

## ORDINANCE NO. 1708

**AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA AMENDING *THE LAND DEVELOPMENT CODE OF THE CITY OF OVIEDO*, SPECIFICALLY LAND DEVELOPMENT CODE ARTICLE IV ZONING DISTRICTS AND REGULATIONS, ARTICLE VI DOWNTOWN MIXED USE DISTRICTS, ARTICLE X FLOODWAYS, FLOODPLAINS, DRAINAGE, AND EROSION, ARTICLE XIII PARKING, AND ARTICLE XVIII BASIC DEFINITIONS AND INTERPRETATIONS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS, SEVERABILITY; CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Oviedo, Florida, deems it necessary to amend the *Land Development Code of the City of Oviedo, Florida* to clarify requirements relating to non-statutory subdivisions, establish new categories for light industrial uses, entertainment uses, update the floodplain and floodway section of the Land Development Code, and to update the tables of permissible and prohibited uses, table of minimum lot regulations, parking, and basic definitions as appropriate for internal consistency; and

**WHEREAS**, the provisions of this Ordinance are consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Oviedo* and other controlling law; and

**WHEREAS**, the recitals set forth in Articles IV, VI, X, XIII, and XVIII, of the *Land Development Code of the City of Oviedo, Florida*, as codified, are hereby ratified and affirmed; and

**WHEREAS**, this Ordinance is an exercise of the City of Oviedo's powers as a municipality under the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida*; Chapter 163, *Florida Statutes*; Chapter 166, *Florida Statutes*, and other applicable law; and

**WHEREAS**, the City Council of the City of Oviedo, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

**WHEREAS**, for purposes of this Ordinance, underlined type shall constitute additions to the original text, \*\*\* shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS**

### **SECTION 1. LEGISLATIVE FINDINGS AND INTENT.**

(a) The City staff report and City Council agenda memorandum relating to this Ordinance are incorporated into the provisions of this Ordinance, as if fully set forth herein.

(b) The City of Oviedo has complied with all requirements and procedures of controlling Florida law in processing and advertising this Ordinance.

(c) The provisions of this Ordinance are consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Oviedo* and other controlling law.

(d) This Ordinance is an exercise of the City of Oviedo's powers as a municipality under the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida*; Chapter 163, *Florida Statutes*; Chapter 166, *Florida Statutes*, and other applicable law.

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**SECTION 2. AMENDMENT TO ARTICLE IV, LAND DEVELOPMENT CODE OF THE CITY OF OVIEDO, RELATING TO ZONING DISTRICTS AND REGULATIONS.** Article IV, *Land Development Code*, is amended to read as follows:

**ARTICLE IV. – ZONING DISTRICTS AND REGULATIONS**

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**Section 4.10. - Permissible Uses and Special Exceptions.**

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**TABLE 4.1: TABLE OF PERMISSIBLE LAND USES**

USE		ZONING DISTRICTS															
		A	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3	MH-1	R-P	O-C	C-1	C-2	I-1
<b>1.00</b>	<b>Residential</b>																
1.1	Single-Family Detached	P	P	P	P	P	P	P	P	P			P				
1.2	Mobile Home <sup>1</sup>	S								S		P					
1.2.1	Single-Family Attached/Townhome							P	P	P	P						
1.3	Two-Family Dwelling									P	P		P				
1.4	Multi-Family Dwelling										P		P				
1.5	Adult Family-Care Home	S	S	S	S	S	S	S	S	S	P		P	P			
1.51	Bed and Breakfast	P	S	S	S	S							P				
1.52	Child Care (In the Home)	S				S	S	S	S	S	S		S				
1.53	Rooming House					S	S	S	S	S	S		S				
1.54	Residential -					P	P	P	P		P						

USE		ZONING DISTRICTS																	
		A	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3	MH-1	R-P	O-C	C-1	C-2	I-1	I-2	PLI
	Community Residential Home <sup>6</sup>																		
1.6	Temporary Residences (Construction, model home, etc.)	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
1.7	Home Occupations	S	S	S	S	S	S	S	S	S	S		S						
1.8	Guest Cottage	S	S	S	S														
2.00	Offices																		
2.1	Professional Offices												P	P	P	P	P	P	
2.2	Business Offices												P	P	P	P	P	P	
2.3	Bank (No drive-thru)													P	P	P			
2.4	Medical Clinic/Hospital													S	P	P			
3.00	Retail/Sales/Service																		
3.1	Personal Services													P	P	P			
3.11	Day Care Center	S	S	S	S	S	S	S	S	S	S		S	P	P	P			
3.12	Beauty/Barber						S	S	S	S	S			P	P	P			
3.13	Drug Store/Apothecary/Pharmacy <sup>5</sup>														S	P			
3.14	Repair Shops (No trucks or outdoor storage)													P	P	P	P	P	
3.15	Repair Shops (No outdoor storage)														P	P	P	P	
3.16	Restaurants (No drive-thru)													P	P	P			
3.17	Drive-thru														S	P			

USE		ZONING DISTRICTS																	
		PLI	I-2	I-1	C-2	C-1	O-C	R-P	MH-1	R-3	R-2	R-1BB	R-1B	R-1	R-1A	R-1AA	R-1AAA	R-CE	A
	Restaurants																		
3.18	Funeral Home		P	P	P	P	P												
3.19	Assisted Living Facility				P	P	P												
3.20	Commercial - Community Residential Home					P	P												
3.2	Service Stations				S	S													
3.3	Specialty Shops				P	P													
3.4	Alcoholic Beverage Package Store <sup>2</sup>				S	P													
3.5	Retail Sales (No outdoor storage)				P	P													
3.51	Convenience Store Type I				P	P													
3.52	Convenience Store Type II				P	P													
3.6	Theaters (Not drive- in)				P	P													
3.7	Dry Cleaners, Laundromat				S	P													
3.8	Bank (with drive-thru facilities)				S	P													
3.9	Micro-brewery/Micro- distillery/Micro- winery				S	P													
3.10	Artisan Food Production				S	P													
<u>3.11</u>	<u>Light Industrial Arts, Crafts and Apparel Manufacturing</u>				P	P													

USE		ZONING DISTRICTS																	
		A	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3	MH-1	R-P	O-C	C-1	C-2	I-1	I-2	PLI
3.12	Light Industrial Technology Manufacturing															P	P	P	
3.13	Light Industrial Medical Manufacturing															P	P	P	
4.00	Retail Sales (w/outside storage)															P			
4.1	Equipment Rental (Some outside storage)															P	P		
4.2	Personal Storage (Mini-warehouse)												S	S	S	S	P	P	
4.3	Animal Services																		
4.31	Veterinarian (No kennel)												S	P	P	P	P		
4.32	Veterinarian (with Kennel) <sup>3</sup>	S													P	P	P	P	
4.33	Kennel <sup>3</sup>	S													P	P	P	P	
4.34	Pet Care Services	S										S	P	P	P				
4.4	Motel/Hotel													S	P				
4.5	Shopping Center													S	P				
5.00	Wholesale/ Manufacturing																		
5.1	Wholesale Sales (No outdoor storage or display)															P	P	P	
5.2	Wholesale Sales (w/outdoor storage and/or display)															S	P	P	
5.3	Nurseries/Greenhous	P														P	P	P	

USE		ZONING DISTRICTS															
		A	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3	MH-1	R-P	O-C	C-1	C-2	I-1
	es																
5.4	Nurseries/Greenhouses (w/retail sales)	S													S	P	P
5.5	Industrial Park																P
5.6	Manufacturing (No outdoor storage or display)																P
5.7	Manufacturing (w/outside storage and/or display)																P
<b>6.00 Educational, Cultural or Religious Uses</b>																	
6.1	Elementary, Middle, & High Schools	S	S	S	S	S	S	S	S	S	S		P	P	P	P	S
6.2	Trade & Vocational Schools													S	P	P	P
6.3	Churches, Synagogues, Temples, etc.	S	S	S	S	S	S	S	S	S	S		P	P	P	P	S
6.4	Libraries, Art Museum, etc.												S	P	P	P	
6.5	Social, Fraternal Clubs, Lodges												S	P	P	P	
<b>7.00 Recreation Amusement, Entertainment</b>																	
7.1	Uses where activity is conducted entirely within the building (Bowling alleys, skating rinks, exercise facilities, etc.)														S	P	
7.3	Uses where activity is conducted outside the	S													S	S	S

USE		ZONING DISTRICTS																	
		A	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3	MH-1	R-P	O-C	C-1	C-2	I-1	I-2	PLI
	building																		
7.31	Privately owned recreational facilities such as golf courses, country, swimming or tennis clubs.	S	S	S	S	S	S	S	S	S	S		S	S	P	P			
7.32	Publicly owned and operated recreational facilities such as athletic fields, parks, swimming pools, tennis courts, etc.	S	S	S	S	S	S	S	S	P	P		P	P	P	P	P	P	P
7.33	Golf Driving Range not associated to golf course, par 3 golf, miniature golf, water slides, skateboard parks, and similar commercial ventures.	S													S	P			
7.34	Horseback Riding Stables	S																	P
8.00	Motor Vehicle-Related Sales and Service																		
8.1	Motor Vehicle Sales or Rental; Mobile Home Sales															P	P	P	
8.2	Motor Vehicle Sales with Repair (no body repair)															P	P	P	
8.3	Motor Vehicle Repair and Maintenance (no body work)															S	P	P	
8.4	Motor Vehicle Painting and Body															S	P	P	

USE		ZONING DISTRICTS																	
		A	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3	MH-1	R-P	O-C	C-1	C-2	I-1	I-2	PLI
	Work																		
8.5	Gas Sales															P	P	P	
8.6	Car Wash															P	P	P	
9.00	Storage and Parking																		
9.1	Automobile Parking (garages or lots not located on a lot on which there is another principal parking use to which the parking is related)										S		S	P	P	P	P	P	P
9.2	Warehouse Storage															S	P	P	P
9.3	Scrap Materials, Junkyards, Auto Graveyards																	S	
10.00	Agricultural, Mining Operations																		
10.1	Agricultural Farming (excluding livestock)	P	P														P	P	
10.2	Agricultural Farming (including livestock, maximum 1 per acre)	S	S																
10.3	Mining or Quarrying <sup>4</sup>	S															S	S	
10.4	Borrow Pit <sup>4</sup>	S															S	S	
10.5	Landfill <sup>4</sup>	S															S	S	
11.00	Misc. Public and Semi-Public Facilities																		
11.1	Airport/Utility Facility	S															S	S	P
11.2	Post Office														P	P	P	P	P
11.3	Cemetery	S	S	S	S	S	S	S	S	S	S		S	S					P



USE	ZONING DISTRICTS														
	A	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3	MH-1	R-P	O-C	C-1	C-2
<b>12.00</b>	<b>Open Air Market/Sales</b>														
12.1	Open Air Markets, Flea Markets, Crafts, Etc.	S													S
12.2	Produce Market, Open Horticultural Sales	S												S	P
<b>13.00</b>	<b>Communication Towers</b>														
13.1	Monopole Towers														S
13.2	Communication Towers/Multiple Uses														P
13.3	Camouflage Towers													S	P
<b>14.00</b>	<b>Bus Stations</b>													S	S
<b>16.00</b>	<b>Adult Entertainment</b>														P

<sup>1</sup> Also permitted in District MH-1.

<sup>2</sup> See Article V, Section 5.6.

<sup>3</sup> Prohibited in Shopping Centers. This prohibition shall not apply to pet care services.

<sup>4</sup> See Article XV, Section 16.9.

<sup>5</sup> Notwithstanding any provision of this ordinance or the Land Development Code, pharmacies existing at the time of the ordinance effective date shall be considered permissible uses as a matter of right at their present location.

<sup>6</sup> Limited to six (6) or fewer residents and cannot be located closer than one thousand (1,000) feet of another existing home of six (6) or fewer home or one thousand two hundred (1,200) feet of an existing community residential home.

P — Use is permissible with a zoning permit issued by Land Use Administrator.

S — Use is permissible with special exception permit issued by the City Council.

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**SECTION 3. AMENDMENT TO ARTICLE VI, LAND DEVELOPMENT CODE OF THE CITY OF OVIEDO, RELATING TO DOWNTOWN MIXED USE DISTRICTS.** Article VI, *Land Development Code*, is amended to read as follows:

**ARTICLE VI. – DOWNTOWN MIXED USE DISTRICTS**

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**6.2(F) Permissible Uses and Special Exceptions**

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**(4) Accessory Uses**

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(b) Food trucks may be permitted as an incidental use to micro-breweries/micro-wineries/micro-distilleries and entertainment uses; however, the location of such food trucks shall be clearly depicted on the site plan, shall not utilize or impede the minimum parking spaces required for the principal use, shall comply with minimum landscape buffer yard width requirements, and shall provide a safe access to pedestrians and patrons.

**TABLE 6.1: TABLE OF PERMISSIBLE LAND USES — DOWNTOWN DEVELOPMENT DISTRICTS**

ZONING DISTRICTS		MUD -HDC	MUD -HDP	MUD -CHR	MUD-DS	MUD-CA	MUD- MF	MUD-SF
<b>1.00</b>	<b>Residential</b>							
1.1	Single-Family	S	P		P	P		P
1.2	Mobile Home <sup>1</sup>							
1.3	Two-Family Dwelling					P	P	
1.4	Townhomes	P	P	P	P	P	P	P
1.5	Multifamily Dwelling	P	P	P	P	S	P	
1.6	Adult Family-Care Home	S	P	S		P	P	P

ZONING DISTRICTS		MUD -HDC	MUD -HDP	MUD -CHR	MUD-DS	MUD-CA	MUD- MF	MUD-SF
1.61	Bed and Breakfast	S	S	S	S	S	S	S
1.62	Child Care (In the home)	S	S	S	S	S	S	S
1.63	Rooming House	S	S				P	P
1.64	Residential - Community Residential Home <sup>6</sup>						P	P
1.7	Temporary Residences (Construction, model home, etc.)	S	S	S	S	S	S	S
1.8	Home Occupations	S	S	S	S	S	S	S
1.9	Guest Cottage							
<b>2.00</b>	<b>Offices</b>							
2.1	Professional Offices	P	P	P	P	P	S	
2.2	Business Offices	P	P	P	P	P		
2.3	Bank (No drive-thru)	P	P	P	P			
2.4	Medical Clinic/Hospital	P	P	P	P			
<b>3.00</b>	<b>Retail/Sales/Service</b>							
3.1	Personal Services							
3.11	Day Care Center	P	P	P	P	P	S	S
3.12	Beauty/Barber	P	P	P	P	P	S	S

ZONING DISTRICTS		MUD -HDC	MUD -HDP	MUD -CHR	MUD-DS	MUD-CA	MUD- MF	MUD-SF
3.13	Drug Store/ Apothecary/Pharmacy <sup>5</sup>	S		S				
3.14	Repair Shops (No trucks or outdoor storage)	P	P	P	P			
3.15	Repair Shops (No outdoor storage)	P	P	P	P			
3.16	Restaurants (No drive-thru)	P	P	P	P			
3.17	Drive-Thru Restaurants			P				
3.18	Funeral Home	P	P	P	P			
3.19	Assisted Living Facility	P	P		P			
3.20	Commercial - Community Residential Home		S	P	P	P		
3.2	Service Stations							
3.3	Specialty Shops	P	P	P	P	P	S	S
3.4	Alcoholic Beverage Package Store <sup>2</sup>	P	P	P	P			
3.5	Retail Sales (No outdoor storage)	P	P	P	P			
3.51	Convenience Store Type I	S	S	P	P	S		
3.52	Convenience Store Type II			S				
3.6	Theaters (Not drive-in)	P	P	P	P			

ZONING DISTRICTS		MUD -HDC	MUD -HDP	MUD -CHR	MUD-DS	MUD-CA	MUD- MF	MUD-SF
3.7	Dry Cleaners, Laundromat	P	P	P	P			
3.8	Bank (with drive-thru facilities)	P	P	P	P			
3.9	Micro-Brewery, Micro-Distillery, Micro-Winery	P	P	P				
3.10	Artisan Food Production	P	P	P				
<b>4.00</b>	<b>Retail Sales</b> (w/outside storage)	P	P	P	P			
4.1	Equipment Rental (Some outside storage)	S	S	P	S			
4.2	Personal Storage (Mini warehouse)			S				
4.3	Animal Services							
4.31	Veterinarian (No kennel)	P	P	P	P	P		
4.32	Veterinarian (With kennel) <sup>3</sup>			P				
4.33	Kennel <sup>3</sup>			P				
4.34	Pet Care Services	P	P	P	P	P		
4.4	Motel/Hotel			P				
4.5	Shopping Center							
<u>4.6</u>	<u>Entertainment Uses</u> <sup>7</sup>	<u>P</u>	<u>P</u>	<u>P</u>				

ZONING DISTRICTS		MUD -HDC	MUD -HDP	MUD -CHR	MUD-DS	MUD-CA	MUD- MF	MUD-SF
<b>5.00</b>	<b>Wholesale/Manufacturing</b>							
5.1	Wholesale Sales (No outdoor storage or display)	S	S	S	S			
5.2	Wholesale Sales (w/outdoor storage and/or display)							
5.3	Nurseries/Greenhouses							
5.4	Nurseries/Greenhouses (w/retail sales)	P	P	P	P			
5.5	Industrial Park							
5.6	Manufacturing (No outdoor storage or display)							
5.7	Manufacturing (w/outside storage and/or display)							
<b>6.00</b>	<b>Educational, Cultural or Religious Uses</b>							
6.1	Elementary, Middle & High Schools	P	P	P	P	P	P	P
6.2	Trade & Vocational Schools	P	P	P	P	P		
6.3	Churches, Synagogues, Temples, etc.	P	P	P	P	P	P	P
6.4	Libraries, Art Museum, etc.	P	P	P	P	P		
6.5	Social, Fraternal Clubs, Lodges	P	P	P	P	P		

ZONING DISTRICTS		MUD -HDC	MUD -HDP	MUD -CHR	MUD-DS	MUD-CA	MUD- MF	MUD-SF
<b>7.00</b>	<b>Recreation, Amusement, Entertainment</b>							
7.1	Uses where activity is conducted entirely within building (Bowling alleys, skating rinks, exercise facilities, etc.)	P	P	P	P			
7.3	Uses where activity is conducted outside building	P	P	P	P			
7.31	Privately Owned Recreational Facilities such as golf courses, country, swimming or tennis clubs	P	P	P	P	P	S	P
7.32	Publicly-Owned And Operated Recreational Facilities such as athletic fields, parks, swimming pools, tennis courts, etc.	P	P	P	P	P	S	P
7.33	Golf Driving Range not accessory to golf course, par 3 golf, miniature golf, water slides, skateboard parks and similar commercial ventures							
7.34	Horseback Riding Stables							
<b>8.00</b>	<b>Motor Vehicle-related Sales and Service</b>							
8.1	Motor Vehicle Sales or Rental; Mobile Home Sales			P				

ZONING DISTRICTS		MUD -HDC	MUD -HDP	MUD -CHR	MUD-DS	MUD-CA	MUD- MF	MUD-SF
8.2	Motor Vehicle Sales with Repair (no body repair)			P				
8.3	Motor Vehicle Repair and Maintenance (no body work)			P				
8.4	Motor Vehicle Painting and Body Work							
8.5	Gas Sales			S				
8.6	Car Wash			P				
<b>9.00</b>	<b>Storage and Parking</b>							
9.1	Automobile Parking (garages or lots not located on a lot on which there is another principal parking use to which the parking is related)	P	P	P	P		P	
9.2	Warehouse Storage							
9.3	Scrap Materials, Junkyards, Auto Graveyards							
<b>10.00</b>	<b>Agricultural, Mining Operations</b>							
10.1	Agricultural Farming (Excluding livestock)							
10.2	Agricultural Farming (Including livestock, maximum 1 per acre)							



ZONING DISTRICTS		MUD -HDC	MUD -HDP	MUD -CHR	MUD-DS	MUD-CA	MUD- MF	MUD-SF
10.3	Mining or Quarrying <sup>4</sup>							
10.4	Borrow Pit <sup>4</sup>							
10.5	Landfill <sup>4</sup>							
<b>11.00</b>	<b>Miscellaneous Public and Semi-Public Facilities</b>							
11.1	Airport/Utility Facility							
11.2	Post Office	P	P	P	P	P		
11.3	Cemetery				P	P		
<b>12.00</b>	<b>Open Air Markets/Sales</b>							
12.1	Open Air Markets, Flea Markets, Crafts, Etc.	S	S					
12.2	Produce Market, Open Horticultural Sales	P	P	P	S			
<b>13.00</b>	<b>Communication Towers</b>							
13.1	Monopole Towers			S				
13.2	Communication Towers/Multiple Uses			S				
13.3	Camouflage Towers	S	S	S	S			
<b>14.00</b>	<b>Bus Stations</b>	P	P	P	P			
<b>16.00</b>	<b>Adult Entertainment</b>							

<sup>1</sup> Also permitted in District MH-1.

<sup>2</sup> See Article V, [Section 5.6](#).

<sup>3</sup> Prohibited in shopping centers. This prohibition shall not apply to pet services.

<sup>4</sup> See Article XV, [Section 15.9](#).

<sup>5</sup> Notwithstanding any provision of this ordinance or the Land Development Code, pharmacies existing at the time of the ordinance effective date shall be considered permissible uses as a matter of right at their present location.

<sup>6</sup> Limited to six (6) or fewer residents and cannot be located closer than one thousand (1,000) feet of another existing home of six (6) or fewer home or one thousand two hundred (1,200) feet of an existing community residential home.

<sup>7</sup> Entertainment Uses include playhouses, concert halls, banquet facilities, amphitheaters and attendant uses, nightclubs, bars, dance halls, video arcades, and like uses in which the principal function of the use is to provide entertainment to its patrons.

**P** — Use is permissible subject to compliance with this LDC.

**S** — Use is permissible with special exception permit issued by the City Council.

**Blank Cell** — Use is prohibited.

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**SECTION 4. AMENDMENT TO ARTICLE X, LAND DEVELOPMENT CODE OF THE CITY OF OVIEDO, RELATING TO FLOODWAYS, FLOODPLAINS, DRAINAGE, AND EROSION.** Article X, *Land Development Code*, is amended to read as follows:

**ARTICLE X. – FLOODWAYS, FLOODPLAINS, DRAINAGE, AND EROSION**

Section 10.1. - Floodplain and Floodways.

(A) Use of land within a floodway or floodplain is substantially restricted by the City Code of Ordinances. All use of land within a floodway or floodplain shall comply with the City's Code of Ordinances. ~~Structures Prohibited in Floodway and Drainage Connections Any construction that diminishes the functional floodway capacity is prohibited. The criteria for determining such prohibition will be that criteria declared by FEMA.~~

**(B) ~~Permissible Uses in Floodplains~~**

- ~~(1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary and other related uses.~~
- ~~(2) Ground level loading areas, parking areas.~~
- ~~(3) Lawns, gardens, play areas.~~
- ~~(4) Golf courses, tennis courts, driving ranges, parks, trails, open space, and other similar private and public recreational uses.~~

- ~~(5) Single family homes, with special permission of City Council, and constructed in accordance with Construction within Floodways and Floodplains Restricted.~~
- ~~(6) The storage of hazardous materials or hazardous waste within a floodplain is expressly prohibited.~~

~~(C) **Construction within Floodways and Floodplains Restricted**~~

- ~~(1) **Development Order or Permit Requirements.** No development order or permit may be issued for any development within a flood plain until the approving authority has reviewed the plans for any such development to assure that:
  - ~~(a) The proposed development is consistent with the need to minimize flood damage; and~~
  - ~~(b) All public facilities such as sewer, electrical, reclaimed water and potable water systems are located and constructed to minimize or eliminate flood damage; and~~
  - ~~(c) Adequate drainage is provided to minimize or reduce exposure to flood hazards; and~~
  - ~~(d) The approval includes a condition that all necessary development orders or permits from those agencies from which approval is required by federal or state law will be obtained prior to construction.~~~~
- ~~(2) **New Construction Prohibited in Floodway.** No building may be constructed and no improvement of an existing building may take place within any floodway.~~
- ~~(3) **Construction in Floodplain.** No new building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including basement) is elevated no lower than one (1) foot above the base flood elevation. For non-residential construction, flood proofing may be used in lieu of elevation if a registered professional engineer or architect shall certify that the construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact, and uplift forces associated with the base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water.~~
- ~~(4) **Building Permit Criteria.** No building permit may be issued for any new construction or substantial improvements within a floodplain until the permit issuing authority has reviewed the plans to assure that the construction shall be:
  - ~~(a) Designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement of the structure.~~
  - ~~(b) Constructed with materials and utility equipment resistant to flood damage.~~~~
- ~~5) **Dredging and Filling.** Dredging and filling of lands within a floodway is prohibited unless an overriding public health, safety, and welfare concern is demonstrated or such action~~

~~is necessary for the reasonable use of the property. No encroachment of floodplain shall be allowed unless fully mitigated.~~

~~(6) **Final Plat Approval.** Final plat approval for any subdivision containing land that lies within a floodway or floodplain may not be given unless the plat shows the boundary of the floodway or floodplain and contains in clearly discernible print the following statement: Use of land within a floodway or floodplain is substantially restricted by the City Code of Ordinances.~~

~~(D) **Water Supply and Sanitary Sewer Systems in Floodways** Whenever any portion of a proposed development is located within a floodway or floodplain, the developer must provide certification by a registered certified engineer that:~~

~~(1) Such water supply system is designed to minimize or eliminate infiltration of flood waters into it.~~

~~(2) Such sanitary sewer system is designed to eliminate infiltration of flood waters into it and discharge from it into flood waters.~~

~~(3) Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.~~

~~(4) Design of water and wastewater systems shall conform to the Engineering Standards Manual.~~

Section 10.2. - Drainage and Stormwater Management and Erosion Control.

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**SECTION 5. AMENDMENT TO ARTICLE XIII *LAND DEVELOPMENT CODE OF THE CITY OF OVIEDO*, RELATING TO PARKING.** Article XIII, *Land Development Code*, is amended to read as follows:

**ARTICLE XIII. – PARKING**

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**TABLE [13.1](#): TABLE OF PARKING REQUIREMENTS**

	Use	Parking Requirements
<b>1.00</b>	<b>Residential</b>	
1.1 1.2 1.3	Single-Family Mobile Home Two-Family (Duplex)	3 spaces per dwelling unit plus one space per room rented out

	Use	Parking Requirements
1.4	Townhomes (single family attached)	1 space per each bedroom minus 1 in each unit, with the minimum of 2 parking spaces per unit plus 0.25 spaces per unit for guests.
1.5	Multi-Family	1.65 spaces per unit plus 0.25 spaces per unit for guests. 1 bike space per 20 units.
1.6	Adult Family-Care Home	3 spaces for every 5 beds
1.61	Community Residential Home-Residential	0.5 spaces per bed
1.62	Bed and Breakfast	2 spaces for residents of the dwelling unit plus 1 parking space per room or unit let
1.63	Rooming House	1 space for every bedroom
1.8	Ancillary Unit	1 space per unit
<b>2.00</b>	<b>Offices <sup>1</sup></b>	
2.1 2.2 2.3 2.4 2.5	Professional Office Business Office Bank Medical Clinic Office Park	1 space per 200 square feet of gross floor area, and 1 bicycle parking space for each 2,500 square feet of gross floor area.
<b>3.00</b>	<b>Retail/Sales/Service <sup>1</sup></b>	
3.1— 3.15	Personal Services (excluding Day Care Center)	1 space per 200 square feet of gross floor area, and 1 bicycle parking space for each 2,500 square feet of gross floor area.

	Use	Parking Requirements
3.11	Day Care Center	1 space per 10 children plus 1 space per employee
3.16 3.17	Restaurant Restaurant w/drive-thru	1 space per 100 square feet of gross floor area, and 1 bicycle parking space for each 500 square feet of gross area.
3.18	Funeral Home	1 space per 100 square feet of gross floor area
3.19	Assisted Living Facility/Community Residential Home-Commercial	3 spaces for every 5 beds
3.2	Service Stations	1 space per 150 square feet of gross floor area devoted to sales plus sufficient area to accommodate vehicles at pumps w/o interfering with other parking
3.21	Gasoline pumps (in conjunction with Type II convenience uses	1.5 spaces for every 4 pumps
3.3	Specialty Shops	1 space per 200 square feet of gross floor area, and 1 bicycle parking space for each 2,500 square feet of gross floor area
3.4	Retail Sales	1 space per 200 square feet of gross floor area
3.51	Convenience Stores—Type I (without Gasoline Sales)	1 space per 150 square feet of gross floor area, and 1 bicycle parking space for each 500 square feet of gross floor area.
3.52	Convenience Stores—Type II (with Gasoline Sales)	Plus <u>1.5</u> spaces for every 4 pumps

	Use	Parking Requirements
3.6	Theaters	1 space per 10 seats
3.7 3.8	Micro-breweries/Micro-distilleries/Micro-wineries Artisan Food Production	1 space per 4 seats provided for patron use, plus 1 space per 75 square feet of patron usage area which does not contain seating provided that no use shall have less than 4 spaces 1 bicycle space per 10 required vehicle parking space
3.9  3.91  3.92	<u>Light Industrial Arts, Crafts and Apparel Manufacturing</u> <u>Light Industrial Technology Manufacturing</u> <u>Light Industrial Medical Manufacturing</u>	<u>1 space per 400 square feet for sales; 1 space for every 2 employees on the maximum shift for manufacturing; 1 bicycle parking space for each 2,500 square feet of gross floor area</u>
4.00	<b>Retail Sales (with outside storage)</b>	
4.2	Personal Storage (mini-warehouse)	1 space per employee
4.31— 4.33	Animal Services	1 space per 200 square feet gross floor area
4.4	Hotel/Motel	1 space for each room plus additional spaces in accordance with this section for restaurants, etc.
4.5	Shopping Center	1 space per 200 square feet, and 1 bicycle parking space per 2,500 square feet of gross floor area.

	Use	Parking Requirements
<u>4.6</u>	<u>Entertainment Uses</u>	<u>1 space per 200 square feet, and 1 bicycle parking space per 2,500 square feet of gross floor area.</u>
<b>5.00</b>	<b>Wholesale/Manufacturing</b>	
5.1– 5.7	Wholesale/Manufacturing <sup>1</sup>	1 space per 400 square feet for sales; 1 space for every 2 employees on the maximum shift for manufacturing
<b>6.0</b>	<b>Educational, Cultural or Religious Uses</b>	
6.1	Schools	1.75 spaces per classroom for elementary and middle; 5 spaces per classroom for high school; 10 bicycle parking spaces per classroom for elementary and middle; and 5 bicycle parking space per high school classroom.
6.2	Trade/Vocational Schools	1 space per 100 square feet of gross floor area
6.3	Churches	1 space for every 4 seats, 2 spaces per residential unit, 1 space per 200 square feet of floor area used neither for services or residential purposes
6.4 6.5	Libraries Social Clubs	1 space per 300 square feet of gross floor area, and 1 bicycle parking space per 1,500 square feet of gross floor area.
<b>7.00</b>	<b>Recreation, Amusement, Entertainment</b>	



	Use	Parking Requirements
7.1— 7.34	Use Recreation	1 space per 200 square feet within enclosed buildings plus 1 space for every three people facility is designed to accommodate at maximum capacity.
<b>8.00</b>	<b>Motor Vehicle-Related Sales and Service</b>	
8.1— 8.4	Motor Vehicles Sales and Service <sup>1</sup>	1 space per 200 square feet of gross floor area
8.6	Car Wash <sup>1</sup>	5 spaces/20 feet of internal washing capacity
	Car Wash Facility—Self-service	<u>2.5</u> spaces/wash bay
<b>9.0</b>	<b>Storage and Parking</b>	
9.2	Warehouse/Storage	1 space per 1,000 square feet of gross floor area
9.3	Scrap Materials, Junkyards, Auto Graveyards	1 space per employee during the highest shift on any single day of operation plus 1 space per 10,000 square feet of lot area.
<b>11.00</b>	<b>Miscellaneous Public and Semi-public Facilities</b>	
11.1- 11.2	Public Facilities	1 space per 200 square feet of gross floor area
<b>17</b>	Mixed Use <sup>1</sup>	See <u>Section 8.6(B)(3)(e)</u> Shared Parking and Shared Parking Calculation Table 8.1

Notes:

1. Additional parking standards are located in Article VIII.

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**SECTION 6. AMENDMENT TO ARTICLE XVIII LAND DEVELOPMENT CODE OF THE CITY OF OVIEDO, RELATING TO BASIC DEFINITIONS AND INTERPRETATIONS.** Article XVIII, *Land Development Code*, is amended to read as follows:

**ARTICLE XVIII. – BASIC DEFINITIONS AND INTERPRETATIONS**

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Light Industrial Arts, Crafts and Apparel Manufacturing include millwork, wood, window, and door manufacturing, wood container manufacturing, commercial lithographic printing, commercial screen printing, tradeblinding, potter, ceramics, vitreous china, fine earthenware, and other pottery product manufacturing, and other pressed and blow glass and glassware manufacturing with no emissions of odor, gas fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat, or vibration or other impacts which may be incompatible with the permissible uses allowed in the zoning district where the business is located.

Light Industrial Technology Manufacturing include research and development in physical, engineering, and life sciences, research and development in biotechnology (plant-based petroleum replacements), 3D printing, computer and electronic product manufacturing, computer and peripheral equipment manufacturing, electronic computer manufacturing, computer storage device manufacturing, computer terminal manufacturing, and other computer peripheral equipment manufacturing with no emissions of odor, gas fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat, or vibration or other impacts which may be incompatible with the permissible uses allowed in the zoning district where the business is located.

Light Industrial Medical Manufacturing include biological product manufacturing, medical equipment and supplies manufacturing, surgical appliance and supplies manufacturing, dental laboratories, home health equipment rental, testing laboratories, research and development in physical, engineering and life sciences, research and development in biotechnology with no emissions of odor, gas fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat, or vibration or other impacts which may be incompatible with the permissible uses allowed in the zoning district where the business is located.

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**SECTION 7. Implementing Administrative Actions.** The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

**SECTION 8. Savings.** The prior actions and activities of the City of Oviedo relating to the land development regulatory programs and actions of the City are hereby ratified and affirmed.

**SECTION 9. Codification; Scrivener's Errors.**

(a). Sections 2 through 7 of this Ordinance shall be codified in the Land Development Code and all other sections shall not be codified.

(b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

**SECTION 10. Conflicts.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

**SECTION 11. Severability.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 12. Effective Date.** This Ordinance shall become effective immediately upon enactment.

**FIRST READING: August 16, 2021**

**SECOND READING: September 9, 2021**

**PASSED AND ADOPTED this 9th day of September, 2021.**

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**MEGAN SLADEK**  
**MAYOR of the City of Oviedo, Florida**

**ATTEST:**

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**ELIANNE RIVERA**  
**CITY CLERK**