

ZONING REPORT

Ascend South Creek

3060 Southcreek Boulevard
Orlando, Florida 32824

Date of Report: July 29, 2022
Partner Project Number: 22-378483.1

Prepared for:

Versity Invest, LLC

Aliso Viejo, California 92656



July 29, 2022

Michael Buysse
Versity Invest, LLC
20 Enterprise, Suite 400
Aliso Viejo, California 92656

Subject: **Zoning Report**
Ascend South Creek
3060 Southcreek Boulevard
Orlando, Florida 32824
Partner Project No. 22-378483.1

Dear Mr. Buysse,

Partner Engineering and Science, Inc. (Partner) is pleased to provide you with the results of the Zoning Report performed on the above-referenced property.

The Zoning Report was performed utilizing methods and procedures consistent with good commercial or customary practices designed to conform to acceptable industry standards. The independent conclusions represent Partner's best professional judgment based upon existing conditions and the information and data available to us during the course of this assignment.

The Subject Property's use is considered to be Legal Conforming. The Subject Property's improvements are considered to be Legal Conforming.

We appreciate the opportunity to provide these services. If you have any questions concerning this report, or if we can assist you in any other matter, please contact Jenny Redlin at (310) 765-7243 or jredlin@partneresi.com.

Sincerely,

Partner Engineering and Science, Inc.



Jesse Tirado
Zoning Project Manager



Jenny Redlin
Relationship Manager

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1.0 INTRODUCTION

1.1 Purpose and Scope

The purpose of this Report and related analysis is to assist Versity Invest, LLC, Apex South Creek, DST, and any of its affiliates, successors or assigned, and any beneficial interest holders/investors which may purchase interests from Apex South Creek, DST and their broker/dealers, and also third parties authorized in writing by Versity Invest, LLC and Apex South Creek, DST (Client) in the evaluation of zoning requirements and/or violations relating to zoning requirements. This Report has been compiled using and interpreting current Building and Zoning requirements of the jurisdiction controlling the subject property.

1.2 Scope and Exceptions

This Report is based on the evaluation of local ordinances, codes, and laws of the city where the subject property is located, as well as any relevant figures, documents and permits obtained by Partner Engineering and Science, Inc. (Partner) for the purpose of this Report. Local ordinances, codes, and laws are interpreted and evaluated using the figures, documents, and permits to ascertain whether or not the subject property is in conformance with these regulations.

In evaluating conformance and compliance with local zoning codes and ordinances, Partner did not perform a physical inspection of this property. If Partner physically inspected the subject property to compile any other related or unrelated report, the fact that there may have been a physical inspection for those reports does not necessarily warrant that there was a physical inspection of the subject property for the purposes of this Zoning Report.

1.3 Statement of Limitations

This Report represents a statement of conformance with local building and zoning codes, ordinances, and laws based on an analysis of such regulations and related documentation and figures. No part of this Report is warranted to be compiled by way of physical or visual examination of any portion of the subject property.

1.4 Client Reliance

All reports both verbal and written are for the sole use and benefit of Versity Invest, LLC ("Client"), Apex South Creek, DST, and any of its affiliates, successors or assigned, and any beneficial interest holders/investors which may purchase interests from Apex South Creek, DST and their broker/dealers, and also third parties authorized in writing by Versity Invest, LLC and Apex South Creek, DST.

2.0 PROPERTY SUMMARY

The following information was derived from a Partner ESA report dated July 29, 2022, and a client-provided ALTA Survey dated June 10, 2022.

Property Data	
Name	Ascend South Creek
Address	3060 Southcreek Boulevard
City, State and Postal Code	Orlando, Florida 32824
Property Use	Multifamily Residential
Parcel Size (Acres)	24.85
Number of Buildings	10 apartment buildings, five garages, one clubhouse/leasing office, one pavilion and one mail kiosk
Number of Stories	One and three-stories
Year Built	2022
Number of Residential Units	300
Number of One Bedroom Units	168
Number of Two Bedroom Units	108
Number of Three Bedroom Units	24
Gross Building Area (SF)	371,403
Net Rentable Area (SF)	304,260
Property Jurisdiction	Orange County
Zoning Designation	PD, Planned Development
County	Orange
Parcel Number	282435650002000
Conformance Status Summary	
Use Conformance Status	The Subject Property's use is considered to be Legal Conforming.
Improvement Conformance Status	The Subject Property's improvements are considered to be Legal Conforming.

3.0 REGULATORY INQUIRIES

<i>Zoning Letter</i>	
Department Name:	Planning & Development
Contact Name:	Zoning Division – Zoning Letter Request
Telephone:	407-836-3111
Email:	Zoning@ocfl.net
Status:	Zoning Verification Letters have been provided.
Is documentation attached:	Yes, see Appendix C
<i>Certificates of Occupancy</i>	
Department Name:	County of Orange Records Management Division
Contact Name:	Records Request
Telephone:	407-836-5400
Email:	PublicRecordRequest@ocfl.net or PublicRecordUnit@ocfl.net
Status:	Certificate of Occupancy issued.
Is documentation attached:	Yes, see Appendix D
<i>Zoning Code Violations</i>	
Department Name:	Planning, Environmental & Development Services
Contact Name:	Matthew Ulmer
Telephone:	407-836-5678
Status:	No open violations reported.
<i>Building Code Violations</i>	
Department Name:	Planning, Environmental & Development Services
Contact Name:	Matthew Ulmer
Telephone:	407-836-5678
Status:	No open violations reported.
<i>Fire/Life Safety Code Violations</i>	
Department Name:	Orange County Fire Rescue
Contact Name:	Gamal Mack
Contact Job Title:	administrative Specialist
Email:	FireRecords@ocfl.net
Status:	No open violations reported.
<i>Public Improvement Projects / Condemnations</i>	
Department Name:	County of Orange Engineering Department
Contact Name:	Interactive Project Map
Telephone:	407-836-7908
Status:	No, there are no known public improvements.

4.0 ZONING REQUIREMENTS

4.1 Zoning Regulations

<i>Zoning Regulations</i>	
Title of Ordinance	County of Orange Code of Ordinances
Date of Most Recent Revision	2022

4.2 Use Conformance

<i>Use Conformance</i>	
Current Use	Multifamily Residential
Use Permitted	The Subject's use is permitted within the Subject district.

Use Status: CONFORMING

4.3 Area Regulations

The following regulations are in accordance with the County of Orange Code of Ordinances and the Wetherbee Acres Planned Development Land Use Plan. Status was determined by using a client-provided ALTA Survey dated June 10, 2022.

<i>Orange County PD, Planned Development</i>				
<i>Area Regulation</i>	<i>Code (§)</i>	<i>Requirement</i>	<i>Actual</i>	<i>Status</i>
Wetherbee Road Setback	Wetherbee Acres PD	25 ft.	32.8'	Conforming
Residential PD Setback	Wetherbee Acres PD	25 ft.	*24.7'	Conforming
Local Public Street Setback	Wetherbee Acres PD	20 ft.	23 ft.	Conforming
Minimum Building Separation	Wetherbee Acres PD	20 ft.	46.7'	Conforming
Maximum Density	Wetherbee Acres PD	450 units	300 units	Conforming
Minimum Open Space	Wetherbee Acres PD	25% (270,616 sq. ft)	>20%	Conforming
Minimum Dwelling Size	Wetherbee Acres PD	500 sq. ft.	817 sq. ft.	Conforming
Maximum Height	Wetherbee Acres PD	40 ft.	*40.1'	Conforming
Maximum Stories	Wetherbee Acres PD	3-stories	3-stories	Conforming

**Based on the issuance of the Certificates of Occupancy, the subject was built in compliance with the final development plan submitted to Division of Building Safety.*

Area Regulations Status: CONFORMING

5.0 PARKING

5.1 Number of Parking Spaces

Information on this chart was obtained using an ALTA Survey dated July 29, 2022.

<i>Number of Parking Spaces</i>	
Number of Regular Parking Spaces	576
Total Number of Provided Parking Spaces	576

5.2 Parking Requirements

The following chart is in accordance with the County of Orange Code of Ordinances.

Code Section Referenced: 38-1476

<i>Parking Requirements</i>		
<i>Regulation</i>	<i>Requirement</i>	<i>Equation</i>
For Each Efficiency and One Bedroom Unit	1.5 spaces per unit	$168 \times 1.5 = 252$
For Each Two or Three Bedroom Units	2 spaces per unit	$132 \times 1.5 = 198$

Total Required Parking Spaces = 450

Parking Status: CONFORMING

6.0 RECONSTRUCTION

6.1 Site Restoration in the Event of a Casualty

The Subject Property's use is considered to be Legal Conforming. The Subject's use as a "Multifamily Residential" is permitted within a PD district, pursuant to § 38-1202

The Subject Property's improvements are considered to be Legal Conforming as to area and parking regulations, pursuant to § 38-1206 and § 38-1476. In the event of a casualty, the Subject may be rebuilt within previous existing footprint, pursuant to § 38-53.

6.2 Damage and Reconstruction (for reference)


In accordance with § 38-53: (a) nonconforming building or structure, other than a sign, which is destroyed by any cause or means (including a flood, fire, hurricane, tornado, storm, explosion, riot, or other calamity), shall not be replaced, except in compliance with the regulations of this chapter. A nonconforming building or structure, other than a sign, which is damaged by any cause or means, such that the cost of repair is in excess of seventy-five (75) percent of the assessed value of the building or structure as of January 1 of the calendar year that the building or structure was damaged, as calculated by the Orange County Property Appraiser; or, if applicable, by the Orange County Value Adjustment Board, shall not be repaired, except in compliance with the regulations of this chapter.

7.0 SURVEY INFORMATION

<i>ALTA Survey</i>	
Title of Survey	ALTA/NSPS Land Title Survey
Survey Date of Last Revision	June 10, 2022
Survey Preparer Name	Harry B. Rodgers III, Florida PLS No. 6418

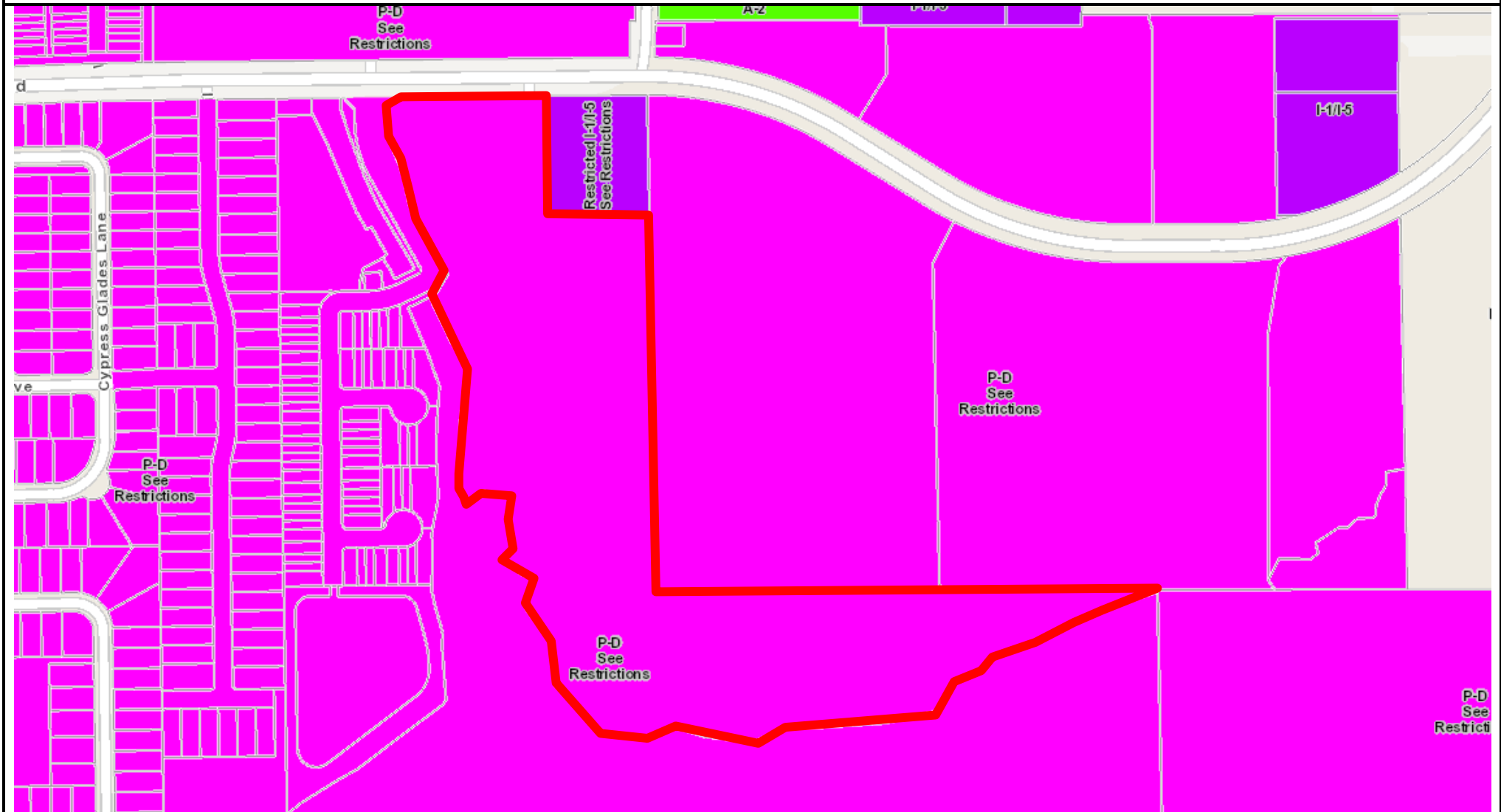
APPENDIX A: SITE LOCATION MAP



KEY:
Subject Property 

APPENDIX B: ZONING MAP

ZONING DESIGNATION: PD



KEY:
Subject Property 

APPENDIX C: ZONING LETTER



July 26, 2022

Jennifer Rios
Partner Engineering and Science, Inc.
24 Executive Park, Suite 100
Irvine, CA, 92614
Email: jrios@partneresi.com

Re: Zoning Verification Request (#Z22006154)
Project Address: 3060 Southcreek Boulevard, Orlando, Florida, 32824 (per submitted documentation)
Parcel ID#: 20-24-30-7641-01-000

To Whom It May Concern,

This is in response to your request for verification of zoning district classification relating to the property located at 3060 Southcreek Boulevard. This verification of zoning pertains only to the types of uses that would be permitted on the property and does not imply fulfillment of any development standard(s) or issuance of appropriate permits and any other approvals required for improvement of the property or for use or occupation of the property, including any structures on the property, for any proposed use. Please reach out to the Building Safety Division to determine if any building permits, conversion permits or use permits are required.

This property is zoned Planned Development (PD) and is located within the Wetherbee Acres PD. The approved Land Use Plan (attached) designates uses for this property as those consistent with multi-family zoning districts. The Orange County Comprehensive Policy Plan Future Land Use Map designates this property as MDR (Medium Density Residential). Therefore, the subject property is consistent with the Comprehensive Policy Plan Future Land Use Map.

This parcel has not been granted any variances, special exceptions, or special use permits, and is not located within any overlay district. Orange County Zoning is not aware of any plans for construction or condemnation that would cause this property to lose any land for improvements. For information regarding road expansions/enhancements, please contact Public Works at (407) 836-7900.

The adjacent zoning designations are as follows:

North: RSTD I-1/I-5 (Restricted Light Industrial District), PD, PD
East: PD

South: PD
West: PD

Orange County Zoning does not keep records of site plans, certificates of occupancy, or building permit history. You may contact the Orange County Building Division at (407) 836-5550 for copies of any available records. For older records, please reach out to Official Records at (407) 836-5115.

ZONING DIVISION

201 South Rosalind Avenue, 1st Floor ■ Reply To: Post Office Box 2687 ■ Orlando, FL 32802-2687
Telephone 407-836-3111 ■ orangecountyfl.net

7/26/2022

Page 2

If building and/or land use permits have been issued by Orange County, with subsequent inspections and Certificates of Occupancy issued to allow existing improvements / operations, then it is assumed said improvements / operations met applicable minimum development requirements (i.e. building, zoning, fire, health, utilities, engineering, environmental, etc.) at the time said permits were issued. You may contact the Orange County Building Division at (407) 836-5550 for copies of any records available regarding building permits, inspections, building code violations and Certificates of Occupancy for the subject property. For older records, please reach out to Official Records at (407) 836-5115.

Orange County Zoning does not keep records of code violations. You may contact the Orange County Code Enforcement Division at (407) 836-3111 for copies of any records available regarding zoning code violations of the subject property. Orange County Zoning does not keep records of fire code violations. You may contact the Orange County Office of the Fire Marshall at (407) 836-0004 for copies of any records available regarding fire code violations of the subject property.

Nonconforming uses are subject to Chapter 38, Article 3 of the Orange County Code. According to Code Sec. 38-53(a), a nonconforming building or structure, other than a sign, which is destroyed by any cause or means, shall not be replaced, except in compliance with the regulations of the Zoning Code.

For information regarding off-street parking regulations, please see [Sec. 38-1479](#) of the Orange County Code.

The Orange County Zoning regulations are available on the internet at www.municode.com. To access our Code online, click on Library, then click on Florida and select Orange County. If you have any questions, please contact me at (407) 836-5932.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Gray', with a stylized horizontal line extending from the end.

James Gray
Planner I

ZONING DIVISION

201 South Rosalind Avenue, 1st Floor ■ Reply To: Post Office Box 2687 ■ Orlando, FL 32802-2687
Telephone 407-836-3111 ■ orangecountyfl.net



Land Use Plan

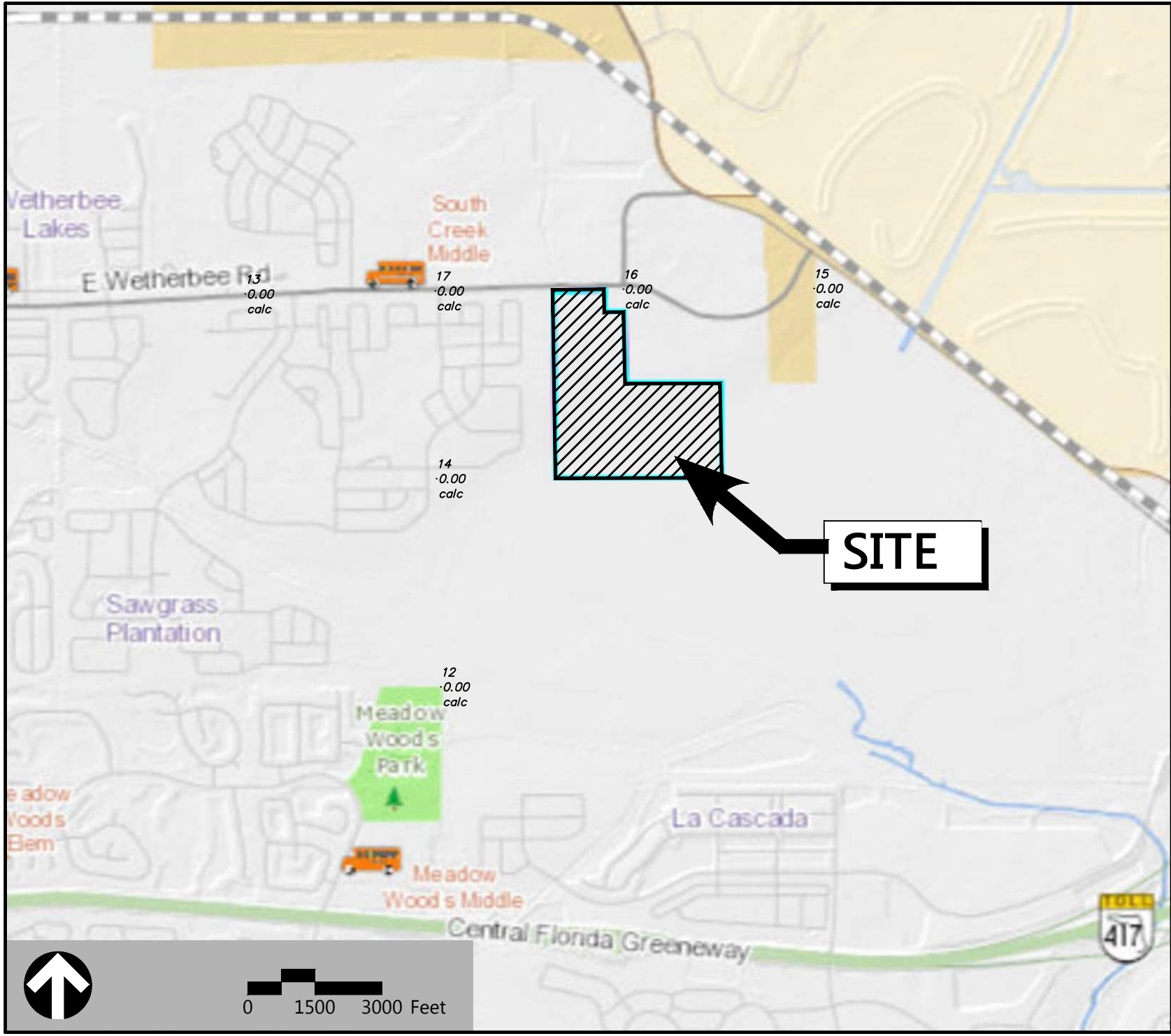
Issued for	Orange County
Date Issued	November 13, 2017
Latest Issue	September 18, 2018

Wetherbee Acres, PD

Orange County, Florida

Parcel ID# 20-24-30-0000-00-004

CDR-18-08-263



225 E. Robinson Street
Suite 300
Orlando, FL 32801
407.839.4006
Certificate of Authorization
Number FL #3932

Applicant

Wetherbee Acres, LLLP
P.O. Box 231
Orlando, FL 32802

Planner/Engineer

VHB
225 E. Robinson Street
Suite 300
Orlando, FL 32801

Surveyor

Maser Consulting P.A.
1101 North Lake Destiny Road
Suite 415
Maitland, Florida 32751

Sheet Index

No.	Drawing Title	Latest Issue
C00	Cover Sheet	September 18, 2018
C01	Land Use Plan	September 18, 2018

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: June 19, 2018

- Development shall conform to the Wetherbee Acres Planned Development (PD) dated "Received April 18, 2018," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received April 18, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.
- This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
- Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's /

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DRC Staff Report
Orange County Planning Division
BCC Hearing Date: June 19, 2018

- Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
- Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
- All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
- The developer shall obtain wastewater and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- This project is for a maximum of 950 townhomes, fee-simple condominiums, or rental apartment units. No more than 450 units shall be developed as rental apartments. Each rental apartment complex shall be a maximum of 350 units.
- Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.
- Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 6, 2006 shall apply:

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DRC Staff Report
Orange County Planning Division
BCC Hearing Date: June 19, 2018

- This property lies within Airport Noise Zone "D." Zone "D" shall require notification provisions on the covenants, conditions, and restrictions and the condominium document declarations. A Waiver of Claim and 25 decibel (db) sound level reduction are required at Preliminary Subdivision Plan (PSP)/Plating/Development Plan stage.
- Developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board as of April 29, 2003.
 - Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the developer is in default or breach of the PEA, the County shall immediately cease issuing building permits for any residential units in excess of the 5 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon OCPS' written notice to the County that the developer is no longer in breach or default of the PEA. The developer and its successor or assign under the PEA shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - Developer, or its successor or assign under the PEA, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights. The County shall be held harmless by the developer and its assigns under the PEA, in any dispute between the developer and OCPS over any interpretation or provision of the PEA.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 6, 2006)

Upon a motion, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved a request by Marion I. Skilling, Marion I. Skilling & Associates, Wetherbee Acres Planned Development / Land Use Plan (PD/LUP), and further, clarified Condition of Approval #7 of the Board of County Commissioners' approvals of November 9, 2004, in which the project was restricted to 950 total residential units (condos, townhomes, or apartments) with no more than 450 as rental apartments; which constitutes a substantial change to the development on the above-described property; subject to the conditions listed in the staff report.

RECEIVED
By DRC Office at 9:33 am, Sep 20, 2018

SEPTEMBER 20, 2018



225 E. Robinson Street
Suite 300
Orlando, FL 32801
407.839.4006
Certificate of Authorization
Number FL #3932

SITE DATA

SITE DATA

- Total Site Area: 98.495 AC
Estimated Upland Area 59.00 AC
(See Note 19 Below)
- Existing Zoning: A-2
Existing Land Use: Medium Density Residential (up to 20 DU/AC)
- Proposed Zoning: PD
- Proposed Data:
A. Number Units 950
B. Unit Type:
Townhouses and Apartments
Unit Composition: 950 max. total/450 max. apartments
C. Minimum Zoning Requirements:
Maximum Lot Area: 1/4 A
Minimum Dwelling Size: 500 SF
Maximum Building Height: Residential: 40 feet/3 stories with appropriate setbacks
TEXT REMOVED
- Gross Density: 10.234 DU/AC (1,008 DU/ 98.495 AC)
- School Age Children:
950 units X 0.235 = 223.25 (Per O.C. Subdivision Regs.)
950 units X 0.500 = 475.00 (Per O.C. School Board)
- Flood:
The southern portion of the property is located within a 100-year flood zone as depicted on the FIRM Panel 12079 (400 C, dated August 5, 1986). The survey provided as part of the submittal package depicts the 73' contour line and the land lying below this elevation as being within flood zone A4.
- Existing Site Soils:
Symbol Description
(34) Pomello fine sand, 0 to 5% slopes, nearly level to gently sloping and moderately well drained.
(37) St. John fine sand, nearly level and poorly drained.
(41) Samula-Horton-Basinger, Depressional
(54) Zolfo fine sand, nearly level and somewhat poorly drained
9. Existing Vegetation: Pasture (211,212), Upland Shrub and Bushland (320), Cypress Swamp (621), Mixed Forested Wetland (603), Shrub Wetland (634). Refer to Environmental Report prepared by Environmental Management and Design, Inc., submitted with the application.
- Water Service: Orlando Utilities Commission
Water Demand: (ADF) 950 units X 350 GPD = 332,500 GPD
- Sewage Disposal: Orange County Utilities
Wastewater shall be required per the requirements of Orange County and all other applicable state and federal agencies.
- Storm water Management: The stormwater management system will be designed to comply with Orange County Regulations and all other applicable agencies. Storm water from Wetherbee Road improvements may be combined with apartments/commercial water facilities.
- Fire Flow : Per Orange County Regulations
Land Use Type Area Fire Flows Residual Pressure (gallons/minute) (psi)
Multi-Family 1,000 20
- Open Space: Open Space will be provided per the requirements of Section 38-1234.
Residential Townhomes - 10%
Apartments - 25%
Open space may be comprised of a combination of 50% dry and/or we. bottom ponds and designated conservation areas. No more than 50% of the open space area shall be comprised of conservation areas. Final acreage calculation will be determined and shown on the Development Plan stage. Final location of park to be determined and shown on the Development Plan stage pending the final outcome of a conservation jurisdiction survey determination.
- Recreation Area: Recreation Area will be provided per the requirements of Section 38-1233 pending the final determination of number of units and unit type at the Development Plan stage. Recreation Area to be owned and maintained by the owner/developer/POA. Final location of park to be shown on the Development Plans. (2.5 acres/1,000 projected population @2.1 persons per multi-family unit.)
- Average Daily Trip Generation: Townhomes: 3,619 Trips (500 DU X 7.238 Trips/DU)
Apartment: 2,440 Trips (450 DU X 5.440 Trips/DU)
Total: 6,067 Trips
Source: ITE Trip Generation, 10th Edition
- Phasing Plan: Three Phases
No one complex will be more than 350 units
- A Conservation Area Determination (CAD) with identification of all conservation areas will be submitted with the Development Plan in accordance with Chapter 15 Article 15.
- An executed School Capacity Agreement has been approved by Orange County Public Schools dated May 6, 2003.
- Specific Unit Type information will be provided at the Development Plan Stage.
- SETBACKS:
Residential:
PD Boundary 25 feet
Wetherbee Road R/W 25 feet
Local public street R/W 20 feet
Minimum Building Separation 20 feet
Where doors and windows or other openings in the building of a wall back up to another building with doors and windows a minimum separation of 30 feet for 2 story buildings and 40 feet for 3 story building shall be provided.
*Requested waiver from Section 38-79(20) to allow for screen room encroachment into setback area.

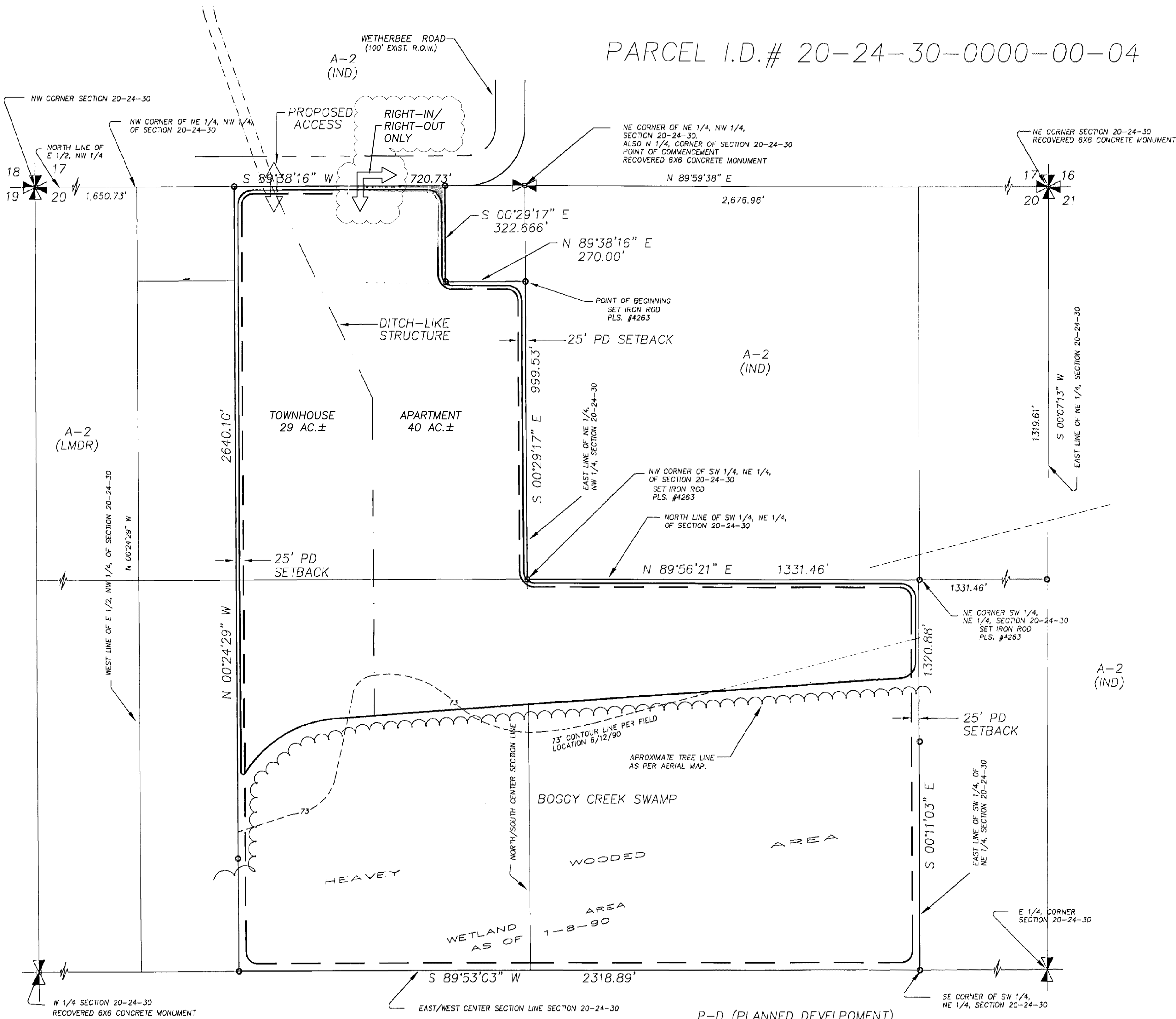
Maintenance:

- Retention - Developer/Owner/Property Owner Association
- Common Areas/Open Space/Recreational Areas/Developer/Owner/Property Owner Association.
- Lot dimensions for townhouse units shall be determined at Development Plan stage.
- Zone D shall require notification provisions on the Condominium Restrictions and/or Declarations.
- In accordance with section 38-1227, any variations from county code minimum standards represented on this plan that have not been expressly approved by the BCC are invalid.
- A 10 foot trail extending from Wetherbee Road to the south wetland and back to Wetherbee Road shall be provided and depicted on the Preliminary Subdivision Plan (PSP).

WAIVERS:

- A waiver from Orange County Sec.38-79(20)(f) to allow for 60% of units to be in buildings containing 5 or more units in lieu of 75%.
Justification: This waiver will allow for flexibility in site design based upon the geometry of the site. The additional 4-unit buildings are able to be placed in a way to maximize community open space.
- A waiver from Orange County Sec.38-1258(g) to allow multi-family development to share access with single-family development in lieu of not allowing access to multi-family from a right-of-way serving single-family development.
Justification: Due to engineering constraints, along the frontage of Wetherbee Road, two separate full access points is not achievable. The shared access drive will be designed to accommodate the traffic from the adjacent uses. In no case shall platted single family lots directly access the multi-family access road.
- A waiver from Orange County Sec. 38-1258(a,b) to allow multi-family buildings greater than 75' from single-family properties to have an allowable height of 40 feet (3 stories) in lieu of requiring 50% of buildings between 100 and 150 feet to be one or two-story structures and buildings less than 100' from single-family properties to be limited to a single story.
Justification: Based upon the natural drainage swale and associated upland buffers separating the townhomes from multi-family development, the two uses are clearly defined and buffered from one another. The code is unclear in the measurement criteria as the building and property line are referenced. This request is to confirm that the separation is measured from multi-family building to single-family building as opposed to property lines.

PARCEL I.D.# 20-24-30-0000-00-04



P-D (PLANNED DEVELOPMENT)

LAND USE SUMMARY CHART

Land Use	Total Units (950 max. units)
Primary Use *	
Apartments	450 max.**
Townhouses	500 max.**

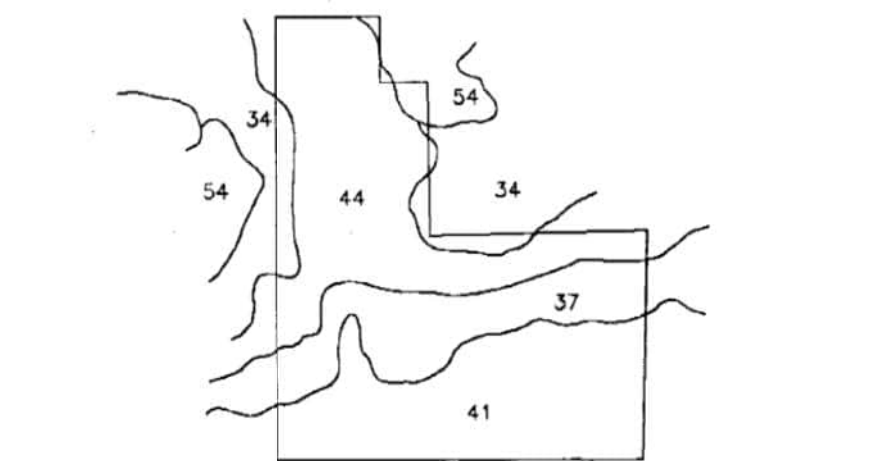
** Residential units may be exchanged

DEVELOPMENT PROGRAM

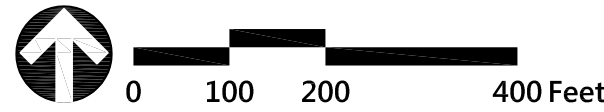
Land Use	Phase 1	Phase 2	Phase 3
Apartments/Townhouse *	33%	33%	33%

*Can be built in any phase

SOILS MAP



SYMBOL: (34) POMELLO FINE SAND, 0-5% SLOPES, NEARLY LEVEL TO GENTLY SLOPING AND MODERATELY WELL DRAINED.
(37) ST. JOHN FINE SAND, NEARLY LEVEL AND POORLY DRAINED.
(41) SAMULA-HORTON-BASINGER, DEPRESSIONAL
(44) SMYRNA FINE SAND, 0-2% SLOPES, POORLY DRAINED
(54) ZOLFO FINE SAND, NEARLY LEVEL AND SOMEWHAT POORLY DRAINED.



Wetherbee Acres, PD

Orange County, Florida

No.	Revision	Date	Appr.

Designed by	Checked by
Issued for	Date
	November 2017

Not Approved for Construction

Land Use Plan

Drawing Number

C01

Sheet of

Project Number

63111.00

APPENDIX D: CERTIFICATE OF OCCUPANCY



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **May 04, 2022**

PERMIT NUMBER: **B20903397**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12420 Rain Stream Ct.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **36,216**

Maximum Floor Load Allowable: **40**

No. Of Stories: **3**

Maximum Number of Persons: **182**

Type of Construction: **Type VA**

No. of Units: **24**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **ASCEND SOUTH CREEK APARTMENTS.**

PRIVATE PROVIDER REQUEST RESCINDED 11/17/2020.

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **January 12, 2022**

PERMIT NUMBER: **B20903400**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12430 Rain Stream Ct.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **37,130**

Maximum Floor Load Allowable: **40**

No. Of Stories: **3**

Maximum Number of Persons: **187**

Type of Construction: **Type VA**

No. of Units: **0**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Building 2 of Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **January 31, 2022**

PERMIT NUMBER: **B20903401**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12630 Dream Falls Cir.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **40,301**

Maximum Floor Load Allowable: **40**

No. Of Stories: **3**

Maximum Number of Persons: **208**

Type of Construction: **Type VA**

No. of Units: **0**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Building 3 at Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **February 25, 2022**

PERMIT NUMBER: **B20903402**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12640 Dream Falls Cir.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **31,474**

Maximum Floor Load Allowable: **40**

No. Of Stories: **3**

Maximum Number of Persons: **158**

Type of Construction: **Type VA**

No. of Units: **0**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Building 4 at Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **January 19, 2022**

PERMIT NUMBER: **B20903403**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **3125 Rockybrook Ln.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **36,216**

Maximum Floor Load Allowable: **40**

No. Of Stories: **3**

Maximum Number of Persons: **182**

Type of Construction: **Type VA**

No. of Units: **0**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Building 5 at Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **March 16, 2022**

PERMIT NUMBER: **B20903404**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12535 Windy Pointe Loop.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **28,745**

Maximum Floor Load Allowable: **40**

No. Of Stories: **3**

Maximum Number of Persons: **144**

Type of Construction: **Type VA**

No. of Units: **0**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Building 6 at Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **March 31, 2022**

PERMIT NUMBER: **B20903405**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12550 Windy Pointe Loop.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **40,301**

Maximum Floor Load Allowable: **40**

No. Of Stories: **3**

Maximum Number of Persons: **208**

Type of Construction: **Type VA**

No. of Units: **36**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Building 7 at Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **April 25, 2022**

PERMIT NUMBER: **B20903406**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12595 Windy Pointe Loop.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **31,474**

Maximum Floor Load Allowable: **40**

No. Of Stories: **3**

Maximum Number of Persons: **158**

Type of Construction: **Type VA**

No. of Units: **30**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Building 8 at Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **April 29, 2022**

PERMIT NUMBER: **B20903407**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12570 Windy Pointe Loop.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **37,130**

Maximum Floor Load Allowable: **40**

No. Of Stories: **3**

Maximum Number of Persons: **187**

Type of Construction: **Type VA**

No. of Units: **30**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Building 9 at Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **June 10, 2022**

PERMIT NUMBER: **B20903408**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12580 Windy Pointe Loop.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **40,301**

Maximum Floor Load Allowable: **N/A**

No. Of Stories: **3**

Maximum Number of Persons: **208**

Type of Construction: **Type VA**

No. of Units: **36**

Sprinkler Sys Provided: **YES**

Sprinkler Sys Req'd: **Yes**

Building Risk Category: **II**

Use & Occupancy Type: **R-2 (Residential - Apt,
Condo, etc.)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Building 10 at Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **April 26, 2022**

PERMIT NUMBER: **B20903409**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **3060 Southcreek Blvd.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **8,465**

Maximum Floor Load Allowable: **100**

No. Of Stories: **1**

Maximum Number of Persons: **122**

Type of Construction: **Type VB**

No. of Units: **0**

Sprinkler Sys Provided: **Yes**

Sprinkler Sys Req'd: **No**

Building Risk Category: **II**

Use & Occupancy Type: **A-3 (Assembly)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Clubhouse at South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **May 24, 2022**

PERMIT NUMBER: **B20903410**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12508 Windy Pointe Loop.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **1,400**

Maximum Floor Load Allowable: **125**

No. Of Stories: **1**

Maximum Number of Persons: **3**

Type of Construction: **Type VB**

No. of Units: **0**

Sprinkler Sys Provided: **No**

Sprinkler Sys Req'd: **No**

Building Risk Category: **II**

Use & Occupancy Type: **S-1 (Moderate-hazard
Storage)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Maintenance building at Ascend South Creek Apartments**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, FL 32802-2687

Phone: 407-836-5550

DATE ISSUED: **March 01, 2022**

PERMIT NUMBER: **B20907014**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **3060 Southcreek Blvd.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **Justin S Kovacsik**

Zoning District: **P-D**

Address: **2002 Renaissance Blvd.**

Licence #: **CGC1529466**

Building Code: **6th Ed (2017) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **2,250**

Maximum Floor Load Allowable: **100**

No. Of Stories: **1**

Maximum Number of Persons: **76**

Type of Construction: **Type VB**

No. of Units: **0**

Sprinkler Sys Provided: **No**

Sprinkler Sys Req'd: **No**

Building Risk Category: **II**

Use & Occupancy Type: **A-3 (Assembly)**

Wind Speed: **139**

Wind Borne Debris Region: **N/A**

Special Conditions: **Pavilion on site**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Occupancy

ORANGE COUNTY DIVISION OF BUILDING SAFETY

Alan C. Plante, BUILDING OFFICIAL

201 S. Rosalind Avenue

Orlando, Fl. 32802-2687

Phone: 407-836-5550

DATE ISSUED: **March 01, 2022**

PERMIT NUMBER: **B21901627**

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE
DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **3060 Southcreek Blvd.**

Parcel I.D. Number: **20-24-30-7641-01-000**

Contractor: **William Benjamin Evans**

Zoning District: **P-D**

Address: **7320 Narcoossee Rd.**

Licence #: **CPC057251**

Building Code: **7th Ed. (2020) Florida Building Code, Building**

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN
INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: **0**

Maximum Floor Load Allowable: **N/A**

No. Of Stories: **0**

Maximum Number of Persons: **N/A**

Type of Construction: **Type IIB**

No. of Units: **0**

Sprinkler Sys Provided: **N/A**

Sprinkler Sys Req'd: **N/A**

Building Risk Category: **N/A**

Use & Occupancy Type: **A-4 (Assembly)**

Wind Speed: **N/A**

Wind Borne Debris Region: **N/A**

Special Conditions: **Construct Swimming Pool for Apartment Project
Master Building Permit B20903409**

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR
UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING
ORDINANCE OR ANY AMENDMENTS THERETO.

KEEP POSTED ON PREMISES



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **June 16, 2022**

PERMIT NUMBER: **B19910257**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	4402 E Wetherbee Rd. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-0000-00-004
Zoning District:	P-D
Contractor:	Brock Kingsley Evans
License #:	CUC1224409
Street Address:	4739 Patch Rd., Suite 40 Orlando, FL 32822-3304
Nature of Work:	Site Work Only
Description:	Site work, landscape, and hardscape improvements to serve the wetherbee acces - phase 2 apartments project. This permit does not include any vertical construction of structures or amenities. DP-19-02-068 Vertical Permit: B20903397 (2) Proposed retaining walls on sheets C2.00 and C2.01 have been removed from the scope of work. RGP

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **May 19, 2022**

PERMIT NUMBER: **B20903411**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	12504 Windy Pointe Loop. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Justin S Kovacsik
License #:	CGC1529466
Street Address:	2002 Renaissance Blvd. King of Prussia, PA 19406
Nature of Work:	New Construction
Description:	Trash compactor and double dumpster enclosure at Ascend South Creek Apartments

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **February 07, 2022**

PERMIT NUMBER: **B20903412**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	12536 Windy Pointe Loop. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Justin S Kovacsik
License #:	CGC1529466
Street Address:	2002 Renaissance Blvd. King of Prussia, PA 19406
Nature of Work:	New Construction
Description:	Mail Kiosk at Ascend South Creek Apartments

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **December 06, 2021**

PERMIT NUMBER: **B20905450**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	12418 Rain Stream Ct. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Justin S Kovacsik
License #:	CGC1529466
Street Address:	2002 Renaissance Blvd. King of Prussia, PA 19406
Nature of Work:	New Construction
Description:	12418 Rain Stream Court (Garage 1)

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **December 03, 2021**

PERMIT NUMBER: **B20905451**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	12448 Rain Stream Ct. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Justin S Kovacsik
License #:	CGC1529466
Street Address:	2002 Renaissance Blvd. King of Prussia, PA 19406
Nature of Work:	New Construction
Description:	12448 Rain Stream Court (Garage 2)

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **February 09, 2022**

PERMIT NUMBER: **B20905452**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	12644 Dream Falls Cir. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Justin S Kovacsik
License #:	CGC1529466
Street Address:	2002 Renaissance Blvd. King of Prussia, PA 19406
Nature of Work:	New Construction
Description:	12644 Dream Falls Circle (Garage 3)

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **May 02, 2022**

PERMIT NUMBER: **B20905453**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	12594 Windy Pointe Loop. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Justin S Kovacsik
License #:	CGC1529466
Street Address:	2002 Renaissance Blvd. King of Prussia, PA 19406
Nature of Work:	New Construction
Description:	12594 Windy Pointe Loop (Garage 4)

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **May 18, 2022**

PERMIT NUMBER: **B20905454**

Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **12576 Windy Pointe Loop.
Orlando, FL
32824**

Parcel I.D. Number: **20-24-30-7641-01-000**

Zoning District: **P-D**

Contractor: **Justin S Kovacsik**

License #: **CGC1529466**

Street Address: **2002 Renaissance Blvd.
King of Prussia, PA
19406**

Nature of Work: **New Construction**

Description: **12576 Windy Pointe Loop (Garage 5)**

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **April 07, 2022**

PERMIT NUMBER: **B22900560**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	3060 Southcreek Blvd. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Chad David Gressani
License #:	CGC061042
Street Address:	658 Atlantis Rd., Suite 102 Melbourne, FL 32904
Nature of Work:	Site Work Only
Description:	Install Aluminum Fence / Gates (See Permit B21901627) Please do not cancel this permit (Contractor submit a cancelation letter but he change his mind they want to continue whit the job) cf 02-24-2022

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **June 15, 2022**

PERMIT NUMBER: **B22901316**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	3060 Southcreek Blvd. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Chad David Gressani
License #:	CGC061042
Street Address:	658 Atlantis Rd., Suite 102 Melbourne, FL 32904
Nature of Work:	New Construction
Description:	Install Aluminum Fencing / Gates (See Permit B21901627) - Perimeter Fence

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **May 18, 2022**

PERMIT NUMBER: **B22901317**

Occupant: **NONE**

Owner: **DHIC-SOUTH CREEK LLC**

Project Address: **3060 Southcreek Blvd.
Orlando, FL
32824**

Parcel I.D. Number: **20-24-30-7641-01-000**

Zoning District: **P-D**

Contractor: **Chad David Gressani**

License #: **CGC061042**

Street Address: **658 Atlantis Rd., Suite 102
Melbourne, FL
32904**

Nature of Work: **New Construction**

Description: **Dog Park Fence**

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **May 18, 2022**

PERMIT NUMBER: **B22901318**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	12640 Dream Falls Cir. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Chad David Gressani
License #:	CGC061042
Street Address:	658 Atlantis Rd., Suite 102 Melbourne, FL 32904
Nature of Work:	New Construction
Description:	Dog Yard Fence Building 4

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.



