

***CEDS Department***

**Development Process  
Work Session Series**

**Zoning Overview**

**March 21, 2017**



# Presentation Outline

**Work Session Series Overview**

**Zoning Framework**

**Committees and Advisory Boards**

**Zoning Districts and Changes**

**Nature of Proceedings**



# Work Sessions Overview

## Scheduled Work Sessions:

- Comprehensive Planning – Overview
- Comprehensive Planning – Framework Policies
- Zoning – Overview
- Environmental Permitting
- Residential and Commercial Subdivisions



# Work Sessions Overview

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- ☒ Comprehensive Planning – Overview
- ☒ Comprehensive Planning – Framework Policies
- ☒ Zoning – Overview
- ☐ Environmental Permitting
- ☐ Residential and Commercial Subdivisions





# Land Development Process Overview





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# Zoning Framework

*Zoning is a planning tool that **implements the Comprehensive Plan** by prescribing the **allowable** uses of land and the structures thereon; while **dividing land into zones** within which various uses are permitted.*



first adopted in

**1957**





# Orange County Zoning Code

Found in Orange County Code  
Chapter 38, Articles I – XIX

1957



# Orange County Zoning Code

Numerous changes to Zoning Code and Map...



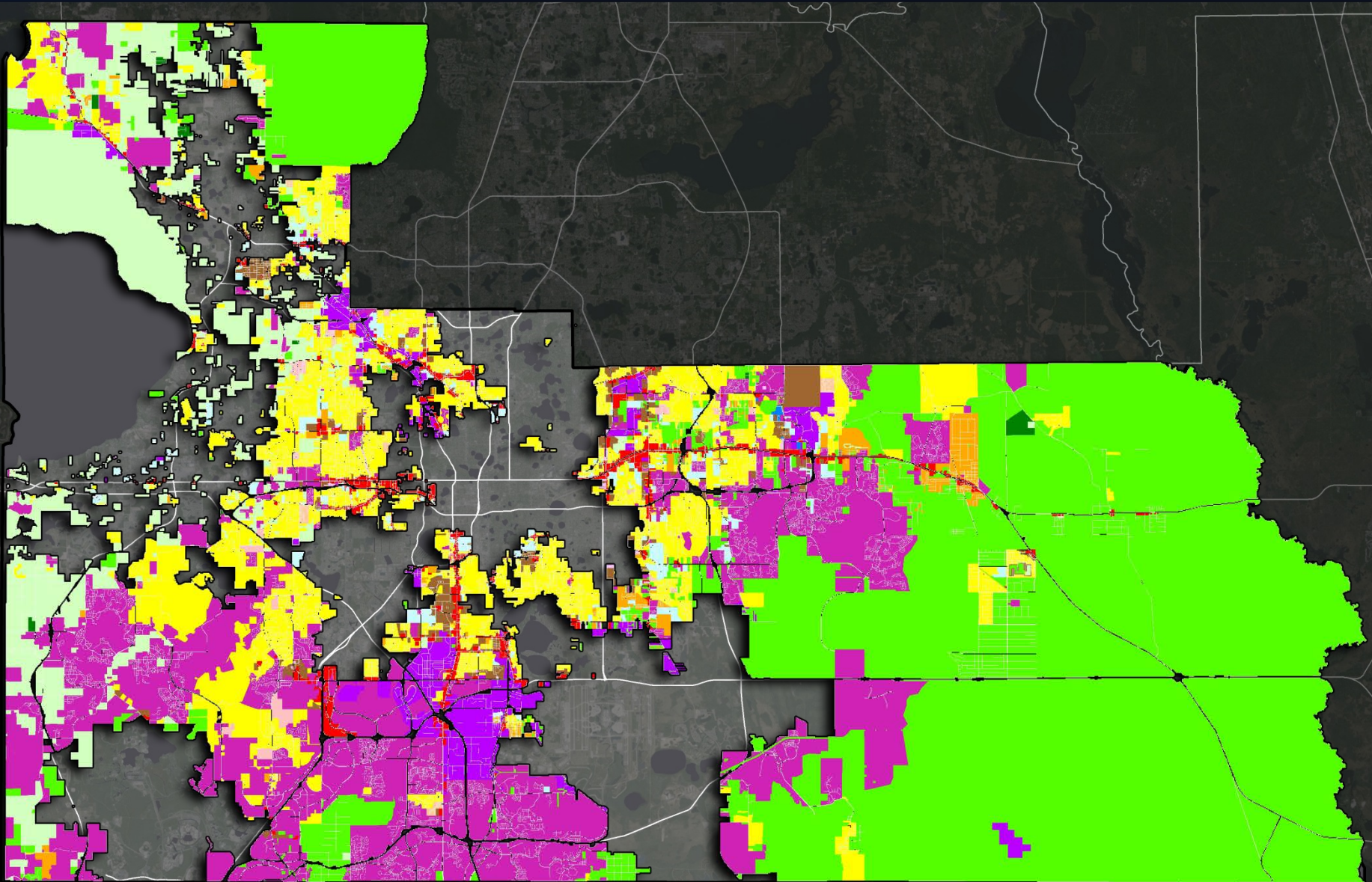
1957

2017





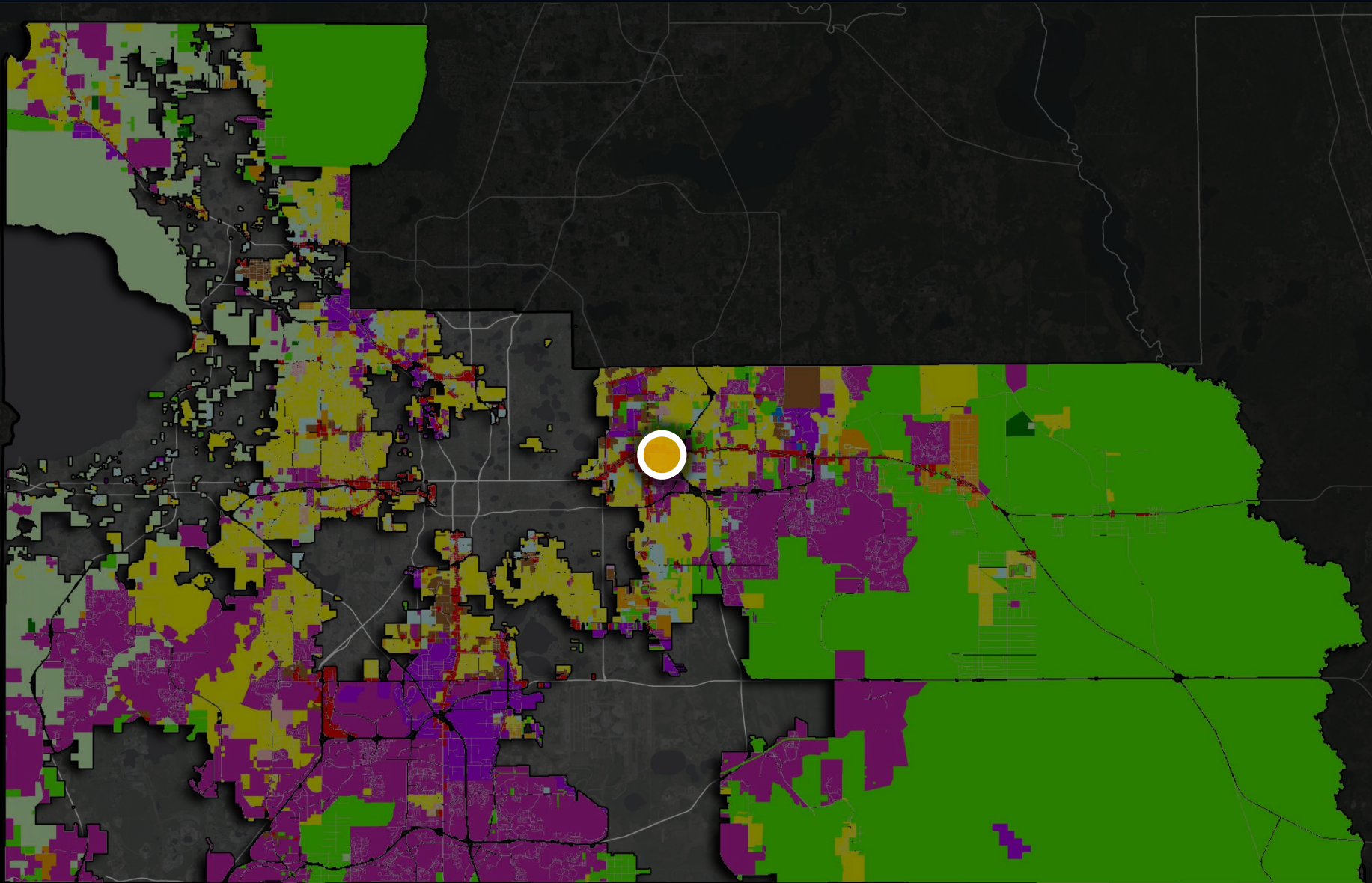
# Orange County Zoning







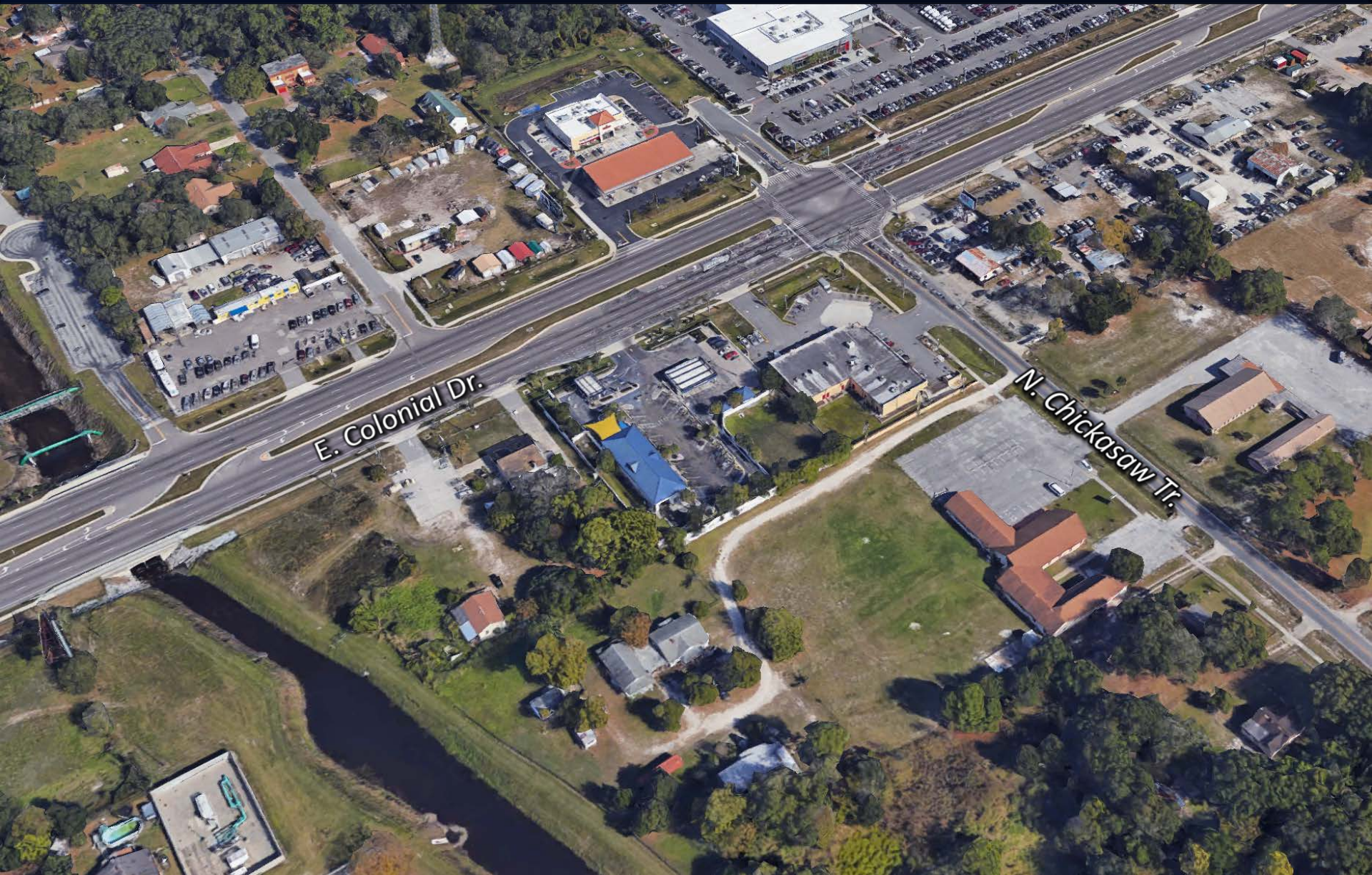
# Orange County Zoning







# Zoning Regulations







***Zoning Map***

***Use Table***

***District Types***





*Zoning Map*

*Use Table*

*District Types*

*Non-Conforming Uses*





*Zoning Map*

*Use Table*

*District Types*

*Non-Conforming Uses*

*Alcohol Sales Criteria*





***Building Height***





*Building Height*

*Setbacks*





*Building Height*

*Setbacks*

*Parking Requirements*



An aerial photograph of a commercial area. A property is highlighted with a yellow dotted line. The property is located south of a multi-lane road and east of a wooded area. It contains several buildings, including a large one with a blue roof and a smaller one with a red roof. There are parking lots and some trees on the property. In the background, there are more commercial buildings and a large parking lot. A body of water is visible in the bottom left corner.

