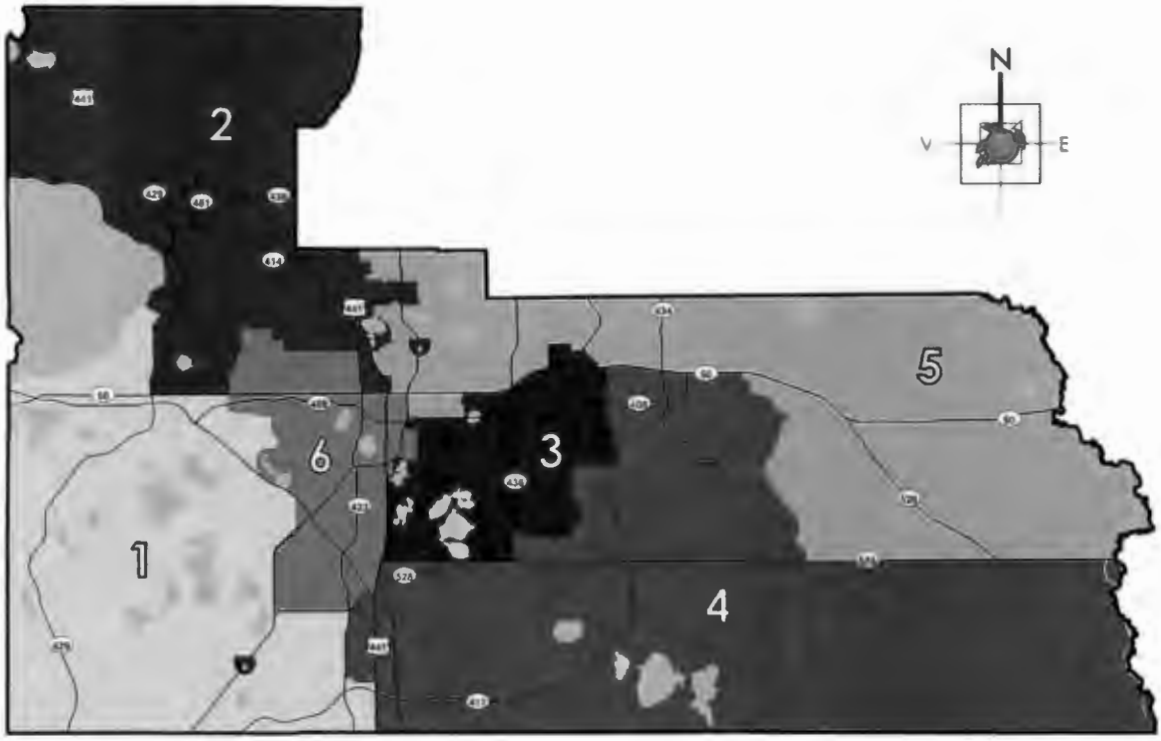
PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

AUGUST 19, 2021



PREPARED BY:
ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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

Trevor Sorbo	District #1
Sean McQuade	District #2
Eddie Fernandez Chairperson	District #3
Vacant	District #4
J. Gordon Spears	District #5
JaJa J. Wade	District #6
Mohammed Abdallah Vice Chairperson	At Large
Evelyn Cardenas	At Large
Nelson Pena	At Large

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Planning and Zoning Commission

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Case # Applicant	Request	Commission District	Recommendations Staff	Recommendations PZC	BCC Hearing Required
I. Covential Rezoning Hearing					
RZ-21-05-034 James White	*R-CE* ***to*** *R-1 Restricted*	2	Approval with two (2) restrictions	Approval with two (2) restrictions	No
RZ-21-08-050 Sergey Kamarov	*A-1* ***to*** *R-1A*	2	Approval	Approval	No
RZ-21-08-051 Matt Peterson	*R-1* ***to*** *R-2*	3	Approval	Approval	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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.)*
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 *h*	30 *h*	7.5	35	*A*
R-1A	7,500	1,200	75	20 *h*	25 *h*	7.5	35	*A*
R-1	5,000	1,000	50	20 *h*	20 *h*	5 *h*	35	*A*
R-2	One-family dwelling, 4,500	1,000	45 *c*	20 *h*	20 *h*	5 *h*	35	*A*
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 *d*	20 *h*	30	5 *h*	35	*A*
	Three DUs, 11,250	500 per DU	85 *j*	20 *h*	30	10	35	*A*
	Four or more DUs, 15,000	500 per DU	85 *j*	20 *h*	30	10 *b*	35	*A*
R-3	One-family dwelling, 4,500	1,000	45 *c*	20 *h*	20 *h*	5	35	*A*
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 *d*	20 *h*	20 *h*	5 *h*	35	*A*
	Three dwelling units, 11,250	500 per DU	85 *j*	20 *h*	30	10	35	*A*
	Four or more DUs, 15,000	500 per DU	85 *j*	20 *h*	30	10 *b*	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 *c*	1,000	45	25/20 *k*	25/20 *k*	5	35	*A*
Mobile home	4,500 *c*	Min. mobile home size 8 ft. x 35 ft.	45	25/20 *k*	25/20 *k*	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 (after 1/29/73)	21,780 ½ acre	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	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.)*
NR	One-family dwelling, 4,500	1,000	45 *c*	20	20	5	35/3 stories *k*	*A*
	Two DUs, 8,000	500 per DU	80/90 *d*	20	20	5	35/3 stories *k*	*A*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories *k*	*A*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories *k*	*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 *k*	*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 *k*	*A*
	One-family dwelling, 4,500	1,000	45 *c*	20	20	5	35/3 stories *k*	*A*
	Two DUs, 11,250	500 per DU	80 *d*	20	20	5	35/3 stories *k*	*A*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories *k*	*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 *k*	*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 *k*	*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 *k*	*A*
	One-family dwelling, 4,500	1,000	45 *c*	20	20	5	35/3 stories *k*	*A*
	Two DUs, 8,000	500 per DU	80 *d*	20	20	5	35/3 stories *k*	*A*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories *k*	*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 *k*	*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 *k*	*A*
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	*A*
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets *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*

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-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 design or construction.

CASE # RZ-21-05-034

Commission District: #2

GENERAL INFORMATION

APPLICANT	James White
OWNERS	James M. White Trust, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	**R-CE** (Country Estate District) **to** **R-1 Restricted** (Single-Family Dwelling District)
LOCATION	4235 Lake Lockhart Drive; Generally located on the north side of Lake Lockhart Drive, east of Mott Avenue.
PARCEL ID NUMBER	32-21-29-0000-00-061
TRACT SIZE	2.53 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred fifty (150) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Six (6) Single-Family Detached Homes

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 Restricted (Single-Family Residential District - Restricted) zoning, with the following restrictions:

1. No more than six (6) single-family detached residential units are permitted.

2. The ten (10) foot wide strip of land at the rear of the property shall not be developed with any structures, including but not limited to docks or boat ramps.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject parcel from R-CE (Country Estate District) to R-1 Restricted (Single-Family Dwelling District), with the

intent to subdivide the property for construction of six (6) single-family homes. The existing single-family detached dwelling is proposed to be demolished.

The subject parcel was never platted. The surrounding neighborhood can be characterized as having a mixture of single-family detached residential dwelling units on large, multi-acre lots to the east along Lake Lockhart Drive, and smaller 40' x 100' lots to the west. The site is also located in the Wekiva Study Area, which requires 35% of new development to be preserved as open space.

Land Use Compatibility

The R-1 Restricted (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

	Yes	No	Information
Rural Settlement	☐	☒	
Joint Planning Area (JPA)	☐	☒	
Overlay District Ordinance	☐	☒	
Airport Noise Zone	☐	☒	
Code Enforcement	☐	☒	

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-1 Restricted (Single-Family Dwelling District) zoning is consistent with the 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.

