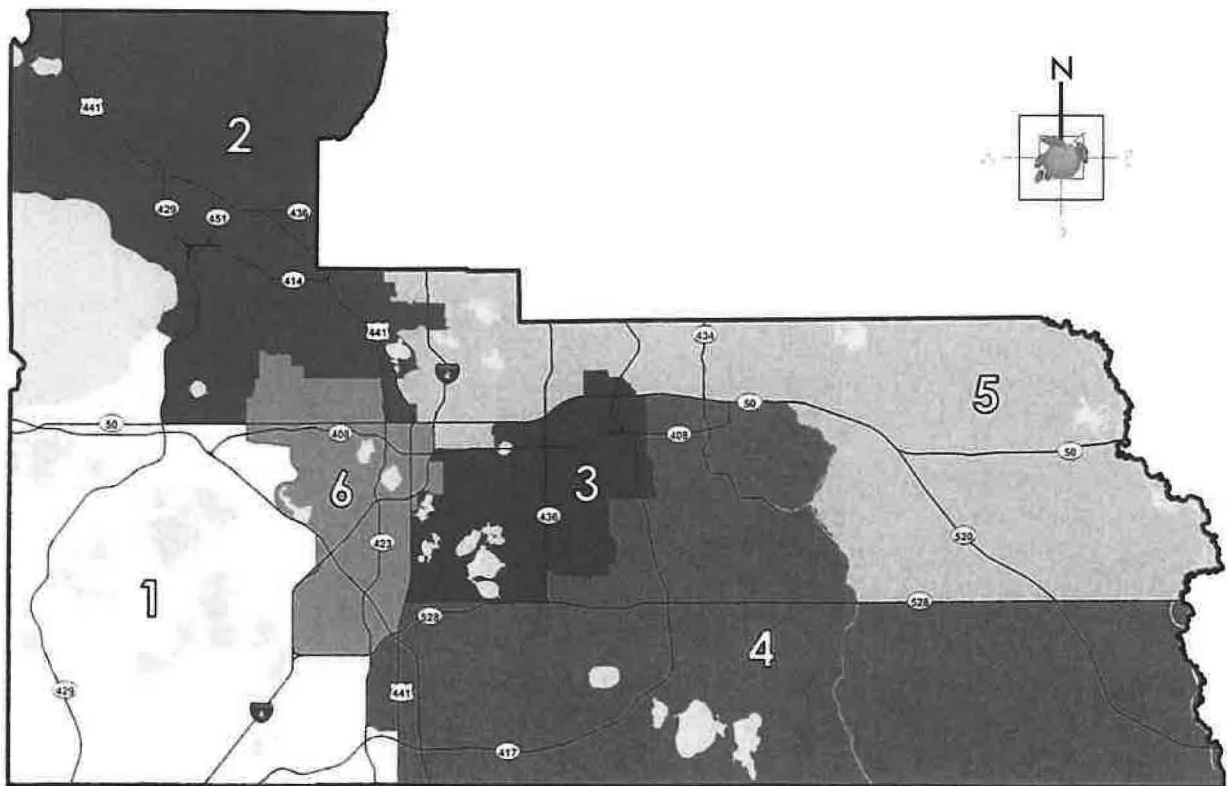




PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

**REZONING
RECOMMENDATIONS**
JANUARY 19, 2023



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

**Planning and Zoning Commission /
Local Planning Agency
(PZC / LPA)**

David Boers District #1

George Wiggins District #2

Eddie Fernandez District #3

Walter Pavon District #4

J. Gordon Spears District #5

JaJa J. Wade District #6

Michael Arrington At Large

Evelyn Cardenas At Large

Nelson Pena
Chairman At Large

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I. Conventional Rezoning Hearing					
RZ-20-05-034 Brian Denham	<i>A-1 to R-CE-C</i>	1	<i>Approval with four (4) restrictions</i>	<i>Approval with four (4) restrictions</i>	No
RZ-22-12-131 Diaz Argelio Cruz	<i>R-T-2 to R-1 *R-1AA Approved</i>	2	<i>Denial of R-1</i>	<i>Approval of R-1AA</i>	No
RZ-23-01-135 Allen Peacock	<i>A-2 to I-2/I-3</i>	4	<i>Approval with one (1) restriction</i>	<i>Approval with one (1) restriction</i>	No
RZ-23-01-138 Luis Lopez	<i>R-T-2 to R-1AAA</i>	2	<i>Approval</i>	<i>Approval</i>	No
RZ-23-01-139 Richard Harless	<i>R-1A to R-1</i>	5	<i>Approval</i>	<i>Approval</i>	No
RZ-23-01-141 Lymaris Adorno Cotto	<i>R-T-2 to R-T-1</i>	5	<i>Approval</i>	<i>Approval</i>	No
RZ-23-01-142 Clyde Elemuel Tucker	<i>R-1A to R-1</i>	6	<i>Approval</i>	<i>Approval</i>	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^o	Min. rear yard (ft.) ^o	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	A
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	A
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	A
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	A
R-CE-2	2 acres	1,200	250	45	50	30	35	A
R-CE-5	5 acres	1,200	185	50	50	45	35	A
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	A
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	A
R-1AA	10,000	1,200	85	25 h	30 h	7.5	35	A
R-1A	7,500	1,200	75	20 h	25 h	7.5	35	A
R-1	5,000	1,000	50	20 h	20 h	5 h	35	A
R-2	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5 h	35	A
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 d	20 h	30	5 h	35	A
	Three DUs, 11,250	500 per DU	85 j	20 h	30	10	35	A
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	A
R-3	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5	35	A
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 d	20 h	20 h	5 h	35	A
	Three dwelling units, 11,250	500 per DU	85 j	20 h	30	10	35	A
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	A
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	A
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	35	A
R-T-1								
	SFR 4,500 c	1,000	45	25/20 k	25/20 k	5	35	A
	Mobile home 4,500 c	Min. mobile home size 8 ft. x 35 ft.	45	25/20 k	25/20 k	5	35	A
R-T-2 (prior to 1/29/73)	6,000	SFR 500	60	25	25	6	35	A
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	A
		Min. mobile home size 8 ft. x 35 ft.						

<i>District</i>	<i>Min. lot area (sq. ft.)^m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)^a</i>	<i>Min. rear yard (ft.)^a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	A
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	A
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	A
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	A
Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	A	
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	A
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	A
Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	A	
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	A
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 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.	50; or 35 within 100 ft. of all residential districts	A

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	A
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	A

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

- a* Setbacks shall be a minimum of 50 feet 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 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.
- b* Side setback is 30 feet where adjacent to single-family district.
- c* 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. ft. 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.
- d* For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 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 duplex lots that:
 - (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 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, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- e* Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- f* Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- g* Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- h* 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.
- j* 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.
- k* 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%.
- m* Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

(a) *Buffer classifications:*

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction

CASE # RZ-20-05-034

Commission District: #1

GENERAL INFORMATION

APPLICANT	Brian Denham, P.E
OWNER	Rebekah Mealey, Kevin Mealey
PROJECT NAME	9403 Gotha Rd. Subdivision
HEARING TYPE	Planning and Zoning Commission (PZC)
REQUEST	A-1 (Citrus Rural District) to R-CE-C Restricted (Country Estate Cluster District)
LOCATION	9403 Gotha Road, generally located north of Gotha Road, south of Morton Jones Road and approximately 394 feet from Florida Turnpike.
PARCEL ID NUMBER	33-22-28-3100-06-300
TRACT SIZE	8.30 gross acres 8.05 net acres (includes Class II wetland impacts of 0.35 acre – Approved Conservation Area Impact Permit CAI-20-07-049)
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eleven (111) notices were mailed to those property owners and residents in the surrounding area. A community meeting was held on October 18, 2022, with fourteen (14) residents in attendance and is summarized further in this report.
PROPOSED USE	Up to eight (8) Single-Family Detached Residential Dwelling Units.

STAFF RECOMMENDATION

DRC Recommendation

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-CE-C Restricted (Country Estate Cluster District) zoning subject to the following restrictions:

- 1) Approval of this cluster plan rezoning does not constitute approval of flood plain impacts, nor does it guarantee a specific number of residential lots or that residential lots are entitled to be built in the area shown on the cluster plan.

- 2) In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review and approval. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
- 3) Prior to Preliminary Subdivision Plan submittal, provide One-hundred-year flood elevation data for all development within Zone A as indicated on the flood insurance rate map, as amended, prepared by the Federal Emergency Management Agency. Where the 100-year flood elevation has not been established, the project engineer shall conduct the necessary drainage basin studies to establish the 100-year flood elevation to the satisfaction of the County Engineer.
- 4) Prior to any site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code. Review and approval of compensating storage calculations must accompany the above permit as provided for in Chapter 19-107.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) to R-CE-C Restricted (Country Estate Cluster District) to construct a subdivision of up to eight (8) single-family detached homes on 1/2-acre lots.

The property was platted in 1885 as Lot F and is located within the Gotha Rural Settlement. Currently the subject property is developed with one single-family home and contains wetlands of 0.61-gross acre which will be impacted by proposed development.

The immediate area is developed with single-family residential dwelling units on large lots mostly ranging from 90 feet to 190 feet in width. The surrounding area is predominantly zoned R-C-E and A-1 which requires a minimum of 100 to 130 feet lot width.

Land Use Compatibility

The R-CE-C Restricted (Country Estate Cluster District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property is located within the Gotha Rural Settlement and has an underlying Future Land Use Map (FLUM) designation of RS 1/1 (Rural Settlement 1/1). This designation recognizes areas suitable for less dense, single-family development at a maximum residential density of one (1) dwelling unit per developable acre. The requested R-CE-C Restricted zoning is consistent with the underlying RS 1/1 FLUM designation.

The following Comprehensive Plan (CP) provisions are applicable to the requested R-CE-C Restricted zoning, and may be considered for purposes of determining consistency:

OBJ FLU6.2 states Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the rural services area while providing for rural communities.

FLU6.2.1 states that Rural Settlements were implemented to recognize communities that existed at the time of the 1991 CPP adoption. This policy change is being implemented as part of this update's strategy to focus development within the County's USA and discourage the proliferation of extended Rural Settlement boundaries. In addition this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living.

FLU6.2.5 states that the permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

FLU6.2.6 The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in the Future Land Use Element Policy FLU1.1.2(C).

Clustering shall be supported to maintain the rural character through preservation of open space and lot layout and design. Generally recognized and accepted conservation subdivisions can be used where they minimize impacts on areas with rural character provided their use is consistent with the overall intent of Rural Settlement boundaries.

Clustering, with permanent protection of open space, shall be encouraged or required for all new development and redevelopment within the Wekiva Study Area, based on location, i.e., Urban Service Area, Rural Service Area, Rural Settlement, Growth Center and overall project acreage.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the

Future Land Use Map designation regardless of zoning. Density shall be calculated by the total number of units divided by developable land. (Nature lakes and designated Conservation Areas are excluded from the gross land area.)

FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use map change.

Community Meeting Summary

A community meeting was held on October 18, 2022, at Gotha Middle School. Fourteen (14) residents were in attendance. Residents generally were not in support of the project and raised concerns about flooding, compatibility with the surrounding area, character of the rural settlement, placement of stormwater, and tree removal.

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: R-CE (Country Estate District) (1995) E: A-1 (Citrus Rural District) (1957) W: R-CE (Country Estate District) (1981) S: R-CE (Country Estate District) (1989)
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Wetland S: Florida Turnpike

R-CE-C (COUNTRY ESTATE CLUSTER DISTRICT) DEVELOPMENT STANDARDS

Min. Lot Area:	1/3 acre (14,505 s.f.) & 1/2 acre (21,780 s.f.)
Min. Lot Width:	100 ft.
Max. Height:	2-story / 35 ft.
Min. Living Area:	1,500 sq. ft.
Max. Lot Coverage:	60%
Building Setbacks:	
Front:	30 ft.
Rear:	25 ft.
Side:	10 ft.

Side Street: 15 ft.

** These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Permitted Uses

The intent and purpose of the R-CE-C zoning district is to provide an alternative approach to residential development under specified residential zoning districts. The R-CE-C district enhances the living environment through the creation of permanent open space and provides flexibility in lot size, housing styles and building placement for a variety in development design compatible with abutting development. The district maintains gross densities compatible with and equal to those possible under the conventional zoning.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Rural Settlement 1/1 (RS 1/1) Future Land Use Map (FLUM) designation.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Rural Settlement

The subject property is located within the Gotha Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within the Joint Planning Area JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located in an Airport Noise Zone.

Environmental

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine

the presence of imperiled species and obtain any required habitat permits of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278. This property is partially located in a Special Flood Hazard Area (SFHA) according to the Flood Insurance Rate Map (FIRM).

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH. Contact both the FDOH and the St Johns River Water Management District (SJRWMD) for wells.

Transportation / Access

Based on the capacity database dated April 8, 2020, there are several failing roadway segments within the project area. Conroy Road from Lake Street to Main Street; Conroy Windermere Road from Lake Street to Apopka Vineland Road; Good Homes Road from White Road to Colonial Drive; Maguire Road from boat canal to Gotha Road; Gotha Road to Roberson Road; Main Street from Conroy Road to boat canal; Roberson Road from Windermere Road to Maguire Road. A traffic study shall be required for this project at the time of permitting.

Code Enforcement

There are no active code enforcement violations on the subject property.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaim Water:	Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas.

This property is located outside of the Urban Service Area and in a Rural Settlement. Connection to potable water, wastewater, and reclaimed water is not required.

***Note:** Policy WAT1.4.3 prohibits extensions of lines outside the Urban Service Area:

WAT1.4.3 – Potable water service and central wastewater service shall not be extended to areas outside the Urban Service Area except in one of more of the following circumstances:

- A. The facilities to be extended will serve a Growth Center, exception areas within Specific Area Plan (SAP) boundaries, or other exception areas as provided in the Comprehensive Plan;
- B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such facilities shall not serve as the basis for additional new development;
- C. The potable water facilities area to be extended to provide adequate fire flows to existing developments which are located within one-half (1/2) mile of an existing water transmission main;
- D. For approved sector plans as provided for in the Comprehensive Plan; or
- E. The circumstances described under Policies WAT1.5.2, WAT1.5.3 or WAT1.6.2 herein.

This policy is not intended to preclude the use of conservation or rural areas for potable water withdrawal facilities, water treatment facilities, wastewater treatment facilities, or interconnections of the overall water or wastewater system.

WAT1.5.2 – When the provision of central water facilities for a Rural Settlement(s) is proposed, the Board of County Commissioners shall approve such a proposal(s) only when the Board makes two findings. First, the Board shall make a finding of need of central water facilities for the particular Rural Settlement. Second, the Board shall make a finding of consistency with the Comprehensive Plan, including the policies of the Potable Water, Wastewater and Reclaimed Water and Future Land Use Elements.

WAT1.5.3 – The Board of County Commissioners has made an affirmative finding that the extension of potable water facilities is required to remediate health and safety concerns in the Bithlo Rural Settlement. In order to address the concern for public health in this area, the following conditions apply to the potable water system expansion to the Bithlo Rural Settlement:

- A. The extended utility lines shall be used only by vested development within the Bithlo Rural Settlement.
- B. The extended utility lines shall not be a justification or basis for approving new development.
- C. The utility lines shall not be used for any new non-vested development beyond one unit per acre in the Bithlo Rural Settlement.
- D. Non-vested development shall not be allowed to connect to the extended utility lines until a sector plan is approved.

WAT1.6.2 – New central wastewater facilities shall not be constructed and existing facilities shall be expanded to serve Rural Settlements except under the following circumstances:

- A. The Board of County Commissioners has made an affirmative finding that the facilities are necessary to support existing future land use designations on the adopted Future Land Use (FLU) map consistent with Future Land Use Objective

- FLU6.2. The future land use designations referenced in this policy are those reflected on the adopted FLU map as of the date of adoption of this policy. Facility expansion under this policy must be incorporated into Orange County's five-year Capital Improvements Program (CIP); or
- B. The Rural Settlement has experienced a State documented economic decline as a result of the loss of a major area employer. The central wastewater facilities may be expanded for the purpose of revitalizing the area by attracting new commercial and industrial businesses and offering incentives to existing businesses to remain in the area. This policy shall apply only to the Zellwood Rural Settlement, consistent with the Future Land Use Element.
 - C. The Board of County Commissioners has made an affirmative finding that the facilities are necessary and available to remedy or prevent contamination of ground or surface water within the Wekiva Study Area.
 - D. The provision of wastewater services to a school located in a Rural Settlement is also subject to FLU8.7.8.

Schools

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimus".

