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

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District #1

Vice Chairman

District #2

Eddie Fernandez

George Wiggins

District #3

Walter Pavon

District #4

J. Gordon Spears

District #5

JaJa J. Wade

District #6

Mohammed Abdallah

At Large

Evelyn Cardenas

At Large

Nelson Pena

At Large

Chairman

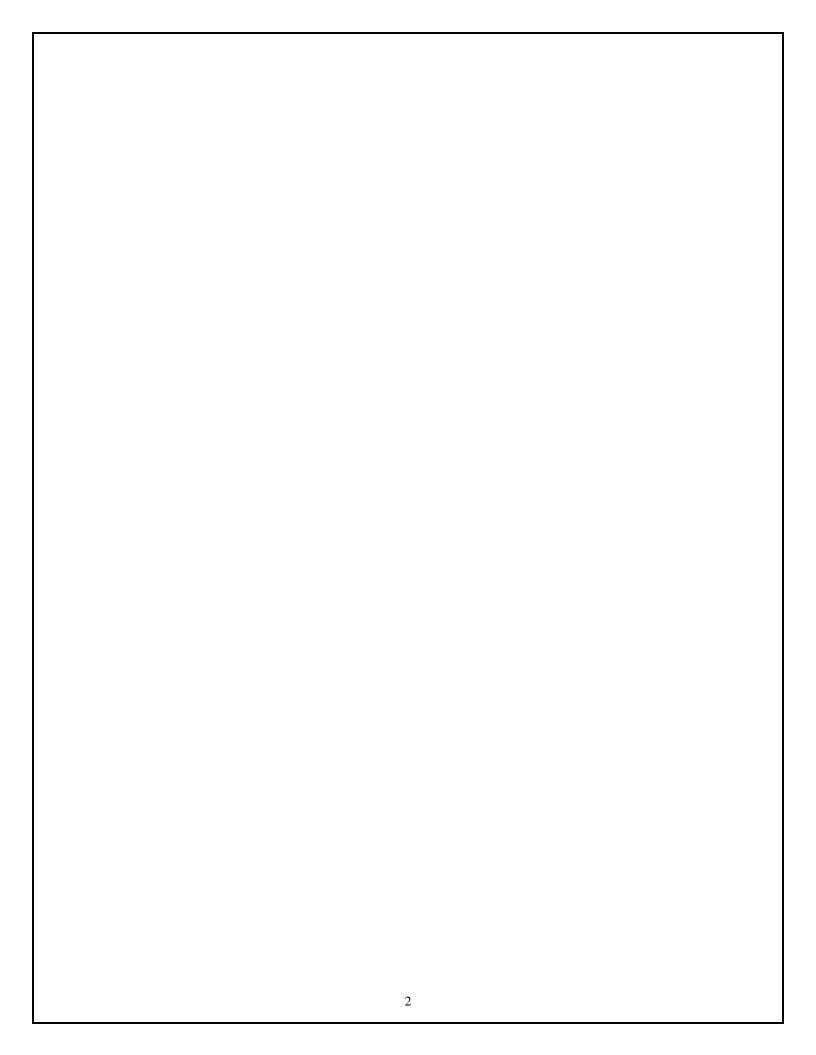


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RZ-22-09-093	
District 3	

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	Case # <u>Requ</u> <u>Applicant</u>		Commission <u>District</u>			BCC Hearing <u>Required</u>	
I.	Conventional Rezo	oning Hearing					
	RZ-22-09-093 Gabriel Teles	R-1A to R-1	3	Approval	Approval	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.) a	Min. rear yard (ft.) a	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	Α
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	Α
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	Α
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	Α
R-CE-2	2 acres	1,200	250	45	50	30	35	Α
R-CE-5	5 acres	1,200	185	50	50	45	35	Α
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	Α
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	Α
R-1AA	10,000	1,200	85	25 h	30 h	7.5	35	Α
R-1A	7,500	1,200	75	20 h	25 h	7.5	35	Α
R-1	5,000	1,000	50	20 h	20 h	5 h	35	Α
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 h	20 h	5 h	35	Α
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 d	20 h	30	5 h	35	Α
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 h	30	10	35	Α
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 h	30	10 b	35	Α
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 h	20 h	5	35	Α
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 d	20 h	20 h	5 h	35	Α
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 h	30	10	35	Α
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 h	30	10 b	35	Α
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	Α
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	А
R-T-1			0 101 × 00 101					
SFR	4,500 <i>c</i>	1,000	45	25/20 k	25/20 k	5	35	Α
Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 k	25/20 k	5	35	А
R-T-2	6,000	SFR 500	60	25	25	6	35	Α
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after	21,780 ½ acre	SFR 600	100	35	50	10	35	Α
1/29/73)		Min. mobile home size 8 ft. x 35 ft.						

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.)
NR	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories <i>k</i>	Α
	Two DUs, 8,000	500 per DU	80/90 d	20	20	5	35/3 stories <i>k</i>	Α
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	Α
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	Α
	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 k	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 c	20	20	5	35/3 stories <i>k</i>	Α
	Two DUs, 11,250	500 per DU	80 d	20	20	5	35/3 stories <i>k</i>	Α
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	Α
	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 k	Α
	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>	А
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 c	20	20	5	35/3 stories <i>k</i>	Α
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	Α
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	Α
	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 k	Α
	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>	А
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	Α
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets e; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	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	А

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.
- 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-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-22-09-093

Commission District: #3

GENERAL INFORMATION

APPLICANT: Gabriel Teles

OWNERS: Solid Planet, LLC and Winner Participations, LLC

HEARING TYPE: Planning and Zoning Commission

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

R-1 (Single-Family Dwelling District)

LOCATION: 2719 Keystone Dr. and 2725 Keystone Dr; generally east

of Keystone Dr, and approximately 340 feet south of E.

Michigan St.

PARCEL ID NUMBER: 01-23-29-0000-00-063, 01-23-29-0000-00-064

SIZE/ ACREAGE: 0.155-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]. Two hundred forty-eight (248) notices were mailed to those property owners in the surrounding

area.

COMMUNITY MEETING: A community meeting was not required for this

application.

PROPOSED USE: Single-Family Residential (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 proposes to rezone two undeveloped lots from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to construct one single-family dwelling unit on each 0.155-gross acre lot. The subject

property was not platted and the current lot width is 50 feet for each lot, whereas the R-1A zoning district requires 75' wide lots. Since both parcels were under common ownership since 1957, while still lots of record, they wouldn't be able to have a house on each lot without a variance or a rezoning to meet the zoning district requirements. The lots would be conforming to the proposed R-1 zoning district. The lots in proximity to the subject properties are a mix of 100' to 50' wide lots.

The subject property has a Future Land Use Map (FLUM) designation of Low Density Residential (LDR) which allows for consideration of up to four (4) units per one (1) net developable acre. The acreage of the subject property is below the FLUM requirement. However, on December 14, 2021, the Board of County Commissioners approved an amendment to Comprehensive Plan Policy FLU8.1.1 which states the maximum density requirement of four (4) units per acre shall not apply to a legal lot of record as recognized by the Zoning Division with a future land use designation of Low Density Residential (LDR). In this case, because the property meets the requirements of the small lot policy, a FLUM amendment is not necessary, however a rezoning is required in order to meet the R-1 zoning district standards.

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.

Rural Settlement

The subject property is not located in 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 Low Density Residential (LDR) which allows consideration of up to four units per acre. The proposed R-1 (Single-Family Dwelling 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 residential

Adjacent Zoning N: R-1A (Single-Family Dwelling District) (1957)

E: City of Orlando

W: R-1A (Single-Family Dwelling District) (1957)

S: R-1A (Single-Family Dwelling District) (1957)

Adjacent Land Uses N: Single-Family Residential

E: Multi-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 feet
Max. Height: 35 feet
Min. Floor Area: 1,000 feet

Building Setbacks

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

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

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.

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).

Transportation / Access

Two single family homes (one on each lot) is deminimus.

Schools

No comments (deminimus).

Parks and Recreation

No comments at this time.

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's water service area.

