

ORDINANCE NO. 2025 - \_\_\_\_

AN ORDINANCE PERTAINING TO THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; AMENDING VARIOUS CHAPTERS OF THE ORANGE COUNTY CODE TO PROVIDE CONSISTENCY WITH THE COMPREHENSIVE POLICY PLAN AND LAND DEVELOPMENT REGULATIONS KNOWN AS “ORANGE CODE”; AMENDING CERTAIN PROVISIONS OF CHAPTER 3 (“ADULT ENTERTAINMENT CODE”); AMENDING AND REPEALING CERTAIN PROVISIONS OF CHAPTER 9 (“BUILDING CONSTRUCTION REGULATIONS”); AMENDING CERTAIN PROVISIONS OF CHAPTER 11 (“CODE ENFORCEMENT”); AMENDING CERTAIN PROVISIONS OF CHAPTER 15 (“ENVIRONMENTAL CONTROL”); AMENDING CERTAIN PROVISIONS OF CHAPTER 21 (“HIGHWAYS, BRIDGES AND MISCELLANEOUS PUBLIC PLACES”); AMENDING CERTAIN PROVISIONS OF CHAPTER 23 (“IMPACT FEES”); REPEALING CHAPTER 24 (“LANDSCAPING, BUFFERING, AND OPEN SPACE”); AMENDING CERTAIN PROVISIONS OF CHAPTER 28 (“NUISANCES”); AMENDING AND REPEALING CERTAIN PROVISIONS OF CHAPTER 30 (“PLANNING AND DEVELOPMENT”); AMENDING CERTAIN PROVISIONS OF CHAPTER 32 (“SOLID WASTE”); AMENDING AND REPEALING CERTAIN PROVISIONS OF CHAPTER 34 (“SUBDIVISIONS REGULATIONS”); AMENDING CERTAIN PROVISIONS OF CHAPTER 37 (“WATER AND WASTEWATER”); AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the codification of ordinances adopted by counties is provided for in Section 125.68, Florida Statutes; and

**WHEREAS**, Orange County has adopted a new Chapter 40 of the Orange County Code of Ordinances for the purpose of implementing the land use and development policies and objectives of “Vision 2050: Orange County Comprehensive Plan” or “Vision 2050” and providing improved regulations for the public interest and the physical development of the County; and

**WHEREAS**, to be consistent with the adoption of Chapter 40, the existing Orange County Code of Ordinances have been reviewed to determine those amendments necessary to avoid

conflict between ordinances enacted as land development regulations, as defined by Section 163.3164, Florida Statutes, for the control and regulation of the development of land.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:**

**Section 1. Amendments; In General.** The chapters identified from Orange County Code are hereby amended as set forth in Section 2 through Section 33 below, with additions being shown as underlined and deletions being shown as strike-throughs.

**Section 2. Amendment to Chapter 3 (“Adult Entertainment Code”), Article III (“Distance and Zoning Restrictions”).** Section 3-76 is amended to read as follows:

**Sec. 3-76. Prohibited locations.**

(a) Notwithstanding any other provision of this chapter (except section 3-79) or any provision of chapter ~~38~~ 40 (zoning) of the Orange County Code, no person shall propose, cause or permit the operation of, or enlargement of (except when an enlargement may be required by law), an adult entertainment establishment which, while in operation or after enlargement, would or will be located within:

In all other respects, Section 3-76 shall remain unchanged.

**Section 3. Amendment to Chapter 9 (“Building and Construction Regulations”), Article VII (“Property Maintenance Code”).** Section 9-277 is amended to read as follows:

**Sec. 9-277. 2012 edition of the International Property Maintenance Code, adopted.**

\* \* \* \* \*

(b) *Amendment.* The 2012 International Property Maintenance Code is hereby amended in that wherever the words “code official” are found, the words “Code Enforcement Division manager” shall be substituted. In addition, wherever the terms “ICC Electrical Code,” “International Building Code,” “International Existing Building Code,” “International Fire Code,” “International Mechanical Code,” “International Plumbing Code,” and “International Zoning Code” are found in the 2012 edition of the International Property Maintenance Code, the Code is amended by

78 substituting “Orange County Electrical Code, Article III of Chapter  
9 of the Orange County Code,” “Florida Building Code, Building,”  
80 “Florida Building Code, Existing Building,” “Florida Fire  
Prevention Code,” “Florida Building Code, Mechanical,” “Florida  
82 Building Code, Plumbing,” and the “Orange County Zoning Code,  
Chapter ~~38~~ 40 of the Orange County Code,” respectively.

84 In all other respects, Section 9-277 shall remain unchanged.

***Section 4. Repeal of Chapter 9 (“Building and Construction Regulations”), Article***

86 ***XIII (“Architectural Standards and Guidelines for Commercial Buildings and Projects”).***

Chapter 9, Article XIII, consisting of Sections 9-551 through 9-570 (with Sections 9-564 through  
88 9-570 already marked “Reserved.”) is hereby repealed and reserved for future use.

***Section 5. Amendment to Chapter 9 (“Building and Construction Regulations”),***

90 ***Article XIV (“Moving of Structures”).*** Section 9-597 is amended to read as follows:

**Sec. 9-597. Application.**

92 (a) Any person who proposes to move a structure within the  
county shall complete a county-approved application for a move  
94 permit. The completed application shall include the following  
information and shall be accompanied by the following documents:

96 \* \* \* \* \*

(8) If the structure is proposed to be moved to a permanent  
98 location and address within the unincorporated area of the  
county, a site plan for the location and address to which the  
100 structure is proposed to be moved, which site plan has been  
prepared and completed in accordance with the requirements  
102 of chapter ~~38~~ 40 of the Orange County Code; and

In all other respects, Section 9-597 shall remain unchanged.

104           **Section 6.     Amendment to Chapter 9 (“Building and Construction Regulations”),**  
105           **Article XVI (“Exterior Lighting Standards”).** Section 9-649 is amended to read as follows:

106           **Sec. 9-649.     Exterior lighting.**

                  \* \* \* \* \*

108           (b) *Specific standards.*

                  \* \* \* \* \*

110           (8) *Big box developments.* Acorn-style light fixtures shall be  
111           prohibited within the limits of all big box developments  
112           (defined in ~~section 38-1 of this chapter~~ chapter 40, article VI, Orange  
113           County Code). Furthermore, parking area and building-  
114           mounted light fixtures shall be installed no more than  
                twenty-five (25) feet above the parking lot finished grade.

116           In all other respects, Section 9-649 shall remain unchanged.

117           **Section 7.     Amendment to Chapter 11 (“Code Enforcement”), Article III (“Code**  
118           **Enforcement Citation Program”).** Section 11-62 is amended to read as follows:

**Sec. 11-62.     Applicable codes and ordinances.**

120           A schedule of codes and ordinances, which may be enforced  
121           pursuant to the supplemental code enforcement citation procedures  
122           contained herein, is set out directly below as Schedule “A”. Where  
123           a chapter or part of a chapter is referenced, all sections within that  
124           chapter or part are subject to enforcement by citation. If a section  
125           within a referenced chapter has a specific penalty identified therein,  
126           that more-specific penalty shall prevail so long as it does not exceed  
127           the maximum penalty permitted by F.S. ch. 162, as amended. The  
128           schedule of codes and ordinances shall include such codes and  
129           ordinances as they may be from time to time amended, renumbered,  
130           codified, or recodified including codes and ordinances enacted  
                subsequent to the adoption of this article.

