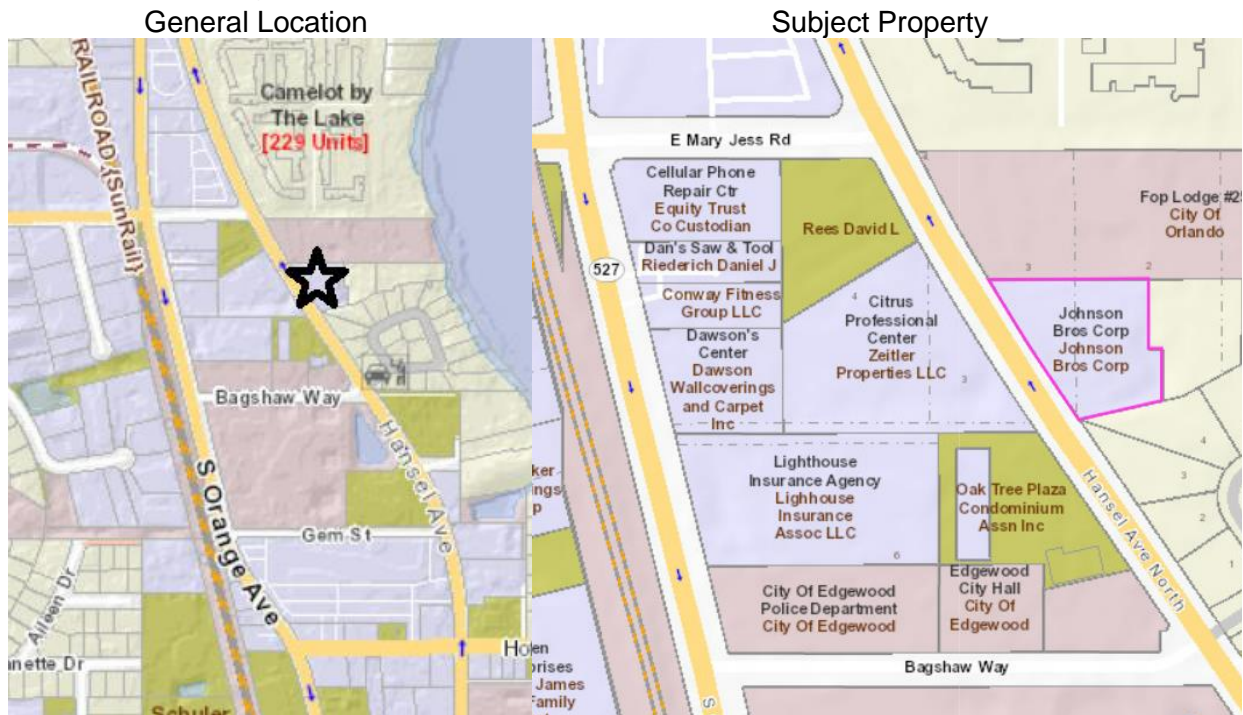


Date: April 4, 2023  
 To: Planning and Zoning Board  
 From: Ellen Hardgrove, City Planning Consultant  
 XC: Sandy Riffle, City Clerk  
 Brett Sollazzo, Administrative & Permitting Manager  
 Drew Smith, City Attorney  
 Re: County to City Rezoning

This agenda item is the beginning of the City’s effort to rezone previously annexed areas of the City to a City zoning district where the County zoning has remained after annexation. Per Code Section 134-172, all territory that was annexed into the City is considered to be zoned in the same manner as existed when under the County zoning classification unless such classification is affirmatively changed by the City. These areas include the property at 5517 Hansel Avenue, among others that will be considered at a later date. This agenda item is a rezoning from County P-O to City P-O.

That property is legally described as follows and shown in the exhibits below.



The site standards of the County and the City PO districts are identical. The County and City regulations are included as an appendix to this report.

The proposed rezoning is consistent with the factors established for rezoning approval as stated in Code Section 134-121(f); i.e.,

- *consistent with the city's comprehensive plan;*
- *in conformance with the substantive requirements of the zone, including minimum or maximum district size;*
- *necessary due to the change in jurisdiction/annexation;*
- *Would not result in any incompatible land uses, considering the type and location of uses involve; and,*
- *Would have the same demands on public facilities and services (both on-site and off-site) as currently zoned.*



END

*DIVISION 6. P-O PROFESSIONAL OFFICE DISTRICT*

**Sec. 134-315. Intent and purposes.**

The intent and purposes of the P-O district are:

- (1) To provide for and encourage development of a wide variety of high quality functional and attractive professional office centers in accordance with adopted city development plans and policies.
- (2) To establish standards which will promote high quality site development of individual office structures and larger office centers, both of which are properly oriented towards arterial roads and compatible with adjoining properties.
- (3) To encourage the provision of professional services at the neighborhood and community levels, and to provide sites large enough to permit landscaped open spaces and off-street parking facilities.

(Ord. No. 89-346, § 2(26-90), 3-21-1989)

**Sec. 134-316. Uses permitted.**

Only the following uses and structures shall be permitted within any P-O professional office district:

- (1) Accountants' offices.
- (2) Architects' offices.
- (3) Attorneys' offices.
- (4) Engineers' offices.
- (5) Insurance offices.
- (6) Investment offices.
- (7) Medical and dental offices, and uses incidental thereto.
- (8) Mortgage finance offices.
- (9) Pharmacies.
- (10) Real estate offices.
- (11) Research services.
- (12) Tax consultants.
- (13) Abstract or title services.
- (14) Advertising agencies.
- (15) Airline ticket agencies.
- (16) Authors and composers.
- (17) Bookkeeping services.

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- (18) Brokers (including, but not limited to, real estate brokers, mortgage loan brokers, stocks and bond sales, business investment counselors, escrow service agencies, insurance brokers and mutual fund companies).
  - (19) Automatic data processing services.
  - (20) Employment agencies, but expressly excluding any labor pool agencies.
  - (21) Geologists.
  - (22) Investment companies (including, but not limited to, investment counsels, securities and trust funds).
  - (23) Lie detector services.
  - (24) Manufacturers' representatives' offices.
  - (25) Public relations councils.
  - (26) Safety consultants.
  - (27) Secretarial services.
  - (28) Travel agencies.
  - (29) Florida communications designers.
  - (30) Marriage counselor, not a permitted use, unless psychologist or psychiatrist.
  - (31) Drafting offices.
  - (32) Estate planning and management.
  - (33) Income tax services.
  - (34) Nursing registries.
  - (35) Planners.
  - (36) Builders and general contractors (office use only).
  - (37) Credit bureaus.
  - (38) Other uses which are similar or compatible to the uses permitted herein, which would promote the intent and purpose of this district, and which are not specifically prohibited in section 134-317. Determination shall be made by authority and directive of the city council, which shall be determined after public notice and public hearing.

(Ord. No. 89-346, § 2(26-91), 3-21-1989; Ord. No. 2000-07, § 3, 12-28-2000; Ord. No. 2001-02, § 3, 1-23-2001; Ord. No. 2002-04, § 5, 5-7-2002)

### **Sec. 134-317. Uses prohibited.**

The following uses shall be prohibited in the P-O district:

- (1) Any business, except a medical or dental clinic or pharmacy, which displays merchandise for sale at retail or wholesale, or any business requiring the physical handling of merchandise to be sold at retail or wholesale on the premises.
- (2) Any use conducted either partially or totally outside a building or structure except for parking areas.
- (3) Veterinary establishments.
- (4) Medical marijuana dispensaries.

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- (5) Non-medical marijuana sales.
  - (6) Cannabis farm.
  - (7) Other uses which are similar to those listed above, and which are not specifically permitted in this division and which the prohibition thereof would maintain the intent and authority and directive of the city council, which shall be determined after public notice and public hearing.
  - (8) Pain management clinics.

(Ord. No. 89-346, § 2(26-92), 3-21-1989; Ord. No. 2000-07, § 3, 12-28-2000; Ord. No. 2012-10, § 2, 11-20-2012; Ord. No. 2014-04, § 1, 6-17-2014)

### **Sec. 134-318. Special exceptions.**

- (a) The following uses may be permitted as a special exception provided that any review and hearing of an application for a special exception shall consider the character of the neighborhood in which the proposed use is to be located, its effect on the value of surrounding lands, and further, the areas of the site as it relates particularly to the required open spaces and off-street parking facilities.
- (b) Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale indicating property lines, rights-of-way and the location of buildings, parking areas, curb cuts and driveways. Said site plan shall be submitted to and considered by the city council after recommendation by the planning and zoning board as provided for in article II of this chapter prior to the granting of a building permit. Upon such approval, said site plan becomes part of the building permit and may be amended only by the city council after recommendation by the planning and zoning board.
  - (1) Where integrated within a primary use structure and oriented towards serving the individuals employed within or served by the primary use structure, the following uses may be permitted:
    - a. Barbershops.
    - b. Beauty shops.
    - c. Restaurants.
    - d. Tobacco, candy, newspapers and magazine counters.
  - (2) Buildings in excess of 35 feet in height.
  - (3) Buildings in excess of one story in height within 100 feet of the side and rear lot line of any single-family residential district.
  - (4) Christmas tree lots.

(Ord. No. 89-346, § 2(26-93), 3-21-1989; Ord. No. 92-386, § 3, 12-15-1992)

## **Sec. 134-319. Site development standards.**

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

- (1) Minimum site size shall be 10,000 square feet.
- (2) Minimum site width shall be 85 feet.
- (3) Minimum front yard shall be 25 feet.
- (4) Minimum rear yard shall be 30 feet.
- (5) Minimum side yard shall be ten feet for one and two story buildings, plus two feet for each additional story.
- (6) Building setbacks from the normal high water elevation of every natural surface waterbody shall be a minimum of 50 feet.
- (7) Minimum floor area shall be 500 square feet.
- (8) Maximum building height shall be 35 feet.
- (9) Minimum open space shall be 35 percent.
- (10) Off-street parking shall be provided as required in article V, division 5 of this chapter.
- (11) Water control and water quality management devices shall be provided in accordance with adopted city policies.
- (12) Signs shall be permitted as allowed in chapter 122.
- (13) Lighting devices for the illumination of the ground, driveways, walkways, signs, parking areas and building exteriors or interiors shall be installed and maintained in such a manner as to confine direct rays to the premises and prevent direct rays and glare onto neighboring properties and highways. Flashing lights will not be permitted.
- (14) Landscaping requirements shall include:
  - a. The preservation and utilization of the natural topography, where possible, through the careful location of improvements. Chapter 130 of this Code shall be followed with regard to all trees. Any portion of an improved lot or parcel not contained within a building or within paved parking and loading areas, aisles, drives or walkways shall be landscaped and shall be provided with irrigation availability.
  - b. Boundary landscaping is required for a minimum depth of ten feet along all external property lines of the site abutting streets and which abut districts where residential uses are permitted, except where vehicular accessways and existing structures prohibit such landscaping or where traffic safety would be impaired.
  - c. A minimum of five percent of all parking areas shall be landscaped within the interior of the parking lot.
  - d. Where a P-O parcel abuts any residential district, a wall or solid fence shall be provided along the abutting lot lines. The wall or solid fence (e.g., cement brick, block, brick or concrete) shall be at least eight feet in height. No fence, wall or similar item shall be maintained near any corner, driveway, street or intersection where traffic safety would be impaired or create a traffic hazard.

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- e. Refuse or solid waste disposal areas. Refuse or solid waste disposal areas shall be provided and shall not be located in any required front yard., or side or rear yard that fronts a public road, unless screened in accordance with this chapter, as it may be amended from time to time. Uses obtaining a certificate of occupancy prior to the effective date of the ordinance from which this section is derived shall have six months to come into compliance with these requirements.
  - f. The open storage of equipment, materials or commodities shall be screened from view. The term "screened from view" shall mean not visible to an average person in the usual conduct of residing upon and otherwise utilizing the properties and streets adjacent thereto. For example, such phrases would not include the incidental sighting of the restricted objects (or activities) when being expeditiously moved or repaired (if indoor repair is impractical, and if an appropriate screen or other cover cannot be erected for any such activity which extends beyond one day). Also, they shall not prohibit momentary testing which is otherwise reasonable as to time, nature and duration. Likewise, these phrases shall not include the sighting of an object (or activities) made by the use of binoculars, microphones, observation towers, parting or standing within one foot of shrubbery or fencing, and similar invasive and unusual techniques of seeing, which an average person would not utilize in the course of routine daily living. (See also section 134-519 "Outdoor sales.")

(Ord. No. 89-346, § 2(26-90), 3-21-1989; Ord. No. 2000-07, § 3, 12-28-2000; Ord. No. 2001-02, § 3, 1-23-2001; Ord. No. 2001-13, § 7, 8-21-2001)

### **Sec. 134-320. Site plan.**

- (a) Building permit applications shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale indicating:
  - (1) Lot size.
  - (2) Location of public rights-of-way.
  - (3) Property lines.
  - (4) Setbacks from property lines.
  - (5) Location and height of buildings, structures and signs.
  - (6) Total floor area and gross floor area used for office.
  - (7) Circulation plan including the location and square footage of drives and parking areas.
  - (8) Location and type of exterior lighting facilities.
  - (9) Percentage of the lot in open space.
  - (10) Location and screening of refuse storage areas.
  - (11) Landscaping plan and irrigation system.
  - (12) Location, height and type of signs.
  - (13) Location and type of water control and water quality management devices.
- (b) Said site plan shall be submitted to and approved by authority and directive of the city council prior to the granting of a building permit. Upon such approval, said site plan becomes part of the building permit and may be amended only by authority and directive of the city council.

(Ord. No. 89-346, § 2(26-95), 3-21-1989)

- ORANGE COUNTY CODE  
Chapter 38 - ZONING  
ARTICLE VII. - COMMERCIAL DISTRICTS  
DIVISION 2. P-O PROFESSIONAL OFFICE DISTRICT

***DIVISION 2. P-O PROFESSIONAL OFFICE DISTRICT***

**Sec. 38-801. Reserved.**

Editor's note(s)—Ord. No. 95-16, § 21, adopted June 27, 1995, repealed § 38-801, which pertained to definitions and derived from the Planning & Zoning Resolution, art. XXXI, § 2, and Ord. No. 92-42, § 8, adopted Dec. 15, 1992.

**Sec. 38-802. Intent and purposes.**

The intent and purposes of the P-O professional office district are:

- (1) To provide for and encourage development of a wide variety of high quality functional and attractive professional office centers in accordance with adopted county development plans and policies.
- (2) To establish standards which will promote high quality site development of individual office structures and larger office centers, both of which are properly oriented towards arterial roads and compatible with adjoining properties.
- (3) To encourage the provision of professional services at the neighborhood and community levels, and to provide sites large enough to permit landscaped open spaces and off-street parking facilities.
- (4) To recognize the growing importance of the county as a regional service center and the need to accommodate the increasing service demands of the resident and tourist populations.

(P & Z Res., art. XXXI, § 1)

**Sec. 38-803. Permitted uses.**

A use shall be permitted in the P-O district if the use is identified by the letter "P" in the use table set forth in section 38-77.

(P & Z Res., art. XXXI, § 3; Ord. No. 95-16, § 21, 6-27-95)

Editor's note(s)—At a public hearing on Mar. 21, 1991, the planning and zoning commission/local planning agency determined that a birthing facility, which provides outpatient service only, was a similar and compatible use in the P-O, professional office district.

**Sec. 38-804. Prohibited uses.**

A use shall be prohibited in the P-O district if the space for that use is blank in the use table set forth in section 38-77.

(P & Z Res., art. XXXI, § 4; Ord. No. 95-16, § 21, 6-27-95)

**Sec. 38-805. Special exceptions.**



### **Sec. 38-806. Site development standards.**

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

- (1) Floor area ratio shall not exceed 3.0.
- (2) Minimum site size shall be ten thousand (10,000) square feet.
- (3) Minimum site width shall be eighty-five (85) feet.
- (4) Minimum front yard shall be twenty-five (25) feet.
- (5) Minimum rear yard shall be thirty (30) feet, provided that building setbacks from the normal high-water elevation of every natural surface water body shall be a minimum of fifty (50) feet.
- (6) Minimum side yard shall be ten (10) feet for one- and two-story buildings, plus two (2) feet for each additional story.
- (7) Minimum floor area shall be five hundred (500) square feet.
- (8) Maximum building height shall be thirty-five (35) feet.
- (9) Minimum open space shall be in accordance with Orange County Code, chapter 24, article II, open space regulations.

(Ord. No. 92-42, § 9, 12-15-92)

- (10) Lighting devices for the illumination of the ground, driveways, walkways, signs, parking areas, and building exteriors or interiors shall be installed and maintained in such a manner as to confine direct rays to the premises and prevent direct rays and glare onto neighboring properties and highways. Flashing lights are prohibited.
- (11) Landscaping and buffer requirements shall be as provided for in the Orange County Code, chapter 24.

(Ord. No. 92-42, § 13, 12-15-92)

- (12) Refuse or solid waste areas shall comply with the following:
  - a. Shall not be located within any front yard;
  - b. Shall not be located within any landscape buffer;
  - c. Shall be located at least five (5) feet from any side or rear property line;
  - d. Shall be located at least fifteen (15) feet from any side street; and
  - e. Disposal areas shall be screened in accordance with and otherwise comply with sections 9-560 and 24-4(f), Orange County Code.

(P & Z Res., art. XXXI, § 6; Ord. No. 95-16, § 21, 6-27-95; Ord. No. 2016-19, § 13, 9-13-16)

### **Sec. 38-807. Site plan.**

- (a) Land use and building permit applications shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale indicating:
  - (1) Lot size.

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- (2) Location of public rights-of-way.
  - (3) Property lines.
  - (4) Setbacks from property lines.
  - (5) Location and height of buildings, structures and signs.
  - (6) Total floor area and gross floor area used for office.
  - (7) Circulation plan, including the location and square footage of drives and parking areas.
  - (8) Location and type of exterior lighting facilities.
  - (9) Percentage of the lot in open space.
  - (10) Location and screening of refuse storage areas.
  - (11) Landscaping plan and irrigation system.
  - (12) Location, height, and type of signs.
  - (13) Location and type of water control and water quality management devices.
- (b) The site plan shall be submitted to and approved by authority and directive of the planning and zoning commission prior to the granting of a land use and building permit. Upon such approval, the site plan becomes part of the land use and building permit and may be amended only by authority and directive of the planning and zoning commission.

(P & Z Res., art. XXXI, § 7)

**Sec. 38-808. Pedestrian circulation.**

Pedestrian accommodations shall meet all requirements of section 30-250.

(Ord. No. 2013-08 , § 2, 3-26-13; Ord. No. 2020-30 , § 7C, 10-13-20)

**Sec. 38-809. Off-street parking and loading.**

All requirements in article XI of this chapter for vehicle and bicycle parking shall be met.

(Ord. No. 2013-08 , § 3, 3-26-13)