acceptance of such offers shall be subject to the discretion of the board of county commissioners.

b. If the offer of dedication is accepted, the developer shall transfer the density from the dedicated property to the development plus a sixty (60) percent credit from the property being dedicated. The allowable density on the property being dedicated shall be the same as the property being developed.

c. The applicant may opt to pay into the Orange County Parks and Recreation Department Parks fund in lieu of dedication of the property. The payment in lieu of dedication shall be equal to the market value of at least five (5) acres of unimproved, developable land in the subdivision. The applicant shall transfer the density for payment plus a sixty (60) percent density credit for the payment in lieu of dedication. The value of the payment in lieu of dedication shall be based upon a valid appraisal of the property as accepted and approved by the county. Such payment in lieu of dedication is subject to approval by the parks and recreation department and the board of county commissioners.

Sec. 39-36. Communication towers in planned developments.

(a) A communication tower within a planned development shall comply with the standards and performance criteria set forth in chapter 40, article 4, division 6 and the criteria set forth in subsections (b) and (c) below.

(b) A communication tower may be permitted as part of the land use plan, provided that: (1) the area designated for the communication tower is specifically designated on the land use plan and (2) the communication tower has a distance separation consistent with chapter 40, article 4, division 6, pertaining to communication tower separation from off-site uses/designated areas

including existing or planned residential or nonresidential properties.

(c) A communication tower which has not been previously identified as a permitted land use on the land use plan shall be a substantial change pursuant to chapter 40, article 4, division 6.

(d) A communications tower located within a planned development shall be processed pursuant to the PD approval process and as described in subsections (a), (b) and (c) above. If any standard of chapter 40, article 4, division 6 cannot be met, the applicant must request a waiver. The DRC shall review the waiver request and make a recommendation to the board of county commissioners. The following planned development guidelines shall serve as site development standards for planned developments unless specifically waived by the planning and zoning commission. They are intended to complement applicable provisions of chapter 34 (pertaining to subdivisions).

Secs. 39-37 – 39-50. Reserved.

ARTICLE III. SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENTS

Sec. 39-51. General Provisions.

(a) For purposes of this division, residential developments include single-family detached, duplexes, single-family attached (townhomes), and multi-family developments. Vertically integrated mixed-use developments, in which nonresidential units are located on the ground floor, with multifamily units above, shall also be considered residential development for purposes of this division.

(b) Development standards listed in this section shall be the applicable standards utilized for all residential development, unless otherwise specified in the code.

(c) The applicant shall propose the maximum residential density, type of development, maximum height limitations, minimum lot size, setbacks, and living area. Different types of residential developments may be intermixed as long as adopted residential densities are consistent with the comprehensive plan and future land use map.

(d) The criteria for establishing the type of residential development shall include:

- (1) Compatibility with other zoning districts in the vicinity of subject property and with adopted densities in the county comprehensive policy plan and future land use map;

1236 (2) The preservation of natural features and environmental
assets of the site; and

1238 (3) The adequacy of public roads, utilities, public services and
facilities required to serve the development.

1240 (e) Townhouse developments shall comply with the
requirements for townhomes in the T4.2 transect, as outlined in
chapter 40, articles 3, 4, and 5, in addition to the standards set forth
1242 in this article.

1244 (f) Multi-family developments in the I-Drive Activity Center
and US 192 Growth Center shall comply with the development
standards listed in Chapter 38, Division 4, Subdivision II-Tourist
1246 Commercial, however they shall provide recreation facilities as
required in Section 39-53.

1248 **Sec. 39-52. Open space and lot coverage.**

1250 (a) Open space shall be provided per the requirements of section
39-34.

(b) Lot coverage shall meet the following requirements:

1252 (1) Multi-family: Maximum impervious coverage may not
exceed seventy (70) percent of the net land area.

1254 (2) Single-family attached and duplex: Impervious coverage for
individual lots within a subdivision shall not exceed eighty
1256 (80) of the land area of the lot.

1258 (3) Single-family detached: Impervious coverage for individual
lots within a subdivision shall not exceed seventy-five (75)
percent of the land area of the lot.

1260 **Sec. 39-53. Recreation facilities.**

1262 (a) Recreation areas in the form of usable land shall be provided
to serve the variety of needs for age groups included in the resident
populations of the project.

1264 (b) Both active and passive recreation areas shall be provided at
a combined ratio of two and five-tenths (2.5) acres per one thousand
1266 (1,000) projected population. Population shall be calculated on the
basis of three and one-tenth (3.1) persons per single-family unit and
1268 two and one-tenth (2.1) persons per multifamily unit, and two and
one-tenth (2.1) persons per unit for student housing developments
1270 (regardless of the number of bedrooms). The required active and
passive recreational areas shall be provided in equal amounts fifty
1272 (50) percent of each type. The following requirements shall govern
when designing these areas:

- 1274 (1) *Active recreation.* Typical facilities include playgrounds,
1276 athletic fields (improved with Bermuda grass), various types
of courts (tennis, basketball, racquetball), swimming pools,
1278 exercise trails (with a minimum of one exercise station, plus
one additional station for every six-hundred (600) feet),
1280 clubhouses, or other similar uses as determined by the
zoning manager.
- 1282 (2) *Passive recreation.* Typical facilities include picnic areas,
benches and seating, boat docks, dog parks, and trails, or
similar uses as determined by the zoning manager.
- 1284 (3) For both required passive or active recreation where walking
or other paths are provided, mulch or other degradable
1286 surface material is prohibited.

1288 The zoning manager is authorized to grant deviations from this
subsection (b) where its application to a specific site would result in
practical difficulty or a physical hardship affecting the use of the
1290 property. Where a substantial deviation from this subsection is
proposed or the zoning manager determines that the deviation does
1292 not further the intent and purpose of this subsection, the
Development Review Committee may consider an appeal from the
1294 zoning manager's determination.

1296 (c) All recreation areas should be easily accessible by all
residents of the community and include, where appropriate,
sidewalk/bike path facilities, as well as parking areas for both motor
1298 vehicles and bicycles. Attention should be given to screening and
buffering light and noise from adjacent residents.

1300 (d) All land shown on a development plan or subdivision plan
as common open space or, private recreational areas and facilities
1302 shall be subject to covenants and restrictions which ensure the
payment of future taxes and the maintenance of areas and facilities
1304 for a safe, healthful and attractive living environment, when
applicable.

1306 **Sec. 39-54. Setbacks and building heights.**

1308 (a) Setbacks from PD boundaries, lakes, and internal and
external rights-of-way for all types of residential development shall
be as follows:

- 1310 (1) PD Boundary: Twenty-five (25) feet.
- 1312 (2) Functionally Classified Road: Twenty-five (25) feet
(measured from abutting property line).
- 1314 (3) All other existing street rights-of-way: Twenty (20) feet
(measured from abutting property line).

1316 (4) Normal High-Water Elevation (NHWE) measured from the
contour line: fifty (50) feet.

1318 (b) Setbacks for individual lots within a single-family detached
or duplex residential development shall be proposed by the
1320 applicant. Setbacks for individual lots within a single-family
attached (townhouse) residential development shall comply with the
standards in the T4.2 transect in chapter 40, article 3.

1322 (c) Setbacks for multi-family developments shall be as follows:

(1) Front yard setback: Twenty-five (25) feet.

1324 (2) Side yard setback: Ten (10) feet.

(3) Rear yard setback: Twenty-five (25) feet.

1326 (4) Abutting single family district or use: Twenty-five (25) feet.

1328 Multi-family development shall also comply with the
requirements of section 39-58, where applicable.

1330 (d) Maximum building height for residential development shall
be as follows:

(1) Single-family dwellings: Thirty five (35) feet.

1332 (2) Multi-family buildings: Forty (40) feet, except thirty-five
(35) feet within one hundred (100) feet of any single-family
1334 residential use or district.

Sec. 39-55. Landscaping.

1336 Landscaping shall be provided per the landscape requirements of
chapter 40, article 3, and chapter 15 (tree protection and removal).

1338 **Sec. 39-56. Solid waste storage areas.**

1340 Solid waste storage areas, such as dumpster enclosures and trash
compactors, within multi-family developments shall comply with
section 39-72(a)(7).

1342 **Sec. 39-57. Notification.**

1344 (a) Subject to subsection (b) below, these notification criteria
establish minimum requirements for providing notice to any person
who is the first-time purchaser of a lot or single-family home in a
1346 PD project where the PD Land Use Plan includes a multi-family
land use.

1348 For purposes of these criteria, a “person” is defined to mean any
natural person or legal entity other than a residential building
1350 contractor licensed in the State of Florida. Additionally, any
reference to “lot” herein shall be deemed to mean a platted, single
1352 family lot with or without a dwelling unit constructed thereon.

1354 (1) The party responsible for providing notice is the party who
conveys title to the lot/home to the first time purchaser. The
1356 notice shall be printed in all capital letters and in bold print
and placed immediately above the signature line in the
1358 contract for the person contracting to purchase the lot/home.
Such notice shall inform the reader that the PD approval
1360 includes multi-family land use, and that a copy of the PD
Land Use Plan showing the location of the multi-family
1362 development is attached to the contract and can be reviewed
at the Orange County Planning Division or Zoning Division.
1364 The party conveying the lot/home shall be responsible for
attaching to the contract as an exhibit a copy of the current
1366 PD Land Use Plan for the PD project which clearly identifies
the location of both the portion of the PD project where the
1368 lot is situated and the portion where the multi-family land
use has been approved.

1370 (2) The party who prepares the declaration of covenants and
restrictions for the entire PD project and for any single-
1372 family development located therein shall be responsible for
including a provision stating that the PD approval includes
multi-family land use.

1374 (3) A weather durable sign shall be posted as provided below
stating that it is a multi-family site and indicating the total
1376 number of multi-family units proposed. Such a sign shall be
at least sixteen (16) square feet in size setting forth the copy
1378 in capital letters and bold print. The sign shall be posted
along the right-of-way frontage within a distance such that
1380 the copy is visible and clearly legible from the paved portion
of the right-of-way. The sign shall be posted prior to the
1382 platting of any single family residential tracts within the PD
project. The owner of the multi-family tract shall maintain
1384 the sign until the multi-family tract is developed. Another
such sign meeting the foregoing criteria shall be posted
1386 along any common boundary between a multi-family tract
and single family tract in a PD.

1388 (4) The up-to-date PD Land Use Plan shall also be
conspicuously displayed at the sales center, if any.

1390 (b) The notice requirements of subsection (a) above apply only
with respect to the following:

1392 (1) PD projects approved by Orange County after April 11,
2000; and

1394 (2) All platted single-family lots where a change determination
or Land Use Plan amendment for multi-family use is
1396 approved for a PD project after April 11, 2000.

1398 (c) Substantial compliance with the notice requirements
contained in subsection (a) above shall be deemed acceptable.

1400 (d) Orange County is not responsible or liable to any person for
ensuring that parties responsible for satisfying these notice criteria
substantially comply with these notice criteria.

1402 **Sec. 39-58. Multi-family development.**

1404 A multi-family development in a PD shall satisfy the following
criteria, except that, in the event of a conflict in height requirements
1406 between this section and any other section in chapter 39, such other
section shall control:

1408 (1) Multi-family buildings located within one hundred (100)
feet of single-family zoned property, as measured from the
proposed multi-family building to the nearest property line
1410 of the single-family zoned property, shall be restricted to
single story in height.

1412 (2) Multi-family buildings located more than one hundred (100)
feet from single-family zoned property shall not exceed three
1414 (3) stories or (forty (40) feet) in height.

1416 (3) Parking and other paved areas for multi-family development
shall be located at least twenty-five (25) feet from any
single-family zoned property. A twenty-five-foot landscape
1418 buffer shall be provided consistent with landscape buffer
requirements, as set forth in chapter 40, article 3.

1420 (4) A six-foot high masonry, brick, or block wall shall be
constructed, wherever a multi-family development is located
1422 adjacent to single-family zoned property. The wall height
shall be measured from the finished elevation of the side of
1424 the wall which is highest. If a right-of-way is located
between the multi-family development and the single-family
1426 zoned property, such a wall is not required. However, if a
fence or wall is provided between the right-of-way and
1428 multifamily property, then pedestrian access points shall be
required providing access to public rights-of-way required at
1430 least every five hundred (500) linear feet or where
appropriate as directed by the county. Pedestrian access
1432 points are encouraged to be located near open space and
stormwater ponds and may be included in calculations of
1434 required open space.

1436 (5) A multi-family development located adjacent to a right-of-
way shall be landscaped, and may be fenced, whenever
single-family zoned property is located across the right-of-
1438 way. However, the opacity of such fencing shall be limited
to fifty (50) percent by utilizing fencing materials such as

1440 aluminum picket or something similar. Chain link fences
1441 shall be prohibited.

1442 (6) A multi-family development may directly access any right-
1443 of-way serving platted single-family residential
1444 development from one access point of the multi-family
1445 development. Access to collector and arterial roads shall be
1446 permitted.

1447 (7) Recreation areas with associated bicycle parking shall be
1448 provided within a multi-family development to serve the
1449 needs of the residents of the multi-family buildings in
1450 accordance with section 39-53. The recreation areas shall be
1451 located internally away from any single-family zoned
1452 property. The multi-family residential population shall not
1453 be included in the calculation for determining the recreation
1454 requirements for the balance of the PD.

Sec. 39-59. Student housing.

1456 Student housing developments shall comply with the development
1457 standards for multi-family developments, including recreation
1458 facility requirements, and the multi-family compatibility standards
1459 in Section 39-58. In addition, the following requirements for new
1460 development and additions or expansions to existing development
of student housing shall also apply:

1462 (1) A student housing development plan shall require approval
1463 through a public hearing before the board of county
1464 commissioners. Prior to the public hearing, a community
meeting shall be held.

1466 (2) A student housing development shall maintain a minimum
1467 distance separation of four hundred (400) feet from any
1468 single-family zoned property as measured from the property
1469 line of the proposed student housing development to the
1470 nearest property line of the single-family zoned property.

1472 (3) A student housing complex, including a multi-phase
1473 complex, shall contain not more than seven hundred and fifty
(750) total bedrooms.

1474 (4) The development plan for all student housing projects shall
1475 include a mobility plan submitted to the transportation
1476 planning division and a community/site design plan for
1477 crime prevention through environmental controls submitted
1478 to the planning division that is consistent with the Crime
1479 Prevention through Environmental Design (“CPTED”) Manual
1480 used by the International CPTED Association and Florida CPTED Network. The student housing mobility plan
1481 shall describe and depict pedestrian and bicycle systems and

1484 facility needs consistent with this section, transit service and
1486 facility needs, university and county coordination measures
1488 that will be implemented by the developer to manage
1490 transportation demand and promote pedestrian and bicycle
1492 safety, and designation of appropriate space within the
1494 development for carsharing, bikesharing, and electric car
1496 charging stations, as they may be implemented within the
1498 university area. The student housing mobility plan also shall
1500 describe and depict the pedestrian and bicycle safety features
1502 cross-sections, marked and stamped crosswalks, safety
beacons, traffic signal modifications, pedestrian-scale
lighting, and other pedestrian and bicycle safety features
(with associated funding and maintenance responsibilities)
that will be provided and are needed (and warranted, as
applicable) to ensure safe pedestrian and bicycle access to
adjacent land uses and across major roadways to commercial
land uses and transit facilities. Improvements identified by
the plans shall be constructed or implemented prior to
issuance of a certificate of occupancy and shall be consistent
with the most recent editions of Florida Department of
Transportation standards.

1504 (5) Pedestrian accommodations shall meet all requirements of
Section 30-250.

1506 (6) Reasonable breaks in landscaping in parking areas shall be
1508 made to allow pedestrians and bicyclists access through
parking areas to points of destination.

1510 (7) Vehicle and bicycle parking spaces shall be provided as
1512 specified in chapter 40, article 3. Each carsharing space
provided may replace at least one (1) required vehicle
1514 parking space, and additional reductions may be approved
by the Zoning Manager based on the findings of the mobility
1516 plan. In addition to the short-term bicycle parking required
under this section, long-term bicycle parking spaces that are
1518 indoors or otherwise protected from the weather and theft
shall be provided at a rate of one (1) space per ten bedrooms
and shall consist of bicycle racks in fenced areas with
restricted access installed under roof, under stairwells, or in
1520 structured parking facilities. Bicycle parking spaces
available inside of a clubhouse or common area, such as in a
1522 storage room with restricted access; in bicycle lockers;
and/or in garages assigned to individual units can provide
1524 long-term parking consistent with this section.

1526 (8) If a student housing development is served by a university-
affiliated shuttle or other transit option, one (1) or more
transit shelters shall be depicted on the mobility plan and

1528 provided on or adjacent to the development site to
accommodate transit ridership from the development.

1530 (9) For density calculation to determine consistency with the
Comprehensive Plan, four (4) bedrooms shall count as one
1532 (1) multifamily dwelling unit.

Sec. 39-60. Accessory structures.

1534 Accessory structures for single-family residential (attached or
detached) and duplexes within a Planned Development shall comply
1536 with the accessory structure standards for the T3.3 transect in
chapter 40, article 3.

1538 **Secs. 39-61 – 39-70. Reserved.**

1540 **ARTICLE IV. SITE DEVELOPMENT STANDARDS FOR
COMMERCIAL DEVELOPMENTS**

DIVISION 1. GENERAL PROVISIONS

1542 **Sec. 39-71. Categorization.**

1544 For the purposes of this article, commercial development will be
categorized as either general commercial or tourist commercial.

1546 (1) *General commercial* shall refer to commercial development
designed as a support feature to a residential or industrial
project or the general community area.

1548 (2) *Tourist commercial development* shall refer to those
commercial and multi-family developments located within
1550 the I-Drive Activity Center (those properties with a future
land use designation of Tourist Activity Center), and US-192
1552 Growth Center, as outlined in the Comprehensive Plan.

Sec. 39-72. General commercial.

1554 (a) General commercial development shall be subject to the
following restrictions:

1556 (1) *Lot coverage*. The maximum impervious coverage shall not
exceed seventy (70) percent of the net land area.

1558 (2) *Open space*. Open space shall be provided per the
requirements of section 39-34.

1560 (3) *Building setbacks*. Minimum building setbacks shall be as
follows:

1562 a. Front and side street yard setbacks: Thirty (30) feet.

- 1564 b. Side yard setback: Five (5) feet; however, where
adjacent to a residential use a minimum twenty-five-foot
setback shall be provided.
- 1566 c. Rear yard setback: Ten (10) feet; however, where
adjacent to a residential use a minimum twenty-five-foot
1568 setback shall be provided.
- 1570 d. Normal High-Water Elevation (NHWE) setback from
the contour line: Fifty (50) feet.
- 1572 e. PD perimeter setback: Twenty-five (25) feet.
- 1574 (4) *Access management.* All access cuts or driveways serving a
commercial project shall meet all requirements of Section
30-248.
- 1576 (5) *Height.* The maximum height shall be fifty (50) feet, except
thirty-five (35) feet within one hundred (100) feet of any
residential use or residential district, in which case the
1578 maximum height shall be thirty-five (35) feet. The one
hundred (100) foot distance shall be measured from the
1580 structure that exceeds thirty-five (35) feet to the property line
of the parcel with residential uses/structures. A height
1582 greater than fifty (50) feet may be requested, provided the
applicant can demonstrate that there will not be any
1584 detrimental impact to adjacent property.
- 1586 (6) *Architectural standards.* The requirements of the ordinance
relating to architectural standards and guidelines for
commercial buildings, codified at chapter 40, article 3, shall
1588 be met.
- 1590 (7) *Solid waste storage areas.* Solid waste refuse facilities shall
be screened in accordance with chapter 40, article 3 and meet
the following requirements:
- 1592 a. Shall have a minimum setback from all rights-of-way of
thirty (30) feet.
- 1594 b. Shall not be located within any required buffer yard.
- 1596 c. Shall have a minimum side yard and rear yard setback of
five (5) feet.
- 1598 d. Shall have a minimum setback of fifty (50) feet from the
NHWE.

Secs. 39-73 – 39-85. Reserved.

DIVISION 2. TOURIST COMMERCIAL

Sec. 39-86. Lot width.

The minimum width of a lot in a tourist commercial development shall be one hundred fifty (150) feet.

Sec. 39-87. Setbacks.

The following setback criteria shall apply to the location of buildings and pavement on the site of a tourist commercial development. The twenty-five-foot PD boundary setback established for general commercial districts shall not apply to tourist commercial districts.

- (1) Minimum building setback from rights-of-way: Thirty (30) feet.
- (2) Minimum side yard setback: Ten (10) feet unless adjacent to a road right-of-way, in which case the greater setback shall apply.
- (3) Minimum rear yard setback: Twenty (20) feet.
- (4) Minimum Normal High Water Elevation (NHWE) contour line setback: Fifty (50) feet.
- (5) *Paving setback.* The following setback standards shall be utilized to create buffer yard areas between paved areas and property lines:

<i>Location</i>	<i>Setback (feet)</i>
Right-of-way	25
Side lot line	7.5
Rear lot line	5
Normal High Water Elevation contour line	25

Sec. 39-88. Access management.

(a) All access cuts and driveways serving a commercial or residential site in a tourist commercial development shall meet all requirements of section 30-248.

(b) These requirements shall apply unless more stringent criteria have been established during preparation of a specific plan for an area and approved by the county engineer.

Sec. 39-89. Parking.

(a) Parking facilities shall be provided for each phase or unit of development in a tourist commercial development in accordance with the standards established in chapter 40, article 3.

(b) Major theme parks or attraction-type developments which experience holiday or special event parking demands may, subject to the approval of the zoning manager, use unpaved parking areas to meet those demands, provided they meet all accessibility requirements of the most recent editions of applicable federal and state standards as adopted..

Sec. 39-90. Open space and lot coverage.

(a) Open space shall be provided in each tourist commercial development per the requirements of section 39-34.

(b) Lot coverage: The maximum impervious area shall not exceed seventy (70) percent of the net land area of the parcel.

Sec. 39-91. Landscaping.

(a) *Generally.* Landscaping shall comply with the landscape requirements of chapter 40, article 3.

(b) *Plant material specifications.* The following specifications shall be utilized for all landscape materials on the project site:

(1) The quality of plant materials used shall meet or exceed “Grade I,” as established in “Grades and Standards for Nursery Plants,” State of Florida, Department of Agriculture, Tallahassee, Florida, and amendments thereto.

(2) All plant materials must be suitable to central Florida climate and soil conditions.

(c) *Trees.* A minimum of fifty (50) percent of the required trees adjacent to the right-of-way and within parking areas shall be shade trees. No more than twenty-five (25) percent of the required trees may be palms.

(d) *Hedges.* Plant materials utilized to provide a continuous screen must be a minimum of thirty (30) inches high upon planting, with a maximum spacing of two and five-tenths (2.5) feet on center. All plant materials must be capable of attaining at least seventy-five (75) percent opacity within twelve (12) months.

Sec. 39-92. Service areas and utility fixtures.

(a) Service areas shall be screened from abutting public right-of-way and abutting properties by a six-foot high maintenance-free masonry wall or a ten-foot high landscaped buffer. Landscaping shall be a minimum of thirty-six (36) inches in height upon planting and attain a height of forty-eight (48) inches within twelve (12) months with an opacity of seventy-five (75) percent.

(b) Utility fixtures shall be screened with dense vegetation or berms, or a combination of both, or located within a completely enclosed area.

Sec. 39-93. Solid waste storage areas.

Solid waste refuse facilities shall be screened in accordance with Sections 9-560 and 24-4(f) and meet the following requirements:

- (1) Shall not be located in front of any principal structure.
- (2) Shall not be located within any required landscape buffer.
- (3) Shall have a minimum side yard setback of seven and one-half (7.5) feet.
- (4) Shall have a minimum rear yard setback of five (5) feet.
- (5) Shall have a minimum side street yard setback of thirty (30) feet.
- (6) Shall have a minimum setback from the NHWE of fifty (50) feet.

Sec. 39-94. Screening walls.

(a) Masonry walls on side or rear property lines may be permitted, with a maximum height of six (6) feet. Walls on side property lines shall be no more than three and one-half (3.5) feet high when located within the front or side street yard setback.

(b) All other fencing shall comply with section 40-75, except that no fence shall exceed six (6) feet in height. Chain link fences shall be prohibited. Landscaping shall be provided in the form of hedge material or shrubs planted adjacent to all walls or fences equal to twenty-five (25) percent of its length.

Sec. 39-95. Outdoor storage.

Open storage of articles, goods or materials shall not be permitted unless totally screened from the public right-of-way and adjacent properties. Display areas shall not be visible from the public right-of-way or abutting properties.

Sec. 39-96. Mechanical equipment.

Mechanical equipment shall be subject to chapter 40, article 3.

Sec. 39-97. Exterior lighting.

Lighting devices for the illumination of the ground, driveways, walkways, signs, parking areas and building exteriors, shall be installed and maintained in such a manner as to confine direct rays to the premises and prevent direct rays and glare onto adjacent properties or rights-of-way.

1708 **Sec. 39-98. Sidewalks.**

1710 Sidewalks shall be required along all rights-of-way (other than
1712 limited access highways) to provide for and encourage pedestrian
 and bicycle movement and shall meet all requirements of Section
 30-250. The following additional criteria shall be utilized for the
 installation of sidewalk facilities:

- 1714 (1) Arterial and collector roadways, minimum six (6) feet wide.
 (2) All other roadways, minimum five (5) feet wide.

1716 **Sec. 39-99. Utilities.**

1718 (a) All utility services including sewer, water, electrical,
 telephone and television shall be located underground. Site plans
1720 must indicate the nearest service source for the proposed
 development, as well as the effects on existing public systems or
 facilities resulting from the extension of new service, i.e., open cut.

1722 (b) Any equipment which cannot be located underground shall
1724 be adequately screened from view from any street or abutting
 property.

Sec. 39-100. Height.

1726 The maximum height shall be sixty (60) feet, but thirty-five (35)
 feet within one hundred (100) feet of single-family residential uses.
1728 For purposes of this section, vacant, undeveloped properties zoned
 T2, T3, and T4 and having a future land use designation of Tourist
1730 Activity Center shall not be considered a single family residential
 use. The maximum height shall be two hundred (200) feet for a hotel
1732 or time share, provided the applicant can demonstrate to the county
 that there will not be any adverse impact on adjacent development
1734 and the hotel or time share will not be located within three hundred
 (300) feet of any single-family residential.

1736 **Secs. 39-101 – 39-125. Reserved.**

1738 **ARTICLE V. SITE DEVELOPMENT STANDARDS FOR
 INDUSTRIAL DEVELOPMENTS**

Sec. 39-126. Application.

1740 The provisions of this division shall apply to industrial
 developments.

1742 **Sec. 39-127. Lot coverage.**

1744 The maximum impervious surface coverage of any lot coming
 under this division shall not exceed seventy (70) percent.

Sec. 39-128. Open space.

Open space shall be provided per the requirements of section 39-134.

Sec. 39-129. Setbacks.

The setback criteria established in the industrial zoning districts shall be utilized as guidelines for the planned development district. Variations to the buffer zones and setbacks distances may be proposed, provided that acceptable alternatives are incorporated to alleviate the potential negative impacts on adjacent parcels or properties.

Sec. 39-130. Performance standards.

Industrial developments shall comply with the performance standards as specified in section 40-60.

Secs. 39-131 – 39-140. Reserved.

ARTICLE VI. MASTER SIGN PLANS FOR PLANNED DEVELOPMENTS

Sec. 39-141. Master sign plans for planned developments.

Large Planned Developments are encouraged to have a master sign plan (“MSP”). In order to be eligible to submit an MSP, a PD shall be at least fifteen (15) developable acres in size and have at least one thousand (1,000) feet of right-of-way frontage, as that term is defined in chapter 40, article VI. The intent and purpose of an MSP is to provide an applicant with an opportunity to create attractive, aesthetic signage having uniform or cohesive design of color, texture, materials and architectural features that continue throughout the overall development. Absent an MSP, a planned development shall comply with all applicable signage requirements in this chapter.

An MSP shall be reviewed for internal consistency with the overall PD. Specifically, an MSP shall be incentivized by the following:

- (1) An MSP shall be reviewed by the DRC using applicable sign code criteria and standards as a baseline to determine, among other factors, overall copy area, number of signs, height, lighting, off-site locations, etc., while allowing for flexibility from strict adherence to those applicable sign regulations.
- (2) An MSP, or changes to an MSP, may be approved by the DRC, provided the overall signage is deemed substantially consistent with the thresholds described in subsection (1).

- 1784 (3) An MSP, or changes to an MSP, that are determined to
1786 materially exceed the thresholds described in subsection (1)
shall require approval by the BCC.
- 1788 (4) Waivers from signs prohibited under baseline sign code
regulations shall not be permitted.
- 1790 (5) The planning and zoning managers may make
1792 determinations when proposed changes to an approved MSP
are consistent with the MSP and too minor or insignificant
to warrant further DRC review. The provisions of this
division shall apply to industrial developments.

1794 **Secs. 39-142 – 39-150. Reserved.**

1796 **ARTICLE VII. VILLAGE PLANNED DEVELOPMENT
CODE**

Sec. 39-151. Intent and purpose.

1798 The intent and purpose of this division are as follows:

- 1800 (1) To implement the goals, objectives and policies of the
village land use classification of the Orange County
Comprehensive Plan, future land use element;
- 1802 (2) To ensure development in accordance with the Horizon West
1804 Special Planning Area Land Use Map (referred to
throughout this Division 8 as the “SPALUM”) and
1806 Comprehensive Plan provisions related to any particular
village;
- 1808 (3) To promote the development of neighborhoods, villages and
community centers that reflect the characteristics of a
1810 traditional southern town; where streets are convenient and
pedestrian-friendly, and where parks, open space and civic
facilities are a focus for public activity;
- 1812 (4) To provide for development that has a variety of land uses
and housing types in a compact integrated community
1814 pattern which creates opportunities for pedestrian, bike and
transit use;
- 1816 (5) To promote development that utilizes a neighborhood focus
as a building block to provide a sense of place and
1818 community;
- 1820 (6) To provide a system of fully connected streets and paths
which provide interesting routes and encourage pedestrian
and bicycle use by being spatially defined by buildings,
1822 trees, and lighting;

- 1824 (7) To provide a system of public open space in the form of
accessible squares, greens and parks whose frequent use is
encouraged through placement and design;
- 1826 (8) To enhance the character of the neighborhoods through the
1828 use of building massing, building placement, materials and
architectural features which create interesting spaces and
pedestrian scaled street frontages.
- 1830 (9) To provide that these Village PD Code regulations shall be
1832 administered by the zoning division, except that any non-
zoning aspects of these regulations shall be administered by
the appropriate department or division.

1834 **Sec. 39-152. Applicability.**

1836 (a) Except for those exemptions listed below, this village
development code shall apply to all development occurring on lands
1838 within an adopted village as depicted on the Horizon West Special
Planning Area and Village Boundary Map (Future Land Use Map
Series - **FLUM 3**).

- 1840 (1) Planned developments, approved prior to June 6, 1995, and
1842 located within an adopted village, and vested developments,
which have received a vested rights certificate for
1844 consistency with the Comprehensive Plan in accordance
with chapter 30, article XI, of this Code, are not subject to
1846 this village development code. Subject to compliance with
other provisions of this Code, any amendments to such
1848 previously approved planned developments will not require
a comprehensive plan amendment and shall be considered
1850 consistent as long as the densities do not exceed those
depicted on the future land use map as of June 6, 1995. Until
1852 such time as a property has been rezoned in accordance with
this village development code, and the property has met the
1854 adequate public facilities requirements of chapter 30, article
XIV, division 2, all properties within the adopted village
1856 shall maintain the future land use designation existing prior
to June 6, 1995. Development may proceed under the future
1858 land use and zoning designation existing prior to June 6,
1995; however, Orange County shall require that all such
1860 development which requires special exception, variance, or
preliminary subdivision plan approval shall be evaluated on
1862 a case by case basis to determine the effects of the
development in the approved village. Such developments
1864 may need to be clustered or designed in such a way as to not
adversely impact the adopted village.

- (2) Any planned development land use plan or preliminary subdivision plan approved prior to June 2, 2009, that is consistent with and located within an adopted village, shall have the option of complying with either the original approval or this division. The selection of which standard to comply with must be made by June 2, 2011; if no selection is made by that date, the applicant will be required to comply with their original approval. Once such selection is made, the development must meet all of the requirements of whichever standard is selected.

After June 2, 2011, property owner (s) within an undeveloped preliminary subdivision plan (PSP) or development plan (DP) located within a planned development that is subject to the requirements of chapter 38, article VIII, Division 8 as it existed prior to June 2, 2009 (“Original Village PD Code”), may elect to subject the PSP or DP to compliance with the requirements of chapter 38, article VIII, division 8 (“Village PD Code”), as it exists at the time the election is made. Such election shall be made through the PSP or DP submission and approval process, either by applying for a new PSP or DP, or by applying for a change to an existing PSP or DP, and shall be subject to approval by the board of county commissioners at a public hearing. Waivers to any development standard of chapter 38 may be granted by the board of county commissioners at a public hearing in conjunction with the approval for a PSP or DP, except as may be provided to the contrary in section 39-7 regarding changes to a PD land use plan. A revised PD land use plan (applicable to the specific PSP or DP) shall be submitted with the PSP or DP application. Notification of waiver requests prior to the public hearing shall be the same as that required for a substantial change to a PD land use plan, (e.g., including notice to owners of property within 300 feet of the perimeter of the land use plan). The election to comply with this Division may require a substantial change to the PD land use plan. Any related PD, PSP, or DP applications may also be considered by the board of county commissioners at the same public hearing; however, the effective date of an approved PSP or DP shall be subject to the applicable PD appeal period. Once the election has been made and the property has become subject to this Division by the PSP or DP submission and approval process, and has been approved at a board of county commissioners public hearing, the election is final.

Until such time as a property has been rezoned in accordance with the SPALUM and this village development code, and

1912 the property has met the adequate public facilities (APF)
1913 requirements of chapter 30, article XIV, division 2, all
1914 properties within the adopted village shall maintain the
1915 future land use designation existing prior to June 2, 2009.
1916 Development may proceed under the future land use and
1917 zoning designation existing prior to June 2, 2011; however,
1918 Orange County shall require that all such development
1919 which requires special exception, variance, or preliminary
1920 subdivision plan approval shall be evaluated on a case by
1921 case basis to determine the effects of the development in the
1922 approved village. Such developments may need to be
1923 clustered or designed in such a way as to not adversely
1924 impact other areas within the adopted village.

1925 All other proposed development shall be processed as a
1926 village planned development in accordance with this
1927 division.

1928 (b) This village development code shall complement all
1929 applicable laws, ordinances, rules and regulations, including the
1930 guidelines and standards for planned developments. In case of
1931 conflict with this village development code and article II, chapter 18
1932 (the Fire Prevention Code), the fire prevention code shall govern and
1933 control. However, to the extent this village development code may
1934 conflict with or may not be consistent with other applicable laws,
1935 ordinances, rules or regulations, including the guidelines and
1936 standards for planned developments, this village development code
1937 shall govern and control (and waivers from chapter 38, articles VII
1938 and VIII shall not be required for those provisions in conflict with
1939 the village P-D code). For the purposes of this village development
1940 code, the words “shall” or “must” are mandatory; the word “should”
1941 is directive but not necessarily mandatory; the word “may” is
1942 permissive. The word “includes” shall not limit a term to the specific
1943 examples, but is intended to extend its meaning to all other instances
1944 and circumstances of like kind or character. For purposes of
1945 comprehensive plan and Village Code consistency, the planning
1946 manager or his/her designee shall review architectural and/or project
1947 design content and guidelines.

Sec. 39-153. General development guidelines and standards.

1948 (a) Consistency with the Horizon West Special Planning Area
1949 Land Use Map (SPALUM). The Horizon West SPALUM
1950 establishes the land uses for all property within any particular village
1951 and establishes the public facilities lands required by each
1952 neighborhood and the village center. Development within any
1953 specific neighborhood may be initiated only when the adequate
1954 public facilities requirements in accordance with chapter 30, article

XIV, division 2, have been met. Any proposed amendments to the land uses as established by a Planned Development / Land Use Plan (PD/LUP) are subject to the following conditions:

(1) Any amendment to a village PD/LUP shall be subject to approval by the board of county commissioners in accordance with this division and **Future Land Use Element Policy 4.1.9**. Waivers from the general development guidelines and standards within this division may also be considered and approved at a public hearing before the board of county commissioners at the time of preliminary subdivision plan or development plan, and processed as a non-substantial change to the PD/LUP.

(2) The proposed amendment shall be consistent with all applicable requirements of the village land use classification of the comprehensive plan, future land use element.

(3) Except as provided for in chapter 30, article XIV, division 3, of this Code (transfer of development rights), the proposed amendment shall not change the proposed density for any particular neighborhood.

(4) The proposed amendment shall not preclude the provision of any adequate public facilities, as identified on the Horizon West SPALUM.

(5) Public school sites must be consistent with the size and locations described in the Comprehensive Plan or as designated on the Horizon West SPALUM. Alternative school site locations and configurations may be considered through the planned development rezoning, land use plan amendment or change determination process, provided they are consistent with the provisions of **Future Land Use Element Policy FLU4.1.5 and FLU4.2.1** of the comprehensive plan.

(b) Developable land area shall be defined as the total gross land area less natural surface waterbodies and designated conservation areas (wetland areas). Net developable land area is defined as developable land area less land for adequate public facilities (as defined in section 30-710), public open space, upland greenbelts, and stormwater facilities. The required density of each district within the village shall be a minimum average based on the net developable land area.

(c) *Village upland greenbelt*. In accordance with **Future Land Use Element Policy FLU4.5.1**, a village upland greenbelt area has been provided consistent with requirements of the village land use classification of the comprehensive plan, future land use element.

1998 Transfer of development rights may be applied to property
2000 designated as the village upland greenbelt in accordance with
2002 chapter 30, article XIV, division 3, of this Code. Development
2004 within the upland greenbelt area shall be limited to a density of one
2006 (1) residential dwelling unit per ten (10) acres and may include road
2008 crossings, parks, golf courses, stormwater management areas and
2010 passive recreational uses such as bike/pedestrian and equestrian
2012 trails, and, to a limited extent, communication towers. In order to
2014 accomplish the purpose of the upland greenbelt, residential
2016 development may be clustered at an overall gross density of one (1)
2018 unit per ten (10) acres on lots no smaller than one-fourth (¼) acre,
2020 subject to the requirements of chapter 37, article XVII, of this Code
regarding individual on-site sewage disposal. Areas for such
clustering or development of communication towers shall only be
permitted on upland areas within the upland greenbelt subject to
dedication of development rights for the balance of the property and
rezoning to planned development. Development rights shall be
dedicated to Orange County at the time of platting. Dedication of
the development rights will limit the use of the property to
agriculture as permitted in the county T2.2 transect. A twenty-five
(25) foot setback at the village perimeter is required for any PD
located along the perimeter of a village except where the boundary
of the PD is adjacent to a village greenbelt in which case no setback
shall be required.

2022 (d) *Village civic association.* Each village may establish a civic
2024 association for the purpose of promoting civic pride and community
2026 events within the village. The Village Civic Association shall be
2028 authorized to charge reasonable fees for participation in community
2030 events and to raise funds from community activities. Each
2032 residential community association or other property owners'
association that is established in the village should be a member of
the Village Civic Association. Each residential community
association or other property owners' association should designate a
delegate to the Village Civic Association. The Village Civic
Association is not intended to have any regulatory authority or
architectural review authority over land uses within the village.

2034 (e) *Utilities.* All development parcels within each village shall
2036 connect to Orange County's central water, wastewater and reclaimed
2038 water facilities. The County may require all participating property
2040 owners within a village to sign a private agreement addressing their
proportionate share of funds for the costs of all off-site and on-site
master utilities, sized to the full village needs. The agreement may
be required prior to or concurrent with the approval of the village or
as part of a planned development zoning.

(f) *Compatibility with the surrounding area.* Each development shall be designed to consider compatibility with the surrounding area and consistency with the densities and intensities outlined in the Comprehensive Plan. In addition, the preliminary subdivision plan or development plan for any village planned development which abuts an existing subdivision that is not zoned Village PD or is outside an adopted village boundary, or is located across a water body from an existing subdivision may include measures to ensure compatibility including one (1) or more of the following:

- (1) Comparable living area and/or lot widths with the existing subdivision; or
- (2) Open space, retention facilities, conservation areas, buffering, or an expanded village upland greenbelt to serve as a separation from the existing and proposed development; or
- (3) Other compatibility measures as deemed appropriate by the board of county commissioners.

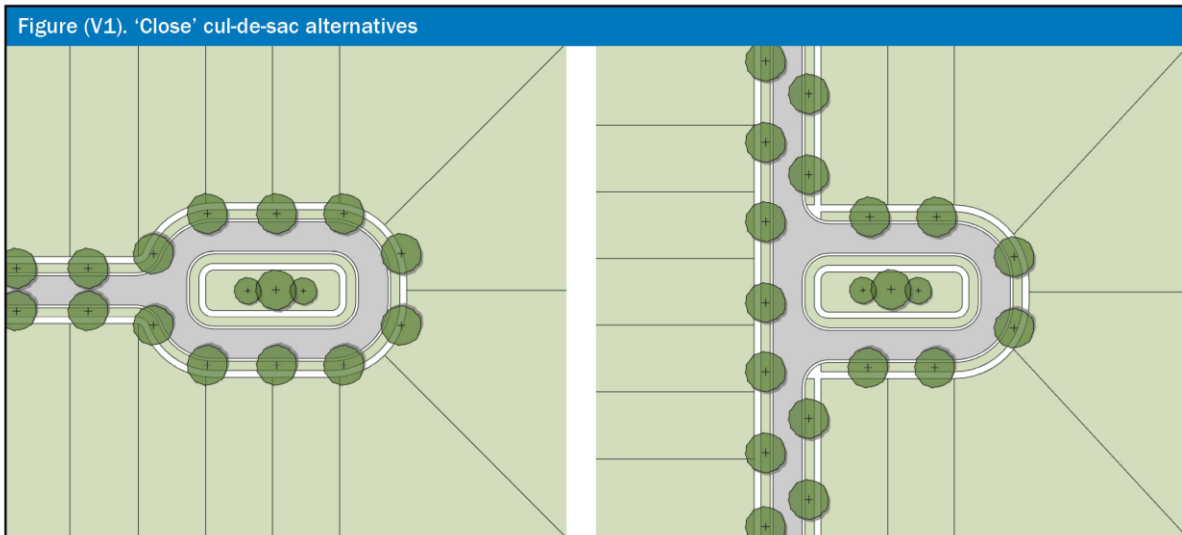
(g) *Reclaimed water.* All village planned developments shall install reclaimed water lines in such a manner as to provide service to each property of the development. The distribution mains shall be extended across the total property frontage to facilitate future extensions to other developments. The distribution system shall be installed at the time of development along with the water and wastewater systems. The system shall be designed and sealed by an engineer registered in the state in accordance with regulations of the county and the state department of environmental protection. Costs for the installation of such reclaimed water system shall be borne by the owner and/or developer. Application for a development shall include, where practical, a plan to take back reclaimed water in the same quantity as wastewater is produced. The reclaimed water distribution system for all village planned developments shall connect or cause to be connected with the village SAP reclaimed water distribution system. All irrigation connections to the reclaimed water system, within a village planned development, shall be made in accordance with polices and regulations of the county. If reclaimed water is not available at the time of development, the reclaimed water distribution system shall be installed as a “dry-line” system. At such time that reclaimed water is made available, all existing irrigation connected to the existing potable water system shall be terminated and re-connected to the reclaimed distribution system.

(h) *Streets.* Standards for the streets within any particular village shall be consistent with the intent of **Future Land Use Element Objective FLU4.3** and its underlying policies.

- 2086 (1) *Street type and pattern.* Consistent with **Future Land Use**
2088 **Element Policy FLU4.3.1** each village shall be designed with
2090 a transportation network that encourages connectivity
2092 between internal land uses and allow connection of major
2094 streets to existing or planned streets outside the village. The
location of streets and primary access locations shall be
identified on the PD/LUP. Precise locations of internal
streets shall be determined in conjunction with the approvals
of the preliminary subdivision plans/development plans for
each village planned development.
- 2096 (2) All streets, alleys, and pedestrian pathways shall connect to
2098 other streets within the village and to existing or planned
streets outside the village and shall include roadway
2100 connections that are in compliance with all accessibility
2102 requirements of currently-adopted editions of federal and
state standards. Culs-de-s, T-turnarounds, or dead-end
2104 streets are not permitted unless otherwise approved by the
county or where their use is in connection with preserving
2106 wetlands, specimen trees, or ecologically significant
vegetative communities. To encourage the development of
connected and integrated communities within each
2108 neighborhood and village center, the twenty-five (25) foot
setback on the perimeter of the PD is not required for those
2110 PDs that are internal to a neighborhood or village center. The
twenty-five (25) foot setback is required for only that portion
2112 of the perimeter of the PD that is located on a perimeter of a
village.
- 2114 (3) Each preliminary subdivision plan or development plan
within a village shall provide for a circulation pattern of fully
2116 connected and integrated streets, bicycle and pedestrian
facilities to reinforce the sense of community as required by
the village classification policies.
- 2118 (4) Alleys are required for any block containing lots with a
2120 width of fifty (50) feet or less, exclusive of corner lots.
Subject to County review and approval, all alleys, shall be
2122 designed as a private easement (or tract) with a minimum
twenty (20) feet of unobstructed and drivable width. All
2124 alleys shall be posted “no parking,” and shall have a
minimum turning radius which must be approved by the Fire
Rescue Department.
- 2126 (5) *Street standards.* All streets shall meet the following
minimum standards:
- 2128 a. All streets (excluding alleys) shall have raised curbs
(curbs at medians may be mountable);

- 2130 b. Minimum lane width shall be ten (10) feet (with a one-
2132 foot curb). Narrow lanes are encouraged; however, wider
lanes may be appropriate in higher density residential
areas where increased parking on the street is expected;
- 2134 c. Where trees are planned, medians shall be a minimum of
twelve (12) feet in width;
- 2136 d. Dedicated parallel parking spaces shall be a minimum of
2138 seven (7) feet in width, including gutter pan, and meet all
applicable standards of Section 34-171;
- 2140 e. Landscape strips between the curb and sidewalk shall be
2142 a minimum of six (6) feet in width. However, for a
description of the required planter strip within the
neighborhood and village commercial centers. (See
sections 39-166 and 39-167.
- 2144 f. Sidewalks shall be a minimum of five (5) feet in width
2146 and shall be on both sides of all streets. In Village
Centers and Neighborhood Centers, sidewalks along the
2148 front of commercial buildings shall be a minimum of ten
(10) feet in width to encourage safe pedestrian activity.
2150 (See sections 39-166 and 39-167 for a description of
required sidewalk widths and utility easements within
Neighborhood Center and Village Center districts.)
- 2152 g. All streets, including pedestrian and bicycle facilities,
2154 that are or will become part of public rights-of-way shall
meet the applicable standards of section 21-176,
including accessibility requirements.
- 2156 h. All streets shall meet the requirements of section 30-248
unless approved by the county engineer.
- 2158 i. All streets shall have signage and pavement marking
2160 plans with details of installation consistent with Traffic
Engineering Division specifications.
- 2162 (6) *Mews*. Mews are designed to accommodate residential
structures where the front façade faces a green space, park,
2164 or square and where all vehicular access is provided from a
rear alley that is designed to function as a roadway by
accommodating emergency vehicle access and required
2166 public utilities. A mews green space, park, or square may
accommodate a sidewalk, path, or trail, but not roads.
2168 Subject to county review and approval, all rear alleys that
serve mews developments shall be recorded as a private
2170 easement (or tract) and meet the following standards:

- 2172 a. Residential structures shall have a forty-two-foot-wide
paved and unobstructed pedestrian access directly to
each residential unit from the mews alley.
- 2174 b. For addressing purposes, mews alleys shall be assigned
2176 street names that are reviewed and approved by Orange
County, with specific addressing located on both the
2178 front and rear of each residential unit or garage, as
applicable.
- 2180 c. A durable key map of doorway locations with addresses
for each attached residential unit shall be installed at a
2182 visible location on both ends of each mews alley
accessing attached residential structure(s).
- 2184 d. All mews alleys shall be consistent with the design
standards set forth in subsection 39-153(h)(4).
- 2186 e. Mews developments may only be considered and
approved in neighborhoods where on-street parking is
2188 provided on adjacent streets or blocks. All required
parking for each residential unit along a mews green
2190 space, park, or square, and where all vehicular access is
limited to the rear alley, shall be provided on-site.
2192 Parking within the limits of the rear alley easement or
tract is prohibited to ensure safe and navigable
emergency vehicle access.
- 2194 (7) *Close culs-de-sac*. Where culs-de-sac are approved by the
county as referenced in subsection 39-153(h)(2), they shall
2196 reflect a 'close' design that generally incorporates an
elongated center island and typically features turf, seating,
2198 shade, and paved walkways. The roadway curbs along a
close island must maintain emergency vehicle minimum
2200 curve and curb radii as well as a clear width between
adjacent parked cars, and are subject to review and approval
2202 by the Fire Rescue Department (See Figure V1).



(i) *Public open space and public tracts.* In addition to the adequate public facilities (APF) parks shown on the Horizon West SPALUM, a minimum of seven and one-half (7.5) percent of the developable land area of any development project shall be permanently allocated to public open space tracts in the form of neighborhood parks, squares, mews, greens, or linear parks designed to augment the village pedestrian/bikeways system and designed to create a focal point for the neighborhood. These neighborhood parks and squares shall be distributed throughout all land use districts within the village. The distribution of neighborhood parks and squares should be generally proportionate to the number of dwelling units within each area of the development.

(j) *Stormwater facilities.* Stormwater facilities shall be designed as an open space amenity in accordance with the design principles of this village development code. The design of stormwater facilities shall be in accordance with section 39-154 of this division and all other applicable codes, ordinances, resolutions, rules and regulations. Aesthetically designed “curvilinear shaped” stormwater facilities when designed as an amenity with clustered or regularly-spaced shade trees, planted at no more than forty (40) feet on-center, as well as a combination of two (2) or more additional aesthetic features (e.g., park benches, trails, gazebos, trellises, fountains, decorative cement forms at the water edge to create reflecting pools, etc.) may be applied toward no more than fifty (50) percent of the seven and one-half (7.5) percent open space requirement. The aesthetic features mentioned above, except for turf, shall be installed outside of the storm water facility required maintenance area.

(k) *Natural water bodies.* The design of any village planned development should consider natural water bodies as a public amenity. The scenic values of natural water bodies may be enhanced

2234 through appropriate design elements such as pedestrian access,
2236 waterfront parks and public street frontage. Public access to such
waterbodies and use of motorized watercraft may be restricted as
2238 part of a planned development, preliminary subdivision plan, or
development plan approval.

(l) *Block Pattern.* A land use plan shall include a graphically
2240 depicted conceptual block layout for a typical single block showing
the location, size, and layout of residential, non-residential, and
2242 mixed use developments. Subsequent preliminary subdivision and
development plans shall be generally consistent with the conceptual
2244 block layout.

(m) *Screening.* Ground-level mechanical equipment, outdoor
2246 storage areas and service areas, except those associated with single-
family detached units, shall be screened by a one hundred (100)
2248 percent opaque buffer. Dumpsters or other refuse areas shall be
screened by one hundred (100) percent opaque buffering, including
2250 a six-foot masonry wall with gate, and landscaping with shrubs or
vines around the entire walled area. The wall shall be designed with
2252 similar architectural features as the principle structure and the gate
shall be opaque.

(n) *Communication Towers.* All communication towers shall
2254 comply with the requirements of chapter 40, article 4, division 6
except that chain link fencing and opaque wall systems are
2256 prohibited. Decorative or ornamental metal fencing allowing
transparency, with the exposed picket points for security, may be
2258 used around the base. Barbed wire, if any, should be on the interior
side of the fence. Landscaping requirement may not be waived
2260 where adjacent to lands that may be developed or visible from a
public right-of-way. In order to further the intent of section
2262 40-183(f), camouflage facilities for communication towers shall,
when practicable, include architectural elements in building
2264 structures, such as church steeples, clock towers, bell towers,
chimneys, rooftop cupolas, or flagpoles. Communication towers
2266 may be a permitted use in areas designated as APF parks and
schools; and Office, Neighborhood Center and Village Center
2268 Districts on the Horizon West SPALUM, and provided the PD/LUP
identifies such towers as a permitted use. Communication towers
2270 may also be permitted in areas designated Upland Greenbelt when a
minimum twenty-foot fee simple access between the tower and a
2272 dedicated public paved street is maintained, and when the tower is
located on developable uplands. Communication towers shall be
2274 prohibited in all other residential districts, wetlands (conservation
areas), wetland upland buffers, designated wildlife corridors, and
2276 sites critical for Floridan Aquifer protection.

Sec. 39-154. Aquifer recharge.

The data and analysis provided in support of the village land use classification amendment adopted by Orange County in June 1995 found that the area designated by the village land use classification on the future land use map of Orange County contains high recharge areas. Subsequent studies have shown that the existing stormwater management requirements for high recharge areas in the county provide an appropriate measure of protection for both water quality and water quantity. In addition, on December 19, 1996, the board of county commissioners adopted a high-water recharge protection tax assessment program, implementing the provisions of the Henry Swanson-Bruce McEwan Bluebelt Act of 1996, for protection of this vital natural resource (Ordinance No. 96-38). This ordinance provides tax incentives for maintaining high recharge properties in a natural state. In addition to these requirements, the following measures are provided:

- (1) Water quality. In accordance with **Future Land Use Element Policy FLU4.2.1**, and subsection 39-153(e) of this division, all village planned developments shall be required to hookup to central sewer service. In addition, the village classification limits high risk land uses, such as heavy industrial and those uses which store chemicals requiring technical containment, except those uses otherwise allowed in the neighborhood center or village center.
- (2) Water quantity. In accordance with subsection 39-153(e) of this division, all village planned developments shall be required to connect to a reclaimed water system which will increase water recharge. In addition, with the adoption of a village, the soils types for all land within the village boundary as identified by the Natural Resources Conservation Service (formerly the U.S.D.A. Soil Conservation Service) shall be identified. In accordance with chapter 34, article VII, division 2, subdivision regulations, if the site contains hydrologic soil group type "A" retention of the total runoff generated by a twenty-five-year frequency, twenty-four-hour duration from the development site will be required. Where there is no positive outfall, retention of the total runoff generated by a one-hundred-year frequency, twenty-four-hour duration storm event from the development site will be required. A detailed soils report prepared by a geotechnical engineer shall be submitted to the county engineer for review prior to the development of final drainage plans for the site. The report shall contain recommendations as to the method of providing recharge on the site.

Sec. 39-155. General residential development standards.

(a) *Density.* Density is calculated by dividing the total number of units by the developable land area. Net density is calculated by dividing the total number of units by the net developable land area. Regardless of the applicable Village PD Code, accessory dwelling units shall not be included in density calculations.

The net density required by the land use designation may be increased or decreased provided that an equivalent number of units (transfer of development rights) have been purchased from uplands or wetlands (sending areas) in the designated upland greenbelt and wetland areas within the village in accordance with the provisions of chapter 30, article XIV, division 3, transfer of development rights (TDRs), and provided that the resulting overall net density within the village is consistent with **Future Land Use Element Policy FLU4.1.4.** All TDR sending and receiving areas shall be identified on the affected PD/LUP. If proposed, all wetlands and upland greenbelts may be designated as TDR sending areas and all development parcels may be designed as receiving areas. Development rights from sending areas located beyond the boundary of the receiving area PD but within the same village, must be transferred through an executed agreement approved by the County prior to or concurrent with approval of the new or amended PD/LUP and must be consistent with the TDR Ordinance (chapter 30, article XIV, division 3). The internal transfer of density within a planned development may be approved without using TDRs pursuant to subsection 30-726(b)(2) and section 39-7, so long as the resulting net density of the affected planned development parcels is consistent with the ranges identified in section 30-727, and provided that the resulting density is consistent with the compatibility requirement of this code and the comprehensive plan. The density within a parcel shall be established with the initial PD/LUP and subsequent modifications to the established density shall be subject to the PD change determination process.

(b) *Blocks.*

(1) Residential blocks shall be the area defined as one (1) block length by two (2) lot depths. A residential block is defined as a block length by one (1) lot depth when said block backs up to the perimeter of a property or another use.

(2) *Block depth.* A prototypical block of two hundred forty (240) feet in depth where alleys are required and two hundred twenty (220) feet without alleys shall be utilized for all attached and detached single-family residential development within the village limits. Block depth requirements may only be reduced where the dimensions cannot be accommodated

2368 due to property ownership, natural features, or the need to
 2370 accommodate other site planning provisions of this village
 development code. Any such alternatives to this standard
 shall be identified and approved through the preliminary
 subdivision plan or development plan review process.

2372 (3) *Block face.* A block face shall be defined as the linear street
 2374 frontage on one (1) side of a block length, where the lot
 fronts are oriented to that same street.

2376 (4) *Block size and length.* Block size shall be required as
 follows:

2378 a. Blocks in and within one-fourth ($\frac{1}{4}$) mile of a designated
 Village Center or Neighborhood Center District shall
 2380 have an average perimeter not to exceed one thousand
 three hundred twenty (1,320) feet, measured at the
 2382 property/right-of-way line of surrounding streets or
 mews, and excluding alleys.

2384 b. Blocks beyond one-fourth ($\frac{1}{4}$) mile of a designated
 Village Center or Neighborhood Center District shall
 2386 have an average perimeter not to exceed two thousand
 six hundred forty (2,640) feet, measured at the
 2388 property/right-of-way line of surrounding streets or
 mews, and excluding alleys.

2390 c. Any blocks greater than one thousand nine hundred and
 eighty (1,980) feet in perimeter shall include a minimum
 2392 fifteen-foot wide mid-block pedestrian passageway.
 Such passageways are defined as a narrow pedestrian
 2394 tract (with limited vehicular access) that extends
 between residential lots and connects one (1) side of the
 block to the opposite side, or to an adjacent public open
 2396 space tract. All mid-block pedestrian passageways shall
 be designed to include a minimum five-foot wide
 2398 walkway constructed of concrete, stamped or textured
 concrete, or any other material as may be approved by
 2400 the development engineering manager.

2402 d. Blocks or block faces located along ecologically
 significant vegetative communities, or where
 2404 topography limits the ability to meet the block standards
 described above, may be excluded from an average block
 perimeter calculation.

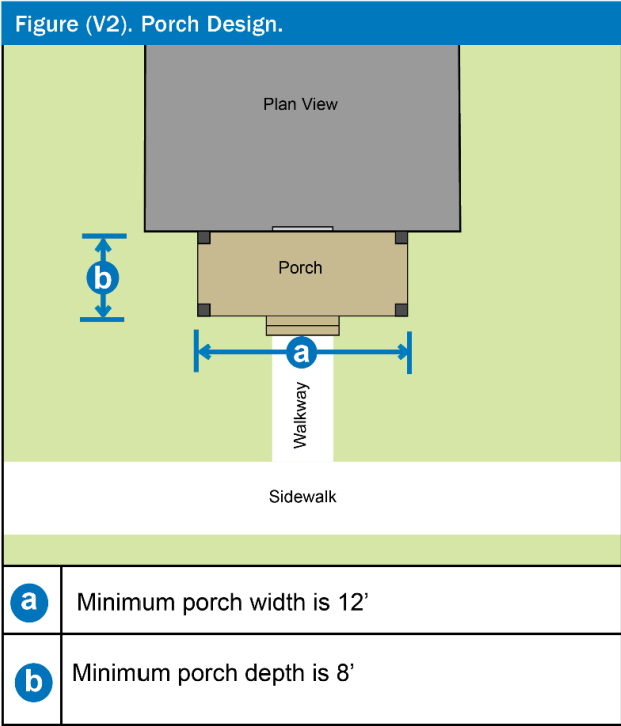
2406 (c) *Landscaping of streets and alleys.*

2408 (1) Street trees shall be planted along both sides of all streets at
 an average maximum of forty (40) feet on center and shall
 be located in planter strips between the curb and sidewalks,

except as provided in the road cross-sections of an approved planned development. Planter strips shall be irrigated by the abutting property owner. Reclaimed water shall be utilized when available. Street trees shall be canopy trees chosen from the recommended stock list as established in section 15-283. All street trees shall be Florida Grade #1, and shall have a clear trunk of six (6) feet and a minimum caliper of three (3) inches at the time of planting.

(2) A continuous hedge and canopy trees planted at an average of forty (40) feet on center shall be provided between alleys and open spaces or park tracts. Hedges and plantings along alleys shall not exceed six (6) feet in height or four (4) feet in height in conjunction with a fence or wall.

(d) *Front porch.* For the purposes of this village development code, a front porch is defined as an un-air-conditioned, roofed, raised above grade structure which is attached to the front of the building. Porches may wrap around the sides of structures as well. The minimum dimension of a front porch shall not be less than eight (8) feet deep or less than twelve (12) feet wide. (See Figure V2.)

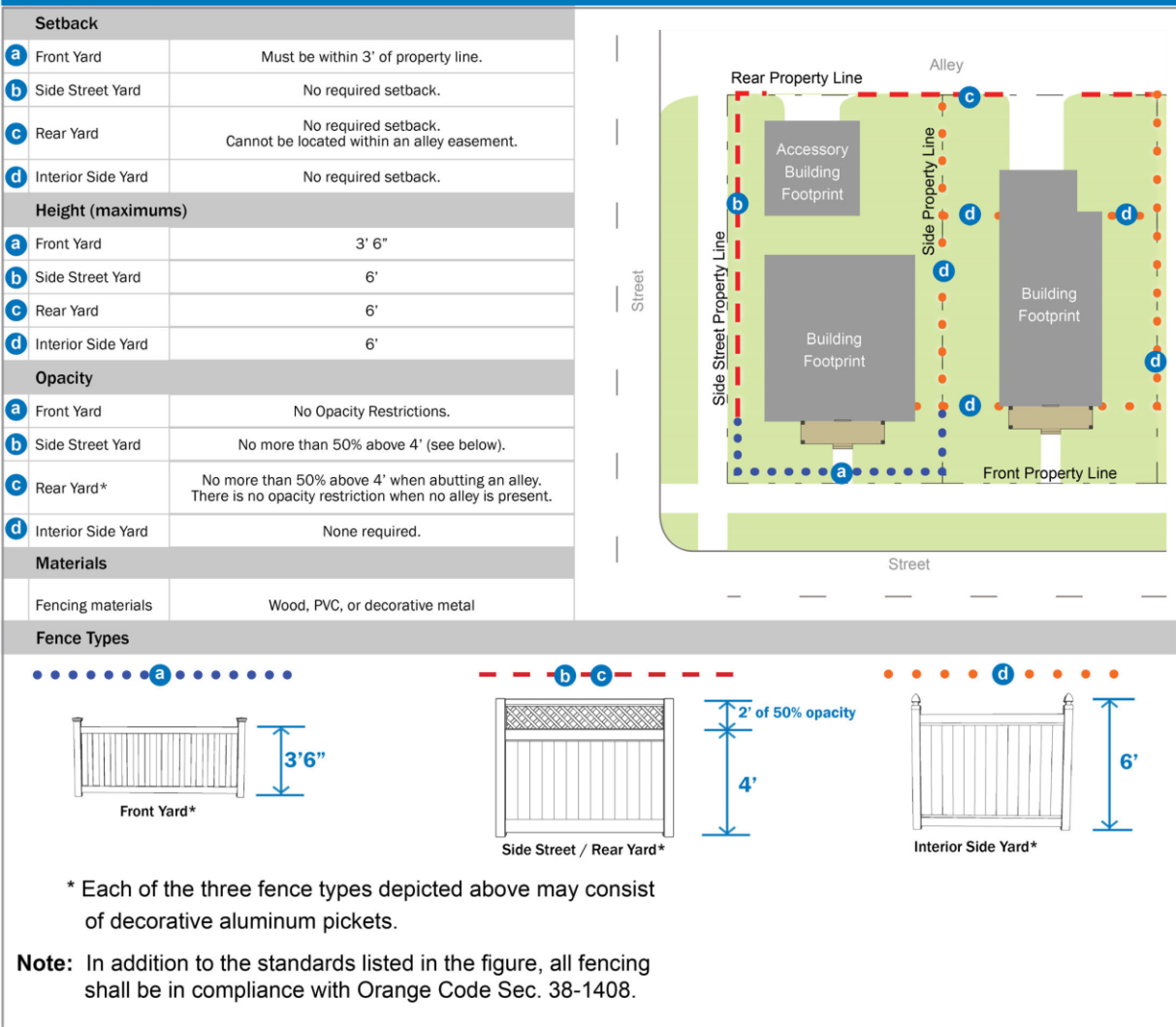


Front porches shall be required on fifty (50) percent of detached single-family lots of less than seventy-five (75) feet in width. Front porches that do not meet the minimum front porch size requirements shall not be considered in achieving this fifty (50) percent front porch requirement.

Attached single-family residences less than or equal to twenty (20) feet in width shall, at a minimum, provide covered stoops with columns which support a gabled or hipped roof structure. Alternative designs may be proposed but must be reviewed for consistency with architectural style.

(e) *Fences* (See Figure V3). Fencing is permitted in the front yard within three (3) feet of the sidewalk to define the separation of public and private spaces. Such fencing shall be no higher than three (3) feet six (6) inches in height. Materials shall be limited to decorative metal, wood or PVC. Other fencing shall only be allowed consistent with section 40-75, except that chain link fencing is prohibited unless vinyl coated black and used in association with a tennis or other sports court or field. Fences or walls parallel to alleys, or fences along any street, shall not exceed six (6) feet in height and shall be no more than fifty (50) percent opaque above four (4) feet in height. The restriction on fence opacity shall not apply to any fencing or wall along, or parallel to, the rear lot line of front-loaded lots, (including those which may abut an alley in the rear, or any side yard fencing placed between the front and rear planes of a principal structure on an interior lot or on the interior side of a corner lot). In addition, rear yard fencing on rear-loaded lots that does not meet the opacity restriction but that received a permit from the county prior to April 30, 2016, shall be considered conforming under this Code.

Figure (V3). Fencing.



(f) *Village neighborhood character.* The following requirements are intended to enhance the neighborhood character and create a pedestrian oriented environment within each village planned development. Modifications to these requirements may be permitted where alternative development practices will further the intent of providing diverse neighborhoods. Any such alternatives to these standards shall be identified and approved through the preliminary subdivision or development plan review process.

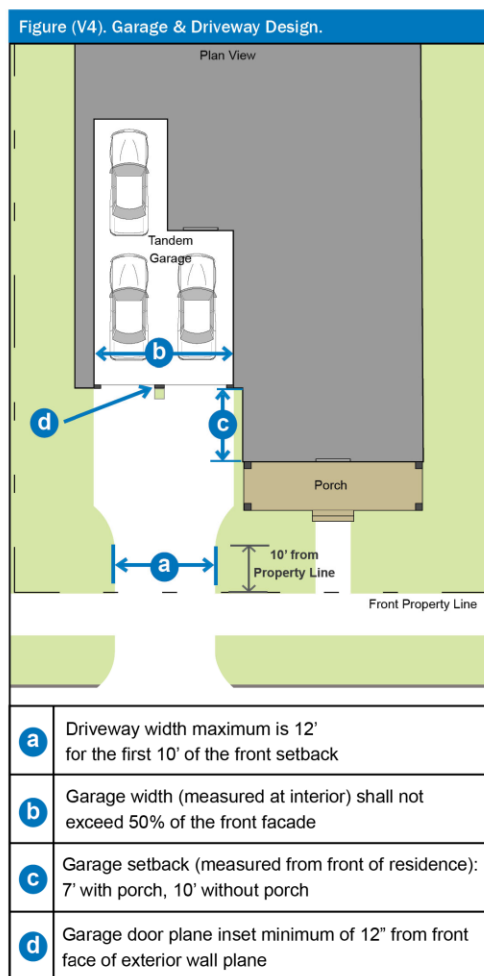
- (1) The same front façade for single-family detached residential units shall not be repeated more than five (5) times within one (1) block face for both sides of any street and shall be separated by at least two (2) lots with different façades. To the greatest extent possible, houses with the same front façade should not be located across the street from each other. One (1) and two (2) story units should be intermixed

2474 in each block face. Front loaded units should randomly alter
2476 the location of the driveway on the left and right sides of the
façade.

2478 (2) Architectural styles and floor plans shall vary throughout the
development and special attention shall be given to the
2480 appearance and scale of housing as it relates to the street.
House façades shall be varied and articulated to provide
2482 visual interest to pedestrians along the street frontage.
Except for lot widths one hundred (100) feet or greater, the
2484 façade of the main body of the house shall not exceed forty
(40) feet except for wings or Ls which are setback from the
2486 front façade. All lots with alleys shall include primary
entrances that are visible and accessible from the street and
2488 shall have a pedestrian path or walkway from the primary
entrance to the sidewalk. For front-loaded lots, the primary
2490 entrance shall be visible and accessible from the street and
there shall be a pedestrian path or walkway from the primary
2492 entrance to either the sidewalk or driveway. In addition, the
following mechanisms should serve as a guide to ensure a
2494 pedestrian scale neighborhood and enhanced neighborhood
character.

- a. Utilization of arcades, bays and balconies;
- 2496 b. Façades that are located at the front setback line;
- c. Decorative porch railing on the side and front of required
2498 porches;
- d. Variations in color and avoiding the same principal color
2500 on houses next to, or across from, each other;
- e. Hip, gable or gambrel roofs, unless another roof type is
2502 consistent with the architectural style;
- f. Design of vehicular access and garages which take into
2504 account the pedestrian scaled street frontage with
preference given to garages located at the rear of the
2506 main house;
- g. Other similar architectural features such as balconies,
2508 covered entries, trim details, shutters, and bay windows
which enhance the street front appearance and promote
2510 an appropriate massing and scale;
- h. Use of a variety of architectural styles (i.e., Victorian,
2512 Colonial, Florida Vernacular, Tudor, Mission,
Craftsman, etc.) and not only the use of minor details
2514 associated with these styles;
- i. Use of extended eaves;

- 2516 j. Use of multiple roof and porch planes;
- 2518 k. Variation in floor plan, entryway location and building placement on each block;
- l. Use of detached garages with porte-cochere;
- 2520 m. Use of window trim and/or shutters on sides of the unit; and
- 2522 n. Use of dormers with real window frames;
- 2524 o. For garages accommodating three (3) vehicles or more, one (1) or more deeper bays allowing tandem parking, with one (1) vehicle behind the other, is preferred to vehicle bays which are side-by-side and face the street (See Figure V4).
- 2526
- 2528 p. Mixing attached and detached garages on blocks that are alley-loaded.
- 2530 q. Side-street facing façade should be articulated with projections and recesses.
- 2532 r. Lots at the end of an alley should incorporate garages facing the internal side yard (J-loaded).
- 2534 (3) The following components shall be required on all townhouse and detached single-family residential structures and lots, as applicable:
- 2536
- 2538 a. First floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk;
- 2540 b. Articulation of side street facades for corner lots (i.e., repeat any window molding, muntins, shutters, expression lines, wainscot veneer - which appears on the front façade);
- 2542
- 2544 c. For front-loaded and side-loaded lots, driveways shall not exceed twelve (12) feet in width as measured anywhere between the front property line and the first ten
- 2546 (10) feet from the front property line (See Figure V4).



