



Interoffice Memorandum

DATE: January 20, 2020

TO: Mayor Jerry L. Demings
—AND—
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and
Development Services Department *JW.*

CONTACT PERSON: **Brandy Driggers, MPA, Assistant Manager** *JM*
Zoning Division
407-836-5329

SUBJECT: February 9, 2021 – 2:00 p.m. Public Hearing
Amendments related to Chapter 38 (“Zoning”)
of the Orange County Code - Countywide

On Tuesday, February 9, 2021, the Board will hold the second of two public hearings to consider an ordinance amending several sections of Chapter 38 of the Orange County Code related to Zoning. The first public hearing for these amendments was held on Tuesday, January 26, 2021, and the board took testimony at that hearing. The proposed amendments are summarized below by the section of the Code that would be amended.

The first proposed amendment would modify the use table set forth in Section 38-77, and add an associated condition in Section 38-79 (“Conditions for permitted uses, special exceptions, etc.”). The proposed amendments would change the allowable uses in the P-O, Professional Office, District and establish a condition related to the allowance of those uses. The proposed change would allow judo instruction, karate instruction, and yoga instruction in the P-O district as long as the use can meet the parking requirements.

The second proposed amendment is to Section 38-1502 (b) (“Location of dwellings in residential districts”). This amendment would allow lots or parcels created through the division or split of land to have access to a roadway via a minimum of a twenty foot wide permanent recorded easement when approved by the County Engineer, unless it was inconsistent or conflicted with another requirement of the subdivision regulations. The current code only allows access to a roadway via a minimum of twenty feet wide fee simple property.

The third proposed amendment is to Section 38-1755 (o) (“School site standards”) and is related to signage associated with public schools. Orange County Public Schools (OCPS) is converting all of their signs to electronic message center (EMC) ground signs to follow the same format. As such they are requesting three code changes. The first is to reduce the minimum setback for a ground sign from ten feet to five feet. The second is to allow the maximum allowable copy area for all ground signs be 32 square feet. The code currently allows signs to be built at 32 square feet; however, it reduces the square footage to 19 square feet if the ground sign is located within one hundred feet of a residential use or zone. This amendment would remove that distance separation and allow all ground signs to be 32 square feet. The third is to enable the zoning manager or their designee to grant administrative waivers from the sign code where application of these provisions would result in a practical difficulty or physical hardship.

At their public hearing on November 19, 2020, the Planning and Zoning Commission/ Local Planning Agency (PZC/LPA) determined that the ordinance was consistent with the Comprehensive Plan and recommended approval.

ACTION REQUESTED: Make a finding of consistency with the County’s Comprehensive Plan and approve an Ordinance Affecting the Use of Land in Orange County, Florida by Amending Chapter 38 (“Zoning”) of the Orange County Code, consistent with today’s Board actions; and providing for an effective date. All Districts.

BD:rep

Attachment: Draft Ordinance

- c: Byron Brooks, County Administrator
- Christopher R. Testerman, AICP, Deputy County Administrator
- Jon V. Weiss, P.E., Director, PEDS Department
- Joel Prinsell, Deputy County Attorney
- Whitney Evers, Assistant County Attorney
- Joe Kunkel, P.E., Director, Public Works
- Diana Almodovar, P.E., Deputy Director, Public Works
- Jennifer Moreau, AICP, Manager, Zoning Division
- Amy Envall, Esq., General Counsel, OCPS
- Jad M. Brewer, Esq. Staff Attorney III, OCPS
- Steven Thorp, AICP, Senior Administrator, OCPS

ORDINANCE NO. 2021-____

AN ORDINANCE AFFECTING THE USE OF LAND IN
ORANGE COUNTY, FLORIDA, BY AMENDING
CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY
CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Amendments to Chapter 38. Chapter 38 is amended as follows, with new
language being shown by underlines and deleted language being shown by strike-throughs:

(a) *Amendment to Section 38-77 ("Use Table").* Section 38-77, the Use Table, is
amended to read as shown on Appendix "A," attached hereto and incorporated herein by
reference.

