

1 RESOLUTION NO. _____

2 A RESOLUTION AMENDING THE ORANGE COUNTY ZONING REGULATIONS;
3 AMENDING SECTION 38-1, DEFINITIONS, TO PROVIDE FOR A
4 DEFINITION OF THE TERM AVICULTURE (NONCOMMERCIAL); AMENDING
5 SECTION 38-79, CONDITIONS FOR PERMITTED USES AND SPECIAL
6 EXCEPTIONS, TO APPLY CONDITION (48) TO AVICULTURE
7 (NONCOMMERCIAL); AMENDING SECTION 38-77, USE TABLE; TO ADD
8 AVICULTURE (NONCOMMERCIAL) AS A SPECIAL EXCEPTION IN
9 SPECIFIED ZONING DISTRICTS SUBJECT TO THE REQUIREMENTS OF
10 CONDITION (48); PROVIDING FOR SEVERABILITY; AND PROVIDING
11 AN EFFECTIVE DATE.

12 BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY,
13 FLORIDA;

14 Section 1. Amendments to the Orange County Zoning Regulations. Chapter 38, of
15 the Orange County Code is amended, in part, as set forth in sections 2, 3, and 4
16 below, with additions being underlined and deletions being struck through.

17 Section 2. Amendments to the Orange County Zoning Regulations, Article I,
18 Section 38-1, Definitions. Article 1, Section 38-1, Definitions, is hereby amended by
19 adding the following definition in its alphabetically correct place:

20 Aviculture (noncommercial) shall mean any premises used
21 primarily as the domicile of an animal owner, on which
22 premises said owner breeds birds, regulated by the Florida
23 Fish and Wildlife Conservation Commission, for personal
24 recreational use; provided that where said birds are
25 offered for sale, sold or exchanged for profit, said sales
26 shall comprise no more than twenty-five (25) percent of
27 said owner's income.

28 Section 3. Amendments to the Orange County Zoning Regulations, Article I,
29 Section 38-79, Conditions for permitted uses and special exceptions. Article 1,
30 Section 38-79, Conditions for permitted uses and special exceptions, is hereby amended
31 to read as follows:

32 (48) Commercial aviculture, noncommercial aviculture, or
33 any aviary shall be as defined in section 38-1 of this
34 chapter and may be permitted as a special exception in the
35 zoning districts specified for those uses by the Use Table
36 in section 38-77 subject to the following requirements.
Each application shall include a site plan and
corresponding narrative which shall contain the following
information:

a. A dimensionalized site plan (drawn to scale) indicating
the location, height and intended use of all existing and
proposed structures.

1 b. The location, nature and height of proposed security
2 fences, berms, landscaping and other security and noise
3 alleviation structures.

4 c. A description of the facility outlining the intended
5 method of operation, including the number, types and
6 characteristics of the birds.

7 Section 4. Amendments to the Orange County Zoning Regulations, Article I,
8 Section 38-77, Use Table. Article 1, Section 38-77, Use Table, is hereby amended to
9 read as shown in Appendix A, attached. In all other respects Section 38-77 shall
10 remain unchanged.

11 Section 5. Severability. If any provision of this Resolution or the application
12 thereof to any person or circumstance is held invalid, the invalidity shall not affect
13 other provisions or applications of this Resolution which can be given effect without
14 the invalid provision or application and to this end the provisions of this Resolution
15 are declared severable.

16 Section 6. Effective Date. This Resolution shall take effect in accordance with
17 general law.

18
19 ADOPTED THIS ____ DAY OF _____, 2008

20 ORANGE COUNTY, FLORIDA

21 By: _____
22 Chairman,
23 Board of County
24 Commissioners

25 DATE: _____

26 ATTEST: Martha O. Haynie, Clerk to the
27 Board of County Commissioners

28 BY: _____
29 Deputy Clerk

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