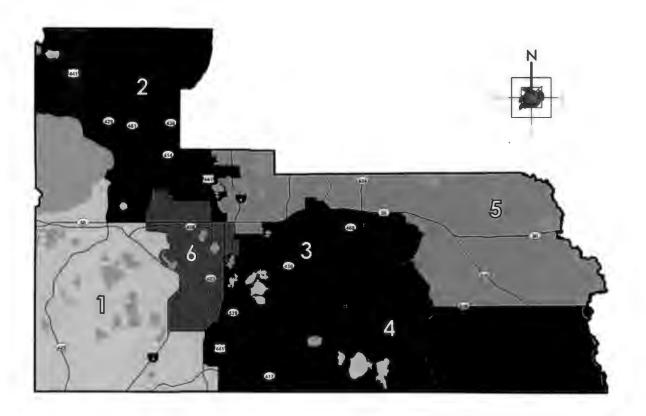


## PLANNING AND ZONING COMMISSION

### LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

JULY 16, 2020



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

James Dunn

District #1

Diane Velazquez

District #2

Eddie Fernandez

District #3

Vice Chairperson

Carlos D. Nazario, Jr.

District #4

J. Gordon Spears

District #5

Chairperson

JaJa J. Wade

District #6

Mohammed Abdallah

At Large

Evelyn Cardenas

At Large

Nelson Pena

At Large

# **TABLE OF CONTENTS**

# Planning and Zoning Commission July 16, 2020

Table of Contents i
Table of Hearingsii
Site and Building Requirementsii
Buffer Yard Requirementsiv
CONVENTIONAL REZONING PUBLIC HEARINGS
RZ-20-07-049 District 3

# **TABLE OF HEARINGS**

## Planning and Zoning Commission July 16, 2020

Case # <u>Applicant</u>	Request	Commission <u>District</u>	Recomme <u>Staff</u>	endations <u>PZC</u>	BCC Hearing <u>Required</u>
I. REZONING PUBL	IC HEARINGS				
RZ-20-07-049 Alynne G. Corday	R-1A <b>to</b> R-1	3	Approval	Approval	No

# SITE and BUILDING REQUIREMENTS

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

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) a	Min. rear yard (ft.) a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	а
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	а
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	а
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	а
R-CE-2	2 acres	1,200	250	45	50	30	35	а
R-CE-5	5 acres	1,200	185	50	50	45	35	a
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	а
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	а
R-1AA	10,000	1,200	85	25 h	30 h	7.5	35	a
R-1A	7,500	1,200	75	20 h	25 h	7.5	35	а
R-1	5,000	1,000	50	20 h	20 h	5 h	35	а
R-2	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5 h	35	а
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 d	20 h	30	5 h	35	a
	Three DUs, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	а
R-3	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5	35	а
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 d	20 h	20 h	5 h	35	а
	Three dwelling units, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	а
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	а
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	а
R-T-1								
SFR	4,500 c	1,000	45	25/20 k	25/20 k	5	35	а
Mobile home	4,500 c	Min. mobile home size 8 ft. x 35 ft.	45	25/20 k	25/20 k	5	35	а
R-T-2	6,000	SFR 500	60	25	25	6	35	a
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600 Min. mobile	100	35	50	10	35	а
		home size 8 ft. x 35 ft.						

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) a	Min. rear yard (ft.) a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories <i>k</i>	а
	Two DUs, 8,000	500 per DU	80/90 d	20	20	5	35/3 stories k	а
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	а
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories k	а
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories k	а
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	а
	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	а
	Two DUs, 11,250	500 per DU	80 d	20	20	5	35/3 stories k	а
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	а
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail k	а
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories k	а
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	а
	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	а
	Two DUs, 8,000	500 per DU	80 d	20	20	5	35/3 stories k	а
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	а
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail k	а
,	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories k	а
P-0	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	а
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets e; 100 ft. for corner lots on major streets (see Art. XV)	25	20	O; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	а

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) a	Min. rear yard (ft.) a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	а
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	а

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
1-1/1-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
1-2 / 1-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
1-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE:

These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

#### FOOTNOTES

- a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
- b Side setback is 30 feet where adjacent to single-family district.
- c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living
- d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
  - (i) are either platted or lots of record existing prior to 3/3/97, and
  - (ii) are 75 feet in width or greater, but are less than 90 feet, and
  - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet, 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.
- Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- m Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

#### **BUFFER YARD REQUIREMENTS**

#### Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

#### (a) Buffer classifications:

- (1) **Type A, opaque buffer**: This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) Type B, opaque buffer: This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) Type C, opaque buffer. This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) Type D, opaque buffer: This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) Type E, mobile home and RV park buffer: This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) Type F, residential subdivision buffer: See subdivision regulations (Chapter 34, Orange County Code).

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

#### CASE # RZ-20-07-049

Commission District: #3

#### **GENERAL INFORMATION**

APPLICANT Alynne Cordray

OWNERS Costantine Anthony and Alynne G. Cordray

HEARING TYPE Planning and Zoning Commission

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

R-1 (Single-Family Dwelling District)

LOCATION 1721 Hourglass Drive, or generally located on the east

side of Hourglass Drive approximately 435 feet north of

East Kaley Avenue.

PARCEL ID NUMBER 06-23-30-3736-02-010

**TRACT SIZE** 1.07-gross acres

PUBLIC NOTIFICATION The notification area for this public hearing was 500 feet

[Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-four (184) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.

PROPOSED USE Two (2) Single-Family Residential 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 is located on the east side of Hourglass Drive approximately 435 feet north of East Kaley Avenue. The property was originally platted as two (2) lots (Lot 1 & Lot 2) in 1924 and were since aggregated into one lot.

Through this request the applicant is seeking to rezone from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to revert to the plat and create two lots for the purpose of constructing two (2) single-family homes.

Currently there is a primary structure on the property. The existing structure does not meet the side setback for the requested zoning district. The applicant has stated the structure will be demolish to allow compliance with building standards for the R-1 zoning district.

The subject property fronts Lake Hourglass. At the time of this report, staff did not have a survey which indicates the Normal High Water Elevation (NHWE); therefore, an Orange County Conservation Area Determination (CAD) will be required prior to building permit approval, as outlined in Chapter 15, Article X Wetland Conservation Areas.

The surrounding area is developed with single-family residential homes on varying lot sizes that range from fifty foot (50') to seventy-five foot (75') lots. The two (2) proposed lot sizes are consistent with the surrounding neighborhood and would not adversely impact adjacent properties.

#### 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.

Site Analysis

	Yes	No	Information
Rural Settlement		$\boxtimes$	
Joint Planning Area (JPA)		$\boxtimes$	
Overlay District Ordinance		$\boxtimes$	
Airport Noise Zone		$\boxtimes$	
Code Enforcement		$\boxtimes$	

#### **Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The R-1 (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation and the following Comprehensive Plan provisions:

**FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use

development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

**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.

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

#### SITE DATA

Existing Use Single	e-Family Residence
---------------------	--------------------

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

E: Lake Hourglass / R-2\* (Restricted) (Residential District)

(1990)

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

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

\*Restricted to single-family homes and duplex units only, a

maximum of 7 dwellings units.

Adjacent Land Uses N: Single-Family Residence

E: Single-Family Residence

W: Single-Family Residence

S: Single-Family Residence

#### R-1 (SINGLE-FAMILY DWELLING DISTRICT) DEVELOPMENT STANDARDS\*

Min. Lot Area: 5,000 sq. ft.
Min. Lot Width: 50 ft.
Max. Height: 35 ft.
Min. Floor 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**

	Yes	No	Information
Environmental	$\boxtimes$		See note below table*
Transportation / Access	$\boxtimes$		This project is located within the Orange County Alternative Mobility Area (AMA). The only alternative mobility features are existing sidewalks along Curry Ford Road from Groveland Ave to Peel Avenue and along E. Kaley Ave from Waldo Street to S. Bumby Avenue.
Schools		$\boxtimes$	
Parks and Recreation		$\boxtimes$	

<sup>\*</sup> 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.

An Orange County Conservation Area Determination (CAD) will be required prior to building permit approval, as outlined in Chapter 15, Article X Wetland Conservation

<sup>\*</sup> 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.

Areas. There is no record that a CAD or impact permit application has been received by EPD.

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

Lake Hourglass appears on the Verified List of Impaired Waters maintained by the FDEP. The Lake is impaired for nutrients. The lake is also located in the Lake Okeechobee BMAP area.

#### **Community Meeting Summary**

A community meeting was not required for this request.

#### **Utilities**

Water: Orlando Utilities Commission

Wastewater: City of Orlando Reclaim Water: City of Orlando

#### 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 – (July 16, 2020)

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 not present.

Staff indicated that one hundred and eighty-four (184) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received four (4) commentaries in favor of the project, and one (1) in opposition. During public comments no member of the public was present to speak.

A motion was made by Commissioner Fernandez and seconded by Commissioner Nazario to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion was carried on a 8-0 vote.

Motion / Second Eddie Fernandez / Carlos Nazario

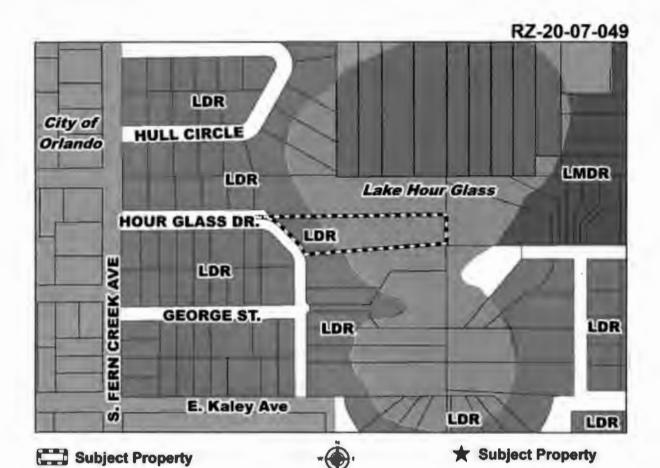
Voting in Favor Eddie Fernandez, Carlos Nazario, Jimmy Dunn, Diane

Velazguez, Evelyn Cardenas, Nelson Pena, Mohammed

Abdallah, and Gordon Spears

Voting in Opposition None

Absent JaJa Wade



Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Alynne Cordray

LOCATION: 1721 Hour Glass Drive, or generally located on the east side of Hourglass Drive approximately 435 feet north of East Kaley Avenue.

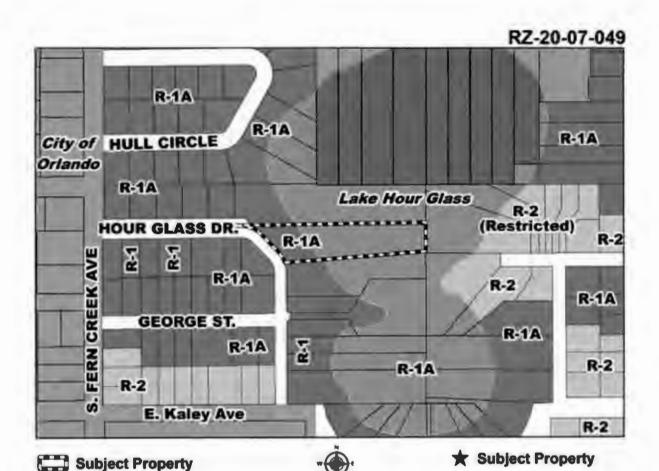
TRACT SIZE: 1.07 gross acres

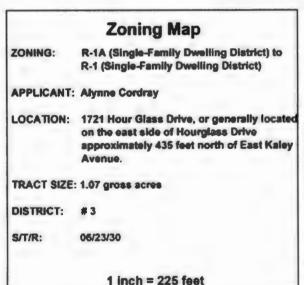
DISTRICT: # 3

S/T/R: 06/23/30

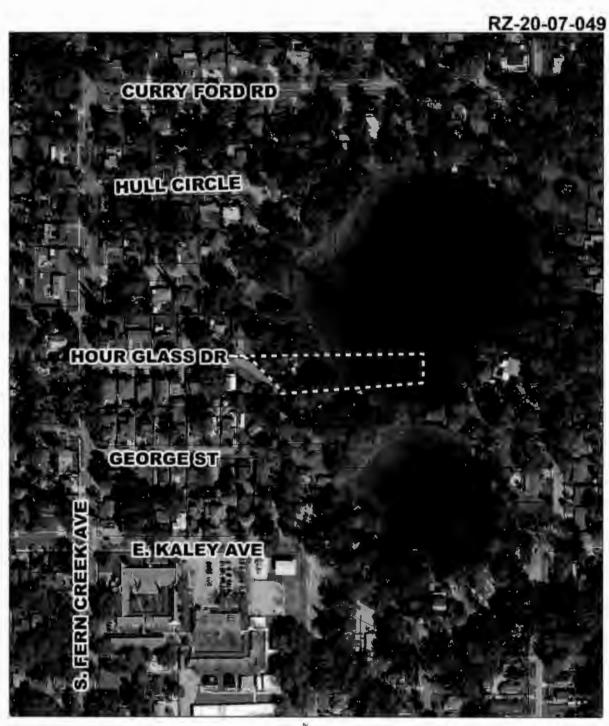
1 Inch = 225 feet









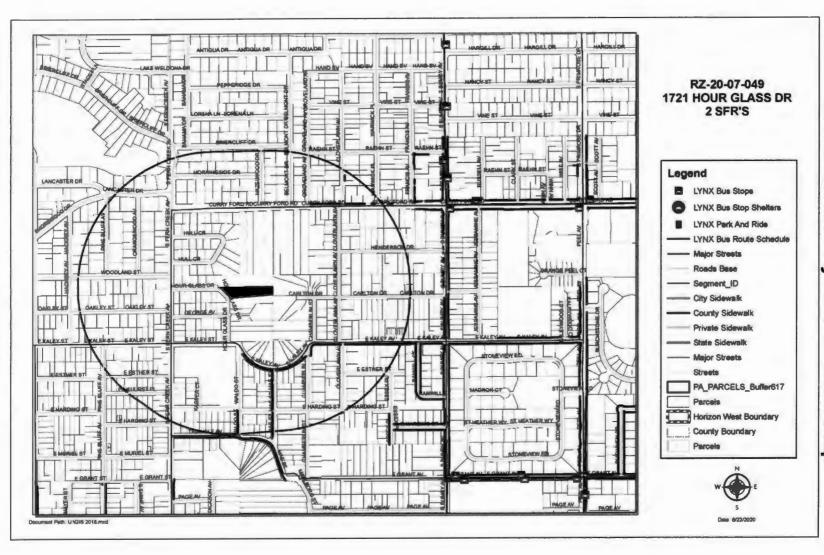






1 inch = 225 feet

# **Alternative Mobilty Area Context Map**



# **Notification Map**

