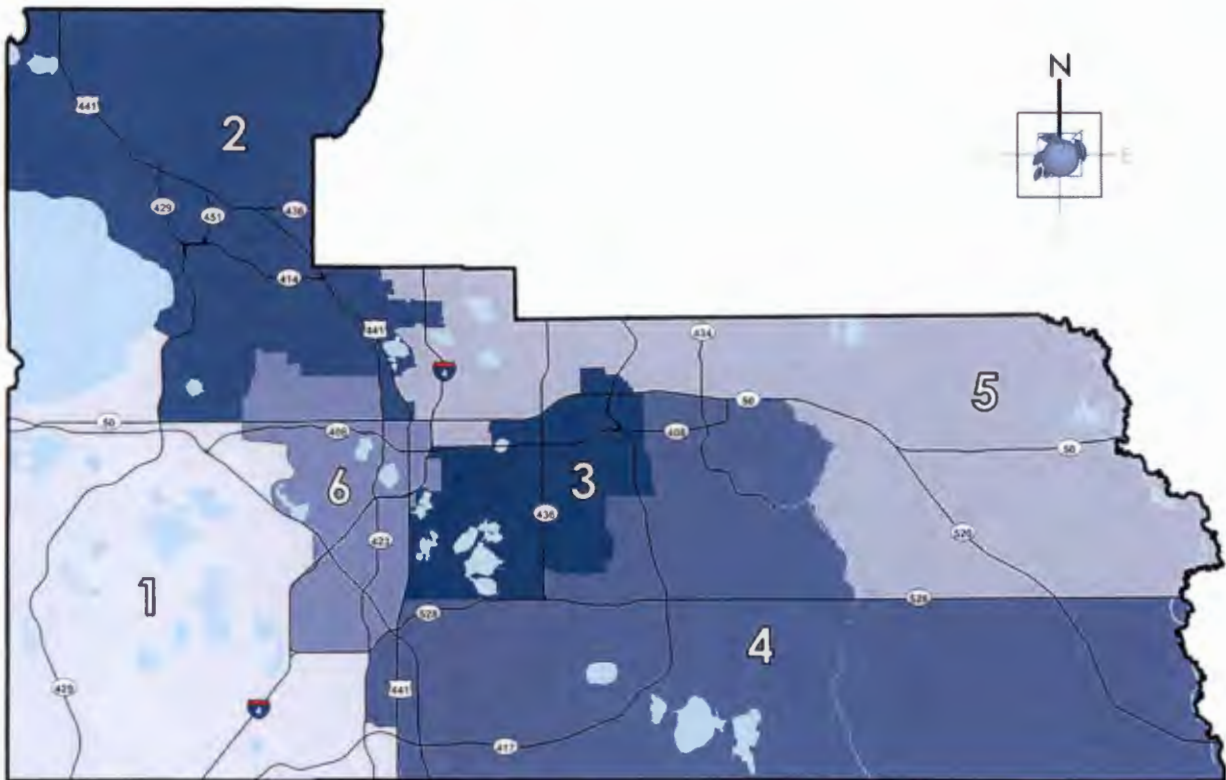




PLANNING AND ZONING COMMISSION  
LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

JULY 20, 2023



PREPARED BY:

ORANGE COUNTY GOVERNMENT  
PLANNING DIVISION | CURRENT PLANNING SECTION

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

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George Wiggins District #2

Eddie Fernandez District #3

Walter Pavon District #4

J. Gordon Spears District #5  
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Camille Evans District #6

Michael Arrington At Large

Evelyn Cardenas At Large

Nelson Pena At Large  
Chairman

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<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. Conventional Rezoning Hearing</b>					
RZ-23-06-049 Letty Bea Wall	A-2 to R-1	3	Approval	Approval	No
RZ-23-04-024 Ramon Molinary	R-T-2 to R-T-1	5	Approval	Approval	No
RZ-23-04-026 Juan Aristizabal	C-1 to C-2 Restricted	3	Approval with three (3) restrictions	Approval with three (3) restrictions	No
RZ-23-07-053 Jim Hall	R-1 to R-2 Restricted	3	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-23-07-054 Keral J Kothari	A-2 to R-1A	4	Approval	Approval	No
RZ-23-07-055 Josue Nina	R-1A to R-2	5	Approval	Approval	No
RZ-23-07-056 Franklin Elizondo	A-2 to R-1	5	Approval	Denial	No
RZ-23-07-058 Marc ReJeanne	R-1A to P-O	6	Approval with two (2) variances	Approval with two (2) variances	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)	850	100	35	50	10	35	A
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	A
	Mobile Home - 2 acres							
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 (prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	25	6	35	A



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.)
R-T-2 (after 1/29/73)	21,780 ¼ acre	SFR 600	100	35	50	10	35	A
		Min. mobile home size 8 ft. x 35 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

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-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <sup>e</sup> ; 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
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***



**CASE # RZ-23-06-049**

Commission District: #3

**GENERAL INFORMATION**

**APPLICANT:** Letty Bea Wall

**OWNER:** Letty Bea Wall

**HEARING TYPE:** Planning and Zoning Commission

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

**LOCATION:** 7718, 7726, 7732 Brentwood Dr; generally located south of Brentwood Dr, approximately 325 feet east of Holiday Place

**PARCEL ID NUMBERS:** 23-23-30-0892-00-550, 23-23-30-0892-00-540, and 23-23-30-0892-00-530

**SIZE/ ACREAGE:** 0.66-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-eight (88) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** Three Single-Family Homes on Three Lots.

**STAFF RECOMMENDATION**

**PLANNING**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request the applicant is seeking to rezone three lots from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) to construct one single-family home on lot 55. Lots 53 and 54 are currently developed with a mobile home on each lot, the owner intends to keep the non-conforming mobile homes and take this opportunity to fix the zoning and Future Land Use Map inconsistency along with Lot 55.

The subject property was platted in 1953 and zoned as A-2 (Farmland Rural District) in 1957, which was prior to the implementation of the Orange County Comprehensive Plan.

The future land use designation is Low-Medium Density Residential (LMDR). The proposed R-1 zoning district will correct this inconsistency and provide smaller setbacks for the development of a single-family dwelling unit on Lot 55 and any future development on Lot 53 and 54. The replacement of the current mobile homes with new mobile homes on Lot 53 and 54 would be prohibited by Orange County Code Section 9-604 noise zone C note 2 under the "Residential Uses" table of Section 9-604. If the existing mobile homes are to be replaced with a single-family (permanent) structure, the property owner would need to provide the avigation easement and the structure(s) would need to meet the noise attenuation requirements in the same code section. The property owner will need to work with the Building Safety permitting staff to obtain further guidance regarding code requirements for the construction of single-family structures.

The surrounding area of the subject property is developed with single-family homes and mobile homes within R-1, A-2, and R-T-1 zoning districts. Storage units on an I-1/I-5 (Industrial District -Light) parcel exists to the north of the subject property. Additionally, Lot 14, located within the northern block was rezoned to R-1 in 2004 (Z-04-060). The proposed R-1 zoning would be compatible with the current land uses established throughout the surrounding area. Lot 12 was also rezoned recently from A-2 zoning to R-1 zoning to allow for the construction of one (1) single-family home in November 2022 (RZ-22-11-121). The proposed zoning of the subject parcels would not adversely affect the surrounding area as it would be considered compatible with the neighborhood. Sanitary sewer is not readily available to serve the subject property. Development on this property will be reliant on septic tanks for wastewater disposal.

**Land Use Compatibility**

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

**Site Analysis**

**Rural Settlement**

The subject property is not located in a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is located in Airport Noise Zone C and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any required noise mitigation will be required at permitting.

**Code Enforcement**

No cases found.

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LMDR. The proposed R-1 (Single-Family Dwelling 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.

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

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

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

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

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

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

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

**SITE DATA**

<b>Existing Use</b>	Vacant Residential
<b>Adjacent Zoning</b>	N: A-2 (Farmland Rural District)1957
	E: A-2 (Farmland Rural District) 1957



W: A-2 (Farmland Rural District) 1957  
S: A-2 (Farmland Rural District) 1957  
**Adjacent Land Uses** N: Residential  
E: Residential  
W: Residential  
S: Residential

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

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

**Building Setbacks**

Front: 20 feet  
Rear: 20 feet  
Side: 5 feet

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

**Intent, Purpose, and Uses**

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

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

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

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

Airport Proximity - Coordinate with the Orange County Zoning Division as this site is within the airport noise contour "C". Construction could require additional features and special noise reduction materials to minimize objectionable aircraft noise to future building occupants. Conveyance and restriction documents may also be necessary due to overhead aircraft noise.



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

**Erosion Control** - Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 5/15/2023, capacity exists within the project's impact area. This information is dated and subject to change. Three single-family residences is a de minimis impact.

**Schools**

Three homes is de minimus.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Orange County Utilities

Wastewater: City of Orlando

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

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

**Water:** There are no watermains in the vicinity of this property. Development on this property will be reliant on wells for potable water.

This property is within the City of Orlando Wastewater Service Area.

Per City of Orlando Utilities Department - sanitary sewer is not readily available to serve the subject property. Development on this property will be reliant on septic tanks for wastewater disposal.

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

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

**State of Florida Notice**

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

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

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – July 20, 2023**

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

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that eighty-eight (88) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received zero (0) response in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner Pavon and seconded by Commissioner Arrington to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District). The motion carried unanimously.

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




RZ-23-06-049



 Subject Property

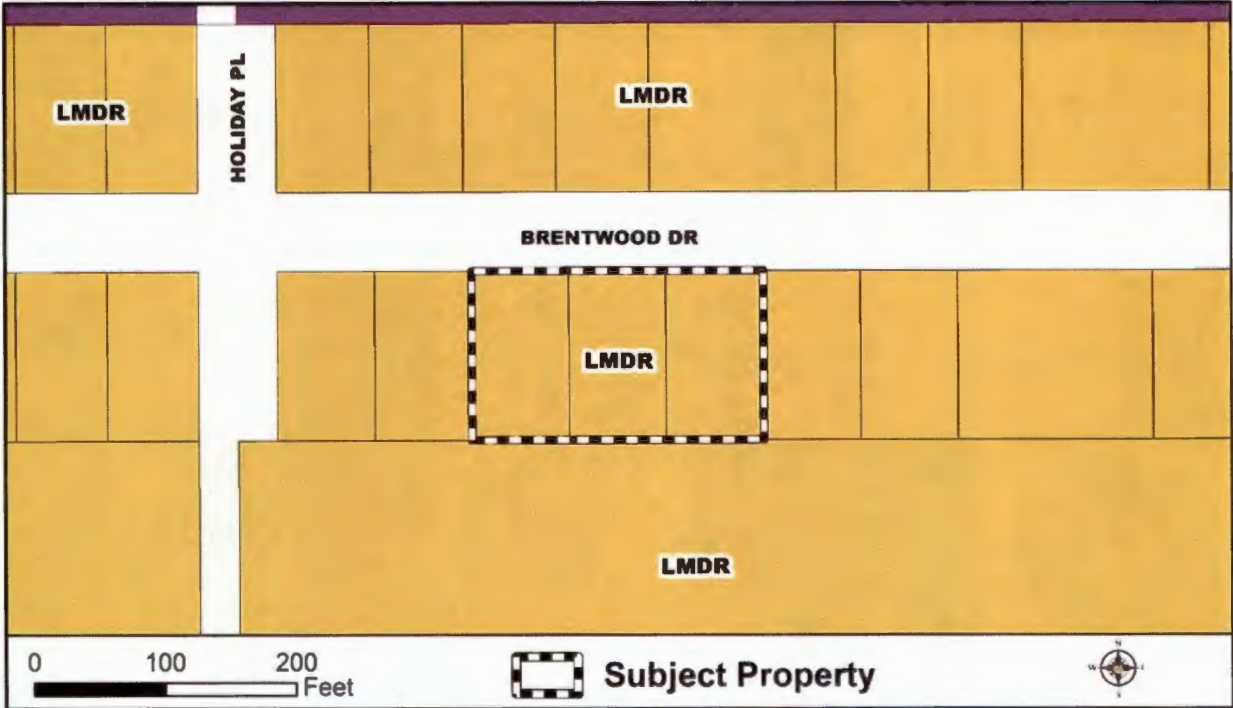


0 100 200 Feet

A horizontal scale bar with markings at 0, 100, and 200 feet.



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



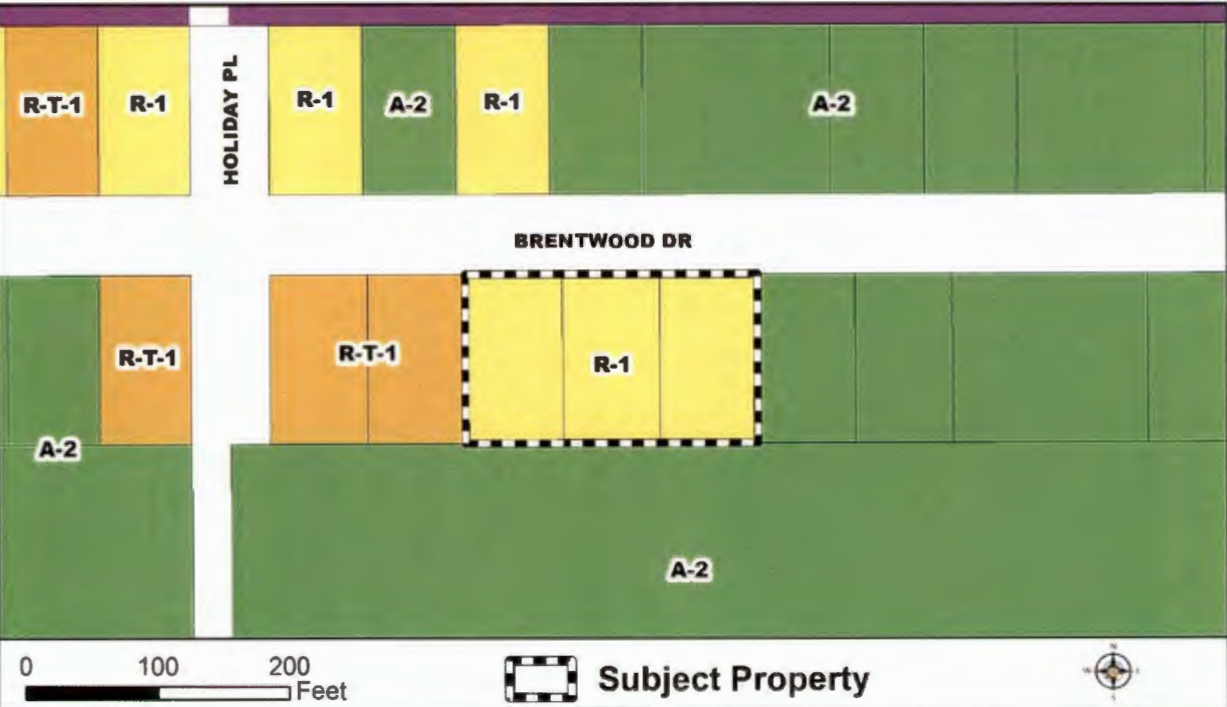
**ZONING – CURRENT**

A-2 (Farmland Rural District)



**ZONING – PROPOSED**

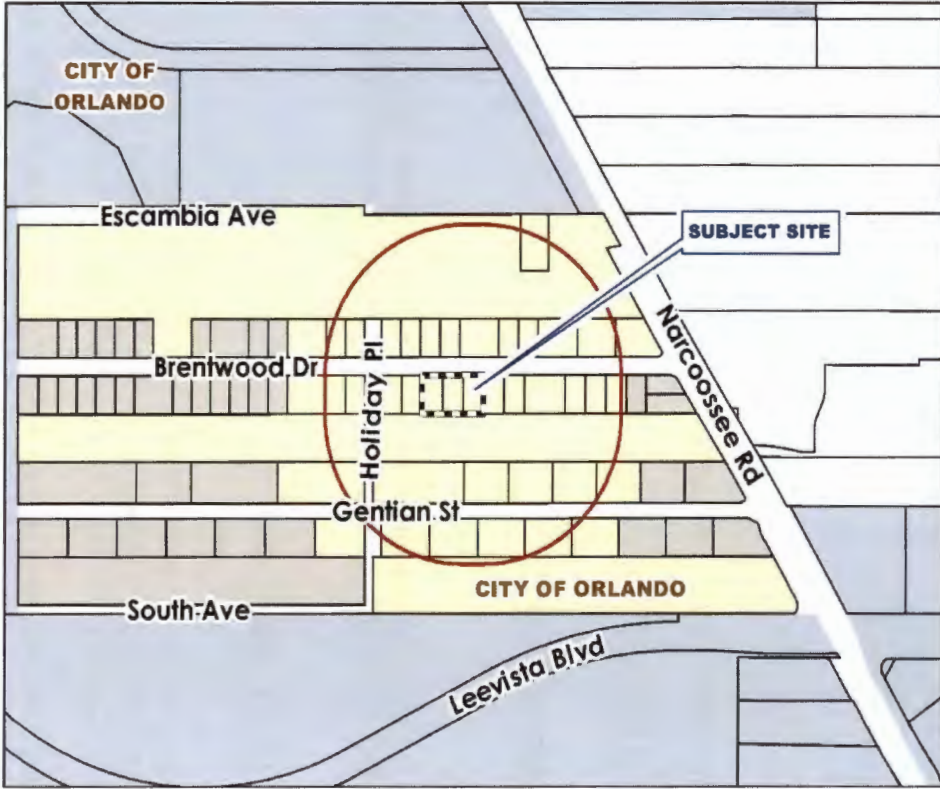
R-1 (Single-Family Dwelling District)





# Public Notification Map

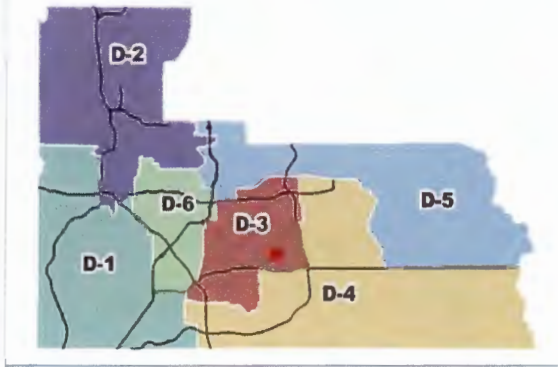
RZ-23-06-049



### MAP LEGEND

- SUBJECT\_SITE
- 500 FT BUFFER
- PARCELS
- NOTIFIED\_PARCELS
- COURTESY\_PARCELS

**BUFFER DISTANCE: 500**  
**# OF NOTICES: 88**



SUBJECT\_SITE



S:\Information\GIS\Projects\RZ-23-06-049\Map\MapLegend.mxd

## NOTIFICATION MAP

**Case # RZ-23-06-049**  
**Orange County Planning Division**  
**PZC Hearing Date: July 20, 2023**



**CASE # RZ-23-04-024**

Commission District: #5

**GENERAL INFORMATION**

**APPLICANT:** Ramon A. Molinary

**OWNER:** Ramon A. Molinary

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** R-T-2 (Combination Mobile Home and Single-Family Dwelling District) **to**  
R-T-1 (Mobile Home Subdivision District)

**LOCATION:** 2nd Ave; located on the northeast corner of 2nd Ave and 8th St, approximately 105 feet south of 1st Ave.

**PARCEL ID NUMBER:** 22-22-32-0712-30-401

**SIZE / ACREAGE:** 0.28-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Sixty-five (65) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** One (1) detached single-family dwelling unit.

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone 0.28-gross acre parcel from R-T-2 (Combination Mobile Home and Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District) to allow one (1) detached single-family home.

The subject property was platted in 1922 as Lot 1, Lot 2, Lot 3, and Lot 4, with each lot measuring 25 feet in lot width and has since been combined to create a 100-foot by 125-foot lot. The subject property is currently undeveloped. The proposed zoning will allow for the detached single-family home to be developed with reduced setbacks as permitted per



Zoning Code Section 38-1501. A Conservation Area Determination (CAD) was required for this rezoning request. Orange County EPD determined that there are no wetlands present on this site and provided a letter of approval (CAD-23-04-062).

The surrounding area of the subject property is developed primarily with single-family homes on 75-foot to 125-foot-wide lots within R-T-1 and R-T-2 zoning. Development on this property will be reliant on septic tanks for wastewater disposal.

**Land Use Compatibility**

The R-T-1 zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

**Site Analysis**

**Rural Settlement**

The subject property is located in the Bithlo Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

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

**Code Enforcement**

No violations found.

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR (Low Density Residential). The proposed R-T-1 zoning is consistent with the LDR (Low Density Residential) FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

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

## **SITE DATA**

<b>Existing Use</b>	Vacant Residential
<b>Adjacent Zoning</b>	N: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) 1977 E: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) 1977 W: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) 1988 S: R-T-2 ((Combination Mobile Home and Single-Family Dwelling District) 1977
<b>Adjacent Land Uses</b>	N: Residential E: Residential W: Residential S: Residential

**R-T-1 Development Standards**

Single-Family Residence

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 feet
Max. Height:	35 feet
Min. Floor Area:	1,000 feet

**Building Setbacks**

Front:	25 feet
Rear:	25 feet
Side:	5 feet

Mobile Home

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 feet
Max. Height:	35 feet
Min. Floor Area:	8 feet by 35 feet

**Building Setbacks**

Front:	25 feet
Rear:	25 feet
Side:	5 feet

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

**Intent, Purpose, and Uses**

This district is composed of certain lands where it is desirable to attain a low-medium density residential area consisting of mobile homes and single-family dwellings on single lots under individual ownership. The following regulations shall apply to each R-T-1 mobile home subdivision district:

- (1) Uses permitted. A use shall be permitted in the R-T-1 district if the use is identified by the letter "P" in the use table set forth in section 38-77.
- (2) Special exceptions. A use shall be permitted as a special exception in the R-T-1 district if the use is identified by the letter "S" in the use table set forth in section 38-77.
- (3) Dimensions. Lot size and setback requirements shall be the same as those established for the R-2 single-family dwelling districts.
- (4) Uses prohibited. A use shall be prohibited in the R-T-1 district if the space for that use is blank in the use table set forth in section 38-77.



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**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

CAD Required - An Orange County Conservation Area Determination (CAD) is required to determine the developable acreage. EPD has no record of a CAD for this site. If a CAD has been obtained, or if historical documents are located, then submit a copy to EPD. Otherwise, submit a new CAD application for review by mail or email to wetlandpermitting@ocfl.net. Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

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

Solid Waste Management Facility Proximity - This site could be adversely impacted by existing solid waste management activities located less than 0.5 miles to the East. Potential odor and noise disturbance to residents should be considered during design. Prospective property owners should be notified of this proximity. Reference OC Comprehensive Plan, Solid Waste Element SW1.7.4.

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

**Transportation / Access**

Based on the capacity database dated 3/21/23, there are (2) two failing roadway segments within the project area: Chuluota Road from Colonial Drive to Lake Pickett Road; E. Colonial Drive from S. Tanner Road to Chuluota Road. This information is dated and subject to change. A single-family residence is de minimis.

**Schools**

One home is de minimus.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities



**Detailed Utility Information:**

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas.

Potable Water: There are no watermains in the vicinity of this property. Development on this property will be reliant on wells for potable water.

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

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

**State of Florida Notice**

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

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

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – July 20, 2023**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision 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-T-1 (Mobile Home Subdivision District) zoning. The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that sixty-five (65) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received zero (0) response in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner Spears and seconded by Commissioner Pavon to recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) The motion carried unanimously.

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




RZ-23-04-024



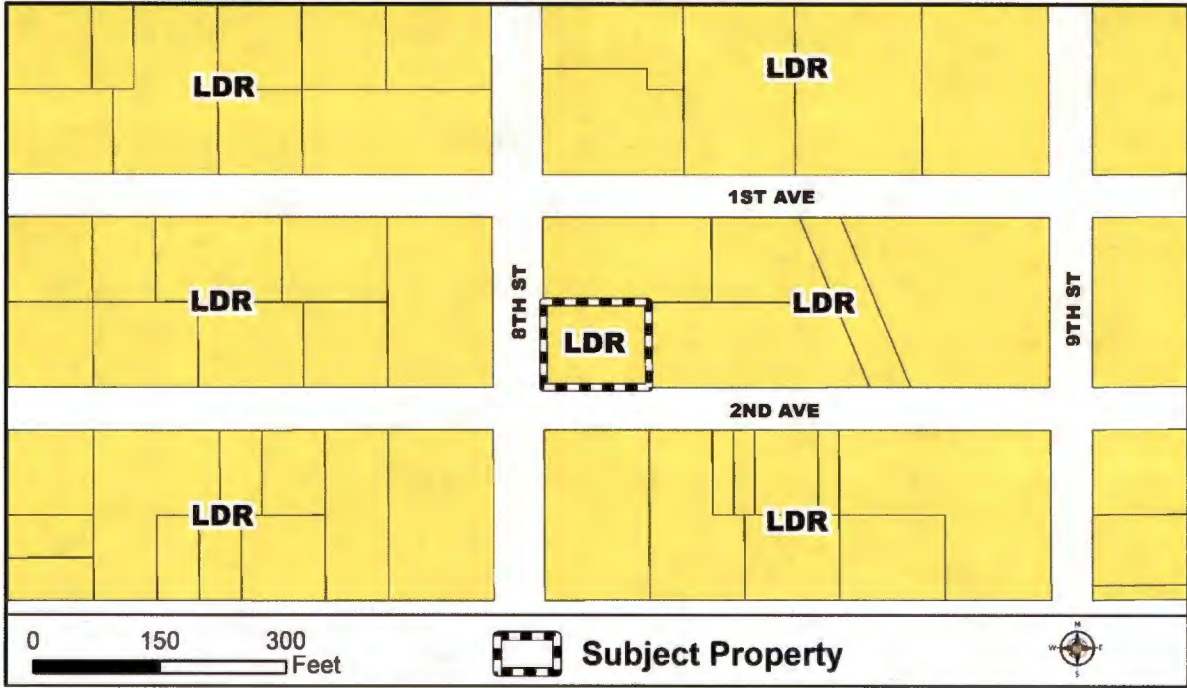
 Subject Property



0 100 200 Feet



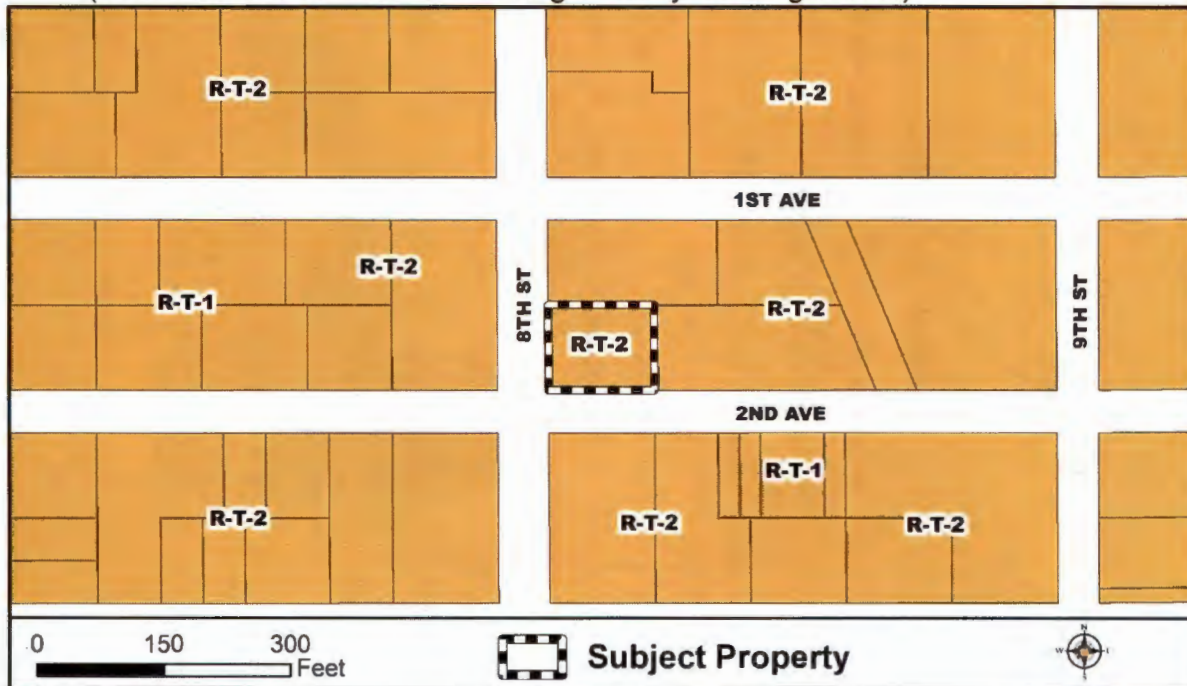
**FUTURE LAND USE – CURRENT**  
LDR (Low Density Residential)





**ZONING – CURRENT**

R-T-2 (Combination Mobile Home and Single-Family Dwelling District)

