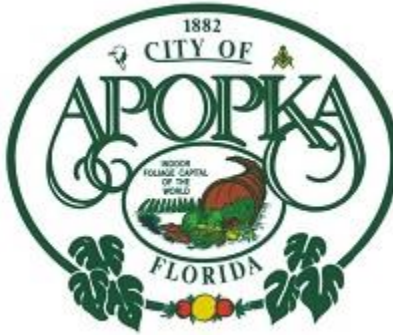




AGENDA

APOPKA CITY COUNCIL and PLANNING COMMISSION WORKSHOP

**May 25, 2017 @ 4:00 PM
City Hall Council Chamber
120 East Main Street – Apopka, Florida 32703**

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

DISCUSSION

1. Land Development Code Assessment Presentation
2. Clarion - Land Development Code Assessment

ADJOURNMENT

Workshop meetings are opportunities for City Council to discuss specific issues among themselves and with Staff in an open meeting and to provide policy guidance to staff on items which are not ready for official action. The public is always welcome to attend, and is welcome to provide comments regarding Workshop items to the Council and Staff outside a meeting. Public comment will not be heard during a Workshop meeting, but public comment on Workshop items are welcome at the very next regular City Council meeting following a Workshop meeting. [Resolution 2016-16: Public Participation Policy & Procedures]

In accordance with the American with Disabilities Act (ADA), persons with disabilities needing a special accommodation to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka, FL 32703, telephone (407) 703-1704, no less than 48 hours prior to the proceeding.

Backup material for agenda item:

1. Land Development Code Assessment Presentation

City of Apopka Florida

Land Development Code Update



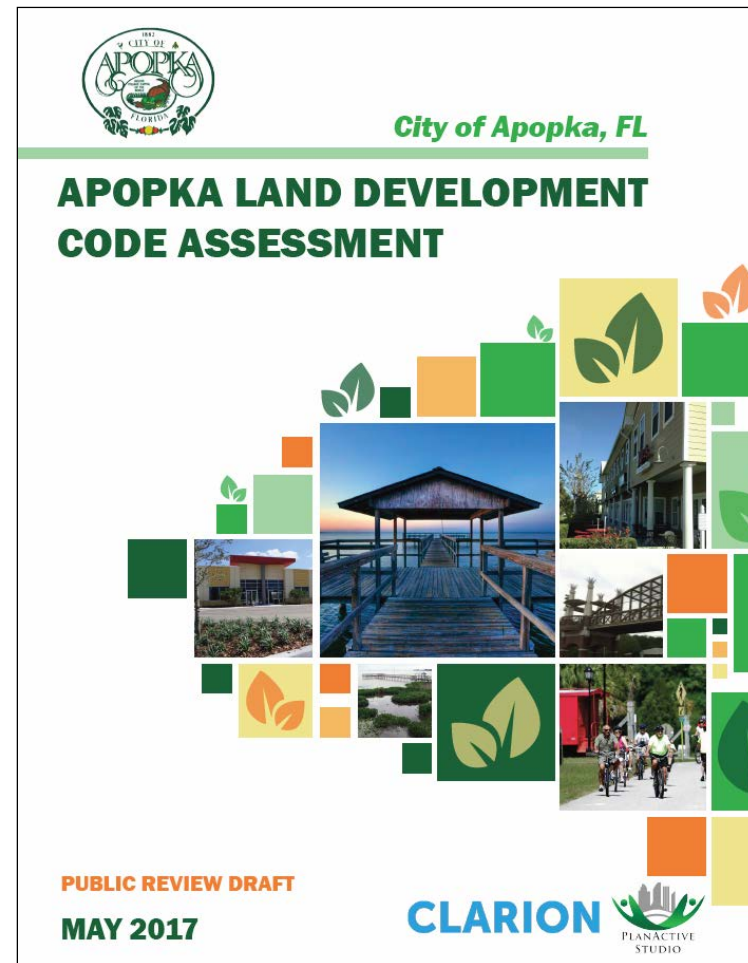
CLARION



May 25, 2017

Overview of Presentation

- **Project Status and Background**
- **Land Development Code Assessment**
- **Next Steps**



Project Status and Background

	Task	Timeframe	Status
1.	Project Initiation	January-February 2017	Completed February 2017
2.	Land Development Code Assessment	February-May 2017	Public review ongoing
3.	Drafting the Code and Zoning Map	May 2017-February 2018	
4.	Testing the New Code	February-March 2018	
5.	Public Hearing Draft New Ordinance	April 2018	

Assessment: Structure & Themes

I. Introduction and Overview

II. Diagnosis

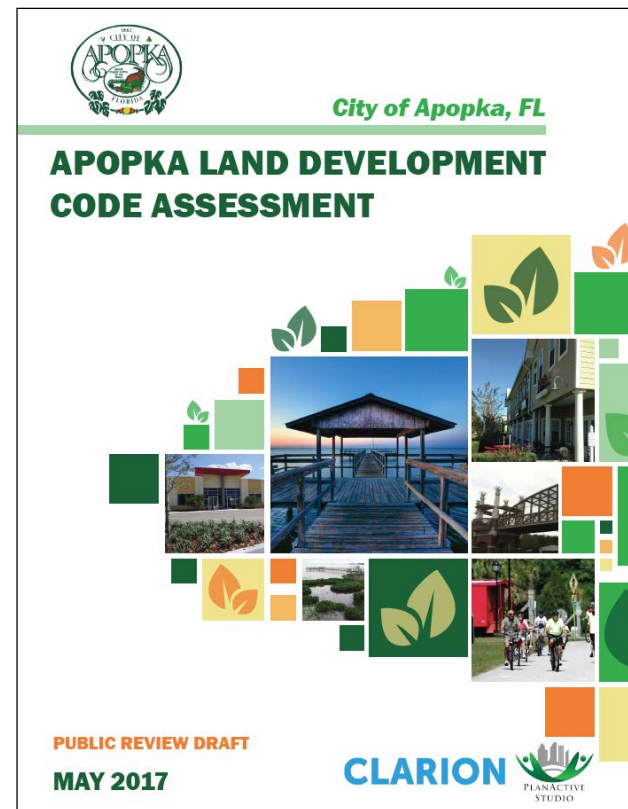
Theme 1: Create a User-Friendly Code

Theme 2: Implement the Comprehensive Plan,
Vision Plan, and Small Area Plans by
Restructuring and Modernizing the
Zoning Districts

Theme 3: Modernize the Development Standards

III. Annotated Outline of the New Land Development Code

IV. Appendices



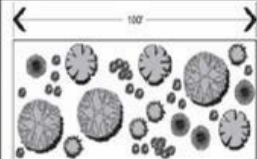
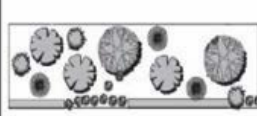
Key recommendations

- Reorganize the document structure
- Better use of graphics, illustrations, flowcharts and tables
- Improve formatting and referencing
- Streamline and modernize procedures
- Use a procedures manual

Benefits

- Logically organized code that is graphically rich and easier to understand
- Efficient and predictable process
- Flexibility options in appropriate contexts
- More precise and measureable standards and language

LANDS COUNTED AS OPEN SPACE SET-ASIDES		
AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
Natural Resource and Hazard Areas (wetlands, floodplains, flood hazard areas, shorelines)		
	Natural water resources, including wetlands, shorelines, streams, estuarine areas, riparian buffers, flood hazard areas, existing tree canopy and important wildlife habitat areas.	• Preservation of any existing natural resource, wetland, floodplain, and flood hazard areas shall have highest priority for locating open space. • Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. • See tree protection standards (Section 5.6, Tree Protection) • See CBPA-O district regulations (Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay)
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses, including required public recreation area.	• Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. • Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.

TABLE 16-5-103.I: BUFFER TYPES	
MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS 1,2,3,4	
TYPE D BUFFER	
This buffer includes high-density screening designed to eliminate visual contact up to a height of six feet and create a strong spatial separation between adjacent uses.	
Option 1	 • Width: 30 feet • Overstory trees: 6 per 100 linear feet • Understory trees: 8 per 100 linear feet • Evergreen shrubs: 25 per linear feet and at least 6 feet high at maturity • At least 50% of all trees must be evergreen.
Option 2	 • Width: 20 feet • Overstory trees: 5 per 100 linear feet • Understory trees: 8 per 100 linear feet • A solid wall or fence at least 6 feet high or a solid evergreen hedge at least 6 feet high and 3 feet wide • At least 50% of all trees must be evergreen.

Reorganize document structure

- Logical and intuitive
- Organize around core elements

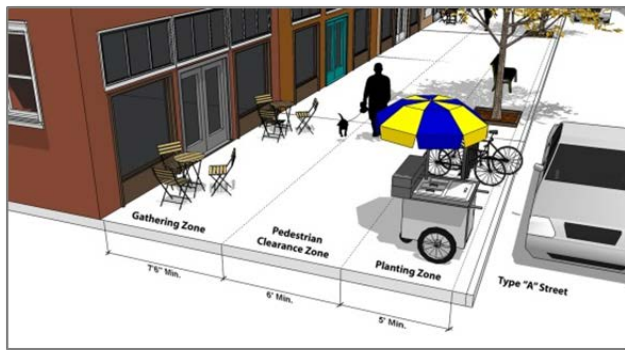


PROPOSED STRUCTURE

ARTICLE 1:	GENERAL PROVISIONS
ARTICLE 2:	ADMINISTRATION
ARTICLE 3:	ZONING DISTRICTS
ARTICLE 4:	USE REGULATIONS
ARTICLE 5:	DEVELOPMENT STANDARDS
ARTICLE 6:	ENVIRONMENTAL STANDARDS
ARTICLE 7:	CONCURRENCY
ARTICLE 8:	NONCONFORMITIES
ARTICLE 9:	ENFORCEMENT
ARTICLE 10:	DEFINITIONS AND RULES OF MEASUREMENT

Better use of graphics, illustrations, flowcharts and tables

- Graphics and photos to explain zoning concepts
- 2-D and 3-D illustrations to describe spatial concepts and form
- Flowcharts to summarize processes
- Tables to more concisely summarize standards



Proposed Layout for Zoning Districts

Purpose statement

Photos and illustration

Reference to
use standards

Dimensional and intensity
standards in table form

Diagram labels linked
to the table

Reference to
other applicable
standards

Article II: Zoning Districts
3.2 Residential Base Zoning Districts
3.2.9.6.7 Residential - Transitional

3.2.9. R-T: RESIDENTIAL - TRANSITIONAL

A. PURPOSE

The purpose of the Residential - Transitional (R-T) district is to provide a transition between single-family neighborhoods and more intense commercial and mixed use development, and major road corridors. Allowed development includes detached single-family dwellings, two-family dwellings, townhomes, small-scale multi-family dwellings, and parks and recreation centers.

B. USE STANDARDS

See use standards and use-specific standards in Article 6: The Regulations.

C. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Traditional Character District			Suburban Character District		
	Single-Family and Two-Family	Medium-Density Family	Low-Density Urban	Single-Family and Two-Family	Medium-Density Family	Low-Density Urban
Lot Area, min. (sq. ft.)	5,000	10,000	8,000	5,000	10,000	8,000
Lot Area, min. (sq. yds.)	0.115 (1)	0.230	0.185	0.115 (1)	0.230	0.185
Lot Depth, min. (ft.)	30 (2)	60	30	30	60	30
Front Yard Setback (ft.)	Minimum 10					
Side Yard Setback, min. (ft.)	5	10 (4)	10	5	10 (4)	10
Corner Side Yard Setback, min. (ft.)	5	10	10	5	10	10
Rear Yard Setback, min. (ft.)	5	10	10	5	10	10
Building Height, max. (ft.)	35					
Maximum Open Space (sq. ft. lot area)	10,000					

(1) Only applies to two-family dwellings.
 (2) Setbacks may be reduced to average setbacks of the lot's back lot, to a minimum of 10 feet.
 (3) The minimum and maximum front and side setbacks shall be the same and shall be the same for all lots within the district.
 (4) The side yard setback shall be the same for all lots within the district.
 (5) The side yard setback shall be the same for all lots within the district.
 (6) The side yard setback shall be the same for all lots within the district.

April 2016
Page 3-20

Norfolk, VA
Zoning Ordinance Public Review Draft

Article II: Zoning Districts
3.2 Residential Base Zoning Districts
3.2.9.6.7 Residential - Transitional

D. REFERENCE TO OTHER STANDARDS

Sec. 5.3	Off-street Parking and Loading	Sec. 5.7	Exterior Lighting
Sec. 5.3	Landscaping	Sec. 5.8	Form Standards
Sec. 5.3	Open Space	Sec. 5.9	Incentives for Sustainable Development Practices
Sec. 5.6	Neighborhood Protection	Sec. 2.4.7	Site Plan
Sec. 5.5	Signs	Article VI	Nonconformities
Sec. 5.6	Fences and Walls	Article VII	Definitions and Rules of Measurement

April 2016
Page 3-21

Norfolk, VA
Zoning Ordinance - Public Review Draft

Separate standards for
different character contexts

Streamline and modernize procedures

- Use summary tables to communicate review responsibilities
- Establish standard review procedures
- Use of flowcharts to graphically depict procedures
- Refine to streamline review, where appropriate
 - Consolidated or streamlined: PUD, Site Plan, Design Review
 - New: Conditional Use Permit; Administrative Adjustment; Tree Removal; Interpretations; Development Agreement;



GROW APOPKA
2025 VISION
APRIL 2014

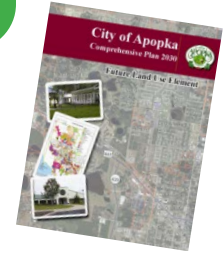


Table 1.7.2 Proposed Review Procedures, City of Apopka					
A- Appeal; D-Decision; R-Recommendation; S-Staff Review; <->-Public Hearing					
Review Procedure	Review Authority				
	City Council	Planning Commission	Development Review Committee	Community Development Director	Staff
Discretionary Approvals					
Annexation			See 171.0413 & 166.041, FL Statutes		
Comprehensive Plan Amendment			See 163.3184 & 163.3187, FL Statutes		
Text Amendment	<D>	<R>	S		
Map Amendment					
General	<D>	<R>	S		
Site Specific	<D>	<R>	S		
Planned Development	<D>	<R>	S		
Special Exception	<A>	<D>	S		
Site Development and Platting					
Development Plan ¹					
Minor	<A>		D		
Major					
Preliminary	<D>	<R>	S		
Final (Construction Plan)	<D>		S ²		
Plat ³					
Plat		<D>			
Plat Vacation		<D>			
Minor Replat				<D>	
Concurrency					
Concurrency Letter (Verification letter, Encumbrance Letter, or Encumbrance Denial)				D	
Concurrency Resolution Agreement	<D>			S	
Capacity Reservation Certificate				D	
Permits					
Arbor Permit				D	
Sign Permit				D ⁴	
Floodplain Permit				D ⁴	
Fence Permit				D	
Driveway and Sidewalk Permit				D	
Demolition Permit				D ⁵	
Street Vacation	<D>			S	
Relief					
Variance (Zoning)	<A>	<D>	S		
Administrative Adjustment	<A>			D	
Appeal	<D>				
Interpretations					
Interpretation	<A>			D	S
Notes					
¹ Major developments have 300 or more residential dwelling units or more than 200,000 square feet of nonresidential floor area					
² Applicant may submit a request for a variance if it fails to comply with the relevant review standards (determined by the Development Review Committee). ³ See Sec. 177, FL Statutes for plat procedure requirements.					
⁴ Actual decision by the Floodplain Coordinator, as determined by the Mayor, with review by City Engineer.					
⁵ Review by building official within the Community Development Department					

Proposed Zoning District Changes

Table 2.2.2: Proposed Zoning District Structure, Apopka

Table 2.2.2: Proposed Zoning District Structure, Apopka		
Current Zoning Districts	Proposed Zoning Districts	Apopka Comprehensive Plan 2030 FLUM Land Use Designation Implemented by District
Residential Districts		
	T: Transitional (NEW)	
AG: Agriculture	AG: Agriculture (CONSOLIDATED)	AG Homestead; AG
AG-E: Agriculture Estate		
RCE-1: Residential Country Estates 1	RCE: Residential Country Estate (CONSOLIDATED)	AG Estates; Res Estates; VLS; LS; L; ML; M; H
RCE-2: Residential Country Estate 2		
R-1AA: Residential Single-Family	RSF-1A: Residential Single-Family – Estate (CONSOLIDATED)	VLS; LS; L; ML; M; H
R-1AAA: Residential Single-Family		
R-1: Residential Single-Family	RSF-1B: Residential Single-Family – Large Lot (CONSOLIDATED)	VLS; LS; L; ML; M; H
R-1A: Residential Single-Family		
	RSF-1C: Residential Single Family - Small Lot (NEW)	VLS; LS; L; ML; M; H
R-2: Residential One- and Two-family	RTF: Residential Two-Family	L; ML; M; H
R-3: Residential Multiple-Family	RMF: Residential Multi-Family	ML; M; H
	RMU: Residential Mixed-Use (NEW)	
MHP: Mobile Home Park District	MHP: Mobile Home Park (CONSOLIDATED)	ML; CBD
MHS: Mobile Home Subdivision		
Commercial Districts		
CN: Commercial Neighborhood	C-N: Neighborhood Commercial	COMM; CBD
C-1: Retail Commercial	C-C: Community Commercial	COMM; CBD
	C-R: Regional Commercial (NEW)	COMM
PO/I: Professional Office/Institutional	O-I: Office and Institutional	OFF; INST; CBD
	C - COR: Corridor Commercial (NEW)	COMM
C-2: General Commercial	DELETE / REPLACED BY C-R	

Table 2.2.2: Proposed Zoning District Structure, Apopka

Current Zoning Districts	Proposed Zoning Districts	Apopka Comprehensive Plan 2030 FLUM Land Use Designation Implemented by District
Mixed-CC: Mixed-Use Community Center	DELETE / MOVE TO SPECIAL PURPOSE DISTRICT CATEGORY / REPLACED BY MU-ES	
Mixed-EC: Mixed-Use Employment Center	DELETE	
Industrial Districts		
C-3: Wholesale Commercial	I-L: Light Industrial (CONSOLIDATED)	COMM; IND; CBD
I-1: Restricted Industrial		
I-2: General Industrial	I-H: Heavy Industrial	IND; CBD
Special Purpose Districts		
	MU-D: Mixed Use - Downtown (NEW)	N/A
Mixed-CC: Mixed-Use Community Center	MU-ES: Mixed Use - East Shore (NEW)	MU
	MU-KPI: Mixed-Use - Kelly Park Interchange (NEW)	MU
PR: Parks And Recreation	PR: Parks and Recreation	AG; INST; REC; CBD
	AIR: Airport (NEW)	INST
Planned Development Districts		
PUD: Planned Unit Development	PD: Planned Development	AG Estates; Res Estates; VLS; LS; L; ML; M; H; OFF MU; IND; INST; CBD
Overlay Districts		
Historic District	H-O: Historic Overlay	
Downtown Development Overlay Zoning District	DELETE	
Small Lot Overlay Zoning District	SL-O: Small Lot Overlay	
	NC-O: Neighborhood Conservation Overlay (NEW)	
	AIZ: Airport Influence Zone (New)	

NEW

CONSOLIDATED

DELETED

Theme II: Implement the Comprehensive Plan

Pages
II-25 - II-
47

New Zoning Districts

- Transition
- Residential Single Family-Small Lot
- Residential Mixed-Use
- Mixed Use Districts
 - Downtown
 - East Shore
 - Kelly Park Interchange
- Regional Commercial
- Corridor Commercial
- Neighborhood Conservation Overlay

Consolidated Zoning Districts

- Agriculture
- Residential County Estate
- Residential Single Family Estate
- Residential Single Family, Large Lot
- Mobile Home Park
- Light Industrial

Placeholder for newly annexed land

There has been some land annexed in the past without any zoning designation

Consolidated district for Agriculture and Agricultural Estate

Both agriculture and residences with a rural character



Grove on Keane Blvd.



Bluegrass Estates, off Rock Springs Rd.

New Zoning Districts

- Transition
- Residential Single Family-Small Lot
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Consolidated Zoning Districts

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- Residential County Estate
- Residential Single Family Estate
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Higher Density Residential Districts

Residential Mixed Use (NEW)

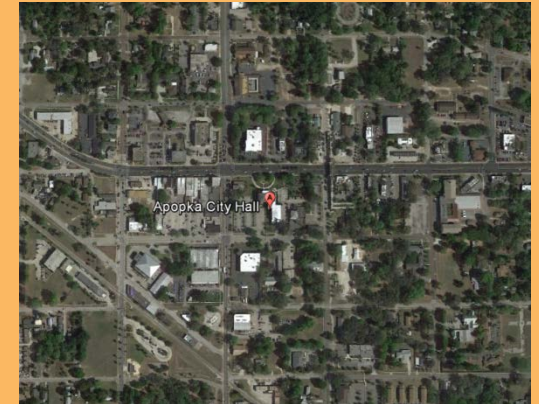
- Support walkable urbanism and accommodate medium density housing options

Residential Multi-Family (MODIFY)

- Small- to medium-scale multifamily dwellings
- Townhouses, duplexes, quadplexes, apartments

Existing Small Lots

The city has existing single-family small lots that are nonconforming. This district addresses that problem.



Some residential areas near City Hall have these small lots



New Zoning Districts

- Transition
- Residential Single Family-Small Lot
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Tiered Commercial Districts

Neighborhood Commercial (EXISTING)

- Small pockets within neighborhoods

Community Commercial (EXISTING)

- Community-scale commercial development

Regional Commercial (NEW)

- High-density region-serving commercial

Corridor Commercial (NEW)

- Extends Community Commercial along appropriate roadways to accommodate the city's commercial corridors

Commercial store fronts along E. Main St.



New Zoning Districts

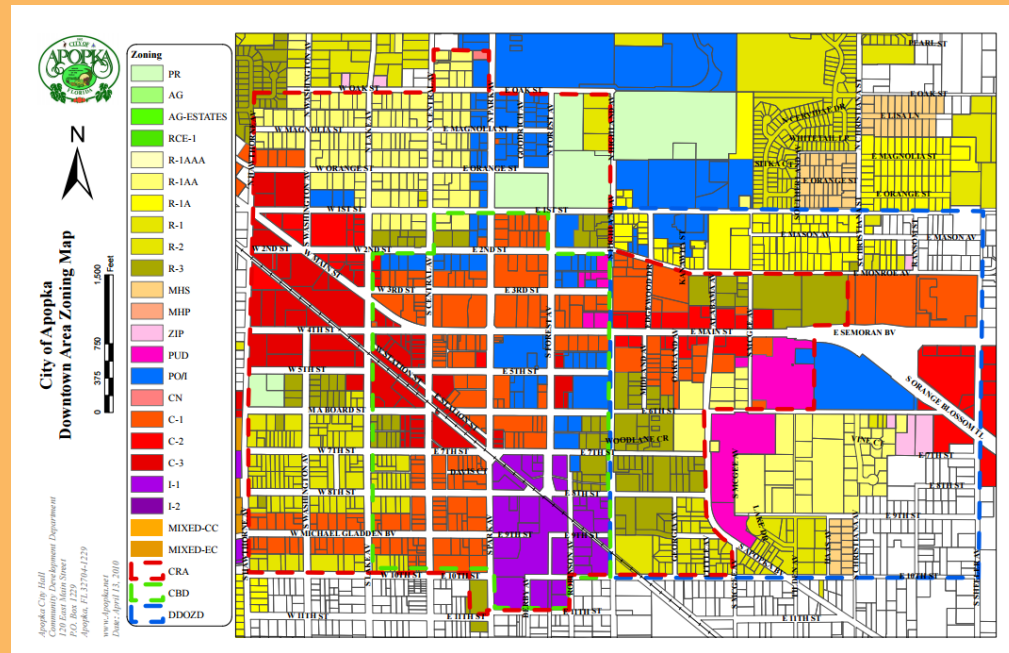
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Consolidated Zoning Districts

- Agriculture
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- Residential Single Family Estate
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MU-D: Mixed Use-Downtown

- Support desired development form in downtown
- Encourage walkability, mixed-use, higher densities
- Allow commercial, office, restaurant, service distribution, residential, mixed use development



New Zoning Districts

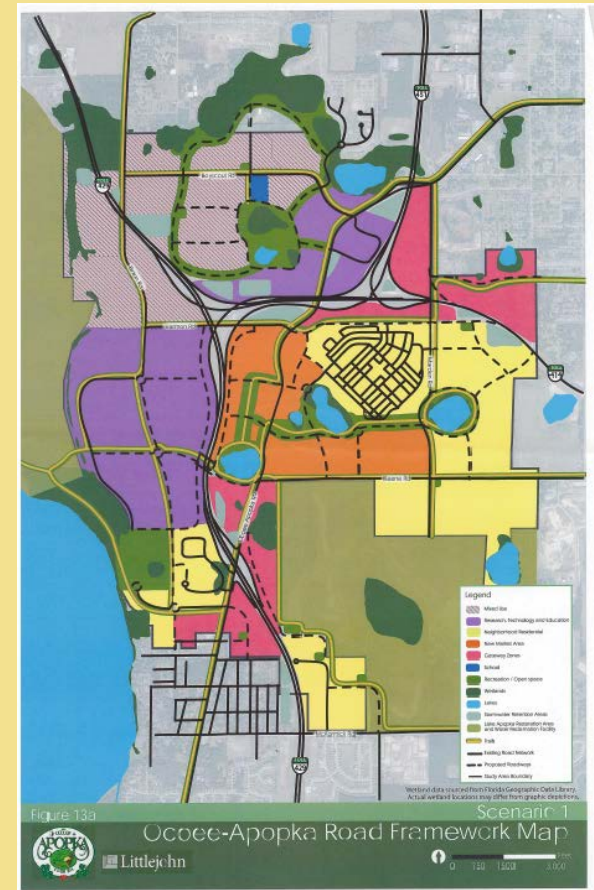
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Consolidated Zoning Districts

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- Residential Single Family Estate
- Residential Single Family, Large Lot
- Mobile Home Park
- Light Industrial

MU-ES: Mixed Use-East Shore

- Replace Mixed-EC: Mixed Use-Employment Center
- Walkable, high-intensity, mixed use corridor
- Implement the recommendations of the Ocoee-Apopka Road Small Area Study (2015)
- Sub-districts to accommodate five character areas from the study



New Zoning Districts

- Transition
- Residential Single Family-Small Lot
- Residential Mixed-Use
- Mixed Use Districts
 - Downtown
 - East Shore
 - Kelly Park Interchange

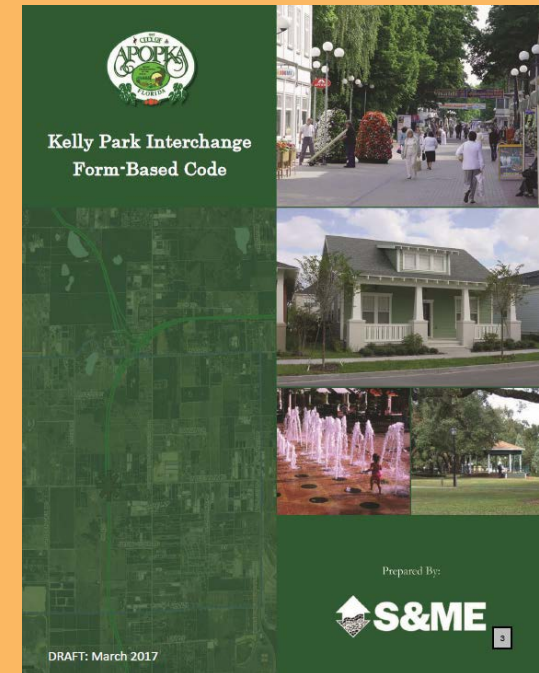
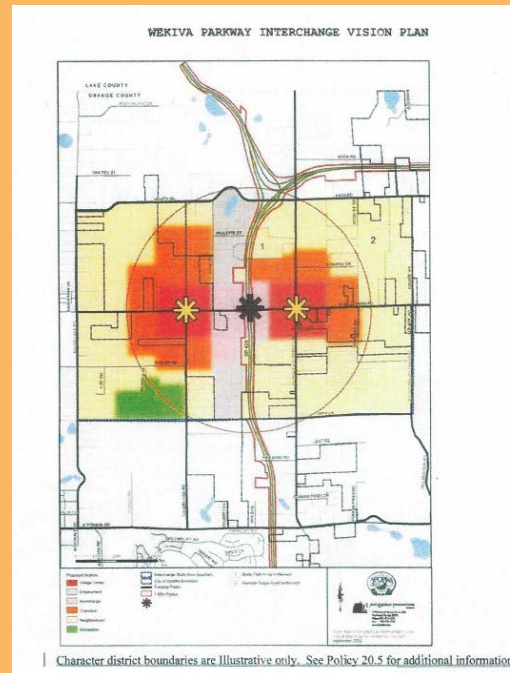
- Regional Commercial
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Consolidated Zoning Districts

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MU-KPI: Kelly Park Interchange

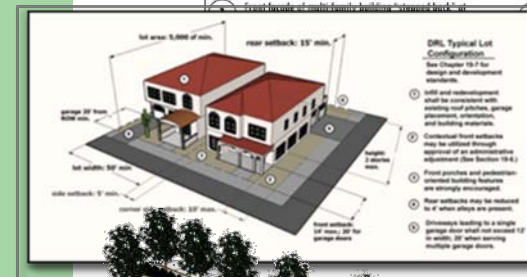
Form-based district, currently being prepared for the city.



Theme III: Modernize the Development Standards

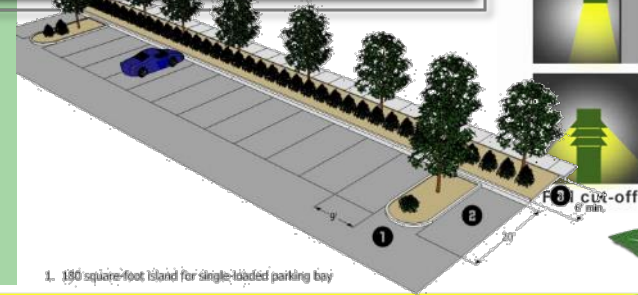
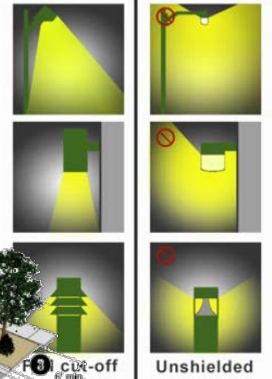
Pages
II-49 - II-
75

- Add Mobility, Circulation, and Connectivity Standards (**NEW**)
- Modernize Off-Street Parking, Loading, and Add Bicycle Standards (**MODIFY & NEW**)
- Modernize Landscaping and Buffer Standards (**MODIFY**)
- Strengthen Tree Protection Standards (**MODIFY**)
- Add a Comprehensive Set of Open Space Set-Aside Standards (**NEW**)
- Revise Fence and Wall Standards (**MODIFY**)
- Add Exterior Lighting Standards (**NEW**)
- Carry Forward and Refine the *Development Design Guidelines* (**EXISTING**)
- Neighborhood Compatibility Standards (**NEW**)
- Agricultural Compatibility Standards (**NEW**)
- Add Green Building Standards and Incentives (**NEW**)



Multi-family building organized with the appearance of a large single family home
Single family homes with similar massing and form located

Do This Don't Do This



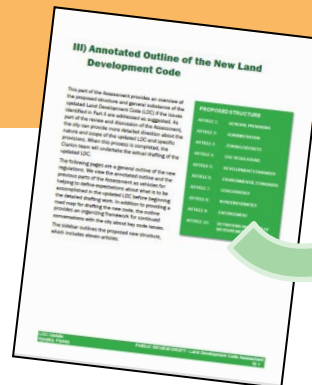
1. 190 square-foot island for single-loaded parking bay

2. Street landscaping island with low-lying shrubs of average height 10-12 feet

3. Planting trees along the street with a canopy height of 15-20 feet and a trunk diameter of 4-6 inches

Why is this important?

- Shows how the new regulations will be organized
- Includes major sections and subsections
- Each section includes a summary of what will be included
- Notes existing regulations that will be carried forward, and new and modified regulations



PROPOSED STRUCTURE

ARTICLE 1:	GENERAL PROVISIONS
ARTICLE 2:	ADMINISTRATION
ARTICLE 3:	ZONING DISTRICTS
ARTICLE 4:	USE REGULATIONS
ARTICLE 5:	DEVELOPMENT STANDARDS
ARTICLE 6:	ENVIRONMENTAL STANDARDS
ARTICLE 7:	CONCURRENCY
ARTICLE 8:	NONCONFORMITIES
ARTICLE 9:	ENFORCEMENT
ARTICLE 10:	DEFINITIONS AND RULES OF MEASUREMENT



Task 3: Drafting the New Zoning Ordinance

- Module 1: Procedures & Zoning Districts
(September/October 2017)
- Module 2: Use Regulations & Development Standards



QUESTIONS AND DISCUSSION

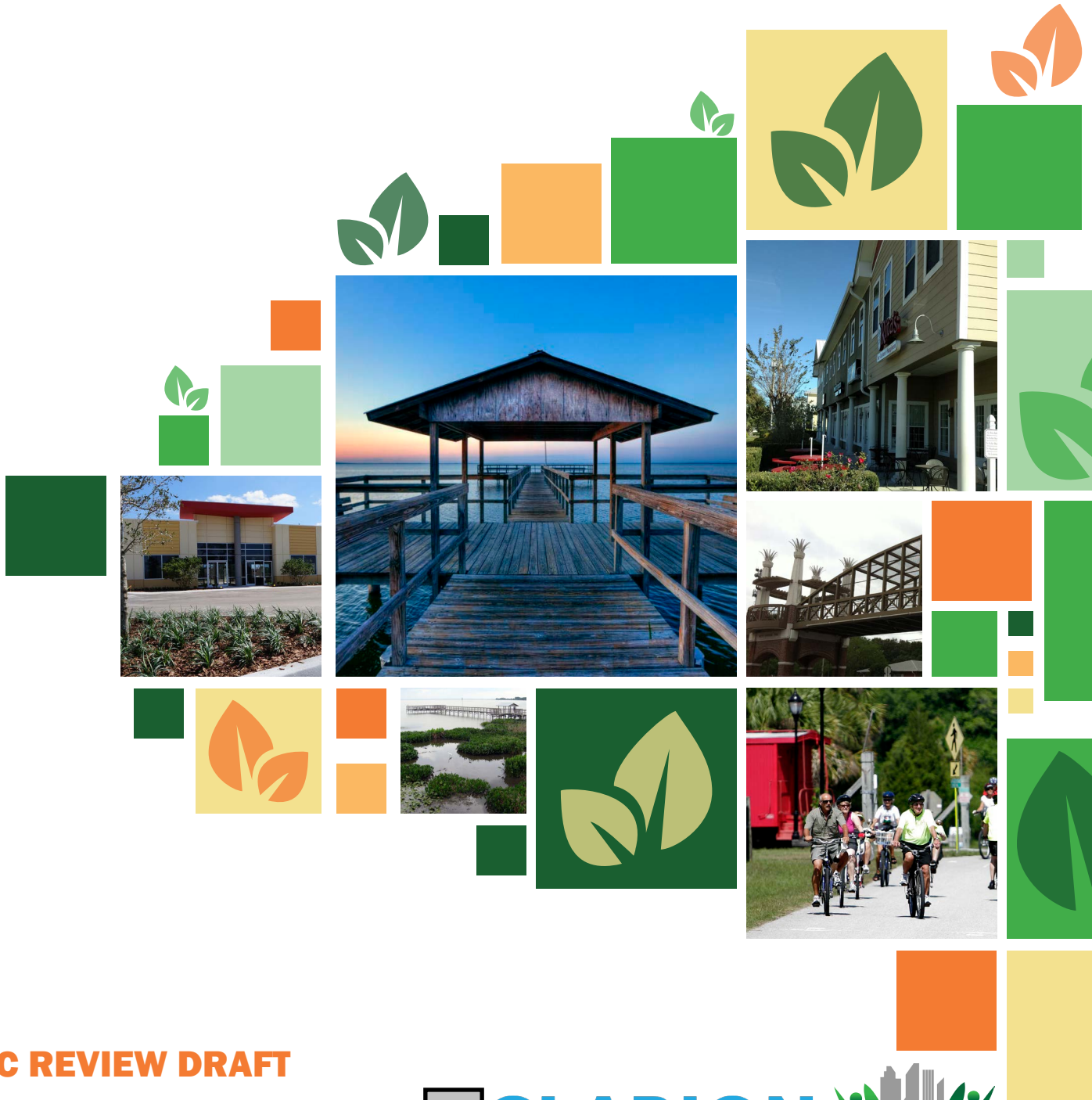
Backup material for agenda item:

2. Clarion - Land Development Code Assessment



City of Apopka, FL

APOPKA LAND DEVELOPMENT CODE ASSESSMENT



PUBLIC REVIEW DRAFT

MAY 2017

24

CLARION



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Table of Contents

I)	Introduction and Overview	1-1
II)	Diagnosis.....	II-1
Theme 1	Create a User-Friendly Code.....	II-1
1.1	Make the Structure More Logical and Intuitive	II-2
1.2	Use Graphics, Illustrations, and Flowcharts	II-3
1.3	Improve Document Formatting and Referencing	II-4
1.4	Make the Language Clearer and More Precise	II-6
1.5	Modernize, Refine, and Update Definitions.....	II-6
1.6	Use a Procedures Manual.....	II-7
1.7	Streamline Review Procedures.....	II-8
Theme 2	Implement the Comprehensive Plan, Vision Plan, and Small Area Plans by Restructuring and Modernizing the Zoning Districts	II-25
2.1	Introduction and Policy Framework	II-25
2.2	Restructure and Modernize the Current Zoning Districts.....	II-27
Theme 3	Modernize the Development Standards	II-49
3.1	Add Mobility, Circulation, and Connectivity Standards.....	II-49
3.2	Modernize Off-Street Parking, Loading, and Add Bicycle Standards.....	II-52
3.3	Modernize Landscaping and Buffer Standards.....	II-54
3.4	Strengthen Tree Protection Standards	II-57
3.5	Add a Comprehensive Set of Open Space Set-Aside Standards	II-59
3.6	Revise Fence and Wall Standards	II-62
3.7	Add Exterior Lighting Standards	II-64
3.8	Carry Forward and Refine the <i>Development Design Guidelines</i>	II-65
3.9	Add Provisions to Protect the Character of Existing Neighborhoods.....	II-66
3.10	Agricultural Compatibility Standards	II-69
3.11	Add Green Building Standards and Incentives.....	II-70
III)	Annotated Outline of the New Land Development Code	1
ARTICLE 1.	General Provisions	2
Section 1.1.	TITLE	2
Section 1.2.	AUTHORITY.....	2

Section 1.3. GENERAL PURPOSE AND INTENT.....	2
Section 1.4. APPLICABILITY	3
Section 1.5. CONSISTENCY WITH THE COMPREHENSIVE PLAN	3
Section 1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS.....	3
Section 1.7. OFFICIAL ZONING DISTRICT MAP	3
Section 1.8. TRANSITIONAL PROVISIONS.....	4
Section 1.9. SEVERABILITY.....	4
Section 1.10. EFFECTIVE DATE.....	4
ARTICLE 2. Administration.....	III-5
Section 2.1. ADVISORY AND DECISION-MAKING BODIES AND PERSONS	III-6
Section 2.2. STANDARD APPLICATION REQUIREMENTS AND REVIEW PROCEDURES	III-7
Section 2.2.1. Pre-Application Community Meeting	III-7
Section 2.2.2. Pre-Application Conference.....	III-8
Section 2.2.3. Application Submission	III-8
Section 2.2.4. Determination of Completeness.....	III-8
Section 2.2.5. Staff Review and Action.....	III-9
Section 2.2.6. Scheduling of Public Hearing and Public Notification	III-9
Section 2.2.7. Advisory Body Review and Recommendation	III-10
Section 2.2.8. Decision-Making Body Hearing, Review, and Decision	III-10
Section 2.2.9. Notification to Applicant of Decision	III-10
Section 2.2.10. Appeal	III-10
Section 2.3. SPECIFIC STANDARDS FOR DEVELOPMENT APPLICATIONS.....	III-10
Section 2.3.1. Discretionary Approvals.....	III-10
Section 2.3.1(A) Text Amendments.....	III-10
Section 2.3.1(B) General Map Amendment.....	III-11
Section 2.3.1(C) Site-Specific Map Amendment (Rezoning)	III-11
Section 2.3.1(D) Planned Development	III-11
Section 2.3.1(E) Special Exception Permit	III-11
Section 2.3.2. Site Development and Platting	III-11
Section 2.3.2(A) Development Plan	III-11
Section 2.3.2(B) Plat (Subdivision).....	III-12
Section 2.3.3. Concurrency	III-12
Section 2.3.4. Permits	III-12

Table of Contents

Section 2.3.4(A) Arbor Permit	III-12
Section 2.3.4(B) Sign Permit.....	III-12
Section 2.3.4(C) Floodplain Permit	III-12
Section 2.3.4(D) Fence Permit	III-12
Section 2.3.4(E) Driveway and Sidewalk Permit	III-12
Section 2.3.4(F) Demolition Permit	III-13
Section 2.3.4(G) Street Vacation Permit.....	III-13
Section 2.3.5. Relief.....	III-13
Section 2.3.5(A) Zoning Variance	III-13
Section 2.3.5(B) Historic Property Variance	III-13
Section 2.3.5(C) Administrative Adjustment.....	III-13
Section 2.3.5(D) Appeal	III-13
Section 2.3.6. Interpretations	III-13
ARTICLE 3. Zoning Districts	III-14
Section 3.1. General Provisions.....	III-14
Section 3.2. Residential Districts.....	III-17
Section 3.2.1. General Purpose of Residential Districts	III-17
Section 3.2.2. T: Transitional.....	III-17
Section 3.2.3. AG: Agriculture.....	III-17
Section 3.2.4. RCE: Residential Country Estate.....	III-17
Section 3.2.5. RSF-1A: Residential Single-Family-Estate	III-17
Section 3.2.6. RSF-1B: Residential Single-Family-Large Lot.....	III-17
Section 3.2.7. RSF-1C: Residential Single-Family-Small Lot.....	III-17
Section 3.2.8. RTF: Residential Two-Family	III-17
Section 3.2.9. RMF: Residential Multi-Family	III-17
Section 3.2.10. RMU: Residential Mixed-Use.....	III-17
Section 3.2.11. MHP: Mobile Home Park.....	III-17
Section 3.3. Commercial Districts	III-17
Section 3.3.1. General Purpose of Commercial Districts	III-17
Section 3.3.2. C-N: Neighborhood Commercial	III-17
Section 3.3.3. C-C: Community Commercial.....	III-18
Section 3.3.4. C-R: Regional Commercial.....	III-18
Section 3.3.5. O-I: Office and Institutional.....	III-18
Section 3.3.6. C-COR: Corridor Commercial	III-18
Section 3.4. Industrial Districts	III-18
Section 3.4.1. General Purpose of Industrial Districts	III-18
Section 3.4.2. I-L: Light Industrial	III-18
Section 3.4.3. I-H: Heavy Industrial.....	III-18

Section 3.5. Special Purpose Districts	III-18
Section 3.5.1. General Purpose of Special Purpose Districts	III-18
Section 3.5.2. MU-D: Downtown	III-18
Section 3.5.3. MU-ES: Mixed Use: East Shore	III-18
Section 3.5.4. MU-KPI: Mixed-Use: Kelly Park Interchange.....	III-18
Section 3.5.5. PR: Parks and Recreation	III-18
Section 3.5.6. AIR: Airport.....	III-19
Section 3.6. Planned Development Districts.....	III-19
Section 3.6.1. General Purpose of Planned Development Districts	III-19
Section 3.6.2. PD: Planned Development District	III-19
Section 3.7. Overlay Districts.....	III-19
Section 3.7.1. General Purpose of Overlay Districts.....	III-19
Section 3.7.2. H-O: Historic Overlay	III-19
Section 3.7.3. SL-O: Small Lot Overlay	III-19
Section 3.7.4. NC-O: Neighborhood Conservation Overlay.....	III-19
Section 3.7.5. AIZ: Airport Influence Zone Overlay	III-19
ARTICLE 4. Use Regulations	III-20
Section 4.1. General Provisions	III-20
Section 4.2. Principal Uses.....	III-20
Section 4.2.1. General	III-20
Section 4.2.2. Principal Use Table	III-20
Section 4.2.3. Classification of Principal Uses.....	III-21
Section 4.2.4. Standards Specific to Principal Uses.....	III-22
Section 4.3. Accessory Uses and Structures.....	III-22
Section 4.3.1. General	III-23
Section 4.3.2. Accessory Use/Structure Table.....	III-23
Section 4.3.3. General Standards for All Accessory Uses and Structures	III-23
Section 4.3.4. Standards Specific to Accessory Uses and Structures	III-23
Section 4.4. Temporary Uses and Structures.....	III-24
Section 4.4.1. General	III-24
Section 4.4.2. Temporary Use/Structure Table	III-24
Section 4.4.3. Standards Specific to Temporary Uses And Structures	III-24
ARTICLE 5. Development Standards	III-25
Section 5.1. MOBILITY, CIRCULATION, AND CONNECTIVITY	
STANDARDS.....	III-26
Section 5.2. OFF-STREET PARKING, BICYCLE PARKING, AND LOADING	
STANDARDS.....	III-26

Section 5.3. LANDSCAPING AND BUFFER STANDARDS	III-26
Section 5.4. TREE PROTECTION STANDARDS	III-26
Section 5.5. OPEN SPACE SET-ASIDE STANDARDS	III-26
Section 5.6. FENCES AND WALLS.....	III-26
Section 5.7. EXTERIOR LIGHTING	III-26
Section 5.8. DEVELOPMENT DESIGN GUIDELINES	III-26
Section 5.9. NEIGHBORHOOD COMPATIBILITY STANDARDS	III-27
Section 5.10. AGRICULTURAL COMPATIBILITY STANDARDS.....	III-27
Section 5.11. SIGNS	III-27
Section 5.12. GREEN BUILDING STANARDS	III-27
Section 5.13. GREEN BUILDING INCENTIVES.....	III-27
Section 5.14. TRANSPORTATION SYSTEMS	III-27
Section 5.15. UTILITIES.....	III-27
Section 5.16. GUARANTIES AND SURETIES.....	III-27
Section 5.17. MISCELLANEOUS STANDARDS	III-28
ARTICLE 6. Environmental Standards	III-29
Section 6.1. WETLANDS.....	III-29
Section 6.2. HABITAT of LISTED SPECIES.....	III-29
Section 6.3. WEKIVA PROTECTION AREA.....	III-30
Section 6.4. GROUNDWATER AND WELLHEADS	III-30
Section 6.5. FLOODPLAINS	III-30
Section 6.6. STORMWATER MANAGEMENT SYSTEMS.....	III-30
ARTICLE 7. Concurrency	III-31
Section 7.1. CONSISTENCY AND CONCURRENCY DETERMINATIONS.....	III-31
Section 7.2. CONCURRENCY ADMINISTRATION	III-31
Section 7.3. CONCURRENCY VERIFICATION LETTER	III-31
Section 7.4. CONCURRENCY ENCUMBRANCE LETTER.....	III-32
Section 7.5. CONCURRENCY EVALUATION	III-32
Section 7.6. CAPACITY RESERVATION CERTIFICATE.....	III-32
Section 7.7. CONCURRENCY RESOLUTION PROCESS	III-32
Section 7.8. VESTED RIGHTS DETERMINATION	III-32
ARTICLE 8. Nonconformities.....	III-34

Section 8.1. GENERAL APPLICABILITY	III-34
Section 8.1.1. Purpose and Scope.....	III-34
Section 8.1.2. Authority to Continue	III-34
Section 8.1.3. Determination of Nonconformity status.....	III-34
Section 8.1.4. Minor Repairs and Maintenance	III-34
Section 8.1.5. Change of Tenancy or Ownership	III-34
Section 8.2. NONCONFORMING USES	III-35
Section 8.3. NONCONFORMING STRUCTURES	III-35
Section 8.4. NONCONFORMING LOTS OF RECORD.....	III-35
Section 8.5. NONCONFORMING SIGNS.....	III-35
Section 8.6. NONCONFORMING SITE FEATURES	III-35
ARTICLE 9. ENFORCEMENT	III-37
Section 9.1. PURPOSE	III-37
Section 9.2. COMPLIANCE REQUIRED	III-37
Section 9.3. VIOLATIONS	III-37
Section 9.4. RESPONSIBLE PERSONS.....	III-37
Section 9.5. ENFORCEMENT GENERALLY	III-37
Section 9.6. REMEDIES AND PENALTIES	III-38
ARTICLE 10. Definitions and Rules of Measurement.....	III-39
Section 10.1. GENERAL RULES FOR INTERPRETATION	III-39
Section 10.2. RULES OF MEASUREMENT	III-40
Section 10.3. DEFINITIONS	III-40
IV) Appendices.....	IV-1
Appendix A: MU-E: Mixed Use – East Shore Development Standards Framework	IV-A-1
Appendix B: Current Use Regulations	IV-B-1
Appendix C: Current Zoning District Dimensional Standards.....	IV-C-1

I) Introduction and Overview

Introduction

Apopka is conducting a comprehensive rewrite of its Land Development Code (LDC). The project will transform the current LDC into a more user-friendly and efficient document, as well as regulations that incorporate the community's values for development form and quality in ways that are consistent with the comprehensive plan and vision plan. The project is timely as well for several other reasons:

- ▶ First, the current regulations have not been comprehensively updated in 25 years.
 - ▶ Over that time the LDC has been amended many times to address specific needs, becoming complex and unclear – and in some instances creating obstacles to desired forms of development.
 - ▶ At the same time, Apopka has changed, affecting the city's vision and goals for its future growth and development. The economic base is growing and diversifying. The population has steadily increased, with the prospects of growth and development pressures increasing dramatically in the near future with the completion of the Central Florida Beltway and the two Apopka interchanges.
- ▶ Second, the city has recently completed the *Grow Apopka Vision Plan* and updated the comprehensive plan, both of which need to be fully implemented in the new LDC.

The result is the city's current regulations do not have the right tools in place to achieve the policy direction for future development, as well as the other goals for the project identified by the community. This rewrite will introduce a set of modern zoning and land development tools to address these goals.

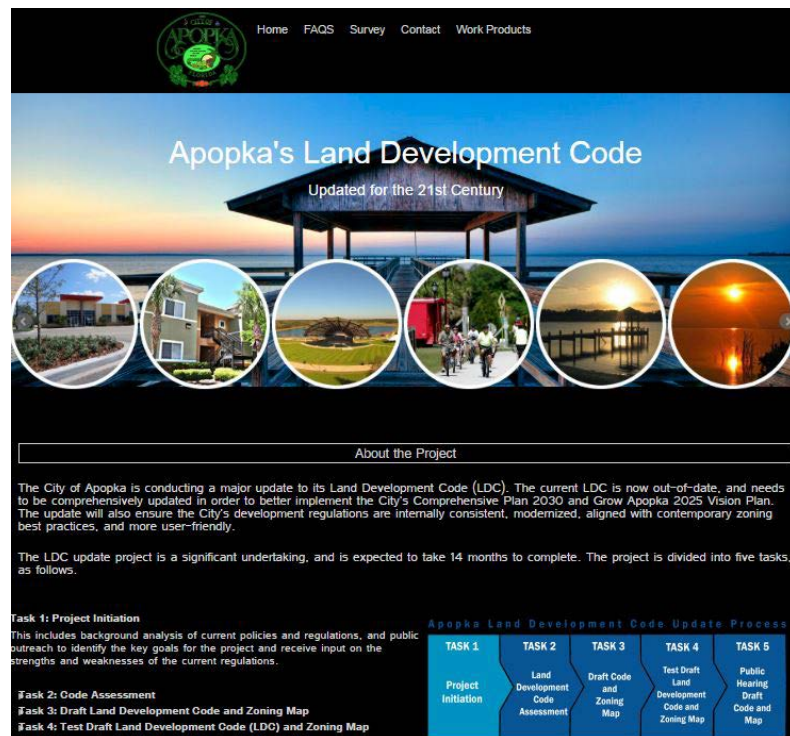
To assist the Apopka Community Development Department in the LDC rewrite, the city has retained a nationally recognized team of planning consultants led by Clarion Associates, with assistance from Plan Active Studio.

Rewriting the current regulations is a significant undertaking that will require 14 months of effort. The work is organized into five tasks, as shown below.

I) Introduction and Overview

Task	Timeframe	Status
Task 1: Project initiation	January - February 2017	Complete
Task 2: Prepare Code Assessment	February - May 2017	This document
Task 3: Draft Code and Zoning Map	May 2017 - January 2018	—
Task 4: Testing	January - February 2018	—
Task 5: Public Hearing Draft of Code	March 2018	—

The city encourages all members of the public to participate in the project and provide input. To assist in the effort, a project website, www.apopkazoning.com, has been established. It includes general information about the project; a place where members of the public can sign-up to receive notification about project events, like public meetings; and a place where all work products will be placed for public review.



Overview of the Assessment

This Land Development Code Assessment is intended to be a starting point for discussions that need to take place over the next year about the

changes that need to be made to Apopka's current LDC. The Assessment synthesizes the most important goals (key themes) that need to be accomplished in the project, includes an evaluation of how the current development approval system performs, and then identifies best practices for improvement. The Assessment should not be read as a criticism of the current regulations, which have served Apopka well, but now need to be restructured. Rather, it should be read as a report that, after evaluation of the current goals and vision, offers tools to help the city realize its vision for 21st century Apopka.

The Assessment is organized into three Parts and an Appendix. Part I is this introduction and overview. Part II is a Diagnosis, which discusses the key themes for improvement, along with recommendations for how the key themes can be achieved in the rewrite. Part III includes an Annotated Outline for how the new LDC should be restructured, if the key themes from the Diagnosis are implemented, as recommended. Appendices are included in Part IV. The structure of the Assessment is outlined as follows.

I. Introduction and Overview

II. Diagnosis

Theme 1: Create a User-Friendly Code

Theme 2: Implement the Comprehensive, Vision, and Small Area Plans Through Modernization of the Zoning Districts

Theme 3: Modernize the Development Standards

Theme 4: Support and Encourage Redevelopment Consistent with Desired Character in Appropriate Locations

III. Annotated Outline of the New Land Development Code

IV. Appendices

The modernization of the LDC will help facilitate Apopka's current renaissance, and support the community's vision for the 21st century. This Assessment and the Annotated Outline will become the "roadmap" for the drafting of the rewritten regulations. With input by city staff, residents, business and property owners, the Planning Commission, and direction from the City Council, this document will become a milestone towards crafting a new set of 21st century regulations that will:

- ▶ Revitalize downtown and support higher density, mixed use and more walkable development at the East Shore/Ocoee-Apopka Road area, and at the Wekiva/Kelly Park Interchange area;

I) Introduction and Overview

- ▶ Support the city's desired small-town character;
- ▶ Increase connectivity and walkability generally;
- ▶ Protect the character of established single-family neighborhoods; and
- ▶ Protect the city natural resources and environmentally sensitive lands.

For all of these reasons, we urge citizens, elected officials, and appointed officials to read this Assessment and note the areas you agree with—as well as the areas we might change—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with an open mind about different ways of doing business and achieving the community's desired goals for future growth and development.

II) Diagnosis

Theme 1 Create a User-Friendly Code

A concern heard about the city's current LDC is that it is unclear and not user-friendly. Generally these concerns are valid. Specifically, the regulations:

- ▶ Are not intuitive and logically organized;
- ▶ Fail to integrate graphics, illustrations, photographs, tables, or flowcharts to explain complex zoning terms;
- ▶ Contain formatting that is difficult to navigate;
- ▶ Include different review standards in different places;
- ▶ Do not define a number of uses and some terms;
- ▶ Include imprecise and sometimes inconsistent review standards; and
- ▶ In some instances are not written in plain English.

For these reasons, an important project goal should be to make the regulations more understandable and user-friendly. User-friendly regulations are easy to use, rely on an intuitive and logical organization, and allow a reader to locate the desired information quickly. They use plain and precise language and graphics to illustrate complex zoning concepts. They are organized and presented in a logical way that helps readers understand relationships among different parts of the regulations. We suggest the current regulations can be made more user-friendly by:

- ▶ Reorganizing them in a logical and intuitive way;
- ▶ Incorporating graphics, illustrations, and tables to explain zoning concepts;
- ▶ Improving the formatting and numbering system;

Make the structure more logical and intuitive

Use graphics, illustrations, and flowcharts

Improve document formatting and reference

Make the language clearer and more precise

Modernize, refine, and update definitions

Use a procedures manual

Streamline review procedures

- ▶ Making the language more clear and precise, and addressing internal inconsistencies;
- ▶ Modernizing and updating the definitions;
- ▶ Using a Procedures Manual; and
- ▶ Streamlining the review procedures, where appropriate.

1.1 Make the Structure More Logical and Intuitive

PROPOSED STRUCTURE

PART III: LAND DEVELOPMENT CODE

- Article 1: General Provisions
- Article 2: Administration
- Article 3: Zoning Districts
- Article 4: Use Regulations
- Article 5: Development Standards
- Article 6: Environmental Standards
- Article 7: Concurrency
- Article 8: Nonconformities
- Article 9: Enforcement
- Article 10: Definitions and Rules of Measurement

The city's LDC currently includes 12 articles, which are further divided into sections and subsection. The current organization is not necessarily logical or intuitive. Some articles focus on regulatory relief; (e.g., Article X–Hardship Relief); another consists of a specific development standard (e.g., Article VIII–Signs), even though other development standards are found in other articles. Generally the base zoning districts are consolidated into one article. (Article II–Land Use: Type Density, Intensity), while the overlay districts are located in another article (Article III–Overlay Zones). Dimensional standards can be found in different parts of the code.

Typically, modern codes address these problems in several ways. The first is by consolidating all relevant regulations into a Land Development Code (LDC), which the city has already done. The second is to organize the regulations in a hierarchy based on procedural and substantive relationships. This organization, which is shown in the sidebar in this section, is set out in more detail in Part III:

Annotated Outline of the Land Development Code (LDC). This is what is recommended for the rewrite.

Under the reorganized structure, all procedures are consolidated into one article (Article 2: Administration), and the provisions common to all procedures are included in a standard procedures section. The zoning districts (Article 3: Zoning Districts) and use regulations (Article 4: Use Regulations) are consolidated into two

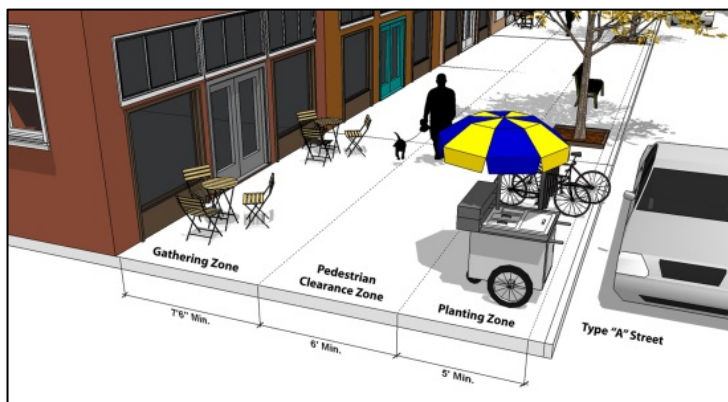
integrated articles. All site development standards are consolidated and their applicability to different types of development organized in Article 5: Development Standards. All environmental standards are organized in Article 6: Environmental Standards. The concurrency standards are consolidated in Article 7: Concurrency. Nonconformity provisions are consolidated in an article on nonconformities (Article 8: Nonconformities). Enforcement provisions are consolidated into one article (Article 9: Enforcement). Finally, all definitions are consolidated into one article and located at the back of the regulations (Article 10: Definitions and Rules of Measurement) since they typically serve as a supplementary reference tool rather than as a primary source of regulatory information.

1.2 Use Graphics, Illustrations, and Flowcharts

One way to make regulations user-friendly is through the use of graphics, illustrations, photos, flowcharts, and tables. They assist with communicating zoning concepts and improving the readability of the regulations. Flowcharts, illustrations, graphics, and diagrams are also helpful in zoning regulations because they convey information concisely and, in many instances, more clearly—eliminating the need for lengthy, repetitive text. The current regulations do not take advantage of current graphic design concepts and tools, and recent thinking regarding how the use of clear illustrations and graphics can help explain or establish zoning requirements.

1.2.1 Graphics and Illustrations

The current regulations rely mainly on text to convey most regulatory concepts. Overall, the document's reliance on text misses an opportunity to visually communicate the desired intention behind various provisions. Increasing the number and type of graphics throughout the regulations to help illustrate procedures,



development form, and other zoning concepts (such as parking space dimensions, parking lot landscaping and other landscaping and screening requirements) would make the regulations more user-friendly (see image above). Use of photographs demonstrating both preferred and discouraged development forms and patterns would also make the regulations more user-friendly.

Zoning Ordinance Text & Map Amendment Review Process



1.2.2 Flowcharts and Summary Tables

Flowcharts and summary tables are also helpful in presenting information succinctly and eliminating repetition or inconsistent terminology. For example, flowcharts can be used along with text in the procedures section of the regulations to graphically portray the process required for review of a specific type of development application—from the time of application submission to the final decision on the application (see example to the left).

The current regulations do use some tables, though they are not clearly labeled, and lack repeating header rows that would follow across pages when printed (see Table II-1 Permissible Zoning Districts within Future Land Use Classification). Some other standards that would benefit from summary tables include landscaping, off-street parking, open space set-asides, neighborhood compatibility standards, parking space standards, and exterior lighting. We suggest the new regulations use tables where appropriate, consolidating as much information as practical. Also, all tables should be labeled according to the subsection in which they are located, so they can be referenced elsewhere in the document. Lastly, tables should be consistently formatted for readability.

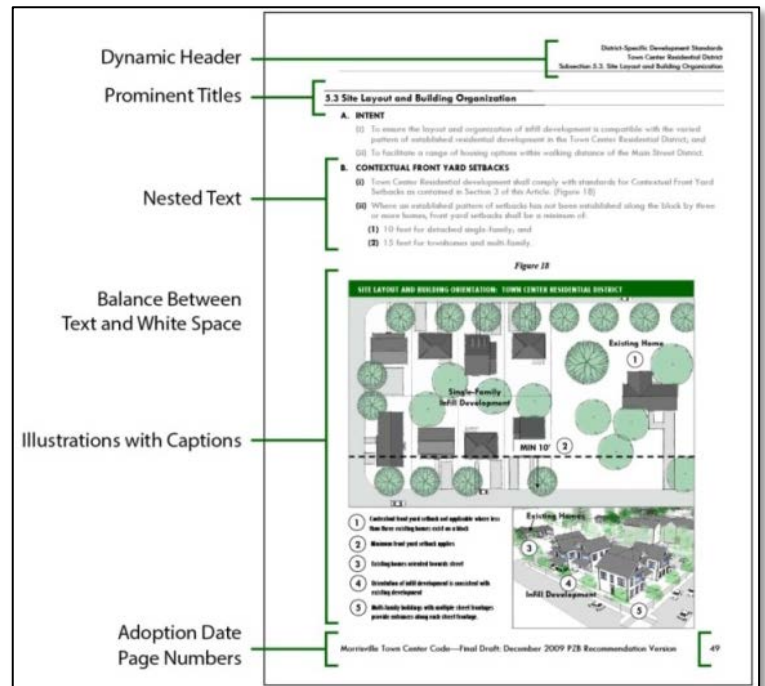
1.3 Improve Document Formatting and Referencing

The format of the current regulations is difficult to navigate and use. Most pages in the regulations consist of text with wide margins. While some indentation is used to distinguish subsections, there could be a stronger use of white space and paragraph alignment to help make a visual distinction between provisions. The document could also make use of section headers,

referencing systems, and an index, as well as a glossary of abbreviations. The table of contents could be enhanced.

To improve readability, modern codes use distinctive heading styles to more clearly distinguish various sections, subsections, paragraphs, and subparagraphs (see example page layout from another community's code on this page). When combined with better alignment, white space, tables, and graphics, the text becomes much easier to read and interpret. Additionally, modern codes use:

- ▶ An easy to understand referencing system;
- ▶ A detailed table of contents;
- ▶ Detailed headers and footers which highlight the section number and topic on each page, allowing a reader to navigate to desired locations;
- ▶ Numerous cross-references;
- ▶ An index of topics at the end of the document; and
- ▶ A glossary of abbreviations.



As illustrated in the example page layout, we suggest all of these techniques be used in the new LDC to enhance user-friendliness.

Finally, we recommend the regulations establish a hierarchy of articles and sections with a numbering system that is logical—one that anchors sections in the article in which they are located. The current regulations— Part III of the Code of Ordinances —is organized into 12 articles, which are then divided into sections and subsections. Subsections of the ordinance have a three part “address”, “(Article).(Section).(Subsection).” The first section of each article is given to a general, purpose, or intent section. At the end of some sections are lists of enacted ordinances. Relevant cross references are occasionally found in footnotes.

To better organize the LDC, we recommend using a hierarchy of articles followed by section numbers. For example, the first section in the first article (Article 1: General Provisions) would be Article 1.1, and so on. This hierarchy is shown in the sidebars within Part III, Annotated Outline of the Land Development Code (LDC).

1.4 Make the Language Clearer and More Precise

Another way to make regulations user-friendly is to ensure language is clear and precise. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as review boards, the public, and staff. Although some regulations do not lend themselves to exact numbers, the use of numerical ranges and elimination of general/aspirational language can ensure the regulations are consistently interpreted. Using clear and objective standards helps ensure the regulations are consistently applied to each project that comes forward for review.

Finally, there are instances in the current regulations where language is general and imprecise. Additionally, there are conflicting provisions. During the rewrite, all procedures, standards, and all other ordinance language will be reviewed and where appropriate, modified with clear, precise, and measureable standards consistent with the city's planning and development goals.

1.5 Modernize, Refine, and Update Definitions

Even though there is a definitions section in the current regulations (Section 1.08.13) additional definitions are scattered throughout the document (see Sections 3.01.01, 5.01.10 C, 5.03.02, 6.02.03 B, Section 8.01.00, and 12.07.01). Some defined terms do not appear in the code at all, such as *mean high water*, *church site*, and *breakaway wall*. Still other definitions have the potential to cause confusion. There are three nuanced but overlapping bicycle-path-related definitions: *bicycle trail*, *bicycle ways* and *bikeway*. There are instances where *buffer yard* is also spelled as *bufferyard* through parts of the code. Some terms are poorly defined or have no definition. The definition for *dwelling unit* is not clear and contains the term *housekeeping unit*, which is not defined at all.

Also, some of the existing definitions too complex because they not only include a definition but a description of a use. Finally, some terms are not defined at all.

As discussed in Section 1.1, Make the Structure More Logical and Intuitive, in the new LDC all definitions will be consolidated into Article 10: Definitions and Rules of Measurement. In addition, all definitions will be reviewed and where appropriate, modernized, refined, and modified. In addition, where needed, definitions will be added. The result will be development regulations that are easier to understand and use.

1.6 Use a Procedures Manual

The current regulations include many specific details relating to application submittal requirements, such as the specific procedures for submitting a concept plan for review (see Section 12.02.02). We recommend removing submittal requirements from the regulations and placing them in a Procedures Manual that is authorized to be prepared by the Community Development Director.

The Procedures Manual would include application content requirements, information about application fees, schedules for application processing, and information about nuts and bolts staff review processes. The manual might also include a summary or explanatory information on how to use the regulations or more effectively participate in application review processes, as well as checklists to ensure applicants address required issues up-front.

These detailed requirements are typically subject to frequent minor modifications and corrections as practices evolve and new technology becomes available. If they are included in the regulations, the city will should amend the regulations every time the requirements change. Including them in a Procedures Manual referenced in the LDC avoids both cluttering the code and the necessity of amending the regulations every time a minor modification or correction to application material requirements is needed. Many modern codes use a Procedures



Manual to assist in the efficient administration of regulations. We recommend this practice for Apopka's regulations.

1.7 Streamline Review Procedures

1.7.1 Overview of Current Review Procedures

Development review procedures in the current LDC are relatively efficient. However, there is room for improvement. The current review procedures are summarized in Table 1.7.1: Current Development Review Procedures, City of Apopka.

Table: 1.7.1 Current Review Procedure, Apopka						
A-Appeal D-Decision; R-Recommendation; S-Staff Review; <>-Public Hearing						
Review Procedure	Review Authority ^{1, 2}					
	City Council	Planning Commission	Development Review Committee	Community Development Director	Staff	Concurrency Management Official (CMO)
Discretionary Approvals						
Annexation	<D>	<R>	S			
Comprehensive Plan Amendment	<D>	<R>	S			
Text Amendment	<D>	<R>	S			
Planned Unit Development	<D>	<R>	S			
Special Exception	<A>	<D>	S ³			
Site Development and Platting						
Concept Plan & Major/Minor Designation			S		D	
Development Plan ⁴						
Major						
Preliminary	<D>	<R>	S ³			
Final (Construction Plan)	<D>		S ³			
Minor						
Final (Construction Plan)	<D>	<R>	S ³			
Plat		<D> ⁵	S		S	
Minor Replat	<D>	<R>			S	
Concurrency						
Concurrency Letter (Verification letter, Encumbrance Letter, or Encumbrance Denial)						D
Concurrency Resolution Agreement	<D>					S
Capacity Reservation Certificate						D

Table: 1.7.1 Current Review Procedure, Apopka**A-Appeal D-Decision; R-Recommendation; S-Staff Review; <>-Public Hearing**

Review Procedure	Review Authority ^{1, 2}					
	City Council	Planning Commission	Development Review Committee	Community Development Director	Staff	Concurrency Management Official (CMO)
Permits						
Arbor Permit					D	
Sign Permit ⁶					D	
Floodplain Permit ⁶					D ⁷	
Fence Permit ⁶					D	
Driveway and Sidewalk Permit ⁶					D	
Demolition Permit ⁶					D ⁸	
Street Vacation ⁶	<D>				S	
Relief						
Variance (Zoning)	<A>	<D>	S ³			
Appeal from decision of administrative official or board	<D>					
Interpretations						
Interpretation ⁹				D	S	

Notes

- ¹ The code also lists the following review authorities, however they are not used , or their function is carried out by another review authority:
Planning Advisory Board, Zoning Board of Appeals, Land Development Review Board
- ² The following review authorities exist, but only review public actions:
Beautification Tree Board, Community Redevelopment Agency, Redevelopment Advisory Board
- ³ Official letter of reasoning required
- ⁴ Major developments have 12 or more residential dwelling units or more than 10,000 sf of nonresidential floor space
- ⁵ Within Final Development Plan
- ⁶ These individual permits are identified, but the final review and approval process is not delineated in the code
- ⁷ Actual decision by the Floodplain Coordinator, as determined by the Mayor, with review by City Engineer within the Community Development Department
- ⁸ Review by building official within the Community Development Department
- ⁹ Not in code, but in practice

This table and our independent review of the procedures indicate that:

- ▶ There is no table that summarizes procedures;
- ▶ There are no standard review procedures;
- ▶ Some procedures being used are not currently codified (e.g. subdivision and interpretations);

- ▶ Some procedures can be refined to become more efficient, e.g., development plans);
- ▶ Other procedures are not needed and can be deleted; and
- ▶ Several new procedures need to be added to address the goals for the project, modernize the development review process, and incorporate zoning best practices.

1.7.2 Recommendations for Streamlining

To address these issues, we make the following recommendations for the city's consideration:

- ▶ Consolidate all development review procedures into one article, Article 2: Administration, as shown in Part III, Annotated Outline of the Land Development Code.
- ▶ Establish a set of standard procedures, which:
 - ▶ Locates in one place the development review procedures that applies to all development applications;
 - ▶ Encourages community meetings for more complex development applications, based upon specific thresholds;
 - ▶ Requires pre-application conferences for more complex development applications;
 - ▶ Clarifies when an application is complete, and when formal review timelines are initiated;
 - ▶ Consolidates public notice requirements; and
 - ▶ Establishes a common set of rules that apply to all post-decision permits and approvals (amendments, expiration, etc.).
- ▶ Streamlines and modifies certain application-specific review procedures; and
- ▶ Add or codifies several new procedures.

The streamlining recommendations are shown in Table 1.7.2 (B), Proposed Review Procedures, City of Apopka, and discussed in more detail after the table.

Table 1.7.2 Proposed Review Procedures, City of Apopka					
A- Appeal; D-Decision; R-Recommendation; S-Staff Review; <->-Public Hearing					
Review Procedure	Review Authority				
	City Council	Planning Commission	Development Review Committee	Community Development Director	Staff
Discretionary Approvals					
Annexation	See 171.0413 & 166.041, FL Statutes				
Comprehensive Plan Amendment	See 163.3184 & 163.3187, FL Statutes				
Text Amendment	<D>	<R>	S		
Map Amendment					
General	<D>	<R>	S		
Site Specific	<D>	<R>	S		
Planned Development	<D>	<R>	S		
Special Exception	<A>	<D>	S		
Site Development and Platting					
Development Plan ¹					
Minor	<A>		D		
Major					
Preliminary	<D>	<R>	S		
Final (Construction Plan)	<D>		S ²		
Plat ³					
Plat		<D>			
Plat Vacation		<D>			
Minor Replat				<D>	
Concurrency					
Concurrency Letter (Verification letter, Encumbrance Letter, or Encumbrance Denial)				D	
Concurrency Resolution Agreement	<D>			S	
Capacity Reservation Certificate				D	
Permits					
Arbor Permit				D	
Sign Permit				D	
Floodplain Permit				D ⁴	
Fence Permit				D	
Driveway and Sidewalk Permit				D	
Demolition Permit				D ⁵	
Street Vacation	<D>			S	
Relief					
Variance (Zoning)	<A>	<D>	S		
Administrative Adjustment	<A>			D	
Appeal	<D>				
Interpretations					
Interpretation	<A>			D	S
Notes ¹ Major developments have 300 or more residential dwelling units or more than 200,000 square feet of nonresidential floor area ² Applicant may submit a request for a variance if it fails to comply with the relevant review standards (determined by the Development Review Committee). ³ See Sec. 177, FL Statutes for plat procedure requirements. ⁴ Actual decision by the Floodplain Coordinator, as determined by the Mayor, with review by City Engineer. ⁵ Review by building official within the Community Development Department					

1.7.2 (A) Consolidate Procedures into One Article

As discussed in Section 1.1, Make the Structure and Format More Logical and Intuitive, we suggest locating all procedures for development review in one article, Article 2: Administration. The article would include standard procedures common to all development applications, as well as review standards and any special rules for individual development applications (where relevant).

1.7.2 (B) Establish a Set of Standard Procedures

The elements common to the development review process are addressed separately for each different type of development application, resulting in redundancy and inconsistencies. To address this problem, modern codes establish a set of standard review procedures that apply to all development applications. We suggest a set of standard procedures that addresses review requirements relevant to all development applications be included in the rewritten regulations. The types of procedural requirements included in the standard procedures section would address:

- ▶ Who has authority to submit applications;
- ▶ Pre-application conferences;
- ▶ Community meetings;
- ▶ Application fees and schedule;
- ▶ Completeness determination provisions;
- ▶ Rules governing preparation of the staff report;
- ▶ Public notification and public hearing requirements;
- ▶ Deferral and withdrawal of applications;
- ▶ Procedures for review and approval of applications by staff, the review boards, and the City Council (including the imposition of conditions of approval);
- ▶ Appeals;
- ▶ Post-decision actions and notifications;

- ▶ Amendments; and
- ▶ Expiration and lapse of approval.

The current regulations include some of these provisions, but they are established under individual development application procedures.

Relevant to the rewrite, we highlight below several of the standard procedures that are new, or that we believe are important to include in the new regulations to support a more consistent and efficient development review process.

1.7.2 (C) Community Meetings

A community meeting is a tool that can help identify and resolve development-related issues early in the review process. Ideally, these meetings occur prior to a pre-application conference (see Section 1.7.2 (D), Pre-application Conference, below) and provide a framework for a development applicant to meet on a more informal basis with neighbors and land owners surrounding a proposed development. The purpose of the community meeting is for the applicant to educate neighbors about the project and hear neighbors' concerns. In many instances, concerns can be resolved early in the process, and there is less conflict at the public review stages of the application.

The timing and requirements for community meetings vary across communities; however, the underlying goal of the community meeting is to keep neighbors and applicants informed of one another's perspectives, have them talk about it, and resolve their differences. In some communities, the community meeting is optional, or encouraged. If the applicant decides to proceed with the community meeting, parameters are established in the regulations about how notice is to be given and how the meeting is conducted. In most codes, if community meetings are required, they are usually conducted either prior to submission of an application or prior to completion of the staff report on the application.

In other instances a community meetings might not be required, but the code authorizes the Community Development Director to require an applicant to conduct a community meeting prior to completion of the staff report if

the development proposal is anticipated to generate a certain level of impact on adjacent lands, roads, or public facilities.

We suggest the city consider mandatory pre-submission community meetings for the following types of applications that the Community Development Director may waive if it is determined they are not necessary because they will not have a significant impact on surrounding land uses or public facilities:

- ▶ Zoning map amendments¹;
- ▶ Planned developments; and
- ▶ Special exceptions of a certain size.

If included in the new LDC, we also suggest establishing procedures for how the community meeting, if an applicant it is required or an applicant decides to voluntarily conduct a community meeting. The procedures would require:

- ▶ The applicant be responsible for conducting the meetings and notify affected land owners and organizations at least one week in advance;
- ▶ The meeting be conducted before the application is submitted;
- ▶ The applicant explain the development proposal and provide attendees an opportunity to ask questions and voice any concerns; and
- ▶ Meeting(s) be held in close proximity to the project site and at a time when neighbors could reasonably attend (usually after 6 pm during the weekday).

Informal resolution of any outstanding issues would be encouraged. The city may also consider requiring that a written summary of the community meeting(s) be prepared by the applicant and be made part of the application.

¹ Not applicable to City-Initiated rezonings

1.7.2 (D) Pre-application Conference

Except for development plan review within Section 12.02.02, Pre-application Conference, the current regulations do not include a more general pre-application conference requirement; though generally, proposed developments must undergo a formalized concept plan review (see Section 12.02.03, Concept Plans. Best practices indicate that conducting a pre-application conference between a potential applicant and staff, especially for a more complex development proposal, is an effective way to expedite the development review process. Encouraging potential applicants to meet informally with staff to present conceptual plans and get staff input prior to submittal of an application helps address substantive issues and procedural requirements before significant time and expense are invested in preparing or processing applications.

We suggest the city consider including a pre-application conference requirement in the rewritten LDC for:

- ▶ Zoning district map amendments;²
- ▶ Planned developments;
- ▶ Major development plans of a certain size; and
- ▶ Special exceptions of a certain size.

Pre-application conferences would be encouraged for other applications. The provision would also clarify the purpose of such meetings, set basic ground rules if a pre-application conference is conducted, and explain the effect of the meetings (i.e., discussions are not binding on the city and processing times do not start until a formal application is submitted and accepted).

1.7.2 (E) Application Completeness Determination

Although the city's current regulations include rules about what should be included in a development application, only some of the regulations appear to include formal application completeness provisions (see Section 12.02.04 D

² Except for city-initiated rezonings.

(preliminary plans) and Section 12.02.04 F (final plans)). We recommend this become an explicit and comprehensive requirement in the review process that applies to all development applications, and be included in the procedures. Not having such a process in place can slow down application review, as missing information results in applicants being required to go back and provide the appropriate information, repeat earlier review steps, and delay permit processing time as review boards and staff conduct additional rounds of review. Experience teaches that “complete application” requirements are important in ensuring the development review process operates efficiently.

What this means is the new LDC would include a subsection in the standard procedures authorizing the Community Development Director to review submitted applications to determine whether they are “complete.” The provision would apply to all development applications and state that application processing does not begin until after a formal determination that the application is “complete.” Completeness means all relevant and appropriate application submittal requirements are received and the appropriate fees are paid.

The provision would establish that the Community Development Director needs a specific number of working days (e.g. five business days) to review and make a “completeness” determination. After this initial application determination period, the Community Development Director returns the application to the applicant with a determination of whether the application is “complete,” and only then does processing of the application begin.

If an application is determined “incomplete,” the Community Development Director will provide written notice of the deficiencies. The applicant is then given a specific amount of time within which to resubmit a revised application. If it is not submitted within that timeframe, the application is considered withdrawn.

The clock does not start running for staff review of an application until the application is determined “complete.” Once accepted, there is an expectation that the review will progress at a reasonable pace.

1.7.2 (F) Consolidate Public Notification Requirements

There is one public notification provision in the current regulations in Section 12.04.04, Notice Requirements, relating to annexations and comprehensive plan amendments; other development applications requiring public notification reference this section.

We suggest all public notification requirements should be consolidated into one subsection in the standard procedures section, and shown in a table, to the extent possible. During the drafting of consolidated public notification requirements, the required days of advance notice and when public documents will be available should be made consistent, if possible. An example of how this was done in another community's code—and how it is proposed to be done in the new regulations—is shown on this page.

In addition, notification requirements should take advantage of new technology. Where published or mailed notice is not required by state law, the city should notify the public by using online technology such as email or similar tools that are more effective and less wasteful than traditional print notification. (The new city of Apopka website notification feature might be able to be used for this.) As computers, tablets, and smartphones become more common, the need (except when required by state law) to send mass mailings or print publications diminishes.

TABLE 2-200(I): PUBLIC NOTIFICATION FOR PERMIT APPROVALS			
APPLICATION FOR DEVELOPMENT PERMIT OR OTHER ACTION	NOTICE REQUIRED (DAYS BEFORE HEARING/ACTION)		
	WRITTEN (SECTION 2-200(I)(2))	PUBLICATION (SECTION 2-200(I)(3))	POSTED (SECTION 2-200(I)(4))
Text Amendment		At least 30 days prior to public hearing	
Amendment to Official Zone District Map & Planned Development District	At least 15 days prior to public hearing	At least 30 days prior to public hearing	At least 15 days prior to public hearing
Special Exception Permit & Variance Permit	At least 15 days prior to public hearing	At least 15 days prior to public hearing	At least 15 days prior to public hearing
Appeal to Board of Zoning Appeals	At least 15 days prior to public hearing	At least 15 days prior to public hearing	At least 15 days prior to public hearing
Certificate of Appropriateness & Certificate of Hardship & Appeal of Development Services Director's Interpretation or Decision on Certificates of Appropriateness		At least 15 days prior to public hearing	At least 15 days prior to public hearing
Land Development Agreements	At least 30 days prior to public hearing	At least 30 days prior to public hearing before Planning Commission At least 30 days prior to public hearing before City Council	At least 30 days prior to public hearing

1.7.2 (G) Application-Specific Streamlining

Efficient development review procedures make a development code more user-friendly. Our review of Apopka's current procedures suggests there is opportunity to improve procedural efficiency by streamlining several review procedures, deleting several procedures, and creating several new ones. The proposed changes are

identified in Table 1.7.2: Proposed Review Procedures, City of Apopka, and summarized below.

1.7.2 (G)(1) Add Text Amendment Procedure

In the current regulations, text amendments are included together with annexation and comprehensive plan amendments. They are separate and very different types of applications and should be separated, especially since the text amendment involves an amendment to the LDC, while the comprehensive plan amendment involves an amendment to the comprehensive plan, and an annexation involves adding lands to the corporate boundaries of the city (after which the lands must be included in the comprehensive plan and LDC by amendment).

Because annexations and comprehensive plan amendments are only indirectly related to the LDC, we recommend referring to the annexation and comprehensive plan amendments in the summary procedures table. On the other hand, because an LDC text amendment is an integral procedure in the LDC, its procedure will be clearly spelled out along with the other LDC procedures in this section.

1.7.2 (G)(2) Add Procedures for General and Site-Specific Map Amendments

The current zoning code does not distinguish between (1) general amendments to the zoning map and (2) site specific amendments to the zoning map. We recommend the new LDC recognize this distinction, because decisions on general map amendments are legislative in nature while decisions on site specific map amendments are quasi-judicial in nature. This legislative/quasi-judicial distinction is important because it not only influences the procedural characteristics of the hearing, but also the substantive review standards.

Zoning map amendments that are legislative in nature do not require a review process as structured or “legalistic” as do map amendments that are quasi-

judicial in nature— though they do require the local government to provide the public general notice of the proposed amendment and an opportunity to comment on it at a public hearing. Additionally, the legislative body deciding whether to approve or disapprove a map amendment considered “legislative” in nature is accorded broad discretion in making its decision.

Zoning map amendments that are quasi-judicial in nature, on the other hand, require a relatively structured process with evidentiary hearings subject to rules governing how material and testimony may be presented and providing an opportunity for rebuttal and cross examination of witnesses.

The key to distinguishing a general map amendment from a site specific map amendment is the character of the land use decision involved. General map amendments involve the **making** of land use policy. Site specific map amendments involve the **application** of land use policy.

Given the significant differences between general zoning map amendments and site specific zoning map amendments, we suggest the new LDC include separate review procedures for general zoning map amendments and site specific zoning map amendments. Review procedures for general map amendments include a standard public hearing and general review standards. Review procedures for site specific map amendments include a quasi-judicial hearing and more refined review standards that are informed by Florida case law. We further suggest the new LDC include a definition for site specific zoning map amendments.

1.7.2 (G)(3)

Modernize Planned Development Procedure

The intent of planned developments is to offer an applicant flexibility in the zoning district regulations and development standards in return for greater development quality, and, in some instances, encouraging preferred development types.

The planned unit development procedures in Section 2.02.18, Planned Unit Development (PUD) of the

current regulations, while overly complex relative to modern planned development procedures, have served the city well. They provide flexibility to vary standards, and require that the development includes a master plan to provide zoning regulations and the overall plan for development for the PUD.

Based on best practices, we suggest these provisions could be modernized, refined, and simplified as follows:

- ▶ Modernize the term from Planned Unit Development to Planned Development.
- ▶ Include more specific standards for how the parameters for development of the PD should be carried out;
- ▶ Provide detail about which development standards may be varied, and which standards may not (for example, many PDs do not allow variation in open space, environmental protection, and development form standards, which we suggest should be the case in the new LDC); and
- ▶ Clarify that a master plan as well as a PD Agreement which spells out the terms and conditions of development be approved along with the rezoning approval. The PD Agreement helps implement the planned development standards by expressly spelling out the relevant development parameters, establishing phasing (where relevant), providing for environmental mitigation, and outlining how public facilities will be provided to serve the planned development;

1.7.2 (G)(4)

Streamline Site Plan / Development Plan Procedure

Currently there is a two-tier procedure for site plans/development plans: minor and major.³ Minor site plans undergo staff review by the Development Review Committee (DRC), review and recommendation

³ A major development plan has 12 or more residential dwelling units, or more than 10,000 square feet of nonresidential space. A minor development plan is a project that is smaller than that.

by the Planning Commission, and a final decision by the City Council. Major development plans are required to follow a two-step process, and receive approval of a preliminary and final plan. Preliminary plan approval involves review by the DRC, review and recommendation by the Planning Commission, and a final decision by the City Council. A final development plan (a construction plan) involves staff review and a decision by City Council.

We recommend the city continue its current two-tier development plan review procedure, with some streamlining changes. Minor development plans would be reviewed and approved administratively, by the Community Development Director with appeals to the City Council. Major development plans would go through a preliminary stage with recommendation by the DRC and Planning Commission, and approval by the City Council. In a final stage, the construction plan document would be approved by the City Council as a final development plan after staff review. Thresholds for major and minor development plans would be established during the drafting stage. An initial recommended threshold for major projects would be 300 or more residential units or 200,000 square feet of nonresidential development

Development plan review standards should also be refined to comply with best practices, and clearly set out the development standards which a development plan must comply.

1.7.2 (G)(5)

Codify Plat Review Procedure

Even though they are not clearly codified, there are three kinds of plat procedures in the current regulations: a plat, a plat vacation, and a minor replat (see Sections 12.02.06, 12.02.06 E, and 12.02.08 in the current regulations, respectively). Where required, a plat is reviewed and decided after approval of a development plan. The plat is reviewed, approved, and recommended by the Planning Commission and decided by the City Council; to gain approval, the plat must be in conformance with the development plan. It

is proposed in the LDC that the decision on the plat be made by the Planning Commission (after approval of the development plan). The mayor signs all plats. No changes are proposed for the plat vacation and minor replat procedures.

1.7.2 (G)(6)

Simplify and Reduce the Number of Special Exceptions

Under the current LDC, there are a number of uses reviewed as special exceptions, which are subject to review at public hearings before the Planning Commission ((a recommendation) and the City Council (the decision). As is the case with a number of older codes, there appears that there might be more uses classified as special exceptions than is necessary. During the drafting process we suggest evaluating and potentially reducing the number of special exception uses identified and required, if appropriate, especially where:

- ▶ They are not necessary because the use is antiquated or irrelevant; or
- ▶ Precise, measurable, supplemental, or performance standards can be added that address the potential external impacts of a use in a zoning district.

1.7.2 (G)(7)

Add an Administrative Adjustment Procedure

There seems to be a general consensus that it would make a difference in the functioning of the LDC, especially in the redevelopment context, if a mechanism was available that would allow minor modifications to some of the dimensional and development standards. A tool many communities use for this purpose is an administrative adjustment. The administrative adjustment allows minor adjustments (e.g., by 10 or 15 percent) from dimensional standards (like setbacks, lot area, or height) or development standards (like the amount of required parking) if the adjustment does not detrimentally affect the character of the area or surrounding lands, does not have an adverse impact on surrounding lands, and results in

development that conforms with the general intent of the district where the adjustment is proposed.

Administrative adjustments are typically used to adjust setbacks by a minor amount as a means of protecting resources, adjust height limits for greater compatibility, or preserve local development contexts like building façade rhythms. In addition to clear standards of approval, the procedure includes specific expiration and amendment standards to help ensure the provision is not abused.

These kinds of minor departures from standards are reviewed and approved administratively by the Community Development Director based upon an established set of clear and measurable standards. They are accomplished outside of the variance process, and as such, do not require the applicant to demonstrate “hardship.”

We recommend the city consider adding an administrative adjustment procedure in the rewritten regulations.

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Theme 2 Implement the Comprehensive Plan, Vision Plan, and Small Area Plans by Restructuring and Modernizing the Zoning Districts

2.1 Introduction and Policy Framework

In 2016, the city adopted the *Grow Apopka Vision Plan* (*Grow Apopka*), which establishes the community's vision for future growth and development, along with specific land use policy direction for how that vision should be implemented in the LDC.⁴ *Grow Apopka* establishes five *pillar goals* (Economic Development; Infrastructure and Growth Leadership; Quality of Life and Places; Civic and Governance Systems; and Talent Supply and Education), and the following strategies relevant to the LDC rewrite:

Pedestrian-Friendly Development

Encourage, pedestrian-friendly development and redevelopment.

Repurpose Buildings

Allow the creative re-use of buildings (without comprising life-safety issues), including non-conforming structures, i.e., come into compliance to the greatest extent practicable as determined by the planning official.

Historic Preservation

Review existing historic district boundaries and consider potential expansion.

Business Growth

Ensure adequate land uses and zoning is provided to accommodate desired and targeted industries and incentivize the desired mix of uses, i.e., density bonuses, parking variances, tax or fee waivers, etc.

Design Standards

Ensure future buildings are consistent with architectural design standards and styles which support and maintain the City character.

Parking Lot Lighting

Require that exterior lighting be consistent with best practices.

Parking

Revise LDC to reflect parking best practices.

Restructure and Modernize the Current Zoning District Structure to Implement city plans

Modernize Format of Zoning Districts

Evaluate and Reduce, Where Appropriate, Special Exception Uses

Identify and Classify Uses in a Simpler and More Flexible Way

Use a Three-Tiered System to Classify Uses

Apopka Citywide Vision:

It's in our nature. Where healthy food, children, jobs, people, and minds are growing in a safe and unified community amid a slice of natural Florida.

⁴ *Grow Apopka* was developed with the participation of over 350 citizens at seven public forums. Their collective effort resulted in the citywide future vision statement.

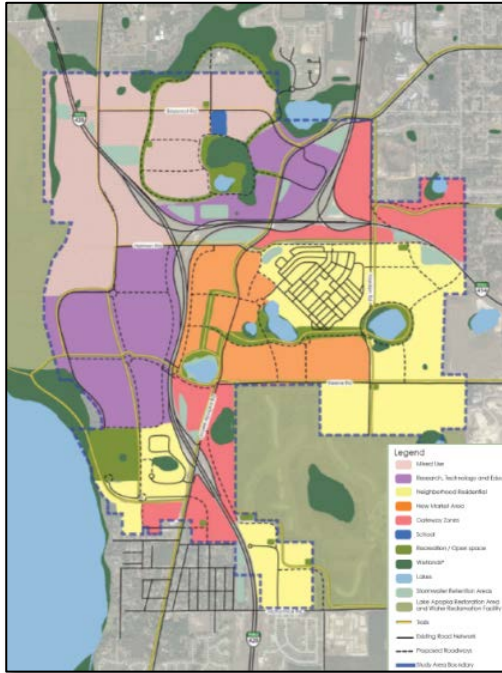
Signage

Building signage should complement the re-branding/ design. Font on signage should mimic that used on the City of Apopka's seal/logo.

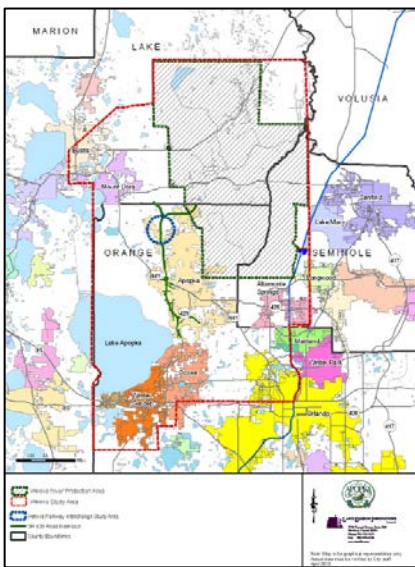
Entry Feature and Wayfinding

Design, permit, and construct gateway entry and wayfinding features. Font on signage should mimic that used on the City of Apopka's seal/logo.

In addition to *Grow Apopka*, the following city plans also provide policy guidance about future land development:



Ocoee-Apopka Road Study Area



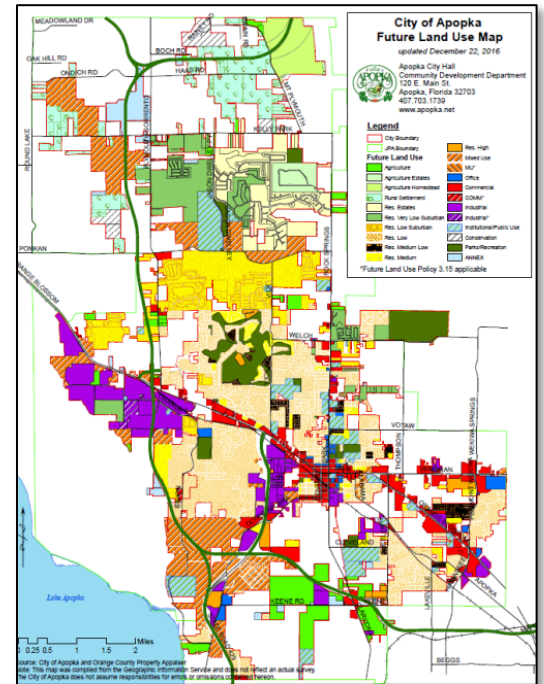
Wekiva Parkway Interchange Study Area

- ▶ ***City of Apopka Comprehensive Plan 2030,*** which includes a Future Land Use Map (FLUM), with specific FLUM classifications that guide the location and character of future development. In addition, the plan includes land use policies that guide the rate of growth, development intensity, and development quality.
- ▶ ***Downtown Community Redevelopment Plan,*** which includes recommendations for the physical development of Apopka's Downtown.
- ▶ ***The Ocoee-Apopka Road Small Area Plan, which*** Includes recommendations for physical development in southwest Apopka, in the vicinity of the new Florida Hospital location, Lake Apopka, and the SR 429 beltway, where significant new development and redevelopment is expected.
- ▶ ***The Wekiva Parkway Interchange Plan,*** which includes recommendations for physical development in North Apopka, in the vicinity of the new Wekiva Parkway/Kelly Park interchange. The interchange is a major node along the Wekiva Parkway, which is a \$1.6 billion dollar project that will connect SR 429 to SR 417, completing the beltway around Central Florida. The completion of the parkway and interchange will bring a significant new regional transportation connection to the city, and is expected to lead to significant new development and redevelopment near the interchange.

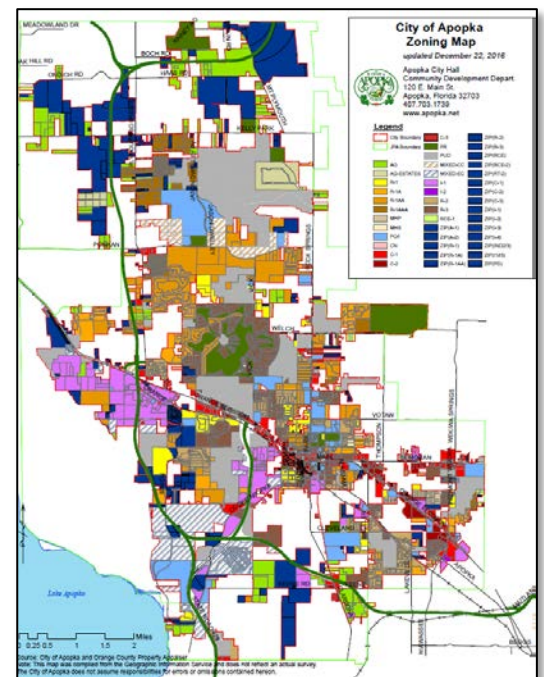
Collectively, the policies in these plans direct the City to:

- ▶ Revitalize Downtown and two other key growth areas (the East Shore area and the Wekiva Parkway/Kelly Park Interchange area), and support economic development;
- ▶ Maintain and support Apopka's small-town character;
- ▶ Improve development quality in the city;

- ▶ Zoning district categories with purpose statements and (if applicable), standards that apply to all districts within the category;
- ▶ A new transitional district to serve as a placeholder for newly-annexed land;
- ▶ A consolidated AG Agriculture and AG-E Agriculture Estate district;
- ▶ Refinements and a few consolidations of the existing single-family districts, to ensure they maintain the character of existing residential neighborhoods and remove obstacles for redevelopment of smaller, existing lots (which are currently nonconforming in several districts);



Apopka Future Land Use Map



Apopka Zoning Map

II) Diagnosis

- ▶ A new residential mixed-use district that supports higher-density residential development and limited, neighborhood-serving, pedestrian-oriented nonresidential uses;
- ▶ Refinements to the existing commercial zoning districts, so that they are appropriately scaled to neighborhood and community applications, and support higher density, mixed-use, walkable urbanism in appropriate locations;
- ▶ A new regional commercial district to accommodate auto-oriented, destination retail establishments at appropriate scales and intensities;
- ▶ A new corridor commercial district to accommodate mixed-use development in appropriate corridor locations;
- ▶ Replacement of the current downtown overlay district with a new base zoning district for downtown, that brings the entire downtown area under a common set of regulations that support mixed use, higher density walkable urbanism;
- ▶ Incorporating the new form-based district for the Kelly Park interchange area (currently being developed for the city), ensuring compatibility between that new form-based district and the new LDC; and
- ▶ Establishing a new district for the East Shore/Ocoee-Apopka Road area that implements the small area plan for that area.

As background, it is important to understand that in considering how best to restructure the zoning districts, a systematic evaluation was conducted. It involved:

- ▶ First, evaluation of the current zoning district structure;
- ▶ Second, evaluation of land use policy direction and future land use classifications in the city plans; and
- ▶ Third, consideration of the other key goals for the update project, in particular the desire to make the current regulations more user-friendly and efficient.

This analysis is summarized below in Section 2.2.1, Overview of Current Zoning Districts. Based on these considerations, the

proposed structure for the zoning districts is outlined and discussed in Section 2.2.2, Proposed Zoning District Structure. The section concludes with suggestions about how to reorganize and simplify the system for classifying and establishing uses and use-specific regulations (see Section 2.2.5, Identify and Classify Uses in a Simpler and More Flexible Way) and how to improve the organization of zoning regulations generally (see Section 2.2.3, Modernize Format of Zoning Districts).

2.2.1 Overview of Current Zoning Districts

The current LDC includes 26 zoning districts. They are not organized into categories in the LDC, but can generally be characterized as agricultural, residential, commercial, industrial, special purpose, planned unit development, and overlay. There are 21 base districts (agricultural, residential, commercial, and industrial), one special purpose district, one planned unit development district, and three overlay districts.

2.2.1 (A) Base Districts

The 21 base zone districts consist of two agricultural districts, 12 residential districts; six commercial districts; and three industrial districts. Table 2.2.1(A): Current Base Zoning Districts, Apopka, identifies the current base districts and includes a brief description of each.

Table 2.2.1(A): Current Base Zoning Districts, Apopka

Current Zoning Districts	Description
Agricultural Districts	
AG: Agriculture	Provides lands for agricultural production and associated residential dwelling units. The district is not intended for subdivision and platting of residential lots.
AG-E: Agriculture Estate	Provides lands that accommodate agricultural uses and residential dwellings in a rural setting.
Residential Districts	
RCE-1: Residential Country Estates 1	Provides lands for residential dwellings at very low densities. The district is rural in character and is primarily used for residential estate dwellings. It results in significant areas of open space.
RCE-2: Residential Country Estate 2	
R-1: Residential Single-Family	Provides lands for single-family residential dwellings at low densities. The district is residential in character.
R-1A: Residential Single-Family	
R-1AA: Residential Single-	

Table 2.2.1(A): Current Base Zoning Districts, Apopka

Current Zoning Districts	Description
Family	
R-1AAA: Residential Single-Family	
R-2: Residential One- and Two-family	Provides lands for single-family and two-family dwellings. The district is residential in character.
R-3: Residential Multiple-Family	Provides lands for higher-density residential dwellings, including two-family, townhouse, and multi-family. The district is located in areas near public and commercial services, and transportation connections.
MHP: Mobile Home Park District	Provides lands for mobile home sites which shall be offered for rent and for residential purposes only. This district is not intended for individually-platted mobile home lots.
MHS: Mobile Home Subdivision	Provides lands for individual mobile home lots.
Commercial Districts	
CN: Commercial Neighborhood	Provides lands to accommodate a limited range of neighborhood-serving commercial uses.
C-1: Retail Commercial	Provides lands to accommodate a moderate range of community-scale commercial uses.
PO/I: Professional Office/Institutional	Provides lands to accommodate professional office and institutional uses.
C-2: General Commercial	Provides lands to accommodate a wide range of general commercial uses.
Mixed-CC: Mixed-Use Community Center	Provides lands to accommodate a mix of residential and nonresidential uses at moderate intensities.
Mixed-EC: Mixed-Use Employment Center	
Industrial Districts	
C-3: Wholesale Commercial	Provides lands to accommodate wholesale distribution, storage, and light manufacturing uses.
I-1: Restricted Industrial	
I-2: General Industrial	Provides lands to accommodate general industrial uses such as outdoor storage and materials processing.

2.2.1 (B) Special Purpose Districts

The one special purpose district is a Parks and Recreation district. It provides lands to accommodate parks, recreation, and open space uses. (Additional base zoning districts may

be suitable for this category for specific purposes and locations.)

2.2.1 (C) Planned Unit Development Districts

The one planned unit development (PUD) district, is relatively complex relative to PUD districts found in other development codes, nationally. It provides flexibility in the application of development standards, and encourages innovative site design. It includes procedural requirements and standards addressing parking, open space, landscaping, and site access. Based on conversations with staff, the PUD district is generally working, but is too frequently used as a development option, given the lack of suitable base zoning districts.

As noted in Section 1.7.2 (G)(3), Modernize Planned Development Procedure, we recommend the new LDC modernize and simplify the current PUD provisions, and better incorporate current best practices.

2.2.1 (D) Overlay Districts

The three overlay districts include historic, downtown development, and small lot overlay districts. Generally, the historic and small lot overlay districts are working well, and serving their desired purposes. The downtown overlay district has not worked well, is not encouraging or supporting the types of desired development in the downtown, and will need to be replaced in the new LDC with a new base zoning district.

2.2.1 (E) Summary of Recommended Changes to Current Districts

Although the total number of zoning districts is not excessive compared to other city codes of a similar size, we recommend some restructuring and consolidation occur to simply and make the district structure more efficient. This is so because some of the base districts are redundant because the uses they allow and their dimensional standards are the same or similar, and a few of the districts are antiquated. Other changes need to be made to:

- Address inconsistencies and related issues in some of the residential and commercial districts;

- Align the districts and district structure with the land use policy direction in the plans; and
- Apply modern zoning tools to better accommodate existing development in certain locations, and anticipated future redevelopment in other key places in the city.

2.2.2 Proposed Zoning District Structure

Based on this evaluation of the current zoning district structure, land use policy direction, and a key goal for the rewrite project of making the current regulations more user-friendly and efficient, we suggest the district structure in the new LDC be modified as outlined in Table 2.2.2: Proposed Zoning District Structure, Apopka. The table organizes the districts into the following groups:

- ▶ Base districts
 - ▶ Residential Districts
 - ▶ Commercial Districts
 - ▶ Industrial Districts
 - ▶ Special Purpose Districts
- ▶ Planned Development Districts
- ▶ Overlay Districts

So the reader can easily compare the current zoning district structure to the proposed structure, the first column in the table outlines the current zoning districts and the second column shows the proposed zoning districts. Where current districts are proposed to be deleted or consolidated, that is noted; where new districts are proposed, that is also noted. The listing of the districts under each group generally starts with the least intense districts, extending to the highest-intensity districts.

In addition, so the reader can relate the proposed zoning district structure to Future Land Use Map (FLUM) categories in the Apopka Comprehensive Plan 2030, the final column in the table shows the corresponding comprehensive plan FLUM land use classifications that are being implemented by the proposed zoning districts.

The proposed changes to the current zoning district structure are shown in Table 2.2.2, Proposed Zoning District Structure, Apopka, and then discussed in further detail following the table.

Table 2.2.2: Proposed Zoning District Structure, Apopka

Table 2.2.2: Proposed Zoning District Structure, Apopka		
Current Zoning Districts	Proposed Zoning Districts	Apopka Comprehensive Plan 2030 FLUM Land Use Designation Implemented by District
Residential Districts		
	T: Transitional (NEW)	
AG: Agriculture	AG: Agriculture (CONSOLIDATED)	AG Homestead;
AG-E: Agriculture Estate		AG
RCE-1: Residential Country Estates 1	RCE: Residential Country Estate (CONSOLIDATED)	AG Estates; Res Estates; VLS; LS; L; ML; M; H
RCE-2: Residential Country Estate 2		
R-1AA: Residential Single-Family	RSF-1A: Residential Single-Family – Estate (CONSOLIDATED)	VLS; LS; L; ML; M; H
R-1AAA: Residential Single-Family		
R-1: Residential Single-Family	RSF-1B: Residential Single-Family – Large Lot (CONSOLIDATED)	VLS; LS; L; ML; M; H
R-1A: Residential Single-Family		
	RSF-1C: Residential Single Family - Small Lot (NEW)	VLS; LS; L; ML; M; H
R-2: Residential One- and Two-family	RTF: Residential Two-Family	L; ML; M; H
R-3: Residential Multiple-Family	RMF: Residential Multi-Family	ML; M; H
	RMU: Residential Mixed-Use (NEW)	
MHP: Mobile Home Park District	MHP: Mobile Home Park (CONSOLIDATED)	ML; CBD
MHS: Mobile Home Subdivision		
Commercial Districts		
CN: Commercial Neighborhood	C-N: Neighborhood Commercial	COMM; CBD
C-1: Retail Commercial	C-C: Community Commercial	COMM; CBD
	C-R: Regional Commercial (NEW)	COMM
PO/I: Professional Office/Institutional	O-I: Office and Institutional	OFF; INST; CBD
	C - COR: Corridor Commercial (NEW)	COMM
C-2: General Commercial	DELETE / REPLACED BY C-R	

Table 2.2.2: Proposed Zoning District Structure, Apopka

Current Zoning Districts	Proposed Zoning Districts	Apopka Comprehensive Plan 2030 FLUM Land Use Designation Implemented by District
Mixed-CC: Mixed-Use Community Center	DELETE / MOVE TO SPECIAL PURPOSE DISTRICT CATEGORY / REPLACED BY MU-ES	
Mixed-EC: Mixed-Use Employment Center	DELETE	
Industrial Districts		
C-3: Wholesale Commercial	I-L: Light Industrial (CONSOLIDATED)	COMM; IND; CBD
I-1: Restricted Industrial		
I-2: General Industrial	I-H: Heavy Industrial	IND; CBD
Special Purpose Districts		
	MU-D: Mixed Use - Downtown (NEW)	N/A
Mixed-CC: Mixed-Use Community Center	MU-ES: Mixed Use – East Shore (NEW)	MU
	MU-KPI: Mixed-Use – Kelly Park Interchange (NEW)	MU
PR: Parks And Recreation	PR: Parks and Recreation	AG; INST; REC; CBD
	AIR: Airport (NEW)	INST
Planned Development Districts		
PUD: Planned Unit Development	PD: Planned Development	AG Estates; Res Estates; VLS; LS; L; ML; M; H; OFF MU; IND; INST; CBD
Overlay Districts		
Historic District	H-O: Historic Overlay	
Downtown Development Overlay Zoning District	DELETE	
Small Lot Overlay Zoning District	SL-O: Small Lot Overlay	
	NC-O: Neighborhood Conservation Overlay (NEW)	
	AIZ: Airport Influence Zone (New)	

2.2.2 (A) Base Districts

2.2.2 (A)(1) *Agricultural Districts*

Even though Apopka is becoming more urban and developed, and a significant amount of new growth is expected in future years, there are still areas of the city where agricultural activities, especially nurseries, are prominent and should be protected and maintained.

For these reasons, the current AG: Agriculture and AG-E: Agriculture Estate districts are carried forward and consolidated and renamed **AG: Agriculture** district. The district provides lands for agricultural production, agricultural support uses, and residential dwelling units. It is rural in character. Minimum lot size is 2.5 acres, and maximum density is 0.4 dwelling units an acre.

2.2.2 (A)(2) *Residential Districts*

The residential districts are primarily intended to accommodate lands for residential development, both single-family and more moderate and higher density residential development. To accomplish this objective, the current residential districts are generally carried forward (and renamed), with some consolidation to eliminate overlapping provisions. A new district is added to serve as a placeholder district for future annexations.

In addition, there are some modifications of the district standards to support infill and redevelopment that is compatible with the existing character of the districts, along with a slight increase in the range of housing types allowed (two- and three- family; limited multi-family). In several limited instances, neighborhood-serving, pedestrian-oriented restaurant and personal services uses are allowed. Finally, several new districts are added to provide for residential development options that are not currently available. They are described below.

The new **T: Transitional** district would serve as a holding district for land that is annexed into the city when another zoning district is not proposed.

The **RCE: Residential Country Estate** district consolidates and renames the current RCE-1: Residential Country Estates 1 and RCE-2: Residential Country Estate 2 districts. It provides land to accommodate nurseries and other agricultural activities, and single-family residential dwellings at very low densities. It includes significant areas of open space, with a minimum lot size of one acre, and a maximum density of one dwelling unit an acre

The **RSF-1A: Residential Single-Family – Estate** district consolidates and renames the current R-1AA: Residential Single-Family and R-1AAA: Residential Single-Family districts. It provides lands for single-family residential dwellings at low densities, and is residential in character. Minimum lot size is 12,500 square feet, and maximum densities are three dwelling units an acre.

The **RSF-1B: Residential Single-Family – Large Lot** district consolidates and renames the current R-1: Residential Single-Family and R-1A: Residential Single-Family districts. The district provides lands for single-family residential dwellings at moderate densities. Minimum lot size is 8,000 square feet, and maximum densities are five dwelling units an acre.

The new **RSF-1C: Residential Single Family - Small Lot** district provides lands for single-family residential dwellings at moderate densities. It is residential in character; and is intended to be applied to some of the city's existing small-lot single family neighborhoods to address nonconforming lot problems. Minimum lot size is 5,000 square feet, and maximum density is eight dwelling units an acre.

The **RTF: Residential Two-Family** district carries forward and renames the current R-2: Residential One- and Two-family district. It is residential in character, and provides lands for single-family dwellings, two-family dwellings, and accessory dwellings. Minimum

lot size is 7,500 square feet for single-family dwellings and 15,000 square feet for two-family dwellings. Maximum density is five dwelling units an acre.

The **RMF: Residential Multi-Family** district carries forward, renames, and modifies the current R-3: Residential Multiple-Family district. It provides lands for small- and medium-scale multi-family development, including two-family dwellings, townhouses, and multi-family dwellings. Minimum lot size is 8,000 square feet for quadplexes and townhomes, and 10,000 square feet for multi-family development. Form standards for multi-family dwellings would apply in this district.

The new **RMU: Residential Mixed-Use** district provides lands for residential, nonresidential, and mixed-use development if the form and scale is consistent with district character. The district will support walkable urbanism, and allow a variety of medium density housing options, as well as small and medium-format retail, office, and mixed-use development.

The **MHP: Mobile Home Park** district consolidates the current MHP: Mobile Home Park and MHS: Mobile Home Subdivision districts. It provides lands for mobile home sites.

2.2.2 (A)(3) *Commercial Districts*

The purpose of the commercial districts is to provide lands that accommodate commercial and office development, and where appropriate, mixed-use development. The districts are centers of commerce, employment, and entertainment, and in some cases, destinations for people throughout the city and region. They are intended to result in high quality form and design, higher densities and intensities, and support multiple modes of travel in appropriate places.

The commercial districts in the current LDC are generally carried forward, though several are proposed to allow a broader mix of uses and include form and design standards that ensure development is appropriately-scaled to maintain a certain character. In addition, a C-R: Regional Commercial district is added

to accommodate larger-scale, regional commercial development, along with a C - COR: Corridor Commercial district to support the desired form and type of development along some of the city's commercial corridors. The commercial districts are described below.

The **C-N: Neighborhood Commercial** district carries forward, renames, and modifies the current CN: Commercial Neighborhood district. The district provides lands to accommodate a limited range of neighborhood-scale residential and nonresidential uses (stand-alone residential would not be allowed). It is characterized by small pockets of commercial and mixed-use development within the City's neighborhoods and along roadways. The district may apply to portions of a block, consisting of a few storefronts with limited on-site parking. Uses are intended to be neighborhood-serving and primarily pedestrian-oriented. Minimum lot size is 8,000 square feet and Floor Area Ratio is 0.75.

The **C-C: Community Commercial** district carries forward and renames the current C-1: Retail Commercial district. It provides lands to accommodate a range of community-scale nonresidential uses, as well as residential uses (stand-alone residential would not be allowed). It will support both stand-alone general commercial, office, recreation, and restaurant development, as well as moderate-scale mixed-use development. Some auto-oriented uses are allowed, but the design and location of those uses must also include pedestrian amenities. Minimum lot size is 10,000 square feet and Floor Area Ratio is 1.0.

The new **C-R: Regional Commercial** district provides lands to accommodate higher-density/intensity, region-serving commercial, office, and mixed-use development. The district will allow auto-oriented uses while also encouraging more pedestrian-oriented mixed use development. Allowed uses are primarily commercial and office, but high-intensity residential is also appropriate. Minimum lot size is 15,000 square feet and Floor Area Ratio is 1.75.

The **O-I: Office and Institutional** district carries forward and renames the current PO/I: Professional Office/Institutional district. The district provides lands to accommodate office, institutional, and limited residential uses.

The new **C - COR: Corridor Commercial** district provides lands to accommodate commercial, office, service, and related uses along the city's commercial corridors. It will also allow residential development, if it is part of a mixed-use development. It is a linear extension of the C-C: Community Commercial district, and can be applied along appropriate roadways. Minimum lot size is 10,000 square feet and Floor Area Ratio is 1.0.

2.2.2 (A)(4) *Industrial Districts*

The industrial districts support Apopka's economic base by providing a full range of industrial development opportunities. Overlap exists between the standards in the C-3: Wholesale Commercial and I-1: Restricted Industrial districts, so we recommend those districts be consolidated, reducing the current line-up of three industrial districts to two.

The **I-L: Light Industrial** district consolidates and renames the current C-3: Wholesale Commercial and I-1: Restricted Industrial districts. The district provides lands to accommodate wholesaling, distribution, storage, processing, light manufacturing, and general commercial uses

The **I-H: Heavy Industrial** district carries forward and renames the current I-2: General Industrial district. It provides lands to accommodate heavy industrial uses like manufacturing, industrial, and functionally-related uses such as distribution, storage, and processing. General commercial uses are also allowed, but are considered incidental to the primary use.

2.2.2 (A)(5) *Special Purpose Districts*

Special purpose districts accommodate development patterns that do not fit within other base zoning districts (due to unique physical, land use, character, functional, or other characteristics). Currently the

Parks and Recreation district is the only special purpose district. We recommend including the new MU-D: Mixed Use-Downtown, MU-ES: Mixed Use – East Shore, and MU-KPI: Mixed-use - Kelly Park Interchange districts in this group of districts, because of their special character, as well as a new AIR: Airport district. They are described below.

The new **MU-D: Mixed Use-Downtown** district provides lands to accommodate development in Apopka's downtown core. The district would allow for a broad range of commercial, office, restaurant, service distribution, higher-density residential, and mixed-use development in a higher intensity, compact pedestrian-oriented context. Minimum lot size is 10,000 square feet and maximum Floor Area Ratio is 2.0.

The **MU-ES: Mixed Use – Mixed-Use-East Shore** district will replace the current Mixed-EC: Mixed-Use Employment Center district. It will implement recommendations in the *Ocoee-Apopka Road Small Area Study (February 2015)*, and is proposed to be applied within the 4.4 square miles of the study area of the plan. The district will be characterized as a walkable, high-intensity, mixed-use corridor. Specific standards will relate to:

- ▶ Unified design
- ▶ Multimodal transportation
- ▶ Building form; and
- ▶ Open space.

The study area was divided into five character areas based on the anticipated development patterns: Research/Technology/Education, Gateway, Mixed-Use, Neighborhood, and New Market.

It is our recommendation to develop a zoning district that provides for sub districts to regulate the character of these areas, excluding the Neighborhood Character Area, and Mixed Use Employment Character Areas. In the Neighborhood Character Area, appropriate

residential base zoning districts will be applied to single-family residential areas. The Mixed Use Employment Character Area is currently zoned Mixed Employment Center, which is proposed to be deleted as shown in Table 2.2.2: Proposed Zoning District Structure, Apopka. We recommend remapping this area with the appropriate base zoning district.

The framework for development standards for the Research/Technology/Education, Gateway, and New Market Character Areas character areas is provided in Appendix A: MU-ES: Mixed Use – Mixed Use- East Shore Development Standards Framework.

The new **MU-KPI: Mixed-use – Mixed Use -Kelly Park Interchange** district, which is a form-based district that is currently being prepared for the city, will be incorporated into the new LDC. It will apply to the Kelly Park Interchange area.

The **PR: Parks and Recreation** district carries forward the current PR: Parks and Recreation district. It provides lands to accommodate parks, recreation, and open space uses.

The new **AIR: Airport** district, provides lands to accommodate airport and airport-related uses, and supportive residential uses.

2.2.2 (B) Planned Development Districts

Planned unit developments are intended to offer flexibility to modify the zoning district regulations and development standards in return for innovative design, greater development quality, and in some instances community benefits. Currently the city has one planned unit development district which we recommend changing the name to planned development, and modifying to incorporate best practices and refining the procedures as discussed in Section 1.7.2 (G)(3), Modernize Planned Development Procedure. The **PD: Planned Development** district would be a general planned development district that could be applied to a number of different development contexts. There would be a general expectation that the project would propose high quality and innovative form and design. It would allow the development applicant to propose

for consideration a broad mix of uses, and vary a number (but not all) of the development standards. It would require or encourage the provision of community benefits.

2.2.2 (C) Overlay Districts

Overlay districts are superimposed over portions of one or more underlying base zoning districts with the intent of addressing area-specific conditions, features, or plans. They include standards that modify or supersede standards applied by the underlying base district. The current Downtown Development overlay district is proposed to be replaced by a new base district, the MU-D: Mixed Use-Downtown district, as discussed earlier. The H-O: Historic Overlay and SL-O: Small Lot Overlay districts are carried forward and a new NC-O: Neighborhood Conservation Overlay district is added as a tool to protect the character of existing neighborhoods. They are described below.

The current **H-O: Historic Overlay** is carries forward the current H-O district, with no changes.

The **SL-O: Small Lot Overlay** district carries forward and renames the current small lot overlay district. It is intended to support a variety of housing types consistent with the character of existing residential neighborhoods.

The new **NC-O: Neighborhood Conservation Overlay** district is intended to ensure the desired character of a neighborhood is protected. The district can be an appropriate tool in both stable traditional neighborhoods and at-risk neighborhoods to improve, re-build, preserve, and protect desired neighborhood character. A framework for the establishment of the district will be included in the regulations so that the community can tailor and adopt individual NC-O district standards for different neighborhoods.

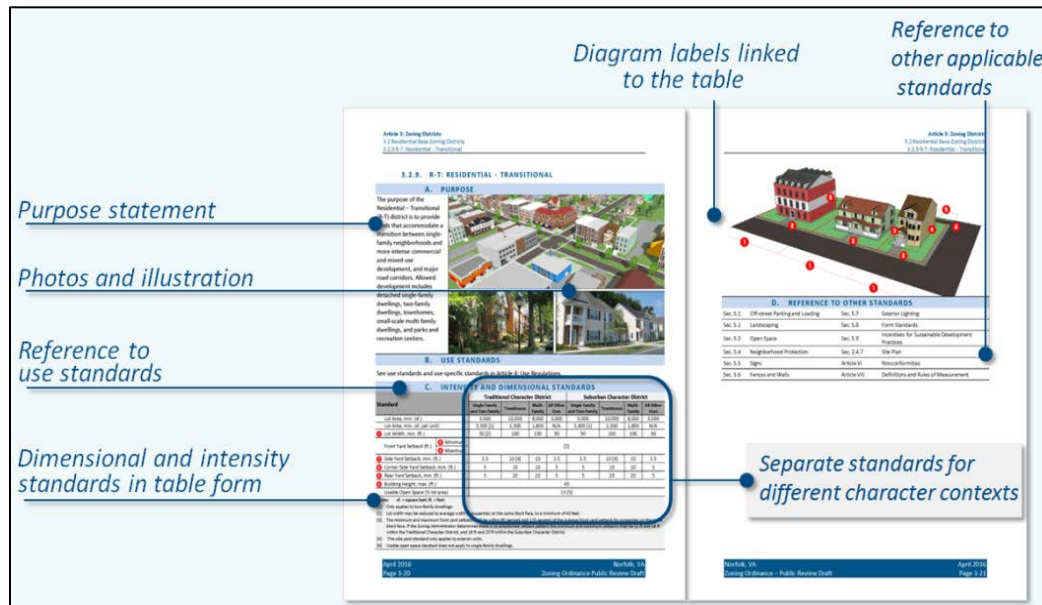
Standards for a NC-O district must conform with a neighborhood plan that is established prior to the creation of a specific NC-O district. The neighborhood plan helps identify the neighborhood's defining character features that are to be protected. Standards are then developed for the LDC for the specific NC-O district, to implement the neighborhood plan. Standards might address such issues as: building height; setbacks; roof pitch; garage location,

setbacks; front porches; driveway access; street trees; and landscaping. Typically, only a handful of character-defining features are regulated.

Airports operations have an impact on lands surrounding the airport. **The new AIZ: Airport Influence Zone** is intended to ensure necessary regulations for the current and future running of the airport.

2.2.3 Modernize Format of Zoning Districts

In discussing the restructuring of the zoning districts, it is also important to recognize the current layout of zoning district regulations could also be improved. For example, some tables are used in Article II - Land Use: Type, Density, Intensity, but the information is repeated in text form. This is redundant, and increases the likelihood for inconsistencies in the code when it is amended. In addition, use standards are inserted alongside dimensional standards, which can be confusing; most modern codes placing use regulations in a separate article or section, where they can be reviewed more comprehensively (see Section 2.2.5, Identify and Classify Uses in a Simpler and More Flexible Way). Overall, as currently presented, information in the zoning district regulations is difficult to digest quickly,. The extensive use of text, ineffective use of headings and white space, and minimal use of tables and graphics make the regulations challenging to follow.



Modern zoning district layout

Modern approaches to laying out zoning district regulations include an attractive layout, consistent structure, and effective use of tables and graphics. We recommend each district in the new LDC include a purpose statement, a reference to the use table and use-specific standards, the intensity and dimensional standards applicable in the district, and form standards, where appropriate. In addition, graphics and photos should depict the desired character of development within the district, typical lot patterns, and the application of dimensional standards. An example of this suggested zone district layout is shown in the graphic on this page.

2.2.4 Evaluate and Reduce, Where Appropriate, Special Exception Uses

A number of uses in the current LDC are reviewed as special exceptions, meaning they are subject to review and public hearing by the Planning Commission. During the kick-off meetings, we heard several times that too many uses are currently classified as special exceptions, resulting in a number of developments being required to undergo a lengthy and uncertain public hearing review process.

Some of the current special exception uses might potentially be treated as either “by right” uses, either because development conditions have changed, or supplemental and measureable use specific standards can be required administratively to the

use to address potential off-site impacts. During the drafting process we suggest evaluating and potentially reducing the number of special exception uses identified and required, especially where:

- ▶ They are not necessary because the use is antiquated or irrelevant;
- ▶ Development conditions have otherwise changed; or
- ▶ Precise, measurable, supplemental use specific standards can be added that address the potential off-site impacts of a use in a zoning district.

Reducing special exception uses results in a more consistent and efficient development review process, which can be done without sacrificing planning and development goals. We suggest this analysis be undertaken during the drafting stages.

2.2.5 Identify and Classify Uses in a Simpler and More Flexible Way

As noted in Section 2.2.3, Modernize Format of Zoning Districts, use regulations are currently established alongside zoning district regulations in Article II - Land Use: Type, Density, Intensity. Information is provided in text, which makes the zoning

Permitted Uses																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
Principal Use Category	Principal Use Type	P = Permitted by Right										S = Allowed only with approval of a Special Use Permit				Blank Cell = Prohibited				Historic Districts or Landmarks	Overlay Zones	Small Use Overlay Zoning District	Use-Specific Standards																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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Example of a comprehensive use table. Apopka's current use regulations were organized into a comprehensive table, included in this document in Appendix A, Current Use Regulations.

district and use regulations difficult to digest, and does not allow for a side-by-side comparison of allowed uses by zoning district. In addition, use-specific standards are inserted directly into the list of allowed uses, making it hard to gain an at-a-glance view of allowed uses.

In many modern codes, and we suggest it appropriate here, use regulations are established in a separate article, and organized into master use tables, which show the list of allowed uses by zoning district. It is best to consolidate the list into as few tables as possible, for example a table for principle, accessory, and temporary uses.

The table should identify permitted, special exception, and prohibited uses, and also include a cross-reference to any applicable use-specific standards, which would be located after the table. This is the approach we suggest be used in the new LDC.

2.2.6 Use a Three-Tiered System to Classify Uses

The uses in the current LDC are organized by permitted and special exception uses. There is no further classification or organization of uses, making it difficult to determine if a new use is similar to an existing use (because of its functions and features) and should or should not be allowed in a particular zoning district. Based on best practices, we suggest that the new LDC incorporate a three-tiered use classification system that adds text descriptions to clarify use groups at three different levels:

- ▶ **Use Classifications** (broad general classifications such as Residential, Commercial, and Industrial);
- ▶ **Use Categories** (major subgroups within Use Classifications that are based on common characteristics, such as “Group Living” and “Household Living” under the Residential classification); and
- ▶ **Uses** (specific uses within the Use Categories, such as “one-family detached dwellings,” “multi-family dwellings,” and “townhouse” under the Household Living category and Residential classification).

Many communities are moving to this use classification approach due to its more robust structure and flexibility.⁵

In addition, we suggest the rewritten use regulations define use categories broadly and list specific uses only if they sufficiently differ from similar broad use categories to justify allowing them in different zoning districts. This allows staff more flexibility in determining whether a proposed use is allowed and reduces the number of developments that must go through a lengthy and uncertain rezoning or text amendment process just because the proposed use is not expressly listed

⁵ This structure can be seen in the master use table, which is shown in the graphic in the previous section, and in Appendix A, Current Use Regulations. In the table, use classifications are shown in the color-banded rows, use categories are shown in the left-hand column, and use types are shown adjacent to this column, nested within the applicable use category.

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Theme 3 Modernize the Development Standards

3.1 Add Mobility, Circulation, and Connectivity Standards

Many communities are modifying their transportation and development policies to support and require an approach that calls for more complete streets – or street networks and rights-of-way to be planned, designed, operated, and maintained to enable safe, convenient, and comfortable travel and access for users of all ages and abilities, regardless of whether their mode of transportation is by walking, bicycling, driving automobiles, or riding public transportation. This approach also addresses streets as destinations (e.g., for sidewalk dining and social gathering) and not just links, and it addresses streets in the context of surrounding development and areas. Principles that support such an approach might address the following design elements of streets:

- ▶ Pedestrian infrastructure such as sidewalks, traditional and raised crosswalks, median crossing islands, Americans with Disabilities Act of 1990 compliant facilities, and sidewalk bulb-outs;
- ▶ Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes—including a road diet, center medians, shorter curb corner radii, elimination of free-flow right-turn lanes, angled face-out parking, street trees, planter strips, and ground cover;
- ▶ Bicycle accommodations, such as bicycle parking, neighborhood greenways, wide paved shoulders, and protected or dedicated bicycle lanes 12 feet in width for separate trails; and
- ▶ Public transit accommodations, such as bus pullouts, bus shelters, and dedicated bus lanes.

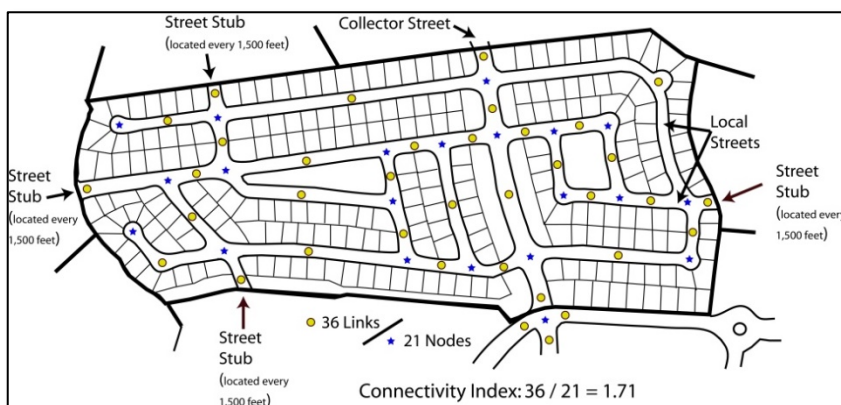
The city's current regulations contain relatively few access and circulation standards like these, even though there are some in selected districts, and there are some general standards addressing roadway design, cul-de-sacs, and block length. There

II) Diagnosis

are no current standards addressing bikeways or the accommodation of transit service.

Given these circumstances, we recommend the rewritten regulations consolidate the current access and circulation standards into one set of standards that address the full range of transportation needs and improvements. Additionally, we recommend that the city modify and expand the current standards to reflect the following complete street principles:

- ▶ **Multimodal (pedestrian, bicycle, transit, vehicle) access/circulation.** Access and circulation standards that expressly require or encourage new development, where appropriate, to provide integrated multimodal access and circulation that addresses anticipated vehicular, transit, bicycle, and pedestrian demands. This might include provisions not just for streets and driveways, but also bikeways, sidewalks, and transit facilities (e.g., bus pullouts and bus stops). It will integrate changes produced by the City's Complete Streets initiative being developed in conjunction with the County.
- ▶ **Sidewalk and related pedestrianway standards.** Requirements that new development place sidewalks (and street trees) on both sides of a street.
- ▶ **Connected access and circulation systems.** Connectivity standards to require extensions of streets, and sidewalks from developments to adjoining undeveloped land, where appropriate, and cross-access requirements between the internal access and circulation systems of adjoining commercial developments. Additionally, connectivity standards that would ensure a minimum amount of street connections in certain areas through a connectivity index.



- ▶ **Community form standards.** A basic set of community form standards that would apply to all new development outside the proposed Downtown, Mixed-Use East Shore, and Mixed-Use Kelly Park Interchange Districts, and would be triggered based on defined development thresholds. Such standards would ensure that new

development establish a basic development template that supports strong, well-connected street and pedestrian networks. Suggestions for the types of standards to include in these new regulations are outlined in Table 3.1: Potential Community Form Standards.

Table 3.1: Potential Community Form Standards

Standard	Potential Requirements
Street Connectivity Standards	Application of a street connectivity index to ensure a minimum level of street connections
	Where constructed, limit cul-de-sacs to a maximum length of 500 feet, and provide pedestrian access to any adjacent pedestrian system or other local streets
	Limit the average block length in a development (when blocks are used) to 1000 feet,-- except in cases where environmental constraints (e.g. wetlands, lakes, karst areas, etc.) make it impossible or impracticable to design such block lengths
	Establish minimum external street connectivity provisions, by requiring that a roadway connection be provided for new subdivision development at least every __ feet for each direction (north, south, east, west) in which the development abuts a similar or compatible use
Minimum Number of Entry Points	Require at least two ingress/egress points from all subdivisions with 50 units or more. These points must actually be open full time, preferably providing access that is not only to the subdivision.
	Require one additional entry for every 200 dwellings
	Establish limitations on placement of driveways within 500 linear feet of an entrance/exit to the subdivision
	Maintain the City's ISO standards
Traffic Calming Techniques	Require interruption of long straight street segments over 1,200 feet in length
	Encourage utilization of street jogs, off-sets, and mini-roundabouts at intersections of local streets
	Encourage the use chicanes, neck-downs, and medians along wide streets
Sidewalks	Require sidewalks on both sides of every street, except in cases where environmental features make such provision impractical, when a public pedestrian way can serve the same function as a sidewalk, or the development lies on an arterial or major collector road and there are no connecting sidewalks within 500 feet
	Require connections be made to existing or planned sidewalks at the property boundaries
Lot Access Standards	Recognize the ability of a corner lot to re-orient driveways to one side or another in an effort to preserve safety or traffic carrying capacity

Table 3.1: Potential Community Form Standards	
Standard	Potential Requirements
	Prohibit driveways from having direct access to arterial streets unless no alternative means of access (e.g. alleys or parallel access streets) exists, and it is unreasonable or impractical to require a parallel access street from an adjacent arterial
	Limit driveway access to collector and certain other streets, where appropriate
	Limit or prohibit driveway access in new residential subdivisions with lot widths that are 50 feet or less – for pedestrian safety and aesthetic purposes (access to be provided by alleys)
Cross Access Standards	Require all nonresidential and multi-family development be designed to allow for cross access (across or through vehicular use areas) to adjacent sites with compatible uses (to encourage shared parking and shared access to streets) – except in situations where environmental, topographic, or safety hazard issues make it impossible or impracticable

3.2 Modernize Off-Street Parking, Loading, and Add Bicycle Standards

The current off-street parking standards are located in Section 6.03.00 in the current regulations. The section lists requirements for off-street parking and loading areas. Those standards establish minimum off-street parking standards, off-street loading standards, and set down minimum requirements for the general layout of the parking lots, and the parking spaces. The regulations also provide the Development Review Committee (DRC) discretion in either increase or decrease the number of off-street parking spaces required, if there is a demonstration that parking demand is different from the minimum requirements. The current regulations also provide several options that allow the substitution of bicycle parking facilities in exchange for a reduction in vehicular parking spaces. Finally, the section includes a fairly broad array of flexibility provisions that allow for the reduction in the quantity or location of required off-street parking – for deferred parking, for mixed or joint-use parking (shared parking), and for off-site parking.

Even with these forward thinking provisions, the standards can be improved and modernized. We suggest the city consider the following changes to the current off-street parking standards.

First, review and modernize the minimum parking requirements to bring them into conformity with best practices. This involves comparing the city's parking requirements with standards recommended in the Institute of Transportation Engineers' Parking Generation Manual, other national standards, and recent standards adopted by other local governments to determine the appropriate quantity of required parking spaces for various uses. We also suggest that the city consider establishing a maximum number of spaces for some uses (e.g., mixed-use, retail, office, and multi-family) in some locations (the proposed Mixed Use-Downtown, Mixed-Use- **East Shore**, and Mixed-Use- Kelly Park Interchange Districts).



Second, establish different parking standards for the places where more intense, mixed use, and walkable development patterns will be supported versus all other places in the city. In other words, move away from the “one size fits all” baseline standards in the current regulations. To do this we recommend that the city establish at least two sets of parking standards, one tailored to the proposed Mixed Use-Downtown, Mixed-Use East Shore, and Mixed-Use Kelly Park Interchange Districts, and another for the rest of the city.

Third, place the modernized parking standards in a unified parking table that sets out the parking requirements for all allowable uses based on the uses in the permitted use table, along with provisions for uses with variable parking demands, and provisions that allow the Community Development Director to require preparation of a parking demand study for unusual uses where there is no reliable parking demand data.

Fourth, require large parking lots of 300 or more spaces to be broken up into sections and to incorporate pedestrian-friendly features such as sidewalks to the principal entrance of buildings and enhanced landscaping that provides shade for pedestrians and vehicles and contributes to reduction of stormwater runoff.

Fifth, require that all or a portion of the required surface parking in targeted areas of the community (e.g., along commercial corridors or in the proposed Mixed Use-Downtown, Mixed-Use East Shore, and Mixed-Use Kelly Park Interchange Districts) be located on the sides or rear of buildings.



Sixth, add bicycle parking standards in the proposed Mixed Use-Downtown, Mixed-Use East Shore, and Mixed-Use Kelly Park Interchange Districts (in addition to off-street parking standards), requiring bicycle parking on-site. Also encourage and incentivize the use of bicycle parking in other locations for retail establishments of a certain size, or in certain zoning districts that permit a certain amount of intensity. These basic requirements should also specify acceptable types of bicycle storage, consistent with standards recommended by the Association of Pedestrian and Bicycle Professionals.

Finally, build on, refine, expand, and modernize the current flexibility provisions that can be used to address parking standards. This should include:

- ▶ Modernizing the mixed or joint parking provisions (shared parking) as well as off-site parking provisions, subject to limitations on distance from the site and requirements for good pedestrian access from the off-site parking location to the site, by making linkages to adequate pedestrian facilities more clear;
- ▶ Carrying forward the deferred parking provisions;
- ▶ Adding provisions that allow reductions based on the provision of valet or tandem parking;
- ▶ Consider adding provisions that allow reductions in parking for Transportation Demand Management (TDM) programs in zoning districts where more development intensity will occur over time (e.g., the proposed Mixed Use-Downtown, Mixed-Use East Shore, and Mixed-Use Kelly Park Interchange Districts), with more specific guidance on estimated levels of reduction that an applicant may expect from implementing and agreeing to provide a particular TDM measure as part of a development; and
- ▶ Clarifying and refining the provisions that allow for an applicant to submit an alternative parking plan demonstrating how parking requirements can be met for a development through alternatives different than those spelled out in the regulations.

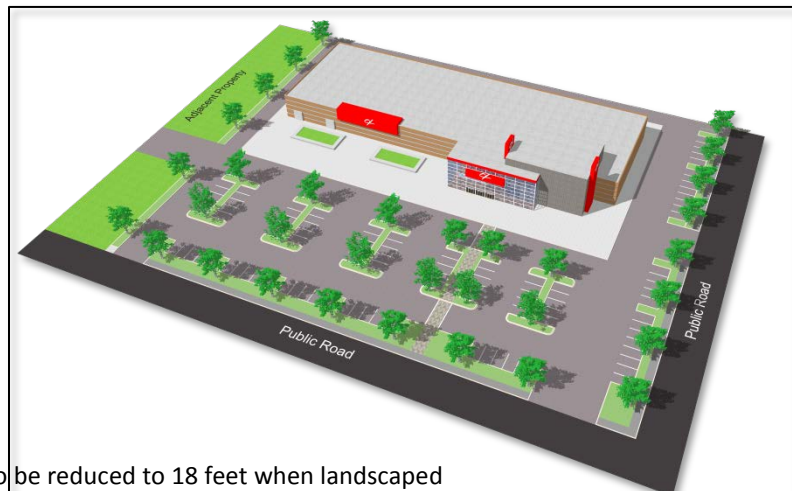
3.3 Modernize Landscaping and Buffer Standards

The current landscaping regulations are found in the LDC at Section 5.01.08. The regulations generally require submittal of

landscape and irrigation plans, either as their own submittal or as a part of development plans in accordance with Section 5.01.07. Permit applications must demonstrate compliance with the landscaping standards. Owners of individual residential lots or developers of single-family residential developments may submit a self-certification checklist instead. The current regulations include standards for:

- ▶ Foundation landscaping around any buildings that require special exceptions, if facing a right-of-way (Section 2.02.01 B.5.b.4.);
- ▶ Parking lot landscaping that requires:
 - ▶ Ten percent of the parking lot area (including the parking and circulation area) be landscaped
 - ▶ The parking lot interior include landscaped islands of 200 square feet in area for every 20 spaces in a row,
 - ▶ One canopy shade trees for every parking lot, plus an additional canopy shade tree for each 20 spaces, or portion thereof;⁶
 - ▶ The parking lot perimeter include hedgerows at least three feet high between the parking lot and the street, and landscaping to generally provide visual relief, screening , and reduce noise and vibration from adjacent properties; and
 - ▶ More specific landscaping standards for PUDs (Section 2.02.18 D.21.).

The majority of current bufferyard standards are found in Section 2.02.01 B.4., though some are scattered throughout the code in reference to landscaping and open space requirements for various districts. They require bufferyards between all



⁶ The provisions also allow parking space length to be reduced to 18 feet when landscaped buffers lie between rows.

nonresidential uses and/or “incompatible zoning districts or uses,” and “adjacent to arterial collector and in some cases local roadways,” (Section 2.02.01 B.4.c.). It is important to note that “incompatible zoning districts or uses” nor the particular local roadways are specified in the code. Additionally, the standards for bufferyards to mitigate between “incompatible zoning districts or uses” is a “one size fits all” standard that requires a 15 foot wide bufferyard, along with a specified amount of plantings. The bufferyards along roads also seems to take a similar “one size fits all approach” requiring similar tree plantings with additional understory tree and hedge plantings and decorative walls or fencing.

While the city’s landscaping standards are generally sound, and the recent results seem relatively good, there are areas that can be revised to improve development quality and clarify the landscaping requirements. We suggest the city consider the following revisions:

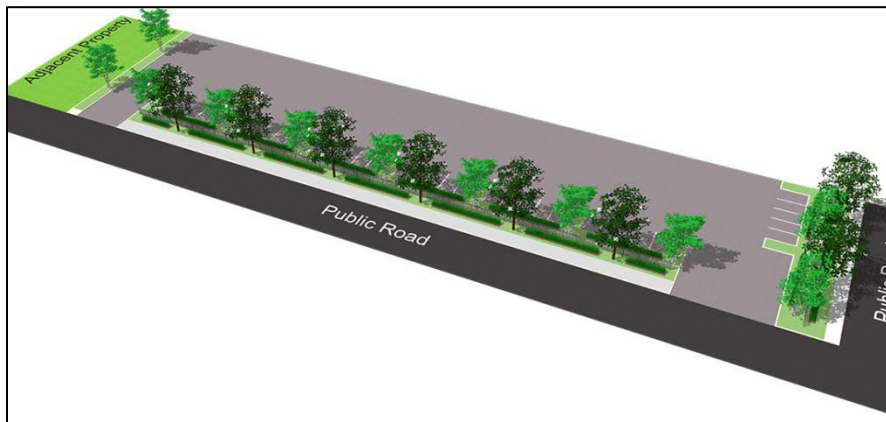
First, expand the basic planting standards to include species diversity requirements and use of “Florida-Friendly”⁷ plants (to minimize need for irrigation).

Second, add some basic foundation landscaping standards for multi-family, commercial, office, and light industrial development.

Third, refine the approach to transitional bufferyards, the

bufferyards between incompatible land uses, by first specifically clarifying where such bufferyards apply, then then focusing more on performance-oriented buffers based on opacity, that are designed in ways that are more sensitive to the different contexts in the city (urban versus suburban). That way specific options can be

provided that allow transitional buffer widths to be reduced if additional landscaping and fencing can be provided, which is more context sensitive than the current regulations;



⁷ Based on guidance from the Florida-Friendly Landscaping Guide to Plant Selection & Landscape Design produced by FDEP and UF IFAS Extension

Fourth, refine the vehicular parking (parking lot) requirements to clarify the landscaping requirements, and refine the standards to ensure they are consistent with best practices;

Fifth, add additional requirements for large parking lots (over 300 parking spaces) to ensure they incorporate elements to break the lot into pods, and provide pedestrian features to improve access to the building's entrance.

Sixth, add requirements for the placement of street trees along streets;

Seventh, and where appropriate, refine landscaping standards to adapt them to a more urban context and/or create new variations of standards to apply in the city's more urbanized areas; where appropriate, establish landscaping standards for both urban and suburban contexts; and

Eighth, and as discussed in 2.2.2(B), Planned Development Districts, apply the landscaping and bufferyard standards that generally apply to all development to planned developments, unless the PD Plan proposes modification to the standards, which will be considered in the review of the planned development application.

3.4 Strengthen Tree Protection Standards

Mature trees provide benefits that sustain a high quality of life and support the natural environment. They also beautify and enhance the character of the city. In order to preserve existing trees, the city has established tree protection standards, found in Section 5.01.04. Those provisions require the approval of an arbor permit prior to removal or damage of a protected tree, or prior to damaging or pruning an historic or specimen tree. The regulations define a protected tree as "... any living tree with a DBH of six inches or greater and which are not otherwise exempt from this code, including:

- ▶ Palms with clear trunks of four and one-half feet between the ground and lowest frond.
- ▶ The needle palm (*Rhapidophyllum hystrix*).
- ▶ Those trees so designated by the City Council."

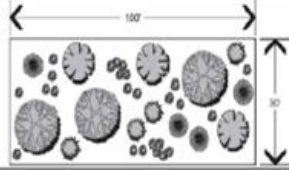
II) Diagnosis

Even though there is no specific definition of an historic or specimen tree, the code identifies a historical tree as “....those trees designated by resolution from the City Council to have significant historical value to the community.”

Section 5.01.06 A.1, places modest regulatory protections on an historic or specimen tree. However, it allows the removal of an historic or specimen tree if:

- (1) The tree is located in a buildable area, yard area, or street right-of-way where a structure or improvement are to be placed and for which an arbor permit application has been filed, and not to allow removal would unreasonably restrict the permitted use of the property.
- (2) The tree is diseased, injured, or in danger of falling too close to existing or proposed structures and consequently could endanger the structure, interferes with utility services, or creates unsafe vision clearance or otherwise affects the safety, health, and welfare of the public; or
- (3) The tree is of a species that is listed as a nuisance plant under this code.

The regulations are not as clear with respect to the regulatory protections afforded protected trees. There are no standards that address the removal or damage of protected trees in a

TABLE 16-5-103.I: BUFFER TYPES	
MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS 1,2,3,4	
TYPE D BUFFER	
This buffer includes high-density screening designed to eliminate visual contact up to a height of six feet and create a strong spatial separation between adjacent uses.	
Option 1	 • Width: 30 feet • Overstory trees: 6 per 100 linear feet • Understory trees: 8 per 100 linear feet • Evergreen shrubs: 25 per linear foot and at least 6 feet high at maturity • At least 50% of all trees must be evergreen.
Option 2	 • Width: 20 feet • Overstory trees: 5 per 100 linear feet • Understory trees: 6 per 100 linear feet • A solid wall or fence at least 6 feet high or a solid evergreen hedge at least 6 feet high and 3 feet wide • At least 50% of all trees must be evergreen.

straightforward way. However, Section 5.01.06 A.3. does require an arbor permit for land clearing activities, which the provisions say allows for removal of a protected tree if such removal is expressly provided for in the arbor permit.

Section 5.01.07 also requires that if either historic/specimen trees or protected trees are damaged or removed, they shall be replaced on a one inch DBH to one inch DBH basis,

but limitations are placed on that replacement requirement in subsequent sections that state:

- The maximum tree stock the city may require on a particular property is 30 inches DBH plus five inches DBH per 1,000

square feet of area over 6,000 square feet, for replacement of specimen or historic trees; and

- ▶ 21 inches DBH plus three and one-half inches DBH per 1,000 square feet of area over 6,000 square feet, for land clearing and replacement of protected trees

The section also includes a provision that allows waiver of the replacement requirement by the city if it is determined the remaining trees on the site comply with the intent and purpose of the regulations.

Based on our review of the regulations, we suggest the city consider the following. First, carry forward tree protection regulations for historic or specimen trees, but clearly define what constitutes an historic or specimen tree in the code, and tighten the protections to only allow the cutting or destruction of such a tree if there are no reasonable alternatives for development on a site design.

Second, strengthen the protections provided to protected trees (redefining protected trees as canopy trees with 8" DBH. or greater), by requiring new development to retain a certain percentage of the existing tree canopy of protected trees on a site based on the amount of existing tree canopy coverage. The standards would be based on a sliding scale and might also include reduced standards for the proposed Mixed Use-Downtown, Mixed-Use East Shore, and Mixed-Use Kelly Park Interchange Districts and Commercial and Industrial districts, and provisions that allow for cutting of trees and reforestation under limited circumstances.

Third, strengthen the tree replacement requirements and the provision of higher credits towards landscaping requirements for retention of existing trees, and credit where trees are saved towards open space set-aside requirements.



3.5 Add a Comprehensive Set of Open Space Set-Aside Standards

The current development regulations include specific provisions related to the provision of open space set-asides, but they are spread throughout the regulations, and do not address the issue in

a comprehensive way. Open space requirements are established for the following zoning districts, at different levels:

- ▶ Residential Multiple-Family-3 District (Section 2.02.07 I.4.): 30 percent (for multiple-family dwellings);
- ▶ Mobile Home Park District(Section 2.02.08 C.): 30 percent;
- ▶ Professional Office/Institutional District (Section 2.02.10 E.): 30 percent’
- ▶ Mixed-Community Center and Mixed Employment Center Districts(Section 2.02.20 B.): 30 percent for multi-family; and
- ▶ Planned Unit Development Districts (Section 2.02.18 D.19.): includes varying requirements:
 - ▶ Single-Family: 30 percent lots less than 70 feet in width and 30 percent for all others
 - ▶ Multi-Family: 30 percent
 - ▶ Office: 30%
 - ▶ Commercial and Industrial: 20 percent
- ▶ Small Lot Overlay District(Section 3.04.06 4.): 30 percent

Additionally, only in limited instances, do the current regulations provided specific direction on what does and does not constitute open space for purposes of the set-aside requirements.

Establishment of open space set-asides⁸ and provision of land for recreation are key components to quality development and a healthy community. To further improve the open space set-aside requirements in the current regulations, we recommend the city consider establishing a uniform and comprehensive set of open space set-aside standards that are context-sensitive. This would be

⁸ Open space set-asides are private lands on a development site that are set aside in perpetuity for the purpose of preserving environmentally sensitive lands, buffer areas, tree canopy, recreational lands (passive and active), meeting or gathering places, and the like. These lands can be maintained in perpetuity through a variety of tools—including, but not limited to, easements, covenants, dedication (donation of the land to a public agency for public use), conveyance of the lands to a third party beneficiary, etc. It is a concept used in modern development codes to ensure the maintenance and preservation of different types of open space while at the same time conforming to the requirements of the federal law on exactions and the imposition of conditions of approval on development.

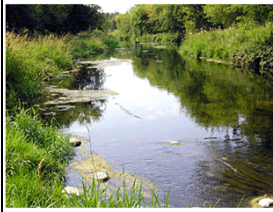
accomplished by establishing a set of open space standards, based on geographical location and development type (new residential, mixed-use, or nonresidential development). The different geographical locations that we propose for consideration are:

- ▶ The proposed Mixed use-Downtown, Mixed-Use East Shore, and Mixed-Use Kelly Park Interchange Districts; and
- ▶ All other zoning districts in the city.

The open space set-aside standards would ensure a minimum level of “green” area and site amenities. The open space set-asides would be defined to include landscaping and buffer areas, environmentally sensitive lands, floodplains, other natural areas, stormwater management areas that are designed as site amenities, trails and greenways, areas set-aside for passive and active recreation, and gathering places.

They, however, would recognize that open space needs and functions are different in the proposed Mixed Use-Downtown, Mixed-Use- East Shore, and

Mixed-Use Kelly Park Interchange Districts, and the other areas in the city. For example, open space standards in the downtown might require a lower set-aside percentage than in the other areas and would be flexible enough to allow features more prevalent in compact, mixed-use urban environments to count as open space (e.g., plazas and other public gathering spaces, fountains, use of stormwater infrastructure as site amenities, sidewalk furniture, roof-top or terrace gardens—perhaps even indoor atriums). In more urban areas, green roofs might also count towards meeting open space requirements, and might even be further incentivized through additional development intensity or building height.

LANDS COUNTED AS OPEN SPACE SET-ASIDES		
AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
Natural Resource and Hazard Areas (wetlands, floodplains, flood hazard areas, shorelines)		
	Natural water resources, including wetlands, shorelines, streams, estuarine areas, riparian buffers, flood hazard areas, existing tree canopy and important wildlife habitat areas.	• Preservation of any existing natural resource, wetland, floodplain, and flood hazard areas shall have highest priority for locating open space. • Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. • See tree protection standards (Section 5.6, Tree Protection) • See CBPA-O district regulations (Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay)
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses, including required public recreation area.	• Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. • Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.

Open space standards would also reflect the different needs of various types of development. For example, multi-family residential development would be generally subject to higher open space set-aside requirements than mixed-use, commercial, or industrial development, and open space is generally more focused on recreational uses.

Regardless of the location and type of development, standards should ensure that required open space set-asides are usable and functional for designated open space purposes—and do not merely consist of undevelopable “leftover” land. This can be achieved by adding locational and design rules governing the location, configuration, and usability of the open space. Those rules would give priority to protecting natural resources, and environmentally sensitive areas, floodplains, riparian buffers, and natural hazard areas (e.g., karst areas).

Finally, open space set-aside standards would include provisions addressing the ownership of and maintenance responsibilities for required open space set-asides

3.6 Revise Fence and Wall Standards

Fencing requirements, along with exterior lighting requirements (discussed below), have a significant impact on a community’s safety and aesthetics. Regulations governing fencing are generally located in Section 7.01.08 of the current development regulations.⁹ They:

- ▶ Require fences in the Agricultural-Estate, the Residential, the Commercial, and the Planned Unit Development districts, as well as development in the CRA to use decorative ornamental fencing when they are adjacent or visible from the public right-of-way;
- ▶ Establish height limits for fences in the Office and Residential districts;

⁹ There are other limited and discrete provisions addressing fencing. For example the special exception provisions require fencing to be visually and functionally compatible with surrounding uses; the Mixed Use District (Mixed-CC and Mixed-EC) provisions (Section 2.02.20 B.12.) impose additional setbacks for fences from corner lots; Section 3.04.09 of the small lot overlay places height and material limitations on fences, in certain situations.

- Require any fence located adjacent to a public right-of-way or private road be placed with the finished side facing the right-of-way, and that any fence be located so that its finished side faces the abutting property.
- Prohibit barbed wire in the Residential and Office districts, and place other limitations on the use of barbed wire in the other districts; and
- Prohibit other types of fence materials to be used (like broken glass, spikes, rails, razor edges) at any residential, commercial, and office use.

Many communities who initiate efforts to improve development quality have added or revised their fencing and wall standards, and this is an area the city might also consider modifying to achieve higher-quality development. We would suggest building upon and possibly strengthening the current regulations. Table 3.6, Potential Fencing and Wall Standards, provides a sample of the types of standards that the city might consider including in the rewritten regulations.

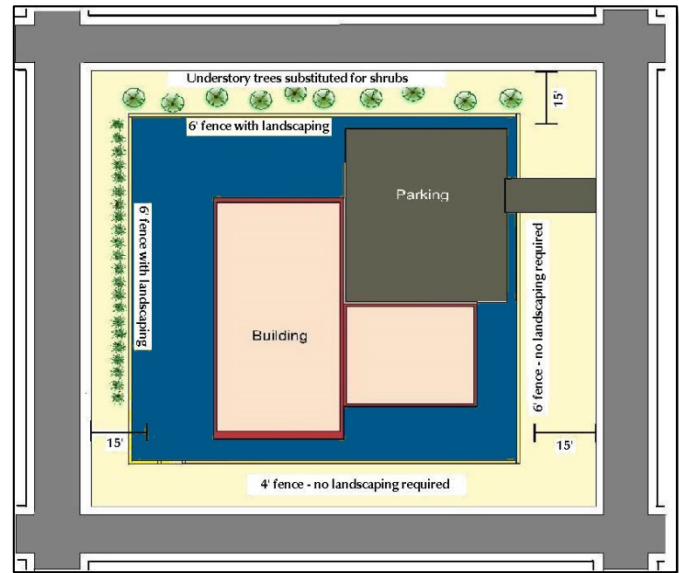


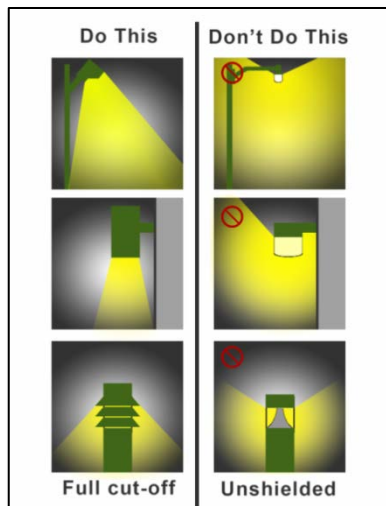
Table 3.6: Potential Fencing and Wall Standards

Standard	Potential Requirements
Height	Broaden the application of height restrictions for fences and walls, to include requirements in the Commercial, and possibly the Industrial districts. Additionally, refine the height limits in the Residential and Office districts, for certain locations (front, side, and rear yard)
Alleys	Establish standards for fences and walls adjacent to alleys
Landscaping	Require fences over a certain height and within a certain distance of a public street right of way to undertake modest landscaping to help prevent “fence canyons” along public streets
Security Exemptions	Include provisions that allow for some fences to have taller height, or to incorporate barbed or concertina wire, for security reasons
Customary Materials	Broaden the list of uses where decorative ornamental materials must be used for fencing (for example to include the new mixed use and special purpose districts, and broaden the list of materials that constitute decorative ornamental materials (to include, for example, treated wood

Table 3.6: Potential Fencing and Wall Standards

Standard	Potential Requirements
	posts and planks (rot-resistant wood, such as cypress), wrought iron, brick, stone, masonry materials, or products designed to resemble these materials.

3.7 Add Exterior Lighting Standards



While there are provisions in the current regulations that require alleyways to be lighted (Section 3.04.06), and that a lighting plan be submitted with a special exception application demonstrating that no proposed site lighting source negatively impact adjacent property (Section 2.02.01 B.5.2), there are currently no exterior lighting standards in the development regulations that protect the night sky and prevent light spillover and glare on adjacent properties.

Clear and enforceable exterior lighting standards that apply throughout the city are not hard or lengthy to draft. We suggest the rewritten regulations establish objective, measurable standards that address all of the key elements to protect the night sky and reduce glare. They would include:

- ▶ Mandatory use of full cutoff light fixtures to prevent light overflow and glare on adjacent lands;
- ▶ Minimum energy efficiency standards, all of which are achievable through off-the-shelf products;
- ▶ Minimum and maximum foot-candle limits to ensure adequate lighting of public and parking areas, and to prevent glare;
- ▶ Maximum light fixture pole or mounting heights that vary for different development contexts (shorter in residential areas and taller in commercial and industrial areas);
- ▶ Prohibitions on canopy lighting that extends below the edge of the canopy;
- ▶ Prohibitions on full floodlighting of uniquely colored or designed facades (which turns an entire building façade into a form of signage);

- ▶ Prohibitions on the up-lighting of signs, monument features, buildings, and the like;
- ▶ Light uniformity standards, to ensure that parking areas and pedestrian areas do not create edges where brightly lit areas are adjacent to dark areas (which provide opportunities for crime and mischief); and
- ▶ A provision that would allow modifications to the requirements for safety reasons.

3.8 Carry Forward and Refine the *Development Design Guidelines*

Even though the city had been applying the *Development Design Guidelines* (Guidelines) on an informal basis for some time, in 2000, the City Council officially adopted the Guidelines, which were incorporated by reference into the current LDC. The Guidelines provide minimum standards for site design, form, and basic architectural treatment that apply to new residential, commercial, office, and industrial development, and go a long way in ensuring a minimum level of development quality in the city.¹⁰ Because they incorporate a number of best practices and implement a number of plan goals and policies, we recommend they be carried for and refined in the new LDC. More specifically, we suggest:

- ▶ The residential design standards be carried forward and refined to:
 - ▶ Provide standards requiring multi-family buildings be oriented to a street or common open space areas, plazas, or recreational space;
 - ▶ Ensure single-family dwellings do not “turn their backs” on adjacent streets bordering the development (reverse frontage); and
 - ▶ Limit the repetition of monotonous facade designs on homes throughout a subdivision.

¹⁰ Ordinance No 2502, which enabled the Guidelines, created a new Section 6.09.00 in the current LDC.

- ▶ The commercial and office design guidelines be carried forward and refined to:
 - ▶ Provide measurable standards for pedestrian ways, linkages and paths;
 - ▶ Provide more specificity on the storage and screening of automobile sales at commercial developments; and
 - ▶ Provide standards for site furniture that requires a consistent design theme, and appropriate locations(s) for the furniture.
- ▶ The industrial guidelines be carried forward and refined to:
 - ▶ Remove references that identify the preferred location of industrial parks (that can be addressed in other parts of the LDC); and
 - ▶ Remove references to Downtown and special overlay areas (as provisions for the Downtown and other special overlay will be included in Article 3: Zoning Districts).

3.9 Add Provisions to Protect the Character of Existing Neighborhoods

Apopka is blessed with a number of well-established single-family neighborhoods, both old and new. The community generally concurs that protecting, maintaining, and improving the quality and character of the city's existing single-family neighborhoods is key to maintaining the community's quality of life. It should be an important goal in the rewrite.

As is the case in many communities, preservation of the city's neighborhoods does not come without conflict, especially regarding development proposals at the edge of single-family neighborhoods, or in the transition areas between single-family neighborhoods and the commercial corridors. Sometimes the conflict between old and new can be especially jarring, such as when a large new office, retail, or multi-family building is erected adjacent to single-family backyards or historic buildings. The potential for these conflicts could increase, as the city continues to grow and develop into the future. The conflicts typically line up neighbors or neighborhood

groups against development applicants over issues the neighbors believe would affect the character and quality of their neighborhoods—building height, mass, or design; site lay-out; parking or parking location; lighting; land uses; and expected (or feared) volumes of traffic.

There are few measurable and predictable minimum standards in the current development regulations to ensure development located adjacent to single-family neighborhoods is compatible with the character of the neighborhood. The result is that the city’s review of development proposals, especially in these edge/transition areas can be controversial and frustrating to the neighbors, the developer, and the review boards.

Based on best practices, we suggest the city consider adding two specific tools to the rewritten regulations, to address these concerns:

- ▶ Neighborhood compatibility standards; and
- ▶ A framework for application of a Neighborhood Character Overlay (NCO) District

3.9.1 Neighborhood Compatibility Standards

An increasing number of communities across the nation have included neighborhood compatibility standards in their regulations to protect the character of established single-family neighborhoods. If included in the rewritten regulations, they would typically apply to any new nonresidential development (e.g., commercial, industrial, or offices), mixed-use development, and multi-family development above a certain size that is adjacent to, across the street from, or within a certain distance from single-family residential development or a single-family residential zoning district. Table 3.9.1, Potential Neighborhood Compatibility Standards, includes a sampling of the types of neighborhood compatibility standards the city should consider including in the rewritten regulations.

TABLE 3.9.1: POTENTIAL NEIGHBORHOOD COMPATIBILITY STANDARDS

Site Layout	Requires structures to maintain consistent façade directions and building orientations as existing homes along the same block face.
	Requires the primary entrance of a new building to face the street from which the building obtains its street address or mailing address.
Building Façade	Requires construction of a similar roof type as single-family development in terms of slope and arrangement to prevent abrupt changes in roof form

TABLE 3.9.1: POTENTIAL NEIGHBORHOOD COMPATIBILITY STANDARDS

Standards	Requires porches, balconies, outdoor space, and other site attributes such as vending machines associated with multi-family and nonresidential development to be oriented away from adjacent single-family development
	Requires adjacent development to use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations as that included on adjacent single-family development
Building Dimension Standards	Requires that no building be higher than ___ feet within 100 or 150 feet of a single-family development, and that buildings over ___ feet in height be stepped back in height, so that the tallest part of the structure is the furthest from the single-family development
	Requires massing standards for building facades visible from single-family development – that include articulation of the façade in the form of projections or recesses with a minimum depth so that no single wall plane extends for more than 40 linear feet without some form of projection or recess. Covered porches, building wings, bay windows, pilasters, masonry chimneys, and cantilevered bump-outs would meet these requirements.
Site Design Standards	Requires when dealing with multi-building development, a continuum be established of use intensity, where uses of lowest-intensity are located closest to the single-family development, and the moderate intensity uses are sited between high-intensity uses and the lowest intensity uses
Location of Drive-Thrus and Outdoor Dining	Requires drive-thru facilities and outdoor dining areas to be located away from single-family development, to the maximum extent practicable.
Parking and Driveway Area Standards	Requires parking spaces be oriented away from single-family development
	Requires a fully-opaque vegetated buffer or fence, or a comparable buffer between single-family development and nonresidential and multi-family development
	Requires parking structure facades adjacent to single-family development receive enhanced design treatment to soften their visual impact
Loading and Refuse Storage Area Standards	Requires loading and refuse storage areas be located beyond a certain distance from single-family development
	Requires loading and refuse storage areas be screened from view of single-family development using materials that are the same as, or of equal quality to, the materials used for the principal building
Lighting Standards	Requires reduction of foot-candle values by 1/3 at lot lines
Signage Standards	Limits the sign area and maximum height of all signs by 25 percent of that normally allowed
Open Space Set-Aside Standards	Requires open space set-asides be located in a transition area between the nonresidential, mixed-use, or multi-family development and the single-family development, unless there is a compelling reason for it to be located elsewhere on the site

3.9.2 Neighborhood Character Overlay (NCO) District

Another regulatory tool many local governments use is Neighborhood Character Overlay (NCO) districts, as

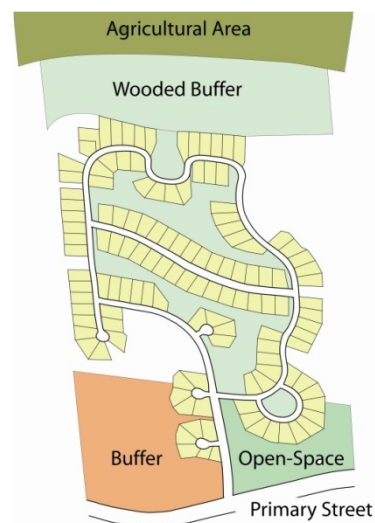
recommended in Section 2.2.2 (C), Overlay Districts. NCOs are primarily used to ensure the desired character of a neighborhood is protected and can be an appropriate tool in both stable traditional neighborhoods and at risk neighborhoods to improve, re-build, preserve, and protect desired neighborhood character. NCO standards typically require infill and redevelopment to comply with additional modest development standards to protect neighborhood character. A framework for the establishment of an NCO district is included in the zoning district regulations so that the community can tailor and adopt individual NCO standards for different neighborhoods, based on a pre-approved area or neighborhood plan.

3.10 Agricultural Compatibility Standards

Section 3.9, Neighborhood Compatibility Standards, suggests the addition of new transitional standards to ensure that commercial and multifamily development proposed adjacent to single-family development is designed and arranged so it is compatible with the single family development. We suggest a similar strategy for addressing compatibility issues between existing agricultural or resource-based land uses and new residential subdivisions located next to these activities.

Example standards that could be included in the new LDC might require such residential developments in the Agriculture and Agriculture Estate zoning district to:

- ▶ Provide a 75 or 50 foot-wide buffer of canopy and understory trees along all lot lines abutting an existing agricultural use.
- ▶ Configure residential lots so that the largest lots abut the vegetated buffer, and are sufficiently large to allow for a harmonious transition.
- ▶ Provide fences along the boundary with the agricultural use that are designed to prevent access (both human and animal) between the agricultural activity and adjacent residential development.



3.11 Add Green Building Standards and Incentives

As the Comprehensive Plan Future Land Use Element. Green House Gas Reduction and Energy Conservation, page 1-25, states, the use of “green” building standards, as opposed to conventional codes, results in energy conservation. In addition, it results in protecting and enhancing green spaces providing natural carbon sinks in soils, and vegetation and streambeds to mitigate carbon emissions. In addition, green building practices have many additional benefits:

- ▶ Water conservation;
- ▶ More accessible fresh produce and fish and meats;
- ▶ A diversity of housing options;
- ▶ Homes that allow people to “live in place;”
- ▶ Healthier development patterns that allow for a more active lifestyle through mixed-use development, and options to walk or ride bicycles; and
- ▶ Greater environmental and resource protection.

While the environmental protection provisions in the current development regulations are many, including water wise principles (Section 5.01.08), stormwater management systems (Section 1.04.02), wetlands regulations (Section 5.02.03), provisions to protect endangered, threatened, and species of special concern (Section 5.02.04-Habitat of listed species), Wekiva River Protection area (Section 5.02.05), groundwater and wellheads regulations (Section 5.03.00), mining regulations (Section 5.04.00), floodplain regulations (Section 5.05.00), and stormwater management system (Section 6.00.05), the current regulations lack standards and incentives to support many modern green building practices and the procedures needed to implement them. For example:

- ▶ Alternative energy systems like solar and wind¹¹ are not mentioned or defined¹²;

¹¹ While prospects for wind power are limited, maps from the National Renewable Energy Laboratory (NREL) suggest there may be some land where residential-scale wind power is viable in the city around Lake Apopka

- ▶ Low impact development, green building, rain gardens, and bioswales are not mentioned or defined;
- ▶ Universal design is not mentioned or defined;
- ▶ Environmental site design, community gardens, and produce stands are not mentioned;
- ▶ Farmers' markets are identified as a special exception use, but only in the Downtown Development Overlay District;
- ▶ Protected trees (trees with a 6" DBH or greater) and specimen or historic trees are protected, but the protections are modest relative to tree protection standards included in an increasing number of modern development codes;
- ▶ Certification for programs like Green Globe, National Green Building Standard (NGBS), Energy Star, Leadership in Energy and Environmental Design (LEED), and Envision, are not mentioned; and
- ▶ Recycling is not mentioned.

In contemplating new regulations, it is important to recognize that green building practices involve much more than the design of individual buildings. In reality, by the time specific buildings are being designed, many opportunities to improve energy conservation (e.g., through ground-mounted solar facilities), subdivision layout, stormwater management (e.g. through low impact development or environmental site design), or to reduce vehicle miles traveled (e.g. via better through-connectivity) through better site design will have been lost unless tools to promote those results are included in the development regulations. Not only can including such tools in regulations reduce the cost of development—both initially and in the long run—but it can also move the city toward more environmentally friendly and sustainable development practices. The inclusion of green building tools can reinforce the perception among citizens that the



¹² NOTE TO STAFF: Geothermal energy is often included along with solar and wind energy. While national assessments suggest prospects for the use of geothermal energy are low in this part of Florida, there are at least two Orlando-area firms selling geothermal systems. If interested, we can check with these companies to ascertain the viability of geothermal energy use in Apopka.

development regulations incorporate development principles and goals that are important both locally and globally.

Based on the general interest in the community about incorporating green building practices into the code, we recommend the city consider including in the rewritten regulations provisions that define, encourage, and support green building practices. In over two decades of practice, we have learned several important lessons about how to promote green development in land use regulations. These key lessons are:

- ▶ First, include the tools for green building in the development regulations. This means providing explicit definitions in the regulations for key terms like wind, solar energy systems, environmental site design, universal design, natural stormwater infrastructure, connectivity, bioswales, rain gardens, rain barrels, electric vehicle charging stations, alternative fuel filling stations, and recycling collection, transfer, treatment, and disposal facilities.
- ▶ Second, remove barriers to market driven innovations in these areas. Explicitly address where and how on residential, commercial, mixed-use, industrial, and raw land sites solar, geothermal, and wind energy systems may be installed – both as accessories to another primary use of the land, and as primary uses of the land. Do not require variances or approvals for installing smaller and accessory devices, and remove the requirements for building permits for those devices where possible. For larger and primary devices, establish objective standards and allow by right development subject to those standards wherever possible. Ensure that site design and landscaping standards do not prohibit low impact development practices, but instead allow them to be counted towards required open space set-asides and landscaped areas.
- ▶ Third, create meaningful incentives for those features that are most expensive and hardest to achieve. Resist the temptation to write an incentive for each desired site feature, because most of them will be ignored. Resist the temptation to give token incentives that do not begin to offset the added cost of installing the facility just to say that the regulations include an incentive. Development incentives must be designed strategically, and must be balanced with incentives needed to achieve other important goals.

- ▶ Fourth, write reasonable, objective, and enforceable standards for the green building features that can be included at low or moderate cost, if possible, during early phases of site or building design. There are a variety of energy conserving, water conserving, low impact development, and resource recycling features that can be included at low cost, where the additional cost is easily offset by the savings in time and expense by avoiding a variance procedure. These are the “tipping point” issues – areas where efficient market driven solutions are easily available, and the role of the development regulations is to strongly encourage their use through reasonable standards and procedural efficiencies.
- ▶ Finally, be sure to coordinate the standards and incentives in the development regulations with related provisions of the building code. Generally, if the topic is adequately addressed in other codes (e.g. incentives or allowances for building mounted solar collectors), they should not be repeated in the development regulations, because repetition often leads to inconsistencies over time. On the other hand, site design features (e.g. ground mounted solar collectors or bioswales) can and should be addressed in the development regulations with little worry that those provisions will become inconsistent with other code provisions over time.

We recommend that the rewritten development regulations define terms, remove barriers, and adopt reasonable regulations following the principles above, for the following types of green building practices:

- ▶ Alternative energy systems that would include, but are not be limited to, solar energy systems, solar collectors, solar arrays, wind energy conversion systems (WECs), other wind energy systems, geothermal systems, electric vehicle charging stations, and alternative fuel filling stations;
- ▶ Energy conservation techniques and devices including, but not limited to, green roofs, roof gardens, cool roofs, and subdivision design (To take advantage of solar and passive energy);
- ▶ Water conservation techniques and devices including, but not limited to, xeriscape, drip irrigation systems, bioswales, rain gardens, rain barrels, and water cisterns;
- ▶ Low impact development/environmental site design standards for stormwater management;

II) Diagnosis

- ▶ Conservation of green infrastructure including, but not limited to, more stringent tree protection requirements and the provision of open space-set-asides;
- ▶ Urban agriculture activities including, but not limited to, community gardens, produce stands, farmers markets, and vegetable gardens and the raising of a limited number of animals (like chickens, ducks, and rabbits) in specified residential zoning districts;
- ▶ Compact, walkable urbanism that supports market driven and higher development densities with a mix of uses in key places, together with requirements for pedestrian and bicycle connectivity and a strong focus on the quality of the streetscape;
- ▶ Housing diversity by increasing the housing options available to residents in close proximity to services, by right or subject to use specific standards. These types of housing might include small-scale forms of attached dwellings (duplexes, triplexes, quadplexes, mansion apartments, courtyard apartments, senior housing, and ECHO housing) that not only promote affordability but limit the impact of new development on the land; and
- ▶ Recycling collection, transfer, treatment, and disposal facilities.
- ▶ This will require changes to at least the following sections of the regulations:
 - ▶ Definitions.
 - ▶ Permitted uses—to better address renewable energy facilities, urban agriculture, and housing options.
 - ▶ Use-specific standards— for example, to better establish where on a site accessory renewable energy facilities can be located.
 - ▶ Dimensional standards— to establish maximum heights and setbacks of renewable energy and low impact development features.
 - ▶ Parking standards—to accommodate electric vehicle charging stations and improved van and carpool provisions.
 - ▶ Open space set-aside standards—to refine the open space set-aside requirements for the protection of green infrastructure,

and provide credits to protect green infrastructure in appropriate locations.

- Tree protection standards—to increase the protection of tree canopy.

We also recommend that the new regulations include meaningful incentives for these or similar types of sustainable development practices: construction of high-rated buildings under LEED or an equivalent rating system or compliance with specific standards from another environmental rating system.

Finally, we recommend coordinating the new standards and incentives with related provisions of the building code, to ensure there are no conflicts and that the provisions are mutually supportive.

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III) Annotated Outline of the New Land Development Code

This part of the Assessment provides an overview of the proposed structure and general substance of the updated Land Development Code (LDC) if the issues identified in Part II are addressed as suggested. As part of the review and discussion of the Assessment, the city can provide more detailed direction about the nature and scope of the updated LDC and specific provisions. When this process is completed, the Clarion team will undertake the actual drafting of the updated LDC.

The following pages are a general outline of the new regulations. We view the annotated outline and the previous parts of the Assessment as vehicles for helping to define expectations about what is to be accomplished in the updated LDC before beginning the detailed drafting work. In addition to providing a road map for drafting the new code, the outline provides an organizing framework for continued conversations with the city about key code issues.

The sidebar outlines the proposed new structure, which includes eleven articles.

PROPOSED STRUCTURE	
ARTICLE 1:	GENERAL PROVISIONS
ARTICLE 2:	ADMINISTRATION
ARTICLE 3:	ZONING DISTRICTS
ARTICLE 4:	USE REGULATIONS
ARTICLE 5:	DEVELOPMENT STANDARDS
ARTICLE 6:	ENVIRONMENTAL STANDARDS
ARTICLE 7:	CONCURRENCY
ARTICLE 8:	NONCONFORMITIES
ARTICLE 9:	ENFORCEMENT
ARTICLE 10:	DEFINITIONS AND RULES OF MEASUREMENT

ARTICLE 1. GENERAL PROVISIONS

Article 1: General Provisions plays an important part in making the regulations user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the regulations are adopted and administered. These “boilerplate” sections will state the title of the document, the legal authority by which Apopka regulates land use, zoning, the environment, concurrency, and platting, and the general purposes for the regulations. The sections will clarify who is subject to the regulations, establish transitional provisions, address the severability of individual provisions, and establish a date when the new regulations become effective.

SECTION 1.1. TITLE

This section carries forward and builds on Section 1.00.00, Titles, of the current development regulations. It will set forth the official name by which the regulations may be cited (e.g., “The Land Development Code of the City of Apopka”) as well as any acceptable shortened references (e.g., “the LDC” or “this code”).

SECTION 1.2. AUTHORITY

This section carries forward and builds on Section 1.01.00, Authority, of the current development regulations. The section will contain references to the authority by which the city has to adopt the LDC in accordance with the Florida constitution and Florida Statutes. It will also include a provision stating that if the regulations cite a provision of the Florida Statutes or federal law that is amended or superseded, the regulations will be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1.3. GENERAL PURPOSE AND INTENT

A general purpose and intent section can inform decision-makers and the courts in future years about the intent of the City Council when it adopted the new code. This section will build on Sections 1.04.00, General Findings and 1.05.00, Intent, in the current development regulations, and relocate

ARTICLE 1: GENERAL PROVISIONS

SECTION 1.1. TITLE

SECTION 1.2. AUTHORITY

SECTION 1.3. GENERAL PURPOSE AND INTENT

SECTION 1.4. APPLICABILITY

SECTION 1.5. CONSISTENT WITH THE
COMPREHENSIVE PLAN

SECTION 1.6. RELATIONSHIP WITH OTHER LAWS,
COVENANTS, OR DEEDS

SECTION 1.7. OFFICIAL ZONING DISTRICT MAP

SECTION 1.8. TRANSITIONAL PROVISIONS

SECTION 1.9. SEVERABILITY

SECTION 1.10. EFFECTIVE DATE

provisions related to purpose and scope to this new section. It will include statements of intent, as appropriate, to reflect the goals, objectives, and policies in the city's comprehensive plan. Purpose statements related to the zoning districts, the development standards, and the procedures will be located in those specific sections.

SECTION 1.4. APPLICABILITY

This section makes clear who is subject to the requirements of the LDC. It builds on and clarifies Section 1.02.00, Applicability, of the current development regulations, and relocates provisions related to applicability to this new section. It will state that unless stated otherwise or exempted, the standards and requirements of the regulations apply to all development within the corporate limits of the city. It will also include a section on exemptions.

SECTION 1.5. CONSISTENCY WITH THE COMPREHENSIVE PLAN

This new section sets out the requirement that development be consistent with the Apopka comprehensive plan, in accordance with Sec. 163.3194, Fla. Stat.

SECTION 1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS

This section will provide that in case of conflict between the LDC and other legislative enactments of the federal government, the state, or city, the stricter provision shall apply to the extent allowed by law. The section will also express that it is not the intent of the regulations to annul private covenants, easements, or other agreements, but if the regulations establish stricter requirements, they control. The section will also clarify that the city will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and restrictions in reviewing plans for the purpose of ensuring consistency with city requirements.

SECTION 1.7. OFFICIAL ZONING DISTRICT MAP

This section incorporates by reference the Official Zoning District Map as well as any related maps. It will provide for amendment of the Official Zoning District Map upon the approval of a rezoning application. It will clarify that the Official Zoning District Map is now maintained in a digital format. It will also:

- Incorporate and refine the provisions in the existing regulations that relate to boundary interpretations; and
- Identify the Community Development Director as the person authorized to interpret the Official Zoning District Map and determine where the boundaries of the different zoning

districts fall, if in dispute. It will also provide that appeals from the Community Development Director's interpretations may be made to the City Council.

SECTION 1.8. TRANSITIONAL PROVISIONS

This is a new section that does two things. First, it outlines the translation from the current line-up of zoning districts to the new line-up of zoning districts with the adoption of the new LDC. This is done by including a table of the former zoning districts along with the corresponding new districts and overlays being adopted by the new LDC. Table 1.7.2: Proposed Zoning District Structure (in Article 3: Zoning Districts, of the Annotated Outline), which sets out the current zoning districts and how they would be treated in the new LDC, would serve as the basis for the translation table.

Second, the section establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. More specifically, subsections provide the following:

- Violations of the current regulations continue to be violations under the new regulations (unless they are no longer considered violations) and are subject to the penalties and enforcement provisions set forth in Article 9: Enforcement.
- Completed applications that are already in the development approval pipeline at the time the regulations become effective, may be processed under the prior regulations. If an applicant seeks to proceed under the new regulations (instead of the regulations in place at the time the application was originally submitted), the applicant may do so, but will need to withdraw the application and resubmit it.
- Existing development approvals and permits will be recognized as valid. These approvals and permits may proceed with development, as long as they comply with the terms and conditions of their approvals, and the rules in existence at the time of their approval. Substantial amendments to the approvals will subject the development to the new regulations.
- Applications submitted after the effective date of the new regulations are subject to the procedures and standards of the new regulations.

SECTION 1.9. SEVERABILITY

This standard provision states that if any part of the new LDC is ruled invalid, the remainder of the code is not affected and continues to apply, and that if application of a code provision to a particular circumstance is ruled invalid, that decision does not affect its application to other circumstances.

SECTION 1.10. EFFECTIVE DATE

This section establishes the effective date of the new LDC.

ARTICLE 2. ADMINISTRATION

For regulations to be effective, it is important that development review processes are efficient and that the community's substantive planning and development goals are embedded in the development review standards. An efficient process is achieved when the general framework for review is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of development approval is streamlined to the greatest extent possible without sacrificing assurance that the relevant substantive planning and development goals are used in making development decisions.

As discussed in Section 1.7.2: Recommendation for Streamlining, of the Assessment, this article consolidates all development review procedures and creates a set of standard procedures that apply to all development applications. It also makes changes to the development review procedures to streamline and simplify the review process. Article 2: Administration includes the following three sections:

- **Section 2.1. Advisory and Decision-Making Bodies and Persons**, which summarizes the development review responsibilities of the review boards and staff;
- **Section 2.2. Standard Application Requirements and Review Procedures**, which establishes a standard set of review procedures for the review of development applications; and
- **Section 2.3. Specific Standards for Development Applications**, which includes the specific review standards and any unique procedural review requirements for each individual application.

ARTICLE 2: ADMINISTRATION

SECTION 2.1. ADVISORY AND DECISION-MAKING BODIES AND PERSONS

SECTION 2.2. STANDARD APPLICATION REQUIREMENTS AND REVIEW PROCEDURES

SECTION 2.3. SPECIFIC STANDARDS FOR DEVELOPMENT APPLICATIONS

SECTION 2.1. ADVISORY AND DECISION-MAKING BODIES AND PERSONS

The first section in the article identifies the advisory and decision-making bodies and staff responsible for the review and administration of development under the LDC. Provisions such as these help to establish clear lines of authority in the decision-making procedures. This section will identify the specific responsibilities of each review board or staff person. Table 1.7.2, Proposed Review Procedures, City of Apopka, from the diagnosis and reproduced below, provides an overview of the new proposed review procedures, and which board or person is responsible for review, advice, or making the decision.

Table 1.7.2 Proposed Review Procedures, City of Apopka (Reproduced from Diagnosis)					
A- Appeal; D-Decision; R-Recommendation; S-Staff Review; <->-Public Hearing					
Review Procedure	Review Authority				
	City Council	Planning Commission	Development Review Committee	Community Development Director	Staff
Discretionary Approvals					
Annexation	See 171.0413 & 166.041, FL Statutes				
Comprehensive Plan Amendment	See 163.3184 & 163.3187, FL Statutes				
Text Amendment	<D>	<R>	S		
Map Amendment					
General	<D>	<R>	S		
Site Specific	<D>	<R>	S		
Planned Development	<D>	<R>	S		
Special Exception	<A>	<D>	S		
Site Development and Platting					
Development Plan ¹					
Minor	<A>		D		
Major					
Preliminary	<D>	<R>	S		
Final (Construction Plan)	<D>		S ²		
Plat ³					
Plat		<D>			
Plat Vacation		<D>			
Minor Replat				D	
Concurrency					
Concurrency Letter (Verification letter, Encumbrance Letter, or Encumbrance Denial)				D	
Concurrency Resolution Agreement	<D>			S	
Capacity Reservation Certificate				D	
Permits					
Arbor Permit				D	
Sign Permit				D	
Floodplain Permit				D ⁴	
Fence Permit				D	
Driveway and Sidewalk Permit				D	
Demolition Permit				D ⁵	

Table 1.7.2 Proposed Review Procedures, City of Apopka (Reproduced from Diagnosis)					
A- Appeal; D-Decision; R-Recommendation; S-Staff Review; <>-Public Hearing					
Review Procedure	Review Authority				
	City Council	Planning Commission	Development Review Committee	Community Development Director	Staff
Street Vacation	<D>			S	
Relief					
Variance (Zoning)	<A>	<D>	S		
Administrative Adjustment	<A>			D	
Appeal	<D>				
Interpretations					
Interpretation	<A>			D	S
Notes ¹ Major developments have 300 or more residential dwelling units or more than 200,000 square feet of nonresidential floor area ² Applicant may also submit the project as a variance if it fails Development Review Committee based on requirements ³ See 177, FL Statutes for plat procedure requirements. ⁴ Actual decision by the Floodplain Coordinator, as determined by the Mayor, with review by city engineer within the Community Development Department ⁵ Review by building official within the Community Development Department					

SECTION 2.2. STANDARD APPLICATION REQUIREMENTS AND REVIEW PROCEDURES

In the current development regulations, all the procedures for the different development applications are set forth in individual or small groups of permit procedures which are found in different places in the regulations. As is discussed in Section 1.7.2(B), Establish a Set of Standard Procedures, the modern trend in zoning administration is to consolidate these procedures—which is what this section on “standard review procedures” does. It establishes the requirements and development review procedures that apply generally to all development applications (if there are exceptions or modifications, they will be identified in Section 2.3 Specific Standards for Development Application).

Generally, the standard procedures guide the potential applicant through the rules governing who is authorized to submit applications and what application materials and fees are required through the actual application submittal and review stage (The pre-application conference, application submission and completeness determination, staff review, scheduling the public hearing (if one is required) and public notification). Flow charts or other diagrams are included as aids to understanding the review process.

SECTION 2.2.1. PRE-APPLICATION COMMUNITY MEETING

See discussion in Section 1.7.2 (C), Community Meetings, of the Assessment, for detail on this procedure.

SECTION 2.2.2. PRE-APPLICATION CONFERENCE

See discussion in Section 1.7.2. (D), Pre-application Conference, of the Assessment, for detail on this procedure.

SECTION 2.2.3. APPLICATION SUBMISSION

This subsection includes procedures related to submitting application materials and required fees, which is what many consider the “beginning” of the development review process. It establishes general requirements for who may file an application and requires that development applications be submitted according to the form and content requirements established by the Community Development Director. The existing regulations include submittal requirements for some development applications. This kind of information contributes to longer and more cumbersome regulations. It is proposed that Section 2.1, Advisory and Decision-making Bodies and Persons, authorize the Community Development Director to establish application requirements and a submission and review schedule for all development applications. It is also recommended that the new regulations follow the modern trend in zoning administration with respect to application forms and content requirements by authorizing the Community Development Director to consolidate forms, application requirements, fee information, and review and submittal schedules in a separate Procedures Manual. An alternative would be to include them in an appendix to the LDC. Applicants can refer to the Procedures Manual to determine what materials and fees must be included in the application submission. If the Procedures Manual is used, the city will be able to respond much more easily to changing needs for application requirements, since the manual can be revised by staff without formally amending the LDC.

This subsection also includes provisions governing the revision or withdrawal of applications, including rules governing the administrative/staff withdrawal of an application that has been inactive for an established period of time. It also establishes basic guidance concerning the timing under which the application fee for a withdrawn application may be refunded, and the review procedures for resubmitted applications containing substantial changes.

In addition, this subsection includes a provision that allows simultaneous processing of applications, at the discretion of the Community Development Director, whenever two or more forms of review and approval are required under the regulations, so long as all applicable state and local requirements are satisfied. It concludes with rules governing the examination and copying of application documents and related materials by members of the public.

SECTION 2.2.4. DETERMINATION OF COMPLETENESS

See discussion in Section 1.7.2 (E), Application Completeness Determination, of the Assessment, for detail on this procedure.

SECTION 2.2.5. STAFF REVIEW AND ACTION

This subsection establishes the standard review procedures for staff (either the Community Development Director or a designee, or the Development Review Committee (DRC)) to review and take action on an application.

SECTION 2.2.6. SCHEDULING OF PUBLIC HEARING AND PUBLIC NOTIFICATION

This section will include a consolidated set of rules to establish how public hearings are scheduled, requirements for notices of public hearings, and a mechanism for the applicant to request and receive a deferral of consideration of an application.

It consolidates public notification requirements for all applications that are subject to public notification requirements. Generally, public notification is required through publication in a newspaper of general circulation, mailing of notice to adjoining landowners, and on-site posting of notice. Specific requirements for each of these different types of notice are provided, consistent with the Florida Statutes. To the extent we can comply with state law, while at the same time consolidating the notice requirements for the different types of applications for development approval, this subsection will do so. The subsection also includes a provision

authorizing that notice for development applications be sent to individuals or organizations who have registered to be notified.

We have found it quite helpful in consolidating and simplifying notice requirements to use a table of the general requirements. We propose using that approach in this subsection. An example of the table format from another jurisdiction is reproduced here.

TABLE 2-200(I): PUBLIC NOTIFICATION FOR PERMIT APPROVALS			
APPLICATION FOR DEVELOPMENT PERMIT OR OTHER ACTION	NOTICE REQUIRED (DAYS BEFORE HEARING/ACTION)		
	WRITTEN (SECTION 2-200(I)(2))	PUBLICATION (SECTION 2-200(I)(3))	POSTED (SECTION 2-200(I)(4))
Text Amendment		At least 30 days prior to public hearing	
Amendment to Official Zone District Map & Planned Development District	At least 15 days prior to public hearing	At least 30 days prior to public hearing	At least 15 days prior to public hearing
Special Exception Permit & Variance Permit	At least 15 days prior to public hearing	At least 15 days prior to public hearing	At least 15 days prior to public hearing
Appeal to Board of Zoning Appeals	At least 15 days prior to public hearing	At least 15 days prior to public hearing	At least 15 days prior to public hearing
Certificate of Appropriateness & Certificate of Hardship & Appeal of Development Services Director's Interpretation or Decision on Certificates of Appropriateness		At least 15 days prior to public hearing	At least 15 days prior to public hearing
Land Development Agreements	At least 30 days prior to public hearing	At least 30 days prior to public hearing before Planning Commission At least 30 days prior to public hearing before City Council	At least 30 days prior to public hearing

In addition, the notification requirements should take full advantage of technology. Where published or mailed notice is not required by the Florida Statutes, the regulations could use online technology such as email, ListServes, or similar tools that avoid the time, cost and waste of printing, to notify the public. As computers, tablets, and smartphones have become common, there is no need (other than where required by law) to engage mass mailings or print publications.

SECTION 2.2.7. ADVISORY BODY REVIEW AND RECOMMENDATION

For applications subject to review by an advisory body (e.g., the Planning Commission), this subsection establishes the procedures for review and recommendation.

SECTION 2.2.8. DECISION-MAKING BODY HEARING, REVIEW, AND DECISION

This subsection includes procedures pertaining to the conduct of a meeting or public hearing before the decision-making body (e.g., City Council, Planning Commission) and the body's review and decision on the application. It also describes generally the types of conditions that may be attached to certain forms of approvals granted under the article, written to reflect state law, federal law, and case law, where the procedure expressly allows applications to be "approved with conditions." It also establishes "lapse of approval" provisions. Depending upon the specific type of approval, rules governing extensions are also included, where appropriate. These specify that an applicant may request an extension (for a period up to a limit stated in the LDC) by submitting a request prior to the expiration period, and that the extension is granted upon a showing of good cause by the applicant. Extensions may be granted by the person or body that granted the approval of the application.

SECTION 2.2.9. NOTIFICATION TO APPLICANT OF DECISION

This subsection explains the various ways in which an applicant receives notification of a decision made by a decision-making body or person.

SECTION 2.2.10. APPEAL

This subsection describes how decisions may be appealed.

SECTION 2.3. SPECIFIC STANDARDS FOR DEVELOPMENT APPLICATIONS

This section includes specific review standards applied to individual development applications, and procedural review requirements unique for each individual application. As described in Section 1.7 Streamline Review Procedures, of the Assessment, and as shown in in Table 1.7.2, Proposed Review Procedures, City of Apopka, it adds, consolidates, and deletes procedures in order to streamline the review process. Each procedure will be accompanied by a review process flowchart. Annexation and comprehensive plan amendments will be included by citing directly to the applicable Florida Statutes in Table 1.7.2, Proposed Review Procedures, City of Apopka.

SECTION 2.3.1. DISCRETIONARY APPROVALS

SECTION 2.3.1(A) TEXT AMENDMENTS

This is a new subsection that separates text amendments from the provisions on annexation and comprehensive plan amendments in the current regulations. It builds on

the discussion in Section 1.7.2 (G)(1), Add Text Amendment Procedures, of the Assessment, and clarifies that after staff review, the Planning Commission hears and recommends the application prior to a decision by the City Council.

SECTION 2.3.1(B) GENERAL MAP AMENDMENT

This new subsection establishes a review procedure for a General Map Amendment. It is separate from a Site-Specific Map Amendment, as discussed in Section 1.7.2 (G)(2), Add Procedures for General and Site-Specific Map Amendments, of the Assessment. A General Map Amendment is legislative. After staff review, the Planning Commission hears and recommends the application prior to a decision by the City Council.

SECTION 2.3.1(C) SITE-SPECIFIC MAP AMENDMENT (REZONING)

As discussed in Section 1.7.2. (G)(2), Add Procedures for General and Site-Specific Map Amendments, of the Assessment, Site-Specific Map Amendments are subject to quasi-judicial review. After staff review, the Planning Commission hears and recommends the application prior to a decision by the City Council.

SECTION 2.3.1(D) PLANNED DEVELOPMENT

This subsection establishes a procedure for the review of a planned development. It builds on Section 2.02.18, Planned Unit Development, in the current development regulations. The application is subject to quasi-judicial review. See Section 1.7.2 (G)(3), Consolidated Planned Development Procedures, of the Assessment. After staff review, the Planning Commission hears and recommends the application prior to a decision by the City Council.

SECTION 2.3.1(E) SPECIAL EXCEPTION PERMIT

This subsection will clarify procedures for special exceptions as set forth in Section 2.01.02 (B)(5) Special Exceptions, in the current development regulations. Review of a special exemption is subject to quasi-judicial review. Special exceptions are subject to staff review, followed by a decision by the Planning Commission. The Planning Commission decision may be appealed to the City Council.

SECTION 2.3.2. SITE DEVELOPMENT AND PLATTING

SECTION 2.3.2(A) DEVELOPMENT PLAN

This subsection establishes a two tier development plan procedure: major and minor development plans. See discussion in Section 1.7.2 (G)(5), Streamline Site Plan / Development Review Plan Procedure, of the Assessment. Minor site plans are reviewed and decided by the Community Development Director whose decision may be appealed to the City Council. Major site plans undergo a two-step review. A preliminary plan is reviewed by staff, reviewed and recommended by the Planning Commission, and decided by the City

Council. Following this, a final or construction plan is reviewed by staff and decided by the City Council.

SECTION 2.3.2(B) PLAT (SUBDIVISION)

This new subsection codifies the procedure for plat approval with staff review followed by a decision by the Planning Commission. The proposed procedure prescribes the same responsibilities as is currently followed.

SECTION 2.3.3. CONCURRENCY

This subsection references the separate concurrency review procedures carried forward from Article IV, Consistency and Concurrency Determinations. As discussed in Article 7, Concurrency, the current concurrency review procedures and standards are carried forward. A Verification Letter, an Encumbrance Letter, or an Encumbrance Denial, is decided upon by the Concurrency Management Official (CMO). A Concurrency Resolution Agreement, if necessary, undergoes staff review by the CMO and is decided by the City Council. A Capacity Reservation Certificate is decided by the Concurrency Management Official.

SECTION 2.3.4. PERMITS

SECTION 2.3.4(A) ARBOR PERMIT

This section carries forward the current procedures for an arbor permit, which is required for tree removal, land clearing, and shoreline protection. (See Section 5.01.06, Applications and Procedures, of the current development regulations.) An arbor permit is reviewed and decided by the Community Development Director.

SECTION 2.3.4(B) SIGN PERMIT

This section carries forward the current procedures for a sign permit, which is reviewed and decided by the Community Development Director.

SECTION 2.3.4(C) FLOODPLAIN PERMIT

This section carries forward the current procedures for a floodplain permit, which is reviewed and decided by the Floodplain Coordinator, with assistance from the City Engineer.

SECTION 2.3.4(D) FENCE PERMIT

This section carries forward the current procedures for a fence permit, which is reviewed and decided by the Community Development Director.

SECTION 2.3.4(E) DRIVEWAY AND SIDEWALK PERMIT

This section carries forward the current procedures for a driveway and sidewalk permit, which is reviewed and decided by the Community Development Director.

SECTION 2.3.4(F) DEMOLITION PERMIT

This section carries forward the current procedures for a demolition permit, which is reviewed and decided by the Community Development Director with assistance from the City Building Official.

SECTION 2.3.4(G) STREET VACATION PERMIT

This section carries forward the current procedures for a street vacation permit, which is reviewed by the Community Development Director and decided by the City Council.

SECTION 2.3.5. RELIEF**SECTION 2.3.5(A) ZONING VARIANCE**

This section carries forward the current variance procedure in Section 10.02.00, Variances, of the current development regulations, in which variance applications are reviewed by staff and decided by the Planning Commission (with an appeal to the City Council).

SECTION 2.3.5(B) HISTORIC PROPERTY VARIANCE

The procedure established in Section 10.02.02 (E), Historic Properties, of the current development regulations is carried forward. It authorizes the Community Development Director to decide special variances regarding historic properties.

SECTION 2.3.5(C) ADMINISTRATIVE ADJUSTMENT

This section establishes a procedure for administrative adjustments as discussed in Section 1.7.2. (G)(7), Add an Administrative Adjustment Procedure, of the Assessment. Administrative adjustments will be reviewed and decided by the Community Development Director.

SECTION 2.3.5(D) APPEAL

This section will consolidate all appeal provisions in the LDC.

SECTION 2.3.6. INTERPRETATIONS

This section establishes a procedure for formal interpretations of the LDC. It authorizes the Community Development Director to make all formal interpretations of the LDC text, the Zoning District Map, and the map boundaries, with assistance from the City Attorney.

ARTICLE 3. ZONING DISTRICTS

Article 3: Zoning Districts, and Article 4: Use Regulations, are a central feature of the LDC. They define what may be built on a landowner's property or on the property next door.

Article 3: Zoning Districts, includes provisions that establish all zoning districts and describes the purpose of each. It also sets out, in tabular and graphic format, the principal intensity and dimensional standards, and any special regulations unique to a district (if appropriate).

In accordance with discussions and suggestions in Theme 2: Implement the Comprehensive Plan, Vision, Plan, and Special Area Plans by Restructuring and Modernizing the Zoning Districts, this article consolidates, eliminates, and adds new districts. Like the current regulations, it organizes the districts into base districts, planned development districts, and overlay districts.

ARTICLE 3: ZONING DISTRICTS

SECTION 3.1. GENERAL PROVISIONS

SECTION 3.2. BASE DISTRICTS

SECTION 3.3. PLANNED DEVELOPMENT DISTRICT

SECTION 3.4. OVERLAY DISTRICTS

SECTION 3.1. GENERAL PROVISIONS

This section starts with a subsection that describes base zoning districts, planned development districts, and overlay districts, and explains how they relate to one another. For example, the subsection describes overlay zoning districts as superimposed over portions of an underlying base zoning district, which applies additional or alternative development regulations to those applied by the underlying zoning district.

The second subsection establishes the various zoning districts, typically with a summary table that identifies the zoning district by name and official abbreviation. The table has a hierarchical format, organizing zoning districts by base districts (agricultural, residential, commercial, industrial, and special purpose) planned development districts, and overlay districts. Within each group, zoning districts are generally listed from the least to the most intensive. Table 2.2.2: Proposed Zoning District Structure, Apopka, shows both the current and proposed line-up of zoning districts.

Table 2.2.2: Proposed Zoning District Structure, Apopka (Reproduced from Diagnosis)

Current Zoning Districts	Proposed Zoning Districts	Apopka Comprehensive Plan 2030 FLUM Land Use Designation Implemented by District
Residential Districts		
	T: Transitional (NEW)	
AG: Agriculture	AG: Agriculture (CONSOLIDATED)	AG Homestead;
AG-E: Agriculture Estate		AG
RCE-1: Residential Country Estates 1	RCE: Residential Country Estate (CONSOLIDATED)	AG Estates; Res Estates; VLS; LS; L; ML; M; H
RCE-2: Residential Country Estate 2		
R-1AA: Residential Single-Family	RSF-1A: Residential Single-Family – Estate (CONSOLIDATED)	VLS; LS; L; ML; M; H
R-1AAA: Residential Single-Family		
R-1: Residential Single-Family	RSF-1B: Residential Single-Family – Large Lot (CONSOLIDATED)	VLS; LS; L; ML; M; H
R-1A: Residential Single-Family		
	RSF-1C: Residential Single Family - Small Lot (NEW)	VLS; LS; L; ML; M; H
R-2: Residential One- and Two-family	RTF: Residential Two-Family	L; ML; M; H
R-3: Residential Multiple-Family	RMF: Residential Multi-Family	ML; M; H
	RMU: Residential Mixed-Use (NEW)	
MHP: Mobile Home Park District	MHP: Mobile Home Park (CONSOLIDATED)	ML; CBD
MHS: Mobile Home Subdivision		
Commercial Districts		
CN: Commercial Neighborhood	C-N: Neighborhood Commercial	COMM; CBD
C-1: Retail Commercial	C-C: Community Commercial	COMM; CBD
	C-R: Regional Commercial (NEW)	COMM
PO/I: Professional Office/Institutional	O-I: Office and Institutional	OFF; INST; CBD
	C - COR: Corridor Commercial (NEW)	COMM
C-2: General Commercial	DELETE / REPLACED BY C-R	
Mixed CC: Mixed Use Community Center	DELETE / MOVE TO SPECIAL PURPOSE DISTRICT CATEGORY / REPLACED BY	

Table 2.2.2: Proposed Zoning District Structure, Apopka (Reproduced from Diagnosis)		
Current Zoning Districts	Proposed Zoning Districts	Apopka Comprehensive Plan 2030 FLUM Land Use Designation Implemented by District
	MU- ES	
Mixed-EC: Mixed-Use Employment Center	DELETE	
Industrial Districts		
C-3: Wholesale Commercial	I-L: Light Industrial (CONSOLIDATED)	COMM; IND; CBD
I-1: Restricted Industrial		
I-2: General Industrial	I-H: Heavy Industrial	IND; CBD
Special Purpose Districts		
	MU-D: Mixed Use - Downtown (NEW)	N/A
Mixed-CC: Mixed-Use Community Center	MU-ES: Mixed Use – East Shore (NEW)	MU
	MU-KPI: Mixed-Use – Kelly Park Interchange (NEW)	MU
PR: Parks And Recreation	PR: Parks and Recreation	AG; INST; REC; CBD
	AIR: Airport (NEW)	INST
Planned Development Districts		
PUD: Planned Unit Development	PD: Planned Development	AG Estates; Res Estates; VLS; LS; L; ML; M; H; OFF MU; IND; INST; CBD
Overlay Districts		
Historic District	H-O: Historic Overlay	
Downtown Development Overlay Zoning District	DELETE	
Small Lot Overlay Zoning District	SL-O: Small Lot Overlay	
	NC-O: Neighborhood Conservation Overlay (NEW)	
	AIZ: Airport Influence Zone (New)	

SECTION 3.2. RESIDENTIAL DISTRICTS

SECTION 3.2.1. GENERAL PURPOSE OF RESIDENTIAL DISTRICTS

This sets out the general purpose of Residential Districts.

SECTION 3.2.2. T: TRANSITIONAL

SECTION 3.2.3. AG: AGRICULTURE

See discussion in Section 2.2.2(A)(1), Residential Districts, of the Assessment.

SECTION 3.2.4. RCE: RESIDENTIAL COUNTRY ESTATE

See discussion in Section 2.2.2(A)(2), Residential Districts, of the Assessment.

SECTION 3.2.5. RSF-1A: RESIDENTIAL SINGLE-FAMILY-ESTATE

See discussion in Section 2.2.2(A)(2), Residential Districts, of the Assessment.

SECTION 3.2.6. RSF-1B: RESIDENTIAL SINGLE-FAMILY-LARGE LOT

See discussion in Section 2.2.2(A)(2), Residential Districts, of the Assessment.

SECTION 3.2.7. RSF-1C: RESIDENTIAL SINGLE-FAMILY-SMALL LOT

See discussion in Section 2.2.2(A)(2), Residential Districts, of the Assessment.

SECTION 3.2.8. RTF: RESIDENTIAL TWO-FAMILY

See discussion in Section 2.2.2(A)(2), Residential Districts, of the Assessment.

SECTION 3.2.9. RMF: RESIDENTIAL MULTI-FAMILY

See discussion in Section 2.2.2(A)(2), Residential Districts, of the Assessment.

SECTION 3.2.10. RMU: RESIDENTIAL MIXED-USE

See discussion in Section 2.2.2(A)(2), Residential Districts, of the Assessment.

SECTION 3.2.11. MHP: MOBILE HOME PARK

See discussion in Section 2.2.2(A)(2), Residential Districts, of the Assessment.

SECTION 3.3. COMMERCIAL DISTRICTS

SECTION 3.3.1. GENERAL PURPOSE OF COMMERCIAL DISTRICTS

This sets out the general purpose of Commercial Districts.

SECTION 3.3.2. C-N: NEIGHBORHOOD COMMERCIAL

See discussion in Section 2.2.2(A)(3), Commercial Districts, of the Assessment.

SECTION 3.3.3. C-C: COMMUNITY COMMERCIAL

See discussion in Section 2.2.2(A)(3), Commercial Districts, of the Assessment.

SECTION 3.3.4. C-R: REGIONAL COMMERCIAL

See discussion in Section 2.2.2(A)(3), Commercial Districts, of the Assessment.

SECTION 3.3.5. O-I: OFFICE AND INSTITUTIONAL

See discussion in Section 2.2.2(A)(3), Commercial Districts, of the Assessment.

SECTION 3.3.6. C-COR: CORRIDOR COMMERCIAL

See discussion in Section 2.2.2(A)(3), Commercial Districts, of the Assessment.

SECTION 3.4. INDUSTRIAL DISTRICTS

SECTION 3.4.1. GENERAL PURPOSE OF INDUSTRIAL DISTRICTS

This sets out the general purpose of Industrial Districts.

SECTION 3.4.2. I-L: LIGHT INDUSTRIAL

See discussion in Section 2.2.2(A)(4), Industrial Districts, of the Assessment.

SECTION 3.4.3. I-H: HEAVY INDUSTRIAL

See discussion in Section 2.2.2(A)(4), Industrial Districts, of the Assessment.

SECTION 3.5. SPECIAL PURPOSE DISTRICTS

SECTION 3.5.1. GENERAL PURPOSE OF SPECIAL PURPOSE DISTRICTS

This sets out the general purpose of the Special Purpose Districts.

SECTION 3.5.2. MU-D: DOWNTOWN

See discussion in Section 2.2.2(A)(5), Special Purpose Districts, of the Assessment.

SECTION 3.5.3. MU-ES: MIXED USE: EAST SHORE

See discussion in Section 2.2.2(A)(5), Special Purpose Districts, of the Assessment.

SECTION 3.5.4. MU-KPI: MIXED-USE: KELLY PARK INTERCHANGE

See discussion in Section 2.2.2(A)(5), Special Purpose Districts, of the Assessment.

SECTION 3.5.5. PR: PARKS AND RECREATION

See discussion in Section 2.2.2(A)(5), Special Purpose Districts, of the Assessment.

SECTION 3.5.6. AIR: AIRPORT

See discussion in Section 2.2.2(A)(5), Special Purpose Districts, of the Assessment.

SECTION 3.6. PLANNED DEVELOPMENT DISTRICTS**SECTION 3.6.1. GENERAL PURPOSE OF PLANNED DEVELOPMENT DISTRICTS**

This sets out the general purpose of Planned Development Districts.

SECTION 3.6.2. PD: PLANNED DEVELOPMENT DISTRICT

See discussion in Section 2.2.2(B), Planned Development Districts, of the Assessment.

SECTION 3.7. OVERLAY DISTRICTS**SECTION 3.7.1. GENERAL PURPOSE OF OVERLAY DISTRICTS**

This sets out the general purpose of Overlay Districts.

SECTION 3.7.2. H-O: HISTORIC OVERLAY

See discussion in Section 2.2.2(C), Overlay Districts, of the Assessment.

SECTION 3.7.3. SL-O: SMALL LOT OVERLAY

See discussion in Section 2.2.2(C), Overlay Districts, of the Assessment.

SECTION 3.7.4. NC-O: NEIGHBORHOOD CONSERVATION OVERLAY

See discussion in Section 2.2.2(C), Overlay Districts, of the Assessment

SECTION 3.7.5. AIZ: AIRPORT INFLUENCE ZONE OVERLAY

See discussion in Section 2.2.2(C), Overlay Districts, of the Assessment

ARTICLE 4. USE REGULATIONS

Provisions for use regulations and a table of principal uses are set forth in Article II: Land Use: Type, Density, Intensity, and Article VII: Accessory Structures and Uses, in the current Land Development Code. Article 4: Use Regulations, consolidates all use regulations in one article, including accessory uses (Article VII of the current regulations and temporary uses. Article 4 is organized into four sections. It begins with a section containing general provisions; this is followed by sections on principal uses, accessory uses and structures, and temporary uses and structures.

ARTICLE 4: USE REGULATIONS

SECTION 4.1. GENERAL PROVISIONS

SECTION 4.2. PRINCIPAL USES

SECTION 4.3. ACCESSORY USES AND STRUCTURES

SECTION 4.4. TEMPORARY USES AND STRUCTURES

SECTION 4.1. GENERAL PROVISIONS

This section outlines the article's organization and the relationship among its sections.

SECTION 4.2. PRINCIPAL USES

SECTION 4.2.1. GENERAL

This section sets out the purpose of the Principal Use Table(s) and outlines its organization.

SECTION 4.2.2. PRINCIPAL USE TABLE

This includes the heart of the article, a principal use table that builds on the current list of uses outlined in the text in the current regulations, but consolidates all the principal uses into one or several tables. The section begins with introductory material explaining how to use the table. The table will reflect revisions to the lineup of zoning districts as discussed in Section 2.2.2, Proposed Zoning District Structure, and the new classification system for principal uses (see Section 4.2.3 below). The current line-up of principal uses—and their designation as permitted, or allowed as a special exception, or prohibited—will serve as a starting point for modernizing the uses in each zoning district. The principal use table will also include new uses that do not appear in the current regulations and will streamline the existing lineup of allowable principal uses. In addition, a final column of the principal use table will contain references to applicable use-specific standards (see Section 4.2.4 below) for those uses that are subject to specific regulations in addition to general development standards. Below is an example excerpt from a principal use table prepared for another jurisdiction.

Table 4.2.4: Principal Use Table																											
P = Permitted as exempt from Site Plan Approval or with Minor Site Plan Approval by Town staff																											
P* = Permitted with Major Site Plan Approval by Town Council																											
(unless qualifying for Minor Site Plan Approval in accordance with Section 2.5.7.A.5)																											
S = Allowed as a Special Use																											
C = Allowed as an additional use in the parallel Conditional Zoning District																											
A = Allowed subject to a PD Plan/Agreement																											
Blank Cell = Prohibited (except Overlay Districts) X = Prohibited (Overlay Districts only)																											
Use Category	Use Type	Base/Conditional Districts																Overlay Districts				Use-Specific Standard					
		PGO	VLDR	LDR	MDR	HDR	NAC	BAC	CAC	RAC	TOD	HCV	MS	TCC	TCR	RT	RNP	CC	OI	IM	MUPD		AO-A	AO-B	FO	TCCO	
Agricultural and Animal Related Uses																											
Agricultural Uses	Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A					4.2.5.B.1.a	
	Farm, Small			P	P							P								P	A					4.2.5.B.1.b	
	Farm, Large																			P	A						
	Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A						4.2.5.B.1.c
	Garden Center													P					P	P	P	A					
Animal Related Uses	Greenhouse/Nursery																	P	P	P	A						
	Kennel, Indoor						P	P	P	P	P			P				P	P	P	A						4.2.5.B.2.a
	Kennel, Outdoor																			P	A						4.2.5.B.2.b
	Stables	P	P																	P	A						
	Veterinary Clinic/Hospital						P	P	P	P	P			P				P	P	P	A						4.2.5.B.2.c
Residential Uses																											
Household Living Uses	Dwelling, Duplex			P	P	P				P	P			P	P						A	X					
	Dwelling, Live/Work				P	P	P	P	P	P	P		P	C	C		P				A	X				4.2.5.C.1.a	
	Dwelling, Manufactured Home															P						X				4.2.5.C.1.b	
	Dwelling, Multi-family	≤50 du				P	P	P	P	P	P		P	P	C	C		P			A	X				4.2.5.C.1.c	
	>50 du					P*	P*	P*	P*	P*	P		P*	P*	C	C		P*			A	X					
	Dwelling, Single-Family Attached	≤50 du				P	P	P	P	P	P		P	P	P	P		P			A	X					
	>50 du					P*	P*	P*	P*	P*	P		P*	P*	P*	P*		P*			A	X					
	Dwelling, Single-Family Detached		P	P	P	P					P	P			P	P	P				A	X					
Family Care Home		P	P	P	P	P	P			P	P			P	P	P				A	X					4.2.5.C.1.d	
Type 1 Residential																											

SECTION 4.2.3. CLASSIFICATION OF PRINCIPAL USES

In an effort to provide better organization, precision, clarity, and flexibility to the principal uses listed in the principal use table and the administration of the table, the table and use-specific standards will be organized around the three-tiered concept of use classifications, use categories, and uses (see discussion in Section 2.2.6, Use a Three-tiered System to Classify Uses). This subsection describes each use category, outlining the principal characteristics of uses in the category and noting examples of included uses and examples of uses and structures deemed accessory to the included uses.

Use classifications, the broadest category, organize land uses and activities into general use classifications such as “Residential Uses,” “Civic and Institutional Uses,” “Commercial Uses,” and “Industrial Uses.” Use categories, the second level or tier in the system, is composed of groups of individual types of uses with common characteristics, such as “Household Living” and “Group Living” (under Residential Uses). Use categories are further divided into specific uses based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. Example uses under the Household Living

category include “single-family detached dwelling” and “multifamily dwelling.” All uses identified in the Principal Use Table will be defined in Article 10: Definitions and Rules of Measurement. This three-tiered system of use classifications, use categories, and uses provides a systematic basis for assigning present and future land uses into zoning districts.

SECTION 4.2.4. STANDARDS SPECIFIC TO PRINCIPAL USES

This subsection sets out standards that always apply to certain principal uses (or if appropriate, apply to certain principal uses in particular zoning districts). If there are exceptions to the use-specific standards, they are identified. Special attention is paid to standards for new principal uses, new standards for carried-forward principal uses (particularly where such standards allow the use to be permitted by right rather than as a special exception), and improving the use-specific standards scattered throughout the current development regulations.

SECTION 4.3. ACCESSORY USES AND STRUCTURES

Accessory uses or structures are those uses or structures that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to the principal use. For example, a stand-alone automated teller machine is considered as an accessory use to a commercial use, and an above- or below-ground swimming pool is typically considered an accessory structure to a single-family dwelling. This section will build on Article VII, Accessory Structures and Uses, in the current regulations, but will add a table of accessory uses and structures, and more detail about their use and application. Below is an example of an accessory use table from another community’s development code.

Table 4.3.4: Accessory Use/Structure Table P = Permitted as exempt from Site Plan Approval or with Minor Site Plan Approval by Town staff A = Allowed subject to a PD Plan/Agreement Blank Cell = Prohibited (except Overlay Districts) X = Prohibited (Overlay Districts only)																					
Use Type	Base/Conditional Districts																Overlay Districts				Use-Specific Standard
	PGO	VLDR	LDR	MDR	HDR	NAC	BAC	CAC	RAC	TOD	HCV	MS	TCC	TCR	RT	RNP	CC	OI	IM	MUPD	
Accessory Apartment		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.5.8.1
Agritourism Activity		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
Amateur Ham Radio Antenna		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.5.8.2
Arbor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
Art	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
Automated Teller Machine (ATM)				P	P	P	P	P	P	P	P	P	P				P	P	P	A	4.3.5.8.3
Bike Rack	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
Canopy, Nonresidential						P	P										P	P	P	A	4.3.5.8.4
Carport		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.5.8.5
Clothesline (as accessory to residential uses)		P	P	P	P	P	P	P	P	P	P		P	P	P	P	P			A	4.3.5.8.6
Composting Facility, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
Drive-Through Service Facility									P				P				P	P	P	A	4.3.5.8.7
Electric Vehicle (EV) Charging Station, Level 1 or 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.5.8.8
Electric Vehicle (EV) Charging Station, Level 3					P	P	P	P									P	P	P	A	4.3.5.8.9

SECTION 4.3.1. GENERAL

This subsection sets out the purpose of the section and outlines its organization.

SECTION 4.3.2. ACCESSORY USE/STRUCTURE TABLE

This subsection includes an accessory use table that lists common accessory uses and structures (such as home occupations, swimming pools, satellite dish antennas, outdoor storage), shows the zoning districts in which each is allowed, and references any use-specific standards applicable to the accessory use or structure. The table largely carries forward and consolidates accessory uses and structures recognized in the current development regulations, refining the list to include modern accessory uses and structures (such as solar panels, wind conversion systems, water cisterns, backyard gardens, etc.).

SECTION 4.3.3. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

This includes a set of general standards that generally apply to all accessory uses and structures.

SECTION 4.3.4. STANDARDS SPECIFIC TO ACCESSORY USES AND STRUCTURES

This sets out standards that always apply to certain accessory uses or structures (or if appropriate, apply to certain accessory uses or structures in particular zoning districts). As with the standards specific to principal uses, special attention is paid to standards for new accessory uses and structures, new standards for carried-forward accessory uses and structures, and improving the standards specific to accessory uses and structures that are scattered throughout the current development regulations.

SECTION 4.4. TEMPORARY USES AND STRUCTURES

Temporary uses are uses or structures that are proposed to be located in a zoning district only for a limited duration. They include special, or temporary events, which typically last for a short duration and are intended to attract large numbers of people at one time (e.g., concerts, fairs, circuses, large receptions or parties, and community festivals), but do not include private parties attracting less than a certain number of persons, nor events normally associated with the permitted principal or accessory use (such as a wedding reception at a reception hall or a funeral at a funeral home). This section will add a table of temporary uses and structures, and more detail about their use and application.

SECTION 4.4.1. GENERAL

This subsection will set out the purposes of the section and outlines its organization.

SECTION 4.4.2. TEMPORARY USE/STRUCTURE TABLE

This subsection includes a temporary use table that lists allowed temporary uses and structures, and references any use-specific standards applicable to the temporary use or structure.

SECTION 4.4.3. STANDARDS SPECIFIC TO TEMPORARY USES AND STRUCTURES

This sets out standards that always apply to certain temporary uses, structures, or events (or if appropriate, apply to certain temporary uses or structures in particular zoning districts. As with the standards specific to principal and accessory uses, special attention will be paid to standards for new temporary uses and structures, and standards for carried-forward temporary uses and structures.

ARTICLE 5. DEVELOPMENT STANDARDS

Article 5: Development Standards, contains all of the development standards in the new LDC related to the physical layout of new development, with the exception of the environmental standards (they are found in Article 6). New, modernized, or revised standards incorporated into this article include:

- Mobility, circulation, and connectivity standards;
- Off-street parking bicycle parking and loading standards;
- Landscaping and buffer standards;
- Tree protection standards;
- Open space set-aside standards;
- Fence and wall standards;
- Exterior lighting standards;
- Development design guidelines;
- Neighborhood compatibility standards;
- Agricultural compatibility standards;
- Sign standards;
- Agricultural compatibility standards;
- Signs;
- Green building standards;
- Green building incentives;
- Transportation systems standards;
- Utilities standards;

ARTICLE 5: DEVELOPMENT STANDARDS	
SECTION 5.1.	MOBILITY, CIRCULATION, AND CONNECTIVITY STANDARDS
SECTION 5.2.	OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS
SECTION 5.3.	LANDSCAPING AND BUFFER STANDARDS
SECTION 5.4.	TREE PROTECTION STANDARDS
SECTION 5.5.	OPEN SPACE SET-ASIDE STANDARDS
SECTION 5.6.	FENCES AND WALLS
SECTION 5.7.	EXTERIOR LIGHTING
SECTION 5.8.	DEVELOPMENT DESIGN GUIDELINES
SECTION 5.9.	NEIGHBORHOOD COMPATIBILITY STANDARDS
SECTION 5.10.	AGRICULTURAL COMPATIBILITY STANDARDS
SECTION 5.11.	SIGNS
SECTION 5.12.	GREEN BUILDING STANDARD
SECTION 5.13.	GREEN BUILDING INCENTIVES
SECTION 5.14.	TRANSPORTATION SYSTEMS
SECTION 5.15.	UTILITIES
SECTION 5.16.	GUARANTEES AND SURETIES
SECTION 5.17.	MISCELLANEOUS STANDARDS

- Guarantees and sureties; and
- Miscellaneous standards.

SECTION 5.1. MOBILITY, CIRCULATION, AND CONNECTIVITY STANDARDS

See discussion in Section 3.1, Add Mobility, Circulation, and Connectivity Standards, of the Assessment.

SECTION 5.2. OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS

See discussion in Section 3.2 Modernize Off-Street Parking and Loading and Add Bicycle Standards, of the Assessment.

SECTION 5.3. LANDSCAPING AND BUFFER STANDARDS

See discussion in Section 3.3, Modernize Landscaping and Buffer Standards, of the Assessment.

SECTION 5.4. TREE PROTECTION STANDARDS

See discussion in Section 3.4, Strengthen Tree Protection Standards, of the Assessment.

SECTION 5.5. OPEN SPACE SET-ASIDE STANDARDS

See discussion in Section 3.5, Add a Comprehensive Set of Open Space Set-Aside Standards, of the Assessment.

SECTION 5.6. FENCES AND WALLS

See discussion in Section 3.6, Revise Fence and Wall Standards, of the Assessment.

SECTION 5.7. EXTERIOR LIGHTING

See discussion in Section 3.7, Add Exterior Lighting Standards, of the Assessment.

SECTION 5.8. DEVELOPMENT DESIGN GUIDELINES

See discussion in Section 3.8 Refine Form and Design Guidelines to Improve Development Quality, of the Assessment.

SECTION 5.9. NEIGHBORHOOD COMPATIBILITY STANDARDS

See discussion in Section 3.9, Add Provisions to Protect the Character of Existing Neighborhoods, of the Assessment.

SECTION 5.10. AGRICULTURAL COMPATIBILITY STANDARDS

See discussion in Section 3.10, Add Agricultural Compatibility Standards, of the Assessment.

SECTION 5.11. SIGNS

The existing sign regulations found in Article VIII, Signs, of the current development regulations, will be carried forward with no changes to the substantive regulations, and modest refinements to conform the regulations to the proposed format of the new LDC.

SECTION 5.12. GREEN BUILDING STANDARDS

See discussion in Section 3.11, Add Green Building Standards and Incentives, of the Assessment.

SECTION 5.13. GREEN BUILDING INCENTIVES

See discussion in Section 3.11, Add Green Building Standards and Incentives, of the Assessment.

SECTION 5.14. TRANSPORTATION SYSTEMS

This section will carry forward the wetland standards in Section 6.02.00 of the current development regulations, with refinements to clarify language and conform the organization and format to the structure of the new LDC.

SECTION 5.15. UTILITIES

This section will carry forward the utility requirements of the current development regulations, with refinements to clarify language and conform the organization and format to the structure of the new LDC.

SECTION 5.16. GUARANTIES AND SURETIES

This section will carry forward the guarantees and sureties standards in Section 12.02.07 of the current development regulations (as well as related provisions dealing with bonding), with refinements to clarify language and conform the organization and format to the structure of the new LDC.

SECTION 5.17. MISCELLANEOUS STANDARDS

This section will carry forward the standards addressing noise (Section 9.01.00), air pollution (Section 9.02.00), fire and explosive hazards (Section 9.03.00), and electromagnetic interference (Section 9.04.00) of the current development regulations, with refinements to clarify language and conform the organization and format to the structure of the new LDC.

ARTICLE 6. ENVIRONMENTAL STANDARDS

Article 6: Environmental Standards, carries forward and consolidates from the current development regulations all environmental standards. They include standards to protect:

- Wetlands;
- Habitat of listed species;
- The Wekiva Protection Area;
- Groundwater and wellheads;
- Floodplains; and
- Stormwater management systems.

ARTICLE 6: ENVIRONMENTAL STANDARDS

SECTION 6.1. WETLANDS

SECTION 6.2. HABITAT OF LISTED SPECIES

SECTION 6.3. WEKIVA PROTECTION AREA

SECTION 6.4. GROUNDWELL AND WELLHEADS

SECTION 6.5. FLOODPLAINS

SECTION 6.6. STORMWATER MANAGEMENT SYSTEMS

Where appropriate, the article will also incorporate any environmental protection standards that are now included in the conservation element of the comprehensive plan that are not found in the development regulations.

All definitions relevant to these standards will be placed in Article 10: Definitions and Rules of Measurement.

SECTION 6.1. WETLANDS

This section will carry forward the wetland standards in Section 5.02.03 of the current development regulations, with refinements to clarify language and conform the organization and format to the structure of the new LDC. If there are any relevant wetland standards in the conservation element of the comprehensive plan that are not in the current regulations, they will also be included in this section.

SECTION 6.2. HABITAT OF LISTED SPECIES

This section will carry forward the habitat of listed species standards in Section 5.02.04 of the current development regulations, with refinements to clarify language and conform the organization and format to the structure of the new LDC. If there are any relevant habitat of listed species standards in the conservation element of the comprehensive plan that are not in the current regulations, they will also be included in this section.

SECTION 6.3. WEKIVA PROTECTION AREA

This section will carry forward the Wekiva Protection Area standards in Section 5.02.05 of the current development regulations, with refinements to clarify language and conform the organization and format to the structure of the new LDC. If there are any relevant Wekiva Protection Area standards in the conservation element of the comprehensive plan that are not in the current regulations, they will also be included in this section.

SECTION 6.4. GROUNDWATER AND WELLHEADS

This section will carry forward the groundwater and wellheads standards in Section 5.03.00 of the current development regulations, with refinements to clarify language and conform the organization and format to the structure of the new LDC. If there are any relevant groundwater and wellheads standards in the conservation element of the comprehensive plan that are not in the current regulations, they will also be included in this section.

SECTION 6.5. FLOODPLAINS

This section will carry forward the floodplain standards in Section 5.05.00 of the current development regulations, or amend as may be called for in updated standards that will be produced by the City in accordance with the Florida Statutes on a schedule likely to occur during the LDC drafting phase, with refinements to clarify language and conform the organization and format to the structure of the new LDC. If there are any relevant floodplain standards in the conservation element of the comprehensive plan that are not in the current regulations, they will also be included in this section.

SECTION 6.6. STORMWATER MANAGEMENT SYSTEMS

This section will carry forward the stormwater management systems standards in Section 6.05.00 of the current development regulations, with refinements to clarify language and conform the organization and format to the structure of the new LDC. If there are any relevant stormwater management systems standards in the conservation element of the comprehensive plan that are not in the current regulations, they will also be included in this section.

ARTICLE 7. CONCURRENCY

Article 7: Concurrency, generally carries forward the procedures and standards for concurrency set out in Article IV, Consistency and Concurrency Determinations, of the current development regulations.

SECTION 7.1. CONSISTENCY AND CONCURRENCY DETERMINATIONS

This section carries forward Section 4.00.02, Consistency and Concurrency, of the current development regulations. It sets out the requirement for development to demonstrate it is consistent with the development plan and that development would not violate adopted levels of service.

ARTICLE 7: CONCURRENCY

SECTION 7.1. CONSISTENCY AND CONCURRENCY DETERMINATIONS

SECTION 7.2. CONCURRENCY ADMINISTRATION

SECTION 7.3. CONCURRENCY VERIFICATION LETTER

SECTION 7.4. CONCURRENCY ENCUMBRANCE LETTER

SECTION 7.5. CONCURRENCY EVALUATION

SECTION 7.6. CAPACITY RESERVATION CERTIFICATE

SECTION 7.7. CONCURRENCY RESOLUTION PROCESS

SECTION 7.8. VESTED RIGHTS DETERMINATION

SECTION 7.2. CONCURRENCY ADMINISTRATION

This section carries forward Section 4.05.00 Concurrency Administration, of the current development regulations, which sets out the system for managing concurrency requirements and accounts for the available capacity in the city. Specifically, the section will set out the existing six capacity banks (available, permitted, encumbered, reserved, vested, and committed) and authorize a Capacity Management Officer(CMO) to transfer capacity between the banks as needed to account for changes in city capacity and development.

SECTION 7.3. CONCURRENCY VERIFICATION LETTER

This section carries forward Section 4.03.04 of the current development regulations. It sets out the procedure for requesting and issuing a Concurrency Verification Letter confirming available capacity for public facilities. Upon receiving a complete application, the CMO evaluates the capacity in the city and issues the Concurrency Verification Letter or Notice of Capacity Deficiencies.

SECTION 7.4. CONCURRENCY ENCUMBRANCE LETTER

This section carries forward Section 4.03.06, Approval of Concurrency Encumbrance Letter, in the current development regulations. It sets out the procedure for requesting and issuing a Concurrency Encumbrance Letter that encumbers a public facility to account for the demands of a particular development plan and schedule. Upon receiving a complete application, the CMO evaluates the capacity in the city and issues the Concurrency Encumbrance Letter or Concurrency Denial Letter.

SECTION 7.5. CONCURRENCY EVALUATION

This section carries forward Section 4.03.00, Capacity Evaluation, of the current development regulations. It sets out the procedure to be followed by the CMO in determining the capacity of the various city facilities and in determining the capacity required by requested development.

SECTION 7.6. CAPACITY RESERVATION CERTIFICATE

This section carries forward Section 4.04.00, Capacity Reservation, of the current development regulations. It sets out the procedure for requesting and issuing a Capacity Reservation Certificate that ensures capacity is available when needed and provides certainty during the construction financing process. Upon receiving a valid Capacity Encumbrance Letter, the CMO issues a Capacity Reservation Certificate describing the amount of capacity being reserved and the length of time of the reservation. The CMO then adjusts the balance of capacity in the capacity banks, as appropriate.

SECTION 7.7. CONCURRENCY RESOLUTION PROCESS

This section carries forward Section 4.04.04, Concurrency Resolution Process, of the current development regulations. It sets out the options available to an applicant and the city to mitigate the impact of a development on public facilities and services. Upon receiving a valid request, the CMO evaluates whether a development as proposed or with conditions will degrade the relevant levels of service. The CMO extends a Concurrency Resolution Offer to the applicant that at a minimum has the same terms of a Capacity Encumbrance Letter and any additional conditions. Once the applicant executes the offer, the agreement is brought to City Council for a final decision.

SECTION 7.8. VESTED RIGHTS DETERMINATION

This section carries forward Section 4.06.00, Vested Rights Determination, of the current development regulations. It sets out the procedure available to a property owner who believes they have a vested right from the concurrency encumbrance process, the capacity reservation process, or other procedures specifically related to capacity and concurrency as

set out in this article. The application is assessed by the Community Development Director with the City Attorney rendering an order to issue or deny the permit. The order may be appealed to City Council.

ARTICLE 8. NONCONFORMITIES

SECTION 8.1. GENERAL APPLICABILITY

This article consolidates all rules pertaining to nonconformities. It builds on the rules in the current regulations governing nonconformities (Sections 8.09.00 and Section 10.01.00). It refines some of the current provisions, includes best practice provisions that are found in modern codes, and where appropriate, adds a few provisions to better support the project goals of supporting redevelopment in certain areas of the city.

ARTICLE 8: NONCONFORMITIES

SECTION 8.1. GENERAL APPLICABILITY

SECTION 8.2. NONCONFORMING USES

SECTION 8.3. NONCONFORMING STRUCTURES

SECTION 8.4. NONCONFORMING LOTS OF RECORD

SECTION 8.5. NONCONFORMING SIGNS

SECTION 8.6. NONCONFORMING SITE FEATURES

SECTION 8.1.1. PURPOSE AND SCOPE

This subsection establishes that the article addresses legally established uses, structures, lots, signs, and site features (off-street parking and landscaping) that do not comply with requirements in the new LDC.

SECTION 8.1.2. AUTHORITY TO CONTINUE

This subsection recognizes all lawfully established nonconformities will be allowed to continue in accordance with the standards of this article.

SECTION 8.1.3. DETERMINATION OF NONCONFORMITY STATUS

This subsection includes a standard provision stating that the landowner, not the city, has the burden of proving the existence of a lawful nonconformity.

SECTION 8.1.4. MINOR REPAIRS AND MAINTENANCE

This subsection will state that routine maintenance of nonconforming structures, structures housing nonconforming uses, and nonconforming signs, will be allowed to keep these nonconformities in the same condition they were at the time the nonconformity was established.

SECTION 8.1.5. CHANGE OF TENANCY OR OWNERSHIP

This subsection will state that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

SECTION 8.2. NONCONFORMING USES

This section will establish specific rules governing nonconforming uses. It will build on Section 10.01.00 in the current development regulations, with some refinements and clarification. The section will address enlargement, abandonment, relocation, and reconstruction after damage, and generally carry forward the current rules.

SECTION 8.3. NONCONFORMING STRUCTURES

This section will establish specific rules governing nonconforming structures. It will build on the rules in Section 10.01.00 in the current development regulations. It will address enlargement, abandonment, relocation, and reconstruction after damage.

SECTION 8.4. NONCONFORMING LOTS OF RECORD

This provision addresses established lots of record that were platted prior to the effective date of the LDC, but that do not meet the dimensional requirements of the zoning district where they are located. It will build on and carry forward the rules established in Section 10.01.02 F in the current development regulations. We will explore adding a provision that specifies that governmental acquisition of a portion of a lot shall not render the lot nonconforming (even if it no longer meets the dimensional standards).

SECTION 8.5. NONCONFORMING SIGNS

This section will build on Section 8.09.00 of the current development regulations, and establish rules governing the treatment of nonconforming signs.

SECTION 8.6. NONCONFORMING SITE FEATURES

This would be a new section that builds on the concept of scaled compliance for vehicular parking are in Section 10.01.03 B of the current development regulations. We suggest that it broaden the application of scaled compliance for nonconforming site features by applying the section to offstreet parking standards generally, and landscaping standards. These provisions will establish a sliding scale requirement, based on the value of the remodeling or the extent of the expansion of the structure. The greater the value of the remodel, or the greater the expansion, the more the developer has to bring the site into compliance with the nonconforming site features. The city selects the breakpoints at which the sliding scale increases.

As an example, the provision might establish a rule that remodels costing less than 15 percent of the structure's assessed value might not trigger the need to address any nonconforming site features that the section applies to; remodels costing between 16 and 50 percent of the structure's assessed value would require a developer to bring the site's compliance up to current standards by a percentage amount equivalent to the amount being

spent; and remodels costing in excess of 50 percent of the assessed value would require full compliance. With respect to expansions, the rule might be that an expansion of 15 percent or less would not be required to bring the site further into compliance; expansions between 16 and 50 percent would require a developer to bring the site's compliance up to current standards by a percentage amount equivalent to the expansion; and expansions greater than 50 percent would require full compliance.

Finally, the standards would include an important “safety valve” provision that allows for a waiver of requirements in cases where there are physical constraints on the site that prevent upgrading certain nonconforming elements (e.g., where there is insufficient room to accommodate all required parking spaces), but would require compliance to the maximum extent practical.

ARTICLE 9. ENFORCEMENT

Article 9: Enforcement, builds on, consolidates, and refines provisions in the current regulations, and adds some new sections in an effort to clarify and better organize the enforcement provisions, and help make the code enforcement process more efficient and effective.

SECTION 9.1. PURPOSE

This new section sets forth the purpose of the enforcement section.

ARTICLE 9: ENFORCEMENT

SECTION 9.1. PURPOSE

SECTION 9.2. COMPLIANCE REQUIRED

SECTION 9.3. VIOLATIONS

SECTION 9.4. RESPONSIBLE PERSONS

SECTION 9.5. ENFORCEMENT GENERALLY

SECTION 9.6. REMEDIES AND PENALTIES

SECTION 9.2. COMPLIANCE REQUIRED

This new section clearly states that compliance with all provisions of the LDC is required.

SECTION 9.3. VIOLATIONS

This new section explains that failure to comply with any provision of the LDC, or the terms or conditions of any development approval or authorization granted in accordance with the development regulations shall constitute a violation. The section also more specifically identifies both general violations as well as specific violations.

SECTION 9.4. RESPONSIBLE PERSONS

This new section indicates who is responsible for a violation when it occurs. It will be made as broad as legally possible, and state that any person who violates the LDC shall be subject to the remedies and penalties set forth in this article.

SECTION 9.5. ENFORCEMENT GENERALLY

This section will build on Section 11.03.00 in the current development regulations, but add additional details and clarifications involving enforcement. It will add provisions identifying who is responsible for enforcing the LDC, what procedures citizens should follow to report potential violations, and how inspection of property are to be carried out when they are required. The heart of the section will build on Section 11.03.00, Code Enforcement Hearing Officer, and set down the current procedure for enforcement of LDC violations through the Code Enforcement Officer, who brings actions to a magistrate appointed by the City Council. In the past, Apopka has had an appointed Code Enforcement Board. This section will

provide flexibility by referring to a Code Enforcement Board or magistrate as determined by the City Council, as the person or board responsible for enforcement. The current fines and penalties which the Code Enforcement Officer may impose for violations (see Section 11.03.00 H of the current development regulations), will be updated, if appropriate, and included in this section.

SECTION 9.6. REMEDIES AND PENALTIES

This section will build on Section 12.08.02, Other Penalties and Remedies, in the current development regulations. It recognizes civil, equitable, and criminal penalties, detailing the range of penalties and remedies available. It will also clearly express that all remedies available to the city are cumulative.

ARTICLE 10. DEFINITIONS AND RULES OF MEASUREMENT

Article 10: Definitions and Rules of

Measurement is the last article in the new LDC. It builds on a number of the provisions and defined terms in Sections 1.08.13, 3.01.01, 5.01.10 C, 5.03.02, 6.02.03 B, Section 8.01.00, and 12.07.01, from the current development regulations. It will also consolidate the definitions found in all parts of the current regulations into this article, and add, modernize, refine, and modify definitions, as appropriate. It will also enhance the definitions and use of definitions through:

- Including rules of construction in a section;
- Consolidating all rules of measurement in a section;
- Incorporating a table of abbreviations;
- Adding definitions of all uses identified in the Principal Use Table(s) in Article 4: Use Regulations; and
- Removing standards from the definitions, and placing them in the appropriate place in the new code.

Clear definitions of important words and phrases not only make life easier for those who must interpret and administer the regulations and for those who must make decisions and consider appeals—they also make it much easier for the public to know what is required. We will review, evaluate, and then refine and modernize the definitions, and add new definitions, as appropriate, so the new LDC has a clear, modern, and workable set of definitions.

SECTION 10.1. GENERAL RULES FOR INTERPRETATION

This section builds on Section 1.08.00, Rules of Interpretation, in the current development regulations. It addresses general issues related to interpretation of language, including:

- The meaning of standard terms such as “shall,” “should,” “will,” and “may”;
- The use of plural and singular nouns;
- The meaning of conjunctions;
- How time is computed; and

ARTICLE 10: DEFENITIONS AND RULES OF MEASUREMENT

SECTION 10.1. GENERAL RULES FOR INTERPRETATION

SECTION 10.2. RULES OF MEASUREMENT

SECTION 10.3. DEFINITIONS

- Other general issues that arise in interpreting and administering the ordinance and its procedures.

SECTION 10.2. RULES OF MEASUREMENT

This section consolidates and establishes the rules for measuring bulk and dimensional requirements like height, width, setbacks, lot area, how encroachments into required yards will be determined and regulated, and the other measurements that are required to interpret standards. The result is a central location where the user can go if there is a need to apply a rule of measurement. Graphics are used in this section to assist in the explanation of the different rules of measurement.

SECTION 10.3. DEFINITIONS

As noted above, this section includes definitions of terms used throughout the regulations. It will begin with an evaluation of all existing definitions, and then refine and modernize the definitions, and add new definitions, as appropriate, so the new LDC has a clear, modern, and workable set of definitions. We use the definitions found in the current regulations as a starting point for the definitions section, but add numerous definitions related to the zoning districts, the uses, and the development standards as necessary. We also revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. We verify that key definitions conform to state and federal law, and constitutional requirements.

I) Introduction and Overview

II) Diagnosis

III) Annotated Outline of the New Land Development Code

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IV) Appendices

**Appendix A: MU-ES: Mixed Use East
Shore Development
Standards Framework**

Appendix B: Current Use Regulations

**Appendix C: Current Zoning District
Dimensional Standards**

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Appendix A: MU-ES: Mixed Use – East Shore Development Standards Framework

Table A-1: Potential Research/Technology/Education Form and Design Standards	
Standard	Potential Requirements
Intent	This character area provides for higher intensity mix of light industrial, office and employment uses.
Uses	Incorporate windows and doors along the front building facade to cover a certain percentage of the façade area (with separate standards for ground floors and upper floors)
Building Orientation and Configuration	Orient buildings to front streets, not parking areas
	Orient around a central spine street or accessway (for multi-building developments)
	Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces
	Use design features (canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances
Building Facades	Use design features to configure buildings over five stories with a clearly
	Provide wall offsets and other articulation features (changes in color, recessed entrance, awnings, pillars and columns, bay windows, eaves, integrated planters) along a long front building facade and along facades facing residential development
Block Standards	Provide maximum block standards (2,600')
Parking Placement and Configuration	Locate surface parking areas to the side or rear of buildings or limit parking areas between buildings and the street
	Limit frontage taken up by parking located to the sides of buildings
	Organize large surface parking lots into a series of parking bays surrounded by buildings, landscaped medians, or accessways designed to look like streets
Open Spaces	Provide outdoor gathering spaces such as courtyards, plazas, pocket parks, where appropriate
	Provide pedestrian amenities such as plazas, seating areas, or gathering spaces between buildings
	Locate and configure open spaces so they are visible from buildings

Table A-2: Potential Gateway Form and Design Standards	
Standard	Potential Requirements
Intent	Building form and architecture should represent the “gateway” to the area, and including distinguishing features that represent entry into a distinct location within Apopka.
Uses	A combination of uses would be permitted, ranging from multi-family to retail, light industrial and gas stations. Large scale retailers could also locate in this area.
Building Orientation and Configuration	Orient buildings to front streets, not parking areas when outparcels are developed. Building frontage standards will vary based on the street type ¹
	Orient around a central spine street or accessway (for multi-building developments)
	Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces while permitting flexibility for large scale retailers.
	Use design features (canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances
Building Facades	Provide wall offsets and other articulation features (changes in color, recessed entrance, awnings, pillars and columns, bay windows, eaves, integrated planters) along a long front building facade and along facades facing residential development.
Block Standards	Provide maximum block standards (2,000')
Parking Placement and Configuration	Provides standards that are flexible for large retailers that desire parking in front if smaller outparcels are used to help frame the street.
	Limit frontage taken up by parking located to the sides of buildings
	Organize large surface parking lots into a series of parking bays surrounded by buildings, landscaped medians, or access ways designed to look like streets.
Open Spaces	Locate and configure open spaces so they are visible from buildings
Transition	Limit the size of nonresidential structures within 100 feet of single-family homes; also establish rules governing roof treatment, window and façade treatment, heights, parking location, location of outdoor dining facilities, and drive-thrus, in the edge areas adjacent to single-family development.

**Table A-3 Potential New Market
Form and Design Standards**

Standard	Potential Requirements
Intent	Located in the vicinity of Emerson Park and Florida Hospital, this character area is anticipated to include a high degree of pedestrian activity. Standards are intended to promote pedestrian-scaled development, and improve pedestrian access and circulation.
Uses	Provide a range of uses, identify the mix requirements for the Village Center, office and residential zones.
Location Requirements	Determine the local requirements for the Village Center and intensities/densities permitted, the office zone and townhouse/multifamily areas.
Building Orientation and Configuration	Establish Built to lines
	Orient around a central spine street or accessway (for multi-building developments)
	Use design features to establish clearly defined, highly visible, primary building entrances
Block Standards	Provide maximum block standards (1,600')
Building Facades	Use design features to configure buildings over five stories with a clearly recognizable base, middle, and top
	Provide wall offsets and other articulation features (changes in color, recessed entrance, awnings, pillars and columns, bay windows, eaves, integrated planters) along a long front building facade and along facades facing residential development
Transparency	Incorporate windows and doors along the front building facade to cover a certain percentage of the façade area (with separate standards for ground floors and upper floors)
Parking Placement and Configuration	Locate surface parking areas to rear of buildings, provide standards for parking garages.
	Limit frontage taken up by parking located to the sides of buildings
	Organize large surface parking lots into a series of parking bays surrounded by buildings, landscaped medians, or accessways designed to look like streets.
Open Spaces	Provide pedestrian amenities such as plazas, seating areas, or gathering spaces between buildings

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Appendix B: Current Use Regulations

Table B: Permitted Uses: Apopka, FL																									
P= Permitted by Right											S= Allowed only with approval of a Special Use Permit							Blank Cell = Prohibited							
Principal Use Category	Principal Use Type	Residential Base Zoning Districts									Office and Commercial Districts							Industrial Districts		Special Purpose Districts	Planned Unit Development	Overlay Zones			Use-Specific Standards
^	^	AG	AG-E	RCE-1	RCE-2	R-1, R-1A, R-1AA, R-1AAA	R-2	R-3	MHP	MHS	PO/I	CN	C-1	C-2	C-3	Mixed-CC	Mixed-EC	I-1	I-2	PR	PUD	Historic Districts or Landmarks	Downtown Development Overlay Zoning District	Small Lot Overlay Zoning District	
Agricultural																									
Agricultural Support Services	Plant Nursery Production, Greenhouse	P	P											P	P			P	P						
Animal Related Uses	Livestock Barns and Stables	P	P																						
Agriculture	Crops and Animal Production Facility	P	P																						
	Apiaries	P																							
Residential																									
Household Living	Dwelling, single-family	P	P	P	P	P	P	P		P															
	Dwelling, single-family garage apartment						P	P																	
	Dwelling, townhouse							P																	
	Dwelling, two-family						P	P																	
	Dwelling, quadruplex							P																	
	Dwelling, condominium							P																	
	Dwelling, apartment							P					S												
	Dwelling, year-round employees	P																							
	Dwelling, manufactured home	P							P	P															
Group Living Uses	Community Residential	S	S	S	S	S		S		S			S					S	S	S					

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	Homes																								
Public, Civic, and Institutional																									
Community Service Uses	Religious Institution	S	S	S	S	S	S		P		P	S	P	P	P										
	Cultural Institution								P																
	Hospital	S	S	S	S	S	S		P	S		S													
	Libraries	S	S	S	S	S	S		P	S		S													
	Medical/Health Clinics	S	S	S	S	S	S			S	P	P	P	P	P										
	Museums	S	S	S	S	S	S		P	S		S													
	Post Offices	S	S	S	S	S	S			S		S													
	Schools	S	S	S	S	S	S			S		S													
	Club or lodge													P	P	P									
	Day care center. child	S	S	S	S	S	S	S		S	P		P	P	P										
Transportation Terminal, bus, cab, and truck																			P						
Educational Uses	Boarding school										P		P	P	P										
	College or university										P		P	P	P										
	Elementary, middle, or high school										P		P	P	P										
	Vocational or trade school										P		P	P	P										
Emergency Response	Police Station										P		P	P	P										
	Fire Station										P		P	P	P										
	EMS Station																								
Funeral	Funeral Home/Parlor												P	P	P			P	P						
	Cemetery																			S					
Parks & Recreation	Park or greenway																			P					
Commercial																									
Animal Care Uses	Kennel	P																							
	Animal Clinic, veterinarian												P	P	P			P	P						

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Office Uses	Office building, general use	P									P	P	P	P	P			P	P						
	Contractor											P	P	P	P			P	P						
	Office Park																								
	Media Broadcasting Office, radio, telecasting, studio													P	P			P	P						
Eating or Drinking Establishment Uses	Brewpub or microbrewery																								
	Convenience Store, no eat-in facilities											P	P	P	P			P	P						
	Restaurant, Drive-in																								
	Restaurant, Excluding Drive-in										S														
Personal Service Uses	Art, music, dance, or martial arts studio/school																								
	Beauty salon or barber shop										S	P	P	P	P			P	P						
	Confectionery Store, Ice Cream, Candy										S	P	P	P	P			P	P						
	Dance studio																								
	Dry cleaning or laundry drop-off/pick-up establishment										S	P	P	P	P			P	P						
	Laundromat, Self-Service								P				P	P	P			P	P						
	Nail care												P	P	P			P	P						
	Pawnshop																								
	Personal or household goods repair											P	P	P	P			P	P						
	Self-Storage,												S	P	P			P	P						

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	Mini-warehouse																								
	Tailoring											P	P	P	P			P	P						
	Tanning salon																								
	Tattoo parlor																								
	Tobacco Shop										S	P	P	P	P			P	P						
Commercial/ Industrial Services	Heating and Air Sales														P			P	P						
	Building Material Storage and Sales														P			P	P						
	Contractor storage equipment yards														P			P	P						
	Warehouse Storage																	P	P						
Recreation/ Entertainment Uses	After house membership organization																								
	Amusement park																								
	Arena, stadium, or amphitheater																								
	Cinema												P	P	P			P	P						
	Country club																								
	Golf course												P	P	P			P	P	P					
	Nightclub																								
	Performance arts, theater												P	P	P			P	P						
	Recreation facility, indoor												P	P	P			P	P						
	Recreation facility, outdoor																			P					
	Recreation facility, nonprofit										P		P	P	P			P	P	P					
Retail Sales and Service Uses	Auction house																								
	Bank or other financial institution												P	P	P			P	P						

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	Retail goods establishment												P	P	P			P	P						
	Establishment for the sale of alcoholic beverages for off-premises consumption																								
	Establishment for the sale of distilled spirits for off-premises consumption																								
	Farmer’s market																								
	Flea market																	S		S					
	Florist and Gift Shop											P	P	P	P			P	P						
	Grocery store and food market																								
	Hobby and Craft Shop											P	P	P	P			P	P						
	Drugstore, pharmaceutical, medical, dental, and other health related supplies										P	P	P	P	P			P	P						
	Machinery Sales																								
	Vehicle Sales													P	P			P	P						
	Vehicle Service, repair												S	P	P			P	P						
	Vehicle Service, fuel												S												
	Vehicle Service, truck stop														P										
	Vehicle Service, car wash														P	P			P	P					
	Vehicle Service,														P			P	P						

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	auto body and painting																								
Visitor Accommodation Uses	Bed & Breakfast	S	S	S	S	S							P	P	P										
	Hotel or Motel												P	P	P			P	P						
Industrial																									
Production Facilities, Food and Beverage	Bottling Facility																	P	P						
	Distribution Facility																	P	P						
	Food Processing facilities, fruits vegetables														P			P	P						
	Food Processing facilities, meat																	P	P						
	Frozen Food Storage																	P	P						
	Packaging Facility, fruits and vegetables														P			P	P						
	Packaging Facility, meat																	P	P						
Production Facilities, Materials	Material testing facility																	P	P						
	Machine Shop																	P	P						
	Publishing Facility, print binding, lithography																	P	P						
	Raw Materials Processing; concrete, asphalt, cement, lime, gypsum, and/or plaster of paris																		P						
	Blast-Furnace Facility																		P						
	Salvage Yard																		P						
	Fertilizer																		P						

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	Manufacturing																									
	Chemical Manufacturing																		P							
	Chemical Storage																		P							
	Fuel Storage																		P							

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Appendix C: Current Zoning District Dimensional Standards

Table C: Current Zoning District Dimensional Standards												
Districts			Minimum Site Area (Sq.Ft.)	Minimum Lot Width (Sq. Ft.)	Minimum Setbacks				Minimum Living (Sq.Ft.)	Rec/ Open Space (%)	Floor Area Ratio (%)	Density du/acre
					Front (Feet)	Side (Feet)	Corner (Feet)	Rear (Feet)				
Agriculture (AG)	Agriculture											
	Residential Mobile Home		5 AC	None	25	25	25	25	400			
	Residential Tenant Housing								600			
	Residential Single-Family								1200			
	Nonresidential				100	100	100	100				
	Apiaries				200	200	200	200				
Agricultural Estate (AG-E)	Residential	Single-Family	2.5 AC	150	45	35	50	35	2,200			
Residential County Estates 1 (RCE-1)	Residential County Estates 1		1 AC	130	35	15	30	35	2,000			
Residential County Estates 2 (RCE-2)	Residential County Estates 2		2 AC	150	35	15	30	35	2,200			
Residential Single Family	R-1		8,000sf	75	25	10	20	25	1,500			
	R-1A		10,000sf	85					1,600			

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Districts			Minimum Site Area (Sq.Ft.)	Minimum Lot Width (Sq. Ft.)	Minimum Setbacks				Minimum Living (Sq.Ft.)	Rec/ Open Space (%)	Floor Area Ratio (%)	Density du/acre
					Front (Feet)	Side (Feet)	Corner (Feet)	Rear (Feet)				
Districts (R-1, R-1A, R-1AA, R-1AAA)	R-1AA		12,500sf	95					1,700			
	R-1AAA		16,000sf	120					1,800			
Residential 2 (R-2)	Residential One and Two Family											
Single Family (SF)	Single-Family		7,500sf	70	25	7.5 ¹	20	25	1,350			
	Duplex		15,000sf	140		10						
Residential 3 (R-3)	Residential	Single Family	7,500sf	70	25	7.5 ¹	20	25	1,350			
		Duplex	15,000sf	140		10						
	Multiple-Family	Rental/ Apartments	1 AC	None	2	3	2		750			
		Fee Simple, Condo or Townhouse							1,350			
Mobile Home Park (MHP)	Mobile Home Park		10 AC 4,000sf	None	15 ¹	7.5	15 ¹	7.5	600			
Mobile Home Subdivision (MHS)	Mobile Home		5,000sf	50	20	7.5	15	25	600			
	Single-Family		6,000sf	60	25	7.5 ¹	20		1,000			
Profession al Office / Industrial (PO/I)	Professional		10,000	85	25	10	25	10	30		30 ⁵	
	Office/Institutional							25 Res.				
Commercial	Commercial		7,500	75	50 CL	10	15	10			25 ⁵	

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Districts		Minimum Site Area (Sq.Ft.)	Minimum Lot Width (Sq. Ft.)	Minimum Setbacks				Minimum Living (Sq.Ft.)	Rec/ Open Space (%)	Floor Area Ratio (%)	Density du/acre
				Front (Feet)	Side (Feet)	Corner (Feet)	Rear (Feet)				
Neighborhood (CN)	Neighborhood Commercial			10 PL		30	30 to Res.				
Commercial Retail (C-1)	Commercial Retail	10,000	100	50 CL or 10 PL	10	15	10 30 to Res			25 ⁵	
Commercial General (C-2)	Commercial General	10,000	100	50 CL or 10 PL	10	15	10 30 to Res.			25 ⁵	10,000
Wholesale Commercial (C-3)	Wholesale Commercial	12,000	100	50 CL or 10 PL	10 30 to Res.	15	15 30 to Res.			25 ⁵	12,000
Restricted Industrial (I-1)	Restricted Industrial	15,000	100	25	10	25	10 30 to Res.			60 ⁵	15,000
General Industrial (I-2)	General Industrial	25,000	150	25	10	25	10 30 to Res.			60 ⁵	
Parks and Recreation (PR)	Parks & Recreation	—	—	25	25	25	25				
Planned Unit Development (PUD)	Planned Unit Development	4	4	4	4	4	4		4	4	
Mixed Use Community Center (Mixed-CC)	Community Center	None	85 ft.	15	0	10	10		30	25 min. 60 max.	7.5 max.

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Districts		Minimum Site Area (Sq.Ft.)	Minimum Lot Width (Sq. Ft.)	Minimum Setbacks				Minimum Living (Sq.Ft.)	Rec/ Open Space (%)	Floor Area Ratio (%)	Density du/acre
				Front (Feet)	Side (Feet)	Corner (Feet)	Rear (Feet)				
Mixed Use Employment Center (Mixed-EC)	Employment Center	None	85 ft.	15	0	10	10		30	25 min. 100 max.	15 max.

Notes

¹ 15 feet between structures.² Distance between buildings: 50' front to front and 50' rear to rear.³ 20' between structures.⁴ See Land Development Code for specific requirements. Some setback requirements may be greater.⁵ CBD (Central Business District) overlay zone = 200% F.A.R.⁶ Maximum building height for all districts is 35'⁷ Water/wetland setback for all districts is 50', see LDC.⁸ See article VII for all accessory building setback information.⁹ See each district for clarification of all requirements.¹⁰ CL = Measured from centerline.¹¹ PL = Measured from property line.¹² Res = From residential districts.