

ORDINANCE NO. 2023-46

**AN ORDINANCE AFFECTING THE USE OF LAND IN
ORANGE COUNTY, FLORIDA, BY AMENDING
CHAPTER 38 (“ZONING”) AND CHAPTER 30
 (“PLANNING AND DEVELOPMENT”) OF THE ORANGE
COUNTY CODE; AND PROVIDING AN EFFECTIVE
DATE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY, FLORIDA:**

Section 1. Amendments; In General. Chapter 38 of the Orange County Code is amended as set forth in Section 2 through Section 93, and Chapter 30 is amended as set forth in Section 94 through Section 97, with new language being indicated by underlines, and deleted language being shown by strike-throughs.

Section 2. Amendments to Section 38-1 (“Definitions”). Section 38-1 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, 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.”

* * *

Arterial road shall mean a signalized roadway that primarily serves through traffic with an average signalized intersection spacing of 2.0 miles or less. As used here, signalized intersections refer to all fixed causes of interruption to the traffic stream and may occasionally include STOP signs or other types of

traffic control. Class I arterials have a posted speed of forty (40) miles per hour or greater. Class II arterials have a posted speed of thirty-five (35) miles per hour or less.

* * *

Bed and breakfast facility shall mean an accessory use in which no more than three (3) guest rooms in the principal residential structure are ~~provided to set aside for guest clients with breakfast available to such guest clients on premises at no extra cost~~ and where breakfast is traditionally provided at no extra cost; lengths of stay of guest clients ~~may~~ range from one (1) ~~day~~ ~~night~~ to seasonal; ~~and~~ the owner/operator of the principal structure ~~shall~~ resides on-site. ~~A B~~bed and breakfast facility ~~do~~ facility does not include ~~other similar uses~~; such as motels, hotels, health or group living facilities, boarding or lodging houses, apartment dwellings, guest cottages or single-family dwelling transient rental.

Bed and breakfast homestay shall mean an accessory use to a single-family dwelling unit in which no more than six (6) rooms in the principal residential structure are set aside for guest clients and where breakfast is traditionally provided at no extra cost; ~~breakfast is available on-site to only such guest clients at no extra cost;~~ lengths of stay of guest clients ranges from one (1) day to thirty (30) days; and the owner/operator of the principal structure resides on-site. Bed and breakfast homestay does not include uses such as motels, hotels, community residential homes, boarding or lodging houses, apartment dwellings, guest cottages or single-family dwelling transient rental.

Bed and breakfast inn shall mean a dwelling unit in which seven (7) to twelve (12) rooms in the principal residential structure are set aside for guest clients and where breakfast is traditionally provided at no extra cost; ~~breakfast is available on-site to only such guest clients at no extra cost;~~ lengths of stay of guest clients ranges from one (1) day to ~~a seasonal~~; and the owner/operator of the principal structure resides on-site. ~~A B~~bed and breakfast inn does not include uses such as motels, hotels, community residential homes, boarding or lodging houses, apartment dwellings, guest cottages or single-family dwelling transient rental.

* * *

Biosolids shall mean the solid, semi-solid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility, also known as “domestic wastewater residuals,” “residuals,” or “sewage sludge.”

Biosolids application site shall mean a property where biosolids or septage are applied to land.

Biosolids storage facility shall mean a facility where biosolids, including Class AA biosolids distributed and marketed as a fertilizer, are staged or stored longer than seven (7) days; excluding facilities where only Class AA biosolids in leak-proof bags or shipping containers of up to one metric ton each are stored; and excluding bona fide agricultural operations enrolled and in compliance with a relevant Florida Department of Agriculture and Consumer Services (FDACS) Best Management Practices program.

Biosolids treatment facility shall mean a facility that treats biosolids from other facilities before use or land application.

* * *

Brewpub shall mean a restaurant that is licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco to produce malt beverages for onsite consumption.

* * *

Collector road shall mean a roadway providing land access and traffic circulation within residential, commercial, and industrial areas and that collects and distributes traffic between local roads or arterial roads as a linkage between land access and mobility needs. For purposes of this article, the term “collector” includes “major urban collector,” “minor urban collector,” and any extension of a major or minor urban collector.

* * *

Cottage food operation shall mean a natural person or an entity that produces or packages cottage food products at the residence of the natural person or at the residence of a natural person who has an ownership interest in the entity, and sells such products in accordance with Section 500.80, Florida Statutes.

* * *

Craft distillery shall mean 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.

* * *

Density shall mean the total number of residential dwelling units divided by the developable land area.

* * *

Developable land area shall mean the gross land area less natural surface waterbodies and designated conservation areas (wetland areas).

* * *

Dual rear wheel vehicle shall mean a motor truck, trailer, semitrailer or tractor/trailer combination and any other vehicle operating over the public streets of the county and used as a means of transporting persons or property and propelled by power other than muscular power which have has more than or are is designed to have more than four (4) weight-bearing wheels, except that a dual rear wheel pick-up truck not used for commercial purposes shall not be deemed to constitute a dual rear wheel vehicle. A fire rescue, law enforcement, or other government public service vehicle used for emergencies shall not be deemed to constitute a dual rear wheel vehicle, when approved by the zoning manager. A tow truck and or a utility service provider truck shall not be considered a government public service vehicle used for emergencies.

* * *

Dwelling shall mean a building or portion thereof, designed or used exclusively for residential occupancy, but not including a hotels, lodging houses, motels, or mobile homes.

* * *

~~Dwelling, four family (quadraplex), shall mean a building with four (4) dwelling units which has four (4) kitchens and is designed for or occupied exclusively by four (4) families. Each unit of a quadraplex must be connected by a common wall.~~

* * *

Dwelling, single-family, shall mean a detached dwelling containing one (1) kitchen and complete housekeeping facilities unit for one (1) family only, designed for or occupied exclusively by one (1) family for usual domestic purposes, and having no enclosed space or cooking or sanitary facilities in common with any other dwelling. All rooms shall connect to a common area

within the dwelling and there shall be one (1) main front door entry.

* * *

~~*Dwelling, three family (triplex)*, shall mean a building with three (3) dwelling units which has three (3) kitchens and is designed for or occupied exclusively by three (3) families. Each unit of a triplex must be connected by a common wall.~~

* * *

Finished grade shall mean the final elevation and contour of the ground at the building or vehicular surface area.

* * *

Floor area ratio (FAR) shall mean the gross floor area divided by the developable land area expressed in acres of the lot or parcel.

* * *

Functional classification shall mean the assignment of roads into systems according to the standards provided in the Highway Classification Manual and the Florida Department of Transportation Quality/Level of Service Handbook.

* * *

Garage, mechanical, shall mean a building or buildings and premises where the functions and services performed rendered by an automobile service station may be rendered and, in addition thereto, all other services catering relate to the maintenance, service and repair of automobiles and other motor vehicles, such as trucks and buses. may be rendered, except: However, this term does not include a building or buildings and premises where the functions and services performed involve:

- (1) Bodywork.
- (2) Painting of automobiles or other vehicles.
- (3)(1) Storage of vehicles, including for the purpose of using parts of such vehicle for sale or repair; or
- (4)(2) Any condition which may be classified as a junkyard.

* * *

Gross floor area shall mean the sum of the horizontal areas of a building or buildings, measured from the exterior faces of the exterior walls or from the centerline of walls which separate buildings. Included within such sum shall be the areas of all stories; interior balconies or mezzanines; and any other space reasonably capable of being used for any purpose except parking, no matter where located within a building. This term does not include the area of any parking garage structure, but does include all other interior spaces, including those that are not heated or air conditioned.

* * *

Home based-business shall mean a business operated, in whole or in part, from a residential property, subject to and meeting the criteria of Section 559.955(3), Florida Statutes.

* * *

~~Home occupation shall mean any use conducted entirely within a dwelling or accessory building and carried on by a resident or residents thereof that is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, subject to section 38-79(101).~~

* * *

Hotel shall mean a building or other structure used and maintained as a place where sleeping accommodations are supplied to transient guests.

* * *

Intensity shall mean the bulk, mass, or size of a non-residential use on a single lot or parcel of land as expressed by the total floor-to-area ratio (FAR) of building size to the net land area.

* * *

~~Lot frontage, agricultural, commercial and industrial non-residential zoning districts (including agricultural), shall mean all the agricultural, commercial and industrial non-residential property on the width of the lot abutting the street with heaviest traffic usage the highest volume of vehicular traffic.~~

Lot frontage, residential zoning districts, shall mean all the property on the narrow width of a lot abutting a street right-of-way.

* * *

Lot, reversed corner, shall mean a corner lot, where the rear yard abuts an adjacent front yard, and where ~~on~~ the side street lot line of which is substantially the continuation of the front lot line of the first lot to its rear.

Lot, reversed frontage, non-residential, shall mean a corner lot where the lot frontage does not abut the street with the highest volume of vehicular traffic.

Lot, reversed frontage, residential, shall mean a corner lot where the lot frontage is all the property on the wider width of a lot abutting a street right-of-way.

* * *

Major transit stop shall mean a superstop, or a transit stop/station served by intercity rail, commuter rail, or light rail, or a bus rapid transit stop.

* * *

Mechanical equipment shall mean any heating, cooling, venting, filtering or similar equipment or appurtenance serving a structure, including permanent generators, air conditioning equipment, pool or spa equipment, water treatment equipment, above ground fuel tanks, and associated appurtenances or any other motorized or powered device or machinery.

* * *

Micro brewery shall mean 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 include a tasting room and retail space to sell malt beverages produced on the premises along with related retail items and food.

Micro winery shall mean an establishment that is licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, to produce wine. The establishment may include a tasting room and retail space to sell wine produced on the premises along with related retail items and food.

* * *

Modular home shall mean a factory-built home constructed in compliance with the (local or) state building code and consistent with the Florida Department of ~~Community Affairs~~ Business and Professional Regulation as applicable to modular housing. Modular homes shall be subject to the same standards as site-built homes.

* * *

Odor compliance and compatibility study shall mean a study prepared by a qualified professional that through modeling and/or field study demonstrates that under the most adverse conditions expected the proposed project, including any proposed odor abatement plan, will comply with the objectionable odor regulations in Chapter 15, Article III, and provides a comparison to background dilution-to-threshold (D/T) odor levels, hedonic tone, and odor descriptors (e.g. using an odor wheel) within surrounding properties, and also other properties within the same zoning district.

Open air market, including a flea market, shall mean multiple vendors and/or businesses operating simultaneously who are exclusively or primarily engaged in wholesale and/or retail sales, and the operation is conducted outdoors. However, for purposes of this chapter, a farmer's market or other semi-frequent market as identified in the definition of a special event shall not be considered an open air market and should instead follow the requirements in this chapter for special events. An open air market is a separate and distinct entity that is not ancillary to a principal place of business (i.e., is not outdoor sales ancillary and subordinate to a principal use).

* * *

~~*Patio home shall mean a single family dwelling unit with a private outdoor living area serving each unit, side walls of which may be common.*~~

* * *

~~*Quadrplex, see dwelling, four family.*~~

* * *

Screen enclosure shall mean an aluminum structure supporting screen walls and a screen top.

* * *

Septage shall mean a mixture of sludge, fatty materials, human feces, and wastewater removed during pumping of an onsite sewage treatment and disposal system. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors.

Septage management facility shall mean a stationary facility that treats only domestic septage or combinations of domestic septage, food establishment sludges, wastes removed from portable toilets, and wastes removed from holding tanks associated with boats, marinas, and onsite sewage treatment and disposal systems, before use or land application.

* * *

Short-term rental shall mean where the length of stay under the rental or lease arrangement is one hundred seventy-nine (179) consecutive days or less. Examples of nonresidential uses requiring short-term rental include hotels, motels, time-shares, condominium hotels, resort rental, resort residential, resort villa, and transient rental.

* * *

Special event shall mean an event held partially or entirely outdoors on private property, promoted or advertised to the public (regardless of whether an admission fee is or will be charged), attended or expected to be attended by one hundred (100) or more people at any point in time during the event, and is unlike or beyond the scope of customary or usual activities associated with the site or zoning district upon which the event is taking place, including, but not limited to, an exhibition, a celebration, a party, a festival, a concert, a ceremony, a show, a rally, a parade, a carnival, a farmer's market, or any other semi-frequent or one-time event taking place within a defined area. For purposes of this chapter, a special event shall not include an open air market, seasonal tent sales, or non-seasonal tent sales, as defined by this chapter.

* * *

Student housing shall mean any multi-family development, regardless of the number of bedrooms per dwelling unit, ~~or portion thereof~~ where the dwelling units are designed and constructed as ~~three (3) or more bedrooms with three (3) or more bathrooms~~ which is marketed and/or rented to students attending a local college, university, community college, or private school, ~~or any multi-family development or portion thereof comprised of~~

~~dwelling units consisting of three (3) or more bedrooms and less than three (3) bedrooms and, for those dwelling units with more than one (1) bedroom, where the bedrooms are leased separately. (To the extent this definition may conflict with a definition of “student housing” found elsewhere in the Orange County Code, this definition shall control and apply.)~~

* * *

~~*Townhouse project* shall mean a housing complex where each dwelling unit and all or a portion of the land area is individually owned. The purpose of the townhouse project is to retain the qualities of home ownership and at the same time provide the attractive qualities of apartment living including higher density, efficiency, convenience, economy and effectively designed and maintained open space. Townhouse projects contain one (1) or more townhouse buildings, each of which contain two (2) or more townhouse units. Parking lots, driveways, walkways and accessory recreation areas may be located in areas retained in common ownership which are owned jointly by the owners of the townhouse units.~~

~~*Townhouse or townhome units* shall mean a self-contained dwellings which ~~are~~is designed and constructed so that the unit and the lot on which it is located may be individually owned. Townhouse units are separated by fireproof and soundproof walls and are designed to provide privacy.~~

* * *

~~*Trailer*, see article VI, division 13.~~

~~*Trailer park*, see article VI, division 13~~14.

* * *

~~*Triplex*, see *dwelling, three family*.~~

~~*Truck stop* or *truck terminal* shall mean a building or buildings and premises designed ~~so as~~ to cater primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, a laundry, and/or restaurant facilities primarily for the use of truck operators, principally to trucks, where the functions and services rendered by a mechanical garage may be rendered,~~ but not to include the storage of vehicles for the purpose of using parts of such vehicles for sale or repair.

* * *

Utility trailer shall mean an enclosed or unenclosed vehicle which is not motorized or self-propelled, which is designed to be towed by a motor vehicle, but not designed for human occupancy, and which may include, but is not limited to a car trailer or horse trailer. For the purposes of this chapter, any vehicle that would meet the definition of a dual rear wheel vehicle, as defined elsewhere in this chapter, shall not be considered a utility trailer and shall be considered a dual rear wheel vehicle. Also, a boat trailer shall not be deemed to be a utility trailer.

* * *

Warehousing, distribution, shall mean a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Warehousing, flex, shall mean warehousing space designed to be subdivided into smaller tenant spaces that may be air conditioned, with the capability to add office, assembly, showroom or other business activities besides principal distribution.

* * *

Yard, side street, shall mean a yard extending across the side of a corner lot between the rear line of the front yard and the 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.

In all other respects, Section 38-1 shall remain unchanged.

Section 3. Amendments to Section 38-3 (“General restrictions on land use”).

Section 38-3 is amended to read as follows:

Sec. 38-3. General restrictions on land use.

(a) ~~Land use Zoning and/or building permits.~~ No building or structure shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used or designed to be used for any purpose or in any manner other than a use designated in this chapter, or amendments thereto, as permitted in the district in which such land, building, structure or premises is located, without

obtaining the necessary ~~land use zoning~~ and/or building permits and completing the work under those permits.

* * *

(d) *Density limitation.* No building, structure, or premises shall be erected, occupied or used so as to provide a greater density of ~~population~~ than is allowed under ~~the terms of this chapter~~ applicable codes and regulations, including the Comprehensive Plan, for the district in which such building, structure or premises is located.

* * *

(1) *Site plan.* A fully dimensionalized site plan (signed and sealed, when applicable) shall be required for any proposed ~~(i)~~ building, structure, sign or mobile home; ~~(ii)~~ accessory building or structure; ~~(iii)~~ fence, boat dock, or boat ramp. The site plan shall show:

(1) All property lines;

(2) All road rights-of-way;

(3) All easements;

(4) The location of any existing and proposed improvements, with dimensions to property lines, including:

a. ~~Buildings, structures, mobile homes, accessory building~~ buildings or and accessory structures.

b. Any mechanical equipment, such as pool equipment, air conditioning equipment, and generators.

c. Fences and/or walls.

d. Sea walls, boat docks and/or boat ramps, ~~including all dimensions to property lines and existing structures;~~

(5) The location of the normal high water elevation (NHWE) contour of all on site and adjacent natural surface water bodies;

(6) The limits of wetlands and surface waters as approved in a Wetland Determination by EPD.

(7) The limits of the upland buffers as required in Chapter 15, Article X.

(68) The lot grading plan providing sufficient elevation details to ensure that features such as drainage swales, pollution abatement swales, and other grades essential to the property are preserved during and after construction; and

(79) The location of any septic tank and drain field.

The above-mentioned items shall be depicted on the site plan so that Orange County may determine whether the proposed improvements comply with zoning and land development regulations.

(m) *Site plan; special requirements.*

(1) A site plan for (A) a proposed building, structure and sign, (B) a mobile home (new or relocated), (C) a moved structure, (D) an addition to an existing building or structure, or (E) an accessory building or structure, shall be prepared by an architect, engineer, or surveyor or by a general, building, or residential contractor registered or certified with the State of Florida. Such site plan shall comply with the requirements set forth in subsections (1)(1) through (7) above. Additionally, should such site plan not be prepared by a surveyor registered with the State of Florida, the site plan shall contain a clear statement that it does not constitute a survey and the preparer shall sign and date the site plan.

(2) Notwithstanding subsection (m)(1) above, a site plan for a proposed addition to an existing building, structure, or mobile home may be prepared by the property owner, with the following conditions: (A) the plan must comply with the requirements set forth in ~~the above subsection (1)(1)~~ through (7); (B) the plan must be superimposed on a copy of a survey previously prepared by a registered surveyor that shows all existing improvements; and (C) the plan must contain a clear statement that it does not constitute a survey and the preparer shall sign and date the plan.

(3) Notwithstanding subsection (m)(1) above, a site plan for a proposed (A) fence, boat ramp, or boat dock; (B) accessory building; (C) structure no larger than one hundred twenty (120) square feet; or (D) structure required to be removed within a certain time, may be prepared by the property owner and the site plan must be superimposed on a copy of a survey previously prepared by a registered surveyor that shows all

existing improvements; and (C) the site plan must contain a clear statement that it does not constitute a survey and the preparer shall sign and date the site plan.

In all other respects, Section 38-3 shall remain unchanged.

Section 4. Amendments to Section 38-74 (“Permitted uses, special exceptions and prohibited uses”). Section 38-74 is amended to read as follows:

Sec. 38-74. Permitted uses, special exceptions and prohibited uses.

* * *

(d) *Interpretation of Sections 38-77, 38-78 and 38-79*
Chapter 38

(1) When the need arises, the zoning manager shall be the person responsible for interpreting Chapter 38 of this Code. However, the zoning manager shall not have the authority to make any interpretations under Chapter 3; the zoning manager's authority under Chapter 3 shall be limited as specifically set forth therein.

(2) In interpreting ~~any of those sections~~this chapter, or in considering an appeal of the interpretation of any of those sections, consideration shall be given to the following:

a. The functional and locational requirements of the use;

b. Whether the interpretation is consistent with the intent, purpose and description of the particular zoning district;

c. Whether the interpretation is compatible with the permitted uses in the district; and

d. Whether the interpretation ensures that the use is similar in traffic-generating capacity, noise, vibration, dust, odor, glare, heat producing and any other noxious characteristics.

In all other respects, Section 38-74 shall remain unchanged.

Section 5. Amendments to Section 38-75 (“Vested uses”). Section 38-75 is

amended to read as follows:

Sec. 38-75. Vested uses.

(a) ~~(1)~~—Any established use on a lot or parcel in any of the commercial or industrial zoning districts (as the term “established use” is defined by subsection (a)(4) below) which is made nonconforming as a result of amending the permitted uses and special exceptions in the commercial and industrial zoning districts effective July 20, 1995, shall be vested as of July 20, 1995.

(b) ~~(2)~~—The manager of the zoning ~~division~~department may approve a change to another use of equal or less intense character which was made nonconforming in that zoning district as a result of amending the permitted uses and special exceptions in the commercial and industrial zoning districts effective July 20, 1995.

(c) ~~(3)~~—If an established use is discontinued for more than one hundred eighty (180) consecutive days after July 20, 1995, then the permitted uses and special exceptions with respect to such parcel or lot shall be those uses specified under the regulations, as the regulations may be amended from time to time.

(d) ~~(4)~~—For purposes of this section, an established use means a use for which a valid occupational license or an unexpired building permit was issued by Orange County not more than one hundred eighty (180) days after July 20, 1995.

~~(b) —(1) Any vested use may expand on a lot or parcel in a manner consistent with the applicable performance standards.~~

~~—(2) Furthermore, any vested use may expand onto an adjacent lot or parcel, provided that use is consistent with the future land use map (and the remainder of the comprehensive plan) for that adjacent lot or parcel, and the adjacent lot or parcel has the appropriate commercial or industrial zoning designation as of July 20, 1995.~~

~~—(3) Expansions to any vested use may include additions to existing buildings or the construction of free-standing structures.~~

Section 6. Amendments to Section 38-77 (“Use Table”). Section 38-77, the Use Table, is amended to read as shown on **Appendix “A,”** attached hereto and incorporated herein by reference. Except as amended as specifically shown in **Appendix “A,”** Section 38-77 shall remain unchanged.

Section 7. Amendments to Section 38-77.1 (“Horizon West Town Center PD Code Land Use Table”). Section 38-77.1, the Horizon West Town Center PD Code Town Center Land Use Table, is amended to read as shown on **Appendix “B,”** attached hereto and incorporated herein by reference. Except as amended as specifically shown in **Appendix “B,”** Section 38-77.1 shall remain unchanged.

Section 8. Amendments to Section 38-78 (“Special exception criteria”). Section 38-78 is amended to read as follows:

Sec. 38-78. Special exception criteria.

Subject to Section 30-43 of this Code, in reviewing any request for a special exception, the following criteria shall be met:

* * *

In addition to demonstrating compliance with the above criteria, ~~all any~~ applicable conditions set forth in section 38-79 shall be met. ~~Furthermore, the board of zoning adjustment (“BZA”) shall prescribe a time limit, subject to the approval of the board of county commissioners (“BCC”), within which the action for which the special exception is required shall be begun or completed, or both. Failure to start or complete such action within the time limits shall void the special exception. An automatic two-year time limit to obtain a building permit shall apply if the BZA fails to prescribe a time limit. A request to extend the time limit shall be made in writing to the zoning manager. The zoning manager may extend the time limit if the applicant provides proper justification for such an extension. Examples of proper justification include, but are not limited to: the project is proceeding in good faith; there is a delay in contract negotiations not attributable to the applicant; and unexpected financial hardships which were not known and could not have been~~

~~reasonably foreseen by the applicant when the special exception was granted. The zoning manager's determination on a request for an extension of time may be appealed to the BZA and then the BCC.~~

* * *

In all other respects, Section 38-78 shall remain unchanged.

Section 9. Amendments to Section 38-79 ("Conditions for permitted uses and special exceptions"). Section 38-79 is amended to read as follows:

Sec. 38-79. Conditions for permitted uses and special exceptions.

* * *

(2) A duplex ~~which is designed, arranged and constructed so that each dwelling unit is owned by a separate and different owner~~ shall be a permitted use, provided that the following requirements are met:

a. The duplex shall comply with the applicable site and building requirements in section 38-1501;~~The duplex is located on a parcel as required in section 38-456.~~

b. Each unit of the duplex is shall be constructed at the same time; ~~and, and each unit is located on a parcel of land having a minimum land area of two thousand (2,000) square feet, minimum front and rear yard setbacks of twenty five (25) feet and a side yard setback, for an end unit, of six (6) feet.~~

c. A portion of the common party wall serving the adjoining dwelling unit may be located on the adjoining parcel.

~~d. It is developed in accordance with sections 38-451 and 38-456.~~

* * *

(4) a. [*Mobile home provisions in A-1, A-2, and A-R*] Mobile homes may be permitted on individual lots in agricultural A-1, A-2, and A-R districts, subject to the following:

1. A mobile home may be used for residential purposes provided that the property contains a minimum of two (2) acres in the ~~A-2~~A-1 and A-2 districts.

Minimum lot width and setbacks shall be per article XII. Minimum lot size in the A-R district shall be two and one-half (2½) acres. Other site and building requirements shall be per article XIII. Such mobile 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. . . .

* * *

(5) 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.

~~3.b.~~ Permits for temporary structures shall be obtained from the zoning ~~director~~ manager. When such permits expire, they may be renewed by the zoning ~~director~~ 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.

~~4.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 Section 125.023, Florida Statutes, 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, Section 125.023 shall control.

~~b. ____ A single family home or building may be used as a model home or sales center for an overall development (such as residential sales within a planned development) or a specified subdivision; or temporary structures, including mobile homes and travel trailers, may be used as sales offices for a subdivision in a residential district, subject to the following criteria:~~

~~1. ____ Such a sales office shall not include sales of real estate outside the subdivision or overall development.~~

~~2. ____ Approval shall be for a period of two (2) years or when ninety (90) percent of the subdivision or development is complete, whichever comes first. Extension of these time frames will require approval from the zoning division manager.~~

~~3. ____ Reserved.~~

~~4. ____ The subdivision plat must be recorded before the sales trailer permit is issued or before a certificate of occupancy is issued for the model home or sales center.~~

~~5. ____ Resale of existing residential units only, within the specified subdivision or overall development, will be permitted during the time frame specified in condition 2.~~

~~6. ____ A model home or sales center shall be subject to the provisions outlined in section 30-83.~~

e.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.

2. No accessory or storage buildings shall be permitted.

3. Only the parking of passenger vehicles/trucks shall be permitted.

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.

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.

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.

~~e.e.~~ Mobile homes used as offices shall be permitted as a permanent use when accessory to a mobile home sales lot.

~~e.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.

~~f.g.~~ Subject to prior approval by the zoning manager, who may impose appropriate conditions (such as a time period ~~not to exceed eighteen (18) months~~), 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 ~~as a result of~~ 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. may be inconsistent or conflict with Section 125.023, Florida Statutes, 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, Section 125.023 shall control.

~~g.h.~~ Mobile homes and recreational vehicles may be located, 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.

~~h.i.~~ Recreational vehicles may be parked in residential and agricultural districts as provided in subsection 38-79(45).

~~i.j.~~ Mobile homes and recreational vehicles may be permitted on individual lots in commercial or industrial districts, subject to the following: A mobile home or recreational vehicle may be temporarily parked and 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.

* * *

(7) ~~Reserved. Chimneys, water and fire towers, church spires, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, smokestacks, flagpoles, parapet walls, and similar structures and their mechanical appurtenances shall be permitted, subject to Section 38-1506 of the Orange County Code.~~

* * *

(9) ~~Such a~~ A junkyard use shall meet the following ~~standards~~requirements:

a. ~~A land use building~~ permit shall be obtained;

b. ~~A comprehensive groundwater monitoring program, as determined by the Environmental Protection Division Manager, shall be required, and such program shall entail a minimum of two (2) wells dug to the confining layer, to be tested and sampled at least every six (6) months, except that the property owner may be exempted from this groundwater monitoring requirement if the owner establishes that no potable water supply wells are located within five hundred (500) foot of the boundary of the junkyard site and the EPD Manager determines that no other environmental problems are associated with the junkyard.~~ All facilities shall construct and use an incoming material receiving pad that is impervious to used oil and other regulated liquids. The pad shall be designed to contain any inadvertently accepted regulated liquids that may drain from incoming material and to prevent any discharges, including as stormwater runoff, and shall be subject to review by the Environmental Protection Division; and

c. By January 1, 1996, all junkyards that are not otherwise presently subject to screening requirements shall be required to have an eight (8) foot high masonry wall, eight (8) foot high maintained fence, or other screening acceptable to the zoning manager, ~~and~~

(10) A swimming pool, wading pool, jacuzzi, spa or hot tub, basketball court, pickleball court, tennis court or other similar sports court ~~tennis court, spa or hot tub~~ (including all appurtenances thereto, such as pool decks, security fences, or screen enclosures, ~~or pumps,~~ but excluding lighting) shall be a permitted accessory use, provided ~~that~~ it complies with the following criteria:

a. ~~No swimming pool, wading pool, jacuzzi, tennis court, spa, or hot tub, (including all appurtenances thereto),~~ It shall not be constructed prior to the construction of the principal building or use.

b. ~~No swimming pool, wading pool, jacuzzi, tennis court, spa, or hot tub (including all appurtenances thereto)~~ It shall not be located in the front yard or side street yard ~~of the principal building.~~

c. ~~A public swimming pool (i.e. not single family private residential pool) shall be enclosed by a continuous barrier with gate. The gate and barrier shall be a minimum of forty eight (48) inches in height and designed to restrict access to the pool area from the building or surrounding area.~~

1. ~~Where composed of vertical and/or horizontal members, the gate or barrier shall be designed to prevent the passage of a four (4) inch diameter sphere and shall be designed to prevent the barrier from being used as a ladder.~~

2. ~~An access gate to the enclosed pool area shall swing outward and be self closing. Gates shall be equipped with a self latching locking device. Self latching locking devices located less than fifty four (54) inches from the bottom of the gate shall have a barrier such that no opening greater than 1 / 2 inch is within eighteen (18) inches of the release mechanism. Gates shall be designed so a child cannot reach over the top or through any opening or gap from the outside.~~

c. It shall be subject to the setback requirements from the normal high-water elevation contour for water bodies in Section 38-1501.

d. A pool, jacuzzi, spa, hot tub or Ppool screen enclosures shall maintain a minimum side and rear yard setback of five (5) feet, and a minimum side street yard setback of 15 feet.

~~e. — A swimming pool, wading pool, jacuzzi, tennis court, spa or hot tub (including all appurtenances thereto), shall be subject to the setback requirements from the normal high-water elevation contour for water bodies.~~

~~f. — 1. — A swimming or wading pool, (including all appurtenances thereto), shall not be located closer than five (5) feet from any side or rear property line. However, filters and pumps located on the same side as the air conditioning unit may have a side yard setback equal to or greater than the existing air conditioning unit.~~

~~e. — 2. — A basketball court, pickleball court, tennis court or other similar sports court tennis court, (including all appurtenances thereto), shall not be located closer than ten (10) feet from any side or rear property line, or fifteen (15) feet from any side street property line.~~

~~g.f. No fence enclosing a basketball court, pickleball court, tennis court or other similar sports court tennis court shall exceed ten (10) feet in height above finished grade level, unless the tennis court maintains a minimum ten (10) foot side yard setback and the minimum front, side street and rear yard setbacks for the principal structure. However, in no instance shall such fencing exceed twenty (20) feet in height.~~

~~g. Pool equipment shall be subject to the mechanical equipment requirements in Section 38-79 (16).~~

* * *

(16) Mechanical equipment shall be allowed, subject to the following requirements:~~A permanent emergency generator for emergency use only shall be permitted as an ancillary use during an emergency period in all zoning districts, subject to the noise control ordinance and the following requirements:~~

~~a. — Except as provided in subsection g., below, the generator shall be located in the rear yard or the rear one-half (½) of the lot or parcel;~~

~~b. — Maximum height — five (5) feet;~~

e. ~~— Rear setback — five (5) feet;~~

d. ~~— Side street setback — fifteen (15) feet;~~

e. ~~— There are no spacing requirements between the principal building and the generator;~~

f. ~~— In residentially zoned districts, the generator shall be screened from view by a wall, fence or hedge. In non-residentially zoned districts, the generator shall meet commercial site plan requirements; and~~

g. A generator may be installed in the side yard of a lot, subject to the following:

1. ~~— Minimum five (5) foot setback when the generator is located in the rear yard of a residential lot;~~

2. ~~— Minimum ten (10) foot setback when the generator is located along the side of the principal residence on a residential lot; or~~

3. ~~— Side yard setback shall comply with the applicable zoning district requirements when the generator is located on a nonresidential zoned lot.~~

a. All ground mounted mechanical equipment shall be screened from view at ground level, as viewed from any public or private right-of-way and abutting property, by walls, fences, dense plant materials, or a combination thereof, such that it is one hundred (100) percent opaque, at the time of installation.

b. It shall not be located in the front yard, side street yard or between any portion of the principal structure and public or private right-of-way. A townhouse that is alley loaded may place the air conditioning unit in front of the principal structure as long as it is not within the front yard setback.

c. The minimum setbacks for mechanical equipment shall be as follows:

1. Residential. Single-family, duplex, or townhouse.

from a side property line.

A. Side yard setback: 2 feet

B. Rear yard setback: 5 feet; and

C. Normal High-Water Elevation (NHWE) setback: Per Section 38-1501.

2. Non-residential and multifamily projects.

A. Mechanical equipment shall be subject to the same setback requirement for principal structures within the zoning district.

B. Mechanical equipment mounted on the roof shall be screened in accordance with Section 9-556(d).

d. It shall comply with Chapter 15 Article V. Noise Pollution Control.

e. Manual and automatic exercising or testing of any generator shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday.

f. Exemptions.

1. Mechanical equipment in existence prior to December 12, 2023, but not in conformance with this section, shall be considered legal nonconforming structures and may be repaired, improved, or replaced when such replacement retains the same footprint, or such footprint is only altered as necessary to allow a more energy efficient or lower emission unit of mechanical equipment. However, the screening requirements in subsection (16)(a) shall be met.

2. Temporary generators that are used to provide power during an outage are exempt, providing that the generator is operating in accordance with the manufacturer's specifications, with all standard equipment, and is in proper operating condition.

* * *

~~(18) A screen room shall be permitted with the following limitations: with respect to a planned development, a screen room may extend up to fifty (50) percent into the required rear yard; and with respect to property outside a planned development, a screen room may extend up to thirteen (13) feet into the required rear yard. Notwithstanding the foregoing, where an alley is present, the screen room shall not be located closer than five (5) feet to the edge of the alley, and shall not be located within any easement.~~

A screen room located in a residential district or residential area within a planned development shall comply with the following requirements:

a. Front yard setback: Same as the principal structure for the respective zoning district.

b. Side yard setback: Same as the principal structure for the respective zoning district.

c. Side street setback: 15 feet.

d. Rear yard setback: A screen room 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 room shall not be located closer than five (5) feet to the edge of the alley easement.

e. Normal High Water Elevation (NHWE) setback: 50 feet.

f. Maximum height: 35 feet.

(19) Reserved.—Any facility used for storage, manufacturing, or wholesale distribution of explosives, or fireworks, shall not be located within two thousand (2,000) feet of any residentially zoned district or use, and distance shall be measured from the property line of the facility to the closest property line of the residentially zoned district or use.

(20) ~~A townhouse project or a triplex project or a quadraplex project which is designed, arranged and constructed so that each dwelling unit may be owned by a separate and different owner, shall be a permitted use.~~ Townhouses are subject to the following requirements:

a. A subdivision plan which satisfies all of the county subdivision regulations in Chapter 34 shall have been approved, and all platting requirements met. ~~Complete plans shall be submitted along with the application for the project. Such plans shall include a subdivision plan which satisfies all of the county subdivision and platting requirements. Furthermore, a site plan shall be submitted indicating the location of buildings, parking spaces, driveways, street, service areas, walkways, and areas which are to be retained in common ownership. The floor area of the units, the number of parking spaces, the total area of the project, and other pertinent data shall be indicated on the plan.~~

b. ~~The project shall be in single ownership at the time the application is presented.~~

~~e. — The maximum density of each project shall be no greater than one (1) dwelling unit for each twenty-seven hundred (2,700) square feet of the total project area.~~

~~d. — The minimum yard requirements of the R-3 residential district may not apply to each individual lot with the project. For the purpose of interpretation, the minimum yard requirements shall apply to the perimeter of the tract on which the project is located.~~

~~e. — Off street parking shall be provided at the rate of two (2) spaces per unit. Parking lots, driveways, and streets within the project shall be designed to discourage through traffic.~~

~~¶.b. Each building shall contain not less than three (3) and not more than ten (10) dwelling units. Each buildings shall contain not less than three (3) (except for a quadraplex, which shall contain not less than four (4)) nor more than ten (10) dwelling units. For projects equal to or greater than one (1) acre in size, at least seventy five (75) percent of the units shall be in buildings containing five (5) or more units. The maximum height of a building shall be two (2) stories or thirty five (35) feet, whichever is less. Each unit shall contain at least five hundred (500) square feet for one bedroom units, seven hundred fifty (750) square feet for two bedroom units, and one thousand (1,000) square feet for three bedroom units.~~

~~c. Minimum distance separation between buildings: 20 feet.~~

~~¶.d. Each unit shall be self-contained with respect to utilities, heating and air conditioning. Each unit shall have independent entrances, and common stairwells shall be prohibited. Units shall be separated by a two-hour firewall which extends to the roof.~~

~~e. Offsite guest parking shall be provided within the development at 0.5 parking spaces per dwelling unit.~~

~~f. The following development standards shall apply to individual lots:~~

~~1. Minimum lot width: Twenty (20) feet.~~

~~2. Minimum lot area: 2,000 sq. feet.~~

~~3. Front yard setback: 20 feet.~~

4. Side yard setback: zero (0) feet internal lot lines, and 10 feet for end units.

5. Side street yard setback: 15 feet, or Major Street Setbacks per Art. XV, when applicable.

6. Rear yard setback: 20 feet.

7. Normal High Water Elevation (NHWE) setback: 50 feet.

8. Minimum living area: 500 sq. feet.

9. Maximum building height: 35 feet.

10. Maximum lot coverage: 75%

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 Section 38-79(18)d.

