

Interoffice Memorandum

DATE: January 21, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A



FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve an amendment to the Waterleigh Planned Development (PD) dated "Received December 18, 2024", subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 1.

PROJECT: Waterleigh PD (CDR-24-07-162)

PURPOSE: The Waterleigh PD contains approximately 1,485 gross acres, was originally approved on February 12, 2013, and currently provides for a development program of 3,570 residential dwelling units, 204,453 square feet of non-residential uses, and elementary and middle school sites.

Through this request, the applicant is seeking approval of three waivers, related to street frontage and signage, which would only apply to a 7.25-acre portion of the Waterleigh PD Village Center, Parcel 13, located south of Waterway Passage Drive and west of Avalon Road. As part of the request, the applicant is also proposing to revise the conceptual Village Center layout. The requested waivers and revised conceptual Village Center layout are all related to three development plans that are currently in review for this site, which include a bank, a drive-thru quick service restaurant, and four additional commercial buildings.

The first waiver would allow landscaped street walls to account for up to 85 percent of the build-to-line for all parcels along the internal circulator roadways within the Village Center in lieu of landscaped street walls being limited to 50 percent of the required frontage. The second waiver would allow for five total ground signs, in lieu of two

ground signs. The third waiver would allow a maximum copy area for walls signs to be one square foot per one linear foot for all establishments along public and private roadways, in lieu of a maximum copy area of 20 square feet for establishments with up to 5,000 square feet of building area.

This proposal received a recommendation of approval from the Development Review Committee on December 18, 2024.

BUDGET: N/A

CASE # CDR-24-07-162

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Erika Hughes, VHB, Inc.
OWNER	Four Ways Capital Group, LLC
PROJECT NAME	Waterleigh Planned Development (PD)
PARCEL ID NUMBER(S)	08-24-27-7526-02-002, 08-24-27-7526-02-001, 08-24-27-7526-02-004, 08-24-27-7256-02-003, (affected parcels)
TRACT SIZE	7.25 acres (affected area)
LOCATION	South of Waterway Passage Drive / West of Avalon Road
REQUEST	A PD substantial change to: Request a waiver from Section 38-1389(d)(3)(g) to increase the amount of street wall that can count toward build-to-line requirements, in lieu of occupiable building space; amend the Master Sign Plan to allow for 5 total ground signs, and request two waivers from Section 31.5-193 to increase the maximum amount of ground signs and increase the maximum copy area for wall signs; and to revise conceptual Village Center layout.

The following three waivers from Orange County Code are requested:

1. A waiver from Sec. 38-1389(d)(3)(g) is requested to allow landscaped street walls to account for up to eighty-five percent (85%) of the build-to-line for all parcels along the internal circulator roadways only within the Village Center in lieu of landscaped street walls should not make up more than fifty percent (50%) of the required frontage.

Applicant Justification: The parcels within the Village Center are surrounded entirely by internal collectors/corridors. The parcels are not of sufficient size and shape to have buildings fronting on all internal collector/corridors. To provide pedestrian safety and meeting the intent of the build-to-line requirement street walls and landscaping will be used along the internal streets/corridors as place making attributes and will include pedestrian paths into the walkable grid commercial areas. Building placement shall prioritize frontage along north/south internal circulator corridors. The increase in

allowance provides flexibility to enable suitable development for the Village Center.

2. A waiver from Sec. 31.5-193(1)(b)(1)(i) is requested to allow for a maximum of five (5) ground signs on Parcel 13 in lieu of a maximum of two (2) ground signs permitted per principle parcel or project.

Applicant Justification: *Parcel 13 is a large parcel designed with several internal development parcels and roadways necessitating multiple sign locations. Two of the five (5) ground signs are constructed and existing. The total proposed copy area proposed is less than the maximum allowed per Sec. 31.5-193(1)b.1.*

3. A waiver from Section 31.5-193(1)(b)(2)(i)(A) is requested to allow a maximum copy area for walls signs to be one (1) square foot per one (1) linear foot for all establishments along public and private roadways in Parcel 13 only in lieu of a maximum copy area of twenty (20) square feet for establishments with up to five thousand (5,000) square feet of building area.

