

BCC Mtg. Date: September 13, 2016

EFFECTIVE DATE: September 23, 2016

ORDINANCE NO. 2016-19

**AN ORDINANCE AFFECTING THE USE OF LAND IN
ORANGE COUNTY, FLORIDA, BY AMENDING
CHAPTER 38 (“ZONING”) OF THE ORANGE COUNTY
CODE; AND PROVIDING AN EFFECTIVE DATE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY, FLORIDA:

Section 1. Amendments; In General. Chapter 38 of the Orange County Code is amended as set forth in Section 2 through Section 48. New language shall be indicated by underlines, and deleted language shall be shown by strike-throughs.

Section 2. Amendments to Section 38-1 (“Definitions”). Section 38-1 is amended to read as follows:

Sec. 38-1. Definitions.

* * *

Assisted living facility shall mean any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, excluding a “nursing home” as defined in this section, or other residential facility, whether operated for profit or not, which is licensed by the State of Florida and undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

* * *

~~*Aviculture (commercial)* shall mean the raising, breeding and/or selling of exotic birds, excluding poultry, for commercial purposes. Any one (1) or more of the following shall be used to determine whether a commercial operation exists:~~

- ~~(1) The operation exists with the intent and for the purpose of financial gain.~~

- ~~(2) Statements of income or deductions relating to the operation are included with routine income tax reporting to the Internal Revenue Service;~~
- ~~(3) A state sales tax identification number is used to obtain feed, supplies or birds;~~
- ~~(4) An occupational license has been obtained for the operation;~~
- ~~(5) Sales are conducted at the subject location;~~
- ~~(6) The operation involves birds or supplies which were purchased or traded for the purposes of resale;~~
- ~~(7) The operation involves a flea market or commercial auction, excluding auctions conducted by not for profit private clubs;~~
- ~~(8) The operation or activities related thereto are advertised, including, but not limited to, newspaper advertisements or signs, or~~
- ~~(9) The operation has directly or indirectly created traffic.~~

* * *

Boardinghouse, lodging house or rooming house shall mean a dwelling used for the purpose of providing meals or lodging or both to five (5) or more persons other than members of the family occupying such dwelling, or any unit designed, constructed and marketed where the individual bedrooms are leased separately and have shared common facilities. This definition shall not include a nursing home or community residential home. (For four (4) or less persons, see "family" definition in this section.)

* * *

Community residential home shall mean a dwelling unit licensed to serve clients of the sState of Florida pursuant to Chapter 419, Florida Statutes, department of health and rehabilitative services, which provides a living environment to for 7 to 14 unrelated "residents" who operate as the functional

equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional, and social needs of the “residents.” The term “resident” as used in relation to community residential homes shall have the same meaning as stated in section 419.001(1)(de), F. S., as may be amended or replaced.

* * *

~~Day care home, family (also known as “family day care home”) shall mean a residence in which child care is regularly provided for no more than ten (10) children. This shall include a maximum number of five (5) preschool children plus the elementary school siblings of the preschool children including the caregiver’s own.~~

* * *

~~Dormitory shall mean a room, apartment or building containing sleeping accommodations in closely associated rooms for persons not members of the same family that which is operated for the use of students enrolled in an educational institution, as in a college dormitory.~~

* * *

~~Dwelling, four-family (quadraplex), shall mean a building with four (4) dwelling units which has four (4) kitchens and is designed for or occupied exclusively by four (4) families. Each unit of a quadraplex must be connected by a common wall.~~

~~Dwelling, multiple, shall mean a building located on a single lot or parcel designed for or occupied exclusively by three (3) or more families.~~

~~Dwelling, single-family, shall mean a detached dwelling containing one (1) kitchen and complete housekeeping facilities for one (1) family only, designed for or occupied exclusively by one (1) family for usual domestic purposes, and having no enclosed space or cooking or sanitary facilities in common with any other dwelling. All rooms shall connect to a common area within the dwelling and there shall be one main front door entry.~~

* * *

Dwelling, three-family (triplex), shall mean a building with three (3) dwelling units which has three (3) kitchens and is designed for or occupied exclusively by three (3) families. Each unit of a triplex must be connected by a common wall.

Dwelling, two-family (duplex), shall mean a building with two (2) dwelling units which has two (2) kitchens and is designed for or occupied exclusively by two (2) families. Each unit of a duplex must be connected by a common wall.

* * *

Family shall mean an individual; or two (2) or more persons related by blood, marriage or adoption, exclusive of household servants, occupying a dwelling and living as a single ~~nonprofit~~ housekeeping unit; or four (4) or fewer persons, not related by blood, marriage or adoption, exclusive of household servants, occupying a dwelling and living as a single ~~nonprofit~~ housekeeping unit, in either case as distinguished from persons occupying a boardinghouse, lodging house, rooming house, nursing home, community residential home, or hotel, as herein defined.

* * *

Family day care home shall mean as defined in F.S. § 402.302~~(5)~~, as it may be amended from time to time.

* * *

Fence shall mean a structure that functions as a boundary or barrier for the purpose of safety, to prevent entrance, to confine, or to mark a boundary.

* * *

Home occupation shall mean any use conducted entirely within a dwelling or accessory building and carried on by a resident ~~an occupant~~ or residents thereof, ~~which that~~ is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, subject to Section 38-79(101). ~~provided that all of the following conditions are met:~~

~~Only such commodities as are made on the premises may be sold on the premises. However, all such sales of home~~

~~occupation work or products shall be conducted within a building and there shall be no outdoor display of merchandise or products, nor shall there be any display visible from the outside of the building. No person shall be engaged in any such home occupation other than two (2) members of the immediate family residing on the premises. No mechanical equipment shall be used or stored on the premises in connection with the home occupation, except such that is normally used for purely domestic or household purposes. Not over twenty five (25) percent of the floor area of any one (1) story shall be used for home occupation purposes. Fabrication of articles such as commonly classified under the terms "arts and handiercrafts" may be deemed a home occupation, subject to the other terms and conditions of this definition. Also, a "cottage food operation" as defined and regulated by Chapter 500, Florida Statutes, shall be deemed a home occupation. Home occupation shall not be construed to include uses such as barber shops, beauty parlors, plant nurseries, tearooms, food processing (with the exception of a cottage food occupation), restaurants, sale of antiques, commercial kennels, real estate offices, insurance offices, or pain management clinics.~~

* * *

Living area shall mean the total air conditioned or heated floor area of all dwelling units measured to the interior surfaces of exterior walls, but excluding exterior halls and stairways.

* * *

Mobile home shall mean a structure transportable in one (1) or more sections, which structure is eight (8) feet or more in width and over thirty-five (35) feet in length, and which structure is built on an integral chassis and designed to be used as a dwelling when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A mobile home shall be constructed to United States Department of Housing and Urban Development standards.

* * *

Poultry shall mean domestic fowl, including chickens, roosters, turkeys, ducks, geese, pigeons, etc. but excluding wild or non-domestic birds regulated by the Fish and Wildlife Conservation Commission.

* * *

Recreational vehicle shall mean as defined at Section 38-1527.

* * *

Recreational vehicle park shall mean as defined at Section 38-1527.

* * *

Structure shall mean and include all permanent or temporary, fixed or movable construction, ~~comprising~~ including buildings, stands, poles, signs and billboards, erected independently or affixed to exterior walls or roofs; provided, however, that utility owned poles and lines ~~and poles~~ shall not be considered a structure ~~s for the purposes of this chapter.~~

Student housing shall mean any multi-family development or portion thereof where the dwelling units are designed and constructed as three (3) or more bedrooms with three (3) or more bathrooms which is marketed and/or rented to students attending a local college, university, ~~or~~ community college, or private school, or any multi-family development or portion thereof comprised of dwelling units consisting of three (3) or more bedrooms and less than three (3) bathrooms where the bedrooms are leased separately.

* * *

Temporary portable storage container shall mean a structure temporarily used for storage that is not attached to a dwelling and does not have any water or electrical fixtures.

* * *

Yard, front, shall mean a yard extending across the front of a lot between the side lot lines, and being a minimum horizontal distance between the street line and the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or uncovered porches. ~~On corner lots, the front yard shall be considered as abutting the street upon which the lot has its least dimension.~~

* * *

In all other respects, Section 38-1 shall remain unchanged.

Section 3. Amendments to Section 38-3 (“General restrictions on land use”).

Section 38-3 is amended to read as follows:

Sec. 38-3. General restrictions on land use.

(a) *Land use and/or building permits.* No building or structure shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used or designed to be used for any purpose or in any manner other than a use designated in this chapter, or amendment thereto, as permitted in the district in which such land, building, structure or premises is located, without obtaining the necessary land use and/or building permits.

(b) *Height limitation.* No structure or building shall be erected, nor shall any existing building be moved, reconditioned or structurally altered so as to exceed in height the limit established in this chapter; or amendments thereto, for the district in which such building or structure is located.

(c) *Site and building requirements.* No building or structure shall be erected, nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, in size or area, except in conformity with the site and building requirements, established by this chapter, or amendments thereto, for the district in which such building or structure is located.

(d) *Density limitation.* No building, structure, or premises shall be erected, occupied or used so as to provide a greater density of population than is allowed under the terms of this chapter for the district in which such building, structure or premises is located.

(e) *Open space limitation.* No yard or other open space provided about any building or structure for the purpose of complying with the regulations of this chapter, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.

(f) *Lot and occupancy requirements.* Every building or structure hereafter erected shall be located on a lot or tract as defined herein, and in no case shall there be more than one (1)

principal building or use on one (1) lot except as hereinafter provided.

(g) *Minimum lot size and setback requirements.* Any single-family dwelling, regardless of the form of ownership of land (whether designated as a unit, parcel, lot, tract or other similar term) upon which the single-family dwelling is to be located, shall not be permitted unless the net lot area of the lot upon which it is to be located can comply with the minimum lot size required by the applicable zoning district and such dwelling can comply with setback requirements of the applicable zoning district. The applicable zoning district shall be the one in which the lot and the dwelling area are located. Reference to a deed, plat book, condominium plat or other similar document shall constitute the division of land from which the county shall discern the lot dimensions for determining minimum lot size and setback requirements. Any interest such lot may have in common areas shall not be counted towards meeting the minimum lot size.

(h) *Leasing of bedrooms.* In a single-family dwelling, the leasing of bedrooms is prohibited unless the single-family dwelling is owner occupied.

(i) *Parking space requirements.* No building or structure shall be erected, nor shall any existing building or structure be moved, reconditioned or structurally altered so as to encroach upon or reduce in any manner, in size or area, the parking space requirements, established by this chapter, or amendments thereto, for the district in which such building or structure is located.

(j) *Distance requirements.* No structure or building shall be erected, nor shall any existing building be moved, reconditioned or structurally altered so as to infringe upon any applicable distance requirements. An applicant seeking a permit shall be responsible for ensuring that all applicable distance requirements are met. Approval of a land use and/or building permit does not constitute, or in any way imply, a waiver of the applicant's obligations to meet all applicable distance requirements.

(k) *Applicable law and ordinances.* Nothing in this chapter shall be construed to exempt any person from having to comply with all other applicable federal, state, or county laws or regulations.

(1) Site plan. A fully dimensionalized site plan shall be required for any proposed (i) building, structure, sign or mobile home, (ii) accessory building or structure, or (iii) fence, boat dock, or boat ramp. The site plan shall show:

(1) all property lines;

(2) all road rights-of-way;

(3) all easements;

(4) the location of any existing and proposed building, structure, mobile home, accessory building or structure, or fence, boat dock, or boat ramp, including all dimensions to property lines and existing structures;

(5) the location of the Normal High Water Elevation (NHWE) contour of all adjacent natural surface water bodies;

(6) the lot grading plan; and

(7) the location of any septic tank and drain field.

The above-mentioned items shall be depicted on the site plan so that Orange County may determine whether the proposed improvements comply with zoning and land development regulations.

(m) Site plan; special requirements.

(1) A site plan for (A) a proposed building, structure and sign, (B) a mobile home (new or relocated), (C) a moved structure, (D) an addition to an existing building or structure, or (E) an accessory building or structure, shall be prepared by an architect, engineer, or surveyor or by a general, building, or residential contractor registered or certified with the State of Florida. Such plan shall comply with the requirements set forth in (1)1. through 7. above. Additionally, should such plan not be prepared by a surveyor registered with the State of Florida, the plan shall contain a clear statement that it does not constitute a survey and the preparer shall sign and date the plan.

(2) Notwithstanding subsection (m)(1) above, a site plan for a proposed addition to an existing building, structure, or mobile home may be prepared by the property owner, with the

following conditions: (A) the plan must comply with the requirements set forth in the above (1) through (7); (B) the plan must be superimposed on a copy of a survey previously prepared by a registered surveyor that shows all existing improvements; and (C) the plan must contain a clear statement that it does not constitute a survey and the preparer shall sign and date the plan.

(3) Notwithstanding subsection (m)(1) above, a site plan for a proposed (A) fence, boat ramp, or boat dock; (B) accessory building; (C) structure no larger than one hundred twenty (100) square feet; or (D) structure required to be removed within a certain time, may be prepared by the property owner and the plan must be superimposed on a copy of a survey previously prepared by a registered surveyor that shows all existing improvements; and (C) the plan must contain a clear statement that it does not constitute a survey and the preparer shall sign and date the plan.

Section 4. Repeal of Section 38-56 (“U-R, UR-1, and UR-3 zoned lands”). Section 38-56 is repealed, and reserved for future use. (Sections 38-501, 38-502, 38-503, 38-504, and 38-505 relating to the UR-3 University Residential District shall remain in effect.)

Sec. 38-56. ~~U-R, UR1, and UR-3 zoned lands.~~ Reserved.

~~(a) —Permitted—uses,—special—exceptions,—and performance standards of the U-R and UR-1 zoning districts shall be the same as those specified in the R-2 zoning district.~~

~~(b) —Permitted—uses,—special—exceptions,—and performance standards of the UR-3 zoning district shall be the same as those specified in the R-3 zoning district.~~

Section 5. Amendments to Section 38-74 (“Permitted uses, special exceptions and prohibited uses”). Section 38-74(b) is amended to read as follows:

Sec. 38-74. Permitted uses, special exceptions and prohibited uses.

* * *

(b) *Use table.*

(1) The permitted uses and special exceptions allowed in the zoning districts identified in the use table set forth in section 38-77 are respectively indicated by the letters "P" and "S" in the cells of the use table. No primary use shall be permitted in a district unless the letter "P" or the letter "S" appears for that use in the appropriate cell.

(2) When a use is a permitted use in a particular zoning district, it is permitted in that district subject to:

a. Compliance with all applicable requirements of chapter 38 and elsewhere in the Orange County Code; and

b. Compliance with all requirements specified in the conditions for permitted uses and special exceptions" set forth in section 38-79 which correlate with the number which may appear within the cell of the use table for that permitted use.

c. A use variance from section 38-77 (Use table) and section 38-79 (Conditions for permitted uses and special exceptions) shall be prohibited.

(3) When a use is permitted as a special exception in a particular zoning district, it is permitted in that zoning district subject to:

a. Obtaining the special exception;

b. Compliance with all applicable requirements of chapter 38 and elsewhere in the Orange County Code; and

c. Compliance with all requirements specified in the special exception criteria set forth in section 38-78 and the conditions for permitted uses and special exceptions set forth in section 38-79 which correlate with the number which may appear within the cell of the use table for that special exception.

(4) Land uses on properties zoned P-D (Planned Development) shall be subject to the requirements of the P-D district as outlined in Chapter 38, Article VIII of the Orange County Code.

* * *

In all other respects, Section 38-74 shall remain unchanged.

Section 6. Amendments to Section 38-75 (“Vested Uses”). Section 38-75 is amended to read as follows:

Sec. 38-75. Vested uses.

* * *

(b) (1) Any vested use may expand on a lot or parcel in a manner consistent with the applicable performance standards.

(2) Furthermore, any vested use may expand onto an adjacent lot or parcel, provided that use is consistent with the future land use map (and the remainder of the ~~C~~omprehensive ~~policy-Plan~~) for that adjacent lot or parcel, and the adjacent lot or parcel has the appropriate commercial or industrial zoning designation as of July 20, 1995.

* * *

In all other respects, Section 38-75 shall remain unchanged.

Section 7. Amendments to Section 38-77 (“Use Table”). Section 38-77, the Use Table, is amended to read as shown on **Appendix “A,”** attached hereto and incorporated herein by this reference, including revising the vertical “Cluster” column to read “RCE Cluster” throughout. Except as specifically stated here and as shown in the attached Use Table, Section 38-77 shall remain unchanged.

Section 8. Amendments to Section 38-78 (“Special exception criteria”). Section 38-78 is amended to read as follows:

Sec. 38-78. Special exception criteria.

Subject to ~~section 38-43 and section 30-43~~ of this Code, in reviewing any request for a special exception, the following criteria shall be met:

(1) The use shall be consistent with the ~~e~~Comprehensive ~~policy~~ ~~p~~lan.

(2) The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

(3) The use shall not act as a detrimental intrusion into a surrounding area.

(4) The use shall meet the performance standards of the district in which the use is permitted.

(5) The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

(6) Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

In addition to demonstrating compliance with the above criteria, any applicable conditions set forth in section 38-79 shall be met. Furthermore, the board of zoning adjustment ("BZA") shall prescribe a time limit, subject to the approval of the board of county commissioners ("BCC"), within which the action for which the special exception is required shall be begun or completed, or both. Failure to start or complete such action within the time limits shall void the special exception. An automatic ~~one~~two-year time limit to obtain a building permit shall apply if the BZA fails to prescribe a time limit. A request to extend the time limit shall be made in writing to the zoning manager. The zoning manager may extend the time limit if the applicant provides proper justification for such an extension. Examples of proper justification include, but are not limited to: the project is proceeding in good faith; there is a delay in contract negotiations not attributable to the applicant; and unexpected financial hardships which were not known and could not have been reasonably foreseen by the applicant when the special exception was granted. The zoning manager's determination on a request for an extension of time may be appealed to the BZA and then the BCC.

Special exception approvals shall be in accordance with the applicant's site plan dated "Received [date]," and all other applicable statutes, ordinances, laws, regulations, and rules. Any

proposed deviation, change or modification to the site plan or question of interpretation about the site plan is subject, at the outset, to the zoning manager's review. The zoning manager shall do one of the following after reviewing the matter: (a) give his/her prior written approval regarding any non-substantial or insignificant proposed deviation or make a determination concerning any minor question of interpretation; or (b) refer the proposed deviation or question of interpretation to the BZA for a discussion between the zoning manager and the BZA as to the BZA's original intent or position; or (c) require the applicant to apply for a special exception request and schedule and advertise a public hearing before the BZA in accordance with sections 30-42 through 30-44 of this Code.

The zoning manager shall have the authority and discretion to require an application for a special exception or a variance to be reviewed by the development review committee prior to review by the BZA to properly assess and address its impacts and to make a recommendation and recommend conditions (if any). In making such a determination, the zoning manager shall consider relevant factors, including the size of the project, land use intensity, land use density, traffic impacts, and school impacts.

Section 9. Amendments to Section 38-79 (“Conditions for permitted uses and special exceptions”). Section 38-79 is amended to read as follows:

Sec. 38-79. Conditions for permitted uses and special exceptions.

The following numbered conditions shall correlate with the numbers listed in the use table set forth in section 38-77:

(1) A modular home shall be permitted, provided it is licensed by the ~~department of community affairs~~ State of Florida. No parcel shall have more than one (1) single-family unit or modular unit unless otherwise permitted by Chapter 38.

* * *

(4) a. [~~Mobile home/recreation vehicle provisions in A-1, A-2, and A-R~~] ~~Mobile homes and recreational vehicles~~ may be permitted on individual lots in agricultural A-1, A-2, and A-R districts, subject to the following:

1. A mobile home may be used for residential purposes provided that the property contains a

minimum of two (2) acres in the A-2 and A-2 districts. Minimum lot width and setbacks shall be per article XII. Minimum lot size in the A-R district shall be two and one-half (2½) acres. Other site and building requirements shall be per article XIII. Such mobile home use shall require, before the mobile home is located on the property in question, a permit which shall be issued to the recorded property owner by the zoning ~~department~~ division.

2. Setbacks from lot lines shall be not less than is required for a site-built dwelling in the district in which it is located.

3. Building height shall be limited to thirty-five (35) feet.

(5)

* * *

b. ~~Temporary structures, including mobile homes and travel trailers, may be used as sales offices for a subdivision in a residential district~~ A single-family home or building may be used as a model home or sales center for an overall development (such as residential sales within a Planned Development) or a specified subdivision; or ~~Temporary structures, including mobile homes and travel trailers, may be used as sales offices for a subdivision in a residential district,~~ subject to the following criteria:

1. Such a sales offices shall not include sales of real estate outside the subdivision or overall development.

2. Approval shall be for a period of two (2) years or when ninety (90) percent of the subdivision or development is complete, whichever comes first. Extension of these time frames will require approval from the Zoning Division Manager.

3. Mulch parking shall be allowed.

4. The subdivision plat must be recorded before the sales trailer permit is issued or before a certificate of occupancy is issued for the model home or sales center.

5. Resale of existing residential units only, within the specified subdivision or overall development, will be permitted during the time frame specified in condition 2.

6. A model home or sales center shall be subject to the provisions outlined in Section 30-83 and Section 38-79(125).

c. Temporary structures, including mobile homes and travel trailers, may be used as construction office trailers for road improvement and/or utility development projects in any zoning district subject to the following:

1. The use of limited to the placement of construction/office trailers only.

2. No accessory or storage buildings shall be permitted.

3. Only the parking of passenger vehicles/trucks shall be permitted.

4. Any outdoor staging areas and storage of products and equipment shall require written authorization which may be issued by the zoning manager as part of the temporary structure permit, with or without conditions.

5. All temporary structures shall be removed no later than one hundred eighty (180) days from the date the permit is issued or within ten (10) days after completion of the project, whichever comes first.

6. Permits for temporary structures shall be obtained from the zoning manager. The zoning manager may require a notarized statement of no objection from abutting property owners. When such permits expire, they may be renewed by the zoning manager for a period not to exceed an additional ninety (90) days.

d. Mobile homes used as offices shall be permitted as a permanent use when accessory to a mobile home sales lot.

e. A mobile home or recreational vehicle may be used as quarters for a night watchman or on-site security on property zoned commercial, or industrial, ~~subject to obtaining~~

~~special exception approval. Special exception approval is also required for the same use in planned developments approved for commercial and/or industrial uses (unless previously approved by the P D) and in agricultural districts when used in conjunction with another use approved by a special exception or in conjunction with a nonresidential use. Night watchman quarters shall not be allowed on properties where a tenant dwelling exists.~~

f. Subject to prior approval by the zoning manager, who may impose appropriate conditions (such as a time period not to exceed eighteen (18) months), a recreational vehicle may be occupied as a temporary shelter where a single-family residence is located on-site but is uninhabitable and undergoing repairs. For purposes of this provision, the term "uninhabitable" means the on-site single-family residence cannot be occupied because it has been damaged as a result of a natural disaster or accident, such as a hurricane, storm or fire, not that it cannot be occupied for some other reason, including because it is being renovated or enlarged.

g. Mobile homes and recreational vehicles may be located, for an indefinite period of time, at a hunting camp of one hundred (100) acres or more; subject to obtaining all appropriate permits and licenses.

h. Recreational vehicles may be parked in residential and agricultural districts as provided in subsection 38-79(45).

i. Mobile homes and recreational vehicles may be permitted on individual lots in commercial or industrial districts, subject to the following: A mobile home or recreational vehicle may be temporarily parked and occupied on a specified tract of land in commercial or industrial districts, to be used for offices, storage or security purposes, during the construction of permanent building on the tract of land. The mobile home or recreational vehicle shall be removed after the certificate of occupancy is issued.

(6) Outdoor display of operative agricultural equipment is permitted, subject to the following conditions.

a. The equipment may be stored outdoors on parcels adjacent to the parcels containing the agricultural uses provided they are commonly owned or leased;

b. The owner or lessee of the equipment and the owner or lessee of the site must be one and the same; and

c. The equipment must be used in conjunction with active agricultural operations/uses on-site.

d. Landscaping/lawn service business and storage of equipment associated with such use shall be subject to SIC 0782.

(7) Chimneys, water and fire towers, church spires, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, smokestacks flagpoles, parapet walls, and similar structures and their necessary mechanical appurtenances shall be permitted, subject to Chapter 38-1506 of the Orange County Code.

* * *

(9) ~~Such a use shall not commence without a land use permit.~~ Such a use shall meet the following standards:

a. A land use permit shall be obtained;

b. A comprehensive groundwater monitoring program, as determined by the Environmental Protection Division Manager, shall be required, and such program shall entail a minimum of two (2) wells dug to the confining layer, to be tested and sampled at least every six (6) months, except that the property owner may be exempted from this groundwater monitoring requirement if the owner establishes that no potable water supply wells are located within five hundred (500) foot of the boundary of the junkyard site and the EPD Manager determines that no other environmental problems are associated with the junkyard;

c. By January 1, 1996, all junkyards that are not otherwise presently subject to screening requirements shall be required to have an eight-foot (8') high masonry wall, eight-foot (8') high maintained fence, or other screening acceptable to the Zoning Manager; and

* * *

(11) ~~Reserved. Subject to federal, state and local licensing and permitting requirements.~~

(12) A home of six or fewer residents which otherwise meets the definition of a community residential home with six (6)

~~or fewer clients shall be deemed a single-family unit and a noncommercial, residential use. Such a home shall be allowed in single-family or multifamily zoning without approval by the County, provided that such a home in a single family residential district shall not be located within a radius of one thousand (1,000) feet of another existing such home with six or fewer residents or within a radius of one thousand two hundred (1,200) feet of another existing community residential home. Distance requirements shall be documented by the applicant and submitted to the Zoning Division with the application. All distance requirements pertaining to such a home with six or fewer residents community residential homes shall be measured from the nearest point of the existing such home with six or fewer residents or existing community residential home or area of single family zoning to the nearest point of the proposed home. (Notwithstanding the foregoing provisions, any application for a community residential home which has been submitted to the Zoning Division for distance separation review on or prior to June 18, 1991, shall be deemed consistent with this section, provided such application could have met the distance separation requirements in effect upon the date of submission of such application.~~

* * *

(14) A community residential home ~~with more than six (6) clients~~ shall not be located within a radius of one thousand two hundred (1,200) feet of another existing community residential home and shall not be located within five hundred (500) feet of any single-family residential district. Distance requirements shall be documented by the applicant and submitted to the Zoning Division with the application. All distance requirements pertaining to community residential homes shall be measured from the nearest point of the existing community residential home or area of single-family zoning to the nearest point of the proposed home. (Notwithstanding the foregoing provisions, any application for a community residential home which has been submitted to the Zoning Division for distance separation review on or prior to June 18, 1991, shall be deemed consistent with this section, provided such application could have met the distance separation requirements in effect upon the date of submission of such application.)

(15) A bed and breakfast homestay, bed and breakfast inn, or country inn ~~may be permitted, subject to~~ shall be subject to the requirements outlined in section 38-1425.

(16) A permanent emergency generator for emergency use only shall be permitted as an ancillary use during an emergency period in all zoning districts, subject to the noise control ordinance and the following requirements:

a. Except as provided in subsection g., below, the generator shall be located in the rear yard or the rear one-half of the lot or parcel;

b. Maximum height—5 feet;

c. Rear setback—5 feet;

d. Side street setback—15 feet;

e. There are no spacing requirements between the principal building and the generator;

f. In residentially zoned districts, the generator shall be screened from view by a wall, fence or hedge. In non-residentially zoned districts, the generator shall meet commercial site plan requirements; and

g. A generator may be installed in the side yard of a lot, subject to the following:

1. Minimum five (5) foot setback when the generator is located in the rear yard of a residential lot;

2. Minimum ~~thirty (30)~~ ten (10) foot setback when the generator is located along the side of the principal residence on a residential lot; or

3. Side yard setback shall comply with the applicable zoning district requirements when the generator is located on a nonresidential zoned lot.

* * *

(18) A screen room shall be permitted with the following limitations: with respect to a Planned Developments, a screen room may extend up to fifty percent (50%) into the required rear yard; ~~provided that the rear yard is at least twenty (20) feet and the applicant provides a notarized statement from the abutting property owner indicating that he/she does not object to the encroachment.~~ and ~~W~~with respect to property outside of a Planned Developments, a screen room may extend up to thirteen (13) feet into the required rear yard. Notwithstanding the foregoing, where an alley is present, the screen room shall not be located closer than five (5)

feet to the edge of the alley, and shall not be located within any easement.

* * *

(20) A townhouse project or a triplex project or a quadraplex project which is designed, arranged and constructed so that each dwelling unit may be owned by a separate and different owner, shall be a permitted use, subject to the following requirements:

* * *

e. Off-street parking shall be provided at the rate of two (2) spaces per unit. Parking lots, driveways, and streets within the project shall be designed to discourage through traffic. ~~Driveways shall be located at least ten (10) feet from the buildings.~~

* * *

(26) a. An adult or child day care home shall comply with the following requirements:

1. *Hours of operation.* A day care home may operate twenty-four (24) hours per day.

2. *Fence.* A fence at least four (4) feet in height shall be placed around all outdoor recreation/play areas or outdoor use areas.

3. *Parking spaces.* At least three (3) paved parking spaces shall be provided.

4. *Recreation.* Indoor and Outdoor recreation/play areas or outdoor use areas shall be provided as required by the State of Florida.

5. *Separation.* A day care home located in a residential zoning district shall not be located within seven hundred (700) feet of another day care home or one thousand two hundred (1,200) feet of a day care center located in a residential zoning district. Distance requirements shall be documented by the applicant and submitted to the Zoning Division with the application. Distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare

from the closest property boundary of a day care home to the closest property boundary of another day care home or shelter.

6. A Type D opaque buffer shall be provided where outdoor recreation areas are adjacent to single-family zoning districts or single-family uses.

b. An adult or child day care center shall comply with the following requirements:

1. *Hours of operation.* A day care center may operate twenty-four (24) hours per day in nonresidential and R-3 zoning districts. In all other residential zoning districts, a day care center shall open no earlier than 6:00 a.m., and close no later than 7:00 p.m.

2. *Location.* A day care center shall be a permitted use in the R-3, U-V (town center), and any professional office, commercial or industrial zoned district, and shall be a special exception in all other districts except R-T, R-T-1, and-R-T 2.

3. *Parking spaces.* Permanent parking shall be provided in accordance with article XI of Chapter 38, except for centers where there is no pick-up or drop-off area available on the property. In these types of centers, one (1) off-street parking space for each five (5) children shall be required.

4. *Recreation.* Indoor and Outdoor recreation/play areas or outdoor use areas shall be provided as required by the State of Florida.

5. *Fence.* A fence at least four (4) feet in height shall be placed around all outdoor recreation/play areas or outdoor use areas.

6. *Buffer.* A ten (10) foot wide buffer shall be provided to separate this use from any adjoining residential zoned district. This buffer shall consist of intermittently placed screening at least three (3) feet in height that constitutes thirty (30) percent of the buffer length. The buffer shall consist elsewhere of berms, planted and/or existing vegetation.

7. *Ancillary use.* A day care center may be permitted as a special exception in conjunction with and as an ancillary use to institutional uses which are permitted uses or are

allowed as a special exception, such as, but not limited to, religious institutions, schools, and nonprofit institutional uses.

* * *

(31) Mechanical garage shall mean buildings and premises where the functions and services rendered relate to the maintenance, service, and repair of automobiles, buses, taxi cabs and trucks. However, a mechanical garage does not include buildings and premises where the functions and services rendered are:

a. ~~Bodywork;~~

b. ~~Painting of automobiles or other vehicles;~~

ea. Storage of vehicles for the purpose of using parts of such vehicles for sale or repair; or

bd. Any condition which may be classified as a junkyard.

(32) A special exception is required for agriculturally and residentially zoned lands located in a Rural Settlement (RS) designated on the CPP Future Land Use Element Map.

* * *

(36) Except as set forth in subsections 38-79(36)h. and i. below, the raising or keeping of poultry shall comply with the following requirements:

a. no commercial on-site slaughtering in agricultural and residential zoned districts;

b. an agriculturally zoned parcel up to five (5) acres shall be limited to not more than thirty (30) poultry; an amount of poultry in excess of this limit shall require a special exception;

c. an agriculturally zoned parcel more than five (5) acres and less than ten (10) acres shall be limited to not more than one hundred (100) poultry; an amount of poultry in excess of this limit shall require a special exception;

d. an agriculturally zoned parcel ten (10) acres or greater shall have no limit on the number of poultry;

e. the following requirements shall apply in the RCE, RCE-2 and RCE-5 zoning districts:

1. roosters shall be prohibited;

2. all poultry shall be for domestic use only;

3. not more than twelve (12) poultry; an amount of poultry in excess of this limit shall require a special exception;

f. any cage, pen, covered enclosure, barn, or other holding area shall be setback at least thirty feet (30) feet from all property lines and at least thirty (30) feet from the normal high water elevation of any lakes or natural water bodies;

g. excrement and waste shall not be piled or stored within one hundred (100) feet of any residentially zoned district;

h. A bona fide agricultural business or use that is exempt from local government zoning regulations under the Florida Statutes shall not be subject to the requirements of this subsection 38-79(36);

i. The keeping of poultry for an approved 4H or Future Farmers of America (FFA) educational program shall be exempt from the requirements of this subsection 38-79(36), provided the number of poultry does not exceed twelve (12) and the duration of the program does not exceed six (6) months.

~~Poultry raising or keeping shall be a permitted use, provided that it is limited to one hundred (100) birds or less, and the lot is located a minimum of one hundred (100) feet from all residential-zoned districts. All pens, enclosures, or waste disposal activities shall not be located any closer than fifty (50) feet from the property line or one hundred (100) feet from a residential dwelling unit and shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body. ("Poultry" shall mean domestic fowl such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants, and squabs.)~~

~~(37) Reserved. The raising or keeping of poultry for domestic purposes shall be a permitted use, provided that it is~~

~~limited to thirty (30) birds or less, and the lot is located at minimum of one hundred (100) feet from all residential-zoned districts. All pens, enclosures, or waste disposal activities shall not be located any closer than fifty (50) feet from the property line or one hundred (100) feet from a residential dwelling unit and shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body. ("Poultry" shall mean domestic fowl, such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.)~~

* * *

~~(40) Reserved. The raising or keeping of poultry shall be a permitted use, provided that: it is limited to twelve (12) birds or less, and the lot is located a minimum of one hundred (100) feet from all residential-zoned districts, except R-CE-5, R-CE-2, and R-CE-zoned districts. All pens, enclosures and waste disposal activities shall be located not closer than fifty (50) feet from the rear or side property line, shall not be located in front of the front setback line, shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body, and it shall be located a minimum of one hundred (100) feet from a residential-zoned district. ("Poultry" shall mean domestic fowl such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.)~~

(41) Except as set forth in subsections 38-79(41)i. and j. below, the raising or keeping of horses, ponies, donkeys and mules shall comply with the following requirements:

a. no on-site slaughtering, commercial or otherwise;

b. in A-1, A-2, A-R, RCE, RCE-2 and RCE-5 zoning districts not more than one animal per acre for grazing purposes only (not kept in holding areas too); more than one animal per acre for grazing only requires a special exception;

c. in A-1, A-2, A-R, RCE, RCE-2 and RCE-5 zoning districts not more than one animal per acre for grazing purposes; if animals are permanently kept in holding areas such as a barn, paddock, stall, or corral, no more than four (4) animals per conforming lot or parcel, and if more than four (4) animals are kept in holding areas, a special exception shall be required; the requirements for property where animals only graze and where animals are kept in holding areas shall be mutually exclusive;

d. any barn, paddock, stall, or corral shall be setback at least fifteen (15) feet from all property lines and at least thirty (30) feet from the normal high water elevation of any lakes or natural water bodies;

e. manure and compost shall not be piled or stored within thirty (30) feet of any property line;

f. boarding of animals for commercial purposes in agricultural and residential zoned districts requires a special exception, and is subject to the requirements in subsections 38-79(41)b. through e.;

g. boarding of animals for commercial purposes in commercial and industrial zoned districts is permitted, subject to the requirements in subsections 38-79(41)e. and f.;

h. a bona fide agricultural business or use that is exempt from local government zoning regulations under the Florida Statutes shall not be subject to the requirements of this subsection 38-79(41);

i. the keeping of animals for an approved 4H or FFA educational program shall be exempt from the requirements of this subsection 38-79(41), provided that the number of animals does not exceed six (6) and the duration of the program does not exceed six (6) months.

~~The raising or keeping of cows, horses, goats and/or ponies for domestic purposes shall be a permitted use, provided that the total number of animals shall not exceed one (1) animal per acre. The raising of more animals than permitted herein shall require special exception approval. All stables, pens, or corrals shall be no closer than thirty (30) feet from the rear or side property line, shall not be located in front of the front setback line and shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body.~~

* * *

(45) Except as provided in subsections (45)a. through f. for boats and subsections (45)g. through j. for recreational vehicles, no boat, regardless of its length, and no recreational vehicle, may be parked, stored, or otherwise kept on a lot or parcel. For purposes of this subsection (45), a “boat” shall not include a canoe sixteen (16) feet or less in length, a sailboat sixteen (16) feet

(16') or less in length with the mast down, a jon boat sixteen (16) feet or less in length, or a personal watercraft (e.g., a jet ski). Also for purposes of this subsection, the length of a boat shall be measured from the front of the bow to the back of the stern, excluding the motor or propeller.

a. The maximum number of boats permitted to be parked, stored or kept on the lot or parcel shall be calculated as follows depending on the size of the lot or parcel:

1. For a lot or parcel less than or equal to one-quarter acre, the maximum total number is two (2) boats, with a maximum number of one (1) boat in the front yard;

2. For a lot or parcel greater than one-quarter acre and less than or equal to one-half acre, the maximum total number is three (3) boats, with maximum number of one (1) boat in the front yard; and

3. For a lot or parcel greater than one-half acre, the maximum total number is four (4) boats, with a maximum number of one (1) boat in the front yard.

b. The registered owner of the boat(s) and/or boat trailer(s) shall be the owner or lessee of the principal structure at the lot or parcel.

c. No boat or boat trailer may be parked, stored, or kept wholly or partially within the public or private right-of-way, including the sidewalk.

d. No boat may be occupied or used for storage purposes.

e. A boat less than or equal to twenty-four (24) feet in length may be parked, stored, or kept inside a garage, under a carport, in the driveway, in the front yard on an approved surface, in the side yard, or in the rear half of the lot or parcel. An approved surface situated in the front half of the lot or parcel shall be placed immediately contiguous to the driveway, and not anywhere else in the front yard or side yard. Such a boat on the rear half of the lot or parcel shall be screened from view from the right of way when it is parked or stored behind the principal structure, and shall be at least ten (10) feet from the side lot lines and at least five (5) feet from the rear lot line. Setbacks may be reduced to zero (0) feet if a six-foot high fence, wall, or vegetative

buffer, exists along the lot line. (For purposes of this subsection (45), an “approved surface” shall mean a surface consisting of asphalt, gravel, pavers, or concrete.)

f. A boat greater than twenty-four (24) feet in length may be parked, stored or kept inside a garage, under a carport, or in the rear half of the lot or parcel, but not in the driveway or in the front yard. Such a boat on the rear half of the lot or parcel shall be screened from view from the right of way when it is parked or stored behind the principal structure, and shall be at least ten (10) feet from the side lot lines and at least five (5) feet from the rear lot line. Setbacks may be reduced to zero (0) if a six-foot high fence, wall, or vegetative buffer, exists along the lot line. Furthermore, the owner of such a boat shall obtain a permit from the zoning division in order to park, store or keep the boat at the lot or parcel.

g. Not more than one (1) recreational vehicle may be parked, stored or kept on the lot or parcel.

h. The owner of the recreational vehicle shall be the owner or lessee of the principal structure at the lot or parcel.

i. No recreational vehicle may be occupied while it is parked, stored or kept on the parcel.

j. A recreational vehicle may be parked, stored or kept only on an approved surface in the front half of the lot or parcel (behind the front yard setback) or on an unimproved surface in the rear half of the lot or parcel. The recreational vehicle shall not obscure the view of the principal structure from the right-of-way adjoining the front of the subject property, and shall be at least ten (10) feet from the side lot lines and at least five (5) feet from the rear lot line. Setbacks may be reduced to zero (0) feet if a six-foot high fence, wall, or vegetative buffer, exists along the lot line. Furthermore, the owner of such a recreational vehicle shall obtain a permit from the zoning division in order to park, store or keep the recreational vehicle at the lot or parcel.

* * *

(48) ~~Reserved. Commercial aviculture or any aviary shall be as defined in section 38-1 of this chapter and may be permitted as a special exception subject to the following requirements. Each application shall include a site plan and~~

~~corresponding narrative which shall contain the following information:~~

~~a. — A dimensionalized site plan (drawn to scale) indicating the location, height and intended use of all existing and proposed structures.~~

~~— b. — The location, nature and height of proposed security fences, berms, landscaping and other security and noise alleviation structures.~~

~~— c. — A description of the facility outlining the intended method of operation, including the number, types and characteristics of the birds.~~

(49) Except as set forth in subsections 38-79(49)e. and f. below, the raising or keeping of goats, sheep, lambs, and pigs shall comply with the following requirements:

a. no commercial on-site slaughtering in agricultural and residential zoned districts;

b. not more than eight (8) animals per acre; more than that amount requires a special exception;

c. any barn, paddock, stall, pen, or corral shall be setback at least fifteen (15) feet from all property lines and at least thirty (30) feet from the normal high water elevation of any lakes or natural water bodies;

d. manure and compost shall not be piled or stored within thirty (30) feet of any property line;

e. a bona fide agricultural business or use that is exempt from local government zoning regulations under the Florida Statutes shall not be subject to the requirements of this subsection 38-79(49);

f. the keeping of animals for an approved 4H or FFA educational program shall be exempt from the requirements of this subsection 38-79(49), provided the number of animals does not exceed six (6) and the duration of the program does not exceed six (6) months.

~~The raising or keeping of six (6) or less farm animals such as swine or goats for domestic purposes only shall be a permitted use.~~

(50) To the extent not inconsistent or in conflict with any applicable federal or state law, including Section 163.04, Florida Statutes, solar panels, wind turbines, and other energy devices based on renewable resources may be permitted, provided they comply with the following requirements:

a. Solar panels, wind turbines and other energy devices shall be located at least two hundred (200) feet from any residential use or district or P-D with residential land use approval;

b. Solar panels, wind turbines and other energy devices shall comply with all other applicable laws and regulations.

~~Poultry raising or keeping in excess of one hundred (100) birds, and/or keeping or raising in excess of six (6) swine may be permitted as a special exception, subject to complying with the following additional requirements:~~

~~a. All pens, birds, swine, manure and waste disposal activities shall be located at least one thousand (1,000) feet from any residential zoned lands.~~

~~b. The minimum lot size for poultry and swine operations shall be nine (9) acres.~~

~~c. All pens, birds, swine, manure and waste disposal activities shall be located at least one hundred fifty (150) feet from abutting property and shall be located at least two hundred (200) feet from a public street.~~

~~d. Dead birds and swine shall be disposed of in accordance with applicable health regulations.~~

~~e. Manure and other wastes shall be disposed of in accordance with applicable health regulations.~~

~~f. Flies and insects shall be controlled in accordance with applicable health department regulations.~~

~~g. Poultry shall mean domestic fowl such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.~~

* * *

(51) a. In an A-1, A-2, I-2/I-3, or I-4 zoned district, the location depicted on the approved commercial site plan for this type of use or operation that will have equipment or machines, including a crusher, stockpiles, or loading/unloading activity, but excluding a truck or other motor vehicle or an internal access road, shall be at least one thousand (1,000) feet from the nearest property line of any residential zoned district, residential use, or school.

b. Effective January 30, 2015, this type of use or operation shall be prohibited in the I-1/I-5 zoning district, except as follows:

1. Any application for such use that was submitted but not approved prior to September 26, 2014, may be resubmitted by not later than December 31, 2015, and permitted, provided the parcel or tract that was the subject of the pre-September 26, 2014, application is adjacent to an I-1/I-5 parcel or tract permitted for such use prior to September 26, 2014, and is no closer to the nearest residential zoned district or residential use; or

2. Any application submitted between January 30, 2015, and December 31, 2015, may be permitted, provided the parcel or tract that is the subject of such an application was under common ownership as of September 26, 2014, with the parcel or tract that was permitted for such use prior to September 26, 2014, and is adjacent to the previously permitted parcel or tract, and such non-permitted parcel or tract is no closer to the nearest residential zoned district or residential use.

