

## ARTICLE V - LAND USE AND DENSITY REGULATIONS (ZONING)

### § 5-1. - CITATION FOR ZONING.

This section shall be known as the "Zoning Section," and the map herein referred to, which is identified by the title "Official Zoning Map," shall be known as the "Zoning Map."

#### A. Purpose and Intent.

The zoning regulations for Ocoee are declared to be necessary to promote the health, safety and welfare of the inhabitants of the City of Ocoee by dividing the City into zones regulating therein the use of land and the use and size of buildings as to height and the number of stories, the coverage of land by buildings, the size of yards and open spaces, the location of buildings and the density of population in accordance with the City of Ocoee's Comprehensive Plan.

This Code is designed to lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

#### B. Interpretation.

The zoning regulations are not intended to interfere with, abrogate or annul any lawful easements, covenants or other agreements between parties; provided, however, that where this Code imposes greater restrictions upon the use of buildings or premises than are imposed or required by other resolutions, rules, regulations or by lawful easements, covenants or agreements, the provisions of this Code shall prevail.

#### C. Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the "Official Zoning Map", the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following City limits shall be construed as following City limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following center lines of watercourses shall be construed as following such center lines. Boundaries indicated as following the lake shore shall be construed as following the lake shore, and in the event of development of lands extending into the lake such boundaries shall be construed as moving with the lake shore so that new lands created in the lake shall be zoned in the same manner as adjacent uplands which were previously at the lake shore.
- (6) Boundaries indicated as being parallel to or extensions of features indicated in items (1) through (4) above, or parallel to center lines of watercourses, shall be construed as being in fact parallel to or extensions of such features, and if distances involved are not specifically indicated on the Zoning Map, such distances shall be determined by the scale of the Zoning Map.
- (7) Where the street or property layout existing on the ground is not in agreement with that shown on the Official Zoning Map, or in other circumstances not covered by the rules above, the City Commission shall interpret the district boundaries.

#### D. Interpretation of Zoning District Boundaries.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this Code, permission may be given as a special exception by the City Commission to extend the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

#### E. Application.

(1) General. Except as hereinafter provided:

- (a) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all of the regulations herein specified for the district in which it is located.
- (b) No building or other structure shall hereafter be erected or altered:
  1. To exceed the height;
  2. To accommodate or house a greater number of families;
  3. To occupy a greater percentage of lot area; or
  4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this Code.
- (c) No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as provided herein.
- (d) No yard or lot existing at the time of passage of this Zoning Code shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established herein.
- (e) Within each district, the regulations set by this Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

F. Territorial Limits.

This Code shall apply to all land within the corporate limits of the City of Ocoee and all land hereafter annexed into the City of Ocoee.

G. Official Zoning Map.

The City of Ocoee is hereby divided into zoning districts as shown on the Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Code.

The Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City of Ocoee under the following words: "This is to certify that this is the Zoning Map referred to in Chapter III of Ordinance Number 516 of the City of Ocoee, Florida," with the date of adoption of this Code.

If, in accordance with the provisions of this Code, changes are made in district boundaries or other matter portrayed on the Zoning Map, said changes shall be made on the Zoning Map promptly after the amendment has been approved by the City Commission, together with an entry on the Zoning Map as follows: "On \_\_\_\_\_ (date), by official action of the City Commission, the following changes were made to the Zoning Map: (brief description of the nature of the change)," which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this Code which involves matters portrayed on the Zoning Map shall become effective until after such change and entry have been made on said map.

No changes of any nature shall be made to the Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Code. Any unauthorized change of whatever kind by any person or persons shall be considered to be a violation of this Code.

Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Official Zoning Map kept in the office of the City Clerk shall be the final authority as to current zoning status of lands, buildings and other structures in the City of Ocoee.

H. Replacement of the Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Commission may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Map. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted by the City of Ocoee."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

#### § 5-2. - SCHEDULE OF FEES.

Upon submittal of any Annexation, Zoning/Rezoning, or Comprehensive Plan Amendment petition, or any other plan related application, the Planning Department shall ensure that the required flat fee is paid in full in accordance with the rates established by the City Commission of Ocoee.

#### § 5-3. - ESTABLISHMENT OF ZONING DISTRICTS.

##### A. Zoning Districts.

For the purposes of this Article, the following zoning districts are hereby established for use within the City of Ocoee:

<b>Agricultural Districts:</b>	
A-1	General Agriculture
A-2	Suburban
<b>Residential Districts:</b>	
RCE-1	Rural Country Estates
RCE-2	Rural Country Estates
R-1	Single Family Dwelling
R-1A	Single Family Dwelling
R-1AA	Single Family Dwelling
R-1AAA	Single Family Dwelling
R-2	One and Two Family Dwelling
R-3	Multi Family Dwelling
RT-1	Mobile Home Subdivision
<b>Commercial Districts:</b>	
PS	Professional Offices and Services
C-1	Neighborhood Shopping

C-2	Community Commercial
C-3	General Commercial
<b>Industrial Districts:</b>	
I-1	Light Manufacturing and Warehousing
I-2	Heavy Industrial
<b>Planned Unit Development (PUD) District</b>	

## B. District Descriptions

Following is a description of each district:

**(1) A-1 General Agricultural District.**

This district is intended to provide areas primarily for agricultural uses. It is the purpose of this district to protect such uses from unplanned urbanization so long as the land therein is devoted primarily to agricultural uses. This district is primarily intended for areas shown on the Future Land Use Map as "Low Density Residential". As the most restrictive district in the City, this district is also appropriate for areas designated on the Future Land Use Map as "Water", "Conservation", and "Recreation". Where appropriate to the situation, this district may also be appropriate for areas designated as "Institutional/Government". Where the Official Zoning Map is unclear as to the zoning district applicable to a parcel of land, or where land is newly annexed, the provisions of this district shall govern pending the determination of an appropriate district through the rezoning procedure.

**(2) A-2 Suburban District.**

This district is intended to provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the near future. Many tracts in this district will be in close proximity to residential and commercial uses. Therefore, the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, required area and intensity of use of land which is permitted in this district is designed to encourage and protect agricultural uses so long as the land therein is devoted primarily to agriculture. This district is primarily intended for areas shown on the Future Land Use Map as "Low Density Residential".

**(3) RCE-1 and RCE-2 Rural Country Estates Districts.**

These districts are intended to provide a location for the land situated on the fringe of the urban area that is used primarily for residential purposes, but will allow secondary agricultural uses. Many tracts in these districts will be in close proximity to higher density residential and commercial uses. Therefore, the agricultural activities conducted in these districts should not be detrimental to urban land uses. It is intended that these districts provide a location for a lower density of residential development than is authorized in other districts. The types of uses, required area and intensity of use of land which are permitted in these districts are designed to allow agricultural uses so long as the land therein is devoted primarily to single family residences. These districts are primarily intended for areas shown on the Future Land Use Map as "Low Density Residential".

**(4) R-1-A and R-1 Single-Family Dwelling Districts.**

The areas included in R-1-A and R-1 Single-family Dwelling Districts are of the same general character as R-1-AAA and R-1-AA, but with smaller minimum lots and yards, and a corresponding increase in population density. This district is primarily intended for areas shown on the Future Land Use Map as "Low Density Residential".

(5) **R-1-AA and R-1-AAA Single-Family Dwelling Districts.**

The areas included within R-1-AA and R-1-AAA, Single-family Dwelling Districts are intended to be single-family residential areas with larger lots and lower population densities. Certain structures and uses required to serve educational, religious, utilities and noncommercial recreational needs of such areas are permitted. This district is primarily intended for areas shown on the Future Land Use Map as "Low Density Residential".

(6) **R-2 One-Family and Two-Family Dwelling District.**

This district is composed of certain limited areas where it is desirable, because of an established trend, to recognize a more intensive form of residential use than in the single-family districts. Provision is made for the erection of duplex dwelling structures. This district is primarily intended for areas shown on the Future Land Use Map as "Low Density Residential" or "Medium Density Residential".

(7) **R-3 Multiple-Family Dwelling District.**

The area included in the R-3, Multiple-family Dwelling District is residential in character with residential uses at higher population densities. Due to higher than average concentrations of persons and vehicles, these districts are situated where they are well serviced by public and commercial services and have convenient access to thoroughfares and collector streets. This district is primarily intended for areas shown on the Future Land Use Map as "Medium Density Residential" or "High Density Residential".

(8) **RT-1 Mobile Home Subdivision District.**

This district is composed of certain lands where it is desirable to attain a low to medium density residential area consisting of mobile homes on single lots under individual ownership. This district is primarily intended for areas shown on the Future Land Use Map as "Low Density Residential" or "Medium Density Residential".

(9) **P-S Professional Offices and Services District.**

The provisions of this district are intended to apply to an area adjacent to major streets and convenient and complementary to major commercial uses. The types of uses permitted and other restrictions are intended to provide an amenable environment for the development of professional office and business services. This district is primarily intended for areas shown on the Future Land Use Map as "High Density Residential" or "Professional Service".

(10) **C-1 Neighborhood Shopping District.**

This commercial district is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood, closely associated with residential, religious, recreational and educational uses, more restrictive requirements for light, air, and open space are made than are provided in other commercial districts. This district is primarily intended for areas shown on the Future Land Use Map as "Commercial".

(11) **C-2 Community Commercial District.**

This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods. This district is primarily intended for areas shown on the Future Land Use Map as "Commercial".

(12) **C-3 General Commercial District.**

This district is composed of certain land and structures used to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. Characteristically, this type of district occupies an area larger than that of other commercial districts, is intended to serve a considerably greater population and offers a wider range of

services. This district is primarily intended for areas shown on the Future Land Use Map as "Commercial".

**(13) I-1 Restricted Manufacturing and Warehousing District.**

This district is intended primarily for manufacturing and assembly plants and warehousing that are conducted so the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation facilities; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the general industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards. This district is primarily intended for areas shown on the Future Land Use Map as "Light Industrial".

**(14) I-2 General Industrial District.**

This district is primarily intended for wholesale, storage, warehousing, manufacturing, assembling, automotive body repair, automotive wrecking or salvage yards, borrow pits, and fabrication. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities. This district is primarily intended for areas shown on the Future Land Use Map as "Heavy Industrial".

**(15) PUD Planned Unit Development District.**

The following types of uses are suitable within the Planned Unit Development District if designated in an approved Development Plan:

- (a) Planned residential communities: complementary and compatible commercial and industrial uses may be included if they are harmoniously designed into the total residential community within a Planned Unit Development District.
- (b) Planned commercial centers: complementary and compatible residential and industrial uses may be included if they are properly designed into the total commercial center within a Planned Unit Development District.
- (c) Planned industrial parks: complementary and compatible residential and commercial uses may be included if properly related to the total industrial park within a Planned Unit Development District.
- (d) Mixed- and Multi-use Developments: Projects containing a variety of uses combined within a single- or multi-tract project area including, but not limited to, those situated within the Interchange Impact Areas, the Downtown Redevelopment Area, or Activity Centers.
- (e) Public, or quasi-public facilities: uses complementary and compatible with planned residential, commercial, or industrial developments, including sewer and water utility plants may be included within a Planned Unit Development District.
- (f) Traditional Neighborhood Development: development of living environments not possible with the strict application of minimum requirements of the City's other zoning regulations which utilize neo-traditional design principles.

**C. Application of District Regulations.**

**(1) Application of Regulation to Uses of a more Restricted District.**

Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions set forth in the regulations of the more restricted district, unless otherwise specified.

**(2) Specific District Regulations.**

Within each district, regulations herein set forth shall be minimum regulations and shall apply uniformly to each class or kind of building or land.

**§ 5-3.1. - SPECIAL OVERLAY AREA.**

**A. Creation.**

Special Overlay Areas may be created by the City of Ocoee to facilitate unique development activities within Interchange Impact Areas, the Downtown Redevelopment Area, and Activity Centers where there is need for coordination between different land owners in the development of high density, mixed-use and multi-use projects; and development of areas involving special issues of

infrastructure, environmental protection, employment activities, protection of historic resources, or other public issues deemed by the City Commission to be appropriate for special treatment.

B. Intent.

It is the intent of the City that the designation of a Special Overlay Area shall put landowners, developers, and the general public on notice that special opportunities exist for the development of the area and, concurrently, that special provisions or limitations may be placed on projects within the area; identify specific standards to be followed in the development of the area, which standards shall supersede conflicting general standards of this Code but shall not be inconsistent with the Comprehensive Plan; and encourage, but not require, the use of the PUD district and the designation of area wide DRIs, where appropriate, to facilitate the achievement of specific development objectives of the City. Procedures to establish these districts are found in Section 4-6 of Article IV of this Code.

C. Types of Special Overlay Areas.

(1) Interchange Impact Areas.

Interchange Impact Areas include those sectors of the City where the Western Beltway intersects with major City roadways, namely Fuller's Cross Road, Silver Star Road, and State Road 50. These areas may include a mix of retail, general commercial, and light industrial. In the development of these areas, only those plans that provide for sustainable development shall be approved.

Those Plans that promote the location of regional headquarters, commerce, office and industrial parks shall be considered first and foremost. Developments that will not be permitted to occur in mass quantity include, but are not limited to, strip commercial centers and high traffic generators, i.e., convenience stores, gas stations, and fast-food restaurants. To ensure efficient traffic flow, curb cuts shall be restricted in these areas.

The specific boundaries of each Interchange Impact Area will be determined at the time each overlay area is formally adopted by ordinance and shall generally include all land within a one-quarter-mile radius of the interchange area. If any portion of a parcel lies within the radius of the area, the parcel may be incorporated within the Interchange Development Plan.

(2) Downtown Redevelopment Area.

The objective of the Downtown Redevelopment Area, as delineated within the Comprehensive Plan, is to attract reinvestment in the downtown area of Ocoee. Through flexible land development regulations and codes, innovative designs, such as on-street parking, pedestrian ways, and mixed-use scenarios will be promoted. Density allowances, among other incentives may be offered to developers to attract them to the area.

Downtown redevelopment can benefit the City by increasing the tax base. Benefits to residents include increased property values, a unique visual and pedestrian experience, and opportunities to live and work within the same community, and economic viability to those who own property within the area.

Proposed development schemes should include visual landmarks and public areas; quality pedestrian areas; mixed uses, including retail, general commercial, restaurants, a variety of residential uses and professional offices and services. Within the Downtown Redevelopment Area, pedestrian travel shall be encouraged by guiding the use and setbacks of buildings, and street and sidewalk design. Buildings should be close to the street and may include retail and restaurant uses on the first floor. Sidewalks should include benches and landscaping. The street design should provide for well planned corridors that are aesthetically pleasing and pedestrian oriented.

(3) Activity Centers.

Activity Centers are those areas located at the intersections of major roadways. The Activity Centers identified by the City include the intersection of Clark Road and Silver Star Road, Clark Road and SR 50, Good Homes Road and SR 50, Blackwood Avenue and SR 50, and Bluford Avenue and SR 50.

The specific boundaries of each Activity Center will be determined at the time each overlay area is formally adopted by ordinance. The boundaries shall generally include all properties within a one-quarter-mile radius of the Activity Center's main intersection or any parts of any subdivisions or parcels within the one-quarter-mile radius as well as any logical extensions beyond those

boundaries. The boundaries are to be determined based upon a logical pattern of development or expansion which would relate certain properties directly with each Activity Center.

Activity Centers will be the major nodes of employment within the City and will include residential and support commercial land uses. Mixed land use and pedestrian as well as transit travel will be emphasized in the design of these Centers. Flexible setback allowances and increased floor area ratios are two (2) mechanisms that will be considered within the Activity Center Plans.

Developments may be processed as PUDs, although individual development proposals may include requests for waivers from the standard Land Development Code requirements that may be granted where a coordinated pattern of development further enhances the goals established for each Activity Center.

Specifically, these Activity Centers should encourage residential areas that contain a mix of housing types and densities. Retail, service, and recreational facilities shall also be integrated within these areas. Non-residential areas shall establish the hub and the focus of the area. Retail and service establishments, including day care center, government buildings, and cultural centers are allowed within the Centers. Activity Centers should be within walking or bicycling distance to most residents. Sidewalks should be placed on both sides of the roadways and shall be connected to sidewalks within residential developments. All parking areas shall be heavily landscaped and setback allowances shall be given for any parking located behind buildings.

(4) State Road 429 Overlay Area.

The State Road 429 Overlay Area contains three character areas known as the Plant Street Character Area, the Business Center Character Area, and the Interchange Village Character Area. The purpose and development standards of the State Road 429 Overlay Area, inclusive of the Character Areas, is intended to create a livable transportation network with people-oriented transportation focusing on a network of street and trail connections rather than a limited system of roads; create a strong sense of place by building upon the existing character of West Orange County and its communities; create and encourage mixed and multi-use development; create more activity at more times of the day to ensure a vibrant level of exchange; create a robust public realm by linking the community with parks, trails, and open spaces; create a front-door gateway for the downtowns of Winter Garden and Ocoee; and to encourage high quality economic development.

D. Plan Preparation.

Individual special development plans, namely, Interchange Development Plans, the Downtown Redevelopment Plan, and Activity Center Plans shall be prepared by the City in cooperation with landowners having properties situated within these Special Overlay Areas to ensure the most feasible use of these lands. In general, these Plans shall incorporate design standards which will guide development within each area as well as graphically delineate the conceptual spatial and aesthetic aspects pertaining to each Special Overlay Area. All such special development plans shall be adopted by ordinance and the provisions of this Section 5.3-1 shall not govern or control development within a Special Overlay Area until such time as a special development plan is adopted for such Area.

E. Plan Components.

In order to achieve high quality development which also promotes innovative design concepts and flexibility, the following components shall be considered by the City when formulating standards applicable to each special development plan:

- (1) The arrangement of uses and structures designed to encourage compatible mixed -and multi-use developments within a master-planned environment.
- (2) The provision for adequate transportation systems to serve the development including sufficient rights-of-way, street extensions, shared access, cross access, internal circulation; capacity improvements, bicycle facilities, mass transit facilities, turning lanes, access restrictions and signalization.
- (3) The provision of shared infrastructure for parking, sanitary systems, water systems, and stormwater management facilities as well as public utilities.
- (4) The provision of upgraded landscaping, parking facilities, pedestrian amenities, and signage controls as well as standards promoting architectural compatibility within the development.
- (5) The preservation of natural amenities on site including trees, water bodies, wetlands, wildlife habitat, and open space.

### § 5-3.2. - OCOEE STATE ROAD 50 ACTIVITY CENTER SPECIAL DEVELOPMENT PLAN.

#### A. Establishment of Geographic Boundaries of Activity Centers.

Pursuant to Section 5-3.1(c)(3) of the Ocoee Land Development Code, the specific geographic boundaries of the Good Homes Activity Center, West Oaks Activity Center, Lake Bennett Activity Center and Minorville Activity Center are hereby established as the boundaries depicted in Exhibit "A" attached hereto and by this reference made a part hereof. The foregoing Activity Centers as depicted in Exhibit "A" hereto are collectively referred to in this Section as the "Activity Centers" and individually referred to as an "Activity Center." The City Commission hereby finds that the boundaries of each Activity Center are based upon a logical pattern of development or expansion which relates the properties included in each Activity Center to each other.

#### B. Establishment of Boundaries of Special Overlay Area.

Pursuant to Section 4-6 of the Ocoee Land Development Code, the City Commission hereby creates as a Special Overlay Area the geographic areas of the Activity Centers as depicted in Exhibit 'A' attached hereto. The foregoing Special Overlay Area shall be referred to as the "Ocoee State Road 50 Special Overlay Area". The City Commission hereby directs that the boundaries of the Ocoee State Road 50 Special Overlay Area be shown on the Official City Zoning Map along with a reference to the existence of the special development standards adopted pursuant to this Section and the location where the special development plan containing such adopted special standards can be reviewed.

#### C. Adoption of Special Development Plan.

Pursuant to the provisions of Section 4-6 of the Ocoee Land Development Code, the City Commission hereby adopts and enacts the "Ocoee State Road 50 Activity Center Special Development Plan" attached hereto as Exhibit "B" and by this reference made a part hereof. Said Plan includes an Introduction, Statement of Intent, Boundary Map, and Concept Plan. The City Commission hereby finds that the Ocoee State Road 50 Activity Center Special Development Plan complies with the requirements and criteria set forth in Section 4-6 of the Ocoee Land Development Code and the Ocoee Comprehensive Plan.

#### D. Compliance with Special Development Plan.

All development and redevelopment within the Ocoee State Road 50 Special Overlay Area and the Activity Centers referenced in Section 5-3.2(A) above shall comply with the Ocoee State Road 50 Special Development Plan and the special regulations and standards set forth therein. The provisions of Sections 4-6 and 5-3.1(c)(3) of the Ocoee Land Development Code are hereby made applicable to all development and redevelopment within the Ocoee State Road 50 Special Overlay Area and the Activity Centers referenced in Section 5-3.2(A) above. The Ocoee State Road 50 Special Development Plan shall apply only within the specific geographic areas set forth in this Section. Except to the extent of any express conflict with the special standards of the Special Development Plan, all development and redevelopment within the Ocoee State Road 50 Special Overlay Area shall comply with all other applicable provisions of the Ocoee Land Development Code, including but not limited to Section 6-14.

#### E. City Commission Decisions Final.

In all matters involving the Ocoee State Road 50 Special Overlay Area and this Section, the decision of the City Commission shall be final.

#### F. Recognition of Existing Agreements.

Nothing herein is intended (1) to abrogate any vested rights which may have been or may hereafter be granted by the City to an applicant, (2) to amend or in anyway modify any provision of any development order, developer agreement or other agreement entered into with the City prior to the effective date of this Ordinance, or (3) to modify, amend or in any way negate any preliminary or final site plan approvals granted by the City prior to the effective date of this Ordinance; provided, however, that the City may require as a condition of approval of any revision to a previously approved preliminary or final site plan, or any extension thereof that such plan be revised so as to conform with this Section to the extent practical.

### § 5-3.3. - CRA TARGET AREAS SPECIAL DEVELOPMENT PLAN.

#### A. Establishment of Geographic Boundaries of Special Overlay Areas for Special Development Plan; Directing Revisions to the Official

City Zoning Map.

- (1) Pursuant to Section 4-6 of the Ocoee Land Development Code, the City Commission hereby creates as a Special Overlay Area within a portion of the Minorville Activity Center, as established by Ordinance No. 98-12 adopted July 21, 1998, identified as "CRA Target Area 1", the specific geographic boundaries of CRA Target Area 1 being as depicted in Exhibit "A" attached to Ord. No. 2010-009. The foregoing Special Overlay Area shall be referred to as "CRA Target Area 1" or "Target Area 1". The City Commission hereby directs that the boundaries of CRA Target Area 1 be shown on the Official City Zoning Map along with a reference to the existence of the special development standards adopted pursuant to this Section and the location where the special development plan containing such adopted special standards can be reviewed.
- (2) Pursuant to Section 4-6 of the Ocoee Land Development Code, the City Commission hereby creates as a Special Overlay Area within a portion of the Minorville Activity Center and a portion of the Lake Bennet Activity Center, as established by Ordinance No. 98-12 adopted July 21, 1998, identified as "CRA Target Area 2", the specific geographic boundaries of CRA Target Area 2 being as depicted in Exhibit "A" attached to Ord. No. 2010-009. The foregoing Special Overlay Area shall be referred to as "CRA Target Area 2" or "Target Area 2". The City Commission hereby directs that the boundaries of CRA Target Area 2 be shown on the Official City Zoning Map along with a reference to the existence of the special development standards adopted pursuant to this Section and the location where the special development plan containing such adopted special standards can be reviewed.
- (3) Pursuant to Section 4-6 of the Ocoee Land Development Code, the City Commission hereby creates as a Special Overlay Area within a portion of the Lake Bennet Activity Center, as established by Ordinance No. 98-12 adopted July 21, 1998, identified as "CRA Target Area 3", the specific geographic boundaries of CRA Target Area 3 being as depicted in Exhibit "A" attached to Ord. No. 2010-009. The foregoing Special Overlay Area shall be referred to as "CRA Target Area 3" or "Target Area 3". The City Commission hereby directs that the boundaries of CRA Target Area 3 be shown on the Official City Zoning Map along with a reference to the existence of the special development standards adopted pursuant to this Section and the location where the special development plan containing such adopted special standards can be reviewed.
- (4) CRA Target Area 1, CRA Target Area 2 and CRA Target Area 3 are collectively referred to herein as the "CRA Target Areas". Portions of the CRA Target Areas are not located within the geographic boundaries of the Ocoee Community Redevelopment Agency.
- (5) Portions of CRA Target Area 1, CRA Target Area 2 and CRA Target Area 3 are located within unincorporated Orange County. Said areas are collectively referred to herein as the "Unincorporated CRA Target Areas". Notwithstanding any provision contained herein to the contrary, this Section 5-3.3 shall not be applicable to any portion of the Unincorporated CRA Target Areas unless and until such portions of the Unincorporated CRA Target Areas are annexed into the corporate limits of the City of Ocoee. The inclusion of the Unincorporated CRA Target Areas is for illustrative purposes only and are intended solely to place such lands on notice that they will be subject to this Section 5-3.3 in the event of annexation into the corporate limits of the City of Ocoee.

B. Adoption of Special Development Plan for CRA Target Areas.

- (1) Pursuant to the provisions of Section 4-6 of the Ocoee Land Development Code, the City Commission hereby adopts and enacts the "CRA Target Areas Special Development Plan" dated July 2010 attached to Ord. No. 2010-009 as Exhibit "B" and by this reference made a part hereof, along with such changes as may be made by the Ocoee City Commission in connection with the adoption of this Section 5-3.3 of the Ocoee Land Development Code. Said Plan includes: (i) Introduction with subsections on Planning Process, Planning Context, and Issues; (ii) CRA Framework Plan with subsections on Transportation Network, Open Space, and Land Use Strategy; (iii) Community Participation Process with subsections on Public Engagement, Founder's Day Public Input, Stakeholder-Based Themes, and Vision Statement; and (iv) Target Areas Regulating Plan with subsections on Introduction to Regulating Plan, CRA Target Areas Overall Map, CRA Target Area 1 Regulating Plan, CRA Target Area 2 Regulating Plan, and CRA Target Area 3 Regulating Plan.
- (2) The City Commission hereby finds that the CRA Target Areas Special Development Plan complies with the requirements and criteria set forth in Section 4-6 of the Ocoee Land Development Code and the Ocoee Comprehensive Plan.
- (3) The CRA Target Areas Special Development Plan is supplemental to the Ocoee State Road 50 Activity Center Special Development Plan as adopted by Ordinance No. 98-12 and amended by Ordinance No. 99-23. However, to the extent the standards set forth in the CRA Target Area 1 Regulating Plan, CRA Target Area 2 Regulating Plan, and/or CRA Target Area 3 Regulating Plan are similar to

or conflict with the standards set forth in the Ocoee State Road 50 Activity Center Special Development Plan, the CRA Target Area 1 Regulating Plan, CRA Target Area 2 Regulating Plan, and/or CRA Target Area 3 Regulating Plan shall control and supersede the standards set forth in the Ocoee State Road 50 Activity Center Special Development Plan.

- (4) The CRA Target Areas Special Development Plan is supplemental to the Commercial and Industrial Development Regulations set forth in Section 6-14 of the Ocoee Land Development Code. However, to the extent the standards set forth in the CRA Target Area 1 Regulating Plan, CRA Target Area 2 Regulating Plan, and/or CRA Target Area 3 Regulating Plan are similar to or conflict with the standards set forth in the Commercial and Industrial Development Regulations, the CRA Target Area 1 Regulating Plan, CRA Target Area 2 Regulating Plan, and/or CRA Target Area 3 Regulating Plan shall control and supersede the standards set forth in the Commercial and Industrial Development Regulations.
- (5) To the extent the standards set forth in the CRA Target Area 1 Regulating Plan, CRA Target Area 2 Regulating Plan, and/or CRA Target Area 3 Regulating Plan conflict with the standards set forth in other provisions of the Land Development Code, the CRA Target Area 1 Regulating Plan, CRA Target Area 2 Regulating Plan, and CRA Target Area 3 Regulating Plan, as applicable, shall control.

C. Compliance with Special Development Plan for CRA Target Areas.

- (1) In evaluating any proposed development or redevelopment within the CRA Target Areas referenced in Section 5-3.3.A., the City shall consider whether such proposed development or redevelopment is generally consistent with and in furtherance of the stated goals, illustrative guidelines and long-term vision of the CRA Target Areas Special Development Plan. In addition to being generally consistent with and in furtherance of the stated goals, illustrative guidelines and long-term vision, such development or redevelopment shall comply with the special development standards set forth in the CRA Target Areas Regulating Plan for the CRA Target Area in which such development or redevelopment is proposed, i.e., (i) the subsection regarding the CRA Target Area 1 Regulating Plan shall be applicable only to CRA Target Area 1; (ii) the subsection regarding the CRA Target Area 2 Regulating Plan shall be applicable only to CRA Target Area 2; and (iii) the subsection regarding the CRA Target Area 3 Regulating Plan shall be applicable only to CRA Target Area 3.
- (2) The provisions of Sections 4-6 and 5-3.1.C.(3) of the Ocoee Land Development Code are hereby made applicable to all development and redevelopment within the CRA Target Areas. The CRA Target Areas Special Development Plan shall apply only within the specific geographic areas set forth in this Section and shall apply in the Unincorporated CRA Target Areas only upon annexation into the corporate limits of the City of Ocoee.

D. Underlying Zoning; Prohibited Uses.

- (1) Except for the prohibited uses as set forth below, all underlying zoning uses and land use entitlements within the CRA Target Areas shall remain in full force and effect for each parcel within the CRA Target Areas and may be horizontally and/or vertically mixed between parcels upon agreement of the owners and the City.
- (2) A proposed land use within the CRA Target Areas which is inconsistent with the underlying zoning district may be permitted if it is determined by the City that such use is compatible with surrounding development and imposes no impacts on City infrastructure greater than that generated by other uses normally permitted in the underlying zoning district.
- (3) Notwithstanding the permitted uses within the underlying zoning district, the following uses shall be prohibited in the CRA Target Areas:
  - (a) Adult entertainment establishments;
  - (b) Adult bookstores and video stores;
  - (c) Pawn shops;
  - (d) Check cashing establishments;
  - (e) New/used vehicle sales;
  - (f) New/used boat sales;
  - (g) New/used equipment sales;
  - (h) Gas stations (except for Block 1 of CRA Target Area 1 and Sub-Area 1 of CRA Target Area 2);

- (i) Outdoor garden center unless enclosed;
  - (j) Outdoor lumber sales unless enclosed;
  - (k) Mobile homes;
  - (l) Automotive body repairs;
  - (m) Miniature golf or driving range;
  - (n) Motor vehicle wholesale;
  - (o) Recreational vehicle park;
  - (p) Storage warehouse;
  - (q) Industrial/warehouse uses;
  - (r) Automotive wrecking/salvage parks;
  - (s) Car washes; and
  - (t) Suburban-type stand-alone buildings with drive-through facilities such as fast food restaurants, banks, pharmacies, dry cleaners, convenience stores, liquor stores and similar uses with drive-through facilities (except that such uses will be permitted with one (1) drive-through pick-up window per business establishment where such drive-through is incidental to a use designed to be predominately walk-in in character and which use promotes an urban form of development by incorporating the drive-through into the building and site design by enclosing it from surrounding uses with walls, roofs and building structures or comparable architectural features).
- (4) To the extent that any of the lands located within the CRA Target Areas are being used as of July 16, 2010, with one (1) or more of the uses prohibited by Section 5-3.3.D.(3), above, such use may continue as a nonconforming use of land as provided in Section 5-10.C. of the Ocoee Land Development Code.

E. Interpretation and Administrative Review.

Notwithstanding any provision in the Ocoee Land Development Code to the contrary, the Director of Development Services shall interpret and rule on all issues related to (i) whether a proposed development or redevelopment plan is generally consistent with and in furtherance of the stated goals, illustrative guidelines and long-term vision of the CRA Target Areas Special Development Plan, and (ii) conflicts or potential conflicts between the CRA Target Areas Special Development Plan and the Ocoee Land Development Code. The Director of Development Services may consult with City staff and legal counsel as he/she deems appropriate. Any such interpretations and rulings may be made during the course of review of a project and may be made as part of staff comments in response to specific proposals made by an applicant. In the event an applicant disagrees with an interpretation or ruling made by the Director of Development Services, the applicant may request a meeting of the Development Review Committee which will be held within ten (10) working days from the date of receipt of a written request. Any such written request shall identify the specific interpretation or ruling which is disputed and the alternative interpretation or ruling proposed by the applicant. All such requests shall be filed in writing with the Director of Development Services. The Development Review Committee may sustain, overrule or modify the interpretation or ruling made by the Director of Development Services.

F. City Commission Decisions Final.

- (1) Decisions of the Development Review Committee pursuant to Section 5-3.3.E., above, may be appealed to the City Commission by filing a written notice of appeal with the City Clerk within ten (10) days from the date of the decision of the Development Review Committee. Any such appeal shall state with specificity the decision of the Development Review Committee being appealed and the action which the appellant is requesting be taken by the City Commission. The decision of the City Commission shall be final.
- (2) Any interpretations and rulings made by the Director of Development Services or the Development Review Committee as set forth above may be sustained, overruled or modified by the City Commission at such time as the project is considered by the City Commission, without regard to whether an appeal has been filed. The provision of a review process as set forth in Section 5-3.3.E., above, is not intended to bind the City Commission with respect to decisions and matters not expressly brought before the City Commission.

G. Recognition of Existing Agreements.

Nothing herein is intended (1) to abrogate any vested rights which may have been or may hereafter be granted by the City to an applicant, (2) to amend or in any way modify any provision of any development order, developer agreement, annexation agreement, or other agreement entered into with the City prior to the effective date of this Section 5-3.3, or (3) to modify, amend or in any way negate any preliminary or final site plan approvals granted by the City prior to the effective date of this Section 5-3.3; provided, however, that the City may require as a condition of approval of any revision to a previously approved preliminary or final site plan, or any extension thereof that such plan be revised so as to conform with this Section to the extent practical. In the event that a dispute arises between the applicant and the City as to whether a requested revision is practical, such dispute shall be decided in accordance with the procedures set forth in Section 5-3.3.E. and Section 5-3.3.F., above.

**Editor's note—** Exhibits "A" and "B" are not set out herein but are available for inspection in the office of the City Clerk.

§ 5-3.4. - State Road 429 Overlay Area (Inclusive of Plant Street Character Area, Business Center Character Area, and Interchange Village Character Area).

- A. Establishment of Geographic Boundaries of State Road 429 Overlay Area, Plant Street Character Area, Business Center Character Area, and Interchange Village Character Area; Directing Revisions to the Official City Zoning Map.
  - (1) Pursuant to Section 4-6 of the Ocoee Land Development Code, the City Commission hereby creates the State Road 429 Overlay Area, the specific geographic boundaries of which are described in greater detail at Exhibit "A", attached hereto and incorporated herein by reference. The City Commission hereby directs that the boundaries of State Road 429 Overlay Area and Gateway District be shown on the Official City Zoning Maps along with a reference to the existence of the special development standards adopted pursuant to this Section and the location where the special development plan containing such adopted special standards can be reviewed.
  - (2) Pursuant to Section 4-6 of the Ocoee Land Development Code, the City Commission hereby creates the Plant Street Character Area within the State Road 429 Overlay Area, the specific geographic boundaries of which are described in greater detail at Exhibit "B", attached hereto and incorporated herein by reference. The City Commission hereby directs that the boundaries of the Plant Street Character Area within the State Road 429 Overlay Area be shown on the Official City Zoning Maps along with a reference to the existence of the special development standards adopted pursuant to this Section and the location where the special development plan containing such adopted special standards can be reviewed.
  - (3) Pursuant to Section 4-6 of the Ocoee Land Development Code, the City Commission hereby creates the Business Center Character Area within the State Road 429 Overlay Area, the specific geographic boundaries of which are described in greater detail at Exhibit "C", attached hereto and incorporated herein by reference. The City Commission hereby directs that the boundaries of Business Center Character Area within the State Road 429 Overlay Area be shown on the Official City Zoning Maps along with a reference to the existence of the special development standards adopted pursuant to this Section and the location where the special development plan containing such adopted special standards can be reviewed.
  - (4) Pursuant to Section 4-6 of the Ocoee Land Development Code, the City Commission hereby creates the Interchange Village Character Area within the State Road 429 Overlay Area, the specific geographic boundaries of which are described in greater detail at Exhibit "D", attached hereto and incorporated herein by reference. The City Commission hereby directs that the boundaries of Interchange Village Character Area within the State Road 429 Overlay Area be shown on the Official City Zoning Maps along with a reference to the existence of the special development standards adopted pursuant to this Section and the location where the special development plan containing such adopted special standards can be reviewed.
  - (5) Parcels of land located directly adjacent to the boundaries of a Character Area within the State Road 429 Overlay Area shall be subject to the intent of the design principals and may be subject to relevant development standards as described in the Design Plan for the Character Area to which the parcel is adjacent.
  - (6) Portions of the State Road 429 Overlay Area are within unincorporated Orange County. Said areas are collectively referred to herein as the "Unincorporated State Road 429 Overlay." Notwithstanding any provision contained herein to the contrary, this Section 5-3.4 shall not be applicable to any portion of the Unincorporated State Road 429 Overlay unless and until such portions

of the Unincorporated State Road 429 Overlay is annexed into the corporate limits of the City of Ocoee. The inclusion of the Unincorporated State Road 429 Overlay is for illustrative purposes only and is intended solely to place such lands on notice that they will be subject to this Section 5-3.4 in the event of annexation into the corporate limits of the City of Ocoee.

B. Adoption of Character Area Design Plans for the Character Areas within the State Road 429 Overlay Area.

(1) Plant Street Character Area Design Plan.

The City Commission hereby finds the Plant Street Character Area Design Plan or "Plant Street Design Plan", dated June, 2017, which is on file with the City Clerk, complies with the requirements and criteria set forth in Section 4-6 of the Ocoee Land Development Code and the Ocoee Comprehensive Plan and hereby adopts and enacts for the Plant Street Character Area within the State Road 429 Overlay Area, the Plant Street Design Plan. To the extent the standards set forth in the Plant Street Design Plan and this ordinance conflict with the standards set forth in other provisions of the Land Development Code, the Plant Street Design Plan and this ordinance, as applicable, shall control.

(2) Business Center Character Area Design Plan.

The City Commission hereby finds the Business Center Character Area Design Plan or "Business Center Design Plan", dated June, 2017, which is on file with the City Clerk, complies with the requirements and criteria set forth in Section 4-6 of the Ocoee Land Development Code and the Ocoee Comprehensive Plan and hereby adopts and enacts for the Business Center Character Area within the State Road 429 Overlay Area, the Business Center Design Plan. To the extent the standards set forth in the Business Center Design Plan and this ordinance conflict with the standards set forth in other provisions of the Land Development Code, the Business Center Design Plan and this ordinance, as applicable, shall control.

(3) Interchange Village Character Area Design Plan.

The City Commission hereby finds the Interchange Village Character Area Design Plan or "Interchange Design Plan", dated June, 2017, which is on file with the City Clerk, complies with the requirements and criteria set forth in Section 4-6 of the Ocoee Land Development Code and the Ocoee Comprehensive Plan and hereby adopts and enacts for the Interchange Village Character Area within the State Road 429 Overlay Area, the Interchange Design Plan. To the extent the standards set forth in the Interchange Design Plan and this ordinance conflict with the standards set forth in other provisions of the Land Development Code, the Interchange Design Plan and this ordinance, as applicable, shall control.

C. Compliance with the Respective Character Area Design Plan.

- (1) In evaluating any proposed development or redevelopment within the State Road 429 Overlay Area, the City shall consider whether such proposed development or redevelopment is generally consistent with and in furtherance of the stated goals, illustrative guidelines, and long-term vision of the Design Plan for the Character Area within which the development or redevelopment is located. In addition to being generally consistent with and in furtherance of the stated goals, illustrative guidelines, and long-term vision of the respective Design Plan, such development or redevelopment shall comply with the special development standards set forth in the respective Design Plan and this ordinance.
- (2) The provisions of Section 4-6 and 5-3.1.C.(4) of the Ocoee Land Development Code are hereby made applicable to all development and redevelopment within the State Road 429 Overlay Area. The Design Plan for the Character Area within which the development or redevelopment is located shall apply only within the specific geographic areas set forth in this ordinance and shall apply in the Unincorporated State Road 429 Overlay Area only upon annexation into the corporate limits of the City of Ocoee.

D. Underlying Zoning; Prohibited Uses.

- (1) Except for the prohibited uses as set forth in the Plans, all underlying zoning uses and land use entitlements within a Character Area shall remain in full force and effect for each parcel within the character area and may be horizontally and/or vertically mixed between parcels upon agreement of the owners and the City.
- (2) A proposed land use within the character area which is inconsistent with the underlying zoning district may be permitted if it is determined by the City that such use is compatible with surrounding development and imposes no impacts on City infrastructure greater than that generated by other uses normally permitted in the underlying zoning district.

- (3) To the extent that any of the lands located within a Character Area are being used as of July 18, 2017, with one or more of the prohibited forth in the Plans, such use may continue as a nonconforming use of the land as provided in Section 5-10.C. of the Ocoee Land Deve

E. City Commission Decisions Final.

Administrative waivers and alternative compliance with the criteria stated in the Plan are provided for in Appendix A to the plan. In all matters involving the State Road 429 Overlay Area and the respective Character Area Plans, the decision of the City Commission shall be final.

F. Recognition of Existing Agreements.

Nothing herein is intended (1) to abrogate any vested rights which may have been or may hereafter be granted by the City to an applicant, (2) to amend or in any way modify any provision of any development order, developer agreement, annexation agreement, or other agreement entered into with the City prior to July 18, 2017, or (3) to modify, amend, or in any way negate any preliminary or final site plan approvals granted by the City prior to July 18, 2017; provided, however, that the City may require as a condition of approval of any revision to a previously approved preliminary or final site plan, or any extension thereof, that such plan be revised so as to conform with the Character Area Plan to the extent practicable. In the event that a dispute arises between the applicant and the City as to whether a requested revision is practicable, such dispute shall be handled in accordance with the administrative waiver and alternative compliance methodology set forth in Appendix A to the plan.

**Editor's note**— Exhibits "A," "B," "C" and "D" are not set out herein but are available for inspection in the office of the City Clerk.

**§ 5-4. - OPEN SPACE REQUIREMENTS OF ZONING DISTRICTS.**

The following requirements are intended to provide exceptions to or to qualify and supplement, as the case may be, the specific district regulations set forth in Article V:

- A. An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure.
- B. Open eaves, cornices, window sills and belt courses may project into any required yard a distance not to exceed two (2) feet. Open porches or open fire escapes may project into a front yard a distance not to exceed five (5) feet.
- C. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the edge of right-of-way.
- D. No dwelling shall be erected on a lot which does not abut at least one (1) street, which is at least forty (40) feet in width, for at least twenty (20) feet. The street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.
- E. The owner of any lot of record existing at the time of the adoption of this Code that does not meet the above criteria may apply to the Board of Adjustment for a variance for the construction of a single-family home. The Board of Adjustment shall make a recommendation and the City Commission shall determine that there is reasonable access to the property, and that this action will create no adverse impact on adjacent properties, before a variance is granted.
- F. Accessory buildings which are not a part of the main building may be built in the rear yard, but shall not cover more than thirty (30) percent of the rear yard.
- G. On any corner lot, the applicable front yard setback shall apply to both street frontages. In cases where (1) two (2) corner lots adjoin at the end of a block, (2) the single-family dwelling units are designed rear-to-rear, and (3) there are no garage or main entry doorways exiting to the side front yard, then in such cases, the front side building setback shall be reduced to fifteen (15) feet from the property line. The foregoing provision applies only to new single-family dwellings for which building permits are obtained after January 15, 2008.
- H. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two (2) feet, six (6) inches and ten (10) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of

twenty-five (25) feet along the front and side lot lines, and connecting the points so established to form a safe sight triangle on the area of the lot adjacent to the street intersections of minor and collector streets. The same distance for the intersection of any street with an arterial street as defined in the Comprehensive Plan shall be forty (40) feet.

- I. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street right-of-way.
- J. Open porches may extend into the rear yard in residential districts provided that:
  - (1) The open porch does not cover more than thirty (30) percent of the rear yard;
  - (2) The open porch does not increase the maximum impervious surface of the lot to be greater than fifty (50) percent;
  - (3) The open porch is no closer than seven and one-half (7½) feet to the rear lot line and no closer than seven and one-half (7½) feet to either side lot line; and
  - (4) The open porch does not extend into any utility, drainage or landscape easement or conservation area.
- K. The required open space area for a single-family residential lot shall not include covered area with any impervious materials such as stone, gravel, rock or impervious mulch materials. In no case shall any impervious materials, other than those required for sidewalks, driveways or parking area aprons, be placed within public or private roadway rights-of-way. For the purposes of this subsection, impervious mulch materials are defined as any material that significantly limits the absorption of stormwater into the ground, such as stone, gravel and rocks that are used in landscaping.

#### § 5-4.1. - FENCES.

Fences erected within the City of Ocoee prior to January 1, 2000, shall be considered to be grandfathered as legal nonconforming structures. It is the burden of the property owner to provide documentation to the City that the existing fence meets this standard. Subject to obtaining building permits, grandfathered fences shall be allowed to be repaired and/or replaced in the location they were constructed in, except that safe sight triangles on corner lots must be maintained for all replacement fences.

Fences, walls, and hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that street corner visibility requirements of this Code shall be met, and provided further that no wall or fence located in front of the front building line shall exceed four (4) feet in height and be no more than fifty (50) percent opaque. No other wall or fence shall exceed six (6) feet in height, and all fences must have up to a two-inch variable setback from adjacent property line, so as to not encroach on neighboring property.

Corner lots: In cases where: (1) two (2) corner lots adjoin at the end of a block, (2) the single-family dwelling units are designed rear-to-rear, and (3) there are no garage or main entry doorways exiting to the side front yard, then in such cases, fences greater than four (4) feet in height and no more than six (6) feet in height shall be allowed within the side front yard as long as a minimum setback of fifteen (15) feet is maintained from the property line and the fence extends along no more than one-half (½) the depth of the house.

#### § 5-5. - HEIGHT.

The following requirements are intended to, or qualify and supplement, as the case may be, the specific district regulations set forth in this Article:

- A. Chimneys, elevators, flues, spires, tanks, towers and other projections not used for human occupancy may not extend more than ten (10) percent above permitted height limits in each zoning district without receiving a variance. Refer to Section 5-19 of the Ocoee Land Development Code for height limitations applicable to telecommunications service facilities.
- B. The Board of Adjustment may recommend and the City Commission may permit buildings in certain zoning districts to exceed the height limitation of the district if the minimum depth of front and rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two (2) feet by which the height of such structure exceeds the prescribed height limit, and the increased height will otherwise have no adverse effect on adjacent development and is in keeping with the overall character of the area.

#### § 5-6. - LOCATION AND CONSTRUCTION OF PRINCIPAL AND ACCESSORY STRUCTURES.

**A. Construction and Use of Accessory Structures.**

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. In cases where a telecommunications service facility has been allowed as an accessory structure in accordance with Section 5-19, the accessory use shall be governed by the requirements of Section 5-19.

**B. Location of Accessory Uses and Structures.**

- (1) **Accessory Uses and Structures within Residential Districts:** In residential districts, accessory uses and structures shall not be located in front or side yards but may be located in rear yards; provided, however, that accessory structures for the housing of persons, such as guest houses and garage apartments, shall not be located in any required yard. On double frontage, through or corner lots in residential districts, accessory uses and structures shall not be located in either of the required front yards but may be located in one (1) but not both side yards. No separate accessory building shall be located within five (5) feet of any other building. In residential districts, utility or accessory buildings will be no closer than five (5) feet to the rear lot line and five (5) feet to the side lot line; provided, however, a shed no larger than one hundred twenty (120) square feet and not located within a utility or drainage easement may be located no closer than three (3) feet to the rear lot line and three (3) feet to the side lot line.
- (2) **Accessory Uses and Structures within Commercial and Industrial Districts:** Commercial and industrial accessory uses and structures:
  - a. Shall comply with the following minimum setbacks:
    - i. **Front Setbacks:** Structures shall not be located within the front building setback line of the principal structure, unless otherwise approved by the Planning Director. On corners lots or other double-frontage lots, accessory structures may be placed within the front yard along, facing or adjacent to the roadway with the lesser functional classification so long as minimum sight-distance triangle as defined in Article II can be maintained and other provisions of this subsection can be met.
    - ii. **Side and Rear Setbacks:** Minimum of five (5) feet setback.
  - b. Shall not be located or placed on a site in a manner that interferes with or impedes safe vehicular and pedestrian on-site circulation, ingress/egress areas, loading/unloading zones, fire lanes, ADA or emergency services access, or within the sight-distance safety triangle.
  - c. Shall not include the parking of vehicles overnight at any location unless the overnight parking of such commercial or recreational vehicles are directly related to the operation of the approved and permitted principal use.
  - d. Shall be completely screened from adjacent residential uses.
  - e. Shall not occupy parking space(s) required for the principal use, unless otherwise approved by the Planning Director through an administrative waiver, upon the demonstration that the utilization of parking spaces does not adversely impact the parking needs of the principal use and site.
  - f. Shall not be parked within a road right-of-way and shall not occupy an unimproved surface or required open space areas.
  - g. Shall comply with minimum building and fire safety regulations of the State of Florida.
  - h. Hours of operation of the accessory use shall conform to the hours of operation of the principal use.
    - i. Use of an accessory structure for a business operation that is outside of or apart from the principal use shall require consent from the property owner and shall comply with the business tax requirements of the City and County, as applicable. If such accessory use or structure is a mobile food dispensing vehicle, it shall not be permitted to sell or distribute alcoholic beverages, shall display all applicable approvals and licenses from the State, shall make such structures or vehicles available for inspection and shall comply with Sections 509.241 and 509.251, Florida Statutes.

**C. Number of Principal Buildings Permitted Per Lot.**

No lot shall be occupied by more than one (1) principal building, providing, however, that in any district more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot provided that yard, area, street frontage and other requirements of this Code shall be met for each structure as though it were on an individual lot. No part of a yard, court or other

open space provided about any building or structure for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required under this Code for another building or structure. For provisions related to telecommunications service facilities, refer to Section 5-19.

#### § 5-7. - PUBLIC BUILDINGS AND SERVICES.

##### A. Public Services.

Essential services, herein defined as services authorized and regulated by state or national public utility commissions or services owned or franchised by the City of Ocoee, may be located within any zoning district after notice and public hearing by the Planning and Zoning Commission and approval by the City Commission. This provision includes both structures and uses and includes gas, water, electricity, sewerage and telephone facilities. For the purposes of this Section 5-7 public safety telecommunications service facilities shall be governed by Section 5-19 of the Land Development Code.

##### B. Public Building.

After public notice and hearing by the Planning and Zoning Commission, the City Commission may authorize the location in any zoning district of any public buildings erected by, or any use of, municipal, county, state or federal government. Both the Planning and Zoning Commission and City Commission public hearings must be advertised in a newspaper at least seven (7) days before each hearing.

All property owners within three hundred (300) feet of the subject property must also be notified by mail at least seven (7) days prior to the hearing date. This notice may include information on both Planning and Zoning Commission and City Commission hearings if the item goes before both Commissions. If the hearing information for the City Commission meeting is not available at the time the notices must be sent for the Planning and Zoning Commission meeting, a second notice to property owners must be mailed seven (7) days before the City Commission hearing detailing the meeting time, place, and other particulars.

##### C. Easements.

Transportation, pipelines and utility easements and rights-of-way shall be permitted in any zoning district.

##### D. Exceptions.

Notwithstanding the foregoing, the provisions of this Section 5-7 do not apply to the location of transfer stations.

#### § 5-8. - USE REGULATIONS.

##### A. Table 5-1 lists the principal uses which will be permitted on a parcel or lot in the zoning districts established in this Article. For use regulations applicable to the Planned Unit Development Districts, see Article IV.

##### B. Prohibited Uses.

Without limiting the generality of the foregoing provision, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution or storage of any highly combustible or explosive materials in violation of the City's Fire Prevention Code.
- (2) Stockyards, slaughterhouses, rendering plants.
- (3) Use of a travel trailer as a temporary or permanent residence.
- (4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business conducted without special permission of the City Commission, except that this prohibition does not apply to a "mobile food dispensing vehicle" as defined in Article II. Operation of a mobile food dispensing vehicle (MFDV) shall comply with Section 5-6, Article V.
- (5) Reserved.
- (6) Adult entertainment establishments except as permitted by these regulations.
- (7) Telecommunications service facilities except as permitted by Section 5-19.

(8) Medical marijuana treatment center dispensing facilities, as described in Section 381.986(8), Florida Statutes.

(9) Drive-in restaurant.

C. Uses Not Listed; Prohibited Uses.

All uses not permitted herein are deemed to be prohibited.

D. Temporary Uses.

(1) The following uses and/or structures shall be permitted for a period not exceeding ninety (90) days upon issuance by the Building Official of a permit therefore: (1) sale of Christmas trees, (2) fireworks, (3) special craft sales (sale items must be made by sellers), (4) construction trailers; and (5) temporary telecommunications service facilities provided in association with a special event or in response to a natural disaster. A second permit not exceeding ninety (90) days may be issued to allow the completion of the activity and removal of structures. Any subsequent continuation of the temporary use structure shall only be permitted pursuant to a special exception issued by the City Commission.

(2) Within all zoning districts, a non-profit charitable, religious, philanthropic, civic, or other organization of a similar nature may allow temporary parking and occupancy of vehicles on its property for the purpose of conducting charitable, religious, philanthropic, civic and similar activities within the corporate limits of the City, for a period not exceeding fourteen (14) days upon issuance by the Building Official of a special permit to the organization therefor. Any organization seeking a special permit under the provisions of this subsection shall complete an application form prepared by the Building Official. The information provided by the organization on the application form shall include, but not be limited to, the following:

(a) Name, mailing address, and phone number of applicant.

(b) Name and phone number of contact person for applicant.

(c) Street address of real property which is the subject of the application.

(d) Sketch or other information identifying the area within the applicant's property where the temporary parking and occupancy of vehicles will occur.

(e) Statement by the applicant that it is the owner of the real property which is the subject of the application.

(f) The number of vehicles to be located on the real property which is the subject of the application with an itemization of the number of such vehicles which will be connected to electric power.

The application shall be accompanied by a written consent to the proposed temporary use which is signed by all abutting property owners located within three hundred (300) feet of the area within the property where the temporary parking and occupancy of vehicles will occur. The special permit shall not be issued unless the applicant submits to the Building Official the foregoing written consents. No more than two (2) such special permits may be issued to any such organization within a calendar year. No water, or sewer connections will be permitted in connection with such temporary uses and occupancy.

Electric connections will be permitted in connection with such temporary uses and occupancy subject to compliance with all applicable requirements of the City Code and inspection by the City for compliance with the City Code. The maximum number of vehicles permitted on the real property and connected to electrical power will be the number set forth in the application. After a warning by the Building Official and failure of the applicant to come into compliance with the special permit conditions, the Building Official may revoke the special permit upon a finding that there has been a violation of the special permit which has not been immediately corrected, in which case all vehicles parked on the property shall be required to immediately vacate the property.

E. Exceptions for Shopping Center Uses.

(1) A shopping center consisting of twelve (12) or more shops with common parking facilities may have outside display and sale of goods normally available at these shops, on three (3) separate occasions per calendar year for a period of fourteen (14) days if the following criteria is met:

(a) A letter from the owner of the shopping center that states:

1. Dates of sale.

2. Where on the property the sale will take place (a drawing is preferred).
  3. The name, address, and phone number of a local contact in charge of the event.
- (b) Permit applications for tents, temporary fences, and temporary electrical.
- (c) Approval of the Building and Zoning Official with emphasis on:
1. Pedestrian safety.
  2. Life safety.
  3. Dedicated parking.
  4. Traffic flow patterns.
- (d) The goods for display and sale are normally available at the shops of the shopping center.
- (2) A shopping center consisting of twelve (12) or more shops with common parking facilities may have outside display and sale of seasonal merchandise (example: fireworks, Christmas trees) on three (3) separate occasions per calendar year for a period of thirty (30) days if the following criteria is met:
- (a) A letter from the owner of the shopping center that states:
1. Dates of sale.
  2. Where on the property the sale will take place (a drawing is preferred).
  3. The name, address, and phone number of a local contact in charge of the event.
- (b) Permit application for tents, temporary fences, and temporary electrical.
- (c) Approval of the Building and Zoning Official with emphasis on:
1. Pedestrian safety.
  2. Life safety.
  3. Dedicated parking.
  4. Traffic flow patterns.
- (d) "Open Air" vendor occupational license.
- (3) A shopping center consisting of twelve (12) or more shops with common parking facilities may have outside display and sale of crafts (handwork or arts) on three (3) separate occasions per calendar year for a period of three (3) days, if the following criteria are met:
- (a) A letter from the owner of the shopping center that states:
1. Dates of sale.
  2. Where on the property the sale will take place.
  3. The name, address, and phone number of a local contact in charge of the event.
- (b) Permit applications for tents, temporary fences, and temporary electrical.
- (c) Approval of the Building and Zoning Official with emphasis on:
1. Pedestrian safety.
  2. Life safety.
  3. Dedicated parking.
  4. Traffic flow patterns.
  5. Crafts may be displayed and sold only by the artisan who created the craft.

#### F. Temporary Ballfields and Playfields.

The following uses shall be permitted in all zoning districts for a period of time not to exceed ninety (90) consecutive days: The temporary use of real property for a ballfield or playfield which is exempt from permitting requirements under the provisions of Section 51-21.E of Article I of Chapter 51 of the Code. Any such temporary use shall not otherwise be subject to the provisions of Articles IV, VI and IX of this Code.

**§ 5-9. - ANNEXATIONS, ZONINGS/REZONINGS, AND COMPREHENSIVE PLAN AMENDMENTS.**

- A. Requests for annexation into the City of Ocoee may be made if the property meets the statutory requirements for annexation under Chapter 171, Florida Statutes. The City Commission may leave the Orange County zoning in place with respect to lands annexed into the City of Ocoee or may establish an initial city zoning upon annexation. The establishment of the initial city zoning may occur contemporaneous with the annexation or subsequent to the annexation.
- B. Requests for initial zoning/rezoning of property fall into two (2) categories:
  - (1) Those requests which are consistent with the City of Ocoee's Comprehensive Plan.
  - (2) Those requests which are inconsistent with the City of Ocoee's Comprehensive Plan, in which case a Comprehensive Plan Amendment will be required prior to the adoption of the initial zoning/rezoning of the property.
- C. Requests for a Comprehensive Plan Amendment may only be acted upon in accordance with such schedules as may be established from time-to-time by the City Planning Department. Amendments are needed if the request calls for a change to the Future Land Use Map or any text in the Comprehensive Plan.
- D. The Planning Department processes all petitions for annexation, initial zoning/rezoning, and Comprehensive Plan Amendments. The applications are accepted and processed in accordance with such schedules as may be established from time-to-time by the City Planning Department.
- E. Unless otherwise required by Florida Statutes, a public hearing will be held at the Planning and Zoning Commission/Local Planning Agency level and then again before the City Commission at the second reading of the ordinance.
- F. In the event that the City Commission denies an application to rezone property, the City Commission shall take no action on a new application for the same proposal or zoning district for a period of six (6) months from the date of denial.

**§ 5-10. - NONCONFORMING LOTS, USES OF LAND, STRUCTURES, PREMISES, AND CHARACTERISTICS OF USES.****A. Intent.**

Within the zoning districts established by this Code or amendments hereof, there exist lots, structures, uses of land and structures which were lawful before this Code was passed or amended, but which would be prohibited under the terms of this Code or amendment hereof. These lots, structures, uses of land and structures shall be considered nonconforming, including telecommunications service facilities.

It is the intent of this Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Code to be incompatible with permitted uses in the districts involved. It is further the intent of this Code that nonconformities shall not be expanded or extended, nor shall existing nonconformities be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of structure and land shall not be extended or enlarged after passage of this Code. Nonconforming telecommunications service facilities shall be maintained and may be modified only as permitted in Section 5-19 of the Ocoee Land Development Code.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Code, or amendment hereto, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to be placing of construction materials in permanent position, fastened in a permanent manner; except that where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

**B. Nonconforming Lots of Record.**

In any zoning district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record which contains an area or width less than that required for the erection of a single-family residence in the district which is in separate ownership at the time of passage or amendment of these regulations, provided that yard dimensions and requirements not involving width or area of lot shall conform to the regulations for the district in which such lot is located.

A single vacant lot, nonconforming as to area or width and of record at the time of passage or amendment of this Code, shall be construed as falling within the meaning of the provisions of the preceding paragraph even though an adjoining lot containing a principal building may be in the same ownership.

If two (2) or more adjoining vacant lots, or combinations of vacant lots and portions of vacant lots, with continuous frontage and of record at the time of passage or amendment of this Code are in single ownership, and such lots individually are too small to meet the width or area requirements of the district in which they are located, such groups of lots shall be considered as a single plot or several plots of at least minimum size, and the plot or plots in one (1) ownership shall be subject to the requirements of this ordinance as to lot area and width.

#### C. Nonconforming Uses of Land.

Where a lawful use of land exists at the time of passage or amendment of this Code, which is made no longer permissible under the terms of this Code as enacted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- (1) No such nonconforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the time of adoption or amendment of this Code.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the time of adoption or amendment of this Code.
- (3) If any such nonconforming uses of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

#### D. Nonconforming Structures.

Where a lawful structure exists at the time of passage of this Code which could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity, except with respect to telecommunications service facilities.
- (2) Should such structure be destroyed by act of nature or man to an extent of more than fifty (50) percent of its value as revealed by an insurance appraisal, it shall not be reconstructed except in conformity with the provisions of this Code.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### E. Nonconforming Uses of Structures.

If a lawful use of a structure, or of structure and premises in combination, exists at the time of passage or amendment of this Code, which use would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use or activity shall be extended to occupy any land outside such building.

- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for four (4) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Repairs and Maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding twenty (20) percent of the latest assessed valuation of the building, provided that the cubical content of the building as it exists at the time of passage or amendment of this Code shall not be increased.

Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any City official charged with protecting the public safety, upon order of such official.

G. Special Exceptions Not Considered Nonconforming Uses.

Any use permitted as a special exception by the City Commission shall not be considered a nonconforming use.

Any advertising sign, billboard, commercial advertising structure or statuary, which is lawfully existing and maintained at the time this Code became effective, which does not conform with the provisions hereof, shall not be structurally altered, and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary, and their supporting members, shall be completely removed from the premises not later than five (5) years from the effective date of this Code.

**§ 5-11. - INDIVIDUAL MOBILE HOMES AND RECREATIONAL VEHICLES ON INDIVIDUAL LOTS.**

A. Use of Mobile Homes and Recreational Vehicles in Residential, Commercial or Industrial Districts.

A mobile home or recreational vehicle may be temporarily parked and occupied on a specified tract of land in a C-2, C-3, or industrial zoning district, to be used for offices, storage or security purposes, during the construction of permanent building on said tract of land.

A mobile home or recreational vehicle used for security purposes shall not be used as permanent living quarters.

A temporary permit for use will be issued only after a building permit has been secured for the permanent building. The mobile home or recreational vehicle shall be removed within one hundred twenty (120) days, or within ten (10) days after completion of the permanent building, whichever comes first.

A mobile home or recreational vehicle may be used as a field office and tool shed accessory to the development of a subdivision.

Mobile homes or recreational vehicles used as offices shall be permitted as a permanent use when accessory to a mobile home sales lot.

B. Use of Recreational Vehicles in Agricultural Districts.

Recreational vehicles may be occupied in A-1 Districts as temporary shelter not longer than seven (7) days in any thirty-day period within a calendar year without a permit, or upon written approval by the Building and Zoning Official for a period of time not to exceed sixty (60) days continuous within a twelve-month period.

**§ 5-12. - USES ACCESSORY TO AGRICULTURAL USES.**

Where the principal use is allowed, the following accessory uses shall be allowed, subject to the limitations set forth below:

- A. Roadside stands which do not exceed two hundred (200) square feet in gross floor area shall be permitted in conjunction with agricultural operations subject to the following:
  - (1) Shall be permitted only during crop harvesting season, and shall be removed, except during such season;
  - (2) Shall be used primarily for the sale of agricultural products grown in the area;
  - (3) Shall be located a minimum distance of thirty (30) feet from the street right-of-way line and not closer than ten (10) feet to any lot line;
  - (4) Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the property; and
  - (5) Except for building-mounted signs, the stand may have only one (1) sign visible from each direction, which sign may not exceed thirty (30) inches in height.

#### § 5-13. - USES ACCESSORY TO RESIDENTIAL USES.

Where the principal use is allowed, the following accessory uses shall be allowed, subject to the limitations set forth below:

- A. Accessory structures, including:
  - (1) Antenna structures for television and radio reception placed on residential structures (height shall not exceed ten (10) percent of allowable height).
  - (2) Children's playhouses, not to exceed one hundred (100) square feet of gross floor area, and juvenile play equipment.
  - (3) Tennis, basketball or volleyball courts and other similar private recreation facilities.
  - (4) Private garages and carports.
  - (5) Gazebos and similar structures.
  - (6) Private swimming pools and spas.
  - (7) Doghouses, pens and other similar structures for the keeping of household pets.
  - (8) Home occupations, subject to the limitations in Article II of this Code.
  - (9) Boat docks and docked or moored boats.
  - (10) A stable with a capacity for not more than two (2) horses or mules in permitted agricultural and residential districts.
- B. Accessory Apartment, including guest cottages and garage apartments with living units having less than six hundred (600) square feet of floor area for non-commercial occupancy only. A separate guest house, guest cottage, or apartment must meet Building Code requirements, except no kitchen facilities are required.

#### § 5-14. - DIMENSIONAL AND DENSITY REGULATIONS.

- A. Table 5-2 sets forth the minimum lot sizes; minimum front, side, and rear setbacks; minimum lot dimensions; maximum lot coverage; and maximum height for structures erected in the zoning districts established in this Article. For dimensional limitations applicable to Special Application Districts, see Article IV. For dimensional limitations applicable to telecommunications service facilities, refer to Section 5-19 of the Land Development Code.

#### § 5-15. - SPECIFIC USE/DEVELOPMENT STANDARDS.

The following regulations supplement the general regulations above as applied to specific uses and activities.

- A. Residential Units.
  - (1) No recreational vehicle, boat, bus, shed or other similar thing shall be used as a permanent residence.
  - (2) No mobile home, recreational vehicle, bus, or other similar vehicle shall be used as an office, storage facility, shed, workshop, or shelter for livestock or pets.
- B. Community Residential Homes.
  - (1) Purpose.

This section is intended to provide reasonable standards and procedures for the development of "community residential homes" (also referred to as "group homes", "halfway houses", etc.) consistent with the requirements of Chapter 419, Florida Statutes.

(2) Procedure for approval of minor community residential homes.

Prior to the issuance of a certificate of occupancy, the operator of a minor community residential home or the owner of the property shall provide the Building and Zoning Director with a statement certifying that the use is in compliance with the restrictions set out in Section 419.001(2), Florida Statutes, and in particular with the prohibition on the location of such a use within one thousand (1,000) feet of an existing minor community residential home. Failure to maintain licensure by the Department of Health and Rehabilitative Services, failure to limit occupancy to six (6) qualifying residents, and/or failure to meet the standards of Section 419.001, Florida Statutes, or any standard of the County applicable to single family dwellings shall result in the revocation of the certificate of occupancy and require the abandonment of the use.

(3) Procedure for approval of community residential homes.

An application for a conditional use permit shall be accompanied by the information identified in Section 419.001(3)(a), Florida Statutes, and including all information identified as being the responsibility of the District Administrator of the Department of Health and Rehabilitative Services. The Building and Zoning Official shall review the materials submitted and determine that the submission complies with the requirements of Section 419.001 and with the requirements for multi-family development as set out in this Article. In considering its action on the request, the Planning and Zoning Commission and the City Commission shall, in addition to the requirements and standards for multi-family dwellings as set out in this Code and in the Comprehensive Plan, consider the standards and provisions of Sections 419.001(3)(b) and (c) and 419.001(4), Florida Statutes.

(4) After approval of a community residential home, failure to maintain licensure by the Department of Health and Rehabilitative Services, failure to limit occupancy to fourteen (14) qualifying residents, and/or failure to meet the standards of Section 419.001, Florida Statutes, or any standard of the City applicable to multi-family dwellings shall result in the revocation of the certificate of occupancy and require the abandonment of the use.

§ 5-16. - ABANDONED PROPERTY.

- A. In any area zoned residential or commercial, no grass, weeds, underbrush, or undergrowth shall be permitted to grow higher than twelve (12) inches above existing grade level on any lot or parcel within five hundred (500) feet of any improved residential lot. This restriction shall not apply to trees, shrubs, or hedges.
- B. In addition to the enforcement remedies available under this Code, the Building and Zoning Director may, after giving notice of violation, have the lot or parcel mowed or cleared, the cost of which shall be assessed to the property owner, and shall become a lien on the property until paid.

§ 5-17. - HOME OCCUPATION.

- A. Employees, including proprietor/operator, of the business working at the residential dwelling must also reside in the dwelling, except that up to two (2) employees or independent contractors who do not reside at the dwelling may work at the residential dwelling or engage in other business activities at the residential dwelling or property.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof;
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, nonilluminated, mounted flat against the wall of the principal building at a position not more than two (2) feet distance from the main entrance to the residence;
- D. No traffic or parking, including parking of heavy equipment associated with the home occupation, shall be generated by such home occupation in greater volumes than would normally be expected for a residential dwelling without such home-occupation or business. Any need for parking generated by the conduct of such home occupation or business shall be provided on-site and may not

- be within the right-of-way, on or over sidewalks, on any unimproved surface, or within the required front yard. Heavy equipment as defined in Article II must be completely screened from view from the street and adjacent properties with six (6) feet of opaque screening material;
- E. No equipment, process or activities shall be used or conducted for such home occupation in the dwelling, in an accessory structure or on the residential property which create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off of the lot in which such activities are conducted. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
- F. Retail transactions shall not be conducted in any structure on the residential property other than the principal dwelling. Incidental business uses and activities may be conducted in any accessory building or on the property so long as such uses and activities are completely screened from view from the street or adjacent properties.
- G. There shall be no display of goods or advertising visible from the street.
- H. The following home occupations shall not be permitted:
1. Uses or activities, including retail transactions, which generate traffic and parking greater than those generated by a single-family residential home without a home-occupation or home-based business;
  2. Uses or activities involving manufacturing or wholesale distribution of goods and services;
  3. Uses or activities which involve the use, storage or disposal of harmful, noxious, combustible, flammable or other noxious or hazardous materials; and
  4. Uses or activities which change or otherwise result in the change to the character and appearance of the dwelling as primarily a residence and which affect the residential character of the surrounding neighborhood.
- I. Offices of convenience (such as attorneys, accounting, professional office or office-based functions, telehealth, writing/editing, etc.), handyman/general household services, and the giving of individual instruction, such as art, photography, music, dance or piano teacher, shall be deemed a home occupation, provided, however, that the provisions of this section can be met.
- J. Fabrication of articles such as are commonly classified under the terms "arts and handicrafts" and cottage food operations, in accordance with Section 500.80, Florida Statutes, may be deemed a home occupation, subject to the provisions of this section;
- K. A home occupation shall be subject to all applicable City business taxes under Chapter 205, Florida Statutes, and
- L. The Development Services Director shall have the authority and responsibility to revoke any home business tax receipt and/or to pursue other remedies as provided in the Land Development Code if any of these provisions are violated.

#### § 5-18. - BUFFER REQUIREMENTS (SUPPLEMENTAL).

The City requires buffer zones to protect new and established residential areas adjacent to new and established nonresidential uses. Buffer zones shall be defined, based on the following guidelines:

- A. "Low" buffers between low-rise (two (2) stories or less) office or multi-family uses and single family areas, consisting of a minimum of fifteen (15) feet of buffer areas supplemented by berms, walls, and/or fences, and landscaping;
- B. "Medium" buffers between retail commercial or high-rise (over two (2) stories) office and any residential use, consisting of a minimum of twenty-five (25) feet of buffer area supplemented by berms, walls, and/or fences, and landscaping;
- C. "High" buffers between any industrial use and any residential use, consisting of a minimum of fifty (50) feet of buffer area supplemented by berms, walls, and/or fences, and landscaping.

#### § 5-19. - TELECOMMUNICATIONS SERVICE FACILITIES.

##### A. Purpose.

This Section 5-19 is consistent with the Future Land Use Element of the Ocoee Comprehensive Plan by providing for the evaluation of new telecommunications service facilities to promote, protect, and improve the public health, safety, general welfare, and aesthetics of the community by addressing their significant aesthetic and safety impacts. The purpose of this Section 5-19 is to require that

telecommunications service facilities are located, designed, sited, and constructed to blend into their surroundings unobtrusively.

B. Intent.

The regulations and requirements set forth herein are adopted:

- (1) To define the areas where telecommunications service facilities may be located;
- (2) To promote camouflaged telecommunications service facilities as the primary option rather than the construction of additional conventional telecommunication structures or other unsightly facilities;
- (3) To promote telecommunications service facilities that are either building-mounted or innovative rather than the construction of additional conventional telecommunication structures or other unsightly facilities;
- (4) To limit those areas of the City where conventional telecommunications service facilities may be located;
- (5) To promote proposals for aesthetically-pleasing, artistic, imaginative, and architecturally Innovative approaches to constructing telecommunications service facilities provided that a public benefit can be realized and adverse impacts can be offset;
- (6) To avoid potential damage, nuisance, or interference to adjacent properties from telecommunications service facilities through careful locating, siting, designing, engineering, and evaluation of facilities;
- (7) To establish competitively neutral and predictable regulations for the review of telecommunications service facilities taking into account the nature and scope of individual applications; and
- (8) To accommodate the need for telecommunications service facilities while protecting neighborhoods and other areas of the City from the potential incompatibility, adverse impacts, and visual obtrusiveness of facilities and to minimize the adverse visual impacts of such structures through the careful evaluation of each application.

A strict application of this Section 5-19 shall not discourage applicants from proposing innovative approaches to providing telecommunications service facilities provided that the proposal results in the least disruptive, least obtrusive, and most compatible construction, design, location, and siting of the facility.

C. Applicability.

No telecommunications service facilities shall be located, constructed, or modified except in compliance with the provisions of this Section 5-19. Additionally, all such facilities shall comply with all other applicable sections of the City of Ocoee Land Development and Building Codes, to the extent not inconsistent herewith. This Section 5-19 shall apply to all telecommunications service facilities whether such facilities are used as a principal use or as an accessory use. Separation shall be measured between all nearby telecommunications service facilities irrespective of municipal or jurisdictional boundaries.

- (1) Amateur Radio/Receive-Only Antennas: This Section 5-19 shall not govern any tower, or the installation of any antenna, that is under the conventional zoning district height limitation and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- (2) Pre-Existing Telecommunications Service Facilities: Any telecommunications service facility, tower, or antenna for which a permit has been properly issued prior to May 20, 1997 shall be considered a legal non-conforming use and governed by Section 5-19 (N).

D. Generally.

The City of Ocoee has determined that the use of conventional zoning classifications are inappropriate for the permitting of telecommunications service facility locations. Accordingly, the City has adopted Map 5-19 "Telecommunications Service Facilities Location Map," a copy of which is attached hereto as Exhibit "A" and by this reference is incorporated herein, which will be used for permitting the location and types of telecommunications service facilities within three (3) areas (Areas One, Two, and Three). Only one (1) ground-mounted structure shall be permitted per location, except for clustering of telecommunications service facilities as provided for in Section 5-19(E)(4), Innovative.

- (1) Director of Planning. The Director of Planning shall have the initial responsibility for determining whether a proposed telecommunications service facility is consistent with the intent of this Section 5-19. The Director shall also encourage innovative approaches to providing telecommunications service facilities that minimize any adverse impacts of such structures. Accordingly, pre-application conferences are strongly encouraged in the presiting phase.

(2) Burden of Proof and Compliance. An applicant must demonstrate compliance with the conditions specified throughout this Section 5-19. The applicant shall be solely responsible for proving that an application is in compliance with these criteria, not the City of Ocoee.

(3) Application Processing.

Telecommunications service facilities identified in this Section 5-19 may be permitted either through the Site Plan or Special Exception review process.

Applications for telecommunications service facilities that require Site Plan approval shall be processed in accordance with Section 4-3 "Site Plan Review for Development not Classified as a Subdivision" and Section 5-19(J) "Site Plan Review." Site Plan applications shall be submitted to and evaluated by the Director of Planning as provided for in Sections 4-3 and 5-19 except that such facilities shall also comply with information and submittal requirements contained in Section 5-19(I) "Application Submittals" and Section 4-3 "Site Plan Review for Development not Classified as a Subdivision."

Applications for telecommunications service facilities that require Special Exception approval shall be processed in accordance with Section 4-8 "Special Exception" and Section 5-19(K) "Special Exception Review." Special Exception applications shall be submitted to and evaluated by the Director of Planning as provided for in Sections 4-8 and 5-19 except that such applications shall also comply with the submittal and informational requirements contained in Sections 5-19(I) "Application Submittals" and Section 4-3 "Site Plan Review for Development not Classified as a Subdivision."

(4) Prohibited Telecommunications Service Facilities.

The following telecommunications service facilities are considered to be inconsistent with the intent, purpose, and findings of this Section 5-19 and are not permitted in Ocoee, Florida.

(a) roof-mounted monopoles or towers;

(b) apparatus that is in conflict with the intent of this Section 5-19; and

(c) telecommunications service facilities located outside of Areas One, Two, or Three, as shown on Map 5-19, except those facilities legally existing on the date of this ordinance.

**E. Facilities Permitted in Area One.**

These regulations are intended to protect neighborhoods, enhance the appearance of the community, and encourage innovative approaches to providing telecommunications service facilities. Camouflaged, Building-Mounted, and Accessory telecommunications service facilities shall be permitted uses in Area One. Innovative telecommunications service facilities shall require Special Exception approval. Apart from the facilities listed below, no other facilities shall be permitted in Area One shown on Map 5-19.

(1) Camouflaged telecommunications service facilities.

All telecommunications service facilities permitted under this subsection shall be camouflaged, including alternative mounting structures and apparatus. Each camouflaged telecommunications service facility shall comply with the performance standards outlined in Section 5-19 (H) "Specific Use/ Development Standards" and all of the following standards:

(a) Size.

No camouflaged telecommunications service facility located in Area One may exceed 75 feet in height above ground level.

(b) Location.

Camouflaged telecommunications service facilities may be located either on public or private property.

(c) Siting.

Alternative mounting structures, apparatus, equipment shelters, and security barriers shall be located on a site so as to blend all facilities to the maximum extent possible into either the built or natural environment, as appropriate. Equipment shelters may be contained within the structure, located underground, or otherwise screened to disguise the shelter. Facilities that are camouflaged as trees may not be utilized to meet the City's landscaping requirements for the principal use.

## (d) Design.

By definition, camouflaged telecommunications service facilities shall be designed, painted, and screened so as to be unnoticeable to the casual observer. No apparatus shall be readily visible through the proposed camouflage. No telecommunications service facilities shall be attached to living plants.

## (e) Separation.

There shall be no requirement to separate camouflaged facilities from other telecommunications service facilities or other structures.

## (f) Co-location.

If all proposed co-located telecommunications service facilities are included in the application, then the number of antennas that may be vertically co-located shall only be limited by the ability to camouflage the antennas, in a manner acceptable to the City.

## (2) Building-Mounted.

Building-Mounted telecommunications service facilities shall comply with the performance standards outlined in Section 5-19(H) "Specific Use/ Development Standards" and all of the following standards:

## (a) Size.

No structure or building-mounted telecommunications service facility located in Area One may exceed the underlying zoning district height restrictions, except as provided for in Section 5-5(A). In no case shall such a facility exceed fifty (50) feet in height above ground level.

## (b) Location.

Building-mounted telecommunications service facilities may be located either on private or public buildings. Building-mounted facilities shall not be located on single family or duplex residential structures.

## (c) Siting.

Facade-mounted facilities may extend ten (10) percent into any required setback. By definition, building-mounted telecommunications service facilities shall not be ground-mounted. Any telecommunications service facility, apparatus, and security barrier, if applicable, shall be located so as to blend all facilities to the maximum extent possible into the built environment. Equipment shelters may be contained within the building or located on the ground adjacent to the building provided that the shelter is surrounded by landscaping. Alternatively, equipment shelters may be located on the roof provided that they are screened per Section 6-10(I)(7) "Other Requirements." In no case shall a telecommunications service facility extend more than six (6) feet above a parapet wall or roof-mounted screen.

## (d) Design.

Building-mounted telecommunications service facilities and all related apparatus shall be designed, painted, and screened to be unnoticeable to the casual observer. Facade-mounted facilities shall be unobtrusive and consistent with the design of the building. Monopoles and guyed towers may not be placed on buildings.

## (e) Separation.

There shall be no requirement to separate building-mounted telecommunications service facilities from on-site buildings or other telecommunications service facilities located either on- or off-site.

## (f) Co-location.

Several roof-mounted telecommunications service facilities may be co-located on the same building. The number and design of co-located facilities shall be limited by the ability to screen the apparatus in accordance with Section 6-10(I)(7) "Other Requirements" and to meet the other requirements of this Section 5-19(E)(2).

(3) Accessory Facilities.

Accessory telecommunications service facilities shall comply with the performance standards outlined in Section 5-19(H) "Specific Use/ Development Standards" and all of the following standards:

(a) Size.

No accessory telecommunications service facility located in Area One may exceed the height restrictions of the underlying zoning district. In no case shall such a facility exceed fifty (50) feet in height above ground level.

(b) Location.

Accessory telecommunications service facilities may be located either on public or private property; however, such facilities may not be located on single family or multifamily property. By definition, accessory facilities may not constitute the principal use of a location, as determined by the type of Occupational License assigned to the location address and/or the amount of square footage proposed for the telecommunications service facility.

(c) Siting.

An accessory telecommunications service facility shall be constructed a minimum of ten (10) feet from principal structure, in the rear or side yard. Such facilities shall also meet the applicable district setbacks of the underlying zoning district. An accessory facility and its related apparatus, equipment shelter, and security barrier shall be constructed and placed on the property so as to blend all facilities to the maximum extent possible into the built environment.

(d) Design.

The mounting structure shall be of the Monopole or Guyed Tower type and be flat white or flat gray in finish color. In all visual respects, the design of the facility shall be minimally intrusive upon adjoining property owners. No facility with Federal Aviation Administration lighting may be constructed in Area One as an accessory structure.

(e) Separation.

Accessory telecommunications service facilities shall be separated from off-site structures by at least their height.

(f) Co-location.

No vertical co-location or clustering of accessory facilities shall be permitted.

(4) Innovative.

The size, height, location, siting, design, construction, landscaping, screening, and fencing proposals for telecommunications service facilities, considered to be innovative, shall be included in the applicant's request. The requests must be conceptually approved by the Director of Planning, and receive final approval through the Special Exception process. In addition to the criteria for Special Exceptions set forth at Sections 4-8, 5-19(H), and 5-19(K), applications for innovative telecommunications service facilities shall comply with the following:

(a) Size.

The size and height of an innovative telecommunications service facility shall require Special Exception review. In no case shall such a facility exceed one hundred twenty-five (125) feet in height.

(b) Location.

Innovative telecommunications service facilities may be located either on private or public property; however, such facilities may not be located on single-family or duplex property.

(c) Siting.

The siting for an innovative telecommunications service facility must be approved as part of the Special Exception review process. Applicants may request permission to place such facilities within the public right-of-way, pursuant to Section 153-5 "Application Procedures" and Section 153-5.1 "Compliance Requirements" of the Ocoee Code of Ordinances. A lease and/or

franchise agreement may be required by the City Commission as a condition precedent to Special Exception approval.

(d) Design.

The architectural design of an innovative telecommunications service facility must be included in the applicant's request and considered as part of the Special Exception process. The proposed design shall be truly innovative and the height, size, bulk, massing, and opacity shall be the minimum necessary. Also, the proposed design shall be aesthetically-pleasing and compatible with the existing character of development in the area, and the design of such facilities should consider the incorporation of features that provide a public benefit.

(e) Separation.

The separation requirements applicable to Innovative facilities must be approved as part of the Special Exception review process. Proposed separation requirements shall be reviewed by the Director of Planning and considered by the Development Review Committee, Planning and Zoning Commission, and City Commission based upon design factors and the visual impact analysis.

(f) Co-location.

Vertical co-location and clustering may be permitted based upon design factors.

**F. Facilities Permitted in Area Two.**

These regulations are intended to protect neighborhoods and preserve the appearance of the community by providing limited areas where conventional types of telecommunications service facilities may be located. Telecommunications service facilities permitted in Area One above shall also be permitted in Area Two. Additionally, Innovative, Guyed, or Monopole telecommunications service facilities may be located in Area Two subject to Special Exception approval. Apart from the telecommunications service facilities listed below, no other facilities shall be approved in Area Two shown on Map 5-19.

- (1) Camouflaged telecommunications service facilities shall be permitted in Area Two as outlined in Section 5-19(E)(1) above.
- (2) Building-Mounted telecommunications service facilities shall be permitted in Area Two as outlined in Section 5-19(E)(2) above, except that such facilities shall not exceed one hundred (100) feet in height.
- (3) Accessory telecommunications service facilities shall be permitted in Area Two as outlined in Section 5-19(E)(3) above.
- (4) Innovative telecommunications service facilities shall be permitted in Area Two as outlined in Section 5-19(E)(4) above, except that such facilities shall not exceed one hundred fifty (150) feet in height.
- (5) Monopoles. Monopole telecommunications service facilities require Special Exception approval and must meet the performance standards outlined in Section 5-19(H) "Specific Use/ Development Standards" as well as the following:

(a) Size.

No monopole telecommunications service facility located in Area Two may exceed one hundred fifty (150) feet in height.

(b) Location.

Monopole telecommunications service facilities may be located either on public or private property, except that such facilities may not be located on single family or multifamily properties.

(c) Siting.

Monopoles shall be set back the greater of the high buffer (see Section 5-18(C)) or the required street setback (see Section 6-10(I)(3)). Monopoles shall be set back ten (10) feet from other on-site structures.

(d) Design.

Monopole telecommunications service facilities shall be designed to have a narrow streamlined silhouette. Whip, cross-polarized, or dual-polarized antennas are preferred as the primary method of attaching antenna sets to monopoles. Monopoles and any attached apparatus shall have a flat white or flat finish color, except that the enclosure/ screen may have another finish color which blends into its environment.

## (e) Separation.

Monopoles shall be separated by at least two hundred (200) feet from any residence. Monopoles shall be separated from guyed towers, lattice towers, and other monopoles by at least one-quarter ( $\frac{1}{4}$ ) mile.

## (f) Co-location.

A maximum of twenty-four (24) antennas may be co-located on a monopole. Of those, no more than one (1) may be a grid antenna and any remainder may only be panel or whip antennas. In addition, the maximum number of possible antennas shall be limited by the capacity of the monopole at the permissible height. The addition of antennas onto an existing approved monopole, up to the maximum number permitted, shall require only site plan approval in accordance with Sections 5-19(I) and (J).

## (6) Guyed Towers.

Guyed telecommunications service facilities require Special Exception approval and must meet the performance standards outlined in Section 5-19(H) "Specific Use/Development Standards" as well as the following:

## (a) Size.

No Guyed Tower telecommunications service facility located in Area Two may exceed one hundred fifty (150) feet in height.

## (b) Location.

Guyed towers may be located either on public or private property, except that such facilities may not be located on single family or multifamily residential properties.

## (c) Siting.

Guyed towers and their related structural cables and ground anchors shall be set back the greater of the high buffer (see Section 5-18(C)) or the required street setback (see Section 6-10(I)(3)). Guyed towers shall be set back ten (10) feet from other on-site uses.

## (d) Design.

Guyed towers and any apparatus shall be designed to have a narrow, transparent silhouette, exclusive of their cables. Whip, cross-polarized, or dual-polarized antennas are preferred as the primary method of attaching antenna sets to guyed towers. Guyed towers and any attached apparatus shall have a flat white or flat gray finish color.

## (e) Separation.

Guyed towers shall be separated by at least two hundred (200) feet from any residence. Guyed towers shall be separated from monopoles, lattice towers, and other guyed towers by at least one-quarter ( $\frac{1}{4}$ ) mile.

## (f) Co-location.

A maximum of twenty-four (24) antennas may be co-located on a guyed tower. Of those, no more than one (1) may be a grid antenna and any remainder may only be panel or whip antennas. In addition, the maximum number of possible antennas shall be limited by the capacity of the guyed tower at the permissible height. The addition of antennas onto an existing approved guyed tower, up to the maximum number permitted, shall require site plan approval in accordance with Sections 5-19(I) and (J).

#### G. Facilities Permitted in Area Three.

These regulations are intended to protect neighborhoods, preserve the appearance of the community, and concentrate the most unsightly facilities in a limited geographical area. Telecommunications service facilities permitted in Area One and Area Two shall also be permitted in Area Three. Additionally, Innovative, Monopole, Guyed, and Lattice telecommunications service facilities may be located in Area Three subject to Special Exception approval. Apart from the telecommunications service facilities listed below, no other telecommunications service facilities shall be approved in Area Three shown on Map 5-19.

- (1) Camouflaged telecommunications service facilities shall be permitted in Area Three as outlined in Section 5-19(E)(1) above.
- (2) Building-Mounted telecommunications service facilities shall be permitted in Area Three as outlined in Section 5-19(E)(2) above, except that such facilities shall not exceed one hundred (100) feet in height.
- (3) Accessory telecommunications service facilities shall be permitted in Area Three as outlined in Section 5-19(E)(3) above.
- (4) Innovative telecommunications service facilities shall be permitted in Area Three as outlined in Section 5-19(E)(4) above, except that such facilities shall not exceed two hundred (200) feet in height.
- (5) Monopole telecommunications service facilities shall be permitted in Area Three as outlined in Section 5-19(F)(5) above except that no facility located in Area Three may exceed two hundred (200) feet in height.
- (6) Guyed telecommunications service facilities shall be permitted in Area Three as outlined in Section 5-19(F)(6) above except that no facility located in Area Three may exceed two hundred (200) feet in height.
- (7) Lattice telecommunications service facilities require Special Exception approval and must meet the performance standards outlined in Section 5-19(H) "Specific Use/Development Standards" as well as the following:
  - (a) Size.

No Lattice tower located in Area Three may exceed two hundred (200) feet in height.
  - (b) Location.

Lattice towers may be located either on public or private property, except that such facilities shall not be located on single-family or multifamily residential properties.
  - (c) Siting.

Lattice towers shall be set back the greater of the high buffer (see Section 5-18(C)) or the required street setback (see Section 6-10(I)(3)). Lattice towers shall be set back ten (10) feet from other on-site uses.
  - (d) Design.

Platforms or mounting brackets may be used to attach antenna sets to lattice towers. Lattice towers and their apparatus shall have a flat white or flat gray finish color.
  - (e) Separation.

Lattice towers shall be separated by at least two hundred fifty (250) feet from any residence. Lattice towers shall be separated from monopoles and guyed towers by at least one-quarter ( $\frac{1}{4}$ ) mile. Lattice towers shall be separated from other lattice towers by at least one-half ( $\frac{1}{2}$ ) mile.
  - (f) Co-location.

A maximum of twenty-four (24) antennas may be co-located on a lattice tower. Of those, no more than one (1) may be a microwave antenna, no more than one (1) may be a satellite dish antenna, no more than five (5) may be grid antennas, and any remainder may only be panel or whip antennas. In addition, the maximum number of possible antennas shall be limited by the capacity of the lattice tower at the permissible height. The addition of antennas onto an existing approved lattice tower, up to the maximum number permitted, shall require site plan approval in accordance with Sections 5-19(I) and (J).

#### H. Specific Use/Development Standards.

The following regulations supplement the general regulations above in Sections 5-19(E), (F), and (G):

- (1) Building and Electrical Codes.

New telecommunications service facilities and all modifications to existing structures such as, the addition of height and the addition of antennas, shall be constructed in accordance with all City building and electrical codes and shall be certified by an engineer licensed to practice in the State of Florida.

- (2) Structural Certification.

Each application for modification or construction of a telecommunications service facility shall include a certification of the

structural integrity of the facility and foundation plans sealed by an engineer licensed to practice in the State of Florida.

(3) Public Facilities.

If the City determines that there is a governmental or public safety need, the City Commission may grant specific waivers to this Section 5-19 in order to allow the construction of a proposed public safety or governmental telecommunications service facility. If the City Commission determines that a proposed telecommunications service facility is situated in a location which will benefit the City's telecommunication systems, then such a facility shall be engineered and constructed to accommodate the City's additional equipment. The applicant shall engineer and construct the facility and the City shall reimburse the applicant for the actual engineering and construction expenses incurred in meeting the City's needs.

(4) Non-interference.

Each application for a telecommunications service facility shall include a certification by a licensed engineer that no interference with public safety system and/or public safety entities will occur. Each application shall also include a certified statement that the facility, including reception and transmission functions, will not interfere with the usual and customary transmission or reception of radio, television, etc., service enjoyed by adjacent residential and nonresidential properties.

(5) Subdivision of property.

A telecommunications service facility may be located on a parcel without requiring a subdivision of land provided that: (1) a legal description of the leased property is provided with the application; (2) the required security barrier is located on the boundaries of the location; and (3) the telecommunications service facility is otherwise permitted by this Section 5-19.

(6) Design.

Equipment that would otherwise be visible against a building or structure shall be designed to blend with such building or structure. Equipment that would be visible against the sky or other background shall be designed to minimize its visibility against such background. Appearance shall be evaluated based upon the degree to which the telecommunications service facility "blends with" or "disturbs" its setting. Form shall be evaluated with respect to the degree to which the shape of the telecommunications service facility relates to its surroundings. The size of a telecommunications service facility shall be evaluated based upon the silhouette of the telecommunications service facility so as to minimize its visual impact. If any aspect of a telecommunications service facility's design is deemed not acceptable by the City, then the City shall specify those types of design that would be acceptable.

(7) Osprey/Eagle Nesting.

New freestanding telecommunications service facilities shall incorporate a design that provides an integral nesting platform to direct the most likely site for osprey or eagle nesting to a location on the tower which will reduce the risk of interference with tower equipment and maintenance.

(8) Security Barriers.

A maintenance-free six-foot tall security barrier shall be required for all telecommunications service facilities. The security barrier requirement may be waived for camouflaged, building-mounted, innovative, and accessory telecommunications service facilities. Security barriers shall surround all facilities and be located on or within five (5) feet of the boundary lines of the lot or leasehold.

(9) Equipment Shelters.

One (1) equipment shelter shall be permitted in conjunction with each telecommunications service facility user.

(10) Equipment Storage.

Mobile or immobile equipment not used in direct support of a facility shall not be stored or parked on the site of the telecommunications service facilities unless repairs to the mounting structure are being made.

(11) Parking.

The City shall require a parking area designed to serve all telecommunications service facilities at each location. The parking area shall provide at least one (1) parking space. Parking requirements may be waived for camouflaged, innovative, and accessory telecommunications service facilities.

(12) Landscaping.

The visual impacts of telecommunications service facilities shall be mitigated for nearby viewers through landscaping or other screening materials located along the outside of the security barrier. All landscaping shall be of an evergreen species, fully irrigated, and selected from the list of plant materials in Section 6-10 "Landscaping." Further, the use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement towards meeting these requirements. At a minimum, the following landscaping and buffering shall be required:

- (a) A row of canopy/shade trees shall be planted twenty-five (25) feet apart just outside of the security barrier. At the time of planting, each tree shall have a minimum of two (2) inches d.b.h. with overall height of twelve (12) feet. The mature height of the selected tree species shall be at least thirty-five (35) feet; and
- (b) A continuous hedge at least thirty (30) inches high at planting and capable of growing to at least forty-five (45) inches in height within eighteen (18) months shall be planted in front of the security barrier.

(13) Signs and Advertising.

The use of any portion of a mounting structure for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.

(14) Warning Signs.

If high voltage is necessary for the operation of the facility or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the security barrier and shall be spaced not more than forty (40) feet apart. "NO TRESPASSING" warning signs shall be permanently attached to the security barrier and shall be spaced not more than forty (40) feet apart. The letters for the "HIGH VOLTAGE" "DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two (2) warning signs may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence. The warning signs may be attached to freestanding poles if the content of the signs may be obstructed by landscaping.

(15) Lighting and Marking.

If an applicant has requested a permit to build or modify a telecommunications service facility, and the Federal Aviation Administration determines that the facility shall be marked or illuminated, then the applicant shall redesign the modification request to avoid any Federal Aviation Administration illumination or marking requirements. Modification of a telecommunications service facility shall not be approved where to do so would require illumination or marking, based upon Federal Aviation Administration requirements, of a proposed facility or an existing unmarked/ unlit facility.

(16) Federal Requirements.

All telecommunications services facilities must comply with the radio frequency radiation standards of the Federal Communications Commission. Each application for telecommunications service facilities shall include a certified statement from a registered engineer indicating compliance with these standards. If such standards are changed, then the owner(s) and/or operator(s) of any facilities governed by this Section 5-19 shall bring such facilities into compliance with such revised standards within one hundred eighty (180) days of the effective date of such standards, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring telecommunications service facilities into compliance with such revised standards shall constitute an abandonment.

(17) Code Enforcement Action.

In addition to all other legal and equitable remedies available to the City for enforcement, this Section 5-19 shall, without limitation, be enforceable by Code Enforcement Action as provided for in Chapter 7 of the Ocoee Code of Ordinances and Chapter 162, Florida Statutes.

## I. Application Submittals.

All Site Plan and Special Exception applications, submitted in accordance with this Section 5-19, shall comply with the informational requirements of Section 4-3 and this Section 5-19(l), unless otherwise determined by the Director of Planning. The applicant shall also clearly demonstrate that the proposed facility is consistent with all pertinent sections of the Ocoee Land Development Code, Building Code, and Code of Ordinances.

### (1) Application Fees.

Applications shall include a Flat Fee and Review Deposit in accordance with Resolution 92-11 "Development Review Fees," or any subsequent amendments thereto. Review Deposit Accounts shall be set up to reimburse the City for consultant fees as provided for in Section 1-12 "Development Review Fees" of the Ocoee Land Development Code. At the time that a Building Permit is requested, telecommunications service facilities applicants shall also pay applicable Building Permit fees.

### (2) Plans.

The applicant shall initially submit two (2) plan sets for a determination of sufficiency or completeness. Once the application is determined to be complete, the applicant shall submit eight (8) sets for Site Plans and fifteen (15) sets for Special Exceptions. Each plan set shall be scaled, sealed, and include the following:

- (a) A site plan depicting the locations of the following: any existing or proposed structures, any existing signs, any existing or proposed property lines, and dimensions indicating compliance with the siting requirements.
- (b) A vicinity map depicting the layout of the location in relationship to adjacent structures and properties.
- (c) A survey and legal description depicting the subject property and the proposed location. The survey shall also show existing structures and easements.
- (d) Two (2) opposing elevations showing the proposed structure, equipment shelter, and apparatus in comparison to human scale.
- (e) A topographical map of the site, subject property, and adjacent roadways and adjoining properties with one-foot intervals.
- (f) A landscape plan indicating the proposed number, type, and arrangement of plant materials, including a tree survey and identification of all trees to be saved.
- (g) A draft wiring plan showing the fiber optic lines and wires connecting the applicant's equipment and facility together and identifying the owner of the lines and wires.

### (3) Leaseholds.

The applicant shall submit a written statement that the lease between the applicant and landowner of the subject property contains a provision that the landowner is responsible for the removal of telecommunications service facilities in the event that the applicant/carrier fails to remove it upon abandonment.

### (4) Letter.

A letter from the applicant stating the operating company's name and address, the type of facility requested, and a statement of the type of application approval being sought. The applicant shall submit photographs of similar types of facilities along with the letter and any other information deemed appropriate by the applicant or as requested by the Planning Department.

### (5) Environmental Assessments.

A copy of Environmental Statements or Assessments prepared for submission to the Federal Communications Commission and/or the National Environmental Policy Administration when such assessments are required by said agency(ies).

### (6) Additional submittals required for Special Exceptions.

#### (a) Surrounding property owners.

A list of tax parcel numbers, owner names, addresses, and a map of surrounding properties located within six hundred sixty (660) feet of the location generated from current Orange County Tax Assessor's Records. In addition, the applicant shall provide number ten (10) envelopes preaddressed with the Planning Department address in the return address area and the

current owner information (including parcel number) in the addressee area for all surrounding property owners within six hundred sixty (660) feet of the location.

(b) Visual Impact Analysis.

To ensure land use compatibility, each application for a proposed facility shall include a visual impact analysis with the following information, at a minimum:

- i. An aerial photograph having a scale of not more than 1 inch = 300 feet depicting the location of the proposed facility.
- ii. A map depicting the pattern of adjacent land uses and roadway network within a 660-foot radius of the proposed location.
- iii. Before Pictures. At least six (6) color photographs (4" x 6" minimum size) from adjacent properties within six hundred sixty (660) feet of the proposed facility, three (3) feet from adjacent roadways (view corridors) and three (3) [feet] from residential areas (viewpoints).
- iv. After Pictures. Either a color elevation, a color photo-simulation, or a color copy of the manufacturer's brochure (elevation) of the proposed facility. Each elevation should indicate the approximate height and location of the proposed facility in relation to the existing skyline, viewpoints, and view corridors.
- v. An identification of significant (taller than fifty (50) feet) existing natural and manmade features adjacent to the proposed facility location, to include those features that will provide buffering for adjacent properties and public rights-of-way.
- vi. A sight line representation drawn from view points within six hundred sixty (660) feet of the proposed facility to the highest point of the telecommunications service facility. Each sight line shall be depicted in profile, drawn at a scale of at least at one (1) inch equals forty (40) feet. The profiles shall show all intervening trees and buildings.

J. Site Plan Review.

Site Plan applications shall be processed as provided for in Section 4-3 "Site Plan Review for Development not Classified as a Subdivision" and this Section 5-19(J) "Site Plan Review." Such applications shall be submitted to and evaluated by the Director of Planning as provided for in Sections 4-3 and 5-19(J) except that such facilities shall not be reviewed by the Planning and Zoning Commission and the City Commission. Site Plan applications shall be filed in accordance with Section 4-3 and Section 5-19(I) "Application Submittals."

- (1) Applications shall be reviewed based upon the criteria for each type of facility as identified in Sections 5-19(E), (F), (G), (H), and (J). Application forms and the amount of the application fees for Site Plan review shall be obtained from and returned to the Planning Department.
- (2) Additionally, Site Plan applications for telecommunications service facilities shall not be reviewed by the Development Review Committee unless the Director of Planning intends to deny the application. A decision to deny a Site Plan application for a telecommunications service facility shall be in writing and must be based on evidence in the record presented before the Development Review Committee at the time the decision is issued. A recommendation for denial:
  - (a) may be based upon an insufficient application which has not been completed within ninety (90) days of the date that a letter is sent notifying the applicant that the application is incomplete;
  - (b) may be based upon submittals that do not comply with the requirements of the Ocoee Land Development Code; and
  - (c) may not be based upon safety concerns related to radio frequency radiation as stated in the Telecommunications Act of 1996.

K. Special Exception Review.

Applications for telecommunications service facilities that require Special Exception approval shall be processed in accordance with Section 4-8 "Special Exception" and this Section 5-19(K). Special Exception applications shall be initially submitted to and evaluated by the Director of Planning as provided for in Sections 4-8 and this Section 5-19(K) except that such applications shall also comply with the submittal and informational requirements contained in Sections 5-19(I) "Application Submittals" and Section 4-3 "Site Plan Review for Development not Classified as a Subdivision" and undergo DRC review and public hearings before the Planning and Zoning Commission and City Commission.

- (1) Applications shall be reviewed based upon the criteria for each type of facility as identified in Section 5-19(E), (F), (G), (H) and (K) as

well as the following:

- (a) Telecommunications service facilities shall be located, sited, and designed to ensure compatibility with surrounding land uses and the character of existing development. Compatibility shall be evaluated with respect to the visual impact analysis the design of the proposed facility, and the character of surrounding development.
  - (b) The facility will not adversely affect surrounding residential and/or non-residential properties. An adverse effect would be indicated when the proposed facility will be of a height, bulk and scale that is not compatible with surrounding residential and/or nonresidential uses. An adverse effect shall be evaluated based upon: (i) appearance or the degree to which the telecommunications service facility "blends with" or "disturbs" its setting; (ii) form or the degree to which the shape of the telecommunications service facility relates to its surroundings; and (iii) the silhouette or a minimized visual impact. If any aspect of a telecommunications service facility's design is deemed not acceptable by the City, then the City shall specify those types of design that would be acceptable.
  - (c) Whether the needs of the applicant can be met by means of a camouflaged or building-mounted telecommunications service facility.
  - (d) The proposed facility is designed to unobtrusively blend into its surroundings to the maximum extent feasible.
- (2) A decision to deny a Special Exception application for a telecommunications service facility shall be in writing and must be based on evidence in the record presented before the Development Review Committee, Planning and Zoning Commission, and Ocoee City Commission at the time that the decision is issued. A recommendation for denial:
- (a) May be based upon an insufficient application which has not been completed within ninety (90) days of the date that a letter is sent notifying the applicant that the application is incomplete;
  - (b) May be based upon submittals that do not comply with the requirements of the Ocoee Land Development Code; and
  - (c) May not be based upon safety concerns related to radio frequency radiation as stated in the Telecommunications Act of 1996.

L. Reports.

Each freestanding ground-mounted structure shall annually submit a report to the City indicating the number of carriers or services and appearance of the facility. The annual report shall include an 8" x 10" color photograph of two (2) opposing views of the facility and a list all appurtenances (antennas and equipment shelters) and providers served by the facility. A copy of the renewed Federal Communications Commission license (as applicable) shall also be included in the report. The report should include a copy of the most recent structural certification from a licensed engineer and identify any anticipated maintenance needs or modifications to the facility that shall be necessary as a result of weathering. The report shall state whether and which hazardous chemicals are used within the facility and any other appropriate documentation requested by the City. The City may periodically request an annual report at other times during the year to verify the appearance and safety of the facility or determine whether modifications have been made without City approval.

M. Abandonment.

Thirty (30) days before discontinuing the use of a telecommunications service facility, the owner/ operator shall provide notice of abandonment to the City of Ocoee. In the event that the use of any telecommunications service facility is found to have been discontinued for a period of one hundred eighty (180) consecutive days, the facility shall be deemed to have been abandoned. Upon such abandonment, the owner of the parcel of land shall have an additional sixty (60) days within which to: (I) reactivate the use of the facility or transfer the facility to another Applicant who makes actual use of the facility; or (ii) dismantle and remove the facility. The Owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the telecommunications service facility is not removed within sixty (60) days of abandonment, the City may proceed to do so and assess the costs against the real property. The lien of such assessment shall bear interest, have priority and be collectable, at the same rate and in like manner as provided for special assessments by Florida law. At the earlier of sixty-one (61) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any approval for the facility shall automatically expire.

N. Nonconforming Facilities.

Preexisting facilities shall be allowed to continue their usage as they existed on May 20, 1997; provided however, anything other than routine maintenance, including, without limitation, structural modifications, provisions for additional antennas, or additional providers and/or new construction on an existing facility, shall comply with all the requirements of this Section 5-19. Routine maintenance shall be permitted and encouraged (to avoid structural failure) on any pre-existing facility. Any legal nonconforming facility is subject to Section 5-10 of the City of Ocoee Code of Ordinances. Pre-existing facilities that are damaged or destroyed may be rebuilt only in compliance with these regulations.

O. Administrative Appeals.

Any questions regarding the implementation of this Section 5-19 shall be resolved by the Director of Planning. Decisions of the Director of Planning may be appealed to the City Manager and then to the City Commission.

§ 5-20. - DOG FRIENDLY RESTAURANTS.

A. Purpose and Intent; a Program Created; Definitions.

- (1) The purpose and intent of this part is to implement the program established by Section 509.233, Florida Statutes, by permitting public food service establishments within the City of Ocoee, Florida, subject to the terms and contained herein, to become exempt from certain portions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the Division, in order to allow patrons' dogs within certain designated outdoor portions of their respective establishments.
- (2) Pursuant to Section 509.233(2), Florida Statutes, there is hereby created in the City of Ocoee, Florida, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the Division, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure may be known as the City of Ocoee Dog Friendly Dining Program.
- (3) The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Department** means the City of Ocoee Development Services Department.

**Division** means the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

**Dog** means an animal of the subspecies *Canis lupus familiaris*.

**Outdoor Area** means an area adjacent to a public food service establishment that is predominantly or totally free of any physical barrier on all sides and above.

**Patron** has the meaning given to "guest" in Section 509.013, Florida Statutes.

**Permit** means a Dog Friendly Dining Program Permit.

**Public Food Service Establishment** has the meaning given it by Section 509.013, Florida Statutes.

B. Permit Required; Submittals.

- (1) In order to protect the health, safety, and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless it possesses a valid Permit issued in accordance with this part.
- (2) Applications for a Permit under this part shall be made to the Department, on a form provided for such purpose by the Department, and shall include, along with any other such information deemed reasonably necessary by the Department in order to implement and enforce the provisions of this part, the following:
  - (a) The name, location, and mailing address of the subject public food service establishment.
  - (b) The name, mailing location, and telephone contact information of the Permit applicant.
  - (c) A notarized written authorization from the owner of the property on which the public food service establishment is located if

the applicant is not the owner.

- (d) A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, restaurant equipment, and dog waste cleaning kit, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the Department. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
- (e) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
- (f) All application materials shall contain the appropriate Division-issued license number for the subject public food service establishment.
- (g) Payment of a nonrefundable annual application fee in the amount of one hundred dollars (\$100).

#### C. General Regulations; Cooperation; Enforcement.

- (1) In order to protect the health, safety, and general welfare of the public, and pursuant to Section 509.233, Florida Statutes, all Permits issued pursuant to this part are subject to the following requirements:
  - (a) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
  - (b) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
  - (c) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations; provided, however, that dishes specifically dedicated for use by dogs shall be permitted.
  - (d) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
  - (e) Dogs shall not be allowed on chairs, tables, or other furnishings.
  - (f) All table and chair surfaces shall be cleaned and sanitized with an approved product between the seating of patrons. Spilled food and drink shall be removed from the floor or ground between the seating of patrons.
  - (g) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept within ten (10) feet of the designated outdoor area.
  - (h) At least one (1) sign reminding employees of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the Permit by the Department, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half (8½) inches in width and eleven (11) inches in height and printed in an easily legible typeface of not less than a twenty-point font size.
  - (i) At least one (1) sign reminding patrons of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the Permit by the Department, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half (8½) inches in width and eleven (11) inches in height and printed in an easily legible typeface of not less than twenty-point font size.
  - (j) At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one (1) sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. This sign must include notice to all patrons advising that dogs who have been classified as "dangerous dogs," as defined by Section 767.11, Florida Statutes, or dogs for whom Orange County Animal Services Division has a record of propensity

towards aggressive behavior, shall not be permitted within any portion of the public food services establishment. The mandatory sign shall be not less than eight and one-half (8½) inches in width and eleven (11) inches in height and printed in an easily legible typeface of not less than twenty-point font size.

- (k) A public food service establishment shall report to Orange County's Animal Services Division and the Department, any and all incidents in which, while on the premises of the public food service establishment, a dog bites, attacks, endangers, and/or inflicts any injury upon any patron or employee of the food service establishment, or inflicts any injury upon any other live animal on the premises of the public food service establishment, whether the live animal is of a domesticated nature or not.
- (l) Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portion of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.
- (2) A Permit issued pursuant to this part shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment and shall expire automatically upon such sale or transfer. A subsequent owner shall be required to apply for a Permit pursuant to this part if the subsequent owner wishes to accommodate patrons' dogs.
- (3) In accordance with Section 509.233(5), Florida Statutes, the Department shall accept and document complaints related to the dog friendly dining program within the City of Ocoee, Florida, and shall timely report to the Division all such complaints and the city's enforcement response to such complaint. The Department shall also timely provide the Division with a copy of all approved applications and permits issued pursuant to this part.
- (4) The provisions of this Section may be enforced by code enforcement or law enforcement personnel. Any public food service establishment that fails to comply with the requirements of this Section shall be guilty of violating the City of Ocoee Code and shall be subject to all enforcement proceedings provided in general law and in the City of Ocoee Code, including Chapter 7, Code Enforcement action, Section 1-12, penalties for offenses and Chapter 16, Violations. If a violation is deemed to be a public nuisance or a public safety issue, the City may seek injunctive or declaratory relief or other civil remedy. Remedies may include fines, in accordance with Chapter 16 Fine and Fee schedule, as amended, penalties, and/or a revocation of a Permit and nonrenewal of a Permit. Each day a violation exists it shall constitute a new and separate offense.

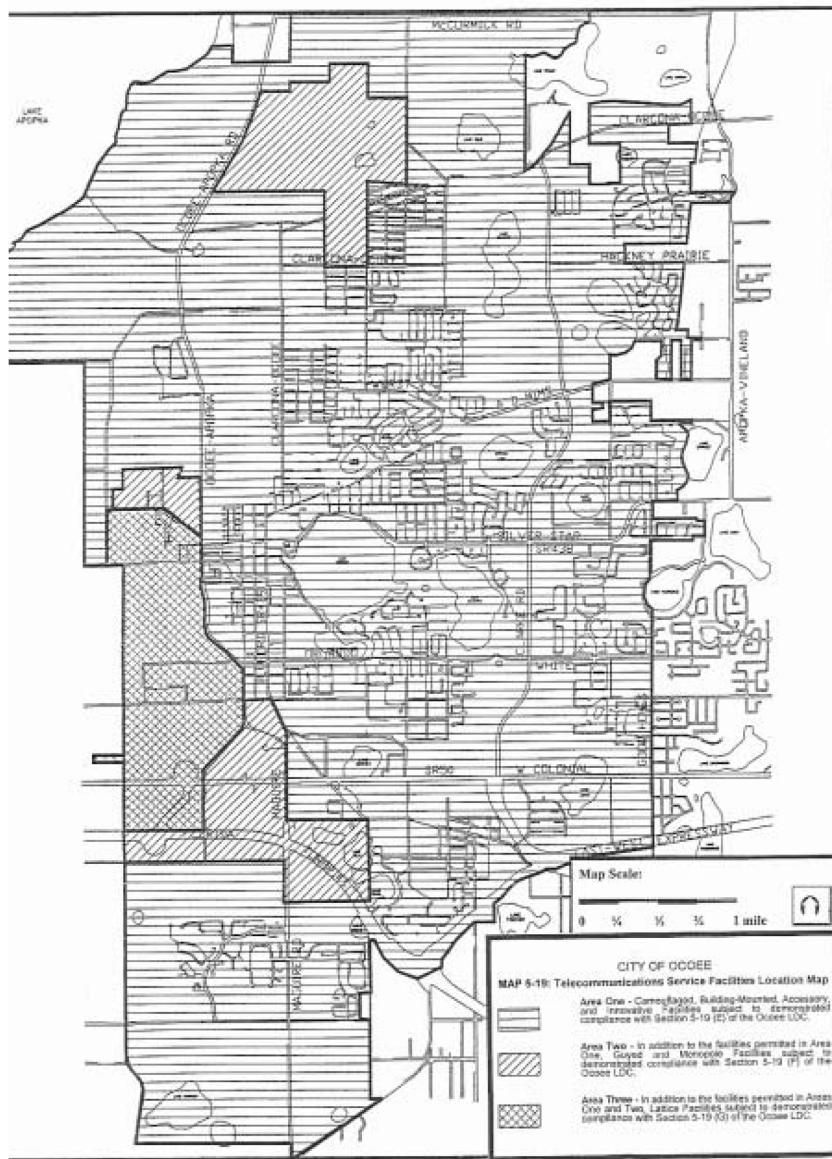
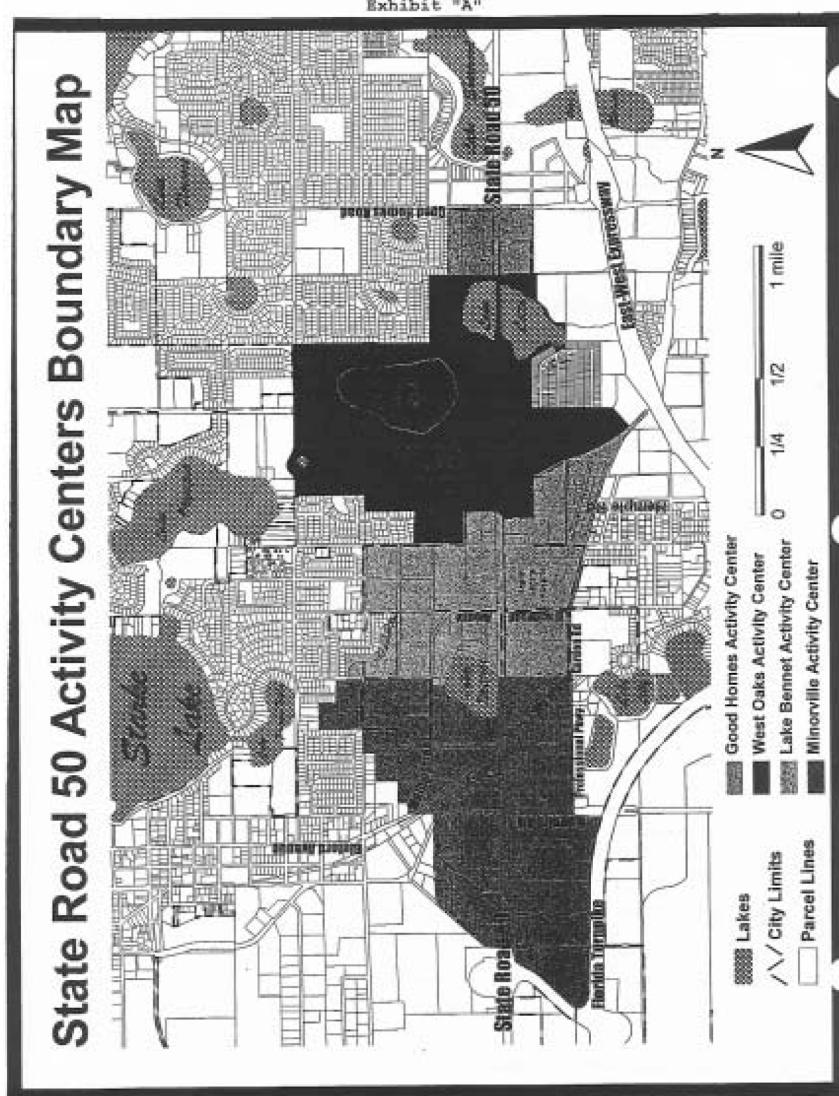


Exhibit "A" to Ordinance 98-12 (referenced in [Section 5-3.2](#))



The Ocoee State Road 50 Special Development Plan, also referenced in [Section 5-3.2](#) and part of Ordinance 98-12, may be purchased from the City of Ocoee Planning Division.

**TABLE 5-1**  
PERMITTED USE REGULATIONS

"P" = Permitted Use in that Zoning District Refer to [Table 5-2](#) for setbacks and other

"S" = Special Exception in that Zoning District (requires advertised public hearings) development requirements.

" - " = This Use is not permitted in this Zoning District

USE	A-1	A-2	RCE-1 RCE-2	R-1A R-1	R-1AA R-1AA	R-2	R-3	RT-1	PS	C-1	C-2	C-3	I-1	I-2

ZONING CLASSIFICATION															
Agriculture		Residential		Commercial		Industrial		Transportation		Utilities		Special		Total	
Category	Type	Single Family	Two Family	Mobile Home	Condominium	Commercial	Industrial	Highway	Railroad	Water	Gas	Septic	Drainage	Waste	
Agriculture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agricultural Processing	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
RESIDENTIAL USES															
Adult Congregate Living Facility (ACLF)	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Community Residential Home, Major	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Community Residential Home, Minor	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Dwelling, Single-Family	P	P	P	P	P	P	P	-	-	S	-	-	-	-	-
Dwelling, Two-Family	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Dwelling, Multi-family	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Dwelling, Mobile Home	P	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Mixed-Use Development (Mixed-use development will be allowed by PUD and special use districts adhering to the requirements specified in Article IV)	-	-	-	-	-	-	-	-	S	S	S	S	S	S	-
Mobile Home Development	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-
Nursing Home	-	S	S	-	-	-	S	-	-	-	P	P	P	-	-
COMMERCIAL USES															
Adult Entertainment Establishments	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Appliance Store	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-
Automotive Body Repair	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Automobile Parking Lot	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-
Automobile Repair	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Automobile Sales (New and Used)	-	-	-	-	-	-	-	-	-	-	S	P	P	P	-
Automobile Service Station	-	-	-	-	-	-	-	-	-	-	-	P**	P**	P**	P

Automotive Wrecking or Salvage Yards	-	-	-	-	-	-	-	-	-	-	-	-	P
Bar (associated with restaurant seating 45 people)	-	-	-	-	-	-	-	-	-	P	P	P	P
Bars and Cocktail Lounges	-	-	-	-	-	-	-	-	-	S*	P	P	-
Boat Sales and Service	-	-	-	-	-	-	-	-	-	-	P	P	-
Bus Terminal	-	-	-	-	-	-	-	-	-	-	P	P	-
Car Wash	-	-	-	-	-	-	-	-	-	-	P	P	-
Clinic, Dental or Medical	-	-	-	-	-	-	-	-	P	P	P	P	P
Commercial, Convenience	-	-	-	-	-	-	-	-	P	P	P	P	P
Commercial, Convenience with Gas Sales	-	-	-	-	-	-	-	-	-	S	P	P	P
Commercial, Retail	-	-	-	-	-	-	-	-	-	P	P	P	S
Department Store	-	-	-	-	-	-	-	-	-	P	P	P	-
Equipment Sales	-	-	-	-	-	-	-	-	S	P	P	P	P
Funeral Parlor	-	-	-	-	-	-	-	-	-	P	P	P	-
Furniture Repair and Upholstery	-	-	-	-	-	-	-	-	-	P	P	P	-
Furniture Store	-	-	-	-	-	-	-	-	-	P	P	P	-
Gallery/ Museum	-	-	-	-	-	-	-	-	-	P	P	P	-
Gas Station	-	-	-	-	-	-	-	-	-	S	P	P	-
Grocery Store/ Supermarket	-	-	-	-	-	-	-	-	-	P	P	P	-
Heating and Air Conditioning Sales and Service with outside storage	-	-	-	-	-	-	-	-	-	-	P	P	-
Heating, Ventilating, Plumbing Supplies, Sales, & Service	-	-	-	-	-	-	-	-	-	P	P	P	-
Hospital	-	S	S	-	-	-	-	-	-	P	P	P	-

Hotel or Motel	-	-	-	-	-	-	-	-	-	S	P	P	-
Interior Decorating Store	-	-	-	-	-	-	-	-	-	P	P	P	-
Live Entertainment Establishment	-	-	-	-	-	-	-	-	-	S	-	-	-
Liquor Store, No on-premise consumption	-	-	-	-	-	-	-	-	-	P	P	P	-
Miniature Golf Course/ Driving Range	-	-	-	-	-	-	-	-	-	P	P	P	-
Mobile Home and Travel Trailer Sales	-	-	-	-	-	-	-	-	-	-	P	P	-
Monument Sales	-	-	-	-	-	-	-	-	-	-	P	P	-
Motor Vehicle Wholesale	-	-	-	-	-	-	-	-	-	-	P	P	P
Movie Theater	-	-	-	-	-	-	-	-	-	P	P	P	-
Music, Radio, TV Shop	-	-	-	-	-	-	-	-	-	P	P	P	-
Nursery/ Garden Supply Store	-	-	-	-	-	-	-	-	-	P	P	P	-
Pawn Shop	-	-	-	-	-	-	-	-	-	-	P	P	-
Pre-Fabricated House Sales	-	-	-	-	-	-	-	-	-	-	P	P	-
Printing, Book Binding, Lithograph, and Publishing Plants	-	-	-	-	-	-	-	-	-	-	P	P	-
Professional Offices	-	-	-	-	-	-	-	-	P	P	P	P	P
Radio Broadcasting and TV Stations, Studios, & Offices	-	-	-	-	-	-	-	-	-	-	P	P	-
Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	S	S	S
Restaurant	-	-	-	-	-	-	-	-	P***	P***	P***	P***	P
Self-storage facility	-	-	-	-	-	-	-	-	-	-	P****	P****	-
Sign Painting Shop	-	-	-	-	-	-	-	-	-	-	P	P	-
Veterinary Hospitals and Kennels when confined within structure	-	-	-	-	-	-	-	-	-	P	P	P	-
<b>INDUSTRIAL USES</b>													

Borrow Pits	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Industrial Park	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Industrial, Light	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Industry, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Truck Stop	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Warehousing/ Distribution	-	-	-	-	-	-	-	-	-	-	-	-	P	P
<b>PUBLIC AND SEMI-PUBLIC USES</b>														
Child Care Facilities	-	-	-	-	-	S	S	-	-	S	S	S	S	-
Church	P	P	P	S	S	S	S	S	-	S	S	S	-	-
Club or Community Use	-	-	-	-	-	-	S	-	S	S	S	S	-	-
Conservation Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Golf Course/ Country Club	P	P	P	P	P	P	P	-	-	P	P	P	P	P
Public Service or Utility	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Public Service, Essential	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation Facility, Commercial	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Recreation Facility, Neighborhood	P	P	P	S	S	S	S	S	S	S	S	S	S	S
School	P	P	P	S	S	S	S	S	S	S	S	S	-	-
Telecommunications Service Facilities	Refer to Article V, Section 5-19 and Map 5-19.													

\* Bars and Cocktail Lounges are permitted by Special Exception in the C-2 zoning district, except as otherwise specifically permitted by separate ordinance or elsewhere in the Code.

\*\* In Special Overlay Districts:

- Facilities shall be limited to three (3) bays, unless a waiver is granted by the City Commission.

2. No bays shall be visible from any public right-of-way.

\*\*\* In Special Overlay Districts:

1. New drive-through fast food restaurants may not have access or be located directly onto an arterial or collector roadway as designated by the City of Ocoee.
2. No drive-through lane(s) shall be visible from any public right-of-way.

\*\*\*\* In Special Overlay Districts:

1. Self-storage is permitted only as an accessory use. An accessory use shall be defined as no more than thirty-five (35) percent of the building or parcel of land may be used for self-storage. If the mix of uses is separated on site, the self-storage area(s) visible from the roadways must be lined with office or retail frontage.
2. Any self-storage facility with frontage on an arterial street must be located behind a retail business.

USE/ACTIVITY	MINIMUM ZONING DESCRIPTIONS ON PERMITTED USES								
	MINIMUM LOT SIZE	MINIMUM FRONT BUILDING SETBACK	MINIMUM SIDE BUILDING SETBACK	MINIMUM REAR BUILDING SETBACK	MINIMUM LOT WIDTH	MAXIMUM BUILDING COVERAGE	MAXIMUM IMPERVIOUS SURFACE	MAXIMUM BUILDING HEIGHT	MINIMUM LIVING AREA
<b>AGRICULTURAL USES</b>									
A-1, General Agriculture	1 ACRE	35 FT	15 FT	50 FT	150 FT	40%	50%	35 FT	1,000 SF
A-2, Suburban	1/2 ACRE	35 FT	15 FT	40 FT	125 FT	40%	50%	35 FT	1,000 SF
<b>RESIDENTIAL USES</b>									
RCE-1	1/2 ACRE	35 FT	15 FT	40 FT	150 FT	40%	50%	35 FT	1,800 SF
RCE-2	1 ACRE	35 FT	15 FT	40 FT	125 FT	40%	50%	35 FT	2,000 SF
R-1, Single-Family	7,000 SF	25 FT	7.5 FT	25 FT	70 FT	40%	50%	35 FT	1,000 SF
R-1A, Single-Family	8,000 SF	25 FT	7.5 FT	25 FT	70 FT	40%	50%	35 FT	1,200 SF
R-1AA, Single-Family	9,000 SF	25 FT	7.5 FT	30 FT	75 FT	35%	50%	35 FT	1,400 SF
R-1AAA,	10,000 SF	30 FT	7.5 FT	35 FT	85 FT	35%	50%	35 FT	1,600 SF

Single-Family									
R-2, Single-Family	7,000 SF	25 FT	6 FT	25 FT	70 FT	40%	50%	35 FT	1,000 SF
R-2, Two-Family	7,500 SF	25 FT	6 FT	25 FT	75 FT	55%	70%	35 FT	650 SF
R-3, Single-Family	7,000 SF	25 FT	7.5 FT	25 FT	70 FT	40%	50%	35 FT	1,000 SF
R-3, Duplexes	7,500 SF	25 FT	7.5 FT	25 FT	75 FT	40%	70%	35 FT	650 SF per unit
R-3, Three/Four-Family	10,000 SF	25 FT	10 FT	30 FT	85 FT	40%	70%	35 FT	650 SF per unit + 200 SF each bedroom over two
R-3, 5 or More Family (1-2 stories)	10,000 SF + 4,000 SF per DU in excess of 4/2	25 FT	10 FT	30 FT	85 FT	40%	70%	35 FT	650 SF per unit + 200 SF each bedroom over two
R-3, 5 or More Family (3 or more stories)	10,000 SF + 2,500 SF per DU in excess of 4/3	35 FT	10 FT	40 FT	85 FT	30%	70%	35 FT (2)	650 SF per unit + 200 SF each bedroom over two
RT-1, Mobile Home Subdivision	7,000 SF	20 FT	7.5 FT	20 FT	-	40%	50%	35 FT	-
<b>COMMERCIAL USES +</b>									
PS, Professional	1 ACRE	25 FT	10 FT	25 FT	150 FT	50%	70%	35 FT	-

Offices and Services									
C-1, Single-Family	1 ACRE	25 FT	6 FT	25 FT	150 FT	40%	50%	45 FT	-
C-1, Neighborhood Shopping	1 ACRE	25 FT	25 FT when required	20 FT	150 FT	30%	70%	35 FT	-
C-2, Community Commercial	1 ACRE	25 FT	10 FT	20 FT	150 FT	30%	70%	45 FT	-
C-3, General Commercial	1 ACRE	25 FT	10 FT	20 FT	150 FT	30%	70%	45 FT	-

**INDUSTRIAL USES +**

I-1, Light Manufacturing and Warehousing	-	35 FT	**10/20 FT	10 FT	150 FT	30%	70%	35 FT	-
I-2, Heavy Industrial	-	35 FT	**10/20 FT	10 FT	150 FT	50%	70%	35 FT	-

**PUD, PLANNED UNIT DEVELOPMENT**

See Article IV for Requirements.

\* Retail stores and shops and personal service establishments which do not exceed 14,000 square feet of gross floor area and which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience.

\*\* Side yards. No building or open storage shall be located closer than 10 feet to one side lot line and 20 feet to the other side lot line unless a special exception is granted by the City Commission.

+ All professional offices, service, commercial, and industrial buildings require the following setbacks: Local Roads: 25 feet; Secondary Roads: 35 feet; Primary Roads: 50 feet; Expressways: 75 feet. In addition, 15-foot buffer for low-rise (2-stories or less) office or multi-family uses adjacent to single-family uses; 25-foot buffer with berms/walls/landscaping for retail commercial or high-rise (over 2 stories) office adjacent to any residential use; 50-foot buffer with berms/walls/fences/landscaping for any industrial use and any residential use.

