

## **ORDINANCE NO. 2373**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III TO ESTABLISH A SMALL LOT OVERLAY ZONING DISTRICT; PROVIDING FOR APPLICABILITY; DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3202(1), Florida Statutes, requires that the City of Apopka, Florida (the "City") adopt or amend and enforce land development regulations that are consistent with and implement the City's adopted comprehensive plan; and

**WHEREAS**, Section 163.3201, Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code for the City; and

**WHEREAS**, from time to time, amendments and revisions to the City's adopted comprehensive plan (the "Growth Management Plan") and progress in the field of planning and zoning make it necessary or desirable to amend or revise the land development regulations of the City; and

**WHEREAS**, the City Council of the City of Apopka, deems it advisable to amend Article III of the Apopka Land Development Code establishing the Small Lot Overlay Zoning District; and

**WHEREAS**, the Apopka City Council hereby finds the Small Lot Overlay Zoning District is to provide flexibility for a dynamic housing market; implement Comprehensive Plan policies that promote housing diversity; provide transition between lower density residential areas and more intense development such as commercial, office, industrial or other non-residential land uses, to provide transition between lower density residential areas and limited access highways; to create an increase in development options for properties assigned medium and high density future land use designations; to promote infill development while preserving the character of the existing residential neighborhoods; and to promote diversity in the size and type of new residential developments thereby providing housing opportunities for various family sizes. The Overlay District delineates permitted uses and prohibitions or limitations on certain uses, as well as certain design standards; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Apopka, Florida, as follows:

**SECTION I.** The Code of Ordinances of the City of Apopka, Part III, Land Development Code, Article III, is hereby amended to add Section 3.04.00 Small Lot Overlay Zoning District to read as set forth in Exhibit "A" attached hereto.

**SECTION II: APPLICABILITY:** Unless otherwise stated, this Ordinance shall apply to cover all development within the delineated overlay district. Developments holding valid Final Development Plans (FDP) or Orders (FDO) shall not be subject to the provisions of this Ordinance unless the FDP/FDO expires or is revised subsequent to the effective date of this Ordinance.

# EXHIBIT “A”

## CITY OF APOPKA 3.04.00 - SMALL LOT OVERLAY ZONING DISTRICT

*[Add new Section to Article III of the City's Land Development Code]*

### **Section 3.04.00 - Small Lot Overlay Zoning District**

#### **Section 3.04.01 – Definition**

*Small Lot:* For purposes of Section 3.04.00, a lot with a width of less than 70 feet or an area less than 7,000 sq. ft. that accommodates a single family, duplex, or townhome dwelling unit.

#### **Section 3.04.02 - Purpose**

The purposes of the Small Lot Overlay District to:

1. Provide flexibility for a dynamic housing market;
2. Implement Comprehensive Plan policies that promote housing product diversity;
3. Provide transition between lower density residential areas and more intensely developed commercial, office, industrial or other non-residential land uses, or limited access highways;
4. To increase development options for property assigned a high density future land use designation;
5. Promote infill development while preserving the character of the existing residential neighborhoods; and
6. Promote diversity in the size and type of new residential developments to provide housing opportunities for various family sizes and lifestyles.

#### **Section 3.04.03 – Applicability**

1. The regulations of this section apply to all properties within the Small Lot Overlay District delineated within a zoning ordinance, and shall apply to new development and redevelopment occurring therein.
2. Those parcels that are split by the Overlay District line shall be considered to be wholly within the boundary of the Overlay District if the majority of the acreage is located within the Overlay District.

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**Section 3.04.04 - Review Process**

Application for a Small Lot Overlay District shall follow the same review and hearing process as a change of zoning application. A master site plan and development standards shall accompany the zoning application for the Overlay District and shall address the requirements of Section 2.02.18.K. Design details and illustrations for all residential structures, accessory structures, recreation facilities and equipment, mailbox and mail kiosks, walls and fences, and other structures as requested by the Community Development Director, shall be included with the development standards.

**Section 3.04.05 - Location Criteria**

1. A Small Lot Overlay District shall comply with each of the following location criteria:
  - a. Property must be assigned both a Residential High Future Land Use Designation and an R-3 zoning category.
  - b. A Small Lot Overlay District shall not be located within a half mile from another Small Lot Overlay District. This minimum separation distance is waived if at least fifty percent (50%) of the residential lands within a half mile radius of the Overlay District are assigned a zoning district that requires a minimum single-family residential lot size of 8,000 sq. ft. or larger.
  - c. Property comprising a Small Lot Overlay District shall be contiguous and generally compact.
2. A boundary line of a Small Lot Overlay District must satisfy one (1) of the following location criteria:
  - a. Located within a half mile from a commercial, office, or industrial use or zoning district comprising more than ten acres;
  - b. Located within a half mile from an entrance to a limited access highway, or abutting a limited access highway.

**Section 3.04.06 - Development Standards**

1. Unless otherwise addressed within Section 3.04.00, the development standards established for the R-3 zoning district shall apply.
2. Minimum and Maximum Area Requirements. A Small Lot Overlay District shall comprise a minimum of fifteen (15) acres but shall not exceed a maximum of eighty (80) acres.
3. Housing Types and Mix. For development proposing a small lot width of less than seventy (70) feet, a diversity of lot sizes or housing types shall be provided. If single family or duplex lots are proposed with a width less than fifty (50) feet, at least one-half

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(½) of the single family and/or duplex lots shall have a minimum width equal to or greater than fifty (50) feet. Apartment buildings are not allowed within the Small Lot Overlay District.

4. Common Open Space.

- a. A minimum of thirty percent (30%) of the developable land shall be placed in useable open space. The common open space must be arranged to maximize usability.
- b. For Small Lots with a front entry garage and a lot width less than fifty (50) feet, no more than twelve such lots shall occur in a row on the same side of the a street without separation by a common open space area.

5. Landscape Bufferyard. Minimum landscape buffer width adjacent to a local or collector road shall be fifteen (15) feet, and twenty (20) feet adjacent to an arterial road.

6. Alleyways. All alleyways shall be placed within a separate tract owned by a homeowners association. Street lighting shall be provided along alleyways, particularly at intersections of an alley and a street.

7. Amenities and Recreational Facilities. The type and value of amenities and recreation facilities or equipment shall be evaluated based on the number of dwelling units within a proposed in the master site plan.

8. Vehicle Access Points.

- a. All townhome and duplex dwelling lots shall have a vehicle access point via a rear alley; no less than two-thirds of the single family lots with a width less than fifty (50) feet shall have vehicle access points via a rear alley.
- b. All Small Lot, duplex and townhome lots shall include a two-car enclosed garage.
- c. A minimum of four (4) parking spaces shall be provided for each single family, duplex or townhome unit unless otherwise determined through a parking study that indicates fewer parking spaces would be needed. The parking study must be accepted by the City Engineer and approved by the City Council. If a lot is unable to accommodate a minimum of four parking spaces, up to two (2) parking spaces may be placed within parking lots or on-street parking spaces located outside the street travel lane.
- d. Where on-street parking abuts a residential lot, vehicle access to a garage must occur from a rear alley.

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**9. Building Setbacks**

	Minimum Lot width (feet) <sup>(1)</sup>	Minimum Yard Setbacks (feet)				Maximum Lot Coverage (%)
		Front <sup>(2)</sup>	Rear <sup>(3)</sup>	Side <sup>(4)</sup>	Corner	
Small Lot	40	15/10	20	4 min.; 10 total	15	75%
Small Lot	50	20	20	5	20	70%
Small Lot	60	20	20	5	20	70%
Townhome	18, 20, 22, 25	15/10	15	<sup>(5)</sup>	15	80%

- 1) Width of a single family or duplex lot shall not be less than forty (40) feet along any point of the length of the lot.
- 2) Setback to primary structure\setback to porch.
- 3) Setback to primary structure.
- 4) Side yard setback is zero where duplex and townhome walls separate dwelling units.
- 5) Twenty feet between buildings.

**10. Garage Setbacks**

**a. Single Family Home or Duplex**

- 1.) Front-entry garage: minimum 30 feet from front property line.
- 2.) Side-entry garage: minimum 25 feet from front or side yard property line
- 3.) Rear-entry garage: minimum 22 feet from the rear property line.

**b. Townhomes.**

- 1.) Front-entry or side-entry garage is not allowed.
- 2.) Rear-entry garage (as measured from the rear property line):
  - (a) Garage placed ten or fewer feet from rear property line: minimum of five (5) feet.
  - (b) Garage placed more than ten feet from rear property line: minimum of twenty-two (22) feet.

11. Individual townhome buildings shall have no more than six attached dwelling units.

12. Each single family structure, duplex unit, or townhome dwelling unit shall be placed within its own lot.

13. Along an Overlay District perimeter, small lots shall not abut existing platted residential lots with a lot width of seventy five (75) feet or greater unless a ten (10) foot buffer tract with a six-foot high buffer wall, or alternatively a twenty (20) foot landscape bufferyard is provided.

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14. Any portion of a vehicle parked within a driveway shall not extend into any area of an alley, street, sidewalk, or public right-of-way. Vehicles parked within a driveway located on a residential lot shall be oriented perpendicular to the street with the front or back of the vehicle facing a garage door. This regulation shall also be incorporated into the homeowners association code, covenant and restriction document.

#### **Section 3.04.07 - Design Guidelines**

1. Subdivision design and site layout will avoid the appearance of a long row of dwelling units. Open space and street pattern shall be designed to establish breaks between housing rows.
2. Subdivision design occurs in block form with similarly designed housing types grouped together. Streets are interconnected and cul-de-sacs are discouraged.
3. Streets and alleyways are to be designed to accommodate turning movements for large utility and emergency vehicles.
4. Subdivision and street design shall allow for efficient garbage collection and utility service. Right-of-way and streets to be designed to provide sufficient space for sanitation vehicles to access refuse containers. Where on-street parking is provided, the development plan must demonstrate that the outside travel lanes will allow sanitation service vehicles to efficiently serve refuse containers within driveways or other locations.
5. Pedestrian systems are an integral part of each development. Community design shall incorporate street and pathway systems that are pedestrian and bicycle friendly.
6. Unless otherwise accepted by the Local U.S. Post Master, mail delivery for Small Lots with a width less than fifty (50) feet and townhome mail boxes shall occur at a sheltered mailbox kiosk. Mailbox kiosks shall be covered by a shelter structure sufficient to protect the patron and delivery personnel from inclement weather. Design and appearance of the mailbox kiosk shall be compatible with architectural theme for homes in the residential community, and shall meet the intent of the Development Design Guidelines. Development applicant must obtain letter from Local U.S. Postal Master accepting proposed mailbox or kiosk system.
7. Mailboxes located at the front of a single family lot shall be decorative and have a uniform color and appearance. Mailboxes are not allowed along a rear alley.

#### **Section 3.04.08 – Architectural Appearance and Building Design**

1. Minimum Residential Livable Area. No less than seventy-five percent (75%) of all single-family or duplex dwelling units shall have a minimum livable area of 1,700 square feet. The minimum livable area of a single family home or duplex dwelling unit shall not be less than 1,500 square feet, and not less than 1,350 square feet for a townhome unit.

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2. Duplexes and townhomes must be designed to architecturally blend with the surrounding single-family dwellings.
3. Number of bedrooms provided for each residential type shall comply with the following minimum and maximum standards:

<b>Residential Type</b>	<b>Minimum Number of Bedrooms</b>	<b>Maximum Number of Bedrooms</b>
Single Family Home	2	4
Duplex Unit	2	3
Townhome Unit	2	3

4. Front building entrance shall be featured with a porch, portico, or similar entry-feature. A porch must have a minimum depth of five (5) feet and must be designed to accommodate at least two persons. A portico shall be flush with or extend beyond the front wall of the dwelling unit.
5. The rear of any residential building facing a public street or adjacent established residential neighborhood shall be treated with the same architectural quality as the front façade regarding fenestration, articulation and roofline. Substantial window areas shall overlook streets.
6. Single family and duplex units are limited to two stories; townhome buildings abutting or near single family residential shall be limited to two stories.
7. Architectural exterior elevations shall vary among all housing types but have color unified schemes to create diversity in exterior appearances and style.
8. A front entry garage does not extend beyond the front building wall.

**Section 3.04.09 - Accessory Structures**

1. No sheds or similar outdoor storage facilities are allowed within a Small Lot.
2. No swimming pools are allowed within a Small Lot.
3. Metal, vinyl, or other similar materials shall not be used for patios, porticos or porches that extend beyond the wall of the primary residential structure. Materials used for these features shall be compatible with those of the primary residential structure.
4. Fences shall not be allowed within front yards abutting common areas unless the fence has a height of four feet or less with a gate that leads to a public walkway. Fences located at the rear or side yard of lots less than fifty (50) feet wide or any lot with access from a rear alley, shall be a wrought-iron grate style fence to avoid appearance of clutter

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and to allow visibility along alleyways. A fence within a rear yard of any lot shall not exceed the height of any abutting common area wall.

**Section 3.04.10 - Utilities**

Air conditioning units or similar utilities shall be placed behind the residential building and screened from view from a street. If the side yard setback is 7.5 feet or greater, then the air condition unit or similar utility may be placed in a side yard.

**Section 3.04.11 – Maintenance and Community Management**

1. All dwelling units with the Small Lot Overlay District shall be subject and beholden to a single master homeowners association. The homeowners association shall be responsible for enforcing all conditions and terms of the code, covenants and restrictions established within public records.
2. All common areas and lawn areas within any lot with a width less than fifty (50) feet shall be maintained the property owners association unless another maintenance program is approved by the City Council. Any shared residential driveways shall be maintained by the homeowners association. All parking spaces adjacent to or outside the travel lanes shall be maintained by the homeowners association unless otherwise accepted by the City Council as part of the public right-of-way.
3. A disclaimer statement shall be incorporated into the homeowners association's code, covenant, and restrictions document notifying the property owners that should the Association fail to maintain commons areas or required laws, the City may hold the Association or the property owner responsible.



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**SECTION III: DIRECTION TO THE CITY CLERK:** The City Clerk, or the Clerk's designee, is hereby authorized to include this amendment in the Apopka Code of Ordinances of the City of Apopka, Florida.

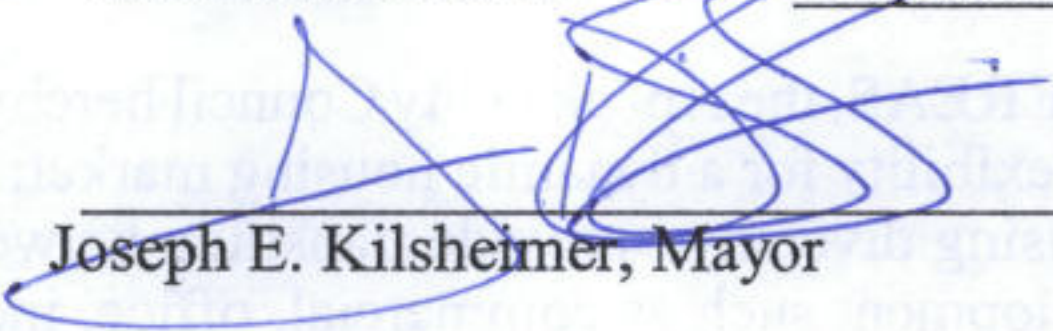
**SECTION IV: SEVERABILITY:** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of a section or subsection or part of this ordinance.

**SECTION V: CONFLICTS:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

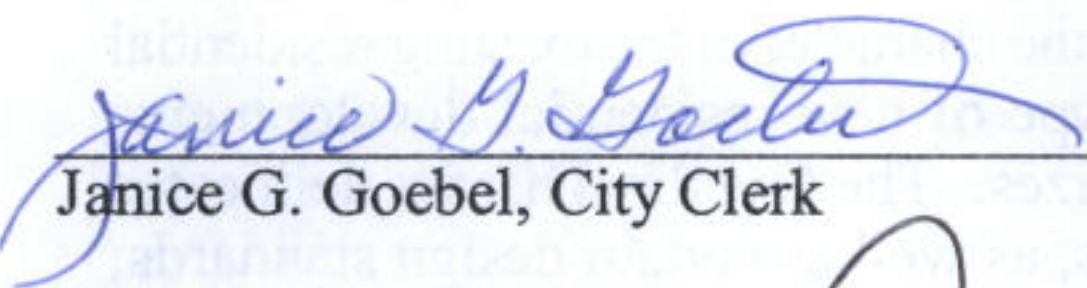
**SECTION VI: EFFECTIVE DATE:** That this ordinance shall take effect upon passage and adoption.

READ FIRST TIME: August 20, 2014

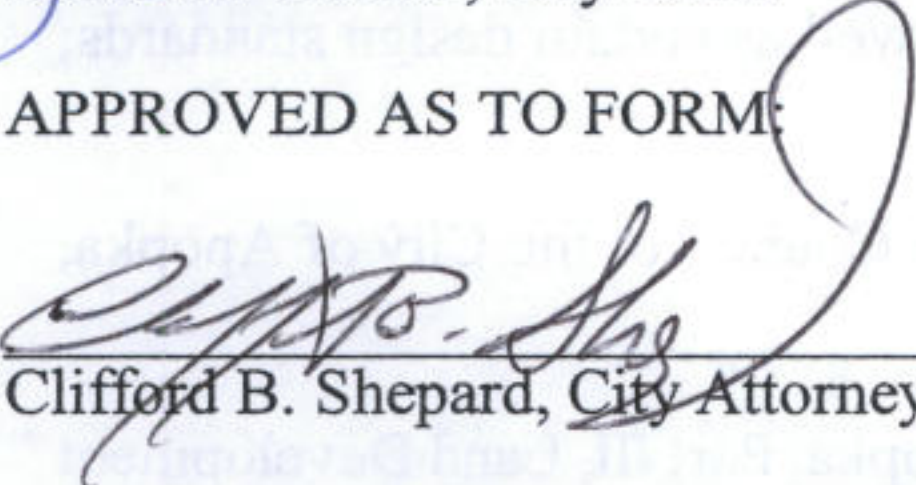
READ SECOND TIME  
AND ADOPTED: September 3, 2014

  
\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

  
\_\_\_\_\_  
Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: June 20, 2014  
August 15, 2014



## EXHIBIT "B"

### DEVELOPMENT DESIGN GUIDELINES

The Development Design guidelines are amended to incorporate a new Section 3.12:

#### Section 3.12., Mailbox Kiosk Design; Residential Design Standards, Development Design Guideline

Design and appearance of a mailbox kiosk are compatible with the architectural theme for homes and community buildings in the residential community. Mailbox kiosks are covered by a shelter structure sufficient to protect the patron, mail, and delivery personnel from inclement weather. Acceptable and Undesirable design examples appear below.

##### A. Mailbox Kiosk (aka Cluster Mailbox Shelters)

###### 1. Acceptable Design Examples



###### 2. Undesirable Design Examples

