



# LDC AMENDMENT— ACCESSORY DWELLING UNITS (ADUs)



## Applicant

City of Orlando

## Project Planner

Mark Cechman , AICP

## Description of the Request:

Amend the Land Development Code to revise the development standards and design standards for Accessory Dwelling Units (ADUs).

## Background:

The Land Development Code has numerous sections that address standards for Accessory Dwelling Units (ADUs). The current code requirements are complicated and require larger than minimum lot sizes in the R-1 zoning districts. In recent years, these ADUs have become popular for the “sandwich generation” to provide affordable housing for returning college students as well as the elderly parents and in-laws (a.k.a “granny flats”). The proposed code amendments will clarify our requirements for ADUs and will in general allow for more ADUs in 1 and 2 family zoning

districts.

## Staff’s Recommendation:

Approval of the request.

## Public Comment

Since this proposed code change is not property-specific, the City did not mail public notices. Staff presented this proposal to the City’s Affordable Housing Advisory Committee. Staff posted this item on the City’s web site, and placed a classified ad in the Orlando Sentinel. As of the date of this staff report, staff has received a few positive verbal comments but no written comments.

## OVERVIEW—

**History**— Accessory Dwelling Units (ADUs) exist in many single family lots in the historical areas of the City as well as in some of our new communities such as Baldwin Park and Laurate Park with few negative effects.

**Benefits**— The benefits of ADUs include;

- **Sandwich Generation**—Many times, they provide on-site housing solutions for the “sandwich generation” trying to find housing for in-laws and “boomerang” children.
- **Source of Income**—Allows for a second source of income for the home owner.
- **Encourages Aging in Place**— Provides an option for retired individual to either live in their ADU or the main house and rent out the other unit.
- **Neighborhoods**—Provides diversity by allowing access to single family neighborhoods to individuals who normally are limited to apartment and town home neighborhoods.
- **Workforce Housing**—Provides housing options for first year teacher ,fireman, etc.
- **Utilizes existing infrastructure**—ADUs generally do not need major off-site utility or road improvements.
- **Encourages diversity**—ADUs provide affordability even in the more costly neighborhoods.
- **Environmental Benefits**—Smaller units have less water demands (no additional yard) and require less energy to heat and cool (smaller carbon foot print) than single family lots.

**Current Code**—Current code places ADUs in to multiple categories. ADUs that are attached to the principal building (Accessory Apartments) have different rules from ADUs that are detached from the house (Accessory Cottages). Also the regulations for ADUs outside the Traditional City are different from the ones within the Traditional City. This creates confusion among Staff as well as the applicants. Along with the confusing regulations, the current code is fairly restrictive on the minimum lot size for an ADU by requiring either 1.5 times or 2 times the minimum lot size to even have an ADU. Finally, the current code requires a Condition Use Permit for many ADUs outside of the Traditional City.

### Zoning Standards—

- **Permitted Uses**— Generally, ADUs are permitted uses in all 1 and 2 family zoning districts in the Traditional City providing the lot is large enough. Outside the Traditional City, a Conditional Use Permit is required in all but on 2 family zoning districts where they are permitted.
- **Setbacks**—In general attached ADUs need to comply with the setbacks required by the zoning district for the principal structure (the house).

Detached ADUs must be located in the rear yard and be:

- 5 feet way from the street side yard (20 feet if the garage door faces the side street),
- 5 feet from the rear yard (15 feet if the accessory structure is taller than 12 feet), and
- Meet the required side yard setback of the principal structure, and
- Be separated from the house by 5' (single story) to 15' (two story) feet.

**Other Regulations**— other regulations that are not requested to be changed include

- a maximum of 35% footprint in the back yard,
- The maximum height is the same as the Principal Structure, and
- a maximum Impervious Surface Ratio for all improvements on the lot will remain the same.

**Parking**— Except for corner lots, parking may be the most challenging site planning issue. Currently, the code requires one additional code compliant parking space for an ADU regardless of the size of the ADU. Most existing houses are not designed to accommodate another code compliant (behind the front setback) parking space. Parking scenarios include:

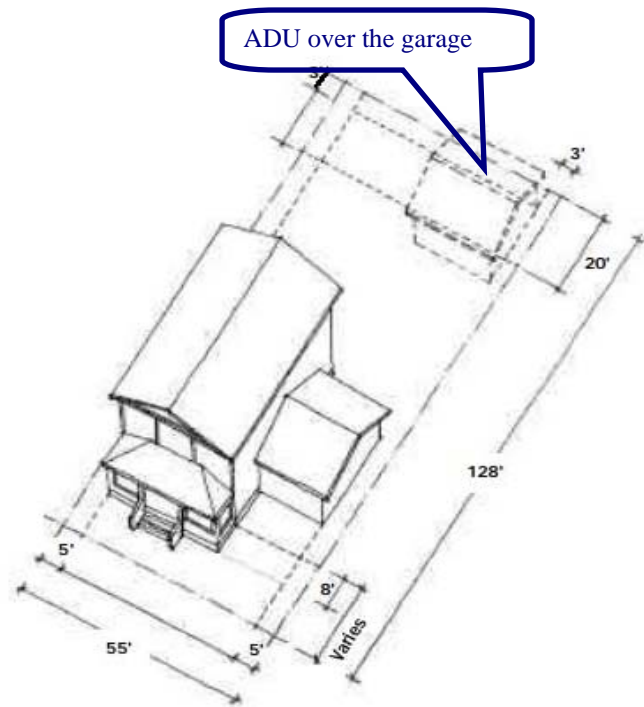
- **One Car Garage**— Much of the existing housing stock in the Traditional City has only a one car garage. While many home owners have added additional driveway space to park additional cars, this would not meet code for required parking for the ADU because it is not behind the principal structure front yard setback. Unless the owner has an ample side yard (11 feet), or the house is placed back 19 feet from the required front yard setback, or the owner is willing to make major changes to the existing house (or the house is on a corner), an ADU of any size would be impractical. The proposed amendment to the code would allow for a smaller 500 s.f. ADU without the additional parking space.
- **Two Car Garages**— Some existing houses do have a legal two car garage. In these cases, the practical challenge is renting out an ADU and providing the tenant with a key to the house for access to the garage. While current code is unclear, Staff typically would not consider the second garage space to be the required parking for an ADU. The proposed amendment to the code would allow for a smaller 500 s.f. ADU without the need for the garage parking space.
- **Side Driveway**— For interior lots with a rear yard garage, the driveway is used to gain access to the garage. While it is possible for two (or more) cars to park on the driveway in tandem, only the last car has independent access to the street. Owners of the other cars need to ask the owner of the last car to move in order to gain access to the street. Generally, the second required parking space needs to have independent access to the street before the Staff would consider it to be the required parking space for the ADU. The proposed amendment to the code would allow for a smaller 500 s.f. ADU without the additional parking space.