(g) *Garages and garage doors.* Unless otherwise indicated, the term “garage” shall mean the entirety of the garage, as measured within the interior width of the garage space (See Figure V4). Garages shall be constructed in accordance with the following standards:

- (1) *Rear alley access.* Garage access must be provided by a rear alley where lots are fifty (50) feet or less in width, or where any lot abuts a rear alley easement (or tract) (See Figure V4). Garages with direct access from an alley shall be setback with a minimum of nine (9) feet from the edge of the alley easement (or tract) or shall provide an additional off-street parking space. When an additional off-street parking space is added, the garage shall be setback a minimum of three (3) feet from the edge of the alley easement (or tract).
- (2) *Front-loaded garage setbacks.* Garage doors of front-loaded lots shall be recessed a minimum of ten (10) feet behind the nearest adjacent plane of the primary structure (See Figure V4). However, when a porch is provided in front of the

2566 forward-most plane of the structure, which meets the
 2568 minimum standards of subsection 39-155(d), the garage
 door setback behind the nearest adjacent plane of the
 2570 primary structure may be decreased to seven (7) feet. In no
 case shall a front-loaded garage door be setback less than
 twenty (20) feet from the front property line.

2572 (3) *Detached garages.* Detached garages without access to a
 2574 rear alley easement or tract, including garages with an
 accessory dwelling unit, shall be located a minimum of five
 2576 (5) feet from side and rear property lines, and a minimum of
 fifteen (15) feet from side streets.

2578 (4) *Front and side-loaded garages.* The prominent appearance
 of garages shall be diminished and instead appear to be an
 extension of the home's living space. As such, front and side-
 2580 loaded garages shall be located and detailed in accordance
 with the following:

2582 a. All garage doors shall be recessed a minimum of twelve
 (12) inches from the front plane of the garage.

2584 b. For double-car garages, two (2) single-wide garage doors
 are preferable to a double-wide door. Double-wide
 2586 garage doors shall not exceed sixteen (16) feet in width.
 Double-wide (or wider) garage doors are not permitted
 2588 to face the front street on front-loaded lots of less than
 sixty-five (65) feet in width. Side-facing double-wide
 2590 garage doors are permitted on lots of any width (See
 Figure V5).

2592 c. Where single garage doors are provided for multi-car
 garages, single-wide garage doors shall not exceed
 2594 twelve (12) feet. Each entry shall be separated by a
 column or other visually substantial supporting vertical
 2596 feature which is a minimum of sixteen (16) inches wide.

2598 d. Garage doors shall either incorporate windows along the
 upper one-quarter ($\frac{1}{4}$) of the door or substantial
 architectural patterning shall be incorporated throughout
 2600 the door plane including carriage style hinges and
 handles, and patterning which emulates two (2) smaller
 2602 doors.

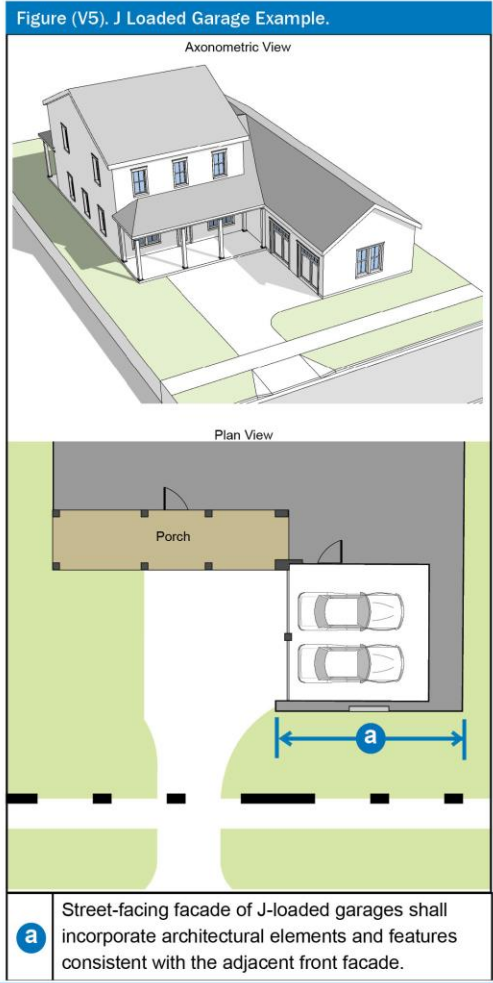
2604 e. For interior lots sixty-five (65) feet wide or greater, and
 excluding any requirements of subsections 39-155(i)(3),
 (i)(4) and (i)(5), garages may be placed in front of the
 2606 primary structure, but must be oriented toward either
 side yard and shall meet the setbacks for the primary
 2608 structure. The street-facing façades of such garages shall

2610 be detailed and articulated the same as the primary
2612 structure, with particular attention to similar roof lines,
2614 roofing material, finish, gables, brackets, window
patterns, molding, wainscot, etc. For lots over one
hundred twenty (120) feet in width, the requirements of
this subsection may be waived as part of the preliminary
subdivision plan approval.

2616 f. Side-street facing garages shall be setback a minimum of
2618 five (5) feet behind the side-street façade of the principal
structure, with five (5) feet rear and side setbacks.

2620 g. Garages and garage doors that do not meet the provisions
2622 of this section 39-155, but which received a building
2624 permit from the county and were constructed in
accordance with the issued building permit prior to
January 1, 2016, shall be considered conforming
structures under this Code.

2626 h. In no case shall more than fifty (50) percent of the front
façade of a house consist of an unarticulated block wall
or garage.

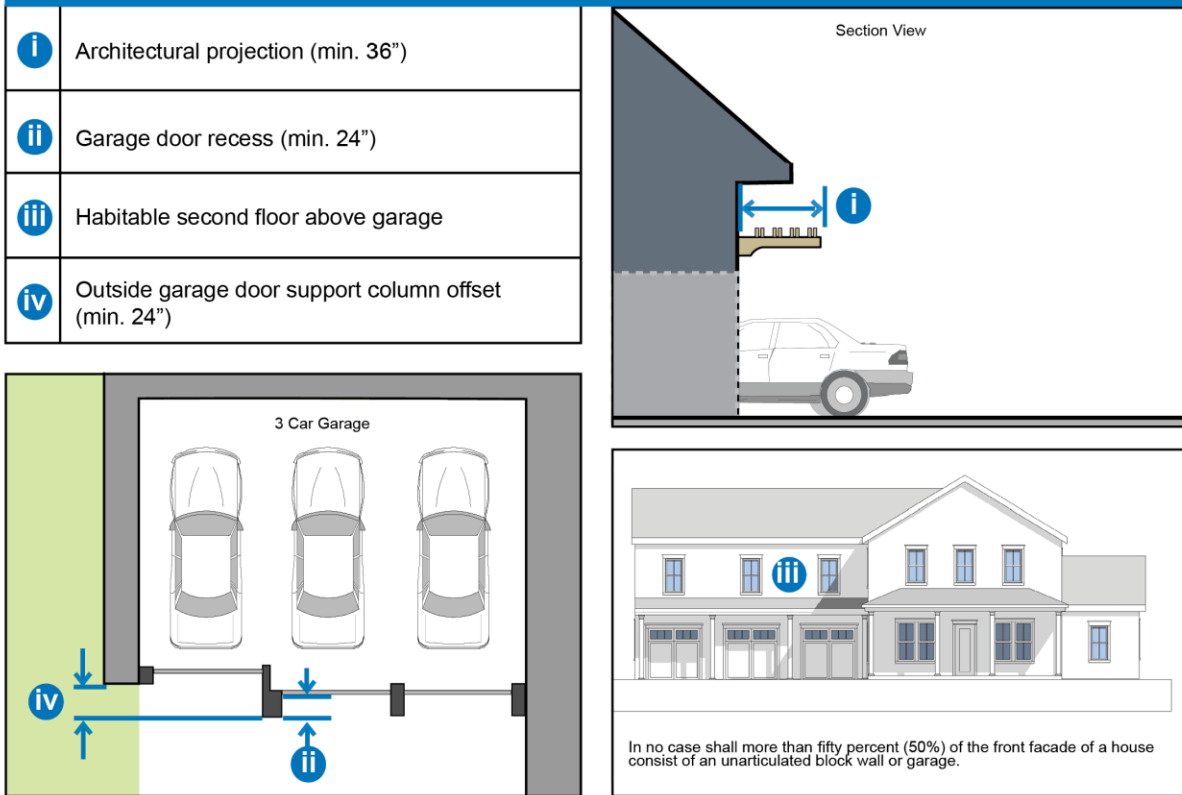


2628

2630

- i. Three car-wide front-facing garages shall also incorporate at least one (1) or more of the following additional components (see Figure V6):

Figure (V6). Three (3) Car Garage Design Options.



1. Individual architectural projections over each door (e.g., trellis or awning) which extend a minimum of thirty-six (36) inches from the overhead support of each door opening.
2. Garage doors recessed a minimum of twenty-four (24) inches from the front plane of the garage.
3. Structure must be two stories tall, and incorporate habitable second floor space immediately above the garage.
4. The outside garage door shall be set back a minimum of two (2) feet behind the front plane of the column which supports the adjacent door.

(h) *Design guidelines.* Planned development land use plans and preliminary subdivision/development plans shall include documentation providing illustrative design guidelines representing these and other development standards that demonstrate how the development will achieve the general residential design standards contained herein. PD/LUP design guidelines should be general, with more detailed and very specific guidelines submitted with the preliminary subdivision plan or development plan. The detailed guidelines, required at the time of PSP or DP submittal, shall include

2654 architectural elevations (drawn to scale) of all sides of all proposed
2656 townhouses, apartments, and detached single-family structures. One
(1) complete set of architectural elevations (e.g. four (4) façades)
shall be submitted only for each unique structure or “model.”

2658 These architectural elevations shall depict, and label, proposed
2660 architectural forms and trim including window molding and
muntins, exposed rafter tails, columns, porches, railings, “water
2662 table” veneer, and shutters. All finished surface materials shall be
labeled, and conceptual grade changes associated with entry
2664 sidewalks, steps, and porches, shall be delineated. Conceptual
drawings and sketches which illustrate wall offsets, voids, projected
2666 molding and trim, awnings, porch depth, and overhanging eaves are
encouraged.

(i) *Access and off-street parking.*

2668 (1) Parking for residential uses shall be provided in accordance
2670 with article XI of this chapter; however, minimum parking,
including required remote parking, for residential uses must
2672 be reviewed and approved by the Fire Rescue Department
prior to development plan/preliminary subdivision plan
approval.

2674 (2) Vehicular access to garages or other off-street parking
surfaces on all lots fifty (50) feet or less in width, or where
2676 any lot abuts a rear alley easement (or tract) pursuant to
subsection 39-155(i)(5) below, shall be provided from a rear
2678 alley easement (or tract).

2680 (3) Vehicular access to garages or other off-street parking
surfaces on all lots facing the primary side of an APF school
or any other APF park, road or trail shall be provided from a
2682 rear alley easement (or tract).

2684 (4) Vehicular access to garages or other off-street parking
surfaces on all lots greater than fifty (50) feet in width that
2686 face functional non-APF neighborhood squares and parks
shall be provided from a rear alley easement (or tract) or
2688 from a front driveway where the garages are located at or
beyond the rear wall of the primary structure.

2690 Neighborhood squares and parks are defined as active or
passive recreational and open space tracts of varying sizes
2692 that have been designed to create a discernable
neighborhood focal point. The landscape within a
2694 neighborhood square or park may consist of naturalistic or
formally designed features such as sidewalks, trails, sports
fields, landscaped amenities and structures.

(5) Garage access from the front or street side of any lot that abuts a rear alley easement (or tract) shall be prohibited. However, garages located on the front or side of lots that abut a rear alley easement (or tract) shall be considered conforming structures under this Code, if they received a building permit from the county prior to April 30, 2016.

(j) *Accessory Structures and Uses.* All accessory structures, including accessory dwelling units, shall be subject to the standards found specific to accessory structures in chapter 40, articles 3 and 4, except that the cumulative square footage of both detached and attached accessory structures on any lot that abuts a rear alley easement or tract shall not exceed one thousand five hundred (1,500) square feet, with a maximum of seven hundred fifty (750) square feet per story. Swimming Pools, screen enclosures, and screen rooms shall only be located in the rear or side yard, and shall have the same side yard and side-street yard setback as the principal structure. Swimming pools and screen enclosures shall provide a minimum five (5) foot setback from the rear lot line or the rear alley easement or tract (when such an easement or tract exists). Screen rooms may extend up to fifty (50) percent into the required rear yard, but in no case shall the screen room be located closer than five (5) feet from the rear alley easement or tract (when such an easement or tract exists). Neighborhood clubhouses shall be limited to a maximum building height of thirty-five (35) feet, and supporting and detached facilities shall not exceed the height of the clubhouse. Such facilities shall be architecturally similar to the clubhouse.

(k) *Civic and Institutional Uses.* Civic and institutional uses include libraries, schools, police and fire stations, post offices, community centers, churches and religious buildings, museums, cultural societies, visual and performing arts buildings, public parks, governmental buildings, and other similar uses as determined by the Planning and Zoning Division managers. These uses shall be permitted in all districts, but must be identified on the approved PD land use plan and shall be designed in accordance with the design guidelines established with the PD and development standards of section 39-169. Such uses should be located at the termination of street vistas where practicable.

Sec. 39-156. Estate home district.

(a) *Development guidelines.* The following development standards shall apply to all development within the estate district.

(1) *Density.* Except for transfer of development rights as provided for in chapter 30, article XIV, division 2, of this Code, or as otherwise provided in subsection 39-155(a), the average net density within an area designated Estate District

2740 on a Village PD/LUP and per each Preliminary Subdivision
 2741 Plan (PSP) shall be two (2) dwelling units per acre.

2742 (2) *Permitted uses.* Single-family detached residential homes
 2743 accessory structures, and uses as defined in subsection
 2744 39-155(j), and all other uses listed in the use table of chapter
 2745 40, article 4, that reflect the abbreviation “P” in the
 2746 correlating T3.2 cells shall be permitted in the Estate
 2747 District. Those uses listed as a special exception in the use
 2748 table of **section 38-77** and reflect the abbreviation “S” in the
 2749 correlating T3.2 transect cells may also be permitted, but
 2750 must be identified as a special exception on the PD/LUP.
 2751 Uses that require a special exception and are also included
 2752 in the list of civic and institutional uses under subsection 39-
 2753 155(k), shall be designed as a neighborhood focal point, and
 2754 located at the terminus of street vistas where practicable. All
 other uses are prohibited.

2756 (b) *Development standards.* The following standards shall apply
 2757 to all development within the estate district. Modifications to these
 2758 standards may be permitted where alternative development practices
 2759 will reinforce the planning principles established by the goals
 2760 objectives and policies of the village land use classification, and this
 2761 village development code. Any such modifications to these
 2762 standards shall be identified separately in bold on the Village PD
 2763 land use plan, PSP or development plan for approval by the board
 2764 of county commissioners at a public hearing.

(1) Maximum lot area: None.

2766 (2) Minimum average lot size: Ten thousand (10,000) square
 2767 feet. (Where transfer of development rights are utilized, the
 2768 minimum lot size may vary from this standard and shall be
 2769 determined at the time of preliminary subdivision plan
 2770 approval.)

2772 (3) Minimum living area: One thousand five hundred (1,500)
 square feet. Living area is defined as the area that is heated
 and cooled.

2774 (4) Minimum lot width: Eighty-five (85) feet and ninety (90)
 feet for corner lots.

2776 (5) Minimum lot depth: One hundred ten (110) feet. (one
 hundred twenty (120) feet with alley)

2778 (6) Maximum building height: Three (3) stories and a maximum
 of forty-five (45) feet.

2780 (7) Accessory structures: See subsection 39-155(j).

- 2782 (8) Maximum lot coverage: Sixty-five (65) percent. (The area of
a front porch is not included in the calculation of lot
coverage.)
- 2784 (9) Minimum building setback requirements:
- 2786 a. Front: Twenty (20) feet; ten (10) feet for front porch.
- b. Side: Five (5) feet. Side Street: Ten (10) feet.
- 2788 c. Rear: Twenty-five (25) feet for primary structure.
- 2790 d. Lakefront: Fifty (50) feet from the normal high-water
elevation contour in accordance with chapter 30, article
XII, of this Code.
- e. Garages: See section 39-155(g).
- 2792 (10) Driveways: Driveways must be set back a minimum of five
2794 (5) feet from the side property line within the front ten (10)
feet from the road right-of-way; otherwise, driveways must
2796 be set back a minimum of two (2) feet from the side property
line.

Sec. 39-157. Estate home district.

- 2798 (a) *Development guidelines.* The following development
2800 guidelines shall apply to all development within the estate rural
district.
- 2802 (1) *Density.* Except for transfer of development rights as
provided for in chapter 30, article XIV, division 2, of this
2804 Code or as otherwise provided in subsection 39-155(a), the
average net density within an area designated Estate Home
2806 District on village PD/LUP and per each Preliminary
Subdivision Plan (PSP) shall be three (3) dwelling units per
acre.
- 2808 (2) *Permitted uses.* Single-family detached residential homes,
accessory structures, and uses as defined in subsection
2810 39-155(j), and all other uses listed in the use table of chapter
40, article 4 that reflect the abbreviation “P” in the
2812 correlating T3.2 cells shall be permitted in the Estate Home
District. Those uses listed as a special exception in the use
2814 table of chapter 40, article 4 and reflect the abbreviation “S”
in the cells that correlate with the T3.2 transect may also be
2816 permitted, but must be identified as a special exception on
the PD/LUP. Uses that require a special exception and are
2818 also included in the list of civic and institutional uses under
subsection 39-155(k), shall be designed as a neighborhood
2820 focal point, and located at the terminus of street vistas where
practicable All other uses are prohibited.

2822 (b) *Development standards.* The following standards shall apply
2824 to all development within the estate home district. Modifications to
2826 these standards may be permitted where alternative development
2828 practices will reinforce the planning principles established by the
2830 goals, objectives and policies of the village land use classification
and this village development code. Any such modifications to these
standards shall be identified separately in bold on the village PD
land use plan, PSP or development plan for approval by the board
of county commissioners at a public hearing.

- (1) Maximum lot area: None.
- 2832 (2) Minimum average lot size: Seven thousand two hundred
2834 (7,200) square feet. (Where transfer of development rights
2836 are utilized, the minimum lot size may vary from this
standard and shall be determined at the time of preliminary
subdivision plan approval.)
- (3) Minimum living area: One thousand two hundred (1,200)
2838 square feet. Living area is defined as the area that is heated
and cooled.
- 2840 (4) Minimum lot width: Fifty (50) feet.
- (5) Minimum lot depth: One hundred ten (110) feet. (one
2842 hundred twenty (120) feet with alley)
- (6) Maximum building height: Three (3) stories and a maximum
2844 of forty-five (45) feet.
- (7) Accessory structures: See subsection 39-155(j).
- 2846 (8) Maximum lot coverage: Sixty-five (65) percent. (The area of
2848 a front porch is not included in the calculation of lot
coverage.)
- (9) Minimum building setback requirements:
 - 2850 a. Front: Twenty (20) feet; ten (10) feet for front porch.
 - b. Side: Five (5) feet. Side Street: Ten (10) feet.
 - 2852 c. Rear: Twenty-five (25) feet for primary structure.
 - d. Lakefront: Fifty (50) feet from the normal high-water
2854 elevation contour in accordance with chapter 30, article
XII, of this Code.
 - 2856 e. Garages: See subsection 39-155(g).
- (10) Driveways: Driveways must be setback a minimum of five
2858 (5) feet from the side property line within the front ten (10)
2860 feet from the road right-of-way; otherwise, driveways must
be setback a minimum of two (2) feet from the side property
line.

2862 **Sec. 39-158. Estate rural district.**

2864 (a) *Development guidelines.* The following development
guidelines shall apply to all development within the estate rural
district.

2866 (1) *Density.* Except for transfer of development rights as
provided for in chapter 30, article XIV, division 2, of this
2868 Code, or as otherwise provided in subsection 39-155(a), the
average net density within an area designated Estate Rural
2870 District on a village PD/LUP and per each Preliminary
Subdivision Plan (PSP) shall be one (1) or less dwelling unit
2872 per acre.

2874 (2) *Permitted uses.* Single-family detached residential homes
accessory structures, and uses as defined in subsection 39-
155(j), and all other uses listed in the use table of chapter 40,
2876 article 4 that reflect the abbreviation “P” in the correlating
T3.1 transect cells may be permitted in the estate rural
2878 district. Those uses listed as a special exception in the use
table of chapter 40, article 4 and reflect the abbreviation “S”
2880 in the cells that correlate with the T3.1 transect may also be
permitted, but must be identified as a special exception on
2882 the PD/LUP. Uses that require a special exception and are
also included in the list of civic and institutional uses under
2884 subsection 39-155(k), shall be designed as a neighborhood
focal point, and located at the terminus of street vistas where
2886 practicable. All other uses are prohibited.

2888 (b) *Development standards.* The following standards shall apply
to all development within the estate rural district. Modifications to
2890 these standards may be permitted where alternative development
practices will reinforce the planning principles established by the
goals, objectives and policies of the village land use classification
2892 and this village development code. Any such modification to these
standards shall be identified separately in bold on the village PD
2894 land use plan, PSP or development plan for approval by the board
of county commissioners at a public hearing.

- 2896 (1) Maximum lot area: None.
- 2898 (2) Minimum average lot size: Forty-three thousand, five
hundred sixty (43,560) square feet (one (1) acre).
- 2900 (3) Minimum living area: One thousand five hundred (1,500)
square feet. Living area is defined as the area that is heated
and cooled.
- 2902 (4) Minimum lot width: One hundred thirty (130) feet.

- 2904 (5) Minimum lot depth: One hundred ten (110) feet. (one
hundred twenty (120) feet with alley)
- 2906 (6) Maximum building height: Three (3) stories and a maximum
of forty-five (45).
- 2908 (7) Accessory structures: See subsection 39-155(j).
- 2910 (8) Maximum lot coverage: Sixty-five (65) percent. (The area of
front porch is not included in the calculation of lot coverage.)
- 2912 (9) Minimum building setback requirements:
- 2914 a. Front: Thirty-five (35) feet; twenty-five (25) feet for
front porch.
- 2916 b. Side: Ten (10) feet. Side Street: Ten (10) feet.
- 2918 c. Rear: Fifty (50) feet for primary structure.
- 2920 d. Lakefront: Fifty (50) feet from the normal high-water
elevation contour in accordance with chapter 30, articles
XII, of this Code.
- 2922 e. Garages: See subsection 39-155(g).
- 2924 (10) Driveways: Drives must be setback a minimum of ten (10)
feet from the side property line within the front ten (10) feet
from the road right-of-way; otherwise, driveways must be
setback a minimum of five (5) feet from the side property
line.

2924 **Sec. 39-159. Garden home single-family district.**

2926 (a) *Development guidelines.* The following development
guidelines shall apply to all development within the garden single-
family home district.

- 2928 (1) *Density.* Except for transfer of development rights as
provided for in chapter 30, article XIV, division 2, of this
2930 code or internal transfers provided in subsection 39-155(a),
the average net density within an area designated as garden
2932 home single-family district on a village PD/LUP and per
each Preliminary Subdivision Plan (PSP) shall be four (4)
2934 dwelling units per acre.
- 2936 (2) *Permitted uses.* Single-family detached residential homes,
accessory structures, and uses as defined in subsection
2938 39-155(j), and all other uses listed in the use table of chapter
40, article 4 that reflect the abbreviation “P” in the
2940 correlating T3.2 transect cells shall be permitted in the
Garden Home Single-Family District. Those uses listed as a
special exception in the use table of section 38-77 and reflect
2942 the abbreviation “S” in the cells that correlate with the R-

2944 1AA zoning district may also be permitted, but must be
 2946 identified as a special exception on the PD/LUP. Uses that
 2948 require a special exception and are also included in the list
 of civic and institutional uses under subsection 39-155(k),
 shall be designed as a neighborhood focal point, and located
 at the terminus of street vistas where practicable. All other
 uses are prohibited.

2950 (b) *Development standards.* The following standards shall apply
 2952 to all development within the garden home district. Modifications to
 2954 these standards may be permitted where alternative development
 practices will reinforce the planning principles established by the
 goals objectives and policies of the village land use classification
 2956 and this village development code. Any such modifications to these
 standards shall be identified separately in bold on the village PD
 2958 land use plan, PSP or development plan for approval by the board
 of county commissioners at a public hearing.

- (1) Maximum lot area: None.
- 2960 (2) Minimum average lot size: Thirty-two hundred (3,200)
 2962 square feet. (Where transfer of development rights are
 2964 utilized, the minimum lot size may vary from this standard
 and shall be determined at the time of preliminary
 subdivision plan approval.)
- (3) Minimum living area: One thousand two hundred (1,200)
 2966 square feet. Living area is defined as the area that is heated
 and cooled.
- 2968 (4) Minimum lot width: Thirty-two (32) feet for single-family
 detached dwelling units.
- 2970 (5) Minimum lot depth: One hundred ten (110) feet. (ninety (90)
 feet with alley)
- 2972 (6) Maximum building height: Three (3) stories and a maximum
 of forty-five (45) feet.
- 2974 (7) Accessory structures: See subsection 39-155(j).
- 2976 (8) Maximum lot coverage: Sixty-five (65) percent. (The area of
 a front porch is not included in the calculation of lot
 coverage.)
- 2978 (9) Minimum building setback requirements:
 - a. Front: Fifteen (15) feet; seven (7) feet for front porch.
 - 2980 b. Side: Four (4) feet (subject to easement). Side Street: Ten
 (10) feet.
 - 2982 c. Rear: Twenty (20) feet for primary structure.

d. Lakefront: Fifty (50) feet from the normal high-water elevation contour in accordance with chapter 30, article XII, of this Code.

e. Garages: See subsection 39-155(g).

(10) Driveways: Shared driveways are encouraged; however, when driveways are not shared, they must be setback a minimum of two (2) feet from the side property line.

Sec. 39-160. Garden home mixed use district.

(a) *Development guidelines.* The following development guidelines shall apply to all development within the garden home mixed used district.

(1) *Density.* Except for transfer of development rights as provided for in chapter 30, article XIV, division 2, of this code or as otherwise provided in subsection 39-155(a), the average net density within an area designated Garden Home Mixed Use District on a village PD/LUP and per each Preliminary Subdivision Plan (PSP) shall be four (4) dwelling units per acre.

(2) *Permitted uses.* Single-family detached residential homes, townhomes, condominiums, accessory structures, and uses as defined in section subsection 39-155(j), and all other uses listed in the use table of chapter 40, article 4 that reflect the abbreviation “P” in the correlating T3.2 transect cells shall be permitted in the Garden Home Mixed-Use District. Those uses listed as a special exception in the use table of chapter 40, article 4 and reflect the abbreviation “S” in the cells that correlate with the T3.2 transect may also be permitted, but must be identified as a special exception on the PD/LUP. Uses that require a special exception and are also included in the list of civic and institutional uses under subsection 39-155(k), shall be designed as a neighborhood focal point, and located at the terminus of street vistas where practicable. All other uses are prohibited.

(b) *Single-family development standards.* The following standards shall apply to all single-family developments within the garden home mixed use district. Modifications to these standards may be permitted where alternative development practices will reinforce the planning principles established by the goals objectives and policies of the village land use classification and this village development code. Any such modifications to these standards shall be identified separately in bold on the village PD land use plan, PSP or development plan for approval by the board of county commissioners at a public hearing.

- 3026 (1) Maximum lot area: None.
- 3028 (2) Minimum average lot size: Thirty-two hundred (3,200)
3030 square feet. (Where transfer of development rights are
utilized, the minimum lot size may vary from this standard
and shall be determined at the time of preliminary
subdivision plan approval.)
- 3032 (3) Minimum living area: One thousand two hundred (1,200)
3034 square feet. Living area is defined as the area that is heated
and cooled.
- 3036 (4) Minimum lot width: Thirty-two (32) feet for single-family
detached dwelling units.
- 3038 (5) Minimum lot depth: One hundred ten (110) feet. (ninety (90)
feet with alley)
- 3040 (6) Maximum building height: Three (3) stores and a maximum
of forty-five (45) feet.
- 3042 (7) Accessory structures: See subsection 39-155(j).
- 3044 (8) Maximum lot coverage: Sixty-five (65) percent. (The area of
a front porch is not included in the calculation of lot
coverage.)
- 3046 (9) Minimum building setback requirements:
- 3048 a. Front: Fifteen (15) feet: seven (7) feet for front porch.
- b. Side: Four (4) feet (subject to easement). Side Street: Ten
(10) feet.
- 3050 c. Rear: Twenty (20) feet for primary structure.
- 3052 d. Lakefront: Fifty (50) feet from the normal high-water
elevation contour in accordance with chapter 30, article
XII, of this Code.
- 3054 e. Garages: See subsection 39-155(g).
- 3056 (10) Driveways: Shared driveways are encouraged; however,
when driveways are not shared, they must be setback a
minimum of two (2) feet from the side property line.
- 3058 (c) *Townhouse development guidelines.* Guidelines for
townhouses developed in the garden home mixed use district shall
be those specified for townhouses in section 39-163.
- 3060 (d) *Condominiums development guidelines.* Guidelines for
condominiums developed in the garden home mixed use district
3062 shall be those specified for condominiums in section 39-165, except
that the maximum building height shall be limited to three (3) stores
3064 and forty-five (45) feet.

Sec. 39-161. Village home district.

(a) *Development guidelines.* The following development guidelines shall apply to all development within the village home district.

(1) *Density.* Except for transfer of development rights as provided for in chapter 30, article XIV, division 2, of this code or as otherwise provided in subsection 39-155(a), the average net density within an area designated as village home district on a village PD/LUP and per each Preliminary Subdivision Plan (PSP) shall be six (6) dwelling units per acre.

(2) *Permitted uses.* Single-family detached residential homes, townhomes, condominiums, accessory structures, and uses as defined in subsection 39-155(j), and all other uses listed in the use table of chapter 40, article 4 that reflect the abbreviation “P” in the correlating T3.2 zoning district cells shall be permitted in the Village Home District. Those uses listed as a special exception in the use table of chapter 40, article 4 and reflect the abbreviation “S” in the cells that correlate with the T3.2 transect may also be permitted, but must be identified as a special exception on the PD/LUP. Uses that require a special exception and are also included in the list of civic and institutional uses under subsection 39-155(k), shall be designed as a neighborhood focal point, and located at the terminus of street vistas where practicable. All other uses are prohibited.

(3) *Ground-floor nonresidential uses.* Retail commercial and professional office uses may be permitted on the first floor of a multi-story residential structure when located fronting a neighborhood center or village center. Such nonresidential uses shall be integrated into the residential building and shall be limited to one thousand (1,000) square feet of gross leasable area, and shall be primarily oriented to serve the residents of the immediate area. These nonresidential use areas shall be identified on the PD land use plan. The PSP shall include covenants, conditions and restrictions identifying these as primary residential uses with accessory commercial and professional office.

(b) *Development standards.* The following standards shall apply to single-family detached residences within the village home district. Modifications to these standards may be permitted where alternative development practices will reinforce the planning principles established by the goals, objectives and policies of the village land use classification and this village development code.

Any such modifications to these guidelines shall be identified separately in bold on the village PD land use plan, PSP or development plan for approval by the board of county commissioners at a public hearing.

(1) Maximum lot area: None.

(2) Minimum average lot size: Twenty-eight hundred (2,800) square feet. (Where transfer of development rights or townhouses are utilized, the minimum lot size may vary from this standard and shall be determined at the time of preliminary subdivision plan approval.)

(3) Minimum living area: One thousand (1,000) square feet. Living area is defined as the area that is heated and cooled.

(4) Minimum lot width: Thirty-two (32) feet for single-family detached dwelling units.

(5) Attached units shall be subject to the standards in section 39-163.

(6) Minimum lot depth: One hundred ten (110) feet. (ninety (90) feet with alley)

(7) Maximum building height: Three (3) stories and forty-five (45) feet.

(8) Accessory structures: See subsection 39-155(j).

(9) Maximum lot coverage: Sixty-five (65) percent. (The area of a front porch is not included in the calculation of lot coverage.)

(10) Minimum building setback requirements:

a. Front: Fifteen (15) feet; seven (7) feet for front porch.

b. Side: Four (4) feet (subject to easement). Side Street: Ten (10) feet.

c. Rear: Twenty (20) feet for primary structure.

d. Lakefront: Fifty (50) feet from the normal high-water elevation contour in accordance with chapter 30, article XII, of this Code.

e. Garages: See subsection 39-155(g).

(11) Shared driveways are encouraged; however when driveways are not shared, they must be setback a minimum of two (2) feet from the side property line.

(c) *Townhome development standards.* Standards for townhomes developed in the village home district shall be those specified for townhouses in section 39-163.

(d) *Condominium development standards.* Standards for condominiums developed in the village home district shall be those specified for condominiums in section 39-165, except that the maximum building height shall be limited to four (4) stories and fifty-five (55) feet.

Sec. 39-162. Townhome district, Townhouse Apartment district, Apartment district, and Condominium district.

(a) *Townhouse/apartment/condominium guidelines.* The following development guidelines shall apply to all development within the Townhome District, Townhouse/Apartment District, Apartment District and Condominium District, regardless of the form of ownership.

(1) *Density.* Except for transfer of development rights as provided in chapter 30, article XIV, division 2, of this Code, or as otherwise provided in subsection 39-155(a); the average net density [in] areas designated Townhome District, Townhouse/Apartment District or Condominium District on a PD Land Use Plan (LUP), Preliminary Subdivision Plan (PSP) or Development Plan (DP) shall be as follows:

- a. Townhome District: Eight (8) to ten (10) dwelling units per acre.
- b. Townhouse/Apartment District: Twelve (12) dwelling units per acre.
- c. Apartment District: Sixteen (16) to twenty-five (25) dwelling units per acre.
- d. Condominium District: Sixteen (16) to twenty (20) dwelling units per acre.

(2) *Permitted uses.* Unless otherwise stated in the comprehensive plan or if identified as a prohibited use in subsection (a)(3) below attached and detached single-family units, attached multi-family and condominium units, accessory structures, and uses as defined in subsection 39-155(j), and all other uses listed in the use table of chapter 40, article 3 that reflect the abbreviation “P” in the correlating T4.3 transect cells shall be permitted in the Townhome District, Townhouse/Apartment District and Apartment District. Those uses listed as a special exception in the use table of chapter 40, article 4 and reflect the abbreviation “S” in the cells that correlate with the T4.3 transect may also be permitted, but must be identified as a special exception on the PD/LUP. Uses that require a special

3192 exception and are also included in the list of civic and
institutional uses under subsection 39-155(k), shall be
3194 designed as a neighborhood focal point, and located at the
terminus of street vistas where practicable. All other uses are
prohibited.

3196 Retail commercial and professional office uses may also be
permitted on the first floor of a townhouse or apartment
3198 structure when fronting a neighborhood center or village
center district. However, such nonresidential uses shall be
3200 integrated into the residential building, shall be limited to
one thousand (1,000) square feet of gross leasable area, shall
3202 be primarily oriented to serve the residents of the immediate
area, and shall be deducted from the allowable square
3204 footage of the Neighborhood Center or village center district
in which it fronts.

3206 Covenants and restrictions shall identify the areas of
nonresidential uses. Certain structures and uses required to
3208 serve educational, religious, utilities and non-commercial
recreational needs may be permitted by the Board of County
3210 Commissioners through PD or PD substantial change
approval and shall be identified on the PD/LUP.

3212 a. Single-family detached standards. The development
standards of section 39-161 shall apply for all single-
3214 family detached residential products.

3216 (3) *Prohibited Uses.* Apartments within the Condominium
District, and all short term rental (rental of less than one
hundred eighty (180) days).

3218 **Sec. 39-163. Townhouses.**

3220 (a) *Townhouse Development Standards.* The following
standards shall apply to constructed townhouse product.
3222 Modifications to these standards may be permitted where alternative
development practices will reinforce the planning principles
3224 established by the goals, objectives and policies of the village land
use classification and this village development code. Any such
3226 modifications to these standards shall be identified separately in
bold on the village PD land use plan or preliminary subdivision plan
3228 for approval by the board of county commissioners at a public
hearing.

- 3230 (1) Minimum lot width: Sixteen (16) feet.
- 3232 (2) Minimum living area: One thousand (1,000) square feet per
dwelling unit. Living area is defined as the area that is heated
and cooled.

- 3234 (3) Minimum lot depth: One hundred (100) feet, except for
garage under units.
- 3236 (4) Maximum building height: Four (4) stories and a maximum
of fifty-five (55) feet.
- 3238 (5) Accessory structures: See subsection 39-155(j).
- 3240 (6) Maximum lot coverage: Seventy-five (75) percent for
townhouse units. (The area of a front porch is not included
in the calculation of lot coverage.)
- 3242 (7) Open Space: In addition to the minimum seven and one-half
(7.5) percent of developable land area within a project
3244 allocated as publicly accessible open space as required by
subsection 39-153(i), an additional seventeen and one-half
3246 (17.5) percent (minimum) of the developable land area
within each townhouse development shall be allocated as
3248 common open space. Allocated common open space may
include private areas and may be dispersed throughout a
respective Preliminary Subdivision Plan.
- 3250 (8) Recreation Areas: Recreation areas shall be provided in
accordance with section 39-53.
- 3252 (9) Minimum building setback requirement:
- a. Front: Fifteen (15) feet; ten (10) feet for front porch.
- 3254 b. Side: Zero (0) feet required for at least one (1) property
line; seven (7) feet for end units. Side Street Setback:
3256 Ten (10) feet.
- 3258 c. Rear: Fourteen (14) feet for the primary structure.
Garage setbacks shall be in accordance with section
39-155(g).
- 3260 d. Garage: Garage setbacks shall be in accordance with
subsection 39-155(g).
- 3262 e. Lakefront: Fifty (50) feet from the normal high-water
elevation contour in accordance with chapter 30, article
3264 XII.
- 3266 (10) Minimum Building Separation: Fourteen (14) feet.
Minimum building separation of forty-five (45) feet when
3268 utilized as common open spaces, parks or recreation areas,
or park tracts as to achieve a block break which may be
3270 counted toward the seven and one-half (7.5) percent required
open space in accordance with subsection 39-153(i).
- 3272 (11) Building Length: Townhouse buildings shall be attached
(built with no side setback or as a single building) with not

3274 less than four (4) attached units. Lots at the end of a block
may be permitted with a minimum of two (2) attached units.

3276 (12) All townhouse units shall be accessed with a rear alley and
garages for townhouses shall be accessed from a rear
alleyway only.

3278 (13) Maximum number of units per building: Eight (8).

3280 (14) Porches shall be provided consistent with subsection
39-155(d).

(b) Design and architectural detail:

3282 (1) Townhouses shall include a first floor front elevation which
3284 is visually elevated above finished sidewalk grade. The front
porch or stoop shall be a minimum of two (2) steps above
3286 the adjacent sidewalk grade. The residence and front door
shall be oriented toward and visible from the street which
3288 shall possess a direct pedestrian connection to the external
sidewalk system.

3290 (2) The subdivision plan for townhouse projects shall include
building elevations and design guidelines. The design
3292 guidelines shall include requirements for complete, scaled
building elevations which clearly indicate rough dimensions,
3294 roof slopes, and exterior surface materials of all residences,
garages, mail kiosks, common-area outdoor pavilions and
3296 the like. The design guidelines shall include detailing and
articulation of façades, roof styles, jogged roof peaks, and
projecting eaves. The guidelines shall address architectural
3298 elements such as ornamental gables, chimneys, dormers,
balconies (functional or decorative), wall plane projections,
3300 windows (proportions, transoms, shutters, mullions,
surrounds) garage door and trim treatment, decorative
3302 pediments, fencing and screening details.

3304 (3) The side façades of gables and townhouse end units which
are located adjacent to, or which are visible from, side streets
shall not be left unarticulated. Such façades shall incorporate
3306 the same proportion of window surfaces, window molding
and trim (e.g. sills, lintels, keystones, muntins, shutters)
3308 peaked eaves, decorative gables, exposed rafters, and
variation in materials, as provided on the adjacent front
3310 façade. Multi-story end-unit side façades, which face an
adjacent street, shall highlight the floor line between each
3312 successive floor with horizontal trim/bands, color variations,
or other approved means.

Sec. 39-164. Apartments.

(a) *Apartment Development Standards.* The following [standards] shall apply to constructed apartment product. Modifications to these standards may be permitted where alternative development practices will reinforce the planning principles established by the goals, objectives and policies of the village land use classification and this village development code. Any such modifications to these standards shall be identified separately in bold on the village PD land use plan or development plan for approval by the board of county commissioners at a public hearing.

- (1) Minimum lot width: Eighty-five (85) feet.
- (2) Minimum living area: Five hundred (500) square feet per dwelling unit.
- (3) *Dispersal of Apartment Buildings.* Excluding areas designated Village Center District or Apartment District on a PD/LUP, the maximum number of apartment dwelling units in any one location without an intervening park, open space, civic or townhouse use, shall be limited to three hundred (300) units. This restriction is intended to govern building placement only; not to discourage common ownership and management of projects involving more than three hundred (300) units. Uses such as parking, maintenance facilities and condominiums having an appearance similar to the apartments, shall not be used to meet the dispersal requirement.

In order to help ensure that the apartment development is a pedestrian-oriented, high-quality living environment, four (4) or more of the following concepts shall be incorporated in the design standards for such purposes:

- a. Variations in front setbacks.
- b. Larger open spaces, courtyards, or plazas separating buildings.
- c. Variations in façade treatments and roofline heights.
- d. Reduced heights for end units.
- e. Step down heights when adjacent to lower density residential uses.
- f. Creating clusters of buildings with distinct architectural variations to give the appearance of different developments.
- g. Because on-street parking is encouraged, a plan that utilizes parking lots as part of the site circulation system

3356 is prohibited. Buildings shall be aligned to create and
 3358 reinforce the streetscape, but shall incorporate variations
 3360 in front setbacks; variances in façade treatments and
 3362 roofline heights; and architectural treatments to provide
 3364 visual variety to the streetscape. In addition, a significant
 percentage of the required common open space shall be
 in the form of “civic” spaces such as parks and plazas
 that are visible from the streets and consequently serve
 as breaks to what would otherwise be a monotonous
 development pattern.

(4) Maximum building height: Five (5) stories and a maximum
 3366 sixty-five (65) feet.

(5) Maximum impervious coverage: Seventy-five (75) percent
 3368 for apartment developments. (The area of a front porch is not
 included in the calculation of lot coverage.)

(6) Open Space: In addition to the minimum seven and one-half
 3370 (7.5) percent of developable land area within a project
 3372 allocated as publicly accessible open space as required by
 3374 subsection 39-153(i) of the developable land area within
 each apartment development shall be allocated as common
 open space, which may include private areas.

(7) Recreation areas: Recreation areas shall be provided in
 3376 accordance with sections 39-53 and 39-58, and individual
 3378 recreation tracts shall not be less than one-quarter (¼) acre
 3380 in size. Parks and open spaces may be distributed throughout
 the apartment district rather than within each block.

(8) Minimum building setback requirements. Multi-family
 3382 building setback requirements are listed below; however,
 3384 alternative setbacks may be required to ensure compatibility
 with the surrounding area. In recognition of the Horizon
 West long-term buildout and its master-planned
 3386 development framework, multi-family buildings located
 adjacent to single-family zoned property shall not be subject
 3388 to the height requirements of section 39-58.

a. Front: Ten (10) feet including front porch.

b. Side: Fifteen (15) feet; ten (10) feet for front porch or
 3390 bay. Side Street setback: Fifteen (15) feet; ten (10) feet
 3392 for front porch.

c. Rear: Twenty (20) feet for the primary structure; Garage
 3394 setbacks per subsection 39-155(g).

- 3396 d. Lakefront: Fifty (50) feet from the normal high-water
elevation contour in accordance with chapter 30, article
XII, of this Code.
- 3398 e. Minimum building separation: Twenty (20) feet.
3400 Minimum building separation of forty-five (45) feet
when utilized as common open space, recreation area, or
3402 park tract as to achieve a block break which may be
counted toward the seven and one-half (7.5) percent
3404 required open space in accordance with subsection
39-153(i).
- 3406 (9) To screen the view of parking lots and to better frame the
surrounding street corridors, off-street surface parking lots
for apartments shall be prohibited from between residential
3408 structures and the street rights-of-way, and shall instead be
placed within the interior of blocks. Apartment projects shall
3410 be designed such that the residential structures are pulled
forward toward the street, with associated parking areas
3412 located behind the apartment structures, within the interior
of the block. Access to the interior parking areas shall be
3414 achieved with pass-throughs between adjacent structures.
- 3416 When it can be demonstrated that site conditions will
preclude strict block-interior parking configurations,
3418 portions of surface parking areas may be located along the
side of structures, adjacent to street rights-of-way. In no
3420 case, however, may parking be placed closer to the street
right-of-way than the adjacent residential structure.
- 3422 When a surface parking lot is placed adjacent to a building
(e.g. adjacent to the street), a decorative high knee wall, a
3424 minimum forty-two (42) inches high, shall be installed along
the full length of the parking lot. Said knee wall shall
3426 incorporate a planter space between the wall and the back
edge of the street sidewalk. The planter space shall serve as
3428 an irrigated shrub planter strip along the front foundation of
the knee wall. Said planter strip shall be no less than thirty
3430 (30) inches wide (\pm sixty (60) inches at inward-jogged
sections of the knee wall). The knee wall shall incorporate a
3432 continuous, cantilevered cap block, and shall not extend
more than twenty-five (25) feet in a single, uninterrupted
3434 span, without incorporating a minimum thirty (30) inches
offset or "jog."
- 3436 Knee walls constructed of unpainted smooth face Concrete
Masonry Unit ("CMU") are prohibited. Knee wall surfaces
3438 shall instead feature brick, stone, split face, scored, ribbed,
offset, or other surface treatment, including stucco. Veneer

3440 surfaces shall feature brick or stone patterns. Ornate cap
features are encouraged such as decorative metal railings
3442 placed along the top of the cap block. Painted stucco walls
are acceptable, so long as a distinct cap is used.

3444 On-street parking (parallel or angled) is permitted and may
be counted toward the parking requirements when located
3446 within the projected property lines on the street facing the
building they are meant to serve. A waiver for reduced
parking will be reviewed on a case by case basis.

3448 (10) Landscaping shall be provided in accordance with village
center landscape requirements.

3450 (11) Building Massing: Front façades shall be varied and
articulated to provide visual interest to pedestrians along the
3452 street frontage. Continuous flat building walls shall not
exceed forty (40) feet in length. Both horizontal and vertical
3454 projections and recesses of building walls are encouraged to
break up the mass of the building.

3456 (b) *Design and architectural detail.*

3458 (1) The following design criteria are intended to be guidelines
for the development of all buildings, including maintenance
buildings, mail kiosks and other structures. General design
3460 criteria shall be included in the PD land use plan; specific
design criteria and architectural details shall be included
3462 with the preliminary subdivision plan / development plan.
Buildings shall have appropriate pedestrian-scaled trim and
3464 detailing, exterior wall materials, building entry prominence,
massing, façade articulation, fenestration, bays, roof styles,
3466 and roof materials. Flat roofs may be considered on a
project-by-project basis, if deemed appropriate based on the
3468 criteria set forth in subsection 39-164(b)(3). Nothing in this
section is intended to apply to projects located within the
3470 Village Center District or the Horizon West Town Center.
Architectural elements including awnings, gables, dormers,
3472 chimneys, balconies, balustrades and wall plane projections
shall be utilized. The plan and design shall promote
3474 pedestrian convenience and circulation by providing
prominent and formalized pedestrian access from the
3476 primary building entrances to the project's external sidewalk
systems including formal connections between and among
3478 apartment buildings and any adjacent commercial uses.
Apartment developments shall incorporate design elements
3480 such as porches, balconies, and visible entryways from the
street to foster pedestrian scale development, but the
3482 inclusion of these architectural features is not intended to

- 3484 imply that separate street-front entrances for individual
apartment units are required.
- 3486 (2) Building size, length, height and separation shall be
compatible with the other buildings in the area.
- 3488 (3) Flat roofs may be considered if the following architectural
features are included, and graphically depicted, on the
preliminary subdivision/development plan:
- 3490 a. A minimum five-foot parapet wall along all façades of
the building;
- 3492 b. The upper portion of the parapet wall shall have a distinct
horizontal trim (either flat or ornamental), molding or
3494 cornice treatment that crowns the building;
- 3496 c. The primary building façade shall have at least one (1)
significant roofline height variation along the parapet;
and
- 3498 d. At least two (2) of the following are also included:
- 3500 1. Gables, shed roofs, or pitched roof elements covering
at least twenty (20) percent of the primary façade
length;
- 3502 2. Architectural appendages (i.e., porches, stoops,
porticos, colonnades, balconies, etc.) along the
3504 primary façade of the building(s) to emphasize the
main entrance and visually reduce apparent building
3506 mass; or
- 3508 3. Minimum two-foot primary façade plane projections
or recesses at intervals of at least every forty (40)
feet.

3510 **Sec. 39-165. Condominiums.**

3512 (a) *Condominium development standards.* The following
development standards shall apply to all constructed condominium
3514 product, except for condominiums constructed in a designated
Apartment District, which shall comply with the development
standards addressed in section 39-164.

- 3516 (1) Prohibited uses: Short term rental [rental of less than one
hundred eighty (180) days] and apartments.
- 3518 (2) Minimum lot width: Eighty-five (85) feet.
- 3520 (3) Minimum living area: Five hundred (500) square feet per
dwelling unit.
- 3522 (4) Pedestrian layout: In order to help ensure that the
condominium development is a pedestrian-oriented, high-

3524 quality living environment, the following concepts shall be
incorporated in the design for such properties.

3526 a. The site shall be organized around a street pattern, with
the majority of the off-street parking contained within
parking lots located in the interior of blocks.

3528 b. Because on-street parking is encouraged, a plan that
utilizes parking lots as part of the site circulation system
3530 is prohibited. Buildings shall be aligned to create and
reinforce the streetscape, but shall incorporate variations
3532 in front setbacks; variations in façade treatments and
roofline heights; and architectural treatments to provide
3534 visual variety to the streetscape. In addition, a significant
percentage of the required common open space shall be
3536 in the form of “civic” spaces such as parks and plazas
that are visible from the streets and consequently serve
3538 as breaks to what would otherwise be a monotonous
development pattern.

3540 c. Creating clusters of buildings with distinct architectural
variations to give the appearance of different
3542 developments shall be encouraged.

3544 d. When adjacent to lower density residential uses,
buildings shall be designed to moderate the differences
3546 in scale and massing. Use of reduced height for end units,
addition of small-scale architectural detail, and other
3548 such architectural treatments are examples of ways to
moderate the differences in scale and massing.

3550 (5) Maximum building height: Five (5) stories and a maximum
of sixty-five (65) feet.

3552 (6) Maximum impervious coverage: Seventy-five (75) percent
of the condominium development. (The area of a front porch
is not included in the calculation of lot coverage.)

3554 (7) Open space: In addition to the minimum seven and one-half
(7.5) percent of developable land area within a project
3556 allocated as publicly accessible open space as required by
subsection 39-153(i), an additional seventeen and one-half
3558 (17.5) percent (minimum) of the developable land area
within each condominium development shall be allocated as
3560 common open space, which may include private areas.

3562 (8) Recreation areas: Recreation areas shall be provided in
accordance with sections 39-53 and 39-58. Parks and open
3564 space may be distributed throughout the condominium
district rather than within each block. However, individual

recreation tracts shall not be less than one-quarter (1/4) acre in size.

- (9) Minimum building setback requirements: Condominium building setback requirements are listed below; however, alternative setbacks may be required to ensure compatibility with the surrounding area. In recognition of the Horizon West long-term buildout and its master-planned development framework, condominium buildings located adjacent to single-family zoned property shall not be subject to the height requirements of section 39-58.

- a. Front: Ten (10) feet, including front porch.
- b. Side: Fifteen (15); ten (10) feet for front porch or bay. Side street setback: Fifteen (15) feet; ten (10) feet for front porch.
- c. Rear: Twenty (20) feet for the primary structure; garage setbacks per subsection 39-155(g).
- d. Lakefront: Fifty (50) feet from the normal high-water elevation contour in accordance with chapter 30, article XII, of this Code.
- e. Minimum building separation: Twenty (20) feet. Minimum building separation of forty-five (45) feet when utilized as common open space, landscaped courtyard, or recreation area.

- (10) Screening: To screen the view of parking lots, and to better frame the surrounding street corridors, a majority of off-street surface parking lots for condominiums shall be prohibited between residential structures and the street rights-of-way, and shall instead be placed within the interior of blocks. Condominium projects shall be designed such that the residential structures are pulled forward toward the street, with the associated parking areas located behind the condominium structures within the interior of the block.

When it can be demonstrated that site conditions will preclude strict block-interior parking configurations, only portions of surface parking areas may be located along the side of structures, adjacent to street rights-of-way. In no case, however, may parking be placed closer to the street right-of-way than the adjacent residential structure.

When a surface parking lot is placed adjacent to a building (e.g. adjacent to the street), a decorative forty-two (42) inch high knee wall shall be installed along the full length of the parking lot. Said knee wall shall incorporate a planter strip

3608 between the wall and the back edge of the street sidewalk.
 3610 The planter strip shall serve as an irrigated shrub planter strip
 3612 along the front foundation of the knee wall. Said planter strip
 3614 shall be no less than thirty (30) inches wide [\pm sixty (60)
 inches at inward-jogged sections of the knee wall]. The knee
 wall shall incorporate a continuous, cantilevered cap block,
 and shall not extend more than twenty-five (25) feet in a
 single, uninterrupted span, without incorporating a
 minimum thirty (30) inches offset or “jog.”

3616 Knee walls constructed of unpainted smooth face CMU are
 3618 prohibited. Knee wall surfaces shall instead feature brick,
 stone, split face, scored, ribbed, offset, or other surface
 3620 treatment. Veneer surfaces shall feature brick or stone
 3622 patterns. Ornate cap features are encouraged such as
 decorative metal railings placed along the top of the cap
 block. Painted stucco walls are acceptable, so long as a
 distinct cap is used.

3624 On-street parking (parallel or angled) is strongly encouraged
 3626 and shall be counted toward the parking requirements when
 3628 located within the same property line alignment as the
 building they are meant to serve. A waiver for reduced
 parking will be reviewed on a case by case basis.

3630 (11) Landscaping shall be provided in accordance with the village
 center landscape requirements.

3632 (12) Building massing: Front façades shall be varied and
 3634 articulated to provide visual interest to pedestrians along the
 street frontage. Continuous flat building walls shall not
 3636 exceed forty (40) feet in length. Both horizontal and vertical
 projections and recesses of building walls are encouraged to
 break up the mass of the building.

3638 (b) *Design and architectural detail.*

3640 (1) The following design criteria are intended to be guidelines
 3642 for the development of all buildings, including maintenance
 buildings, mail kiosks and other structures. General design
 3644 criteria shall be included in the PD land use plan; specific
 design criteria and architectural details shall be included
 3646 with the preliminary subdivision plan / development plan.
 Buildings shall have appropriate pedestrian-scaled trim and
 detailing, exterior wall materials, building entry prominence,
 3648 massing, façade articulation, fenestration, bays, roof styles,
 and roof materials. Flat roofs may be considered on a
 project-by-project basis, if deemed appropriate based on the
 3650 criteria set forth in subsection 39-165(b)(3). Nothing in this
 section is intended to apply to projects located within the

3652 Village Center District or the Horizon West Town Center.
 3653 Architectural elements, including awnings, gables, dormers,
 3654 chimneys, balconies, balustrades and wall plane projections,
 shall be utilized. The plan and design shall promote
 3656 pedestrian convenience and circulation by providing
 prominent and formalized pedestrian access from the
 3658 primary building entrances to the project's external sidewalk
 systems including formal connections between and among
 apartment buildings and any adjacent commercial uses.
 3660 Condominium developments shall incorporate design
 elements such as porches, balconies, and visible entryways
 3662 from the street to foster pedestrian scale development, but
 the inclusion of these architectural features is not intended to
 3664 imply that separate street front entrances for individual
 condominium units are required.

3666 (2) Building size, length, height and separation shall be
 compatible with the other buildings in the area.

3668 (3) Flat roofs may be considered if the following architectural
 3670 features are included, and graphically depicted, on the
 preliminary subdivision/development plan:

3672 a. A minimum five-foot parapet wall along all façades of
 the building;

3674 b. The upper portion of the parapet wall shall have a distinct
 horizontal trim (either flat or ornamental), molding or
 cornice treatment that crowns the building;

3676 c. The primary building façade shall have at least one (1)
 3678 significant roofline height variation along the parapet;
 and

d. At least two (2) of the following are also included:

3680 1. Gables, shed roofs, or pitched roof elements covering
 3682 at least twenty (20) percent of the primary façade
 length;

3684 2. Architectural appendages (i.e., porches, stoops,
 porticos, colonnades, balconies, etc.) along the
 3686 primary façade of the building(s) to emphasize the
 main entrance and visually reduce apparent building
 mass; or

3688 3. Minimum two-foot primary façade plane projections
 3690 or recesses at intervals of at least every forty (40)
 feet.

Sec. 39-166. Neighborhood center district.

(a) *Generally.* Neighborhood center districts shall be located generally at the center of the neighborhood adjacent to the neighborhood park or green and the neighborhood school and uses should be primarily oriented to serve the residents of the immediate neighborhood. The maximum size of any neighborhood center district shall not exceed two (2) acres. The maximum total gross floor area of commercial uses shall be twenty thousand (20,000) square feet unless otherwise specified in the comprehensive plan. No single building shall exceed ten thousand (10,000) square feet.

(1) Within the established village, a single commercial building up to a maximum of ten thousand (10,000) square feet can be constructed in a neighborhood center.

(2) If a ten thousand (10,000) square foot commercial building has been constructed in a neighborhood center in a village, no additional commercial use shall exceed five thousand (5,000) square feet unless approved on the PD Land Use Plan.

(b) *Permitted uses.* All T5.1 uses identified by the letter “P” in the use table set forth in chapter 40, article 4, excluding all prohibited uses found in subsection (3) below. Residential uses are also permitted vertically above nonresidential uses. Residential uses, except to entrances, shall not be permitted on the ground floor of buildings used for commercial or office use.

(1) *Convenience stores.* The land use plan may allow a maximum of four (4) gas pump stations to serve a maximum of eight (8) vehicles at any one (1) time. Gas pumps shall require substantial change approval to the land use plan (LUP) by the board of county commissioners. The development shall comply with the following standards:

a. All gas pumps shall be located behind or to the side of the principal structure and not closer to the right-of-way than the principal structure itself.

b. If the gas pumps are located within direct view from the roadway, a decorative forty-two (42) inch high knee wall shall be installed along the full length of the street sidewalk edge exclusive of vertical and/or horizontal sight distances from any intersections or driveways and pedestrian access which is visually exposed to gas pumps. Said decorative knee wall shall incorporate a space between the wall and the back edge of the street sidewalk. The gap shall serve as an irrigated shrub or vine planter strip along the back edge of the street

3734 sidewalk. The planter strip shall be no less than thirty
3736 (30) inches wide and approximately sixty (60) inches
wide at inward-jogged sections of the knee wall. The
3738 knee wall shall incorporate a continuous, cantilevered
cap block, and shall not extend more than twenty-five
3740 (25) feet in a single uninterrupted span without
incorporating the minimum thirty (30) inch offset or
3742 “jog” inward, toward the property interior as mentioned
above. Such interior jogs shall incorporate shrub
3744 massing, vines, and understory trees. Gas station knee
walls constructed solely of smooth face CMU and stucco
3746 are prohibited. Notwithstanding the finish materials
utilized on the adjacent principal structure, the subject
3748 knee wall shall not present a blank stucco surface to the
adjacent sidewalk and street rights-of-way. Instead, gas
3750 station knee wall surfaces shall feature a brick or stone
veneer or split face, scored, ribbed, or other ornamental
3752 block surface. Painted stucco walls are acceptable, so
long as a distinct cap is used.

(2) Neighborhood center corner general store. A neighborhood
3754 center general store, up to two thousand (2,000) square feet
under air, may be built as an amenity. The general store shall
3756 carry in its inventory basic groceries, personal hygiene
products, over the counter pharmaceutical, and other
3758 convenience items.

a. One (1) or more apartments, other dwellings, or office
3760 spaces may be constructed vertically over the general
store and rented at normal market rates without delay.
3762 Such mixed uses are encouraged.

b. The general store should normally be built at a corner of
3764 two (2) streets to anchor the Neighborhood Center. A
bicycle rack shall be provided with spaces for no fewer
3766 than four (4) bicycles that meets all requirements of
subsection 39-166(e)(11).

c. The following transferable incentives shall apply:

1. The open space requirement shall be reduced by two
3770 (2) times the square footage of space allotted to the
general store if a front porch or patio is constructed
3772 and furnished as a neighborhood gathering place.
Alternatively, additional residential density or
3774 additional square footage for office or commercial
uses shall be awarded.

2. There shall be no parking requirement associated
3776 with the general store beyond on-street parking

3778 consistent with all applicable standards of section 34-
3780 171. If the general store is located in a multi-use
building, parking requirements shall apply for the
other uses.

3782 3. These incentives shall apply only to a general store
3784 located near the geographic center of the
neighborhood, not adjacent to an arterial road.

(c) *Prohibited uses.* The following uses are prohibited:

- 3786 (1) Drive-throughs;
(2) Lounges;
3788 (3) Bars;
(4) Video arcades;
3790 (5) Pawn shops;
(6) Escort services and tattoo parlors:
3792 (7) Fortune tellers, tarot card readers, palm readers, psychics
and similar uses;
3794 (8) “Check Cashing” or “Pay Day Loan” businesses;
(9) Body art, or body piercing businesses;
3796 (10) Labor pools and labor halls; and
(11) Hotels/motels/and timeshares.

3798 (d) *Residential development standards.*

- (1) Residential uses, except for entrances, shall not be permitted
3800 on the ground floor.
(2) Residential uses located above nonresidential uses shall not
3802 exceed five (5) dwelling units per net developable acre
unless increased by use of the TDR's.
(3) The façade of residential structures shall utilize architectural
3804 details, materials, patterns and forms which are consistent,
3806 and in scale with, a residential setting. The façades of
attached residential structures shall feature extensive use of
3808 windows with vertical proportions, balconies (faux or
otherwise), arched forms, planter boxes, material variations,
3810 color change, and any combination which communicates a
residential community. Façades shall incorporate substantial
3812 projections and voids, including jogging, rooflines and
projecting or recessing individual façades.
(4) Individual balconies which project from the façade and over
3814 the adjacent sidewalk may project up to four (4) feet over the
3816 adjacent sidewalk. Faux (e.g., shallow with projecting

railing or balustrade only) balconies are also permitted. Second floor balconies must, however, provide a minimum twelve (12) feet clear zone from the finished grade below. In no case may second floor balconies project into the vehicular travel way. Balconies on higher floors may project four (4) feet into the adjacent vehicular travel way provided they are no lower than seventeen (17) feet above the travel way.

- (5) Where residential uses are constructed above commercial use, first floor finished ceiling heights shall be a minimum of ten (10) feet.

(e) *Design and Development standards.* The design standards herein shall apply to all development within the neighborhood center district. General design standards shall be submitted as part of the PD land use plan for all development within the neighborhood center. Specific design standards and architectural details shall be submitted with the preliminary subdivision plan/development plan for development within the neighborhood center. Both specific and general design standards shall include a continuous pedestrian access route a minimum of forty-eight (48) inches wide and meet all accessibility requirements of currently-adopted editions of federal and state standards. The design standards shall include site-specific requirements for all building facades including maintenance, ancillary structures, and out-parcel structures. The standards shall outline architectural requirement for pedestrian-scaled trim and detailing, exterior wall materials, building entry prominence, articulation of facades, fenestration, bays, roof styles, roof materials, and massing. Architectural elements, including colonnades, pergolas, columns, awnings, gables, dormers, porches, balconies, balustrades, and wall plane projections, shall be addressed. Prominent, formalized, and shaded pedestrian connections between adjacent commercial uses shall be emphasized as well as pedestrian scaled and uninterrupted visual interest along the street face.

Modifications to these standards may be permitted where alternative development practices will reinforce the planning and urban design principles established by the goals, objectives and policies of the village land use classification and this village development code. Any such modifications to these standards shall be identified separately in bold on the village PD land use plan, PSP or development plan for approval by the board of county commissioners at a public hearing.

In addition to the design standards listed above, the following development standards shall apply:

- (1) Minimum lot depth: One hundred twenty (120) feet.
(2) Minimum lot width: Twenty-five (25) feet.

- 3862 (3) Maximum building height: Three (3) stories and forty-five (45) feet.
- (4) Accessory structures: See subsection 39-155(j).
- 3864 (5) Maximum floor area ratio: .70 FAR (nonresidential only).
- (6) Minimum building setback requirements:
- 3866 a. Front: Ten (10) feet; awnings and other overhangs may extend up to five (5) feet into this setback.
- 3868 b. Side: Zero (0) feet.
- c. Rear: Ten (10) feet from the primary structure.
- 3870 d. Side street: Six (6) feet.
- 3872 e. Neighborhood center perimeter exterior side setback: Fifteen (15) feet.
- 3874 (7) Façades shall be built directly on the front building setback line for at least fifty (50) percent of the linear footage of each building.
- 3876 (8) In addition to the design standards established in the required PD design guidelines, all developments within the neighborhood commercial district shall comply with the design, landscape, and lighting standards established in the commercial design standards ordinance, as it may be amended from time to time.
- 3878
- 3880
- 3882 (9) When a rear or side of a building is adjacent to a residential district, that side of the building shall include roof, landscape and façade treatments consistent with a primary façade.
- 3884
- 3886 (10) On-street angled or parallel parking within three hundred (300) feet of the proposed use that meets the requirements of section 34-171 shall be permitted. Off-street parking may be provided at a maximum rate of three (3) spaces/one thousand (1,000) square feet of building area.
- 3888
- 3890 (11) Bicycle racks shall be consistent with the design standards set forth in sections 38-1484 and 38-1485.
- 3892 (12) *Commercial building and site design guidelines:*
- 3894 a. An unenclosed canopy, awning, or second story porch/balcony shall be required over all first-floor building openings (windows and doors). Such coverings shall be a minimum of five (5) feet in width.
- 3896
- 3898 b. Owner (or property owners association) maintained sidewalk areas at the front of neighborhood commercial areas shall be placed in a utility easement and not made

3900 part of the public right-of-way. Such sidewalks shall be
3902 a minimum of ten (10) feet in width to facilitate
pedestrian traffic, street furniture, and narrow store-front
3904 planters or planter pots. Such sidewalks shall extend
from the right-of-way line (property line), to adjacent
3906 building face. A continuous, six (6) foot, unobstructed
clear zone, for pedestrian movement, shall be maintained
3908 within the sidewalk corridor. In addition, a continuous,
five (5) foot wide planter strip (or intermittent tree
3910 planter cutout) zone shall be constructed within and
along the exterior edge of the right-of-way. This public
3912 portion of neighborhood center sidewalk systems shall
be placed immediately contiguous to the ten (10) foot
3914 wide, owner-maintained sidewalk described above. A
continuous concrete expansion joint shall be constructed
3916 five (5) feet from the back of the curb in order to
distinguish the public and private portions of the
3918 sidewalk systems. Any exceptions to these standards
must be approved by the County Engineer and be
3920 consistent with the approved roadway cross-section, if
applicable.

3922 c. Primary entries shall face a public street or walkway and
shall be accessed from a sidewalk open to the public. All
3924 entries shall meet accessibility requirements of the most
recent editions of applicable federal and state standards
as adopted.

3926 d. At least fifty (50) percent of the first-floor exterior
elevation primary façades (façades which face the street
3928 rights-of-way, or which feature any customer entrance)
shall incorporate transparent glass. Spandrel, faux, or
3930 glass block shall not satisfy this requirement. The
transparent glass system shall not be consolidated to any
3932 one (1) side of the façade, instead, the glass surfaces shall
be distributed across the width of said façade.

3934 e. Sides or rears of buildings, which may not be a primary
or secondary façade, shall incorporate roof ridge, roof
3936 eave, and façade variations similar to those provided on
the primary façade.

3938 f. Driveways on all functionally-classified roadways shall
have special-emphasis crosswalk markings that are the
3940 maintenance responsibility of the property owner and
shall otherwise be consistent with section 30-250.

3942 (13) *Landscaping.*

3944 a. Street trees shall be provided pursuant to subsection 39-155(c).

3946 b. Landscaping shall be provided as required in chapter 40,
3948 article 3, except that where buildings are immediately
3950 abutting the sidewalk, the seven-foot wide landscape tree
3952 and shrub strip shall not be required. In addition, the
3954 eight (8) foot wide planter strip along the foundation of
3956 building primary façades shall not be required. Instead,
plantings shall be encouraged within narrower (twelve-
inch to twenty-four-inch wide) sidewalk cutouts, or
raised planters or pots, located along the foundation of
building primary façades. Alternative methods and
clustering of landscape that meet the intent of this
division may be approved by the county.

