



PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

JUNE 15, 2023



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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

David Boers District #1

George Wiggins District #2

Eddie Fernandez District #3

Walter Pavon District #4

J. Gordon Spears District #5
Vice Chairperson

Camille Evans District #6

Michael Arrington At Large

Evelyn Cardenas At Large

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<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. Conventional Rezoning Hearing					
RZ-23-04-021 Timothy Hudspeth	A-2 to R-1AAAA	2	Approval	Approval	No
RZ-23-06-047 Eric Raasch	R-1A to R-1	5	Approval	Approval	No
RZ-23-06-048 Brian Davison	R-1A to R-1	2	Approval	Approval	No
RZ-23-06-049 Letty Bea Wall	A-2 to R-1	3	Continue to July PZC	Continued to July PZC	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	A
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	A
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	A
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	A
R-CE-2	2 acres	1,200	250	45	50	30	35	A
R-CE-5	5 acres	1,200	185	50	50	45	35	A
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	A
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	A
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	A
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	A
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	A
R-2	One-family dwelling, 4,500 Two dwelling units (DUs), 8,000/9,000 Three DUs, 11,250 Four or more DUs, 15,000	1,000 500/1,000 per DU 500 per DU 500 per DU	45 <i>c</i> 80/90 <i>d</i> 85 <i>j</i> 85 <i>j</i>	20 <i>h</i> 20 <i>h</i> 20 <i>h</i> 20 <i>h</i>	20 <i>h</i> 30 30 30	5 <i>h</i> 5 <i>h</i> 10 10 <i>b</i>	35 35 35 35	A A A A
R-3	One-family dwelling, 4,500 Two DUs, 8,000/ 9,000 Three dwelling units, 11,250 Four or more DUs, 15,000	1,000 500/1,000 per DU 500 per DU 500 per DU	45 <i>c</i> 80/90 <i>d</i> 85 <i>j</i> 85 <i>j</i>	20 <i>h</i> 20 <i>h</i> 20 <i>h</i> 20 <i>h</i>	20 <i>h</i> 20 <i>h</i> 30 30	5 5 <i>h</i> 10 10 <i>b</i>	35 35 35 35	A A A 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
R-T-2	21,780 ½ acre	SFR 600	100	35	50	10	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.)
(after 1/29/73)		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.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets ^e ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	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 ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	A
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	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

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-23-04-021

Commission District: #2

GENERAL INFORMATION

APPLICANT: Timothy Lee Hudspeth

OWNER: Timothy Lee Hudspeth

HEARING TYPE: Planning and Zoning Commission

REQUEST: **A-2** (Farmland Rural District) **to**
R-1AAAA (Residential Urban District)

LOCATION: 801 Ustler Rd; located on the northeast corner of Ustler Rd and E. Sandpiper St, approximately 977 feet south of Ruta De Arbol.

PARCEL ID NUMBER: 03-21-28-0000-00-036

SIZE / ACREAGE: 1.84-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]. Sixty-six (66) 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-1AAAA (Residential Urban District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone a 1.84-gross acre parcel from A-2 (Farmland Rural District) to R-1AAAA (Residential Urban District) to allow for one (1) detached single-family home, pending lot split approval.

The subject property is unplatted and current A-2 zoning was established in 1957. Currently, the subject property has one developed single-family home with a detached accessory structure. The applicant intends to split the southern portion of the subject property to create a second lot, the existing single-family home will remain along with the

detached accessory structure. The subject property is located within the Wekiva Priority Focus Area and may require advanced septic treatment at the time of permitting. However, a City of Apopka official from the Utilities Department stated that a sewer force main is located south of Sandpiper Road (south of this parcel); therefore, the property owner should connect to this force main instead of using a septic tank. The property owner will need to obtain further guidance from the City of Apopka Utilities Department at the time of permitting. Furthermore, a Petition for Binding Determination of Exemption was processed and granted by the Environmental Protection Division and on May 3, 2023, it was determined that there are no wetlands or surface waters (conservation areas) on the subject property.

The surrounding area of the subject property is developed with single-family homes on ½-acre to 2-acres within A-2, R-1AAAA, and R-CE zoning. The proposed zoning will allow for each lot to meet a minimum ½-acre per lot, this will ensure that compatibility within the surrounding area is met.

Land Use Compatibility

The R-1AAAA 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 located in the City of Apopka JPA. The property to the east is in the City and currently zoned RCE which allows for 1 du/ac. The site at 801 Ustler Road is only 1.84 acres which would not be compatible if split into two lots. All the properties to the north and east are all over 1 acre and a split allowing for less than 1 acre would not be compatible. City of Apopka Planning staff does not recommend approval of this request.

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.

Comprehensive Plan (CP) Consistency

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

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

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

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

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

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

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

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

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

SITE DATA

Existing Use	Residential
Adjacent Zoning	N: A-2 (Farmland Rural District) 1957 E: City of Apopka 1957 W: City of Apopka 1957 S: City of Apopka 2008 P-D (Planned Development) 2007
Adjacent Land Uses	N: Residential E: Residential W: Residential

S: Vacant Residential

R-1AAAA Development Standards

Min. Lot Area: 21,780 sq. ft. (1/2-acre)
Min. Lot Width: 110 feet
Max. Height: 35 feet
Min. Floor Area: 1,500 feet

Building Setbacks

Front: 30 feet
Rear: 35 feet
Side: 10 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 intent and purpose of the R-1AAAA residential urban district is to provide for single-family homes in low density areas within the existing or planned urban service area.

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.

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

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

Wekiva Priority Focus Area - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan

(BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for individual determination and details of this advanced septic treatment system requirement.

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 capacity database dated 3/21/23, there are (2) two failing roadway segments within the project area: Welch Road from Rock Springs Road to N. Thompson Road; N. Thompson Road to Wekiwa Springs Road. This information is dated and subject to change. Two homes is de minimus.

Schools

Two (2) homes is de minimus.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Apopka

Wastewater: Apopka

Reclaim Water: Apopka

Detailed Utility Information:

This property is within the City of Apopka Water Service Area.

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

Per City of Apopka Utilities - A sewer force main is south of Sandpiper Road, south of this parcel; so, they should connect to this force main instead of using a septic tank.

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 – June 15, 2023

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAAA (Residential Urban 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-1AAAA (Residential Urban 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 one hundred sixty-six (66) notices were sent to property owners and residents in a 600 ft radius surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

After a brief discussion regarding utilities, a motion was made by Commissioner Wiggins, and seconded by Commissioner Evans to recommend APPROVAL of the requested R-1AAAA (Residential Urban District). The motion carried unanimously.

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


RZ-23-04-021



 Subject Property

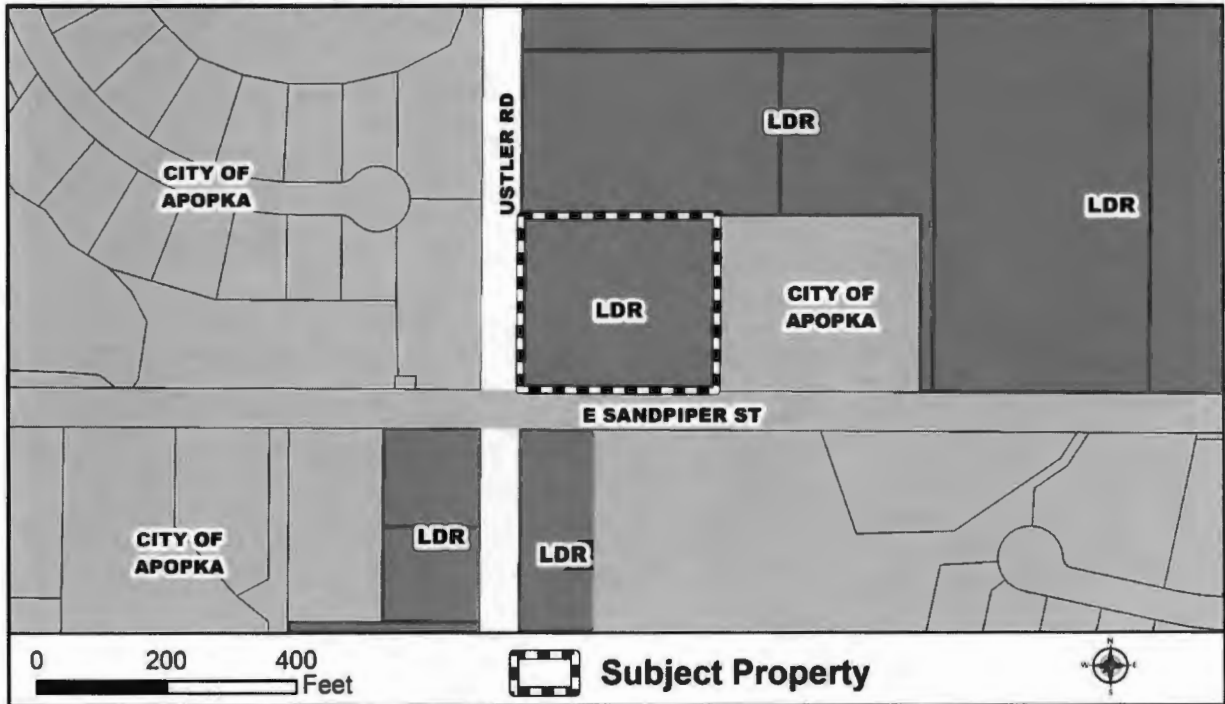


0 100 200 Feet



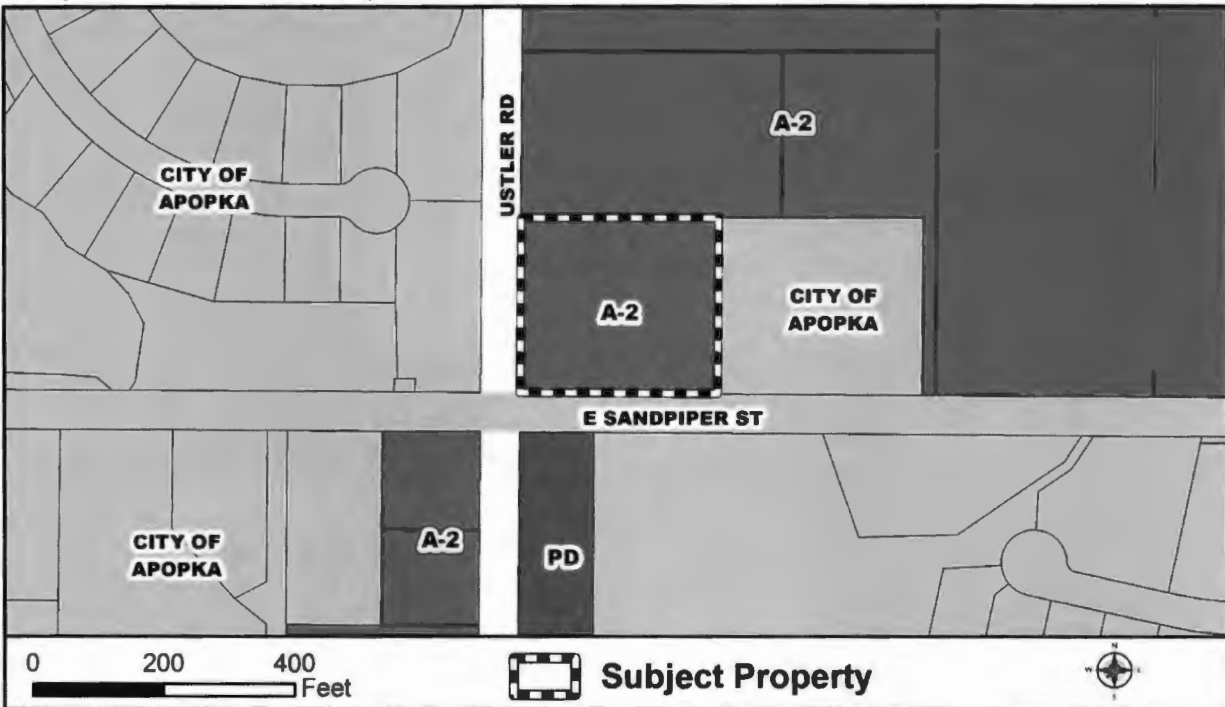
FUTURE LAND USE – CURRENT

Low Density Residential (LDR)



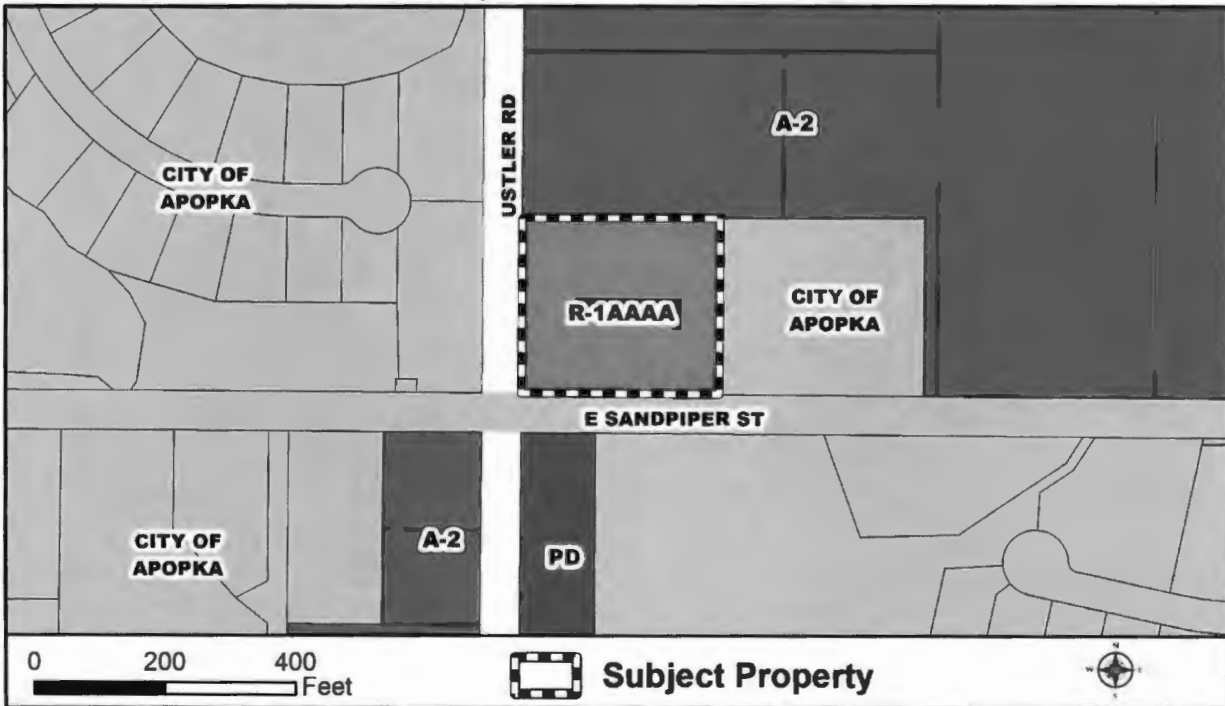
ZONING – CURRENT

A-2 (Farmland Rural District)



ZONING – PROPOSED

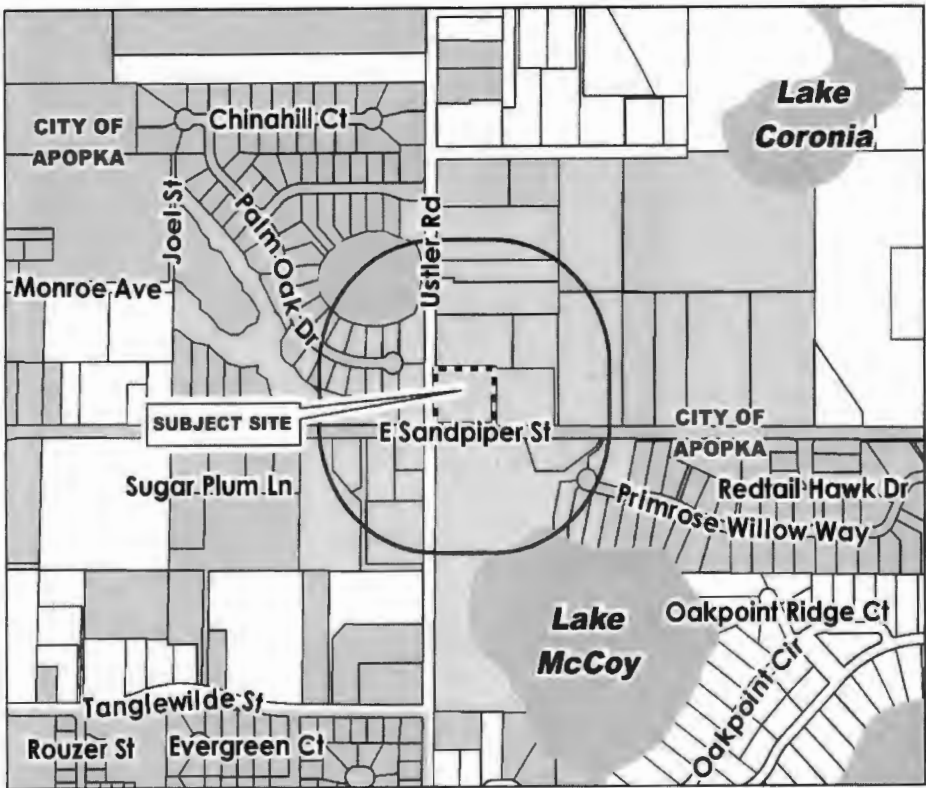
R-1AAAA (Residential Urban District)





Public Notification Map

RZ-23-04-021



SUBJECT SITE



MAP LEGEND



SUBJECT SITE



600 FT BUFFER



HYDROLOGY



PARCELS

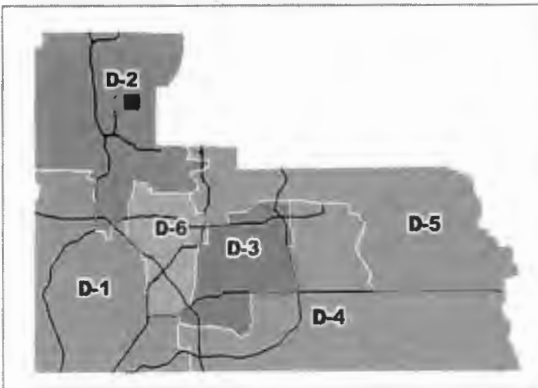


NOTIFIED PARCELS



COURTESY PARCELS

BUFFER DISTANCE: 600
OF NOTICES: 66



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NOTIFICATION MAP

Case # RZ-23-04-021
Orange County Planning Division
PZC Hearing Date June 15, 2023

CASE # RZ-23-06-047

Commission District: #5

GENERAL INFORMATION

APPLICANT: Eric Raasch, Inspire Placemaking Creative, Inc.

OWNER: East Oak Properties, LLC

HEARING TYPE: Planning and Zoning Commission

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

LOCATION: 4312 Roush Ave; generally located south of Roush Ave and approximately 160 feet east of Lake Baldwin Ln, north of Daubert St and west of Jamajo Blvd.

PARCEL ID NUMBER: 21-22-30-3932-13-100

SIZE / ACREAGE: 0.46-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-three (83) 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 (3) detached single-family dwelling units, pending lot split approval

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone 0.46-gross acre parcel from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to allow 3 detached single-family homes, pending a lot split approval to revert to the underlying platted lots. The rezoning is required prior to the lot split process so that each lot meets the minimum development standards for R-1 zoning.

The subject property was platted in 1924 as Lot 10, Lot 11, and Lot 12, with each lot measuring 50 feet in lot width. The subject property is currently developed with a residence which will be demolished to construct a single-family on each 50-foot-wide lot. According to a City of Orlando official, city sewer is not available to serve the subject property. The sewer facilities located in Roush Ave are transmission mains and not suitable for service connections.

The surrounding area of the subject property is developed primarily with single-family homes on 50-foot to 100-foot-wide lots within R-1 and R-1A zoning. The adjacent eastern property, Lot 8 and 9, was rezoned in 2020 (RZ-20-01-066) from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct two (2) single-family homes pending approval of a lot split. The case was approved unanimously by the Planning and Zoning Commission on January 16, 2020, and confirmed by the Board of County Commissioners on February 11, 2020. The proposed zoning of the subject property would not adversely affect the surrounding area and is considered compatible with the existing development.

Land Use Compatibility

The R-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 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 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 Low-Medium Density Residential (LMDR) which allows consideration of up to ten (10) units per acre. The proposed R-1 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

Existing Use	Single-Family Residential
Adjacent Zoning	N: City of Orlando E: R-1 (Single-Family Dwelling District) W: City of Orlando S: R-1A (Single-Family Dwelling District)
Adjacent Land Uses	N: Commercial use E: Residential use W: Stormwater/Retention Pond

S: Residential use

R-1 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.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 5/15/2023, there are multiple failing roadway segments within the project's impact area. Colonial Dr (E), from Bennett Rd to Semoran Blvd and Semoran Blvd, from Lake Underhill Rd to Colonial Dr, are failing. This information is dated and subject to change. Three single-family residences are a de minimis impact.

Schools

Three single-family homes are 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.

Per The City of Orlando Utilities Department - city sewer is not available to serve the subject property. The sewer facilities located in Roush Ave are transmission mains and not suitable for service connections.

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 – June 15, 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 one hundred eighty-three (83) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received one (1) response in favor, and zero (0) responses in opposition of the request.

After a brief discussion regarding utilities, a motion was made by Commissioner Fernandez, and seconded by Commissioner Evans to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 5-1 vote with Commissioner Spears voting in opposition.

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


RZ-23-06-047



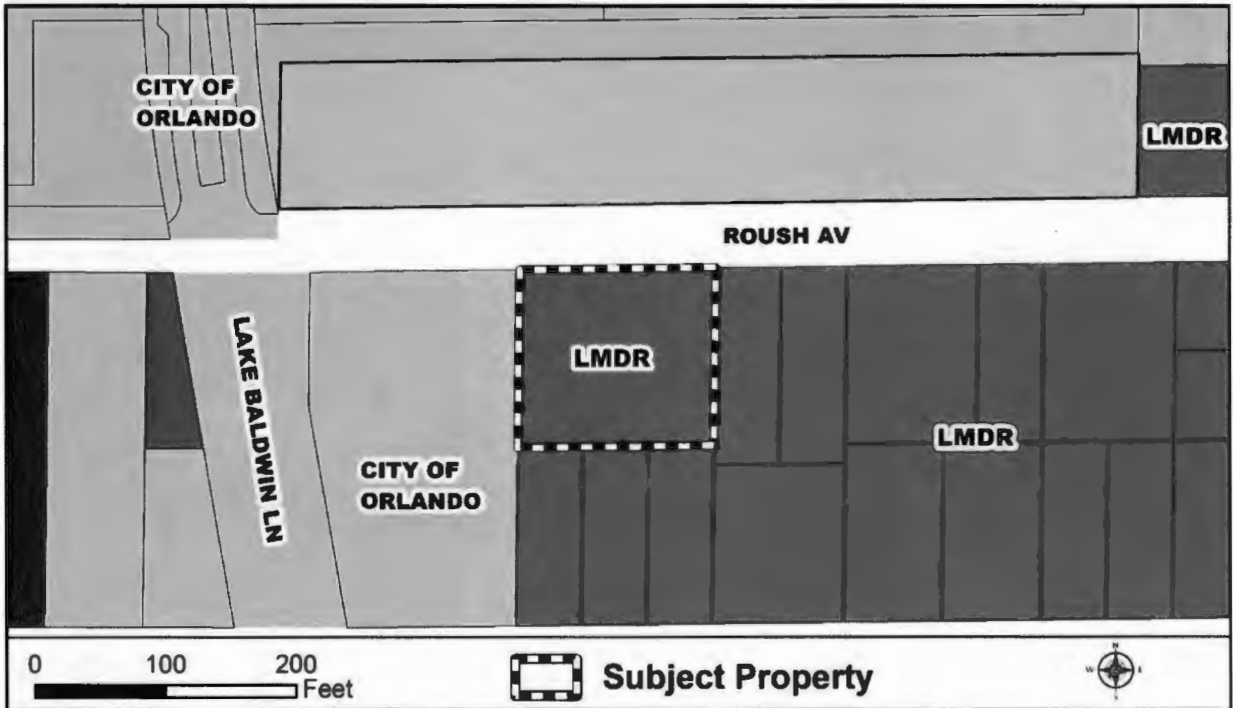
 Subject Property



0 100 200 Feet

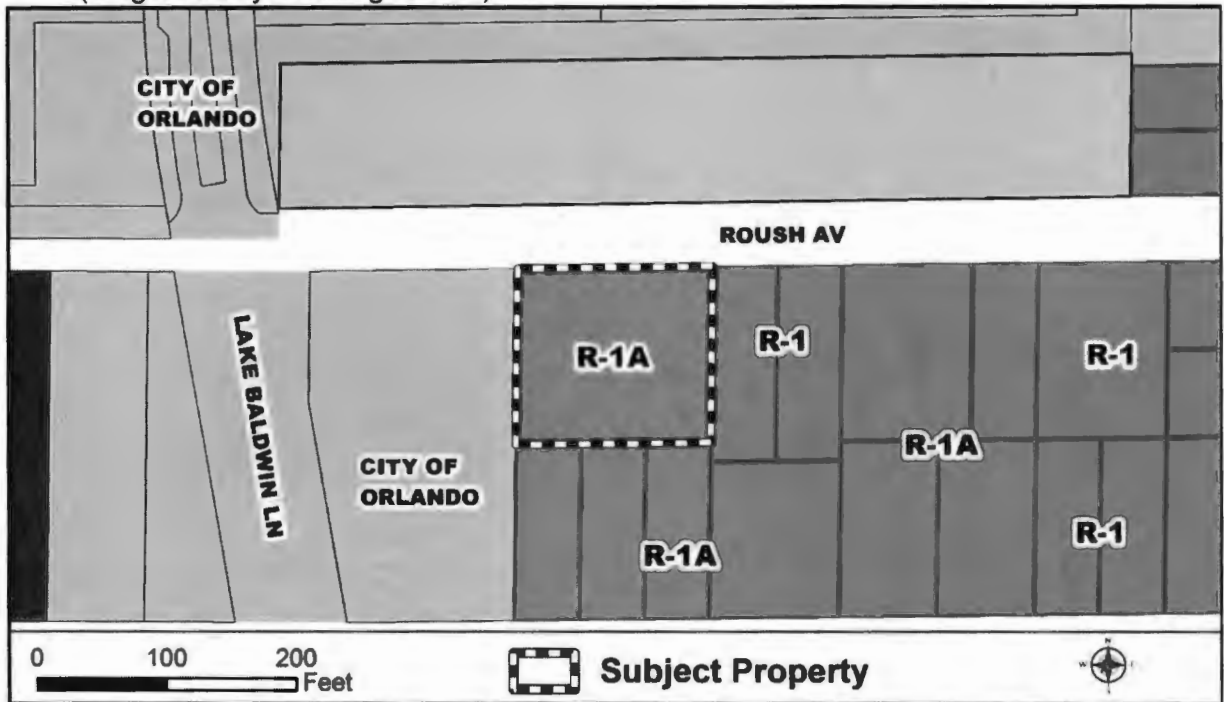


FUTURE LAND USE – CURRENT
Low-Medium Density Residential (LMDR)



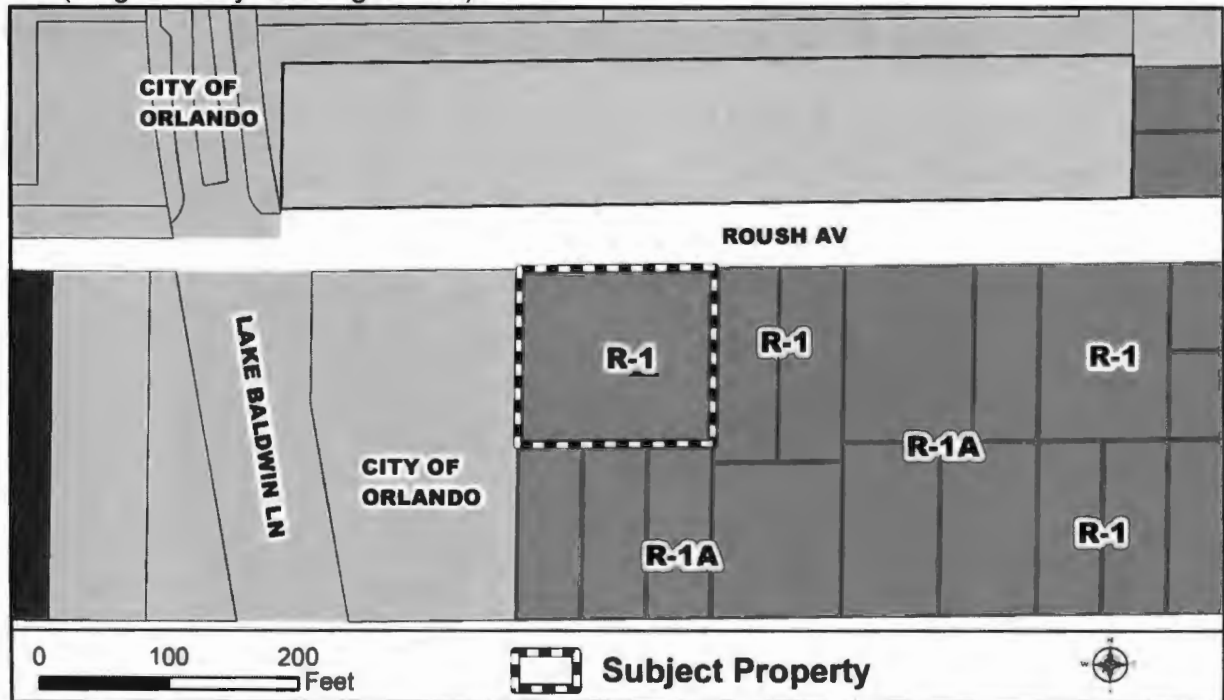
ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