~~h.——Swimming pools, tennis courts, playgrounds and other recreational uses may be permitted within such projects, provided such uses are located in areas retained in common ownership. Adequate provisions shall be made to eliminate problems of noise and lights with respect to dwelling units within the project and with respect to adjacent property. All land within the projects shall be developed and maintained in a neat and orderly condition.~~

~~i.——Deed covenants shall be developed to ensure the maintenance and upkeep of areas and facilities retained in common ownership in order to provide a safe, healthful and attractive living environment within these types of projects and to prevent the occurrence of blight and deterioration of the individual units.~~

~~j.——Minimum distance between buildings, front to front or rear to rear: Sixty (60) feet.~~

~~k.——Minimum distance between the sides of buildings: Twenty (20) feet.~~

~~l.——Minimum width of dwelling units: Twenty (20) feet.~~

~~m.——Outside storage areas for boats, travels trailers and similar equipment should be screened from view of the~~

~~dwellings within the project and should be screened from adjacent property.~~

~~n. When driveways and parking spaces are located adjacent to the perimeter of the project, consideration should be given to the provision of walls or other screening material to avoid the adverse effects of noise and light to adjacent property.~~

~~o. Side and rear porches may be installed with a zero (0) foot side setback where the principal building has a zero (0) foot side setback.~~

~~p. Front and rear yard building setbacks shall be a minimum of twenty (20) feet.~~

* * *

(23) Sparklers and fireworks.

a. Retail sale of sparklers. Retail sale of sparklers shall be permitted in C-1, ~~and C-2, and C-3~~ zoning districts, or as expressly permitted in a Planned Development. Retail sale of sparklers to minors shall be prohibited.

b. Wholesale sale of fireworks. Wholesale sale of fireworks shall be permitted in C-3, I-1 $\frac{1}{2}$ -I-5, I-2 $\frac{1}{2}$ -I-3, and I-4 zoning districts, or as expressly permitted in a Planned 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.

c. Retail sale of fireworks prohibited. Retail sale of fireworks (which does not include sparklers) shall be prohibited in all zoning districts (retail sale of fireworks not being permitted under F.S. ch. 791).

d. Permitted, unless otherwise prohibited by the standards outlined in Section 38-79(19).

(24) ~~Detached and attached dwellings shall be a permitted use, provided that not more than four (4) dwelling units shall be contained in any combination of attached dwellings and their customary uses. Multifamily development shall comply with Section 125.01055, Florida Statutes, relating to affordable housing, commonly known as the Live Local Act, any ordinances, regulations, and procedures adopted by the board of county~~

commissioners implementing Section 125.01055, and all other applicable state and County laws and regulations.

* * *

(29) ~~Reserved. Development in the U-V (urban village) zoning district shall be in accordance with article XVI of chapter 38.~~

* * *

(31) ~~Reserved. Mechanical garage shall mean buildings and premises where the functions and services rendered relate to the maintenance, service, and repair of automobiles, buses, taxi cabs and trucks. However, a mechanical garage does not include buildings and premises where the functions and services rendered are:~~

~~a. Storage of vehicles for the purpose of using parts of such vehicles for sale or repair; or~~

~~b. Any condition which may be classified as a junkyard.~~

* * *

(36) Except as set forth in subsections 38-79(36)h. ~~and i.~~ below, the raising or keeping of poultry shall comply with the following requirements:

a. No commercial on-site slaughtering in agricultural and residential zoned districts;

b. An agriculturally zoned parcel up to five (5) acres shall be limited to not more than thirty (30) poultry; an amount of poultry in excess of this limit shall require a special exception;

c. An agriculturally zoned parcel more than five (5) acres and less than ten (10) acres shall be limited to not more than one hundred (100) poultry; an amount of poultry in excess of this limit shall require a special exception;

d. An agriculturally zoned parcel ten (10) acres or greater shall have no limit on the number of poultry;

e. The following requirements shall apply in the RCE, RCE-2 and RCE-5 zoning districts:

1. Roosters shall be prohibited;

2. All poultry shall be for domestic use only;

3. Not more than twelve (12) poultry; an amount of poultry in excess of this limit shall require a special exception;

f. Any cage, pen, covered enclosure, barn, or other holding area shall be setback at least thirty (30) feet from all property lines and at least fifty (50) ~~thirty (30)~~ feet from the normal high water elevation of any lakes or natural water bodies;

g. Excrement and waste shall not be piled or stored within one hundred (100) feet of any residentially zoned district, and from the NHWE;

h. A bona fide agricultural business or use that is exempt from local government zoning regulations under the Florida Statutes shall not be subject to the requirements of this subsection 38-79(36); and

i. The keeping of poultry for an approved 4H or Future Farmers of America (FFA) educational program shall be permitted ~~exempt from the requirements of this subsection (36)~~, provided the number of poultry does not exceed twelve (12) and the duration of the program does not exceed six (6) months.

* * *

(39) ~~Reserved.~~ A special event, as defined in Sec. 38-1, may be permitted, subject to the following requirements:

a. Special event parking shall be provided at a ratio of one space per every three anticipated attendees and shall be located on-site, unless otherwise approved by the Zoning Manager for parking off-site. Factors that will be considered when reviewing proposed off-site parking 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.

b. An outdoor special event permit must be obtained from the Orange County Fire Marshal's Office, where applicable.

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 the Public Works Department.

d. Any tents or signage in association with a special event shall comply with and be permitted in accordance with Code.

e. A special event in a PD zoning district shall be permitted on those portions of the PD designated for commercial or industrial uses and shall comply with subsection 38-79(39) h. below. A special event on land designated for other than commercial or industrial uses are not permitted, unless expressly allowed as a permitted use on the Land Use Plan.

f. A special event in residential, agricultural, P-O and neighborhood residential (NR) districts may be permitted in association with existing uses on developed sites that are permitted in the district, have approved special exceptions, or are recognized as legal non-conforming uses, and have obtained all required permits subject to the following standards:

1. Frequency and duration limitations. Limited to a maximum of four times per calendar year, with each event not to exceed a maximum of four days. Hours of operation shall be limited to between 9:00 a.m. and 9:00 p.m. However, for good cause shown, the Zoning Manager may grant extensions to the frequency and/or duration limitations.

2. Restrictions and prohibitions on special events:

a) A special event that includes amusement rides or attractions (such as a carnival) or a farmer's market shall require a special exception.

b) A special event that consists of the sale of vehicles, boats or RVs shall be prohibited.

c) A maximum of two food trucks may be permitted in association with a special event.

g. A special event in residential, agricultural, and neighborhood residential (NR) districts on vacant and undeveloped land shall be permitted only by special exception. However, the Zoning Manager may approve a single, one time only special event, and if approved, it shall be subject to the requirements set forth in 38-79 (39) a.- d.

h. A special event in commercial, industrial, NC, and NAC districts may be permitted, subject to the following standards:

1. Frequency and duration limitations:
Special events in commercial and industrial districts may occur a maximum of twelve times per year, with each event limited to a maximum of four days. Hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m. However, for good cause shown, the Zoning Manager may grant extensions to the frequency and/or duration limitations.

2. Restrictions and prohibitions on special events:

a) A special event that includes amusement rides or attractions (such as a carnival) or a farmer's market shall require a special exception in the C-1, NC, and NAC zoning districts.

b) A special event that consists of the sale of vehicles, boats or RVs shall be prohibited in the C-1, NC, and NAC zoning districts.

c) A maximum of two food trucks may be permitted in association with a special event, however, additional food trucks may be allowed when approved by the Zoning Manager.

* * *

(41) Except as set forth in subsections 38-79(41)~~h.i. and j.~~ below, the raising or keeping of horses, ponies, donkeys and mules shall comply with the following requirements:

a. No on-site slaughtering, commercial or otherwise;

b. In A-1, A-2, A-R, RCE, RCE-2 and RCE-5 zoning 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;

c. In A-1, A-2, A-R, RCE, RCE-2 and RCE-5 zoning districts not more than one (1) animal per acre for grazing purposes; if animals are permanently kept in holding areas such as a barn, paddock, stall, or corral, no more than four (4) animals per conforming lot or parcel, and if more than four (4) animals are kept in holding areas, a special exception shall be required; the requirements for property where animals only graze and where animals are kept in holding areas shall be mutually exclusive;

d. Any barn, paddock, stall, or corral shall be setback at least fifteen (15) feet from all property lines and at least fifty (50) ~~thirty (30)~~ feet from the normal high water elevation of any lakes or natural water bodies;

e. 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;

f. Boarding of animals for commercial purposes in agricultural and residential zoned districts requires a special exception, and is subject to the requirements in subsections 38-79(41)b. through e.;

g. Boarding of animals for commercial purposes in commercial and industrial zoned districts is permitted, subject to the requirements in subsections 38-79(41)e. and f.;

h. A bona fide agricultural business or use that is exempt from local government zoning regulations under the Florida Statutes shall not be subject to the requirements of this subsection 38-79(41);

i. The keeping of animals for an approved 4H or FFA educational program shall be permitted ~~exempt from the requirements of this subsection (41)~~, provided that the number of animals does not exceed six (6) and the duration of the program does not exceed six (6) months.

* * *

(45) Except as provided in subsections (45)a. through f. for boats and boat trailers and subsections (45)g. through j. for recreational vehicles, no boat or boat trailer, regardless of its length, and no recreational vehicle, may be parked, stored, or otherwise kept on a lot or parcel. For purposes of this subsection (45), a “boat” shall not include a canoe sixteen (16) feet or less in length, a sailboat sixteen (16) feet or less 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 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, excluding the motor or propeller.

a. The maximum number of boats and boat trailers permitted to be parked, stored or kept on the lot or parcel shall be calculated as follows depending on the size of the lot or parcel:

1. For a lot or parcel less than or equal to one-quarter acre, the maximum total number is two (2) boats and boat trailers, with a maximum number of one (1) boat in the front yard;

2. For a lot or parcel greater than one-quarter ($\frac{1}{4}$) acre and less than or equal to one-half ($\frac{1}{2}$) acre, the maximum total number is three (3) boats and boat 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 maximum total number is four (4) boats and boat trailers, with a maximum number of one (1) boat in the front yard.

b. The registered owner of the boat and/or boat trailer shall be the owner or lessee of the principal structure at the lot or parcel.

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.

d. No boat may be occupied or used for storage purposes.

e. A boat or boat trailer less than or equal to twenty-four (24) feet in length may be parked, stored, or kept inside a garage, under a carport, in the driveway, in the front yard on an approved surface, in the side yard, or in the rear half of the lot or parcel. An approved surface situated in the front half of the lot or parcel shall be placed immediately contiguous to the driveway, and not anywhere else in the front yard or side yard. Such a boat or boat trailer on the rear half of the lot or parcel shall be screened from view from the right-of-way when it is parked or stored behind the principal structure, 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. (For purposes of this subsection (45), an "approved surface" shall mean a surface consisting of asphalt, gravel, pavers, or concrete.)

f. A boat or boat trailer greater than twenty-four (24) feet in length may be parked, stored or kept inside a garage, 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 boat trailer on the rear half of the lot or parcel shall be screened from view from the right-of-way when it is parked or stored behind the

principal structure, 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) if a six-foot high fence, wall, or vegetative buffer, exists along the lot line. Furthermore, the owner of such a boat or boat trailer shall obtain a permit from the zoning division in order to park, store or keep the boat or boat trailer at the lot or parcel.

g. Not more than one (1) recreational vehicle may be parked, stored or kept on the lot or parcel.

h. The owner of the recreational vehicle shall be the owner or lessee of the principal structure at the lot or parcel.

i. No recreational vehicle may be occupied while it is parked, stored or kept on the parcel.

j. A recreational vehicle may be parked, stored or kept only on an approved surface in the front half of the lot or parcel (behind the front yard setback) or on an unimproved surface in the rear half of the lot or parcel. The recreational vehicle shall not obscure the view of the principal structure from the right-of-way 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.

* * *

(49) Except as set forth in subsections 38-79(49)e. ~~and f.~~ below, the raising or keeping of goats, sheep, lambs, and pigs shall comply with the following requirements:

a. No commercial on-site slaughtering in agricultural and residential zoned districts;

b. Not more than eight (8) animals per acre; more than that amount requires a special exception;

c. Any barn, paddock, stall, pen, or corral shall be setback at least fifteen (15) feet from all property lines and at least fifty (50) ~~thirty (30)~~ feet from the normal high water elevation of any lakes or natural water bodies;

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 Florida Statutes shall not be subject to the requirements of this subsection 38-79(49);

f. The keeping of animals for an approved 4H or FFA educational program shall be permitted ~~exempt from the requirements of this subsection (49)~~, provided the number of animals does not exceed six (6) and the duration of the program does not exceed six (6) months.

* * *

(51) a. In an A-1, A-2, I-2/I-3, or I-4 zoned district, the location depicted on the approved commercial site plan for this type of use or operation that will have equipment or machines, including a crusher, stockpiles, or loading/unloading activity, but excluding a truck or other 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.

~~b. Effective January 30, 2015, this type of use or operation shall be prohibited in the I-1/I-5 zoning district, except as follows:~~

~~1. Any application for such use that was submitted but not approved prior to September 26, 2014, may be resubmitted by not later than December 31, 2015, and permitted, provided the parcel or tract that was the subject of the pre-September 26, 2014, application is adjacent to an I-1/I-5 parcel or tract permitted for such use prior to September 26, 2014, and is no closer to the nearest residential zoned district or residential use; or~~

~~2. Any application submitted between January 30, 2015, and December 31, 2015, may be permitted, provided the parcel or tract that is the subject of such an application was under common ownership as of September 26, 2014, with the parcel or tract that was permitted for such use prior to September 26, 2014, and is adjacent to the previously permitted parcel or tract, and such non-permitted parcel or tract is no closer to the nearest residential zoned district or residential use.~~

~~If an applicant under subsection 38-79(51)b. is unable to meet the 1,000 foot distance separation requirement~~

~~described in subsection 38-79(51)a., a site specific noise study may be required indicating that a reduced setback, including any operational and/or engineering controls, will enable the use or operation to comply with the county's noise control ordinance at the closest residential or noise sensitive area property line. Such noise study shall be signed by a licensed professional engineer with experience in sound abatement. If the application is approved, a confirmation study shall be conducted by the owner during the initial two (2) weeks of full operations at the site. Measurements shall be taken at the nearest residential and noise sensitive area property lines and a report shall be submitted to the County within forty five (45) days after initiation of the sampling. If the report shows that the measurements exceed permissible limits, the use or operation shall be deemed in violation of subsection 38-79(51).~~

~~b.e.~~ The type of use or operation allowed under subsection 38-79(51)a. shall meet the following location, design and operational criteria:

1. The use or operation shall be subject to an approved commercial site plan, and shall comply with all applicable laws, ordinances, rules, and regulations, including the air quality rules codified at article III, chapter 15, Orange County Code, the noise control ordinance codified at article V, chapter 15, Orange County Code, and the vibration requirements in section 38-1454, Orange County Code.

2. Unconfined or uncontrolled emissions of particulate matter from any crushing activity, screening activity, conveying activity, stockpiling, loading/unloading activity, or vehicular traffic shall be controlled using water suppression systems, dust suppressants, or other engineering controls acceptable to the County.

3. Buffer requirements at any abutting residential or institutional use property line shall be Type A opaque with landscaping, consistent with the landscaping and buffering ordinance codified at article I, chapter 24, Orange County Code.

4. Stockpile heights shall not exceed thirty-five (35) feet above the finished grade elevation in A-1 and A-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.

5. Building heights shall not exceed fifty (50) feet, or thirty-five (35) feet when located within one hundred (100) feet of a residential zoning district or residential designation on the future land use map, or one hundred (100) feet

when located more than five hundred (500) feet of a residential zoning district or residential designation on the future land use map, whichever is applicable.

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 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 facility may operate on Sunday.

~~d. The type of use or operation allowed under subsection 38-79(51)b. shall meet the criteria described in subsection 38-79(51)c.1, 2 and 5, and the following additional criteria:~~

~~1. Any portion of the combined parcels or tracts that abuts residential or institutional use property line shall have the following buffer: an eight (8) foot high precast concrete wall with stucco finish, with Textilis Gracilis (slender weaver) or multiplex Silverstripe clumping bamboo planted every four (4) feet along the length of the wall, within three (3) feet of the wall face. Such planted bamboo shall be from seven (7) to ten (10) gallon pots, and the bamboo plants shall be at least ten (10) feet in height at the time of planting.~~

~~2. Stockpile heights shall not exceed thirty five (35) feet above the finished grade elevation.~~

~~3. Hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday. No such plant or facility may operate on Sunday. No such plant or facility may operate a concrete crusher on Saturday. However, the sale of aggregate materials shall be permitted on Saturday.~~

~~4. The equipment or machines, including a crusher but excluding a truck or other motor vehicle or an internal access road, shall be located on the parcel or tract that is furthest away from the nearest residential zoned district or residential use, and such equipment shall be located as far away from the nearest residential zoned district or residential use as practical or feasible.~~

~~5. No more than one (1) concrete crusher shall be permitted at the plant or facility.~~

~~6. The concrete crusher shall incorporate sound attenuation devices as depicted in the approved commercial site plan. The sound attenuation devices shall consist~~

~~of buffering walls or engineered structures/components along three (3) sides of the crusher, including sides that face residential and institutional property lines. The fourth side may remain open for access to operate the crusher equipment and accompanying processes. The sound attenuation walls shall be at least three (3) feet higher than the top of the crusher equipment, excluding the conveyors.~~

ce. Notwithstanding anything that may or seem to be contrary in section 38-77 or this subsection 38-79(51), excavation pits shall be a permitted use in the I-1/I-5, I-2/I-3, I-4, A-1, and A-2 zoned districts, subject to complying with all applicable laws, ordinances, rules, and regulations, including the excavation and fill ordinance codified at chapter 16, Orange County Code. Any crushing activity or crushing equipment at an excavation pit shall comply with the one thousand (1,000) foot distance separation requirement described in subsection 38-79(51)a.

* * *

~~(55)—Temporary portable storage containers (TPSC) are permitted in a manner that is safe and compatible with adjacent surrounding uses and activities and in compliance with this subsection. A TPSC to be placed on property for less than one hundred eighty (180) days requires a zoning permit. A TPSC to be placed on property for one hundred eighty (180) days or more requires a zoning permit and a building permit. Once a TPSC is removed from property, it may not be replaced for a period of at least one hundred eighty (180) days.~~

~~a.—Duration. A TPSC may be placed on residential property for the following periods of time, but the zoning manager may authorize a time extension of the applicable duration period if the property owner demonstrates that extenuating circumstances exist to justify the extension. Upon completion of the work permitted, the PTSC shall be removed within seven (7) days.~~

~~1.—A TPSC placed in conjunction with moving activities may be permitted for a maximum of fourteen (14) days.~~

~~2.—A TPSC placed for reconstruction and/or remodeling may be permitted for a maximum of thirty (30) days.~~

~~3.—A TPSC placed for new construction may be permitted for a maximum of one hundred eighty (180) days.~~

~~4.—Once a permit for a TPSC has expired, or has utilized its maximum duration, or has been removed from the site,~~

no additional permits for a TPSC may be issued until after a period of one hundred eighty (180) days has transpired.

b. ~~Location and size.~~

1. ~~A TPSC shall be located a minimum of five (5) feet from any property line. The TPSC shall be placed on an improved area only, not on grassed or landscaped areas.~~

2. ~~The maximum allowable size for a TPSC on a residential lot is an aggregate sum of one hundred sixty (160) square feet.~~

3. ~~A TPSC shall not be located in a manner that impairs 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.~~

4. ~~A TPSC shall not be placed within a required landscape or buffer area or areas that are considered environmentally sensitive.~~

Temporary portable storage containers (TPSC) are permitted in a manner that is safe and compatible with adjacent surrounding uses and activities and in compliance with this subsection. A TPSC to be placed on property for less than one hundred eighty (180) days requires a zoning permit. A TPSC to be placed on property for one hundred eighty (180) days or more requires a zoning permit and a building permit.

a. A TPSC may be permitted for the following periods of time, but the zoning manager may authorize a time extension of the applicable duration period if the property owner demonstrates that extenuating circumstances exist to justify the extension:

1. A TPSC placed in conjunction with moving, remodeling, or reconstruction activities may be permitted for a maximum of ninety (90) days.

2. A TPSC placed for new construction may be permitted for a maximum of one hundred eighty (180) days. A building permit, when required for the associated work, shall be issued prior to issuance of a zoning permit for a TPSC.

3. Once a permit for a TPSC has utilized its maximum duration, or has been removed from the site, no additional permits for a TPSC may be issued until after a period

of one hundred eighty (180) days has transpired, except in conjunction with a Seasonal Sales Tent Permit (see d.7 below).

4. The TPSC shall be removed upon expiration of the zoning permit, or within seven (7) days of completion of permitted work, whichever occurs earlier.

b. A TPSC located in a single-family residential or agricultural district shall comply with the following location and size requirements:

1. A TPSC shall be located a minimum of five (5) feet from any property line.

2. The maximum allowable size for a TPSC in a residential district is one hundred sixty (160) square feet.

3. A TPSC shall not be located in a manner that impairs 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.

4. Unless the site is new construction, a TPSC shall be placed on an improved surface only. A TPSC shall not be placed within a required landscape or buffer area, wetland, or designated conservation area.

c. A TPSC located in a non-residential or multi-family zoning district shall adhere to the following location and size requirements:

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.

2. A TPSC may not be located in any required parking spaces if duration exceeds thirty (30) days, or unless otherwise approved by the zoning manager.

3. A TPSC shall not be located in a manner that impairs 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.

4. Unless the site is new construction, a TPSC shall be placed on an improved surface only. A TPSC shall

not be placed within a required landscape or buffer area, wetland, or designated conservation area.

d. A TPSC may be permitted for seasonal sales, subject to the following requirements:

1. A seasonal sales tent permit shall be issued prior to or in conjunction with the TPSC.

2. 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.

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.

4. A TPSC shall not be located in a manner that impairs 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.

5. A TPSC shall not be placed in any required parking areas.

6. A TPSC shall be removed within seven (7) days of the tent permit's expiration.

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 section 38-79(55)a.3.

~~(56) Reserved. This use shall be a permitted use only in the neighborhood center area of a U-V zoned district, provided that it is located on the first floor.~~

* * *

~~(58) Reserved. Materials, vehicles and equipment stored at a dead storage yard and any other outdoor storage of equipment or commodities shall be screened from public rights of way, single family residential zoned districts and single family residences. When such use is located adjacent to residential zoned districts or homes, a Type B opaque buffer as outlined in Chapter 24 ("Landscaping, Buffering and Open Space") of the Orange County Code shall be required. In addition, paved parking is required and all other parking requirements shall be met. All materials, vehicles and equipment stored at a dead storage yard~~

~~shall be removed from the site at least once every six months, and shall not be bought, sold or maintained there. Also, daily or frequent business activity shall not be conducted at a dead storage yard.~~

* * *

(69) The keeping of animals for an approved 4H or FFA educational program shall be permitted, ~~exempt from the requirements of this subsection 38-79(69)~~, provided the number of animals does not exceed six (6) and the duration of the program does not exceed six (6) months.

* * *

(74) Reserved. ~~A studio for an artist, photographer, sculptor, musician or similar occupation shall be a permitted use only for the purpose of teaching or instruction.~~

* * *

(82) a. In the C-3 zoning district, a truck terminal shall require a special exception if the parcel is located within 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 work shall be conducted and confined within an enclosed structure.

(83) ~~Solar Panel Screening.~~ To the extent this subsection relating to energy devices based on renewable resources, or any portion thereof, may not be consistent with or may conflict with an applicable federal or state law, including F.S. § 163.04 and § 163.32051, the applicable federal or state law shall control. Solar panels, wind turbines, and other energy devices based on renewable resources may be permitted as an accessory structure or use. Solar panels that are not free-standing, ~~or~~ ground-mounted, or floating shall be located on the roof or top of a building or structure, provided they do not exceed the maximum building height requirement. Wind turbines may be only free-standing or ground-mounted. Free-standing and ground-mounted wind turbines and solar panels shall comply with the following additional requirements:

a. The maximum height of wind turbines shall be fifteen (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 shielded-screened from the right-of-way view and any adjacent properties by an opaque fence, or wall, planting and/or existing vegetation, or any combination thereof, that maintains an opaque buffer up to between six (6) feet and 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 (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and complete opacity within three (3) years, except that where the side, side street and rear setbacks of solar panels exceed thirty (30) feet, the screening requirements of this subsection c shall not apply;

d. Minimum building-setback shall be five (5) feet from side and rear property lines, and fifteen (15) feet from the side street property line;

e. In a residential area, the square footage of solar panels shall not exceed twenty five (25) percent of the living area of the principal structure, and such square footage shall not count towards the allowed square footage for other accessory structures. The square footage of any ground mounted solar panel system shall not count towards the allowed square footage for other accessory structures.

f. Wind turbines and solar panels shall be located only in a 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 residential area within a planned development shall comply with the following requirements:

a. ~~A screen enclosure shall mean an aluminum structure supporting screen walls and a screen top.~~ Aluminum posts shall only support the screen mesh and solid aluminum kick panels up to twenty-four (24) inches in height above the floor of the enclosure.

b. ~~A screen enclosure shall not encroach into any front or street side yard setback requirements.~~

~~e. A screen enclosure shall not be located closer than five (5) feet from the side or rear property lines.~~

~~d. Landscaped areas within the screen enclosure shall be credited towards compliance with the residential open space requirements, as set forth in Chapter 24 of the Orange County Code.~~

b. The maximum height of a screen enclosure shall be thirty-five (35) feet.

c. Setbacks for a screen enclosure on a detached single-family dwelling or multifamily dwelling:

1. Front yard setback: Same as the principal structure for the respective zoning district.

2. Side street yard setback: 15 feet.

3. Side yard setback: 5 feet.

4. Rear yard setback: 5 feet.

5. Normal High Water Elevation (NHWE) setback: Per Section 38-1501, footnote A.

d. Setbacks for a screen enclosure on an attached single family dwelling unit (townhouse unit) or attached duplex:

1. Front yard setback: Same as the principal structure for the respective zoning district.

2. Side street yard setback: 15 feet.

3. Side yard setback: zero (0) feet internal/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.

* * *

(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 jk., 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 section 31.5-144(a), 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 the operation shall be located under the canopy of the principal building on-site. A single portable food

vendor, including a food truck or vehicle ~~except as may be permitted as a special exception under subsection jk;~~

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, ~~if the operation~~ shall be deemed an open air market, and may be allowed only if approved by special exception.

* * *

(96) Wood chipping, wood mulching and composting operations that store over two 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 section 38-79(120), not the requirements set forth in this subsection (96). Wood chipping, wood mulching and composting for commercial purposes shall require special exception approval in the A-1 or A-2 zoning districts. However, when not operated for commercial purposes, wood chipping, wood mulching and composting is permitted provided that no machinery is operated within a one hundred-foot setback from all property lines and within a 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.

The following minimum yard requirements shall apply for buildings, structures, and materials stored outdoors.

a. Front yards: Fifty (50) feet (except as required by article XV).

- b. Side yards: Fifty (50) feet.
- c. Rear yards: Fifty (50) feet.
- d. Maximum building height: Fifty (50) feet.

* * *

(101) ~~Home occupation~~ A home-based business shall be a permitted use, provided it meets the criteria in Section 559.955(3)(a) – (f), Florida 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. ~~subject to the following conditions, restrictions, and prohibitions:~~

~~a. Only the residents of the home may engage in the home occupation. No employees shall be allowed.~~

~~b. The home occupation shall be an incidental use, and shall be limited to twenty five (25) percent of the home, but not exceed eight hundred (800) square feet.~~

~~c. Customers shall not be allowed at the home.~~

~~d. No signage shall be allowed.~~

~~e. The use of commercial vehicles for the home occupation shall be prohibited. Also, no auxiliary trailers or other equipment shall be kept on site unless enclosed in the home or garage.~~

~~f. Equipment that is not typically found or used for domestic household use shall be prohibited. No equipment, material, or process shall be used for a home occupation that produces or emits any noise or vibration felt outside the home, lighting or glare visible outside the home, smoke, dust, or other particulate matter; excessive heat or humidity; blight or unsightliness; gas, fumes, or odor, electrical interference; or any nuisance, hazard, or other objectionable conditions detectable at the boundary of the lot, if the home occupation is conducted in the principal or accessory dwelling unit, or outside the dwelling unit. Explosives, highly flammable materials, and toxic or hazardous wastes shall be prohibited. Typical residential utility usages, including trash and recycle quantities, shall not be materially exceeded. The home occupation shall not adversely impact any neighbor's enjoyment of his or her residence.~~

~~g. — Fabrication of articles or products, such as commonly classified under the term “arts and handicrafts,” may be deemed a home occupation, subject to the definition of “home occupation.”~~

~~h. — A cottage food operation, as defined and regulated by F.S. ch. 500, shall be deemed a home occupation.~~

~~i. — Home occupation shall not be construed to include uses such as barber shops, beauty parlors, plant nurseries, tearooms, food processing (with the exception of a cottage food operation, as defined and regulated by F.S. ch. 500), restaurants, sale of antiques, commercial kennels, real estate offices, insurance offices, pain management clinics, massage businesses, retail sales, labor pools, employment agencies, dispatch facilities, warehousing, manufacturing, wineries, micro breweries, commercial retail sale of animals, or any other use not consistent with the home occupation definition, as determined by the zoning manager.~~

~~* * *~~

~~(103) Reserved. Subject to Section 38-1415, a cocktail lounge, pub, bar or other place of business selling alcoholic beverages shall be located a minimum of one thousand (1,000) feet from an existing church or school~~

~~* * *~~

~~(107) No outdoor storage may be allowed without special exception approval.~~

~~* * *~~

~~(110) a. An open air market, including a flea market, means multiple vendors and/or businesses operating simultaneously who are exclusively or primarily engaged in wholesale and/or retail sales, wherein the operation is conducted outdoors. Merchandise may be displayed in/on temporary facilities (trucks/vans/tables/tents/canopies, etc.). An open air market is a separate and distinct entity that is not ancillary to a principal place of business (i.e., outdoor sales ancillary and subordinate to a principal use).~~

~~b. — In addition to the above, An open air market shall comply with the following standards:~~

~~1a. 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 markets. 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.

~~2~~b. ~~An~~ Open air markets shall operate from dawn to dusk only and ~~during~~ a maximum of three (3) consecutive days of each week.

~~3~~c. Permanent restroom facilities shall be provided, ~~as approved by the environmental protection department, the building department, and health department.~~

~~4~~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.

~~5~~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 ~~is~~ shall be prohibited.

~~6~~f. Loudspeakers, live music, sound enhancement devices and public address systems shall be prohibited, unless approved by the zoning manager.

~~7~~g. All commercial vehicles including commercial traffic shall not be routed through residential roadways.

~~8~~h. Signage shall be in accordance with ~~section~~ Chapter 31-5 of ~~this~~ the Code.

~~9~~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.

~~10~~j. Refuse containers and dumpsters shall not be located in front of any ~~principle~~ 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.

~~11~~k. All structures shall be maintained aesthetically and structurally ~~so as~~ to ensure public safety. A

junkyard appearance, as defined in section 38-1, shall be avoided. Conditions may be imposed by the ~~z~~Zoning ~~m~~Manager to ensure all structures comply with this ~~condition~~standard.

~~12. — Development in accordance with all other applicable regulations and policies.~~

~~13. — All outdoor markets existing as of April 29, 1997, shall be in compliance with the requirements of this subsection by April 29, 1998.~~

1. Merchandise may be displayed in/on temporary facilities (trucks/vans/tables/tents/canopies, etc.).

* * *

~~(125) Model homes may be permitted, subject to the requirements of section 30-83, including the following: model homes may be permitted on not more than twenty (20) percent of the lots in a single family residential development with an approved preliminary subdivision plan, or phase thereof, but in no event may the number of model homes exceed five (5) in the subdivision, or phase thereof; model homes shall be situated on contiguous lots or clustered within a readily identified area; and, subject to the requirements of subsection 38-79(5), not more than one model home may be used as a sales offices/center.~~

~~(126) Reserved. Subject to section 38-1414, a liquor store shall be a permitted use.~~

~~(127) Fuel oil and propane gas dealers shall only be permitted as an ancillary use to a principal retail use on site.~~

* * *

~~(135) Permitted when within maximum building height of zoning district; either compliance with section 38-79(143) or special exception required when in excess of maximum building height of zoning district.~~

* * *

~~(137) Outdoor storage and display and/or sale of equipment, products, materials, and merchandise that is typically utilized or stored outdoors is permitted, unless otherwise restricted. Examples of items typically utilized or stored outdoors include cars, trucks, construction equipment, building supplies, warehoused goods in transit, outdoor furniture, garden and lawn equipment, and trailers. Examples of items not typically utilized or~~

stored outdoors, include indoor furnishings and appliances. Outdoor restaurant seating and outdoor garden centers in conjunction with hardware or department stores do not constitute outdoor storage. In addition to the above, items stored outdoors shall comply with the following standards:

a.1. Items stored outdoors shall not be located within any public right-of-way;

b.2. Items stored outdoors shall not be located within any driveway, driving aisle, ~~or on any~~ required parking spaces, or required landscaped area or landscape buffer; and

c.3. Items stored outdoors shall not be permitted on properties not containing a licensed and approved business, ~~at vacant buildings or on vacant land.~~ properties.

d. Items stored outdoors shall be kept on an improved surface, shall be screened from the public right-of-way, and shall be screened and buffered from single-family residential zoned districts and uses in accordance with Chapter 24 of the Orange County Code.

* * *

(139) ~~Reserved. Development shall be in accordance with chapter 38, article XVIII, public school siting regulations.~~

(140) ~~Reserved. Permitted by right, permitted by special exception, or prohibited, as identified in chapter 38, article XVIII, public school siting regulations.~~

(141) ~~Reserved.~~ Utility trailers may be permitted to be parked, stored, or kept on a parcel containing a principal structure, subject to the following conditions:

a. The maximum number of utility trailers permitted to be kept on a parcel shall be calculated as follows, depending on the size of the parcel:

1. For a parcel less than or equal to one (1) acre, a maximum of one (1) utility trailer.

2. For a parcel greater than one (1) acre but less than five (5) acres, a maximum of five (5) utility trailers; and

3. For a parcel greater than five (5) acres, a maximum of ten (10) utility trailers.

b. The registered owner of the utility trailer shall be the owner or lessee of the principal structure located on the parcel.

c. A utility trailer may only be parked, stored, or kept in a side or rear yard. Parking, storing, or keeping a utility trailer in a front yard or side street yard shall be prohibited.

d. A utility trailer shall be setback at least 5 feet from any side lot line, 5 feet from any rear lot line, 15 feet from any side street lot line, and 50 feet from any Normal High Water Elevation (NHWE) contour line.

e. A utility trailer shall be screened from view from the adjacent public or private right-of-way by an opaque buffer, such as an opaque fence, wall, or hedge.

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.

g. A utility trailer may not be occupied while it is parked, stored, or kept on the parcel.