3958 (14) *Distance separation from religious institutions and schools
for alcoholic beverages in neighborhood centers.*

3960 Notwithstanding the provisions of section 4-5.13.2.a, in
3962 order to promote a mixed use in neighborhood centers, the
3964 distance separation requirements for establishments selling
3966 alcoholic beverages for on-site consumption only, as
3968 specified in section 4-5.13.2.c, shall be reduced to one-
3970 hundred (100) feet for restaurants with on-premises
3972 consumption only for those establishments possessing a
3974 1COP, 2COP, or 4COP SRX state liquor license. Such
3976 establishments may sell beer, wine and liquor for
3978 consumption in the restaurant only after the hour of 4:00
3980 p.m. on days school is in session. The method of
measurement shall be as provided in section 4-5.13. An
established religious use or school may voluntarily waive the
distance separation requirement for establishments
proposing to sell alcoholic beverages for on-site
consumption (that otherwise meet the requirements of this
subsection) by executing a waiver. Such waiver must be
acceptable to the county in form and substance and shall be
kept on file in the zoning division. All other provisions under
section 38-1415 shall apply. The county may place other
restrictions related to signage, outdoor seating, and outdoor
amplification as part of the PD approval process to ensure
compatibility with schools.

3982 **Sec. 39-167. Village center district.**

3984 (a) *Generally.* The village center district shall be located
generally at the center of the village adjacent to a collector road
which serves that particular village. Commercial development

within the village center district should be primarily oriented to serve the residents of the immediate neighborhood. The total maximum size of all development within the village center district shall be sixty (60) acres and the maximum total floor area for office and commercial nonresidential uses shall be four hundred thousand (400,000) square feet, unless otherwise expressly allowed in the comprehensive plan. The maximum floor area ratio shall be four-tenths (0.4). Development in the village center district shall conform to the block standards and conceptual master street and block plan approved with the PD land use plan approval and shall meet accessibility requirements of currently-adopted editions of federal and state standards.

(b) *Master street and block plan.* Any PD/LUP containing property within a designated Village Center District shall include a conceptual master street and block plan which at a minimum identifies the general location of public circulator street(s), major local street(s), and defined internal circulator/corridors (defined as other than maneuvering lanes, but less than public streets). Special attention shall be paid to cross access between adjacent parcels, which may be required by the County Engineer to serve abutting building sites and enforced by cross-access easements that run with the land and that are recorded by the property owner at his or her expense. Said plan shall be approved as part of the first PD land use plan approval for property in the village center. In any case, no preliminary subdivision plan or development plan within the village center shall be approved prior to the approval of a conceptual master street and block plan.

It is intended that the master street and block plan shall show conceptual building massing and layout that create an urban corridor or center. Such conceptual building massing plan is to be considered a guideline for, rather than binding on, future development. Structures shall be brought forward to a build-to-line adjacent to the rights-of-way, along public streets and defined internal circulators/corridors. Although entries may be from several directions, primary building entries and façades shall face these internal streets and circulator ways. Pedestrian plazas and courtyards may be used as breaks in the building.

(c) *Development standards.* The following development standards shall apply to all development within the village center district.

(1) *Village center land use mix.*

Use	Minimum Land Area Required	Maximum Land Area Permitted
Residential*	25%	40%

Commercial, retail and services	40%	60%
Office	10%	25%
Overall nonresidential	30%	60%
Public and civic**	10%	no maximum
Public parks and green space	7.5%	no maximum
* Residential dwellings are permitted above ground floor commercial and office uses. Gross floor area of residential uses above the first floor shall count toward minimum land area requirements, but shall be exempt from maximum land area permitted.		
** Uses include churches, libraries, government buildings, schools, transit stations, etc.		

4028

(2) *Permitted uses.*

4030

- a. Permitted residential uses in the village center district are as follows:

4032

1. Townhouses;
2. Apartments;
3. Condominiums;

4034

4. Residential dwelling units above commercial or office uses;

4036

- b. Permitted non-residential uses in the village center district shall be limited to the following and subject to all of the conditions for permitted uses within the CNC district as listed in section 39-348 of this chapter:

4038

SIC Group	Land Use
N/A	Community residential homes (greater than fourteen (14) clients)
0742	Veterinary hospitals and kennels within a completely enclosed soundproofed building (no outdoor runs)
43	Post offices
4724	Travel agencies
4729	Ticket agencies
4812	Cellular telephone sales and services
5231	Paint & wallpaper stores
5251	Hardware stores when contained completely within an enclosed structure with no outdoor storage and outdoor storage display. (Seasonal items generally related to a business may be located outside.)

5311	Department store shopping centers as defined in chapter 40, article VI
5411	Grocery stores and convenience foods with fuel pumps [a maximum of four (4) islands - eight (8) pumps] located at side or rear
5441	Candy, nut and confectionery stores
5461	Retail bakery shops
5499	Specialty food stores
5621	Women's clothing stores
5661	Clothing stores
5712	Furniture stores
5713	Floor covering stores
5722	Household appliance stores
5731	Radio, TV, electronics stores
5735	Record and tape stores
5812	Eating places, including full-service restaurants with ancillary alcohol sales
5912	Drugstores
5932	Antique furniture stores
5941	Sporting goods and bicycle shops
5942	Book stores
5943	Office supplies and stationary stores
5944	Jewelry stores
5945	Hobby, toy & game shops
5946	Camera and photography supply stores
5947	Gift shops
5948	Luggage & leather goods stores
5992	Florists
5994	Newsstands, magazine stands
5995	Optical goods, eyeglass stores
5999	Miscellaneous retail, except auctions
60	Banks
61	Credit bureaus, mortgage loan companies, finance offices
62	Security and commodity brokers
63	Insurance carriers
64	Brokers, underwriters, insurance agencies
6531	Real estate offices, agents apartment finders, rental service, appraisers and managers
6541	Abstract and title services
672	Holding and investment offices and companies
673	Estate, trusts planning and management
7212	Laundry and dry-cleaning, retail
7219	Tailoring

7221	Photographic artists, portrait, sculptors and musician studios
7231	Beauty shops
7241	Barber shops, hair stylists
7251	Shoe repair and shoe shine
7261	Funeral services except crematories and embalming
7299	Miscellaneous personal services including costume rental, dating services, tanning salons and valet parking
7311	Advertising agencies
7334	Photocopying, quick print and duplicating services
7338	Secretarial services
7359	Appliance, TV, VCR and furniture rental
7361	Employment agencies
7374	Data processing
7378	Computer maintenance and repair
7379	Computer related services
7381	Lie detector services, detective agencies, investigators
7382	Security operations, burglar and fire alarm monitoring
7384	Film processing and developing
7389	Business services
7622	Radio, TV, VCR and stereo repair
7623	Appliance repair
7631	Watch, clock and jewelry repair
7699	Locksmiths and repair services
781	Video editing
7841	Video rental
7911	Dance schools and studios
7922	Radio and television studios
7991	Physical fitness facilities
7997	Indoor sports and recreation membership clubs
8011	Medical doctors offices and clinics
8021	Dental offices and clinics
8031	Osteopathic physicians
8111	Legal services
8231	Libraries
8299	Music and drama schools, vocational counseling, exam preparatory schools, ceramics schools, modeling schools, personal development schools, and tutoring
8322	Counselors and family services
8322/8351	Adult/child day care centers
8331	Job training and related services
8412	Museum and art galleries
8641	Civic, social and fraternal associations

8661	Churches with attendant educational building and recreational facilities
871	Engineering offices, surveyors
8712	Architectural services
8721	Accountant offices, tax consultants and bookkeeping
873	Research and development, testing services
8742	Management consulting services
8743	Public relations services
8748	Business consulting
911	Government offices
921	Courts
9221	Sheriff, public safety offices
9224	Fire stations
93	Public finance and taxation offices
94	Public health, education, social and human resource offices
95	Environmental, housing, urban planning and land management offices
96	Economic development commissions, transportation programs, public utilities and agricultural programs

4040

c. The following uses and any other uses which are not expressly permitted shall be prohibited within the village center district:

4042

4044

1. Pawn shops;

2. Bottle clubs;

4046

3. Veterinary services for livestock;

4048

4. Hotels and motels (more than twenty-five (25) rooms);

4050

5. Time share units and transient rentals (rentals less than one hundred eighty (180) days);

6. Escort services and tattoo parlors;

4052

7. Fortune tellers, tarot card readers, palm readers, psychics and similar uses;

4054

8. "Check Cashing" or "Pay Day Loans" business;

9. Body art, or body piercing business;

4056

10. Labor pools and labor halls;

11. "Big Box" Developments.

4058
4060

- d. The following uses shall be allowed as a condition of approval or as a substantial change to the land use plan as approved by the board of county commissioners:

SIC Group	Land Use
0742	Boarding kennels within a completely enclosed soundproofed building and outdoor run
N/A	Communication towers subject to chapter 40, article 4, division 6
N/A	Street vending/Food trucks and portable food vendors
5813	Sale of alcohol for on-premises consumption, except as ancillary to a full-service restaurant.
N/A	Drive-throughs in conjunction with a permitted use
N/A	Any business which maintains a fleet of commercial vehicles including, but not limited to carpet and rug cleaning, exterminating and pest control, janitorial services, maid services, septic tank cleaning, etc.
49	Utility substations and telephone switching stations
5331	Auto parts, tire dealers
5541	Automobile Service Stations [with fuel pumps: a maximum of four (4) islands/eight (8) fuel stations] located at the side or rear*
5813	Drinking establishments, cocktail lounges, pubs and bars
5921	Liquor stores subject to chapter 40, article 4, section 4-5.13
7011	Bed and breakfast, subject to chapter 40, article 4
7215	Coin-operated laundries
7542	Free-standing car washes that are enclosed on two (2) sides
7832	Movie theaters [exceeding eight (8) screens]
7933	Bowling centers
7941	Stadiums in conjunction with schools
7993	Arcades, slot machines, video games, and enclosed amusement centers limited in size to five thousand (5,000) square feet
7999	Indoor amusement and recreation: billiard parlors, bingo parlors, skating rinks, recreation clubs
805	Nursing homes and skilled nursing facilities as defined in chapter 40, article VI
8062	Ambulatory nursing facilities
8093	Birthing facilities, alcohol and drug treatment, aids treatment, outpatient clinics, birth control centers
82	Colleges, kindergarten, elementary, middle and high schools, (private or public)
8299	Auto driving instruction

8361	Residential care such as crisis centers, juvenile correction homes, training schools for delinquents, drug rehab centers
8422	Zoos and botanical gardens
4225	Self storage facility**
* Service bays shall not face the rights-of-way.	
<p>** Specific design standards for self storage facilities shall be established at the time of PD approval, PD substantial change approval, or PSP and DP approval (as may be applicable), and included on the respective land use plan or site plan. Notwithstanding application type, the specific design standards shall be subject to approval at a public hearing before the board of county commissioners. To ensure that self storage facilities are developed in an architecturally compatible fashion, while not precluding pedestrian accessibility, design standards shall include the following:</p> <ul style="list-style-type: none"> - Building modulation shall be employed to break up long façades and create a visually unique project. Building modulation may be achieved through the use of horizontal and vertical projections or recesses, including awnings, overhangs or other similar architectural features. Color and textural changes that diminish the perceived horizontal scale and massing of buildings, with particular attention given to building corners and primary entrances, may also be used. Regardless of building modulation, self storage facilities shall have a maximum building length of two hundred seventy-five (275) feet. - At least one primary building facade shall have a minimum transparency of fifty (50) percent on the ground floor, and a minimum transparency of twenty-five (25) percent on all remaining floors. Each other primary building facade shall have a minimum combined transparency of twenty-five (25) percent for all floors. For purposes of these design standards, transparency may consist of transparent windows, vehicular breezeways, or spandrel glass features (without opening into building wall or structure); and dormers, shutters or other architectural elements may be used to further enhance facades - Building elements shall not function as signage, and unique or symbolic business elements shall be secondary to the overall architectural design; - Access to storage units shall be encouraged from the interior of the building; however, any outdoor storage or outdoor access to storage units shall be screened from street view and shall not face or be visible from any street; and - Regardless of street frontage, projects shall be limited to two (2) curb cuts on any block face and no more than three (3) curb cuts for any parcel. 	

- 4064 1. The change shall be consistent with the
comprehensive plan and/or specific area plan.
- 4066 2. The change shall be similar and compatible with the
surrounding area and shall be consistent with the
4068 pattern of surrounding development.
- 4070 3. The change shall not act as a detrimental intrusion
into the surrounding area.
- 4072 4. The use shall be similar in noise, vibration, dust,
odor, glare, heat producing and other characteristics
4074 that are associated with the majority of uses currently
permitted in the zoning district.
- 4076 (3) *Ground level retail.* Buildings fronting on any APF right-of-
way, or village main street within a village center district
must be designed to accommodate ground level retail and
4078 shall have a minimum first floor finished ceiling height of
ten (10) feet. The ground level floor area may also be used
4080 for office, or civic uses. Ground level retail is not required in
residential only areas, which shall be designated on the PD
4082 land use plan.
- 4084 (4) *Maximum retail floor area.* The maximum allowable gross
floor area per retail establishment (excluding grocery stores
and self-storage facilities/buildings) is seven thousand five
4086 hundred (7,500) square feet. Retail establishments with a
gross floor area between seven thousand five hundred
4088 (7,500) square feet and fifteen thousand (15,000) square feet
may be approved at a public hearing by the board of county
4090 commissioners. Grocery stores may not exceed fifty-four
thousand (54,000) square feet and self-storage
4092 facilities/buildings may not exceed seventy-six thousand
(76,000) leasable square feet and one hundred thousand
4094 (100,000) gross square feet.
- 4096 (5) *Residential development.* Residential development must
achieve a minimum net density of five (5) dwelling units per
4098 net developable acre, unless otherwise provided in the
comprehensive plan. Residential development may be
permitted up to twenty-four (24) dwelling units per net
4100 developable acre with transfer of development rights or as
otherwise as provided for in subsection 39-155(a).
- 4102 (6) *Transit stops.* Transit stops should be centrally located in the
village center commercial area so that, generally, no building
4104 is more than one thousand three hundred twenty (1,320) feet
from a proposed transit stop. The county may require ADA-
4106 compliant shelter facilities and/or pull off bays, which must

4108 be consistent with the latest edition of the Manual of
 4110 Uniform Minimum Standards for Design, Construction and
 Maintenance for Streets and Highways (Florida Greenbook),
 4112 as published by the Florida Department of Transportation, as
 4114 part of a development plan for the village center.

4116 (7) Outside dining and seating areas are encouraged for full-
 4118 service or other restaurants which possess twenty (20) linear
 feet or more of street frontage. Such outdoor dining and
 seating areas are subject to the following requirements:

4120 a. No table, chair, bench, umbrella, planter, or fencing may
 4122 encroach upon the sidewalk through-corridor, on-site
 4124 traffic circulation, or landscaping or drainage areas.

4126 b. The limits of any proposed outdoor seating areas,
 4128 including the number and location of tables and chairs,
 4130 must be delineated on the development plan.

4132 c. Outdoor seating areas shall be factored in calculating the
 4134 project's gross floor area in relation to required parking,
 stormwater, impact fees, and similar development
 regulations.

4136 d. Planters, with appropriately-sized plant materials, are
 4138 encouraged for the purpose of delineating and buffering
 4140 seating/dining areas from the adjacent sidewalk corridor,
 4142 or any adjacent on-street parking. Such planted edges
 4144 shall feature raised masonry or potted planters and, if
 4146 appropriate, black decorative fencing.

4148 e. Outside dining and seating areas must be consistent with
 the accessibility requirements of the most recent editions
 of applicable federal and state standards as adopted.

(8) *Distance separation from religious institutions and schools
 for alcoholic beverages in village centers.* Notwithstanding
 the provisions of **section 4-5.13.2.a**, in order to promote a
 mixed use village center, the distance separation
 requirements for establishments selling alcoholic beverages
 for onsite consumption, as specified in **section 4-5.13.2.a**,
 shall be reduced for those establishments possessing a
 1COP, 2COP or 4COP SRX state liquor license within the
 village center from one thousand (1,000) feet to one hundred
 (100) feet from an established church or school (regardless
 of such church or school being located inside or outside of
 the village or neighborhood centers). Notwithstanding the
 foregoing regarding schools, pursuant to F.S. § 562.45,
 except for establishments that are licensed as restaurants and
 that derive at least fifty-one (51) percent of their gross

revenues from the sale of food and nonalcoholic beverages pursuant to F.S. ch. 509, no establishments serving alcoholic beverages for on-site consumption may be located within five hundred (500) feet of an elementary school, middle school, or high school, however, with respect to such restaurants located within three hundred (300) feet of a school, alcoholic beverages may not be served before 4:00 p.m. on days that school is in session. The method of measurement shall be as provided in [section 4-5.513.2.d](#). A religious use or school located in or around the village center may voluntarily waive the distance separation requirement for establishments proposing to sell alcoholic beverages for on-site consumption (that otherwise meet the requirements of this subsection) by executing a waiver. Such waiver must be acceptable to the county in form and substance and shall be kept on file in the Zoning Division. All other provisions under [section 4-5.13](#) shall apply. The county may place other restrictions related to signage, outdoor seating, and outdoor amplification as part of the PD approval process to ensure compatibility with religious uses or schools.

(9) *Streets*. All streets and blocks in the village center shall conform to the provisions of this section.

a. *Street standards*. Standards for streets shall be as set forth in the village street cross-sections as approved on a PD/LUP. All streets shall meet all applicable standards of chapter 34 and Section 21-176, including accessibility requirements.

b. *Owner (or property owners association) maintained sidewalks* areas, at the front of neighborhood commercial areas, shall be placed in a utility easement and not made part of the public right-of-way. Such sidewalks shall be a minimum of ten (10) feet in width to facilitate pedestrian traffic, street furniture, and narrow store-front planters or planter pots. Such sidewalks shall extend from the right-of-way line (property line), to adjacent building face. A continuous, six (6) foot, unobstructed clear zone, for pedestrian movement, shall be maintained within the sidewalk corridor. In addition, a continuous five (5) foot wide planter strip (or intermittent tree planter cutout) zone shall be constructed within and along the exterior edge of the right-of-way. This public portion of the neighborhood center sidewalk systems shall be placed immediately contiguous to the ten (10) foot wide, owner-maintained sidewalk described above. A continuous

4196 concrete expansion joint shall be constructed five (5) feet
4198 from the back of the curb to distinguish the public and
4200 private portions of the sidewalk systems. Owner-
maintained portions of sidewalk and all other private
portions of the sidewalk systems shall meet accessibility
requirements of currently-adopted editions of federal
and state standards.

4202 c. *Street type and pattern.* The types and patterns of all
4204 streets in the village shall be in conformity with the
transportation provisions outlined in **Future Land Use
Element Objective FLU4.3** and its underlying policies.
4206 The location of streets on the master transportation plan
is approximate. Precise locations of streets, consistent
4208 with the conceptual master block plan, shall be
determined in conjunction with approval of a final
4210 development plan. Street patterns shall be based
primarily upon a good system of interconnecting streets.
4212 Roadway connections to existing streets shall be in
compliance with all accessibility requirements of
4214 currently-adopted editions of federal and state standards
and shall provide two (2) ramps per intersection quadrant
4216 on functionally classified roadways.

4218 d. *Direct access.* Direct access to the village center shall be
from a village center major local or village center
4220 circulator street as defined by the PD/LUP. Direct access
from an arterial road serving the village is prohibited.

4222 (d) *Development standards and approval process.* The
following standards shall apply to all development within the village
4224 center district. Modifications to these standards may be permitted
where alternative development practices will reinforce the planning
4226 principles established by the goals, objectives and policies of the
village land use classification, the comprehensive plan and this
4228 village development code. Any such modifications to these
standards shall be identified separately in bold on the village PD
4230 land use plan, preliminary subdivision plan or development plan for
approval by the board of county commissioners at a public hearing.

4232 (1) Buildings on both sides of the street should be designed with
similar height, bulk and yard standards. Heights of adjacent
4234 structures may vary, but ordinarily by not more than one (1)
story.

4236 (2) All townhouse development shall have access and off-street
parking from the rear or via an alley.

(3) *Site development standards.*

4238

a. Minimum lot width:

Use	Minimum Width (ft.)
Townhouse	16
Multi-family	150
Condominium	85
Retail	30
Office	30
Civic	none

4240

b. Minimum lot depth for all uses shall be one hundred (100) feet.

4242

c. Maximum lot coverage and open space:

Use	Percent Maximum Lot Coverage*	Percent Minimum Open Space*
Townhouse	85	25
Multi-family and Condominium	80	25
Retail	80	20
Office	80	20
Civic	80	20
* The area of a porch, bay window, or arcade fronting a public street is not included in the calculation of lot coverage. Max Lot Coverage for Multi-family, Retail, Office and Civic shall refer to maximum impervious surface coverage.		

4244

d. Maximum F.A.R. for uses in the village center is four-tenths (0.4).

4246

e. Minimum living area per residential dwelling unit shall be five hundred (500) square feet.

4248

f. Maximum building heights are as follows, with the exception of a turret, spire, tower, or other similar architectural feature, which may exceed the maximum height of the principal building by up to fifteen (15) feet:

4250

Use	Number of Stories	Height in Feet
Townhouse	4	55
Multi-family and Condominium	5	75

Parking Structures	5	60
Retail	3	50
Office	3	50
Civic	3	50
Mixed use (Residential over Commercial)	5	75

4252

4254

4256

4258

4260

4262

4264

4266

4268

4270

4272

4274

4276

4278

4280

4282

4284

4286

g. The build-to-line for all primary buildings, structures, walks and fences shall be ten (10) feet on all public street frontages, except residential streets which shall have setbacks as per the village home section individual residential districts of this Code. A minimum of seventy (70) percent of the build-to-line of any block or parcel must be occupied by buildings and/or street-walls. Landscaped street-walls should not make up more than fifty (50) percent of the required frontage.

1. Up to twenty-five (25) percent of any street frontage of a building may vary from the build to line, but shall not be less than five (5) feet or more than twenty-five (25) feet in variation.

2. The area between the right-of-way line and the build to line shall be landscaped in accordance with the appropriate provisions of the Village PD Code.

3. There shall be no build to line for temporary buildings or structures.

4. Street-facing façades for ground floors of all buildings shall be planned for a minimum of fifty (50) percent transparency except in those areas of the village center designated for only residential uses in the PD land use plan.

h. Front setback: Ten (10) feet; awnings and other overhangs may extend up to five (5) feet into this setback.

i. Side setback: Zero (0) feet.

j. Side street setback: Six (6) feet.

k. Village Center perimeter exterior side setback: Fifteen (15) feet.

l. Primary buildings or parking structures may not be constructed closer than twenty (20) feet from an adjacent building or structure except where a fire wall meeting Orange County Code requirements is provided.

- 4288 m. Minimum setback requirements shall apply in all cases,
except that fireplaces, eaves, balconies, and fireproof
4290 stairways may extend up to a maximum of five (5) feet
into the required setbacks.
- 4292 n. Patios may not be constructed within the required
setback zone. This limitation, however, does not apply to
sidewalk cafes.
- 4294 o. Site access. Site access and curb cuts shall be limited as
follows:

Use	Minimum Permitted Curb Cuts
Townhouse	Access required from rear alley
Multi-family and Condominium	Two (2) curb cuts per lot
Retail	Two (2) curb cuts per lot
Office	Two (2) curb cuts per lot
Civic	Two (2) curb cuts per lot

4296

(4) *Parking.*

- 4298 a. Off-street and on-street facilities shall be provided for
multifamily use, hotel use, retail use, office use, and
4300 civic use in accordance with this subsection.
- 4302 b. The village code encourages public safety and crime
prevention through environmental design. All at grade
4304 parking lots fronting village roadways shall be set
setback not less than ten (10) feet from the right-of-way
4306 line from such roadways, and buffered from the street
utilizing landscaping in accordance with the landscape
4308 requirements of the village code, and may include
approved public art or approved street vendor stands.
- 4310 c. Parking structures, if required, should be designed to
accommodate ground level retail. This ground level floor
may also be used for office, civic, or approved
4312 conditional uses. Steel parking garages and steel guard
cables on garage façades are prohibited. Structures shall
4314 separate pedestrians and automobiles, shall provide
covered bicycle parking on the ground floor, and shall be
4316 enhanced with façade treatment to integrate with the
surrounding buildings when they front public streets.
- 4318 d. Maximum frontage for parking lots along a village center
circulator or a village center major local street shall be
4320 sixty-five (65) feet. Maximum frontage for parking lots
along any other street shall be two hundred (200) feet

- 4322 e. On-street parallel parking may be counted toward the
4324 parking requirements when said parking is on the same
block as the building it serves. Assignment and
4326 allocation of on-street parking shall be shown on the
final development plan and shall meet the requirements
of section 34-171.
- 4328 f. Shared parking. Uses may join in establishing shared
parking areas if it can be demonstrated that the parking
4330 for two (2) or more specific uses occurs at alternating
time periods. Required parking shall be determined
4332 based on parking demand for the peak parking period, as
determined by parking analysis study approved by the
4334 county zoning division.
- g. Parking lots and parking garages shall not:
- 4336 1. Abut street intersections or civic use areas;
2. Be adjacent to public squares; or
4338 3. Occupy lots which are at the terminus of a street
vista.
- 4340 h. Parking. Off-street parking shall be located to the rear or
side of buildings. Off-street parking shall comply with
4342 the parking standards established in **section 38-1476**.
Waivers for reduced parking will be reviewed on a case
4344 by case basis for mixed-use density. Landscaping for the
screening and interior of off-street parking shall comply
4346 with chapter 40, including canopy trees planted forty
(40) feet on-center average, no closer than twenty (20)
4348 feet and no farther than sixty (60) feet on center, and one
(1) understory tree for every twenty (20) feet. In
4350 addition, a minimum forty (40) inch masonry street
wall/knee wall with decorative finish, such as stucco or
4352 brick, including a decorative cap shall be installed
between the parking lot and the right-of-way but shall be
4354 outside the vertical and/or horizontal sight distances of
any intersection or driveway. The wall shall not extend
4356 over twenty-five (25) feet without an offset/projection,
pilaster, or column feature to provide aesthetic variety.
4358 On-street parallel parking is encouraged and may be
counted toward the parking requirements when it is
4360 within the projected property lines as the building it
serves and consistent with the requirements of section
4362 34-171.
- i. Grocery store parking. Grocery store development shall
4364 encourage walking, feature a compact layout, and be

integrated into the village's block design and configuration.

1. Parking shall be located at the rear or side of the grocery store front façade, if the front façade faces a public right-of-way. In order to reduce parking lot depth and allow the dispersal of parking on at least two (2) sides of the grocery store, placement of the grocery store entrance is encouraged at a corner of the building.

2. If the side or rear of the grocery store faces the right-of-way, parking may be permitted in the front; however, side or rear façades, which face an adjacent right-of-way, shall not project blank, flat, or featureless walls. Instead, such walls shall, at a minimum, imply a building front by incorporating projected architectural features, including decorative trim, pilasters, recessed window glazing (transparent and spandrel) and surrounds, awnings, varied roof and eaves lines, and paint color variations.

3. Outlying portions of grocery store parking lots shall also be screened from view by locating ancillary buildings directly along the right-of-way. Such secondary inline retail, or free-standing buildings shall feature an architectural style or architectural features found on the adjacent grocery store. Parking for these buildings shall again be prohibited between the right-of-way, and the structure. Instead, parking for these buildings shall also be located at the rear or side. Fire lanes, without designated parking areas, may be allowed between the structure and the adjacent right-of-way.

4. Parking shall be located in modules involving delineated groups of parking spaces which are separated by landscaping, landscaped pedestrian ways, and/or architectural features.

5. Pedestrian walkways shall be designed to provide access between parking areas and the building entrance in a coordinated and safe manner using clearly delineated pavement markings and/or crosswalks consistent with section 30-250.

j. Parking lot drives. In order to ensure shorter block patterns with a comfortable, convenient, and walkable scale, the village center's more expansive surface parking lots shall incorporate clearly-defined pass-

- 4410 throughs which serve to extend the surrounding street
 4412 pattern while keeping traffic speeds slow and providing
 shoppers with a safe, shaded, convenient environment.
 Drives can be defined by means of:
- Parking modules
 - 4414 - Repeated street tree patterns
 - Knee walls repeated within lot
 - 4416 - Bollards
 - 4418 - Pedestrian walkways with textured or
 stamped concrete or asphalt and painted or
 thermoplastic crosswalk markings
 - 4420 - Narrow dimensions
 - Shade
 - 4422 - Pedestrian oriented signage
 - Parallel parking spaces
- 4424 (5) Street trees and parking lot landscaping requirements.
 4426 Landscaping should compliment the pedestrian scale and
 4428 character of the neighborhood, screen vehicle use areas,
 provide shade for large expanses of pavement, provide
 4430 visual interest, and enhance the common open space within
 the neighborhood center. Accordingly, all development
 within the village center shall meet the following landscape
 requirements:
- 4432 a. Landscaping shall be provided as required in chapter 40,
 4434 article 3, division 5 except that where buildings are
 located immediately abutting the sidewalk, the seven-
 4436 foot-wide landscape tree and shrub strip shall not be
 required. In addition, the eight-foot-wide planter strip
 4438 along the foundation building primary façades shall not
 be required. Instead, plantings shall be encouraged
 4440 within narrower (twelve-inch to twenty-four-inch wide)
 sidewalk cutouts, or raised planters or pots, located along
 4442 the foundation of building primary façades. Alternative
 methods and clustering of landscape that meet the intent
 of this division may be approved by the county.
 - 4444 b. Street trees shall be arranged and maintained at
 intersections to provide reasonable visibility for
 4446 warranted traffic control devices. Street trees shall not be
 planted closer than fifteen (15) feet to the corner.
 - 4448 c. Off-street parking and vehicle use areas. Except as
 provided herein, off-street parking and vehicle use areas

4450 shall be landscaped in accordance with chapter 40,
4452 article 3, division 5. Shade trees shall be a minimum of
ten (10) feet tall and have six (6) feet of clear trunk and
a minimum caliper of three (3) inches at time of planting.

4454 d. Screening of off-street parking and vehicle use areas.
4456 Off-street parking and vehicle use areas visible from the
right-of-way/roadway shall be screened per landscape
4458 code, chapter 40, article 3, division 5 and as detailed in
subsection d.1. below. In addition, a minimum forty (40)
4460 inch tall solid masonry wall or other approved type of
solid construction with decorative finish, such as stucco
or brick including a decorative cap, shall be installed
4462 between the parking lot and the right-of-way. The wall
shall not extend over twenty-five (25) feet without an
4464 offset/projection, pilaster, or column feature to provide
aesthetic variety.

4466 1. A continuous hedge, a minimum of thirty (30) inches
4468 in height, shall be planted along the outside of the
wall along the full linear length of the street
4470 wall/knee wall with one (1) canopy tree planted on
average of forty (40) feet on-center and one (1)
4472 understory tree planted on average of twenty (20)
feet on-center. Groundcover, other than sod, shall be
4474 utilized for at least fifty (50) percent of the remaining
landscaped area.

4476 2. The width of the landscaped area shall be consistent
with chapter 40, article 3, division 5 for vehicle use
4478 areas and the street wall shall be placed no closer
than five (5) feet from the property line.

4480 3. Edges of vehicle use areas which abut an adjacent
property shall be planted with shrubs at least three
4482 (3) feet high at time of planting with a maximum
spacing of thirty (30) inches on-center with canopy
4484 trees and understory trees planted in accordance with
subparagraph 1 above.

4486 4. All walls shall include reasonable breaks for
pedestrian connections to adjacent uses and external
4488 sidewalks. Linear wall length shall not exceed
twenty-five (25) feet without a column, offset, or
projections, or other architectural feature.

4490 5. For parking areas with one hundred (100) or more
spaces, an eight (8) foot wide landscape strip,
4492 including a continuous hedge at a minimum thirty
(30) inches in height and canopy trees at an average

4494 of forty (40) feet on-center, shall be required along
4496 the primary entrance drive lanes.

4496 (i) Primary entrance drive lanes are drive lanes
4498 or isles which are created at a primary access
4500 point or curb cut into a development or
shopping center, as well as those drive lanes
that abut and are parallel to a building front.

4502 (ii) Back-out parking is not permitted onto
4504 primary entrance drive lanes. Angle parallel
parking is permitted along primary entrance
drive lanes.

4506 (iii) One (1) isle access or isle break to the
primary entrance drive lane shall be allowed
4508 for each two (2) internal parking lot drive
isles that are provided within the parking
area.

4510 (iv) Buffer yards. With the exception of zero (0)
4512 lot line commercial, office or mixed-use
buildings and the landscape requirements of
4514 off-street parking areas, all property lines,
regardless of use, shall be planted with
4516 canopy trees on average of forty (40) feet on-
center and in accordance with the buffer
requirements of chapter 40, article 3, division
4518 5. For buildings constructed at the front
building setback, the required street tree
4520 plantings will meet this requirement along
the abutting front or side-street buffer.

4522 (v) Except as stated herein, all development shall
4524 comply with the landscape requirements set
forth in chapter 40, article 3, division 5.
4526 Alternative methods, buffering, and
clustering of landscape may be approved by
4528 the zoning division manager or his designee,
as long as the intent of the code is met.

4530 (vi) Where buildings or customer service/seating
areas are placed at the front setback line, the
4532 parking is provided in the rear of the building,
street trees are provided along the primary
4534 façade, and the building area is less than six
thousand (6,000) square feet, the landscape
4536 adjacent to the perimeter of the building's
primary façade, as required by the
commercial design standards ordinance, may

4538 be reduced from eight (8) feet for four (4) feet
4540 in width with only the requirement for shrubs
and groundcover. Required street trees shall
4542 serve to meet the tree planting requirements.
Up to fifty (50) percent of the required
4544 landscape area may be provided within the
street tree planters.

(vii) For apartment or other multifamily
4546 structures, landscape adjacent to the primary
façade of the building shall be provided at the
4548 base of the building at a minimum of eight (8)
feet in width and shall include a combination
4550 of hedges, a minimum of thirty (30) inches in
height, and groundcover and a maximum of
4552 twenty-five (25) percent sod.

**Sec. 39-168. Village center and neighborhood center district
4554 sign regulations.**

All signage in the Neighborhood Center District and Village
4556 Center District, as described in chapter 39 shall conform to the
provisions of this section.

4558 (1) *Permitted signs.* The following types of signs and no others
shall be permitted:

4560 a. Signs advertising a business, office or other permitted
use. Such signs shall be on-premises signs and shall be
4562 erected on the site where such use is located.

b. For all permitted office, commercial, institutional, civic,
4564 church, and consumer service uses, a sign or signs may
be erected subject to the following:

1. *Ground signs.* For ground signs with a total of one-
4566 half (½) square foot of copy area, signage may be
allowed for each one (1) linear foot of right-of-way
4568 frontage (which by definition excludes limited
access highways, unopened or vacated right-of-way).
4570 Ground signage is subject to the following
restrictions:

(i) One (1) ground sign per access drive, not to
4574 exceed sixty (60) square feet per sign. A
maximum of two (2) ground signs shall be
4576 permitted per principle parcel or project.

(ii). No ground sign shall be permitted for any
4578 out-parcels.

- 4580 (iii) The maximum height of any ground sign shall be eight (8) feet.
- 4582 (iv) Ground signs shall be setback a minimum of ten (10) feet from the right-of-way or any property line.
- 4584 (v) The minimum separation for ground signs shall be one hundred (100) feet.
- 4586 2. *Wall or fascia signs.* For signs erected on buildings, a total of one (1) square foot of copy area may be
- 4588 allowed for each one (1) linear foot of building frontage per establishment and subject to the
- 4590 following restrictions:
- (i) *Maximum copy area.*
- 4592 A. For establishments with up to five thousand (5,000) square feet of
- 4594 building area, the maximum copy area shall be twenty (20) square feet.
- 4596 B. For establishments with five thousand one (5,001) to fifteen thousand
- 4598 (15,000) square feet of building area, the maximum copy area shall be
- 4600 thirty (30) square feet.
- 4602 C. For establishments with fifteen thousand one (15,001) to twenty-five
- 4604 thousand (25,000) square feet of building area, the maximum copy area shall be forty (40) square feet.
- 4606 D. For establishments with twenty-five thousand one (25,001) to forty
- 4608 thousand (40,000) square feet of building area, the maximum copy area shall be sixty (60) square feet.
- 4610 E. For establishments with forty thousand one (40,001) to sixty
- 4612 (60,000) square feet of building area, the maximum copy area shall be one
- 4614 hundred (100) square feet.
- 4616 (ii) Signs erected on buildings shall not extend above the roof line or parapet of the wall of
- 4618 the building on which it is erected.

- 4620 (iii) Wall or fascia signs erected on buildings shall
not extend more than twenty-four (24) inches
from the wall on which it is erected.
- 4622 (iv) A hanging sign may only be permitted under
4624 a canopy, covered walk, or awning and shall
not extend beyond the limits of the canopy,
4626 awning or covered walk. The copy area of
any sign hanging under a canopy or awning
4628 shall not exceed four (4) square feet. The
copy area shall count against the total copy
4630 area calculation allowed for the
establishment. The minimum clearance of the
bottom of the sign face of any hanging sign
4632 shall be nine (9) feet from the finished grade
level, except that if the face of the sign
4634 extends over a vehicular travelway, the
minimum clearance shall be thirteen and one-
4636 half (13½) feet.
- 4638 (v) An awning sign may be permitted on the
lower one-quarter ($\frac{1}{4}$) of an awning or
4640 canopy. The copy area of any awning sign
shall not exceed four (4) square feet and shall
not take up more than twenty (20) percent of
4642 the awning area. The awning shall not be
lighted or back-lighted in any way. The copy
4644 area shall count against the total copy area
calculation allowed for the establishment.
4646 The minimum clearance of the bottom of the
awning shall be nine (9) feet from the
4648 finished grade level, except that if the awning
extends over a vehicular travelway, the
4650 minimum clearance shall be thirteen and one-
half (13½) feet.
- 4652 (vi) Signs erected on buildings may be erected on
any building face for any outparcel. Signs
4654 erected on a grocery store and other retail
over fifteen thousand (15,000) square feet
4656 shall only be erected on the front of the
establishment.
- 4658 (vii) When canopies are used in conjunction with
gasoline island and pumps, an additional one-
4660 half ($\frac{1}{2}$) square foot of copy area per one (1)
linear foot of canopy frontage shall be
4662 permitted. This copy area shall only be
allowed on the canopy. This copy area is in

addition to the copy area allowed under subsection (a) above, but shall not exceed a total of six (6) square feet and shall not be lighted or back-lit in any way.

3. Directional signage shall be permitted in accordance with chapter 40, article III, division 6.

4. Temporary signage shall be permitted in accordance chapter 40, article III, division 6.

5. Window signs shall be limited to twenty (20) percent of the window area of any establishment.

c. Signs identifying a subdivision or multifamily development.

1. Signs stating only the name of an approved residential, office, commercial, or mixed use subdivision or multifamily development may be erected within the approved subdivision or multifamily development.

2. Such a sign shall be only a ground sign or wall sign as part of an entrance feature. The maximum height shall be eight (8) feet.

3. A maximum of two (2) ground signs shall be permitted. Any such sign, which is the primary sign, shall be located only at the main entrance or on the median of the main entrance. Additional such signs, which are secondary signs, shall be located only at a secondary entrance or on the median of a secondary entrance.

4. Ground signs shall be set back a minimum of ten (10) feet from the right-of-way or any property line. The minimum separation from any other sign shall be one hundred (100) feet.

5. The maximum allowable copy area of the primary identification sign for a subdivision or multifamily development shall be twenty (20) square feet, and the maximum allowable copy area of any secondary sign shall be ten (10) square feet. Copy area shall only identify the name of the subdivision or development, including logo, but shall not include any tenant signage or other incidental signage.

(2) Prohibited signs. In addition to the signs or message board prohibited by chapter 40, article III, division 6, the following signs shall be prohibited:

- 4706 a. Off-premises signs (billboards);
- 4708 b. Flashing, rotating or revolving signs, with the exception of barber poles;
- c. Roof signs;
- 4710 d. Any sign suspended between poles and illuminated by a series of lights;
- 4712 e. Any sign erected on a tree or utility pole, or painted or drawn on a rock or other natural feature;
- 4714 f. Any banner sign or sign of any other type across a public street or on any private property, except for such signs
- 4716 which are approved by the board of county commissioners to be of general benefit to the county or
- 4718 for public convenience, necessity or welfare;
- 4720 g. Any sign suspended between poles which is either a pennant which blows in the wind or a spinner which spins in the wind;
- 4722 h. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving lights except those
- 4724 giving public service information such as time, date, temperature, weather, or similar information;
- 4726 i. All signs above eight (8) feet in height;
- j. Backlit awnings or canopies;
- 4728 k. Marquee signs;
- l. Roof signs;
- 4730 m. Projecting signs;
- n. Pole or pylon signs;
- 4732 o. Electronic changeable copy signs;
- 4734 p. Electronic signs including light-emitting diodes (LED), television screens, plasma screens, digital screens, flat screens, video boards, holographic displays, projected
- 4736 images/messages, or similar type sign;
- 4738 q. Signage that is internally lit (neighborhood center only); and
- r. Any other signs prohibited by this chapter.
- 4740 (3) The computation of the area of a sign shall include incidental decorative trim and the framework in addition to the portion
- 4742 devoted to the message and lettering.

- (4) For projecting or freestanding double faced signs, only one (1) display face shall be measured in computing the total sign area where the sign faces are parallel or where the interior angle formed by the faces is forty-five (45) degrees or less. Signs with sides forming an interior angle of more than forty-five (45) degrees shall not exceed the maximum area permitted for such signs for all sides combined.
- (5) The area measure of each ground sign shall include all separate components, which shall not exceed three (3) in number. The area measure of each freestanding sign shall include all separate components, which shall not exceed three (3) in number. Freestanding signs shall not exceed a height of seven (7) feet from the ground level to the top of the sign and shall not exceed a height of nine (9) feet to the top of the sign support.
- (6) Wall signs that are part of the architectural design of a building shall be restricted to an area not more than fifteen (15) percent of the wall area, including windows and doors, of the wall upon which such sign is affixed or attached, and such signs shall not protrude above the structural wall of which it is a part. Where such sign consists of individual lettering or symbols attached to building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

Sec. 39-169. Park and civic use development standards.

(a) Park and civic use areas. Land designated for park and civic use shall include land for community buildings which shall be open to the public including: meeting halls; libraries; schools; child care centers; police and fire stations; post offices; clubhouses; religious buildings; playgrounds; museums; cultural societies; visual and performing arts buildings; public art; and governmental buildings.

(b) Site development standards. The site development guidelines and standards for civic use buildings shall be the same as those for uses in the village center. Design standards shall be submitted for all civic uses in the village, and shall be consistent with the intent of this code and the comprehensive plan. Such uses must be processed as a PD. This provision is not intended to apply to public schools.

Sec. 39-170. Reserved.

**ARTICLE VIII. HORIZON WEST TOWN CENTER
PLANNED DEVELOPMENT CODE**

**DIVISION 1. PURPOSE AND INTENT, APPLICABILITY,
DISTRICTS AND ADMINISTRATION**

Sec. 39-171. Short title.

This Division, titled “Horizon West Town Center Planned Development Code” may also be known and cited as the “Town Center PD Code” or the “Town Center Code.”.

Sec. 39-172. Purpose and intent.

(a) The purpose of the Town Center Planned Development Code is to implement the Horizon West Town Center, as more fully set forth in the Orange County Comprehensive Plan, and more specifically in **Future Land Use Element Goal FLU4** and its associated objectives and policies. The goals, objectives and policies related to the Horizon West Town Center and Comprehensive Plan are based upon the development principles listed below. These principles are included to illustrate the intent supporting the Town Center PD Code and shall be utilized, where necessary, to determine how the Town Center PD Code will be applied in cases of uncertainty.

The purpose and intent of the Town Center PD Code is as follows:

- (1) To implement the goals, objectives and policies related to the Horizon West Town Center and found in the Orange County Comprehensive Plan.
- (2) To support the Horizon West Villages by accommodating greater employment and commercial uses than planned for Village Centers.
- (3) To concentrate commercial development in the Town Center rather than in radial, strip, isolated, or ribbon development patterns, providing commercial service and civic support uses within one-half-mile walking distance of residential, office, and employment uses.
- (4) To create a compact urban mixed use development, within the Traditional Town Center Core and Corporate Neighborhood Center, supported by a diverse mix of uses that provides necessary employment, commercial, housing and lifestyle opportunities for current and future residents of Horizon West.

- 4822 (5) To plan employment (office) areas in conjunction with
residential and retail areas, creating integrated, mixed-use
neighborhood units.
- 4824 (6) To develop an interconnected system of local streets,
4826 regional and local transit routes, bicycle trails and routes,
and pedestrian walkways.
- 4828 (7) To create a variety of higher density neighborhoods that
incorporate a mix of housing types as well as limited
neighborhood-scale commercial and office uses.
- 4830 (8) To provide a system of linked civic, recreation public open
4832 space uses, and wetland and lake edges that create a
significant network of functional open spaces.
- 4834 (9) To accommodate higher density and intensity of
development through the implementation of innovative
4836 stormwater techniques or stormwater master plans for each
Neighborhood Planning Area.
- 4838 (10) To combine compact urban form, an emphasis on land uses
providing jobs and community-regional retail uses that will
4840 reduce the vehicle miles of travel typically generated by
single-use developments and those lacking internal roadway
connectivity.
- 4842 (b) The purpose and intent statements will be achieved through
the application of the following Horizon West Town Center
4844 Principles.
- (1) *Development Pattern.*
- 4846 a. Planning for Town Center should be considered in the
context of the greater Horizon West, West Orange
4848 County, and East Lake County, making Town Center a
critical element of the regional environmental,
4850 transportation and land use systems.
- 4852 b. The long-term vision for Town Center should promote a
framework that will evolve and redevelop into a
compatible, but rich mix of land uses that combine to
4854 create active, lively neighborhoods and enhance the
quality of life for residents of Horizon West.
- 4856 c. Town Center shall have a well-defined core, developed
with emphasis on traditional city planning and design
4858 principles.
- 4860 d. The Town Center PD Code and design requirements for
Town Center should address the objective of creating
livable and sustainable places that improve with time.

- 4862 (2) *Employment Housing Balance.*
- 4864 a. Town Center shall provide office, retail and light-
- 4866 industrial land uses with regional market bases, to
become a major Orange County employment center with
a full spectrum of employment opportunities.
- 4868 b. Town Center shall serve the retail and commercial needs
of the residents of Horizon West and surrounding areas;
it shall not be designed as a tourist destination.
- 4870 c. To ensure the sustainability of Horizon West, Town
Center shall accommodate the demand for appropriate
4872 regional and community land uses, which may not
otherwise be located within a village.
- 4874 d. Town Center shall contain a diversity of housing types
to enable citizens from a wide range of economic levels
4876 and age groups to live within its boundaries.
- 4878 e. The Traditional Town Center Core shall include
residential development, especially higher-density
4880 residential uses, along with retail and office uses, to
ensure employees have an opportunity to live close to
where they work.
- 4882 (3) *Transportation.*
- 4884 a. Town Center development should recognize the
importance of the automobile, but strive to minimize its
4886 adverse impacts and maximize pedestrian safety and
walkability.
- 4888 b. Town Center should promote a balanced transportation
system that provides freedom to choose alternative and
energy-efficient transportation modes.
- 4890 c. Town Center developments shall have direct access to
the interchanges of the SR 429 “Western Beltway”
4892 providing convenient connection to the Central Florida
Region.
- 4894 d. Town Center developments should encourage and
accommodate linkage with the regional transit system.
- 4896 e. Town Center should provide a connected, integrated
system of collector streets, local streets, pedestrian
4898 walkways, bike paths and recreational trails.
- (4) *Environment and Open Space.*
- 4900 a. The development regulations for Town Center should
address water management, including water quality,

- 4902 water balance, innovative stormwater management and
low impact development techniques.
- 4904 b. Town Center should contain an ample supply of open
4906 space, parks, greens and squares whose frequent use is
encouraged through proper placement, connectivity and
design.
- 4908 c. Civic, recreation public open space uses, and wetland
4910 and lake edges should be linked to create a significant
network of functional open spaces winding throughout
Town Center.
- 4912 d. Town Center should provide for the protection of
floodprone areas, lakes and wetlands.

4914 **Sec. 39-173. Applicability.**

4916 (a) Except for those exemptions listed in below, the Town Center
Code shall apply to all development within the adopted Horizon
4918 West Town Center Specific Area Plan. Development may also be
subject to the provisions of chapter 38, article VIII, division 8,
4920 Village Planned Development Code, but only to the extent that
certain regulations, standards or procedures are not addressed
4922 herein. In the event of conflicts between the regulations, standards
and procedures of article VIII, division 8 and this Town Center
Code, the provisions herein shall prevail.

4924 The following real property is exempt from the requirements of
this article:

- 4926 (1) A single-family house or a single-family lot of record,
4928 existing as of the date the TCSAP was adopted (December
14, 2004);
- 4930 (2) Any development that is consistent with the Future Land Use
Map (“FLUM”) and zoning regulations and approvals
4932 existing on the property as of the date the TCSAP was
adopted (December 14, 2004), provided such development
is consistent with those designations and approvals; and
- 4934 (3) Any development with a consistency vested rights
4936 determination provided the vested rights have not expired
and the development occurs in a manner that is consistent
with the vested rights determination.
- 4938 (b) Complementary Regulations:
- 4940 (1) This Town Center Code (TCC) shall complement all
applicable laws, ordinances, rules and regulations. However,
4942 to the extent this TCC may conflict with or may not be
consistent with other applicable provisions of chapter 38 and

chapter 34, particularly the guidelines and standards for planned developments and subdivisions, this TCC development code shall govern and control.

(c) Compliance Review for Property Not Included in an Approved PD/UNP:

(1) Unless the property is located within an approved Planned Development/Unified Neighborhood Plan or Open Space District, any property within the Town Center shall maintain the existing future land use designation (e.g., Rural/Agricultural: one (1) dwelling unit per ten (10) acres, Conservation, Rural Settlement). All applications for development approvals (i.e., lot splits, special exceptions, variances, etc.) on any property within the Town Center shall be reviewed on a case-by-case basis for the effect of such development approval on future or adopted PD/UNPs. All applications for development approval (i.e., lot splits, special exceptions, variances) under the existing zoning shall be evaluated for compatibility with the adopted TCSAP and Comprehensive Plan.

Sec. 39-174. Map provisions.

(a) The Town Center Land Use District boundaries shall be depicted on each approved Planned Development/Unified Neighborhood Plan "Districts" Map.

(b) The regulations applicable to the Horizon West Town Center Land Use Districts are written to be applied generally to all uses and development types throughout a specific district. Districts represent separate and distinct place types that were defined during the original adoption of a Town Center land use plan by the board of county commissioners, and now reflected on the overall Horizon West Special Planning Area Land Use Map.

(c) The PD/UNP confirms the location and specific boundaries of any one (1) or more of the six (6) District types. The purpose and intent of each of these Districts is more fully described in subsequent sections of this Town Center PD Code.

(d) Any addition or deletion of property, or changes to the Neighborhood Planning Area boundaries and land use districts identified on the originally adopted Town Center land use plan shall be considered through the PD/UNP plan review process as described in section 39-180. Such changes and adjustments shall be evaluated for consistency with the following, and shown on the Horizon West Special Planning Area Land Use Map when approved:

- 4984 (1) General Village principles outlined in **FLU4.1.1**
- 4986 (2) Minimum densities for each Village summarized in **FLU4.1.4**;
- 4988 (3) Consistency with Adequate Public Facilities (APF) and open
space requirements for each Village identified in **FLU4.2.2**,
4990 **FLU4.6.8** and/or APF Ordinance as codified at division 2,
article XIV, chapter 30 of the Orange County Code; and
- 4992 (4) Consistency with Village Greenbelt requirements of
4994 **FLU4.5.1** and Transfer of Development Rights (TDR)
provisions for each Village identified in **FLU4.5.3**,
4996 **FLU4.5.4** and/or TDR Ordinance as codified at division 3,
article XIV, chapter 30 of the Orange County Code.

4996 **Sec. 39-175. Project review.**

4998 Project Review subject to this Code shall be administered by the
appropriate County agency based on applicable subject matter.

Sec. 39-176. Land use determinations and interpretations.

5000 In the event of uncertainty, or where no land use type listed in
5002 **Section 3 [subdivision III]** corresponds with the requested use, then
the listed land use type with the most similar characteristics, as
5004 determined by the Planning and Zoning managers, shall apply.
Notwithstanding the provisions of section 30-43, appeals of
5006 Planning and Zoning manager determinations regarding section
39-347, Horizon West Town Center Land Use Table, may be
appealed to the Development Review Committee (DRC).

5008 **Sec. 39-177. Land use district boundary determinations and
interpretations.**

5010 In cases of uncertainty as to the location of a Land Use District
boundary, the following rules of interpretation shall apply:

- 5012 (1) Where district boundaries appear to follow center lines of
streets, alleys, easements or other types of public or private
5014 rights-of-way they shall be construed as following such
center lines.
- 5016 (2) Where district boundaries appear to follow lot, property or
tract lines, they shall be construed as following such lines.
- 5018 (3) Where district boundaries are indicated as approximately
parallel to the center lines of streets or highways, such
5020 district boundaries shall be construed as being parallel
thereto and at such distance therefrom as indicated on the
5022 Official Zoning Map or, on the adopted Future Land Use
Map.

- 5024 (4) Where district boundaries are indicated by specific
dimensions, such specific dimensions shall control.
- 5026 (5) Where district boundaries divide platted lots or cross
5028 unsubdivided property, and where no specific dimensions
are indicated on the Official Zoning Map or Future Land Use
Map, the scale of the applicable map shall control.
- 5030 (6) When physical or cultural features existing on the ground are
at variance with those shown on or by the Official Zoning or Future
5032 Land Use Map, the actual location shall govern.
- 5034 (7) Where the rules above fail to clarify the status of land in a
particular case, the Zoning Manager shall interpret in such a manner
as to carry out the intent and purpose of these regulations..

5036 **Sec. 39-178. Lots, building and development sites.**

5038 Throughout this Code the terms *lots*, *building* and *development*
sites are used to describe a basic unit of development:

- 5040 (1) The term “lot” refers to a parcel of land that has been created
through the subdivision or lot split process. Land areas that
5042 have not been created through the subdivision or lot split
process are referred to as “parcels”. Lots are considered to
5044 be a basic unit of ownership upon which a unit of
development can be placed. Lots can also be combined to
form a building or development site.
- 5046 (2) A “building site” refers to one (1) or more lots or leaseholds
(a parcel that has been created through a long-term lease)
5048 upon which a basic unit of development can be placed. A lot
and a building site can refer to the same land area. However,
5050 two (2) lots can be combined to form a building site intended
for development of a single one-family residential dwelling,
5052 or a single mixed use building, or any of several other types
of buildings or structures. Also, building sites may exist
5054 within a larger development site. This is most common in
commercial centers with several “outparcels” that may be
5056 conveyed by fee simple title or by leasehold interest.
- 5058 (3) “Development site” is used to describe lots and/or parcels
that are intended for development of several buildings and/or
structures which share some elements of infrastructure. This
5060 type of site is designed as a single, coordinated unit of
development.

Sec. 39-179. Land use districts.

Each of the districts authorized by the Comprehensive Plan is described generally on the following pages to provide an overview of the purpose and scope of each district:

- (1) *Urban Residential District.* The Urban Residential District reflects the character and quality of a traditional neighborhood, and includes a mix of attached and detached housing, civic uses, neighborhood parks and recreational facilities. A limited number of sites appropriate for neighborhood scale commercial and office use may be included within this district to provide close-to-home opportunities for neighborhood residents to purchase convenience goods and services. The typical street and block pattern is fully interconnected to accommodate pedestrians, bicyclists and motor vehicles, and the pedestrian and bike trail systems are linked to the APF bike and recreational trail system of the Town Center.
- (2) *Corporate Campus Mixed-Use District.* The Corporate Campus Mixed-Use District includes a mix of detached single-family and attached housing, office, hotel, limited warehouse and associated light industrial uses, and civic, open space and recreation uses. Limited support retail uses may be allowed, which is consistent with the location, design, and compatibility standards described within the Town Center land development code, either as ancillary uses within buildings where the primary use is office or residential or in freestanding buildings. Within Corporate Campus Mixed-Use Districts, office uses will dominate and the residential development will be of a higher density than Urban Residential Districts.
- (3) *Corporate Neighborhood Center District.* The Corporate Neighborhood Center District is intended to provide retail and service support to and within walkable distance from the adjacent Urban Residential and Corporate Campus Mixed-Use districts. The Corporate Neighborhood Centers will provide neighborhood serving retail, service and civic activities and dwelling units may be allowed as part of mixed use buildings. This district is intended to be pedestrian-oriented.
- (4) *Retail/Wholesale District.* The Retail/Wholesale District is intended to accommodate regional retail business, personal services, office, warehouse and warehouse showroom uses for the Horizon West area. Transit stops and on-site parking for such stops will be incorporated in the planning for these

5106 district parcels. Attached residential uses may be allowed
5108 either as an ancillary use within buildings where the primary
use is office, retail or hotel, or as a freestanding use on a site
5110 whose location was approved as part of the original approval
of a PD/UNP or by substantial change request.

5112 (5) *Traditional Town Center Core District.* The Traditional
Town Center Core District will serve as the civic and retail
5114 heart of Horizon West and the surrounding area. It is
intended to be a vital, mixed-use center that contains a
5116 variety of residential, retail, office, hotel, civic and
entertainment uses. The district will be designed as the
5118 primary pedestrian-oriented activity center of the entire
Town Center Specific Area Plan. The Traditional Town
Center Core District street and block system will be a grid or
5120 modified grid design, reminiscent of traditional community
downtown centers, providing convenient pedestrian and
5122 vehicular access throughout the town Center. Alleys, Lanes
and Standard Street types should be allowed to provide
5124 access to parking and service areas. Building fronts will have
a primary orientation to streets and parks. Civic spaces and
5126 public buildings will be encouraged, designed and located as
focal points throughout the Traditional Town Center Core.

5128 (6) *Open Space District.* These districts are interspersed
throughout the Town Center. As depicted on the TCSAP,
5130 several of the designated areas encompass Water
Conservation II lands, the existing Orange County Golf
5132 Center and two (2) former landfill sites. Other designated
areas serve as a common thread that links adjacent Land Use
5134 Districts, neighborhoods, land uses and residents together,
creating community character, image, and identity. In
5136 addition, Open Space Districts may include public
elementary schools and other types of civic uses (such as
5138 libraries and churches) pursuant to locational, site and
building design criteria included in the Town Center Code.
5140 (1) The term “lot” refers to a parcel of land that has been
created through the subdivision or lot split process. Land
5142 areas that have not been created through the subdivision or
lot split process are referred to as “parcels”. Lots are
5144 considered to be a basic unit of ownership upon which a unit
of development can be placed. Lots can also be combined to
5146 form a building or development site.

Sec. 39-180. Planned development/unified neighborhood plan review (PD/UNP).

PD/UNP review is intended to ensure that the Neighborhood Planning Areas of the Horizon West Town Center are developed in a cohesive, integrated, big-picture manner. Specifically, PD/UNPs shall demonstrate how development within the neighborhoods can create a sense of community, ensure that wetland areas are not unnecessarily interrupted, that lake and wetland edges are protected, and street and pedestrian/bikeway connectivity will be achieved. PD/Unified Neighborhood Plans will, over time, encompass the entirety of each of the five (5) Neighborhood Planning Areas (NPA) identified on the Horizon West Special Planning Area Land Use Map. However, each NPA includes multiple property owners. Therefore, the administrative procedures for implementation of the Town Center Code must anticipate the need for an incremental PD/UNP review, approval and amendment process.

The Planned Development (PD) component of the PD/UNP establishes the boundaries of land use districts authorized by the Town Center Code. The PD also establishes the development program of land uses authorized by the Comprehensive Plan.

The Unified Neighborhood Plan component of a PD/UNP includes, but is not limited to, several categories of information such as a Connectivity Analysis and a Stormwater Alternatives Analysis. Several of the required elements may be addressed with the initial PD/UNP submittal for all or a portion of a Neighborhood Planning Area, or deferred and addressed with each Preliminary Subdivision Plan (PSP) or Development Plan (DP) for all or a portion of the area included in the approved PD/UNP. The purpose of the Connectivity Analysis is to ensure that proposed vehicular and pedestrian facilities provide appropriate and sufficient connections with lands or vehicular/pedestrian facilities that adjoin, are located within the same land use district, or are located within the same Neighborhood Planning Area. The purpose of the Stormwater Alternatives Analysis is to identify one (1) or more Low Impact Development techniques which may be utilized as part of the stormwater management plan, and to determine opportunities available to create joint use (master) stormwater retention and detention facilities within the area of the PD/UNP and/or with other property owners. The Stormwater Alternatives Analysis does not preclude a single development from implementing its own on-site stormwater management system.

Sec. 39-181. When UNP/PD required.

UNP Review is required for every Neighborhood Planning Area (NPA) and/or Land Use District identified on the Town Center land

5192 use plan. Approval of a PD/UNP is a required prerequisite to the
5194 acceptance for review of any application for Preliminary
Subdivision Plan or Development Plan Review for sites within the
area of an approved PD/UNP.

5196 Provided, however, PD/UNP Review is not required for building
or development sites contained within an Open Space District
5198 designated on the Horizon West Special Planning Area Land Use
Map. Under this circumstance the applicant may proceed to
5200 Preliminary Subdivision Plan or Development Plan Review for the
subject property.

Sec. 39-182. General requirements.

5202 (a) A Planned Development/Unified Neighborhood Plan
5204 (PD/UNP) may include all or a portion of one (1) or more Town
Center Neighborhood Planning Areas.

5206 (b) As part of the PD/UNP review, an applicant shall address all
elements described in section 39-183. However, the following
5208 elements may be deferred by the applicant to the Preliminary
Subdivision Plan or Development Plan stage for any portion of the
property included in the PD/UNP.

5210 (1) Master Street Plan and Connectivity Analysis (see section
39-183(4), for additional information).

5212 (2) Master Block Design Element.

5214 (3) Proposed Parks and Open Space, Civic Spaces and Sites, and
Gateways Element—Part 2.

5216 (4) Stormwater Alternatives Analysis (see section 39-183(4)d.,
for additional information).

5218 (c) The PD/UNP Application and Review Process shall be
comprised of the following elements:

5220 (1) *Pre-Application Conference*. Except where this requirement
5222 is specifically waived by the DRC Chairman, the applicant
shall meet with the Development Review Committee prior
5224 to submitting the application to discuss basic procedures and
requirements, and to consider the physical characteristics of
the Neighborhood Planning Area (NPA), the proposed
5226 development, the policies of the Comprehensive Plan, and
vehicular and pedestrian connections to adjoining areas
5228 within or external to the subject property, the NPA, or the
overall Town Center boundary.

5230 (2) *Submittal of the Application*. The applicant shall submit to
the Development Review Committee staff a Planned
Development/Unified Neighborhood Plan application which

5232 conforms to the requirements specified herein. No
 application shall be deemed accepted unless it is complete.

5234 (3) *Development Review Committee (DRC)*. Upon acceptance of
 5236 a complete application, copies shall be forwarded to all
 members of the DRC. The members shall meet to review the
 complete application.

5238 (4) *Request for Additional Information (if necessary)*. If the
 5240 DRC staff finds that additional information is needed for the
 proper review of the application, the applicant shall be
 5242 notified in writing within ten (10) working days following
 the DRC review meeting for the application, specifying the
 5244 information needed. Submittal and review of such
 information shall be the same as for the original application.

5246 (5) *DRC Action*. Following review by the DRC, the application
 shall be forwarded with a finding of consistency or
 5248 inconsistency with the adopted Comprehensive Plan and a
 recommendation for approval or denial (with or without
 5250 conditions), to the Planning and Zoning Commission (PZC).
 The applicant shall file the required number of copies of the
 5252 revised application and supporting documents within ten
 (10) working days of the DRC review meeting which
 5254 concludes the application review. Failure to file the
 necessary documents shall render the application void.

5256 (6) *PZC Action*. A public hearing shall be conducted by the
 Planning and Zoning Commission to review the PD/UNP
 5258 application, including any conditions of approval
 recommended by the Development Review Committee. The
 5260 PZC shall make a recommendation to the Board of County
 Commissioners whether to find the application consistent (or
 5262 inconsistent) with the Comprehensive Plan and approve (or
 deny) the PD/UNP application.

5264 (7) *BCC Action*. A public hearing shall be conducted by the
 Board of County Commissioners to review the PD/UNP
 5266 application, including any conditions of approval
 recommended by the Development Review Committee and
 5268 the Planning and Zoning Commission. The BCC shall
 determine whether the application is, or is not, consistent
 5270 with the adopted Comprehensive Plan and shall approve,
 approve with conditions, or deny the PD/UNP application.

5272 (8) *Conditions*. When the DRC completes the review of any
 PD/UNP it may recommend appropriate conditions and
 5274 safeguards in conformity with the intent and provisions of
 this Code, including any of those listed below. Conditions
 may be related to:

- 5276 a. Transportation Connectivity specifying modifications to
5278 the PD/UNP that maintain or improve connectivity
envisioned within the Town Center;
- 5280 b. Block Size/Orientation specifying modifications to the
5282 PD/UNP that address consistency Code provisions
relative to blocks, pedestrian passageways and
connectivity;
- 5284 c. The phasing of the transportation, stormwater or civic
space improvements required for development of Land
Use Districts and/or Neighborhood Planning Areas;
- 5286 d. Provision or extension of potable water, stormwater,
sanitary sewer or other required utility service;
- 5288 e. Provision of public safety facilities or services;
- 5290 f. Land Use District Based Development Program
5292 elements specifying modifications that address
consistency with the Comprehensive Plan policies for
the Town Center;
- 5294 g. Density or Intensity Bonus requests, density or
intensity/open space/TDR transfer requests, proposed
5296 use conversions based on a conversion/equivalency
matrix, specifying modifications that address
5298 consistency with: the Comprehensive Plan policies for
Town Center; the Town Center Code; or other provisions
of the Orange County Code of Ordinances;
- 5300 h. The phasing of development program elements of Town
Center Land Use Districts;
- 5302 i. Any request for the establishment of sites and/or areas
for uses permitted by location within the PD/UNP;
- 5304 j. Conditions related to any Agreement required for
submittal with the PD/UNP or
- 5306 k. Modifications to Land Use District boundaries.

5308 (d) *Communication Towers.* All communication towers shall
comply with the requirements of chapter 40, article 4, division 6,
5310 except that chain link fencing and opaque wall systems are
prohibited. Decorative or ornamental metal fencing allowing
5312 transparency, with the exposed picket points for security, may be
used around the base. Barbed wire, if any, should be on the interior
5314 side of the fence. Landscaping requirement may not be waived
where adjacent to lands that may be developed or visible from a
public right-of-way. In order to further the intent of chapter 40,
5316 article 4, division 6,, camouflage facilities for communication
towers shall, when practicable, include architectural elements in

5318 building structures, including, but not limited to, church steeples,
5320 clock towers, bell towers, chimneys, rooftop cupolas, as well as
flagpoles. Communication towers may be a permitted use in the
5322 areas designated as APF parks and schools as well as in the
Corporate Campus Mixed Use, Retail/Wholesale, and Corporate
5324 Neighborhood Center Districts provided the Planned Development
(PD)/ Unified Neighborhood Plan (UNP) has identified
5326 communication towers as a permitted use. Communication towers
shall be prohibited in all other residential districts, designated
5328 upland greenbelts (perimeter upland buffers and open space),
wetlands (conservation areas), and wetland upland buffers.

Sec. 39-183. Submittal requirements for PD/UNP.