Parks and Recreation

Orange County Parks and Recreation reviewed the request, but did not identify any comments or concerns.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation - January 19, 2023

DRC Recommendation

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-CE-C Restricted (Country Estate Cluster District) zoning subject to the following restrictions:

- 1) Approval of this cluster plan rezoning does not constitute approval of flood plain impacts, nor does it guarantee a specific number of residential lots or that residential lots are entitled to be built in the area shown on the cluster plan.
- 2) In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review and approval. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time.
- 3) Prior to Preliminary Subdivision Plan submittal, provide One-hundred-year flood elevation data for all development within Zone A as indicated on the flood insurance rate map, as amended, prepared by the Federal Emergency Management Agency. Where the 100-year flood elevation has not been established, the project engineer shall conduct the necessary drainage basin studies to establish the 100-year flood elevation to the satisfaction of the County Engineer.
- 4) Prior to any site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code. Review and approval of compensating storage calculations must accompany the above permit as provided for in Chapter 19-107.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-CE-C Restricted (Country Estate Cluster District) zoning. The applicant was present and agreed with the staff recommendation and restrictions.

Staff provided a summary of a community meeting that was held on October 18, 2022, at Gotha Middle School with attendance of 14 residents. Who generally were not in support of the project and raised concerns about flooding, compatibly with the surrounding area, the effect on the character of the rural settlement, stormwater retention, and tree removal.

Staff indicated that one hundred eleven (111) notices were sent to property owners within 500-foot area extending the subject property, and that staff had received zero (0) responses

in support and one (1) response in opposition to the request, stating concerns of excess water run off to Lake Olivia, disruption to sensitive wetland environments, impact to Gotha Road traffic and accidents caused by the entrance/exit of traffic. Five (5) members of the public were present to speak regarding this request. Four were in opposition and one was in favor.

After discussion addressing the proposed development of the property, location and impacts of on-site wetlands, septic tank wastewater disposal, and flooding in the area, a motion was made by Commissioner Wiggins and seconded by Commissioner Pavon to recommend DENIAL of the requested R-CE-C Restricted (Country Estate Cluster District) zoning. The motion carried on a 3-2 vote.

Motion / Second	<i>George Wiggins / Walter Pavon</i>
Voting in Favor	<i>George Wiggins, Walter Pavon, Gordon Spears</i>
Voting in Opposition	<i>Eddie Fernandez and Evelyn Cardenas</i>
Absent	<i>JaJa Wade, Michael Arrington, Nelson Pena</i>

**David Boers abstained due to conflict of interest.*

RZ-20-05-034



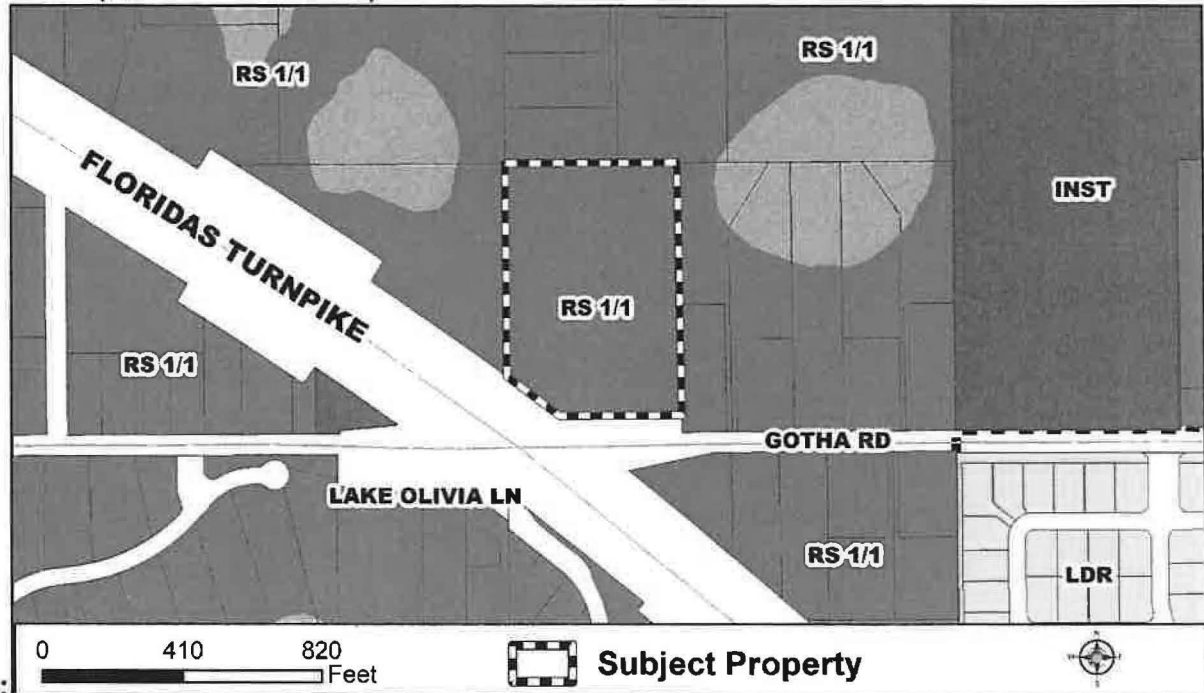
 Subject Property



1 inch = 330 feet

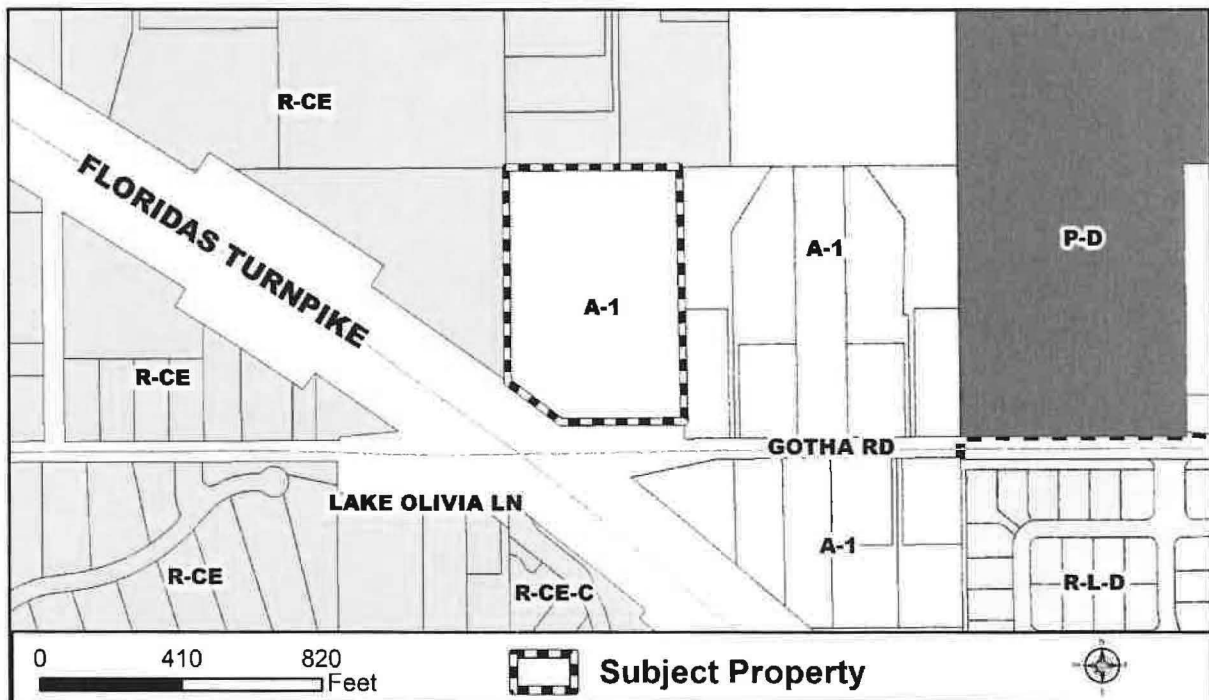
FUTURE LAND USE – CURRENT

RS 1/1 (Rural Settlement 1/1)



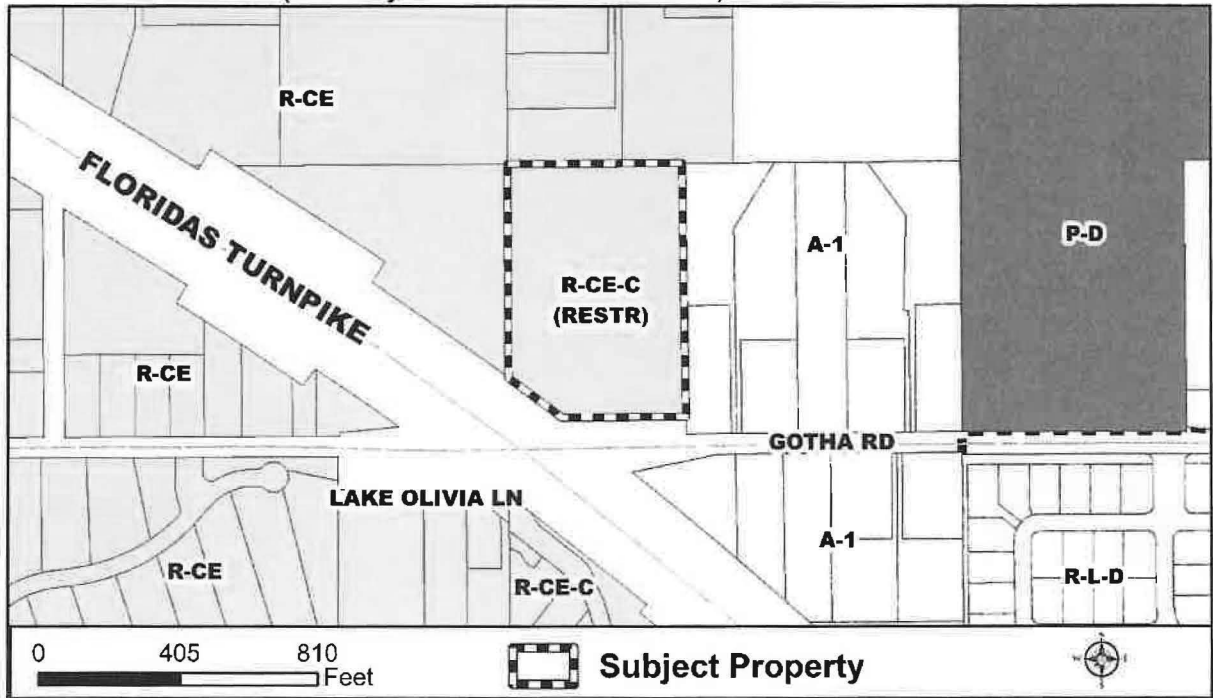
ZONING – CURRENT

A-1 (Citrus Rural District)



ZONING – PROPOSED

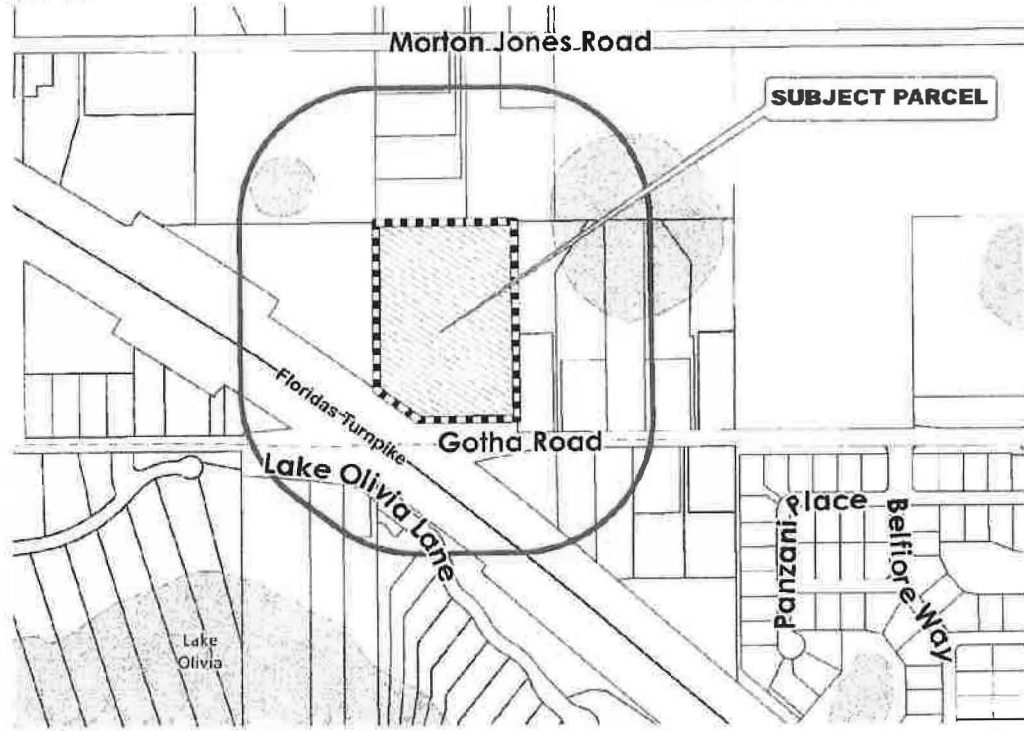
R-CE-C Restricted (Country Estate Cluster District)





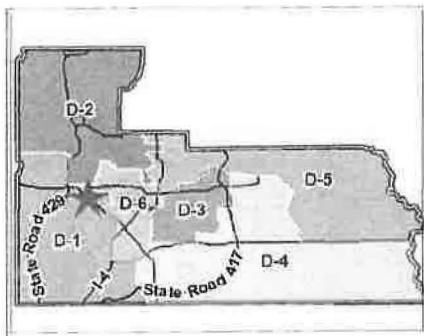
Public Notification Map

RZ-20-05-034



- MAP LEGEND**
- SUBJECT
 - 500_FT_BUFFER
 - PARCELS
 - HYDROLOGY
 - NOTIFIED_PARCELS
 - COURTESY_PARCELS

BUFFER DISTANCE: 500
OF NOTICES: 111
RESIDENTIAL ADDRESSES: 16



SUBJECT



loc:\nct\GIS\Dept\Business Systems\Board Administration\A\cc\GIS\MAIN.mxd

NOTIFICATION MAP

Case # RZ-20-05-034
Orange County Planning Division
PZC Hearing Date: January 19, 2023

CASE # RZ-22-12-131

Commission District: #2

GENERAL INFORMATION

APPLICANT: Diaz Argelio Cruz

OWNER: Diaz Argelio Cruz

HEARING TYPE: Planning and Zoning Commission

REQUEST: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) **to**
R-1 (Single-Family Dwelling District)

LOCATION: 1504 Wildwood St; generally located on the south side of Wildwood Street, approximately 447 feet west of Lakeville Road

PARCEL ID NUMBER: 23-21-28-6068-01-023

SIZE/ ACREAGE: 0.56-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred fourteen (114) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: Two (2) Single-Family dwelling units (pending lot split approval)

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-1 (Single-Family Dwelling District) zoning.

ALTERNATIVE STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of R-1AA (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone the subject property from R-T-2 (Combination Mobile Home and Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to construct two (2) single family dwelling units on 0.57-gross acre, pending lot split approval.

The subject property was originally platted as Lots 9, 10, 11, 12 within the Oak Park Manor and is located within the Wekiva Priority Focus Area and the Urban Service Area. The subject property measures 190 feet in lot width and 24,800 sq. ft. in lot size. The plat for the Oak Park Manor subdivision was recorded in 1926. The subject parcel is currently undeveloped. The immediate area is developed with single-family residential dwelling units on lots mostly ranging from 55 feet to 155 feet in width. The surrounding area is predominantly zoned R-T-2 which requires a minimum of 60 foot lot width.

The subject parcel is reliant on advanced septic tanks for wastewater disposal. The City of Apopka is the service provider for wastewater. The City has no plans to extend the gravity sanitary sewer to the property at this time.

The proposed R-1 zoning district would allow lot widths of 50 feet, which is the reason for staff's recommendation for denial. However, staff would be in support R-1AA zoning district which requires 85 foot wide lots to be more consistent with lot sizes in the area and which would still allow the applicant to split the 190 foot wide property into two lots.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would not allow for development that is compatible with the character of the surrounding area and would adversely impact adjacent properties, however the staff proposed R-1AA zoning would be compatible and not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement

Joint Planning Area (JPA)

The subject property is located in the City of Apopka JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located in an Airport Noise Zone.

Code Enforcement

No Cases Found

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR (Low Density Residential) which allows consideration for up to four (4) unit per acre. The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the LDR (Low Density Residential) FLUM designation as well as the staff proposed R-1AA zoning, therefore a CP amendment is not necessary. The proposed request is inconsistent with the following Comprehensive Plan provisions, and the staff proposed R-1AA zoning is consistent with the following policies:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Vacant Residential
Adjacent Zoning	N: The City of Apopka E: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) W: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) S: R-T-2 (Combination Mobile Home and Single-Family Dwelling District)
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential

R-1 [Single-Family Dwelling District] Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.