Applicant Justification: *Section 31.5-193(1)(b)(2) provides for the copy area to be calculated at a rate of one (1) square foot per one (1) linear foot. The request is to remove the maximum cap of 20 square feet of copy area for establishments up to 5,000 square feet. The copy area maximum of twenty (20) square feet is far below the market standard for retail development. The proposed signs are programmed to be multi-tenant for signage of the interior parcels.*

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Ninety-three (93) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Waterleigh PD contains approximately 1,485 gross acres, was originally approved on February 12, 2013, and currently provides for a development program of 3,570 residential dwelling units, 204,453 square feet of non-residential uses, and elementary and middle school sites.

Through this request, the applicant is seeking approval of three waivers, related to street frontage and signage, which would only apply to a 7.25-acre portion of the Waterleigh PD Village Center, Parcel 13, located south of Waterway Passage Drive and west of Avalon Road. As part of the request, the applicant is also proposing to revise the conceptual Village Center layout. The requested waivers and revised conceptual Village Center layout are all related to three development plans that are currently in review for this site, which include a bank, a drive-thru quick service restaurant, and four additional commercial buildings.

The first waiver would allow landscaped street walls to account for up to 85 percent of the build-to-line for all parcels along the internal circulator roadways within the Village Center in lieu of landscaped street walls being limited to 50 percent of the required frontage. The second waiver would allow for five total ground signs, in lieu of two ground signs. The third waiver would allow a maximum copy area for walls signs to be one square foot per one linear foot for all establishments along public and private roadways, in lieu of a maximum copy area of 20 square feet for establishments with up to 5,000 square feet of building area.

Land Use Compatibility

The proposed development program is compatible with existing development in the area and would not adversely affect any adjacent properties.

Comprehensive Plan (CP) Consistency

The Waterleigh PD is located in the Horizon West Special Planning Area and has an underlying Future Land Use Map (FLUM) designation of Village-Horizon West (V) on the Future Land Use Map. It is located in Village H. All new development in Horizon West required PD zoning. The current development program allows for 2,094 single family residential units, 522 townhouse residential units, 954 multi-family residential units, 125,000 square feet of commercial uses and 79,453 square feet of office uses. The proposed changes appear to be consistent with the Comprehensive Plan.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Orange County Environmental Protection Division (EPD) staff has reviewed the proposed request and did not identify any issues or concerns.

Transportation Planning

Existing/Valid transportation capacity entitlements not found. This development will be required to meet transportation concurrency requirements through the Terms of the approved Village H Road Network Agreement.

Based on the Concurrency Management database (CMS) dated 7/26/2024, there are multiple failing roadway segments within the project's impact area. Avalon Rd, from Western Way to Water Springs Blvd (1 segment(s)) and Seidel Rd, from Lake County Line to Avalon Rd (1 segment(s)) are failing. This information is dated and subject to change.

A Village H Horizon West Road Network Agreement for C.R. 545 among Orange County and D.R. Horton, Inc. ("DRHI"); Avalon Properties, Ltd. ("Avalon"); Horizon West Properties ("HWP"); HAP, Inc. ("HAP"); Titan Western Beltway, LLC ("Titan"); Hanover Hickory Nut, LLC, ("Hanover"); Zanzibar Properties, LLC ("Zanzibar"); and Seidel West I, LLC ("Seidel"). DRHI, Avalon, HWP, HAP, Titan, Hanover, Zanzibar, and Seidel are collectively referred to herein as "Signatory Owners" was approved by the Board of County Commissioners on 2/12/2013 and recorded at OR Book/Page 10525/6172. The Village H Horizon West Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of C.R. 545 to four lanes in four phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile. This agreement was negotiated based on the approved Horizon West Global Road Term Sheet.

Community Meeting Summary

A community meeting was not required for this case.

