











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											
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												
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
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												
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																															



















































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			P	P	P				
Florists	5992	Florists																			P	P						P	P		
Tobacco shops	5993	Tobacco stores																		65 S	P	P					P		P	P	
Newsstands, magazine stands	5994	Newsstands																		65 S	P	P					P		P	P	
Optical goods, eyeglass stores	5995	Optical goods																			P	P					P		P	P	
Art stores, spas & hot tubs, pools	5999	Miscellaneous retail, except indoor & outdoor auctions																			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						
Indoor markets		Indoor markets																			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





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	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
Rental and storage of heavy construction	7353	Heavy construction equipment (rental & storage)																				P		58 P	P	P	P				

















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	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	8331	Job training & related services											S						P	P	P	P	107 P S	P	P	P	P		P	P	











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## 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)

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## 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.
- (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.
- (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-1 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.

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- (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

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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.
- (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.



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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, they may be renewed by the zoning director for a period not to exceed an additional ninety (90) days. Upon expiration of any permit for a temporary 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.

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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.
  - (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.
  - (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.
  - (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;

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- 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 required to have an eight (8) foot high masonry wall, eight (8) foot high maintained fence, or other screening acceptable to the zoning manager; and
- (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 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.

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- (11) Reserved.
- (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.
- (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.)
- (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 ( $\frac{1}{2}$ ) 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:

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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

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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 may 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 an alley is present, the screen room shall not be located closer than five (5) feet to the edge of the alley, and shall not be located within 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.

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- 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, travel 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-1AAAA, 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.

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- 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.



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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 zoning districts. In all other residential zoning districts, a day care center shall open no earlier than 6:00 a.m., and close no later than 7:00 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:

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- 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

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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.

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- (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.

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- (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.

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- (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 chickens are permitted where private covenants or restrictions prohibit such use, or where rules promulgated under such covenants and restrictions 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

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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:
  - a. Hours of operation shall be limited from 6:00 a.m. to 10:00 p.m.;
  - b. The equipment shall be on timers and shall be shut down before and after the hours of operation listed above;
  - c. 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
  - d. 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;

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- 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) parking spaces for customers;



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- 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.

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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;

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- 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 Florida Statutes 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

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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 operational 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

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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 TPSC 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.

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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, bicycles or pedestrians utilizing, entering or exiting a right-of-way; or in a manner that obstructs the flow of pedestrian or vehicular traffic.
  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).)

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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.

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- 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)



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(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;

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- 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;

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- 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

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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;

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- 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.

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- 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:

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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, the building 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.

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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.

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(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. The processing and open storage of yard trash and yard trash derived materials is subject to a setback of one hundred fifty (150) 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)

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(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 the 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)

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(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)

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(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(s)—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(s)—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:

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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 CPTED Network. 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.

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- 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)

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(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.



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- 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 ( $\frac{1}{3}$ ) 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;

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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.

- l. 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

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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

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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

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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

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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.

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(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:

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(Supp. No. 117)

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- 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



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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 for 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

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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

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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-winerries, 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-winerries, 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-winerries-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)