



Interoffice Memorandum

04-28-16 P02:45 RCVD

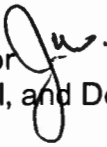
04-28-16 P02:39 RCVD




April 28, 2016

TO: Katie A. Smith, Manager  
Comptroller Clerk's Office

THROUGH: Cheryl Gillespie, Supervisor  
Agenda Development Office

FROM: Jon V. Weiss, P.E., Director   
Community, Environmental, and Development  
Services Department

CONTACT PERSON: Jim Ward, AICP, CNU-A, Coordinator of Sustainability   
Planning Division or [jim.ward@ocfl.net](mailto:jim.ward@ocfl.net)  
(407) 836-0936

SUBJECT: Request for Public Hearing on May 24, 2016 at 2:00 p.m. to  
the following Ordinance:

**AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38, ORANGE COUNTY CODE, ENTITLED "ZONING", ARTICLE VIII, ENTITLED "P-D PLANNED DEVELOPMENT DISTRICT", DIVISION 8, ENTITLED "VILLAGE PLANNED DEVELOPMENT CODE", SECTION 38-1384, ENTITLED "GENERAL RESIDENTIAL DEVELOPMENT STANDARDS"; AND PROVIDING FOR AN EFFECTIVE DATE.**

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APPLICANT: Orange County

DISTRICT #: All Districts

TYPE OF HEARING: Amendment to Chapter 38 – Land Development and Use Ordinance of the Orange County Code (Chapter 38, Article VIII, Section 38-1384)

ESTIMATED TIME REQUIRED FOR PUBLIC HEARING: 2 minutes

HEARING CONTROVERSIAL: No

*May 24 2016*  
*2 PM*

**BCC PUBLIC HEARING REQUIRED BY:**

Section 125.66(2)(a), Florida Statutes

**ADVERTISING REQUIREMENTS:**

Publish once in the Orlando Sentinel in the portion of the newspaper where legal notices and classified Advertisements appear.

**ADVERTISING TIMEFRAMES:**

Not later than May 14, 2016, so that the ad appears at least ten (10) days prior to the public hearing at 2:00 p.m. on May 24, 2016

**APPLICANT/ABUTTERS TO BE NOTIFIED:**

Not applicable.

**SPANISH CONTACT PERSON:**

Para mas información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la División de Planificación, al 407-836-5600.

**MATERIALS BEING SUBMITTED AS BACKUP FOR PUBLIC HEARING REQUEST:**

Draft ordinance to be provided before advertisement appears.

**SPECIAL INSTRUCTIONS TO CLERK (IF ANY):**

Please place this item on the May 24, 2016, BCC public hearing agenda @ 2:00 p.m...

JVW/JW:rep

Attachment: Draft Ordinance

- c: Christopher R. Testerman, AICP, Assistant County Administrator
- Joel Prinsell, Deputy County Attorney, County Attorney's Office
- Erin Hartigan, Assistant County Attorney, County Attorney's Office
- Alberto Vargas, MArch, Manager, Planning Division

ORDINANCE NO. 2016-\_\_\_\_\_

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38, ORANGE COUNTY CODE, ENTITLED "ZONING", ARTICLE VIII, ENTITLED "P-D PLANNED DEVELOPMENT DISTRICT", DIVISION 8, ENTITLED "VILLAGE PLANNED DEVELOPMENT CODE", SECTION 38-1384, ENTITLED "GENERAL RESIDENTIAL DEVELOPMENT STANDARDS"; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

*Section 1. Amendment.* Division 8 of Article VIII of Chapter 38 of the Orange County Code, Section 38-1384, entitled "General residential development standards", is hereby amended as follows (changes are shown using ~~strike through~~ for deletions and underline for additions to existing Code sections, and the notation "\* \* \*" indicates that all preceding or subsequent text remains unchanged):

**Sec. 38-1384. General residential development standards.**

(a) *Density.* Density is calculated by dividing the total number of units by the developable land area. Net density is calculated by dividing the total number of units by the net developable land area. Regardless of the applicable Village PD Code, accessory dwelling units shall not be included in density calculations.

The net density required by the land use designation on the approved SAP may be increased or decreased without amending the SAP provided that an equivalent number of units (transfer of development rights) have been purchased from uplands or wetlands (sending areas) in the designated upland greenbelt and wetland areas within the village in accordance with the provisions of chapter 30, article XIV, division 3, transfer of development rights (TDRs), and provided that the overall net density within the village shall be consistent with future land use element policy 6.1.3. All TDRs, including sending and receiving areas, shall be

38 ~~using~~ identified on the land use plan. If authorized in the approved  
39 SAP, all wetlands and upland greenbelts may be designated as  
40 TDR sending areas and all development parcels may be designed  
41 as sending and receiving areas. Development rights for sending  
42 areas located outside the boundary of a PD must be transmitted  
43 through a development agreement prior to or concurrent with  
44 approval of a PD/LUP or subdivision receiving the development  
45 rights. Internal transfer of uses and density within any planned  
46 development may be approved without using TDRs pursuant to  
47 sections 30-726(b)(2) and 38-1207, so long as the overall net  
48 density of the planned development is consistent with the SAP and  
49 provided that transfer of uses and density is consistent with the  
50 compatibility requirement of this code and the comprehensive  
51 plan. The density within a parcel shall be established with the  
52 initial PD land use plan. Subsequent modification to the  
53 established density shall be subject to the PD change determination  
54 process.

55 \* \* \*

56 (d) *Front porch.* For the purposes of this village development  
57 code, a front porch is defined as an un-air-conditioned, roofed,  
58 raised above grade structure which is attached to the front of the  
59 building. Porches may wrap around the sides of structures as well.  
60 The minimum dimension of a front porch shall not be less than  
61 seven (7) feet deep or less than eight (8) feet wide. Porches less  
62 than ten (10) feet wide shall include railings.

63 Front porches shall be required on fifty (50) percent of  
64 detached single-family lots of less than seventy-five (75) feet in  
65 width. Front porches that do not meet the minimum front porch  
66 size requirements as stated in Section 38-1384(d) shall not be  
67 considered in achieving this fifty percent (50%) front porch  
68 requirement.

69 Attached single-family residences less than or equal to  
70 twenty (20) feet in width shall, at a minimum, provide covered  
71 stoops with columns which support a gabled or hipped roof  
72 structure. Alternative designs may be proposed but must be  
73 reviewed for consistency with architectural style.

74  
75 (e) *Fences.* Fencing ~~is may be~~ permitted in the front yard  
76 within three (3) feet of the sidewalk to define the separation of  
77 public and private spaces. Such fences shall be no higher than three  
78 (3) feet six (6) inches in height. Materials shall be limited to  
79 decorative metal, wood or PVC picket style. Other fences shall  
80 only be allowed consistent with section 38-1408 of this chapter,

81 except that chain link fencing is prohibited unless vinyl coated  
82 black and used in association with a tennis or other sports court or  
83 field. Fences or walls parallel to alleys, or fences along street side  
84 lots, shall not exceed six (6) feet in height and shall be no more  
85 than fifty (50) percent opaque above four (4) feet in height. The  
86 restriction on fence opacity shall not apply to the rear yard fencing  
87 of front-loaded lots, including those which may abut an alley in the  
88 rear.

89  
90 \* \* \*

91 (g) *Garages and garage doors.* Garages shall be constructed in  
92 accordance with the following standards:

93 (1) *Rear alley access.* Garage access must be provided by a rear  
94 alley where lots are fifty (50) feet or less in width. Garages  
95 with direct access from an alley shall be setback with a  
96 minimum of nine (9) feet from the edge of pavement or shall  
97 provide an additional off-street parking space. When an  
98 additional off-street parking space is added, the garage shall  
99 be setback three (3) feet from the edge of easement.

100 (2) *Front-loaded garages setbacks.* ~~Front-loaded~~ Garage doors  
101 of front-loaded lots shall be recessed a minimum of ten (10)  
102 feet behind the nearest adjacent plane of the primary structure.  
103 However, when a porch is provided in front of the forward-  
104 most plane of the structure, which meets the minimum  
105 standards of section 38-1384(d) ~~is provided~~, the garage door  
106 setback behind the nearest adjacent plane of the primary  
107 structure may be decreased to seven (7) feet. In no case shall a  
108 front-loaded garage door be setback less than twenty (20) feet  
109 from the front property line. Detached garages without access  
110 to a rear alley easement, including garages with an accessory  
111 dwelling unit, shall be located a minimum of five (5) feet from  
112 side and rear property lines, and shall be no closer than ten  
113 (10) feet to any other detached structure on the same lot.

114 (3) *Front-loaded garage doors.* The prominent appearance of  
115 garages shall be diminished and instead appear to be an  
116 extension of the home's living space. As such, front-loaded  
117 garage doors shall be located and detailed in accordance with  
118 the following:

119 a. All garage doors shall be recessed from the garage's front  
120 plane a minimum of eight (8) inches.

121 b. For double-car garages, two (2) single-wide garage doors  
122 are preferable to a double-wide door. Double-wide garage  
123 entries shall not exceed sixteen (16) feet in width. ~~Double-~~

- 124 ~~wide garage entries~~ Except for side-oriented garage doors  
125 meeting the requirements of Section 38-1384(g)(3)f.  
126 below, double-wide (or wider) garages are not permitted  
127 on front-loaded lots of less than sixty-five (65) feet in  
128 width.
- 129 c. Where single garage doors are provided for multi-car  
130 garages, entries no wider than twelve (12) feet shall be  
131 provided for each vehicle. Each entry shall be separated by  
132 a column or other visually substantial supporting vertical  
133 feature which is a minimum of twelve (12) inches wide.  
134 For three (3) car garages without tandem parking (front-to-  
135 back parking), the entries shall either have three (3) single-  
136 wide doors or one (1) double-wide door plus one (1)  
137 single-wide door.
- 138 d. For garages accommodating three (3) vehicles or more,  
139 one (1) or more deeper bays allowing tandem parking,  
140 with one (1) vehicle behind the other, is preferred to  
141 vehicle bays side by side facing the street.
- 142 e. Garage doors shall either incorporate windows along the  
143 upper one-quarter (¼) of the door or substantial  
144 architectural patterning shall be incorporated throughout  
145 the door plane including carriage style hinges and handles,  
146 and patterning which emulates two smaller doors.
- 147 f. For lots ~~greater than sixty-five (6560)~~ greater than sixty (60) feet wide or greater,  
148 and excluding any requirements of Section 38-1384(i)(3),  
149 ~~and (4) and (5)~~, garages may be placed in front of the  
150 primary structure, but must be oriented toward either side  
151 yard ~~with windows facing the street~~ and shall meet the  
152 setbacks for the primary structure. The street-facing side  
153 façades of such garages shall be designed with detail  
154 treatment and articulation the same as the primary  
155 structure, with particular attention to similar roof lines,  
156 roofing material, ~~and finish, gables, brackets, window~~  
157 patterns, molding, wainscot, etc. ~~Similar window (real or~~  
158 ~~faux) and door trim, and comparable façade treatment~~  
159 ~~including siding, stucco or other material finish shall be~~  
160 ~~provided.~~ For lots over one hundred twenty (120) feet in  
161 width, the requirements of this subsection may be waived  
162 as part of the preliminary subdivision plan approval.
- 163 g. Side-street facing garages shall adhere to the garage door  
164 design standards described in Section 38-1384 (g)(3)  
165 above, and shall be setback a minimum of ten (10) feet  
166 behind the primary structure, with five (5) feet rear and  
167 side setbacks.

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h. Garages and garage doors that do not meet the provisions of this Section 38-1384, but which received a building permit from the County and were constructed in accordance with the issued building permit prior to January 1, 2016, shall be considered conforming structures under this Code.

\* \* \*

- (i) *Access and off-street parking.*
  - (1) Parking for residential uses shall be provided in accordance with article XI of this chapter; however, minimum parking, including required remote parking, for residential uses must be reviewed and approved by the Fire Rescue Department prior to development plan/preliminary subdivision plan approval.
  - (2) Vehicular access to garages or other off-street parking surfaces on all lots fifty (50) feet or less in width, or where any lot abuts a rear alley easement pursuant to Section 38-1384(i)(5) below, shall be provided from a rear alley easement.
  - (3) Vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF school or any other APF park, road or trail shall be provided from a rear alley easement.
  - (4) Vehicular access to garages or other off-street parking surfaces on all lots greater than fifty (50) feet in width that face neighborhood squares and parks shall be provided from a rear alley easement or from a front driveway where the garages are located at or beyond the rear wall of the primary structure.  
Neighborhood squares and parks are defined as active or passive recreational and open space tracts of varying sizes that have been designed to create a discernable neighborhood focal point. The landscape within a neighborhood square or park may consist of naturalistic or formally designed features such as sidewalks, trails, sports fields, hardscaped amenities and structures.
  - (5) Garage access from the front or side of any lot that ~~has access to~~ abuts a rear alley easement shall be prohibited.
- (j) *Accessory Uses.* Home offices, granny flats, apartments over detached garages, neighborhood clubhouses and supporting

210 detached facilities (i.e. bath house) are permitted uses in all  
211 districts. Granny flats or garage apartments shall have a minimum  
212 living area of five hundred (500) square feet and a maximum living  
213 area of seven hundred fifty (750) square feet. Accessory dwelling  
214 units, as defined herein, shall not be factored in density  
215 calculations, but shall be required to pay applicable county impact  
216 fees. Neighborhood clubhouses shall be limited to a maximum  
217 building height of thirty-five (35) feet, and supporting and  
218 detached facilities shall not exceed the height of the clubhouse.  
219 Such facilities shall be architecturally similar to the clubhouse.

220  
221 (k) *Civic and Institutional Uses.* These uses shall be identified  
222 on the approved PD land use plan and shall be designed in  
223 accordance with the design guidelines established with the PD and  
224 development standards of section 38-1390. Such uses should be  
225 located at the termination of street vistas where practicable.

226  
227 (l) *Setbacks.* Accessory uses and structures shall meet  
228 principal structure side yard setback requirements. Also, those  
229 uses and structures shall provide minimum five (5) foot setback  
230 from the rear lot line or the rear alley easement (when such an  
231 easement exists).

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234 **Section 2. *Effective date.*** This ordinance shall become effective on June 1, 2016.  
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ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: \_\_\_\_\_  
Teresa Jacobs, Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk