

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE CITY OF ORLANDO LAND DEVELOPMENT CODE CHAPTER 58, PART 5A OF THE CODE OF THE CITY OF ORLANDO, FLORIDA, ENTITLED "ACCESSORY USES AND STRUCTURES – GENERAL REQUIREMENTS," BY AMENDING SECTIONS 58.900 AND 58.901, TO CLARIFY STANDARDS FOR ACCESSORY STRUCTURES; PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION ONE. Land Development Code Chapter 58, Part 5A of the Code of the City of Orlando, Florida, is hereby amended as follows:

5A. - GENERAL REQUIREMENTS

Sec. 58.900. - Building Permit Required.

No accessory use or structure shall be developed without a Building Permit having been issued in accordance with the requirements of Chapter 65, Part 2C.

Shall Follow Principal Use. No accessory use or structure may be developed until after the start of construction of the principal use on the building site and no accessory use or structure may be used unless the principal use or structure has been developed, except after review and approval as a Conditional Use in accordance with Chapter 65, Part 2D.

Sec. 58.901. – Accessory Structure Location and Zoning Standards.

(a) *Same Building Site.* Except as otherwise specifically permitted by this Chapter, accessory uses and structures shall be located on the same building site as the associated principal use.

(b) *Relationship to Street Setbacks.* Except as otherwise specifically permitted by this Chapter, no accessory use or structure shall be located in any of the following areas:

1. ~~(a)~~ *1—5 Family Dwellings:* In the required front and street side yard setbacks; and in the front half of the lot or between any portion of the principal facade of the principal building and the street (whichever is less).
2. ~~(b)~~ *All Other Building Sites:* In the required front and street side yard setbacks.

~~*When Attached by a Breezeway.* When an accessory structure is attached to a principal building by a breezeway, roofed passage or similar structure, it shall maintain~~

the yard requirements of the principal building and comply with all other requirements of this section.

~~*Distance Between Buildings.*~~ A detached accessory building shall be located at least five feet from any other building.

~~*Rules For Accessory Structures.*~~ Accessory structures shall conform to the following standards:

(c) (a) Minimum Setbacks from Rear Lot Line for Accessory Structures.

Size	Height*		
	<8ft.	8-12 ft.	>12 ft.*
≤100 sq. ft.	0 ft.	5 ft.	15 ft.
>100 sq. ft.	5 ft.	5 ft.	15 ft.

*No second story windows facing the rear property line shall be permitted unless the structure meets the principal building rear yard setback or the windows are opaque, frosted, clerestory or have a similar window treatment.

*For structures with multiple heights, the height of the taller portion of the building shall determine the setback requirement. For structures with habitable space on the top, such as a rooftop deck, the structure shall meet the setback for a structure greater than 12 feet tall.

(d) Side Yard Setbacks. ~~(b)~~ The setbacks from the side lot line and street side lot line in the rear yard shall be the same as the respective lot line setbacks for the principal structure; provided that mechanical equipment shall comply with the setback requirements provided in Part 5B(18) of this Part.

(e) Setbacks When Attached by a Breezeway.

1. An accessory structure that meets the accessory structure setbacks may be connected to the principal structure by a breezeway when all of the following conditions are met:
 - a. The breezeway is open-air, with no screened in or enclosed space; and
 - b. The breezeway is located on the ground floor, not an upper floor; and
 - c. The breezeway is a maximum of 12 feet high and 6 feet wide.
2. An accessory structure must meet the principal building setbacks if any of the following conditions apply:
 - a. The breezeway is screened in, enclosed, or air-conditioned; or
 - b. The breezeway is located on an upper floor; or
 - c. The breezeway is taller than 12 feet or wider than 6 feet.
3. No variances to the breezeway standards in this subsection (e) are permitted.

(f) Requirements within Wetland and Water Body Setbacks. Accessory buildings (except docks constructed consistent with Chapter 58 Part 5B(17)) that are located within the 50 foot principal building setback from wetlands and water bodies shown in Chapter 58, Figure 1, Footnote 10, shall have a maximum height of 12 feet and shall be located a minimum of 15 feet from the normal high water elevation or wetland boundary.

(g) Distance Between Buildings. Distance separation shall be measured from building wall to building wall. Eaves may extend past the building wall provided that the distance between eaves (as measured parallel to the ground) is at least 3 feet.

1. A detached accessory building up to 12 feet in height shall be located at least five feet from any other building.
2. A detached accessory building greater than 12 feet in height shall be located at least ten feet from any other building.

(h) Maximum Size. ~~(e)~~ No accessory structure shall occupy more than 35% of the area between the rear property line and the principal structure provided that swimming pools, hot tubs and hydros spas shall not be subject to this restriction.

(i) Window location in a residential zoning district.

1. No second story windows facing the rear property line shall be permitted unless:
 - a. the entire structure meets the required principal building rear yard setback; or
 - b. the windows are opaque, frosted, clerestory or have a similar window treatment.
2. No second story windows facing an interior side property line shall be permitted unless:
 - a. the entire structure meets the required principal building side yard and rear yard setbacks; or
 - b. the entire structure is at least 15 feet from the side property line; or
 - c. the windows are opaque, frosted, clerestory or have a similar window treatment.

SECTION TWO. 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 THREE. 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 FOUR. 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 FIVE. 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 _____, 2015.

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 _____, 2015.

DONE, THE SECOND READING, THE 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 _____, 2016.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

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

City Clerk

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

City Attorney

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