

ORDINANCE 2017-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS IN THE PARRAMORE HERITAGE OVERLAY DISTRICT; AMENDING CHAPTER 58 OF THE LAND DEVELOPMENT CODE TO PROVIDE FLEXIBLE DEVELOPMENT STANDARDS, SUBJECT TO APPEARANCE REVIEW, FOR VACANT NON-CONFORMING ONE AND TWO-FAMILY RESIDENTIAL LOTS IN THE PARRAMORE HERITAGE OVERLAY DISTRICT; AMENDING CHAPTER 67 OF THE LAND DEVELOPMENT CODE TO UPDATE PROCEDURES AND ALTERNATIVE DEVELOPMENT STANDARDS FOR CERTIFIED AFFORDABLE HOUSING PROJECTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Parramore Comprehensive Neighborhood Plan (PCNP) is focused on Ten Healthy Community Design principles which are intended to create a healthy, sustainable and vibrant community that looks to the future while preserving, enhancing, and celebrating the culture and heritage of Parramore; and

WHEREAS, PCNP Principle #4—Increase Housing Opportunities, encourages the City to preserve and strengthen existing single family and multi-family residential housing, and promote new housing initiatives consistent with the City's Fair Housing ordinance, Consolidated Plan and the City's sustainability efforts; and

WHEREAS, the Orlando City Council desires to amend the Land Development Code to implement Principle #4 and provide more flexible development standards in the previously established Parramore Heritage Overlay District; and

WHEREAS, the Orlando City Council further desires to streamline the development review process for certified affordable housing projects; 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.

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

SECTION 1: PART 2AI, CHAPTER 58, AMENDED. Part 2AI, Chapter 58, Code of the City of Orlando, Florida, is hereby amended as follows:

2AI. - PARRAMORE HERITAGE OVERLAY DISTRICT (PH)

Sec. 58.499.13. Relationship to the Growth Management Plan.

The Parramore Heritage Overlay District implements GMP Future Land Use Element, Subarea Policy S.6.9, by prohibiting the establishment, expansion, and relocation of certain social service uses within the district.

In addition, the Parramore Heritage Overlay District implements GMP Future Land Use Element, Subarea Policy S.6.14, by providing development standards which encourage a compact urban form, enhance economic vitality, and promote housing and income diversity within the Parramore community.

Finally, the Parramore Heritage Overlay District implements GMP Housing Element Goal 5 and Objective 5.1 to promote infill housing development by supporting alternative development standards where necessary and feasible. The District also implements Housing Objective 5.10 and Policy 5.10.1 to support efforts to make Parramore a mixed income, economically diversified neighborhood; as well as Housing Policy 5.10.5 to encourage design standards that promote image improvement opportunities in the neighborhood.

Sec. 58.499.14. Purpose of the District.

The purpose of the Parramore Heritage Overlay District is to promote the stability and prosperity of the Parramore Heritage neighborhood by reducing the over-concentration of social service uses within the district.

In addition, the District is intended to provide flexible development standards for non-conforming one and two family residential properties, particularly those properties that have substandard lot or parcel configurations. Specifically, these standards and processes shall apply only to non-conforming lots of record, or lots being re-platted to match a plat that was recorded prior to 1959, and which were vacant prior to March 1, 2017.

Flexibility in development standard(s) for non-conforming one or two family residential properties must be coupled with appropriate urban design principles in order to implement the Parramore Comprehensive Neighborhood Plan and the Traditional City concept. However, all proposed residential development must comply with the density and intensity standards associated with the individual property's Future Land Use designation and Zoning classification.

Sec. 58.499.15. District Use Standards.

Sec. 58.499.16. Modification of Standards in the PH Overlay District.

When, in the judgment of the Zoning Official, reasonable development of a non-conforming one or two family residential building site justifies such action, principal building setbacks may be relaxed on individual lots within the PH Overlay District over and above the 20% numerical standard specified in Sec. 65.302(b)1. However, all one and two family residential infill lots must meet the minimum standards shown below. The front, side, and street side yard setbacks shall be measured from the face of the structure to the property line or, if present, the city services easement.

Front yard setback: 15 ft.; 20 ft. for a garage

Side yard setback: 5 ft.

Street side yard setback: 5 ft.; 20 ft. for a garage

Rear yard setback: 15 ft.

The maximum ISR for individual non-conforming one or two family residential lots within the PH Overlay District may also be modified by the Zoning Official with concurrence by the City Engineer, but shall not exceed 10% of the established district standard (For example, a non-conforming R-1 lot would typically be limited to 0.55 ISR, but this provision would allow up to a 0.6 ISR. Similarly, an R-2B lot would typically be limited to 0.60 ISR, but this provision would allow up to a 0.66 ISR).

Front and Street Side Yard Parking. Section 61.302(f)(2) states that the impervious surface area within the front and street side yard setbacks in residential areas shall not exceed 0.40. Within the PH Overlay District, this standard may be modified by the Zoning Official but shall not exceed 20% of the established district standard, or 0.48.

In all other respects, the procedures for Modification of Development Standards specified in Chapter 65, Part 2F, Sections 65.300 through 65.311, as well as the appeal procedures specified in Chapter 65, Part 2G, Sections 65.320 through 65.322, shall apply.

This section supersedes the provisions of Sections 58.986 and 58.1152(e) regarding the Modification of Development Standards process on non-conforming one or two family residential lots within the PH Overlay District. However, the remaining provisions of Sections 58.984 and 58.985 regarding mechanical equipment, and Section 58.1152 pertaining to non-conforming residential lots, shall remain in full force and effect unless otherwise amended by this part.

Sec. 58.499.17. Appearance Review Standards and Guidelines

Residential development on both conforming and non-conforming lots within the PH Overlay District must undergo Appearance Review. The Zoning District and the Use Regulations of Figures 1 and 2 of this Chapter, the Traditional City Design Standards specified in Chapter 62, Part 6, and the Specific Standards described in Chapter 65, Part 2F, Section 65.310, shall apply.

In addition to the standards specified above, the following architectural elements shall be considered during Appearance Review:

- a. *Exterior Finishes:* Exposed concrete block is prohibited unless otherwise approved during appearance review.
- b. *Front Porch:* Porches shall be accessed directly from a public street or pedestrian easement and must be visible from the street. Front porches shall have a minimum depth of six (6) feet and comprise a minimum of 30% of the width of the building's primary front façade (not including the garage) or ten (10) feet, whichever is larger. Porches for duplexes may be shared. Posts and balustrades that match the style of the primary structure are encouraged.
- c. *Windows:* All windows must have sills and trim that match the style of the primary structure.
- d. *Mechanical Equipment.* The provisions of Section 58.984 – Mechanical Equipment Used in Single Family, Duplex and Attached Dwelling Development shall be utilized with the following exception of the rear yard, where such mechanical equipment shall be located not less than ten (10) feet from the rear lot line. The alternative standards specified in Section 58.985 may be utilized.

Sec. 58.499.18. Application Fee Waivers

In order to encourage infill development within the PH Overlay District, application fees for Modification of Standards on non-conforming one and two family residential lots of record, or lots being re-platted to match a plat that was recorded prior to 1959, shall be waived.

SECTION 2: PART 6, CHAPTER 67, AMENDED. Part 6, Chapter 67, Code of the City of Orlando, Florida is hereby amended as follows:

PART 6. - ALTERNATIVE DEVELOPMENT STANDARDS FOR LOW AND VERY LOW INCOME HOUSING PROJECTS

Sec. 67.600. - Purpose of Alternative Development Standards for Low and Very Low Income Housing.

The alternative development standards contained in this Part are intended to promote innovative design, encourage the production of low and very low income housing, and allow the more efficient use of land as compared with the typical single-family conventional residential development. In order to achieve these goals, this Part provides flexible design options and incorporates cost saving measures without compromising the quality of the resulting development.

Growth Management Plan Consistency. The development permitted pursuant to this part shall be consistent with the Orlando Growth Management Plan Land Use goals, objectives, and policies and Future Land Use ~~Map~~ designations. This part implements ~~the~~ GMP Housing Element Objective ~~4-35.1~~ to promote infill residential development; Policy ~~4-3-45.1.1~~ to provide residential land uses at varying densities and locations through land development code regulations; Policy ~~4-6-45.3.1~~ to ensure adequate sites are correctly planned and zoned to accommodate the projected housing growth, including low and very low income housing; and Policy ~~4-6-35.3.6~~ to establish design incentives that provide flexible design options for residential development without compromising the quality of the resulting development. ~~to review the existing land development regulations to consider the necessity of implementing such provisions as higher densities, smaller lots, and innovative designs; and Policy 1-7.1 to encourage developments containing units affordable to a range of income groups.~~

Sec. 67.601. - ~~Prerequisites to Utilization of Alternative Housing Development Standards.~~ Eligibility for Alternative Development Standards.

~~In addition to the other applicable standards of the City Code, t~~The following prerequisites ~~requirements~~ shall be met in order to be eligible to utilize the alternative housing development design incentives and options contained in this part:

Minimum Unit Count. The development must consist of no less than ten (10) contiguous residential units.

Low and Very Low Income Units Requirement. A minimum of twenty percent (20%) of the units in the ~~project~~ development shall meet the definition of Low and/or Very Low Income Housing set forth in this Chapter.

Affordable Housing Certification Requirement; Submittal of Application. The low and very low income housing units must be certified pursuant to the Affordable Housing Certification Process Policy as amended by City Council from time to time. An applicant Developer seeking approval for a proposed Alternative Housing Development shall simultaneously file first submit an application under the Affordable Housing Certification Process seeking to have the proposed

affordable units certified as such. Information regarding the Affordable Housing Certification Process Policy shall be made available to the public by the Planning and Housing and Community Development Department upon request.

Sec. 67.602. - Procedural Requirements. ~~The Alternative Development Standards contained in this Part may be approved in connection with a Preliminary or Short Form Subdivision Plat approval for one and two family dwellings wherever such dwellings are permitted under Chapter 58 and the gross residential density does not exceed seven (7) units per acre. An applicant wishing to undertake alternative housing development shall specifically request such approval in connection with application for Preliminary or Short Form Subdivision Plat approval if platting is required to develop the project as proposed. Further, if the applicant proposes to develop the site utilizing Attached Dwelling, Average Lot, Cluster, Zero lot line, or Z lot development standards, the request shall be specifically included as part of the request for alternative housing development, and platting shall be required.~~

Effect of Approval. ~~If platting is required to develop the project as proposed, no building permit shall be issued except in accordance with an approved Final Plat and upon evidence that any covenants, restrictions, and easements for the alternative housing development have been duly recorded.~~

Planned Development. ~~For purposes of the Alternative Development Standards, Low and Very Low Income Housing shall be permitted to develop as a Planned Development in accordance with sections 58.360—58.369 of the LDC without having to meet the minimum development site area established in the LDC.~~

Variances and Modification of Standards. ~~Because the Alternative Development Standards establish reduced front, rear, and side yard setbacks, lot widths, and lot depths, variances or modification of standards to front, rear, and side yard setbacks, lot width, or lot depth shall not be permitted. Variances or modification of standards for other development site standards or building setbacks may be permitted.~~

Infill Development~~Neighborhood Compatibility Review.~~ ~~A developer wishing~~The applicant for an Affordable Housing Development proposing to utilize the Alternative Development Standards for existing platted lots~~residential development shall undergo neighborhood compatibility review by the Planning Official to determine whether these standards can be utilized on the existing platted infill lot~~ a significant negative impact is present to adjacent neighborhoods. ~~The developer applicant shall submit an Affordable Housing Certification application and the following documents to City Planning staff for review:~~

- (a) A letter from the Housing and Community Development Department certifying the project as Affordable Housing;
- (a**b**) An Accurate~~accurate~~, Up to Date~~current~~ Survey~~survey~~: As completed by a registered surveyor;
- (b**c**) A Site Plan~~site plan~~: Showing the individual units on the lots and the entire property;
- (e**d**) Elevation Drawings and Floor Plans~~Elevations and floor plans~~: Showing the interior and exteriors of the proposed building(s);
- (d**e**) Alternative Design~~development standards~~ Request~~request~~: Including a statement of consistency with the standards established by this Part;
- (e**f**) Additional Information~~information~~: Including Any such additional information as that may be reasonably required to carry out the purposes of this Chapter;
- (f**g**) Waiver by the Planning Official: The Planning Official shall be authorized to waive the informational requirements above where deemed appropriate.

Neighborhood Compatibility Review Criteria. Because alternative housing development standards permits significantly reduced front and rear yard setbacks, these development standards may, in some instances, be insufficient to ensure compatibility with the surrounding block face neighborhoods. In order to ensure that the design of an existing platted infill lot utilizing and configuration of lots created through alternative housing development standards remains compatible with existing development within the block face the adjacent neighborhoods, the ~~Technical Review Committee~~ Planning Official shall issue a written report determining whether the use of the alternative development standards will have a significantly greater negative impact on the ~~block faces~~ surrounding neighborhoods than ~~infill residential development developed designed~~ in accordance with the general development standards of the applicable zoning district. The ~~comparison determination~~ shall be based upon a comparison of the proposed ~~infill residential~~ development utilizing the alternative development standards to the same development utilizing, the general development standards of the applicable zoning district, and the existing development within the surrounding block face and shall address with the following considerations:

- (a) ~~whether~~ Whether the proposed building setbacks vary significantly from the applicable zoning requirements and the existing setbacks within the ~~block face~~ adjacent neighborhoods;
- (b) ~~whether~~ Whether the proposed building envelopes ~~is~~ are appropriate for the ~~block face~~ neighborhood and for the width and depth of the residential infill lots;
- (c) ~~whether~~ Whether building setbacks significantly decrease sight-line separation between building sites; and
- (d) ~~whether~~ Whether the massing of the proposed residential infill development is appropriate for the surrounding ~~block face~~ neighborhoods.

Neighborhood Compatibility Review Findings. The ~~Technical Review Committee (TRC)~~ Planning Official shall issue written findings of impact at any time before the issuance of alternative development standards approval. If a significant negative impact is present, or if the proposed development does not comply with Sec. 67.604, the ~~TRC~~ Planning Official shall deny the request or, as a condition of alternative development standards approval, shall require compliance with enhanced project-specific development and design standards conditions to remove/mitigate the negative impact. Such ~~enhanced development standards may include increased building setbacks, reduced building massing, and/or reorientation of the building.~~ Whenever the applicant disagrees with the decision of the ~~TRC~~ Planning Official or any conditions and safeguards imposed by the ~~TRC~~ Planning Official, the ~~developer-applicant~~ may elect to appeal the ~~application decision~~ to the Municipal Planning Board (MPB). Such appeal shall be filed within 10 days of the ~~TRC decision or~~ Planning Official determination. The MPB shall review the decision and approve, deny, approve with modifications or refer the matter back to the ~~TRC~~ Planning Official for further consideration based on specific instructions. If the ~~TRC~~ Planning Official determines that there is no negative impact, or if the ~~developer-applicant~~ agrees to comply with enhanced the development and design standards conditions set by the ~~TRC~~ Planning Official, then the ~~developer-applicant~~ need only submit all necessary documents for building permitting permits in accordance with the ~~TRC approval~~ Planning Official determination and the requirements of Chapter 65, Part 2C.

Effect of Approval. If platting is required to develop the project as proposed, no building permit shall be issued except in accordance with an approved Final Plat and upon evidence that any covenants, restrictions, and easements for the alternative housing development have been duly recorded.

Variances and Modification of Standards. Because the Alternative Development Standards establish reduced front, rear, and side yard setbacks, lot widths, and lot depths, variances or modification of standards to front, rear, and side yard setbacks, lot width, or lot depth shall not be permitted. Variances or modification of standards for other development site standards or building setbacks may be permitted.

Sec. 67.603. - Specific Residential Developments.

Attached Dwelling, Zero-lot-line, and Z-lot development options configurations may be utilized as part of an alternative housing development.

Sec. 67.604. - Development Site Standards and Principal Building Setbacks.

The Alternative Housing Development may be designed as an Attached Dwelling, Z-lot, or Zero-lot-line development. In all cases, the following development site standards and building setbacks shall apply:

Alternative Housing Development Site Standards.

Max. Residential Density: Varies by zoning district.

Building Site Standards:

<u>Site Standards</u>	1-Family	2-Family
Min. Avg. all lots	Varies by zoning district	
Min. Area each lot	1600 sq. ft.	2400 sq. ft.
Mean Lot Width	None	25 ft.
Mean Lot Depth	95 ft.	95 ft.
Max. ISR	0.55	0.55

~~All one family lots under 4000 sq. ft. and all two family lots under 5000 sq. ft. must be developed as Zero lot line or Attached Dwelling units utilizing the Alternative Development standards.~~

Principal Building Setbacks. Except as otherwise specifically permitted by this Chapter, the following standards shall apply. The front yard setback shall be measured from the face of the structure to the property line or, if present, the city services easement. If the Developer elects a 0 ft. side yard setback, the project shall be platted as a Zero-lot-line, Z-lot, or Attached Dwelling development utilizing the Alternative Development standards. For Zero-lot-line or Z-lot development, access and maintenance easements shall be required in accordance with the Zero-lot-line development standards. For Attached Dwelling development, there shall be no minimum building separation requirement; however, a minimum perimeter setback of 10 ft. shall be required in accordance with the Attached Dwelling development standards.

Development Standards:

<u>Development Standards</u>	<u>With On-Street Parking Dimension</u>	<u>Without On-Street Parking</u>
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Min. Front Yard (primary structure)	5 <u>15</u> ft.	5 ft.
Min. Front Yard (garage/carport)	5 <u>20</u> ft.	20 ft.
Side Yard	0 or 5 ft.	0 or 5 ft.
Min. Street Side Yard	15 ft.	15 ft.
<u>Min. Street Side Yard</u> <u>(garage/carport)</u>	<u>20</u> ft.	
Min. Rear Yard	5 <u>15</u> ft.	5 ft.
Min. Building Separation	10 ft.	10 ft.
Max. Density Min. Open Space	Same as permitted or required by the zoning district, including bonuses.	

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 _____, 2017.

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 _____, 2017.

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 _____, 2017.

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

Mayor / Mayor Pro Tempore

Print Name

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

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