Building Setbacks

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is to provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

Environmental

Wekiva Study Area - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply.

Priority Focus Area - The Florida Springs and Aquifer Protection Act, §373.801, et. seq. F.S. (the "Act") requires Onsite Sewage Treatment and Disposal Systems (OSTDS) capable of enhanced treatment of nitrogen loads in the Wekiwa Spring and Rock Springs Basin Management Action Plan dated June 2018, as may be amended (BMAP). Per this requirement, lots of less than one acre in size within the Priority Focus Area, as defined in the Act, must comply with the OSTDS Remediation Plan within the BMAP. Lots shall meet the requirements of the Act or of Article XVII (Individual On-Site Sewage Disposal) of Chapter 37 of the Orange County Code, whichever is more stringent. Any person desiring to construct a new septic system, or to modify or repair an existing system, shall apply for a permit to the Florida Department of Health.

Demolition - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

Solid Waste - Any miscellaneous garbage, construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Access

A single-family home is de minimis, there is no impact on the roadway network.

Schools

Two homes is de minimus.

Parks and Recreation

No further comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Apopka

Wastewater: Apopka

Reclaim Water: Apopka

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

This property is within Apopka's Water, Wastewater and Reclaimed Water Service Area. The property will be reliant on advanced septic tanks for wastewater disposal since the property is within the Wekiva Priority Focus Area.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation - January 19, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of R-1AA (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend DENIAL of the requested R-1 (Single-Family Dwelling District) zoning. Alternatively, staff recommended APPROVAL of R-1AA (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation for R-1AA.

Staff indicated that four hundred fourteen (114) notices were sent to property owners within 500-foot area extending the subject property, and that staff had received one (1) response in opposition and zero (0) in support to the request. The opposed stated the preference to keep the character of neighborhood rural, concerned about fresh water in wells and wastewater in septic. Two members of public were present to speak in opposition on this request.

After a brief discussion regarding septic tanks and lot width for R-1AA district, a motion was made by Commissioner Wiggins and seconded by Commissioner Pavon to recommend APPROVAL of the requested R-1AA (Single-Family Dwelling District) zoning. The motion carried on a 6-0 vote.

Motion / Second	<i>George Wiggins / Walter Pavon</i>
Voting in Favor	<i>George Wiggins, Walter Pavon, Evelyn Cardenas, David Boers, and Eddie Fernandez</i>
Voting in Opposition	<i>Gordon Spears</i>
Absent	<i>JaJa Wade, Nelson Pena, and Michael Arrington</i>

RZ-22-12-131

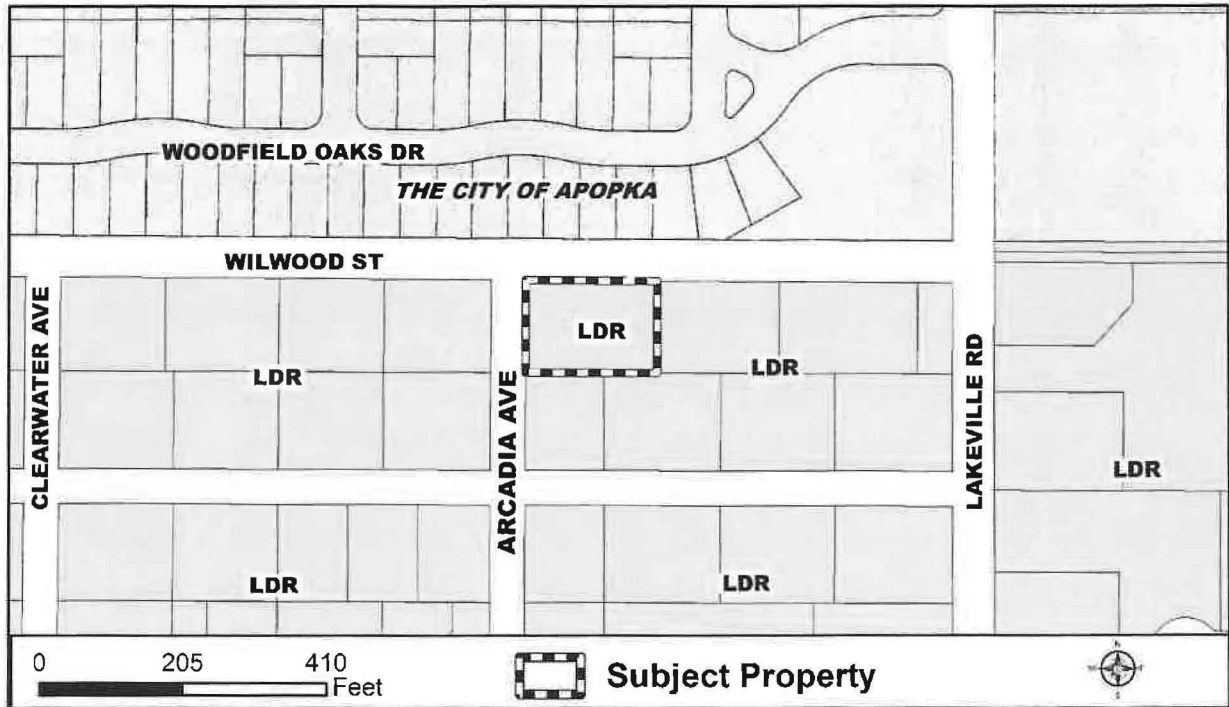


 Subject Property



1 inch = 125 feet

FUTURE LAND USE – CURRENT
LDR (Low Density Residential)

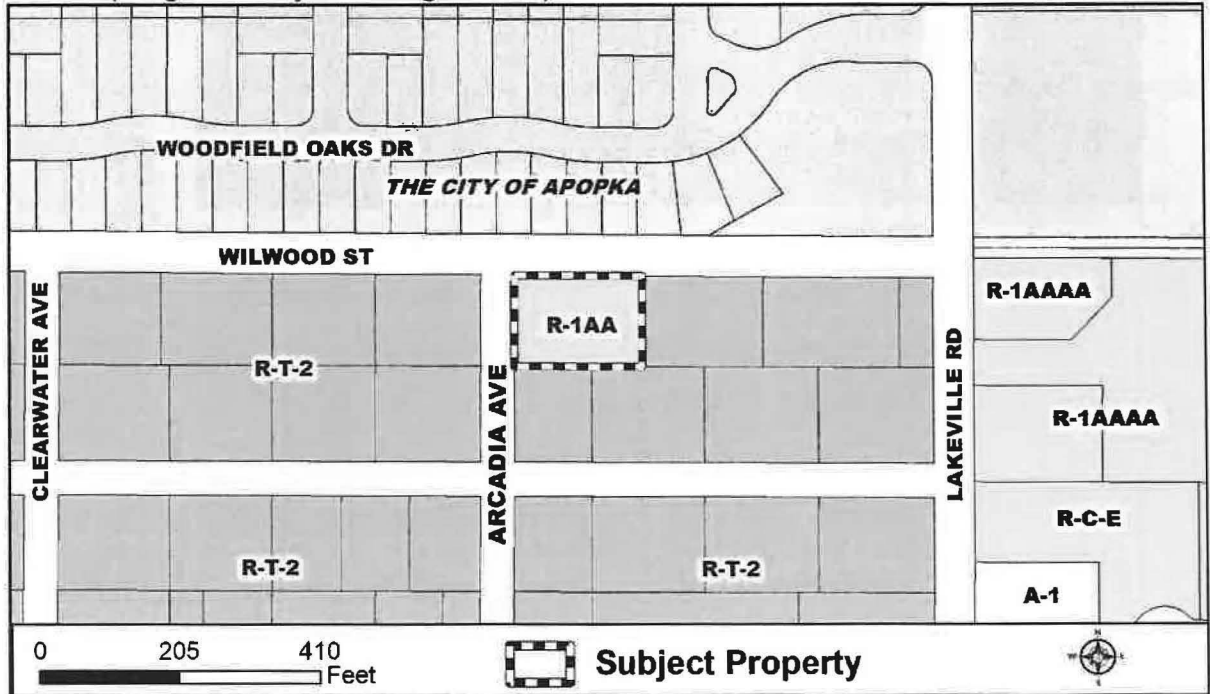


ZONING – CURRENT

R-T-2 (Combination Mobile Home and Single-Family Dwelling District)



ZONING – PROPOSED
R-1AA (Single-Family Dwelling District)





Public Notification Map

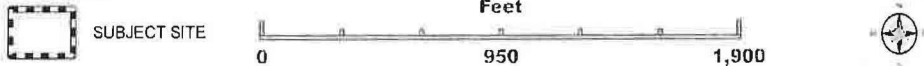
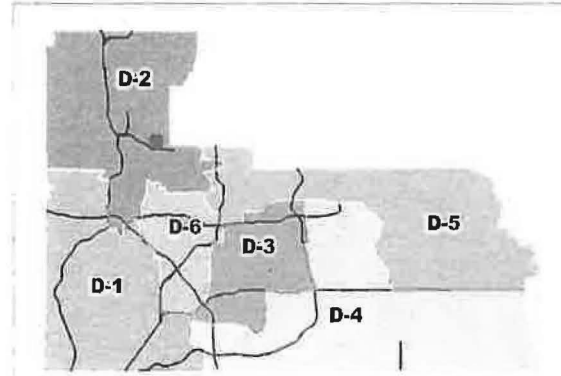
RZ-22-12-131



MAP LEGEND

	SUBJECT SITE		COURTESY PARCELS
	500 FT BUFFER		HYDROLOGY
	PARCELS		
	NOTIFIED PARCELS		

BUFFER DISTANCE: 500
 # OF NOTICES: 114



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NOTIFICATION MAP

Case # RZ-22-12-131
 Orange County Planning Division
 PZC Hearing Date: January 19, 2023

CASE # RZ-22-12-135

Commission District: #4

GENERAL INFORMATION

APPLICANT: Allen H. Peacock, Taurus Investment Holding, LLC

OWNERS: Yp Outdoor Storage II, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: **A-2** (Farmland Rural District) **to**
I-2 / I-3 Restricted (Industrial District -General)

LOCATION: 5801 Young Pine Rd; generally located on the north side of Young Pine Road, west of the Orange County landfill.

PARCEL ID NUMBER: 16-23-31-0000-00-002

SIZE/ ACREAGE: 92.51-gross acres
3.64-net developable acres

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Twenty-eight (28) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: I-2 / I-3 uses (including outdoor storage of vehicles)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 Restricted (Industrial District -General) zoning, subject to the following restriction:

- 1) New billboards and pole signs shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant intends to develop 3.64 acres of upland area along Young Pine Road in order to operate an outdoor vehicle storage facility. Specifically, storage of boats, RVs, individual or fleet vehicles. The subject property is approximately 92.69 gross-acres and 89.06 acres are conservation easement. There is also a

conservation area impact permit (CAI-22-10-071) currently under review to impact a small sliver of wetland/surface area onsite.

The use of storage yard for operable automobiles, trucks, boats and commercial vehicles is allowed in all the industrial zone districts. However, due to site constraints, the applicant is requesting a rezoning to I-2 / I-3 instead of I-1 / I-5 due to the front setback requirement difference. I-1 / I-5 zoning requires 35' front setback along Young Pine Road whereas I-2 / I-3 zoning requires only a 25' front setback.

The subject site is long and narrow and bordered by the Orange County landfill on the east and south side. The proposed use is compatible with development within the surrounding area and would not adversely affect the area.

The zoning division reviewed this request and deemed the wetland conservation easement can act as the required Type B buffer plus the additional 50' required (Orange County Code Section 38-932(9)) for the abutting R-CE residential parcel to the north which is currently undevelopable for residential uses since the zoning of R-CE is inconsistent with the FLU of Industrial. The parcel abutting to the north is also largely undevelopable as well due to wetland constraints.

Land Use Compatibility

The I-2 / I-3 Restricted (Industrial District -General) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is located in Airport Noise Zone E, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any required noise mitigation will be required at the time of permitting.

Code Enforcement

No Cases Found

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is IND (Industrial). The proposed I-2 / I-3 Restricted (Industrial District -General) zoning is consistent with the IND (Industrial) FLUM designation, therefore a CP amendment is not

necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	N: R-CE (Country Estate District) E: A-2 (Farmland Rural District) W: I-1/I-5 (Industrial District -Light) S: A-2 (Farmland Rural District)
Adjacent Land Uses	N: Orange County Landfill E: Orange County Landfill W: Industrial uses S: Stormwater retention

I-2 / I-3 (Industrial District -General) Development Standards

Max. Height: 50 ft. (35 within 100 ft. of residential use or district)

Building Setbacks*

Front: 25 ft.
Rear: 10 ft.
Side: 15 ft.

*50 feet required setback when abutting residential zoning.

** These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Intent, Purpose, and Uses

The intent and purpose of the I-2/I-3 industrial district are as follows:

1. To provide space for those industries which require locations near compatible neighbors, good transportation facilities and utilities.
2. To establish and maintain regulations which will allow the continued development of certain existing industrially zoned property and certain lands adjacent thereto where there exist lots, structures and uses of land which were lawful before the adoption of this article but which may be prohibited by the requirements of the I-1A and I-1/I-5 industrial districts.
3. To establish and maintain standards that will promote the development of a wide variety of general industrial and related activities which require a pleasant environment, compatible surroundings, and intensive use of land.
4. To establish and maintain standards which will protect adjacent residential and commercial developments.

SPECIAL INFORMATION

Staff Comments

Environmental

CAD Complete - An Orange County Conservation Area Determination CAD-22-07-134 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 10/12/2022. The CAD identified 0.08 acres of Class II wetlands within the project site.

CAI in Progress - Conservation Area Impact (CAI) permit application CAI-22-10-071 was submitted on 10/20/2022 for proposed wetland impacts. This plan will be reviewed in its entirety when the CAI permit is complete or nearly complete and the mitigation is agreed upon with EPD staff. No conservation area or buffer encroachments shall be permitted, unless an impact permit is approved by Orange County EPD consistent with OC Code Chapter 15, Article X Wetland Conservation Areas.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

FUDS Pinecastle - This site is located within the boundary of the former Pinecastle Jeep Bombing Range. The applicant should use caution in the event any unexploded ordinance or chemical residue is discovered during site studies, surveying or clearing. As a general safety precaution, all site workers should be trained if any suspicious items are located. The workers should utilize the recommended three Rs: Recognize (the item may be dangerous), Retreat (and do not touch it), and Report (the location to the local Sheriff's office immediately). For further information visit www.saj.usace.army.mil or call 1-800-710-5184.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Contamination Disturbance - No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S

Transportation / Access

Based on the Concurrency Management database (CMS) dated 11/16/2022, there is a failing roadway segment within the project's impact area. A CEL application will be required prior to permit approval and a Traffic Study may be required.

Schools

The applicant is proposing to utilize the property for commercial purposes. Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Not required for non-residential development.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – January 19, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 Restricted (Industrial District -General) zoning, subject to the following restriction:

- 1) New billboards and pole signs shall be prohibited.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 Restricted (Industrial District- General) zoning subject to one restriction. The Agent was present and agreed with the staff recommendation. No member of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that twenty-eight (28) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) response in favor, and zero (0) response in opposition of the request.

After a brief discussion regarding the developable area, a motion was made by Commissioner *Wiggins*, and seconded by Commissioner *Pavon* to recommend APPROVAL of the requested I-2 / I-3 Restricted (Industrial District -General) zoning, subject to one restriction that new billboards and pole signs shall be prohibited. The motion carried unanimously.

Motion / Second

Walter Pavon / George Wiggins

Voting in Favor

George Wiggins, Walter Pavon, Evelyn Cardenas, David Boers, Gordon Spears, and Eddie Fernandez

Voting in Opposition

None

Absent

JaJa Wade, Nelson Pena, and Michael Arrington

RZ-22-12-135



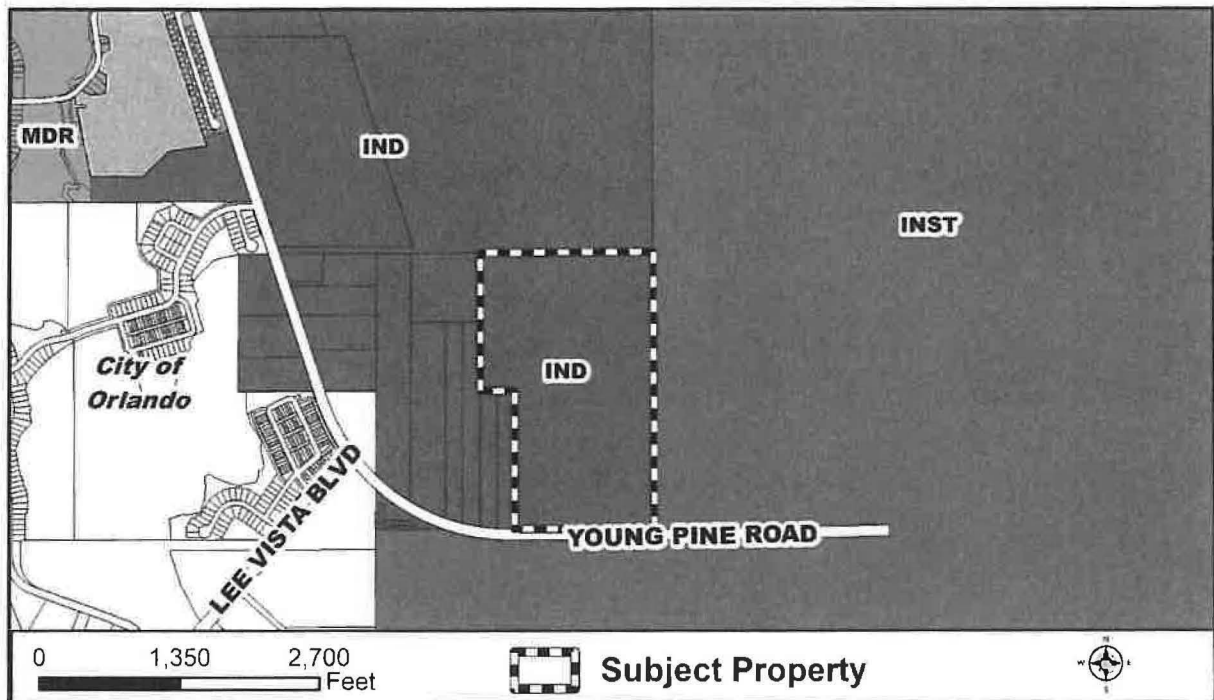
 Subject Property



1 inch = 1,000 feet

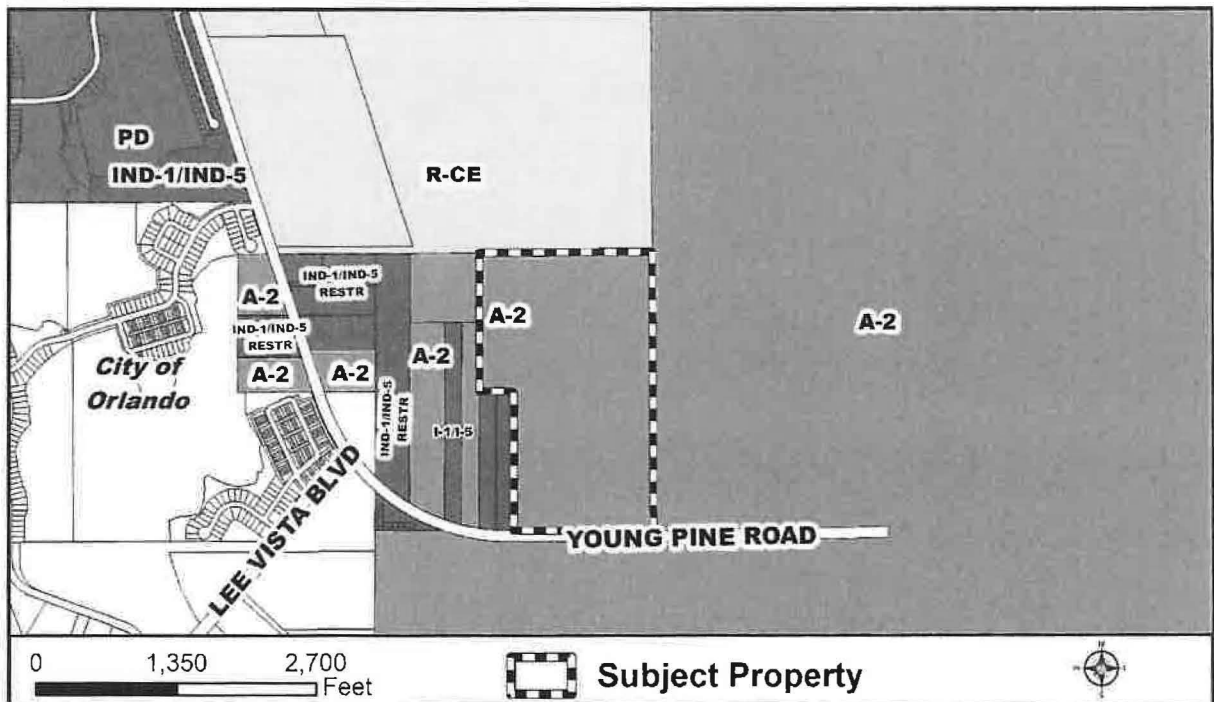
FUTURE LAND USE – CURRENT

IND (Industrial)



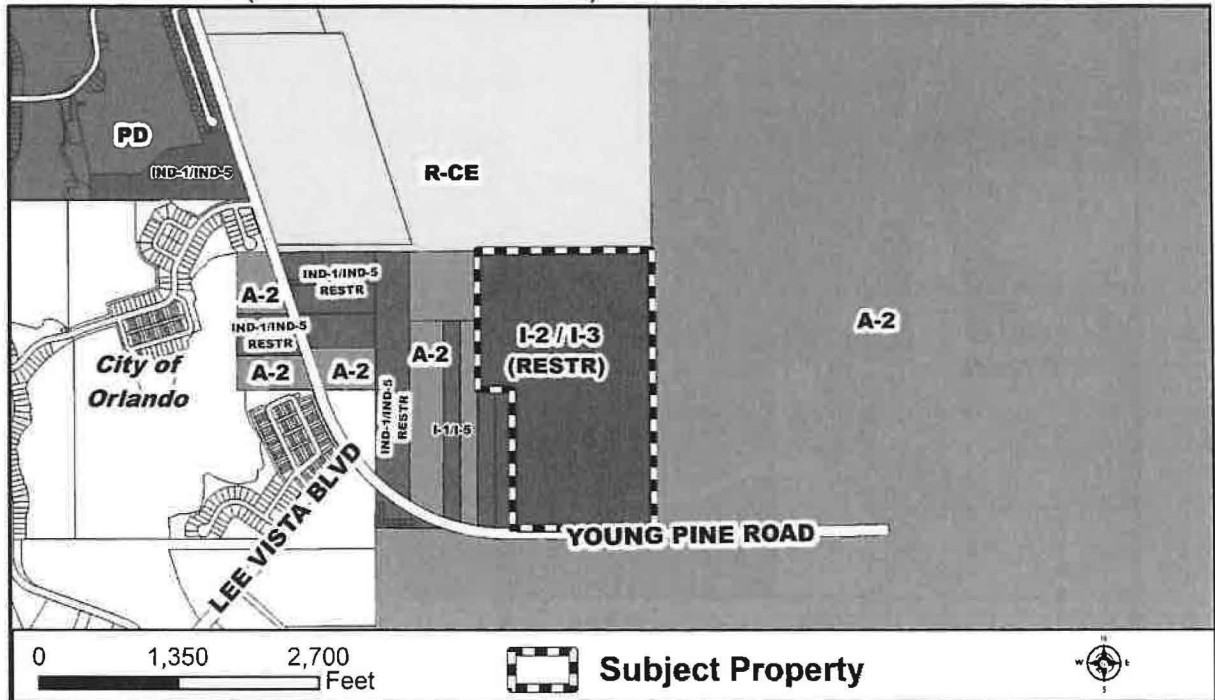
ZONING – CURRENT

A-2 (Farmland Rural District)



ZONING – PROPOSED

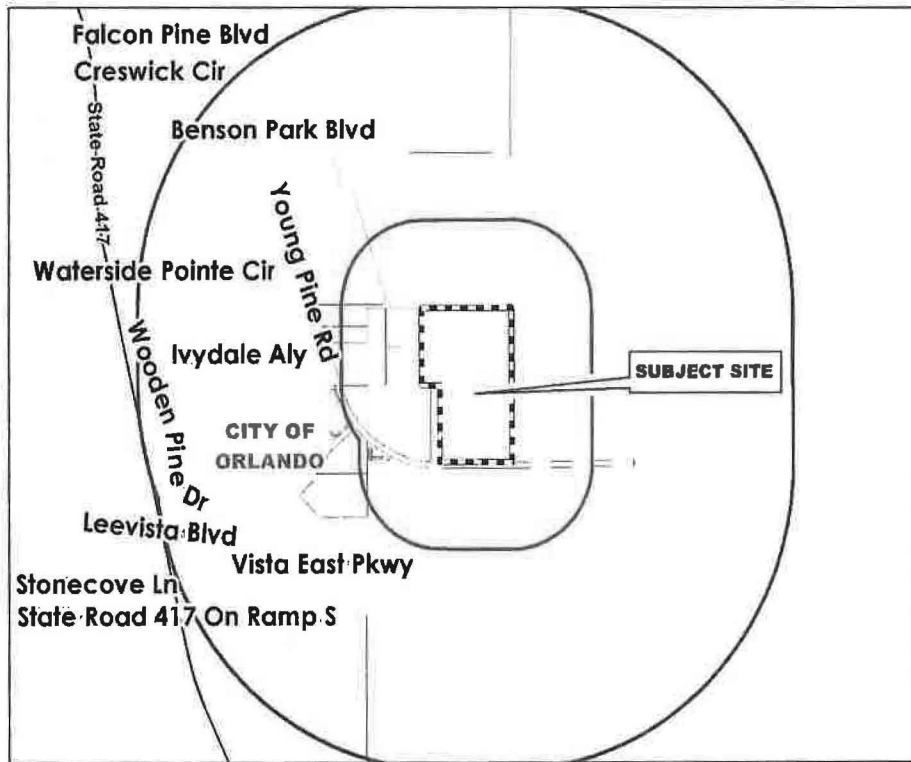
I-2 / I-3 Restricted (Industrial District -General)



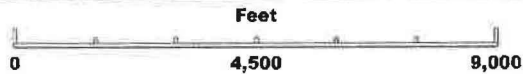


Public Notification Map

RZ-22-12-135



SUBJECT_SITE



MAP LEGEND



SUBJECT_SITE



NOTIFIED_PARCELS



1500_FT_BUFFER



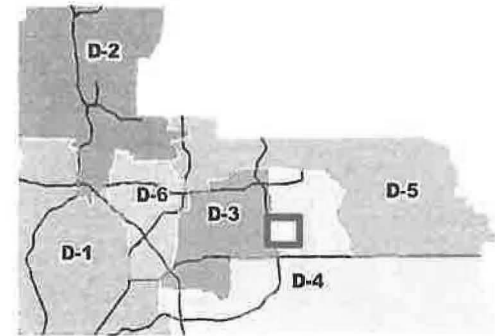
1_MILE_BUFFER



PARCELS

BUFFER DISTANCE: 1500

OF NOTICES: 28



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NOTIFICATION MAP

Case # RZ-22-12-135
 Orange County Planning Division
 PZC Hearing Date: January 19, 2023

CASE # RZ-23-01-138

Commission District: #2

GENERAL INFORMATION

APPLICANT: Luis Lopez, Renova Management, LLC

OWNERS: Kirza Enid Lopez-Vasquez & Hai Van Truong

HEARING TYPE: Planning and Zoning Commission

REQUEST: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) **to**
R-1AAA (Residential Urban District)

LOCATION: 1438 Pine Street; generally located approximately 110 feet north of Orange Street, south of Pine Street, and west of Plum Avenue.

PARCEL ID NUMBER: 23-21-28-6068-09-050

SIZE/ ACREAGE: 0.49-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-one (81) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this request.

PROPOSED USE: One (1) Detached Single-Family Dwelling Unit

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAA (Residential Urban District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this rezoning request the applicant is seeking to rezone the 0.49-gross acre parcel from R-T-2 (Combination Mobile Home and Single-Family Dwelling District) to R-1AAA (Residential Urban District) to allow for the construction of one (1) detached single-family home. The subject property is was zoned R-T-2 in April 1973 and the requirement for properties after January 29, 1973 is to have 35 feet min front, 50 feet minimum rear,

10 feet minimum side setbacks, minimum 21,780 sq. ft. (1/2-acre) and 100-foot lot width. Therefore, the applicant is requesting a rezoning to R-1AAA to have reduced setbacks.

The subject property was platted in 1926 within Oak Park Manor and is located within the Urban Service Area. The subject property measures 135 feet in lot width and 21,746 sq. ft. in lot size. The previous single-family home was demolished in 2020 and the existing accessory structure was left on the subject property. The applicant was notified that the accessory structure may require a variance if the structure is to remain on the site, otherwise it will need to be demolished as it is not conforming to Orange County code section 38-1426(a)(1)b. The subject property is located within the Wekiva Priority Focus Area and requires advanced septic treatment at the time of permitting. The property owner will be required to work with the Department of Health and the City of Apopka Utilities regarding utilities service. The future land use designation is Low Density Residential (LDR) which is consistent with the proposed zoning district.

The general surrounding area consists of developed single-family residences within R-T-2 zoning. The surrounding single-family homes are located on 100-foot to 165-foot wide lots, and a few non-conforming lots measuring 50-foot wide. The proposed R-1AAA would be compatible with the current land uses established throughout the surrounding area.

Land Use Compatibility

The R-1AAA (Residential Urban District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement

Joint Planning Area (JPA)

The subject property is located in the City of Apopka JPA. The City of Apopka is in favor of this rezoning request.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located in an Airport Noise Zone.

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR. The proposed R-1AAA (Residential Urban District) zoning is consistent with the LDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Vacant residential
Adjacent Zoning	N: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1973) E: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1973)

W: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1973)

S: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1973)

Adjacent Land Uses N: Single-family residence
E: County-owned vacant land
W: Single-family residence
S: Vacant residential

R-1AAA (Residential Urban District) Development Standards

Min. Lot Area: 14,520 (1/3 acre) sq. ft.
Min. Lot Width: 95 feet
Max. Height: 35 feet
Min. Floor Area: 1,500 feet

Building Setbacks

Front: 30 feet
Rear: 35 feet
Side: 10 feet
Side Street 15 feet

** These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Intent, Purpose, and Uses

The intent and purpose of the R-1AAA residential urban district is to provide for single-family homes of a low density within the existing or planned urban service area.

A use shall be permitted in the R-1AAA district if the use is identified by the letter "P" in the use table set forth in section 38-77.

SPECIAL INFORMATION

Staff Comments

Environmental

Wekiva Study Area - This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Wekiva Priority Focus Area - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section

373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one-acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for details of advanced septic treatment system requirements.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Demolition - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1)

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. The applicant should call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Access

A single-family detached home is a de minimis impact.

Schools

One single-family home is considered de-minimus.

Parks and Recreation

No further comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Apopka

Wastewater: Apopka

Reclaim Water: Apopka

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

This property is within City of Apopka's Water Service Area.

Connection to city water line is not required for this property.

This property is within City of Apopka's Wastewater and Reclaimed Water Service Area.

