

ORDINANCE # 2021-78

An ordinance of the Osceola County Board of County Commissioners regulating changes of use within the West U.S. 192 Community Redevelopment area, the East U.S. 192 Community Redevelopment Area, and areas West of Formosa Gardens Road within a specified distance of U.S. 192; establishing standards for changes of use from non-residential to residential; providing for conflict; providing for severability; providing for codification; providing for an effective date.

WHEREAS, Osceola County's Home Rule Charter provides for the broadest exercise of home rule powers permitted under the State Constitution and the laws of the State; and

WHEREAS, the Board of County Commissioners desires to continue to support the location of residential and non-residential uses in the West U.S. 192 Community Redevelopment Area, in the East U.S. 192 Community Redevelopment Area, and in areas West of Formosa Gardens Road within a specified distance of U.S. 192, to encourage visits to and enjoyment of Osceola County among leisure, business, group and sports travelers; and

WHEREAS, the Board of County Commissioners seeks to ensure the safety of residents and tourists alike by reviewing the suitability of locating multi-family residential uses along major transportation corridors; and

WHEREAS, the Board of County Commissioners endeavors to provide adequate regulations to achieve its multi-faceted goals in supporting both residential and non-residential uses within the County; and

WHEREAS, the Board of County Commissioners desires to establish suitable regulations to allow changes of use from non-residential to residential to ensure the health, safety and welfare of residents and tourists; and

WHEREAS, the Board of County Commissioners imposed a temporary County- wide

moratorium on certain changes of use from non-residential to residential, which moratorium expired on October 18, 2021; and

WHEREAS, during the pendency of the temporary moratorium, County staff and the County’s planning consultant worked collaboratively to establish appropriate placing and standards for changes of use from non-residential to residential; and

WHEREAS, the Board of County Commissioners desires to amend Chapter 3 of the Land Development Code, “Performance and Siting Standards” to establish appropriate placing and standards for changes of use from non-residential to residential uses in the County.

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

Note: Language in all sections of this ordinance that is strike-thru is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * * * represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 1. ADOPTION.

Chapter 3 of the Osceola County Land Development Code, entitled Performance and Siting Standards, is hereby adopted to read as follows:

**Chapter 3
Performance and Siting Standards**

Article 3.1 General Provisions

This Chapter provides for the establishment of zoning districts, zoning district standards, dimensional and area requirements. Permitted uses and siting standards, parking and signage, special planning area criteria for Planned Developments, Activity Centers, and specific Planning Overlays are also provided for herein.

3.1.1 ZONING DISTRICTS

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G. NEW DEVELOPMENT.

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- 2. New Multi-family Residential Development shall be defined as an increase in the number of units on a property by more than five (5) percent or, where applicable, an approved development plan is changed to qualify as a major deviation based on the criteria established in this Code. Existing multi-family residential developments which are modified so as to be considered a minor deviation shall not be considered new multi-family residential development. For properties located within the East U.S. 192 Community Redevelopment Area or the West U.S. 192 Community Redevelopment Area, as outlined in Sections 3.15 and 3.16 herein, “New Multi-family Residential Development” shall include any building or property proposing a change of the building or property’s primary use (or adaptive reuse) from non-residential to residential. See Section 3.8.1 U. for Siting Standards, as well as applicable regulations in Sections 3.15.3 and 3.15.4, and 3.16.2, for adaptive reuse.

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ARTICLE 3.8 COMMERCIAL USES SITING STANDARDS

3.8.1 COMMERCIAL USES

Commercial uses are permitted in zoning districts as listed in the Use Tables are permitted with special sighting standards as outlined below:

* * *

U. The standards set forth in this subsection 3.8.1. (U) shall apply only to property within the following areas:

- (i) Property located within the East U.S. 192 Community Redevelopment Area,
- (ii) Property located within the West U.S. 192 Community Redevelopment Area,
- (iii) Property located West of Formosa Gardens Blvd., as further defined herein;

Adaptive Reuse of Commercial Buildings. Adapting the use of non-residential buildings for residential purposes shall be subject to the following:

- 1. Development standards to be met for adaptive reuse for all zoning districts within the areas noted in Section 3.8.1 (i),(ii), and (iii) above).

<u>Minimum Development Intensity</u>	<u>1.0 FAR</u>
<u>Minimum Residential Density</u>	<u>30 DU/AC</u>
<u>Maximum density</u>	<u>N/A</u>
<u>Minimum Building Height</u>	<u>2 stories (a building two stories in height is only acceptable where it can be</u>

	<u>demonstrated that the minimum FAR can be achieved)</u>
<u>Maximum Building Height</u>	<u>N/A</u>

Notes regarding additional development standards applicable to the West 192 Corridor:

- a. West of State Road 535 a minimum of 75% of the ground floor building façade shall be non-residential.
- b. Residential buildings between Formosa Gardens Blvd. and the Western County Boundary that are located 300' or further from the West U.S. 192 right-of-way within the West U.S. 192 CRA are exempt from the private realm development standards but are required to meet the following:
 - i. All building interiors shall be upgraded to standard multifamily residential living standards, including fully operable kitchens with sink, refrigerator, and stove/oven.
 - ii. Each unit will be required to be served by an individual electric meter.
 - iii. Each unit will be required to be served by an individual water meter.
2. All buildings must front a right-of-way (excluding an alley) or civic space. Buildings sides fronting a right-of-way or civic space shall also comply with the building standards contained herein.
3. The building's primary entrance shall be located on the façade facing the public right-of-way or civic space. Primary entrance is the principal pedestrian access to a building, even if customers or residents may more frequently use a secondary entrance associated with individual unit access, a garage, parking area, or driveway. The entrance shall have the architectural detailing that sets it apart from other entrances and allows it to be recognized as the building's primary access point.
4. All building façades shall be architecturally finished with materials such as stucco, brick, stone, finished concrete, wood or other comparable materials.
5. Building façades shall include jogs of not more than thirty-six (36) inches in depth, except as necessary to allow bay windows, shop fronts, balconies, civic spaces, outdoor seating, etc., in which case jogs of greater than thirty-six (36) inches will be allowed. Jogs of thirty-six (36) inches or less will be considered as being on the build to line (BTL).
6. Building volumes shall be articulated into three (3) distinct vertical components — a "base," "middle," and a "top." The first-floor height shall consist of a minimum of twelve (12) feet in non-residential uses.
7. Building façades along BTL's shall be expressed as building modules that do not exceed thirty (30) linear feet in width.
8. Horizontal masses shall not exceed a height/width ratio of one (1) vertical foot to three (3) horizontal feet without substantial variation in massing that includes a change in height and projecting or recessed elements.
9. A minimum of sixty (60) percent of the total wall area at the ground floor must include pedestrian entrances or transparent windows.

10. Windows shall be slightly recessed or project as bays from the main wall of the façade so as to create texture and shadows on the façade for visual interest.
11. Balconies shall be a minimum size of six (6) feet deep and sixty (60) square feet.
12. Façades greater than sixty (60) feet in length, but less than one hundred twenty (120) feet in length must exhibit a prominent shift in the façade of the structure so that no greater than seventy-five (75) percent of the length of the building façade appears unbroken. Each shift shall be in the form of either a ten (10) foot change in building façade alignment or a ten (10) foot change in roof line height, or a combined change in façade and roof line totaling ten (10) feet. Shifts meeting this requirement will also be considered as consistent with the build to line (BTL) requirements.
13. Façades that are one hundred twenty (120) feet in length and larger shall provide a prominent shift in the mass of the structure at each one hundred twenty (120) foot interval, or less if the developer desires, in order to reflect a change in function or scale. The shift shall be in the form of either a fifteen (15) foot change in building façade alignment or a fifteen (15) foot change in roof line. A combination of both a roof line and a façade change is encouraged. To that end, if the combined change occurs at the same location in the building plan, a fifteen (15) foot total change will be considered as full compliance. Shifts meeting this requirement will also be considered as consistent with the build to line (BTL) requirements.
14. The intent is to ensure that visual interest is also applied to roof treatment. Roof forms may be used to identify different functional areas within the building, to provide for additional light to enter the building, to reduce massing, to screen rooftop equipment, or to create movement along the roof line.
 - a. Building façades fronting a BTL must use multiple peaks or roof planes and distinctive roof forms to cover each building mass.
 - b. All rooftop equipment must be screened from view from adjacent rights-of-way.

Figure 3.8.1a. Massing Façade Variations



15. All developments shall be brought into conformance with Article 4.8 - Landscape, Streetscape and Treescape to ensure adequate green space for residential tenants.

including shade trees in parking areas, usable open space, and attractive landscaping near individual unit entries.

16. A minimum of twenty percent (20%) of developable areas shall be designated as functional open space.
 - a. Open space elements shall be available to all residents and users of the development.
 - b. Preserved wetlands and water management areas, if designed appropriately with available pedestrian access, may contribute to the open space acreage. Because of their limited open space value, preserved wetlands and water management areas may not in any case comprise more than fifty percent (50%) of the required open space acreage.
 - c. Buffers, greenways, wildlife corridors, and recreation areas shall be counted towards the required open space acreage.
 - d. Civic spaces and outdoor seating areas that are open to the public and provide features that encourage casual public engagement, such as shaded seating areas, art, or gardens shall count toward the open space requirement.
 - e. Required parking lot landscaping shall not contribute to the open space requirement.
17. All developments shall meet the recreation requirements detailed in Section 4.10.2. Common outdoor gathering spaces may contribute to this requirement.
18. School bus stops shall be coordinated with the Osceola County School Board. Bus stops shall also be consolidated with shared access to adjacent or nearby residential buildings, as coordinated with the School Board and consistent with applicable regulations.

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Article 3.15 – East U.S. 192 Community Redevelopment Area

3.15.3 PUBLIC REALM STANDARDS

- A. **PURPOSE.** This section sets forth development standards for the two types of public spaces that makeup the Public Realm—the Streetscape and Civic Space. As the Public Realm is the principal area for public movement, land use access and linkages, its design is key to creating a functional environment that promotes walkability and is supportive of various modes of transit. Additionally, any change of use (adaptive reuse) from non-residential to residential shall meet all of the regulations set forth in section 3.8.1, 3.15.3, 3.15.4.

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Article 3.16 – West 192 Development Authority Corridor

3.16.2 GENERAL DESIGN STANDARDS FOR ALL SEGMENTS

- A. **GENERAL.** All standards described in this Section apply to the private frontage as depicted in Figure 3.16.2a. For the purpose of these standards, the "frontage" of a building is defined as the surface of the exterior wall which faces the West U.S. 192 right-of-way.
- B. **PURPOSE.** This section sets forth development standards for the public frontage, private frontage and building realms per Figure 3.16.2a below. Additionally, any change of use (adaptive reuse) from non-residential to residential shall meet all of the regulations set forth in this section in addition to building siting standards in section 3.8.1.

* * *

SECTION 3. CONFLICTS. All ordinances, resolutions, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be invalid, unlawful, unconstitutional, inoperative or void, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, work or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional. If this Ordinance or any provision there of shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 5. CODIFICATION. The provisions of this Ordinance shall be included and incorporated withing the Land Development Code of Osceola County, Florida. The sections of this Ordinance, may be renumbered or re-lettered to accommodate such inclusion and the word "Ordinance", or similar words, may be changed to "Section," "Article," or other appropriate word.

SECTION 6. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed in the Florida Department of State by the Clerk of the Board of County Commissioners withing ten days after enactment. This Ordinance shall take effect immediately upon filing with the Florida Department of State.

DULY ENACTED this _____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: _____
Chair/Vice Chair

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: _____

Clerk/ Deputy Clerk of the Board
As authorized for execution at the Board of
County Commissioners meeting of:

Ordinance #2021-78