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 Residence	
Adjacent Zoning	N:	R-2 (Residential District) (*1990*)
	E:	R-CE (Country Estate District) *(1991)*
	W:	R-2 (Residential District) *(1990)*
	S:	ROW (CSX Tracks)
Adjacent Land Uses	N:	Single-Family Residence
	E:	Single-Family Residence
	W:	Single-Family Residence
	S:	CSX Railway

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

One-Family Dwelling	
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.
Side Street:	15 ft.

Permitted Uses

The areas included in an R-1 single-family dwelling district are of the same general character as R-1-AA and R-1-A, 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

	Yes	No	Information
Environmental	☒	☐	EPD will not require a Conservation Area Determination (CAD) for this development, so long as it is clearly stated that there will be no development within the 10-foot wide portion of the property that extends into the Lake.
Transportation / Access	☒	☐	This project is located within the Orange County Alternative Mobility Area (AMA). This project is considered deminimus development.
Schools	☐	☒	
Parks and Recreation	☐	☒	

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 Area. In accordance with Orange County Code Chapter 37,

- 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: 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.

- 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 – (August 19, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 Restricted (Single-Family Residential District - Restricted) zoning, with the following restrictions:

1. No more than six (6) single-family detached residential units are permitted.

2. The ten (10) foot wide strip of land at the rear of the property shall not be developed with any structures, including but not limited to docks or boat ramps.

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 Restricted (Single-Family Dwelling District Restricted). The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

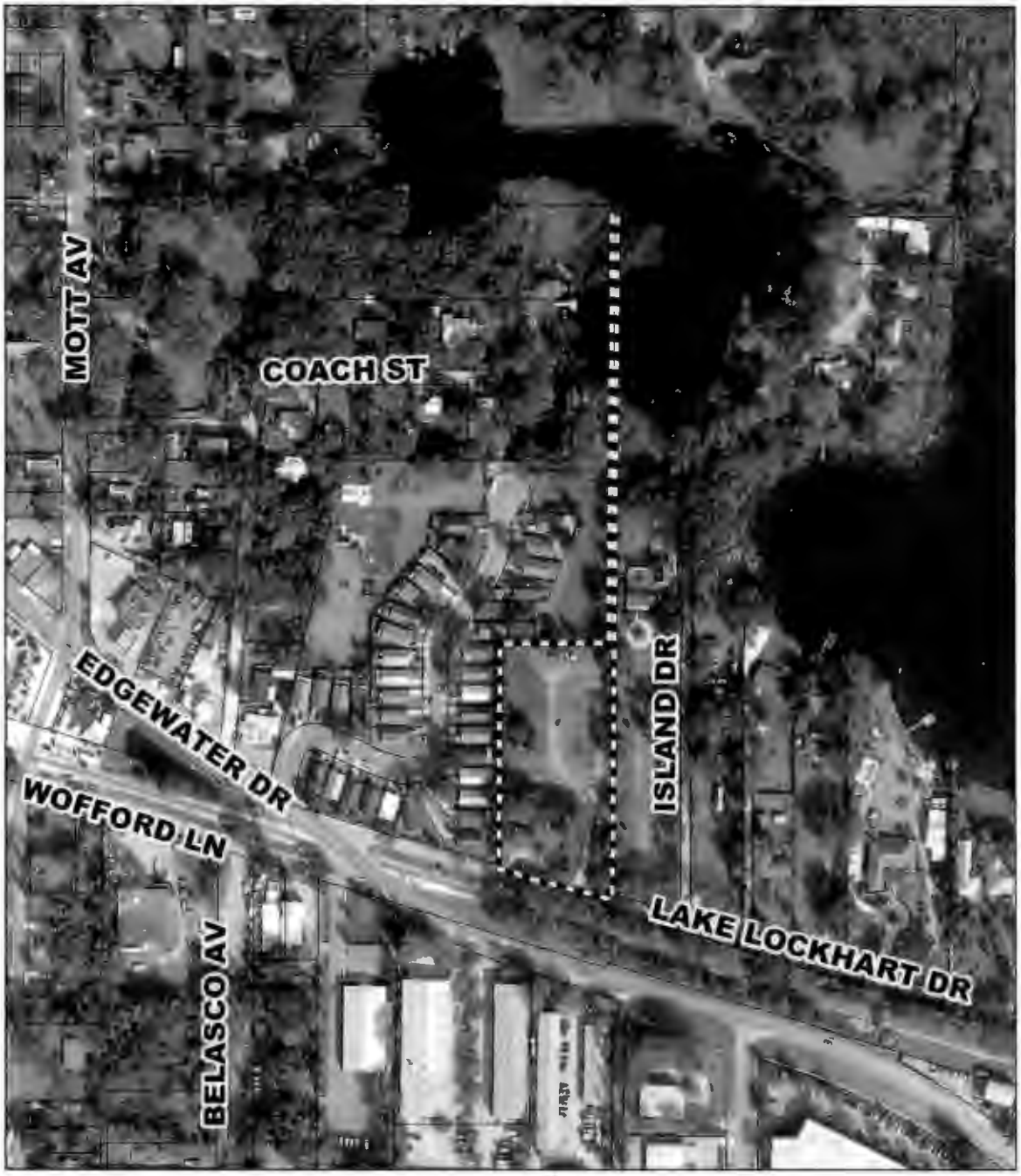
Staff indicated that one hundred and fifty (150) notices were sent to property owners extending beyond 600 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

There was no discussion on the proposed single-family residential subdivision. A motion was made by Commissioner McQuade, and seconded by Commissioner Wade to

recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District Restricted) zoning subject to two restrictions. The motion carried unanimously.

Motion / Second	*Sean McQUade / JaJa Wade*
Voting in Favor	*Sean McQuade, JaJa Wade, Evelyn Cardenas, Gordon Spears, Mohammed Abdallah, Trevor Sorbo, and Nelson Pena*
Voting in Opposition	*None*
Absent	*Eddie Fernandez*