**ADUs in the South East Sector**—Per LDC Figure 68-H, ADUs are encouraged for all single family lot types in the South East Sector (e.g. Laureate Park). Minimum lot size is 2000 sq ft, so if there's room, any single family lot can have an ADU. Sec. 68.305 states that rear setback for an ADU is 6 feet, unless it's part of an alley accessed garage, then its 0 feet. (note: most alleys are 12 feet wide in a 20 foot ally right of way).

**ADUs in Baldwin Park**—Baldwin Park allows for garage ADUs with 3 foot side and rear setbacks (example below).

#### Detached Housing (DH-2) Example 6-7 units/acre

- 55' x 128' lot
- See Neighborhood General descriptions for setback requirements and height limitations.
- 20' rear setback for main structure
- 3' rear setback for accessory
- 8' permitted front encroachment (porches)
- 5' side setback for house, 3' for secondary structures



**Other PDs**—In most cases, the City has assigned a default zoning for each phase of a PD. Unless defined specifically in the PD, we will use that default zoning as it relates to this new code in regulating ADU in PDs.

**The proposed code will not affect ADU development in either the South East Sector and Baldwin Park.**

**Other Communities**—ADUs are becoming popular throughout the United States for the aforesaid reasons. Many states like Hawaii and California have established enabling regulations for all ADUs. In order to promote affordable housing, the State of California passed a law that prohibited a local government from requiring parking for an ADU within 1/2 mile of public transit, in historical preservation areas, and where on-street parking is allowed.

Locally, many other Central Florida communities allow for ADUs. In a 2006 study by the Department of Community Affairs entitled “Accessory Dwelling Units, Report to the Florida Legislature, it was reported that,

*“Local zoning codes vary with respect to how an accessory dwelling unit may be used. In some communities, rental of accessory dwelling units is prohibited or occupancy is limited to family members or employees of the primary homeowner. There are **109 communities** where accessory dwelling units are authorized but are **not available for rental** or where occupancy is limited to single-family residence.*

*There are **131 communities** that do not authorize or reference accessory dwelling units as an **allowable or conditional use in the zoning code.**”*

Below is a chart showing what some of the other communities are doing.

	Permitted Use?	Special regulations
Orange County	Special Exception on all residential lots if they meet code for minimum lot size (detached ADUS need 1.5 minimum lot size)  Sec. 38-1426	Can only be occupied if the property owner lives on-site (Homestead exemption)  Max size – 45% of house (1ksf max) 500 s.f. minimum. BZA may require residency.  Parking – Needs 1 extra space but can be in the driveway or garages.
Maitland	Permits one “guest house” for occasional nonpaying guests or members of a family (Sec 21-23)	Needs to provide one extra parking space. Needs to record a declaration (deed restriction) stating the guest house is only for occasional nonpaying guests or members of a family
Apopka	Permitted in all single family zones (Sec 7.02.01)	Max size 25 percent of the minimum living area of the principal structure. Must comply with Max lot coverage.
Winter Garden	Only allowed in RNC-2 with a special exception (Sec 118.511)	Minimum living area of 300 square feet of but shall not have over 700 square feet of living area. Owner must live on site.
Tampa	Allowed North of Sligh Avenue, South of Waters Avenue, West of Boulevard, and East of Armenia Avenue (Sec 27.156 Footnote 17)	Property owner must live on site. Must register with the City. (Sec. 19-108 (f) (3) (h.))
St. Pete	Allowed in many single family zones. (sec 16.10.020.1)	The lot area shall be at least 5,800 square feet. Max size 750 s.f. with one accessible parking space behind the principal structure front facade. (sec 16.50.010.5)

# CURRENT CODE SUMMARY

As stated, the current code is complicated as to what is the minimum size lot to allow for an ADU. The required size depends on whether or not the lot is in the Traditional City and depends on whether the ADU is connected to the house or not. The chart below represents current code requirements for an ADU.

## Accessory Dwelling Units

### Will the second dwelling unit be attached to the house?

#### Yes: It's an Attached Accessory Apartment

A dwelling unit which is an accessory use within a one-family dwelling. Accessory Dwelling Units connected to the house by breezeway, roofed passage or similar structure are not considered "attached."

	Trad. City		Outside Trad. City	Min Lot Size (1.5x min.)	Max Floor Area (Sec 58.501)	Setbacks		ISR
	Permitted	CUP				Side	Street	
R-1AA/t	Permitted	CUP	CUP	15,000 s.f.	25% of the house	7.5	15	0.55
R-1A/t	Permitted	CUP	CUP	11,550 s.f.	25% of the house	7.5	15	0.55
R-1/t	Permitted	CUP	CUP	9,000 s.f.	25% of the house	6	15	0.55
R-2A/t	Permitted	CUP	CUP	5,500 s.f.	25% of the house	5	15	0.55
R-2B/t	Permitted	CUP	CUP	5,000 s.f.	25% of the house	5	15	0.60

- Other districts: check max. density and see Zoning Official
- Appearance review required
- Needs two parking spaces behind front yard setback (Independent parking)
- Impact fees required for ADU

FN22(b) only requires a duplex lot for min size

#### No: It's a Detached Accessory Cottage Dwelling

A dwelling unit which is an accessory use and located in an accessory building. This term includes garage apartment dwellings and guest cottages.

	Trad. City		Outside Trad. City	Min Lot Size (2x min.)	Max ADU Size	Setbacks			Rear < 12 ft.	Rear > 12 ft.	ISR
	Permitted	CUP				Side	SS	SS Gar.	tall	tall	
R-1AA/t	Permitted	CUP	CUP	20,000 s.f.	FN22 c	7.5	15	20	5	15	0.55
R-1A/t	Permitted	CUP	CUP	15,400 sf	FN22 c	7.5	15	20	5	15	0.55
R-1/t	Permitted	CUP	CUP	12,000 sf	FN22 c	6	15	20	5	15	0.55
R-2A/t	Permitted	Permitted	Permitted	5,500 s.f.	FN22 c	5	15	20	5	15	0.55
R-2B/t **	Permitted	Permitted	Permitted	5,000 s.f.	FN22 c	5	15	20	5	15	0.60

- Other districts: see Zoning Official
- Appearance review required
- All accessory structures may not occupy more than 35% of the rear yard
- Needs two parking spaces behind front yard setback (independent parking)
- No 2<sup>nd</sup> story windows facing the rear or side property line permitted unless the structure meets the principal building setback (or 15 feet for sides) or the windows are opaque, frosted, clerestory or have a similar window treatment. (Sec 58.901 (a))
- FN22 c May be up to 1,200 s.f. but must be less than 40% of the principal structure (the house). ACD up to 700 allowed when house is <1,700 sq ft. An Accessory Cottage is also an accessory structure so it must be smaller than the house
- Impact fees required for ADU

FN22(b) only requires a duplex lot for min size

# PROPOSED CHANGES TO THE ADU CODE

**Minimum Lot Size** – The draft ordinance below would allow for smaller ADUs (maximum size of 500 s.f.) attached or detached as a permitted use in all 1 and 2 family zoning district providing the parcel meets the minimum lot size for a house. Larger ADUs (maximum size of 1,000 s.f.) will be permitted on lots that are 1.5 times the minimum lot size. Other size limitation, include a maximum FAR of 0.5 for both the house and the ADU. Below is Staff proposal for the minimum lot size for an ADU:

	<u>Current Development Standards for an ADU</u>		<u>Proposed Development Standards for an ADU</u>	
	<u>Current Code Minimum Lot size for a Single Family Home</u>	<u>Current Code Minimum Lot size for a Duplex</u>	<u>Minimum Lot Size for a house and an ADU up to 500 sq. ft. *</u>	<u>Minimum Lot Size for a house and an ADU up to 1,000 sq. ft.*</u>
<u>R-1AA</u>	<u>10,000</u>		<u>10,000</u>	<u>15,000</u>
<u>R-1A</u>	<u>7,700</u>		<u>7,700</u>	<u>11,550</u>
<u>R-1</u>	<u>6,000</u>		<u>6,000</u>	<u>9,000</u>
<u>R-1N</u>	<u>5,500</u>		<u>5,500</u>	<u>8,250</u>
<u>R-2A</u>	<u>4,400</u>	<u>5,500</u>	<u>5,500</u>	** —
<u>R-2B</u>	<u>4,000</u>	<u>5,000</u>	<u>5,000</u>	** —
<u>R-3A</u>	<u>4,400</u>	<u>5,500</u>	<u>5,500</u>	** —
<u>R-3B</u>	<u>4,000</u>	<u>5,000</u>	<u>5,000</u>	** —
<u>R-3C</u>	<u>3,500</u>	<u>4,500</u>	<u>4,500</u>	** —
<u>R-3D</u>			<u>4,500</u>	** —
<u>MXD-1</u>	<u>4,000</u>	<u>5,000</u>	<u>5,000</u>	** —
<u>MXD-2</u>	<u>3,500</u>	<u>4,500</u>	<u>4,500</u>	** —
<u>O-1</u>	<u>4,500</u>	<u>5,500</u>	<u>5,500</u>	** —
<u>O-2</u>	<u>3,500</u>	<u>4,500</u>	<u>4,500</u>	** —

**\*\* Must comply with Tandem Code—Part 3C of Chapter 58**

**Simplify**—The proposed changes will have the same regulations City wide for attached or detached ADUs (with the exception of Baldwin Park and the South East Sector). Also eliminates a special type of ADUs called ECHO Housing and just use the ADU regulations for development standards.

**Appearances**—The proposed code amendments would require Appearance Review for each new ADU.

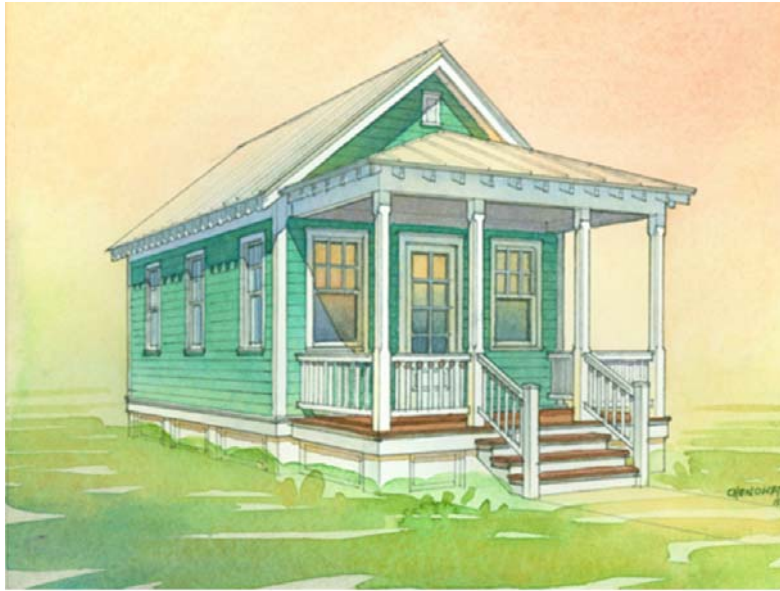
**Parking**—The proposed code clarifies the City's regulations on parking for an ADU and eliminates the need for an extra parking space for ADUs that are 500 s.f. or less (provide the house has at least one code compliant parking space).

**Rear Yard Setbacks**— Since any two story accessory building is allowed to be within 5 to 7 1/2 feet (depending on the zoning district) of any side yard property line, the proposed change allows the same setback for the rear yard as well for any two story ADU / accessory structure that is less than 500 s.f. on the second story. The applicant will need to obtain a Modification of Standards from the Zoning Official to use the lesser rear yard setback. Staff is also recommending the elimination of the requirements for the second story windows to be frosted or clerestory (i.e. windows higher up on the wall) because that same requirements are not required for the second story of the principal structure.

## OVERVIEW

Potential Issues	Proposed Remedy
Complex Codes	The proposed code provides uniform and City wide standards for all single family residential lots of a minimum lot size
Over building in existing neighborhoods	Limits the Floor Area Ratio (FAR) for both the house and the ADU to 0.5. Currently, there is no maximum FAR for houses on conforming lots (Max FAR in Colonial Town will remain at 0.4)
Allowing two full dwelling units on a single family lot	The maximum size of any ADU is limited to 500 s.f. with ADUs of up to 1,000 s.f. for lots that are 1.5 times the minimum lot size. This will limit the number of people that would want to occupy such a small space.
Nuisance Problems (noise, activity , etc.)	ADUs may <b>not</b> be sold “fee simple”. This requires the owner of the property to be responsible for any tenants that may occupy the ADU.
Appearance issues	An Appearance Review requiring materials and finish to be similar to the main house is required for all ADUs
Parking	Requires an additional code compliant parking space for larger ADUs (501 s.f to 1,000 s.f) but eliminates the need for additional parking for a smaller ADU (500 s.f. or less providing the house has a code compliant parking space).

# EXAMPLES OF ADUs—SINGLE STORY

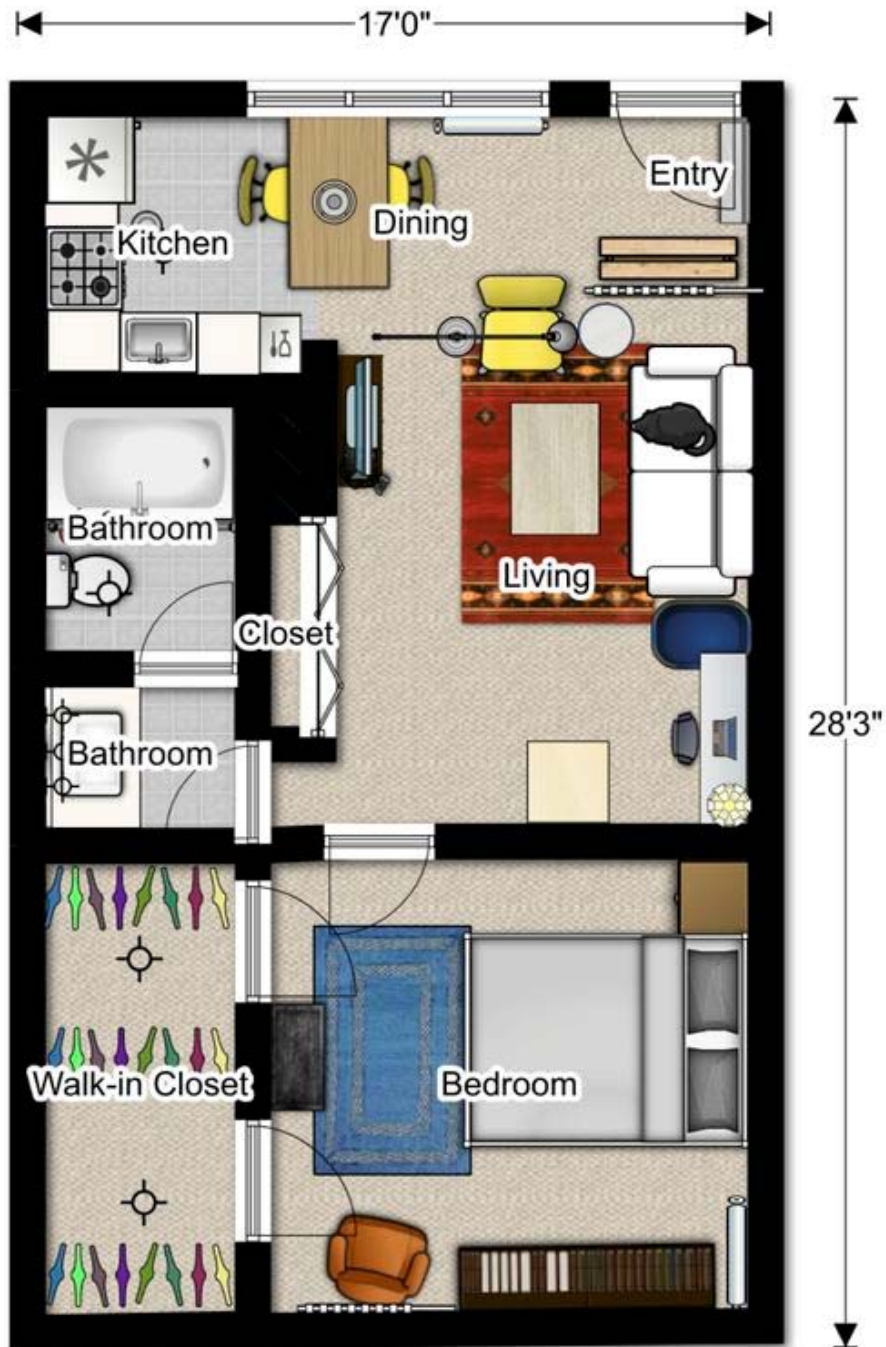


16 x 26 = 416 s.f.

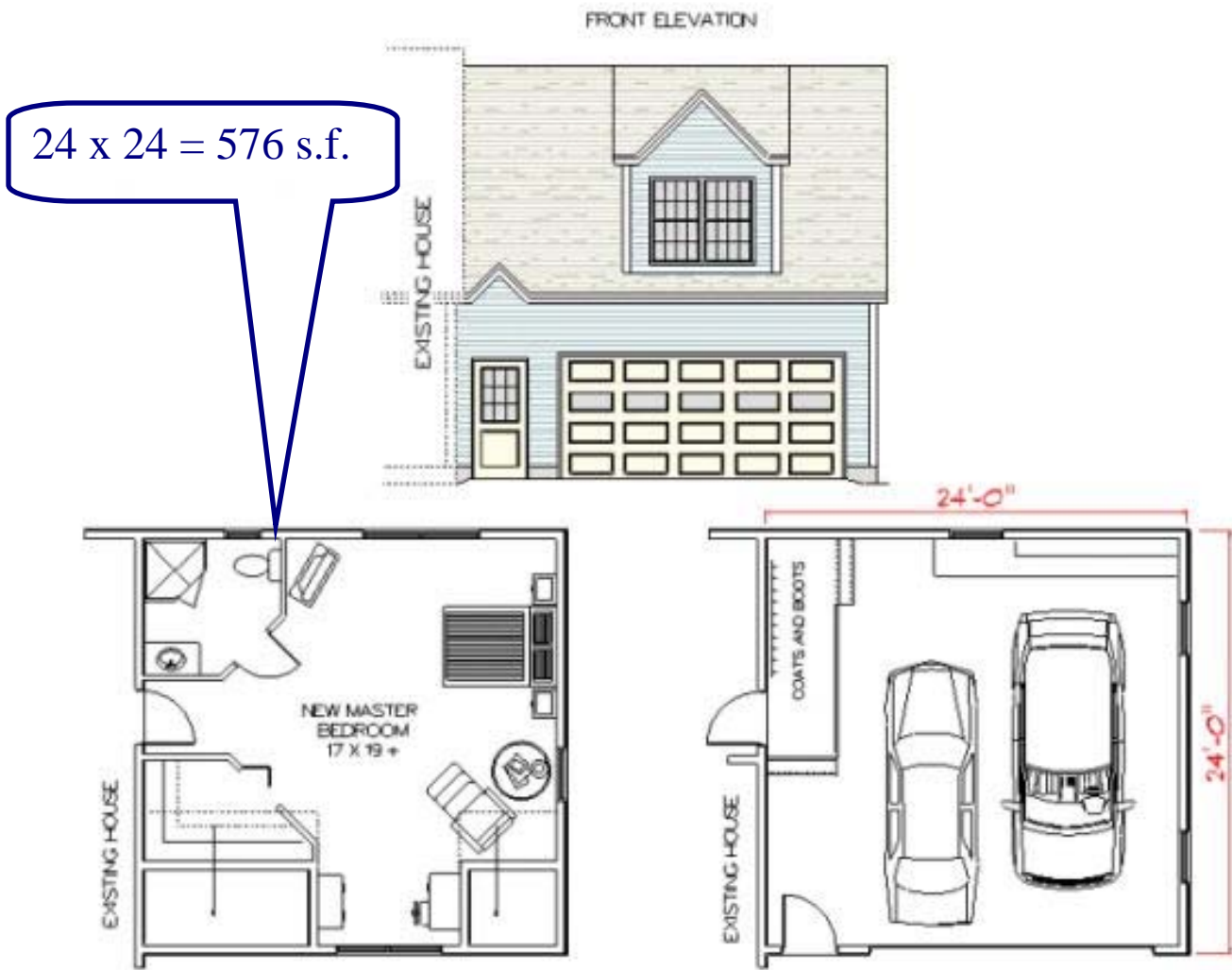


# EXAMPLES OF ADUS

## FLOOR PLAN | 500 SQUARE



# EXAMPLES OF ADUs— TWO STORY ATTACHED



# EXAMPLES OF ADUs— TWO STORY DETACHED



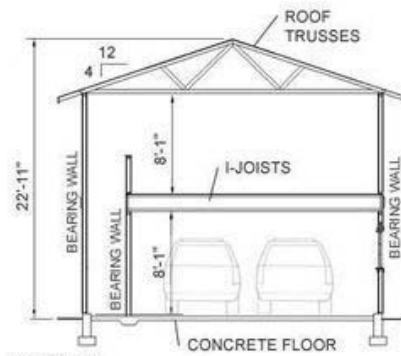
NEW PLAN FEATURING BALCONY, TRADITIONAL STYLING, COVERED SIDE ENTRY AND FRONT WINDOWS

PLAN #1107-1BAPT

PLANS INCLUDE OPTION FOR VACANT SECOND STORY



KITCHEN VIEW



CROSS-SECTION

24 x 24 = 576 s.f.



FLOOR PLAN 1



576 SF LIVING AREA  
FLOOR PLAN 2

**DRAFT – Subject to legal review**

**ORDINANCE 2018-\_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, BY DELETING FOOTNOTE 22 OF PART 1B, ZONING TABLES OF CHAPTER 58 (SEC 1); DELETING SUBSECTION F OF SECTION 62.600 PERTAINING TO ACCESSORY APARTMENTS AND ACCESSORY COTTAGES (SEC 2); AMENDING SECTION 66.200 BY DELETING THE DEFINITION OF ACCESSORY COTTAGES AND ACCESSORY APARTMENTS AND ESTABLISHING A NEW DEFINITION FOR ACCESSORY DWELLING UNITS (SEC 3); AMENDING FIGURE 2A.LDC OF PART 1B OF CHAPTER PERTAINING TO ACCESSORY APPARTMENTS AND ACCESSORY COTTAGE DWELLINGS (SEC 4); AMENDING FOOTNOTE 13 OF SECTION 58.110 (SEC 5), AMENDING PART 3A OF CHAPTER 58 ENTITLED ACCESSORY APARTMENTS (SEC 6), AMENDING FIGURE 26 FOUND IN SECTION 61.322 CONCERNING PARKING; (SEC 7), AMENDING SECTION 58.901(I) CONCERNING WINDOW LOCATIONS ON THE SECOND FLOOR OF ACCESSORY STRUCTURES, (SEC 8) AMENDING SECTION 65.302 CONCERNING MODIFICATIONS OF STANDARDS FOR REAR YARD SETBACK FOR TWO STORY ACCESSORY STRUCTURES (SEC 9) , AND PROVIDING LEGISLATIVE FINDINGS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**WHEREAS**, from time to time property owners desire to add an additional smaller accessory dwelling unit to their single family residential property, and

**WHEREAS**, properly regulated smaller accessory dwelling would provide needed affordable housing in neighborhoods

**WHEREAS**, the current code is confusing as per the regulations of these Accessory Dwelling Units and needs to be clarified

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

48 **SECTION 1** Footnote 22 of PART 1B. - ZONING TABLES of Chapter 58 shall hereby  
49 read as follows:

50  
51 ~~(a) In the R-1AA, R-1A, R-1, and R-1N zoning districts an Accessory Apartment~~  
52 ~~or Accessory Cottage may be allowed as a second dwelling unit on a single-~~  
53 ~~family building site under the following conditions:~~

54 ~~i) Accessory Apartment.~~  
55 ~~(1) Inside the Traditional City, one Accessory Apartment shall be allowed as a~~  
56 ~~Permitted Use when the building site is at least 1.5 times the minimum lot size~~  
57 ~~for the applicable zoning district.~~  
58 ~~(2) Outside the Traditional City, one Accessory Apartment may be allowed as a~~  
59 ~~Conditional Use in accordance with the regulations and procedures provided~~  
60 ~~in [Chapter 65](#), Part 2D, when the building site is at last 1.5 times the minimum~~  
61 ~~lot size for the applicable zoning district.~~

62 ~~ii) Accessory Cottage.~~  
63 ~~(1) Inside the Traditional City, one Accessory Cottage shall be allowed as a~~  
64 ~~Permitted Use when the building site is at least 2.0 times the minimum lot size~~  
65 ~~for the applicable zoning district.~~  
66 ~~(2) Outside the Traditional City, one Accessory Cottage may be allowed as a~~  
67 ~~Conditional Use in accordance with the regulations and procedures provided~~  
68 ~~in [Chapter 65](#), Part 2D provided that the building site is at least 2.0 times the~~  
69 ~~minimum lot size for the applicable zoning district.~~

70  
71 ~~(b) In R-2A and R-2B zoning districts an Accessory Apartment or Accessory~~  
72 ~~Cottage may be allowed as a second dwelling unit on a single-family building~~  
73 ~~site under the following conditions:~~

74 ~~i) Minimum lot size. The lot must meet the minimum size for duplex~~  
75 ~~development.~~  
76 ~~ii) Maximum number of units.~~

77  
78 ~~(1) In the R-2A zoning district, a maximum of two units are allowed per lot.~~  
79 ~~Accessory Apartments or Accessory Cottages are prohibited on any building~~  
80 ~~site in the R-2A zoning district where there is an existing duplex or tandem~~  
81 ~~dwelling, or in connection with any new duplex or tandem dwelling~~  
82 ~~development.~~

83  
84 ~~(2) In the R-2B zoning district, the maximum number of units per lot shall not~~  
85 ~~exceed the density established for the zoning district.~~

86 ~~iii) Conversion to tandem dwelling. On any building site in an R-2A or R-2B~~  
87 ~~district, any new accessory cottage over 450 sq. ft. and built in connection~~  
88 ~~with a one family dwelling must conform to the standards for tandem~~  
89 ~~dwelling in Part 3C of this Chapter. An existing or new accessory cottage~~  
90 ~~may not be split into a separate lot for purposes of creating a tandem~~  
91 ~~dwelling unless the tandem dwelling standards are met.~~

92  
93 ~~(c) Design Standards. The living quarters of an accessory cottage dwelling~~  
94 ~~(ACD) shall not exceed 40% of the living quarters of the principal structure or~~  
95 ~~1,200 square feet, whichever is less. However, principal structures with living~~

~~quarters less than 1,700 square feet may have an ACD up to 700 square feet. Appearance Review is required for ACD's, wherein ACD structures shall have the same exterior finish as the principal structure located on the same lot and shall incorporate at least two similar architectural details found on such principal structure into their design. Examples of similar architectural details include, but are not limited to, windows, doors, roof style, cornice detailing, vents, and dormers.~~

Reserved

**SECTION 2** Subpart "F" of Section 62.600 shall hereby read as follows:

**Sec 62.600 (f)**

~~Accessory Cottages. Legally existing non-conforming accessory cottages in single family zoning districts shall be permitted to remain provided that the building site area is 1.5 times the minimum required in the zoning district. However, no expansion or enlargement shall be permitted. Any accessory cottage which has been discontinued may be re-established at any time within the existing structure as long as the site meets the area requirements of this Section.~~

Reserved

**SECTION 3** Section 66.200 entitled Definitions is hereby amended with the following:

~~Accessory Apartment: See Dwelling, Accessory Apartment.~~

~~Dwelling, Garage Apartment: A dwelling unit which is an accessory use and located within an accessory building which provides parking for motor vehicles.~~

~~Dwelling, Accessory Cottage: A dwelling unit which is an accessory use and located in an accessory building. This term includes, but is not limited to, garage apartment dwellings and guest cottages.~~

~~Dwelling, Accessory Cottage: A dwelling unit which is an accessory use and located in an accessory building. This term includes, but is not limited to, garage apartment dwellings and guest cottages.~~

Dwelling Unit, Accessory. A dwelling unit which is an accessory use to a detached single family dwelling unit on one lot or an on-site office on a O-1 or O-2 zoned parcel. For the purpose these regulations, any heated or cooled space adjacent to an Accessory Dwelling unit and connected internally will be considered as part of the Accessory Dwelling Unit.

*Residential Use:* Any of the following uses:

~~Accessory apartment.~~

- 142                    Accessory Dwelling Unit
- 143                    Adult Family Care Home.
- 144                    Assisted Living Facility.
- 145                    ~~Attached dwelling.~~
- 146                    Community Residential Home.
- 147                    Emergency shelter.
- 148                    Emergency shelter home for children.
- 149                    Family Day Care Home.
- 150                    Group Housing.
- 151                    Mobile home dwelling.
- 152                    Multifamily dwelling.
- 153                    Multiplex dwelling.
- 154                    Nursing home.
- 155                    One family dwelling.
- 156                    Residential-Office mixed development.
- 157                    Townhome
- 158                    Treatment & recovery facility.
- 159                    Two family dwelling.

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162     **SECTION 4** Figure 2A.LDC of Part 1B of Chapter 58 is hereby amended as follows:

163

164                    FG-2A.LDC - (Table of allowable uses in zoning districts Inside [and Outside

165                    of]the Traditional City) - R-1S; R-2A; R-2B; R-3A; R-3B; R-3C; R-3D; MXD-1;

166                    MXD-2; O-1; O-2; O-3; MU-1; MU-2; AC-N; AC-1; AC-2; AC-3; AC-3A; H; CON;

167                    IC; IP; IG

168

169                    **FIGURE 2A.LDC**

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171                    **FIGURE 2:** Use this table to determine what uses are permitted, conditionally

172                    permitted, or prohibited in each zoning district (includes districts inside and

173                    outside of the Traditional City). Numbers in parentheses refer to footnotes

174                    following the tables.

	R-1s	R-2A	R-2B	R-3A	R-3B	R-3D	MXD-1	MXD2	O-1	O-2
<b>RESIDENTIAL</b>										
Accessory Apartments dwelling units (13)	P (22)	P (22)	P(22)	PA	PA	PA	PA	PA	PA	PA
Accessory Cottage Dwellings	P(22)	P (22)	P (22)	P	P	P	P	P	P	P

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**SECTION 5. - Footnote 13 of 1B. - ZONING TABLES of Chapter 58 shall hereby read as follows:**

~~13 An accessory apartment may be permitted where the total building site area is at least 1.5 the minimum required. All accessory dwelling units must comply with Part 3A of this chapter. Where permitted includes any PD with a similar default zoning.~~

**SECTION 6. – Part 3A of Chapter 58 shall hereby read as follows:**

**Chapter 58 Part 3A. - ACCESSORY APARTMENTS DWELLING UNITS**

**Sec. 58.500. - Purpose of Accessory Dwelling Unit Requirements.**

The standards and requirements of this Part are intended to add inexpensive dwelling units to meet the needs of older households, single member households, and single parent households; to make housing available to those persons who might otherwise have difficulty finding homes within the City; and to protect the stability, property values and one-family residential character of neighborhoods by ensuring that accessory apartments are developed only under conditions appropriate to further the purposes of this Chapter. These standards apply to all accessory dwelling units (ADU's) throughout the City. (Ord. of 9-16-1991, Doc. #25094)

**Sec. 58.501. - Design Standards.**

Accessory ~~apartments~~ dwelling units shall conform to all of the general requirements for accessory uses set forth in Part 5 of Chapter 58, the zoning district and use regulations set forth in Figures 1—2, and the following requirements:



210 **1. Location and Number.** ~~Only one accessory apartment shall be permitted~~  
211 ~~on any building site, and it shall be located within the principal structure. For~~  
212 ~~the purposes of this section only, an accessory apartment connected to a~~  
213 ~~principal structure by a breezeway, roofed passage or similar structure shall~~  
214 ~~not be deemed to be located within the principal structure.~~

215  
216 Only one accessory dwelling unit shall be permitted on any single family  
217 residential building site or an on-site office site in the O-1 and O-2 zoning  
218 districts providing it meets the minimum development standards for area  
219 shown in the table below.

220  
221 In the R-2A zoning districts, a maximum of two units (a duplex or tandem  
222 development) are allowed per Building Site. Accessory Dwelling Units are  
223 prohibited on any building site in the R-2A zoning district where there is an  
224 existing duplex or tandem dwelling, or in connection with any new duplex or  
225 tandem dwelling development.

226  
227 Multifamily development (to include ADUs) is permitted in the R-2B zoning  
228 district if in compliance with Part 3H of Chapter 58 .

229  
230 **2. Conversion to tandem dwelling.** On any building site in an R-2A or R-2B  
231 district, any new accessory dwelling over 500 sq. ft. and built in connection  
232 with a one family dwelling must conform to the standards for tandem  
233 dwellings in Part 3C of this Chapter. An existing or new accessory dwelling  
234 unit may not be split into a separate lot for purposes of creating a tandem  
235 dwelling unless the tandem dwelling standards are met.

236  
237 **3. Development Standards for ADUs–** The following are the development  
238 standards for all ADUs.

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241

	Development Standards	
	Minimum Lot Size for an ADU up to 500 sq. ft. *	Minimum Lot Size for an ADU up to 1,000 sq. ft.*
R-1AA	10,000	15,000
R-1A	7,700	11,550
R-1	6,000	9,000
R-1N	5,500	8,250
R-2A	5,500	**
R-2B	5,000	**
R-3A	5,500	**
R-3B	5,000	**
R-3C	4,500	**
R-3D	4,500	**
MXD-1	5,000	**
MXD-2	4,500	**
O-1	5,500	**
O-2	4,500	**

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\*All Accessory dwelling units must be smaller than the principal structure. Also, see "Lots of Record" subpart below" for ADUs on non-conforming lots of record.  
\*\* Must comply with Tandem Code – Part 3C of chapter 58

~~Maximum Floor Area. No accessory apartment shall exceed 25% of the gross floor area of the principal structure within which it is located. No structural alteration of a pre-existing principal structure shall be counted as gross floor area for the purposes of this requirement until two years after the completion thereof.~~

- a. Maximum Floor Area. Unless limited elsewhere in this Chapter, the maximum floor area ratio for the single family unit plus the ADU shall not exceed 0.50 Floor Area Ratio or the maximum FAR of the principal structure of the zoning district whichever is less. No ADU may be larger than 1,000 s.f. or be larger than the principal structure (the main house).
- b. **Setbacks -** Subject to Modification of Standards (See Sec 65.302 9.) the setbacks for Accessory Dwelling units are same as for the principal structure for all accessory dwelling units that are connected to the principal structure and same as for all accessory structures for all accessory dwelling units that are not connected to the principal structure. (ADUs that are greater than 500 s.f. in all R-2, R-3, MXD, an on Office districts must comply with the setbacks of tandem development – See Part 3C of Chapter 58).

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~~4. **Appearance.** The accessory apartment shall be so designed that the appearance of the dwelling remains that of a one family dwelling unit. Any new entrance created for the accessory apartment shall be located on the side or rear side of the dwelling.~~

**Appearance.** The design of Accessory Dwelling Unit (ADU) must be so designed so that the ADU appears to be a one family dwelling unit. An ADU structure must have the same exterior finish as the principal structure on the same building site and must emulate the architectural style and details of the principal structure into its design. Examples of similar architectural details include, but are not limited to, windows, doors, roof style, cornice detailing, vents, and dormers. An Appearance Review is required prior to approval of building permits. As an alternative to emulating the architecture and finish materials of the main house, such design may be approved by the Appearance Review Official (in consultation with the Planning Official) when evidence is provided that demonstrates the architecture of the ADU complements the primary structure and will not be out of character with the surrounding neighborhood.

5. **Building Code** – Must comply with the Florida Building code as well as Section 30A.24 of the City Code.

~~*Variances Prohibited.* No zoning variances may be granted in connection with the approval of any accessory apartment.~~

6. **Parking** –

- a) The House - Each Building Site must have one parking space and driveway that complied with the Land Development Code at the time the single family house was constructed.
- b) Larger ADUs - If the ADU is greater than 500 s.f. in size, an additional parking space located behind the front yard setback and at least 20 feet from the street side lot line is required. The second required parking space must be in independently accessible to the street and not enclosed within the main building.
- c) Smaller ADU Parking Exception – ADUs that are 500 s.f. or smaller that have code compliant parking for the main house at the time the house was constructed are not required to have an additional parking space for the ADU.

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7. Impact fees – See Chapter 56.

8. Non-Conforming Lots of Record – Lots of Record that are non-conforming in minimum size may apply for a Variance for the addition of an ADU. If approved, the maximum size of the ADU shall not exceed 500 s.f. and the FAR for the house and ADU shall not exceed 0.50.

9. Compliance with the GMP – Conformance with this code will be considered compliance with the City of Orlando’s Growth Management Plan.

**Sec. 58.502. – Elderly Cottage Housing Opportunity (ECHO housing).**

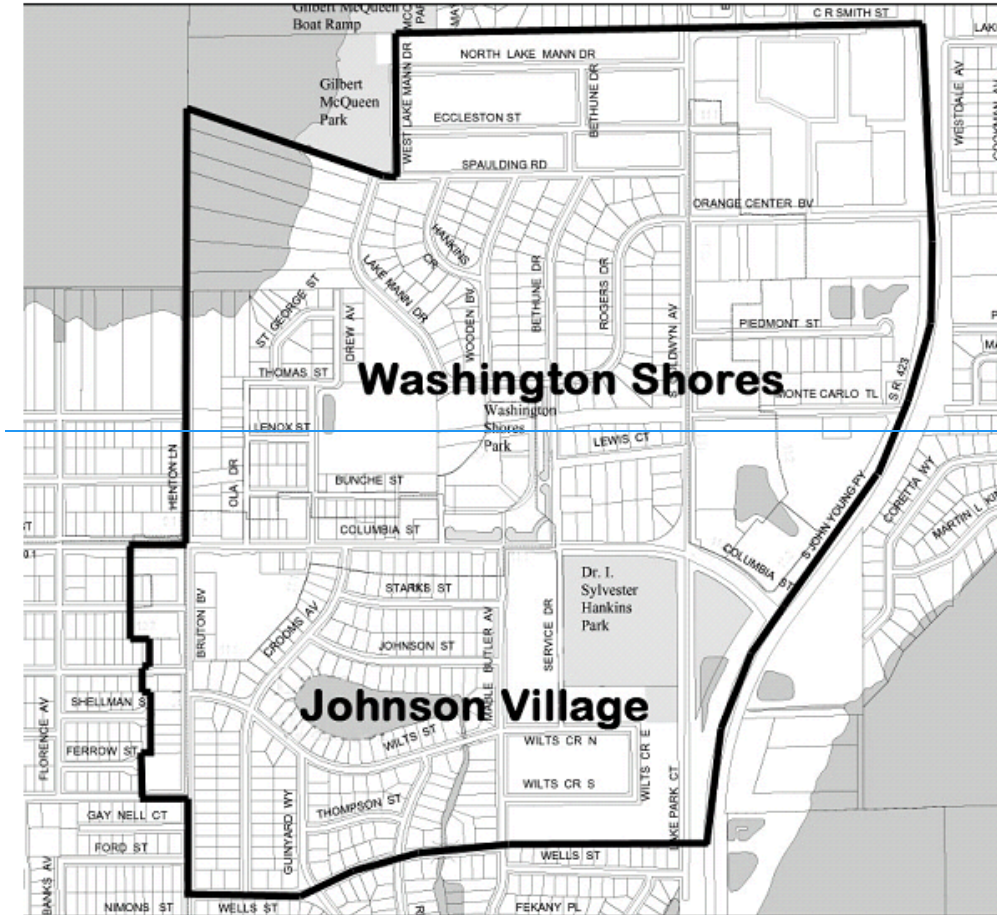
~~(A) Purpose. Elderly Cottage Housing Opportunity (ECHO Housing), is intended to expand the supply of intergeneration dwelling options. ECHO housing units are small, self-contained dwelling units intended for the elderly, placed in the rear yard of an existing home of a family member.~~

~~(B) Zoning Official Letter of Determination. Those interested in constructing an ECHO housing unit must apply for a Zoning Official Letter of Determination, issued by the Zoning Official. Only after its issuance can a Building Permit be sought. If construction has not commenced within twelve (12) months of the zoning official determination, all zoning and permitting approvals become null and void.~~

~~(C) Requirements for eligible residential lots.~~

~~(1) Zoning. Lots zoned R-1AA, R-1A, R-1, R-1N, R-2A and that conform to the lot size standards for single-family lots on Figure 1 of [Chapter 58](#): Zoning Districts and Uses shall be eligible for ECHO housing. As a part of a pilot program, location shall be limited to the scope of the Washington Shores Special Plan study area as depicted in Figure 8 (ECHO housing neighborhood boundaries).~~

Figure 8: ECHO housing neighborhood boundaries



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- ~~(2) *Principal structure.* The ECHO housing unit shall not be used as a replacement for the main dwelling. Therefore, the principal structure must be in good living condition prior to issuance of a Zoning Official Letter of Determination.~~
- ~~(3) *Tandem.* Both the principal structure and the ECHO housing unit structure must remain in the ownership of the same individual. No Tandem lots shall be permitted.~~
- ~~(D) *Restrictions.*~~
  - ~~(1) *Same Family.* The person(s) living in the ECHO housing unit must be part of the same family living within the principal structure.~~
  - ~~(2) *Limitation.* Only one ECHO housing unit allowed per site.~~
  - ~~(3) *Occupants.* The ECHO housing unit shall be limited to 2 occupants or less.~~
  - ~~(4) *Size.* ECHO housing unit shall be restricted to 450 square feet and one-story in height.~~
  - ~~(5) *Setbacks.* Same as Accessory Structures.~~
  - ~~(6) *Other accessory structures.* A shed less than 100 square feet shall be permissible on site in addition to the ECHO housing unit; no other accessory structures are allowed.~~
- ~~(E) *Architecture and Design.*~~

364 ~~(1) *Design Compatibility.* Building quality and design of a permanent ECHO~~  
 365 ~~housing unit must match that of the principal structure and have a permanent~~  
 366 ~~foundation. ECHO housing units shall have the same exterior finish as the~~  
 367 ~~principal structure located on the same lot and shall incorporate at least two~~  
 368 ~~similar architectural details found on such principal structure into their design.~~  
 369 ~~Examples of similar architectural details include, but are not limited to, windows,~~  
 370 ~~doors, roof style, cornice detailing, vents, and dormers. No mobile homes,~~  
 371 ~~recreational vehicles or travel trailers permitted. Appearance review is required.~~  
 372 ~~(2) *Parking.* No additional parking is required for an ECHO housing unit;~~  
 373 ~~however the principal unit must have a conforming required parking.~~  
 374 ~~(3) *Covered walkway.* A covered walkway may be attached to the principal~~  
 375 ~~structure from the ECHO housing unit, without the unit being considered part of~~  
 376 ~~the principal structure for setback purposes. However, this area shall not be~~  
 377 ~~screened in to create a porch, breezeway or other type of feature.~~  
 378 ~~(F) *Other.* All other standards for Accessory structures shall apply.~~  
 379 ~~(Ord. No. 2010-47, § 2, 10-18-2010, Doc. #1010181112)~~  
 380

381 **SECTION 7 - Figure 26** found in Section 61.322 is hereby amended as follows:  
 382

383 **FIGURE 26. MINIMUM NUMBER OF PARKING SPACES REQUIRED FOR**  
 384 **RESIDENTIAL USES**

Use	Per Dwelling Unit	Per Rated Patron Capacity	Special Requirements
Accessory Apartments <u>Dwelling Units</u>	4- <u>See section 58.501</u>		

385  
 386  
 387 **SECTION 8 - 58.901(I)** is hereby amended as follows:  
 388

389 ~~(I) *Window Location in a Residential Zoning District.*~~

390 ~~1. No second story windows facing the rear property line shall be permitted~~  
 391 ~~unless:~~

392 ~~a. The entire structure meets the required principal building rear yard~~  
 393 ~~setback; or~~

394 ~~b. The windows are opaque, frosted, clerestory or have a similar window~~  
 395 ~~treatment.~~

396 ~~2. No second story windows facing an interior side property line shall be~~  
 397 ~~permitted unless:~~

- 398 A. ~~The entire structure meets the required principal building side~~
- 399 ~~yard and rear yard setbacks; or~~
- 400 b. ~~The entire structure is at least 15 feet from the side property line;~~
- 401 ~~or~~
- 402 c. ~~The windows are opaque, frosted, clerestory or have a similar~~
- 403 ~~window treatment.~~

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405 Reserved

406  
407 **SECTION 9** – Section 65.302 entitled Where Modification of Standards Procedures  
408 Apply is hereby amended with the inclusion of sub part 9 which hereby states:

409  
410 ***Sec. 65.302. - Where Modification of Standards Procedures Apply.***

411 *The Modification of Standards procedures of this Part shall apply to the*  
412 *following types of uses and activities:*

413 \*\*\*

414 **9. Certain Accessory Buildings – two story accessory buildings may have the**  
415 **same rear yard setback as the required side yard setback providing the**  
416 **following is found to be true:**

- 417 • The property is not located with an historical preservation district, and
- 418 • The second story heated and cooled space is not greater than 500 square
- 419 feet, and
- 420 • No major trees are to be removed, and
- 421 • The accessory structure is in compliance with all other codes.

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423  
424 **SECTION 10. CODIFICATION.** The city clerk and the city attorney shall cause  
425 the Code of the City of Orlando, Florida, to be amended as provided by this ordinance  
426 and may renumber, re-letter, and rearrange the codified parts of this ordinance if  
427 necessary to facilitate the finding of the law.

428  
429 **SECTION 11. SCRIVENER’S ERROR.** The city attorney may correct  
430 scrivener’s errors found in this ordinance by filing a corrected copy of this ordinance  
431 with the city clerk.

432  
433 **SECTION 12. SEVERABILITY.** If any provision of this ordinance or its  
434 application to any person or circumstance is held invalid, the invalidity does not affect  
435 other provisions or applications of this ordinance which can be given effect without the  
436 invalid provision or application, and to this end the provisions of this ordinance are  
437 severable.

438  
439 **SECTION 13. EFFECTIVE DATE.** This ordinance takes effect upon adoption.  
440 The provisions of this ordinance will take effect on \_\_\_\_, 2018.

441  
442 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,  
443 Florida, at a regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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**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 \_\_\_\_\_, 2018.

**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 \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Mayor / Mayor Pro Tempore

\_\_\_\_\_  
Print Name

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

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Print Name

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

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Print Name