



JUNE 20, 2024



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



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June 20, 2024

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June 20, 2024

<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>
I. Conventional Rezoning Hearing					
RZ-23-03-002 Priscilla Herrick	<i>C-1 to R-T</i>	5	Approval	Approval	No
RZ-23-06-052 George Dennison	<i>R-CE to R-1A</i>	6	Approval	Postponed till July 18, 2024	No
RZ-24-06-034 Noel Mendoza	<i>R-1A to C-3</i>	6	Approval	Approval	No
RZ-24-06-039 George Dennison	<i>R-1A to R-1</i>	6	Approval	Approval	No
RZ-24-06-040 Craig Gustav	<i>R-1A to R-1</i>	6	Approval	Approval	No
RZ-24-06-041 Adrian Garcia	<i>R-T-1 to R-2</i>	2	Approval	Approval	No

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Site and Principal Building Requirements

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
A-1	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-R	108,900 (2½ acres)	950	270	35	50	25	15	35	50 ^A	L	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	15	35	50 ^A	L	
R-CE-2	2 acres	1,200	185	45	50	30	15	35	50 ^A	L	
R-CE-5	5 acres	1,200	250	50	50	45	15	35	50 ^A	L	
R-1AAAA	21,780(½ acre)	1,500	110	30	35	10	15	35	50 ^A	L	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	15	35	50 ^A	L	
R-1AA	10,000	1,200	85	25/30 ^H	30/35 ^H	7.5	15	35	50 ^A	L	
R-1A	7,500	1,200	75	20/25 ^H	25/30 ^H	7.5	15	35	50 ^A	L	
R-1	5,000	1,000	50	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	
R-2	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-456
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	25	5/6 ^H	15	35	50 ^A	L	38-456
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5	15	35	50 ^A	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-481
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10 ^S	15	35 ^Q	50 ^A	L	38-605
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	15	35	50 ^A	L	38-578

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
R-T-1 SFR	4,500 ^C	1,000	45	20	20	5	15	35	50 ^A	L	
Mobile Home	4,500 ^C	Min. mobile home size 8 ft. x 35 ft.	45	20	20	5	15	35	50 ^A	L	
R-T-2 (zoned prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	25	6	15	35	50 ^A	L	
(zoned after 1/29/73)	21,780	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	15	35	50 ^A	L	
NR	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Three dwelling, 11,250	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50/4 stories	50 ^A	L	38-1748
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1748
NAC	Nonresidential and mixed use development, 6,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single- family zoning district	10,0 if buildings are adjoining	15	50 feet	50 ^A	L	38-1741
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Two dwelling units, 11,250	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1741
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50 feet/4 stories, 65 feet with ground floor retail	50 ^A	L	38-1741
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1741

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
NC	Nonresidential and mixed use development, 8,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	65 feet	50 ^A	L	38-1734
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1734
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	65 Feet, 80 feet with ground floor retail	50 ^A	L	38-1734
	Townhouse 1,800	N/A	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1734
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 feet for each add. story	15	35	50 ^A	L	38-806
C-1	6,000	500		25	20	0; or 15 ft. when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-830
C-2	8,000	500		25	15; or 25 when abutting residential district	5; or 25 when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-855
C-3	12,000	500		25	15; or 30 when abutting residential district	5; or 25 when abutting residential district	15	75; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-880
I-1A	N/A	N/A	N/A	35	25, or 30 ft. when abutting residential district ^N	25, or 30 ft. when abutting residential district ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-907

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
I-1/I-5	N/A	N/A	N/A	35	25, or 50 ft. when abutting residential district ^N	25, or 50 ft. when abutting residential district ^{N/O}	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-932
I-2/I-3	N/A	N/A	N/A	25	10, or 60 ft. when abutting residential district ^P	15, or 60 ft. when abutting residential district ^P	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-981
I-4	N/A	N/A	N/A	35	10, or 75 ft. when abutting residential district ^N	25, or 75 ft. when abutting residential district ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-1008
U-R-3	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35	50 ^A	L	

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 measured 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 Chapter 15, Article VII, Lakeshore Protection, and Chapter 15, Article X, Wetland Protection, 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 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. A lot which is part of a subdivision, the plat of which has been lawfully recorded, or a parcel of land, the deed of which was lawfully recorded on or before August 31, 1982, either of which has a depth of less than one hundred fifty (150) feet above the normal high water elevation contour, shall be exempt from the fifty-foot setback requirement set forth in section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply 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. feet 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, the minimum duplex lot size is 8,000 square feet, and the minimum living area is 500 square feet. For detached units, the minimum duplex lot width is 90 feet, the minimum duplex lot size is 9,000 square feet, and minimum living area is 1,000 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. Existing developed duplex lots that are either platted or lots of record existing prior to 3/3/97 and are at least 75 feet in width and have a lot size of 7,500 square feet or greater, shall be deemed to be vested and shall be considered as conforming lots for width and/or size.
E	Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single-family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings), requires a special exception.
F	Reserved.
G	Reserved.
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.

<i>J</i>	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.
<i>K</i>	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%.
<i>L</i>	Subject to the Future Land Use designation.
<i>M</i>	Developable land area.
<i>N</i>	Rear yards and side yards may be reduced to zero (0) when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.
<i>O</i>	One of the side yards may be reduced to zero (0) feet, provided the other side yard on the lot shall be increased to a minimum building setback of fifty (50) feet. This provision cannot be used if the side yard that is reduced is contiguous to a residential district.
<i>P</i>	Rear yards and side yards may be reduced to zero when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities; however, no trackage shall be located nearer than three hundred (300) feet from any residential district.
<i>Q</i>	The maximum height of any structure shall be two stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district.
<i>R</i>	A ten-foot front setback may also be permitted for the dwelling unit when a front entry garage is set back at least twenty (20) feet from the front property line.
<i>S</i>	Minimum side building separation is ten (10) feet. The side setback may be any combination to achieve this separation. However, if the side setback is less than five (5) feet, the standards in section 38-605(b) of this district shall apply.

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-23-02-002

Commission District: #5

GENERAL INFORMATION

APPLICANT:	Priscilla Herrick
OWNER:	Fairways SPE, LLC
HEARING TYPE:	Planning and Zoning Commission
REQUEST:	C-1 (Retail Commercial District) to R-T (Mobile Home Park District)
LOCATION:	14205 E Colonial Dr; generally located on the northeast corner of E Colonial Dr and Pebble Beach Blvd.
PARCEL ID NUMBER:	13-22-31-0000-00-017
SIZE / ACREAGE:	1-gross acre
PUBLIC NOTIFICATION:	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-three (183) notices were mailed to those property owners in the surrounding area.
COMMUNITY MEETING:	An in-person community meeting was held on February 20, 2023, and is summarized further in this report.
PROPOSED USE:	Three (3) Mobile Homes

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

This project is within the Fairway Village Senior Mobile Home Park, this property is not platted. The subject property is a 1-acre portion of the parcel and was zoned C-1 in 1981 prior to the implementation of the Orange County Comprehensive Plan. The remainder of the parcel has been zoned R-T since 1969. A northern portion of the parcel is zoned Restricted R-T which is restricted to no development north of 250 ft. south of Little Creek.

Today, the subject property is undeveloped, the rest of the parcel is fully developed as a senior mobile home park. The future land use designation of the subject portion of the property is Low Medium Density Residential (LMDR) which does not correlate with the current C-1 zoning designation.

Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to R-T (Mobile Home Park District) to allow for the development of an additional three mobile homes to the existing mobile home park. The immediate area is developed with mobile homes and a detached single-family subdivision to the west. There are commercial properties adjacent to the east and south that frame E Colonial Drive.

A Conservation Area Determination was required by the Orange County Environmental Protection Division. It was determined the subject site does not contain wetlands.

The subject property is within the Orange County Utilities service area and will be required to connect to the Orange County water and wastewater system.

Land Use Compatibility

The R-T zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located 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-Medium Density Residential (LMDR). The proposed R-T zoning is consistent with the LMDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

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

SITE DATA

Existing Use	Mobile Home Park
Adjacent Zoning	N: R-T (Mobile Home Park District) 1969 E: C-1 (Retail Commercial District) 1957 W: R-3 (Multiple-Family Dwelling District) 1999 S: Restricted C-2 (General Commercial District) 2015
Adjacent Land Uses	N: Single-Family Residential E: Commercial W: Single-Family Residential S: Commercial

R-T Development Standards

R-T (Mobile Home Park District):

Min. Lot Area: 7 spaces per gross acre
Min. Lot Width: Min. mobile home size 8 ft. x 35 ft.
Max. Height: 35 ft.
Min. Floor Area: Park size min. 5 acres

Building Setbacks

Front: 7.5 ft.
Rear: 7.5 ft.
Side: 7.5 ft.

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

Intent, Purpose, and Uses

This district is composed of certain lands suitable for the development of a low-medium density residential area under single ownership consisting of rental mobile home spaces. The following regulations shall apply to each R-T mobile home park district: A use shall be permitted in the R-T district if the use is identified by the letter "P" in the use table set forth in section 38-77. A use shall be prohibited in the R-T district if the space for that use is blank in the use table set forth in section 38-77.

SPECIAL INFORMATION

Staff Comments

Environmental

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

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

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

Proximity to FDEP Cleanup Site - Proximity to parcels with known FDEP cleanup sites associated with the Sunrise Food Mart #11 located ~250 feet to the south. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S

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

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

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. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

Transportation / Access

The proposed rezoning will result in a net reduction in trips. Furthermore, the proposed use will generate 3 pm peak hour trips which will consume less than 1% (0.1%) of the roadway segments peak hour service volume. Therefore, it is considered de minimis.

The Applicant shall be aware that there are multiple failing roadways, and a De Minimis Application will be required through the Concurrency Office during the permitting process.

Based on the Concurrency Management database (CMS) dated 01/20/2023, there are multiple failing roadway segments within the project's impact area. From Woodbury Rd. to Lake Picket Rd., from Lake Picket Rd. to Avalon Park Blvd., from Avalon Park Blvd. to S. Tanner Rd., and from S. Tanner Rd. to Chuluota Rd. are failing. This information is dated and subject to change.

Schools

Three homes is a de minimis impact.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was held on February 20th, 2023, at Camelot Elementary School with three members of the community in attendance. One of the concerns expressed was the want for a landscape buffer between the entrance road (Pebble Beach Rd) and the corner mobile home space so that the backyards of the additional mobile homes will not be visible from the entrance. Concerns were expressed about fire safety because Fiddlesticks Ct is a dead-end street. Lastly, the residents were concerned about on-street parking increasing.

Utilities Service Area (Availability of services may vary)

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

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

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

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

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

State of Florida Notice

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

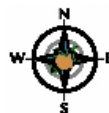
Specific Project Expenditure Report and Relationship Disclosure Form

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

RZ-23-02-002



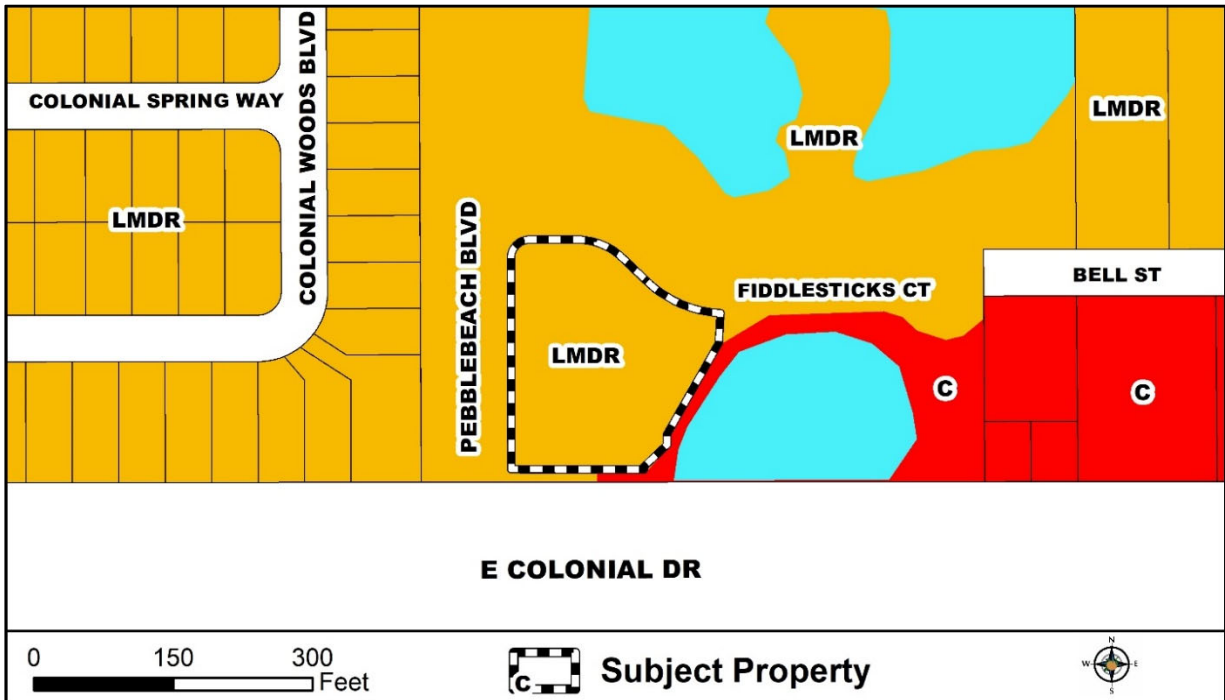
 Subject Property



0 300 600
Feet

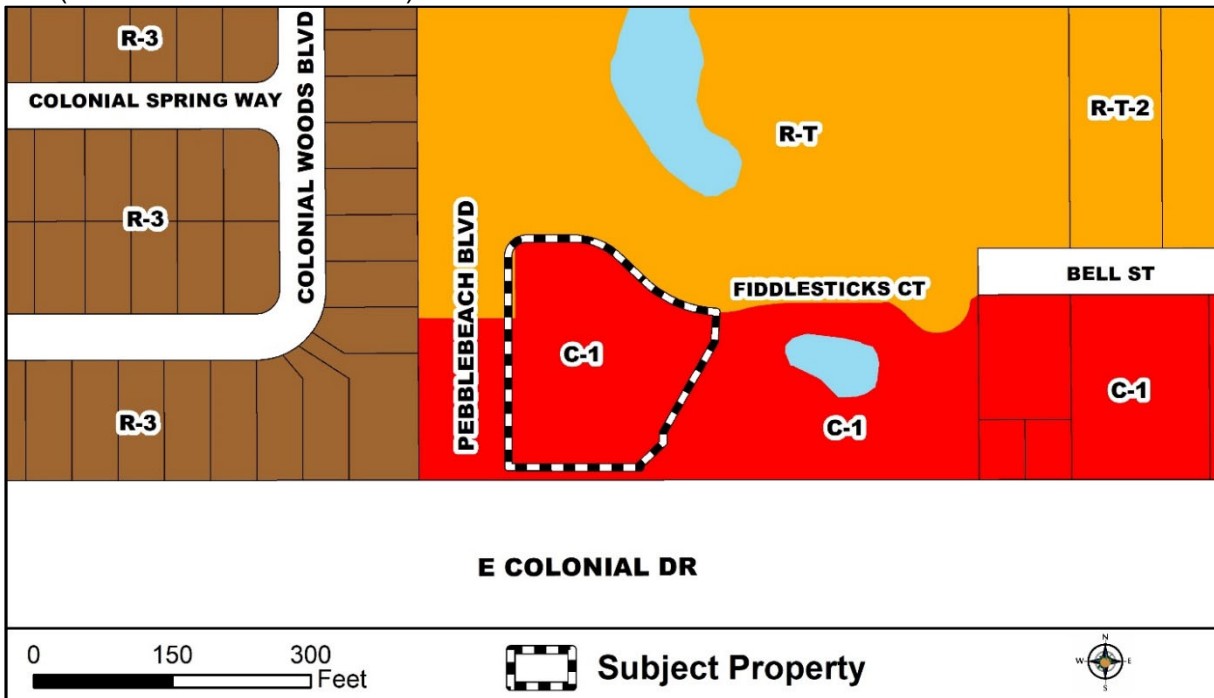
FUTURE LAND USE – CURRENT

Low-Medium Density Residential (LMDR)



