

program, they must provide notice to the city of the same. The city is then authorized to re-issue the permit to another qualified applicant.

(2) The application for a permit shall include proof to the city that the applicant has attended and successfully completed a class at the Orange County Agricultural Extension Service or the University of Florida Extension Office (UF/IFAS) on the care and raising of chickens.

(3) In order to obtain a permit under this article, persons applying for a permit for the keeping of chickens must show that they can meet the requirements of this article. The city may conduct site inspections of the subject property to make compliance determinations under this article prior and after issuance of a permit. The community development director may deny a permit application if he/she determines that the person(s) applying for a permit cannot meet the requirements of this article. The issuance of a permit for the keeping of chickens is conditioned upon and subject to the terms and conditions of this article.

(4) By applying for a temporary permit under this article, persons applying for such permit thereby: (a) agree to the terms and conditions of this article; (b) grant the city and its officers, employees, and agents a right-of-entry upon the subject property (including the rear yard) for inspection purposes to ensure compliance with this article prior to and after the issuance of a permit; (c) agree to remove chickens and chicken coops and enclosures upon the termination or expiration of a permit and/or noncompliance with this article; and (d) hold the city and its officials, officers, employees and agents harmless concerning matters relating to or concerning the permit and this article. As a condition of obtaining a permit, the community development director may require persons applying for a permit to sign an agreement, in a form acceptable to the community development director, incorporating the agreements of this subsection (4).

(5) Up to four chickens may be kept on an occupied detached single-family property located in the R-1A, R-1, R-1B, R-2, R-4, R-5 and PUDs (in areas where detached single-family residential

is permitted) zoning districts upon receiving a permit from the community development director or his designee. Regardless of the underlying zoning district, chickens shall not be kept on properties developed with commercial uses, mobile home/manufactured home parks, duplexes, triplexes, and apartments or other multifamily properties.

(6) Chickens must be kept within a coop or enclosure at all times, unless the community development directors grants a reasonable accommodation in regards to a claimed disability to allow a person to interact with and supervise the chickens within the confines of a fenced rear yard on the permitted premises. After a person has completed personal interaction and supervision of chickens within the confines of a fenced rear yard on the permitted premises, chickens shall be placed back into a coop or enclosure.

(7) Ducks, geese, turkeys, peafowl, male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this article.

(8) Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.

(9) Chickens shall not be slaughtered on premises.

(10) The coop and enclosure must be screened from the neighbor's view, using an opaque fence and/or a landscape screen.

(11) All applicable building permits shall be obtained prior to constructing enclosures to house chickens.

(Ord. No. 18-43, § 2, 12-13-18)

**Sec. 118-1615. Location and requirements for chicken coops and enclosures.**

(1) The maximum size of the coop and pen area shall be 100 square feet. A building permit from the building division will be required. The application submittal shall show construction materials and methods as well as anchoring

methods, such as tie-downs. Mobile coops shall be prohibited unless properly anchored to the satisfaction of the building department.

(2) The maximum height of a coop and the pen fence around the coop shall be six feet, as measured from the existing grade to the highest part of the coop or fence.

(3) The coop and pen area shall be located in the rear yard of the single-family detached residence and be set back a minimum of seven and one-half feet from the side and rear lot lines and a minimum of 20 feet from any side street, so long as the coop and pen area shall be at least 25 feet from any residential structure on an adjoining lot.

(4) A coop or pen must be built within a rear yard that is surrounded by an opaque wall or fence that is at least six feet in height. A chain-link fence, chain-link fence with slats, or similar fence shall not constitute an opaque wall or fence. Nothing in this section shall prevent construction of a coop and pen to abut the side of an applicant's house, so long as it otherwise meets the requirements of this Code.

(5) Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean, safe and pleasant environment free of odor, vermin, noise, and disease.

(6) All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure.

(7) Chicken coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors and gates. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so as to not create an odor.

(8) The space per chicken in the coop shall not be less than three square feet.

(9) All chicken feed shall be kept in a secured and covered metal or plastic container, or otherwise protected so as to prevent rodents and other pests from gaining access to it.

(10) Chicken coops and pens shall be completely screened from adjacent roadways and parcels by a six-foot tall opaque fence, wall, or equivalent landscape vegetative material.

(11) A signed affidavit is required to be submitted with all chicken-keeping permit applications. The affidavit shall state that the chicken coop and pen will be designed, constructed and operated to the standards outlined in this article. The affidavit shall also state that the drawings submitted as part of the petition are a reasonably accurate representation of the subject site features and adjacent properties.

(Ord. No. 18-43, § 2, 12-13-18)

**Sec. 118-1616. Health, sanitation, and nuisance as applied to the keeping of chickens.**

(1) Chickens shall be kept within a coop and enclosure. No person shall release or set any chicken free from such coop or enclosure except as set forth in this article. Chickens shall not be permitted to trespass on neighboring properties.

(2) Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

(3) In a public health emergency declared by the Orange County Health Department, including but not limited to an outbreak of Avian Flu or West Nile virus, immediate corrective action may be required, in accordance with applicable public health regulations and procedures and in conjunction with animal services.

(Ord. No. 18-43, § 2, 12-13-18)

**Sec. 118-1617. Violations.**

In the event that a violation of this article occurs, the city shall have the right to one or more of the following remedies or actions:

(1) Institute code enforcement proceedings and prosecute code violations against the

- violator and the property owner of the real property where the violation occurs;
- (2) Prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court;
  - (3) Issue a civil citation as a Class III violation to the violator for each violation in accordance with section 2-92 of this Code, including graduated fines as permitted for repeat violations;
  - (4) Take any other action or remedy authorized by law or in equity, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to the City for reimbursement of the city's attorneys' fees and costs concerning such action; and/or
  - (5) Revoke the permit for the keeping of chickens.

No person convicted or declared as a repeat violator of subsections (1) through (5) of this section may be permitted to, or continue to, keep chickens on their premises.  
(Ord. No. 18-43, § 2, 12-13-18)

**Secs. 118-1618—118-1635. Reserved.**

**ARTICLE XIV. EAST PLANT STREET CHARACTER AREA**

**DIVISION 1. IN GENERAL**

**Sec. 118-1636. Establishment.**

In addition to and supplemental to the requirements of this chapter, there is hereby created the east plant street character area ("character area"). The character area contains two overlay zoning districts known as the east plant overlay district and gateway overlay district. The development standards for each overlay district are calibrated

to the varied development conditions and desired character for lots and parcels within each overlay district.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

**Sec. 118-1637. Purpose.**

The general purpose of the character area and the development standards of this article are intended to:

- (a) 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;
- (b) Create a strong sense of place by building on the existing character of the West Orange County communities;
- (c) Create and encourage mixed and multi-use development creating more activity at more times of the day and more days of the week to ensure a vibrant level of exchange;
- (d) Create a robust public realm by linking the community with parks, trails, and open spaces;
- (e) Create a front-door gateway for the downtowns of the City of Winter Garden and City of Ocoee by creating a more inviting urban form that carries a similar character to the rest of downtown Winter Garden;
- (f) Maintain and enhance property values; and



(g) Encourage high quality and high value economic development.  
 (Ord. No. 17-06, § 2(Exh. A), 6-22-17)

#### **Sec. 118-1638. Boundaries of the overlay districts.**

The boundaries of the east plant overlay district and gateway overlay district are graphically depicted as the adopted by Ordinance No. 17-06, as may be amended from time to time.  
 (Ord. No. 17-06, § 2(Exh. A), 6-22-17)

#### **Sec. 118-1639. Applicability of design and development standards.**

The design and development standards for parcels within each overlay district established under this article shall govern new development and redevelopment of parcels of land within the overlay districts. Nothing in this article is intended to amend or supersede the non-conforming use and structure provisions of this chapter. Uses, buildings and structures legally permitted and existing as of the adoption of this article are not required to come into compliance with article unless and until the property upon which such are in use or constructed is redeveloped. To the extent the overlay district design and development standards of this article do not speak to an issue governed by other provisions of this chapter,

the other provisions of this chapter still apply. Except for the accessory uses described in sections 118-1645 and 118-1646 desired for new development or redevelopment, all underlying permitted uses, special exception uses and prohibited uses for the underlying zoning district assigned shall remain in full force and effect for each lot and parcel within the character area. For the purposes of this article, a "redevelopment" occurs when: (i) an existing principal structure is or is proposed to be demolished and replaced with a new structure, or (ii) the existing principal structure loses or would lose its legally non-conforming status under this chapter due to the construction or development proposed. In the event of a conflict between this article and other provisions of this chapter, the provisions of this article shall control to the extent of the conflict.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

#### **Sec. 118-1640. Design principles for east plant street character area.**

The plant street character area design plan ("design plan") is hereby adopted by reference and incorporated herein. To the extent the provisions of the design plan are not codified in other sections of this article, the design plan shall serve as a guideline for development with the character area.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

#### **Sec. 118-1641. Administrative waiver.**

An administrative waiver may be granted by the community development director from those certain development standards of this article as set forth in the Table A (allowable administrative waivers) below upon making the required findings.

**Table A - Allowable Administrative Waivers**

<i>Administrative Relief Type</i>	<i>Required Findings</i>	<i>Allowed Administrative Relief</i>
<b>Lot Dimensions.</b> A decrease or increase in the minimum building requirements.	Increasing and/or decreasing the size of the building lot will provide some modifications for site constraints, parking garage dimensions, that do not change and/or alter the overall block perimeter requirements or building relief requirements as set forth in the standards.	15% maximum

<i>Administrative Relief Type</i>	<i>Required Findings</i>	<i>Allowed Administrative Relief</i>
<b>Dwelling Unit Size.</b> A decrease in the minimum dwelling unit size.	Decreasing the unit size requirement will provide for flexibility of market availabilities and need within the area.	20% maximum
<b>Mix of Uses.</b> An adjustment of the target mix of uses by sub-district.	Permitting a range of a mix within a sub-district to allow for some flexibility without creating a single use development is permitted.	5—10% mix adjustments, per land use
<b>Parks.</b> An adjustment of percentage of park space required by development area.	Reducing the percentage of park space required because of proximity of existing parks site constraints, etc.	1—2% maximum
<b>Parking Zones.</b> Where parking areas cannot be located in the rear if the parcel because of site constraints.	If parking has to be located adjacent to a street, because of site constraints, a street wall edge may be considered when designated with landscape and hardscape materials that provide 100% visual coverage up to 36" in height.	Parking zone location modifications only where site constraints exist and restrict the minimum parking ratios to maximum parking standards.
<b>Maximum Block Perimeter.</b> An increase in the maximum block perimeter may be considered if site constraints (adjacent to natural systems or SR 429 or a roadway with access restrictions).	Increasing the block perimeter would not adversely affect the walkability of the area as denoted in that character area. May require additional pedestrian pathways.	10% maximum
<b>Street Section.</b> Modify the size, type of new street.	Provisions to reduce size of travel lanes without reducing parking, tree/planter or walkways.	Reduction of travel lane, design only
<b>Landscape.</b> Spacing and percentage may be adjusted.	Provides flexibility if an applicant exceeds the minimum size requirement by tree and/or shrub species or preserves existing trees and shrubs on site.	Reduction of percentage of coverage by 5%
<b>Landscape Palette.</b> Selection flexibility.	An applicant may proposed a similar species of tree/shrub for consideration.	Species change is permitted if considered Florida friendly.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

**Sec. 118-1642. Submittal of landscape plans.**

A landscape plan delineating the location, height, and type of all plant and groundcover materials, as well as the irrigation system must be provided with the submittal of a planned unit development rezoning or site plan application for developments subject to this article. Unless otherwise approved by the city community development director, the landscape plan must be prepared by a landscape architect licensed to practice in the State of Florida.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

complement the architecture, color, and materials of the building as determined by the city-based upon sound and generally accepted architectural practices and principles. Landscaping is permitted for at-grade screening as long as it provides 100 percent opacity within 12 months. All outside electrical, telephone, cable and gas equipment or facilities shall be placed as close to the building as feasible and screened with landscaping and to the extent practicable such utilities shall be placed underground.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

**Sec. 118-1643. Architectural drawings.**

Architectural elevations of all facades, buildings and structures subject to this article shall be submitted with applications and a required exhibit for a planned unit development rezoning or site plan approval. Such exhibits shall include colors, materials, building dimensions, elevations of all building sides, location of service areas and mechanical equipment, screening devices, site furnishings, lighting fixtures, all signage and any other information as determined necessary to ensure consistency with the intent of this article by the city. All elevations must be signed and sealed by a licensed architect registered in the State of Florida.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

**Sec. 118-1644. Screening of mechanical systems, equipment and facilities.**

Equipment and appurtenances mounted on the tops of buildings shall be screened from view. Mechanical systems, equipment and facilities such as, but not limited to, utility, transformers, backflow preventers, condensers, hardware, loading and unloading areas, dumpsters, exterior storage and work areas, shall be screened from public view or located at a location that is not visible from public streets or from the parking area. All screening shall be, at a minimum, the same height as the mechanical systems, equipment, or facility. Screens shall be compatible to the building, proximate properties and reflect or

**Sec. 118-1645. Outdoor storage and sales prohibited.**

Notwithstanding the underlying zoning district designation of a parcel or lot, within the character area (including within all overlay districts therein), outdoor storage is prohibited. Without limiting the foregoing, outdoor commercial or merchandise sales or display areas, commercial play devices, kiosks, and tents are prohibited.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

**Sec. 118-1646. Drive-through.**

Notwithstanding the underlying zoning district designation of a parcel or lot, within the character area (including within all overlay districts therein), drive-in or drive-through components of retail and other commercial uses are only allowed with special exception approval.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

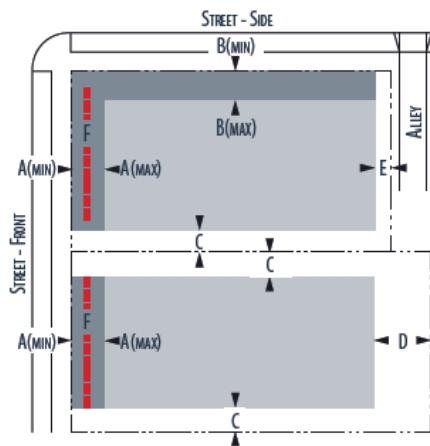
**Sec. 118-1647. Building types.**

There are eight building types within the character area which are identified in the design plan. The overlay district assigned to a parcel of land determines which of the building types are permitted and the maximum stories allowed. Only the building types permitted in each overlay district are allowed for each respective overlay district. Each building type has a maximum story limitation, schematic example, illustrative photos, regulations, and standards that are required within the character area.

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

### Sec. 118-1648. Building setbacks.

The placement of buildings on a parcel or lot is dictated by the setbacks and frontage requirements. All setbacks must be landscaped according to the requirements of each building type. In addition to setbacks, a frontage requirement is specified, which defines the percentage of a lot's dimensions adjacent to a street that must have a building's ground floor within the street setback area. A reference diagram of building placement standards is shown below.

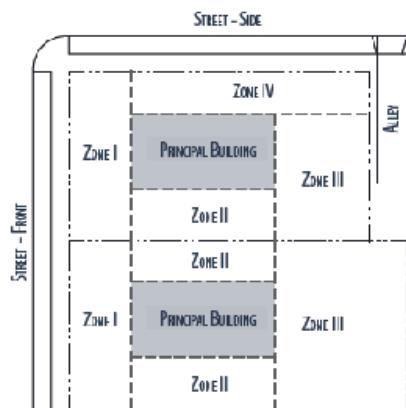


**See 4.2: District Standards Table** in the Design Plan for specific building setback requirements for each District

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)

### Sec. 118-1649. Parking placement.

Off-street parking facilities are permitted only in certain zones within a lot or parcel, depending on the overlay district within which the lot or parcel is located. A reference diagram for parking zone location is provided below.



**See 4.2: District Standards Table** in the Design Plan for specific parking location requirements for each District

(Ord. No. 17-06, § 2(Exh. A), 6-22-17)