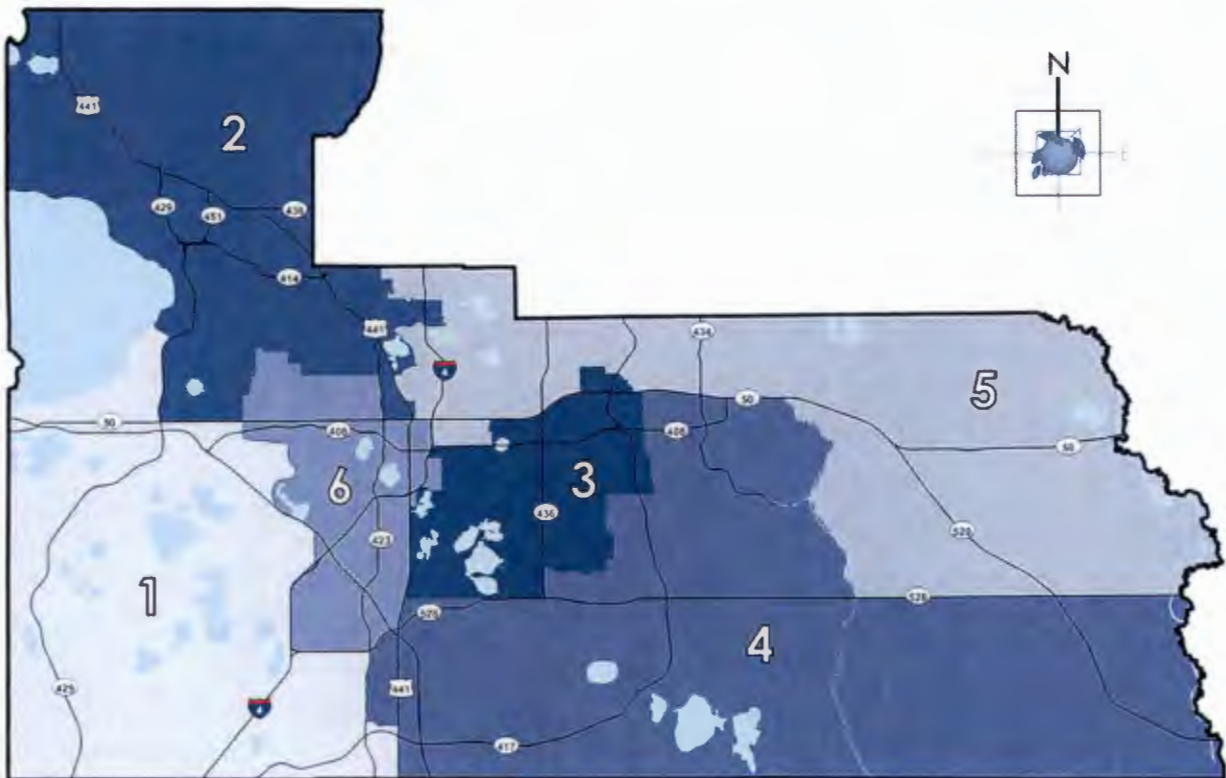




PLANNING AND ZONING COMMISSION  
LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

SEPTEMBER 21, 2023



PREPARED BY:  
ORANGE COUNTY GOVERNMENT  
PLANNING DIVISION | CURRENT PLANNING SECTION

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

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George Wiggins District #2

Eddie Fernandez District #3

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Vice Chairperson

Camille Evans District #6

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Evelyn Cardenas At Large

Nelson Pena At Large  
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**September 21, 2023**

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**September 21, 2023**

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u> <u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
<b>I. Conventional Rezoning Hearing</b>				
RZ-23-05-034 Abdul Alkadry	<i>R-1AA to R-1</i>	5	Postponed to Future PZC Hearing	No
RZ-23-09-082 Jonathan Delpino	<i>A-2 to R-1AAA</i>	5	Approval	No
RZ-23-09-083 Christopher D. Hughes	<i>R-1A to R-1</i>	5	Approval	No

# SITE and BUILDING REQUIREMENTS

## Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	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 <i>h</i>	30 <i>h</i>	7.5	35	A
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	A
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	A
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	A
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	A
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	A
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	A
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	A
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	A
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	A
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	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 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	A
Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	A
R-T-2 (prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	25	6	35	A
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	35	A

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
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.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	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 <sup>f</sup>	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 <sup>g</sup>	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

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## 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***



**CASE # RZ-23-05-034**

Commission District: #5

**GENERAL INFORMATION**

**APPLICANT:** Mr. Abdul Alkadry

**OWNERS:** Abdulkader Alkadry, Suha Alkadry

**HEARING TYPE:** Planning and Zoning Commission

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

**LOCATION:** 3658 N. Econlockhatchee Trl; located west of N. Econlockhatchee Trl, approximately 93 feet south of Fryland Rd, and 280 feet north of Lake Irma Pt.

**PARCEL ID NUMBER:** 01-22-30-4948-00-220

**SIZE/ ACREAGE:** 0.76-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 virtual community meeting was held on August 1, 2023.

**PROPOSED USE:** Two detached single-family dwelling units

**STAFF RECOMMENDATION**

**PLANNING**

**Recommend postponement to a future Planning and Zoning Commission hearing.  
(No vote needed)**

**CASE # RZ-23-09-082**

Commission District: #5

**GENERAL INFORMATION**

**APPLICANT:** Jonathon Delpino

**OWNERS:** Kathleen Delpino, Ricky Delpino

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** **A-2** (Farmland Rural District) **to**  
**R-1AAA** (Residential Urban District)

**LOCATION:** 2560, 2602, 2610 and Byron Street, generally located north of Trevarthon Rd, west of Central Florida Greenway, east of N. Goldenrod Rd.

**PARCEL ID NUMBER:** 13-22-30-0000-00-136, 13-22-30-0000-00-133, and 13-22-30-0000-00-106

**SIZE/ ACREAGE:** 1.08-gross 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]. One hundred seventy-eight (178) 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 Detached 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**

The three (3) subject properties are in a residential community located generally north of Trevarthon Rd, west of Central Florida Greenway, and east of N. Goldenrod Rd. The properties are approximately 115 feet wide and 15,560 sq ft (0.36-gross acre) in lot area. Two of the lots are undeveloped and the structure on Lot 106 (the northern lot) is proposed to be demolished.

Through this request, the applicant is requesting to rezone the three parcels from A-2 (Farmland Rural District) to R-1AAA (Residential Urban District) to allow three detached single-family homes. Per comp plan policy FLU 6.2.3 the A-2 zoning is consistent with the LDR FLUM designation, however A-2 zoning district requires a minimum lot area of ½ acre for the development of a single-family home. The requested zoning district of R-1AAA requires a minimum of a quarter-acre and would be more compatible with developments in the immediate area, which is developed with single-family dwelling units on various lot sizes. A dwelling unit can currently be constructed on each lot under the current zoning district; however, the existing A-2 zoning requires greater building setbacks than the proposed district. R-1AAA zoning district requires a min of 30ft front, and 35ft rear. The A-2 zoning district requires 35ft front, and 50ft rear.

The construction of each single-family dwelling unit will be reliant on septic tanks for wastewater disposal. There are no gravity wastewater mains in the vicinity of this property and wastewater is considered not available. The subject parcels are not located in the Wekiva Study area or the Priority Focus 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 parcels are not located in the Rural Settlement.

**Joint Planning Area (JPA)**

The subject parcels are not located in a JPA.

**Overlay District Ordinance**

The subject parcels are not located within an Overlay District.

**Airport Noise Zone**

The subject parcels are 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 parcels are Low Density Residential (LDR), which allows consideration of up to four (4) dwelling units per acre. The proposed R-1AAA zoning is consistent with the LDR FLUM designation and 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**

<b>Existing Use</b>	One Dwelling unit on Lot 106 Other lots are undeveloped
<b>Adjacent Zoning</b>	N: A-2 (Farmland Rural District) (1957) E: A-2 (Farmland Rural District) (1957) W: R-1 (Residential Urban District) (1958) S: A-2 (Farmland Rural District) (1957)
<b>Adjacent Land Uses</b>	N: Single Family Dwelling Units E: Single Family Dwelling Units W: Single Family Dwelling Units S: Single Family Dwelling Units



**R-1AAA (Residential Urban District) Development Standards**

Min. Lot Area: 14,520 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

**Intent, Purpose, and Uses**

The R-1AAA (Residential Urban District) zoning district is intended to provide for single-family homes of a low density within the existing or planned urban service area.

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**

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.

Lot Size Requirement for Septic Systems - Residential lots shall be configured to accommodate requirements of the Individual On-Site Sewage Disposal Systems (OSDS) Ordinance regarding setbacks, lot size, soils, distance to potable water supply wells, and elevations. Note that single-family and duplex residential structures with private potable wells shall be a minimum of one-half (0.5) acre according to OC Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal, Section 37-539.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

**Transportation / Access**

For the purposes of transportation analysis, a project is considered de minimis if its impacts are less than a total p.m. peak of five (5) peak hour trips on the roadways within

the area of influence. When evaluating for school concurrency, any residential development that creates an impact of less than one (1) student shall be considered de minimis.

**Schools**

Three homes is de minimus.

**Parks and Recreation**

No 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 – September 21, 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 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 seventy-eight (178) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition to the request.

A brief discussion ensued regarding the number of stories for the proposed homes and whether the homes would be reliant on septic. The applicant confirmed that the homes would be one to two stories and that they would be reliant on septic for wastewater treatment since there are no wastewater lines available to connect into and that the decision to do advanced septic has not yet been made.

A motion was made by Commissioner Spears, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-1AAA (Residential Urban District). The motion carried unanimously.

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



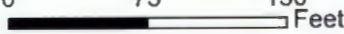
RZ-23-09-082



 Subject Property



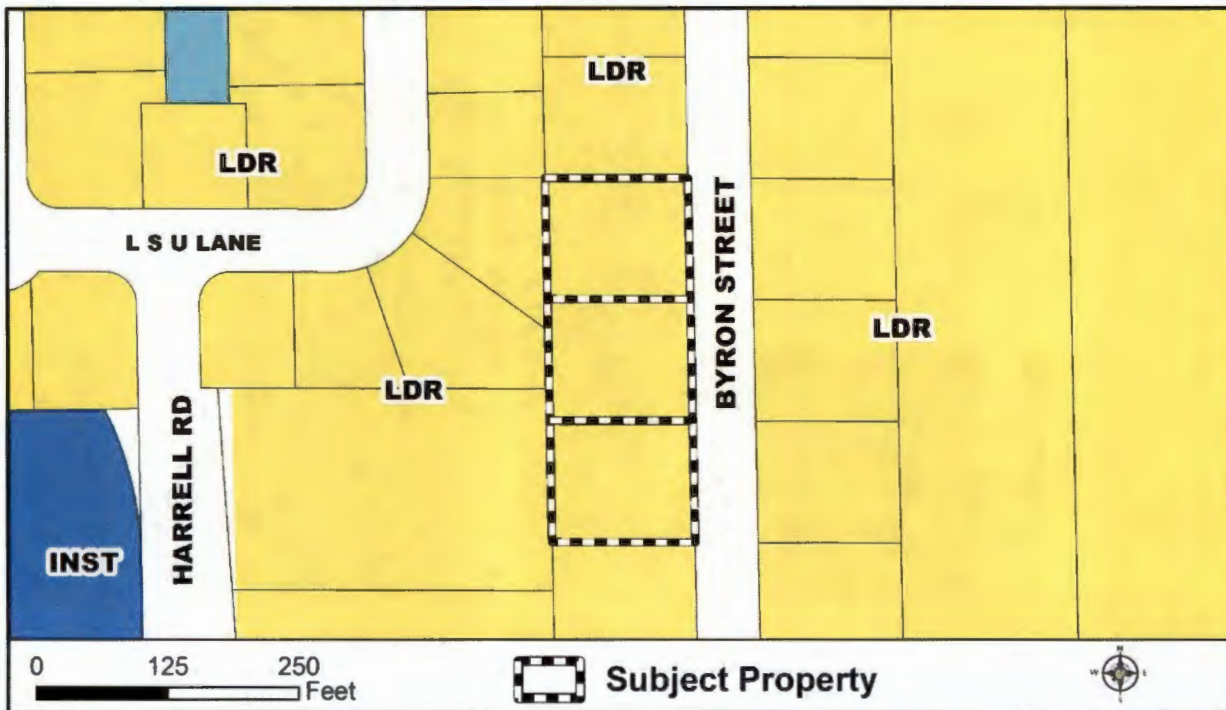
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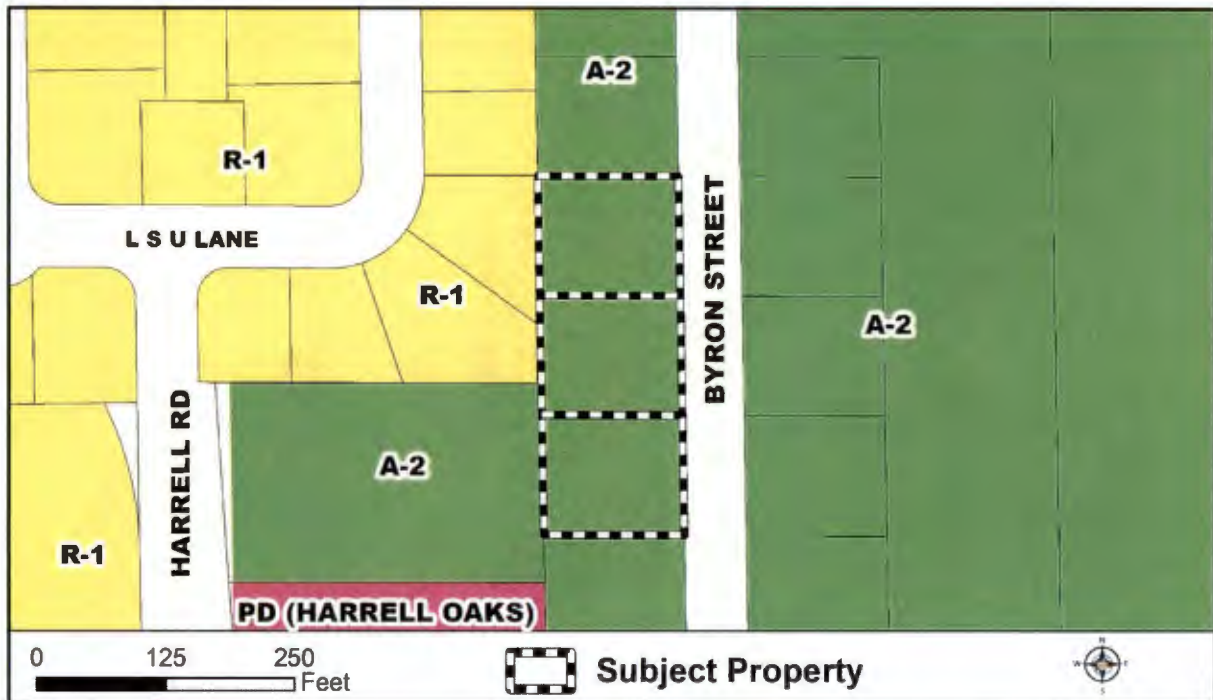


**FUTURE LAND USE – CURRENT**

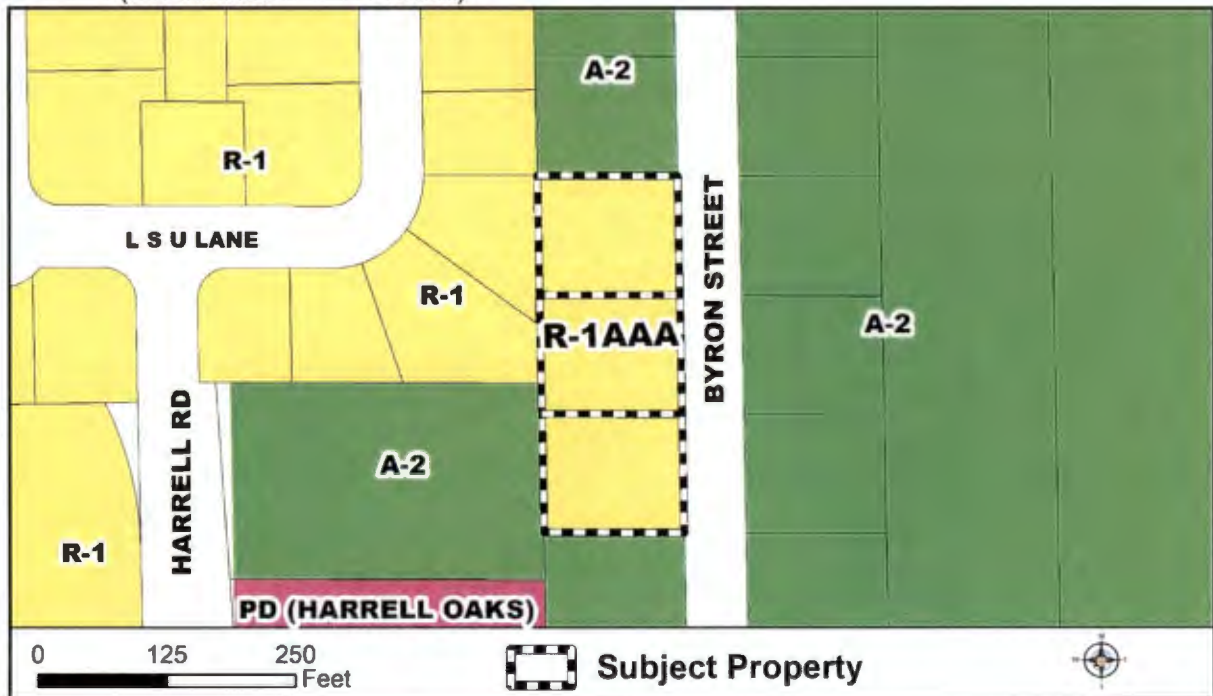
Low Density Residential (LDR)