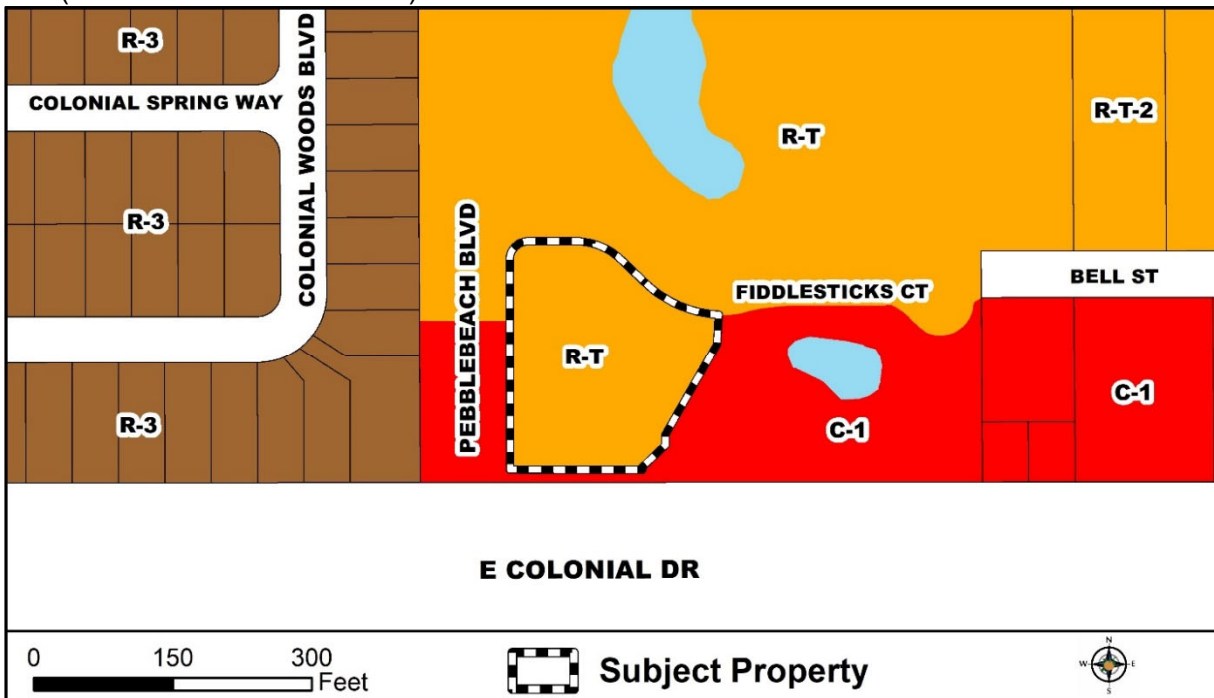
ZONING – CURRENT

C-1 (Retail Commercial District)



ZONING – PROPOSED

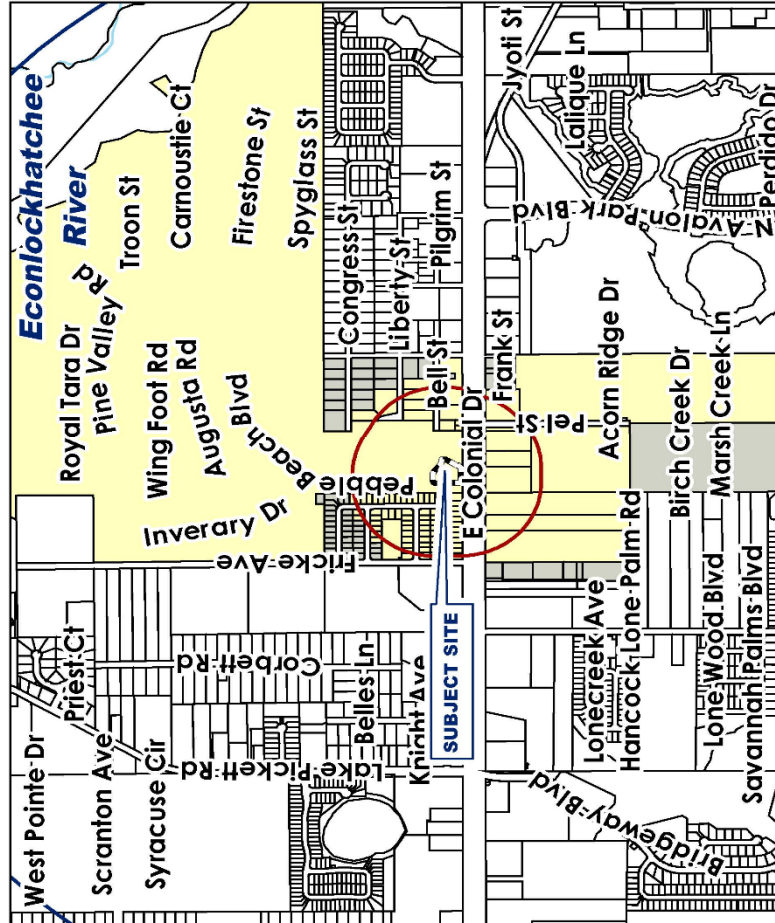
R-T (Mobile Home Park District)



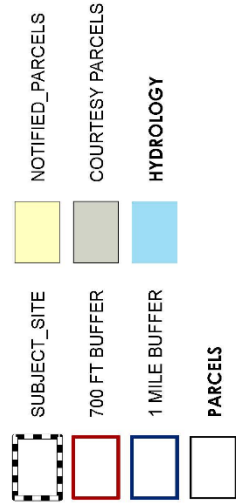


Public Notification Map

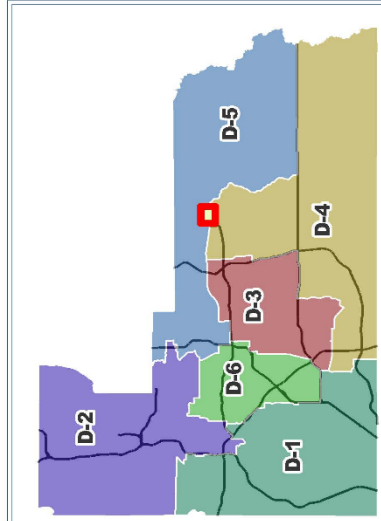
RZ-23-02-002



MAP LEGEND



BUFFER DISTANCE: 700
 # OF NOTICES: 183



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Case Planner:
Irina Pashinina

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: June 20, 2024

CASE # RZ-23-06-052

Commission District: #6

GENERAL INFORMATION

APPLICANT: George D. Dennison II Esq.

OWNER: Adolfo Molina

HEARING TYPE: Planning and Zoning Commission

REQUEST: **R-CE** (Rural Country Estate District) **to**
R-1A (Single-Family Dwelling District)

LOCATION: 1932 Good Homes Road; generally west and east of Good Homes Rd, north of Lake Hill Cir.

PARCEL ID NUMBER: 15-22-28-4716-00-541

SIZE / ACREAGE: 6.46-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]. Two hundred fifty-three (253) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: Twenty (20) Single-Family Homes

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

The applicant is seeking to rezone the subject property from R-CE (Rural Country Estate District) to R-1A (Single-Family Dwelling District) with the intent to construct a subdivision of twenty (20) single-family residential detached units. The portion of property to the west of Good Homes Road is already R-1A zoning so this rezoning applies only to the portion east of Good Homes Road.

The subject property consists of one (1) parcel with total acreage of 5.17 acres and has been platted as Lot 54 within Florida Good Homes Company in 1915. It is located in the

Urban Service Area (USA). The Future Land Use Map (FLUM) designates the subject property as Low Density Residential (LDR) and allows four (4) units per acre.

The subject property is located in the Wekiva Study Area that requires at least thirty-five (35) percent or greater to be preserved as open space. Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas. Policy OS1.3.4 encourages clustering of units in order to preserve open space. The surrounding area consists of R-1A, R-1AA and R-CE zoned properties. The R-CE zoned properties have a minimum required size of 1-acre. R-1A is 7,500 square feet minimum lot size, while R-1AA is 10,000 square foot.

Development within this property will be required to connect to Orange County Utilities wastewater system.

Land Use Compatibility

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

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1A (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.

OS1.3.4 states the following:

A. Development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. All new residential subdivisions or developments that may be located entirely or partially within the Wekiva Study Area are required to cluster to the maximum extent feasible to preserve open space. Such clustering is intended to be density neutral, and lot sizes may be adjusted as needed to accommodate preserved open space. Priority for open space protection shall be given to the following resources required to be protected by the Wekiva Parkway and Protection Act:

1. the most effective recharge areas;
2. karst features; and
3. sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

B. The purposes of “open space design” within a development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost-effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space while remaining density and intensity neutral. The Land Development Code shall include requirements and incentives for open space/conservation subdivision design including minimum open space requirements, maximum lot size and design standards. (Amended 6/10, Ord. 10-07)

C. Open space shall be primarily larger, contiguous parcels rather than in linear strips to

encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas. To the extent possible, preserved open space shall be used to create corridors and larger parcels more suitable for nature-based recreation, low-intensity agriculture, silviculture, aquifer recharge protection, or wildlife and habitat management, so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the development. If a project is located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is required. "Compatible" means similar or complementary such as uplands adjacent to wetlands or isolated wetlands within flatwoods or scrub areas. (Amended 6/10, Ord. 10-07)

D. Open space property shall be preserved through publicly recorded, permanent conservation easements or similar legal instruments to preclude future development or further subdivision of the land while ensuring maintenance of and appropriate access to the open space areas in perpetuity. Preserved areas shall be owned in common by a property owners' association, a public agency, a land trust, or another appropriate entity. This open space shall be used for conservation, aquifer recharge protection, passive recreation, low intensity agriculture, or silviculture. Agriculture and silviculture operations shall adhere to the appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

E. Limited structures for common use or under common ownership may be allowed within the open space preserve areas, areas other than wetlands, conservation mitigation areas, conservation easements or wetland protective buffers. Homeowners' personal property and residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such. (Added 12/07, Ord. 07-20, Policy 1.3.5; Amended 6/10, Ord. 10-07)

SITE DATA

Existing Use	Vacant residential
Adjacent Zoning	N: R-CE (Rural Country Estate District) 1981, R-1AA (Single-Family Dwelling District) 1999 E: R-1AA (Single-Family Dwelling District) 1984 W: R-CE (Rural Country Estate District) 1981 S: R-1A (Single-Family Dwelling District) 1958
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Lake Florance S: Single-Family Residential

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

Min. Lot Area:	7,500 sq. ft.
Min. Lot Width:	75 ft.
Max. Height:	35 ft.

Min. Floor Area: 1,200 sq. ft.

Building Setbacks

Front: 20 ft.
Rear: 25 ft.
Side: 7.5 ft.

Intent, Purpose, and Uses

The R-1A (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

CAD Complete - An Orange County Conservation Area Determination CAD-23-09-158 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 3/21/24. The CAD identified 0.91 acre of Class I wetland/surface water within the subject property boundaries..

Delineated Groundwater Contamination Area- A portion of the project site is located within a delineated area of groundwater contamination for ethylene dibromide (EDB) as defined by the Florida Department of Environmental Protection (FDEP). EPD may request a Phase I Environmental Site Assessment (ESA) to be submitted prior to any plan or permit approvals. A well permitted in a delineated area must be tested before it can be cleared for use. The Department of Health (DOH) is responsible for the collection and testing of water samples. If a well is located in a delineated area, the water management district will either require more rigorous well construction standards or connection to a public water system. Reference Chapter 62-524 New Potable Water Well Permitting in Delineated Areas of the Florida Administrative Code (FAC).

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

Wekiva Priority Focus Area - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen

reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for details of advanced septic treatment system requirements.

Boat Docks or Ramps - Approval of this plan/request does not constitute approval of a permit for the construction of a boat dock (including: boardwalks or observation piers in wetlands or in wetland buffer areas) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within this county shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under OC Code Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under OC Code Chapter 15, Article XV, Boat Ramp Facility.

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

Septic Systems - If septic is required, the lots shall be configured to accommodate requirements of the Individual On-Site Sewage Disposal Ordinance regarding setbacks, lot size, soils, distance to potable water supply wells, and elevations. Especially note setbacks: no less than 75 feet from jurisdictional wetlands and the design high water level of normally wet stormwater retention areas, and 150 feet from the normal high water elevation (NHWE) of surface water bodies and canals connected to surface water bodies. Reference OC Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal, Section 37-540.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 5/15/2023, there is a failing roadway segment within the project's impact area along Good Homes Rd, from White Rd to Colonial Dr. This information is dated and subject to change. Prior to building permit approval, a Concurrency Application through the Concurrency Management office will be required. A Traffic Study may be required at that time.