132                               SCHEDULE “A”

Code Provision	Description	Class
Chapter 2, Article IX	Emergency management	III
Section 3-101	Adult entertainment establishment general operational rules	II
Section 9-277	Property maintenance	I
Chapter 15	Environmental control	III
Chapter 18	Fire prevention and protection	III

Section 21-3	Uniform numbering system	I
Section 21-239	Vending operation on public right-of-way or unpermitted vending operation on property abutting a public right-of-way	II
Chapter 24	<del>Landscaping, buffering and open space</del>	I
Chapter 25, Article II	Garage Sales	I
Chapter 25, Article III	Local business taxes	II
Chapter 25, Article XIII, Division 1	Rental Notices Ordinance	III
Chapter 25, Article XIII, Division 3	Tenant's Bill of Rights Ordinance	III
Chapter 28, Article II	Lot Cleaning	I
Chapter 28, Article III	Parking of motor vehicles on residentially and agriculturally zoned property	II
<del>Chapter 31.5</del>	<del>Signs</del>	<del>III</del>
Chapter 32	Solid Waste	II
Chapter 35, Article II, Division 3	Trespass towing from private property, nonconsensual towing, and vehicle immobilization	III
<del>Chapter 38</del> Chapter 40	<del>Zoning</del> Orange Code	II

In all other respects, Section 11-62 shall remain unchanged.

**Section 8. Amendment to Chapter 15 (“Environmental Control”), Article XIV (“Incinerator Management”).** Section 15-554 is amended to read as follows:

**Sec. 15-554. Applicability.**

\* \* \* \* \*

(b) *Nonconforming uses.* Existing incinerator facilities will be subject to the nonconforming use provisions within the appropriate governmental jurisdictions, except to the extent that no facility shall be allowed to be expanded or enlarged if such enlargements will increase the incineration capacity of the facility beyond the permitted capacity of December 31, 1992. The nonconforming use provisions of chapter 38, zoning, article III, sections 38-46 through 38-55 of the Orange County Code chapter 40, article II will be

146 applied to those facilities within the unincorporated areas of the  
147 county.

148 In all other respects, Section 15-554 shall remain unchanged.

*Section 9. Amendment to Chapter 21 ("Highways, Bridges and Miscellaneous  
150 Public Places"), Article I ("In General").* Section 21-3 is amended to read as follows:

**Sec. 21-3. Uniform numbering system.**

152 \* \* \* \* \*

153 (2) *Assignment of building numbers.* The county zoning ~~director~~  
154 manager shall be responsible for issuing all new building  
155 numbers in conformity with the grid numbering system  
156 adopted by the board of county commissioners. The zoning  
157 ~~director~~ manager shall be responsible for investigating and  
158 inspecting all existing building numbers to insure  
159 compliance with this section and shall also be responsible  
160 for giving notice to owners and occupants whose current  
161 property addresses conflict with the adopted grid numbering  
162 system.

163 (3) *Establishment of county grid numbering system.* A grid  
164 numbering system shall be used for the assignment of street  
165 addresses. The system is based on a zero base point located  
166 at Central Boulevard and Orange Avenue within the City of  
167 Orlando and proceeding outward on a horizontal and vertical  
168 axis.

\* \* \* \* \*

170 d. The assignment of numbers on corner lots shall be  
171 determined from the public or private street from which  
172 the vehicular access is provided, or on which the building  
173 fronts if vehicular access is provided on both streets.

174 e. In cases in which the public or private street runs both  
175 north/south and east/west, the grid direction shall be  
176 determined by the proportional length of the public or  
177 private street.

178 Variations from this grid system may be made by the zoning  
179 ~~director~~ manager when it would be more reasonable or  
180 practical to assign a street address based on a grid numbering  
181 system used by a municipality in close proximity to the  
182 property or building.

183 (4) *Posting of numbers on buildings.* All buildings shall have the  
184 assigned building number properly displayed, whether or not

mail is delivered to the building. The posting of the building number shall be the responsibility of both the owner and occupant of the building and shall comply with the following requirements:

\* \* \* \* \*

- b. The number shall be in arabic numerals unless otherwise approved by the zoning ~~director~~ manager. Decorative numbers or other numbers that are difficult to read will not be approved.

\* \* \* \* \*

- f. A property owner or his agent shall have the responsibility for contacting the county zoning department to determine the correct building number or numbers to be assigned to all buildings located or constructed on his property in the unincorporated area of the county after the effective date of this section. The owner or his agent shall post the building number in accordance with this section prior to the building's occupancy. A certificate of occupancy shall not be issued until the zoning ~~director~~ manager has verified that the building has been properly numbered in accordance with this section.

- (5) *Change of address.* The following regulations are established for the notification of change of address:

- a. Where the existing building number does not conform to the requirements provided by this section, the zoning ~~director~~ manager shall provide a change of address notice to the owner and occupant of the building. A building number shall be considered nonconforming if it does not conform with the grid numbering system adopted by the board of county commissioners, if the number is out of sequence with other numbers on the street, or if an odd or even number is on the wrong side of the street.

\* \* \* \* \*

- (6) *Appeals.* If any owner or occupant is aggrieved by the zoning ~~director's~~ manager's determination of street address or building number, he shall have the right to request a review of such determination within thirty (30) days from the date the notice of change of address or other request for conformance is issued by the county zoning ~~director~~ manager. The zoning ~~director~~ manager shall review his determination within thirty (30) days from the date of the

request for review and shall notify the owner or occupant of his determination in writing. The owner or occupant shall comply with the zoning ~~director's~~ manager determination unless, within fifteen (15) days from the date of such determination, the owner or occupant files a written request for review by the board of county commissioners. Such request shall be in writing and directed to the county zoning ~~director~~ manager. The board of county commissioners shall schedule a hearing on the matter and shall notify the owner or occupant of the date and time of the hearing. The owner or occupant shall have the right to appear at the hearing and present evidence and argument in support of his request. After the hearing, the board of county commissioners shall make a determination on the matter, which determination shall be final.

In all other respects, Section 21-3 shall remain unchanged.

**Section 10. Amendment to Chapter 21 (“Highways, Bridges and Miscellaneous Public Places”), Article VI (“Right-Of-Way Utilization Regulations”).** Chapter 21, Article VI is

amended to read as follows:

\* \* \* \* \*

**Sec. 21-173. Definitions.**

\* \* \* \* \*

*Facility* shall mean a structure which has been and/or is being placed and maintained along, across, on or under any road right-of-way within the jurisdiction of the county, including, but not limited to, any electric transmission, telephone, cable, or telecommunication lines; pole lines; poles; small cell wireless or other telecommunications equipment; railways; ditches; sewers; water, heat, or gas lines; heat or gas mains; pipelines; wells; fences; gasoline tanks and pumps; irrigation; landscaping; signage ~~(except off-site directional signs as permitted under chapter 31.5);~~ or specialty paving.

\* \* \* \* \*

**Sec. 21-241. Waste/recycling collection and storage containers.**

\* \* \* \* \*

(b) Temporary portable storage containers, as defined in ~~Section 38-79(55)~~ chapter 40, article VI, Orange County Code, shall not be



266 placed within the right-of-way of any County-maintained roadway  
268 or roadway that has been paved and is in the one-year warranty  
period.

In all other respects, Article VI shall remain unchanged.

270 **Section 11. Amendment to Chapter 21 (“Highways, Bridges and Miscellaneous Public  
Places”), Article VIII (“Block Parties”).** Section 21-278 is amended to read as follows:

272 **Sec. 21-278. Definitions.**

\* \* \* \* \*

274 *Single-family residential area* shall mean an area consisting of  
single-family and two-family dwellings, as defined in ~~section 38-1~~  
276 chapter 40, article VI, Orange County Code.

In all other respects, Section 21-278 shall remain unchanged.

278 **Section 12. Amendment to Chapter 23 (“Impact Fees”), Article II (“Law  
Enforcement Impact Fee”).** Section 23-32 is amended to read as follows:

280 **Sec. 23-32. Exemptions and discounts.**

\* \* \* \* \*

282 (g) An accessory dwelling unit, as defined in ~~Section 38-1,~~  
284 chapter 40, article VI, Orange County Code, provided, however, that  
the living area of the accessory dwelling unit does not exceed one  
286 thousand five hundred (1,500) square feet. An accessory dwelling  
unit with a living area that exceeds one thousand five hundred  
288 (1,500) square feet shall be charged the single-family detached  
impact fee rate as set forth in Section 23-29.