RZ-21-05-034

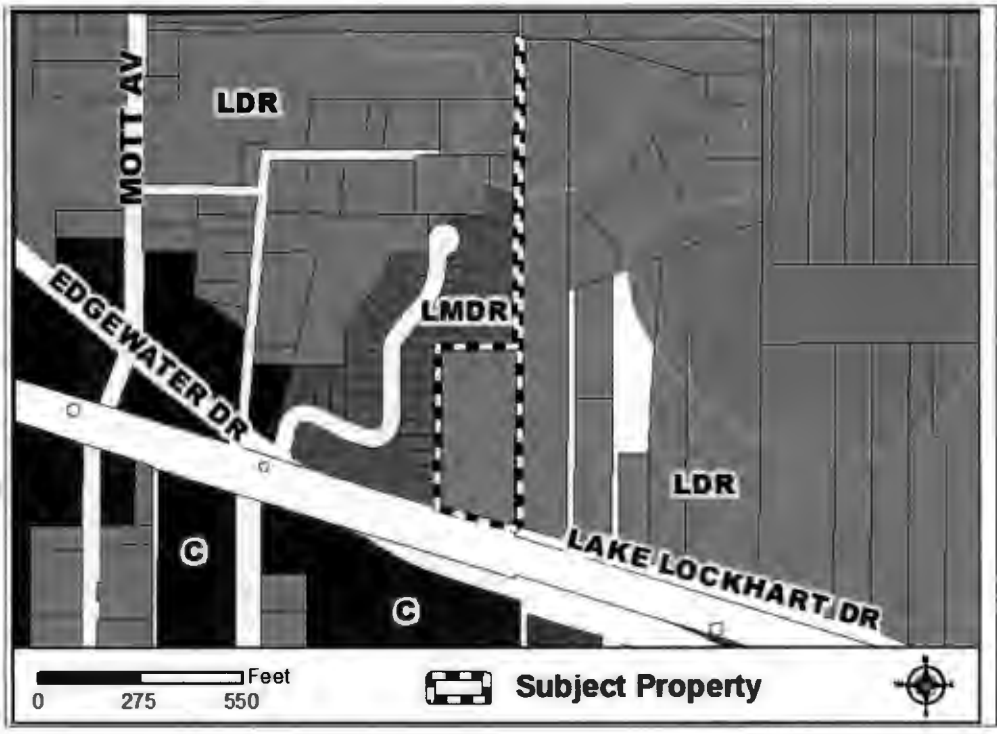


Subject Property

N W E S

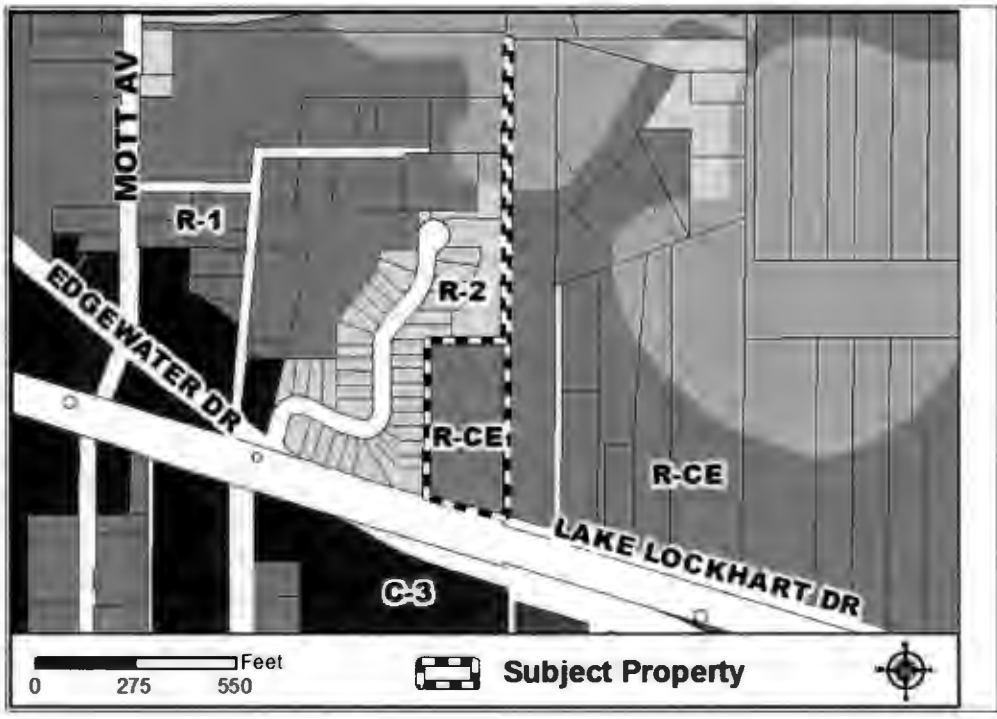
1 inch = 250 feet

FUTURE LAND USE – CURRENT



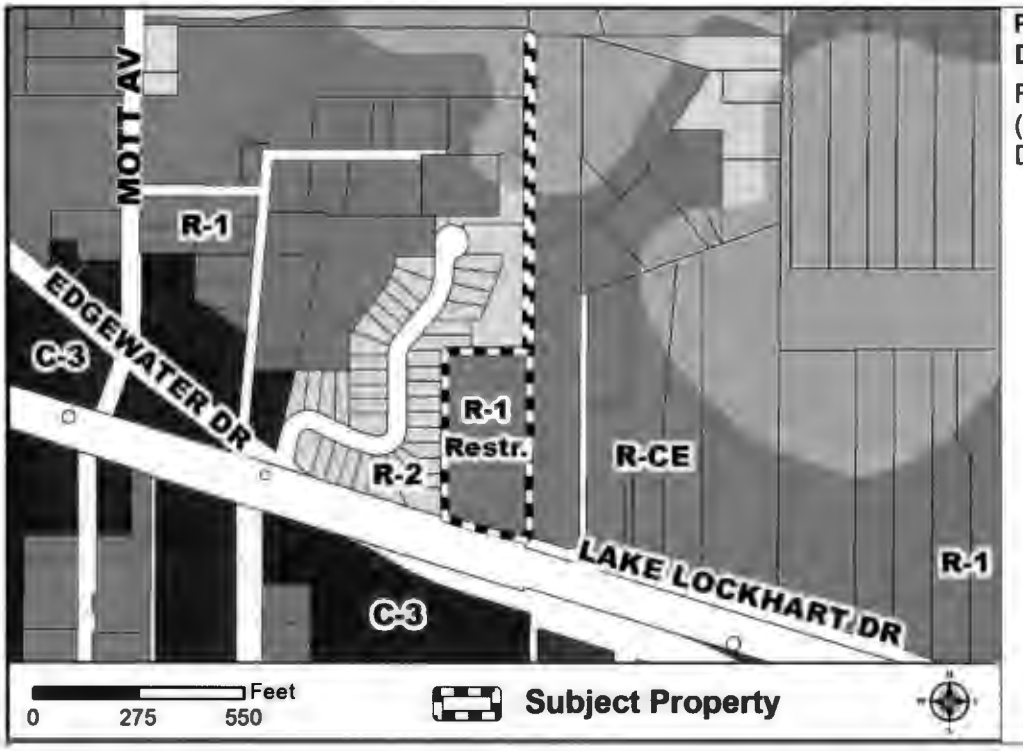
Future Land Use Designation:
LDR
(Low Density Residential)

ZONING - CURRENT



Current Zoning District:
R-CE (Country Estate District)