Schools

The Formal School Capacity Determination letter provided by Orange County Public Schools states that school capacity for the following development is not available. Capacity is available at the Elementary School (Citrus) and High School (Ocoee), but is not available at the Middle School (Robinswood). Existing adjusted utilization at the middle school is 107.5% and if this project is approved, the adjusted utilization would increase by 1.692 students to 107.7%.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

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

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

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

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

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

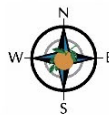
Planning and Zoning Commission (PZC) Recommendation – June 20, 2024


This item was postponed to a future PZC hearing.

RZ-23-06-052



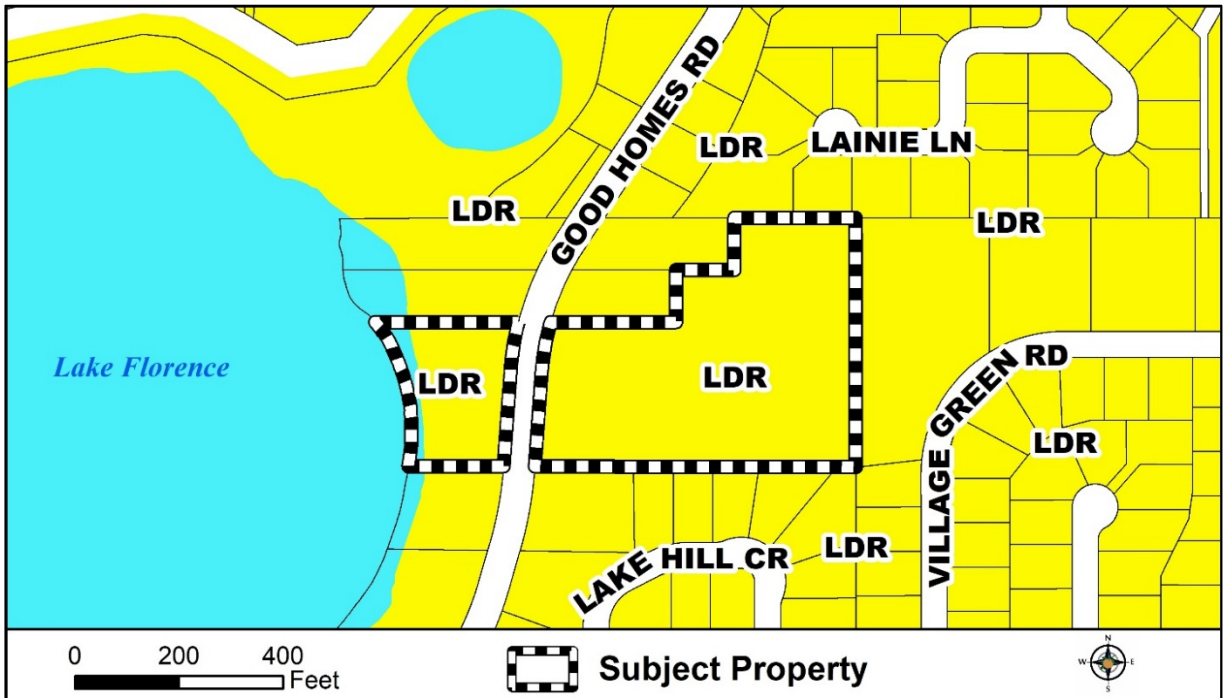
 Subject Property



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 Feet

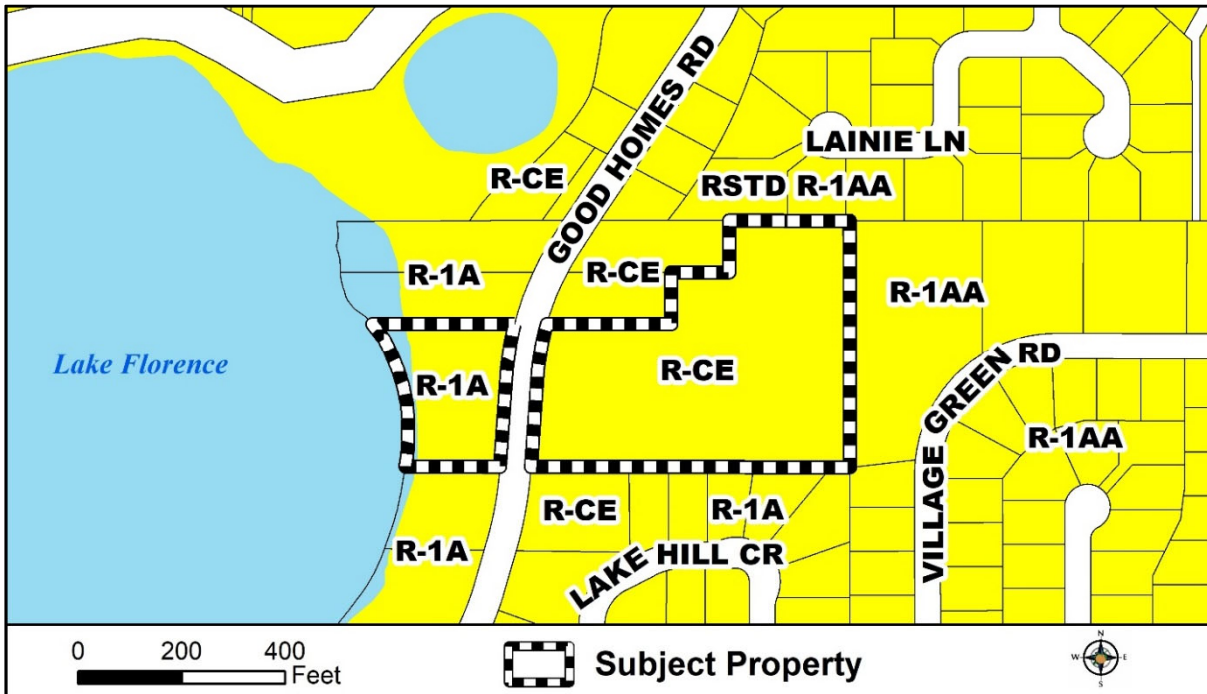
FUTURE LAND USE – CURRENT

Low Density Residential (LDR)



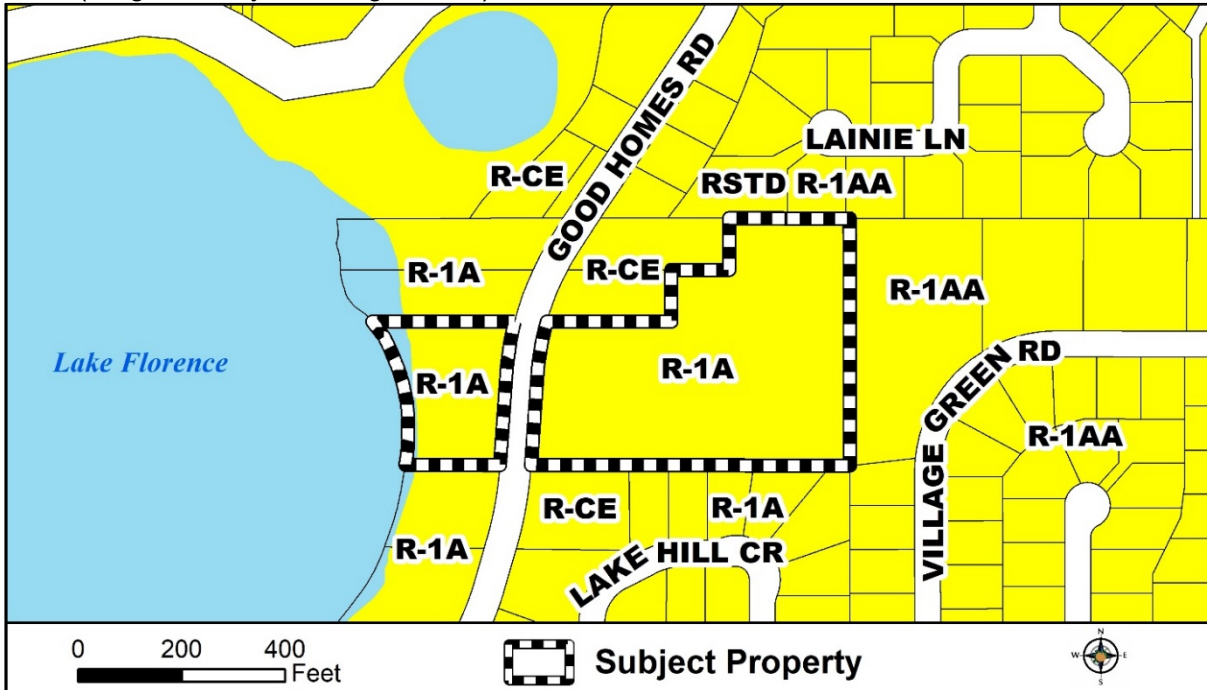
ZONING – CURRENT

R-1A(Single-Family Dwelling District), R-CE (Country Estate District)



ZONING – PROPOSED

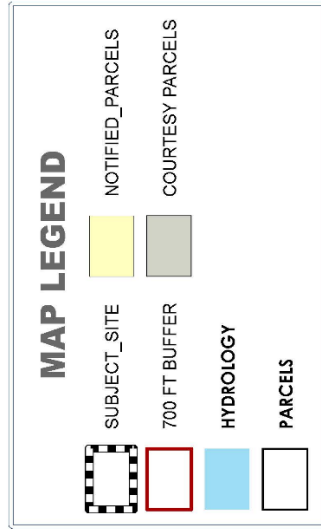
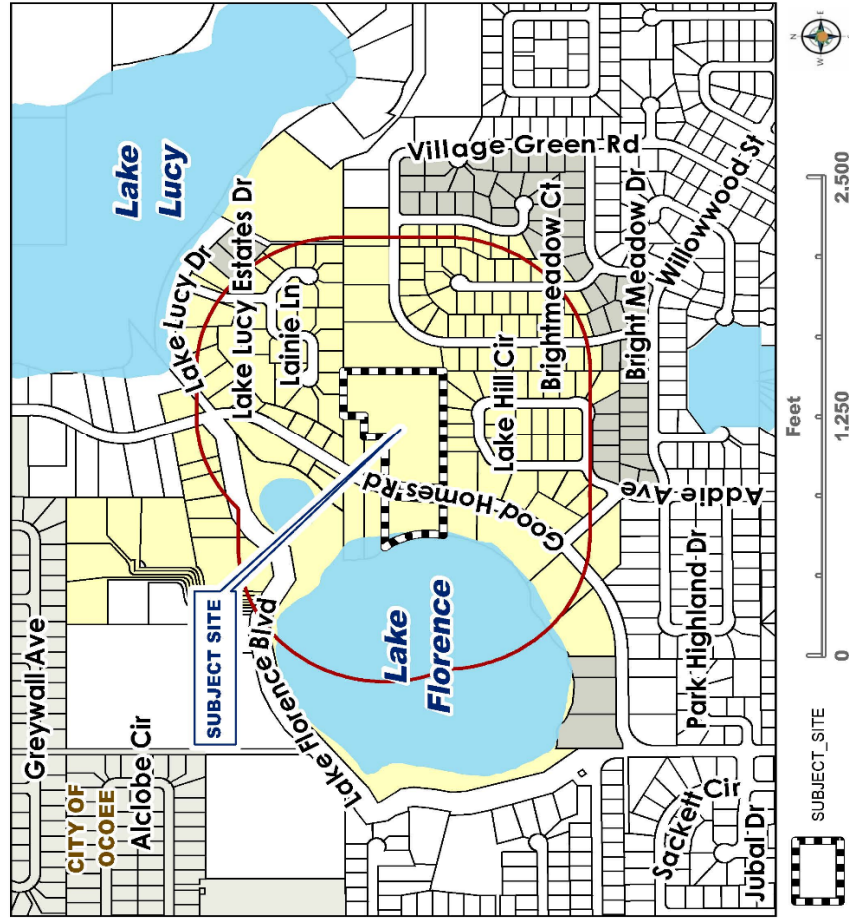
R-1A (Single-Family Dwelling District)



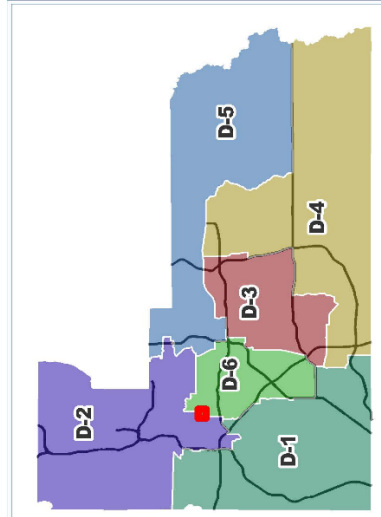


Public Notification Map

RZ-23-06-052



BUFFER DISTANCE: 700 FT
 # OF NOTICES: 253



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Case Planner:
Irina Pashinina

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: June 20, 2024

CASE # RZ-24-06-034

Commission District: #6

GENERAL INFORMATION

APPLICANT: Noel Mendoza

OWNER: AM Luna Investments, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: **R-1A** (Single-Family Dwelling District) **to**
C-3 (Wholesale Commercial District)

LOCATION: 4736 W. Concord Avenue; generally located on the southeast corner of N. Mission Rd and W. Concord Ave, west of Delhi street, and south of W. Colonial Drive.

PARCEL ID NUMBER: 29-22-29-9160-01-250

SIZE/ ACREAGE: 0.22-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-one (181) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: C-3 uses including automotive repair

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested C-3 (Wholesale Commercial District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to C-3 (Wholesale Commercial District) in order to allow C-3 uses including auto mechanic shop, collision repairs, body work.

The 0.18-gross acre property is currently developed with one structure; the existing use is single-family residential. The surrounding area is developed with mixed uses including commercial uses zoned C-1 and C-3, and there are some single-family homes in the area

along with industrial uses to the west within the City of Orlando zoning. The request appears to be compatible with the surrounding area.

The C-1 Restricted zoning to the east of the subject property is subject to one restriction: A six foot PVC vinyl fence shall be constructed along the east and west property lines.

Land Use Compatibility

The C-3 (Wholesale Commercial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases found

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial (C) FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

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

SITE DATA

Existing Use	Single-Family Residence
Adjacent Zoning	N: City of Orlando E: C-1 Restrited (Retail Commercial District) 2006 W: City of Orlando S: C-3 (Wholesale Commercial District)
Adjacent Land Uses	N: Single-Family Residence E: Commercial W: Tire recycling S: Auto service

C-3 (Wholesale Commercial District) Development Standards

Min. Lot Area:	12,000 sq. ft.
Min. Lot Width:	125 ft. (on major streets, see Article XV) 100 ft. (on all other streets)
Max. Height:	75 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area:	500 sq. ft.
Building Setbacks	
Front:	25 ft.
Rear:	15 ft. (20 ft. when abutting residential)
Side:	5 ft. (25 ft. when abutting residential)

Intent, Purpose, and Uses

The intent and purpose of the C-3 district is to implement and be consistent with the commercial land use designation of the future land use map. The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

SPECIAL INFORMATION

Staff Comments

Environmental

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.

Enhanced Septic Requirement Not Applicable - This site is located within the Wekiva River/Rock Springs Run and Okeechobee Basin Management Action Plan (BMAP) Area. Installation of enhanced nutrient-reducing OSTDS regulated in Sections 373.811 and 403.067, Florida Statutes, is not applicable to this request since development within this property is required to connect to the Orange County Utilities wastewater system.

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

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

Demolition - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400 or AsbestosInquiriesOrangeCounty@ocfl.net. Reference OC Code Chapter 15

Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1)

Transportation / Access

Based on the Concurrency Management database (CMS) dated 05/24/2024, capacity exists within the project's impact area. This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office may be required, concurrency@ocfl.net.

Schools

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

Parks and Recreation

Not required for non-residential development.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orlando Utilities Commission Water Service Area.

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

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

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

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – June 20, 2024

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested C-3 (Wholesale Commercial 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 C-3 (Wholesale Commercial District) zoning. The applicant was present for the hearing and agreed with the staff's recommendation. No speakers were present to speak during the public comment.

Staff indicated that sixty-nine (181) notices were sent to the property owners and residents extending beyond 1000 feet surrounding the property, and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

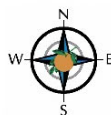
After discussion regarding the current and proposed use, a motion was made by Commissioner Evans, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning. The motion carried on a 6-0 vote.

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

RZ-24-06-034



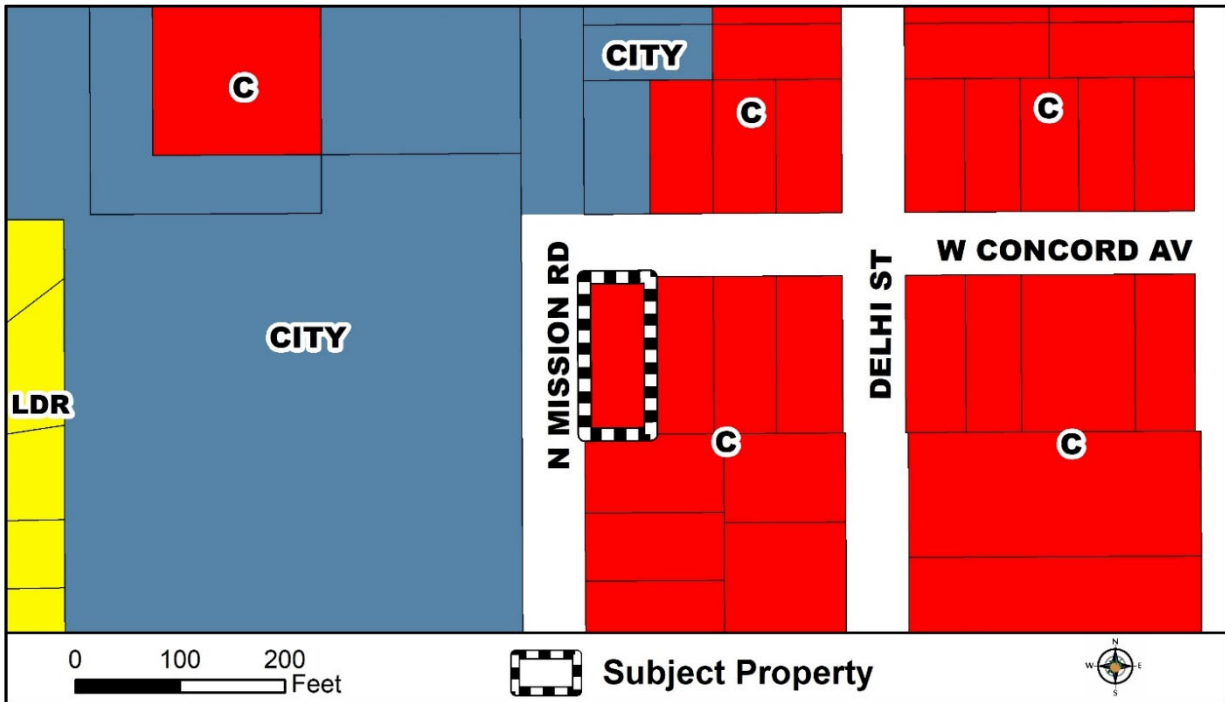
 Subject Property



0 100 200
Feet

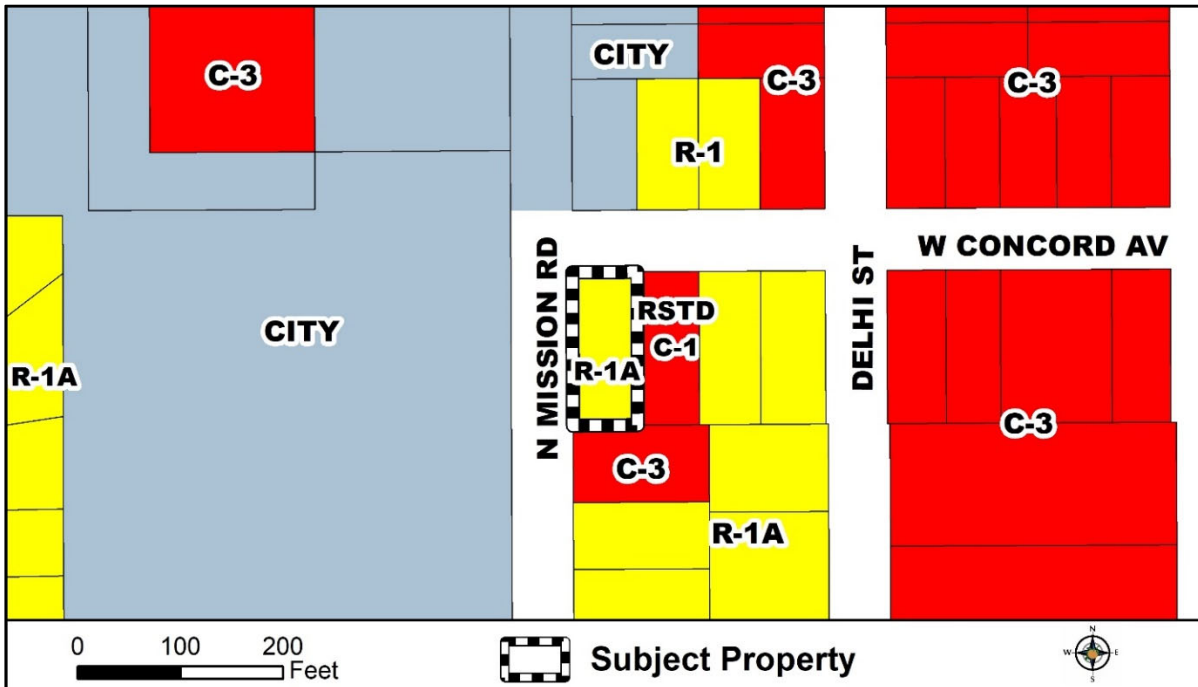
FUTURE LAND USE – CURRENT

Commercial (C)



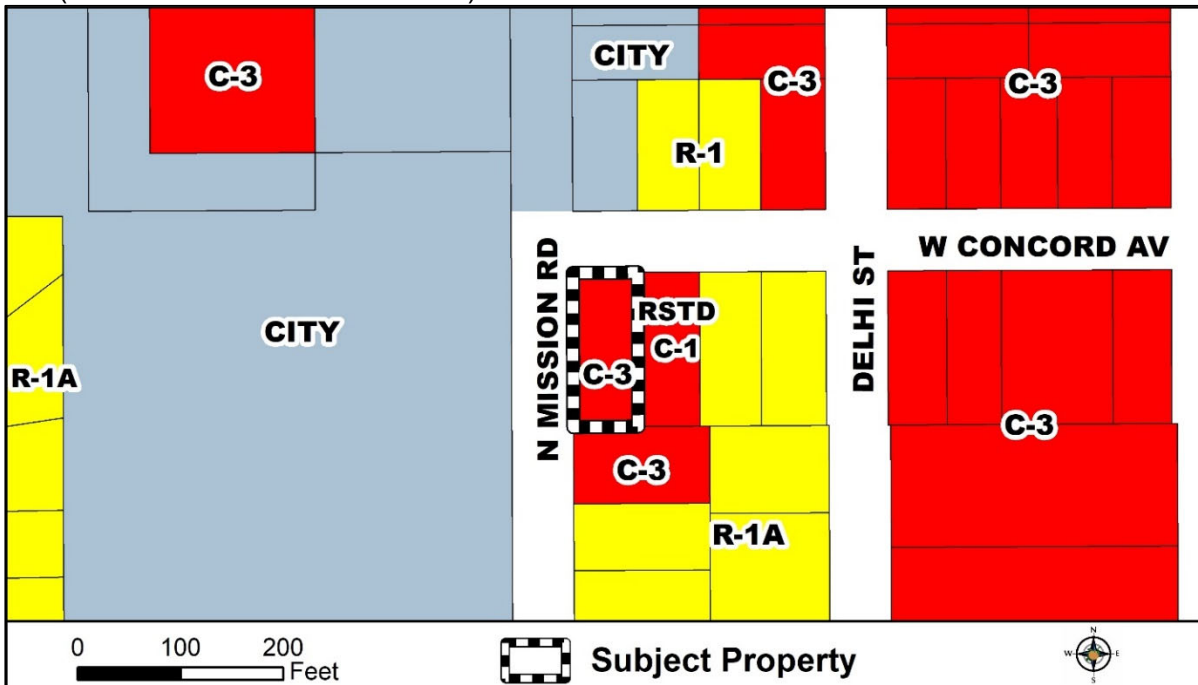
ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

C-3 (Wholesale Commercial District)



Public Notification Map

RZ-24-06-034

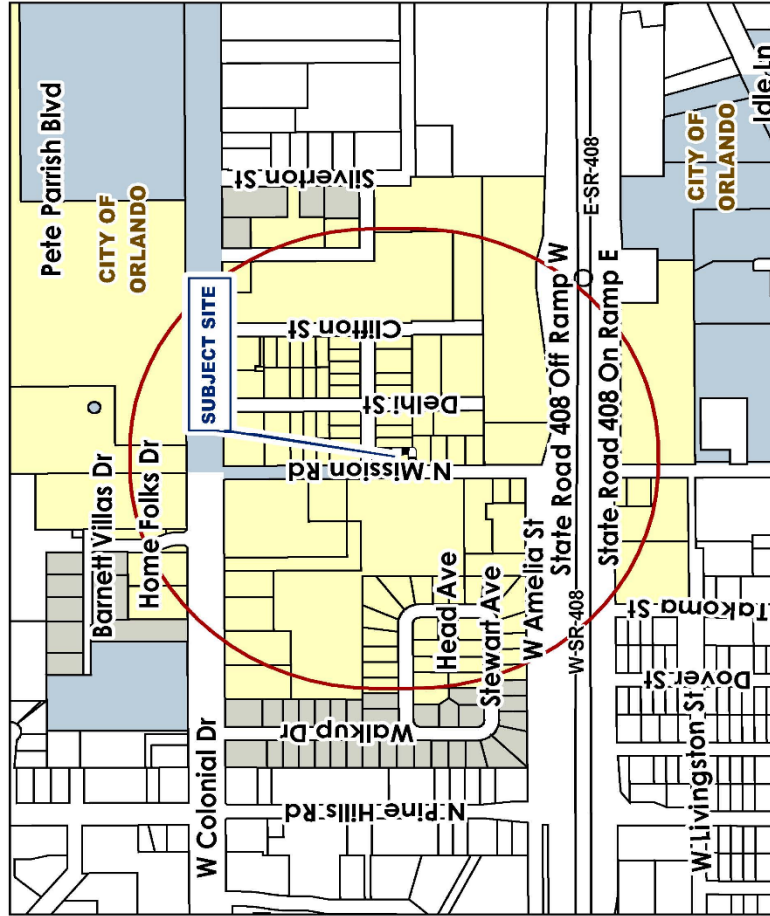
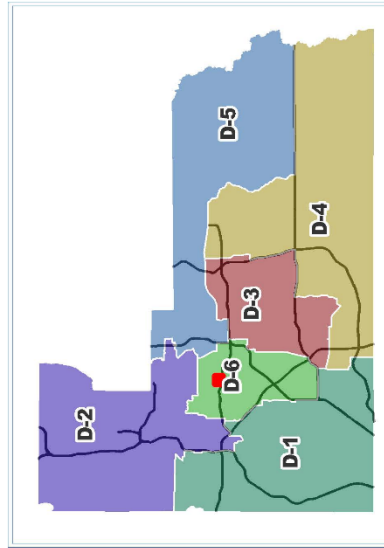


MAP LEGEND

SUBJECT_SITE
 1000 FT BUFFER
 PARCELS
 NOTIFIED_PARCELS

COURTESY PARCELS

BUFFER DISTANCE: 1000
 # OF NOTICES: 181



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CASE # RZ-24-06-039

Commission District: #6

GENERAL INFORMATION

APPLICANT: George D. Dennison II Esq.

OWNER: Encore Building Group LLC

HEARING TYPE: Planning and Zoning Commission

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

LOCATION: 1039 37th Street; generally located east of S. Orange Blossom Trl, south of I-4, north of Holden Avenue, and west of S. Westmoreland Dr.

PARCEL ID NUMBER: 03-23-29-0182-97-140

SIZE / ACREAGE: 0.16- gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred ninety-six (196) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: One Single-Family Home

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

The subject property was platted in 1924 as a 50' wide lot and zoned R-1A (Single-Family Dwelling District) in 1957 prior to the implementation of the Orange County Comprehensive Plan. Today the lot is undeveloped. The current zoning designation of R-1A is consistent with the Future Land Use designation of Low Density Residential (LDR), but the lot does not meet minimum site and building requirements for the current zoning designation.