Certificate of Completion

Orange County Division of Building Safety

201 South Rosalind Avenue
Orlando, Florida 32802-2687
Phone: 407-836-5550

DATE ISSUED: **May 18, 2022**

PERMIT NUMBER: **B22902592**

Occupant:	NONE
Owner:	DHIC-SOUTH CREEK LLC
Project Address:	12535 Windy Pointe Loop. Orlando, FL 32824
Parcel I.D. Number:	20-24-30-7641-01-000
Zoning District:	P-D
Contractor:	Chad David Gressani
License #:	CGC061042
Street Address:	658 Atlantis Rd., Suite 102 Melbourne, FL 32904
Nature of Work:	New Construction
Description:	Dog Yard Fence Building 6

Our records indicate the above permit(s) located at the project address listed has completed all inspections including final inspection.

APPENDIX E: REGULATORY RESPONSES

From: Kelley.Rose@ocfl.net
To: [Rios, Jenny](#)
Subject: PRR-91840 WO-11481
Date: Friday, July 15, 2022 7:03:08 AM

CAUTION: This message originated from outside the Partner organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for contacting the Orange County Neighborhood Services Division Code Compliance section.

RE: 3060 Southcreek Boulevard Orlando FL 32824 <20-24-30-7641-01-000

As of July 15, 2022, I find no open violations, fines, charges, or liens against this property. This statement only relates to Orange County NSD Code Compliance (Zoning) and does not imply anything about any other kind of liens or charges against the property by other departments.

Thank you,

Kelley Rose
Neighborhood Services Division
Orange County Government
2450 W. 33rd Street, 2nd Floor – Orlando, FL 32839
Direct: (407) 836-4275 Fax: (407) 836-4211
Web: [Code Compliance](#)

PLEASE NOTE: Florida has a very broad public records law (F. S. 119). All e-mails to and from County Officials are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time.

From: Jasmine.Cabrera@ocfl.net
To: [Rios, Jenny](#)
Subject: 3060 Southcreek Blvd - PRR-91840 - WO-11480
Date: Wednesday, July 20, 2022 9:52:22 AM
Attachments: [image001.gif](#)
[image002.png](#)

CAUTION: This message originated from outside the Partner organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day,

For any information regarding zoning violations, please contact the zoning@ocfl.net

There is an application expired permit, please be aware application expired documents do not exist as if it was never issued. For more information about this permit please contact permittingservices@ocfl.net

B20900306 - Landscaping, irrigation, decorative lighting, fencing (application expired)

There are no building violations for this property.

Thank You, & Many smiles!
Jasmine Cabrera
Development Services Specialist
Fiscal & Operational Support Division
Planning, Environmental & Development Services
(407) 836-5746 Direct

[Please tell us what you think about the service provided by Orange County.](#)

cid:image001.jpg@01D3F984.7C046B20



Did you know you could get your permit information online?

<https://fasttrack.ocfl.net/OnlineServices/>

PLEASE NOTE: Florida has a very broad public records law (F. S. 119).

All e-mails to and from County Officials are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time.

Rios, Jenny

From: Gamal.Mack@ocfl.net
Sent: Monday, July 18, 2022 12:42 PM
To: Rios, Jenny
Subject: Orange County Public Records Request - 3060 Southcreek Boulevard

CAUTION: This message originated from outside the Partner organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

After review of your records request for the subject address, no open fire violations were noted.

Gamal Mack
Administrative Specialist
Orange County Fire Rescue
@OCFireRescue

PLEASE NOTE: Florida has a very broad public records law (F. S. 119).
All e-mails to and from County Officials are kept as a public record.
Your e-mail communications, including your e-mail address may be
disclosed to the public and media at any time.

APPENDIX F: ORDINANCES

Sec. 38-1. - Definitions.

Except where specific definitions are used within a specific article or section of this chapter, for the purpose of such sections the following terms, phrases, words and their derivations shall have the meanings given herein when not inconsistent with the context. The word "lot" includes "plot" and "tract." The word "building" shall include "structure." The words "used for" shall include the meaning "designed for."

Abutting property shall mean any property that is immediately adjacent to or contiguous to property that may be subject to any hearing required to be held under this chapter or that is located immediately across any road or public right-of-way from the property subject to any hearing under this chapter.

Accessory structure or use shall mean a subordinate building or structure, including an accessory dwelling unit, situated on the same lot or parcel as the principal building or structure, or a subordinate use of land, and which building, structure or use is customarily incidental to and typically found in association with such principal building or use. Factors to be considered in determining whether a building, structure or use is "subordinate" and "customarily incidental" include the size of the lot or parcel, the uses of adjacent lots or parcels, and the size, shape, height, and roof type (if any) of the building or structure.

(Ord. No. 2004-01, § 2, 2-10-04; Ord. No. 2019-15, § 1, 10-22-19)

Accessory dwelling unit shall mean a separate additional dwelling unit, including kitchen, sleeping, and full bathroom facilities, attached or detached from the primary residential unit, on a single-family lot, and subordinate in size, location, and appearance to the primary dwelling unit.

(Ord. No. 95-21, § 1, 7-25-95; Ord. No. 2019-15, § 1, 10-22-19)

Adult entertainment establishment shall mean as set forth in the adult entertainment code.

Aircraft shall mean a weight-carrying structure for navigation of the air that is supported either by its own buoyancy or by the dynamic action of the air against its surfaces.

Air curtain incinerator facility, see definition of wood waste incinerator facility.

(Ord. No. 92-41, § 3, 12-22-92)

Airport shall mean any area of land or water designated and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose.

Alley shall mean a private or public way which affords a secondary means of access to the property abutting thereon.

Apartment house, see "Dwelling, multiple."

Apothecary shop shall mean an establishment for the retail sale of pharmaceutical, medical and dental supplies, but no other merchandise.

Area shall mean all lands located in the county, not a part of any municipality, which may be divided into districts, of such number, size and shape as may be deemed best suited to carry out the purposes of orderly planning and zoning.

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 (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator.

(Ord. No. 2016-19, § 2, 9-13-16)

Automobile court, see "Motel."

Automobile service station shall mean buildings and premises designed so as to cater principally to automobiles, where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), and also where the following services may be rendered:

- (1) Sale and servicing of spark plugs, batteries and distributors.
- (2) Tire repair and servicing, but no recapping.
- (3) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, lightbulbs, floor mats, seat covers, wiper blades, windshield wipers, and replacement of grease containers, and wheel bearings.
- (4) Radiator cleaning and flushing.
- (5) Washing and polishing.
- (6) Greasing and lubrication.
- (7) Exchanging fuel oil pumps and installing fuel lines.
- (8) Minor servicing and replacing of carburetors.
- (9) Emergency wiring repairs.
- (10) Adjusting and repair of brakes.
- (11) Minor adjustment of engines, not involving removal of head.
- (12) Sale of cold drinks and packaged foods as accessory only to principal operations.
- (13) Towing service as an incidental use provided there is no storage of vehicles on-site. Only one (1) tow truck shall be allowed.

(Ord. No. 99-17, § 2, 9-21-99)

Aviary shall mean an enclosure for holding birds, excluding poultry, in confinement.

Awning shall mean a screen, extending over or in front of a building, structure, window or door.

Basement shall mean a portion of a building located partly or wholly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Beacon light shall mean any light with one (1) or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically, or having any part thereof capable of being revolved automatically.

Beacons shall mean traffic safety or traffic control devices defined as such in the U.S. Department of Transportation Federal Highway Administration's (FHWA) *Manual on Uniform Traffic Control Devices* or as defined and authorized through interim approvals issued by FHWA.

(Ord. No. 2020-30, § 7A, 10-13-20)

Bed and breakfast facility shall mean an accessory use in which no more than three (3) guest rooms in the principal residential structure are provided to guest clients with breakfast available to such guest clients on premises at no extra cost; lengths of stay of guest clients may range from one (1) night to seasonal; the owner/operator of the principal structure shall reside on-site. Bed and breakfast facilities do not include other similar uses, such as motels, hotels, health or group living facilities, boarding or lodging houses, apartment dwellings, guest cottages or single-family dwelling transient rental.

Bed and breakfast homestay shall mean an accessory use to a single-family dwelling unit in which no more than six (6) rooms in the principal residential structure are set aside for guest clients; breakfast is available on-site to only such guest clients at no extra cost; length of stay of guest clients ranges from one (1) to thirty (30) days; and the owner/operator of the principal structure resides on-site. Bed and breakfast homestay does not include uses such as motels, hotels, community residential homes, boarding or lodging houses, apartment dwellings, guest cottages or single-family dwelling transient rental.

(Ord. No. 95-2, § 1, 3-7-95)

Bed and breakfast inn shall mean a dwelling unit in which seven (7) to twelve (12) rooms in the principal residential structure are set aside for guest clients; breakfast is available on-site to only such guest clients at no extra cost; length of stay of guest clients ranges from one (1) day to a season; and the owner/operator of the principal structure resides on-site. Bed and breakfast inn does not include uses such as motels, hotels, community residential homes, boarding or lodging houses, apartment dwellings, guest cottages or single-family dwelling transient rental.

(Ord. No. 95-2, § 1, 3-7-95)

Big box development shall mean an individual retail and/or wholesale commercial establishment (store) with more than seventy-five thousand (75,000) square feet of gross floor area, which may include a home improvement center or a membership warehouse club. The "gross floor area" of such a store includes

outdoor storage areas and any outdoor area providing services, such as, but not limited to, outdoor merchandise display, garden supplies, plant display, snack bars, etc. "Gross floor area," however, does not include loading areas. For the purpose of determining the applicability of the seventy-five thousand (75,000) square foot threshold, the aggregate square footage of all adjacent stores which may share either a series of checkout stands, management areas, storage areas, common entrances, or a controlling ownership interest, shall be considered a single commercial establishment (for example, a plant nursery associated with a general merchandise store or home improvement store, or a discount department store associated with a grocery store). The term "big box development" does not include an individual commercial establishment integrated within an indoor mall regional shopping facility.

(Ord. No. 2007-01, § 12, 3-20-07)

Bikesharing shall mean a system in which a shared fleet of bicycles, in docking stations at dispersed locations or unattended self-service facilities within a service area, is made available for hourly or daily rental use without a separate written agreement required for each bicycle reservation or use by members of the bikeshare group, who may consider membership an alternative to car ownership.

(Ord. No. 2020-30, § 7A, 10-13-20)

Biomedical "biohazardous" waste incinerator facility shall mean property, structures and other appurtenances and improvements on the land used for incineration of the following:

Any solid or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid tissue and body parts from humans and other primates; laboratory and veterinary waste which contains human disease-causing agents; used discarded sharps; and blood, blood products and body fluids from humans and other primates. The following are included:

- (1) Used, absorbent materials such as bandages, gauzes, or sponges supersaturated, having the potential to drip or splash, with blood or body fluids from areas such as operating rooms, delivery rooms, trauma centers, emergency rooms or autopsy rooms;
- (2) Devices which retain visible blood adhering to inner surfaces after use and rinsing such as intravenous tubing, hemodialysis filters and catheters; and
- (3) Other contaminated solid waste materials which represent a significant risk of infection because they are generated in medical facilities which care for persons suffering from diseases requiring strict isolation criteria and listed by the U.S. Department of Health and Human Services, Centers for Disease Control, "CDC Guideline for Isolation Precautions in Hospitals," July/August, 1983. (Reference to be retained on file in the zoning and environmental protection departments.)

Note: This definition includes wastes generated from medical, dental or other similar facilities.

(Ord. No. 92-41, § 3, 12-22-92)

Biological waste incinerator facility shall mean property, structures and other appurtenances and improvements on the land used for incineration of:

Solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, deceased or dead animals, human remains capable of transmitting pathogens to humans or animals. This definition is intended to include facilities used for the incineration of dead human bodies or animals in conjunction with a laboratory, animal service facility, and human or animal medical facility.

Note: This definition does not include human and animal crematories used for funeral purposes.

(Ord. No. 92-41, § 3, 12-22-92)

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.)

(Ord. No. 2000-08, § 2, 4-11-00; Ord. No. 2016-19, § 2, 9-13-16)

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, but not to include trailers as hereinafter defined.

Building face shall mean the area determined by multiplying the lineal footage of the building, including glass area, times the vertical height of the building.

Building height shall mean the vertical distance measured from the finished floor elevation of the front side of the structure to the highest point of the roof.

(Ord. No. 2004-01, § 2, 2-10-04)

Bus, school shall mean any motor vehicle that complies with the color and identification requirements of F.S. ch. 234 and is used to transport children to or from school, or in connection with school activities.

Carsharing shall mean a system in which a shared fleet of vehicles, in parking spaces at dispersed locations or unattended self-service facilities within a service area, is made available for hourly or daily rental use without a separate written agreement required for each vehicle reservation or use by members of the carshare group, who may consider membership an alternative to car ownership.

(Ord. No. 2020-30, § 7A, 10-13-20)

Carsharing space shall mean a parking space that is designated for the parking of a carsharing vehicle and unavailable for general rental use as indicated through pavement marking and signage. Signage should indicate non-carsharing vehicles may be towed and should be consistent with the requirements of chapter 35, article II, division 3, Orange County Code.

(Ord. No. 2020-30, § 7A, 10-13-20)

Cellar, see "Basement."

Clean dry wood shall mean wood (including lighter pine), lumber or tree and shrub trunks, branches and limbs which are free of paint, penthuchlorophenol, creosote, tar, asphalt or other wood preservatives and which when burned do not emit excessive visible emissions.

(Ord. No. 92-41, § 3, 12-22-92)

Clinic shall mean an establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or a group of persons, practicing any form of healing or health building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession the practice of which is lawful in the state, excluding pain management clinics.

(Ord. No. 2012-11, § 1, 6-5-12; Ord. No. 2015-12, § 1, 6-30-15)

Club shall mean buildings, facilities and property owned and operated by a corporation or association of persons for social or recreational purposes, including those organized chiefly to promote friendship and welfare among its members, but not operated primarily for profit or to render a service which is customarily carried on as a business.

Club, bottle, shall mean any establishment operated for pecuniary gain in which no alcoholic beverages are sold, but where patrons are permitted to bring alcoholic beverages upon the premises for consumption.

Communication antenna shall mean an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission.

(Ord. No. 95-25, § 1, 8-29-95)

Communication tower shall mean a tower greater than thirty-five (35) in height and which does not exceed three hundred (300) feet in height (including antenna) which supports communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission (FCC). Design examples of communication towers are described as follows: (1) self-supporting lattice; (2) guyed; and (3) monopole.

(Ord. No. 95-25, § 1, 8-29-95)

Community residential home shall mean a dwelling unit licensed to serve clients of the State of Florida pursuant to F.S. ch. 419, which provides a living environment for seven (7) to fourteen (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 F.S. § 419.001(1)(e), as may be amended or replaced.

(Ord. No. 2016-19, § 2, 9-13-16)

Cord of wood shall mean a unit of quantity for fuel wood equal to a stack measuring four (4) feet wide by four (4) feet high by eight (8) feet long equaling one hundred and twenty-eight (128) cubic feet.

(Ord. No. 99-17, § 2, 9-21-99)

Country inn shall mean a bed and breakfast inn in which more than twelve (12) rooms in the principal residential structure are set aside for guest clients; a full-service restaurant exists in the structure for use by guest clients and such restaurant may be open to the general public as well. Country inn is considered the same as a hotel use and is subject to the same restrictions.

(Ord. No. 95-2, § 1, 3-7-95)

Crematory facility, animal shall mean property, structures and other appurtenances and improvements on land used solely for the incineration of dead animal carcasses for funeral (burial) purposes.

(Ord. No. 92-41, § 3, 12-22-92)

Crematory facility, human shall mean property, structures and other appurtenances and improvements on land used solely for the incineration of dead human bodies for funeral (burial) purposes.

(Ord. No. 92-41, § 3, 12-22-92)

Cultivation facility shall mean any area in unincorporated Orange County designated in the MMTC's application to the Florida Department of Health to be used for the cultivation of marijuana.

(Ord. No. 2017-21, § 3, 11-14-17)

Day care center, adult or child, shall mean a structure in which the owner or operator, for compensation, provides supervision and temporary care for more than ten (10) persons, who are not related by blood or marriage and not the legal wards or foster children of the owner or operator.

(Ord. No. 2004-01, § 2, 2-10-04)

Day care home, adult or child, shall mean a structure in which the owner and/or resident of the structure resides in that structure and, as a home occupation for compensation, provides supervision and temporary care for ten (10) persons or less, including those who are related by blood, marriage or are the legal wards

or foster children of the owner/resident.

(Ord. No. 2004-01, § 2, 2-10-04)

Dead storage yard shall mean a site or yard used for the storage of operable materials, vehicles, and equipment. It is not a site or yard with anything that is inoperable or would normally be found in a junkyard or landfill. A site or yard where material, vehicles or equipment are moved on and off site on a daily or frequent basis may be classified under "contractor's storage yard."

(Ord. No. 2008-06, § 4, 5-13-08)

Decibel shall mean a unit of measurement of the intensity of sound pressure.

Development review committee shall mean a committee, comprised of various staff members from the board of county commissioners' designated divisions and departments, organized for the purpose of review, evaluation and making recommendations to the planning and zoning commission and board of county commissioners of land development and zoning matters.

Dispensing facility shall mean any area in unincorporated Orange County designated in the MMTC's application to the Florida Department of Health to be used for the dispensing of marijuana.

(Ord. No. 2017-21, § 3, 11-14-17)

District shall mean any section of the certain described area of the county to which these regulations apply and within which the zoning regulations are uniform.

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

(Ord. No. 2016-19, § 2, 9-13-16)

Drive-in restaurants shall mean an establishment where food is served for consumption on the premises.

Dual rear wheel vehicle shall mean a motor truck, trailer, semitrailer or tractor/trailer combination and used as a means of transporting persons or property and propelled by power other than muscular power which have more than or are designed to have more than four (4) weight-bearing wheels, except that a dual rear wheel pick-up truck not used for commercial purposes shall not be deemed to constitute a dual rear wheel vehicle. A public service vehicle used for emergencies shall not be deemed to constitute a dual rear wheel vehicle when approved by the zoning manager.

(Ord. No. 99-17, § 2, 9-21-99)

Duplex, see dwelling, two-family.

(Ord. No. 93-11, § 2, 4-27-93)

Dwelling shall mean a building or portion thereof, designed or used exclusively for residential occupancy, but not including hotels, lodginghouses, motels, or mobile homes.

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.

(Ord. No. 2016-19, § 2, 9-13-16)

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

(Ord. No. 2016-19, § 2, 9-13-16)

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 (1) main front door entry.

(Ord. No. 2016-19, § 2, 9-13-16)

Dwelling, single-family transient rental, see transient rental, single-family dwelling.

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.

(Ord. No. 93-11, § 2, 4-27-93; Ord. No. 2016-19, § 2, 9-13-16)

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.

(Ord. No. 93-11, § 2, 4-27-93; Ord. No. 2016-19, § 2, 9-13-16)

Educational institution shall mean a premises or site upon which there is an institution of learning for minors, whether public or private, which conducts regular classes and/or courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Secondary Schools, or the Florida Council of Independent Schools. The term "educational institution" includes a premises or site upon which there is a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of

learning. However, the term "educational institution" does not include a premises or site upon which there is a vocational institution, professional institution or an institution of higher education, including a community college, junior college, four-year college or university.

Efficiency dwelling unit shall mean a dwelling unit with independent bathroom and kitchen facilities and a combined room used for living and sleeping.

(Ord. No. 93-11, § 2, 4-27-93)

Emergency utility vehicle shall mean any vehicle owned by a public or private utilities service which is used in the event of emergencies requiring immediate attention.

Emission shall mean the act of passing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant; or the material so passed into the atmosphere.

Erect shall mean to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

Explosive compound shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by the substantially instantaneous release of gas and heat.

(Ord. No. 2004-01, § 2, 2-10-04)

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 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 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.

(Ord. No. 2000-08, § 2, 4-11-00; Ord. No. 2016-19, § 2, 9-13-16)

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

(Ord. No. 93-11, § 2, 4-27-93; Ord. No. 2008-06, § 4, 5-13-08; Ord. No. 2016-19, § 2, 9-13-16)

Family foster home shall mean a private residence licensed by the state department of health and rehabilitative services pursuant to F.S. § 409.175, in which children, who are unattended by a parent or legal guardian, are provided twenty-four-hour care. Such homes include emergency shelter family homes, family foster group homes, and specialized foster homes for children with special needs. A family foster home shall have no more than five (5) children, including the foster parent's own children (except as waived by HRS for special circumstances in order to keep siblings together).

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.

(Ord. No. 2016-19, § 2, 9-13-16)

Filling station, see "Automobile service station."

Fireworks shall be given the same definition as provided for in F.S. § 791.01, as it may be amended from time to time.

Flag shall mean flags used as emblems of on-premise businesses, firms, companies, enterprises, and/or religious, charitable, public or nonprofit organizations.

Fraternities, see "Clubs."

Frontage, building, shall mean the length of an outside building wall facing a public right-of-way.

Garage, apartment, shall mean an accessory or subordinate building containing living facilities for not more than one (1) family and an enclosed space for at least one (1) automobile, not a part or attached to the principal building.

Garage, mechanical, shall mean buildings and premises where the functions and services rendered by an automobile service station may be rendered and, in addition thereto, all other services catering to the maintenance service and repair of automobiles may be rendered, except:

- (1) Bodywork.
- (2) Painting of automobiles or other vehicles.
- (3) Storage of vehicles for the purpose of using parts of such vehicles for sale or repair.
- (4) Any condition which may be classified as a junkyard.

Garage, residential, shall mean an accessory building or portion of the principal building including carport used for the storage of automobiles of the occupants of the principal building.

Garage, storage, shall mean a building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, other than storage at such storage garage, shall be limited to refueling, lubrication, washing, waxing and polishing.

Gross land area shall mean the total amount of land included in the project legal description. (Natural water bodies shall not be included, whether partially or totally included in the legally described tract.)

Hazardous waste incinerator facility shall mean property, structures and other appurtenances and improvements on land used for the incineration of:

Solid waste, or a combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed, These wastes are

typically defined as hazardous by the U.S. Environmental Protection Agency and the Florida Department of Environmental Regulation. (Reference to be retained on file in the zoning and environmental protection departments.)

(Ord. No. 92-41, § 3, 12-22-92)

Hazardous waste treatment, storage and disposal facility shall mean as defined in the Solid Waste Management Ordinance, article V, chapter 32, Orange County Code.

(Ord. No. 2009-11, § 3, 4-28-09)

Home improvement center shall mean a retail commercial establishment whose merchandise consists primarily of construction materials, hardware, and other home improvement items.

(Ord. No. 2007-01, § 12, 3-20-07)

Home occupation shall mean any use conducted entirely within a dwelling or accessory building and carried on by a resident or residents thereof 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).

(Ord. No. 2008-06, § 4, 5-13-08; Ord. No. 2012-11, § 1, 6-5-12; Ord. No. 2013-04, § 1, 2-12-13; Ord. No. 2015-12, § 1, 6-30-15; Ord. No. 2016-19, § 2, 9-13-16)

Hotel shall mean a building or other structure used and maintained as a place where sleeping accommodations are supplied transient guests.

Household hazardous waste shall mean certain potentially toxic, flammable and reactive solid and/or liquid wastes as defined by state department of environmental regulations and the United States Environmental Protection Agency that typically can be generated from residential housing units. Such wastes can be discarded residues of pesticides, paints, cleaners and fuels (i.e., used motor oil and automotive fluids), etc.

(Ord. No. 92-41, § 3, 12-22-92)

Institutional uses shall mean public and quasi-public uses such as, but not limited to, hospitals, schools (public or private with state approved academic curriculum), etc.

(Ord. No. 92-41, § 3, 12-22-92)

Junkyard shall mean an area where used or secondhand goods, equipment and/or machinery is bought, sold, exchanged, maintained, stored, or disassembled, including, but not limited to, wrecked or inoperable automobiles, scrap iron and other metals, plumbing fixtures, electrical fixtures, and lumber. Junkyard shall include specifically, but not by way of limitation, automobile wrecking yards, and used appliance wrecking and/or storage yards, and shall expressly exclude any type of landfill and recycling of solid waste or recovered materials operations.

(Ord. No. 94-26, § 2, 12-13-94)

Kennel shall mean any building, lot, structure or premises wherein animals, excluding livestock and exotic animals regulated by the Florida Game and Freshwater Fish Commission, are kept for sale, breeding, boarding, buying, letting for hire, or training for a fee. The following are specifically excluded from this definition of kennel:

- (1) Pet shops,
- (2) Animal or pet hospitals,
- (3) Pet beauty parlors,
- (4) Breeding at a residence of two (2) or less litters per calendar year, provided that no more than twenty (20) animals are kept/housed/confined at the residence at any one time,
- (5) Veterinarian facilities,
- (6) Keeping/housing/confining of twenty (20) or fewer animals at a residence at any one time for noncommercial purposes only.

(Ord. No. 95-33, § 2, 10-10-95)

Kitchen shall mean the facilities and equipment used in the preparation and serving of food. This may include, but is not limited to, stoves, microwave ovens, hot plates, sinks, refrigerators, cabinets and/or pantry-like shelves, a 220 V outlet, a dishwasher, or other food preparation equipment, or any combination thereof; this may not include wet bars, outside grilling facilities, outside sinks or refrigerators, or other items determined by the zoning division manager as not constituting a kitchen.

(Ord. No. 93-11, § 2, 4-27-93; Ord. No. 2019-15, § 1, 10-22-19)

Labor pools and *labor halls* shall be given the same definition as provided for in F.S. § 448.22(1) and (3), respectively, as either or both may be amended from time to time, but subject to the exclusions set forth in F.S. § 448.23, as it may be amended from time to time.

(Ord. No. 2004-01, § 2, 2-10-04)

Landscaping shall mean the use of plants, construction and grading to create a desired effect. Landscaping elements may consist of, but are not limited to, turf and other ground covers, shrubs, vines, hedges, trees, berms, and complementary structural landscape features such as rock, fountains, sculpture, decorative walls and tree wells.

(Ord. No. 93-11, § 2, 4-27-93)

Laundry, self-service, shall mean a business that provides coin-operated washing, drying, dry cleaning and/or ironing machines for hire to be used by customers on the premises.

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.

(Ord. No. 93-11, § 2, 4-27-93; Ord. No. 2016-19, § 2, 9-13-16)

Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this chapter.

Lot, corner, shall mean a lot abutting two (2) or more streets at their intersection.

Lot depth, shall mean the distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot, double frontage, shall mean the lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

Lot frontage, agricultural, commercial and industrial, shall mean all the agricultural, commercial and industrial property on the width of the lot abutting the street with heaviest traffic usage.

Lot frontage, residential, shall mean all the property on the narrow width of a lot abutting a street right-of-way.

Lot, interior, shall mean a lot other than a corner lot.

Lot of record shall mean a lot which is a part of a subdivision, the plat of which has been lawfully recorded in the office of the clerk of the circuit court of the county, or a parcel of land, the deed of which was lawfully recorded in the office of the clerk of the circuit court of the county on or before October 7, 1957.

Lot, reversed corner, shall mean a corner lot on the side street lot line of which is substantially the continuation of the front lot line of the first lot to its rear.

Lot width shall mean the horizontal distance between the side lot lines, measured at right angles to the depth.

Low-THC cannabis has the same meaning provided at F.S. § 381.986(1), as may be amended from time to time.

(Ord. No. 2017-21, § 3, 11-14-17)

Major street plan shall mean a plan for existing or proposed traffic thoroughfares for the county, as amended.

Manufactured home, see mobile home.

(Ord. No. 93-11, § 2, 4-27-93)

Marijuana delivery device has the same meaning provided at F.S. § 381.986(1), as may be amended from time to time.

(Ord. No. 2017-21, § 3, 11-14-17)

Marijuana has the same meaning given to it by F.S. § 381.986(1), as may be amended from time to time, and shall include Low-THC cannabis.

(Ord. No. 2017-21, § 3, 11-14-17)

Medical Marijuana Treatment Center (MMTC) has the same meaning provided at Rule 1-1.01, Florida Administrative Code, as may be amended from time to time.

(Ord. No. 2017-21, § 3, 11-14-17)

Medical use has the same meaning provided at F.S. § 381.986(1), as may be amended from time to time.

(Ord. No. 2017-21, § 3, 11-14-17)

Membership warehouse club shall mean a commercial establishment which sells products in large quantities, or in bulk, on a wholesale and/or retail basis to business and individual members, and which charges membership dues, or otherwise restricts merchandise sales to customers or members who pay a periodic access fee.

(Ord. No. 2007-01, § 12, 3-20-07)

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.

(Ord. No. 2016-19, § 2, 9-13-16)

Modular home shall mean a factory-built home constructed in compliance with the (local or) state building code and consistent with the Florida Department of Community Affairs as applicable to modular housing. Modular homes shall be subject to the same standards as site-built homes.

(Ord. No. 93-11, § 2, 4-27-93)

Motel shall mean a building or group of buildings, whether detached or in connected units, used as sleeping accommodations designed primarily for transient automobile travelers. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, and similar appellations.

Multiple tenant structure shall mean any building or structure designed or constructed for two (2) or more tenants.

Net land area shall mean the total amount of land outside of (publicly dedicated) rights-of-way or support facilities (e.g., natural water bodies, utility sites, or stormwater retention areas will not be included in the computation of net land area).

Net lot area shall mean the land area included in an individual lot or parcel, not including land for use as rights-of-way, support facilities and common areas.

Nonconforming use shall mean any use of a building or land lawfully existing at the time of passage of this chapter or amendments thereto which does not conform after the passage of this chapter or amendments thereto with the use regulations of the district in which it is located.

Nonprofit organization shall mean any group operating as a registered nonprofit organization serving a public purpose or providing a public service, including such organizations as clubs, lodges, theater groups, recreational and neighborhood associations, cultural activities and private, nonprofit schools.

Normal high water elevation shall mean the landward edge of any natural surface water body during normal hydrological conditions and is an elevation determined by the public works director or his designee.

(Ord. No. 93-11, § 2, 4-27-93)

Noxious matter shall mean material which is capable of causing injury to living organisms by chemical reaction.

Nursing homes shall mean a home for the aged, convalescent, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept or provided with food and shelter or care; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Occupancy shall mean the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Octave band filter shall mean an electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

Open space shall mean land set aside for:

- (1) The protection of natural resources (such as uplands, wildlife habitats and groundwater recharge areas) and areas unsuitable for development due to natural hazards (such as wetlands, floodplains and areas of unsuitable soils);
- (2) Recreation areas; and
- (3) The enhancement of the urban environment (including buffer areas, landscaped areas, plazas and hardscapes).

(Ord. No. 92-42, § 3, 12-15-92)

Owner shall mean and include the owner of the fee simple title of record, a vendee under a contract or agreement for deed or a lessee under a written lease whose remaining term at the time of application for hearing is more than ten (10) years.

Pain management clinic has the meaning ascribed in F.S. § 458.3265 or F.S. § 459.0137, as applicable, and is a clinic that is required to register with the Florida Department of Health pursuant to F.S. § 458.3265 or F.S. § 459.0137.

(Ord. No. 2012-11, § 1, 6-5-12; Ord. No. 2015-12, § 1, 6-30-15)

Park shall mean a tract of land within a municipality or unincorporated area which is kept for ornament and/or recreation and which is maintained as public property.

Parking garage shall mean freestanding and/or attached structure which has the primary use of the storage or parking of motor vehicles.

Parking lot shall mean an area or parcel of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a commercial, industrial or residential use.

Particulate matter shall mean material which is suspended in or discharged into the atmosphere in a finely divided form either as a liquid or a solid.

Patio home shall mean a single-family dwelling unit with a private outdoor living area serving each unit, side walls of which may be common.

Perceived noise level shall mean a method of measuring complex sounds designated in the "Journal of the Acoustical Society of America," No. 31, Pages 1415 through 1429, 1959.

Editor's note— Ord. No. 95-31, § 2, adopted Sept. 26, 1995, called for the repeal of all "references in Chapter 38 of the Orange County Code to noise level requirements."

Performance standard shall mean a criterion established to control such matters as, but not limited to, noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare and heat generated by or inherent in uses of land or buildings.

Pharmacy means the same as that term is defined in F.S. § 465.003 as it may be amended from time to time.

(Ord. No. 2012-11, § 1, 6-5-12; Ord. No. 2015-12, § 1, 6-30-15)

Physician certification has the same meaning provided at F.S. § 381.986(1), as may be amended from time to time.

(Ord. No. 2017-21, § 3, 11-14-17)

Poultry shall mean domestic fowl, including chickens, roosters, turkeys, ducks, geese, pigeons, but excluding wild or non-domestic birds regulated by the fish and wildlife conservation commission.

(Ord. No. 2016-19, § 2, 9-13-16)

Preexisting shall mean as follows:

- (1) When used together with the term "religious institution," "educational institution," "school," "commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption," "residence," or other structure, the word "preexisting" shall mean as follows:
 - a. The establishment, institution, residence, or structure is already being lawfully used or lawfully occupied; or
 - b. A building permit for the establishment, institution, residence, or structure has been lawfully issued, all fees associated with the permit have been paid, and the permit has not expired; or
 - c. Plans for a building permit to allow the establishment, institution, residence, or structure to be constructed, used or occupied have been approved, with or without conditions, all fees associated with the building permit application process have been paid, and no more than six (6) months has passed since the date where the county approved the plans (notwithstanding that the time allowed for issuance of a building permit after county approval of plans may be extended by the Building Division for an additional period beyond six (6) months); or
 - d. Plans for a building permit to allow the establishment, institution, residence, or structure to be constructed, used or occupied have been submitted for review, and no more than six (6) months has passed from the date of initial submittal.
 - e. With respect to a liquor license application, such an application has been filed with the Zoning Division, and no more than sixty (60) calendar days have passed since the date of filing the application. In order to maintain a business entity's "preexisting" status after sixty (60) calendar days, the applicant must satisfy subsection a, b, c, or d above. Only one liquor license application per business entity shall be accepted for any proposed location within the sixty (60) day period.
- (2) When used together with the term "park," the word "preexisting" shall mean as follows:
 - a. The park is already being used; or
 - b. The park site has been approved or otherwise designated by the appropriate governing body

(Ord. No. 2004-01, § 2, 2-10-04)

Processing facility shall mean any area in unincorporated Orange County designated in the MMTC's application to the Florida Department of Health to be used for the processing of marijuana.

(Ord. No. 2017-21, § 3, 11-14-17)

Quadraplex, see dwelling, four-family.

(Ord. No. 93-11, § 2, 4-27-93)

Qualifying medical condition has the same meaning provided at F.S. § 381.986(1), as may be amended from time to time.

(Ord. No. 2017-21, § 3, 11-14-17)

Recreation space shall mean that portion of land specifically allocated to serve the recreational needs of the neighborhood or community.

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

(Ord. No. 2016-19, § 2, 9-13-16)

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

(Ord. No. 2016-19, § 2, 9-13-16)

Religious institution shall mean a premises or site which is used primarily or exclusively for religious worship and may include related or attendant religious oriented activities, such as education, recreation, or outreach. A religious institution includes, but is not limited to, a church, mosque, synagogue, or temple.

(Ord. No. 2008-06, § 4, 5-13-08)

Restaurant shall mean any establishment where food is served for consumption off the premises or within an enclosed building.

Retail sale of sparklers shall mean a business engaged in the sale of sparklers to consumers at retail.

(Ord. No. 2004-01, § 2, 2-10-04)

Ringelmann Chart shall mean a method of designating smoke density or opacity as designated in the U.S. Bureau of Mines Information Circular No. 7718 and subsequent amendments thereto.

Roof line shall mean the top edge of a roof of building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Schools (charter) shall mean those schools organized as a nonprofit organization which have applied for and received authorization from the Orange County School Board to operate as a charter school for kindergarten, elementary and/or secondary school grades in accordance with the Florida Statutes pertaining to charter schools which became law in 1996, as that statute may be amended or replaced.

(Ord. No. 96-31, § 1, 10-8-96)

Schools (private) shall mean any non-public school offering kindergarten, elementary and/or secondary school grades on a full-time, regular attendance basis; such private schools include, but are not limited to, parochial, religious or denominational schools and private institutions supported in whole or in part by tuition charges or by endowments or gifts.

(Ord. No. 96-31, § 1, 10-8-96)

Schools (public), sometimes referred to or known or referred to as *traditional public schools*, shall mean publicly supported and controlled schools under the jurisdiction of the Orange County School Board consisting of kindergarten, elementary and/or secondary school grades.

(Ord. No. 96-31, § 1, 10-8-96; Ord. No. 2017-06, § 2, 4-25-17)

Screen room shall mean a nonhabitable structure consisting of solid aluminum roof panels, attached to the principal structure. Such room shall be open and unenclosed on the projecting three (3) sides, supported by aluminum columns. The aluminum columns may only support screen mesh, solid aluminum kick panels up to twenty-four (24) inches in height above the floor of the room and/or vinyl panels which are seasonal, nonpermanent and removable. The screen mesh shall be the type not less than fifty-five (55) percent open.

Service station, see "Automobile service station."

Shopping center shall mean one (1) or more retail stores and/or service establishments containing a minimum of fifteen thousand (15,000) square feet of floor space.

Short-term rental shall mean where the length of stay under the rental or lease arrangement is one hundred seventy-nine (179) days or less. Examples of nonresidential uses requiring short-term rental include hotels, motels, time-shares, condominium hotels, resort rental, resort residential, resort villa, and transient rental.

(Ord. No. 2008-06, § 4, 5-13-08)

Simulated gambling establishment shall mean an establishment conducted or operated for commercial or pecuniary gain or for the collection of donations or gifts that simulates a casino-type atmosphere, or has any simulated casino game, any simulated gambling device, or simulated slot machine, including the use of video or other machines or games appearing to be the same, or substantially similar, to those machines or games typically or commonly used in casinos or casino venues.

(Ord. No. 2004-01, § 2, 2-10-04; Ord. No. 2011-12, § 2(a), 10-18-11)

Solid waste disposal facility shall mean as defined in the Solid Waste Management Ordinance, article V, chapter 32, Orange County Code.

(Ord. No. 2009-11, § 3, 4-28-09)

Solid waste incinerator facility shall mean property, structures and other appurtenances and any improvements on the land used for the incineration of:

Garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, sludge or other discarded material including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. Solid waste does not include: nuclear source or by-product materials regulated under F.S. ch. 404, or under the Federal Atomic Energy Act of 1954 as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows or other regulated point source discharges; regulated air emissions; and fluids or wastes associated with natural gas or crude oil exploration or production.

(Ord. No. 92-41, § 3, 12-22-92)

Solid waste management facility shall mean as defined in the Solid Waste Management Ordinance, article V, chapter 32, Orange County Code.

(Ord. No. 2009-11, § 3, 4-28-09)

Sororities, see "Club."

Sparkler shall be given the same definition as provided for in F.S. § 791.01, as it may be amended from time to time.

(Ord. No. 2004-01, § 2, 2-10-04)

Special act shall mean chapter 30, article II of this Code.

Specified anatomical areas shall mean:

(1) Less than completely and opaquely covered:

- a. Human genitals or pubic region; or
- b. Cleavage of the human buttocks; or
- c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple). This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean:

- (1) Human genitals in a state of sexual stimulation, arousal or tumescence; or
- (2) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zooerasty; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3).

Standard condition shall mean a condition in which the gas temperature is sixty (60) degrees Fahrenheit and the gas pressure is fourteen and seven-tenths (14.7) pounds per square inch, dry basis.

Story shall mean that portion of a building included between the surface of any floor and the surface of the floor directly overhead or, if there is no floor directly above, then the space between such floor and the ceiling next above it.

(Ord. No. 93-11, § 2, 4-27-93)

Street shall mean a public or private thoroughfare which affords the principal means of access to abutting property, including publicly owned or controlled streets and permanent easements of record, for ingress and egress which pass with the land. "Street" includes, lanes, ways, or other means of ingress and egress regardless of the term used to describe it.

Street right-of-way line shall mean the dividing line between a lot, tract or parcel of land and a contiguous street.

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

(Ord. No. 2016-19, § 2, 9-13-16)

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, 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) bedrooms where the bedrooms are leased separately.

(Ord. No. 2000-08, § 2, 4-11-00); Ord. No. 2016-19, § 2, 9-13-16)

Swimming pool shall mean any constructed pool over twenty-four (24) inches in depth or with a surface area exceeding two hundred fifty (250) square feet used for swimming or bathing.

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.

(Ord. No. 2016-19, § 2, 9-13-16)

Tourism district shall mean the area or areas which the board of county commissioners by ordinance shall from time to time determine to be those areas of the county which lie outside the boundaries of the Reedy Creek Improvement District and outside the boundaries of any municipality and which contain the most frequent and intense tourist activity. (A map of the tourism district shall be attached to the ordinance defining or amending the boundaries of the tourism district and such map shall be available for inspection in the office of the clerk to the board).

Tourist commercial shall mean public or private or commercial operations associated with the hospitality industry which are intended to provide services primarily to visitors to the central Florida area.

Townhouse project shall mean a housing complex where each dwelling unit and all or a portion of the land area is individually owned. The purpose of the townhouse project is to retain the qualities of home ownership and at the same time provide for the attractive qualities of apartment living including higher density, efficiency, convenience, economy and effectively designed and maintained open space. Townhouse projects contain one (1) or more townhouse buildings, each of which contain two (2) or more townhouse units. Parking lots, driveways, walkways and accessory recreation areas may be located in areas retained in common ownership which are owned jointly by the owners of townhouse units.

Townhouse units shall mean self-contained dwellings which are designed and constructed so that the unit and the lot on which it is located may be individually owned. Townhouse units are separated by fireproof and soundproof walls and are designed to provide privacy.

Toxic materials shall mean materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Trailer, see article VI, division 13.

Trailer park, see article VI, division 13.

Transient rental, single-family dwelling shall mean the renting or leasing of a single-family dwelling for a period of less than thirty (30) days.

Triplex, see dwelling, three-family.

(Ord. No. 93-11, § 2, 4-27-93)

Truck stop or terminal shall mean buildings and premises designed so as to cater principally to trucks, where the functions and services rendered by a mechanical garage may be rendered, but not to include the storage of vehicles for the purpose of using parts of such vehicles for sale or repair.

Use, principal, shall mean the main use of land or buildings as distinguished from a subordinate or accessory use.

Use variance shall mean a variance granted for a use, building, or structure that is not permitted or that is prohibited in the particular zoning district.

(Ord. No. 2008-06, § 4, 5-13-08)

Vacant land shall mean any real property not containing an existing principal land use. Those properties that have active or unexpired building permits for accessory uses only without a principal land use, such as but not limited to, fences, signs, septic tanks and wells, and accessory and storage buildings, shall constitute vacant land. However, properties that have active or unexpired building permits for a principal land use shall not constitute vacant land.

(Ord. No. 95-25, § 1, 8-29-95)

Vehicular accessway shall mean any private driveway, alley, local street or collector street, or any public local, collector or arterial street or highway.

(Ord. No. 93-11, § 2, 4-27-93)

Wet bar shall mean a hand sink and under-the-counter refrigerator with no overhead cabinets.

(Ord. No. 2019-15, § 1, 10-22-19)

Wholesale sale of fireworks shall mean a business engaged in the wholesale sale of fireworks to a bonafide sales tax exempt retailer.

(Ord. No. 2004-01, § 2, 2-10-04)

Wood waste incinerator facility shall mean a permanent facility as permitted by FDER; such facility includes property, structures and other appurtenances and any improvements on the land used for the controlled incineration of clean dry wood, as herein defined. A temporary wood waste incinerator facility shall be a facility which complies with each of the following three (3) criteria:

- (1) The facility is exempted from FDER permit requirements;
- (2) The facility otherwise complies with F.A.C., ch. 17-256, as may be amended; and
- (3) Use of the facility shall be for only clean dry wood generated on-site; and shall be allowed in any zoning district.