5330 The following information shall be provided in graphic or written
form as necessary to satisfy requirements:

- 5332 (1) Number of Copies: As determined by the Development
Review Committee.
- 5334 (2) Cover Sheet including:
- 5336 a. Name of the development;
 - 5338 b. A physical/legal description of the property that is the
subject of the PD/UNP and gross acreage calculations for
land and water areas;
 - 5340 c. A graphic depiction of the physical relationship of the
property to the Town Center and the applicable
Neighborhood Planning Area(s);
 - 5342 d. Scale (1":100' preferred);
 - e. North Arrow;
 - 5344 f. A description of the existing use, future land use plan
designation and zoning of all abutting properties that are
5346 external to the proposed PD/UNP and/or TCSAP;
 - g. Date of preparation;
 - 5348 h. Name, Address and Phone Number of all the following
applicable professionals: Property Owner(s),
5350 Developer(s), Planner, Landscape Architect,
Engineer(s), Surveyor(s), and/or Agent(s) of the
5352 property owner or others involved in the proposal.
- (3) Existing Conditions Sheet including:
- 5354 a. Existing streets, both on and within five hundred (500)
feet of the proposed development including: street
5356 names; location of each street; right-of-way width and

- 5358 centerline setbacks of each street; driveway approaches
and locations; medians and median cut locations.
- 5360 b. Existing crosswalks, sidewalks, bike paths, transit stops,
5362 or other form of transportation related improvement,
including accessibility needs based on currently-adopted
editions of federal and state standards.
- 5364 c. Existing utilities serving the property, and their location
and size.
- 5366 d. Existing buildings and structures on the property.
- 5368 e. Existing topography at one-foot contours based on the
county datum (or as approved by the county engineer)
and other natural features including lakes, water-courses,
and conservation area.
- 5370 f. Soils Conservation Map, for comparison with proposed
5372 development activities, showing soils classifications as
identified by the U.S.D.A. Soil Conservation Service or
other competent expert evaluation.
- 5374 g. The 100-year flood elevation and limits of the 100-year
5376 floodplain for all developments extending into Zone
“A.”
- 5378 h. Location and extent of all classified wetlands, surface
water, and appropriate upland buffer as determined by a
5380 valid Orange County Conservation Area Determination
(CAD) or a wetland determination approved by the
Environmental Planning Division.
- 5382 i. Other generalized existing vegetation.
- 5384 j. Existing habitat areas for endangered, threatened or
5386 protected species. An applicant may elect to defer
submission of this information and submit concurrently
with the CAD information referenced in subsection h.,
above.
- 5388 k. The approximate normal high-water elevations or
5390 boundaries of existing surface water bodies, wetlands,
streams and canals, both on and within fifty (50) feet of
the proposed development.
- 5392 (4) PD/UNP Sheet(s) including:
- 5394 a. *Master Street Plan and Connectivity Analysis*: This sheet
5396 shall graphically depict: the location, type and extent
(extent includes the beginning and ending point of each
street type, such as an intersection, property boundary,
water body or other physical feature) of all proposed

5398 functionally classified/urban collector and framework
5400 streets; all proposed transit routes and planned transit
5402 stops; bicycle facilities and shared-use paths, mid-block
5404 pedestrian passageways; other types of pedestrian safety
5406 enhancements; the first phase of development of the
5408 planned system of connected streets, transit bicycle
5410 and/or pedestrian facilities; and signing and pavement
5412 marking plans with details of installation consistent with
5414 traffic engineering division specifications. The street
5416 type shall be clearly identified according to the street
5418 types identified in the Town Center Code. If alternative
5420 street types or cross-sections are proposed, each shall be
5422 graphically depicted with the same information as
5424 provided for street types included in the code. A
justification for the alternative(s) proposed will also be
included with the submittal. In addition, the applicant
shall complete a connectivity analysis to identify
vehicular and/or pedestrian connections to adjoining
properties and existing or planned streets and/or
pedestrian/bicycle paths and passageways. The analysis
shall result in the depiction of vehicular and pedestrian
connections from the development site to: other portions
of the Land Use District in which the subject property is
located; and, any functionally classified/urban collector
adjoining or within the subject Land Use District. The
connectivity analysis will be evaluated based on the
following criteria:

5426 1. *Link-to-Node Ratio*. The number of links
5428 (Framework Street segments between intersections,
cul-de-sacs, or approved through-block pedestrian
5430 passageways) is divided by the number of nodes
(intersections or cul-de-sacs). The node count
5432 represents the total number of intersections,
including dead-end cul-de-sacs. As a result, a higher
5434 number of dead-end streets reduces the link-to-node
ratio of the street network. Accordingly, higher link-
to-node values indicate a more connected street
5436 network. Generally, a ratio of 1.35, or higher,
indicates an acceptable level of vehicular and
5438 pedestrian connectivity. When a ratio less than 1.35
is indicated, the applicant will submit a justification
5440 that addresses specific site conditions, project
phasing or other elements that should be taken into
5442 consideration when evaluating a link-to-node ratio
that is less than 1.35. The applicant may also propose
alternative or supplemental vehicular or pedestrian

- 5444 improvements or planning techniques intended to
5446 address a substandard ratio;
- 5448 2. The proposed street type is appropriate to its
5450 connectivity function (Framework Streets
5452 connecting two (2) or more Functionally
5454 Classified/Urban Collectors shall be a Parkway,
5456 Avenue or Main Street);
- 5458 3. Links from existing or planned (included in an
5460 approved PD/UNP or PSP) Framework Streets
5462 and/or block defining pedestrian and/or bicycle only
5464 “streets” within adjoining properties have been
5466 continued to nodes within the proposed PSP; and
- 5468 4. Where more than four (4) blocks are proposed to be
5470 combined to create a single development site, the
5472 analysis or proposed commitments/conditions
5474 demonstrate that connectivity requirements and
5476 criteria have been satisfied.
- 5478 b. *Master Block Design Element*: This sheet shall, in
5480 graphic and/or tabular form: depict and dimension the
5482 primary block face for all proposed blocks; and, label all
5484 proposed blocks that have a primary block face of less
5486 than two hundred fifty (250) feet and indicate the
proposed use.
- c. *Proposed Park and Open Space, Civic Spaces and Sites,
Gateways Element*: This sheet shall be comprised of two
(2) parts. The first part shall locate, delineate (by type),
and dimension all sites proposed or designated for a civic
use or purpose including neighborhood and/or district
parks, gateways, public safety facility, and public school
sites. Second part of this sheet shall include a TCSAP
open space calculation for each Land Use District
included in the PD/UNP shall be provided and where
appropriate the proposed location and type of open space
depicted and described.
- d. *Stormwater and Utility Design Element*: This sheet shall
depict, in graphic and/or tabular form, the: approximate
boundaries of all drainage basins; approximate location
of existing or proposed stormwater outfalls; stormwater
design criteria based on the type of basin; and, the
location, type and physical extent of regional/town
center utility services and facilities addressed through a
Master Utility, Roadway and/or Adequate Public
Facilities Agreement.

- 5488 e. *Districts Element*: This sheet shall provide, in tabular
5490 and/or graphic form, a delineation of the boundaries and
5492 area calculations for all Land Use Districts to be included
5494 in the PD/UNP. District boundaries shall generally be
consistent with those depicted on the Town Center SAP
Recommended Land Use Plan as specified in section
39-183. Where district boundaries do not follow a street,
a general text description for the location of the boundary
shall be provided.
- 5496 f. *Development Program Element*: This sheet shall identify
5498 in tabular and/or graphic form, the land use development
program for each Land Use District consistent with the
5500 district based development programs provided in the
adopted Comprehensive Plan. When a district
5502 encompasses properties not controlled/owned by the
applicant, nor included as part of the PD/UNP, a
5504 proportionate share of the entitlements assigned to the
district will be allocated to the respective property
owners. This share shall be determined based on the
5506 number of dwelling units and/or nonresidential square
feet of use that comprise the development program,
5508 multiplied by the percentage ownership of the
developable land area of the district relative to each land
5510 owner. This element shall also include the land use
conversion matrix to be utilized to convert one (1) type
5512 of land use to another type of land use. Any proposed use
conversions, transfers of development rights from
5514 designated greenbelts or wetlands, transfers of
entitlements between districts, or proposed transfers
5516 between Neighborhood Planning Areas shall be included
and described in tabular and graphic form.
- 5518 *Example: Five (5) acres of developable property within*
5520 *Neighborhood Parcel CNC-1 shall be entitled to thirty-*
5522 *one thousand eight hundred (31,800) square feet of*
5524 *nonresidential development (fifty (50) percent of ten (10)*
developable acres and fifty (50) percent of the sixty-three
thousand six hundred (63,600) square foot
nonresidential development program.)
- 5526 g. *Development Program Bonuses, Incentives, Transfer of*
5528 *Development Rights*: This information may be combined
with the Development Program Element. Requests for
development program bonuses, such as the dwelling unit
5530 bonus associated with UNPs, shall be described and an
assignment proposed to the applicable District
development program. Transfers of Development Rights

5532 shall also be described and assigned to a District
5534 development program. TDR Agreements shall be listed
5536 as part of this information and a copy of the Agreement
5538 provided with the submittal. Also, any proposed
transfers of development entitlements between
Neighborhood Planning Areas, or Land Use Districts
included in the PD/UNP, can be included as a request for
approval by the BCC.

5540 h. *Land Use Permissions and Waivers Element:* The
5542 applicant shall list and describe the location and extent
of any use requested as permitted by location and all
waivers to a provision of the Town Center Code.

5544 i. *Additional Development Standards:* This sheet may
5546 depict, in graphic, text and/or tabular form as may be
appropriate, standards by the applicant that would
5548 supplement development standards included in the Town
Center Code. Such standards may address such topics as
5550 architectural elements of buildings or special
landscaping standards relative to urban parks in the
5552 Traditional Town Center Core District. When approved
by the BCC, such standards shall apply uniformly to all
5554 development within the District for which the standards
have been approved.

5556 (5) *Developers Agreements.* The applicant shall address how the
PD/UNP addresses, incorporates or is consistent with the
following, if applicable.

5558 a. The applicable conditions of any outstanding Developers
Agreement that is applicable to the subject property;

5560 b. The applicable capacity reservation and conditions of
5562 any submitted or approved OCPS Capacity
Enhancement Agreement;

c. The required Adequate Public Facilities Agreement;

5564 d. Any road agreement, as approved by the Roadway
Agreement Committee, required to conform with the
5566 Horizon West Global Term Sheet;

5568 e. The applicable conditions of any other type of agreement
to which the property owner and County are participants.

Sec. 39-184. Town Center Plan Review.

5570 Town Center Plan Review (TCPR) encompasses multiple types of
5572 plan submittals that follow approval of a PD/UNP. This Part of the
Town Center Code identifies submittal requirements and review
procedures for: the creation of development and building sites

5574 (Preliminary Subdivision Plan and Plat); plans for development or
5576 building sites (Development Plan); plans for public and private
5578 infrastructure necessary to support development and building sites
(Construction Plans); the construction of buildings and structures
(Building Plans); and, plans that address other elements of the
5580 development process regulated through this Code (Roadway and/or
5582 Adequate Public Facility Agreements). TCPR may be requested for
all or a portion of the property included in an approved PD/UNP, or
for property within an Open Space District that is exempt from
UNP/PD review.

5584 **Sec. 39-185. Preliminary subdivision plan review.**

5586 Except for mass grading which shall require a development plan,
5588 preliminary subdivision plan (PSP) review shall be required for all
single family residential and other developments within the town
center where the PD/UNP elements described in section 39-182
were expressly deferred to PSP review. Procedural requirements and
5590 specifications for PSPs shall be as set forth in chapter 34, articles III
and IV, and modified through the provisions and additional
5592 requirements identified below. The development review committee
(DRC) shall review all PSPs for consistency with the approved
5594 PD/UNP, Town Center PD Code and other applicable county Code
requirements not otherwise contained herein

5596 **Sec. 39-186. Construction plans and plats.**

5598 Construction Plan (CP) and plat review shall be required for all
lands within Town Center. Procedural requirements and
5600 specifications for CPs and plats shall be as set forth in chapter 34,
articles III through VIII.

Sec. 39-187. Development plans.

5602 Excluding single family residential projects with the exception of
development plans which are required for mass grading,
5604 Development Plan (DP) review shall be required for all lands within
Town Center. Procedural requirements and all specifications for
5606 DPs shall be as set forth in chapter 38, sections 39-3 and 39-6, and
modified through the provisions and additional requirements
5608 identified below. The Development Review Committee (DRC) shall
review all DPs for consistency with the approved PD/UNP,
5610 applicable Preliminary Subdivision Plan, Town Center PD Code and
other applicable County Code requirements not otherwise contained
5612 herein. The purpose of Development Plan (DP) review is intended
to ensure that development will occur according to limitations of
5614 use, design, density, coverage and phasing stipulated with the
PD/UNP or otherwise required by the provisions of the County
5616 Code.

Modifications to provisions of chapter 38 applicable to lands within Town Center:

- (1) Development Plan review and approval is required for every non-single family residential building or development site within an approved PD/UNP or exempt Open Space District. Approval of a DP is a required prerequisite to: submittal of an Application for Building Permit/Site Development Plan for an individual development or building site; final approval of construction plans for public infrastructure; and, issuance of any permits, including grading and construction permits, within the area of any approved PD/UNP or exempt Open Space District.
- (2) A DP must be submitted to the County for review by the Development Review Committee (DRC). Development Plans shall be reviewed by the DRC for consistency with the approved PD/UNP, the provisions of this Code and other applicable County Code requirements not otherwise contained in this ordinance but incorporated by reference.
- (3) The purpose of DP review and approval is to establish the specific development and design standards that will apply to development within the DP area to ensure that such development will comply with the principles, objectives and policies of the Town Center outlined in the Comprehensive Plan (CP) and this Town Center Planned Development Code. The review will evaluate potential impacts on both the site and surrounding areas, and resolve planning, development and design issues so that development may proceed.

Sec. 39-188. Application and review process.

(a) *Pre-Application Conference.* An applicant may choose to meet with the DRC prior to submitting an application, to discuss basic procedures and requirements, and to consider the elements of the site in question and the proposed development.

(b) *Submittal of the Application.* The applicant shall submit to the DRC the required number of copies of a Development Plan application which conforms to the requirements of this Code. The application may cover all or a portion of the area of the PSP with which the subject site is associated. No application shall be deemed accepted unless it is complete. Upon acceptance of the application, copies shall be forwarded to all members of the DRC. If additional information is needed for the proper review of the application, the DRC Office staff shall notify the applicant, specifying the information needed to complete the application. Submittal and

review of such information shall be the same as for the original application.

(c) *Development Review Committee (DRC)*. Upon acceptance of the application, copies shall be forwarded to all members of the DRC. The members shall review the application and forward all comments to the DRC Office. All DRC member comments shall be combined to form a staff report that will be made available to the applicant prior to the scheduled DRC meeting at which the application will be formally reviewed.

(d) *Type of Review*. A Development Plan is intended to be reviewed by the DRC for compliance with the Comprehensive Plan, applicable PD/UNP and PSP, this Code, and agreements/development orders in effect for the project that is subject of the proposed Development Plan. The DRC shall review the Development Plan to determine whether:

- (1) It is consistent with the approved PD/UNP, applicable PSP, and all applicable laws, ordinances, rules and regulations;
- (2) All Uses Permitted by Location and shown on the Plan have been previously approved by the Board of County Commissioners and all requirements for such uses have been satisfied;
- (3) The development, and any phase thereof, can exist as a stable independent unit;
- (4) Sufficient development program has been committed to support the type and quantity of uses included in the Plan;
- (5) Existing or proposed utility services and transportation systems are adequate for the uses proposed and required agreements with Orange County for road improvements and/or right-of-way dedications have been executed; and
- (6) Adequate Public Facilities requirements for Town Center have been satisfied relative to the property included in the Development Plan.

(e) *Final Action*. Following the completion of DRC review, the application will be approved, approved with conditions, or denied based upon specific findings, or approved subject to revised plan. If a revised plan is not submitted within six (6) months of DRC approval subject to revised plan, the applicant must return to DRC for further review. Final action by DRC is approval, approval with conditions, or denial of the DP application.

Sec. 39-189. Submittal requirements for development plans.

(a) The following information shall be provided in graphic or written form as necessary to satisfy the requirements.

(1) Number and Type of Copies: As determined by the DRC staff.

(2) Cover Sheet including:

a. The sheet size shall be 24" x 36". (Larger sheets may be submitted if necessitated by the size and nature of the project.) Plans including more than one (1) sheet shall provide a key map relating sheets to the entire planned area. The information required on the face of this sheet should be positioned in one (1) of three (3) places: in the title block, on the location sketch or on the plotting design scheme. The information requirements are detailed below.

1. Title, Legend and Location Block. The title of the proposed plan, the name and address of the owner and the name and address of the engineer and surveyor engaged to prepare and design the plan shall be included. The date, revision dates, graphic scale of plans, north arrow, current zoning, total number of lots/building sites/development sites, and total site area in acres or portions thereof shall also be included along with the section, township and range in which the subject property is located and the Property Identification Number. This information is to be located on the lower right-hand corner of the sheet.

2. Location Sketch. A sketch showing the general location of the development in relation to the surrounding area shall be placed on the sheet, in the upper left-hand corner. The location sketch shall be oriented the same direction as the plotting design. It also shall be drawn to a scale large enough to show the relationship of the tract to existing and proposed community features such as Functionally Classified and Framework Streets, schools and recreation areas. An appropriate scale is 1" = 2,000'.

3. The design scheme shall be drawn to a scale no smaller than 1" = 100'. All other plan sheets shall be drawn to sufficient scale to show all details, with north oriented to the top or right hand edge of the sheet.

- 5742 b. Name of the development as well as the associated PD/UNP and PSP;
- 5744 c. A boundary survey of the property that is the subject of
- 5746 the Development Plan that has been signed and sealed by
- 5748 a land surveyor registered in the State of Florida;
- 5750 d. A graphic depiction of the physical relationship of the
- 5752 property to the approved PD/UNP and PSP, and the
- 5754 boundaries of all applicable Land Use Districts included
- 5756 within the area of the Development Plan;
- 5758 e. Acreage of the property included within the
- 5760 Development Plan boundaries with and without lands
- 5762 included in any water body, classified wetland or
- 5764 designated Greenbelt, or within any dedicated right-of-
- 5766 way;
- 5768 f. A description of the use and zoning of all abutting
- 5770 properties that are external to the PD/UNP and/or
- 5772 TCSAP;
- 5774 g. Date of preparation;
- 5776 h. Name, Address and Phone Number of all the following
- 5778 applicable professionals: Property Owner(s),
- 5780 Developer(s), Planner, Landscape Architect,
- 5782 Engineer(s), Surveyor(s), and/or Agent(s) of the
- property owner or others involved in the proposal;
- i. Notarized Owner's Affidavit and, if necessary, Agents
- Authorization Letter;
- j. Application(s) for Concurrency Evaluation, if required.
- (3) Notes should be used whenever possible to explain, verify or
- identify additional information that is important to the
- understanding of the site and the plan of development.
- (b) Existing Conditions Sheet including:
- (1) The following information regarding existing conditions on
- and off the site shall be shown: boundary lines, location,
- distance, and bearings for boundary lines, and the width and
- purpose of all easement lines. The boundary lines of the tract
- shall be clearly delineated by a heavy solid line.
- (2) Certified topography drawn at one-foot contours using
- county datum and showing natural features.
- (3) Existing streets, street intersections or rights-of-way, both on
- and within five hundred (500) feet of the proposed
- development including: street names; location of each street;
- right-of-way width and centerline setbacks of each street;

5784 surface improvements; driveway approaches and locations;
5786 medians and median cut locations; intersection curb ramps
and accessibility needs based on currently-adopted editions
of federal and state standards.

5788 (4) Existing crosswalks, sidewalks, bike paths, transit stops or
5790 other form of transportation related improvement, including
accessibility needs based on currently-adopted editions of
federal and state standards.

5792 (5) All setbacks from functionally classified streets shall be
illustrated.

5794 (6) The development line of natural water bodies shall be
illustrated.

5796 (7) Existing utilities serving the property, and their location and
size.

5798 (8) Existing buildings and structures on the property.

5800 (9) The 100-year flood elevation and limits of the 100-year
floodplain for all developments extending into Zone “A”.

5802 (10) Location of wetlands, conservation areas and associated
upland buffers shall be shown on the boundary survey.

5804 (11) Other generalized existing vegetation.

5806 (12) Existing habitat areas for endangered, threatened or
5808 protected species.

5810 (13) The approximate normal high-water elevations or
5812 boundaries of existing surface water bodies, wetlands,
streams and canals, both on and within fifty (50) feet of the
proposed development.

5814 (c) Development Plan Sheets, drawn at an appropriate scale
5816 (one (1) inch equals one hundred (100) feet) with all dimensions
5818 provided. Sheets may be combined depending on the scope and type
of project submittal.

5820 (d) Deferred PD/UNP Elements: For any of the following
5822 PD/UNP elements that were expressly deferred to the Development
Plan stage, an applicant must address such elements through graphic
and tabular information provided on Development Plan sheets, or
through supplemental documentation as deemed acceptable by the
Planning and Zoning Managers:

(1) Master Street Plan and Connectivity Analysis (see
subsection 39-183(4)a. for additional information).

(2) Master Block Design Element (see subsection 39-183(4)b.
for additional information).

(3) Proposed Parks and Open Space, Civic Spaces and Sites, and Gateways Element (see subsection 39-183(4)c. for additional information).

(4) Stormwater Alternatives Analysis (see subsection 39-183(4)d. for additional information).

Sec. 39-190. Uses permitted by location.

(a) *Process.* Uses permitted by location is a type of land use permission whereby uses may be permitted within a district based on a specific location, to allow for the integration of limited scale and specific types of support uses within residential, corporate campus or retail/wholesale districts. This section addresses the process and requirements associated with a request for approval of a Use Permitted by Location.

A use Permitted by Location may be requested as part of the original submittal for a PD/UNP, or by a subsequent substantial amendment (to the PD/UNP) request submitted in conjunction with a Development Plan or Preliminary Subdivision Plan. The applicant shall provide: information sufficient to determine the area, site, or sites, that are the subject of the request; justification for the use at the proposed location, demonstrating that the use will be compatible with surrounding uses and otherwise consistent with the Horizon West Town Center goals, objectives and related policies; development program units are available within the district to support the proposed use; and, site development standards or proposed site and/or building improvements that address compatibility of each proposed Permitted by Location site with uses and sites that will abut or may be impacted. Proposed Permitted by Location sites shall be depicted on the PD/UNP submittal describing Land Use Districts and any standards or improvements proposed for one (1) or more sites shall also be included.

(b) *Review Criteria:* In reviewing any request for a use Permitted by Location, the following criteria shall be met:

(1) The use shall be consistent with Town Center intent, principles, goals, objectives and policies included in the Horizon West Special Planning Area Land Use Map, the adopted Comprehensive Plan, and this Code;

(2) The use shall not adversely affect land use relationships of the Horizon West Special Planning Area Land Use Map;

(3) The use shall be compatible with the surrounding area and shall be consistent with the pattern of surrounding development;

- 5864 (4) The use shall primarily support the residents, employees
5866 and/or tenants of the designated district in which the
proposed use is to be located;
- 5868 (5) The use shall not constitute or contribute to the proliferation
of strip commercial or aggregation of commercial uses in the
UR or CCMU districts;
- 5870 (6) The use shall not substantially displace or replace the uses
permitted in RW or CCMU districts;
- 5872 (7) The use shall not adversely affect the connectivity of the
Town Center;
- 5874 (8) The use shall not act as a detrimental intrusion into a
surrounding area; and
- 5876 (9) The use shall meet the general performance standards
5878 applicable to all uses Permitted by Location, as well as
specific site related standards approved as part of the
PD/UNP request to establish a use Permitted by Location.
- 5880 (c) *Conditions:* When the Board of County Commissioners
approves any request to approve a Use Permitted by Location, it may
5882 prescribe appropriate conditions and safeguards in conformity with
the intent and provisions of the Comprehensive Plan that pertain to
5884 the Town Center, the PD/UNP, the applicable Preliminary
Subdivision Plan, the Town Center PD Code or any other applicable
5886 provision of the County Code.
- 5888 (d) *Approvals:* Use Permitted by Location approvals shall be in
accordance the information provided as part of the request and
5890 graphically depicted on the PD/UNP Land Use Districts sheet. In
addition, an approval shall be consistent with all other applicable
5892 statutes, ordinances, laws, regulations, and rules. Any proposed
deviation, change or modification to the information or question of
5894 interpretation about the tabular or graphic information is subject, at
the outset, to the Zoning Manager's review. After reviewing such
5896 proposed deviation, change or modification, the Zoning Manager
shall do one (1) of the following: (a) give his/her written approval
5898 regarding any nonsubstantial or insignificant proposed deviation or
make a determination concerning any minor question of
5900 interpretation, or (b) refer the proposed deviation or question of
interpretation to the Planning and Zoning Commission for a
5902 discussion between the Zoning Manager and the PZC as to PZCs
original intent or position; or (c) require the applicant to apply for a
5904 Permitted by Location request and schedule and advertise a public
hearing before the PZC in the same manner as for the original
approval of the request. Requests to approve a use Permitted by

Location shall always be reviewed by the Development Review Committee, which shall make a recommendation to the PZC.

(e) *Identification of Permitted by Location Areas or Sites:* The following information shall guide the determination as to whether an “area” or “site” identification is required for consideration of a request.

(1) The identification of an “area” comprised of multiple blocks will constitute sufficient information for identification of a Permitted by Location site. The area shall be sufficient to accommodate the proposed Permitted by Location use. Approval of the area as part of the PD/UNP will authorize the applicant to proceed to the Development Plan or Preliminary Subdivision Plan stage where a final geographic determination of the area shall be made in conjunction with a DP or PSP plan approval. An increase or decrease to the area originally approved as part of the PD/UNP shall require a substantial amendment request and approval. The PD/UNP Land Use Districts information shall be amended to reflect the approved boundaries for the Permitted by Location use.

(2) The identification of one (1) or more “sites” that represent specific building or development sites defined by existing or planned streets and blocks will constitute sufficient information for identification of a Permitted by Location site. Although these sites may be identified during the PD/UNP review and approval process, the most appropriate time is to include the request as part of the submittal of a DP or PSP. Approval of one (1) or more sites as part of the PD/UNP will authorize the applicant to proceed to the Development Plan or Preliminary Subdivision Plan stage where a final geographic determination of the area shall be made in conjunction with a DP or PSP plan approval. An increase or decrease to the area originally approved as part of the PD/UNP shall require a substantial amendment request and approval. The PD/UNP Land Use Districts information must be amended to reflect the approved boundaries for the Permitted by Location use.

(f) *Required Development Program:* A prerequisite to approval of any Permitted by Location use request is the documentation of sufficient development program units/entitlements to support the request. This can be accomplished through a transfer of entitlements from another district within the PD/UNP, use conversion utilizing an approved conversion matrix, application for use of TDRs, or demonstration that sufficient units are included in the proposed or approved PD/UNP development program.

(g) *Alteration or Waiver of Development Standards:* The development standards of the Town Center Planned Development Code or any standards subsequently approved as part of a PD/UNP, DP or PSP and applicable to Permitted by Location areas or sites, shall not be altered or waived in conjunction with the approval of a use Permitted by Location.

(h) *Effect of Approval:* Approval/designation of an area or site for a use Permitted by Location shall not expire. However, if an area or site is developed for uses other than the approved use Permitted by Location, the designation shall be voided.

Sec. 39-191. Amendments to the PD/UNP, PSP or DP.

(a) Amendments (changes) to the approved PD/UNP, PSP or DP shall be classified as either substantial or nonsubstantial. Substantial amendments shall be reviewed and approved in the same manner as for the original application. The following criteria shall be used to identify a substantial amendment:

- (1) A waiver of any provision of the Orange County Code.
- (2) A change which would include a land use not previously permitted under the approved PD/UNP.
- (3) A change which would alter a land use type adjacent to a property boundary, except when it is (i) a reduction in the density or (ii) a reduction of intensity of approved residential or nonresidential development, unless the reduction locates the residential use adjacent to an incompatible land use.
- (4) A change which would require an amendment to the board of county commissioner's conditions of approval.
- (5) An amendment to the phasing which would propose a land use in advance of the development it was designed to support.
- (6) A change to the approved type, standards, or a reduction to the extent by more than two (2) links of an Avenue, Parkway or Main Street (Framework Streets). A change in type would include, for example, a change in type from an Avenue to a Standard Street. A change of extent would address, for example, a reduction in the number of links (links are portions of a street between intersections) of one (1) of the listed street types. A change to the geographic alignment/placement of one (1) of the listed street types would not necessarily constitute a substantial change unless the proposed change would affect the placement/alignment of a street within an adjoining property.

- 5992 (7) A change to the approved type, standards, or a reduction to
the extent by more than two (2) links of a Multi-use Path or
5994 Trail. A change in type would include, for example, a change
in type from a Multi-use Path to a sidewalk. A change of
5996 extent would address, for example, a reduction in the number
or length of links (a link is a portion of a Path or Trail
5998 between intersections, or a six hundred (600) foot length
where intersections are not present). A change to the
6000 geographic alignment/placement of one (1) of the types
would not necessarily constitute a substantial change unless
6002 the proposed change would affect the placement/alignment
of a type within an adjoining property.
- 6004 (8) A change reducing the length of a primary block face
adjoining a functionally classified street from the length
6006 depicted on the approved PD/UNP. However, if the
proposed reduction does not create an additional vehicular
6008 access to the functionally classified street the amendment
can be classified as nonsubstantial.
- 6010 (9) A change to the boundary of an area delineated for a use
permitted by location.
- 6012 (10) Any change to the boundary of a Land Use District from that
shown on the approved PD/UNP.
- 6014 (11) A proposed transfer of land use entitlements between
Neighborhood Planning Areas (NPA), unless the transfer is
proposed between lands within the same PD/UNP.
- 6016 (12) A proposed conversion of more than twenty-five (25)
percent of the dwelling units or nonresidential land use
6018 entitlements permitted within any district as part of the
approved PD/UNP (the reference to “conversion” means the
6020 conversion of a dwelling unit to another use permitted within
the same Land Use District).
- 6022 (13) Changes to a PD/UNP affecting a neighboring property not
included in the PD/UNP and to which the affected property
6024 owner(s) has not provided written consent.
- 6026 (b) The Development Review Committee may determine that
other types of proposed changes warrant classification as a
substantial change requiring BCC review and approval.
- 6028 (c) The determination of a substantial or nonsubstantial
amendment not specifically addressed herein may be made jointly
6030 by the Planning and Zoning Division Managers. Either or both
managers may opt to direct that the determination be made by the
6032 Development Review Committee (DRC). A determination by the

6034 Planning and Zoning Division Managers may be requested by an
applicant upon forms supplied by the DRC staff.

6036 (d) Where the developer proposes to reduce the number of units
or floor area in one (1) phase of the project, a corresponding increase
6038 in the number of units of floor area in another phase may be
considered, if other conditions of approval are not adversely
6040 affected, the change would occur within the same district, and the
change is not associated with any other proposed change which
would be considered a substantial change as described above.

6042 (e) Alterations to the PD/UNP determined to be substantial must
submit plans and support data (following requirements for the
6044 original review and approval of a PD/UNP) for review by the DRC
and then a public hearing for final action by the board of county
6046 commissioners.

6048 (f) When an amendment is requested, it shall be evaluated in
conjunction with the overall project, to determine the amendment's
compatibility with the remainder of the PD/UNP. If the DRC
6050 considers any amendment to be incompatible or in conflict with the
UNP/PD or its conditions of approval, the applicant will be required
6052 to amend the UNP/PD or may be subject to an administrative
rezoning public hearing.

6054 **Sec. 39-192. Control of development following approval.**

6056 (a) Upon approval of the PD/UNP, or any phase thereof, the use
of land and the construction or modification of any buildings or
structures within the PD/UNP shall be in accordance with the
6058 approved development plan. However, all other county codes,
ordinances, policies and resolutions shall apply to the project.

6060 (b) The applicable department director and/or division manager
shall be responsible for certifying that all aspects of the PD/UNP,
6062 including conditions of approval (applicable to the subject portion
of the project) have been satisfactorily completed prior to the
6064 issuance of a certificate of completion for the project or phase.

6066 (c) After certification no changes may be made in the approved
development plan except under the procedures provided below:

6068 (1) Any structural extension, alteration or modification of
existing building structures which are consistent with the
approved development plan may be authorized by the zoning
6070 manager.

6072 (2) A building or structure that is seventy-five (75) percent or
more destroyed may be reconstructed only in compliance
with the approved PD/UNP and DP unless an amendment to
6074 the DP is approved under the provisions of this article.

Sec. 39-193. Other requirements.

(a) Off-site improvements may be required in conjunction with the PD/UNP approval in order to offset the impacts created by the proposed development. All projects shall be required to provide an adequate level of facilities and services to accommodate the project as proposed and approved.

(b) At the time of development, the PD/UNP or any phase proposed for development shall comply with all regulations and ordinances in force at the time of engineering plan approval.

Sec. 39-194. Bonus for unified neighborhood plan.

Within each Neighborhood Planning Area, the maximum number of residential dwelling units permitted by the Comprehensive Plan may not be exceeded, except as may be permitted through PD/UNP review and the provision of density and intensity bonuses as specified herein. Density and intensity bonuses may be acquired in accordance to the conditions prescribed below. A density bonus program is hereby established, which will allow district development programs to exceed thresholds established through the Comprehensive Plan. A “bonus bank” was established with the adoption of the Town Center provisions in the Comprehensive Plan, which includes a total of one thousand five hundred forty (1,540) dwelling units. This bonus may be earned by completing the PD/UNP review and approval process.

(1) *Bonus for PD/UNP Review and Approval.* An applicant may request an increase to the PD/UNP development program by a pro rata share of the number of dwelling units reserved in the bonus bank. The share shall be determined by the ratio of the percentage of net developable land area included in the applicable PD/UNP, to the net developable area included in the overall Town Center boundary. This ratio is applied to the total number of units reserved in the “bank” to determine the number of bonus units that may be awarded. The approval of the PD/UNP with the bonus units shall confirm the bonus. In addition, the bonus units may be assigned to any district included in the PD/UNP, and may be converted to nonresidential floor area based on the approved land use conversion/equivalency table. However, nonresidential floor area created through a conversion of bonus units shall not be assigned to any Urban Residential district in which nonresidential uses are not permitted.

(2) *Density-intensity equivalency rates.* Earned bonuses may be used to increase development entitlements based on land use

6118 equivalency rates determined from the most current edition
of the Institute of Transportation Engineers (ITE) Manual.

Sec. 39-195. Transfer criteria.

6120 (a) As part of the approval of an PD/UNP, subsequent
6122 substantial amendment to the PD/UNP, or PSP approval,
development units and the required seven (7) percent open space
6124 may be transferred from any district within the UNP to another land
use district within the same PD/UNP under the following
conditions:

- 6126 (1) The use is allowable in the receiving district;
- 6128 (2) The transfer is consistent with the Principles and Goals,
Objectives and Policies of the Town Center and
Comprehensive Plan;
- 6130 (3) The transfer will contribute to fulfilling the desired
characteristics of the applicable NPA; and
- 6132 (4) The transfer does not exceed the adopted PD/UNP
Development Program Element.

6134 (b) Transfer of development units or the open space
requirements from one (1) approved PD/UNP to another PD/UNP is
6136 allowed under the following conditions:

- 6138 (1) The transfer occurs as part of a simultaneous approval (or
amendment) of both affected PD/UNPs; and
- 6140 (2) The transfer represents a simultaneous decrease and increase
in the development programs of the respective PD/UNPs,
6142 such that the PD/UNPs pro-rata share of the overall
development program for the Town Center is not increased
or decreased.

6144 (c) Simultaneous increases and decreases may allow for the
exchange of residential uses for an equivalency of office and/or
6146 retail use based upon an equivalency matrix as approved on the
approved PD/UNP.

6148 (d) To facilitate the creation of an interconnected open space
network throughout the Town Center comprised of linear parks,
6150 trails, wildlife corridors, etc., open space transfers shall be permitted
as a nonsubstantial change. Non-substantial changes are limited to:
6152 no more than twenty (20) percent of the seven (7) percent open space
set aside in each district; and, the transfer must be to another district
6154 within the same PD/UNP. Proposed open space transfers that exceed
twenty (20) percent of the standard set aside or that would effect a
6156 transfer to a site external to the PD/UNP are classified as a
substantial change request requiring approval of the board of county

commissioners. Such transfers are not justification for an increase in the number of dwelling units or nonresidential uses on sending parcels. Receiving parcels are not required to be located adjacent to sending parcels.

(e) Transfer credits for upland greenbelts and wetlands internal to the Town Center are available at the following rates:

- One (1) acre of upland greenbelt:
 - Residential—17.1 dwelling units.
 - Nonresidential—Not applicable.
- One (1) acre of wetland:
 - Residential—0.3 dwelling units.
 - Nonresidential—Not applicable..

Sec. 39-196. APF ratio and conveyance requirement.

Consistent with the Adequate Public Facilities (APF) requirements of chapter 30, article XIV, division 2, Orange County Code, to ensure that APF land is available to support development in the Town Center, all Town Center landowners shall participate in the dedication of APF land, or in the alternative, pay a fee in lieu of dedicating land, at the following ratio:

- Net Developable Acreage: Required Public Facilities
Equals 5.1 (acres of net developable acreage): 1.0
(acre of APF acreage or equivalent fee)

Sec. 39-197. General interpretation.

For the purpose of this Code, certain words, terms and symbols are to be interpreted as follows, unless the context clearly indicates otherwise:

- (1) *Tense; Number.* Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter, and vice versa; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.
- (2) *Shall; Should; May; Includes.* The word “shall” is mandatory; the word “should” is directive but not necessarily mandatory; the word “may” is permissive. The word “includes” shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

- 6196 (3) *Measurement of Distances.* Unless otherwise specified, all
6198 distances shall be measured horizontally and at right angles
to the line in relation to which the distance is specified.
- 6200 (4) *Text, Figures and Illustrations.* Any chart or graphic
6202 presentation which is specifically designated as a “Figure”
shall be deemed to be a part of the text and controlling on all
6204 development. Wherever illustrations are not specifically so
designated, they are provided only as aids to the user of these
regulations and shall not be deemed a part of its text.
- 6206 (5) *Conflicts.* The particular shall control the general. In case of
any difference of meaning or implication between the text of
6208 these zoning regulations and any caption, figure, illustration,
summary table, or illustrative table, the text shall control.
- 6210 (6) *Interpretation of Undefined Terms.* Terms not otherwise
defined herein shall be interpreted first by reference to
6212 section 38-1 chapter 40, article VI; second to the adopted
Comprehensive Plan, if specifically defined therein; third,
6214 by reference to generally accepted engineering, planning, or
other development usage; and otherwise according to
6216 common usage, unless the context clearly indicates
otherwise.:

Sec. 39-198. Definitions.

6218 For the purposes of the Code the following terms, phrases, words
and their derivations shall have the meaning contained herein,
6220 except where the context clearly requires otherwise.

6222 *Abutting.* Touching and sharing a common point or line. This term
shall not be deemed to include parcels which are across the street
from each other.

6224 *Accessory Structure or Use.* A subordinate building or structure
situated on the same lot or parcel as the principal building or
6226 structure, or a subordinate use of land, and which building, structure
or use is customarily incidental to and typically found in association
6228 with such principal building or use. Factors to be considered in
determining whether a building, structure or use is “subordinate”
6230 and “customarily incidental” include the size of the lot or parcel, the
uses of adjacent lots or parcels, and the size, shape, height, and roof
6232 type (if any) of the building or structure.

6234 *Adjacent or Adjoining.* Near to but not necessarily touching;
sharing a common boundary which may include a street or public
right-of-way.

6236 *Alley.* See Street, Neighborhood Street, Alley

6238 *Ancillary Use.* A use which is subordinate in purpose, area and
6240 extent to the principal use served; contributes primarily to the
6242 comfort and convenience of the owners, occupants, employees,
6244 customers, or visitors of the principal use and is located within the
6246 building housing the principal use served.

6242 *Bicycle Lane.* A portion of a roadway which has been designated
6244 for the preferential or exclusive use of bicycles by striping, signing
6246 and pavement markings for the preferential or exclusive use of
6248 bicycles.

6246 *Bicycle Path.* A bikeway physically separated from motorized
6248 vehicular traffic by an open space or barrier and located either within
6250 the highway right-of-way or within an independent right-of-way.

6250 *Block.* A surface land area that is separated, and distinguished
6252 from other surface land areas by streets, pedestrian or bicycle paths,
6254 or other natural or man-made features.

6252 *Block, Development.* A group of lots existing within well-defined
6254 and fixed boundaries, usually being an area surrounded by street or
6256 pedestrian passage rights-of-way or other physical barriers and
6258 having an assigned number, letter, or other name through which it is
6260 identified. For nonresidential development, the block may be
6262 bounded by appropriately designed drive aisles that create the effect
6264 of a street boundary.

6260 *Block Length.* The longest horizontal distance between the well-
6262 defined and fixed boundaries of a development block right-of-way
6264 to right-of-way.

6262 *Block Depth.* The shortest horizontal distance between the well-
6264 defined and fixed boundaries of a development block right-of-way
6266 to right-of-way.

6266 *Brewpub.* A restaurant that is licensed by the Florida Department
6268 of Business and Professional Regulation, Division of Alcoholic
6270 Beverages and Tobacco to produce malt beverages for onsite
6272 consumption.

6270 *Buildable Area.* The area of a lot determined by building
6272 placement standards and/or setback requirements and not included
6274 within an open space that is required by regulation or action of the
6276 approving authority.

6274 *Building Frontage.* The percentage of the total width of a lot which
6276 is required to be building wall, measured where the front yard ends
6278 and the front of the building begins.

6276 *Building Placement or Setback Line.* A line drawn parallel to a lot
6278 line at a distance equal to the minimum depth of a required

6278 yard/frontage zone. The term also includes front yard setback, side
yard setback, rear yard setback and privacy building.

6280 *Building Site.* Any group of one (1) or more lot(s) or parcel(s)
occupied or intended for development as a unit, whether or not as
6282 part of a larger Development Site.

Build-to-Line. A line extending through a lot which is generally
6284 parallel to the front property line and marks the maximum setback,
from which the principle vertical plane of the front building
6286 elevation, exclusive of permitted arcades, building recesses or
similar appurtenances, must be erected.

6288 *Building Plane.* An exterior flat or level surface of a building, such
as a building wall.

6290 *Civic Space.* An outdoor area dedicated for public use, including
active and passive recreation. Civic spaces include parks, greens,
6292 squares, plazas, and playgrounds.

Common Area. Any part of a development designed and intended
6294 to be used in common by the owners, residents, or tenants of the
development and by the general public if the area is so designated.
6296 These areas may contain such complementary structures and
improvements as are necessary and appropriate for the benefit and
6298 enjoyment of the owners, residents, tenants, and/or the general
public.

6300 *Common Improvements.* All streets, driveways, parking spaces,
and other vehicular use areas, and all uses, facilities, structures,
6302 buildings, and other improvements, or portions thereof, which are
designed and provided for the common use, benefit, and enjoyment
6304 of all residents or occupants of all or a designated portion of a
development or neighborhood, or for the protection of adjacent
6306 properties.

Common Ownership. Ownership of common open space or
6308 common improvements which grants at least some undivided and
common rights in such lands or improvements to the residents or
6310 occupants of a development or a neighborhood either directly, or
indirectly through shares or other interests in the property of a
6312 separate legal entity.

Connection (Vehicular). A driveway, street, turnout, or other
6314 means of providing for property access to or from controlled access
facilities. For the purpose of access, two (2) one-way connections to
6316 a property may constitute a single connection.

Construction Easement. A temporary easement designed to
6318 accommodate grading, sloping and other construction related
activities outside a permanently dedicated right-of-way or easement.

- 6320 *Contiguous.* See Abutting.
- 6322 *Court.* An open space which may or may not have direct street access, and around which is arranged a single building or a group of related buildings.
- 6324 *Corner Lot.* A lot fronting on two (2) streets at their point of intersection.
- 6326 *Craft Distillery.* An establishment that is licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco to produce distilled spirits. The establishment may also include a tasting room and retail space to sell spirits produced on the premises along with related retail items and food.
- 6332 *Curb.* The stone or concrete boundary at the edge of the pavement of a street, which also usually includes gutters.
- 6334 *Dedication.* The transfer of property from the owner to another party.
- 6336 *Density, Net Residential.* The number of residential dwelling units permitted per acre of land, determined by dividing the number of dwelling units by the net developable area of the Building Site or Development Site.
- 6340 *Developer.* Any person, firm, corporation, partnership, or association, including the holder of an option or contract to purchase, who lays out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.
- 6346 *Development.* Except where the context otherwise requires, “development” shall mean the performance of any man-made change to improved or unimproved real estate including, but not limited to, building or mining, dredging, filling, grading, paving, excavating, or drilling operations; the permanent storage of materials and equipment; the making of any material change in the use or appearance of any structure or land; the division of land into two (2) or more parcels; and any construction of improvements to facilitate a residential, commercial, business, industrial, or public use.
- 6356 *Development Site.* The property under consideration for a development, which may contain one (1) or more Building Sites.
- 6358 *Elevation.* An exterior wall of a building. The front elevation is also known as the facade.
- 6360 *Encroachment.* Any structure or object occupying, projecting into or obstructing any portion of a designated public right-of-way, yard, floodplain, buffer, landscaped area or other designated area in which

6362 the structure or object is not permitted by these regulations,
6364 including, but not limited to: building or other materials, all or
6366 portions of permanent or temporary buildings or other structures,
fences and ornamental structures, and where appropriate to the
context, vehicles; but excluding federally approved mailboxes,
where permitted, and approved driveways.

6368 *Encroachment, Vehicular.* The projection of a motor vehicle into
a landscaped area and where appropriate to the context right-of-way.

6370 *End Lot.* A lot in which one (1) side lot line is adjacent to the street.

6372 *Facade.* Any separate face of a Building, including Parapet walls
and omitted wall lines, or any part of a Building, which encloses or
6374 covers usable space. Where separate faces are oriented in the same
direction, or in the directions within forty-five (45) degrees of one
another, they are to be considered as part of a single facade.

6376 *Facade, Primary.* An exterior wall of a structure that faces or that
can largely been seen from a public right-of-way.

6378 *Facade, Secondary.* An exterior wall of a structure that does not
face a public right-of-way.

6380 *Farmers Market.* Utilization of common outdoor and/or indoor
space for individual vendors to conduct the selling of produce, meat
6382 products, fruits, small home craft products, food and beverages and
similar goods from individual stands or booths.

6384 *Fence.* Any barrier constructed of wood, metal, masonry or similar
material erected for the purpose of assuring privacy or protection,
6386 but excluding shrubbery or plantings.

6388 *Floor Area, Gross.* The sum of the horizontal areas of the stories
of a building or buildings, measured from the exterior faces of
exterior walls or from the centerlines of walls which separate
6390 buildings. Included within such sum shall be the areas of all stories
and attic spaces providing a minimum of seven (7) feet of head
6392 room; interior balconies or mezzanines; and any other space
reasonably usable for any purpose except parking, no matter where
6394 located within a building. This term does not include the area of any
parking garage structure, but does include all other interior spaces
6396 including those which are not heated or air conditioned.

6398 *Floor Area Ratio.* The ratio of gross floor area of a building or
buildings on a lot or building site, divided by the net developable
area of the lot or building site.

6400 *Frontage Zone.* The area between a right-of-way and the build-to-
line or a building placement/setback line.

6402 *Front Door.* The entrance into the principal building on the
building site facing the street.

6404 *Front Porch.* The ground floor platform attached to the front or
street side of the main building.

6406 *Front Property Line.* The shorter building lot line which coincides
6408 with the right-of-way of the street or other defining element such as
a sidewalk or common open space. In the case of a residential corner
6410 lot, the part of the building lot having the narrowest frontage on any
street shall be considered the frontage line. In the case of a
6412 nonresidential corner lot, the front property line is the width of the
lot abutting the street with heaviest traffic usage.

Green. An open space, available for unstructured recreation. The
6414 green is surrounded by roadways or the fronts of buildings and,
consist of grassy areas and trees.

6416 *Height (of a Building or Structure).* The vertical distance from the
ground level to the highest point of a building or structure. When
6418 applied to a building, height shall be measured to the highest point
of the coping of a flat roof or the ridge for gable, hip or gambrel
6420 roofs. Where no ground level has been established the height may
be measured from the mean elevation of the finished lot grade at the
6422 front of the building or structure.

Impervious Surface Area. An area of ground that releases as runoff
6424 all or a majority of the precipitation that falls on it. “Impervious
surface” includes buildings, rooftops, streets, vehicular use areas, or
6426 any other structure, improvement, facility or material which
prevents or severely restricts natural percolation of moisture unless
6428 specifically designed, constructed and maintained to be pervious.
Gravel surfaces shall be considered impervious when used for a
6430 vehicular use area, and porous otherwise. Unpaved vehicular use
areas shall also be considered impervious, except those designated
6432 and approved for occasional vehicular use only. Wooden patios shall
be considered pervious.

6434 *Impervious Surface Ratio (ISR).* The Impervious Surface Area
divided by the Building or Development Site Area.

6436 *Improvements (or Site Improvements).* Any grading, filling, or
excavation of unimproved property; additions or alterations to
6438 existing buildings or other structures requiring alterations to the
ground; the construction of new buildings or other structures,
6440 including parking lots; and street pavements, curbs and gutters,
sidewalks, alley pavements, walkway pavements, water mains,
6442 sanitary sewers, storm sewers or drains, street names, signs,
landscaping, permanent reference monument, permanent control
6444 points, or any other improvement required by these regulations.

Intersection (Node). The junction of the centerlines of any two (2)
6446 streets and/or through block pedestrian passageways.

6448 *Landscaping.* Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms, and architectural landscape features and material.

6450 *Land Use.* A description of how land is occupied or utilized. The terms “land use” and “use of land” shall be deemed also to include building use.

6452 *Loading Berth (Off-Street).* An off-street storage space, either outside or within a building, used for the parking of commercial vehicles during loading or unloading.

6454 *Lot, Front.* Except for lots served by an alley or lane, the lot front determination shall be where the principal vehicular access to the lot abuts the approved public or private right-of-way. If the principal vehicular access is provided by an alley or lane and the lot is intended to front on a mew, greencourt, passage or pedestrian corridor, the Zoning Manager shall determine the location of the lot front. Lot width shall be measured at the mid-point of the side lot lines.

6456 *Lot Line (or Property Line).* Any legal boundary of a lot. Where applicable, the lot line may coincide with the right-of-way line. This term includes the front, side or rear property line.

6464 *Marquee.* A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

6466 *Massing.* The width, volume and proportions of a building and its parts.

6472 *Median, Restrictive.* That portion of a divided roadway or divided driveway separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, a raised concrete curb and/or island that is not designed to be mountable by a motor vehicle, and a grassed or swale median.

6474 *Median Opening, Directional.* An opening in a restrictive median which provides for only U-turns and/or left-turn movements.

6476 *Median Opening, Full.* An opening in a restrictive median designed to allow all turning movements to take place from both the roadway and the adjacent connection.

6478 *Micro Brewery.* An establishment that is licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco to manufacture malt beverages. The establishment may also include a tasting room and retail space

6488 to sell malt beverages produced on the premises along with related
retail items and food.

6490 *Micro Winery.* An establishment that is licensed by the Florida
6492 Department of Business and Professional Regulation, Division of
Alcoholic Beverages and Tobacco to produce wine. The
6494 establishment may also include a tasting room and retail space to
sell wine produced on the premises along with related retail items
and food.

6496 *Multimodal.* Pertaining to transportation involving more than one
(1) mode of travel (e.g., pedestrian, bike, auto, transit).

6498 *Outdoor Lighting.* The night-time illumination of an outside area
or object by any manmade device located outdoors that produces
6500 light by any means. This includes any luminaire used to illuminate
advertising signs, landscaping, architectural features, walkways,
6502 driveways and parking areas.

6504 *Parapet.* A low, protective wall constructed as the continuation of
the exterior wall of a building and placed along the entire perimeter
of the roof of a building.

6506 *Parking Aisle.* An area within a parking facility intended to
provide ingress and egress to parking spaces.

6508 *Parking Module (or Bay).* A standard arrangement of parking
spaces containing two (2) tiers of spaces served by a single parking
6510 aisle.

6512 *Parking Lot, Surface.* An off-street, ground level area for the
parking of motor vehicles.

6514 *Parking, Shared.* Joint use of a parking area or space for more than
one (1) establishment.

6516 *Parking Space.* An enclosed or unenclosed surfaced area
permanently reserved for the temporary storage of one (1)
6518 automobile/motor vehicle, and connected with a street or alley by a
surfaced driveway which affords ingress and egress for
automobiles/motor vehicles. Such spaces are considered “on-street”
6520 if they are located on a dedicated street right-of-way and are
considered “off-street” if they are not.

6522 *Pavement, Street.* The portion of a street intended for vehicular
movement and parking, having an improved surface of asphalt,
6524 concrete, brick or other paving materials.

6526 *Pavement Width, Street.* The width of the pavement of a street, as
measured from edge to edge but excluding the curbs, if any.

6528 *Permitted Use.* A use which is specifically authorized in a
particular zoning or land use district.

6530 *Perimeter.* The boundaries or borders of a lot, tract, or parcel of land.

6532 *Phase.* The designated portion of a larger development, which is to be constructed as a unit and which is so designed that it can stand on its own even if the other phases of the development are never constructed.

6534 *Plaza.* An open space that is set aside for civic purposes and short term, incidental commercial activity such as a farmers market.

6536 *Porch.* An exterior appendage to a building, forming a covered approach to a doorway and which is not enclosed other than by porous screens.

6538 *Principal Use or Structure.* The primary or predominant use, building or structure of any lot, as distinguished from an ancillary use or accessory use, building or structure.

6540 *Primary Facade.* A side of a building that is visible from a public right-of-way or has the primary customer entrance.

6542 *Property.* Any lot, parcel, or tract of land together with the building and structures located thereon.

6544 *Property Line.* See *Lot Line*.

6546 *Public Entrance.* An entrance to a structure that is maintained accessible to the public and free of encumbrances that might interfere with its use by the public.

6548 *Right-of-Way.* Land owned or controlled by a governmental agency over which the public has a right of passage, including the streets, parkways, medians, sidewalks, and driveways constructed thereon.

6550 *Roof Line.* The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

6552 *Scale.* The apparent height, size and bulk of a structure compared to the height of adjacent buildings and to the height of a human and/or the apparent height, size and bulk of the components of the facade compared to the apparent height, size and bulk of the structure.

6554 *Setback.* See *Build-to-Line* or *Building Placement* or *Setback Line*.

6556 *Screen Wall.* A freestanding wall built along the property line, or parallel with a building facade. It may mask a parking lot from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

6558 *Screen Wall.* A freestanding wall built along the property line, or parallel with a building facade. It may mask a parking lot from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

6560 *Screen Wall.* A freestanding wall built along the property line, or parallel with a building facade. It may mask a parking lot from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

6562 *Screen Wall.* A freestanding wall built along the property line, or parallel with a building facade. It may mask a parking lot from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

6564 *Screen Wall.* A freestanding wall built along the property line, or parallel with a building facade. It may mask a parking lot from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

6566 *Screen Wall.* A freestanding wall built along the property line, or parallel with a building facade. It may mask a parking lot from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

6568 *Sidewalk.* An improved walkway intended primarily for
6570 pedestrians, usually running parallel to one (1) or both sides of the
pavement of a street.

6572 *Single-Loaded Street.* Developments are located on one (1) side of
the street and open space is located on the other side of the street.

6574 *Street Frontage.* The distance along which a lot line adjoins a
street, public or private.

6576 *Street, Stub.* A street that usually ends at a property line and is
designated to be extended to adjoining property in the future.

6578 *Streetscape.* This term refers to the various components that make
up a street, both in the right-of-way, and on private lot frontages. It
6580 includes pavement, parking spaces, planting areas, street trees,
streetlights, sidewalks, front yard fences, front yards, front porches,
etc.

6582 *Through-Block Pedestrian Passageway.* An uninterrupted
corridor which provides highly visible, inviting, and convenient
6584 pedestrian access, through the interior of the block, to the next
parallel block face. Such passageways offer an unobstructed view
6586 through the block, and feature landscaping, seating, overhead shade,
lighting, and a paved walkway surface along their full length.

6588 *Tree Well, Street.* A planting area for street trees, surrounded by
paving; the tree well normally is situated in the sidewalk, between
6590 the curb and the edge of right-of-way.

6592 *Vehicular Use Area.* An area used for the display or parking of
any and all types of vehicles and equipment, and all land upon which
vehicles traverse the property.

6594 *Yard.* An open space at grade between a building or structure and
the adjoining lot lines unoccupied and unobstructed by any portion
6596 of a building or structure from the ground upward, except as may be
permitted by these regulations. For the purpose of determining the
6598 depth of front, rear and side yards, the minimum horizontal distance
between the lot lines and the building or structure shall be used.

6600 *Yard, Front.* A yard extending across the front of a lot, between
the side lot lines, and being the minimum horizontal distance
6602 between the street right-of-way line and the principal building or any
projections thereof other than the projections of uncovered steps,
6604 uncovered balconies or uncovered porches.

6606 *Yard, Rear.* A yard extending across the rear of a lot, between the
side lot lines, and being the minimum horizontal distance between
6608 the rear of the principal building or any projections thereof other
than the projections of uncovered steps, uncovered balconies or

uncovered porches, to the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, Side. An open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, Street Side. A yard extending across the side of a corner lot between the rear line of the front yard and front line of the rear yard, and between the principal building and the street right-of-way line, and being the minimum horizontal distance between the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the right-of-way line.

Secs. 39-199 – 39-200. Reserved.

DIVISION 2. WALKABLE COMMUNITY STANDARDS

Subdivision 1. Block standards.

Sec. 39-201. Block standards.

(a) *Purpose and Intent of Block Standards.* Streets and blocks comprise the “bones” of each of the Town Center neighborhoods. The location and types of streets and pedestrian pathways inform the size and configuration of the blocks in which development is expected to occur.

The establishment of street and block plans and standards, and the consideration of substantial or nonsubstantial changes, shall be guided by the following statements of intent:

- (1) Variation of block lengths, widths and geometric configurations are encouraged in order to create diversity of place. Proposed changes in the location of streets that are designed to create variety of block size and shape should not be permitted to lessen the functionality and connectivity of the street network.
- (2) Blocks may be formed through an interconnected network of vehicular streets and, by means of an approved block-defining pedestrian passageway. Pedestrian passageways that form blocks shall connect streets, parks, open space or other pedestrian passageways and shall comply with the requirements contained in this article.
- (3) Variability in the size and shape of blocks should be limited in areas and districts intended for higher density and

6648 intensity of mixed use development in order to preserve
vehicular routes and capacity of the supporting street system.

6650 (4) The interconnected network of streets and pedestrian
6652 passageways can be curvilinear, within limits established by
the applicable design speed, as a means of avoiding long
6654 views, incorporating traffic calming measures and
stormwater facilities, and preserving conservation areas.

6656 (5) The context and use of a development site determines the
degree of flexibility permitted for street and block plans.
6658 Development sites intended for hospital, educational or other
types of large scale campuses may be afforded greater
flexibility in the application of block standards, for example,
6660 to accommodate the placement and physical connection of
multiple buildings and associated parking facilities. The
6662 physical context of a site should also be taken into
consideration where natural or man-made conditions such as
6664 the presence of major roads, conservation areas, natural
water bodies or utility corridors may also constrain block
6666 and connectivity planning as required by the provisions of
this Code. Consistency with the street and block standards,
6668 as well as continuation of any street pattern which may be
planned or established along the perimeter of abutting
6670 properties should be maintained. Flexibility in meeting
connectivity and block standards is reserved for the internal
6672 portions of a development site or those areas most directly
affected by existing constraints.

6674 (b) *Block Attributes—Size and Shape of Blocks.*

6676 (1) The primary block face is determined pursuant to the
following hierarchy:

6678 a. The block face adjoining an Urban
Collector/Functionally Classified Street; or

6680 b. The block face adjoining a Parkway, Avenue or Main
Street (Framework Street types); or

6682 c. The longest face of a block adjoining any other type of
Framework Street.

6684 (2) Primary block faces that are two hundred fifty (250) feet or
less in length may be permitted to accommodate parks and
open space, small scale civic uses or neighborhood scale
6686 commercial or office uses approved for locations within
Urban Residential districts, and/or in other locations where
6688 the number of such blocks is limited to one (1) per one
thousand two hundred (1,200) linear feet of adjoining street.
6690 However, this type of block shall not be permitted adjoining

6692

a functionally classified street unless both sides of the block adjoin a pedestrian passageway and not a vehicular street.

(3) A block may be comprised of less than four (4) sides.

6694

(c) *Block Length and Depth Standards.*

Area Type	District Type	Minimum Length - ROW to ROW along the primary block face (4), (5)	Maximum Length - ROW to ROW along the primary block face (4), (5)	Maximum Depth Perpendicular to the Primary Block Face (ROW to ROW exclusive of alleys and lanes) (4), (5)
All Blocks Adjoining a Functionally Classified Street	Applies to all Districts	600 feet (1)	800 feet (2)	600 feet
All Blocks Adjoining a Main Street	Traditional Town Center Core (TTCC), Corporate Neighborhood Center (CNC)	250 feet (3)	400 feet	400 feet
N/A	Corporate Campus Mixed Use (CCMU), Retail/Wholesale (RW), Urban Residential (UR)	250 feet (3)	600 feet	600 feet

Notes:

- (1) Primary block length adjacent to a functionally classified street cannot be less than six hundred (600) feet right-of-way to right-of-way where the block edges are formed by streets; however, where a block edge is defined by an approved pedestrian passageway the primary block face may be less than six hundred (600) feet.
- (2) Primary block faces that are more than six hundred (600) feet in length shall include a mid block pedestrian passageway at either: the mid-point of the primary block face; a point approximating the six hundred-foot dimension of the block face; or, at a location approved as part of the PD/UNP or PSP.
- (3) See subsection 39-201(b)(2) for limitations related to blocks with a primary block face of less than two hundred fifty (250) feet.

(3) The primary block face standard applicable for a Main Street shall be maintained through the inclusion of an approved civic space, pedestrian passageway or access driveway in the same location as would have occurred had the blocks not been combined.

(e) No more than four (4) blocks (two (2) that are parallel to the street and two (2) additional blocks that adjoin perpendicular to the street) may be combined for any single purpose identified in subsection (a) above.

(f) When blocks are combined, access driveways with sidewalks and/or pedestrian passageways shall be placed in such a manner as to form four-way intersections with the interrupted streets. Additionally, the combined development or building site shall be planned in such a manner that the interconnected street network and block pattern can be maintained.

Sec. 39-203. Pedestrian accommodations.

(a) Where practical, pedestrian passageways, drive aisles with sidewalks, or standard Framework Streets shall be incorporated in combined blocks in order to provide opportunities for pedestrians to cross through the site.

(b) Planning and Design Standards for Through-Block Pedestrian Passageways. During the initial phases of project programming and development, owners may find it necessary to combine blocks. If the resulting block length exceeds the standards of this Code, owners shall incorporate approved through-block pedestrian passageways which make a direct connection to the opposite side of the block. As development projects are redeveloped and portions of surface parking areas are replaced with structures, such passageways will eventually delineate formal pedestrian corridors between structures and outdoor urban plazas. All through-block pedestrian passageways shall meet all accessibility requirements of the currently-adopted editions of applicable federal and state standards.

(1) Through-block pedestrian passageways, consistent with the design standards of this chapter, shall be an acceptable substitute for required block termination. Through-block pedestrian passageways shall function as an uninterrupted continuation of the surrounding street sidewalk grid system and shall signal a safe through-block pedestrian connection to the next parallel block face.

(2) The entryway and full length of through-block pedestrian passageways shall be highly visible, and safely lit in a way that and invites regular and convenient use by pedestrians

6774 seeking a destination on the opposite side of the block.
 6776 Installation of security features, such as video and/or alarm
 6778 systems, should be considered and may be required. These
 6780 facilities shall be placed in a public easement which provides
 for unrestricted public access. They shall be recorded on a
 plat map within the plan sheets of the Preliminary
 Subdivision Plan application and meet all access conditions
 required by the Orange County Fire Rescue Division.

6782 (3) Regardless of the form through which public pedestrian
 6784 access is provided, the costs of construction, maintenance,
 6786 repair, accessibility requirements, and security of
 passageways shall be borne by the adjacent property owner
 or an entity approved by Orange County such as a property
 owner association, or Municipal Services Taxing Unit.

6788 (4) Plan submittals for all Through-Block Pedestrian
 6790 Passageways shall, at a minimum, delineate the following
 three (3) components along their full length:

- 6792 • *Walk Clear Zone.* A centralized walk clear zone for safe,
 6794 convenient and unimpeded pedestrian circulation that
 provides a minimum width of forty-eight (48) inches as
 a continuous pedestrian access route.
- 6796 • *Tables, Seating, Shrub and Groundcover Plantings.*
 Benches with backs or tables with seats, and planters
 6798 (raised with seat walls, or cut-out style) shall be
 incorporated. Planters may include required canopy
 trees.
- 6800 • *Overhead Shade and Shelter.* Overhead shade and
 6802 shelter, in the form of approved canopy shade trees or
 fabricated structures shall be provided in accordance
 6804 with the spacing and weather protection requirements
 below. Approved overhead fabricated awnings or
 6806 trellises, or public art structures, may meet the overhead
 shade and shelter protection requirement. Fabricated
 6808 overhead shade structures are intended to provide shade
 and protection from inclement weather. As such, a
 6810 minimum of seventy (70) percent of the area within the
 limits of a fabricated shade structure shall provide solid
 6812 overhead weather protection. A combination of
 fabricated overhead shade, and canopy trees, is
 6814 encouraged to meet the overhead shade and shelter
 requirement.
- 6816 • *Customer access doors and windows.* Doors and
 windows associated with uses directly abutting
 passageways are encouraged.

- 6818 (5) When provided or required, Through-Block Pedestrian
6820 Passageways shall be provided in accordance with the
following standards:

GENERAL SPACING OF THROUGH-BLOCK PEDESTRIAN PASSAGEWAYS	
Block Length	Constructed Location*
400'—599'	Middle ½ of block
600' or more	Every 300'
* A 10% variation in the required spacing and location (in any direction) of Passageways may be granted by the Planning Manager in order to accommodate certain land uses, and expansive building footprint requirements. Passageway spacing shall be measured from centerline of Passageway.	

THROUGH-BLOCK PEDESTRIAN PASSAGEWAY	
Amenity or measure	Design parameter/quantity
Minimum width of passageway (1)	25 feet
Minimum length of passageway	Full block depth
Minimum clear width of walk clear zone	10 feet
Minimum shrub and groundcover planter area (1)	25%
Canopy tree minimum planting rate	1 tree per 35 linear feet of passageway
Minimum seating	1 bench per 100 linear feet of passageway

6822

Secs. 39-204. – 39-205. Reserved.

6824 **Subdivision 2. Framework Street Standards.**

Sec. 39-206. Purpose.

6826 The purpose of Framework Street standards is to provide a
network of interconnected streets that supports the needs of all users,
6828 including pedestrians, bicyclists and motor vehicles, offering
multiple routes to a destination, and reducing reliance on urban
6830 arterial and collector roadways. Also, these standards are intended
to result in the provision of a safe, comfortable, and attractive
6832 pedestrian environment that emphasizes accessibility, while
providing secondary consideration for vehicular mobility.

6834 **Sec. 39-207. General requirements.**

6836 Whenever public or private streets, rights-of-way, pedestrian
6838 passageways, bikeways or driveway approaches are to be
6840 constructed as part of any development after the effective date of
6842 this Code, they shall be utilized, designed and installed in
6844 accordance with the requirements contained herein and shall include
6846 roadway connections that are in compliance with all accessibility
6848 requirements of the currently-adopted editions of applicable federal
6850 and state standards. All streets, including pedestrian and bicycle
6852 facilities, that are or will become part of public rights-of-way shall
 meet all applicable standards of chapter 34 and of section 21-176.
 Whenever existing public streets, right-of-way, pedestrian
 passageways, trails, shared use paths or driveway approaches
 abutting and serving a specific development do not meet the
 requirements listed herein and the transportation impacts of the
 specific development would result in unsafe facility operating
 conditions, the DRC may recommend appropriate conditions that
 would require the affected facilities be improved to conform to these
 requirements.

Sec. 39-208. Encroachments within a right-of-way.

6854 No encroachment shall be erected in or on any right-of-way unless
6856 consistent with the Right-of-Way Utilization Regulations of Orange
 County, article VI of chapter 21.

Sec. 39-209. Site access standards.

6858 (a) The provision of vehicular access to lots, building or
6860 development sites within the Town Center shall be governed by the
6862 following standards. Lots, building and development sites within
6864 blocks that adjoin an urban collector/functionally classified street,
6866 avenue or parkway may be subject to a requirement for a Unified
6868 Circulation and Access Plan and the requirements of Section 30-
 248. This Plan shall be established at the time of a Preliminary
 Subdivision Plan approval for the affected block(s). The DRC shall
 be authorized to designate cross-access corridors for blocks that
 adjoin one (1) of the aforementioned framework streets or an urban
 collector/functionally classified street. The following requirements
 apply to cross-access corridors:

- 6870 (1) *Design of Cross-Access Corridors.* These corridors shall be
6872 designed to provide unified access and circulation among
6874 individual sites in order to assist in local traffic movement.
 Each corridor should be designed to include the following
 elements:

- 6876 a. A continuous linear travel corridor extending the entire
length of the block which it serves.
- 6878 b. Sufficient width to accommodate two-way travel aisles
designed to accommodate automobiles, service vehicles
and loading vehicles.
- 6880 c. Stub-outs and other design features which made it
visually obvious that the abutting properties may be tied
6882 in to provide cross-access.
- d. Linkage to other cross-access corridors in the area.
- 6884 e. Closure of pre-existing curb cuts, as applicable, that will
be eliminated after the construction of the cross-access
6886 corridor, which may be required by the county engineer.

6888 *Commentary: Unified Access and Circulation Plans are*
intended to address vehicular circulation internal to blocks
(individual or combined) and connecting lots, building sites
6890 *and development sites that are intended for separate*
ownership. Where a block, group of blocks or combined
6892 *blocks will be under common ownership, such as shopping*
center or apartment projects, the function of a Unified
6894 *Circulation and Access Plan may be adequately addressed*
through the development plan review and approval process.

6896 (2) *Easements Required to be Dedicated.* Wherever a cross-
access corridor is designated no other development order
6898 shall be approved unless the property owner shall grant an
easement, running with the land, allowing general cross-
6900 access to and from the other properties within the PSP or DP.
Such easement shall be recorded, by the property owner at
6902 his or her own expense, in the public records of Orange
County and constitute a covenant running with the land. The
6904 property owner shall provide a copy of the recorded cross-
access easement to the development engineering division.

6906 (3) *Coordinated Access and Circulation Systems or*
Joint/Shared Parking Design. Wherever a cross-access
6908 corridor has been designated in accordance with subsection
(2) above, the sites within the affected area may be so
6910 designed as to provide for coordinated access and circulation
systems. When elected by the affected property owners,
6912 joint/shared parking facilities may also be included as an
element of a unified system.

6914 (4) *Development Prior to Abutting Use.* In the event that a site
is developed prior to an abutting property, it shall be
6916 designed to ensure that parking, access and circulation

6918 elements may be easily tied in to create a unified system at a
later date.

6920 (5) *Existing Abutting Uses.* In the event that a site abuts an
existing developed property, it shall be so designed as to tie
6922 into the abutting parking, access and circulation to create a
unified system unless the county engineer finds that this
6924 would be impractical due to adverse topographical, soil,
stormwater, or conservation conditions.

6926 (b) Criteria for county engineer approval of mid-block driveway
access include, but are not limited to those listed below, accessibility
6928 requirements of the currently-adopted editions of applicable federal
and state standards, and access management requirements of section
30-248. The county engineer may base an approval or denial of a
6930 driveway based on one (1) or more of the applicable criteria.

6932 (1) The proposed driveway is connected to a cross-access
easement that is part of a Unified Circulation and Access
Plan approved for the associated block;

6934 (2) Access rights along the block adjoining a functionally
classified/urban collector, avenue or parkway have been
6936 dedicated to Orange County;

6938 (3) Unrestricted access driveways may be permitted for avenues
and at designated median openings along functionally
classified/urban collectors and parkways;

6940 (4) Restricted access (right-in/right-out) driveways may be
permitted for two-lane framework streets with a nonraised
6942 median that is consistent with the latest edition of the Manual
of Uniform Minimum Standards for Design, Construction
6944 and Maintenance for Streets and Highways (Florida
Greenbook), as published by the Florida Department of
6946 Transportation; and

6948 (5) The pedestrian crossing area of the driveway shall be clearly
marked with thermoplastic crosswalk markings that are the
6950 maintenance responsibility of the property owner, and
MUTCD consistent signage shall be erected to alert drivers
6952 exiting the block to the presence of pedestrians and
bicyclists.

Sec. 39-210. Framework Street Standards.

6954 (a) The Town Center multimodal transportation system is
comprised of Functionally Classified/Urban Collector and
6956 Framework Streets. The purpose of the Framework Street network
is to connect Town Center Neighborhoods and Land Use Districts;
6958 provide connections to community parks internal to the Town

Center; and connect the Town Center with the regional network of roads and transit facilities/services. Additional purposes associated with Framework Streets include:

- (1) Framework Streets serve a public purpose by forming an interconnected network of streets designed to provide access to property, and provide for the movement of people and goods;
- (2) Framework Streets are intended to provide a broad range of opportunities for people to satisfy their trip making needs by the most efficient and economical modes available; and
- (3) The placement, design and naming of Framework Streets provides a means of way finding within Town Center as well as provides geographic reference points for travelers.

