Board of County Commissioners

Chapter 38
Zoning Code
Work Session

September 12, 2023



Presentation Outline

Background

- Amendment Categories
 - Significant
 - Minor
 - Language Clarification

Next Steps





- Chapter 38 of the Orange County Zoning Code establishes the development guidelines for all zoning districts as it relates to permitted uses, conditions for permitted uses, and site development standards
- The requested updates relate to the following items:
 - New definitions, uses, performance standards
 - Compliance with Florida Statutes and state law changes
 - Standard and/or process changes
 - Clarification of existing language or consistency clean-ups



Section 38-77 "Use Table"

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1A, Ba	ck to Search	તે-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	1-4
Dairy farms	0241	Dairy Farms	Р	Р																							
Raising or keeping of poultry	025	Raising or keeping of poultry	36 SP	36 SP	36 SP	36 SP	36 SP	36 SP																			
Raising or keeping of horses, ponies, donkeys, and mules; boarding of horses ponies etc.	0272	Raising or keeping of horses, ponies, etc. boarding of horses ponies, etc.	41 SP	41 SP	41 SP	41 SP	41 SP	41 SP													41 P	41 P			41 P	41 P	41 P

P – Permitted use

S – Requires a Special Exception

Number – References a condition for permitted uses, special exceptions, etc. found in Section 38-79



Section 38-1501 Site and building requirements

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) a	Min. rear yard (ft.) a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	а
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	а
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	а
R-CE-2	2 acres	1,200	185	45	50	30	35	а
R-CE-5	5 acres	1,200	250	50	50	45	35	а
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	а
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	а
R-1AA	10,000	1,200	85	25 h	30 h	7.5	35	а
R-1A	7,500	1,200	75	20 h	25 h	7.5	35	а
R-1	5,000	1,000	50	20 h	20 h	5 h	35	а



Car Washes	 Sec. 38-79 (38) - Establishes location and performance standards for where enclosed or open-air car washes are permitted and creates a permitting process - Prohibited from being located in any driveway, drive aisle, or parking spaces Only allowed on property with an approved business Not permitted on vacant property Property owner must sign a notarized affidavit allowing the open-air carwash which must be provided to the County Carwash owner must obtain all req. permits.
Fireworks	 Sec. 38-79 (19) - Requires min. 2,000 ft. setback from residential zoning districts or uses from property line to property line for the storage, manufacturing, or wholesale distribution of explosives or fireworks Sec. 38-79 (23) Adds retail sale of sparklers to C-3 zoning district SIC 5092 - Added Condition 19 to Sec. 38-77 "Use Table"



Mechanical Equipment & Generators

- New definition for mechanical equipment which includes any heating, cooling, venting, filtering or similar equipment, including permanent generators, ac units, pool or spa equip., etc.
- Sec. 38-79 (16) Replaced generators with mechanical equip.
- Requires 100% opaque screening for ground mounted equipment
- Prohibited in front or side street yards or adj. to ROW; exempt in Horizon West where townhomes are located on an alley air conditioning units may be located in the front
- Residential setbacks:
 - 2 ft. side;
 - 5 ft. rear;
 - NHWE per Sec. 38-1501(a)
- Non-residential/Multi-family:
 - Setbacks consistent with principal structure setbacks
 - Roof screening in accordance with Sec. 9-956 (d)
- Exempts equip. installed prior to code change and replacement of; temp. generators; manual and automatic testing



PD/UNP	• Sec. 38-1390.16 - Remove the allowance to postpone the Master Street Plan and Connectivity Analysis and CAD until PSP
Buena Vista North District	• Sec. 38-1394.1(2) - Site landscape - Update to req. 1 canopy tree every 25 ft. or 1 understory tree every 15 ft. or fractions thereof of building façade landscape area in lieu of 1 canopy tree for each 100 sq. ft. of green space
Ground Mounted Solar Panels	 Sec. 38-79 (83) Free-standing or ground mounted screening - Req. opaque buffer up to 8 ft. or height of solar panel whichever is less; if side street and rear setbacks of solar panels exceeds 30 ft. screening is not req. System shall be no larger than necessary to provide 120% of the electrical/thermal energy req.