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to allow for the construction of one detached single-family dwelling unit on 0.16- gross acre. The subject property measures 50' wide and the lot area is 7,041sq ft. both of which do not meet the standards of R-1A but do comply with R-1.

The immediate area is developed with detached single-family residential units with a variety of zoning designations including Restricted R-1, R-1A, R-1AA, and Commercial zoning designations off S Orange Blossom Trail which is to the west of the subject property. The lots in the area range from 50 ft to 148 ft in lot width.

This property is within the Orange County service area. Wastewater is considered unavailable. Development on this property will be reliant on septic tanks for wastewater disposal. This property is subject to enhanced septic requirements.

Land Use Compatibility

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

Site Analysis

Rural Settlement

The subject property is not located 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). 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.

SITE DATA

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

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

Min. Lot Area: 5,000 sq. ft.

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

Building Setbacks

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

** 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

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

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

SPECIAL INFORMATION

Staff Comments

Environmental

Enhanced Septic/Sewer Requirement - This site is located within the Okeechobee Basin Management Action Plan (BMAP) Area, a Reasonable Assurance Plan (RAP) Area, or a Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and upland 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).

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. There is an increased likeliness for presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

Transportation / Access

The proposed use to allow one (1) single-family detached dwelling unit is a de minimis impact on 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.

Schools

One home is a de minimis impact.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: City of Orlando

Detailed Utility Information:

This property is within Orlando Utilities Commission Water Service Area.

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

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal. This property is subject to enhanced septic requirements.

This property is within City of Orlando 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 – June 20, 2024

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

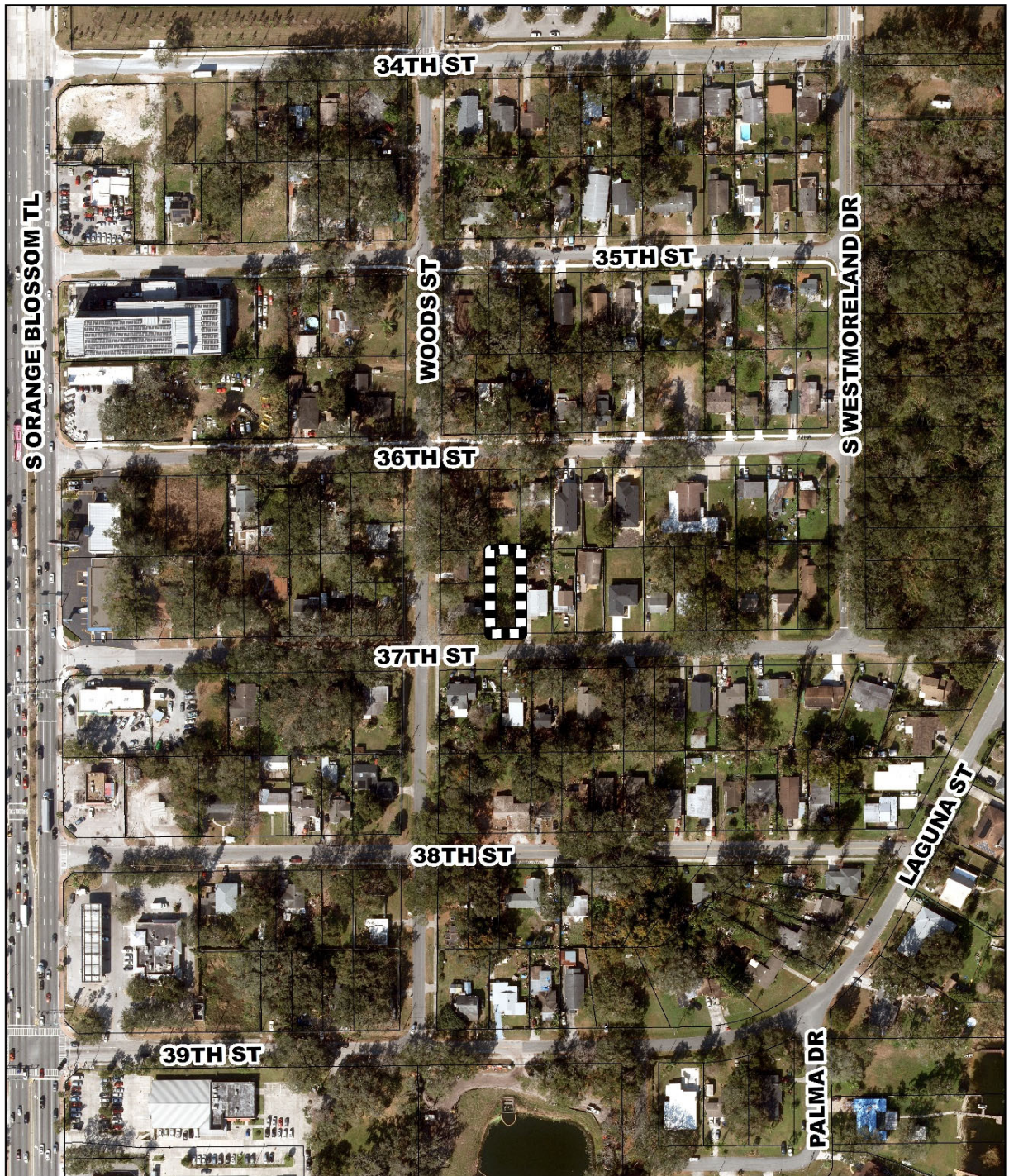
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present for the hearing and agreed with staff's recommendation.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

Staff indicated that one hundred ninety-six (196) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

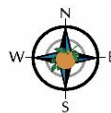
After some quick remarks regarding the enhanced septic requirement and the technical nature of this request, a motion was made by Commissioner Evans and seconded by Commissioner Wiggins to recommend approval of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 6-0 vote.

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

RZ-24-06-039



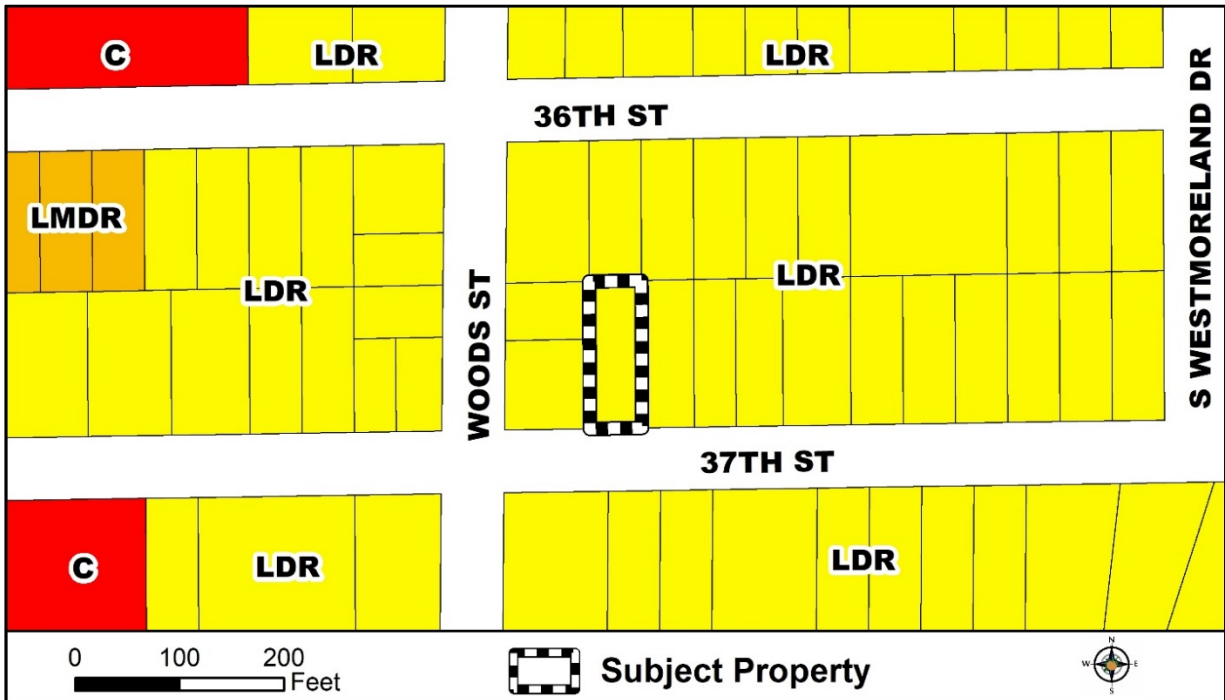
 Subject Property



0 100 200
Feet

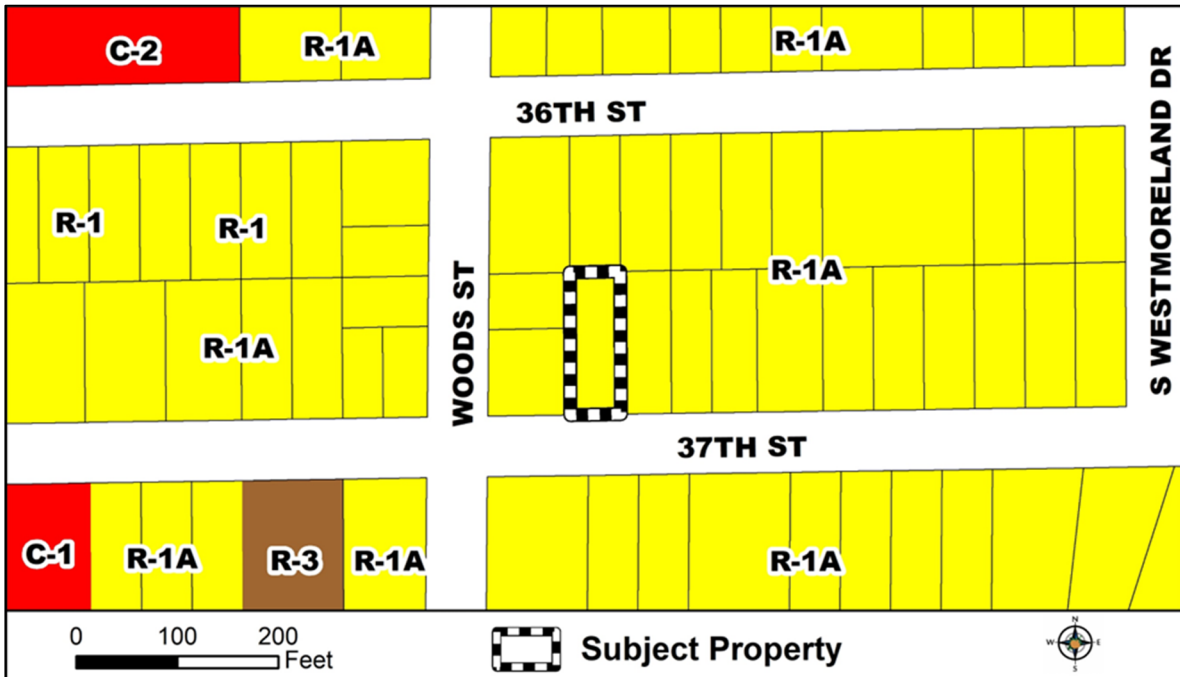
FUTURE LAND USE – CURRENT

Low Density Residential (LDR)



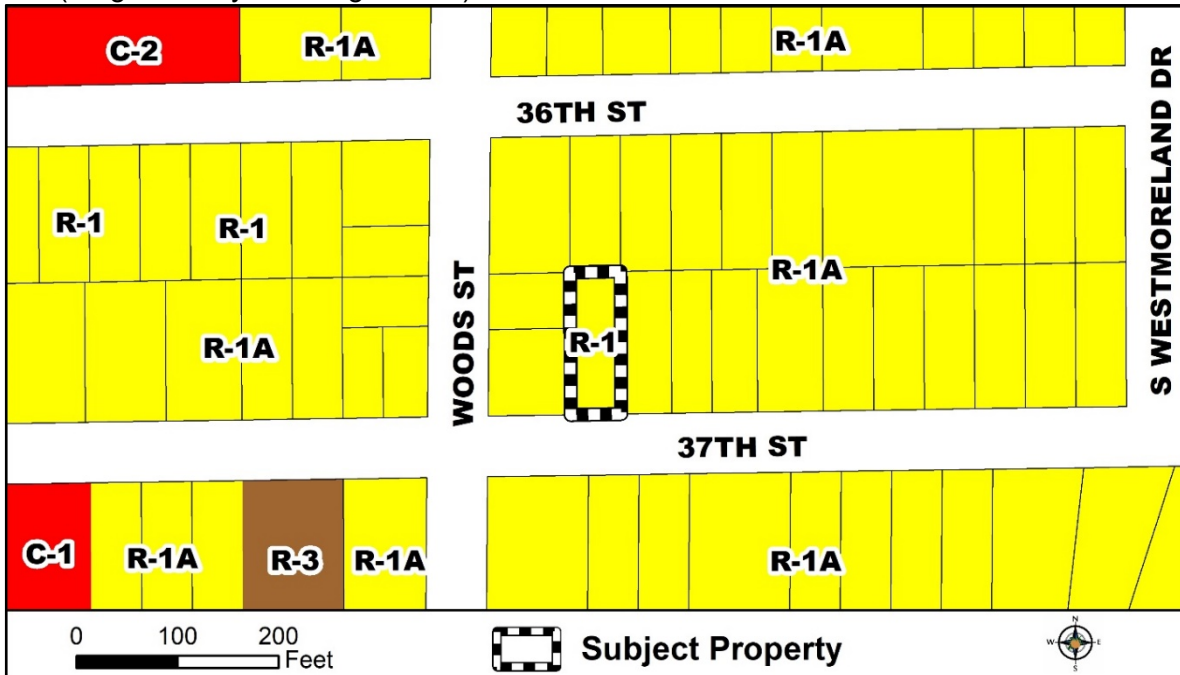
ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