\* \* \* \* \*

290 In all other respects, Section 23-32 shall remain unchanged.

**Section 13. Amendment to Chapter 23 (“Impact Fees”), Article III (“Fire/Rescue  
Services Impact Fee”).** Section 23-62 is amended to read as follows:

292 **Sec. 23-62. Exemptions and discounts.**

\* \* \* \* \*

294 (h) An accessory dwelling unit, as defined in ~~Section 38-1,~~  
296 chapter 40, article VI, Orange County Code, provided, however, that  
the living area of such dwelling unit does not exceed one thousand

five hundred (1,500) square feet. An accessory dwelling unit with a living area that exceeds one thousand five hundred (1,500) square feet shall be charged the single-family detached impact fee rate as set forth in Section 23-60.

\* \* \* \* \*

In all other respects, Section 23-62 shall remain unchanged.

**Section 14. Amendment to Chapter 23 (“Impact Fees”), Article IV (“Transportation Impact Fee”).** Section 23-88 is amended to read as follows:

**Sec. 23-88. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For technical terms not defined herein, refer to the Institute of Transportation Engineers Trip Generation Report, 10th Edition.

\* \* \* \* \*

*Accessory dwelling unit* shall have the meaning contained in ~~section 38-1~~ chapter 40, article VI, of this Code.

*Accessory structure or use* shall have the meaning contained in ~~section 38-1~~ chapter 40, article VI, of this Code.

In all other respects, Section 23-88 shall remain unchanged.

**Section 15. Amendment to Chapter 23 (“Impact Fees”), Article V (“School Impact Fees”).** Chapter 23, Article V is amended to read as follows:

**Sec. 23-121. Definitions.**

When used in this article, the following terms shall have the following meanings, unless the context otherwise clearly requires:

*Accessory structure* shall have the meaning contained in ~~section 38-1~~ chapter 40, article VI, of the Orange County Code.

*Accessory dwelling unit* shall have the meaning contained in ~~section 38-1~~ chapter 40, article VI, of the Orange County Code.

\* \* \* \* \*

328                   **Sec. 23-161. Exemptions.**

                                  \* \* \* \* \*

330                   (8) The construction of an accessory dwelling unit as defined in  
section ~~38-1~~ chapter 40, article VI, Orange County Code.

332                   ~~Accessory structure~~ shall have the meaning contained in ~~section~~  
~~38-1~~ chapter 40, article VI, of the Orange County Code.

334                   ~~Accessory dwelling unit~~ shall have the meaning contained in  
~~section 38-1~~ chapter 40, article VI, of the Orange County Code.

336                                   \* \* \* \* \*

In all other respects, Article V shall remain unchanged.

338                   ***Section 16. Amendment to Chapter 23 (“Impact Fees”), Article VI (“Parks and  
Recreation Impact Fee”).*** Chapter 23, Article VI is amended to read as follows:

340                                   \* \* \* \* \*

**Sec. 23-176. Definitions.**

342                   The following words, terms, and phrases, when used in this article,  
shall have the meanings ascribed to them in this section, unless the  
344                   context clearly indicates a different meaning:

346                   ~~Accessory dwelling unit~~ shall have the meaning contained in  
~~section 38-1~~ chapter 40, article VI, of the Orange County Code.

                                  \* \* \* \* \*

348                   **Sec. 23-183. Exemptions and discounts.**

                                  \* \* \* \* \*

350                   (f) An accessory dwelling unit as defined in ~~section 38-1~~  
~~chapter 40, article VI~~, Orange County Code, provided, however, that  
352                   the living area of the accessory dwelling unit does not exceed one  
thousand five hundred (1,500) square feet. An accessory dwelling  
354                   unit with a living area that exceeds one thousand five hundred  
(1,500) square feet shall be charged the single-family detached  
356                   impact fee rate as set forth in Section 23-180, hereof.

                                  \* \* \* \* \*

358                   In all other respects, Article VI shall remain unchanged.

***Section 17. Repeal of Chapter 24 (“Landscaping, Buffering, and Open Space”).***

360                   Chapter 24, Article I (“In General”), consisting of Sections 24-1 through 24-25 (with Sections

24-12 through 24-25 already marked “Reserved.”) and Article II (“Open Space”), consisting of  
362 Section 24-26 through 24-30 are hereby repealed and reserved for future use.

***Section 18. Amendment to Chapter 28 (“Nuisances”), Article II (“Lot Cleaning”).***

364 Section 28-33 is amended to read as follows:

**Sec. 28-33. Accumulations of trash, junk, debris and  
366 nonliving plant material on property utilized or  
368 zoned for residential, professional office,  
commercial or industrial use.**

\* \* \* \* \*

370 (3) Keeping wood on the property for use as fuel, provided:

\* \* \* \* \*

372 (b) Wood piles, stacks, bundles or cords shall be subject to other  
governing provisions of the Orange County Code, including those  
374 found in ~~chapter 38~~ chapter 40; and

\* \* \* \* \*

376 In all other respects, Section 28-33 shall remain unchanged.

***Section 19. Amendment to Chapter 30 (“Planning and Development”), Article II***  
378 ***(“Planning and Zoning Enabling Legislation”).*** Chapter 30, Article II is amended to read as  
follows:

380 \* \* \* \* \*

**Sec. 30-34. Planning and zoning commission—  
382 Establishment, composition, etc.**

\* \* \* \* \*

384 (i) *Departments, officials.* If only one (1) administrative official  
386 is designated to supervise all planning and zoning functions, his or  
her duties shall include all of the functions set forth in section 30-  
388 41. However, the board of county commissioners may establish  
separate planning and zoning divisions to carry out all planning and  
390 zoning functions and procedures provided for by this article. In such  
event, a zoning manager and a planning manager may be designated  
392 to supervise the respective divisions. Duties and responsibilities of  
such officials shall be as set forth in section 30-41, and any and all  
394 references in this article to the title “~~planning and zoning director~~  
manager” shall then refer to and include only the zoning manager.

Furthermore, wherever in this Code, particularly in chapters ~~38, 30 and 31.5~~ 39 and 40, the terms “manager of the zoning, division,” “manager of the zoning department,” and “zoning director” are referenced, those terms shall be deemed to be the term “zoning manager.”

**Sec. 30-35. Same—Functions, powers and duties.**

(a) The functions, powers and duties of the planning and zoning commission shall be in general:

\* \* \* \* \*

(11) Upon application for changes in zoning categories, the planning and zoning commission has the authority to recommend a variance from the requirements of section ~~38-1501~~ 40-52 as it relates to minimum lot area and minimum lot width only.

\* \* \* \* \*

(d) It is further provided that the planning and zoning commission shall elect a chair and a vice-chair from among its members at the first meeting in January of each year. Special meetings may be called by the chair or vice-chair.

\* \* \* \* \*

**Sec. 30-37. Same—Amendment, change or alteration**

\* \* \* \* \*

(c) The board of county commissioners may, by appropriate official ordinance, formally approve the amendments, changes or alteration to the comprehensive plan either as a whole or as substantial portions, corresponding generally with functional or geographic subdivisions of the area. Upon approval by the board of county commissioners, the planning or ~~and~~ zoning manager ~~director~~ shall incorporate such maps by reference as a part of the official map of the comprehensive plan.

\* \* \* \* \*

**Sec. 30-41. Administration and enforcement.**

(a) An administrative official, to be known as the zoning ~~director~~ manager and employed by the board of county commissioners, shall administer and enforce the zoning ordinance and rules and regulations adopted under the authority of this article. The office of the zoning ~~director~~ manager shall be known as the zoning ~~department~~ division.

