

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE PLANNED DEVELOPMENT ZONING DISTRICT REGULATIONS FOR APPROXIMATELY 5.9 ACRES OF LAND GENERALLY LOCATED NORTH OF E. GORE ST., EAST OF KUHLE AVE., SOUTH OF S. LUCERNE CIR., AND WEST OF S. ORANGE AVE.; PROVIDING AN AMENDED LEGAL DESCRIPTION, 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 November 17, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2015-00041, requesting an amendment to the planned development zoning district and special land development regulations for approximately 5.9 acres of land generally located north of E. Gore Street, east of Kuhl Avenue, south of S. Lucerne Circle, and west of S. Orange Avenue, 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 ZON2015-00041 (entitled "Item #13 – Crescent Lucerne 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; further, on May 24, 2016 the City planning official issued Determination LDC2016-00086 considering certain changes to the development plan proposed by the applicant to be minor modifications to the plan reviewed by the Municipal Planning Board.

WHEREAS, zoning application case number ZON2015-00041 is requesting the planned development zoning district for the purpose of permitting the phased multi-building development of up to 376 attached dwelling units, a 24,000 square foot grocery store, 7,000 square feet of light retail use, and associated structured parking, in the first phase, with the development program for the second phase to be determined in a subsequent amendment to this planned development zoning ordinance (the "project"); and

WHEREAS, phase two of the project is planned for high-rise development and may include one or more uses such as residential, hotel, office, and retail; 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 Mixed Use Corridor High Intensity and with applicable subarea policies, including Subarea Policy S.12.7; 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 Mixed Use Corridor High Intensity and with applicable subarea policies, including Subarea Policy S.12.7; 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 special land development regulations associated with the Planned Development zoning district for the property are hereby superseded by and replaced with the special land development regulations provided by this ordinance. The property's zoning designations remain unchanged by this ordinance, such designation being the Planned Development district along with the Traditional City, Orange/Michigan Special Plan, and Aircraft Noise zoning overlay districts, in part, and the Planned Development district along with the Traditional City and Aircraft Noise zoning overlay districts, in part, as depicted in **Exhibit B** to this ordinance. Henceforth, the Planned Development zoning district for the property may be known as the "Crescent Lucerne Planned Development."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Crescent Lucerne 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 MU-2 High Intensity Mixed Use Corridor District along with the applicable zoning overlay districts depicted in **Exhibit B**.

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

1. General Development Regulations

- 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) *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 for phase 1.* The maximum development program for phase I of the planned development is:
- i) 376 attached residential units
 - ii) 24,000 square feet of grocery store
 - iii) 3,500 square feet of restaurant
 - iv) 3,500 square feet of light retail
 - v) Accessory parking in accordance with Part 3C, Chapter 61, Orlando City Code. If less than 31,000 square feet is developed in phase one, the difference between the amount actually built and 31,000 square feet may be transferred to phase two of the project.
- f) *Maximum impervious surface ratio.* The impervious surface ratio for the property may not exceed 0.95.
- g) *Phase II approval.* Phase II of the project is subject to review and approval by amendment to this ordinance. The vision for phase II is for high-rise development that may include one or more uses such as residential, hotel, office, and commercial, all subject to prevailing market conditions at the time of development. Density and intensity not used in phase I may be developed during phase II of the planned development.
- h) *Master sign plan.* A master sign plan for the property must be reviewed and approved by the planning official before any building permit is issued by the City for a permanent sign on the property. The master sign plan is subject to review and approval by planning official letter of determination and must conform to the applicable sign regulations of Chapter 64, Orlando City Code, and all other applicable provisions of the GMP and Orlando City Code. To be approved the sign plan must include the location (both in plan and elevation views), dimensions (including area calculations), typology, and operational characteristics of each proposed sign. The property must be developed and maintained consistent with the approved master sign plan.

