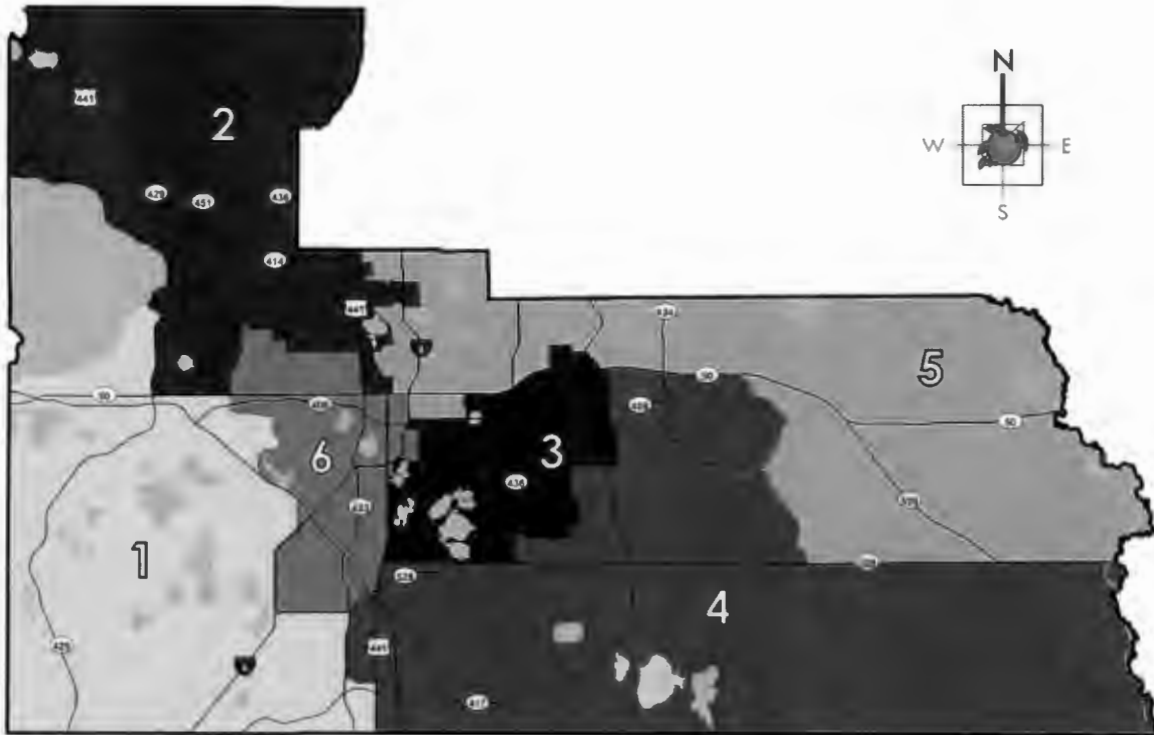




PLANNING AND ZONING COMMISSION  
LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

MAY 20, 2021



PREPARED BY:

ORANGE COUNTY GOVERNMENT  
PLANNING DIVISION | CURRENT PLANNING SECTION

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

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**Planning and Zoning Commission**  
**May 20, 2021**

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**Planning and Zoning Commission**  
**May 20, 2021**

<b><u>Case #</u> <u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Commission</u> <u>District</u></b>	<b><u>Recommendations</u> <u>Staff</u></b>	<b><u>Recommendations</u> <u>PZC</u></b>	<b><u>BCC Hearing</u> <u>Required</u></b>
<b>I. Rezoning Hearings</b>					
RZ-21-05-028 John Morris	<i>R-3 to R-2</i>	5	Approval	Approval	No
RZ-21-05-029 Anand Ramkissoon	<i>R-1A to C-3 (Restricted)</i>	6	Approval w/ two (2) restrictions	Approval w/ two (2) restrictions	No

# SITE and BUILDING REQUIREMENTS

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

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

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	A
	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 <i>k</i>	A
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>	A
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A
	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 <i>k</i>	A
	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 <i>k</i>	A
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>	A
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A
	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 <i>k</i>	A
	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 <i>k</i>	A
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	A
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	A

District	Min. lot area (sq. ft.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	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 <sup>f</sup>	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	A
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets <sup>g</sup>	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	A

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
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-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 area.
- 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.
- g** 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 rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- j** Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- k** Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- 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

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## 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-21-05-028**

Commission District: #5

**GENERAL INFORMATION**

<b>APPLICANT</b>	John D. Morris
<b>OWNERS</b>	Macon Pkwy Land Trust
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	R-3 (Multiple-Family Dwelling District) to R-2 (Residential District)
<b>LOCATION</b>	Macon Pkwy, generally south of Macon Pkwy, east of Archer Blvd, north of Majestic St, and west of Albion Ave.
<b>PARCEL ID NUMBER</b>	01-23-32-7597-21-040
<b>TRACT SIZE</b>	0.243-gross acre
<b>PUBLIC NOTIFICATION</b>	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 six (106) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Attached Single-Family Residential (Duplex)

**STAFF RECOMMENDATION**

**PLANNING**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the subject parcel from R-3 (Multiple-Family Dwelling District) to R-2 (Residential District) for consistency with the underlying Future Land Use designation of Low-Medium Density Residential (LMDR) in order to allow for the construction of a duplex.

The subject parcel was originally platted as one 85' x 125' lot within the Rocket City Subdivision. The plat for the Rocket City Subdivision was recorded on March 21, 1963.

Today, the subdivision can be characterized as having a mixture of attached and detached single-family residential dwelling units on various lot sizes from 32.9 feet wide to 100 feet wide. The requested R-2 District requires a minimum lot size of 8,000 square feet (0.183 acres) for duplexes. A duplex is the most intense use that could be constructed for the subject property since a triplex would require 11,250 square feet (0.258 acres) minimum lot size. The subject property is 10,585 square feet (0.243 acres).

The subject property is located in the Wedgefield Rural Settlement. The applicant is intending to connect to Pluris, a private utility company which provides water and wastewater services to residents in Wedgefield.

**Land Use Compatibility**

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

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wedgefield Rural Settlement
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR) which allows consideration of up to 10 units per acre. A duplex would equate to a density of 8 units per acre. The proposed R-2 (Residential District) zoning is consistent with the LMDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

**FLU6.2.7** states that with the exception of land designated Low Density and Low-Medium Density Residential on the Future Land Use Map with the Rural Settlement at the time of plan adoption, additional land designated Low Density Residential shall not be permitted in Rural Settlements except for County certified affordable housing projects that are rural in character and meet the Small-Scale FLUM criteria and requirements. All other amendments to residential densities of the Rural Settlement shall not allow residential development to exceed one (1) dwelling unit per acre.

## **SITE DATA**

<b>Existing Use</b>	Undeveloped Property
<b>Adjacent Zoning</b>	N: R-3 (Multiple-Family Dwelling District) 1963 E: R-3 (Multiple-Family Dwelling District) 1963 W: R-3 (Multiple-Family Dwelling District) 1963 S: R-3 (Multiple-Family Dwelling District) 1963
<b>Adjacent Land Uses</b>	N: Single-Family Residential E: Attached Single-Family Residential (Duplex) W: Attached Single-Family Residential (Duplex) S: Attached Single-Family Residential (Duplex)

**R-2 (Residential District) Development Standards**

One-Family Dwelling

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

Two Dwelling Units

Min. Lot Area:	8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Width:	80 ft. / 90 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. / 1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

Three Dwelling Units

Min. Lot Area:	11,250 sq. ft.
Min. Lot Width:	85 ft. (attached units only)
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft.
<i>Side Street:</i>	15 ft.

Four or More Dwelling Units

Min. Lot Area:	15,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft. (30 ft. where adjacent to single-family)
<i>Side Street:</i>	15 ft.

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

**Permitted Uses**

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

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

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference Chapter 15 Article XI.</p> <p>If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no failing roadways within the project area. One duplex is considered deminimus and is not subject to concurrency requirements.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Wedgefield PFC C.A.

Wastewater: Wedgefield PFC C.A.\*

Reclaim Water: Orange County Utilities      Not Available

\* This property is located within the Wedgefield PFC C.A. water and wastewater service area.

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (May 20, 2021)**

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

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred six (106) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor and one (1) response in opposition of the request with no stated reason for the opposition.

A motion was made by Commissioner Spears, and seconded by Commissioner McQuade to recommend APPROVAL of the requested R-2 (Residential District) zoning. The motion carried unanimously.

**Motion / Second**

*Gordon Spears / Sean McQuade*

**Voting in Favor**

*Gordon Spears, Sean McQuade, JaJa Wade, Mohammed Abdallah, Trevor Sorbo, Eddie Fernandez, Nelson Pena, and Carlos Nazario*

**Voting in Opposition**

*None*

**Absent**

*Evelyn Cardenas*

RZ-21-05-028



Archer Blvd

MACON PKWY

MAJESTIC ST

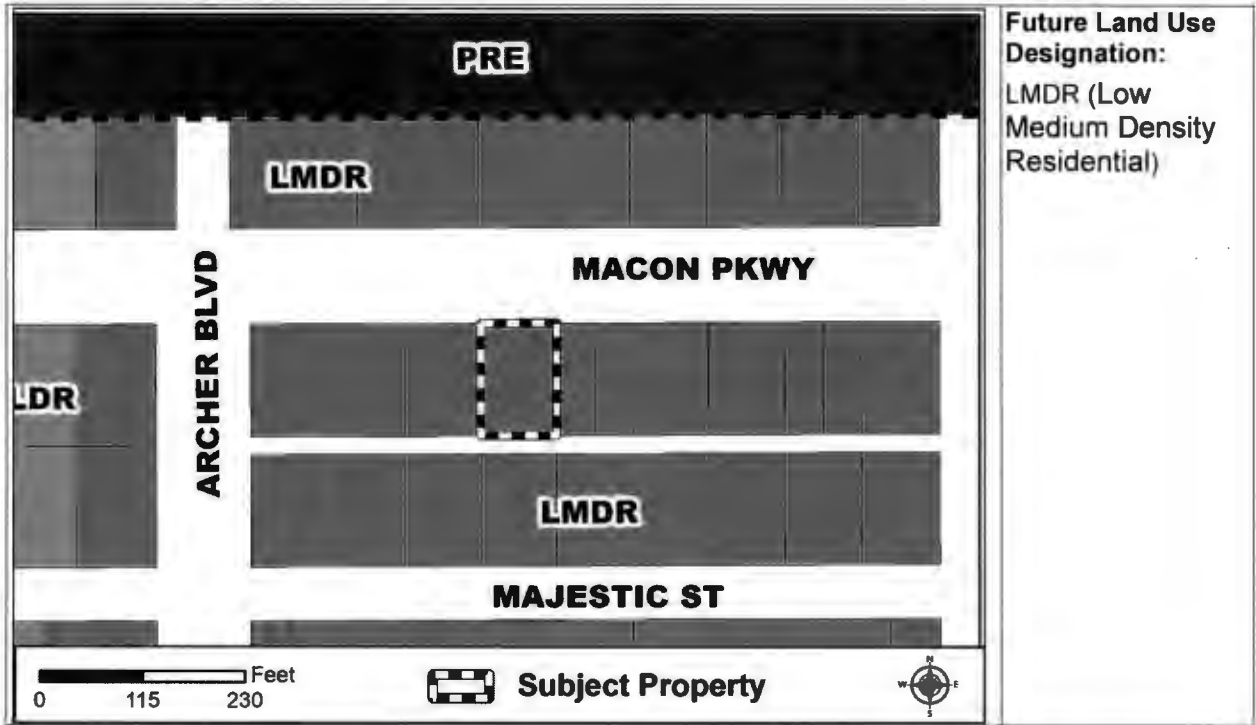


Subject Property

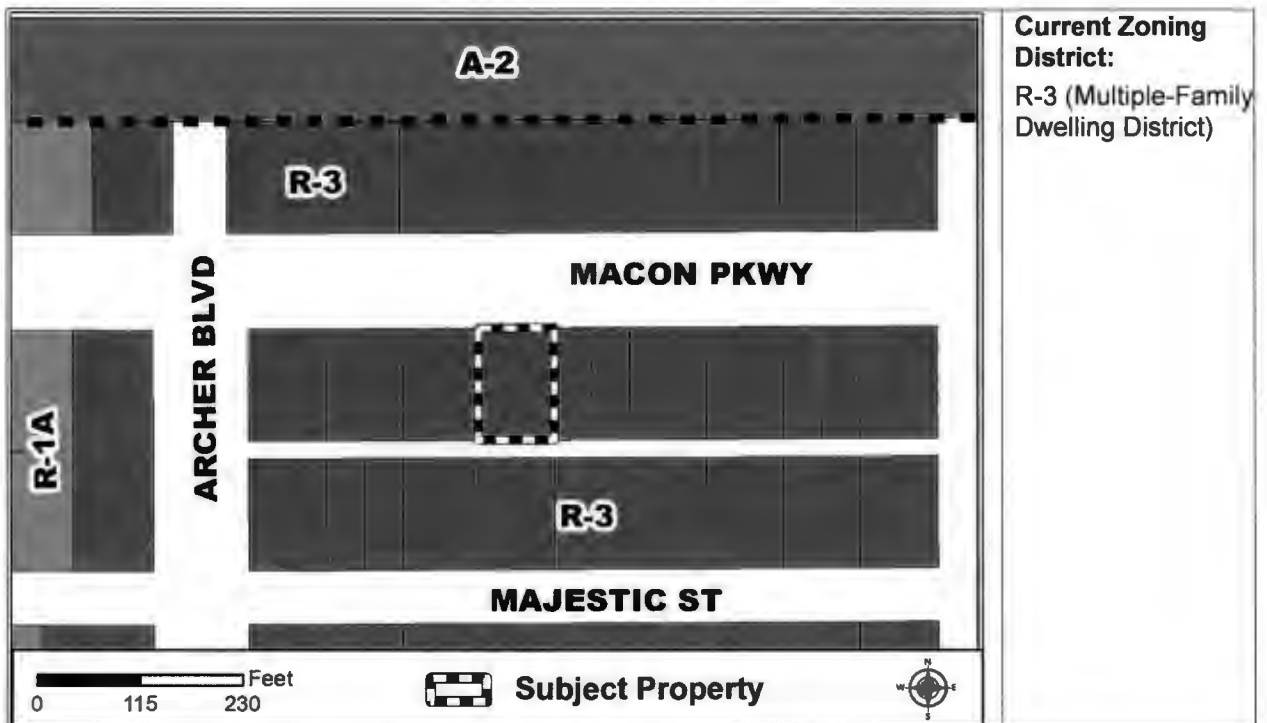


1 inch = 83 feet

**FUTURE LAND USE – CURRENT**

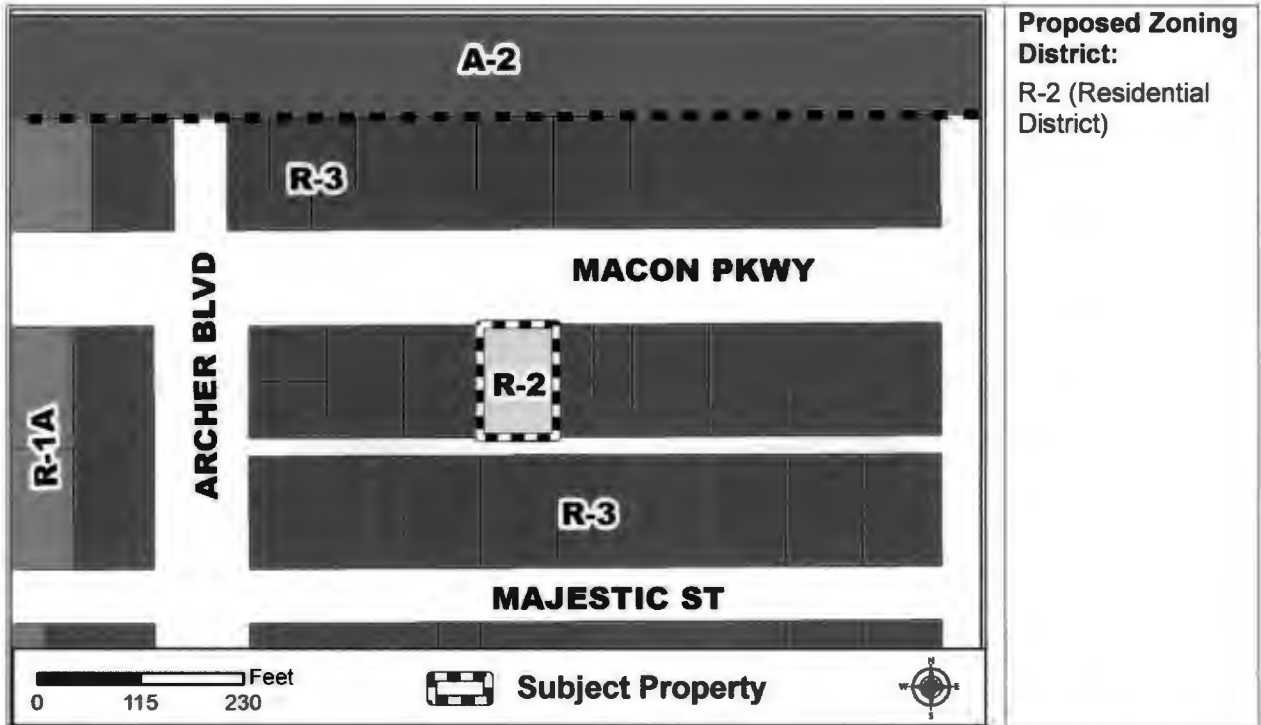


**ZONING - CURRENT**





ZONING - PROPOSED

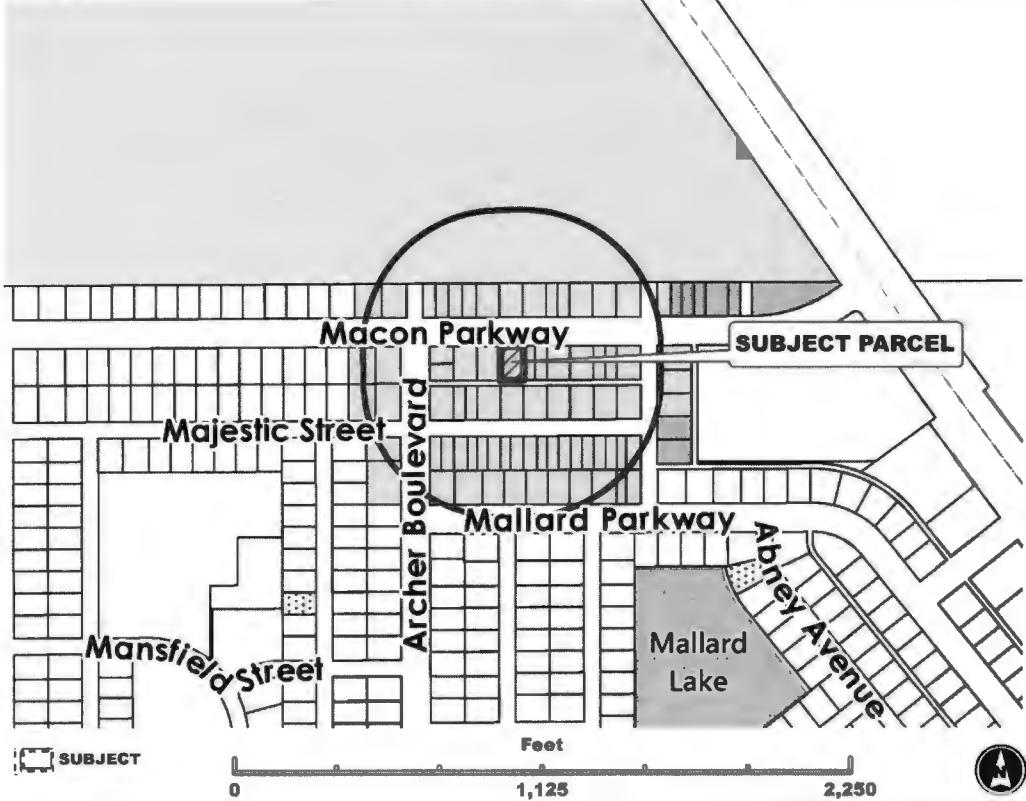


**Proposed Zoning District:**  
R-2 (Residential District)



# Public Notification Map

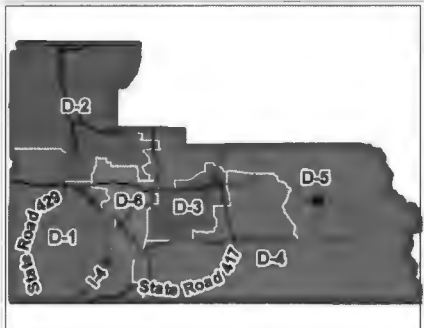
RZ-21-05-028



**MAP LEGEND**

- SUBJECT
- 500\_FT\_BUFFER
- PARCELS
- NOTIFIED\_PARCELS
- COURTESY PARCELS
- HYDROLOGY

**BUFFER DISTANCE:** 500  
**# OF NOTICES:** 106  
**RESIDENTIAL ADDRESSES:** 63



SUBJECT



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## Notification Map

**Case # RZ-21-05-028**  
**Orange County Planning Division**  
**PZC Hearing Date: May 20, 2021**

**CASE # RZ-21-05-029**

Commission District: #6

**GENERAL INFORMATION**

<b>APPLICANT</b>	Mr. Anand Ramkissoon
<b>OWNERS</b>	Mr. Harricharan Dhaneshwar
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1A (Single-Family Dwelling District) to C-3 Restricted (Wholesale Commercial District)</b>
<b>LOCATION</b>	424 Barry Street; generally located north of Old Winter Garden, west of Irene Street, south of Fairmont Street
<b>PARCEL ID NUMBER</b>	29-22-29-7056-02-210
<b>TRACT SIZE</b>	0.28-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventy-nine (79) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Wholesale Commercial Uses

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning, subject to the following restrictions:**

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including parking and landscaping) prior to the accommodation of any commercial uses.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to C-3 (Wholesale Commercial District) in order to allow wholesale commercial uses.

The 12,196 square foot subject site is currently developed with a 1,928 square foot structure used for office space. The immediate area is heavily developed with C-3 commercial uses. The Board of County Commissioners approved the same request for properties north of the subject property in 2019, subject to two (2) restrictions.

The existing R-1A zoning established in 1957, will not allow for development as residential due to the inconsistency of the zoning with the Commercial Future Land Use Map (FLUM) designation. Any residential development would require a FLUM amendment to Low Density Residential (LDR). Given the existing development trends adjacent to the property, single-family development is not compatible with the neighborhood and the requested rezoning to commercial, compared to a residential FLUM amendment, would be more consistent and compatible with current and expected future development trends.

Site improvements will be required to convert the existing residential structure to commercial. The site must be upgraded to meet the requirements of the Florida Building Code prior to operating wholesale commercial permitted uses. The site is located in the Alternative Mobility Area (AMA). The Transportation Planning Division is requiring a mobility analysis prior to obtaining a building permit.

**Land Use Compatibility**

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

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial 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**

Residential

**Adjacent Zoning**

N: C-3 (Wholesale Commercial District) (1984)

E: C-3 (Wholesale Commercial District) (1973)

W: C-3 (Wholesale Commercial District) (1983)

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

**Adjacent Land Uses**    N: Commercial Use  
                                   E: Commercial Use  
                                   W: Commercial Use  
                                   S: This parcel is Undevelopable land  
                                   *\*No zoning restrictions apply to the above.*

**C-3 (Wholesale Commercial District) Development Standards**

Min. Lot Area:            12,000 sq. ft.  
 Min. Lot Width:         100 ft. (125 ft. on major streets)  
 Max. Height:            75 ft. (35 ft. within 100 ft. of residential)  
 Min. Floor Area:        500 sq. ft.

**Building Setbacks**

Front:                    25 ft. (except on major streets as provided in Art. XV)  
 Rear:                    15 ft. (20 ft. when abutting residential)  
 Side:                    5 ft. (25 ft. when abutting residential)

**Intent, Purpose, and Uses**

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

Specific uses shall be identified by the letter "P" in the use table set forth in section 38-77 of the Orange County Code and include storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater,

			Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit; provided, however, if the County removes the Alternative Mobility Area from its Code prior to approval of the first building permit, then this project shall comply with the County's then-current transportation concurrency requirements
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Orlando Utilities Commission

Waste Water: City of Orlando

Per City of Orlando, this property is currently served by an on-site septic system. There is a gravity main adjacent to the subject property that may be available for connection dependent on the proposed use and the determination of the City of Orlando Utilities Engineer.

