

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
2 OF ORLANDO, FLORIDA, REZONING CERTAIN LAND  
3 GENERALLY LOCATED AT THE SOUTHEAST CORNER  
4 OF SOUTH HIAWASSEE ROAD AND LAKE DEBRA  
5 DRIVE, AND WEST OF METROWEST BLVD.,  
6 ADDRESSED AS 2001 SOUTH HIAWASSEE ROAD AND  
7 COMPRISED OF 3.8 ACRES OF LAND, MORE OR LESS,  
8 FROM THE AC-2 URBAN ACTIVITY CENTER DISTRICT  
9 TO THE PLANNED DEVELOPMENT DISTRICT;  
10 PROVIDING FOR AMENDMENT OF THE CITY'S  
11 OFFICIAL ZONING MAPS; PROVIDING A  
12 DEVELOPMENT PLAN AND SPECIAL LAND  
13 DEVELOPMENT REGULATIONS OF THE PLANNED  
14 DEVELOPMENT DISTRICT; PROVIDING A  
15 DISCLAIMER; PROVIDING FOR SEVERABILITY,  
16 CORRECTION OF SCRIVENER'S ERRORS, AND AN  
17 EFFECTIVE DATE.  
18

19 **WHEREAS**, at its regularly scheduled meeting of March 15, 2016, the Municipal  
20 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered  
21 zoning application case number ZON2016-00003, requesting a rezoning of certain land  
22 generally located at the southeast corner of South Hiawassee Road and Lake Debra  
23 Drive, and west of Metrowest Boulevard, comprised of 3.8 acres of land, more or less,  
24 and being more precisely described by the legal, description attached to this ordinance  
25 as **Exhibit A** (hereinafter the "Property"); and  
26

27 **WHEREAS**, based upon the evidence presented to the MPB, including the  
28 information and analysis contained in the "Staff Report to the Municipal Planning Board"  
29 for application case number ZON2016-00003 (entitled "Item #4 – Excellence Senior  
30 Living @ Metrowest" and hereinafter referred to as the "Staff Report"), the MPB  
31 recommended that the City Council of the City of Orlando, Florida (the "Orlando City  
32 Council"), approve zoning application case number ZON2016-00003 and adopt an  
33 ordinance in accordance therewith; and  
34

35 **WHEREAS**, zoning application case number ZON2016-00003 is requesting the  
36 planned development zoning district in order to develop a four story, one hundred fifty-  
37 three unit assisted living facility (the "Project"); and  
38

39 **WHEREAS**, the MPB found that application case number ZON2016-00003 is  
40 consistent with the City's adopted Growth Management Plan (the GMP) including the  
41 applicable goals, objectives, and policies associated with the Property's Future Land  
42 Use Map designation of Urban Activity Center; and  
43

44 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent  
45 with the intent and purpose of the planned development district zoning designation as  
46 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando  
47 City Code"); and  
48

49           **WHEREAS**, the Orlando City Council hereby finds that the Project and this  
50 ordinance is in the best interest of the public health, safety, and welfare, and is  
51 consistent with the applicable provisions of the City’s GMP, including the applicable  
52 goals, objectives, and policies associated with the Property’s Future Land Use Map  
53 designation of Urban Activity Center; and  
54

55           **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**  
56 **OF ORLANDO, FLORIDA, AS FOLLOWS:**  
57

58           **SECTION 1. ZONING MAP DESIGNATION.** After due notice and public  
59 hearing, and pursuant to Part 2Q, Chapter 58, Orlando City Code, and other relevant  
60 portions of the Orlando City Code, the Property is hereby rezoned from the AC-2 Urban  
61 Activity Center district (denoted as “AC-2” on the City’s official zoning maps) to the  
62 Planned Development district (denoted as “PD” on the City’s official zoning maps), as  
63 depicted in **Exhibit B** to this ordinance. This planned development zoning district may  
64 be known as the “Excellence Senior Living @ Metrowest Planned Development.”  
65

66           **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section  
67 58.367, Orlando City Code, except as expressly provided in this ordinance, the  
68 Excellence Senior Living @ Metrowest Planned Development zoning district remains  
69 subject to all applicable federal, state, and local laws, and nothing in this ordinance shall  
70 be construed to exempt the Property from the lawful authority or jurisdiction of any  
71 federal, state, or local agency.  
72

73           **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided  
74 otherwise by this ordinance, the Property shall be governed by the land development  
75 regulations of the AC-2 zoning district.  
76

77           **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned  
78 Development zoning district for the Property is subject to the following special land  
79 development regulations:  
80

81           1. Land Development

82           a) Development Plan. Subject to any modifications expressly contained in the  
83 text of this ordinance, development and maintenance of the Property must be  
84 consistent with the development plan attached to this ordinance as **Exhibit C**  
85 (hereinafter the “Development Plan”). In the event of a conflict between the  
86 text of this ordinance and the Development Plan, the text of this ordinance  
87 shall control. References in this ordinance to lots, parcels, buildings, phases,  
88 and other development features refer to such features as identified on the  
89 Development Plan.  
90

91           b) Phasing. The Property shall be constructed in a single phase.  
92

93           c) Variances and modifications. Zoning variances and modification of standards  
94 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,  
95 Chapter 65, Orlando City Code, respectively. The planning official may also

96 approve minor modifications and design modifications to landscaping, signs,  
97 driveway locations, and other minor modifications. Additionally,  
98 recognizing that development plans can change in small ways between  
99 the planning and permitting stages of development, the planning official may  
100 approve up to a 10% modification of any applicable numerical development  
101 standard if the planning official finds that the proposed modification is  
102 consistent with the applicable goals, objectives, and policies of the GMP, is  
103 compatible with nearby existing land uses, would not result in inadequate  
104 public facilities, and is otherwise consistent with the public health, safety, and  
105 welfare. When approving such a modification of a development standard, the  
106 planning official may impose one or more of the conditions of development  
107 provided at section 65.334, Orlando City Code, but such condition or  
108 conditions must be reasonably calculated to mitigate the identifiable land use  
109 impacts of the modified standard.  
110

111 d) Density. The maximum density shall not exceed 100 dwelling units per acre.  
112

113 e) Maximum Impervious Surface Ratio. The maximum ISR is 0.90.  
114

115 f) South Side Setback. The required setback on the south side of the project is  
116 10'.  
117

118 g) Building Height. The maximum building height shall be 75 feet.  
119

120 h) Parking. A minimum of 38 parking spaces shall be provided.  
121

## 122 **2. Urban Design**

123  
124 a) Appearance Review. An appearance review is required prior to the issuance of  
125 building permits.  
126

### 127 b) Architecture

128  
129 i) Architectural elevations shall be generally consistent with those provided in  
130 the application except as otherwise directed herein. Minor changes may be  
131 approved by staff, but significant deviation from the elevations approved by  
132 shall require planning official approval via Determination.  
133

134 ii) First floor windows must align vertically with the windows on the floors  
135 above. If possible, a window shall be added to the left side of the main  
136 entrance so that symmetry is provided via an equal number of windows in  
137 the recessed area on either side of the entrance.  
138

139 iii) Glass on the ground floor shall be clear on all facades (minimum of 80%  
140 light transmittance), or low e-glass with a minimum light transmittance of  
141 60%. All other glass shall meet a minimum of 60% transmittance. Darkly  
142 tinted or reflective glass is prohibited.  
143

144 iv) A water table base of durable materials (such as brick, stone, or CMU) shall  
145 be provided to the front (west) façade. This water table base must wrap  
146 around to the north and east facades for a length of at least 60'. The  
147 designer's proposed alternatives will be considered.  
148

v) The existing stormwater pond shall be treated as a visual amenity, with the addition of features such as landscaping, fountains or sculpture.

c) Lighting

i) All utilities, including street light poles shall be kept out of the pedestrian path. All site lighting must comply with Chapter 63, Part 2M, Orlando City Code. White light-emitting diode (LED) lamps are encouraged.

ii) Site lighting must be coordinated with the landscaping design to minimize conflicts with tree planting.

iii) Plastic panel box signs are prohibited. All signs shall be of durable materials. Internally lit signs must be metal front-lit channel letters; halo-lit channel letters; front and back-lit channel letters; or metal panel faces with push through acrylic letters. Externally lit signs are allowed for metal or wood signs. Sign options of similar quality may be considered. Light-Enhancing Diode (LED) lamps are preferred.

d) Dumpsters. All dumpsters and trash compactors shall be screened with solid walls to match the principal structure. Decorative gates shall be installed to coordinate with the principal structure. Landscape screen including low hedge and groundcover are required to soften the view from the public right-of-way.

e) Fencing is not required, but any fencing along public rights-of-way shall be open, CPTED-approved fencing, such as aluminum or wrought-iron picket fencing. Any chain link fencing on site shall be six-gage vinyl clad black fencing, with top and bottom rails.

f) Pedestrian Crosswalks. Pedestrian crosswalks must be provided across driveways. The material of the crosswalk must be easily identifiable and clearly delineated from the rest of the driveway. The surface should be smooth and easily accessible by wheelchair, without grade changes of more than ¼". Broom-finished concrete with saw cut joints is preferred.

g) Landscaping.

i) Any canopy trees installed in the public right-of-way in a planting area that is less than 10' in width (or on private property less than 5' 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 the time of permitting.

ii) 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 melaleuca, chinaberry, Chinese tallow, Brazilian pepper, camphor, or Australian pines existing on the site shall be removed.

201           iii) Tree clearing (excluding the clearing of invasive exotic species), shall not  
202           commence until full site and building development plans have been  
203           approved.

204  
205           h) Transportation.

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207           i) Lake Debra Entrance. The driveway onto Lake Debra Drive shall be 24-ft.  
208           wide unless this creates excessive negative impact on trees in the area.

209  
210           ii) Easement in the Lake Debra Drive Right of Way. The developer shall verify  
211           that the "private 20' easement" paralleling Lake Debra Drive allows the City  
212           access for sidewalk and utility maintenance or dedicate said easement to the  
213           public.

214  
215           i) Transportation Impact Fees

216  
217           i) Any new construction, change in use, addition, or redevelopment of a site or  
218           structure shall be subject to a review for Transportation impact fees. An  
219           estimated Transportation impact fee in the amount of \$89,838, based on the  
220           construction of a 186-bed Senior Living Facility (\$483 per bed), will be due at  
221           the time of building permit issuance, subject to change upon final permit  
222           review.

223  
224           ii) The applicant shall comply with all applicable requirements of Chapter 59,  
225           Orlando City Code, to ensure that all public facilities and services are  
226           available concurrent with the proposed development, and that the potential  
227           impacts on public facilities and services are mitigated.

228  
229           **SECTION 5. AMENDMENT OF OFFICIAL ZONING MAPS.** The City zoning  
230           official, or designee, is hereby directed to amend the City's official zoning maps in  
231           accordance with this ordinance.

232  
233           **SECTION 6. DISCLAIMER.** In accordance with Section 166.033(5), Florida  
234           Statutes, the issuance of this development permit does not in any way create any right  
235           on the part of the applicant to obtain a permit from a state or federal agency, and does  
236           not create any liability on the part of the City for issuance of this permit if the applicant  
237           fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal  
238           agency or undertakes actions that result in a violation of state or federal law. All other  
239           applicable state or federal permits must be obtained before commencement of the  
240           development authorized by this development permit.

241  
242           **SECTION 7. SCRIVENER'S ERROR.** The city attorney may correct scrivener's  
243           errors found in this ordinance by filing a corrected copy of this ordinance with the city  
244           clerk.

245  
246           **SECTION 8. SEVERABILITY.** If any provision of this ordinance or its  
247           application to any person or circumstance is held invalid, the invalidity does not affect  
248           other provisions or applications of this ordinance which can be given effect without the

249 invalid provision or application, and to this end the provisions of this ordinance are  
250 severable.

251  
252 **SECTION 9. EFFECTIVE DATE.** This ordinance takes effect upon adoption.  
253

254 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,  
255 Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
256

257 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City  
258 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this \_\_\_\_\_ day  
259 of \_\_\_\_\_, 2016.  
260

261 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**  
262 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City  
263 Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of  
264 \_\_\_\_\_, 2016.

265  
266 BY THE MAYOR OF THE CITY OF  
267 ORLANDO, FLORIDA:  
268

269  
270 \_\_\_\_\_  
271 Mayor  
272

273 ATTEST, BY THE CLERK OF THE  
274 CITY COUNCIL OF THE CITY OF  
275 ORLANDO, FLORIDA:  
276

277 \_\_\_\_\_  
278 City Clerk  
279

280 \_\_\_\_\_  
281 Print Name  
282

283 APPROVED AS TO FORM AND LEGALITY  
284 FOR THE USE AND RELIANCE OF THE  
285 CITY OF ORLANDO, FLORIDA:  
286

287 \_\_\_\_\_  
288 City Attorney  
289

290 \_\_\_\_\_  
291 Print Name  
292