

MAR 10 2009 SG/cns/BS

ORDINANCE NO. 2009-06

EFFECTIVE DATE

APR 01 2009

AN ORDINANCE AFFECTING THE USE OF LAND IN AN UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; CREATING A ZONING OVERLAY DISTRICT, TO BE ENTITLED THE "LAKE AVALON RURAL SETTLEMENT COMMERCIAL DESIGN OVERLAY DISTRICT"; BY CREATING A NEW DIVISION UNDER ARTICLE VII ("COMMERCIAL DISTRICTS") OF CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE; ESTABLISHING THAT THE NEW DISTRICT SHALL BE COMPRISED OF ALL UNINCORPORATED NON-RESIDENTIAL PARCELS AND LOTS LYING IN WHOLE OR IN PART WITHIN THE AREA IN WEST ORANGE COUNTY LYING EAST OF THE LAKE COUNTY LINE, NORTH OF MCKINNEY RD, SOUTH OF LAKE AVALON AND WEST OF MANN RD; PROHIBITING CERTAIN LAND USES AND SIGNAGE WITHIN THE DISTRICT; PROVIDING DEFINITIONS FOR THE PROHIBITED USES; PROTECTING NONCONFORMING USES AND STRUCTURES; ADOPTING OTHER MISCELLANEOUS PROVISIONS REGARDING THE DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Creation of Division 16 of Article VII of Chapter 38. A Division 16, to be entitled the "Lake Avalon Rural Settlement Commercial Design Overlay District" is hereby created under Sections 38-1090 through 38-1200 of Article VII ("Commercial Districts") of Chapter 38 ("Zoning") of the Orange County Code, to read as follows:

Division 16

**LAKE AVALON RURAL SETTLEMENT
COMMERCIAL DESIGN OVERLAY DISTRICT**

GENERAL

Sec. 38–1090. LARS Overlay District Established; Location and Area.

A special development overlay district is hereby established to be known as the Lake Avalon Rural Settlement Commercial Design Overlay District (“LARS Overlay District”). The LARS Overlay District is located in west Orange County, in the area situated east of the Lake County Line, north of McKinney Rd, south of Lake Avalon and west of Mann Rd, inclusive of those rights of way. The LARS Overlay District’s boundaries are identified on the Lake Avalon Rural Settlement Boundary Map and incorporated herein by reference as Exhibit “A”.

Sec. 38–1091. Purpose and Intent.

This Division provides specific development standards for the LARS Overlay District. These development standards are consistent with the Orange County Comprehensive Policy Plan. As directed by Future Land Use Element Policy 2.4.7, these development standards are meant to supplement the criteria established in Policy 2.1.7 which ensure that new development within the Lake Avalon Rural Settlement (“LARS”) reinforces that community’s rural character.

Sec. 38-1092. Applicability, Conflicts, Responsibility of Applicant.

(a) *Lands subject to district regulations.* This Division applies only to unincorporated parcels or lots, or the portions thereof, lying entirely within the LARS Overlay District as shown on Exhibit “A”. This Division shall cease to govern the use and development of any such lands if and when they may be lawfully annexed by a municipality, as provided by and subject to Section 171.062(2), Florida Statutes.

(b) *Conflict with other sections.* Development and use of all such lands may occur only if such development is in compliance with this Division, the Orange County Architectural Standards and Guidelines for Commercial Buildings and Projects (Chapter 9, Article XIII, Orange County Code) (the “Architecture Ordinance”), the Orange County Exterior Lighting Ordinance (Chapter 9, Article XVI, Orange County Code) (the “Exterior Lighting Ordinance”), the Orange County Sign Ordinance (Chapter 31.5, Orange County Code) (the “Sign Ordinance”), the Orange County Tree Protection Ordinance (Chapter 15, Article VIII, Orange County Code) (the “Tree Protection Ordinance”), and the

Chapter of the Orange County Code that governs the underlying zoning district in which the land is located. If a conflict occurs between this Division and the Architecture Ordinance, the Exterior Lighting Ordinance, the Sign Ordinance, the Tree Protection Ordinance, or the provisions within the underlying zoning district, this Division governs.

(c) *Applicability.* This Division applies to any rezoning, subdivision, special exception, building permit, use permit, or other development permit (as the term “development permit” is defined by general law) which is applied for after April 1, 2009, where the applicant seeks to construct, reconstruct, renovate, alter, or enlarge a commercial/office land use, building or structure. All agricultural businesses, whether in existence prior to the effective date of this Division or created thereafter, are exempt from the requirements of this Division, for so long as such businesses continue to operate as agricultural businesses.

(d) *Responsibility of Applicant for Development Permit.* All plans associated with an application to construct, reconstruct, renovate, alter, or enlarge a commercial/office land use, building or structure shall print on the front page of the application and plans the following text in capital letters which are at least two inches high on the plans: “THIS APPLICATION AND PLAN SET RELATE TO PROPERTY LOCATED WITHIN THE LAKE AVALON RURAL SETTLEMENT COMMERCIAL DESIGN OVERLAY DISTRICT WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2009 - 06, ADOPTED BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS ON MARCH 10, 2009.”

Sec. 38-1093. Acceptable Commercial Uses.

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

Sec. 38-1094. Prohibited Commercial Land Uses.

The uses permitted within the LARS Overlay District shall be those associated with C-1 and P-O districts. All uses proposed within the LARS Overlay District, which are designated as a special exception in the underlying district, in the Use Table set forth in Section 38-77, shall be required to follow the special exception process as outlined in Chapter 38 Section 38-78, Orange County Code. The following commercial uses shall be prohibited within the LARS Overlay District:

- (a) Labor pools (Sections 448.22(1) & (3), Florida Statutes);
- (b) Any business which, as a material part of its services, provides loans secured by vehicle titles (often known as “car-title loans”);
- (c) Any business commonly known as “check cashing,” or any business which, as a material part of its services, provides future employment wages or other compensation (often known as “payday loans,” or “payday advances”);
- (d) Dating services, escort services, valet services, tattoo parlors, or body piercing businesses;
- (e) Adult entertainment, body scrub and/or massage parlors;
- (f) Exterminating and pest control services, pest control supplies, disinfecting service, fumigating;
- (g) Pawnshops, as defined by Section 648.25(1), Florida Statutes;
- (h) Bail bond agencies, as defined by Section 648.25(1), Florida Statutes;
- (i) Banks or financial institutions;
- (j) Flea markets, except for those operating in conjunction with not-for-profit businesses;
- (k) Palm readers, fortune tellers, tarot card readers, psychics, and similar businesses;

- (l) Manufacturing of chemical products;
- (m) Contractor storage or salvage yard;
- (n) Textile manufacturing;
- (o) Courier services;
- (p) Bottle clubs;
- (q) Food processing and packaging;
- (r) Auto dealerships, repair, or vehicle repossession;
- (s) Auto towing service and window tinting;
- (t) Carwashes and gasoline stations;
- (u) Drive-through facilities;
- (v) Retail sales with outdoor storage, excluding agricultural and produce stands that adhere to remaining requirements of this Division; and
- (w) Fireworks retailers.

Sec. 38-1095. Non-Conforming Uses.

Non-conforming uses, buildings, structures, and signs, including those which result from the creation of this Division, shall be subject to the provisions of Chapter 38, Article III, Orange County Code, regarding non-conforming uses.

Sec. 38-1096. Variances and Appeals.

Variances and appeals from any portion of this Division, including additions and exceptions to existing Orange County Code, shall be processed in accordance with procedures established in the following referenced sections:

- (a) Zoning performance standards: Section 30-48.5
- (b) Architectural Standards: Section 9-552
- (c) Signage: Section 31.5-8
- (d) Lighting: Sections 9-646 through 9-652
- (e) Environmental Control: Section 15-281

Sec. 38-1097. Development within the LARS Overlay District; Allowable Intensities, Planned Development (PD) Required.

(a) *Development Intensity.* Allowable intensities within the LARS Overlay District shall be consistent with the Future Land Use Element Policy 2.4.5. Any new commercial/office development shall have a maximum 0.14 Floor Area Ratio (FAR) per parcel.

(b) *Planned Development Required.* In order to ensure high-quality development and maintain compatibility with the area's prevailing rural character, all new commercial/office development and redevelopment within the LARS Overlay District shall be rezoned to Planned Development (PD). PD Development plans shall follow the criteria and procedures set forth in Divisions 1 through 4, Article VIII, Chapter 38, Orange County Code, unless otherwise specified herein. Applicants seeking a new zoning designation for properties within the LARS shall be required to apply for and acquire a future land use change prior to any change in zoning request as per Chapter 163, Florida Statutes.

BUILDING AND SITE DESIGN

Sec. 38-1098. Commercial and Office Development Requirements.

New construction shall complement, and be compatible with, existing development and shall conform to the following requirements:

(a) *Site Design and Layout.* All buildings are to be located adjacent to the front street. Corner lot developments shall locate buildings directly on the intersection corner. At mid-block locations, parking is prohibited between the front property line, and the front of the structure unless required by federal regulation. The area in front of buildings may include landscaping, sidewalks and, with approval, a vehicular drop-off area. Buildings shall be placed between the front setback line and front setback plus ten feet (10') toward rear property line.

(b) *Buildings.* The roofs, and primary and secondary facades (as defined in the Architecture Ordinance) of all commercial and office buildings within the LARS Overlay District shall incorporate vertical window proportions, window surrounds, porch and railing features, roof treatments, and overhanging eaves

in order to provide a residentially scaled building. The primary and secondary facades shall have similar treatment, detail and visual interest. This is inclusive of entrances, windows, roof form (gable, hip, gambrel, or combination) and architectural elements (overhangs, dormers, cupolas and/or other projections of façade and fenestration). All shall be compatible with the rural settlement and Florida Vernacular style. The maximum height of any building shall be thirty-five feet (35') (two stories). The following architectural elements are encouraged:

- Peaked roofs with two (2) or more plan breaks
- Dormers
- Unenclosed porches with or without railings
- Double hung windows with muntins that encompass fifty percent (50%) of the first floor

(c) *Color and Materials.* The LARS Overlay District's charm and character is enhanced by appropriate selection of exterior colors. Historically, lighter more subdued shades were preferred to darker colors. Thus, colors shall be restricted to lighter pale shades of beige, gray, green, yellow, rose, and blue within the LARS Overlay District.

Building materials shall be restricted in accordance with the Architecture Ordinance. All finished surfaces of all structures shall be comprised of a minimum of fifty percent (50%) natural materials such as stone, wood, brick, etc. This may include six inch (6") lap siding with a plank appearance, or a vertical board on batten appearance.

LIGHTING

Sec. 38-1099. Lighting.

All commercial and office uses shall be developed in accordance with the Exterior Lighting Ordinance, subject to the lighting standards established below.

Lighting shall be low intensity and conform to "dark sky" standards of downward projected, "full cut-off" illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas. To be full cut-off, the light bulb shall not extend below the lamp shade. The height of any exterior light pole fixture shall be limited to twenty-five feet (25') and utilize a residential scaled fixture.

All commercial/office lighting shall have a power down mechanism that will bring the lighting levels down to seventy-five percent (75%) at one (1) hour after close of business. Commercial/office hours of operation shall be limited to hours between 7 a.m. and 7 p.m.

SIGNAGE

Sec. 38-1100. Signage.

All commercial and office uses shall be developed in accordance with the Sign Ordinance, subject to the signage standards established below. Exterior signs shall be either monument-style ground signs or wall-mounted signs and shall comply with the following requirements:

(a) *Sign Plan Required.* Signage within the LARS Overlay District shall enhance the character and intent of the District. A project sign plan shall be submitted to and approved by the DRC as part of the PD documents, for all non-residential projects. Sign detailing, materials, color and lettering styles shall be consistent with the adjacent principal structure. In addition to the existing sign code requirements, the sign plan shall be consistent with the community identity and, at a minimum, provide exhibits that display the size, type, and materials proposed, including, but not limited to, building address identification and method of illumination.

(b) *Prohibited Signs.* The following exterior signs shall be prohibited within the LARS Overlay District:

1. Internally illuminated signs;
2. Pole signs;
3. Off-premise signs (billboards, etc.);
4. Temporary signs (banners, balloons, trailer signs etc.), with the exception of real estate or special event signs as may be allowed pursuant to the Sign Ordinance;
5. Neon signs;
6. Internal or backlit awnings or any signage placed on an awning;
7. Any type of sign, temporary or permanent, which has moving parts or appears to have movement;
8. Flashing, blinking, or LED signs;

9. Electronic message center signs or boards; including time and temperature signs;
10. Temporary or permanent signage on fencing;
11. Roof signs.

(c) *Sign Illumination.* Exterior signs shall be lit with external light sources only. Light sources shall be mounted, shielded and pointed toward the sign face so that spill-over glare onto any adjacent rights-of-way, properties, or skyward is completely avoided.

(d) *Ground Mounted (monument) Sign Copy Area.* The maximum copy area, in square feet, per ground-mounted sign (multiple or single tenant) shall be twenty four (24) square feet. Sign copy area shall be a minimum of thirty inches (30") from finished grade. The maximum height of the ground mounted sign shall be six feet (6') from the top of the sign to the finished grade.

(e) *Wall or Building Projected Signs.* For signs erected on buildings having up to two hundred (200) linear feet of building frontage, such as marquee signs, projecting signs, and wall signs (facia signs), a total of one-quarter (.25) square foot of copy area for signage may be allowed for each one (1) linear foot of building frontage per establishment.

(f) *Sign Landscaping.* All exterior ground (monument) signs shall include a minimum thirty-six inches (36") wide landscape strip surrounding the base (foundation) of the sign. The landscape strip shall be planted with materials that attain a maximum height of thirty inches (30") above the finished grade.

Sec. 38-1101. Fencing.

(a) *Rural Style and Transparency.* In keeping with the LARS Overlay District's rural character, fencing is encouraged. Fencing styles within the front yard structural setback of all non-residential projects shall be no less than fifty percent (50%) transparent, and be of a split-rail, paddock, picket, or other approved rural or equestrian style, some examples of which can be found on Exhibit "B" hereto (barbed wire, razor wire, and chain link fencing shall be prohibited).

(b) *Fencing Materials.* Fencing shall be fabricated from wood, aluminum, wrought iron, vinyl, brick, or other approved materials. Concrete masonry units (CMU) are prohibited

as fencing material except for fence columns. Such columns shall be a minimum of twenty-four inches (24") in diameter, spaced a maximum of fifty feet (50') on-center. The columns shall incorporate a decorative cap feature and the surface must be covered in a stone or brick veneer. The trim of the columns shall replicate the principal structure. Chain link, barbed, or razor wire fencing, in any configuration, is prohibited.

Sec. 38-1102. Lot and Floor Area.

In order to preserve the rural - residential character of the LARS Overlay District while also facilitating small-scale, neighborhood office and commercial land uses, the following lot and floor area criteria are established for non-residential uses within the LARS Overlay District*:

Land Use	Minimum Lot Size*	MINIMUM / MAXIMUM FLOOR AREA (sf)
Office or Commercial	0.5	650 / 3,000

*Note: These size requirements are applicable to single-tenant developments. Multiple use/multiple phase developments may be permitted by the DRC.

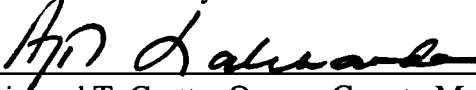
Secs. 38-1103 – 38-1200. Reserved.

Section 2. Effective Date. This ordinance shall become effective on April 1, 2009.

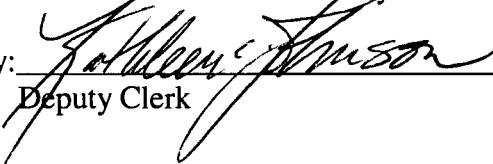
ADOPTED THIS 10th DAY OF March, 2009.

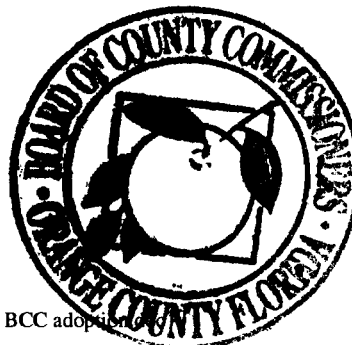
ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: 
Richard T. Crotty, Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: 
Deputy Clerk



Lake Avalon Rural Settlement

Exhibit A

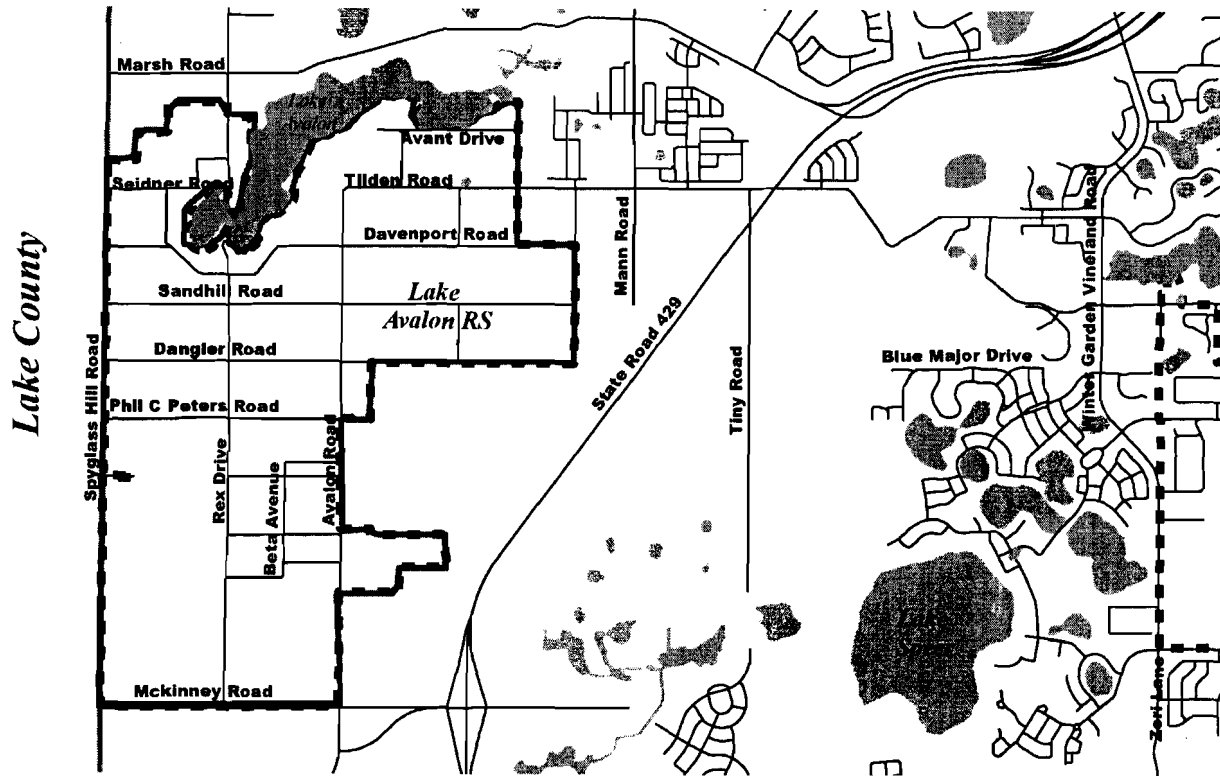


Exhibit B

Examples of Fence Options