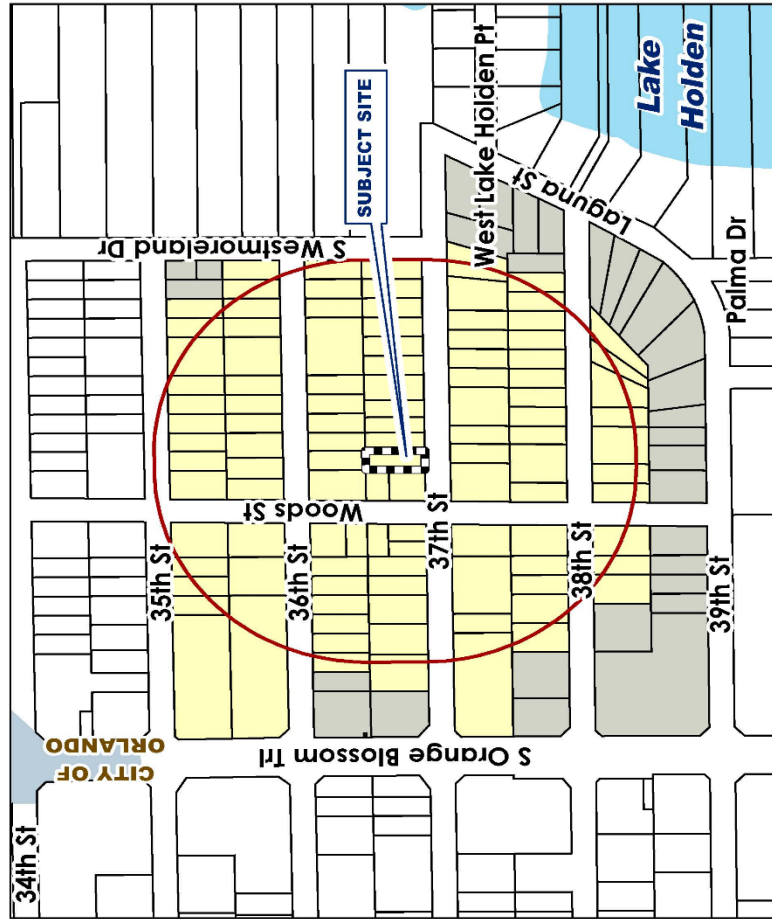
R-1 (Single-Family Dwelling District)



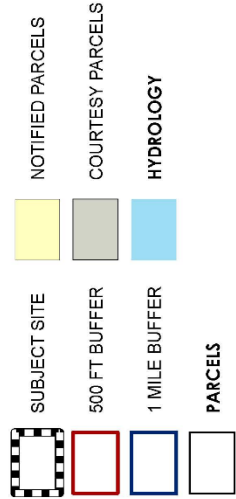


Public Notification Map

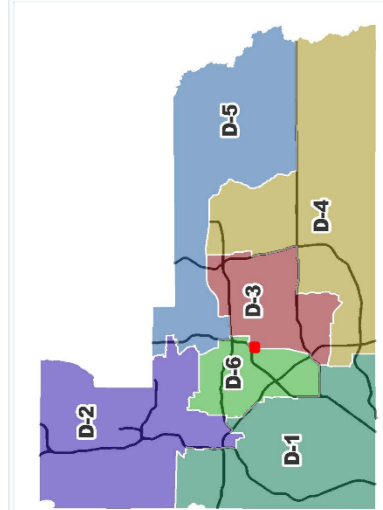
RZ-24-06-039



MAP LEGEND



BUFFER DISTANCE: 500
OF NOTICES: 196



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CASE # RZ-24-06-040

Commission District: #6

GENERAL INFORMATION

APPLICANT: Craig Gustav Hackebeil

OWNER: Dimecenca, Inc.

HEARING TYPE: Planning and Zoning Commission

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

LOCATION: 1419 36th Street; generally located on the northeast corner of S. Rio Grande Ave and 36th St, south of 35th St, west of S. Nashville Avenue.

PARCEL ID NUMBER: 03-23-29-0182-93-130

SIZE / ACREAGE: 0.46- 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 (240) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: Three Single-Family Homes

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

The subject property containing 0.46-gross acres was platted in 1924 as Lots 13, 14 and 15 of the Angebilt Land Company Incorporated. Lots 13, 14 and 15 each measure 50 feet in width. The applicant intends to split the lot to build a new house and keep the existing structures on lots 14 and 15. The current zoning district of R-1A requires 75 feet wide lots whereas the requested R-1 district only requires 50 feet wide lots. The area can be characterized as a mixture of lots ranging from 50 feet wide to 96 feet wide.

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. On December 14, 2021, the Board of County Commissioners approved an amendment to Comprehensive Plan Policy FLU8.1.1 which allows for a property with historical underlying platted lots to revert to those underlying platted lots so long as the zoning district standards are met without the need for a FLUM designation increase to address the density issue. In this case, because the property meets the requirements of this policy, a FLUM amendment is not necessary, however a rezoning is required in order to meet the R-1 zoning district standards.

Wastewater connection is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal. Since the property is located within a BMAP area, advanced septic tank criteria applies.

Land Use Compatibility

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

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR (Low Density Residential). 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.

SITE DATA

Existing Use	Single-Family Residence
Adjacent Zoning	N: R-1 (Single-Family Dwelling District) 2007 R-1A (Single-Family Dwelling District) 1957 E: R-1A (Single-Family Dwelling District) 1957 W: R-1A (Single-Family Dwelling District) 1957 S: R-1A (Single-Family Dwelling District) 1957
Adjacent Land Uses	N: Single-Family Residence E: Single-Family Residence W: Single-Family Residence S: Single-Family Residence

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

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

Building Setbacks

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

Intent, Purpose, and Uses

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

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

SPECIAL INFORMATION

Staff Comments

Environmental

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. For OSDS with central water, reference OC Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal, Section 37-538. 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.

Enhanced Septic/Sewer Requirement - This site is located within the Lake Okeechobee Basin Management Action Plan (BMAP) Area, a Reasonable Assurance Plan (RAP) Area, or a Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

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

The proposed use to allow a single family residence is a de minimis impact on 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.

Schools

Three homes is a de minimis impact.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: City of Orlando

Detailed Utility Information:

This property is within the Orlando Utilities Commission Water Service Area.

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

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

This property is within the City of Orlando 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 – June 20, 2024

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

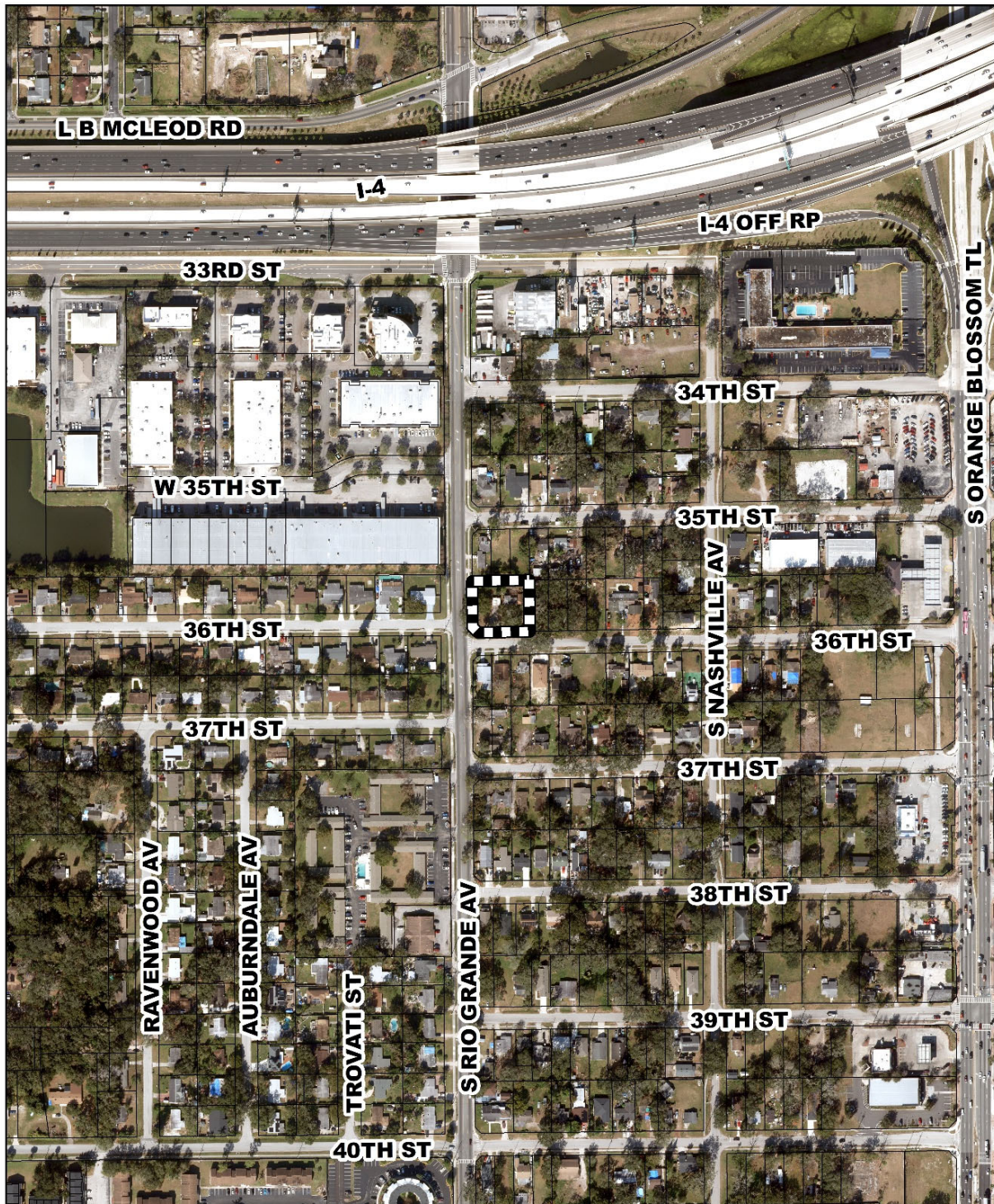
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present for the hearing and agreed with the staff's recommendation.

Staff indicated that one hundred fifty-two (240) notices were sent to property owners and residents extending 500 feet surrounding the property, and that staff had not received any commentaries regarding this request.

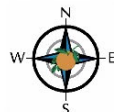
A short discussion ensued regarding quantity of lots permitted and proposed by the applicant. A motion was made by Commissioner Evans and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 6-0 vote.

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

RZ-24-06-040



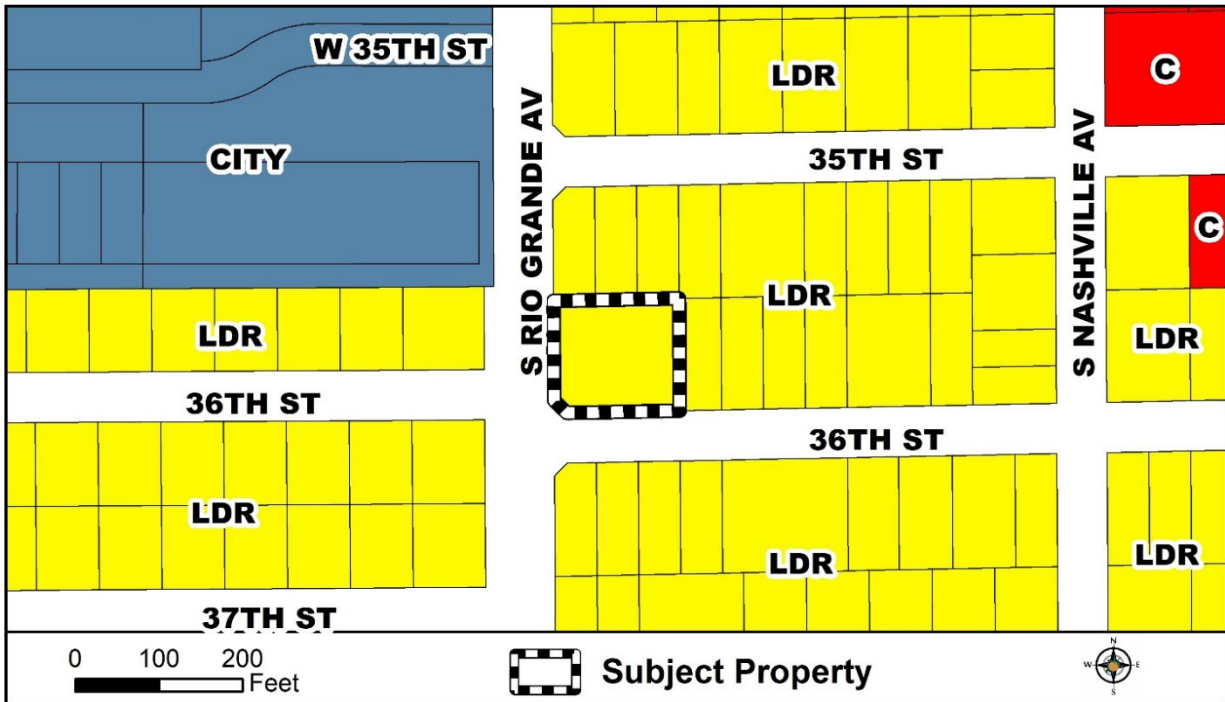
 Subject Property



0 200 400
Feet

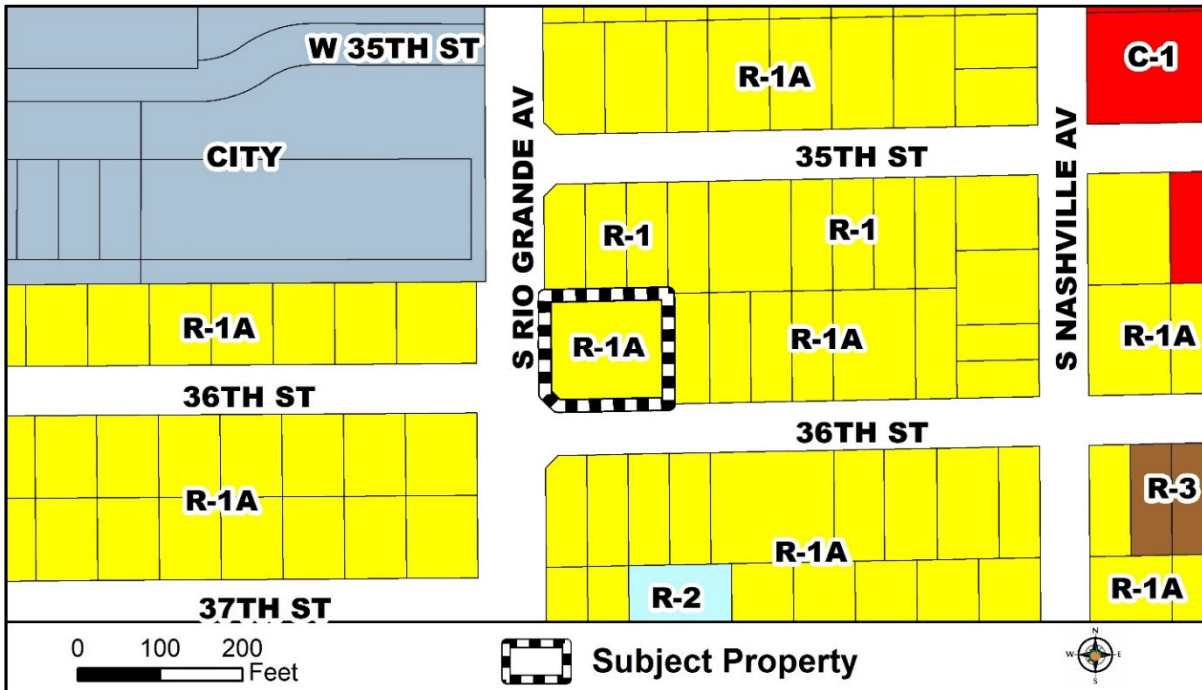
FUTURE LAND USE – CURRENT

Low Density Residential (LDR)