Note: This definition includes air curtain and similar incinerator facilities.

(Ord. No. 92-41, § 3, 12-22-92)

Yard shall mean an open space at grade between a principal building and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the extreme support of the roof of the principal building shall be used.

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.

(Ord. No. 2016-19, § 2, 9-13-16)

Yard, rear, shall mean a yard extending across the rear of a lot between the side lot lines, and being a minimum horizontal distance between the rear of the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or uncovered porches, and the rear lot line. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side, shall mean a yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Yard trash processing facility shall mean as defined in the Solid Waste Management Ordinance, article V, chapter 32, Orange County Code.

Zero lot line shall mean the location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a property line.

Zoning manager, or zoning division manager, shall mean the manager of the zoning division, or his or her authorized designee.

(Ord. No. 2008-06, § 4, 5-13-08)

(P & Z Res., art. II; Ord. No. 91-15, § 2, 6-18-91; Ord. No. 92-1, § 10, 1-21-92; Ord. No. 92-13, § 10, 4-7-92; Ord. No. 93-26, §§ 2, 3, 9-28-93; Ord. No. 95-20, § 2, 7-25-95; Ord. No. 95-33, § 2, 10-10-95; Ord. No. 99-21, § 2, 12-14-99; Ord. No. 2014-01, § 3, 1-28-14; Ord. No. 2016-19, § 2, 9-13-16)

Sec. 38-2. - Interpretation and application.

- (a) The regulations and requirements set forth in this chapter have been made in accordance with a comprehensive plan, with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for particular uses and to encourage the most appropriate use of land throughout the county.
- (b) In their interpretation and application, the provisions of this chapter shall be the requirements to promote the public health, safety, morals and general welfare and to protect the character and maintain the stability of residential, commercial, manufacturing, agricultural, educational, cultural and recreational areas within the county.
- (c) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare to the community. It is not intended by this chapter to interfere with, abrogate or annul any lawful easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises than are imposed or required by other resolutions, rules, regulations, or by lawful easements, covenants or agreements, the provisions of this chapter shall control.
- (d) Among other purposes the provisions herein are intended to provide adequate light, air, privacy and access to property, to avoid undue concentration of population by regulating and limiting the height and bulk of buildings, the size of open spaces surrounding buildings, storage and materials of personal property, or any commercial activity, to establish building lines, to divide the area of the county into districts restricting and regulating therein the construction, reconstruction, alteration, and use of buildings, structures and land for residential, commercial, manufacturing, agricultural, educational, cultural, recreational, and other specified uses and to limit congestion in the public streets by providing off-street parking of motor vehicles, and to define the powers and duties of the planning and zoning commission, the board of zoning adjustment, and the administrative officers appointed pursuant to chapter 30, article II (entitled planning and zoning enabling legislation).

(P & Z Res., art. I, § 2)

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 amendments 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.
- (l) *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, 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 (l)(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.

(P & Z Res., art. III, § 4(a))

(Ord. No. 95-20, § 3, 7-25-95; Ord. No. 2000-08, § 3, 4-11-00; Ord. No. 2004-01, § 3, 2-10-04; Ord. No. 2016-19, § 3, 9-13-16)

Sec. 38-4. - Restrictive rezonings.

- (a) Notwithstanding the provision of any article of this chapter, in amending a zoning district at the request or concurrence of the applicant, the planning and zoning commission may recommend and the board of county commissioners may approve such amendment with restrictions applicable only to the property involved in the change, provided that such restrictions confer upon the applicant or subject property no privilege otherwise denied by these articles to other lands, structures or buildings in the same district. Such restrictions may include one (1) or more of the following:

- (1) Use restrictions greater than those otherwise specified for the particular district.
 - (2) Density restrictions greater than those otherwise specified for the particular district.
 - (3) Setbacks greater than those otherwise specified for the particular district, including setbacks from lakes and major arterials.
 - (4) Height limits more restrictive than otherwise permitted in the particular district.
 - (5) Minimum lot areas or minimum widths greater than otherwise specified for the particular district.
 - (6) Minimum floor area greater than otherwise specified for structures in the particular district.
 - (7) Open space requirements greater than otherwise required for property in the particular district.
 - (8) Parking, loading, driveway or traffic or traffic requirements more restrictive than otherwise required for the particular district.
 - (9) Fencing or screening requirements greater than otherwise required for the particular district.
 - (10) Restrictions on any other matters which the board of county commissioners may regulate under authority of section 30-38.
- (b) Upon approval of such restrictive rezonings, the zoning director shall enter the applicable restrictions, or reference thereto, on the official zoning maps of the county in a manner sufficient to constitute notice to all interested persons. Restrictions shall run with the land, without regard to transfer of ownership or other interests, and may be removed only upon amendment to the district as provided for in section 30-40 of this Code.

(P & Z Res., art. III, § 4(b))

Sec. 38-5. - Exemption from zoning ordinances and regulations.

Notwithstanding anything to the contrary in chapter 38, Orange County is exempt from and is therefore not subject to or bound by its zoning ordinances and regulations when developing or using property it owns or leases for any governmental purpose for the health, safety or general welfare of the public as determined by the board of county commissioners. However, any such proposed project added to the county capital improvement program after April 29, 1997, shall be reviewed and evaluated by the county chairman and the district commissioner in whose district the proposed project is situated. The county chairman or the district commissioner shall furnish to the office of management and budget by October 1 of each year a list of any such proposed projects for which either or both desires a public meeting to be noticed and conducted in accordance with the county administrative regulations.

(Ord. No. 97-05, § 12, 4-29-97)

ARTICLE III. - NONCONFORMING USES

Sec. 38-46. - Intent.

- (a) It is the intent of this article that the lawful use of any building, structure or land existing at the time of adoption of this chapter or amendments to this chapter may be continued although such use, building or structure does not conform with the provisions of this chapter or amendments thereto, provided the following conditions in the subsequent sections of this article are met.
- (b) A nonconforming use determination shall be made by the zoning manager in accordance with this article and other regulations as may be applicable. It shall be the applicant's responsibility to submit and provide the zoning manager with all documentation and records for such determination to be made.

(P & Z Res., art. XXIV, § 1; Ord. No. 2008-06, § 5, 5-13-08)

Sec. 38-47. - Unsafe structures or buildings.

Any nonconforming structure or building or portion thereof declared unsafe may be restored to a safe condition.

(P & Z Res., art. XXIV, § 2)

Sec. 38-48. - Previously approved construction.

Nothing in this article shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently carried on within six (6) months of the date of such permit.

(P & Z Res., art. XXIV, § 3)

Sec. 38-49. - Alteration; maintenance.

A nonconforming building or structure may be maintained, and repairs and alterations may be made, provided that:

- (1) In a building which is nonconforming as to use regulations, no structural alterations shall be made except those required by law; and
- (2) The degree of nonconformity is not increased.
- (3) Additions to nonconforming residential structures are permitted, provided that:
 - a. Such additions comply with current building setbacks;

- b. The proposed use is permitted by the zoning district;
- c. Administrative waivers outlined in Section 38-1508 may apply.

Repairs such as plumbing or the changing of partitions or other interior alterations are permitted.

(P & Z Res., art. XXIV, § 4; Ord. No. 2008-06, § 6, 5-13-08)

Sec. 38-50. - Extension.

- (a) Buildings or structures or uses of land which are nonconforming shall not be extended or enlarged; provided, however, that any nonconforming use may be extended if such extension will make such use conform with current regulations for the district in which it is located.
- (b) No community residential home, which has previously been defined as a foster care facility or adult congregate living facilities, which, as of July 2, 1991, is nonconforming with the applicable zoning regulations relating to community residential homes for the district in which it is located, may increase the number of clients in the facility unless such increase is in conformity with the applicable zoning regulations for that zoning district.

(P & Z Res., art. XXIV, § 5; Ord. No. 91-15, § 19, 6-18-91)

Sec. 38-51. - Abandonment.

When a nonconforming use of land, a building or a structure has been discontinued for one hundred eighty (180) days or more, the land, building or structure shall thereafter not be used except in compliance with the regulations of the district in which it is located. However, for a commercial or industrial building or structure or use only, upon application the nonconforming use may be extended up to an additional ninety (90) days subject to approval by the zoning manager. The applicant for the extension shall submit documentation to the zoning manager which clearly demonstrates that the nonconforming commercial or industrial building or structure has been actively marketed for the nonconforming use or has been undergoing repairs during the majority of the above-referenced 180-day period.

(P & Z Res., art. XXIV, § 6; Ord. No. 98-37, § 3, 12-15-98; Ord. No. 2008-06, § 7, 5-13-08)

Sec. 38-52. - Change to another use.

A nonconforming use now existing may be changed to another nonconforming use of equal or improved character when approved by the zoning director.

(P & Z Res., art. XXIV, § 7)

Sec. 38-53. - Restoration.

- (a) A nonconforming building or structure, other than a sign, which is destroyed by any cause or

means (including a flood, fire, hurricane, tornado, storm, explosion, riot, or other calamity), shall not be replaced, except in compliance with the regulations of this chapter. A nonconforming building or structure, other than a sign, which is damaged by any cause or means, such that the cost of repair is in excess of seventy-five (75) percent of the assessed value of the building or structure as of January 1 of the calendar year that the building or structure was damaged, as calculated by the Orange County Property Appraiser; or, if applicable, by the Orange County Value Adjustment Board, shall not be repaired, except in compliance with the regulations of this chapter.

- (b) A nonconforming sign, other than a billboard, which is destroyed by any cause or means, shall not be replaced, except in compliance with the regulations of this chapter and Chapter 31.5 (Sign Ordinance). A nonconforming sign, other than a billboard, which is damaged by any cause or means in excess of fifty (50) percent of the cost of replacement of the sign, shall not be repaired, except in compliance with the regulations of this chapter and Chapter 31.5.
- (c) A nonconforming billboard which is destroyed by any cause or means shall not be replaced, except in compliance with the regulations of this chapter and Chapter 31.5. A nonconforming billboard which is damaged by any cause or means, such that the total cost of repair is in excess of fifty (50) percent of the Total Replacement Cost (as defined below), shall not be repaired, except in compliance with the regulations of this chapter and Chapter 31.5. For purposes of this subsection, the term "total replacement cost" means the calculation of total replacement cost that is derived by applying the User's Guide—Owner's Estimate of Repair/Replacement Costs of Nonconforming Billboards, dated May 10, 2007, which document is attached to Ordinance No. 2007-09 as Appendix A and incorporated herein by reference. The unit cost worksheet that is labeled as "Attachment 1" to Appendix A shall be updated biannually without need of further action by the board.

(P & Z Res., art. XXIV, § 8; Ord. No. 2007-09, § 1, 8-14-07)

Sec. 38-54. - Submittal requirements.

Nonconforming use status shall be determined by the zoning director. Each request for a nonconforming use determination will be reviewed by the zoning director or his/her designee. Upon completion of the review process, the zoning director shall forward to the applicant a determination in writing. The zoning director may request additional information, approve the request, approve the request with conditions or deny the request.

(Ord. No. 91-29, § 2(Exh. A), 12-10-91)

Sec. 38-55. - Application requirements.

The application shall contain the following:

- (1) Name and address of applicant (printed or typed) and applicant's signature;
- (2) The property legal description;
- (3) The present zoning;
- (4) Statement requesting county acknowledgment of nonconformity;
- (5) Nonconformity description;
- (6) Identification of continuous length of use; and
- (7) Statement that the applicant(s) has and justification of personal knowledge of the above information.

Such application shall be dated and notarized prior to submittal to the zoning department. The applicant is encouraged to submit support evidence with the application; for example:

- (1) Site plan, drawn to scale, indicating property boundaries and all existing structures and uses located on-site with their locations and dimensions;
- (2) Floor plans, fully dimensioned;
- (3) Photographs;
- (4) Historical information about the property from the county property appraiser's office (i.e., Howze card diagram);
- (5) Historical documentation from public/private utility companies regarding electrical and/or water service (i.e., when original electrical meter(s) was set; length of service);
- (6) Occupational license information (if the request is for a business);
- (7) Copies of legal documents (i.e., leases, rental documents, deeds, private property appraisals, contract agreements, etc.); or
- (8) Any other pertinent information relative to the request.

Appeal of the zoning director's determination shall be in accordance with the procedures established in chapter 30, section 30-43(1) of the County Code, which are duplicated in chapter III of the Land Development Code.

(Ord. No. 91-29, § 2(Exh. A), 12-10-91)

Sec. 38-56. - Reserved.

Editor's note— Ord. No. 2016-19, § 4, adopted Sept. 13, 2016, repealed § 38-56, which pertained to U-R, UR1, and UR-3 zoned lands and derived from Ord. No. 95-16, § 3, adopted June 27, 1995.

Secs. 38-57—38-70. - Reserved.

Sec. 38-71. - Establishment of districts.

In order to classify, regulate and restrict the uses of land, water, building and structures, and to regulate and restrict the height and bulk of buildings, and to regulate the area of yards, courts and open spaces about buildings, the county, not part of any municipality, is divided into districts.

(P & Z Res., art. III, § 1)

Sec. 38-72. - Districts shown on maps.

The boundaries of the various districts are shown upon a series of maps in the planning and zoning office, entitled "The Official Zoning Maps of Orange County, Florida," which are made a part of this chapter. The series of maps, together with amendments thereto, are identified as follows:

Range 27 East, pages 1 through 166, inclusive;

Range 28 East, pages 1 through 255, inclusive;

Townships 21 and 22 South, Range 29 East, pages 1 through 190, inclusive;

Townships 23 and 24 South, Range 29 East, pages 1 through 151, inclusive;

Range 30 East, pages 1 through 236, inclusive;

Ranges 31 through 34 East, pages 1 through 146, inclusive;

and dated the 28th day of August, 1962, each map being identified by the signature of the chairman of the planning and zoning commission, together with all notations, references and other information shown thereon, shall be as much a part of this chapter as if all the matter and information set forth by such maps were fully described herein.

(P & Z Res., art. III, § 2)

Sec. 38-73. - Rules for interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the districts as shown on the official zoning map, the following rules shall apply:

- (1) Where district boundaries are indicated as following the centerlines of streets, highways or alleys, such centerlines shall be construed to be such boundaries.
- (2) Where district boundaries are indicated as approximately parallel to the centerlines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is indicated specifically on the zoning map, the scale of the map shall determine.
- (3) Where district boundaries run to but do not extend into water areas, they shall be considered to run into such water areas in a straight line continuing the prevailing direction of the boundary as it approaches the water until they intersect other district boundaries or the geographic limits of the county. Boundaries which run through watercourses, lakes and other water areas shall be assumed to be located midway in such water areas unless otherwise indicated.
- (4) Where district boundaries are indicated as following platted lot lines, such lot lines shall be construed to be the district boundaries.
- (5) Where district boundaries are indicated by specific dimensions, such specific dimensions shall control.

- (6) Where district boundaries divide platted lots or cross unsubdivided property, and where no specific dimensions are on the official zoning map, the scale of the official zoning map shall control.
- (7) Where the street or property layout or other physical features existing on the ground are at variance with the official zoning map, or where other uncertainties exist as to interpretation of the official zoning map, the zoning director shall interpret the map or maps to fix the exact location of zoning district boundaries.

(P & Z Res., art. III, § 3)

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

(a) *Use of buildings, structures, lands and premises.* Except as may be provided otherwise, buildings, structures, lands and premises shall be used only in accordance with the uses and conditions contained in the "Use Table" set forth in section 38-77, 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, subject to compliance with all other applicable laws, ordinances and regulations.

(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.

(Ord. No. 2008-06, § 8, 5-13-08; Ord. No. 2016-19, § 5, 9-13-16)

(c) *Standard Industrial Classification Manual and Standard Industrial Classification (SIC) group numbers.*

- (1) The group descriptions in the 1987 edition of the Standard Industrial Classification Manual (the "SIC Manual") prepared by the Statistical Policy Division for the United States Office of Management and Budget, as it may be amended from time to time, shall be used to determine the classification of primary uses when reference is made in the use table to a designated Standard Industrial Classification (SIC) group number.
- (2) In the SIC group number column of the use table, a four (4) digit SIC group number shall control and override a

three (3) digit SIC group number, and a three (3) digit SIC group number shall control and override a two (2) digit SIC group number.

- (3) Copies of the SIC Manual shall be kept on file with the clerk to the board of county commissioners, the county planning department, the county zoning department and the downtown branch of the county library. The SIC Manual shall be available for inspection at those locations during normal business hours.

(Ord. No. 97-05, § 2, 4-29-97)

(d) *Interpretation of Sections 38-77, 38-78 and 38-79*

- (1) When the need arises, the zoning manager shall be the person responsible for interpreting Chapter 38 of this Code. However, the zoning manager shall not have the authority to make any interpretations under Chapter 3; the zoning manager's authority under Chapter 3 shall be limited as specifically set forth therein.
- (2) In interpreting any of those sections, or in considering an appeal of the interpretation of any of those sections, consideration shall be given to the following:
 - a. The functional and locational requirements of the use;
 - b. Whether the interpretation is consistent with the intent, purpose and description of the particular zoning district;
 - c. Whether the interpretation is compatible with the permitted uses in the district; and
 - d. Whether the interpretation ensures that the use is similar in traffic-generating capacity, noise, vibration, dust, odor, glare, heat producing and any other noxious characteristics.

(Ord. No. 95-16, § 2, 6-27-95; Ord. No. 98-37, § 4, 12-15-98; Ord. No. 2004-01, § 4, 2-10-04)

Sec. 38-75. - Vested uses.

- (a) (1) ;hg; Any established use on a lot or parcel in any of the commercial or industrial zoning districts (as the term "established use" is defined by subsection (a)(4) below) which is made nonconforming as a result of amending the permitted uses and special exceptions in the commercial and industrial zoning districts effective July 20, 1995, shall be vested as of July 20, 1995.
- (2) The manager of the zoning department may approve a change to another use of equal or less intense character which was made nonconforming in that zoning district as a result of amending the permitted uses and special exceptions in the commercial and industrial zoning districts effective July 20, 1995.
- (3) If an established use is discontinued for more than one hundred eighty (180) consecutive days after July 20, 1995, then the permitted uses and special exceptions with respect to such parcel or lot shall be those uses specified under the regulations, as the regulations may be amended from time to time.
- (4) For purposes of this section, an established use means a use for which a valid occupational license or an unexpired building permit was issued by Orange County not more than one hundred eighty (180) days after July 20, 1995.
- (b) (1) ;hg; 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 comprehensive 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.
- (3) Expansions to any vested use may include additions to existing buildings or the construction of free-standing structures.

(Ord. No. 95-16, § 2, 6-27-95; Ord. No. 2016-19, § 6, 9-13-16)

Sec. 38-76. - M-1 zoned lands.

Prior to the issuance of any development permits on lands zoned M-1, the property shall be rezoned to an appropriate zoning district which is consistent with the future land use map.

(Ord. No. 95-16, § 2, 6-27-95)

Sec. 38-78. - Special exception criteria.

Subject to 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 comprehensive plan.
- (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 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.

(Ord. No. 95-16, § 2, 6-27-95; Ord. No. 97-05, § 4, 4-29-97; Ord. No. 98-37, § 6, 12-15-98; Ord. No. 2004-01, § 6, 2-10-04; Ord. No. 2008-06, § 10, 5-13-08; Ord. No. 2016-19, § 8, 9-13-16)

Sec. 38-79. - Conditions for permitted uses, special exceptions, etc.

The following numbered conditions shall correlate with the numbers listed in the use table set forth in section 38-77 and the Horizon West Town Center Land Use Table set forth in section 38-77.1:

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

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2016-19, § 9, 9-13-16)

- (2) A duplex which is designed, arranged and constructed so that each dwelling unit is owned by a separate and different owner shall be a permitted use, provided that the following requirements are met:

- a. The duplex is located on a parcel as required in section 38-456.
- b. Each unit of the duplex is constructed at the same time, and each unit is located on a parcel of land having a minimum land area of two thousand (2,000) square feet, minimum front and rear yard setbacks of twenty-five (25) feet and a side yard setback, for an end unit, of six (6) feet.
- c. A portion of the common party wall serving the adjoining dwelling unit may be located on the adjoining parcel.
- d. It is developed in accordance with sections 38-451 and 38-456.

- (3) Fruits, produce, flowers and vegetables shall be sold on the site from which they are grown.

(Ord. No. 2004-01, § 7, 2-10-04)

- (4) a. [*Mobile home provisions in A-1, A-2, and A-R*] Mobile homes 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 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.

- b. [*R-T mobile home park district regulations.*] The following regulations shall apply within the R-T mobile home park district:

1. A use shall be permitted in the R-T district if the use is identified by the letter "P" in the use table set forth in section 38-77. A use shall be prohibited in the R-T district if the space for that use is blank in the use table set forth in section 38-77. A customary accessory use may include, among other things, the sale of mobile homes on the following conditions:
 - (i) The mobile home must have all of the facilities and utility connections for use as a dwelling.

- (ii) The buyer of a new mobile home which is purchased from a mobile home park owner or operator must be offered a six-month lease with an option to renew for six (6) months for the mobile home space on which the mobile home is located at the time of purchase.
 - (iii) The seller and buyer of a new mobile home must intend that the buyer live in the mobile home on the space where it is situated at the time of the sale.
 - (iv) The number of mobile homes for sale shall not exceed ten (10) percent of the total number of approved mobile home spaces in a mobile home park at any one (1) time.
 - (v) Mobile homes for sale shall be located only on mobile home spaces in the mobile home park and subject to the same setbacks and yard requirements as occupied mobile homes.
- 2. A land use permit shall be required to establish a mobile home park before building permits are issued. A land use permit application shall include a site plan drawn to scale showing property lines, rights-of-way, locations of buildings, parking areas, curb cuts, driveways, cross section of pavement, a landscape plan, streetlights, fire hydrants and fire extinguishers.
- 3. The following design standards shall apply to mobile home parks:
 - (i) Each mobile home park shall contain at least five (5) acres, shall be limited to seven (7) mobile home spaces per gross acre, and shall have not less than ten (10) mobile home spaces completed and available at first occupancy. The park shall have unobstructed access to a publicly-maintained street or road.
 - (ii) No mobile home space shall contain less than three thousand (3,000) square feet in area.
 - (iii) Minimum separation between mobile homes shall be fifteen (15) feet. Certain additions to mobile homes are permitted, provided minimum separation between the addition and any other mobile home, or addition thereto, shall be ten (10) feet. Such additions are limited to screened rooms, carports, accessory buildings to store personal items and gardening equipment. Any other addition shall provide a minimum of fifteen (15) feet separation.
 - (iv) Landscaping, buffering and open space requirements shall be as provided for in chapter 24 of this Code, as it may be amended.
 - (v) All porches, rooms and additions to a mobile home shall comply with these regulations and the county building department's codes and regulations.
 - (vi) A recreation area shall be provided equivalent to two hundred (200) square feet of area for each mobile home space; however, in no case shall such recreation area be less than ten thousand (10,000) square feet in area. Such recreation area shall be no longer than twice its width. This area shall remain in a clean and presentable condition, and shall be adequately lighted. Such recreation area shall not be located in an area where such use will adversely affect surrounding property.
 - (vii) Each mobile home space shall have a minimum of fifteen (15) feet of frontage on a street or lane within the boundary of the park. Such streets or lanes shall have an unobstructed right-of-way thirty (30) feet in width and a hard surface of not less than twenty (20) feet in width for two-way drives, or twenty (20) feet in width and a hard surface of not less than twelve (12) feet in width for one-way drives. Hard surfacing shall consist of a base at least six (6) inches thick of lime rock or soil cement or an equivalent material and a top of at least one (1) inch thick made of asphaltic concrete or an equivalent material. Such streets shall be lighted by a system which consists of a one-hundred-watt

mercury light for every one hundred twenty (120) linear feet of roadway or a two-hundred-watt incandescent light for every one hundred twenty (120) linear feet of roadway or shall with some other system supply two-tenths lumen per square foot of roadway.

- (viii) There shall be a minimum of two (2) off-street parking spaces for each mobile home space. Each mobile home space shall be equipped with at least one (1) paved parked space; the remainder of the required spaces may be located either on mobile home spaces or in common parking lots.
- (ix) Paved driveways shall be provided to each parking space on each individual mobile home space. Driveways shall be at least nine (9) feet wide. Common driveway may be used to serve more than one (1) mobile home space, but shall serve no more than four (4) mobile home spaces.
- (x) Common walks shall be provided around recreation, management, and service areas. Common walks shall be at least four (4) feet wide except where such walks are adjacent to an arterial street, in which case such walks shall be at least five (5) feet wide. No walk required herein shall be used as a drainage way.
- (xi) Each mobile home space shall be provided with a concrete patio at least eight (8) feet wide and ten (10) feet long. Such patio shall conform to the setback provisions outlined in subsection 3.(iii) above. Double-wide mobile homes need not have a patio. Each mobile home space shall be landscaped with turf, shrubs, trees, or other plantings.
- (xii) Each mobile home space shall be connected with a water system and sewage treatment and disposal system approved by the county and state health department.
- (xiii) It shall be unlawful for any person to maintain or operate a mobile home park within the county without the appropriate permits and licenses.

c. *Dimensions.* Lot size and setback requirements in the R-T-1 district shall be the same as those established for the R-2 single-family dwelling districts.

d. *Site and building requirements.* Site and building requirements for the R-T-2 district are as follows:

1. Minimum lot area shall be twenty-one thousand seven hundred eighty (21,780) square feet (one-half acre).
2. Minimum lot width shall be one hundred (100) feet.
3. Minimum front yard setback shall be thirty-five (35) feet.
4. Minimum rear yard setback shall be fifty (50) feet.
5. Minimum side yard setback shall be ten (10) feet.
6. Single-family dwelling units shall contain a minimum of six hundred (600) square feet of living area.

(Ord. No. 97-05, § 5a, 4-29-97; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (5) a. Subject to the following regulations, temporary structures, including mobile homes and travel trailers, may be used as construction field offices and tool sheds when accessory to the development of a subdivision:
 1. Such use shall be temporary and shall expire when ninety (90) percent of the buildings within the subdivision are completed or within one (1) year from the date the temporary structure permit is issued, whichever comes first.
 2. In the case of temporary and permanent structures being erected on the same parcel of land, such temporary structures shall be removed not later than one hundred eighty (180) days following erection of the temporary structure or not later than ten (10) days after completion of the permanent structure, whichever comes first.

3. Permits for temporary structures shall be obtained from the zoning director. When such permits expire, the by the zoning director for a period not to exceed an additional ninety (90) days. Upon expiration of any perm structure, such structure shall be removed from the premises.
4. A mobile home or recreational vehicle may be temporarily parked and occupied on a lot or specified tract of land in A-1, A-2, and A-R districts during the construction of a permanent residence or building on such lot or tract of land. A temporary permit for such use will be issued by the county only after a building permit has been secured for the permanent residence or building. The mobile home or recreational vehicle shall be removed within three hundred sixty-five (365) days or ten (10) days after completion of the permanent residence or building, whichever comes first.
- b. 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 office 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. Reserved.
 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. 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.

(Ord. No. 97-05, § 5a, 4-29-97; Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2004-17, § 2, 11-9-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

(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.

(Ord. No. 97-05, § 5a, 4-29-97; Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2016-19, § 9, 9-13-16)

(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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2016-19, § 9, 9-13-16)

(8) Such retail sales shall be a permitted use, provided as follows: only paperwork and phone work, no merchandise on site, drop-shipment only, home occupations only.

(9) 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 rec an eight (8) foot high masonry wall, eight (8) foot high maintained fence, or other screening acceptable to the zo and

(Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (10) A swimming pool, wading pool, jacuzzi, tennis court, spa or hot tub (including all appurtenances thereto, such as pool decks, security fences, screen enclosures, or pumps, but excluding lighting) shall be a permitted accessory use, provided that it complies with the following criteria:
 - a. No swimming pool, wading pool, jacuzzi, tennis court, spa, or hot tub, (including all appurtenances thereto), shall be constructed prior to the construction of the principal building or use.
 - b. No swimming pool, wading pool, jacuzzi, tennis court, spa, or hot tub (including all appurtenances thereto) shall be located in the front yard of the principal building.
 - c. A public swimming pool (i.e. not single family private residential pool) shall be enclosed by a continuous barrier with gate. The gate and barrier shall be a minimum of forty-eight (48) inches in height and designed to restrict access to the pool area from the building or surrounding area.
 - 1. Where composed of vertical and/or horizontal members, the gate or barrier shall be designed to prevent the passage of a four (4) inch diameter sphere and shall be designed to prevent the barrier from being used as a ladder.
 - 2. An access gate to the enclosed pool area shall swing outward and be self-closing. Gates shall be equipped with a self-latching locking device. Self-latching locking devices located less than fifty-four (54) inches from the bottom of the gate shall have a barrier such that no opening greater than 1 / 2 inch is within eighteen (18) inches of the release mechanism. Gates shall be designed so a child cannot reach over the top or through any opening or gap from the outside.
 - d. Pool screen enclosures shall maintain a minimum side and rear yard setback of five (5) feet.
 - e. A swimming pool, wading pool, jacuzzi, tennis court, spa or hot tub (including all appurtenances thereto), shall be subject to the setback requirements from the normal high water elevation contour for water bodies.
 - f.
 - 1. A swimming or wading pool, (including all appurtenances thereto), shall not be located closer than five (5) feet from any side or rear property line. However, filters and pumps located on the same side as the air conditioning unit may have a side yard set back equal to or greater than the existing air-conditioning unit.
 - 2. A tennis court, (including all appurtenances thereto), shall not be located closer than ten (10) feet from any side or rear property line.
 - g. No fence enclosing a tennis court shall exceed ten (10) feet in height above finished grade level, unless the tennis court maintains a minimum ten (10) foot side yard setback and the minimum front and rear yard setbacks for the principal structure. However, in no instance shall such fencing exceed twenty (20) feet.

(Ord. No. 95-20, § 8, 7-25-95; Ord. No. 97-05, § 5b, 4-29-97; Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2000-13, § 2, 6-6-00; Ord. No. 2004-01, § 7, 2-10-04)

- (11) Reserved.

(Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2016-19, § 9, 9-13-16)

- (12) A home of six (6) or fewer residents which otherwise meets the definition of a community residential home 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 shall not be located

within a radius of one thousand (1,000) feet of another existing such home with six (6) 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 (6) or fewer residents shall be measured from the nearest point of the existing such home with six (6) or fewer residents or existing community residential home 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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

(13) A community residential home in a U-V zoned district may be permitted in a residential area only.

(14) A community residential home 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.)

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

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

(Ord. No. 2016-19, § 9, 9-13-16)

(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 (½) of the lot or parcel;
- b. Maximum height—five (5) feet;
- c. Rear setback—five (5) feet;
- d. Side street setback—fifteen (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 nonresidentially 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 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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (17) The construction of more than one (1) dwelling unit on a parcel of land and thereafter the subdivision of such parcel may be permitted as a special exception in the A-1, A-2, A-R, R-CE, R-CE-2, and R-CE-5 zoned districts in rural designated areas, provided the following requirements are met:

(Ord. No. 97-05, § 5c, 4-29-97; Ord. No. 2004-01, § 7, 2-10-04)

- a. The parcel is designated rural/agricultural (one (1) unit per ten (10) acres) on the future land use map;
- b. The parcel was legally created according to zoning division records as of May 21, 1991, and the applicant was the official owner of record as of the date of the adoption of the County's comprehensive plan on July 1, 1991;
- c. Subject to the exceptions specified below, the dwelling unit(s) shall only be for the primary residence of an immediate family member of the fee simple parcel owner, which immediate family member must be living at the time the building permit for such dwelling unit(s) is issued (the phrase "immediate family member" is defined in this subsection as a spouse, sister, brother, lineal ascendant or lineal descendant of the parcel owner or spouse);
- d. Adequate documentation must be furnished to the board of county commissioners ("BCC") or its designee evidencing the relationship between the parcel owner and the immediate family member whose primary residence is to be placed or constructed upon the parcel and the intent of the immediate family member to actually construct such residence and reside therein;
- e. The density approved shall not exceed one (1) unit per two (2) acres (excluding conservation areas and natural water bodies);
- f. In addition to the other special exception requirements, the required site plan shall take into account future subdivision of the parcel consistent with the subdivision regulations;
- g. Subject to the exceptions listed below, the parcel which is the subject of the special exception shall only be subsequently subdivided if:
 1. A future land use designation is adopted by the board of county commissioners ("BCC") which would permit development at the current residential density of the entire parcel; or
 2. A mortgage lender, or its assignee, holding a mortgage on the parcel, or such portion thereof as is the subject matter of the special exception, acquires the portion so encumbered through foreclosure or by deed in lieu of foreclosure and, thereafter, such lender or its assignee or successor-in-interest and/or title applies for a subdivision of the parcel; or
 3. The owner of the portion of the parcel which has been so improved by the construction of a dwelling unit thereon either (a) acquired title thereto by devise or inheritance from the immediate family member for whom the special exception was granted and who has since died or (b) is a bona fide purchaser for value from the estate of such deceased immediate family member; or
 4. The subdivision of the property is necessary to secure financing from a mortgage lender or its assignee.
- h. Building permits may only be issued to (i) the immediate family member, or the agent of the immediate family member, specified at the time of approval of the special exception, or (ii) such other person or entity which acquires title to the land as provided for in subparagraph g. above.

(Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08)

- (18) A screen room shall be permitted with the following limitations: with respect to a planned development, a screen room extend up to fifty (50) percent into the required rear yard; and with respect to property outside a planned development, a screen room may extend up to thirteen (13) feet into the required rear yard. Notwithstanding the foregoing, where present, the screen room shall not be located closer than five (5) feet to the edge of the alley, and shall not be located over any easement.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2016-19, § 9, 9-13-16)

- (19) Reserved.

(Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2019-15, § 3, 10-22-19))

- (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:

- a. Complete plans shall be submitted along with the application for the project. Such plans shall include a subdivision plan which satisfies all of the county subdivision and platting requirements. Furthermore, a site plan shall be submitted indicating the location of buildings, parking spaces, driveways, street, service areas, walkways, and areas which are to be retained in common ownership. The floor area of the units, the number of parking spaces, the total area of the project, and other pertinent data shall be indicated on the plan.
- b. The project shall be in single ownership at the time the application is presented.
- c. The maximum density of each project shall be no greater than one (1) dwelling unit for each twenty-seven hundred (2,700) square feet of the total project area.
- d. The minimum yard requirements of the R-3 residential district may not apply to each individual lot with the project. For the purpose of interpretation, the minimum yard requirements shall apply to the perimeter of the tract on which the project is located.
- 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.
- f. Each buildings shall contain not less than three (3) (except for a quadraplex, which shall contain not less than four (4)) nor more than ten (10) dwelling units. For projects equal to or greater than one (1) acre in size, at least seventy-five (75) percent of the units shall be in buildings containing five (5) or more units. The maximum height of a building shall be two (2) stories or thirty-five (35) feet, whichever is less. Each unit shall contain at least five hundred (500) square feet for one-bedroom units, seven hundred fifty (750) square feet for two-bedroom units, and one thousand (1,000) square feet for three-bedroom units.
- g. Each unit shall be self-contained with respect to utilities, heating and air conditioning. Each unit shall have independent entrances, and common stairwells shall be prohibited. Units shall be separated by a two-hour firewall which extends to the roof.
- h. Swimming pools, tennis courts, playgrounds and other recreational uses may be permitted within such projects, provided such uses are located in areas retained in common ownership. Adequate provisions shall be made to eliminate problems of noise and lights with respect to dwelling units within the project and with respect to adjacent property. All land within the projects shall be developed and maintained in a neat and orderly condition.
- i. Deed covenants shall be developed to ensure the maintenance and upkeep of areas and facilities retained in common ownership in order to provide a safe, healthful and attractive living environment within these types of projects and to prevent the occurrence of blight and deterioration of the individual units.

- j. Minimum distance between buildings, front to front or rear to rear: Sixty (60) feet.
- k. Minimum distance between the sides of buildings: Twenty (20) feet.
- l. Minimum width of dwelling units: Twenty (20) feet.
- m. Outside storage areas for boats, travels trailers and similar equipment should be screened from view of the dwellings within the project and should be screened from adjacent property.
- n. When driveways and parking spaces are located adjacent to the perimeter of the project, consideration should be given to the provision of walls or other screening material to avoid the adverse effects of noise and light to adjacent property.
- o. Side and rear porches may be installed with a zero (0) foot side setback where the principal building has a zero (0) foot side setback.
- p. Front and rear yard building setbacks shall be a minimum of twenty (20) feet.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (21) Zero side yard development. A zero side yard, where the side building setback line is on the side lot line, may be permitted on one side of each single-family lot in all residential zoning districts, except R-CE-5, R-CE-2, R-CE, R-1AAA, and R-T-2, provided that all of the following standards are met:
- a. The applicant shall submit a detailed site plan drawn to scale indicating the location of the proposed zero side yard dwelling unit and any existing or proposed structures on the adjacent lot(s) or parcel(s).
 - b. The zero side yard shall be developed on a multi-parcel basis. The zero side yard concept may be utilized with new subdivisions (subdivisions for which the preliminary subdivision plans received approval by the board of county commissioners on or subsequent to the date of adoption of this regulation) provided that such request is made during the preliminary subdivision plan stage and the zero side yard lots are clearly identified, or within existing subdivisions subsequent to a replat indicating the location of the zero side yard lots. The subdivision shall be designed so that the exterior side yard of all lots located at the periphery of the subdivision shall comply with the minimum side yard setbacks for the zoning district in which the property is located.
 - c. A five-foot maintenance easement shall be recorded on the adjacent lot or parcel along the length of the zero side yard lot line and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance.
 - d. The wall of any dwelling unit located on a zero side yard shall be constructed without doors.
 - e. No portion of the dwelling unit shall project over any property line except for the eaves of the roof, window sills and similar minor appurtenances, with a maximum encroachment of two (2) feet.
 - f. Gutters shall be designed so as to not flow onto the adjacent zero side yard lot or parcel.
 - g. The minimum separation between the zero side yard dwelling unit and any structure on the adjacent lot or parcel shall be equal to or greater than the sum of both the minimum required side yard setbacks in residential zoning districts.
- (22) Simulated gambling establishments. If the ordinance prohibiting simulated gambling devices, codified as sections 26-150 through 26-159 of the Orange County Code, is declared invalid by a court of competent jurisdiction, and the time expires to file an appeal without one being filed or an appeal is timely filed but the appeal is ultimately unsuccessful, or is found to be preempted by state law or state statute, simulated gambling establishments may be a permitted use, subject to all the following requirements and conditions in this paragraph. No alcoholic beverages shall be served or consumed at a simulated gambling establishment. A simulated gambling

establishment shall not be open for business between the hours of 2:00 a.m. and 9:00 a.m. of any particular day. A simulated gambling establishment shall be located at least one thousand five hundred (1,500) feet from a preexisting religious institution, educational institution, school, area zoned in the county or municipality for residential use, area designated as residential on the future land use map of the county's or any municipality's comprehensive plan, park, or commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption. For purposes of the distance separation requirements, measurement shall be measured from property line to property line.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2011-12, § 2(c), 10-18-11)

(23) Sparklers and fireworks.

- a. Retail sale of sparklers. Retail sale of sparklers shall be permitted in C-1 and C-2 zoning districts, or as expressly permitted in a Planned Development. Retail sale of sparklers to minors shall be prohibited.
- b. Wholesale sale of fireworks. Wholesale sale of fireworks shall be permitted in C-3, I-1, I-5, I-2, I-3 and I-4 zoning districts, or as expressly permitted in a Planned Development. Such businesses shall be separated from educational institutions and schools by a minimum of five thousand (5,000) feet, and measurement shall be measured from property line to property line. The wholesale sale of fireworks to minors shall be prohibited.
- c. Retail sale of fireworks prohibited. Retail sale of fireworks (which does not include sparklers) shall be prohibited in all zoning districts (retail sale of fireworks not being permitted under F.S. ch. 791).

(24) Detached and attached dwellings shall be a permitted use, provided that not more than four (4) dwelling units shall be contained in any combination of attached dwellings and their customary uses.

(25) A family day care home shall be a permitted use in all residential and agricultural zoned districts pursuant to F.S. § 125.0109, provided that a fence at least four (4) feet in height shall be placed around all outdoor recreation/play areas or outdoor use areas.

(Ord. No. 2004-01, § 7, 2-10-04)

(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 all other residential zoning districts, a day care center shall open no earlier than 6:00 a.m., and close no later than 6:00 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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

(27) An adult or child day care center shall only be a permitted use in a neighborhood center of the U-V zoned district.

(28) Tents may be permitted, subject to the following requirements:

- a. Application and submittal requirements. The owner or occupant of the parcel or lot shall file with the zoning division the following information:
 1. A completed tent assembly permit application.
 2. A fully dimensioned site plan (survey not required), showing the location of the proposed tent, including all improvements and required on-site parking; the legal description or parcel identification number of the property; the notarized written consent of the property owner; existing and proposed access to the site; the location of all existing structures; and parking calculations showing that sufficient parking is available for all uses on the site.
- b. Setbacks. The tent shall be set back from property lines a minimum of five (5) feet, or shall comply with the principal building setbacks for the zoning district, whichever is less. (In no case shall any part of the tent extend onto adjacent properties or road rights-of-ways.)
- c. Parking. No additional parking shall be required for a tent. However, the tent shall be erected so as not to block or impede access to any required parking space for the principal use(s) on site.
- d. Outdoor display of merchandise. Outdoor display of merchandise shall be permitted in connection with a tent.
- e. Signs. The only signage which may be allowed in conjunction with a tent is temporary signage authorized by the sign ordinance.
- f. Renewals and time extensions for permits. Notwithstanding the frequency limitations set forth in subsections h. and i. below, a tent permit may be renewed or additional permits and time extensions may be allowed

subject to the prior review and approval of the zoning division.

- g. Permitted zoning districts. For non-seasonal tent sales, a tent may be permitted in any zoning district, provided the products and merchandise for sale or on display in association with the tent are the same as those sold or displayed at the principal business(es) on the site. For seasonal tent sales, a tent may be permitted on a parcel or lot that is zoned to allow institutional, commercial or industrial uses.
- h. Frequency limitations for non-seasonal tent sales.
 - 1. Tents on C1, C-2, C-3 and/or industrial zoned parcels or lots. Tents, and all structures accessory to the tents, may be permitted on a parcel or lot for a period not to exceed fourteen (14) consecutive days, provided a tent has not been erected on the parcel during the preceding forty-five (45) days period. However, no more than four (4) events utilizing tent permits may be allowed per parcel or lot per calendar year, and the tent sales shall not operate for more than a total of twenty-eight (28) days of any calendar year.
 - 2. Tents on residential and/or agricultural parcels or lots. Tents, and all structures accessory to the tents, may be permitted on a parcel or lot for special events, including weddings and parties, and for those uses permitted in residential and/or agricultural zoned districts, for a period not to exceed seven (7) consecutive days, provided a tent has not been erected on the parcel during the preceding forty-five (45) day period. However, no more than four (4) events utilizing tent permits may be allowed per parcel or lot per calendar year. A tent on residentially zoned land that is one hundred fifty (150) square feet or less may be erected pursuant to these standards without a permit.
 - 3. Tents in conjunction with institutional uses, including churches, schools, and nonprofit organizations (excluding tents for seasonal sales or events which are controlled by subsection i. below). Tents, and all structures accessory to the tents, may be permitted on a parcel or lot for a period not to exceed fourteen (14) consecutive days. However, no more than four (4) events utilizing tent permits may be allowed per parcel or lot per calendar year, and the tent shall not be present for more than a total of twenty-eight (28) of any calendar year.
 - 4. Tents in public parks and county lands. Tents erected in public parks and on county lands are exempt from the four (4) events per year and forty-five (45) day restriction.
- i. Frequency limitation for seasonal tent sales. For seasonal events, such as, but not limited to, the sale of Christmas trees, pumpkins, and sparklers, tents may be permitted. However, no more than four (4) seasonal events utilizing a tent permit may be allowed per parcel or lot per calendar year, and the tent sales shall not operate for more than a total of thirty (30) days of any calendar year. The frequency limitation for seasonal tent sales are calculated separately from the frequency limitations for non-seasonal tent sales. Where both seasonal and non-seasonal tent sales occur on the same property, the number of events and the total number of days of a calendar year for the seasonal and non-seasonal tent sales may be aggregated (i.e., where there are both seasonal and non-seasonal tent sales or events on the same property, there shall not be more than eight (8) events utilizing a tent permit per parcel or lot per calendar year, and the tent sales shall not operate for more than a total of fifty-eight (58) days of any calendar year).

(Ord. No. 2004-01, § 7, 2-10-04)

(29) Development in the U-V (urban village) zoning district shall be in accordance with article XVI of chapter 38.

(Ord. No. 97-05, § 5d, 4-29-97)

(30) At warehouse and self-storage facilities, plumbing shall not be provided to individual storage spaces, and plumbing fixtures such as sinks, toilets, and the like shall not be installed.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08)

(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. Storage of vehicles for the purpose of using parts of such vehicles for sale or repair; or
- b. Any condition which may be classified as a junkyard.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2016-19, § 9, 9-13-16)

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

(Ord. No. 97-05, § 5e, 4-29-97; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

(33) Pawn shops shall be prohibited.

(Ord. No. 97-05, § 5e, 4-29-97; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2013-16, § 1(b), 7-2-13)

(34) The washing and packaging of fruit or vegetables shall be a permitted use when accessory to retail, fruit or vegetable sales on the premises.

(35) The open-air sale of agricultural or farming products grown or produced on the premises shall be a permitted use, provided that the structures for such activity are set back at least twenty-five (25) feet from any front or side property line.

(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 (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.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2016-19, § 9, 9-13-16)

(37) Subject to the following standards and conditions, chickens shall be permitted to be raised or kept only on a lot or parcel with an owner-occupied single-family detached residence or owner-occupied mobile home, upon the issuance of a single permit per parcel by the Zoning Division and payment of an administrative fee as established by the Board of County Commissioners.