*Building Height*

*Setbacks*

*Parking Requirements*

*Fences*





*Building Height*

*Setbacks*

*Parking Requirements*

*Fences*

*Garages*





*Building Height*

*Setbacks*

*Parking Requirements*

*Fences*

*Garages*

*Accessory Structures*





*Pools & Enclosures*





*Pools & Enclosures*

*Cell Towers*





*Pools & Enclosures*

*Cell Towers*

*Collection Bins*





*Pools & Enclosures*

*Cell Towers*

*Collection Bins*

Chapter 24

***Landscaping***





*Pools & Enclosures*

*Cell Towers*

*Collection Bins*

*Chapter 24*

*Landscaping*

*Chapter 24*

*Open Space*





*Pools & Enclosures*

*Cell Towers*

*Collection Bins*

*Chapter 24*

*Landscaping*

*Chapter 24*

*Open Space*

*Chapter 31.5*

***Signs & Billboards***





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# Committees and Advisory Boards

***DRC – DEVELOPMENT REVIEW COMMITTEE***

***PZC – PLANNING AND ZONING COMMISSION***

***BZA – BOARD OF ZONING ADJUSTMENT***



# Committees and Advisory Boards

***DRC – DEVELOPMENT REVIEW COMMITTEE***



# DRC - Development Review Committee

- Subject to **Sunshine Law**
- Meets **twice monthly**
- Final **technical review** of applications:

PDs - Planned Developments

PSPs - Preliminary Subdivision Plans

DPs - Development Plans

CDRs - Change Determination Requests

(Substantial or Non-Substantial)



# Development Review Committee (DRC)

**Approves, denies, or makes recommendations on:**

- PD rezoning, PSP, DP, and CDR applications
- Development or project-related agreements
- Permit extensions
- Various appeals
  - *Lots splits*
  - *Septic tank permits*
  - *Impact Fee Credit Committee decisions, etc.*



# Development Review Committee (DRC)

## **Five Voting Members and Alternates:**

- Chairman (Appointed by Mayor)
- Development Engineering Division
- Planning Division
- Utilities Division
- Zoning Division

## **Non-Voting Representatives**

- County Attorney's Office
- Environmental Protection Division
- Transportation Planning Division
- Others, as required



# Committees and Advisory Boards

*DRC – DEVELOPMENT REVIEW COMMITTEE*

**PZC** – *PLANNING AND ZONING COMMISSION*



## PZC – Planning & Zoning Commission

*The PZC determines if land use related matters or requests are **consistent** with the Comprehensive Plan, **compliant** with applicable performance standards, and **compatible** with surrounding properties.*





# PZC – Planning & Zoning Commission

- Subject to **Sunshine Law**
- Meets **once monthly**
- 6 district-appointed members
- 3 at-large members
- Provides **recommendations** to BCC
  - Rezoning, new or updated Ordinances, roadway conceptual analyses, small area studies, etc.



# Committees and Advisory Boards

*DRC – DEVELOPMENT REVIEW COMMITTEE*

*PZC – PLANNING AND ZONING COMMISSION*

**BZA** – BOARD OF ZONING ADJUSTMENT



## BZA – Board of Zoning Adjustment

*Hears and makes recommendations to the BCC on **Special Exceptions, Variances,** and **Appeals** from an order, requirement, decision, or other determination made by the Zoning Manager.*



# BZA – Board of Zoning Adjustment

- Subject to **Sunshine Law**
- Meets **once monthly**
- 6 District-appointed members
- 1 at-large member
- Provides **recommendations** to BCC
  - Variances, Special Exceptions, Appeals of Zoning Manager Determinations



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**Zoning Districts and Changes**

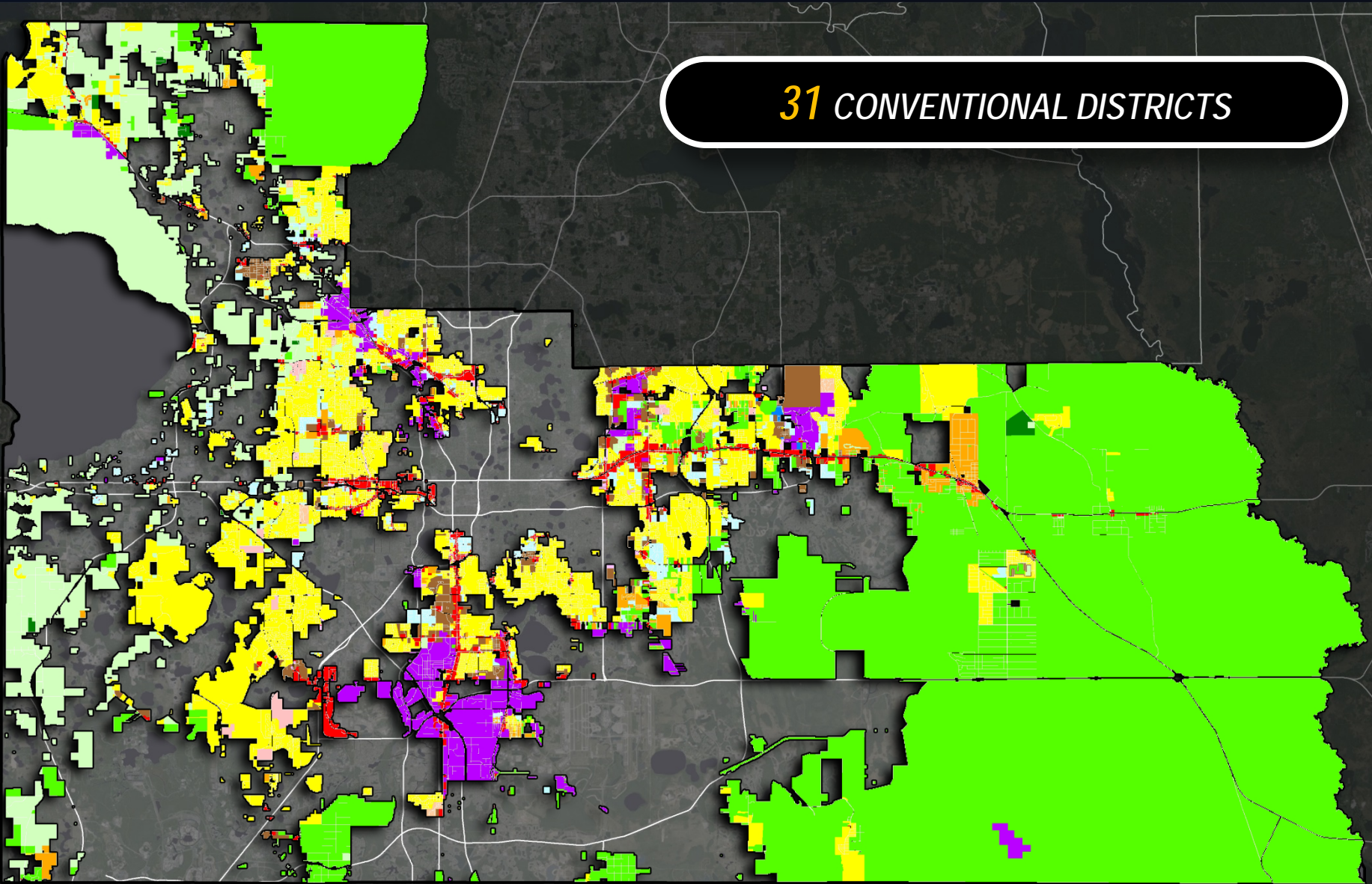
Nature of Proceedings





# Orange County Zoning

**31** CONVENTIONAL DISTRICTS

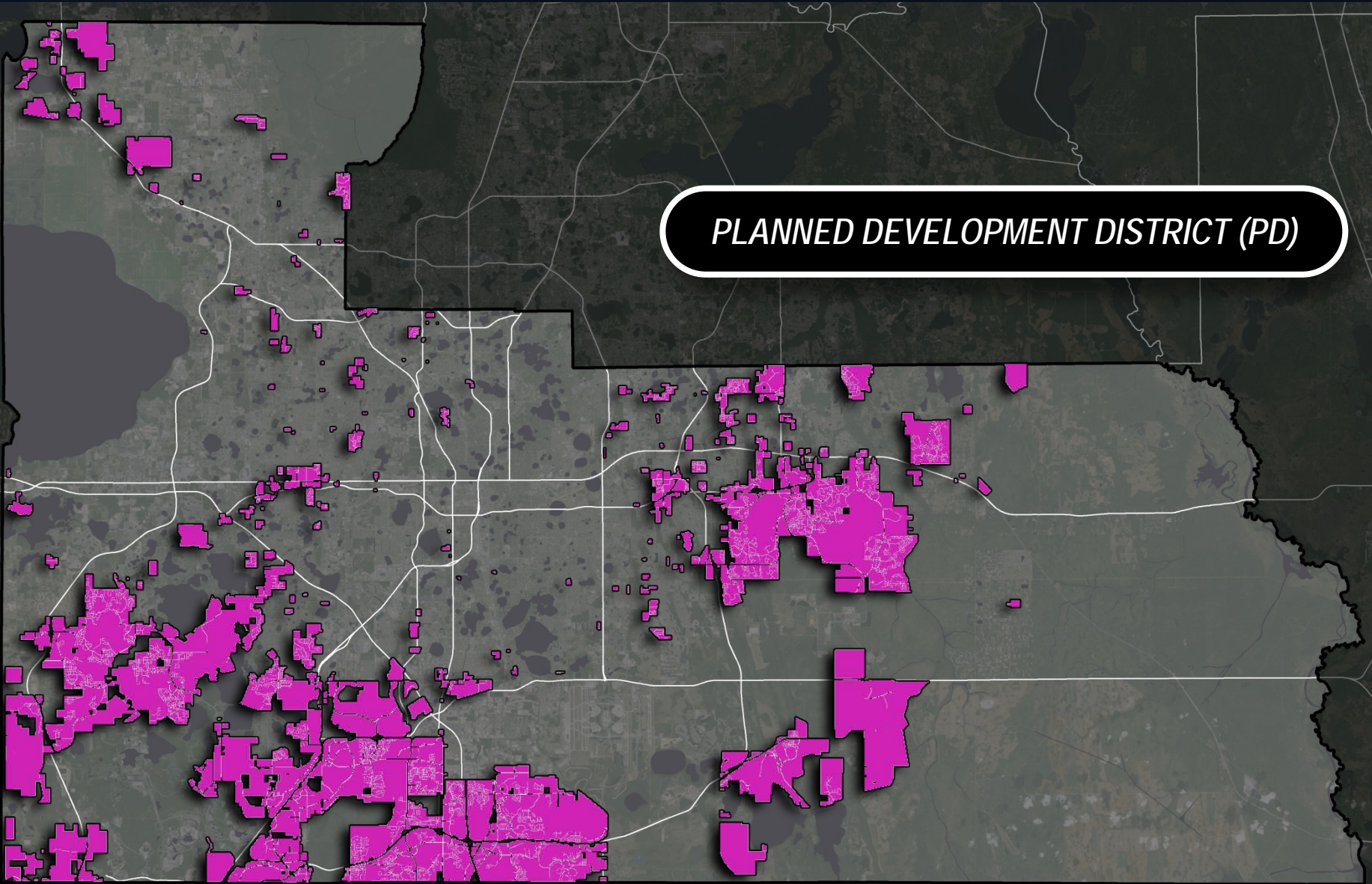






# Orange County Zoning

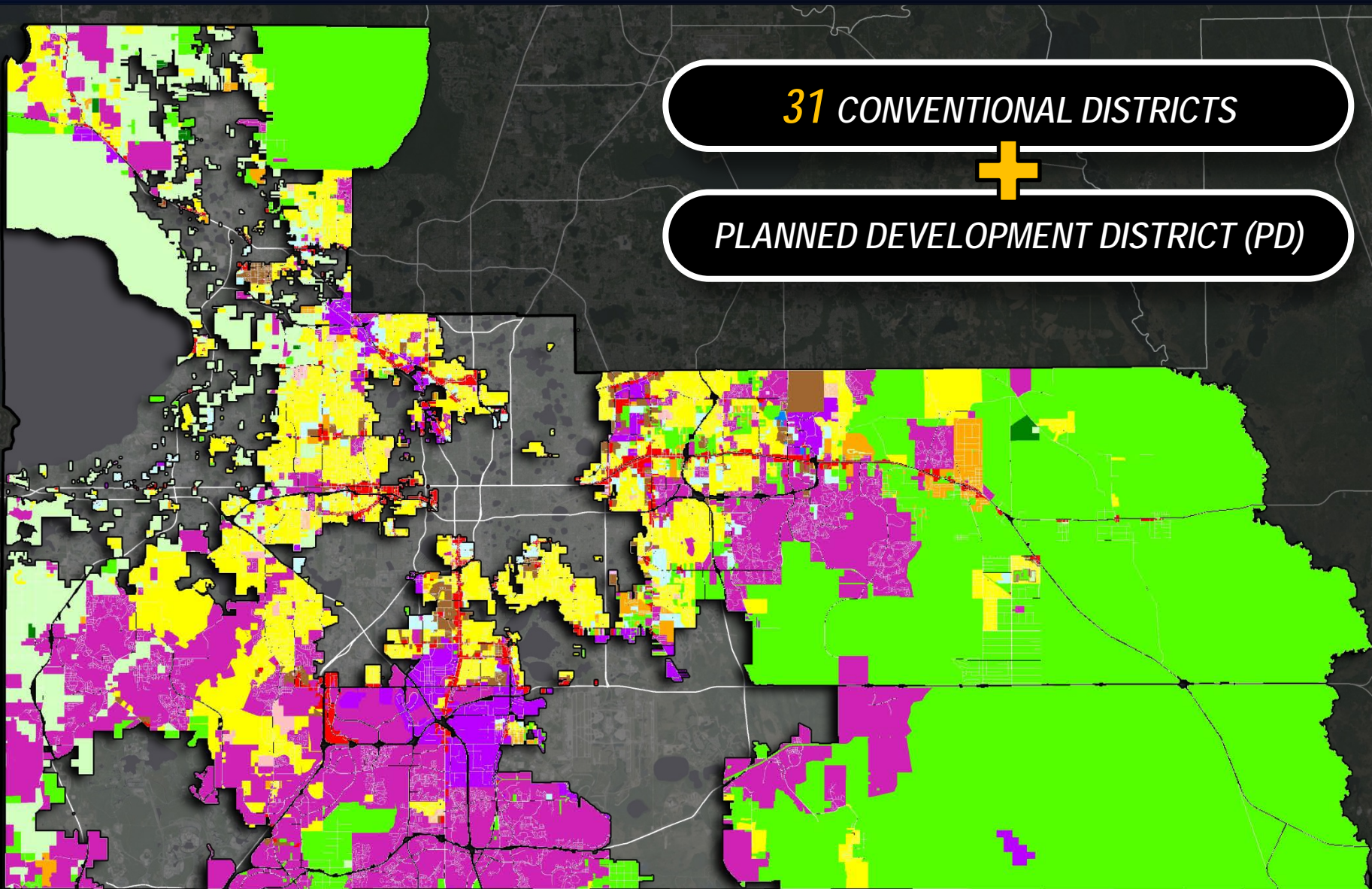
*PLANNED DEVELOPMENT DISTRICT (PD)*







# Orange County Zoning



**31** CONVENTIONAL DISTRICTS

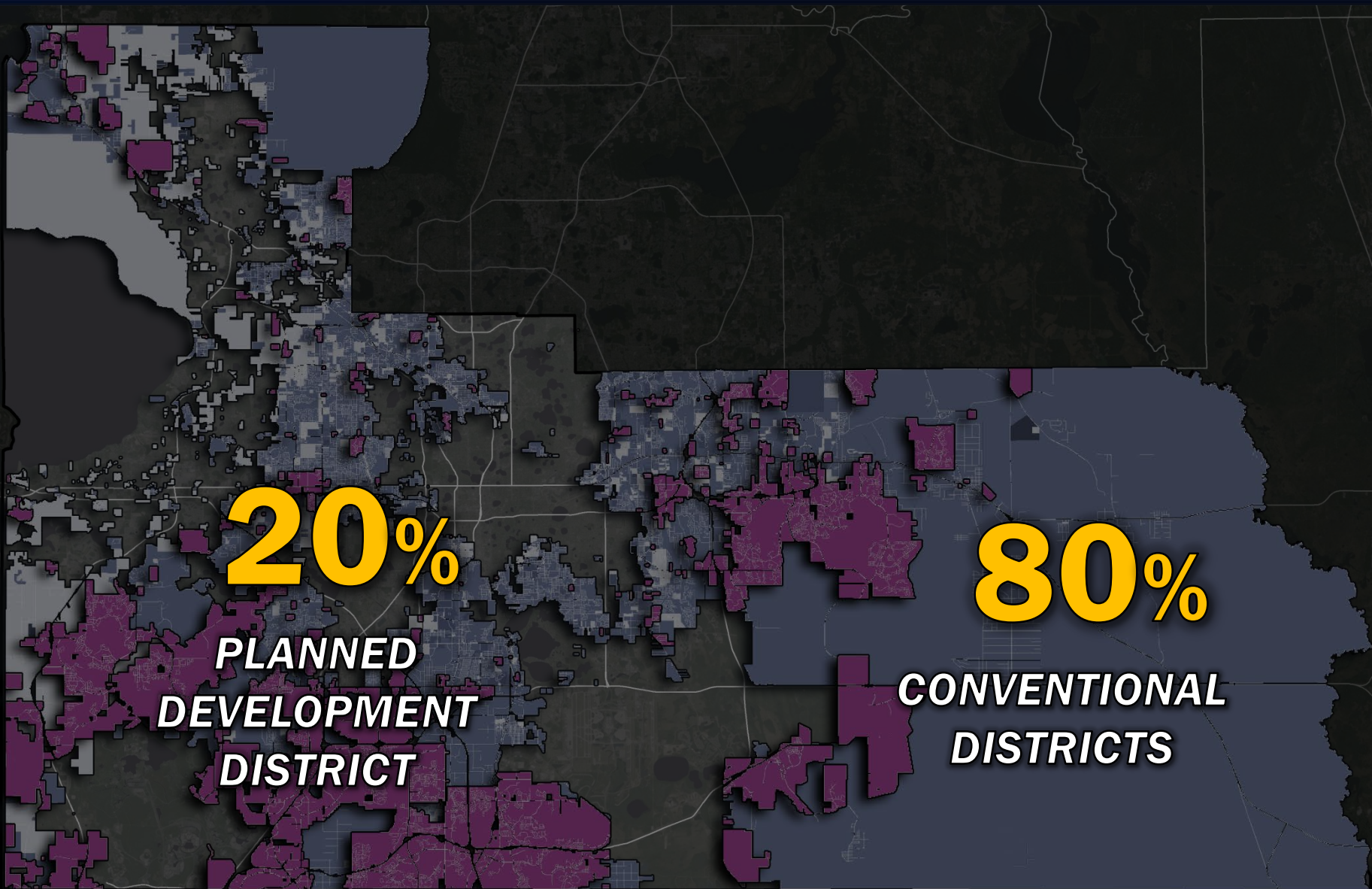


PLANNED DEVELOPMENT DISTRICT (PD)





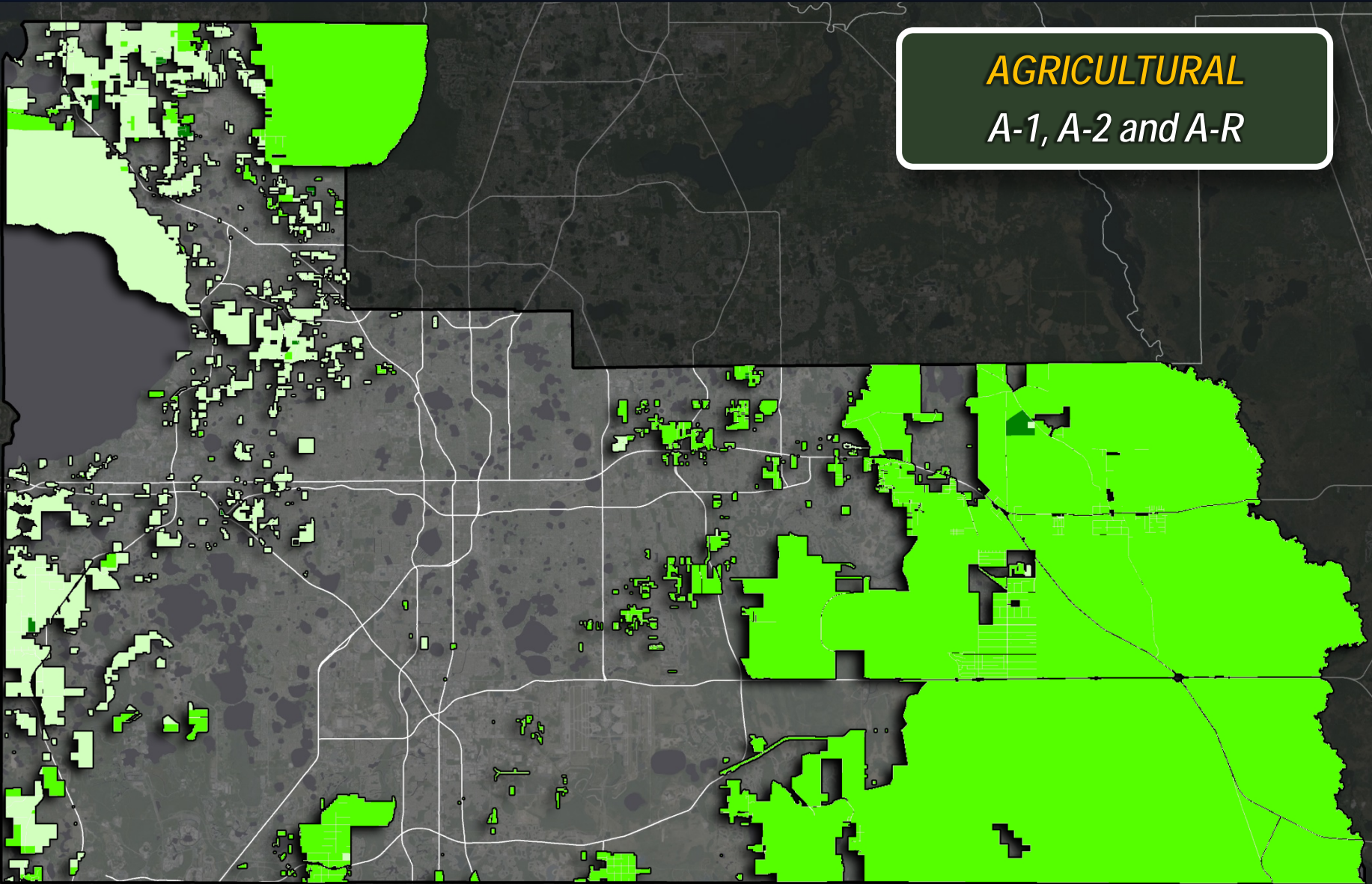
# Orange County Zoning







# Orange County Zoning



**AGRICULTURAL**

*A-1, A-2 and A-R*

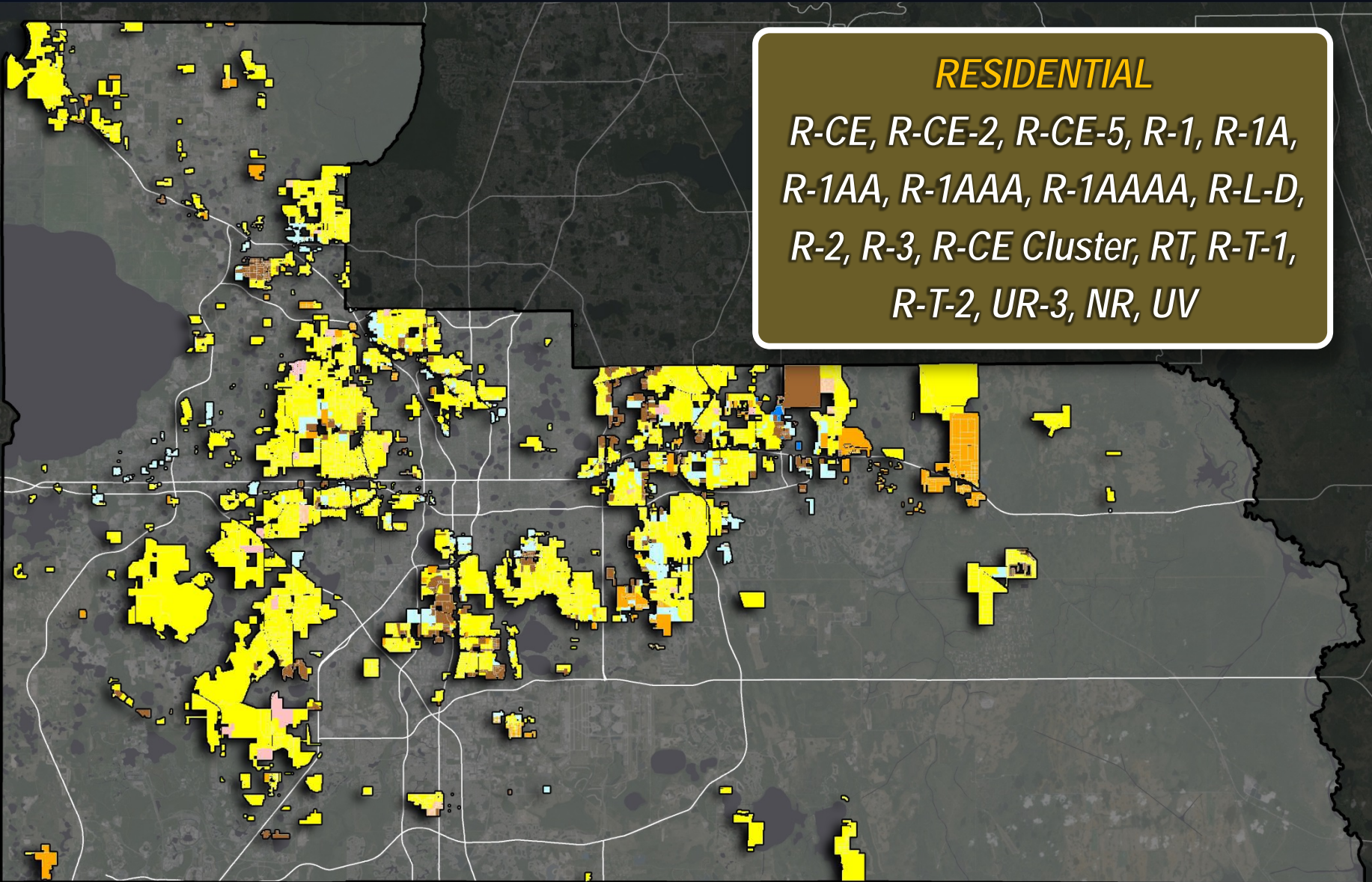




# Orange County Zoning

## *RESIDENTIAL*

*R-CE, R-CE-2, R-CE-5, R-1, R-1A,  
R-1AA, R-1AAA, R-1AAAA, R-L-D,  
R-2, R-3, R-CE Cluster, RT, R-T-1,  
R-T-2, UR-3, NR, UV*



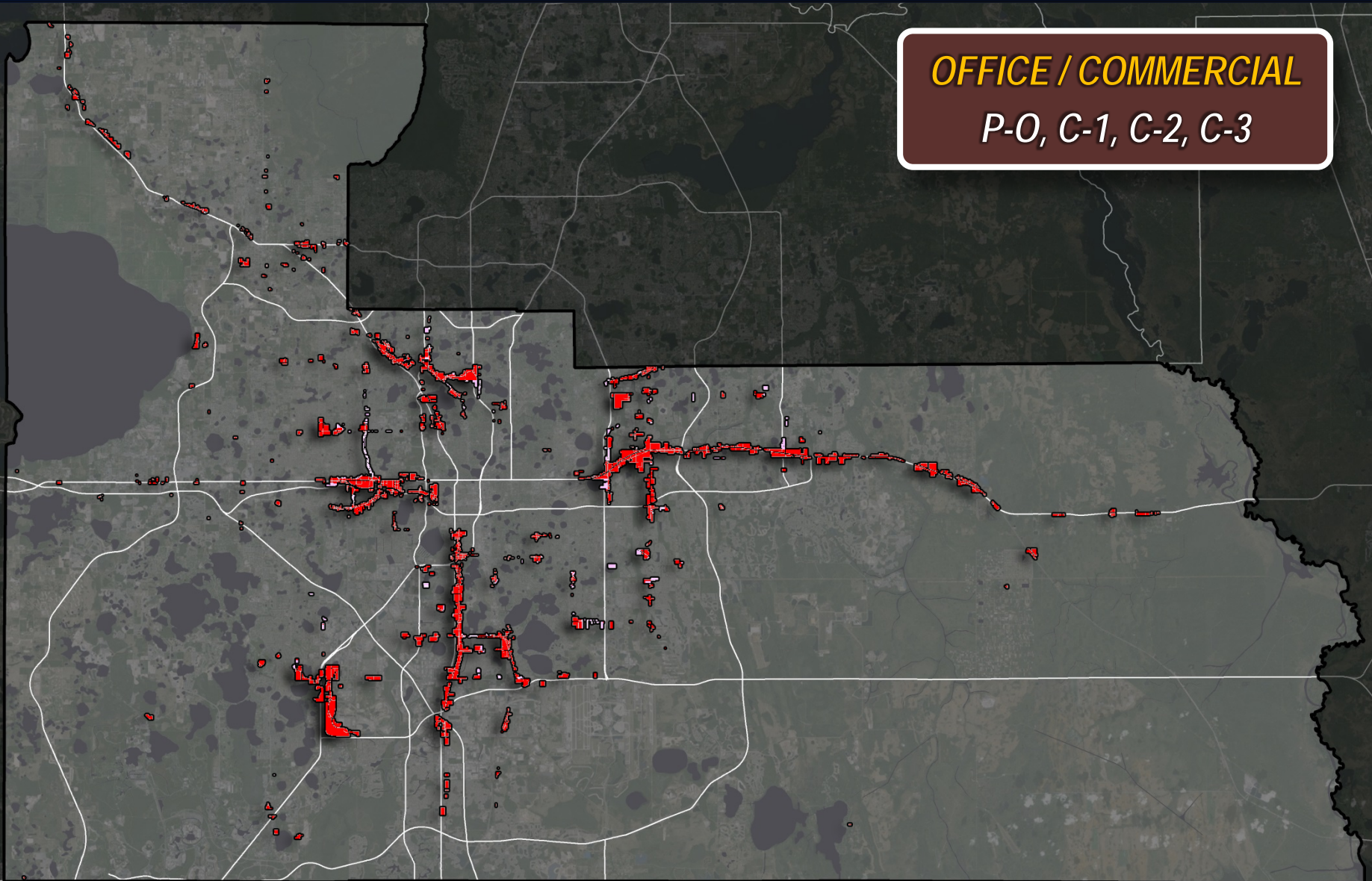




# Orange County Zoning

*OFFICE / COMMERCIAL*

*P-O, C-1, C-2, C-3*



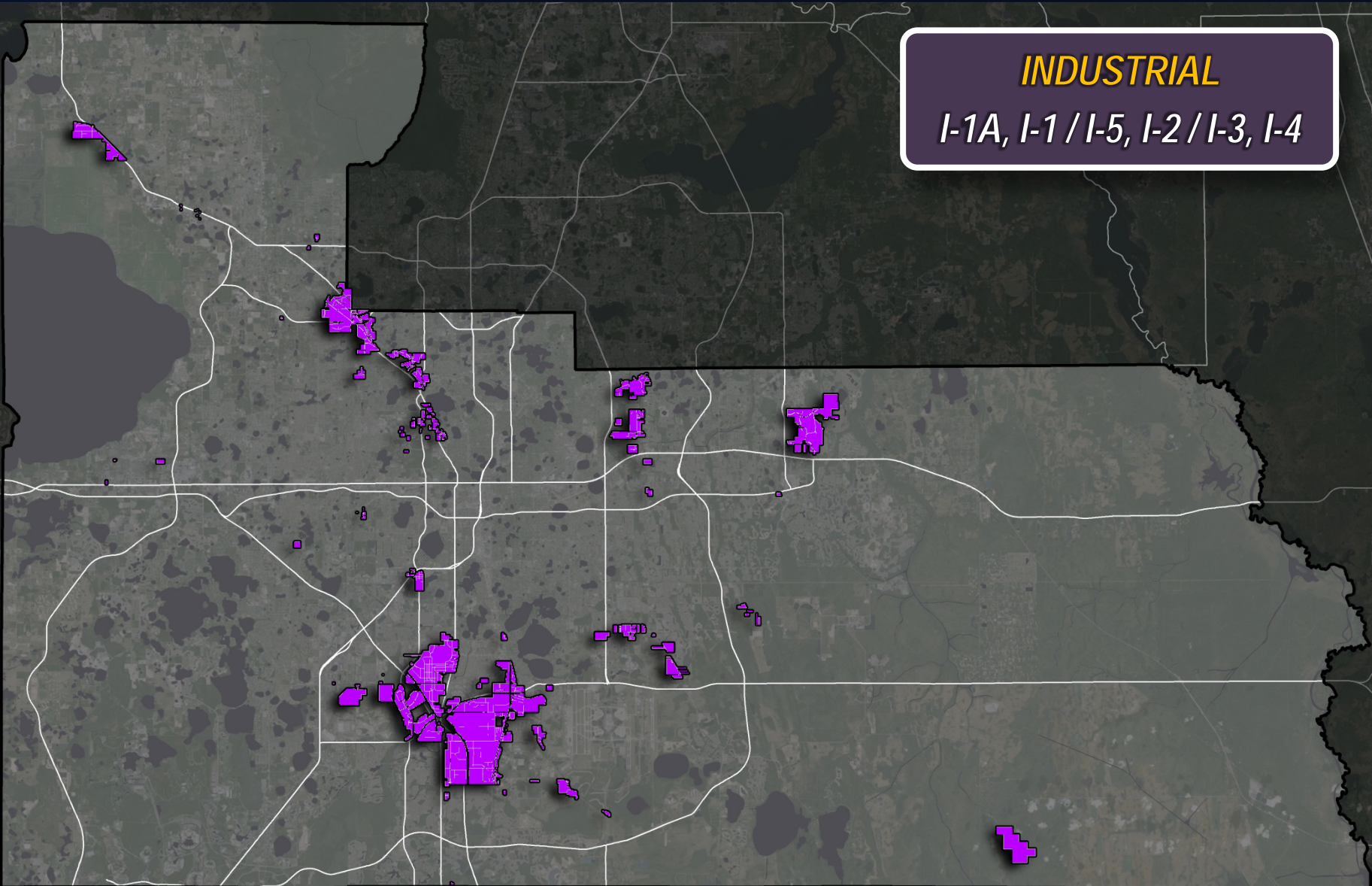




# Orange County Zoning

## *INDUSTRIAL*

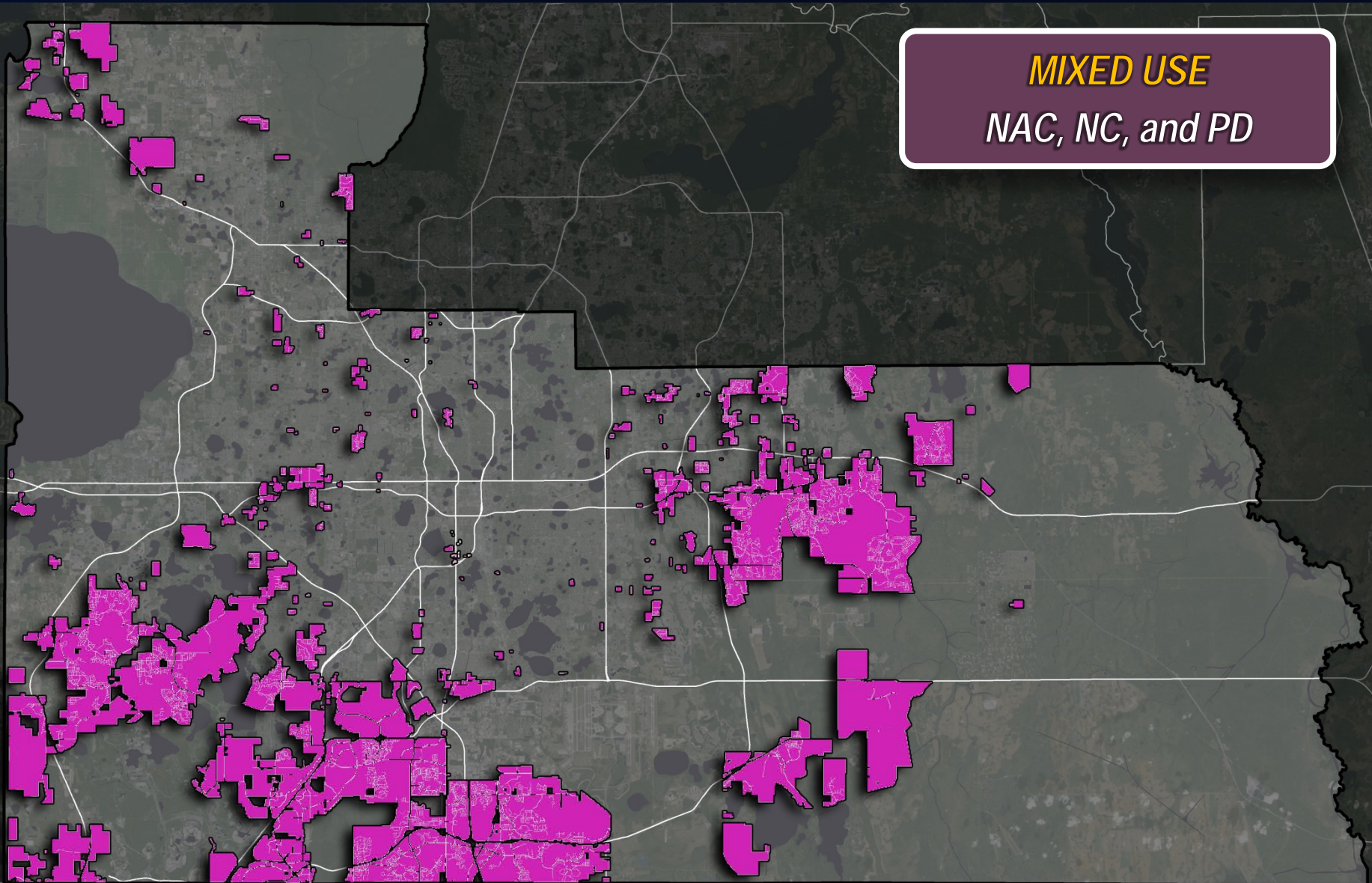
*I-1A, I-1 / I-5, I-2 / I-3, I-4*







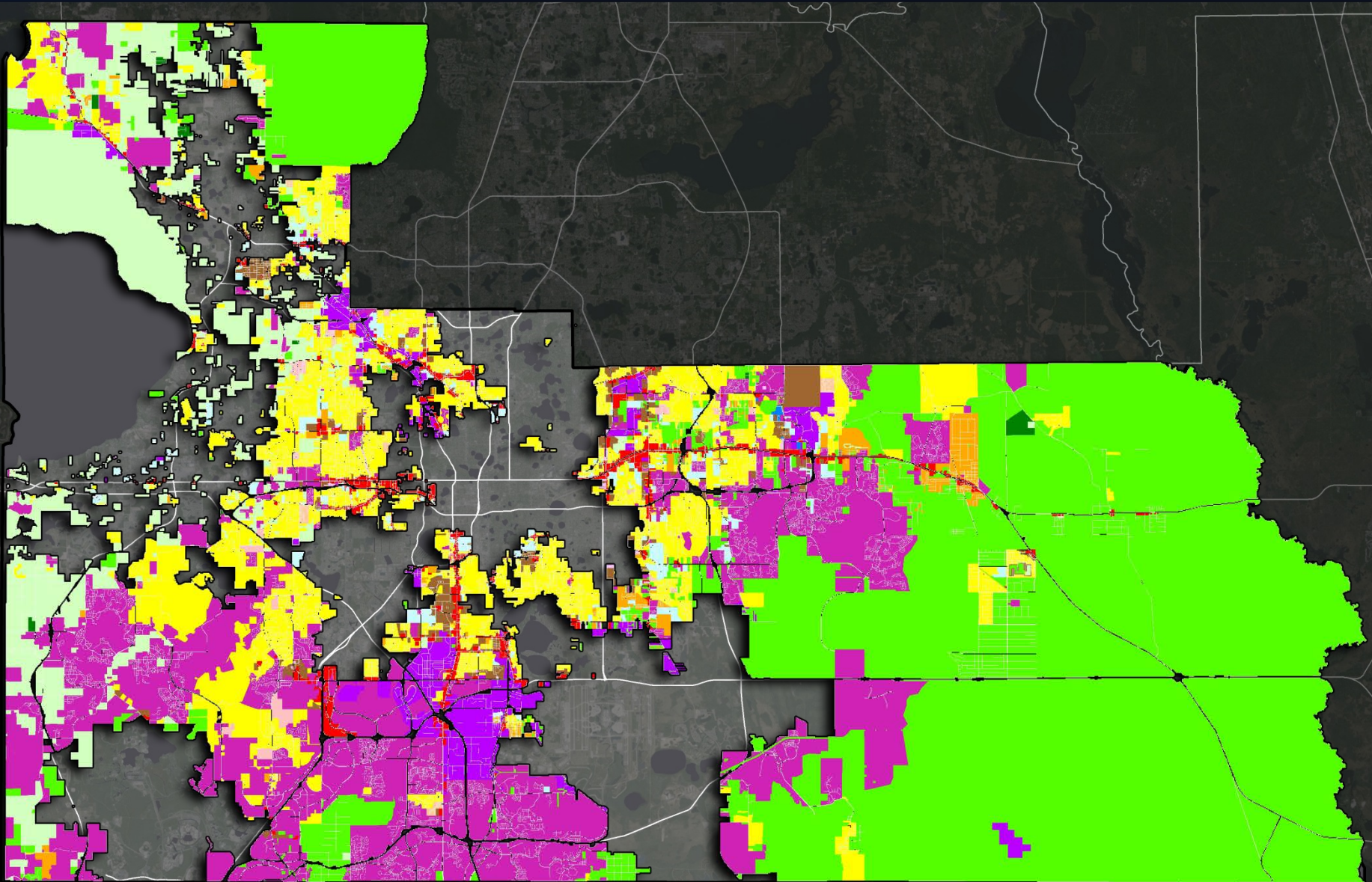
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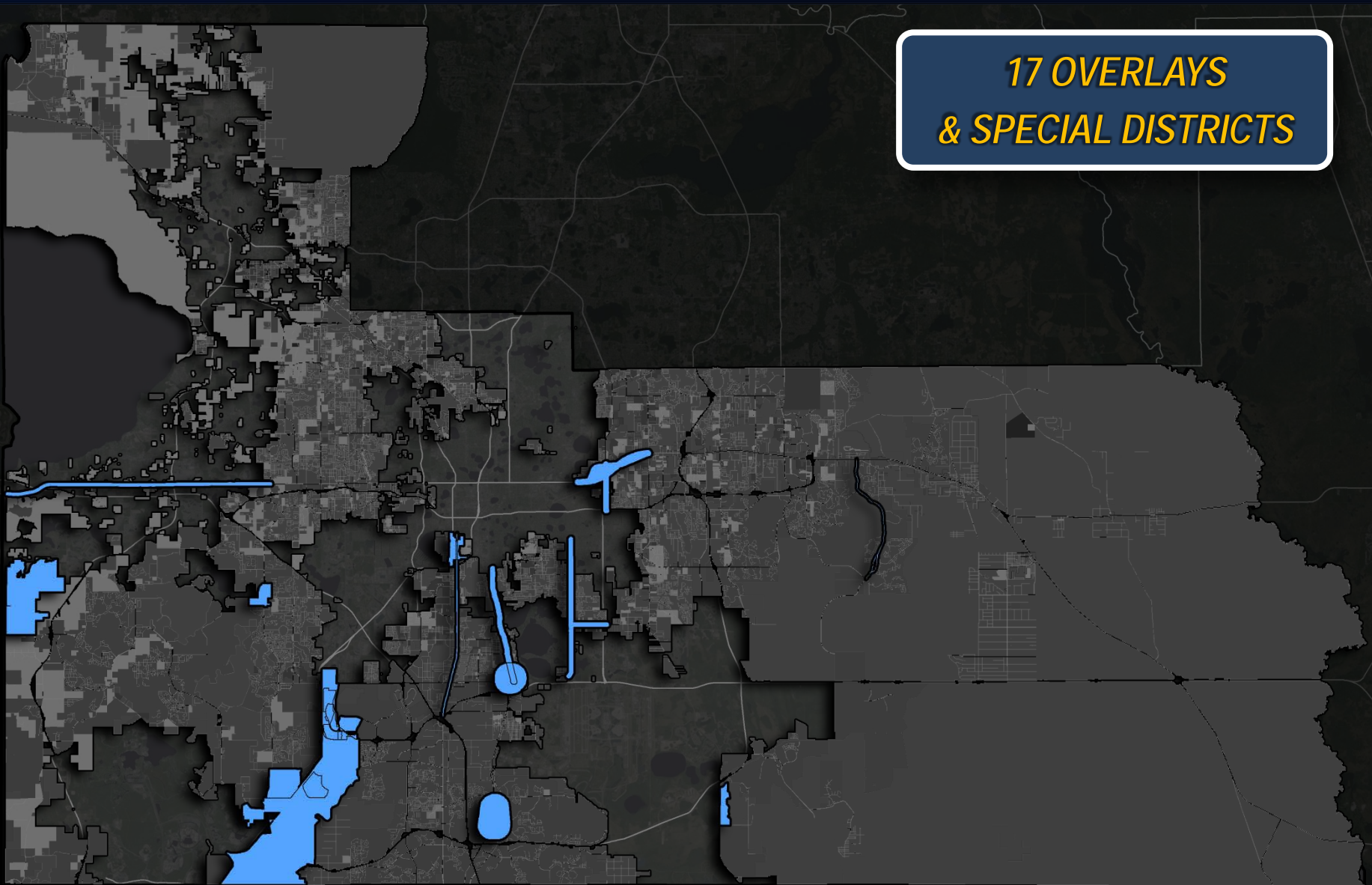






# Orange County Zoning

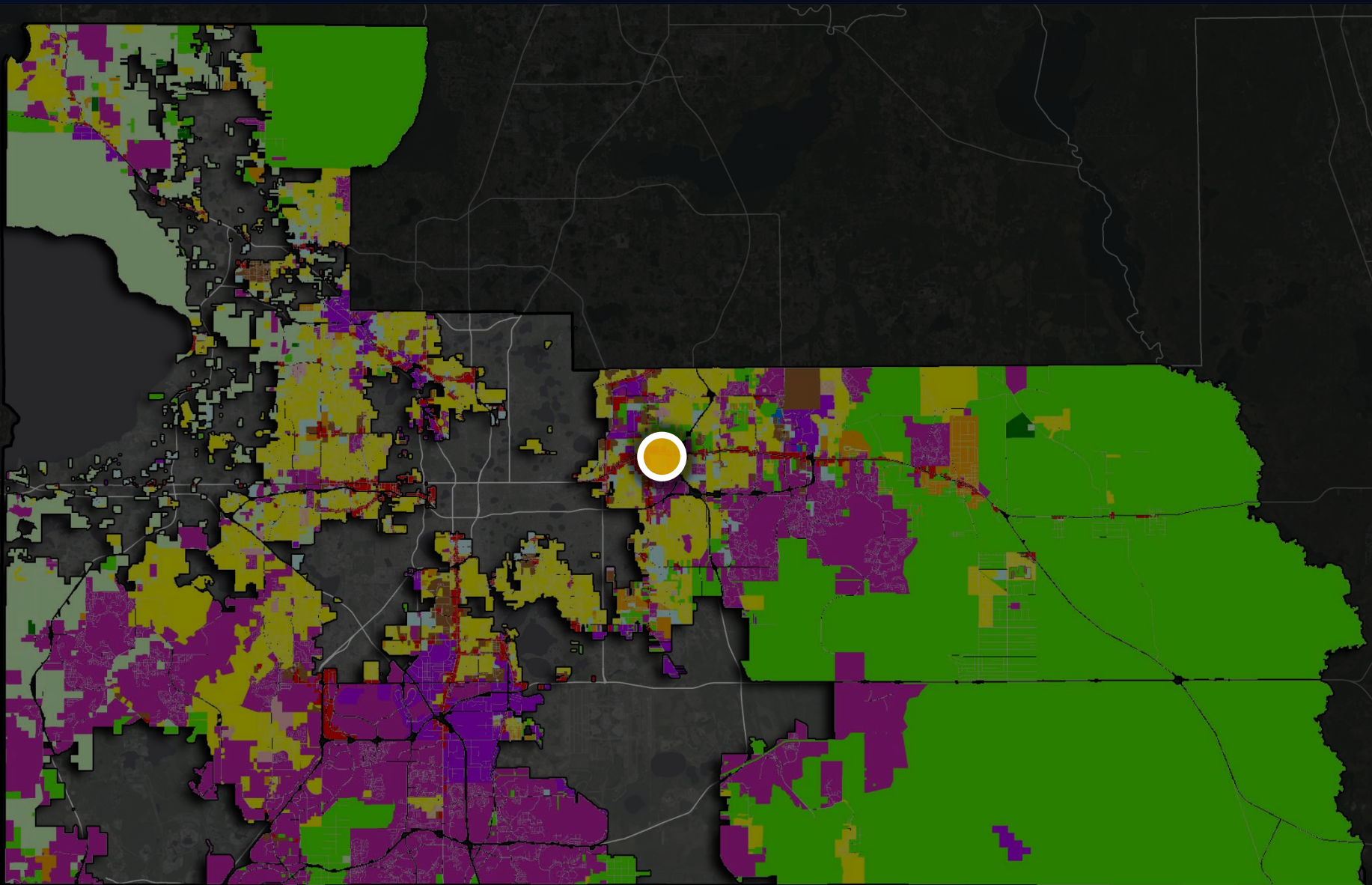
**17 OVERLAYS  
& SPECIAL DISTRICTS**







# Zoning & Future Land Use Consistency







# Zoning & Future Land Use Consistency







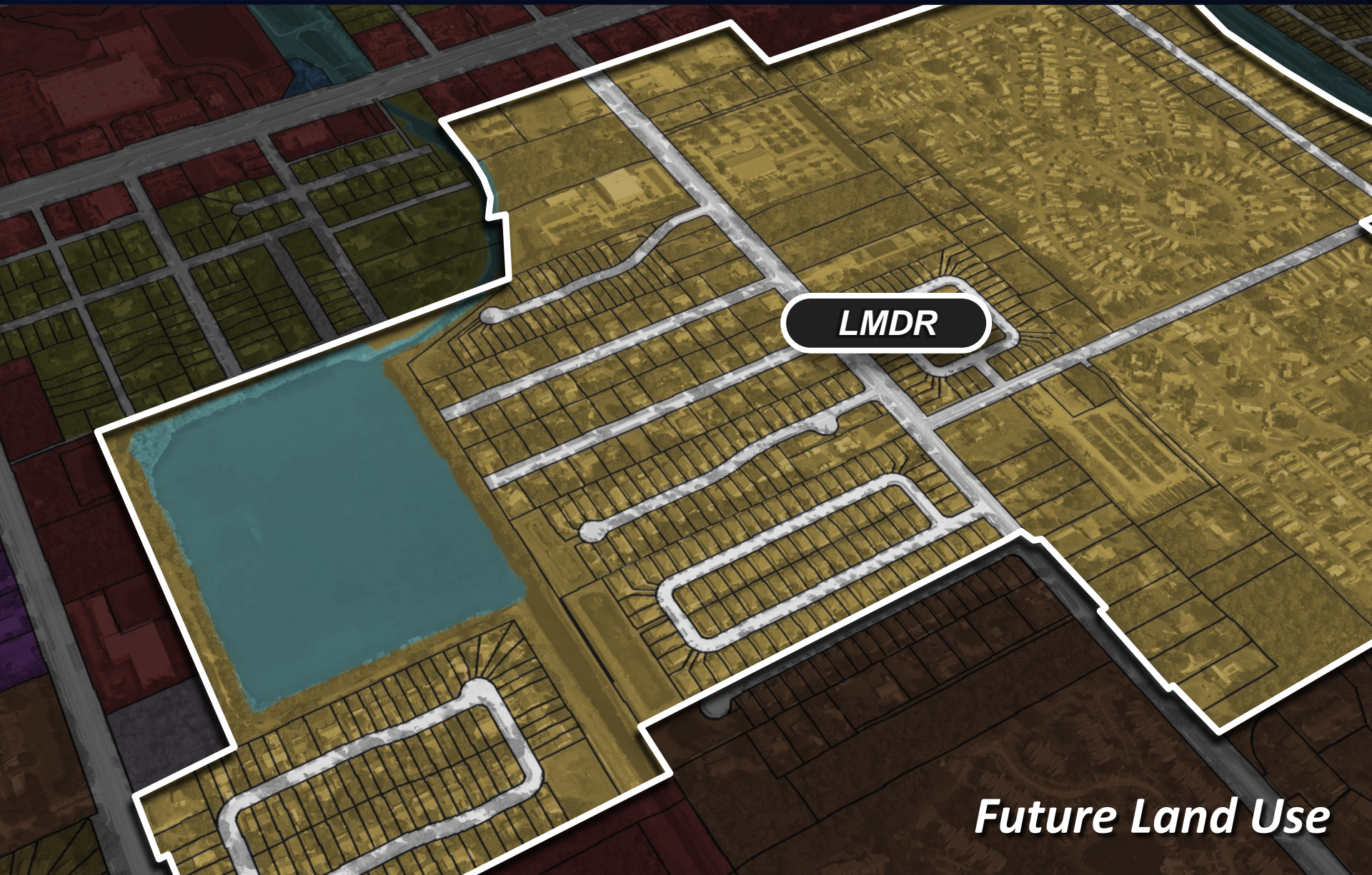
# Zoning & Future Land Use Consistency







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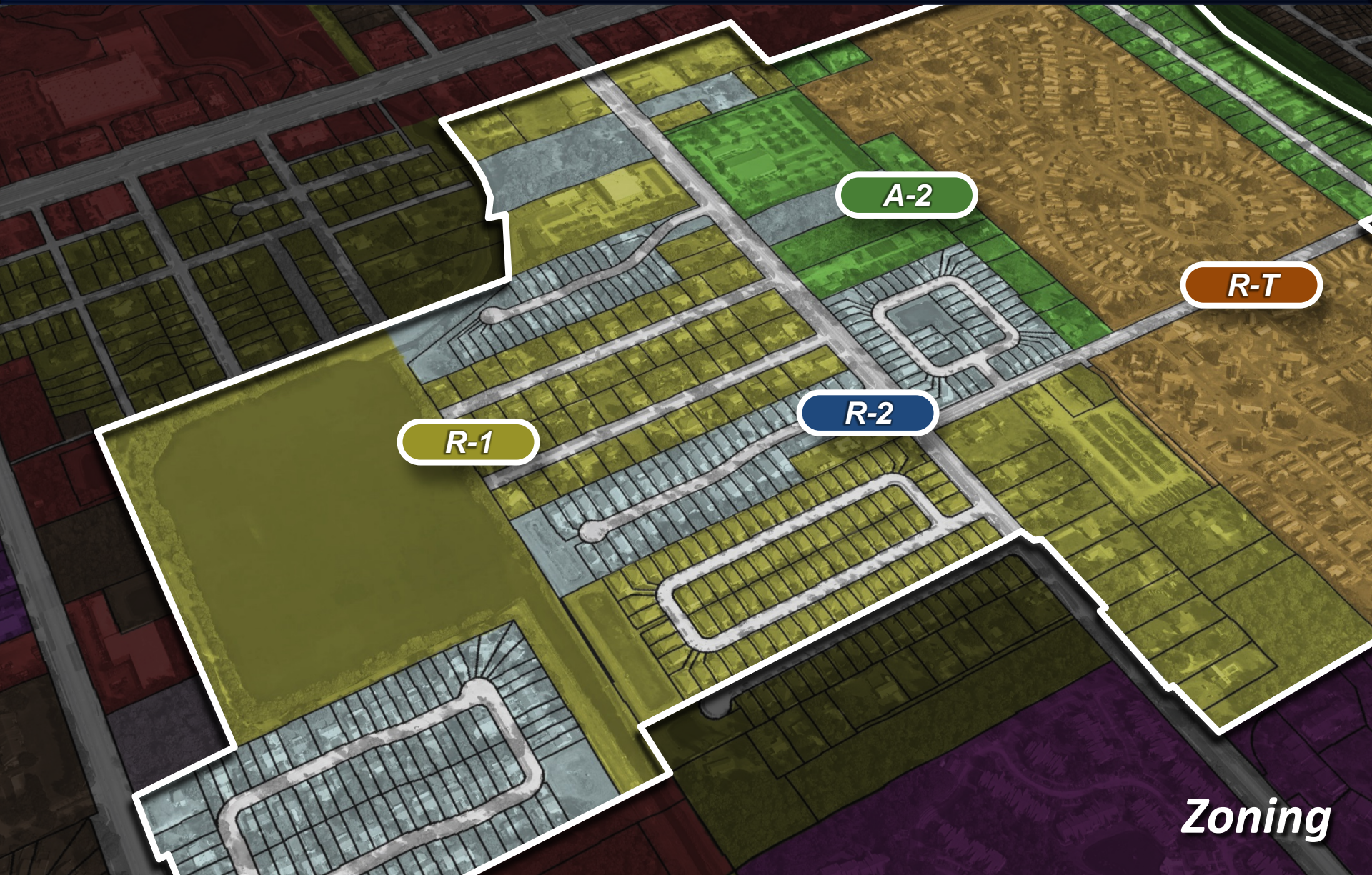
LMDR

