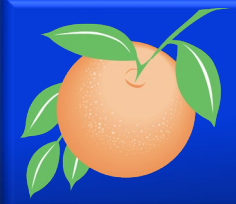




*Board of County Commissioners*

**Chapter 38 “Zoning” & Chapter 30  
“Planning and Development” Codes  
2nd Public Hearing**

**December 12, 2023**



# Presentation Outline

- Background
- Proposed Amendments After 1<sup>st</sup> Hearing
- Requested Action



## Work Session

- **Board of County Commissioners (BCC) – September 12, 2023**

## Public Hearings

- **Planning and Zoning Commission/Local Planning Agency (LPA) – November 16, 2023**
- **1<sup>st</sup> Board of County Commissioners (BCC) 5:01– November 28, 2023**
- **2<sup>nd</sup> Board of County Commissioners (BCC) – December 12, 2023**

**Effective Date – January 1, 2024**



# Background

- Language that is not underlined is existing code language
- Language that is underlined is new language that was in the ordinance on November 28, 2023
- Language that is underlined and/or ~~striketrough~~ in gold or orange are changes that are proposed to be made to the ordinance



# Proposed Amendments Chapter 38

## Special Events – Page 9 Line 325 - Definition Section 38-1

Special event shall mean an ~~temporary~~ event held partially or entirely outdoors on private property, promoted or advertised to the public (regardless of whether an admission fee is or will be charged), attended or expected to be attended by one hundred (100) or more people at any point in time during ~~the duration of the event, and is unlike or beyond the scope of customary or usual activities associated with the site or zoning district upon which the event is taking place, held primarily or entirely outdoors,~~ including, but not limited to, an exhibition, a celebration, a party, a festival, a concert, a ceremony, a show, a rally, a parade, a carnival, a farmer's market, or any other semi-frequent or one-time event taking place within a specifically defined area, and which activities are unlike or beyond the scope of customary or usual activities associated with the site upon which the event is located. For purposes of this chapter, a special event shall not include an open air market, seasonal tent sales, or non-seasonal tent sales, as defined by this chapter.



# Proposed Amendments Chapter 38

## Special Events – Page 9 Line 325 - Definition Section 38-1

Special event shall mean an event held partially or entirely outdoors on private property, promoted or advertised to the public (regardless of whether an admission fee is or will be charged), attended or expected to be attended by one hundred (100) or more people at any point in time during the event, and is unlike or beyond the scope of customary or usual activities associated with the site or zoning district upon which the event is taking place, including, but not limited to, an exhibition, a celebration, a party, a festival, a concert, a ceremony, a show, a rally, a parade, a carnival, a farmer's market, or any other semi-frequent or one-time event taking place within a defined area. For purposes of this chapter, a special event shall not include an open air market, seasonal tent sales, or non-seasonal tent sales, as defined by this chapter.



# Proposed Amendments Chapter 38

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# Proposed Amendments Chapter 38

## Special Events – Page 32 Line 1216 - Section 38-79 (39)

f. A special event in residential, agricultural, P-O and neighborhood residential (NR) districts may be permitted in association with existing ~~non-residential~~ uses on developed sites that are permitted in the district, have approved special exceptions, or are recognized as legal non-conforming uses, and have obtained all required permits subject to the following standards:

### Page 32 Line 1223 – Section 38-79 (39) f. 1.

Frequency and duration limitations. Limited to a maximum of four times per calendar year, with each event not to exceed a maximum of four days. Hours of operation shall be limited to between 9:00 a.m. and 9:00 p.m. ~~However, for good cause shown, the Zoning Manager may grant extensions to the frequency and/or duration limitations.~~





# Proposed Amendments Chapter 38

## Special Events – Page 32 Line 1242 - Section 38-79 (39)

h. 1. Frequency and duration limitations. Special events in commercial and industrial districts may occur a maximum of twelve times per year, with each event limited to a maximum of four days. Hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m. However, for good cause shown, the Zoning Manager may grant extensions to ~~these durations~~ the frequency and/or duration limitations.



# Proposed Amendments Chapter 38

## Utility Trailer – Page 11 Line 393 - Definition Section 38-1

Utility trailer shall mean an enclosed or unenclosed vehicle which is not motorized or self-propelled, which is designed to be towed by a motor vehicle, but not designed for human occupancy, and which may include, but is not limited to, a ~~boat trailer~~, car trailer, or horse trailer. For the purposes of this chapter, any vehicle that would meet the definition of a dual rear wheel vehicle, as defined elsewhere in this chapter, shall not be considered a utility trailer and shall be considered a dual rear wheel vehicle. Also, a boat trailer shall not be deemed to be a utility trailer.



# Proposed Amendments Chapter 38

## Boats – Section 38-79 (45) – New Changes Not in Draft Ordinance

Except as provided in subsections (45)a. through f. for boats and boat trailers and subsections (45)g. through j. for recreational vehicles, no boat or boat trailer, regardless of its length, ...

- a. The maximum number of boats and boat trailers permitted to be parked, ...
  1. For a lot or parcel less than or equal to one-quarter acre, the maximum total number is two (2) boats and boat trailers, ...
  2. For a lot or parcel greater than one-quarter ( $\frac{1}{4}$ ) acre and less than or equal to one-half ( $\frac{1}{2}$ ) acre, the maximum total number is three (3) boats and boat trailers, ...
  3. For a lot or parcel greater than one-half ( $\frac{1}{2}$ ) acre, the maximum total number is four (4) boats and boat trailers, ...
- e. A boat or boat trailer less than or equal to twenty-four (24) feet in length may be parked, ...
- f. A boat or boat trailer greater than twenty-four (24) feet in length may be parked, ...



# Proposed Amendments Chapter 38

## Truck Terminals – Page 42 Line 1609 – Section 38-79 (82)

- a. In the C-3 zoning district, a truck terminal shall require a special exception if the parcel is located within ~~500~~1,000 feet of any residentially zoned property, as measured from the property line of the C-3 zoned parcel, to the closest property line of the residentially zoned parcel.
- b. ~~In all zoning districts,~~ All paint, body, automotive and mechanical repairs and work shall be conducted and confined within an enclosed structure.



# Proposed Amendments Chapter 38

Ground Mounted Solar Panel Systems - Page 43 Line 1650 – Section 38-79 (83)

~~(e) In a residential area, A solar panel system shall be no larger than necessary to provide one hundred twenty (120) percent of the electrical and/or thermal energy requirements of the structure to which it is accessory, as determined by a licensed solar contractor. the square footage of solar panels shall not exceed twenty-five (25) percent of the living area of the principal structure, and such the square footage of such system shall not count towards the allowed square footage for other accessory structures.~~

The square footage of any ground mounted solar panel system shall not count towards the allowed square footage for other accessory structures.



# Proposed Amendments Chapter 38

Screen enclosure – Page 44 Line 1701 - Section 38-79 (84)

d. (4) Rear yard setback: A screen ~~room~~ enclosure may extend up to fifty (50) percent into the required rear yard setback for the principal structure. Notwithstanding the foregoing, where an alley is present, the screen ~~room~~ enclosure shall not be located closer than five (5) feet to the edge of the alley easement.



# Proposed Amendments Chapter 38

Recreation Facilities – Page 87 Line 8285 - Section 38-1253

## Student Housing

(b) Both active and passive recreation areas shall be provided at a combined ratio of two and five-tenths (2.5) acres per one thousand (1,000) projected population. Population shall be calculated on the basis of three and one-tenth (3.1) persons per single-family unit and two and one-tenth (2.1) persons per multifamily unit, and ~~one (1)~~ two and one-tenth (2.1) persons per unit bedroom for student housing developments (regardless of the number of bedrooms). The required active and passive recreational areas shall be provided in equal amounts (50%) of each type. The following guidelines should be considered in requirements shall govern when designing these areas:



# Proposed Amendments Chapter 38

## Accessory Structures – Page 119 Line 4420 - Section 38-1426

(a) (3) b. 2. A detached accessory structure with a height of fifteen (15) feet or less shall be set back a minimum of five (5) feet from any side **or rear** lot line, two (2) feet from the rear lot line, and fifteen (15) feet from any side street lot line.

## Clean Version – Reverting back to existing code

(a) (3) b. 2. A detached accessory structure with a height of fifteen (15) feet or less shall be set back a minimum of five (5) feet from any side or rear lot line, and fifteen (15) feet from any side street lot line.





# Proposed Amendments Chapter 38

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# Proposed Amendments Chapter 38

## Basic Site and Principal Building Req. – Page 143 Line 5014 - Section 38-1501

38-1501 – <u>Basic Site and Principal Building Requirements</u>											
District	Min. Lot	Min.	Min.	<sup>a</sup> Min.	<sup>a</sup> Min.	<sup>a</sup> Min.	<sup>A</sup> Min.	Max.	NHWE Lake	Max.	Additional Standards
	Area <sup>M</sup>	Living Area/ floor area	Lot width	Front yard	Rear yard	Side yard	Side street Yard	Building	Setback	FAR/ Density	
	(sq.ft.) <sup>m</sup>	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	Height (ft.)	(ft.)	Sq.ft./ du/ac	
R-2	Three dwelling units, 11,250	500 per dwelling unit	85 <sup>h</sup>	20/25 <sup>hH</sup>	30	10	15	35 E	50 <sup>aA</sup>	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85 <sup>h</sup>	20/25 <sup>hH</sup>	30	10 <sup>bB</sup>	15	35 E	50 <sup>aA</sup>	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45 <sup>cC</sup>	20/25 <sup>hH</sup>	20/25 <sup>h</sup>	5/6 <sup>hH</sup>	15	35	50 <sup>aA</sup>	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit <sup>D</sup>	80/90 <sup>dD</sup>	20/25 <sup>hH</sup>	25 20 <sup>h</sup>	R-2	15	35	50 <sup>aA</sup>	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85 <sup>h</sup>	20/25 <sup>hH</sup>	30	10	15	35 E	50 <sup>aA</sup>	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85 <sup>h</sup>	20/25 <sup>hH</sup>	30	10 <sup>bB</sup>	15	35 E	50 <sup>aA</sup>	L	38-481



# Proposed Amendments Chapter 38

Basic Site and Principal Building Req. – Page 150 Line 5065 - Section 38-1501

E.e. Reserved. ~~Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.~~ Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings), requires a special exception.

F.f. Reserved. ~~Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.~~

G.g. Reserved. ~~Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.~~



# Proposed Amendments Chapter 30

## Appeal of Planning and Zoning Commission's or Board of Zoning Adjustment's Decisions Page 178 Line 6156 - Section 30-45

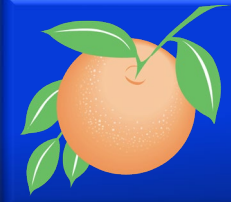
(a) Any person aggrieved by any quasi-judicial decision of the board of zoning adjustment or the planning and zoning commission may file a notice of appeal to the board of county commissioners within fifteen (15) days after the board of zoning adjustment meeting or planning and zoning commission meeting at which such decision is made. The fifteen-day period shall be suspended for the period during which the matter is tabled or scheduled for a public hearing by the board of county commissioners. To qualify to file a notice of appeal, such person shall have submitted oral or written comments or objections during the board of zoning adjustment hearing or the planning and zoning commission hearing. The person appealing shall file a notice of appeal upon the form, if any, prescribed by the board of county commissioners in the office of such commission or board stating wherein the commission or board erred. The commission or board shall forthwith deliver a copy of the notice of appeal to the clerk of the board of county commissioners. The commission or board shall forthwith transmit to the board of county commissioners all the papers, photographs and exhibits constituting the record upon which the action appealed from was taken, or properly certified copies thereof in lieu of originals, as the commission or board may elect.



# Proposed Amendments Chapter 30

## Appeal of Planning and Zoning Commission's or Board of Zoning Adjustment's Decisions Page 178 Line 6156 - Section 30-45

(a) Any person aggrieved by any quasi-judicial decision of the board of zoning adjustment or the planning and zoning commission may file a notice of appeal to the board of county commissioners within fifteen (15) days after the board of zoning adjustment meeting or planning and zoning commission meeting at which such decision is made. The fifteen-day period shall be suspended for the period during which the matter is tabled or scheduled for a public hearing by the board of county commissioners. The person appealing shall file a notice of appeal upon the form, if any, prescribed by the board of county commissioners in the office of such commission or board stating wherein the commission or board erred. The commission or board shall forthwith deliver a copy of the notice of appeal to the clerk of the board of county commissioners. The commission or board shall forthwith transmit to the board of county commissioners all the papers, photographs and exhibits constituting the record upon which the action appealed from was taken, or properly certified copies thereof in lieu of originals, as the commission or board may elect.



# Proposed Amendments Appendix A

## Duplexes – Page 1 Row 4 - Section 38-77 “Use Table”

Uses Per Zoning Code	SIC Group	Land Use	NAC
<del>Fee simple dDuplexes</del>		<del>Fee simple dDuplexes</del>	<u>P</u>



# Proposed Amendments Appendix A

## Multifamily Buildings – Page 2 Row 2 - Section 38-77 “Use Table”

Uses Per Zoning Code	SIC Group	Land Use	R-2	R-3
<b>Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings)</b>		<b>Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings)</b>	<b>S</b>	<b>S</b>



# Proposed Amendments Appendix A

## Clothing Production – Page 8 Row 14 - Section 38-77 “Use Table”

Uses Per Zoning Code	SIC Group	Land Use	I-1,I-5	I-2,I-3	I-4
Clothing production, cutting, sewing of fabrics, garment manufacturing	23	APPAREL & OTHER TEXTILE PRODUCTS	<u>P</u>	<u>P</u>	<u>P</u>





# Proposed Amendments Appendix A

## Meat Distribution – Page 16 Row 15 - Section 38-77 “Use Table”

Uses Per Zoning Code	SIC Group	Land Use	I-1,I-5	I-4
Wholesale distribution of meat	5147	Meats and meat products	<u>P</u>	<u>P</u>

## Dairy Distribution – Page 17 Row 1 - Section 38-77 “Use Table”

Uses Per Zoning Code	SIC Group	Land Use	C-3
Wholesale distribution of dairy products)	5143	Dairy products	<u>P</u>





# Proposed Amendments Appendix A

## Auto Repair – Page 26 Row 8 - Section 38-77 “Use Table”

Uses Per Zoning Code	SIC Group	Land Use	C-2	C-3	I-1,I-5	I-2,I-3	I-4
General auto repair	753	Automotive repair shops	138 82 P	138 82 P	138 82 P	138 82 P	138 82 P



# Proposed Amendments Appendix A

## Transmission Repair – Page 26 Row 12 - Section 38-77 “Use Table”

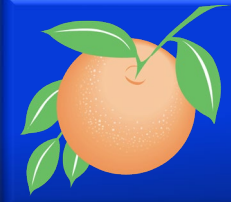
Uses Per Zoning Code	SIC Group	Land Use	C-2	C-3
Automotive transmission repair	7537	Automotive transmission repair	<u>82</u> P	<u>82</u> P



# Proposed Amendments Appendix A

## Carwashes – Page 26 Row 16 - Section 38-77 “Use Table”

Uses Per Zoning Code	SIC Group	Land Use	C-1
Carwashes	7542	Carwashes	38 S/P



# Proposed Amendments Appendix A

## Civic Associations – Page 31 Row 18 - Section 38-77 “Use Table”

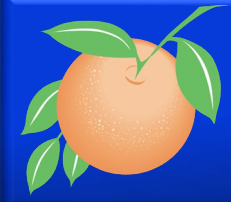
Uses Per Zoning Code	SIC Group	Land Use
<u>Civic, social, fraternal associations</u> <del>and non-residential (without residential component)</del> <del>Dorms, frats, sorority houses</del>	8641	Civic, social, fraternal associations



# Proposed Amendments Appendix A

## Fire Stations – Page 33 Row 5 - Section 38-77 “Use Table”

Uses Per Zoning Code	SIC Group	Land Use	C-3
Fire stations	9224	Fire protection	<u>P</u>



# Proposed Amendments Appendix A

## National Defense – Page 26 Row 17 - Section 38-77 “Use Table”

Uses Per Zoning Code	SIC Group	Land Use	I-1A
Uses of national defense	971	National security	<del>107</del> 94 S





## Requested Action

- **Make a finding of consistency with the Comprehensive Plan;**
- **Approve AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, BY AMENDING CHAPTER 38 (“ZONING”) AND CHAPTER 30 (“PLANNING AND DEVELOPMENT”) OF THE ORANGE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE;**
- **Allow staff to make changes consistent with today’s Board direction, correct any non-substantial grammatical or scrivener's errors and to include the ordinance number and effective date.**