**ZONING – CURRENT**  
A-2 (Farmland Rural District)



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





# Public Notification Map

RZ-23-09-082



SUBJECT SITE



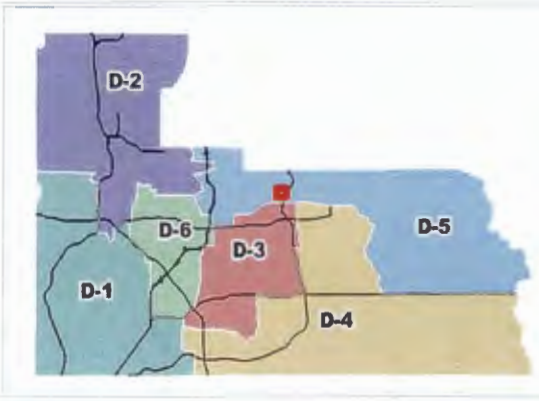
SUBJECT SITE



### MAP LEGEND

	SUBJECT SITE		NOTIFIED_PARCELS
	500 FT BUFFER		COURTESY PARCELS
	HYDROLOGY		
	PARCELS		

**BUFFER DISTANCE:** 500  
**# OF NOTICES:** 178



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## NOTIFICATION MAP

Case # RZ-23-09-082  
 Orange County Planning Division  
 PZC Hearing Date: September 21, 2023



**CASE # RZ-23-09-083**

Commission District: #5

**GENERAL INFORMATION**

**APPLICANT:** Christopher D. Hughes

**OWNERS:** Christopher D. Hughes

**HEARING TYPE:** Planning and Zoning Commission

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

**LOCATION:** 833 Neuse Ave and 841 Neuse Ave; Generally located north of Neuse Ave, approximately 292-feet east of Adanson St. and south of Courtland St.

**PARCEL ID NUMBER:** 02-22-29-8472-02-190 and 02-22-29-8472-02-180

**SIZE/ ACREAGE:** 0.32-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 twenty-three (223) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** Two single-family dwelling units

**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 two subject properties, 833 Neuse Ave and 841 Neuse Ave, from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct one (1) detached single-family home on each lot. These lots are platted as 50-foot wide lots and 0.16-gross acre each, lot split will not be requested nor will be necessary if rezoned to R-1 zoning.

Comprehensive Plan Policy FLU8.1.1 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) and which, as of December 14, 2021, is zoned R-1A, R-1, R-2, or R-T-1, or may be rezoned from one of those four zoning districts to another of those zoning districts in accordance with this policy, provided that each of the criteria outlined in FLU8.1.1(a) of the Comprehensive Plan (CP) Consistency section of this staff report. In this case, because the property meets the requirements of the new policy a FLUM amendment is not necessary, however a rezoning is required to meet the R-1 zoning district standards. The current Future Land Use designation is Low-Density Residential, which is consistent with the proposed zoning. The subject properties are under single-ownership so the rezoning is necessary in order to recognize the lots as separate lots since the lots do not meet the current R-1A zoning standards but will meet the proposed R-1 zoning standards.

The subject properties each containing 0.16-gross acre were originally platted in 1925 within the Sunshine Gardens Subdivision and zoned as R-1A since 1957. Each property measures 50 feet in lot width and 6,999 square feet in lot size, making this lot consistent with the minimum lot width and lot size requirements under the R-1 zoning site development standards outlined in Orange County Code Section 38-1501.

The subject property will be reliant on septic and the applicant will be required to work with the Department of Health and City of Winter Park Utilities for permitting.

The surrounding area consists primarily of detached single-family homes with a mixture of R-1, R-1A, and R-2 zoning surrounding both subject properties, some of these 50-foot wide lots have been aggregated into larger lots while other lots within this subdivision have remained as 50-foot wide platted lots. The adjacent properties located to the west of 841 Neuse Ave was rezoned to R-1 in 2015 (RZ-15-12-049) to allow one detached single-family home on each lot. The lots were reverted to their originally platted lots and developed for two single-family homes.