*Future Land Use*





# Zoning & Future Land Use Consistency



R-1

A-2

R-T

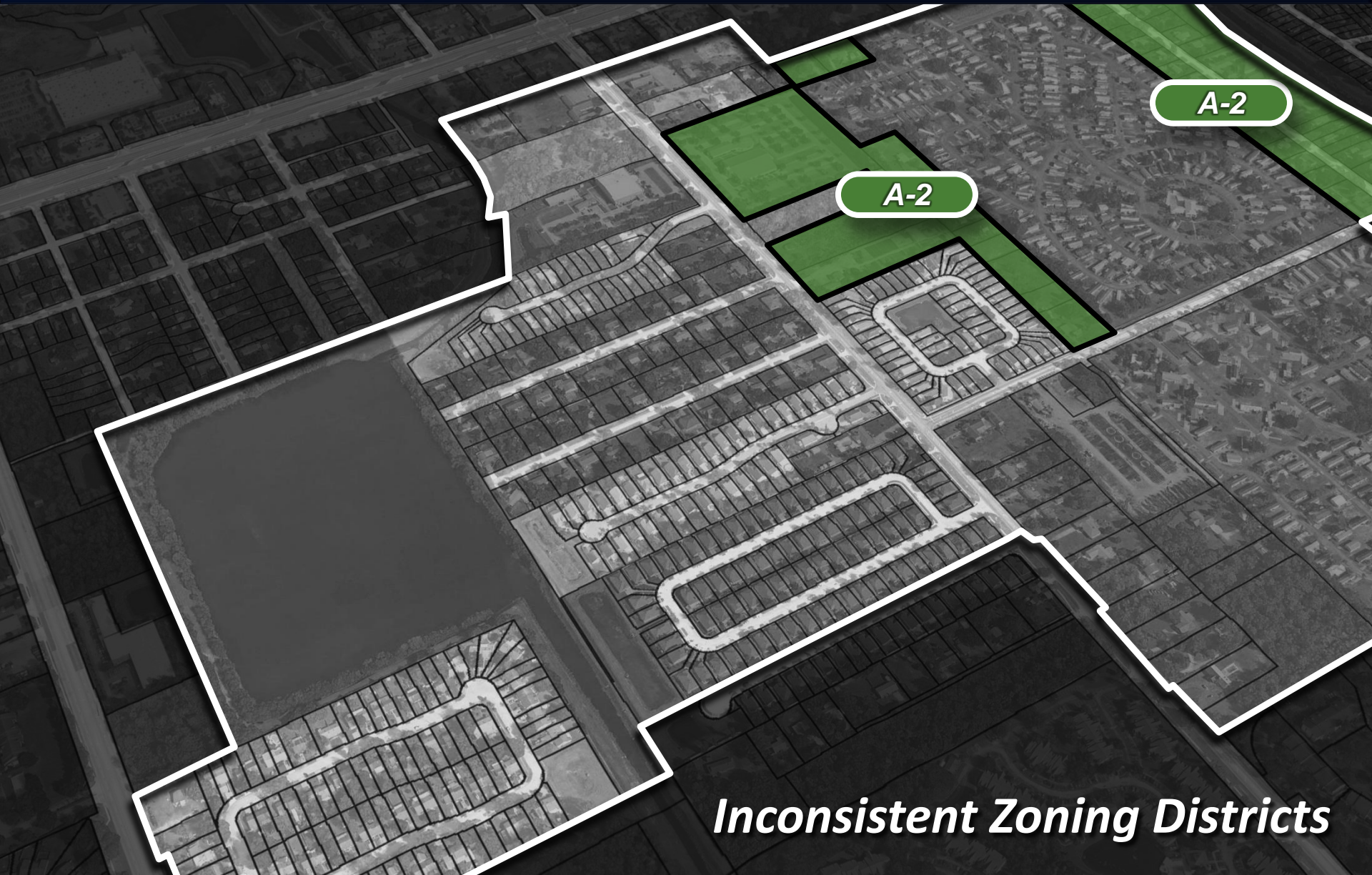
R-2

Zoning





# Zoning & Future Land Use Consistency



*Inconsistent Zoning Districts*





# Presentation Outline

Work Session Series Overview

Zoning Framework

Committees and Advisory Boards

**Zoning Districts and Changes**

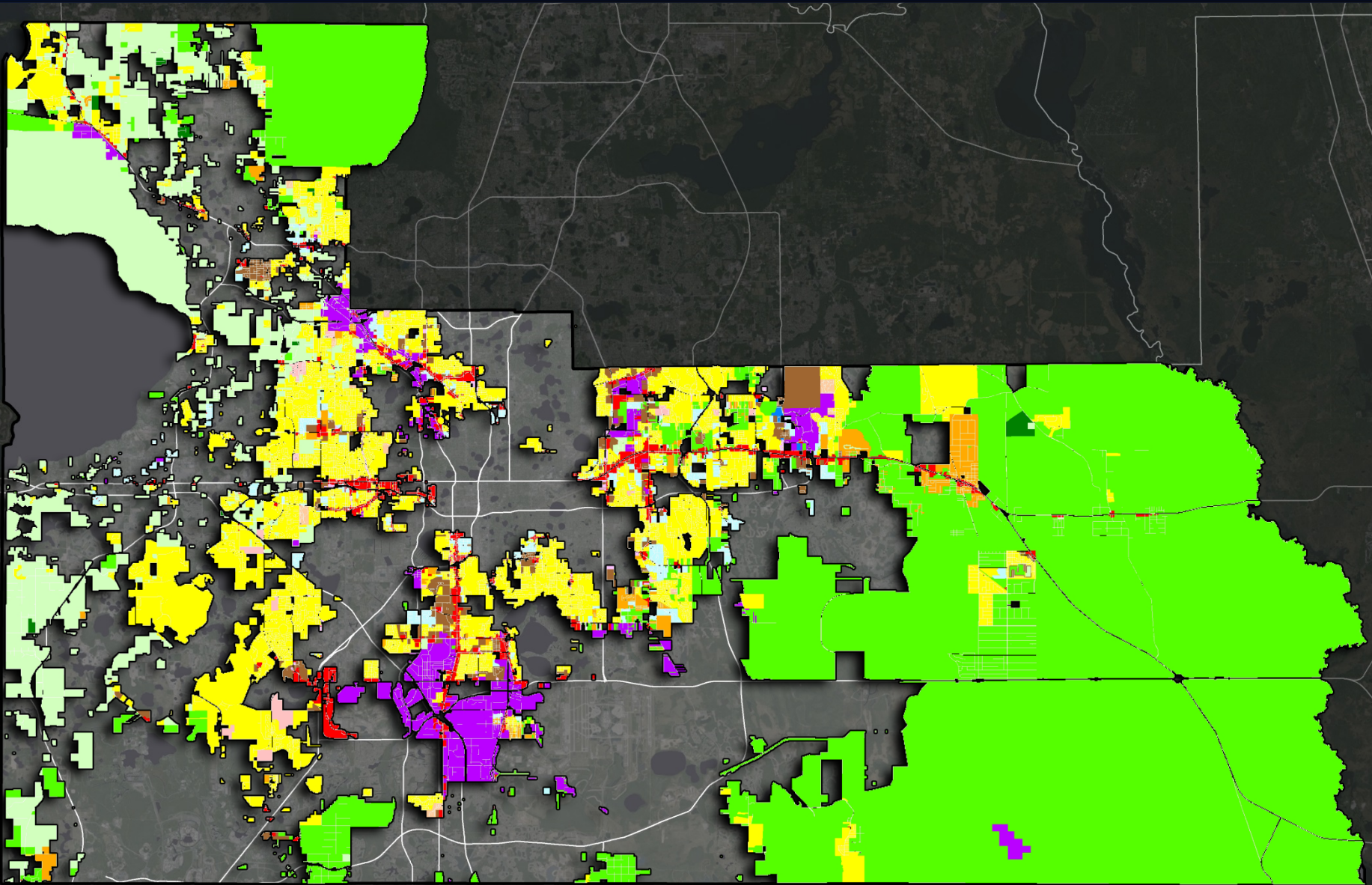
- Rezoning

Nature of Proceedings





# Conventional Zoning Districts







# **Conventional Zoning Districts**

- **Typically applied to single-use properties**
- **Each district has specific performance standards**
- **Deviations from standards are processed as variances through the Board of Zoning Adjustment (BZA)**





# Conventional Rezoning

- Processed through the **Planning Division**
- Subject to **recommendations** and **limited restrictions** from staff & PZC
- May be processed **concurrently** with Future Land Use Amendments
- Monthly PZC recommendations for conventional cases are accepted by the BCC, unless pulled for a separate public hearing at a later date





# Conventional Rezoning

## ***CONVENTIONAL REZONING PROCESS***



***FUTURE LAND USE MAP***



***APPLICATION SUBMITTAL***



***PZC PUBLIC HEARING***

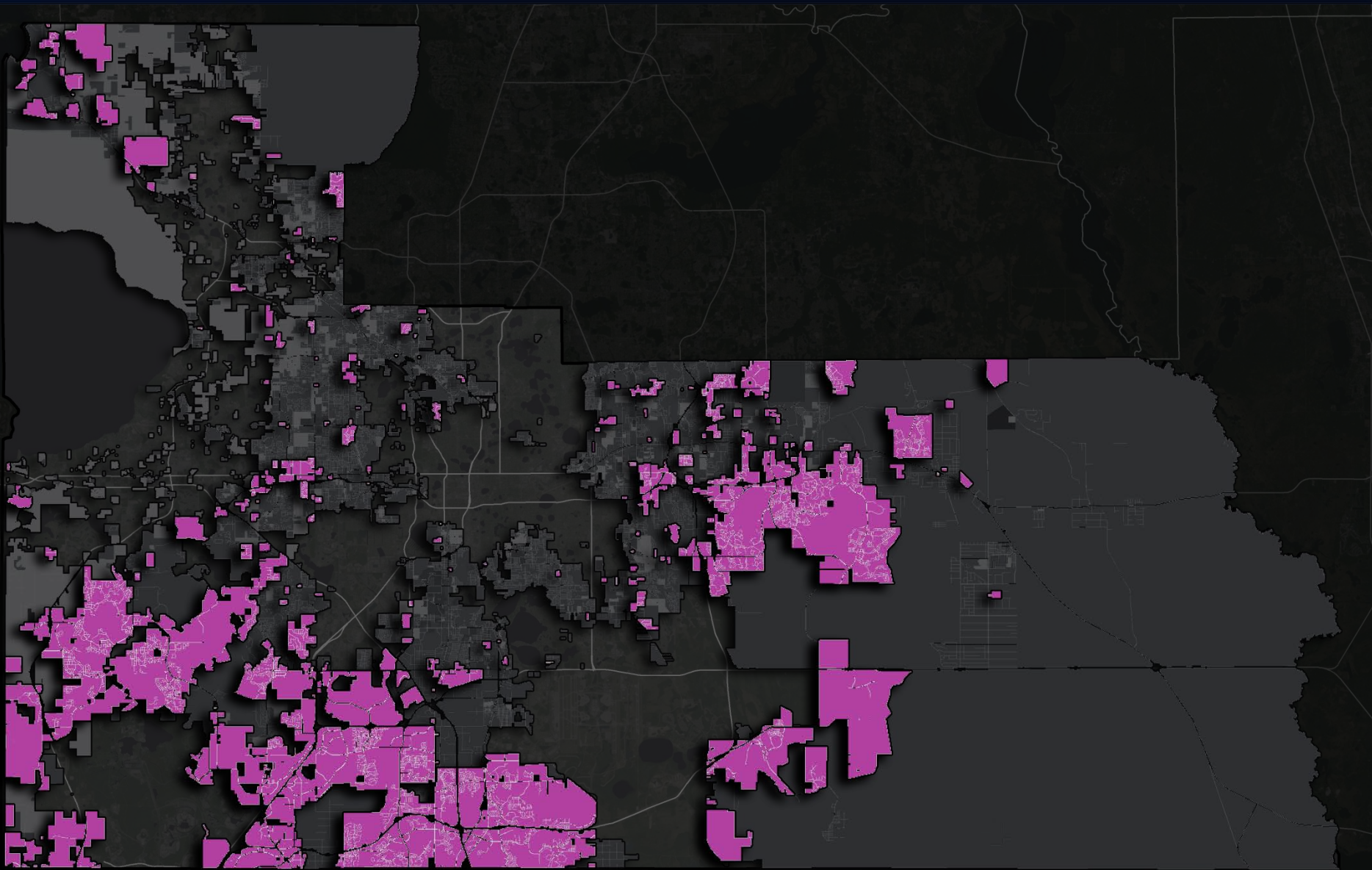


***BCC PUBLIC HEARING***





# Planned Development





# PD Zoning District

- Allow for **a compatible mix** of uses, structures, and open space, while balancing development intensity with adequate public infrastructure
- General performance standards per Chapter 38, Article VIII
- Deviations from standards may be considered as code waivers, excluding prohibitions
- Includes project-specific conditions of approval





# PD Zoning District

## PD Conditions of Approval address:

- Standard procedural matters
- Concurrency
- Timing of *Conservation Area Impacts*
- Tree removal / earthwork
- Access and connectivity requirements
- Development Agreements / timing
- Signage
- Project-specific design standards



# PD Rezoning

- Processed through the **DRC Office**
- Accompanied by various types of site plans  
*(Land Use Plan, Unified Neighborhood Plan, or Regulating Plan)*
- Initial review by the **Technical Review Group (TRG)**, with recommended conditions of approval provided by DRC and PZC
- **Community meetings** are typically required
- May be concurrent with FLUM amendments





# PD Rezoning

- PD zoning is **required** in:
  - Horizon West
  - Innovation Way Overlay
  - Four Corners Community Village Center (CVC)
  - Rural Settlements\*
  - Any site with a PD Future Land Use designation

*\* for projects that exceed 10% of the Rural Settlement's overall area, or with 25 dwelling units or more.*



# PD Rezoning Process

## ***PD REZONING PROCESS***



***FUTURE LAND USE MAP***



***APPLICATION SUBMITTAL***



***TRG***

***DRC MEETING***



***PZC PUBLIC HEARING***



***BCC PUBLIC HEARING***





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**Zoning Districts and Changes**

- Variances and Special Exceptions

Nature of Proceedings



# Variances

*Variances are **deviations** from the height, area, coverage, setback, size, or other requirements of the applicable zoning district.*