* * *

~~(146) Reserved. Except as set forth in subsection (146)h. of this section, a home-based limousine service or business shall be a permitted use, subject to the following:~~

~~a. A vehicle for hire shall be parked inside the property lines of the lot or parcel where the home or residence is located. Specifically, it shall be parked inside a garage, within a carport, or on a paved driveway. It shall not be parked within the right-of-way, on or over a sidewalk, or on an unimproved surface.~~

~~b. Only sedans, vans and limousines may be permitted to serve as vehicles for hire.~~

~~c. A van shall not exceed twenty (20) feet in length. A sedan or limousine shall not exceed twenty (20) feet in length, unless a survey of the property submitted with the application for the occupational license to engage in such a business demonstrates that the paved driveway is of sufficient length to park the vehicle outdoors without encroaching within the right-of-way or on an unimproved surface. Under no circumstances may a sedan or limousine exceed twenty-eight (28) feet in length.~~

d. ~~Only one (1) vehicle for hire may be parked at the residential location, except that two (2) such vehicles may be parked there when at least one (1) of the vehicles is able to fit completely inside a garage (not a carport), and such vehicle is stored inside the garage whenever it is parked at the residential location. A survey of the property shall be submitted with the application for the occupational license demonstrating that the garage is adequately sized to store the extra vehicle.~~

e. ~~A vehicle for hire with permanent commercial markings (excluding a vehicle with just company name plates on the bumpers, bumper stickers, and/or window decals) shall be stored in the garage (not a carport) whenever it is parked at the residential location.~~

f. ~~Employees and customers of the home-based limousine service, excluding the homeowner, shall not be permitted at the residential location for the purpose of operating or assisting in the operation of the service.~~

g. ~~The repair of a vehicle for hire shall not be permitted at the residential location, except for a flat tire change or battery charge (jump start).~~

h. ~~If more than two (2) vehicles for hire are proposed to be used for the service or business, a special exception shall be required to commence the service or business.~~

* * *

(163) In a Corporate Neighborhood Center, limited to a ~~minimum~~maximum of thirty thousand (30,000) square feet.

* * *

(176) A car rental agency ~~shall~~may be a permitted use in conjunction with hotels, motels, and time shares, subject to the following: ~~only, provided that~~ parking spaces required for the principal use shall not be used by the ~~car~~ rental agency, the number of parking spaces used by the ~~car~~ rental agency shall not exceed ten (10) percent of the 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.

* * *

(181) The following requirements apply to biosolids treatment facilities, septage management facilities, and biosolids storage facilities.

1. Treatment, processing, and storage areas for biosolids and septage, and their derived materials including Class AA biosolids distributed and marketed as a fertilizer, shall:

a. Be at least 1,320 feet from all offsite structures that are the subject of a certificate of occupancy. This distance 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

b. Be within an enclosed tank and/or pipeline, on an impervious surface with a system designed to collect, contain, and treat any liquids and stormwater runoff generated from the biosolids and septage, and their derived materials.

2. Within the A-1 and A-2 districts, the hours of operation for receiving and shipping of biosolids and septage shall be limited to between 7:00 a.m. and 7:00 p.m.

3. Outdoor storage of biosolids and their derived materials, including Class AA biosolids distributed and marketed as a fertilizer, shall not exceed 15 feet height, and shall provide vertical markers for verification.

4. 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 adjacent roadways.

5. Applications for a special exception shall include:

a. An “odor compliance and compatibility study”.

b. A map showing the zoning of all properties within one mile of the facility boundary.

c. A wind rose chart showing the annual distribution of prevailing wind directions and speed.

d. An initial current topographical survey if the facility is proposing any outdoor storage areas.

e. The maximum storage volume proposed, including approximate locations and dimensions.

f. A traffic study, previously reviewed by Orange County Public Works Division, that assesses the need for paved access improvements, and potential impacts to traffic and roads along probable haul routes within ½ mile of the facility.

6. At any time during the operation of the facility, the County may require additional odor control measures be implemented to address objectionable odors for which County staff determines the facility is a probable contributing source.

(182) Biosolids application sites shall meet the requirements of Chapter 15 Article XVII and Chapter 37 Article XVI. Land application of septage is prohibited.

In all other respects, Section 38-79 shall remain unchanged.

Section 10. Amendments to Section 38-120 (“Site and building requirements for A-1 district”). Section 38-120 is amended to read as follows:

Sec. 38-120. Site and building requirements for A-1 district.

(a) See article XII ~~(conventional dwelling)~~.

(b) ~~See section 38-582(b)(1), (mobile homes).~~

Section 11. Amendments to Section 38-140 (“Site and building requirements [for A-2 district]”). Section 38-140 is amended to read as follows:

Sec. 38-140. Site and building requirements [for A-2 district].

(a) See article XII ~~(conventional dwelling)~~.

(b) ~~See section 38-582(b)(1), (mobile home).~~

Section 12. Amendments to Section 38-160 (“Site and building requirements [for A-R Agricultural Residential District]”). Section 38-160 is amended to read as follows:

Sec. 38-160. Site and building requirements.

(a) ~~See article XII of this chapter. The following are the minimum site and building requirements for the A-R district:~~

~~(1) Minimum lot area: Two and one half (2½) acres or one hundred eight thousand, nine hundred (108,900) square feet.~~

~~(2) Dwelling floor area:~~

~~a. Conventional dwelling: Nine hundred fifty (950) square feet minimum living area.~~

~~b. Reserved.~~

~~c. Mobile home: See the definition of “mobile home” at section 38-1.~~

~~(3) Minimum lot width: two hundred seventy (270) feet.~~

~~(4) Minimum rear yard: fifty (50) feet.~~

~~(5) Minimum side yard: twenty five (25) feet.~~

~~(6) Minimum front yard: thirty five (35) feet.~~

~~(7) Maximum height: thirty five (35) feet.~~

~~(b) Setbacks shall be a minimum of fifty (50) feet from the normal high water elevation on every natural surface water body.~~

Section 13. Amendments to Section 38-331 (“Minimum site and building requirements [for R-1AAA Residential Urban District]”). Section 38-331 is amended to read as follows:

Sec. 38-331. ~~Minimum s~~Site and building requirements.

~~See article XII of this chapter. The minimum site and building requirements shall be as follows:~~

~~(1) Lot area. Fourteen thousand five hundred twenty (14,520) square feet (one-third acre).~~

~~(2) House size. One thousand five hundred (1,500) square feet.~~

- (3) — *Lot width.* Ninety-five (95) feet.
- (4) — *Front setback.* Thirty (30) feet.
- (5) — *Side setback.* Ten (10) feet.
- (6) — *Rear setback.* Thirty-five (35) feet.
- (7) — *Building height (maximum).* Thirty-five (35) feet.
- (8) — *Setbacks on natural surface water bodies.* Fifty (50) feet from normal high water elevation.

Section 14. Amendments to Section 38-456 (“Site development standards [for R-2 Residential District]”). Section 38-456 is amended to read as follows:

Sec. 38-456. Site development standards and building requirements.

(1) See article XII of this chapter.

(2) A minimum of ten (10) feet shall be provided between any two (2) structures containing no more than two (2) dwelling units on the same lot or parcel. Structures containing three (3) or more dwelling units shall maintain a minimum twenty (20)-foot separation between any other structure on the same lot or parcel.

(3) Detached and attached dwellings shall be a permitted use, provided that not more than four (4) dwelling units shall be contained in any combination of attached dwellings and their customary uses.

(4) For multi-family or any non-residential uses, refuse or solid waste areas shall comply with the following:

a. Shall not be located within any front yard;

b. Shall not be located within any landscape buffer;

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.

Section 15. Amendments to Section 38-481 (“Site development standards [for R-3 Multiple-Family Dwelling District]”). Section 38-481 is amended to read as follows:

Sec. 38-481. Site and building requirements,development standards.

(1) See article XII of this chapter. The site development standards shall be the same as for the R-2 residential district. See section 38-456.

(2) A minimum separation of ten (10) feet shall be maintained between any two (2) structures containing no more than two (2) dwelling units on the same lot or parcel. Structures containing three (3) or more dwelling units shall maintain a twenty-foot separation between any other structure on the same lot or parcel.

(3) Refuse or solid waste areas shall comply with the following:

a. Shall not be located within any front yard;

b. Shall not be located within any landscape buffer;

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.

Section 16. Amendments to Section 38-502 (“Permitted uses [for UR-3 University Residential District]”). Section 38-502 is amended to read as follows:

Sec. 38-502. Permitted uses.

A use shall be permitted in the UR-3 district if the use is identified by the letter “P” in the use table set forth in section 38-77.

~~Only the following uses shall be permitted within the UR-3 district:~~

~~(1) Attached dwellings;~~

~~(2) Student housing;~~

~~(3) Boardinghouses, lodging houses or rooming houses;~~

~~and~~

~~(4) Community residential homes (greater than fourteen~~

~~(14) clients).~~

Section 17. Creation of Section 38-506 (“Site and building requirements [for UR-3 University Residential District]”). Section 38-506 is created to read as follows:

Sec. 38-506. ~~Reserved.~~ Site and building requirements.

See article XII of this chapter.

Section 18. Amendments to Section 38-580 (“R-T-1 Mobile Home Subdivision District”). Section 38-580 is amended to read as follows:

Sec. 38-580. R-T-1 mobile home subdivision district.

This district is composed of certain lands where it is desirable to attain a low-medium density residential area consisting of mobile homes and single-family dwellings on single lots under individual ownership. The following regulations shall apply to each R-T-1 mobile home subdivision district:

(1) *Uses permitted.* A use shall be permitted in the R-T-1 district if the use is identified by the letter “P” in the use table set forth in section 38-77.

(2) *Special exceptions.* A use shall be permitted as a special exception in the R-T-1 district if the use is identified by the letter “S” in the use table set forth in section 38-77.

(3) *Site and building requirements.* See article XII of this chapter. ~~*Dimensions.* Lot size and setback requirements shall be the same as those established for the R-2 single family dwelling districts.~~

(4) *Uses prohibited.* A use shall be prohibited in the R-T-1 district if the space for that use is blank in the use table set forth in section 38-77.

Section 19. Amendments to Section 38-581 (“R-T-2 Combination Mobile Home and Single-Family Dwelling District”). Section 38-581 is amended to read as follows:

Sec. 38-581. R-T-2 combination mobile home and single-family dwelling district.

(a) *Intent and purpose of district.* The intent and purposes of this district are as follows:

(1) To provide areas for the low density development of conventional single-family dwelling units.

(2) To provide areas for the low density development of mobile homes used as single-family dwelling units.

(3) To provide for the combination of two (2) modes of residential living within the same zoning district.

(b) *Uses permitted.* A use shall be permitted in the R-T-2 district if the use is identified by the letter “P” in the use table set forth in section 38-77.

(c) *Special exceptions.* A use shall be permitted as a special exception in the R-T-2 district if the use is identified by the letter “S” in the use table set forth in section 38-77.

(d) *Site and building requirements.* ~~*Site requirements.*~~ See section 38-1501. See article XII of this chapter.

(e) ~~*Prohibited uses.*~~ A use shall be prohibited in the R-T-2 district if the space for that use is blank in the use table set forth in section 38-77.

Section 20. Repeal of Section 38-582 (“Mobile homes and recreational vehicles on individual lots exclusive of R-T-1 and R-T-2 districts”). Section 38-582 is repealed, and reserved for future use:

Sec. 38-582. ~~Reserved. Mobile homes and recreational vehicles on individual lots exclusive of R-T-1 and R-T-2 districts.~~

~~(a) — Mobile homes and recreational vehicles may be permitted on individual lots in residential, commercial or industrial districts, subject to the following:~~

~~(1) — A mobile home or recreational vehicle may be temporarily parked and occupied on a lot in a residential district after a public hearing before the board of zoning adjustment, during the construction of a permanent residence on the lot.~~

~~(2) — A mobile home or recreation vehicle may be temporarily parked and 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.~~

~~(3) — A temporary permit, for use in (1) and (2) above, will be issued only after a building permit has been secured for the permanent building. The mobile home or recreational vehicle shall be removed within one hundred eighty (180) days or within ten (10) days after completion of the permanent building, whichever comes first.~~

~~(4) — A mobile home or recreational vehicle may be used as a field office and tool shed accessory to the development of a subdivision subject to section 38-1411.~~

~~(5) — Mobile homes used as offices shall be permitted as a permanent use when accessory to a mobile home sales lot.~~

~~(6) — A mobile home or recreational vehicle may be used as quarters for night watchmen when approved as a special exception by the board of zoning adjustment, in commercial and industrial districts, in planned developments approved for commercial and/or industrial use, and in agriculturally zoned districts when used in conjunction with a use approved by special exception or in conjunction with a nonresidential use. Night~~

~~watchman units will not be allowed on properties where tenant dwellings exist.~~

~~(b) Mobile homes and recreational vehicles may be permitted on individual lots in agricultural A-1, A-2, and A-R districts, subject to the following:~~

~~(1) A mobile home may be used for residential purposes provided that the property contains a minimum of two (2) acres in the A-1 and A-2 districts. Minimum lot width and setbacks shall be per article XII. Minimum lot size in the A-R district shall be two and one-half (2½) acres. Other site and building requirements shall be per article XIII. Such mobile 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 department.~~

~~(2) 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.~~

~~(3) Setbacks from lot lines shall be not less than is required for a site-built dwelling in the district in which it is located.~~

~~(4) A recreational vehicle may be occupied as a temporary shelter when approved by special exception.~~

~~(5) Mobile homes and recreational vehicles may be located, 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.~~

Section 21. Amendments to Section 38-602 (“Processing procedure [for R-L-D Residential Low-Density District]”). Section 38-602 is amended to read as follows:

Sec. 38-602. Processing procedure.

The procedure for obtaining approval of a R-L-D residential low-density district shall be as follows:

(1) ~~Residential low density zoning application.~~ An application for rezoning shall be submitted in accordance with the requirements of Sec. 30-48.5, and be accompanied by ~~Six (6) copies of an R-L-D development plan shall be submitted to the zoning department in conjunction with a rezoning application.~~ The R-L-D development plan shall consist of a generalized land use sketch, ~~the boundary of which is drawn to scale, not to exceed one (1) inch equals two hundred (200) feet, which addresses the following items~~ plan, and include the following information:

- a. Location~~er~~ map.
- b. Legal description of the subject property.
- c. Boundary sketch of the subject property.
- d. Natural features (i.e., lakes, rivers, conservation areas).
- e. Total anticipated number of dwelling units.
- f. Total acreage.
- g. ~~Approximate~~ Total developable acreage (less ~~estimated~~ acreage of conservation areas and natural water bodies).
- h. ~~Anticipated~~ Proposed density (anticipated number of dwelling units divided by total developable acreage).
- i. Proposed type of housing and location (land use bubbles are acceptable).
- j. Existing adjacent street network and anticipated access points.
- k. Names of abutting subdivisions.
- l. Identification of all adjacent zoning districts and future land use designations.
- m. Proposed minimum lot size, as well as lot types (consistent with those listed in Sec. 38-605).
- n. Proposed minimum living area.

- o. Setbacks.
- p. Open space.

(2) Residential low-density zoning applications shall follow the rezoning processing schedule. The R-L-D development plan shall be reviewed by the planning, zoning and engineering ~~departments~~divisions, as well as other appropriate county divisions or departments. Each division or department shall submit recommendations to the planning manager for incorporation into a consolidated staff report which shall be made available to the applicant prior to the public hearing.

(3) ~~After a review,~~†The planning and zoning commission shall hold a public hearing and submit its recommendation, which may include conditions of approval, to the board of county commissioners. If the residential low-density district is approved by the board of county commissioners, the R-L-D development plan and any conditions of approval shall become a part of the residential low-density district and shall be the basis for review and evaluation of subsequent ~~development~~ subdivision plans.

(4) a. Alterations to the approved R-L-D 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 alter the land use type adjacent to a property boundary.
2. A change which would increase the land use intensity within the R-L-D district without a corresponding decrease in some other portion of the district.
3. A change which would require an amendment to the board of county commissioners conditions of approval.

b. A request for an alteration to an approved development plan shall be submitted in writing to the ~~zoning department~~planning division. The determination of a substantial or nonsubstantial alteration shall be made jointly by the planning, engineering and zoning ~~departments~~ divisions. The determination of a substantial alteration may be appealed to the board of county commissioners.

c. Alterations determined to be substantial must submit plans and support data (following the development plan requirements) for review by the development review committee and final action by the board of county commissioners.

d. Alterations determined to be nonsubstantial will be reviewed by the zoning, ~~department,~~ ~~the planning department~~ and ~~the engineering department~~ divisions after receipt of the initial letter. Additional plans and support data may be requested. Approval of a nonsubstantial alteration shall require confirmation by the board of county commissioners.

Section 22. Amendments to Section 38-607 (“Density credit”). Section 38-607 is amended to read as follows:

Sec. 38-607. Density credit.

A density credit of one (1) unit per acre above the four (4) units per acre may be allowed once all of the following performance standards are met:

* * *

(2) Each lot shall be provided with two (2) shade trees as defined in section ~~24-2~~ ~~21-5~~ of this Code, with a minimum D.B.H. of three and one-half (3½) inches. Existing shade trees on the site may apply toward this requirement.

* * *

In all other respects, Section 38-607 shall remain unchanged.

Section 23. Amendments to Section 38-806 (“Site development standards [for Professional Office District]”). Section 38-806 is amended to read as follows:

Sec. 38-806. Site and building requirements. ~~development standards.~~

Site and building requirements ~~development standards~~ are hereby established in order to insure adequate levels of light, air, coverage and density; to maintain and enhance locally recognized values of community appearance and design particularly through the combination of smaller parcels into functional sites; to promote functional compatibility of uses; to promote the safe and efficient

circulation of pedestrian and vehicular traffic; and to otherwise provide for orderly site development and protect the public health, safety, and general welfare:

~~(1) Floor area ratio shall not exceed 3.0.~~

~~(2) Minimum site size shall be ten thousand (10,000) square feet.~~

~~(3) Minimum site width shall be eighty five (85) feet.~~

~~(4) Minimum front yard shall be twenty five (25) feet.~~

~~(5) Minimum rear yard shall be thirty (30) feet, provided that building setbacks from the normal high water elevation of every natural surface water body shall be a minimum of fifty (50) feet.~~

~~(6) Minimum side yard shall be ten (10) feet for one and two-story buildings, plus two (2) feet for each additional story.~~

~~(7) Minimum floor area shall be five hundred (500) square feet.~~

~~(8) Maximum building height shall be thirty five (35) feet.~~

~~(9) Minimum open space shall be in accordance with Orange County Code, chapter 24, article II, open space regulations.~~

~~(10)~~ Lighting devices for the illumination of the ground, driveways, walkways, signs, parking areas, and building exteriors or interiors shall be installed and maintained in such a manner as to confine direct rays to the premises and prevent direct rays and glare onto neighboring properties and highways. Flashing lights are prohibited.

~~(11)~~ Landscaping, ~~and buffering and open space~~ requirements shall be as provided for in Chapter 24 of the Orange County Code, ~~chapter 24~~.

~~(12)~~ Refuse or solid waste areas shall comply with the following:

- a. Shall not be located within any front yard;
- b. Shall not be located within any landscape buffer;
- c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.

(4) See article XII of this chapter for additional site and building requirements.

Section 24. Amendments to Section 38-830 (“Performance standards [for C-1 Retail

Commercial District]”). Section 38-830 is amended to read as follows:

Sec. 38-830. Performance—standards.Site and building requirements.

~~Performance standards~~Site and building requirements are hereby established in order to assure adequate levels of light, air, building space, lot coverage, and density; to maintain and enhance locally recognized values of community appearance and design; to encourage the combination of smaller parcels into functional sites; to accommodate multiple ownership of land and improvements within the development; to provide for collective ownership of common areas; to promote functional compatibility of uses; to promote the safe and efficient circulation of pedestrian and vehicular traffic; and to otherwise provide for orderly site development standards in order to protect the public health, safety and general welfare.:

~~(1) Maximum floor area ratio (FAR): 3.0.~~

~~(2) Minimum lot size: Six thousand (6,000) square feet.~~

~~(3) Minimum width: Eighty (80) feet on major streets as identified in article XV, sixty (60) feet for all other streets. Corner lots shall be one hundred (100) feet on major streets as identified in article XV, eighty (80) feet on all other streets.~~

~~(4) Minimum front yard: Twenty five (25) feet, or major street setback as specified in article XV, whichever is greater.~~

~~(5) Minimum side yard: Zero (0) feet, fifteen (15) feet when abutting a residential district, fifteen (15) feet from a side street or as otherwise provided in article XV.~~

~~(6) Minimum rear yard: Twenty (20) feet.~~

~~(7) Minimum setbacks: Fifty (50) feet from the normal high water elevation on every natural surface water body.~~

~~(8) Minimum floor area: Five hundred (500) square feet.~~

~~(9) Minimum open space shall be in accordance with Orange County Code chapter 24, article II, open space regulations.~~

~~(10) Maximum building height: Fifty (50) feet, except thirty five (35) feet within one hundred (100) feet of any residential use or district.~~

~~(11) Landscaping, buffering and open space requirements shall be as provided for in Chapter 24 of the Orange County Code, chapter 24.~~

~~(12) Refuse or solid waste areas shall comply with the following:~~

- ~~a. Shall not be located within any front yard;~~
- ~~b. Shall not be located within any landscape buffer;~~
- ~~c. Shall be located at least five (5) feet from any side or rear property line;~~
- ~~d. Shall be located at least fifteen (15) feet from any side street; and~~
- ~~e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.~~

~~(13) No entrances or exits shall direct traffic into adjacent residential districts, unless the property is not accessible from a non-residential street, as determined by the zoning manager.~~

~~(4) See article XII of this chapter for additional site and building requirements.~~

Section 25. Amendments to Section 38-855 (“Performance standards [for C-2 General Commercial District]”). Section 38-855 is amended to read as follows:

Sec. 38-855. Performance standards. Site and building requirements.

~~Performance standards~~ Site and building requirements are hereby established in order to assure adequate levels of light, air, building space, lot coverage and density; to maintain and enhance locally recognized values of community appearance and design; to encourage the combination of smaller parcels into functional sites; to accommodate multiple ownership of land and improvements within the development; to provide for collective ownership of common areas; to promote functional compatibility of uses; to promote the safe and efficient circulation of pedestrian and vehicular traffic; and to otherwise provide for orderly site development standards in order to protect the public health, safety and general welfare.;

~~(1) — Floor area ratio shall not exceed three (3). 1.5 per comp plan~~

~~(2) — Minimum lot size: Eight thousand (8,000) square feet.~~

~~(3) — Minimum lot width: One hundred (100) feet on major streets as identified in Article XV, eighty (80) feet for all other streets. Corner lots shall be one hundred twenty five (125) feet on major streets as identified in Article XV, one hundred (100) feet for all other streets.~~

~~(4) — Minimum front yard: Twenty five (25) feet.~~

~~(5) — Minimum side yard: Five (5) feet, twenty five (25) feet when abutting a residential district, fifteen (15) feet from a side street.~~

~~(6) — Minimum rear yard: Fifteen (15) feet, twenty (20) feet when abutting a residential district.~~

~~(7) — Minimum floor area: Five hundred (500) square feet.~~

~~(8) — Minimum open space shall be in accordance with Chapter 24 of the Orange County Code, article II, open space regulations.~~

~~(9) — Maximum building height: Fifty (50) feet, except thirty five (35) feet within one hundred (100) feet of any residential use or district.~~

~~(10) Landscape provisions.~~ Landscaping, buffering and open space requirements shall be as provided for in Chapter 24 of the Orange County Code.

(112) Refuse or solid waste areas shall comply with the following:

- a. Shall not be located within any front yard;
- b. Shall not be located within any landscape buffer;
- c. Shall be located at least five (5) feet from any side or rear property line;
- d. Shall be located at least fifteen (15) feet from any side street; and
- e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.

(123) Open storage areas shall have a minimum fifteen (15) foot setback from all property lines.

(134) No entrances or exits shall direct traffic into adjacent residential districts, unless the property is not accessible from a non-residential street, as determined by the zoning manager.

(5) See article XII of this chapter for additional site and building requirements.

Section 26. Amendments to Section 38-880 (“Performance standards [for C-3

Wholesale Commercial District]”). Section 38-880 is amended to read as follows:

Sec. 38-880. ~~Performance—standards~~Site and building requirements.

~~Performance standards~~Site and building requirements are hereby established in order to assure adequate levels of light, air, building space, lot coverage, and density; to maintain and enhance locally recognized values of community appearances and design; to encourage the combination of smaller parcels into functional sites; to accommodate multiple ownership of land and improvements within the development; to provide for collective ownership of common areas; to promote functional compatibility of uses; to promote the safe and efficient circulation of pedestrian and vehicular traffic;

(1) ~~Maximum floor area ratio (FAR): 3.0. Comp Plan =1.5~~

~~(2) Minimum lot size: Twelve thousand (12,000) square feet.~~

~~(3) Minimum lot width: One hundred twenty five (125) feet on major streets as identified in article XV, one hundred (100) feet for all other streets, except that corner lots shall be one hundred fifty (150) feet on major streets as identified in article XV, and one hundred twenty five (125) feet on all other streets.~~

~~(4) Minimum front yard: Twenty five (25) feet.~~

~~(5) Minimum side yard: Five (5) feet, twenty five (25) feet when abutting a residential district; fifteen (15) feet from a side street.~~

~~(6) Minimum rear yard: Fifteen (15) feet, thirty (30) feet when abutting a residential district.~~

~~(7) Minimum floor area: Five hundred (500) square feet.~~

~~(81) Minimum open space, landscaping, and buffering and open space requirements shall be as provided for in accordance with this Code, Chapter 24 of the Orange County Code.~~

~~(9) Maximum building height: Seventy five (75) feet, except thirty five (35) feet within one hundred (100) feet of any residential use or district.~~

~~(102) Refuse and solid waste areas shall comply with the following:~~

- a. Shall not be located within any front yard;
- b. Shall not be located within any landscape buffer;
- c. Shall be located at least five (5) feet from any side or rear property line;
- d. Shall be located at least fifteen (15) feet from any side street; and
- e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.

~~(113) No entrances or exits shall direct traffic into adjacent residential districts, unless the property is not accessible~~

from a non-residential street, as determined by the zoning manager.

~~(12) Setbacks shall be a minimum of fifty (50) feet from the normal high water elevation on every natural surface water body.~~

~~(13) The outdoor storage of equipment or commodities shall have a minimum fifteen (15) feet setback from the side and rear property line and meet the minimum front setback for the district. Outdoor storage areas shall be screened from adjacent residential areas as specified in the landscape regulations.~~

~~(14) Parking shall be as provided in section XII, D [chapter 38, article XI], Orange County Code.~~

(6) See article XII of this chapter for additional site and building requirements.

(7) See article X of this chapter for additional environmental performance standards.

Section 27. Amendments to Section 38-907 (“Performance standards [for I-1A Restricted Industrial District]”). Section 38-907 is amended to read as follows:

Sec. 38-907. ~~Performance standards.~~Site and building requirements.

~~(a) Within each the I-1A industrial district, the site and building requirements for each lot/parcel are established in article XII of this chapter, and as follows:~~

~~(1) Floor area ratio (FAR) shall not exceed 0.75.~~

~~(2) Front yards: Thirty five (35) feet.~~

~~(3) Side yards: Twenty five (25) feet.~~

~~(4) Rear yards: Twenty five (25) feet.~~

~~(5) The minimum front yards for lots which abut a major street shall be in accordance with article XV (Major Street Setbacks) of of the Orange County Code.~~

~~(6) Rear yards and side yards may be reduced to zero (0) when the rear or side property lines abut the boundary of a railroad right of way, but only in those cases where an adjacent~~

~~wall or walls of a building or structure are provided with railroad loading and unloading capabilities.~~

~~(7) Maximum building height: Fifty (50) feet, except thirty-five (35) feet within one hundred (100) feet of any residential use or district.~~

~~(81) An increased setback not less than thirty (30) feet in width shall be provided along Where the each I-1A lot/district which abuts any a residential zoning district. Specific landscaping within the setback area shall be in accordance with of the Orange County Code. That portion of the setback area that is not required to be landscaped shall not be used for processing activities, buildings or structures other than fences, walls, or off-street parking.~~

~~(92) There shall be no Open storage of equipment, materials or commodities shall be prohibited. within the I-1A industrial district.~~

~~(103) The parking of passengers and commercial vehicles shall not be located in any buffer yard as required by chapter 24 of this Code.~~

~~(11) Setbacks shall be a minimum of fifty (50) feet from the normal high water elevation on every natural surface water body.~~

~~(124) Driveways, streets, and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential areas, unless the property is not accessible from a non-residential street, as determined by the zoning manager.~~

~~(135) The parking of commercial and passenger vehicles may be permitted in any required yard, except the front fifty (50) percent of required yard.~~

~~(6) Refuse and solid waste areas shall comply with the following:~~

~~a. Shall not be located within any front yard;~~

~~b. Shall not be located within any landscape buffer;~~

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.

(7) See article X of this chapter for additional environmental performance standards.

Section 28. Amendments to Section 38-932 (“Performance standards [for I-1/I-5

Industrial District]”). Section 38-932 is amended to read as follows:

Sec. 38-932. ~~Performance—standards.~~Site and building requirements.

(a) ~~Within each the I-1/I-5 industrial district, the site and building requirements for each lot/parcel are established in article XII of this chapter, and as follows:~~

~~(1) Floor area ratio (FAR) shall not exceed 0.75.~~

~~(2) Front yards: Thirty five (35) feet.~~

~~(3) Side yards: Twenty five (25) feet.~~

~~(4) Rear yards: Twenty five (25) feet.~~

~~(5) The minimum front yards for lots which abut a major street shall be in accordance with article XV (Major Street Setbacks) of of the Orange County Code.~~

~~(6) Maximum building height: Fifty (50) feet, except thirty five (35) feet within one hundred (100) feet of any residential use or district.~~

~~(7) Rear yards and side yards may be reduced to zero (0) feet when the rear or side property lines abut an improved railroad right of way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.~~

~~(8) One (1) of the side yards may be reduced to zero (0) feet, provided the other side yard on the lot shall be increased to a minimum building setback of fifty (50) feet. This~~

~~provision cannot be used if the side yard that is reduced is contiguous to a residential district.~~

~~(91) An increased setback buffer yard of not less than fifty (50) feet in width shall be provided along each I-1/I-5 district line which abuts any residential zoning district. Specific landscaping within the setback area shall be in accordance with chapter 24 of the Orange County Code. That portion of the setback area that is not required to be landscaped shall not be used for processing activities, buildings or structures other than fences, walls, or off-street parking.~~

~~(10) Setbacks shall be a minimum of fifty (50) feet from the normal high water elevation on every natural surface water body.~~

~~(112) Driveways, streets, and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential areas, unless the property is not accessible from a non-residential street, as determined by the zoning manager.~~

~~(123) The open storage of equipment or commodities may be permitted, provided such storage shall not be located within any required front buffer yard, as required by chapter 24 of this Code.~~

~~(134) The parking of commercial and passenger vehicles may be permitted in any required yard, except the front fifty (50) percent of required yard.~~

~~(14) Driveways, streets, and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized. Furthermore, no entrance or exits shall direct traffic into adjacent residential districts.~~

(5) Refuse and solid waste areas shall comply with the following:

a. Shall not be located within any front yard;

b. Shall not be located within any landscape buffer;

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.

(6) See article X of this chapter for additional environmental performance standards.

Section 29. Amendments to Section 38-981 (“Performance standards [for I-2/I-3 Industrial District]”). Section 38-981 is amended to read as follows:

Sec. 38-981. ~~Performance—standards.~~Site and building requirements.

~~Within each—the I-2/I-3 industrial district, the site and building requirements for each lot/parcel are established in article XII of this chapter, and~~established as follows:

~~(1) Floor area ratio (FAR) shall not exceed 0.75.~~

~~(2) Front yards: Twenty five (25) feet.~~

~~(3) Side yards: Fifteen (15) feet.~~

~~(4) Rear yards: Ten (10) feet.~~

~~(5) Rear yards and side yards may be reduced to zero when the rear or side property lines abut the boundary of a railroad right of way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities; however, no trackage shall be located nearer than three hundred (300) feet from any residential district.~~

~~(6) Setbacks shall be a minimum of fifty (50) feet from the normal high water elevation on every natural surface water body.~~

~~(7) Maximum building height: Fifty (50) feet, except thirty five (35) feet within one hundred (100) feet of any residential use or district.~~

~~(8) Driveways, streets, and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is~~

minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential districts, unless the property is not accessible from a non-residential street, as determined by the zoning manager.

(92) The open storage of equipment, materials or commodities may be permitted, provided such storage shall not be located within any required front or buffer yard; shall be screened from all public streets; and, when located on a lot adjacent to a residential district, shall be screened from such residential district. Such screens may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height; and shall be at least fifty (50) percent opaque as viewed from any point along the public street, right-of-way, or the residential district boundary. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

(403) The parking of commercial vehicles, such as trucks, cargo trailers and tractors may be permitted on hard surface lots, provided such lots shall not be located in any required buffer yard or within the front fifty (50) percent of any required front yard. Furthermore, such commercial vehicles, when located on a lot abutting a residential district, shall be screened from the residential district. Such screen may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height; and shall be at least fifty (50) percent opaque as viewed from any point along the residential district boundary. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after commercial parking lots are established.

(44) The parking of passenger vehicles shall be permitted in any required yard except the front fifty (50) percent of required front yards and portions of the buffer yards as otherwise established in this article.

~~(125) An increased setback not less than sixty (60) feet in width shall be provided along each I-2/I-3 industrial district boundary line which abuts any residential zoning district. Specific landscaping within the setback area shall be in accordance with section 24-5 of this Code. That portion of the setback area that is not required to be landscaped shall not be used for processing activities, buildings or structures other than fences, walls or off-street parking.~~

(6) Refuse and solid waste areas shall comply with the following:

- a. Shall not be located within any front yard;
 - b. Shall not be located within any landscape buffer;
 - c. Shall be located at least five (5) feet from any side or rear property line;
 - d. Shall be located at least fifteen (15) feet from any side street; and
 - e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.
- (7) See article X of this chapter for additional environmental performance standards.

Section 30. Amendments to Section 38-1008 (“Performance standards [for I-4 Industrial District]”). Section 38-1008 is amended to read as follows:

Sec. 38-1008. Performance—standards. Site and building requirements.

(a) Within each the I-4 industrial district, the site and building requirements for each lot/parcel are established in article XII of this chapter, and as follows:

- (1) Floor area ratio (FAR) shall not exceed 0.75.
- (2) Front yards: Thirty five (35) feet.
- (3) Side yards: Twenty five (25) feet.
- (4) Rear yards: Ten (10) feet.
- (5) However, the minimum front yards for lots which abut a major street shall be in accordance with article XV (Major Street Setbacks) of this chapter of the Code.
- (6) Maximum building height: Fifty (50) feet, except thirty five (35) feet within one hundred (100) feet of any residential use or district.
- (7) Rear yards and side yards may be reduced to zero (0) when the rear or side property lines abut the boundary of a railroad right of way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.

~~(81) An increased setback not less than seventy-five (75) feet in width shall be provided along each heavy industrial district boundary line which abuts any residential zoning district. Specific landscaping within the setback area shall be in accordance with the Orange County Code, section 24-5. That portion of the setback area that is not required to be landscaped shall not be used for processing activities, buildings or structures other than fences, walls, or off-street parking.~~

(92) The open storage of equipment, materials or commodities may be permitted, provided such storage shall not be located within any required front or buffer yard; shall be screened from all public streets; and, when located on a lot adjacent to a residential district, shall be screened from such residential district. Such screens may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height; and shall be at least fifty (50) percent opaque as viewed from any point along the public street, right-of-way, or the residential district boundary. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

~~(10) Setbacks shall be a minimum of fifty (50) feet from the normal high water elevation on every natural surface water body.~~

~~(113) Driveways, streets, and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential districts, unless the property is not accessible from a non-residential street, as determined by the zoning manager.~~

(124) The parking of commercial vehicles may be permitted provided such areas shall not be located in any required buffer yard or within the front fifty (50) percent of any required front yard. Furthermore, such vehicles, when located on a lot abutting a residential district, shall be screened from the residential district in accordance with chapter 24 of this Code.

(5) Refuse and solid waste areas shall comply with the following:

a. Shall not be located within any front yard;

b. Shall not be located within any landscape buffer;

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.

(6) See article X of this chapter for additional environmental performance standards.

Section 31. Amendments to Section 38-1202 (“Uses permitted [PDs]”). Section 38-1202 is amended to read as follows:

Sec. 38-1202. Uses permitted.

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

* * *

In all other respects, Section 38-1202 shall remain unchanged.

