

ACCESSORY STRUCTURES & DWELLING UNITS

Ordinance Update - Orange County Code Chapter 38

**Orange County
Board of County Commissioners
*Adoption Public Hearing***



October 22, 2019

ORANGE COUNTY PLANNING DIVISION

PLANNING, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT

Presentation Outline


- ***Purpose & Background***
- ***PZC Recommendations***
- ***Board-Directed Changes***
- ***Additional Staff Cleanup***
- ***Requested Action***

The background of the slide is a dark blue-grey color with a faint, light-colored architectural floor plan or technical drawing overlaid. The drawing consists of various geometric shapes, lines, and circles, representing a complex structure or layout. The text is centered at the bottom of the slide.

Purpose & Background

Purpose

Accessory Structure & ADU Standards Update

- 1. To consolidate Accessory Structure and Accessory Dwelling Unit provisions**
 - 2. To refine associated performance standards**
 - 3. To reduce ADU code barriers countywide and increase housing options with more diverse product types**
- 

Background

Meetings Timeline

2019

June

18 BCC Work Session

August

15 Planning & Zoning Commission

September

24 1st BCC Public Hearing

October

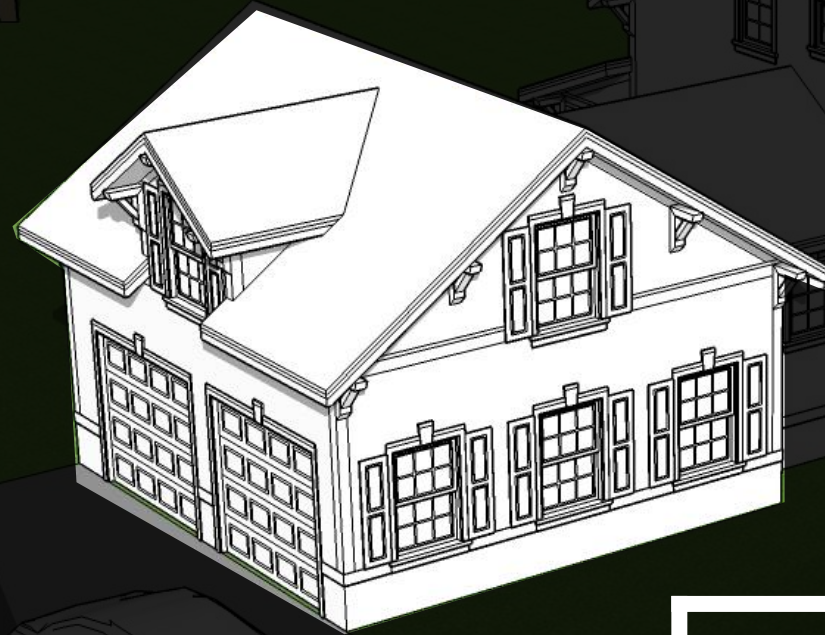
22 2nd BCC Public Hearing

Background **WHAT IS AN ADU?**



Background

WHAT IS AN ADU?



COMMON SYNONYMS FOR ADUs

Carriage House

Backyard Cottage

Garage Apartment

Garden Cottage

In-Law Suite

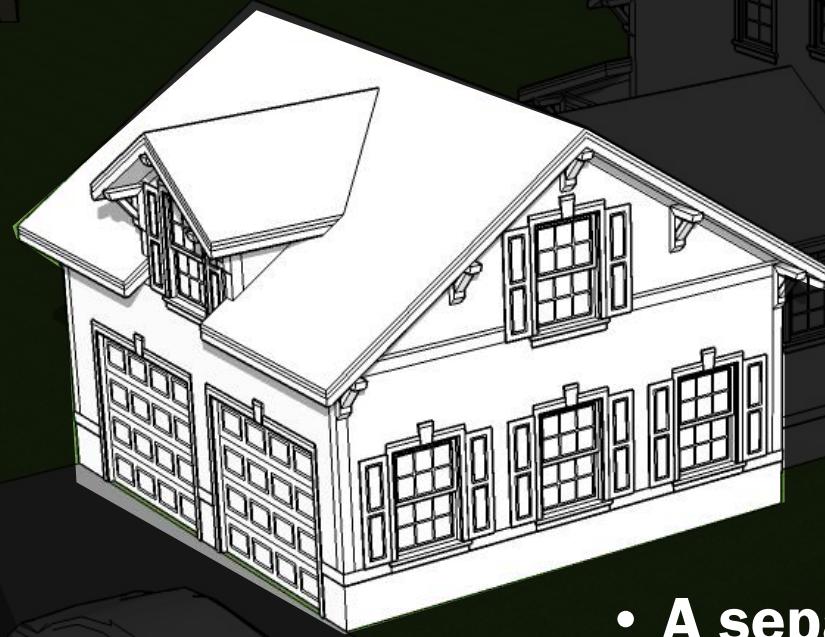
Home Expansion Unit

Granny Flat

Next-Gen Home

Background

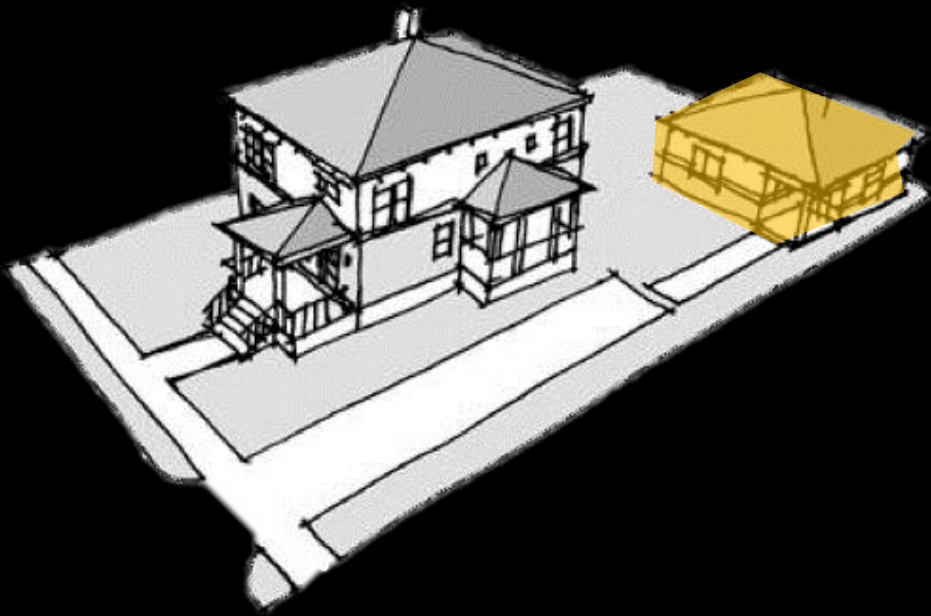
WHAT IS AN ADU?



- **A separate self-contained residential unit that shares the same lot as the primary residential dwelling**
- **Generally includes a living room, sleeping area, kitchen, and a bathroom**
- **Subordinate in size, location and appearance to the primary residential dwelling**
- **May be attached or detached from the existing dwelling unit**

Background

ADUs DEVELOPMENT ALTERNATIVES

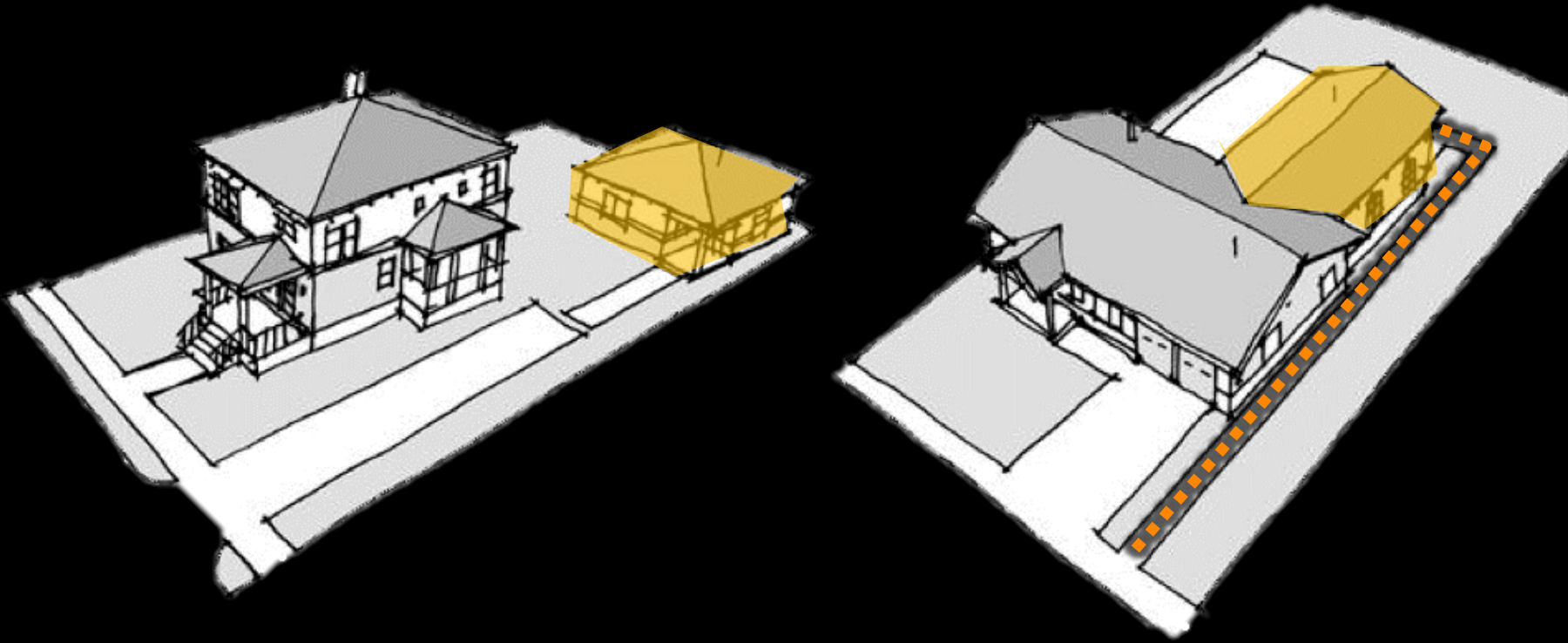


DETACHED

- **From the Main Structure**
- **Within the Required Setbacks**
- **Not Exceed Max Sq. Ft.**

Background

ADUs DEVELOPMENT ALTERNATIVES



DETACHED

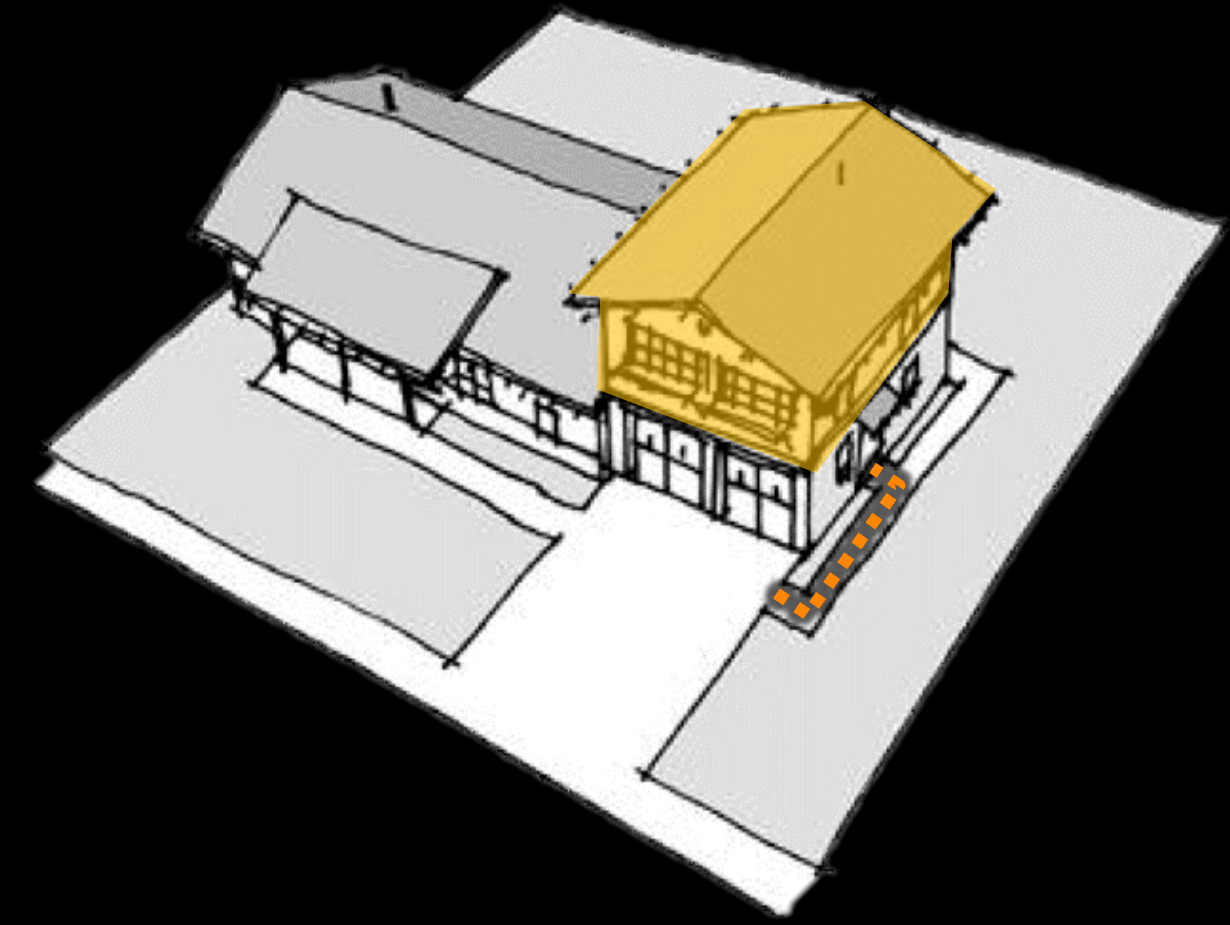
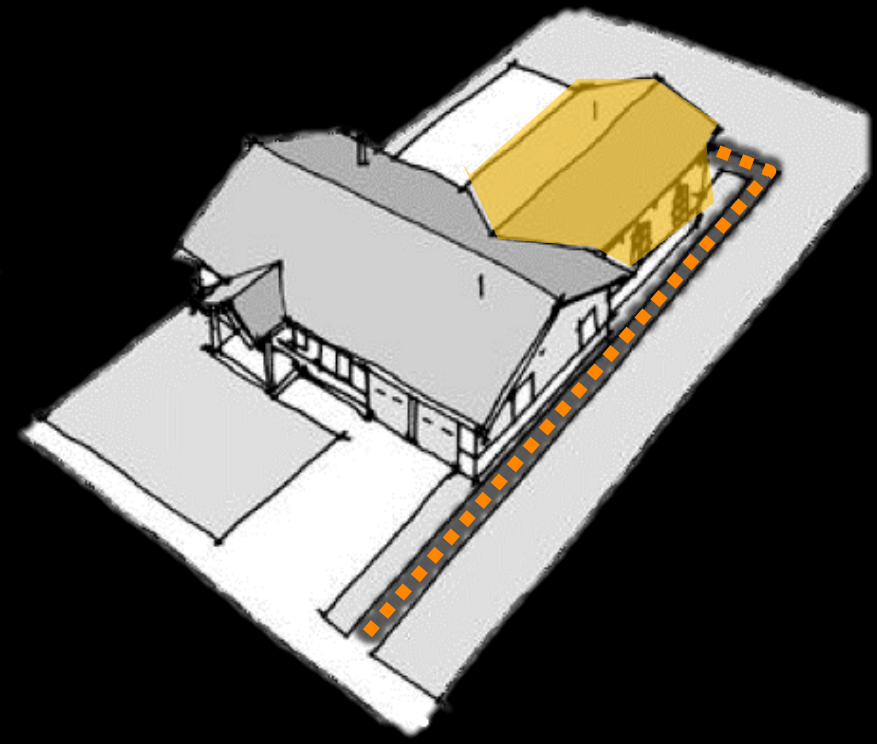
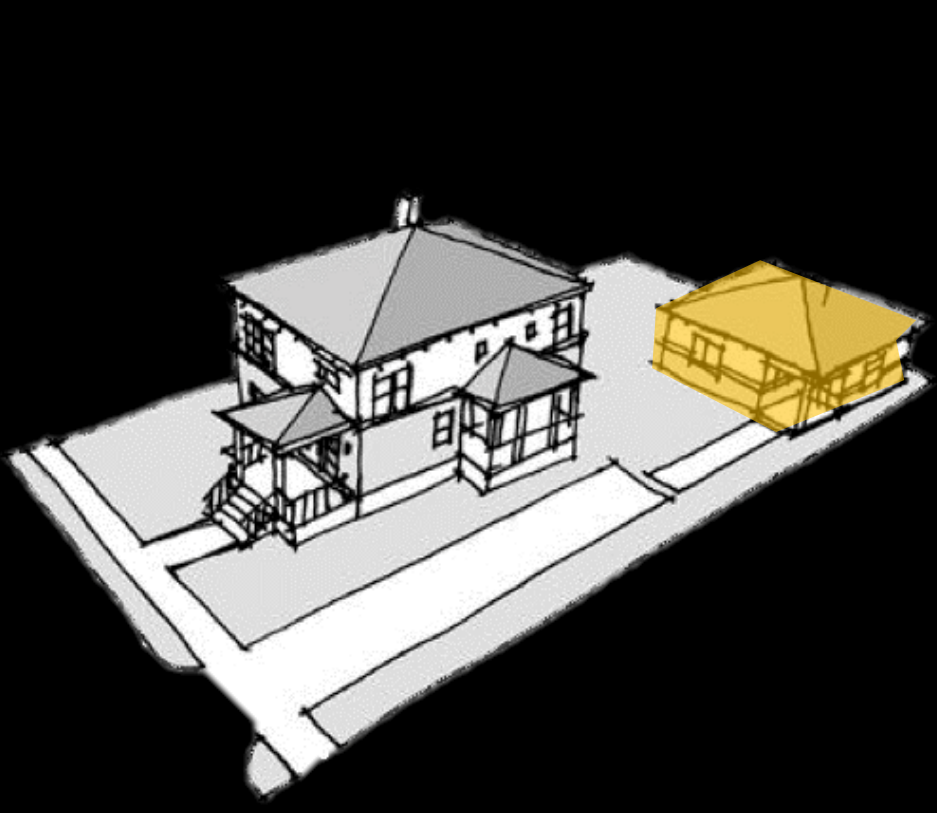
- From the Main Structure
- Within the Required Setbacks
- Not Exceed Max Sq. Ft.

ADDITION

- Behind the Garage
- Separate Entrance
- Direct Access from Sidewalk

Background

ADUs DEVELOPMENT ALTERNATIVES



DETACHED

- From the Main Structure
- Within the Required Setbacks
- Not Exceed Max Sq. Ft.

ADDITION

- Behind the Garage
- Separate Entrance
- Direct Access from Sidewalk

ATTACHED

- Above the Garage
- Separate Entrance
- Direct Access from Driveway

Background

EXISTING ADU CODE

Application Process / Requirements (Sec. 38-1426):

- **Special Exception** approval by the Board of Zoning Adjustment (BZA):
 - *Considered in 19 residential / mixed-use zoning districts*
 - *Includes submittal of site plan, floor plan, elevations, etc., and **\$652 fee***
 - ***2 ½ - 3 month** review process*
- Subject to **multi-family impact fees** (~\$9,000)
- Detached ADUs require lots to be **50% larger than District minimum**
- Lots must be **homesteaded**
- Primary residence or the ADU required to be **owner-occupied at all times**
- Often limited to **family members only** (for first 3 years)
- Subject to **1 additional parking space**
- Only **1 ADU allowed** per single family residential lot

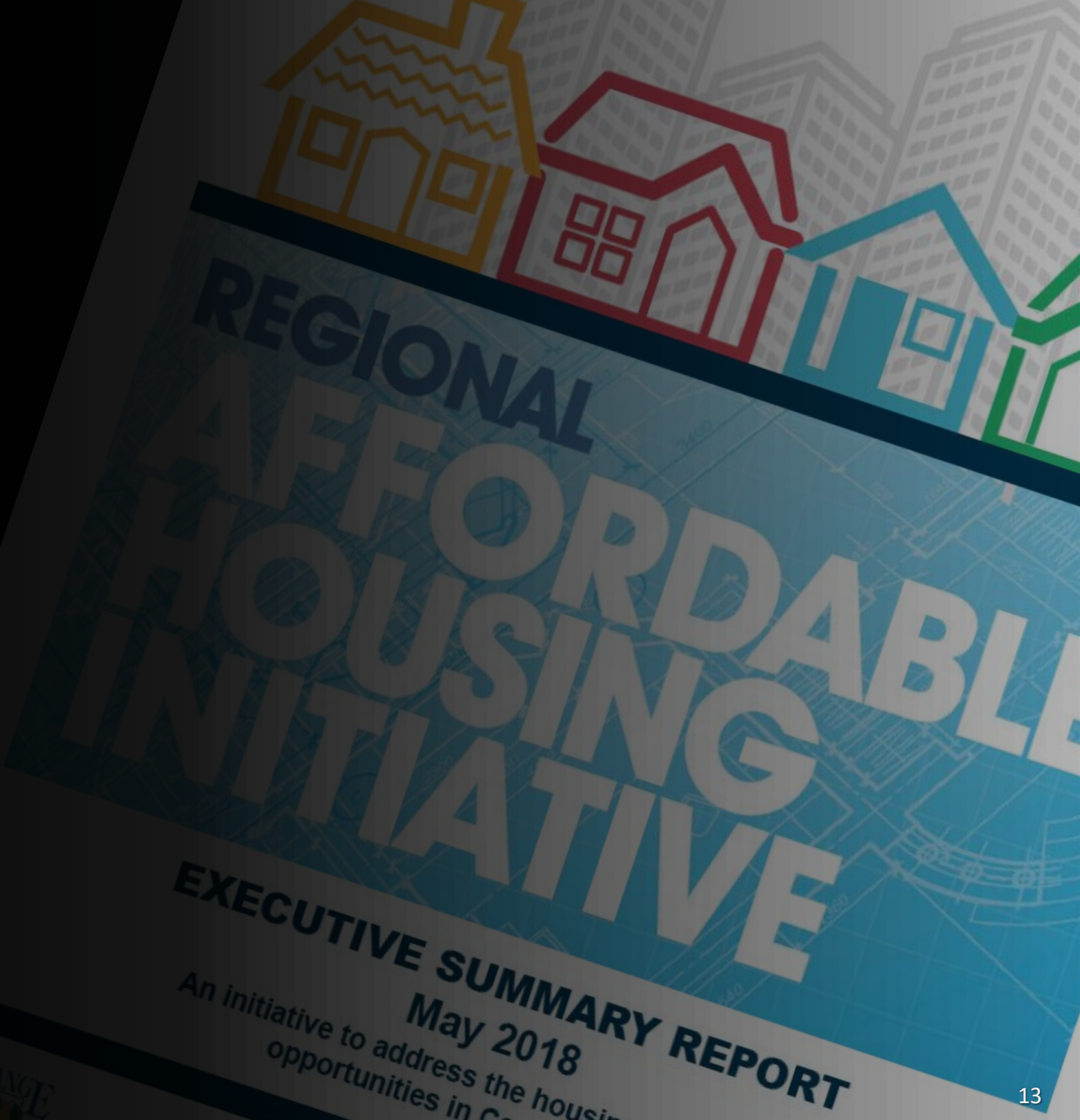
Background

RAHI and HOUSING for ALL

1. Regional Affordable Housing Initiative (RAHI) Executive Summary Report 2016 - 2018

BASIC TOOLS

	Implementation Horizon (Years)			
	1	Short	5	Long
Reduce Standards Barriers	<input checked="" type="checkbox"/>			
Reduce A.D.U. Requirements	<input checked="" type="checkbox"/>			



Background

RAHI and HOUSING for ALL

1. Regional Affordable Housing Initiative (RAHI) Executive Summary Report 2016 - 2018

BASIC TOOLS

Implementation Horizon (Years) 1 Short 5 Long 10

Reduce Standards Barriers

Reduce A.D.U. Requirements

2. **Housing for All** Task Force
April 2019 - Present

- Comprised of 3 Subcommittees
- Prioritize & Define Action Items
- Forward Recommendations to BCC



HOUSING FOR ALL
Task Force

Housing for All
Action Plan Taskforce

Scope and Next Steps
April 22, 2019

An Initiative to address housing needs and opportunities in
Orange County, Fl.



PZC Recommendations

PZC Recommendations

PROPOSED CHANGES

1. Consolidate **Accessory Structure and **ADU Standards****

2. Revise, Delete, or Add **Definitions (Sec. 38-1) – Pages 1 - 2**

- **Accessory Structure** (*Page 1 – Line 28*)
- **Accessory Dwelling Unit** (*Page 2 – Line 40*)
- **Guest House** (*Page 2 – Line 56*)
- **Kitchen** (*Page 2 – Line 63*)
- **Wet Bar** (*Page 2 – Line 73*)

PZC Recommendations

PROPOSED CHANGES

3. Accessory Structure Standards

- **Cumulative Size Limits**

500 sf or 10% of net land area, not to exceed 3,000 sf

Parcels >2 acres may exceed 3,000 sf through Special Exception

*Note: Essentially tying sq. ft. to the size of the lot,
as opposed to zoning district designation or size of the primary unit*

- **Maximum Heights**

15' (no change) or 25' when a 2:12 or greater sloped roof is provided

- **Minimum Setbacks**

≤ 15' high structures: All setbacks reduced from 10-ft. to 5-ft.

> 15' high structures: 10-ft. rear (no change) / District min. - side

PZC Recommendations

PROPOSED CHANGES

4. ADU Standards

- Permit **ADUs by right in** agricultural, residential, mixed-use and PD zoning districts, in conjunction with a single-family dwelling unit *(Including Rural Settlements & Rural Residential Enclaves)*
- Eliminate **“family-member only”** reference to ADUs
- Eliminate requirement that the property be **homesteaded**, and that primary unit or ADU be **“owner-occupied”**
- Eliminate **minimum living area (sq. ft.)** requirement, and increase **maximum living area** allowance from 45% to 50% of primary unit *(not to exceed 1,000 sf / or 1,500 sf with parcels >2 acres)*

PZC Recommendations

PROPOSED CHANGES

4. ADU Standards

- **Modify *side setbacks* for detached ADUs in most single-family districts from 10' to that allowed by District**
- **Reduce *rear setbacks for 1-story* detached ADUs from 10' to 5'; and increase *rear setbacks for 2-story* detached ADUs from 10' to 15'**
- **Increase *maximum building heights* for detached ADUs from 15' – 20' to that allowed by District**

PZC Recommendations

PROPOSED CHANGES

11. Revise Use Table (Sec. 38-77): "Exhibit A"

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE-Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1, I-5	I-2, I-3	I-4	U-V (sec 29)	R-L-D	UR-3	NC	NAC	NR	Conditions	
Principle residence and accessory buildings in excess of size requirements outlined in Condition #114)		Principle residence and accessory buildings in excess of size requirements outlined in Condition #114)	30	30	30	30	30	30	30	30	30	30	30																					
Accessory buildings, uses and structures (Excluding Accessory Dwelling Units) (See Sec. 88-1426)		Accessory buildings, uses and structures (Excluding Accessory Dwelling Units) (See Sec. 88-1426)	114	114	114	114	114	114	114	114	114	114	114	114	114	114		114	114	P	P	P	P	P	P	P	P	114	114	114	114	114	P	*
Accessory dwelling units (See Sec. 88-1426)		Accessory dwelling units (See Sec. 88-1426)	108	108	108	108	108	108	108	108	108	108	108	108	108	108		108	108										108	108	108	P/S	P/S	*
Guest House		Guest House	19	19	19	19	19	19	19	19	19	19	19			19											19	114	P	P	P	S	*	

Board - Directed Changes

Board Directed Changes

OWNER OCCUPANCY

Page 17 – Line #633

(B) *Ownership.* The primary single-family dwelling unit and the accessory dwelling unit shall remain under single ownership at all times, the subject lot or parcel shall qualify as homestead property, and the primary dwelling unit or the accessory dwelling unit shall be occupied by the owner of the lot or parcel at all times. Approval of an accessory dwelling unit shall not and does not constitute approval for separate ownership or the division of the lot or parcel. Any request to divide the lot or parcel shall comply with and be subject to all applicable laws, ordinances and regulations, including zoning regulations and access requirements.

Board Directed Changes

IMPACT FEES

Page 19 – Line #710

(K) Impact Fees and Capital Fees. ~~The accessory dwelling unit shall be subject to all other applicable laws, ordinances and regulations regarding water and wastewater capital fees.~~ **The impact fees for an accessory dwelling unit shall be assessed at the multi-family rate, until and unless the rate is modified in Orange County Code Chapter 23. Water and wastewater capital fees for the accessory dwelling unit shall be subject to all other applicable laws, ordinances and regulations.**

Board Directed Changes

TRANSIENT RENTALS

Page 19 – Line #722

(N) *Transient Rental.* Transient rental or leasing (a period of 30 days or less) of an ADU shall be prohibited, except as provided in Section 38-77 related to the R-3 zoning district.

Board Directed Changes

TRANSIENT RENTALS

Page 19 – Line #725

- (0) Electrical. A detached accessory dwelling unit may apply for and obtain a separate power meter, subject to the approval of the utility company and complying with all applicable laws, ordinances and regulations. An attached accessory dwelling unit shall not have or obtain a separate power meter.**

Background

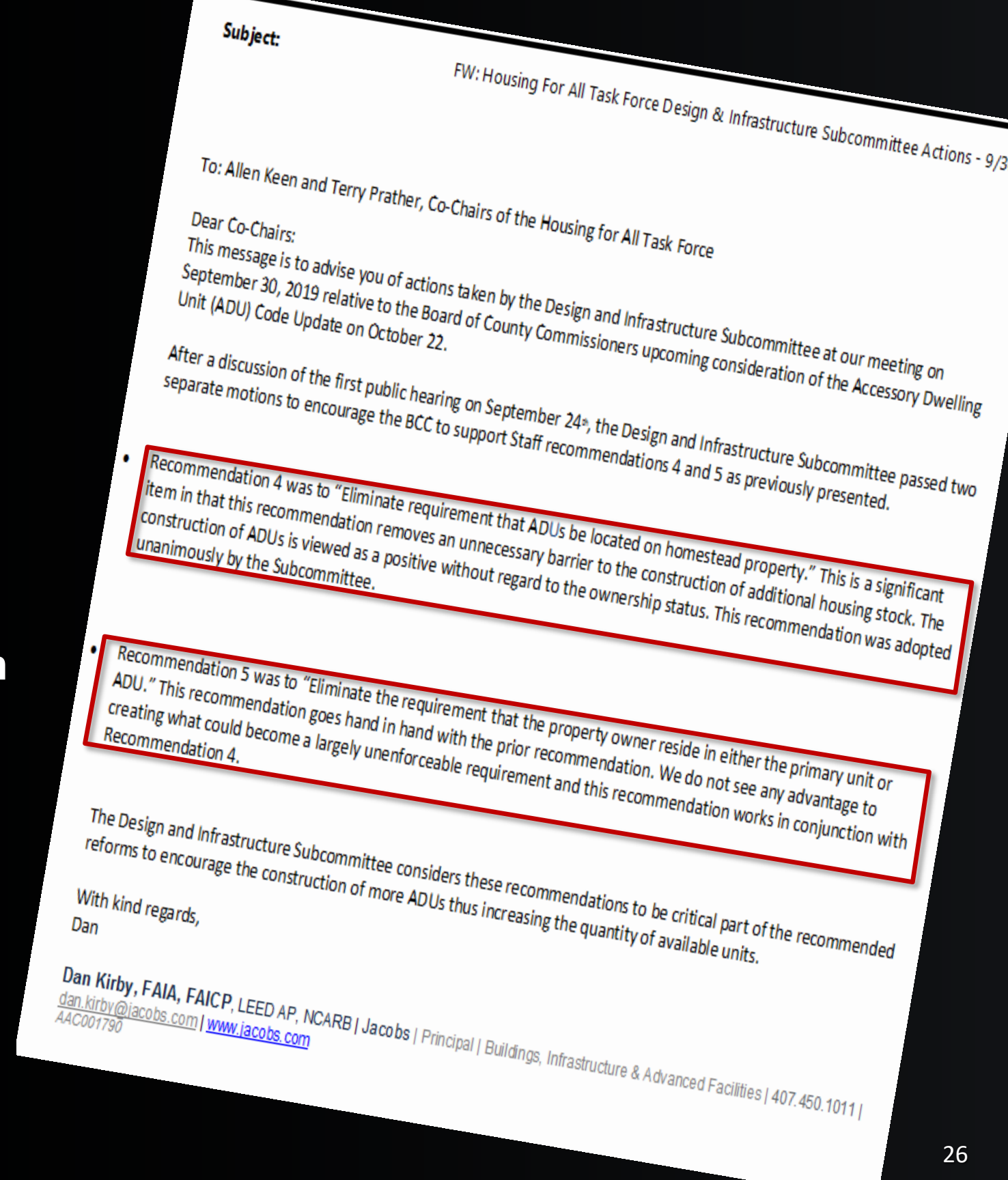
OWNER OCCUPANCY

Housing for All (Sep. 30, 2019)

Design & Infrastructure Subcommittee

Two separate motions:

1. “Eliminate requirement that ADUs be located on homestead property.”
2. “Eliminate the requirement that the property owner reside in either the primary unit or ADU.”



The background of the slide is a dark blue architectural floor plan of a building. The drawing shows various rooms, corridors, and structural elements in a light blue/white color, creating a technical and professional aesthetic.

Additional Staff Cleanup

Additional Staff Cleanup

ACCESSORY STRUCTURES

Page 12 – Line #448

(3) The following standards shall apply to all accessory structures within those residential and agricultural zoning districts only where accessory structures are permitted pursuant to Section 38 -77, Orange County Code:

Additional Staff Cleanup

ACCESSORY STRUCTURES

Page 14 – Line #516

(i) A detached accessory structure shall be limited to a maximum height of fifteen ~~(15) feet above grade and one story, or a maximum height of~~ two stories, not to exceed twenty-five (25) feet above grade ~~and one story when a roof slope greater than 2:12 is provided;~~

Additional Staff Cleanup

ACCESSORY STRUCTURES

Page 15 – Line #571

(vi) The cumulative square feet of all detached accessory structures shall be limited to ten (10) percent of the net land area, or 500 square feet, whichever is greater, and in no case shall the cumulative total exceed 3,000 square feet; however, detached accessory structures located within ~~residential and~~ agriculturally zoned parcels with greater than 2 developable acres may exceed 3,000 cumulative square feet, subject to obtaining a special exception and complying with all of the following standards

Additional Staff Cleanup

ACCESSORY DWELLING UNITS

Page 16 – Line #604

(1) A maximum of one (1) accessory dwelling unit may be permitted by right on a lot or parcel in ~~any residential or agricultural~~ the zoning districts indicated in Section 38-77, Orange County Code, including a Planned Development (PD), ~~NC, or NAC~~ zoning district, in conjunction with a single family dwelling unit. In all cases, the accessory dwelling unit shall be subordinate to the primary dwelling unit, and shall not be constructed prior to the construction and occupation of the primary dwelling unit.

Additional Staff Cleanup

PROPOSED CHANGES

Revise **Use Table** (Sec. 38-77): “Exhibit A”

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE-Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions
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Accessory buildings, uses and structures (Excluding Accessory Dwelling Units) (See Sec. 38-1426)		Accessory buildings, uses and structures (Excluding Accessory Dwelling Units) (See Sec. 38-1426)	114 P/S	114 P/S	114 P	114 P	114 P	114 P	114 P	114 P	114 P	114 P	114 P	114 P	114 P	114 P		114 P	114 P	P	P	P	P	P	P	P	P	114 P	114 P	114 P	114 P	114 P	±
Accessory dwelling units (See Sec. 38-1426)		Accessory dwelling units (See Sec. 38-1426)	108 PS	108 PS	108 PS	108 PS	108 PS	108 PS	108 PS	108 PS	108 PS	108 PS	108 PS	108 PS	108 PS	108 PS		108 P/S	108 P/S										108 PS	108 PS	108 PS	±	
Guest House		Guest House	19 S	19 S	19 S	19 S	19 S	19 S	19 S	19 S	19 S	19 S	19 S			19 S											19 114 SP		P	P	P	±	



Recommended Action

Accessory Structure & ADU Standards

ORDINANCE UPDATE - ORANGE COUNTY CODE CHAPTER 38

Recommended Action:

- **Make a finding of consistency with the Comprehensive Plan;**
- **Allow staff to correct any grammatical and/or scrivener's errors; and**
- **Approve the Ordinance to amend Orange County Code Chapter 38 pertaining to accessory structures and accessory dwelling units, as recommended by the Planning and Zoning Commission on August 15, 2019, as modified with changes today, with an effective date of November 1, 2019**

ACCESSORY STRUCTURES & DWELLING UNITS

Ordinance Update - Orange County Code Chapter 38

**2nd (Final) Adoption Public Hearing
October 22, 2019 – 2:00 PM**



October 22, 2019

ORANGE COUNTY PLANNING DIVISION

PLANNING, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT