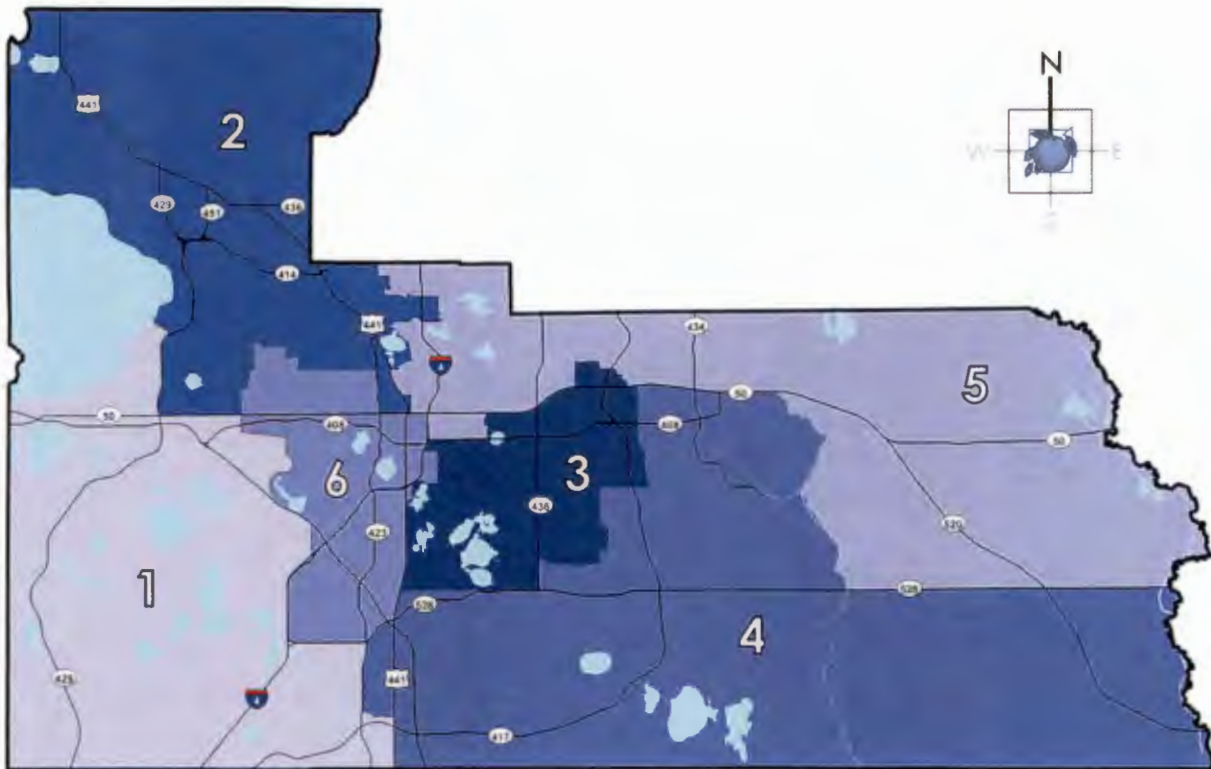




PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS


JANUARY 18, 2024



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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



David Boers	District #1
George Wiggins	District #2
Eddie Fernandez	District #3
Walter Pavon	District #4
J. Gordon Spears Vice Chairperson	District #5
Camille Evans	District #6
Michael Arrington	At Large
Evelyn Cardenas	At Large
Nelson Pena Chairman	At Large

TABLE OF CONTENTS
Planning and Zoning Commission
January 18, 2024

Table of Contents.....viii
Table of Hearings.....ix
Site and Building Requirements.....x
Buffer Yard Requirements.....xv

CONVENTIONAL & PLANNED DEVELOPMENT REZONING PUBLIC HEARINGS

RZ-23-05-035
District 1.....1

RZ-24-01-112
District 3.....12

RZ-24-01-121
District 3.....23

RZ-24-01-124
District 3.....34

RZ-24-01-125
District 6.....35

RZ-24-01-126
District2.....46

TABLE OF HEARINGS
Planning and Zoning Commission
January 18, 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-23-05-035 Joseph William	R-CE-C Restricted to R-CE Restricted	1	Approval w/ two (2) restrictions	Approval w/ two (2) restrictions	No
RZ-24-01-112 Martha Flores	<i>A-2 to R-1</i>	3	Approval	Approval	No
RZ-24-01-121 Jeanne Reed	R-1A to R-2 <i>w/ Lot Width Variance</i>	3	Approval	Approval	No
RZ-24-01-124 Maria Canale	R-1A to R-2	3	Postpone	Postpone	No
RZ-24-01-125 Malcolm Jones	R-2 & C-1 to C-1 Restricted	6	Approval with two (2) restrictions	Approval with two (2) restrictions	No
RZ-24-01-126 Jonathan Lam	R-3 to R-1	2	Approval	Approval	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

38-1501 – Basic Site and Principal Building Requirements											
District	Min. Lot	Min.	Min.	^A Min.	^A Min.	^A Min.	^A Min.	Max.	NHWE	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.)	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
A-1	SFR 21,780 (1/2 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 (1/2 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)	<u>950</u>	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 (1/2 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	35/35 ^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	5/6 ^H	15	35	50 ^A	L	38-481

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^a Min.	^a Min.	^a Min.	^a Min.	Max.	NHWE	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.)	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
	Two dwelling units, 8,000/9,000	500 / 1,000 per dwelling unit ^D	80 / 90 ^D	20/25 ^H	25/20 ^H	R-2	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
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	50	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

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	*Min.	*Min.	*Min.	*Min.	Max.	NHWE	Max.	Additional Standards
	Area ^{sq}	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.)	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
	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
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

38-1501 – Basic Site and Principal Building Requirements

District	Min. Lot	Min.	Min.	^A Min.	^A Min.	^A Min.	^A Min.	Max.	NHWE	Max.	Additional Standards
	Area ^M	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.)	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
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 ^N	25 ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-907
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-2/1-3	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	

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.

J. Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.

K. Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.

L. Subject to the Future Land Use designation.

M. Developable land area.

N. Rear yards and side yards may be reduced to zero (0) when the rear or side property lines abut 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.

O. 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.

P. Rear yards and side yards may be reduced to zero when the rear or side property lines abut 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. The maximum height of any structure shall be two (2) stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one (1) story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district.

Q. 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.

R. 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.

S. 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-23-05-035

Commission District: #1

GENERAL INFORMATION

APPLICANT: William Joseph, W. Joseph Properties, Inc.

OWNER: Tonya Marie Strickland

HEARING TYPE: Planning and Zoning Commission

REQUEST: **R-CE-C Restricted** (Country Estate District - Cluster) **to**
R-CE Restricted (Country Estate District)

LOCATION: 9975 8th Street; generally located on the north side of 8th street, west of Hempel Ave, and south of Florida Turnpike.

PARCEL ID NUMBER: 33-22-28-3104-01-170

SIZE/ ACREAGE: 11.33-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 seventy-five (275) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: An in-person community meeting was held on January 16, 2024, and is summarized further in this report.

PROPOSED USE: Four single-family dwelling units, pending lot split approval

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-CE Restricted (Country Estate District) zoning, subject to the following restrictions:

- 1) Development shall be limited to four single-family lots; and
- 2) The minimum house size shall be 2,500 square feet under heat and air.

SUBJECT PROPERTY ANALYSIS

Overview

The BCC approved a rezoning of this parcel in 2006 (RZ-05-12-158), from R-CE (Country Estate District) to R-CE-C (Country Estate -Cluster District), with the following restrictions:

1. The development shall comply with the cluster plan submitted with this request, dated "Received April 6, 2006", with the exceptions to items mentioned in this report or as may be modified to be in compliance with Orange County Code in future revisions.
2. The minimum house size shall be 2,500 sq ft under heat and air.
3. The development is subject to a maximum of 8 lots.
4. The 2 lots along 8th St and all of the lots abutting the eastern property line shall be 1-acre lots and the homes on the 2 lots abutting 8th St shall be oriented towards 8th St.

The cluster plan mentioned in restriction #1 never came to fruition.

Through this request the applicant intends to split the parcel into four (4) lots, in order to develop three (3) 1-acre minimum single-family dwellings (The R-CE District requires minimum 1-acre lots). The fourth lot will consist of the existing principal structure. The proposed development is less intensive in density than the previous 2006 proposal of 8 lots.

Any lot split for greater than 3 lots will need to be reviewed by Zoning staff and then appealed to the Development Review Committee (DRC). Otherwise, if the DRC denies the 4-lot split, a Preliminary Subdivision Plan (PSP) would be required.

The subject parcel is located within the Gotha Rural Settlement. Per Orange County Comprehensive Plan, Rural Settlements provide a rural residential lifestyle while preserving existing development patterns. The subject property is 11.33-gross acres with 10.96 upland acreage. The R-CE zoning district requires a min of 1-acre lots with a minimum living area of 1,500 sq ft. The proposed development meets the intentions of the rural settlement and surrounding development patterns. The surrounding area consists of single-family homes on lot sizes ranging from 75' to 150' on at least ½ acre of land area.

The property will be reliant on septic tanks for wastewater disposal. The property is within a BMAP area and therefore advanced septic criteria applies.

