

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS FOR THE NONA PARK PLANNED DEVELOPMENT DISTRICT, LOCATED GENERALLY AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NARCOOSSEE RD. AND DOWDEN RD., AND COMPRISED OF 26.1 ACRES OF LAND, MORE OR LESS; PROVIDING AN AMENDED DEVELOPMENT PLAN FOR CERTAIN LOTS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING AMENDED SPECIAL LAND DEVELOPMENT REGULATIONS AND PERMITTED USES IN THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of December 16, 2014, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2014-00027, requesting amendments to the land development regulations of the Nona Park planned development zoning district, generally located at the southwest corner of the intersection of Narcoossee Road and Dowden Road, comprising approximately 26.1 acres of land, and being more precisely described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case number ZON2014-00027 (entitled "Item #3 – Nona Park PD Amendment" and hereinafter referred to as the "Staff Report"), and subject to certain conditions contained within the Staff Report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

WHEREAS, zoning application case number ZON2014-00027 is requesting an amendment to the land development regulations of the Nona Park planned development zoning district for the purpose of permitting the development of certain commercial outparcels facing Narcoossee Road and Dowden Road (the "Project"); and

WHEREAS, the MPB found that the Project is consistent with the City's adopted Growth Management Plan (the "GMP") including the applicable goals, objectives, and policies associated with the Property's Future Land Use Map designation of Airport Support District Medium Intensity; and

WHEREAS, the Orlando City Council hereby finds that the Project is consistent with the intent and purpose of the planned development district zoning designation as

established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando City Code”); and

WHEREAS, the Orlando City Council hereby finds that the Project and this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the applicable provisions of the City’s GMP, including the applicable goals, objectives, and policies associated with the Property’s Future Land Use Map designation of Airport Support District Medium Intensity; and

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

SECTION 1. PD AMENDMENT. After due notice and public hearing, and pursuant to Part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City Code, the land development regulations of the Nona Park planned development zoning district, as established by that certain zoning ordinance adopted by the Orlando City Council on October 15, 2007, and bearing City of Orlando Documentary #0710151004, as amended by that certain zoning ordinance adopted by the Orlando City Council on April 22, 2013, and bearing City of Orlando Documentary #1304221203 (City of Orlando Ordinance #2013-19), are hereby amended further as follows:

- a) *Development Plan.* Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of Lots 2 – 7 of the Property must be consistent with the amended development plan attached to this ordinance as **Exhibit “B”** (hereinafter the “Amended Development Plan”). In the event of a conflict between the text of this ordinance and the Amended Development Plan, the text of this ordinance shall control. In the event of a conflict between the Amended Development Plan and development plans adopted by the prior zoning ordinances of October 15, 2007, and April 22, 2013, the Amended Development Plan shall control as to Lots 2 – 7 of the Property. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Amended Development Plan.
- b) *Phasing.* The Property may be developed in multiple phases, but if developed in multiple phases, each phase must be developed in a manner that allows the individual phases to function independently of each other. The purpose of this requirement is to ensure that the first phase, and each subsequent phase, can fully function and operate as intended by the Development Plan in the event that subsequent phases are delayed or abandoned.
- c) *Permitted uses.* In addition to the permitted and conditional land uses already existing under the current planned development zoning designation, indoor Personal Storage use is a permitted use on Lot 7.

- d) *Maximum intensity.* Intensity on the Property may not exceed a 0.7 floor to area ratio. The floor to area ratio for Lots 2 – 7 shall be calculated in aggregate rather than on a per lot basis.
- e) *Maximum building height.* Structures associated with a Personal Storage use may not exceed three stories.
- f) *Land use mixture.* At least 10% of the total land area of Lots 1 and 4 – 7 must be developed with office use, consistent with the Mixed- Use precinct requirements
- g) *Design regulations for Personal Storage Use.* This ordinance allows Personal Storage use on Lot 7 of the planned development. If Lot 7 is developed as a Personal Storage use, then the use must be designed, constructed, and maintained consistent with the following minimum design regulations:
 - i) *Orientation of the front façade.* The primary façade of the principal building must be oriented towards Dowden Road and must include the main entrance which must be connected with a direct, paved pedestrian path to the public sidewalk on Dowden Road.
 - ii) *Street-side-yard façade.* Street-facing facades (including those facades facing private streets or alleys) must be lined with windows. Blank walls must be interrupted at least every 20 lineal feet with windows, entryways, pilasters, lattice, changes in plane, or other similar features.
 - iii) *Exterior articulation.* All exterior walls of the building must be articulated with a consistent style and materials. Architectural details and materials must continue on all sides of a building.
 - iv) *Base, middle, & top.* All facades must express a recognizable base, middle, and top. These elements may consist of thicker walls, textured materials, special materials such as ceramic tile, granite, marble, contrasting colors or panels, cornice treatments, roof overhangs, and stepped parapets. Materials must be properly applied and detailed, especially at the base, along cornices, eaves, and parapets, and around entries and windows. Façade details must be proportioned and spaced appropriately. Each floor of the building should be expressed externally with appropriately proportioned windows and other architectural details.
 - v) *Transparency.* The principal facades facing north (towards Dowden Road) and east (towards the internal drive aisles) shall include a minimum 30% transparency each floor below the roof line. Tinted or reflective glass shall be prohibited. Other facades shall have a minimum 15% transparency. Clear glass shall be required on the ground floor, or Low-E glass with a minimum

transmittance of 60% may be permitted. Only clear glass (or Low-E) shall count toward transparency calculations. Window styles shall be consistent on each "bay" of the building. Interior finishes at the ground level, such as shutters, shall be permitted if they are installed behind clear glass, and are not permanent (may be removed in the future).

vi) *Awnings*. Awnings are encouraged at a pedestrian scale and shall be no wider than a storefront bay.

vii) *Roof form*. Mechanical equipment shall be screened from view by parapets or by other screening methods as reviewed by Appearance Review Officer.

viii) *Simulated Materials*. Materials that are visibly simulated or prefabricated are discouraged. Material changes should not occur at external corners, but may occur at "reverse" or interior corners or as a "return" at least two feet from external corners.

ix) *Climate and Pest Considerations*. Sustainability of built structures is extremely important. Materials shall be chosen which take into account the region's high humidity and the very real dangers associated with termites. Wood structures should be avoided where possible and hardie board, masonry, and stucco are preferred for exterior surfaces.

x) *Parking*. Surface parking is encouraged to be planted with shade trees at an approximate ratio of one tree for every five spaces.

xi) Pedestrian connections:

a. Crosswalks shall be constructed with contrasting pavers and/or textured colored concrete.

b. Pedestrian circulation shall tie-in to existing and proposed pedestrian network on site.

xii) Landscaping:

a. All landscaping shall meet or exceed the minimum requirements of LDC Chapter 60, Part 2, relative to landscaping.

b. Any canopy trees installed in the public right-of-way in a planting area that is less than 10 feet in width (or on private property less than 5 feet from public sidewalks) shall be installed with appropriate techniques to protect sidewalks, curbs, and infrastructure. Such techniques may include structural soil, pavement-supporting structures, root tunnels, and root

barriers, and must be approved by the Appearance Review Official at time of permitting.

- c. Existing trees (not including those classified as invasive, exotic species) shall be preserved to the extent practical. The placement of underground utilities, including irrigation, within the drip lines of existing trees to be preserved shall be done by means of tunneling rather than trenching. Any existing melaleuca, chinaberry, Chinese tallow, Brazilian pepper, camphor, or Australian pines on the site shall be removed.
- d. Street tree planting shall be completed along all roadway frontages abutting the site in accordance with City Code. In locations where installation of street trees within the street right-of-way or a City services easement is infeasible, the trees shall be installed on the site within 12 feet of the right-of-way.
- e. The west portion of the property (between the storage building and residential development) shall be heavily landscaped with evergreen trees and plants in order to buffer views and noise from the residents.
- f. Where parking lots occur along streets, a landscaped area in accordance with conventional LDC standards shall be provided to minimize views of parked cars from the street and shall be permanently maintained.
- g. Any service area, dumpster enclosure, loading or storage area, or mechanical equipment shall be screened with shrubs or trees.

xiii) *Signs*. Signs on the building shall conform to the Activity Center requirements specified in Chapter 64, Section 64.228, Signs inside the Traditional City, and the Master Sign Plan for Nona Park.

xiv) *Utilities*. Dumpster enclosures and other utilities shall be installed to the rear of the building and shall be screened from the public right-of-way and adjacent residential development.

SECTION 2. 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 3. 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 4. 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, this _____ day of _____, 2015.

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, this _____ day of _____, 2015.

DONE, THE SECOND READING, A 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, this _____ day of _____, 2015.

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

Mayor / Mayor Pro Tempore

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

City Clerk

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

City Attorney

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