

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO THE RESIDENTIAL REPLAT PROCESS; AMENDING CHAPTER 58, ORLANDO CITY CODE, TO ESTABLISH CONSISTENT REVIEW CRITERIA AND SUBMITTAL REQUIREMENTS FOR RESIDENTIAL REPLATS, REVERT TO ORIGINAL PLAT AND MODIFICATION OF STANDARDS APPLICATIONS; PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

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

WHEREAS, at its regularly scheduled meeting of June 23, 2020, the Municipal Planning Board recommended to the Orlando City Council that the provisions of this ordinance are consistent with the applicable provisions of the city's adopted Growth Management Plan, are in the best interest of the public health, safety, and welfare, are in harmony with the purpose and intent of the Land Development Code of the City of Orlando, Florida (the "Land Development Code"), will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

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

WHEREAS, Chapter 58 of the Code of the City of Orlando establishes the requirements for permitted uses on nonconforming lots; and

WHEREAS, the City seeks to establish consistent regulations and submittal requirements for the platting of nonconforming lots; and

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

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

SECTION 1. CHAPTER 58, PART 7B, AMENDED. Chapter 58, Part 7B, Code of the City of Orlando, Florida, is hereby amended as follows:

7B. - NONCONFORMING LOTS

Sec. 58.1152. - Permitted Uses of Nonconforming Lots.

One Family Dwelling in Residential Districts. A lot in any residential district which is determined to be nonconforming according to Section 58.1150 may be used for a one family dwelling, subject to the requirements of this Section.

Other Uses in R-2A, R-2B, R-3A, R-3B, R-3C and R-3D Districts. A lot in an R-2A, R-2B, R-3A, R-3B, R-3C and R-3D zoning district which is determined to be nonconforming in either width or depth according to Section 58.1150 may be used for any use allowable in such district if a variance is granted for the nonconforming lot width or lot depth, subject to the requirements of this Section.

Sec. 58.1153. – Development of Nonconforming Residential Lots.

Existing platted Non-conforming Residential Lots. When a platted residential lot or Lot of Record is non-conforming in lot area, lot width, or lot depth, the following regulations shall apply:

- (a) Height. The maximum building height shall be two-stories.
- (b) FAR. The maximum floor area ration shall be 0.50.
- (c) Location of Required Parking. All required parking spaces and garage door elevations shall be set back a minimum of five (5) feet from the principle facade of the principle building. For each lot, the combined width of all garage door(s) facing a street shall not exceed fifty percent (50%) of the combined width of all building elevations facing the same street. Garage accessory structures in the rear half of the lot shall not be included in this calculation, except when the garage accessory structure is located on a corner lot and faces a side street. When a garage accessory structure is located on a corner lot and faces a side street, the garage accessory structure shall be set back a minimum of twenty (20) feet from the street side property line and the combined width of all garage door(s) facing a street shall not exceed thirty-five percent (35%) of the combined width of all building elevations facing a street, including the garage accessory structure.
- (d) Appearance Review Required. Appearance Review shall be required pursuant to the requirements and procedures provided in section 62.300.
- ~~(e) Modification of Standards Prohibited. Modifications to development standards on nonconforming residential lots under Chapter 65 of this Code area prohibited. A variance approved by the Board of Zoning Adjustment shall be required.~~

Sec. 58.1154. – Lot Splits into Nonconforming Lots

Splitting a conforming lot or parcel into two or more non-conforming lots.

- (a) Process. A legally conforming residential lot may be split into two or more non-conforming lots according to either of the following:

(1) Reversion to Original Plat - Residential Lots. When nonconforming residential lots are shown on a plat recorded prior to February 4, 1959, and any portion of two or more lots have been bound together by any action of a property owner to form a conforming building site, the ~~property shall not be split and so as owner may request to revert to the original plat except~~ in accordance with the standards provided in this subsection and the procedures provided in Chapter 65, Part 3G. A Final plat pursuant to Chapter 65, Part 3F shall not be required when an application for a reversion to the original plat is submitted; ~~however, the applicant shall submit a boundary survey of the existing conditions of the property, conceptual site and landscaping plans, and conceptual elevations for future buildings on the site. As part of the review of an application for a reversion to the original plat under Chapter 65, Part 3G, the City shall analyze the predominant residential development pattern along both sides of the street on the same block face as the subject property excluding corner lots. A reversion to the original plat may be recommended for approval when more than 50% of the analyzed lots are non-conforming and the proposed reversion conforms to the standards and intent of the Growth Management Plan and Land Development Code. Requests for a quasi-judicial hearing on an application to revert to the original plat may be filed pursuant to Article XXXII, Chapter 2, Orlando City Code.~~

(2) Plat with Modifications. If a residential building site contains parts and pieces of lots, has never been platted or is a different lot configuration than the original plat, a Plat with Modifications may be requested in accordance with Chapter 65, Part 3G.

- (b) Review of the request. In addition to the requirements of Chapter 65, Part 3G, the following regulations apply:

(1) Height. The maximum height is two-stories.

(2) Maximum FAR:

- (i). 0.45 if the garage/carport is in the front half of the lot.
(ii). 0.50 if the garage/carport is in the rear half of the lot.

(3) Location of Required Parking. All required parking spaces and garage door elevations shall be set back a minimum of five (5) feet from the principal façade of the principal building. For each lot, the combined width of all garage door(s) facing a street shall not exceed fifty percent (50%) of the combined width of all building elevations facing the same street. Garage accessory structures in the rear half of the lot shall not be included in this calculation, except when the garage accessory structure is located on a corner lot and faces a side street. When a garage accessory structure is located on a corner lot and faces a side street, the garage accessory structure must be set back a minimum of twenty (20) feet from the street

side property line. The combined width of all garage door(s) facing a street shall not exceed thirty-five percent (35%) of the combined width of all building elevations facing a street, including the garage accessory structure.

- (4) Appearance Review. Appearance Review is required pursuant to the requirements and procedures provided in section 62.300 herein and the Traditional City Design Standards in section 62.600 herein.
- (5) Block Face Analysis. As part of the review of an application for a reversion to the original plat or plat with modifications under Chapter 65, Part 3G, the City shall analyze the predominant residential development pattern along both sides of the street on the same block face as the subject property excluding corner lots. An inventory or pattern of nonconforming lots due to width, depth or area on the block face is considered as justification for approval of the request, in addition to neighborhood compatibility and consistency with the standards and intent of the Growth Management Plan and Land Development Code.

(c) Submittal Requirements.

- (1) Boundary survey of the existing conditions of the property.
- (2) Conceptual site plan.
- (3) Conceptual landscape plan.
- (4) Conceptual building elevations of all buildings.

Sec. 58.1154. – Modification of Standards for Nonconforming Lots

Modification of Standards. The following modifications to development standards are permitted for nonconforming lots:

- (1) Single-story accessory structure and screen room setbacks.
- (2) Fence height.
- (3) Driveway regulations.
- (4) Single-story “in-line” additions to principal structures that are not a substantial improvement or substantial enlargement.

Modifications to any other development standards on non-conforming residential lots under Chapter 65, Part 2F herein are prohibited unless a variance is approved by the Board of Zoning Adjustment prior to site plan approval.

~~Secs. 58.1152-58.1159 – Reserved~~ Secs. 58.1155-58.1159 - Reserved

SECTION 2. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 4. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2020.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, the _____ day of _____, 2020.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2020.

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

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

Assistant City Attorney