Section 32. Amendments to Section 38-1203 (“[PD] Approval procedure”). Section 38-1203 is amended to read as follows:

Sec. 38-1203. Approval procedure.

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

~~(1) — *Preapplication conference.* The applicant shall submit four (4) copies of the concept plan to the zoning director at least ten (10) working days prior to a preapplication conference which shall be scheduled by the applicant with the planning director, zoning director and county engineer or their designees. The purpose of this meeting will be to acquaint the staff with the proposed project and to provide the prospective applicant with preliminary review comments to identify major concerns or the need for additional support data. Within five (5) working days~~

~~following the meeting, the zoning director shall send a letter to the prospective applicant/consultants summarizing the major points of the meeting. The concept plan shall not be binding.~~

(21) ~~Land use plan (previously preliminary development plan).~~ The applicant shall submit to the planning department ~~division,~~ after payment of application fees to the zoning department, fourteen (14) copies an electronic file of the land use plan and support data. The planning ~~department~~ division shall schedule the project for staff review ~~by the development review committee (DRC).~~ Upon resolution of staff comments, or at the discretion of the assigned project manager from the Planning Division when certain comments or issues cannot be resolved, a Planned Development application may be scheduled for a Development Review Committee (DRC) meeting. The planning and zoning ~~directors~~ 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 zoning director~~ planning manager shall schedule the project for the next regular meeting of the planning and zoning commission for a review hearing.

a. The DRC shall review the proposed land use plan, and issue a written recommendation to the planning and zoning commission. A copy of the DRC recommendation shall be sent to the applicant at least 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.)

b. Upon receipt of the DRC's written recommendation, the planning and zoning commission shall hold a public hearing to review the application and shall submit its 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.

c. In addition to complying with all approval procedures contained in this section 38-1203, a big box development shall comply with all the standards and requirements outlined or referenced in section 38-79(153). Any big box development applicant seeking a waiver from any such 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 be held with public notice issued to the owners of record of properties located within a two thousand-foot radius of the proposed development site. In establishing the limits of public notification, all addresses within an 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.

(32) *Development plan* (~~previously final development plan~~). The applicant shall submit to the planning division, ~~after payment of the application fee to the zoning department, fourteen~~ (14) copies an electronic file of the development plan and support materials.

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

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

1. It substantially complies with the land use plan;

2. The phase of development can exist as a stable independent unit; and

3. Existing or proposed utility services and transportation systems are adequate for the uses proposed.

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

d. The decision of the DRC may be appealed to the board of county commissioners by an aggrieved party. Any party choosing to appeal the DRC decision shall file a notice of

appeal within fifteen (15) days of the rendition of the DRC decision. If the developer or applicant proposes to create a subdivision, a preliminary subdivision plan should be processed concurrently with the development plan and shall be subject to approval by the board of county commissioners. ~~The DRC decision shall be rendered within ten (10) working days of the final DRC meeting date.~~

e. In addition to complying with all approval procedures contained in this section 38-1203, a big box development plan shall comply with the land use plan and with all the standards and requirements outlined or referenced in section 38-79(153), 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.

Section 33. Amendments to Section 38-1207 (“Alterations to the land use plan and development plans”). Section 38-1207 is amended to read as follows:

Sec. 38-1207. 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 or 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 ~~jointly by the planning director, zoning director and county engineer, and confirmed by the board of county commissioners~~ 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 ~~development review committee~~ 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.

Section 34. Amendments to Section 38-1227 (“[PD] Waivers”). Section 38-1227 is amended to read as follows:

Sec. 38-1227. Waivers.

(a) For good cause shown, waivers from the minimum standards set forth in this Chapter section 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.

Section 35. Amendments to Section 38-1251 (“Lot coverage”). Section 38-1251 is amended to read as follows:

Sec. 38-1251. ~~Lot coverage~~General Provisions.

~~(a) The applicant shall propose, and the planning and zoning commission shall recommend, to the county commission, maximum residential density, type of development, maximum height limitations, minimum lot size and living area. Types of residential construction may be intermixed as long as adopted residential densities are compatible and height limitations are not exceeded.~~

(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 non-residential units are located on the ground floor, with multifamily units above, shall also be considered residential development for purposes of this division.

~~(b) The maximum coverage of all buildings shall not exceed thirty (30) percent of the gross land area.~~

(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.

(ed) The criteria for establishing the type of residential density and height of structures 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;

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

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

~~(d) The maximum building height for residential development shall be thirty five (35) feet. Height in excess of thirty five (35) feet for residential development shall be requested on the land use plan and subject to approval by the board of county commissioners.~~

(e) Townhouse developments shall comply with Sec. 38-79(20), in addition to the standards set forth in this Division.

(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 Commercial, however they shall provide recreation facilities as required in Sec. 38-1253.

Section 36. Amendments to Section 38-1252 (“Open space”). Section 38-1252 is amended to read as follows:

Sec. 38-1252. Open space and lot coverage.

(a) Open space shall be provided per the requirements of section 38-1234.

(b) Lot coverage shall meet the following requirements:

1. Multi-family: Maximum impervious coverage may not exceed 70% percent of the net land area.

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

3. Single-family detached: Impervious coverage for individual lots within a subdivision shall not exceed 75% of the land area of the lot.

Section 37. Amendments to Section 38-1253 (“Recreation facilities”). Section 38-1253 is amended to read as follows:

Sec. 38-1253. Recreation facilities.

* * *

(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 (1,000) projected population. Population shall be calculated on the basis of three and one-tenth (3.1) persons per single-family unit and two and one-tenth (2.1) persons per multifamily unit, and two and one-tenth (2.1) persons per unit for student housing (regardless of the number of bedrooms). The required active and passive recreational areas shall be provided in equal amounts (50%) of each type. The following guidelines should be considered in requirements shall govern when designing these areas:

(1) *Active recreation.* Typical facilities ~~would~~ include playgrounds, athletic fields (improved with Bermuda grass), various types of courts (tennis, basketball, racketball, racquetball) swimming pools, exercise trails (with a minimum of one exercise station, plus one additional station for every six-hundred (600) feet) ~~and~~, clubhouses, or other similar uses as determined by the zoning manager.

(2) *Passive recreation.* Typical facilities ~~would~~ include picnic areas, benches and seating, boat docks, dog parks,

and trails and water features, or similar uses as determined by the zoning manager.

(3) For both required passive or active recreation where walking or other paths are provided, mulch or other degradable surface material is prohibited.

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 property. Where a substantial deviation from this subsection is proposed or the zoning manager determines that the deviation does not further the intent and purpose of this subsection, the Development Review Committee may consider an appeal from the zoning manager's determination.

(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 ~~autos~~ motor vehicles and bicycles. Attention should be given to screening and buffering light and noise from adjacent residents.

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

Section 38. Amendments to Section 38-1254 (“Setbacks”). Section 38-1254 is amended to read as follows:

Sec. 38-1254. Setbacks and building heights.

~~(1) Setbacks from side and rear property lines shall relate to the design height of the structures. The following guidelines shall be utilized to review projects; however, they may vary depending upon conditions and design considerations:~~ Setbacks from PD boundaries, lakes, and internal and external rights-of-way for all types of residential development shall be as follows:

- a. PD Boundary: 25 feet.
- b. Functionally Classified Road: 25 feet.
(measured from abutting property line)

c. All other existing street rights-of-way: 20 feet. (measured from abutting property line)

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

~~All one-story and two-story units should provide a minimum twenty-five foot setback from all boundaries of the PD. Structures in excess of two (2) stories should increase this setback to reflect the additional structural height.~~

(2) Setbacks for individual lots within a single-family detached or duplex residential development shall be proposed by the applicant. Setbacks for individual lots within a single-family attached (townhouse) residential development shall comply with Sec. 38-79(20).

~~(2) — Setbacks from street rights-of-way shall meet the following minimum requirements, unless more restrictive requirements are specified in article VIII or XV of this chapter.~~

~~a. — Collector street 25 feet~~

~~b. — Major collector street 35 feet~~

~~c. — Arterial street 50 feet~~

~~d. — Expressways 75 feet~~

~~e. — All other rights-of-way 20 feet~~

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

a. Front yard setback: 25 feet.

b. Side yard setback: 10 feet.

c. Rear yard setback: 25 feet.

d. Abutting single family district or use: 25 feet.

Multi-family development shall also comply with the requirements of Sec. 38-1258, where applicable.

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

a. Single-family dwellings: 35 feet.

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

Section 39. Amendments to Section 38-1255 (“Landscaping”). Section 38-1255 is amended to read as follows:

Sec. 38-1255. Landscaping.

Landscaping shall be provided per the requirements of In addition to the general landscape provisions contained in section 38-1233, and chapter 24 (landscape ordinance), and chapter 15 (arbor ordinance), shade trees shall be provided at a rate of two (2) trees per lot or one (1) tree per attached unit. Reductions in the tree planting requirements may be approved for multistory structures in excess of thirty five (35) feet. These trees should be located in such a manner as to provide relief from the a.m. or p.m. sun exposures.

Section 40. Amendments to Section 38-1256 (“Building layout”). Section 38-1256 is amended to read as follows:

Sec. 38-1256. Building layout. Solid waste storage areas.

The design and layout of residential structures should take into account the exposure of the sun by reducing, to the degree possible, the east and west exposure of buildings. Solid waste storage areas, such as dumpster enclosures and trash compactors, within multi-family developments shall comply with section 38-1272 (a) (7).

Section 41. Amendments to Section 38-1258 (“Multi-family development compatibility”). Section 38-1258 is amended to read as follows:

Sec. 38-1258. Multi-family development ~~compatibility.~~

A multi-family development in a PD shall satisfy the following criteria, except that, in the event of a conflict in height requirements between this section and any other section in chapter 38, such other section shall control:

(a) Multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development building to

the nearest property line of the single-family zoned property, shall be restricted to single story in height.

~~(b) Multi family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.~~

~~(eb) Multi-family buildings located within one hundred and fifty (150) feet of more than one hundred (100) feet from single-family zoned property shall not exceed three (3) stories or (forty (40) feet) in height, except as provided in (d) below.~~

~~(d) Multi family buildings in excess of three (3) stories or forty (40) feet in height may be permitted, subject to approval by the board of county commissioners (“BCC”). The application for these buildings shall include justification for the requested height. A compatibility plan may be required to include greater setbacks and increased buffers from adjacent properties.~~

~~(ec) 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 (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code.~~

~~(fd) A six (6)-foot high masonry, brick, or block wall shall be constructed, wherever a multi-family development is located adjacent to single-family zoned property. The wall height shall be measured from the finished elevation of the side of the wall which is highest. If a right-of-way is located between the multi-family development and the single-family zoned property, such a wall is not required. However, if a fence or wall is provided between the right-of-way and multifamily property, then pedestrian access points shall be required providing access to public rights-of-way required at least every five hundred (500) linear feet or where appropriate as directed by the County. Pedestrian access points are encouraged to be located near open space and stormwater ponds and may be included in calculations of required open space.~~

~~(e) 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-way. However, the opacity of such fencing shall be limited to fifty~~

percent (50%) by utilizing fencing materials such as aluminum picket or something similar. Chain link fences shall be prohibited.

(gf) A multi-family development may directly access any right-of-way serving platted single-family residential development from one (1) access point of the multi-family development. Access to collector and arterial roads shall be permitted.

~~(hg) Active r~~Recreation areas with associated bicycle parking shall be provided within a multi-family development to serve the needs of the residents of the multi-family buildings in accordance with section 38-1253. ~~whenever single-family zoned property is located inside the PD or adjacent to the multi-family development. The recreation areas shall be provided at the ratio of two and one half (2½) acres per one thousand (1,000) residents (calculated at a rate of two and one half (2½) residents per unit). The recreation areas shall be located internally away from any single-family zoned property. The multi-family residential population shall not be included in the calculation for determining the recreation requirements for the balance of the PD.~~

~~(i) — A multi-family development located adjacent to a right-of-way shall be fenced (chain link fences shall not be permitted) and landscaped whenever single-family zoned property is located across the right-of-way.~~

~~(j) — Where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two (2) story buildings, and forty (40) feet for buildings three (3) stories. Separations shall increase in proportion to additional structural height. There shall be a minimum of twenty (20) feet between all multifamily, office, commercial and industrial structures for fire protection purposes.~~

Section 42. Amendments to Section 38-1259 (“Student housing”). Section 38-1259

is amended to read as follows:

Sec. 38-1259. Student housing.

~~The following criteria shall be satisfied for new development and additions or expansions to existing development of student housing:~~

Student housing developments shall comply with the development standards for multi-family developments, including

recreation facility requirements, and the multi-family compatibility standards in Sec. 38-1258. In addition, the following requirements for new development and additions or expansions to existing development of student housing shall also apply:

(a) A student housing development plan shall require approval through a public hearing before the Board of County Commissioners. Prior to the public hearing, a community meeting shall be held.

(b) A student housing development shall maintain a minimum distance separation of four hundred (400) 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.

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

~~(d) — A six (6) foot high masonry, brick or block wall shall be constructed whenever a student housing development is located adjacent to any right of way. Pedestrian gates shall be included at appropriate intervals as directed by the County Engineer so pedestrian and bicycle travel is not impeded, unless the right of way access rights are dedicated to Orange County. The height shall be measured from the finished elevation of the side of the wall which is highest.~~

(ed) The development plan for all student housing projects shall include a mobility plan submitted to the Transportation Planning Division and a community/site design plan for crime prevention through environmental controls submitted to the Planning Division that is consistent with the Crime Prevention through Environmental Design (“CPTED”) Manual used by the International CPTED Association and Florida CPTED Network. The student housing mobility plan shall describe and depict pedestrian and bicycle systems and facility needs consistent with this section, transit service and facility needs, university and County coordination measures that will be implemented by the developer to manage transportation demand and promote pedestrian and bicycle safety, and designation of appropriate space within the development for carsharing, bikesharing, and electric car charging stations, as they may be implemented within the university area. The student housing mobility plan also shall describe and depict the pedestrian and bicycle safety features 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.

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

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

(hg) Vehicle and bicycle parking spaces shall be provided as specified in Chapter 38, Article XI, Orange County Code. Each carsharing space provided may replace at least one required vehicle parking space, and additional reductions may be approved by the Zoning Manager based on the findings of the mobility plan. In addition to the short-term bicycle parking required under this section, long-term bicycle parking spaces that are indoors or otherwise protected from the weather and theft shall be provided at a rate of 1 space per ten bedrooms and shall consist of bicycle racks in fenced areas with restricted access installed under roof, under stairwells, or in structured parking facilities. Bicycle parking spaces available inside of a clubhouse or common area, such as in a storage room with restricted access; in bicycle lockers; and/or in garages assigned to individual units can provide long-term parking consistent with this section.

(ih) 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 provided on or adjacent to the development site to accommodate transit ridership from the development.

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

~~(k) Maximum building height shall be three (3) stories (forty (40) feet).~~

Section 43. Amendments to Section 38-1260. (“Accessory structures”). Section 38-1260 is amended to read as follows:

Sec. 38-1260. Accessory structures.

~~In Planned Developments with land use approvals for single family residential, whether detached or attached, an accessory building or structure greater than one hundred fifty (150) square feet or greater than ten (10) feet in height (as measured from the finished grade to the top of the structure) shall comply with the following architectural standards: the exterior and roof (if any) shall be comprised of materials commonly used throughout Orange County in single family residential construction, such as stucco, brick, vinyl, aluminum or wood for the siding of walls, and shingles, tiles or corrugated metal for the roof. Accessory structures for single-family residential (attached or detached) and duplexes within a Planned Development shall comply with Section 38-1426.~~

Section 44. Amendments to Section 38-1271 (“Categorization”). Section 38-1271 is amended to read as follows:

Sec. 38-1271. Categorization.

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

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

(2) *Tourist commercial* development shall refer to those ~~public or private commercial operations associated with the hospitality industry commercial and multi-family developments~~ located within the I-Drive Activity Center (those properties with a future land use designation of ACR or ACMU), and US-192 Growth Center, as outlined in the Comprehensive Plan.

Section 45. Amendments to Section 38-1272 (“General commercial”). Section 38-1272 is amended to read as follows:

Sec. 38-1272. General commercial.

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

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

(2) *Open space.* Open space shall be provided per the requirements of section 38-1234.

~~(3) *Setbacks.* Setbacks from the side and rear property lines shall be at least ten (10) feet; however, where adjacent to a residential use a minimum twenty five foot setback shall be provided. A twenty five (25) foot setback shall be maintained along the perimeter of the PD. Front setbacks from streets shall meet the following minimum guidelines, unless more stringent requirements are established in article XV of this chapter:~~

~~a. Collector 30 feet~~

~~b. Arterial 40 feet~~

~~c. Expressway 60 feet~~

~~d. All other rights-of-way 30 feet~~

~~Structures in excess of sixty (60) feet in height should increase these setbacks in order to reflect the additional structural height. (Refer to section 38-1406.)~~

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

a. Front and side street yard setbacks: 30 feet.

b. Side yard setback: 5 feet; however, where adjacent to a residential use a minimum twenty-five (25)-foot setback shall be provided.

c. Rear yard setback: 10 feet; however, where adjacent to a residential use a minimum twenty-five (25)-foot setback shall be provided.

d. Normal High-Water Elevation (NHWE) setback from the contour line: 50 feet.

e. PD perimeter setback: 25 feet.

(4) *Access management.* All access cuts or driveways serving a commercial project shall meet all requirements of Section 30-248.

(5) *Height.* The maximum height shall be fifty (50) feet, ~~but except~~ thirty-five (35) feet within one hundred (100) feet of any residential use or residential district, in which case the maximum height shall be thirty-five (35) feet. The one hundred (100) foot distance shall be measured from the structure that exceeds thirty-five (35) feet to the property line of the parcel with residential uses/structures. A height greater than fifty (50) feet may be requested, provided the applicant can demonstrate that there will not be any detrimental impact to adjacent property.

(6) *Architectural standards.* The requirements of the ordinance relating to architectural standards and guidelines for commercial buildings, codified at Chapter 9, ~~Division 2, Article XIII~~, Sections 9-11551 through Section 9-124570, as those sections may be subsequently changed or renumbered from time to time, shall be met.

(7) *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:

a. Shall have a minimum setback from all rights-of-way of thirty (30) feet.

b. Shall not be located within any required buffer yard.

c. Shall have a minimum side yard and rear yard setback of 5 feet.

d. Shall have a minimum setback of fifty (50) feet from the NHWE.

Section 46. Amendments to Section 38-1287 (“Setbacks”). Section 38-1287 is amended to read as follows:

Sec. 38-1287. 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 (25) foot PD boundary setback established for general commercial districts shall not apply to tourist commercial districts.

(1) Minimum building setback from rights of way: 30 feet. ~~*Building setbacks.* The minimum setback from an abutting right of way shall be as follows (the minimum requirements of article XV shall be met):~~

- a. — Expressway75 feet
- b. — Arterial60 feet
- e. — Collector40 feet

(2) Minimum side yard setback: 10 feet. *Side setback.* ~~The minimum setback from the side property line shall be thirty (30) feet, unless adjacent to a road right-of-way, in which case the greater setback shall apply.~~

(3) Minimum rear yard setback: 20 feet. *Rear setback.* ~~The minimum setback from the rear property line shall be twenty (20) feet, unless a greater setback is required by other criteria or standards.~~

(4) Minimum Normal High Water Elevation (NHWE) contour line setback: 50 feet.

(45) *Paving setback.* The following setback standards shall be utilized to create buffer yard areas between paved areas and property lines:

Site Area (Acres)

<i>Location</i>	<i>Setback (feet)</i>
Expressway <u>Right-of-way.....</u>	250
Arterial	25
Collector	20
Side lot line	7.5
Rear lot line	5
<u>Normal High Water Elevation contour line.....</u>	<u>25</u>

Section 47. Amendments to Section 38-1289 (“Parking”). Section 38-1289 is amended to read as follows:

Sec. 38-1289. 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 article XI of this chapter.

~~(b) — Consideration will be given to incorporating up to twenty five (25) percent of the required spaces with parking for compact cars. Such spaces should contain at least one hundred twenty (120) square feet in the configuration of eight (8) feet by sixteen (16) feet. The placement and distribution of such spaces should not limit the availability of standard parking spaces in high demand areas and should be adequately identified in order to notify patrons of the reduced size.~~

(eb) 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.

Section 48. Amendments to Section 38-1290 (“Open space”). Section 38-1290 is amended to read as follows:

Sec. 38-1290. Open space and lot coverage.

(a) Open space shall be provided in each tourist commercial development per the requirements of section 38-1234.

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

Section 49. Amendments to Section 38-1291 (“Landscaping”). Section 38-1291 is amended to read as follows:

Sec. 38-1291. Landscaping.

(a) Generally. Landscaping shall comply with Section 24-10(b) of the Orange County Code, as well as all other applicable requirements of Chapter 24. The submission of construction plans for a unit in a tourist commercial development shall include a landscape plan identifying:

- ~~(1) — Existing and/or proposed structures.~~
- ~~(2) — Paved areas.~~
- ~~(3) — Other features relating to the development of the site.~~
- (4) — Landscaped areas.

~~(5) — Location, name, size, quantity and spacing of all plant materials.~~

~~(6) — Existing trees, eight (8) inches or more in diameter.~~

~~(7) — Irrigation system.~~

~~(b) — *Natural vegetation.* All existing trees with a trunk diameter of eight (8) inches or larger shall be identified on the landscape plan and incorporated, where possible, into the overall landscape concept. Those trees which are proposed for removal should be identified. Preference shall be given to the preservation of existing trees over the strict interpretation of the minimum standards set forth herein, provided the proposed design will produce a more unique or aesthetically pleasing design.~~

~~(c) — *Perimeter landscaping.* Trees shall be provided along buffer yard areas abutting public rights of way at a frequency of one (1) tree for every fifty (50) feet of road frontage or fraction thereof. Trees shall be provided along side and rear lot lines not abutting rights of way, at a ratio of one (1) tree for each seventy-five (75) linear feet or fraction thereof. Existing trees will be counted to meet this requirement. Trees must be placed within the buffer yard areas with at least fifty (50) percent of the required trees located within fifteen (15) feet of the property line.~~

~~(1) — The application of the perimeter landscaping criteria shall be flexible with preference being given to aesthetically pleasing landscape design over a rigid interpretation of the tree spacing standard; however, no more than one hundred fifty (150) contiguous feet along the perimeter of the property shall be void of trees.~~

~~(2) — The type and size of landscape material shall conform with the plant material specifications contained in this section.~~

~~(d) — *Screen hedges/berms.* All paved areas and fenced stormwater retention facilities shall be screened from the public right of way by a continuous hedge or berm, or combination of both. The use of plant materials to provide a continuous hedge shall conform to the plant material specifications provided herein.~~

~~(1) — Berms may be utilized to provide screening of paved areas or stormwater retention facilities, provided they are a minimum of two (2) feet in height and no more than five (5) feet in height. Berms shall be supplemented with landscaping in order to provide a minimum thirty-six inch high screen.~~

~~(2) — Berms constructed adjacent to the public right-of-way shall not exceed seventy five (75) feet in length without a landscape break. Overlapping berms may be utilized in lieu of landscape breaks.~~

~~(3) — Paved areas adjacent to side or rear property lines shall be screened from abutting properties by hedging or berms equaling twenty five (25) percent of the paved frontage. No more than fifty (50) continuous feet along the property line shall be void of screening. Additional landscaping shall be provided to screen any on-site uses having a negative impact on adjacent property.~~

~~(e) — *Interior landscaping.* Landscaping shall be provided in scattered locations throughout the parking areas in an amount equal to five (5) percent of the total paved area. Each landscaped area shall be a minimum of two hundred (200) square feet. A landscape starter shall be provided at the end of each parking area adjacent to the travel lane serving the parking isle. A minimum of fifty (50) percent of the required landscape areas shall be landscaped with plant materials other than ground cover.~~

~~(1) — All landscaped areas shall be protected from vehicle encroachment by curbing or wheel stops.~~

~~(2) — No more than twenty (20) parking spaces shall be placed in a continuous row without a landscape break. Flexibility in the application of this standard shall be given to parking areas serving more than five hundred (500) cars, provided that the proposed design produces an acceptable alternative.~~

~~(3) — A minimum of fifty (50) percent of the required trees provided within the interior landscaped area shall be of a large shade tree variety. (See "plant materials specifications.")~~

~~(f) — *Building landscaping.* A landscaped area shall be provided around the base of all buildings oriented toward public rights of way or public parking areas. The rear of the building shall not be included within the landscaped area unless it is oriented to a public right of way.~~

~~(1) — This landscaped area shall be equal to fifty (50) percent of the linear length of the building base oriented toward the rights of way or parking areas, with a minimum width of four (4) feet.~~

~~(2) — At least half of the required landscaped area shall contain landscape material other than ground cover, with trees provided at a ratio of one (1) tree per two hundred (200) square feet of required landscaped area or fraction thereof. The~~

distribution of the landscaped areas shall be at the discretion of the owner.

~~(g) — General — landscape — requirements. All landscaped areas shall be irrigated by a permanent sprinkler system in order to provide for the continued life of the landscaping and to ensure it will serve its intended purpose.~~

~~(1) — All areas not covered by buildings, paving or special landscaped features shall be sodded.~~

~~(2) — The design choice and placement of landscape materials shall not obstruct the cross-visibility of street traffic, on-site traffic, or pedestrian areas.~~

~~(3) — The cross-visibility area is that area created by measuring from the intersecting point of any two (2) travelways a distance of twenty five (25) feet along the right of way and the driveway with a connecting point between the terminal points, thereby creating a triangular shaped cross-visibility area. The landscape material shall not obstruct visibility in the area between three (3) feet and eight (8) feet from the ground.~~

~~(hb) 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,” Part I, 1963, 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.~~

~~(ic) Trees. For the purpose of this district, a tree shall mean a woody species which will grow to a minimum height of fifteen (15) feet with an average mature crown spread greater than fifteen (15) feet and a clear trunk of seven (7) feet from the ground. In order to provide a cooling effect on paved areas, a A minimum of fifty (50) percent of the required trees adjacent to the right-of-way and within parking areas shall be of a large tree type shade trees. No more than twenty-five (25) percent of the required trees may be palms. All required trees must be at least ten (10) feet tall with a minimum trunk diameter of two (2) inches. The following trees are suggested for use as large trees. There are a number of alternative trees which will meet this standard; therefore, this list is offered only as a suggestion.~~

<i>Botanical Name</i>	<i>Common Name</i>
Acer rubrum	Red Maple
Liquidambar styraciflua	Sweet Gum
Magnolia grandiflora	Magnolia
Pinus elliotii	Slash Pine
Quercus laurifolia	Laurel Oak
Quercus virginiana	Live Oak
Ulmus parvifolia	Chinese Elm

(jd) *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.

Section 50. Amendments to Section 38-1292 (“Service areas”). Section 38-1292 is amended to read as follows:

Sec. 38-1292. Service areas and utility fixtures.

(a) Service areas visible from a public right of way or abutting properties 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.

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

Section 51. Amendments to Section 38-1293 (“Solid waste storage areas”). Section 38-1293 is amended to read as follows:

Sec. 38-1293. 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: by a six foot high masonry wall if located within the building setback areas. Such walls shall screen the refuse receptacle on three (3) sides with the access side oriented towards

~~the interior of the site. Refuse receptacles which are located in areas visible by the patrons of the site or abutting properties shall be screened in accordance with the above criteria.~~

(a) Shall not be located in front of any principal structure.

(b) Shall not be located within any required landscape buffer.

(c) Shall have a minimum side yard setback of 7.5 feet.

(d) Shall have a minimum rear yard setback of 5 feet.

(e) Shall have a minimum side street yard setback of 30 feet.

(f) Shall have a minimum setback from the NHWE of fifty (50) feet.

Section 52. Amendments to Section 38-1294 (“Screening walls”). Section 38-1294 is amended to read as follows:

Sec. 38-1294. Screening walls.

~~(a) Maintenance-free masonry walls on side or rear property lines may be permitted, with a maximum height of 6 feet; however, their use must be specifically identified on the construction plans. Walls on side property lines shall be no more than two (2) 3.5 feet high when forward of the building setback line located within the front or side street yard setback.~~

(b) All other fencing shall comply with Sec. 38-1408, 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.

~~(b) Wood fences shall not be permitted. No fence or wall when placed on a side or rear lot line shall exceed six (6) feet in height. Landscaping shall be provided in the form of hedge material or shrubs planted adjacent to the wall or fence equal to twenty-five (25) percent of its length.~~

Section 53. Amendments to Section 38-1295 (“Outdoor storage”). Section 38-1295 is amended to read as follows:

Sec. 38-1295. 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.

~~Utility fixtures and mechanical equipment, when outside a structure, shall be screened with dense plant materials or berms or a combination of both, or within a completely enclosed area. Display areas shall not be visible from the right of way or abutting properties.~~

Section 54. Amendments to Section 38-1296 (“~~Roof-mounted~~Mechanical equipment”). Section 38-1296 is amended to read as follows:

Sec. 38-1296. ~~Roof-mounted~~Mechanical equipment.

~~All roof mounted equipment shall be screened from view~~Mechanical equipment shall be subject to Section 38-79 (16).

Section 55. Amendments to Section 38-1298 (“Sidewalks”). Section 38-1298 is amended to read as follows:

Sec. 38-1298. Sidewalks.

Sidewalks shall be required along all rights-of-way (other than 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:

(1) Arterial and collector roadways, minimum ~~seven (7)~~ six (6) feet wide.

(2) ~~Collector~~ All other roadways, minimum ~~six (6)~~ five (5) feet wide.

Section 56. Amendments to Section 38-1300 (“Height”). Section 38-1300 is amended to read as follows:

Sec. 38-1300. Height.

The maximum height shall be sixty (60) feet, but thirty-five (35) feet within one hundred (100) feet of single-family residential uses. For purposes of this section, vacant, undeveloped properties

zoned A-1, A-2, or R-CE and having a future land use designation of ACMU or ACR shall not be considered a single family residential use. The maximum height shall be two hundred (200) feet for a hotel or time share, provided the applicant can demonstrate to the county that there will not be any adverse impact on adjacent development and the hotel or time share will not be located within three hundred (300) feet of any single-family residential.

Section 57. Repeal of Section 38-1301 (“Site development standards”). Section 38-1301 is repealed and reserved for future use.

Sec. 38-1301. Reserved. ~~Site development standards.~~

~~Office development shall comply with the requirements of PD General Commercial standards or Tourist Commercial standards, when applicable.~~

Secs. 38-1301~~2~~—38-1325. - Reserved.

Section 58. Amendments to Section 38-1356 (“General site development standards for nonresidential developments”). Section 38-1356 is amended to read as follows:

Sec. 38-1356. General site development standards for nonresidential developments.

* * *

(h) *Outdoor storage.* Outdoor storage of articles, goods or materials shall not be permitted unless totally screened from right-of-way and adjacent properties. Display areas shall not be visible from the right-of-way or adjacent properties. Utility fixtures ~~and mechanical equipment,~~ when located outside of a structure, shall be screened with dense plant materials or berms, or a combination of both, or within a completely enclosed area. ~~Display areas shall not be visible from the rights of way or adjacent properties.~~

(i) *Roof mounted Mechanical equipment.* ~~All roof-mounted equipment shall be screened from all residential areas and public rights of way~~ Subject to 38-79 (16).

* * *

In all other respects, Section 38-1356 shall remain unchanged.

Section 59. Amendments to Section 38-1382 (“General development guidelines and standards [for Village PD]”). Section 38-1382 is amended to read as follows:

Sec. 38-1382. General development guidelines and standards.

* * *

(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. ~~Excluding the townhouse, apartment and condominium open space standards respectively addressed in Subsections 38-1387.1(a)(7), 38-1387.2(a)(6) and 38-1387.3(a)(7), the required seven and one-half (7.5) percent public open space may be provided in lieu of that required by Section 38-1234. However, such public open space shall be defined in accordance with subsection 38-1234(1)(c) of this chapter and shall be publicly accessible, usable, and designed as an amenity. Aesthetically designed "curvilinear shaped" stormwater ponds may count toward no more than fifty (50) percent of the seven and one-half (7.5) percent open space requirement.~~

(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 38-1383 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.), ~~and in accordance with the open space requirements of section 38-1234(5), may be applied toward~~ no more than fifty (50) percent of the seven and one-half (7.5) percent open space requirement. ~~up to one hundred (100)~~

~~percent of the open space requirements of section 38-1234(3). The aesthetic features mentioned above, except for turf, shall be installed outside of the storm water facility required maintenance area.~~

* * *

In all other respects, Section 38-1382 shall remain unchanged.

Section 60. Amendments to Section 38-1390.16 (“Submittal requirements for PD/UNP [in Horizon West Town Center]”). Section 38-1390.16 is amended to read as follows:

Sec. 38-1390.16. Submittal requirements for PD/UNP.

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

* * *

(3) Existing Conditions Sheet including:

* * *

h. Location and extent of all classified wetlands, surface water, and appropriate upland buffer as determined by a valid an approved Orange County Conservation Area Determination (CAD) or a wetland determination approved by the Environmental Planning Division. If an applicant elects to postpone submission of the Master Street Plan and Connectivity Analysis until the Preliminary Subdivision Plan (PSP) stage of project review (as provided for in section 38-1390.15(b). CAD information may also be deferred to the same PSP stage of review.

* * *

In all other respects, Section 38-1390.16 shall remain unchanged.

Section 61. Amendments to Section 38-1394.1 (“Site landscape [for Buena Vista North District]”). Section 38-1394.1 is amended to read as follows:

Sec. 38-1394.1. Site landscape.

(a) *Building base.* A green space shall be designed around the base of each building according to criteria set forth below:

* * *

(2) Tree planting requirements within the building base landscape area shall include one canopy tree planted for each twenty-five (25) feet or fraction thereof of the lineal building façade adjacent to the landscape area, or one understory tree planted for each fifteen (15) feet or fraction thereof of the lineal building façade adjacent to the landscape area. ~~one (1) canopy tree for each one hundred (100) square feet of green space.~~ The green space may be planted with grass, shrubs, hedges and other acceptable landscape material. A maximum of fifty (50) percent of building base landscape area may be grass. Pedestrian access paths to the building shall be allowed in the building base landscape area, but shall not count as green space. The building base landscape area may be used for meeting landscape requirements for the perimeter of a parking lot when adjacent to the subject building.

* * *

In all other respects, Section 38-1394.1 shall remain unchanged.

Section 62. Amendments to Section 38-1405 (“Yards”). Section 38-1405 is amended to read as follows:

Sec. 38-1405. Yards.

(a) Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for the ordinary projection of roofs, sills, belt courses, cornices, buttresses, chimneys, flues and eaves attached to the ~~primary structure, and accessory buildings as provided for in Section 38-79(114)~~ building. Projections may extend into any required yard a maximum of three (3) feet.

(~~b~~) An open, unroofed porch or paved terrace may project into a required front yard for a distance not exceeding fifteen (15) feet.

(~~d~~) ~~Projections referred to in subsection (a) above shall not extend into any required yard in excess of thirty six (36) inches.~~

(~~c~~) Where setback distances have been established as provided for in article XV of Chapter 38, the front yard, side yard, side street yard and rear yard shall be subject to such setback distances as may be applicable to the lot.

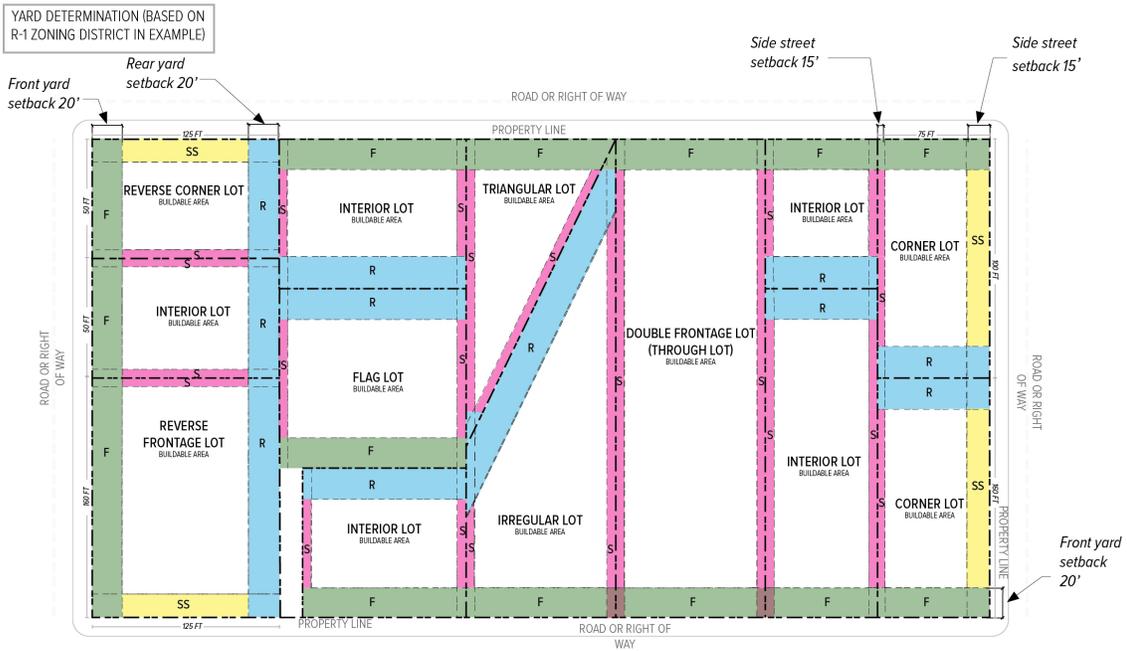
(bd) On double frontage lots, unless otherwise determined by the Zoning Manager the required front yard shall be provided on each street; except that when all lots in the block have been or will be developed with all of the buildings facing the same street, the second frontage of those lots shall be designated and utilized as rear yard. (See **Figure 1** below.)

(fe) In cases of reversed frontages, the determination of ~~front and side~~ yards shall be made by the zoning manager. After the reversed frontage determination has been made, the front door of the structure shall face the front yard. (See **Figure 1** below.)

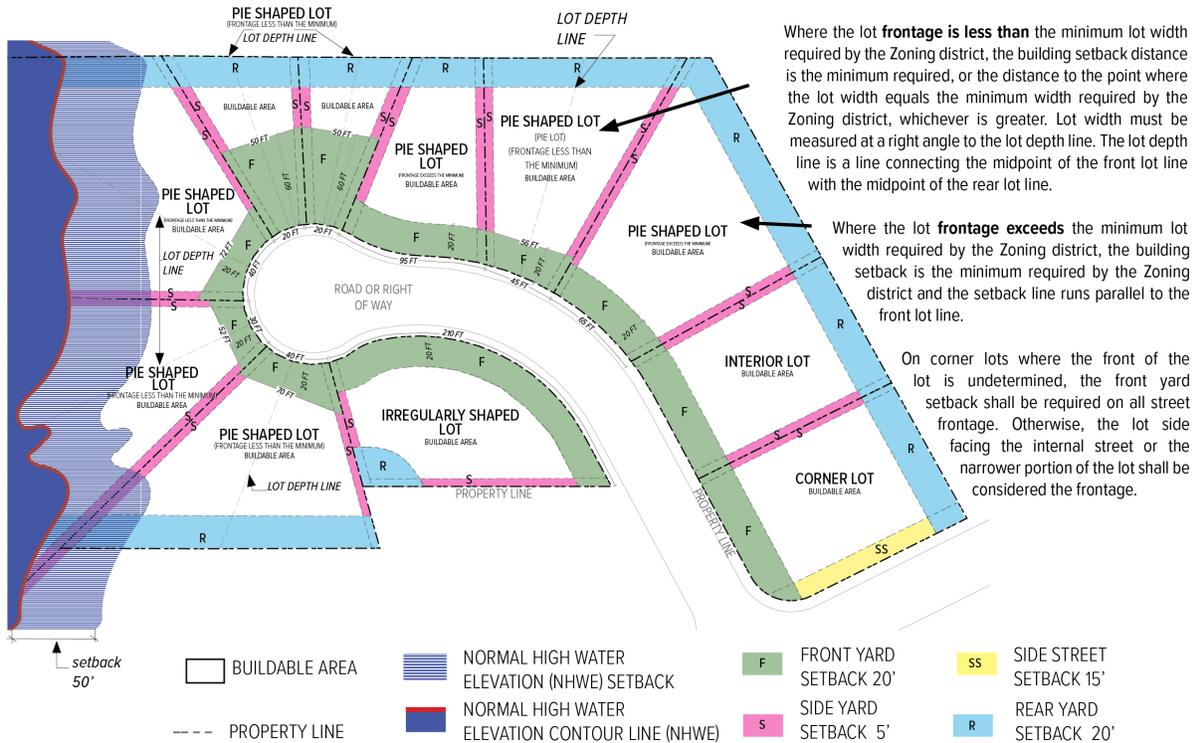
(f) On a pie shaped or irregularly shaped lot, the required front yard shall be measured from the lot frontage. (See **Figure 1** below.)

(g) On a flag lot, the required front yard shall be measured from where the width satisfies the lot width requirement or the point where the required access strip widens to become the lot, whichever is less. (See **Figure 1** below.)

Figure 1. Residential Yard Setback



- BUILDABLE AREA
- PROPERTY LINE
- SIDE STREET SETBACK 15'
- FRONT YARD SETBACK 20'
- REAR YARD SETBACK 20'
- SIDE YARD SETBACK 5'



- BUILDABLE AREA
- PROPERTY LINE
- FRONT YARD SETBACK 20'
- REAR YARD SETBACK 20'
- SIDE STREET SETBACK 15'
- SIDE YARD SETBACK 5'
- REAR YARD SETBACK 20'
- FRONT YARD SETBACK 20'
- REAR YARD SETBACK 20'
- SIDE STREET SETBACK 15'
- SIDE YARD SETBACK 5'

(h) For a lot that does not have frontage on a right-of-way, or where yard determinations are unclear, the Zoning Manager shall designate the yards.

(gi) In all districts, no structure shall be erected closer than fifteen (15) feet from ~~a side street lot line or any intersection street right-of-way~~ except as otherwise provided for in this chapter. A twenty-five (25)-foot corner triangle shall be required for sight line visibility on all commercially and industrially zoned property unless otherwise approved by the county engineer. A fifteen (15)-foot corner triangle shall be required for sight line visibility on all residentially or agriculturally zoned property unless otherwise approved by the county engineer.

(hj) Submerged land and land that is below the normal high water elevation shall not be counted towards determining minimum requirements of this chapter.

(ik) Any part of a boat dock structure landward of the normal high water elevation shall be no wider than the width of the boat dock walkway.

Section 63. Amendments to Section 38-1408 (“Fences and walls”). Section 38-1408

is amended to read as follows:

Sec. 38-1408. Fences and walls.

(a) A fence shall be uniform in construction, design, material, color and pattern, and the fence material shall be a standard material conventionally used by the fence industry. No fence or wall shall ~~be erected so as to encroach into the corner triangle at a street intersection, which is fifteen (15) feet~~ for residentially and agriculturally zoned property; ~~or~~ and twenty-five (25) ~~feet~~ for commercially and industrially zoned property, ~~corner triangle at a street intersection~~ unless otherwise approved by the county engineer.

~~(b) A fence of any style or material shall maintain~~ Any fencing exceeding four (4) feet in height or exceeding fifty percent (50%) opacity shall maintain a clear view triangle from the right-of-way line for visibility from driveways on the lot or on an adjacent lot. The clear view triangle area for a driveway is formed on each side of a driveway by measuring a distance of fifteen (15) feet along the right-of-way and fifteen (15) feet along the edge of the driveway.

* * *

(e) (1) Barbed wire or razor wire may be incorporated into or as an extension of the height of permitted walls and fences in commercial and industrial districts, provided such ~~wire~~ use is limited to three (3) strands, no more than ~~and~~ eighteen (18) inches in height, and is a minimum of six (6) feet above the ground. The maximum height of the wall or fence with the barbed wire or razor wire shall be ten (10) feet.

(2) Barbed wire may be permitted by special exception in residential and office districts as an extension of the height of permitted walls and fences along the property line separating the residential or office district from a commercial or industrial district where it is documented by substantial competent evidence that such an additional security measure is warranted or appropriate. The barbed wire fencing shall be subject to the criteria and dimensions set forth in subsection (e)(1).

(3) Barbed wire and similar field fencing shall be allowed on agriculturally zoned properties only when used for agricultural purposes; i.e., groves, grazing and boarding of animals.

(f) In no event shall barbed wire or razor wire be placed so as ~~to~~ that it projects outward over any sidewalk, street or other public way, or over property ~~of~~ an adjacent owner.

(g) ~~Except in R-CE, R-CE-2, and R-CE-5, f~~Fences and walls in residential (except in R-CE, R-CE-2, and R-CE-5) and ~~office-P-O zoning~~ districts may be ~~created-erected~~ as follows:

(1) Limited to a maximum height of four (4) feet in the front yard setback. However, fences or walls located on arterial and collector roadways are limited to a maximum height of six (6) feet in the front yard setback.

(2) Limited to a maximum height of six (6) feet in the side street yard setback, except on a reverse corner lot, where the maximum height is limited to 4 feet in the side street yard setback.

(23) Limited to a maximum height of eight (8) feet in the side and rear yards.

(34) May be increased in height when the property is contiguous to a commercially or industrially zoned property along the common property lines pursuant to the height regulations for commercial and industrial districts.

(h) Fences and walls in agricultural, R-CE, R-CE-2, and R-CE-5 districts may be erected as follows:

(1) Limited to a maximum height of six (6) feet within the front or side street yard setback. However, for aluminum picket or chain link type fences on agricultural zoned properties, the maximum height is ten (10) feet;

(2) Limited to a maximum height of eight (8) feet in the side and rear yards. However, for aluminum picket or chain link type fences on agriculturally zoned properties, the maximum height is ten (10) feet;

(3) In agricultural districts, these regulations shall not apply to agricultural property used for bona fide agricultural purposes.

(i) Fences and walls in commercial and industrial districts may be erected as follows:

(1) Limited to a maximum height of eight (8) feet within the front yard setback.

(2) Limited to a maximum height of eight (8) feet in the side and rear yards.

~~(3) When a lot or parcel abuts two (2) intersecting streets and the rear property line of the lot or parcel abuts the side property line of another lot or parcel, no fence or wall in excess of four (4) feet high along the rear property line shall be allowed within twenty-five (25) feet abutting the street right of way line unless the adjacent property owner sharing the common lot line submits a notarized letter stating that he has no objection and there are no site distance visibility concerns.~~

~~(j) On any reversed corner lot (corner lot where the rear yard abuts the side of another lot) no part of any fence greater than four (4) feet in height shall be located within the required front yard setback of the adjacent lot as measured from the common corner of each lot. A maximum eight (8) foot high fence may be permitted along the hypotenuse of the triangle formed from the common corner. Fencing greater than four (4) feet in height but less than eight (8) feet in height within the visual triangle may be installed, provided there is no adjacent driveway.~~

(jk) On a lakefront lot, a fence or wall within the normal high water elevation (NHWE) setback ~~the lake setback area~~ shall be limited to a maximum height of four (4) feet.

~~(kl)~~ Where grade elevations along adjoining properties differ, The fence/wall height shall be measured from property where the fence/wall meets the existing grade to the highest point of the fence/wall, having the higher ground floor elevation.

~~(lm)~~ In all zoning districts, a fence may only be permitted on a vacant parcel, provided the fence has less than fifty (50) percent opacity (except for a construction fence).

(m) (1) In all zoning districts, the applicant is responsible for ensuring that no fence or wall is constructed such that it adversely affects the property rights of others, including the right of ingress and egress to their property. No fence or wall shall be erected inside an ingress/egress easement unless authorized by all parties to the subject easement. In the event an easement is discovered on the property that is the subject of the application, the applicant shall execute the County's standard Easement Acknowledgment Form prior to issuance of any fence or wall permit. Failure to comply with this subsection shall constitute a material breach of the fence or wall permit and shall be grounds for its immediate revocation.

(2) Issuance of a fence or wall permit does not convey to the applicant or create in the applicant any property right, or any interest in real property, authorize any entrance upon or activities upon property which is not owned or controlled by the applicant or convey any rights or privileges other than those specified in the permit, nor does a fence or wall permit warrant in any way that the applicant has property rights to construct any fence or wall and any such construction is done at the sole risk of the applicant. If any part of the fence or wall permitted hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with an adjacent property owner's property right, the applicant agrees to either obtain written consent from such adjacent property owner or to remove the offending fence or wall encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of the fence or wall permit and shall be grounds for its immediate revocation.

Section 64. Repeal of Section 38-1409 ("Land use permits, agricultural purposes").

Section 38-1409 is repealed and reserved for future use.

Sec. 38-1409. Reserved. Land use permits, agricultural purposes.

~~Land use permits shall be required for the construction of structures; however, permits for buildings used for agricultural purposes shall be exempt as to fees.~~

Section 65. Repeal of Section 38-1411 (“Temporary structures”). Section 38-1411 is repealed, and reserved for future use:

Sec. 38-1411. Reserved. ~~Temporary structures.~~

~~(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 structure 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.~~

~~(3) — Permits for temporary structures shall be obtained from the zoning director. When such permits expire, they may be renewed by the zoning director 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.~~

~~(b) — Temporary structures, including mobile homes and travel trailers, may be used as sales offices for a subdivision in a residential district subject to the following criteria:~~

~~(1) — Such sales offices shall not include sales of real estate outside of the subdivision.~~

~~(2) — Approval shall be for a period of two (2) years or when ninety (90) percent of the subdivision is complete, whichever comes first.~~

~~(3) — Mulch parking shall be allowed.~~

~~(4) — The subdivision plat must be recorded before the sales trailer permit is issued.~~

~~(c) — 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 is limited to the placement of construction/office trailers only.~~

~~(2) — No accessory or storage buildings shall be permitted.~~

~~(3) — Only the parking of passenger vehicles/trucks shall be permitted.~~

~~(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.~~

~~(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.~~

~~(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.~~

Section 66. Amendments to Section 38-1414 (“Prohibited areas for package sale of alcoholic beverages”). Section 38-1414 is amended to read as follows:

Sec. 38-1414. Prohibited areas for package sale of alcoholic beverages.

(a) *Definition.* In this chapter, unless the context requires otherwise, “package sale vendor” means a person licensed pursuant to the Beverage Law [F.S. chs. 561-568] with a 3PS quota class alcoholic beverage license or a 4COP quota class alcoholic beverage license.

(b) *Package sale vendor; distance separation requirements.* ~~Subject to section 38-865.d(10) of the Orange County Code relating to the I-Drive District Overlay Zone,~~ Within the unincorporated area of the county a package sale vendor may be permitted to operate its business of package sales at

a location no closer than five thousand (5,000) feet of any preexisting package sale vendor's place of business within the unincorporated area of the county, and no closer than seven hundred and fifty (750) feet of any preexisting package sale vendor's place of business within a municipality in the county, except as set forth in Section 38-865.d(10) of the Orange County Code relating to the I-Drive District Overlay Zone.

* * *

In all other respects, Section 38-1414 shall remain unchanged.

Section 67. Amendments to Section 38-1426 (“Accessory structures and accessory dwelling units”). Section 38-1426 is amended to read as follows:

Sec. 38-1426. Accessory structures and accessory dwelling units.

All accessory structures and accessory dwelling units shall meet the following requirements: standards below.

(a) *Accessory structures (excluding accessory dwelling units).*

(1) The following requirements standards shall generally apply to all accessory structures regardless of the underlying zoning district:

* * *

(3) The following requirements standards shall apply to all accessory structures within those residential and agricultural zoning districts where accessory structures are permitted pursuant to section 38-77, Orange County Code:

* * *

a. *Attached accessory structures.* Attached accessory structures include those that are physically connected to a principal structure by a fully enclosed or open-sided passageway that does not exceed twenty (20) feet in length. The following requirements standards apply to attached accessory structures:

* * *

6. In R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-CE, R-CE-2, R-CE-5, R-L-D, R-2, R-3, R-

T-1, and R-T-2 zoning districts, the exterior and roof of any accessory structure greater than one hundred fifty (150) square feet, or greater than ten (10) feet in height (as measured from the finished grade to the top of the structure) shall be comprised of materials commonly used throughout Orange County for single family residential construction, such as, but not limited to, stucco, brick, vinyl, aluminum or wood, or materials consistent with the principal structure for the siding or walls; and shingles, tiles or corrugated metal for the roof.

* * *

b. *Detached accessory structures.*

Detached accessory structures include those that are not physically connected to the principal structure, or are connected to the principal structure via a fully enclosed or open-sided passageway that exceeds twenty (20) feet in length. The following requirements standards apply to detached accessory structures:

* * *

2. A detached accessory structure with a height of fifteen (15) feet or less shall be set back a minimum of five (5) feet from any side or rear lot line, and fifteen (15) feet from any side street lot line. A detached accessory structure with a height greater than fifteen (15) feet shall be set back a minimum of ten (10) feet from the rear property line and shall meet the side and side street setbacks of the primary structure. The setback from the Normal High Water Elevation contour shall be as outlined in Sec. 38-1501, footnote A;

* * *

5. In R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-CE, R-CE-2, R-CE-5, R-L-D, R-2, and R-3; ~~R-T-1, and R-T-2~~ zoning districts, unfinished shipping containers and mobile homes are not allowed as detached accessory structures. ~~‡The exterior and roof of any accessory structure greater than one hundred fifty (150) square feet, or greater than ten (10) feet in height (as measured from the finished grade to the top of the structure) shall be comprised of materials commonly used throughout Orange County for single-family residential construction, such as, but not limited to, stucco, brick, vinyl, aluminum or wood for the siding or walls; and shingles, tiles or corrugated metal for the roof; and~~ stucco, brick, vinyl, aluminum

or wood for the siding or walls. Galvanized metal siding may be permitted with the following standards:

- i. Must have a pre-installed finish (paint).
- ii. Must utilize horizontal lap siding.
- iii. Must have a corner trim.

* * *

(b) *Accessory dwelling units.* The intent and purpose of this subsection is to allow for the development of accessory dwelling units (ADUs), as defined in section 38-1, that support greater infill development and affordable housing opportunities while maintaining the character of existing neighborhoods.

* * *

(3) All accessory dwelling units shall be subject to the following performance standards and requirements:

* * *

f. Setbacks.

* * *

2. *Detached accessory dwelling unit.* A detached accessory dwelling unit may not be located in front of the primary dwelling unit unless the primary dwelling unit is located entirely in the rear half of the lot. In this situation, the detached accessory dwelling unit shall comply with the minimum front yard setback for the principal structure. A one-story detached accessory dwelling unit shall be set back a minimum of five (5) feet from the rear property line and shall meet the minimum side and side street setbacks for a principal structure in the zoning district. A two-story detached accessory dwelling unit (or an accessory dwelling unit located above a garage or other use) shall be set back a minimum of fifteen (15) feet from the rear property line, and shall comply with all other principal structure setbacks. The setback from the Normal High Water Elevation contour shall be as outlined in Sec. 38-1501, footnote A.

* * *

In all other respects, Section 38-1426 shall remain unchanged.

Section 68. *Amendments to Section 38-1427 (“Communication towers”).* Section 38-1427 is amended to read as follows:

Sec. 38-1427. Communication towers.

* * *

(d) Performance standards.

* * *

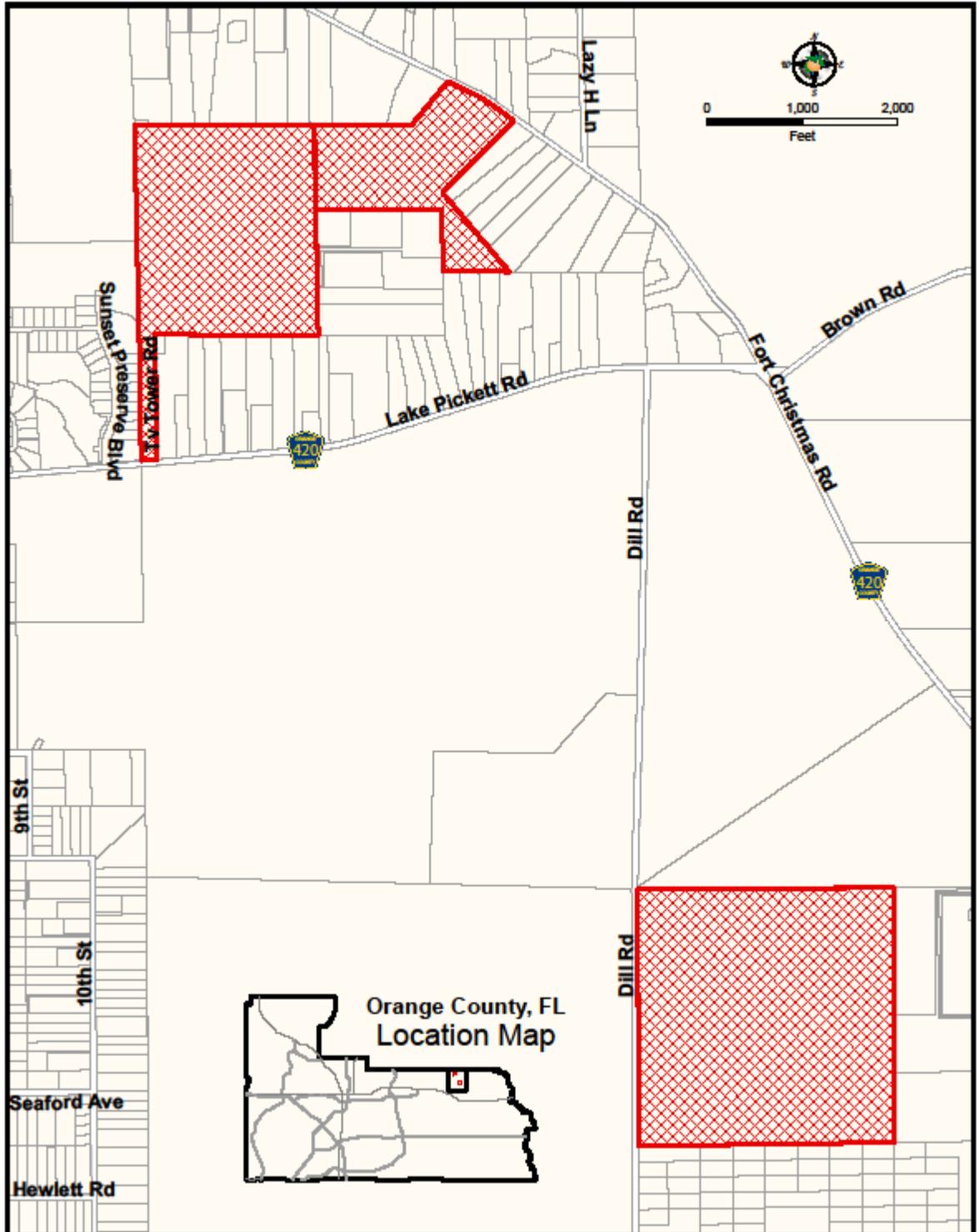
(3) *Separation distances between communication towers.*

* * *

c. The separation distances between communication towers as set forth in subsection (d)(3)a. shall not be applicable to ~~these~~ communication towers located within the ~~following designated~~ “Communication Tower Broadcast Exemption Zones Areas” ~~in which where towers tall (i.e., in excess of three hundred (300) feet) television towers of height presently exist and within which it is deemed appropriate and desirable for future communications towers to locate.~~ The “Communication Tower Broadcast Exemption Zones” are depicted in Map 1 below.

Map 1

Communication Tower Broadcast Exemption Zones



~~1. Northwest ¼ of section 13, Township 22 South, Range 32 East Orange County, Florida (less the West 33 feet for right of way). Containing 164.807 ± Acres.~~

~~2. From a point on the west line of the SW ¼ of section 2, T22S, R32E, 120.55' S 1° 17' 27" E from the W¼ corner of section 2-22-32, run S 89° 53' 00" E 1886.68' to the point of beginning; thence S 89° 53' 00" E 1020.00', thence N 39° 40' 00" E 624.75' to the center of "Chuluota Christmas Road," thence along the center of said road S 64° 59' 00" E 287.46' to the P.C. of a curve concave to the southwest and having a radius of 1101.80', thence easterly along the area of said curve 199.46' through a central angle of 10° 22' 20", thence along the center of said road S 54° 37' 10" E 318.37', thence S 44° 50' 00" W 1093.72', thence S 40° 12' 00" E 1088.73', thence N 89° 53' 00" W 694.60', thence N 1° 03' 00" W 650.55', thence N 89° 53' 00" W 1320.00', thence N 1° 03' 00" W 880.00' to the point of beginning.~~

~~Containing 46.04 acres subject to right of way over the northeasterly 30.00' for "Chuluota Christmas Road" and subject to easements and restrictions of record if any.~~

~~3. Begin at a point where the west line of section 11, township 22 south, range 32 east, intersects the north right of way line of Road no. 420, proceed north along the west section line to the NW corner of section 11, continue north along the west line of section 2 for a distance of three thousand five hundred twenty nine (3,529) feet from the point of beginning, thence east for a distance of one thousand eight hundred eighty one (1,881) feet; thence south for a distance of two thousand two hundred (2,200) feet; thence west for a distance of one thousand seven hundred sixteen (1,716) feet; thence south for a distance of one thousand three hundred twenty (1,320) feet to north right of way line of road W one hundred sixty five (165) feet to the point of beginning.~~

The proximity of other existing communications towers shall be a factor considered and addressed during the special exception hearing for any proposed communication tower located within the boundaries of a designated broadcast area. Those communications towers located within a broadcast area shall be considered existing towers for purposes of distance separation measurement by proposed towers located outside the above-designated broadcast areas.

* * *

(e) ~~Reserved. *Variances.* Any request to deviate from any of the requirements of this section shall require variance approval from the board of zoning adjustment.~~

* * *

(1) *Application submission requirements for special exception, variance, appeal of zoning manager decision, and building permit requests.* The following information shall be submitted concurrent with special exception, variance, appeal of zoning manager decision, or building permit applications. The application may utilize any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information.

(1) A scaled survey/site plan with dimensions drawn by a surveyor, architect or engineer clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, wetlands, surface waters, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures.

~~(2) A current tax map and aerial as provided by the county property appraisers office showing the location of the proposed tower.~~

~~(3)~~ Legal description of the parent tract and leased parcel (if applicable).

~~(4)~~ If not within the subsection (d)(2)d. separation distance from residential areas, approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties. If within the subsection (d)(2)d. separation distance requirements, then exact distances, locations and identifications of said properties shall be shown on an updated tax map.

~~(5)~~ If within the subsection (d)(3) separation distance from another tower, then the exact distance, location, and identification of other towers shall be shown on an updated tax map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

~~(6)~~ A landscape plan showing specific landscape materials.

(76) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(87) A notarized letter signed by the applicant stating the tower will comply with all EIT/TIA 222-E Standards and all applicable county codes.

(98) A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.

(109) An inventory of all communication towers located in Orange County which are under the applicant's control and/or are being used by the applicant. Information on each tower listed shall include:

- a. The type of tower or structure;
- b. The height of the tower including antennas;
- c. Latitude and longitude location;
- d. Street address; and
- e. Indication whether the site is co-located and, if so, with whom.

(110) a. A copy of the recorded memorandum of lease evidencing co-location, if such memorandum exists.

b. When there is no memorandum of lease filed with the permit application, the application shall be held by the zoning manager for forty-five (45) days, and:

1. Within fifteen (15) days of permit application being submitted to the county the applicant shall send by registered mail notice to each FCC-licensed service provider in the applicant's search ring and each FCC-licensed service provider who has registered for notice under this provision with Orange County. The notice shall include the location of the proposed tower (by street address and longitude and latitude), the height of the proposed tower, and a statement identifying the fair market value of leasing space on the tower for a second antenna by another service provider;

2. After notice, if another service provider desires to locate on the proposed tower, but

cannot reach agreement with the tower applicant then, prior to expiration of the forty-five-day period, the service provider may request a hearing under subsection 38-1427(m);

3. The zoning manager shall take action on the permit application either after the forty-five-day period has run or upon final resolution of a matter forwarded to the hearing officer pursuant to subsection 38-1427(m), whichever is later;

4. The applicant may provide registered mail notice to those service providers as required in subsection 1. above any time thirty (30) days before application is made to the county. Upon documentation of registered mail being sent, the forty-five-day period shall be reduced by the amount of days notice was sent prior to the application being filed.

~~(1211)~~ If deemed necessary by the county, the zoning manager may require the applicant to hold a community meeting prior to the board of zoning adjustment hearing meeting in addition to the other requisite notice requirements.

~~(1312)~~ For all special exception and/or variance requests the applicant shall provide the RF search ring used to determine the location of the applicant’s request. In addition, the applicant shall supply a report that other parcels within the applicant’s search ring have been reviewed and, where appropriate, contacted. The applicant shall provide adequate documentation to substantiate the applicant’s determination of feasibility of the selected site.

~~(1413)~~ In addition to the above, all communication towers/ antennas shall comply with the commercial site plan review requirements set forth in chapter 30, article VIII, of the County Code.

* * *

(n) *Standards and criteria for review of special exception requests on communication tower facilities.*

* * *

(2) Visual aides. The applicant shall submit for BZA review photo simulations, renderings, and/or a video of the subject site depicting the proposed communication tower on the site and its proximity to neighboring residential lands and uses.

The visual aides may be accompanied by a corresponding written visual impact analysis prepared by the applicant.

~~(2) — *Balloon test.* The purpose of this test is to assist the BZA in determining aesthetic impact with respect to height and closeness of a communication tower in proximity to nearby residential uses and zoning. The following criteria shall be met:~~

~~a. — Balloon specifications:~~

~~1. — Balloon diameter no less than four (4) feet;~~

~~2. — Balloon color restricted to red, orange, or yellow;~~

~~3. — Balloon is anchored to the ground;~~

~~4. — The height at which the balloon is flown shall be the same as the combined height of the tower and its antennas up to one hundred ninety nine (199) feet; balloons for towers taller than one hundred ninety nine (199) feet shall be flown at one hundred ninety nine (199) feet;~~

~~b. — The balloon shall be flown after the public hearing poster is required to be erected on-site. Balloons shall be flown at a minimum, continuously between the hours of 7:00 a.m. and 10:00 a.m. each day it is required to be flown. The balloon shall be flown for a minimum of two (2) days. Failure to maintain the balloon as specified above may result in a delay of the public hearing in order to achieve compliance with same.~~

~~c. — Each notice required pursuant to section 30-44 of this Code shall include a statement that the balloon will be flown at least two (2) days during the morning hours prior to the public hearing date.~~

~~(3) — *Visual aides.* In addition to the balloon test, the applicant may take and submit for BZA review photographs and/or a video taping of the subject site showing the balloon and of the subject site depicting the balloon in its relationship and proximity to neighboring residential lands and uses. The photographs/video may be accompanied by a corresponding written visual impact analysis prepared by the applicant.~~

(3) Balloon test. The purpose of this test is to assist the BZA in determining aesthetic impact with respect to height and closeness of a communication tower in proximity to nearby residential uses and zoning. If a balloon test is deemed necessary or requested by the County, the following criteria shall be met:

a. Balloon specifications:

1. Balloon diameter no less than four (4) feet;

2. Balloon color restricted to red, orange, or yellow;

3. Balloon anchored to the ground;

4. The height at which the balloon is flown shall be the same as the combined height of the tower and its antennas up to one hundred ninety-nine (199) feet; balloons for towers taller than one hundred ninety-nine (199) feet shall be flown at one hundred ninety-nine (199) feet;

b. The balloon shall be flown after the public hearing poster is required to be erected on-site. Balloons shall be flown at a minimum, continuously between the hours of 7:00 a.m. and 10:00 a.m. each day it is required to be flown. The balloon shall be flown for a minimum of two (2) days. Failure to maintain the balloon as specified above may result in a delay of the public hearing in order to achieve compliance with same.

c. Each notice required pursuant to section 30-44 of this Code shall include a statement that the balloon will be flown at least two (2) days during the morning hours prior to the public hearing date.

* * *

(6) Separation distance reduction for camouflaged facilities. In the event the BZA, or the BCC if the property is zoned PD, using the standards set forth in subsection (n)(5) above, determines the camouflaging agent is compatible with the surrounding area, then the distance separation requirements set forth in subsections 38-1427(d)(2)d and (d)(3) for the proposed communication tower as a camouflaged facility shall be reduced by one-half (1/2) of the applicable monopole height

requirement. The reduction should only be applicable to the placement of the camouflaged tower, and the measurement of distance separation from other towers to the camouflaged tower shall not be reduced.

* * *

In all other respects, Section 38-1427 shall remain unchanged.

Section 69. Amendments to Section 38-1452 (“Smoke and particulate matter”).

Section 38-1452 is amended to read as follows:

Sec. 38-1452. Smoke and particulate matter.

See Chapter 15, Article III of the Orange County Code (“Air Quality Control”).

~~(a) No operation or use in the C-3 commercial district or the I-1, I-2 or I-3 industrial districts shall discharge into the atmosphere from any single source any air contaminant which is:~~

~~(1) Equal to or greater than the density designated as Number One on the Ringelmann Chart. Measurement shall be made at the point of emission;~~

~~(2) Of such opacity as to obscure an observer’s view to a degree equal to or greater than the standard described in (1) above, except that when the presence of uncombined water is the only reason for failure to comply, the standards prescribed above shall not apply;~~

~~(3) However, when a fire box, boiler or combustion device is cleaned or a fire is being started therein, air contaminants, the density of which is equal to Number One on the Ringelmann Chart, may be permitted for a period not to exceed a total of four (4) minutes in any one hour period.~~

~~(b) No operation or use in the C-3 commercial district or the I-1, I-2 or I-3 industrial district shall discharge into the atmosphere any air contaminants in excess of a concentration of 0.10 grams per cubic foot per hour at standard conditions. Measurement shall be made at the point of emission.~~

~~(c) Within the C-3 commercial district or the I-1, I-2 or I-3 industrial district, all activities, including on-site transportation movements, paint spraying, grain handling, sandblasting, incineration and salvage operations shall be conducted in such a manner that air contaminants in excess of a concentration of one hundred (100) micrograms per cubic meter, standard conditions,~~

will not be transported across the property line of the lot on which such activity is located.

~~(d) — No operation or use in the I-4 or I-5 industrial district shall discharge into the atmosphere from any single source any air contaminant which is:~~

~~(1) — Equal to or greater than the density designated as Number Two on the Ringelmann Chart. Measurement shall be made at the point of emission;~~

~~(2) — Of such opacity as to obscure an observer's view to a degree equal to or greater than the standard described in (1) above, except that when the presence of uncombined water is the only reason for failure to comply, the standards prescribed above shall not apply;~~

~~(3) — However, when a fire box, boiler or combustion device is cleaned or a fire is being started therein, air contaminants, the density of which is equal to Number Three on the Ringelmann Chart, may be permitted for a period not to exceed a total of eight (8) minutes in any one hour period.~~

~~(e) — No operation or use in the I-4 or I-5 industrial district shall discharge into the atmosphere any air contaminant in excess of a concentration of 0.20 grams per cubic foot at standard conditions. Measurement shall be made at the point of emission.~~

~~(f) — Within the I-4 or I-5 industrial district, all activities including on-site transportation movements, paint spraying, grain handling, sandblasting, incineration and salvage operations shall be conducted in such a manner that air contaminants in excess of a concentration of one hundred (100) micrograms per cubic meter, standard conditions, will not be transported across the property line of the lot on which such activity is located.~~

* * *

Section 70. Amendments to Section 38-1453 (“Odor”). Section 38-1453 is amended

to read as follows:

Sec. 38-1453. Air pollution and odor.

See Chapter 15, Article III, of the Orange County Code (“Air Quality Control”).

~~(a) — No use or operation shall be located or operated in the C-3 commercial district, or the I-1, I-2 or I-3 industrial district~~

which involves the emission of odorous matter which exceeds the odor threshold at the bounding property line or at any point beyond the tract on which the use or operation is located.

(b) ~~No use or operation shall be located or operated in the I-4 or I-5 industrial district which involves the emission of odorous matter which exceeds a concentration at the bounding property line or at any point beyond which, when diluted with an equal volume of odor-free air, exceeds the odor threshold.~~

(c) ~~The odor threshold as herein set forth shall be determined by observation by the enforcing officer. In any case, where uncertainty may arise, or where the operator or owner of an odor-producing use may disagree with the enforcing officer, or where specific measurement of odor concentration is required, the method and procedure, specified by the American Society for Testing Materials 1391-57 entitled: "Standard Method for Measuring Odor in Atmospheres," shall be used, and a copy of such publication is hereby incorporated in this resolution by reference.~~

Section 71. Amendments to Section 38-1454 ("Vibration"). Section 38-1454 is

amended to read as follows:

Sec. 38-1454. Vibration.