If an applicant under subsection 38-79(7751)b. is unable to meet the 1,000 foot distance separation requirement described in subsection 38-79(7751)a., a site specific noise study may be required indicating that a reduced setback, including any operational and/or engineering controls, will enable the use or operation to comply with the County's noise control ordinance at the closest residential or noise sensitive area property line. Such noise study shall be signed by a licensed professional engineer with experience in sound abatement. If the application is approved, a confirmation study shall be conducted by the owner during the

initial two weeks of full operations at the site. Measurements shall be taken at the nearest residential and noise sensitive area property lines and a report shall be submitted to the County within forty-five (45) days after initiation of the sampling. If the report shows that the measurements exceed permissible limits, the use or operation shall be deemed in violation of subsection 38-79(~~7751~~).

c. The type of use or operation allowed under subsection 38-79(~~7751~~)a. shall meet the following location, design and operational criteria:

1. The use or operation shall be subject to an approved commercial site plan, and shall comply with all applicable laws, ordinances, rules, and regulations, including the air quality rules codified at Article III, Chapter 15, Orange County Code, the noise control ordinance codified at Article V, Chapter 15, Orange County Code, and the vibration requirements in Section 38-1454, Orange County Code.

2. Unconfined or uncontrolled emissions of particulate matter from any crushing activity, screening activity, conveying activity, stockpiling, loading/unloading activity, or vehicular traffic shall be controlled using water suppression systems, dust suppressants, or other engineering controls acceptable to the County.

3. Buffer requirements at any abutting residential or institutional use property line shall be Type A opaque with landscaping, consistent with the landscaping and buffering ordinance codified at Article I, Chapter 24, Orange County Code.

4. Stockpile heights shall not exceed thirty five feet (35') above the finished grade elevation in A-1 and A-2 zoned districts, and shall not exceed fifty feet (50') above the finished grade elevation in I-2/I-3 and I-4 zoned districts.

5. Building heights shall not exceed fifty (50) feet, or thirty-five (35) feet when located within one hundred (100) feet of a residential zoning district or residential designation on the future land use map, or one hundred (100) feet when located more than five hundred (500) feet of a residential zoning district or residential designation on the future land use map, whichever is applicable.

6. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday at a plant or facility in an A-1, A-2, I-2/I-3, or I-4 zoned district. No such plant or facility may operate on Sunday.

d. The type of use or operation allowed under subsection 38-79(~~7751~~)b. shall meet the criteria described in subsection 38-79(~~7751~~)c.1, 2 and 5, and the following additional criteria:

1. Any portion of the combined parcels or tracts that abuts residential or institutional use property line shall have the following buffer: an eight foot (8') high precast concrete wall with stucco finish, with *Textilis Gracilis* (slender weaver) or multiplex Silverstripe clumping bamboo planted every four feet (4') along the length of the wall, within three feet (3') of the wall face. Such planted bamboo shall be from seven (7) to ten (10) gallon pots, and the bamboo plants shall be at least ten feet (10') in height at the time of planting.

2. Stockpile heights shall not exceed thirty five feet (35') above the finished grade elevation.

3. Hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday. No such plant or facility may operate on Sunday. No such plant or facility may operate a concrete crusher on Saturday. However, the sale of aggregate materials shall be permitted on Saturday.

4. The equipment or machines, including a crusher but excluding a truck or other motor vehicle or an internal access road, shall be located on the parcel or tract that is furthest away from the nearest residential zoned district or residential use, and such equipment shall be located as far away from the nearest residential zoned district or residential use as practical or feasible.

5. No more than one concrete crusher shall be permitted at the plant or facility.

6. The concrete crusher shall incorporate sound attenuation devices as depicted in the approved commercial site plan. The sound attenuation devices shall consist of buffering walls or engineered structures/components along three

(3) sides of the crusher, including sides that face residential and institutional property lines. The fourth side may remain open for access to operate the crusher equipment and accompanying processes. The sound attenuation walls shall be at least three feet (3') higher than the top of the crusher equipment, excluding the conveyors.

e. Notwithstanding anything that may or seem to be contrary in Section 38-77 or this subsection 38-79(7751), excavation pits shall be a permitted use in the I-1/I-5, I-2/I-3, I-4, A-1, and A-2 zoned districts, subject to complying with all applicable laws, ordinances, rules, and regulations, including the excavation and fill ordinance codified at Chapter 16, Orange County Code. Any crushing activity or crushing equipment at an excavation pit shall comply with the 1,000 foot distance separation requirement described in subsection 38-79(7751)a.

* * *

(55) Temporary portable storage containers (TPSC) are permitted in a manner that is safe and compatible with adjacent surrounding uses and activities and in compliance with this subsection. A TPSC to be placed on property for less than one hundred eighty (180) days requires a zoning permit. A TPSC to be placed on property for one hundred eighty (180) days or more requires a zoning permit and a building permit. Once a TPSC is removed from property, it may not be replaced for a period of at least one hundred eighty (180) days.

a. *Duration.* A TPSC may be placed on residential property for the following periods of time, but the Zoning Manager may authorize a time extension of the applicable duration period if the property owner demonstrates that extenuating circumstances exist to justify the extension. Upon completion of the work permitted, the PTSC shall be removed within seven (7) days.

1. A TPSC placed in conjunction with moving activities may be permitted for a maximum of fourteen (14) days.

2. A TPSC placed for reconstruction and/or remodeling may be permitted for a maximum of thirty (30) days.

3. A TPSC placed for new construction may be permitted for a maximum of 180 days.

4. Once a permit for a TPSC has expired, or has utilized its maximum duration, or has been removed from the site, no additional permits for a TPSC may be issued until after a period of 180 days has transpired.

b. *Location and size.*

1. A TPSC shall be located a minimum of five (5) feet from any property line. The TPSC shall be placed on an improved area only, not on grassed or landscaped areas.

2. The maximum allowable size for a TPSC on a residential lot is an aggregate sum of one hundred sixty (160) square feet.

3. A TPSC shall not be located in a manner that impairs a motor vehicle operator's view of other vehicles, bicycles or pedestrians utilizing, entering or exiting a right-of-way; or in a manner that obstructs the flow of pedestrian or vehicular traffic.

4. A TPSC shall not be placed within a required landscape or buffer area or areas that are considered environmentally sensitive.

* * *

~~(59) Reserved. Riding stables, may be permitted as a special exception, provided that no structure, barn, pen or corral housing animals shall be located closer than fifty (50) feet from any property line, and provided that the density shall not exceed one (1) animal per acre of lot area. This restriction shall not apply to grazing areas.~~

* * *

~~(61) Public and private utilities. Structures, buildings, or uses required for public or private utilities, including but not limited to gGas substations, electric substations, telephone dial exchange buildings, and radio and television substations and towers shall be permitted in industrial districts. Such structures may be permitted in any other district only as a special exception. Security fences, minimum of six (6) feet in height, shall be required around any gas or electric substation. (Electric~~

substations, also known as distribution electric substations, are addressed under subsection 38-79(81).

* * *

(63) ~~Such use is subject to the requirements set forth in Ordinance No. 94-26.~~ With respect to animal slaughtering, and the confinement of animals for finishing and preparation for slaughter, all storage and processing activities shall be enclosed within a wall or structure constructed and maintained in a manner such that storage, slaughtering, or processing activity is not visible from any public or private street or any point on abutting property lines.

* * *

(68) An automobile service station shall be a permitted use, subject to the following standards:

a. All pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or, where a major street setback distance has been established under article XV of chapter 38, pump islands shall not encroach into the setback distance more than fifteen (15) feet.

b. The overhang of a pump island canopy not attached to the service station structure shall be set back at least five (5) feet from the right-of-way line, or, where a major street setback distance has been established, such overhang shall not encroach into the setback distance more than twenty-five (25) feet.

c. The overhang of a pump island canopy attached to the service station structure shall be deemed part of the structure and subject to building setback requirements.

d. When the service station abuts a residential district, ~~it shall be separated therefrom by a concrete block or solid masonry wall at least six (6) feet in height~~ buffers shall comply with the requirements in Section 24-5 of the Orange County Code.

e. Automobile towing may be permitted as an accessory use. However, towed vehicles shall not be stored on site.

(69) ~~A transient rental, single-family dwelling shall be a permitted use.~~ The keeping of animals for an approved 4H or FFA educational program shall be exempt from the requirements of this subsection 38-79(69), provided the number of animals does not

exceed six (6) and the duration of the program does not exceed six (6) months.

(70) Pump islands for dispensation of motor fuel shall be a permitted ancillary use in conjunction with convenience stores. All pump islands shall comply with the requirements of subsection 38-79(68).

* * *

~~(77) Valet parking service shall be a permitted use, provided that a parking lot associated therewith shall not be permitted. Reserved.~~

* * *

(81) Distribution electric substations, as that term is defined in Section 163.3208(2), Florida Statutes, shall be permitted in all zoning districts, except in those areas designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance. Security fencing, a minimum of six (6) feet in height, shall be required around the substation. In addition, applicants for such uses shall be required to implement reasonable setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility standards. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of fourteen (14) feet. Unless and until the County adopts reasonable standards for substation siting in accordance with Section 163.3208(3), the standards set forth in Section 163.3208(4), shall apply. Prior to submitting an application for the location of a new distribution electric substation in a residential area, the utility shall consult with the County regarding the selection of the site, and both the utility and the County shall comply with Section 163.3208(6). If the County adopts standards for the siting of new distribution electric substations, the County shall be subject to the timeframes set forth in Section 163.3208(8) for granting or denying a properly completed application for a permit and for notifying the permit applicant as to whether the application is, for administrative purposes only, properly completed and has been properly submitted. ~~A parking lot or parking garage which is accessory to an adjacent office, industrial or commercial use may be permitted as a special exception, provided that such parking facility does not materially interfere with nearby residential uses.~~

* * *

(83) Reserved. To the extent this subsection, or any portion thereof, may not be consistent with or may conflict with an applicable federal or state law, including Section 163.04, Florida Statutes, the applicable federal or state law shall control. Solar panels, wind turbines, and other energy devices based on renewable resources may be permitted as an accessory structure or use. Solar panels that are not free-standing or ground-mounted shall be located on the roof or top of a building or structure, provided they do not exceed the maximum building height requirement. Wind turbines may be only free-standing or ground-mounted. Free-standing and ground-mounted wind turbines and solar panels shall comply with the following additional requirements:

a. The maximum height of wind turbines shall be fifteen (15) feet, and the maximum height of solar panels shall be eight (8) feet;

b. Maximum of one wind turbine per parcel;

c. Free-standing or ground-mounted solar panels shall be shielded by an opaque fence or wall between six (6) feet and eight (8) feet in height;

d. Minimum building setback shall be five (5) feet from side and rear property lines;

e. In a residential area, the square footage of solar panels shall not exceed twenty-five percent (25%) of the living area of the principal structure, and such square footage shall not count towards the allowed square footage for other accessory structures.

f. Wind turbines and solar panels shall be located only in a side or rear yard; and

g. Wind turbines, solar panels and other energy devices shall comply with all other applicable laws and regulations.

* * *

(86) Reserved. Outdoor seating is permitted subject to the following conditions:

a. All lighting at outdoor seating areas shall be directed away from all residential uses or residential zoning districts;

a.b. Activity at outdoor seating areas shall comply with Chapter 15, Article V (Noise Pollution Control) Orange County Code; and

c. All outdoor seating shall be depicted on site plans.

(87) A single portable food vendor, including a food truck or vehicle, shall be a permitted use on a parcel or lot, subject to the standards-requirements in subsections a. through f.i., or it may be permitted as a special exception in a C-1 zoned district pursuant to subsection j.g., subject to the standards-requirements in subsections g. and a. through e.h. and j.i.:

a. No overnight stay;

a. Hours of operation shall be limited to between 7:00 a.m. and 12:00 a.m.;

b. Outdoor seating shall be prohibited;

c. Audio equipment and video equipment shall be prohibited;

d. Overnight stay shall be prohibited unless the use is located in a zoning district that permits outdoor storage, in which case the vehicle, truck and any other equipment stored overnight shall be placed in an area that is not visible from a public right-of-way.

b.e The operation shall not be located within a public right-of-way, and if it abuts a public right-of-way the operator shall first obtain a right-of-way utilization permit for construction of a driveway to provide access to the site, as required by Section 21-239 of the Orange County Code, and the operation # shall be setback a minimum of ten (10) feet from any such public right-of-way;

ef. Pursuant to Section 31.5-144(a), No signage is prohibited.

~~dg.~~ The operation shall not be located within any driveway, driving aisle or on any parking spaces required pursuant to Article XI of Chapter 38 of the Orange County Code;

~~eh.~~ The operation shall not be permitted on any property not containing a licensed and approved business or on any vacant property or vacant building;

i. The vendor shall provide the County with a notarized affidavit from the property owner approving a food vending operation.

~~fi.~~ In the C-1 zoning district, the operation shall be located under the canopy of the principal building on-site, except as may be permitted as a special exception under subsection ~~gi.~~

~~gk.~~ In the C-1 zoned district, an operation may be permitted as a special exception in an area that is not located under the canopy of the principal building on-site, provided the length and width of the mobile trailer are equal to or greater than seven (7) feet by fourteen (14) feet, such an operation satisfies the standards in subsections a. through ~~ei.~~, and such an operation is situated at least 1,000 feet from any other such operation (the distance being measured from property line to property line).

If more than one portable food vendor is proposed on a lot or parcel, it shall be deemed an open air market, and may be allowed only if approved by special exception.

* * *

(95) ~~Reserved.~~ Docks shall be permitted, subject to the following standards:

a. Dock construction shall comply with Article IX, Chapter 15, Orange County Code;

b. Any part of the dock that is landward of the normal high water elevation shall have a minimum side yard setback of five feet (5');

c. The dock shall be located on the parcel with the dock owner's residence or it may be located on an abutting parcel that is aggregated with the parcel with the dock owner's residence;

d. An uncovered boardwalk may connect the dock to a principal or accessory structure on the parcel;

e. Any accessory structure attached to an uncovered boardwalk shall meet the required setback from the normal high water elevation; and

f. A covered boardwalk shall constitute an accessory structure that is subject to all applicable laws and regulations, including height and setback requirements.

(96) Wood chipping, wood mulching and composting for commercial purposes shall require special exception approval in the A-1 or A-2 zoning districts. However, when not operated for commercial purposes, wood chipping, wood mulching and composting is permitted provided that no machinery is operated within a one hundred-foot setback from all property lines and within a two hundred-foot setback from any residentially-zoned property. Within all required setbacks, landscaping shall be provided consistent with subsection 24-31(2), as it may be amended from time to time, notwithstanding any references to paved areas. Furthermore, the site shall meet the requirements of chapter 30, article VIII (pertaining to site plans), as it may be amended from time to time, and the performance standards regarding smoke and particulate matter, odor, vibration, glare and heat, and industrial sewage and water as found in article X of this chapter, and the requirements set forth in chapter 15, article V (pertaining to noise), as it may be amended from time to time.

The following minimum yard requirements shall apply for buildings, structures, and materials stored outdoors.

- a. Front yards: Fifty (50) feet (except as required by article XV).
- b. Side yards: Fifty (50) feet.
- c. Rear yards: Fifty (50) feet.
- d. Maximum building height: Fifty (50) feet.

* * *

(97) ~~Reserved. Beekeeping shall be a permitted use, provided that beehives are located not less than one hundred (100) feet from any property line.~~

* * *

(101) Home occupation shall be a permitted use, subject to the following conditions, restrictions, and prohibitions:

a. Only the residents of the home may engage in the home occupation. No employees shall be allowed.

b. The home occupation shall be an incidental use, and shall be limited to twenty-five percent (25%) of the home, but not exceed eight hundred (800) square feet.

c. Customers shall not be allowed at the home.

d. No signage shall be allowed.

e. The use of commercial vehicles for the home occupation shall be prohibited. Also, no auxiliary trailers or other equipment shall be kept on site unless enclosed in the home or garage.

f. Equipment that is not typically found or used for domestic household use shall be prohibited. No equipment, material, or process shall be used for a home occupation that produces or emits any noise or vibration felt outside the home, lighting or glare visible outside the home, smoke, dust, or other particulate matter; excessive heat or humidity; blight or unsightliness; gas, fumes, or odor, electrical interference; or any nuisance, hazard, or other objectionable conditions detectable at the boundary of the lot, if the home occupation is conducted in the principal or accessory dwelling unit, or outside the dwelling unit. Explosives, highly flammable materials, and toxic or hazardous wastes shall be prohibited. Typical residential utility usages, including trash and recycle quantities, shall not be materially exceeded. The home occupation shall not adversely impact any neighbor's enjoyment of his or her residence.

g. Fabrication of articles or products, such as commonly classified under the term "arts and handicrafts," may be deemed a home occupation, subject to the definition of "home occupation."

h. A cottage food operation, as defined and regulated by Chapter 500, Florida Statutes, shall be deemed a home occupation.

i. Home occupation shall not be construed to include uses such as barber shops, beauty parlors, plant nurseries, tearooms, food processing (with the exception of a cottage food operation, as defined and regulated by Chapter 500, Florida Statutes), restaurants, sale of antiques, commercial kennels, real estate offices, insurance offices, pain management clinics, massage businesses, retail sales, labor pools, employment agencies, dispatch facilities, warehousing, manufacturing, wineries, micro-breweries, commercial retail sale of animals, or any other use not consistent with the home occupation definition, as determined by the Zoning Manager.

* * *

(114) Location and size requirements of accessory buildings and uses in residential and agricultural areas:

a. When an accessory building is used solely as living space (i.e., dens, bedrooms, family rooms, studies) it may be attached to a principal structure by a ~~fully enclosed~~ passageway, provided the accessory building and the passageway comply with the following standards:

* * *

h. A detached accessory building or structure shall be limited to one (1) story with a maximum overall height of fifteen (15) feet above grade. However, an accessory building or structure with a roof slope greater than 2:12 shall not exceed twenty (20) feet of overall height.

* * *

k. Decorative water fountains and flag poles less than thirty-five (35) feet in height shall be permitted in all zoning districts, provided they are located a minimum of five (5) feet from all property lines.

l. A detached structure used for unenclosed covered parking in an office, commercial, or industrial project shall be located a minimum of ten (10) feet from rear property lines and five (5) feet from side property lines. Also, setbacks shall be subject to landscape requirements.

* * *

(118) Only a convenience or grocery store (not a ~~supermarket~~shopping center) shall be a permitted use.

* * *

(120) A solid waste management facility, including a landfill, shall comply with chapter 32 of the Orange County Code. In accordance with section 32-216(a)(10) of the Orange County Code, permits shall not be issued for solid waste disposal facilities after July 7, 1992, within the I-2/I-3 industrial districts. A solid waste management facility, including a landfill, transfer station, or incinerator, may be permitted only by special exception. An applicant seeking a special exception for a solid waste management facility shall receive a recommendation for issuance of a solid waste management permit by the environmental protection officer and the development review committee ("DRC") prior to consideration of the special exception by the board of zoning adjustment ("BZA"). Furthermore, an applicant seeking a special exception for a solid waste management facility, must receive a solid waste management permit approval by the board of county commissioners ("BCC") prior to or at the same public hearing at which the special exception is considered.

However, yard trash processing activities that are associated with onsite permitted land clearing, or with onsite normal farming operations that meet the permit exemption requirements in subsection 32-214(c)(9)ii., are exempt from the requirements of this section 38-79(120). Yard trash processing facilities that store no more than twelve thousand (12,000) cubic yards of a total combined volume of yard trash and yard trash derived materials, shall be subject to all of the following alternate requirements:

a. General requirements:

i. The site shall meet the permit exemption requirements in subsection 32-214(c)(9)iii. or iv.

ii. The site shall meet the requirements of chapter 30, article VIII, the Orange County Site Development Ordinance (pertaining to site plans);

iii. Landscaping, including, screening of open storage areas of yard trash and yard trash derived materials, shall be installed in accordance with chapter 24, Orange County Code.

iv. Machinery, when used for yard trash processing related activities, shall not be operated within any required yard, open storage setbacks, or within a two hundred (200) foot setback from any residence or residentially-zoned property. In addition, processing equipment shall be set back from property boundaries a sufficient distance to prevent potential thrown/falling objects from leaving the site.

v. Meet the noise and sound requirements of chapter 15, article V, the Noise Pollution Control Ordinance of Orange County, Florida.

vi. Pile height shall not exceed twenty-five (25) feet in overall height from natural grade.

vii. Burning is prohibited.

viii. Firewood sales and storage as an ancillary use to a yard trash processing facility shall be subject to the requirements of 38-79(120) and not section 38-79(43) (conditions for permitted uses and special exceptions).

ix. Wood chipping, wood mulching, and wood composting operations that store no more than two hundred (200) cubic yards of a total combined volume of yard trash or yard trash derived materials are subject to the requirements set forth in section 38-79(96) and not the requirements set forth in section 38-79(120).

b. In A-1 and A-2 zoned districts:

i. A special exception is required for the processing and open storage of yard trash and yard trash derived materials. The processing and open storage of yard trash and yard trash derived materials is subject to a setback of one hundred fifty (150) feet of any property boundary line. ~~The applicant may request a variance, as provided in section 30-43, to reduce this setback, but in no case shall be less than one hundred (100) feet from any property boundary line;~~

iii. Commercial parking, for yard trash processing related activities, shall not be located within twenty-five (25) feet of any property boundary line; and

~~iviii.~~ The hours of operation for yard trash processing related activities shall be limited to between 7:00 a.m. and 7:00 p.m.;

~~viiv.~~ In addition to any other landscaping requirements, outer perimeter buffering shall be Type C, opaque buffer, as outlined in section 24-5, Orange County Code;

c. For yard trash processing related activities located on sites within I-1/I-5, I-2/I-3, and I-4 zoned districts, with all abutting property being located within I-1/I-5, I-2/I-3, I-4, or C-3 zoned districts, the use shall be permitted. The processing and open storage of yard trash and yard trash derived materials is allowed, but not within fifty (50) feet of any property boundary line.

d. For yard trash processing related activities located on sites within I-1/I-5, I-2/I-3, and I-4 zoned districts, with any abutting property not being located within I-1/I-5, I-2/I-3, I-4, or C-3 zoned districts, a special exception is required. The processing and open storage of yard trash and yard trash derived materials is allowed, but not within fifty (50) feet of any property boundary line of an abutting property within the I-1/I-5, I-2/I-3, I-4, or C-3 zoned districts, nor within one hundred fifty (150) feet of all other property boundary lines.

(121) A single-family dwelling unit in conjunction with a commercial use which is accessory ~~and attached~~ to a principal building shall only be occupied by the owner, operator, or employee of the business.