Special Events

Sec. 38-79 (39)

- New definition for a temporary or public occasion or activity that is unlike or beyond the customary or usual activities generally associated with the site upon which the event is to be located. Does not include open air sales, seasonal/non-seasonal tent sales or music/entertainment festivals defined elsewhere in code.
- Sec. 38-79 (39)
 - Establishes timeframe and hours of operation that the event is allowed based on the zoning district.
 - Sets parking ratios
 - Requires approval by the Fire Marshals Office
 - Set restrictions on amusement rides, attractions, food trucks, or farmer's Markets based on zoning district.
 - Prohibits amplified sound in residential areas
- Sec. 38-77 "Use Table" Added as new use subject to Condition 39.



Temporary Portable Storage Containers (TPSC)

- Sec. 38-79 (55) Establishes timeframes, extensions, standards for residential vs non-residential and for seasonal sales.
 - Moving, remodeling, or reconstruction: 90 days
 - New construction with building permit if req.: 180 days
 - Issuance only every 180 days except for seasonal sales
 - Removed within 7 days of expiration or completion of work or sales
 - Can not block view of or obstruct pedestrian or vehicular traffic;
 - On an improved surface unless new const. & not within any buffers
- Single-family residential or agricultural:
 - 5 ft. from property lines; Max. size: 160 sq. ft.;
- Non-residential:
 - 5 ft. from property lines and 15 ft. from ROW; Not allowed in req. parking spaces;
- Seasonal: Tent permit req. to be issued;
 - 5 ft. from property lines and 15 ft. from ROW; Not allowed in req. parking spaces



Truck Stop or Truck Terminal

- Updated definition for clarity on permitted operations on-site to include fueling, servicing, repair, parking, sales of acc. and equip., overnight accommodations, showers, or restaurants primarily for the use of truck crews.
- Added to the C-3 zoning district as a Permitted or as a Special Exception with Condition 82 under Sec. 38-77 "Use Table." Remove SIC 5541 (Truck stops) to consolidate use under SIC 4231 (Truck terminals, truck stop, bus, cab, truck repair, storage and terminals, parking and/or storage of trucks)
- Sec. 38-79 (82) Requires a special exception within 500 ft. of any residentially zoned district



Utility Trailer (Residential Only)

- New definition for enclosed or unenclosed vehicle that is towed by a motor vehicle which may include a boat trailer, car trailer, or horse trailer.
- Sec. 38-79 (141) Establishes standards for where utility trailers can be kept or stored, the number allowed per lot, and a creates permitting process for them in residential zoning districts.
- Trailer owner must own or lease lot where stored;
- Can not be stored in ROW;
- Must be kept in the side or rear yard and setback 5 ft. from each of those lot lines unless screened by 6 ft. fence or wall then the setback can be reduced to 0 ft.
- Sec. 38-77 "Use Table" Added as new use in residential zoning districts subject to Condition 141



U-V (Urban Village District)	• Delete U-V from 38-77 "Use table; Sec. 38-79 (29)& (59); & Art. XVI, Sec. 38-1651 through 38-1713 along with Sec. 38-1714 through Sec. 38-1724 because it has never been used
Warehousing, distribution	 New definition to describe where goods are received and/or stored for delivery to customers off-site Sec. 38-77 "Use Table" - Added as new use subject to Condition 111 (No manufacturing)/107 (Outdoor storage req. SE) in I-1A Sec. 38-1476 - Parking req. 1 space for each bay, plus 1 space for each 1,000 sq. ft.
Warehousing, flex	 New definition to describe space that can be subdivided into tenant spaces for office, assembly, showrooms, or other business activities besides distribution as the principal use Sec. 38-77 "Use Table" - Added as new use subject to Condition 111 (No manufacturing) in C-3 and 111/107 (Outdoor storage req. SE) in I-1A Sec. 38-1476 - Parking req. of 2 spaces for each 1,000 sq. ft. of gross floor area



Special Exception (SE) Criteria	 Sec. 38-78 - Remove language that prescribes an automatic 2-year time limit when a time limit is not prescribed by the BZA for the required permits to be obtained
Administrative Waivers	 Sec. 38-1508 - Update to specify yards and to remove reference to Sec. 38-1501 because it doesn't include all performance standards Changing the side yard waiver to be consistent with the rear yard allowance and increasing it from 3% to 6% for zoning manager admin. waivers from perf. standards
Accessory structures	 Sec. 38-1426 - Prohibits unfinished shipping containers and mobile homes to be used as detached accessory structures in the residential zoning districts Detached accessory structures - Adding Galvanized metal sliding as permitted with the following standards: Must have a pre-installed finish (paint). Must utilize horizontal lap siding. Must have a corner trim.



Agricultural purposes	Delete Sec. 38-1409 - the Zoning Division does not issue land use permits
Appurtenance height	 Delete Sec. 38-79 (7) and all references because it is in Sec. 38-1506 Sec. 38-1506 - Adding all types of appurtenances from Condition 7; Adds exception from max. height limit for vertical projections in parapet walls for architectural features
Artist and Musician Studios	 Sec. 39-79 (74) – Deletes condition that they are only allowed in PO for the purpose of teaching or instruction Updates Sec. 38-77 "Use Table" to delete condition 74



Brew pub; Craft distillery; Micro- Brewery; & Micro- Winery	•	New definitions added based on Florida Statutes brewer's laws as regulated by the Florida Dept. of Business and Tobacco to produce, manufacture and/or sell malt beverages, distilled spirits, or wine. Added uses to Sec. 38-77 "Use Table" under SIC 5813 Drinking Places subject to Sec. 38-1415
Communication Towers	•	Sec. 38-1427 - Removing the requirement for a balloon test and adding other requirements to depict the any impacts to neighboring residential properties for compatibility
Dual rear wheel vehicle	•	Updates definition to clarify what is not considered a dual rear wheel vehicle based on the weight, for vehicles that are 1 ton or less, and use, for vehicles used for public safety, government, or handicap services
	•	Added to the C-2 zoning district as a Special Exception under Sec. 38-77 "Use Table"



Duplex	•	Sec. 38-79 (2) - Removes requirement that each unit has to be owned by a separate and different owner
	•	Moves site and building requirements to Sec. 38-1501 where all of the site and building requirements are outlined for all of the zoning districts and dwelling unit types
	•	Removes fee-simple from duplex use Sec. 38-77 "Use Table" and adds them as a permitted use in the UR-3 and NR zoning districts
Dwelling	•	Removes the exclusion of mobile homes from the def. of a dwelling



Fences and Walls

- Sec. 1408 Clarifies that fences/walls within a clear view triangle must not exceed 4 ft. in height or 50% opacity
- Clarifies that the max height is 6 ft. in the side street yard setback, except on a reverse corner lot where it is limited to 4 ft.
- Adds aluminum picket as a permitted fence type allowed where chain link type fences are also allowed
- Clarifies that in com. and ind. districts fences/walls are allowed to be a max of 8 ft. in height in the front, side, side street, and rear yard setbacks.
- Clarifies that fence/walls within the normal high water elevation (NHWE) are limited to a max height of 4 ft. and that canals are included as waterbodies for setback and height purposes
- Clarifies that the height of a fence/wall is measured from the finished grade to the highest point of the fence/wall
- Prohibits a fence or wall from adversely affecting the rights of other property owner's access to their property



Garage, Mechanical	 Updates the definition language to include other motor vehicles, such as trucks and buses. Removes the prohibition on bodywork and painting but requires those activities to be in an enclosed structure. Clarifies that the storage of vehicles for parts or in any condition which may be classified as a junkyard are not permitted.
	 Added uses to Sec. 38-77 "Use Table" SIC 7538 for large trucks, buses and other heavy vehicles.
Major Transit Stop	 New definition – Definition for major transit stop related to the Live Local Act legislation that allows the County to consider reducing the parking requirements for a development if it is located within one-half mile of a major transit stop and the major transit stop is accessible from the development



Parking

- Sec. 38-1476 Quantity of off-street parking Establish requirements for different warehouse uses. Allow for reductions of parking for tree preservation.
- Sec. 38-1479 Off street parking lot req.
 - Removes req. for BZA or BCC to approve overflow parking for special events or holiday parking demands and defers to the zoning manager which is the current process
 - Req. all parking spaces to be a min of 9 x 18 feet
 - Allows for the overhang of a vehicle up to 2 ft. past the curb or wheel stop to be counted towards the min. parking space depth and it may be unpaved or sodded
 - Removes min. standard in parking garages of 8.5 x 18 feet



PD Residential
Development -
Open space and lot
coverage

- Sec. 38-1252 Added lot coverage req.:
 - Multi-family: Max. Impervious coverage may not exceed 70 % of the net land area
 - Single family attached and duplex: Impervious coverage for individual lots within subdivision shall not exceed: 80% of the land area of the lot
 - Single-family detached: Impervious coverage for individual lots within subdivision shall not exceed: 75% of the land area of the lot

PD Residential
Development Multi-family develop.
compatibility

- Sec. 38-1258 Updates height and distance req. to reduce waiver requests and clarify language
- Location of multi-family buildings adj. to single family zoned property or use as measured from the building closest to the nearest property line:
 - 100 ft. shall not exceed 35 ft.
 - More than 100 ft. shall not exceed 3 stories or 40 ft.



PD Residential Development - Student Housing	 Update definition to remove language that would prohibit studio or 1-bedroom units Sec. 38-1259 - Clarifies that student housing must comply with the development standards for multi-family for recreation and compatibility. Removes 6 ft. masonry wall adj. to any ROW requirement to improve walkability.
PD Village Planned Development Code	 38-1382 (i) – Public open space and public tracts & (k) – Stormwater facilities – Moves language from the 1st section to the second section for stormwater ponds to count as up to 50% of the 7.5% open space req. and removes the allowance for it to count as 100%



R-2 (Residential District) & R-3 (Multiple-Family Dwelling District)	 Delete Sec. 38-79 (24) and all references in Sec. 38-77 "Use Table" because it is being added under Sec. 38-456 for the R-2 Site and building req. Sec 38-456 (R-2) & Sec. 38-481 (R-3) Separation of 10 ft. req. between any 2 structures containing 2 dwelling units on the same lot/parcel Separation of 20 ft. req. between structures containing 3 or more dwelling units and any other structure on the same lot/parcel Est. performance standards for refuse or solid waste areas
R-L-D Residential Low Density	 Delete Sec. 38-79 (124) and all references which states that the use must comply with R-L-D standards in Sec. 38-77 "Use Table" Sec. 38-602 - Update process to reflect current processes and procedures Code reference cleanup for shade trees



Screen enclosure

- New definition Moved text from the Sec. 38-79 (84) to create a definition
- Sec. 38-79 (20) For townhomes allows for a 0 ft. side setback where the principal structure has a 0 ft. side setback but requires compliance with Sec. 38-79 (18) for the rear setback
- Sec. 38-79 (84) Updated language to separate single family from townhome or duplex.
 - Updated the front yard and street setbacks for screen rooms to be the same as the principal structure for the corresponding zoning district.
 - Requires setback from the Normal High Water Elevation (NHWE) per Sec. 38-1501
 - Limited the height 35 ft.
 - Single Family -Updated the side and rear yard setbacks to 5 ft.
 - Townhome/Duplex Updated the side and rear yard setbacks to 0 ft. internal/5 ft. end unit. Rear yard setback to allow screen enclosure to extend up to 50% into the required rear yard setback for the principal structure. Requires 5 ft. setback from the edge of an alley easement.



Screen Rooms (Aluminum roof)	•	Sec. 38-79 (18) - Updated the front, side yard, and street setbacks for screen rooms to be the same as the principal structure for the corresponding zoning district. Updated the rear yard setback to allow screen rooms to extend up to 50% into the required rear yard setback for the principal structure in lieu of 13 ft. in all zoning districts, not just PDs. Requires 5 ft. setback from the edge of an alley easement. Requires 50 ft. setback from the Normal High Water Elevation (NHWE). Limited the height 35 ft. Sec. 38-79 (20) - For townhomes allows for a 0 ft. side setback where the principal structure has a 0 ft. side setback but requires compliance with Sec. 38-79 (18) for the rear setback
Short Term Rental	•	Updated definition to include the word 179 "consecutive" days
Site and Building Req.	•	Remove performance standards from specific sections of code for all zoning districts, except R-CE- Cluster & R-L-D (Residential Low-Density) districts, and move to Art. XII Site and Building Req.



Storage

- Dead Storage Deletes definition because this use is being merged with the contractor's storage yard under Sec. 38-77 "Use Table", SIC 17, which it is frequently classified under
- Delete Sec. 38-79 (58) and all references in Sec. 38-77 "Use Table" relating to dead storage
- Delete Sec. 38-79 (107) and all references because- Standards for I-1A prohibits outdoor storage
- Sec. 38-79 (137) Adds prohibition on outdoor storage within req. landscaped area or landscape buffer; prohibits storage on properties not containing a licensed/approved business or on vacant unimproved land; req. items stored outdoors to be on an improved surface and screened/buffered from ROW, single-family residential zoned districts and uses per Ch. 24
- Update Sec. 38-77 "Use Table" SIC 17 to reference (137) for trade & contractor shops



Townhomes

- Delete townhouse project definition
- Sec. 39-79 (20) Removes references to townhouse, triplex, or quadraplex project, deletes all standards and replaces with townhomes
 - Each building shall contain min. of 3 to max. of 10 dwelling units
 - Requires subdivision plan consistent with Ch. 34 sub. regs.
 - Min. distance separation between buildings: 20 ft.
 - Req. guest parking within the development at 0.5 spaces per unit
- Establishes site and building standards:
 - Min. lot width: 20 ft.
 - Min. lot area: 2,000 sq. ft.
 - Front/Rear yard setbacks: 20 ft.
 - Side yard: 0 ft. internal/10 ft. end units
 - Side street setbacks: 15 ft. or per Art. XV. Major Streets
 - NHWE: 50 ft.
 - Min. living area: 500 sq. ft.
 - Max. building height: 35 ft.
 - Max lot coverage: 75%
- Update Sec. 38-77 "Use Table"



Wood chipping, wood mulching, and composting operations	•	Sec. 38-79 (96) Clarifies that larger operations with greater than 200 cubic yards are subject to 38-79 (120), not the req. in 96
Trailer	•	Delete reference – Not used anywhere in code
Yards	•	Yard, Street Side - New definition to describe the yard extending across the side of a corner lot that lies between the principal building or any projections thereof and street ROW line
	•	Sec. 38-1401 - On double frontage lots, the req. front yard is provided on each street except when all lots in the block have or will be developed with all of the buildings facing the same street the on the 2nd frontage will be designated as a rear yard
	•	Reversed frontage lots, the front door shall face the front yard once the yards have been determined
	•	The zoning manger will determine the frontage on lots not on a ROW or where yard det. are unclear
	•	Flag lots - font yard is measured from where the width satisfies the lot width req. or point where the req. access strip widens to become the lot whichever is less
	•	Graphics will be inserted for pie shaped, flag, reversed frontage and double frontage lots



Language Clarification Ordinance Updates

- Standard and/or process changes
- Clarification of existing language
- Consistency clean-ups



Work Sessions

- Development Advisory Board (DAB) June 19, 2023
- Local Planning Agency (LPA) August 17, 2023
- Greater Orlando Builder's Association (GOBA) August 31, 2023
- Board of County Commissioners (BCC) September 12, 2023

Public Hearings

- Local Planning Agency (LPA) October 19, 2023
- 1st Board of County Commissioners (BCC) 5:01— November 28, 2023
- 2nd Board of County Commissioners (BCC) December 12, 2023

Effective Date – January 1, 2024