

ORDINANCE NO. 2018-45

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
2 OF ORLANDO, FLORIDA, RELATING TO ZONING  
3 DISTRICTS AND USES; AMENDING PROVISIONS OF  
4 THE LAND DEVELOPMENT CODE TO CLARIFY  
5 DISTRICT REGULATIONS AND ALLOWABLE USE  
6 TABLES FOR CONGREGATE LIVING FACILITIES,  
7 PUBLIC BENEFIT USES, MODIFICATIONS TO LEGALLY  
8 NONCONFORMING BUILDINGS, AND HOME  
9 OCCUPATIONS, AND TO UPDATE DEFINITIONS,  
10 CORRECT ERRORS, AND PROVIDE CONSISTENT  
11 TERMINOLOGY; PROVIDING LEGISLATIVE FINDINGS,  
12 AND FOR SEVERABILITY, CODIFICATION,  
13 CORRECTION OF SCRIVENER'S ERRORS, AND AN  
14 EFFECTIVE DATE.  
15

16 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of  
17 Orlando, Florida (the "city"), adopt or amend and enforce land development  
18 regulations that are consistent with and implement the city's adopted comprehensive  
19 plan; and  
20

21 **WHEREAS**, section 163.3202(3), Florida Statutes, encourages the use of  
22 innovative land development regulations and requires that all land development  
23 regulations be combined into a single land development code for the city; and  
24

25 **WHEREAS**, from time to time, amendments and revisions to the city's  
26 adopted comprehensive plan (the "Growth Management Plan"), progress in the field  
27 of planning and zoning, or changes to state law make it necessary or desirable to  
28 amend the land development regulations of the city; and  
29

30 **WHEREAS**, at its regularly scheduled meeting of June 19, 2018, the  
31 Municipal Planning Board recommended to the City Council of the City of Orlando,  
32 Florida (the "Orlando City Council"), that the provisions of this ordinance are  
33 consistent with the applicable provisions of the city's adopted Growth Management  
34 Plan, are in the best interest of the public health, safety, and welfare, are in harmony  
35 with the purpose and intent of the Land Development Code of the City of Orlando,  
36 Florida (the "Land Development Code"), will not result in disorderly and illogical  
37 development patterns, and will not result in incompatible land uses; and  
38

39 **WHEREAS**, the Orlando City Council hereby finds and determines that this  
40 ordinance is consistent with the applicable provisions of the city's adopted Growth  
41 Management Plan, is in the best interest of the public health, safety, and welfare, is

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42 in harmony with the purpose and intent of the city's Land Development Code, will not  
43 result in disorderly and illogical development patterns, and will not result in  
44 incompatible land uses.

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

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49 **SECTION 1. CHAPTER 58, PART 1B, FIGURES 1B, 1C, 2A AND 2B,**  
50 **AMENDED.** The allowable use tables in Chapter 58, Part 1B, Figures 1B, 1C, 2A and  
51 2B, Land Development Code, are hereby amended as set forth in **Exhibit A** to this  
52 Ordinance and incorporated herein by reference.

53  
54 **SECTION 2. CHAPTER 58, PART 1B, AMENDED.** Chapter 58, Part 1B, Land  
55 Development Code, is hereby amended as follows:

56  
57 **1B. - ZONING TABLES**

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60  
61 **FOOTNOTES:**

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65 25. ~~RCFs with seven or more residents shall be presumed to substantially~~  
66 ~~alter the nature and character of the area and may be allowed only by~~  
67 ~~Conditional Use when located within 500 feet of an R-1AA, R-1A, R-1, R-~~  
68 ~~1N, R-2A, or R-2B zoning district or property designated for single-family~~  
69 ~~uses in an approved PD. For Assisted Living Facilities, Emergency~~  
70 ~~Shelters, Emergency Shelter Home for Children, and Treatment and~~  
71 ~~Recovery Facilities refer to the specific uses listed on Figure 2. These~~  
72 ~~uses may be subject to distance separation requirements and may require~~  
73 ~~a Determination from the Zoning Official prior to any building permit or~~  
74 ~~business tax receipt being issued. Chapter 65, Part 4G.~~

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78 28. ~~Assembly Public Benefit Uses are permitted, conditional, or prohibited~~  
79 ~~uses based on the acreage of the building site and the number of seats in~~  
80 ~~the largest assembly space. See Sec. 58.811. Emergency Shelters with~~  
81 ~~seven or more clients and Treatment/Recovery Facilities shall be~~

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presumed to substantially alter the nature and character of the area and may be allowed only by Conditional Use when located within 500 feet of an R-1AA, R-1A, R-1, R-1N, R-2A, or R-2B zoning district or property designated for single-family uses in an approved PD.

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36. In residential zoning districts, community facilities must be located on a collector of four lanes or more, or on an arterial street. ~~Notwithstanding anything else in this code to the contrary, a residential care facility use with six or fewer residents which otherwise meets the definition of a community residential home use is hereby made a permitted use in the zoning districts indicated by this footnote, but are subject to the applicable regulations of Chapter 419, Florida Statutes.~~

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**FIGURE 3. LAND USE INTENSITY TABLE**

Use this table to identify the land use intensity class of the proposed use and all contiguous use(s):

*Class I if in a residential district, Class III if in a non-residential district*

- 1 family dwellings
- 2 family dwellings
- Accessory apartments
- Community Residential Homes & RCF's (1—14 residents)
- ~~Emergency shelters~~
- Golf courses
- Residential Care Facilities, Type A & B
- Vacant land zoned: R-1, R-1A, R-1AA, R-1N, R-2A, P, C, H
- ~~Emergency homes for children~~

*Class II*

- Townhomes/multiplex dwellings
- ~~(Community Residential Homes) & RCF's (15+ residents)~~
- Group housing, Type A low intensity
- Multi-family dwellings, up to 30 units/acre
- Transient Care Facilities, Type A
- Vacant land zoned: R-2B, R-3A

*Class III*

- ~~Assisted living facility~~

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122 Group housing, Type B~~high intensity~~  
123 Child and adult day care centers  
124 Hospitals & clinics, up to FAR 0.7  
125 Intensive Care Facilities, Type B  
126 Medical & dental labs, up to FAR 0.7  
127 Mobile home development  
128 Multi-family dwellings, over 30 units/acre  
129 ~~Nursing homes~~  
130 Offices, up to FAR 0.7  
131 PBU, Neighborhood Assembly  
132 Residential-office mixed devel.  
133 Transient Care Facility, Type B  
134 Vacant land zoned: R-3B, R-3C, R-3D, MXD-1, O-1, O-2, O-C, MU-1  
135 Residential-commercial mixed development

136 *Class IV*

137 Auto service station  
138 Eating & drinking estabs.  
139 Hospitals & clinics, over FAR 0.7  
140 Hotels & Motels  
141 Intensive Care Facilities, Type C  
142 Medical & dental labs, over FAR 0.7  
143 Offices, over FAR 0.7  
144 Parking lot—principal use  
145 PBU, Community & Regional Assembly  
146 Recreation, outdoor and indoor  
147 Retailing, light  
148 Services, personal  
149 Shopping centers  
150 Transient Care Facilities, Type C  
151 ~~Treatment & recovery facilities~~  
152 Neighborhood convenience stores  
153 Vacant land zoned: MXD-2, O-3, MU-2, AC-N, AC-1  
154 Dwelling Units—Commercial

155 *Class V*

156 Adult entertainment  
157 Drive-in facilities  
158 Manufacturing & processing, light  
159 Pain management clinics  
160 Parking garages  
161 PBU, Intensive

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- 162 Retailing, intensive
- 163 RV parks
- 164 Whole blood facilities
- 165 Wholesaling & Warehousing
- 166 Vacant land zoned: AC-2, AC-3, AC-3A, I-P
- 167 Warehouse showrooms

168 *Class VI*

- 169 Services, intensive & major vehicle
- 170 Manufacturing & processing, heavy
- 171 Outside storage of materials
- 172 Vacant land zoned: I-G

173 The intensity classification for Light Public Benefit Uses is determined on a  
174 case by case basis using the most similar use listed above.

175  
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177  
178 **SECTION 3. CHAPTER 58, PART 3, AMENDED.** Chapter 58, Part 3, Land  
179 Development Code, is hereby amended as follows:

180  
181 **PART 3. - SPECIFIC RESIDENTIAL USES**

182  
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184  
185 ~~**3F. - GROUP HOUSING**~~

186 ~~**Sec. 58.540. - General Requirements.**~~

187 ~~All Group Housing allowed under this Chapter shall conform to the Zoning District~~  
188 ~~and Use Regulations of Figures 1—2 and the following standards.~~

189 ~~**Sec. 58.541. - Neighborhood Compatibility.**~~

190 ~~In residential districts, the external appearance of all structures and building sites~~  
191 ~~shall maintain the general residential character of the district. Exterior building~~  
192 ~~materials, bulk, landscaping, fences and walls, and general design shall be~~  
193 ~~compatible with those of surrounding dwellings.~~

194 ~~**Sec. 58.542. - Intensity of Development.**~~

195 ~~In order to ensure that the intensity of Group Housing remains in keeping with~~  
196 ~~other development allowed under this Chapter, all Group Housing shall conform to~~  
197 ~~the Zoning District and Use Regulations of Figures 1—2 for the district in which~~  
198 ~~they are located, and shall in particular conform to the lot area, mean lot width,~~  
199 ~~building site frontage, density and maximum dwelling units per building site~~  
200 ~~requirements. For purposes of determining conformance with these requirements,~~

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201 each 2.5 occupants (rated patron capacity) of the Group Housing shall be deemed  
202 to equal one dwelling unit.

203 **~~Sec. 58.543. – Procedural Requirements.~~**

204 ~~*Permit Required.* Prior to the establishment of a group housing facility as~~  
205 ~~defined in this Chapter, or conversion to group housing, both low intensity and high~~  
206 ~~intensity, the owner and the operator shall be responsible for securing a Group~~  
207 ~~Housing Permit from the Zoning Official. A new permit in the name of a new owner~~  
208 ~~or operator shall be required in the event of a change in ownership or leasehold~~  
209 ~~interest in a Group Housing. Failure to secure the permit in advance of beginning~~  
210 ~~operation of the Group Housing shall be a misdemeanor punishable pursuant to~~  
211 ~~the provisions of Section 1.08 of the City Code of the City of Orlando by a term of~~  
212 ~~imprisonment not to exceed 60 days and fine not to exceed \$500.00, or both.~~

213 ~~*Permit Renewal.* The Group Housing Permit shall be renewed at least annually~~  
214 ~~on or before October 1 of each year.~~

215 ~~*Inspections Required For Permit.* Application for a permit for Group Housing not~~  
216 ~~in existence at the time of the original effective date of these Group Housing~~  
217 ~~regulations shall be conditioned upon all inspections, reviews, plans and other~~  
218 ~~documents or items required by the Director of the Planning and Development~~  
219 ~~Department including a floor plan indicating the placement of beds within the~~  
220 ~~structure under this Chapter being secured and approved before the owner,~~  
221 ~~operator or user begins use of the land for Group Housing. The following required~~  
222 ~~inspections shall be conducted prior to the issuance of a permit for Group Housing~~  
223 ~~under this Part:~~

224 ~~(a) An inspection by City minimum housing code enforcement staff to ascertain~~  
225 ~~the maximum number of occupants of the group housing facility and~~  
226 ~~compliance with all other provisions of the City Minimum Housing Standards~~  
227 ~~Code.~~

228 ~~(b) An inspection, review of any required plans, and installation of all~~  
229 ~~improvements necessary for the Group Housing to secure the permit~~  
230 ~~specified herein and to comply with the provisions of this Chapter and any~~  
231 ~~other City development standards.~~

232 ~~(c) An inspection by City fire prevention inspectors to ascertain compliance with~~  
233 ~~the Fire Safety Code of the City of Orlando.~~

234 ~~(d) Application for and securing the appropriate occupational license.~~

235 ~~(e) A determination by the State Hotel and Restaurant Bureau officials that an~~  
236 ~~inspection has been accomplished in accordance with state law or is not~~  
237 ~~required for the particular Group Housing.~~

238 ~~(f) Securing any and all other City, County, County Health Department, and~~  
239 ~~State compliances, approvals, inspections or permits.~~

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240 ~~Permit Must Be Posted.~~ The existence of a valid permit shall be evidenced in a  
241 form and manner specified by the Zoning Official and shall be posted on or near  
242 the principal entrance to the Group Housing closest to and most readily visible from  
243 the street. This posted evidence of the existence of a valid City of Orlando permit  
244 shall include the stated capacity for the Group Housing.

245 ~~Existing Group Housing Must Obtain Permit.~~ Any Group Housing existing and  
246 operating at the time of the original effective date of these Group Housing  
247 regulations shall be required to secure a permit and apply for all inspections and  
248 land use approvals set forth herein on or before October 1, 1984, and annually  
249 thereafter, or cease operating as a group housing facility.

250  
251 **Sec. 58.544. - Evidence of a Group Housing Facility.**

252 The presence of any of the following conditions shall be prima facie evidence of  
253 the existence of a group housing facility:

- 254 (a) Any signage or other type of identification located at a particular address  
255 indicating the rental of units, beds or living space within a structure.
- 256 (b) Partitions, padlocks, hasps, key locks, deadbolt locks or any security  
257 mechanisms within a structure intended to limit free access to all areas of  
258 the structure by all occupants.
- 259 (c) Individually kept household equipment such as kitchen utensils, ice chests,  
260 appliances such as electric fry pans, toaster ovens, refrigerators, televisions  
261 and hot plates.
- 262 (d) Individual storage of food.
- 263 (e) Alphabetical, numeric or other labeling of bedrooms or other living areas.
- 264 (f) Alterations to a structure which enhance or facilitate its use as a Group  
265 Housing Facility.

266  
267 **Secs. 58.545—58.549. - Reserved.**

268  
269 **3F. - CONGREGATE LIVING FACILITIES**

270  
271 **Sec. 58.540. - General Requirements.**

272 All congregate living facilities allowed under this Chapter must conform to the  
273 Zoning District and Use Regulations of Figures 1—2 and shall be classified into  
274 four categories as follows.

<b>Classification of Congregate Living Facilities</b>			
<b><u>Group Housing</u></b>	<b><u>Group Care Facilities</u></b>		
	<b><u>Residential Care Facility (RCF)</u></b>	<b><u>Intensive Care Facility (ICF)</u></b>	<b><u>Transient Care Facility (TCF)</u></b>

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<b>Characteristics/Classification Criteria:</b>	<ul style="list-style-type: none"> <li>Residents live <u>independently without the need for supervision or assistance to participate in normal activities or meet the demands of daily living.</u></li> <li><u>Unrelated individuals share common areas like lounges, living areas, kitchens, and bathrooms.</u></li> </ul>	<ul style="list-style-type: none"> <li><u>24-hour care and supervision is provided to no more than 14 residents, often by live-in caregivers.</u></li> <li><u>A maximum of 2 on-site supervisors/caregivers shall be at the facility at any given time.</u></li> <li><u>Caregivers are not typically required to be licensed nurses.</u></li> <li><u>Residents need assistance to participate in normal activities and meet the demands of daily living, but are <b>not</b> in need of 24-hour nursing supervision</u></li> <li><u>Residents and their caretakers are the functional equivalent of a family.</u></li> <li><u>Care and services are provided in a residential setting.</u></li> <li><u>Caregivers are not in treatment or in need of care themselves.</u></li> <li><u>Occupancy is arranged for periods of 30 days or more.</u></li> </ul>	<ul style="list-style-type: none"> <li><u>24-hour nursing care or intensive supervision, often by a 24-hour awake staff of professionals, assistants, and volunteers.</u></li> <li><u>Licensed nurses, doctors, psychiatrists, psychologists or other licensed professionals are required by the State due to the level of care the residents need.</u></li> <li><u>Care may include rehabilitation services, counseling services, case work, and medical/nursing care.</u></li> <li><u>May be provided within an institutional or secure environment.</u></li> <li><u>May also provide respite care or an outpatient component.</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Supervisory staff is on-site at all times a facility is open</u></li> <li><u>Room and board, or just room, provided on an emergency or temporary basis.</u></li> <li><u>Clients on average stay for less than 6 months</u></li> <li><u>Clients are in need of immediate and temporary shelter because they have been abused, neglected, abandoned, exploited, or are otherwise homeless and without shelter or necessary basic care.</u></li> <li><u>Facilities may be 24-hour or may be made available during certain hours.</u></li> <li><u>Instruction and supervision to assist clients to transition into permanent living situations may be provided.</u></li> </ul>
	<b>Includes:</b>	College dormitories, boarding houses, hostels, and group homes where direct care or supervision is not provided.	Adult family care homes, community residential homes, and assisted living facilities with 14 or fewer residents. <sup>1</sup>	Nursing homes, assisted living facilities with more than 14 residents, intermediate care facilities, hospices, treatment and recovery facilities.
<b>Level of Intensity:</b>				
<b>Single</b>	See definition of family, up to 5 unrelated roommates may be considered a family. <sup>2</sup>	If exempted by State or Federal laws, facilities with 6 or fewer residents may be considered single family uses.	If exempted by State or Federal laws, facilities with fewer than 6 residents may be considered single family uses.	Emergency shelter homes for children, when very short-term care is provided for not more than 2 children

<sup>1</sup> An assisted living facility with 14 or fewer residents that is licensed by the State of Florida to provide extended congregate care services, limited nursing services, or limited mental health services shall still be considered a residential care facility for the purposes of this Section

<sup>2</sup> When a facility that otherwise would be considered a congregate living facility meets the criteria contained in the "single family" row, the facility shall not be considered a congregate living facility and shall be considered a permitted use in all zoning districts and housing types where residential dwelling units are allowed.



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<b>Type A</b>	2-12 occupants, owner-occupied, rooms are rented for one week or more, contains kitchen facilities.	1-6 residents	1-6 residents	1-6 beds
<b>Type B</b>	2-52 occupants that doesn't meet criteria for Type A	7-14 residents	7-14 residents	7-14 beds
<b>Type C</b>	More than 52 occupants	N/A	15+ residents	15+ beds

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**Sec. 58.541. - General Requirements for All Congregate Living Facilities.**

- A. Neighborhood Compatibility. In R-1AA, R-1A, R-1, R-1N, R-2A, and R-2B zoning-districts, where permitted or conditionally permitted by Chapter 58, Figure 2, the external appearance of congregate living facility structures and building sites must maintain the general residential character of the district. Exterior building materials, bulk, landscaping, fences and walls, and general design must be similar to and compatible with those of surrounding dwellings.
- B. Intensity of Development. In order to ensure that the intensity of congregate living facilities remains in keeping with other development allowed under this Chapter, all congregate living facilities must conform to the Zoning District and Use Regulations for the district in which they are located, and must, in particular, conform to the lot area, mean lot width, building site frontage, density and maximum dwelling units per building site requirements. Minimum density requirements shall not apply when a Type A, B, or C congregate living facility is the principal use of a building site.
1. Maximum density Group Housing and Nursing Homes: every 2.5 residents (rated patron capacity) are considered one dwelling unit.
  2. Maximum density all other Congregate Living Facilities: the first 6 residents (rated patron capacity) are considered one dwelling unit and each additional 3 residents thereafter are deemed to equal one additional dwelling unit.
- C. Signs. In order to preserve the general appearance of the neighborhood as a primarily one and two family residential area, no signs for congregate living facilities are permitted in R-1, R-1N, R-1A, R-1AA, R-2A or R-2B zoning districts. Signs in other districts are allowed in accordance with Chapter 64.

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304 D. *Other Uses.* Other uses associated with a congregate living facility, including  
305 child or adult day care facilities for children and adults who do not live in the  
306 facility, may be permitted when otherwise allowed in the zoning district.

307 E. *Conformance with State Regulations.* In addition to the requirements of this  
308 Chapter, all congregate living facilities must comply with the statutes and  
309 regulations of the State of Florida for the most closely analogous group care  
310 categories, whether or not such facilities are licensed and regulated by the  
311 State. Applicable state statutes and regulations are deemed a part of this  
312 Chapter.

313  
314 **Sec. 58.542. - Standards for the Review of Conditional Use Permit**  
315 **Applications for all types of Congregate Living Facilities.**

316 Where a conditional use permit is required to establish a congregate living  
317 facility in a zoning district, or to waive a distance separation requirement, the  
318 Municipal Planning Board and City Council shall consider the factors and  
319 standards applicable to all conditional use permits and may prescribe appropriate  
320 conditions and safeguards as stated in Chapter 65, Part 2D. In addition to the  
321 factors and standards in Chapter 65, Part 2D, the Municipal Planning Board and  
322 City Council shall use the following review criteria to determine the appropriateness  
323 of conditional use permit applications for congregate living facilities:

324 A. *Concentration Discouraged.* The regulations of this Part are designed, in  
325 part, to limit the concentration of congregate living facilities in one distinct  
326 geographical area and encourage the dispersal of such uses throughout all  
327 residential neighborhoods in the City. In analyzing a request for a  
328 conditional use permit, particularly a conditional use permit to waive a  
329 separation distance for a group care facility, the Municipal Planning Board  
330 and City Council must consider the number, type, intensity, and proximity of  
331 existing congregate living facilities in the surrounding neighborhood as well  
332 as existing development patterns and any mitigating factors that may lessen  
333 the impacts of such a concentration.

334 B. *Design of Facility.* The architectural style, building materials, massing,  
335 height, location and design of parking facilities and vehicular use areas,  
336 ingress, egress, on-site circulation, landscaping, and storm water  
337 retention/detention areas shall be designed to integrate into the surrounding  
338 neighborhood, mitigate impacts of noise and traffic to levels associated with  
339 permitted uses in the zoning district, and enhance the safety of both  
340 congregate living residents and residential neighbors.

341 C. *Findings for Denial of the CUP request.* When the Municipal Planning Board  
342 and City Council find that a proposed location for a congregate living facility  
343 would substantially alter the nature and character of an area by creating a

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344 concentration of such facilities, the conditional use permit may be denied,  
345 except when such denial would violate protections provided under the state  
346 or federal Fair Housing Acts, the Americans with Disabilities Act, the  
347 Rehabilitation Act, or other state and federal laws regarding these types of  
348 uses.

349  
350 **Sec. 58.543. - Procedural Requirements for the Establishment of a Group**  
351 **Housing Facility (no care provided).**

352 A. *Determination Required.* Prior to the establishment of a group housing  
353 facility, or conversion to group housing, Type A, B or C, the owner and the  
354 operator shall be responsible for securing a Zoning Official Determination. A  
355 new determination in the name of a new owner or operator shall be required  
356 in the event of a change in ownership or leasehold interest in a group  
357 housing facility.

358 B. *Determination Renewal.* The group housing determination must be renewed  
359 at least annually on or before October 1st of each year.

360 C. *Inspections Required For Determination.* Application for a determination for  
361 group housing not in existence at the time of the original effective date of  
362 these group housing regulations shall be conditioned upon all inspections,  
363 reviews, plans and other documents or items required by the Zoning Official,  
364 including a floor plan indicating the placement of beds within the structure,  
365 being secured and approved before the owner, operator or user begins use  
366 of the land for group housing. The following required inspections shall be  
367 conducted prior to the issuance of a determination for group housing under  
368 this Part:

369 1. An inspection by City minimum housing code enforcement staff to  
370 ascertain the maximum number of occupants of the group housing facility  
371 and compliance with all other provisions of the City Minimum Housing  
372 Standards Code.

373 2. An inspection, review of any required plans, and installation of all  
374 improvements necessary for the group housing to secure the  
375 determination specified herein and to comply with the provisions of this  
376 Chapter and any other City development standards.

377 3. An inspection by City fire prevention inspectors to ascertain compliance  
378 with the Fire Safety Code of the City of Orlando.

379 4. Application for and securing the appropriate required Business Tax  
380 Receipt (BTR).

381 5. A determination by the State officials that an inspection has been  
382 accomplished in accordance with state law or is not required for the  
383 particular group housing facility.

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384 6. Securing any and all other City, County, County Health Department, and  
385 State compliances, approvals, inspections or permits.

386 D. Evidence of Determination. The existence of a valid determination must be  
387 evidenced in a form and manner specified by the Zoning Official and must  
388 be presented if requested. This evidence of the existence of a valid City of  
389 Orlando determination must include the stated capacity for the group  
390 housing facility.

391 E. Existing Group Housing Must Obtain Determination. Any group housing  
392 existing and operating at the time of the original effective date of these  
393 group housing regulations shall be required to secure a permit and apply for  
394 all inspections and land use approvals set forth herein, or cease operating  
395 as a group housing facility.

396  
397 **Sec. 58.544. - Procedural Requirements for the Establishment of a Group**  
398 **Care Facility (Residential, Intensive and Transient).**

399 A. Distance Separation Determination Required. The group care facility shall  
400 receive a Zoning Official Determination prior to the issuance of any building  
401 permit or business tax receipt for the facility, to ensure compliance with the  
402 distance separation requirements of Sec. 58.545. Prior to reviewing the  
403 proposed use for compliance with the distance separation requirements, the  
404 Zoning Official shall first make a determination on what level of care the  
405 facility is being proposed (residential, intensive, or transient) and whether or  
406 not the facility is a Type A, B, or C, using the classification chart in 58.540,  
407 the definitions in Chapter 66, and any relevant information from a state  
408 licensing agency.

409 B. Business Tax Receipt Required. No group care facility shall operate without  
410 obtaining and annually renewing a Business Tax Receipt (BTR) from the  
411 Permitting Division.

412  
413 **Sec. 58.545. - Dispersal of Group Care Facilities (Residential, Intensive and**  
414 **Transient).**

415 A. Type A Group Care Facilities

416 1. Minimum Distance Between Facilities: In one and two family residential  
417 zoning districts, no Type A group care facility shall be located within a  
418 radius of 1,000 feet of another group care facility.

419 2. Multi-Family Developments: No Type A group care facility proposed to  
420 locate within a multi-family dwelling unit shall cause the total number of  
421 Type A group care facilities to exceed 3.0 percent of all dwelling units on  
422 a development site, or six units, whichever is greater.

423 B. Type B and C Group Care Facilities (7 or more residents)

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424 1. Minimum Distance Between Facilities: No Type B or C group care facility  
425 shall be located within a radius of 1200 feet of another existing group  
426 care facility.

427 2. Distance from One and Two Family Zoning Districts: A Type B or C  
428 group care facility is presumed to substantially alter the nature and  
429 character of the area and shall not be located within 500 feet of an R-  
430 1AA, R-1A, R-1, R-1N, R-2A, or R-2B zoning district or property  
431 designated for single-family uses in an approved PD.

432 C. Waivers. Waivers to the distance separation requirements of this Section  
433 may be approved through the conditional use permit process (see Sec.  
434 58.542).

435  
436 **Secs. 58.546—58.549. - Reserved.**

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440 **3J. - RESERVED NURSING HOMES**

441 **Sec. 58.580. - General Requirements.**

442 All nursing homes allowed under this Chapter shall conform to the Zoning District  
443 and Use Regulations of Figures 1—2 and the following standards.

444 **Sec. 58.581. - Neighborhood Compatibility.**

445 In residential districts, the external appearance of all structures and building sites  
446 shall maintain the general residential character of the district. Exterior building  
447 materials, bulk, landscaping, fences and walls, and general design shall be  
448 compatible with those of surrounding dwelling.

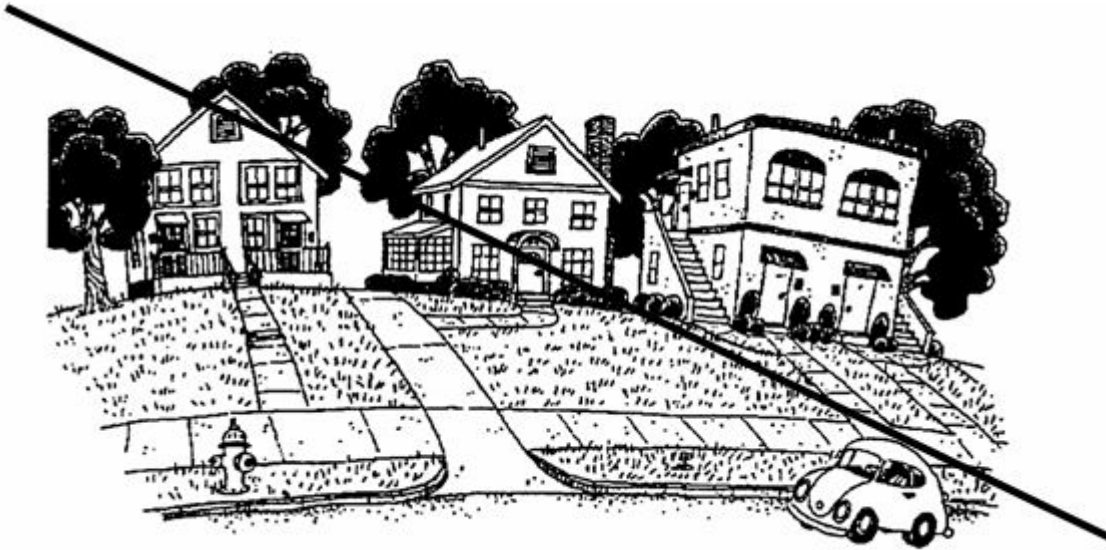
449 **Sec. 58.582. - Intensity of Development.**

450 In order to ensure that the intensity of Nursing Homes remains in keeping with other  
451 development allowed under this Chapter, all Nursing Homes shall conform to the  
452 Zoning District and Use Regulations for the district in which they are located, and  
453 shall, in particular, conform to the lot area, mean lot width, building site frontage,  
454 density and maximum dwelling units per building site requirements. For purposes of  
455 determining maximum density, each 2.5 occupants (rated patron capacity) of a  
456 Nursing Home shall be deemed to equal one dwelling unit. Minimum density  
457 requirements shall not apply to Nursing Homes.

458 **Sec. 58.583. - Signs.**

459 Signs for Nursing Homes shall be permitted in accordance with Chapter 64.

460 **Secs. 58.5804—58.589. - Reserved.**



~~3K. RESIDENTIAL SOCIAL SERVICE FACILITIES~~

~~3K. - RESERVED~~**RESIDENTIAL SOCIAL SERVICE FACILITIES**

~~Sec. 58.590. – General Requirements.~~

~~All Residential Care Facilities (RCF's) allowed under this Chapter shall conform to the Zoning District and Use Regulations of Figures 1—2 and the following standards.~~

~~Sec. 58.591. – Dispersal of Facilities.~~

~~All RCF's, except Assisted Living Facilities (ALF's), shall conform to the following standards. Exceptions to these standards may be allowed only by Conditional Use.~~

~~*Minimum Distance Between Facilities.* RCF's with 6 or fewer residents shall be permitted in single-family or multi-family zoning districts, provided that such homes shall not be located within a radius of 1,000 feet of another existing RCF.~~

~~RCF's with 7 or more residents in multi-family zoning districts shall not be located within a radius of 1,200 feet of another existing RCF. The applicant requesting to establish an RCF must submit a Certificate of Separation indicating that these minimum distance requirements will be satisfied.~~

~~*Conditional Use Overlay.* An RCF with seven or more residents shall be presumed to substantially alter the nature and character of the area and may be allowed only by Conditional Use when located within 500 feet of an R-1AA, R-1A, R-1, R-1N, R-2A, or R-2B zoning district or property designated for single-family uses in an approved PD.~~

~~*Method of Measurement.* All distance requirements in this Section shall be measured from the nearest property line of the existing RCF's, zoning district~~

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486 boundary or lot line for single-family use in an approved PD to the nearest  
487 property line of the proposed RCF.

488 *Multifamily Dwellings.* RCF's located in Multi-family Dwellings shall not occupy  
489 more than 3.0% of all dwelling units, or six units, whichever is greater.

490 **~~Sec. 58.592. - Neighborhood Compatibility.~~**

491 In ~~R-1AA, R-1A, R-1, R-1N, R-2A, and R-2B~~ zoning districts, the external  
492 appearance of RCF structures and building sites shall maintain the general  
493 residential character of the district. Exterior building materials, bulk, landscaping,  
494 fences and walls, and general design shall be compatible with those of surrounding  
495 dwellings.

496 **~~Sec. 58.593. - Lot Area and Dimensions.~~**

497 In ~~R-1AA, R-1A, R-1, R-1N, R-2A, and R-2B~~ zoning districts, RCF's shall conform to  
498 all minimum lot area and lot dimension standards otherwise required for one-family  
499 dwellings. In other districts, RCF's shall conform to the lot area, mean lot width,  
500 building site frontage, and maximum density requirements for the district in which  
501 they are located. However, minimum density requirements shall not apply to RCF's.  
502 For purposes of determining conformance with these requirements the first six RCF  
503 clients shall be deemed to equal one dwelling unit and every three clients thereafter  
504 shall be deemed to equal one additional dwelling unit.

505 **~~Sec. 58.594. - Counting Rule—Clients vs. Dwellings.~~**

506 For the purposes of property development, wherever RCF's and dwelling units are  
507 contained in the same building site, the first through sixth RCF clients in residence  
508 shall render the facility to be equal to one dwelling unit and every one through three  
509 clients thereafter shall render the facility to be equal to one additional dwelling unit.

510 **~~Sec. 58.595. - Signs.~~**

511 No signs shall be permitted in ~~R-1, R-1N, R-1A, R-1AA, R-2A or R-2B~~ zoning  
512 districts. Signs in other districts shall be in accordance with Chapter 64.

513 **~~Sec. 58.596. - Conformance with State Regulations.~~**

514 In addition to the requirements of this Chapter, all RCF's shall comply with the  
515 statutes and regulations of the State of Florida for the most closely analogous RCF  
516 categories, whether or not such RCF's are licensed and regulated by the State.  
517 Applicable State statutes and regulations shall be deemed a part of this Chapter.

518 **~~Sec. 58.597. - On-Site Staffing.~~**

519 In addition to the total number of permitted clients, an RCF may have a maximum of  
520 two (2) on-site supervisors.

521 **~~Sec. 58.5908, - 58.599. - Reserved.~~**

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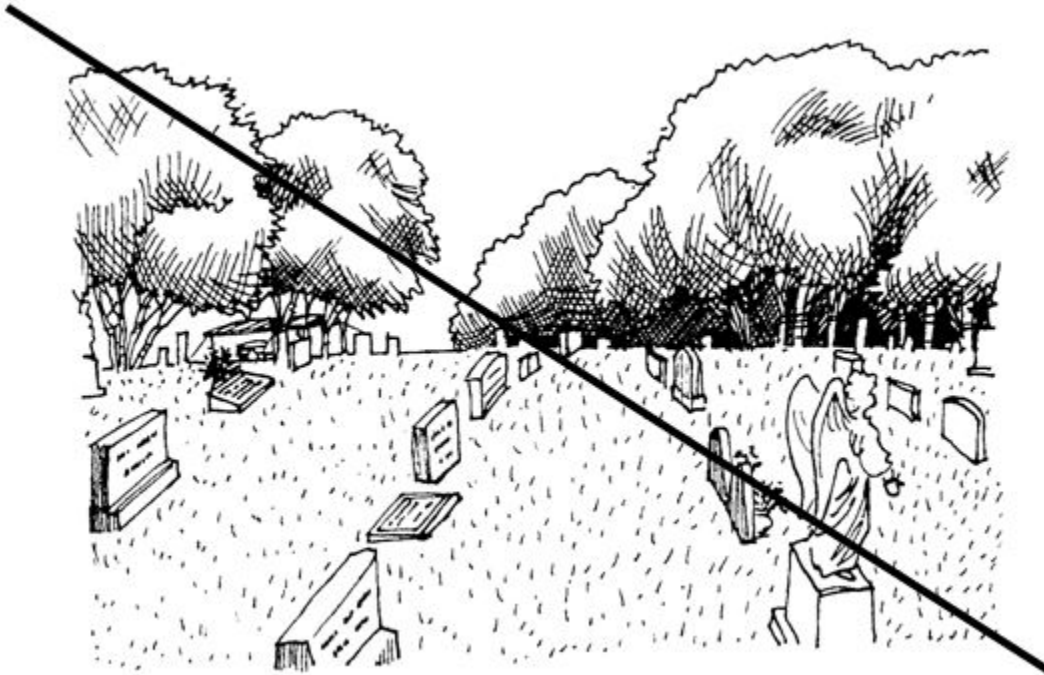
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SECTION 4. CHAPTER 58, PART 4, AMENDED. Chapter 58, Part 4, Land Development Code, is hereby amended as follows:

PART 4. – OTHER SPECIFIC USES AND STRUCTURES

\*\*\*

4C. – RESERVEDCEMETERIES



4C. CEMETERIES

**~~Sec. 58.720. – Minimum Lot Area.~~**

~~As Principal Use: 5 acres.~~

~~If Accessory to Funeral Home: 20 acres.~~

~~If Accessory to Church: No minimum.~~

**~~Sec. 58.721. – Setbacks.~~**

~~All grave sites and other structures shall be set back from all property lines at least 25 feet or the minimum zoning district setback, whichever is greater.~~

~~Planned Streets and Thoroughfares. In the case of planned streets and existing thoroughfares, all graves and other structures shall be set back at least 25 feet from the proposed right-of-way line.~~

**~~Sec. 58.722. – Procedural Requirements.~~**



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547 ~~Notwithstanding the procedural requirements of this Chapter for approval of a~~  
548 ~~cemetery in any zoning district, all applications for such use shall be reviewed by the~~  
549 ~~City Council in accordance with Section 16.04 of the City Code.~~

550 **Secs. 58.7203—58.729. - Reserved.**

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**4D. - RESERVEDCHURCHES AND OTHER RELIGIOUS INSTITUTIONS**



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556

**4D. CHURCHES AND OTHER RELIGIOUS INSTITUTIONS**

557

558 **~~Sec. 58.730. - General Requirements.~~**

559 ~~In addition to any applicable Zoning District and Use Regulations of Figures 1—2,~~  
560 ~~the following requirements shall apply to all churches and other religious institutions.~~

561 **~~Sec. 58.731. - Locational Requirements.~~**

562 ~~All churches and other religious institutions in residential zoning districts shall be~~  
563 ~~located only on building sites which abut a collector of four (4) lanes or more or an~~  
564 ~~arterial street.~~

565 **~~Sec. 58.732. - Parking Requirements.~~**

566 ~~Parking shall be in accordance with Chapter 61, Part 3. In addition, all parking shall~~  
567 ~~be on the same building site in residential districts (i.e. no remote parking facilities~~  
568 ~~shall be permitted). Vehicular use areas shall be prohibited in any required front or~~  
569 ~~street side yard setback.~~

570 **~~Sec. 58.733. - Exclusions Which Apply When Determining Development~~**  
571 **~~Standards.~~**

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572 ~~Churches or religious institutions shall meet the requirements of the zoning district in~~  
 573 ~~which they are located. (See Chapter 58, Part 2, Figure 1.) Any school, minister's~~  
 574 ~~residence, child care center or other facility developed in association with the Church~~  
 575 ~~or Religious Institution shall be counted separately for purposes of determining~~  
 576 ~~minimum lot area, frontage, parking, etc.~~

577 **Secs. 58.7304—58.739. - Reserved.**

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581 **4L. – PUBLIC BENEFIT USES SCHOOLS**

582 **Sec. 58.810. General Requirements for Public Benefit Uses.**

583 In addition to any applicable zoning district and use regulations of Figures 1—2, the  
 584 following requirements shall apply to all public benefit uses.

585 A. *Regulation.* Public benefit uses are regulated according to the following  
 586 categories:

587

<b><u>Public Benefit Uses (PBUs)</u></b>		
<b><u>Assembly PBUs</u></b>	<b><u>Light PBUs</u></b>	<b><u>Intensive PBUs</u></b>
<ul style="list-style-type: none"> <li>• <u>Civic Clubs</u></li> <li>• <u>Libraries</u></li> <li>• <u>Museums</u></li> <li>• <u>Religious Institutions</u></li> <li>• <u>Stadiums</u></li> <li>• <u>Performing Arts Centers</u></li> <li>• <u>Community Centers</u></li> <li>• <u>Public, private and charter schools (elem., middle, and high)</u></li> <li>• <u>Vocational schools</u></li> <li>• <u>Colleges</u></li> </ul> <p><u>(Note: Assembly PBUs are further regulated as neighborhood, community, or regional facilities in Sec. 58.811.)</u></p>	<ul style="list-style-type: none"> <li>• <u>Cemeteries</u></li> <li>• <u>Charitable Institutions</u></li> <li>• <u>Fire Stations</u></li> <li>• <u>Municipal or State buildings</u></li> <li>• <u>Parks (Public or Private)</u></li> <li>• <u>Police Stations</u></li> <li>• <u>Post Offices</u></li> </ul> <p><u>(Note: Notwithstanding the procedural requirements for approval of Light PBUs, all applications for cemeteries shall be reviewed by the City Council in accordance with Section 16.04 of the City Code.</u></p>	<ul style="list-style-type: none"> <li>• <u>Public Utility and Substations</u></li> <li>• <u>Wastewater Treatment Facilities</u></li> <li>• <u>Solid Waste Collection Facilities</u></li> <li>• <u>Correctional Facilities (jails, prisons, and penitentiaries)</u></li> <li>• <u>Cogeneration Facilities</u></li> </ul>

588

589 B. *Classification.* When not clearly defined by this Code, the Zoning Official shall  
 590 determine how to regulate individual public benefit uses based on the most  
 591 similar type of use listed in this Part.

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**Sec. 58.811. Assembly Public Benefit Uses: Classification, Where Permitted.**

A. Classification of Assembly Public Benefit Uses. A use shall be categorized and defined as a Neighborhood, Community, or Regional assembly public benefit use as follows:

1. Neighborhood Facility. An assembly public benefit use generally designed for and intended to serve the residents of one neighborhood or small (approximately one square mile) geographic area, which meets the following standards:

- a. Maximum Lot Area: 5 acres of developable land
- b. Maximum Assembly: 200 seats or fewer in the largest assembly space or a student capacity of 500 students or fewer

2. Community Facility. An assembly public benefit use generally designed for and intended to serve the residents of several neighborhoods within the same approximate geographic area. Community facilities are typically designed to accommodate a larger number of people for a wider geographic area than neighborhood facilities, but are more locally focused than regional facilities, and meet the following standards:

- a. Maximum Lot Area: 10 acres of developable land
- b. Maximum Assembly: 500 seats or fewer in the largest assembly space or a total student capacity of 1,500 students or fewer
- c. Exceptions: An assembly facility proposed on more than 10 acres of developable land with fewer than 500 seats in the largest assembly space or a capacity of fewer than 1,500 students may be classified and approved as a community facility in residential zoning districts through the conditional use process when the Municipal Planning Board and City Council find that the increased acreage of the development site will not have a detrimental effect on the residential character of the neighborhood and any negative impacts can be effectively mitigated.

3. Regional Facility. An assembly public benefit use generally designed for and intended to serve the residents of the entire city, nearby communities, and/or unincorporated areas. Assembly facilities proposed to contain more than 500 seats in the largest assembly space or a student capacity of greater than 1,500 students shall be considered regional facilities.

4. Assembly Public Benefit Uses in Mixed-Use, Retail, or Office Developments. Assembly public benefit uses proposed to occupy one or more tenant or condominium spaces in an existing shopping center, mixed-use building, or office park are classified as Neighborhood, Community, or Regional Facilities by number of seats only. Minimum and maximum lot area requirements do not apply to these locations.

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632 B. *Where Permitted.* Assembly public benefit uses are not permitted in the C, H,  
633 or UR zoning districts. Vocational schools (also known as trade schools or  
634 career colleges) are classified as permitted, conditional, or prohibited uses  
635 according to the most intense trade taught at the school, as determined by  
636 the Zoning Official. All other assembly public benefit uses shall be allowed as  
637 provided in the tables of allowable uses.

638  
639 **Sec. 58.812. Assembly PBUs: Development and Design Criteria**

640 In addition to any applicable zoning district and use regulations of Figures 1—2, the  
641 following requirements shall apply to all assembly public benefit uses.

642 A. *Architecture.* Buildings must be compatible with the predominate architecture,  
643 articulation, and massing of surrounding development, but are encouraged to  
644 include distinctive features such as steeples, cupolas, sculptures, and other  
645 architectural elements that identify the building as a public or semi-public  
646 gathering space, enhance the public realm, or contribute to a sense of place  
647 for the neighborhood.

648 B. *Lighting.* Lighting of outdoor areas must be cut-off or fully shielded to reduce  
649 glare and prevent light overspill into adjacent properties. Lighting for sports  
650 fields and outdoor recreation areas, where operational characteristics prevent  
651 the use of cut-off or fully shielded lights, must be turned off no later than 10  
652 p.m. or be located such that the lights are not visible from a residential zoning  
653 district or residential uses in an approved PD.

654 C. *Parking.* Parking areas must be designed and located to minimize conflict  
655 with pedestrian and bike pathways.

656 D. *One and Two Family Residential Zoning Districts.* In order to protect the  
657 surrounding residential neighborhood from the encroachment or expansion of  
658 assembly public benefit uses, assembly facilities located in one or two family  
659 residential zoning districts must meet the following additional standards:

660 1. *Desired Development Patterns.* Assembly facilities located in residential  
661 zoning districts should function as compact, singular sites and all desired  
662 activities and required facilities (to include parking facilities, principal use  
663 buildings, and accessory use buildings) should be located on one  
664 development site consisting entirely of contiguous parcels of land, which  
665 may include property located directly across the street.

666 2. *Non-contiguous Parcels.* Where a parcel owned or leased by the public  
667 assembly use is not contiguous to the parcel(s) containing the principal  
668 assembly building, the use of the non-contiguous parcel(s) is limited to the  
669 following uses: occasional overflow parking (maximum 2 times per week  
670 and must be located within the pedestrian shed of the building site – see

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Sec. 61.302), passive recreation space, playgrounds, walking trails, outdoor classrooms or seating, or reflection or meditation space.

3. Acquisition of Land. If additional property is acquired for use by the assembly facility, an amendment to the special or conditional use permit shall be required prior to any development on the property.

4. Vehicular Access. For community and regional assembly facilities, vehicular access to the facility must be off of a collector of four lanes or more, or an arterial street.

**Sec. 58.813. Additional Provisions for Public Schools**

Public schools must meet all requirements for assembly public benefit uses, except as expressly modified by this Section.

A. Level of Service Standards. All new schools or expansions to existing schools must not decrease the level of service for public facilities as contained in Chapter 59, Part 2.

B. Appearance Review. Modular units require appearance review in the Traditional City when the student capacity in the modular units exceeds 50 percent of the student capacity in the permanent structures.

C. Outdoor Recreation Facilities. Where practical, public high school outdoor recreation facilities should be located adjacent to a city and/or a county park. When an outdoor recreation facility abuts a city park, the outdoor recreation facilities shall be designed to provide access to the city park, unless waived by the Zoning Official. Noise from the outdoor recreation facility must not exceed the noise standards contained in the City’s noise ordinance.

D. Bicycle Storage. Bicycle storage facilities must meet Department of Education standards.

E. Installation of Sidewalks and Bikeway. If no sidewalks exist adjacent to the public school site, the Orange County School Board must coordinate with the City of Orlando, Orange County, and other appropriate agencies on the construction of off-site sidewalks to connect to existing sidewalks and bikeways.

F. Expedited Review Process. All conditional use or variance applications for a new public school or the expansion of a public school may be submitted two weeks prior to the date of the appropriate board's public hearing. Recommendations and conditions on applications requiring appearance review must be completed within two weeks of the application submittal.

**Sec. 58.814. Light Public Benefit Uses**

In addition to any zoning district and use regulations of Figures 1—2, the following requirements shall apply to light public benefit uses.

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- 711 A. *Design Criteria.* Light public benefit uses should be designed to integrate into  
712 the surrounding community by matching the height, scale, mass, and  
713 articulation of surrounding buildings. Buildings must be designed with a  
714 minimum of 30 percent transparency on all facades facing a public street, and  
715 may employ architectural treatments and features that identify the building as  
716 a civic space or neighborhood anchor. Fully shielded or cut-off lighting is  
717 required when located in or adjacent to a residential zoning district. Fencing  
718 adjacent to public rights-of-way, where allowed, must be CPTED-style open  
719 fencing. Sidewalks and streetscape treatments should match the rest of the  
720 street. Appearance review is required to ensure consistency with the design  
721 criteria of this subsection.
- 722 B. *Offices.* Any office-type public benefit use must meet the standards for office  
723 uses in Chapter 58, Part 4M.
- 724 C. *Police and Fire Stations.* When proposed in residential zoning districts, police  
725 and fire stations should be located on the edges of established  
726 neighborhoods, accessed from an arterial or collector road.
- 727 D. *Parks.* In order to allow citizen input into the parks planning and development  
728 process, and because existing park facilities will periodically need to be  
729 expanded and/or redeveloped, all parks shall require review and approval as  
730 a Master Plan (to either establish a new park or substantially change an  
731 individual park's master plan), except where a conditional use permit is  
732 required and a master site plan is reviewed and approved as a part of the  
733 conditional use application.

734  
735 **Sec. 58.815. Intensive Public Benefit Uses**

736 In addition to any zoning district and use regulations of Figures 1—2, the following  
737 requirements shall apply to intensive public benefit uses.

- 738 A. *Intensity.* When all activities associated with the intensive public benefit use  
739 are conducted within a fully enclosed building, it shall be considered a class V  
740 land use intensity class. When activities are conducted outdoors, including  
741 outdoor storage or parking of commercial vehicles, the use shall be  
742 considered a class VI land use intensity class. The Planning Official may  
743 determine that an alternative land use intensity classification is more  
744 appropriate for a specific intensive public benefit use, when considering the  
745 actual impact and intensity of the use and the surrounding properties.
- 746 B. *Cogeneration Facilities.*
- 747 1. If a cogeneration facility meets specific thermal output size and efficiency  
748 criteria, it may become a qualifying facility under the Public Utilities  
749 Regulatory Policies Act of 1978 and qualify for certain regulatory benefits  
750 when selling electricity to electric utilities.

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- 751 2. Accessory Use Facilities. Accessory use cogeneration facilities may be  
752 located in AC-2, AC-3, IC, IG, IP, and P zoning districts when approved  
753 through the conditional use process.
- 754 3. Conditions. Cogeneration facilities must meet all of the following  
755 conditions in addition to all other applicable development standards of the  
756 zoning district in which it is to be located:
- 757 a. All transmission lines for principal use cogeneration facilities must be  
758 placed underground.
  - 759 b. There shall be no water discharge for cogeneration facilities and well  
760 injection shall be prohibited.
  - 761 c. Import of waste materials for burning to generate power shall be  
762 prohibited.
  - 763 d. Cogeneration facilities must not create a nuisance, including but not  
764 limited to high noise levels, visible on-site storage of waste materials,  
765 air or water pollution or other detrimental effects on the community's  
766 environment.

767 C. Prisons and Correctional Facilities. Within 300 feet of residential and office  
768 zoning districts, and areas designated for residential uses in approved PDs,  
769 razor wire, barbed wire, and similar security measures must be screened from  
770 view from adjacent public rights-of-way through creative site design, solid  
771 masonry walls, perimeter landscaping, or similar techniques whenever  
772 technically feasible to do so without compromising necessary security  
773 measures.

774  
775 **Sec. 58.816. Review Criteria for Conditional Use Permit Applications for Public**  
776 **Benefit Uses.**

777 Where a conditional use permit is required for a public benefit use, the Municipal  
778 Planning Board and City Council shall consider the factors and standards applicable  
779 to all conditional use permits and may prescribe appropriate conditions and  
780 safeguards as stated in Chapter 65, Part 2D. In addition to the factors and standards  
781 in Chapter 65, Part 2D, the Municipal Planning Board and City Council shall use the  
782 following review criteria to determine the appropriateness of conditional use permit  
783 applications for public benefit uses:

- 784 A. Traffic. Vehicular ingress, egress, and on-site circulation must be designed  
785 and constructed to ensure the least possible impact on neighboring properties  
786 and residential streets. Primary ingress and egress must be from the highest  
787 service level adjacent street, unless otherwise approved by the Municipal  
788 Planning Board and City Council.
- 789 B. Noise Abatement. Public benefit uses often involve groups of people arriving  
790 and departing at one time (as is common with many assembly PBUs).

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791 emergency response vehicles that use sirens or horns (as is common with  
792 many light PBUs), or noisy equipment (as is common with many intensive  
793 PBUs). Therefore, issues related to noise from gatherings, events, vehicles,  
794 and equipment must be addressed through conditions of approval for a  
795 conditional use permit. Conditions including but not limited to the location of  
796 outdoor use areas on the property, limitations on hours or days of operation,  
797 and additional noise abatement strategies may be required.

798 C. *Protects Residential Neighborhoods.* Outdoor use areas, including vehicular  
799 use areas, must be located and designed to minimize potential negative  
800 impacts on residential zoning districts and residential uses in approved PDs,  
801 including but not limited to mitigation of light spill-over, glare, noise (from  
802 mechanical equipment, recreational facilities, outdoor classrooms, etc.), and  
803 any other negative impacts associated with the type of public benefit use  
804 proposed.

805 D. *Encourages Multiple Transportation Modes.* In order to better serve all  
806 segments of the population, public benefit uses should be designed and  
807 located to provide the greatest possible choice of transportation modes.  
808 Conditional use permit applications for public benefit uses shall be evaluated  
809 on a case-by-case basis using information about the populations they are  
810 intended to serve, including the anticipated ages, mobility, and general  
811 geographic location of the target population. Conditions including but not  
812 limited to additional bicycle storage facilities, transit stops, sidewalk  
813 connections, mid-block crossings, and multiple pedestrian access points to  
814 the site (whether or not adjacent to a vehicular access point) may be required  
815 to meet the intent of this subsection.

816  
817 **Secs. 58.817—58.819. - Reserved.**

818  
819 **Sec. 58.810. - Relationship with the Growth Management Plan.**

820 ~~The requirements contained in this section implement Growth Management Plan,~~  
821 ~~Intergovernmental Coordination objective 2.5 and policies 2.51—2.55.~~

822 **Sec. 58.811. - General Requirements.**

823 ~~In addition to any applicable Zoning District and Use Regulations contained in~~  
824 ~~Chapter 58 Figures 1—2 all public elementary, middle and high schools shall~~  
825 ~~conform to the standards contained herein, unless modified by conditional use or~~  
826 ~~variance approval. Appearance Review, as per Chapter 65, shall apply to all new~~  
827 ~~permanent construction or expansions of permanent school facilities in the~~  
828 ~~Traditional City. Modular units shall be subject to Appearance Review only in the~~  
829 ~~Traditional City and only when the student capacity in the modular units exceeds fifty~~  
830 ~~percent (50%) of the student capacity in the permanent structures.~~



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831 All new schools or expansions to existing schools shall not decrease the level of  
832 service for public facilities as contained in Chapter 59, Part 2.

833 **Sec. 58.812. – Location Criteria.**

834 *High Schools.*

835 (a) High Schools shall have direct access to an arterial road as designated on the  
836 Growth Management Plan Future Traffic Circulation Map. In no case shall the  
837 school facility have direct access onto a local road or residential collector  
838 road.

839 (b) Where practical, the High School outdoor recreation facilities should be  
840 located adjacent to a City and/or a County park.

841 (c) The site shall be adjacent to existing or planned sidewalks and bikeways. If  
842 no sidewalks exist adjacent to the site, the Orange County School Board shall  
843 coordinate with the City of Orlando, Orange County, and other appropriate  
844 agencies the construction of off-site sidewalks that shall be connected to an  
845 existing sidewalks and bikeways if any such bikeways exist or are planned.

846 (d) The High School site shall be within 1,750 feet from an existing or planned  
847 mass transit bus stop. The Planning Official may increase the distance by not  
848 more than twenty percent (20%) where he finds that a conforming bus stop  
849 will be constructed within 5 years after the opening of the school, or where a  
850 bus stop constructed at a conforming location would create a hazard to the  
851 public health, safety, or welfare.

852 *Elementary and Middle Schools.*

853 (a) Elementary and Middle schools shall have direct access to a Collector road,  
854 Residential Collector road, an arterial road as shown on the Growth  
855 Management Plan Future Traffic Circulation Map, or access via at least two  
856 local streets.

857 (b) The site shall be within 1,750 feet from an existing or planned mass transit  
858 bus stop. The Planning Official may increase the distance by not more than  
859 twenty percent (20%) where he finds that a conforming bus stop will be  
860 constructed within 5 years after the opening of the school, or where a bus  
861 stop constructed at a conforming location would create a hazard to the public  
862 health, safety, or welfare.

863 (c) The elementary school site shall be adjacent to at least two (2) existing or  
864 planned sidewalks. Middle school sites shall be adjacent to at least two (2)  
865 existing or planned sidewalks and may be adjacent to one (1) bikeway. If no  
866 sidewalks exist adjacent to the elementary or middle school site, the Orange  
867 County School Board shall coordinate with the City of Orlando, Orange  
868 County, and other appropriate agencies the construction of off-site sidewalks  
869 that shall be connected to an existing sidewalks and bikeways.

870 **Sec. 58.813. – Design Criteria.**

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871 ~~All School Sites.~~

872 ~~(a) To determine bufferyards, school bus loading and unloading areas and~~  
873 ~~access driveways shall be categorized as a land use Intensity Class V.~~

874 ~~(b) To determine bufferyards, school buildings shall be categorized as a land use~~  
875 ~~intensity class IV.~~

876 ~~(c) Air conditioning equipment shall be designed so as not be visible from an~~  
877 ~~existing or planned residential areas. The noise from such facilities shall not~~  
878 ~~exceed the standards contained in Chapter 63, Part 2F.~~

879 ~~High School Sites.~~

880 ~~(a) To determine bufferyards, outdoor recreation facilities shall be categorized as~~  
881 ~~a land use intensity Class VI. Lighting of such facilities shall not intrude into~~  
882 ~~existing or planned residential areas. Noise from such facilities shall not~~  
883 ~~exceed the noise standards contained in Chapter 63, Part 2F.~~

884 ~~(b) When an outdoor recreation facility abuts a City park, the outdoor recreation~~  
885 ~~facilities shall be designed to provide access to the City park, unless waived~~  
886 ~~by the Zoning Official.~~

887 ~~(c) Mass transit bus shelters and bus stops adjacent to the school site shall be~~  
888 ~~accessible via sidewalks.~~

889 ~~(d) Sidewalks and bikeways adjacent to the site shall be extended to appropriate~~  
890 ~~walkways around buildings and bicycle storage areas.~~

891 ~~(e) Bicycle storage facilities shall be provided according to Department of~~  
892 ~~Education Standards.~~

893 ~~Elementary and Middle School Sites.~~

894 ~~(a) To determine bufferyards, outdoor recreation facilities shall be categorized as~~  
895 ~~a land use intensity Class V. Recreational field lighting shall require~~  
896 ~~conditional use review and approval by the Municipal Planning Board.~~

897 ~~(b) Sidewalks adjacent to the site shall be extended to appropriate walkways~~  
898 ~~around the buildings.~~

899 ~~(c) For middle schools, bikeways adjacent to the site shall be accessible to~~  
900 ~~bicycle storage areas.~~

901 **Sec. 58.814. - Expedited Review Process.**

902 ~~All conditional use, variance, and appearance review applications for a new school~~  
903 ~~or expansion may be submitted two weeks prior to the date of the appropriate~~  
904 ~~board's public hearing.~~

905 **Secs. 58.815—58.819. - Reserved.**

906

907

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908

909 **4R(1). - RESERVED COGENERATION FACILITY**

910 **Sec. 58.870. - General Requirements.**

ORDINANCE NO. 2018-45

911 ~~Cogeneration is the sequential production of thermal energy and electrical or~~  
912 ~~mechanical power from the same fuel source. A cogeneration facility is a facility that~~  
913 ~~produces both thermal and electric energy simultaneously for use in an industrial or~~  
914 ~~commercial process. If the facility meets specific thermal output size and efficiency~~  
915 ~~criteria, it becomes a qualifying facility under the Public Utilities Regulatory Policies~~  
916 ~~Act of 1978 and qualifies for certain regulatory benefits when selling electricity to~~  
917 ~~electric utilities.~~

918 ~~A cogeneration facility shall be a conditional use. Cogeneration facilities may be~~  
919 ~~either a principal or accessory use. As a principal use, electricity generated by the~~  
920 ~~facility is sold to a utility or other user. As an accessory use, the electricity generated~~  
921 ~~by the facility is used to meet the demand of the principal use to which it is~~  
922 ~~associated.~~

923 **~~Sec. 58.871. - Location and Setbacks.~~**

924 ~~Principal use cogeneration facilities may be located in IG, General Industrial, or IP,~~  
925 ~~Industrial Park, Zoning Districts only. Accessory use cogeneration facilities may be~~  
926 ~~located in AC-2, AC-3, IG and IP zoning districts. The building setbacks for both~~  
927 ~~principal or accessory use cogeneration facilities shall be the same as the principal~~  
928 ~~building setback for the zoning district.~~

929 **~~Sec. 58.872. - Conditions.~~**

930 ~~Cogeneration facilities shall meet all of the following conditions in addition to all other~~  
931 ~~applicable development standards of the zoning district in which it is to be located:~~

- 932 ~~(a) All transmission lines for principal use cogeneration facilities shall be placed~~  
933 ~~underground.~~
- 934 ~~(b) There shall be no water discharge for cogeneration facilities and well injection~~  
935 ~~shall be prohibited.~~
- 936 ~~(c) Import of waste materials for burning to generate power shall be prohibited.~~
- 937 ~~(d) Cogeneration facilities shall not create a nuisance, including but not limited to~~  
938 ~~high noise levels, visible on-site storage of waste materials, air or water~~  
939 ~~pollution or other detrimental effects on the community's environment.~~
- 940 ~~(e) As a conditional use, the cogeneration facility shall comply with all other~~  
941 ~~conditions of approval imposed by the City Council.~~

942 **~~Secs. 58.870—58.872. - Reserved.~~**

943  
944 \*\*\*

946 **~~4S. - RESERVEDTREATMENT/RECOVERY FACILITIES AND EMERGENCY~~**  
947 **~~SHELTERS~~**

948 **~~Sec. 58.880. - General Requirements.~~**

ORDINANCE NO. 2018-45

949 All Treatment/Recovery Facilities and Emergency Shelters allowed under this  
950 chapter shall conform to the Zoning District and Use Regulations of Figures 1–2  
951 and the following standards.

952 **Sec. 58.881. – Dispersal of Facilities.**

953 ~~Minimum Distance Between Facilities.~~ Emergency Shelters with six or fewer  
954 residents shall be permitted in single-family and multifamily zoning districts, provided  
955 that such facilities shall not be located within a radius of 1,000 feet of another  
956 existing Emergency Shelter.

957 Emergency Shelters with seven or more residents in multifamily zoning  
958 districts shall not be located within a radius of 1,200 feet of another existing  
959 Treatment/Recovery Facility or Emergency Shelter.

960  
961 Emergency Shelters with seven or more residents and Treatment/Recovery  
962 Facilities shall be presumed to substantially alter the nature and character of  
963 the area and may be allowed only by Conditional Use when located within  
964 500 feet of an R-1AA, R-1A, R-1, R-1N, R-2A, or R-2B zoning district or  
965 property designated for single-family use in an approved PD.

966 ~~Method of Measurement.~~ All distance requirements in this Section shall be  
967 measured from the nearest zoning district boundary or lot line for single-family uses  
968 in an approved PD to the nearest property line of the proposed Treatment/Recovery  
969 Facility or Emergency Shelter.

970 **Sec. 58.882. – Neighborhood Compatibility.**

971 The external appearance of Treatment/Recovery and Emergency Shelter structures  
972 and building sites shall maintain the general residential character of the district when  
973 located within an R-1AA, R-1A, R-1, R-1N, R-2A, or R-2B zoning district. Exterior  
974 building materials, bulk, landscaping, fences and walls, and general design shall be  
975 compatible with those of surrounding dwellings.

976 **Sec. 58.883. – Lot Area and Dimensions.**

977 In single-family districts, Treatment/Recovery Facilities and Emergency Shelters  
978 shall conform to all minimum lot area and lot dimension standards otherwise  
979 required for single-family dwellings. In other districts, Treatment/Recovery Facilities  
980 and Emergency Shelters shall conform to the lot area, mean lot width, building site  
981 frontage, and maximum density requirements for the district in which they are  
982 located. However, minimum density requirements shall not apply to  
983 Treatment/Recovery Facilities and Emergency Shelters. For purposes of  
984 determining conformance with these requirements the first six Treatment/Recovery  
985 or Emergency Shelter clients shall be deemed to equal one dwelling unit and every  
986 three clients thereafter shall be deemed to equal one additional dwelling unit.

987 **Sec. 58.884. – Counting Rule—Clients vs. Dwellings.**

ORDINANCE NO. 2018-45

988 ~~Wherever Treatment/Recovery Facilities or an Emergency Shelter and dwelling units~~  
989 ~~are contained in the same building site, the permitted number of dwelling units shall~~  
990 ~~be reduced by one for the first six clients or portion thereof occupying the~~  
991 ~~Treatment/Recovery Facilities or Emergency Shelter and by one for every three~~  
992 ~~additional clients thereafter.~~

993 **~~Sec. 58.885. - Signs.~~**

994 ~~No signs shall be permitted in R-1, R-1N, R-1A, R-1AA, R-2A, or R-2B zoning~~  
995 ~~districts. Signs in other districts shall be in accordance with Chapter 64.~~

996 **~~Sec. 58.886. - Conformance with State Regulations.~~**

997 ~~In addition to the requirements of this Chapter, all Treatment/Recovery Facilities and~~  
998 ~~Emergency Shelters shall comply with the statutes and regulations of the State of~~  
999 ~~Florida for the most closely analogous categories, whether or not such facilities are~~  
1000 ~~licensed and regulated by the State. Applicable State statutes and regulations shall~~  
1001 ~~be deemed a part of this Chapter.~~

1002 **~~Sec. 58.887. - Conditions.~~**

1003 ~~Treatment/Recovery Facilities and Emergency Shelters located in industrial zoning~~  
1004 ~~districts shall meet all of the following conditions in addition to all other applicable~~  
1005 ~~development standards of the zoning district in which it is to be located:~~

1006 ~~(a) There shall be an on-site manager 24 hours per day.~~

1007 ~~(b) For an Emergency Shelter or Treatment/Recovery Facility to be located in~~  
1008 ~~an industrial zoning district, it must have office facilities for treatment and~~  
1009 ~~counseling services.~~

1010 **~~Secs. 58.8808—58.894. - Reserved.~~**

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**SECTION 5. CHAPTER 58, PART 5, AMENDED.** Chapter 58, Part 5, Land Development Code, is hereby amended as follows:

**PART 5. - ACCESSORY USES AND STRUCTURES**

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**5B. - SPECIFIC ACCESSORY USES AND STRUCTURES**

\*\*\*

**5B(7). - HOME OCCUPATIONS**

ORDINANCE NO. 2018-45

\*\*\*

**Sec. 58.941. - Procedural Requirements.**

*Occupational License Required.* All home occupations shall be required to obtain an occupational license prior to the start of such use. In addition to any other submittals required for an occupational license, the applicant shall also submit the following:

- (a) Location of dwelling unit where the home occupation will be conducted;
- (b) Total floor area of the dwelling unit;
- (c) Area of room or rooms to be utilized in the conduct of the home occupation;
- (d) A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation;
- (e) A written description of the exact nature of the home occupation; and
- (f) Notarized letter of approval for the home occupation from the property owner and/or property manager;
- (g) The Zoning Official may require a site plan indicating the location of all improvements.

~~Notice to Abutting Property Owners. Within 30 days after the issuance of the occupational license for the home occupation, the Zoning Official shall notify each owner abutting the premises for which the home occupation permit was issued.~~

\*\*\*

**SECTION 6. CHAPTER 58, PART 7, AMENDED.** Chapter 58, Part 7, Land Development Code, is hereby amended as follows:

**PART 7. - NONCONFORMITIES AND DISCOURAGED USES**

\*\*\*

**7C. - NONCONFORMING BUILDINGS, STRUCTURES, AND VEHICULAR USE AREAS**

**Sec. 58.1161. - Work to Nonconforming Building, Structure, or Vehicular Use Area.**

Substantial improvement to nonconforming buildings, structures, and vehicular use areas is prohibited unless such nonconforming conditions are brought into compliance with all applicable provisions of the Land Development Code and all

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1066 other applicable provisions of City Code and general and special law, except in the  
1067 following circumstances:

1068 \*\*\*

1069  
1070  
1071 (d) *Longstanding nonresidential buildings*. Legally existing nonconforming  
1072 nonresidential or mixed-use buildings, structures, and their associated  
1073 vehicular use areas, originally built more than 30 years ago, may undergo  
1074 substantial improvement without meeting the following existing development  
1075 standards of this Code:

- 1076 1. Setbacks.
- 1077 2. Maximum height.
- 1078 3. Maximum impervious surface area.
- 1079 4. Minimum and maximum density and intensity.
- 1080 5. Minimum lot size.
- 1081 6. Landscaping standards.
- 1082 7. Parking standards.
- 1083 8. Traditional City design standards provided at Part 6, Chapter 62 of this  
1084 Code.

1085 Relief may be granted under this subsection only by official determination of  
1086 the zoning official. The zoning official may grant relief under this subsection  
1087 only if he or she finds as follows:

- 1088 1. Complying with the development standards presents a practical hindrance  
1089 to beneficial redevelopment.
- 1090 2. Complying with the development standards presents a clear and  
1091 unreasonable financial hardship.
- 1092 ~~3. The project is located within the Traditional City overlay zoning district.~~
- 1093 34. Continuation of the nonconformity will not result in the continuation of a  
1094 nonconforming use.
- 1095 ~~45.~~ That the preponderance of the evidence supports the legal existence of  
1096 the nonconformity.
- 1097 ~~56.~~ Continuation of the nonconformity is not inconsistent with applicable  
1098 provisions of the Growth Management Plan, nor inconsistent with the  
1099 public health, safety, and welfare.
- 1100 ~~67.~~ Continuation of the nonconformity is reasonably compatible with existing  
1101 and reasonably foreseeable neighboring development pattern.
- 1102 ~~78.~~ That the proposed work will retain and rehabilitate the preponderance of  
1103 the existing nonconforming building, structure, or vehicular use area.
- 1104 ~~89.~~ That the proposed work will not increase or expand a nonconforming  
1105 aspect of the building, structure, or vehicular use area.

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1106 940.That the work does not exceed 400% of a substantial improvement.  
1107

1108 \*\*\*  
1109

1110 **SECTION 7. CHAPTER 66, PART 2, AMENDED.** Chapter 66, Part 2, Land  
1111 Development Code, is hereby amended as follows:  
1112

1113 **PART 2. - DEFINITIONS**  
1114

1115 **Sec. 66.200. - Definitions.**  
1116

1117 \*\*\*  
1118

1119 *Adult Family Care Home (AFCH):* A Residential Care Facility which  
1120 provides, twenty-four hours a day, a family-style living arrangement in a  
1121 private home under which room, board, and care-giving services are  
1122 provided to five or less disabled adults or elders who are not relatives of the  
1123 owner or operator.  
1124

1125 \*\*\*  
1126

1127 *Community Residential Home:* A Residential Care Facility that is licensed  
1128 by the state and~~Means a dwelling unit licensed to serve residents who are~~  
1129 ~~clients of the Department of Elderly Affairs, the Agency for Persons with~~  
1130 ~~Disabilities, the Department of Juvenile Justice, or the Department of~~  
1131 ~~Children and Family Services or licensed by the Agency for Health Care~~  
1132 ~~Administration which provides a living environment for 7 to 14 unrelated~~  
1133 ~~residents who operate as the functional equivalent of a family, including~~  
1134 ~~such supervision and care by supportive staff as may be necessary to meet~~  
1135 ~~the physical, emotional, and social needs of the residents.~~  
1136

1137 \*\*\*  
1138

1139 *Congregate Living Facility (CLF):* A building or part thereof that contains  
1140 sleeping units to accommodate unrelated residents, who may share  
1141 bedrooms, common areas, bathrooms and/or kitchen facilities, whether on a  
1142 temporary basis or for permanent residency. A bedroom, sleeping unit, or  
1143 bed is typically rented or assigned on an individual basis. Meals, personal  
1144 care, custodial care, nursing services, counseling, rehabilitation,  
1145 supervision, and case work may or may not be provided in a CLF. This term



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1146 includes group housing and all types of group care facilities, but does not  
1147 include hotels, motels, commercial dwelling units, or any residential unit  
1148 where unrelated persons live together as a single housekeeping unit and  
1149 meet the definition of a family.

1151 \*\*\*

1153 *Emergency Shelter:* A licensed or approved Transient Care Facility  
1154 where room and board (or just room) and supervision are provided to one or  
1155 more abused, neglected, abandoned or exploited children or adults on a  
1156 temporary basis until more suitable arrangements can be made. The term  
1157 includes the following types of facilities:

- 1158 - Temporary Emergency Shelter, Adults.
- 1159 - Spouse Abuse Centers.
- 1160 - Emergency Shelter Homes for Children.
- 1161 - Runaway Shelters.

1162  
1163 *Emergency Shelter Home for Children:* A specifically designated,  
1164 subsidized and licensed Transient Care Facility which provides immediate,  
1165 necessary and very short-term care for not more than two children alleged  
1166 or adjudicated to be dependent and who, because of their condition or  
1167 surroundings, must be removed from homes to insure their welfare.

1168 This term does not include Emergency Shelters, Community Residential  
1169 Homes, Treatment and Recovery Facilities or any other group care  
1170 facility ~~use not included in RSSF.~~

1172 \*\*\*

1173  
1174 *Group Care Facilities:* A Congregate Living Facility where meals,  
1175 personal care, custodial care, nursing services, counseling, rehabilitation,  
1176 supervision, case work, or similar services are provided to residents, which  
1177 may be children or functionally impaired adults. Group Care Facilities may  
1178 serve permanent or temporary residents and are classified as Residential  
1179 Care, Intensive Care, or Transient Care facilities. ~~This term includes the~~  
1180 ~~following types of facilities:~~

- 1181 ~~- Group Home Facilities (Developmental Services).~~
- 1182 ~~- Group Treatment Centers for Status Offenders, when provided in a~~  
1183 ~~non-secure facility.~~
- 1184 ~~- Intermediate Care Facilities for the Mentally Retarded (ICF/MR's),~~  
1185 ~~when carried out in a residential setting.~~

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- ~~- Minimal Residential Treatment Programs (Mental Health, Alcoholism).~~
- ~~- Residential Child Care Facilities.~~
- ~~- Residential Treatment Programs for Children (Mental Health), when providing residential and community services.~~

~~This term does not include Emergency Shelters, Treatment and Recovery Facilities, Group Housing or any use not included in RSSF.~~

*Group Housing:* Any dwelling intended for or occupied by ~~not more than 52~~ unrelated people, not living as a single housekeeping unit, whether or not the dwelling provides shared kitchen or dining facilities. ~~If the dwelling is intended for or occupied by more than 52 people, it shall be deemed to be a Motel as defined by this Chapter.~~ Group Housing facilities are further regulated as Type A (owner occupied intended for occupancy of 12 or fewer people, occupancy is prearranged and lengths of stay of at least one week or more, and contains shared kitchen facilities), Type B (intended for occupancy by 2-52 people and does not meet the standards for Type A), and Type C (intended for occupancy of greater than 52 people).

This term includes boarding houses, lodging houses, rooming houses, dormitories and hostels, but does not include any ~~Residential Social Service Facility, Adult Congregate Living Facility or Group Care Facility.~~

*Group Housing, Low Intensity:* ~~Any Group Housing which meets all of the following standards:~~

- ~~(a) Owner occupied.~~
- ~~(b) Intended for or occupied by not over 12 people.~~
- ~~(c) Occupancy pre-arranged and for lengths of stay of at least one week or more only.~~
- ~~(d) Contains kitchen facilities.~~

*Group Housing, High Intensity:* ~~Any Group Housing which fails to meet all of the standards for Low Intensity Group Housing. This term includes Group Housing, Youth Hostel.~~

\*\*\*

*Home Health Care Service:* A service which involves nursing or administration of health, personal or custodial care to a person, not related to the care provider, who by reason of illness, physical infirmity or advanced age requires such service. Includes only low-intensity services licensed by

ORDINANCE NO. 2018-45

1226 the State of Florida which are performed within private homes, ~~Assisted~~  
1227 ~~Living Facilities, Community Residential Homes and Residential~~ and Group  
1228 Care Facilities.

1229  
1230 \*\*\*

1231  
1232 Intensive Care Facility (ICF): A Group Care Facility that provides 24-hour  
1233 nursing care or intensive supervision, often by a 24-hour awake staff that  
1234 includes licensed nurses. Personal and custodial care, rehabilitation  
1235 services, counseling services, and casework may be provided. Intensive  
1236 group care facilities are further regulated as Type A (1-6 residents), Type B  
1237 (7-14 residents), or Type C (more than 14 residents). Nursing homes,  
1238 intermediate care facilities, hospices (unless hospice services are provided  
1239 in a private residence or a Residential Care Facility), and treatment and  
1240 recovery facilities are all examples of Intensive Care Facilities.

1241  
1242 \*\*\*

1243  
1244 ~~Nursing Home: Any facility which~~ Intensive Care Facility that provides  
1245 residential nursing, personal or custodial care for three or more persons not  
1246 related to the caregiver, who by reason of illness, physical infirmity or  
1247 advanced age require such services. Does not include any facility primarily  
1248 providing care and treatment for the acutely ill. A facility offering services to  
1249 fewer than three persons may be a nursing home if it holds itself out to the  
1250 public to be an establishment which regularly provides such services.

1251 This term may include Intermediate Care Facilities for the  
1252 Developmentally Disabled (ICF/DD's) when carried out in an institutional  
1253 setting, Residential Habilitation Centers and Transitional Living Facilities;  
1254 but does not include Hospitals, Clinics or similar institutions.

1255  
1256 \*\*\*

1257  
1258 Residential Care Facility (RCF): A governmental, non-governmental,  
1259 non-profit or proprietary Group Care Facility providing that is an alternative  
1260 to institutional placement, in which a caretaker that provides 24-hour general  
1261 care, often by live-in caregivers, to assist residents to dependent clients  
1262 away from their own parents, relatives or guardians, and assists them to the  
1263 extent necessary to participate in normal activities and to meet the demands  
1264 of daily living.

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1265           Residential care facilities are further regulated as Type A (1-6 residents),  
1266 Type B (7-14 residents), and Type C (more than 14 residents). ~~This term~~  
1267 ~~includes~~ Assisted Living Facilities (ALF's), Adult Family Care Homes and  
1268 Community Residential Homes ~~are all examples of Residential Care~~  
1269 Facilities. ~~The term does not include single housekeeping units, group~~  
1270 housing, or any group care facility classified as intensive or transient., ~~but~~  
1271 ~~does not include Families, Group Housing, Nursing Homes, Hospitals, Adult~~  
1272 ~~Day Care Centers, Child Day Care Centers, Family Day Care Homes,~~  
1273 ~~Emergency Shelters, or Treatment and Recovery Facilities, as defined in~~  
1274 ~~Chapter 58.~~

- 1275           (1) Residents are relatively independent and can accomplish most  
1276 daily activities alone. Caregivers may assist in activities like  
1277 bathing, dressing, and grooming. Housekeeping and prepared  
1278 meals may be provided. Group outings for recreation,  
1279 shopping, or entertainment may be coordinated by caregivers.  
1280           (2) Residents are able to enjoy social activities with other people  
1281 and make autonomous decisions about their day.  
1282           (3) No medical care is provided – residents are generally in good  
1283 health both mentally and physically, even when considering  
1284 any particular disability that prevents them from living alone.

1285  
1286           *Residential Use: Any of the following uses:*

- 1287           ~~Accessory apartment.~~  
1288           Accessory Dwelling Unit.  
1289           Adult Family Care Home.  
1290           Assisted Living Facility.  
1291           ~~Attached dwelling.~~  
1292           Community Residential Home.  
1293           Emergency shelter.  
1294           Emergency shelter home for children.  
1295           Family Day Care Home.  
1296           Group Housing.  
1297           Mobile home dwelling.  
1298           Multifamily dwelling.  
1299           Multiplex dwelling.  
1300           Nursing home.  
1301           One family dwelling.  
1302           Residential-Office mixed development.  
1303           Townhome.  
1304           Treatment & recovery facility.

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Two family dwelling.

\*\*\*

Single Housekeeping Unit: A group of persons jointly occupying a single dwelling unit that: (1) meet the definition of a family; (2) has access to and the joint use of all common areas of the dwelling unit; (3) shares household activities and responsibilities, such as meals, chores or expenses; (4) has no limits on length of residence except those imposed by a lease or rental agreement; and (5) rents no more than four individual rooms for a period of at least 30 days for compensation under separate leases or rental agreements, unless additional leases are required be a governmental funding program or a shared housing program operated by a federally recognized tax-exempt entity.

\*\*\*

Transient Care Facility (TCF): A Group Care Facility that provides short term, temporary room and board, or just room, to residents in need of immediate and temporary shelter because they have been abused, neglected, abandoned, exploited, or are otherwise homeless and without shelter or necessary basic care. Transient Care Facilities are not intended to provide long-term housing, but may provide shelter to the chronically homeless. Transient Care Facilities are further regulated as Type A (1-6 residents), Type B (7-14 residents), and Type C (more than 14 residents). Emergency shelters and homeless shelters are both examples of Transient Care Facilities.

\*\*\*

Treatment and Recovery Facility: A secure Intensive Care Facility which provides residential and rehabilitation services, including room and board, personal care, and intensive supervision and case work. Emphasis in such facilities is on treatment and counseling services, as opposed to care services or habilitation services. Such facilities may include an outpatient component. This term includes the following types of facilities:

- Adult Psychiatric Residential Treatment Programs (Mental Health).
- D.A.T.E. Centers: Residential Rehabilitation (Mental Health, Drug Abuse) Centers (Therapeutic Communities, Transitional Facilities).

**ORDINANCE NO. 2018-45**

- 1344 - Extended Minimal Residential Treatment Programs (Mental Health,  
1345 Alcoholism).
- 1346 - Family Group Homes (2nd Degree Misdemeanants; Children, Youth &  
1347 Families), ~~with six or more clients.~~
- 1348 - Intensive Residential Treatment Programs (Mental Health, Alcoholism).
- 1349 - Intermediate Residential Treatment Programs (Mental Health,  
1350 Alcoholism).
- 1351 - Residential Treatment Programs for Children (Mental Health), ~~when  
1352 providing rehabilitation and counseling services and/or with 11 or more  
1353 clients.~~
- 1354 ~~- Residential Treatment Programs for Children (Mental Health), when  
1355 providing rehabilitation and counseling services and/or with 11 or more  
1356 clients.~~
- 1357 - Residential Treatment Programs for Delinquents.
- 1358 - State Contracted or Operated Programs for delinquent children, such  
1359 as Detention Centers, Training Schools and Group Treatment Centers,  
1360 when provided in a secure facility.

1361  
1362 \*\*\*  
1363

1364 **SECTION 8. CODIFICATION.** The city clerk and the city attorney shall cause  
1365 the Code of the City of Orlando, Florida, to be amended as provided by this  
1366 ordinance and may renumber, re-letter, and rearrange the codified parts of this  
1367 ordinance if necessary to facilitate the finding of the law.  
1368

1369 **SECTION 9. SCRIVENER'S ERROR.** The city attorney may correct  
1370 scrivener's errors found in this ordinance by filing a corrected copy of this ordinance  
1371 with the city clerk.  
1372

1373 **SECTION 10. SEVERABILITY.** If any provision of this ordinance or its  
1374 application to any person or circumstance is held invalid, the invalidity does not  
1375 affect other provisions or applications of this ordinance which can be given effect  
1376 without the invalid provision or application, and to this end the provisions of this  
1377 ordinance are severable.  
1378

1379 **SECTION 11. EFFECTIVE DATE.** This ordinance takes effect upon adoption.  
1380

1381 **DONE, THE FIRST PUBLIC NOTICE,** in a newspaper of general circulation  
1382 in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this  
1383 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ORDINANCE NO. 2018-45

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**DONE, THE FIRST READING AND HEARING**, by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**DONE, THE SECOND 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 \_\_\_\_\_, 2018.

**DONE, THE SECOND READING AND 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 \_\_\_\_\_, 2018.

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

## Exhibit A

### FG-1B.LDC

FIGURE 1: Table of Zoning District Regulations. Use this table to determine district regulations that apply within each zoning district (includes districts inside and outside of the Traditional City). For additional regulations for specific uses, see Chapter 58, Parts 3 and 4. Numbers in parentheses refer to footnotes following the tables.

<i>Standards</i>	<i>MXD-1</i>	<i>MXD-2</i>	<i>O-1</i>	<i>O-2</i>	<i>O-3</i>	<i>MU-1</i>	<i>MU-2</i>
Gross Res. Density (du/ac):							
Minimum	12	30		12	30	15	30
Maximum	21 (9)	75 (9)	21 (9)	40 (9)	75 (9)	30 (9)	75 (9)
Max. Single Family, Tandem and Duplex FAR (16)	0.50	0.50	0.50	0.50		0.50	
Non-Residential FAR:							
Minimum				0.30	0.40		0.40 (21)
Maximum	0.30	0.35	0.40 (9)	0.70 (9)	1.00 (9)	0.50 (9)	1.00 (9)
Minimum Lot Area (sq. ft.)(2):							
Single family	4000		4500 (4)				
Single Family (outside T. City)	4400	3500 (4)	4950	3500 (4)			
Duplex or Tandem (12)	5000	4500 (4)	5500	4500 (4)		4500 (4)	
Non-residential (inside T. City)	7500	7500	5500	7500	7500		
Non-residential (outside T. City)	7500	7500	8250	7500	7500		
Minimum Mean Lot Width (ft.)(11):							
Single family	40	35	45	35			
Duplex or Tandem	50	45	50	45			
Non-residential (inside T. City)	75	75	55	75	75		
Non-residential (outside T. City)	75	75	75	75	75		
Min. Mean Lot Depth (ft.)							
Inside Traditional City	100 (42)	100 (42)	100				
Outside Traditional City	110 (42)	100 (42)	110	100	100		
Min. Bldg. Site Frontage (ft.)	40	25	45	35	50	50	50
Max. # DU's or Sq. Ft. per Building Site:	(29)	(29)					
Principal Building Setbacks (ft.) (10, 15)							
Front yard – Minimum (18)	20	20	25	15	0 (6)	0 (6)(20)	0 (6)(20)
Front yard – Maximum (inside T. City)					10 (6)	(6)(20)	(6)(20)
Side yard – Minimum	5	5	15 total (5 on one side)	5 (T. City) 15 (City)	0 or 3	0 or 3	0 or 3
Side yard – Maximum (inside T. City)					25	25	25
Street side yard – Minimum	15	15	25	15	0 or 3(6)	0 (6)(20)	0 (6)(20)
Street side yard – Maximum (inside T. City)					10 (6)	(6)(20)	(6)(20)
Rear yard	25	25	30	20	20 (17)	20	20
Residential district setback						20	20
Max. ISR	.70	0.85	0.70	0.85	0.90	0.85	0.90
Max. Bldg. Height (ft.):							
Inside Traditional City	35	100% Off. = 40 Other = 55.	30	75 (2)	75 (2)	35	100
Outside Traditional City	35		35	75	75	35	100
Conditional		200 (14)			200	75	



FG-1C.LDC

FIGURE 1: Table of Zoning District Regulations. Use this table to determine regulations that apply within each zoning district (includes districts inside and outside of the Traditional City). Numbers in parentheses refer to footnotes following the tables.

Standards	AC-N	AC-I	AC-2	AC-3	AC-3A	IC	IG	IP	H	P	C	UR
Gross Res. Density (du/ac):												
Minimum	15	20	30	30	75							
Maximum	30 (9)	40 (9)	100 (9)	200 (9)	200 (9)				1 / 5		1 / 5	1 /
Max. Single Family, Tandem and Duplex FAR (16)	0.50	0.50	0.50									
Non-Residential FAR:												
Minimum		0.35 (21)	0.5 (21)	0.75 (21)	0.75							
Maximum	0.30 (9)	0.70 (9)	1.00 (9)	1.50 (9)	3.00 (9)	0.70	0.70	0.70	0.05	(8)	0.05	
Minimum Lot Area (sq. ft.)(2):												
Single family									5ac		5ac	10ac
Duplex or Tandem (12)	4500											
Non-residential							10000	25000				
Minimum Mean Lot Width (ft.) (2,11):												
Single family									200		200	200
Duplex or Tandem	45											
Non-residential							100	150	200		200	200
Minimum Mean Lot Depth (ft.)												
Min. Bldg. Site Frontage (ft.)	45	50	50	50	25	50	50	100	100	25	100	100
Max. # DU's or Sq.Ft. per Building Site									1du (5)		1du (5)	
Principal Building Setbacks (ft.) (10,15):												
Front yard – Minimum (18)(24)	0(6) (20)	0 (6) (20)	0(6) (20)	0 (6) (20)	0 (6) (20)	35 (3)	0 (6)	35 (3)	75	(8)	30	30
Front yard – Maximum (inside T. City)	(6) (20)	(6) (20)	(6) (20)	(6) (20)	(6) (20)					(8)		
Side yard – Minimum	0 or 3	0 or 3	0 or 3	0 or 3	0 or 3.	10	0 or 3	10	25	(8)	15	15
Side yard – Maximum (inside T. City)	25 (6)	30 (6)	30 (6)	30 (6)	25 (6)					(8)		
Street side yard – Minimum	0(6) (20)	0 (6) (20)	0 (6) (20)	0 (6) (20)	0 (6) (20)	10	10	35	25	(8)	25	25
Street side yard – Maximum (inside T. City)	(6) (20)	(6) (20)	(6) (20)	(6) (20)	(6) (20)					(8)		
Rear yard	20	20	10	10	10	10	10	10	35	(8)	25	25
Residential district setback	20	20	20	20	20	20	20	100(3)		(8)		
Max. ISR	0.75	0.85	0.90	0.90	0.95	0.90	0.90	0.80	0.05	(8)	0.05	
Max. Bldg. Height (ft.):												
Permitted	35	75	100	200	(7)	75	75	75	35		35	35
Conditional	75									(8)		

# FIG-2A.LDC

FIGURE 2: Use this table to determine what uses are permitted, conditionally permitted, or prohibited in each zoning district (includes districts inside and outside of the Traditional City). Numbers in parentheses refer to footnotes following the tables.

	R-1S	R-2A	R-2B	R-3A	R-3B	R-3C	R-3D	MXD-1	MXD-2	O-1	O-2	O-3	MU-1	MU-2	AC-N	AC-1	AC-2	AC-3	AC-3A	H	CON	IC	IP	IG	UR
<u>RESIDENTIAL, GENERAL</u>																									
Accessory Apts. (13)	P(22)	P(22)	P(22)	P	P	P	P	P	P	P															
Accessory Cottage Dwellings	P(22)	P(22)	P(22)	P	P	P	P	P	P	P															
Assisted Living Facility		€	€	P	P	P	P	P	P				P	P	P	P	P	€	€						
Attached Dwellings			P	P	P	P		P	PA	P	P	C	P	P	P	P	P	C	C						
Single Family	P	P	P	P	P	P		P	P	P	P										P	P			
Duplex or Tandem (12)		PA	PA	PA	PA	PA		PA	PA	PA	PA		PA		PA	PA	CA								
Emergency Shelter: (28)																									
1—5 Clients		PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P	P	P	P							
6—10 Clients			C	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P	P	P	P							
11—20 Clients										PS	P	P	P	P	P	P	P	P					P	P	P
21+ Clients										€	€	€	P	P	P	P	P	€							
Emergency Home/Child:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Group Housing:																									
— Low Intensity			€	P	P	P	P	P	PA	€	€	€	P	P	P	P	P	€	€						
— High Intensity				€	€	€	€	€	€	€	€	€	P	P	P	P	P	€	€						
Mobile Home				P	P								P			P	C								
Multi-Family			P5	P	P	P	P	P	PA	P	P	P	P	P	P	P	P	P	P						
Nursing Home					TC	TC	TC	€	€	P	P	P	P	P	€	P	P	€	€						
Residential Care Fac.: (25):																									
1—6 Clients	C(36)	C(36)	PS(36)	PS(36)	PS(36)	PS(36)	PS(36)	PS(36)	PS(36)	PS	P														
7—14 Clients		€	€	PS	PS	PS		PS	PS	PS	P		P		P	P	€								
Treatment/Recovery (28)		€	€	€	€	€	€	€	€				P	P	P	P	P	P	P				P	P	
Zero-Lot Line																									
Single Family	P	P	P	P	P	P		P	P	P	P														
Duplex (12)		P	P	P	P	P		P	P	P	P		P		P	P	C								
<u>RESIDENTIAL, CONGREGATE</u>																									
Group Housing (no care provided)																									
Type A			C	P	P	P	P	P	P	C	C	C	P	P	P	P	P	C	C						
Type B				C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C						
Type C											LC	LC	P	P	LC	C	P	P	P			C	C	C	
Residential Care Facilities (25)																									
Type A	P	P	P	P	P	P	P	P	P	P	P														
Type B		C	C	P	P	P		P	P	P	P		P		P	P									
Intensive Care Facilities (25)																									
Type A		C	C	C	C	C	C	C	P				P	P	P	P	P								
Type B				C	C	C	C	C	C				P	P	C	P	P								
Type C				C	C	C	C	C	C				P	P	C	P	P					C		C	
Transient Care Facilities (25)																									
Type A		C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P								
Type B				C	C	C	C	C	C	C	P	P	P	P	P	P	P								
Type C										C	P	P	P	P	P	P	P					C		C	

R-1S includes R-1, R-1N, R-1A, R-1AA.

# FIGURE 2B.LDC

FIGURE 2: Use this table to determine what uses are permitted, conditionally permitted, or prohibited in each zoning district (includes districts inside and outside of the Traditional City). Numbers in parentheses refer to footnotes following the tables.

	R-1S	R-2A	R-2B	R-3A	R-3B	R-3C	R-3D	MXD-1	MXD-2	O-1	O-2	O-3	MU-1	MU-2	AC-N	AC-1	AC-2	AC-3	AC-3A	IC	IG	IP	P	H	C	UR	
NON-RESIDENTIAL																											
Adult Entertainment																						P	P				
Agriculture																						P	C		P	C	P
Child/Adult Day Care (35):																											
6-30 persons			C	C	P	P	P	P	PA	PA	P	P	P	P	P	P	P	P	P	P	C		C				
31+ persons				C	C	C	C	C	PA	PA	P	P	P	P	P	P	P	P	P	P	C		C				
Clubs, Civic									LC		LC		P	P	P	P	P	P	P								
Communication Towers	(26)	(26)	(26)	(26)	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	C	P	P	CA			
Conservation Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Drive-in Facilities													C	C	C	C	P	P	C	P							
Dwelling Unit- Commercial									C	C(1)	C(1)	P	P	P	P	P	P	P	P								
Eating and Drinking (33)									LC		LC		P	P	P	P	P	P	P	P	TC						
Golf Courses	C	C	C	C	C	C	C	C	C	C	C													P	C	C	
Hospitals/Clinics									C	C	C	C	P	P	P	P	P	P	P								
Hotels/Motels											LC	LC	P	P	LC	C	P	P	P	C	C	C					
Manufacturing/Processing:																											
Light																		C	P	C	P	P	P				
Heavy																						C					
Office, Medical Office, Medical/Dental Labs								P(29)	P(29)	P	P	P	P	P	P	P	P	P	P	P	P	P					
Parking/Principal Use											C	C	(5)	(5)	C	(5)	(5)	C		P	P	P	C				
Public Passive Park																					P			P	P	P	
PBU	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	P	P	P	P	P	P	P	P	P	P	P(27)	P(27)	CA	C	C		
Assembly (28)																											
Neighborhood	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	C	C	C	C	C	C	P	P	PA				
Community (36)	C	C	C	C	PA	PA	PA	C	C	PA	C	C	PA	C	PA	C	C	C	C	C	P	P	PA				
Regional												C		C		C	C	C	C	C	C	C					
Light	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Intensive																					C	C	C				
Personal Storage (31)													C				C	C	C		C	C	C				
Recreation, Outdoor																	P	P	P	P	P	TC	TC				
Recreation, Indoor													P	P	C	P	P	P	P	P							
Recreation Vehicle Park																	C	C									
Retailing:																											
Light													P(23)	P(23)	P	P	P	P	P	P	P						
Intensive													P	P		C	C	P	C	P	P						
Neigh. Conv. Store	C	C	C	C	C	C	C	P(29)	P(29)	C	C	P			P												
Services:																											
Personal (32)											C	C	P	P	P	P	P	P	P	P	TC						
Temporary Labor (34)																						C					
Intensive																		C	P	P	P	P	P				
Major Vehicle																			C			P					
Automotive (30)													P	P	P	P	P	P	C	P	P	P					
School, High	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA			C	CA			
School, Elem. & Middle	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	CA	CA	CA	CA	CA	CA				PA			
Shooting Range, Indoor																						P	P				
Warehouse/Showroom																		P	P	C	P	P	P				

Whole Blood Facilities																C	C	C	C		C						
Wholesale/Warehouse																	P(1)	P		P	P	P					
Vertiports																C	C	C	C		C	C					

R-1S includes R-1, R-1N, R-1A, R-1AA.