Schools

Orange County Public Schools (OCPS) staff has reviewed the proposed request and did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (December 18, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Waterleigh PD dated "Received December 18, 2024", subject to the following conditions:

1. Development shall conform to the Waterleigh Planned Development (PD) dated "Received December 18, 2024," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received December 18, 2024," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, as may be amended, 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, or any other development order, 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.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

8. Pole signs and billboards shall be prohibited. All other signage shall comply with the approved Master Sign Plan or Chapter 31.5, where applicable and as may be amended.
9. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.
10. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1389(d)(3)(g) to allow landscaped street walls to account for up to eighty-five percent (85%) of the build-to-line for all parcels along the internal circulator roadways only within the Village Center in lieu of landscaped street walls should not make up more than fifty percent (50%) of the required frontage.
 - b. A waiver from Section 31.5-193(1)(b)(1)(i) to allow for a maximum of five (5) ground signs on Parcel 13 in lieu of a maximum of two (2) ground signs permitted per principle parcel or project.
 - c. A waiver from Section 31.5-193(1)(b)(2)(i)(A) to allow a maximum copy area for walls signs to be one (1) square foot per one (1) linear foot for all establishments along public and private roadways in Parcel 13 only in lieu of a maximum copy area of twenty (20) square feet for establishments with up to five thousand (5,000) square feet of building area.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 20, 2023, shall apply:
 - a. The project shall comply with the terms and conditions of that certain Village H Road Network Agreement approved on February 12, 2013, and recorded at OR Book/Page 10525/6172, Public Records of Orange County, Florida, as may be amended.
 - b. In accordance with Section 38-1389(2)(d) the following uses are approved within the Village Center District: Adult / child day care centers, drive-thrus in conjunction with a permitted use, automobile service stations, and liquor stores.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 26, 2019, shall apply:
 - a. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
 - b. The following waivers are granted from Orange County Code:

- i. A waiver from Section 38-1389(d)(3)(g) to allow 70% of the build-to-line to be by landscaped street walls, in lieu of 50% for public street frontages. The total requirement for buildings and street walls will remain at 70% per code.
 - ii. A waiver from Section 38-1389(d)(4)(d) to allow for no maximum parking lot frontage within the Village Center, in lieu of 65' for major local streets and 200' for other streets.
 - iii. A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of buildings in areas where the building face addresses the major external streets in lieu of parking in the rear and sides of buildings.
- 13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 10, 2018, shall apply:
 - a. Construction plans for residential and commercial development within this PD, submitted after January 31, 2019, shall not be approved until the APF Utility tract(s) (water and wastewater) and 50-foot access & utility easement are conveyed to Orange County Utilities.
 - b. The conveyed APF Utility tract(s) (water and wastewater) and minimum 50-foot access & utility easement or tract connection to public right-of-way, that are acceptable to the County, shall have a typical average slope of 5 percent or less over the existing grade, an elevation above the 100-year flood plain, and shall be located outside of wetlands. A developer-built offsite master stormwater system shall be designed and constructed to serve the APF Utility tract(s) and 50-foot access & utility easement.
 - c. The Utility tract(s) (water and wastewater) identified in this PD shall be dedicated to the County in accordance with the Waterleigh PD APF Agreement approved by BCC, as may be amended. The actual location of the APF Utility tract(s) shall be identified with the PSP or DP.
- 14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 18, 2016 shall apply:
 - a. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

- b. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village. Utilities infrastructure shall be built connecting to the buildout points of connection approved in the Village H MUP.
 - c. The following waivers from Orange County Code are granted for the Master Sign Plan:
 - i. A waiver from Section 38-79(114) is approved to allow a maximum accessory structure height of up to twenty-five (25) feet in lieu of twenty (20) feet with a roof slope of 2:12 or steeper for locations as depicted on the Master Sign Plan;
 - ii. A waiver from Section 31.5-193 (c)(2) is approved to allow a maximum ground sign height of twelve (12) feet in lieu of eight (8) feet within the Village Center;
 - iii. A waiver from Section 31.5-193(1)(c)(5) is approved to allow a maximum copy area of sixty (60) square feet for the primary subdivision sign in lieu of twenty (20) square feet and to allow the copy area of secondary subdivision signs to have a maximum copy area of twenty (20) square feet in lieu of ten (10) square feet;
 - iv. A waiver from Section 31.5-67(b) is approved to allow for a maximum subdivision sign height of twelve (12) feet in lieu of eight (8) feet.
 - d. Median signs shall not be allowed on the roads connecting to SR 545. Signs may be permitted in the medians of low volume, low speed roads and shall be located in a separate tract, to be owned and maintained by the HOA. The medians shall be designed to Greenbook standards addressing clear zone and sight distance requirements, and shall include non-mountable curbs.
15. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated July 19, 2016 shall apply:
- a. The covenants, conditions and restriction (CC&Rs) shall contain notification of the proximity of solid waste management facilities within one-mile of development activity in this project area.
 - b. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
 - c. The following waivers from Orange County Code are granted for PD Parcels 10 and 11 only:

- i. A waiver from Orange County Code Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property.
 - ii. A waiver from Orange County Code Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property.
 - iii. A waiver from Orange County Code Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development.
 - iv. A waiver from Orange County Code Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way.
 - v. A waiver from Orange County Code Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 19, 2015, shall apply:
- a. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
 - b. Payment of 500 ERUs (wastewater) and 500 ERCs (water) are due prior to construction plan approval for the first construction plan set within Village H unless previously satisfied by another Village H parcel. Alternatively, property owners may elect to enter into an agreement with Orange County to construct, with the first set of construction plans, the utility improvements beyond what is required by the Village H Master Utility Plan.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated April 9, 2013 and February 12, 2013, shall apply:

- a. Prior to construction plan approval, a phased master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
- b. Prior to the approval of the first PSP or DP for this PD, a driveway access spacing plan, consistent with the preliminary study included as part of the Road Network Agreement, for CR 545, Old YMCA Road, and the internal loop road shall be submitted to and approved by the County Engineer.
- c. The APF Agreement shall be approved by BCC concurrent with the PD Land Use Plan.
- d. The developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 08-16-2006, and amended on 04-29-2008 and 06-24-2008.
 - i. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 199 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - ii. Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - iii. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- e. A Master Utility Plan (MUP) consistent with Village H MUP shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.

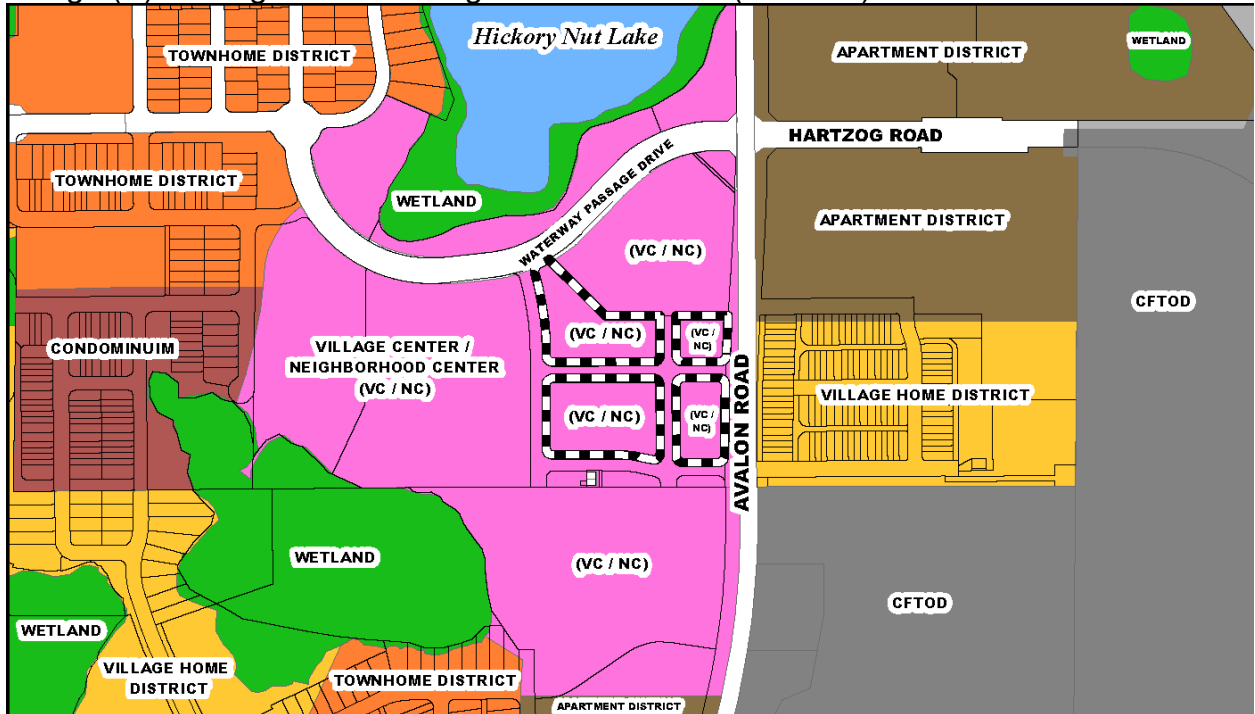
- f. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
- g. Prior to construction plan approval, all property owners within Village H, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
- h. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- i. Outdoor sales, storage, and display shall be prohibited within any district that allows commercial / office uses.
- j. The following waivers are from Orange County Code Section 38-1258 (Multi-Family Development Compatibility):
 - i. A waiver is granted from Section 38-1258(a) to allow multi-family buildings located within twenty-five (25) feet of single-family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet, in lieu of single-story maximum within one-hundred (100) feet of single-family zoned property.
 - ii. A waiver is granted from Section 38-1258(b) to allow multi-family buildings between twenty-five (25) feet to one-hundred and fifty (150) feet of single family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet in height for one-hundred (100) percent of the buildings, in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property varying in height with a maximum of fifty percent (50%) of the buildings being three (3) stories [not to exceed forty (40) feet] in height with the remaining buildings being one (1) story or two (2) stories in height.
 - iii. A waiver is granted from Section 38-1258(e) to allow for ten (10) foot paving setbacks adjacent to single-family zoned property, in lieu of a twenty-five (25) foot minimum paving setback.
- k. A waiver is granted from Orange County Code Section 38-1384(f)(I) [General Residential Development Standards] to allow each block face with more than five (5) lots with or without alleys to contain one (1) distinct lot size (excluding end units), in lieu of at least two (2) distinct lot sizes (excluding end units).

- I. The following waivers are from the development guidelines under Orange County Code Sections 38-1385.8 (Garden Home Mixed Use District) and 38-1386 (Village Home District):
 - i. A waiver is granted from Section 38-1385.8(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lot sizes less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of six-thousand (6,000) square feet.
 - ii. A waiver is granted from Section 38-1385.8(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of forty (40) feet for single-family detached units.
 - iii. A waiver is granted from Section 38-1385.8(b)(9)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.
 - iv. A waiver is granted from Section 38-1385.8(b)(9)(b) to allow a minimum side yard setback of four (4) feet for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a five (5) foot side yard setback.
 - v. A waiver is granted from Section 38-1386(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lots sizes less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of four-thousand two-hundred (4,200) square feet.
 - vi. A waiver is granted from Section 38-1386(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of thirty-five (35) feet for single-family detached units.
 - vii. A waiver is granted from Section 38-1386(b)(10)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.
 - viii. A waiver is granted from Section 38-1386(b)(10)(b) to allow a minimum side yard setback of four (4) feet for lots less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of a five (5) foot side yard setback.