(a) No operation or use in the C-3 or any of the industrial districts shall, at any time, create earthborne vibrations which, when measured at the bounding property line of the source of operation, exceed the limits set forth in the following tables:

MAXIMUM PERMITTED VIBRATION IN THE C-3 COMMERCIAL DISTRICT, OR THE I-1A, I-1/I-5, OR I-2/I-3 ~~OR I-3~~ DISTRICT

<i>Frequency in Cycles per Second</i>	<i>Acceleration G's Single Amplitude</i>
1	.00062
2 to 5	.00084
5-6 to 10	.00055
10-11 to 20	.0014
<u>21</u> to 50	.004
Over 50	.0092

MAXIMUM PERMITTED VIBRATION IN I-4 ~~OR I-5~~
DISTRICT

<i>Frequency in Cycles per Second</i>	<i>Acceleration G's Single Amplitude</i>
1	.016
2 to 5	.02
5-6 to 10	.012
10-11 20	.015
21 to 50	.026
Over 50	.046

(b) Vibration shall be measured by normal vibration analysis equipment with associated transducer mounted vertically on two-inch pipe driven into the ground at least three (3) feet.

Section 72. Amendments to Section 38-1455 (“Noise”). Section 38-1455 is amended to read as follows:

Sec. 38-1455. Reserved Noise.

See Chapter 15, Article V, of the Orange County Code
(Noise Control Ordinance).

Section 73. Amendments to Section 38-1456 (“Glare and heat”). Section 38-1456 is amended to read as follows:

Sec. 38-1456. Glare and heat.

Each use and activity within any C-3 commercial district, or I-1A, I-1/I-5, I-2/I-3, I-3, or I-4 ~~or I-5~~ industrial district shall be so designed and operated as to prevent the emission of glare and heat of such intensity as to be readily perceptible at any point on the lot line of the property on which the use or activity is located.

Section 74. Amendments to Section 38-1457 (“Industrial sewage and waste”).

Section 38-1457 is amended to read as follows:

Sec. 38-1457. Industrial sewage and waste.

~~Every use and activity within any C-3 commercial district or I-1, I-2, I-3, I-4, or I-5 industrial district shall be so designed and operated as to prevent the discharge into any stream, lake and ground or public sewer system, any waste which will be dangerous to persons or animals or which will damage plants or crops beyond the lot line of the property on which the use or activity is located. See Chapter 37, Article XX (Public and Private Sewer System Use Requirements).~~

Section 75. Amendments to Section 38-1476 (“Quantity of Off-Street Parking”).

Section 38-1476 is amended to read as follows:

Sec. 38-1476. Quantity of off-street parking.

(a) Off-street parking spaces shall be provided for any use hereafter established or at the time of the erection of any main building or structure or at the time any main building, structure or occupational use is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area, seats, or by increasing employment, according to the following minimum requirements: If the use is not listed below, the parking requirements shall be determined by the zoning manager by adopting or utilizing the parking requirements for the listed use that the zoning manager determines is most similar.

<i>Amusement or assembly places containing fixed seats</i>	1 space for each 3 fixed seats provided for patron use, plus 1 space per employee
<i>Amusement or assembly places without fixed seats (go-cart tracts, mini-golf courses, driving ranges and other similar outdoor uses)</i>	1 space per each 3 patrons, plus 1 space per each employee
<i>Apartments of three (3) dwelling units or more (efficiencies and one bedroom)</i>	1½ spaces for each dwelling unit
<i>Apartments of three (3) dwelling units or more (two (2) and three (3) bedrooms)</i>	2 spaces for each dwelling unit

<i>Auto dealerships</i>	1 space per every three hundred (300) square feet of gross floor area including showroom, sales offices and general offices.
<i>Big box development</i>	4 spaces for each 1,000 square feet of gross floor area, but not to exceed 5 spaces for each 1,000 square feet
<i>Boardinghouses, lodging houses, and rooming- houses and assisted living facilities (such as senior living facilities), including nursing homes</i>	1 space for each 2 bedrooms
<i>Clubs, lodges, fraternities</i>	1 space for each bedroom, plus 1 space for each 5 members
<i>Day care centers and kindergartens</i>	1 space for each 10 children, plus with a pickup and drop-off area one space for each 10 children or without a pick-up or drop-off area one space for each 5 children.
<i>General business establishments, such as hardware, furniture, appliance, jewelry, apparel stores, and all other general retail establishments of fifteen thousand (15,000) square feet gross floor area or less</i>	1 space for each 300 square feet of gross floor area; provided, however, that no use shall have less than 3 spaces.
<i>Hospitals, sanitariums, foster group homes, and similar institutions</i>	2 spaces for each bedroom and office building criteria.
<i>Hotels, motels, <u>time share units</u>tourist courts</i>	1 space for each 1½ rooms, plus 1 space for each 100 square feet of office, plus restaurant and retail sales criteria must be met when applicable

<i>Manufacturing and Industrial uses, manufacturing and warehousing</i>	1 space for each bay, plus 1 space for each 1,000 square feet
<i>Kennels and veterinary clinics</i>	1 space for each 300 square feet of office, animal shelter and run area
<i>Mechanical garages</i>	1 space for every employee, plus 1 space per bay or 1 space for each one thousand (1,000) square feet if no bays
<i>Medical dental, optical clinics and offices</i>	1 space for each employee, plus 2 spaces for each examination room
<i>Mini-warehouses; self-storage up to two hundred (200) units</i>	4 spaces located at office/entrance area for up to 200 units, and 6 spaces for over 200 units, plus minimum 25 feet between buildings for driveway parking purposes
<i>Mini-warehouses over two hundred (200) units</i>	6 spaces located at office/entrance area, plus minimum 25 feet between buildings for driveway parking purposes
<i>Mortuaries</i>	1 space for each 4 seats in chapel, plus 1 space for each commercial vehicle
<i>Office building, including business, commercial and government</i>	1 space for each 200 square feet of floor area used for office purposes
<i>General business establishments, such as hardware, furniture, appliance, jewelry, apparel stores, etc.</i>	1 space for each 300 square feet of gross floor area; provided, however, that no use shall have less than 3 spaces.
<i><u>Personal service establishments, retail establishments, banks, financing and lending institutions</u></i>	<u>1 space for each 100 square feet of first floor area, plus 1 space for each 200 square feet of floor area above the first floor, excluding storage areas; 2 spaces for lobby</u>

<i>Post office</i>	1 space for each 4 employees, plus 1 space per governmental vehicle, plus 4 spaces per service window
<i>Residential dwelling units, single-family and duplex</i>	2 spaces for each dwelling unit
<i>Residential dwelling units, multi-family</i>	<u>1½ spaces for each dwelling unit for efficiencies and one-bedroom.</u> <u>2 spaces for each dwelling unit with two or more bedrooms</u>
<i>Restaurants, grills, bars, lounges, similar dining and/or drinking establishments</i>	1 space for each 4 seats provided for patron use, plus 1 space for each 75 square feet of floor area provided for patron use which does not contain seats; provided that no use shall have less than 4 spaces
<i>Personal service establishments, retail establishments, banks, financing and lending institutions</i>	1 space for each 100 square feet of first floor area, plus 1 space for each 200 square feet of floor area above the first floor, excluding storage areas; 2 spaces for lobby
<i>Schools (charter and private), including elementary, middle, K-8, high schools and academies, not including colleges, universities, or similar institutions. For schools (public), see the public school siting regulations at chapter 38, article XVIII</i>	1 space for each 4 seats in assembly hall, or 4 spaces per each instructional room plus 1 space for each 3 high school students, whichever is greater.
<i>Shopping centers between fifteen thousand one (15,001) and fifty thousand (50,000) square feet gross floor area, food stores, supermarkets, and drugstores</i>	5½ spaces for each 1,000 square feet of gross floor area; provided, however, no use shall have less than 5 spaces.

<i>Shopping centers over fifty thousand (50,000) square feet gross floor area</i>	5 spaces for each 1,000 square feet of gross floor area
<i>Student housing</i>	1 space per bedroom.
<i>Time share units</i>	1.25 spaces for each unit plus .25 spaces for each lockout unit.
<i>Universities, colleges and similar institutions</i>	1 space for each 200 square feet of classroom and office space
<i>Warehouse, Distribution</i>	<u>1 space for each bay, plus 1 space for each 1,000 square feet</u>
<i>Warehouse, Flex</i>	<u>2 spaces for each 1,000 square feet of gross floor area</u>

~~(b)(a)~~ Any Other uses not specifically mentioned above shall meet the off-street parking requirements of the uses listed above which deemed are most similar, or compatible as determined by the zoning manager.

~~Note:(c)~~ Handicapped parking for persons with disabilities, and access ramps/aisles, and other accessibility features will be required according to state or federal regulations.

(d) The preservation of specimen trees as per Sec. 15-283(a) and/or heritage trees as per Sec. 15-283(b) may be considered as the basis for granting a waiver by the Zoning Manager for a reduction from the number of required off-street parking spaces set forth in Sec. 38-1476. Evidence shall be provided that a waiver granted will allow for the preservation of healthy specimen and/or heritage trees through the reduction of the number of spaces, and the modified spacing and configuration of landscape islands or landscape wells.

The maximum parking spaces to be granted a reduction as a basis of this waiver shall not exceed the following:

(1) Parcels smaller than 10,000 sq. feet – 10 percent of the number of parking spaces required or 3 spaces, whichever is less.

(2) Parcels between 10,000 sq. feet and 20,000 sq. feet in size: commercial uses including restaurants – 10 percent of the number of parking spaces required, or 10 parking spaces, whichever is less. Industrial and professional office uses, including medical offices – up to 20 parking spaces.

(3) Parcels between 20,000 sq. feet and 50,000 sq. feet in size: commercial uses including restaurants – 10 percent of the number of parking spaces required, or 20 parking spaces, whichever is less. Industrial and professional office uses, including medical offices – up to 40 parking spaces.

(4) Parcels greater than 50,000 sq. feet in size: commercial uses, including restaurants and big box development – 10 percent of the number of parking spaces required, or 40 parking spaces, whichever is less. Industrial and professional office uses – up to 60 parking spaces.

Section 76. Amendments to Section 38-1479 (“Off-street parking lot requirements”).

Section 38-1479 is amended to read as follows:

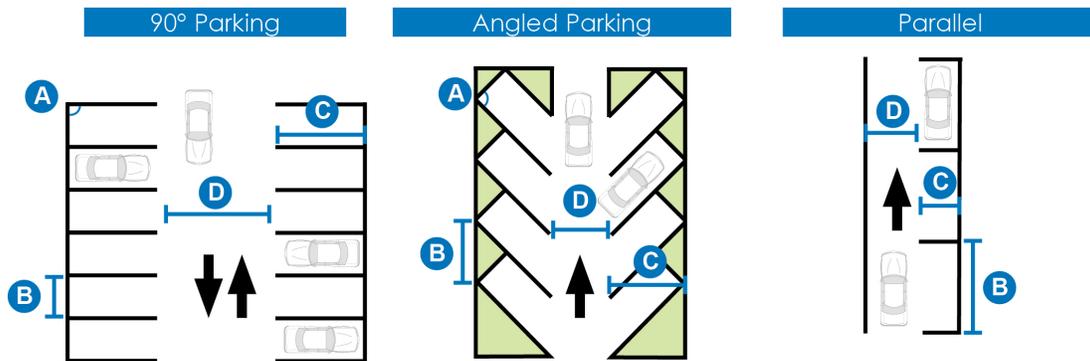
Sec. 38-1479. Off-street parking lot requirements.

(a) All parking areas shall have durable all-weather surfaces for vehicle use areas, shall be properly drained, shall be designed to separate pedestrian and vehicle circulation for safety, and shall meet all accessibility requirements of the most recent editions of applicable federal and state standards as adopted. For purposes of this article, a durable, all-weather surface shall consist of an improved surface, including concrete, asphalt, stone and other permanent surfaces, but not including gravel, wood chips, mulch or other materials subject to decay. ~~Residential conversions to professional office use, churches, bed and breakfast homestays, bed and breakfast inns and o~~Overflow parking on unimproved property used in conjunction with special events and/or holiday parking demands may be exempt from this condition subject to approval by the zoning manager ~~or when approved by the board of zoning adjustment (“BZA”) and the board of county commissioners (“BCC”),~~ provided accessibility requirements are maintained.

(b) Regular parking space sizes shall be a minimum of ~~one hundred eighty (180) square feet (either nine (9) feet × twenty (20) feet or ten (10) feet × eighteen (18) feet).~~ The

overhang of a vehicle, up to a maximum of 2 feet, past a curb or wheel stop may be counted toward the minimum parking space depth and may be unpaved and sodded. Off-street parallel parking stalls shall be eight (8) feet × twenty-two (22) feet. ~~Spaces within parking garages may be a minimum of eight and one half (8½) feet × eighteen (18).~~ Off-street turning and maneuvering space shall be provided for each lot so that no vehicle shall be required to back onto or from any public street. Suggested parking lot design standards are depicted in **Figure 1** below. ~~contained in Exhibit I on file and available for reference in the office of the county engineer.~~

Figure 1. Off-Street Parking Design Standards



A Parking Angle (degrees)	B Stall Width (feet)	C Stall Depth (feet)	D Drive Aisle Width Minimum	
			One-Way Travel Lane (feet)	Two-Way Travel Lane (feet)
0 (Parallel)	22	8	12	20
30	18	18	12	20
45	12	17	14	20
60	10	18	18	22
90	9	18	20	22

Section 77. Amendments to Section 38-1501 (“Basic [site and building] requirements”). Section 38-1501 is amended to read as follows:

Sec. 38-1501. Basic site and principal building requirements.

The basic site and principal building requirements for ~~each~~ agricultural, residential, professional office ~~and~~, commercial and industrial zoning districts are established as set forth below. ~~follows (and industrial site and building requirements are set forth elsewhere in this chapter):~~ The basic site and building requirements for accessory structures and accessory dwelling units are set forth in Section 38-1426.

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^{aA} Min.	^{aA} Min.	^{aA} Min.	^A Min.	Max.	NHWE Lake	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.) ^m	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
A-1	SFR 21,780 (½ acre)	850	100	35	50	10	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
	Mobile home 2 acres	850	100	35	50	10	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
	Mobile home 2 acres	850	100	35	50	10	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
A-R	108,900 (2½ acres)	1000 950	270	35	50	25	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-CE-2	2 acres	1,200	185	45	50	30	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-CE-5	5 acres	1,200	250	50	50	45	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-1AAAA	21,780(½ acre)	1,500	110	30	35	10	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-1AA	10,000	1,200	85	<u>25/30^{bH}</u>	<u>35/35^h</u>	7.5	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-1A	7,500	1,200	75	<u>20/25^{bH}</u>	<u>25/30^h</u>	7.5	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-1	5,000	1,000	50	<u>20/25^{bH}</u>	<u>20/25^h</u>	<u>5/6^{bH}</u>	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-2	One-family dwelling, 4,500	1,000	45 ^c	<u>20/25^{bH}</u>	<u>20/25^h</u>	<u>5/6^{bH}</u>	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	<u>38-456</u>

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^a Min.	^a Min.	^a Min.	^A Min.	Max.	NHWE Lake	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.) ^{**}	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^{dD}	20/25 ^{hH}	30 25	5/6 ^H	15	35	50 ^{aA}	L	38-456
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^{hH}	30	10	15	35 ^E	50 ^{aA}	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^{hH}	30	10 ^{bB}	15	35 ^E	50 ^{aA}	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45 ^{cC}	20/25 ^{hH}	20/25 ^h	5/6 ^{hH}	15	35	50 ^{aA}	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^{dD}	20/25 ^{hH}	25 20 ^h	R-2	15	35	50 ^{aA}	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^{hH}	30	10	15	35 ^E	50 ^{aA}	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^{hH}	30	10 ^{bB}	15	35 ^E	50 ^{aA}	L	38-481
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10 ^S	15	35 ^Q	50 ^{aA}	L	38-605

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^{aA} Min.	^{aA} Min.	^{aA} Min.	^A Min.	Max.	NHWE Lake	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.) ^{mm}	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	<u>38-578</u>
R-T-1 SFR	4,500 ^{eC}	1,000	45	25/20^k	25/20^k	5	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
Mobile Home	4,500 ^{eC}	Min. mobile home size 8 ft. x 35 ft.	45	25/20^k	25/20^k	5	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
R-T-2 (zoned prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	50	6	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
(zoned after 1/29/73)	21,780	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	
NR	One family dwelling, 4,500	1,000	45 ^{eC}	20	20	5	<u>15</u>	35/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1748</u>
	Two dwelling units, 8,000	500 per dwelling unit	80/90 ^{eD}	20	20	5	<u>15</u>	35/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1748</u>
	Three dwelling, 11,250	1,000	45 ^{eC}	20	20	5	<u>15</u>	35/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1748</u>

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^{aA} Min.	^{aA} Min.	^{aA} Min.	^A Min.	Max.	NHWE Lake	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.) ^M	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
	Four or more dwelling units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	<u>15</u>	50/4 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1748</u>
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	<u>15</u>	40/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1748</u>
NAC	Nonresidential and mixed use development, 6,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	<u>15</u>	50 feet ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1741</u>
	One family dwelling, 4,500	1,000	45 ^{eC}	20	20	5	<u>15</u>	35/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1741</u>
	Two dwelling units, 11,250	500 per dwelling unit	80 ^d	20	20	5	<u>15</u>	35/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1741</u>
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	<u>15</u>	35/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1741</u>
	Four or more dwelling units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	<u>15</u>	50 feet/4 stories, 65 feet with ground floor retail ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1741</u>

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^{aA} Min.	^{aA} Min.	^{aA} Min.	^A Min.	Max.	NHWE Lake	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.) ^{**}	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	<u>15</u>	40/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1741</u>
NC	Nonresidential and mixed use development, 8,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single- family zoning district	10,0 if buildings are adjoining	<u>15</u>	65 feet ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1734</u>
	One family dwelling, 4,500	1,000	45 ^{eC}	20	20	5	<u>15</u>	35/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1734</u>
	Two dwelling units, 8,000	500 per dwelling unit	80 ^d	20	20	5	<u>15</u>	35/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1734</u>
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	<u>15</u>	35/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1734</u>
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	<u>15</u>	65 Feet, 80 feet with ground floor retail ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1734</u>
	Townhouse 1,800	<u>N/A</u>	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	<u>15</u>	40/3 stories ^k	<u>50^{aA}</u>	<u>L</u>	<u>38-1734</u>

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^a Min.	^a Min.	^a Min.	^A Min.	Max.	NHWE Lake	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.) ^{mm}	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 feet for each add. Story	<u>15</u>	35	<u>50^a</u>	<u>L</u>	<u>38-806</u>
C-1	6,000	500	80 on major streets (see art. XV); 60 for all other streets ^e ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street 15 ft.	<u>15</u>	50; or 35 within 100 ft. of all <u>any</u> residential use or districts	<u>50^a</u>	<u>L</u>	<u>38-830</u>
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25	15; or 25 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	<u>15</u>	50; or 35 within 100 ft. of all <u>any</u> residential use or districts	<u>50^a</u>	<u>L</u>	<u>38-855</u>

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^{aA} Min.	^{aA} Min.	^{aA} Min.	^A Min.	Max.	NHWE Lake	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.) ^{mm}	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
C-3	12,000	500	125 on major streets (see Art. IV); 100 for all other streets^s	25	15; or 30 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	<u>15</u>	75; or 35 within 100 ft. of all any residential use or districts	<u>50^{aA}</u>	<u>L</u>	<u>38-880</u>
<u>I-1A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>35</u>	<u>25^N</u>	<u>25^N</u>	<u>15</u>	<u>50; or 35 within 100 feet of any residential use or district</u>	<u>50^{aA}</u>	<u>L</u>	<u>38-907</u>
<u>I-1/I-5</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>35</u>	<u>25, or 50 ft. when abutting residential district^N</u>	<u>25, or 50 ft. when abutting residential district^{N/O}</u>	<u>15</u>	<u>50; or 35 within 100 feet of any residential use or district</u>	<u>50^{aA}</u>	<u>L</u>	<u>38-932</u>
<u>I-2/1-3</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>25</u>	<u>10, or 60 ft. when abutting residential district^P</u>	<u>15, or 60 ft. when abutting residential district^P</u>	<u>15</u>	<u>50; or 35 within 100 feet of any residential use or district</u>	<u>50^{aA}</u>	<u>L</u>	<u>38-981</u>

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^{aA} Min.	^{aA} Min.	^{aA} Min.	^A Min.	Max.	NHWE Lake	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.) ^{mm}	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
<u>I-4</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>35</u>	<u>10, or 75 ft. when abutting residential district^N</u>	<u>25, or 75 ft. when abutting residential district^N</u>	<u>15</u>	<u>50; or 35 within 100 feet of any residential use or district</u>	<u>50^{aA}</u>	<u>L</u>	<u>38-1008</u>
<u>U-R-3</u>	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^{jl}	20/25 ^{hh}	30	10 ^{bb}	<u>15</u>	35	<u>50^{aA}</u>	<u>L</u>	

[EDITORIAL NOTE: Subsections A. through S. below are footnotes to the table in Section 38-1501.]

aA. Setbacks shall be ~~a minimum of 50 feet measured~~ from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to Chapter 15, Article VII, Lakeshore Protection, and Chapter 15, Article X, Wetland Protection, the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, ~~a covered patio~~, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.

A lot which is part of a subdivision, the plat of which has been lawfully recorded, or a parcel of land, the deed of which was lawfully recorded on or before August 31, 1982, either of which has a depth of less than one hundred fifty (150) feet above the normal high water elevation contour, shall be exempt from the fifty-foot setback requirement set forth in section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the normal high water elevation contour.

bB. Side setback is 30 feet where adjacent to single-family district.

cC. For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. feet of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.

dD. For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet, ~~and the the minimum duplex lot size is 89,000 square feet, and the minimum living area is 500 square feet.~~ For detached units, the minimum duplex lot width is 90 feet, the minimum duplex lot size is 9,000 square feet, and minimum living area is 1,000 square feet, with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. ~~For~~

Existing developed duplex lots that ~~(i)~~ are either platted or lots of record existing prior to 3/3/97, and ~~(ii)~~ are at least 75 feet in width or greater, but are less than 90 feet, and ~~(iii)~~ have a lot size of 7,500 square feet or greater, shall be but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.

~~eE.~~ Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets. Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings), requires a special exception.

~~fF.~~ Reserved. Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.

~~gG.~~ Reserved. Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.

hH. For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet front, 35 feet rear; R-1A, 25 feet front, 30 feet rear; R-1, 25 feet front, 25 feet rear, 6 feet side; R-2, 25 feet front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet front, 25 feet rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.

jJ. Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.

kK. Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.

L. Subject to the Future Land Use designation.

mM. Based on gross square feet. Developable land area.

N. Rear yards and side yards may be reduced to zero (0) when the rear or side property lines abut the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.

O. One of the side yards may be reduced to zero (0) feet, provided the other side yard on the lot shall be increased to a minimum building setback of fifty (50) feet. This provision cannot be used if the side yard that is reduced is contiguous to a residential district.

P. Rear yards and side yards may be reduced to zero when the rear or side property lines abut the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities; however, no trackage shall be located nearer than three hundred (300) feet from any residential district. The maximum height of any structure shall be two (2) stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one (1) story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district.

Q. The maximum height of any structure shall be two stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district.

R. A ten-foot front setback may also be permitted for the dwelling unit when a front entry garage is set back at least twenty (20) feet from the front property line.

S. Minimum side building separation is ten (10) feet. The side setback may be any combination to achieve this separation. However, if the side setback is less than five (5) feet, the standards in section 38-605(b) of this district shall apply.

Section 78. Amendments to Section 38-1502 (“Location of dwellings in residential districts”). Section 38-1502 is amended to read as follows:

Sec. 38-1502. Location of dwellings in residential districts.

~~(a) — A separation of ten (10) feet shall be provided between any two (2) structures containing no more than two (2) dwelling units on the same lot or parcel. Structures containing three (3) or more dwelling units shall maintain a twenty-foot separation between any other structure on the same lot or parcel.~~

~~(b)~~ **(b_a)** No dwelling shall be erected on a lot which does not abut on a street for a distance of at least fifteen (15) feet. Also, except to the extent that it may be inconsistent or conflict with a

requirement of the subdivision regulations, any lot or parcel created through a division or split of land, shall have access to a roadway that is a minimum of twenty (20) feet in width of and exists in fee simple. Alternatively, assuming a lot or parcel meets all applicable code and statutory requirements for development, the county engineer may, upon good cause shown, permit access for safe and adequate ingress or egress via a recorded permanent easement of at least twenty (20) feet in width; such width may be reduced to fifteen (15) feet if such permanent easement was recorded prior to September 23, 2016.

(eb) On any corner lot abutting the side of another lot, no part of any structure, excluding fences (see subsection 38-1408(i)), shall be located within the twenty (20) foot corner visibility triangle along the common lot line; and no structure shall be nearer the side street lot line than the required front yard of such abutting lot.

Section 79. Repeal of Section 38-1503 (“Exceptions and other provisions”). Section 38-1503 is repealed, and reserved for future use.

Sec. 38-1503. Reserved. ~~Exceptions and other provisions.~~

~~(a) In all residential districts the minimum lot requirement and minimum front, side and rear yard requirements for uses other than residential uses shall be the same as required for a single family use.~~

~~(b) See article IX of this chapter for other exceptions.~~

Section 80. Repeal of Section 38-1504 (“Exemption from fifty-foot setback requirement”). Section 38-1504 is repealed, and reserved for future use.

Sec. 38-1504. Reserved. ~~Exemption from fifty-foot setback requirement.~~

~~A lot which is part of a subdivision, the plat of which has been lawfully recorded, or a parcel of land, the deed of which was lawfully recorded on or before August 31, 1982, either of which has a depth of less than one hundred fifty (150) feet above the normal high water elevation contour, shall be exempt from the fifty foot setback requirement set forth in~~ Instead, the setbacks under the respective zoning district requirements shall apply as measured from the normal high water elevation contour.

Section 81. Amendments to Section 38-1506 (“Height extensions for appurtenances”). Section 38-1506 is amended to read as follows:

Sec. 38-1506. Height extensions for appurtenances.

The zoning manager may grant height extensions not to exceed ten (10) feet above the maximum height limits established under section 38-1501, site and building requirements, and planned developments, for appurtenances and architectural features only. Examples of such features include, but are not limited to, chimneys, cupolas, church spires, water and fire towers, domes, cooling towers, elevator bulkheads, stair towers, smokestacks, and air conditioning equipment and required screening. Portions of the roof are not considered an appurtenance. The top of all rooflines ~~roof lines~~ shall comply with the maximum height limit of the underlying zoning district. ~~This provision is only applicable to properties platted after December 15, 1998, and unplatted lands.~~

Section 82. Amendments to Section 38-1508 (“Administrative waivers from performance standards for existing improvements”). Section 38-1508 is amended to read as follows:

Sec. 38-1508. Administrative waivers from performance standards for existing improvements.

(a) Except as provided in subsection (b), the zoning manager shall have the authority to grant administrative waivers from the ~~performance standards set forth in section 38-1501~~minimum yard requirements ~~and the performance standards for industrial zoning districts,~~ provided that no such administrative waiver shall exceed six (6) ~~six (6)~~ percent of the applicable requirement ~~for the side yards and six (6) percent for the front or rear yards for existing improvements.~~

(b) The zoning manager shall not have the authority to grant administrative waivers from lake setbacks or for vacant land.

Section 83. Amendments to Section 38-1528 (“Special exceptions [for recreational vehicle parks]”). Section 38-1528 is amended to read as follows:

Sec. 38-1528. Special exceptions.

(a) *Location.* Recreational vehicle parks may be permitted as a special exception in the A-1, A-2, R-3, C-1, C-2, and C-3 zoning districts.

* * *

In all other respects, Section 38-1528 shall remain unchanged.

Section 84. Amendments to Section 38-1529 (“Regulations [for campgrounds and recreational vehicle parks]”). Section 38-1529 is amended to read as follows:

Sec. 38-1529. Regulations.

The following regulations shall apply to each campground and recreational vehicle park:

* * *

(3) *Area.* Recreational vehicle parks shall contain a minimum of twenty (20) developable acres.

* * *

In all other respects, Section 38-1529 shall remain unchanged.

Section 85. Repeal of Article XV, Major Street Setbacks. Article XV, Major Street Setbacks, codified at Section 38-1601 through Section 38-1603, is repealed and reserved for future use.

ARTICLE XV. —~~MAJOR STREET SETBACKS~~ RESERVED

~~Sec. 38-1601. Intent and purposes.~~

~~The intent and purposes of this article are as follows:~~

~~(1) — To ensure sufficient space between major streets and buildings and structures to provide adequately for natural light, circulation of air, protection from fire, floods, tornados and hurricanes, access for fire fighting apparatus or rescue and salvage operations; and~~

~~(2) — To ensure adequate and safe distances between competing phenomena and interests respectively associated with major streets and buildings and structures adjacent to major streets,~~

~~including but not limited to, vehicular traffic, pedestrian traffic, noise, congestion, pollution emanating from vehicles, intensified use of land associated with development and growth, and the public health, safety, and welfare; and~~

~~(3) — To establish uniform major street setback distances to address the concerns set forth in subsections (1) and (2).~~

~~Sec. 38-1602. Definitions.~~

~~For the purposes of this article, the following definitions shall apply:~~

~~*Arterial road* shall mean a signalized roadway that primarily services through traffic with an average signalized intersection spacing of 2.0 miles or less. As used here, signalized intersections refer to all fixed causes of interruption to the traffic stream and may occasionally include STOP signs or other types of traffic control. Class I arterials have a posted speed of forty (40) miles per hour or greater. Class II arterials have a posted speed of thirty five (35) miles per hour or less.~~

~~*Collector road* shall mean a roadway providing land access and traffic circulation within residential, commercial, and industrial areas and that collects and distributes traffic between local roads or arterial roads as a linkage between land access and mobility needs. For purposes of this article, the term "collector" includes "major urban collector," "minor urban collector," and any extension of a major or minor urban collector.~~

~~*Functional classification* shall mean the assignment of roads into systems according to the standards provided in the Highway Classification Manual and the Florida Department of Transportation Quality/Level of Service Handbook.~~

~~*Major street* shall mean a road functionally classified according to the standards provided in the Highway Classification Manual and the Florida Department of Transportation Quality/Level of Service Handbook as determined by the county engineer.~~

~~*Minor arterial* shall mean a route which generally interconnects with and augments principal arterial routes and provides service to trips of shorter length and a lower level of travel mobility. Such a route includes any arterial not classified as a "principal arterial" and contains facilities that place more emphasis on land access than the higher system.~~

~~*Principal arterial* shall mean a route which generally serves the major centers of activity of an area, the highest traffic~~

volume corridors, and the longest trip purpose and carries a high proportion of the total area travel on a minimum of mileage.

~~Rural functionality classified roads shall mean roadways within the rural area not designated as urbanized, urban, or transitioning by the Florida Department of Transportation, the Federal Highway Administration, and MetroPlan Orlando based on U.S. Census data, as updated from time to time.~~

~~Setback distance shall mean a horizontal distance which correlates with the functional classification of the major street described in section 38-1603. The distance is measured by a straight line extending perpendicular from the centerline of the major street.~~

~~Transitioning area shall mean an area designated by the Florida Department of Transportation and MetroPlan Orlando (without Federal Highway Administration involvement), based on U.S. Census data, as updated from time to time. Transitioning areas are fringe areas exhibiting characteristics between rural and urbanized/urban. Transitioning areas are intended to include areas that, based on their growth characteristics, are anticipated to become urbanized or urban in the next twenty (20) years and where designated, associated roadways shall use urbanized area setbacks.~~

~~Urban functionally classified roads shall mean roadways within the urban/urbanized area designated by the Florida Department of Transportation, the Federal Highway Administration, and MetroPlan Orlando based on U.S. Census data, as updated from time to time.~~

Sec. 38-1603. Functional classification and setback distances.

~~Buildings, structures (except signs and billboards), and parking areas adjacent to major streets shall be set back in all zoning districts according to the respective setback distances set forth in the following table. In the event of a conflict between the setback distances set forth in the following table and the requirements for setbacks as established through yard requirements in any zoning district, the greater of the setback distances shall prevail. This section shall not apply within Horizon West.~~

Functional Classification of Major Street	Setback Distance from Centerline for Buildings and Structures (feet)	Setback Distance from Centerline for Parking Areas (feet)
---	--	--

Principal arterial, urban (Class I)	70	65
Principal arterial, urban (Class II)	60	55
Principal arterial, rural	150	100
Minor arterial, urban	60	55
Minor arterial, rural	120	70
Collector, major and minor urban	55	50
Collector, rural	100	50

Secs. ~~38-1604~~ 38-1601 – 38-1650. Reserved.

Section 86. Repeal of Article XVI, U-V Urban Village District. Article XVI, U-V Urban Village District, codified at Section 38-1651 through Section 38-1713, is repealed and reserved for future use.

ARTICLE XVI. – U-V URBAN VILLAGE DISTRICT RESERVED

DIVISION 1. – GENERALLY

Sec. 38-1651. – Intent and purpose.

The intent and purpose of the U-V urban village district are as follows:

(1) — ~~To encourage the type of development that was common before 1940, and that is most often found locally in that portion of the City of Orlando known as the Traditional City;~~

(2) — ~~To create a village like setting with a sense of community which features a mixture of housing types and densities focused around a village center that contains neighborhood retail uses, convenience goods, personal services, office uses, public uses, and a village green;~~

(3) — ~~To ensure the village center is at a scale and relation which is attractive to pedestrian and bicycling activity as well as at a density which makes transit a viable alternative to the automobile;~~

(4) — ~~To locate the village center within walking or bicycling distance to all of the residential units;~~

(5) — ~~To ensure the availability of transit stops at the village center to provide an opportunity for alternative forms of transportation; and~~

~~(6) — To encourage the location of government branch offices (such as libraries, civic centers and post offices) within the village center for convenience and to encourage multipurpose trips.~~

~~Sec. 38-1652. — Definitions.~~

~~[For the purposes of this article, the following words and terms shall have the meanings respectively ascribed to them as follows:]~~

~~*Neighborhood center.* Neighborhood center shall mean that portion of an urban village which allows neighborhood retail uses, convenience goods, personal services, office uses and public uses. The neighborhood center shall be oriented toward the village green.~~

~~*Shade tree.* Shade tree shall mean a species of tree which normally grows to a mature height of forty (40) feet or more. Acceptable species are defined in section 21-5 of the Orange County Code. Each shade tree must be a minimum of eight (8) feet tall, with a two-inch caliper.~~

~~*Understory tree.* Understory tree shall mean a species of tree which normally grows to a mature height of between fifteen (15) feet and thirty-five (35) feet. Each understory tree must be a minimum of four (4) feet tall, with a one-and-one-half-inch caliper.~~

~~*Village center.* Village center shall mean that portion of an urban village which encompasses the neighborhood center, village green, and any other development adjacent to the village green. All development within the village center adjacent to the village green should generally be oriented toward the village green. Uniform site development standards shall be applied throughout the village center.~~

~~*Village green.* Village green shall mean that portion of an urban village reserved for recreation and open space. The village green may include both active and passive recreation areas. The village green is intended to be an integral part of an urban village and must be located in the village center.~~

~~Sec. 38-1653. — General requirements.~~

~~(a) — The urban village zoning district shall be allowed in areas within the urban service area designated for residential communities, ranging from low-density residential to high-density residential, and including those areas designated activity center residential and activity center mixed use on the future land use~~

map. The overall residential density for the urban village shall be consistent with the future land use designation.

~~(b) — The minimum size for an urban village is forty (40) acres.~~

~~(c) — The maximum size for an urban village is two hundred (200) acres.~~

~~(d) — The residential units in the urban village must be focused around a village center containing neighborhood retail uses, convenience goods, personal services, office uses, public uses and a village green.~~

~~(e) — The neighborhood center may be located around a village green, it may be located at an intersection of major roads, or it may be linear in form.~~

~~(f) — A minimum five-acre village green must be located in the village center, or five (5) acres per one thousand (1,000) dwelling units, whichever is greater. However, in cases where this district encompasses a previously developed area that includes significant public structures or areas that provide a community focus, the minimum size of the village green may be reduced. Any reduction of the village green based on existing significant public structures or areas that provide a community focus shall be reviewed on a case-by-case basis to determine the significance of the areas under consideration.~~

~~(g) — Provision must be made for the availability of a bus stop in the village center.~~

~~(h) — Development of the neighborhood center shall be phased as follows: Twenty five (25) percent of the nonresidential development square footage may be constructed before any residential development takes place in the urban village. After each increment of twenty five (25) percent of the approved residential units are built, another twenty five (25) percent of the nonresidential square footage may be constructed.~~

Sec. 38-1654. — Permitted uses.

