

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
 2 ORLANDO, FLORIDA, RELATING TO MASTER PLANS;
 3 AMENDING PROVISIONS OF THE LAND DEVELOPMENT
 4 CODE RELATING TO WHEN MASTER PLAN REVIEW IS
 5 REQUIRED, WHEN MASTER PLANS MAY BE REVIEWED
 6 ADMINISTRATIVELY, REVIEW PROCEDURES FOR
 7 MASTER PLANS, STANDARDS OF REVIEW FOR MASTER
 8 PLAN APPLICATIONS, AND PROHIBITED VARIANCES;
 9 PROVIDING FOR THE REVIEW AND APPROVAL OF
 10 MASTER PLANS WITH THE MODIFICATION OF CERTAIN
 11 DEVELOPMENT STANDARDS; PROVIDING TECHNICAL,
 12 GRAMMATICAL, AND ORGANIZATIONAL AMENDMENTS;
 13 PROVIDING LEGISLATIVE FINDINGS, AND FOR
 14 SEVERABILITY, CODIFICATION, CORRECTION OF
 15 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

16
 17 **WHEREAS**, subsection 163.3202(1), Florida Statutes, requires that the City of
 18 Orlando, Florida (the "City"), adopt or amend and enforce land development regulations
 19 that are consistent with and implement the City's adopted comprehensive plan; and
 20

21 **WHEREAS**, subsection 163.3203(3), Florida Statutes, encourages the use of
 22 innovative land development regulations and requires that all land development
 23 regulations be combined into a single land development code for the City; and
 24

25 **WHEREAS**, from time to time, amendments and revisions to the City's adopted
 26 comprehensive plan (the "Growth Management Plan"), progress in the field of planning
 27 and zoning, or changes to state law make it necessary or desirable to amend the land
 28 development regulations of the City; and
 29

30 **WHEREAS**, at its regularly scheduled meeting of February 17, 2015, the
 31 Municipal Planning Board recommended to the City Council of the City of Orlando,
 32 Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent
 33 with the applicable provisions of the City's adopted Growth Management Plan, are in the
 34 best interest of the public health, safety, and welfare, are in harmony with the purpose
 35 and intent of the Land Development Code of the City of Orlando, Florida (the "Land
 36 Development Code"), will not result in disorderly and illogical development patterns, and
 37 will not result in incompatible land uses; and
 38

39 **WHEREAS**, the Orlando City Council hereby finds and determines that this
 40 ordinance is consistent with the applicable provisions of the City's adopted Growth
 41 Management Plan, is in the best interest of the public health, safety, and welfare, is in
 42 harmony with the purpose and intent of the City's Land Development Code, will not
 43 result in disorderly and illogical development patterns, and will not result in incompatible
 44 land uses; and
 45

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. FOOTNOTE 35, PART 1B, CHAPTER 58, DELETED. Footnote 35 to the "Zoning Tables" at Part 1B, Chapter 58, Code of the City of Orlando, Florida, is hereby deleted in its entirety and reserved for future use.

SECTION 2. SECTION 65.331, AMENDED. Section 65.331, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 65.331. ~~Purpose of~~ Master ~~p~~Plan ~~r~~Review.

Master ~~p~~Plan ~~r~~Review is intended to provide an initial review of a proposed development and its basic development concepts prior to proceeding with ~~a phase-by-phase Preliminary subdivision p~~Plan and/or ~~final site p~~Plan ~~r~~Review. It is intended that the level of information needed for this review will be general enough that the developer will not ~~require need extensive final engineering or construction plan, surveying and legal analysis yet~~ be detailed enough to demonstrate compliance with the standards for master plan approval as provided at section 65.335 and with applicable appearance review standards as provided at Part 3, Chapter 62.

(a) Consistency with the Growth Management Plan. Master plans must to the applicable goals, objectives, and policies of the City's adopted Growth Management Plan, including without limitation, the following:

1. Urban Design Goals 1, 2, 3, 4, and 5, in order to incorporate the positive design elements of the Traditional City into new development both inside and outside of the Traditional City; and

2. Future Land Use Policies 1.1.1 and 1.7.2, in order to protect neighborhoods from uses not in keeping with their established character and uses; and

3. Future Land Use Policy 1.3.2, in order to encourage a more concentrated urban form capable of efficiently accommodating projected population.

(b) When ~~m~~Master ~~p~~Plan ~~r~~Review is ~~r~~Required. Master Plan Review shall be required for a project that meets any one or more of the thresholds described below. If a master plan is required, it must be reviewed and approved prior to the issuance of any building permit for the project. A master plan may be reviewed administratively if the criteria in subsection (c) below are met. ~~whenever a proposed development will consist of more than one phase; whenever a density and/or intensity bonus is requested under~~

~~Chapter 58, Part 6B; and for developments that are designated Activity Center, Mixed Use Corridor or Mixed Use/Neighborhood Development on the Future Land Use Map, except where all of the following conditions are met:~~

1. The proposed development will consist of more than one phase.
2. A density and/or intensity bonus is requested pursuant to Part 6, Chapter 58.
3. The proposed development site, or any portion thereof, is part of an application to rezone to an Activity Center (AC-N, AC-1, AC-2, AC-3, or AC-3A) or a Mixed Use (MU-1 or MU-2) District.
4. The proposed development site is part of an initial zoning application associated with an annexation, and the proposed use, density, and/or intensity were not allowed by the Orange County future land use designation. At the request of the property owner, master plan review required under this part may occur concurrently with the initial zoning or later, at the time of development (but before the issuance of any building permit implementing the plan of development).
5. The proposed development includes 5,000 square feet or more of non-residential floor area.
6. The proposed development includes 5,000 square feet or more of outdoor storage space or outdoor merchandise display space.
7. The proposed development includes 180 or more parking spaces.
8. The proposed development includes a parking garage (see section 61.307).
9. The proposed development includes a drive-through or a gas pump.
10. The proposed development includes 12 or more multifamily residential units.
11. The proposed development is located within the Southeast Orlando Sector Plan area.

(c) When a master plan may be reviewed administratively. Administrative review of a master plan, as described in section 65.334(b), is allowed when all of the following criteria are met. Otherwise, the master plan must be reviewed pursuant to the formal review process set forth in section 65.334(a). Developments requiring master plan

approval in the Southeast Orlando Sector Plan area are subject to the review process provided at Part 6, Chapter 68, Orlando City Code.

1. The proposed development includes 65,000 square feet or less of non-residential floor area.

2. The proposed development includes 65,000 square feet or less of outdoor storage space or outdoor merchandise display space.

3. The proposed development includes 100 or fewer multifamily residential units.

4. The proposed development does not exceed three stories in height.

5. The development site is five acres or less.

6. The proposed development may request a modification of standards pursuant to section 65.302, but may not request a modification of standards pursuant to section 65.334.51, which requires review pursuant to the formal review process described in section 65.334.

7. The proposed development is not seeking a density and/or intensity bonus.

8. The proposed development is outside the Southeast Orlando Sector Plan area.

~~1. The development is not designated Mixed Use Neighborhood Development on the Future Land Use Map.~~

~~2. The development site contains less than five acres.~~

~~3. The development will contain less than 65,000 square feet of floor area.~~

~~4. The development will contain less than 65,000 square feet of exterior storage or exterior merchandise display area.~~

~~5. The development will contain parking for less than 180 vehicles.~~

~~6. The development is not proposed as part of an AC or MU rezoning.~~

~~7. The development is not to be phased or, if it is to be phased, all phases can be shown to stand alone, according to the development requirements of this Land Development Code.~~

~~8. Cross-access and joint-use parking easements and agreements shall be provided as required by Chapter 61, Unified Access and Circulation Sections 61.108 through 61.113.~~

~~9. A density and/or intensity bonus is not requested under Chapter 58, Part 6B.~~

~~Master Plan Review shall also be required whenever a proposed development is designated Urban Village, Airport Support District (Medium and/or High), Town Center/Urban Transit Center, Village Center/Urban Transit Center, Village Center, Neighborhood Center, or Residential Neighborhood on the Future Land Use Map, or as shown on Figure 68-1 of Chapter 68, Southeast Orlando Sector Plan Conceptual Master Plan Map. Within the Southeast Orlando Sector Plan area, development of Residential Centers within Residential Neighborhoods shall also require Master Plan Review.~~

SECTION 3. SECTION 65.334, AMENDED. Section 65.334, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 65.334. The Review Process.

(a) Formal review process.

1. Technical Review Committee. Upon acceptance of the application, copies shall be forwarded to all members of the Technical Review Committee (TRC). TRC members shall meet to review the application. The TRC members shall prepare recommendations for the consideration of the Municipal Planning Board.

2. Request for ~~a~~Additional ~~i~~nformation (if ~~n~~Necessary). If the TRC members find~~s~~ that additional information is needed for the proper review of the application, the Planning Official shall notify the applicant in writing within 15 days following the TRC meeting, specifying the information needed. Submittal and review of such information shall be the same as for the original application

3. Municipal Planning Board. Following review by the TRC, the application shall be forwarded to the Municipal Planning Board for review. Based on the application, the requirements of this Chapter and the recommendations of the TRC, the Board shall hold a public hearing and then prepare recommendations for the consideration of the City Council.

4. City Council. Following review by the Municipal Planning Board, the application shall be forwarded to the City Council. Based on the application, the requirements of this Chapter and the recommendations of the Municipal Planning Board, the City Council shall approve, approve with conditions, or deny the application.

b. Administrative review process outside the Southeast Orlando Sector Plan area. Administrative reviews of master plans are reviews and decisions on master plan applications made by the planning official. Applications for administrative approval of a master plan shall be made by application for planning official determination. Upon application for an administrative master plan, the planning official shall approve, approve with conditions, or deny the application based on the standards of review provided at section 65.335. Appeal of a planning official determination made pursuant to this part is subject to the procedures provided at Part 2G, Chapter 65, Orlando City Code.

c. Conditions. When the City Council or the planning official approves any ~~m~~Master ~~p~~Plan they may prescribe appropriate conditions and safeguards in conformity with the intent and provisions of this Chapter, including any of the following. Violations of such conditions or safeguards, when made a part of the terms under which the ~~m~~Master ~~p~~Plan is approved, shall be deemed a violation of this Chapter subject to enforcement under the provisions of Chapter 5 of this City Code.

1. (a) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.

2. (b) Establish a special yard or other open space or lot area or dimension.

3. (c) Limit the height, size, or location of a building or other structure or specify urban design guidelines.

4. (d) Designate the size, number, location, or nature of vehicle or pedestrian access points in accordance with Parts 1 and 2 of Chapter 61, ~~Part 1 and 2.~~

5. (e) Increase the amount of street dedication, roadway width, or improvements required within the street right-of-way as provided by Part 2G, Chapter 61, ~~Part 2G.~~

6. (f) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.

7. (g) Limit or otherwise designate the number, size, location, height, or lighting of signs.

8. (h) Limit the location and intensity of outdoor lighting or require its shielding.

~~_____ (9) (i) Require berming, screening, landscaping, or another improvement facility to protect adjacent or nearby property and designate standards for installation or maintenance of the improvement facility.~~

~~_____ 10. (j) Designate the size, height, location, or materials for a fence.~~

~~_____ 11. (k) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.~~

~~_____ 12. (l) Specifying development phasing.~~

~~_____ 13. (m) Specify other conditions to permit development of the City in order to conformity with the proposed development with the intent and purpose of this Chapter and the adopted Growth Management Plan.~~

~~Review Process in the Southeast Orlando Sector Plan Area — The Planning Official may allow administrative review and approval of Master Plans and accompanying platting within the Southeast Orlando Sector Plan area as outlined and under the conditions specified in Chapter 68.~~

SECTION 4. SEC. 65.334-1, CREATED. Section 65.334-1, Code of the City of Orlando, Florida, is hereby created to read as follows:

Sec. 65.334-1. Master plans with modifications.

(a) General requirements and purpose. In accordance with the requirements of this section, master plans may be approved with modifications to the development standards applicable to the governing zoning district. The purpose of this part is to provide an application and approval process for relatively small modifications to applicable development standards where the modification is consistent with the purpose and intent of the Growth Management Plan and results in a superior plan of development. Development standards eligible for modification pursuant to this part include:

1. Impervious surface ratio (ISR). The maximum permitted ISR may be increased by up to 20% of the numerical standard (Example: where a maximum 0.55 ISR is allowed, the maximum modification is 20% x 0.55 = 0.11, for a total of 0.66 ISR).

2. Minimum and maximum building setbacks. Minimum and maximum building setbacks may be modified by up to 20% of the applicable numerical standard. This applies to all setback standards, including without limitation, setbacks from bodies of water and wetlands, as long as the proposed setback from a body of water or wetland is consistent with applicable state or federal standards. In the AC-3A district, the rear

yard setback may be reduced by up to 100% provided that no modification to the maximum permitted ISR is necessary to accommodate the reduced setback.

3. Landscaping and buffer yards. The width of a required buffer yard may be reduced by up to 50% provided that no modification to the maximum permitted ISR is necessary to accommodate the reduced buffer yard. Landscaping may be modified as provided at sections 60.202 and 60.203 of this Code.

4. Building height. The height of a building may be increased by up to 20% of the maximum permitted building height.

5. Other development standards. Master plans may also approve modifications of standards as provided at sections 65.302 and 65.303 of this Code.

The list of permitted, prohibited, and condition uses are not a “development standard” for the purposes of this section. Development standards provided by a special plan overlay district are ineligible for a modification pursuant to this section if the special plan provides a procedure for the modification, waiver, or variance from the standard.

b. Review procedure. The application procedures, review process, standards of review, effects of approval, submittal requirements, opportunities for intensity and/or density bonus, and appeal procedures for a master plan with modifications are the same as for a regular master plan, except as follows:

1. Standards of review. In addition to the standards of review provided at section 65.335 of this Code, master plans with modifications must also meet the following standards:

A. Superior alternative. The proposed development achieves the purposes and intent of the development standard for which a modification is sought by providing a superior plan of development through thoughtful design, efficiency, or performance.

B. Neighborhood compatibility. The proposed development is compatible with the surrounding neighborhood and does not negatively impact the public welfare.

C. Technical impracticality. Strict application of the development standard would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land.

D. Protection of significant features. Where applicable, the modification is necessary to preserve or enhance a significant existing environmental or cultural feature, such as trees, scenic areas, historic sites, or public facilities.

2. Public notice. If the modification is associated with a master plan undergoing the formal review process, a general description of the proposed modification must be included in the public notice for the Municipal Planning Board meeting.

(c) Justification for the modification. The applicant for a master plan with modifications must provide adequate information to support the request and must demonstrate that the request complies with the applicable standards of review.

(d) Developments ineligible for master plan with modifications. The following developments are ineligible for approval by master plan with modifications:

1. Proposed developments on sites greater than 10 acres in area.

2. Proposed developments requiring modification to more than three development standards.

3. Proposed developments comprised of solely single family, duplex, or townhome dwelling units, or some combination thereof.

4. Proposed developments subject to review by the Baldwin Park Town Design Review Committee or the Southeast Town Design Review Committee.

SECTION 5. SEC. 65.335, AMENDED. Section 65.335, Code of the City of Orlando, Florida, is hereby amended to read as follows:

Sec. 65.335. Standards of ~~r~~Review for ~~m~~Master ~~p~~Plan ~~a~~Applications.

In their review and consideration of master plan applications, the Municipal Planning Board and the City Council, or the planning official for administrative master plans, must consider the following factors:

~~Land Development Code~~~~Purpose and Intent.~~ The proposed ~~developmental~~ must conform to all applicable land development regulations provided in ~~be in conformance with the purpose and intent of~~ the Land Development Code, except for those standards modified pursuant to sections 65.302, 65.303, or 65.334-1, of this Code.

~~Growth Management Plan.~~ The proposed ~~developmental~~ must conform to the ~~be consistent with all~~ applicable goals, objectives, and policies of provisions of the City's adopted Growth Management Plan.

~~Land Uses and District Requirements.~~ The proposed developmental must conform to the list of permitted, prohibited, and conditional uses of land as provided by the applicable zoning district in accordance with Chapter 58 of this Code. ~~requirements of the zoning district(s) in which it is located and, where applicable, to the requirements of Chapter 58 for the particular use or activity under consideration.~~

~~Performance and Design Regulations.~~ The proposed developmental must conform to all applicable performance and design regulations of Chapters 58, 60, 61, and 62, except for those standards modified pursuant to sections 65.302, 65.303, or 65.334-1, of this Code.

~~Public Facilities and Services.~~ All necessary public facilities and services (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, and other essential public facilities and services, must be adequate to serve the proposed use.

SECTION 6. SEC. 65.384, AMENDED. Section 65.384, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 65.384. Prohibited yVariances.

~~Under no circumstances shall t~~The Board of Zoning Adjustment may not approve a zZoning yVariance to permit a use or intensity not generally allowable in the applicable zoning district ~~involved, nor~~ or any use or density expressly or by implication prohibited in the zoning district. ~~No variance shall be granted~~Variances are also prohibited in connection with ~~any use or activity~~ approved as a cConditional uUse (unless the variance is expressly allowed under Part 2D, Chapter 65 of this Code, or the conditional use was approved as part of a master plan with modifications pursuant to section 65.334-1 of this Code); or within the area covered by ~~at the~~ cConditional uUse pPermit (unless the variance is expressly allowed under Part 2D, Chapter 65 of this Code, or the conditional use was approved as part of a master plan with modifications pursuant to section 65.334-1 of this Code); except where specifically authorized by Part 2D of this Chapter. No nonconforming use of the neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a zZoning yVariance. ~~A Zoning Variance which would violate requirements or regulations of other departments or agencies shall be invalid.~~

~~Variances Prohibited in Connection With Intensity Bonuses; Exception. Because an Intensity Bonus is a grant of a special privilege as opposed to recognition of a hardship, the approval of Zoning Variances shall be prohibited in connection with any development for which Intensity Bonuses have been approved under this Chapter; except for variances of zoning district height limitations.~~

SECTION 7. 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 8. 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 9. 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 10. 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 _____, 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, the _____ day of _____, 2015.

DONE, THE SECOND READING, THE 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 _____, 2015.

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

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