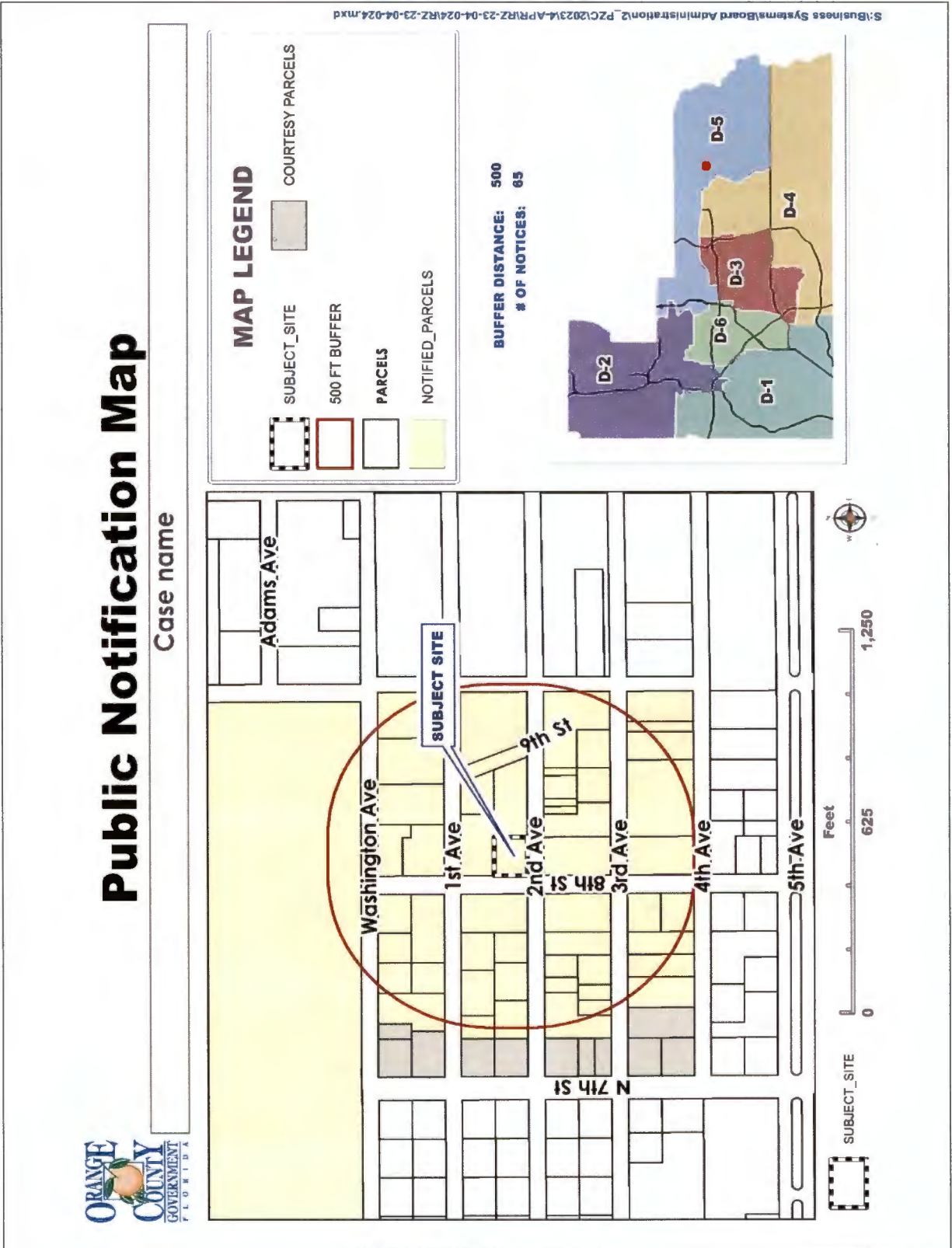


**ZONING – PROPOSED**

R-T-1 (Mobile Home Subdivision District)



**NOTIFICATION MAP**



**CASE # RZ-23-04-026**

Commission District: #3

**GENERAL INFORMATION**

**APPLICANT:** Juan Aristizabal, Artor, LLC

**OWNER:** Artor, LLC

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** C-1 (Retail Commercial District) **to**  
C-2 **Restricted** (General Commercial District)

**LOCATION:** 4343 S. Orange Blossom Trl., generally located on the southeast corner of S. Orange Blossom Trl and 43rd street approximately 1,600 feet north of Holden Ave.

**PARCEL ID NUMBER:** 10-23-29-0296-00-122

**SIZE/ ACREAGE:** 0.33-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred forty (140) notices were mailed to those property owners in the surrounding area.

**COMMUNITY MEETING:** An in-person community meeting was held on May 09, 2023, and June 15, 2023, and is summarized further in this report.

**PROPOSED USE:** C-2 Uses, specifically sales of new and used automobiles

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning, subject to the following restrictions:**

1. New billboards and pole signs shall be prohibited;
2. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses; and
3. Uses shall be limited to C-1 uses plus the C-2 uses of automobile sales and auto repair.



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**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request the applicant is requesting to rezone the subject property from C-1 retail commercial district to C-2 general commercial district for allowance of permitted uses as outlined in OC code 38-79 permitted use table. The 0.33-gross acre property is currently developed with a 1,300 square foot structure and is operating as a car leasing center (SIC Group 7514). The current use is non-conforming in a C-1 zoning district as it is not in conjunction with a hotel, motel or timeshare (OC Code 38-79 (176)). If approved the C-2 general commercial zoning district will allow the applicant to operate a conforming use on the subject property. The applicant has indicated that the intent is to use the site for the sales of new and used automobiles, which is a permitted use subject to condition 38-79 (138).

The proposed C-2 use will require the applicant to provide 5 parking spaces (1 space for each 300 sq ft). Orange County Code (Section 38-79 (138)) states that the business shall maintain all required parking spaces and open spaces and make them available to support all requirements of the operation of the business. Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

**Land Use Compatibility**

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

**Site Analysis**

**Rural Settlement**

The subject property is not located in a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is located in the Orange Blossom Trail Overlay District.

**Airport Noise Zone**

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

**Code Enforcement**

No violations found.

**Comprehensive Plan (CP) Consistency**

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



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

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

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

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

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

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

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

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

## **SITE DATA**

<b>Existing Use</b>	Car Leasing Center
<b>Adjacent Zoning</b>	N: C-1 (Retail Commercial District) (1967) E: R-3 (Multi-Family Dwelling Unit) (1989) W: C-2 (General Commercial District) (1995) S: C-1 (Retail Commercial District) (1966)
<b>Adjacent Land Uses</b>	N: Hotel/Motel E: Undeveloped Wetland

W: Restaurant and Auto Repair  
S: Banking Kiosk

**C-2 (General Commercial District) Development Standards**

Min. Lot Area: 8,000 sq. ft.  
Min. Lot Width: 100 ft. (on major streets, see Article XV)  
80 ft. (on all other streets)  
Max. Height: 50 ft. (35 ft. within 100 ft. of residential)  
Min. Floor Area: 500 sq. ft.

**Building Setbacks**

Front: 25 ft.  
Rear: 15 ft. (20 ft. when abutting residential)  
Side: 5 ft. (25 ft. when abutting residential)

**Intent, Purpose, and Uses**

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

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 new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

The Environmental Protection Division has reviewed the plans and have no concerns.

**Transportation / Access**

Based on the capacity database dated 3/21/23, there is one (1) failing roadway segment within the project area: Holden Avenue from Orange Blossom Trail to Orange Avenue. This information is dated and subject to change. Prior to building permit approval, a Concurrency Application through the Concurrency Management office will be required. A Traffic Study may be required at that time.

**Schools**

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

**Parks and Recreation**  
No comments.

**Community Meeting Summary**

An in-person community meeting was scheduled on May 09, 2023, no members of the community attended. As a result, a second community meeting was held on June 15, 2023. Twelve (12) residents attended. The residents were generally in support of the request and had no concerns and the property owner was characterized as a good neighbor. Comments were provided that since moving in, the applicant/owner has made considerable site improvements which has lessened the loitering and solicitation and increased the safety of the community. The residents requested the ingress access remain off south Orange Blossom Trail, and the 43<sup>rd</sup> street for egress only.

**Utilities**

Water: OUC  
Wastewater: Orange County Utilities  
Reclaim Water: City of Orlando

**Detailed Utility Information:**

This property is within Orlando Utilities Commission Water Service Area.

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

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

This property is within City of Orlando 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.



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**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – July 20, 2023**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning, subject to the following restrictions:**

1. New billboards and pole signs shall be prohibited;
2. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses; and
3. Uses shall be limited to C-1 uses plus the C-2 uses of automobile sales and auto repair.

**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-2 Restricted (General Commercial District) zoning, subject to three (3) restrictions.** The Applicant and owner was present and agreed with the staff recommendation. No member of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred forty (140) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) response in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner *Arrington* and seconded by Commissioner *Cardenas* to recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning, subject to the three restrictions. The motion carried unanimously.

**Motion / Second**

*Michael Arrington / Evelyn Cardenas*

**Voting in Favor**

*Michael Arrington, Evelyn Cardenas, Gordon Spears,  
Nelson Pena, Camille Evans, and Walter Pavon*

**Voting in Opposition**

*None*

**Absent**

*David Boers, George Wiggins and Eddie Fernandez*

RZ-23-04-026



 Subject Property

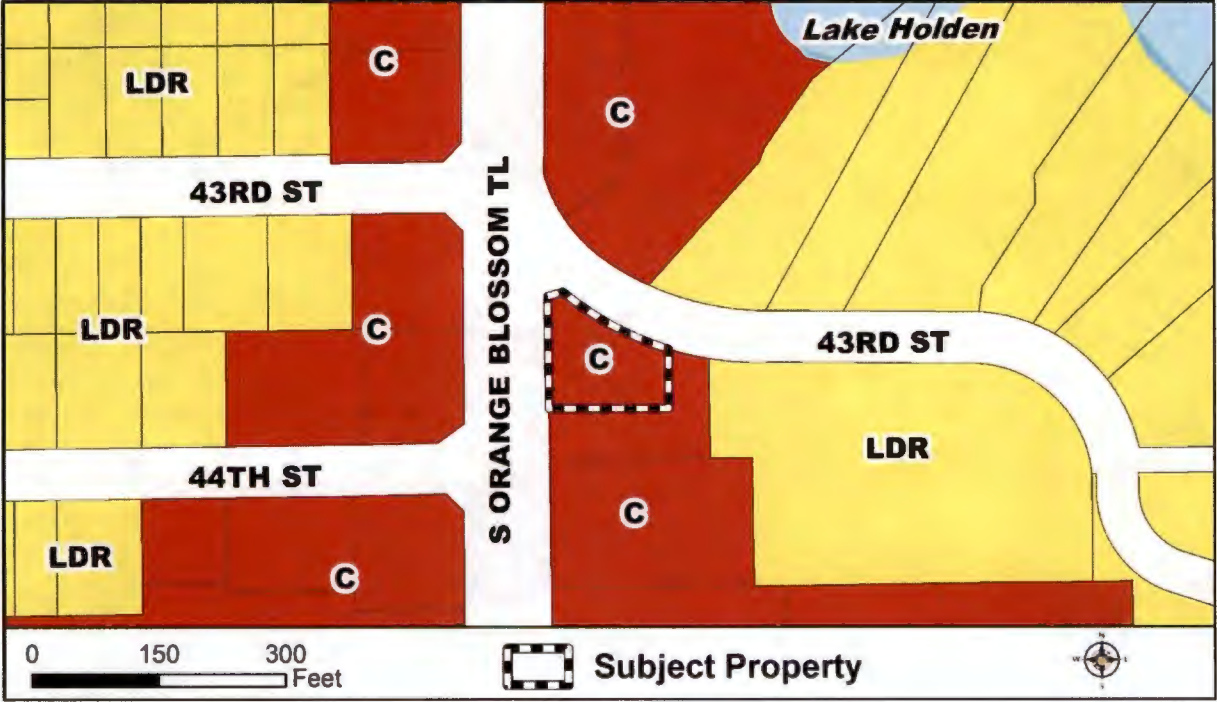


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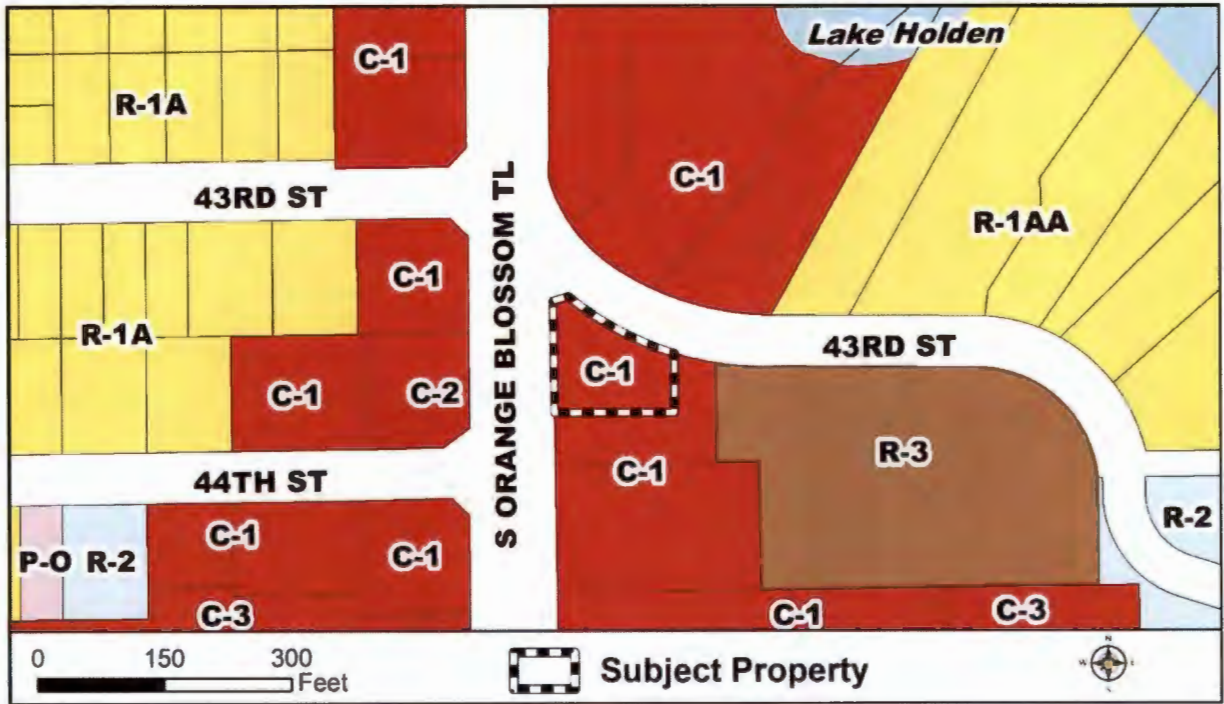