2. Streetscape Design Regulations

- a) *In general.* "Streetscape" means the elements of the built-environment that constitute the physical makeup of a street, sidewalk, or other part of the public realm devoted principally to pedestrian or vehicular transportation. This includes, without limitation, building frontage, street paving, sidewalks, street furniture, landscaping, awnings, marquees, signs, lighting, open-air plazas and parklets, and other outdoor common areas serving the project. The term includes all such features and areas without regard for whether they are publicly or privately owned or maintained, and without regard for whether such elements are on

public or private land. Streetscape plans for each building site are subject to review and approval for consistency with this ordinance and applicable Orlando City Code as part of each final site plan application. The property must be developed and maintained in accordance with the final approved streetscape plans, including conditions of development provided by appropriate Certificates of Appearance Approval approved by the Orlando City Council after review by the City's Appearance Review Board (the "ARB"). All approved plans must conform to the following minimum requirements, unless otherwise approved by appropriate Certificates of Appearance Approval:

- i) The Downtown Orlando Streetscape Design Guidelines.
- ii) Maintenance responsibilities for the streetscape and outdoor dining areas on public property (where the City is the public agency responsible for the public property) must be provided by agreement between the City and the property owner prior to the issuance of the first certificate of occupancy for the project.
- iii) All parts of the streetscape not included within the public right-of-way must be included within a City-services easement area, which easement area is created and conveyed to the City by instrument subject to review and approval by the City attorney before the issuance of the first certificate of occupancy for the project.
- iv) General Streetscape Requirements:
 - (1) Street Trees – High rise live oaks trees must be planted as the primary street tree in the planter islands and parkway strip. Sylvester Palms may be used as accent trees at building entrances.
 - (2) Structural Soil – To minimize root damage to adjacent pavement areas, structural soil or a planning official-approved equivalent must be installed around all canopy street trees consistent with Detail 3.4-O and 3.4-P of the Downtown Orlando Streetscape Guidelines.
 - (3) Street Lights – Double-acorn, 40-watt-equivalent LED streetlights, consistent with the Downtown Streetscape Design Guidelines, must be installed within the furniture zones along S. Orange Ave., W. Gore St., and S. Lucerne Cir. Such streetlights are also required within the furniture zones along Main Ln. and Kuhl Ave., but should be single-acorn style. The streetlights must be spaced apart in accordance with OUC standards.
 - (4) Corner Treatments – The corner treatment at all corners must be Lawrenceville Brick, with a 6"-thick sub-base for the first 6' from back of

curb and all ADA ramps transitioning to a 4"-thick sub-base to the face of building. Corner treatments shall provide two accessibility ramps at each corner perpendicular to the centerline.

- (5) Valve and Junction Boxes – All at-grade junction, valve, and control boxes in the streetscape zone must include traffic-bearing grade boxes and lids.
- (6) Pedestrian Crossings – Pedestrian crossings at garage and service area entries must be raised to be at the same grade as the sidewalk adjacent to the driveway. A pavement treatment a minimum of 7' wide that contrasts with the vehicle lanes shall be used in order to clearly define the pedestrian area. Reflective paint alone is not acceptable, however it may be used in conjunction with pavers or other surfaces to outline the pedestrian path for night-time safety. Mid-block curb cuts into garage and service areas must meet the mid-block curb cut standard in the Downtown Streetscape Guidelines.
- (7) Building Entries – Building entries should face the street and be recessed, or the doorways must open inward so that doors do not open directly into the pedestrian clear zone.
- (8) Aboveground Utilities – Public and private utility equipment is prohibited above-ground in the required public sidewalk areas.
- (9) Specialty Pavers – Specialty pavers inconsistent with the Downtown Orlando Streetscape Guidelines are prohibited in the public right-of-way and in City-services easement areas, but may be approved by certificate of appearance approval for streetscape areas outside the public right-of-way and outside City-services easement areas.

v) S. Orange Avenue and W. Gore Street:

- (1) Width – The streetscape width on S. Orange Avenue and W. Gore Street shall be a minimum of 15-feet from the back-of-curb. The furniture zone shall be a minimum of 6-feet wide and include 6-foot by 9-foot street tree wells and double acorn street lights. The pedestrian clear zone shall be a minimum of 9-feet in width.
- (2) On-Street Parking Bays – The streetscape zone should be a minimum of 13-feet wide behind on-street parking bays with a 4-foot wide furniture zone and 9-foot wide pedestrian clear zone. The street tree and street light spacing shall be maintained adjacent to the on-street parking bays

but shall be located in a manner that does not conflict with the ingress and egress movements of cars parked in the on-street spaces.

