

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, DESIGNATING CERTAIN**
3 **LAND GENERALLY LOCATED NORTH OF CURRY**
4 **FORD RD., EAST AND SOUTH OF CAMELLIA GARDEN**
5 **DR., AND WEST OF COLTON DR., AND COMPRISED OF**
6 **41.9 ACRES OF LAND, MORE OR LESS, AS THE**
7 **PLANNED DEVELOPMENT DISTRICT WITH THE**
8 **AIRCRAFT NOISE OVERLAY DISTRICT ON THE CITY'S**
9 **OFFICIAL ZONING MAPS; PROVIDING A**
10 **DEVELOPMENT PLAN AND SPECIAL LAND**
11 **DEVELOPMENT REGULATIONS OF THE PLANNED**
12 **DEVELOPMENT DISTRICT; PROVIDING FOR**
13 **SEVERABILITY, CORRECTION OF SCRIVENER'S**
14 **ERRORS, AND AN EFFECTIVE DATE.**
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16 **WHEREAS**, at its regularly scheduled meeting of November 17, 2015, the
17 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),
18 considered zoning application case number ZON2015-00006, requesting the Planned
19 Development district zoning designation along with the Aircraft Noise zoning overlay
20 district for approximately 41.9 acres of land generally located north of Curry Ford Road,
21 east and south of Camellia Garden Drive, and west of Colton Drive, and being more
22 precisely described by the legal description attached to this ordinance as **Exhibit A**
23 (hereinafter the "property"); and
24

25 **WHEREAS**, based upon the evidence presented to the MPB, including the
26 information and analysis contained in the "Staff Report to the Municipal Planning Board"
27 for application case number ZON2015-00006 (entitled "Item #9 – 6933 Curry Ford (Bad
28 Dog Driving Range)"), and subject to certain conditions contained within the staff report,
29 the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando
30 City Council"), approve said zoning application and adopt an ordinance in accordance
31 therewith; and
32

33 **WHEREAS**, zoning application case number ZON2015-00006 is requesting the
34 planned development zoning district for the purpose of permitting the development of up
35 to 159 detached dwelling units (the "project"); and
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37 **WHEREAS**, the MPB found that the project is consistent with the City's adopted
38 Growth Management Plan (the "GMP") including the applicable goals, objectives, and
39 policies associated with the property's then-proposed Future Land Use Map designation
40 of Residential Low Intensity; and
41

42 **WHEREAS**, the Orlando City Council hereby finds that the project is consistent
43 with the intent and purpose of the planned development district zoning designation as
44 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando
45 City Code"); and
46

47 **WHEREAS**, the Orlando City Council hereby finds that the project and this
48 ordinance is in the best interest of the public health, safety, and welfare, and is
49 consistent with the applicable provisions of the City’s GMP, including the applicable
50 goals, objectives, and policies associated with the Property’s Future Land Use Map
51 designation of Residential Low Intensity; and
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53 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
54 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
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56 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
57 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
58 Orlando City Code, the property is hereby designated as the Planned Development
59 District along with the Aircraft Noise zoning overlay district on the city’s official zoning
60 maps (to be denoted as “PD/AN” on the official maps of the city), as depicted in **Exhibit**
61 **B** to this ordinance. This planned development zoning district may be known as the
62 “6933 Curry Ford Planned Development.”
63

64 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
65 58.367, Orlando City Code, except as expressly provided in this ordinance, the 6933
66 Curry Ford Planned Development zoning district remains subject to all applicable
67 federal, state, and local laws, and nothing in this ordinance shall be construed to exempt
68 the property from the lawful authority or jurisdiction of any federal, state, or local agency.
69

70 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
71 otherwise by this ordinance, the property shall be governed by the land development
72 regulations of the R-2A 1 – 2 Family District along with the Aircraft Noise zoning overlay
73 district.
74

75 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
76 Development zoning district for the property is subject to the following special land
77 development regulations:
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79 **1. General Development Regulations**
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- 81 a. *Development Plan.* Subject to any modifications expressly contained in
82 the text of this ordinance, development and maintenance of the property
83 must be consistent with the development plan attached to this ordinance
84 as **Exhibit C** (hereinafter the “development plan”). In the event of a
85 conflict between the text of this ordinance and the development plan, the
86 text of this ordinance shall control. References in this ordinance to lots,
87 parcels, buildings, phases, and other development features refer to such
88 features as identified on the development plan.
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- 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, driveway locations 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. *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.

- e. *Maximum development program.*** Development on the property may not exceed 159 detached dwelling units.