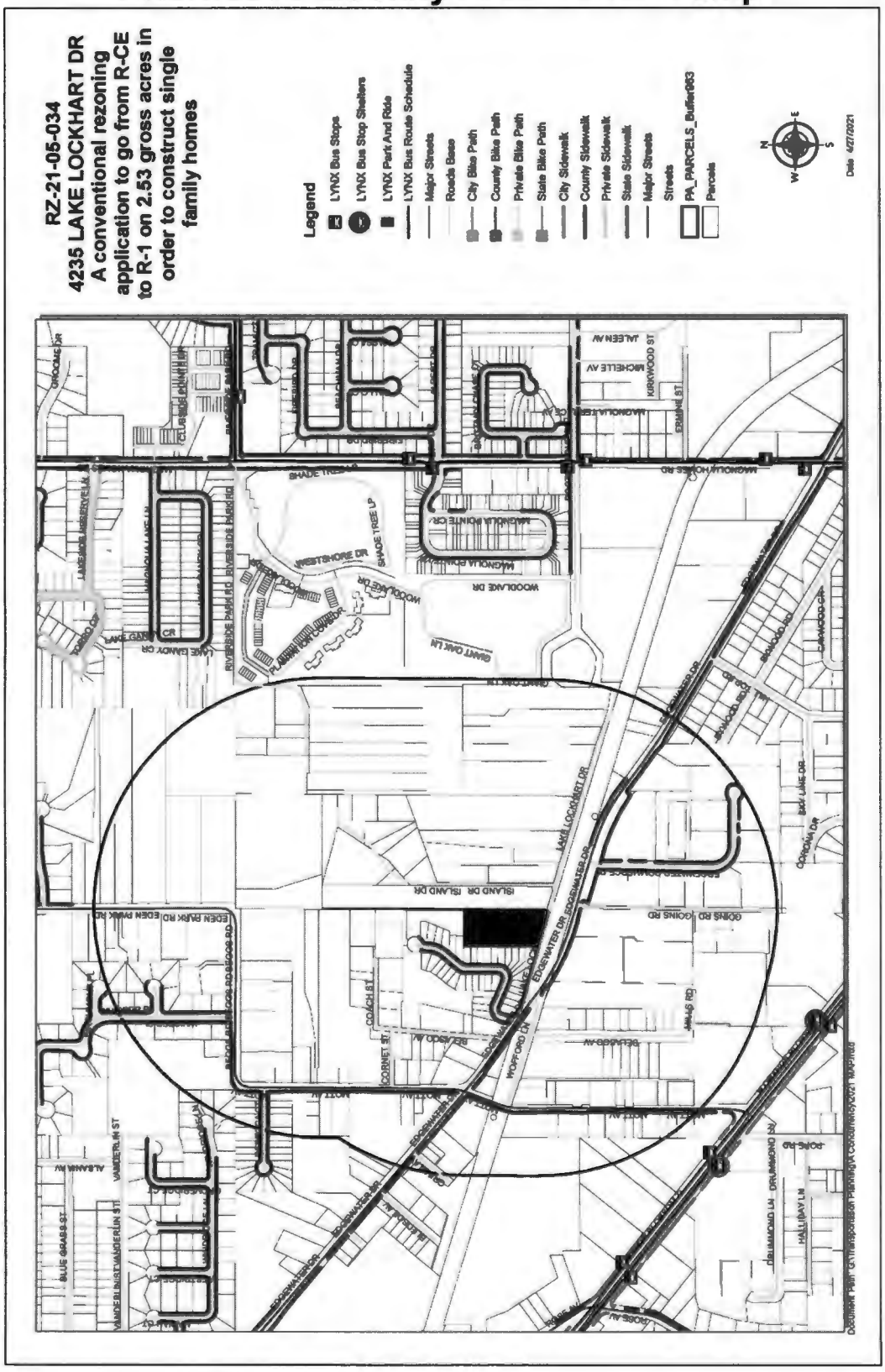
ZONING - PROPOSED



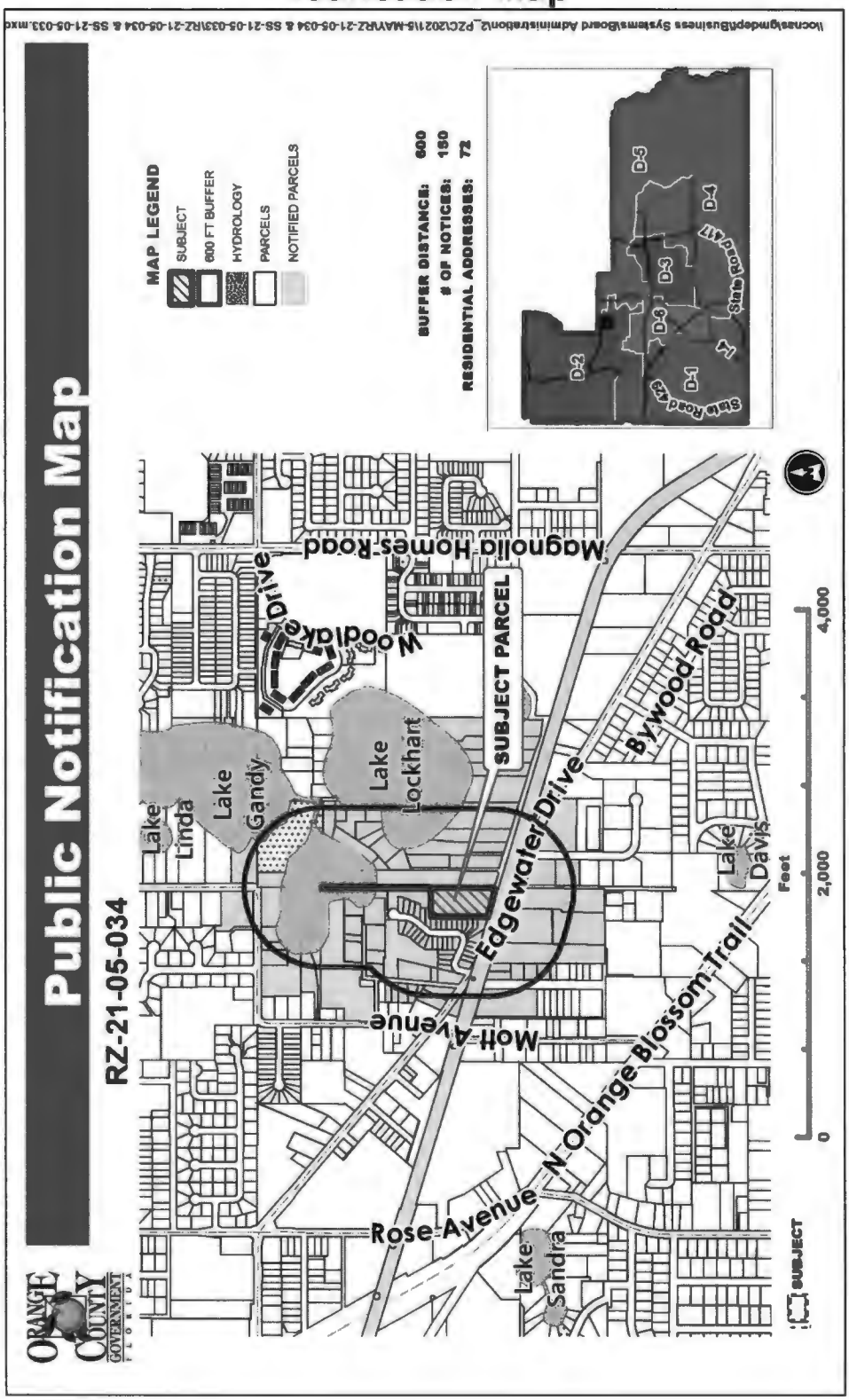
Proposed Zoning District:

R-1 Restricted (Single-Family Dwelling District)

Alternative Mobility Area Context Map



Notification Map



CASE # RZ-21-08-050

Commission District: #2

GENERAL INFORMATION

APPLICANT	Sergey Kamarov, Latitude Builders
OWNERS	Sergey Kamarov
HEARING TYPE	Planning and Zoning Commission
REQUEST	**A-1** (Citrus Rural District) ***to*** **R-1A** (Single-Family Dwelling District)
LOCATION	1526 Mink Drive; generally located northwest of the intersection of Greenacre Road and Mink Dive.
PARCEL ID NUMBER	13-21-28-5072-00-060
TRACT SIZE	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]. Eighty-eight (88) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	One (1) single-family dwelling unit

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

Through this request the applicant is seeking to rezone a 0.34-gross acre parcel from A-1 (Citrus Rural District) to R-1A (Single- Family Dwelling District), in order to construct one (1) single-family home. This request was shared with the City of Apopka as part of the Joint Planning Agreement (JPA). At the time of this staff report, no comment or concerns regarding the request has been received from the City.

The subject property is generally located east of Piedmont Wekiwa Road, north of Greenacre Road and west of Mink Drive, within the Liberty Heights Community. The 14,872 sq. ft lot was platted as Lot 6 in 1957. The subject parcel is currently undeveloped.

The immediate area is developed with single-family detached residential dwelling units. The majority of homes are built on lots that are 100'X135' or greater. The zoning district in the area was established in 1957 and is predominately A-1 (Citrus Rural District) zoning and R-1A (Single-Family Dwelling District) zoning. The proposed R-1A zoning district is compatible with the surrounding area.