- (3) Treatment 4 – The South Orange Avenue and W. Gore Street streetscape shall meet the requirements of Treatment 4 in the streetscape design guidelines. A 5-foot wide sidewalk grid with troweled edge and medium broom finish shall be installed from back of curb to building face.

vi) Main Lane

- (1) Width – The minimum streetscape width on Main Lane shall be 15-feet from the back-of-curb with a minimum 7-foot wide parkway strip and 8-foot wide concrete sidewalk.
- (2) Curbing – Unless otherwise approved by the city engineer, all curbing along Main Lane shall be Type F vertical curb with concrete gutter pan.
- (3) Treatment 5 – The Main Lane streetscape shall meet the requirements of Treatment 5 in the streetscape design guidelines.

vii) E. Kuhl Avenue [East Side]

- (1) Width – The minimum streetscape width on the east side of Kuhl Avenue shall be a minimum of 13-feet wide from back-of-curb. The parkway strip shall be a minimum of 7-feet wide along the entire project frontage and the pedestrian clear zone shall be a minimum of 6-feet in width. The parkway strip may include on-street parking and shall be adjacent to the curb.
- (2) Treatment 5 – The east side of the Kuhl Avenue streetscape shall meet the requirements of Treatment 5 in the streetscape design guidelines.
- (3) Completion – The Kuhl Avenue streetscape along the entire project frontage shall be completed with the completion of Building 1000.

- viii) Promenade Street – Even though the promenade street is a private street it shall be designed to meet the design standards of the City's Engineering Standards Manual including Type F vertical curb unless an alternative design is approved by the city engineer.

3. Urban Design Regulations

- a) *Architecture*. Architectural elevations for each building are subject to review and approval for consistency with this ordinance and applicable Orlando City Code as

part of each final site plan application. The property must be developed and maintained in accordance with the final approved architectural elevations, including conditions of development provided by appropriate Certificates of Appearance Approval approved by the Orlando City Council after review by the City's Appearance Review Board (the "ARB"). All approved elevations must conform substantially to the elevations attached to this ordinance as **Exhibit D**, and to the drawings attached to this ordinance as **Exhibit E**, and the following minimum requirements, unless otherwise approved by appropriate Certificates of Appearance Approval:

- i) Subject to review and approval by the City Engineer, canopies and awnings at building entries may project into the City-services easement areas. Canopies or awnings that project into the right-of-way are prohibited unless reviewed and approved by the city engineer. In no instance may a canopy be less than 17' 6" above finished grade to meet transportation maintenance requirements. Awnings shall be a minimum of 12-feet above finished grade.
- ii) Exterior Doors – A minimum 4"x6" security view panel shall be provided in all pedestrian accessible exterior doors including emergency exit doors to provide visibility and security for pedestrians exiting the building.
- iii) Windows – The windows on all facades shall be recessed between 1" and 3" from the façade to provide additional design texture and shadow lines to the building façade. The addition of window sills or trim treatments is also recommended.
- iv) Parking Garages:
 - (1) Elevations – Parking garage elevations shall be designed to be architecturally integrated with the building they serve. The openings and materials of the parking garage facades should mimic the rhythm and pattern of the rest of the building structure.
 - (2) Openings – The openings in the parking garage facades shall incorporate an architectural mesh infill. At the ground level the mesh shall be security grade.
 - (3) Screening – Parking garages shall be designed to minimize direct views of parked vehicles from streets and sidewalks. An opaque minimum 36-inch tall wall shall be installed to avoid headlight and spill-over light glare. Noise and exhaust fumes onto public use areas or adjacent properties shall be mitigated. Lighting that may be potentially visible from the garage shall be shielded.

- (4) Pedestrian Connection – A minimum 5 ft. pedestrian walkway shall be provided adjacent to the driveway entries into the parking garage.
- (5) Ramping – Angled exterior ramping shall not be visible from the right-of-way and shall be obscured from view through the use of exterior metal screening, or other alternative methods. Interior ramping and walls that might be visible thru the garage openings shall be painted a dark gray or black.
- (6) Egress Slope – The slope of the grade preceding the exit of a parking garage shall not exceed 2% for a minimum of 25 feet from the garage entry.
- (7) Transformers – Electrical transformers incorporated into the ground level of a parking garage shall provide a minimum of 17'-6" of clearance above grade and demonstrate that there is adequate space and access for maintenance and replacement equipment movement and turning. Final transformer location shall be approved by certificate of appearance approval.

v) Transparency:

- (1) The ground floor building walls facing all streets shall contain a minimum of 30% of transparent materials. A minimum of 15% transparency shall be provided on all other floors facing the street above the ground level.
- (2) All glass at the ground level shall be clear. Minimum light transmittance shall be 80%. High performance or low-e glass may be considered as an alternative with a minimum transmittance of 60%.
- (3) No windows at the ground floor level shall be dry-walled, or have permanent partitions installed on the interior to block natural surveillance.
- (4) Tinted, reflective, and spandrel glass does not count towards meeting the transparency requirements.

vi) Mechanical Equipment:

- (1) Venting & Exhaust – All potential restaurant venting and restaurant exhaust shall be directed to the roof of the building and shall not be visible from the public right-of-way. Restaurant venting is not permitted on any street facing façade of the buildings. All other venting and exhaust for mechanical and other utilities shall be a minimum of 12 ft. above grade

and shall be integrated with the building design so as to be seamless with the overall architecture of the building.