(b) If the zoning ~~director~~ manager shall find that any of the provisions of the zoning ordinance and rules and regulations adopted under this article are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of illegal work being done; or shall take any other action authorized by the zoning ordinance or this article to insure compliance with or to prevent violation of its provisions. When a stay order is issued by the zoning ~~director~~ manager because of a violation of this article or regulations adopted under this article, work or construction on the premises affected by the stay order shall cease until the violation has been corrected and the stay order removed.

(c) An administrative official to be known as the “planning ~~director~~ manager” and employed by the board of county commissioners shall report to the board of county commissioners and shall assist the board in the development of long-range plans for facilities and services. He shall assist the planning and zoning commission in discharging its responsibilities as spelled out in section 30-35. He shall also assist other governmental agencies in the development of plans as directed by the board of county commissioners. He may be provided with the assistance of such other persons as the board of county commissioners may employ. The office of the planning ~~director~~ manager shall be known as the ~~planning department~~ division. The planning ~~director~~ manager shall have the following minimum qualifications: he shall be a graduate of an accredited college or university with a degree in one (1) of the following fields: architecture, political science, planning, economics, business administration, engineering or law. He shall either have a master’s degree in the field of urban planning or shall have at least four (4) years’ experience in the field of urban planning.

**Sec. 30-42. Board of zoning adjustment—Establishment, composition, etc.**

\* \* \* \* \*

(h) *Staff.* The employed staff of the ~~planning and zoning commission~~ zoning division shall serve as the employed staff of the board of zoning adjustment.

\* \* \* \* \*

**Sec. 30-43. Same—Powers and duties.**

The board of zoning adjustment shall have the following powers and duties:

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\* \* \* \* \*

(2) *Exceptions; applications; procedures.*

- a. A written application for a special exception is submitted indicating the section of the ~~zoning ordinance code requirement~~ under which the special exception is sought and stating the grounds on which it is requested.

\* \* \* \* \*

- e. The board of zoning adjustment considers and weighs those criteria for reviewing special exceptions contained in ~~section 38-78~~ chapter 40, article II, division 2.

(3) *Variances.* To recommend to the board of county commissioners upon appeal in specific cases such variance from the zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship. A variance from the terms of the zoning ordinance shall not be recommended by the board of zoning adjustment unless and until:

\* \* \* \* \*

- c. ~~Reserved. The special conditions and circumstances do not result from the actions of the applicant.~~
- d. ~~Reserved. Recommending granting the variance requested will not confer on the applicant any special privilege that it denied by the zoning ordinance to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.~~

\* \* \* \* \*

- g. The board of zoning adjustment shall make findings that the requirements of ~~subsection (3)~~ chapter 40, article II, division 2, have been met by the applicant for a variance.
- h. ~~Reserved. The board of zoning adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.~~
- i. ~~Reserved. The board of zoning adjustment shall further make a finding that the granting of the variance shall be~~

518 ~~in harmony with the general purpose and intent of the~~  
519 ~~zoning ordinance, will not be injurious to the~~  
520 ~~neighborhood, or otherwise detrimental to the public~~  
521 ~~welfare.~~

522 In recommending the granting of any variance, the board  
523 of zoning adjustment may prescribe appropriate  
524 conditions and safeguards in conformity with the zoning  
525 regulations. Violation of such conditions and safeguards,  
526 when made a part of the terms under which the variance  
527 is granted and adopted by the board of county  
528 commissioners, shall be deemed a violation of this article  
529 and punishable under section 30-49. Further, variance  
530 approvals shall be in accordance with the application and  
531 site plan submitted by the applicant, as may be amended  
532 or conditioned by the BZA/BCC.

533 The board of zoning adjustment may prescribe a  
534 reasonable time limit within which the action for which  
535 the variance is required shall be begun or completed, or  
536 both. Under no circumstances except as permitted above  
537 shall the board of zoning adjustment recommend  
538 granting a variance to permit a use not generally or by  
539 special exception permitted in the zoning district  
540 involved, or any use expressly or by implication  
541 prohibited by the terms of the zoning regulations in the  
542 zoning district. No nonconforming use of neighboring  
543 lands, structures or buildings in the same zoning district,  
544 and no permitted use of lands, structures or buildings in  
545 other zoning district shall be considered grounds for the  
546 authorization of a variance.

547 A requested variance from the requirements of **section**  
548 **38-1501** which complies with each of the following  
549 three (3) criteria shall be processed in accordance  
550 with **section 34-27** and shall not be heard by the board of  
551 zoning adjustment:

- 552 a. The requested variance is from a provision of **chapter**  
553 **38, zoning**, which is either specifically listed  
554 in **section 38-1501**, site and building requirements,  
555 or from the type of standards listed in **section**  
556 **38-1501** as applicable to those properties located in  
557 the **UR, RCE-2 and RCE-5** districts; and
- 558 b. The variance request is made either in combination  
559 with the initial preliminary subdivision plan review  
560 or as a change to the preliminary subdivision plan



conducted in compliance with chapter 34,  
subdivision regulations, Orange County Code; and

- c. The requested variance affects more than one (1) lot  
and may have an effect on the overall site  
development of the subdivision.

- (4) *Decisions of the board of zoning adjustment.* In exercising  
the above-mentioned powers, the board of zoning  
adjustment may, so long as such action is in conformity with  
the terms of the zoning regulations, reverse or affirm, wholly  
or partly, or may modify the order, requirement, decision, or  
determination as ought to be made, and to that end shall have  
powers of the planning and/or zoning ~~director(s)~~ manager(s)  
from whom the appeal is taken.

Four (4) members of the board of zoning adjustment must be  
present in order for a quorum to exist. A majority vote of the  
board of zoning adjustment shall be necessary to recommend  
reversal of any order, requirement, decision or determination  
of the ~~planning and/or zoning director(s)~~ manager(s), or to  
recommend in favor of the applicant on any matter upon  
which it is required to pass under the zoning regulations, or  
to recommend any variation in the application of the zoning  
regulations.

\* \* \* \* \*

- (5) The board of zoning adjustment shall elect a chair and vice-  
chair from among its members at the first meeting in January  
of each year. Special meetings may be called by the chair or  
the vice-chair.

\* \* \* \* \*

#### **Sec. 30-46. Review of appeal decisions.**

Any person aggrieved by the board of county commissioners'  
decision on an appeal from a quasi-judicial decision of the board of  
zoning adjustment or the planning and zoning commission, may file  
a petition for writ of certiorari as authorized in the manner  
prescribed by the state appellate rules of court in the circuit court of  
the county, to review the decision of the board of county  
commissioners. The court shall not conduct a trial de novo. The  
proceedings before the board of county commissioners, including  
the testimony of witnesses, and any exhibits, photographs, maps or  
other documents filed before them, shall be subject to review by the  
circuit court. The petition, together with the transcript of the  
testimony of the witnesses, as record of the proceedings, shall be  
filed in the circuit court within thirty (30) days after the filing of the  
written decision by the board of county commissioners to which

604 such petition is addressed. The person filing the petition shall be  
605 responsible for filing a true and correct transcript of the complete  
606 testimony of the witnesses. The person filing the petition shall  
immediately serve a copy of the petition upon the ~~planning-and or~~  
608 ~~zoning-director~~ manager, as applicable, who shall thereupon  
suspend the issuance of a use permit until the court has ruled upon  
610 the petition. Neither the ~~planning-and or zoning-director~~ manager,  
nor the planning and zoning commission, nor the board of zoning  
adjustment, shall be a party to the certiorari proceeding.

612 **Sec. 30-47. Use permits.**

No building or other structure shall be constructed, altered,  
614 erected, moved, added to or structurally altered without a use permit  
therefor issued by the ~~zoning-director~~ building manager or his/her  
616 duly authorized representative. No building permit, electrical  
permit, plumbing permit or septic tank permit shall be issued unless  
618 and until a use permit has been issued. Furthermore, no state or  
county ~~occupational or retail license~~ business tax receipt shall be  
620 issued until after a use permit has been issued; provided, however,  
that such requirement shall not apply to the renewal of existing state  
622 and county ~~occupational or retail license~~ business tax receipt. An  
application for a use permit shall be submitted on a form to be  
624 prescribed by the board of county commissioners to the ~~zoning~~  
~~department~~ building department.