The property's Future Land Use Map (FLUM) designation is Low Density Residential (LDR) which allows consideration of up to 4 units per acre. The current zoning is A-1, which is inconsistent with the LDR FLUM designation. In order to allow for the construction of a single-family home, the Zoning and FLUM designation must be consistent.

The property is located within the Wekiva Priority Focus Area and as of May 2021, new developments less than one-acre on septic tanks are required to meet nitrogen treatment standards (advanced treatment), according to the Florida Department of Health.

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

	Yes	No	Information
Rural Settlement	☐	☒	
Joint Planning Area (JPA)	☒	☐	Apopka Joint Planning Area
Overlay District Ordinance	☐	☒	
Airport Noise Zone	☐	☒	
Code Enforcement	☐	☒	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR) which allows consideration of up to four (4) units per acre. The proposed R-1A (Single-Family Dwelling District) zoning is consistent with the Low Density Residential FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

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.

OS1.3.6 states residential land uses in the Urban Service Area, development with an overall size less than or equal to 100 acres – open space shall be 35% or greater.

SITE DATA

Existing Use	Undeveloped	
Adjacent Zoning	N:	A-1 (Citrus Rural District *(1957)*
	E:	A-1 (Citrus Rural District *(1957)*
	W:	R-1A (Single-Family Dwelling District) *(1957)*
	S:	R-1AA (Single-Family Dwelling District) *(1972)*
	**No restrictions placed on the zoning districts above.*	
Adjacent Land Uses	N:	Single-Family Dwelling

E: Single-Family Dwelling

W: Single-Family Dwelling

S: Single-Family Dwelling

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.

* *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-1A (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

	Yes	No	Information
Environmental	☒	☐	* See Note Below
Transportation / Access	☒	☐	Based on the concurrency database dated July 14, 2021, there is capacity available for this project. However, this project will be considered deminimus.
Schools	☒	☐	Deminimus impact
Parks and Recreation	☐	☒	

*Environmental Comments: 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.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

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.

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.

Water: There are no watermains in the vicinity of this property. Single-family development on this property will be reliant on wells for potable water service.

Wastewater: There are no gravity wastewater mains in the vicinity of this property and wastewater is considered not available. Single-family 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 – (August 19, 2021)

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) The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred and eighty-eight (188) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

There was no discussion on the proposed single-family residential dwelling unit. A motion was made by Commissioner McQuade, and seconded by Commissioner Wade to recommend APPROVAL of the requested R-1A (Single-Family Dwelling District) zoning. The motion carried unanimously.

Motion / Second	*Sean McQuade / JaJa Wade*
Voting in Favor	*Sean McQuade, JaJa Wade, Nelson Pena, Evelyn Cardenas, Mohammed Abdallah, Trevor Sorbo, and Gordon Spears*
Voting in Opposition	*None*
Absent	*Eddie Fernandez*

RZ-21-08-050

Subject Property

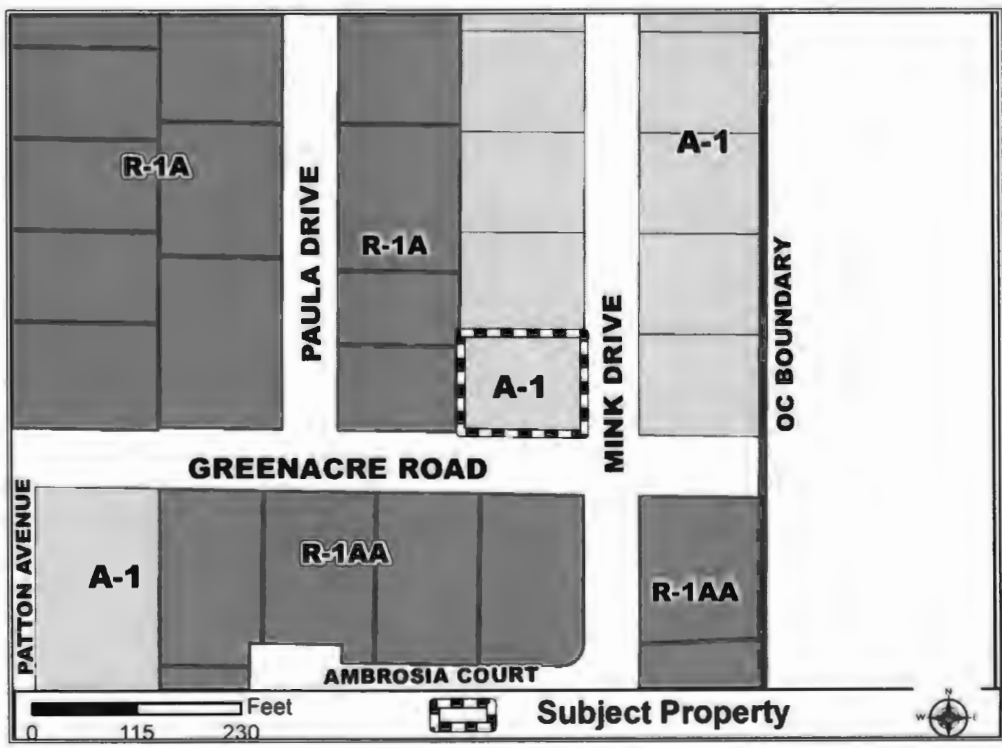
1 inch = 125 feet

FUTURE LAND USE – CURRENT

Future Land Use Designation:

LDR (Low Density Residential)

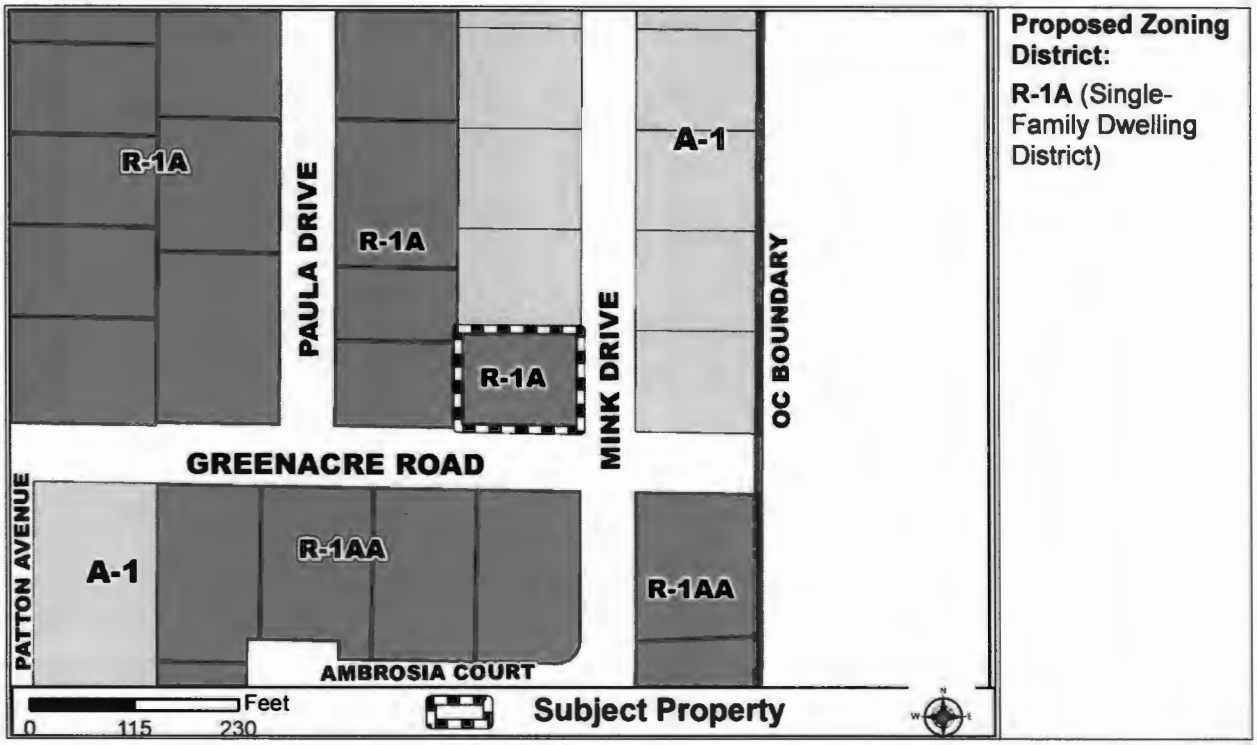
ZONING - CURRENT



Current Zoning District:

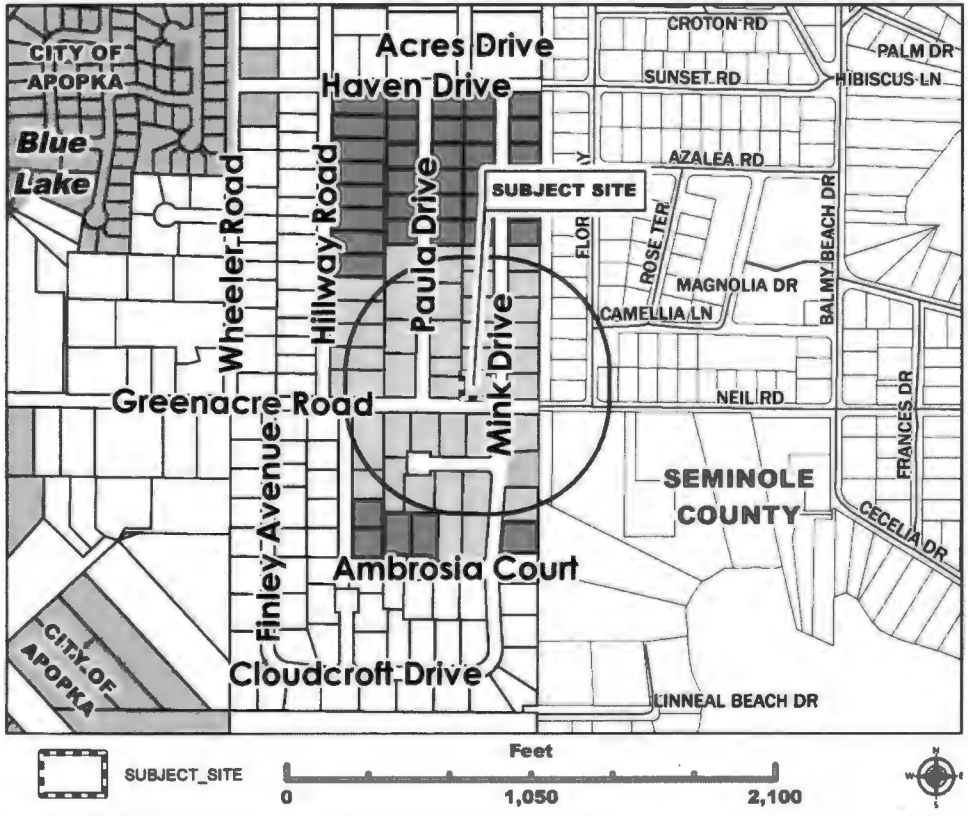
A-1 (Citrus Rural District)

ZONING - PROPOSED



Public Notification Map

RZ-21-08-050

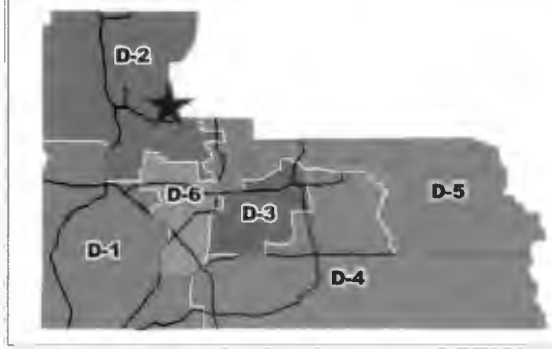


MAP LEGEND

- SUBJECT_SITE
- 500_FT_BUFFER
- PARCELS
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 500

OF NOTICES: 88



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Notification Map

Case # RZ-21-08-050
Orange County Planning Division
PZC Hearing Date: August 19, 2021

CASE # RZ-21-08-051

Commission District: #3

GENERAL INFORMATION

APPLICANT	Matt Peterson
OWNER	Matt Peterson
HEARING TYPE	Planning and Zoning Commission
REQUEST	**R-1** (Single-Family Dwelling District) **to** **R-2** (Residential District)
LOCATION	1724 Jessamine Avenue; generally located west of Jessamine Avenue, east of S. Bumby Avenue, south of Carlton Drive and north of E. Kaley Avenue.
PARCEL ID NUMBER	06-23-30-3332-03-350
TRACT SIZE	0.31-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]. Ninety-seven (97) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Additional detached unit

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject parcel from R-1 (Single-Family Dwelling District) to R-2 (Residential District), with the intent to construct an additional detached unit. The existing single-family detached dwelling is proposed to remain.

The subject parcel was originally platted as four 25' x 135' lots within the Handsonhurst Park Subdivision in 1925. Today, the neighborhood can be characterized as having a mixture of single-family detached residential dwelling units on 50' wide lots or larger, as well as townhomes, duplexes, apartments, and Accessory Dwelling Units.

Land Use Compatibility

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

Site Analysis

	Yes	No	Information
Rural Settlement	☐	☒	
Joint Planning Area (JPA)	☐	☒	
Overlay District Ordinance	☐	☒	
Airport Noise Zone	☐	☒	
Code Enforcement	☐	☒	

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-2 (Residential District) zoning is consistent with the LMDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

SITE DATA

Existing Use	Single-Family Residence	
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-1 (Single-Family Dwelling District) *(2013)*
	**No zoning restrictions apply to the above.*	
Adjacent Land Uses	N:	Single-Family Residence
	E:	Single-Family Residence
	W:	Single-Family Residence
	S:	Single-Family Residence

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

Two Dwelling Units	8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Area:	
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.*

Permitted Uses

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

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

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	☒	☐	*See Below
Transportation / Access	☒	☐	This project is located within the Orange County Alternative Mobility Area (AMA). This project is considered deminimus development.
Schools	☐	☒	
Parks and Recreation	☐	☒	

*Environmental Comments: Erosion Control - Use caution to prevent erosion during construction along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

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.

Waste Material Disposal - Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orlando Utilities Commission	Waterlines are available to connect into.
Wastewater:	City of Orlando	There are no wastewater lines available to connect into. This property would be reliant on septic tanks.
Reclaim Water:	City of Orlando	

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (August 19, 2021)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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

Staff indicated that ninty-seven (97) notices were sent to property owners extending beyond 500 feet of the surrounding properties, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

After a brief discussion on compatability and wasterwater availability, a motion was made by Commissioner Pena, and seconded by Commissioner Wade to recommend APPROVAL of the requested R-2 (Residential District) zoning. Commitioner Spears voted in opposition.