**FUTURE LAND USE – CURRENT**  
Commercial (C)

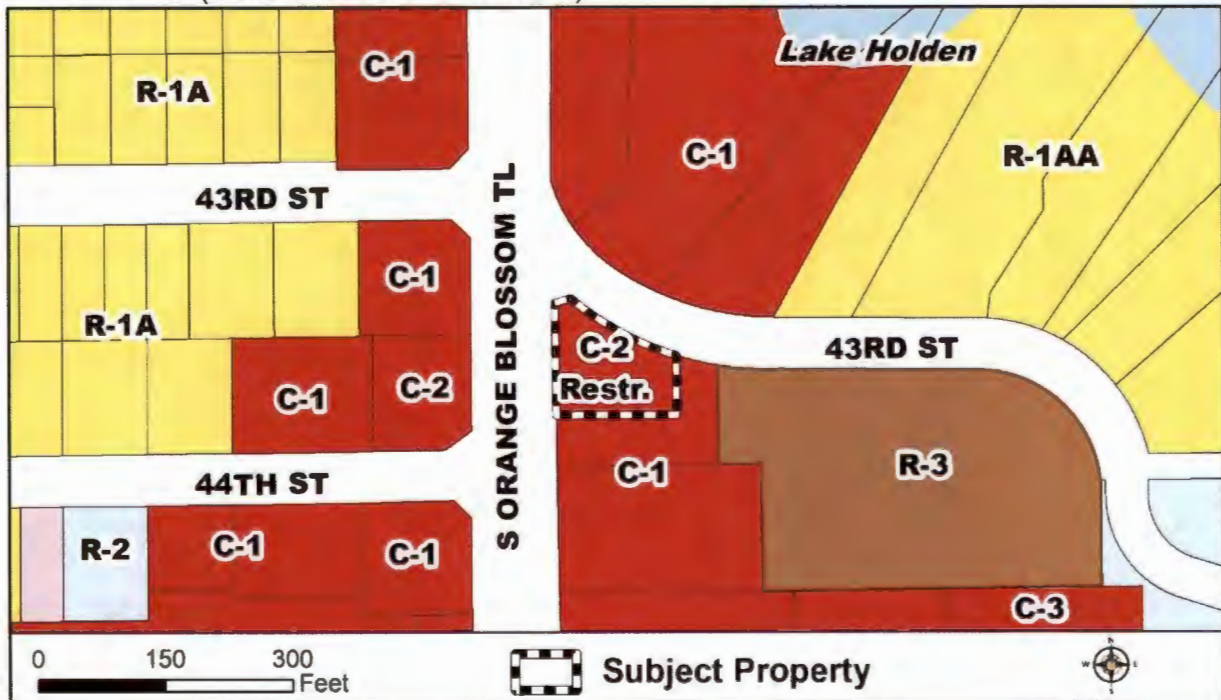




**ZONING – CURRENT**  
C-1 (Retail Commercial District)



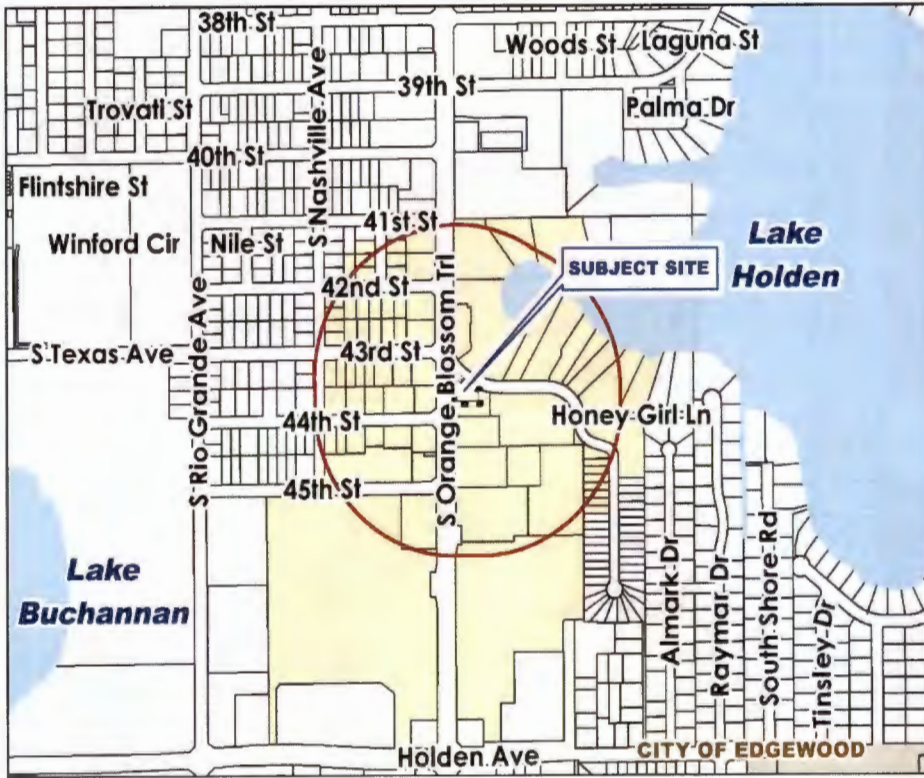
**ZONING – PROPOSED**  
C-2 Restricted (General Commercial District)





# Public Notification Map

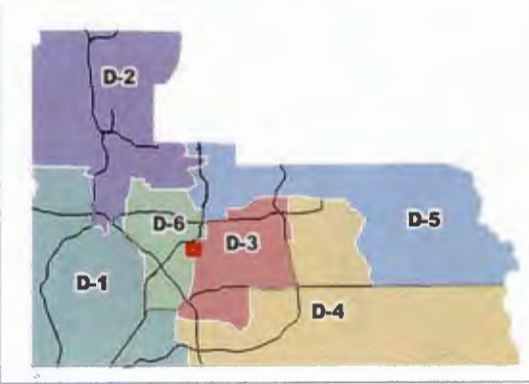
RZ-23-04-026



### MAP LEGEND

	SUBJECT SITE		PARCELS
	750 FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		HYDROLOGY

**BUFFER DISTANCE:** 750  
**# OF NOTICES:** 140



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## NOTIFICATION MAP

**Case # RZ-23-04-026**  
**Orange County Planning Division**  
**PZC Hearing Date: July 20, 2023**

**CASE # RZ-23-07-053**

Commission District: #3

**GENERAL INFORMATION**

**APPLICANT:** Jim Hall, Hall Development Services, Inc.

**OWNER:** Gavilanez Libia

**HEARING TYPE:** Planning and Zoning Commission

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

**LOCATION:** 1662 N. Dean Road; generally west of N. Dean Rd, south of  
River Crest Ct and north of Dean Cove Ln.

**PARCEL ID NUMBER:** 19-22-31-0000-00-067

**SIZE / ACREAGE:** 0.34-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet  
[Chapter 30-40(c)(3a) of the Orange County Code requires 300  
feet]. Three hundred sixty-two (362) notices were mailed to  
those property owners in the surrounding area.

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

**PROPOSED USE:** Two Single-Family Units (Duplex)

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-2 Restricted (Residential District) zoning, subject to restriction:**

1. Development shall be limited to two (2) residential units.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject property is currently vacant and has not been platted. The lot width measures as 90 feet and the lot area is 15,035 sq. ft., which is sufficient to allow for two (2) single-family units (a duplex).

The Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR), which allows consideration of up to ten (10) units per acre.



The acreage of the subject property would allow for consideration of up to three (3) units, however with the proposed restriction, the development would be limited to two units.

The surrounding area can be characterized as having a mixture of single-family detached and attached residential dwelling units on 25' wide lots and larger. Development on this property will be reliant on septic tanks for wastewater disposal.

**Land Use Compatibility**

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

**Site Analysis**

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

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

**Code Enforcement**

No cases found.

**Comprehensive Plan (CP) Consistency**

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

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

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

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

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

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

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

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

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

**SITE DATA**

<b>Existing Use</b>	Vacant
<b>Adjacent Zoning</b>	N: R-2 (Residential District) 1983
	E: N/A
	W: R-1 (Single-Family Dwelling District) 1957
	S: R-2 (Residential District) 1984
<b>Adjacent Land Uses</b>	N: Duplex
	E: S.R. 425
	W: Undeveloped Residential
	S: Undeveloped Residential

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

One-Family Dwelling

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.
Building Setbacks:	
Front:	20 ft.

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Rear: 20 ft.  
Side: 5 ft.  
Side Street: 15 ft.

Two Dwelling Units

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

Three Dwelling Units

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

Four or More Dwelling Units

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

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

**Intent, Purpose, and Uses**

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

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



**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

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

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

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

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 4/18/2023, there is a failing roadway segment within the project's impact area along Econlockhatchee Tr, from Colonial Dr to Trevathon Rd. This information is dated and subject to change. Two duplexes (4 units) is a de minimis impact on the roadway network. Prior to building permit approval, a Concurrency Application through the Concurrency Management office maybe required.

**Schools**

Two residential units is de minimus.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

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

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

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

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

**State of Florida Notice**

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

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

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – July 20, 2023**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-2 Restricted (Residential District) zoning subject to the following restriction:**

1. Development shall be limited to no more than two (2) dwelling units.

**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 Restricted (Residential District) zoning. The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that four hundred thirteen (413) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner Pavon, and seconded by Commissioner Evans to recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning subject to one (1) restriction. The motion carried with commissioner Spears voting in opposition.

<b>Motion / Second</b>	<i>Walter Pavon / Camille Evans</i>
<b>Voting in Favor</b>	<i>Walter Pavon, Camille Evans, Evelyn Cardenas, Nelson Pena, and Michael Arrington</i>
<b>Voting in Opposition</b>	<i>Gordon Spears</i>
<b>Absent</b>	<i>David Boers, George Wiggins, and Eddie Fernandez</i>



RZ-23-07-053

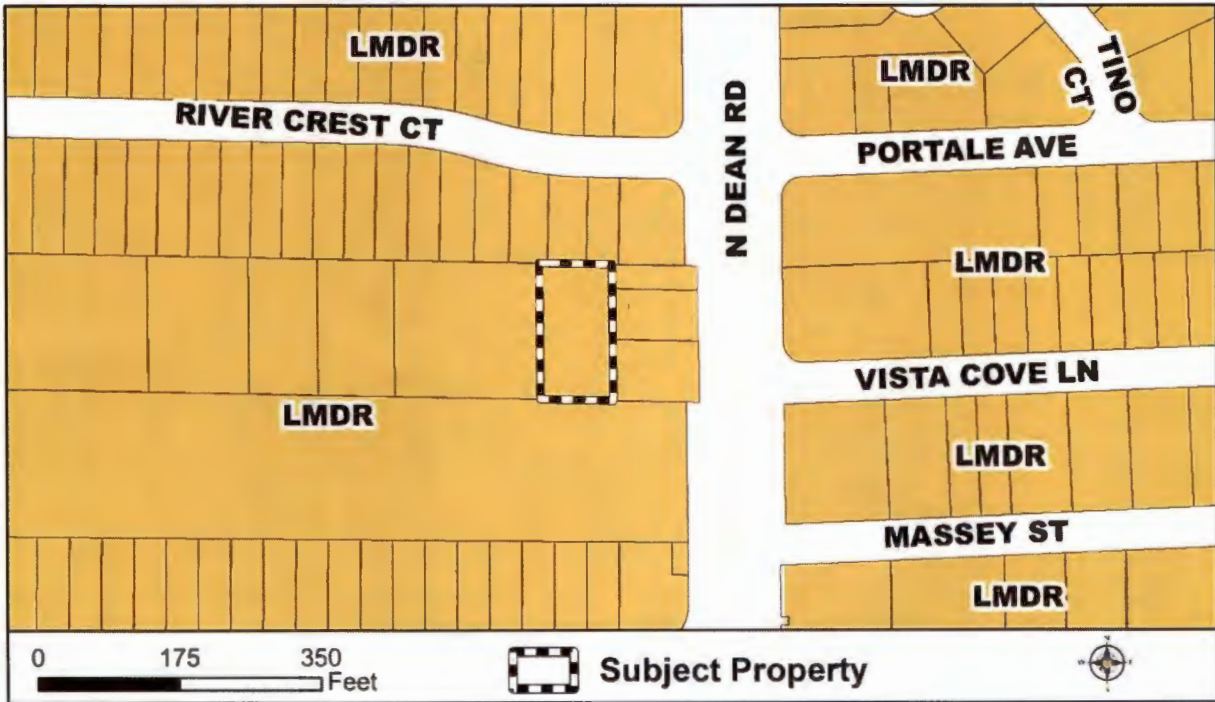


 Subject Property



0 105 210 Feet

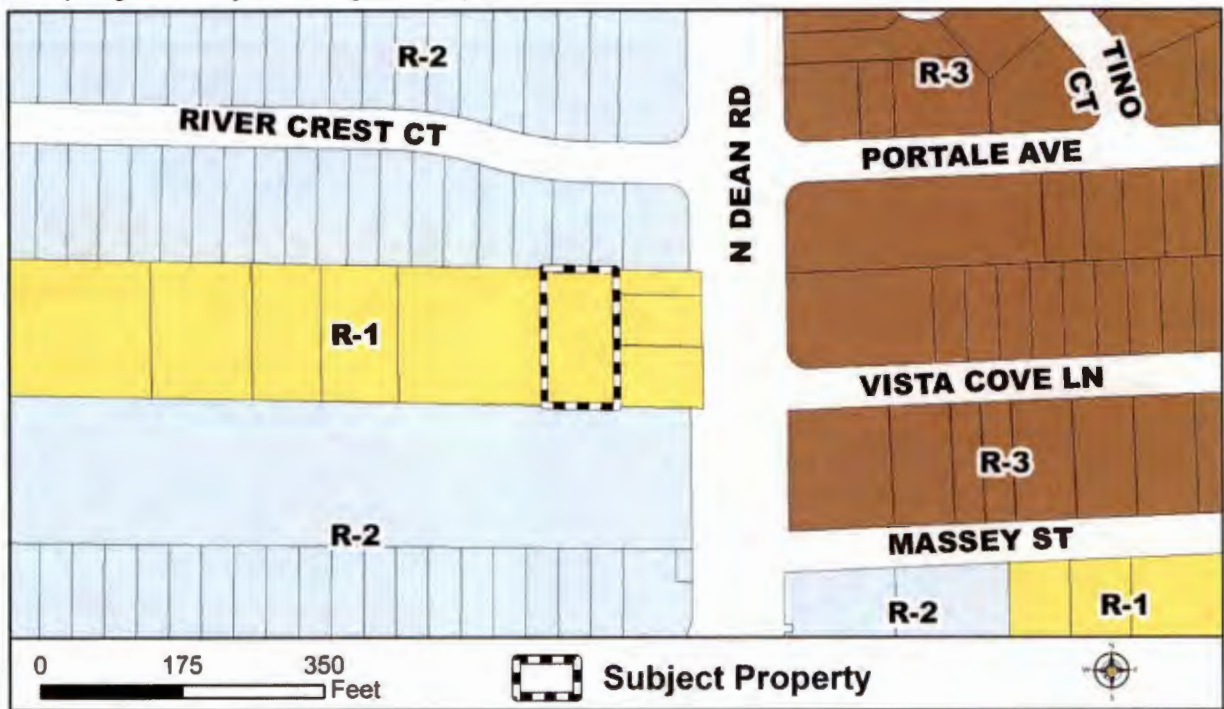
**FUTURE LAND USE – CURRENT**  
Low-Medium Density Residential (LMDR)





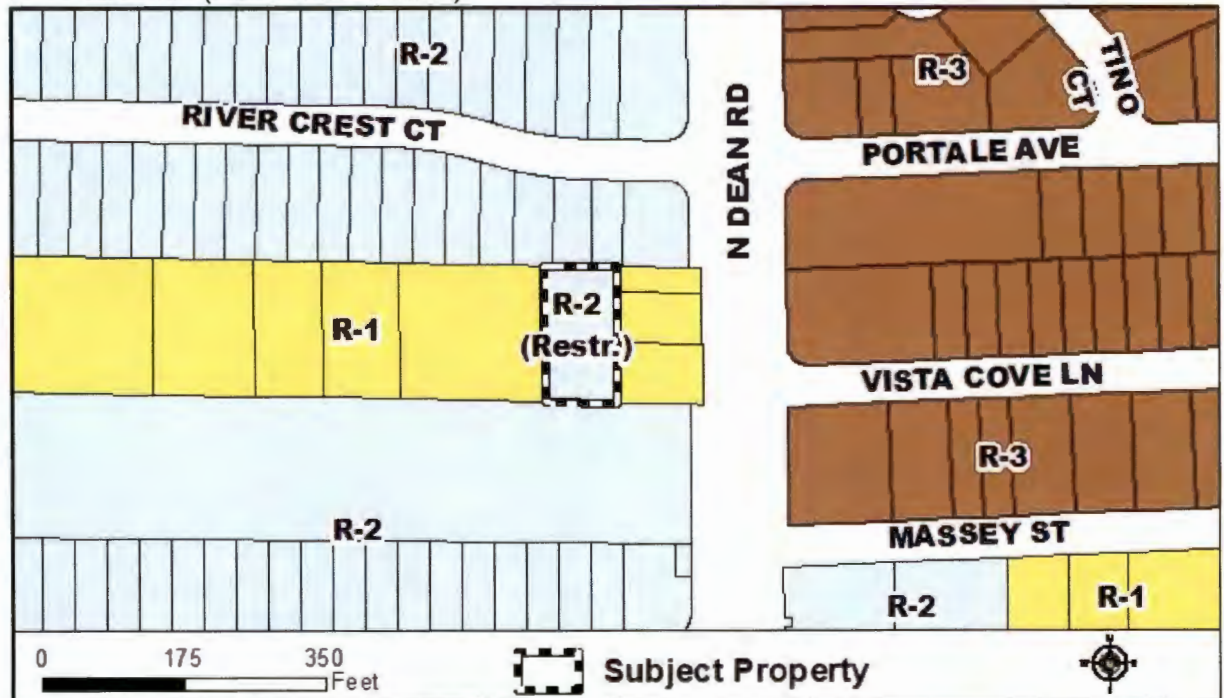
**ZONING – CURRENT**

R-1 (Single-Family Dwelling District)