(b) On-street parking shall be required for main streets and shall either be parallel to the curb or may be angled in areas deemed appropriate by the development review committee and consistent with specifications approved by the county engineer, including designation of accessible on-street parking spaces consistent with section 34-171 and any on-street loading zones that may be needed to ensure the safe movement and interaction of people and goods. On-street parking for avenues and parkways shall always be parallel to the curb. When elected by a property owner, on-street parking for standard streets may either be parallel to the curb or angled in areas deemed appropriate by the development review committee and consistent with specifications as submitted by the applicant and approved by the county engineer. Where required, the minimum width of on-street parking is seven (7) feet. The gutter portion of a curb and gutter section shall not be included as part of the width of an on-street parking space.

Where designated on-street parking is not included as part of a standard framework street, the applicable preliminary subdivision plan or development plan shall address the type and signage required to provide notice that on-street parking of vehicles is not permitted, which must be approved by the traffic engineering division.

(c) Bicycle lanes are always included within avenue and parkway framework street types and the minimum width shall be five (5) feet. The inclusion of bicycle lanes within any other framework street type is at the option of the developer and subject to approval at DRC in conjunction with a PSP or DP.

(d) The typical cross-section and standards for a framework street shall not be modified through the substantial or nonsubstantial change process.

7002 (e) Alternative cross-sections and standards for a framework
street type other than those defined herein may be proposed as a
7004 substantial change subject to the approval of the county engineer,
DRC and the board of county commissioners.

7006 (f) The location, type and design of transit stations, stops and
pull-out bays within the right-of-way of framework streets shall be
7008 determined by the county engineer during the PSP or DP review
process and must be consistent with the latest edition of the Manual
7010 of Uniform Minimum Standards for Design, Construction and
Maintenance for Streets and Highways (Florida Greenbook), as
published by the Florida Department of Transportation.

7012 (g) The posted speed of a framework street shall be the same as
the design speed unless otherwise determined by the county
7014 engineer.

7016 (h) Bicycle lanes shall be striped, designed, and delineated in
accordance with the latest edition of the Manual of Uniform
7018 Minimum Standards for Design, Construction and Maintenance for
Streets and Highways (Florida Greenbook), as published by the
7020 Florida Department of Transportation and the NACTO Urban
Bikeway Design Guide (as it may be updated from time to time). No
7022 required part of a bicycle lane shall be included in any part of a curb
and/or gutter section.

7024 (i) The minimum spacing of vehicular intersections with a
functionally classified street/urban collector (FCS) shall be
7026 consistent with section 30-248. Driveway access to a FCS at
locations between vehicular intersections may be approved by the
7028 county engineer to accommodate right-in and right-out driveway
access as well as access to public facilities (fire stations, police sub-
stations, schools or libraries).

7030 (j) Placement of traffic signals must meet the warrant
requirements of the Manual of Uniform Traffic Control Devices
7032 (MUTCD). When signals are proposed at intervals closer than the
minimum intersection spacing referenced in subsection (i) above,
7034 they shall be considered only where the need for such signals is
warranted and approved by the county engineer. They shall be
7036 evaluated based upon the safe and efficient operation of the
framework street or functionally classified street/urban collector.
7038 The traffic analysis supporting the signalization must show no
significant reduction of service for through traffic on the
7040 functionally classified street/urban collector.

7042 (k) Direct vehicular access from a lot, building or development
site to an avenue or parkway shall be limited to one (1) right-
7044 in/right-out per block face with an exception for public facilities
such as fire stations, police substations, schools or libraries. All lots,

7046 building or development sites that adjoin a main street shall have
7047 direct access from another street, inclusive of alleys or lanes. All
7048 lots, building or development sites that adjoin any other framework
Street are encouraged to have direct access from another street,
inclusive of alleys or lanes.

7050 (l) Utilities placed under pavement within any framework street
7051 shall include a sufficient number of lateral connections to adjoining
7052 properties to provide service without the need to cut any part of a
curb, pavement or walkway.

7054 (m) Curb or gutter, sub-base and pavement construction
7055 standards shall be as specified by the county engineer. Durable
7056 pavement materials other than asphalt or concrete may be
substituted for the wearing surface of on-street parking and within
7058 gateway intersections with the approval of the county engineer.

7060 (n) Streetlights, which shall be consistent with the latest edition
7061 of the Manual of Uniform Minimum Standards for Design,
7062 Construction and Maintenance for Streets and Highways (Florida
Greenbook) published by the Florida Department of Transportation,
7064 are required along all framework streets and shall be placed within
a furnishing zone (includes the area of a bulb-out), unless an
alternate location is approved by the DRC.

7066 (o) Where framework streets are programmed to include
7067 underground utility pipes with a diameter of sixteen (16) inches, or
7068 larger, the minimum width of the framework street walking zone
sidewalk over such pipe(s) shall be a minimum of twelve (12) feet.
7070 The subject underground utility pipe should be aligned under the
street-side edge of the subject sidewalk, not the private property
7072 side. In no case may the facade of a building be placed within
eighteen (18) feet of utility pipes possessing a diameter of sixteen
7074 (16) inches, or larger.

7076 (p) Bulb-out planting areas for street trees shall be required for
any framework street that has been designated as a main street.
7078 Bulb-out planting areas shall be optional on all other framework
streets.

7080 (q) Cul-de-sacs shall be subject to approval by the development
review committee (DRC) on a case-by-case basis when natural or
7082 manmade constraints impede roadway connectivity. The DRC shall
endeavor to ensure that pedestrian and bicycle connectivity is
maintained when cul-de-sacs are considered for approval.

7084 (r) Front loaded lots shall not be utilized where: they front a
block containing a public or private school, or a public park/civic
7086 space owned and maintained by Orange County.

(s) Where feasible, all utilities that are intended for placement within the right-of-way of a framework street shall be placed under pavement or the sidewalk sections along either side.

(t) Wherever a development or building site abuts unplatted land or a future development phase of the same development, street stubs shall provide pedestrian and vehicle access to abutting properties or to logically extend the street system into the surrounding area. The determination that street stubs are required shall be made by the DRC as part of the review of PSPs.:

Sec. 39-211. Framework street cross-sections and standards.

(a) Each Framework Street cross-section is comprised of several elements including: traveled way, furnishing zone, walking zone, and frontage zone. Requirements and restrictions relative to each of these elements are provided below.

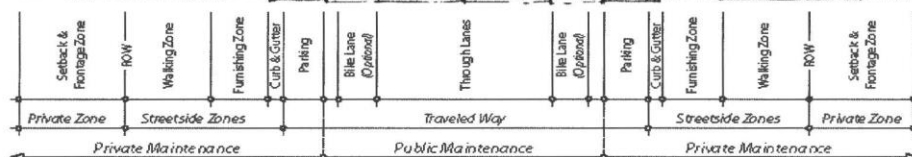
(1) The *traveled way* includes through lanes, bicycle lane, parking lane and edge zone. Bulb-outs may extend into the traveled way consistent with standards determined and approved by the County Engineer.

(2) The *furnishing zone* is intended to accommodate: street light standards; canopy or understory trees; trash receptacles and street furniture such as benches, wayfinding signage standards and kiosks; and public bicycle parking facilities.

(3) The *walking zone* is intended for pedestrian travel and shall be kept clear of permanent or movable obstacles to pedestrian movement. When a use agreement is approved by the county engineer, overhangs, awnings, canopies, marquees and other facilities specified in the Right-of-Way Utilization Regulations contained in chapter 21 of the Orange County Code may extend over or be placed within the walking zone to the full extent of the width of the zone or as otherwise provided in the approved use agreement, but may not conflict with accessibility requirements of the currently-adopted editions of applicable federal and state standards.

(4) The *frontage zone* extends beyond the public right-of-way to the face of a building or to the front edge of a required setback. This type of zone may serve a variety of purposes. The first purpose is to provide an area for outdoor seating and related activities associated with residential or nonresidential uses. The frontage zone also delineates the minimum or maximum setback for properties adjoining Framework Streets.

MAIN STREET



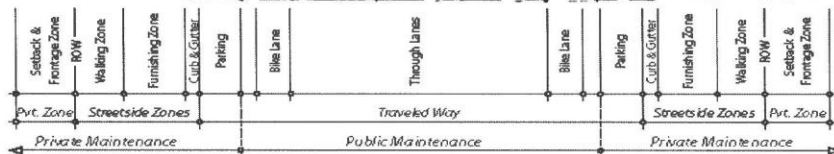
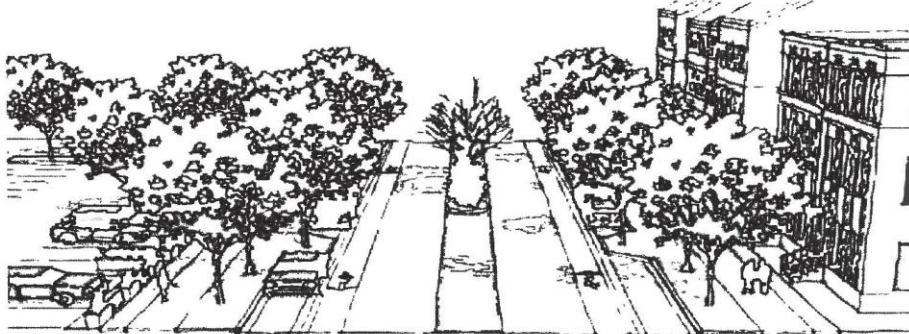
DESIGN PARAMETERS	MINIMUM	MAXIMUM
Traveled Way		
Through Lanes (each way)	1	1
Through Lane width (feet) (1)	10	11
Bike Lane width (feet) (2) <i>(optional)</i>	5	5
Parking Lane width (feet) (3) (4)	7	7
Streetside Zones (Similar each side of street)		
Curband Gutter width (feet)	Varies	
Furnishing Zone width (feet)	6	6
Walking Zone width (feet)	10	NA
Private Zone		
Building Setback & Frontage Zone width (feet) (5)	10	20

- (1) Wider drive lane width may be required behind angled on-street parking stall configurations – consult County Engineer or designee for specific design and/or submittal requirements.
- (2) Bike lane width shall not include surface area of optional valley gutter.
- (3) Gutters associated with stormwater drainage systems at parking lane "bulb out" islands shall accommodate uninterrupted stormwater flow with in sidewalk edge gutter pan, and avoid flooding of adjacent bike lane surface.
- (4) Required on-street parking may be designed in either a parallel or angled configuration. Parking stall width includes gutter pan surface of curb and gutter system installed at sidewalk edge.
- (5) See Part 4 for a description of permitted 10' building setback flex zone meant to accommodate architectural projections, recesses, entryway alcoves, widened outdoor seating areas, etc..

Town Center Framework Street

PARKWAY

A limited distance, multimodal street which generally connects north and south locations within an urbanized setting. On-street parking, bicycle lanes and sidewalks are essential elements of this Framework Street type. Driveway curb cut access from Parkways is controlled in order to enhance safety for pedestrians and bicyclists; to preserve elements of frontage and furnishing zones; and to ensure the smooth flow of street traffic. The option for a center median is included in the design parameters for Parkways in order to provide protected left turns.



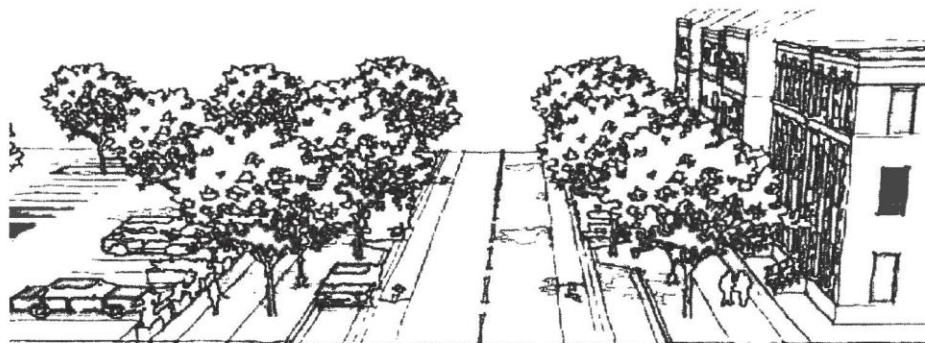
DESIGN PARAMETERS	MINIMUM	MAXIMUM
Traveled Way		
Through Lanes (each way)	1	1
Left Turn Lane	Only at Intersections & Median Openings	
Through Lane width (feet) (1)	10	11
Bike Lane width (feet) (2)	5	5
Parking Lane width (feet) (3) (4)	7	7
Median width (feet) (optional)	11	18
Streetside Zones (Similar each side of street)		
Curb and Gutter width (feet)	Varies	
Furnishing Zone width (feet)	6	8
Walking Zone width (feet)	6	10
Private Zone		
Building Setback & Frontage Zone width (feet) (5)	10	Varies

- (1) When through lanes separated by median, the minimum clear width (including drive lane, bike lane, and gutter pan surfaces) shall be 17'.
 (2) Bike lane width shall not include surface area of optional valley gutter.
 (3) Gutters associated with stormwater drainage systems at parking lane "bulb out" islands shall accommodate uninterrupted stormwater flow within sidewalk edge gutter pan, and avoid flooding of adjacent bike lane surface.
 (4) Required on-street parking stall width shall include gutter pan surface of curb and gutter systems installed at sidewalk edge. Angled on-street parking is prohibited.
 (5) Building setbacks determined by surrounding Town Center Land Use District designation. Consult the Town Center recommended Land Use District, or approved Planned Development/Unified Neighborhood Plan.

Town Center Framework Street

AVENUE

A limited distance, multimodal street generally connecting east and west locations within an urbanized setting. On-street parking, bicycle lanes and sidewalks are essential elements of this Framework Street type. Driveway curb cut access from Avenues is controlled in order to enhance safety for pedestrians and bicyclists; to preserve elements of frontage and furnishing zones; and to ensure the smooth flow of street traffic. A center median is not permitted in the design parameters for this Framework Street type.



Setback & Frontage Zone	ROW	Walking Zone	Furnishing Zone	Curb & Gutter	Parking	Bike Lane	Through Lanes	Bike Lane	Parking	Curb & Gutter	Furnishing Zone	Walking Zone	ROW	Setback & Frontage Zone
Pvt. Zone	Streetside Zones				Traveled Way				Streetside Zones				Pvt. Zone	
Private Maintenance				Public Maintenance				Private Maintenance						

DESIGN PARAMETERS	MINIMUM	MAXIMUM
Traveled Way		
Through Lanes (each way)	1	1
Through Lane width (feet)	10	11
Left Turn Lane	Only at Intersections	
Bike Lane width (feet) (1)	5	5
Parking Lane width (feet) (2) (3)	7	7
Streetside Zones (Similar each side of street)		
Curb and Gutter width (feet)	Varies	
Furnishing Zone width (feet)	6	8
Walking Zone width (feet)	6	10
Private Zone		
Building Setback & Frontage Zone width (feet) (4)	10	Varies

(1) Bike lane width shall not include surface area of optional valley gutter.

(2) Gutters associated with stormwater drainage systems at parking lane 'bulb out' islands shall accommodate uninterrupted stormwater flow with in sidewalk edge gutter pan, and avoid flooding of adjacent bike lane surface.

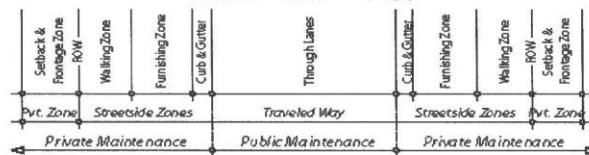
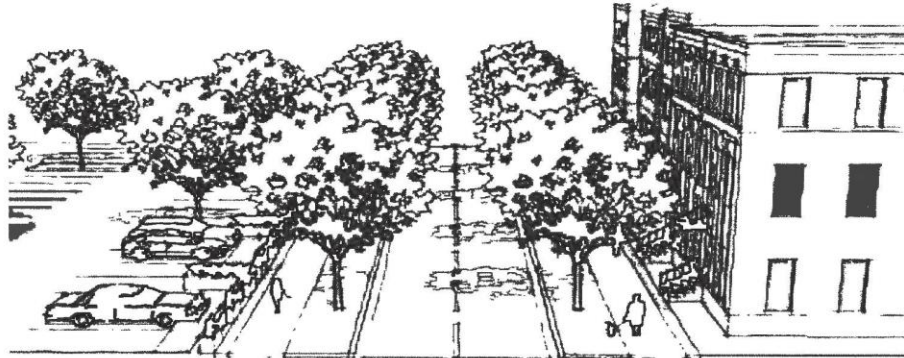
(3) Required on-street parking stall width shall include gutter pan surface of curb and gutter systems installed at sidewalk edge. Angled on-street parking is prohibited.

(4) Building setbacks determined by surrounding Town Center Land Use District designation. Consult the Town Center recommended Land Use District, or approved Planned Development/Unified Neighborhood Plan.

Town Center Framework Street

STANDARD STREET

A limited distance, small scale, local street suitable for an urban context which provides frontage for a range of urban uses like shops, restaurants, offices, apartments, condominiums, townhomes, or small lot detached single-family residences. On-street parking and bike lanes are optional. Street tree canopy and sidewalks are essential elements of this Framework Street type.



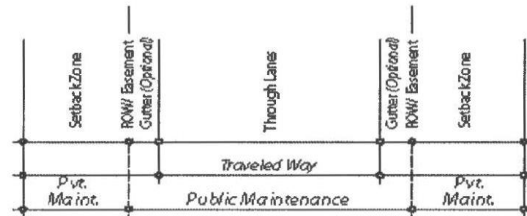
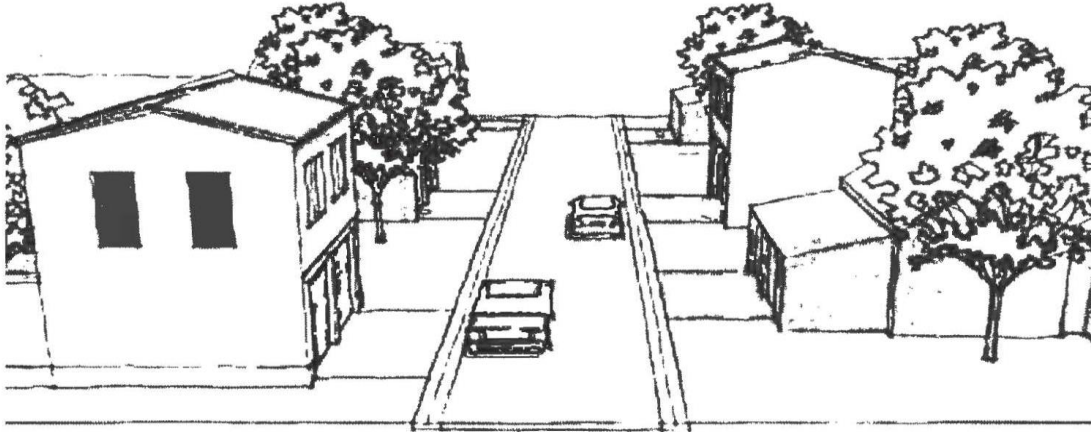
DESIGN PARAMETERS	MINIMUM	MAXIMUM
Traveled Way		
Through Lanes (each way)	1	1
Left Turn Lane	Only at Intersections	
Through Lane width (feet) (1)	10	10
Bike Lane width (feet) (2) (optional)	5	5
Parking Lane width (feet) (3) (4) (optional)	7	7
Streetside Zones (Similar each side of street)		
Curb and Gutter width (feet)	Varies	
Furnishing Zone width (feet)	6	6
Walking Zone width (feet)	6	10
Private Zone		
Building Setback & Frontage Zone width (feet) (5)	10	Varies

- (1) Wider drive lane width may be required behind angled on-street parking stall configurations – consult County Engineer or designee for specific design and/or submittal requirements.
- (2) Bike lane width shall not include surface area of optional valley gutter.
- (3) Gutters associated with stormwater drainage systems at optional parking lane 'bulb out' islands shall accommodate uninterrupted stormwater flow within sidewalk edge gutter pan, and avoid flooding of adjacent bike lane surface.
- (4) Optional on-street parking may be designed in either a parallel or angled configuration. Parking stall width includes gutter pan surface of curb and gutter systems installed at sidewalk edge.
- (5) Building setbacks determined by surrounding Town Center Land Use District designation. Consult the Town Center recommended Land Use District, or approved Planned Development/Unified Neighborhood Plan.

Town Center Framework Street

RESIDENTIAL REAR ALLEY

This facility may contain utility and emergency access easements and generally provides access to rear-loaded residential structures.



DESIGN PARAMETERS	MINIMUM	MAXIMUM
Travelled Way		
Through Lanes (each way)	1	1
Through Lane (non emergency access) width (feet)	7	10
Emergency Access clear width (feet) (1)	20	22
Gutter width (feet)	2	2
Building Setback (feet) (2) (3)	9	NA

(1) Minimum 20' clear width, and 10' wide lanes required on emergency access facilities.

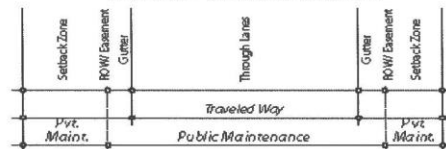
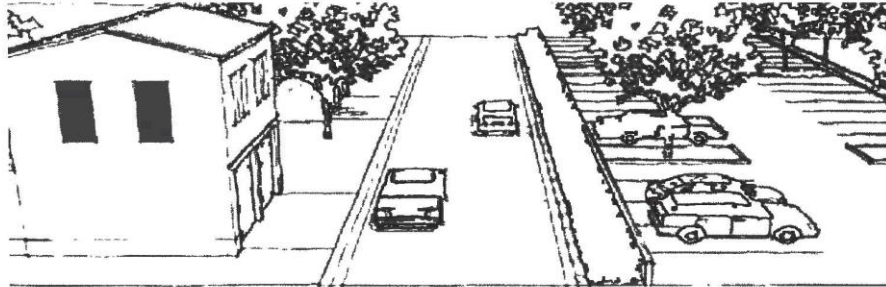
(2) Building setback measured from edge of easement or right-of-way.

(3) This Framework Street type excludes Frontage Zone, Walking Zone, Furnishing Zone, and on-street parking lane.

Town Center Framework Street

REAR LANE

This Framework Street may provide access to both residential and non-residential uses including delivery areas and parking lots within the block's interior. Because Rear Lanes are not placed along the front of residential or non-residential uses - typical Framework Street Frontage Zone, Furnishing Zone, and on-street parking stalls are not required. Landscaping (including knee walls along along surface parking lots) shall be provided along the non-residential property edge in accordance with the standards described below. This street type shall also facilitate emergency vehicle access.



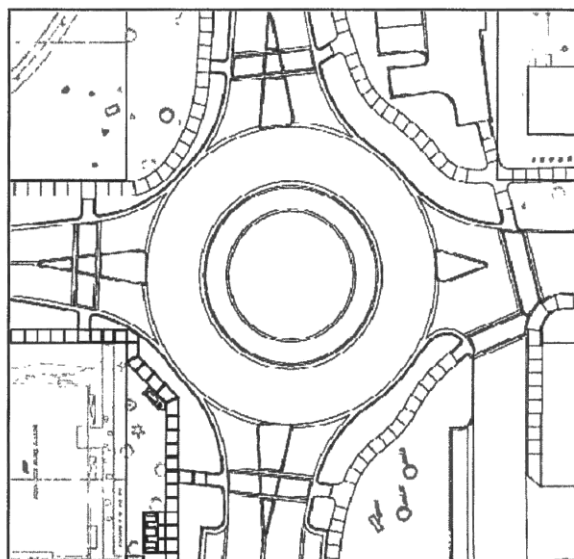
DESIGN PARAMETERS	MINIMUM	MAXIMUM
Travelled Way		
Through Lanes (each way)	1	1
Through Lane (non emergency access) width (feet)	10	12
Emergency Access clear width (feet)	20	22
Gutter width (feet)	varies	
Building Setback		
Building Setback (residential and non-res) (feet)	10	N/A

Surface Parking Edge Buffer Landscape Standards			
	Surface Parking on Both Sides of Rear Lane	Rear Lane Between Residential and Surface Parking	Residential on Both Sides of Rear Lane (1)
Knee Wall Required Along Surface Parking Lot Edge (1)	No	Yes	No
Land scape buffer width along non-residential edge (feet)	5	7 (includes knee wall at parking lot edge)	N/A
Required Landscaping (2)	Continuous (excluding pedestrian cut-throughs) line of shrubs and ground cover plant materials along full length of any parking lot edge.		

(1) With the following exception, consult Part 4 for knee wall standards. Periodic pedestrian cut-through interruptions (maximum 6' to 8' wide) in the knee wall and associated landscaping shall be provided at appropriate locations and intervals (maximum 150' spacing). Such cut-throughs shall incorporate a sidewalk surface or other approved stabilized walk surface.

(2) Landscaping is not required along residential edge of Rear Lanes.

Roundabout



NOTE: The roundabout graphic above is only provided as a local roundabout example. Roundabouts along town center framework streets shall be designed and reviewed, on a case-by-case basis, in accordance with county standards. Roundabout planning and design shall factor adjacent development context, the safety of pedestrians and bicyclists, and safe visibility. For a thorough roundabout design reference resource, consult the latest edition of the FHWA document Roundabouts: An Informational Guide, subject to requirements specific to Florida published by the Florida Department of Transportation.

Design Parameters	Minimum	Maximum
Target speed	NA	20
Through lanes (each way)	1	1
Through lane width (feet)	10	11
Entry lane width (feet)		
Bike lane width (feet)	5	5
Median zone		
Landscape area radius (feet)		
Apron width (feet)		
Curb and gutter width (feet)		
Streetside zone		
Walk zone width (feet)	6	6
Curb and gutter width	2	2

Sec. 39-212. General standards.

(a) All streets and public ways shall be paved and curbed in accordance with the standards for framework street types, and the following requirements:

- (1) *Additional Improvements for Streets in Existence Prior to the Adoption of this Chapter.* Where any street(s) lying within or abutting a proposed development requires construction of additional lanes or other improvements to meet the standards of this Code or the requirements of a pre-existing development order or agreement, the extent of the improvements required (or money escrowed) shall be commensurate with the impact of the proposed development, in accordance with the requirements of Orange County, and shall include construction of accessibility needs based on currently-adopted editions of applicable federal and state standards.
- (2) *Intersection/Access Improvements.* Intersection and access improvements to framework or functionally classified streets, such as acceleration, deceleration, and turning lanes, shall be installed at the developer's expense within the area of the applicable and approved PSP or development plan and on abutting streets and in accordance with standards established by the county engineer.
- (3) *Improvements Required to Nearest Acceptable Improved Public Street.* Each development shall abut, or have as its primary access, a street whose improvements have been approved by the Orange County Development Engineering Division pursuant to the minimum requirements of this chapter. Wherever the abutting street does not meet these requirements, the developer shall construct the street where it abuts the development and to the nearest structurally acceptable paved public street as determined by the county engineer, including roadway connections that are in compliance with all accessibility requirements of the currently-adopted editions of applicable federal and state standards and that provide two (2) ramps per intersection quadrant on functionally-classified roadways.
- (4) *Paving, Base Courses, Wearing Surfaces, etc.* As established in chapter 34, Subdivision Regulations, of the Orange County Code.
- (5) *Pavement Markings.* All travel lanes, lines, turning arrows and other pavement markings needed to control traffic flow shall be approved by the traffic engineering division and

7192 shall be placed on the pavement by the developer, in
7194 accordance with the Manual for Uniform Traffic Control
Devices.

(6) *Traffic Control Devices.* All required regulatory, warning
7196 and/or guide signs; signalization/hazard ahead warning
7198 devices and other traffic control devices shall be approved
by the Orange County Traffic Engineering Division and
7200 installed by the developer in accordance with the Manual of
Uniform Traffic Control Devices.

(7) *Driveway Approaches.* Driveway approaches shall be
7202 provided in accordance with the grades and specifications as
established by Orange County. Such construction shall be
7204 subject to inspection and approval by the county engineer. If
any paving or curb defects, or any damage from heavy
7206 equipment shall occur within one (1) year from the date of
acceptance, the defects shall be remedied by the developer
7208 at the developer's expense.

(b) Adjoining property owners shall have maintenance
7210 responsibility for required on-street parking, bulb outs, furnishing
7212 zones and walking zones, including accessibility requirements of the
currently-adopted editions of applicable federal and state standards
7214 and of section 34-171. This responsibility shall be assigned to a
Property Owner Association, Municipal Services Benefit Unit
7216 (MSBU), Municipal Services Taxing Unit (MSTU) or Community
Development District when approved by the board of county
7218 commissioners. Such funding mechanism shall be in place prior to
or concurrent with a Preliminary Subdivision Plan.

(c) All intersections and curves shall be designed in accordance
7220 with the following or an alternative approved by the county
engineer:

(1) *Right Angle Intersections.* Streets shall be designed so as to
7222 intersect as nearly as possible at right angles. The approach
7224 to an intersection should be approximately at right angles for
a minimum of one hundred fifty (150) feet on framework
7226 streets.

(2) *Non Right Angle Intersections.* With the approval of the
7228 county engineer, one (1) approach to an intersection may be
designed with a maximum of sixty (60) degrees of offset
7230 from a right angle.

(3) *Relationship to Existing Intersections.* New intersections to
7232 an existing street shall wherever practical be located directly
across from any existing intersection on the opposite side of
7234 the street, so as to form a single four-way intersection.

(d) All streets shall be designed in accordance with the latest editions of the Orange County Road Construction Specifications; the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) and the following minimum standards:

- (1) The minimum right-of-way width shall be as depicted on the applicable street type cross-section, or of sufficient width to provide for adequate ultimate drainage facilities, utilities, and sidewalks, whichever is greater.
- (2) The minimum lane/pavement widths shall be determined based on the information presented with each framework street cross-section and the anticipated vehicular volume as described in chapter 34 of the Orange County Code.
- (3) The minimum pavement width for a one-way street, exclusive of alleys and lanes, shall be twenty (20) feet, not including on-street parking.
- (4) Minimum median width shall be consistent with the Florida Greenbook.
- (5) Pavement widths shall be measured exclusive of curbs.
- (6) Gutter curbing may be used in framework street type cross-sections where bulb outs are utilized for tree planting or to separate on-street parking spaces.
- (e) Intersection Design Standards and Requirements. Reserved.

Secs. 39-213 – 39-215. Reserved.

Subdivision. 3. Pedestrian and Bicycle Facility Design Standards.

Sec. 39-216. Pedestrian and bicycle facility design standards.

The purpose of this section is to identify standards that are applicable to the timing, construction, location and responsibility for pedestrian and bicycle facilities supporting specific public and civic uses, or which are in addition to those facilities included within the typical cross-sections of Framework Streets. The following standards shall be addressed during the review and approval of a PD/UNP, DP or PSP.

- (1) Pedestrian and bicycle access to an elementary public school is required to be available at the time of issuance of the first certificate of occupancy for a nonmodel residential dwelling unit included in an approved PSP or Development Plan. The PD/UNP that includes the area encompassed by the

7276 Development Plan should address how pedestrian and
 7277 bicycle access to the elementary school site serving the area
 7278 will be accomplished. The minimum level of access shall be
 7279 either a Framework Street, or a temporary or permanent
 7280 Multi-use Path. In either case, the Street or Path shall
 7281 connect directly to the school site or to a Framework or
 7282 Functionally Classified Street abutting the school site.

7283 (2) Pedestrian and/or bicycle facility connections from or to
 7284 Framework Streets and an Open Space District, as required
 7285 and depicted by the applicable PD/UNP, shall be provided
 7286 by the applicable property owner at the time of PSP or
 7287 Development Plan approval for lands that include the
 7288 connection(s). The property owner may choose to provide
 7289 the necessary right-of-way or easement connection and
 7290 construct the connection, or to escrow funds with the County
 7291 equal to the cost of construction.

7292 (3) Pedestrian facility connections that are in compliance with
 7293 all accessibility requirements of the currently-adopted
 7294 editions of applicable federal and state standards from or to
 7295 a designated or constructed Horizon West Trail shall be
 7296 required from all adjoining Horizon West Village properties.
 7297 The location, type and design standards for any pedestrian
 7298 facility connection to a designated or constructed Trail shall
 7299 be included in the PSP and approved by the board of county
 7300 commissioners. If the Trail has not yet been constructed at
 7301 the time of the submittal of a PD/UNP, the PD/UNP shall
 7302 include sufficient information to determine the location of
 7303 the Trail within the property subject to the PD/UNP, and an
 7304 agreement between the property owner and Orange County
 7305 shall be executed providing for the dedication of right-of-
 7306 way or access easements, design of the facility, and financial
 7307 responsibility for improvements associated with the Trail.

7308 (4) Shared Use Paths and Trails shall be designed and
 7309 constructed in conformance with AASHTO standards and
 7310 the latest edition of the Manual of Uniform Minimum
 7311 Standards for Design, Construction and Maintenance for
 7312 Streets and Highways (Florida Greenbook), as published by
 7313 the Florida Department of Transportation. Nonstreet
 7314 sidewalks shall be constructed to the same standards as street
 7315 related sidewalks, including compliance with accessibility
 7316 requirements of the currently-adopted editions of applicable
 7317 federal and state standards. Shared Use Paths and Sidewalks
 7318 shall also be marked or signed in accordance with the
 AASHTO/MUTCD standards.

- 7320 (5) Pedestrian and/or bicycle facilities included in the cross-
7322 section of a framework street may be permitted to be located
7324 outside the right-of-way within an Open Space District, APF
7326 Park or other type of open space designated on an approved
PSP or DP, but shall maintain connections to the overall
network of pedestrian and bicycle facilities. The DRC shall
have the authority to approve the alternative pedestrian
and/or bicycle facility location as part of a PD/UNP, PSP or
Development Plan.
- 7328 (6) Pedestrian and/or bicycle facilities shall not be reduced in
7330 width from the standards established herein, but widths may
be increased at the discretion and cost to the
applicant/property owner.
- 7332 (7) Design and location standards for pedestrian facilities are as
follows:
- 7334 a. Pedestrian passageways and sidewalks shall provide a
7336 minimum width of 48 inches as a continuous pedestrian
7338 access route, shall meet all accessibility requirements of
the currently-adopted editions of applicable federal and
7340 state standards, and shall be well lit and physically
separated from driveways and parking spaces by
landscaping, barriers, grade separations, or other means
to protect pedestrians from vehicular traffic.
- 7342 b. A special-emphasis crosswalk shall be required when a
7344 sidewalk crosses a public driveway accessing a
functionally-classified roadway and shall be the
maintenance responsibility of the property owner.
- 7346 c. Crosswalks shall be designed and coordinated to move
7348 people safely to and from buildings and parking areas.
Where pathways cross a parking area, driveways or on-
7350 site roadway, they shall be clearly marked with
contrasting concrete, stamped or textured concrete or
7352 asphalt material, humps, or raised crossing and
thermoplastic or painted striping.
- 7354 d. Whenever walkways are provided, raised crosswalks or
other traffic-calming measures may be used to slow
7356 traffic. If located within the public right-of-way or
roadway, they must be approved by the Orange County
Traffic Engineering Division.
- 7358 e. Crosswalks shall be located at all points where a
7360 sidewalk crosses a lane of vehicular travel and shall be
the maintenance responsibility of the property owner.

- 7362 f. Public entrance. New buildings that are open to the
7364 public shall have an entrance for pedestrians from the
7366 street to the building interior that meets all accessibility
7368 requirements of the most recent editions of applicable
7370 federal and state standards as adopted. This entrance
shall be designed to be a distinctive and prominent
element of the architectural design, and shall be open to
the public during business hours. Buildings shall
incorporate lighting and changes in mass, surface or
finish which places an emphasis to the entrance.
- 7372 (8) Design and standards for off-street bicycle facilities are as
follows:
- 7374 a. Shared use paths or bicycle paths included within the
7376 right-of-way of functionally classified streets/urban
7378 collectors (or where permitted within designated open
7380 space areas adjoining the right-of-way) shall be designed
7382 and constructed to include ten (10) feet of pavement
width and shall be consistent with the latest edition of the
Manual of Uniform Minimum Standards for Design,
Construction and Maintenance for Streets and Highways
(Florida Greenbook), as published by the Florida
Department of Transportation.
- 7384 b. All bicycle paths should provide clear signage
indicating:
- 7386 1. Hours of operation (if limited).
 - 7388 2. Maximum speed.
 3. Protocols for passing.
 4. Direction of flow of traffic.
 5. Stop signs, where needed.
- 7390 (9) Design and location standards for bicycle parking facilities
are as follows:
- 7392 a. Short-term bicycle parking devices shall be durable,
7394 have a powder-coated or galvanized weatherproof
7396 surface, be securely anchored to a concrete or pavement
7398 surface large enough to support bicycles locked to the
7400 rack, and support the frame of a bicycle in at least two
(2) places. The device shall also accommodate a high
security U-shaped lock that can secure the frame and at
least one (1) wheel. Acceptable parking devices include,
but are not limited to, inverted “U” racks, post and ring
rack, or similar device that accommodates two (2)

7402 bicycle parking spaces per rack and enables users to lock
the frame and both wheels.

7404 b. Long-term bicycle parking devices include, but are not
7406 limited to, bicycle lockers, bike stations, bicycle racks in
7408 covered loading dock areas or parking garages, and
bicycle parking spaces that are indoors or otherwise
7410 protected from the weather and theft. Areas provided
inside of multi-story multifamily or office buildings for
residents, employees, and visitors may count as long-
term bicycle parking with an approved parking plan.

7412 c. If there is one (1) building associated with the
7414 installation, the bicycle parking device(s) shall be
located as close to the primary building entrance as the
7416 nearest parking space not designated as accessible and
shall maintain the accessibility of the building entrance.
7418 Bicycle racks are encouraged to be covered, such as by
building soffits or by stairways in multifamily
7420 development, provided the accessibility of the building
entrance is maintained.

7422 d. Bicycle parking spaces must be at least six (6) feet long
and two (2) feet wide, with an overhead clearance of
seven (7) feet.

7424 e. The parking device must be a minimum of three (3) feet
7426 from a parallel wall and four (4) feet from a
perpendicular wall.

7428 f. An aisle at least five (5) feet shall be provided between
rows of bicycle parking.

7430 g. If located on or next to a sidewalk, a minimum of five
(5) feet of clear sidewalk must remain when bicycles are
parked at a device.

7432 h. If a device is installed at a transit stop, its location shall
7434 not impede transit boarding or the accessibility of the
transit stop.

7436 i. A bicycle parking device shall not impede pedestrian
travel or freight loading and shall be accessible to users
without users having to ascend or descend stairs.

7438 j. Bicycle parking shall be separated from vehicle parking
7440 spaces by physical barriers, such as curbs, wheel stops,
bollards or other similar features, to protect bicycles
7442 from being damaged by vehicles. Where automobile
parking is covered, bicycle parking shall also be covered.

- k. If the device is near a curb on a street with automobile parking, at least five (5) feet of space must remain between a bicycle parking device and the curb..

Secs. 39-217 – 39-220. Reserved.

Subdivision 4. Transit Standards.

Sec. 39-221. Transit facility design standards.

Transit service will play an important role in securing mobility for visitors, residents and employees of Town Center Land Use Districts. The location, design and amenities associated with transit access are addressed in the standards provided below.

- (1) The provision of on-street transit access shall be addressed in the PD/UNP for Neighborhood Planning Areas, or may be deferred to the Preliminary Subdivision Plan (PSP) process when the Master Street and Block Plan submittal requirement has also been deferred. The applicant for a PD/UNP or PSP review should coordinate transit access planning with the local service provider in order to identify preferred locations and integration with street design as well as building design plans. This planning process should be guided by the LYNX Mobility/Design Manual and the LYNX Customer Amenities Manual as may be updated from time to time.

Secs. 39-222 – 39-230. Reserved.

DIVISION 3. LAND USE STANDARDS

Sec. 39-331. Neighborhood planning area and district based development programs.

Development entitlements authorized through the PD/UNP, PSP or DP process, or assigned to an Open Space District parcel, shall be consistent with the adopted Comprehensive Plan and chapter 30 of the Orange County Code of Ordinances. Authorized development programs may be comprised of the following:

- (1) The land uses, per Neighborhood Planning Area and applicable Neighborhood Parcel, from **Table 1.1 (FLU4.8.3)** of the adopted Comprehensive Plan;
- (2) Any approved Transfer of a Development Right (TDR) from a sending to a receiving area authorized by chapter 30, article XIV, division 3 of the Orange County Code of Ordinances; and/or

- (3) Any development program bonus awarded with approval of a Planned Development/Unified Neighborhood Plan, Development Plan or Preliminary Subdivision Plan.

Sec. 39-332. Internal transfer of uses/development program.

(a) The transfer of land uses/development program between Neighborhoods and/or Neighborhood Parcels within the same PD/UNP may be approved consistent with applicable provisions of this Development Code. This type of request for transfer can be processed with the initial PD/UNP or as a nonsubstantial change request with a subsequent Development Plan (DP) or Preliminary Subdivision Plan (PSP).

(b) A land use/development program transfer from one (1) Neighborhood Planning Area Parcel to another Neighborhood Planning Area (NPA) Parcel, where one (1) of the Parcels is not included in an approved PD/UNP, shall not be permitted.

Sec. 39-333. Residential density standards.

(a) Net density is calculated by dividing the total number of dwelling units by the net developable acreage. Net developable acreage is defined as the area in acres, after the area included in natural water bodies, conservation (wetland areas), APF (adequate public facilities) lands, greenbelts, stormwater (when incorporated into a publicly accessible open space as a landscaped amenity), and public open space has been deducted from the total area within a property or parcel boundary. (CP Policy FLU4.8.7)

(b) The average minimum net density for Town Center, with the exception of lands designated as URD within Neighborhood Parcel UR-3, shall be four (4) dwelling units per net acre. An evaluation of the average minimum net density shall be determined for each PD/UNP, based on the total net acres of Land Use Districts that include dwelling units as part of the development program. When a PD/UNP development program does not include dwelling units, the average minimum net density evaluation shall not apply.

(c) The maximum density for lands designated as URD within Neighborhood Parcel UR-3 shall be two (2) dwelling units per net acre.

(d) The maximum residential net density for Town Center Land Use Districts, without Transfer of Development Rights (TDRs), shall be as identified below. All standards are dwellings per net acre.

- *Urban Residential District (UR)*: Five and one-half (5.5) dwellings.

- 7522 • *Corporate Campus Mixed Use District (CCMU):* Twelve (12) dwellings.
- 7524 • *Corporate Neighborhood Center District (UNC):* Five and one-half (5.5). dwellings
- 7526 • *Retail/Wholesale District (RW):* Twelve (12) dwellings.
- 7528 • *Traditional Town Center Core District (TTCC):* Forty-two (42) dwellings.
- 7530 (e) The maximum residential net density for Town Center Land Use Districts with Transfer of Development Rights (TDRs) shall be as identified below. All standards are dwellings per net acre.
- 7532 • *Corporate Residential District (UR):* Eight (8.0) dwellings.
- 7534 • *Corporate Campus Mixed Use District (CCMU):* Twenty (20) dwellings.
- 7536 • *Urban Neighborhood Center District (UNC):* Eight (8) dwellings.
- 7538 • *Retail/Wholesale District (RW):* Twenty (20) dwellings.
- 7540 • *Traditional Town Center Core District (TTCC):* No maximum.
- 7542 (f) The maximum net density without TDRs may be increased up to the maximum net density with TDRs provided that an equivalent number of units (transfer of development rights) have been obtained in accordance with the provisions of chapter 30, article XIV, division 3, transfer of development rights (TDRs). All TDR sending and/or receiving areas shall be identified on the Planned Development/Unified Neighborhood Plan (PD/UNP). All wetlands and upland greenbelts may be designated as TDR sending areas and all Neighborhood Parcels and building or development sites may be designated as sending and receiving areas. Development rights for sending areas located outside the boundary of the receiving PD/UNP must be transmitted through a development agreement prior to or concurrent with approval of the receiving zone through a PD/UNP, Development Plan or Preliminary Subdivision Plan
- 7550
- 7552
- 7554

Sec. 39-334. Nonresidential intensity standards.

- 7556 (a) Net Floor Area Ratio (FAR) is expressed as a maximum standard for each type of Land Use District. The standards are based
- 7558 on the total net acres of land within a Land Use District, Development Plan or a Preliminary Subdivision Plan intended for a
- 7560 nonresidential or a mixed nonresidential and residential use. The Net FAR calculation requires a net acreage and a gross floor area.

(b) The maximum net FAR for Town Center Land Use Districts, without Transfer of Development Rights (TDRs), shall be as identified below. All standards are expressed as the ratio of total gross floor area to net acres of building or development site area.

- *Urban Residential District (UR)*: Not applicable (when nonresidential uses in the UR District are allowed through the Permitted by Location Permission Type, the nonresidential intensity is controlled through the maximum amount of floor area per site).
- *Corporate Campus Mixed Use District (CCMU)*: 0.32 FAR.
- *Corporate Neighborhood Center District (UNC)*: 0.20 FAR.
- *Retail/Wholesale District (RW)*: 0.20 FAR.
- *Traditional Town Center Core District (TTCC)*: 0.60 FAR.

(c) The maximum net FAR for Town Center Land Use Districts with Transfer of Development Rights (TDRs) shall be as identified below. All standards are expressed as the ratio of total gross floor area to net acres of building or development site area.

- *Urban Residential District (UR)*: Not applicable (when nonresidential uses in the UR District are allowed through the Permitted by Location Permission Type, the nonresidential intensity is controlled through the maximum amount of floor area per site).
- *Corporate Campus Mixed Use District (CCMU)*: 0.40 FAR.
- *Urban Neighborhood Center District (UNC)*: 0.40 FAR.
- *Retail/Wholesale District (RW)*: 0.40 FAR.
- *Traditional Town Center Core District (TTCC)*: No maximum.

(d) *Mixed Residential and Nonresidential Density or Floor Area Ratio (FAR)*. When a development proposal includes the vertical integration of residential and nonresidential uses, residential units may be converted to gross floor area and combined with nonresidential gross floor area to create a mixed use gross floor area for the purpose of determining compliance with maximum FAR standards. In mixed use buildings, the gross floor area of residential units is included in the calculation of floor area ratio even in the circumstance where the residential gross floor area is greater than fifty (50) percent of the total gross floor area of the building

Sec. 39-335. Town Center use table summary.

(a) Uses that are permitted within Town Center land use districts by right, by location as identified on an approved Unified Neighborhood Plan, special exception, with approval by the Planning and Zoning Managers, or for ancillary purposes only, are indicated, respectively, by the letters “P,” “P(UNP),” “S,” “PM,” and “A” in the cells of the Horizon West Town Center Land Use Table as set forth in section 39-347. Any conditions that apply to a specific use are listed in section 39-348 and at the end of the table in section 39-347. No use shall be permitted in a district except in accordance with the corresponding letter that appears for that use in the appropriate cell.

(b) Except as may be provided otherwise, buildings, structures, lands and premises shall be used only in accordance with the uses and conditions contained in the “Horizon West Town Center Land Use Table” set forth in section 39-347, and the “Uses Permitted by Location” criteria set forth in section 38-190.

(c) When a use is permitted in a particular Horizon West Town Center Land Use District, it is permitted in that district subject to:

- (1) Compliance with all applicable requirements of the Orange County Code, in general, and chapter 38 specifically; and
- (2) Compliance with all standards and conditions specified in the section 39-348.

(d) Ancillary uses (identified by the letter “A” in the Horizon West Town Center Land Use Table) must be located within the building occupied by the principal use and shall be limited in floor area to a cumulative total of ten (10) percent of the gross floor area of the ground floor of the building in which the ancillary use(s) is located.

(e) Uses identified as “Permitted by Location” or “P(UNP)” in the Horizon West Town Center Land Use Table are limited to pre-designated locations specified on an approved PD/UNP.

Secs. 39-336 – 39-340. Reserved.

DIVISION 4. PLACEMAKING

Orange County recognizes the importance of ensuring that residents, visitors, and workers have a choice of living, working, and shopping environments. The County's goal is to facilitate a variety of lifestyles. These design standards offer Orange County residents, employers, and shoppers lifestyle choices featuring more urbanized and compact conditions within the Town Center area of Horizon West. The TCSAP expresses a preference for compact, vibrant, and

pedestrian-scaled places featuring mixed-use residential, employment, and shopping choices. This Part serves as a guide to the form and placement of structures, parking and sidewalk corridors to facilitate development of safe, popular, and economically vibrant settings to work, live, shop, and recreate

Sec. 39-341. General Building Placement, Site Planning, and Visual Buffer Standards.

Build-To and Minimum Setback Standards along Framework Streets.

Subdivision II distinguishes the Town Center's system of Framework Streets from the County's functionally classified streets (Arterials and Collectors). It also provides a series of graphic cross sections which further describe the parallel components (within the private property, and public realms) that make up the length of all Framework Streets and Through Block Pedestrian Passageways. Each of these street components plays an important role in shaping the visual character of the Town Center's many neighborhoods. The Frontage Zone component of Framework Streets plays a particularly visible and important role in shaping the street's visual character.

(a) *Structural "Build-To" Standards and Architectural Expression.* When building front or side facades are placed adjacent to the public sidewalk, a continuous street wall is created which effectively delineates the sidewalk corridor's private property edge. In these settings, parking is placed behind the building (within the block's interior), and at adjacent on-street locations. Except as set forth in subsection 39-342(b)(1)a., where build-to requirements apply, but no structure is proposed for a segment of a block face adjacent to a Framework Street (e.g., a gap in the street wall, between adjacent existing buildings), then parking and drive lanes (with the exception of permissible right-in/right-out driveways) may be placed no closer than ninety (90) feet from the right-of-way. If a building is constructed within any portion of such gap between adjacent existing buildings, the ninety (90) feet parking setback requirement does not apply to the area immediately behind the new building, within the interior of the block.

Ten Inch Build-To Line. Throughout the Corporate Neighborhood Center and Traditional Town Center Land Use Districts and along all Main Street type Framework Streets, building front facades will be pulled forward, toward the street, to a build-to line located ten (10) feet from the property line. The rooflines of buildings that form sidewalk edge street walls should vary in height, and have distinguishable individual facades that give the appearance of multiple buildings and uses. A ten (10) inch deep variation in the

required build-to line, to accommodate visual interest and architectural expression, is described below.

Ten Inch Deep Architectural Design Flex Zone. To facilitate architectural expression and visual interest, and to avoid elongated stretches of featureless and rigidly aligned street walls, buildings are allocated an additional ten (10) feet deep flex zone (a dimensional variation in the build-to line) in a direction away from the Framework Street and commencing at the back of the Frontage Zone. Within this facade design flex zone (which spans between ten (10) and twenty (20) feet from the property line), building entryways shall be emphasized, and the facade should give the appearance of individual shop fronts and residences. Incorporating street-level recessed, projected (maintain ten-foot minimum setback), and/or freestanding architectural forms including columns, colonnades, pilasters, balconies, raised seat wall planters, and/or expanded outdoor seating areas will achieve visual interest and architectural character. However, a minimum of seventy (70) percent of the length of the building's forward-most facade shall be constructed directly on the ten-foot build-to line on the front street, and on any side street.

NOTE: Rear Lane and Residential Rear Alley type Framework Streets are exempt from “Build-To” conditions within all Town Center Land Use Districts. See Framework Street section standards within Subdivision II.

Front and side street corner lot build-to standards occur under three (3) circumstances:

- (1) *Along All Main Street Type Framework Streets.* Main Streets are intended to feature a compact mixture of smaller scale office, retail, personal service, and high-density residential uses served by slower vehicular movement. Owners of all properties along Main Streets shall construct front facades in accordance with the Build-To standards described above. On-site surface parking and associated driveway access for structures along any Main Street type Framework Street, regardless of the Land Use District setting, shall be located behind structures and within the interior of the block. Vehicular access to block interior surface parking facilities may be provided along the intersecting side streets.
- (2) *Build-to standards throughout the Corporate Neighborhood Center (CNC) Land Use Districts.* CNC Districts feature small scale, neighborhood-serving retail, personal service, and civic uses designed and scaled for convenient walking access from the surrounding neighborhood. CNC Districts shall be designed and configured to accommodate heavy

pedestrian traffic from the surrounding Corporate Campus Mixed Use and Urban Residential Districts. Buildings on all properties within the CNC Land Use Districts shall be constructed with front and side street-facing facades in accordance with the build-to standards described herein.

- (3) *Build-to standards throughout the Traditional Town Center Core (TTCC) Land Use District.* The TTCC Land Use District will be designed as the primary activity center of the Horizon West Town Center, and surrounding Villages. The TTCC District shall be designed and configured to accommodate busy pedestrian traffic while featuring the Town Center's shortest blocks and tightest street grid pattern. The TTCC District will incorporate mixed-use buildings featuring first floor retail, personal service, and offices. Upper floors may contain residential and office uses. Buildings on all properties within the TTCC District shall be constructed with front (and side street) facades in accordance with the Build-To standards described herein.

TABLE 4-1
BUILDING SETBACK AND BUILD-TO STANDARDS

CNC & TTCC Districts	Front	Side	Rear	Side Street	End Unit	Maximum Height
Nonresidential (1)	10-20 max(2)	0	10	10-20 max(2)	NA	45/150(7)
Residential (Detached)	10(3)	5	20	10(3)	NA	45
Residential Detached Garage	(6)	(6)	(6)	(6)	NA	22(4)
Residential (Apartments/Condos)	10-20 max(2)	5	20	10-20 max(2)	NA	45/150(7)
Residential (Attached & Townhomes)	10-20 max(2)	0	14	10-20 max(2)	5	45
UR, CCMU, R/W & OS DISTRICTS	Front	Side	Rear	Side Street	End Unit	Maximum Height
Nonresidential (1)	10(5)	0	10	10(5)	NA	45/150(7)
Residential (Detached)	10(3)	5	20	10(3)	NA	45
Residential Detached Garage	(6)	(6)	(6)	(6)	NA	22(4)
Residential (Apartments/Condos)	10(3),(5)	5	20	10(3)	NA	45/150(7)

Residential (Attached & Townhomes)	10(3),(5)	0	14	10	5	45
<i>Notes:</i> (1) Includes residential uses located on top of nonresidential uses. (2) Must locate building at ten-foot line, but up to thirty (30) percent may be allowed at the twenty-foot line. See Flex-Zone. (3) Includes any porch. (4) 30 feet allowed for garages with apartments above. (5) If on a Main Street, then building must be located at ten-foot line, but up to thirty (30) percent may be allowed at the twenty-foot line. (6) See Garage standards in subsection 39-155(g). (7) CNC & UR = 45'; TTCC & CCMU = 150'						

7752 (b) Refuse and Mechanical Equipment; Placement and Visual
7754 Screening. Ground-mounted meters, valves, and mechanical
7756 equipment, outdoor storage and service areas (except those
7758 associated with single-family detached units) shall, to the extent
7760 possible, be purposely oriented away (and located remote) from
visible areas where high-volume vehicular and pedestrian traffic is
anticipated. Such equipment or storage areas shall be visually
screened by a one hundred (100) percent opaque fence, wall, or
landscaping buffer.

7762 Wall-mounted meters and associated hardware can visually
7764 detract from the appearance of project walls and building facades.
7766 Therefore, wall-mounted meters and associated hardware shall, to
the extent possible, be located on walls possessing a minimum of
visual exposure to high-traffic areas. Such meters shall, to the extent
possible, be placed in cabinets and painted to match the surrounding
wall surfaces and trim.

7768 Dumpsters and other refuse areas shall also be screened by a one
7770 hundred (100) percent opaque buffer, including a six-foot masonry
7772 wall. The masonry wall shall be configured to incorporate a
7774 landscaped planter strip, for planted shrubs or vines, around the
entire exterior foundation of the walled area. The wall shall
incorporate a continuous decorative cap feature along its full length,
and replicate the architectural trim, finish, and color of the principle
structure. The gate shall be opaque and self-closing.

7776 **Sec. 39-342. Parking.**

7778 *NOTE:* This section will occasionally refer to development
7780 standards in the Village Planned Development Code (“Village
Code” division 8, section 39-151 et seq., Orange County Code).
Applicable references within the Village Code to “Village

Roadways” or “Village Streets” shall be considered interchangeable with this Division's reference to Framework Streets.

(a) *Residential Parking.* Residential parking, and related vehicular access, shall be provided in accordance with section 39-155(i).

(b) *Nonresidential Parking.* Nonresidential parking, and related vehicular access, shall be provided in accordance with the parking standards for Village Centers in subsection 39-167(d)(4). However, the terms “village roadways” or “village” within that section refer to projects and development within the limits of the Horizon West Town Center. Proposals for shared parking may be submitted in accordance with the provisions outlined in chapter 40, article 3. All other provisions of subsection 39-167(d)(4) shall apply, with the exception of the following modifications, deletions, and additions:

(1) *Subsection 39-167(d)(4)b.* All at-grade parking lots fronting Town Center roadways shall be set back in accordance with the Framework Street Cross Sections in **Article 2 [subpart 2]**, and the following:

a. *Corporate Neighborhood Center (CNC) Districts.* Parking stalls are prohibited between CNC District buildings and the right-of-way of functionally classified roads.

Drive lanes may be permitted between CNC District buildings and the right-of-way of functionally classified roads.

No more than thirty (30) percent of an individual block face which abuts a Town Center Framework Street may include one (1) double-loaded drive aisle (e.g., single row of adjacent parking stalls placed on both sides of a two-way drive aisle). Drive lanes and parking stalls are prohibited between buildings and the adjacent roadway along the remainder of such block faces.

b. *Traditional Town Center Core (TTCC) District.* On-site surface parking and associated driveway access for all structures within the TTCC District (regardless of Framework Street type or functionally classified road status) shall be located behind structures and within the interior of the block. Vehicular access to block interior surface parking facilities may be provided along the intersecting side streets or through approved right-in/right-out driveway curb cut locations.

(2) *Subsection 39-167(d)(4)d.* Where off-street parking areas are permitted to adjoin Framework streets, there is no

7824 dimensional restriction on the maximum length of such
7826 street frontage. Within the Corporate Neighborhood Center
7828 District, limitations are placed on the percentage of
individual block faces which may adjoin off-street surface
parking areas.

(3) *Subsection 39-167(d)(4)h.* (Parking). Off-street parking
7830 shall be located in accordance with the provisions of the
Town Center Code. Landscaping for the screening and
7832 interior of off-street parking shall comply with chapter 40,
and the framework street standards described in subdivision
7834 II of the Town Center Code. A masonry (with stucco finish)
or brick knee wall, between forty (40) and fifty (50) inches
7836 high, including a decorative cap shall be installed along the
parking lot edge, between the parking lot and the framework
7838 street, but shall be outside the vertical and/or horizontal sight
distances of any intersection or driveway. The knee wall
7840 shall not extend over thirty (30) feet without an offset or
projection (for insertion of accent plantings) or projected
7842 pilaster and column feature which provides aesthetic variety.
The wall shall be installed along not less than seventy (70)
7844 percent of the length of any parking or drive aisles adjacent
to framework streets or functionally classified roads. Opaque
7846 plantings shall be installed within any interruptions of the
knee wall in accordance with the parking lot perimeter
7848 landscape buffering requirements of chapter 40.

Decorative screen fencing may be acceptable, with prior
7850 approval of the Development Review Committee (DRC), as
an alternative to the masonry knee wall required along
7852 functionally classified roads. Such screen fencing shall be
designed and constructed in a durable manner which
7854 minimizes the need for fence repairs. Decorative screen
fencing shall be between forty (40) and sixty (60) inches
7856 high and shall feature at least fifty (50) percent opacity.

(4) *Subsection 39-167(d)(4)i.* (Grocery Store Parking).
7858 a. Parking and parking access for grocery stores or other
retail anchor establishments shall be located in
7860 accordance with the building and parking placement
standards ascribed to the individual land use districts, or
7862 Framework Street type, of the Town Center.
b. Regardless of the orientation of the side or rear of a
7864 grocery store, or other retail anchor establishment,
relative to an adjacent roadway, parking and parking
7866 access shall be located in accordance with the building
and parking placement standards ascribed to the

7868 individual land use districts, or Framework Street type,
7870 of the Town Center. Grocery store side or rear facades,
7872 which are visible from an adjacent Framework street,
7874 shall not project blank, or featureless walls. Instead, such
7876 walls shall incorporate projected architectural features
including decorative trim, pilasters, recessed window
glazing (transparent or spandrel) and projected window
surrounds, awnings, varied roof and eaves lines, and
paint color variations.

7878 c. Buildings within outlying portions of parking lots for
7880 grocery stores or other retail anchor establishments shall
7882 be located in accordance with the building placement
7884 standards ascribed to the individual land use districts, or
7886 Framework Street type, of the Town Center.
7888 Notwithstanding the colors or architectural forms or
7890 finishes which may be associated with any particular
7892 formula retail company, buildings within the outlying
portions of parking lots for grocery stores or other retail
anchor establishments shall, at a minimum, repeat the
architectural style or selected trim on any existing
adjacent retail anchor development or selected
architectural features established. Parking for these
buildings shall be located in accordance with the
building and parking placement standards ascribed to the
individual land use districts, or Framework Street type,
of the Town Center.

7894 d. Parking lots shall be configured into a series of smaller
7896 modules or sub-lots and pedestrian pathways in
accordance with chapter 40, article 2.

7898 (5) *Subsection 39-167(d)(4)j.* This provision for required pass-
7900 throughs in parking lots is redundant of the pedestrian
pathways already required elsewhere and therefore is not
applicable to the Town Center.

7902 (c) *Front-Loaded Parking Options.* Front-loaded parking
7904 configurations which place parking stalls, or drive aisles, in front of
buildings (between buildings and the adjacent street) shall be limited
to the following configurations. Listed from most preferred
(narrowest footprint) to least preferred (widest footprint), they are:

7906 (1) *One-way (or two-way) drive aisle.* Drive aisle (with no
7908 associated parking), with no associated parking, which
provides vehicle circulation around buildings.

7910 (2) *Single (or double) loaded, one-way drive aisle for parallel
parking stalls.* One-way drive aisle which accesses a single
row of parallel parking stalls, or which accesses parallel

7912 stalls on both sides of the aisle. Single-loaded configurations
7914 which place stalls only on the building side of drive aisles
(not on the street side) are preferred.

7916 (3) *Single (or double) loaded, one-way (or two-way) drive aisle*
7918 *for angled parking.* One-way (or two-way) drive aisle which
7920 accesses a single (or double) row of angled parking stalls.
Single-loaded configurations which place stalls only on the
building side of drive aisles (not on the street side) is
preferred.

7922 (4) *Single (or double) loaded, one-way (or two-way) drive aisle*
7924 *for head-in (ninety (90) degree) parking.* One-way (or two-
way) drive aisle which accesses a single (or double) row of
head-in parking stalls. Single-loaded configurations which
place stalls only on the building side of drive aisles (not on
the street side) is preferred.

7928 (d) *Parking Lot Sub-Lots and Pedestrian Pathways.* Expansive
7930 parking lot surfaces along framework and functionally classified
streets can detract from the desired visual character of town center
7932 neighborhoods. Therefore, surface parking lots of commercial
projects abutting any town center streets shall be configured into a
series of smaller sub-lots, in accordance with chapter 40, article 3.
7934 Crosswalks shall be located at all points where a sidewalk crosses a
lane of vehicular travel and shall be the maintenance responsibility
of the property owner.

7936 *NOTE:* Through-block pedestrian passageways (otherwise
7938 required in order to meet block length standards), including their
required components as described within subdivision II of this
7940 division, shall replace an individual parking lot pedestrian pathway
whenever a pathway is coincidental with a through-block
7942 passageway. However, no individual substitution of a pedestrian
passageway for a pathway may cause more than three (3) adjacent
head-to-head parking stall aisles that lack a pedestrian pathway.
7944 Furthermore, projects not meeting the seventy-five thousand
(75,000) square feet gross floor area definition of big box, shall (to
7946 the extent possible) align required parking lot pedestrian pathways
with the entries of smaller commercial structures.

7948 **Sec. 39-343. Framework street trees, landscaping at parking
lots and building foundations.**

7950 (a) *Three-Tier Landscaping Buffering.* When parking facilities
7952 (drive aisles or parking stalls) are constructed adjacent to
Framework Streets or functionally classified roads, the following
three-tiered system of landscaping, and knee wall (or decorative
7954 screen fencing only along functionally classified roads and

intersecting framework streets to the nearest driveway), shall be required:

(1) Parking lot perimeter landscape buffer strip in accordance with chapter 40, article 3, division 5; and any related standards described within subdivisions II and IV of this division. NOTE: The landscape buffer strip described within chapter 40, article 3, division 5 shall be deepened to extend across the full depth of a Framework Street Frontage Zone; and

(2) A decorative masonry knee wall, installed along the rear (private property side) edge of the Frontage Zone, designed, constructed, and located in accordance with the standards described in subsection 39-342(b)(3). Decorative screen fencing may be acceptable, with prior approval of DRC, as an alternative to the masonry knee wall required along functionally classified roads; and

(3) Eight-foot planter strip along the immediate base of the building's Primary and Secondary facades in accordance with chapter 40, article 3, division 5. When parking stalls are not proposed immediately adjacent to a building perimeter sidewalk, the required building base landscape strip may be relocated to the exterior edge (drive aisle side) of the building perimeter sidewalk. Reasonable interruptions in the relocated landscape strip, for pedestrian access, may be incorporated.

(b) *Exemptions from three-tier landscape buffering requirements.* Following are exemptions from the three-tier landscape buffering requirements above:

(1) Where a building facade is constructed directly abutting a Framework Street Frontage Zone (e.g., no parking placed between the building and road), the above three (3) tiers of landscaping shall not be required. However, street trees shall be required along the street curb in accordance with subsection 39-155(c), and narrow planter cutouts, raised planters, or potted plantings are encouraged along building foundation edges within the Framework Street Frontage Zone.

(2) *Residential Rear Alley type Framework Streets.* No landscaping required.

(3) *Rear Lane type Framework Streets.* Nonresidential projects shall incorporate a landscape buffer, excluding street trees, along property edges which abut a Rear Lane type Framework Street in accordance with the standards

7998 established in subdivision II, and this section. Said landscape
8000 buffer shall be fully planted with groundcover, and a
continuous shrub hedge at least thirty (30) inches high at
8002 planting, with a species capable of growing to at least thirty-
six (36) inches in height within eighteen (18) months, which
8004 hedge shall be maintained at a height not less than thirty-six
(36) inches. In addition, whenever a surface parking lot is
8006 placed adjacent to a Rear Lane, a knee wall, as described
above shall be installed along the parking lot edge of the
8008 required landscape buffer. Residential uses abutting Rear
Lanes are not required to incorporate any Framework Street
related landscape buffering.

8010 (c) *Framework Street Trees*. Approved canopy Street trees shall
be planted within the Furnishing Zone or bulb out planters of Town
8012 Center Framework streets as illustrated within subdivision II of this
division. With the exception of Rear Lane type streets where street
8014 trees are not required, street trees shall be planted along all
Framework streets at a maximum average spacing of forty (40) feet
8016 on-center. Trees shall have a clear trunk of six (6) feet, and
minimum caliper of three (3) inches at the time of planting. Palms
8018 may not be used as Framework street trees.

Sec. 39-344. Detached residential development standards.

8020 (a) With the following exceptions, detached residential
structures and lots shall be developed in accordance with the
8022 residential district types described within **division 8**, Village
Planned Development Code (e.g., Estate District, Estate Home
8024 District, Estate Rural District, Garden Home Single-Family District,
Garden Home Mixed Use District, or Village Home District). Where
8026 a conflict exists between the Village Planned Development Code,
and this section, the standards of this section shall prevail.

8028 (b) *General Development Standards*.

8030 (1) *Density*. Density standards shall be in accordance with those
described within subdivision III.

8032 (2) *Permitted Uses*. Permitted uses and all other accessory uses
within any Town Center Land Use District shall be
consistent with subdivision III, Land Use Standards.

8034 (3) *Driveways*. Shared driveways are encouraged; when
driveways are not shared, they must be set back a minimum
8036 of one (1) foot from the side property line.

8038 (4) *Residential building finished floor elevations* [along front
and side streets] shall be elevated a minimum of three (3)
steps above the adjacent sidewalk grade, and shall include

8040 any necessary components associated with applicable ADA requirements.

8042 *NOTE:* Individual structures may be exempt from the above

8044 grade separation requirement when it can be demonstrated that no air conditioned space within the structure is less than twenty (20) feet distance from the back of sidewalk.

8046 (b) *Single-Family Detached Residential Development Standards.* The following standards shall apply to all single-family

8048 detached residences, where such uses are permitted, in accordance with the Use Table referenced in subdivision III.

8050 (1) *Maximum lot area:* See the individual detached residential housing district types within the Village Code sections

8052 39-156 through 39-161.

8054 (2) *Minimum average lot size:* See the individual detached residential housing district types within the Village Code sections 39-156 through 39-161.

8056 (3) *Minimum living area:* See the individual detached residential housing district types within the Village Code sections

8058 39-156 through 39-161.

8060 (4) *Minimum lot width:* See the individual detached residential housing district types within the Village Code sections 39-156 through 39-161.

8062 (5) *Minimum lot depth:* One hundred (100) feet, one hundred ten (110) feet with alley.

8064 (6) *Maximum building height:* See individual Town Center Land Use Districts.

8066 (7) *Maximum detached garage height:* Twenty-two (22) feet or thirty (30) feet with living area over garage.

8068 (8) *Maximum lot coverage:* Reserved.

(9) *Open space:* Reserved.

8070 (10) *Building minimum setbacks*:*

a. Front: Ten (10) feet. Includes any provided porch.

8072 b. Side: Five (5) feet.

c. Side street: Ten (10) feet. Includes any provided porch.

8074 d. Rear: Twenty (20) feet for primary structure.

e. Lakefront: In accordance with chapter 30.

8076 f. Garages: See subsection 39-155(g).

* The *Frontage Zone* of Framework Streets may [depending on the surrounding Land Use District, and the adjacent street type) function as either a build-to line, or a minimum setback line. See section 39-341 General Building Placement, Site Planning, and Visual Buffer Guidelines.

Sec. 39-345. Attached residential development standards.

(a) With the following exceptions, attached residential development shall develop in accordance with Use Table in subdivision III and section 39-162 (Townhouse/Apartment/Condominium District) of the Village Code, regardless of the form of ownership. Where any conflicts exist between these development standards and those within the Village Code, the standards of this section shall prevail:

(b) *General Development standards.*

(1) *Density:* Attached residential projects shall meet density standards described within subdivision III of this code.

