

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, REZONING CERTAIN LAND GENERALLY LOCATED NORTH OF WOODWARD ST., EAST OF N. FERN CREEK AVE., SOUTH OF PARK LAKE ST., AND WEST OF ALTALOMA AVE., AND COMPRISED OF 0.96 ACRES OF LAND, MORE OR LESS, FROM THE O-1 OFFICE AND RESIDENTIAL DISTRICT WITH THE TRADITIONAL CITY, SPECIAL PLAN, AND AIRCRAFT NOISE ZONING OVERLAY DISTRICTS TO THE PLANNED DEVELOPMENT DISTRICT WITH THE TRADITIONAL CITY, SPECIAL PLAN, AND AIRCRAFT NOISE ZONING OVERLAY DISTRICTS; PROVIDING A DEVELOPMENT PLAN AND SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**WHEREAS**, at its regularly scheduled meeting of August 18, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2015-00018, requesting a rezoning of certain land generally located north of Woodward Street, east of North Fern Creek Avenue, south of Park Lake Street, and west of Altaloma Avenue, comprised of 0.96 acres of land, more or less, and being more precisely described by the legal description attached to this ordinance as **Exhibit A** (hereinafter the "Property"), from the O-1 Office and Residential District with the Traditional City, Special Plan, and Aircraft Noise zoning overlay districts to the Planned Development District with the Traditional City, Special Plan, and Aircraft Noise zoning overlay districts; 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 ZON2015-00018 (entitled "Item #9 – Fern Creek 20 PD" 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 ZON2015-00018 is requesting the planned development zoning district for the purpose of permitting the development of up to 20 townhomes (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 Office Low 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 Office Low Intensity; and

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

**SECTION 1. ZONING DESIGNATION.** 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 Property is hereby rezoned from the O-1 Office and Residential District with the Traditional City, Special Plan, and Aircraft Noise zoning overlay districts to the Planned Development district with the Traditional City, Special Plan, and Airport Noise zoning overlay districts, on the City's official zoning maps (to be denoted as "PD/T/SP/AN" on the official maps of the City), as depicted in **Exhibit B** to this ordinance. This planned development zoning district may be known as the "Fern Creek 20 Planned Development."

**SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Fern Creek 20 Planned Development zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

**SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the O-1 Office and Residential District along with the Traditional City, Special Plan, and Aircraft Noise zoning overlay districts.

**SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned Development zoning district for the Property is subject to the following special land development regulations:

**1. Land Development**

- a) *Development Plan.* Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be

consistent with the development plan attached to this ordinance as **Exhibit C** (hereinafter the "Development Plan"). In the event of a conflict between the text of this ordinance and the Development Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the 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) *Variances and modifications*. Zoning variances and modification of standards may be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The planning official may also approve minor modifications and design modifications to fences, walls, landscaping, accessory structures, signs, and bufferyard requirements. Additionally, recognizing that development plans can change in small ways between the planning and permitting stages of development, the planning official may approve up to a 10% modification of any applicable numerical development standard if the planning official finds that the proposed modification is consistent with the applicable goals, objectives, and policies of the GMP, is compatible with nearby existing land uses, would not result in inadequate public facilities, and is otherwise consistent with the public health, safety, and welfare. When approving such a modification of a development standard, the planning official may impose one or more of the conditions of development provided at section 65.334, Orlando City Code, but such condition or conditions must be reasonably calculated to mitigate the identifiable land use impacts of the modified standard.
- d) *Minimum lot width*. All lots must be at least 20' in width.
- e) *Lot area*. All lots must be at least 1,352 square feet in area, and the average lot area must be at least 2,109 square feet.
- f) *Setbacks*. The minimum required setbacks for principal buildings are the setbacks provided in the Development Plan.
- g) *Balconies*. Balconies overhanging the two-way drive-aisle may not exceed 5' in depth.
- h) *Solid waste*. Solid waste bins must be stored and staged for collection in an area internal to the development site. For purposes of this part, "internal to the

development site” means behind the front facades of principal buildings as they relate to Woodward Street, N. Fern Creek Avenue, and Park Lake Street.

- i) *Bufferyard.* Concurrently or prior to the first new certificate of occupancy is issued for a building on the Property, the development site must be buffered from the neighboring properties to the east with a minimum 5’-wide “Bufferyard B” (as described by the Land Development Code) landscaping strip. This bufferyard must run continuously along the eastern property boundary from the Woodward Street right-of-way (or public easement area, if applicable) north to the Park Lake Street right-of-way (or public easement area, if applicable). The bufferyard must include a 6’-tall block wall along the easternmost part of the bufferyard. The bufferyard must be built and maintained (including the vegetation) in accordance with the approved final site plan.
- j) *Accessory structures.* Accessory structures, pools, and fences are prohibited on individual lots but may, if otherwise consistent with this ordinance and other applicable laws, be provided as an accessory to the common development.
- k) *Drive-aisle screening.* The two-way drive-aisles must be screened from the N. Fern Creek Avenue right-of-way. The screen must include a 3’-tall knee-wall, the design and material of which must be consistent with the design and material of the development’s principal buildings. The knee-wall must be screened from the N. Fern Creek Avenue right-of-way by approved groundcover or hedge. The drive-aisle screening must be built and maintained (including the vegetation) in accordance with the approved final site plan.
- l) *Existing uses and structures.* Lawfully established uses and lawfully constructed structures on the Property as of the effective date of this ordinance are hereby made lawful and conforming to this ordinance.
- m) *Home Owner’s Association.* A Home Owner’s Association (HOA) must be established before the property is platted. At a minimum this HOA shall be responsible for maintenance of all common grounds to include buffers, shared utilities, and common access areas. This HOA shall have the authority to assess funding from each property owner for said maintenance. In the event the HOA fails to maintain the shared utilities and common grounds, the City has the authority but not the obligation to do said maintenance.

## 2. Urban Design

Final site plans are subject to appearance review via a Letter Of Determination and must, in addition to all other applicable requirements, include the following:

- a) Axonometric renderings of the development, with detailed elevations showing building materials, colors, and treatments on all sides.
- b) Landscaping plans depicting a Minimum Required Landscape Score exceeding the minimum required by Chapter 60, Orlando City Code. The landscaping plan must provide hedges along screen walls and shade trees, understory trees, and other plantings must be logically arranged to give the units facing N. Fern Creek Avenue the appearance of single-family homes. Each lot must include at least one tree in the front yard, and while final design, including species, is subject to review and approval at the time of final site plan review, the preferred design solution is to alternate between canopy and understory tree from lot to lot.
- c) Groundcover between front facades and the rights-of-way on the north, south, and west side of the Property must be differentiated between public and private property. Turf-grass may not exceed 60% of each lot's front yard.
- d) The block privacy wall running along the eastern property boundary must include architectural details such as pilasters ending in a capital, paint details to match the principal buildings, a distinct base, middle, and top that articulates the wall (where the first 2' have a different treatment and color than the top 4'), and a pronounced cap to the wall.
- e) Signed and sealed engineering drawings showing design improvements to the public realm, including on-street parking, curbs, drainage, etc.
- f) Mechanical equipment, backflow preventers, utility boxes, and similar equipment are prohibited between the right-of-way and the front facades of all principal buildings. All such equipment must be screened from view of the public realm.

### 3. Transportation

- a) *Crosswalks.* Where sidewalks cross vehicular rights-of-way, colored, striped, or textured pavement must be used to demarcate the continuation of the pedestrian zone across the drive aisle. Reflective paint or tape alone is inadequate to meet this requirement, but may be used in conjunction with other approved treatments. The crosswalk must also be raised to match the grade of the sidewalk. All crosswalk work must conform to the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
- b) *Dumpsters and compactors.* Final site plans must depict the location and size of dumpsters and trash compactors, including concrete pads and enclosures with doors. Dumpsters and compactors may not be located directly adjacent to a public street. Dumpsters and trash compactors must be screened with solid walls if not located internal to a parking garage or principal building. Walls and gates

must match nearby principal buildings. If located outside, screening walls must be softened from the perspective of the public rights-of-way and neighboring properties with approved low hedges, groundcover, and understory landscaping. Dumpsters and compactors must be located to provide at least 50' of clear back-up space and must be constructed and maintained in accordance with the current City of Orlando Engineering Standards Manual.

c) *On-street parking.* Concurrently or prior to the first new certificate of occupancy is issued for a building on the Property, the development must provide at least 8 parallel on-street parking spaces adjacent to the Property on Woodward Street, N. Fern Creek Avenue, or Park Lake Street. These parking spaces must be 23' long each and the sidewalk next to these on-street spaces must be at least 6' wide in order to accommodate open car doors. The dimension and design of all on-street parking is subject to final review and approval by the City Engineer, or designee.

d) *Interior drive aisles.* The interior drive aisles must provide at least 3' of "back-up space" at the end of each aisle or must provide a City-approved "auto-turn" analysis showing adequate space for automobile back-up maneuvers in the drive aisles.

**SECTION 5. 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 6. 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 7. 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 OF THE CITY OF  
ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor

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

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

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

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

\_\_\_\_\_  
Chief Assistant City Attorney

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

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