Land Use Compatibility

The R-CE Restricted (Country Estate 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 located in the Gotha 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 RS 1/1, and a small portion is designated Institutional (INST). The RS 1/1 allows for one dwelling unit per 1 net developable acre. The small portion designated institutional is consistent with all zoning districts.

The proposed R-CE Restricted (Country Estate District) zoning is consistent with these FLUM designations, 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.

FLU6.2.2 states Every effort shall be made to preserve the existing character of the Christmas, Clarcona, Gotha, Tangerine, and Zellwood Rural Settlements as part of Orange County's heritage and historic preservation.

FLU6.2.6 states The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in the Future Land Use Element Policy FLU1.1.2(B).

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.

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	Residential
Adjacent Zoning	N: Florida Turnpike E: R-CE (Country Estate District) (1981) W: Railroad Easement and Windermere Chase PD (Planned Development) (1997) S: R-CE (Country Estate District) (1981)
Adjacent Land Uses	N: Florida Turnpike E: Single-Family Dwellings W: Single-Family Dwellings S: Single-Family Dwellings

R-CE (Country Estate District) Development Standards:

Min. Lot Area:	43,560 sq. ft.(1 acre)
Min. Lot Width:	130 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,500 sq. ft.

Building Setbacks

Front:	35 ft.
Rear:	50 ft.
Side:	10 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 purpose of the Country Estate District is to establish areas where very low residential densities may be maintained and where investment in homes will be protected from the adverse effects sometimes found in agricultural districts. This district is primarily residential. However, certain uses found only in agricultural districts may be permitted as special exceptions.

SPECIAL INFORMATION

Staff Comments

Environmental

CAD Complete - An Orange County Conservation Area Determination CAD-23-08-1130 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 11/13/2023. The CAD identified 0.15 acres of Class III Wetlands and 0.22 acres of Class III surface waters within the subject property boundaries.

CAI Expired / No Clearing - An Orange County Conservation Area impact Permit CAI 06-080 expired in 2011. 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.

Enhanced Septic/Sewer Requirement - This site is located within the Wekiwa Springs & Rock Springs and the Wekiva River, Rock Springs Run, & Little Wekiva Canal 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.

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.

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).

Potential Soil/Groundwater Contamination - Due to the site's prior agricultural use, there is potential for contamination to be located within the property boundaries. EPD may request a Phase I Environmental Site Assessment (ESA) to be submitted prior to any plan or permit approvals.

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

Based on the Concurrency Management database (CMS) dated 4/18/2023, there are multiple failing roadway segments within the project's impact. This information is dated and subject to change. Prior to building permit approval, a Concurrency Application through the Concurrency Management office will be required.

Schools

Four homes is de minimis.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was held on January 16, 2024, with four residents in attendance who were in support of the 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.

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: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.*

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

*The property is within a BMAP area and therefore advanced septic criteria applies.

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 – January 18, 2024

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-CE Restricted (Country Estate District) zoning, subject to the following restrictions:

- 1) Development shall be limited to four single-family lots; and
- 2) The minimum house size shall be 2,500 square feet under heat and air.

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-CE Restricted (Country Estate District) zoning, subject to two restrictions. The applicant was present and agreed with the staff recommendation. No member of the public appeared during public comment of the request.

Staff indicated that two hundred seventy-five (275) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) response in favor, and zero (0) response in opposition of the request.

After a brief discussion regarding the proposed use and the previous cluster plan, a motion was made by Commissioner Boers, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-CE Restricted (Country Estate District) zoning subject to two conditions. The motion carried unanimously.

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

RZ-23-05-035



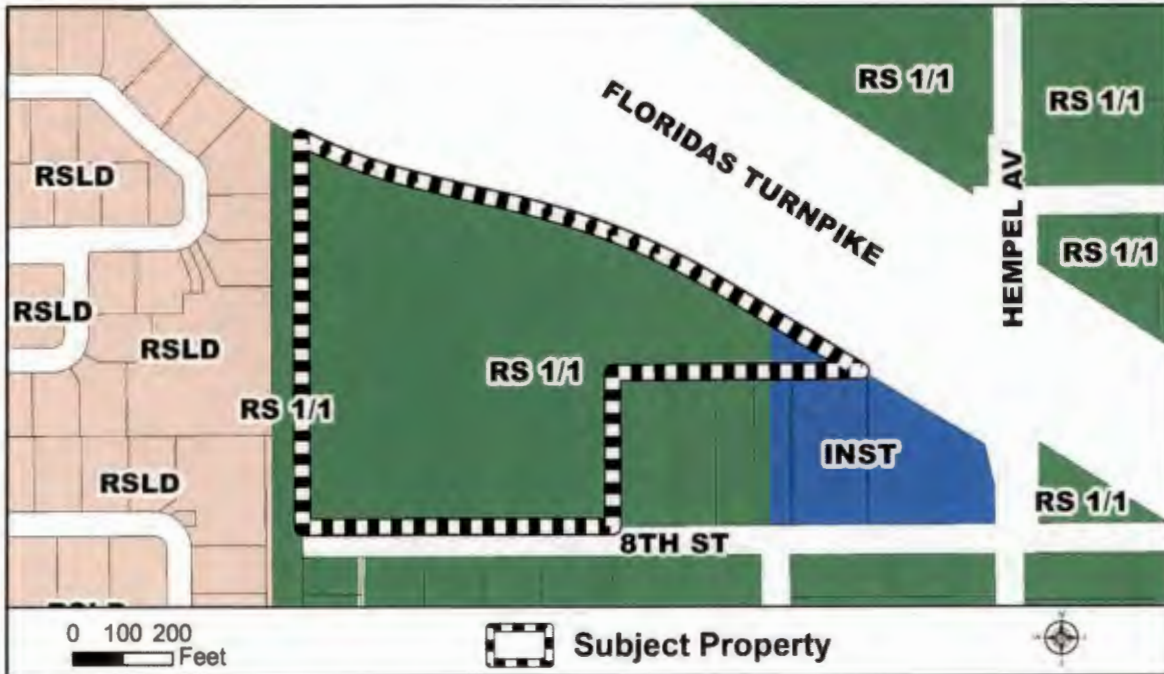
 Subject Property



0 400 800 Feet

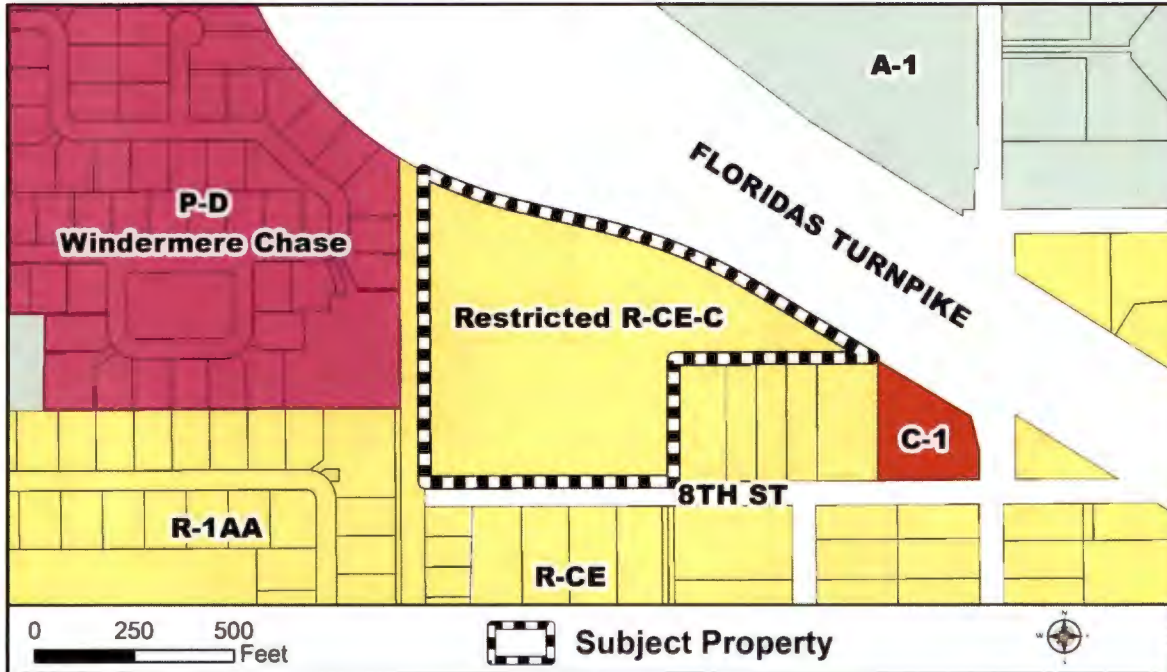
FUTURE LAND USE – CURRENT

RS 1/1 (Rural Settlement 1/1), INST (Institutional) (portion of)