~~A use shall be permitted in the U-V district if the use is identified by the letter “P” in the use table set forth in section 38-77.~~

Sec. 38-1655. — Special exceptions.

~~(a) — A use shall be permitted as a special exception in the U-V district if the use is identified by the letter “S” in the use table set forth in section 38-77.~~

~~(b) — Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale and shall show the location and area of the buildings. Property lines, rights-of-way, and the location of adjacent buildings, parking areas, curb cuts and driveways shall also be indicated. The site plan shall be submitted to and approved by the board of zoning adjustment prior to the granting of a land use and building permit. Upon such approval, the site plan becomes a part of the land use and building permit and may be amended only by the board of zoning adjustment.~~

~~**Sec. 38-1656. — Prohibited uses.**~~

~~A use shall be prohibited in the U-V district if the space for that use is blank in the use table set forth in section 38-77.~~

~~**Sec. 38-1657. — Similar and compatible uses.**~~

~~Refer to section 38-1421 of the Orange County Code for similar and compatible uses.~~

~~**Sec. 38-1658. — Approval procedure.**~~

~~The procedure for obtaining approval of an urban village shall be as follows:~~

~~(1) — *Urban village zoning application.* The applicant shall submit a zoning application and six (6) copies of the urban village plan (UVP) to the zoning department. The UVP shall consist of a generalized land use sketch, the boundary of which is drawn to scale, not to exceed one (1) inch equals two hundred (200) feet, which addresses the following items, in addition to the other requirements of this district:~~

- ~~a. — Locator map.~~
- ~~b. — Legal description of subject property.~~
- ~~c. — Boundary sketch of the subject property.~~
- ~~d. — Existing adjacent street network and anticipated access points.~~
- ~~e. — Natural features (i.e., lakes, rivers, conservation areas).~~
- ~~f. — Future land use designations of subject property.~~
- ~~g. — Total acreage.~~

~~h. — Approximate developable acreage (less estimated acreage of conservation areas and natural water bodies).~~

~~i. — Anticipated number of dwelling units.~~

~~j. — Anticipated density calculated as per section 38-1654(b).~~

~~k. — Proposed type of housing and location (land use bubbles are acceptable).~~

~~l. — Proposed square footage of the neighborhood center and its location.~~

~~m. — Location of village green and any other common recreation or open space.~~

~~n. — Boundaries of village center.~~

~~o. — Names of abutting subdivisions.~~

~~p. — Identification of all adjacent zoning districts and land use designations.~~

~~q. — Identification of proposed land use along perimeter of district including, but not limited to, the type of housing unit and proposed parking areas for multifamily use, and the proposed method of allowing for compatibility of urban village development with adjacent uses (e.g., architectural design, dwelling type).~~

~~(2) — Urban village zoning applications shall follow the zoning processing schedule. The UVP shall be reviewed by the planning, zoning and engineering departments, as well as other appropriate county departments. Each department shall submit recommendations to the planning manager for incorporation into a consolidated staff report which shall be available to the applicant prior to the public hearing.~~

~~(3) — After a review, the planning and zoning commission shall hold a public hearing and submit its recommendation, which may include conditions of approval, to the board of county commissioners. If the urban village district is approved by the board of county commissioners, the UVP and any conditions of approval shall become a part of the urban village district and shall be the basis for review and evaluation of subsequent development plans.~~

~~(4) — a. ;hg; Alterations to the approved UVP 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 alter the land use type adjacent to a property boundary.~~

~~2. — A change which would increase the land use intensity within the urban village district without a corresponding decrease in some other portion of the district.~~

~~3. — A change which would require an amendment to the board of county commissioners conditions of approval.~~

~~b. — A request for an alteration to an approved development plan shall be submitted in writing to the zoning department. The determination of a substantial or nonsubstantial alteration shall be made jointly by the planning, engineering and zoning departments. The determination of a substantial alteration may be appealed to the board of county commissioners.~~

~~c. — Alterations determined to be substantial must submit plans and support data (following the development plan requirements) for a staff review, a public hearing before the planning and zoning commission and final action by the board of county commissioners.~~

~~d. — Alterations determined to be nonsubstantial will be reviewed by the zoning department, the planning department and the engineering department after receipt of the initial letter. Additional plans and support data may be requested. Approval of a nonsubstantial alteration shall require confirmation by the board of county commissioners.~~

~~Secs. 38-1659 — 38-1700. — Reserved.~~

~~DIVISION 2. — SITE DEVELOPMENT STANDARDS~~

~~Sec. 38-1701. — Purpose.~~

~~Site development standards are established for urban villages to ensure 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, and to otherwise protect the public health, safety and general welfare.~~

~~Sec. 38-1702. — Waivers.~~

~~(a) — Waivers from the minimum standards set forth in this zoning district may be granted by the board of county~~

commissioners. However, such waivers must be specified in conjunction with the urban village plan in order to be effective. Waiver requests shall be identified in the public hearing notice.

~~(b) — Waivers requested after approval of the urban village plan must be approved by the board of county commissioners at a public hearing after notification of abutting property owners.~~

Sec. 38-1703. Natural features/project design.

~~(a) — The natural topography, soils and vegetation shall be preserved and utilized, where possible, through the careful location and design of circulation ways, buildings and structures, parking areas, recreation areas, open space and drainage facilities. Designation and use of conservation areas must be consistent with the adopted comprehensive plan.~~

~~(b) — (1) — Public access to natural lakes shall be preserved to provide for the maximum use, enjoyment and viewing by the community. Development adjacent to natural lakes must incorporate a perimeter road around the lake. Such development shall be consistent with all county regulations and ordinances, including the conservation ordinance of Orange County, Orange County Code, chapter 15, article X.~~

~~(2) — Construction of a principal residential structure shall not be permitted on the lake side of the perimeter road. However, noncommercial boat docks and boat houses may be constructed on the lake side of the perimeter road as accessory structures, as long as both portions of such lots are retained in common ownership (i.e., each portion is owned by the same person or entity at the same time and each such person or entity is vested with the same estate).~~

~~(3) — Such boat docks and boat houses may only be used by the residents of the principal structure and their guests and may be constructed before or after the construction of the principal structure. Sidewalks shall be provided on both sides of streets adjacent to such lakes. Finally, the provision of a minimum one-quarter (1/4) acre recreation area adjacent to the lake shall be required for all sites which are adjacent to a natural lake.~~

Sec. 38-1704. Circulation, access and parking.

~~(a) — An interconnected street network shall be required except where prevented by physical site constraints. This street network shall also connect with the street network of surrounding development and shall not be limited to the boundaries of the urban village.~~

~~(b) — Orange County shall consider road design criteria which vary from that contained in the Orange County Subdivision Regulations where those criteria are designed to increase pedestrian safety and access and reduce traffic speed and volume. However, such criteria are subject to compliance with section 21-176.~~

~~(c) — Streets and driveways in the development shall be designed to provide optimum conditions for the free movement and safety of vehicular, bicycle, and pedestrian traffic, and to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development.~~

~~(d) — One-way alleys are permitted in the U-V district. Alleys shall be twenty (20) feet in clear and paved width, not including gutters. All alleys shall be designed as required fire department access roadways, shall be posted 'no parking' before issuance of certificates of completion, and shall have a minimum thirty-five (35) foot right turning radius easement on corner lots formed by alleys, or such other turning radius and mountable curb systems which may facilitate smaller turning radii, but which must be approved by the county traffic engineer and the fire marshal or their designees.~~

~~(e) — Access management shall be consistent with section 30-248, and joint access shall be required in the village center where feasible to minimize access points.~~

~~(f) — Parking in the village center shall be provided on street and to the side and rear of structures or in off-site facilities or garages, provided that such streets are designed and constructed of sufficient width to accommodate the additional vehicular usage within the paved portion of the roadway.~~

~~(g) — A maximum of twenty (20) percent of the required parking for a structure in the village center may be provided in the side yard.~~

~~(h) — The minimum parking requirements established in section 38-1476 of the Orange County Code shall not apply to development within the village center. The amount of vehicle and bicycle parking to be provided shall be proposed by the developer and shall be subject to the approval of the zoning manager. However, in no case shall such parking exceed the minimum parking requirements established in section 38-1476 of the Orange County Code.~~

~~(i) — The use of shared parking in the village center is encouraged where feasible and appropriate and must meet the standards set in section 38-1478 of the Orange County Code.~~

~~(j) — Parking requirements for uses outside the village center are as established in section 38-1476 of the Orange County Code.~~

~~(k) — The entrances to parking areas shall be easily accessible and identifiable from public streets and shall not interfere with traffic movement on adjoining streets or drives.~~

~~(l) — All parking areas shall be designed and landscaped to be visually and functionally integrated with other land uses.~~

~~(m) — Pedestrian accommodations shall meet all requirements of section 30-250.~~

~~(n) — Pedestrian movements shall take precedence over vehicular movements in the site layout and design.~~

~~(o) — Twelve foot wide sidewalks shall be provided in the village center to facilitate pedestrian activity. The required twelve-foot wide sidewalk serves as the minimum front yard setback in the village center and the area used for tree plantings may be included within this twelve foot wide area, provided that all accessibility requirements of section 34-171 are met. Sidewalk standards for the area outside of the village center shall be consistent with the standards established in section 34-171(8) of the Orange County Code.~~

~~Sec. 38-1705. Stormwater management.~~

~~The design and construction of stormwater management systems shall be in accordance with the Orange County Subdivision Regulations and applicable codes, ordinances, resolutions, rules and regulations. The stormwater management system shall be master planned and designed as an amenity where feasible.~~

~~Sec. 38-1706. Utilities systems.~~

~~(a) — Central water systems, wastewater systems, utility lines and easements shall be provided in accordance with the appropriate sections of the Orange County Subdivision Regulations, the Orange County Manual of Standards and Specifications for Wastewater and Water Main Construction, and applicable codes, ordinances, resolutions, rules and regulations.~~

~~(b) — All utilities throughout the urban village, including the village center, shall be supplied through underground networks.~~

~~(c) — An urban village shall connect to a central water and wastewater system which is adequate to serve the anticipated needs of the development.~~

~~Sec. 38-1707. Solid waste disposal.~~

~~Refuse and recycling areas shall not be located within any front yard setback and shall be located at least five (5) feet from the side or rear property line, ten (10) feet from adjacent residential districts. A six foot high masonry wall shall be provided around any refuse and recycling areas located in any required yard adjacent to any residential area. In addition, dumpsters for commercial collection shall be placed on a paved or concrete pad.~~

~~Sec. 38-1708. Village green.~~

~~(a) — A village green which is a minimum of five (5) acres in size shall be provided within the village center or five (5) acres per one thousand (1,000) dwelling units, whichever is greater. Required acreage over the minimum five (5) acres may be located anywhere within the U-V urban village district and may include recreation trails and linear parks. An effort shall be made to aggregate such acreage to ensure the usability of the site.~~

~~(b) — The village green and all other common recreation and open space areas shall be maintained by a property owner's association.~~

~~(c) — The village green is intended to be a multipurpose site and may be used for community activities. Community activities shall be regulated by a property owner's association. Surface types permitted include grassed or landscaped areas, plazas or hardscapes, and man-made lakes.~~

~~Sec. 38-1709. Landscaping/streetscaping.~~

~~(a) — Landscaping within the U-V district shall be consistent with the requirements of chapter 24 of the Orange County Code, except as otherwise stated in this article.~~

~~(b) — Bufferyards shall not be required between residential uses in the urban village and nonresidential uses in the village center of the urban village.~~

~~(c) — Development within the urban village shall be consistent with the requirements of chapter 15, article VIII, tree protection and removal, of the Orange County Code.~~

~~(d) — (1) — Street trees planted at fifty foot intervals along both sides of the roadside within the urban village are required. The exact distance between trees may vary to meet local conditions in cases where a tree planting will jeopardize the proper functioning of public utilities and driveway access, conflict with other county ordinances, or be in too close proximity to existing natural trees and shall be subject to the approval of the planning manager.~~

~~(2) — All street trees shall be shade trees and shall be a minimum of eight (8) feet in height with a minimum caliper of two (2) inches. However, two (2) understory trees may be substituted for a shade tree where the zoning manager determines that the individual planting site is unsuitable for a shade tree due to the presence of overhead wires or other constraints. All understory trees must be a minimum of four (4) feet tall with a minimum caliper of one and one half (1½) inches. Street trees shall count toward meeting the requirements of chapter 15, article VIII, tree protection and removal, of the Orange County Code.~~

~~(3) — Street trees shall be planted by the developer as a condition of the certificate of occupancy. The trees shall be planted in the twelve foot wide sidewalk area within the village center and within the right of way between the curb and sidewalk when outside of the village center. Street trees within the village center shall be maintained by a property owner's association. Street trees outside of the village center shall be maintained by a property owner's association or by the individual property owners.~~

~~(e) — Street lighting in the village center shall be provided consistent with the intended character of the U-V district.~~

~~(f) — Street furniture shall be provided in the village center (e.g., benches and trash receptacles).~~

~~(g) — All street trees, street lighting and street furniture shall be designed and installed to preserve clear recovery areas as defined in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways published by the Florida Department of Transportation.~~

~~Sec. 38-1710. — Signage.~~

~~Refer to chapter 31.5 of the Orange County Code for sign regulations.~~

~~Sec. 38-1711. — Lot coverage.~~

~~(a) — Within the village center the following shall apply:~~

~~(1) — The maximum size for any one (1) use shall not exceed twenty five thousand (25,000) square feet; and~~

~~(2) — Permitted densities shall not exceed a floor area ratio of 1.5.~~

~~(b) — Outside of the village center open space shall be provided as follows:~~

~~(1) — Residential private open space shall be twenty five (25) percent.~~

~~(2) — Institutional open space shall be thirty-five (35) percent.~~

Sec. 38-1712. — Setbacks.

~~(a) — Within the village center the following shall apply:~~

~~(1) — The minimum front yard setback shall be the required twelve-foot wide sidewalk. Nonmountable curbs or raised sidewalks shall be used where sidewalk and road are contiguous.~~

~~(2) — The minimum side yard setback between commercial structures shall be zero feet.^[13] However, where a side yard setback greater than zero feet is used, the minimum separation shall be three (3) feet.~~

~~(3) — The minimum rear yard setback between commercial structures shall be zero feet.* However, where a rear yard setback greater than zero feet is used, the minimum separation shall be three (3) feet.~~

~~(4) — The minimum rear yard setback where commercial structures are adjacent to noncommercial structures shall be fifty (50) feet. The twenty-five (25) feet nearest to the building can be used for parking.~~

~~(b) — Outside of the village center the following shall apply:~~

~~(1) — For one and two family dwellings:~~

~~a. — The minimum front yard setback with a front entry garage shall be twenty (20) feet.~~

~~b. — The minimum front yard setback with a side or rear entry garage, or without a garage, shall be ten (10) feet.~~

~~c. — The minimum side yard setbacks shall be five (5) feet. The zero side yard provision may be used within the urban village.~~

~~d. — The minimum rear yard setback shall be ten (10) feet.~~

~~(2) — For three (3) or more family dwellings:~~

~~a. — The minimum front yard setback shall be twenty-five (25) feet.~~

~~b. — The minimum side yard setback shall be ten (10) feet.~~

e. ~~The minimum rear yard setback shall be thirty five (35) feet.~~

Footnotes:

~~(13)~~

~~* Provided however, that the fire rating requirements of the currently adopted version of the Standard Building Code are met.~~

~~Sec. 38-1713. Special consideration.~~

~~The following items should be taken into consideration, but are not mandatory, when designing the urban village and incorporated into the project design as feasible and/or appropriate:~~

~~(1) A transition to adjacent properties should be provided for in the design of the urban village;~~

~~(2) Residential unit types are encouraged to be mixed;~~

~~(3) All residential units should be located within one-quarter (1/4) mile of the village center to facilitate pedestrian activity;~~

~~(4) Block spacing within the urban village should be provided at a pedestrian scale;~~

~~(5) Textured or stamped concrete or asphalt of a contrasting pattern should be provided at pedestrian crosswalks in the village center;~~

~~(6) Architectural variety in building design is encouraged, especially in the village center;~~

~~(7) The location of government branch offices in the village center is encouraged;~~

~~(8) Buildings and recreation areas are encouraged to be situated to take advantage of natural air flow, sun angle and views;~~

~~(9) Existing trees should be preserved/maintained where practically possible.~~

Secs. ~~38-1714~~ 38-1651 – 38-1724. Reserved.

Section 87. Amendments to Section 38-1751 (“Scope and application [of Public School Siting Regulations]”). Section 38-1751 is amended to read as follows:

Sec. 38-1751. Scope and application; zoning categories in which schools are allowed.

* * *

(b) ~~As indicated in sections 38-77 and 38-79(139) and (140),~~ public schools shall be permitted by right or may be permitted by special exception in the following zoning categories, subject to the site and development standards set forth in sections 38-1753 through 38-1755 and, with respect to a special exception application, the special exception criteria in section 38-78.

* * *

In all other respects, Section 38-1751 shall remain unchanged.

Section 88. Amendments to Section 38-1766 (“Definitions [Collection Bins]”).

Section 38-1766 is amended to read as follows:

Sec. 38-1766. Definitions.

As used in this article, the following words or phrases shall have the meaning ascribed to them below unless the context clearly indicates otherwise:

* * *

(d) *Property owner* shall mean the owner of fee simple title of record or the owner’s authorized agent, for the property on which a collection bin is placed.

Section 89. Amendments to Section 38-1767 (“Permit required”). Section 38-1767 is amended to read as follows:

Sec. 38-1767. Permitting required.

No person shall place, use or operate a collection bin ~~in the unincorporated area~~ without obtaining a permit pursuant to this article. ~~The operator of a collection bin in existence as of~~

~~June 24, 2014, the date of adoption of this ordinance, shall have until September 1, 2014, to either apply for and obtain a permit under this article or remove the collection bin.~~

Section 90. Amendments to Section 38-1768 (“Permit application [for collection bins]”). Section 38-1768 is amended to read as follows:

Sec. 38-1768. Permit application.

(a) ~~An application for a permit shall be made to the zoning division manager or designee on a form prescribed by the zoning manager.~~ The applicant shall pay an application fee, established by the board of county commissioners and found in the ~~fee schedule.~~ Such and such application shall include all of the following information:

(1) ~~A map or sketch site plan prepared in compliance with Sec. 38-3 (l) and (m) showing the location where the collection bin will be ~~situated~~ located.~~

(2) A drawing or manufacturer’s specification of the collection bin and information regarding the size and color of the collection bin.

(3) The name, address and telephone number of the ~~permittee~~applicant.

~~(4) If the applicant is not the owner of the property, the applicant shall sign and produce a notarized statement attesting that the owner of the property has approved of or consented to the application for a permit to place the collection bin on the property.~~

(4) If the permittee is not the property owner, then a notarized letter of authorization signed by the property owner shall be provided, stating that the property owner gives permission to locate a collection bin on the property.

~~(5) Written authorization from a non-profit organization to display affiliation with the non-profit organization.~~

(5) If the collection bin is benefiting a non-profit organization, then written authorization from that organization shall be provided.

(6) Evidence of any business permits or registrations required pursuant to state and/or local law, such as a

Florida Department of Environmental Protection (FDEP) permit as a certified recovered materials dealers, issued pursuant to F.S. § 403.7046, unless the applicant is exempt from section 403.7046.

(b) Within ~~fourteen (14)~~ thirty (30) days of receipt of a completed application, the zoning manager or designee shall issue a letter to the applicant approving or denying the permit application.

(c) Upon approval of a permit application, the zoning ~~division manager, or his authorized designee,~~ shall issue the permittee a tag which shall include the permit number and expiration date. ~~A separate~~ The tag shall be issued for each collection bin which shall be displayed in accordance with section 38-176970 (m) of this article.

~~(d) In the event the original tag is damaged or otherwise inadvertently removed from the collection bin, the permittee may request a replacement tag from the zoning manager for a nominal fee. This shall not apply to any collection bin wherein the original tag has been removed due to expiration or other violation of this ordinance.~~

(d) The permit shall be effective for one (1) year from the date of issuance and be subject to annual renewal. The permit shall not be transferrable.

(e) The permittee shall pay an annual permit fee, no prorations may be allowed for permits less than one (1) year in duration or for permits suspended or revoked pursuant to this article.

Section 91. Amendments to Section 38-1769 (“Standards and criteria”). Section 38-

1769 is amended to read as follows:

Sec. 38-1769. Standards and criteria.

(a) A collection bin may only be located in a commercial or industrial zoned district, and only as an accessory use. A collection bin shall not be located on a vacant or unimproved parcel or lot.

(ab) A collection bin shall be limited to a maximum floor area of twenty-five (25) square feet and a maximum height of seven (7) feet in height.

(bc) A collection bin shall be limited to one (1) bin per parcel or lot, except that one (1) additional collection bin may be

~~permitted if the parcel or lot has more than three hundred (300) feet of road frontage.~~

(ed) A collection bin shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be repaired or repainted in the event it is damaged or vandalized.

(de) In addition to the information that is required to be posted pursuant to section 38-1770, signage shall be permitted on ~~not more than~~ two (2) sides of a collection bin, provided that at least one (1) sign shall be located on the front or depositing side of the receptacle, and the total copy area of all signage does not exceed thirty-two (32) square feet. Signage shall only advertise the collection bin's: (1) permittee, and (2) if applicable, benefitting foundation or organization. A collection bin operated by a person or entity other than a non-profit permittee shall include the following statement on the depositing side of the bin: "[Permittee name] is not a charitable organization. The materials deposited in this bin are recycled and sold for profit, and are not tax deductible contributions." The sign shall be located not less than two (2) inches below the bin chute with the conspicuous and clear lettering that is not less than three (3) inches high and one-half (½) inches in width with an ink color that contrasts with the color of the collection bin. A collection bin operated by a person or entity other than a non-profit permittee with a benefitting foundation or organization may also state: "A portion of the proceeds of the sale of the materials deposited in this bin benefits [name of benefitting foundation or organization]."

~~(e) A collection bin shall not be located on an unimproved parcel or lot.~~

(f) The permittee shall maintain or cause to be maintained the area surrounding a collection bin free of junk, garbage, trash, debris or other refuse material. In addition, a collection bin shall be emptied at least every seventy-two (72) hours.

(g) A collection bin shall have a security or safety chute and tamper proof lock to prevent or deter intrusion and vandalism.

(h) The permittee and property owner shall be individually and jointly responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding a collection bin within seventy-two (72) hours of written or verbal notice from the county.

(i) The permittee and property owner shall be individually and severally responsible for all costs related to abating and removing any junk, garbage, trash, debris and other refuse materials from the area surrounding a collection bin.

(j) A collection bin shall be located on an improved impervious surface and shall be anchored to such surface.

~~(k) A collection bin shall only be allowed as an accessory use in the commercial and industrial zoning districts. Also, until October 1, 2019, a collection bin shall be allowed as an accessory use in a multi-family zoning district where the multi-family development is gated and has at least one hundred (100) units, provided that the collection bin shall be located interior to the multi-family development and not clearly visible from the public right of way. On October 1, 2019, the portion of this subsection allowing collection bins in a multi-family district shall automatically expire.~~

~~(k)~~ A collection bin shall not be located in any of the following areas: A collection bin must meet all required setbacks of the zoning district it is located in, including major street setbacks in Article XV of this chapter. Additionally, a collection bin shall not be located in any of the following areas on a site:

- (1) Required parking spaces;
- (2) Public or private right-of-way;
- (3) Drive aisles;
- (4) Required landscaped areas or bufferyards;
- (5) Intersection and driveway sSight visibility triangles;
- (6) Pedestrian circulation areas; or
- (7) Within one hundred (100) feet from a single-family residentially zoned district; ~~or~~
- ~~(8) Within the setback of the applicable zoning district.~~

~~(m)~~ A collection bin shall not be placed on the site in a manner that impedes vehicular or pedestrian traffic flow or safety.

(m) The following information shall be clearly and prominently displayed on the exterior of the collection bin:

(1) The approved permit tag, which shall be placed on the front or depositing side of the receptacle.

(2) On each side of the receptacle, the name of the permittee, the permittee's logo, trademark or service mark, local physical address, telephone number, e-mail address (if any), and for-profit or non-profit status.

Section 92. Amendments to Section 38-1774 (“Appeals”). Section 38-1774 is amended to read as follows:

Sec. 38-1774. Appeals.

(a) The zoning manager's decision to deny a permit application or to suspend or revoke a ~~donation~~-collection bin permit may be appealed to the board of zoning adjustment in accordance with the procedures established in Sec. 30-43 (1) of the County Code. The permittee shall submit a written notice of appeal to the zoning manager within ten (10) days of receipt of the zoning manager's decision. ~~The zoning division shall schedule a hearing before the board of zoning adjustment within thirty (30) days of receiving the notice.~~

~~(b) The board of zoning adjustment shall conduct a hearing on the appeal within sixty (60) days after the filing of the notice of appeal, or as soon thereafter as its calendar reasonably permits. The recommendation of the board of zoning adjustment shall be forwarded to the board of county commissioners for a final decision.~~

~~(e)~~ (e) The filing of a notice of appeal by a permittee shall not stay an order of the zoning manager to remove the collection bin. The collection bin shall be removed as required by the zoning manager pending disposition of the appeal and final decision of the board of county commissioners.

Section 93. Amendments to Section 38-1776 (“Responsibility and liability of owner of donation bin, permittee, and property owner.”). Section 38-1776 is amended to read as follows:

Sec. 38-1776. Responsibility and liability of owner of donation collection bin, permittee, and property owner.

The owner of the ~~donation~~ collection bin, the permittee, and the owner of any private property upon which a violation of this article occurs may be held individually and severally responsible and liable for such violation.

Section 94. Amendments to Section 30-43 (*“[Board of zoning adjustments] – Powers and duties”*). Section 30-43 is amended to read as follows:

Sec. 30-43. Same—Powers and duties.

The board of zoning adjustment shall have the following powers and duties:

* * *

(2) *Exceptions; applications; procedures.* To hear and make recommendations to the board of county commissioners on such special exceptions as the board of zoning adjustment is specifically authorized to pass on by the terms of the zoning regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to recommend the granting of special exceptions with such conditions and safeguards as are appropriate under the zoning ordinance, or to recommend the denial of special exceptions when not in harmony with the purpose and intent of the zoning ordinance. A special exception shall not be recommended by the board of zoning adjustment unless and until:

a. A written application for a special exception is submitted indicating the section of the zoning ordinance under which the special exception is sought and stating the grounds on which it is requested.

b. Notice has been given as required for hearings before the board of zoning adjustment by this article.

c. The public hearing shall be held. Any party may appear in person or by agent or attorney.

d. The board of zoning adjustment shall make a finding that it is empowered under the section of the zoning regulation described in the application to recommend granting the special exception and that the granting of the special exception

shall not adversely affect the public interest. In recommending the granting of any special exception, the board of zoning adjustment may prescribe appropriate conditions and safeguards, in conformity with the zoning regulations. Violation of such conditions and safeguards, if adopted by the board of county commissioners shall be deemed a violation of this article, and at the discretion of the board of county commissioners, such special exception may be revoked after notice and a public hearing. The board of zoning adjustment shall prescribe a time limit subject to the approval of the board of county commissioners within which the action for which this special exception is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit shall void the special exception. An automatic one-year time limit to obtain a building permit shall apply if the board of zoning adjustment does not prescribe a time limit. A request to extend the time limit shall be made in writing to the zoning manager. The zoning manager may extend the time limit if the applicant provides proper justification for such an extension. Examples of proper justification include, but are not limited to, proceeding in good faith, there is a delay in contract negotiations not attributable to the applicant and unexpected financial hardships which were not known and could not have been reasonably foreseen by the applicant when the special exception was granted. The zoning manager's determination on a request for an extension of time may be appealed to the board of zoning adjustment and then the board of county commissioners.

e. The board of zoning adjustment considers and weighs those criteria for reviewing special exceptions contained in section 38-78.

* * *

In all other respects, Section 30-43 shall remain unchanged.

Section 95. Amendments to Section 30-45 (“Review of planning and zoning commission’s and board of zoning adjustment’s decisions”). Section 30-45 is amended to read as follows:

Sec. 30-45. Review of planning and zoning commission’s and board of zoning adjustment’s decisions.

(a) Any person aggrieved by any quasi-judicial decision of the board of zoning adjustment or the planning and zoning commission may file a notice of appeal to the board of county commissioners within fifteen (15) days after the board of zoning adjustment meeting or planning and zoning commission meeting at which such decision is made. The fifteen-day period shall be suspended for the period during which the matter is tabled or scheduled for a public hearing by the board of county commissioners. The person appealing shall file a notice of appeal upon the form, if any, prescribed by the board of county commissioners in the office of such commission or board stating wherein the commission or board erred. The commission or board shall forthwith deliver a copy of the notice of appeal to the clerk of the board of county commissioners. The commission or board shall forthwith transmit to the board of county commissioners all the papers, photographs and exhibits constituting the record upon which the action appealed from was taken, or properly certified copies thereof in lieu of originals, as the commission or board may elect.

* * *

In all other respects, Section 30-45 shall remain unchanged.

Section 96. Amendments to Section 30-46 (“Review of appeal decisions”). Section 30-46 is amended to read as follows:

Sec. 30-46. Review of appeal decisions.

(a) Any person aggrieved by the board of county commissioners’ decision on an appeal from a quasi-judicial decision of the board of zoning adjustment or the planning and zoning commission, ~~or a decision of the board of county commissioners amending, altering or changing the comprehensive policy plan, zoning ordinance or ordinances or resolutions establishing classifications or districts as authorized by this article,~~ may file a petition for writ of certiorari as authorized in the manner prescribed by the state appellate rules of court in the circuit court of the county, to review the decision of the board of county commissioners. The court shall not conduct a trial de novo. The proceedings before the board of county commissioners, including the testimony of witnesses, and any exhibits, photographs, maps or other documents filed before them, shall be subject to review by the circuit court. ~~of the county. A notice of intention to file petition~~

~~for writ of certiorari shall be filed in the circuit court within ten (10) days after the decision of the board of county commissioners is filed in the office of the clerk of the board of county commissioners. The petition, together with the transcript of the testimony of the witnesses, as record of the proceedings, shall be filed in the circuit court within thirty (30) days after the filing of the ruling-written decision by the board of county commissioners to which such petition is addressed, ~~except the court may extend the time for filing the petition and transcript for good cause shown.~~ The person filing the petition ~~for certiorari~~ shall be responsible for filing a true and correct transcript of the complete testimony of the witnesses. The person filing the petition ~~for certiorari~~ shall immediately serve a copy of the ~~notice of intention to petition for a writ~~ upon the planning and zoning director, who shall thereupon suspend the issuance of a use permit until the court has ruled upon the petition. Neither the planning and/or zoning director, nor the planning and zoning commission, nor the board of zoning adjustment, shall be a party to the certiorari proceeding. ~~Any person may intervene, pursuant to Florida RCP 1.230, as a respondent in the certiorari proceeding authorized by this section.~~~~

Section 97. Amendments to Section 30-250 (“Pedestrian accommodations”). Section 30-250 is amended to read as follows:

Sec. 30-250. Pedestrian accommodations.

(a) All sites, including previously-approved subdivisions and lots of record, shall have a five-foot sidewalk constructed to current county standards along all local street frontages and six-foot sidewalks on both sides of ~~functionally-classified~~ arterial or collector roadways, including on frontages abutting the site and connections to the existing sidewalk network on arterial or collector ~~functionally-classified~~ roadways. Sidewalks shall be designed to include ramps at all intersections, with two (2) ramps per intersection quadrant on arterial or collector ~~functionally-classified~~ roadways, and to meet all accessibility requirements of the most recent editions of Florida Department of Transportation Americans with Disabilities Act Standards for Transportation Facilities and other applicable federal and state standards as adopted.

(b) On a case by case basis, upon approval from the county engineer, a developer may make a voluntary contribution to a sidewalk fund to pay for construction of sidewalks in lieu of

actual construction of sidewalks on roadways. This voluntary contribution must be made prior to issuance of any permit for the development. The amount of the contribution shall be on a per foot basis that is the equivalent of the per linear foot cost to the county for installing the sidewalk, based upon the county's annual sidewalk construction contract(s) in effect at the time of permit issuance, including any applicable sidewalk design, drainage, ADA requirements, and/or permitting costs as determined by the county engineer. Orange County shall spend the proceeds from sidewalk fund contributions for new sidewalk design, construction, and other associated costs only and may spend all sidewalk funds collected countywide.

(c) Pedestrian accommodations consistent with this section shall be provided for all commercial, industrial, office, institutional, mixed-use, and multi-family uses and shall meet the following design standards:

(1) All pedestrian circulation systems shall be a minimum of five (5) feet wide and shall provide a minimum of forty-eight (48) inches for continuous pedestrian access to encourage pedestrian activity and safety.

(2) Pedestrian walkways shall be constructed of concrete, stamped or textured concrete, or asphalt. Other material may be approved by the development engineering manager, but bricks and pavers shall not be used within the five-foot minimum pedestrian walkway or any public right-of-way.

(3) 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. Pedestrian walkways through a parking lot or driving area, if not sidewalks, shall be designated or identified by pavement markings, including thermoplastic crosswalks. Separate paths shall be provided for pedestrian and motor vehicle traffic.

(4) Pedestrian walkways shall provide direct connections between all existing and proposed building entrances and outparcels, adjacent streets and sidewalks, and transit stops in adjacent rights-of-way. An accessible route shall be provided within the site from all accessible building entrances and accessible parking spaces/passenger loading zones to transit stops. Pedestrian access points shall be located at the earliest point of off-site pedestrian walkway contact.

(5) ~~Pedestrian walkways shall be separated from vehicular use areas by curbs or curb stops wherever possible. Curb stops shall be required whenever parking facilities directly abut pedestrian walkways, and the pedestrian walkways shall be a minimum of —. Where motor vehicle overhang encroaches on the walkway, such walkways, generally five (5) feet wide, shall be seven (7) feet wide.~~ Pedestrian walkways shall utilize shade trees, with a minimum of one (1) shade tree for every forty (40) feet of walkway, or alternative cover along the full extent of walkways from the site to the external sidewalks, outparcels, and transit stop, if a transit stop is adjacent to the site, with the exception of areas crossing driveways, parking, and other vehicular areas.

(6) To enhance pedestrian safety, each vehicular access driveway from an arterial or collector ~~functionally classified~~ roadway shall be marked with retro-reflective special-emphasis thermoplastic crosswalk markings that are the maintenance responsibility of the property owner.

(7) Shared walkways are encouraged between adjacent commercial, office, industrial, and mixed-use projects. Unless prevented by physical limitations of the site or adjacent sites, these pedestrian connections shall also be required of projects in the alternative mobility area or in an urban area transportation impact fee district, whichever one is applicable and governs.

(8) Within the alternative mobility area or an urban transportation impact fee district, whichever one is applicable and governs, pedestrian-scaled lighting shall be provided along all pedestrian walkways consistent with section 9-649.

(d) Approximately one (1) year after issuance of a certificate of occupancy, the engineer of record shall certify in writing to the development engineering division that pedestrian accommodations function as designed and have been maintained properly.

(e) If a site's pedestrian accommodations are not compliant with this section, the county may issue notice to the property owner, and the property owner shall be responsible for restoring pedestrian accommodations, including crosswalk markings, within a time period acceptable to the county.

Section 98. Effective date. This ordinance shall become effective on January 1, 2024.

ADOPTED THIS 12th DAY OF DECEMBER, 2023.

