

Ordinance No. 2020 - 07

An Ordinance of the Board of County Commissioners of Osceola County, Florida; amending Osceola County Land Development Code Chapter 3, Performance and Siting Standards, by amending Article 3.1, General Provisions, Section 3.1.1, Zoning Districts, adding a new Subsection G related to new development and nonconforming structures; by amending Section 3.1.3, Applicability, Table 3.2, Preceding Zoning District Development Standards Matrix to reduce the minimum lot size requirement for certain parcels with AC zoning; by amending Table 3.3, Future Land Use and Zoning Correlation, to address consistent zoning designations for certain parcels with Employment Center Future Land Use; by amending Article 3.2, District Development Standards, Section 3.2.4, Commercial (Retail/Office) District Descriptions, Subsection A, Commercial Development Standards, to address consistency requirements with Urban Infill Center standards; providing for correction of scrivener's errors; providing for conflicts; providing for severability; and providing an effective date.

WHEREAS, in accordance with the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Florida Statutes, as amended, Osceola County enacted Ordinance 00-32, which adopted the Osceola County Land Development Code; and

WHEREAS, subsequent to the effective date of the Land Development Code, it has been determined that amendments are warranted in order to better serve the community and to ensure compliance with the Osceola County Comprehensive Plan; and

WHEREAS, in accordance with the provisions of Section 125.66, Florida Statutes, the Board of County Commissioners conducted a public hearing to consider the amendments, with due public notice having been provided; and

WHEREAS, having reviewed and considered all comments received during the public hearings, the Board of County Commissioners desires to amend sections of the Land Development Code for consistency with the Osceola County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS.

The foregoing recitals are true and correct and incorporated herein.

SECTION 2. AMENDMENT TO CHAPTER 3, PERFORMANCE AND SITING STANDARDS.

This ordinance amends Chapter 3, Performance and Siting Standards. Said amendments are illustrated in strike-thru and underline format, with underline showing new text, and strike-thru indicating repealed text. The Osceola County Land Development Code shall be conformed as set forth by this Land Development Code Amendment.

Chapter 3 Performance and Siting Standards

Article 3.1 General Provisions

3.1.1 ZONING DISTRICTS

G. NEW DEVELOPMENT

1. New Single Family Residential Development is hereby defined for single-family or duplex- zoned residential properties as the creation of lots through the subdivision of land, as defined in Florida Statutes. Creation of lots through a lot split, consistent with the requirements and standards of this Code, shall not be considered new residential development. Existing residential structures and any new ancillary structures are not considered new development, are exempt from rezoning, and shall adhere to the preceding zoning district development standards.

4. Properties that meet the above criteria (3.1.1 G1-3) are deemed by the County Manager as New Development or Newly Developed and shall be required to rezone to a

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zoning designation that is consistent with the Comprehensive Plan as outlined herein. Any properties that do not meet the above criteria are considered existing development. Existing residential structures and any new ancillary structures, that do not meet the above criteria are exempt from rezoning requirement and shall adhere to the preceding zoning district development standards shown in Table 3.5.

6. Properties that meet the above criteria (3.1.1 G1-3) for new development are required to meet the standards of the adopted zoning designation. Any nonconforming structures must be brought into compliance or removed upon approval of a Site Development Plan, and prior to scheduling a pre-construction meeting. If no Site Development Plan is required, structures must be brought into compliance or removed prior to issuance of a Building Permit.

3.1.3 APPLICABILITY

Table 3.2

Table 3.2 Preceding Zoning District Development Standards Matrix								
Type District	Zoning Abbr.	Zoning District	Minimum Standards					
			Lot Size	Lot Width	Building Height	Setbacks (in feet)*		
						Front	Rear	Sides
Residential Single Family	AC	Agricultural Development and Conservation	5 acres ^Z	200 ft. ^Z	2 stories	25	25	25
	R-2	Rural Development (two acres)	2 acres	150 ft.	2 stories	25	25	20
	R-2M	Rural Development (two acres-manufactured home)	2 acres	150 ft.				
	R-1	Rural Development (one acre)	1 acre	125 ft.				
	R-1M	Rural Development (one acre-manufactured home)	1 acre	125 ft.				
	E-5	Estate Development	5 acres	200 ft.	2 stories	25	25	20
	E-2	Estate Development	2 acres	150 ft.				
	E-2A	Estate Development	2 acres	150 ft.				
	E-1	Estate Development	1 acre	125 ft.				
	E-1A	Estate Development	1 acre	125 ft.				
	RS-1	Residential Single Family	15,000 sq.ft.	100 ft.	2 stories	25	25	15
	RS-1A	Residential Single Family	15,000 sq.ft.	100 ft.				
	RS-1C	Residential Single Family	21,780 sq.ft.	100 ft.				
	RS-2	Residential Single Family	10,000 sq.ft.	85 ft.	2 stories	25	25	12

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	RS-3	Residential Single Family	7,500 sq.ft.	65 ft.	2 stories	25	25	7½
	RMH	Residential Manufactured Housing (house)	7,000 sq.ft.	65 ft.	2 stories	25	25	10
		Residential Manufactured Housing (duplex)	9,500 sq.ft.	95 ft.				
		Residential Manufactured Housing (triplex)	12,500 sq.ft.	125 ft.				
		Residential Manufactured Housing (townhouse)	15,500 sq.ft.	155 ft.				
	RMH-1	Residential Manufactured Housing (house)	21,780 sq.ft.	100 ft.	2 stories	25	25	10
	RMH-1A	Residential Manufactured Housing (house)	10,000 sq.ft.	80 ft.	2 stories	25	25	10
		Residential Manufactured Housing (duplex)	12,500 sq.ft.	80 ft.	2 stories	25	25	10
Multi-Family	RM-1	Residential Multi-Family One (house)	7,000 sq.ft.	70 ft.	2 stories	25	25	10
		Residential Multi-Family One (duplex)	9,500 sq.ft.	95 ft.				
		Residential Multi-Family One (triplex)	12,500	125 ft.				
		Residential Multi-Family One (all other)	20,000	150 ft.				
	RM-2	Residential Multi-Family Two (house)	7,000 sq.ft.	70 ft.	3 stories	25	25	10
		Residential Multi-Family Two (duplex)	9,500 sq.ft.	95 ft.				
		Residential Multi-Family Two (triplex)	12,500 sq.ft.	125 ft.				
		Residential Multi-Family Two (townhouse)	15,500	155 ft.				
		Residential Multi-Family Two (garden apt.)	20,000 sq.ft.	200 ft.				
		Residential Multi-Family Two (all others)	20,000 sq.ft.	200 ft.	no limit	25	25	10
	RM-3	Residential Multi-Family Three (duplex)	9,500 sq.ft.	95 ft.	no limit	25	25	10
		Residential Multi-Family Three (triplex)	12,500	125 ft.				
		Residential Multi-Family Three (townhouse)	15,500	155 ft.				
		Residential Multi-Family Three (garden apt.)	20,000	200 ft.				
		Residential Multi-Family Three (apartments/hotel-motel)	40,000 sq.ft.	200 ft.				
Commercial	CR	Commercial Restricted	20,000	150 ft.	4 stories	35	25	15
Industrial	IB	Industrial Business	20,000 sq.ft.	150 ft.	4 stories	35	25	15

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* Setbacks: Setbacks are measured from existing property line.

NOTES:	1. Corner lots or lots having double road frontage shall measure setbacks from both roads as front yards.
	2. Land clearing activity to accommodate the principal use or ancillary structures where "Livestock/Grazing Animals" is the principal use shall be limited to the footprint of the proposed structure and reasonable space to accommodate construction equipment used to place the structure.
	3. Lot front determination shall be where the principal vehicular access to the lot abuts the approved public or private right-of-way. If the principal vehicular access is served by alley way design, then the Planning Official shall determine the lot front.
	4. Lot width determination shall be measured at the mid-point of the side lot lines.
	5. 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, if any, established in this chapter or amendments thereto, for the district in which such building or structure is located.
	6. Accessory uses listed as ancillary in the siting standards, shall be placed at a minimum of five feet (5') behind the front entry of the principal structure and a minimum of five feet (5') from rear and side property lines. Accessory structures such as garage(s), carport(s) or like uses are exempt from this requirement and shall meet the required front and corner setbacks. Uses not listed as ancillary in the siting standards shall meet principal setbacks of the respective zoning district.
	7. <u>For lots with AC zoning inside the Urban Growth Boundary and not within a Rural Enclave, the minimum lot size is reduced to two (2) acres and the minimum lot width is reduced to 150 feet.</u>

Table 3.3

Table 3.3. Future Land Use and Zoning Correlation	
Future Land Use Designations	Zoning Districts
Rural/ Agricultural	AC, IN, PD
Rural Settlement	RS, IN, PD
Rural Enclave	ARE
Low Density Residential	US, US-M, LDR, IN, PD
Medium Density and Intensity	MDR, MDR-M, IN, PD, RPB, CO
High Density Residential	HDR, IN, PD,
Commercial	EC, CG, CN, CO, CT ² , IN, RPB, HDR, PD
Tourist Commercial	EC, CT, IN, PD
Conservation, Natural Resources	Any
Industrial ¹	IR, IG, IM, IN, PD
Institutional	IN, PD
Mixed Use	MXD, PD, IN
Neighborhood Center	NCC, PD ³
Community Center	CCC, CCP, PD ³
Urban Center	UCC, UCP, PD ³
Employment Center	ECC, ECP, PD ³ , <u>EC⁴</u>

1. Limited industrial uses are permitted within alternate land uses and zoning designations as identified in the Use Table.

2. Limited to the Short Term Rental Overlay boundary as identified on the Future Land Use Map 2A.

3. Limited to existing PD zoning districts.

4. Limited to existing EC zoning districts.

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Article 3.2 District Development Standards

3.2.4 COMMERCIAL (RETAIL/OFFICE) DISTRICT DESCRIPTIONS

D. COMMERCIAL DEVELOPMENT STANDARDS

Standards	RPB	CG	CT	CO	CN ³	EC ⁶
Maximum density ⁵	18 du/1ac	18 du/acre	40/80 du/1ac ⁴	18 du/1 ac	18 du/1 ac	40 du/1 ac
Maximum intensity	1.0 FAR	1.0 FAR	N/A	1.0 FAR	0.35 FAR	2.5 FAR
Minimum density	8 du/1 ac	8 du/1 ac	5/8 du/1 ac ⁴	8 du/1 ac	8 du/1 ac	10 du/1 ac
Minimum intensity	N/A	N/A	N/A	N/A	N/A	N/A
Lot area, minimum	4500 SF ¹	N/A	N/A	N/A	N/A	N/A
Building height	3 stories ¹	N/A	N/A	N/A	N/A	N/A
Front setback	10	N/A	N/A	N/A	N/A	N/A
Rear setback	15 ¹ , 25 ²	25	N/A	N/A	25	N/A
Interior side setback	5 ¹ , 10 ²	10	N/A	N/A	15	N/A
Street side setback	15 ¹ , 10 ²	N/A	N/A	N/A	15	N/A

Note: Residential development is not required

¹ For Commercial uses only

² For Residential uses only

³ When a Commercial Neighborhood property is adjacent to another Commercial district, the properties may choose to aggregate and develop under the higher intensity development standards of the adjacent property.

⁴ Single-family detached is a Permitted Use as indicated in Use Table 3.4. For areas within one-half (½) mile of West U.S. 192 (West Irlo Bronson Memorial Highway), residential development shall have a minimum density of eight (8) dwelling units per acre and a maximum density of eighty (80) dwelling units per acre.

⁵ Hotels have no maximum density.

⁶ EC parcels with Employment Center Future Land Use designations shall comply with the Urban Infill Center standards contained herein.

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SECTION 3. FULL TEXT.

The full amended text of Chapter 3, Performance and Siting Standards is attached hereto as “**Exhibit A – Full Amended Text**”. The fully amended text shall not constitute a repeal and replace of the affected chapter.

SECTION 4. SCRIVENER’S ERRORS.

The County Attorney is authorized to correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the Clerk to the Board.

SECTION 5. CONFLICTS.

Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of the conflict.

SECTION 6. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 7. FILING WITH THE DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed to forthwith send a certified copy of this Ordinance to the Secretary of State for the State of Florida within ten days after its enactment.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon filing with the Florida Department of State.

ADOPTED by the Board of County Commissioners of Osceola County, Florida, at its regular meeting this 13th day of January, 2020.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: /s/ Viviana Janer, Chair

ATTEST:

OSCEOLA COUNTY CLERK OF THE BOARD

By: Debra A. Davis, Deputy Clerk of the Board

“EXHIBIT A”
Full Amended Text

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