Motion / Second	*Nelson Pena/ JaJa Wade*
Voting in Favor	*Nelson Pena, JaJa Wade, Evelyn Cardenas, Sean McQuade, Mohammed Abdallah, and Trevor Sorbo*
Voting in Opposition	*Gordon Spears*
Absent	*Eddie Fernandez*

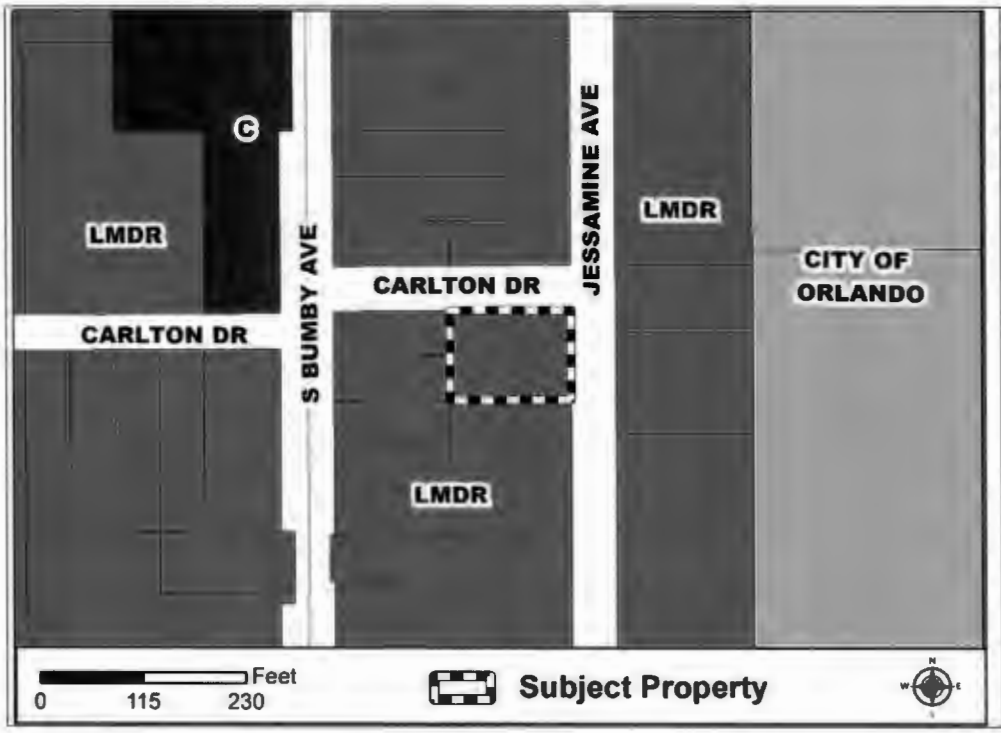
RZ-21-08-051

Subject Property

N
W E
S

1 inch = 104 feet

FUTURE LAND USE – CURRENT

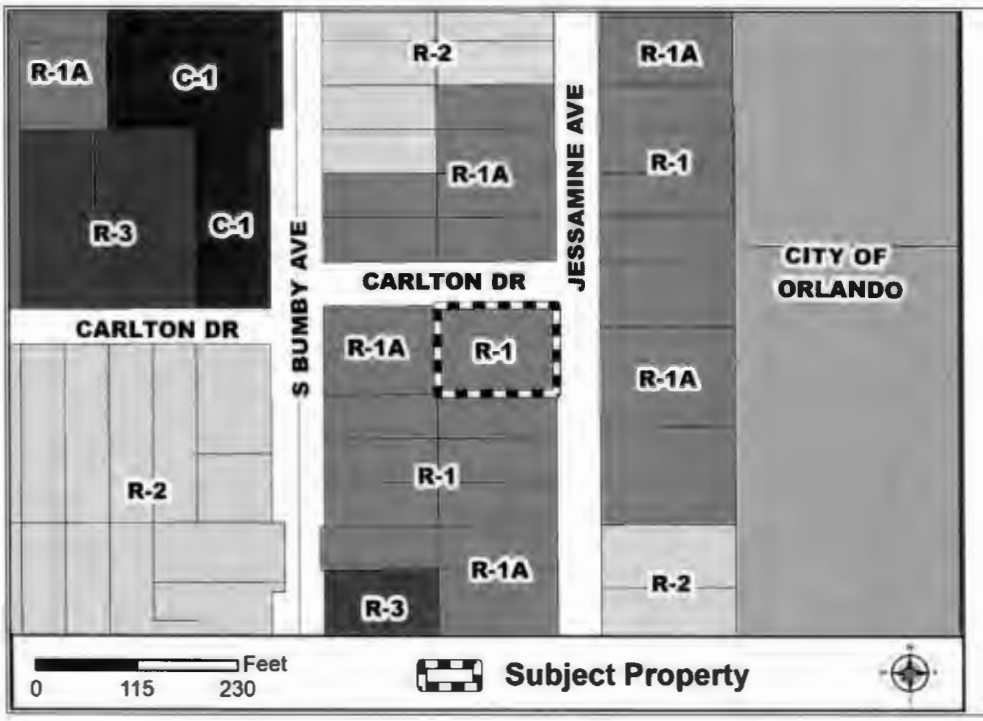


Future Land Use Designation:

LMDR

(Low Medium Density Residential)

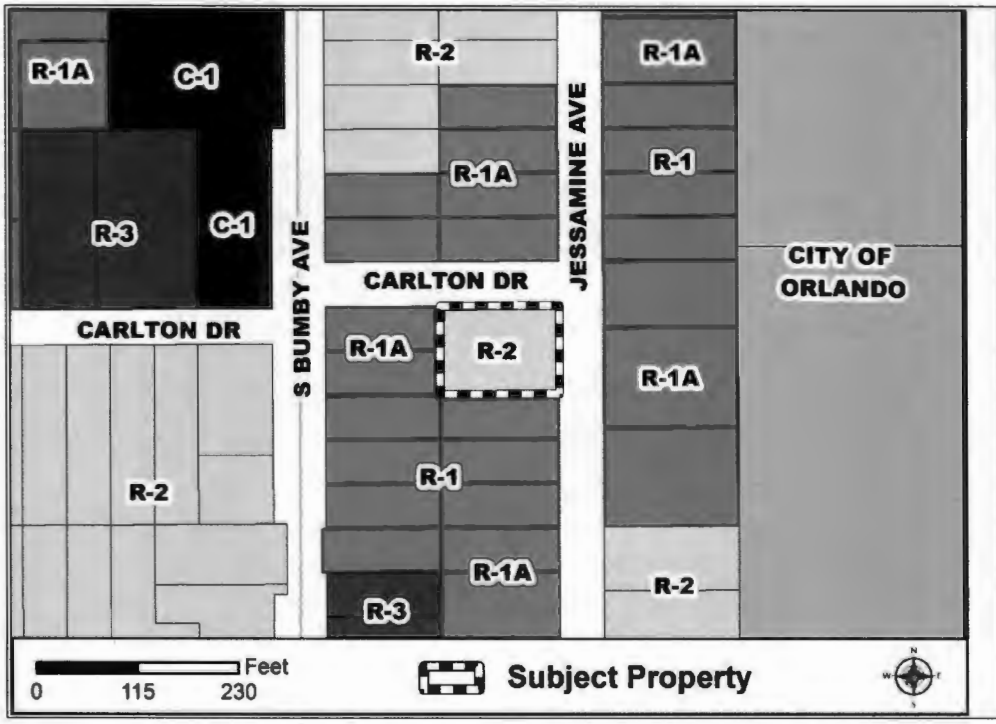
ZONING - CURRENT



Current Zoning District:

R-1 (Single-Family Dwelling District)