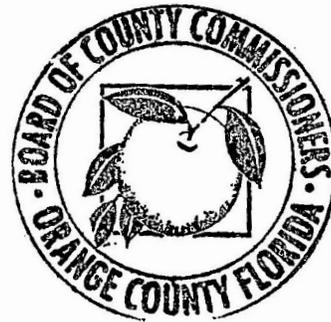
ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Phil Diamond*
Deputy Clerk



APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions		
Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings)		Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings)												S	S																					
Family foster homes (see definition in section 38-1, O.C. Code)		Family foster homes (see definition in section 38-1, O.C. Code)	P	P	P	P	P	P	P	P	P	P	P	P	P	18		P	P	S								P	124		P	P	P			
Accessory dwelling units (Sec. 38-1426) - [MOVED TO NEW LOCATION - SEE ABOVE]		Accessory dwelling unit (Sec. 38-1426)	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P																	
Swimming pools, jacuzzies, tennis courts, spas, hot tubs, including appurtenances to such uses		Swimming pools, jacuzzies, tennis courts, spas and hot tubs, including appurtenances to such uses	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10																
Home with 6 or fewer residents that otherwise meets definition of community residential home		Home with 6 or fewer residents that otherwise meets definition of community residential homes	12	12	12	12	12	12	12	12	12	12	12	12	12	12					P	P	P	P												
Community residential homes (7 to 14 residents)		Community residential homes (7 to 14 residents)												14	14	14					P	P	P	P												
Family lot provision		Family lot provision	17	17	17	17	17	17																												
Short-term rental, resort residential, resort villa		Hotel, motel, timeshare or similar uses																			P	P	P	P	P	P										
Townhouses and triplexes and quadruplexes with fee simple units - [MOVED TO NEW LOCATION - SEE ABOVE]		Townhouses and triplexes and quadruplexes with fee simple units												20	20																					
Zero side yard development		Zero side yard development								21	21	21	21	21	21	21		21	21									21	124		21	21	21			
Multifamily w/customary accessory uses - [MOVED TO NEW LOCATION - SEE ABOVE]		Multifamily w/customary accessory uses												24	P													24		P	P	P	P			

APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions				
Washing & packaging of fruit and vegetables		Washing & packaging of fruit and vegetables	34 P	34 P	34 P																	34 P	34 P		P	P	P											
Open air sales of agricultural or farm products		Open air sales of agricultural or farm products	35 P	35 P	35 P																	P	P		P	P	P											
Outdoor storage of operative agriculturally related equipment		Outdoor storage of operative agriculturally related equipment	6 P	6 P																																		
	02	AGRICULTURAL PRODUCTION (livestock)	P	P																																		
Commercial kennels		Commercial kennels	S	S																		P	P		P	P	P											
Cattle stock grazing, stock yards	0211	Beef cattle (grazing)	P	P																																		
Dairy farms	0241	Dairy Farms	P	P																																		
Raising or keeping of poultry	025	Raising or keeping of poultry	36 SP P/S	36 SP P/S	36 SP P/S	36 SP P/S	36 SP P/S	36 SP P/S		37 P	37 P	37 P																										
Raising or keeping of horses, ponies, donkeys, and mules; boarding of horses ponies etc.	0272	Raising or keeping of horses, ponies, etc. boarding of horses ponies, etc.	41 SP P/S	41 SP P/S	41 SP P/S	41 SP P/S	41 SP P/S	41 SP P/S														41 P	41 P		41 P	41 P	41 P											
Raising or keeping of goats, sheep, lambs, pigs, or swine		Raising or keeping of goats, sheep, lambs, pigs or swine	49 P/S S P	49 P/S S P	49 P/S S P	52 P	69 P	69 P																														
	07	AGRICULTURAL SERVICES	P	P																																		
Medical Marijuana Cultivation facility	0721		177 P	177 P																																		
Grove caretaking, harvesting business	0722	Crop harvesting	53 P	53 P																																		
Medical Marijuana Processing facility	0723																									178 P	178 P											
Veterinarians for livestock	0741	Veterinary services for livestock	P	P																					P	P	P											
Veterinary service with no outdoor runs or compound	0742	Veterinary services	S	S																	54 P	54 P	54 P	54 P		P	P	P										
Veterinary services with outdoor runs or compounds (domestic pets)	0742	Veterinary services	S	S																					P	P	P											

APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions			
Animal shelters, boarding kennels, animal pounds, training of animals, with no outdoor runs or outdoor compounds	0752	Animal specialties services (not veterinary)	S	S																		112 P	112 P		112 P	112 P	112 P										
Animal shelters, boarding kennels, animal compounds, training of animals, with outdoor runs or outdoor compounds	0752	Animal specialties services (not veterinary)	S	S																		S	P		P	P	P										
Dog and cat grooming	0752	Animal specialties services	S	S																	112 54 P	112 P	112 P		P	P	P										
Landscaping and irrigation business, lawn care, tree service	0782	Lawn and garden service	S	S																					P	P	P										
	08	FORESTRY	P	P																																	
Tree farms, including logging	0811	Timber tracts	P	P																																	
Forest nurseries	0831	Forest nurseries	P	P																																	
Silviculture	0851	Forestry services	P	P																					P	P	P										
Woodchipping, mulching and composting		Woodchipping, mulching and composting	96 120 P/S S P	96 120 P/S S P																					96 120 P/S P	96 120 P/S P	96 120 P/S P										
Hunting preserves, commercial fishing, animal trapping, private/public hunting clubs	09	HUNTING, FISHING & TRAPPING	P	P																																	
		MINING																																			
Iron, copper, lead, zinc, prospect & test drilling	10	METAL MINING	S	S																																	
Bituminous coal & lignite mining	12	COAL MINING	S	S																																	
Petroleum & natural gas production	13	OIL AND GAS EXTRACTION	S	S																																	
	14	NON-METALLIC MINERALS, EXCEPT FUELS																																			
Cement, rock, limestone, crushing and grinding of asphalt, concrete & cement	1422	Crushed and broken limestone	51 S	51 S																					51 P	51 P											
Cement, concrete, asphalt plants		Cement, concrete, asphalt plants	51 S	51 S																					51 P	51 P											
Operation of sand and gravel pits for construction, sand and gravel mining	1442	Construction sand and gravel	51 S	51 S																					51 P	51 P											
Operation of sand & gravel pits for glassmaking, molding, & abrasives	1446	Industrial sand	51 S	51 S																					51 P	51 P											
Preparation of phosphate rock	1475	Phosphate rock	51 S	51 S																					51 P	51 P											

APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions			
Borrow pits, excavation and fill	1499	Borrow pits	57 P	57 P																					57 P	57 P	57 P										
		CONSTRUCTION																																			
	16	HEAVY CONSTRUCTION (not bldg. const.)																																			
Retention, detention, drainage ponds (in conjunction with nonresidential development)	1629	Retention/detention	123 S	123 S										123 S	123 S						P	P	P	P	P	P	P										
	17	SPECIAL TRADE CONTRACTORS																																			
Trade shops, contractor shops with outdoor storage	17																																				
Contractors storage, equipment yards, and offices with outdoor storage and overnight parking of vehicles																																					
Contractors offices (no outdoor storage or overnight parking of vehicles)		Contractors offices (no outdoor storage or overnight parking of vehicles)																			P	P	P	P	P	P	P										
		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																																			
		MANUFACTURING																																			
	20	FOOD, KINDRED PRODUCTS																																			
Food processing & packaging	203	Canned, frozen & preserved fruits & veggies																							P	P	P										
Meat storage, cutting & distribution, animal slaughtering	2011	Meat Packing plants/Animal slaughtering	63 S	63 S																					63 P	63 P	63 P										
Dairy products manufacturing	202	Dairy products																																			
Ice cream manufacturing	2024	Ice cream & frozen desserts																																			
Citrus processing plants	2033	Canned fruits, Vegetables, Preserves, Jams & Jellies																																			

APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions			
Bakery products manufacturing, bakery plants	205	Bakery products																							P	P	P										
Candy and confectionery manufacturing	206	Sugar & confectionery products																								P	P	P									
Tallow, grease & lard manufacturing	207	Fats & Oils																								P	P	P									
Beverage processing & storage, milk bottling & distribution, soft drink bottling	208	Beverages																							67 P S	P	P	P								±	
Tobacco, cigarettes, cigars manufacturing	21	TOBACCO PRODUCTS																								P	P	P									
Textile manufacturing	22	TEXTILE MILL PRODUCTS																								P	P	P									
Upholstery and dye manufacturing	22	Textile mill products																								P	P	P									
Clothing production, cutting, sewing of fabrics, garment manufacturing	23	APPAREL & OTHER TEXTILE PRODUCTS																								P	P	P								76 P/S S P	
Decorating materials manufacturing	2395	Pleating & stitching																								P	P	P									
Wood products manufacturing	24	LUMBER WOOD PRODUCTS																								P	P	P									
Building products manufacturing	24	Lumber wood products																								P	P	P									
Logging	2411	Logging	P	P																						P	P	P									
Sawmills and planing mills	2421	Sawmills, planing mills	96 S	96 S																							P	P								±	
Hardwood flooring manufacturing	2426	Hardwood dimension & flooring mills																								P	P	P									
Wood awnings, wood shutters, wood railings, window frames	2431	Millwork																								P	P	P									
Cabinet makers and manufacturers	2434	Wood kitchen cabinets																								P	P	P									
Manufacturing of plywood	2435	Hardwood veneer & plywood																								P	P	P									
Mobile Homes manufacturing	2451	Mobile Homes																								P	P	P									
Manufacturing of prefabricated wood buildings	2452	Prefabricated wood buildings and components																								P	P	P									
Manufacturing of household, office, public building furniture & fixtures	25	FURNITURE & FIXTURES																								P	P	P								76 P/S S P	
Cardboard, pulp, & paper manufacturing	26	PAPER & ALLIED PRODUCTS (Paper Mills)																								P	P	P									
Cardboard containers manufacturing	2631	Paperboard mills																								P	P	P									
Printing, bookbinding, publishing plants	27	PRINTING & PUBLISHING																									P	P									

APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions			
Industrial & commercial machinery	35	INDUSTRIAL & COMMERCIAL MACHINERY																							P	P	P										
Steam, gas, hydraulic engines manufacturing	351	Engines & turbines																								P	P	P									
Manufacturing of farm machinery	352	Farm & garden machinery																								P	P	P									
Concrete manufacturing, paving & mixing, temporary asphalt plants	353	Mining machinery, construction																								51	51	51									
Computer equipment manufacturing	357	Computer and office equipment																								P	P	P									
Machine shops, carburetors, pistons, amusement apparatus manufacturing	359	Miscellaneous industrial equipment																								P	P	P									
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.																								P	P	P							76 P/S & P	76 P/S & P	
Building products manufacturing	3648	Lighting equipment																								P	P	P									
Instruments for measuring and testing of electricity and electrical signals		Instruments for measuring and testing of electricity and electrical signals																								107	P	P	P								
Semi-conductors and related devices	3674	Semi-conductors and related devices																								107	P	P	P								
Battery manufacturing	3691 3692	Storage and Primary Batteries																								P	P	P									
	37	TRANSPORTATION EQUIPMENT																																			
Motor vehicle assembly	3711	Motor vehicles & car bodies																								P	P	P									
Boat manufacturing	3732	Boat Building and repair																								P	P	P									
Avionics testing, aircraft maintenance and manufacturing	372	Aircraft & parts																								P	P	P									
Boat trailer manufacturing	3799	Transportation equipment																								P	P	P									
Parking and storage of dual rear wheel vehicles		Parking and storage of dual rear wheel vehicles (see SIC 4231 for truck terminals/truck stops)	42	42	42	42	42	42																													
	38	INSTRUMENTS & RELATED PRODUCTS																								P	P	P								76 P/S & P	76 P/S & P

APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions					
Manufacture and assembly of optical instruments	3827	Optical instruments and lenses																							P	P	P												
Photographic equipment supplies manuf.	3861	Photographic equipment & supplies																								P	P	P											
Manufacturing of watches, clocks & parts	3873	Watches, clocks, & parts																								P	P	P											
	39	MISC. MANUFACTURING INDUSTRIES																									P								76 P/S P	76 P/S P			
Toys & sporting goods manufacturing	394	Toys & sporting goods																								P	P	P											
Sign manufacturing	3993	Signs & advertising specialties																								P	P	P											
		TRANSPORTATION/ UTILITIES																																					
Railroad transportation	40	RAILROAD TRANSPORTATION																								P	P	P											
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 & INTERURBAN PASSENGER TRANSIT																																					
Railroad, bus, taxi, carpool, vanpool, and ambulance and limousine charter service and storage facilities without on-site pick-up or drop-off areas for passengers	41	LOCAL & INTERURBAN PASSENGER TRANSIT																																					
Limousine service, home-based	4119		32 146 P/S P	32 146 P/S P	32 146 P/S P	32 146 P/S P	32 146 P/S P	32 146 P/S P	146 P/S P	32 146 P/S P	146 P/S P	146 P/S P	146 P/S P																	146 P/S P	146 P/S P	146 P/S P							
Indoor storage of products, furniture, household & commercial goods, machinery, equipment storage of building materials	42	WAREHOUSING																				30 111 P	30 111 P	30 111 P		30 111 P	30 111 P	30 111 P											
Courier services	4215	Courier services, except air																																		P	P		
Portable toilet storage	422	Warehousing & storage																																					
Warehousing, distribution	422	Warehousing & storage																																					
Warehousing, flex	422	Warehousing & storage																																					
Dead storage yard		Dead storage yard																																					
Cold storage frozen food lockers	4222	Refrigerated warehousing & storage																																			P	P	
Self-storage facility	4225	General warehousing & storage																																			30 60 P	30 60 P	

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Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions		
	48	COMMUNICATIONS	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	107 P S	P	P	P		S		133 S	133 S	133 S	±			
Cellular telephone sales & service, beeper & pager services	4812	Radio telephone communications																			P	P	P	107 P	P	P	P			P	P		±			
	4813	Tele Communication																																		
Radio, television or movie studios (excluding towers)	4832	Radio Broadcasting Stations																		105 S	105 P	105 P	105 P	105 107 P	105 P	105 P	105 P			105 P	105 P		±			
Communication towers (See Sec. 38-1427)		Communication towers																																±		
Lattice (Ord. No. 95-25, §2, 8-29-95)	48	COMMUNICATIONS	S S	S S	S S	S S	S S	S	S	S	S	S	S	S	S 134 S	S S	S S	S S	S S	S S	S 135 P/S	S 135 P/S	S 135 P/S	107 P S 107 135 142 P/S	P 135 142 P/S	P 135 142 P/S	P 135 142 P/S	S		133 S 134 S	133 S 134 S	133 S	±			
Guyed (Ord. No. 95-25, §2, 8-29-95)			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	135 P/S	135 P/S	135 P/S	107 135 142 P/S	135 142 P/S	135 142 P/S	135 142 P/S	S		S	S	S	±			
Monopole (Ord. No. 95-25, §2, 8-29-95)			32 143 P/S	32 143 P/S	32 143 P/S	32 143 P/S	32 143 P/S	32 143 P/S	143 P/S	32 143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	107 135 142 P/S	135 142 P/S	135 142 P/S	135 142 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	±									
T.V. studios (excluding towers)	4833	T.V. broadcasting stations																				105 P	105 P	107 105 P S	105 P	105 P	105 P			105 P	105 P		±			
Satellite dish service	4841	Cable and other pay television services																				P	P		P	P	P									
	49	ELECTRIC, GAS, SANITARY SERVICES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	107 S		S	S	S	S	S	S	S	S	±		
Commercial solar farms	49	Commercial solar farms	50 P	50 P																					50 P	50 P	50 P									
Gas substations, TV substations, radio substations, telephone substations		Gas substations, TV substations, radio substations, telephone substations	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 P	61 P	61 P	61 P	61 S		61 S	61 S	61 S	61 S	±	
Distribution electric substation	49	Distribution electric substation	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	±	
Alternative energy devices as an accessory structure or use (wind turbines, solar panels etc.)			83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	P	P	P	P	P	P	83 P	83 P	83 P	83 P	83 P	83 P	±		

APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions			
Power plants, transfer stations, refuse storage sites, wastewater and water plants, septic disposal sites, lime stabilization and dewater, septage and wastewater sludges.	49	Power plants, transfer stations, refuse storage sites, wastewater and water plants, septic disposal sites, lime stabilization and dewater, septage and wastewater sludges.	S	S																					S	S	S										
Electrical, gas, sanitary services	49	Electric, gas, sanitary services	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	407 S	S	S	S	S	S	S	S	S	S				
Biosolids treatment facilities; septage management facilities; biosolids storage facilities	4952	Biosolids treatment facilities; septage management; lime stabilization or dewatering of septage and/or biosolids; storage of bulk biosolids	181 S	181 S																							181 S										
Biosolids and septage application sites	4953	Biosolids and septage application sites	182 S	182 S																																	
Solid waste management facilities (Ord. No. 2009-11, § 4 (App. A), 4-28-09)	4953	Solid waste management facilities	120 S	120 S																						120 S	120 S										
Yard trash processing facility (Ord. No. 2014-01, § 3, 1-28-14)	4953	Clean wood and yard trash processing facility, including woodchipping, mulching and composting	120 S	120 S																					120 P/S S-P	120 P/S S-P	120 P/S S-P										
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																									154 S										
Incinerators (Ord. No. 2009-11, § 4 (App. A), 4-28-09)	4953	Incinerators	113 S	113 S																					113 S	113 S	113 S										
Collection bins		Collection bins												115 P	115 P					115 P	115 P																
Aluminum recycling collection drop-off sites		Aluminum recycling collection drop-off sites	113 S	113 S																		S			P	P	P										
		WHOLESALE TRADE																																			
Wholesale meat & produce, and soft drink bottling distribution	50, 51	WHOLESALE DISTRIBUTION OF DURABLE AND NONDURABLE GOODS																				P			P	P	P										
	50	Wholesale distribution of durable and nondurable goods																				P	P		P	P	P										
Wholesale bakeries	50, 51	Groceries and related products																				P	P		P	P	P										
Wholesale distribution of bedding, chairs, desks mattresses, waterbeds, carpets, lamps, curtains and linens	502	Furniture and home furnishings																					P		P	P	P										

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Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions
Boat dealerships, boat supplies (see condition #138)	5551	Boat dealers																				138 P	138 P		138 P	138 P	138 P							
Recreational vehicle and commercial vehicle sales, service & storage (see condition #138)	5561	Recreational vehicle dealers																				138 P	138 P		138 P	138 P	138 P							
Motorcycle dealers (see condition #138)	5571	Motorcycle dealers																				138 P	138 P		138 P	138 P	138 P							
Go-carts, dune buggies, utility trailers (see condition #138)	5599	Automotive dealers																				138 P	138 P		138 P	138 P	138 P							
	56	APPAREL & ACCESSORY STORES																				P	P	P				56 P						
Bridal shops, dress shops, maternity shops	5621	Women's clothing stores																				P	P	P				138 P				P	P	
Clothing stores	5651	Family clothing store																				P	P	P				56 P				P	P	
	57	FURNITURE STORES																				P	P	P				56 P				P	P	
Furniture stores, vertical blinds	5712	Furniture stores																				P	P	P				56 P				P	P	
Carpet stores	5713	Floor covering stores																				P	P	P				56 P				P	P	
Appliance stores, refrigerators, ovens, retail sales of air conditioners & parts (with no outdoor storage)	5722	Household appliance stores																				P	P	P				56 P				P	P	
Appliance stores, refrigerators, ovens, air conditioners and parts with outdoor storage		Appliance stores, refrigerators, ovens, air conditioners and parts with outdoor storage																					P	P		P	P							
Radio & T.V. sales & service	5731	Radio, T.V. electronic stores																				P	P	P				56 P				P	P	
Record & tape stores	5735	Record & tape stores																				P	P	P				56 P				P	P	
	58	EATING & DRINKING PLACES																				P	P	P										
On-Premise Consumption of Alcoholic Beverages (see 38-1415)	58																				P/S	P	P	P	P	P	P					S	S	
Restaurants with outdoor seating (MOVED TO NEW LOCATION - SEE BELOW)	5842	Eating places																				86 P	86 P	86 P	86 P	86 P	86 P	86 P					86 P	

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Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V(see-29)	R-L-D	UR-3	NC	NAC	NR	Conditions	
Restaurants with no drive-thru or walk-up windows - [MOVED TO NEW LOCATION - SEE BELOW]	5812	Eating places																		46 S	P	P	P	P	P	P	P				148 P	148 P			
Restaurants, drive-in restaurants, drive-thru restaurants, snack bars, lunch stands, commissary restaurants (permanent buildings only)	5812	Eating places																			P	P	P	107 P S	P	P	P	103 P				148 P	148 P		
Outdoor Seating at Restaurants with outdoor seating	5812	Eating places																			86 P	86 P	86 P	86 P	86 P	86 P	86 P				86 148 P	86 148 P			
Restaurants with no drive-thru or walk-up windows	5812	Eating places																			P	P	P	P	P	P	P				148 P	148 P			
Caterers	5812	Eating places																				P	P		P	P	P				P	P			
<i>Alcoholic beverage sales (see Chapter 4 of O.C. Code and sections 38-1414 and 38-1415 of O.C. Code). See condition #103.</i>																																			
Cocktails lounges, pubs and bars (see Section 38-1415)	5813	Drinking places (cocktail lounges)																				P	P	P		P	P	P	103 P			103 S	103 S		
Micro-brewers, micro-wineries, craft distilleries, and brew pubs (see Section 38-1415)	5813	Drinking Places																			180 P	180 P	180 P		180 P	180 P	180 P								
	59	MISCELLANEOUS RETAIL																			P	P	P				P								
Medical Marijuana Dispensing facility	5912																				179 P	179 P	179 P		179 P	179 P	179 P	179 P			179 P	179 P			
Drug stores, apothecary shops, pharmacies	5912	Drug stores																			P	P	P		P	P	P	P			P	P			
Liquor stores (see 38-1414)	5921	Liquor stores																			126 P	126 P	126 P					126 P							
Pawn shops, antiques	5932	Used merchandise stores																			72 P	P	P					P			33 P	33 P			
Sporting goods, bicycle stores firearms sales and rental	5941	Sporting goods & bicycle shops																			P	P	P					P			P	P			
Book stores	5942	Book stores																			P	P	P					P			P	P			
Office supplies	5943	Stationery stores (office supplies)																			P	P	P					P			P	P			
Jewelry stores	5944	Jewelry stores																			P	P	P					P			P	P			
Ceramic shops, hobby shops	5945	Hobby, toy, & game shops																			P	P	P					P			P	P			
Photographic supply stores	5946	Camera & photographic supply stores																			P	P	P					P			P	P			
Gift shops	5947	Gift, novelty, souvenir shops																			P	P	P					P			P	P			
Leather goods	5948	Luggage & leather products stores																			P	P	P					P			P	P			

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	65	REAL ESTATE																		P	P	P	P	107 P/S	P	P	P	P				P	P		E	
Real estate offices & agents, apartment finding, rental service, appraisers	6531	Real estate agents & managers																		P	P	P	P	107 P/S	P	P	P	P				P	P		E	
Abstract & title services	6541	Title abstract offices																		P	P	P	P	107 P/S	P	P	P	P				P	P		E	
Cemeteries, mausoleums	6553	Cemetery, subdividers, & developers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	107 P/S	P	P	P	P							E	
	67	HOLDING & OTHER INVESTMENT OFFICES																			P	P	P	107 P/S	P	P	P	P							E	
Investment offices & companies	672	Investment offices																			P	P	P	107 P/S	P	P	P	P				P	P		E	
Estate planning & management	673	Trusts																			P	P	P	107 P/S	P	P	P	P				P	P		E	
		SERVICES																																		
	70	HOTELS & OTHER LODGING PLACES																			P	P	P	107 P/S	P	P	P									E
Hotels & motels, timeshare units	7011	Hotels & motels, timeshare units																			P	P	P	107 P/S	P	P	P									E
Camps & R.V. parks, R.V. resort, campgrounds. [MOVED TO NEW LOCATION - SEE BELOW]	703	Camps & R.V. parks	128 S	128 S											128 S						128 S	128 S	128 S												E	
Bed and breakfast homestay	7011	Hotels & motels	15 S	15 S	15 S	15 S	15 S	15 S							15 P					15 P												15 P	15 P		E	
Bed and breakfast inn	7011	Hotels & motels	15 S	15 S	15 S										15 S					15 S	15 P	15 P	15 P									15 P	15 P		E	
Country inn	7011	Hotels & motels																			15 P	15 P	15 P													E
Camps & R.V. parks, R.V. resorts, campgrounds	703	Camps & R.V. parks	128 S	128 S											128 S						128 S	128 S	128 S													E
	72	PERSONAL SERVICES																			P	P	P		P	P	P									
Laundry plants, processing of laundry and dry cleaning, dry cleaning plants	7211	Power laundries																			P	P	P		P	P	P									
Laundry & dry cleaning retail	7212	Dry cleaning																			P	P	P	107 P/S	P	P	P						P	P		E
Laundering (coin operated)	7215	Coin operated laundries																		S	P	P	P	P	P	P	P					P	P		E	

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Dyeing, dry cleaning plant	7216	Drycleaning plants																					P		P	P	P									
Carpet & rug cleaning	7217	Carpet & upholstery cleaning																				P	P	P		P	P	P	P				P	P	P	
Tailoring	7219	Tailoring																				P	P	P		P	P	P	P				P	P	P	
Photographic artists, sculptors, musicians, and studios	7221	Photographic studios, portraits																			74 P	P	P	P		P	P	P	74 P				P	P	P	P
Beauty shops, beauty salons	7231	Beauty shops, beauty salons																			75 P	P	P	P		P	P	P	75 P				P	P	P	
Barber shops, hair stylists	7241	Barber shops																			75 P	P	P	P		P	P	P	75 P				P	P	P	
Shoe repair	7251	Shoe repair & shoeshine																				P	P	P		P	P	P	P				P	P	P	
Funeral homes, funeral directors, funeral chapter	7261	Funeral service, except crematories and embalming	S	S	S										131 S						131 S	P	P	P		P	P	P					P	P	P	
Crematories (animal or human) (See Ord. 92-41)	7261	Funeral service, crematories, embalming	S	S	S																	P	P	P		P	P	P							P	
Costume rental, dating services, escort services, tanning salons, tattoo parlors, valet parking	7299																				S	P	P	P					P						P	
Adult entertainment, body scrub parlors	7299	Adult entertainment																								71 P	71 P									P
	73	BUSINESS SERVICES																				P	P	P					P						P	
Advertising agencies	7311	Advertising agencies																				P	P	P	P					P				P	P	P
Quick print, duplicating services	7334	Photocopying																			65 S	P	P	P					P				P	P	P	
Secretarial services	7338	Secretarial & court reporting																				P	P	P	P					P				P	P	P
Exterminating & pest control service, pest control supplies, disinfecting service, fumigating service	7342	Disinfecting & pest control service																				107 P/S	P	P		P	P	P	P				152 P	152 P	P	
Office cleaning, janitorial & maid service, chimney cleaning, window cleaning	7349	Building cleaning & maintenance services																				107 P/S	P	P	407 P S	P	P	P	P				P	P	P	
Rental and storage of heavy construction equipment, bulldozers and cranes	7353	Heavy construction equipment (rental & storage)																					137 P		56 137 P	137 P	137 P	P							P	

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Car rental and leasing	7514	Passenger car rental																			176 138 P	176 138 P	176 138 P		176 138 P	176 138 P	176 138 P									
<u>Parking lots & parking garages as a principal use</u>	<u>7521</u>	<u>Automobile parking</u>																				<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>								
Parking lots & parking garages for office, commercial or industrial uses	7521	Automobile parking											S	S	S						P	P	P	P	P	P	P	<u>P</u>			150 S	150 S	150 S	<u>P</u>		
General auto repair	753	Automotive repair shops																				138 82 P	138 82 P		138 82 P	138 82 P	138 82 P									
Auto painting and paint and body shop	7532	Auto painting; paint and body shops																				138 82 P	138 82 P		138 82 P	138 82 P	138 82 P					82 138 P	82 138 P		<u>P</u>	
Muffler shops	7533	Auto, exhaust repair shops																			P	P	P		P	P	P					82 P	82 P			
Automotive tire dealers (See SIC #5531)																																				
Automotive transmission repair	7537	Automotive transmission repair																				82 P	82 P		82 P	82 P	82 P					82 P	82 P			
<u>Enclosed mechanical garages, bus, cab, truck repair for car and small truck repair</u>	<u>7538</u>	<u>General Automotive repair shops (for cars and small trucks)</u>																				82 82 138 P	82 138 P		82 138 P	82 138 P	82 138 P					82 138 P	82 138 P		<u>P</u>	
<u>Large truck repair or similar other heavy vehicles (such as buses and tractor trailers)</u>	<u>7538</u>	<u>Large truck repair or similar other heavy vehicles (such as buses and tractor trailers)</u>																					82 P/S		82 P	82 P	82 P									
Carwashes	7542	Carwashes																				38 S/P	P	P		P	P	P								<u>P</u>
Automotive lube shops	7549	Automotive services, except repair																				P	P	P		P	P	P					82 P	82 P		
Automobile towing service (does not include the storage, sales or dismantling of wrecked/in-operative vehicles)	7549	Towing services																					130 P/S		130 P	130 P	130 P									
Window tinting	7549	Window tinting																					P	P		P	P	P								
	76	MISCELLANEOUS REPAIR SERVICES																					P	P												
<u>Electronics repair Radio & T.V. repair, auto radio, VCR, and stereo repair</u>	<u>7622</u>	<u>Radio & T.V. repair</u>																				P	P	P		P	P	P								
Heating, air conditioning and refrigeration sales & service	7623	Refrigeration service repair																				P	P	P	407 P S	P	P	P								<u>P</u>
Electric appliances repair, electric tool repair, telephone repair, washing machine repair	7629	Appliance repair																				P	P	P		P	P	P								<u>P</u>

APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions		
Golf courses	7992	Golf courses	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	107 P S	P	P	P	107 P	S			S	S				
Arcades, video game	7993	Coin operated amusement centers																			P	P	P		P	P					P	P				
Simulated gambling establishments		Simulated gambling establishments																							22 P	22 P										
Amusement parks	7996	Amusement parks																			S	P	P		P	P										
Indoor clubs, bowling clubs, private indoor clubs, bridge clubs, indoor recreational uses	7997	Membership Sports & Recreation Clubs (Indoor uses)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	107 P S	P	P	P					P	P			
Indoor gun ranges, shooting galleries and ranges	7997	Membership Sports & Recreation Clubs (Indoor uses)																			P	P	P	P	P	P										
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)	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 P	132 P	107 P S	P	P	P					132 S	132 S	132 S														
Outdoor gun ranges/private clubs, shooting galleries and ranges	7997	Membership Sports & Recreation Clubs (Outdoor uses)	S	S																					P	P	P									
Youth organizations	7997	Youth organizations																																78 S		
Fortune tellers, billiard parlors, bingo parlors, indoor skating rinks, karate instruction	7999	Amusement & Recreation (Indoor Uses)																			108 P	85 P	85 P	85 P	85 P	85 P	85 P									
Golf driving ranges, Golf cart rentals, ski instruction, swimming pools, tennis courts, little league and softball fields, outdoor skating rinks, amusement rides, paintball operations, day camps, rodeos, and go-cart raceway	7999	Amusement & Recreation (Outdoor Uses)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		85 S	85 P	85 P	P	P	P	P	107 P S	S			S	S			
Ticket booths (See Sec. 38-1424)		Ticket booths (See Sec. 38-1424)																																		
	80	HEALTH SERVICES																			P	P	P	P	107 P S	P	P	P					P	P		
Assisted living facility. (MOVED TO NEW LOCATION - SEE BELOW)	805														S																					
Ophthalmologists & optometrists, emergency clinics	8011	Offices & clinics of medical doctors																						107 P S	P	P	P	107 P S					P	P		
Dentists & dental labs	8021	Offices & clinics of dentists																						107 P S	P	P	P	107 P S					P	P		

APPENDIX "A"
SECTION 38-77 -- Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions		
Osteopathic physicians	8031	Offices of osteopathic physicians																		P	P	P	P	107 P S	P	P	P	P				P	P		1.	
Assisted living facility	805														P					P	P	P	P	P	P	P										
Nursing homes, sanitariums, and convalescent homes	805	Skilled nursing care facilities													S					S	P	P	P		P	P	P					P	P			
Ambulatory surgical facilities	8062	General, medical & surgical																		88 P	P	P	P	P	P	P	P					S	S		1.	
Hospitals	8062	Hospitals																				P	P		P	P	P					S	S			
Psychiatric treatment	8063	Psychiatric hospitals																		S	S	S	S	89 P	89 P	89 P	89 P					S	S		1.	
Birth facilities, alcohol and drug treatment, aids treatment, outpatient clinics, birth control centers	8093	Specialty outpatient facilities																		90 S	P	P	P		P	P	P	1.				P	P		1.	
Pain management clinic																											155 P									1.
	81	LEGAL SERVICES																			P	P	P	P	107 P S	P	P	P	1.						1.	
Attorneys services & offices	8111	Legal services																			P	P	P	P	107 P S	P	P	P	1.			P	P		1.	
	82	EDUCATIONAL SERVICES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S									S		S	S				
Private kindergarten, elementary, junior high, middle and high schools, including those with dormitories or boarding facilities	8211	Elementary & middle schools	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	1.	S		S	S	S		1.	
Colleges & universities	8221	College, universities																		S	S	P	P	107 P	P	P	P					S	S	S		
Schools (charter)	8211		5-136 S	5-136 S	5-136 S	5-136 S	136 P	136 P	136 P	136 P	136 P	136 P	136 P	136 P				136 P	136 P	136 S																
Schools (public) See Article XVIII, Ch. 38, Public School Siting Regulations, including Sec. 38-1751	8211	Elementary school, middle school, free-standing 9 th grade center, K-8 school, and high school				5-	5-	5-	5-	5-	5-	5-	5-	5-	5-	5-	5-	5-	5-	5-	139				140											
Libraries	8231	Libraries																		S	P	P	P	107 P S	P	P	P	1.			P	P		1.		
Technical & trade schools, vocational schools, computer software schools, aviation schools (excluding flying instruction)	824	Vocational schools																		91 104 S	P	P	P	107 P S	P	P	P				91 104 S	91 104 S			1.	

APPENDIX "A"
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Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions		
Engineering offices, surveyors	871	Engineering & architectural services																		P	P	P	P	107 P S	P	P	P	P				P	P	P		
Architects	8712	Architectural services																		P	P	P	P	107 P S	P	P	P	P				P	P	P		
Accountants offices and tax consultants, bookkeeping	8721	Accounting, auditing, bookkeeping																		P	P	P	P	107 P S	P	P	P	P				P	P	P		
Research services, public relations councils	873	Research & development, testing services																		P	P	P	P	107 P S	P	P	P	P				P	P	P		
Market researchers, manufacturing representatives	8742	Management consulting services																		P	P	P	P	107 P S	P	P	P	P				P	P	P		
Public relations councils	8743	Public relations services																		P	P	P	P	107 P S	P	P	P	P				P	P	P		
<u>Privately run adult correctional facilities and prisons</u>	<u>8744</u>	<u>Facilities Support Management Services</u>																																		
Safety consultants	8748	Business consulting																		P	P	P	P	107 P S	P	P	P	P				P	P	P		
	89	SERVICES, not elsewhere classified																			P	P	P	P					P				P	P	P	
Authors, composers, geologists, actuaries, planners	8999	Services, authors & composers																		93 P	P	P	P					93 P				P	P	P		
		PUBLIC ADMINISTRATION																																		
	91	EXECUTIVE, LEGISLATIVE																			P	P	P	P	107 P S	P	P	P	107 P S				P	P	P	
Orange County governmental facilities and uses. See section 38-5		Orange County governmental facilities and uses. See section 38-5																																		
Government offices	911	Executive offices																			P	P	P	P	107 P S	P	P	P	107 P S				P	P	P	
	92	JUSTICE, PUBLIC ORDER & SAFETY																			P	P	P	P	107 P S	P	P	P							P	
Courthouses	921	Courts																			P	P	P	P	107 P S	P	P	P					P	P	P	
Highway patrols, sheriffs offices, police depts.	9221	Public order and safety	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	107 P S	P	P	P	107 P S				P	P	P		

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Jails, correctional institutions	9223	Correctional institutions																					100 S			100 P	100 P									
Fire stations	9224	Fire protection	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	107 P S	P	P	P	107 P	P			P	P	P		
Public finance & taxation offices	93	PUBLIC FINANCE, TAXATION & MONETARY POLICY																			P	P	P	107 P S	P	P	P	P	S			P	P			
Public health, education, social human resource offices	94	ADMINISTRATION OF HUMAN RESOURCE PROGRAMS																			P	P	P	107 P S	P	P	P	P	S			P	P			
Environmental, housing, urban planning, & land management offices	95	ADMINISTRATION OF ENVIRONMENTAL QUALITY & HOUSING PROGRAMS																			P	P	P	107 P S	P	P	P	P	S			P	P			
Housing authorities	9531	Administration of housing programs																			P	P	P	107 P S	P	P	P	P	S			P	P			
Economic development commissions, transportation programs, public utilities & agricultural programs	96	ADMINISTRATION OF ECONOMIC PROGRAMS																			P	P	P	107 P S	P	P	P	P	S			P	P			
	97	NATIONAL SECURITY	S	S																																
Uses of national defense	971	National security	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	107 94 S	94 S	94 S	94 S	94 S	94 S			94 S	94 S	94 S		