626 \* \* \* \* \*

628 **Sec. 30-48.5. ~~Reserved. Application for rezoning, variances,~~**  
**~~special exceptions, and appeals of the zoning~~**  
**~~manager's determinations.~~**

630 ~~(a) Applications for rezonings, variances, special exceptions~~  
~~and appeals of zoning manager determinations shall be submitted to~~  
632 ~~the zoning division, with the applicable fee, prior to consideration~~  
~~of the request. Prior to application submittal, the applicant is~~  
634 ~~encouraged to meet on an informal basis with the planning or zoning~~  
~~division, as applicable, to review the request. Complete applications~~  
636 ~~must be submitted at least six (6) weeks prior to the public hearing.~~  
~~Application deadlines shall be posted in the zoning division. All~~  
638 ~~complete applications received by the deadline shall be placed on~~  
~~the public hearing agenda for the next available public hearing. Staff~~  
640 ~~shall review the request and generate a recommendation. Staff~~  
~~review shall involve the following:~~

- 642 ~~(1) Generation of appropriate maps showing the subject~~  
~~property and the surrounding areas;~~
- 644 ~~(2) Site inspections to visualize what is on the site and to~~  
~~determine the character and nature of the surrounding area;~~

- 646           ~~(3) Review of the zoning records to verify zoning trends, if any,~~  
                  ~~in the area;~~
- 648           ~~(4) Review of comprehensive policy plan to make a consistency~~  
                  ~~finding;~~
- 650           ~~(5) Review of applicable county regulations and criteria; and~~
- 652           ~~(6) Consolidation of information obtained in subsections (1)~~  
                  ~~through (5) and finalization of staff recommendations.~~

654           ~~Staff recommendations on rezonings shall be delivered to the~~  
~~planning and zoning commission on the Friday prior to the public~~  
656 ~~hearing. Staff recommendations shall also be mailed to the~~  
~~applicants. The information shall also be available to the public for~~  
~~review in the planning and zoning divisions.~~

658           ~~(b) The public hearings on rezoning requests shall be held in the~~  
~~county commission chambers or other designated location on the~~  
660 ~~third Thursday of every month, unless as otherwise designated due~~  
~~to holidays. The public hearings on variances, special exceptions~~  
662 ~~and appeals of the zoning manager's determination shall be held in~~  
~~the county commission chambers or other designated location on the~~  
664 ~~first Thursday of the month, unless otherwise designated due to~~  
~~holidays. At the public hearing, the request shall be read into record;~~  
666 ~~staff recommendation shall be presented and then the applicant shall~~  
~~be given the opportunity to make a presentation.~~

668           ~~People wishing to speak in favor of or in opposition to the request~~  
~~shall then be given the opportunity to make a presentation. The~~  
670 ~~applicant is given the opportunity to briefly respond to any~~  
~~opposition. Prior to closing the public hearing, the planning and~~  
672 ~~zoning commission or board of zoning adjustment may question the~~  
~~applicant. Discussion shall then takes place among the members of~~  
674 ~~the planning and zoning commission or board of zoning adjustment~~  
~~and a motion and vote shall be made to either make a~~  
676 ~~recommendation to approve or deny request.~~

678           ~~(c) The planning and zoning commission or board of zoning~~  
~~adjustment recommendations shall be presented to the board of~~  
680 ~~county commissioners no sooner than ten (10) days and no later than~~  
~~thirty (30) days after the planning and zoning commission or the~~  
682 ~~board of zoning adjustment make their respective recommendations.~~  
~~Provided, however, the board of county commissioners, by majority~~  
684 ~~vote, may elect to consider the recommendations of either the~~  
~~planning and zoning commission or the board of zoning adjustment~~  
686 ~~sooner than ten (10) days after the recommendations are made. The~~  
~~board of county commissioners may accept the planning and zoning~~  
688 ~~commission recommendations or board of zoning adjustment~~  
~~recommendations or call its own public hearing for any request. Any~~

690 person aggrieved by a recommendation of the planning and zoning  
691 commission or board of zoning adjustment may appeal to the board  
692 of county commissioners within fifteen (15) days of the planning  
693 and zoning commission or board of zoning adjustment meeting at  
694 which such recommendation was made by following those  
695 procedures set forth in section 30-45. If there is no appeal or board  
696 called public hearing of planning and zoning commission  
697 recommendation or board of zoning adjustment recommendation,  
698 then the recommended action shall become final after approval of  
699 the recommendations by the board of county commissioners, but no  
700 sooner than fifteen (15) days after the planning and zoning  
701 commission or board of zoning adjustment action. If a board of  
702 county commissioners public hearing is held and there is no appeal  
703 of the board of county commissioners' decision, then the decision  
704 shall become final ten (10) days following the rendering of board of  
705 county commissioners decision. Once the rezoning special  
706 exception, or variance decision is finalized, the zoning maps shall  
be revised to reflect the decision.

707 **Sec. 30-49. Enforcement of zoning resolutions, regulations;**  
708 **penalties.**

709 (a) An administrative official, to be known as the zoning  
710 director manager, and employed by the board of county  
711 commissioners, shall be vested with the authority to administer and  
712 enforce such rules and regulations as may from time to time be  
713 adopted by the board of county commissioners under the authority  
714 of this article. The zoning ~~director~~ manager is hereby authorized and  
715 directed to take any action authorized by this article, to insure  
716 compliance with or prevent violation of its provisions, and he shall  
have authority to issue administrative stay orders on such behalf.

717 (b) The board of county commissioners, the zoning ~~director~~  
718 manager, or any aggrieved or interested person may have the right  
719 to apply to the circuit court of the county to enjoin and restrain any  
720 person violating the provisions of this article, of the comprehensive  
721 plan, zoning ordinance and rules and regulations adopted under the  
722 article, and the court shall upon proof of the violation of same have  
723 the duty to forthwith issue such temporary and permanent  
724 injunctions as are necessary to prevent the violation of same.

725 \* \* \* \* \*

In all other respects, Article II shall remain unchanged.

726  
727 **Section 20. Amendment to Chapter 30 ("Planning and Development"), Article III**  
728 **("Land Development and Use Ordinance").** Section 30-83 is amended to read as follows:

**Sec. 30-83. Plats; vertical construction prior to plat approval; vacation.**

\* \* \* \* \*

(d) Model homes may be permitted on not more than ~~twenty (20)~~ seventy-five (75) percent of the lots in a single-family residential development with an approved preliminary subdivision plan, or phase thereof, but in no event may the number of model homes exceed ~~five (5)~~ per phase for single-family detached, and may not exceed ~~one (1)~~ six unit building per phase for single-family attached (each of the model units shall be required to be built out). The model homes shall be situated on contiguous lots or clustered within a readily identified area. Not more than one (1) model home may be used as a sales office/center, subject to the requirements of subsection 39-348(5) ~~subsection 38-79(5)~~.

\* \* \* \* \*

In all other respects, Section 30-83 shall remain unchanged.

**Section 21. Amendment to Chapter 30 (“Planning and Development”), Article VIII (“Site Development”).** Chapter 30, Article VII is amended to read as follows:

\* \* \* \* \*

**Sec. 30-241. Paved access.**

\* \* \* \* \*

(b) ~~Per Transportation Policies T3.2.1 and T3.2.2~~ LMN 6.3.3 and 6.3.4 in chapter 1 of the Comprehensive Plan, the county shall require developments to provide interconnected transportation street, pedestrian, and bicycle networks through measures including, but not limited to, cross-access easements, public rights-of-way, and/or transportation facility stubouts to adjacent parcels. These connections shall be provided in all directions, except where not physically feasible, the abutting land is undevelopable, or prevented by other physical or environmental barriers, including, but not limited to, limited access roadways, railroads, and environmental features. Transportation networks shall be provided across existing and proposed streets, at intervals that support direct pedestrian and bicycle travel within and beyond the borders of the proposed development and that avoid cul-de-sacs or other closed-end street designs.