* * *

(123) With regard to retention/detention ponds (SIC Group #1629), this use pertains to stormwater ponds on R-2 and R-3 and agricultural-zoned property to be used in conjunction with adjacent ~~commercial~~ nonresidential developments. Retention ponds are permitted in all other zoning districts in conjunction with on-site development.

* * *

(125) Model homes may be permitted, subject to the requirements of Section 30-83, including the following: model homes may be permitted on not more than twenty percent (20%) of the lots in a single family residential development with an

approved preliminary subdivision plan, or phase thereof, but in no event may the number of model homes exceed five (5) in the subdivision, or phase thereof; model homes shall be situated on contiguous lots or clustered within a readily identified area; and, subject to the requirements of subsection 38-79(5), not more than one model home may be used as a sales offices/center. Model homes shall be permitted in accordance with Resolution No. 95 M-20 and shall only be in conjunction with an approved preliminary subdivision plan.

* * *

(132) A ~~P~~arks and recreation areas owned ~~and~~ or operated by a nonprofit organizations, may be permitted only by special exception, except for parks and recreations areas (i) approved in conjunction with a preliminary subdivision plan (Chapter 34, Orange County Code), or (ii) located inside a platted residential subdivision and notarized letters of no objection are submitted by the President of the Homeowner’s Association (if applicable) and all abutting property owners.

* * *

(140) Permitted by right or by special exception pursuant to Future Land Use Element Policies 3.2.21-1FLU8.7.5 and 3.2.21-1FLU8.7.6 and as identified in chapter 38, article XVII, public school siting regulations.

(141) Future Land Use Element Policy 3.2.21-2FLU8.7.7 ~~prohibits~~ restricts public schools in an area designated rural/agricultural on the Future Land Use Map.

* * *

(145) a. The site development standards for a UR-3 district shall be the same as those for the R-3 residential district, except for student housing developments.

b. The student housing development shall satisfy the following site development standards:

* * *

3. For purposes of density calculation to determine consistency with the Comprehensive ~~Policy Plan~~, four ~~one~~ bedrooms shall count as one ~~one-half~~ dwelling unit (4 ~~1~~ bedrooms = 1 ½ dwelling unit).

* * *

(176) A car rental agency shall be a permitted use in conjunction with hotels, motels, and time shares only, provided that parking spaces required for the principal use shall not be used by the car rental agency, the number of parking spaces used by the car rental agency shall not exceed ten percent (10%) of the required number for the principal use, and the rental vehicles shall not be parked in the front of the property or in front of the principal structure.

In all other respects, Section 38-79 shall remain unchanged.

Section 10. Amendments to Section 38-160 (“Site and building requirements [for the A-R District”). Section 38-160 is amended to read as follows:

Sec. 38-160. Site and building requirements.

(a) The following are the minimum site and building requirements for the A-R district:

(1) Minimum lot area: Two and one-half (2½) acres or one hundred and eight thousand, nine hundred (108,900) square feet.

(2) Dwelling floor area:

a. Conventional dwelling: Nine hundred fifty (950) square feet minimum living area.

b. ~~Tenant dwelling: Minimum of five hundred (500) square feet of living area.~~

c. Mobile home: See the definition of “mobile home” at Section 38-1, article VI, division 13.

Section 11. Repeal of Section 38-576 (“Definitions [for Mobile Home Districts]).

Section 38-576 is repealed, and reserved for future use:

Sec. 38-576. Definitions. Reserved.

~~—The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~———— Mobile home shall mean a structure transportation in one (1) or more sections, which structure is eight (8) body feet or more in width and over thirty five (35) feet in length, and which structure is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A mobile home shall be constructed to the United States Department of Housing and Urban Development standards.~~

~~———— Recreational vehicles, see article XIII.~~

Section 12. Amendments to Section 38-601 (“Intent and Purposes of [R-L-D Residential Low-Density] District”). Section 38-601 is amended to read as follows:

Sec. 38-601. Intent and purpose of district.

The intent and purpose of the R-L-D residential low-density district are as follows:

* * *

(3) To implement policies in the housing element of the Comprehensive policy-Plan which include provisions for innovative housing designs and a mixture of dwelling types to provide the consumer with alternative housing opportunities.

* * *

In all other respects, Section 38-601 shall remain unchanged.

Section 13. Amendments to Section 38-806 (“[P-O Professional Office District] Site Development Standards”). Section 38-806 is amended to read as follows:

Sec. 38-806. Site development standards.

Site development standards are hereby established in order to insure adequate levels of light, air, coverage and density; to maintain and enhance locally recognized values of community appearance and design particularly through the combination of smaller parcels into functional sites; to promote functional compatibility of uses; to promote the safe and efficient circulation of pedestrian and vehicular traffic; and to otherwise provide for orderly site development and protect the public health, safety, and general welfare:

* * *

~~(12) Refuse or solid waste disposal areas shall be provided and shall not be located in any required front yard or in any required side yard adjacent to a district wherein residential uses are permitted. Such storage areas shall be shielded by a landscaped screen or fencing at least six (6) feet in height which shall be at least fifty (50) percent opaque when viewed from any point along the district boundary. comply with the following:~~

a. Shall not be located within any front yard;

b. Shall not be located within any landscape buffer;

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with Sections 9-560 and 24-4(f), Orange County Code.

* * *

In all other respects, Section 38-806 shall remain unchanged.

Section 14. Amendments to Section 38-826 (“Intent and Purpose [of C-1 Retail Commercial District]”). Section 38-826 is amended to read as follows:

Sec. 38-826. Intent and purpose.

The intent and purpose of this C-1 retail commercial district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district will be encouraged:

* * *

(3) Where adequate public facilities and services are available, as defined in the Ceomprehensive policy Pplan;

* * *

(5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the Ceomprehensive-pøliey-Ppplan.

In all other respects, Section 38-826 shall remain unchanged.

Section 15. Amendments to Section 38-830 (“Performance Standards [for C-1 Retail Commercial District]”). Section 38-830 is amended to read as follows:

Sec. 38-830. Performance standards.

Performance standards are hereby established in order to assure adequate levels of light, air, building space, lot coverage, and density; to maintain and enhance locally recognized values of community appearance and design; to encourage the combination of smaller parcels into functional sites; to accommodate multiple ownership of land and improvements within the development; to provide for collective ownership of common areas; to promote functional compatibility of uses; to provide the safe and efficient circulation of pedestrian and vehicular traffic; and to otherwise provide for orderly site development standards in order to protect the public health, safety and general welfare.

* * *

(10) Maximum building height: Fifty (50) feet, except thirty-five (35) feet within one hundred (100) feet of any all residential use or districts.

* * *

(12) ~~Refuse or solid waste disposal areas shall not be located within any front yard setback and shall be located at least (5) feet from the side or rear property line. A six foot high masonry wall shall be provided around any refuse or solid waste areas located in any required yard adjacent to any residential districts.~~ comply with the following:

- a. Shall not be located within any front yard;
- b. Shall not be located within any landscape buffer;
- c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with Sections 9-560 and 24-4(f), Orange County Code.

* * *

In all other respects, Section 38-830 shall remain unchanged.

Section 16. Amendments to Section 38-855 (“Performance Standards [for C-2 General Commercial District]”). Section 38-855 is amended to read as follows:

Sec. 38-855. Performance standards.

Performance standards are hereby established in order to assure adequate levels of light, air, building space, lot coverage, and density; to maintain and enhance locally recognized values of community appearance and design; to encourage the combination of smaller parcels into functional sites; to accommodate multiple ownership of land and improvements within the development; to provide for collective ownership of common areas; to promote functional compatibility of uses; to provide the safe and efficient circulation of pedestrian and vehicular traffic; and to otherwise provide for orderly site development standards in order to protect the public health, safety and general welfare.

* * *

(9) Maximum building height: Fifty (50) feet, ~~generally; except~~ thirty-five (35) feet within one hundred (100) feet of any all residential use or districts.

* * *

(11) Refuse or solid waste areas shall ~~not be located within any front yard setback and shall be located at least five (5) feet from the side or rear property line.~~ comply with the following:

a. Shall not be located within any front yard;

b. Shall not be located within any landscape buffer;

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with Sections 9-560 and 24-4(f), Orange County Code.

* * *

In all other respects, Section 38-855 shall remain unchanged.

Section 17. Amendments to Section 38-880 (“Performance standards [for C-3 Wholesale Commercial District]”). Section 38-880 is amended to read as follows:

Sec. 38-880. Performance standards.

Performance standards are hereby established in order to assure adequate levels of light, air, building space, lot coverage, and density; to maintain and enhance locally recognized values of community appearance and design; to encourage the combination of smaller parcels into functional sites; to accommodate multiple ownership of land and improvements within the development; to provide for collective ownership of common areas; to promote functional compatibility of uses; to provide the safe and efficient circulation of pedestrian and vehicular traffic.

* * *

(9) Maximum building height: Seventy-five (75) feet, except thirty-five (35) feet within one hundred (100) feet of any all residential use or districts.

(10) Refuse and solid waste areas shall ~~not be located within any front yard setback and shall be located at least five (5) feet from the side or rear property line, ten (10) feet from adjacent residential district.~~ comply with the following:

a. Shall not be located within any front yard;

b. Shall not be located within any landscape buffer;

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with Sections 9-560 and 24-4(f), Orange County Code.

* * *

In all other respects, Section 38-880 shall remain unchanged.

Section 18. Repeal of Sections 38-904, 38-929, 38-979, and 38-1005 regarding Support Free-Standing Retail Uses in I-1A, I-1/I-5, I-2/I-3, and I-4 Zoned Districts. Sections 38-904, 38-929, 38-979, and 38-1005 are repealed, and reserved for future use:

Sec. 38-904. ~~Support free-standing retail uses.~~ Reserved.

~~—The following uses shall be permitted as free-standing structures or within structures to provide support retail services to the employees and/or customers of the I-1A district. Performances standards for these uses shall be in accordance with sections 38-1007 and 38-1008.~~

- ~~(1) Convenience stores.~~
- ~~(2) Gas stations.~~
- ~~(3) Hotels/motels.~~
- ~~(4) Restaurants, including drive thru restaurants.~~

* * *

Sec. 38-929. ~~Support free-standing retail uses.~~ Reserved.

~~The following uses shall be permitted as free-standing structures or within structures to provide support retail services to the employees and/or customers of the I-1/I-5 district. Performances standards for these uses shall be in accordance with sections 38-931 and 38-932.~~

- (1) ~~Convenience stores.~~
- (2) ~~Gas stations.~~
- (3) ~~Hotel/motels.~~
- (4) ~~Restaurants, including drive thru restaurants.~~

* * *

Sec. 38-979. ~~Support free-standing retail uses.~~ Reserved.

~~The following uses shall be permitted as free-standing structures or within structures to provide support retail services to the employees and/or customers of the I-2/I-3 district. Performance standards for these uses shall be in accordance with sections 38-1007 and 38-1008.~~

- (1) ~~Convenience stores.~~
- (2) ~~Gas stations.~~
- (3) ~~Hotels/motels.~~
- (4) ~~Restaurants, including drive thru restaurants.~~

* * *

Sec. 38-1005. ~~Support free-standing retail uses.~~ Reserved.

~~The following uses shall be permitted as free-standing structures or within structures to provide support retail services to the employees and/or customers of the I-4 district. Performance standards for these uses shall be in accordance with sections 38-1007 and 38-1008.~~

- (1) ~~Convenience stores.~~
- (2) ~~Gas stations.~~
- (3) ~~Hotels/motels.~~
- (4) ~~Restaurants, including drive thru restaurants.~~

Section 19. Amendments to Sections 38-907, 38-932, 38-981, and 38-1008 regarding Performance Standards in I-1A, I-1/I-5, I-2/I-3, and I-4 Zoned Districts. Sections 38-907, 38-932, 38-981, and 38-1008 are amended to respectively read as follows:

Sec. 38-907. Performance standards.

(a) Within each I-1A industrial district, the ~~minimum yard~~ requirements for each lot are established as follows:

(1) Floor area ratio (FAR) shall not exceed 0.500.75.

* * *

(7) Maximum building height: Fifty (50) feet, ~~except but~~ thirty-five (35) feet ~~when~~ within one hundred (100) feet of any residential use or zoning ~~district, or residential designation on the future land use map,~~ and one hundred (100) feet when five hundred (500) feet or more from a residential zoning district or residential designation on the future land use map.

* * *

Sec. 38-932. Performance standards.

(a) Within each I-1/I-5 industrial district, the ~~minimum yard~~ requirements for each lot are established as follows:

(1) Floor area ratio (FAR) shall not exceed 0.500.75.

* * *

(6) Maximum building height: Fifty (50) feet, ~~except but~~ thirty-five (35) feet ~~when~~ within one hundred (100) feet of any residential use or zoning ~~district, or residential designation on the future land use map,~~ and one hundred (100) feet when five hundred (500) feet or more from a residential zoning district or residential designation on the future land use map.

* * *

Sec. 38-981. Performance standards.

Within each I-2/I-3 industrial district, the ~~minimum yard~~ requirements for each lot are established as follows:

(1) Floor area ratio (FAR) shall not exceed ~~0.500~~.75.

* * *

(7) Maximum building height: Fifty (50) feet;
~~except but~~ except but thirty-five (35) feet ~~when within one hundred (100) feet~~
of any residential use or zoning district, ~~or residential designation~~
~~on the future land use map, and one hundred (100) feet when five~~
~~hundred (500) feet or more from a residential zoning district or~~
~~residential designation on the future land use map.~~

* * *

Sec. 38-1008. Performance standards.

(a) Within each I-4 industrial district, the ~~minimum~~ yard requirements for each lot/parcel are established as follows:

(1) Floor area ratio (FAR) shall not exceed ~~0.500~~.75.

* * *

(6) Maximum building height: Fifty (50) feet;
~~except but~~ except but thirty-five (35) feet ~~when within one hundred (100) feet~~
of any residential use or zoning district, ~~or residential designation~~
~~on the future land use map, and one hundred (100) feet when five~~
~~hundred (500) feet or more from a residential zoning district or~~
~~residential designation on the future land use map.~~

* * *

Section 20. Amendments to Section 38-1026 (“In General [West State Road 50 Corridor Overlay District]”). Section 38-1026 is amended to read as follows:

Sec. 38-1026. In general.

(a) *Intent and purpose.* This division provides specific design standards for the West State Road 50 Corridor Overlay

District with the purpose of promoting and facilitating intergovernmental coordination along west State Road 50.

* * *

(6) The overlay district created by this division is consistent with the economic element of the ~~county~~ Comprehensive ~~policy~~ Plan, which is designed to accommodate and promote economic growth, and which specifically calls for the use of such special zoning districts.

* * *

In all other respects, Section 38-1026 shall remain unchanged.

Section 21. Amendments to Section 38-1051 (“Intent and Purpose [of South Orange Avenue Corridor Overlay District]”). Section 38-1051 is amended to read as follows:

Sec. 38-1051. Intent and purpose.

This division creates a zoning overlay district to be known as the “South Orange Avenue Corridor Overlay District” for the purpose of promoting and facilitating an enhanced corridor along designated segments of South Orange Avenue and Hanzel Avenue with certain zoning prohibitions and restrictions to ensure compatibility of land uses within and outside the district, especially as between areas within and outside of municipal boundaries.

* * *

(4) The overlay district created by this division is consistent with the Orange County Comprehensive ~~P~~olicy-Plan, including but not limited to its economic element, which is designated to accommodate and promote economic growth, and which specifically calls for the use of such special zoning districts, and its intergovernmental coordination element, which require or encourage the coordination of land uses between the county and municipalities.

* * *

In all other respects, Section 38-1051 shall remain unchanged.

Section 22. Amendments to Sections 38-1059, 38-1060 and 38-1061 regarding the Conway Road/Hoffner Avenue Corridor Overlay District. Sections 38-1059, 38-1060 and 38-1061 are amended to respectively read as follows:

Sec. 38-1059. Intent and purpose.

This division creates a zoning overlay district to be known as the “Conway Road/Hoffner Avenue Corridor Overlay District” for the purpose of promoting and facilitating an enhanced corridor along designated segments with certain zoning prohibitions and restrictions to ensure compatibility of land uses within and outside the district, especially as between areas within and outside of municipal boundaries.

* * *

(4) The overlay district created by this division is consistent with the Orange County Comprehensive ~~Policy~~ Plan, including but not limited to its economic element, which is designed to accommodate and promote economic growth, and which specifically calls for the use of such special zoning districts, and its intergovernmental coordination element, which require or encourage the coordination of land uses between the county and municipalities.

* * *

Sec. 38-1060. Location and area.

A special land-use overlay district is hereby established, to be known as the Conway Road/Hoffner Avenue Corridor Overlay District (the “district”). The district shall be comprised of all unincorporated parcels or lots lying in whole or in part within five hundred (500) feet of either edge of the right-of-way for Conway Road, all between the northern boundary of the intersection of Conway Road and Curry Ford Road on the north and the northern boundary of the intersection of Conway Road and S.R. 528 (the Beeline Expressway) on the south; and all unincorporated parcels or lots lying in whole or in part within five hundred (500) feet of either edge of the right-of-way of Hoffner Avenue, all between the eastern boundary of the intersection of Hoffner Avenue and Conway Road on the west and the western boundary of the intersection of Hoffner Avenue and Semoran Boulevard on the east. A map depicting the boundaries of the district is attached as

Exhibit “A” to Ordinance No. ~~2015-19~~ 2016-19, and shall be available for inspection in the office of the clerk to the board of county commissioners.

Sec. 38-1061. Applicability; conflicts; responsibility of applicant.

* * *

(d) *Responsibility of applicant for development permit.*
Everyone who applies for a development permit to construct, reconstruct, renovate, alter, or enlarge a land use, building or structure shall print on the front page of the application or plans the following in capital letters that are at least two inches high: “THIS APPLICATION [OR THESE PLANS] RELATE TO THE CONWAY ROAD/HOFFNER AVENUE CORRIDOR OVERLAY DISTRICT, WHICH IS CODIFIED AT SECTION 38-1059 THROUGH SECTION 38-1065 OF THE ORANGE COUNTY CODE. ~~WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2003-20, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON DECEMBER 9, 2003, AS AMENDED BY ORDINANCE NO. 2015-19, ADOPTED BY THE BOARD ON OCTOBER 20, 2015.~~”

Section 23. Amendments to Section 38-1080 (“Intent and Purpose [of State Road 436/State Road 50 Corridor Overlay District]”). Section 38-1080 is amended to read as follows:

Sec. 38-1080. Intent and purpose.

This division creates a zoning overlay district to be known as the “State Road 436/State Road 50 Corridor Overlay District” for the purpose of promoting and facilitating an enhanced corridor along designated segments with certain zoning prohibitions and restrictions to ensure compatibility of land uses within and outside the district, especially as between areas within and outside of municipal boundaries.

* * *

(d) The overlay district created by this division is consistent with the Orange County Comprehensive ~~Policy~~ Plan, including, but not limited to its economic element, which is designed to accommodate and promote economic growth, and which specifically calls for the use of such special zoning districts,

and its intergovernmental coordination element, which require or encourage the coordination of land uses between the county and municipalities.

* * *

In all other respects, Section 38-1080 shall remain unchanged.

Section 24. Amendments to Section 38-1085 (“Intent, purpose, area, standards, and consistency [of Transit Oriented Development (TOD) Overlay Zone]”). Section 38-1085 is amended to read as follows:

Sec. 38-1085. Intent, purpose, area, standards, and consistency.

(1) *Intent and purpose.* The transit oriented development (TOD) overlay zone is hereby established with the purpose of establishing an area located within one-half (½) mile of commuter rail stations in unincorporated Orange County within which mixed-use, pedestrian-friendly development is encouraged. The intent of the TOD overlay zone is to reduce reliance on the automobile and to promote lively, pedestrian-friendly development that will serve as an attractive place to live, work, shop and recreate. These TOD overlay zone regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate county department or division.

* * *

In all other respects, Section 38-1085 shall remain unchanged.

Section 25. Amendments to Sections 38-1091, 38-1093 and 38-1097 regarding the Lake Avalon Rural Settlement Commercial Design Overlay District. Sections 38-1091, 38-1093 and 38-1097 are amended to respectively read as follows:

Sec. 38-1091. Purpose and intent.

This division provides specific development standards for the LARS Overlay District. These development standards are consistent with the Orange County Comprehensive Policy Plan. As directed by Future Land Use Element Policy ~~2.4.7~~FLU6.3.7, these

development standards are meant to supplement the criteria established in Policy ~~2-1-7~~FLU6.2.4 which ensure that new development within the Lake Avalon Rural Settlement ("LARS") reinforces that community's rural character. These LARS Overlay District regulations shall be administered by the county zoning division except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

* * *

Sec. 38-1093. Acceptable commercial uses.

The intent of the Lake Avalon Rural Settlement Commercial Design Overlay District is to preserve the unique rural quality of life the residents presently enjoy. Therefore, only small offices and commercial development consistent with policies contained within the future land use element of the Orange County Comprehensive ~~Policy~~ Plan relating to commercial development within a rural settlement, shall be permitted, except as may be prohibited by section 38-1094.

* * *

Sec. 38-1097. Development within the LARS district; allowable intensities; planned development (PD) required.

(a) *Development intensity.* Allowable intensities within the LARS Overlay District shall be consistent with the Future Land Use Element Policy ~~2-4-5~~FLU6.3.5. Any new commercial/office development shall have a maximum 0.15 ~~0.14~~ floor area ratio (FAR) per parcel, consistent with FLU6.2.9.

* * *

Section 26. Amendments to Section 38-1227 (“Variances [P-D Planned Development District]”). Section 38-1227 is amended to read as follows:

Sec. 38-1227. ~~Variances.~~ Waivers.

(a) ~~Variances~~ For good cause shown, waivers from the minimum standards set forth in this section may be granted by the board of county commissioners. However, such ~~variances~~ waivers must be specified in conjunction with the land use plan, otherwise all

standards shall apply. ~~Variance-Waiver~~ requests shall be identified in the public hearing notice.

- (b) ~~Variances-Waivers~~ requested after approval of the land use plan must be approved by the board of county commissioners at a public hearing, after notification of abutting property owners.

Section 27. Amendments to Section 38-1236 (“Communication towers in planned developments”). Section 38-1236 is amended to read as follows:

Sec. 38-1236. Communication towers in planned developments.

* * *

(d) A communications tower located within a planned development shall be processed pursuant to the PD approval process and as described in subsections (a), (b) and (c) above. If any standard of subsection 38-1427(d)(2)d or (d)(3) cannot be met, the applicant must request a waiver. The DRC shall review the waiver request and make a recommendation to the Board of County Commissioners.