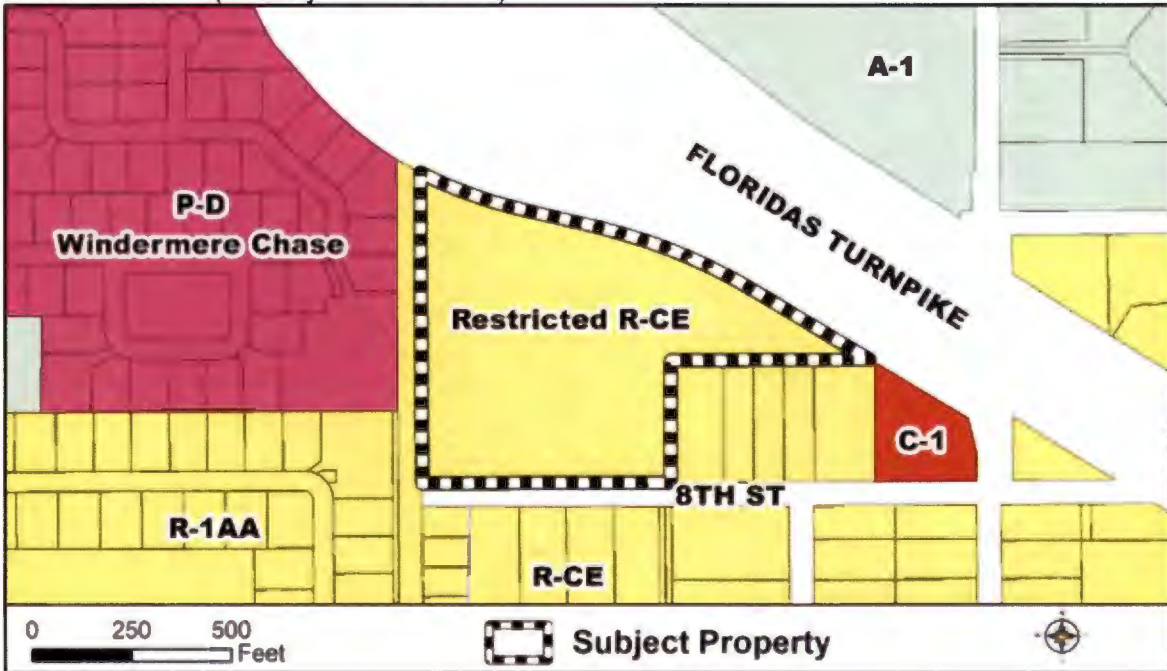
ZONING – CURRENT

R-CE-C Restricted (Country Estate District - Cluster)

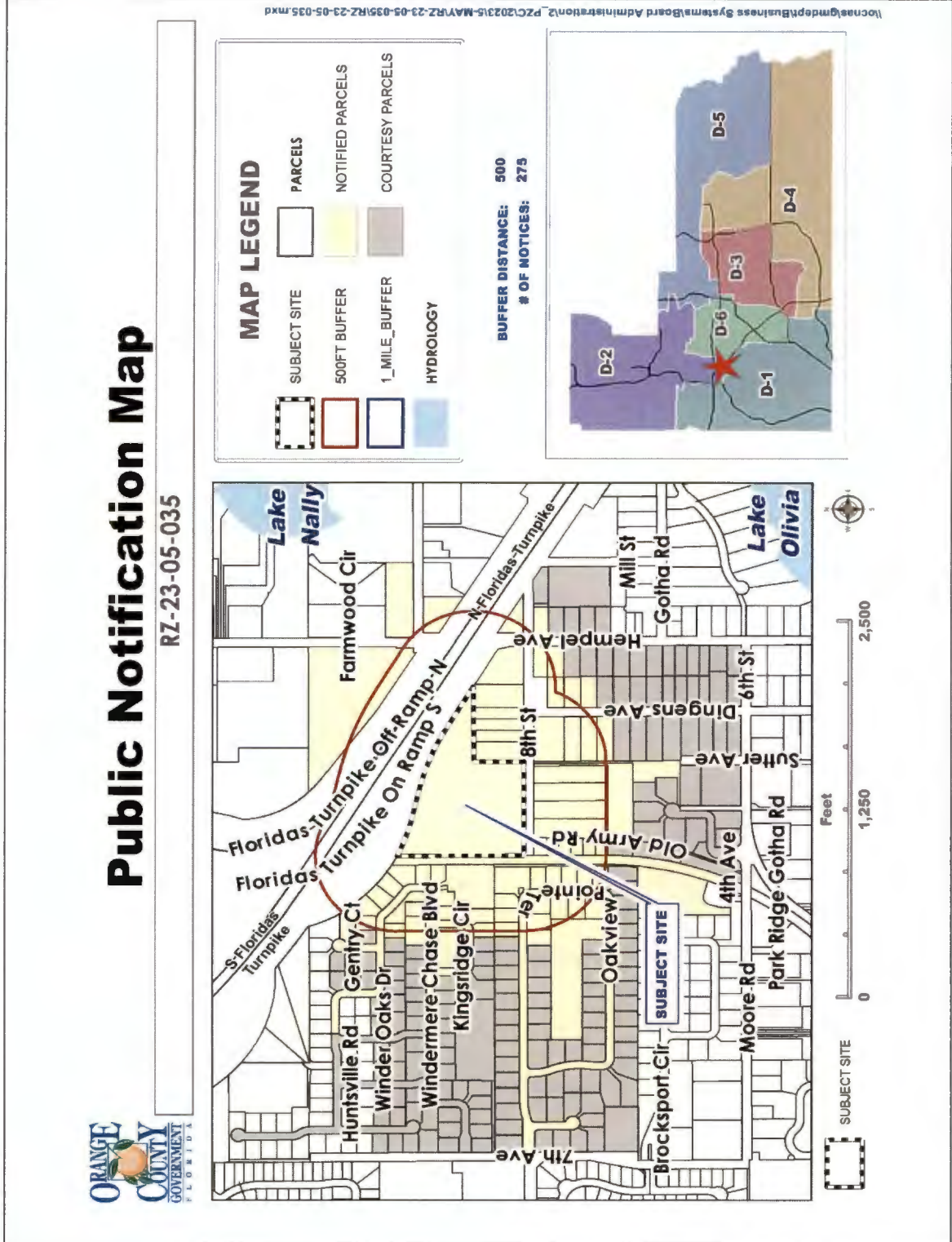


ZONING – PROPOSED

R-CE Restricted (Country Estate District)



NOTIFICATION MAP



CASE # RZ-24-01-112

Commission District: #3

GENERAL INFORMATION

APPLICANT: Martha E. Flores

OWNER: Martha E. Flores

HEARING TYPE: Planning and Zoning Commission

REQUEST: **A-2** (Farmland Rural District) **to**
R-1 (Single-Family Dwelling District)

LOCATION: 1519 Selma Ave; generally located south of E Colonial Dr, west of N Econlockhatchee Trl., and north of Millknockett Ln.

PARCEL ID NUMBER: 19-22-31-2872-04-040

SIZE/ ACREAGE: 0.15-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 forty-seven (147) 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 dwelling unit

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is requesting to rezone the subject property from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) in order to construct a single-family home on a 50-foot-wide lot. Today the land is undeveloped.

According to property records the parcel was platted as part of the Franklin Heights subdivision in 1956, as a 50-foot-wide lot. Development cannot occur as the A-2 zoning district requires a minimum of 100 ft lot width and ½ acre land area as well as setbacks that would limit developability of the property. The requested R-1 zoning district would allow the parcel to comply with the minimum 5,000-foot lot size and building setback requirements. The Future Land Use Map (FLUM) designation of Low-Medium Density Residential

(LMDR) is also inconsistent with the current zoning of A-2. The requested R-1 zoning would rectify the inconsistency.

The surrounding area is developed with single-family residential dwelling units attached and detached on lots predominantly 50 feet in width. The BCC approved a request to the south to rezone from A-2 to R-1 (2022). The surrounding area is also developed with commercial parcels located along the E. Colonial Drive and N. Econlockhatchee Trail corridors.

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

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 the 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-1 (Single-Family Dwelling District) zoning is consistent with the Low-Medium Density Residential (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	Undeveloped
Adjacent Zoning	N: A-2 (Farmland Rural District) 1957 E: C-3 (Wholesale Commercial District) 1966 W: A-2 (Farmland Rural District) 1957 S: A-2 (Farmland Rural District) 1957, R-1 (Single-Family Dwelling District) 2022
Adjacent Land Uses	N: Single-Family Residential E: Warehouse W: Single-Family Residential S: Single-Family Residential, Vacant 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

The R-1 (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

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

SPECIAL INFORMATION

Staff Comments

Environmental

Enhanced Septic/Sewer Requirement - This site is located within the Bacteria Pollution Control Plan for The Little Econlockhatchee River 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.

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.

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. The applicant shall comply with the Florida Fish & Wildlife Conservation

Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

Proximity to FDEP Cleanup Site - Proximity to parcels with known FDEP cleanup sites associated with the Tri-Tech located adjacent to the East. 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

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

A single-family residence is a de minimis impact on the roadways.

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: 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 – January 18, 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 and agreed with the staff recommendation. No members of the public appeared during public comment of the request.

Staff indicated that one hundred forty-seven (147) notices were sent to property owners and residents extending beyond 700 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 connection to wastewater utilities, 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 unanimously.

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

RZ-24-01-112

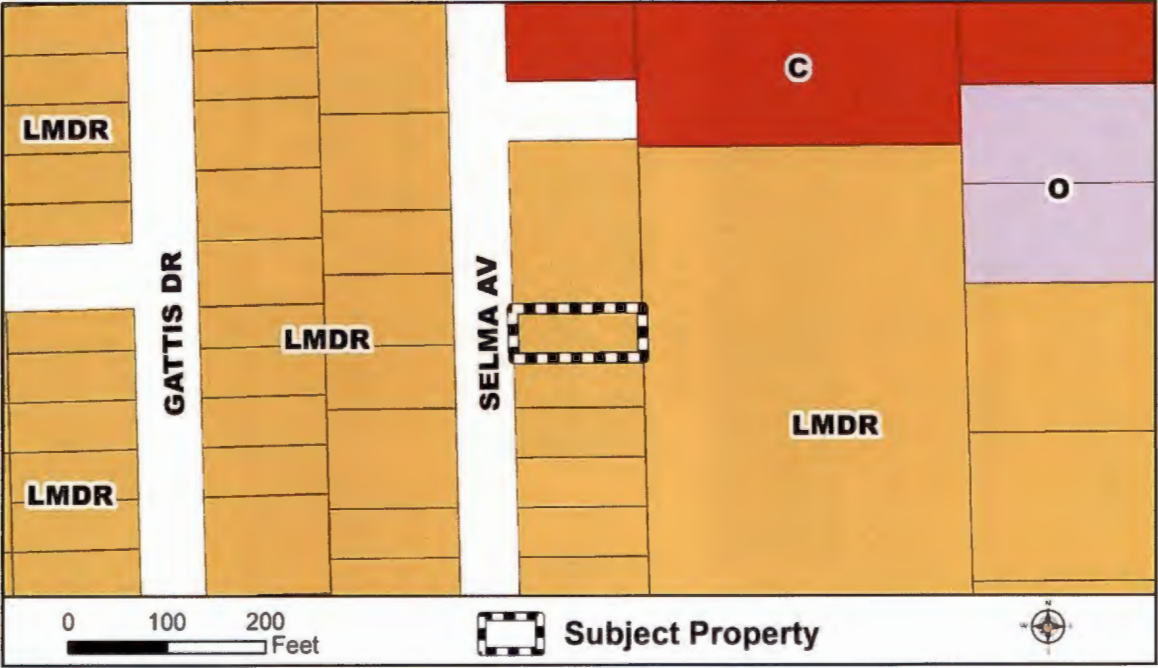


 Subject Property



0 100 200 Feet

FUTURE LAND USE – CURRENT
Low-Medium Density Residential (LMDR)



ZONING – CURRENT

A-2 (Farmland Rural District)

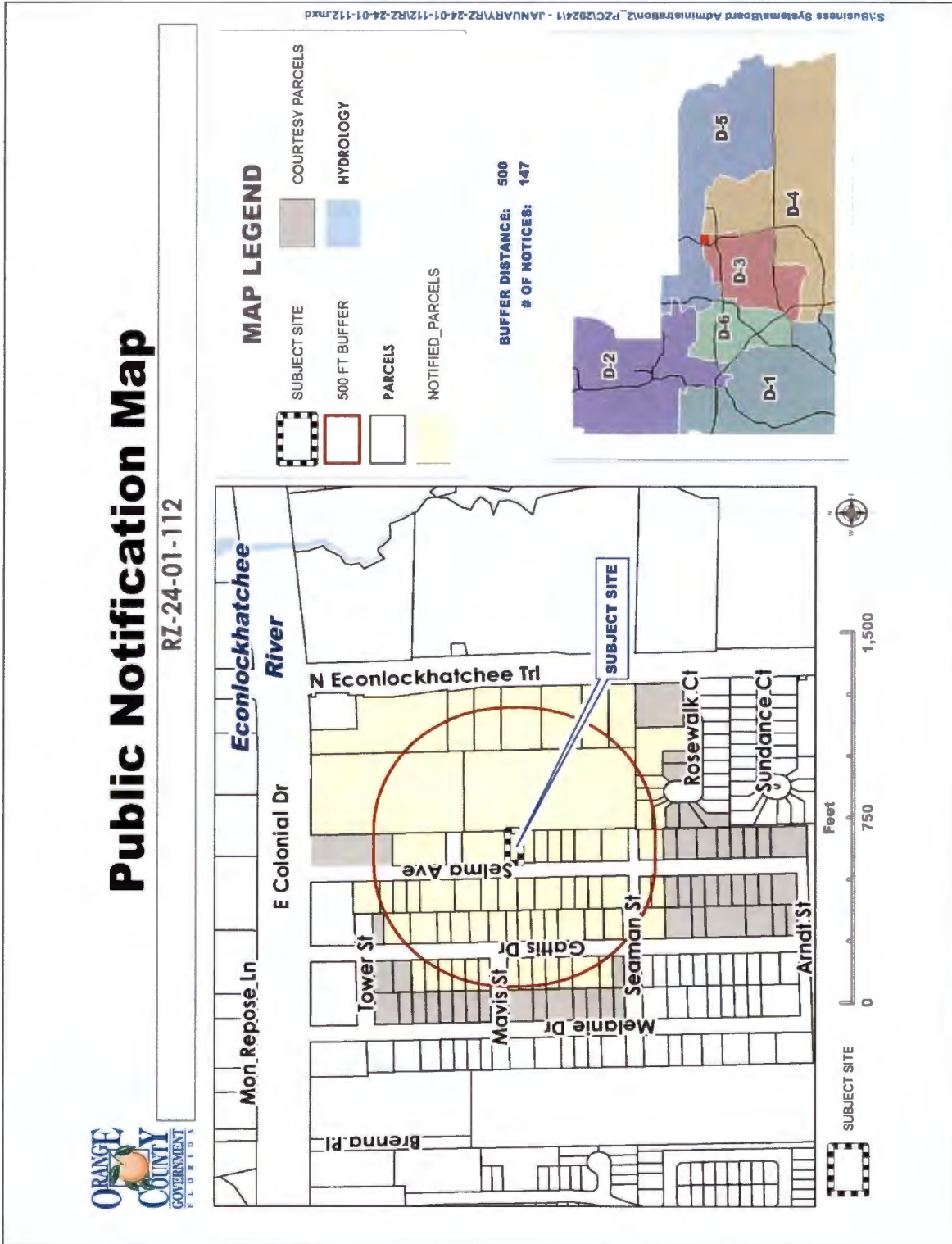


ZONING – PROPOSED

R-1 (Single-Family Dwelling District)



NOTIFICATION MAP



CASE # RZ-24-01-121

Commission District: #3

GENERAL INFORMATION

APPLICANT: Jeanne and Berl Reed

OWNER: Prism Properties, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: **R-1A (Single-Family Dwelling District) to R-2 (Residential District)**
In addition, a lot width variance is requested to allow for 75 ft lot width in lieu of 80 ft.

LOCATION: 1601 Jessamine Ave; generally located south of Curry Ford Rd, east of S. Bumby Ave, north of Kaley Ave.

PARCEL ID NUMBER: 06-23-30-3328-01-100

SIZE/ ACREAGE: 0.26-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 fifty-four (254) 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 Duplex (2 dwelling units)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning and APPROVAL of the requested lot width variance from 80 feet to 75 feet.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant intends to rezone the property from R-1A (Single-Family Dwelling District) to R-2 (Residential District) in order to construct a duplex on the 0.26-gross acre property. A lot-width variance is also requested. The parcel is 75' in width but the R-2 zoning district requires 80 feet.

If approved the applicant will be able to comply with the R-2 building setbacks. The parcel is currently development with a depleted detached garage that has been converted to an apartment. This structure may or may not need to be demolished in order to meet today's zoning and building codes.

The subject property is not a lot of record; it was originally platted as part of the Handsonhurst Park subdivision as LOT 10 in 1925, as a 50 ft wide lot. Today the lot has been reconfigured to include a 25' portion of Lot 11. Lot reconfigurations seems to also have taken place in the immediate area.

According to the City of Orlando this development would be reliant on septic. This property is located in the Basin Management Action Plan (BMAP) Area, therefore advance septic will be required.

Land Use Compatibility

The R-2 (Residential 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-Medium Density Residential (LMDR). The proposed R-2 (Residential District) zoning is consistent with the Low-Medium Density Residential (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	Residential
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) 1957 E: City of Orlando W: R-1A (Single-Family Dwelling District) 1957 and R-2 (Residential District) 2001 S: R-1 (Single-Family Dwelling District) 2006
Adjacent Land Uses	N: Single-Family Residential E: City of Orlando W: Single-Family Residential S: Single-Family Residential

R-2 (Residential District) 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:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	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:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	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:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft.
<i>Side Street:</i>	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:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft. (30 ft. where adjacent to single-family)
<i>Side Street:</i>	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.

Sec. 38-451. - Intent and purposes.

The intent and purposes of the R-2 residential district are as follows:

(1)To provide for the development of single-family detached and attached dwelling units containing a maximum of four (4) units per residential building within areas designated in adopted county development plans and policies for low-medium and medium density residential development.(2)To encourage the development of attached dwelling units in a manner compatible with the detached dwellings permitted in single-family residential districts when and where adequate access and public service are available.(3)To establish standards for low-medium and medium density residential development adequate to protect the public health, safety, and general welfare.

SPECIAL INFORMATION

Staff Comments

Environmental

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.

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.

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.

Proximity to FDEP Cleanup Site - Proximity to parcels with known FDEP cleanup sites associated with the Citgo Food Mart located less than 500ft from this request. 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

Transportation / Access

A duplex residence is a de minimis impact on the roadways.

Schools

A duplex 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: City of Orlando

Reclaim Water: City of Orlando

Detailed Utility Information:

This property is within Orlando Utilities Commission Water Service Area.

This property is within City of Orlando Wastewater and Reclaimed Water Service Area.

Wastewater information: Connection is not available. This property will be reliant on septic for wastewater disposal.*

*The property is in the BMAP area. As such, advanced septic requirements apply.

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 – January 18, 2024

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning and APPROVAL of the requested lot width variance from 80 feet to 75 feet.

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 and the variance request for 75 feet lot width. The applicant was present and agreed with the staff recommendation. No members of the public appeared during public comment.

Staff indicated that two hundred fifty-four (254) 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 a brief discussion regarding the reliance on advanced septic tanks for wastewater disposal and the proposed use, a motion was made by Commissioner Spears, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-2 (Residential District) zoning and APPROVAL of a lot width variance to allow for 75 ft lot width in lieu of 80 ft. The motion carried unanimously.

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

RZ-24-01-121

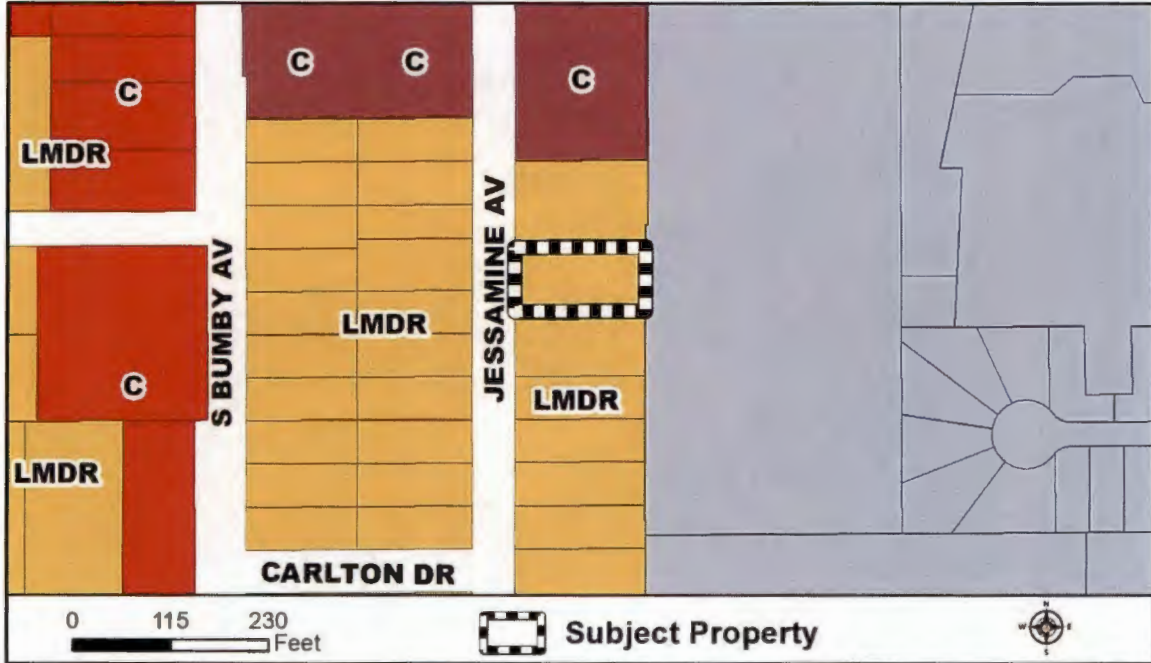


 Subject Property



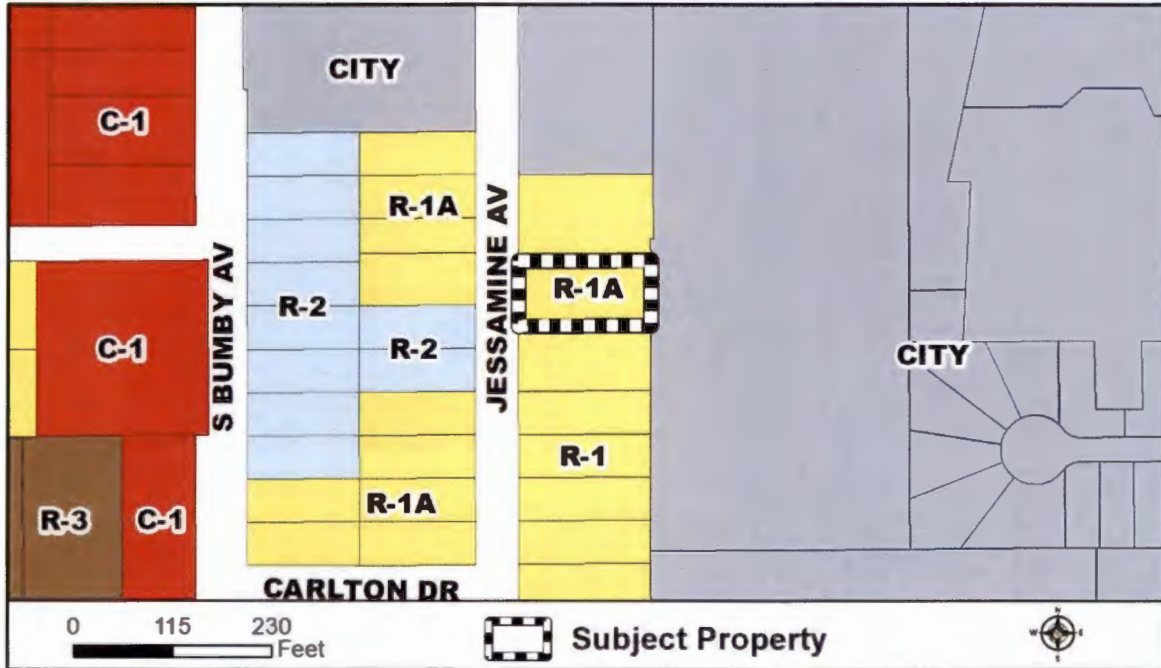
0 87.5 175 Feet

FUTURE LAND USE – CURRENT
Low-Medium Density Residential (LMDR)



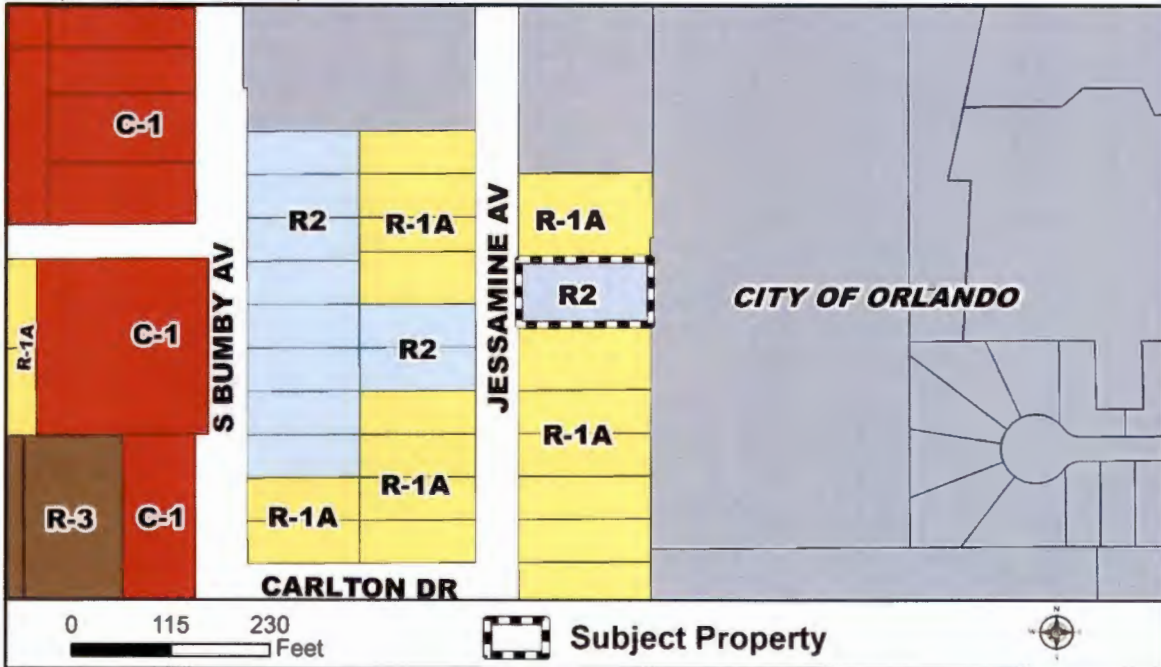
ZONING – CURRENT

R-1A (Single-Family Dwelling District)

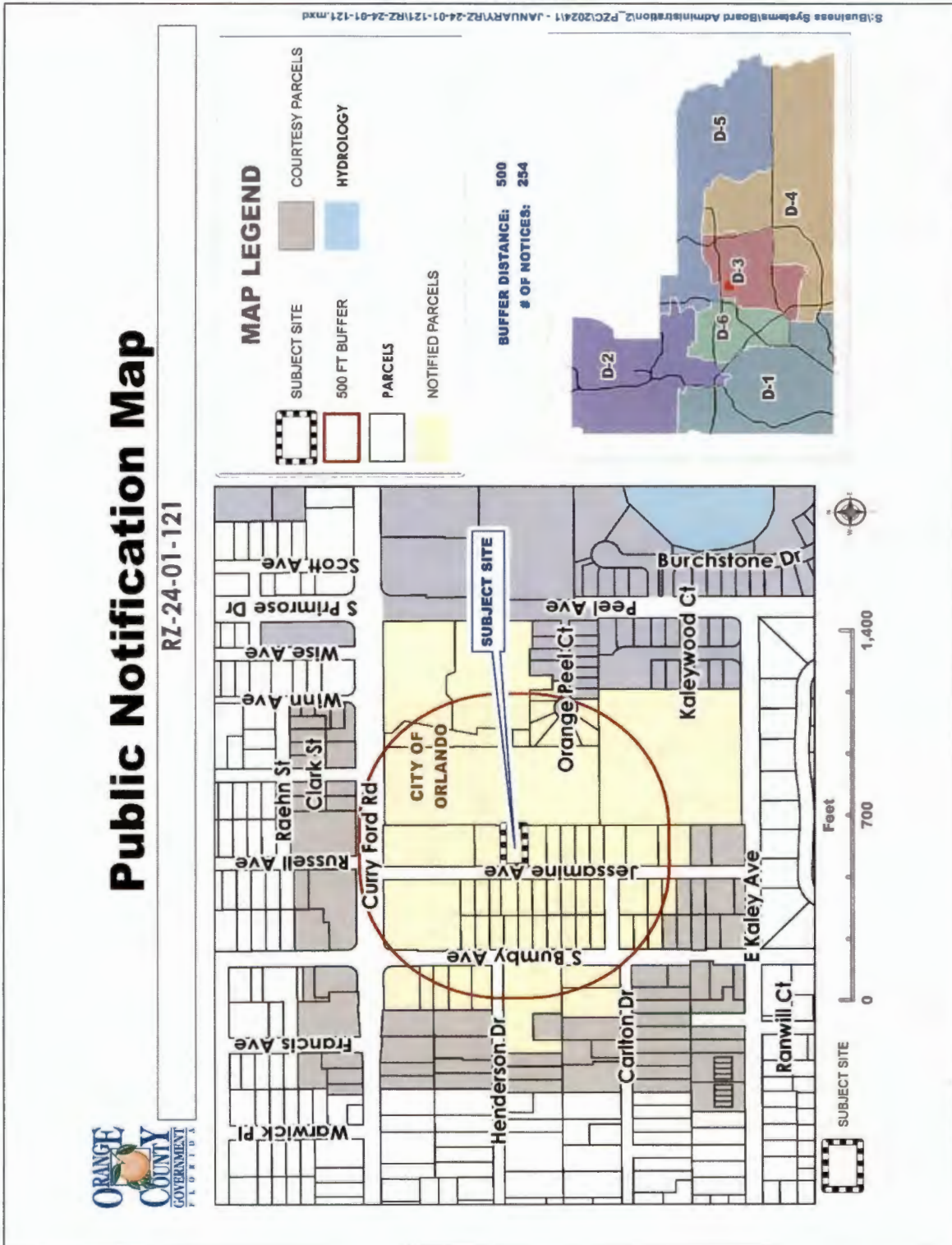


ZONING – PROPOSED

R-2 (Residential District)



NOTIFICATION MAP



Case Planner:
Irina Pashinina

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: January 18, 2024

CASE # RZ-24-01-124

Commission District: #3

GENERAL INFORMATION

APPLICANT: Maria Canale

OWNERS: Dante Canale, Giovanni Canale

HEARING TYPE: Planning and Zoning Commission

REQUEST: R-1A (Single-Family Dwelling District) to R-2 (Residential District)

LOCATION: 2729 S. Brown Ave; generally located west of S. Fern Creek Ave, east of Mayer St, north of E. Pineloch

PARCEL ID NUMBER: 01-23-29-3834-01-210

SIZE/ ACREAGE: 0.45-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 sixty-nine (269) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting will be held at a future date.

PROPOSED USE: Four (4) single-family attached dwelling units (Townhomes).

STAFF RECOMMENDATION

PLANNING

Postpone to a future Planning and Zoning Commission hearing in order to conduct a community meeting.

CASE # RZ-24-01-125

Commission District: #6

GENERAL INFORMATION

APPLICANT: Malcolm Jones, MAJ Architecture + Design

OWNER: Pathways Drop-In Center, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: R-2 (Residential District) and C-1 (Retail Commercial District)
to
C-1 Restricted (Retail Commercial District)

LOCATION: 1313 30th Street; generally located south of 29th St, west of Orange Blossom Trl, north of I-4, and approximately 330 ft. east of S. Nashville Ave.

PARCEL ID NUMBER: 03-23-29-0180-72-190

SIZE/ ACREAGE: 0.46-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred four (104) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: Resource Center for the homeless

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning, subject to the following restrictions:

1. New billboards and pole signs shall be prohibited; and
2. Uses shall be limited to social services (SIC Group 83) and office uses.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property is a drop-in center which services the homeless population. Patrons are able to come to the facility to find a safe space, do laundry, receive hot meals, and shower. The site is currently developed with multiple structures that are depleted. The organization has received grant funding from local government agencies to perform renovations to the site. The proposed use is classified as community services, for establishments primarily engaged in community improvement and social changes (SIC Group 8399).

Through this request, the applicant is seeking to rezone the R-2 portion of the site zoned residential (Lot 19) to C-1 Restricted to unify the parcel's zoning. The FLUM designation for the entire parcel is Commercial, this process will allow for consistency with the requested C-1 zoning. The applicant has provided staff with a site plan. Lot 19 is a duplex, Lot 20 and 21 are single-family detached units. Future renovations indicate the structures on Lot 19 and 20 will be demolished and converted into other uses and the structure on Lot 21 will remain.

The surrounding area is developed with commercial and residential developments. This property is not with the Holden Height Overlay district. There is an R-2 residential lot westward to the subject site, the appropriate buffers (Type C) will be required at time of permitting.

Land Use Compatibility

The C-1 (Retail 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 in the 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. The proposed C-1 (Retail Commercial District) zoning is consistent with the

Commercial 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	Homeless Facility
Adjacent Zoning	N: C-2 (General Commercial District) 1968
	E: C-1 (Retail Commercial District) 1957
	W: R-2 (Residential District) 1957
	S: C-1 (Retail Commercial District) 1957

Adjacent Land Uses N: Commercial Vacant Land
 E: Warehouse
 W: Single-Family Residential
 S: Commercial Vacant Land

C-1 (RETAIL COMMERCIAL DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area: 6,000 sq. ft.
Min. Lot Width: 80 ft. (on major streets, see Article XV)
 60 ft. (on all other streets)
Max. Height: 50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area: 500 sq. ft.
Building Setbacks:
 Front: 25 ft.
 Rear: 20 ft.
 Side: 0 ft. (15 ft. when abutting residential districts)
 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 intent and purpose of this C-1 retail commercial district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.

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

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).

Holden Heights ROCC - This site is located within the Orange County Board of Commissioners resolution 2007-M-31 approved on 8/28/2007 regarding designating certain land as the Holden Heights: ROCC (Redeveloping Orange County Communities) Area and as a 'Brownfield Area' for the purpose of environmental remediation, rehabilitation, and economic development pursuant to Section 376.80, Florida Statutes.

Proximity to FDEP Cleanup Site - Proximity to parcels with known FDEP cleanup sites associated with Glassman located adjacent to the site on the east side and Felix Orange Transmission located within 500 feet northeast of the site. 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.

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

Based on the Concurrency Management database (CMS) dated 12/19/2023, there is a failing roadway segment within the project's impact area along Michigan Ave, from Interstate 4 to Orange Ave. This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office will be required.

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

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: 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 – January 18, 2024

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning, subject to the following restrictions:

1. New billboards and pole signs shall be prohibited; and
2. Uses shall be limited to social services (SIC Group 83) and office uses.

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-1 Restricted (Retail Commercial District) zoning, subject to two (2) restrictions. The Applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment.

Staff indicated that one hundred four (104) notices were sent to property owners and residents extending beyond 600 feet surrounding the property, and that staff had received zero (0) response in favor, and zero (0) response in opposition of the request.

After a brief discussion regarding the proposed use, a motion was made by Commissioner Evans and seconded by Commissioner Wiggins to recommend APPROVAL of the requested C-1 Restricted (Retail Commercial District) zoning, subject to the two restrictions, 1) Uses shall be limited to social services (SIC Group 83) and office uses and New billboards and pole signs shall be prohibited. The motion carried unanimously.

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

RZ-24-01-125



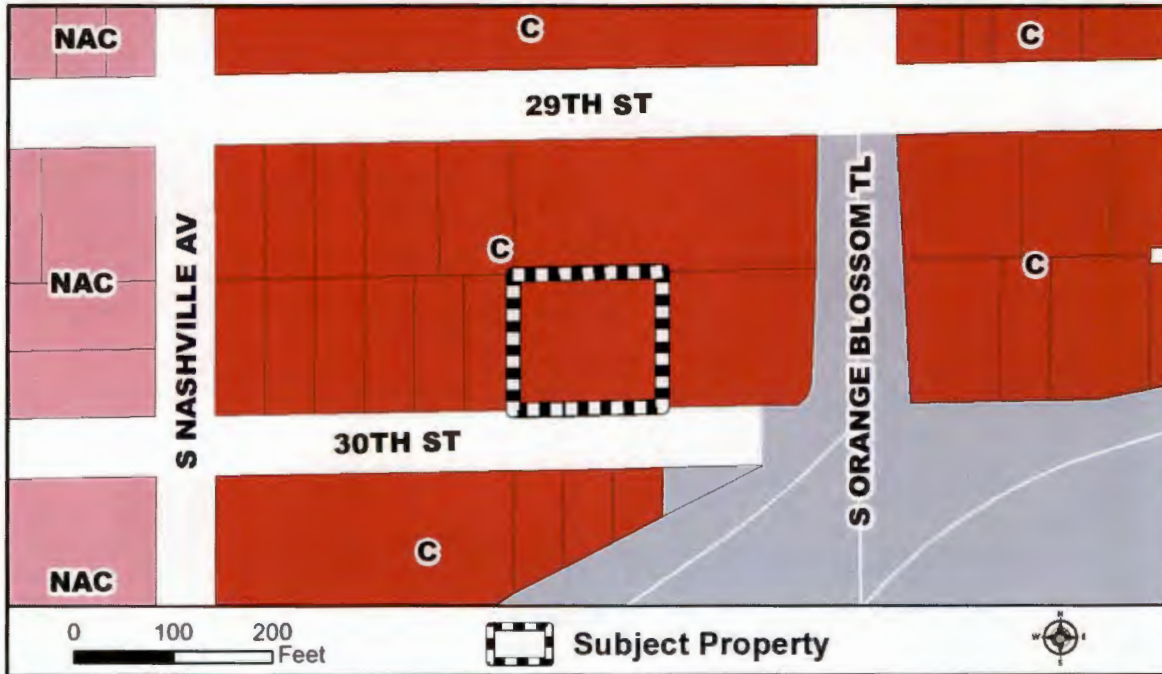
 Subject Property



0 90 180
Feet

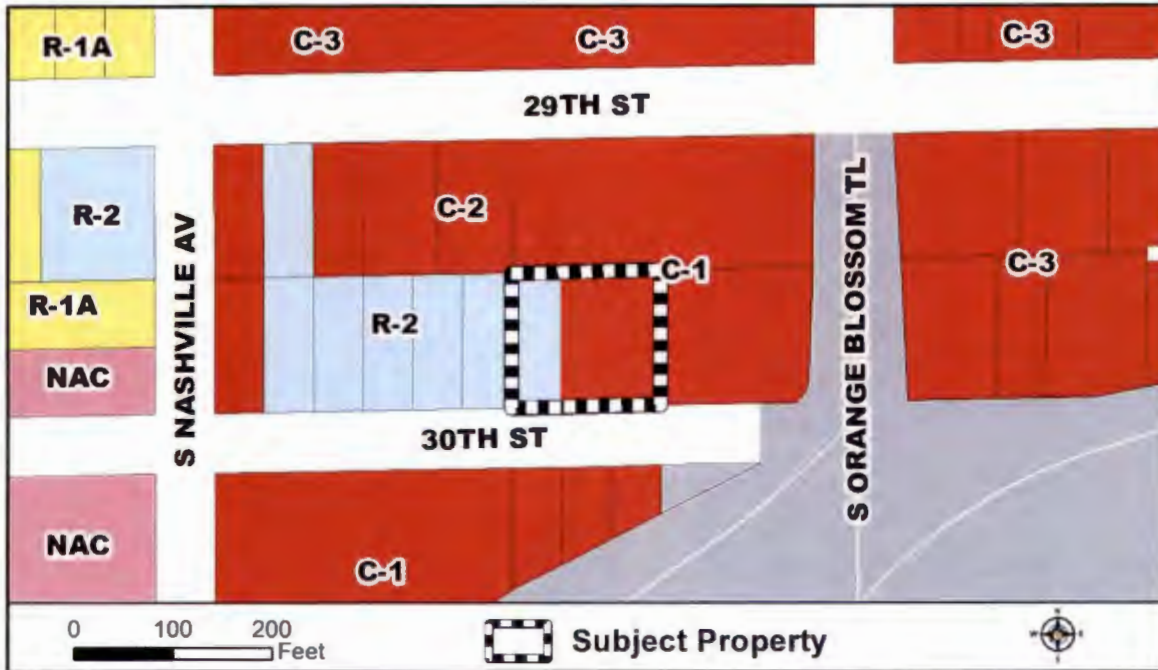
FUTURE LAND USE – CURRENT

Commercial (C)



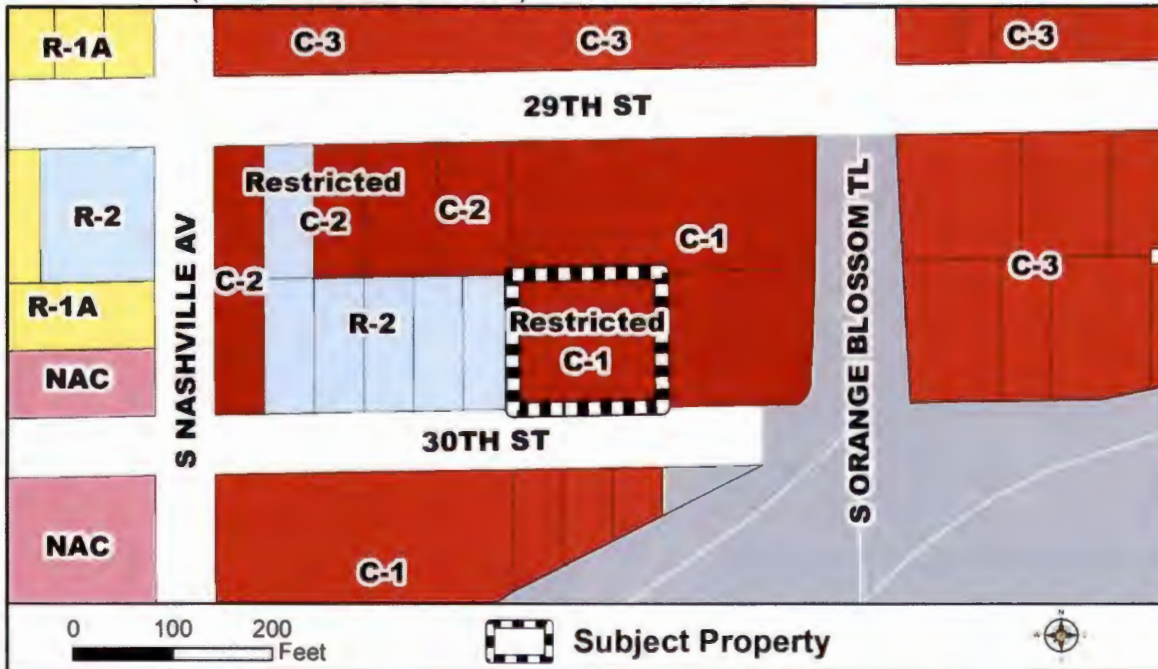
ZONING – CURRENT

R-2 (Residential District) and C-1 (Retail Commercial District)

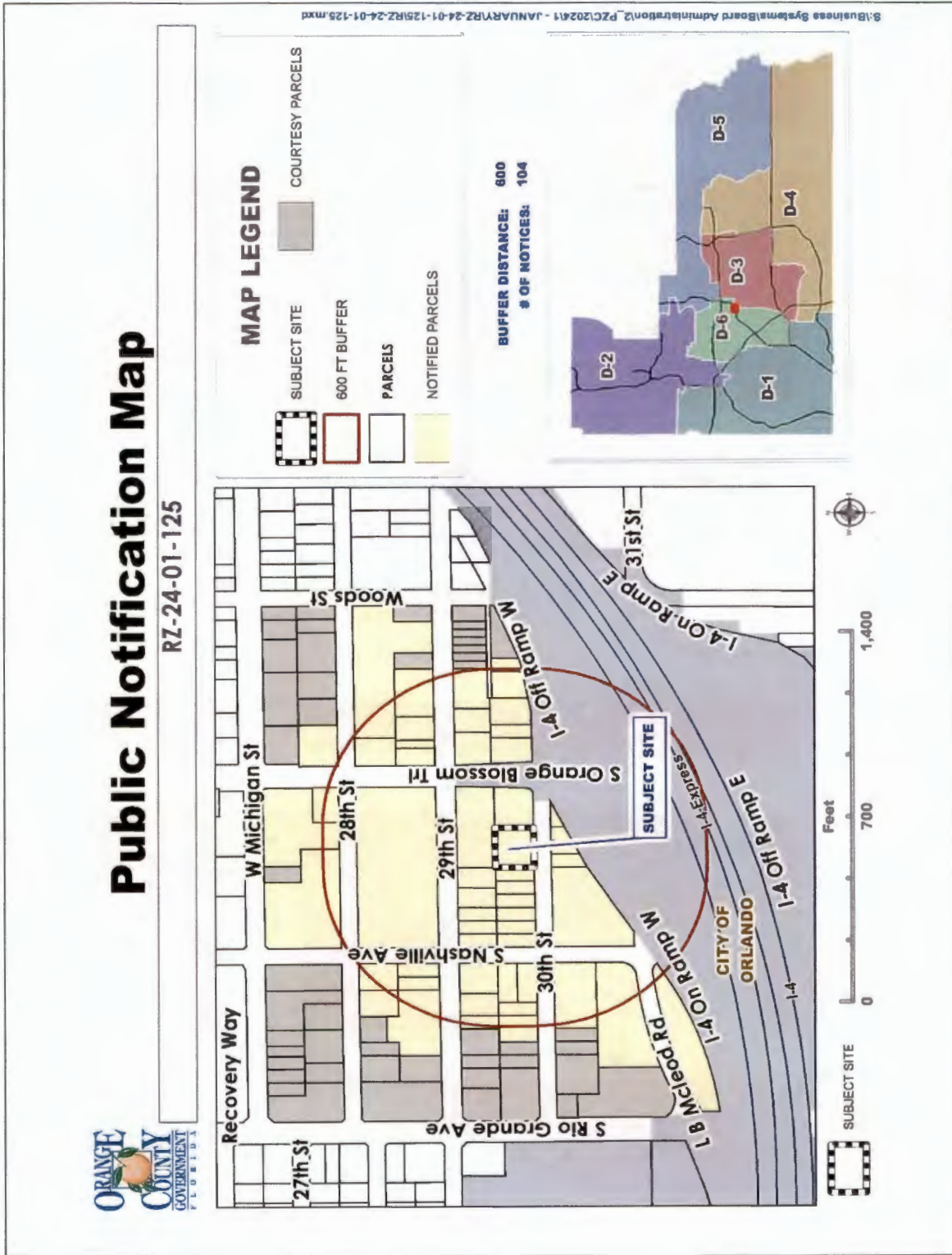


ZONING – PROPOSED

C-1 Restricted (Retail Commercial District)