(b) *Amendment to Section 38-79 ("Conditions for permitted uses, special exceptions,
etc.)* Section 38-79 is amended to read as follows:

Sec. 38-79. Conditions for permitted uses, special exceptions, etc.

The following numbered conditions shall correlate with the
numbers listed in the use table set forth in section 38-77 and the
Horizon West Town Center Land Use Table set forth in section 38-
77.1:

* * *

(108) ~~Reserved.~~ Only the uses of judo instruction, karate
instruction, and yoga instruction shall be permitted, subject to
meeting the minimum parking requirements for such uses.

* * *

Sec. 38-1502. Location of dwellings in residential districts.

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(b) No dwelling shall be erected on a lot which does not abut a street for a distance of at least fifteen (15) feet. Also, except to the extent that it may be inconsistent or conflict with a requirement of the subdivision regulations, Any lot or parcel created through a divisions or splits of land, lot or parcels shall have access to a roadway that is a minimum of twenty (20) feet in width of and exists in fee simple access to a roadway or, when approved by the County Engineer, as a recorded permanent easement for safe and adequate access or ingress/egress, except to the extent that requirement is inconsistent or conflicts with the requirements of the subdivision regulations.

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(d) *Amendment to Section 38-1755 ("School site standards").* Section 38-1755 is amended to read as follows:

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Sec. 38-1755. School site standards.

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(o) Signage shall comply with the county's sign ordinance codified at chapter 31.5 of the Orange County Code, including section 31.5-16 related to electronic message centers (EMC), except that the following standards shall apply to an EMC to the extent these standards conflict or are inconsistent with chapter 31.5 and section 31.5-16:

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(1) An EMC shall be prohibited on a wall sign and a pole sign:

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(2) An EMC shall be permitted on a ground sign, provided:

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a. The maximum height of the ground sign shall be eight (8) feet;

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- b. The minimum setback for the ground sign shall be ~~ten (10)~~ five (5) feet from all property lines;
- c. A maximum of one (1) such ground sign may be permitted;
- d. The maximum allowable copy area for such a ground sign shall be thirty-two (32) square feet; ~~except that the maximum allowable copy area shall be nineteen (19) square feet when the ground sign is located within one hundred (100) feet of a residential use or zone;~~
- e. The EMC shall be used only to advertise school related functions or events;
- f. Such a ground sign shall be separated from a pole sign by a distance of at least one hundred (100) feet;
- g. The EMC shall be turned off or placed in "sleep mode" from 9:00 p.m. to 6:00 a.m. of the next day.

(3) The zoning manager or his or her designee is authorized to grant an administrative waiver from this section where the school board shows that application of this subsection to a specific site would result in a practical difficulty or physical hardship affecting the use or operation of the property. If an administrative waiver is sought but not granted, the school board may request a modification pursuant to Section 38-1758(c).

[THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]

Section 2. Effective Date. This ordinance shall become effective pursuant to general

106 law.

ADOPTED THIS ____ DAY OF _____, 2021.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings, County Mayor

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116 ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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120 By: _____
Deputy Clerk

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APPENDIX "A"
SECTION 38-77 -- USE TABLE

Use Planning Code	SIC Group	Land Use	A-1	A-2	A-R	BCE-5	BCE-2	BEE	B-JAAAA	P-JAAA	P-JAA	R-1A	P-1	R-2	R-3	RCE Cluster	RT-1	RT-2	P-O	C-1	C-2	C-3	L-1A	L-1S	L-2,1B	L-4	R-L-D	UR-3	NC	NAC	NR
Fortune tellers, billiard parlors, bingo parlors, indoor skating rinks, karate instruction	7999	Amusement & Recreation (Indoor Uses)																	108 P	85 P	85 P	85 P	85 P	85 P	85 P						