Section 28. Amendments to Sections 38-1340 and 38-1344 regarding Community Village Centers, in General. Sections 38-1340 and 38-1344 are amended to respectively read as follows:

Sec. 38-1340. Intent and purpose.

The intent and purpose of this division are as follows:

(1) To implement the community village center policies of the future land use element of the county ~~e~~Comprehensive ~~policy p~~Plan by authorizing the board of county commissioners to designate an area or areas from time to time as "community village centers" and to apply thereto the procedures, guidelines and standards set forth in this division.

(2) To provide for an integrated, unified pattern of development that takes into account the unique qualities and characteristics of the designated area.

(3) To ensure that development occurs in the

designated area according to the use, design, density, coverage and phasing as stipulated on an approved development plan.

(4) To preserve natural amenities and environmental assets in the designated area.

(5) To encourage an increase in the amount and use of open space areas in the designated area by permitting a more economical and concentrated use of building areas than would be possible through conventional zoning districts.

(6) To provide maximum opportunity in the designated area for application of innovative concepts of site planning in the creation of aesthetic living, shopping and working environments and civic facilities on properties of adequate size, shape and location.

(7) To establish development guidelines, design guidelines and site development standards for the designated area which promote the physical and functional integration of a mixture of land uses as required by the community village center policies of the Comprehensive Policy Plan.

(8) To provide that these community village center regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Sec. 38-1344. Approval procedure.

Except to the extent a developer has complied with the procedure set forth below, the procedure for obtaining approval of a CVC planned development shall be as follows:

* * *

(3) *Development plan.*

- a. After payment of an application fee to the zoning department, the applicant shall submit to the engineering division fourteen (14) copies of a development plan and support data and information, all of which is consistent with section 38-1347. The development plan may cover all or a portion of the approved land use plan. If the applicant proposes to create a subdivision, a preliminary subdivision plan shall be processed concurrently with the development plan. The engineering division shall review the development plan to determine whether all necessary and appropriate data and information has been provided.

- b. The applicant shall then submit fourteen (14) copies of the development plan to the engineering department. The development shall then be scheduled for review by the DRC.
- c. The DRC shall review the development plan to determine whether:
 - 1. It is consistent with the approved land use plan;
 - 2. It is consistent with applicable laws, ordinances, rules and regulations;
 - 3. The development, and any phase thereof, can exist as a stable independent unit; and
 - 4. Existing or proposed utility services and transportation systems are adequate for the uses proposed.
 - 5. It is consistent with CVC provisions requiring a single, unified and integrated development plan.
- d. ~~After review by the DRC, the development plan shall be scheduled for a public hearing before the BCC. The BCC shall approve the development plan, approve it subject to conditions, or disapprove it.~~

Section 29. Amendments to Section 38-1370 (“Intent and purpose [of Four Corners Community Village Center guidelines and Standards]”). Section 38-1370 is amended to read as follows:

Sec. 38-1370. Intent and purpose.

The intent and purpose of these guidelines are as follows:

- (1) To implement the "Four Corners Community Village Center" special area study, ~~consistent with future land use element policy 3.1.42 of the comprehensive policy plan.~~
- (2) To supplement and complement the CVC guidelines and standards set forth in division 6, article VIII, of this chapter.
- (3) To ensure that the Four Corners CVC, which was located within the Windermere Rural Settlement with a residential density of only one (1) unit per acre prior to the adoption of the community village center objectives and policies, is developed

with nonresidential and residential uses in a responsible and careful manner.

(4) To preserve the major visual amenity in the area of the Four Corners CVC, Lake Down.

(5) To protect the environmental integrity of Lake Down, an Outstanding Florida Water.

(6) To create a pedestrian-friendly, mixed-use, village center.

(7) To ensure that each development in the village center reflects an architectural character that is harmonious with development in the Four Corners CVC area.

(8) To create a village with a pedestrian scale and sense of place.

(9) To create a pedestrian-friendly village center through the use of sidewalks, shade trees, mini-parks, and careful design of vehicular parking areas.

(10) To design streetscapes that are pedestrian in scale, safe, secure, and offer protection from climatic elements.

(11) To develop an effective, design-criteria framework to guide, develop, and control signage lighting and architectural character.

(12) To provide open space as a social gathering place for residents, visitors, and workers.

(13) To create a distinct streetscape with a defined edge along the major roads.

(14) To maintain a pedestrian scale in terms of building height.

(15) To provide that these four corners (CVC) regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Section 30. Amendments to Sections 38-1380, 38-1381, 38-1382, 38-1383, 38-1388 and 38-1389 regarding the Village Planned Development Code. Sections 38-1380, 38-1381, 38-1382, 38-1383, 38-1388 and 38-1389 are amended to respectively read as follows:

Sec. 38-1380. Intent and purpose.

The intent and purpose of this division are as follows:

(1) To implement the goals, objectives and policies of the village land use classification of the Orange County Comprehensive Plan, future land use element;

(2) To ensure development in accordance with the adopted specific area plan (SAP) for any particular village;

(3) To promote the development of neighborhoods, villages and community centers that reflect the characteristics of a traditional southern town; where streets are convenient and pedestrian-friendly, and where parks, open space and civic facilities are a focus for public activity;

(4) To provide for development that has a variety of land uses and housing types in a compact integrated community pattern which creates opportunities for pedestrian, bike and transit use;

(5) To promote development that utilizes a neighborhood focus as a building block to provide a sense of place and community;

(6) To provide a system of fully connected streets and paths which provide interesting routes and encourage pedestrian and bicycle use by being spatially defined by buildings, trees, and lighting;

(7) To provide a system of public open space in the form of accessible squares, greens and parks whose frequent use is encouraged through placement and design;

(8) To enhance the character of the neighborhoods through the use of building massing, building placement, materials and architectural features which create interesting spaces and pedestrian scaled street frontages.

(9) To provide that these Village PD Code regulations shall be administered by the zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Sec. 38-1381. Applicability.

* * *

(b) This village development code shall complement all applicable laws, ordinances, rules and regulations, including the guidelines and standards for planned developments. In case of conflict with this village development code and article II, chapter 18 (the Fire Prevention Code), the fire prevention code shall govern and control. However, to the extent this village development code may conflict with or may not be consistent with other applicable laws, ordinances, rules or regulations, including the guidelines and standards for planned developments, this village development code shall govern and control (and waivers from chapter 38, articles VII and VIII shall not be required for those provisions in conflict with the village P-D code). For the purposes of this village development code, the words "shall" or "must" are mandatory; the word "should" is directive but not necessarily mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances and circumstances of like kind or character. For purposes of SAP and Village Code consistency, the Planning Manager or his/her designee shall review architectural and/or project design content and guidelines.

* * *

Sec. 38-1382. General development guidelines and standards.

(a) *Consistency with the village specific area plan (SAP).* The adopted SAP for any particular village established the land uses for all property within the village. The SAP shall also establish the public facilities lands required by each neighborhood and the village center. Development within any specific neighborhood may be initiated only when the adequate public facilities requirements in accordance with chapter 30, article XIV, division 2, have been met. Any proposed amendments to the land uses as established by the SAP are subject to the following conditions:

(1) Any amendment to the village planned development land use plan shall be subject to approval by the board of county commissioners in accordance with this division and Future Land Use Element Policy ~~6-1-6VI~~ 4.1.7. Waivers from the general development guidelines and standards within this Division may also be considered and approved at a public hearing before the board of county commissioners at the time of

Preliminary Subdivision Plan or development Plan, and processed as a nonsubstantial change to the planned development land use plan

* * *

(5) Public school sites must be consistent with the size and locations designated on the approved village SAP. School site locations and configurations, other than those indicated on the village SAP, may be considered provided they are consistent with the provisions of Future Land Use Element Policy FLU4.1.5.16.1.4 of the ~~Orange County Comprehensive Plan; future land use element.~~

* * *

(c) *Village upland greenbelt.* In accordance with the adopted SAP for any particular village, a village upland greenbelt area has been provided consistent with requirements of the village land use classification of the Comprehensive Plan, future land use element. Transfer of development rights may be applied to property designated as the village upland greenbelt in accordance with chapter 30, article XIV, division 3, of this Code. Development within the upland greenbelt area shall be limited to a density of one (1) residential dwelling unit per ten (10) acres and may include road crossings, parks, golf courses, stormwater management areas and passive recreational uses such as bike/pedestrian and equestrian trails. In order to accomplish the purpose of the upland greenbelt, development may be clustered at an overall gross density of one (1) unit per ten (10) acres on lots no smaller than one-fourth (1/4) acre, subject to the requirements of chapter 37, article XVII, of this Code regarding individual on-site sewage disposal. Such clustering shall only be permitted on upland areas within the upland greenbelt subject to dedication of development rights for the balance of the property and rezoning to planned development. Development rights shall be dedicated to Orange County at the time of platting. Dedication of the development rights will limit the use of the property to agriculture as permitted in the county A-1 zoning district. A twenty-five-foot setback at the village perimeter is required for any PD located along the perimeter of a village except where the boundary of the PD is adjacent to a village greenbelt in which case no setback shall be required.

* * *

(h) *Streets.* Standards for the streets within any particular village shall be consistent with the intent as set forth in the transportation section of an adopted SAP. Variations to these standards may be considered, on a case-by-case basis, by the development review committee (DRC) as part of the land use plan or preliminary subdivision plan/development plan approval.

* * *

(2) All streets, alleys, and pedestrian pathways shall connect to other streets within the village and to existing or planned streets outside the village in accordance with the approved village SAP. Cul-de-sacs, T-turnarounds, or dead end streets are not permitted unless otherwise approved by the county or where their use is in connection with preserving wetlands, specimen trees, or ecologically significant vegetative communities. To encourage the development of connected and integrated communities within each neighborhood and village center, the twenty-five-foot setback on the perimeter of the PD is not required for those PDs that are internal to a neighborhood or village center. The twenty-five-foot setback is required for only that portion of the perimeter of the PD that is located on a perimeter of a ~~neighborhood or village center~~.

* * *

Sec. 38-1383. Aquifer recharge.

* * *

(1) *Water quality.* In accordance with ~~Future Land Use Element Policy FLU4.2.1 6.1.7~~ and subsection 38-1382(d) of this division, all village planned developments shall be required to hookup to central sewer service. In addition, the village classification limits high risk land uses, such as heavy industrial and those uses which store chemicals requiring technical containment, except those uses otherwise allowed in the neighborhood center or village center.

* * *

Sec. 38-1388. Neighborhood center district.

* * *

(e) *Development standards.* The following standards shall apply to all development within the neighborhood center district. General design standards shall be submitted as part of the PD land use plan for all development within the neighborhood

center. Specific design standards and architectural details shall be submitted with the preliminary subdivision plan/development plan for development within the neighborhood center. The design standards shall include site-specific requirements for all building facades including maintenance, ancillary structures, and out-parcel structures. The standards shall outline architectural requirement for pedestrian-scaled trim and detailing, exterior wall materials, building entry prominence, articulation of facades, fenestration, bays, roof styles (no flat roofs), roof materials, and massing. Architectural elements, including colonnades, pergolas, columns, awnings, gables, dormers, porches, balconies, balustrades, and wall plane projections, shall be addressed. Prominent, formalized, and shaded pedestrian connections between adjacent commercial uses shall be emphasized as well as pedestrian scaled and uninterrupted visual interest along the street face.

Modifications to these ~~guidelines—standards~~ may be permitted where alternative development practices will reinforce the planning and urban design principles established by the goals, objectives and policies of the village land use classification, the adopted SAP and this village development code. Any such modifications to these ~~guidelines—standards~~ shall be identified separately in bold on the village PD land use plan, PSP or development plan for approval by the board of county commissioners at a public hearing.

* * *

(14) *Distance separation from religious institutions and schools for alcoholic beverages in neighborhood centers.* Notwithstanding the provisions of section 38-1415(a), in order to promote a mixed use in neighborhood centers, the distance separation requirements for establishments selling alcoholic beverages for on-site consumption only, as specified in section 38-1415(s), shall be reduced to one-hundred (100) feet for restaurants with on-premises consumption only for those establishments possessing a 1COP, ~~or 2COP,~~ or 4COP SRX state liquor license, and pursuant to F.S. § 562.45, are licensed as restaurants, and derive at least fifty-one (51) percent of their gross revenues from the sale of food and nonalcoholic beverages pursuant to F.S. ch. 509. Such establishments may sell only beer, and/or wine and liquor and only for consumption in the restaurant only after the hour of 4:00 p.m. on days school is in session. The method of measurement shall be as provided in section 38-1415(~~bc~~). A proposed religious use or school ~~church proposing to locate in or around the neighborhood center~~ may voluntarily waive the distance

separation requirement for establishments selling alcoholic beverages for on-site consumption (that otherwise meet the requirements of this subsection) by executing a waiver. Such waiver must be acceptable to the county in form and substance and shall be kept on file in the Zoning Division. All other provisions under section 38-1415 shall apply. The county may place other restrictions related to signage, outdoor seating, and outdoor amplification as part of the PD approval process to ensure compatibility with schools.

(15) *Subsequent establishment of a religious institution ~~church~~ or school.* Whenever a vendor ~~or alcoholic beverage has procured a license permitting the same~~ of alcoholic beverages has procured a license permitting the sale of alcoholic beverages and, thereafter, a ~~church~~ religious institution or school ~~is shall~~ be established within one hundred (100) feet of the vendor of alcoholic beverages located within a neighborhood center, the establishment of such ~~church~~ religious institution or school shall not cause the previously licensed site to discontinue use as a vendor of alcoholic beverages.

Sec. 38-1389. Village center district.

* * *

(c) *Development standards.* The following development standards shall apply to all development within the village center district.

* * *

(2) *Permitted uses:*

* * *

a. The following criteria shall be used in determining whether to approve or deny a substantial change:

1. The change shall be consistent with the ~~e~~Comprehensive ~~policy~~ plan and/or specific area plan.

2. The change shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

3. The change shall not act as a detrimental intrusion into the surrounding area.

4. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

* * *

Section 31. Amendments to Sections 38-1390.18, 38-1390.28 and 38-1390.29 regarding the Horizon West Town Center Planned Development Code. Sections 38-1390.18, 38-1390.28 and 38-1390.29 are amended to respectively read as follows:

Sec. 38-1390.18. Preliminary Subdivision Plan Review.

Except for mass grading, Preliminary Subdivision Plan (PSP) review shall be required only for single family residential and other developments lands within the Town Center where the PD/UNP elements described in Section 38-1390.15 have been deferred. Procedural requirements and specifications for PSPs shall be as set forth in chapter 34, articles III and IV, and modified through the provisions and additional requirements identified below. The Development Review Committee (DRC) shall review all PSPs for consistency with the approved PD/UNP, Town Center PD Code and other applicable County Code requirements not otherwise contained herein.

* * *

Sec. 38-1390.28. Bonus for unified neighborhood plan.

Within each Neighborhood Planning Area, the maximum number of residential dwelling units permitted by the Town Center SAP and Comprehensive Plan may not be exceeded, except as may be permitted through PD/UNP review and the provision of density and intensity bonuses as specified herein. Density and intensity bonuses may be acquired in accordance to the conditions prescribed below. A density bonus program is hereby establish, which will allow district development programs to exceed thresholds established through the Comprehensive Plan. A “bonus bank” was established with the adoption of the Town Center SAP,

which includes a total of one thousand five hundred forty (1,540) dwelling units. This bonus may be earned by completing the PD/UNP review and approval process.

(a) *Bonus for PD/UNP Review and Approval.* An applicant may request an increase to the PD/UNP development program by a pro rata share of the number of dwelling units reserved in the bonus bank. The share shall be determined by the ratio of the percentage of net developable land area included in the applicable PD/UNP, to the net developable area included in the Town Center SAP. This ratio is applied to the total number of units reserved in the “bank” to determine the number of bonus units that may be awarded. The approval of the PD/UNP with the bonus units shall confirm the bonus. In addition, the bonus units may be assigned to any district included in the PD/UNP, and may be converted to nonresidential floor area created through a conversion/equivalency table. However, nonresidential floor area created through a conversion of bonus units shall not be assigned to any Urban Residential district in which nonresidential uses are not permitted.

(b) *Density-Intensity Equivalency Rates.* Earned bonuses may be used to increase development entitlements based on land use equivalency rates determined from the 8th-most current edition of Edition—the Institute of Transportation Engineers (ITE) Manual.

Sec. 38-1390.29. Transfer criteria.

(a) As part of the approval of an PD/UNP, subsequent substantial amendment to the PD/UNP, or PSP approval, development units and the required seven (7) percent open space may be transferred from any district within the UNP to another land use district within the same PD/UNP under the following conditions:

- (1) The use is allowable in the receiving district;
- (2) The transfer is consistent with the Principles and Goals, Objectives and Policies of the Town Center and Comprehensive Plan;
- (3) The transfer will contribute to fulfilling the desired characteristics of the applicable NPA; and

(4) The transfer does not exceed the adopted PD/UNP Development Program Element.

(b) Transfer of development units or the open space requirements from one (1) approved PD/UNP to another PD/UNP is allowed under the following conditions:

(1) The transfer occurs as part of a simultaneous approval (or amendment) of both affected PD/UNPs; and

(2) The transfer represents a simultaneous decrease and increase in the development programs of the respective PD/UNPs, such that the PD/UNPs pro-rata share of the overall development program for the Town Center SAP is not increased or decreased.

(c) Simultaneous increases and decreases may allow for the exchange of residential uses for an equivalency of office and/or retail use based upon ~~the an~~ an equivalency ~~rates set forth herein~~ matrix as approved on the approved PD/UNP.

(d) To facilitate the creation of an interconnected open space network throughout the Town Center comprised of linear parks, trails, wildlife corridors, etc., open space transfers shall be permitted as a non-substantial change. Non-substantial changes are limited to: no more than twenty (20) percent of the seven (7) percent open space set aside in each district; and, the transfer must be to another district within the same PD/UNP. Proposed open space transfers that exceed twenty (20) percent of the standard set aside or that would effect a transfer to a site external to the PD/UNP are classified as a substantial change request requiring approval of the Board of County Commissioners. Such transfers are not justification for an increase in the number of dwelling units or nonresidential uses on sending parcels. Receiving parcels are not required to be located adjacent to sending parcels.

(e) Transfer credits for upland greenbelts and wetlands internal to the Town Center are available at the following rates:

- One (1) acre of upland greenbelt:
 - Residential - 5.8 dwelling units.
 - Nonresidential - 8,700 square feet.
- One (1) acre of wetland:

Residential - 0.3 dwelling units.

Nonresidential - Not applicable.

Section 32. Amendments to Sections 38-1391, 38-1391.1 and 38-1391.2 regarding the Buena Vista North District Standards. Sections 38-1391, 38-1391.1 and 38-1391.2 are amended to respectively read as follows:

Sec. 38-1391. In general; purpose and intent.

(a) *BVN district established.* A special design overlay district is hereby established to be known as the Buena Vista North District ("BVN district"). Generally speaking, the BVN district is located in southwest Orange County in the area situated east of Apopka-Vineland Road and Amy Road, north of Lake Street, south of Fenton Street, and west of Interstate 4, inclusive of those rights-of-way (except for I-4). The BVN district's boundaries are identified on the map, which is incorporated herein by reference as Appendix A [available for inspection in the office of the county clerk].

(b) *Purpose and intent.* This Division 9 is intended to provide specific design standards for the BVN district with the purpose of promoting a diverse mixed-use community that applies imagination, innovation, and variety, by focusing on unique design principles and encouraging creative solutions that accomplish the following:

(1) Foster higher quality developments through unique design elements, including building materials, signs, and landscaping, etc.

(2) Guide future developments as a transition area between higher intensity non-residential development and the lower density single-family residential homes north of the BVN district.

(3) Encourage unified developments where small individual parcels of land can be collectively planned for infrastructure improvements, coherent land use mix and unified physical appearance.

(4) Minimize incompatible surroundings and visual clutter, which prevent orderly community development and reduce community property values.

(5) Sustain the comfort, health, tranquility, and contentment of residents with a desirable environment.

(6) Balance the man-made system with the natural environment, through mitigation and enhancement of impacted natural resources.

(7) To provide that these BVN district regulations shall be administered by the zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Sec. 38-1391.1. Development within BVN District.

(a) *Planned development required.* In order to ensure quality development and maintain the desired characteristics of the BVN district, all new development and redevelopment within the BVN district shall be designated as planned development (PD), except as noted in subsection (b) below. The PD development plans shall follow the criteria and procedures set forth in divisions 1 through 5, article VIII, chapter 38, unless otherwise specified herein.

In addition, all projects occurring in the BVN district, but outside of an activity center land use classification, shall establish a building architectural design concept or set of design guidelines as part of the planned development process. Architectural design concept (for a single building) or design guidelines (for a multiple building complex) shall address, at a minimum, the following mass, facades (primary and secondary as defined by the Orange County Commercial Building Architectural Standards and Guidelines for Commercial Buildings and Projects), finish material, colors, roof forms, and signs. The Planning Manager or his/her designee shall review for architectural and/or project design content and guidelines.

* * *

Sec. 38-1391.2. Development density and intensity; conversion.

(a) *Compliance with future land use map designation.* Permitted land uses and allowable densities/intensities within the BVN district shall be consistent with the future land use map designation in the ~~e~~Comprehensive policy plan. Any proposed changes to the future land use map designation shall follow the comprehensive plan amendment procedures for application, review and approval.

* * *

Section 33. Amendments to Section 38-1400 (“Intent and purpose [of Lake Willis Neighborhood Buffering and Design Guidelines]”). Section 38-1400 is amended to read as follows:

Sec. 38-1400. Intent and purpose.

The Lake Willis Neighborhood Buffering and Design Guidelines are intended to protect and shield the Lake Willis single-family residential enclave from the impacts of approved residential and non-residential developments within the international drive activity center. These buffering and designs guidelines are in accordance with International Drive Activity Center Element pPolicy ID5.1.3 of the international drive activity center element of the 2000-2020-2010-2030 eComprehensive policy pPlan. These Lake Willis regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Section 34. Amendments to Section 38-1408 (“Fences and walls”). Section 38-1408 is amended to read as follows:

Sec. 38-1408. Fences and walls.

(a) A fence shall be uniform in construction, design, material, color and pattern, and the fence material shall be a standard material conventionally used by the fence industry. No fence or wall shall be erected so as to encroach into the fifteen (15)-foot for residentially and agriculturally zoned property, or twenty-five (25) foot for commercially and industrially zoned property corner triangle at a street intersection unless otherwise approved by the county engineer.