This residence would be reliant on septic for wastewater disposal. Connection to sewer is not required.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – January 19, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAA (Residential Urban District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

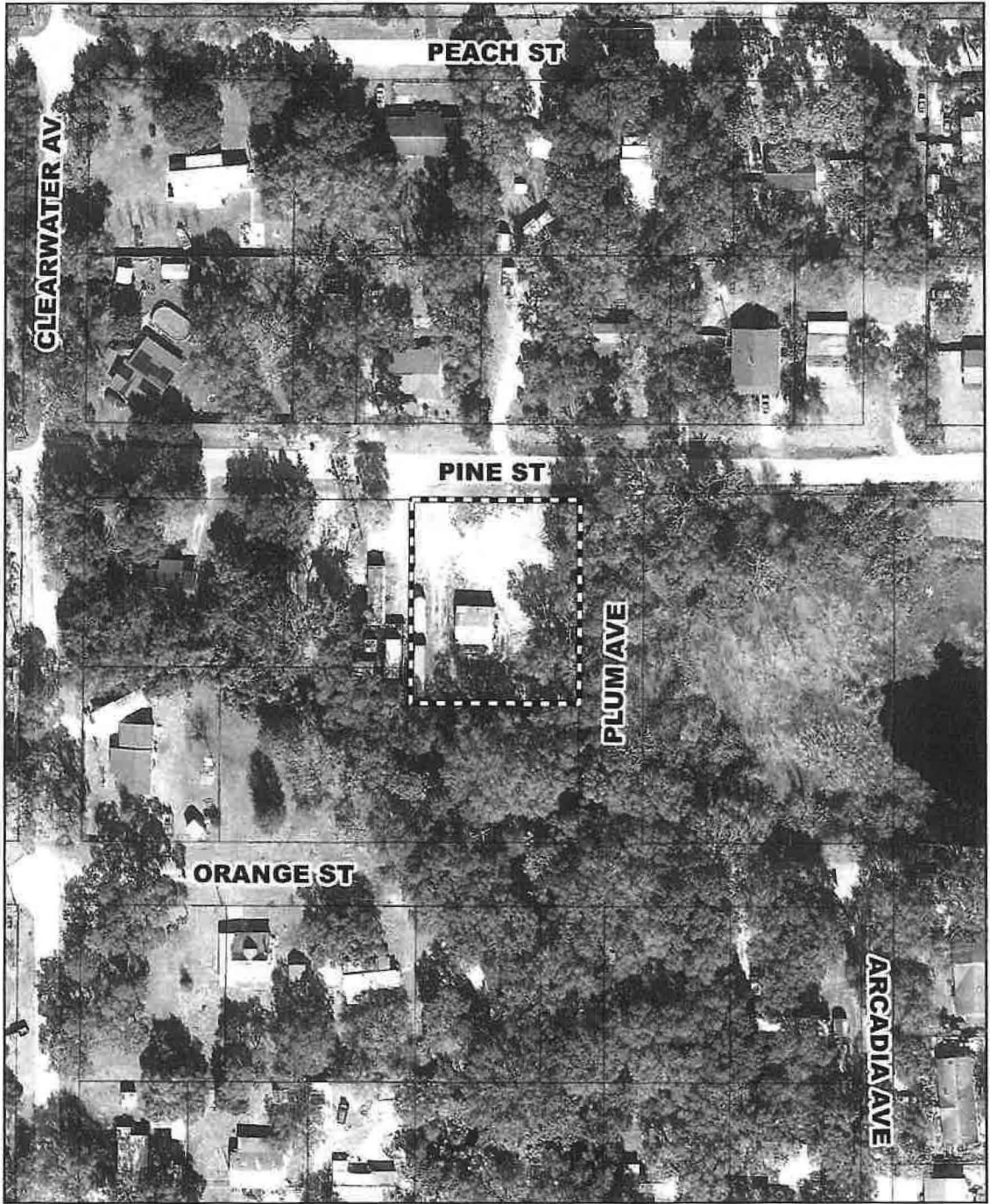
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAA (Residential Urban District) zoning. The property owner was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that eighty-one (81) notices were sent to property owners and residents in a 500 foot radius surrounding the property, and that staff had received two (2) responses in favor, and zero (0) response in opposition of the request.

After a brief discussion regarding advanced septic tanks and the number of units permitted (one), a motion was made by Commissioner Wiggins and seconded by Commissioner Pavon to recommend APPROVAL of the requested R-1AAA (Residential Urban District). The motion was carried unanimously.

Motion / Second	<i>George Wiggins / Walter Pavon</i>
Voting in Favor	<i>George Wiggins, Walter Pavon, Evelyn Cardenas, David Boers, Gordon Spears, and Eddie Fernandez</i>
Voting in Opposition	<i>None</i>
Absent	<i>JaJa Wade, Neson Pena and Michael Arrington</i>

RZ-23-01-138



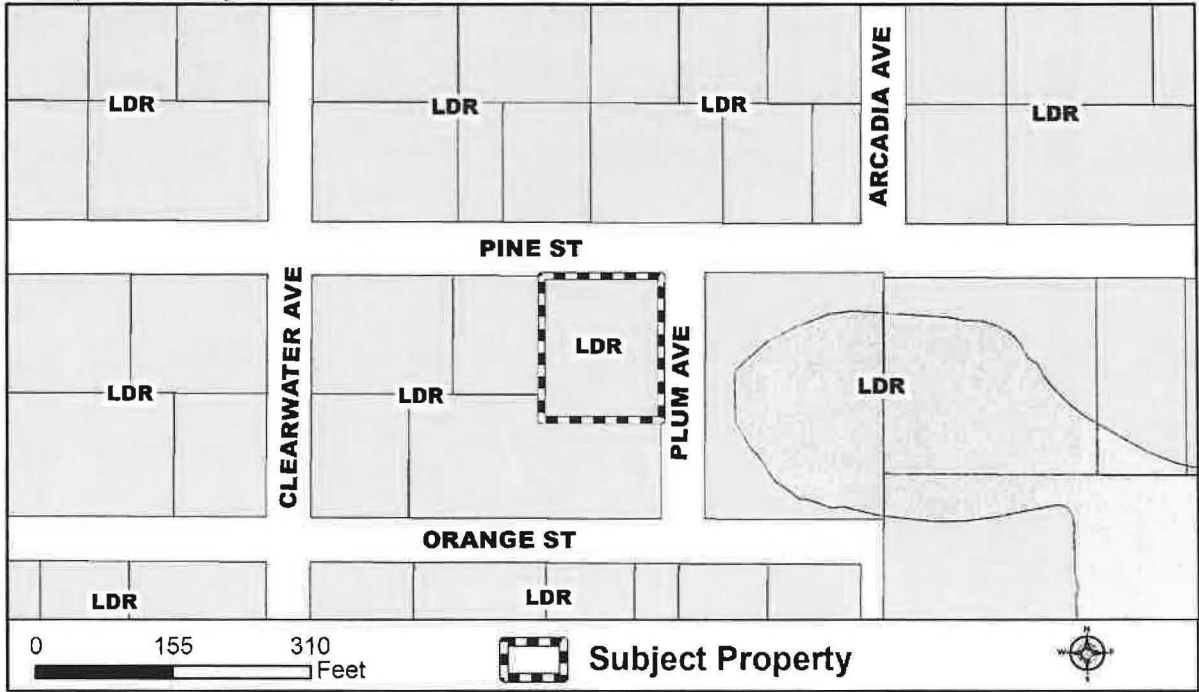
 Subject Property



1 inch = 100 feet

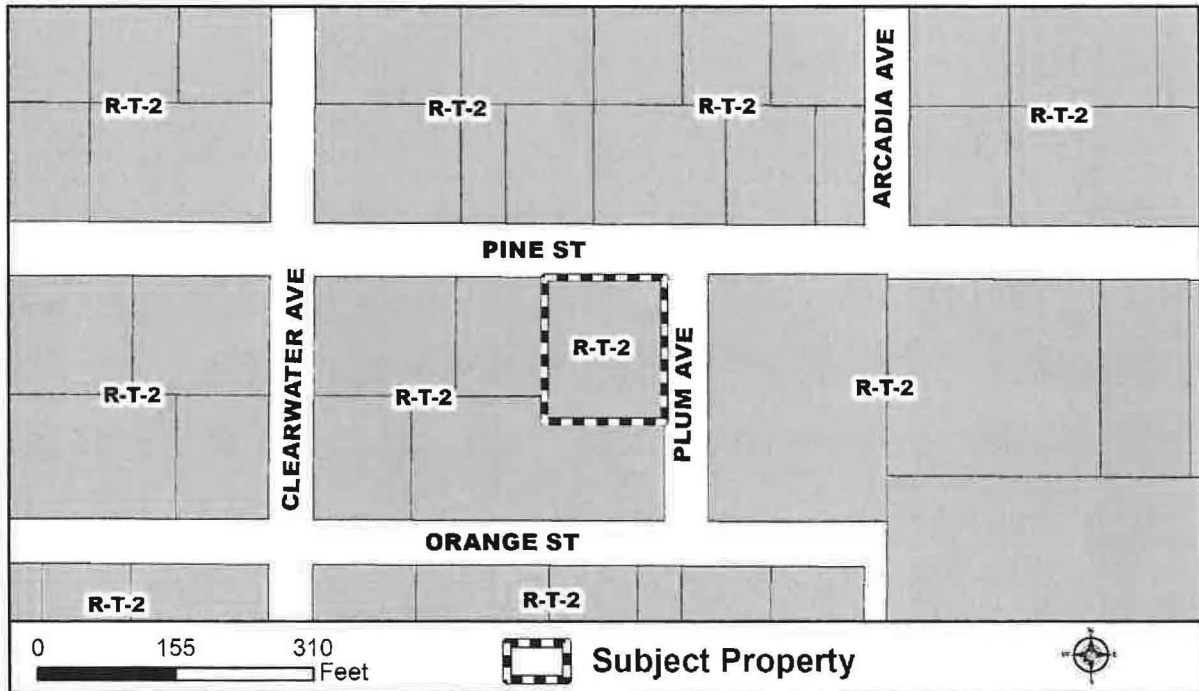
FUTURE LAND USE – CURRENT

LDR (Low Density Residential)

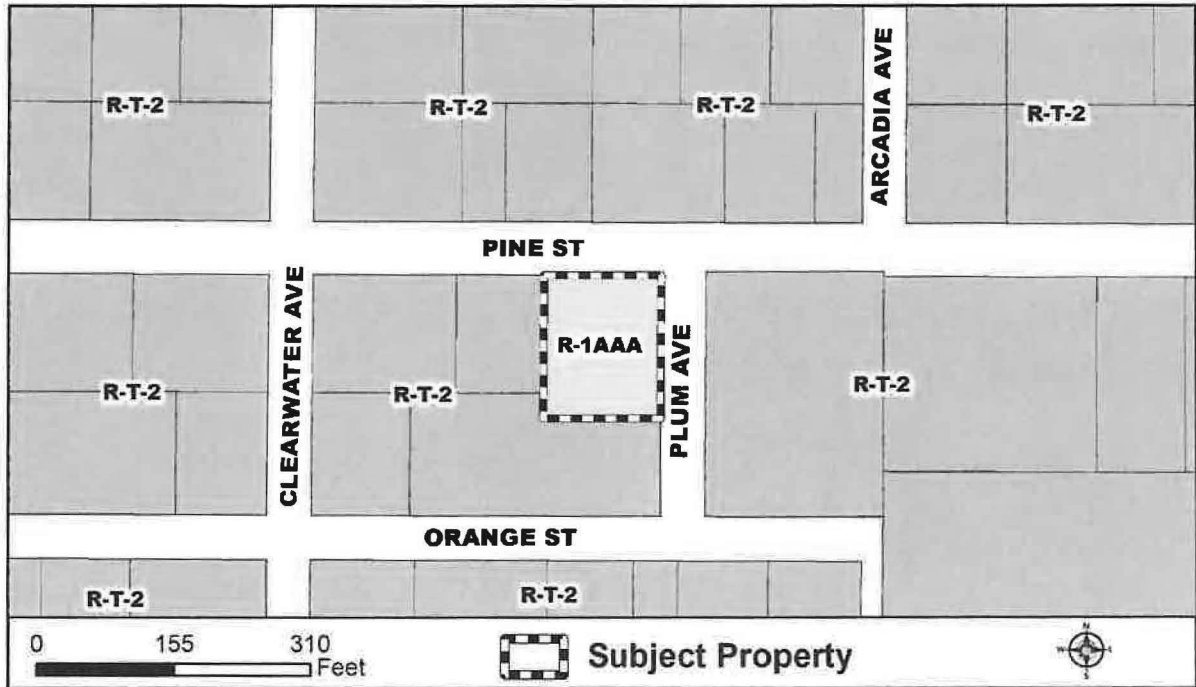


ZONING – CURRENT

R-T-2 (Combination Mobile Home and Single-Family Dwelling District)



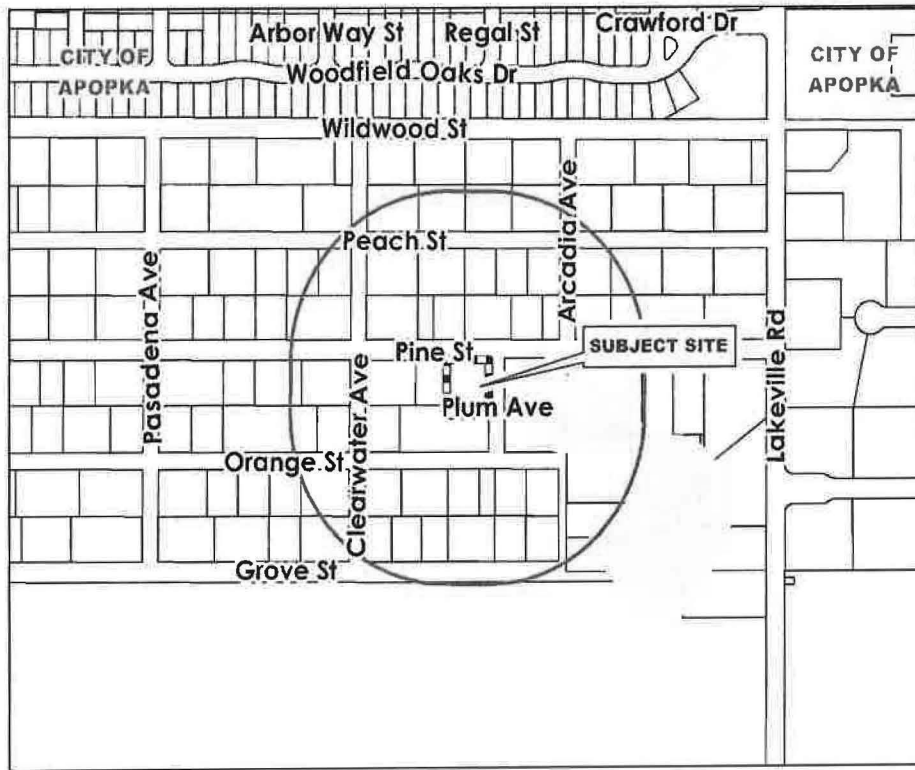
ZONING – PROPOSED
R-1AAA (Residential Urban District)





Public Notification Map

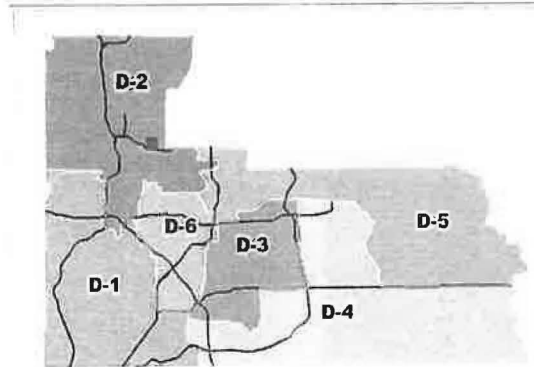
RZ-23-01-138



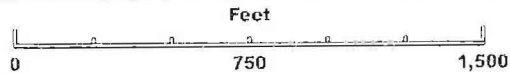
MAP LEGEND

	SUBJECT SITE		NOTIFIED PARCELS
	500 FT BUFFER		COURTESY PARCELS
	HYDROLOGY		
	PARCELS		

BUFFER DISTANCE: 500
OF NOTICES: 81



SUBJECT SITE



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NOTIFICATION MAP

Case # RZ-23-01-138
Orange County Planning Division
PZC Hearing Date: January 19, 2023

CASE # RZ-23-01-139

Commission District: #5

GENERAL INFORMATION

APPLICANT: Richard Harless

OWNERS: Richard Harless

HEARING TYPE: Planning and Zoning Commission

REQUEST: R-1A (Single-Family Dwelling District) to
R-1 (Single-Family Dwelling District)

LOCATION: 921 Herman Avenue; generally located on the east side of
Herman Avenue, approximately 250 feet south of Roush
Avenue.

PARCEL ID NUMBER: 21-22-30-3932-23-060

SIZE/ ACREAGE: 0.15-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet
[Chapter 30-40(c)(3a) of the Orange County Code requires
300 feet]. One hundred twenty-four (124) notices were
mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this request.

PROPOSED USE: One (1) single-family dwelling unit

STAFF RECOMMENDATION

PLANNING

**Make a finding of consistency with the Comprehensive Plan and recommend
APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.**

SUBJECT PROPERTY ANALYSIS

Overview

Through this rezoning request the applicant is seeking to rezone the 0.15-gross acre parcel from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to allow one (1) detached single-family home. The rezoning is required as this property is not a lot of record due to the contiguous ownership of the subject lot and adjacent Lot 5 in 1959. The proposed R-1 zoning would allow for the subject property to meet R-1 lot size and lot width requirements.

The subject property was platted in 1924 of the Jamajo Plat and is located within the Urban Service Area. The property has been zoned as R-1A since 1957. The subject property was formerly developed with a single-family home which was demolished in 2021 (Permit B21026186).

The surrounding area of the subject property is developed with single-family homes to the north, south, east, and west. The surrounding single-family homes are developed on 50-feet to 100-feet wide lots within R-1 and R-1A zoning. Lots 16 and 17 located in the adjacent western block was rezoned from R-1A to R-1 in 2021 (RZ-21-09-056). The proposed R-1 zoning would be compatible with the current land uses established throughout the surrounding area.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is located in Airport Noise Zone D, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any required noise mitigation will be required at the time of permitting.