\* \* \* \* \*

**Sec. 30-246. Conservation areas.**

All development shall be consistent with the ~~conservation element~~  
Natural Resources and Conservation purpose of Part II of the county  
comprehensive policy plan and the conservation regulations as  
shown in this Code. Where development is proposed within a  
conservation area, a determination must be made as to the extent of  
the intrusion into the conservation area. The following information  
shall be submitted by the developer or owner with the site  
development plan:

\* \* \* \* \*

**Sec. 30-249. Planned rights-of-way.**

No improvements, including stormwater retention areas, shall be  
permitted within the planned rights-of-way for major streets as  
defined in ~~chapter 40, article VI chapter 38, article XV~~ of the County  
Code, as the same may be amended.

\* \* \* \* \*

**Sec. 30-251. Landscaping.**

Landscaping shall be installed in accordance with ~~chapter 24~~ 40,  
~~article H~~ III of the County Code.

**Sec. 30-252. Building setbacks.**

Building setbacks and buffer areas shall comply with current  
applicable regulations contained in ~~chapter 38~~ chapter 40 of the  
County Code (pertaining to zoning).

\* \* \* \* \*

**Sec. 30-255. Curb zone management.**

\* \* \* \* \*

(c) A project that has a County-approved curb zone  
management strategy or strategies may receive a reduction of its  
corresponding required off-street parking of up to ten (10) percent,  
as determined by **Section 38-1476**, administratively, without the  
need for a parking study.

In all other respects, Article VIII shall remain unchanged.

***Section 22. Amendment to Chapter 30 (“Planning and Development”), Article XI***

***“(Comprehensive Plan and Vested Rights”).*** Chapter 30, Article XI is amended to read as  
follows:

802

\* \* \* \* \*

**Sec. 30-342. Same—Purpose and intent.**

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\* \* \* \* \*

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(b) The goals, objectives, policies, future conditions maps; ~~Capital Improvements Element~~ tables found in the Implementation and Property Rights chapter pertaining to Capital Improvement projects, revenue and expenditures for the first five (5) fiscal years subsequent to plan adoption, public participation procedures and monitoring and evaluation procedures adopted by this division are declared to be the minimum requirements necessary to accomplish the purpose and intent of this division; and they are declared to be the minimum requirements to maintain, through orderly growth and development, the character and stability of present and future land use and development in the county. Nothing in this plan is to be construed to limit the powers and authority of the board of county commissioners to enact ordinances, rules or regulations that are more restrictive than the provisions of the comprehensive policy plan.

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\* \* \* \* \*

**Sec. 30-344. Same—Contents.**

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The comprehensive policy plan shall consist of (i) this division, (ii) the goals, objectives, policies, ~~Capital Improvements Element~~ tables found in the Implementation and Property Rights chapter pertaining to projects, revenue and expenditures for the first five (5) fiscal years subsequent to plan adoption, public participation procedures, and monitoring and evaluation procedures in Exhibit A, and (iii) the future conditions maps in Exhibit A. The documents and contents of Exhibit A are incorporated herein by reference as if set forth fully in this division, and Exhibit A is on file with the planning department and with the clerk to the board of county commissioners at 201 South Rosalind Avenue in Orlando.

\* \* \* \* \*

834

**Sec. 30-363. Developments entitled to a vested rights certificate.**

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\* \* \* \* \*

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842

(d) *Other developments.* Notwithstanding its inconsistency, in whole or in part, with the comprehensive plan, a development other than a DRI shall be deemed to have been issued a final local development order and to have commenced and to be continuing in good faith for purposes of subsection (a) and F.S. § 163.3167(8), and therefore to be entitled to a vested rights certificate, if (1) the

development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) as of June 5, 1991, the development met one (1) or more of the following criteria:

\* \* \* \* \*

(6) Reserved. ~~Proposed subdivisions. Any proposed subdivision for which:~~

- a. ~~The development order approving the appropriate zoning has been granted; and~~
- b. ~~A complete application for approval of the preliminary subdivision plan has been received by the county; and~~
- c. ~~The application for approval is granted; and~~
- d. ~~Before expiration of the preliminary subdivision plan approval, either construction pursuant to the preliminary subdivision plan is started or a surety in form, substance, and amount acceptable to the county guaranteeing such construction is delivered to the county.~~

(7) Reserved. ~~Residential building permit applications. Any proposed residential structure for which:~~

- a. ~~A development order approving the appropriate zoning has been granted; and~~
- b. ~~A complete application for a building permit has been received by the county; and~~
- c. ~~The application is approved; and~~
- d. ~~Construction is started before the permit expires.~~

(8) Reserved. ~~Nonresidential building permit applications. Any proposed nonresidential structure for which:~~

- a. ~~A development order approving the appropriate zoning has been granted; and~~
- b. ~~A complete application for approval of the site development plan has been received by the county; and~~
- c. ~~The application is approved; and~~
- d. ~~Construction is started before the building permit expires.~~

(9) Urban infill. Any proposed residential structure for which all of the following requirements are met:

\* \* \* \* \*

- e. The Planning, Environmental, and Development Services Director ~~planning and development director~~



determines that the structure, if built, would fill in undeveloped land within existing urban residential development in a manner consistent with the county's policies to encourage compact urban development and discourage urban sprawl (that is, it would constitute a bona fide "urban infill" project).

\* \* \* \* \*

- (11) *Environmentally sensitive large lots in the urban service area.* Any residential lot or lots for which all of the following requirements are met:

\* \* \* \* \*

- d. The Planning, Environmental, and Development Services Director ~~planning and development director~~ determines that, because the lot or lots are in a location that is actually in or is in close proximity to environmentally sensitive resources, development less dense than indicated on the comprehensive policy plan future land use map is warranted to promote, consistent with the comprehensive policy plan, conservation of such environmentally sensitive resources. Environmentally sensitive resources may include, but are not limited to, floodplains, conservation areas and the habitat of wildlife or plants which are listed as threatened, endangered or species of special concern.

\* \* \* \* \*

- (f) *Activity centers.*
- (1) Notwithstanding any part of this division 2 to the contrary, subject to subsection 30-363(f)(2) any development that is located within ~~an activity center~~ the Tourist Activity Center identified in the comprehensive plan shall comply with all requirements and restrictions imposed on properties in the activity center by both the comprehensive plan and the corresponding strategic development plan, and the issuance of a vested rights certificate under this article shall not act to exempt the development from such requirements and restrictions in any respect.

In all other respects, Article XI shall remain unchanged.

**Section 23. Amendment to Chapter 30 ("Planning and Development"), Article XII**  
**"(Concurrency Management)".** Chapter 30, Article XII is amended to read as follows:

\* \* \* \* \*

**Sec. 30-501. Definitions.**

\* \* \* \* \*

*Project that promotes public transportation:* A development within the urban service area that directly affects the provision of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or projects that include fixed-rail or transit terminals as part of the building, and projects which are transit-oriented and designed to complement reasonably proximate planned or existing public facilities consistent with Policy ~~T2.8.1~~ T 2.5.2 and F.S. § 163.3164(37).

\* \* \* \* \*

**Sec. 30-507. Projects that promote public transportation.**

(a) Projects that promote public transportation shall be exempt from transportation concurrency if consistent with Policy ~~T2.8.1~~ T 2.5.2 of the comprehensive plan and F. S. § 163.3164(38), as may be amended, implementation of site design and performance standards specified under Transportation Objective ~~T2.8~~ T 2.5, and the submittal of a mobility analysis that satisfies all of the requirements of this section.