(a) *Definitions.* For purposes of this subsection (37), the following terms and words have the following definitions:

Chicken means the female of a type of domesticated fowl of the species *Gallus gallus domesticus*.

Chicken coop means a covered enclosure designed for roosting of chickens that provides ventilation and protection from drafts, sunlight, the effects of weather, and predators.

Pen area means an area around the chicken coop used by chickens for exercising and foraging.

(b) *Application requirements.* An applicant shall comply with the following requirements:

- (1) *Training class and application.* An applicant shall attend and successfully complete the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension Orange County Backyard Chicken Training Class and present a signed certificate of completion of that class to the Zoning Division, along with the applicant's completed application and any other information required by the Zoning Division as part of the process for application for a permit.
- (2) *Site plan.* An applicant shall submit a site plan to the Zoning Division for the chicken coop and pen area. The chicken coop and pen area shall meet the following requirements:
 - a. The chicken coop and pen area shall be designed and constructed to protect the chickens from natural predators and domestic pets by being fully enclosed with welded wire mesh, hardware cloth, or other material of similar strength. Chicken wire fencing shall not be used. Additionally, the enclosure material shall be buried at least twelve (12) inches to obstruct or deter digging predators.
 - b. The chicken coop and pen area shall be tied down to the ground for wind resistance.
 - c. The maximum size of the chicken coop and pen area together shall be one hundred (100) square feet. The minimum size of the chicken coop shall be four (4) square feet per chicken. The minimum size of the pen area shall be ten (10) square feet per chicken.
 - d. The maximum height of the chicken coop and pen area shall be six (6) feet, as measured from the existing grade to the highest part of the chicken coop or pen area.
 - e. The chicken coop and pen area shall be located only in the rear yard (not in a side yard, side street yard, or the front yard) and be set back a minimum of fifteen (15) feet from any side or side street property boundary; a minimum of ten (10) feet from the rear property boundary, any wetlands, upland buffers, berms, swales, conservation areas, and platted development right tracts; and fifty (50) feet from any normal high-water elevation.
 - f. The chicken coop and pen area shall be cleaned regularly to foster healthy chickens; to prevent attracting insects and other vermin; to avoid objectionable odors detectable beyond the property line; and to comply with the requirements in Section 5-42 of the Orange County Code, entitled *Nuisance*

Animals, which prohibits owners or keepers of domestic animals from permitting or allowing animals to engage in certain prohibited behaviors. Repairs to the pen area and chicken coop shall be made as necessary to ensure safety for chickens and caretakers.

- g. Opaque fencing or vegetation shall exist or be installed to match the height of the chicken coop or pen area, whichever height is greater, to serve as a visual barrier for neighboring properties. The maximum height of the fencing or vegetation shall be six (6) feet.
- (3) *Posting of notice.* Upon issuance of a permit, the permittee shall post a sign provided by the Zoning Division on his or her property for a period of at least seven (7) days informing neighboring property owners of the permit.
- (c) *Number of chickens.* A maximum number of four (4) chickens is permitted.
- (d) *Care, maintenance, and disposal of chickens.*
 - (1) *Food and water.* Chickens shall have access to food and water at all times. Feed shall be distributed in a rodent-proof feeder. Feed shall be stored in a covered metal or plastic rodent and wildlife-proof container.
 - (2) *Housing and custody.* Chickens shall be housed at all times within the chicken coop or pen area, except they may be removed from the chicken coop or pen area by a resident of the single-family residence or mobile home, provided the resident keeps them under his or her continuous custody and control on the property while they are outside the chicken coop or pen area.
 - (3) *Waste materials.* Composting of manure produced by chickens, including soiled bedding materials, is allowed in an enclosed bin. Composting of chicken manure or soiled bedding materials is subject to the requirements of section 28-35 of the Orange County Code, except that any compost bin that contains chicken manure or soiled bedding materials shall be kept a minimum of twenty (20) feet from the property's boundary. Waste materials (feed, manure and litter) that are not composted shall be discarded in a sealed bag and placed in a residential garbage container for pick-up by waste collection services.
 - (4) *Purpose of keeping chickens.* Chickens shall be kept for the purpose of producing eggs for consumption on the property only. Chickens, their eggs, feathers and manure shall not be sold. In addition, chickens shall not be bred; slaughtered, except as provided in Section 828.05, Florida Statutes, and any other applicable laws for the humane and proficient destruction of injured or diseased animals; or consumed.
 - (5) *Transfer of chickens.* Any owner who decides to cease keeping any chicken shall relocate that chicken to a farm or agribusiness that is licensed or otherwise permitted to accept chickens, or to another Orange County resident who has a valid permit in good standing and whose property is in compliance with the requirements of this subsection (37). Chickens shall not be taken to the Orange County Animal Services Division or released into the wild.
 - (6) *Disposal of deceased chickens.* Owners shall dispose of deceased chickens in compliance with the requirements of Section 823.041, Florida Statutes, and Section 62-701.520(5)(a) and (c), Florida Administrative Code, as either or both may be applicable.
- (e) *Additional terms and conditions for permits.*
 - (1) *Maximum number of permits.* A certain maximum number of permits, as established or revised by the Board of County Commissioners, may be issued on a first-come, first-served basis, pursuant to this subsection (37).
 - (2) *Non-transferable nature of permits.* Permits are personal to a permittee as the owner of the subject property and are not transferable.

- (3) *Property covenants and restrictions.* Nothing herein shall be construed or interpreted to mean that the chic where private covenants or restrictions prohibit such use, or where rules promulgated under such covenant prohibit such use.
- (4) *Noncompliance.* The failure to comply with any of the standards and conditions set forth above may result in the revocation of a permit, and may be enforced by issuance of a notice of violation or civil citation. In the event that a permit is revoked, the owner shall relocate the chickens, within fifteen (15) days, to a farm or agribusiness that is licensed or otherwise permitted to accept chickens, or to another Orange County resident who has a valid permit in good standing and whose property is in compliance with the requirements of this subsection (37). Chickens shall not be taken to the Orange County Animal Services Division or released into the wild. Upon revocation of a permit, the permittee shall not be eligible to apply for another permit for a period of two (2) years.
- (5) *Right of entry onto private property; revocation of permit.* By applying for a permit under this subsection (37), the applicant grants (a) authorized County employees and agents, upon reasonable notice, a right of entry upon the exterior of the property to determine whether the standards and conditions of this section are being satisfied; and (b) the County the right to revoke a permit upon a determination of noncompliance with this subsection (37). To that end, any code enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon private property while in the discharge of responsibilities under this section.
- (f) *Prohibited poultry and fowl.* Roosters and other poultry or fowl, including turkeys, ducks, geese, pigeons, quail, and peafowl, shall be prohibited.
- (g) *Effective period.* This subsection (37) allowing chickens on a lot or parcel is a permitted program and shall remain in effect unless repealed. If this subsection (37) is repealed, the chickens, along with the chicken coop and pen area shall be removed from the lot or parcel within ten (10) years after the date of such repeal.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2016-19, § 9, 9-13-16; Ord. No. 2021-34, § 1(a)(App. A), 8-10-21)

- (38) A freestanding carwash is a permitted use if all of the following requirements can be met, but if any of the following requirements cannot be met, a special exception is required:
- Hours of operation shall be limited from 6:00 a.m. to 10:00 p.m.;
 - The equipment shall be on timers and shall be shut down before and after the hours of operation listed above;
 - A six (6) foot high masonry wall or PVC fence shall be constructed along any property lines abutting single family residential uses or zoning; and
 - A security system shall be installed to include electronic cameras, with signs posted notifying patrons of the security cameras.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2008-06, § 11, 5-13-08)

(39) Reserved.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2019-15, § 3, 10-22-19)

(40) Reserved.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (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 (1) animal per acre for grazing purposes only (not kept in holding areas too); more than one (1) 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 (1) 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.

(Ord. No. 95-33, § 4, 10-10-95; Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2016-19, § 9, 9-13-16)

(42) Dual rear wheel vehicles are permitted subject to the following conditions:

- a. In the A-1, A-2, RCE-5, RCE-2, RCE zoning districts, dual rear wheel vehicles are permitted provided they are used in conjunction with an active agricultural operation/use on-site;
- b. The overnight parking and/or storage of a dual rear wheel vehicle shall be subject to all applicable Orange County Code requirements, including paved parking, buffers and screening to adjacent properties, and drainage, except that active agricultural operations/uses shall be exempt from the paved parking, buffer, drainage and screening requirements; and
- c. Unless otherwise permitted by the Orange County Code, no person shall park or store outdoors a dual rear wheel vehicle in any area of unincorporated Orange County including streets and rights-of-way, except temporarily while engaged in the loading or unloading of persons or property.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 99-17, § 4, 9-21-99)

(43) The sale or storage of firewood in any amount shall be permitted in the C-2, C-3, I-1/I-5, I-2/I-3 and I-4 zoning districts. The sale or storage of firewood in any amount shall only be permitted indoors in the C-1 zoning district. The sale or storage of two (2) or less cords of firewood during any single calendar year not grown on-site and the sale or storage of firewood in any amount grown on-site shall be permitted in the A-1 and A-2 zoning districts. The sale or storage of more than two (2) cords of firewood not grown on-site in the A-1 and A-2 zoning districts requires a special exception. All sites selling or storing firewood not grown on-site shall be subject to the following restrictions:

- a. If more than two (2) cords of firewood are being sold or offered for sale, the site shall have a minimum of two (2) spaces for customers;
- b. The firewood and associated equipment shall be located a minimum of fifty (50) feet from all off-site residences and twenty-five (25) feet from all property lines;
- c. Stacks or piles of firewood cannot exceed four (4) feet in height; and
- d. A six (6) foot high solid screened wooden fence or wall or a twenty-five (25) foot wide landscape buffer containing minimum eight (8) foot high trees and twenty-four (24) inch hedges shall be installed or planted adjacent to all residential property lines. A landscape plan shall be subject to the zoning manager's approval. A site where two (2) or less cords of firewood are being stored, sold or offered for sale shall be exempt from this requirement.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 99-17, § 4, 9-21-99)

- (44) Plant nurseries and greenhouses shall be permitted, provided there is no retailing of products on site. Plant nurseries shall include the production, wholesaling, and distribution of plant materials grown or cultivated on site. Seedlings may be transported to the site. However, the majority of plant materials shall be grown on site.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08)

- (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 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 (¼) acre and less than or equal to one-half (½) 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 (½) 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 and/or boat trailer 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.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2004-17, § 2, 11-9-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (46) Restaurants without drive-through or walk-up windows may be permitted as a special exception only. Every application for such a special exception shall be accompanied by a notarized letter from the property owner or his authorized representative stating that he understands and agrees that drive-through or walk-up windows are prohibited.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2004-01, § 7, 2-10-04)

- (47) Travel agencies, tour brokers, and tour operators shall be permitted uses, subject to no parking of transportation vehicles on site, no servicing or maintenance of company vehicles on site, and no pick-up or drop-off of customers on-site.

(Ord. No. 95-33, § 4, 10-10-95; Ord. No. 97-05, § 5f, 4-29-97)

- (48) Reserved.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2016-19, § 9, 9-13-16)

- (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 Flor 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.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2016-19, § 9, 9-13-16)

(50) To the extent not inconsistent or in conflict with any applicable federal or state law, including F.S. § 163.04, 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.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2016-19, § 9, 9-13-16)

(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(51)b. is unable to meet the 1,000 foot distance separation requirement described in subsection 38-79(51)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 (2) 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(51).

- c. The type of use or operation allowed under subsection 38-79(51)a. shall meet the following location, design and 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 (35) feet above the finished grade elevation in A-1 and A-2 zoned districts, and shall not exceed fifty (50) feet 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(51)b. shall meet the criteria described in subsection 38-79(51)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 (8) foot high precast concrete wall with stucco finish, with Textilis Gracilis (slender weaver) or multiplex Silverstripe clumping bamboo planted every four (4) feet along the length of the wall, within three (3) feet 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 (10) feet in height at the time of planting.
 2. Stockpile heights shall not exceed thirty-five (35) feet 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 (1) 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 (3) feet 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(51), 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 one thousand (1,000) foot distance separation requirement described in subsection 38-79(51)a.

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 2015-03, § 2, 1-27-15; Ord. No. 2016-19, § 9, 9-13-16)

- (52) The raising or keeping of not more than two (2) swine to be used for domestic purposes only shall be a permitted use, provided that the occupied sty is not less than one hundred (100) feet from any property line.

(Ord. No. 97-05, § 5f, 4-29-97)

- (53) Grove caretaking and harvesting in conjunction with the care and maintenance of agricultural commodities shall be a permitted use.

- (54) Veterinary hospitals or dog and cat grooming may be permitted in a completely enclosed, soundproofed building. No outdoor animal runs may be permitted and no animal containment facilities may be located except in a completely enclosed, soundproof structure.

(Ord. No. 97-05, § 5h, 4-29-97; Ord. No. 2008-06, § 11, 5-13-08)

- (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 one hundred eighty (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 one hundred eighty (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, bicyc utilizing, entering or exiting a right-of-way; or in a manner that obstructs the flow of pedestrian or vehicular
4. A TPSC shall not be placed within a required landscape or buffer area or areas that are considered environmentally sensitive.

(Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (56) This use shall be a permitted use only in the neighborhood center area of a U-V zoned district, provided that it is located on the first floor.
- (57) Borrow pits, and excavation and fill activity shall be a permitted use subject to meeting the requirements of chapter 16 (Excavation and Fill).
- (58) Materials, vehicles and equipment stored at a dead storage yard and any other outdoor storage of equipment or commodities shall be screened from public rights-of-way, single-family residential zoned districts and single-family residences. When such use is located adjacent to residential zoned districts or homes, a Type B opaque buffer as outlined in Chapter 24 ("Landscaping, Buffering and Open Space") of the Orange County Code shall be required. In addition, paved parking is required and all other parking requirements shall be met. All materials, vehicles and equipment stored at a dead storage yard shall be removed from the site at least once every six months, and shall not be bought, sold or maintained there. Also, daily or frequent business activity shall not be conducted at a dead storage yard.

(Ord. No. 99-17, § 4, 9-21-99; Ord. No. 2008-06, § 11, 5-13-08)

- (59) Reserved.

(Ord. No. 97-05, § 5i, 4-29-97; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (60) No storage of recreational vehicles, boats or similar items shall be permitted on-site. Outdoor storage is not permitted.

(Ord. No. 2004-01, § 7, 2-10-04)

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

Structures, buildings, or uses required for public or private sewer and water facilities shall be permitted in industrial districts. Such structures may be permitted in any other district only as a special exception.

(Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2016-19, § 9, 9-13-16)

- (62) Citrus and other agricultural crops, cultivation and production shall be a permitted use, provided that no retailing shall be permitted on-site.
- (63) 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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (64) Such use shall be only light assembly of pre-manufactured components. Industrial equipment shall be prohibited; only hand tools shall be permitted.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2013-16, § 1(b), 7-2-13)

(65) The following uses may be permitted when integrated within a primary use structure and primarily oriented towards serving the individuals employed within or served by the primary use structure:

- a. Restaurants, lunch stands, snack bars (including outside/patio seating).
- b. Tobacco, candy, newspaper, and magazine counters.
- c. Day care, laundry/dry cleaning (pick-up/drop off only), and quick printing services.
- d. Exercise centers.

The uses permitted in subsections a. through d., above are intended to be limited in scope and ancillary to the uses in the primary use structures. The ancillary uses are intended to function primarily as a convenient means of providing meals, sundries and services to individuals employed within, or served by, the primary use structure, and may be open only during normal hours of operation of a majority of the businesses in the primary use structure. Ancillary uses shall not occupy more than twenty (20) percent of the gross floor area of any building, nor shall such uses have individual outside entrances designed as the primary ingress to the facility. No accessory use shall be permitted any display of advertising signs or merchandise visible from outside the building.

(66) Bakery shops, the products of which are sold only at retail on the premises, shall be a permitted use.

(67) Automobile parts, new and reconditioned, with no on-site installation, shall be a permitted use. Installation may be permitted as an ancillary use only, when conducted within an enclosed structure. Further, only those items sold on premises may be installed on premise.

(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, 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.

(Ord. No. 2016-19, § 9, 9-13-16)

(69) 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.

(Ord. No. 2016-19, § 9, 9-13-16)

(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).

(Ord. No. 2016-19, § 9, 9-13-16)

(71) Subject to chapter 3 (Adult Entertainment Code) and chapter 38 (Zoning Regulations) of the Orange County Code, as they may be amended from time to time.

(72) Pawn shops (no boats or motor vehicles) shall be a permitted use.

(73) A labor pool or labor hall shall be located a minimum of five hundred (500) feet from residential and agricultural zoning district boundary lines.

(Ord. No. 2004-01, § 7, 2-10-04)

(74) A studio for an artist, photographer, sculptor, musician or similar occupation shall be a permitted use only for the purpose of teaching or instruction.

(75) A barbershop or beauty shop may be permitted, provided that retail sales of beauty or barber products shall be permitted only if ancillary to the beauty or barber shop, and that such retail sales occur only within the interior of the shop structure or tenant lease space.

(Ord. No. 2008-06, § 11, 5-13-08)

(76) An entity involved in the utilization of various types of materials in a finished or an unfinished condition, and processing them with various manufacturing machinery and labor techniques in order to produce a marketable product.

For any entity existing as of January 1, 2013, this shall be a permitted use. For any entity opened after January 1, 2013, this use shall be allowed only as a special exception.

Such light manufacturing activity shall be confined within a structure on the property, but allowances may be made for outside storage of materials directly related to manufacturing activities and recyclable materials, but should be confined, whenever practical, in containers suitable for the volume and type of material being stored. Depending on the circumstances, such storage devices may be semi trailers or other similar structures, so long as they are maintained in a condition that is compatible with the area. Notwithstanding the foregoing, outside storage shall not be visible from the South Orange Blossom Trail, Michigan Street, Kaley Avenue, or Rio Grande Avenue right of way.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2013-16, § 1(b), 7-2-13)

(77) Reserved.

(Ord. No. 2016-19, § 9, 9-13-16)

(78) Organizations that offer supervised recreation, education, career tutoring, and character building activities to youth (those under 18 years of age).

(Ord. No. 95-21, § 4, 7-25-95; Ord. No. 97-05, § 5j, 4-29-97; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2013-16, § 1(b), 7-2-13)

(79) An employment agency, excluding a temporary labor pool, shall be a permitted use.

(80) A trade show shall be a permitted use, provided that the operation involves the congregation of manufacturing representatives for the purpose of displaying products to potential merchant purchasers, the operation is conducted entirely on a wholesale basis, the operation is not open to the public, and all sales orders are shipped and/or delivered directly from the manufacturer's warehouse.

(81) Distribution electric substations, as that term is defined in F.S. § 163.3208(2), 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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2016-19, § 9, 9-13-16)

- (82) All paint, body, automotive and mechanical repairs and work shall be conducted and confined within an enclosed structure.

(Ord. No. 2004-01, § 7, 2-10-04)

- (83) 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 F.S. § 163.04, 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 (1) 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 (25) percent 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.

(Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

- (84) A screen enclosure located in a residential district or residential area within a planned development shall comply with the following requirements:
- a. A screen enclosure shall mean an aluminum structure supporting screen walls and a screen top. Aluminum posts shall only support the screen mesh and solid aluminum kick panels up to twenty-four (24) inches in height above the floor of the enclosure.

- b. A screen enclosure shall not encroach into any front or street-side yard setback requirements.
- c. A screen enclosure shall not be located closer than five (5) feet from the side or rear property lines.
- d. Landscaped areas within the screen enclosure shall be credited towards compliance with the residential open space requirements, as set forth in Chapter 24 of the Orange County Code.

(Ord. No. 2004-01, § 7, 2-10-04)

- (85) A skating rink, billiard parlor or bowling alley shall be a permitted use, provided that such activity and facility is enclosed within a completely enclosed, soundproofed building.
- (86) 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;
 - b. Activity at outdoor seating areas shall comply with chapter 15, article V (noise pollution control) Orange County Code;
 - c. All outdoor seating shall be depicted on site plans; and
 - d. Any outdoor seating permitting dogs must comply with section 38-1402 (dog-friendly restaurants).

(Ord. No. 2016-19, § 9, 9-13-16; Ord. No. 2018-21, § 2, 10-16-18)

- (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 requirements in subsections a. through i., or it may be permitted as a special exception in a C-1 zoned district pursuant to subsection j., subject to the requirements in subsections a. through h. and j.:
 - 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.
 - 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;
 - f. Pursuant to section 31.5-144(a), signage is prohibited.
 - g. 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;
 - h. 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.
 - j. 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 j;
 - k. 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 i., and such an operation is situated at least one thousand (1,000) feet from any other such operation (the distance being measured from property line to property line).

If more than one (1) 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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2015-17, § 30(e), 9-22-15; Ord. No. 2016-19, § 9, 9-13-16)

- (88) An ambulatory surgical facility in conjunction with, and ancillary to, a doctor's office, shall be a permitted use, provided that such facility does not allow overnight stays.
- (89) A private psychiatric treatment and study center with inpatient service in conjunction with a university or other institution of higher learning for the purpose of cooperative research shall be a permitted use.
- (90) A birthing facility shall be a permitted use, provided that it provides outpatient service only.
- (91) A technical or trade school for persons eighteen (18) years of age or older may be permitted as a special exception.
- (92) A diet counseling center shall be a permitted use, provided that no products or merchandise are sold except to clientele in conjunction with such counseling services, and no exercise classes are conducted.
- (93) Authors and composers (excluding musical studios) shall be a permitted use.
- (94) National defense related uses may be permitted as a special exception which, either because of (i) the activities to be performed or carried out on the land, (ii) the improvements then existing or thereafter to be placed on the land, (iii) the products and/or materials necessarily or incidentally associated with the use of the land or improvements then existing or thereafter to be placed thereon, or (iv) the testing or other development of fabrication activities occurring or to occur on the land or in the improvements then or thereafter to be located thereon:
 - a. Constitutes a potential security or safety concern which, in the interest of public health, safety and welfare, is more appropriately carried out in remote rural locations away from population centers; and
 - b. Is the subject of and are required to comply with national security regulations and classifications promulgated by the United States government or any division or department thereof; and
 - c. Is directly related to, is the subject and a part of the national defense program of the United States of America.
 - d. Application for such use shall include a site plan including the following:
 - 1. Title and date of plan;
 - 2. Name, address and telephone numbers of owner/developer/surveyor, engineer and other consultants;
 - 3. Scale of plan (preferably one (1) inch equals one hundred (100) feet) and north arrow;
 - 4. Location map showing the site in relation to existing roads and development;
 - 5. Legal description and approximate acreage;
 - 6. Boundary of tract shown by a heavy line;
 - 7. Zoning of adjacent property;
 - 8. Building location with dimensions from property line;
 - 9. Egress and ingress point to primary access roads;
 - 10. Off-street parking requirements and location;

11. Height of building;
12. Exterior lighting plan;
13. Landscape/buffer plan;
14. Potential traffic generation (based on Institute of Transportation Engineers Standards);
15. Security plan;
16. Method of wastewater management;
17. Method of potable and nonpotable water supply;
18. Generation and disposal of hazardous waste (type and amount);
19. Existing natural features; and
20. Topographical survey (at one-foot intervals).

(Ord. No. 2004-01, § 7, 2-10-04)

(95) 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 (5) feet;
- 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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2016-19, § 9, 9-13-16)

(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.

(Ord. No. 95-31, § 2, 9-26-95; Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2016-19, § 9, 9-13-16)

(97) Reserved.

(Ord. No. 2016-19, § 9, 9-13-16)

(98) Reserved.

(99) Building material storage and sales shall be a permitted use, provided that the material is new (it shall not be used material or junk).

(100) A drug correctional institution which provides drug treatment as an alternative to jail sentencing for drug offenders may be permitted provided that it is a lock-up facility surrounded by fencing, including barbed wire. This facility shall serve more as a correctional institution for adjudicated drug offenders as opposed to a typical voluntary residential rehabilitation facility.

(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 (25) percent 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 F.S. ch. 500, 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 F.S. ch. 500), 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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2016-19, § 9, 9-13-16)

(102) The wholesale storage of gasoline, liquefied petroleum, gas, oil, or other inflammable liquids or gases shall be a permitted use provided that the storage thereof meets the regulations of the N.F.P.A. and all other applicable regulations.

(103) Subject to section 38-1415, a cocktail lounge, pub, bar or other place of business selling alcoholic beverages shall be located a minimum of one thousand (1,000) feet from an existing church or school.

(Ord. No. 97-05, § 5k, 4-29-97)

(104) A private vocational, business, or professional school which does not have an industrial character may be permitted as a special exception.

(105) A radio, television or movie studio or office shall be a permitted use, but radio and television towers are subject to sections 38-1, 38-1205, 38-1206, 38-1236, and 38-1427 of this chapter.

(Ord. No. 97-05, § 5l, 4-29-97)

(106) Accessory uses:

1. The accessory use shall be located inside the building occupied by the principal use;
2. Access may be from either the interior or exterior of the building which is occupied by the accessory use;
3. The floor area of the accessory use shall not exceed twenty (20) percent of the total square footage of the building in which it is located;
4. Outdoor display or storage of merchandise is not permitted in conjunction with any accessory use; and,
5. Hours of operation for any accessory use shall be within one (1) hour before and one (1) hour after the normal hours of the principal use.
6. The above standards shall not apply to automobile service stations, convenience food stores, gas stations, hotel/motels and restaurant uses.

(Ord. No. 97-05, § 5m, 4-29-97)

(107) No outdoor storage may be allowed without special exception approval.

(Ord. No. 98-37, § 7, 12-15-98)

(108) Only the uses of judo instruction, karate instruction, and yoga instruction shall be permitted, subject to meeting the minimum parking requirements for such uses.

(Ord. No. 97-05, § 5n, 4-29-97; Ord. No. 2019-15, § 3, 10-22-19; Ord. No. 2021-06, § 1(b), 2-9-21)

(109) For transmission only, not for refinement or manufacture of pipeline.

(Ord. No. 97-05, § 5n, 4-29-97)

(110) a.

An open-air market, including a flea market, means multiple vendors and/or businesses operating simultaneously who are exclusively or primarily engaged in wholesale and/or retail sales, wherein the operation is conducted outdoors. Merchandise may be displayed in/on temporary facilities (trucks/vans/tables/tents/canopies, etc.). An open-air market is a separate and distinct entity that is not ancillary to a principal place of business (i.e., outdoor sales ancillary and subordinate to a principal use).

b. In addition to the above, open air markets shall comply with the following standards:

1. Parking: A minimum of two (2) parking spaces per vendor/booth, plus one (1) space per employee. All parking spaces shall be paved. Parking spaces required for other uses on-site shall not be used to meet the parking space requirements for open air markets. All other requirements of article XI, off-street parking and loading regulations, of this chapter shall be met. All driving aisles and parking spaces shall be located a minimum of one hundred (100) feet from residentially zoned properties.
2. Open air markets shall operate from dawn to dusk only and during a maximum of three (3) consecutive days of each week.

3. Permanent restroom facilities shall be provided as approved by the environmental protection department, t department, and health department.
4. Landscaping adjacent to public right-of-ways and other properties shall be in accordance with section 24-4 of this Code. Buffer yards shall comply with buffer yard type B of section 24-5 of this Code.
5. Access shall be from a dedicated public paved street. Access from an unpaved right-of-way or by any type of easement or private road is prohibited.
6. Loudspeakers, live music, sound enhancement devices and public address systems shall be prohibited, unless approved by the zoning manager.
7. All commercial vehicles including commercial traffic shall not be routed through residential roadways.
8. Signage shall be in accordance with section 31-5 of this Code.
9. Goods, materials or products associated with such use shall not be stored outdoors on the site when such use is not in operation. This restriction shall not apply to overnight storage between consecutive days of operation.
10. Refuse containers and dumpsters shall not be located in front of any principle structure nor within twenty-five (25) feet of any side or rear property line and shall be enclosed by a six-foot high landscape screen, wall, or wood fence.
11. All structures shall be maintained aesthetically and structurally so as to ensure public safety. A junkyard appearance, as defined in section 38-1, shall be avoided. Conditions may be imposed by the zoning manager to ensure all structures comply with this condition.
12. Development in accordance with all other applicable regulations and policies.
13. All outdoor markets existing as of April 29, 1997, shall be in compliance with the requirements of this subsection by April 29, 1998.

(Ord. No. 97-05, § 5n, 4-29-97)

(111) No manufacturing may be permitted on-site.

(Ord. No. 97-05, § 5o, 4-29-97)

(112) No outdoor runs may be allowed.

(113) This use shall comply with the requirements of chapter 15 (Environmental Control) of the Orange County Code and Orange County Ordinance No. 92-41.

(114) Reserved.

(Ord. No. 95-20, § 7, 7-25-95; Ord. No. 97-05, § 5p, 4-29-97; Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16; Ord. No. 2019-15, § 3, 10-22-19)

(115) Donation bins shall be subject to the ordinance regulating donation bins, codified at sections 38-1765—38-1779, as it may be amended or renumbered from time to time.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2014-16, § 3, 6-24-14)

(116) Reserved.

(Ord. No. 2004-01, § 7, 2-10-04)

(117) Reserved.

(Ord. No. 2004-01, § 7, 2-10-04)

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

(Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2016-19, § 9, 9-13-16)

(119) Reserved.

(Ord. No. 2004-01, § 7, 2-10-04)

(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 is subject to a setback of one hundred feet of any property boundary line.
- ii. Commercial parking, for yard trash processing related activities, shall not be located within twenty-five (25) feet of any property boundary line; and
- iii. The hours of operation for yard trash processing related activities shall be limited to between 7:00 a.m. and 7:00 p.m.;
- iv. 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.

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2009-11, § 5, 4-28-09; Ord. No. 2014-01, § 3, 1-28-14; Ord. No. 2016-19, § 9, 9-13-16)

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

(Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2016-19, § 9, 9-13-16)

(122) Reserved.

(Ord. No. 2004-01, § 7, 2-10-04)

(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 nonresidential developments. Retention ponds are permitted in all other zoning districts in conjunction with on-site development.

(Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2016-19, § 9, 9-13-16)

(124) This use shall comply with the requirements of sections 38-601, 38-602 and 38-605.

(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 (20) percent 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.

(Ord. No. 95-33, § 4, 10-10-95; Ord. No. 97-05, § 5q, 4-29-97; Ord. No. 2016-19, § 9, 9-13-16)

(126) Subject to section 38-1414, a liquor store shall be a permitted use.

(127) Fuel oil and propane gas dealers shall only be permitted as an ancillary use.

(128) A campground, R.V. park, R.V. resort or R.V. camp may be permitted as a special exception, subject to complying with requirements of sections 38-1526 through 38-1529.

(Ord. No. 97-05, § 5r, 4-29-97)

(129) Reserved.

(Ord. No. 97-05, § 5s, 4-29-97; Ord. No. 98-37, § 7, 12-15-98)

(130) An automobile towing service shall be a permitted use, provided that it complies with the following standards:

- a. Maximum on-site storage of thirty (30) wrecked or inoperable vehicles.
- b. No vehicle may remain on-site for more than fifty (50) days.
- c. Vehicle stacking is prohibited.
- d. A Type B landscape buffer is required if the use is located adjacent to any residential use, residential zoned district or residential future land use designation.
- e. If the site is used to store automobiles, then automobile towing services require special exceptions in the C-3 zoning district. If the site is not used for the storage of automobiles, then automobile towing service is permitted in the C-3 zoning district.

(Ord. No. 99-17, § 4, 9-21-99)

(131) A funeral chapel shall be defined as a facility within which the primary activity is the planning and conducting of funeral services. A funeral chapel shall not provide on-site space to conduct the practice of embalming as defined in F.S. § 470.002(6), nor shall it contain cinerator shape as defined in F.S. § 470.002(14) for the purpose of cremation. No refrigeration or long term storage facilities for dead human bodies shall be allowed in a funeral chapel. The following additional conditions shall apply to funeral chapels:

- a. Parking shall be in accordance with article XI, chapter 38 of the Orange County Code;
- b. Landscaping shall be in accordance with chapter 24 of the Orange County Code;
- c. Overnight outdoor parking of commercial vehicles shall be prohibited;
- d. Primary access to the facility shall not be by way of a residential street;
- e. On-site lighting shall be directed internal to the site and away from adjacent residential properties;

(Ord. No. 2015-17, § 30(e), 9-22-15)

(132) A park and recreation area owned or operated by a nonprofit organization, 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.

(Ord. No. 95-20, § 14, 7-25-95; Ord. No. 97-05, § 5t, 4-29-97; Ord. No. 2004-01, § 7, 2-10-04; Ord. No. 2008-06, § 11, 5-13-08; Ord. No. 2016-19, § 9, 9-13-16)

(133) All applicable provisions of section 38-1427, communication towers applies.

(Ord. No. 95-25, § 3, 8-29-95; Ord. No. 97-11, § 3, 6-23-97)

(134) Not permitted in existing duplex or single-family detached projects, or when restricted to single-family or duplex uses.

(Ord. No. 95-25, § 3, 8-29-95)

(135) Permitted when within maximum building height of zoning district; either compliance with section 38-79(143) or special exception required when in excess of maximum building height of zoning district.

(Ord. No. 95-16, § 2, 6-27-95; Ord. No. 95-25, § 3, 8-29-95; Ord. No. 97-11, § 3, 6-23-97)

(136) A public charter school with a permanent student capacity of five hundred fifty (550) or more shall comply with Section 38-1754 and Section 38-1755(a)(1), (b) and (g). A public charter school with a permanent student capacity of less than five hundred fifty (550) shall comply with section 38-1754.

(Ord. No. 97-05, § 5u, 4-29-97; Ord. No. 2011-13, § 6, 10-18-11; Ord. No. 2017-06, § 4, 4-25-17)

(137) Outdoor storage and display and/or sale of equipment, products, and merchandise that is typically utilized or stored outdoors is permitted, unless otherwise restricted. Examples of items typically utilized or stored outdoors include cars, trucks, construction equipment, building supplies, warehoused goods in transit, outdoor furniture, garden and lawn equipment, and trailers. Examples of items not typically utilized or stored outdoors, include indoor furnishings and appliances. Outdoor restaurant seating and outdoor garden centers in conjunction with hardware or department stores do not constitute outdoor storage. In addition to the above, items stored outdoors shall comply with the following standards:

1. Items stored outdoors shall not be located within any public right-of-way;
2. Items stored outdoors shall not be located within any driveway, driving aisle or on any required parking spaces; and
3. Items stored outdoors shall not be permitted on properties not containing a licensed and approved business, at vacant buildings or on vacant properties.

(Ord. No. 97-05, § 5v, 4-29-97; Ord. No. 98-37, § 7, 12-15-98; Ord. No. 2004-01, § 7, 2-10-04)

(138) No property owner, tenant, occupant or business, including nonconforming uses, shall utilize any public right-of-way for the purpose of:

- a. Parking or standing of vehicles which are for sale, lease or rent, vehicle storage or for vehicles awaiting or having completed repairs or maintenance.
- b. Storage or display of merchandise, equipment or any material related to any adjacent business or commercial land use.

Businesses shall maintain all required parking spaces and open spaces and make them available to support all requirements of the operation of the business use.

(Ord. No. 97-05, § 5v, 4-29-97)

(139) Development shall be in accordance with chapter 38, article XVIII, public school siting regulations.

(Ord. No. 96-31, § 4, 10-8-96; Ord. No. 97-05, § 5w, 4-29-97; Ord. No. 2017-06, § 4, 4-25-17)

(140) Permitted by right, permitted by special exception, or prohibited, as identified in chapter 38, article XVIII, public school siting regulations.

(Ord. No. 96-31, § 4, 10-8-96; Ord. No. 2016-19, § 9, 9-13-16; Ord. No. 2017-06, § 4, 4-25-17)

(141) Reserved.

(Ord. No. 96-31, § 4, 10-8-96; Ord. No. 2016-19, § 9, 9-13-16; Ord. No. 2017-06, § 4, 4-25-17)

(142) Permitted when co-located as evidenced by a recorded memorandum of lease; special exception required when tower is not subject to a co-location agreement; permitted when locating on an existing pole-type structure

consistent with section 38-1427(o).

(Ord. No. 97-11, § 3, 6-23-97)

Editor's note— Ord. No. 97-11, § 3, adopted June 23, 1997, added subsection (140); however, because subsection (140) already existed, this material, at the editor's discretion, has been added as subsection (142).

(143) A monopole communication tower one hundred seventy (170) feet in height or less is a permitted use provided:

- a. A recorded memorandum of lease evidencing co-location is submitted with the application; and
- b. The distance separation from offsite uses/designated areas as contained in subsection 38-1427(d)(2) is met; and
- c. The distance separation between communication towers contained in subsection 38-1427(d)(3) is met.

A monopole communication tower replacing an existing pole-type structure consistent with subsection 38-1427(o) is a permitted use.

All other monopole communication towers and those towers not meeting all of the criteria to be permitted uses as set forth above require special exceptions.

(Ord. No. 97-11, § 3, 6-23-97)

Editor's note— Ord. No. 97-11, § 3, adopted June 23, 1997, added subsection (141); however, because subsection (141) already existed, this material, at the editor's discretion, has been added as subsection (143).

(144) A boardinghouse, lodging house or rooming house shall be subject to the multi-family development compatibility criteria set forth in section 38-1258, and in addition shall maintain a minimum distance separation of fifteen hundred (1,500) feet from any single-family zoned property, any educational institution, and any other boardinghouse, lodging house or rooming house as measured from the property line of the proposed boardinghouse, lodging house or rooming house to the nearest property line of the single-family zoned property, educational institution, or other boardinghouse, lodging house, or rooming house.

(Ord. No. 2000-08, § 5, 4-11-00)

- (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. A student housing development shall satisfy the following site development standards:
1. A student housing development shall maintain a minimum distance separation of four hundred (400) feet from any single-family zoned property as measured from the property line of the proposed student housing development to the nearest property line of the single-family zoned property.
 2. A student housing complex, including a multi-phase complex, shall contain not more than seven hundred and fifty (750) total bedrooms.
 3. For purposes of density calculation to determine consistency with the comprehensive plan, four (4) bedrooms shall count as one dwelling unit (four (4) bedrooms = one (1) dwelling unit).
 4. The site development plan shall include a plan for crime prevention through environmental controls that is consistent with the Crime Prevention Through Environmental Design ("CPTED") Manual used by the International CPTED Association and Florida CPTEDNetwork. Improvements identified by the plan shall be constructed or implemented prior to issuance of a certificate of occupancy.
 5. A six (6) foot high masonry, brick or block wall shall be constructed whenever a student housing development is located adjacent to any right-of-way. The height shall be measured from the finished

elevation of the side of the wall which is highest.

6. Parking spaces shall be provided at the ratio of required under section 38-1476.

7. Maximum building height shall be three (3) stories (forty (40) feet).

(Ord. No. 2000-08, § 5, 4-11-00; Ord. No. 2016-19, § 9, 9-13-16)

(146) Except as set forth in subsection (146)h. of this section, a home-based limousine service or business shall be a permitted use, subject to the following:

- a. A vehicle for hire shall be parked inside the property lines of the lot or parcel where the home or residence is located. Specifically, it shall be parked inside a garage, within a carport, or on a paved driveway. It shall not be parked within the right-of-way, on or over a sidewalk, or on an unimproved surface.
- b. Only sedans, vans and limousines may be permitted to serve as vehicles for hire.
- c. A van shall not exceed twenty (20) feet in length. A sedan or limousine shall not exceed twenty (20) feet in length, unless a survey of the property submitted with the application for the occupational license to engage in such a business demonstrates that the paved driveway is of sufficient length to park the vehicle outdoors without encroaching within the right-of-way or on an unimproved surface. Under no circumstances may a sedan or limousine exceed twenty-eight (28) feet in length.
- d. Only one (1) vehicle for hire may be parked at the residential location, except that two (2) such vehicles may be parked there when at least one (1) of the vehicles is able to fit completely inside a garage (not a carport), and such vehicle is stored inside the garage whenever it is parked at the residential location. A survey of the property shall be submitted with the application for the occupational license demonstrating that the garage is adequately sized to store the extra vehicle.
- e. A vehicle for hire with permanent commercial markings (excluding a vehicle with just company name plates on the bumpers, bumper stickers, and/or window decals) shall be stored in the garage (not a carport) whenever it is parked at the residential location.
- f. Employees and customers of the home-based limousine service, excluding the homeowner, shall not be permitted at the residential location for the purpose of operating or assisting in the operation of the service.
- g. The repair of a vehicle for hire shall not be permitted at the residential location, except for a flat tire change or battery charge (jump start).
- h. If more than two (2) vehicles for hire are proposed to be used for the service or business, a special exception shall be required to commence the service or business.

(Ord. No. 2000-21, § 3, 8-29-00)

(147) Minimum residential density shall be four (4) dwelling units per acre, consistent with Future Land Use Policy 3.4.6. Densities less than four (4) units per acre shall only be allowed for the protection of natural resources. Existing buildings or development sites which do not meet the minimum density requirements shall be subject to the nonconforming use provisions of Article III, Chapter 38 of this Code.

(Ord. No. 2003-18, § 4, 12-2-03)

(148) Outside seating areas are required for restaurants that have twelve (12) linear feet or more of pavement in front of the building and are subject to the following requirements:

- a. Outdoor seating areas must be delineated with the number of seats on the commercial site plan for these establishments.
- b. Outdoor seating areas shall be considered part of the gross floor area of the establishment for calculation of

development intensity, floor area ratio, parking, stormwater drainage, impact fees, and other development regulations.

- c. Planters with landscaping material selected and installed consistent with the requirements of chapter 24 of this Code shall be placed every ten (10) linear feet of outside seating area.
- d. No table, chair, bench, umbrella, or planter shall block pedestrian or bicycle access, on-site traffic circulation, landscape or bufferyard area, parking or loading area, or stormwater drainage area.
- e. Outdoor seating areas must be consistent with the accessibility requirements of the currently adopted editions of federal and state standards.

(Ord. No. 2003-18, § 4, 12-2-03)

- (149) Drive-throughs for banks shall be designed in a manner that preserves and enhances pedestrian safety and the pedestrian environment. Banks with drive-throughs are limited to locations at full intersections and must have driveways that connect to local streets. The use of alleys for driveways is encouraged. Drive-throughs also must be consistent with section 9-559.

(Ord. No. 2003-18, § 4, 12-2-03)

- (150) Parking lots shall require a Special Exception to ensure that lots are not detrimental to the pedestrian environment and the character of the area. Parking lots that serve a single user shall be discouraged in favor of shared parking between multiple establishments to ensure efficient use of land and the parking supply. Parking lots adjacent to single-family, duplex, or townhouse residential units shall be discouraged. To ensure pedestrian safety and comfort in their design, parking lots allowed by Special Exception shall be consistent with all parking and pedestrian standards of the district.

(Ord. No. 2003-18, § 4, 12-2-03)

- (151) All activities of human and social service agencies, except outdoor recreation, must be conducted entirely within an enclosed building.

(Ord. No. 2003-18, § 4, 12-2-03)

- (152) All activities and storage must be contained and conducted within an enclosed building.

(Ord. No. 2003-18, § 4, 12-2-03)

- (153) Big box development may be permitted subject to the following conditions:

- a. Prior to filing an application for a special exception for a big box development in the C-1 zoned district, the applicant shall submit a site plan to the DRC for review, and the DRC shall approve the site plan, with or without recommendations. Thereafter, before a public hearing is held at the board of zoning adjustment regarding the special exception request, a community meeting shall be held with public notice issued to the owners of record of properties located within a two thousand-foot radius of the proposed development site. In establishing the limits of public notification, all addresses within an entire neighborhood, any part of which falls within the two thousand-foot notification radius, shall be noticed. In addition, the applicant shall be responsible for prominently and conspicuously posting notice of the community meeting directly on the property.
- b. Big box developments shall have a maximum .23 FAR. Any proposed development which does not adhere to these criteria must submit justification in the form of a plan which is not in conflict with the purpose and intent of this subsection, and which is acceptable to Orange County.
- c. Proposed big box development applicants shall conduct a detailed traffic study addressing:

1. Traffic impacts of the project;
2. All traffic concurrency requirements of the county; and
3. Specific recommendations for safe and adequate ingress and egress to and from the site.

Applicants shall meet with Orange County staff prior to commencing the study, and shall implement the agreed-upon methodology in conducting their study. Orange County staff shall use best efforts to obtain data from municipalities and other local governments located in close proximity to the project. The owner of a development shall conduct a follow-up review and update of the aforementioned items [listed in] subparagraphs c.1, c.2, and c.3 no later than five (5) years after the date of issuance of a certificate of occupancy for the development. The results of such review and update shall be submitted to Orange County for use in evaluating traffic impacts of similar future big box developments.

- d. In order to ensure pedestrian safety and adequate traffic circulation, a big box development proposing to locate within one thousand (1,000) feet from the nearest property line of any public school shall submit a traffic and pedestrian safety plan for Orange County's review and approval, unless a physical barrier, such as a waterbody, wetland, or limited access highway, separates the public school from the big box development, thereby preventing pedestrian access to the big box development from the public school. Such plan shall identify pedestrian safety conflicts and deficiencies, especially those related to walking routes to schools, and other pedestrian generators, such as parks or trails used by children and by children with disabilities. Specific measures shall be identified in the pedestrian safety plan to mitigate each conflict, and the big box applicant shall be solely responsible for implementing the identified measures no later than at the time of issuance by Orange County of a certificate of occupancy.
- e. Big box developments shall designate at least two (2) vehicle parking spaces for local law enforcement adjacent to the principal structure.
- f. Overnight/long-term (more than eight (8) consecutive hours) parking, RV parking, temporary/portable storage containers, and tractor-trailer/semi-truck parking, other than active customer and/or employee parking, are prohibited in big box development parking lots. Signs must be conspicuously displayed which state: "No overnight or long-term parking allowed. Violators subject to fines, towing, or both."
- g. The off-street parking serving the project shall be subdivided into multiple "sub-lots" with uninterrupted (except at crosswalks) landscaped pedestrian sidewalk pathways. Said pedestrian pathways shall connect the sidewalks along the big box structure's foundation, to the perimeter rights-of-way sidewalks, transit stops, and all outparcel sidewalks. Continuance of the pedestrian sidewalk portion of the pathway across parking lot drive aisles (e.g. crosswalks) shall be highlighted and made visually prominent. As such, the drive aisle crosswalks for pedestrian pathways shall be constructed with an alternative paving material other than asphalt (e.g. stained and stamped concrete, or pavers).