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LMDR which allows consideration of up to ten (10) units per acre. The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the LMDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Vacant residential
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957)
Adjacent Land Uses	N: Single-family residence E: Single-family residence W: Single-family residence S: Single-family residence

R-1 (Single-Family Dwelling District) Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 feet
Max. Height:	35 feet
Min. Floor Area:	1,000 feet

Building Setbacks

Front:	20 feet
Rear:	20 feet
Side:	5 feet

** These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Intent, Purpose, and Uses

The R-1 (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

Environmental

Demolition - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1)

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste

regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Access

A single-family detached home is a de minimis impact.

Schools

No comments.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: OUC

Wastewater: Orlando

Reclaim Water: Orlando

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

This property is within Orlando Utilities Commission Water Service Area.

This property is within City of Orlando's Wastewater and Reclaimed Water Service Area.

Sanitary sewer is not available to serve the subject property. Therefore, the property will be reliant on septic.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – January 19, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that one hundred twenty-four (124) notices were sent to property owners and residents in a 500 foot radius surrounding the property, and that staff had received one (1) response in favor, and zero (0) response in opposition of the request.

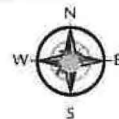
After a brief discussion regarding the reason for the rezoning request (for reduced setbacks and because the property does not meet the current R-1A requirements and was previously joined with an adjacent property) and septic tank for wastewater disposal, a motion was made by Commissioner Wiggins and seconded by Commissioner Cardenas to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District). The motion was carried unanimously.

Motion / Second	<i>George Wiggins / Evelyn Cardenas</i>
Voting in Favor	<i>George Wiggins, Evelyn Cardenas, David Boers, Gordon Spears, Eddie Fernandez, and Walter Pavon</i>
Voting in Opposition	<i>None</i>
Absent	<i>JaJa Wade, Neson Pena and Michael Arrington</i>

RZ-23-01-139

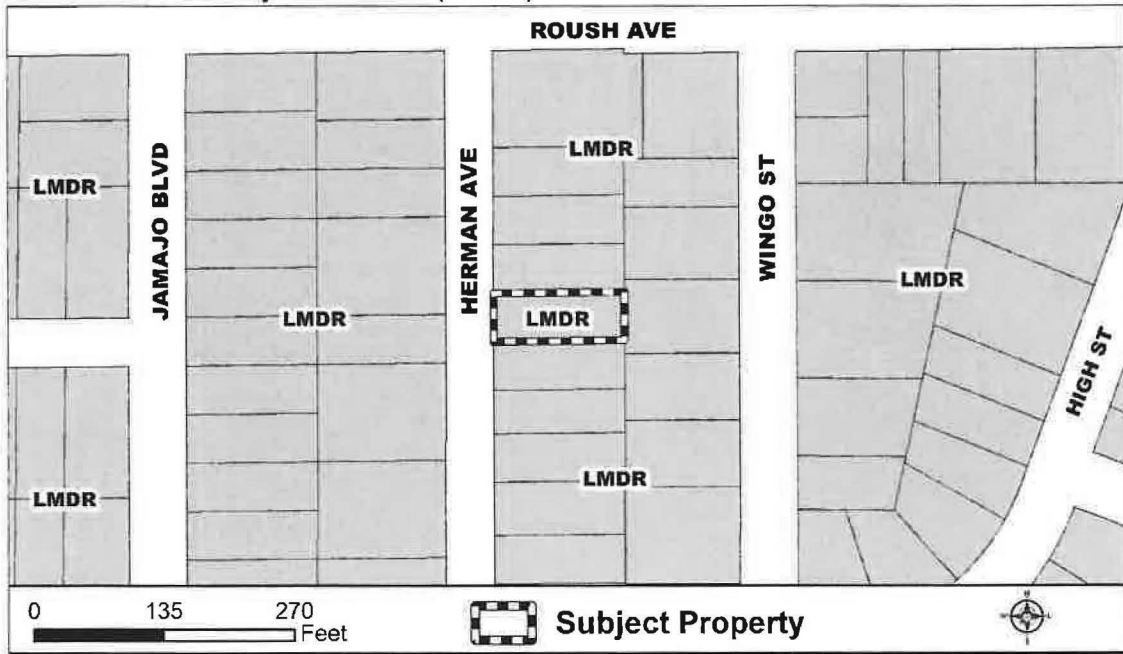


 Subject Property

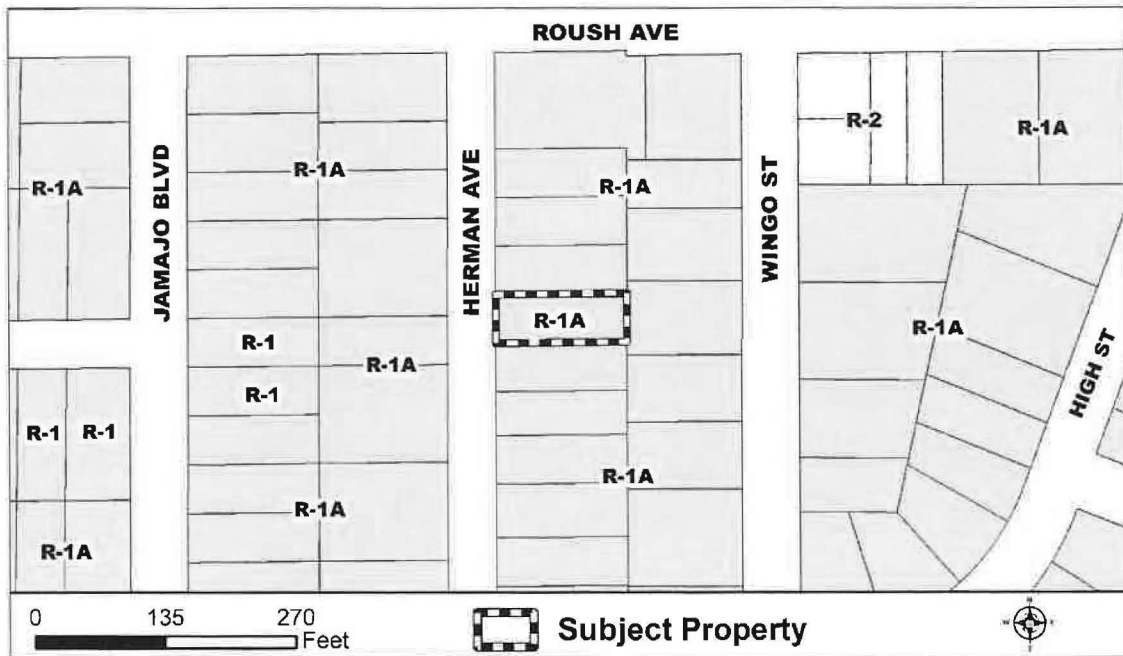


1 inch = 100 feet

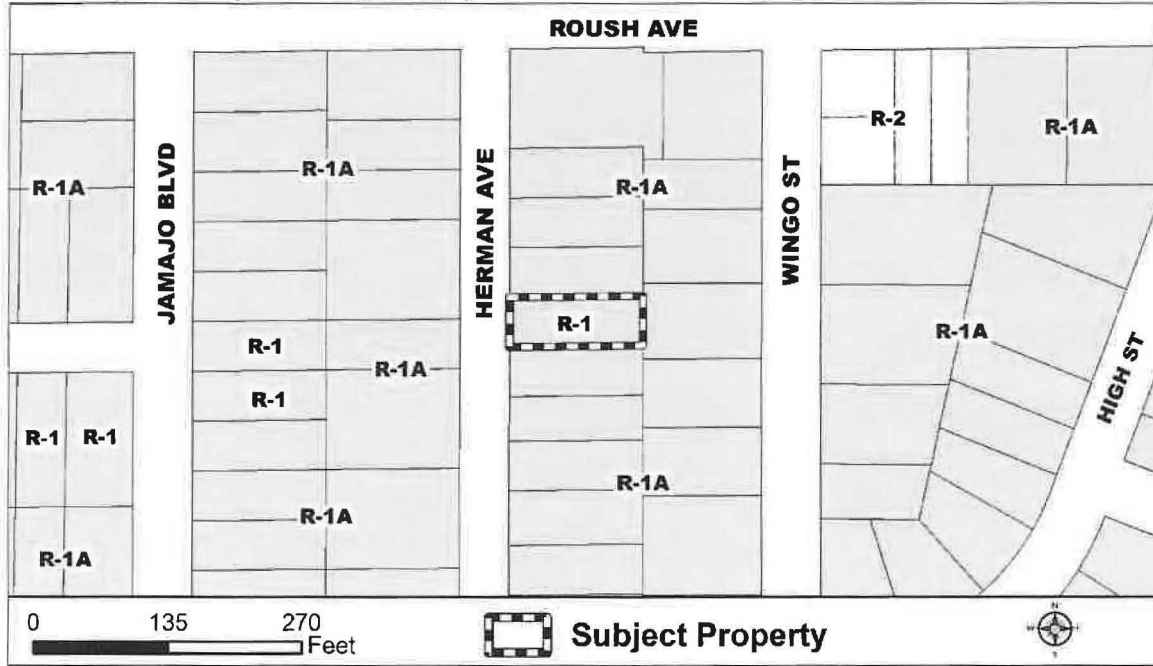
FUTURE LAND USE – CURRENT
Low-Medium Density Residential (LMDR)



ZONING – CURRENT
R-1A (Single-Family Dwelling District)



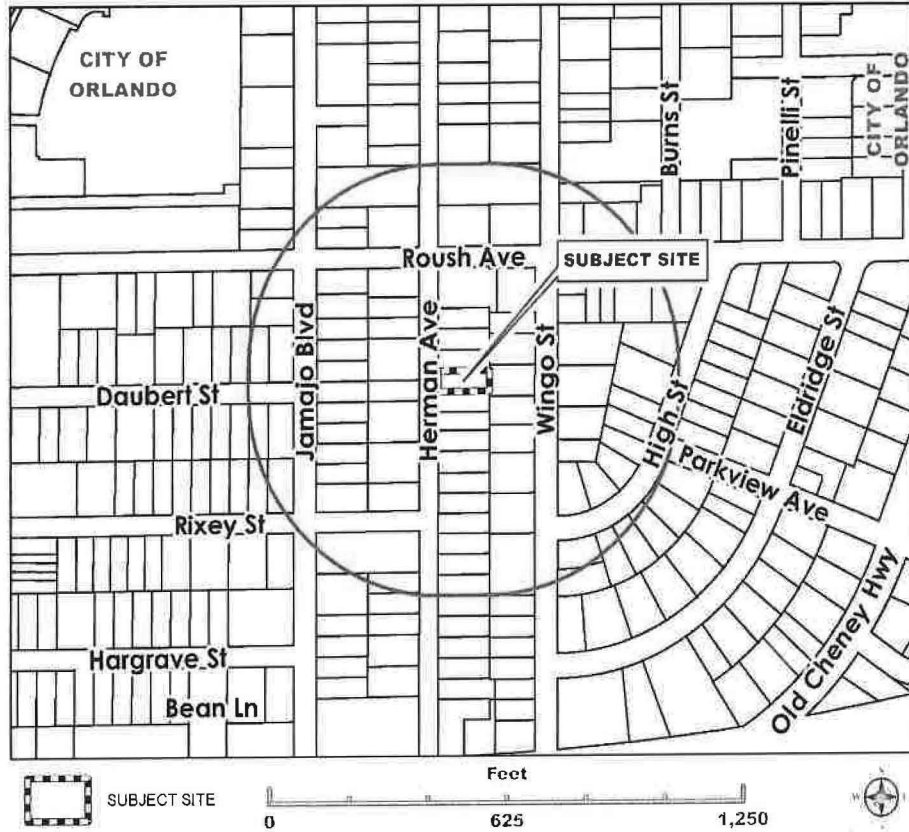
ZONING – PROPOSED
R-1 (Single-Family Dwelling District)





Public Notification Map

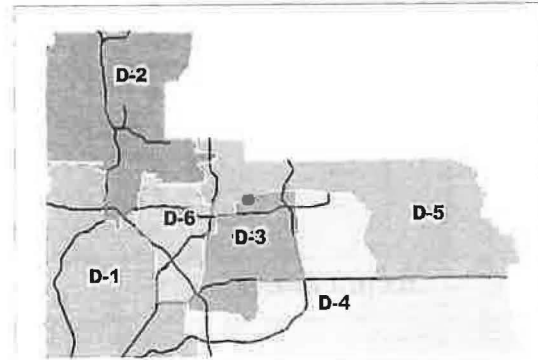
RZ-23-01-139



MAP LEGEND

- SUBJECT SITE
- 500 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 500
OF NOTICES: 124



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NOTIFICATION MAP

Case # RZ-23-01-139
Orange County Planning Division
PZC Hearing Date: January 19, 2023

CASE # RZ-23-01-141
Commission District: #5

GENERAL INFORMATION

APPLICANT: Lymaris Adorno-Cotto

OWNERS: Lymaris Adorno-Cotto

HEARING TYPE: Planning and Zoning Commission

REQUEST: R-T-2 (Combination Mobile home and Single-Family Dwelling District) **to**
R-T-1 (Mobile Home Subdivision District)

LOCATION: 4th Avenue; generally located on the northeast corner of 10th Ave and 4th Ave.

PARCEL ID NUMBER: 22-22-32-0712-50-215

SIZE/ ACREAGE: 0.34-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-eight (88) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: One (1) Single-Family Home

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-T-1 (Mobile Home Subdivision District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone the subject property from R-T-2 (Combination Mobile home and Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District) in order to construct one (1) single family dwelling unit on 0.34-gross acre. Per Orange County Code Section 38-1501, since the property was zoned after 1973 it would need 0.5-gross acre for R-T-2 zoning. The subject property is only 0.34-gross acre. If the property was a Lot of Record, the size deficiency would

not be an issue, however in 2007 the two platted lots were combined and therefore their Lot of Record status was nullified (Section 38-1401). Additionally, the R-T-1 zoning district would allow for setbacks that would provide a more sensible buildable area. With the R-T-2 district, there is a front building setback requirement of 35 feet and a rear building setback requirement of 50 feet. Since the property is only 100 feet in depth, the buildable area from front to back would only be 15 feet. The R-T-1 district has a required building setback of 25 feet for both the front and rear setbacks which allows for a buildable area from front to back of 50 feet.

The subject property was originally platted as Lots 15, 16 within the Bithlo and is located outside of the Urban Service Area. The subject property measures 150 feet in lot width. The plat for the Bithlo subdivision was recorded in 1924. The subject parcel is currently undeveloped. The immediate area is developed with single-family residential dwelling units on lots mostly ranging from 75 feet to 150 feet in width. There is also a junk yard to the southwest of the property. The surrounding area is predominantly zoned R-T-2, R-T-1, and A-2 zoning districts which requires a minimum of 45, 60 and 100 foot lot width.

Land Use Compatibility

The R-T-1 (Mobile Home Subdivision District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is located within the Bithlo Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located in an Airport Noise Zone.

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR (Low Density Residential). The proposed R-T-1 (Mobile Home Subdivision District) zoning is consistent with the LDR (Low Density Residential) FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: R-T-2 (Combination Mobile home and Single-Family Dwelling District) 1977
	E: R-T-2 (Combination Mobile home and Single-Family Dwelling District) 1977
	W: R-T-2 (Combination Mobile home and Single-Family Dwelling District) 1977

	S:	R-T-2 (Combination Mobile home and Single-Family Dwelling District) 1977
Adjacent Land Uses	N:	Single-Family Residential
	E:	Single-Family Residential
	W:	Single-Family Residential
	S:	Single-Family Residential

R-T-1 (Mobile Home Subdivision District) Development Standards

Single-Family Residence (SFR):

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

Building Setbacks

Front:	25 ft.
Rear:	25 ft.
Side:	5 ft.

Mobile Home:

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Floor Area:	8 ft x 35 ft

Building Setbacks

Front:	25 ft.
Rear:	25 ft.
Side:	5 ft.

** These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Intent, Purpose, and Uses

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) (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) Dimensions. Lot size and setback requirements shall be the same as those established for the R-2 single-family dwelling districts.
- (4) (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.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

Environmental

Econ River Ordinance - This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference OC Code Chapter 15, Article XI Econlockhatchee River Protection.