- m. A waiver is granted from Orange County Code Sections 38-1387.2(a)(8)(c) [Apartment District] and 38-1387.3(b)(3)(h)(3) [Condominium District] to correct the referenced code section to reflect "garage setbacks per section 38-1384(g)", in lieu of "garage setbacks per section 38-1384(i)".
- n. A waiver is granted from Orange County Code Section 38-1388(e)(i) [Neighborhood Center District] to eliminate the maximum fifty (50) foot lot width.
- o. The Development Standards and Guidelines for this PD shall be consistent with Orange County Code Chapter 38 (New Village PD Code) unless expressly and explicitly waived by the Board of County Commissioners.
- p. Multi-use trails / bike paths shall be maintained by the HOA. Funding of this maintenance expense shall be the responsibility of the HOA unless the County approves a MSBU or other funding mechanism for this purpose.
- q. Prior to the first PSP/DP an agreement addressing development and maintenance of the APF Park land shall be entered into with the developer and the County.
- r. Waivers to any development standard of Chapter 38 of the Orange County Code may be granted by the Board of County Commissioners at a public hearing in conjunction with the approval of any PSP for a parcel(s) of land within the Waterleigh PD, except as may be provided to the contrary in Section 38-1207 regarding substantial changes to a PD/LUP. A revised PD noting the requested waivers (applicable to the specific PSP) shall be submitted with the PSP application. Notification of waiver requests prior to the public hearing shall be the same as that required for a substantial change to a PD/LUP, e.g., including notice to owners of property within 300 feet of the perimeter of the PD.

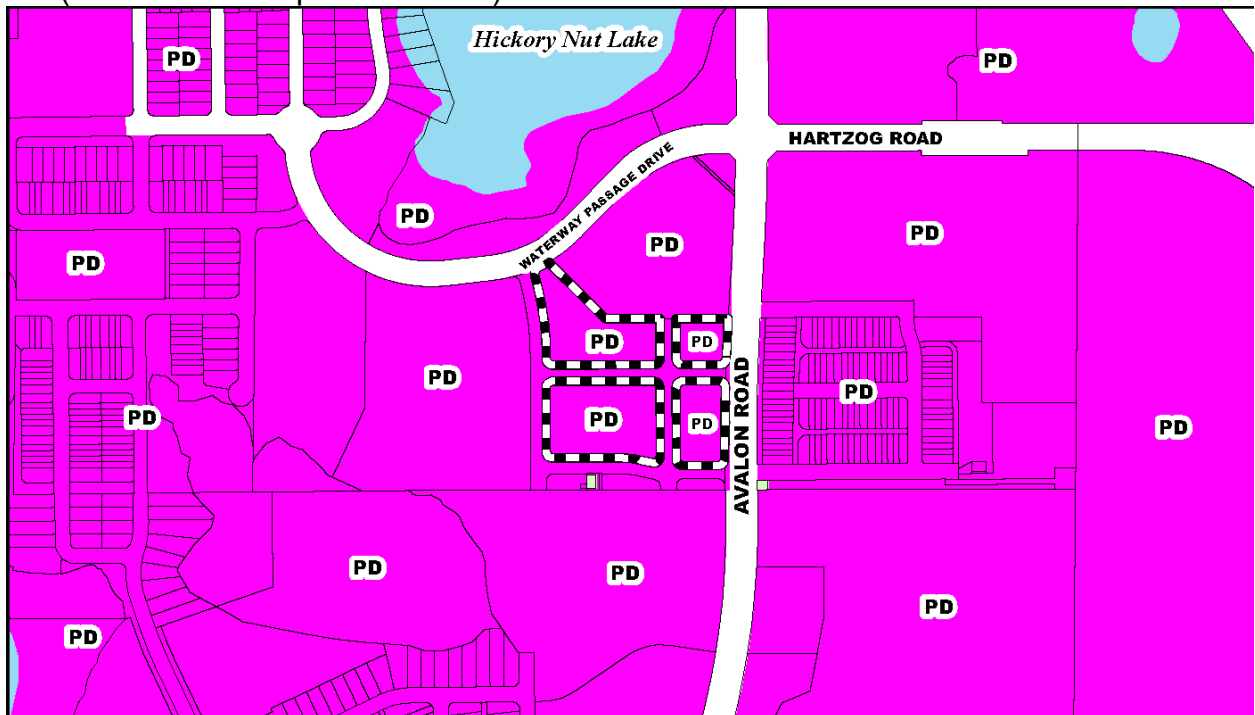
FUTURE LAND USE

Village (V) – Village Center / Neighborhood Center (VC / NC)



ZONING

PD (Planned Development District)





Public Notification Map

CDR-24-07-162