\* \* \* \* \*

(5) An applicant may apply to remove the “project promoting public transportation” designation from all or part of a project by notifying the transportation planning division. For planned developments, the applicant must submit the revised plan to development review committee (DRC) and, if mitigation is necessary, to the RAC. For projects that are not planned developments, the applicant must apply to the concurrency management office for a concurrency determination and make any required payments to the county. Pursuant to section ~~39-7-38~~ 1207, substantial changes to PD land use plans must be approved by the board of county commissioners.

(6) Projects that promote public transportation on constrained, backlogged, or long-term transportation concurrency management system roadways shall be exempt from the requirement for proportionate share, but shall be required to meet any site design requirements of Transportation Element Policy ~~T2.2.4~~ T 2.3.3.

\* \* \* \* \*

**Sec. 30-520. Performance standards.**

Level of service standards for potable water, solid waste, wastewater, parks and recreation, stormwater, roads, mass transit and public school facilities shall be as established in the comprehensive plan.

(1) *Potable water.* The level of service standard for potable water is contained in Comprehensive Plan Policy ~~CIE1.3.4~~ WAT 1.2.5 for development that requires central water service from county public utilities. If the service provider is other than county public utilities, then the service standard of the appropriate service provider shall be used.

(2) *Solid waste.* The level of service standard for solid waste is contained in Comprehensive Plan Policy ~~CIE1.3.6~~ SW 1.1.5 accommodate solid waste generated at a rate of six (6) pounds.

(3) *Wastewater.* The level of service standards for wastewater is contained in Comprehensive Plan Policy ~~CIE1.3.5~~ IMP 4.3.6 for development that requires central wastewater service from gallons per day per equivalent residential unit when central sewer county public utilities. If the service provider is other than the county public utilities, then the service standard of the appropriate provider shall be used.

(4) *Parks and recreation.* The level of service standard for parks is contained in Comprehensive Plan Policy ~~CIE1.3.7~~ ROS 1.2.1.

(5) *Stormwater.* The level of service standard for stormwater is contained in Comprehensive Plan Policy ~~CIE1.3.8~~ SM 1.5.8.

(6) *Transportation.* The level of service standard for roads is contained in Comprehensive Plan ~~Policies~~ Policy T2.1.1 and T2.1.2. The desired overall level of service standard for signalized and major non-signalized intersections shall not be lower than the lowest intersecting roadway level of service standard and the intersection approaches shall be determined to be operationally acceptable with improved delay and capacity on each approach compared to degraded conditions. Such operational evaluation shall be based on standard traffic engineering practice in accordance with the Highway Capacity Manual and as determined by the County Engineer or his/her designee.

~~(7) *Mass transit.* The level of service standard for mass transit is contained in Comprehensive Plan Policy T2.1.3.~~

\* \* \* \* \*

### **Sec. 30-563. Concurrency evaluation—Public schools.**

\* \* \* \* \*

(2) *Method of evaluation.* An application for concurrency evaluation for public schools shall be submitted to the concurrency management office, which shall forward it to the school board to perform the concurrency evaluation.

\* \* \* \* \*

(b) *Development analysis content.* The development analysis shall include:

\* \* \* \* \*

(6) If the application proposes a school site, the development analysis must include the estimated date of availability to the school board; the provider(s) for on-site and off-site infrastructure and whether the proposed school site satisfies the school site selection criteria set forth in chapter 40, article IV, division 7 ~~article XVIII, chapter 38 of this Code~~; and

\* \* \* \* \*

**Sec. 30-615. Transportation concurrency monitoring.**

Beginning in 2015, Orange County shall monitor and evaluate the impacts of projects that promote public transportation on adjacent county-maintained roads and the state highway system based on the performance measures set forth in Comprehensive Plan Policy ~~T2.8.5~~ T 2.5.5.

In all other respects, Article XII shall remain unchanged.

***Section 24. Amendment to Chapter 30 (“Planning and Development”), Article XIII***

***“(Eminent Domain Waivers, Exceptions and Variances)”.*** Section 30-641 is amended to read as follows:

**Sec. 30-641. Signs.**

A sign which is located on a parcel that is subject to condemnation action by a governmental or public agency may be allowed to be relocated on the remaining portion of the parcel in accordance with the following:

\* \* \* \* \*

(3) If the sign to be relocated is a nonconforming sign, upon proof submitted by the applicant and subject to the determination by the zoning manager that public harm would not occur, then such sign may be relocated pursuant to this subsection notwithstanding the applicable provisions of subsection 31.5-12(a) of the county sign ordinance as codified in chapter 31 ~~chapter 40, article III~~.

In all other respects, Section 30-641 shall remain unchanged.

***Section 25. Amendment to Chapter 30 (“Planning and Development”), Article XIV***

***“(Village Land Use Classification Implementation Division)”***. Section 30-700 is amended to read as follows:

**Sec. 30-700. Purpose and intent.**

\* \* \* \* \*

(b) This article addresses and provides the regulatory framework upon which the village land use classification is to be implemented. In addition to the provisions of this article, the specific area plan (SAP) for each specific village within the village land use classification should be consulted (see Chapter ~~39-38~~).

In all other respects, Section 30-700 shall remain unchanged.

***Section 26. Amendment to Chapter 32 (“Solid Waste”), Article V (“Solid Waste Management”)***. Chapter 32, Article V is amended to read as follows:

\* \* \* \* \*

**Sec. 32-214. Permit procedures.**

(a) *Permits.*

\* \* \* \* \*

(2) *DRC review required for facilities within unincorporated Orange County.*

a. For those facilities within unincorporated Orange County, prior to issuance of recommendations by the BZA for a special exception for the solid waste management facility, a conceptual plan for the solid waste management facility must be reviewed by the DRC. The division shall verify the conceptual solid waste management facility plan for sufficiency within ten (10) days. Upon a determination by the manager that the DRC conceptual plan materials are complete, the division shall schedule the matter before the DRC. At a minimum, the conceptual solid waste management facility plan shall comply with the applicable portions of the development plan submittal requirements included in section ~~38-1206~~ 40-31.

\* \* \* \* \*

1072                   **Sec. 32-216.   Technical requirements.**

  \* \* \* \* \*

1074                   (b)   The following requirements shall apply for solid waste  
management facilities other than solid waste disposal facilities:

1076                                   \* \* \* \* \*

1078                   (3)   Setback areas shall be landscaped to provide a visual buffer  
from adjacent properties. Landscaping shall be designed to  
1080                   minimize visual impacts of both the operation and the final  
closed facility from surrounding properties and roads and  
1082                   shall be consistent with the Orange County Landscape  
~~Ordinance requirements~~ as codified in chapter ~~24~~ 40 of this  
Code and described herein.

1084                                   \* \* \* \* \*

                  In all other respects, Article V shall remain unchanged.

1086                   ***Section 27.   Amendment to Chapter 32 (“Solid Waste”), Article V (“Solid Waste  
Management”).*** The last sentence of Section 32-223 is amended to read as follows:

1088                   **Sec. 32-223.   Legally existing facilities.**

  \* \* \* \* \*

1090                   The lawful use of any building, structure, or land existing at the  
time of adoption of this article, or amendment to this article, that  
1092                   was not required to obtain a special exception prior to the adoption  
of this article or any amendment to this article may be continued  
1094                   without obtaining a special exception approval so long as the  
conditions set forth in chapter 40, article II, division 5 ~~article III of~~  
1096                   ~~chapter 38~~ are met.

                  In all other respects, Section 32-223 shall remain unchanged.

1098                   ***Section 28.   Amendment to Chapter 34 (“Subdivision Regulations”), (Article IV  
 (“Specifications for Plans and Plats”).*** Section 34-131 is amended to read as follows:

1100                   **Sec. 34-131.   Preliminary subdivision plan and supporting  
data.**

1102                                   \* \* \* \* \*

1104                   (b)   Legend and supporting data. The legend and supporting data  
of the preliminary subdivision plan shall include:

  \* \* \* \* \*

1106 (17) Where more than one (1) setback applies to a lot, the greater  
setback distance shall apply.

1108 a. Illustrate all setbacks from streets and highways as indicated  
in ~~chapter 38, article XV~~ of the County Code.

1110 \* \* \* \* \*

1112 (c) (1) Landscape plan. All preliminary subdivision plans  
submitted after October 1, 2010, shall include a landscape plan. The  
1114 landscape plan design for any common or recreation areas lots  
within the subdivision, but not including stormwater management  
areas, shall:

1116 a. Contain no more than sixty (60) percent turf, as defined in  
section ~~24-2~~ Chapter 40 of this Code, based upon the total square  
1118 footage of landscaped and irrigated common areas, but not including  
qualified retention ponds and stormwater conveyance systems;  
1120 provided however, that no more than sixty (60) percent of the  
landscaping on individual residential lots may be turf; and

1122 b. Conform to the submittal requirements set forth in chapter  
24 40 of this Code.

1124 \* \* \* \* \*

1126 (4) The following are exempt from the landscape requirements  
of chapter 24 40 of this Code and from this section:

\* \* \* \* \*

1128 (e) Required improvements. The following improvements shall  
be required and shall be indicated on the preliminary subdivision  
1130 plans:

\* \* \* \* \*

1132 2. Right-of-way and setback requirements in chapter 38, article  
XV of the County Code.

1134 In all other respects, Section 34-131 shall remain unchanged.

**Section 29. Amendment to Chapter 34 (Subdivision Regulations), Article V (“Design  
1136 Standards”).** Chapter 34, Article V is amended to read as follows:

\* \* \* \* \*

1138 **Sec. 34-152. Lots and blocks.**

(a) Lot size. The minimum lot size in a subdivision shall be  
1140 determined based on the potable water source and wastewater  
system provided in the subdivision as stated in sections 34-206 and  
1142 34-207, respectively, provided that lot dimensions and size shall not

1144 be less than the minimum established in chapter ~~38~~ 40 of the Orange  
County Code (~~zoning~~).

1146 (b) Corner lots. Corner lots shall be at least ten (10) feet greater  
in width than the minimum established in chapter ~~38~~ 40 of the  
1148 Orange County Code (~~zoning~~). Where the minimum width  
established in chapter ~~38~~ 40 exceeds ninety-five (95) feet, no  
additional width shall be required.

1150 \* \* \* \* \*

1152 (e) ~~Reserved. Flag type lots. Flag lots shall be designed to~~  
~~minimize safety problems. No more than two (2) flag lots should be~~  
1154 ~~located adjacent to each other. The minimum lot width for the~~  
~~narrow extension of the lot to the right of way shall be twenty (20)~~  
~~feet.~~

1156 \* \* \* \* \*

1158 (2) Lots which include a designated conservation area, as  
defined by the county comprehensive policy plan, must have the  
minimum lot size required by chapter ~~38~~ 40 of the County Code  
1160 (~~zoning~~) outside of the conservation area.

\* \* \* \* \*

1162 **Sec. 34-155. Public sites and open spaces.**

\* \* \* \* \*

1164 d. School site sizes and location. School site sizes shall be a  
minimum of fifteen (15) acres for elementary school sites, twenty-  
1166 five (25) acres for middle school sites, twenty (20) acres for free-  
standing ninth grade centers, and sixty-five (65) acres for high  
1168 school sites.

1170 School site locations shall comply with the requirements of  
~~sections 38-1753 through 38-1755~~ chapter 40 of the Orange County  
Code regarding school site guidelines and criteria.

1172 \* \* \* \* \*

**Sec. 34-173. Continuation of existing street pattern.**

1174 \* \* \* \* \*

1176 (b) Per ~~Transportation Policies T3-2.1~~ LMN6.3.1 and ~~T3-2.2~~  
LMN6.3.2 of the Comprehensive Plan, the county shall require  
1178 developments to provide, where feasible, interconnected  
transportation street, pedestrian, and bicycle networks through  
measures including, but not limited to, cross-access easements,  
1180 public rights-of-way, and/or transportation facility stubouts to  
adjacent parcels. These connections shall be provided in all  
1182 directions, except where not physically feasible, the abutting land is



undvelopable, or prevented by other physical or environmental  
barriers, including, but not limited to, limited access roadways,  
railroads, and environmental features.

\* \* \* \* \*

In all other respects, Article V shall remain unchanged.

**Section 30. Amendment of Chapter 34 (Subdivision Regulations”), Article V (“Design Standards”).** Chapter 34, Article V, Section 34-174 (“Access to contiguous landlocked property”), Section 34-175 (“Intersection design”), Section 34-176 (“Subdivision entrance roads”), Section 34-177 (“Intersection separation”) and Section 34-178 (“Street names”) are hereby repealed and reserved for future use.

In Article V, sections already marked “Reserved.” or not identified herein remain unchanged.

**Section 31. Amendment to Chapter 37 (“Water and Wastewater”), Article IV (“Water and Wastewater Facilities Permit”).** Chapter 37, Article IV is amended to read as follows:

\* \* \* \* \*

**Sec. 37-144. Same—Applications.**

\* \* \* \* \*

(e) Upon a determination by the director that an application is complete, the director shall submit that application for consideration by the board of county commissioners at the earliest regularly scheduled meeting when time is available for consideration of the application. The county may, in its discretion, schedule the consideration of an application received pursuant to these rules during any hearing held by the county to determine the issuance or denial of:

(1) A special exception pursuant to **section 38-1407**, pertaining to public and private utilities; and/or

\* \* \* \* \*

**Sec. 37-147. Wastewater and water facilities; minimum requirements.**

In addition to the other requirements of these rules, the board of county commissioners may only issue a utility facility permit for

1216 water treatment facilities, wastewater treatment facilities or effluent  
disposal facilities if the applicant complies with the following:

\* \* \* \* \*

1218 (2) The applicant has received a special exception for such  
1220 facilities pursuant to **section 38-1407** (pertaining to public and  
private utilities).

\* \* \* \* \*

1222 In all other respects, Article IV shall remain unchanged.

***Section 32. Amendment to Chapter 37 (“Water and Wastewater”), Article XVII***

1224 (***“Individual On-Site Sewage Disposal”***). Section 37-539 is amended to read as follows:

1226 **Sec. 37-539. Lot size requirements based on private potable  
well and individual on-site sewage disposal  
systems.**

1228 Lot size requirements shall be in accordance with the districts set  
forth in Orange County Code, ~~chapter 38, zoning, chapter 40~~ but not  
1230 less than:

\* \* \* \* \*

1232 In all other respects, Section 37-539 shall remain unchanged.

***Section 33. Amendment to Chapter 37 (“Water and Wastewater”), Article XVIII***

1234 (***“Water Conservation Rules”***). Section 37-605 is amended to read as follows:

**Sec. 37-605. Irrigation systems; application of water.**

1236 (a) New or substantially altered irrigation systems. All irrigation  
1238 systems installed or substantially modified after July 20, 2008, shall  
comply with the requirements set forth in this paragraph:

\* \* \* \* \*

1240 (4) Landscape areas, including turf areas, measuring four (4)  
feet or less in width, shall be restricted to micro-irrigation and meet  
1242 applicable landscape requirements set forth in ~~chapter 24~~ 40. This  
provision shall not be applicable to turf located on rights-of-way.

\* \* \* \* \*

1244 In all other respects, Section 37-605 shall remain unchanged.

1246 ***Effective date.*** This ordinance shall become effective \_\_\_\_\_.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

1248

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

1250

By: \_\_\_\_\_

1252

Jerry L. Demings  
Orange County Mayor

1254

1256 ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

1258

1260 By: \_\_\_\_\_  
Deputy Clerk

1262