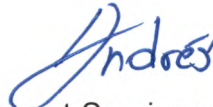




## Interoffice Memorandum

August 7, 2023

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Andres Salcedo, P.E., Acting Director   
Planning, Environmental, and Development Services  
Department

**CONTACT PERSON: Brandy Driggers, Assistant Manager  
Zoning Division  
(407) 836-5329**

SUBJECT: September 12, 2023 – Work Session Item  
Proposed Amendments to Orange County Code,  
Chapter 38 - Zoning.

Orange County Code, Chapter 38 Zoning (Zoning Code) establishes the development guidelines for all zoning districts as it relates to permitted uses, conditions for permitted uses, and site development standards. Orange County's zoning division is responsible for the interpretation and implementation of zoning regulations that have been adopted in accordance with the county's comprehensive plan, which designates the existing and future land uses.

Considerations of zoning regulations include prevailing land uses, growth characteristics, and the character of the respective districts and suitability for particular uses. Over time, aspects of the Zoning Code may need clarification or amendment, and new standards may be needed to stay abreast of changes in state law or new uses that may be proposed. The Zoning Code is updated based on these needs. The last significant update was in 2016.

On September 12, 2023, staff will present a work session on proposed changes to the Zoning Code, relating to the following areas:

- New definitions, uses, and performance standards,
- Updates for compliance with Florida Statutes and state law changes,
- Updates based on standard and/or process changes, and
- Clarifications of existing language, cleanup of scrivener's errors, and amendments for consistency with the Comprehensive Plan.

The proposed amendments are broken down into three categories, significant, minor, and clean-up, clarification, or consistency changes. Each change is summarized in the attached tables. Staff will provide a schedule for completion of the Zoning Code updates, in addition to soliciting stakeholders and other public input.

This item is for informational purposes only. No action is being requested.

BD/am

Attachments: Significant Changes Table  
Minor Changes Table, and  
Clean-up, Clarification, Consistency Changes Table

c: Byron W. Brooks, County Administrator  
Jon V. Weiss, P.E., Deputy County Administrator  
Joel D. Prinsell, Deputy County Attorney, Orange County Attorney's Office  
Whitney Evers, Assistant County Attorney, Orange County Attorney's Office  
Jennifer Moreau, AICP, Manager, Zoning Division  
Taylor Jones, AICP, Chief Planner, Zoning Division

Clean-up/Clarification/Consistency	
Subject	Change
General restrictions on land use	Sec. 38-3 - Clean up language to be consistent with current processes and procedures, other sections of code, the Comprehensive Plan; correct scrivener's errors; add additional language for clarity
Permitted uses, special exceptions, and prohibited uses	Change (d) Interpretation of Sections 38-77, 38-78, and 38-79 to chapter 38
Accessory structures such as pool, hot tubs, and sports courts	Sec. 38-79 (10) - Adds additional categories - Removes language that is in the building code for gates - Clarifies location and setback req. to be consistent with other setbacks for accessory structures
Alcoholic Beverage Distance Separation	Delete Sec. 38-79 (103) & (126) and all references because it just directs user to 38-1414 or 38-1415  Updates to Sec. 38.77 " Use Table" directs applicants to the section of the code that deals directly with the sale of alcoholic beverages and distance measurements under 38-1414 & 38-1415  Sec. 38-1414 - Prohibited areas for package sales of alcoholic beverages - I-Drive District Overlay Zone - Package sale vendor; distance sep. req. - Subj. to Sec. 38-865.d(10) unincorporated area no closer than 5,000 ft. of any preexisting vendor and no closer than 750 ft. of any preexisting vendor within a municipality in the county
Bed and breakfast facility; Bed and breakfast homestay; & Bed and breakfast inn	Removes req. for breakfast to be served from the definition because it is not enforceable
Boats and Recreational Vehicles	Sec. 38-79 (45) – Adds side street setback to be consistent with other side street setbacks
Campgrounds & Recreational Vehicle Parks	Sec. 38-1528 (a) - Update to correct error that omitted R-3 and C-1 zoning districts from the permitted by SE list which is identified in Sec. 38-77 "Use Table"
Car Rental	Sec. 39-79 (176) - May be permitted in conjunction with hotels, motels, and time shares; Clarifies that the vehicles cannot be parked in the front yard, not just in front of the property or principal structure
Cement, concrete, asphalt, sand, gravel pits and operations	Sec. 38-79 (51) - Removes the references to exemptions for applications submitted between 2014-2015 because the timeframe for the submittal of those applications has past and added code references

<b>Clean-up/Clarification/Consistency</b>	
<b>Subject</b>	<b>Change</b>
Commercial Districts (C-1, C-2, & C-3) & Industrial Districts (I-1A, I-1/I-5, I-2/I-3, I-4)	<p>Sec. 38-830 (C-1), Sec. 38-855 (C-2), Sec. 38 880 (C-3), Sec. 38-907 (I-1A), Sec. 38-932 (I-1/ I-5), Sec. 38-981 (I-2/I-3), Sec. 38-1008 (I-4)</p> <p>Est. performance standards for refuse or solid waste areas</p> <p>Prohibits directing traffic into adj. residential districts unless the property is not accessible from the non-residential street, as determined by the zoning manager</p> <p>Refers to Art. X for add. environmental performance standards</p> <p>Sec. 38-1452 - Smoke and particulate matter; Sec. 34-1455 - Pollution and Odor; Sec. 38-1455 - Noise; and. 38-1457 - Industrial sewage and waste - Delete text and defer to Ch. 15. Or Ch. 37</p> <p>Sec. 38-1454 - Vibration - Add all commercial and industrial districts and correct the numbers in table to list grouping for frequency levels</p> <p>Sec. 38-1456 - Glare and heat - Add all commercial and industrial districts</p>
Collection Bins	<p>Sec. 38-1765 - Sec. 38-1776</p> <p>Update to require a site plan consistent with code in lieu of a map or sketch</p> <p>Update to req. a notarized letter of authorization from the property owner in lieu of a statement from the owner of the property where it will be placed</p> <p>Written authorization from the non-profit organization that it is associated with if any</p> <p>Removes references to exemptions that allow them in multi-family districts which expired in 2019 because the timeframe for the automatic expiration of this allowance has expired</p> <p>Requires the bin to meet the setbacks of the zoning district and street setbacks and prohibits them in intersection or driveway sight visibility triangles</p>
Communication towers	<p>Sec. 38-79 (135) - Removes duplicative language which states that is permitted as long a if it within the max. building height for the zoning district</p> <p>Sec. 38-1427 - Cleanup of code and ord. references; removal of the legal description for the Communication Tower Broadcast Exemption Zone area and graphic of the area will be inserted as an appendix</p>
Corporate Neighborhood Center	Sec. 38-79 (163) - Should be limited to a max of 30,000 sq. ft., not a min.
Cottage food operations	New definition added based on Florida Statutes to define a type of home-based business that prepares, processes, stores, or sells food products associated with a cottage food operation
Density	New definition added for clarity to define the number of dwelling units allowed per developable acre of land



<b>Clean-up/Clarification/Consistency</b>	
<b>Subject</b>	<b>Change</b>
Developable land area	New definition added for clarity to define the land area used to calculate density and intensity (floor area ratio), which is the gross land less any waterbodies or conservation areas
Developable land area, net	New definition added for clarity to define the land area used to calculate density and intensity (floor area ratio) in Horizon West, which is developable land area less land for adequate public facilities, public open space, upland greenbelts, and stormwater facilities
Dwelling, single-family	Update to the definition to change housekeeping facilities to <u>unit</u> for 1 family
Exemptions	Delete Sec. 38.1503 Exemptions and other provisions - Performance req. for uses other than residential in residential districts & Sec. 38-1504 - Exemptions from 50 ft. setback for NHWE  These have been moved under Art. XII -Site and Building Req.
Finished Grade	New definition added for clarity to define the final elevation and contour of the ground at the building or vehicular surface area
Floor Area Ratio (FAR)	New definition added to clarify the relationship between the total amount of usable floor area that a building can have and the total area of the lot as a ratio that is derived by dividing the gross floor area by the net developable land area in Acres
Food truck/Food vendor	Sec. 38-79 (87) - C-1 zoning district - Portable food vendor, not including a food truck or vehicle, may be permitted when located entirely under the canopy of the principal building on-site; Portable food vendor, including a food truck or vehicle, may be permitted as a special exception
Fuel Oil and Propane Dealers	Sec. 38-79 (127) - Clarifies that they are only permitted as ancillary use to a principle retail use on site  Update Sec. 38-77 "Use Table" to allow it in C-3 without the condition above
Gross Floor Area	New definition to clarify how the total floor area is measured as the sum of all the interior horizontal areas of the building(s) whether under air or not from the exterior walls or centerline of walls which separate buildings. Included in these calculations are the sum of all the areas of the stories, balconies or mezzanines and any other space that is not used for the purpose of parking or a parking garage.
Home-based business	Update to change the title from home occupation to home-based business to be consistent with the definition in Sec. 559.955, Florida Statutes as a business that is operated, in whole or in part from a residential property as is consistent with that statute  Sec. 38-79(101) - Amended to be consistent with Sec. 559.955, F.S.  Delete Sec. 38-79 (146) home-based limousine service and all references including Sec. 38-77 "Use Table" SIC 4119 because the use is reg. by Sec. 599.955 F.S.
Hotel	Update Scribner's error added "to"

Clean-up/Clarification/Consistency	
Subject	Change
Intensity	New definition to explain the bulk, mass or size of a non-residential use as expressed by the FAR
Lot, Frontage, non-residential	Update to remove the individual use categories of agricultural, commercial, and industrial and classify all as non-residential zoning districts, and clarify that the frontage is where the width of the lot abuts the street with the highest volume of Traffic
Lot Frontage, residential	Update to add "zoning districts" after residential
Lot, Reversed Corner	Update to describe this type of lot as a corner lot where the rear yard abuts an adj. front yard, and where the side street lot line is the continuation of the front lot line
Lot, Reversed Frontage - non-residential	New definition to describe a type of non-residential lot that is a corner lot where the frontage does not abut the street with the highest volume of traffic
Lot, Reversed Frontage - residential	New definition to describe a type of residential lot that is a corner lot where the frontage is all the property on the wider width of a lot abutting a street right of way
Model Homes	Update Sec. 38-79 (125) to refer to Sec. 30-83
Modular Home	Update to change Florida Department of Community Affairs to Florida Department of Business and Professional Regulations
Net density	New definition added for clarity to define the number of dwelling units allowed per net developable acre of land as referenced in Horizon West
Night Watchman	Sec. 38-582 (a) (6) - Mobile homes and recreational vehicles on ind. lots exclusive of R-T-1 and R-T-2 zoning districts - Removes the special exception requirement for a night watchman in industrial and commercial zoning districts
Public Schools	Sec. 38-1751 - Remove reference to Conditions 139 and 140 because they just direct you back to this section
Patio home	Deletes definition because it is not used
Planned Development (PD) Uses Permitted & Approval Procedure	Sec. 38-1202 - Add land use plan & subdivision plan in addition to development plan for uses permitted if designated on approved plan  38-1203 - Clean up language to be consistent with current processes and procedures
Planned Development (PD) – Alterations to the land use plan and development plans	Sec. 38-1207 (e) - Removes the requirement to take nonsubstantial changes to the Board of County Commissioners to make is consistent with today's procedures

<b>Clean-up/Clarification/Consistency</b>	
<b>Subject</b>	<b>Change</b>
<p>PD Residential Development General Provisions</p>	<p>Sec. 38-1251 - Renames section from Lot coverage to <i>General Provisions</i>.</p> <p>Clarifies that for purposes of this article non-residential development that is vertically integrated into a mixed-use development containing multifamily units above is also considered residential development</p> <p>Clarifies that residential densities must be consistent with the Comp. Plan, not related to height limitations</p> <p>Removes lot coverage max. of 30% of the gross land area moves all lot coverage ref. to Sec. 38-1252 Open space and lot coverage</p> <p>Updates the criteria for establishing the type of residential development:</p> <ul style="list-style-type: none"> <li>- Townhomes must comply with Sec. 38-79 (20) as well as the standards in this division</li> <li>- Multi-family development within I-Drive Activity Center and US 193 Growth Centers shall comply with Ch. 38, Division 4, Subdivision II-Tourist Commercial, however recreation facilities are req. to meet Sec. 38-1253</li> </ul>
<p>PD Residential Development Recreation Facilities</p>	<p>Sec. 38-1253 - Clarifies that active and passive rec. areas must be provided in equal amounts of 50% each</p> <p>Specifies that active recreation includes playgrounds/athletic fields (improved with Bermuda grass) &amp; exercise trails (with a min. of 1 exercise station, plus 1 additional station for every 600 ft or other useable indoor space or similar uses</p> <p>Specifies that passive recreation includes seating areas, boat docks, dog parks, or similar uses in addition to other types</p> <p>Prohibits mulch or other degradable surfaces</p> <p>Allows zoning manager to grant deviations and outlines appeal process through DRC</p> <p>Adds land within a subdivision plan in addition to development plan for common space/private rec. areas included in the covenants and restrictions</p>



Clean-up/Clarification/Consistency	
Subject	Change
PD Residential Development Setbacks and Building Height	<p>Sec. 38-1254 - Adds height req. and establishes setbacks for all types of residential develop.</p> <p>Setbacks from PD boundaries, waterbodies, internal/external ROW:</p> <ul style="list-style-type: none"> <li>- PD Boundary: 25 ft.</li> <li>- Functionally Classified Road: 25 ft. (measured from abutting property line)</li> <li>- All other existing street rights-of-way: 20 ft. (measured from abutting property line)</li> <li>- NHWE measured from the contour line: 50 ft.</li> </ul> <p>Setbacks for ind. lots within a single-family detached or duplex develop. shall be proposed by the applicant</p> <p>Setbacks for individual lots within townhome develop. shall be in compliance with Sec. 38-79 (20) of code.</p> <p>Setbacks for multi-family develop.:</p> <ul style="list-style-type: none"> <li>- Front/Rear yard setback: 25 ft.</li> <li>- Side yard setback: 10 ft.</li> <li>- Abutting single-family district or use: 25 ft.</li> <li>- Req. of Sec. 38-1258 where applicable</li> </ul> <p>Max. building height:</p> <ul style="list-style-type: none"> <li>- Single-family dwellings: 35 ft.</li> <li>- Multi-family buildings: 40 ft., except 35 ft. within 100 ft. of any residential use or district.</li> </ul>
PD Residential Development Accessory structures	<p>Sec. 28-1260 - Deletes repetitive language in Sec. 38-1426 and req. accessory structures for single- family develop. (attached or detached) and duplexes within a Planned Development shall comply with Section 38-1426.</p>
PD Commercial Development General Commercial	<p>Sec. 38-1272</p> <p>Setbacks</p> <ul style="list-style-type: none"> <li>- Front/side street yards: 30 ft.</li> <li>- Side yard: 5 ft./25 ft. adj. to residential use</li> <li>- Rear yard: 10 ft./25 ft. adj. to residential use</li> <li>- NHWE: 50 ft.</li> <li>- PD perimeter: 25 ft.</li> </ul> <p>Height</p> <ul style="list-style-type: none"> <li>- 50 ft./35 ft. within 100-feet of residential uses/ zoning districts.</li> </ul> <p>The 100-foot distance is measured from the structure that exceeds 35-feet to the property line of the parcel with a residential uses/ zoning districts</p> <p>Est. performance standards for refuse or solid waste areas</p>



Clean-up/Clarification/Consistency	
Subject	Change
PD Commercial Development Tourist Commercial Develop.	<p>Sec. 38-1287 - Setbacks</p> <ul style="list-style-type: none"> <li>- Exempts develop. From the 25 ft. PD boundary setback</li> <li>- Min. building setback from ROW: 30 ft.</li> <li>- Min. side yard: 10 ft./adj. to ROW then the greater shall apply</li> <li>- Min rear yard: 20 ft.</li> <li>- NHWE: 50 ft.</li> </ul> <p>Paving setbacks</p> <ul style="list-style-type: none"> <li>- ROW: 25 ft.</li> <li>- Side Lot line: 7.5 ft.</li> <li>- Rear lot line 5 ft</li> <li>- NHWE: 20 ft.</li> </ul> <p>Sec. 38-1289 - Parking - Delete repetitive text related to 25% reduction for compact car parking</p> <p>Sec. 38-1290 - Open space and lot coverage (Added lot coverage req.)</p> <ul style="list-style-type: none"> <li>- Max. impervious coverage may not exceed 70% of the net land area</li> </ul> <p>Sec. 38-1291 - Landscaping - Removes all test and defers to Ch. 24</p> <p>Sec. 38-1293 - Est. performance standards for solid waste areas</p> <p>Sec. 38-1294 - Masonry walls -Max. height of 6 ft.; Max. height 3.5 ft. -front/side street setback or along side property line</p> <p>Sec. 38-1300 Height - Max. 60 ft./ 35 ft. within 100 ft. of single-family uses (Not vacant A-1, A-2, or R-CE with FLUM of ACMU or ACR)</p>
Sidewalks	Sec. 28-1298 – Changing Arterial and Collector to Functionally-Classified roadways
Temporary Structures	Sec. 38-1411 (a)(2) - Delete req. to remove within 180 days or 10 days after the completion of the permeant structure because it conflicts with the Sec. 38-1411 (a)(1) which allows it to remain for 1 year or when 90% of the permanent buildings are completed
Trailer Park	Update code to reference Division 14, instead of 13
Transient Rental	Update Sec. 38-77 "Use Table" to remove Transient Rental and leave only Single Family Transient Rental because this only refers to single family under R-3
UR-3 (University Residential District)	<p>Sec. 38-502 Removes list of permitting uses and defers to Sec. 38-77 "Use Table"</p> <p>Creates Site and building req. section for UR-3 - See article XII of this chapter</p>
Keeping of poultry, horses, mules, goats, sheep, and pigs, etc.	Sec. 39-79 (36), (41), & (49) - Clarifies that the keeping of animals for an approved 4H or Future Farmers of America (FFA) educations program shall be permitted provided that all other requirements are met and the number of animals and 6 month timeframe are not exceeded.

<b>Minor</b>	
<b>Subject</b>	<b>Change</b>
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 to include PDs for zoning manager admin. waivers from perf. standards
Accessory structures	<p>Sec. 38-1426 - Prohibits unfinished shipping containers and mobile homes to be used as detached accessory structures in the residential zoning districts</p> <p>Detached accessory structures - Req. the exterior and roof of a structure greater than 150 sq. ft. to be comprised of materials commonly used for single-family res. Galvanized metal sliding may be permitted with the following standards:</p> <ul style="list-style-type: none"> <li>- Must have a pre-installed finish (paint).</li> <li>- Must utilize horizontal lap siding.</li> <li>- Must have a corner trim.</li> </ul> <p>Clarifies NHWE per 38-1501 (a)</p>
Agricultural purposes	Delete Sec. 38-1409 - the Zoning Division does not issue land use permits
Appurtenance height	<p>Delete Sec. 38-79 (7) and all references because it is in Sec. 38-1506</p> <p>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</p>
Artist and Musician Studios	<p>Sec. 39-79 (74) – Deletes condition that they are only allowed in PO for the purpose of teaching or instruction</p> <p>Updates Sec. 38-77 "Use Table" to delete condition 74</p>
Brew pub; Craft distillery; Micro-Brewery; & Micro-Winery	<p>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.</p> <p>Added uses to Sec. 38-77 "Use Table" under SIC 5813 Drinking Places subject to Sec. 38-1415</p>
Dual rear wheel vehicle	<p>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</p> <p>Added to the C-2 zoning district as a Special Exception under Sec. 38-77 "Use Table"</p>

<b>Minor</b>	
<b>Subject</b>	<b>Change</b>
Duplex	<p>Sec. 38-79 (2) - Removes requirement that each unit has to be owned by a separate and different owner</p> <p>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</p> <p>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</p>
Dwelling	Removes the exclusion of mobile homes from the def. of a dwelling.
Fences and Walls	<p>Sec. 1408 - Clarifies that fences/walls within a clear view triangle must not exceed 4 ft. in height or 50% opacity</p> <p>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.</p> <p>Adds aluminum picket as a permitted fence type allowed where chain link type fences are also allowed</p> <p>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.</p> <p>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</p> <p>Clarifies that the height of a fence/wall is measured from the finished grade to the highest point of the fence/wall</p> <p>Prohibits a fence or wall from adversely affecting the rights of other property owner's access to their property</p>
Garage, Mechanical	<p>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.</p> <p>Added uses to Sec. 38-77 "Use Table" SIC 7538 for large trucks, buses and other heavy vehicles.</p>
Major Transit Stop	New definition – Definition for major transit stop due to the Live Local Act

<b>Minor</b>	
<b>Subject</b>	<b>Change</b>
Parking	<p>Sec. 38-1476 - Quantity of off-street parking - Establish requirements for different warehouse uses. Allow for reductions of parking for tree preservation.</p> <p>Sec. 38-1479 - Off street parking lot req.</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- Req. all parking spaces to be a min of 9 x 18 feet</li> <li>- 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</li> </ul> <p>Removes min. standard in parking garages of 8.5 x 18 feet</p>
PD Residential Development Open space and lot coverage	<p>Sec. 38-1252 - Added lot coverage req.:</p> <ol style="list-style-type: none"> <li>1. Multi-family: Max. Impervious coverage may not exceed 70 % of the net land area</li> <li>2. Single family attached and duplex: Impervious coverage for individual lots within subdivision shall not exceed: 80% of the land area of the lot.</li> <li>3. Single-family detached: Impervious coverage for individual lots within subdivision shall not exceed: 75% of the land area of the lot.</li> </ol>
PD Residential Development Multi-family develop. compatibility	<p>Sec. 38-1258 - Separates height and distance req. to reduce waiver requests and clarify language</p> <p>Location of multi-family buildings adj. to single family zoned property or use as measured from the building closest nearest property line:</p> <ul style="list-style-type: none"> <li>- 100 ft. shall not exceed 35 ft.</li> <li>- More than 100 ft. shall not exceed 3 stories or 40 ft.</li> </ul>
PD Residential Development Student Housing	<p>Update definition to remove language that would prohibit studio or 1-bedroom units</p> <p>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.</p>
PD Village Planned Development Code	<p>38-1382 (l) – Public open space and public tracts &amp; (k) – Stormwater facilities – Moves language from the 1<sup>st</sup> section to the second section for stormwater ponds to count as up to 50% of the 7.5% open space req. and removes that allowance for it to count as 100%</p>



<b>Minor</b>	
<b>Subject</b>	<b>Change</b>
R-2 (Residential District) & R-3 (Multiple-Family Dwelling District)	<p>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.</p> <p>Sec 38-456 (R-2) &amp; Sec. 38-481 (R-3)</p> <ul style="list-style-type: none"> <li>- Separation of 10 ft. req. between any 2 structures containing 2 dwelling units on the same lot/parcel</li> <li>- Separation of 20 ft. req. between structures containing 3 or more dwelling units and any other structure on the same lot/parcel</li> <li>- Est. performance standards for refuse or solid waste areas</li> </ul>
R-L-D Residential Low Density	<p>Delete Sec. 38-79 (124) and all references because it just states that the use has to comply with the R-L-D under that zoning district in Sec. 38-77 "Use Table"</p> <p>Sec. 38-602 - Update process to reflect current processes and procedures</p> <p>Code reference cleanup for shade trees</p>
Screen enclosure	<p>New definition - Moved text from the Sec. 38-79 (84) to create a definition</p> <p>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</p> <p>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 (a). Limited the height 35 ft.</p> <p>Single Family -Updated the side and rear yard setbacks to 5 ft.</p> <p>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.</p>
Screen Rooms (Aluminum roof)	<p>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.</p> <p>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</p>

<b>Minor</b>	
<b>Subject</b>	<b>Change</b>
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	<p>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</p> <p>Delete Sec. 38-79 (58) and all references in Sec. 38-77 "Use Table" relating to dead storage</p> <p>Delete Sec. 38-79 (107) and all references because- Standards for I-1A prohibits outdoor storage</p> <p>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</p> <p>Update Sec. 38-77 "Use Table" SIC 17 to reference (137) for trade &amp; contractor shops</p>
Townhomes	<p>Delete townhouse project definition</p> <p>Sec. 38-79 (20) Removes references to townhouse, triplex, or quadraplex project, deletes all standards and replaces with townhomes</p> <ul style="list-style-type: none"> <li>- Each building shall contain min. of 3 to max. of 10 dwelling units</li> <li>- Requires subdivision plan consistent with Ch. 34 - sub. regs.</li> <li>- Min. distance separation between buildings: 20 ft.</li> <li>- Req. guest parking within the development at 0.5 spaces per unit</li> </ul> <p>Establishes site and building standards:</p> <ul style="list-style-type: none"> <li>- Min. lot width: 20 ft.</li> <li>- Min. lot area: 2,000 sq. ft.</li> <li>- Front/Rear yard setbacks: 20 ft.</li> <li>- Side yard: 0 ft. internal/10 ft. end units</li> <li>- Side street setbacks: 15 ft. or per Art. XV. Major Streets</li> <li>- NHWE: 50 ft.</li> <li>- Min. living area: 500 sq. ft.</li> <li>- Max. building height: 35 ft.</li> <li>- Max lot coverage: 75%</li> </ul> <p>Update Sec. 38-77 "Use Table"</p>
Trailer	Delete reference – Not used anywhere in code

<b>Minor</b>	
<b>Subject</b>	<b>Change</b>
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
Yards	<p>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</p> <p>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</p> <p>Reversed frontage lots, the front door shall face the front yard once the yards have been determined</p> <p>The zoning manger will determine the frontage on lots not on a ROW or where yard det. are unclear</p> <p>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</p> <p>Graphics will be inserted for pie shaped, flag, reversed frontage and double frontage lots</p>

<b>Significant</b>	
<b>Subject</b>	<b>Change</b>
Car Washes	<p>Sec. 38-79 (38) - Establishes location and performance standards for where enclosed or open-air car washes are permitted and creates a permitting process</p> <ul style="list-style-type: none"> <li>- Prohibited from being located in any driveway, drive aisle, or parking spaces</li> <li>- Only allowed on property with an approved business</li> <li>- Not permitted on vacant property</li> <li>- Property owner must sign a notarized affidavit allowing the open- air carwash which must be provided to the County</li> <li>- Carwash owner must obtain all req. permits.</li> </ul>
Fireworks	<p>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</p> <p>Sec. 38-79 (23) Adds retail sale of sparklers to C-3 zoning district</p> <p>SIC 5092 - Added Condition 19 to Sec. 38-77 "Use Table"</p>
Mechanical Equipment & Generators	<p>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.</p> <p>Sec. 38-79 (16) Replaced generators with mechanical equip.;</p> <p>Requires 100% opaque screening for ground mounted equip.</p> <p>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 yard</p> <p>Residential setbacks:</p> <ul style="list-style-type: none"> <li>- 2 ft. side;</li> <li>- 5 ft. rear;</li> <li>- NHWE per Sec. 38-1501(a)</li> </ul> <p>Non-residential/Multi-family:</p> <ul style="list-style-type: none"> <li>- Setbacks consistent with principal structure setbacks</li> <li>- Roof screening in accordance with Sec. 9-956 (d)</li> </ul> <p>Exempts equip. installed prior to code change and replacement of; temp. generators; manual and automatic testing</p>
PD/UNP	<p>Sec. 38-1390.16 - Remove the allowance to postpone the Master Street Plan and Connectivity Analysis and CAD until PSP</p>
Buena Vista North District	<p>Sec. 38-1394.1 - 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 which consistent with Ch. 24. in lieu of 1 canopy tree for each 100 ft. of green space</p>



Significant	
Subject	Change
Truck Stop or Truck Terminal	<p>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.</p> <p>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)</p> <p>Sec. 38-79 (82) - Requires a special exception within 500 ft. of any residentially zoned district</p>
Solar Panels	<p>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.</p> <p>System shall be no larger than necessary to provide 120% of the electrical/thermal energy req.</p>
Special Events	<p>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.</p> <ul style="list-style-type: none"> <li>- Establishes timeframe and hours of operation that the event is allowed based on the zoning district.</li> <li>- Sets parking ratios</li> <li>- Requires approval by the Fire Marshals Office</li> <li>- Set restrictions on amusement rides, attractions, food trucks, or farmer's Markets based on zoning district.</li> <li>- Prohibits amplified sound in residential areas</li> </ul> <p>Sec. 38-77 "Use Table" - Added as new use subject to Condition 39.</p>
Temporary Portable Storage Containers (TPSC)	<p>Sec. 38-79 (55) - Establishes timeframes, extensions, standards for residential vs non-residential and for seasonal sales.</p> <ul style="list-style-type: none"> <li>- Moving, remodeling, or reconstruction: 90 days</li> <li>- New construction with building permit if req.: 180 days</li> <li>- Issuance only every 180 days except for seasonal sales</li> <li>- Removed within 7 days of expiration or completion of work or sales</li> <li>- Can not block view of or obstruct pedestrian or vehicular traffic;</li> <li>- On an improved surface unless new const. &amp; not within any buffers</li> </ul> <p>- Single-family residential or agricultural: 5 ft. from property lines; Max. size: 160 sq. ft.;</p> <p>- Non-residential: 5 ft. from property lines and 15 ft. from ROW; Not allowed in req. parking spaces;</p> <p>- Seasonal: Tent permit req. to be issued; 5 ft. from property lines and 15 ft. from ROW; Not allowed in req. parking spaces</p>

Significant	
Subject	Change
Utility Trailer	<p>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.</p> <p>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.</p> <ul style="list-style-type: none"> <li>- Less than or equal to 1/4 acre - 2 trailers</li> <li>- Greater than 1/4 acre &amp; Less than for equal to 1/2 acre - 3 trailers</li> <li>- Greater than 1/2 acre - 4 trailers</li> </ul> <p>Trailer owner must own or lease lot where stored;            Can not be stored in ROW;            Can not be occupied or used for storage;            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.</p> <p>Sec. 38-77 "Use Table" - Added as new use in residential zoning districts subject to Condition 141</p>
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	<p>New definition to describe where goods are received and/or stored for delivery to customers off-site</p> <p>Sec. 38-77 "Use Table" - Added as new use subject to Condition 111 (No manufacturing)/107 (Outdoor storage req. SE) in I-1A</p> <p>Sec. 38-1476 - Parking req. 1 space for each bay, plus 1 space for each 1,000 sq. ft.</p>
Warehousing, flex	<p>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</p> <p>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</p> <p>Sec. 38-1476 - Parking req. of 2 spaces for each 1,000 sq. ft. of gross floor area</p>