Such parking lot pedestrian pathways shall only be required between those head-to-head parking stalls which feature a ninety-degree configuration (not angled). Such pathways shall be installed, at a minimum, between the head-to-head stalls of each fourth row of parking (e.g., may be separated by up to two (2) rows of parking stalls) lacking a pedestrian pathway. Furthermore, the pattern of parking lot pathways shall be arranged so that at least one (1) pathway aligns with, and provides a direct connection from, the project's rights-of-way perimeter sidewalk and the main pedestrian entrance of the big box structure.

The pedestrian pathways shall incorporate a minimum six-foot wide sidewalk. A landscape planter strip, minimum seven (7) feet wide, shall be installed on at least one (1) side of the sidewalk along its full length (except at drive aisle crosswalks). One-third ($\frac{1}{3}$) of the pathway landscape planter strip shall be planted with

shrubs, and one-third (⅓) with groundcover plantings.

Intermittent overhead pedestrian shade shall be provided along the length of the pedestrian pathway by planting approved canopy trees at a maximum of thirty (30) feet on-center along the full length of the pathway. Such canopy trees shall not substitute for canopy trees otherwise required within parking lot planter islands. Alternatively, shade structures (pergolas or gazebos) with seating, may substitute for segments of the required pathway canopy tree plantings.

- h. The owner/developer shall be responsible for determining, and indicating on the plans, any existing or planned LYNX public transit routes along the adjacent rights-of-way. If an adjacent transit route is currently in place, or in the planning stages, the owner/developer shall be responsible for dedicating an area, and constructing a LYNX bus shelter along the project's perimeter, adjacent to the public rights-of-way. Such bus shelter shall measure a minimum of ten (10) feet wide by twenty (20) feet long, and shall be designed and installed according to all approvals and specifications required by LYNX.
- i. In order to maximize efficient traffic circulation and minimize "stacking" at the main vehicular entrance, big box developments shall allow a minimum of two hundred (200) feet off the roadway before the first turn within the parking lot; except that a minimum of one hundred (100) feet is allowed if there is a right-hand deceleration lane. A minimum of one hundred (100) feet shall be required for all secondary entrances.
- j. At any big box development that is open for business between the hours of 11:00 p.m. and 6:00 a.m., or any portion of such period of time, parking lot security shall be provided, with a minimum of one (1) guard on duty, at all times that the establishment is open for business; except, however, that a home improvement center or wholesale membership club open for business for any period of time between the hours of 11:00 p.m. and 6:00 a.m. shall be required to provide security only during that period of time.
- k. In addition to the perimeter wall requirements of section 24-4(k)(2), no pavement or portion of any vertical structure associated with the rear or sides of a big box development shall be located closer than two hundred (200) feet from the nearest property line of any adjacent single-family residentially-zoned property. For purposes of this subsection, the term "adjacent" shall mean abutting or immediately next to the property line, even where a street or road separates the big box development from the single-family residentially-zoned property. Such distance buffer shall be measured outward from the most remote edge (from the principal structure) of the aforementioned paved surface or vertical structure associated with a big box development.

The two hundred-foot distance buffer shall be composed of two (2) distinct landscape separation buffer tiers shielding any adjacent single-family residentially-zoned properties from any paving or structures associated with a big box development:

The first one hundred fifty (150) feet of the landscape separation buffer, located nearest to the big box development, may incorporate stormwater retention ponds associated with the big box development. Any areas within this one hundred fifty-foot buffer tier which are not dedicated to actual stormwater retention shall also incorporate approved shade tree species planted at a rate of no less than one (1) tree per two thousand (2,000) square feet, and with spacing at no greater than forty-five (45) feet on-center.

The remaining fifty (50) feet of the two hundred-foot buffer shall only include a continuous uninterrupted opaque landscape buffer using approved shade tree species planted at forty (40) feet on-center. This standard shall not supplant any other required perimeter tree planting requirements stated elsewhere in chapter 24. No stormwater retention or other uses may occur within this fifty-foot buffer tier.

The retention facilities, trees, and any other landscape materials within the two hundred-foot landscaping/drainage separation buffer zone shall be serviced and maintained by the big box development owner in accordance with Orange County standards. Such two hundred-foot buffer area, provided all stormwater drainage facilities within its limits are designed in accordance with the open space full-credit standards described herein (e.g. decorative fencing and landscaping), may account for no more than fifty (50) percent of the project's total open space requirements. The remaining required open space shall be provided elsewhere within the project's limits.

- I. In order to avoid the perceived economic impacts of prolonged vacant projects and buildings, and to mitigate the visual blight created by vacant big box structures (e.g., abandoned and chain link-fenced parking lots, poorly-maintained landscaping, darkened stores, unlit "ghost" signage, boarded windows, etc.), a written strategy for maintenance and reuse of vacant properties shall be submitted to the county at the time of commercial site plan review. The written reuse strategy shall, at a minimum, address the following issues:
 1. Removal or adaptive reuse of the structure;
 2. Parking lot, perimeter, and stormwater area landscaping;
 3. Securing of the property;
 4. Partial lighting of vacant parking lots;
 5. Partial lighting of vacant store interiors;
 6. Sign removal and subsequent painting of the vacant wall surface; and
 7. Display of a professionally-designed sign, not to exceed thirty-two (32) square feet, placed at the project entrance, offering lease and/or sale and contact information.
- m. Outdoor storage, nonseasonal outdoor sales, and temporary sales of motorized vehicles, boats, recreational vehicles, motorcycles, and the like shall be prohibited.
- n. For facade treatment requirements, refer to section 9-558(d).
- o. For shopping cart retention requirements, refer to section 9-563.
- p. For exterior lighting requirements, refer to section 9-649(b)(8).
- q. For general design and development standards and requirements, refer to section 24-4(k).
- r. For open space requirements and design guidelines, refer to sections 24-29(c) and 24-30(g)(5), respectively.
- s. For ground signage requirements, refer to section 31.5-67(k).
- t. For pole signage requirements, refer to section 31.5-68(k).
- u. For off-street parking requirements, refer to section 38-1476.
- v. At least one (1) side or the front of a big box development shall abut a four-lane or greater capacity roadway, and at least one (1) access point for vehicular ingress and egress to and from the big box development shall be located on the abutting four-lane or greater capacity roadway.
- w. Big box developments are encouraged to maximize energy and water efficiency; protect air and water quality; and reduce solid waste, utilizing best energy management practices as outlined by the U.S. Green Building Council (USGBC), or ENERGY STAR (joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy).
- x. The following provisions shall apply to the Horizon West Town Center only. Where the provisions of division 8.5 conflict with any other Code provisions, the provisions of division 8.5 shall apply:

Big box retail buildings shall be permitted within the Retail/Wholesale (RW) and Traditional Town Center (TTC) Districts of the Town Center. Prior to filing a Preliminary Subdivision Plan (PSP) or Development Plan (DP) application, applicants shall meet with Orange County staff to review ingress and egress, building elevations, and any other requirements (as applicable). The requirement for a detailed traffic study addressing impacts within the Horizon West Town Center RW and TTC districts for big box developments may be waived by the Transportation Planning Division if such impacts are or were sufficiently addressed by a PD/UNP traffic study.

Big box sites shall be designed to allow for the evolution of a mixed use urban form within a hierarchy of connected blocks, streets, and pedestrian facilities through building orientation, parking area configuration, and access ways and shall have a maximum 2.00 FAR. When located on a primary framework "main" street frontage, the main entrance and storefronts of a big box building shall have direct access and visibility from the primary frontage. When located at a terminus of the primary "framework street" (at a T intersection) the main entrance of the building shall be oriented to the primary framework street. On all other roadways or streets, the primary pedestrian entrance may face surface parking areas. The rear walls of a big box building or service area may abut the road right of way, but shall be designed to mitigate the building mass. All off-street surface parking "sub-lots" shall be defined by pedestrian pathways or greenways that are separated by no more than six (6) rows of one-way angled parking, or no more than four (4) rows of 90-degree two-way drive lane parking configurations. Pedestrian pathways or greenways shall consist of uninterrupted (except at crosswalks) landscaped pedestrian sidewalks and shall connect the sidewalks along the big box structure's foundation to the perimeter rights-of-way sidewalks, transit stops, and all outparcel sidewalks. The planning and/or zoning manager may permit alternatives that are deemed consistent with the intent of this section.

In addition to the requirements of section 38-1390.53 (a) and (b) and section 24-4(k)(2—4), the rear or sides of a Town Center big box building shall be located no closer than one hundred (100) feet from the nearest property line of any single-family detached residential lot. Where there is no street and streetscape separating a big box building and a single-family property line, the minimum 100-foot distance buffer shall include a continuous, uninterrupted, opaque landscape buffer within the fifty (50) feet closest to the single-family property, with approved shade tree species planted at forty (40) feet on-center. In addition, stormwater management or other uses may occur only within the fifty-foot buffer area closest to the big box building. Berms as outlined in section 24-4(k)(1) shall not be required.

Town Center big box buildings are encouraged to maximize energy and water efficiency, protect air and water quality, and reduce solid waste. Furthermore, big box sites shall be designed to reduce the adverse impacts of large stormwater management areas by incorporating an evolving urban form and by utilizing sustainability best management practices. These practices may include Low Impact Development (LID) techniques, U.S. Green Building Council (USGBC), or ENERGY STAR building techniques (a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy).

(Ord. No. 2007-01, § 14, 3-20-07; Ord. No. 2018-08, § 2, 4-10-18)

- (154) A hazardous waste treatment, storage and disposal facility shall comply with chapter 15 and chapter 32 of the Orange County Code and may be permitted only by special exception. Hazardous waste treatment, storage and disposal facilities shall be prohibited within recognized environmentally sensitive areas including, but not limited to the affected areas defined within chapter 15, article XI, the "Econlockhatchee River Protection Ordinance", and chapter 15, article XIII, the "Wekiva River Protection Ordinance." Except as provided for in chapter 32, article V, Orange County Code, hazardous waste treatment, storage and disposal facilities shall also be prohibited within

the Primary and Secondary Floridan Aquifer Vulnerability Zones located within the Wekiva Study Area, as those zones are defined within chapter 32, article V, Orange County Code. An applicant seeking a special exception for a hazardous waste treatment, storage and disposal facility shall receive a recommendation for approval by the environmental protection officer and the DRC prior to consideration of the special exception by the BZA and the BCC.

(Ord. No. 2009-11, § 5, 4-28-09)

(155) Pain management clinics may be permitted subject to the following conditions:

- a. *Building and use permit applications.* Any application for a pain management clinic established after June 30, 2015, shall complete the appropriate building permit or use permit application(s) and submit these application(s) to the county division of building safety for review and approval prior to issuance of any permits.
- b. *Separation distances.* A pain management clinic established after June 30, 2015, shall not co-locate on the same property as a preexisting pharmacy. Furthermore, such a pain management clinic shall not operate within one thousand (1,000) feet of any pre-existing pharmacy, school, as that term is defined in F.S. §§ 1002.01 or 1003.01, as it may be amended, day care center, day care home, or religious institution. Distance requirements shall be documented by the applicant and submitted to the zoning division with the application. All distance requirements shall be measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed pain management clinic. The applicant may request a variance from the requirements of this paragraph as provided in section 30-43, Orange County Code.
- c. *Parking.* Any parking demand created by a pain management clinic established after June 30, 2015, shall not exceed the parking spaces located or allocated on site, as required by the county's parking regulations. An applicant shall be required to demonstrate to the appropriate county staff that on-site traffic and parking attributable to the pain management clinic will be sufficient to accommodate traffic and parking demands generated by the pain management clinic, based upon a current traffic and parking study prepared by a certified professional. Traffic and parking analyses shall be predicated in part upon traffic and parking impacts from other existing pain management clinics in Florida but shall in no case be less than one (1) space per two hundred (200) square feet of gross square feet. The source of any such information shall be provided to the county zoning division for purposes of verification. County staff shall be required to verify the information contained in traffic and parking study(ies) with the appropriate official(s) of the local government(s) where the comparable information is derived. The owner of the pain management clinic shall be responsible for ensuring that there is no queuing of vehicles in the public right-of-way.

(Ord. No. 2012-11, § 3, 6-5-12; Ord. No. 2015-12, § 3, 6-30-15)

(156) Attached single-family residential limited to eight (8) units per building.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(157) MF in a Retail/Wholesale District limited to three hundred (300) units, and only one (1) MF development (regardless of units) allowed in the R/W District.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(158) Garage apartments permitted per section 38-1390.56 of the Town Center development standards.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(159) Live-Work Units Requirements:

- a. No more than two (2) employees, in addition to the resident owner or resident employee of the business, shall be permitted to work or report to work on-site.
- b. A minimum of eighty (80) percent of a structure's street front facade at street level shall be occupied by nonresidential uses.
- c. Live/work units that exceed two thousand (2,000) square feet must have at least two (2) exits.
- d. Loading or unloading associated with a business occupying a live-work unit shall be from the rear of the unit.
- e. A residential use will be permitted within the nonresidential portion of the building for a maximum period of three (3) years from the date of issuance of the certificate of occupancy. Renewal shall require planning and zoning manager approval.
- f. Required parking will be based on the applicable parking standard for the nonresidential use or the closest similar use, plus one (1) space for the residential use.
- g. The external access for the nonresidential component shall be oriented to the street and should have at least one (1) external entrance/exit separate from the living space. The entrance to the non-residential component shall be located on the ground level. Access to the nonresidential component of each live/work unit shall be clearly separate from the common walkways or entrances to the residential units within the development, or other residential units in adjacent developments.
- h. The live/work unit shall have a minimum ground floor height of thirteen (13) feet.
- i. Nonresidential uses permitted in live-work dwelling units and located in the Retail/Wholesale District shall include art gallery; artist studio; professional studio; office (not including dental/medical office and clinic); and other similar activities as determined by the planning and zoning managers.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2015-17, § 30(e), 9-22-15; Ord. No. 2018-08, § 2, 4-10-18)

- (160) Farmers markets are permitted in property owners association or approved county owned common areas, cannot utilize any required parking areas, can operate only between 7:00 a.m. and 10:00 p.m. on one (1) weekend day per week, and must be approved by the zoning and planning managers.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

- (161) Hotels/convention facilities permitted for Orange County National Golf Course.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

- (162) May be permitted by location in a UR district limited to: Corner lots on parkway or avenue; one (1) per block; 600-foot spacing between other nonresidential uses; four (4) on-site parking spaces maximum; one thousand five hundred (1,500) square feet maximum per site; one (1) tenant maximum per site.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

- (163) In a Corporate Neighborhood Center limited to a minimum thirty thousand (30,000) square feet.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

- (164) In a Corporate Campus Mixed Use District use may be permitted by location, pursuant to section 38-1390.23, and limited to a maximum seven thousand five hundred (7,500) square feet.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

- (165) Uses should minimize neighborhood impacts for noise, lighting, and parking, and should be centrally located

within a ten-minute walk for the majority of planned homes in neighborhood.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(166) Uses should minimize abutting property impacts for noise, lighting, and parking, and have primary frontage on a Collector, Parkway or Avenue.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(167) Uses shall be located and operated to minimize adverse impacts to adjoining residential uses. Use may be permitted by location, pursuant to section 38-1390.23, within an Open Space district. Orange County National Golf Course is permitted within the Open Space district as designated on the Town Center Land Use Plan.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(168) Uses allowed are those for development, refinement, and testing including preproduction manufacturing of advanced technological products.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(169) Uses allowed are for clean tech research, development, testing, and minor manufacturing by non-agricultural based alternative fuels and energy production firms; environmental engineering and consulting firms (including, but not limited to, development of water and wastewater treatment and conservation technology, air purification, environmental testing and analysis, environmental remediation services and the development of biodegradable materials and fabrics); technologies that increase resource use efficiency (including the development of hybrid vehicle technology, light materials for vehicles, and smart logistics software); nano-technology; the development of "smart construction" and biodegradable materials and fabrics; environmental testing and analysis; and remediation services.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(170) Permitted with retail when the manufacturing is limited in scale, directly related to the retail use, and the products are primarily sold within the retail store.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(171) Uses are limited to small-scale manufacturing of works of art and design when associated with: art gallery, artist studio, fashion design studio, professional design studio, and other similar activities as determined by the planning and zoning managers.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(172) Limited to golf driving range, swimming pools, baseball batting facility, tennis courts, and other similar activities as determined by the planning and zoning managers when integrated with and connected to the building(s) where the primary use is retail sales of sporting/fitness products, entertainment facilities or restaurants.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(173) Self-storage facilities may be permitted subject to the Village Planned Development Code section 38-1389(c)(2)(d); provided, however, in town center, self-storage facilities shall have a maximum building length of three hundred twenty-five (325) feet.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2018-08, § 2, 4-10-18)

(174) Indoor showroom only.

(Ord. No. 2018-08, § 2, 4-10-18)

(175) Uses allowed only when internal to a building, no outside display, storage or production.

(Ord. No. 2018-08, § 2, 4-10-18)

(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 (10) percent 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.

(Ord. No. 2013-02, § 3, 1-29-13; Ord. No. 2016-19, § 9, 9-13-16)

(177) A cultivation facility may be permitted subject to the following:

- a. *Valid license.* A valid license for both the MMTC of which the cultivation facility is a part and for cultivation of marijuana shall be obtained from the State of Florida and remain in effect during the operation of the cultivation facility. All cultivation activities shall cease if a license has expired or been revoked by the state. Any cultivation facility not licensed by the state is hereby prohibited within unincorporated Orange County.
- b. *Building and use permit applications.* Any applicant seeking to establish a cultivation facility shall complete the appropriate building or use permit application(s) and submit the application(s) to the county division of building safety for review and approval prior to issuance of any permits, along with the appropriate fee. Each application shall be accompanied by proof that the MMTC is authorized by the State of Florida to cultivate marijuana. However, the issuance of a building permit pursuant to this section shall not be deemed to create an exception, defense, or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the acquisition, cultivation, possession, processing, transferring, transportation, selling, distribution, dispensing, or administration of marijuana or products containing marijuana.
- c. *Distance separation.* A cultivation facility may not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, regardless of whether such school lies within unincorporated Orange County or a surrounding municipality. Such distance shall be measured in a straight line between the property line of the subject cultivation facility and the property line of the subject school that are closest to each other.
- d. *Security.* To ensure the safety and security of a cultivation facility and to maintain adequate controls against the diversion, theft, and loss of marijuana, each cultivation facility shall maintain security measures in accordance with F.S. § 381.986(8)(f), as may be amended from time to time; provided, however, that any such security measures are subject to the receipt of the appropriate local government permits. It is unlawful and a violation of this section to operate, own, or control a cultivation facility except in compliance with the applicable security plan approved by the Florida Department of Health.
- e. *Inspections.* Any deputy sheriff employed by the Orange County Sheriff's Office may make searches of persons, places, and conveyances of any kind whatsoever associated with the cultivation facility in accordance with all applicable laws. Any code enforcement officer, or any other person authorized to enforce county ordinances, may enter the cultivation facility premises and conduct an inspection to determine compliance with this section at any time the cultivation facility is open or occupied. Refusal to provide proof of a valid license and cultivation authority from the state shall be considered a violation of this Code.

(Ord. No. 2017-21, § 5, 11-14-17)

(178) A processing facility may be permitted subject to the following:

- a. *Valid license.* A valid license for both the MMTC of which the processing facility is a part and for processing of marijuana shall be obtained from the State of Florida and remain in effect during the operation of the processing facility. All processing activities shall cease if a license has expired or been revoked by the state. Any processing facility not licensed by the state is hereby prohibited within unincorporated Orange County.
- b. *Building and use permit applications.* Any applicant seeking to establish a processing facility shall complete the appropriate building or use permit application(s) and submit the application(s) to the county division of building safety for review and approval prior to issuance of any permits, along with the appropriate fee. Each application shall be accompanied by proof that the MMTC is authorized by the State of Florida to process marijuana. However, the issuance of a building permit pursuant to this section shall not be deemed to create an exception, defense, or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the acquisition, cultivation, possession, processing, transferring, transportation, selling, distribution, dispensing, or administration of marijuana or products containing marijuana.
- c. *Distance separation.* A processing facility may not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, regardless of whether such school lies within unincorporated Orange County or a surrounding municipality. Such distance shall be measured in a straight line between the property line of the subject processing facility and the property line of the subject school that are closest to each other.
- d. *Security.* To ensure the safety and security of a processing facility, and to maintain adequate controls against the diversion, theft, and loss of marijuana, each processing facility shall maintain security measures in accordance with F.S. § 381.986(8)(f), as may be amended from time to time; provided, however, that any such security measures are subject to the receipt of the appropriate local government permits. It is unlawful and a violation of this section to operate, own, or control a processing facility except in compliance with the applicable security plan approved by the Florida Department of Health.
- e. *Inspections.* Any deputy sheriff employed by the Orange County Sheriff's Office may make searches of persons, places, and conveyances of any kind whatsoever associated with the processing facility in accordance with all applicable laws. Any code enforcement officer, or any other person authorized to enforce county ordinances, may enter the processing facility premises and conduct an inspection to determine compliance with this section at any time the processing facility is open or occupied. Refusal to provide proof of a valid license and processing authority from the state shall be considered a violation of this Code.
- f. *Combined processing and cultivation facilities.* In the event the cultivation and processing of marijuana is combined into one facility, such facility shall comply with the requirements of a processing facility.

(Ord. No. 2017-21, § 5, 11-14-17)

(179) A dispensing facility may be permitted subject to the following conditions:

- a. *Valid license.* A valid license for both the MMTC of which the dispensing facility is a part and for the dispensing of marijuana shall be obtained from the State of Florida and remain in effect during the operation of the dispensing facility. All dispensing activities shall cease if a license has expired or been revoked by the state. Any dispensing facility not licensed by the State is hereby prohibited within unincorporated Orange County.
- b. *Building and use permit applications.* Any applicant seeking to establish a dispensing facility shall complete the appropriate building or use permit application(s) and submit the application(s) to the county division of building safety for review and approval prior to issuance of any permits, along with the appropriate fee. Each

application shall be accompanied by proof that the MMTC is authorized by the State of Florida to sell marijuana to persons authorized to purchase it for the treatment of one (1) or more qualifying medical conditions. However, the issuance of a building permit pursuant to this section shall not be deemed to create an exception, defense, or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the acquisition, cultivation, possession, processing, transferring, transportation, selling, distribution, dispensing, or administration of marijuana or products containing marijuana.

- c. *Distance separation.* A dispensing facility may not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, regardless of whether such school lies within unincorporated Orange County or a surrounding municipality. Such distance shall be measured in a straight line between the property line of the subject dispensing facility and the property line of the subject school that are closest to each other.
- d. *Other activities; prohibition.* Other than dispensing of marijuana and any authorized marijuana delivery device required for the medical use of marijuana (and which is specified in a physician certification), no dispensing facility shall sell, market, dispense, provide, exchange, or otherwise vend any other type of cannabis, alcohol, drug paraphernalia as defined by federal or state law, or illicit drug-related products, including, but not limited to, pipes, bongs, or wrapping papers. No dispensing facility shall dispense marijuana or marijuana delivery devices in the waiting area of such facility. Any dispensing of marijuana for other than medical uses (for example, recreational use) is hereby prohibited within unincorporated Orange County.
- e. *Violation of Code.*
 - 1. It shall be a violation of this section for any person or entity to sell, market, dispense, provide, exchange, or otherwise vend marijuana or marijuana delivery devices without the requisite state license and approvals or to sell, market, dispense, provide, exchange, or otherwise vend any form or derivative of non-medical marijuana or marijuana delivery devices.
 - 2. Each violation of this section shall constitute a separate offense punishable as provided in section 1-9 of this Code by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment. All law enforcement officials are hereby authorized to assist in the enforcement of this section to the extent that it is within their respective jurisdictions to do so.
 - 3. Nothing herein shall be construed to prohibit the county from enforcing this section by alternate means including, but not limited to: code enforcement or code citations pursuant to F.S. ch. 162, part I or part II; by criminal action, by civil action, including petitions to enjoin persons violating this section; or by any other means available by law.
- f. *Parking and queuing.* A dispensing facility shall be required to meet the off-street parking standards in section 38-1476 ("Quantity of off-street parking"), Orange County Code, and shall be deemed a retail establishment for parking demand purposes. The owner of the dispensing facility shall be responsible for ensuring that there is no queuing of vehicles in the public right-of-way.
- g. *Loitering.* A dispensing facility shall provide adequate seating for qualified patients, caregivers (as defined in F.S. § 381.986(1), and invitees, and shall not allow qualified patients, caregivers, or invitees to stand, sit (including in a parked car), gather, or loiter outside the building where the dispensing facility operates, including in any parking areas, sidewalks, right-of-way, or neighboring property for any period of time longer than that reasonably required to arrive and depart.

- h. *Hours of operation.* A dispensing facility shall only dispense marijuana or marijuana delivery devices from the premises between the hours of 7:00 a.m. to 9:00 p.m.
- i. *Signage, outdoor display.* Dispensing facility signage shall be subject to the requirements and prohibitions in Chapter 31.5, Orange County Code. Additionally, pursuant to F.S. § 381.986(8)(h), the dispensing facility may only have one (1) sign that is affixed to the outside of or hanging in the window of the premises which identifies the dispensing facility by the licensee's business name, a Florida Department of Health-approved trade name, or a Florida Department of Health-approved logo; such trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana. Indoor display of products, marijuana, or marijuana delivery devices shall be prohibited in the waiting area of the dispensing facility. Outdoor display of products, wares, or merchandise of any sort shall be in accordance with Orange County Code and any applicable development approvals.
- j. *Security.* To ensure the safety and security of a dispensing facilities, and to maintain adequate controls against the diversion, theft, and loss of marijuana and marijuana delivery devices, each dispensing facility shall maintain security measures in accordance with F.S. § 381.986(8)(f), as may be amended from time to time; provided, however, that any such security measures are subject to the receipt of the appropriate local government permits. It is unlawful and a violation of this section to operate, own, or control a dispensing facility except in compliance with the applicable security plan approved by the Florida Department of Health.
- k. *Inspections.* Any deputy sheriff employed by the Orange County Sheriff's Office may make searches of persons, places, and conveyances of any kind whatsoever associated with the dispensing facility in accordance with all applicable laws. Any code enforcement officer, or any other person authorized to enforce county ordinances, may enter the dispensing facility premises and conduct an inspection to determine compliance with this section at any time the dispensing facility is open or occupied. Refusal to provide proof of a valid license and dispensing authority from the state shall be considered a violation of this Code.
- l. *Compliance with other laws.* All dispensing facilities shall at all times be in compliance with all applicable federal, state, and local laws and regulations.

(180) Micro-breweries, micro-wineries, craft distilleries, and brewpubs. Manufacturing operations that produce alcoholic beverages for on-site consumption and off-site sales, and related uses, may be allowed as an accessory use via a determination by the planning and zoning managers subject to the following criteria:

- a. Up to forty-nine (49) percent of the floor area may be used for a micro-brewery, micro-winery, or craft distillery (or any combination thereof), with the remaining floor area used for restaurant, tasting room or retail operations; and
- b. The maximum production allowed per calendar year for micro-breweries, micro-wineries, craft distilleries, and brew-pubs is as follows:
 - i. As allowed by applicable licenses from the Florida Department of Business and - Professional Regulation, Division of Alcoholic Beverages and Tobacco;
 - ii. Brewpubs-not to exceed fifteen thousand (15,000) barrels;
 - iii. Micro-breweries-up to fifteen thousand (15,000) barrels;
 - iv. Micro-wineries-up to one hundred thousand (100,000) gallons; and
 - v. Craft distilleries-up to fifteen thousand (15,000) gallons.
- c. Required parking shall be determined by the square footage for restaurant and manufacturing portions of the establishment pursuant to Code section 38-1476.

(Ord. No. 2017-21, § 5, 11-14-17; Ord. No. 2018-08, § 2, 4-10-18; Ord. No. 2020-30, § 7B, 10-13-20; Ord. No. 2021-34, § 1(b), 8-10-21)

Sec. 38-80. - Reserved.

Editor's note— Ord. No. 2017-21, § 6, adopted Nov. 14, 2017, repealed § 38-80, which pertained to a moratorium regarding medical cannabis activities within unincorporated areas of Orange County and derived from Ord. No. 2016-18, §§ 1—5, adopted Aug. 23, 2016 and Ord. No. 2017-08, § 1, adopted April 25, 2017.

Secs. 38-81—38-90. - Reserved.

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 (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions	
		RESIDENTIAL																																	
Single-family and modular homes with customary accessory uses		Single-family and modular homes with customary accessory uses	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P		1 P	1 P											1 P	1 P	P	*		
Residential storage as a principal use (in an enclosed structure only)		Residential storage as a principal use (in an enclosed structure only)																			P	P	P		P	P	P								
Fences and walls (except subdivision fences and walls) See Section 38-1408		Fences and walls (except subdivision fences and walls) See Section 38-1408																																	
Accessory buildings, uses and structures (Excluding Accessory Dwelling Units) (See Sec. 38-1426)		Accessory buildings, uses and structures (Excluding Accessory Dwelling Units) (See Sec. 38-1426)	P/S	P/S	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*		
Screen rooms		Screen rooms	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P		18 P	18 P												18 P	18 P	18 P		
Screen enclosures		Screen enclosures	84 P	84 P	84 P	84 P	84 P	84 P	84 P	84 P	84 P	84 P	84 P	84 P	84 P	84 P		84 P	84 P												84 P	84 P	84 P		
Fee simple duplex and patio homes		Fee simple duplex and patio homes												2 P	2 P	P													124 P				P		
Home occupation			101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P	101 P													101 P	101 P		
Mobile homes as permanent residential dwelling units, including mobile home parks		Mobile homes	4 P	4 P	4 P												4 P	4 P	4 P															*	
Temporary mobile homes, travel trailers and recreational vehicles (For R.V. parks and campgrounds, see SIC #703)		Temporary mobile homes	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS	107 S	5 PS	5 PS	5 PS	5 PS	5 PS	5 PS					*
Chimneys, water & fire towers, church spires, domes, cupolas, stage towers, scenery lofts, cooling towers, elevator bulkheads, smokestacks, flagpoles, and parapet walls		Chimneys, water & fire towers, church spires, domes, cupolas, stage towers, scenery lofts, cooling towers, elevator bulkheads, smokestacks, flagpoles, and parapet walls	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P	7 P		7 P	7 P	7 P	*	
Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings)		Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings)												S	S																P	P	P		
Family foster homes (see definition in section 38-1, O.C. Code)		Family foster homes (see definition in section 38-1, O.C. Code)	P	P	P	P	P	P	P	P	P	P	P	P	P	18 P		P	P	S								P	124 P		P	P	P	*	
Accessory dwelling units (See Sec. 38-1426)		Accessory dwelling units (See Sec. 38-1426)	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P											P	P	P	*		
Swimming pools, jacuzzies, tennis courts, spas, hot tubs, including appurtenances to such uses		Swimming pools, jacuzzies, tennis courts, spas and hot tubs, including appurtenances to such uses	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P	10 P													10 P	10 P		10 P
Home with 6 or fewer residents that otherwise meets definition of community residential home		Home with 6 or fewer residents that otherwise meets definition of community residential homes	12 P	12 P	12 P	12 P	12 P	12 P	12 P	12 P	12 P	12 P	12 P	12 P	12 P	12 P				P	P	P	P		P	P	P	12 P	124 P		P	12 P	12 P	*	
Community residential homes (7 to 14 residents)		Community residential homes (7 to 14 residents)												14 S	14 P	14 S				P	P	P	P		P	P	P	13 S			P	P	14 S		
Family lot provision		Family lot provision	17 S	17 S	17 S	17 S	17 S	17 S																									*		

Orange County, FL Code of Ordinances																																		
Short-term rental, resort residential, resort villa		Hotel, motel, timeshare or similar uses																		P	P	P	P	P	P	P								
Townhouses and triplexes and quadruplexes with fee simple units		Townhouses and triplexes and quadruplexes with fee simple units											20 P	20 P															20 P	20 P	20 P	*		
Zero side yard development		Zero side yard development							21 P	21 P	21 P	21 P	21 P	21 P	21 P		21 P	21 P									21 P	124 21 P		21 P	21 P	21 P	*	
Multifamily w/customary accessory uses		Multifamily w/customary accessory uses											24 P	P														124 P	P	P	P	P	*	
Boarding, lodging and rooming houses		Boarding Lodging and Rooming Houses																		144 P	144 P	144 P		144 P	144 P	144 P			144 P					
Student housing		Student housing																											145 P					
Transient rental and single-family transient rental		Transient rental												P																				
Adult/child day care homes		Adult/child day care homes	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S		26 S	26 S	26 P									13 26 S	124 26 S		25 P	25 P	25 S	*
Family Day Care Homes		Family day care homes	25 P	25 P	25 P	25 P	25 P	25 P	25 P	25 P	25 P	25 P	25 P	25 P	25 P	25 P	25 P												25 P		25 P	25 P	25 P	*
Adult/child day care centers		Adult/child day care centers	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 P	26 S				26 P	26 P	26 P	26 P	26 PS	26 P	26 P	26 P	13 26 S 26 27 P	26 S		26 P	26 P	26 S	*	
Tents		Tents	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	124 28 P	28 P	28 P	28 P	28 P	*	
Single family unit in conjunction with a commercial use		Single family unit in conjunction with a commercial use																		121 P	121 P	121 P	121 P	121 P	121 P	121 P				P	P		*	
Model homes		Model homes			125 P	125 P	125 P	125 P	125 P	125 P	125 P	125 P	125 P	125 P	125 P		125 P	125 P										125 P		125 P	125 P	125 P		
Recreational vehicle or boat storage and parking (Residential only)		Recreational vehicle or boat storage and parking (Residential only)	45 P	45 P	45 P	45 P	45 P	45 P	45 P	45 P	45 P	45 P	45 P	45 P	45 P	45 P	45 P	45 P										45 P		45 P	45 P	45 P	*	
Docks		Docks	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P		95 P	95 P	95 P		
Emergency generators (permanent)		Emergency generators (permanent)	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P	16 P		16 P	16 P	16 P		
		AGRICULTURE, FORESTRY, & FISHING																																
	01	AGRICULTURAL PRODUCTION (crops)	P	P																														
Wheat, corn, soybeans, etc.	011	Cash grains	P	P	P																													
Vegetable farms	0161	Vegetables & Melons	P	P	P																													
Truck farms	0161	Vegetables & melons	P	P	P	S	S	S																										
Citrus and fruit crops cultivation	0174	Citrus fruits	35 P	35 P	62 P	62 P	62 P	62 P							115 P											P							*	
Commercial plant nurseries and, greenhouses (no retailing)	0181	Ornamental nursery products	44 P	44 P	44 P	44 P	44 P	44 P														107 P	P	P	P	P	P			*				
Crop farms	0191	General farms, primarily crops	P	P																					P									
Washing & packaging of fruit and vegetables		Washing & packaging of fruit and vegetables	34 P	34 P	34 P																34 P	34 P		P	P	P							*	
Open air sales of agricultural or farm products		Open air sales of agricultural or farm products	35 P	35 P	35 P																P	P		P	P	P								

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Outdoor storage of operative agriculturally related equipment		Outdoor storage of operative agriculturally related equipment	6 P	6 P																												
	02	AGRICULTURAL PRODUCTION (livestock)	P	P																												
Commercial kennels		Commercial kennels	S	S																P	P		P	P	P							*
Cattle stock grazing, stock yards	0211	Beef cattle (grazing)	P	P																												
Dairy farms	0241	Dairy Farms	P	P																												
Raising or keeping of poultry	025	Raising or keeping of poultry	36 SP	36 SP	36 SP	36 SP	36 SP	36 SP	37 P	37 P	37 P	37 P	37 P	37 P	37 P	37 P		37 P	37 P								37 P			37 P	37 P	37 P
Raising or keeping of horses, ponies, donkeys, and mules; boarding of horses ponies etc.	0272	Raising or keeping of horses, ponies, etc. boarding of horses ponies etc.	41 SP	41 SP	41 SP	41 SP	41 SP	41 SP											41 P	41 P			41 P	41 P	41 P							
Raising or keeping of goats sheep, lambs, pigs, or swine		Raising or keeping of goats, sheep, lambs, pigs or swine	49 S P	49 S P	49 S P	52 P 69 P	69 P	69 P																								
	07	AGRICULTURAL SERVICES	P	P																												
Cultivation facility	0721		177 P	177 P																												*
Grove caretaking, harvesting business	0722	Crop harvesting	53 P	53 P																												*
Processing facility	0723																								178 P	178 P						*
Veterinarians for livestock	0741	Veterinary services for livestock	P	P																			P	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							*
Veterinary services with outdoor runs or compounds (domestic pets)	0742	Veterinary services	S	S																P		S	S	S								*
Animal shelters, boarding kennels, animal pounds, training of animals, with no outdoor runs or outdoor compounds	0752	Animal specialties services (not veterinary)	S	S																112 P	112 P		112 P	112 P	112 P							
Animal shelters, boarding kennels, animal compounds, training of animals, with outdoor runs or outdoor compounds	0752	Animal specialties services (not veterinary)	S	S															S	P		P	P	P								
Dog and cat grooming	0752	Animal specialties services	S	S															112 54 P	112 P	112 P		P	P	P							*
Landscaping and irrigation business, lawn care, tree service	0782	Lawn and garden service	S	S																P	P		P	P	P							
	08	FORESTRY	P	P																												
Tree farms, including logging	0811	Timber tracts	P	P																												
Forest nurseries	0831	Forest nurseries	P	P																												
Silviculture	0851	Forestry services	P	P																			P	P	P							*
Woodchipping, mulching and composting		Woodchipping, mulching and composting	96 S P	96 S P																			96 P	96 P	96 P							*
Hunting preserves, commercial fishing, animal trapping, private/public hunting clubs	09	HUNTING, FISHING & TRAPPING	P	P																												

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Dairy products manufacturing	202	Dairy products																					107 P S	P	P	P							*
Ice cream manufacturing	2024	Ice cream & frozen desserts																				107 P S	P	P	P							*	
Citrus processing plants	2033	Canned fruits, Vegetables, Preserves, Jams & Jellies																					P	P	P								
Bakery products manufacturing, bakery plants	205	Bakery products																					P	P	P								
Candy and confectionery manufacturing	206	Sugar & confectionery products																					P	P	P								
Tallow, grease & lard manufacturing	207	Fats & Oils																					P	P	P								
Beverage processing & storage, milk bottling & distribution, soft drink bottling	208	Beverages																				107 P S	P	P	P							*	
Tobacco, cigarettes, cigars manufacturing	21	TOBACCO PRODUCTS																					P	P	P								
Textile manufacturing	22	TEXTILE MILL PRODUCTS																					P	P	P								
Upholstery and dye manufacturing	22	Textile mill products																					P	P	P								
Clothing production, cutting, sewing of fabrics, garment manufacturing	23	APPAREL & OTHER TEXTILE PRODUCTS																											76 S P	76 S P			
Decorating materials manufacturing	2395	Pleating & stitching																					P	P	P								
Wood products manufacturing	24	LUMBER WOOD PRODUCTS																					P	P	P								
Building products manufacturing	24	Lumber wood products																					P	P	P								
Logging	2411	Logging	P	P																			P	P	P								
Sawmills and planing mills	2421	Sawmills, planing mills	96 S	96 S																				P	P							*	
Hardwood flooring manufacturing	2426	Hardwood dimension & flooring mills																					P	P	P								
Wood awnings, wood shutters, wood railings, window frames	2431	Millwork																					P	P	P								
Cabinet makers and manufacturers	2434	Wood kitchen cabinets																					P	P	P								
Manufacturing of plywood	2435	Hardwood veneer & plywood																					P	P	P								
Mobile Homes manufacturing	2451	Mobile Homes																					P	P	P								
Manufacturing of prefabricated wood buildings	2452	Prefabricated wood buildings and components																					P	P	P								
Manufacturing of household, office, public building furniture & fixtures	25	FURNITURE & FIXTURES																					P	P	P				76 S P	76 S P			
Cardboard, pulp, & paper manufacturing	26	PAPER & ALLIED PRODUCTS (Paper Mills)																					P	P	P								
Cardboard containers manufacturing	2631	Paperboard mills																					P	P	P								
Printing, bookbinding, publishing plants	27	PRINTING & PUBLISHING																						P	P								

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Manufacturing of chemical products, liquid fertilizer, corrosive acid, pharmaceuticals, soap, cosmetics, glue, explosives, paint, varnish and bulk paint mixing	28	CHEMICALS & ALLIED PRODUCTS																						P									
Manufacturing of bulk organic and inorganic medicinal chemicals	2833	Medicinal chemicals and botanical products																					P	P	P								
Fertilizer manufacturing, agricultural chemicals manufacturing	287	Agricultural chemicals	P	P																				P	P								
	29	PETROLEUM COAL PRODUCTS																							P								
Petroleum refining, bulk storage of petroleum products	2911	Petroleum refining																							P								
Asphalt manufacturing	295	Asphalt paving & roofing materials																					P	P	P								
Lubricating oils & greases manufacturing	2992	Lubricating oils & greases																					P	P	P								
Plastic, rubber & tire manufacturing	30	RUBBER & MISC. PLASTIC PRODUCTS																					P	P	P					76 S P	76 S P		
Plastic containers manufacturing	3089	Plastics products																					P	P	P								
Shoes manufacturing	31	LEATHER PRODUCTS																					P	P	P					76 S P	76 S P		
Leather processing	3111	Leather products																					P	P	P								
Cement, lime, gypsum, plaster manufacturing	32	STONE, CLAY, GLASS PRODUCTS																					P	P	P								
Glass products and glass containers manufacturing	32	Stone, clay & glass products																					P	P	P								
Pressed and blown glass	3229	Pressed and blown glass																					P	P	P								
Novelties & souvenirs manufacturing	326	Pottery and related products																				107 P S	P	P	P							*	
Manufacturing of ceramics	3269	Pottery products																				107 P S	P	P	P							*	
Concrete block and brick manufacturing	3271	Concrete Block & Brick																					51	51 P	51 P								
Manufacturing of floor stabs, incinerators, septic tanks, & silos	3272	Concrete products																					P	P	P								
Blast furnace manufacturing, manufacturing of iron, steel, & aluminum, smelting	33	PRIMARY METAL INDUSTRIES																					P	P	P								
Primary metal industries	33	Primary metal industries																							P								
Metal, cans, barrels, tools, & hardware manufacturing	34	FABRICATED METAL PRODUCTS																					P	P	P					76 S P	76 S P		
Metal containers manufacturing	3411	Metal Cans & Shipping Containers																					P	P	P								
Testing of sandblasting nozzles	3471	Plating & Polishing																					P	P	P								
Industrial & commercial machinery	35	INDUSTRIAL & COMMERCIAL MACHINERY																					P	P	P								

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Steam, gas, hydraulic engines manufacturing	351	Engines & turbines																					P	P	P								
Manufacturing of farm machinery	352	Farm & garden machinery																					P	P	P								
Concrete manufacturing, paving & mixing, temporary asphalt plants	353	Mining machinery, construction																					51	51 P	51 P								
Computer equipment manufacturing	357	Computer and office equipment																					P	P	P								
Machine shops, carburetors, pistons, amusement apparatus manufacturing	359	Miscellaneous industrial equipment																					P	P	P								
Electric machinery & equipment manuf., manufacturing & assembly of scientific instruments, manufacturing of household appliances, electronic components & accessories, burglar alarm apparatus, satellite dishes, electrical fuses	36	ELECTRICAL & OTHER ELECTRICAL EQUIP.																					P	P	P					76 S P	76 S P		
Building products manufacturing	3648	Lighting equipment																					P	P	P								
Instruments for measuring and testing of electricity and electrical signals		Instruments for measuring and testing of electricity and electrical signals																				107 P S	P	P	P								
Semi-conductors and related devices	3674	Semi-conductors and related devices																					107 P S	P	P	P							
Battery manufacturing	3691 3692	Storage and Primary Batteries																					P	P	P								
	37	TRANSPORTATION EQUIPMENT																								P							
Motor vehicle assembly	3711	Motor vehicles & car bodies																					P	P	P								
Boat manufacturing	3732	Boat Building and repair																					P	P	P								
Avionics testing, aircraft maintenance and manufacturing	372	Aircraft & parts																					P	P	P								
Boat trailer manufacturing	3799	Transportation equipment																					P	P	P								
Parking and storage of dual rear wheel vehicles		Parking and storage of dual rear wheel vehicles	42 P	42 P	42 P	42 P	42 P	42 P														42 P	42 P	42 P	42 P								
	38	INSTRUMENTS & RELATED PRODUCTS																					P	P	P					76 S P	76 S P		
Manufacture and assembly of optical instruments	3827	Optical instruments and lenses																					P	P	P								
Photographic equipment supplies manuf.	3861	Photographic equipment & supplies																					P	P	P								
Manufacturing of watches, clocks & parts	3873	Watches, clocks, & parts																					P	P	P								
	39	MISC. MANUFACTURING INDUSTRIES																							P					76 S P	76 S P		
Toys & sporting goods manufacturing	394	Toys & sporting goods																					P	P	P								
Sign manufacturing	3993	Signs & advertising specialties																					P	P	P								
		TRANSPORTATION/UTILITIES																															
Railroad transportation	40	RAILROAD TRANSPORTATION																					P	P	P								

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Railroad, bus, taxi, carpool, vanpool, limousine, and ambulance terminals for passenger transportation with on-site pick-up and drop-off areas for passengers, shuttle operation (see 7514 for car rental, 4581 for airports, 4231 for truck terminals)	41	LOCAL & INTERURBAN PASSENGER TRANSIT																			P	P		P	P	P								
Railroad, bus, taxi, carpool, vanpool, and ambulance and limousine charter service and storage facilities without on-site pick-up or drop-off areas for passengers	41	LOCAL & INTERURBAN PASSENGER TRANSIT																			P	P		P	P	P								
Limousine service, home-based	4119		32 146 P S	32 146 P S	32 146 P S	32 146 P S	32 146 P S	32 146 P S	146 P S	146 P S	146 P S	146 P S	146 P S	146 P S	146 P S	32 146 P S	146 P S	146 P S	146 P S									146 P S			146 P S	146 P S		
Indoor storage of products, furniture, household & commercial goods, machinery, equipment storage of building materials	42	WAREHOUSING																			30 111 P	30 111 P	30 111 P		30 111 P	30 111 P	30 111 P						*	
Courier services	4215	Courier services, except air																				P		P	P	P				P	P		*	
Portable toilet storage	422	Warehousing & storage																						P	P	P							*	
Warehousing	422	Warehousing & storage																				30 111 P	107 111 58 P S	30 P	30 P	30 P						*		
Dead storage yard		Dead storage yard																						P	P	P								
Cold storage frozen food lockers	4222	Refrigerated warehousing & storage																						P	P	P				P	P		*	
Self-storage facility	4225	General warehousing & storage																			30 60 P	30 111 P	30 111 P		P	P	P				30 60 P	30 60 P		*
Bulk storage of petroleum, storage of wrecked automobiles, oil, hazardous chemicals, explosives, gasoline, and ammunition	4226	Special warehousing and storage																								P								
Truck terminals, truck stop, bus, cab, truck repair, storage and terminals, parking and/or storage of trucks	4231	Trucking terminal facilities																						82 P	82 P	82 P								
Temporary portable storage containers			55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	55 P	*	
Post office	43	U.S. POSTAL SERVICE	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	107 P S	P	P	P	P	S					*
Marinas, commercial boat rentals, airboat rides	44	WATER TRANSPORTATION	S	S	S	S	S	S																										
Dismantling boats, marine wrecking	4499	Water transportation services																								P								
	45	TRANSPORTATION BY AIR	S	S	S	S	S	S													S	S	107 S	S	S	S							*	
Airports, airplane landing facilities, aircraft maintenance, seaplane base	4581	Airports, flying fields & services	S	S	S	S	S	S												S	S	S	S	S	S	S							*	
Helicopter landing facility, Vertiport, airship/blimp hanger facility and hangars	4581	Airports, flying fields & services	S	S	S	S	S	S												S	S	S	107 PS	P	P	P							*	

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Pipeline transportation of petroleum & other commodities, underground pipeline unless required to be above ground due to physical conditions	46	PIPELINES, EXCEPT NATURAL GAS	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	109 S	107 109 S	109 S	109 S	109 S	109 S		109 S	109 S	109 S			
	47	TRANSPORTATION SERVICES																					P	107 P S	P	P	P						*		
Travel agencies, tour brokers and tour operators	4724	Travel agencies																		47 P	47 P	47 P	P	47 107 P S	P	P	P	47 56 P			47 P	47 P		*	
Ticket agencies	4729	Airline, bus, rail, ticket agencies																		P	P	P	P	107 P S	P	P	P	P			P	P		*	
	48	COMMUNICATIONS	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	107 P S	P	P	P		S		133 S	133 S	133 S	*	
Cellular telephone sales & service, beeper & pager services	4812	Radio telephone communications																		P	P	P	107 P	P	P	P				P	P		*		
	4813	Tele Communication																																	
Radio, television or movie studios (excluding towers)	4832	Radio Broadcasting Stations																		105 S	105 P	105 P	105 P	107 105 P	105 P	105 P	105 P				105 P	105 P		*	
Communication towers (See Sec. 38-1427)		Communication towers																															*		
Lattice (Ord. No. 95-25, §2, 8-29-95)	48	COMMUNICATIONS	S S	S S	S S	S S	S S	S	S	S	S	S	S	S	S 134 S	S S	S S	S S	S S	S S	S 135 P/S	P 135 P/S	P 135 P/S	107 P S 107 135 142 P/S	P 135 142 P/S	P 135 142 P/S	P 135 142 P/S	S	S		133 S 134 S	133 S 134 S	133 S	*	
Guyed (Ord. No. 95-25, §2, 8-29-95)			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	135 P/S	135 P/S	135 P/S	107 135 142 P/S	135 142 P/S	135 142 P/S	135 142 P/S	S	S		S	S	S	*
Monopole (Ord. No. 95-25, §2, 8-29-95)			32 143 P/S	32 143 P/S	32 143 P/S	32 143 P/S	32 143 P/S	32 143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	32 143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 135 P/S	143 135 P/S	143 135 P/S	107 135 142 P/S	135 142 P/S	135 142 P/S	135 142 P/S	143 P/S	143 P/S		143 P/S	143 P/S	143 P/S	*
T.V. studios (excluding towers)	4833	T.V. broadcasting stations																				105 P	105 P	107 105 P S	105 P	105 P	105 P				105 P	105 P			
Satellite dish service	4841	Cable and other pay television services																				P	P		P	P	P								
	49	ELECTRIC, GAS, SANITARY SERVICES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	107 S		S	S	S	S		S	S	S	*		
Commercial solar farms	49	Commercial solar farms	50 P	50 P																					50 P	50 P	50 P								
Gas substations, TV substations, radio substations, telephone substations		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 P	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	*		

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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	P	P	P	P	P	P	P	83 P	83 P		83 P	83 P	83 P	*
Power plants, transfer stations, refuse storage sites, wastewater and water plants, septic disposal sites, line stabilization and dewater, septage and wastewater sludges	49	Power plants, transfer stations, refuse storage sites, wastewater and water plants, septic disposal sites, lime stabilization and dewater, septage and wastewater sludges	S	S																			S	S	S								
Electrical, gas, sanitary services	49	Electric, gas, sanitary services	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	107 S	S	S	S	S	S	S	S			*
Solid waste management facilities (Ord. No. <u>2009-11</u> , § 4(App. A), 4-28-09)	4953	Solid waste management facilities	120 S	120 S																					120 S	120 S							
Yard trash processing facility (Ord. No. <u>2014-01</u> , § 3, 1-28-14)	4953	Clean wood and yard trash processing facility, including woodchipping, mulching and composting	120 S	120 S																			120 S P	120 S P	120 S P								
Hazardous waste treatment, storage and disposal facilities (Ord. No. <u>2009-11</u> , § 4(App. A), 4-28-09)	4953	Hazardous waste treatment, storage and disposal facilities																								154 S							
Incinerators (Ord. No. <u>2009-11</u> , § 4(App. A), 4-28-09)	4953	Incinerators	113 S	113 S																			113 S	113 S	113 S								
Collection bins		Collection bins											115 P	115 P					115 P	115 P	115 P	115 P	115 P	115 P	115 P								
Aluminum recycling collection drop-off sites		Aluminum recycling collection drop-off sites	113 S	113 S																		S		P	P	P							*
		WHOLESALE TRADE																															
Wholesale meat & produce, and soft drink bottling distribution	50 51	WHOLESALE DISTRIBUTION OF DURABLE AND NONDURABLE GOODS																			P		P	P	P							*	
	50	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							*	
Wholesale distribution of bedding, chairs, desks mattresses, waterbeds, carpets, lamps, curtains and linens	502	Furniture and home furnishings																			P		P	P	P							*	
Wholesale distribution of awnings, fencing, septic tanks, mobile homes	5039	Construction materials																			P		P	P	P							*	
Wholesale distribution of irrigation equipment, garden machinery, lawn machinery, and power mowers	5083	Farm and garden machinery and equipment																			P		P	P	P							*	
Wholesale distribution of electronic parts and equipment	5065	Wholesale distribution of electronic parts and equipment																			P	P	P	P	P								
Wholesale distribution of pumps, pumping equipment, paint spray equipment, chainsaws, cranes, ladders, lift trucks, and tractors	5084	Industrial machinery equipment																			P		P	P	P							*	
Fireworks, wholesale	5092	Fireworks, wholesale																				23 P		23 P	23 P	23 P							
Junk, salvage or wrecking yards, sales and storage of wrecked or inoperable vehicles	5093	Junk yards (scrap and waste)																							9 P							*	
Commercial firewood sales and storage	5099	Miscellaneous durable goods	43 S	43 S																43 P	43 137 P	43 137 P		43 137 P	43 137 P	43 137 P							
Wholesale distribution of frozen food	5142	Packaged frozen foods																				111 P		P	P	P							*

Wholesale distribution of meat	5147	Meats and meat products																		P			P									*
Wholesale distribution of dairy products	5143	Dairy products																			107 P S	P	P	P							*	
Wholesale distribution of produce and/or plant materials	5148	Fresh fruits and vegetables																	P		P	P	P								*	
Wholesale distribution of bakery products, bottled water, canned goods, softdrinks, and fruits, beverage distributors	5149	Groceries and related products																	P		P	P	P								*	
Wholesale distribution storage of gasoline, liquid petroleum, gas, oil, or other inflammable liquids	5172	Petroleum and petroleum products wholesalers																						102 P							*	
Wholesale florists	5193	Flowers, nursery stock and florist supplies															P	P		P	P	P										
		RETAIL TRADE																														
		NOTE: ALL RETAIL TRADE USES (SIC GROUP #52—#59) AND SERVICE USES (SIC GROUP #70—#89) ARE PERMITTED IN INDUSTRIAL ZONING DISTRICTS AS ACCESSORY USES ONLY, SUBJECT TO COMPLIANCE WITH THE STANDARDS OUTLINED IN CONDITION #106, UNLESS OTHERWISE PERMITTED.																														
Storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease or not). For storage of wrecked or inoperable vehicles see SIC Group 5093.		Storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease or not). For storage of wrecked or inoperable vehicles, see SIC Group 5093.																		130 P S		130 P	130 P	130 P								
Outdoor storage and display of equipment, products and merchandise		Outdoor storage and display of equipment, products and merchandise															137 P	137 P		137 P	137 P	137 P										
	52	BUILDING MATERIALS & GARDEN SUPPLIES														P	P	P						56 P							*	
Lumber and other building materials, building materials storage and sales	521	Lumber and other building materials														P	99 P	99 P		99 P	99 P	99 P					P	P			*	
Paint & wallpaper stores	5231	Paint, glass & wallpaper stores														P	P	P					56 P				P	P			*	
Hardware stores	5251	Hardware stores														P	P	P					56 P				P	P				
Nurseries (retail), garden stores	5261	Retail nurseries & garden stores														P	P	P					56 P				P	P			*	
Mobile home dealers	5271	Mobile home dealers															138 P	138 P		138 P	138 P	138 P		*								
	53	GENERAL MERCHANDISE STORES															P	P	P					56 P							*	
Shopping centers (see definition in section 38-1, O.C. Code)	5311	Department stores (shopping centers)															P	P	P					56 P				P	P		*	
Big box developments (see definition in section 38-1, O.C. Code)		Big box developments															153 S	153 P	153 P												*	
	54	FOOD STORES															P	P	P					56 P							*	

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Convenience food stores, grocery stores	5411	Grocery stores																			70 P	70 P	70 P	107 118 PS	70 118 P	70 118 P	70 118 P	27 P			70 P	70 P		*
Fruit, produce, flower and vegetable stands	5431	Fruit & vegetable markets	3 P	3 P																		137 87 P	137 87 P		137 87 P	137 87 P	137 87 P	137 87 P			137 87 152 P	137 87 152 P		*
Portable food and drink vendors (including hot dog stands)		Portable food and drink vendors (including hot dog stands)																			87 P S	87 P	87 P	87 P	87 P	87 P	87 P							*
Candy stands	5441	Candy, nut & confectionery stores																	65 S	P	P	P					P			P	P		*	
Temporary sales of Christmas trees, sparklers, and pumpkins		Temporary sales of Christmas trees, sparklers, and pumpkins	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	28 P	*
Temporary sales of automobiles, boats, recreation vehicles, marine vessels, trucks, trailers, motorcycles and all-terrain vehicles		Temporary sales of automobiles, boats, recreation vehicles, marine vessels, trucks, trailers, motorcycles, and all-terrain vehicles																			28 P	28 P	28 P	28 P	28 P	28 P	28 P				28 P	28 P		
Retail bakery shops	5461	Retail bakeries																		66 P	66 P	66 P					66 P			66 P	66 P		*	
Specialty food stores	5499	Miscellaneous food stores																		P	P	P					P			P	P		*	
	55	AUTO DEALERS & SERVICE STATIONS																			P	P												
Golf cart sales and service		Golf cart sales and service																			P	P		P	P	P								
New & used automobiles, pickups and vans (See condition #138)	5511	New and used car dealers																			138 P	138 P		138 P	138 P	138 P								
Auto parts, tire dealers	5531	Auto & home supply stores																		67 P	67 P	67 P		67 P	67 P	67 P	67 P							*
Gas stations, automobile service stations	5541	Gasoline stations, except truck stops																		138 68 P	138 68 P	138 68 P	138 68 P	138 68 P	138 68 P	138 68 P	138 68 P			138 68 P	138 68 P		*	
Pump islands for gasoline sales		Pump islands for gasoline sales																		70 P	70 P	70 P	70 P	70 P	70 P	70 P	70 P			70 P	70 P		*	
Truck stops	5541	Truck stops																				P		P	P	P								
Boat dealerships, boat supplies (see condition #138)	5551	Boat dealers																			138 P	138 P		138 P	138 P	138 P								
Recreational vehicle and commercial vehicle sales, service & storage (see condition #138)	5561	Recreational vehicle dealers																			138 P	138 P		138 P	138 P	138 P								
Motorcycle dealers (see condition #138)	5571	Motorcycle dealers																			138 P	138 P		138 P	138 P	138 P								
Go-carts, dune buggies, utility trailers (see condition #138)	5599	Automotive dealers																			138 P	138 P		138 P	138 P	138 P								
	56	APPAREL & ACCESSORY STORES																		P	P	P					56 P						*	
Bridal shops, dress shops, maternity shops	5621	Women's clothing stores																		P	P	P					56 P			P	P		*	
Clothing stores	5651	Family clothing store																		P	P	P					56 P			P	P		*	
	57	FURNITURE STORES																		P	P	P					56 P			P	P		*	
Furniture stores, vertical blinds	5712	Furniture stores																		P	P	P					56 P			P	P		*	
Carpet stores	5713	Floor covering stores																		P	P	P					56 P			P	P		*	

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Appliance stores, refrigerators, ovens, retail sales of air conditioners & parts (with no outdoor storage)	5722	Household appliance stores																		P	P	P					56 P			P	P		*
Appliance stores, refrigerators, ovens, air conditioners and parts with outdoor storage		Appliance stores, refrigerators, ovens, air conditioners and parts with outdoor storage																			P	P		P	P	P							
Radio & T.V. sales & service	5731	Radio, T.V. electronic stores																		P	P	P					P			P	P		*
Record & tape stores	5735	Record & tape stores																		P	P	P					P			P	P		*
	58	EATING & DRINKING PLACES																		P	P	P											
Restaurants with outdoor seating	5812	Eating places																86 P	86 P	86 P	86 P	86 P	86 P	86 P					86 P				
Restaurants with no drive-thru or walk-up windows	5812	Eating places																46 S	P	P	P	P	P	P	P				148 P	148 P			
Restaurants, drive-in restaurants, snack bars, lunch stands, commissary restaurants (permanent buildings only)	5812	Eating places																	P	P	P	107 P S	P	P	P	103 P			P	P		*	
Caterers	5812	Eating places																		P	P		P	P	P				P	P		*	
Alcoholic beverage sales (see Chapter 4 of O.C. Code and sections 38-1414 and 38-1415 of O.C. Code). See condition #103.																																	
Cocktails lounges, pubs and bars	5813	Drinking places (cocktail lounges)																	P	P	P		P	P	P	103 P			103 S	103 S		*	
	59	MISCELLANEOUS RETAIL																		P	P	P					P						*
Dispensing facility	5912																		179 P	179 P	179 P		179 P	179 P	179 P	179 P			179 P	179 P		*	
Drug stores, apothecary shops, pharmacies	5912	Drug stores																	P	P	P		P	P	P	P			P	P		*	
Liquor stores	5921	Liquor stores																	126 P	126 P	126 P					126 P						*	
Pawn shops, antiques	5932	Used merchandize stores																	72 P	P	P					P			33 P	33 P		*	
Sporting goods, bicycle stores firearms sales and rental	5941	Sporting goods & bicycle shops																	P	P	P					P			P	P		*	
Book stores	5942	Book stores																	P	P	P					P			P	P		*	
Office supplies	5943	Stationery stores (office supplies)																	P	P	P					P			P	P		*	
Jewelry stores	5944	Jewelry stores																	P	P	P					P			P	P		*	
Ceramic shops, hobby shops	5945	Hobby, toy, & game shops																	P	P	P					P			P	P		*	
Photographic supply stores	5946	Camera & photographic supply stores																	P	P	P					P			P	P		*	
Gift shops	5947	Gift, novelty, souvenir shops																	P	P	P					P			P	P		*	
Leather goods	5948	Luggage & leather products stores																	P	P	P					P			P	P		*	
Retail sale of products by T.V., catalog, mail order, telephone, vending machines, or from other temporary locations	596	Non-store retailers	8 P	8 P	8 P	8 P	8 P	8 P	8 P	8 P	8 P	8 P	8 P	8 P	8 P	8 P	8 P										8 P		8 P	8 P	8 P	*	
Fuel oil dealers, propane gas dealers	598	Fuel dealers																	127 P	127 P	127 P		P	P	P						*		
Florists	5992	Florists																	P	P	P					P			P	P		*	

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Tobacco shops	5993	Tobacco stores																		65 S	P	P	P					P				P	P		*
Newsstands, magazine stands	5994	Newsstands																		65 S	P	P	P					P				P	P		*
Optical goods, eyeglass stores	5995	Optical goods																			P	P	P					P				P	P		*
Art stores, spas & hot tubs, pools	5999	Miscellaneous retail, except indoor & outdoor auctions																			P	P	P					P				P	P		*
Outdoor auctions, auto auctions	5999	Miscellaneous retail																				S	S		P	P	P								
Indoor auctions	5999	Miscellaneous retail																				P	P		P	P	P					P	P		
Sparklers, retail	5999	Sparklers retail																					23 P		23 P	23 P	23 P					23 P	23 P		
Open air markets		Open air markets																				110 S	110 S		110 S	110 S	110 S								
Indoor markets		Indoor markets																			P	P	P		P	P	P					P	P		
		FINANCE/INSURANCE REAL ESTATE																																	
Office use buildings in excess of 1 story in height within 100 feet of the side or rear lot lines of any lot in a single family residential district		Office use buildings in excess of 1 story in height within 100 feet of the side or rear lot lines of any lot in a single family residential district																	S												P	P			
Banks	60	DEPOSITORY INSTITUTIONS																		P	P	P	P	107 P S	P	P	P	P				149 P	149 P		*
Credit bureaus, mortgage loan companies, finance offices	61	NON-DEPOSITORY INSTITUTIONS																		P	P	P	P	107 P S	P	P	P	P				P	P		*
Brokers	62	SECURITY & COMMODITY BROKERS																		P	P	P	P	107 P S	P	P	P	P				P	P		*
Major insurance underwriters	63	INSURANCE CARRIERS																		P	P	P	P	107 P S	P	P	P	P				P	P		*
Brokers, underwriters, insurance agencies	64	INSURANCE AGENTS, BROKERS & SERVICE																		P	P	P	P	107 P S	P	P	P	P				P	P		*
	65	REAL ESTATE																		P	P	P	P	107 P S	P	P	P	P				P	P		*
Real estate offices & agents, apartment finding, rental service, appraisers	6531	Real estate agents & managers																		P	P	P	P	107 P S	P	P	P	P				P	P		*
Abstract & title services	6541	Title abstract offices																		P	P	P	P	107 P S	P	P	P	P				P	P		*
Cemeteries, mausoleums	6553	Cemetery, subdividers, & developers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	107 PS	P	P	P								*
	67	HOLDING & OTHER INVESTMENT OFFICES																		P	P	P	P	107 P S	P	P	P	P							*
Investment offices & companies	672	Investment offices																		P	P	P	P	107 P S	P	P	P	P				P	P		*

Estate planning & management	673	Trusts																	P	P	P	P	107 P S	P	P	P	P			P	P		*	
		SERVICES																																
	70	HOTELS & OTHER LODGING PLACES																		P	P	P	107 PS	P	P	P						*		
Hotels & motels, timeshare units	7011	Hotels & motel's, timeshare units																		P	P	P	107 P S	P	P	P						*		
Camps & R.V. parks, R.V. resort, campgrounds	703	Camps & R.V. parks	128 S	128 S											128 S					128 S	128 S	128 S										*		
Bed and breakfast homestay	7011	Hotels & motels	15 S	15 S	15 S	15 S	15 S	15 S							15 P				15 P											15 P	15 P		*	
Bed and breakfast inn	7011	Hotels & motels	15 S	15 S	15 S										15 S				15 S	15 P	15 P	15 P								15 P	15 P		*	
Country inn	7011	Hotels & motels																		15 P	15 P	15 P										*		
	72	PERSONAL SERVICES																		P	P	P		P	P	P								
Laundry plants, processing of laundry and dry cleaning, dry cleaning plants	7211	Power laundries																		P	P	P		P	P	P								
Laundry & dry cleaning retail	7212	Dry cleaning																	P	P	P	107 PS	P	P	P				P	P		*		
Laundering (coin operated)	7215	Coin operated laundries																	S	P	P	P	P	P	P	P	P			P	P		*	
Dyeing, dry cleaning plant	7216	Drycleaning plants																				P		P	P	P								
Carpet & rug cleaning	7217	Carpet & upholstery cleaning																		P	P	P		P	P	P	P			P	P		*	
Tailoring	7219	Tailoring																		P	P	P		P	P	P	P			P	P		*	
Photographic artists, sculptors, musicians, and studios	7221	Photographic studios, portraits																	74 P	P	P	P		P	P	P	74 P			P	P	P	*	
Beauty shops, beauty salons	7231	Beauty shops, beauty salons																	75 P	P	P	P		P	P	P	75 P			P	P		*	
Barber shops, hair stylists	7241	Barber shops																	75 P	P	P	P		P	P	P	75 P			P	P		*	
Shoe repair	7251	Shoe repair & shoeshine																		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			
Crematories (animal or human) (See Ord. 92-41)	7261	Funeral service, crematories, embalming	S	S	S															P	P	P		P	P	P								
Costume rental, dating services, escort services, tanning salons, tattoo parlors, valet parking	7299																	S	P	P	P					P								
Adult entertainment, body scrub parlors	7299	Adult entertainment																								71 P	71 P						*	
	73	BUSINESS SERVICES																			P	P	P					P						
Advertising agencies	7311	Advertising agencies																		P	P	P	P					P			P	P		*
Quick print, duplicating services	7334	Photocopying																	65 S	P	P	P					65 P				P	P		*
Secretarial services	7338	Secretarial & court reporting																		P	P	P	P					P			P	P		*
Exterminating & pest control service, pest control supplies, disinfecting service, fumigating service	7342	Disinfecting & pest control service																			107 P S	P	P		P	P	P	P			152 P	152 P		*

Office cleaning, janitorial & maid service, chimney cleaning, window cleaning	7349	Building cleaning & maintenance services																	107 P S	P	P	107 P S	P	P	P	P				P	P		*	
Rental and storage of heavy construction equipment, bulldozers and cranes	7353	Heavy construction equipment (rental & storage)																			P		58 P	P	P	P							*	
Appliance, T.V., VCR, furniture, and vending machine rental with no outdoor storage	7359	Equipment rental & leasing																	P	P	P	107 P	P	P	P	P				P	P		*	
Equipment rental & leasing with outdoor storage	7359	Equipment; rental & leasing																		P	P		P	P	P	P								
Employment agencies (excluding labor pools), nursing registries	7361	Employment agencies															79 P	79 P	79 P	79 P			79 P	79 P	79 P	79 P							*	
Labor pools and labor halls		Labor pools and labor halls																			73 S		73 P	73 P	73 P									
Data processing, data entry service	7374	Data processing															P	P	P	P	107 P S	P	P	P	P					P	P		*	
Computer repair and maintenance	7378	Computer maintenance & repair															P	P	P	P	107 P S	P	P	P	P					P	P		*	
Computer software consultants	7379	Computer related services															P	P	P	P	107 P S	P	P	P	P					P	P		*	
Lie detector services, detective agencies, investigators	7381	Detective & armored car service															P	P	P	P			P	P	P	P					P	P		*
Security operations, burglar and fire alarm monitoring	7382	Security systems services															P	P	P	P	107 P S	P	P	P	P					P	P		*	
Film processing & developing	7384	Photofinishing laboratories																P	P	P	107 P S	P	P	P	P					P	P		*	
Justices of the peace, notaries public, bondspersons, credit card service, telephone answering service, and trade shows, conventions	7389	Business services																80 P	80 P	80 P	107 80 PS	80 P	80 P	80 P	80 P					P	P		*	
Auto and vehicle repossession	7389	Business services																		P	P		P	P	P									
	75	AUTO REPAIR SERVICES & PARKING																		P	P		P	P	P									
Truck rental, sales and leasing (see condition #138)	7513	Truck rental & leasing																	138 P	138 P		138 P	138 P	138 P										
Car rental and leasing	7514	Passenger car rental																176 138 P	176 138 P	176 138 P		176 138 P	176 138 P	176 138 P										
Parking lots & parking garages for office, commercial or industrial uses	7521	Automobile parking										S	S	S			P	P	P	P	P	P	P	P	P					150 S	150 S	150 S	*	
General auto repair	753	Automotive repair shops																	138 82 P	138 82 P		138 82 P	138 82 P	138 82 P										
Auto painting and paint and body shop	7532	Auto painting; paint and body shops																	138 82 P	138 82 P		138 82 P	138 82 P	138 82 P						82 138 P	82 138 P		*	
Muffler shops	7533	Auto, exhaust repair shops																P	P	P		P	P	P						82 P	82 P			
Automotive tire dealers (See SIC #5531)																																		

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Automotive transmission repair	7537	Automotive transmission repair																		P	P		P	P	P				82 P	82 P			
Enclosed mechanical garages, bus, cab, truck repair	7538	General Automotive repair shops																		82 31 138 P	82 138 P		82 138 P	82 138 P	82 138 P				31 82 138 P	31 82 138 P		*	
Carwashes	7542	Carwashes																	38 S/P	P	P		P	P	P							*	
Automotive lube shops	7549	Automotive services, except repair																	P	P	P		P	P	P				82 P	82 P			
Automobile towing service (does not include the storage, sales or dismantling of wrecked/in-operative vehicles)	7549	Towing services																			130 S		130 P	130 P	130 P								
Window tinting	7549	Window tinting																		P	P		P	P	P								
	76	MISCELLANEOUS REPAIR SERVICES																		P	P												
Radio & T.V. repair, auto radio, VCR, and stereo repair	7622	Radio & T.V. repair																	P	P	P		P	P	P								
Heating, air conditioning and refrigeration sales & service	7623	Refrigeration service repair																	P	P	P	107 P S	P	P	P							*	
Electric appliances repair, electric tool repair, telephone repair, washing machine repair	7629	Appliance repair																	P	P	P		P	P	P	84 P						*	
Watch & clock repair, jewelry repair	7631	Watch & clock repair																	P	P	P		P	P	P	P						*	
Furniture stripping and repair, furniture refinishing	7641	Reupholstery & furniture repair																			P		P	P	P								
Welding shop	7692	Welding repair																			P		P	P	P								
Machine shops		Machine shops																			P		P	P	P								
Locksmiths, lawnmower repair, bicycle repair, camera repair, gunsmith, taxidermists, sharpening services	7699	Repair services, locksmiths																	107 P S	P	P		P	P	P	P							*
	78	MOTION PICTURES																		P	P	107 P S	P	P	P							*	
Video tape editing	781	Motion picture production & services															P	P	P	P	107 P S	P	P	P	P				P	P		*	
Music video production, audio-visual motion picture program production, commercial T.V. production	7812	Motion picture & video tape production																	P	P	107 P S	P	P	P					P				
Movie theaters	7832	Motion picture theaters																P	P	P						P			P	P		*	
Drive-in theaters	7833	Drive-in theaters																	P	P		S	S	S									
Video tape rental	7841	Video tape rental																	P	P	P					P		>P	P			*	
	79	AMUSEMENT & RECREATION SERVICES																	P	P	P												
Dance schools & studios	7911	Dance studios, schools and halls																	P	P	P	107 PS	P	P	P	74 P				P	P		*
Radio & television studios	7922	Theatrical producers																	P	P	P	107 P S	P	P	P					P	P		

Bowling centers	7933	Bowling centers																			85 P	85 P	85 P											*
Stadiums & arenas	7941	Sports clubs (franchise sports)	S	S																	S	S	S		S	S	S				S	S		
Stadiums in conjunction with schools	7941	Sports clubs (non-franchise sports)	S	S	S	S	S	S	S	S	S	S	S	S	S					S	S	S	S		S	S	S		S					*
Dog racing, horse racing, race car racing	7948	Racing, including track operation	S	S																				S	S	S								
Recreational facilities provided by the employer of the district for exclusive use of employees, their families & guests	7991	Recreational facilities provided by the employer of the district for exclusive use of employees, their families & guests																			P	P	P	107 P S	P	P	P	P			P	P		*
Health spas, exercising centers, aerobic classes	7991	Physical fitness facilities																	65 S	P	P	P	107 P S	P	P	P	P			P	P		*	
Golf courses	7992	Golf courses	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	107 PS	P	P	P	13 P	S		S	S		*
Arcades, video game	7993	Coin operated amusement centers																			P	P	P		P	P	P	P			P	P		*
Simulated gambling establishments		Simulated gambling establishments																								22 P	22 P							
Amusement parks	7996	Amusement parks																		S	P	P		P	P	P								
Indoor clubs, bowling clubs, private indoor clubs, bridge clubs, indoor recreational uses	7997	Membership Sports & Recreation Clubs (Indoor uses)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	107 PS	P	P	P				P	P		*	
Indoor gun ranges, shooting galleries and ranges	7997	Membership Sports & Recreation Clubs (Indoor uses)	S	S																	P	P	P	P	P	P	P							
Outdoor clubs, golf and country clubs, private outdoor clubs, tennis clubs, swimming clubs, nonprofit parks and recreation areas, outdoor recreation uses, private recreation areas for a single family development	7997	Membership Sports & Recreation Clubs (Outdoor uses)	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 S	132 P	132 P	107 PS	P	P	P				132 S	132 S	132 S	*
Outdoor gun ranges/private clubs, shooting galleries and ranges	7997	Membership Sports & Recreation Clubs (Outdoor uses)	S	S																				P	P	P							*	
Youth organizations	7997	Youth organizations																														78 S		
Fortune tellers, billiard parlors, bingo parlors, indoor skating rinks, karate instruction	7999	Amusement & Recreation (Indoor Uses)																	108 P	85 P	85 P	85 P	85 P	85 P	85 P	85 P							*	
Golf driving ranges, Golf cart rentals, ski instruction, swimming pools, tennis courts, little league and softball fields, outdoor skating rinks, amusement rides, paintball operations, day camps, rodeos, and go-cart raceway	7999	Amusement & Recreation (Outdoor Uses)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			85 S	85 P	85 P	P	P	P	P	P	S		S	S		*	
Ticket booths (See Sec. 38-1424)		Ticket booths (See Sec. 38-1424)																																
	80	HEALTH SERVICES																	P	P	P	P	107 PS	P	P	P	P						*	
Assisted living facility	805													S						P	P	P		P	P	P								
Ophthalmologists & optometrists, emergency clinics	8011	Offices & clinics of medical doctors																	P	P	P	P	107 P S	P	P	P	P			P	P		*	
Dentists & dental labs	8021	Offices & clinics of dentists																	P	P	P	P	107 P S	P	P	P	P			P	P		*	

Osteopathic physicians	8031	Offices of osteopathic physicians																		P	P	P	P	107 P S	P	P	P	P				P	P		*	
Nursing homes, sanitariums, and convalescent homes	805	Skilled nursing care facilities													S						S	P	P	P		P	P	P				P	P			
Ambulatory surgical facilities	8062	General, medical & surgical																			88 P	P	P	P	P	P	P	P				S	S		*	
Hospitals	8062	Hospitals																					P	P		P	P	P				S	S			
Psychiatric treatment	8063	Psychiatric hospitals																			S	S	S	S	89 P	89 P	89 P	89 P				S	S		*	
Birthing facilities, alcohol and drug treatment, aids treatment, outpatient clinics, birth control centers	8093	Specialty outpatient facilities																			90 S	P	P	P		P	P	P	P			P	P		*	
Pain management clinic																											155 P								*	
	81	LEGAL SERVICES																			P	P	P	P	107 P S	P	P	P	P						*	
Attorneys services & offices	8111	Legal services																			P	P	P	P	107 P S	P	P	P	P			P	P		*	
	82	EDUCATIONAL SERVICES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S									S		S	S			
Private kindergarten, elementary, junior high, middle and high schools, including those with dormitories or boarding facilities	8211	Elementary & middle schools	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	S	S		S	S	S	*
Colleges & universities	8221	College, universities																			S	S	P	P	107 P	P	P	P				S	S	S		
Schools (charter)	8211		S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 138	P 136	P 136	P 136	P 136	P 136	P 136	P 136	P 136	P 136				P 136	P 136	S 136			
Schools (public)	8211	Elementary school, middle school, free-standing 9 th grade center, K-8 school, and high school				S	E	E		C	O	N	D	I	T	I	O	N	S		139				140											
Libraries	8231	Libraries																		S	P	P	P	107 P S	P	P	P	P			P	P		*		
Technical & trade schools, vocational schools, computer software schools, aviation schools (excluding flying instruction)	824	Vocational schools																		91 104 S	P	P	P	107 P S	P	P	P				91 104 S	91 104 S		*		
Auto driving instruction, music and drama schools, vocational counseling, exam preparatory schools, ceramics schools, modeling schools, personal development schools, tutoring	8299	Auto driving instruction																			P	P	P		P	P	P				P	P				
Seminaries	8221	Seminaries																			P	P	P	P	P	P	P	P			P	P				
	83	SOCIAL SERVICES																				P	P	P	P	P	P	P							*	
Marriage counselors, diet counseling, human services, social services, youth counselors	8322	Individual & family services (except adult day care centers)	S	S	S									S	S						P	P	P	P	P	P	P	P	92 P			151 P	151 P		*	
Community centers		Community centers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P								
Juvenile justice rehabilitation schools or facilities	8331	Job training & related services																			S	P	P		P	P	P									

Job counseling, job training, skill training workshops, vocational rehabilitation agencies	8331	Job training & related services																		P	P	P	P	107 P S	P	P	P	P				P	P		*	
Crisis center, Juvenile correction home, training schools for delinquents, drug rehab center and juvenile group homes, childrens homes, alcohol rehab centers, halfway homes for delinquents	8361	Residential Care																			S	S	S			P	P	P							*	
Community correction centers; juvenile correction homes	8361	Community correction centers; juvenile correction homes																				S	S		P	P	P									
Privately run adult correctional facilities and prisons	8744	Facilities Support Management Services																							S	S	S									
	84	MUSEUMS, BOTANICAL, ZOOLOGICAL																				S	S	S												
Museums & art galleries	8412	Museums, art galleries																				P	P	P		P	P	P	P				P	P	*	
Zoos & botanical gardens	8422	Botanical zoological gardens	S	S																		S	S		S	S	S									
	86	MEMBERSHIP ORGANIZATIONS														P						P	P	P									P	P		
Dorms, frats, sorority houses	8641	Civic, social, fraternal associations														S						P	P	P												
Churches, mosques, synagogoues, temples and other religious institutions with or without attendant schools, educational buildings and/or recreational facilities	8661	Religious institutions	32 S P	32 S P	S	S	S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	P	P	P	P	P	P	P	32 S P	S			P	P	S	*
	87	ENGINEERING & MANAGEMENT SERVICES																			P	P	P	P	107 P S	P	P	P	P				P	P	*	
Engineering offices, surveyors	871	Engineering & architectural services																			P	P	P	P	107 P S	P	P	P	P					P	P	*
Architects	8712	Architectural services																			P	P	P	P	107 P S	P	P	P	P				P	P	*	
Accountants offices and tax consultants, bookkeeping	8721	Accounting, auditing, bookkeeping																			P	P	P	P	107 P S	P	P	P	P				P	P	*	
Research services, public relations councils	873	Research & development, testing services																			P	P	P	P	107 P S	P	P	P	P				P	P	*	
Market researchers, manufacturing representatives	8742	Management consulting services																			P	P	P	P	107 P S	P	P	P	P				P	P	*	
Public relations councils	8743	Public relations services																			P	P	P	P	107 P S	P	P	P	P				P	P	*	
Safety consultants	8748	Business consulting																			P	P	P	P	107 P S	P	P	P	P				P	P	*	
	89	SERVICES, not elsewhere classified																			P	P	P	P					P				P	P	*	
Authors, composers, geologists, actuaries, planners	8999	Services, authors & composers																			93 P	P	P	P					93 P				P	P	*	
		PUBLIC ADMINISTRATION																																		

	91	EXECUTIVE, LEGISLATIVE																	P	P	P	P	107 P S	P	P	P	13 S P			P	P		*
Orange County governmental facilities and uses. See section 38-5		Orange County governmental facilities and uses. See section 38-5																															
Government offices	911	Executive offices																	P	P	P	P	107 P S	P	P	P	13 S P			P	P		*
	92	JUSTICE, PUBLIC ORDER & SAFETY																	P	P	P	P	107 P S	P	P	P							*
Courthouses	921	Courts																	P	P	P	P	107 P S	P	P	P				P	P		*
Highway patrols, sheriffs offices, police depts.	9221	Public order and safety	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	107 PS	P	P	P	13 SP			P	P	P	*
Jails, correctional institutions	9223	Correctional institutions																				100 S			100 P	100 P							*
Fire stations	9224	Fire protection	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	107 PS	P	P	P	13 P	P		P	P	P	*
Public finance & taxation offices	93	PUBLIC FINANCE, TAXATION & MONETARY POLICY																	P	P	P	P	107 P S	P	P	P	P	S		P	P		*
Public health, education, social human resource offices	94	ADMINISTRATION OF HUMAN RESOURCE PROGRAMS																	P	P	P	P	107 P S	P	P	P	P	S		P	P		*
Environmental, housing, urban planning, & land management offices	95	ADMINISTRATION OF ENVIRONMENTAL QUALITY & HOUSING PROGRAMS																	P	P	P	P	107 P S	P	P	P	P	S		P	P		*
Housing authorities	9531	Administration of housing programs																	P	P	P	P	107 P S	P	P	P	P	S		P	P		*
Economic development commissions, transportation programs, public utilities & agricultural programs	96	ADMINISTRATION OF ECONOMIC PROGRAMS																	P	P	P	P	107 P S	P	P	P	P	S		P	P		*
	97	NATIONAL SECURITY	S	S																													
Uses of national defense	971	National security	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	94 S	107 94 S	94 S	94 S	94 S	94 S	94 S		94 S	94 S	94 S	*

P = Permitted use
S = Special exception required
* = Conditions apply

(Ord. No. 95-16, § 2, 6-27-95; Ord. No. 95-33, § 3, 10-10-95; Ord. No. 96-31, § 3, 10-8-96; Ord. No. 97-03, § 16, 2-25-97; Ord. No. 97-05, § 3, 4-29-97; Ord. No. 97-11, § 2, 6-23-97; Ord. No. 98-37, § 5, 12-15-98; Ord. No. 99-17, § 3, 9-21-99; Ord. No. 2000-08, § 4, 4-11-00; Ord. No. 2000-21, § 2, 8-29-00; Ord. No. 2004-01, § 5, 2-10-04; Ord. No. ~~2004-17~~, § 1, 11-9-04; Ord. No. ~~2007-01~~, § 13, 3-20-07; Ord. No. ~~2008-06~~, § 9(App. A), 5-13-08; Ord. No. ~~2011-12~~, § 2(b)(App. A), 10-18-11; Ord. No. ~~2011-13~~, § 5(App. A), 10-18-11; Ord. No. ~~2012-11~~, § 2, 6-5-12; Ord. No. ~~2013-16~~, § 1(a), 7-2-13; Ord. No. ~~2014-16~~, § 2, 6-24-14; Ord. No. ~~2015-03~~, § 2, 1-27-15; Ord. No. ~~2015-12~~, §2, 6-30-15; Ord. No. ~~2016-19~~, § 7(App. A), 9-13-16; Ord. No. ~~2017-06~~, § 3(App. A), 4-25-17; Ord. No. ~~2017-21~~, § 4, 11-14-17; ~~Ord. No. 2019-15~~, § 2(Exh. A), 10-22-19; Ord. No. ~~2021-06~~, § 1(a)(App. A), 2-9-21; ~~Ord. No. 2021-34~~, § 1(a)(App. A), 8-10-21)

DIVISION 1. - GENERALLY

Sec. 38-1201. - Intent and purpose of district.

The intent and purposes of the P-D planned development district are as follows:

- (1) To provide for planned residential communities, containing a variety of residential structures and diversity of building arrangements, with complementary and compatible commercial or industrial uses or both; planned commercial centers with complementary and compatible residential or industrial uses or both; planned tourist commercial centers with complementary and compatible uses which may include tourist attractions, theme parks, residential and light storage; or planned industrial parks with complementary and compatible residential or commercial uses or both; and public and quasipublic facilities developed in accordance with an approved development plan.
- (2) To allow diversification of uses, structures, and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
- (3) To reduce improvement and energy costs through a more efficient use of land design and smaller networks of utilities and streets than is possible through application of other zoning districts and subdivision requirements.
- (4) To ensure that development will occur according to limitations of use, design, density, coverage and phasing stipulated on an approved development plan.
- (5) To preserve the natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas.
- (6) To encourage an increase in the amount and use of open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional zoning districts.
- (7) To provide maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size, shape and location.
- (8) The P-D district is a flexible zoning district which is intended to provide an appropriate balance between the intensity of development and the ability to provide adequate capacity within the support services and facilities.

(P & Z Res., art. XXIX, § 1)

Sec. 38-1202. - Uses permitted.

The following uses shall be permitted in the planned development district if designated on an approved development plan:

- (1) *Planned residential communities.* Complementary and compatible commercial and industrial uses may be included if they are compatibly and harmoniously designed into the total residential community within a planned development district.
- (2) *Planned commercial centers.* Complementary and compatible residential and industrial uses may be included if they are compatibly and harmoniously designed into the total commercial center within a planned development district.
- (3) *Planned tourist commercial, tourist attractions or theme parks.* Complementary and compatible residential uses may be included, provided that their design within the planned development district will produce a reasonable living environment.

- (4) *Planned industrial parks.* Complementary and compatible residential and commercial uses may be included if proper to the total industrial park within a planned development district.
- (5) *Other uses.* Any other private, public or semipublic use complementary to, and compatible with, planned residential, commercial, tourist commercial or industrial developments (including sewer and water utility plants) may be included. An incinerator facility as defined in the incinerator management ordinance, Orange County Code chapter 15, article XIV, may be included provided the P-D approval contains a condition stating that prior to construction of an incinerator facility the incinerator facility shall first receive a special exception through the exception process as set forth in Orange County Code chapter 30, article II and is otherwise consistent with the requirements of the incinerator management ordinance.

(Ord. No. 92-41, § 47, 12-22-92)

- (6) *Big box developments (defined in section 38-1, Orange County Code.)* Complementary and compatible residential, office, and industrial uses may be incorporated if they are compatibly designed into the total big box development within a planned development.

(Ord. No. 2007-01, § 15, 3-20-07)

(P & Z Res., art. XXIX, § 2)

Sec. 38-1203. - Approval procedure.

The procedure for obtaining approval of a planned development shall be as follows:

- (1) *Preapplication conference.* The applicant shall submit four (4) copies of the concept plan to the zoning director at least ten (10) working days prior to a preapplication conference which shall be scheduled by the applicant with the planning director, zoning director and county engineer or their designees. The purpose of this meeting will be to acquaint the staff with the proposed project and to provide the prospective applicant with preliminary review comments to identify major concerns or the need for additional support data. Within five (5) working days following the meeting, the zoning director shall send a letter to the prospective applicant/consultants summarizing the major points of the meeting. The concept plan shall not be binding.
- (2) *Land use plan* (previously preliminary development plan). The applicant shall submit to the planning department, after payment of application fees to the zoning department, fourteen (14) copies of the land use plan and support data. The planning department shall schedule the project for review by the development review committee (DRC). The planning and zoning directors shall determine if review of the project is necessary by other advisory boards other than the planning and zoning commission. The zoning director shall schedule the project for the next regular meeting of the planning and zoning commission for a review hearing.
 - a. The DRC shall review the proposed land use plan, and issue a written recommendation to the planning and zoning commission. A copy of the DRC recommendation shall be sent to the applicant at least five (5) days prior to the planning and zoning commission public hearing. (The DRC must complete their review at least twenty-one (21) days prior to the date of the planning and zoning commission public hearing in order to be placed on the agenda.)
 - b. Upon receipt of the DRC's written recommendation, the planning and zoning commission shall hold a public hearing to review the application and shall submit its recommendation (which may include conditions of approval) to the county commission for its official action. Public notice to consider the land use plan shall

include a generalized list of the proposed land uses and shall indicate that the board of county commissioners will hold a public hearing to consider the project. The public hearing before the board of county commissioners shall be held at least ten (10) days after the planning and zoning commission hearing.