Potential Wetland Indicators - Hydric soils were identified onsite. An Orange County Conservation Area Determination (CAD) may be required to determine the developable acreage. EPD has no record of a CAD for this site. If a CAD has been obtained, or if historical documents are located, then submit a copy to EPD. Reference OC Code Chapter 15, Article X Wetland Conservation Areas. If the applicant believes that such lands or the proposed activity are exempt from review per section 15-380, they may file petition for a binding determination of exemption. Reference OC Code Chapter 15 Environmental Control, Article X Wetland Conservation Areas, Section 381, Subsection (a). For determination, contact Environmental Permitting and Compliance at wetlandpermitting@ocfl.net.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Proximity to FDEP Cleanup Site - Proximity to parcels with known FDEP cleanup sites associated with the Best Used Parts II located 0.02 miles to the southwest. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not

properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

Wells - Due to the site's proximity to a FDEP Cleanup Site, it is recommended that further investigations are considered prior to installation of potable and irrigation wells. If an Environmental Site Assessment has been performed on this site, submit a copy to EPD.

Solid Waste Management Facility Proximity - This site could be adversely impacted by existing solid waste management activities from the Bishop and Buttrey, Inc. Yard Trash Processing Facility, located 0.19 miles northeast. Potential odor and noise disturbance to residents should be considered during design. Prospective property owners should be notified of this proximity. Reference OC Comprehensive Plan, Solid Waste Element SW1.7.4.

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Access

A single-family detached home is a de minimis impact.

Schools

No comments.

Parks and Recreation

No further comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Water: There are no watermains in the vicinity of this property. Development on this property will be reliant on wells for potable water.

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – January 19, 2023

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-T-1 (Mobile Home Subdivision District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District). The applicant was present during the meeting and agreed with staff recommendation. No members of the public were present to speak during public comment on this request.

Staff indicated that eighty eight (88) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

After a brief discussion regarding the number of lots permitted (one), a motion was made by Commissioner Spears and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning. The motion carried unanimously.

Motion / Second	<i>Gordon Spears / George Wiggins</i>
Voting in Favor	<i>Gordon Spears, George Wiggins, Evelyn Cardenas, JaJa Wade, Eddie Fernandez, Walter Pavon, and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena and Michael Arrington</i>

RZ-23-01-141



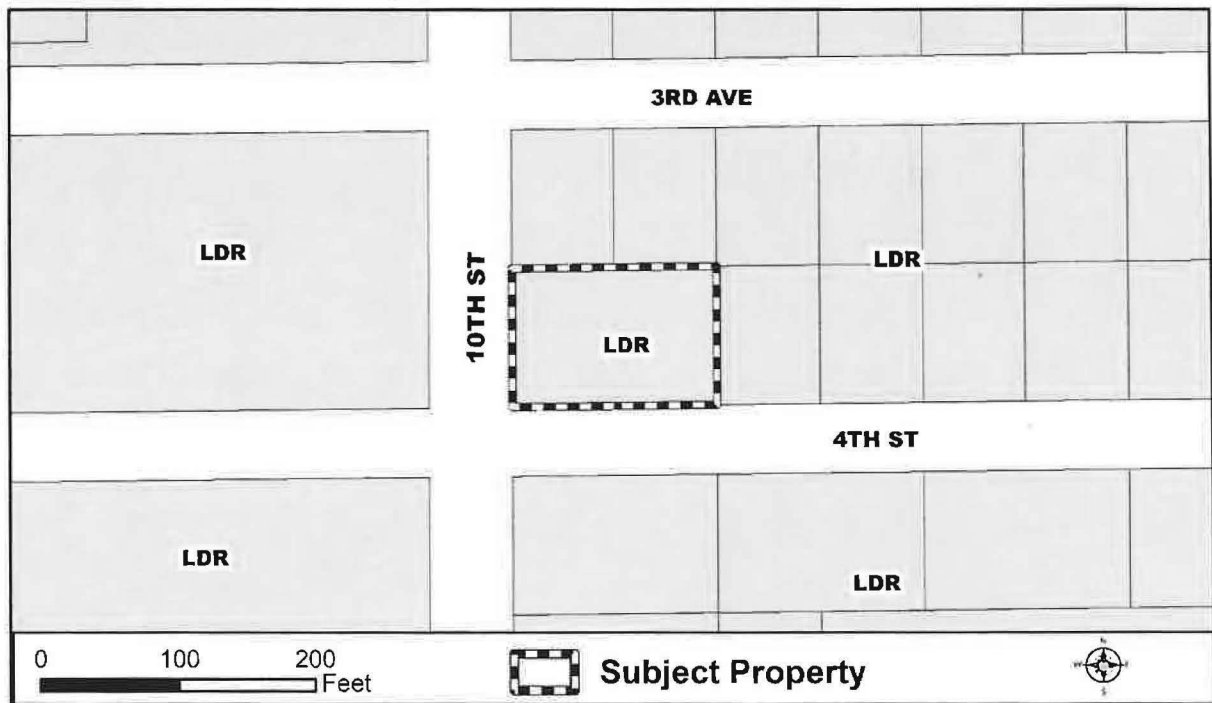
 Subject Property



1 inch = 83 feet

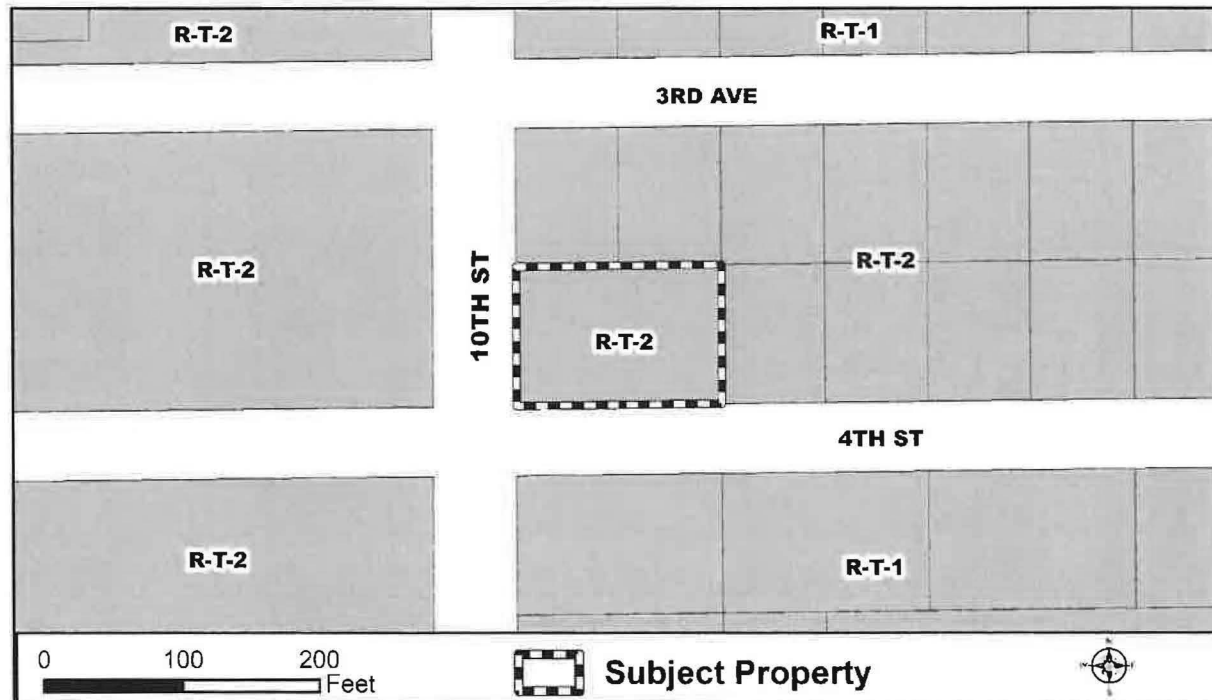
FUTURE LAND USE – CURRENT

LDR (Low Density Residential)



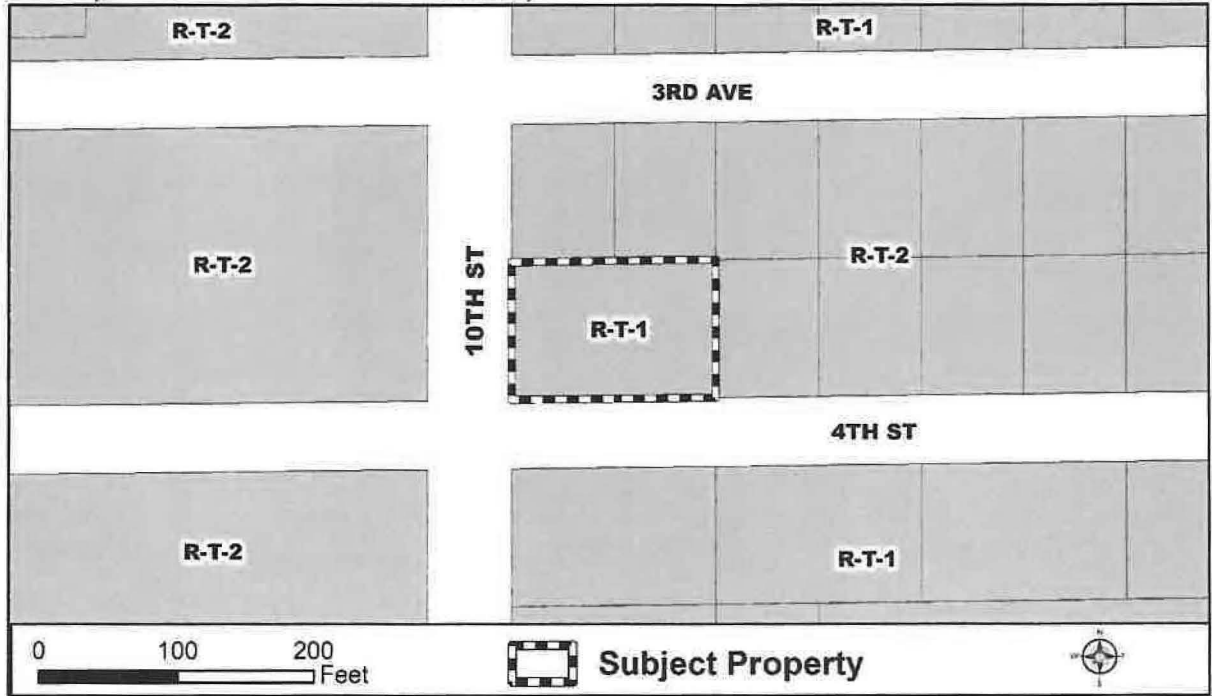
ZONING – CURRENT

R-T-2 (Combination Mobile home and Single-Family Dwelling District)



ZONING – PROPOSED

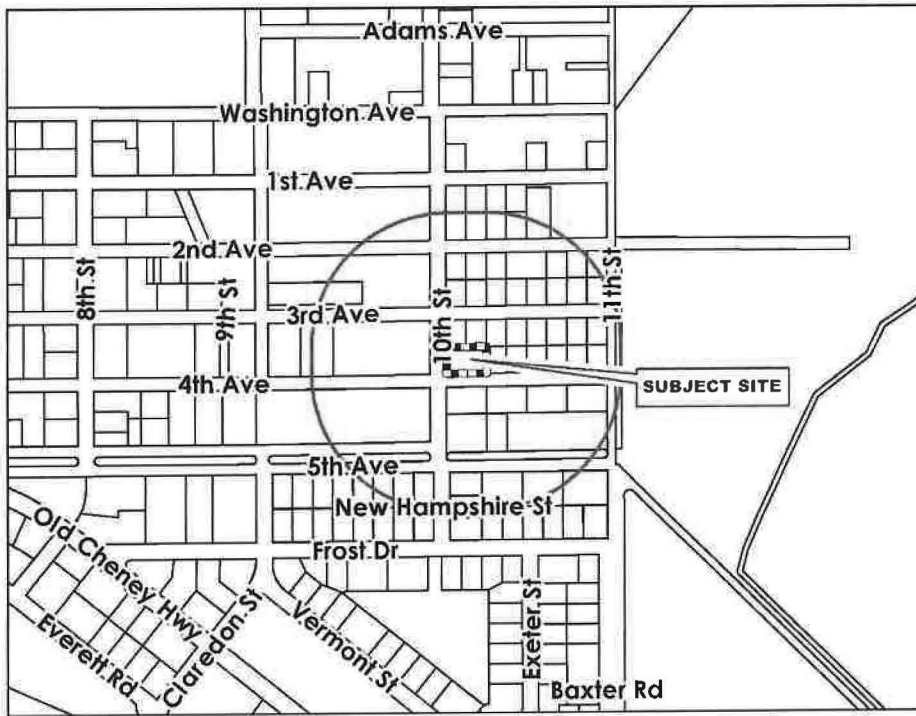
R-T-1 (Mobile Home Subdivision District)





Public Notification Map

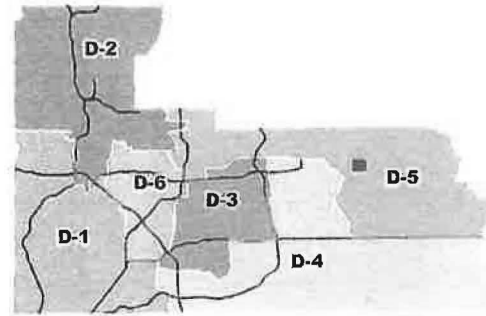
RZ-23-01-141



MAP LEGEND

	SUBJECT SITE		COURTESY PARCELS
	500 FT BUFFER		HYDROLOGY
	PARCELS		
	NOTIFIED PARCELS		

BUFFER DISTANCE: 500
 # OF NOTICES: 88



SUBJECT SITE



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NOTIFICATION MAP

Case # RZ-23-01-141
 Orange County Planning Division
 PZC Hearing Date: January 19, 2023

CASE # RZ-23-01-142

Commission District: #6

GENERAL INFORMATION

APPLICANT: Clyde Elemuel Tucker

OWNER: Steve Charran

HEARING TYPE: Planning and Zoning Commission

REQUEST: **R-1A** (Single-Family Dwelling District) **to**
R-1 (Single-Family Dwelling District)

LOCATION: 420, 416, 412, 408 Dover Street; generally located south of
SR 408, north of W. Livingston

PARCEL ID NUMBERS: 30-22-29-2746-04-070, 30-22-29-2746-04-080, 30-22-29-
2746-04-090, 30-22-29-2746-04-100

SIZE/ ACREAGE: 0.57 -gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet
[Chapter 30-40(c)(3a) of the Orange County Code requires
300 feet]. One hundred fifteen (115) notices were mailed to
those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: Up to Four (4) Single-Family Homes (one home on each lot)

STAFF RECOMMENDATION

PLANNING

**Make a finding of consistency with the Comprehensive Plan and recommend
Approval of the requested R-1 (Single-Family Dwelling District) zoning.**

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to allow up to four (4) single-family dwelling units on 0.57-gross acre.

The subject property was originally platted as Lots 7, 8, 9, 10 within the Fleming Heights Extended Community and is located inside of the Urban Service Area. The subject

property consists of four (4) separate platted lots, each lot measures 50 feet in lot width and 6,248 sq. ft. in lot size. Since the properties are all owned the by the same owner and do not meet the current district requirements for lot width and size (R-1A district requires 75' lot width and 7,500 square foot lot size), a rezoning to R-1 district is required in order to recognize the lots as four separate lots for the purpose of a home on each lot.

The plat for the Fleming Heights Extended subdivision was recorded in 1926. Three (3) subject parcels on Lots 7,8 and 10 are currently vacant, one house on lot 8 was recently demolished. The house on a fourth parcel, Lot 9 is proposed to remain. The immediate area is developed with single-family residential dwelling units on lots mostly ranging from 50 feet to 75 feet in width. The surrounding area is predominantly zoned R-1A and R-2 which requires a minimum of 75 and 45 feet lot width.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located in an Airport Noise Zone.

Code Enforcement

No Cases Found

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LMDR (Low Medium Density Residential) which allows consideration of up to ten (10) units per acre. The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the LMDR (Low Medium Density Residential) FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Residential, Vacant Land
Adjacent Zoning	N: N/A
	E: R-1A (Single-Family Residential) 1957
	W: R-1A (Single-Family Residential) 1957
	S: R-2 (Residential District) 2003
Adjacent Land Uses	N: East-West express way 408
	E: Single-Family Residential
	W: Single-Family Residential
	S: Single-Family Residential

R-1 (Single-Family Dwelling District) Development Standards

Min. Lot Area: 5,000 sq. ft.
Min. Lot Width: 50 ft.
Max. Height: 35 ft.
Min. Living Area: 1,000 sq. ft.

Building Setbacks

Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

Environmental

Noise Proximity Highway - Portions of this site are immediately adjacent to the State Road 408 that produces noise levels above the normal neighborhood ambient sound. Construction of residential units should consider housing construction techniques and design features to minimize interior noise to the residents.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Demolition - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A (1).