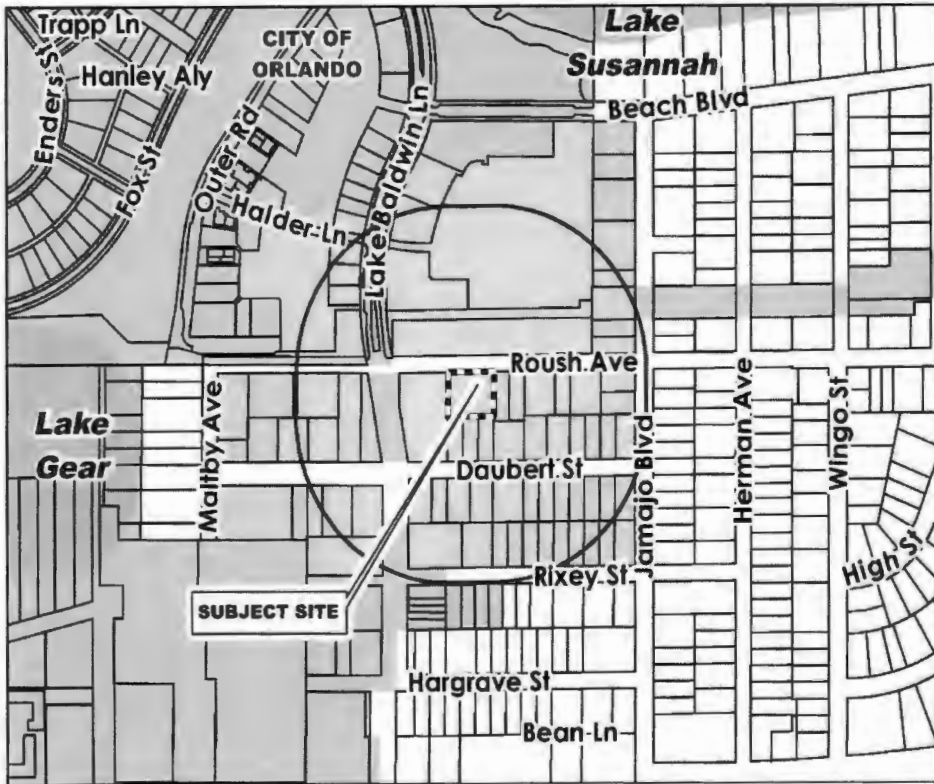
R-1 (Single-Family Dwelling District)





Public Notification Map

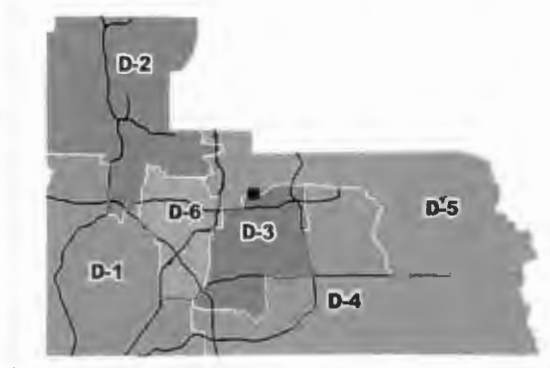
RZ-23-06-047



MAP LEGEND

	SUBJECT SITE		COURTESY PARCELS
	500 FT BUFFER		HYDROLOGY
	PARCELS		
	NOTIFIED_PARCELS		

BUFFER DISTANCE: 500
OF NOTICES: 83



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NOTIFICATION MAP

Case # RZ-23-06-047
Orange County Planning Division
PZC Hearing Date: June 15, 2023

CASE # RZ-23-06-048

Commission District: #2

GENERAL INFORMATION

APPLICANT: Brian Davidson

OWNER: Brian Davidson

HEARING TYPE: Planning and Zoning Commission

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

LOCATION: 1012 Venetian Ave; generally east of Grant St, north of Hunter Ave and approximately 290 ft west of Edgewater Dr.

PARCEL ID NUMBER: 10-22-29-8828-06-170

SIZE/ ACREAGE: 0.32-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred thirty (130) 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) detached single-family dwelling units (pending lot split approval)

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

The subject property containing 0.319-gross acres was platted in 1926 as Lots 17 and 18 of the University Heights Plat. Lots 17 and 18 each measure 50' in width. The applicant intends to revert to the underlying platted lots. The current zoning district of R-1A requires 75' wide lots whereas the requested R-1 district only requires 50' wide lots. The area can be characterized as a mixture of lots ranging from 50' wide to 75' wide.

The subject property has a Future Land Use Map (FLUM) designation of Low Density Residential (LDR) which allows for consideration of up to four (4) units per one (1) net developable acre. On December 14, 2021, the Board of County Commissioners approved an amendment to Comprehensive Plan Policy FLU8.1.1 which allows for a property with historical underlying platted lots to revert to those underlying platted lots so long as the zoning district standards are met without the need for a FLUM designation increase to address the density issue. In this case, because the property meets the requirements of this policy, a FLUM amendment is not necessary, however a rezoning is required in order to meet the R-1 zoning district standards.

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 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 LDR (Low Medium Density Residential). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the LDR (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

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

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

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

Min. Living Area: 1,000 sq. ft.