- c. In addition to complying with all approval procedures contained in this section 38-1203, a big box development shall comply with all the standards and requirements outlined or referenced in section 38-79(153). Any big box development applicant seeking a waiver from any such standard or requirement shall, concurrently with and as a part of the land use plan submittal, include such waiver request, stating and explaining, in detail, the exceptional circumstances which the applicant believes justify a waiver. Orange County shall review such request, and may either deny or grant the waiver. Furthermore, before any public hearing is held regarding a big box development land use plan, a community meeting shall be held with public notice issued to the owners of record of properties located within a two thousand-foot radius of the proposed development site. In establishing the limits of public notification, all addresses within an entire neighborhood, any part of which falls within the two thousand-foot notification radius, shall be noticed. In addition, the applicant shall be responsible for prominently and conspicuously posting notice of the community meeting directly on the property.
- (3) *Development plan* (previously final development plan). The applicant shall submit to the planning department, after payment of the application fee to the zoning department, fourteen (14) copies of the development plan and support materials.
- a. The development plan may cover all or a portion of the approved land use plan. The planning department shall review the plans to determine if all appropriate data and information has been properly provided.
 - b. The development plan shall be reviewed by the DRC in order to determine that:
 - 1. It substantially complies with the land use plan;
 - 2. The phase of development can exist as a stable independent unit; and
 - 3. Existing or proposed utility services and transportation systems are adequate for the uses proposed.
 - c. The DRC shall review the development plan and shall evaluate it for consistency with the land use plan and all applicable ordinances, regulations and policies. The DRC shall either approve the development plan (which may include technical conditions consistent with applicable county ordinances, regulations and policies) or deny the development plan based upon specific findings which shall be stated.
 - d. The decision of the DRC may be appealed to the board of county commissioners by an aggrieved party. Any party choosing to appeal the DRC decision shall file a notice of appeal within fifteen (15) days of the rendition of the DRC decision. If the developer or applicant proposes to create a subdivision, a preliminary subdivision plan should be processed concurrently with the development plan and shall be subject to approval by the board of county commissioners. The DRC decision shall be rendered within ten (10) working days of the final DRC meeting date.
 - e. In addition to complying with all approval procedures contained in this section 38-1203, a big box development plan shall comply with the land use plan and with all the standards and requirements outlined or referenced in section 38-79(153), except that any PD approved for commercial uses prior to April 3, 2006, shall not be subject to the two hundred-foot buffer requirement adjacent to single-family residentially-zoned property only to the extent that it can be demonstrated that the property is physically constrained from meeting that requirement. Any big box development applicant seeking a waiver from any standard or requirement governing big box development shall, concurrently with and as a part of the development plan submittal, include such waiver request, stating and explaining, in detail, the exceptional circumstances which

the applicant believes justify the waiver. Such a request shall be deemed a substantial change to the land use plan, and shall require a public hearing before the board of county commissioners. The board may approve or deny the waiver request.

(P & Z Res., art. XXIX, § 3; Ord. No. 98-37, § 16, 12-15-98; Ord. No. 2007-01, § 16, 3-20-07)

Sec. 38-1204. - Concept plan requirements.

- (a) The concept plan shall consist of a generalized sketch which is drawn to scale (the proportion and locations of land uses may be generalized), and which shows or addresses (with supporting information) the following items and matters:
- (1) Boundary of the subject property, identified by a heavy line.
 - (2) Major natural features such as lakes, streams and conservation areas.
 - (3) Existing or proposed streets abutting the project and other major streets and intersections within five hundred (500) feet of access points to the subject property.
 - (4) Generalized location map and legal description, including acreage.
 - (5) Proposed land use types and their locations (land use or building bubbles are acceptable).
 - (6) Gross densities.
 - (7) Approximate minimum lot size.
 - (8) Approximate number of units.
 - (9) Approximate floor area for commercial or industrial.
 - (10) Adjacent zoning.
 - (11) Anticipated internal major road network.
 - (12) Anticipated maximum building height.
 - (13) Anticipated phasing plan.
 - (14) Proposed method of providing:
 - a. Water service (including fire protection).
 - b. Sewage disposal.
 - c. Stormwater management.
 - d. Parks/recreation facilities.
 - e. Schools.
- (b) The plan shall include all information known by the applicant at the time of submission. Review of the plan shall be based on the data submitted.

(P & Z Res., art. XXIX, § 4)

Sec. 38-1205. - Land use plan requirements.

The land use plan, consisting of properly identified exhibits and support materials, shall clearly indicate the following:

- (1) The project name, legal description, total acreage and location map.
- (2) Existing topography at one-foot contours based on the county datum (or as approved by the county engineer) and other natural features including lakes, watercourses and conservation area. On-site soil (based on the soil conservation service classification system), flood hazard areas and generalized vegetation. All plans shall be

drawn to scale, not to exceed one (1) inch equals two hundred (200) feet, unless otherwise permitted.

- (3) Existing and proposed land uses, with each phase of the total development identified.
 - a. *Residential*. Maximum gross density, total number of units, type of unit where feasible or necessary, minimum net lot size, minimum net living floor area, building height, open space and recreation area.
 - b. *Commercial*. Types of uses, gross floor area, floor area ratio, building height, setbacks and open space.
 - c. *Industrial*. Types of uses, gross floor area, floor area ratio, building height, setbacks, open space and buffers.
- (4) The phasing of development and the manner in which each phase of development can exist as an independent stable unit.
- (5) The location of collector and arterial streets and highways proposed in the development, right-of-way widths, the location of access points to abutting streets and highways, and projected traffic generation based on established standards. (A traffic study may be required.)
- (6) Identification of existing major street setbacks and planned right-of-way lines as required by article XV of this chapter.
- (7) Proposed method of providing the following services:
 - a. Water service (including fire flows), plus gallons-per-day requirement.
 - b. Sewage disposal, plus gallons per day generated.
 - c. Stormwater management concept.
 - d. School age population.
 - e. Parks/recreation facilities.
- (8) Waivers from the subdivision regulations or the site development standards of the P-D district shall be indicated on the land use plan or submitted in writing.
- (9) The proposed location(s) and height(s) of communication towers.

(P & Z Res., art. XXIX, § 5; Ord. No. 96-10, § 1, 4-30-96)

Sec. 38-1206. - Development plan.

The development plan for the entire project or any phase, consisting of fourteen (14) copies of properly identified exhibits and support materials, shall include the following:

- (1) Project name (indicate if different than approved land use plan).
- (2) Legal description and the gross acreage of the proposed development, including and identifying land and water bodies.
- (3) A location map identifying the relationship of the development plan to the approved land use plan.
- (4) Preliminary subdivision plan if the applicant proposes to subdivide the project.
- (5) Waivers from the subdivision regulations or site development standards of the P-D district shall be indicated on the development plan or submitted in writing.
- (6) The development plan, drawn at an appropriate scale (one (1) inch equals one hundred (100) feet) with all dimensions provided, shall identify:
 - a. Certified topography drawn at one-foot contours using county datum and showing natural features.
 - b. Existing street intersections or rights-of-way within five hundred (500) feet of access points.
 - c. Surface improvements of primary streets serving the project.

- d. Proposed uses.
 - e. Number of dwelling units, density, minimum square footage of living area, minimum net lot area.
 - f. Total square footage of commercial, industrial or office space and floor area ratio.
 - g. Maximum building height (stories and feet).
 - h. Maximum building coverage.
 - i. Acreage, types and percent of open space and recreation area.
 - j. Pedestrian/bike path facilities.
 - k. Stormwater management plan, including direction of surface drainage flow.
 - l. On-site soils based upon the soil conservation service classification system (if muck soils exist, their depth and extent must be identified).
 - m. On-site vegetation.
 - n. Method of providing support utilities including water, sewer, fire flows and refuse storage areas.
 - o. Existing or proposed easements.
 - p. Parking spaces and location, in accordance with article XI.
 - q. Exterior lighting.
 - r. Signing and pavement marking plans with details of installation consistent with traffic engineering division specifications.
- (7) Recreation area plan.
 - (8) Landscape, tree planting and screening concept plan.
 - (9) Design elevations or renderings of structures.
 - (10) Sign plan, including scaled plans of proposed signs.
 - (11) Preliminary engineering plans for the provisions of road, water, sewer and stormwater management for the proposed phase and its relationship to the master stormwater concept.
 - (12) Proposed covenants, conditions, restrictions, agreements and grants which govern the use, maintenance and continued protection of building structures, drainage systems and landscaping within the planned development.
 - (13) Areas to be conveyed or dedicated and improved for roadways, parks, parkways, playgrounds, school sites, utilities, public buildings and other similar public and public service uses. Improvement bonds for facilities to be owned and maintained by the county and not completed, shall be posted before the issuance of building permits.
 - (14) Identification of owners, developers and the consultants involved in the development plan.

(P & Z Res., art. XXIX, § 6; Ord. No. 2020-30, § 7G, 10-13-20)

Sec. 38-1207. - Alterations to the land use plan and development plans.

- (a) Alterations to the approved land use plan or development plan shall be classified as either substantial or nonsubstantial amendments. The following criteria shall be used to identify a substantial amendment:
 - (1) A change which would include a land use not previously permitted under the approved P-D zoning.
 - (2) A change which would alter a land use type adjacent to a property boundary, except when it is (i) a reduction in the density or (ii) a reduction of intensity of approved residential development, unless the reduction locates the residential use adjacent to an incompatible land use.

(Ord. No. 95-28, § 1, 9-12-95)

- (3) A change which would require an amendment to the board of county commissioners' conditions of approval.
- (4) A change which would increase the land use intensity within any development phase without a corresponding decrease in some other portion of the overall P-D.
- (5) An amendment to the phasing which would propose a land use in advance of the development it was designed to support.
- (6) Any proposed change in the type, location or size (except reduction in the number of units) of a multi-family land use or student housing land use in the PD.
- (b) The determination of a substantial or nonsubstantial alteration shall be made jointly by the planning and zoning managers. Either or both managers may opt to direct that the determination be made instead by the Development Review Committee (DRC).
- (c) Where the developer proposes to reduce the number of units or floor area in one (1) phase of the project, a corresponding increase in the number of units of floor area in another phase may be considered, if other conditions of approval are not adversely affected, nor any other change is proposed which would be considered a substantial change as described above.
- (d) Alterations to the land use plan determined to be substantial must submit plans and support data (following the land use plan requirements) for review by the DRC and then a public hearing for final action by the board of county commissioners.
- (e) All nonsubstantial alterations must be submitted (including plans and support data) and approved jointly by the planning director, zoning director and county engineer, and confirmed by the board of county commissioners.
- (f) When partial amendments are requested to the land use plan, the overall project shall be evaluated in conjunction with the proposed amendment, to determine its compatibility with the remaining portion of the P-D. Amendments which the development review committee considers to be incompatible or conflict with the proposed plans or conditions of approval, will be required to update the land use plan or may be subject to an administrative rezoning public hearing.

(P & Z Res., art. XXIX, § 7; Ord. No. 94-4, § 4, 2-8-94)

Sec. 38-1208. - Control of development following approval.

- (a) Upon the approval of the development plan or any phase thereof, the use of land and the construction or modification of any buildings or structures within the P-D shall be in accordance with the development plan. However, all other county codes, ordinances, policies and resolutions shall apply.
- (b) The zoning director shall be responsible for certifying that all aspects of the P-D, including conditions of approval (applicable to the subject portion of the project) have been satisfactorily completed prior to the issuance of a certificate of completion for the project or phase.
- (c) After certification no changes may be made in the approved development plan except under the procedures provided below:
 - (1) Any structural extension, alteration or modification of existing building structures which are consistent with the approved development plan may be authorized by the zoning director.
 - (2) A building or structure that is seventy-five (75) percent or more destroyed may be reconstructed only in compliance with the development plan unless an amendment to the development plan is approved under the provisions of this article.

(P & Z Res., art. XXIX, § 8; Ord. No. 2008-06, § 15, 5-13-08)

Sec. 38-1209. - Other requirements.

- (a) Off-site improvements may be required in conjunction with the land use plan approval in order to offset the impacts created by the proposed development. All projects shall be required to provide an adequate level of facilities and services to accommodate the project as proposed in the development plan.
- (b) At the time of development, the P-D or any phase proposed for development shall comply with all regulations and ordinances in force at the time of engineering plan approval.
- (c) Those projects which the board of county commissioners considers to be inconsistent with the provisions of this article may be required to update the land use plan or may be subject to an administrative rezoning public hearing.

(P & Z Res., art. XXIX, § 9)

Secs. 38-1210—38-1225. - Reserved.

DIVISION 2. - GENERAL SITE DEVELOPMENT STANDARDS

Sec. 38-1226. - Purpose.

Site development standards are established for planned development to insure adequate levels of light, air and density, to maintain and promote functional compatibility of uses, to promote the safe and efficient circulation of pedestrian and vehicular traffic, to provide for orderly phasing of development, and to otherwise protect the public health, safety and general welfare.

(P & Z Res., art. XXIX, § 10(a)(1))

Sec. 38-1227. - Waivers.

- (a) 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 waivers must be specified in conjunction with the land use plan, otherwise all standards shall apply. Waiver requests shall be identified in the public hearing notice.
- (b) 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.

(P & Z Res., art. XXIX, § 10(a)(2); Ord. No. 2016-19, § 26, 9-13-16)

Editor's note— Ord. No. 2016-19, § 26, adopted Sept. 13, 2016, amended § 38-1227 and in so doing changed the title of said section from "Variances" to "Waivers," as set out herein.

Sec. 38-1228. - Natural features/project design.

- (a) The natural topography, soils and vegetation should be preserved and utilized, where possible, through the careful location and design of circulation ways, buildings and structures, parking areas, recreation areas, open space, and drainage facilities. Designation and use of conservation areas must be consistent with the adopted growth management policy.
- (b) The proposed location and arrangement of structures should not be detrimental to the existing or committed adjacent land uses or to the existing or committed development of the neighborhood. Building setbacks from the

normal high water elevation of all natural water bodies shall be a minimum of fifty (50) feet. Established minimum floor elevations shall be observed. The major street setback requirements which are governed by article XV of this chapter shall apply. Lighting, access point, or activities resulting in high noise levels which adversely affect abutting property shall be prohibited.

(P & Z Res., art. XXIX, § 10(a)(3))

Editor's note— Ord. No. 95-31, § 2, adopted September 26, 1995, set out the following provisions: "Any references in Chapter 38 of the Orange County Code to noise level requirements . . . are hereby repealed."

Sec. 38-1229. - Street facilities.

- (a) All streets, including pedestrian and bicycle facilities, that are or will become part of public rights-of-way, shall meet all applicable standards of chapter 34 and section 21-176, including accessibility requirements of the most recent edition of Florida Department of Transportation Americans with Disabilities Act Standards for Transportation Facilities.
- (b) All streets shall meet minimum county standards with appropriate design for vehicle, pedestrian, and bicycle safety and efficient circulation within the development and connections to roadways and bus stops adjacent to the development. Roadway connections shall be in compliance with all requirements of the Americans with Disabilities Act and corresponding standards.
- (c) Provisions should be made for the continuation of all functionally-classified roadways where applicable. Collector streets shall provide a direct connection from local streets to arterial roadways and shall be designed and located such that future development will not require their conversion to arterial roadways.
- (d) Local streets shall provide access to each parcel of land within the planned development in a manner that will provide convenient vehicle, pedestrian, and bicycle access to parking areas serving each group of units. Local streets shall be designed and located so that future urban development will not require their conversion to functionally-classified roadways. Arterial and major collector streets shall be free of backing movement from adjoining parking areas.
- (e) Private streets may be permitted subject to guarantees for adequate maintenance as required by chapter 34.
- (f) Street facilities shall meet all access management requirements of section 30-248.
- (g) Streets, driveways, and shared use path/trail crossings shall provide appropriate horizontal and/or vertical sight distances in accordance with the latest edition of the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook).

(P & Z Res., art. XXIX, § 10(a)(4); Ord. No. 2020-30, § 7H, 10-13-20)

Sec. 38-1230. - Parking facilities.

- (a) Vehicle and bicycle parking and loading facilities shall meet the minimum requirements set forth in article XI of this chapter. Vehicle parking areas shall be located within one hundred fifty (150) feet of the uses they serve. Parking areas shall be paved and designed with regard to pedestrian safety requirements of section 30-250. Parking areas should be surfaced with a hard, dustless material, properly drained, and designed with regard to pedestrian safety and, where appropriate, with regard to conservation and filtration of surface water into the aquifer. Alternative parking surfaces may be permitted where frequency of use is appropriate for the proposed surface, but shall meet accessibility requirements.
- (b) Vehicular and pedestrian passageways shall be separated on public rights-of-way and within parking facilities and

shall meet all accessibility requirements of applicable federal and state standards. A system of pedestrian and bicycle facilities connecting buildings, common open spaces, recreation areas, community facilities and parking areas, and transit stops shall be provided and adequately lighted for nighttime use. Within the alternative mobility area or an urban area transportation impact fee district, whichever one is applicable and governs, pedestrian and bicycle access between adjacent commercial, multifamily, and office uses will be required to promote accessibility. On parcels more than six hundred sixty (660) feet deep, vehicular connections between adjacent commercial and office projects are required, whenever practicable.

- (c) The entrances to parking areas should be easily accessible and identifiable from public streets and should not interfere with vehicular, pedestrian, and bicycle traffic movement on adjoining streets or driveways.
- (d) All parking areas should be designed and landscaped to be visually and functionally integrated with other land uses. A minimum of three (3) percent of all commercial, office, or industrial parking areas should be landscaped.

(P & Z Res., art. XXIX, § 10(a)(5); Ord. No. 2013-08, § 10, 3-26-13; Ord. No. 2020-30, § 7I, 10-13-20)

Sec. 38-1231. - Stormwater management.

The design and construction of stormwater management systems shall be in accordance with the subdivision regulations and applicable codes, ordinances, resolutions, rules and regulations.

(P & Z Res., art. XXIX, § 10(a)(6))

Sec. 38-1232. - Utilities systems.

Central water systems, sewerage systems, utility lines, and easements shall be provided in accordance with the appropriate sections of the subdivision regulations and applicable codes, ordinances, resolutions, rules and regulations.

(P & Z Res., art. XXIX, § 10(a)(7))

Sec. 38-1233. - Landscaping.

Landscaping consisting of trees, shrubs, vines, ground cover or any combination thereof shall be installed. Irrigation facilities shall be installed in all landscaped common areas. Special attention should be given to the type and location of trees in order to provide for relief from the exposure of the sun on both buildings and paved areas. Attention shall also be given to the location and type of planting in and around parking areas, around refuse storage areas and in building setback and separation areas to achieve proper screening of these areas from occupied buildings and exterior roadways. Development plans shall comply with chapter 24, article II (pertaining to landscaping of paved surface areas).

(P & Z Res., art. XXIX, § 10(a)(8))

Sec. 38-1234. - Open space.

Open space areas shall be provided within all planned developments in order to enhance the living and working environment.

- (1) Open space areas are defined as areas serving any one of the following four (4) basic functions:
 - a. *Shapes urban patterns.* Areas which define and delineate urban concentration on a large scale. They can be used to separate or consolidate development and prevent development in undesirable locations.
 - b. *Production.* Lands which are utilized for the production of products which contribute to the county's economy. This includes croplands (vegetable and citrus), pasture, commercial forests and plant nurseries.

- c. *Recreation*. Lands which support a specified recreation pursuit, whether it is an active or passive form of recreation.
 - d. *Conservation*. Areas with unique natural qualities or physical benefits which need protection or preservation from man-built developments.
- (2) All planned developments shall provide open space in the form of greenbelts and buffer zones at a ratio of two (2) percent of the gross land area.
- (3) Open space shall be provided within the planned development based on the following ratios:
- a. Residential:
 - 1. Single-family, (excluding lot area)10%
 - 2. Multifamily25%
 - b. Office20%
 - c. Commercial20%
 - d. Tourist-commercial25%
 - e. Industrial15%
 - f. Big box development:
 - 1. One (1) story and two hundred thousand (200,000) square feet or greater30%
 - 2. One (1) story and less than two hundred thousand (200,000) square feet25%
 - 3. Two (2) stories, provided that the second story is forty (40) percent or more of the gross floor area that is open to customers20%
 - 4. Two (2) stories with multi-level structured parking, provided that the second story is forty (40) percent or more of the gross floor area that is open to customers15%
- (4) Open space in the form of greenbelts or buffers provided within the legal description portion of the proposed phase or project may be included to meet the minimum open space criteria. Excess open space committed in prior phases adjacent to a proposed development phase may be considered to meet up to seventy-five (75) percent of the open space criteria.
- (5) Category A open space. All of the uses listed below shall count one hundred (100) percent towards meeting the total open space required:
- a. Buffer zones and greenbelts.
 - b. Recreational areas (active and passive).
 - c. Landscaped areas.
 - d. All other permanently undeveloped uplands.
- (6) Category B open space. All of the uses listed below may be credited towards meeting the minimum open space requirements if the performance standards are met but shall not account for more than fifty (50) percent of the total open space required.
- a. Wet-bottom stormwater management ponds that meet the following requirements:
 - 1. Minimum of 1.0 acre.
 - 2. 5:1 side slopes.
 - 3. Sodded or an equivalent ground cover.
 - 4. Unfenced.

5. Curvilinear in shape rather than angular.
 6. Landscaped in accordance with the following criteria:
 - i. 1.0—2.5 acres: At least ten (10) percent of the land above the design high water level excluding maintenance berms shall be landscaped with at least fifty (50) percent of the required area landscaped with plant materials other than ground cover (the use of native plant species is encouraged); or a littoral zone band of at least five (5) feet in width for at least fifty (50) percent of the shoreline established with native aquatic or semiaquatic plant species;
 - ii. 2.5—5.0 acres: At least five (5) percent of the land above the design high water level excluding maintenance berms shall be landscaped with at least fifty (50) percent of the required area landscaped with plant materials other than ground cover (the use of native plant species is encouraged); or a littoral zone band of at least five (5) feet in width for at least thirty-five (35) percent of the shoreline established with native aquatic or semiaquatic plant species;
 - iii. More than 5.0 acres: A littoral zone band of at least five (5) feet in width for at least twenty (20) percent of the shoreline established with native aquatic or semiaquatic plant species.
 7. Access provided for all residents/employees of the P-D.
 8. One hundred (100) feet minimum width.
 - b. Dry-bottom stormwater management ponds that meet the following requirements:
 1. Sodded.
 2. Unfenced.
 3. Must be dry within seventy-two (72) hours after a twenty-five-year storm event.
 4. A skimmer must be provided to minimize the accumulation of trash and pollutants.
 5. At least five (5) percent of the area above the peak stage elevation must be landscaped with at least fifty (50) percent of the required area landscaped with plant materials other than ground cover (the use of native plant species is encouraged).
 - c. Easements that meet the following requirements:
 1. Minimum twenty-five (25) feet wide.
 2. Accessible for public use.
 3. Written verification from the easement holder authorizing unrestricted access.
 - d. Plazas/hardscapes that meet the following requirements:
 1. Twenty (20) percent landscaped.
 2. Seating areas.
 3. Thirty (30) percent pedestrian accessible (excluding sidewalks) for area remaining after landscaping and water features/sculptures.
 - e. Natural lakes that meet the following requirements:
 1. Only lakes which are totally within the legal description of the land use plan shall be credited towards open space.
 2. Must be accessible to all residents/employees.
 3. Common access to natural lakes shall be at least equal to the minimum lot size established by the land use plan or one-half acre, whichever is greater.
- (7) Category C open space. Areas within a project, phase, or tract, which are classified as conservation areas

(including mitigation areas), pursuant to chapter 15, article X (the conservation ordinance), shall be identified at the time of development plan submission. Conservation areas shall qualify as open space. However, to insure that conservation areas or mitigation areas which comprise a high percentage of a project or tract do not constitute the only open space for the project, the amount of open space credit shall be limited to no more than fifty (50) percent of the total open space required.

- (8) Open space categories "B" and "C" cannot count more than seventy-five (75) percent of the total open space required for the project, phase or tract.
- (9) Big box development open space. All of the uses listed below may be credited towards meeting the minimum open space requirements if the performance standards are met, but shall not account for more than fifty (50) percent of the total open space required:
 - a. All retention ponds, fenced or nonfenced, which are meant to fulfill a portion of the open space requirements shall be designed as a project landscaping amenity. As such, they shall have curvilinear water edges which incorporate substantial curve off-sets along the water perimeter. Furthermore, all ponds shall incorporate a continuous row of drought-tolerant shrubs and understory trees along their top edge. Understory trees shall be planted at a rate of one (1) per twenty-five (25) feet of perimeter edge. Clustering of understory trees is acceptable.
 1. Nonfenced ponds may fulfill up to fifty (50) percent of the project's open space requirement, provided they meet the curvilinear requirements above.
 2. Decoratively-fenced ponds may fulfill up to fifty (50) percent of the project's open space requirements. However, the decorative fencing shall be constructed with black wrought iron-styled post and railing system, and shall incorporate landscaping along the exterior of the fencing. The post and railing system, while including a gated access system for pond maintenance purposes, shall incorporate masonry columns, minimum twenty-four (24) inches in diameter, space at a maximum of fifty (50) feet on-center. The columns shall incorporate a decorative cap feature, and the surface (or veneer) and trim of the columns shall replicate those of the principal structure. Furthermore, the decoratively-fenced ponds shall incorporate the required shrubs and understory trees mentioned above along the exterior base of the fence.
 3. Ponds which are fenced with chain link, or with any other system which fails to meet the decorative fence description above, shall not fulfill any of the required project open space.

(P & Z Res., art. XXIX, § 10(a)(9); Ord. No. 2007-01, §§ 17, 18, 3-20-07)

Sec. 38-1235. - Planned development guidelines.

The following planned development guidelines shall serve as site development standards for planned developments unless specifically waived by the planning and zoning commission. They are intended to complement applicable provisions of chapter 34 (pertaining to subdivisions).

(a) *Natural features:*

- (1) The natural topography, soils, natural vegetation, and surface water should be preserved and utilized through the careful location and design of circulation ways, buildings and structures, parking areas, recreation areas, open space, and drainage facilities.
- (2) Buildings and recreation areas should be situated to take advantage of natural air flow, sun angle, and views.

(b) *Pedestrian accommodations:* Pedestrian accommodations shall meet all requirements of section 30-250.

(c) *Utilities:*

- (1) All utilities should be supplied through underground networks.
- (2) A planned development shall connect to an existing central sewer system which is adequate to serve the anticipated needs of the development, or a private sewer system shall be constructed according to regulations prevailing at the time construction is begun. The sewage treatment and disposal system shall be approved by the county and state health departments.
- (3) Water pipelines shall be of sufficient size and located appropriately to provide adequate fire protection for all structures in the planned development.

- (d) *Residential densities in general.* Residential densities within the urban service area shall be consistent with Future Land Use Element Policy 1.1.11 of the Comprehensive Policy Plan (CPP). Within rural settlements, densities shall comply with Future Land Use Element Policy 2.1.10 of the CPP. Within the rural service area, densities shall comply with Future Land Use Element Policy 2.2.4 of the CPP.

The criteria for establishing the residential density shall include:

- (1) The location of the development in relation to current and anticipated growth patterns in the county.
- (2) The preservation of natural features of the site.
- (3) The provision of landscaped common open space for the leisure and recreational use of residents and/or employees.
- (4) The adequacy of public utilities, services, and facilities to serve the development.

For the purpose of calculating net density, land shall be included only if it is committed to the explicit use of residential buildings or structures or contributes to the amenities of residents of the development such as usable park and open space. Land devoted to nonresidential, nonpublic uses, streets or other public and semipublic uses, other than to usable park and common open space use, shall not be included.

- (e) *Density credits within rural settlements.* For any area designated 1/1 within a rural settlement, an applicant may opt to apply for a density credit subject to the following:
- (1) The developer may offer to dedicate land within Orange County for a specified public purpose, including, but not limited to, parks, schools, fire stations, and utility plants. Acceptance of such offers shall be subject to the discretion of the board of county commissioners.
 - (2) If the offer of dedication is accepted, the developer shall transfer the density from the dedicated property to the development plus a sixty (60) percent credit from the property being dedicated. The allowable density on the property being dedicated shall be the same as the property being developed.
 - (3) The applicant may opt to pay into the Orange County Parks and Recreation Department Parks fund in lieu of dedication of the property. The payment in lieu of dedication shall be equal to the market value of at least five (5) acres of unimproved, developable land in the subdivision. The applicant shall transfer the density for payment plus a sixty (60) percent density credit for the payment in lieu of dedication. The value of the payment in lieu of dedication shall be based upon a valid appraisal of the property as accepted and approved by the county. Such payment in lieu of dedication is subject to approval by the parks and recreation department and the board of county commissioners.

(P & Z Res., art. XXIX, App.; Ord. No. 98-37, § 17, 12-15-98; Ord. No. 2013-08, § 11, 3-26-13; Ord. No. 2020-30, § 7J, 10-13-20)

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

- (a) A communication tower within a planned development shall comply with the standards and performance criteria set forth in section 38-1427 of this Code and the criteria set forth in subsections (b) and (c) below.
- (b) A communication tower may be permitted as part of the land use plan, provided that: (1) the area designated for the communication tower is specifically designated on the land use plan and (2) the communication tower has a distance separation consistent with section 38-1427(d)(2)d. of this Code, pertaining to communication tower separation from off-site uses/designated areas including existing or planned residential or nonresidential properties.
- (c) A communication tower which has not been previously identified as a permitted land use on the land use plan shall be a substantial change pursuant to section 38-1207 of this Code.
- (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.

(Ord. No. 96-10, § 2, 4-30-96; Ord. No. 2016-19, § 27, 9-13-16)

Secs. 38-1237—38-1250. - Reserved.

DIVISION 3. - SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENTS

Sec. 38-1251. - Lot coverage.

- (a) The applicant shall propose, and the planning and zoning commission shall recommend, to the county commission, maximum residential density, type of development, maximum height limitations, minimum lot size and living area. Types of residential construction may be intermixed as long as adopted residential densities are compatible and height limitations are not exceeded.
- (b) The maximum coverage of all buildings shall not exceed thirty (30) percent of the gross land area.
- (c) The criteria for establishing the residential density and height of structures shall include:
 - (1) Compatibility with other zoning districts in the vicinity of subject property and with adopted densities in the county comprehensive policy plan and future land use map.
 - (2) The preservation of natural features and environmental assets of the site.
 - (3) The adequacy of public roads, utilities, public services and facilities required to serve the development.
- (d) The maximum building height for residential development shall be thirty-five (35) feet. Height in excess of thirty-five (35) feet for residential development shall be requested on the land use plan and subject to approval by the board of county commissioners.

(P & Z Res., art. XXIX, § 10(b)(1); Ord. No. 91-29, § 2(Exh. A), 12-10-91; Ord. No. 98-37, § 18, 12-15-98)

Sec. 38-1252. - Open space.

Open space shall be provided per the requirements of section 38-1234.

(P & Z Res., art. XXIX, § 10(b)(2))

Sec. 38-1253. - Recreation facilities.

- (a) Recreation areas in the form of usable land shall be provided to serve the variety of needs for age groups included in

the resident populations of the project.

- (b) Both active and passive recreation areas shall be provided at a ratio of two and five-tenths (2.5) acres per one thousand (1,000) projected population. Population shall be calculated on the basis of three and one-tenth (3.1) persons per single-family unit and two and one-tenth (2.1) per multifamily unit. The following guidelines should be considered in designing these areas:
 - (1) *Active recreation.* Typical facilities would include playgrounds, athletic fields, various types of courts (tennis, basketball, racketball) swimming pools, exercise trails and clubhouses.
 - (2) *Passive recreation.* Typical facilities would include picnic areas, benches, trails and water features.
- (c) All recreation areas should be easily accessible by all residents of the community and include, where appropriate, sidewalk/bike path facilities, as well as parking areas for both autos and bicycles. Attention should be given to screening and buffering light and noise from adjacent residents.
- (d) All land shown on the development plan as common open space, private recreational areas and facilities shall be subject to covenants and restrictions which ensure the payment of future taxes and the maintenance of areas and facilities for a safe, healthful and attractive living environment.

(P & Z Res., art. XXIX, § 10(b)(3))

Sec. 38-1254. - Setbacks.

Setbacks from side and rear property lines shall relate to the design height of the structures. The following guidelines shall be utilized to review projects; however, they may vary depending upon conditions and design considerations:

- (1) All one-story and two-story units should provide a minimum twenty-five-foot setback from all boundaries of the PD. Structures in excess of two (2) stories should increase this setback to reflect the additional structural height.
- (2) Setbacks from street rights-of-way shall meet the following minimum requirements, unless more restrictive requirements are specified in article XV of this chapter.
 - a. Collector street25 feet
 - b. Major collector street35 feet
 - c. Arterial street50 feet
 - d. Expressways75 feet
 - e. All other rights-of-way20 feet

(P & Z Res., art. XXIX, § 10(b)(4); Ord. No. 98-37, § 19, 12-15-98; Ord. No. 2008-06, § 16, 5-13-08)

Sec. 38-1255. - Landscaping.

In addition to the general landscape provisions contained in section 38-1233 and chapter 24 (landscape ordinance), shade trees shall be provided at a rate of two (2) trees per lot or one (1) tree per attached unit. Reductions in the tree planting requirements may be approved for multistory structures in excess of thirty-five (35) feet. These trees should be located in such a manner as to provide relief from the a.m. or p.m. sun exposures.

(P & Z Res., art. XXIX, § 10(b)(5); Ord. No. 91-29, § 2(Exh. A), 12-10-91)

Sec. 38-1256. - Building layout.

The design and layout of residential structures should take into account the exposure of the sun by reducing, to the degree possible, the east and west exposure of buildings.

(P & Z Res., art. XXIX, § 10(b)(6))

Sec. 38-1257. - Notification.

- (a) Subject to subsection (b) below, these notification criteria establish minimum requirements for providing notice to any person who is the first-time purchaser of a lot or single-family home in a PD project where the PD Land Use Plan includes a multi-family land use.

For purposes of these criteria, a "person" is defined to mean any natural person or legal entity other than a residential building contractor licensed in the State of Florida. Additionally, any reference to "lot" herein shall be deemed to mean a platted, single family lot with or without a dwelling unit constructed thereon.

- (1) The party responsible for providing notice is the party who conveys title to the lot/home to the first time purchaser. The notice shall be printed in all capital letters and in bold print and placed immediately above the signature line in the contract for the person contracting to purchase the lot/home. Such notice shall inform the reader that the PD approval includes multi-family land use, and that a copy of the PD Land Use Plan showing the location of the multi-family development is attached to the contract and can be reviewed at the Orange County Planning Division or Zoning Division. The party conveying the lot/home shall be responsible for attaching to the contract as an exhibit a copy of the current PD Land Use Plan for the PD project which clearly identifies the location of both the portion of the PD project where the lot is situated and the portion where the multi-family land use has been approved.
 - (2) The party who prepares the declaration of covenants and restrictions for the entire PD project and for any single-family development located therein shall be responsible for including a provision stating that the PD approval includes multi-family land use.
 - (3) A weather durable sign shall be posted as provided below stating that it is a multi-family site and indicating the total number of multi-family units proposed. Such a sign shall be at least sixteen (16) square feet in size setting forth the copy in capital letters and bold print. The sign shall be posted along the right-of-way frontage within a distance such that the copy is visible and clearly legible from the paved portion of the right-of-way. The sign shall be posted prior to the platting of any single family residential tracts within the PD project. The owner of the multi-family tract shall maintain the sign until the multi-family tract is developed. Another such sign meeting the foregoing criteria shall be posted along any common boundary between a multi-family tract and single family tract in a PD.
 - (4) The up-to-date PD Land Use Plan shall also be conspicuously displayed at the sales center, if any.
- (b) The notice requirements of subsection (a) above apply only with respect to the following:
- (1) PD projects approved by Orange County after April 11, 2000; and
 - (2) All platted single-family lots where a change determination or Land Use Plan amendment for multi-family use is approved for a PD project after April 11, 2000.
- (c) Substantial compliance with the notice requirements contained in subsection (a) above shall be deemed acceptable.
- (d) Orange County is not responsible or liable to any person for ensuring that parties responsible for satisfying these notice criteria substantially comply with these notice criteria.

(Ord. No. 2000-08, § 8, 4-11-00)

Sec. 38-1258. - Multi-family development compatibility.

A multi-family development in a PD shall satisfy the following criteria, except that, in the event of a conflict in height requirements between this section and any other section in chapter 38, such other section shall control:

- (a) Multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development to the nearest property line of the single-family zoned property, shall be restricted to single story in height.
- (b) Multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
- (c) Multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height, except as provided in (d) below.
- (d) Multi-family buildings in excess of three (3) stories or forty (40) feet in height may be permitted, subject to approval by the board of county commissioners ("BCC"). The application for these buildings shall include justification for the requested height. A compatibility plan may be required to include greater setbacks and increased buffers from adjacent properties.
- (e) Parking and other paved areas for multi-family development shall be located at least twenty-five (25) feet from any single-family zoned property. A twenty-five (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in chapter 24 of the Orange County Code.
- (f) A six-foot high masonry, brick, or block wall shall be constructed, wherever a multi-family development is located adjacent to single-family zoned property. The wall height shall be measured from the finished elevation of the side of the wall which is highest. If a right-of-way is located between the multi-family development and the single-family zoned property, such a wall is not required. However, if a fence or wall is provided between the right-of-way and multifamily property, then pedestrian access points shall be required providing access to public rights-of-way required at least every five hundred (500) linear feet or where appropriate as directed by the county. Pedestrian access points are encouraged to be located near open space and stormwater ponds and may be included in calculations of required open space.
- (g) A multi-family development may directly access any right-of-way serving platted single-family residential development from one access point of the multi-family development. Access to collector and arterial roads shall be permitted.
- (h) Active recreation areas with associated bicycle parking shall be provided within a multi-family development to serve the needs of the residents of the multi-family buildings whenever single-family zoned property is located inside the PD or adjacent to the multi-family development. The recreation areas shall be provided at the ratio of two and one-half (2½) acres per one thousand (1,000) residents (calculated at a rate of two and one-half (2½) residents per unit). The recreation areas shall be located internally away from any single-family zoned property. The multi-family residential population shall not be included in the calculation for determining the recreation requirements for the balance of the PD.
- (i) A multi-family development located adjacent to a right-of-way shall be fenced (chain link fences shall not be permitted) and landscaped whenever single-family zoned property is located across the right-of-way.
- (j) Where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories. Separations shall increase in proportion to additional structural

height. There shall be a minimum of twenty (20) feet between all multifamily, office, commercial and industrial structures for fire protection purposes.

(Ord. No. 2000-08, § 8, 4-11-00; Ord. No. 2004-01, § 10, 2-10-04; Ord. No. 2008-06, § 17, 5-13-08; Ord. No. 2020-30, § 7K, 10-13-20)

Sec. 38-1259. - Student housing.

The following criteria shall be satisfied for new development and additions or expansions to existing development of student housing:

- (a) A student housing development plan shall require approval through a public hearing before the board of county commissioners. Prior to the public hearing, a community meeting shall be held.
- (b) A student housing development shall maintain a minimum distance separation of four hundred (400) feet from any single-family zoned property as measured from the property line of the proposed student housing development to the nearest property line of the single-family zoned property.
- (c) A student housing complex, including a multi-phase complex, shall contain not more than seven hundred and fifty (750) total bedrooms.
- (d) A six (6) foot high masonry, brick or block wall shall be constructed whenever a student housing development is located adjacent to any right-of-way. Pedestrian gates shall be included at appropriate intervals as directed by the county engineer so pedestrian and bicycle travel is not impeded, unless the right-of-way access rights are dedicated to Orange County. The height shall be measured from the finished elevation of the side of the wall which is highest.
- (e) The development plan for all student housing projects shall include a mobility plan submitted to the transportation planning division and a community/site design plan for crime prevention through environmental controls submitted to the planning division that is consistent with the Crime Prevention through Environmental Design ("CPTED") Manual used by the International CPTED Association and Florida CPTED Network. The student housing mobility plan shall describe and depict pedestrian and bicycle systems and facility needs consistent with this section, transit service and facility needs, university and county coordination measures that will be implemented by the developer to manage transportation demand and promote pedestrian and bicycle safety, and designation of appropriate space within the development for carsharing, bikesharing, and electric car charging stations, as they may be implemented within the university area. The student housing mobility plan also shall describe and depict the pedestrian and bicycle safety features cross-sections, marked and stamped crosswalks, safety beacons, traffic signal modifications, pedestrian-scale lighting, and other pedestrian and bicycle safety features (with associated funding and maintenance responsibilities) that will be provided and are needed (and warranted, as applicable) to ensure safe pedestrian and bicycle access to adjacent land uses and across major roadways to commercial land uses and transit facilities. Improvements identified by the plans shall be constructed or implemented prior to issuance of a certificate of occupancy and shall be consistent with the most recent editions of Florida Department of Transportation standards.
- (f) Pedestrian accommodations shall meet all requirements of section 30-250.
- (g) Reasonable breaks in landscaping in parking areas shall be made to allow pedestrians and bicyclists access through parking areas to points of destination.
- (h) Vehicle and bicycle parking spaces shall be provided as specified in chapter 38, article XI, Orange County Code. Each carsharing space provided may replace at least one (1) required vehicle parking space, and additional reductions may be approved by the zoning manager based on the findings of the mobility plan. In addition to the

short-term bicycle parking required under this section, long-term bicycle parking spaces that are indoors or otherwise protected from the weather and theft shall be provided at a rate of one (1) space per ten (10) bedrooms and shall consist of bicycle racks in fenced areas with restricted access installed under roof, under stairwells, or in structured parking facilities. Bicycle parking spaces available inside of a clubhouse or common area, such as in a storage room with restricted access; in bicycle lockers; and/or in garages assigned to individual units can provide long-term parking consistent with this section.

- (i) If a student housing development is served by a university-affiliated shuttle or other transit option, one (1) or more transit shelters shall be depicted on the mobility plan and provided on or adjacent to the development site to accommodate transit ridership from the development.
- (j) For density calculation to determine consistency with the Comprehensive Plan, four (4) bedrooms shall count as one (1) multifamily dwelling unit.
- (k) Maximum building height shall be three (3) stories (forty (40) feet).

(Ord. No. 2000-08, § 8, 4-11-00; Ord. No. 2020-30, § 7L, 10-13-20)

Sec. 38-1260. - Accessory structures.

In Planned Developments with land use approvals for single family residential, whether detached or attached, an accessory building or structure greater than one hundred fifty (150) square feet or greater than ten (10) feet in height (as measured from the finished grade to the top of the structure), shall comply with the following architectural standards: the exterior and roof (if any) shall be comprised of materials commonly used throughout Orange County in single family residential construction, such as stucco, brick, vinyl, aluminum or wood for the siding or walls, and shingles, tiles or corrugated metal for the roof.

Ord. No. 2004-01, § 2, 2-10-04)

Secs. 38-1261—38-1270. - Reserved.

ARTICLE XI. - OFF-STREET PARKING AND LOADING REGULATIONS

Footnotes:

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Cross reference— *Landscaping of paved ground surface areas, § 24-26 et seq.*

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.

<i>Amusement or assembly places containing fixed seats</i>	1 space for each 3 fixed seats provided for patron use, plus 1 space per employee
<i>Amusement or assembly places without fixed seats (go-cart tracts, mini-golf courses, driving ranges and other similar outdoor uses)</i>	1 space per each 3 patrons, plus 1 space per each employee
<i>Apartments of three (3) dwelling units or more (efficiencies and one-bedroom)</i>	1½ spaces for each dwelling unit
<i>Apartments of three (3) dwelling units or more (two (2) and three (3) bedrooms)</i>	2 spaces for each dwelling unit
<i>Auto dealerships</i>	1 space per every three hundred (300) square feet of gross floor area including showroom, sales offices and general offices.

<i>Big box development</i>	4 spaces for each 1,000 square feet of gross floor area, but not to exceed 5 spaces for each 1,000 square feet
<i>Boardinghouses, lodging houses, and rooming- houses and assisted living facilities (such as senior living facilities), including nursing homes</i>	1 space for each 2 bedrooms
<i>Clubs, lodges, fraternities</i>	1 space for each bedroom, plus 1 space for each 5 members
<i>Day care centers and kindergartens</i>	1 space for each 10 children, plus with a pickup and drop-off area one space for each 10 children or without a pick-up or drop-off area one space for each 5 children.
<i>General business establishments, such as hardware, furniture, appliance, jewelry, apparel stores, and all other general retail establishments of fifteen thousand (15,000) square feet gross floor area or less</i>	1 spaces for each 300 square feet of gross floor area; provided, however, that no use shall have less than 3 spaces.
<i>Hospitals, sanitariums, foster group homes, and similar institutions</i>	2 spaces for each bedroom and office building criteria.
<i>Hotels, motels, tourist courts</i>	1 space for each 1½ rooms, plus 1 space for each 100 square feet of office, plus restaurant and retail sales criteria must be met when applicable
<i>Industrial uses, manufacturing and warehousing</i>	1 space for each bay, plus 1 space for each 1,000 square feet

<i>Kennels and veterinary clinics</i>	1 space for each 300 square feet of office, animal shelter and run area
<i>Mechanical garages</i>	1 space for every employee, plus 1 space per bay or 1 space for each one thousand (1,000) square feet if no bays
<i>Medical dental, optical clinics and offices</i>	1 space for each employee, plus 2 spaces for each examination room
<i>Mini-warehouses up to two hundred (200) units</i>	4 spaces located at office/entrance area, plus minimum 25 feet between buildings for driveway parking purposes
<i>Mini-warehouses over two hundred (200) units</i>	6 spaces located at office/entrance area, plus minimum 25 feet between buildings for driveway parking purposes
<i>Mortuaries</i>	1 space for each 4 seats in chapel, plus 1 space for each commercial vehicle
<i>Office building, including business, commercial and government</i>	1 space for each 200 square feet of floor area used for office purposes
<i>General business establishments, such as hardware, furniture, appliance, jewelry, apparel stores, etc.</i>	1 space for each 300 square feet of gross floor area; provided, however, that no use shall have less than 3 spaces.
<i>Post office</i>	1 space for each 4 employees, plus 1 space per governmental vehicle, plus 4 spaces per service window
<i>Residential dwelling units, single-family and duplex</i>	2 spaces for each dwelling unit

<i>Restaurants, grills, bars, lounges, similar dining and/or drinking establishments</i>	1 space for each 4 seats provided for patron use, plus 1 space for each 75 square feet of floor area provided for patron use which does not contain seats; provided that no use shall have less than 4 spaces
<i>Personal service establishments, retail establishments, banks, financing and lending institutions</i>	1 space for each 100 square feet of first floor area, plus 1 space for each 200 square feet of floor area above the first floor, excluding storage areas; 2 spaces for lobby
Schools (charter and private), including elementary, middle, K-8, high schools and academies, not including colleges, universities, or similar institutions. For schools (public), see the public school siting regulations at <u>chapter 38</u> , article XVIII.	1 space for each 4 seats in assembly hall, or 4 spaces per each instructional room plus 1 space for each 3 high school students, whichever is greater.
<i>Shopping centers between fifteen thousand one (15,001) and fifty thousand (50,000) square feet gross floor area, food stores, supermarkets, and drugstores</i>	5½ spaces for each 1,000 square feet of gross floor area; provided, however, no use shall have less than 5 spaces.
<i>Shopping centers over fifty thousand (50,000) square feet gross floor area</i>	5 spaces for each 1,000 square feet of gross floor area
<i>Student housing</i>	1 space per bedroom.
<i>Time share units</i>	1.25 spaces for each unit plus .25 spaces for each lockout unit.
<i>Universities, colleges and similar institutions</i>	1 space for each 200 square feet of classroom and office space

- (b) Other uses not specifically mentioned above shall meet the off-street parking requirements of the uses listed above which are similar or compatible.

