

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO BUILDING SETBACK STANDARDS IN HISTORIC PRESERVATION ZONING OVERLAY DISTRICTS; AMENDING CHAPTER 62, ORLANDO CITY CODE, TO PROVIDE THAT CERTAIN PRINCIPAL AND ACCESORY STRUCTURE SETBACK VARIANCES MAY BE APPROVED BY CERTIFICATE OF APPROPRIATENESS; PROVIDING TECHNICAL, GRAMMATICAL, AND ORGANIZATIONAL AMENDMENTS; PROVIDING LEGISLATIVE FINDINGS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of Orlando, 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 163.3203(3), 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"), progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the land development regulations of the city; and

**WHEREAS**, at its regularly scheduled meeting of May 17, 2016, the Municipal Planning Board recommended to the City Council of the City of Orlando, Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent with the applicable provisions of the city's adopted Growth Management Plan, are in the best interest of the public health, safety, and welfare, are in harmony with the purpose and intent of the Land Development Code of the City of Orlando, Florida (the "Land Development Code"), will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

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

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

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

**SECTION 1. SEC. 62.705, AMENDED.** Section 62.705, Code of the City of Orlando, Florida, is hereby amended as follows:

**Sec. 62.705. Standards for aAdditions to eExisting sStructures.**

*a. Facades.*

1. *Wood.* ~~Any and all additions to wood-sided structures must be sided in~~ of wood and must match the existing siding in size, shape, color, orientation, and texture.

2. *Masonry.* ~~Any and all additions to stuccoed structures must be clad in~~ of stucco to match the existing in color, composition, and texture.

~~Any and all additions to brick structures must be clad with brick, or wood, vinyl, or aluminum siding. If an addition is clad with brick, the color, pattern, and mortar shall match the existing. If the addition is clad with wood, aluminum or vinyl siding, the siding must be horizontally oriented and 4"—10" wide and must be compatible with the existing structure.~~

~~Any and all additions to concrete block structures must be of matching concrete block and must have mortar joints that match the existing.~~

3. *Aluminum or vVinyl sSiding or oOther sSimulated wWall cCladding.* ~~Any and all additions to structures sided with aluminum or vinyl siding or other simulated wall cladding must be clad with materials to match the existing in size, shape, color, orientation, and texture.~~

4. *Facades with a cCombination of mMaterials.* ~~Any and all additions to structures with a combination of cladding materials must be sided using one or more of the existing cladding materials in a manner that is in character with the style and period of the structure.~~

*b. Roofs.* Roofs on additions must have similar shape, materials, and pitch as the existing structure. A flat or low pitched roof that is not visible from the ground may have a different material than the rest of the existing roof. Shed roof additions are ~~be~~ allowed on the rear of any building, when said additions are not visible from a public right-of-way or park.

c. *Windows.* Windows on additions ~~must~~shall have the same orientation and be of a similar size to the original windows of the principal facade except that if the addition is on the same plane as the existing principal facade, then the windows of the addition ~~must~~shall match the original windows in orientation, size, materials, and configuration.

d. *Porches.* Porch additions ~~must~~shall have a roof type that is either similar to the existing roof or is in character with the style and period of the building.

e. *Scale, ~~m~~Massing, and ~~h~~Height.* ~~Any and all~~ additions to existing structures ~~must~~shall have similar scale, massing, and height to the existing structure.

f. *Setbacks.* Minimum and maximum setbacks for additions (including to both principal and accessory structures) must conform to the minimum and maximum setback standards applicable to the underlying zoning district as provided in Chapter 58, except that a lesser or greater setback may be approved by certificate of appropriateness upon a finding that the lesser or greater setback is consistent with the prevailing pattern of contributing development in the vicinity of the proposed work and where a lesser setback would not result in buildings (whether principal or accessory) being within 10' of each other (without regard for whether or not the buildings are located on different lots), nor any building (whether principal or accessory) being within 5' of a lot line.

~~g. Other.~~ Any other request requiring a building permit and determined by the historic preservation officer, or designee, ~~Planning Official or his designee~~ to have an impact on an historic landmark or the exterior of a structure in an HP ~~o~~Overlay district shall be reviewed by the Historic Preservation Board using the most closely analogous standards of this Chapter.

**SECTION 2. SEC. 62.706, AMENDED.** Section 62.706, Code of the City of Orlando, Florida, is hereby amended as follows:

**Sec. 62.706. Standards for ~~n~~New ~~c~~Construction.**

a. *Height.* The maximum height of new buildings ~~must~~shall be the same as permitted in the zoning district. In areas zoned for commercial use, the height of storefront openings in new buildings ~~must~~shall be similar to the storefront openings of the contributing buildings in the HP ~~o~~Overlay district. In areas zoned for commercial use, there ~~must~~shall be a visual differentiation, such as a change in material or texture, between the first and second story on a two story building or between the two lower floors and the rest of the building on a building taller than two stories. This differentiation ~~must~~shall be at a height similar to the cornice lines or stringcourses of contributing structures in the HP ~~o~~Overlay district.

b. *Scale and ~~m~~Massing.* In areas zoned for residential use, the scale and massing of new structures and their architectural elements ~~must~~shall be similar to the

contributing structures in the HP ~~o~~Overlay district. In areas zoned for commercial use, the scale and massing of the lower floors of new structures and their architectural elements ~~must~~shall be similar to contributing structures in the HP ~~o~~Overlay district. Any new structure which exceeds 50 linear feet along any street frontage ~~must~~shall minimize the facade's mass by adding projections and recesses to make the structure similar in scale to contributing structures in the HP ~~o~~Overlay district.

c. *Fenestration ~~p~~Patterns.* Although they may appear in groupings, individual windows ~~must~~shall have a vertical emphasis similar to the windows found on contributing buildings in the HP ~~o~~Overlay district. In commercial areas, storefront windows ~~must~~shall be similar in placement, size, and configuration to the storefront windows found on contributing buildings in the HP ~~o~~Overlay district.

d. *Setbacks.* Minimum and maximum setbacks for new structures (including both principal and accessory structures) ~~must~~shall conform to the minimum and maximum setback standards applicable to the underlying zoning district as provided in Chapter 58, except that a lesser or greater setback may be approved by certificate of appropriateness upon a finding that the lesser or greater setback is consistent with the prevailing pattern of contributing development in the vicinity of the proposed work and where a lesser setback would not result in buildings (whether principal or accessory) being within 10' of each other (without regard for whether or not the buildings are located on different lots), nor any building (whether principal or accessory) being within 5' of a lot line, of this Code. ~~Maximum setbacks shall be no greater than the contributing structures on the same block.~~ In zoning districts with no maximum setback standard, setbacks must be no greater than the prevailing pattern of contributing development in the vicinity of the proposed work.

e. *Orientation.* At least one public entrance of each new building ~~must~~shall be oriented towards the front lot line or street side lot line. The front door to a new building ~~must~~shall be articulated on the principal facade with covered porches, porticos, stoops, pediments, door surrounds, or other architectural forms. The front and street side exterior walls of residential structures ~~must~~shall each contain a minimum of 15% of transparent or translucent materials on each story below the roof line. The first floor of front and street side exterior walls of commercial structures ~~must~~shall each contain a minimum of 30% of transparent or translucent materials. The floors above the first level of a commercial structure ~~must~~shall each contain a minimum of 15% of transparent or translucent materials.

f. *Materials.* The materials and textures on new structures ~~must~~shall be similar to the materials and textures of contributing structures in the HP ~~o~~Overlay district.

g. *Roof ~~s~~Shapes.* Roof shapes, pitches, and materials on new buildings ~~must~~shall be similar to the roof shapes, pitches, and materials of contributing buildings in the HP ~~o~~Overlay district.

h. *Rhythm of Solids and Voids*. New structures ~~must~~shall be designed and positioned on their lots in such a way so that they reflect the regular pattern of structures and open space along the block-face.

i. *Style*. New construction may be influenced by, but not duplicate, historic styles. If an historic style influences new construction, that style must already exist or have existed in Orlando. Contemporary design is allowed~~shall be permitted~~ provided that it meets the requirements of this section.

j. *Awnings*. Awning shapes, proportions, design, color, lettering, and hardware ~~must~~shall be in character with the style of the building. Awnings ~~must~~shall reflect the architectural forms of the door and window openings of the building to which they are attached. The minimum height of awnings on non-residential buildings ~~must~~shall be 8'0" from the lowest point to the sidewalk and ~~may~~shall not extend more than 6'0" from the face of the structure. The highest point of a first floor awning on a non-residential building ~~may~~shall not be higher than the midpoint of the space between the second story window sills and the top of the first floor storefront window or transom.

k. *Marquees*. The design, materials, color, lettering, and hardware of a marquee ~~must~~shall reflect the style of the building. The highest point of a marquee or its superstructure ~~may~~shall not be higher than the midpoint of the space between the second story window sills and the top of the first floor storefront window or transom. Marquees on non-residential buildings ~~must~~shall span the entire facade or entrance. ~~Only one~~One marquee is allowed on each~~shall be permitted on a~~ facade. Minimum height of a marquee on a non-residential building ~~must~~shall be 8'0" from the lowest point to the sidewalk.

l. *Signs*. ~~In addition to the general sign regulations of Chapter 64, s~~Signs ~~must~~shall be in character with the new structure. In the Downtown Facade Design Guideline Area (as defined in section 62.503), signs must also comply with the applicable standards of the "Facade Design Guidelines" prepared for the City of Orlando Downtown Retail District by Boyle Engineering Corporation.~~Downtown Development District, the requirements of the Facade Design Guidelines shall be met in the design of signs. In addition, the Sign Regulations of Chapter 64 of this Code shall be adhered to for all properties.~~

m. *Site Improvements*. Chain link fences visible from a public right-of-way or park ~~are~~shall be prohibited.

n. *Tandem Single Family Developments*. Tandem Single Family Developments ~~shall be~~is prohibited.

o. *Other.* Any other request requiring a building permit and determined by the historic preservation officer ~~Planning Official~~, or his designee, to have an impact on a historic landmark or the exterior of a structure in an HP ~~o~~Overlay district shall be reviewed by the ~~Historic Preservation Board~~ using the most closely analogous standards of this Chapter.

**SECTION 3. 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 4. 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 5. 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 6. 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, the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**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, the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**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, the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BY THE MAYOR OF THE CITY OF  
ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor

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

ORDINANCE NO. 2016-60

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Print Name

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

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Print Name

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