

ORDINANCE NO. 2019-27

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, RELATING TO ACCESSORY**
3 **DWELLING UNITS IN THE SOUTHEAST SECTOR;**
4 **AMENDING CHAPTER 68, LAND DEVELOPMENT**
5 **CODE, TO UPDATE GUIDELINES AND PROVIDE**
6 **CONSISTENCY FOR ACCESSORY DWELLING UNITS**
7 **IN THE SOUTHEAST ORLANDO SECTOR PLAN;**
8 **PROVIDING LEGISLATIVE FINDINGS, AND FOR**
9 **SEVERABILITY, CODIFICATION, CORRECTION OF**
10 **SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

11
12 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of
13 Orlando, Florida (the "city"), adopt or amend and enforce land development regulations
14 that are consistent with and implement the city's adopted comprehensive plan; and
15

16 **WHEREAS**, section 163.3202(3), Florida Statutes, encourages the use of
17 innovative land development regulations and requires that all land development
18 regulations be combined into a single land development code for the city; and
19

20 **WHEREAS**, from time to time, amendments and revisions to the city's adopted
21 comprehensive plan (the "Growth Management Plan"), progress in the field of planning
22 and zoning, or changes to state law make it necessary or desirable to amend the land
23 development regulations of the city; and
24

25 **WHEREAS**, at its regularly scheduled meeting of February 19, 2019, the
26 Municipal Planning Board recommended to the City Council of the City of Orlando,
27 Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent
28 with the applicable provisions of the city's adopted Growth Management Plan, are in the
29 best interest of the public health, safety, and welfare, are in harmony with the purpose
30 and intent of the Land Development Code of the City of Orlando, Florida (the "Land
31 Development Code"), will not result in disorderly and illogical development patterns, and
32 will not result in incompatible land uses; and
33

34 **WHEREAS**, the Orlando City Council hereby finds and determines that this
35 ordinance is consistent with the applicable provisions of the city's adopted Growth
36 Management Plan, is in the best interest of the public health, safety, and welfare, is in
37 harmony with the purpose and intent of the city's Land Development Code, will not result
38 in disorderly and illogical development patterns, and will not result in incompatible land
39 uses; and
40

41 **WHEREAS**, the Orlando City Council hereby finds and declares that this
42 ordinance is in the best interest of the public health, safety, and welfare.
43

44 **NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
45 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

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SECTION 1. CHAPTER 68, PART 1, AMENDED. Chapter 68, Part 1, Land Development Code, is hereby amended as follows:

PART 1. - INTRODUCTION AND PURPOSE

Sec. 68.106. - How To Use These Guidelines and Standards.

SPECIAL DEFINITIONS:

Accessory Dwelling Unit. See Sec. 66.200 Definitions: *Dwelling Unit, Accessory.*

SECTION 2. CHAPTER 68, PART 2, AMENDED. Chapter 68, Part 2, Land Development Code, is hereby amended as follows:

PART 2. - LAND USE GUIDELINES AND STANDARDS

Sec. 68.205. - Residential Neighborhood Guidelines.

The following guidelines shall apply to Residential Neighborhoods:

(b) *Location and Density.* Residential Neighborhoods shall:

1. Be located in the areas depicted on the Master Plan Map.
2. Have a maximum density of 12 dwelling units per gross acre.
3. Contain the following residential housing types: large-lot, standard lot, small-lot single family homes; townhomes and other types of attached single family houses; duplexes and multifamily units up to four-plexes; and accessory dwelling units. Owner-occupied housing is specifically encouraged.
4. Focus on a centrally-located Residential Center, Neighborhood Center or Village Center which will include public, semi-public, and private services and uses.

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(d) *Housing Design and Orientation*. New residential neighborhoods shall be designed to orient buildings to streets and public parks. Houses shall address the local street system and public spaces with entries, balconies, porches, architectural features, and activities to enliven the streets and create safe and pleasant walking environments.

1. The design of attached and multi-family dwellings shall include features typically associated with detached single family houses, including private outdoor spaces and individual identity. Garages for lower intensity single family housing and parking lots for higher intensity multi-family type housing shall not be allowed to dominate the frontage of local neighborhood streets (see Part 3: Building Guidelines and Standards for additional clarification on this requirement).
2. New housing shall be "human scale". Massing, setbacks, and character of new residential developments shall encourage structures that do not overly dominate streets, foster diversity in design, and maintain the character of the community. Alternative housing forms, such as small-lot single family, bungalow single family, townhomes, small-scale apartments, and accessory dwelling units ("granny flats") that increase density and provide diversity of housing opportunities shall be encouraged.

SECTION 3. CHAPTER 68, PART 3, AMENDED. Chapter 68, Part 3, Land Development Code, is hereby amended as follows:

PART 3. - BUILDING GUIDELINES AND STANDARDS

Sec. 68.301. - Mix of Housing Types.

(b) *Lot Sizes and Densities*. The following figure summarizes approximate lot sizes and densities for a variety of housing types. Densities apply to gross developable acreage.

Figure 68-E

Housing Type	Typical Lot Size Range	Typical Density Range	Distinguishing Feature
***	***	***	***

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Accessory Dwelling Unit	N/A		smaller than principal structure; 1,000 sq.ft. maximum.
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Sec. 68.303. - Relation of Buildings to Streets and Parking.

(c) *Primary Entry and Porches.* With the exception of four-plexes, apartments, and accessory dwelling units, every home shall have its primary entry (front door) facing a public street and not more than 6 feet recessed back from the face of the primary facade. Four-plexes and apartments may have their primary entry facing a central, landscaped courtyard. Porches for all residential types shall be accessed directly from a public street or pedestrian easement and must be visible from the street. Porches may extend 6 feet into the setback. Front porches shall have a minimum depth of six feet and comprise a minimum of 30% of the width of a building's primary front facade (not including the garage) or 10 feet whichever is larger. Porches for duplexes, condos, and apartments may be shared. Tunnel-like entrances shall be specifically discouraged.

Sec. 68.305. - Other Setbacks.

(c) Rear yard setbacks in residential areas shall be a minimum of 15 feet from the rear property line, except for garages, where the minimum setback shall be 0 feet for alley-accessed structures.

Sec. 68.312. - Additional Standards by Residential Building Type.

The following standards and guidelines apply to the residential building types described previously in Section 68.301.

Figure 68-H

Building Type	Additional Applicable Design Standards
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<p>Estate Residential</p> <p>Single Family Large-Lot</p> <p>Single Family Standard Lot</p>	<p>***</p> <ul style="list-style-type: none"> • Accessory dwelling units encouraged. Accessory dwelling unit stair location preferred on side of garage.
<p>Single-Family Small Lot</p>	<p>***</p> <ul style="list-style-type: none"> • Accessory dwelling units encouraged. Accessory dwelling unit stair location preferred on side of garage.
<p>Single Family Bungalow</p>	<p>***</p> <ul style="list-style-type: none"> • Accessory dwelling units encouraged. Accessory dwelling unit stair location preferred on side of garage.
<p>***</p>	<p>***</p>
<p>Accessory Unit</p>	<ul style="list-style-type: none"> • Accessory units may be a maximum of 1,000 sq. ft. • Accessory units must meet the standards of Ch. 58, Part 3A, with the exception of the minimum lot size in Sec. 58.501. • Care should be given in design of the accessory unit to maintain privacy with adjacent units. • When located on a corner lot, the accessory unit should have an entry porch oriented to the side street • Entry stairs should be accessed from alley and visually screened from primary unit.
<p>162</p> <p>163</p> <p>164</p> <p>165</p> <p>166</p> <p>167</p> <p>168</p> <p>169</p> <p>170</p> <p>171</p> <p>172</p> <p>173</p>	<p>***</p> <p>SECTION 4. CHAPTER 68, PART 5, AMENDED. Chapter 68, Part 5, Land Development Code, is hereby amended as follows:</p> <p>PART 5. - OPEN SPACE GUIDELINES AND STANDARDS</p> <p>***</p> <p>Sec. 68.503. - Residential Landscaping.</p>

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(b) *Fencing Standards*. Two types of fences are allowed within residential areas: "picket" fences and "privacy" fences.

1. *Front Yard*.

- a. Picket fences shall be not more than 4 feet in height. Picket fences shall not be solid and shall not be more than 50% opaque above 30 inches in height.
- b. A possible alternative to a picket fence is a hedge which shall be maintained at a maximum height of not more than 3 foot 6 inches. A trellis, gate, or arbor shall be exempt from the maximum height when located where the walk (from the public sidewalk to the porch) passes through the fence or hedge.
- c. Picket fences or hedges may be located at the back of sidewalks along the front or street side yard of a lot. They may also be located along the alley to give privacy to an accessory unit yard, with a minimum setback of 10 feet from the rear property line.

2. *Rear and Side Yard*.

- a. Privacy fences shall be not more than 6 feet in height and may be located along interior lot lines to within 5 feet of the front facade of the principal building. Fences in the street side yard shall be subject to the requirements of front yard fencing.

SECTION 5. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 6. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 7. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 8. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2019.

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DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2019.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2019.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

Print Name

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

Assistant City Attorney

Print Name