**ZONING – PROPOSED**

R-2 Restricted (Residential District)

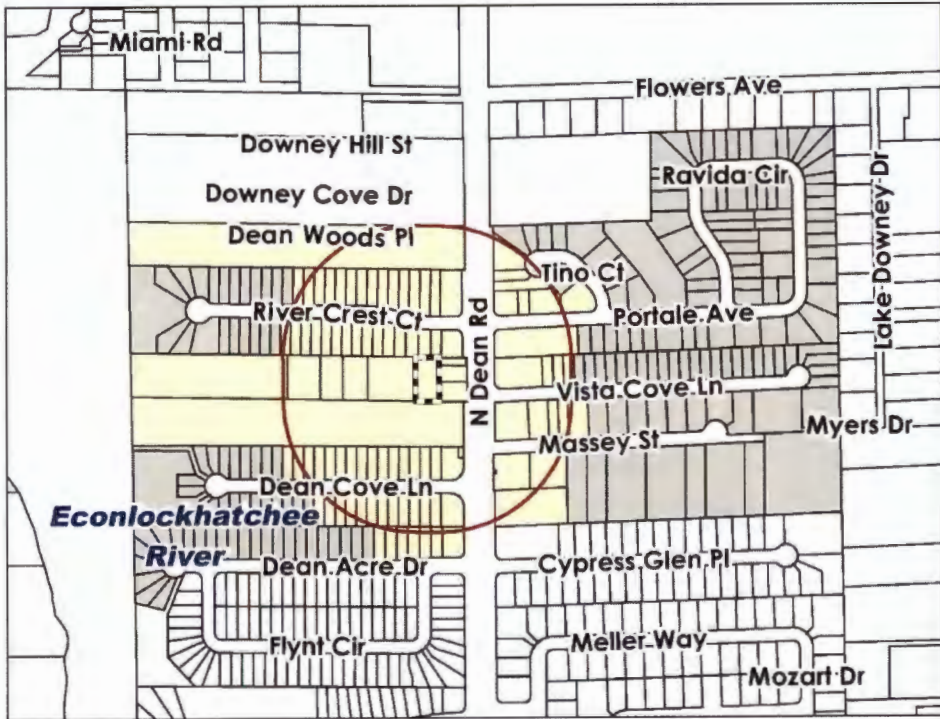






# Public Notification Map

RZ-23-07-053



**MAP LEGEND**

- SUBJECT SITE
- 500FT\_BUFFER
- 1\_MILE\_BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS
- HYDROLOGY

BUFFER DISTANCE: 500  
# OF NOTICES: 413



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## NOTIFICATION MAP

Case # RZ-23-07-053  
Orange County Planning Division  
PZC Hearing Date: July 20, 2023

**CASE # RZ-23-07-054**

Commission District: #4

**GENERAL INFORMATION**

**APPLICANT:** Keral J. Kothari

**OWNERS:** Keral J. Kothari, and Jignesh Kothari

**HEARING TYPE:** Planning and Zoning Commission

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

**LOCATION:** 1590 Oberry Hoover Road; generally located southwest of Oberry Hoover Road and Iroquois Trail, south of Colonial Drive.

**PARCEL ID NUMBER:** 21-22-31-0000-00-069

**SIZE / ACREAGE:** 0.68-gross acres

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventy-six (76) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** Two (2) Single-Family Dwelling Units, pending lot split approval.

**STAFF RECOMMENDATION**

**PLANNING**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject property is located in a residential community located southwest of Oberry Hoover Road and Iroquois Trail, south of Colonial Drive. The property is not platted and is approximately 100 feet wide and 29,793 sq. ft. in lot area. The access for the subject property is located on Oberry Hoover Road.

Through this request, the applicant intends to rezone the property from A-2 (Farmland Rural District) to R-1A (Single-Family Dwelling District) in order to develop two (2) detached residential units. The current structures on the property will be demolished. The creation of



two lots from the pending lot split approval will produce a flag lot. Per OC code 38-1502(b), no dwelling shall be erected on a lot which does not abut on a street for a distance of at least fifteen (15) feet. Also, except to the extent that it may be inconsistent or conflict with a requirement of the subdivision regulations, any lot or parcel created through a division or split of land, shall have access to a roadway that is a minimum of twenty (20) feet in width of and exists in fee simple. Access will be determined by Development Engineering at time of permitting.

The surrounding area is developed as a residential community with large lots ranging in various lot sizes of greater than 100 feet wide. The A-2 zoning district requires a minimum lot width of 100 feet. The property to the north of the subject site was approved to rezone in 2006 (RZ-06-04-056), from A-2 to R-1AAA, which requires a min of 95 feet. The subject property cannot achieve the R-1AAA 95 foot lot width requirement as the proposed rear parcel will require 20 feet of access to a roadway. The compatible R-1A zoning district requires a minimum of 75' wide lots and will permit the subject property to meet all the applicable setbacks for the zoning district.

Development on this property will be reliant on septic tanks for wastewater disposal.

#### **Land Use Compatibility**

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

#### **Site Analysis**

##### **Rural Settlement**

The subject property is not located within a Rural Settlement.

##### **Joint Planning Area (JPA)**

The subject property is not located in a JPA.

##### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

##### **Airport Noise Zone**

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

##### **Code Enforcement**

No Cases Found

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

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1A (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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



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

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

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

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

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

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

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

**SITE DATA**

<b>Existing Use</b>	Residential home
<b>Adjacent Zoning</b>	N: R-1AAA (Residential Urban District) (2006) E: A-2 (Farmland Rural District) (1957) W: A-2 (Farmland Rural District) (1957) S: A-2 (Farmland Rural District) (1957)
<b>Adjacent Land Uses</b>	N: Residential E: Residential W: Residential

S: Residential

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

Min. Lot Area: 7,500 sq. ft.  
Min. Lot Width: 75 ft.  
Max. Height: 35 ft.  
Min. Floor Area: 1,200 sq. ft.

**Building Setbacks**

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

**Intent, Purpose, and Uses**

The areas included within R-1-AA and R-1-A single-family dwelling districts are intended to be single-family residential areas with large lots and low population densities. Certain structures and uses required to serve educational, religious, utilities and noncommercial recreational needs of such areas are permitted within the districts as special exceptions.

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

*\* 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.*

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

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

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

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

**Transportation / Access**

Two single family detached dwelling units are a de minimis impact to the roadways.

**Schools**

Two residential homes is de minimus.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

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

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

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

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

**State of Florida Notice**

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

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

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



**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – July 20, 2023**

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

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1A (Single-Family Dwelling District) zoning. The applicant's Agent was present and agreed with the staff recommendation. One member of the public appeared during public comment of the request. The resident reiterated the general concern of other neighbors in the area to keep the community rural in nature and oppose request for smaller lot sizes.

Staff indicated that seventy-six (76) notices were sent to property owners and residents extending beyond 700 feet surrounding the property, and that staff had received seven (7) response in opposition of the request and zero (0) response in favor.

After discussions relating to compatibility and wastewater availability for the site, a motion was made by Commissioner *Pavon*, and seconded by Commissioner *Evans* to recommend APPROVAL of the requested R-1A (Single-Family Dwelling District) zoning. The motion carried 5-1.

<b>Motion / Second</b>	<i>Walter Pavon / Camille Evans</i>
<b>Voting in Favor</b>	<i>Walter Pavon, Camille Evans, Evelyn Cardenas, Michael Arrington, and Nelson Pena</i>
<b>Voting in Opposition</b>	<i>Gordon Spears</i>
<b>Absent</b>	<i>David Boers, George Wiggins, and Eddie Fernandez</i>


RZ-23-07-054



 Subject Property

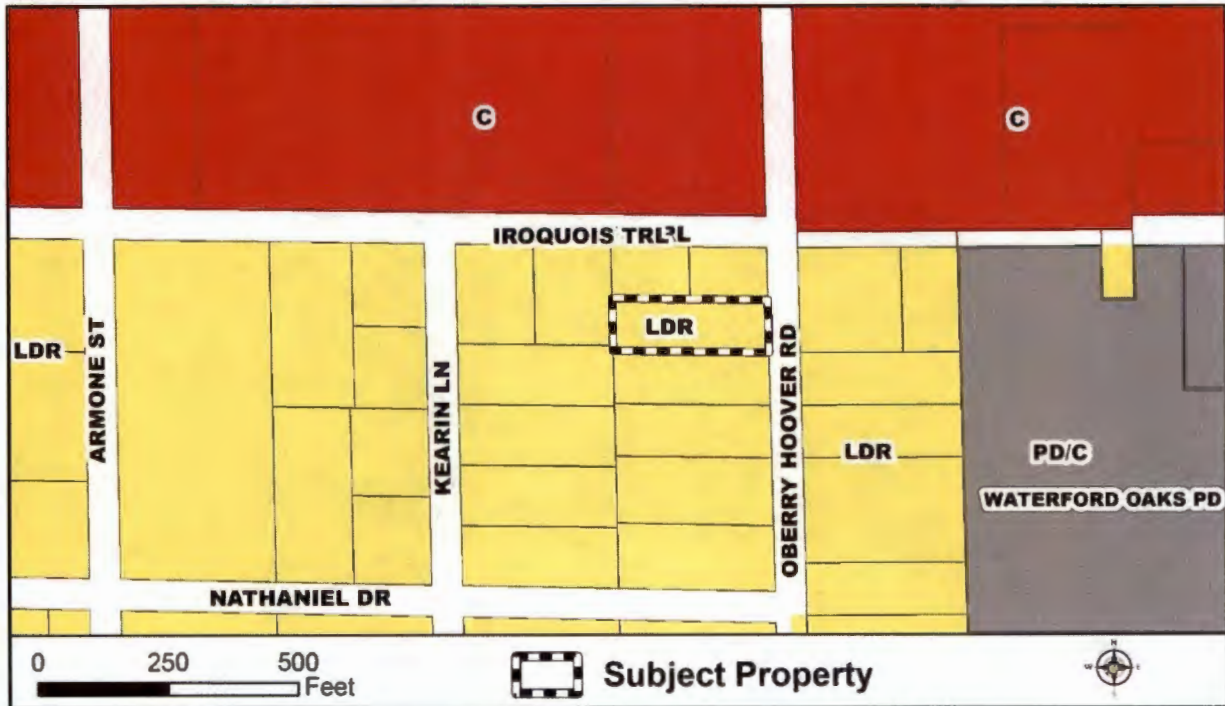


0 150 300 Feet





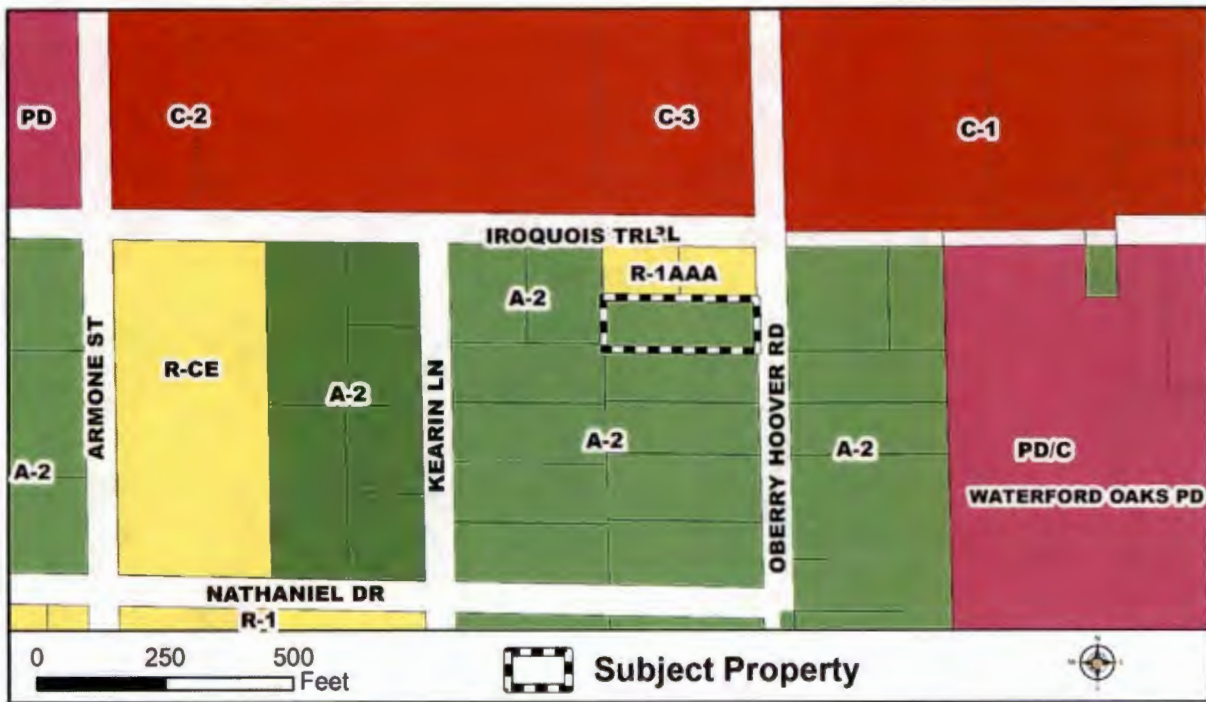
**FUTURE LAND USE – CURRENT**  
Low Density Residential (LDR)





**ZONING – CURRENT**

A-2 (Farmland Rural District)



**ZONING – PROPOSED**

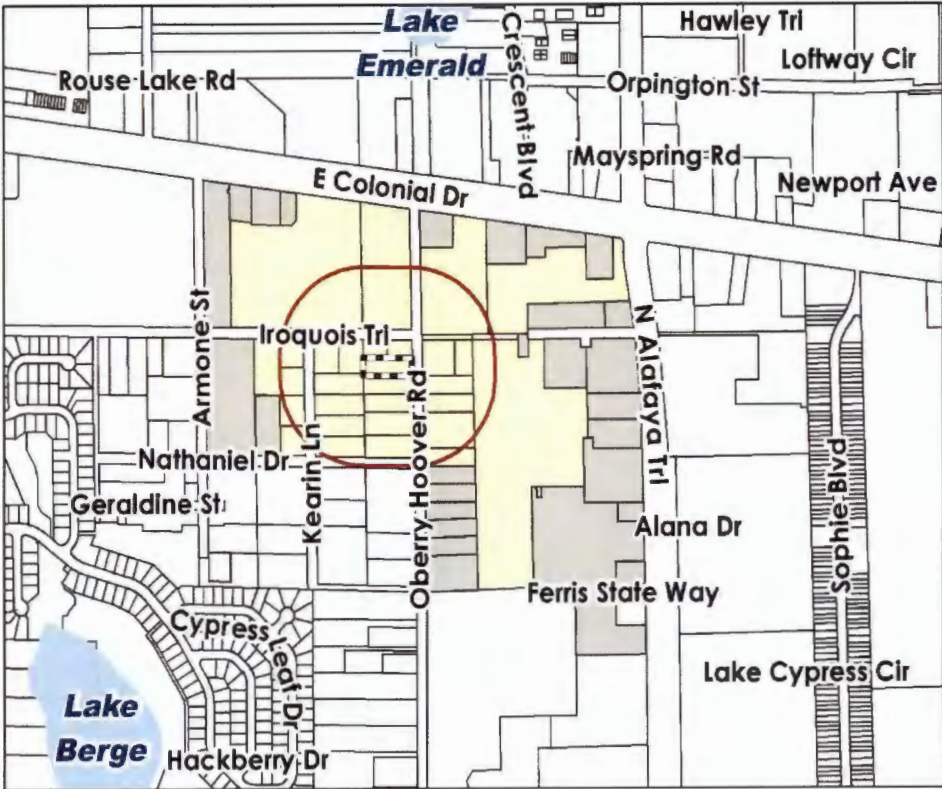
R-1A (Single-Family Dwelling District)