NOTIFICATION MAP



Case Planner:
Sara Haid

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: January 18, 2024

CASE # RZ-24-01-126

Commission District: #2

GENERAL INFORMATION

APPLICANT: Jonathan Lam

OWNER: Jonathan Lam-Mantle Capital, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: R-3 (Multiple-Family Dwelling District) to R-1 (Single-Family Dwelling District)

LOCATION: W. 12th Street; generally located North of W 13th Street, East of Marvin C. Zanders Ave, and approximately 440 feet West of S Central Ave.

PARCEL ID NUMBER: 09-21-28-0197-10-280

SIZE/ ACREAGE: 0.84-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 thirty-four (134) 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 detached single-family dwelling units, pending lot split approval.

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 as a 198 ft wide lot in 1886 and zoned R-3 in 1957, prior to the implementation of the Orange County Comprehensive Plan. Today the lot is undeveloped. The current zoning district of R-3 is not consistent with the Future Land Use designation of Low Density Residential (LDR).

Through this request, the applicant is seeking to rezone the subject property from R-3 (Multiple-Family Dwelling District) to R-1 (Single-Family Dwelling District) to allow for the construction of three detached single-family dwelling units on 0.84-gross acre pending lot split approval.

The immediate area is developed with single-family residential dwelling units zoned R-3, on varying lot sizes ranging from 38 feet to 196 feet in width.

The proposed development of three (3) single-family dwelling units will be required to connect to City of Apopka water and wastewater.

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 the Rural Settlement.

Joint Planning Area (JPA)

The subject property is located in the City of Apopka JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR) which allows for consideration of up to four (4) units per acre. The proposed R-1 zoning is consistent with the 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	Undeveloped
Adjacent Zoning	N: R-3 (Multiple-Family Dwelling District) (1957) E: R-3 (Multiple-Family Dwelling District) (1957) W: R-3 (Multiple-Family Dwelling District) (1957) S: R-3 (Multiple-Family Dwelling District) (1957)
Adjacent Land Uses	N: Duplex E: Undeveloped 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.

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

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 individual determination and details of this advanced septic treatment system requirement.

Enhanced Septic/Sewer Requirement - This site is located within the Wekiwa/Rock Springs 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.

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).

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

Three single-family residences are a de minimis impact on the roadways.

Schools

Three 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.

Water: This property is required to connect to City of Apopka water.

Wastewater: This property is required to connect to City of Apopka sewer.

Reclaim Water: This property has access to connect to the City of Apopka reclaim main but is not required to connect.

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 – January 18, 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. No speakers were present to speak during the public comment portion.

Staff indicated that one hundred thirty-four (134) notices were sent to property owners and residents extending 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 short discussion ensued regarding utility connections where it was clarified that the property owner is required to connect to City of Apopka wastewater. The subject property's density was also clarified in discussion because of the discrepancy between the property's FLU and zoning designations. A motion was made by Commissioner Wiggins and seconded by Commissioner Evans to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 7-0 vote.

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


RZ-24-01-126



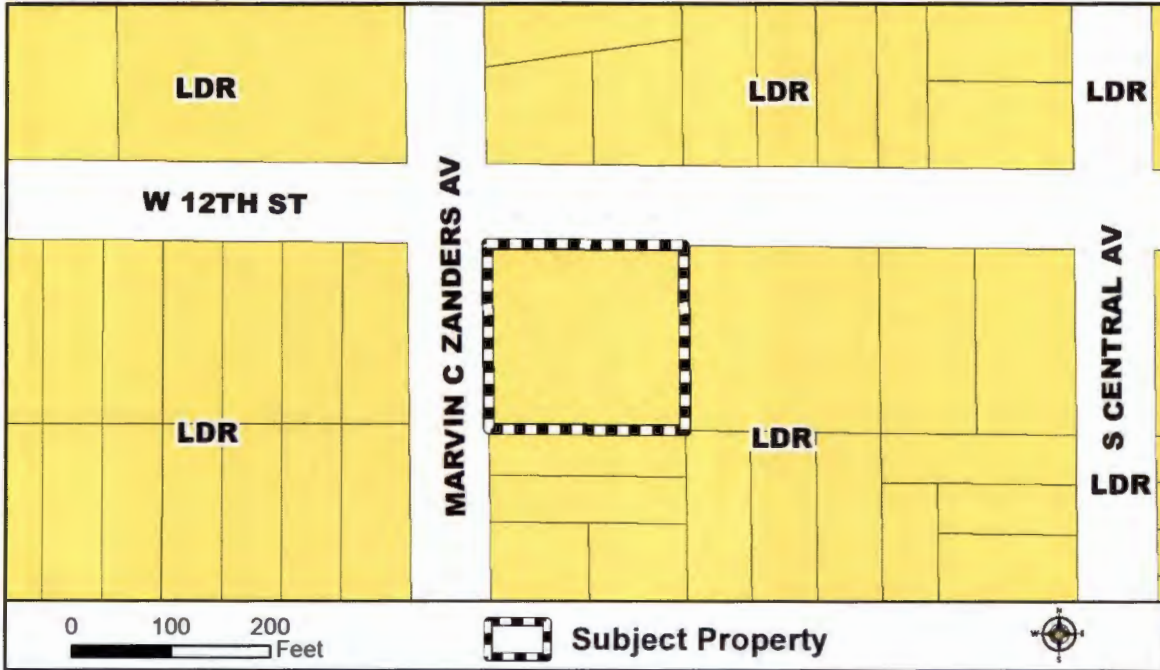
 Subject Property



0 100 200 Feet



FUTURE LAND USE – CURRENT
LDR (Low Density Residential)



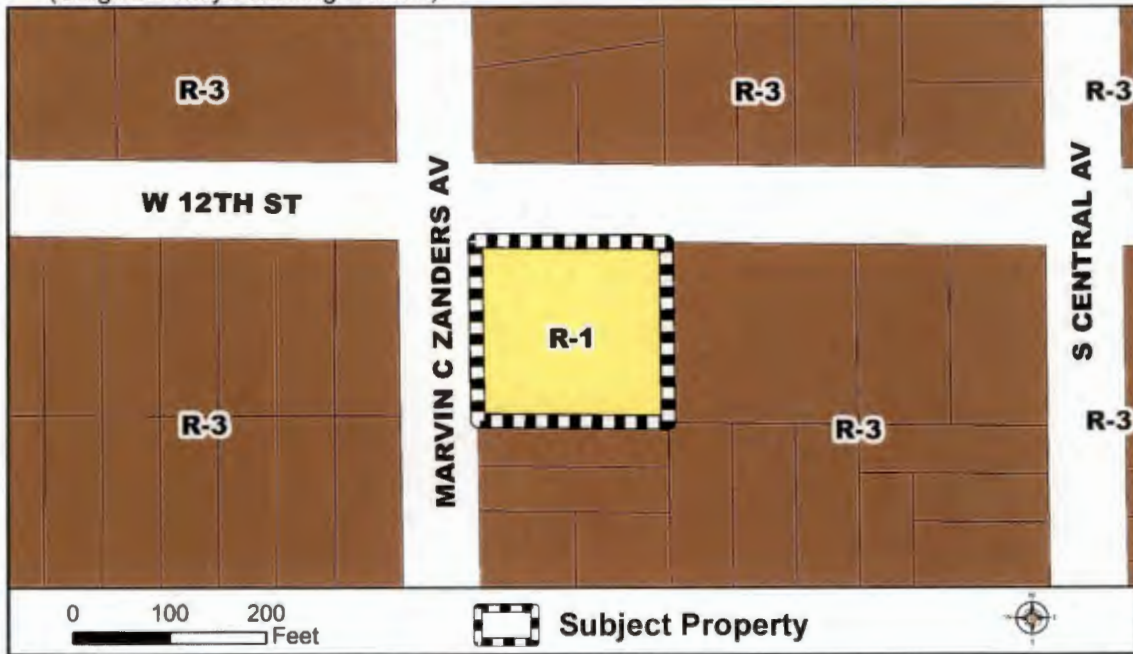
ZONING – CURRENT

R-3 (Multiple-Family Dwelling District)



ZONING – PROPOSED

R-1 (Single-Family Dwelling District)



NOTIFICATION MAP