- f. *Development standards.*** Development standards for the district are as follows:

- i. *For the 34' x 85' rear loaded lots.***

Front setback	15'
Side setback	5'
Street-side setback	15'
Rear setback	5' or 18'
Maximum ISR	0.7

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134 Maximum building height 35'

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136 ii. *For the 50' x 115' front loaded lots.*

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138 Front setback 15'

139 Side setback 5'

140 Street-side setback 15'

141 Rear setback 20'¹

142 Maximum ISR 0.6

143 Maximum building height 35'

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145 iii. *For the 50' x 100' front loaded lots.*²

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147 Front setback 15'

148 Side setback 5'

149 Street-side setback 15'

150 Rear setback 20'

151 Maximum ISR 0.6

152 Maximum building height 35'

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154 **2. Transportation**

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156 a. *Street cross section.* Onsite streets (excluding alleyways) must be built
157 and maintained consistent with the cross section attached to this
158 ordinance as **Exhibit D**, except that landscape strips must be at least 7.5'
159 in width. All street striping and signs must conform to City of Orlando
160 standards.

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162 b. *Emergency access.* The emergency access drive connecting the property
163 to Curry Ford Road must provide a minimum 5'-wide sidewalk on at least
164 one side of the drive.

165

166 c. *Bike racks.* Bike racks consistent with the requirements of Part 3, Chapter
167 61, Orlando City Code, must be installed near the pool cabana and the
168 playground.

169

170 d. *Left turn lane on Curry Ford Road.* Before the issuance of the first
171 certificate of occupancy on the property, the property owner must extend
172 the eastbound left turn lane storage area (on Curry Ford Road) in

¹ The rear setback on the 50' x 115' lots may go down to 15', but accessory structures (excluding fences, walls, decks, and patios) are prohibited in the rear yard if the setback is less than 20'.

² Front-loaded homes on 50' x 100' lots are only permitted adjacent to Curry Ford Road. All lots adjacent to Curry Ford Road must be 50' x 100'.

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accordance with the project’s traffic impact study and with the permitting and design requirement of the Florida Department of Transportation.

- e. *Cross-access easement.* A 10’-wide, cross-access easement area for pedestrian and bike use must be established connecting the sidewalk on the western leg of the internal road with the sidewalk adjacent to Camellia Gardens Drive. If permission for use of their sidewalk or similar easement is obtained from the owner of Camellia Gardens, a 6’-wide sidewalk must be constructed within this cross access easement area at the time of construction of the nearest internal roadway of this development.
- f. *Signal upgrade.* As identified in the traffic impact report submitted for the project, this development will necessitate the addition of one or more traffic signal assemblies or heads at the intersection of Woodgate Boulevard and Curry Ford Road. The existing installation uses span wire construction. If the span wire construction is not sized sufficiently to accommodate the needed new assemblies, the developer must reconstruct the entire signal using city standards for mast-arm construction.
- g. *Road name.* Consistent with subsection 65.537 (b), Orlando City Code, the name for the primary entry road must be Woodgate Boulevard to be consistent with the south approach to the intersection with Curry Ford Road. This name need not be used beyond the first intersection after the gates.
- h. *Private Roads.* All roads shall be privately maintained and shall be platted as such. All private roads shall be built to City of Orlando standards, including but not limited to a minimum of 24 foot wide roads. This width shall not include curb and gutter.
- i. *Project entrances.* At all project entrances, clear sight distances for drivers and pedestrians may not be blocked by signs, buildings, building columns, landscaping, or other visual impediments. No structure, fence, wall, or other visual impediment may obstruct vision between 3 feet and 8 feet in height above street level. The street corner / driveway visibility area shall be shown and noted on construction plans and any future site plan submittals. The applicant shall design the site plan as necessary to comply with the Florida Greenbook and the FDOT Design Standards Index.
- j. *Entry.* The entry shall be designed to allow for an errant vehicle to have sufficient room to maneuver out without having to back out into the ROW. This shall be accomplished by providing an opening in the raised

217 concrete median large enough for a car to maneuver through and a gate
218 that is set back to allow this maneuver to occur.

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- 220 k. *Mid-block crossings.* The mid-block crossing locations shown must be
221 relocated to provide a clear sightline for drivers, pedestrians, and cyclists
222 as provided by the Florida Greenbook.
- 223
- 224 l. *Emergency access.* The emergency access gate must be set back at
225 least 19' from the right-of-way and must include the "Opticom" system
226 installed for use by emergency vehicles.

