



**City of Apopka, FL**

# LAND DEVELOPMENT CODE



**PUBLIC HEARING DRAFT  
CHANGES ONLY**

**December 2018  
– February 2019**

**Version Completed  
February 28, 2019**

**CLARION**



**Article 2: Administration**

Section 2.5 Application-Specific Review Procedures and Decision Standards

2.5.2 Site Development and Platting

**a. Major Development Plan**

1. The following development, unless exempted in accordance with 2.5.2.A.2.b, Exemptions, above, shall receive major development plan approval prior to the issuance of a building permit:
  - (a) Developments of ~~50-25~~ or more residential dwelling units;
  - (b) Development of ~~50,000~~25,000 square feet or more of nonresidential floor area; and
  - (c) Development of a mixed-use project with more than ~~5025~~ residential dwelling units and/or more than ~~50,000~~25,000 square feet of floor area.
  - (d) Developments determined by the Director to have a potentially significant impact on the need for public facilities, or on environmentally sensitive lands.

**b. Minor Development Plan**

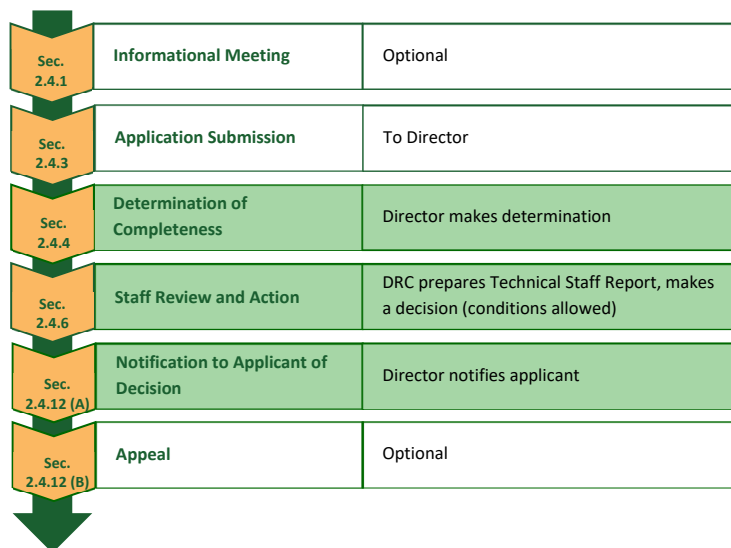
1. All development that is not subject to major development plan approval in accordance with Sec, 2.4.2.3.a.1 above, or exempted in accordance with Sec. 2.4.2.2, above, shall receive approval of a minor development plan prior to the issuance of building permit.

**4. Development Plan Procedures**

**a. Minor Development Plan Procedure**

This subsection identifies additions or modifications to the standard review procedures in Sec. 2.4, Standard Review Procedures, that apply to a minor development plan. Figure 2.5.2.A.4.a identifies key steps in the minor development plan procedure.

**Figure 2.5.2.A.4.a: Minor Development Plan Procedure**



3.6.5 MU-ES-RTE: Mixed Use East Shore-Research/Technology/Education Subdistrict

FAR, min. and max.	Not applicable	Not applicable	0.25 min./1.0 max.[8]
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**Notes:** sf. = square feet; ft. = feet; min.= minimum; max.= maximum

- [1] The area between the minimum and maximum build-to-lines that extends the width of the lot constitutes the building-to zone
- [2] Where existing buildings along street frontage are all located behind the build-to-zone, the buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to-line standards, and the minimum building width in the build-to-zone standard.
- [3] The remaining build-to-zone width may be occupied by outdoor gathering spaces, outdoor dining areas, walkways, landscaped areas, stormwater management facilities that use low impact development techniques.
- [4] Minimum of 15 ft. between structures, only applies to exterior units.
- [5] Additional height, up to seven stories may be approved as a special exception permit in accordance with Sec. 2.5.1.G, Special Exception Permit.
- [6] Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) will be restricted to no more than 2 DUs per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan.
- [7] Applicable to a residential development, and the residential component of a mixed-use development.
- [8] Applicable to a nonresidential development, and the nonresidential component of a mixed-use development.

**D. Other Standards, MU-ES-RTE (Research/Technology/Education)**

For sites over 40 acres that are adjacent to arterial or collector roads, nonresidential uses shall be at least 60 percent and no more than 90 percent of the site. Compliance with this requirement shall occur within seven years of the date of approval of the development. Compliance shall be measured based on the floor area of the use, as a percentage of the overall constructed floor area of the development.

Use Mixing

An applicant may request an increase or decrease in the percentage by the City Council. Justifications by the applicant shall depend on surrounding land use, existing development patterns, or other land use factors including (but not limited to) utilities, roads, development intensity or environmental factors.

Block Standards	The maximum block perimeter shall not exceed 2,600 feet.
Connectivity	<p>The vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify the above requirement on determining that such cross-access is impractical due to site constraints, or is inappropriate due to traffic safety issues, or undesirable due to the proposed development’s incompatibility with existing development on the adjacent parcel.</p> <p>Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the appropriate land records.</p>
Pedestrian Circulation	<p>Sidewalks shall be provided on both sides of the street, with a planting strip (Street trees at 1 per 40 feet on center (on average), ground cover and/or grates are located in this planting area) of 11 feet wide on avenue streets and six feet wide on local streets between the sidewalk and the street. Sidewalks shall be at least eight feet wide along avenue street frontages (to accommodate street furniture, outdoor dining, or other pedestrian amenities) and six feet wide along local streets. Sidewalks along pedestrian street frontages shall maintain a pedestrian “clear zone” that is unobstructed by any permanent or nonpermanent object for a minimum width of four feet.</p> <p>Where a sidewalk or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, or decorative bollards.</p>
Transparency	<p>Where the facade of a building abuts, or faces a street or an adjoining public gathering space, a minimum of 25 percent of the street-level facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.</p> <p>Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and nonreflective, with a minimum visible light transmittance of 0.65 and maximum visible light reflectance of 0.2.</p>
Roof Design	<p>Variation in a flat roof design more than ninety (90) feet in length shall include a change in parapet height or pitched roof height at least every ninety (90) feet.</p> <p>Along any street, all proposed new or additional surface vehicle parking shall be located predominately to the rear or side of the development’s principal building(s) or in a parking structure. No more than two bays of parking may be located in the front of the building.</p>
Parking	<p>Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas.</p> <p>All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.</p>

- [4]. Minimum of 15’ between structures, only applies to exterior units.
- [5] Additional height, up to seven stories may be approved as a special exception permit in accordance with Sec. 2.5.1.G, Special Exception Permit.
- [6] Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) will be restricted to no more than 2 DUs per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan.
- [7] Applicable to a residential development, and the residential component of a mixed-use development.
- [8] Applicable to a nonresidential development, and the nonresidential component of a mixed-use development.

**D. Other Standards, MU-ES-NM (New Market)**

For sites over 25 acres that are adjacent to arterial or collector roads, nonresidential uses shall be at least 50 percent and no more than 80 percent of the site. Compliance with this requirement shall occur within seven years of the date of approval of the development. Compliance shall be measured based on the floor area of the use, as a percentage of the overall constructed floor area of the development.

Use Mixing

An applicant may request an increase or decrease in the percentage by the City Council. Justifications by the applicant shall depend on surrounding land use, existing development patterns, or other land use factors including (but not limited to) utilities, roads, development intensity or environmental factors.

Block Standards	The maximum block perimeter shall not exceed 1,600 ft.
Connectivity	<p>The vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify the above requirement on determining that such cross-access is impractical due to site constraints, or is inappropriate due to traffic safety issues, or undesirable due to the proposed development’s incompatibility with existing development on the adjacent parcel.</p> <p>Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the appropriate land records.</p>
Pedestrian Circulation	<p>Sidewalks shall be provided on both sides of the street, with a planting strip (Street trees at one per 40 feet on center (on average), ground cover and/or grates are located in this planting area) of ten feet wide on local streets and 13 feet wide on principal streets between the sidewalk and the street. Sidewalks shall be at least nine feet wide along local street frontages (to accommodate street furniture, outdoor dining, or other pedestrian amenities) and ten feet wide along principal streets. Sidewalks along pedestrian street frontages shall maintain a pedestrian “clear zone” that is unobstructed by any permanent or nonpermanent object for a minimum width of six feet.</p> <p>Where a sidewalk or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, or decorative bollards.</p>
Building Facades	Façades shall not exceed 20 horizontal feet and ten vertical feet without including at least one of the following elements:(canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances. Building facades along public streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements.
Building Massing and Façade Articulation	Building facades shall not exceed sixty (60) feet along a street frontage without providing a substantial volume break such as a volume recess, a tower or bay, or an architecturally prominent public entrance The recesses and projections shall have a minimum depth of three (3) feet.
Roof Design	When a flat roof is proposed, parapet walls with three-dimensional cornice treatments shall conceal the roof. The cornice shall include a perpendicular projection of a minimum of eight (8) inches from the parapet facade plane.
Building Entrances	All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or facade material, pilasters, awnings, canopies, porches, or other architectural elements. Where the facade of a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. These required pedestrian entrances shall open directly to the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area located between the entrance and the street
Transparency	<p>Where the facade of a building abuts or faces a street or an adjoining public gathering space, a minimum of 65 percent the street-level facade area along local streets and a minimum of 50 percent along all other streets shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.</p> <p>Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and nonreflective, with a minimum visible light transmittance of 0.65 and maximum visible light reflectance of 0.2.</p>

- [4] Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) will be restricted to no more than 2 DUs per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan.
- [5] Applicable to a residential development, and the residential component of a mixed-use development.
- [6] Applicable to a nonresidential development, and the nonresidential component of a mixed-use development.

**D. Other Standards, MU-ES-GT (Gateway)**

For sites over 25 acres that are adjacent to arterial or collector roads, nonresidential uses shall be at least 20 percent and no more than 50 percent of the site. Compliance with this requirement shall occur within seven years of the date of approval of the development. Compliance shall be measured based on the floor area of the use, as a percentage of the overall constructed floor area of the development.

Use Mixing

An applicant may request an increase or decrease in the percentage by the City Council. Justifications by the applicant shall depend on surrounding land use, existing development patterns, or other land use factors including (but not limited to) utilities, roads, development intensity or environmental factors.

Block Standards	The maximum block perimeter shall not exceed 2,000 ft.
Connectivity	The vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify the requirement on determining that such cross-access is impractical due to site constraints, or is inappropriate due to traffic safety issues, or undesirable due to the proposed development’s incompatibility with existing development on the adjacent parcel. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the appropriate land records.
Pedestrian Circulation	Sidewalks shall be provided on both sides of the street, with a planting strip (Street trees at 1 per 40 feet on center (on average), ground cover and/or grates are located in this planting area) of 11 feet wide on avenue streets and six feet wide on local streets between the sidewalk and the street. Sidewalks shall be at least eight feet wide along avenue street frontages (to accommodate street furniture, outdoor dining, or other pedestrian amenities) and six feet wide along local streets. Sidewalks along pedestrian street frontages shall maintain a pedestrian “clear zone” that is unobstructed by any permanent or nonpermanent object for a minimum width of four feet.  Where a sidewalk or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, or decorative bollards.
Building Facades	Façades shall not exceed 20 horizontal feet and ten vertical feet without including at least one of the following elements:(canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances. Building facades along public streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements.
Building Massing and Façade Articulation	Therefore, building facades shall not exceed 60 feet along a street frontage without providing a substantial volume break such as a volume recess, a tower or bay, or an architecturally prominent public entrance The recesses and projections shall have a minimum depth of three feet.
Flat Roof Design	When a flat roof is proposed, parapet walls with three-dimensional cornice treatments shall conceal the roof. The cornice shall include a perpendicular projection of a minimum of eight (8) inches from the parapet facade plane.
Building Orientation	Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces. The outparcels shall meet the build-to-line setbacks. Additional buildings may be on the same parcel and are permitted to be setback further from the road, if outparcels are framing the street and meet the building width minimum percentage requirement.
Building Entrances	All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or facade material, pilasters, awnings, canopies, porches, or other architectural elements. Where the facade of a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. These required pedestrian entrances shall open directly to the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area located between the entrance and the street.
Transparency	Where the facade of a building abuts or faces a street or an adjoining public gathering space, a minimum of 25 percent the street-level facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.  Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and nonreflective, with a minimum visible light transmittance of 0.65 and maximum visible light reflectance of 0.2.
Parking	Along any street, all proposed new or additional surface vehicle parking shall be predominately located to the rear or side of the development’s principal building(s) or in a parking structure. No more than two bays of parking may be located in the front of the building.  Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas.



or adjacent expansion of any educational facility or site in existence on July 1, 1993

**h. Exceptions**

Exceptions approving construction of an educational facility within the delineated area shall only be granted when the City of Apopka makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.

**i. FDOT Compliance**

The City of Apopka shall provide a copy of all airport protection zoning regulations and airport land use compatibility zoning regulations, and any related amendments, to FDOT's aviation office within 30 days after adoption.

**j. More Restrictive**

This section does not prohibit the City of Apopka, from establishing airport zoning regulations more restrictive than prescribed in Ch. 333, Fla. Stat., in order to protect the health, safety, and welfare of the public in the air and on the ground.

**k. Permitted Uses**

Site improvements may be required if determined by the Community Development Department and subject to requirements and standards by FDOT and FAA

1. Aircraft operation, including heliports.
2. Flight instruction and aviation school facility.
3. Aircraft rental.
4. Aircraft charter and taxi service.
5. Aircraft engine and accessory maintenance.
6. Aeronautical radio and instrument operations. ~~Telecommunications towers not associated with airport use or navigation.~~
7. Hangar rental service.
8. Aviation service, light repair and restoration.
9. Aircraft tire sales and repair.
10. Aircraft sales and brokerage.
11. Aviation-related administrative offices.
12. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Use determination shall be based upon the Community Development Director's determination.

## Article 3: Zoning Districts

### Section 3.6 Special Purpose Base Zoning Districts

#### 3.6.11 AIR: Orlando Apopka Airport District

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#### I. Prohibited Uses

1. Any residential use.
2. Automobile or vehicle service and repair.
3. Schools, Places of Worship and any other institutional uses not related to airport or aviation-related business.
4. Commercial and office uses not considered an aviation-related business.
5. Outside storage of parts, materials, equipment, automobiles, trailers, boats, etc. ~~shall be allowed.~~
6. Telecommunications towers not associated with airport use or navigation.
7. All other uses which do not meet the stated purpose of this district and prohibited by Ch. 333, Fla Stat..

#### 3. Permitting Requirements

##### a. Permit Required

A permit shall be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered or repaired; such permit shall be obtained from the City of Apopka Community Development Department, Building Division in coordination with the Airport Manager and in conjunction with FAA requirements and procedures.

1. The FAA Notice Criteria Tool and Obstruction Evaluation/Airport Analysis tools are hereby adopted, as amended from time to time, by reference at the following website:  
<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>
  - (a) If the Notice Criteria Tool indicates that the proposed construction or alteration does not exceed Notice criteria standards (Part 77, subpart B), it is not required to file a Notice with the FAA (FAA form 7460-1) and the Notice Criteria Tool response should be submitted to the IDA board which will determine whether an airport zoning permit may be required due to other airport zoning issues such as land use; or
  - (b) If the Notice Criteria Tool response indicates that the proposed construction or alteration does exceed Notice criteria standards (Part 77, subpart B) and/or that the FAA requests the filing of a notice, the applicant shall prepare and submit the Notice (FAA form 7460-1) manually or by utilizing the electronic submittal process at the FAA website:  
([https://www.faa.gov/documentLibrary/media/Form/FAA\\_Form\\_7460-1\\_AJV-1-050117.pdf](https://www.faa.gov/documentLibrary/media/Form/FAA_Form_7460-1_AJV-1-050117.pdf)). The Notice form must be submitted at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest. (14 C.F.R. s. 77.7)

<b>TABLE 3.7.2.E.1: PD DISTRICT DEVELOPMENT STANDARDS SUBJECT TO MODIFICATION</b>		
Section 5.15	Guarantees and Sureties	No modification
Section 5.16	Miscellaneous Standards	PD Plan
<b>Article 6:</b>	<b>Environmental Standards</b>	No modification
<b>Article 7:</b>	<b>Concurrency Management System</b>	No modification

- b.** Modifications to development standards, as allowed Table 3.7.2.E.1: PD District Development Standards Subject to Modification, shall be:
  - 1.** Consistent with the purposes of the PD district; and
  - 2.** Documented in the PD Plan and PD Agreement, with a clear basis for why the change is needed, how it supports the purposes of the district, and how it supports high-quality development.

**F. Planned Development Zoning District Standards**

The application for the PD zoning district classification, shall include a PD Plan and PD Agreement, and comply with the following standards.

**1. PD Plan**

The PD Plan shall:

- a.** Establish a statement of planning and development goals for the PD district that is in accordance with the comprehensive plan and other adopted City plans, as applicable, as well as the purposes of the individual PD district;
- b.** Identify the specific principal, accessory, and temporary uses permitted in the PD district. They shall be consistent with the Principal Use Table (see Article 4: Use Regulations), and the purposes of the PD district. Uses shall also be subject to applicable use-specific standards identified in the PD Plan, and any additional limitations or requirements applicable to the individual PD district;
- c.** Establish the general location of each development area in the PD district, its acreage, types and mix of land uses (if applicable), number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- d.** Establish the density, intensity, and dimensional standards that apply in the individual PD district. The density, intensity, and dimensional standards shall be consistent with the requirements of the individual PD district, and its purposes;
- e.** No more than 75 percent of the residential lots in a development or phase shall be 50 feet in width or less. The remaining lots shall be a minimum of 65 feet in width. An applicant may request an increase or decrease in the lot width or percentage by the City Council. Justifications by the applicant shall depend on surrounding land use, existing development patterns, or other land use factors including (but not limited to) utilities, roads, development intensity or environmental factors.
- f.** Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD district is designed and located to be compatible with the character of adjacent existing or approved development.