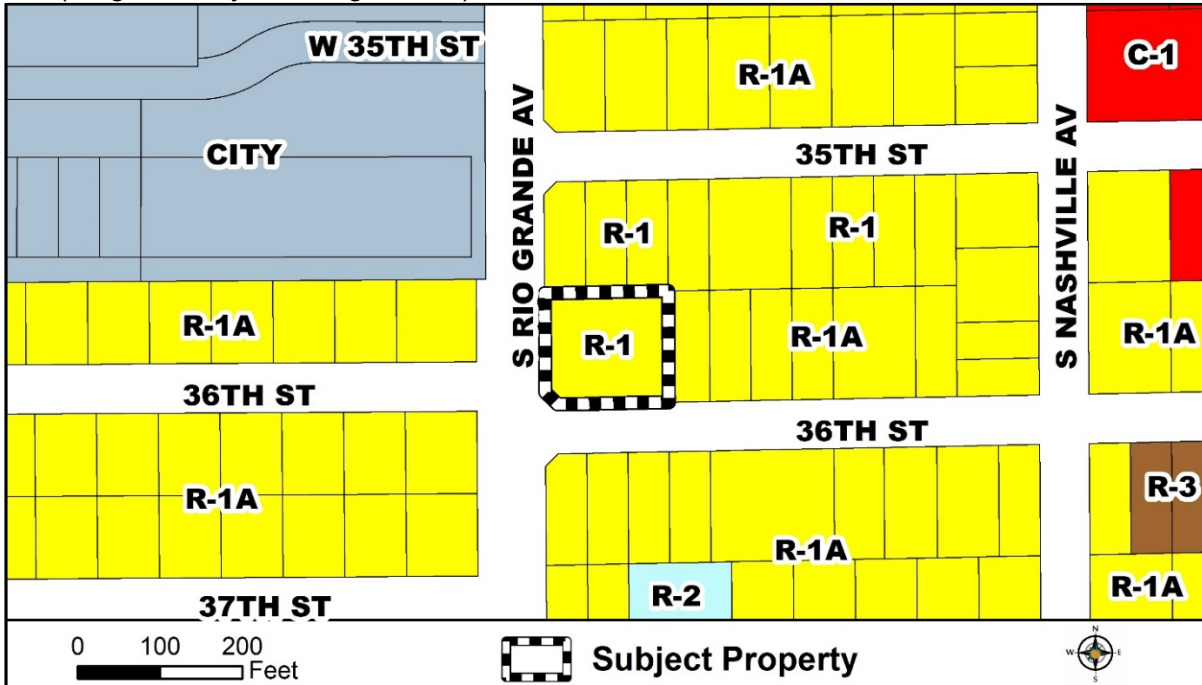
ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

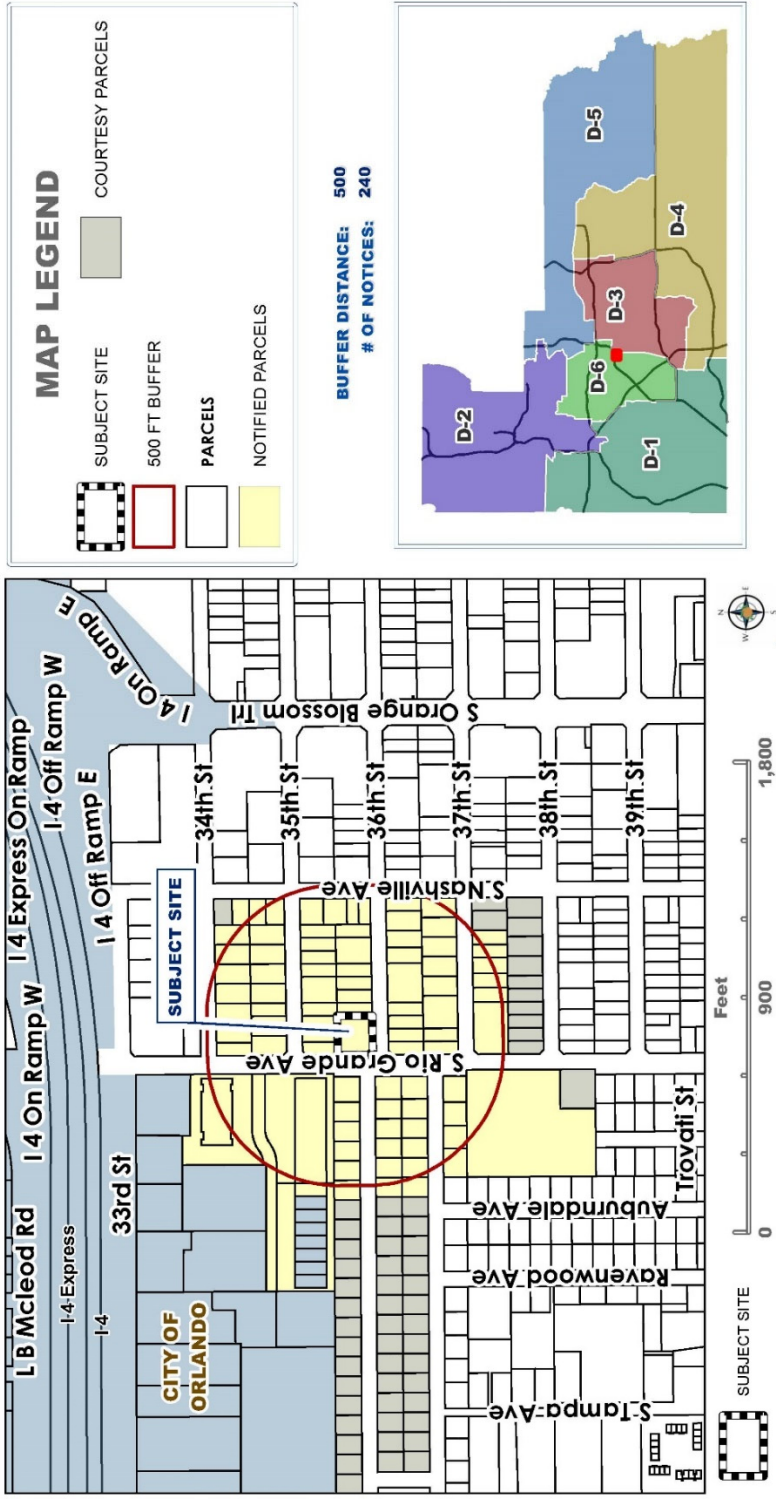
R-1 (Single-Family Dwelling District)





Public Notification Map

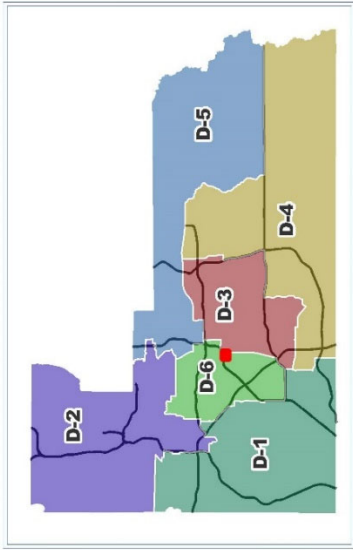
RZ-24-06-040



MAP LEGEND

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

BUFFER DISTANCE: 500
OF NOTICES: 240



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CASE # RZ-24-06-041

Commission District: #2

GENERAL INFORMATION

APPLICANT: Adrian Garcia

OWNER: Jesus Garcia

HEARING TYPE: Planning and Zoning Commission

REQUEST: **R-T-1** (Mobile Home Subdivision District) **to**
R-2 (Residential District)

LOCATION: 34 Prosper Dr; generally located north of E Semoran Blvd, west of S. Lake Pleasant Rd, south of Votaw Rd, and east of S. Thompson Rd.

PARCEL ID NUMBER: 11-21-28-2840-00-340

SIZE / ACREAGE: 0.34-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred sixty-five (165) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: Duplex

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property was platted as a 108 ft. wide lot in 1957 and zoned R-T-1 in 1972, prior to the implementation of the Orange County Comprehensive Plan. Today the lot is vacant. The current zoning designation of R-T-1 is consistent with the Future Land Use designation of Low-Medium Density Residential (LMDR). The R-T-1 zoning designation is mainly intended for mobile homes and single-family dwelling units.

Through this request, the applicant is seeking to rezone the subject property from R-T-1 (Mobile Home Subdivision District) to R-2 (Residential District) to allow for the development of a duplex on 0.34- gross acre. The immediate area is developed with duplexes, mobile homes, and detached single-family homes. The surrounding area has zoning designations of R-T-1 and R-2.

This property is within the City of Apopka Joint Planning Area and the City had no comments on this request.

This property is within the City of Apopka service area, connection to water is required but wastewater is considered unavailable. This property will be reliant on septic and is subject to enhanced septic tank requirements.

Land Use Compatibility

The R-2 zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is located in the City of Apopka JPA. The City had no comments on this request.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LMDR. The proposed R-2 zoning is consistent with the LMDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental

features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

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

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

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

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

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

SITE DATA

Existing Use	Vacant Residential
Adjacent Zoning	N: R-T-1 (Mobile Home Subdivision District) 1972 E: R-T-1 (Mobile Home Subdivision District) 1972 W: R-T-1 (Mobile Home Subdivision District) 1972 S: R-2 (Residential District) 1957
Adjacent Land Uses	N: Single-Family Residential E: Manufactured Home W: Manufactured Home S: Duplex

R-2 Development Standards

One-Family Dwelling

Min. Lot Area: 4,500 sq. ft.

Min. Lot Width: 45 ft.
Max. Height: 35 ft.
Min. Living Area: 1,000 sq. ft.
Building Setbacks:
Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.
Side Street: 15 ft.

Two Dwelling Units

Min. Lot Area: 8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Width: 80 ft. / 90 ft.
Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. / 1,000 sq. ft.

Building Setbacks:
Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.
Side Street: 15 ft.

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.
Min. Lot Width: 85 ft. (attached units only)
Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. per dwelling unit

Building Setbacks:
Front: 20 ft.
Rear: 30 ft.
Side: 10 ft.
Side Street: 15 ft.

Four or More Dwelling Units

Min. Lot Area: 15,000 sq. ft.
Min. Lot Width: 85 ft.
Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. per dwelling unit

Building Setbacks:
Front: 20 ft.
Rear: 30 ft.
Side: 10 ft. (30 ft. where adjacent to single-family)
Side Street: 15 ft.

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

Intent, Purpose, and Uses

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

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 apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Wekiva Priority Focus Area and BMAP Enhanced Septic/Sewer Requirement - This site is located within the Wekiwa/Rock Springs and Wekiva River/Rock Springs Run/Little Wekiva Canal Basin Management Action Plan (BMAP) Areas and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

Within a BMAP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

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.

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

Transportation / Access

The rezoning from R-T-1 to R-2 to allow duplex is a de minimis impact on 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.

Schools

Two residential units is a de minimis impact.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: Apopka

Wastewater: Apopka

Reclaim Water: Apopka

Detailed Utility Information:

This property is within the City of Apopka Water, Wastewater, and Reclaimed Water Service Area.

This property is required to connect to City of Apopka Water. Reclaimed water and wastewater are considered unavailable. This property will be reliant on septic and is subject to enhanced septic tank requirements.

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 – June 20, 2024

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential 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-2 (Residential District) zoning. The applicant was present for the hearing and agreed with staff's recommendation. No speakers were present to speak during the public comment.

Staff indicated that one hundred sixty-five (165) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

A lengthy discussion ensued regarding the addressing of each unit of the duplex and clarification that the owner is planning to develop one duplex on the property, not two. Septic tanks were also discussed, the number of tanks and size was brought up, but this will be enforced by the Florida Department of Health. A motion was made by Commissioner Wiggins and seconded by Commissioner Evans to recommend approval of the requested R-2 (Residential District) zoning. The motion carried on a 6-0 vote.

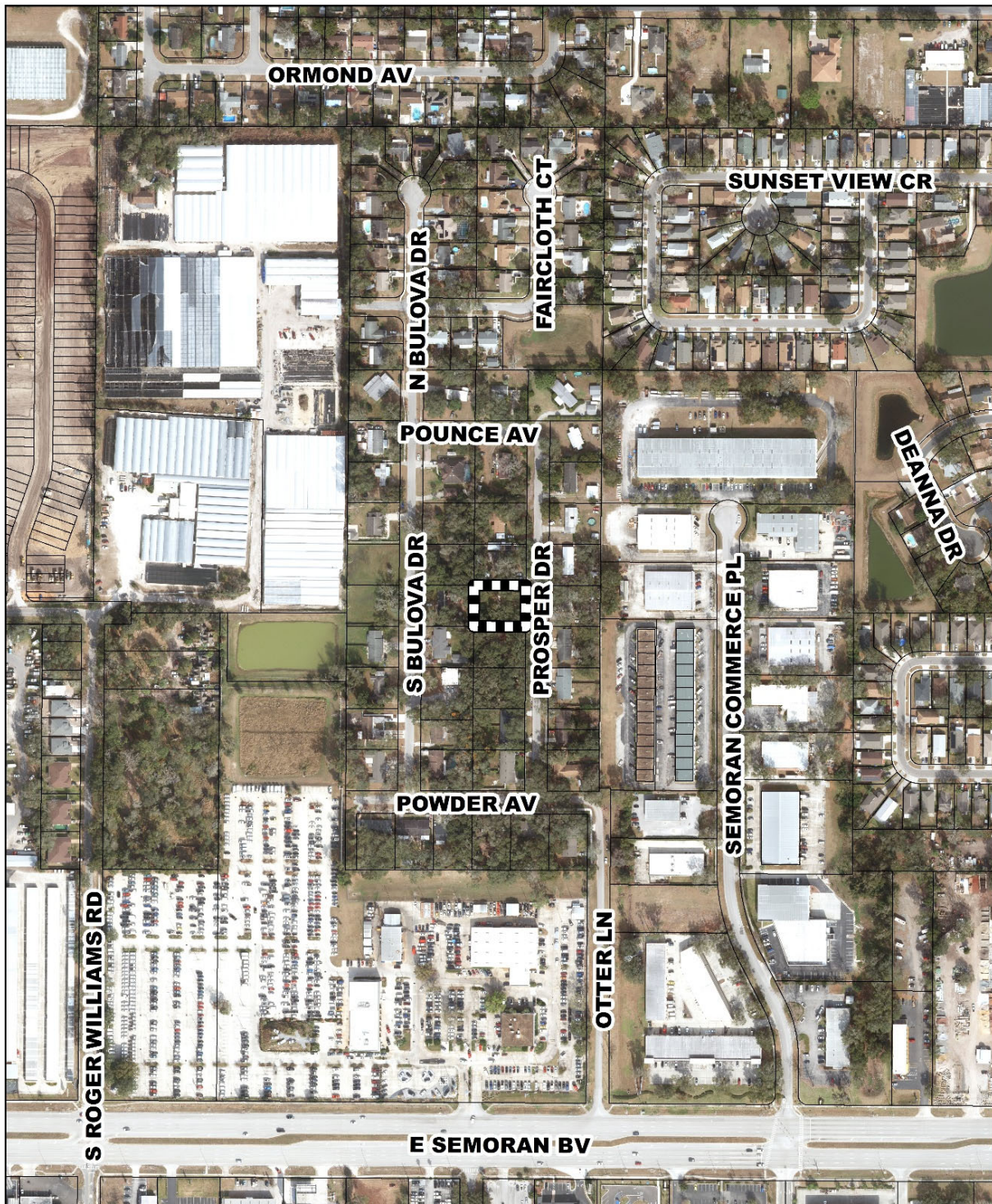
Motion / Second *George Wiggins / Camille Evans*

Voting in Favor *George Wiggins, Camille Evans, Gordon Spears, Nelson Pena, Eric Gray and Evelyn Cardenas*

Voting in Opposition *None*

Absent *Eddie Fernandez, David Boers and Michael Arrington*

RZ-24-06-041



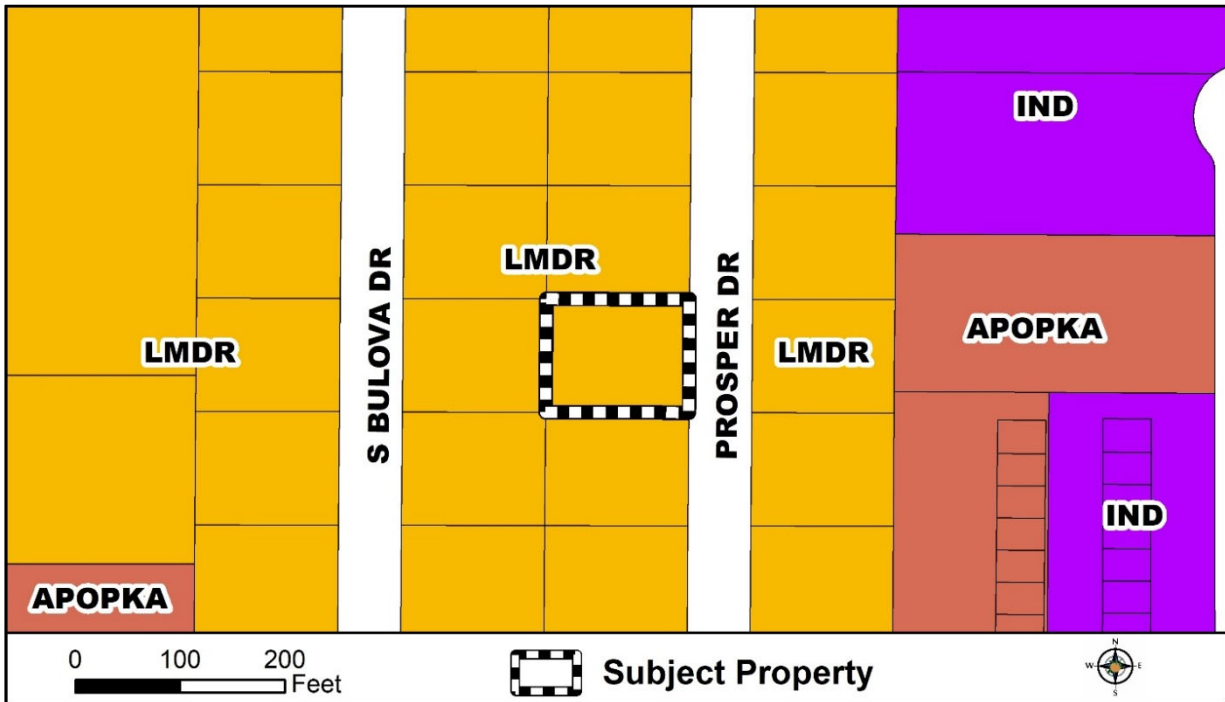
Subject Property



0 200 400
Feet

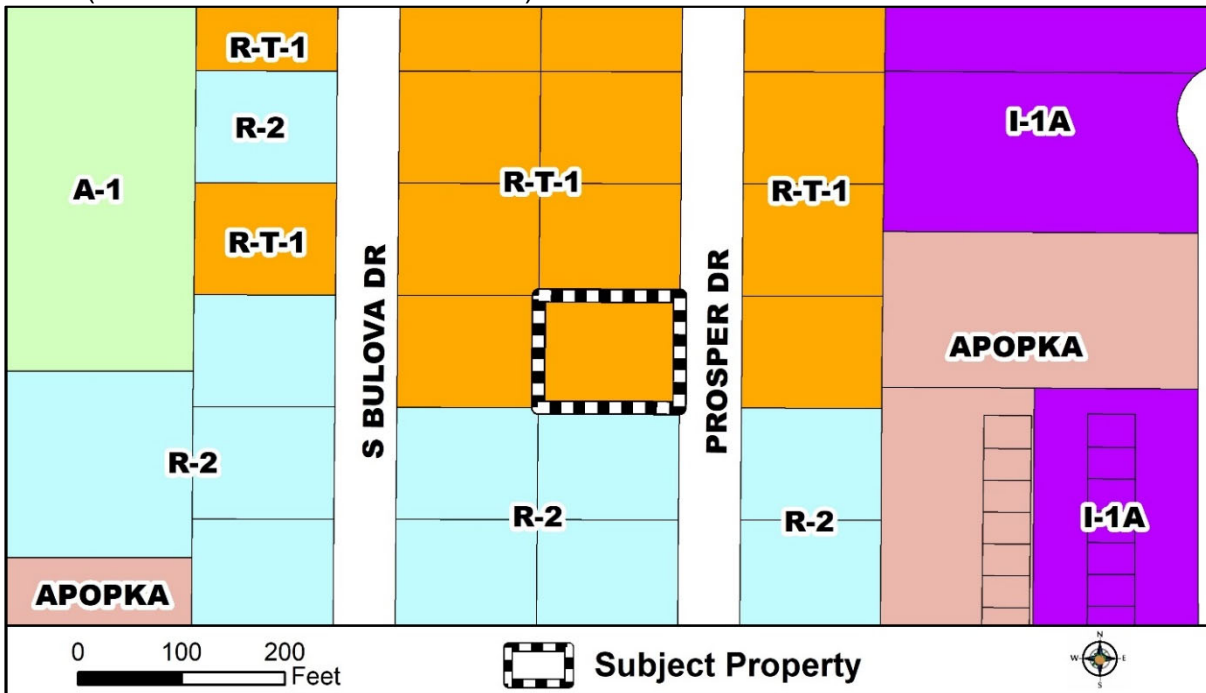
FUTURE LAND USE – CURRENT

Low-Medium Density Residential (LMDR)



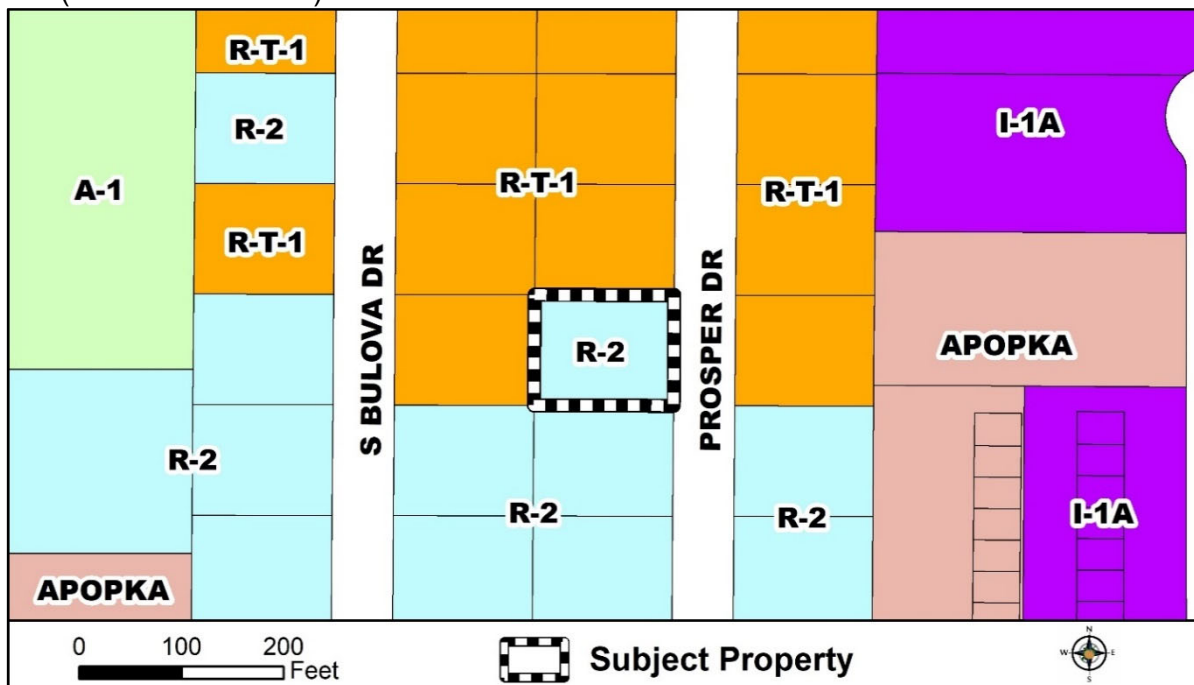
ZONING – CURRENT

R-T-1 (Mobile Home Subdivision District)



ZONING – PROPOSED

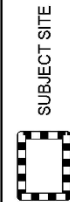
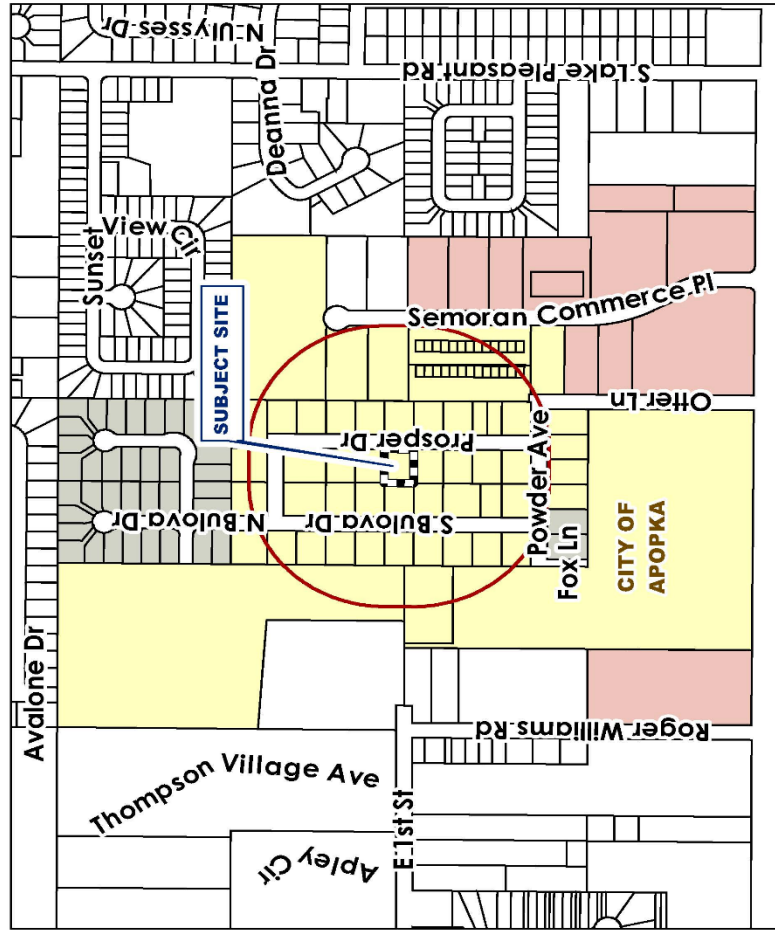
R-2 (Residential District)



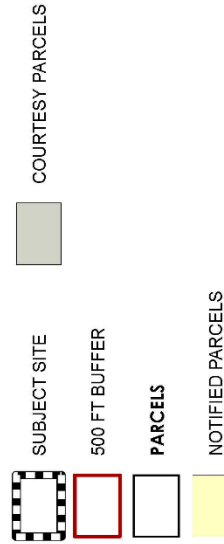


Public Notification Map

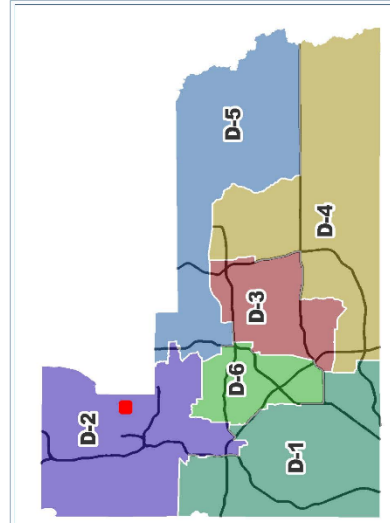
RZ-24-06-041



MAP LEGEND



BUFFER DISTANCE: 500
OF NOTICES: 165



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Case Planner:
Bari Snyder

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: June 20, 2024