(2) *Minimum building separation:* Twenty (20) feet, or as may be approved otherwise by the Building Official.

(3) *Permitted uses:* Permitted uses, and all other accessory uses within any Town Center Land Use District shall be consistent with subdivision III of this Code.

(4) *Driveways:* Shared driveways are encouraged; however, when driveways are not shared, they must be set back a minimum of one (1) feet from the side property line.

(c) *Townhouse Development Standards.* With the exceptions described below, Townhouse developments shall develop in accordance with section 39-163 of the Village Planned Development Code.

(1) Maximum building height: See individual Town Center Land Use Districts.

(2) Maximum lot coverage: Reserved.

(3) Open space: Reserved.

(4) Maximum number of units per building: See Subdivision III, Use Table.

(5) Building setbacks*:

a. Front: Ten (10) feet. Includes any provided porch.

b. Side: Five (5) feet for end units.

* The *Frontage Zone* of Framework Streets may, depending on the surrounding Land Use District, and the adjacent street

8116 type, function as either a build-to line, or a minimum setback
8118 line. See section 39-341 General Building Placement, Site
Planning, and Visual Buffer Guidelines.

(d) Apartment and Condominium Development Standards.
8120 With the exceptions described below, apartment and condominium
8122 developments shall develop in accordance with sections 39-164
(apartments) and 39-165 (condominiums) of the Village Planned
8124 Development Code. Where any conflict may exist between the
Village Planned Development Code and this section, the standards
of this section shall prevail.

8126 (1) Minimum lot depth: One hundred (100) feet, one hundred
ten (110) feet with alley.

8128 (2) Minimum lot width: Reserved.

(3) Maximum building height: See individual Town Center
8130 Land Use Districts.

(4) Maximum detached garage height: Twenty-two (22) feet or
8132 thirty (30) feet with living area over garage.

(5) Minimum living area: Five hundred (500) square feet per
8134 dwelling unit. Living area is defined as the area that is heated
and cooled.

8136 (6) Maximum number of units per building: See subdivision III,
Land Use Standards.

8138 (7) Maximum lot coverage: Reserved.

(8) Open space: Reserved.

8140 (9) Maximum building length: Reserved.

(10) Building setbacks:

8142 a. Front*: Ten (10) feet. Includes any provided porch.

b. Side: Five (5) feet.

8144 c. Side street*: Ten (10) feet. Includes any provided porch.

* The *Frontage Zone* of Framework Streets may, depending
8146 on the surrounding Land Use District, and the adjacent street
type, function as either a build-to line, or a minimum setback
8148 line. See section 39-341 General Building Placement, Site
Planning, and Visual Buffer Guidelines.

8150 **Sec. 39-346. Town Center land use districts development
standards.**

8152 (a) *Generally.* An overview description of the intended uses and
character of each of the Town Center Land Use Districts is given in

8154 Subdivision I of this Code. The following standards further delineate
8155 the development standards of each District:

8156 (1) *Integrated, District-Wide, Non-vehicular Pathways.* Each
8157 Town Center Land Use District shall feature a District-wide,
8158 integrated bicycle and sidewalk system which incorporates
8159 multiple connections to a Town Center-wide
8160 pedestrian/bikeway/recreation trail system. All bike, multi-
8161 use, and pedestrian systems shall ultimately prioritize safe
8162 and convenient access to the Traditional Town Center Core
District.

8164 (2) *Subdivision Walls.* Subdivision perimeter walls, along any
Framework Street, are prohibited.

8166 (3) *Driveways.* Shared driveways are encouraged; however,
8167 when driveways are not shared, they must be set back a
8168 minimum of one (1) foot from the side property line.

8170 (4) *Signage.* With the following exceptions, signage within the
UR District shall be permitted and installed in accordance
with section 38- 1389(d)(5).

8172 (b) *Urban Residential District (UR).*

8174 (1) *Detached Single-Family.* See section 39-344 above, and
Subdivision III, Use Table.

8176 (2) *Townhome, Apartment, Condominium development
guidelines.* See section 39-345, and subdivision III, Use
Table.

8178 (3) *Development Standards.* The following standards shall
apply to development within the Urban Residential District:

8180 a. *Permitted uses:* See subdivision III, Use Table. See also
8181 detached residential housing district types within the
8182 Village Code sections 39-156 through 39-161.

b. *Maximum lot area:* None.

8184 c. *Minimum average lot size:* Reserved.

d. *Minimum living area:* Reserved.

8186 e. *Minimum lot width:* Reserved.

8188 f. *Minimum lot depth:* One hundred (100) feet, one hundred
ten (110) feet with alley.

g. *Maximum lot coverage:* Reserved.

8190 h. *Open space:* Reserved.

i. *Building setbacks:*

8192 1. *Front*:* Ten (10) feet. Includes any provided porch.

- 8194 2. Side: Five (5) feet.
- 8196 3. Side street*: Ten (10) feet. Includes any provided porch.
- 8198 *
- 8200 The Frontage Zone of Framework Streets may [depending on the surrounding Land Use District, and the adjacent street type) function as either a build-to line, or a minimum setback line. See section 39-341 General Building Placement, Site Planning, and Visual Buffer Guidelines.
- 8202 j. *Maximum building height*: Three (3) stories, forty-five (45) feet maximum.
- 8204 k. *Maximum detached garage height*: Twenty-two (22) feet; thirty (30) feet with living area over garage.
- 8206 (c) *Corporate Campus Mixed-Use District (CCMU)*.
- 8208 (1) *Character and Scale*. CCMU District projects will be planned and developed to achieve a campus-like setting for office development that is visually compatible with residential development. Buildings will project a primary orientation toward the adjacent streets. Visibly featureless sides of buildings are prohibited. Side facades shall, at a minimum, incorporate projected trim, architectural massing, and roof line expressions which replicate those surrounding building's primary entrance. Corner buildings will visually project entrance forms and trim along both streets.
- 8210
- 8212
- 8214
- 8216
- 8218 (2) *Townhome, Apartment, Condominium development guidelines*. See section 39-345 above, and [subdivision III,] Use Table.
- 8220 (3) *Development Standards*. The following standards shall apply to development within the Corporate Campus Mixed Use District.
- 8222
- 8224 a. *Permitted uses*: See subdivision III, Use Table.
- 8226 b. *Maximum lot area*: None.
- 8228 c. *Minimum living area*: Reserved.
- d. *Minimum lot width*: Reserved.
- e. *Minimum lot depth*: One hundred (100) feet, one hundred ten (110) feet with alley.
- f. *Maximum lot coverage*: Reserved.
- 8230 g. *Open space*: Reserved.
- h. *Building setbacks*:

- 8232 1. Front*: Ten (10) feet. Includes any provided porch.
- 8234 2. Side: Five (5) feet.
- 8236 3. Side street*: Ten (10) feet. Includes any provided porch.
- 8238 *
- 8240 The *Frontage Zone* of Framework Streets may, depending on the surrounding Land Use District, and the adjacent street type, function as either a build-to line, or a minimum setback line. See section 39-341 General Building Placement, Site Planning, and Visual Buffer Guidelines.
- 8242 i. *Maximum building height*: Twelve (12) stories, one hundred fifty (150) feet.
- 8244 j. *Maximum detached garage height*: Twenty-two (22) feet; thirty (30) feet with living area over garage.
- 8246 (d) *Corporate Neighborhood Center District (CNC)*.
- 8248 (1) *Character and Scale*. The scale, character, and convenient proximity of the CNC Districts make them ideal gathering places for neighborhood employees, visitors, and residents of the adjacent neighborhoods. Street sidewalks shall be lined with neighborhood-serving retail, personal service and civic uses, all within walkable distances of adjacent employers and residential settings. Building front facades shall be pulled-forward, and located at the rear of the Framework Street Frontage Zone, and surface parking stalls and drive surfaces shall be placed behind buildings, within the interior of the block.
- 8250
- 8252
- 8254
- 8256
- 8258 (2) *Public Spaces*. Small passive parks, plazas and squares will be provided throughout the Corporate Neighborhood Centers Districts as areas for shaded sitting, eating, outdoor conversations and relaxation.
- 8260
- 8262 (3) *Transportation System Connections*. The Corporate Neighborhood Center District shall serve as a confluence of all modes of transportation, i.e., walking, bicycling, and automotive, bus and shuttle bus, with visible and convenient linkages provided to, from, and through the District.
- 8264
- 8266
- 8268 (4) *Development Standards*. The following standards shall apply to development within the Corporate Neighborhood Center Districts.
- 8270 a. *Permitted uses*: See subdivision III, Use Table.
- 8272 b. *Maximum lot area*: None.
- c. *Minimum average lot size*: Reserved.

- 8274 d. *Minimum living area*: Reserved.
- 8274 e. *Minimum lot width*: Reserved.
- 8276 f. *Minimum lot depth*: One hundred (100) feet, one hundred ten (110) feet with alley.
- 8278 g. *Maximum lot coverage*: Reserved.
- 8278 h. *Open space*: Reserved.
- 8280 i. *Building setbacks*:
- 8280 1. Front*: Ten (10) feet. Includes any provided porch.
- 8282 2. Side: Five (5) feet.
- 8282 3. Side street*: Ten (10) feet. Includes any provided porch.
- 8284 * The *Frontage Zone* of Framework Streets may
- 8286 [depending on the surrounding Land Use District, and
- 8288 the adjacent street type) function as either a build-to line,
- 8290 or a minimum setback line. See section 39-341 General
- 8292 Building Placement, Site Planning, and Visual Buffer
- 8292 Guidelines.
- 8292 j. *Maximum building height*: Three (3) stories, forty-five (45) feet.
- 8292 k. *Maximum detached garage height*: Twenty-two (22)
- 8294 feet; thirty (30) feet with living area over garage.
- 8294 (e) *Retail/Wholesale District (R/W)*.
- 8296 (1) *Character and Scale*. Retail/Wholesale Districts will have a
- 8296 mix of retail, personal services, office, warehouse and
- 8298 warehouse showroom, and attached residential uses.
- 8298 Development sites in Retail/Wholesale Districts may be
- 8300 designed with internal orientation however, side and rear
- 8300 building facades shall replicate the trim, molding, window
- 8302 surfaces, and roofline details of the building's front facade.
- 8302 (2) *Townhome, Apartment, Condominium development*
- 8304 *guidelines*: See also section 39-345 above, and subdivision
- 8304 III, Use Table.
- 8306 (3) *Development Standards*. The following standards shall
- 8306 apply to development within the Retail/Wholesale District:
- 8308 a. *Permitted uses*: See subdivision III, Use Table.
- 8308 b. *Maximum lot area*: Reserved.
- 8308 c. *Minimum average lot size*: Reserved.
- 8310 d. *Minimum lot width*: Reserved.

- 8312 e. *Minimum lot depth*: One hundred (100) feet, one hundred ten (110) feet with alley.
- f. *Maximum lot coverage*: Reserved.
- 8314 g. *Open space*: Reserved.
- h. *Building setbacks*:
- 8316 1. Front*: Ten (10) feet. Includes any provided porch.
2. Side: Five (5) feet.
- 8318 3. Side street*: Ten (10) feet. Includes any provided porch.
- 8320 * The *Frontage Zone* of Framework Streets may, depending on the surrounding Land Use District, and the
- 8322 adjacent street type, function as either a build-to line, or a minimum setback line. See section 39-341 General
- 8324 Building Placement, Site Planning, and Visual Buffer Guidelines.
- 8326 i. *Maximum building height*: **TO BE DETERMINED** (so to accommodate hospital heights).
- 8328 (f) *Traditional Town Center Core District (TTCC)*.
- 8330 (1) *Character and Scale*. The Traditional Town Center Core District will serve as the civic, cultural and retail heart of the
- 8332 Town Center, and the surrounding Villages. It will be a vibrant, mixed use center containing a variety of high-
- 8334 density residential, retail, office, hotel, civic, and entertainment uses. Passive parks, plazas and squares will be
- 8336 provided throughout the TTCC as areas for outdoor public activities and events, as well as sitting, outdoor
- 8338 conversations, shade and relaxation. The TTCC District will be designed as a pedestrian-oriented activity center with
- 8340 building fronts oriented toward streets and parks. Civic spaces and public buildings will be encouraged, designed and located as focal points throughout the TTCC District.
- 8342 (2) *Short Blocks and Tight Grid Street System*. The blocks within the TTCC District will be the shortest of the Town
- 8344 Center Land Use Districts and be reminiscent of traditional community downtown neighborhoods, in accordance with
- 8346 subdivision II. Convenient, safe, shaded, spacious, and clearly delineated pedestrian sidewalks and corridors will be
- 8348 the standard throughout the TTCC District.
- 8350 (3) *Townhome, Apartment, Condominium development guidelines*: See also section 39-345 above, and subdivision III, Use Table.

- 8352 (4) *Development standards.* The following general development
8354 standards shall apply to all development within the
Traditional Town Center Core District.
- a. *Permitted uses:* See subdivision III, Use Table.
- 8356 b. *Building setbacks:* See section 39-341, and Framework
Street Cross Sections, subpart 2.
- 8358 c. *Minimum average lot size:* Reserved.
- d. *Maximum lot width:* Reserved.
- 8360 e. *Minimum living area:* Reserved.
- 8362 f. *Minimum lot depth:* One hundred (100) feet, one hundred
ten (110) feet with alley.
- 8364 g. *Maximum square footage of individual establishment:*
Reserved.
- h. *Maximum lot coverage:* Reserved.
- 8366 i. *Open space:* Reserved.
- j. *Building setbacks:*
- 8368 1. Front*: Ten (10) feet. Includes any provided porch.
2. Side: Five (5) feet.
- 8370 3. Side street*: Ten (10) feet. Includes any provided
porch.
- 8372 * The *Frontage Zone* of Framework Streets may
8374 [depending on the surrounding Land Use District, and
the adjacent street type) function as either a build-to line,
8376 or a minimum setback line. See section 39-341 General
Building Placement, Site Planning, and Visual Buffer
Guidelines
- 8378 k. *Maximum building height:* Twelve (12) stories, one
hundred fifty (150) feet.

8380 **Sec. 39-347. Horizon West Town Center Planned**
8382 **Development Code Land Use Table.**

Uses Per Zoning Code	SIC Group	Land Use	Urban Residential	Corporate Campus Mixed Use	Traditional Town Center	Retail/Wholesale (Marketplace)	Corporate Neighborhood Center	Open Space
		RESIDENTIAL						
Single-family detached and modular homes with customary accessory uses		Single-family detached and modular homes with customary accessory uses	P	P	P			
Residential storage as a principal use (in an enclosed structure only)		Residential storage as a principal use (in an enclosed structure only)						
Fences and walls permitted (except subdivision fences and walls) See chapter 40, article 3, division 3 and Town Center Standards		Fences and walls permitted (except subdivision fences and walls) chapter 40, article 3, division 3 and Town Center Standards						
Accessory buildings, uses and structures		Accessory buildings, uses and structures	P	P	P	P	P	P
Screen rooms (single-family residential)		Screen rooms	P(114)	P(114)				
Screen enclosures		Screen enclosures	P(18)	P(18)	P(18)		P(18)	
Fee simple duplex and patio homes		Fee simple duplex and patio homes	P(84)	P(84)			P(84)	
Home occupations		Home occupations	P	P	P		P	
Live-Work Dwelling Units			P(8)	P(8)	P(8)		P(8)	
Mobile homes as permanent residential dwelling units, including mobile home parks		Mobile homes	P(UNP) (156)	P	P	P(165)	P(156)	
Temporary mobile homes, travel trailers and recreational vehicles (For R.V. parks and campgrounds, see SIC #703)		Temporary mobile homes						
Chimneys, water & fire towers, church spires, domes, cupolas, stage towers, scenery		Chimneys, water & fire towers, church spires, domes, cupolas, stage towers, scenery lofts, cooling towers, elevator bulkheads, smokestacks,	P(5)	P(5)	P(5)	P(5)	P(5)	

lofts, cooling towers, elevator bulkheads, smokestacks, flagpoles, and parapet walls.		flagpoles, and parapet walls.						
Multifamily Residential		Multifamily Residential	P(7)	P(7)	P(7)	P(7)	P(7)	
Family foster homes (see definition in chapter 40, article VI)		Family foster homes (see definition in chapter 40, article VI)	P(UNP)	P	P	P(UNP) (157)		
Garage Apartments on SFR lots		Garage Apartments on SFR lots	P					
Swimming pools, Jacuzzis, tennis courts, spas, hot tubs, including appurtenances to such uses		Swimming pools, Jacuzzis, tennis courts, spas, hot tubs, including appurtenances to such uses	P(158)	P(158)	P(158)	P(158)	P(158)	
Community Residential Homes (max. 6 clients)		Community Residential Homes (max. 6 clients)	P(10)	P(10)	P(10)	P(10)		P(10)
Community Residential Homes (7 to 14 clients)		Community Residential Homes (7 to 14 clients-)	P					
Community Residential Homes (greater than 14 clients)		Community Residential Homes (greater than 14 clients)		P	P		P	
Family lot provision		Family lot provision		P	P			
Guest house		Guest house						
Townhouses and triplexes and quadraplexes with fee simple units		Townhouses and triplexes and quadraplexes with fee simple units, up to eight dwellings per building						
		Townhouses, mansion homes and other housing types with more than five and up to eight dwellings per building	P(156)	P(156)	P(156)		P(156)	
Zero side yard development		Zero side yard development	P(156)	P(156)	P(156)		P(156)	
Boarding, lodging and rooming houses		Boarding, lodging and rooming houses	P	P				
Student housing		Student housing						

Single-family transient rental		Single-family transient rental		P	P			
Adult/child day care homes		Adult/child day care homes		P	P			
Family day care homes		Family day care homes	P(UNP)(26)	P	P	P	P(163)(26)	
Adult/child day care centers		Adult/child day care centers		P	P	P	P	
Tents		Tents		P	P	P	P	
Single-family unit in conjunction with a commercial use		Single-family unit in conjunction with a commercial use						
Model homes		Model homes						
Recreational vehicle or boat storage and parking (Residential only)		Recreational vehicle or boat storage and parking (Residential only)	P	P	P	P	P	
		AGRICULTURE, FORESTRY, & FISHING						
	01	AGRICULTURAL PRODUCTION (crops)						
Wheat, corn, soybeans, etc.	011	Cash grains						
Vegetable farms	0161	Vegetables & Melons						
Truck farms	0161	Vegetables & Melons		PM	PM	PM		
Citrus and fruit crops cultivation	0174	Citrus fruits						
Commercial plant nurseries and, greenhouses (no retailing)	0181	Ornamental nursery products		PM	PM	PM		
Crop farms	0191	General farms, primarily crops						
Washing & packaging of fruit and vegetables		Washing & packaging of fruit and vegetables						
Open air sales of agricultural or farm products		Open air sales of agricultural or farm products		PM	PM	PM		
Outdoor storage of operative agriculturally related equipment		Outdoor storage of operative agriculturally related equipment						

	02	AGRICULTURAL PRODUCTION (livestock)						
Commercial kennels		Commercial kennels						
Boarding of horses and ponies and riding stables for commercial purposes; raising of horses and ponies for commercial purposes		Boarding of horses and ponies and riding stables for commercial purposes; raising of horses and ponies for commercial purposes						
Animal stock grazing, stock yards	0211	Beef cattle (grazing)						
Dairy farms	0241	Dairy farms						
Poultry raising or keeping	025	Poultry & eggs						
Raising or keeping of cows, horses & ponies for domestic purposes	0272	Horses & equines						
Commercial aviculture, aviaries	0279	Commercial aviculture						
Breeding, keeping and raising of farm animals (ex. goats, swine, pot-bellied pigs, etc.) for sale or profit (not for domestic purposes)		Breeding, keeping and raising of farm animals (ex. goats, swine, pot-bellied pigs, etc.) for sale or profit (not for domestic purposes)						
Breeding, keeping and raising of farm animals (ex. goats, swine, pot-bellied pigs, etc.) for domestic purposes only		Breeding, keeping and raising of farm animals (ex. goats, swine, pot-bellied pigs, etc.) for domestic purposes only						
	07	AGRICULTURAL SERVICES						
Grove caretaking, harvesting business	0722							
Veterinarians for livestock	0741	Veterinary services for livestock						
Veterinary service with no	0742	Veterinary services						

outdoor runs or compound								
Veterinary services with outdoor runs or compounds (domestic pets)	0742	Veterinary services		P	P	P	P(163) (112)	
Animal shelters, boarding kennels, animal pounds, training of animals, with no outdoor runs or outdoor compounds	0752	Animal specialties services (not veterinary)						
Animal shelters, boarding kennels, animal compounds, training of animals, with outdoor runs or outdoor compounds	0752	Animal specialties' services (not veterinary)		P	P	P		
Dog and cat grooming	0752	Animal specialties' services						
Landscaping and irrigation business, lawn care, tree service	0782	Lawn and garden service	P(UNP) (162)(112)	P	P	P	P(163) (112)	
	08	FORESTRY						
Tree farms, including logging	0811	Timber tracts						
Forest nurseries	0831	Forest nurseries						
Silviculture	0851	Forestry services						
Woodchipping, mulching and composting		Woodchipping, mulching and composting						
Hunting preserves, commercial fishing, animal trapping, private/public hunting clubs	09	HUNTING, FISHING & TRAPPING						
		MINING						
Iron, copper, lead, zinc,	010	METAL MINING						

prospect & test drilling								
Bituminous coal & lignite mining	012	COAL MINING						
Petroleum & natural gas production	013	OIL AND GAS EXTRACTION						
	014	NONMETALLIC MINERALS, EXCEPT FUELS						
Cement, rock, limestone, crushing and grinding of asphalt, concrete & cement	1422	Crushed and broken limestone						
Cement, concrete, asphalt batch plants		Cement, concrete, asphalt batch plants						
Operation of sand & gravel pits for construction, sand & gravel mining	1442	Construction sand and gravel						
Operation of sand & gravel pits for glassmaking, molding & abrasives	1446	Industrial sand						
Preparation of phosphate rock	1475	Phosphate rock						
Borrow pits, excavation and fill	1499	Borrow pits						
		CONSTRUCTION						
	016	HEAVY CONSTRUCTION (not bldg. const.)						
Retention, detention, drainage ponds for associated development	1629	Retention/detention						
			P	P	P	P	P	P
	017	SPECIAL TRADE CONTRACTORS						
Contractors storage, trade shops, equipment yards, and	017	Special Trade Contractors						

offices with outdoor storage								
Contractors offices (no outdoor storage or overnight parking of vehicles)		Contractors offices (no outdoor storage or overnight parking of vehicles)						
		NOTE: ALL RETAIL TRADE USES (SIC GROUP #52—#59) AND SERVICE USES (SIC GROUP #70—#89) ARE PERMITTED IN INDUSTRIAL ZONING DISTRICTS AS ACCESSORY USES ONLY, UNLESS OTHERWISE PERMITTED, SUBJECT TO COMPLIANCE WITH THE STANDARDS OUTLINED IN CONDITION #106		P	P			
		MANUFACTURING						
	20	FOOD, KINDRED PRODUCTS						
Food processing & packaging	203	Canned, frozen & preserved fruits & veggies						
Meat storage, cutting & distribution, animal slaughtering	2011	Meat packing plants/animal slaughtering			PM(170)	PM(170)	PM(170)	
Dairy products manufacturing	202	Dairy products						
Ice cream manufacturing	2024	Ice cream & frozen desserts			PM(170)	PM(170)	PM(170)	
Citrus processing plants	2033	Canned fruits, vegetables, preserves, jams & jellies			PM(170)	PM(170)	PM(170)	
Bakery products manufacturing, bakery plants	205	Bakery products			PM(170)	PM(170)	PM(170)	
Candy and confectionery manufacturing	206	Sugar & confectionery products			PM(170)	PM(170)	PM(170)	
Tallow, grease & lard manufacturing	207	Fats & oils			PM(170)	PM(170)	PM(170)	
Beverage processing & storage, milk bottling &	208	Beverages						

distribution, soft drink bottling								
Beverage processing & storage, bottling & distribution of malt beverages	2082	Beverages		PM(170)	PM(170)	PM(170)	PM(170)	
				PM(170)	PM(170)	PM(170)	PM(170)	
Tobacco, cigarettes, cigars manufacturing	21	TOBACCO PRODUCTS						
Textile manufacturing	22	TEXTILE MILL PRODUCTS			PM(170)	PM(170)	PM(170)	
Upholstery and dye manufacturing	22	Textile mill products		P(171)	P(171)	P(171)		
Clothing production; cutting, sewing of fabrics, garment manufacturing	23	APPAREL & OTHER TEXTILE PRODUCTS						
Decorating materials manufacturing	2395	Pleating & stitching		P(171)	P(171)	P(171)		
				P(171)	P(171)	P(171)		
Wood products manufacturing	24	LUMBER WOOD PRODUCTS						
Building products manufacturing	24	Lumber wood products		P(171)	P(171)	P(171)		
Logging	2411	Logging						
Sawmills and planning mills	2421	Sawmills, planning mills						
Hardwood flooring manufacturing	2426	Hardwood dimension & flooring mills						
Wood awnings, wood shutters, wood railing, window frames	2431	Millwork						
Cabinet makers and manufacturers	2434	Wood kitchen cabinets		PM				
Manufacturing of plywood	2435	Hardwood veneer & plywood		PM				
Mobile Homes manufacturing	2451	Mobile homes						
Manufacturing of prefabricated wood buildings	2452	Prefabricated wood buildings and components						

Manufacturing of household, office, public building furniture & fixtures	25	FURNITURE & FIXTURES						
Cardboard, pulp, & paper manufacturing	26	PAPER & ALLIED PRODUCTS (Paper mills)						
Cardboard containers manufacturing	2631	Paperboard mills						
Printing, bookbinding, publishing plants	27	PRINTING & PUBLISHING						
Manufacturing of chemical products, liquid fertilizer, corrosive acid, pharmaceuticals, soap, cosmetics, glue, explosive, paint, varnish and bulk paint mixing	28	CHEMICALS & ALLIED PRODUCTS		PM				
Manufacturing of bulk organic and inorganic medicinal chemicals	2833	Medicinal chemicals and botanical products						
Fertilizer manufacturing, agricultural chemicals manufacturing	287	Agricultural chemicals		PM				
	29	PETROLEUM COAL PRODUCTS						
Petroleum refining, bulk storage of petroleum products	2911	Petroleum refining						
Asphalt manufacturing	295	Asphalt paving & roofing materials						
Lubricating oils & greases manufacturing	2992	Lubricating oils & greases						
Plastic, rubber & tire manufacturing	30	RUBBER & MISC. PLASTIC PRODUCTS						

Plastic containers manufacturing	3089	Plastics products						
Shoes manufacturing	31	LEATHER PRODUCTS						
Leather processing	3111	Leather products		PM(171)	PM(171)	PM(171)		
				PM(171)	PM(171)	PM(171)		
Cement, lime, gypsum, plaster manufacturing	32	STONE, CLAY, GLASS PRODUCTS						
Glass products and glass containers manufacturing	32	Stone, clay & glass products						
Pressed and blown glass	3229	Pressed and blown glass						
Novelties & souvenirs manufacturing	326	Pottery and related products		PM(171)	PM(171)	PM(171)	PM(171)	
Manufacturing of ceramics	3269	Pottery products						
Concrete block and brick manufacturing	3271	Concrete block & brick		PM(171)	PM(171)	PM(171)	PM(171)	
Manufacturing of floor slabs, incinerators, septic tanks & silos	3272	Concrete products						
Blast furnace manufacturing, manufacturing of iron, steel, & aluminum, smelting	33	PRIMARY METAL INDUSTRIES						
Primary metal industries	33	Primary metal industries						
Metal, cans, barrels, tools & hardware manufacturing	34	FABRICATED METAL PRODUCTS						
Metal containers manufacturing	3411	Metal cans & shipping containers						
Testing of sandblasting nozzles	3471	Plating & polishing						
Industrial & commercial machinery	35	INDUSTRIAL & COMMERCIAL MACHINERY						
Steam, gas, hydraulic engines manufacturing	351	Engines & turbines						

Manufacturing of farm Machinery	352	Farm & garden machinery						
Concrete manufacturing, paving & mixing, temporary asphalt plants	353	Mining machinery, construction						
Computer equipment manufacturing	357	Computer and office equipment						
Machine shops, carburetors, pistons, amusement apparatus manufacturing	359	Miscellaneous industrial equipment		PM	PM			
				PM	PM			
Electric machinery & equipment manuf., manufacturing & assembly of scientific instruments, manufacturing of household appliances, electronic components & accessories, burglar alarm apparatus, satellite dishes, electrical fuses	36	ELECTRICAL & OTHER ELECTRICAL EQUIP.						
Building products manufacturing	3648	Lighting equipment		PM	PM			
Instruments for measuring and testing of electricity and electrical signals		Instruments for measuring and testing of electricity and electrical signals						
Semi-conductors and related devices	3674	Semi-conductors and related devices		PM	PM			
Battery manufacturing	3691 3692	Storage and primary batteries		P	P	P		
	37	TRANSPORTATION EQUIPMENT						
Motor vehicle assembly	3711	Motor vehicles & car bodies						
Boat manufacturing	3732	Boat building and repair						

Avionics testing, aircraft maintenance and manufacturing	372	Aircraft & parts						
Boat trailer manufacturing	3799	Transportation equipment		PM	PM			
Parking and storage of dual rear wheel vehicles		Parking and storage of dual rear wheel vehicles						
	38	INSTRUMENTS & RELATED PRODUCTS						
Manufacture and assembly of optical instruments	3827	Optical instruments and lenses						
Photographic equipment supplies manuf.	3861	Photographic, equipment & supplies		P	P	P		
Manufacturing of watches, clocks & parts	3873	Watches, clocks & parts		P	P	P		
				PM	PM			
	39	MISC. MANUFACTURING INDUSTRIES						
Toys & sporting goods manufacturing	394	Toys & sporting goods						
Sign manufacturing	3993	Signs & advertising specialties		PM	PM	PM(171)		
				PM				
		TRANSPORTATION/UTILITIES						
Railroad transportation	40	RAILROAD TRANSPORTATION						
Railroad, bus, taxi, carpool, vanpool, limousine, and ambulance terminals for passenger transportation with on-site pick-up and drop-off areas for passengers, shuttle operation (see 7514 for car rental, 4581 for airports, 4231 for truck terminals)	41	LOCAL & INTER-URBAN PASSENGER TRANSIT						
Railroad, bus, taxi, carpool, vanpool, and	41	LOCAL & INTER-URBAN PASSENGER TRANSIT	PM	PM	PM	PM	PM	

ambulance and limousine charter service and storage facilities without on-site pick-up or drop-off areas for passengers								
Limousine service, home-based	4119							
Indoor storage of products, furniture, household & commercial goods, machinery, equipment storage of building materials	42	WAREHOUSING						
Courier services	4215	Courier services, except air		PM	PM	P(30)(111)		
Portable toilet storage	422	Warehousing & storage		P	PM	P	P	
Warehousing	422	Warehousing & storage						
Dead storage yard		Dead storage yard				P(30)(111)		
Cold storage frozen food lockers	4222	Refrigerated warehousing & storage						
Self-storage facility	4225	General warehousing & storage				P(30)(111)		
Bulk storage of petroleum, storage of wrecked automobiles, oil, hazardous chemicals, explosives, gasoline, and ammunition	4226	Special warehousing and storage		P(173)	P(173)	P(30)(111)(173)		
Truck terminals, truck stop, bus, cab, truck repair, storage and terminals, parking and/or storage of trucks	4231	Trucking terminal facilities						
Temporary portable storage containers								
Post office	43	U.S. POSTAL SERVICE						
				P	P	P	P	

Marinas, commercial boat rentals, airboat rides	44	WATER TRANSPORTATION						
Dismantling boats, marine wrecking	4499	Water transportation services		PM	PM	PM		
	45	TRANSPORTATION BY AIR						
Airports, airplane landing facilities, aircraft maintenance, seaplane base	4581	Airports, flying fields & services						
Helicopter landing facility, vertiport, airship/blimp hanger facility and hangers	4581	Airports, flying fields & services						
				S	S	S		
Pipeline transportation of petroleum & other commodities, underground pipeline unless required to be above ground due to physical conditions	46	PIPELINES, EXCEPT NATURAL GAS						
	47	TRANSPORTATION SERVICES						
Travel agencies, tour brokers and tour operators	4724	Travel agencies						
Ticket agencies	4729	Airline, bus, rail, ticket agencies		P	P	P	P	
				P	P	P	P	
	48	COMMUNICATIONS						
Cellular telephone sales & service, beeper & pager services	4812	Radio broadcasting stations						
	4813	Tele Communication		P	P	P	P	
Radio, television or movie studios (excluding towers)	4832	Radio broadcasting stations						
Communication towers (See chapter 40,		Communication towers		P	P	P		

article 4, division 6)								
Lattice (Ord. No. 95-25, § 2, 8-29-95)								
Guyed (Ord. No. 95-25, § 2, 8-19-95)				P(UNP)		P(UNP)	P(UNP)	P(UNP)
Monopole (Ord. No. 95-25, § 2, 8-29-95)				P(UNP)		P(UNP)	P(UNP)	P(UNP)
T.V. studios (excluding towers)	4822	T.V. broadcasting stations		P(UNP)		P(UNP)	P(UNP)	P(UNP)
Satellite dish service	4841	Cable and other pay television services		P	P	P		
				P	P	P		
	49	ELECTRIC, GAS, SANITARY SERVICES						
Gas substations, TV substations, radio substations, telephone substations	49	Substations, telephone switch stations, water plants						
Distribution electric substation	49		P(81)	P(81)	P(81)	P(81)	P(81)	P(81)
Alternative energy devices as an accessory structure or use (wind turbines solar panels, etc.)	49		P(81)	P(81)	P(81)	P(81)	P(81)	P(81)
Power plants, transfer stations, refuse storage sites, wastewater and water plants, septic disposal sites, line stabilization and dewater, septage and wastewater sludges	49	Power plants, transfer stations, refuse storage sites, wastewater and water plants, septic disposal sites, line stabilization and dewater, septage and wastewater sludge	P(83)	P(83)	P	P	P	P(83)
Electrical, gas, sanitary services	49	Electric, gas, sanitary services						
Solid waste management facilities (Ord. No. 2009-11, § 4(App. A), 4-28-09)	4953	Solid waste management facilities						

Hazardous waste treatment, storage and disposal facilities (Ord. No. 2009-11, § 4(App. A), 4-28-09)	4953	Hazardous waste treatment, storage and disposal facilities						P(UN P) (120)
Incinerators (Ord. No. 2009-11, § 4(App. A), 4-28-09)	4953	Incinerators						
Aluminum recycling collection drop-off sites		Aluminum recycling collection drop-off sites						
Clean Tech - renewable energy production; energy management, storage transmission and distribution; green building products; advanced materials and environmental products; environmental remediation & pollution prevention services & products								
				P(169)	P(169)	P(169)	P(169)	
		WHOLESALE TRADE						
Wholesale meat & produce, and soft drink bottling distribution	50	WHOLESALE DISTRIBUTING OF DURABLE AND NONDURABLE GOODS						
Wholesale bakeries	50	Wholesale bakeries, with Groceries and related products				P		
Wholesale distribution of bedding, chairs, desks, mattresses, waterbeds, carpets, lamps, curtains and linens	502	Furniture and home furnishings		P	P	P		

Wholesale distribution of awnings, fencing, septic tanks, mobile homes	5039	Construction materials				P		
Wholesale distribution of irrigation equipment, garden machinery, lawn machinery, and power mowers	5083	Farm and garden machinery and equipment						
Wholesale distribution of electronic parts and equipment	5065	Wholesale distribution of electronic parts and equipment						
Wholesale distribution of pumps, pumping equipment, paint spray equipment, chainsaws, cranes, ladders, lift trucks, and tractors	5084	Industrial machinery equipment				P		
Fireworks, wholesale	5092	Fireworks, wholesale						
Junk, salvage or wrecking yards, sales and storage of wrecked cars	5093	Junk yards (scrap and waste)						
Commercial firewood sales and storage	5099	Miscellaneous durable goods						
Wholesale distribution of frozen food	5142	Packaged frozen foods				P		
Wholesale distribution of meat	5147	Meats and meat products				P		
Wholesale distribution of dairy products	5143	Dairy products				P		
Wholesale distribution of produce and/or plant materials	5148	Fresh fruits and vegetables				P		
Wholesale distribution of bakery products, bottled water, canned goods, soft drinks, and	5149	Groceries and related products				P		

fruits, beverage distributors								
Wholesale distribution storage of gasoline, liquid petroleum, gas, oil, or other inflammable liquids	5172	Petroleum and petroleum products wholesalers				P		
Wholesale distribution and/or storage of Beer, Wine, and Distilled Alcoholic Beverages	5182	Beer, Wine and related products						
					PM	P		
		RETAIL TRADE						
Storage yards for automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease or not) For storage of wrecked or inoperable vehicles		Storage yards for automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease or not) For storage of wrecked or inoperable vehicles						
Outdoor storage and display of equipment, products and merchandise		Outdoor storage and display of equipment, products and merchandise						
	52	BUILDING MATERIALS & GARDEN SUPPLIES						
Lumber and other building materials, building materials storage and sales	521	Lumber and other building materials						
Paint & wallpaper stores	5231	Paint, glass & wallpaper stores			P(153 x)	P(153 x)		
Hardware stores	5251	Hardware stores		P	P(153 x)	P(153 x)	P	
Nurseries (retail), garden stores	5261	Retail nurseries & garden stores		P	P(153 x)	P(153 x)	P	
Mobile home dealers	5271	Mobile home dealers		P	P	P	P	

	53	GENERAL MERCHANDISE STORES						
Shopping centers (see definitions in chapter 40, article VI)	5311	Shopping center/retail uses are permitted by individual use type and size parameters for each Town Center District. See individual land uses for availability in each district.						
Big box developments (see definition in chapter 40, article VI)		Big box developments						
					P(153 x)	P(153 x)		
	54	FOOD STORES						
Convenience food stores, grocery stores with no fuel sales	5411	Grocery stores						
Convenience food stores, grocery stores with fuel sales	5411	Grocery stores	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Fruit, produce, flower and vegetable stands	5431	Fruit & vegetable markets			P	P	P(163)	
Portable food and drink vendors (including hot dog stands)		Portable food and drink vendors (including hot dog stands)	P(UNP) (162) (87) (137)	P(UNP) (162) (87) (137)	P (87) (137)	P (87) (137)	P(163) (87) (137)	
Candy stands	5441	Candy, nut & confectionery stores	P(UNP) (162) (87) (137)	P(UNP) (164) (87) (137)	P (87) (137)	P (87) (137)	P(163) (87) (137)	
Temporary sales of Christmas trees, sparklers, and pumpkins		Temporary sales of Christmas trees, sparklers, and pumpkins	P(UNP) (162) (66)	P(UNP) (164) (66)	P (66)	P (66)	P(163) (66)	
Temporary sales of automobiles, boats, recreation vehicles, marine vessels, trucks, trailers, motorcycles and all-terrain vehicles		Temporary sales of automobiles, boats, recreation vehicles, marine vessels, trucks, trailers, motorcycles and all-terrain vehicles		P		P	P	
Retail bakery shops	5431	Retail bakeries						
Specialty food stores	5499	Miscellaneous food stores		P(UNP) (164) (66)	P (66)	P (66)	P (66)	

			P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
	55	AUTO DEALERS & SERVICE STATIONS						
Golf cart sales and services		Golf cart sales and service						
New & used automobiles, pickups and vans (See condition #138)	5511	New and used car dealers				P (138)(1 72)		
Auto parts, tire dealers	5531	Auto & home supply stores						
Gas stations, automobile service stations	5541	Gasoline stations, except truck stops			P (67)	P (67)		
Pump islands for gasoline sales		Pump islands for gasoline sales		P (68)(138)	P (68) (138)	P (68) (138)		
Truck stops	5541	Truck stops						
Boat dealerships, boat supplies (see condition #138)	5561	Boat dealers						
Recreational vehicle and commercial vehicle sales, service & storage (see condition #138)	5561	Recreational vehicle dealers						
Motorcycle dealers (see condition #138)	5571	Motorcycle dealers						
Go-carts, dune buggies, utility trailers (see condition #138)	5599	Automotive dealers			PM(174)	PM(174)		
					PM(174)	PM(174)		
	56	APPAREL & ACCESSORY STORES						
Bridal shops, dress shops, maternity shops (used or new)	5621	Women's clothing stores						
Clothing stores (used or new)	5651	Family clothing store			P(153 x)	P(153 x)	P	
					P(153 x)	P(153 x)	P	
	57	FURNITURE STORES						
Furniture stores, vertical blinds	5712	Furniture stores						

Carpet stores	5713	Floor covering stores			P(153 x)	P(153 x)	P	
Appliance stores, refrigerators, ovens, retail sales of air conditioners & parts (with no outdoor storage)	5722	Household appliance stores			P(153 x)	P(153 x)	P	
Appliance stores, refrigerators, ovens, air conditions and parts with outdoor storage		Appliance stores, refrigerators, ovens, air conditioners and parts with outdoor storage			P(153 x)	P(153 x)		
Radio & T.V. sales & service	5731	Radio, T.V. electronic stores						
Record & tape stores	5735	Record & tape stores			P	P		
			P(UNP)	P(UNP) (164)	P	P	P(163)	
	58	EATING & DRINKING PLACES						
Restaurants with no drive-thru or walk-up windows	5812	Eating places						
Restaurants, drive-in restaurants, snack bars, lunch stands, food-vending commissaries (permanent buildings)	5812	Eating places	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Restaurants with outdoor seating	5812	Eating places		PM(86)	P	P	PM	
Snack bars, lunch stands, ice cream, coffee shops			P(UNP)(86) (162)	P(86)	P	P	P	
Caterers	5812	Eating places	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Alcoholic beverage sales (see Chapter 4 and Chapter 40, Article 4,). See condition #103				P	P	P	P	
Cocktail lounges, pubs and bars	5813	Drinking places (cocktail lounges)		P	P	P	P	

Micro-brewers, micro-wineries, craft distilleries, and brew pubs	5813	Drinking places		P(UNP) (164)	P(180)	P(180)	P(163)(180)	
					PM(180)	PM(180)	PM(18 0)	
	59	MISCELLANEOUS RETAIL						
Drug stores, apothecary shops, pharmacies	5912	Drug stores						
Liquor stores	5921	Liquor stores		P(UNP) (164)	P	P	P(163)	
Pawn shops	5932	Used merchandise stores			P (126)	P (126)	P (126)	
Sporting goods, firearms sales, & bicycle shops	5941	Sporting goods & bicycle shops						
Book stores	5942	Book stores	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Office supplies	5943	Office supplies	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Jewelry stores	5944	Jewelry stores	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Ceramic shops, hobby shops	5945	Hobby, toy & game shops	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Photographic supply stores	5946	Camera & photographic supply stores	P(UNP) (162)	P(UNP) (164)	P	P	P	
Gift shops	5947	Gift, novelty, souvenir shops	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Leather goods	5948	Luggage & leather products stores	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Retail sale of products by T.V., catalog, mail order, telephone, vending machines, or from other temporary locations	596	Nonstore retailers	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	
Fuel oil dealers, propane gas dealers	598	Fuel dealers						
Florists	5992	Florists						
Tobacco shops	5993	Tobacco stores	P(UNP) (162)	P(UNP) (164)	P	P	P	
Newsstands, magazine stands	5994	Newsstands	P(UNP) (162)	P(UNP) (164)	P	P	P	
Optical goods, eyeglass stores	5995	Optical goods	P(UNP) (162)	P(UNP) (164)	P	P	P	
Art & antique stores	5999	Cell phone stores	P(UNP) (162)	P(UNP) (164)	P	P	P	

Outdoor auctions, auto auctions	5999	Miscellaneous retail	P(UNP) (162)	P(UNP) (164)	P	P	P	
Indoor auctions	5999	Miscellaneous retail						
Sparklers, retail	5999	Sparklers retail						
Open air markets		Open air markets						
Farmers markets		Open air markets						
Indoor markets		Indoor markets	PM(160)	PM(160)	P(160) (166)	P(160) (166)	PM(160)	
Spas, hot tubs, pool sales			PM(160)	PM(160)	P(160) (166)	P(160) (166)	PM	
					P(166)	P(166)		
		FINANCE/INSURANCE REAL ESTATE						
Office use buildings in excess of 1 story in height within 100 feet of the side or rear lot lines of any lot in a single-family residential district		Office use buildings in excess of 1 story in height within 100 feet of the side or rear lot lines of any lot in a single-family residential district						
				PM	PM	PM	PM	
Banks	60	DEPOSITORY INSTITUTIONS						
				P	P	P	P(163)	
Credit bureaus, mortgage loan companies, finance offices	61	NONDEPOSITORY INSTITUTIONS						
Pay-day loans, cash advance facilities				P	P	P	P(163)	
Brokers	62	SECURITY & COMMODITY BROKERS						
Major insurance underwriters	63	INSURANCE CARRIERS		P	P	P	P	
				P	P	P	P	
Brokers, underwriters, insurance agencies	64	INSURANCE AGENTS, BROKERS & SERVICE						
			P(UNP) (162)	P	P	P	P(163)	
	65	REAL ESTATE						
Real estate offices & agents, apartment finding, rental	6531	Real estate agents & managers						

service, appraisers								
Abstract & title services	6541	Title abstract offices	P(UNP) (162)	P	P	P	P(163)	
Cemeteries, mausoleums	6553	Cemetery, subdividers & developers	P(UNP) (162)	P	P	P	P(163)	
	67	HOLDING & OTHER INVESTMENT OFFICES						
Investment offices & companies	672	Investment offices						
Estate planning & management	673	Trusts	P(UNP) (162)	P	P	P	P(163)	
		SERVICES	P(UNP) (162)	P	P	P	P(163)	
	70	HOTELS & OTHER LODGING PLACES						
Hotels & motels, timeshare units	7011	Hotels & motels, timeshare units						
Camps & R.V. parks, R.V. resort, campgrounds	703	Camps & R.V. parks		P	P	P	P(161)	P(161)
Bed and breakfast homestay, 6-rooms max (not 5 or 7)	7011	Hotels & motels						
Bed and breakfast inn, 7-12 rooms (aka medium-scale)(aka large-scale)	7011	Hotels & motels	P(UNP)	P(UNP)	P(UNP)		P	
Country inn	7011	Hotels & motels		P	P		P	
	72	PERSONAL SERVICES						
Laundry plants, processing of laundry and dry cleaning, dry cleaning plants	7211	Power laundries						
Laundry & dry cleaning retail	7212	Dry cleaning						
Laundering (coin-operated)	7215	Coin-operated laundries		P	P	P	P(163)	
Dyeing, dry cleaning plant	7216	Dry cleaning plants		P	P	P	P(163)	
Carpet & rug cleaning	7217	Carpet & upholstery cleaning						
Tailoring	7219	Tailoring		P				
Photographic artists, sculptors, musicians, and studios	7221	Photographic studios, portraits	P(UNP) (162)	P	P	P	P(163)	

Beauty shops, beauty salons	7231	Beauty shops, beauty salons	P(UNP) (162)	P	P	P	P(163)	
Barber shops, hair stylists	7241	Barber shops	P(UNP) (162)	P	P	P	P(163)	
Shoe repair	7251	Shoe repair & shoeshine	P(UNP) (162)	P	P	P	P(163)	
Funeral homes, funeral directors, funeral chapter	7261	Funeral service, except crematories, and embalming	P(UNP) (162)	P	P	P	P(163)	
Crematories (animal or human)(See Ord. 92-41)	7261	Funeral service, crematories, embalming		P	P	P		
Costume rental, dating services, escort services, tanning salons, tattoo parlors, valet parking	7299	Miscellaneous personal services						
Adult entertainment, body scrub parlors	7299	Adult entertainment		P	P	P	P	
	73	BUSINESS SERVICES						
Advertising agencies	7311	Advertising agencies						
Quick print, duplicating services	7334	Photocopying		P	P	P	P(163)	
Secretarial services	7338	Secretarial & court reporting		P	P	P	P(163)	
Exterminating & pest control service, pest control supplies, disinfecting service, fumigating service	7342	Disinfecting & pest control service		P	P	P	P(163)	
Office cleaning, janitorial & maid service, chimney cleaning, window cleaning	7349	Building cleaning & maintenance services		P				
Rental and storage of heavy construction equipment, bulldozers and cranes	7353	Heavy construction equipment (rental & storage)		PM				
Appliance, T.V., VCF, furniture and	7359	Equipment rental & leasing						

vending machine rental with no outdoor storage								
Equipment rental & leasing with outdoor storage	7359	Equipment; rental & leasing		P				
Employment agencies (excluding labor pools), nursing registries	7361	Employment agencies						
Labor pools and labor halls		Labor pools and labor halls		P	P			
Data processing, data entry service	7374	Data processing						
Computer repair and maintenance	7378	Computer maintenance & repair	P(UNP) (162)	P	P	P	P(163)	
Computer software consultants	7379	Computer-related services	P(UNP) (162)	P	P	P	P(163)	
Lie detector services, detective agencies, investigators	7381	Detective & armored car service	P(UNP) (162)	P	P	P	P(163)	
Security operations, burglar and fire alarm monitoring	7382	Security systems services	P(UNP) (162)	P	P	P	P(163)	
Film processing & developing	7384	Photo finishing laboratories	P(UNP) (162)	P	P	P	P(163)	
Justices of the peace, notaries public, bondspersons, credit card service, telephone answering service, and trade shows	7389	Business services	P(UNP) (162)	P	P	P	P(163)	
Call centers		Business services		P	P	P	P(163)	
Convention facilities		Business services		P	P	P	P(163)	
Auto and vehicle repossession	7389	Business services		P	P	P	P(163)	P(161)
	75	AUTO REPAIR SERVICES & PARKING						

Truck rental, sales and leasing (see condition #138)	7513	Truck rental & leasing						
Car rental and leasing	7514	Passenger car rental		PM	PM	PM		
Parking lots & parking garages for office, commercial or industrial uses	7521	Automobile parking		P	P	P		
General auto repair	753	Automotive repair shops		P	P	P	P	
Auto painting and paint and body shop	7532	Auto painting; paint and body shops		PM		P		
Muffler shops	7533	Auto, exhaust repair shops		PM		P		
Automotive lube shops	7549	Automotive services, except repair		PM		P		
Automotive tire dealers (See SIC #5531)				PM		P		
Automotive transmission repair	7537	Automotive transmission repair		PM	PM	P		
Enclosed mechanical garages, bus, cab, truck repair	7538	General automotive repair shops		PM		P		
Carwashes	7542	Carwashes		PM		PM		
Automobile towing services (does not include the storage, sales or dismantling of wrecked/in operative vehicles), window tinting	7549	Towing services		PM		PM	PM	
	76	MISCELLANEOUS REPAIR SERVICES		PM		PM		
Radio & T.V. repair, auto radio, VCR and stereo repair.	7622	Radio & T.V. repair						
Heating, air conditioning and refrigeration sales & service	7623	Refrigeration service repair		P	P	P	P(163)	
Electric appliances repair, electric	7629	Appliance repair		P	P	P	P(163)	

tool repair, telephone repair, washing machine repair								
Watch & clock repair, jewelry repair	7631	Watch & clock repair		P	P	P	P(163)	
Furniture stripping and repair, furniture refinishing	7641	Reupholster & furniture repair		P	P	P	P(163)	
Welding shop	7692	Welding repair		P	PM	PM		
Machine shops		Machine shops						
Locksmiths, lawnmower repair, bicycle repair, sharpening services	7699	Repair services, locksmiths						
	78	MOTION PICTURES		P	P	P	P(163)	
Video tape editing	781	Motion picture & video tape production						
Music video production, audio-visual motion picture program production, commercial T.V. production	7812	Motion picture & video tape production		P	P	P	P(163)	
Movie theaters	7831	Motion picture theaters		P	P	P	P(163)	
Drive-in theaters	7833	Drive-in theaters			P	P		
Video tape rental	7841	Video tape rental						
	79	AMUSEMENT & RECREATION SERVICES			P	P	P(163)	
Dance schools & studios	7911	Dance studios, schools and halls						
Playhouses		Theatrical producers		P	P	P	P	
Radio & television studios	7922	Theatrical producers			P	P		
Bowling centers	7922	Bowling centers		P	P	P	P	
Stadiums & arenas	7941	Sports clubs (franchise sports)			P	P		
Stadiums in conjunction with schools	7941	Sports clubs (nonfranchise sports)		P(UNP)	P(UNP)	P(UNP)		
Dog racing, horse racing, race car racing	7948	Racing, including track operation		P	P	P		
Recreational facilities provided by the employer	7991	Recreational facilities provided by the employer of the district for exclusive use of						

of the district for exclusive use of employees, their families & guests		employees, their families & guests						
Health spas, exercising centers, aerobic classes	7991	Physical fitness facilities	PM(165)	P(166)	P(166)	P	PM(165)	
Golf courses	7992	Golf courses	P (UNP) (162)(165)	P(166)	P(166)	P	P (163)(165)	PM (167)
Arcades, video game	7993	Coin-operated amusement centers						P(UNP)
Simulated gambling establishments		Simulated gambling establishments			P	P		
Amusement parks	7996	Amusement parks						
Indoor clubs, bowling clubs, private indoor clubs, bridge clubs, indoor recreational uses	7997	Membership sports & recreation clubs (indoor uses)						
Outdoor clubs, golf and country clubs, private outdoor clubs, tennis clubs, swimming clubs, nonprofit parks and recreation areas, outdoor recreation uses, private recreation areas for a single-family development	7997	Membership sports & recreation clubs (outdoor uses)		A	P	P	P (163)	P (UNP)
Fortune tellers, billiard parlors, bingo parlors, indoor skating rinks, karate instruction	7999	Amusement & recreation (indoor uses)	PM(165)	P(166)	P(166)		P(UNP) (165)	P(UNP) (167)
Golf driving ranges, golf cart rentals, ski instruction, swimming pools, tennis courts, little league and softball fields, outdoor skating rinks,	7999	Amusement & recreation (outdoor uses)		P	P	P		

amusement rides, paintball operations, day camps, rodeos, and go-cart raceway								
Ticket booths (See Sec. 38-1424)		Ticket booths (See Sec. 38-1424)	PM(165)	P(172) (166)	P(172) (166)	P(172)	P(UNP) (165)	P(UNP) (167)
	80	HEALTH SERVICES						
Office and clinics of doctors of medicine	8011	Offices & clinics of medical doctors						
Ophthalmologists & optometrists, emergency clinics	8011	Offices & clinics of medical doctors	P(UNP) (162)	P	P	P	P(163)	
Dentists & dental labs	8021	Offices & clinics of dentists	P(UNP) (162)	P	P	P	P(163)	
Osteopathic physicians	8031	Offices of osteopathic physicians	P(UNP) (162)	P	P	P	P(163)	
Offices and clinics of chiropractors, optometrists, podiatrists, etc.	804	Office of clinics of other health practitioners	P(UNP) (162)	P	P	P	P(163)	
Nursing homes, sanitariums, and convalescent homes and assisted living facilities	805	Skilled nursing care facilities	P(UNP) (162)	P	P	P	P(163)	
Ambulatory surgical facilities	8062	General, medical & surgical		P	P	P	P	
Hospitals	8062	Hospitals		P	P	P	P	
Psychiatric treatment	8063	Psychiatric hospitals		P	P	P		
Cancer hospitals, children's hospitals, maternity, ear, eyes, throat, rehabilitation hospitals, etc.	8069	Specialty hospitals, except psychiatric		P	P	P		
Medical laboratories, imaging & testing facilities, etc.	8071	Medical and dental laboratories		P	P	P	P	
Dental laboratories	8072	Medical and dental laboratories		P	P	P	P	
Birthing facilities, alcohol and	8093	Specialty outpatient facilities		P	P	P	P	

drug treatment, aids treatment, outpatient clinics, birth control centers								
	81	LEGAL SERVICES		P	P	P	P	
Attorneys services & offices	8111	Legal services						
	82	EDUCATIONAL SERVICES	P(UNP)(162)	P	P	P	P(163)	
Private kindergarten, elementary, junior high, middle and high schools	8211	Elementary, & middle & K-12 schools						
Charter schools		Charter schools	P(UNP)	P	P	P	P	
Public and private high schools, colleges & universities	8221	High schools, colleges, & universities	P(UNP)(139)	P(139)	P(139)	P(139)	P(139)	
Public kindergarten schools	8211	Schools (public)		P(139)	P(139)	P(139)	P(139)	
Public elementary schools	8211	Schools (public)	P(UNP)(139)	P(139)	P(139)			
Public middle schools	8211	Schools (public)	P(UNP)(139)	P(139)	P(139)	P(139)		
Libraries	8231	Libraries	P(UNP)(139)	P(139)	P(139)	P(139)		
Technical & trade schools, vocational schools, computer software schools, aviation schools (excluding flying instruction)	824	Vocational schools		P	P	P	P	
Auto driving instruction, music and drama schools, vocational counseling, exam preparatory schools, ceramics schools, modeling schools, personal development	8299	Auto driving instruction		P	P	P	P	

schools, tutoring								
				P	P	P	P	
	83	SOCIAL SERVICES						
Marriage counselors, diet counseling, human services, social services, youth counselors	8322	Individual & family services (except adult day care centers)						
Community centers		Community centers	P(UNP) (162)	P	P	P	P	
Job counseling, job training, skill training workshops, vocational rehabilitation agencies	8331	Job training & related services		P	P			
Crisis center, juvenile correction home, training schools for delinquents, drug rehab center and juvenile group homes, children's homes, alcohol rehab centers, halfway homes for delinquents	8361	Residential care		P	P	P	P(163)	
Community correction centers; juvenile correction homes	8361	Community correction centers; juvenile correction homes						
Privately run adult correctional facilities and prisons	8744	Facilities support management services						
	84	MUSEUMS, BOTANICAL, ZOOLOGICAL						
Museums & art galleries	8412	Museums, art galleries						
Botanical zoological gardens & facilities	8422	Botanical zoological gardens	P(UNP) (165)	P(166)	P(166)	P	P(165)	
	86	MEMBERSHIP ORGANIZATIONS	PM(165)	P(166)	P(166)		PM(165)	PM (167)
Dorms, frats, sorority houses	8641	Civic, social, fraternal associations						

Churches, mosques, synagogues, temples and other religious institutions with or without attendant schools, educational buildings and/or recreational facilities	8661	Religious institutions		P	P	P(UNP)		
	87	ENGINEERING & MANAGEMENT SERVICES	P(UNP) (162)	P	P	P	P(UNP) (163)	
Engineering offices, surveyors	871	Engineering & architectural services						
Architects	8712	Architectural services	P(UNP) (162)	P	P	P	P(163)	
Accountants offices and tax consultants, bookkeeping	8721	Accounting, auditing, bookkeeping	P(UNP) (162)	P	P	P	P(163)	
Research services, public relations councils	873	Research & development, testing services	P(UNP) (162)	P	P	P	P(163)	
Biotechnology research, design, laboratories & testing facilities				P	P	P	P(163)	
Market researchers, manufacturing representatives	8742	Management consulting services		P(168)	P(168)	P(168)	P(163)	
Public relations councils	8743	Public relations services	P(UNP) (162)	P	P	P	P(163)	
Safety consultants	8748	Business consulting	P(UNP) (162)	P	P	P	P(163)	
Aerospace or military-related development offices, laboratories or (indoor) testing facilities		Engineering & management services	P(UNP) (162)	P	P	P	P(163)	
	89	SERVICES, not elsewhere classified		P(168)	P(168)	P(168)		
Authors, composers, geologists, actuaries, planners	8999	Services, authors & composers						
		PUBLIC ADMINISTRATION	P(UNP) (162)	P	P	P	P(163)	

	91	EXECUTIVE, LEGISLATIVE						
Orange County governmental facilities and uses. See Chapter 40, Division 1, Sec. 1-1.3.6		Orange County governmental facilities and uses. See Chapter 40, Division 1, Sec. 1-1.3.6						
Government offices	911	Executive offices	SEE	SE	CT	ION	38-	5
	92	JUSTICE, PUBLIC ORDER & SAFETY		P	P	P	P(163)	
Courthouses	921	Courts						
Highway patrols, sheriff's offices, police depts.	9221	Public order and safety		P	P			
Jails, correctional institutions	9223	Correctional institutions		P	P		P(163)	
Fire stations	9224	Fire protection						
Public finance & taxation offices	93	PUBLIC FINANCE, TAXATION & MONETARY POLICY	P(UNP) (162)	P	P		P(163)	
Public health, education, social human resource offices	94	ADMINISTRATION OF HUMAN RESOURCE PROGRAMS		P	P	P	P	
Environmental, housing, urban planning & land management offices	95	ADMINISTRATION OF ENVIRONMENTAL QUALITY & HOUSING PROGRAMS		P	P	P	P	
Housing authorities	9531	Administration of housing programs		P	P	P	P	
Economic development commissions, transportation program, public utilities & agricultural programs	96	ADMINISTRATION OF ECONOMIC PROGRAMS		P	P	P	P	
	97	NATIONAL SECURITY		P	P	P	P	
Uses of national defense	971	National security						
P = Permitted use S = Permitted by Special Exception (#) = Conditions apply PM =				P	P		P	

Permitted with approval of the Planning and Zoning managers P(UNP)= Permitted when identified on an approved UNP (Unified Neighborhood Plan). (A) = Ancillary Use Only								
--	--	--	--	--	--	--	--	--

8384 **Sec. 39-348. Conditions for permitted uses, special exceptions.**

8386 The following numbered conditions shall correlate with the
8388 numbers listed in the use table set forth the Horizon West Town Center Land Use Table set forth in section 39-371.

8390 (1) A modular home shall be permitted, provided it is licensed
8392 by the State of Florida. No parcel shall have more than one (1) single-family unit or modular unit unless otherwise permitted by chapter 39.

8394 (2) A duplex shall be a permitted use, provided that the following requirements are met:

8396 a. The duplex shall comply with the applicable site and building requirements in **section 38-1501**;

8398 b. Each unit of the duplex shall be constructed at the same time; and

8400 c. A portion of the common party wall serving the adjoining dwelling unit may be located on the adjoining parcel.

8402 (3) Fruits, produce, flowers and vegetables shall be sold on the site from which they are grown.

8404 (4) *Mobile home provisions in **A-1, A-2, and A-R.***

8406 a. Mobile homes may be permitted on individual lots in agricultural A-1, A-2, and A-R districts, subject to the following:

8408 1. A mobile home may be used for residential purposes provided that the property contains a minimum of
8410 two (2) acres in the A-1 and A-2 districts. Minimum lot width and setbacks shall be per article XII.

8412 Minimum lot size in the A-R district shall be two and
8414 one-half (2½) acres. Other site and building
8416 requirements shall be per article XIII. Such mobile
8418 home use shall require, before the mobile home is
located on the property in question, a permit which
shall be issued to the recorded property owner by the
zoning division.

8420 2. Setbacks from lot lines shall be not less than is
required for a site-built dwelling in the district in
which it is located.

8422 3. Building height shall be limited to thirty-five (35)
feet.

8424 b. *R-T mobile home park district regulations.* The
8426 following regulations shall apply within the R-T mobile
home park district:

8428 1. A use shall be permitted in the R-T district if the use
is identified by the letter “P” in the use table set forth
8430 in section 38-77. A use shall be prohibited in the R-
T district if the space for that use is blank in the use
8432 table set forth in section 38-77. A customary
accessory use may include, among other things, the
sale of mobile homes on the following conditions:

8434 (i) The mobile home must have all of the
8436 facilities and utility connections for use as a
dwelling.

8438 (ii) The buyer of a new mobile home which is
purchased from a mobile home park owner or
8440 operator must be offered a six-month lease
with an option to renew for six (6) months for
8442 the mobile home space on which the mobile
home is located at the time of purchase.

8444 (iii) The seller and buyer of a new mobile home
must intend that the buyer live in the mobile
8446 home on the space where it is situated at the
time of the sale.

8448 (iv) The number of mobile homes for sale shall
not exceed ten (10) percent of the total
8450 number of approved mobile home spaces in a
mobile home park at any one (1) time.

8452 (v) Mobile homes for sale shall be located only
on mobile home spaces in the mobile home
park and subject to the same setbacks and

8454 yard requirements as occupied mobile
8455 homes.

8456 2. A land use permit shall be required to establish a
8457 mobile home park before building permits are issued.
8458 A land use permit application shall include a site plan
8459 drawn to scale showing property lines, rights-of-
8460 way, locations of buildings, parking areas, curb cuts,
8461 driveways, cross section of pavement, a landscape
8462 plan, streetlights, fire hydrants and fire extinguishers.

8463 3. The following design standards shall apply to mobile
8464 home parks:

8465 (i) Each mobile home park shall contain at least
8466 five (5) acres, shall be limited to seven (7)
8467 mobile home spaces per gross acre, and shall
8468 have not less than ten (10) mobile home
8469 spaces completed and available at first
8470 occupancy. The park shall have unobstructed
access to a publicly-maintained street or road.

8471 (ii) No mobile home space shall contain less than
8472 three thousand (3,000) square feet in area.

8473 (iii) Minimum separation between mobile homes
8474 shall be fifteen (15) feet. Certain additions to
8475 mobile homes are permitted, provided
8476 minimum separation between the addition
8477 and any other mobile home, or addition
8478 thereto, shall be ten (10) feet. Such additions
8479 are limited to screened rooms, carports,
8480 accessory buildings to store personal items
8481 and gardening equipment. Any other addition
8482 shall provide a minimum of fifteen (15) feet
8483 separation.

8484 (iv) Landscaping, buffering and open space
8485 requirements shall be as provided for in
8486 chapter 40 of this code, as it may be amended.

8487 (v) All porches, rooms and additions to a mobile
8488 home shall comply with these regulations and
8489 the county building department's codes and
8490 regulations.

8491 (vi) A recreation area shall be provided
8492 equivalent to two hundred (200) square feet
8493 of area for each mobile home space; however,
8494 in no case shall such recreation area be less
8495 than ten thousand (10,000) square feet in
8496

area. Such recreation area shall be no longer than twice its width. This area shall remain in a clean and presentable condition, and shall be adequately lighted. Such recreation area shall not be located in an area where such use will adversely affect surrounding property.

(vii) Each mobile home space shall have a minimum of fifteen (15) feet of frontage on a street or lane within the boundary of the park. Such streets or lanes shall have an unobstructed right-of-way thirty (30) feet in width and a hard surface of not less than twenty (20) feet in width for two-way drives, or twenty (20) feet in width and a hard surface of not less than twelve (12) feet in width for one-way drives. Hard surfacing shall consist of a base at least six (6) inches thick of lime rock or soil cement or an equivalent material and a top of at least one (1) inch thick made of asphaltic concrete or an equivalent material. Such streets shall be lighted by a system which consists of a one-hundred-watt mercury light for every one hundred twenty (120) linear feet of roadway or a two-hundred-watt incandescent light for every one hundred twenty (120) linear feet of roadway or shall with some other system supply two-tenths lumen per square foot of roadway.

(viii) There shall be a minimum of two (2) off-street parking spaces for each mobile home space. Each mobile home space shall be equipped with at least one (1) paved parked space; the remainder of the required spaces may be located either on mobile home spaces or in common parking lots.

(ix) Paved driveways shall be provided to each parking space on each individual mobile home space. Driveways shall be at least nine (9) feet wide. Common driveway may be used to serve more than one (1) mobile home space, but shall serve no more than four (4) mobile home spaces.

(x) Common walks shall be provided around recreation, management, and service areas.

8542 Common walks shall be at least four (4) feet
8544 wide except where such walks are adjacent to
an arterial street, in which case such walks
8546 shall be at least five (5) feet wide. No walk
required herein shall be used as a drainage
way.

8548 (xi) Each mobile home space shall be provided
with a concrete patio at least eight (8) feet
8550 wide and ten (10) feet long. Such patio shall
conform to the setback provisions outlined in
8552 subsection 3.(iii) above. Double-wide mobile
homes need not have a patio. Each mobile
8554 home space shall be landscaped with turf,
shrubs, trees, or other plantings.

8556 (xii) Each mobile home space shall be connected
with a water system and sewage treatment
8558 and disposal system approved by the county
and state health department.

8560 (xiii) It shall be unlawful for any person to
maintain or operate a mobile home park
8562 within the county without the appropriate
permits and licenses.

8564 c. *Dimensions.* Lot size and setback requirements in the R-
T-1 district shall be the same as those established for the
8566 R-2 single-family dwelling districts.

8568 d. *Site and building requirements.* Site and building
requirements for the R-T-2 district are as follows:

8570 1. Minimum lot area shall be twenty-one thousand
seven hundred eighty (21,780) square feet (one-half
acre).

8572 2. Minimum lot width shall be one hundred (100) feet.

8574 3. Minimum front yard setback shall be thirty-five (35)
feet.

4. Minimum rear yard setback shall be fifty (50) feet.

8576 5. Minimum side yard setback shall be ten (10) feet.

8578 6. Single-family dwelling units shall contain a
minimum of six hundred (600) square feet of living
area.

8580 (5) *Temporary structures.*

8582 a. Subject to the following regulations, temporary
structures, including mobile homes and travel trailers,

may be used as construction field offices and tool sheds when accessory to the development of a subdivision:

1. Such use shall be temporary and shall expire when ninety (90) percent of the buildings within the subdivision are completed or within one (1) year from the date the temporary structure permit is issued, whichever comes first.

2. In the case of temporary and permanent structures being erected on the same parcel of land, such temporary structures shall be removed not later than one hundred eighty (180) days following erection of the temporary structure or not later than ten (10) days after completion of the permanent structure, whichever comes first.

b. Permits for temporary structures shall be obtained from the zoning manager. When such permits expire, they may be renewed by the zoning manager for a period not to exceed an additional ninety (90) days. Upon expiration of any permit for a temporary structure, such structure shall be removed from the premises.

c. A mobile home or recreational vehicle may be temporarily parked and occupied on a lot or specified tract of land in A-1, A-2, and A-R districts during the construction of a permanent residence or building on such lot or tract of land. A temporary permit for such use will be issued by the county only after a building permit has been secured for the permanent residence or building. The mobile home or recreational vehicle shall be removed within three hundred sixty-five (365) days or ten (10) days after completion of the permanent residence or building, whichever comes first. To the extent this subsection (5)c. may be inconsistent or conflict with F.S. § 125.023, relating to a temporary shelter placed on residential property following a natural emergency where the resident is making a good faith effort to rebuild or renovate a damaged permanent residential structure, F.S. § 125.023 shall control.

d. Temporary structures, including mobile homes and travel trailers, may be used as construction office trailers for road improvement and/or utility development projects in any zoning district subject to the following:

1. The use of limited to the placement of construction/office trailers only.

- 8626 2. No accessory or storage buildings shall be permitted.
- 8628 3. Only the parking of passenger vehicles/trucks shall be permitted.
- 8630 4. Any outdoor staging areas and storage of products and equipment shall require written authorization which may be issued by the zoning manager as part of the temporary structure permit, with or without conditions.
- 8632
- 8634 5. All temporary structures shall be removed no later than one hundred eighty (180) days from the date the permit is issued or within ten (10) days after completion of the project, whichever comes first.
- 8636
- 8638 6. Permits for temporary structures shall be obtained from the zoning manager. The zoning manager may require a notarized statement of no objection from abutting property owners. When such permits expire, they may be renewed by the zoning manager for a period not to exceed an additional ninety (90) days.
- 8640
- 8642
- 8644 e. Mobile homes used as offices shall be permitted as a permanent use when accessory to a mobile home sales lot.
- 8646
- 8648 f. A mobile home or recreational vehicle may be used as quarters for a night watchman or on-site security on property zoned commercial or industrial. On properties zoned agricultural that have an institutional use (such as a religious institution or an educational institution) or other non-residential use, a recreational vehicle or mobile home may be used as quarters for a night watchman, if approved as a special exception. Night watchman quarters shall not be allowed on properties where a tenant dwelling exists.
- 8650
- 8652
- 8654
- 8656
- 8658 g. Subject to prior approval by the zoning manager, who may impose appropriate conditions (such as a time period), a recreational vehicle may be occupied as a temporary shelter where a single-family residence is located on-site but is uninhabitable and undergoing repairs. For purposes of this provision, the term “uninhabitable” means the on-site single-family residence cannot be occupied because it has been damaged by a natural disaster or accident, such as a hurricane, storm or fire, not that it cannot be occupied for some other reason, including because it is being renovated or enlarged. To the extent this subsection (5)g.
- 8660
- 8662
- 8664
- 8666
- 8668

- 8670 may be inconsistent or conflict with F.S. § 125.023,
8672 relating to a temporary shelter placed on residential
8674 property following a natural emergency where the
resident is making a good faith effort to rebuild or
renovate a damaged permanent residential structure, F.S.
§ 125.023 shall control.
- 8676 h. Mobile homes and recreational vehicles may be located,
8678 for an indefinite period of time, at a hunting camp of one
hundred (100) acres or more; subject to obtaining all
appropriate permits and licenses.
- 8680 i. Recreational vehicles may be parked in residential and
agricultural districts as provided in subsection
39-348(45).
- 8682 j. Mobile homes and recreational vehicles may be
8684 permitted on individual lots in commercial or industrial
8686 districts, subject to the following: A mobile home or
8688 recreational vehicle may be temporarily parked and
8690 occupied on a specified tract of land in commercial or
industrial districts, to be used for offices, storage or
security purposes, during the construction of permanent
building on the tract of land. The mobile home or
recreational vehicle shall be removed after the certificate
of occupancy is issued.
- 8692 (6) Outdoor display of operative agricultural equipment is
permitted, subject to the following conditions.
- 8694 a. The equipment may be stored outdoors on parcels
8696 adjacent to the parcels containing the agricultural uses
provided they are commonly owned or leased;
- 8698 b. The owner or lessee of the equipment and the owner or
lessee of the site must be one and the same; and
- 8700 c. The equipment must be used in conjunction with active
agricultural operations/uses on-site.
- 8702 d. Landscaping/lawn service business and storage of
equipment associated with such use shall be subject to
SIC 0782.
- 8704 (7) Reserved.
- 8706 (8) Such retail sales shall be a permitted use, provided as
follows: only paperwork and phone work, no merchandise
on site, drop-shipment only, home occupations only.
- 8708 (9) A junkyard use shall meet the following requirements:
- a. A building permit shall be obtained;

- 8710 b. All facilities shall construct and use an incoming
8712 material receiving pad that is impervious to used oil and
other regulated liquids. The pad shall be designed to
8714 contain any inadvertently accepted regulated liquids that
may drain from incoming material and to prevent any
8716 discharges, including as stormwater runoff, and shall be
subject to review by the Environmental Protection
Division; and
- 8718 c. By January 1, 1996, all junkyards that are not otherwise
8720 presently subject to screening requirements shall be
required to have an eight (8) foot high masonry wall,
8722 eight (8) foot high maintained fence, or other screening
acceptable to the zoning manager.
- (10) A swimming pool, wading pool, jacuzzi, spa or hot tub,
8724 basketball court, pickleball court, tennis court or other
similar sports court (including all appurtenances thereto,
8726 such as pool decks, security fences, or screen enclosures, but
excluding lighting) shall be a permitted accessory use,
8728 provided it complies with the following criteria:
- a. It shall not be constructed prior to the construction of the
8730 principal building or use.
- b. It shall not be located in the front yard or side street yard.
- 8732 c. It shall be subject to the setback requirements from the
normal high-water elevation contour for water bodies in
8734 **section 38-1501**.
- d. A pool, jacuzzi, spa, hot tub or pool screen enclosures
8736 shall maintain a minimum side and rear yard setback of
five (5) feet, and a minimum side street yard setback of
8738 fifteen (15) feet.
- e. A basketball court, pickleball court, tennis court or other
8740 similar sports court (including all appurtenances
thereto), shall not be located closer than ten (10) feet
8742 from any side or rear property line, or fifteen (15) feet
from any side street property line.
- 8744 f. No fence enclosing a basketball court, pickleball court,
tennis court or other similar sports court shall exceed ten
8746 (10) feet in height above finished grade level, unless the
court maintains a minimum ten (10) foot side yard
8748 setback and the minimum front, side street and rear yard
setbacks for the principal structure. However, in no
8750 instance shall such fencing exceed twenty (20) feet in
height.

- 8752 g. Pool equipment shall be subject to the mechanical
equipment requirements in subsection 39-348(16).
- 8754 (11) Reserved.
- 8756 (12) A home of six (6) or fewer residents which otherwise meets
the definition of a community residential home shall be
8758 deemed a single-family unit and a noncommercial,
residential use. Such a home shall be allowed in single-
family or multifamily zoning without approval by the
8760 county, provided that such a home shall not be located within
a radius of one thousand (1,000) feet of another existing such
8762 home with six (6) or fewer residents or within a radius of one
thousand two hundred (1,200) feet of another existing
8764 community residential home. Distance requirements shall be
documented by the applicant and submitted to the zoning
8766 division with the application. All distance requirements
pertaining to such a home with six (6) or fewer residents
8768 shall be measured from the nearest point of the existing such
home with six (6) or fewer residents or existing community
8770 residential home to the nearest point of the proposed home.
(Notwithstanding the foregoing provisions, any application
8772 for a community residential home which has been submitted
to the zoning division for distance separation review on or
8774 prior to June 18, 1991, shall be deemed consistent with this
section, provided such application could have met the
8776 distance separation requirements in effect upon the date of
submission of such application.
- 8778 (13) A community residential home in a U-V zoned district may
be permitted in a residential area only.
- 8780 (14) A community residential home shall not be located within a
radius of one thousand two hundred (1,200) feet of another
8782 existing community residential home and shall not be
located within five hundred (500) feet of any single-family
8784 residential district. Distance requirements shall be
documented by the applicant and submitted to the zoning
8786 division with the application. All distance requirements
pertaining to community residential homes shall be
8788 measured from the nearest point of the existing community
residential home or area of single-family zoning to the
8790 nearest point of the proposed home. (Notwithstanding the
foregoing provisions, any application for a community
8792 residential home which has been submitted to the zoning
division for distance separation review on or prior to June
8794 18, 1991, shall be deemed consistent with this section,
provided such application could have met the distance

8796 separation requirements in effect upon the date of
8797 submission of such application.)

8798 (15) A bed and breakfast homestay, bed and breakfast inn, or
8799 country inn shall be subject to the requirements outlined in
8800 **section 38-1425.**

8801 (16) Mechanical equipment shall be allowed, subject to the
8802 following requirements:

8803 a. All ground mounted mechanical equipment shall be
8804 screened from view at ground level, as viewed from any
8805 public or private right-of-way and abutting property, by
8806 walls, fences, dense plant materials, or a combination
8807 thereof, such that it is one hundred (100) percent opaque,
8808 at the time of installation.

8809 b. It shall not be located in the front yard, side street yard
8810 or between any portion of the principal structure and
8811 public or private right-of-way. A townhouse that is alley
8812 loaded may place the air conditioning unit in front of the
8813 principal structure as long as it is not within the front
8814 yard setback.

8815 c. The minimum setbacks for mechanical equipment shall
8816 be as follows:

8817 1. *Residential.* Single-family, duplex, or townhouse.

8818 (i) Side yard setback: two (2) feet from a side
8819 property line.

8820 (ii) Rear yard setback: five (5) feet; and

8821 (iii) Normal High-Water Elevation (NHWE)
8822 setback: Per **section 38-1501.**

8823 2. *Non-residential and multifamily projects.*

8824 (i) Mechanical equipment shall be subject to the
8825 same setback requirement for principal
8826 structures within the zoning district.

8827 (ii) Mechanical equipment mounted on the roof
8828 shall be screened in accordance with section
8829 9-556(d).

8830 d. It shall comply with chapter 15, article V, Noise
8831 Pollution Control.

8832 e. Manual and automatic exercising or testing of any
8833 generator shall be limited to the hours of 8:00 a.m. to
8834 6:00 p.m. Monday through Saturday.

8835 f. *Exemptions.*

- 8836 1. Mechanical equipment in existence prior to
8838 December 12, 2023, but not in conformance with this
section, shall be considered legal nonconforming
8840 structures and may be repaired, improved, or
replaced when such replacement retains the same
8842 footprint, or such footprint is only altered as
necessary to allow a more energy efficient or lower
8844 emission unit of mechanical equipment. However,
the screening requirements in subsection (16)(a)
shall be met.
- 8846 2. Temporary generators that are used to provide power
during an outage are exempt, providing that the
8848 generator is operating in accordance with the
manufacturer's specifications, with all standard
8850 equipment, and is in proper operating condition.
- (17) The construction of more than one (1) dwelling unit on a
8852 parcel of land and thereafter the subdivision of such parcel
may be permitted as a special exception in the A-1, A-2, A-
8854 R, R-CE, R-CE-2, and R-CE-5 zoned districts in rural
designated areas, provided the following requirements are
8856 met:
- a. The parcel is designated rural/agricultural (one (1) unit
8858 per ten (10) acres) on the future land use map;
- b. The parcel was legally created according to zoning
8860 division records as of May 21, 1991, and the applicant
was the official owner of record as of the date of the
8862 adoption of the County's comprehensive plan on July 1,
1991;
- c. Subject to the exceptions specified below, the dwelling
8864 unit(s) shall only be for the primary residence of an
immediate family member of the fee simple parcel
8866 owner, which immediate family member must be living
at the time the building permit for such dwelling unit(s)
8868 is issued (the phrase "immediate family member" is
defined in this subsection as a spouse, sister, brother,
8870 lineal ascendant or lineal descendant of the parcel owner
or spouse);
- d. Adequate documentation must be furnished to the board
8874 of county commissioners ("BCC") or its designee
evidencing the relationship between the parcel owner
8876 and the immediate family member whose primary
residence is to be placed or constructed upon the parcel
8878 and the intent of the immediate family member to
actually construct such residence and reside therein;

- 8880 e. The density approved shall not exceed one (1) unit per
8882 two (2) acres (excluding conservation areas and natural
water bodies);
- 8884 f. In addition to the other special exception requirements,
the required site plan shall take into account future
8886 subdivision of the parcel consistent with the subdivision
regulations;
- 8888 g. Subject to the exceptions listed below, the parcel which
is the subject of the special exception shall only be
subsequently subdivided if:
- 8890 1. A future land use designation is adopted by the board
of county commissioners ("BCC") which would
8892 permit development at the current residential density
of the entire parcel; or
- 8894 2. A mortgage lender, or its assignee, holding a
mortgage on the parcel, or such portion thereof as is
8896 the subject matter of the special exception, acquires
the portion so encumbered through foreclosure or by
8898 deed in lieu of foreclosure and, thereafter, such
lender or its assignee or successor-in-interest and/or
8900 title applies for a subdivision of the parcel; or
- 8902 3. The owner of the portion of the parcel which has
been so improved by the construction of a dwelling
unit thereon either (a) acquired title thereto by devise
8904 or inheritance from the immediate family member
for whom the special exception was granted and who
8906 has since died or (b) is a bona fide purchaser for value
from the estate of such deceased immediate family
8908 member; or
- 8910 4. The subdivision of the property is necessary to secure
financing from a mortgage lender or its assignee.
- 8912 h. Building permits may only be issued to (i) the immediate
family member, or the agent of the immediate family
8914 member, specified at the time of approval of the special
exception, or (ii) such other person or entity which
8916 acquires title to the land as provided for in subparagraph
g. above.
- 8918 (18) A screen room located in a residential district or residential
area within a planned development shall comply with the
following requirements:
- 8920 a. Front yard setback: Same as the principal structure for
the respective zoning district.

- 8922 b. Side yard setback: Same as the principal structure for the
respective zoning district.
- 8924 c. Side street setback: Fifteen (15) feet.
- 8926 d. Rear yard setback: A screen room may extend up to fifty
(50) percent into the required rear yard setback for the
8928 principal structure. Notwithstanding the foregoing,
where an alley is present, the screen room shall not be
8930 located closer than five (5) feet to the edge of the alley
easement.
- e. Normal High Water Elevation (NHWE) setback: 50 feet.
- 8932 f. Maximum height: 35 feet.
- (19) Any facility used for storage, manufacturing, or wholesale
8934 distribution of explosives, or fireworks, shall not be located
within two thousand (2,000) feet of any residentially zoned
8936 district or use, and distance shall be measured from the
property line of the facility to the closest property line of the
8938 residentially zoned district or use.
- (20) Townhouses are subject to the following requirements:
- 8940 a. A subdivision plan which satisfies all of the county
subdivision regulations in chapter 34 shall have been
8942 approved, and all platting requirements met.
- b. Each building shall contain not less than three (3) and
8944 not more than ten (10) dwelling units.
- c. Minimum distance separation between buildings:
8946 Twenty (20) feet.
- d. Each unit shall be self-contained with respect to utilities,
8948 heating and air conditioning. Each unit shall have
independent entrances, and common stairwells shall be
8950 prohibited. Units shall be separated by a firewall which
extends to the roof.
- e. Offsite guest parking shall be provided within the
8952 development at half (0.5) parking spaces per dwelling
unit.
8954
- f. The following development standards shall apply to
8956 individual lots:
1. Minimum lot width: Twenty (20) feet.
- 8958 2. Minimum lot area: Two thousand (2,000) square
feet.
- 8960 3. Front yard setback: Twenty (20) feet.

- 8962 4. Side yard setback: Zero (0) feet internal lot lines, and
ten (10) feet for end units.
- 8964 5. Side street yard setback: Fifteen (15) feet, or Major
Street Setbacks per **art. XV**, when applicable.
- 8966 6. Rear yard setback: Twenty (20) feet.
- 8968 7. Normal High Water Elevation (NHWE) setback:
Fifty (50) feet.
- 8970 8. Minimum living area: Five hundred (500) square
feet.
- 8972 9. Maximum building height: Thirty-five (35) feet.
- 8974 10. Maximum lot coverage: Seventy-five (75) percent.
- 8976 11. Porches, screen rooms, and screen enclosures may be
installed with a zero (0) foot side setback where the
principal structure has a zero (0) foot side setback.
However, screen rooms and screen enclosures shall
have the same rear yard setback as required in
subsection 39-348(18)d.
- 8978 (21) *Zero side yard development.* A zero side yard, where the side
building setback line is on the side lot line, may be permitted
8980 on one side of each single-family lot in all residential zoning
8982 districts, except R-CE-5, R-CE-2, R-CE, R-1AAAA, and R-
T-2, provided that all of the following standards are met:
- 8984 a. The applicant shall submit a detailed site plan drawn to
scale indicating the location of the proposed zero side
8986 yard dwelling unit and any existing or proposed
structures on the adjacent lot(s) or parcel(s).
- 8988 b. The zero side yard shall be developed on a multi-parcel
basis. The zero side yard concept may be utilized with
8990 new subdivisions (subdivisions for which the
preliminary subdivision plans received approval by the
8992 board of county commissioners on or subsequent to the
date of adoption of this regulation) provided that such
8994 request is made during the preliminary subdivision plan
stage and the zero side yard lots are clearly identified, or
8996 within existing subdivisions subsequent to a replat
indicating the location of the zero side yard lots. The
8998 subdivision shall be designed so that the exterior side
yard of all lots located at the periphery of the subdivision
9000 shall comply with the minimum side yard setbacks for
the zoning district in which the property is located.
- 9002 c. A five-foot maintenance easement shall be recorded on
the adjacent lot or parcel along the length of the zero side

- 9004 yard lot line and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance.
- 9006 d. The wall of any dwelling unit located on a zero side yard shall be constructed without doors.
- 9008 e. No portion of the dwelling unit shall project over any property line except for the eaves of the roof, window sills and similar minor appurtenances, with a maximum encroachment of two (2) feet.
- 9010
- 9012 f. Gutters shall be designed so as to not flow onto the adjacent zero side yard lot or parcel.
- 9014 g. The minimum separation between the zero side yard dwelling unit and any structure on the adjacent lot or parcel shall be equal to or greater than the sum of both the minimum required side yard setbacks in residential zoning districts.
- 9016
- 9018
- 9020 (22) *Simulated gambling establishments.* If the ordinance prohibiting simulated gambling devices, codified as sections 26-150 through 26-159 of the Orange County Code, is declared invalid by a court of competent jurisdiction, and the time expires to file an appeal without one being filed or an appeal is timely filed but the appeal is ultimately unsuccessful, or is found to be preempted by state law or state statute, simulated gambling establishments may be a permitted use, subject to all the following requirements and conditions in this paragraph. No alcoholic beverages shall be served or consumed at a simulated gambling establishment. A simulated gambling establishment shall not be open for business between the hours of 2:00 a.m. and 9:00 a.m. of any particular day. A simulated gambling establishment shall be located at least one thousand five hundred (1,500) feet from a preexisting religious institution, educational institution, school, area zoned in the county or municipality for residential use, area designated as residential on the future land use map of the county's or any municipality's comprehensive plan, park, or commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption. For purposes of the distance separation requirements, measurement shall be measured from property line to property line.
- 9022
- 9024
- 9026
- 9028
- 9030
- 9032
- 9034
- 9036
- 9038
- 9040
- 9042
- (23) *Sparklers and fireworks.*
- 9044 a. *Retail sale of sparklers.* Retail sale of sparklers shall be permitted in C-1, C-2, and C-3 zoning districts, or as

9046 expressly permitted in a Planned Development. Retail
 sale of sparklers to minors shall be prohibited.

9048 b. *Wholesale sale of fireworks.* Wholesale sale of fireworks
 9050 shall be permitted in C-3, I-1/I-5, I-2/I-3, and I-4 zoning
 9052 districts, or as expressly permitted in a Planned
 9054 Development. Such businesses shall be separated from
 educational institutions and schools by a minimum of
 five thousand (5,000) feet, and measurement shall be
 measured from property line to property line. The
 wholesale sale of fireworks to minors shall be prohibited.

9056 c. *Retail sale of fireworks prohibited.* Retail sale of
 fireworks (which does not include sparklers) shall be
 9058 prohibited in all zoning districts (retail sale of fireworks
 not being permitted under F.S. ch. 791).

9060 d. Permitted, unless otherwise prohibited by the standards
 outlined in subsection 39-348(19).

9062 (24) Multifamily development shall comply with F.S. §
 125.01055, relating to affordable housing, commonly known
 9064 as the Live Local Act, any ordinances, regulations, and
 procedures adopted by the board of county commissioners
 9066 implementing F.S. § 125.01055, and all other applicable
 state and County laws and regulations.

9068 (25) A family day care home shall be a permitted use in all
 residential and agricultural zoned districts pursuant to F.S. §
 9070 125.0109, provided that a fence at least four (4) feet in height
 shall be placed around all outdoor recreation/play areas or
 9072 outdoor use areas.

(26) *Adult or child day care home.*

9074 a. An adult or child day care home shall comply with the
 following requirements:

9076 1. Hours of operation. A day care home may operate
 twenty-four (24) hours per day.

9078 2. Fence. A fence at least four (4) feet in height shall be
 placed around all outdoor recreation/play areas or
 9080 outdoor use areas.

9082 3. Parking spaces. At least three (3) paved parking
 spaces shall be provided.

9084 4. Recreation. Indoor and outdoor recreation/play areas
 or outdoor use areas shall be provided as required by
 the State of Florida.

- 9086 5. Separation. A day care home located in a residential
9088 zoning district shall not be located within seven
9090 hundred (700) feet of another day care home or one
9092 thousand two hundred (1,200) feet of a day care
9094 center located in a residential zoning district.
9096 Distance requirements shall be documented by the
9098 applicant and submitted to the zoning division with
the application. Distance shall be measured by
following the shortest route of ordinary pedestrian
travel along the public thoroughfare from the closest
property boundary of a day care home to the closest
property boundary of another day care home or
shelter.
- 9100 6. A Type D opaque buffer shall be provided where
outdoor recreation areas are adjacent to single-family
zoning districts or single-family uses.
- 9102 b. An adult or child day care center shall comply with the
following requirements:
- 9104 1. Hours of operation. A day care center may operate
9106 twenty-four (24) hours per day in nonresidential and
9108 R-3 zoning districts. In all other residential zoning
districts, a day care center shall open no earlier than
6:00 a.m., and close no later than 7:00 p.m.
- 9110 2. Location. A day care center shall be a permitted use
9112 in the R-3, U-V (town center), and any professional
office, commercial or industrial zoned district, and
shall be a special exception in all other districts
except R-T, R-T-1, and R-T 2.
- 9114 3. Parking spaces. Permanent parking shall be provided
9116 in accordance with article XI of chapter 38, except
9118 for centers where there is no pick-up or drop-off area
available on the property. In these types of centers,
one (1) off-street parking space for each five (5)
children shall be required.
- 9120 4. Recreation. Indoor and outdoor recreation/play areas
9122 or outdoor use areas shall be provided as required by
the State of Florida.
- 9124 5. Fence. A fence at least four (4) feet in height shall be
placed around all outdoor recreation/play areas or
outdoor use areas.
- 9126 6. Buffer. A ten (10) foot wide buffer shall be provided
9128 to separate this use from any adjoining residential
zoned district. This buffer shall consist of

9130 intermittently placed screening at least three (3) feet
 9132 in height that constitutes thirty (30) percent of the
 buffer length. The buffer shall consist elsewhere of
 berms, planted and/or existing vegetation.

9134 7. Ancillary use. A day care center may be permitted as
 a special exception in conjunction with and as an
 9136 ancillary use to institutional uses which are permitted
 uses or are allowed as a special exception, such as,
 9138 but not limited to, religious institutions, schools, and
 nonprofit institutional uses.

9140 (27) An adult or child day care center shall only be a permitted
 use in a neighborhood center of the U-V zoned district.

9142 (28) Tents may be permitted, subject to the following
 requirements:

9144 a. Application and submittal requirements. The owner or
 occupant of the parcel or lot shall file with the zoning
 division the following information:

9146 1. A completed tent assembly permit application.

9148 2. A fully dimensioned site plan (survey not required),
 showing the location of the proposed tent, including
 9150 all improvements and required on-site parking; the
 legal description or parcel identification number of
 9152 the property; the notarized written consent of the
 property owner; existing and proposed access to the
 9154 site; the location of all existing structures; and
 parking calculations showing that sufficient parking
 is available for all uses on the site.

9156 b. Setbacks. The tent shall be set back from property lines
 a minimum of five (5) feet, or shall comply with the
 9158 principal building setbacks for the zoning district,
 whichever is less. (In no case shall any part of the tent
 9160 extend onto adjacent properties or road rights-of-ways.)

9162 c. Parking. No additional parking shall be required for a
 tent. However, the tent shall be erected so as not to block
 or impede access to any required parking space for the
 9164 principal use(s) on site.

9166 d. Outdoor display of merchandise. Outdoor display of
 merchandise shall be permitted in connection with a tent.

9168 e. Signs. The only signage which may be allowed in
 conjunction with a tent is temporary signage authorized
 by the sign ordinance.

- 9170 f. Renewals and time extensions for permits.
9172 Notwithstanding the frequency limitations set forth in
9174 subsections h. and i. below, a tent permit may be
renewed or additional permits and time extensions may
be allowed subject to the prior review and approval of
the zoning division.
- 9176 g. Permitted zoning districts. For non-seasonal tent sales, a
9178 tent may be permitted in any zoning district, provided the
products and merchandise for sale or on display in
9180 association with the tent are the same as those sold or
displayed at the principal business(es) on the site. For
9182 seasonal tent sales, a tent may be permitted on a parcel
or lot that is zoned to allow institutional, commercial or
industrial uses.
- 9184 h. Frequency limitations for non-seasonal tent sales.
- 9186 1. Tents on C1, C-2, C-3 and/or industrial zoned parcels
or lots. Tents, and all structures accessory to the
9188 tents, may be permitted on a parcel or lot for a period
not to exceed fourteen (14) consecutive days,
9190 provided a tent has not been erected on the parcel
during the preceding forty-five (45) days period.
9192 However, no more than four (4) events utilizing tent
permits may be allowed per parcel or lot per calendar
9194 year, and the tent sales shall not operate for more
than a total of twenty-eight (28) days of any calendar
year.
- 9196 2. Tents on residential and/or agricultural parcels or
lots. Tents, and all structures accessory to the tents,
9198 may be permitted on a parcel or lot for special events,
including weddings and parties, and for those uses
9200 permitted in residential and/or agricultural zoned
districts, for a period not to exceed seven (7)
9202 consecutive days, provided a tent has not been
erected on the parcel during the preceding forty-five
9204 (45) day period. However, no more than four (4)
events utilizing tent permits may be allowed per
9206 parcel or lot per calendar year. A tent on residentially
zoned land that is one hundred fifty (150) square feet
9208 or less may be erected pursuant to these standards
without a permit.
- 9210 3. Tents in conjunction with institutional uses,
including churches, schools, and nonprofit
9212 organizations (excluding tents for seasonal sales or
events which are controlled by subsection i. below).

9214 Tents, and all structures accessory to the tents, may
9216 be permitted on a parcel or lot for a period not to
9218 exceed fourteen (14) consecutive days. However, no
9220 more than four (4) events utilizing tent permits may
be allowed per parcel or lot per calendar year, and the
tent shall not be present for more than a total of
twenty-eight (28) of any calendar year.

9222 4. Tents in public parks and county lands. Tents erected
9224 in public parks and on county lands are exempt from
the four (4) events per year and forty-five (45) day
restriction.

9226 i. Frequency limitation for seasonal tent sales. For seasonal
9228 events, such as, but not limited to, the sale of Christmas
9230 trees, pumpkins, and sparklers, tents may be permitted.
9232 However, no more than four (4) seasonal events utilizing
9234 a tent permit may be allowed per parcel or lot per
9236 calendar year, and the tent sales shall not operate for
9238 more than a total of thirty (30) days of any calendar year.
9240 The frequency limitation for seasonal tent sales are
9242 calculated separately from the frequency limitations for
non-seasonal tent sales. Where both seasonal and non-
seasonal tent sales occur on the same property, the
number of events and the total number of days of a
calendar year for the seasonal and non-seasonal tent sales
may be aggregated (i.e. where there are both seasonal
and non-seasonal tent sales or events on the same
property, there shall not be more than eight (8) events
utilizing a tent permit per parcel or lot per calendar year,
and the tent sales shall not operate for more than a total
of fifty-eight (58) days of any calendar year).

9244 (29) Reserved.

9246 (30) At warehouse and self-storage facilities, plumbing shall not
9248 be provided to individual storage spaces, and plumbing
fixtures such as sinks, toilets, and the like shall not be
installed.

(31) Reserved.

9250 (32) A special exception is required for agriculturally and
9252 residentially zoned lands located in a Rural Settlement (RS)
designated on the CP Future Land Use Element Map.

(33) Pawn shops shall be prohibited.

9254 (34) The washing and packaging of fruit or vegetables shall be a
9256 permitted use when accessory to retail, fruit or vegetable
sales on the premises.

- 9258 (35) The open-air sale of agricultural or farming products grown
or produced on the premises shall be a permitted use,
9260 provided that the structures for such activity are set back at
least twenty-five (25) feet from any front or side property
line.
- 9262 (36) Except as set forth in subsection 39-348(36)h. below, the
9264 raising or keeping of poultry shall comply with the following
requirements:
- 9266 a. No commercial on-site slaughtering in agricultural and
residential zoned districts;
- 9268 b. An agriculturally zoned parcel up to five (5) acres shall
be limited to not more than thirty (30) poultry; an amount
9270 of poultry in excess of this limit shall require a special
exception;
- 9272 c. An agriculturally zoned parcel more than five (5) acres
and less than ten (10) acres shall be limited to not more
9274 than one hundred (100) poultry; an amount of poultry in
excess of this limit shall require a special exception;
- 9276 d. An agriculturally zoned parcel ten (10) acres or greater
shall have no limit on the number of poultry;
- 9278 e. The following requirements shall apply in the RCE,
RCE-2 and RCE-5 zoning districts:
- 9280 1. Roosters shall be prohibited;
- 9282 2. All poultry shall be for domestic use only;
- 9284 3. Not more than twelve (12) poultry; an amount of
9286 poultry in excess of this limit shall require a special
9288 exception;
- 9290 f. Any cage, pen, covered enclosure, barn, or other holding
area shall be setback at least thirty (30) feet from all
9286 property lines and at least fifty (50) feet from the normal
high-water elevation of any lakes or natural water
9288 bodies;
- 9290 g. Excrement and waste shall not be piled or stored within
one hundred (100) feet of any residentially zoned
9292 district, and from the NHWE;
- 9294 h. A bona fide agricultural business or use that is exempt
from local government zoning regulations under the
9296 Florida Statutes shall not be subject to the requirements
of this subsection 39-348(36); and
- i. The keeping of poultry for an approved 4H or Future
Farmers of America (FFA) educational program shall be

9298 permitted, provided the number of poultry does not
9300 exceed twelve (12) and the duration of the program does
not exceed six (6) months.

9302 (37) Subject to the following standards and conditions, chickens
shall be permitted to be raised or kept only on a lot or parcel
9304 with an owner-occupied single-family detached residence or
owner-occupied mobile home, upon the issuance of a single
9306 permit per parcel by the zoning division and payment of an
administrative fee as established by the board of county
commissioners.

9308 a. *Definitions.* For purposes of this subsection (37), the
following terms and words have the following
9310 definitions:

9312 *Chicken* means the female of a type of domesticated fowl of
the species *Gallus gallus domesticus*.

9314 *Chicken coop* means a covered enclosure designed for
roosting of chickens that provides ventilation and
9316 protection from drafts, sunlight, the effects of weather,
and predators.

9318 *Pen area* means an area around the chicken coop used by
chickens for exercising and foraging.

9320 b. *Application requirements.* An applicant shall comply
with the following requirements:

9322 1. Training class and application. An applicant shall
attend and successfully complete the University of
9324 Florida Institute of Food and Agricultural Sciences
(UF/IFAS) Extension Orange County Backyard
Chicken Training Class and present a signed
9326 certificate of completion of that class to the Zoning
Division, along with the applicant's completed
9328 application and any other information required by the
Zoning Division as part of the process for application
9330 for a permit.

9332 2. Site plan. An applicant shall submit a site plan to the
Zoning Division for the chicken coop and pen area.
9334 The chicken coop and pen area shall meet the
following requirements:

9336 (i) The chicken coop and pen area shall be
designed and constructed to protect the
9338 chickens from natural predators and domestic
pets by being fully enclosed with welded wire
mesh, hardware cloth, or other material of

9340 similar strength. Chicken wire fencing shall
9342 not be used. Additionally, the enclosure
material shall be buried at least twelve (12)
inches to obstruct or deter digging predators.

9344 (ii) The chicken coop and pen area shall be tied
down to the ground for wind resistance.

9346 (iii) The maximum size of the chicken coop and
9348 pen area together shall be one hundred (100)
square feet. The minimum size of the chicken
9350 coop shall be four (4) square feet per chicken.
The minimum size of the pen area shall be ten
(10) square feet per chicken.

9352 (iv) The maximum height of the chicken coop and
9354 pen area shall be six (6) feet, as measured
from the existing grade to the highest part of
the chicken coop or pen area.

9356 (v) The chicken coop and pen area shall be
9358 located only in the rear yard (not in a side
yard, side street yard, or the front yard) and
9360 be set back a minimum of fifteen (15) feet
from any side or side street property
9362 boundary; a minimum of ten (10) feet from
the rear property boundary, any wetlands,
9364 upland buffers, berms, swales, conservation
areas, and platted development right tracts;
9366 and fifty (50) feet from any normal high-
water elevation.

9368 (vi) The chicken coop and pen area shall be
cleaned regularly to foster healthy chickens;
9370 to prevent attracting insects and other
vermin; to avoid objectionable odors
9372 detectable beyond the property line; and to
comply with the requirements in Section 5-42
9374 of the Orange County Code, entitled
Nuisance Animals, which prohibits owners
9376 or keepers of domestic animals from
permitting or allowing animals to engage in
9378 certain prohibited behaviors. Repairs to the
pen area and chicken coop shall be made as
9380 necessary to ensure safety for chickens and
caretakers.

9382 (vii) Opaque fencing or vegetation shall exist or be
installed to match the height of the chicken
coop or pen area, whichever height is greater,

9384 to serve as a visual barrier for neighboring
9386 properties. The maximum height of the
fencing or vegetation shall be six (6) feet.

9388 3. Posting of notice. Upon issuance of a permit, the
9390 permittee shall post a sign provided by the Zoning
Division on his or her property for a period of at least
seven (7) days informing neighboring property
owners of the permit.

9392 c. Number of chickens. A maximum number of four (4)
chickens is permitted.

9394 d. Care, maintenance, and disposal of chickens.

9396 1. Food and water. Chickens shall have access to food
and water at all times. Feed shall be distributed in a
9398 rodent-proof feeder. Feed shall be stored in a covered
metal or plastic rodent and wildlife-proof container.

9400 2. Housing and custody. Chickens shall be housed at all
9402 times within the chicken coop or pen area, except
they may be removed from the chicken coop or pen
9404 area by a resident of the single-family residence or
mobile home, provided the resident keeps them
9406 under his or her continuous custody and control on
the property while they are outside the chicken coop
or pen area.

9408 3. Waste materials. Composting of manure produced by
chickens, including soiled bedding materials, is
9410 allowed in an enclosed bin. Composting of chicken
manure or soiled bedding materials is subject to the
9412 requirements of section 28-35 of the Orange County
Code, except that any compost bin that contains
9414 chicken manure or soiled bedding materials shall be
kept a minimum of twenty (20) feet from the
9416 property's boundary. Waste materials (feed, manure
and litter) that are not composted shall be discarded
9418 in a sealed bag and placed in a residential garbage
container for pick-up by waste collection services.

9420 4. Purpose of keeping chickens. Chickens shall be kept
for the purpose of producing eggs for consumption
9422 on the property only. Chickens, their eggs, feathers
and manure shall not be sold. In addition, chickens
9424 shall not be bred; slaughtered, except as provided in
Section 828.05, Florida Statutes, and any other
applicable laws for the humane and proficient

- 9426 destruction of injured or diseased animals; or
consumed.
- 9428 5. Transfer of chickens. Any owner who decides to
9430 cease keeping any chicken shall relocate that chicken
9432 to a farm or agribusiness that is licensed or otherwise
9434 permitted to accept chickens, or to another Orange
9436 County resident who has a valid permit in good
standing and whose property is in compliance with
the requirements of this subsection (37). Chickens
shall not be taken to the Orange County Animal
Services Division or released into the wild.
- 9438 6. Disposal of deceased chickens. Owners shall dispose
of deceased chickens in compliance with the
9440 requirements of section 823.041, Florida Statutes,
and rules 62-701.520(5)(a) and (c), Florida
9442 Administrative Code, as either or both may be
applicable.
- e. Additional terms and conditions for permits.
- 9444 1. Maximum number of permits. A certain maximum
9446 number of permits, as established or revised by the
Board of County Commissioners, may be issued on
9448 a first-come, first-served basis, pursuant to this
subsection (37).
- 9450 2. Non-transferable nature of permits. Permits are
personal to a permittee as the owner of the subject
property and are not transferable.
- 9452 3. Property covenants and restrictions. Nothing herein
9454 shall be construed or interpreted to mean that the
chickens are permitted where private covenants or
9456 restrictions prohibit such use, or where rules
promulgated under such covenants and restrictions
prohibit such use.
- 9458 4. Noncompliance. The failure to comply with any of
the standards and conditions set forth above may
9460 result in the revocation of a permit, and may be
enforced by issuance of a notice of violation or civil
9462 citation. In the event that a permit is revoked, the
owner shall relocate the chickens, within fifteen (15)
9464 days, to a farm or agribusiness that is licensed or
otherwise permitted to accept chickens, or to another
9466 Orange County resident who has a valid permit in
good standing and whose property is in compliance
9468 with the requirements of this subsection (37).

9470 Chickens shall not be taken to the Orange County
 9472 Animal Services Division or released into the wild.
 Upon revocation of a permit, the permittee shall not
 be eligible to apply for another permit for a period of
 two (2) years.

9474 5. Right of entry onto private property; revocation of
 9476 permit. By applying for a permit under this
 subsection (37), the applicant grants (a) authorized
 9478 County employees and agents, upon reasonable
 notice, a right of entry upon the exterior of the
 9480 property to determine whether the standards and
 conditions of this section are being satisfied; and (b)
 9482 the County the right to revoke a permit upon a
 determination of noncompliance with this subsection
 9484 (37). To that end, any code enforcement officer shall
 be immune from prosecution, civil or criminal, for
 9486 reasonable, good-faith trespass upon private property
 while in the discharge of responsibilities under this
 section.

9488 f. Prohibited poultry and fowl. Roosters and other poultry
 9490 or fowl, including turkeys, ducks, geese, pigeons, quail,
 and peafowl, shall be prohibited.

9492 g. Effective period. This subsection (37) allowing chickens
 9494 on a lot or parcel is a permitted program and shall remain
 in effect unless repealed. If this subsection (37) is
 9496 repealed, the chickens, along with the chicken coop and
 pen area shall be removed from the lot or parcel within
 ten (10) years after the date of such repeal.

9498 (38) A freestanding carwash is a permitted use if all of the
 following requirements can be met, but if any of the
 9500 following requirements cannot be met, a special exception is
 required:

9502 a. Hours of operation shall be limited from 6:00 a.m. to
 10:00 p.m.;

9504 b. The equipment shall be on timers and shall be shut down
 before and after the hours of operation listed above;

9506 c. A six (6) foot high masonry wall or PVC fence shall be
 constructed along any property lines abutting single
 family residential uses or zoning; and

9508 d. A security system shall be installed to include electronic
 9510 cameras, with signs posted notifying patrons of the
 security cameras.

- 9512 (39) A special event, as defined in chapter 40, article VI, may be
permitted, subject to the following requirements:
- 9514 a. Special event parking shall be provided at a ratio of one
9516 space per every three anticipated attendees and shall be
located on-site, unless otherwise approved by the Zoning
9518 Manager for parking off-site. Factors that will be
considered when reviewing proposed off-site parking
9520 include, but shall not be limited to, distance from the
special event, walkability from the parking area to the
special event, and/or the provision of any shuttle
services.
- 9522 b. An outdoor special event permit must be obtained from
the Orange County Fire Marshal's Office, where
9524 applicable.
- 9526 c. A special event that would require use of rights-of-way
must have maintenance of traffic consistent with section
21-236 and a right-of-way utilization permit issued by
9528 the Public Works Department.
- 9530 d. Any tents or signage in association with a special event
shall comply with and be permitted in accordance with
Code.
- 9532 e. A special event in a PD zoning district shall be permitted
on those portions of the PD designated for commercial
9534 or industrial uses and shall comply with subsection
39-348(39)h. below. A special event on land designated
9536 for other than commercial or industrial uses are not
permitted, unless expressly allowed as a permitted use
9538 on the Land Use Plan.
- 9540 f. A special event in residential, agricultural, P-O and
neighborhood residential (NR) districts may be
permitted in association with existing uses on developed
9542 sites that are permitted in the district, have approved
special exceptions, or are recognized as legal non-
9544 conforming uses, and have obtained all required permits
subject to the following standards:
- 9546 1. Frequency and duration limitations. Limited to a
maximum of four times per calendar year, with each
9548 event not to exceed a maximum of four days. Hours
of operation shall be limited to between 9:00 a.m.
9550 and 9:00 p.m. However, for good cause shown, the
Zoning Manager may grant extensions to the
9552 frequency and/or duration limitations.
2. Restrictions and prohibitions on special events:

- 9554 (i) A special event that includes amusement
9556 rides or attractions (such as a carnival) or a
farmer's market shall require a special
exception.
- 9558 (ii) A special event that consists of the sale of
vehicles, boats or RVs shall be prohibited.
- 9560 (iii) A maximum of two (2) food trucks may be
permitted in association with a special event.
- 9562 g. A special event in residential, agricultural, and
9564 neighborhood residential (NR) districts on vacant and
undeveloped land shall be permitted only by special
9566 exception. However, the Zoning Manager may approve
a single, one-time only special event, and if approved, it
9568 shall be subject to the requirements set forth in
subsection 39-348(39) a.—d.
- 9570 h. A special event in commercial, industrial, NC, and NAC
districts may be permitted, subject to the following
standards:
- 9572 1. Frequency and duration limitations: Special events in
commercial and industrial districts may occur a
9574 maximum of twelve (12) times per year, with each
event limited to a maximum of four (4) days. Hours
9576 of operation shall be limited to between 7:00a.m. and
10:00p.m. However, for good cause shown, the
9578 Zoning Manager may grant extensions to the
frequency and/or duration limitations.
- 9580 2. Restrictions and prohibitions on special events:
- 9582 (i) A special event that includes amusement
rides or attractions (such as a carnival) or a
9584 farmer's market shall require a special
exception in the C-1, NC, and NAC zoning
districts.
- 9586 (ii) A special event that consists of the sale of
vehicles, boats or RVs shall be prohibited in
9588 the C-1, NC, and NAC zoning districts.
- 9590 (iii) A maximum of two (2) food trucks may be
permitted in association with a special event,
9592 however, additional food trucks may be
allowed when approved by the Zoning
Manager.
- 9594 (40) Reserved.

9596 (41) Except as set forth in subsection 39-348(41)h. below, the
 raising or keeping of horses, ponies, donkeys and mules shall
 9598 comply with the following requirements:

- 9598 a. No on-site slaughtering, commercial or otherwise;
- 9600 b. In A-1, A-2, A-R, RCE, RCE-2 and RCE-5 zoning
 9602 districts not more than one (1) animal per acre for
 grazing purposes only (not kept in holding areas too);
 more than one (1) animal per acre for grazing only
 requires a special exception;
- 9604 c. In A-1, A-2, A-R, RCE, RCE-2 and RCE-5 zoning
 9606 districts not more than one (1) animal per acre for
 grazing purposes; if animals are permanently kept in
 9608 holding areas such as a barn, paddock, stall, or corral, no
 more than four (4) animals per conforming lot or parcel,
 9610 and if more than four (4) animals are kept in holding
 areas, a special exception shall be required; the
 9612 requirements for property where animals only graze and
 where animals are kept in holding areas shall be mutually
 exclusive;
- 9614 d. Any barn, paddock, stall, or corral shall be setback at
 9616 least fifteen (15) feet from all property lines and at least
 fifty (50) feet from the normal high-water elevation of
 any lakes or natural water bodies;
- 9618 e. Manure and compost shall not be piled or stored within
 9620 thirty (30) feet of any property line, or within one
 hundred (100) feet from the NHWE;
- 9622 f. Boarding of animals for commercial purposes in
 agricultural and residential zoned districts requires a
 9624 special exception, and is subject to the requirements in
 subsections 39-348(41)b. through e.;
- 9626 g. Boarding of animals for commercial purposes in
 commercial and industrial zoned districts is permitted,
 9628 subject to the requirements in subsections 39-348(41)e.
 and f.;
- 9630 h. A bona fide agricultural business or use that is exempt
 from local government zoning regulations under the
 9632 Florida Statutes shall not be subject to the requirements
 of this subsection 39-348(41);
- 9634 i. The keeping of animals for an approved 4H or FFA
 educational program shall be permitted, provided the
 9636 number of animals does not exceed six (6) and the
 duration of the program does not exceed six (6) months.

- 9638 (42) Dual rear wheel vehicles are permitted subject to the
following conditions:
- 9640 a. In the A-1, A-2, RCE-5, RCE-2, RCE zoning districts,
dual rear wheel vehicles are permitted provided they are
9642 used in conjunction with an active agricultural
operation/use on-site;
- 9644 b. The overnight parking and/or storage of a dual rear
wheel vehicle shall be subject to all applicable Orange
9646 County Code requirements, including paved parking,
buffers and screening to adjacent properties, and
9648 drainage, except that active agricultural operations/uses
shall be exempt from the paved parking, buffer, drainage
and screening requirements; and
- 9650 c. Unless otherwise permitted by the Orange County Code,
no person shall park or store outdoors a dual rear wheel
9652 vehicle in any area of unincorporated Orange County
including streets and rights-of-way, except temporarily
9654 while engaged in the loading or unloading of persons or
property.
- 9656 (43) The sale or storage of firewood in any amount shall be
permitted in the C-2, C-3, I-1/I-5, I-2/I-3 and I-4 zoning
9658 districts. The sale or storage of firewood in any amount shall
only be permitted indoors in the C-1 zoning district. The sale
9660 or storage of two (2) or less cords of firewood during any
single calendar year not grown on-site and the sale or storage
9662 of firewood in any amount grown on-site shall be permitted
in the A-1 and A-2 zoning districts. The sale or storage of
9664 more than two (2) cords of firewood not grown on-site in the
A-1 and A-2 zoning districts requires a special exception. All
9666 sites selling or storing firewood not grown on-site shall be
subject to the following restrictions:
- 9668 a. If more than two (2) cords of firewood are being sold or
offered for sale, the site shall have a minimum of two (2)
9670 parking spaces for customers;
- 9672 b. The firewood and associated equipment shall be located
a minimum of fifty (50) feet from all off-site residences
and twenty-five (25) feet from all property lines;
- 9674 c. Stacks or piles of firewood cannot exceed four (4) feet in
height; and
- 9676 d. A six (6) foot high solid screened wooden fence or wall
or a twenty-five (25) foot wide landscape buffer
9678 containing minimum eight (8) foot high trees and
twenty-four (24) inch hedges shall be installed or planted

9680 adjacent to all residential property lines. A landscape
9682 plan shall be subject to the zoning manager's approval. A
site where two (2) or less cords of firewood are being
9684 stored, sold or offered for sale shall be exempt from this
requirement.

(44) Plant nurseries and greenhouses shall be permitted, provided
9686 there is no retailing of products on site. Plant nurseries shall
include the production, wholesaling, and distribution of
9688 plant materials grown or cultivated on site. Seedlings may
be transported to the site. However, the majority of plant
9690 materials shall be grown on site.

(45) Except as provided in subsections (45)a. through f. for boats
9692 and boat trailers and subsections (45)g. through j. for
recreational vehicles, no boat or boat trailer, regardless of its
9694 length, and no recreational vehicle, may be parked, stored,
or otherwise kept on a lot or parcel. For purposes of this
9696 subsection (45), a "boat" shall not include a canoe sixteen
(16) feet or less in length, a sailboat sixteen (16) feet or less
9698 in length with the mast down, a jon boat sixteen (16) feet or
less in length, or a personal watercraft (e.g. a jet ski). Also
9700 for purposes of this subsection, the length of a boat shall be
measured from the front of the bow to the back of the stern,
9702 excluding the motor or propeller.

a. The maximum number of boats and boat trailers
9704 permitted to be parked, stored or kept on the lot or parcel
shall be calculated as follows depending on the size of
9706 the lot or parcel:

1. For a lot or parcel less than or equal to one-quarter
9708 acre, the maximum total number is two (2) boats and
boat trailers, with a maximum number of one (1) boat
9710 in the front yard;

2. For a lot or parcel greater than one-quarter ($\frac{1}{4}$) acre
9712 and less than or equal to one-half ($\frac{1}{2}$) acre, the
maximum total number is three (3) boats and boat
9714 trailers, with maximum number of one (1) boat in the
front yard; and

3. For a lot or parcel greater than one-half ($\frac{1}{2}$) acre, the
9716 maximum total number is four (4) boats and boat
trailers, with a maximum number of one (1) boat in
9718 the front yard.

b. The registered owner of the boat and/or boat trailer shall
9720 be the owner or lessee of the principal structure at the lot
or parcel.
9722

- 9724 c. No boat or boat trailer may be parked, stored, or kept
wholly or partially within the public or private right-of-
way, including the sidewalk.
- 9726 d. No boat may be occupied or used for storage purposes.
- 9728 e. A boat or boat trailer less than or equal to twenty-four
(24) feet in length may be parked, stored, or kept inside
9730 a garage, under a carport, in the driveway, in the front
yard on an approved surface, in the side yard, or in the
9732 rear half (½) of the lot or parcel. An approved surface
situated in the front half (½) of the lot or parcel shall be
9734 placed immediately contiguous to the driveway, and not
anywhere else in the front yard or side yard. Such a boat
9736 or boat trailer on the rear half (½) of the lot or parcel shall
be screened from view from the right-of-way when it is
9738 parked or stored behind the principal structure, and shall
be at least ten (10) feet from the side lot lines and at least
9740 five (5) feet from the rear lot line. Setbacks may be
reduced to zero (0) feet if a six-foot high fence, wall, or
9742 vegetative buffer, exists along the lot line. (For purposes
of this subsection (45), an “approved surface” shall mean
9744 a surface consisting of asphalt, gravel, pavers, or
concrete.)
- 9746 f. A boat or boat trailer greater than twenty-four (24) feet
in length may be parked, stored or kept inside a garage,
9748 under a carport, or in the rear half of the lot or parcel, but
not in the driveway or in the front yard. Such a boat or
9750 boat trailer on the rear half of the lot or parcel shall be
screened from view from the right-of-way when it is
9752 parked or stored behind the principal structure, and shall
be at least ten (10) feet from the side lot lines and at least
9754 five (5) feet from the rear lot line. Setbacks may be
reduced to zero (0) if a six-foot high fence, wall, or
9756 vegetative buffer, exists along the lot line. Furthermore,
the owner of such a boat or boat trailer shall obtain a
9758 permit from the zoning division in order to park, store or
keep the boat or boat trailer at the lot or parcel.
- 9760 g. Not more than one (1) recreational vehicle may be
parked, stored or kept on the lot or parcel.
- 9762 h. The owner of the recreational vehicle shall be the owner
or lessee of the principal structure at the lot or parcel.
- 9764 i. No recreational vehicle may be occupied while it is
parked, stored or kept on the parcel.

- 9766 j. A recreational vehicle may be parked, stored or kept only
9768 on an approved surface in the front half (½) of the lot or
9770 parcel (behind the front yard setback) or on an
9772 unimproved surface in the rear half (½) of the lot or
9774 parcel. The recreational vehicle shall not obscure the
9776 view of the principal structure from the right-of-way
9778 adjoining the front of the subject property, and shall be
at least ten (10) feet from the side lot lines and at least
five (5) feet from the rear lot line. Setbacks may be
reduced to zero (0) feet if a six-foot high fence, wall, or
vegetative buffer, exists along the lot line. Furthermore,
the owner of such a recreational vehicle shall obtain a
permit from the zoning division in order to park, store or
keep the recreational vehicle at the lot or parcel.
- 9780 (46) Restaurants without drive-through or walk-up windows may
9782 be permitted as a special exception only. Every application
9784 for such a special exception shall be accompanied by a
notarized letter from the property owner or his authorized
representative stating that he understands and agrees that
drive-through or walk-up windows are prohibited.
- 9786 (47) Travel agencies, tour brokers, and tour operators shall be
9788 permitted uses, subject to no parking of transportation
vehicles on site, no servicing or maintenance of company
vehicles on site, and no pick-up or drop-off of customers on-
site.
- 9790 (48) Reserved.
- 9792 (49) Except as set forth in subsection 39-348(49)e. below, the
9794 raising or keeping of goats, sheep, lambs, and pigs shall
comply with the following requirements:
- 9796 a. No commercial on-site slaughtering in agricultural and
residential zoned districts;
- 9798 b. Not more than eight (8) animals per acre; more than that
9800 amount requires a special exception;
- 9802 c. Any barn, paddock, stall, pen, or corral shall be setback
9804 at least fifteen (15) feet from all property lines and at
least fifty (50) feet from the normal high-water elevation
of any lakes or natural water bodies;
- 9806 d. Manure and compost shall not be piled or stored within
thirty (30) feet of any property line, or within one
hundred (100) feet from the NHWE;
- e. A bona fide agricultural business or use that is exempt
from local government zoning regulations under the

9808 Florida Statutes shall not be subject to the requirements
of this subsection 39-348(49);

9810 f. The keeping of animals for an approved 4H or FFA
9812 educational program shall be permitted, provided the
number of animals does not exceed six (6) and the
duration of the program does not exceed six (6) months.

9814 (50) To the extent not inconsistent or in conflict with any
9816 applicable federal or state law, including F.S. § 163.04, solar
panels, wind turbines, and other energy devices based on
renewable resources may be permitted, provided they
comply with the following requirements:

9818 a. Solar panels, wind turbines and other energy devices
9820 shall be located at least two hundred (200) feet from any
residential use or district or P-D with residential land use
approval;

9822 b. Solar panels, wind turbines and other energy devices
9824 shall comply with all other applicable laws and
regulations.

9826 (51) a. In an A-1, A-2, I-2/I-3, or I-4 zoned district, the location
9828 depicted on the approved commercial site plan for this
type of use or operation that will have equipment or
9830 machines, including a crusher, stockpiles, or
loading/unloading activity, but excluding a truck or other
9832 motor vehicle or an internal access road, shall be at least
one thousand (1,000) feet from the nearest property line
of any residential zoned district, residential use, or
school.

9834 b. The type of use or operation allowed under subsection
9836 39-348(51)a. shall meet the following location, design
and operational criteria:

9838 1. The use or operation shall be subject to an approved
commercial site plan, and shall comply with all
9840 applicable laws, ordinances, rules, and regulations,
including the air quality rules codified at article III,
chapter 15, Orange County Code, the noise control
9842 ordinance codified at article V, chapter 15, Orange
County Code, and the vibration requirements in
9844 section 38-1454, Orange County Code.

9846 2. Unconfined or uncontrolled emissions of particulate
matter from any crushing activity, screening activity,
9848 conveying activity, stockpiling, loading/unloading
activity, or vehicular traffic shall be controlled using

9850 water suppression systems, dust suppressants, or
other engineering controls acceptable to the County.

9852 3. Buffer requirements at any abutting residential or
institutional use property line shall be Type A opaque
9854 with landscaping, consistent with the landscaping
and buffering requirements of chapter 40.

9856 4. Stockpile heights shall not exceed thirty-five (35)
feet above the finished grade elevation in A-1 and A-
9858 2 zoned districts, and shall not exceed fifty (50) feet
above the finished grade elevation in I-2/I-3 and I-4
zoned districts.

9860 5. Building heights shall not exceed fifty (50) feet, or
thirty-five (35) feet when located within one hundred
9862 (100) feet of a residential zoning district or
residential designation on the future land use map, or
9864 one hundred (100) feet when located more than five
hundred (500) feet of a residential zoning district or
9866 residential designation on the future land use map,
whichever is applicable.

9868 6. Hours of operation shall be limited to 7:00 a.m. to
7:00 p.m. Monday through Friday and 8:00 a.m. to
9870 3:00 p.m. on Saturday at a plant or facility in an A-1,
A-2, I-2/I-3, or I-4 zoned district. No such plant or
9872 facility may operate on Sunday.

9874 c. Notwithstanding anything that may or seem to be
contrary in **section 38-77** or this subsection 39-348(51),
excavation pits shall be a permitted use in the I-1/I-5, I-
9876 2/I-3, I-4, A-1, and A-2 zoned districts, subject to
complying with all applicable laws, ordinances, rules,
9878 and regulations, including the excavation and fill
ordinance codified at chapter 16, Orange County Code.
9880 Any crushing activity or crushing equipment at an
excavation pit shall comply with the one thousand
9882 (1,000) foot distance separation requirement described in
subsection 39-348(51)a.

9884 (52) The raising or keeping of not more than two (2) swine to be
used for domestic purposes only shall be a permitted use,
9886 provided that the occupied sty is not less than one hundred
(100) feet from any property line.

9888 (53) Grove caretaking and harvesting in conjunction with the care
and maintenance of agricultural commodities shall be a
9890 permitted use.

- 9892 (54) Veterinary hospitals or dog and cat grooming may be
permitted in a completely enclosed, soundproofed building.
9894 No outdoor animal runs may be permitted and no animal
containment facilities may be located except in a completely
enclosed, soundproof structure.
- 9896 (55) Temporary portable storage containers (TPSC) are permitted
9898 in a manner that is safe and compatible with adjacent
surrounding uses and activities and in compliance with this
9900 subsection. A TPSC to be placed on property for less than
one hundred eighty (180) days requires a zoning permit. A
9902 TPSC to be placed on property for one hundred eighty (180)
days or more requires a zoning permit and a building permit.
- 9904 a. A TPSC may be permitted for the following periods of
time, but the zoning manager may authorize a time
9906 extension of the applicable duration period if the
property owner demonstrates that extenuating
circumstances exist to justify the extension:
- 9908 1. A TPSC placed in conjunction with moving,
remodeling, or reconstruction activities may be
9910 permitted for a maximum of ninety (90) days.
- 9912 2. A TPSC placed for new construction may be
permitted for a maximum of one hundred eighty
9914 (180) days. A building permit, when required for the
associated work, shall be issued prior to issuance of
a zoning permit for a TPSC.
- 9916 3. Once a permit for a TPSC has utilized its maximum
duration, or has been removed from the site, no
9918 additional permits for a TPSC may be issued until
after a period conjunction with a Seasonal Sales Tent
9920 Permit (see d.7 below).
- 9922 4. The TPSC shall be removed upon expiration of the
zoning permit, or within seven (7) days of
9924 completion of permitted work, whichever occurs
earlier.
- 9926 b. A TPSC located in a single-family residential or
agricultural district shall comply with the following
location and size requirements:
- 9928 1. A TPSC shall be located a minimum of five (5) feet
from any property line.
- 9930 2. The maximum allowable size for a TPSC in a
residential district is one hundred sixty (160) square
9932 feet.

- 9934 3. A TPSC shall not be located in a manner that impairs
9936 a motor vehicle operator's view of other vehicles,
bicycles or pedestrians utilizing, entering or exiting
a right-of-way, or in a manner that obstructs the flow
of pedestrian or vehicular traffic.
- 9938 4. Unless the site is new construction, a TPSC shall be
9940 placed on an improved surface only. A TPSC shall
not be placed within a required landscape or buffer
area, wetland, or designated conservation area.
- 9942 c. A TPSC located in a non-residential or multi-family
9944 zoning district shall adhere to the following location and
size requirements:
- 9946 1. A TPSC shall be located a minimum of five (5) feet
from a side or rear property line, and a minimum of
fifteen (15) feet from any right-of-way.
- 9948 2. A TPSC may not be located in any required parking
9950 spaces if duration exceeds thirty (30) days, or unless
otherwise approved by the zoning manager.
- 9952 3. A TPSC shall not be located in a manner that impairs
a motor vehicle operator's view of other vehicles,
9954 bicycles or pedestrians utilizing, entering or exiting
a right-of-way, or in a manner that obstructs the flow
of pedestrian or vehicular traffic.
- 9956 4. Unless the site is new construction, a TPSC shall be
9958 placed on an improved surface only. A TPSC shall
not be placed within a required landscape or buffer
area, wetland, or designated conservation area.
- 9960 d. A TPSC may be permitted for seasonal sales, subject to
the following requirements:
- 9962 1. A seasonal sales tent permit shall be issued prior to
or in conjunction with the TPSC.
- 9964 2. A TPSC shall be located a minimum of five (5) feet
9966 from a side or rear property line, and a minimum of
fifteen (15) feet from any right-of-way.
- 9968 3. A TPSC may be located in a grassed area, but shall
not be placed within a required landscape or buffer
area, wetland, or designated conservation area.
- 9970 4. A TPSC shall not be located in a manner that impairs
9972 a motor vehicle operator's view of other vehicles,
bicycles or pedestrians utilizing, entering or exiting
9974 a right-of-way, or in a manner that obstructs the flow
of pedestrian or vehicular traffic.

- 9976 5. A TPSC shall not be placed in any required parking areas.
- 9978 6. A TPSC shall be removed within seven (7) days of the tent permit's expiration.
- 9980 7. A TPSC utilized for seasonal sales shall not be considered a TPSC that must adhere to the 180-day TPSC prohibition period referenced in subsection 39-348(55)a.3.
- 9982
- (56) Reserved.
- 9984 (57) Borrow pits, and excavation and fill activity shall be a permitted use subject to meeting the requirements of chapter 16 (Excavation and Fill).
- 9986
- (58) Reserved.
- 9988 (59) Reserved.
- (60) No storage of recreational vehicles, boats or similar items shall be permitted on-site. Outdoor storage is not permitted.
- 9990
- (61) Gas substations, telephone dial exchange buildings, and radio and television substations and towers shall be permitted in industrial districts. Such structures may be permitted in any other district only as a special exception. Security fences, minimum of six (6) feet in height, shall be required around any substation. (Electric substations, also known as distribution electric substations, are addressed under subsection 39-348(81).)
- 9992
- 9994
- 9996
- 9998
- Structures, buildings, or uses required for public or private sewer and water facilities shall be permitted in industrial districts. Such structures may be permitted in any other district only as a special exception.
- 10000
- 10002
- (62) Citrus and other agricultural crops, cultivation and production shall be a permitted use, provided that no retailing shall be permitted on-site.
- 10004
- (63) With respect to animal slaughtering, and the confinement of animals for finishing and preparation for slaughter, all storage and processing activities shall be enclosed within a wall or structure constructed and maintained in a manner such that storage, slaughtering, or processing activity is not visible from any public or private street or any point on abutting property lines.
- 10006
- 10008
- 10010
- 10012
- (64) Such use shall be only light assembly of pre-manufactured components. Industrial equipment shall be prohibited; only hand tools shall be permitted.
- 10014

- 10016 (65) The following uses may be permitted when integrated within
10018 a primary use structure and primarily oriented towards
serving the individuals employed within or served by the
primary use structure:
- 10020 a. Restaurants, lunch stands, snack bars (including
outside/patio seating).
- 10022 b. Tobacco, candy, newspaper, and magazine counters.
- 10024 c. Day care, laundry/dry cleaning (pick-up/drop off only),
and quick printing services.
- d. Exercise centers.
- 10026 The uses permitted in subsections a. through d., above are
intended to be limited in scope and ancillary to the uses in
10028 the primary use structures. The ancillary uses are intended to
function primarily as a convenient means of providing
10030 meals, sundries and services to individuals employed within,
or served by, the primary use structure, and may be open
10032 only during normal hours of operation of a majority of the
businesses in the primary use structure. Ancillary uses shall
10034 not occupy more than twenty (20) percent of the gross floor
area of any building, nor shall such uses have individual
10036 outside entrances designed as the primary ingress to the
facility. No accessory use shall be permitted any display of
10038 advertising signs or merchandise visible from outside the
building.
- 10040 (66) Bakery shops, the products of which are sold only at retail
on the premises, shall be a permitted use.
- 10042 (67) Automobile parts, new and reconditioned, with no on-site
installation, shall be a permitted use. Installation may be
10044 permitted as an ancillary use only, when conducted within
an enclosed structure. Further, only those items sold on
10046 premises may be installed on premise.
- 10048 (68) An automobile service station shall be a permitted use,
subject to the following standards:
- a. All pump islands shall be set back at least fifteen (15)
10050 feet from the right-of-way line, or, where a major street
setback distance has been established under article XV
10052 of chapter 38, pump islands shall not encroach into the
setback distance more than fifteen (15) feet.
- b. The overhang of a pump island canopy not attached to
10054 the service station structure shall be set back at least five
(5) feet from the right-of-way line, or, where a major
10056 street setback distance has been established, such

10058 overhang shall not encroach into the setback distance
more than twenty-five (25) feet.

10060 c. The overhang of a pump island canopy attached to the
10062 service station structure shall be deemed part of the
structure and subject to building setback requirements.

10064 d. When the service station abuts a residential district,
buffers shall comply with the requirements in chapter 40.

10066 e. Automobile towing may be permitted as an accessory
use. However, towed vehicles shall not be stored on site.

10068 (69) The keeping of animals for an approved 4H or FFA
educational program shall be permitted, provided the
10070 number of animals does not exceed six (6) and the duration
of the program does not exceed six (6) months.

10072 (70) Pump islands for dispensation of motor fuel shall be a
permitted ancillary use in conjunction with convenience
10074 stores. All pump islands shall comply with the requirements
of subsection 39-348(68).

10076 (71) Subject to chapter 3 (Adult Entertainment Code) and chapter
40, as they may be amended from time to time.

10078 (72) Pawn shops (no boats or motor vehicles) shall be a permitted
use.

10080 (73) A labor pool or labor hall shall be located a minimum of five
hundred (500) feet from residential and agricultural zoning
district boundary lines.

10082 (74) Reserved.

10084 (75) A barbershop or beauty shop may be permitted, provided
that retail sales of beauty or barber products shall be
10086 permitted only if ancillary to the beauty or barber shop, and
that such retail sales occur only within the interior of the
shop structure or tenant lease space.

10088 (76) An entity involved in the utilization of various types of
materials in a finished or an unfinished condition, and
10090 processing them with various manufacturing machinery and
labor techniques in order to produce a marketable product.

10092 For any entity existing as of January 1, 2013, this shall be a
permitted use. For any entity opened after January 1, 2013,
10094 this use shall be allowed only as a special exception.

10096 Such light manufacturing activity shall be confined within a
structure on the property, but allowances may be made for
outside storage of materials directly related to manufacturing
10098 activities and recyclable materials, but should be confined,

10100 whenever practical, in containers suitable for the volume and
10102 type of material being stored. Depending on the
10104 circumstances, such storage devices may be semi trailers or
10106 other similar structures, so long as they are maintained in a
condition that is compatible with the area. Notwithstanding
the foregoing, outside storage shall not be visible from the
South Orange Blossom Trail, Michigan Street, Kaley
Avenue, or Rio Grande Avenue right-of-way.

(77) Reserved.

10108 (78) Organizations that offer supervised recreation, education,
10110 career tutoring, and character building activities to youth
(those under 18 years of age).

10112 (79) An employment agency, excluding a temporary labor pool,
shall be a permitted use.

10114 (80) A trade show shall be a permitted use, provided that the
10116 operation involves the congregation of manufacturing
10118 representatives for the purpose of displaying products to
potential merchant purchasers, the operation is conducted
entirely on a wholesale basis, the operation is not open to the
public, and all sales orders are shipped and/or delivered
directly from the manufacturer's warehouse.

10120 (81) Distribution electric substations, as that term is defined in
10122 F.S. § 163.3208(2), shall be permitted in all zoning districts,
10124 except in those areas designated as preservation,
10126 conservation, or historic preservation on the future land use
map or duly adopted ordinance. Security fencing, a
10128 minimum of six (6) feet in height, shall be required around
the substation. In addition, applicants for such uses shall be
10130 required to implement reasonable setback, landscaping,
10132 buffering, screening, lighting, and other aesthetic
10134 compatibility standards. Vegetated buffers or screening
10136 beneath aerial access points to the substation equipment shall
not be required to have a mature height in excess of fourteen
10138 (14) feet. Unless and until the county adopts reasonable
standards for substation siting in accordance with section
10140 163.3208(3), the standards set forth in section 163.3208(4),
10142 shall apply. Prior to submitting an application for the
location of a new distribution electric substation in a
residential area, the utility shall consult with the county
regarding the selection of the site, and both the utility and
the county shall comply with section 163.3208(6). If the
county adopts standards for the siting of new distribution
electric substations, the county shall be subject to the
timeframes set forth in section 163.3208(8) for granting or

10144 denying a properly completed application for a permit and
 10146 for notifying the permit applicant as to whether the
 application is, for administrative purposes only, properly
 completed and has been properly submitted.

(51) a. In the C-3 zoning district, a truck terminal shall require a
 10148 special exception if the parcel is located within one thousand
 10150 (1,000) feet of any residentially zoned property, as measured
 from the property line of the C-3 zoned parcel, to the closest
 property line of the residentially zoned parcel.

b. All paint, body, automotive and mechanical repairs and
 10152 work shall be conducted and confined within an enclosed
 10154 structure.

(83) To the extent this subsection relating to energy devices based
 10156 on renewable resources, or any portion thereof, may not be
 consistent with or may conflict with an applicable federal or
 10158 state law, including F.S. §§ 163.04 and 163.32051, the
 applicable federal or state law shall control. Solar panels,
 10160 wind turbines, and other energy devices based on renewable
 resources may be permitted as an accessory structure or use.
 10162 Solar panels that are not free-standing, ground-mounted, or
 floating shall be located on the roof or top of a building or
 10164 structure, provided they do not exceed the maximum
 building height requirement. Wind turbines may be only
 10166 free-standing or ground-mounted. Free-standing and
 ground-mounted wind turbines and solar panels shall
 10168 comply with the following additional requirements:

a. The maximum height of wind turbines shall be fifteen
 10170 (15) feet, and the maximum height of solar panels shall
 be eight (8) feet;

b. Maximum of one (1) wind turbine per parcel;

c. Free-standing or ground-mounted solar panels shall be
 10174 screened from the right-of-way view and any adjacent
 10176 properties by an opaque fence, wall, planting and/or
 existing vegetation, or any combination thereof, that
 10178 maintains an opaque buffer up to eight (8) feet in height
 or the height of the solar panel, whichever is less. The
 vegetative buffer, where applicable, must be at least four
 10180 (4) feet high and seventy (70) percent opaque at planting
 and be capable of attaining full height and complete
 10182 opacity within three (3) years, except that where the side,
 side street and rear setbacks of solar panels exceed thirty
 10184 (30) feet, the screening requirements of this subsection
 c. shall not apply;

- 10186 d. Minimum setback shall be five (5) feet from side and rear
10188 property lines, and fifteen (15) feet from the side street
property line;
- 10190 e. The square footage of any ground mounted solar panel
system shall not count towards the allowed square
10192 footage for other accessory structures;
- 10194 f. Wind turbines and solar panels shall be located only in a
10196 side or rear yard; and
- g. Wind turbines, solar panels and other energy devices
shall comply with all other applicable laws and
regulations.
- (84) A screen enclosure located in a residential district or
10198 residential area within a planned development shall comply
with the following requirements:
- 10200 a. Aluminum posts shall only support the screen mesh and
10202 solid aluminum kick panels up to twenty-four (24) inches
in height above the floor of the enclosure.
- 10204 b. The maximum height of a screen enclosure shall be
thirty-five (35) feet.
- 10206 c. Setbacks for a screen enclosure on a detached single-
family dwelling or multifamily dwelling:
- 10208 1. Front yard setback: Same as the principal structure
for the respective zoning district.
- 10210 2. Side street yard setback: Fifteen (15) feet.
- 10212 3. Side yard setback: Five (5) feet.
- 10214 4. Rear yard setback: Five (5) feet.
- 10216 5. Normal High Water Elevation (NHWE) setback: Per
section 38-1501, footnote A.
- 10218 d. Setbacks for a screen enclosure on an attached single
family dwelling unit (townhouse unit) or attached
duplex:
- 10220 1. Front yard setback: Same as the principal structure
for the respective zoning district.
- 10222 2. Side street yard setback: Fifteen (15) feet.
- 10224 3. Side yard setback: Zero (0) feet internal/five (5) feet
end unit.
4. Rear yard setback: A screen enclosure may extend up
to fifty (50) percent into the required rear yard
setback for the principal structure. Notwithstanding

the foregoing, where an alley is present, the screen enclosure shall not be located closer than five (5) feet to the edge of the alley easement.

5. Normal High Water Elevation (NHWE) setback: Per section 38-1501, footnote A.

(85) A skating rink, billiard parlor or bowling alley shall be a permitted use, provided that such activity and facility is enclosed within a completely enclosed, soundproofed building.

(86) Outdoor seating is permitted subject to the following conditions:

a. All lighting at outdoor seating areas shall be directed away from all residential uses or residential zoning districts;

b. Activity at outdoor seating areas shall comply with chapter 15, article V (noise pollution control) Orange County Code;

c. All outdoor seating shall be depicted on site plans; and

d. Any outdoor seating permitting dogs must comply with section 38-1402 (dog-friendly restaurants).

(87) A single portable food vendor, including a food truck or vehicle, shall be a permitted use on a parcel or lot, subject to the requirements in subsections a. through i., or it may be permitted as a special exception in a C-1 zoned district pursuant to subsection k., subject to the requirements in subsections a. through h. and j.:

a. Hours of operation shall be limited to between 7:00 a.m. and 12:00 a.m.;

b. Outdoor seating shall be prohibited;

c. Audio equipment and video equipment shall be prohibited;

d. Overnight stay shall be prohibited unless the use is located in a zoning district that permits outdoor storage, in which case the vehicle, truck and any other equipment stored overnight shall be placed in an area that is not visible from a public right-of-way.

e. The operation shall not be located within a public right-of-way, and if it abuts a public right-of-way the operator shall first obtain a right-of-way utilization permit for construction of a driveway to provide access to the site, as required by section 21-239 of the Orange County

Code, and the operation shall be setback a minimum of ten (10) feet from any such public right-of-way;

f. Pursuant to chapter 40, signage is prohibited.

g. The operation shall not be located within any driveway, driving aisle or on any parking spaces required pursuant to **article XI of chapter 38** of the Orange County Code;

h. The operation shall not be permitted on any property not containing a licensed and approved business or on any vacant property or vacant building;

i. The vendor shall provide the county with a notarized affidavit from the property owner approving a food vending operation.

j. In the C-1 zoning district, a portable food vendor (not including a food truck or vehicle) may be permitted if it is located entirely under the canopy of the principal building on-site. A single portable food vendor, including a food truck or vehicle may be permitted as a special exception under subsection k.;

k. In the C-1 zoned district, an operation may be permitted as a special exception in an area that is not located under the canopy of the principal building on-site, provided the length and width of the mobile trailer are equal to or greater than seven (7) feet by fourteen (14) feet, such an operation satisfies the standards in subsections a. through i., and such an operation is situated at least one thousand (1,000) feet from any other such operation (the distance being measured from property line to property line).

If more than one (1) portable food vendor is proposed on a lot or parcel, the operation shall be deemed an open air market, and may be allowed only if approved by special exception.

(88) An ambulatory surgical facility in conjunction with, and ancillary to, a doctor's office, shall be a permitted use, provided that such facility does not allow overnight stays.

(89) A private psychiatric treatment and study center with inpatient service in conjunction with a university or other institution of higher learning for the purpose of cooperative research shall be a permitted use.

(90) A birthing facility shall be a permitted use, provided that it provides outpatient service only.

- 10308 (91) A technical or trade school for persons eighteen (18) years
of age or older may be permitted as a special exception.
- 10310 (92) A diet counseling center shall be a permitted use, provided
10312 that no products or merchandise are sold except to clientele
in conjunction with such counseling services, and no
exercise classes are conducted.
- 10314 (93) Authors and composers (excluding musical studios) shall be
a permitted use.
- 10316 (94) National defense related uses may be permitted as a special
exception which, either because of (i) the activities to be
10318 performed or carried out on the land, (ii) the improvements
then existing or thereafter to be placed on the land, (iii) the
10320 products and/or materials necessarily or incidentally
associated with the use of the land or improvements then
10322 existing or thereafter to be placed thereon, or (iv) the testing
or other development of fabrication activities occurring or to
10324 occur on the land or in the improvements then or thereafter
to be located thereon:
- 10326 a. Constitutes a potential security or safety concern which,
in the interest of public health, safety and welfare, is
10328 more appropriately carried out in remote rural locations
away from population centers; and
- 10330 b. Is the subject of and are required to comply with national
security regulations and classifications promulgated by
10332 the United States government or any division or
department thereof; and
- 10334 c. Is directly related to, is the subject and a part of the
national defense program of the United States of
America.
- 10336 d. Application for such use shall include a site plan
including the following:
- 10338 1. Title and date of plan;
- 10340 2. Name, address and telephone numbers of
owner/developer/surveyor, engineer and other
consultants;
- 10342 3. Scale of plan (preferably one (1) inch equals one
hundred (100) feet) and north arrow;
- 10344 4. Location map showing the site in relation to existing
roads and development;
- 10346 5. Legal description and approximate acreage;
6. Boundary of tract shown by a heavy line;

- 10348 7. Zoning of adjacent property;
- 10350 8. Building location with dimensions from property line;
- 10352 9. Egress and ingress point to primary access roads;
- 10354 10. Off-street parking requirements and location;
11. Height of building;
12. Exterior lighting plan;
- 10356 13. Landscape/buffer plan;
- 10358 14. Potential traffic generation (based on Institute of Transportation Engineers Standards);
15. Security plan;
16. Method of wastewater management;
- 10360 17. Method of potable and nonpotable water supply;
- 10362 18. Generation and disposal of hazardous waste (type and amount);
19. Existing natural features; and
- 10364 20. Topographical survey (at one-foot intervals).

(95) Docks shall be permitted, subject to the following standards:

- 10366 a. Dock construction shall comply with article IX, chapter 15, Orange County Code;
- 10368 b. Any part of the dock that is landward of the normal high-water elevation shall have a minimum side yard setback of five (5) feet;
- 10370 c. The dock shall be located on the parcel with the dock owner's residence or it may be located on an abutting parcel that is aggregated with the parcel with the dock owner's residence;
- 10372 d. An uncovered boardwalk may connect the dock to a principal or accessory structure on the parcel;
- 10374 e. Any accessory structure attached to an uncovered boardwalk shall meet the required setback from the normal high-water elevation; and
- 10376 f. A covered boardwalk shall constitute an accessory structure that is subject to all applicable laws and regulations, including height and setback requirements.
- 10378
- 10380
- 10382

(96) Wood chipping, wood mulching and composting operations that store over two hundred (200) cubic yards of a total

10384

10386 combined volume of yard trash or yard trash derived
10388 materials are subject to the requirements set forth in
10390 subsection 39-348(120), not the requirements set forth in this
10392 subsection (96). Wood chipping, wood mulching and
10394 composting for commercial purposes shall require special
10396 exception approval in the A-1 or A-2 zoning districts.
10398 However, when not operated for commercial purposes,
10400 wood chipping, wood mulching and composting is permitted
10402 provided that no machinery is operated within a one
10404 hundred-foot setback from all property lines and within a
10406 two hundred-foot setback from any residentially-zoned
property. Within all required setbacks, landscaping shall be
provided consistent with subsection 24-31(2), as it may be
amended from time to time, notwithstanding any references
to paved areas. Furthermore, the site shall meet the
requirements of chapter 30, article VIII (pertaining to site
plans), as it may be amended from time to time, and the
performance standards regarding smoke and particulate
matter, odor, vibration, glare and heat, and industrial sewage
and water as found in article X of this chapter, and the
requirements set forth in chapter 15, article V (pertaining to
noise), as it may be amended from time to time.

10408 The following minimum yard requirements shall apply for
buildings, structures, and materials stored outdoors.

- 10410 a. Front yards: Fifty (50) feet (except as required by article
XV).
- 10412 b. Side yards: Fifty (50) feet.
- c. Rear yards: Fifty (50) feet.
- d. Maximum building height: Fifty (50) feet.

10414 (97) Reserved.

(98) Reserved.

10416 (99) Building material storage and sales shall be a permitted use,
10418 provided that the material is new (it shall not be used
material or junk).

10420 (100)A drug correctional institution which provides drug
10422 treatment as an alternative to jail sentencing for drug
10424 offenders may be permitted provided that it is a lock-up
facility surrounded by fencing, including barbed wire. This
facility shall serve more as a correctional institution for
adjudicated drug offenders as opposed to a typical voluntary
residential rehabilitation facility.

- 10426 (101) A home-based business shall be a permitted use, provided it
10428 meets the criteria in Section 559.955(3)(a)—(f), Florida
10430 Statutes, as those criteria may be amended from time to time,
and it complies with any ordinances, regulations, or policies
not contrary to Section 559.955.
- 10432 (102) The wholesale storage of gasoline, liquefied petroleum, gas,
10434 oil, or other inflammable liquids or gases shall be a permitted
use provided that the storage thereof meets the regulations
of the N.F.P.A. and all other applicable regulations.
- 10436 (103) Reserved.
- 10438 (104) A private vocational, business, or professional school which
does not have an industrial character may be permitted as a
special exception.
- 10440 (105) A radio, television or movie studio or office shall be a
permitted use, but radio and television towers are subject to
sections 38-1, 39-5, 39-6, 39-36, and 38-1427 of this chapter.
- 10442 (106) Accessory uses:
- 10444 a. The accessory use shall be located inside the building
occupied by the principal use;
- 10446 b. Access may be from either the interior or exterior of the
building which is occupied by the accessory use;
- 10448 c. The floor area of the accessory use shall not exceed
twenty (20) percent of the total square footage of the
building in which it is located;
- 10450 d. Outdoor display or storage of merchandise is not
permitted in conjunction with any accessory use; and,
- 10452 e. Hours of operation for any accessory use shall be within
one (1) hour before and one (1) hour after the normal
10454 hours of the principal use.
- 10456 f. The above standards shall not apply to automobile
service stations, convenience food stores, gas stations,
hotel/motels and restaurant uses.
- 10458 (107) No outdoor storage may be allowed without special
exception approval.
- 10460 (108) Only the uses of judo instruction, karate instruction, and
10462 yoga instruction shall be permitted, subject to meeting the
minimum parking requirements for such uses.
- 10464 (109) For transmission only, not for refinement or manufacture of
pipeline.

(110)An open air market shall comply with the following standards:

- a. Parking: A minimum of two (2) parking spaces per vendor/booth, plus one (1) space per employee. All parking spaces shall be paved. Parking spaces required for other uses on-site shall not be used to meet the parking space requirements for an open air market. All other requirements of **article XI**, off-street parking and loading regulations, of this chapter shall be met. All driving aisles and parking spaces shall be located a minimum of one hundred (100) feet from residentially zoned properties.
- b. An open air market shall operate from dawn to dusk only and a maximum of three (3) consecutive days of each week.
- c. Permanent restroom facilities shall be provided.
- d. Landscaping adjacent to public rights-of-ways and other properties shall be in accordance with **section 24-4** of this code. Buffer yards shall comply with buffer yard type B of **section 24-5** of this code.
- e. Access shall be from a dedicated public paved street. Access from an unpaved right-of-way or by any type of easement or private road shall be prohibited.
- f. Loudspeakers, live music, sound enhancement devices and public address systems shall be prohibited, unless approved by the zoning manager.
- g. All commercial vehicles including commercial traffic shall not be routed through residential roadways.
- h. Signage shall be in accordance with **chapter 31-5** of the Code.
- i. Goods, materials, or products associated with such use shall not be stored outdoors on the site when such use is not in operation. This restriction shall not apply to overnight storage between consecutive days of operation.
- j. Refuse containers and dumpsters shall not be located in front of any principal structure nor within twenty-five (25) feet of any side or rear property line and shall be enclosed by a six-foot high landscape screen, wall, or wood fence.
- k. All structures shall be maintained aesthetically and structurally to ensure public safety. A junkyard

appearance, as defined in **section 38-1**, shall be avoided.
Conditions may be imposed by the Zoning manager to ensure all structures comply with this standard.

1. Merchandise may be displayed in/on temporary facilities (trucks/vans/tables/tents/canopies, etc.).

(111)No manufacturing may be permitted on-site.

(112)No outdoor runs may be allowed.

(113)This use shall comply with the requirements of chapter 15 (Environmental Control) of the Orange County Code and Orange County Ordinance No. 92-41.

(114)Reserved.

(115)Donation bins shall be subject to the ordinance regulating donation bins, codified at **sections 38-1765—38-1779**, as it may be amended or renumbered from time to time.

(116)Reserved.

(117)Reserved.

(118)Only a convenience or grocery store (not shopping center) shall be a permitted use.

(119)Reserved.

(120)A solid waste management facility, including a landfill, shall comply with chapter 32 of the Orange County Code. In accordance with section 32-216(a)(10) of the Orange County Code, permits shall not be issued for solid waste disposal facilities after July 7, 1992, within the I-2/I-3 industrial districts. A solid waste management facility, including a landfill, transfer station, or incinerator, may be permitted only by special exception. An applicant seeking a special exception for a solid waste management facility shall receive a recommendation for issuance of a solid waste management permit by the environmental protection officer and the development review committee (“DRC”) prior to consideration of the special exception by the board of zoning adjustment (“BZA”). Furthermore, an applicant seeking a special exception for a solid waste management facility, must receive a solid waste management permit approval by the board of county commissioners (“BCC”) prior to or at the same public hearing at which the special exception is considered.

However, yard trash processing activities that are associated with onsite permitted land clearing, or with onsite normal farming operations that meet the permit exemption

10548 requirements in subsection 32-214(c)(9)ii., are exempt from
10550 the requirements of this subsection 39-348(120). Yard trash
10552 processing facilities that store no more than twelve thousand
(12,000) cubic yards of a total combined volume of yard
trash and yard trash derived materials, shall be subject to all
of the following alternate requirements:

10554 a. General requirements:

- 10556 1. The site shall meet the permit exemption
requirements in subsection 32-214(c)(9)iii. or iv.
- 10558 2. The site shall meet the requirements of chapter 30,
article VIII, the Orange County Site Development
Ordinance (pertaining to site plans);
- 10560 3. Landscaping, including, screening of open storage
10562 areas of yard trash and yard trash derived materials,
shall be installed in accordance with chapter 40,
Orange County Code.
- 10564 4. Machinery, when used for yard trash processing
10566 related activities, shall not be operated within any
required yard, open storage setbacks, or within a two
10568 hundred (200) foot setback from any residence or
residentially-zoned property. In addition, processing
10570 equipment shall be set back from property
boundaries a sufficient distance to prevent potential
thrown/falling objects from leaving the site.
- 10572 5. Meet the noise and sound requirements of chapter 15,
10574 article V, the Noise Pollution Control Ordinance of
Orange County, Florida.
- 10576 6. Pile height shall not exceed twenty-five (25) feet in
overall height from natural grade.
7. Burning is prohibited.
- 10578 8. Firewood sales and storage as an ancillary use to a
yard trash processing facility shall be subject to the
10580 requirements of subsection 39-348(120) and not
subsection 39-348(43) (conditions for permitted uses
10582 and special exceptions).
- 10584 9. Wood chipping, wood mulching, and wood
composting operations that store no more than two
10586 hundred (200) cubic yards of a total combined
volume of yard trash or yard trash derived materials
are subject to the requirements set forth in subsection
10588 39-348(96) and not the requirements set forth in
subsection 39-348(120).

- 10590 b. In A-1 and A-2 zoned districts:
- 10592 1. A special exception is required for the processing and
- 10594 open storage of yard trash and yard trash derived
- 10596 materials. The processing and open storage of yard
- trash and yard trash derived materials is subject to a
- setback of one hundred fifty (150) feet of any
- property boundary line.
- 10598 2. Commercial parking, for yard trash processing
- related activities, shall not be located within twenty-
- five (25) feet of any property boundary line; and
- 10600 3. The hours of operation for yard trash processing
- 10602 related activities shall be limited to between 7:00
- a.m. and 7:00 p.m.;
- 10604 4. In addition to any other landscaping requirements,
- 10606 outer perimeter buffering shall be Type C, opaque
- buffer, as outlined in **section 24-5**, Orange County
- Code;
- 10608 c. For yard trash processing related activities located on
- 10610 sites within I-1/I-5, I-2/I-3, and I-4 zoned districts, with
- 10612 all abutting property being located within I-1/I-5, I-2/I-
- 3, I-4, or C-3 zoned districts, the use shall be permitted.
- The processing and open storage of yard trash and yard
- trash derived materials is allowed, but not within fifty
- (50) feet of any property boundary line.
- 10614 d. For yard trash processing related activities located on
- 10616 sites within I-1/I-5, I-2/I-3, and I-4 zoned districts, with
- 10618 any abutting property not being located within I-1/I-5, I-
- 2/I-3, I-4, or C-3 zoned districts, a special exception is
- 10620 required. The processing and open storage of yard trash
- 10622 and yard trash derived materials is allowed, but not
- within fifty (50) feet of any property boundary line of an
- abutting property within the I-1/I-5, I-2/I-3, I-4, or C-3
- zoned districts, nor within one hundred fifty (150) feet of
- all other property boundary lines.
- 10624 (121)A single-family dwelling unit in conjunction with a
- 10626 commercial use which is accessory to a principal building
- shall only be occupied by the owner, operator, or employee
- of the business.
- 10628 (122)Reserved.
- 10630 (123)With regard to retention/detention ponds (SIC Group
- #1629), this use pertains to stormwater ponds on R-2 and R-
- 3 and agricultural-zoned property to be used in conjunction

10632 with adjacent nonresidential developments. Retention ponds
 10634 are permitted in all other zoning districts in conjunction with
 on-site development.

(124) This use shall comply with the requirements of sections 38-
 10636 601, 38-602 and 38-605.

(125) Model homes may be permitted, subject to the requirements
 10638 of section 30-83.

(126) Reserved.

(127) Fuel oil and propane gas dealers shall only be permitted as
 10640 an ancillary use to a principal retail use on site.

(128) A campground, R.V. park, R.V. resort or R.V. camp may be
 10642 permitted as a special exception, subject to complying with
 10644 the requirements of sections 38-1526 through 38-1529.

(129) Reserved.

(130) An automobile towing service shall be a permitted use,
 10646 provided that it complies with the following standards:

10648 a. Maximum on-site storage of thirty (30) wrecked or
 inoperable vehicles.

10650 b. No vehicle may remain on-site for more than fifty (50)
 days.

10652 c. Vehicle stacking is prohibited.

10654 d. A Type B landscape buffer is required if the use is
 located adjacent to any residential use, residential zoned
 district or residential future land use designation.

10656 e. If the site is used to store automobiles, then automobile
 10658 towing services require special exceptions in the C-3
 zoning district. If the site is not used for the storage of
 10660 automobiles, then automobile towing service is
 permitted in the C-3 zoning district.

(131) A funeral chapel shall be defined as a facility within which
 10662 the primary activity is the planning and conducting of
 funeral services. A funeral chapel shall not provide on-site
 10664 space to conduct the practice of embalming as defined in F.S.
 § 470.002(6), nor shall it contain cinerator shape as defined
 10666 in F.S. § 470.002(14) for the purpose of cremation. No
 refrigeration or long term storage facilities for dead human
 10668 bodies shall be allowed in a funeral chapel. The following
 additional conditions shall apply to funeral chapels:

10670 a. Parking shall be in accordance with article XI, chapter
 38 of the Orange County Code;

- 10672 b. Landscaping shall be in accordance with chapter 24 of
the Orange County Code;
- 10674 c. Overnight outdoor parking of commercial vehicles shall
be prohibited;
- 10676 d. Primary access to the facility shall not be by way of a
residential street;
- 10678 e. On-site lighting shall be directed internal to the site and
away from adjacent residential properties;
- 10680 (132) A park and recreation area owned or operated by a nonprofit
organization, may be permitted only by special exception,
10682 except for parks and recreations areas (i) approved in
conjunction with a preliminary subdivision plan (Chapter
10684 34, Orange County Code), or (ii) located inside a platted
residential subdivision and notarized letters of no objection
10686 are submitted by the president of the homeowner's
association (if applicable) and all abutting property owners.
- 10688 (133) All applicable provisions of section 38-1427,
communication towers applies.
- 10690 (134) Not permitted in existing duplex or single-family detached
projects, or when restricted to single-family or duplex uses.
- 10692 (135) Permitted when within maximum building height of zoning
district.
- 10694 (136) A public charter school with a permanent student capacity of
five hundred fifty (550) or more shall comply with section
10696 38-1754 and section 38-1755(a)(1), (b) and (g). A public
charter school with a permanent student capacity of less than
10698 five hundred fifty (550) shall comply with section 38-1754.
- 10700 (137) Outdoor storage and display and/or sale of equipment,
products, materials, and merchandise that is typically
10702 utilized or stored outdoors is permitted, unless otherwise
restricted. Examples of items typically utilized or stored
10704 outdoors include cars, trucks, construction equipment,
building supplies, warehoused goods in transit, outdoor
furniture, garden and lawn equipment, and trailers.
10706 Examples of items not typically utilized or stored outdoors,
include indoor furnishings and appliances. Outdoor
10708 restaurant seating and outdoor garden centers in conjunction
with hardware or department stores do not constitute outdoor
10710 storage. In addition to the above, items stored outdoors shall
comply with the following standards:
- 10712 a. Items stored outdoors shall not be located within any
public right-of-way;

- 10714 b. Items stored outdoors shall not be located within any
10716 driveway, driving aisle, required parking spaces, or
required landscaped area or landscape buffer;
- 10718 c. Items stored outdoors shall not be permitted on
properties not containing a licensed and approved
business, or on vacant land; and
- 10720 d. Items stored outdoors shall be kept on an improved
10722 surface, shall be screened from the public right-of-way,
and shall be screened and buffered from single-family
10724 residential zoned districts and uses in accordance with
chapter 24 of the Orange County Code.
- 10726 (138)No property owner, tenant, occupant or business, including
nonconforming uses, shall utilize any public right-of-way
for the purpose of:
- 10728 a. Parking or standing of vehicles which are for sale, lease
or rent, vehicle storage or for vehicles awaiting or having
10730 completed repairs or maintenance.
- 10732 b. Storage or display of merchandise, equipment or any
material related to any adjacent business or commercial
land use.
- 10734 Businesses shall maintain all required parking spaces
and open spaces and make them available to support all
10736 requirements of the operation of the business use.
- 10738 (139)Reserved.
- (140)Reserved.
- 10740 (141)Utility trailers may be permitted to be parked, stored, or kept
on a parcel containing a principal structure, subject to the
following conditions:
- 10742 a. The maximum number of utility trailers permitted to be
10744 kept on a parcel shall be calculated as follows, depending
on the size of the parcel:
- 10746 1. For a parcel less than or equal to one (1) acre, a
maximum of one (1) utility trailer.
- 10748 2. For a parcel greater than one (1) acre but less than
five (5) acres, a maximum of five (5) utility trailers;
and
- 10750 3. For a parcel greater than five (5) acres, a maximum
of ten (10) utility trailers.

- 10752 b. The registered owner of the utility trailer shall be the
10754 owner or lessee of the principal structure located on the
parcel.
- 10756 c. A utility trailer may only be parked, stored, or kept in a
10758 side or rear yard. Parking, storing, or keeping a utility
trailer in a front yard or side street yard shall be
prohibited.
- 10760 d. A utility trailer shall be setback at least five (5) feet from
10762 any side lot line, five (5) feet from any rear lot line,
fifteen (15) feet from any side street lot line, and fifty
(50) feet from any Normal High Water Elevation
(NHWE) contour line.
- 10764 e. A utility trailer shall be screened from view from the
10766 adjacent public or private right-of-way by an opaque
buffer, such as an opaque fence, wall, or hedge.
- 10768 f. A utility trailer may not be parked, stored, or otherwise
kept wholly or partially within the public or private right-
of-way, including the sidewalk.
- 10770 g. A utility trailer may not be occupied while it is parked,
stored, or kept on the parcel.
- 10772 (142) Permitted when co-located as evidenced by a recorded
10774 memorandum of lease; special exception required when
tower is not subject to a co-location agreement; permitted
10776 when locating on an existing pole-type structure consistent
with section 38-1427(o).
- 10778 (143) A monopole communication tower one hundred seventy
(170) feet in height or less is a permitted use provided:
- 10780 a. A recorded memorandum of lease evidencing co-
location is submitted with the application; and
- 10782 b. The distance separation from offsite uses/designated
areas as contained in subsection 38-1427(d)(2) is met;
and
- 10784 c. The distance separation between communication towers
contained in subsection 38-1427(d)(3) is met.
- 10786 A monopole communication tower replacing an existing
pole-type structure consistent with subsection 38-
10788 1427(o) is a permitted use.
- 10790 All other monopole communication towers and those
towers not meeting all of the criteria to be permitted uses
as set forth above require special exceptions.

10792 (144) A boardinghouse, lodging house or rooming house shall be
10794 subject to the multi-family development compatibility
10796 criteria set forth in section 39-58, and in addition shall
10798 maintain a minimum distance separation of fifteen hundred
10800 (1,500) feet from any single-family zoned property, any
10802 educational institution, and any other boardinghouse,
lodging house or rooming house as measured from the
property line of the proposed boardinghouse, lodging house
or rooming house to the nearest property line of the single-
family zoned property, educational institution, or other
boardinghouse, lodging house, or rooming house.

10804 (145) a. The site development standards for a UR-3 district shall
be the same as those for the R-3 residential district, except
for student housing developments.

10806 b. A student housing development shall satisfy the
following site development standards:

10808 1. A student housing development shall maintain a
10810 minimum distance separation of four hundred (400)
10812 feet from any single-family zoned property as
measured from the property line of the proposed
student housing development to the nearest property
line of the single-family zoned property.

10814 2. A student housing complex, including a multi-phase
10816 complex, shall contain not more than seven hundred
and fifty (750) total bedrooms.

10818 3. For purposes of density calculation to determine
consistency with the comprehensive plan, four (4)
10820 bedrooms shall count as one dwelling unit (four (4)
bedrooms = one (1) dwelling unit).

10822 4. The site development plan shall include a plan for
crime prevention through environmental controls
10824 that is consistent with the Crime Prevention Through
Environmental Design ("CPTED") Manual used by
10826 the International CPTED Association and Florida
CPTED Network. Improvements identified by the
10828 plan shall be constructed or implemented prior to
issuance of a certificate of occupancy.

10830 5. A six (6) foot high masonry, brick or block wall shall
be constructed whenever a student housing
10832 development is located adjacent to any right-of-way.
The height shall be measured from the finished
elevation of the side of the wall which is highest.

10834 6. Parking spaces shall be provided at the ratio of
required under **section 38-1476**.

10836 7. Maximum building height shall be three (3) stories
(forty (40) feet).

10838 (146)Reserved.

10840 (147)Minimum residential density shall be four (4) dwelling units
per acre, consistent with **Future Land Use Policy 3.4.6**.
10842 Densities less than four (4) units per acre shall only be
allowed for the protection of natural resources. Existing
10844 buildings or development sites which do not meet the
minimum density requirements shall be subject to the
10846 nonconforming use provisions of **article III, chapter 38** of
this Code.

10848 (148)Outside seating areas are required for restaurants that have
twelve (12) linear feet or more of pavement in front of the
building and are subject to the following requirements:

10850 a. Outdoor seating areas must be delineated with the
10852 number of seats on the commercial site plan for these
establishments.

10854 b. Outdoor seating areas shall be considered part of the
gross floor area of the establishment for calculation of
10856 development intensity, floor area ratio, parking,
stormwater drainage, impact fees, and other
development regulations.

10858 c. Planters with landscaping material selected and installed
consistent with the requirements of **chapter 24** of this
10860 Code shall be placed every ten (10) linear feet of outside
seating area.

10862 d. No table, chair, bench, umbrella, or planter shall block
pedestrian or bicycle access, on-site traffic circulation,
10864 landscape or bufferyard area, parking or loading area, or
stormwater drainage area.

10866 e. Outdoor seating areas must be consistent with the
accessibility requirements of the currently adopted
10868 editions of federal and state standards.

10870 (149)Drive-throughs for banks shall be designed in a manner that
preserves and enhances pedestrian safety and the pedestrian
environment. Banks with drive-throughs are limited to
10872 locations at full intersections and must have driveways that
connect to local streets. The use of alleys for driveways is
10874 encouraged. Drive-throughs also must be consistent with
section 9-559.

- 10876 (150) Parking lots shall require a special exception to ensure that
10878 lots are not detrimental to the pedestrian environment and
the character of the area. Parking lots that serve a single user
10880 shall be discouraged in favor of shared parking between
multiple establishments to ensure efficient use of land and
10882 the parking supply. Parking lots adjacent to single-family,
duplex, or townhouse residential units shall be discouraged.
10884 To ensure pedestrian safety and comfort in their design,
parking lots allowed by Special Exception shall be consistent
with all parking and pedestrian standards of the district.
- 10886 (151) All activities of human and social service agencies, except
10888 outdoor recreation, must be conducted entirely within an
enclosed building.
- (152) All activities and storage must be contained and conducted
10890 within an enclosed building.
- 10892 (153) Big box development may be permitted subject to the
following conditions:
- 10894 a. Prior to filing an application for a special exception for a
big box development in the C-1 zoned district, the
10896 applicant shall submit a site plan to the DRC for review,
and the DRC shall approve the site plan, with or without
10898 recommendations. Thereafter, before a public hearing is
held at the board of zoning adjustment regarding the
10900 special exception request, a community meeting shall be
held with public notice issued to the owners of record of
10902 properties located within a two thousand-foot radius of
the proposed development site. In establishing the limits
10904 of public notification, all addresses within an entire
neighborhood, any part of which falls within the two
10906 thousand-foot notification radius, shall be noticed. In
addition, the applicant shall be responsible for
10908 prominently and conspicuously posting notice of the
community meeting directly on the property.
 - 10910 b. Big box developments shall have a maximum .23 FAR.
Any proposed development which does not adhere to
10912 these criteria must submit justification in the form of a
plan which is not in conflict with the purpose and intent
10914 of this subsection, and which is acceptable to Orange
County.
 - c. Proposed big box development applicants shall conduct
10916 a detailed traffic study addressing:
 - 1. Traffic impacts of the project;

10918 2. All traffic concurrency requirements of the county;
and

10920 3. Specific recommendations for safe and adequate
ingress and egress to and from the site.

10922 Applicants shall meet with Orange County staff prior
to commencing the study, and shall implement the
10924 agreed-upon methodology in conducting their study.
Orange County staff shall use best efforts to obtain
10926 data from municipalities and other local
governments located in close proximity to the
10928 project. The owner of a development shall conduct a
follow-up review and update of the aforementioned
10930 items [listed in] subparagraphs c.1, c.2, and c.3 no
later than five (5) years after the date of issuance of
10932 a certificate of occupancy for the development. The
results of such review and update shall be submitted
10934 to Orange County for use in evaluating traffic
impacts of similar future big box developments.

10936 d. In order to ensure pedestrian safety and adequate traffic
circulation, a big box development proposing to locate
10938 within one thousand (1,000) feet from the nearest
property line of any public school shall submit a traffic
10940 and pedestrian safety plan for Orange County's review
and approval, unless a physical barrier, such as a
10942 waterbody, wetland, or limited access highway,
separates the public school from the big box
10944 development, thereby preventing pedestrian access to the
big box development from the public school. Such plan
10946 shall identify pedestrian safety conflicts and
deficiencies, especially those related to walking routes to
10948 schools, and other pedestrian generators, such as parks
or trails used by children and by children with
10950 disabilities. Specific measures shall be identified in the
pedestrian safety plan to mitigate each conflict, and the
10952 big box applicant shall be solely responsible for
implementing the identified measures no later than at the
10954 time of issuance by Orange County of a certificate of
occupancy.

10956 e. Big box developments shall designate at least two (2)
vehicle parking spaces for local law enforcement
10958 adjacent to the principal structure.

10960 f. Overnight/long-term (more than eight (8) consecutive
hours) parking, RV parking, temporary/portable storage
containers, and tractor-trailer/semi-truck parking, other

than active customer and/or employee parking, are prohibited in big box development parking lots. Signs must be conspicuously displayed which state: "No overnight or long-term parking allowed. Violators subject to fines, towing, or both."

- g. The off-street parking serving the project shall be subdivided into multiple "sub-lots" with uninterrupted (except at crosswalks) landscaped pedestrian sidewalk pathways. Said pedestrian pathways shall connect the sidewalks along the big box structure's foundation, to the perimeter rights-of-way sidewalks, transit stops, and all outparcel sidewalks. Continuance of the pedestrian sidewalk portion of the pathway across parking lot drive aisles (e.g. crosswalks) shall be highlighted and made visually prominent. As such, the drive aisle crosswalks for pedestrian pathways shall be constructed with an alternative paving material other than asphalt (e.g. stained and stamped concrete, or pavers).

Such parking lot pedestrian pathways shall only be required between those head-to-head parking stalls which feature a ninety-degree configuration (not angled). Such pathways shall be installed, at a minimum, between the head-to-head stalls of each fourth row of parking (e.g., may be separated by up to two (2) rows of parking stalls) lacking a pedestrian pathway. Furthermore, the pattern of parking lot pathways shall be arranged so that at least one (1) pathway aligns with, and provides a direct connection from, the project's rights-of-way perimeter sidewalk and the main pedestrian entrance of the big box structure.

The pedestrian pathways shall incorporate a minimum six-foot wide sidewalk. A landscape planter strip, minimum seven (7) feet wide, shall be installed on at least one (1) side of the sidewalk along its full length (except at drive aisle crosswalks). One-third ($\frac{1}{3}$) of the pathway landscape planter strip shall be planted with shrubs, and one-third ($\frac{1}{3}$) with groundcover plantings.

Intermittent overhead pedestrian shade shall be provided along the length of the pedestrian pathway by planting approved canopy trees at a maximum of thirty (30) feet on-center along the full length of the pathway. Such canopy trees shall not substitute for canopy trees otherwise required within parking lot planter islands. Alternatively, shade structures (pergolas or gazebos)

with seating, may substitute for segments of the required pathway canopy tree plantings.

h. The owner/developer shall be responsible for determining, and indicating on the plans, any existing or planned LYNX public transit routes along the adjacent rights-of-way. If an adjacent transit route is currently in place, or in the planning stages, the owner/developer shall be responsible for dedicating an area, and constructing a LYNX bus shelter along the project's perimeter, adjacent to the public rights-of-way. Such bus shelter shall measure a minimum of ten (10) feet wide by twenty (20) feet long, and shall be designed and installed according to all approvals and specifications required by LYNX.

i. In order to maximize efficient traffic circulation and minimize “stacking” at the main vehicular entrance, big box developments shall allow a minimum of two hundred (200) feet off the roadway before the first turn within the parking lot; except that a minimum of one hundred (100) feet is allowed if there is a right-hand deceleration lane. A minimum of one hundred (100) feet shall be required for all secondary entrances.

j. At any big box development that is open for business between the hours of 11:00 p.m. and 6:00 a.m., or any portion of such period of time, parking lot security shall be provided, with a minimum of one (1) guard on duty, at all times that the establishment is open for business; except, however, that a home improvement center or wholesale membership club open for business for any period of time between the hours of 11:00 p.m. and 6:00 a.m. shall be required to provide security only during that period of time.

k. In addition to the perimeter wall requirements of section 24-4(k)(2), no pavement or portion of any vertical structure associated with the rear or sides of a big box development shall be located closer than two hundred (200) feet from the nearest property line of any adjacent single-family residentially-zoned property. For purposes of this subsection, the term “adjacent” shall mean abutting or immediately next to the property line, even where a street or road separates the big box development from the single-family residentially-zoned property. Such distance buffer shall be measured outward from the most remote edge (from the principal structure) of the

11050 aforementioned paved surface or vertical structure
11051 associated with a big box development.

11052 The two hundred-foot distance buffer shall be composed
11053 of two (2) distinct landscape separation buffer tiers
11054 shielding any adjacent single-family residentially-zoned
11055 properties from any paving or structures associated with
11056 a big box development:

11057 The first one hundred fifty (150) feet of the landscape
11058 separation buffer, located nearest to the big box
11059 development, may incorporate stormwater retention
11060 ponds associated with the big box development. Any
11061 areas within this one hundred fifty-foot buffer tier which
11062 are not dedicated to actual stormwater retention shall
11063 also incorporate approved shade tree species planted at a
11064 rate of no less than one (1) tree per two thousand (2,000)
11065 square feet, and with spacing at no greater than forty-five
11066 (45) feet on-center.

11067 The remaining fifty (50) feet of the two hundred-foot
11068 buffer shall only include a continuous uninterrupted
11069 opaque landscape buffer using approved shade tree
11070 species planted at forty (40) feet on-center. This standard
11071 shall not supplant any other required perimeter tree
11072 planting requirements stated elsewhere in chapter 24. No
11073 stormwater retention or other uses may occur within this
11074 fifty-foot buffer tier.

11075 The retention facilities, trees, and any other landscape
11076 materials within the two hundred-foot
11077 landscaping/drainage separation buffer zone shall be
11078 serviced and maintained by the big box development
11079 owner in accordance with Orange County standards.
11080 Such two hundred-foot buffer area, provided all
11081 stormwater drainage facilities within its limits are
11082 designed in accordance with the open space full-credit
11083 standards described herein (e.g. decorative fencing and
11084 landscaping), may account for no more than fifty (50)
11085 percent of the project's total open space requirements.
11086 The remaining required open space shall be provided
11087 elsewhere within the project's limits.

- 11088 1. In order to avoid the perceived economic impacts of
11089 prolonged vacant projects and buildings, and to mitigate
11090 the visual blight created by vacant big box structures
11091 (e.g., abandoned and chain link-fenced parking lots,
11092 poorly-maintained landscaping, darkened stores, unlit
 “ghost” signage, boarded windows, etc.), a written

11094 strategy for maintenance and reuse of vacant properties
 11096 shall be submitted to the county at the time of
 commercial site plan review. The written reuse strategy
 shall, at a minimum, address the following issues:

- 11098 1. Removal or adaptive reuse of the structure;
- 11100 2. Parking lot, perimeter, and stormwater area
landscaping;
- 11102 3. Securing of the property;
4. Partial lighting of vacant parking lots;
- 11104 5. Partial lighting of vacant store interiors;
6. Sign removal and subsequent painting of the vacant
wall surface; and
- 11106 7. Display of a professionally-designed sign, not to
exceed thirty-two (32) square feet, placed at the
11108 project entrance, offering lease and/or sale and
contact information.
- 11110 m. Outdoor storage, nonseasonal outdoor sales, and
temporary sales of motorized vehicles, boats,
11112 recreational vehicles, motorcycles, and the like shall be
prohibited.
- 11114 n. For facade treatment requirements, refer to section
9-558(d).
- 11116 o. For shopping cart retention requirements, refer to section
9-563.
- 11118 p. For exterior lighting requirements, refer to section
9-649(b)(8).
- 11120 q. For general design and development standards and
requirements, refer to section 24-4(k).
- 11122 r. For open space requirements and design guidelines, refer
to sections 24-29(c) and 24-30(g)(5), respectively.
- 11124 s. For ground signage requirements, refer to section 31.5-
67(k).
- 11126 t. For pole signage requirements, refer to section 31.5-
68(k).
- 11128 u. For off-street parking requirements, refer to section 38-
1476.
- 11130 v. At least one (1) side or the front of a big box
development shall abut a four-lane or greater capacity
11132 roadway, and at least one (1) access point for vehicular

ingress and egress to and from the big box development shall be located on the abutting four-lane or greater capacity roadway.

w. Big box developments are encouraged to maximize energy and water efficiency; protect air and water quality; and reduce solid waste, utilizing best energy management practices as outlined by the U.S. Green Building Council (USGBC), or ENERGY STAR (joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy).

x. The following provisions shall apply to the Horizon West Town Center only. Where the provisions of **division 8.5** conflict with any other code provisions, the provisions of **division 8.5** shall apply:

Big box retail buildings shall be permitted within the Retail/Wholesale (RW) and Traditional Town Center (TTC) Districts of the Town Center. Prior to filing a Preliminary Subdivision Plan (PSP) or Development Plan (DP) application, applicants shall meet with Orange County staff to review ingress and egress, building elevations, and any other requirements (as applicable). The requirement for a detailed traffic study addressing impacts within the Horizon West Town Center RW and TTC districts for big box developments may be waived by the Transportation Planning Division if such impacts are or were sufficiently addressed by a PD/UNP traffic study.

Big box sites shall be designed to allow for the evolution of a mixed use urban form within a hierarchy of connected blocks, streets, and pedestrian facilities through building orientation, parking area configuration, and access ways and shall have a maximum 2.00 FAR. When located on a primary framework “main” street frontage, the main entrance and storefronts of a big box building shall have direct access and visibility from the primary frontage. When located at a terminus of the primary “framework street” (at a T intersection) the main entrance of the building shall be oriented to the primary framework street. On all other roadways or streets, the primary pedestrian entrance may face surface parking areas. The rear walls of a big box building or service area may abut the road right-of-way, but shall be designed to mitigate the building mass. All off-street surface parking “sub-lots” shall be defined by pedestrian pathways or greenways that are separated by no more than six (6)

rows of one-way angled parking, or no more than four (4) rows of 90-degree two-way drive lane parking configurations. Pedestrian pathways or greenways shall consist of uninterrupted (except at crosswalks) landscaped pedestrian sidewalks and shall connect the sidewalks along the big box structure's foundation to the perimeter rights-of-way sidewalks, transit stops, and all outparcel sidewalks. The planning and/or zoning manager may permit alternatives that are deemed consistent with the intent of this section.

In addition to the requirements of subsections 39-343 (a) and (b) and **section 24-4(k)(2—4)**, the rear or sides of a Town Center big box building shall be located no closer than one hundred (100) feet from the nearest property line of any single-family detached residential lot. Where there is no street and streetscape separating a big box building and a single-family property line, the minimum one hundred-foot distance buffer shall include a continuous, uninterrupted, opaque landscape buffer within the fifty (50) feet closest to the single-family property, with approved shade tree species planted at forty (40) feet on-center. In addition, stormwater management or other uses may occur only within the fifty-foot buffer area closest to the big box building. Berms as outlined in **section 24-4(k)(1)** shall not be required.

Town Center big box buildings are encouraged to maximize energy and water efficiency, protect air and water quality, and reduce solid waste. Furthermore, big box sites shall be designed to reduce the adverse impacts of large stormwater management areas by incorporating an evolving urban form and by utilizing sustainability best management practices. These practices may include Low Impact Development (LID) techniques, U.S. Green Building Council (USGBC), or ENERGY STAR building techniques (a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy).

(154)A hazardous waste treatment, storage and disposal facility shall comply with chapter 15 and chapter 32 of the Orange County Code and may be permitted only by special exception. Hazardous waste treatment, storage and disposal facilities shall be prohibited within recognized environmentally sensitive areas including, but not limited to the affected areas defined within chapter 15, article XI, the

11224 “Econlockhatchee River Protection Ordinance”, and chapter
 11226 15, article XIII, the “Wekiva River Protection Ordinance.”
 Except as provided for in chapter 32, article V, Orange
 11228 County Code, hazardous waste treatment, storage and
 disposal facilities shall also be prohibited within the Primary
 and Secondary Floridan Aquifer Vulnerability Zones located
 11230 within the Wekiva Study Area, as those zones are defined
 within chapter 32, article V, Orange County Code. An
 11232 applicant seeking a special exception for a hazardous waste
 treatment, storage and disposal facility shall receive a
 11234 recommendation for approval by the environmental
 protection officer and the DRC prior to consideration of the
 special exception by the BZA and the BCC.

11236 (155) Pain management clinics may be permitted subject to the
 following conditions:

11238 a. Building and use permit applications. Any application
 for a pain management clinic established after June 30,
 11240 2015, shall complete the appropriate building permit or
 use permit application(s) and submit these application(s)
 11242 to the county division of building safety for review and
 approval prior to issuance of any permits.

11244 b. Separation distances. A pain management clinic
 established after June 30, 2015, shall not co-locate on the
 11246 same property as a preexisting pharmacy. Furthermore,
 such a pain management clinic shall not operate within
 11248 one thousand (1,000) feet of any pre-existing pharmacy,
 school, as that term is defined in F.S. §§ 1002.01 or
 11250 1003.01, as it may be amended, day care center, day care
 home, or religious institution. Distance requirements
 11252 shall be documented by the applicant and submitted to
 the zoning division with the application. All distance
 11254 requirements shall be measured by drawing a straight
 line from the nearest property line of the pre-existing
 11256 protected use to the nearest property line of the proposed
 pain management clinic. The applicant may request a
 11258 variance from the requirements of this paragraph as
 provided in section 30-43, Orange County Code.

11260 c. Parking. Any parking demand created by a pain
 management clinic established after June 30, 2015, shall
 11262 not exceed the parking spaces located or allocated on
 site, as required by the county's parking regulations. An
 11264 applicant shall be required to demonstrate to the
 appropriate county staff that on-site traffic and parking
 11266 attributable to the pain management clinic will be
 sufficient to accommodate traffic and parking demands

11268 generated by the pain management clinic, based upon a
 11270 current traffic and parking study prepared by a certified
 11272 professional. Traffic and parking analyses shall be
 11274 predicated in part upon traffic and parking impacts from
 11276 other existing pain management clinics in Florida but
 11278 shall in no case be less than one (1) space per two
 11280 hundred (200) square feet of gross square feet. The
 11282 source of any such information shall be provided to the
 county zoning division for purposes of verification.
 County staff shall be required to verify the information
 contained in traffic and parking study(ies) with the
 appropriate official(s) of the local government(s) where
 the comparable information is derived. The owner of the
 pain management clinic shall be responsible for ensuring
 that there is no queuing of vehicles in the public right-of-
 way.

11284 (156) Attached single-family residential limited to eight (8) units
 per building.

11286 (157) MF in a Retail/Wholesale District limited to three hundred
 11288 (300) units, and only one (1) MF development (regardless of
 units) allowed in the R/W District.

11290 (158) Garage apartments permitted per section 39-346 of the Town
 Center development standards.

(159) Live-Work Units Requirements:

11292 a. No more than two (2) employees, in addition to the
 11294 resident owner or resident employee of the business,
 shall be permitted to work or report to work on-site.

11296 b. A minimum of eighty (80) percent of a structure's street
 front facade at street level shall be occupied by
 nonresidential uses.

11298 c. Live/work units that exceed two thousand (2,000) square
 feet must have at least two (2) exits.

11300 d. Loading or unloading associated with a business
 11302 occupying a live-work unit shall be from the rear of the
 unit.

11304 e. A residential use will be permitted within the
 11306 nonresidential portion of the building for a maximum
 period of three (3) years from the date of issuance of the
 certificate of occupancy. Renewal shall require planning
 and zoning manager approval.

- 11308 f. Required parking will be based on the applicable parking
11310 standard for the nonresidential use or the closest similar
use, plus one (1) space for the residential use.
- 11312 g. The external access for the nonresidential component
11314 shall be oriented to the street and should have at least one
(1) external entrance/exit separate from the living space.
11316 The entrance to the non-residential component shall be
11318 located on the ground level. Access to the nonresidential
component of each live/work unit shall be clearly
separate from the common walkways or entrances to the
residential units within the development, or other
residential units in adjacent developments.
- 11320 h. The live/work unit shall have a minimum ground floor
height of thirteen (13) feet.
- 11322 i. Nonresidential uses permitted in live-work dwelling
11324 units and located in the Retail/Wholesale District shall
include art gallery; artist studio; professional studio;
11326 office (not including dental/medical office and clinic);
and other similar activities as determined by the planning
and zoning managers.
- 11328 (160)Farmers markets are permitted in property owners
association or approved county owned common areas,
11330 cannot utilize any required parking areas, can operate only
between 7:00 a.m. and 10:00 p.m. on one (1) weekend day
11332 per week, and must be approved by the zoning and planning
managers.
- 11334 (161)Hotels/convention facilities permitted for Orange County
National Golf Course.
- 11336 (162)May be permitted by location in a UR district limited to:
Corner lots on parkway or avenue; one (1) per block; six
11338 hundred-foot spacing between other nonresidential uses;
four (4) on-site parking spaces maximum; one thousand five
11340 hundred (1,500) square feet maximum per site; one (1)
tenant maximum per site.
- 11342 (163)In a Corporate Neighborhood Center, limited to a maximum
thirty thousand (30,000) square feet.
- 11344 (164)In a Corporate Campus Mixed Use District use may be
permitted by location, pursuant to section 38-190, and
11346 limited to a maximum seven thousand five hundred (7,500)
square feet.
- 11348 (165)Uses should minimize neighborhood impacts for noise,
lighting, and parking, and should be centrally located within

11350 a ten-minute walk for the majority of planned homes in
neighborhood.

11352 (166)Uses should minimize abutting property impacts for noise,
11354 lighting, and parking, and have primary frontage on a
Collector, Parkway or Avenue.

11356 (167)Uses shall be located and operated to minimize adverse
impacts to adjoining residential uses. Use may be permitted
11358 by location, pursuant to **section 38-190**, within an Open
Space district. Orange County National Golf Course is
11360 permitted within the Open Space district as designated on the
Town Center Land Use Plan.

11362 (168)Uses allowed are those for development, refinement, and
testing including preproduction manufacturing of advanced
technological products.

11364 (169)Uses allowed are for clean tech research, development,
11366 testing, and minor manufacturing by non-agricultural based
alternative fuels and energy production firms; environmental
11368 engineering and consulting firms (including, but not limited
to, development of water and wastewater treatment and
conservation technology, air purification, environmental
11370 testing and analysis, environmental remediation services and
the development of biodegradable materials and fabrics);
11372 technologies that increase resource use efficiency (including
the development of hybrid vehicle technology, light
11374 materials for vehicles, and smart logistics software); nano-
technology; the development of “smart construction” and
11376 biodegradable materials and fabrics; environmental testing
and analysis; and remediation services.

11378 (170)Permitted with retail when the manufacturing is limited in
11380 scale, directly related to the retail use, and the products are
primarily sold within the retail store.

11382 (171)Uses are limited to small-scale manufacturing of works of
art and design when associated with: art gallery, artist studio,
11384 fashion design studio, professional design studio, and other
similar activities as determined by the planning and zoning
managers.

11386 (172)Limited to golf driving range, swimming pools, baseball
batting facility, tennis courts, and other similar activities as
11388 determined by the planning and zoning managers when
integrated with and connected to the building(s) where the
11390 primary use is retail sales of sporting/fitness products,
entertainment facilities or restaurants.

- 11392 (173)Self-storage facilities may be permitted subject to the
11394 Village Planned Development Code subsection
39-167(c)(2)(d); provided, however, in town center, self-
11396 storage facilities shall have a maximum building length of
three hundred twenty-five (325) feet.
- (174)Indoor showroom only.
- 11398 (175)Uses allowed only when internal to a building, no outside
display, storage or production.
- 11400 (176)A car rental agency may be a permitted use in conjunction
11402 with hotels, motels, and time shares, subject to the following:
Parking spaces required for the principal use shall not be
11404 used by the rental agency, the number of parking spaces used
by the rental agency shall not exceed ten (10) percent of the
11406 required number for the principal use, and the rental vehicles
shall not be parked in the front yard of the property or in
front of the principal structure.
- 11408 (177)A cultivation facility may be permitted subject to the
following:
- 11410 a. Valid license. A valid license for both the MMTC of
11412 which the cultivation facility is a part and for cultivation
of marijuana shall be obtained from the State of Florida
11414 and remain in effect during the operation of the
cultivation facility. All cultivation activities shall cease
11416 if a license has expired or been revoked by the state. Any
cultivation facility not licensed by the state is hereby
prohibited within unincorporated Orange County.
- 11418 b. Building and use permit applications. Any applicant
11420 seeking to establish a cultivation facility shall complete
the appropriate building or use permit application(s) and
11422 submit the application(s) to the county division of
building safety for review and approval prior to issuance
11424 of any permits, along with the appropriate fee. Each
application shall be accompanied by proof that the
11426 MMTC is authorized by the State of Florida to cultivate
marijuana. However, the issuance of a building permit
11428 pursuant to this section shall not be deemed to create an
exception, defense, or immunity for any person in regard
11430 to any potential criminal liability the person may have
under state or federal law for the acquisition, cultivation,
11432 possession, processing, transferring, transportation,
selling, distribution, dispensing, or administration of
marijuana or products containing marijuana.

- 11434 c. Distance separation. A cultivation facility may not be
11436 located within five hundred (500) feet of the real
11438 property that comprises a public or private elementary
11440 school, middle school, or secondary school, regardless of
11442 whether such school lies within unincorporated Orange
County or a surrounding municipality. Such distance
shall be measured in a straight line between the property
line of the subject cultivation facility and the property
line of the subject school that are closest to each other.
- 11444 d. Security. To ensure the safety and security of a
11446 cultivation facility and to maintain adequate controls
against the diversion, theft, and loss of marijuana, each
11448 cultivation facility shall maintain security measures in
accordance with F.S. § 381.986(8)(f), as may be
11450 amended from time to time; provided, however, that any
such security measures are subject to the receipt of the
11452 appropriate local government permits. It is unlawful and
a violation of this section to operate, own, or control a
11454 cultivation facility except in compliance with the
applicable security plan approved by the Florida
Department of Health.
- 11456 e. Inspections. Any deputy sheriff employed by the Orange
County Sheriff's Office may make searches of persons,
11458 places, and conveyances of any kind whatsoever
associated with the cultivation facility in accordance
11460 with all applicable laws. Any code enforcement officer,
or any other person authorized to enforce county
11462 ordinances, may enter the cultivation facility premises
and conduct an inspection to determine compliance with
this section at any time the cultivation facility is open or
11464 occupied. Refusal to provide proof of a valid license and
cultivation authority from the state shall be considered a
11466 violation of this Code.
- (178)A processing facility may be permitted subject to the
11468 following:
- 11470 a. Valid license. A valid license for both the MMTC of
which the processing facility is a part and for processing
11472 of marijuana shall be obtained from the State of Florida
and remain in effect during the operation of the
11474 processing facility. All processing activities shall cease
if a license has expired or been revoked by the state. Any
11476 processing facility not licensed by the state is hereby
prohibited within unincorporated Orange County.

- 11478 b. Building and use permit applications. Any applicant
11480 seeking to establish a processing facility shall complete
11482 the appropriate building or use permit application(s) and
11484 submit the application(s) to the county division of
11486 building safety for review and approval prior to issuance
11488 of any permits, along with the appropriate fee. Each
11490 application shall be accompanied by proof that the
11492 MMTC is authorized by the State of Florida to process
 marijuana. However, the issuance of a building permit
 pursuant to this section shall not be deemed to create an
 exception, defense, or immunity for any person in regard
 to any potential criminal liability the person may have
 under state or federal law for the acquisition, cultivation,
 possession, processing, transferring, transportation,
 selling, distribution, dispensing, or administration of
 marijuana or products containing marijuana.
- 11494 c. Distance separation. A processing facility may not be
11496 located within five hundred (500) feet of the real
11498 property that comprises a public or private elementary
11500 school, middle school, or secondary school, regardless of
 whether such school lies within unincorporated Orange
 County or a surrounding municipality. Such distance
 shall be measured in a straight line between the property
 line of the subject processing facility and the property
 line of the subject school that are closest to each other.
- 11502 d. Security. To ensure the safety and security of a
11504 processing facility, and to maintain adequate controls
11506 against the diversion, theft, and loss of marijuana, each
11508 processing facility shall maintain security measures in
11510 accordance with F.S. § 381.986(8)(f), as may be
11512 amended from time to time; provided, however, that any
 for such security measures are subject to the receipt of
 the appropriate local government permits. It is unlawful
 and a violation of this section to operate, own, or control
 a processing facility except in compliance with the
 applicable security plan approved by the Florida
 Department of Health.
- 11514 e. Inspections. Any deputy sheriff employed by the Orange
11516 County Sheriff's Office may make searches of persons,
11518 places, and conveyances of any kind whatsoever
11520 associated with the processing facility in accordance
 with all applicable laws. Any code enforcement officer,
 or any other person authorized to enforce county
 ordinances, may enter the processing facility premises
 and conduct an inspection to determine compliance with

11522 this section at any time the processing facility is open or
11524 processing authority from the state shall be considered a
violation of this Code.

- 11526 f. Combined processing and cultivation facilities. In the
11528 event the cultivation and processing of marijuana is
combined into one facility, such facility shall comply
with the requirements of a processing facility.

11530 (179)A dispensing facility may be permitted subject to the
following conditions:

- 11532 a. Valid license. A valid license for both the MMTC of
11534 which the dispensing facility is a part and for the
dispensing of marijuana shall be obtained from the State
11536 of Florida and remain in effect during the operation of
the dispensing facility. All dispensing activities shall
11538 cease if a license has expired or been revoked by the
state. Any dispensing facility not licensed by the State is
11540 hereby prohibited within unincorporated Orange
County.

- 11542 b. Building and use permit applications. Any applicant
seeking to establish a dispensing facility shall complete
11544 the appropriate building or use permit application(s) and
submit the application(s) to the county division of
11546 building safety for review and approval prior to issuance
of any permits, along with the appropriate fee. Each
11548 application shall be accompanied by proof that the
MMTC is authorized by the State of Florida to sell
11550 marijuana to persons authorized to purchase it for the
treatment of one (1) or more qualifying medical
11552 conditions. However, the issuance of a building permit
pursuant to this section shall not be deemed to create an
11554 exception, defense, or immunity for any person in regard
to any potential criminal liability the person may have
11556 under state or federal law for the acquisition, cultivation,
possession, processing, transferring, transportation,
11558 selling, distribution, dispensing, or administration of
marijuana or products containing marijuana.

- 11560 c. Distance separation. A dispensing facility may not be
located within five hundred (500) feet of the real
11562 property that comprises a public or private elementary
school, middle school, or secondary school, regardless of
11564 whether such school lies within unincorporated Orange
County or a surrounding municipality. Such distance
shall be measured in a straight line between the property

line of the subject dispensing facility and the property line of the subject school that are closest to each other.

- d. Other activities; prohibition. Other than dispensing of marijuana and any authorized marijuana delivery device required for the medical use of marijuana (and which is specified in a physician certification), no dispensing facility shall sell, market, dispense, provide, exchange, or otherwise vend any other type of cannabis, alcohol, drug paraphernalia as defined by federal or state law, or illicit drug-related products, including, but not limited to, pipes, bongs, or wrapping papers. No dispensing facility shall dispense marijuana or marijuana delivery devices in the waiting area of such facility. Any dispensing of marijuana for other than medical uses (for example, recreational use) is hereby prohibited within unincorporated Orange County.

- e. Violation of Code.

1. It shall be a violation of this section for any person or entity to sell, market, dispense, provide, exchange, or otherwise vend marijuana or marijuana delivery devices without the requisite state license and approvals or to sell, market, dispense, provide, exchange, or otherwise vend any form or derivative of non-medical marijuana or marijuana delivery devices.

2. Each violation of this section shall constitute a separate offense punishable as provided in section 1-9 of this Code by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment. All law enforcement officials are hereby authorized to assist in the enforcement of this section to the extent that it is within their respective jurisdictions to do so.

3. Nothing herein shall be construed to prohibit the county from enforcing this section by alternate means including, but not limited to: code enforcement or code citations pursuant to F.S. ch. 162, part I or part II; by criminal action, by civil action, including petitions to enjoin persons violating this section; or by any other means available by law.

- f. Parking and queuing. A dispensing facility shall be required to meet the off-street parking standards in **section 38-1476** ("Quantity of off-street parking"),

Orange County Code, and shall be deemed a retail establishment for parking demand purposes. The owner of the dispensing facility shall be responsible for ensuring that there is no queuing of vehicles in the public right-of-way.

g. Loitering. A dispensing facility shall provide adequate seating for qualified patients, caregivers (as defined in F.S. § 381.986(1), and invitees, and shall not allow qualified patients, caregivers, or invitees to stand, sit (including in a parked car), gather, or loiter outside the building where the dispensing facility operates, including in any parking areas, sidewalks, right-of-way, or neighboring property for any period of time longer than that reasonably required to arrive and depart.

h. Hours of operation. A dispensing facility shall only dispense marijuana or marijuana delivery devices from the premises between the hours of 7:00 a.m. to 9:00 p.m.

i. Signage, outdoor display. Dispensing facility signage shall be subject to the requirements and prohibitions in chapter 40, Orange County Code. Additionally, pursuant to F.S. § 381.986(8)(h), the dispensing facility may only have one (1) sign that is affixed to the outside of or hanging in the window of the premises which identifies the dispensing facility by the licensee's business name, a Florida Department of Health-approved trade name, or a Florida Department of Health-approved logo; such trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana. Indoor display of products, marijuana, or marijuana delivery devices shall be prohibited in the waiting area of the dispensing facility. Outdoor display of products, wares, or merchandise of any sort shall be in accordance with Orange County Code and any applicable development approvals.

j. Security. To ensure the safety and security of a dispensing facilities, and to maintain adequate controls against the diversion, theft, and loss of marijuana and marijuana delivery devices, each dispensing facility shall maintain security measures in accordance with F.S. § 381.986(8)(f), as may be amended from time to time; provided, however, that any such security measures are subject to the receipt of the appropriate local government permits. It is unlawful and a violation of this section to operate, own, or control a dispensing facility except in

compliance with the applicable security plan approved by the Florida Department of Health.

- k. Inspections. Any deputy sheriff employed by the Orange County Sheriff's Office may make searches of persons, places, and conveyances of any kind whatsoever associated with the dispensing facility in accordance with all applicable laws. Any code enforcement officer, or any other person authorized to enforce county ordinances, may enter the dispensing facility premises and conduct an inspection to determine compliance with this section at any time the dispensing facility is open or occupied. Refusal to provide proof of a valid license and dispensing authority from the state shall be considered a violation of this Code.

- l. Compliance with other laws. All dispensing facilities shall at all times be in compliance with all applicable federal, state, and local laws and regulations.

(180) Micro-breweries, micro-wineries, craft distilleries, and brewpubs. Manufacturing operations that produce alcoholic beverages for on-site consumption and off-site sales, and related uses, may be allowed as an accessory use via a determination by the planning and zoning managers subject to the following criteria:

- a. Up to forty-nine (49) percent of the floor area may be used for a micro-brewery, micro-winery, or craft distillery (or any combination thereof), with the remaining floor area used for restaurant, tasting room or retail operations; and
- b. The maximum production allowed per calendar year for micro-breweries, micro-wineries, craft distilleries, and brew-pubs is as follows:
1. As allowed by applicable licenses from the Florida Department of Business and - Professional Regulation, Division of Alcoholic Beverages and Tobacco;
 2. Brewpubs-not to exceed fifteen thousand (15,000) barrels;
 3. Micro-breweries-up to fifteen thousand (15,000) barrels;
 4. Micro-wineries-up to one hundred thousand (100,000) gallons; and

11696 5. Craft distilleries-up to fifteen thousand (15,000)
gallons.

11698 c. Required parking shall be determined by the square
11700 footage for restaurant and manufacturing portions of the
establishment pursuant to code **section 38-1476**.

11702 (181)The following requirements apply to biosolids treatment
facilities, septage management facilities, and biosolids
storage facilities.

11704 a. Treatment, processing, and storage areas for biosolids
11706 and septage, and their derived materials including Class
AA biosolids distributed and marketed as a fertilizer,
shall:

11708 1. Be at least one thousand three hundred twenty
11710 (1,320) feet from all offsite structures that are the
11712 subject of a certificate of occupancy. This distance
11714 may be reduced if such biosolids and septage areas
are within an enclosed building, tank and/or pipeline,
with a system designed to capture, filter and/or treat
odors to prevent the release of any odorants that
would result in objectionable odors at the above
referenced locations; odor masking agents are not
considered filtration or treatment but may be part of
an overall odor management plan; and

11720 2. Be within an enclosed tank and/or pipeline, on an
impervious surface with a system designed to collect,
11722 contain, and treat any liquids and stormwater runoff
generated from the biosolids and septage, and their
derived materials.

11724 b. Within the A-1 and A-2 districts, the hours of operation
11726 for receiving and shipping of biosolids and septage shall
be limited to between 7:00 a.m. and 7:00 p.m.

11728 c. Outdoor storage of biosolids and their derived materials,
including Class AA biosolids distributed and marketed
as a fertilizer, shall not exceed fifteen (15) feet height,
11730 and shall provide vertical markers for verification.

11732 d. Facilities shall be designed and operated with a track-out
control system that prevents the deposit of any biosolids
and septage, their derived materials, and mud, onto
11734 adjacent roadways.

11736 e. Applications for a special exception shall include:
1. An “odor compliance and compatibility study”.

- 11738 2. A map showing the zoning of all properties within
one mile of the facility boundary.
- 11740 3. A wind rose chart showing the annual distribution of
prevailing wind directions and speed.
- 11742 4. An initial current topographical survey if the facility
is proposing any outdoor storage areas.
- 11744 5. The maximum storage volume proposed, including
approximate locations and dimensions.
- 11746 6. A traffic study, previously reviewed by Orange
County Public Works Division, that assesses the
11748 need for paved access improvements, and potential
impacts to traffic and roads along probable haul
routes within one half (½) mile of the facility.
- 11750 f. At any time during the operation of the facility, the
County may require additional odor control measures be
11752 implemented to address objectionable odors for which
County staff determines the facility is a probable
11754 contributing source.

11756 (182)Biosolids application sites shall meet the requirements of
Chapter 15 Article XVII and Chapter 37 Article XVI, Land
application of septage is prohibited.

11758 **Secs. 39-349—39-350. Reserved.**

Section 10. Repeal of provisions of Chapter 38 (“Zoning”), Article IX (“General

11760 ***Supplemental Regulations”***). Section 38-1401 (“Substandard lots of record.”), Section 38-1402
 (“Dog-friendly restaurants.”), Section 38-1405 (“Yards.”), Section 38-1408 (“Fences and walls.”),
11762 Section 38-1413 (“Adult entertainment uses.”), Section 38-1414 (“Prohibited areas for package
sale of alcoholic beverages.”), Section 38-1425 (“Bed and breakfast homestays, bed and breakfast
11764 inns and country inns.”), Section 38-1426 (“Accessory structures and accessory dwelling units.”),
and Section 38-1427 (“Communication towers.”) are hereby repealed and reserved for future use.
11766 In Article IX, the sections already marked “Reserved.” or not identified herein remain unchanged.

Section 11. Repeal of Chapter 38 (“Zoning”), Article X (“Performance Standards”).

11768 Chapter 38, Article X, consisting of Sections 38-1451 through 38-1475 (with Sections 38-1458
through 38-1475 already marked “Reserved.”) is hereby repealed and reserved for future use.

11770 ***Section 12. Repeal of Chapter 38 (“Zoning”), Article XI (“Off-Street Parking and
Loading Regulations”).*** Chapter 38, Article XI, consisting of Sections 38-1476 through 38-1500

11772 (with Sections 38-1486 through 38-1500 already marked “Reserved.”) is hereby repealed and
reserved for future use.

11774 ***Section 13. Repeal of Chapter 38 (“Zoning”), Article XII (“Site and Building
Requirements”).*** Chapter 38, Article XII, consisting of Sections 38-1501 through 38-1525 (with

11776 Sections 38-1509 through 38-1525 already marked “Reserved.”) is hereby repealed and reserved
for future use.

11778 ***Section 14. Repeal of Chapter 38 (“Zoning”), Article XIII (“Campgrounds and
Recreational Vehicle Parks”).*** Chapter 38, Article XIII, consisting of Sections 38-1526 through

11780 38-1550 (with Sections 38-1530 through 38-1550 already marked “Reserved.”) is hereby repealed
and reserved for future use.

11782 ***Section 15. Repeal of Chapter 38 (“Zoning”), Article XVII (“Neighborhood
Districts”).*** Chapter 38, Article XVII, consisting of Sections 38-1725 through 38-1750 (with

11784 Sections 38-1728 through 38-1729, Sections 38-1735 through 38-1736, Section 38-1742 through
38-1743, Sections 38-1749 through 38-1750 already marked “Reserved.”) is hereby repealed and

11786 reserved for future use.

***Section 16. Repeal of Chapter 38 (“Zoning”), Article XVIII (“Public School Siting
Regulations”).*** Chapter 38, Article XVIII, consisting of Sections 38-1751 through 38-1764 (with

11788

Sections 38-1762 through 38-1764 already marked “Reserved.”) is hereby repealed and reserved
for future use.

**Section 17. Repeal of provisions of Chapter 38 (“Zoning”), Article XIX (“Collection
Bins”).** Section 38-1765 (“Intent.”), Section 38-1766 (“Definitions.”), Section 38-1767
 (“Permitting.”), Section 38-1768 (“Permit applications.”), Section 38-1769 (“Standards and
criteria.”), and Section 38-1770 (“Display of permit.”) are hereby repealed and reserved for future
use. In Article XIX, the sections already marked “Reserved.” or not identified herein remain
unchanged.

Effective date. This ordinance shall become effective _____.

ADOPTED THIS _____ DAY OF _____, 2025.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk