

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 LEGISLATIVE FINDINGS, AND 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.

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

55  
56 In addition, the Parramore Heritage Overlay District implements GMP Future Land Use  
57 Element, Subarea Policy S.6.14, by providing development standards which encourage a  
58 compact urban form, enhance economic vitality, and promote housing and income diversity  
59 within the Parramore community.

60  
61 Finally, the Parramore Heritage Overlay District implements GMP Housing Element Goal  
62 5 and Objective 5.1 to promote infill housing development by supporting alternative  
63 development standards where necessary and feasible. The District also implements Housing  
64 Objective 5.10 and Policy 5.10.1 to support efforts to make Parramore a mixed income,  
65 economically diversified neighborhood; as well as Housing Policy 5.10.5 to encourage design  
66 standards that promote image improvement opportunities in the neighborhood.

67  
68 **Sec. 58.499.14. Purpose of the District.**

69  
70 The purpose of the Parramore Heritage Overlay District is to promote the stability and  
71 prosperity of the Parramore Heritage neighborhood by reducing the over-concentration of social  
72 service uses within the district.

73  
74 In addition, the District is intended to provide flexible development standards for non-  
75 conforming one and two family residential properties, particularly those properties that have  
76 substandard lot or parcel configurations. Specifically, these standards and processes shall  
77 apply only to non-conforming lots of record, or lots being re-platted to match a plat that was  
78 recorded prior to 1959, and which were vacant prior to March 1, 2017.

79  
80 Flexibility in development standard(s) for non-conforming one or two family residential  
81 properties must be coupled with appropriate urban design principles in order to implement the  
82 Parramore Comprehensive Neighborhood Plan and the Traditional City concept. However, all  
83 proposed residential development must comply with the density and intensity standards  
84 associated with the individual property's Future Land Use designation and Zoning classification.

85  
86 **Sec. 58.499.15. District Use Standards.**

87  
88 \*\*\*\*

89  
90 **Sec. 58.499.16. Modification of Standards in the PH Overlay District.**

91  
92 When, in the judgment of the Zoning Official, reasonable development of a non-  
93 conforming one or two family residential building site justifies such action, principal building  
94 setbacks may be relaxed on individual lots within the PH Overlay District over and above the  
95 20% numerical standard specified in Sec. 65.302(b)1. However, all one and two family  
96 residential infill lots must meet the minimum standards shown below. The front, side, and street  
97 side yard setbacks shall be measured from the face of the structure to the property line or, if  
98 present, the city services easement.

99  
100 Front yard setback: 15 ft.; 20 ft. for a garage

101 Side yard setback: 5 ft.

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

103 Rear yard setback: 15 ft.

104 The maximum ISR for individual non-conforming one or two family residential lots within  
105 the PH Overlay District may also be modified by the Zoning Official with concurrence by the City  
106 Engineer, but shall not exceed 10% of the established district standard (For example, a non-  
107 conforming R-1 lot would typically be limited to 0.55 ISR, but this provision would allow up to a  
108 0.6 ISR. Similarly, an R-2B lot would typically be limited to 0.60 ISR, but this provision would  
109 allow up to a 0.66 ISR).

110  
111 Front and Street Side Yard Parking. Section 61.302(f)(2) states that the impervious  
112 surface area within the front and street side yard setbacks in residential areas shall not exceed  
113 0.40. Within the PH Overlay District, this standard may be modified by the Zoning Official but  
114 shall not exceed 20% of the established district standard, or 0.48.

115  
116 In all other respects, the procedures for Modification of Development Standards  
117 specified in Chapter 65, Part 2F, Sections 65.300 through 65.311, as well as the appeal  
118 procedures specified in Chapter 65, Part 2G, Sections 65.320 through 65.322, shall apply.

119  
120 This section supersedes the provisions of Sections 58.986 and 58.1152(e) regarding the  
121 Modification of Development Standards process on non-conforming one or two family residential  
122 lots within the PH Overlay District. However, the remaining provisions of Sections 58.984 and  
123 58.985 regarding mechanical equipment, and Section 58.1152 pertaining to non-conforming  
124 residential lots, shall remain in full force and effect unless otherwise amended by this part.

#### 125 126 **Sec. 58.499.17. Appearance Review Standards and Guidelines**

127  
128 Residential development on both conforming and non-conforming lots within the PH  
129 Overlay District must undergo Appearance Review. The Zoning District and the Use  
130 Regulations of Figures 1 and 2 of this Chapter, the Traditional City Design Standards specified  
131 in Chapter 62, Part 6, and the Specific Standards described in Chapter 65, Part 2F, Section  
132 65.310, shall apply.

133  
134 In addition to the standards specified above, the following architectural elements shall be  
135 considered during Appearance Review:

- 136  
137 a. Exterior Finishes: Exposed concrete block is prohibited unless otherwise approved  
138 during appearance review.  
139 b. Front Porch: Porches shall be accessed directly from a public street or pedestrian  
140 easement and must be visible from the street. Front porches shall have a minimum  
141 depth of six (6) feet and comprise a minimum of 30% of the width of the building's  
142 primary front façade (not including the garage) or ten (10) feet, whichever is larger.  
143 Porches for duplexes may be shared. Posts and balustrades that match the style of  
144 the primary structure are encouraged.  
145 c. Windows: All windows must have sills and trim that match the style of the primary  
146 structure.  
147 d. Mechanical Equipment. The provisions of Section 58.984 – Mechanical Equipment  
148 Used in Single Family, Duplex and Attached Dwelling Development shall be utilized  
149 with the following exception of the rear yard, where such mechanical equipment shall  
150 be located not less than ten (10) feet from the rear lot line. The alternative standards  
151 specified in Section 58.985 may be utilized.

#### 152 153 **Sec. 58.499.18. Application Fee Waivers**

154

155 In order to encourage infill development within the PH Overlay District, application fees  
156 for Modification of Standards on non-conforming one and two family residential lots of record, or  
157 lots being re-platted to match a plat that was recorded prior to 1959, shall be waived.  
158

159 **SECTION 2: PART 6, CHAPTER 67, AMENDED.** Part 6, Chapter 67, Code of the City  
160 of Orlando, Florida is hereby amended as follows:  
161

162 PART 6. - ALTERNATIVE DEVELOPMENT STANDARDS FOR LOW AND VERY LOW  
163 INCOME HOUSING PROJECTS  
164

165 **Sec. 67.600. - Purpose of Alternative Development Standards for Low and Very Low**  
166 **Income Housing.**  
167

168 The alternative development standards contained in this Part are intended to promote  
169 innovative design, encourage the production of low and very low income housing, and allow the  
170 more efficient use of land as compared with the ~~typical single family~~ conventional residential  
171 development. In order to achieve these goals, this Part provides flexible design options and  
172 incorporates cost saving measures without compromising the quality of the resulting  
173 development.  
174

175 *Growth Management Plan Consistency.* The development permitted pursuant to this part  
176 shall be consistent with the Orlando Growth Management Plan Land Use goals, objectives, and  
177 policies and Future Land Use ~~Map~~ designations. This part implements ~~the~~ GMP Housing  
178 Element Objective ~~4.35.1~~ to promote infill residential development; Policy ~~4.3.45.1.1~~ to provide  
179 residential land uses at varying densities and locations through land development code  
180 regulations; Policy ~~4.6.45.3.1~~ to ensure adequate sites are correctly planned and zoned to  
181 accommodate the projected housing growth, including low and very low income housing; and  
182 Policy ~~4.6.35.3.6~~ to establish design incentives that provide flexible design options for  
183 residential development without compromising the quality of the resulting development. ~~to~~  
184 ~~review the existing land development regulations to consider the necessity of implementing~~  
185 ~~such provisions as higher densities, smaller lots, and innovative designs; and Policy 1.7.1 to~~  
186 ~~encourage developments containing units affordable to a range of income groups.~~  
187

188 **Sec. 67.601. - Prerequisites to Utilization of Alternative Housing Development**  
189 **Standards.** Eligibility for Alternative Development Standards.  
190

191 ~~In addition to the other applicable standards of the City Code, t~~The following  
192 ~~prerequisites~~ requirements shall be met in order to be eligible to utilize the alternative housing  
193 development design incentives and options contained in this part:  
194

195 Minimum Unit Count. The development must consist of no less than ten (10) contiguous  
196 residential units.  
197

198 *Low and Very Low Income Units Requirement.* A minimum of twenty percent (20%) of  
199 the units in the ~~project~~ development shall meet the definition of Low and/or Very Low Income  
200 Housing set forth in this Chapter.  
201

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

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

210  
211 **Sec. 67.602. - Procedural Requirements.** ~~The Alternative Development Standards contained~~  
212 ~~in this Part may be approved in connection with a Preliminary or Short Form Subdivision Plat~~  
213 ~~approval for one and two family dwellings wherever such dwellings are permitted under Chapter~~  
214 ~~58 and the gross residential density does not exceed seven (7) units per acre. An applicant~~  
215 ~~wishing to undertake alternative housing development shall specifically request such approval in~~  
216 ~~connection with application for Preliminary or Short Form Subdivision Plat approval if platting is~~  
217 ~~required to develop the project as proposed. Further, if the applicant proposes to develop the~~  
218 ~~site utilizing Attached Dwelling, Average Lot, Cluster, Zero lot line, or Z lot development~~  
219 ~~standards, the request shall be specifically included as part of the request for alternative~~  
220 ~~housing development, and platting shall be required.~~

221  
222 *Effect of Approval.* ~~If platting is required to develop the project as proposed, no building permit~~  
223 ~~shall be issued except in accordance with an approved Final Plat and upon evidence that any~~  
224 ~~covenants, restrictions, and easements for the alternative housing development have been duly~~  
225 ~~recorded.~~

226  
227 *Planned Development.* ~~For purposes of the Alternative Development Standards, Low and Very~~  
228 ~~Low Income Housing shall be permitted to develop as a Planned Development in accordance~~  
229 ~~with sections 58.360—58.369 of the LDC without having to meet the minimum development site~~  
230 ~~area established in the LDC.~~

231  
232 *Variations and Modification of Standards.* ~~Because the Alternative Development Standards~~  
233 ~~establish reduced front, rear, and side yard setbacks, lot widths, and lot depths, variations or~~  
234 ~~modification of standards to front, rear, and side yard setbacks, lot width, or lot depth shall not~~  
235 ~~be permitted. Variations or modification of standards for other development site standards or~~  
236 ~~building setbacks may be permitted.~~

237  
238 *Infill DevelopmentNeighborhood Compatibility Review.* ~~A developer wishing~~The applicant  
239 for an Affordable Housing Development proposing to utilize the Alternative Development  
240 Standards for existing platted lots residential development shall undergo neighborhood  
241 compatibility review by the Planning Official to determine whether these standards can be  
242 utilized on the existing platted infill lot a significant negative impact is present to adjacent  
243 neighborhoods. ~~The developer applicant shall submit an Affordable Housing Certification~~  
244 ~~application and the following documents to City Planning staff for review:~~

- 245  
246 (a) A letter from the Housing and Community Development Department certifying the  
247 project as Affordable Housing;  
248 (ab) An Accurate~~accurate~~, Up to Date~~current~~ Survey~~survey~~: As completed by a registered  
249 surveyor;  
250 (bc) A Site Plan~~site plan~~: Showing the individual units on the lots and the entire property;  
251 (ed) Elevation Drawings and Floor Plans~~Elevations and floor plans~~: Showing the interior  
252 and exteriors of the proposed building(s);  
253 (de) Alternative Design~~development standards~~ Request~~request~~: Including a statement of  
254 consistency with the standards established by this Part;  
255 (ef) Additional Information~~information~~: Including Any such additional information as that  
256 may be reasonably required to carry out the purposes of this Chapter;  
257 (fg) Waiver by the Planning Official: The Planning Official shall be authorized to waive the  
258 informational requirements above where deemed appropriate.

259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309

*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 face~~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.

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

315  
 316 **Sec. 67.603. - Specific Residential Developments.**

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

319  
 320 **Sec. 67.604. - Development Site Standards and Principal Building Setbacks.**

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

324  
 325 *Alternative Housing Development Site Standards.*

326 *Max. Residential Density:* Varies by zoning district.

327  
 328 *Building Site Standards:*

329

<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

330  
 331 ~~All one family lots under 4000 sq. ft. and all two family lots under 5000 sq. ft. must~~  
 332 ~~be developed as Zero lot line or Attached Dwelling units utilizing the Alternative~~  
 333 ~~Development standards.~~

334  
 335 *Principal Building Setbacks.* Except as otherwise specifically permitted by this  
 336 Chapter, the following standards shall apply. The front yard setback shall be  
 337 measured from the face of the structure to the property line or, if present, the city  
 338 services easement. If the Developer elects a 0 ft. side yard setback, the project  
 339 shall be platted as a Zero-lot-line, Z-lot, or Attached Dwelling development utilizing  
 340 the Alternative Development standards. For Zero-lot-line or Z-lot development,  
 341 access and maintenance easements shall be required in accordance with the  
 342 Zero-lot-line development standards. For Attached Dwelling development, there  
 343 shall be no minimum building separation requirement; however, a minimum  
 344 perimeter setback of 10 ft. shall be required in accordance with the Attached  
 345 Dwelling development standards.

346  
 347 *Development Standards:*

<u>Development Standards</u>	<u>With On-Street Parking Dimension</u>	<u>Without On-Street Parking</u>

Min. Front Yard (primary structure)	<del>5</del> <u>15</u> ft.	<del>5</del> ft.
Min. Front Yard (garage/carport)	<del>5</del> <u>20</u> ft.	<del>20</del> ft.
Side Yard	0 or 5 ft.	<del>0 or 5</del> ft.
Min. Street Side Yard	15 ft.	<del>15</del> ft.
<u>Min. Street Side Yard (garage/carport)</u>	<u>20</u> ft.	
Min. Rear Yard	<del>5</del> <u>15</u> ft.	<del>5</del> ft.
Min. Building Separation	10 ft.	<del>10</del> ft.
Max. Density Min. Open Space	Same as <del>permitted or required by the</del> zoning district, including bonuses.	

348  
349 \*\*\*\*

350  
351 **SECTION 3. CODIFICATION.** The city clerk and the city attorney shall cause the Code  
352 of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber,  
353 re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of  
354 the law.

355  
356 **SECTION 4. SCRIVENER'S ERROR.** The city attorney may correct scrivener's errors  
357 found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

358  
359 **SECTION 5. SEVERABILITY.** If any provision of this ordinance or its application to any  
360 person or circumstance is held invalid, the invalidity does not affect other provisions or  
361 applications of this ordinance which can be given effect without the invalid provision or  
362 application, and to this end the provisions of this ordinance are severable.

363  
364 **SECTION 6. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

365  
366 **DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a  
367 regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

368  
369 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of  
370 Orlando, Florida, by the city clerk of the City of Orlando, Florida, the \_\_\_\_\_ day of  
371 \_\_\_\_\_, 2017.

372  
373 **DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL**  
374 **PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the  
375 City of Orlando, Florida, at a regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_,  
376 2017.

377  
378



379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408

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