# Variances

- **Orange County Code Section 30-43**
- **No variance application shall be approved unless the following standards are met:**
  - Due to special conditions and circumstances
  - Not self-created
  - No special privileges conferred
  - Deprivation of rights
  - Minimum possible variance
  - Purpose and intent



## Special Exceptions

*Special Exceptions are uses permitted in a zoning district **only upon demonstrating** compatibility with surroundings*





# Special Exceptions

- **Special Exceptions require a public hearing by the BZA**
- **Typical Special Exceptions:**
  - Religious institutions
  - Child day care centers
  - Schools
  - Accessory dwelling units



# Special Exceptions

- **Section 30-43 of the County Code**
- **Special Exception Uses shall:**
  - Be consistent with the CP
  - Be similar, compatible; and consistent with the surrounding pattern
  - Not be a detrimental intrusion
  - Meet performance standards of a permitted district
  - Be similar in noise, vibration, dust, odor, glare, heat producing, and other characteristics
  - Landscape Buffers per Section 24-5; consistent with permitted district





# BZA Applications (2014-2016)

- Most recent years:
  - 2014    **100** applications
  - 2015    **150** applications
  - 2016    **199** applications
- Approximately 1/3 of the cases are code enforcement-related
- In 2016, **12** cases had BCC public hearings



# BZA - Conditions of Approval

Conditions of approval can **mitigate** adverse impacts and **achieve compatibility**. Examples include:

- Increased buffer yards
- Limit a structure's footprint, square footage, height
- Project-specific restrictions
- Restrictions on signage and billboards
- Limits on hours of operation
- Restrictions or prohibition of outdoor events
- Restrictions or prohibition of outdoor storage and display
- Time limits to obtain permits





# Presentation Outline

Work Session Series Overview

Zoning Framework

Committees and Advisory Boards

**Zoning Districts and Changes**

- Public Notifications & Outreach

Nature of Proceedings



# Public Notification & Outreach



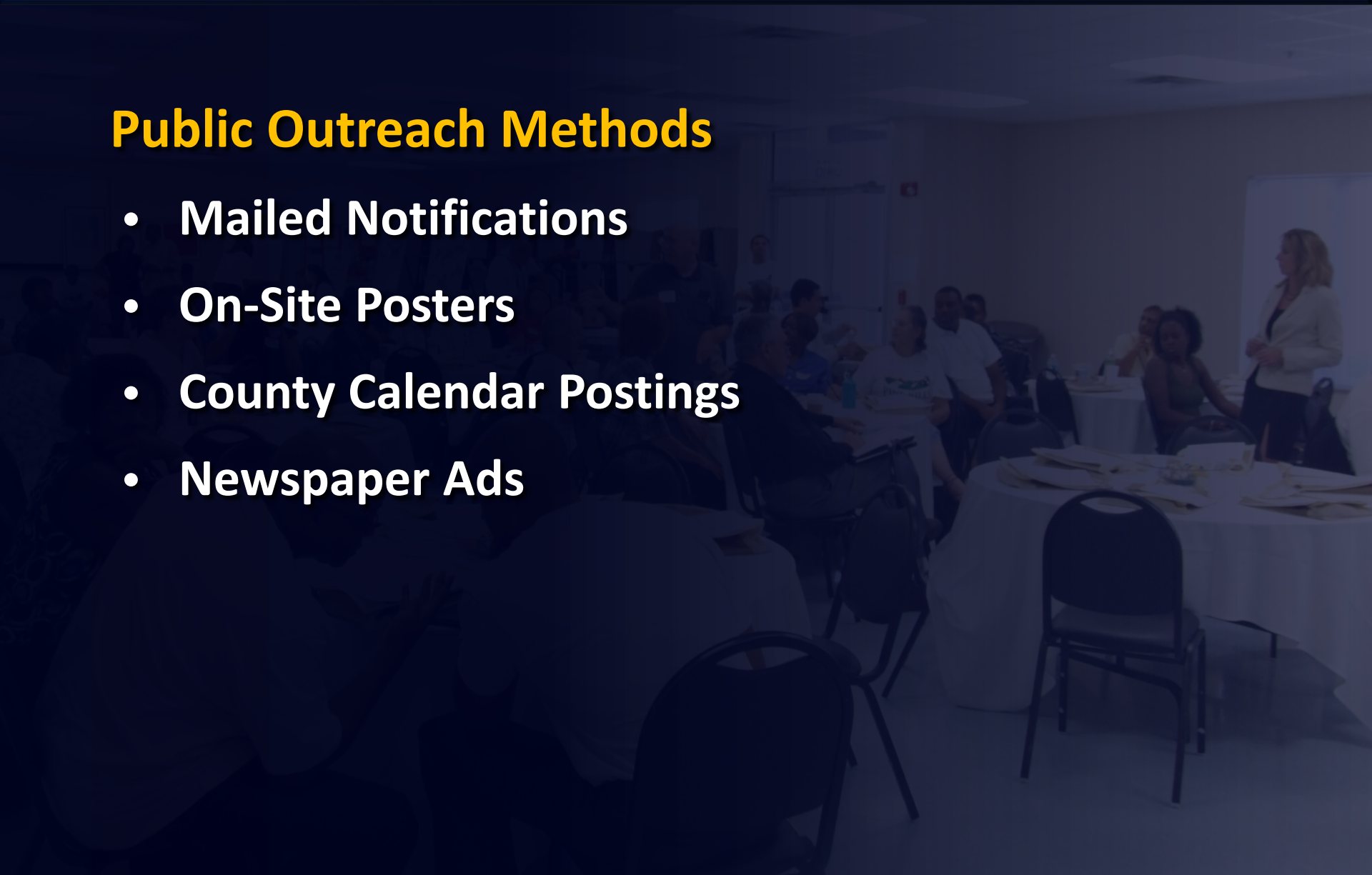




# Public Notification & Outreach

## Public Outreach Methods

- Mailed Notifications
- On-Site Posters
- County Calendar Postings
- Newspaper Ads

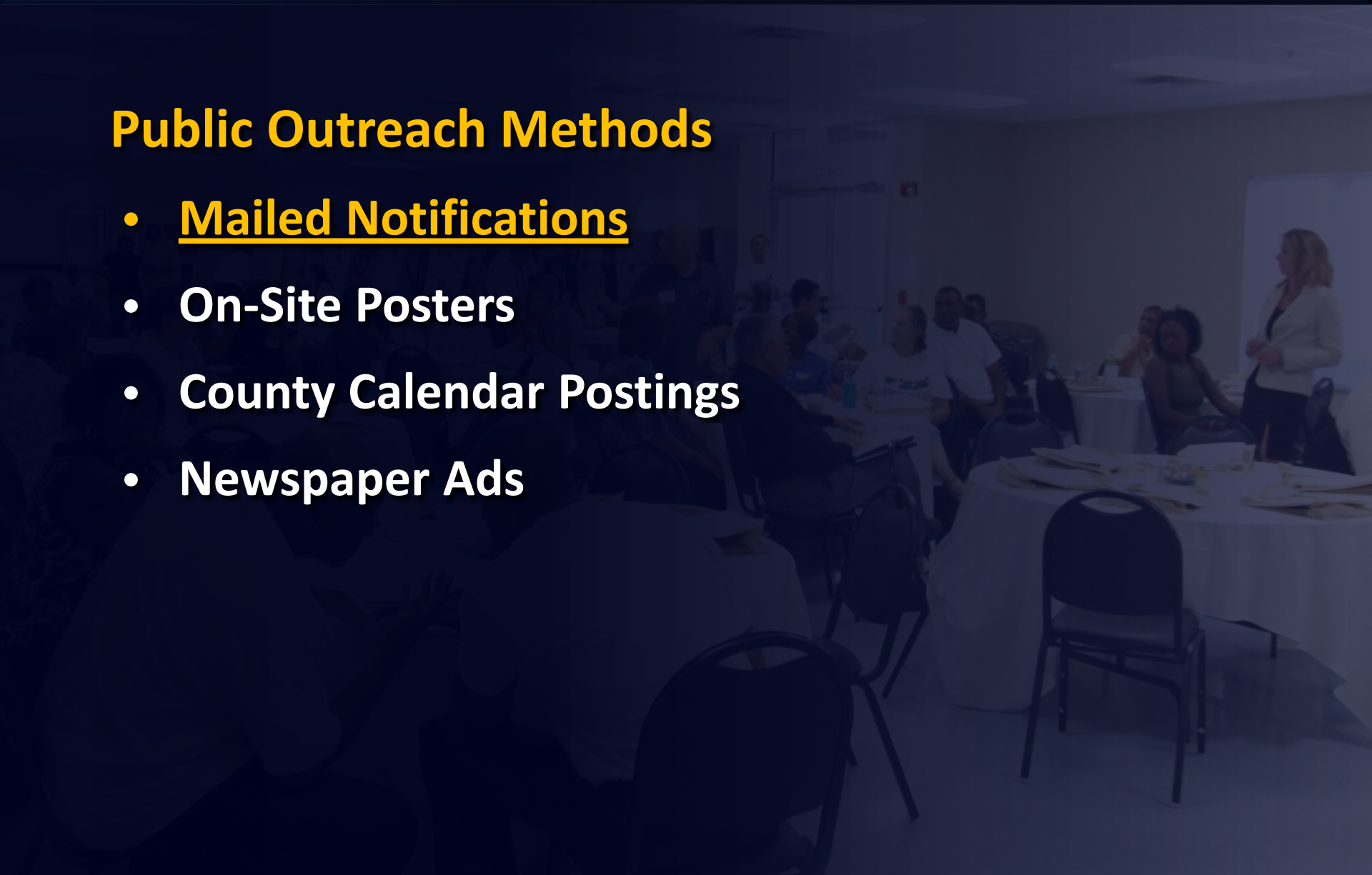




# Public Notification & Outreach

## Public Outreach Methods

- Mailed Notifications
- On-Site Posters
- County Calendar Postings
- Newspaper Ads







# Mailed Notifications

- ***Public Notification Taskforce*** recommendations
- **Tiered notice criteria** based on proposed use and property size
- Minimum notification buffer of **500** feet
- Notice area often **extended** to include entire blocks or neighborhoods



# Mailed Notifications







# Mailed Notifications

- Notices are mailed **at least two weeks** prior to meetings, and include:
  - Meeting date and location
  - Location Map
  - Site and project information
  - Contact Information



# Mailed Notifications

## COMMUNITY MEETING

West Lake Hancock Estates  
Hancock Estates PSP -  
Determination Request  
**Tuesday, June 7, 2016 @ 6:00 PM**  
Bridgewater Middle School Cafeteria  
5600 Tiny Road, Winter Garden, Florida 34786

### Subject Property Location Map



Please join Orange County staff and your neighbors at a community meeting where the applicant will present a request and answer questions.

### PROJECT INFORMATION

Project Name:

West Lake Hancock Estates PD /  
West Lake Hancock Estates PSP  
CDR-16-05-174

Case Number:

Sarah Maier, Dewberry  
28-23-27-9151-10-000

Applicant:

Parcel ID:

FLUM:

Specific Area Plan: Estate Home District & Garden  
Home District

Current Zoning:

Proposed Zoning:

Acreage:

Location:

Planned Development (PD)

Planned Development (PD)

4.42 gross acres

South of New Independence  
Parkway / East of Hamlin Groves  
Trail

REQUEST

1 boat launch area on Lake Hancock  
Estates PSP.





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**Nature of Proceedings**



# Nature of Process

## Quasi-Judicial Hearings

- Rezoning (conventional and PDs)
- Substantial changes to PDs
- Variances
- Special Exceptions, and
- Appeals from Zoning Manager determinations





# Nature of Process

## Quasi-Judicial Hearing

- Local governing body (BCC) sits as informal judicial tribunal

## Requirements

- Each party must be given notice and fair opportunity to be heard,
- Decision must comply with applicable law, including comprehensive plan, and
- Decision must be supported by competent substantial evidence



# Nature of Process

## Ex parte communication and conduct

- A pre-hearing communication with BCC member where a party is not present
- Florida courts have said that independent site visit by decision maker is ex parte conduct
- Ex parte communication or conduct is not unlawful or unethical
- However, BCC's decision may be reversed by court and remanded as a consequence





# Nature of Process

## Ex parte communication and conduct *(cont.)*

- It is not BCC member's responsibility to disclose ex parte communication at start of hearing, but BCC member must disclose independent site visit
- Timely disclosure allows party or parties an opportunity to inquire about or rebut ex parte communication or conduct



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**Questions & Discussion**