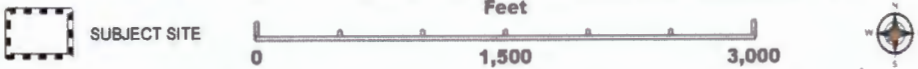
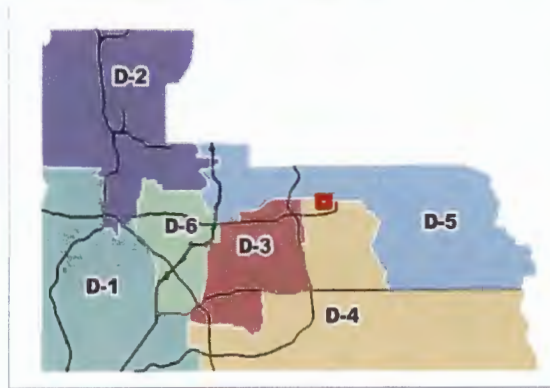
# Public Notification Map

RZ-23-07-054



MAP LEGEND			
	SUBJECT SITE		PARCELS
	500FT_BUFFER		NOTIFIED PARCELS
	1_MILE_BUFFER		COURTESY PARCELS
	HYDROLOGY		

BUFFER DISTANCE: 500  
 # OF NOTICES: 76



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## NOTIFICATION MAP

Case # RZ-23-07-054  
 Orange County Planning Division  
 PZC Hearing Date: July 20, 2023

**CASE # RZ-23-07-055**

Commission District: #5

**GENERAL INFORMATION**

**APPLICANT:** Josue Nina

**OWNER:** 1301 Susannah Blvd, LLC

**HEARING TYPE:** Planning and Zoning Commission

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

**LOCATION:** 1301 Susannah Boulevard; generally south of Harston Ave, north of Beach Blvd.

**PARCEL ID NUMBER:** 21-22-30-7204-05-150

**SIZE/ ACREAGE:** 0.258-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred sixteen (116) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** Two Single-Family Attached Units (Duplex)

**STAFF RECOMMENDATION**

**PLANNING**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject parcel is currently developed with a single-family home and has been platted in 1926 within the Ponce De Leon Plat. The lot width of the subject property measures as 87 feet and the lot area is 11,251 square feet., which is sufficient to allow two (2) single-family attached units (a duplex). The Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR), which allows consideration of up to ten (10) units per acre. The acreage of the subject property would allow for consideration of up to two (2) units since the property is 0.25-acre.



The surrounding area can be characterized as mostly single-family detached residential dwelling units on 50' wide lots and larger. There are two duplex homes located along Susannah Boulevard that are considered to be non-conforming since the zoning of those properties is R-1A and not R-2. However, the subject property meets the size requirements for R-2 and has an underlying Future Land Use designation that allows for up to 10 units per acre. Additionally, the subject property is within ¼ mile walking distance to the Baldwin Park main street. For these reasons, and to support a diverse mix of housing types per FLU8.2.2, staff is recommending approval of this request.

Development on this property will be reliant on septic tanks for wastewater disposal.

**Land Use Compatibility**

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

**Site Analysis**

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located in a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is located in Airport Noise Zone E, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any required noise mitigation will be required at the time of permitting.

**Code Enforcement**

No cases found.

**Comprehensive Plan (CP) Consistency**

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

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

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

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location,

availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

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

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

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

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

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

## **SITE DATA**

<b>Existing Use</b>	Single-Family Residential
<b>Adjacent Zoning</b>	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) R-1 (Single-Family Dwelling District) (2023) S: R-1A (Single-Family Dwelling District) (1957)
<b>Adjacent Land Uses</b>	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential

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**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.*



**Intent, Purpose, and Uses**

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

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

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

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

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

**Transportation / Access**

A duplex is a de minimis impact to the roadways.

**Schools**

Two units is de minimus.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water:	OUC
Wastewater:	City of Orlando
Reclaim Water:	City of Orlando

**Detailed Utility Information:**

This property is within Orlando Utilities Commission Water Service Area.

This property is within City of Orlando Wastewater and Reclaimed Water Service Area. Development on this property will be reliant on septic tanks for wastewater disposal.

**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.

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**ACTION REQUESTED**

**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 Restricted (Residential District) zoning. The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing. The applicant has committed to use the advanced septic system instead of a regular septic system.

Staff indicated that one hundred sixteen (116) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received zero (0) responses in favor, and six (6) responses in opposition of the request. Those in opposition would like the neighborhood and the property to remain as R-1A character, the change to R-2 will influence more R-2 rezonings.

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

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



RZ-23-07-055



 Subject Property



1 inch = 165 feet

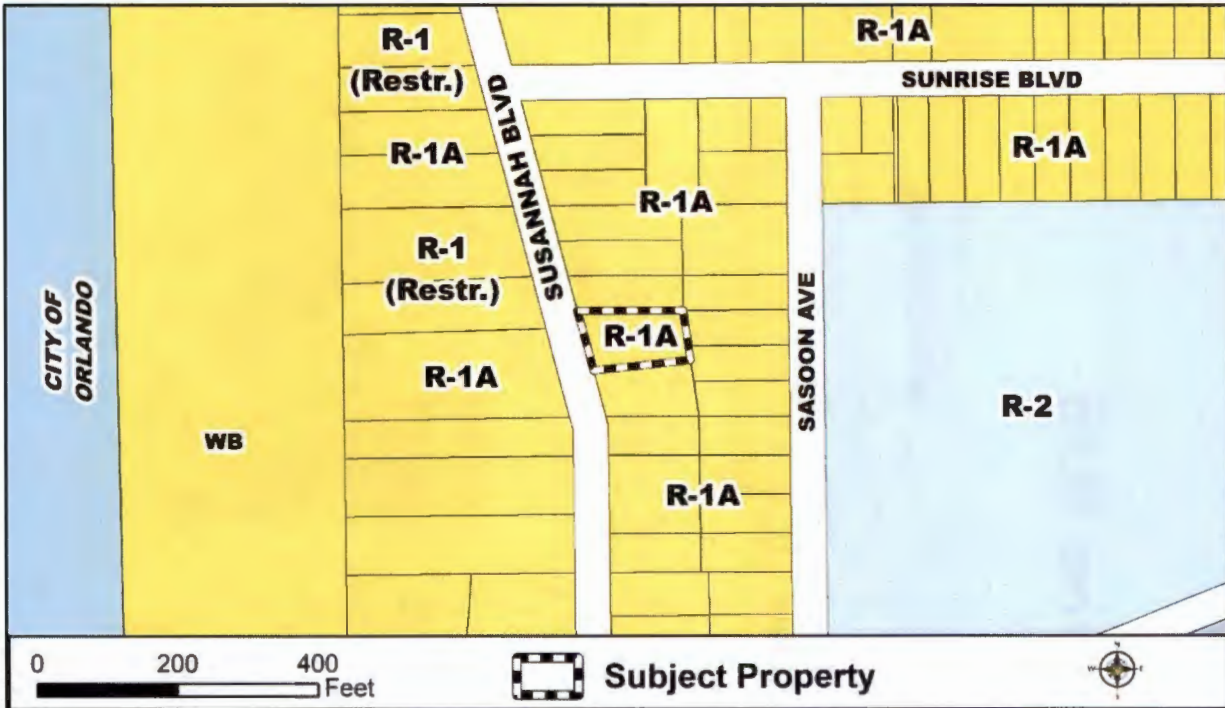


**FUTURE LAND USE – CURRENT**  
LMDR (Low-Medium Density Residential)



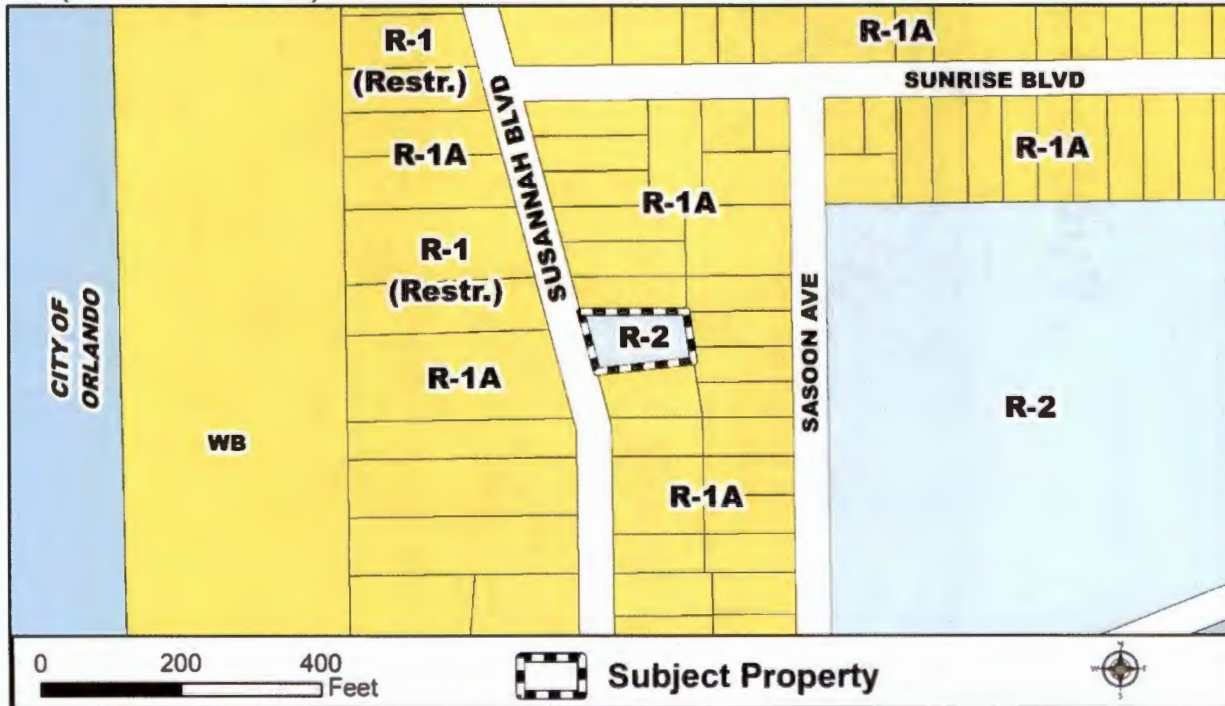
**ZONING – CURRENT**

R-1A (Single-Family Dwelling District)



**ZONING – PROPOSED**

R-2 (Residential District)





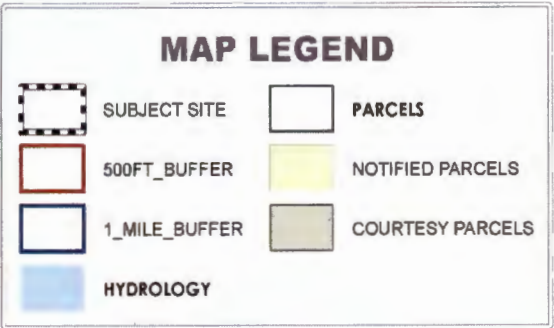


# Public Notification Map

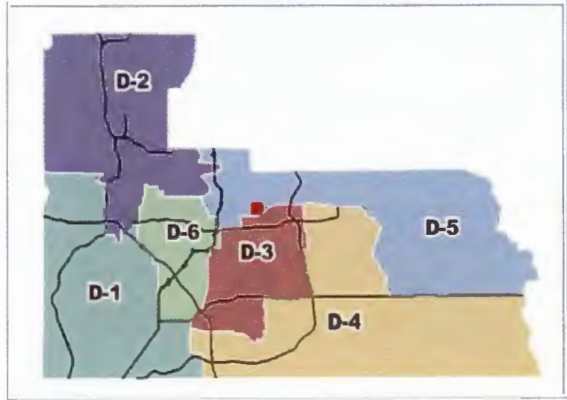
RZ-23-07-055



SUBJECT SITE



**BUFFER DISTANCE: 500**  
**# OF NOTICES: 116**



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## NOTIFICATION MAP

**Case # RZ-23-07-055**  
**Orange County Planning Division**  
**PZC Hearing Date: July 20, 2023**

**CASE # RZ-23-07-056**

Commission District: #5

**GENERAL INFORMATION**

**APPLICANT:** Franklin Elizondo

**OWNERS:** Amarelis Aponte, Franklin Elizondo

**HEARING TYPE:** Planning and Zoning Commission

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

**LOCATION:** 3905 N Tanner Rd; generally located east of N Tanner Rd,  
south of Stonebriar Way, and north of Josair Dr.

**PARCEL ID NUMBER:** 12-22-31-0000-00-025

**SIZE/ ACREAGE:** 0.83-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred nine (209) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** Three (3) detached single family homes

**STAFF RECOMMENDATION**

**PLANNING**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) to construct 3 detached single-family homes. The applicant will request to split the lot through the Zoning Division which will be contingent upon the approval of this request.

The subject property containing 0.83-gross acre is unplatted however zoning map records show this property as a legally created lot prior to 1991. The subject property was originally zoned as R-1 (Single-Family Dwelling District) and was rezoned in 1982 to A-2 (Farmland Rural District). The subject property currently has a single-family home which the property



owner intends to demolish along with the existing shed and redevelop the property. The surrounding area of the subject property is primarily detached single-family homes on 50 feet to 100 feet wide lots and an elementary school located to the east. The area consists of a variety of zoning districts – A-2 (Farmland Rural District), R-1 (Single-Family Dwelling District), R-1AA (Single-Family Dwelling District), R-1AAAA (Residential Urban District), R-CE (Rural Country Estate), and PD (Planned Development). This request to rezone to R-1 zoning would not negatively impact the surrounding area. Development on this property will be reliant on septic tanks for wastewater disposal.

#### **Land Use Compatibility**

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

#### **Site Analysis**

##### **Rural Settlement**

The subject property is not located in a Rural Settlement.

##### **Joint Planning Area (JPA)**

The subject property is in the City of UCF Study Area JPA. No notice is required for de minimus activity on individual parcels zoned for single-family use, including duplex units.

##### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

##### **Airport Noise Zone**

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

##### **Code Enforcement**

No cases found.

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

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR which allows consideration of up to four (4) units per acre. The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

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



appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

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

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

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

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

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

**FLU7.3.1**

Orange County shall review the campus master plan, development proposals, and other development plans of the university to ensure compatibility with off campus surrounding uses and to determine the impacts of the development on Orange County residents.

**FLU7.3.2**

The university and the county shall work cooperatively to develop shared design and signage guidelines to ensure compatibility of on-campus development with the surrounding community.

**FLU7.3.3**

Where the acquisition of additional lands is necessary for the continued growth and expansion of university facilities, the county shall work cooperatively with UCF on any required amendments to the Comprehensive Plan.

**FLU7.3.4**

Orange County shall arrange an annual meeting to discuss and review updates related to campus development plans, infrastructure improvements and support facilities.

**FLU7.3.5**

Orange County shall work with UCF to establish additional opportunities for increased coordination as identified in the Campus Master Plan.

**SITE DATA**

<b>Existing Use</b>	Residential
<b>Adjacent Zoning</b>	N: A-2 (Farmland Rural District) 1982 E: A-2 (Farmland Rural District) 1982 W: R-CE (Rural Country Estate) 1975 S: A-2 (Farmland Rural District) 1982
<b>Adjacent Land Uses</b>	N: Residential E: Residential W: Residential S: Residential

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

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

**Building Setbacks**

Front:	20 feet
Rear:	20 feet
Side:	5 feet

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

**Intent, Purpose, and Uses**

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

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

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

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

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

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

**Transportation / Access**

Three single family detached dwelling units are a de minimis impact to the roadways.

**Schools**

Three residential units is de minimus.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

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

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

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

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



**State of Florida Notice**

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

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

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – July 20, 2023**

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

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning to allow for three detached single-family homes on the subject property, subject to a lot split approval. The applicant was present for the hearing and was in favor of staff's recommendation. Commissioner Spears expressed concerns regarding the subject property being reliant on a septic tank for all three proposed single-family homes. The applicant stated that they intend to connect to sewer, however planning staff clarified to the commission that according to the Utilities Department there is no sewer connection readily available in this area therefore sewer connection would not be possible presently. Members of the Planning and Zoning Commission asked the applicant how large of a house he would construct on each lot, which the applicant stated he was considering minimum 3,000 square feet homes. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that two-hundred and nine (209) notices were sent to property owners in a five hundred (500) feet surrounding the property, with zero (0) letters received in favor of the request and zero (0) letters received in opposition to the request.

A motion was made by Commissioner Spears and seconded by Commissioner Pavon to recommend DENIAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 4-2 vote with Commissioner Evans and Commissioner Cardenas voting in opposition.

**Motion / Second**

*Gordon Spears / Walter Pavon*

**Voting in Favor**

*Gordon Spears, Walter Pavon, Michael Arrington, and  
Nelson Pena*

**Voting in Opposition**

*Camille Evans and Evelyn Cardenas*

**Absent**

*David Boers, George Wiggins and Eddie Fernandez*




RZ-23-07-056



 Subject Property

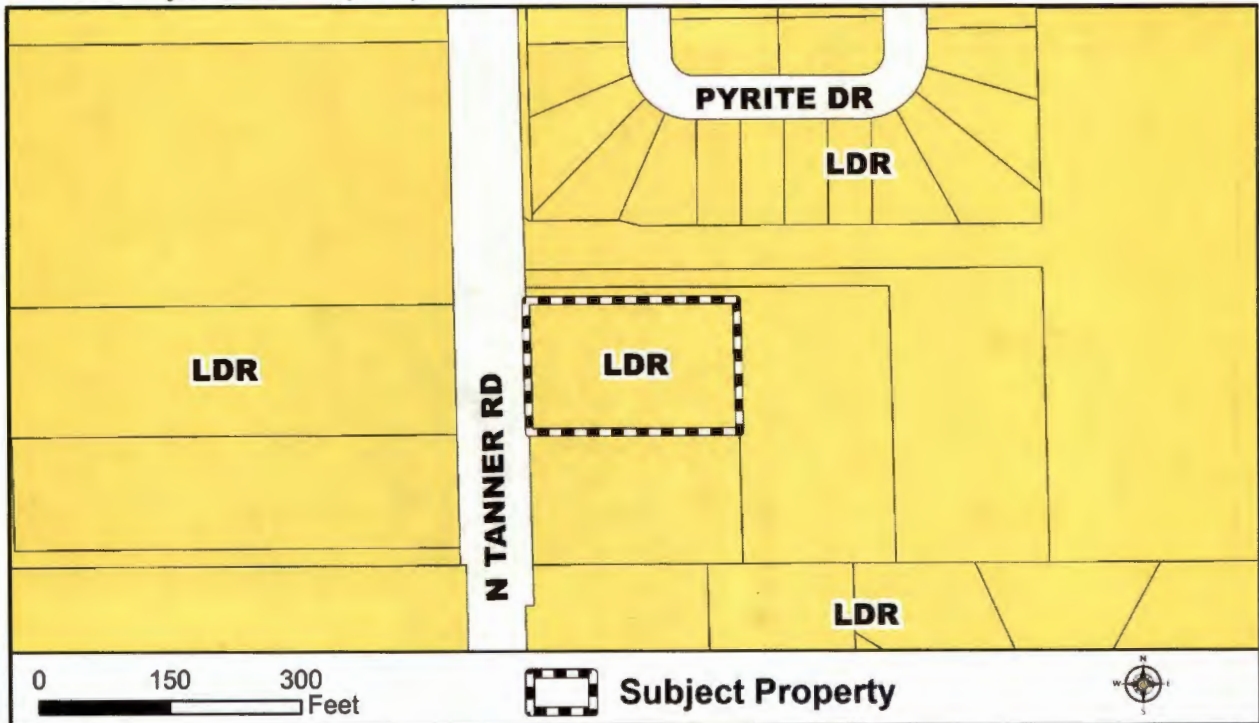


0 100 200 Feet

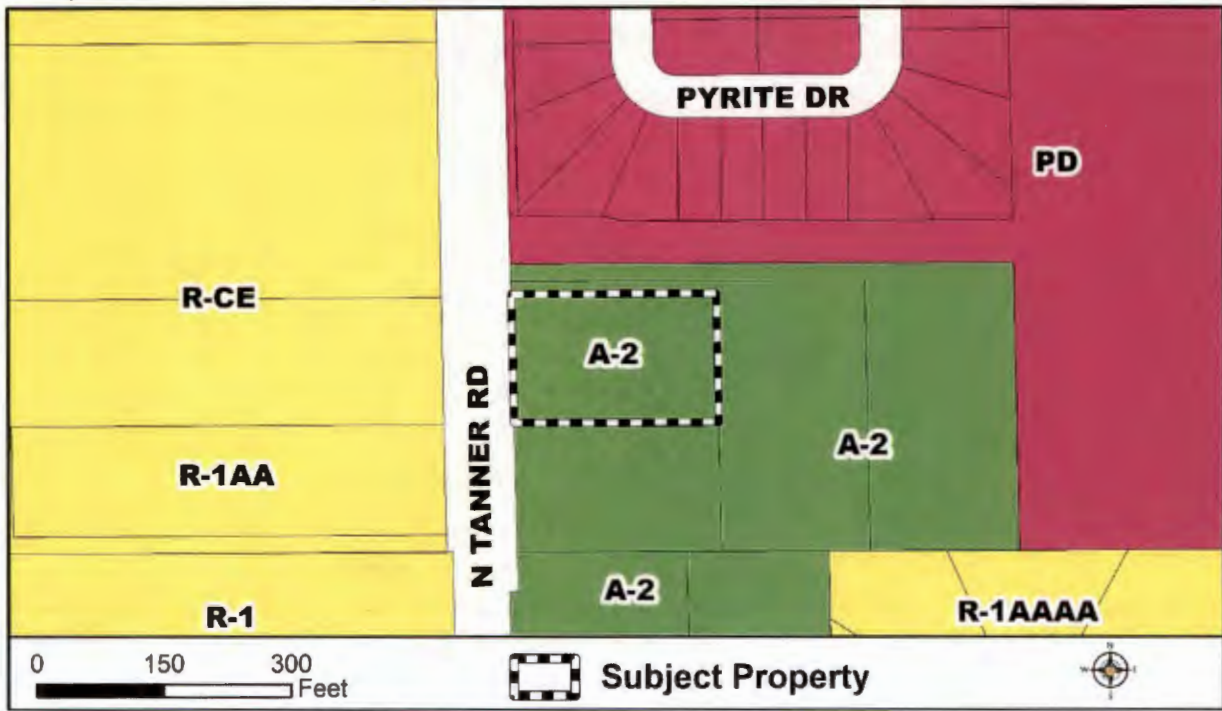




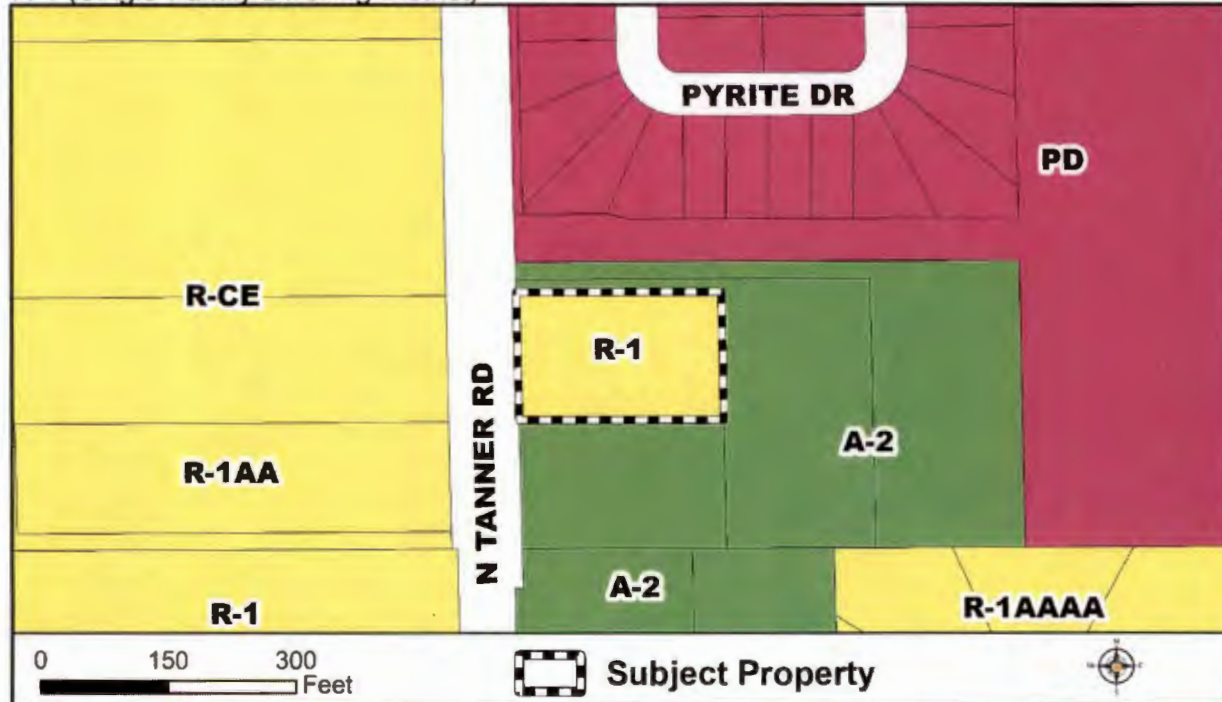
**FUTURE LAND USE – CURRENT**  
Low Density Residential (LDR)



**ZONING – CURRENT**  
A-2 (Farmland Rural District)



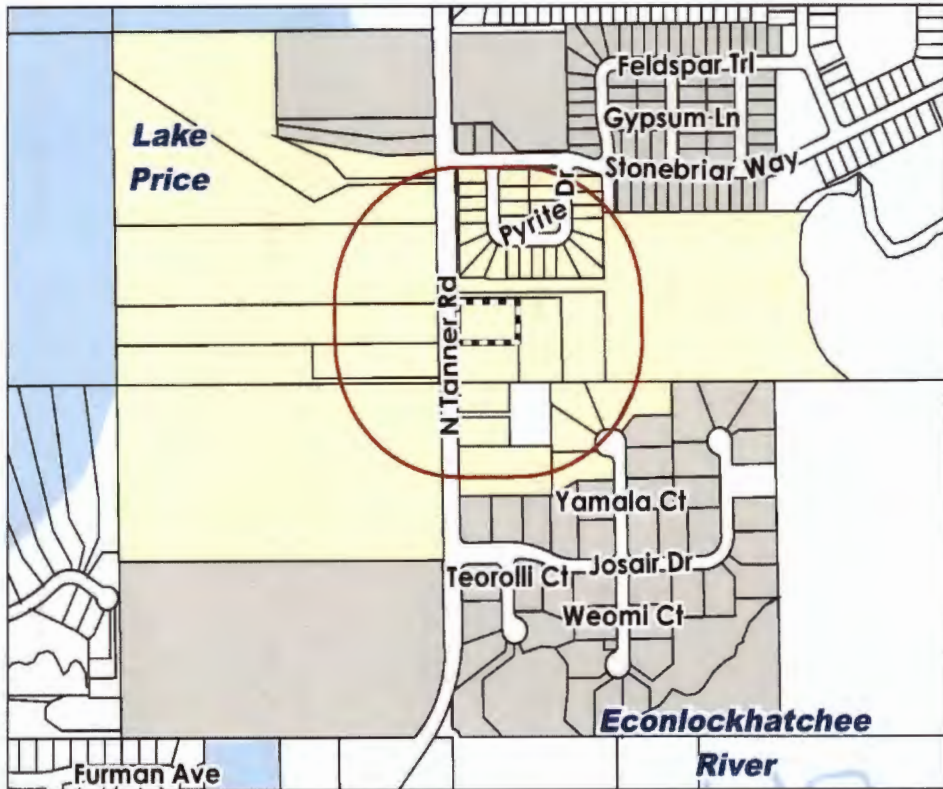
**ZONING – PROPOSED**  
R-1 (Single-Family Dwelling District)



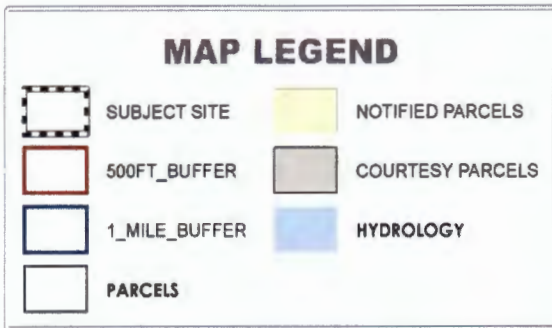


# Public Notification Map

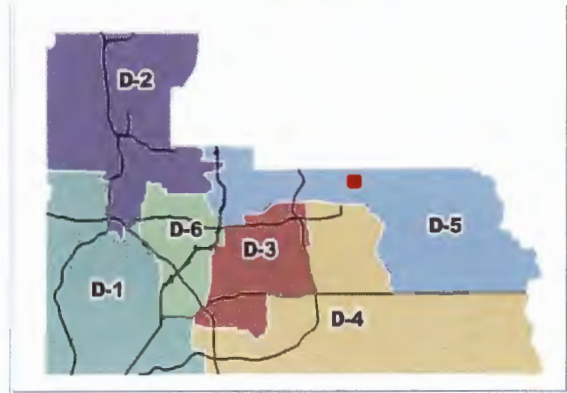
RZ-23-07-056



SUBJECT SITE



**BUFFER DISTANCE: 500**  
**# OF NOTICES: 209**



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## NOTIFICATION MAP

Case # RZ-23-07-056  
Orange County Planning Division  
PZC Hearing Date: July 20, 2023



**CASE # RZ-23-07-058**

Commission District: #6

**GENERAL INFORMATION**

**APPLICANT:** Rejeanne Marc

**OWNER:** Rejeanne Marc

**HEARING TYPE:** Planning and Zoning Commission

**REQUEST:** **R-1A** (Single-Family Dwelling District) **to**  
**P-O** (Professional Office District)  
and  
Two variances requested for lot size and lot width to allow 7,838 SF in lieu of 10,000 SF and 65 feet lot width in lieu of 85 feet.

**LOCATION:** 1419 N Pine Hills Rd; generally located east of N Pine Hills Rd, approximately 285 feet south of Figwood Ln, and north of Indialantic Drive.

**PARCEL ID NUMBER:** 19-22-29-6978-15-100

**SIZE / ACREAGE:** 0.18-gross acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred sixty-four (264) notices were mailed to those property owners in the surrounding area.

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

**PROPOSED USE:** Professional office uses

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested P-O (Professional Office District) zoning with the two variances.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this rezoning request the applicant is seeking to rezone the 0.21-gross acre parcel from R-1A (Single-Family Residential District) to P-O (Professional Office District) to allow professional office uses. This request includes two (2) variances for the lot size and lot width. The two (2) variances for the lot size and lot width are needed to allow

7,838 SF in lieu of 10,000 SF and 65 feet lot width in lieu of 85 feet as required for P-O (Professional Office District) zoning.

The Future Land Use designation of Office (O) and the zoning district of R-1A (Single-Family Dwelling District) zoning are inconsistent. The subject property has been zoned as R-1A since 1957 and platted in 1952 within the Pine Hills Manor No. 3 subdivision. A rezoning is required prior to any development or improvement to the existing building.

The surrounding area of the subject property is developed with single-family homes to the east, P-O (Professional Office District) zoning is established along N. Pine Hills Rd with lots developed as offices and non-conforming single-family homes. The adjacent property to the north of the subject property was rezoned to P-O in 1988 and the property to the south was rezoned to P-O Restricted in 2007 (RZ-06-11-146) with a restriction that a six foot PVC vinyl fence or masonry wall be constructed along the eastern property line. Per Orange County Code, a Type D buffer would be required if this request is approved. The Type D buffer is required to be ten feet wide and consist of either a masonry wall or opaque vegetation.

Site improvements will be required. Currently, the applicant has a building permit under review for the conversion of the existing residence to an office building. In addition to the conversion permit, permit record shows that a site work permit will also be required. Development on this property will be reliant on septic tanks for wastewater disposal. The subject property is not within the Wekiva Priority Focus Area and therefore advanced septic tanks would not be required.

#### **Land Use Compatibility**

The P-O (Professional Office District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

#### **Site Analysis**

##### **Rural Settlement**

The subject property is not located in a Rural Settlement.

##### **Joint Planning Area (JPA)**

The subject property is not located in a JPA.

##### **Overlay District Ordinance**

The subject property is located in the Pine Hills Neighborhood Improvement District.

##### **Airport Noise Zone**

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

##### **Code Enforcement**

Parcel ID: 19-22-29-6978-15-100

Incident #: 603232 / Case #: SM-2022-462978Z

Inspector: Cheryl Rayburn

Description: concrete/ business in location/"R&C tax services"

**Comprehensive Plan (CP) Consistency**

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

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

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

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

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

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

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

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

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



**SITE DATA**

**Existing Use** Residential

**Adjacent Zoning** N: P-O (Professional Office District) 1988  
E: R-1A (Single-Family Dwelling District) 1957  
W: P-O (Professional Office District) 1987  
S: P-O Restricted (Professional Office District) 2007

**Adjacent Land Uses** N: office  
E: Residential  
W: Residential  
S: office

**P-O (Professional Office District) Development Standards**

Min. Lot Area: 10,000 sq. ft.  
Min. Lot Width: 85 ft.  
Max. Height: 35 ft.  
Min. Floor Area: 500 sq. ft.

**Building Setbacks**

Front: 25 ft.  
Rear: 30 ft.  
Side: 10 ft.

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

**Intent, Purpose, and Uses**

The intent and purposes of the P-O professional office district are:

- (1) To provide for and encourage development of a wide variety of high quality functional and attractive professional office centers in accordance with adopted county development plans and policies.
- (2) To establish standards which will promote high quality site development of individual office structures and larger office centers, both of which are properly oriented towards arterial roads and compatible with adjoining properties.
- (3) To encourage the provision of professional services at the neighborhood and community levels, and to provide sites large enough to permit landscaped open spaces and off-street parking facilities.
- (4) To recognize the growing importance of the county as a regional service center and the need to accommodate the increasing service demands of the resident and tourist populations.

**SPECIAL INFORMATION**

**Staff Comments**

**Environmental**

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

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

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

**Transportation / Access**

Based on the Concurrency Management database (CMS) dated 6/14/2023, there is a failing roadway segment within the project's impact area along Powers Dr, from Silver Star Rd to North Lane. This information is dated and subject to change. Prior to building permit approval, a Concurrency Application through the Concurrency Management office will be required. A Traffic Study may be required at that time.

**Schools**

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

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

This property is within Orlando Utilities Commission Water Service Area.

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

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

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

**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.



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**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – July 20, 2023**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested P-O (Professional Office District) zoning with the two variances to allow 7,838 SF in lieu of 10,000 SF and 65 feet lot width in lieu of 85 feet.**

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested P-O (Professional Office District) zoning. The applicant was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that two-hundred and sixty-four (264) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received two (2) responses in favor, and one (1) response in opposition of the request.

A motion was made by Commissioner Evans and seconded by Commissioner Arrington to recommend APPROVAL of the requested P-O (Professional Office District) zoning with two variances. The motion carried unanimously.

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

RZ-23-07-058



 Subject Property

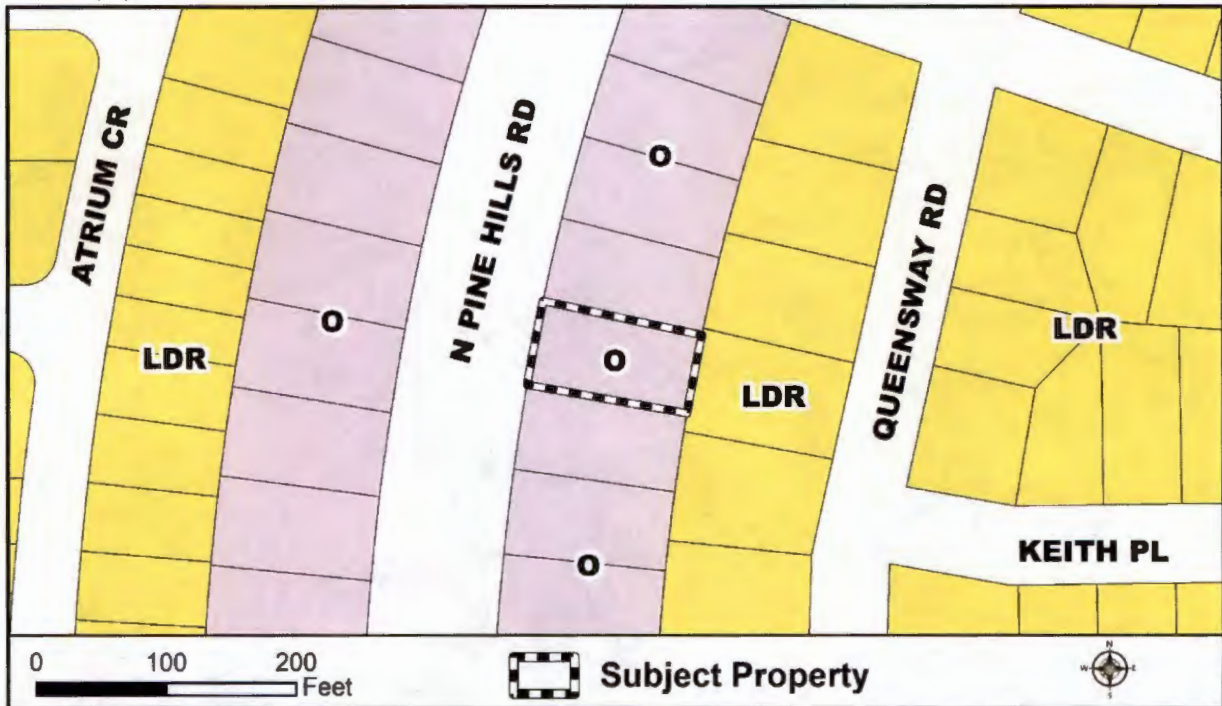


0 100 200 Feet



**FUTURE LAND USE – CURRENT**

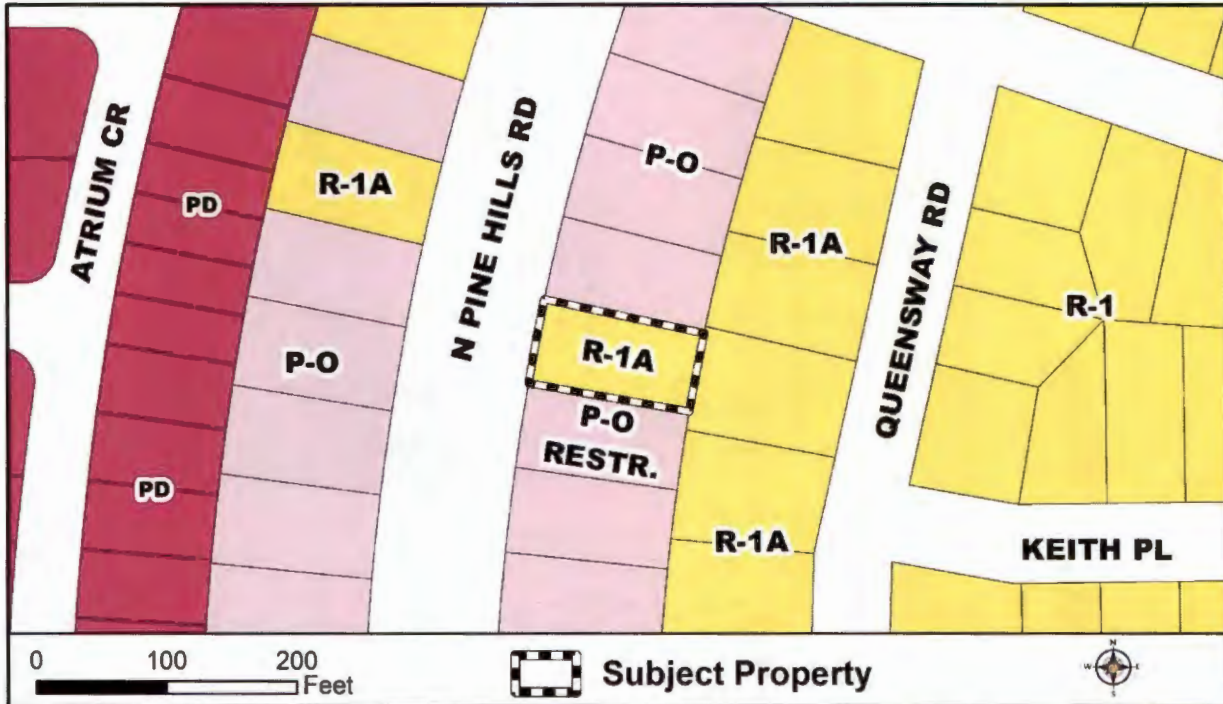
Office (O)





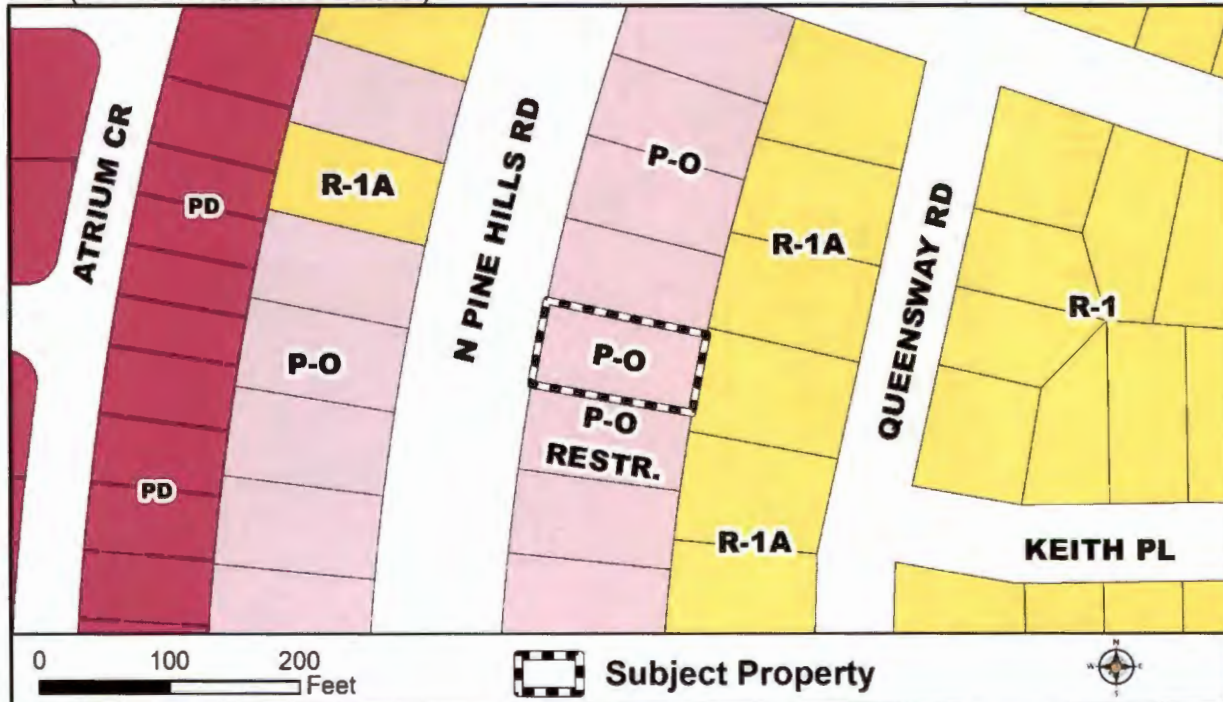
**ZONING – CURRENT**

R-1A (Single-Family Dwelling District)



**ZONING – PROPOSED**

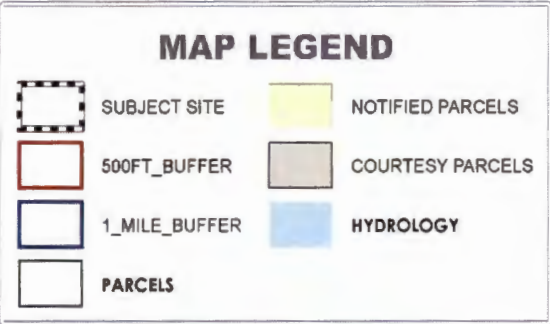
P-O (Professional Office District)



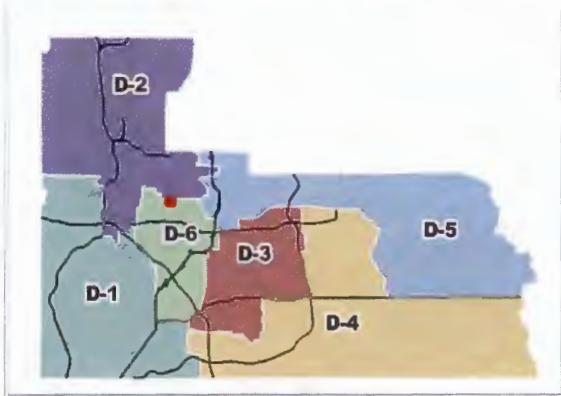


# Public Notification Map

RZ-23-07-058



**BUFFER DISTANCE: 500**  
**# OF NOTICES: 264**



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## NOTIFICATION MAP

**Case # RZ-23-07-058**  
**Orange County Planning Division**  
**PZC Hearing Date: July 20, 2023**