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 – (May 20, 2021)**

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and,
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including parking and landscaping) prior to the accommodation of any commercial uses.

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that seventy-nine (79) notices were sent to property owners extending beyond 1,000 feet surrounding the property, and that staff had received one (1) response in opposition of the request with no reason stated for the opposition.

After a brief discussion on wastewater availability, a motion was made by Commissioner Wade, and seconded by Commissioner Nazario to recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning subject to the two (2) restrictions. The motion carried unanimously.

<b>Motion / Second</b>	<i>JaJa Wade / Carlos Nazario</i>
<b>Voting in Favor</b>	<i>JaJa Wade, Carlos Nazario, Eddie Fernandez, Mohammed Abdallah, Nelson Pena, Sean McQuade, Gordon Spears, and Trevor Sorbo</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>Evelyn Cardenas</i>



RZ-21-05-029

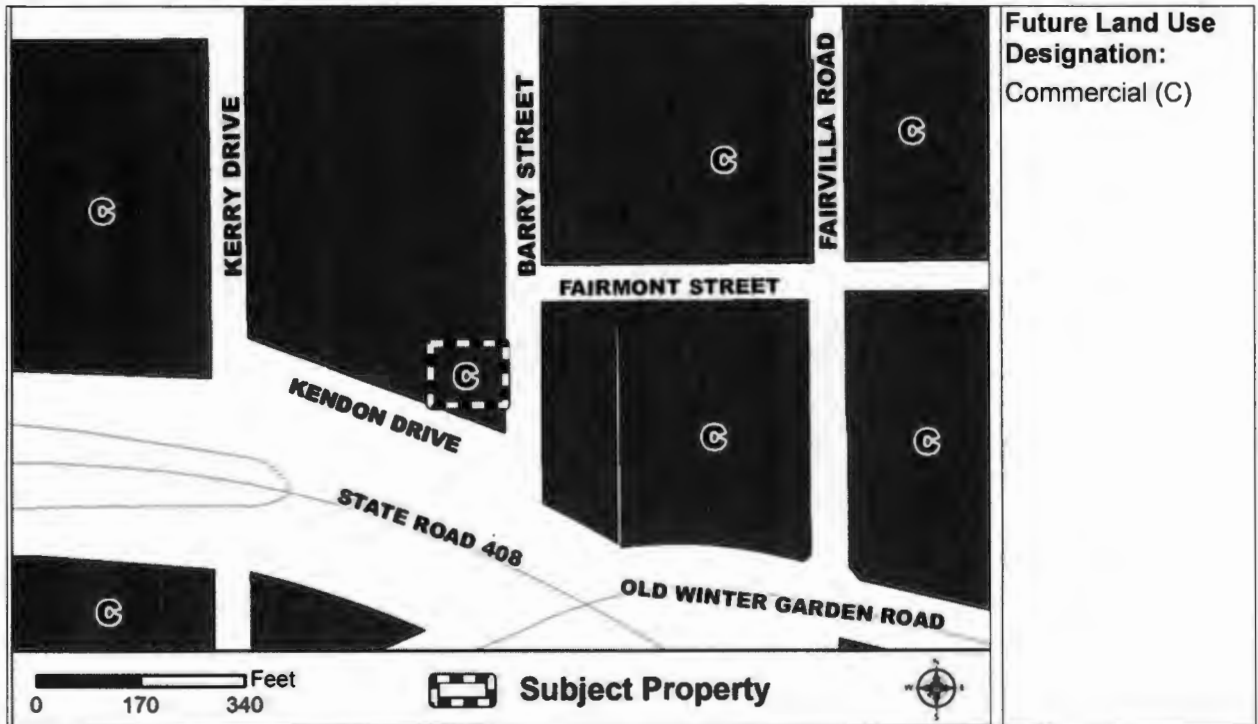


 Subject Property

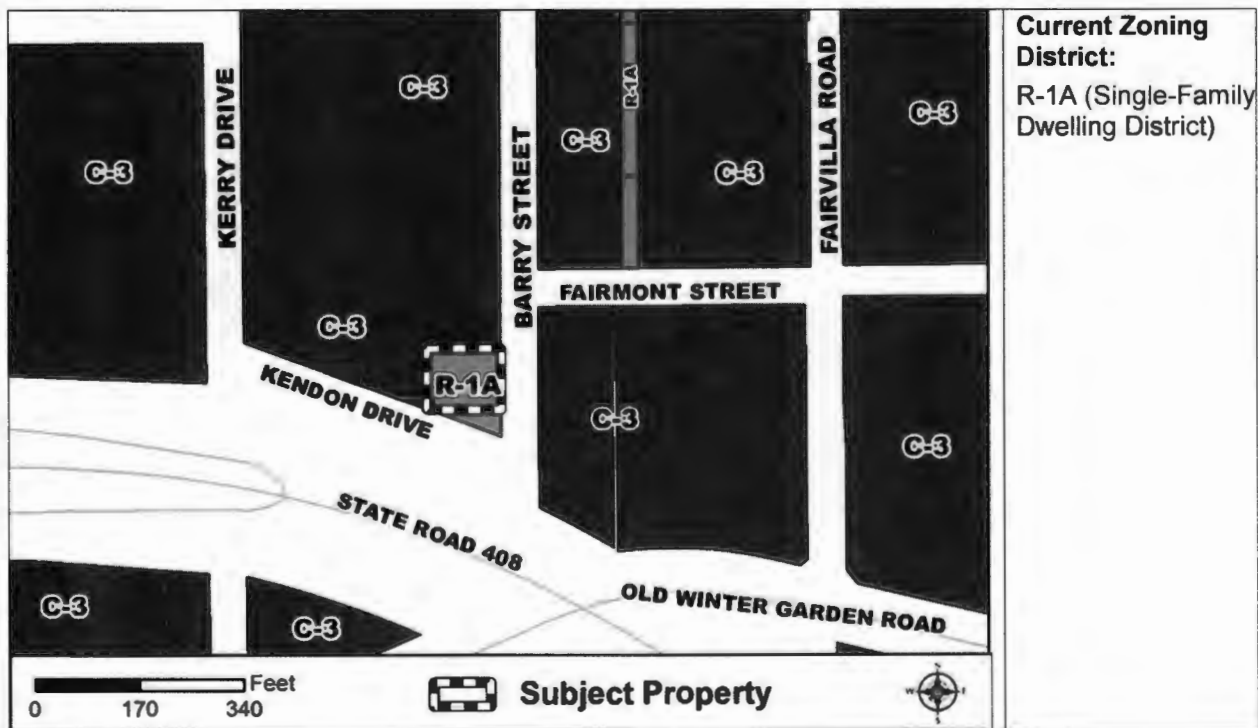


1 inch = 100 feet

**FUTURE LAND USE – CURRENT**



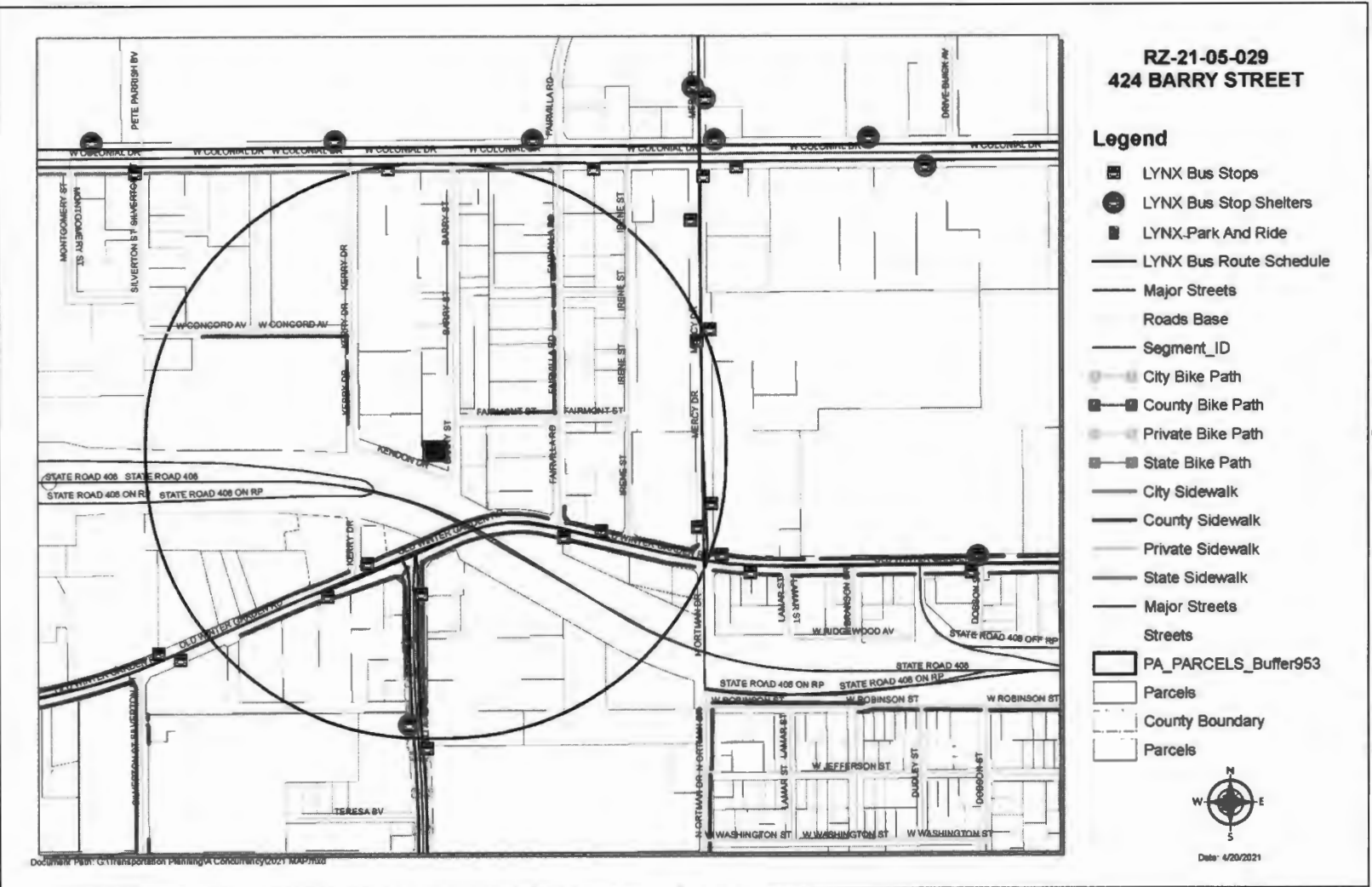
**ZONING - CURRENT**



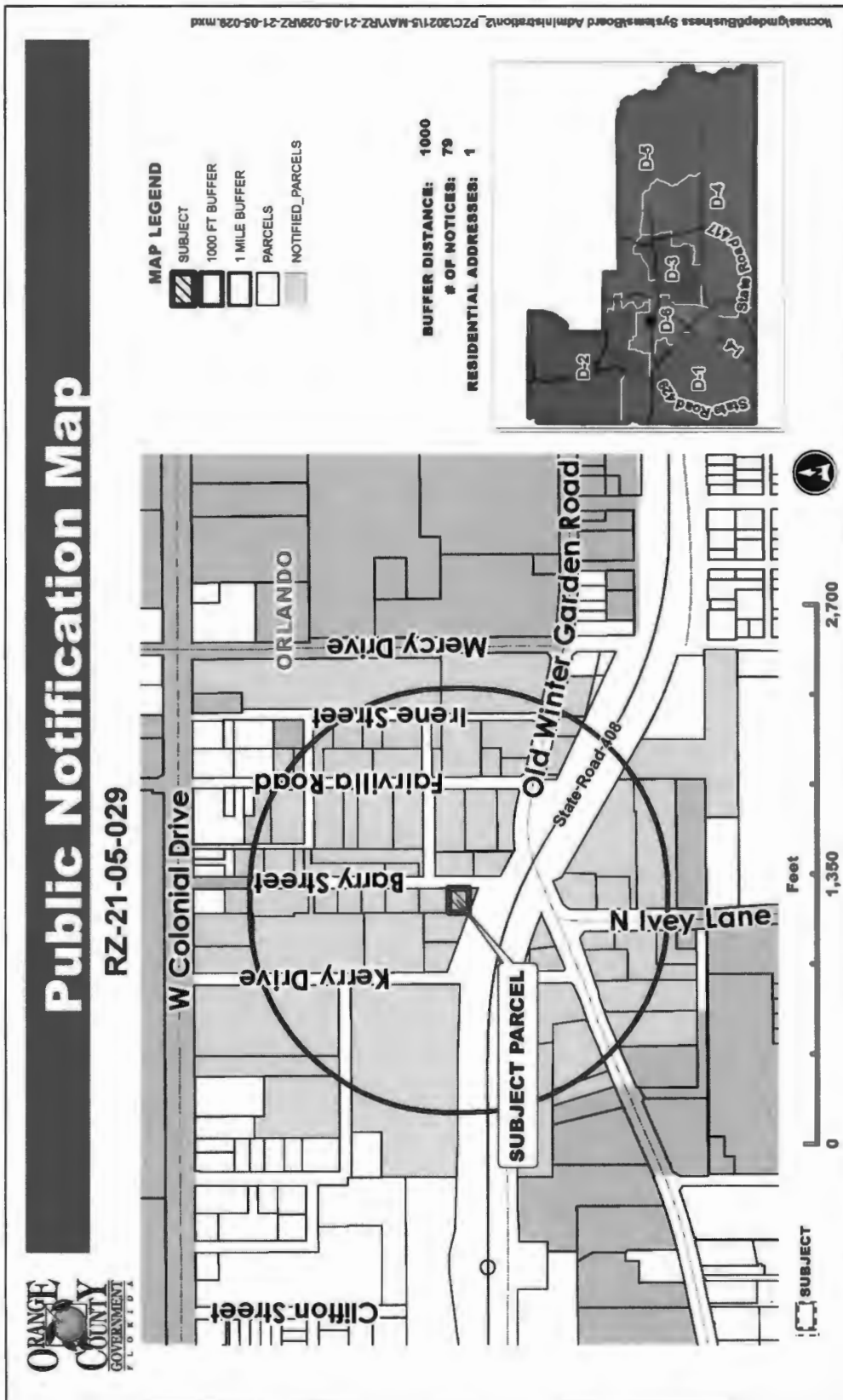
**ZONING - PROPOSED**



**Alternative Mobility Area Context Map**



# Notification Map



*Case Planner:*  
John Harbilas

**Rezoning Staff Report  
Orange County Planning Division  
PZC Hearing Date: May 20, 2021**

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