Solid Waste Disposal - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Access

Four single-family detached homes is a de minimis impact.

Schools

No comments.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orlando Utilities Commission Water Service Area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – January 19, 2023

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

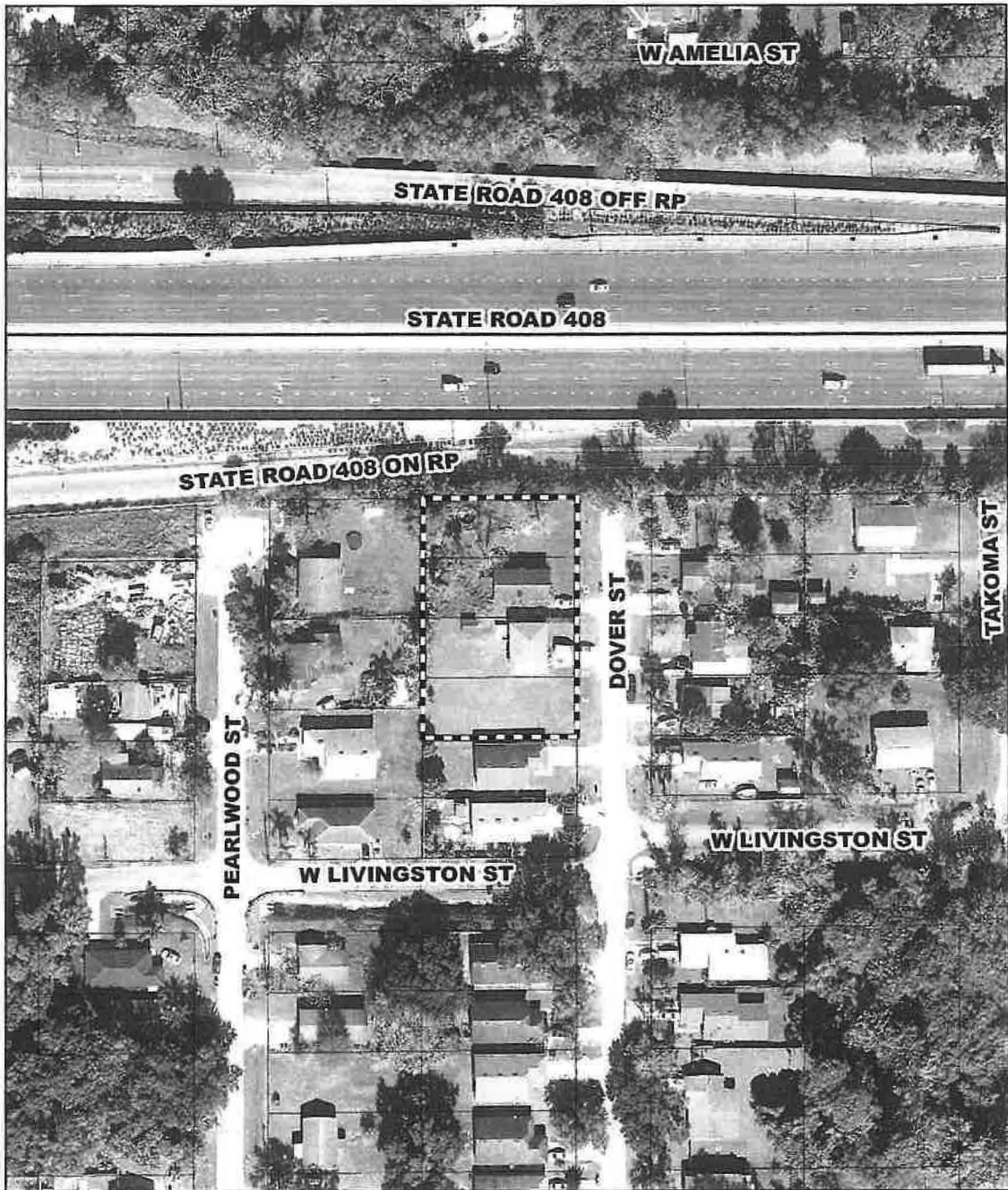
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present during the meeting and agreed with staff recommendation. No members of the public were present to speak during public comment on this request.

Staff indicated that one hundred fifteen (115) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

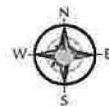
After a brief comment from Commissioner Spears regarding septic tanks, a motion was made by Commissioner Wade, and seconded by Commissioner Fernandez to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried unanimously.

Motion / Second	<i>JaJa Wade / Eddie Fernandez</i>
Voting in Favor	<i>JaJa Wade, Eddie Fernandez, Evelyn Cardenas, Gordon Spears, George Wiggins, David Boers, and Walter Pavon</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena and Michael Arrington</i>

RZ-23-01-142

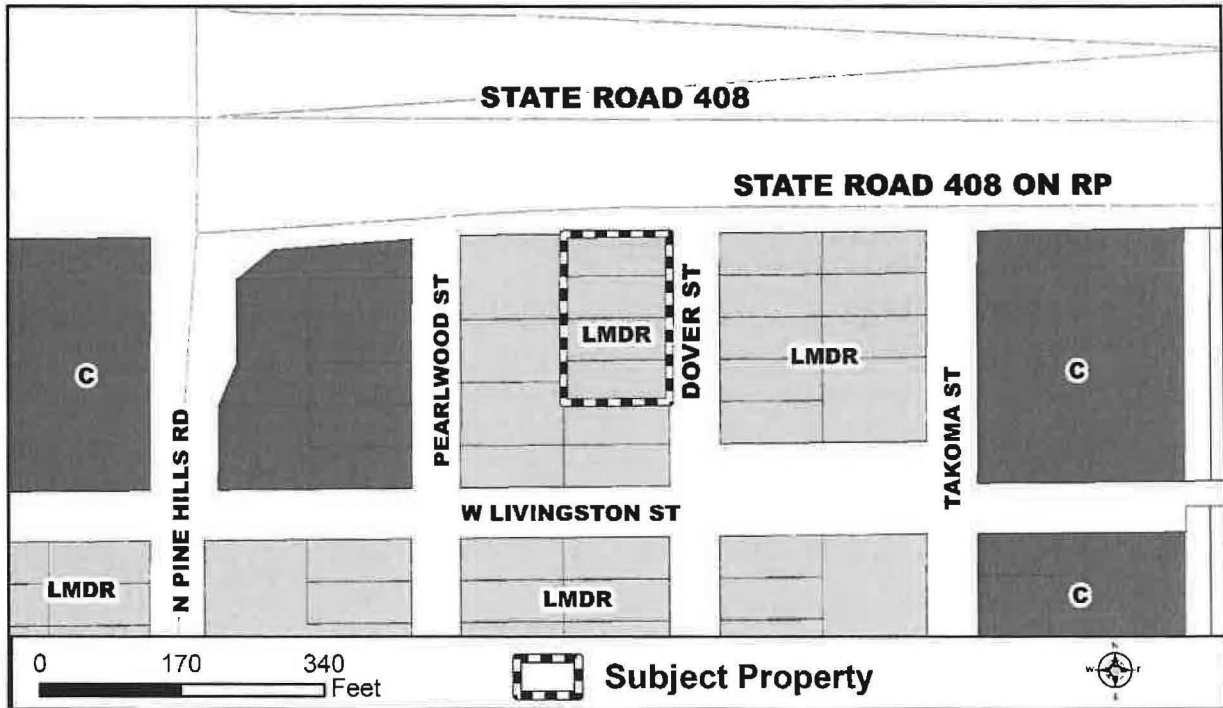


 Subject Property

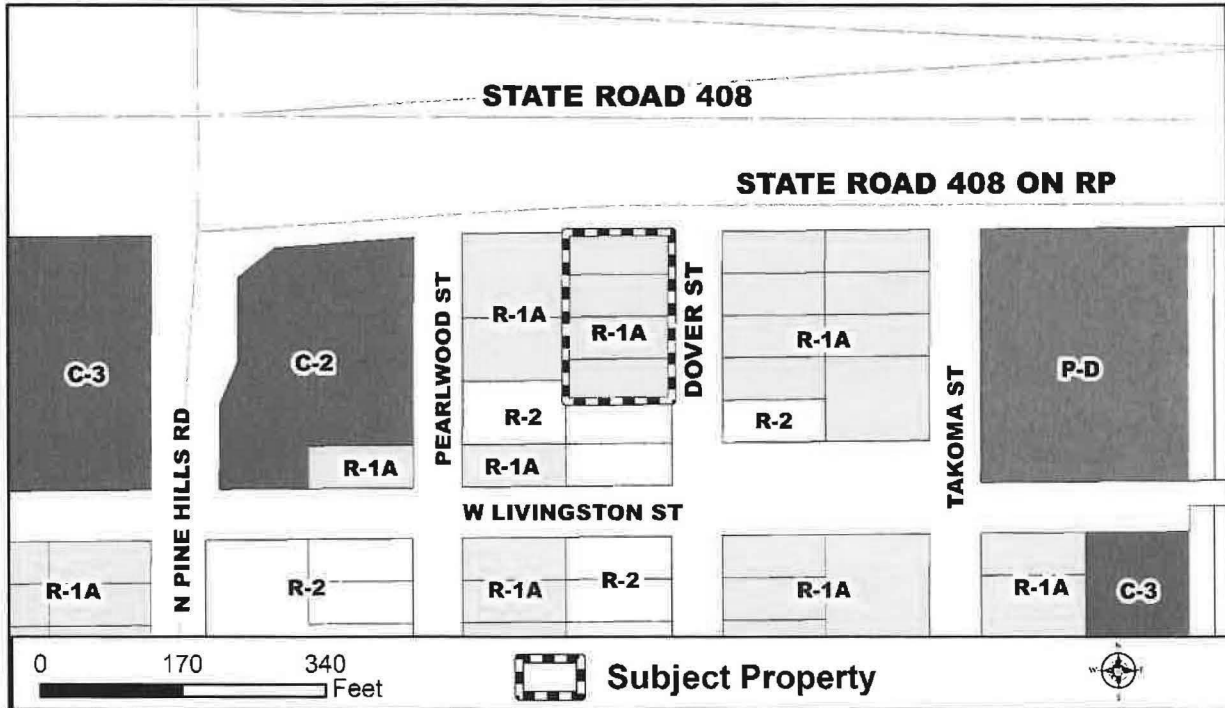


1 inch = 104 feet

FUTURE LAND USE – CURRENT
 LMDR (Low-Medium Density Residential)

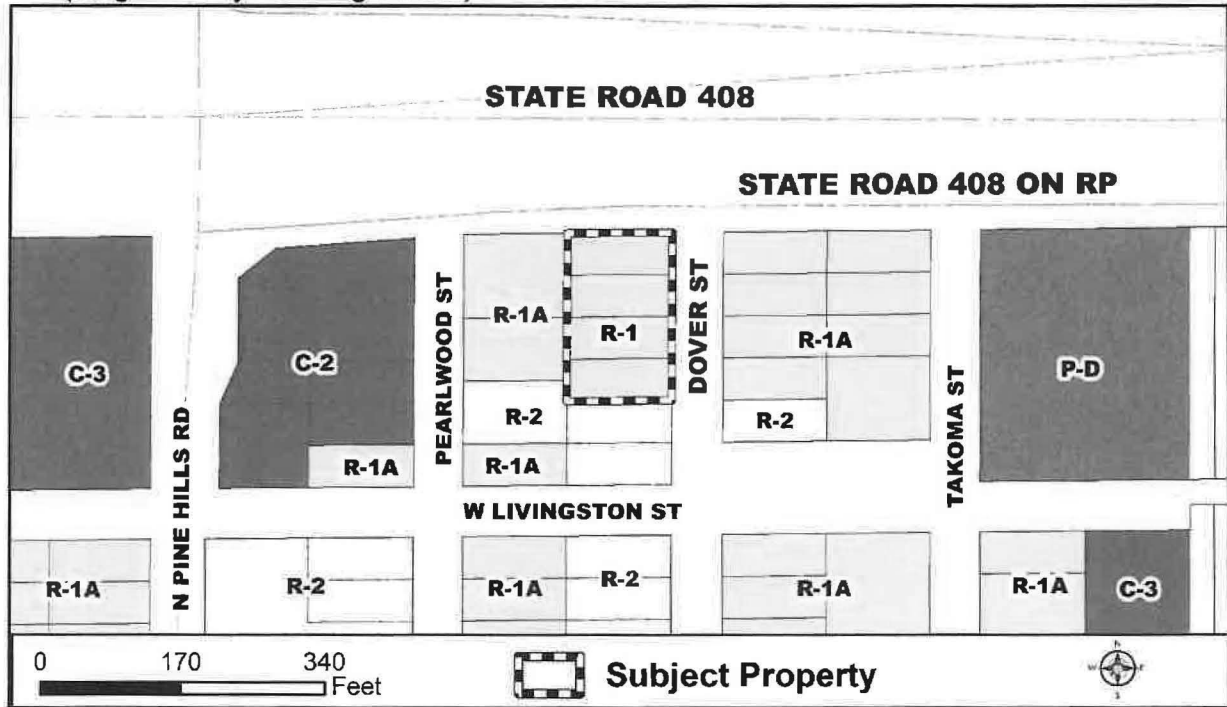


ZONING – CURRENT
 R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

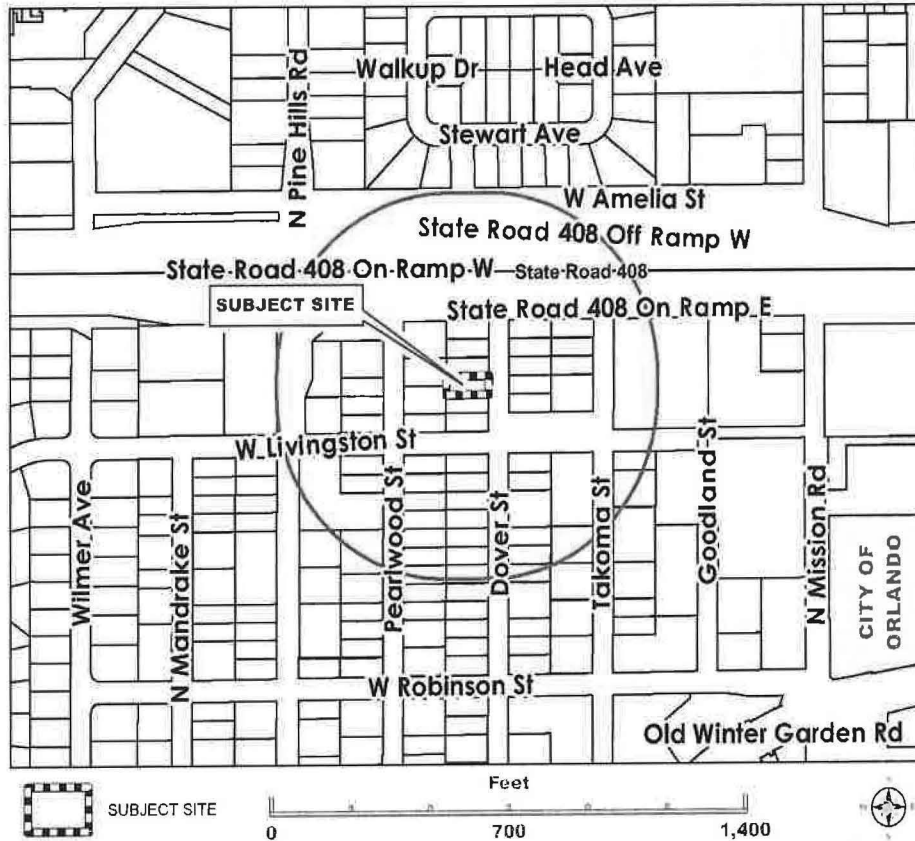
R-1 (Single-Family Dwelling District)





Public Notification Map

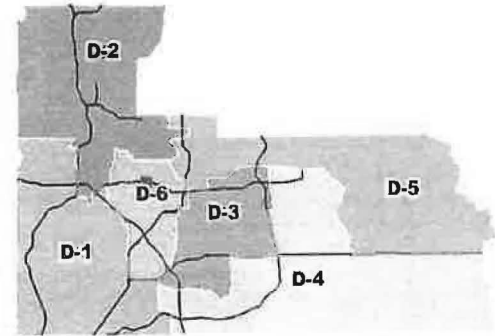
RZ-23-01-142



MAP LEGEND

- SUBJECT SITE
- 500 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 500
OF NOTICES: 115



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NOTIFICATION MAP

Case # RZ-23-01-142
Orange County Planning Division
PZC Hearing Date: January 19, 2023

Case Planner:
Irina Pashinina

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: January 19, 2023