(2) Transformer Area Screening – Transformer areas outside the building envelope shall be screened with decorative, opaque fencing and gates up to 6-feet in height.

(3) Mechanical Equipment – All ground mounted and rooftop mechanical equipment shall be screened from view and meet the screening conditions of the Land Development Code.

(4) Backflow Preventer – Backflow preventers shall be located so as to not be directly visible from the right-of-way and should be screened from view where necessary. They shall be clearly identified on the final utilities plan.

(5) Fencing – Any fencing on the site shall be an open, CPTED-approved fence, such as aluminum or wrought-iron picket fencing. Chain link fencing is prohibited.

(6) Overhead Powerlines – Existing overhead powerlines on the development site shall be undergrounded during construction if feasible.

(7) Final Elevations – The location and configuration of all exterior venting and mechanical equipment shall be depicted on the building elevations in the Final ARB Review application.

vii) Signage. A Master Sign Plan [MSP] including both the residential, retail, and high-rise signage shall submitted for a separate ARB Major Review approval prior to the issuance of a Certificate of Occupancy for the tower or retail spaces. The MSP shall clearly show how signage will be allocated between the tenants and the site as a whole and provide placeholders for locations of proposed signage. High-rise signs are permitted consistent with section 64.246 of the Land Development Code but will require an ARB Major Review prior to permitting unless incorporated into the MSP. High-rise sign shall be counted toward the total allowable copy are for the project.

(1) Mid-rise projecting/blade signs are permitted subject to the following conditions:

(a) A building site is allowed one mid-rise projecting sign per each building face adjacent to a street, walkway, or plaza.

(b) The area of each permitted mid-rise projecting sign shall be counted as part of the low-rise signage allocation for the building site.

- (c) Mid-rise projecting signs shall only contain a single message and shall be permitted to incorporate a logo.
- (d) Mid-rise projecting sign faces shall be parallel to themselves; no opposing or angled sign faces.
- (e) Mid-rise projecting sign text and graphics shall be push-through letters, illuminated channel letters with no visible racetrack or halo-lit dimensional solid letters. The sign face background shall be a solid color unless the Appearance Review Officer approves an alternative. Backlit cabinet sign faces shall not be permitted.
- (f) Mid-rise projecting signs shall not be allowed to incorporate digital screens or components but may include kinetic features in the sign design.
- (g) A mid-rise projecting sign shall be located so as to not conflict with the architectural elements or character of a building; decorative brackets may be utilized to attach the sign face to the structure but shall comply with the following location and size requirements:
 - (i) The sign face of a mid-rise projecting sign shall be no wider than four feet and shall be no thicker than 18-inches. The sign face and/or mounting brackets shall project no more than 5-feet from the building facade.
 - (ii) In no instance shall a mid-rise projecting sign face be more than 40-feet tall.
 - (iii) The bottom of a mid-rise projecting sign shall be no less than 17'-6" above finished grade.
 - (iv) The top of a mid-rise projecting sign shall be no more than 60-feet above finished grade or no higher than the finished floor elevation of the top floor of a multi-story building, whichever is less.
 - (v) Mid-rise projecting signs shall be included in the MSP.
- viii) Telecommunications Equipment Screening. Buildings should be designed to accommodate future placement of telecommunications equipment. Screening areas should be built into rooftop areas so that the placement and screening of the equipment does not become an afterthought.

4. Transportation Regulations

a. Grocery store access from Orange Ave. The development plan shows a vehicular access point from S. Orange Ave. to the property just north of the "Grocer" (the parcel provided for ingress/egress is labeled "Parcel 1A" on the development plan). This access point can allow for right-out vehicular movements provided a diverter and/or signage is added to the egress point to restrict the right turn movement to the two western lanes of S. Orange Ave.

b. Extension of E. Gore St. turn-lane. The turn lane from S. Orange Ave. to E. Gore St. must be extended to a length of 150 ft. prior to issuance of a Certificate of Occupancy for the project.

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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

ORDINANCE NO. 2016-6

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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