Building Setbacks

Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

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

SPECIAL INFORMATION

Staff Comments

Environmental

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

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 5/15/2023, capacity exists within the project's impact area. This information is dated and subject to change. Two single-family residences are a de minimis impact.

Schools

Two single-family homes are 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 a septic tank for wastewater disposal. The subject property is not within the Wekiva Priority Focus Area, therefore an advanced septic tank 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 – June 15, 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. Two members of the public appeared during the public comment portion of the hearing and commented in opposition of the request, with concerns of heavy flooding in the neighborhood. Staff indicated that one hundred thirty (130) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received one (1) responses in favor, and zero (0) responses in opposition of the request.

After discussion regarding utilities and flooding in the area, a motion was made by Commissioner Wiggins to deny the request and seconded by Commissioner Spears. The vote failed on a 3-2 vote with Commissioner Fernandez absent.

A second motion was made by Commissioner Evans, and seconded by Commissioner Arrington to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried with Commissioner Spears and Commissioner Wiggins voting in opposition.

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

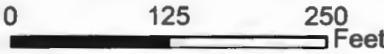
RZ-23-06-048



 Subject Property



0 125 250 Feet



FUTURE LAND USE – CURRENT
LDR (Low Density Residential)



ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

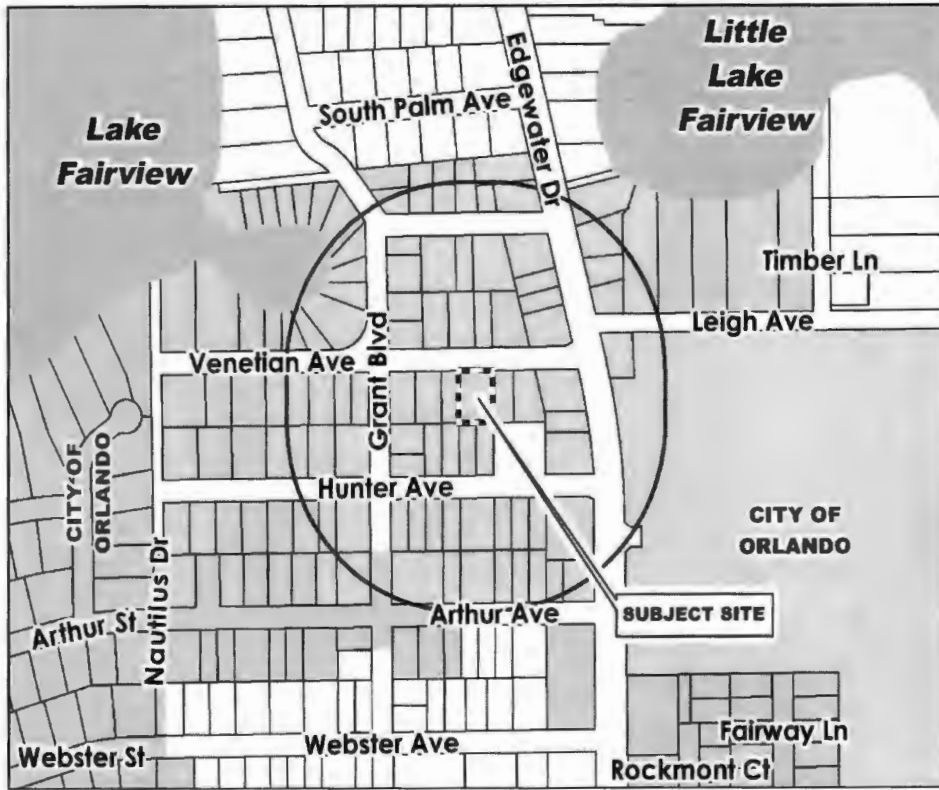
R-1 (Single-Family Dwelling District)





Public Notification Map

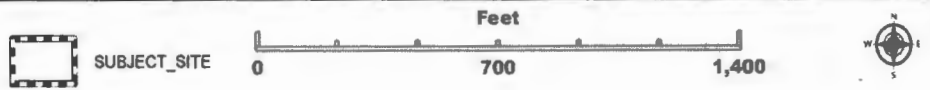
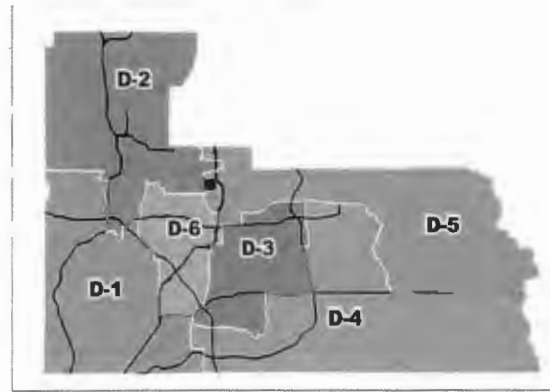
RZ-23-06-048



MAP LEGEND

	SUBJECT_SITE		NOTIFIED_PARCELS
	500 FT BUFFER		COURTESY_PARCELS
	HYDROLOGY		PARCELS

BUFFER DISTANCE: 500
OF NOTICES: 130



SUBJECT_SITE

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NOTIFICATION MAP

Case # RZ-23-06-048
Orange County Planning Division
PZC Hearing Date: June 15, 2023