(b) A fence of any style or material shall maintain a clear view triangle from the right-of-way line for visibility from driveways on the lot or on an adjacent lot. The clear view triangle area for a driveway is formed on each side of a driveway by measuring a distance of fifteen (15) feet along the right-of-way and fifteen (15) feet along the edge of the driveway.

(~~b~~c) Pillars, columns, and posts may extend up to twenty-four (24) inches above the height limitations provided such pillars and posts are no less than ten (10) feet apart.

(~~e~~d) No barbed wire, razor wire or electrically charged fence shall be erected in any location on any building site in residential or office districts except for security of public utilities, provided such use is limited to three (3) strands and eighteen (18) inches, a minimum of six (6) feet above the ground. In addition, walls and fences erected in any office or residential district shall not contain any substance such as broken glass, spikes, nails, barbs, or similar materials designed to inflict pain or injury to any person or animal.

(~~d~~e) (1) Barbed wire or razor wire may be incorporated into or as an extension of the height of permitted walls and fences in commercial and industrial districts provided such use is limited to three (3) strands and eighteen (18) inches, a minimum of six (6) feet above the ground. The maximum height of the wall or fence with the barbed wire or razor wire shall be ten (10) feet.

(2) Barbed wire may be permitted by special exception in residential and office districts as an extension of the height of permitted walls and fences along the property line separating the residential or office district from a commercial or industrial district where it is documented by substantial competent evidence that such an additional security measure is warranted or appropriate. The barbed wire fencing shall be subject to the criteria and dimensions set forth in subsection (~~d~~e)(1).

(3) Barbed wire and similar field fencing shall be allowed on agriculturally zoned properties only when used for agricultural purposes; i.e., groves, grazing and boarding of animals.

(~~e~~f) In no event shall barbed wire or razor wire be placed so as to project outward over any sidewalk, street or other public way, or over property or an adjacent owner.

(~~f~~g) Except in R-CE, R-CE-2, and R-CE-5, fences and walls in residential and office districts may be created as follows:

(1) Limited to a maximum height of four (4) feet in the front yard setback. However, fences or walls located on

arterial and collector roadways are limited to a maximum height of six (6) feet in the front yard setback.

(2) Limited to a maximum height of eight (8) feet in the side and rear yards.

(3) May be increased in height when the property is contiguous to a commercially or industrially zoned property along the common property lines pursuant to the height regulations for commercial and industrial districts.

_____ (4) May be permitted on vacant property, subject to less than fifty-percent (50%) opacity.

(gh) Fences and walls in agricultural, R-CE, R-CE-2, and R-CE-5 districts may be erected as follows:

(1) Limited to a maximum height of six (6) feet within the front yard setback. However, for chain link type fences on agricultural zoned properties, the maximum height is ten (10) feet;

(2) Limited to a maximum height of eight (8) feet in the side and rear yards. However, on agriculturally zoned properties, the maximum height is ten (10) feet;

(3) In agricultural districts, these regulations shall not apply to agricultural property used for bona fide agricultural purposes.

(hi) Fences and walls in commercial and industrial districts may be erected as follows:

(1) Limited to a maximum height of ~~six (6)~~eight (8) feet within the front yard setback.

(2) Limited to a maximum height of eight (8) feet in the side and rear yards.

(3) When a lot or parcel abuts two (2) intersecting streets and the rear property line of the lot or parcel abuts the side property line of another lot or parcel, no fence or wall in excess of four (4) feet high along the rear property line shall be allowed within twenty-five (25) feet abutting the street right-of-way line unless the adjacent property owner sharing the

common lot line submits a notarized letter stating that he has no objection and there are no site distance visibility concerns.

(ij) On any reversed corner lot (corner lot where the rear yard abuts the side of another lot) abutting the side of another lot, no part of any fence greater than four (4) feet in height shall be located within the required front yard setback of the adjacent lot as measured from the common corner of each lot. ~~twenty five (25) feet of the common lot line shall be nearer the side street lot line than the required front yard of such abutting lot unless the adjacent property owner sharing the common lot line submits a notarized letter stating that he has no objection and there are no site visibility concerns.~~ A maximum eight (8) foot high fence may be permitted along the hypotenuse of the triangle formed from the common corner. Fencing greater than four (4) feet in height but less than eight (8) feet in height within the visual triangle may be installed, provided there is no adjacent driveway.

(jk) On a lakefront lot, a fence or wall within the rear yard lake setback area shall be limited to a maximum height of four (4) feet, unless notarized letters from adjacent property owners are submitted stating that they have no objections to an increased fence height. However, the increased fence height is still subject to other applicable fence height limitations in the Orange County Code.

(l) Where grade elevations along adjoining properties differ, fence/wall height shall be measured from the finished ground floor elevation of the property having the higher ground floor elevation.

(m) In all zoning districts, a fence may be permitted on a vacant parcel, provided the fence has less than fifty percent (50%) opacity (except for a construction fence).

Section 35. Amendments to Section 38-1414 (“Prohibited areas for sale of alcoholic beverages—Generally”). Section 38-1414 is amended to read as follows:

Sec. 38-1414. Prohibited areas for sale of alcoholic beverages—Generally.

(a) *Definition.* In this section, unless the context requires otherwise, "package sale vendor" means a person licensed pursuant to The Beverage Law [F.S. chs. 561-568] to sell alcoholic beverages regardless of alcoholic content; however, a package sale

vendor does not include: (i) a business operation, in regards to beer and malt beverages (as defined by F.S. § 563.01) and wine (as defined by F.S. § 564.01) for consumption off premises; or (ii) any bona fide hotel, motel or motor court in possession of a special license issued in accordance with F.S § 561.20(2)(a)1.

(b) *County package sale vendor distance requirements established.* For all of those certain areas of land in the county not part of any municipality which lie within five thousand (5,000) feet of a package sale vendor's place of business as established, located and licensed, regardless of whether such established place of business is located within or outside of any municipality, no other new or relocated package sale vendor shall be permitted to open and/or start the business of package sales within that distance.

(c) *Package sales within distance requirements restricted.* The purpose of creating the distance requirements mentioned in subsection (b) of this section is to provide and require that no package sale vendor which is located or proposes to locate in the unincorporated portion of the county outside of any municipality shall be permitted to operate at a new location within a distance of five thousand (5,000) feet of the location of any package sale vendor which is both preexisting at the time of the package sale vendor's application to operate at the new location and is located in any area of the county either unincorporated or within a municipality in the county.

(d) *Criteria.* The following criteria shall be met in order for a package sale vendor to obtain county zoning approval or commence package sales at a new location:

The County shall be satisfied that the new location is not within five thousand (5,000) feet of any establishment located and/or licensed package sale vendor's place of business. However, if all established located and/or licensed package sale vendors within five thousand (5,000) feet of the new location relinquish or commit to relinquish, in writing with a notarized statement, the right to carry out package sales at the respective location, the County may issue zoning approval contingent upon such other location(s) ceasing package sales prior to the commencement of package sales at the new location. The land use and zoning of the proposed location shall allow package sales. Once County zoning approval to allow package sales at the new location is issued, failure to commence the package sales business shall not be a basis for the County to terminate or revoke zoning approval for package sales, provided the applicant undertakes and continue to make

good-faith efforts necessary to construct and/or open the applicant's new location for package sales.

~~(de)~~ *Distance requirements not applied to renewal, change in name or ownership, or change in certain licenses.* The distance requirements set forth above in subsections (b) and (c) shall not be applied to the location of an existing package sale vendor when there is:

- (i) (1) A renewal of an existing license;
- (ii) (2) A transfer in ownership of an existing license;
- (iii) (3) A change in business name; or

~~(iv)~~ (4) A change in a state issued 4COP license for an existing package and lounge business, which did not choose to forego package sales, to a 3PS license, and any decrease in the numerical designation of a state issued license which is of the same series (type); provided the physical location of the package sale vendor establishment does not change. No increase in the numerical designation of a series (type) of state issued license which is of the same series (type) shall be permitted at or for a location (new or existing) except in compliance with the provision of sections 38-1414 and 38-1415.

~~(ef)~~ *Measurement of distances.* The distances provided in this section shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the proposed main entrance of a package sale vendor who proposes to operate his place of business and is licensed under The Beverage Law [F.S. chs. 561-568] to the main entrance of any other package sale vendor who is operating such a business.

~~(g)~~ *Exemption for on-premises consumption only.*

(1) In those situations in which the holder of an alcoholic beverage license pursuant to the Beverage Law [F.S., Chapters 561-568] has the ability to use such license for both on-premises and off-premises consumption sales, such licensee may choose to forego off-premises consumption sales for the location of business requested; such licensee would not be deemed a package sale vendor under this section for such a location and would not be subject to the distance requirements cited in subsections (b) and (c) above. To ensure that the public, safety and

welfare are preserved, any licensee choosing to forego package sales for off-premises consumption, and thereupon not be deemed a package sale vendor, shall agree in writing with a notarized statement, as a condition of obtaining zoning approval, to prominently display at all times within the establishment in the vicinity of the main cash register a sign with letters no smaller than three (3) inches and printed in a legible style, stating "No Package Sales."

(2) Upon any relocation of such licensee's business in which the distance requirements of subsection (b) above are met, such licensee may resume package sales for off-premises consumption and would not be required to display the aforementioned sign.

Section 36. Amendments to Section 38-1415 ("Same—Distance from churches, schools and/or adult entertainment establishments). Section 38-1415 is amended to read as follows:

Sec. 38-1415. Same—Distances from religious institutions, churches, schools and/or adult entertainment establishments.

(a) Places of business for the sale of alcoholic beverages containing more than three and two-tenths (3.2) percent of alcohol by weight for consumption on or off the premises may be located in the unincorporated areas of the county in accordance with and subject to this chapter and specifically those zoning regulations regulating the location of places of business selling alcoholic beverages containing fourteen (14) percent or more alcohol by weight. No such place of business shall be established within one thousand (1,000) feet of an established ~~church~~ religious institution or school; except as follows:

(1) such a place of business that is licensed as a restaurant and derives at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages, pursuant to Chapter 509, Florida Statutes, and the sale of alcoholic beverages is for on-premises consumption only, may be established no closer than five hundred (500) feet of the school, except that such a place of business that is located on property designated as Activity Center Mixed Use in the County's comprehensive plan may be established no closer than three hundred (300) feet of the school; or

(2) such a place of business that is located on property designated as Activity Center Mixed Use, does not derive at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages, and is licensed for the sale of alcoholic beverages for on-premises consumption only, may be established no closer than five hundred (500) feet from the school, except that such a place of business may be established no closer than three hundred (300) feet from the school, provided that the County, pursuant to Section 562.45(2)(a), Florida Statutes, approves the location as promoting the public health, safety, and general welfare of the community under proceedings as provided in Section 125.66(4), Florida Statutes.

~~These distance separations provided this prohibition~~ shall not apply to vendors of beer and wine containing alcohol of more than one (1) percent by weight for consumption off the premises only.

~~(b) No commercial establishment~~ place of business that in any manner sells or dispenses alcohol for on-premises consumption shall be established within two hundred (200) feet of an adult entertainment establishment, as defined in section 38-1.

~~(bc) Distance from~~ from such a place of business to a religious institution, church or school, or adult entertainment establishment shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the main entrance door of the religious institution, church, and, in the case of a the main entrance door of the school (except as may be otherwise provided by applicable state law), to the nearest point of the school grounds in use as part of the school facilities, or the main entrance door of the adult entertainment establishment.

~~(ed)~~ The location of all existing places of business subject to this section shall not in any manner be impaired by this section, and the distance limitation provided in this section shall not impair any existing licensed location heretofore issued to and held by any such vendor nor shall such vendor's right of renewal be impaired by this section; provided, however, that the location of any such existing license shall not be transferred to a new location in violation of this section.

~~(de)~~ *Distance requirements not applied to renewal, change in name or ownership, or change in certain licenses.* The distance requirements set forth above in subsections (a) and (b)

shall not be applied to the location of an existing vendor when there is:

- (i) (1) A renewal of an existing license;
- (ii) (2) A transfer in ownership of an existing license;
- (iii) (3) A change in business name; or
- (iv) (4) A change in a state issued 4COP license for an existing package and lounge business that did not choose to forego package sales, to a 3PS license, and any decrease in the numerical designation of a state issued license which is of the same series (type);

provided that the physical location of the vendor establishment does not change. No increase in the series (type) of state issued license shall be permitted at or for a location (new or existing) except in compliance with the provisions of sections 38-1414 and 38-1415.

~~(e)~~ *Subsequent establishment of ~~church~~ religious institution or school.* Whenever a vendor of alcoholic beverages has procured a license ~~certificate~~ permitting the sale of alcoholic beverages and, thereafter, a ~~church~~ religious institution or school is established within the applicable distance separation requirement set forth in subsection (a) one thousand (1,000) feet of the vendor of alcoholic beverages, the establishment of such ~~church~~ religious institution or school shall not be cause for the discontinuance or classification as a nonconforming use of the business as a vendor of alcoholic beverages. ~~Furthermore, i~~ In such a situation, an existing vendor licensed for on-site consumption may only increase a 1 COP license (on-site beer consumption) to a 2 COP (on-site beer and wine consumption). Also, in the event a vendor for on-site consumption only ceases to operate at the location after the religious institution or school is established within the applicable distance separation requirement set forth in subsection (a), a new vendor with an equal or lesser series license for on-site consumption only may be established at the same location within five years of the date when the previous vendor ceased to operate at the location. The burden of proving that the requirements for opening a new establishment have been met rests with the new vendor for on-site consumption.

(g) Proposed location prior to building permit/construction. When a location for an alcoholic beverage license is submitted to the Zoning Division for review and there is no building permit for the use at the location, the applicant shall stake the location of the main entrance and submit a certified survey demonstrating the distances to all established religious institutions, schools and adult entertainment establishments. A construction sign as defined in Chapter 31.5 which includes reference to the sale and consumption of alcoholic beverages shall be erected on the site within thirty (30) days of zoning approval and shall not be removed until permanent on site signage is erected.

Section 37. Repeal of Section 38-1416 (“Permits for paving of parking lots”).

Section 38-1416 is repealed and reserved:

~~Sec. 38-1416. Permits for paving of parking lots. Reserved.~~

~~Permits shall be required for paving of parking lots of fifteen hundred (1500) square feet or over in size, in any commercial or industrial district.~~

Section 38. Amendments to Section 38-1425 (“Bed and breakfast homestays, bed and breakfast inns and country inns”). Section 38-1425 is amended to read as follows:

Sec. 38-1425. Bed and breakfast homestays, bed and breakfast inns and country inns.

Bed and breakfast homestays, bed and breakfast inns and country inns may be allowed to operate in the unincorporated area of the county as permitted uses and/or as special exceptions in the zoning districts specified below, provided that they comply with the performance standards and conditions specified in this section. (Any structure designated as a local historic landmark by the Orange County Historical Museum, under present or any future criteria established by the county for such purpose, or as listed on the National Register of Historic Places, shall be given special consideration to operate as a bed and breakfast homestay or inn as a permitted use and/or a special exception.) In addition, no bed and breakfast homestay, bed and breakfast inn, or country inn shall be located in any platted residentially zoned subdivision unless the subject site is designated commercial or industrial on the Future

Land Use Map of the County's Comprehensive Policy Plan or if approved as part of a Planned Development (P-D) Land Use Plan.

* * *

In all other respects, Section 38-1425 shall remain unchanged.

Section 39. Amendments to Section 38-1426 (“Accessory dwelling units”). Section 38-1426 is amended to read as follows:

Sec. 38-1426. Accessory dwelling units.

(a) The intent and purpose of this section is to allow accessory dwelling units (ADUs) to encourage infill development and to facilitate affordable housing. ~~The intent and purpose of this section is to allow a relative who wishes to reside in close proximity to his or her family an opportunity to do so by providing authorization to seek and obtain a special exception for an accessory dwelling unit,~~ while maintaining the single-family character of the primary single-family dwelling unit and the neighborhood.

(b) An accessory dwelling unit may be allowed on a lot or parcel as a special exception in any residential or agricultural zoning district (including a residential lot or parcel on an existing planned development). The accessory dwelling unit shall be an accessory use to the primary single-family dwelling unit and the primary single-family dwelling unit shall qualify as homestead property. Only one (1) accessory dwelling unit may be permitted per lot or parcel. The accessory dwelling unit shall not be constructed prior to the construction and occupation of the primary dwelling unit.

~~(c) (1) An accessory dwelling unit shall be occupied initially only by a relative. For purposes of this section, the term “relative” shall mean a sister, brother, lineal ascendant or lineal descendant of the owner of the lot or parcel on which the primary single family dwelling unit is located (or the owner’s spouse).~~

~~(2) Subject to subsection (c)(3), an accessory dwelling unit may be occupied by a nonrelative, provided:~~

~~a. The accessory dwelling unit was occupied initially only by a relative and at least three (3) years~~

~~have passed since the issuance of the certificate of occupancy for the accessory dwelling unit; or~~

~~_____ b. _____ The accessory dwelling unit was occupied initially only by a relative, and the relative has died.~~

~~(c) (3) The BZA/BCC may impose a conditions addressing compatibility, which may include prohibiting the accessory dwelling unit from being initially leased, rented or otherwise used or occupied by a nonrelative. someone other than a relative. For purposes of this section, a “relative” is a lineal ascendant or lineal descendant of the owner of the lot or parcel where the primary single family dwelling is located (or of the owner’s spouse). In the event a condition is imposed requiring that the accessory dwelling unit be initially occupied by a relative, the accessory dwelling unit may be occupied by a nonrelative three years after being initially occupied by a relative or after the relative has died, whichever occurs first.~~

(d) In addition to what is normally required for an application for a special exception, an application for a special exception for an accessory dwelling unit shall contain or be accompanied by the following information and documentation:

~~(1) _____ An affidavit attesting that the owner of the lot or parcel understands and agrees that the provisions of this section shall be complied with, that he shall be responsible to the county for ensuring that the provisions are complied with, and that he shall be responsible for any failure to comply with the provisions;~~

~~(2) _____ Documentation evidencing that the person who is to inhabit the accessory dwelling unit is a relative;~~

~~(3) _____ A site plan prepared in compliance with Section 106.1.2 of the Florida Building Code, as amended by Section 9-33 of the Orange County Code;~~

~~(4) _____ An exterior elevation drawing of the proposed accessory dwelling unit, regardless of whether it is proposed to be attached or detached; and~~

~~(5) _____ A photograph and or exterior elevation drawing of the primary single-family dwelling unit; and~~

(e) In order to approve a special exception for an accessory dwelling unit, the county shall determine that the

proposed accessory dwelling unit is designed to be similar and compatible with the primary single-family dwelling unit and that it will be compatible with the character of the neighborhood. A manufactured home constructed pursuant to United States Department of Housing and Urban Development standards or a mobile home may not be used as an accessory dwelling unit in any single family residential zoned district.

(f) After an application for a special exception for an accessory dwelling unit is approved, the accessory dwelling unit shall be subject to the following performance standards and requirements:

(1) *Ownership.* The primary single-family dwelling unit and the accessory dwelling unit shall be under single ownership at all times. Also, ~~either~~ the primary dwelling unit or the accessory dwelling unit shall be occupied by the owner at all times. Approval of an accessory dwelling unit shall not and does not constitute approval for separate ownership or the division of the lot or parcel. Any request to divide the lot or parcel shall comply with and be subject to applicable laws, ordinances and regulations, including zoning regulations and access requirements.

~~(2) *Change in occupancy.* The owner shall notify the zoning department in writing whenever there is a change in occupancy of the accessory dwelling unit and inform the zoning department whether the new occupant is a relative or a non relative.~~

~~(3)~~ *Living area.* The minimum living area of an accessory dwelling unit shall be ~~four hundred (400)~~ five hundred (500) square feet. However, the maximum living area of an accessory dwelling unit shall not exceed forty-five (45) percent of the living area of the primary dwelling unit or one thousand (1,000) square feet, whichever is less, and shall not contain more than two (2) bedrooms. For lots/parcels equal to or greater than two (2) acres, the maximum living area shall be one thousand five hundred (1,500) square feet.

~~(4)~~ *Lot or parcel size.* The size of the lot or parcel shall be equal to or greater than the minimum lot area required for a single-family dwelling unit in the zoning district. An attached accessory dwelling unit may only be constructed on a lot or parcel whose area is equal to or greater than the minimum lot area required in the zoning district. A detached accessory dwelling unit may only be constructed on a lot or parcel whose area is at

least one and one half (1½) times the minimum lot area required in the zoning district.

~~(54)~~ *Open space.* An accessory dwelling unit shall be treated as part of the impervious surface area of a lot or parcel. The open space requirements for a single-family lot or parcel shall be met notwithstanding the construction of an accessory dwelling unit.

~~(65)~~ *Setbacks.* The setbacks for an attached accessory dwelling unit shall be the same as those required for the primary dwelling unit. In addition, a detached accessory dwelling unit shall be located only to the side or rear of the primary dwelling unit and shall be separated from the primary dwelling unit by at least ten (10) feet, and the distance separation shall not be less than the distance required under Section 610 (“Buildings Located on the Same Lot”) and Table 600 of the 1991 edition of the Standard Building Code, as it may be amended from time to time. Moreover, a one-story detached accessory dwelling unit shall be setback a minimum of ten (10) feet from the rear property line and shall meet the minimum side setbacks for a primary structure in the zoning district. A two-story detached accessory dwelling unit located above a detached garage shall ~~meet the setbacks for the primary structure in the zoning district.~~ have ten (10) foot side and ten (10) foot rear setbacks.

~~(76)~~ *Entrance.* An attached accessory dwelling unit may either share a common entrance with the primary dwelling unit or use a separate entrance. However, a separate entrance shall be located only ~~to~~ on the side or rear of the structure.

~~(87)~~ *Parking.* One (1) additional off-street parking space shall be required for an accessory dwelling unit. The additional space requirement may be met by using the garage, carport or driveway of the primary dwelling unit.

~~(98)~~ *Water and sewer.* Adequate water and wastewater capacity shall exist for an accessory dwelling unit. Approval of a special exception for an accessory dwelling unit shall not constitute approval for use of a septic system and/or a well. If a septic system and/or a well must be utilized, applicable laws, ordinances and regulations shall control. ~~The owner of a~~ An attached accessory dwelling unit may shall not apply for and obtain a separate water meter, ~~subject to the unit connecting to Orange County’s water system.~~

~~(109)~~ *Electrical.* ~~The owner of an~~ A detached accessory dwelling unit may apply for and obtain a separate power meter, subject to the approval of the utility company and complying with all applicable laws, ordinances and regulations. An attached accessory dwelling unit shall not have or obtain a separate power meter.

~~(110)~~ *Impact fees and capital fees.* The impact fees for an accessory dwelling unit shall be assessed at the multi-family rate. Water and wastewater capital fees for the accessory dwelling unit shall be assessed at the multi-family rate.

~~(111)~~ *Other laws, ordinances, and regulations.* All other applicable laws, ordinances and regulations shall apply to the primary dwelling unit and the accessory dwelling unit.

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(g) After [insert the effective date of this ordinance], accessory dwelling units may be permitted in a Planned Development without the need for a special exception, subject to the following requirements:

(1) Unless the PD Land Use Plan (LUP) and/or PSP identifies ADUs as a permitted use, a change determination or an amendment to the PD/PSP shall be required, or if the property is platted as separate lot or parcel, a special exception shall be required;

(2) The ADUs shall meet the performance standards in Section 38-1426(f)(1) through (11), except for the need for a special exception (unless it is platted as a separate lot or parcel); and

(3) The property shall be platted with covenants and restrictions for all the lots in the plat identifying that ADUs are a permitted use.

Section 40. Amendments to Section 38-1427 ("Communication towers"). Section 38-1427 is amended to read as follows:

Sec. 38-1427. Communication towers.

* * *

(c) Variances. Except as provided otherwise for communication towers in planned developments (see Section 38-1236), a deviation ~~Any request to deviate~~ from any of the

requirements of this section shall require variance review and approval by the board of zoning adjustment and the board of county commissioners.

* * *

(n) *Standards and criteria for review of special exception requests on communication tower facilities.*

* * *

(6) *Separation distance reduction for camouflaged facilities.* In the event the BZA, or the BCC if the property is zoned PD, using the standards set forth in subsection (n)(5) above, determines the camouflaging agent is compatible with the surrounding area, then the distance separation requirements set forth in subsections 38-1427(d)(2)d and (d)(3) for the proposed communication tower as a camouflaged facility shall be reduced by one half (1/2) of the applicable monopole height requirement. The reduction should only be applicable to the placement of the camouflaged tower and the measurement of distance separation from other towers to the camouflaged tower shall not be reduced.

* * *

(o) *Utilization of existing pole-type structures.* A communication antenna which is attached to an existing pole-type structure or the existing pole-type structure is replaced with a monopole tower to accommodate both its prior function and a communication antenna shall be a permitted ancillary use provided each of the following criteria are met:

(1) The communication antenna attached to the existing pole-type structure or replacement monopole shall not extend above the highest point of the pole-type structure or replacement monopole more than twenty (20) feet, as measured from the height of the pre-existing pole-type structure.

(2) a. If the resulting structure/tower adds additional height over the pre-existing pole-type structure, the closest residential structure shall be away from the base of the pole-type structure or replacement tower a distance of at least one hundred ten (110) percent the height of the entire structure/tower.

b. If no additional height over the height of the pre-existing pole-type structure is added by either (i)

the attachment of the communication antenna to the existing pole-type structure, or (ii) the replacement tower including the communication antenna, then the structure/tower is permitted with no additional distance separation to residential structures over that which was provided by the pre-existing pole-type structure.

(3) The communication antenna and support structure comply with all applicable FCC and FAA regulations.

(4) The communication antenna, pole-type structure, and/or replacement monopole tower comply with all applicable building codes.

(5) Pole-type structure ~~(i) within public road rights-of-way, or (ii) (i) within side yard or rear yard residential subdivision easements, or (iii) (ii)~~ if used for power distribution of fourteen (14) kilovolt service or less, shall not be eligible for use under this subsection (o). ~~Notwithstanding the foregoing sentence, However, other~~ pole-type structures within public road rights-of-way and within limited access road system rights-of-way are eligible for use under this subsection (o), provided the antenna shall be canister-type.

(6) The utilization of an existing pole-type structure for placement of a communication antenna in compliance with the requirements of this subsection (o) shall supersede the separation requirements contained in subsections (d)(2)d. and (d)(3)a.

(7) In the event that the utility pole or structure is abandoned for its initial/primary use as a utility pole, the secondary use as a communication tower shall also cease to operate and the structure and communication antenna removed.

In all other respects, Section 38-1427 shall remain unchanged.

Section 41. Amendments to Sections 38-1476 and 38-1479 regarding Off-Street

Parking. Sections 38-1476 and 38-1479 are amended to respectively read as follows:

Sec. 38-1476. Quantity of off-street parking.

(a) Off-street parking spaces shall be provided for any use hereafter established or at the time of the erection of any main building or structure or at the time any main building, structure or occupational use is enlarged or increased in capacity by adding

dwelling units, guest rooms, floor area, seats, or by increasing employment, according to the following minimum requirements: If the use is not listed below, the parking requirements shall be determined by the Zoning Manager by adopting or utilizing the parking requirements for the listed use that the Zoning Manager determines is most similar.

	* * *	
<u>Auto dealerships</u>		<u>1 space per every three hundred (300) square feet of gross floor area including showroom, sales offices and general offices.</u>
	* * *	
<i>Day care centers and kindergartens</i>		1 space for each 10 children, plus <u>with a pickup and drop-off area equal to 1 one space for each 10 children or without a pick-up or drop-off area one space for each 5 children.</u>
	* * *	
<i>Boardinghouses, lodging houses, and rooming- houses and <u>assisted living facilities (such as senior living facilities), including nursing homes</u></i>		1 space for each 2 bedrooms
	* * *	
<u>Mechanical garages</u>		<u>1 space for every employee, plus 1 space per bay or 1 space for each one thousand (1,000) square feet if no bays</u>
	* * *	
<i>Hospitals, sanitariums rest and convalescent homes, foster group homes, <u>and all similar institutions</u></i>		2 spaces for each bedroom and office building criteria.
	* * *	
<i>General business establishments, such as hardware, furniture, appliance, jewelry, apparel stores,—<u>etc. and all other general retail establishments</u></i>		1 spaces for each 300 square feet of gross floor area; provided, however, that no use shall have less than 3 spaces.

of fifteen thousand (15,000)
square feet gross floor area or
less

* * *

*Restaurants, grills, bars, lounges,
similar dining and/or drinking
establishments*

1 space for each 4 ~~fixed~~ seats provided for patron use, plus 1 space for each 75 square feet of floor area provided for patron use which does not contain ~~fixed~~ seats; provided that no use shall have less than 4 spaces

* * *

*Schools, public and private,
including elementary, middle,
high schools and academies
(not including colleges,
universities, or similar
institutions)*

1 space for each 4 seats in assembly hall; or, ~~if no assembly hall~~, 4 spaces per each instructional room, plus 1 space for each 3 high school students; whichever is higher.

*Shopping centers ~~up to~~ between
fifteen thousand and one
(15,001) and fifty thousand
(50,000) square feet gross
floor area, food stores,
supermarkets, and drugstores*

5½ spaces for each 1,000 square feet of gross floor area; provided, however, no use shall have less than 5 spaces.

Student housing

~~1.25~~ 1 spaces per bedroom.

* * *

Sec. 38-1479 Off-street parking lot requirements.

(a) All parking areas shall have durable all-weather surfaces for vehicle use areas, shall be properly drained and shall be designed with regard to pedestrian safety. For purposes of this article, a durable, all-weather surface shall consist of an improved surface, including concrete, asphalt, stone and other permanent surfaces, but not including gravel, wood chips, mulch or other materials subject to decay. Residential conversions to professional office use, churches, bed and breakfast homestays, bed and breakfast inns and overflow parking on unimproved property used in conjunction with special events and/or holiday parking demands may be exempt from this condition subject to approval by the

zoning manager or when approved by the board of zoning adjustment ("BZA") and the board of county commissioners ("BCC").

(b) Regular parking space sizes shall be a minimum of 180 square feet (either 9' x 20' or 10' x 18'). Off-street parallel parking stalls shall be 8' x 22'. Spaces within parking garages may be a minimum of 8 1/2' x 18'. Off-street turning and maneuvering space shall be provided for each lot so that no vehicle shall be required to back onto or from any public street. Suggested parking lot design standards are contained in Exhibit I on file and available for reference in the office of the county engineer.

Section 42. Amendments to Sections 38-1501, 38-1502 and 38-1506 regarding Site and Building Requirements. Sections 38-1501, 38-1502 and 38-1506 are amended to respectively read as follows:

Sec. 38-1501. Basic requirements.

The basic site and building requirements for each agricultural, residential and commercial zoning districts are established as follows (and industrial site and building requirements are set forth elsewhere in this chapter:

TABLE INSERT:

District	Min. lot area (sq. ft.) ^{±#m}	Min. living area (sq. ft.)	Min. lot width (ft.)	* <u>a</u> Min. front yard (ft.)	* <u>a</u> Min. rear yard (ft.)	<u>a</u> Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	<u>SFR</u> 21,780 (½ acre)	850	100	35	50	10	35	* <u>a</u>
	<u>Mobile home</u> <u>2 acres</u>	<u>850</u>	<u>100</u>	<u>35</u>	<u>50</u>	<u>10</u>	<u>35</u>	<u>a</u>
A-2	<u>SFR</u> 21,780 (½ acre)	850	100	35	50	10	35	* <u>a</u>
	<u>Mobile home</u> <u>2 acres</u>	<u>850</u>	<u>100</u>	<u>35</u>	<u>50</u>	<u>10</u>	<u>35</u>	<u>a</u>
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	* <u>a</u>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	* <u>a</u>
R-CE-2	2 acres	1,200	250	45	50	30	35	* <u>a</u>

District	Min. lot area (sq. ft.) ^{±††m}	Min. living area (sq. ft.)	Min. lot width (ft.)	± <u>a</u> Min. front yard (ft.)	± <u>a</u> Min. rear yard (ft.)	<u>a</u> Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
R-CE-5	5 acres	1,200	185	50	50	45	35	* <u>a</u>
R-1AAAA	21,780 (½ acre)	1,500	110	30	35	10	35	* <u>a</u>
R-1AAA	14,520(1/3 acre)	1,500	95	30	35	10	35	* <u>a</u>
R-1AA	10,000	1,200	85	25 ^{±h}	30 ^{±h}	7.5	35	* <u>a</u>
R-1A	7,500	1,200	75	20 ^{±h}	25 ^{±h}	7.5	35	* <u>a</u>
R-1	5,000	1,000	50	20 ^{±h}	20 ^{±h}	5 ^{±h}	35	* <u>a</u>
R-2	One-family dwelling, 4,500	1,000	45***** <u>c</u>	20 ^{±h}	20 ^{±h}	5 ^{±h}	35	* <u>a</u>
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit	80/90***** <u>d</u>	20 ^{±h}	30	5 ^{±h}	35	* <u>a</u>
	Three dwelling units, 11,250	500 per dwelling unit	85 ^{±j}	20 ^{±h}	30	10	35** ***	* <u>a</u>
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^{±j}	20 ^{±h}	30	10**** <u>b</u>	35** ***	* <u>a</u>
R-3	One-family dwelling, 4,500	1,000	45***** <u>c</u>	20 ^{±h}	20 ^{±h}	5	35	* <u>a</u>
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit	80/90***** <u>d</u>	20 ^{±h}	20 ^{±h}	5 ^{±h}	35	* <u>a</u>
	Three dwelling units, 11,250	500 per dwelling unit	85 ^{±j}	20 ^{±h}	30	10	35** ***	* <u>a</u>
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^{±j}	20 ^{±h}	30	10**** <u>b</u>	35** ***	* <u>a</u>
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35***	* <u>a</u>
R-T	7 spaces per gross acre	Park size min. 5 acres Min. mobile home size 8 ft. x 35 ft.	Min. mobile home size 8 ft. x 35 ft. Park size min. 5 acres	7.5	7.5	7.5	N/A ³⁵	* <u>a</u>

District	Min. lot area (sq. ft.) ^{††m}	Min. living area (sq. ft.)	Min. lot width (ft.)	^{‡a} Min. front yard (ft.)	^{‡a} Min. rear yard (ft.)	^a Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
R-T-1 SFR	4,500 ^{*****c}	45 ^{*****} 1,000	4000 45	25/20 ^{††k}	25/20 ^{††k}	5	35	^{‡a}
Mobile Home	4,500 ^{*****c}	45 ^{*****} Min. mobile home size 8 ft. x 35 ft.	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	60SFR 500 Min. mobile home size 8 ft. x 35 ft.	60SFR 500 Min. mobile home size 8 ft. x 35 ft.	25	25	6	N/A ³⁵	^{‡a}
(after 1/29/73)	21,780 1/2 acre	100SFR 600 Min. mobile home size 8 ft. x 35 ft.	100SFR 600 Min. mobile home size 8 ft. x 35 ft.	35	50	10	N/A ³⁵	^{‡a}
NR	One family dwelling, 4,500	1,000	45 ^{*****c}	20	20	5	35/3 stories ^{††k}	^{‡a}
	Two dwelling units, 8,000	500 per dwelling unit	80/90 ^{*****d}	20	20	5	35/3 stories ^{††k}	^{‡a}
	Three dwelling units, 11,250	500 per dwelling unit	85	20	20	10	35/3 stories ^{††k}	^{‡a}
	Four or more dwelling units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	50/4 stories ^{††k}	^{‡a}
	Townhouse, 1,800	750 per dwelling unit	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 maximum 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 dwelling units, 11,250	500 per dwelling unit	80 ^{*****d}	20	20	5	35/3 stories ^{††k}	^{‡a}
	Three dwelling units, 11,250	500 per dwelling unit	85	20	20	10	35/3 stories ^{††k}	^{‡a}
	Four or more dwelling units, 1,000 plus 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail ^{††k}	^{‡a}
	Townhouse, 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end unit	40/3 stories ^{††k}	^{‡a}

District	Min. lot area (sq. ft.) ^{##m}	Min. living area (sq. ft.)	Min. lot width (ft.)	^{§a} Min. front yard (ft.)	^{§a} Min. rear yard (ft.)	^a Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to maximum 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 dwelling units, 8,000	500 per dwelling unit	80 ^{#####d}	20	20	5	35/3 stories ^{##k}	^{§a}
	Three dwelling units, 11,250	500 per dwelling unit	85	20	20	10	35/3 stories ^{##k}	^{§a}
	Four or more dwelling units, 1,000 plus 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	65 feet, 80 feet with ground floor retail ^{##k}	^{§a}
	Townhouse	750 per dwelling unit	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 feet 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}
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 25 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}
^{§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							

District	Min. lot area (sq. ft.) ^{†††m}	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.)	Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
								accessory use, shall be the same distance as the setbacks which are used for the respective zoning district requirements as measured from the normal high water elevation contour.
								Building in excess of 35 feet in height may be permitted as a special exception.
								Buildings in excess of 1 story in height within 100 feet of the property line of any single-family residential district may be permitted as a special exception.
								Side setback is 30 feet where adjacent to single-family district.
								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.
								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 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: <ul style="list-style-type: none"> (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.
								Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
								Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
								Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
								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.
								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.
								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%.
								Based on gross square feet.

[Editorial note: Throughout the Table Insert above, symbols are being deleted (shown by strike-throughs that may appear in certain places as underlines) and replaced with the following lower case letters (shown by underlines): a, b, c, d, e, f, g, h, j, k and m. (The lower case letters i and l are not being used.)]

Sec. 38-1502. Location of dwellings in residential districts.

* * *

(b) No dwelling shall be erected on a lot which does not abut on a street for a distance of at least fifteen (15) feet. Any divisions or splits of land, lots or parcels shall have a minimum of twenty (20) feet of fee simple access to a roadway, except to the extent that requirement is inconsistent or conflicts with the requirements of the subdivision regulations.

(c) On any corner lot abutting the side of another lot, no part of any structure, excluding fences (see subsection 38-1408(i)), shall be located within the twenty-five (25) feet-foot corner visibility triangle along of the common lot line; and no structure shall be nearer the side street lot line than the required front yard of such abutting lot.

* * *

Sec. 38-1506. Height extensions for appurtenances.

The zoning manager may grant height extensions not to exceed ten (10) feet above the maximum height limits established under section 38-1501, site and building requirements, and planned developments, for appurtenances and architectural features only. Examples of such features include, but are not limited to, chimneys, cupolas, church spires, and air conditioning equipment. Portions of the roof are not considered an appurtenance. The top of all roof-lines shall comply with the maximum height limit of the underlying zoning district. This provision is only applicable to properties platted after December 15, 1998, and unplatted lands.

Section 43. Amendments to Sections 38-1602 and 38-1603 regarding Major Street

Setbacks. Sections 38-1602 and 38-1603 are amended to respectively read as follows:

Sec. 38-1602. Definitions.

For the purposes of this article, the following definitions shall apply:

Arterial road shall mean a signalized roadway that primarily services through traffic with an average signalized intersection spacing of 2.0 miles or less. As used here, signalized intersections refer to all fixed causes of interruption to the traffic stream and may occasionally include STOP signs or other types of traffic control. Class I arterials have a posted speed of 40 miles per hour or greater. Class II arterials have a posted speed of 35 miles per hour or less. ~~route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road. For purposes of this article, the term "arterial" includes "principal arterial," "minor arterial," an "extension" of a principal arterial or minor arterial, and an "intra-urban arterial." (This article contains separate definitions for the terms "principal arterial" and "minor arterial" due to the different setback distances for each.)~~

Collector road shall mean a roadway providing land access and traffic circulation within residential, commercial, and industrial areas and that ~~route providing service which is of relatively moderate average volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.~~

For purposes of this article, the term "collector" includes "major urban collector," "minor urban collector," and any "extension" of a major or minor urban collector, ~~and an "intra-urban collector."~~

Functional classification shall mean the assignment of roads into systems according to the standards provided in the Highway Classification Manual and the Florida Department of Transportation Quality/Level of Service Handbook, ~~character of service they provide in relation to the total highway network. Basic functional classifications include arterial roads, collector roads, and local roads. These basic classifications may be divided into principal, major, or minor subclassifications. These subclassifications may be additionally divided into rural and urban categories.~~

Major street shall mean a road functionally classified according to the standards provided in the Highway Classification Manual and the Florida Department of Transportation Quality/Level of Service Handbook as determined by the County Engineer and listed as a major street in section 38-1603 of this article.

Minor arterial shall mean a route which generally interconnects with and augments principal arterial routes and provides service to trips of shorter length and a lower level of travel mobility. Such a route includes any arterial not classified as a "principal arterial" and contains facilities that place more emphasis on land access than the higher system.

Principal arterial shall mean a route which generally serves the major centers of activity of an area, the highest traffic volume corridors, and the longest trip purpose and carries a high proportion of the total area travel on a minimum of mileage.

Rural functionality-classified roads shall mean roadways within the rural area not designated as urbanized, urban, or transitioning by the Florida Department of Transportation, the Federal Highway Administration, and MetroPlan Orlando based on U.S. Census data, as updated from time to time.

Setback distance shall mean a horizontal distance which correlates with the functional classification of the major street described in section 38-1603. The distance is measured by a straight line extending perpendicular from the centerline of the major street.

Transitioning area shall mean an area designated by the Florida Department of Transportation and MetroPlan Orlando (without Federal Highway Administration involvement), based on U.S. Census data, as updated from time to time. Transitioning areas are fringe areas exhibiting characteristics between rural and urbanized/urban. Transitioning areas are intended to include areas that, based on their growth characteristics, are anticipated to become urbanized or urban in the next 20 years and where designated, associated roadways shall use urbanized area setbacks.

Urban functionally-classified roads shall mean roadways within the urban/urbanized area designated by the Florida Department of Transportation, the Federal Highway Administration, and MetroPlan Orlando based on U.S. Census data, as updated from time to time.

Sec. 38-1603. Functional classification and setback distances.

Buildings, structures (except signs and billboards), and parking areas adjacent to major streets shall be set back in all zoning districts according to the respective setback distances set forth in the following table. In the event of a conflict between the setback distances set forth in the following table and the requirements for setbacks as established through yard requirements in any zoning district, the greater of the setback distances shall prevail. This section shall not apply within Horizon West.

* * *

Functional Classification of Major Street	Setback Distance from Centerline for Buildings and Structures (feet)	Setback Distance from Centerline for Parking Areas (feet)
Principal arterial, urban (Class I)	70	65
Principal arterial, urban (Class II)	<u>60</u>	<u>55</u>
Principal arterial, rural	150	100
Minor arterial, urban	60	55
Minor arterial, rural	120	70
Collector, <u>major and minor</u> urban	55	50
Collector, rural	100	50

Section 44. Amendments to Sections 38-1725 and 38-1727 regarding Neighborhood

Districts, in General. Sections 38-1725 and 38-1727 are amended to respectively read as follows:

Sec. 38-1725. Intent and purpose of districts.

This article provides specific zoning standards to implement the future land use map designations of neighborhood center, neighborhood activity corridor, and neighborhood residential.

(1) These zoning standards are intended to facilitate the redevelopment of historic and/or established communities in Orange County with housing types and homeownership opportunities, as well as neighborhood-serving commercial and other residential support services, including office uses, civic uses, parks, and recreation.

(2) These zoning standards promote a mix of land uses using a development pattern with various densities and intensities within a parcel, block, and/or district to recognize the urban nature of these areas and to preserve and enhance their unique character and sense of place.

(3) Orange County has made investments in public services and infrastructure that will be protected by these zoning standards. These zoning standards address public health, safety, and welfare in the districts and enhance the function and appearance of development.

(4) These zoning standards are consistent with the Economic Element of the Orange County Comprehensive Policy Plan, which has been adopted by the county to accommodate and promote economic growth and which specifies that zoning may be used to achieve these ends.

(5) The Constitution and laws of the State of Florida grant authority to the board of county commissioners to adopt and enforce land development regulations within the unincorporated area of Orange County.

(6) These neighborhood districts regulations shall be administered by the county zoning division, except that any non-

zoning aspects of these regulations shall be administered by the appropriate department or division.

* * *

Sec. 38-1727. Nonconforming uses.

Except as provided in this section, uses and structures made nonconforming as a result of a rezoning of property to NC, NAC or NR are subject to the provisions of article III of Chapter 38.

~~(1) Building or development sites which do not meet the minimum residential density requirements of the district in which they are located shall be deemed to be conforming but underdeveloped. Any expansion or enlargement which increases the density on the building or development site, but is less than the amount needed to meet minimum density requirements shall be permitted and considered to be consistent with the intent and purpose of the minimum density requirements of the district.~~

(2) Destruction of nonconforming signs and the ability to rebuild such signs shall be subject to the nonconforming use provisions of section 38-53 (b). Nonconforming signage, excluding billboards, on properties that are vacant for one hundred eighty (180) days or more, as determined by a vacant structure on the property and sign face copy that is blank or does not advertise current business activity for that period, shall lose its nonconforming status. A vacant building shall be the primary factor for determining the expiration of nonconforming status of a sign. This subsection shall apply to single tenant structures and to multi-tenant structures where the entire multi-tenant structure is vacant. Upon occupancy of the structure by a business, signage that has lost its nonconforming status must come into compliance with this article. Any new signage on the property must be consistent with the signage requirements of this article.