Note: Handicapped parking and access ramps will be required according to state regulations.

(P & Z Res., art. XIX, § 1; Ord. No. 98-37, § 28, 12-15-98; Ord. No. 2000-08, § 9, 4-11-00; Ord. No. 2007-01, § 19, 3-20-07; Ord. No. 2008-06, § 25, 5-13-08; Ord. No. 2016-19, § 41, 9-13-16; Ord. No. 2017-06, § 5, 4-25-17)

Sec. 38-1477. - Location of off-street parking.

The parking spaces provided for herein shall be provided on the same lot where the principal use is located or within three hundred (300) feet from the principal entrance as measured along the most direct pedestrian route. For purposes of this section, a unified development (for example, a shopping center) shall be considered "on the same lot."

(P & Z Res., art. XIX, § 2; Ord. No. 2008-06, § 26, 5-13-08)

Sec. 38-1478. - Joint use of off-street parking.

No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this chapter shall be included as part off an off-street parking area similarly required for another building or use, except in the case where the parking demands of different uses occur at different times or where the uses are part of a unified development (for example, a shopping center). The following requirements must be satisfied in order to comply with this exception:

- (1) A notarized statement from all property owners involved indicating that the activities of each separate building or use which creates a demand for parking shall occur at different times. Such statement must include an agreement between the parties involved indicating responsibility for maintenance of the parking area.
- (2) Such agreement shall run with the duration of the occupational licenses of all buildings or uses involved in the agreement and shall be required to be renewed at the time of occupational license renewal. Where an occupational license is not required, then the agreement shall run with the duration of the uses.

Nothing in this resolution shall be construed to prevent the joint use of off-street parking spaces by two (2) or more buildings or uses, if the total of such spaces, when used together, shall not be less than the sum of the requirements for the various individual uses of buildings computed separately.

(P & Z Res., art. XIX, § 3; Ord. No. 2008-06, § 27, 5-13-08)

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, shall be designed to separate pedestrian and vehicle circulation for safety, and shall meet all accessibility requirements of the most recent editions of applicable federal and state standards as adopted. 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"), provided accessibility requirements are maintained.
- (b) Regular parking space sizes shall be a minimum of one hundred eighty (180) square feet (either nine (9) feet × twenty (20) feet or ten (10) feet × eighteen (18) feet). Off-street parallel parking stalls shall be eight (8) feet × twenty-two (22) feet. Spaces within parking garages may be a minimum of eight and one-half (8½) feet × eighteen (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.

(P & Z Res., art. XIX, § 4; Ord. No. 94-20, § 12, 7-25-95; Ord. No. 96-17, § 3, 7-9-96; Ord. No. 2004-01, § 16, 2-10-04; Ord. No. 2008-06, § 28, 5-13-08; Ord. No. 2016-19, § 41, 9-13-16; Ord. No. 2020-30, § 7NN, 10-13-20)

Sec. 38-1480. - Off-street loading and unloading requirements of commercial vehicles.

There shall be provided on the same lot with each commercial building or structure adequate space for off-street loading, unloading and the maneuvering of commercial vehicles. There shall be no loading or unloading of commercial vehicles on the public street. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall be surfaced with hard, dustless material, shall be properly drained, shall be designed with regard to pedestrian safety, shall have direct access to public streets and shall be screened from adjacent residentially zoned property as provided in section 38-1479.

(P & Z Res., art. XIX, § 5)

Sec. 38-1481. - Permanent reservation.

The area reserved for off-street parking or loading in accordance with the requirements of this article shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking or loading space is provided.

(P & Z Res., art. XIX, § 6)

Sec. 38-1482. - Landscape requirements.

Landscaping must meet the requirements of chapter 24, article II (pertaining to landscaping of paved surface areas).

(P & Z Res., art. XIX, § 7)

Sec. 38-1483. - Compact car parking spaces.

Up to twenty-five (25) percent of the off-street parking spaces required by section 38-1476 may be designed as compact car parking spaces. Each compact car parking space shall be a minimum of eight (8) feet wide and sixteen (16) feet long. Compact car parking spaces shall be clearly marked or posted for "Compact Cars Only." All other provisions of this article relating to off-street parking requirements shall be met.

(P & Z Res., art. XIX, § 8)

Sec. 38-1484. - Bicycle parking spaces.

Bicycle parking spaces shall be provided as follows:

- (a) For developments that require up to ten (10) vehicular parking spaces, two (2) bicycle parking spaces shall be required.
- (b) For developments that require ten (10) or more vehicular parking spaces, two (2) bicycle parking spaces shall be required, plus one (1) additional bicycle parking space for each ten (10) vehicular parking spaces above ten (10); provided that no more than eight (8) bicycle parking spaces are required for any one (1) establishment within any zoning district other than a planned development. A planned development may be required to have more than eight (8) bicycle parking spaces. The zoning manager may approve reductions in the number of required bicycle parking spaces when bicycle lockers or other long-term bicycle parking alternatives are proposed at a ratio of six (6) bicycle parking spaces for every one (1) bicycle locker or other long-term bicycle parking alternative, provided that such reduction shall not result in any establishment providing less than the minimum eight (8) parking spaces. Bicycle lockers and other long-term bicycle parking alternatives shall be designed for the protection of bicycles from theft and weather. If eight (8) or more bicycle parking spaces are required,

replacing a vehicle space with all or part of required bicycle parking in a "bicycle corral" configuration or replacing six (6) required bicycle parking spaces with a bicycle locker or other long-term bicycle parking alternative approved by the zoning manager shall be permitted, notwithstanding the requirements of section 38-1485.

- (c) For developments within the alternative mobility area or an urban transportation impact fee district, whichever one is applicable and governs, that require ten (10) or more vehicular parking spaces, two (2) bicycle parking spaces shall be required, plus one (1) additional bicycle parking space for every five (5) vehicular parking spaces above ten (10); provided that no more than twelve (12) bicycle parking spaces are required for any one (1) establishment within any zoning district other than a planned development. The zoning manager may approve reductions in the number of required bicycle parking spaces when bicycle lockers or other long-term bicycle parking alternatives are proposed at a ratio of six (6) bicycle parking spaces for every one (1) bicycle locker or other long-term bicycle parking alternative, provided that such reduction shall not result in any establishment providing less than the minimum eight (8) parking spaces. Bicycle lockers and other long-term bicycle parking alternatives shall be designed for the protection of bicycles from theft and weather. If eight (8) or more bicycle parking spaces are required, replacing a vehicle space with all or part of such required bicycle parking in a "bicycle corral" configuration or replacing six (6) of the required bicycle parking spaces with a bicycle locker or other long-term bicycle parking alternative approved by the zoning manager shall be permitted, notwithstanding the requirements of section 38-1485.
- (d) At least fifty (50) percent of the required bicycle parking shall be provided in bicycle racks located no more than one hundred twenty (120) feet from primary building entrances served, and should preferably be within fifty (50) feet. Bicycle racks serving secondary entrances shall be located no more than one hundred twenty (120) feet from secondary entrances, and should preferably be within fifty (50) feet. Racks shall not be placed so that they block any building entrance or impede pedestrian flow in or out of the building and shall maintain the accessibility of the building entrance. Bicycle racks are encouraged to be covered, such as by building soffits or by stairways in multifamily development, provided the accessibility of the entrance is maintained.
- (e) All bicycle parking spaces shall comply with the following standards: Each bicycle parking space shall have a minimum area of two (2) feet by six (6) feet to fully accommodate a parked bicycle, and shall have an overhead clearance of at least seven (7) feet. Bicycle parking spaces shall be accessible to users without users having to ascend or descend stairs, and shall be separated from vehicle parking spaces by physical barriers, such as curbs, wheel stops, bollards or other similar features, to protect bicycles from being damaged by vehicles.
- (f) The zoning manager may approve reductions of required bicycle parking spaces and waivers to other requirements of this section, with any appeals to be made to the development

review committee.

(Ord. No. 2013-08, § 12, 3-26-13; Ord. No. 2020-30, § 700, 10-13-20)

Sec. 38-1485. - Bicycle racks.

- (a) All standard bicycle racks shall comply with the following performance standards:
 - (1) Bicycle racks shall be an inverted "U"/hoop rack, post and ring rack, or similar device that accommodates two (2) bicycle parking spaces per rack and enables users to lock the frame and both wheels.
 - (2) Bicycle racks shall have a minimum tube diameter of 1.9 inches and be powder coated, galvanized, or coated with another weather-proof surface as may be approved by the zoning manager.
 - (3) Bicycle racks shall be a maximum height of three (3) feet, a minimum of three (3) feet on center between horizontal rows, and a minimum of three (3) feet from any parallel building wall and four (4) feet from any perpendicular building wall. They shall be anchored to a common base or mounting surface of concrete or pavement large enough to support bicycles locked to the rack. If more than one (1) row of bicycle racks is installed to create the required bike parking area, the installation shall provide a minimum of five (5) feet in an aisle in each row, assuming additional spacing for parked bicycles.
 - (4) If a building has an arcade, colonnade, awning, or other shade structure installed to meet the requirements of section 9-554 or other applicable land development code provision, bicycle racks shall be installed under this feature to provide shaded parking, where possible, provided the accessibility of the building entrance is maintained.
 - (5) A bicycle parking device shall not impede pedestrian travel, bus boarding, or freight loading and shall be designed and located to ensure a minimum of five (5) feet of continuous pedestrian access.
 - (6) The zoning manager may approve waivers to the requirements of this section, with any appeals to be made to the development review committee.
- (b) Alternative bicycle rack designs may be approved, provided they comply with the following standards:
 - (1) Alternative bicycle rack designs shall accept multiple bicycle frame sizes and styles and accommodate the use U-type locks. Alternative bicycle rack designs shall support a bicycle frame at two (2) points above the wheel hubs to allow the frame and at least one (1) wheel of the bicycle to be locked to the rack without lifting the bicycle onto the device.
 - (2) Alternative bicycle rack designs shall be easy to understand and operate, with no moving parts. Alternative bicycle rack designs shall be visible to pedestrians and the visually impaired,

but consistent with the scale of the bicycle locked to the device.

- (3) Alternative bicycle rack designs shall be powder coated, galvanized, or coated with another weather-proof surface as may be approved by the zoning manager and shall be anchored to a common base or mounting surface of concrete or pavement large enough to support bicycles locked to the rack.
- (4) Bicycle parking systems that utilize wheel-well stops or that feature spiral or wave designs are not permitted.

(Ord. No. 2013-08, § 13, 3-26-13; Ord. No. 2020-30, § 7PP, 10-13-20)

Secs. 38-1486—38-1500. - Reserved.

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67-1829	1—12	<u>15-216—15-227</u>
	15	<u>15-228</u>
67-1830	1	<u>15-26</u>
		<u>15-36</u>

	2—10	<u>15-27—15-35</u>
	12—19	<u>15-37—15-44</u>
67-1831	1, 2	<u>30-33, 30-34</u>
	3	<u>30-41</u>
	4	<u>30-45</u>
	5—7	<u>30-47—30-49</u>
69-1371	1—24	<u>32-11—32-34</u>
	26—29	<u>32-35—32-38</u>
69-1372	1	<u>37-37</u>
70-836	1, 2	<u>17-7</u>
70-837	1	<u>30-40</u>
71-795	1	<u>30-34</u>
	2	<u>30-38</u>
	3	<u>30-40</u>
	4	<u>30-43</u>
	5, 6	<u>30-45, 30-46</u>
71-796	1, 2	<u>2-1</u>
71-803	1—13	10-1—10-13
72-461	1—4	<u>2-66—2-69</u>
72-625	1, 2	10-2
	3	10-3
	4	10-5
72-626	1, 2	<u>30-40</u>
	3	<u>30-45</u>
	4	<u>30-49</u>
72-629		<u>20-214</u>
72-630	1	<u>30-41</u>
73-569	1	10-5
74-549	1	<u>32-16</u>
74-550	1, 2	<u>30-42, 30-43</u>
74-551	1	<u>15-36</u>
	2	<u>15-43</u>
77-611	1	10-4
78-574	1, 2	<u>17-6</u>
78-575	1	10-5
80-555	1—11	<u>31-26—31-36</u>
80-559	1	<u>4-2</u>
81-450	1	<u>31-28</u>
82-338	1	<u>33-27</u>
	2	<u>33-37</u>
	3	<u>33-49</u>
	4	<u>33-52</u>

82-339	1	<u>33-117</u>
	2	<u>33-129</u>
	3	<u>33-141</u>
	4	<u>33-144</u>
82-341	1, 2	<u>15-217, 15-218</u>
	3	<u>15-225</u>
	4	<u>15-228</u>
83-480	1	<u>30-83</u>
83-481	1	<u>30-80</u>
84-489	1	<u>15-36</u>
84-490	1—11	<u>15-28—15-38</u>
	12	<u>15-40</u>
	13	<u>15-44</u>
84-491	1	<u>32-12</u>
	2, 3	<u>32-15, 32-16</u>
	5, 6	<u>32-36, 32-37</u>
85-474	1	<u>33-140</u>
91-372	1	<u>31-27, 31-32</u>
99-486	2 Rpld	<u>31-26—31-36</u>
	3—11 Added	<u>31-26—31-34</u>
<u>2015-17.2</u>		<u>26-168</u>

APPENDIX G: ALTA SURVEY

○	SET 4"x4" CONCRETE MONUMENT LB#7013	BW/F	BARBED-WIRE FENCE
○	SET CAPPED IRON ROD LB#7013	CA/TV	CABLE TELEVISION VAULT
○	SET PARKER-KALON NAIL & DISK LB#7013	CI	CURB INLET
○	SET 4"x4" CONCRETE MONUMENT	CL/F	CHAIN LINK FENCE
○	FOUND AS NOTED	CMP	CORRUGATED METAL PIPE
●	FOUND PARKER-KALON NAIL & DISK	CONC	CONCRETE
○	EDGE OF WATER	CPP	CORRUGATED PLASTIC PIPE
○	EDGE OF PAVEMENT	EBX	ELECTRIC BOX
○	FENCE (METAL)	ELEC	ELECTRIC
○	FENCE (WOOD)	EPC	ENVIRONMENTAL PROTECTION COMMISSION
○	FIRE LINE	ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
○	OVERHEAD UTILITY LINE	FCIP	FOUND CAPPED IRON PIPE
○	RECLAIMED WATER LINE	FCIR	FOUND CAPPED IRON ROD
○	SANITARY	FCM	FOUND CONCRETE MONUMENT
○	STORM DRAINAGE	FDC	FIRE DEPARTMENT CONNECTION
○	TOP OF BANK	FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
○	TOP OF SLOPE	FFE	FINISH FLOOR ELEVATION
○	WATER LINE	FIP	FOUND IRON PIPE
○	AIR CONDITIONER UNIT	FIR	FOUND IRON ROD
○	BALL FLOW PREVENTER	FPF	FOUND PINCHED IRON PIPE
○	BOLLARD	FPNKD	FOUND PARKER-KALON NAIL & DISK
○	BLIND OFF	FRRS	FOUND RAILROAD SPIKE
○	CLEAN OUT	GA	GUY ANCHOR
○	COLUMN	ICV	IRRIGATION CONTROL VALVE
○	CURB INLET	ID	IDENTIFICATION
○	DRAINAGE CONTROL STRUCTURE	IE	INVERT ELEVATION
○	DRAINAGE MANHOLE	LB	LICENSED BUSINESS
○	ELECTRIC MANHOLE	LP	LIGHT POLE
○	ELECTRIC TRANSFORMER	M/F	METAL FENCE
○	FIRE DEPARTMENT CONNECTION	NAVD	NATIONAL AMERICAN VERTICAL DATUM
○	FIRE HYDRANT	NOVD	NATIONAL GEODETIC VERTICAL DATUM
○	GAS METER	O&H	OVERHEAD UTILITY LINE
○	GRATE INLET	O.R.B.	OFFICIAL RECORDS BOOK
○	GRATE MANHOLE	PRM	PERMANENT REFERENCE MONUMENT
○	HANDCAP PARKING	RCP	REINFORCED CONCRETE PIPE
○	LIGHT POLE	SCR	SET CAPPED IRON ROD 1/2" LB #7013
○	MITERED END SECTION (MES)	SCM	SET CONCRETE MONUMENT (4"x4")
○	PEDESTAL LIGHT	SPKNKD	SET PARKER-KALON NAIL & DISK LB #7013
○	PANTRY MANHOLE	S/W	SIDEWALK
○	SIGN	TBM	TEMPORARY BENCH MARK
○	SPRINKLER HEAD	TBOX	TELEPHONE PEDESTAL
○	TELEPHONE MANHOLE	TOB	TOP OF BANK
○	UTILITY POLE	TOS	TOP OF SLOPE
○	VERIZON PEDESTAL	UBX	UTILITY BOX
○	WALL	W/F	WOOD FENCE
○	WATER METER	(R)	RADIAL LINE
○	WATER VALVE	(NR)	NON-RADIAL LINE
○	WATER DRAIN	(C)	CALCULATED
○		(D)	DEER DEAD
○		(P)	PER FIELD
○		(P)	PER PLAT
○		ADA	AMERICAN DISABLE ACT (ADA) RAMP



(AS PER TITLE COMMITMENT ISSUING AGENT:DHI TITLE (JAX), ISSUING OFFICE FILE NUMBER 111-221401402 AND FILE NO.: 22038109 EB, ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY BEARING AN EFFECTIVE DATE OF MAY 24, 2022 AT 08:00 A.M.)

TRACT FD-11, SOUTH CREEK, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 103,
PAGES 126, 127, 128, 129 AND 130, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;
ALSO KNOWN AS
LOT 1, SOUTH CREEK PHASE 2, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 104,
PAGES 84 AND 85, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE PARCEL CONTAINING 24.85± ACRES, MORE OR LESS.

1. MONUMENTS ARE SHOWN.
2. SITE ADDRESS IS 3060 SOUTHCREEK BLVD, ORLANDO, FLORIDA 32824 PER THE GOOGLE MAPS.
3. THE FLOOD ZONE IS ZONE "X".
4. THE AREA OF THE PROPERTY IS 24.85± ACRES MORE OR LESS.
- 7(a). EXTERIOR BUILDINGS DIMENSIONS ARE SHOWN.
- 7(c). BUILDINGS ARE SHOWN.
8. SUBSTANTIAL FEATURES ARE SHOWN
9. THERE IS NO PARKING OR STRIPPING.
- 11(a). OBSERVED EVIDENCE OF UTILITIES IS SHOWN.
13. THE ADJACENT OWNERS ARE SHOWN ACCORDING TO THE ORANGE COUNTY PROPERTY APPRAISER'S WEB SITE.
14. THE DISTANCE TO THE NEAREST INTERSECTION IS ABUTTING ON WEST.
16. THERE IS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS.
17. THERE IS NO OBSERVABLE EVIDENCE OF CHANGE TO STREET RIGHTS-OF-WAY OR STREET AND SIDEWALK CONSTRUCTION.
18. THERE IS NO OBSERVABLE EVIDENCE OF A SOLID WASTE DUMP, SUMP OR SANITARY LAND FILL.
19. HAMILTON ENGINEERING AND SURVEYING INC. CARRIES \$1,000,000.00 OR MORE OF PROFESSIONAL LIABILITY INSURANCE.

ACCORDING TO CURRENT FLOOD INSURANCE MAPS ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE PROPERTY SHOWN APPEARS TO LIE WITHIN ZONE "X" PANEL NO. 1209SC0404F, DATED 09/25/2009. THE APPROXIMATE FLOOD ZONE TRANSITION, IF APPLICABLE, HAS BEEN OBTAINED AND PLOTTED FROM LARGE SCALE MAPS AND IS DEPICTED AS ACCURATELY AS POSSIBLE. THIS SURVEY BY NO MEANS REPRESENTS A DETERMINATION OF WHETHER THE PROPERTY IS ALL OR PARTLY FLOOD PRONE. BOARDS OF ADJUSTMENT IN THIS SURVEY MAY OR MAY NOT BE SUBJECT TO FLOODING; THE BUILDING DEPARTMENT OR OTHER CUSTODIAL AGENCY FOR FLOOD DETERMINATION WITHIN THIS MUNICIPALITY MAY HAVE ADDITIONAL INFORMATION REGARDING FLOODING AND RESTRICTIONS ON DEVELOPMENT.

- 1) BEARINGS SHOWN HEREON ARE BASED ON THE NORTH BOUNDARY OF THE NW 1/4 OF SECTION 20, TOWNSHIP 24 SOUTH, RANGE 30 EAST, HAVING A BEARING OF S 89°25'26" W
- 2) THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR TITLE COMMITMENT AND IS SUBJECT TO ANY DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS AND/OR EASEMENTS OF RECORD. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
- 3) THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY NOT BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 4) THE INFORMATION ON ADJACENT PROPERTY OWNERS OR ADJOINING PROPERTY RECORDING INFORMATION WAS PROVIDED TO THIS SURVEYOR.
- 5) THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 6) THE BOUNDARY CORNERS AND LINES DEPICTED BY THIS SURVEY WERE ESTABLISHED PER INFORMATION AS FURNISHED.
- 7) UNLESS OTHERWISE SHOWN HEREON, NO JURISDICTIONAL WETLAND AREAS OR OTHER PHYSICAL TOPOGRAPHIC FEATURES HAVE BEEN LOCATED.
- 8) UNDERGROUND ENCROACHMENTS, SUCH AS UTILITIES, STRUCTURES, INSTALLATIONS, IMPROVEMENTS AND FOUNDATIONS THAT MAY EXIST, HAVE NOT BEEN FIELD LOCATED EXCEPT AS SHOWN.
- 9) THIS SURVEY DOES NOT DETERMINE OR REFLECT OWNERSHIP OF PROPERTY, BOUNDARY LINES AFFECTED BY ADVERSE USE, LINES OF CONFLICTING DEEDS, OR OTHER LINES THAT MAY OTHERWISE BE DETERMINED BY A COURT OF LAW.
- 10) UNDERGROUND UTILITY LOCATIONS AND IDENTIFICATIONS SHOWN HEREON ARE BASED UPON VISIBLE ABOVE GROUND APPURTENANCES AND DO NOT NECESSARILY SHOW ALL UTILITY LOCATIONS. NO SUBTERRANEAN EXCAVATION HAS BEEN MADE TO DETERMINE UNDERGROUND UTILITY LOCATIONS.
- 11) THE MEASURED MATHEMATICAL CLOSURE OF THE SURVEYED BOUNDARY EXCEEDS THE ACCURACY STANDARDS FOR AN URBAN CLASS SURVEY AS DEFINED BY THE AMERICAN CONGRESS ON SURVEYING AND MAPPING AND THE AMERICAN LAND TITLE ASSOCIATION.
- 12) TIES FROM BUILDING CORNERS, FENCE CORNERS, SHED CORNERS, ETC., ARE NOT TO BE USED TO REESTABLISH PROPERTY BOUNDARIES.
- 13) ADDITION OF OR DELETIONS TO SURVEY MAPS OR REPORTS MADE BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 14) THIS SURVEY HAS BEEN PREPARED EXPRESSLY FOR THE NAMED ENTITIES AND IS NOT TRANSFERABLE. NO OTHER PERSON OR ENTITY IS ENTITLED TO RELY UPON AND/OR REUSE THIS SURVEY FOR ANY OTHER PURPOSE WHATSOEVER WITHOUT THE EXPRESS WRITTEN CONSENT OF HAMILTON ENGINEERING & SURVEYING AND THE CERTIFYING PROFESSIONAL SURVEYOR AND MAPPER.
- 15) NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO ON THIS SURVEY.
- 16) FENCE OWNERSHIP NOT DETERMINED.
- 17) PRINTED DIMENSIONS SHOWN ON THE MAP OF SURVEY SUPERSEDE SCALED DIMENSIONS. THERE MAY BE ITEMS DRAWN OUT OF SCALE TO GRAPHICALLY SHOW THEIR LOCATION.
- 18) REPRODUCTION OF THIS SURVEY IS EXPRESSLY FORBIDDEN WITHOUT THE WRITTEN PERMISSION FROM THE SIGNING SURVEYOR.
- 19) THE WORD "CERTIFIED" IS UNDERSTOOD TO BE AN EXPRESSION OF THE PROFESSIONAL SURVEYOR'S OPINION BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT THUS CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY, EITHER EXPRESSED OR IMPLIED.
- 20) THIS SURVEY IS A REPRESENTATION OF EXISTING FIELD CONDITIONS AT THE TIME OF THE FIELD SURVEY DATE AND IS BASED ON FOUND EXISTING MONUMENTATION IN THE FIELD.
- 21) ALL BEARINGS AND DISTANCES ARE PLAT AND FIELD MEASURED.
- 22) THE SIGNATURE DATE DOES NOT UPDATE OR SUPERSEDE THE DATE OF SURVEY.

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CERTIFIED TO:

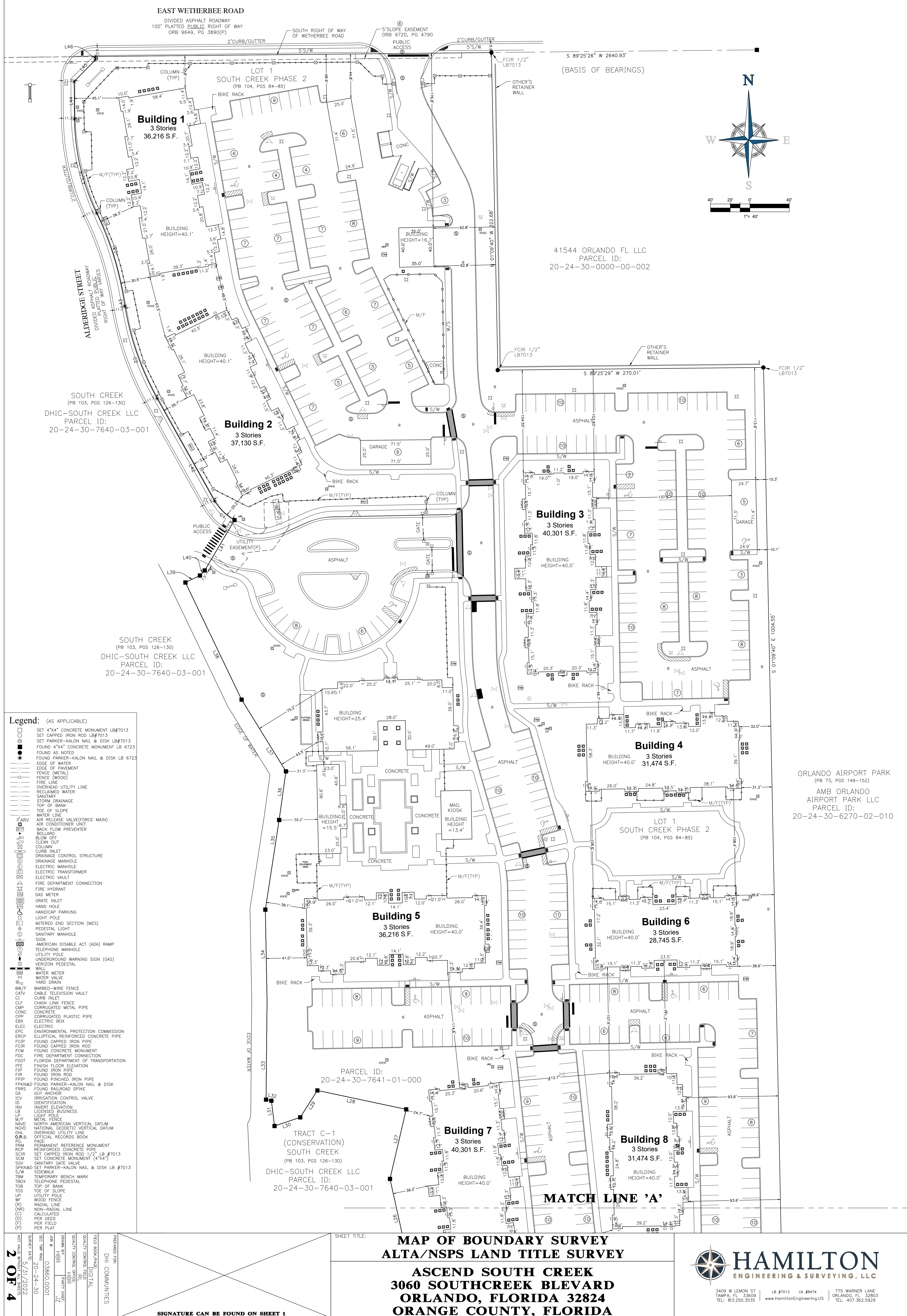
DHIC - SOUTH CREEK, LLC, A DELAWARE LIMITED LIABILITY COMPANY
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

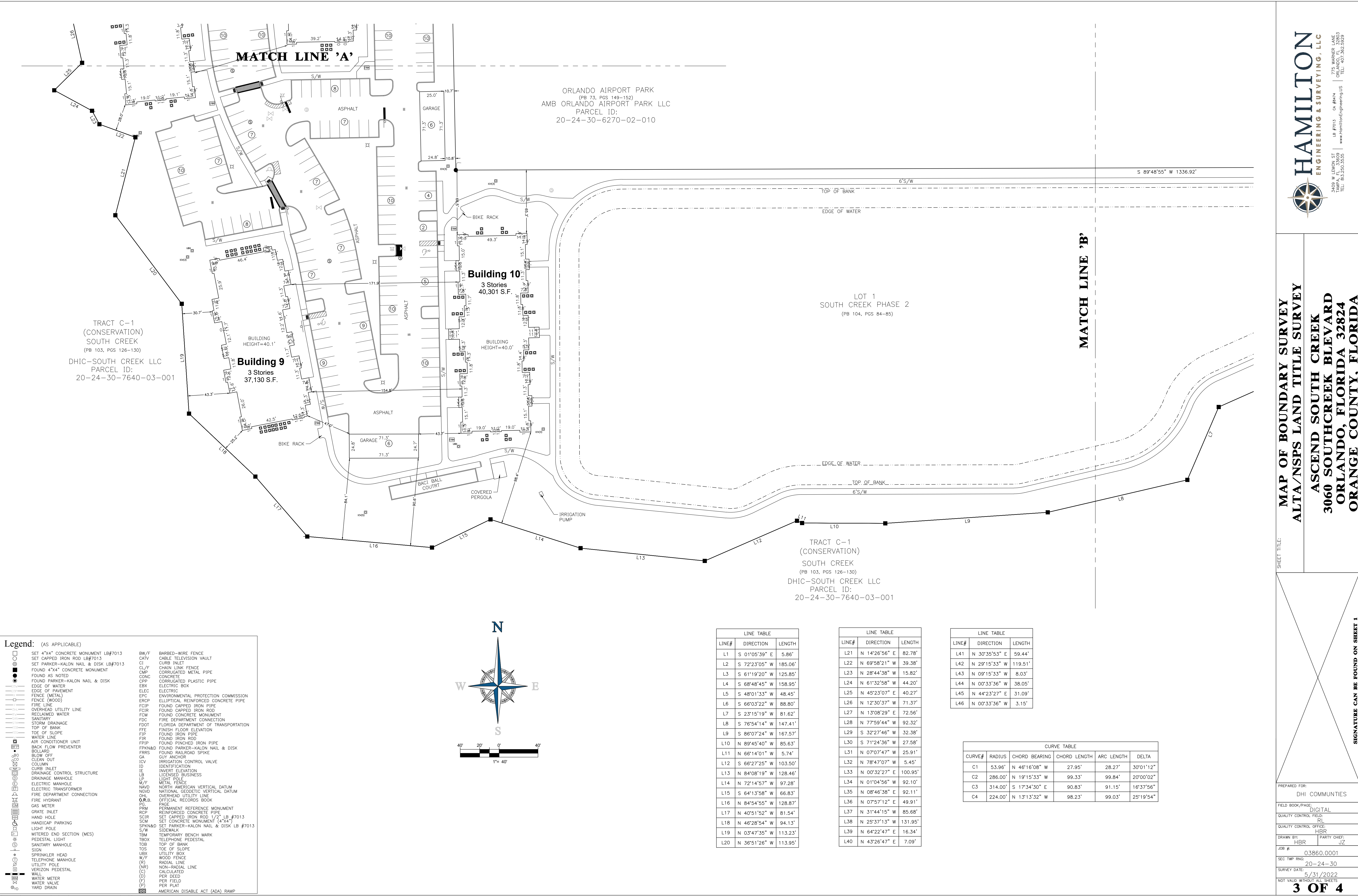
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4 (IN SQUARE FEET OR ACRES), 7(a), 7(b), 8, 9, 10, 11(a), 13, 14, 16, 17, 18 and 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 05/31/2022.

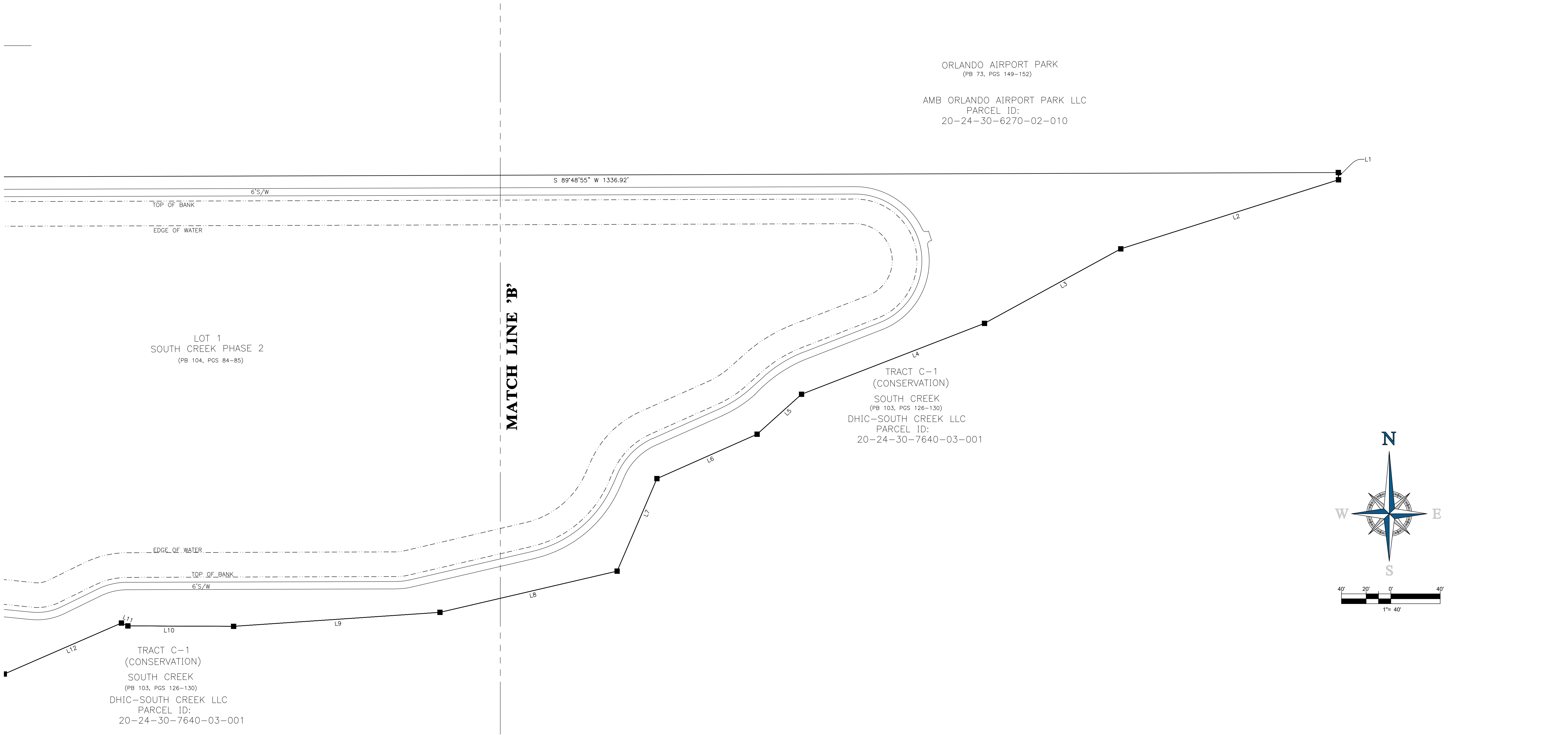
DATE OF PLAT OR MAP 06/10/, 2022

PRELIMINARY 06/10/2022
HARRY B. ROGERS III, PSM SIGNATURE DATE
FLORIDA LICENSE NO. PSM#6418
CERTIFICATE OF AUTHORIZATION LB #7013
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA PROFESSIONAL SURVEYOR

 <div> <h1>HAMILTON</h1> <p>ENGINEERING & SURVEYING, LLC</p> </div>		3409 W LEMON ST TAMPA, FL 33609 TEL: 813.236.3550		725 WARNER AVE ORLANDO, FL 32803 TEL: 407.362.5929 www.HamiltonEngineering.us	
<div> <div> <p>SHEET TITLE:</p> <p>MAP OF BOUNDARY SURVEY</p> <p>ALTA/NSPS LAND TITLE SURVEY</p> </div> <div> <p>ASCEND SOUTH CREEK</p> <p>3060 SOUTHCREEK BLEVARD</p> <p>ORLANDO, FLORIDA 32824</p> <p>ORANGE COUNTY, FLORIDA</p> </div> </div>					
BY					
REVISIONS					
DATE	XX/XX/XXXX				
PREPARED FOR: DHI COMMUNITIES					
FIELD BOOK/PAGE:		DIGITAL			
QUALITY CONTROL FIELD:		RL			
QUALITY CONTROL OFFICE:		HBR			
DRAWN BY:	HBR	PARTY CHIEF:	JZ		
JOB #	03860-0001				
SEC TWP RNG:	20-24-30				
SURVEY DATE:	5/31/2022				
NOT VALID WITHOUT ALL SHEETS					
1 OF 4					







LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S 01°05'39" E	5.86'
L2	S 72°23'05" W	185.06'
L3	S 61°19'20" W	125.85'
L4	S 68°48'45" W	158.95'
L5	S 48°01'33" W	48.45'
L6	S 66°03'22" W	88.80'
L7	S 23°15'19" W	81.62'
L8	S 76°54'14" W	147.41'
L9	S 86°07'24" W	167.57'
L10	N 89°45'40" W	85.63'
L11	N 66°14'01" W	5.74'
L12	S 66°27'25" W	103.50'
L13	N 84°08'19" W	128.46'
L14	N 72°14'57" W	97.28'
L15	S 64°13'58" W	66.83'
L16	N 84°54'55" W	128.87'
L17	N 40°51'52" W	81.54'
L18	N 46°28'54" W	94.13'
L19	N 03°47'35" W	113.23'
L20	N 36°51'26" W	113.95'

LINE TABLE		
LINE#	DIRECTION	LENGTH
L21	N 14°26'56" E	82.78'
L22	N 69°58'21" W	39.38'
L23	N 28°44'38" W	15.82'
L24	N 61°32'58" W	44.20'
L25	N 45°23'07" E	40.27'
L26	N 12°30'37" W	71.37'
L27	N 13°08'29" E	72.56'
L28	N 77°59'44" W	92.32'
L29	S 32°27'46" W	32.38'
L30	S 71°24'36" W	27.58'
L31	N 07°07'47" W	25.91'
L32	N 78°47'07" W	5.45'
L33	N 00°32'27" E	100.95'
L34	N 01°04'56" W	92.10'
L35	N 08°46'58" E	92.11'
L36	N 07°57'12" E	49.91'
L37	N 31°44'15" W	85.68'
L38	N 25°37'13" W	131.95'
L39	N 64°22'47" E	16.34'
L40	N 43°26'47" E	7.09'

LINE TABLE		
LINE#	DIRECTION	LENGTH
L41	N 30°35'53" E	59.44'
L42	N 29°15'33" W	119.51'
L43	N 09°15'33" W	8.03'
L44	N 00°33'36" W	38.05'
L45	N 44°23'27" E	31.09'
L46	N 00°33'36" W	3.15'

CURVE TABLE					
CURVE#	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH	DELTA
C1	53.96'	N 46°16'08" W	27.95'	28.27'	30°01'12"
C2	286.00'	N 19°15'33" W	99.33'	99.84'	20°00'02"
C3	314.00'	S 17°34'30" E	90.83'	91.15'	16°37'56"
C4	224.00'	N 13°13'32" W	98.23'	99.03'	25°19'54"

Legend: (AS APPLICABLE)		
	SET 4"x4" CONCRETE MONUMENT LB#7013	BW/F BARBED-WIRE FENCE
	SET CAPPED IRON ROD LB#7013	CATV CABLE TELEVISION VAULT
	SET PARKER-KALON NAIL & DISK LB#7013	C1 CURB INLET
	FOUND 4"x4" CONCRETE MONUMENT	CL/F CHAIN LINK FENCE
	FOUND AS NOTED	CMP CORRUGATED METAL PIPE
	FOUND PARKER-KALON NAIL & DISK	CONC CONCRETE
	EDGE OF WATER	CPP CORRUGATED PLASTIC PIPE
	EDGE OF PAVEMENT	EBK ELECTRIC BOX
	FENCE (METAL)	ELEC ELECTRIC
	FENCE (WOOD)	ERC ENVIRONMENTAL PROTECTION COMMISSION
	FIRE LINE	ERCP ELLIPTICAL REINFORCED CONCRETE PIPE
	OVERHEAD UTILITY LINE	FCIP FOUND CAPPED IRON PIPE
	RECLAIMED WATER	FCIR FOUND CAPPED IRON ROD
	SANITARY	FCM FOUND CONCRETE MONUMENT
	STORM DRAINAGE	FDC FIRE DEPARTMENT CONNECTION
	TOP OF BANK	FDOT FINISH FLOOR ELEVATION
	TOE OF SLOPE	FIP FOUND IRON PIPE
	WATER LINE	FIR FOUND IRON ROD
	AIR CONDITIONER UNIT	FPIP FOUND PINCHED IRON PIPE
	BACK FLOW PREVENTER	FPKN&D FOUND PARKER-KALON NAIL & DISK
	BOLLARD	FRRS FOUND RAILROAD SPIKE
	BLOW OFF	GA GUY ANCHOR
	CLEAN OUT	ICV IRRIGATION CONTROL VALVE
	COLUMN	ID IDENTIFICATION
	CURB INLET	IE INVERT ELEVATION
	DRAINAGE CONTROL STRUCTURE	ILB LICENSED BUSINESS
	DRAINAGE MANHOLE	LP LIGHT POLE
	ELECTRIC MANHOLE	M/F METAL FENCE
	ELECTRIC TRANSFORMER	NAVD NORTH AMERICAN VERTICAL DATUM
	FIRE DEPARTMENT CONNECTION	NGVD NATIONAL GEODETIC VERTICAL DATUM
	FIRE HYDRANT	OHL OVERHEAD UTILITY LINE
	GAS METER	OR.B. OFFICIAL RECORDS BOOK
	GRATE INLET	PG PAGE
	HAND HOLE	PRM PERMANENT REFERENCE MONUMENT
	HANDICAP PARKING	RCH REINFORCED CONCRETE PIPE
	LIGHT POLE	SCIR SET CAPPED IRON ROD 1/2" LB #7013
	MITERED END SECTION (MES)	SCM SET CONCRETE MONUMENT (4"x4")
	PEDESTAL LIGHT	SPKN&D SET PARKER-KALON NAIL & DISK LB #7013
	SANITARY MANHOLE	S/W SIDEWALK
	SIGN	TBM TEMPORARY BENCH MARK
	SPRINKLER HEAD	TBOX TELEPHONE PEDestal
	TELEPHONE MANHOLE	TOS TOP OF BANK
	UTILITY POLE	TOS TOE OF SLOPE
	VERIZION PEDESTAL WALL	UBK UTILITY BOX
	WATER METER	W/F WOOD FENCE
	WATER VALVE	(R) RADIAL LINE
	YARD DRAIN	(NR) NON-RADIAL LINE
		(C) CALCULATED
		(D) PER DEED
		(F) PER FIELD
		(P) PER PLAN
		ADA AMERICAN DISABLE ACT (ADA) RAMP