This property is within City of Orlando's wastewater and reclaimed water service 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 – (September 15, 2022)

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 two hundred and forty-eight (248) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received zero (0) response in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner Fernandez, and seconded by Commissioner Spears to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried unanimously.

Motion / Second Eddie Fernandez / Gordon Spears

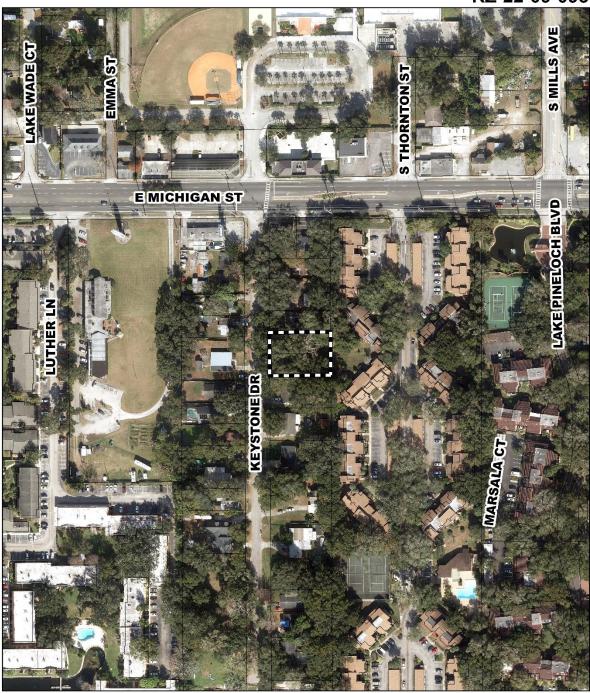
Voting in Favor Eddie Fernandez, Gordon Spears, Nelson Pena, Walter

Pavon, Evelyn Cardenas and George Wiggins

Voting in Opposition None

Absent Trevor Sorbo and JaJa Wade

RZ-22-09-093

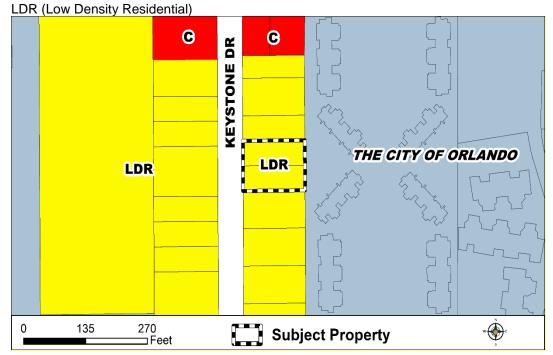


Subject Property



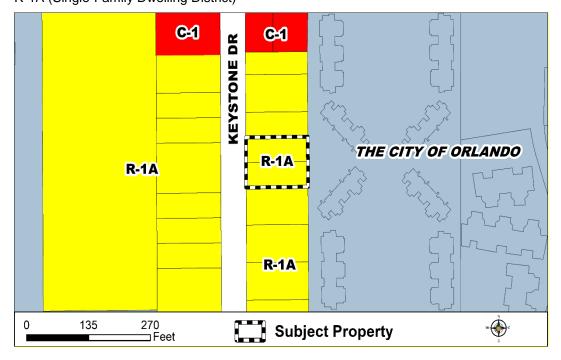
1 inch = 167 feet

FUTURE LAND USE - CURRENT

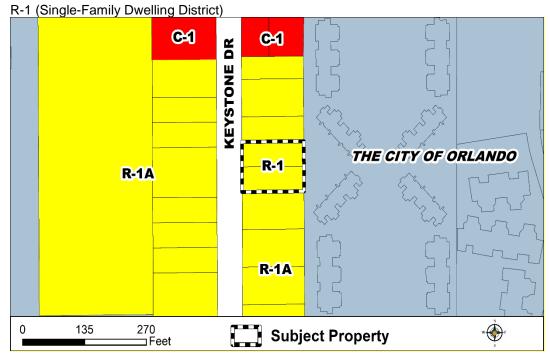


ZONING - CURRENT

R-1A (Single-Family Dwelling District)



ZONING - PROPOSED



Notification Map