**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 properties are not in a Rural Settlement.

**Joint Planning Area (JPA)**

The subject properties are not in a JPA.

**Overlay District Ordinance**

The subject properties are not located within an Overlay District.

**Airport Noise Zone**

The subject properties are 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). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low-Density Residential (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.

**FLU8.1.1(a)** states in the Zoning and Future Land Use correlation table that 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) and which, as of December 14, 2021, is zoned R-1A, R-1, R-2, or R-T-1, or may be rezoned from one of those four zoning districts to another of those zoning districts in accordance with this policy, provided that each of the following criteria are met:



1. The subject property is located within the Urban Service Area;
2. The proposed density and/or lot sizes are similar and compatible to those in the surrounding area and consistent with the pattern of surrounding development;
3. The subject lot of record, or each resulting lot if a lot split is proposed, is accessed by an open and maintained County-approved roadway;
4. The proposed minimum lot size and lot width requirements comply with the underlying zoning district, unless a variance or rezoning is obtained in accordance herewith;
5. Any proposed lot split would revert to the configuration of the originally platted lots or legally subdivided lots prior to 1991; if a parcel of land contains two (2) or more lots of record in their entirety, lot lines may be reconfigured, so long as each resulting lot created is able to meet the minimum lot width and area requirements (subject to obtaining a variance if needed), and so long as the total number of lots created does not exceed the number of lots of record contained within the parcel as originally platted or legally subdivided; and
6. For R-2 zoned properties, the proposed use is single-family detached residential.

Also, provided the existing infrastructure is sufficient to support the lots created under this policy, a Preliminary Subdivision Plan (PSP), or an additional PSP, as the case may be, will not be required.

A property that needs to be rezoned in order to benefit from this policy may do so, provided: (1) it is rezoned from one of the above-referenced zoning districts to another of the above-referenced zoning districts, (2) the rezoning is necessary to ensure the proposed residential development of the property is consistent with the development pattern in the surrounding area, and (3) the zoning manager determines that any development, if built, would constitute a bona fide "urban infill" project in a manner consistent with the county's policies to encourage compact urban development and discourage urban sprawl.

## **SITE DATA**

<b>Existing Use</b>	Vacant residential
<b>Adjacent Zoning</b>	N: P-O (Professional Office District) 1981 E: R-2 (Residential District) 1997 W: R-1 (Single-Family Dwelling District) 2015 S: R-1A (Single-Family Dwelling District) 1957
<b>Adjacent Land Uses</b>	N: Office E: Residential W: Residential S: Residential

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**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**

**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, 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.

**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 regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

**Transportation / Access**

Two single family detached dwelling units are a de minimis impact to the roadways. For the purposes of transportation analysis, a project is considered de minimis if its impacts are less than a total p.m. peak of five (5) peak hour trips on the roadways within the area



of influence. When evaluating for school concurrency, any residential development that creates an impact of less than one (1) student shall be considered de minimis.

**Schools**

Two homes is de minimus.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Winter Park  
Wastewater: Winter Park  
Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

The subject properties are within the City of Winter Park Water and Wastewater Service Areas:

The subject properties will be reliant on septic for wastewater service.

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

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 – September 21, 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 two hundred twenty-three (223) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received two (2) responses in favor, and zero (0) responses in opposition of the request.

A brief discussion ensued regarding utilities and whether their was wastewater lines available for the property to which staff stated that there are not and that the property would be reliant on septic. A motion was made by Commissioner Spears, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District). The motion carried unanimously.

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



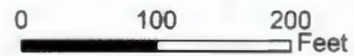
RZ-23-09-083



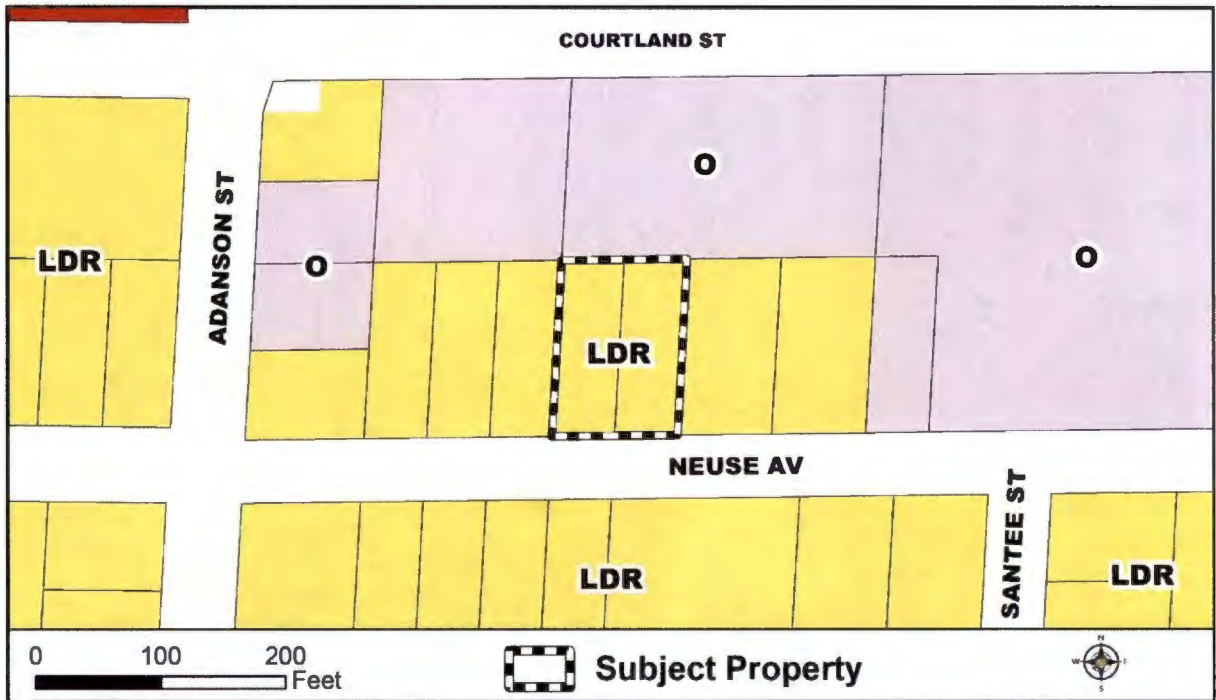
 Subject Property



0 100 200 Feet

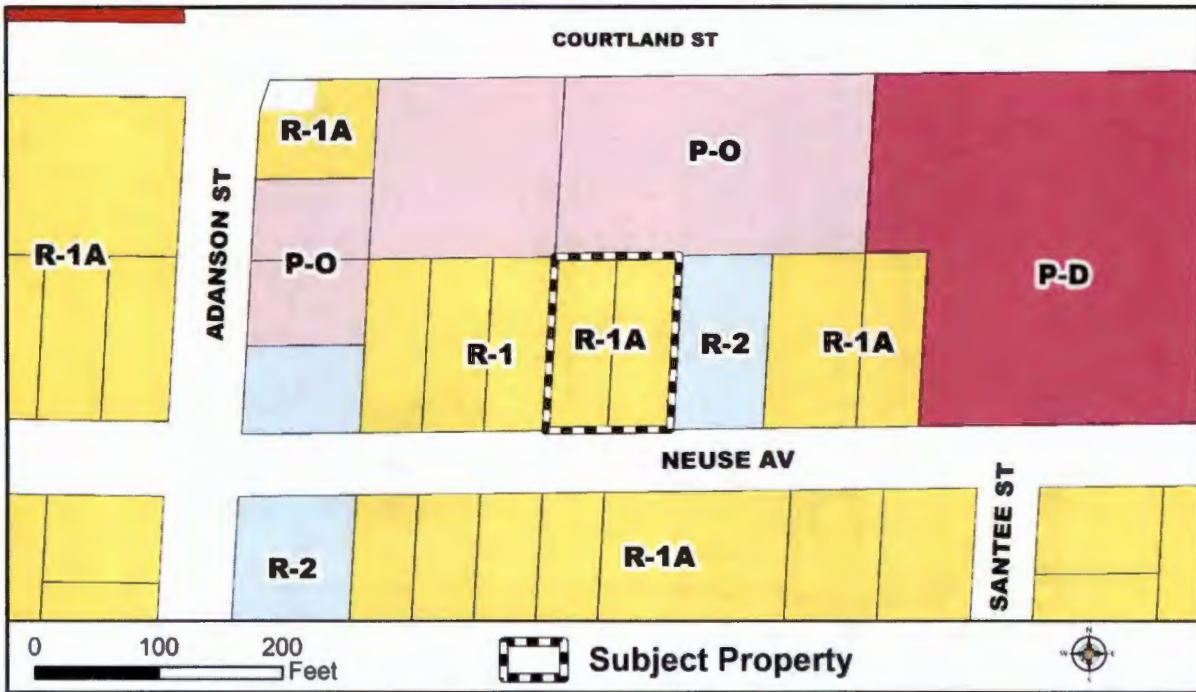
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**FUTURE LAND USE – CURRENT**  
Low-Density Residential (LDR)