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228 **3. Urban Design Regulations**

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- 230 a. *Architecture.* Architectural elevations shall be submitted for Appearance
231 Review prior to application for building permits. Architectural elevations
232 for each building are subject to review and approval for consistency with
233 this ordinance, applicable Orlando City Code and the Appearance Review
234 findings as part of each final site plan application. The property must be
235 developed and maintained in accordance with the final approved
236 architectural elevations. All approved elevations must conform to the
237 following minimum requirements:
- 238
- 239 i. Building design among neighboring homes must vary in order to
240 avoid a monotonous streetscape.
- 241
- 242 ii. Each house model must have a consistent architectural style. For
243 example, a Spanish Mediterranean-style home must consistently
244 incorporate details and proportions true to that style, and may not
245 incorporate details or proportions appropriate to the French
246 Provincial-style.
- 247
- 248 iii. At least three distinct models with at least three distinct
249 architectural styles for each model must be provided in the district.
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- 251 iv. The principal and street-side-yard facades of all homes must be at
252 least 15% transparent for each story below the roofline. Alleyway
253 sides are exempt from this requirement. Ground floor glass must
254 be clear on all facades (with at least 80% light transmittance). All
255 other glass must transmit at least 66% of light transmittance.
256 Tinted and reflected glass is prohibited on all facades and on all
257 buildings.
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- 259 v. All side elevations must include at least two full-size windows
260 (similar in proportion to the front-façade windows) per story. One

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of these windows must be within the front one-third of the elevation.

- vi. Details, trims, and finishes of the front façade must wrap around corners and extend at least 8' along the side elevations.
- vii. The architectural details and exterior finish materials for corner-lot units must be similar for the front and street-side elevations.
- viii. Building foundations at the front façade must be elevated at least 18" above the crown of the adjacent street by incorporating either a raised concrete pad or a raised wood joist floor with perimeter foundations.
- ix. Open-air front porches may encroach up to 6' into the front yard setback if the porch has a usable floor depth of at least 6'. Encroaching front porches must have roofs distinct from the roof of the rest of the house (i.e., not an extension of the primary roof). Encroaching front porches may be one story only, and no enclosed living space above the porch may encroach into the front yard setback.
- x. All homes must have a front door that faces the street. Rear-loaded units must have direct pedestrian access between the front door and the adjacent sidewalk. The pedestrian path must be paved and must be at least 3' in width.
- xi. Front-loaded units must have pedestrian access from the front door to the adjacent sidewalk or to the driveway.
- xii. Front-loaded garages may not comprise more than 50% of the building's linear front façade. Front-loaded garages may not project beyond the principal façade. Front-loaded garage doors must include window panels. Single front-loaded garage doors may not exceed 16' in width. If the garage opening is wider than 16', then the garage must have two distinct doors separated by a column at least 1' in width.
- xiii. Driveways for front-loaded lots may not exceed 18' in width at the street right-of-way.
- xiv. Adjacent homes (or homes directly across the street from each other) must differ by incorporating at least three of the following architectural elements:

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1. Roof style
 2. Exterior color and material
 3. Architectural banding, trim, or cornice detail
 4. Window trim, the number of mullions or muntins, or shutters
 5. A covered entryway or front porch design
 6. Such similar design element as approved through Appearance Review.
- xv. For corner lots on rear-loaded blocks, a three-foot tall continuous evergreen shrub, hedge, or street wall must run from the front façade of the lot's building to the rear alley. The purpose of this requirement is to shield parked cars in rear-loaded driveways from the view of the side street.
- xvi. Pool pumps and heating units, air conditioning compressors, and natural or propane gas tanks may be located within the interior side yards or rear yards, but only if the following conditions are met:
1. The equipment must be at least 40' away from the front property line and at least 1' away from the side property line.
 2. The equipment must be located within one side yard or the rear yard and may not be located within a front yard or in both side yards.
 3. Equipment must be screened from adjacent rights-of-way with an opaque fence or a continuous and effective vegetative buffer of sufficient height to completely screen the equipment.
- b. *Signs.* Signs must comply with the city's generally applicable sign regulations and the following:
- i. Offsite signs, pole signs, and plastic cabinet signs are prohibited. Signs must be made of a durable material.
 - ii. Channel letters, halo-lit signs, externally lit, and metal faces with push-through letters are preferred. The main subdivision entryway sign must be a monument or wall sign and may not exceed 18-square-feet in area. LED lamps are preferred for sign lighting.

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- c. *Lighting.* All utilities, including street light poles, shall be kept out of the pedestrian path. Site lighting must comply with Chapter 63 of City Code. Light-emitting diode (LED) lamps are encouraged.

- d. *Dumpsters.* The final site plan must depict the location and size of dumpsters and trash compactors. Dumpsters and trash compactors must be screened with solid walls, a roofing system that effectively screens the dumpster or compactor but still allows in air and light, and decorative gates. The walls, roof, and gates must match nearby principal buildings. Landscape screen including low hedge and groundcover are required to soften the view from the public rights-of-way.

- e. *Fencing.* Fencing for individual residential lots must be iron or aluminum picket, shadow-box wood, or PVC/vinyl fencing. Lots with side yards or rear yards adjacent to the southern stormwater pond may not have privacy fencing, but may have metal-picket fencing of a consistent style and color across all such lots. Fences and walls in common areas must:
 - i. Be made of masonry, brick, stone, wrought-iron, simulated wrought-iron, aluminum, synthetic wood, PVC, or other approved durable material. Chain-link and wood stockade fences are prohibited.

 - ii. Include columns, pilasters, or offsets at least every 50' unless the wall or fence is at least 75% transparent.

- f. *Stormwater ponds.* Stormwater ponds must be designed and maintained as site amenities. An aerating fountain must be installed and maintained in the southern pond, centered on the access driveway from Curry Ford Road and on an intersecting axis centered on the common area between lots 80 and 81. The north pond must include a perimeter recreational path (either paved or unpaved). All artificial stormwater ponds must have gently-sloped banks, rounded corners, and curved sides to mimic natural ponds. Both ponds must include upland tree plantings of native species. The area between the north pond and the eastern wetland must be continuously planted with native trees in order to promote wildlife movement. The artificial stormwater ponds must have littoral zone plantings of native species at least 6' in width along 33% of the linear shoreline.

- g. *Playgrounds.* A fenced playground shall be provided, preferably at the clubhouse/community area. The playground must meet the following minimum regulations:

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- i. Playgrounds must meet or exceed the fall-zone and resilient surfacing standards of the “Public Playground Safety Handbook,” published by the United States Consumer Product Safety Commission, dated November 2010.
 - ii. Playgrounds must be substantially shaded by canopies over playground structures, new or existing canopy trees along the south, east, and west sides of the playground, or a combination thereof.
 - iii. Landscaping in and near playgrounds must be nontoxic to humans.
 - iv. Playground fencing shall be an open, CPTED approved fence, such as aluminum or wrought-iron picket fence, or welded wire metal fence.
 - v. Playgrounds must be wheelchair accessible.
- h. *Landscaping.* A landscaping plan for the development is subject to the review and approval by the planning official, or designee, prior to the issuance of any building permit for the proposed work. The property must be developed and maintained in accordance with the final approved landscaping plans. The landscaping plan must meet the following minimum requirements:
- i. The median in the driveway connecting the site to Curry Ford Road must include approved understory, canopy, or palm trees with minimum 8’ clear-truck heights.
 - ii. All parkway strips along streets shall be a minimum of 7.5 feet in width and must provide street trees consistent with Orlando City Code. Street trees planting shall be completed along all roadway frontages abutting the site and may be installed at the time of construction for each individual home. Where street trees in the public right-of-way (or city-services or sidewalk easement area) are infeasible, the required street tree must be installed on the adjacent lot within 10’ of the right-of-way or easement area. Canopy trees installed in the public right-of-way in a planting area that is less than 10’-wide (or on private property if less than 5’ from a public sidewalk) must be installed with appropriate techniques to protect sidewalks, curbs, and other infrastructure. Such techniques may include structural soil, pavement-supporting

435 structures, root tunnels, and root barriers, all as approved by the
436 planning official.

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438 iii. To the extent practicable, existing native trees should be
439 preserved. Underground utilities located within the drip-lines of
440 preserved existing trees must be installed with non-trenching
441 techniques such as directional boring and tunneling. Melaleuca,
442 chinaberry, Chinese tallow, Brazilian pepper, camphor, and
443 Australian pine are all prohibited on the property and if existing,
444 must be removed during development.

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446 iv. If the project is built in phases, site clearing is prohibited until the
447 all site plans are approved and permitted for that phase.

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449 v. Unless reclaimed water is available for irrigation, irrigation
450 systems must use the onsite stormwater ponds as their source of
451 water.

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453 vi. Individual lots must meet the landscaping requirements of section
454 60.223, Orlando City Code. The clubhouse and other common-
455 area facilities must conform to the landscaping requirements of
456 Part 2G, Chapter 60, Orlando City Code.

457
458 **SECTION 5. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
459 errors found in this ordinance by filing a corrected copy of this ordinance with the city
460 clerk.

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462 **SECTION 6. SEVERABILITY.** If any provision of this ordinance or its
463 application to any person or circumstance is held invalid, the invalidity does not affect
464 other provisions or applications of this ordinance which can be given effect without the
465 invalid provision or application, and to this end the provisions of this ordinance are
466 severable.

467
468 **SECTION 7. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

469
470 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
471 Florida, at a regular meeting, this _____ day of _____, 2016.

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473 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
474 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
475 of _____, 2016.

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477 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
478 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City

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479 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
480 _____, 2016.

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482 BY THE MAYOR OF THE CITY OF
483 ORLANDO, FLORIDA:

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486 _____
487 Mayor

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489 ATTEST, BY THE CLERK OF THE
490 CITY COUNCIL OF THE CITY OF
491 ORLANDO, FLORIDA:

492
493 _____
494 City Clerk

495
496 _____
497 Print Name

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

502
503 _____
504 Chief Assistant City Attorney

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506 _____
507 Print Name

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509 **[Remainder of page intentionally left blank.]**