Section 45. Amendments to Sections 38-1730, 38-1731 and 38-1734 regarding the

NC Neighborhood Center District. Sections 38-1730, 38-1731 and 38-1734 are amended to respectively read as follows:

Sec. 38-1730. Intent and purpose of district.

The NC neighborhood center district is intended to provide a neighborhood-serving, mixed-use, and pedestrian-scale environment where residents of urban communities in need of

redevelopment can comfortably shop for their daily needs. A mixture of retail shops, restaurants, offices, civic uses, and residential units will characterize the NC district, complemented by an active and pleasant streetscape, tree-shaded sidewalks, and other pedestrian amenities. This intent and purpose are consistent with Future Land Use Element Policy FLU8.3.13-4.4 of the Orange County ~~2000-2020~~2010-2030 Comprehensive Policy Plan. These NC neighborhood district regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Sec. 38-1731. Permitted uses.

A use shall be permitted in the NC district if the use is identified by the letter “P” in the use table set forth in section 38-77. For master-planned redevelopment areas, defined as areas where lot assembly has taken place and a single site plan has been submitted for an area no less than five acres, in the NC district, permitted uses shall be consistent with ~~minimum and maximum land area specified in~~ Future Land Use Element Policy FLU 1.1.4C3.4.7 of the Orange County ~~2000-2020~~ Comprehensive Policy Plan.

* * *

Sec. 38-1734. Site development standards.

Except as otherwise provided in this section, the site and building requirements shown in article XII of this chapter shall apply to all development within the NC district.

* * *

(2) *Density and intensity standards.* The following density and intensity standards shall apply to all development within the NC district.

- a. Floor area ratio shall not exceed 2.0.
- b. The maximum residential density shall not exceed forty (40) units per acre.
- c. ~~The minimum residential density shall be no less than four (4) units per acre.~~

d. ~~Densities less than four (4) units per acre shall be allowed for the protection of natural resources.~~

* * *

Section 46. Amendments to Sections 38-1737, 38-1738 and 38-1741 regarding the NAC Neighborhood Center District. Sections 38-1737, 38-1738 and 38-1741 are amended to respectively read as follows:

Sec. 38-1737. Intent and purpose of district.

The intent of the NAC neighborhood activity corridor district is to provide a mixture of land uses along the main roadways serving an urban community in need of redevelopment. The NAC district is intended as a vital, pedestrian-oriented district that can support a variety of residential and support uses at an intensity greater than the surrounding neighborhoods, but less intense than the NC district. The NAC district should contain a variety of multi-family units, including townhouses, apartments above offices and retail, and loft options, complemented by offices, commercial and residential support services, residential, and limited retail space. This intent and purpose are consistent with Future Land Use Element Policy FLU8.3.13.4.4 of the Orange County ~~2000-2020~~2010-2030 Comprehensive ~~Policy Plan~~. These NAC neighborhood activity corridor district regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Sec. 38-1738. Permitted uses.

A use shall be permitted in the NAC district if the use is identified by the letter “P” in the use table set forth in section 38-77. For master-planned redevelopment areas, defined as areas where lot assembly has taken place and a single site plan has been submitted for an area no less than five acres, in the NAC district, permitted uses shall be consistent with ~~minimum and maximum land area specified in~~ Future Land Use Element Policy FLU 1.1.4C3.4.7 of the Orange County ~~2000-2020~~ Comprehensive Policy Plan.

* * *

Sec. 38-1741. Site development standards.

Except as otherwise provided in this section, the site and building requirements shown in article XII of this chapter shall apply to all development within the NAC district.

* * *

(2) *Density and intensity standards.* The following density and intensity standards shall apply to all development within the NAC district.

a. Floor area ratio shall not exceed 1.0.

b. The maximum residential density shall not exceed twenty-five (25) units per acre.

~~a. The minimum residential density shall be no less than four (4) units per acre. Densities less than four (4) units per acre shall be allowed for the protection of natural resources.~~

* * *

Section 47. Amendments to Sections 38-1744, 38-1745 and 38-1748 regarding the NR Neighborhood Residential District. Sections 38-1744, 38-1745 and 38-1748 are amended to respectively read as follows:

Sec. 38-1744. Intent and purpose of district.

The purpose of the NR neighborhood residential district is to provide a transition from mixed-use areas to lower-density residential areas to promote the redevelopment of urban communities. The NR district will provide a diversity of housing types at densities higher than surrounding neighborhoods, complemented by parks, recreation areas and civic uses essential to community gathering. The district will be pedestrian in nature, with sidewalk-lined, tree-shaded streets naturally claimed by on-street parking and an active environment. This intent and purpose are consistent with Future Land Use Element Policy FLU8.3.13.4.4 of the Orange County ~~2000-2020~~ Comprehensive Policy Plan. These NR neighborhood residential district regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Sec. 38-1745. Permitted uses.

A use shall be permitted in the NR district if the use is identified by the letter “P” in the use table set forth in section 38-77. For master-planned redevelopment areas, defined as areas where lot assembly has taken place and a single site plan has been submitted for an area no less than five acres, in the NR district, permitted uses shall be consistent with ~~minimum and maximum land area specified in~~ Future Land Use Element Policy FLU 1.1.4C 3.4.7 of the Orange County ~~2000-2020~~ Comprehensive ~~Policy~~ Plan.

* * *

Sec. 38-1748. Site development standards.

Except as otherwise provided in this section, the site and building requirements shown in article XII of this chapter shall apply to all development within the NR district.

* * *

(2) *Density and intensity standards.* The following density and intensity standards shall apply to all development within the NR district.

a. Floor area ratio shall not exceed .40.

b. The maximum residential density shall not exceed twenty (20) units per acre.

~~c. The minimum residential density shall be no less than four (4) units per acre. Densities less than four (4) units per acre shall be allowed for the protection of natural resources.~~

* * *

Section 48. Amendments to Article XVIII regarding Donation Bins. Article XVIII

of Chapter 38 is amended to read as follows:

ARTICLE XVIII. ~~DONATION~~ COLLECTION BINS

Sec. 38-1765. Intent.

The intent of this Article is to regulate the placement of ~~donation~~ collection bins within the unincorporated area of Orange County to promote the health, safety, and general welfare of citizens of the County.

Sec. 38-1766. Definitions.

As used in this Article, the following words or phrases shall have the meaning ascribed to them below unless the context clearly indicates otherwise:

(a) ~~Donation~~ Collection bin shall mean any stationary or free-standing container, receptacle or similar device that is located outdoors on any property within the County and is used for the ~~solicitation and~~ collection of donated items, such as clothing, books, shoes or other non-perishable personal property. This term does not include any of the following: (1) a bin used for the ~~solicitation and~~ collection of donated items associated with a special event, provided the bin is removed when the special event ends, but in no event later than forty-eight (48) hours after being placed at the special event site; (2) a mobile trailer used for the ~~solicitation and~~ collection of donated items, provided it complies with all applicable ordinances and regulations, including those relating to special events; and (3) a container bin, for the collection of recyclable materials associated with the Orange County Solid Waste Division.

(b) *Permit* shall mean a permit issued by the zoning manager or designee to operate a ~~donation~~ collection bin pursuant to this Article.

(c) *Permittee* shall mean the person or entity that owns the ~~donation~~ collection bin and in whose name a permit to operate a ~~donation~~ collection bin has been issued under the terms and provisions of this Article.

(d) *Property owner* shall mean the owner of fee simple title of record or the owner's authorized agent.

~~(e) — Solicitation shall mean as defined by Section 496.404, Florida Statutes, as may be amended.~~

Sec. 38-1767. Permit required.

No person shall place, use or operate a ~~donation~~ collection bin in the unincorporated area without obtaining a permit pursuant to this Article. The operator of a ~~donation~~ collection bin in existence as of June 24, 2014, the date of adoption of this ordinance, shall have until September 1, 2014, to either apply for and obtain a permit under this Article or remove the ~~donation~~ collection bin.

Sec. 38-1768. Permit application.

(a) An application for a permit shall be made to the zoning manager or designee on a form prescribed by the zoning manager. The applicant shall pay an application fee, established by the Board of County Commissioners and found in the fee schedule. Such application shall include, ~~at a minimum,~~ all of the following information:

(1) A map or sketch showing the location where the ~~donation~~ collection bin will be situated.

(2) A drawing or manufacturer's specification of the ~~donation~~ collection bin and information regarding the size and color of the ~~donation~~ collection bin.

(3) The name, address and telephone number of the applicant.

~~(4) — A copy of the Florida Department of Environmental Protection (FDEP) permit as a Certified Recovered Materials Dealers, issued pursuant to Section 403.7046, Florida Statutes, unless the applicant shows that an FDEP rule exempts it from Section 403.7046.~~

~~(54) If the applicant is not the owner of the property, the applicant shall sign and produce a notarized statement attesting that the owner of the property has approved of or consented to the application for a permit. Written consent from the property owner to place the donation collection bin on the property.~~

~~(65) Written authorization from a non-profit~~

organization to display affiliation with the non-profit organization.

(6) Evidence of any business permits or registrations required pursuant to State and/or local law, such as a Florida Department of Environmental Protection (FDEP) permit as a Certified Recovered Materials Dealers, issued pursuant to Section 403.7046, Florida Statutes, unless the applicant is exempt from Section 403.7046.

(b) Within fourteen (14) days of receipt of a completed application, the zoning manager or designee shall issue a letter to the applicant approving or denying the permit application, ~~with or without conditions, or denying the application.~~

(c) Upon approval of a permit application, the zoning manager, or his authorized designee, shall issue the permittee a tag which shall include the permit number and expiration date. A separate tag shall be issued for each collection bin which shall be displayed in accordance with section 38-1770 of this Article.

(d) In the event the original tag is damaged or otherwise inadvertently removed from the collection bin, the permittee may request a replacement tag from the zoning manager for a nominal fee. This shall not apply to any collection bin wherein the original tag has been removed due to expiration or other violation of this Ordinance.

Sec. 38-1769. Standards and criteria.

(a) A ~~donation~~ collection bin shall be limited to a maximum floor area of twenty-five (25) square feet and a maximum of seven feet (7') in height.

(b) A ~~donation~~ collection bin shall be limited to one bin per parcel or lot, except that one additional ~~donation~~ collection bin may be permitted if the parcel or lot has more than three hundred feet (300') of road frontage.

(c) A ~~donation~~ collection bin shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be ~~free of graffiti~~ repaired or repainted in the event it is damaged or vandalized.

(d) In addition to the information that is required to be posted pursuant to Section 38-1770, Signage shall be required

permitted on at least not more than two sides of a donation collection bin, provided that at least one sign shall be located on the front or depositing side of the receptacle, and the total copy area of all signage does not exceed thirty-two (32) square feet. Signage shall only advertise the donation collection bin's: (1) permittee, and (2) —if applicable, benefitting foundation or organization. A donation collection bin operated by a person or entity other than a non-profit permittee shall include the following statement on the depositing side of the bin, not less than two inches (2") below the bin chute, in conspicuous and clear lettering at least two inches (2") high: "[Permittee name] is not a charitable organization. The materials deposited in this bin are recycled and sold for profit, and are not tax deductible contributions." The sign shall be located not less than two inches (2") below the bin chute with the conspicuous and clear lettering that is not less than three inches (3") high and one-half inches (1/2") in width with an ink color that contrasts with the color of the collection bin. A permittee's donation collection bin operated by a person or entity other than a non-profit permittee with a benefitting foundation or organization may also state: "A portion of the proceeds of the sale of the materials deposited in this bin benefits [name of benefitting foundation or organization]."

(e) A donation collection bin shall not be located on an unimproved parcel or lot.

(f) The permittee shall maintain or cause to be maintained the area surrounding a donation collection bin free of junk, garbage, trash, debris or other refuse material. In addition, a donation collection bin shall be emptied at least every seventy-two (72) hours.

(g) A donation collection bin shall have a security or safety chute and tamper proof lock to prevent or deter intrusion and vandalism.

(h) The permittee and property owner shall be individually and jointly responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding a donation collection bin within seventy-two (72) hours of written or verbal notice from the County.

(i) The permittee and property owner shall be individually and severally responsible for all costs related to abating and removing any junk, garbage, trash, debris and other refuse materials from the area surrounding a donation collection bin

bin.

(j) A ~~donation~~ collection bin shall be located on an improved impervious surface and shall be anchored to such surface.

(k) A ~~donation~~ collection bin shall only be allowed as an accessory use in the ~~C~~commercial and ~~H~~industrial zoning districts. Also, until October 1, 2019, a collection bin shall be allowed as an accessory use in a multi-family zoning district where the multi-family development is gated and has at least one hundred (100) units, provided that the collection bin shall be located interior to the multi-family development and not clearly visible from the public right-of-way. On October 1, 2019, the portion of this subsection allowing collection bins in a multi-family district shall automatically expire.

(l) A ~~donation~~ collection bin shall not be located in any of the following areas:

- (1) Required parking spaces;
- (2) Public or private right-of-way;
- (3) Drive aisles;
- (4) Required landscaped areas;
- (5) Sight triangle;
- (6) Pedestrian circulation areas;
- (7) Within one hundred feet (100') from a single-family residentially zoned district; or
- (8) Within the setback of the applicable zoning district.

(m) A collection bin shall not be placed on the site in a manner that impedes vehicular or pedestrian traffic flow.

Sec. 38-1770. Display of permit.

The following information shall be clearly and prominently displayed on the exterior of the ~~donation~~ collection bin:

(1a) The approved permit tag, which shall be placed on the front or depositing side of the receptacle; and

(2b) On each side of the receptacle, ~~the~~ name of the permittee, ~~and the permittee's,~~ logo, trademark or service mark, local physical address, telephone number, e-mail address (if any), and for-profit or non-profit status.

Sec. 38-1771. Issuance; forms and conditions of permit.

(a) The permit shall be issued on a form prescribed by the zoning manager. The permit shall identify the exact location of the ~~donation~~ collection bin on the property.

(b) The permit shall not be transferable.

(c) The permit shall be effective for one (1) year; from the date of issuance and be subject to annual renewal.

(d) The permittee shall advise the zoning manager of any material changes in the information or documentation submitted with the original permit application.

Sec. 38-1772. Permit fee.

The permittee shall pay an annual permit fee, established by the Board of County Commissioners and found in the fee schedule. No prorations may be allowed for permits less than one (1) year in duration or for permits suspended or revoked pursuant to this Article.

Sec. 38-1773. Revocation or suspension of permit.

The zoning manager shall have the authority to suspend or revoke a ~~donation~~ collection bin permit for the following reasons:

(a) A necessary business permit or state registration has been suspended, revoked or cancelled.

(b) Failure to correct a violation of this Article ~~or any condition of the permit~~ within three (3) days of receipt of a code enforcement notice of violation.

(c) The permittee provided false or misleading information on the application which was material to the approval of the permit.

The zoning manager or designee shall notify the permittee in writing whether the permit is being suspended or revoked, and the reason therefore. If the action of the zoning manager is based on subsection (a) or (c), the action shall be effective upon permittee's receipt of the notice. If the action is based on subsection (b), the action shall become effective ten (10) days following permittee's receipt of the notice, unless such action is appealed to the Board of Zoning Adjustment pursuant to this Article.

Nothing in this section shall be construed to otherwise limit the County's police powers.

Sec. 38-1774. Appeals.

(a) The zoning manager's decision to deny a permit application or to suspend or revoke a donation bin permit may be appealed to the Board of Zoning Adjustment. The permittee shall submit a written notice of appeal to the zoning manager within ten (10) days of receipt of the zoning manager's decision. The Zoning Division shall schedule a hearing before the Board of Zoning Adjustment within thirty (30) days of receiving the notice.

(b) The Board of Zoning Adjustment shall conduct a hearing on the appeal within sixty (60) days after the filing of the notice of appeal, or as soon thereafter as its calendar reasonably permits. The recommendation of the Board of Zoning Adjustment shall be forwarded to the Board of County Commissioners for a final decision.

(c) The filing of a notice of appeal by a permittee shall not stay an order of the zoning manager to remove the ~~donation~~ collection bin. The ~~donation~~ collection bin shall be removed as required by the zoning manager pending disposition of the appeal and final decision of the Board of County Commissioners.

Sec. 38-1775. Penalties.

Any person who operates or causes to be operated a ~~donation~~ collection bin without a valid permit or any person or permittee who violates any provision of this Article, regardless of whether the ~~donation~~ collection bin is permitted under this Article, shall be subject to any one or more of the following penalties and/or remedies:

(a) A violation of any provision of this Article may be enforced through the code enforcement process as described in Chapter 11 of the Orange County Code and Chapter 162 of the Florida Statutes;

(b) Orange County may bring a lawsuit in a court of competent jurisdiction to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law to cure, remove, prevent, or end a violation of any provision of this Article, and furthermore, in the event Orange County removes a ~~donation~~ collection bin from the public right-of-way, the owner of the ~~donation~~ collection bin shall be responsible for the cost of removal; and

(c) A violation of any provision of this Article may be punished as provided in Section 1-9 of the Orange County Code.

Sec. 38-1776. Responsibility and liability of owner of donation bin, permittee, and property owner.

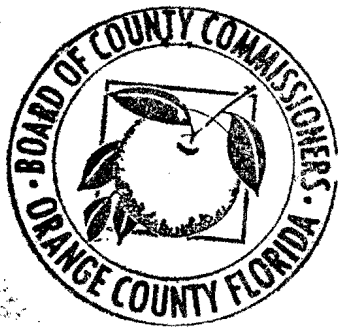
The owner of the donation bin, the permittee, and the owner of any private property upon which a violation of this Article occurs may be held individually and severally responsible and liable for such violation.

Secs. 38-1777 – 38-1779. Reserved.

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]

Section 49. Effective date. This ordinance shall become effective pursuant to general law.

ADOPTED THIS ____ DAY OF SEP 13 2016, 2016.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs,
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Katie Smith*
Deputy Clerk

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REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
Sec. 38-77. Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	MAC	NR	Conditions			
* * *																																					
Raising or keeping of ows and horses, & ponies, donkeys, and mules, for domestic purposes; boarding of horses, ponies, etc.	0272	Raising or keeping of horses, ponies, etc.; boarding of horses, ponies, etc. Horses & equines	41 SP	41 SP	41 SP	41 SP	41 SP	41 SP													41 P	41 P			41 P	41 P	41 P										
Commercial aviculture, aviaries	0279	Commercial aviculture	48 S	48 S	48 S																	P	P		P	P	P									*	
Bee Keeping		Bee Keeping	P	P	97 P																																
Raising or keeping of goats, sheep, lambs, pigs, or swine		Raising or keeping of goats, sheep, lambs, pigs or swine	49 SP	49 SP	49 SP	52 P	69 P	69 P																													
Breeding, keeping and raising of farm animals (ex. goats, swine, pot-bellied pigs, etc.) for sale or profit (not for domestic purposes)		Breeding, keeping and raising of farm animals (ex. goats, swine, pot-bellied pigs, etc.) for sale or profit (not for domestic purposes)	50 S	50 S																																	
Breeding, keeping and raising of farm animals (ex. goats, swine, pot-bellied pigs, etc.) for domestic purposes only		Breeding, keeping and raising of farm animals (ex. Goats, swine, pot-bellied pigs, etc.) for domestic purposes only	49 P	49 P	52 P	52 P																															
Breeding, keeping and raising of exotic animals		Breeding, keeping and raising of exotic animals	11 P	11 P																																	
* * *																																					
	07	AGRICULTURAL SERVICES	P	P																																	
Veterinary service with no outdoor runs or compound	0742	Veterinary services	S	S																	54 P	54 P	54 P	54 P		P	P	P	54 P						*		

REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
Sec. 38-77. Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (sec 29)	R-L-D	UR-3	NC	NAC	NR	Conditions				
			* * *																																			
Commercial solar farms	49	Commercial solar farms	50 P	50 P																																		
			* * *																																			
Substations, telephone switching stations, Gas substations, TV substations, radio substations, telephone substations		Substations, telephone switching stations, Gas substations, TV substations, radio substations, telephone substations	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 P	61 P	61 P	61 S	61 S		61 S	61 S	61 S		*		
			* * *																																			
Distribution electric substation	49	Distribution electric substation	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	*
Alternative energy devices as an accessory structure or use (wind turbines, solar panels, etc.)			83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	*
			* * *																																			
Donation-Collection bins		Donation-Collection bins														115 P	115 P				115 P	115 P	115 P	115 P	115 P	115 P	115 P											
			* * *																																			
Wholesale bakeries	50	WHOLESALE TRADE Wholesale distribution of durable and nondurable goods																				P	P			P	P	P									*	
Wholesale bakeries	50, 51	Groceries and related products																				P	P			P	P	P										*
			* * *																																			
Junk, salvage or wrecking yards, sales and storage of wrecked cars or inoperable vehicles	5093	Junk yards (scrap and waste)																									9 63 P										*	
			* * *																																			

REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
Sec. 38-77. Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-LD	UR-3	NC	MAC	NR	Conditions			
	59	MISCELLANEOUS RETAIL																			P	P	P												*		
Bicycle stores, sporting goods, bicycle stores, firearms sales and rental	5941	Sporting goods & bicycle shops																			136 P	136 P	136 P					136 P			136 P	136 P			*		
Indoor markets		Indoor markets																			P	P	P			P	P	P					P	P			
																						P	P	P		P	P	P									
Funeral homes, funeral directors, funeral chapter	7261	Funeral service, except crematories and embalming	S	S	S										131 S						131 S	P	P	P		P	P	P					P	P			
Costume rental, dating services, escort services, tanning salons, tattoo parlors, valet parking	7299																																				
	75	AUTO REPAIR SERVICES & PARKING																				P	P			P	P										
Car rental and leasing	7514	Passenger car rental																				176 P	176 P	176 P		176 P	176 P	176 P									
Parking lots & parking garages for office, commercial or industrial uses	7521	Automobile parking											81 S	81 S	81 S						81 S	P	P	P	P	P	P	P	81 P			150 S	150 S	150 S	*		
Automobile towing service (does not include the storage, sales or dismantling of wrecked/in-operative vehicles); window tinting	7549	Towing services																																			

Conway Road/Hoffner Avenue Corridor Overlay District

Exhibit "A"