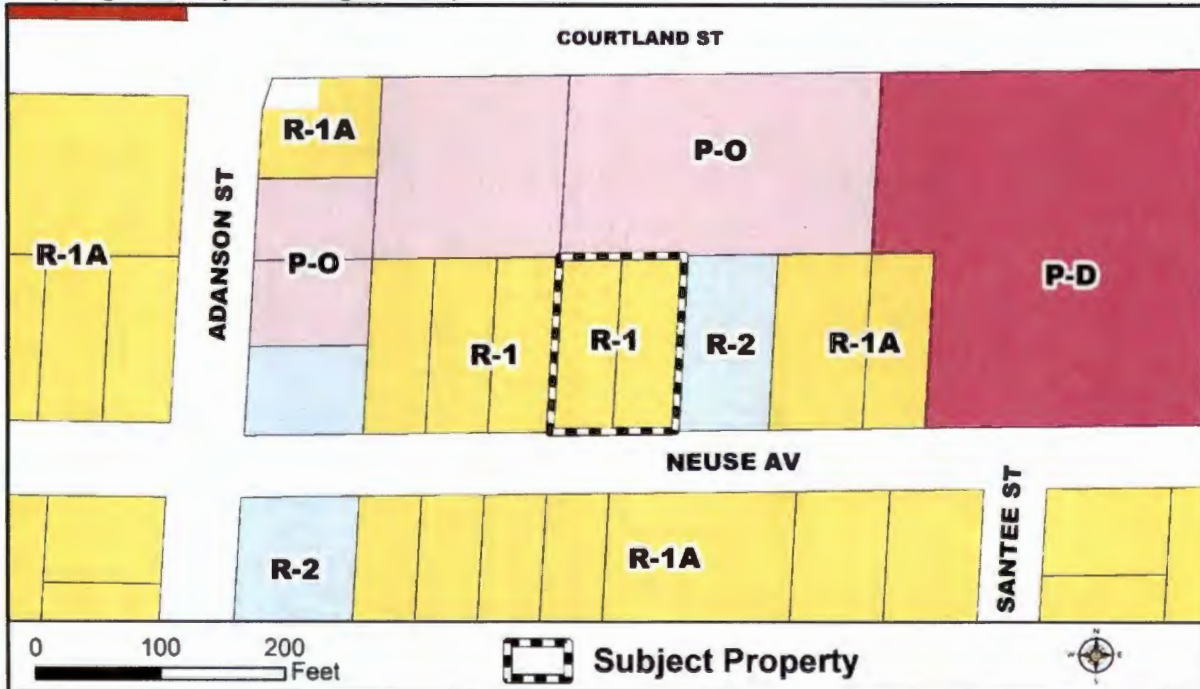




**ZONING – CURRENT**  
R-1A (Single-Family Dwelling District)



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





# Public Notification Map

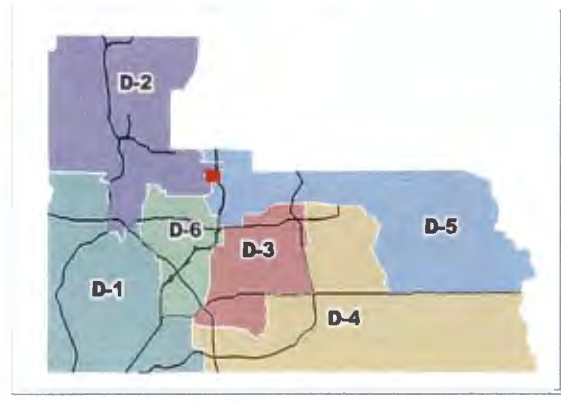
RZ-23-09-083



### MAP LEGEND

	SUBJECT SITE		COURTESY PARCELS
	650 FT BUFFER		HYDROLOGY
	PARCELS		
	NOTIFIED PARCELS		

**BUFFER DISTANCE:** 650  
**# OF NOTICES:** 223



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## NOTIFICATION MAP

Case # RZ-23-09-083  
 Orange County Planning Division  
 PZC Hearing Date: September 21, 2023