ZONING - PROPOSED

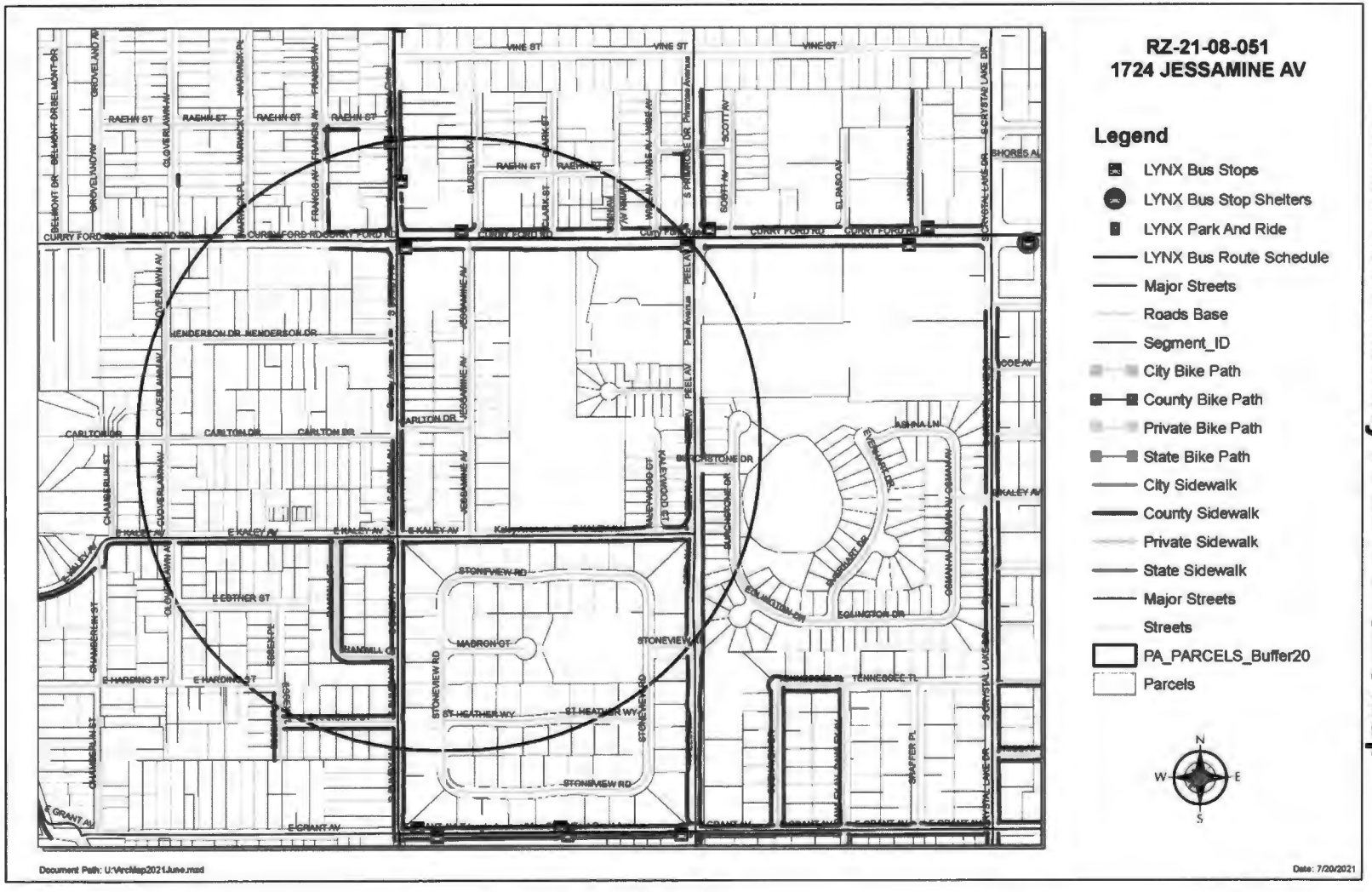


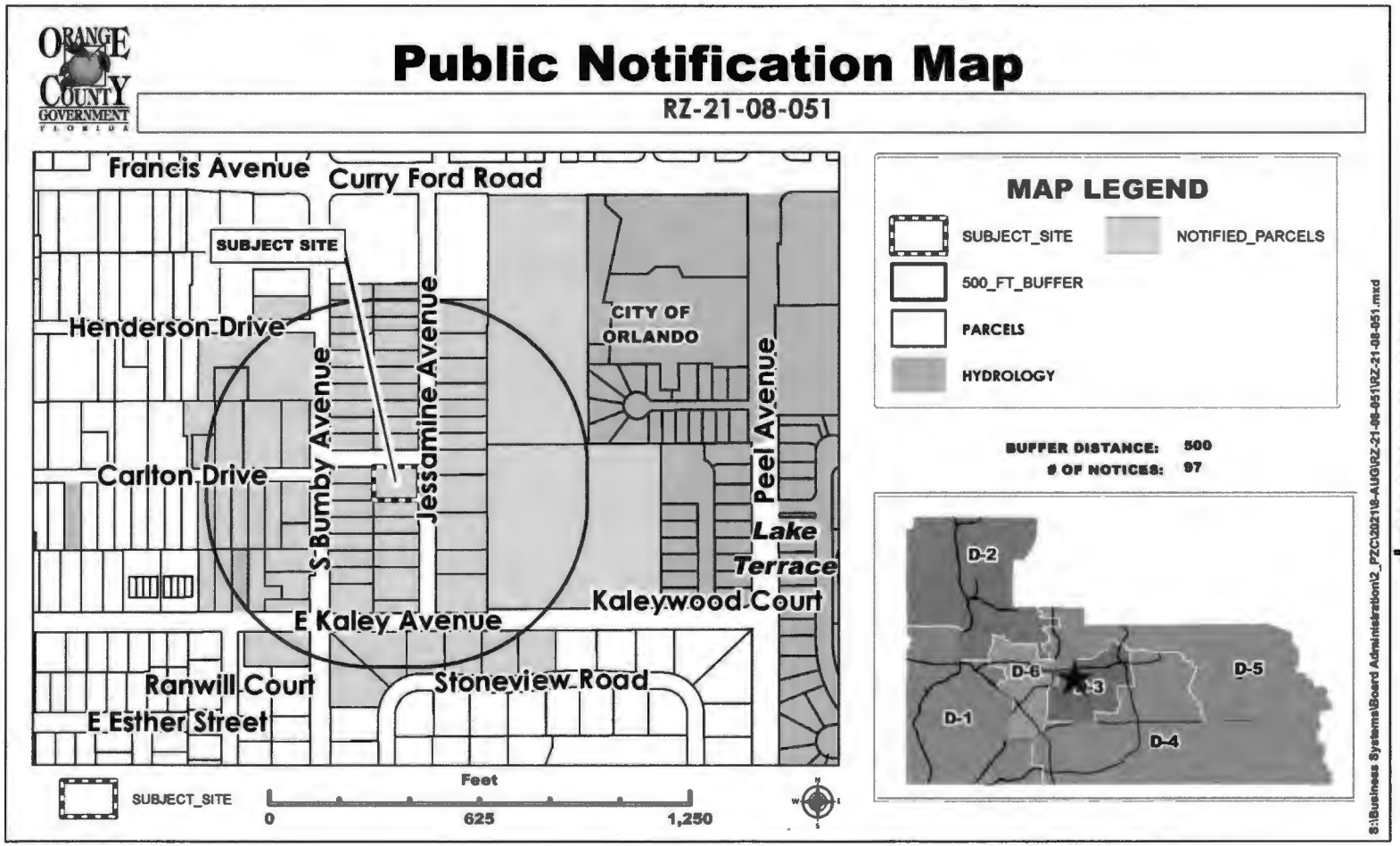
Proposed Zoning District:

R-2 (Residential District)

Case # LUP-21-01-010
Orange County Planning Division
PZC Hearing Date: August 19, 2021

Alternative Mobility Area Context Map



Case # LUP-21-01-010
Orange County Planning Division
PZC Hearing Date: August 19, 2021

Notification Map