

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, AMENDING THE LAND**
3 **DEVELOPMENT REGULATIONS ASSOCIATED WITH**
4 **CERTAIN PORTIONS OF THE EXISTING ORLANDO**
5 **LUTHERAN TOWERS PLANNED DEVELOPMENT**
6 **ZONING DISTRICT; RELATING TO CERTAIN LAND**
7 **GENERALLY LOCATED NORTH OF E. CHURCH ST.,**
8 **SOUTH OF E. PINE ST., EAST OF LAKE AVE., AND**
9 **WEST OF S. OSCEOLA AVE., IN THE SOUTH EOLA**
10 **NEIGHBORHOOD AND COMPRISED OF**
11 **APPROXIMATELY 0.7 ACRES OF LAND; PROVIDING**
12 **AN AMENDED DEVELOPMENT PLAN; PROVIDING**
13 **FOR SEVERABILITY, CORRECTION OF SCRIVENER'S**
14 **ERRORS, AND AN EFFECTIVE DATE.**
15

16 **WHEREAS**, at its regularly scheduled meeting of February 18, 2014, the
17 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),
18 considered zoning application case number ZON2013-00031, requesting amendments
19 to the existing planned development ordinances for approximately 3.3 acres of land,
20 generally located north of E. Jackson Street, south of E. Pine Street, east of Lake
21 Avenue, and west of S. Osceola Avenue, and more precisely described by the legal
22 description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and
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24 **WHEREAS**, based upon the evidence presented to the MPB, including the
25 information and analysis contained in the "Staff Report to the Municipal Planning Board"
26 for application case number ZON2013-00031 (entitled "Item #7 – OLT PD Amendment
27 – Citi Tower," along with an addendum thereto, and hereinafter referred to as the "Staff
28 Report,"), and subject to certain conditions, the MPB recommended that the City Council
29 of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning
30 application and adopt an ordinance in accordance therewith; and
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32 **WHEREAS**, zoning application case number ZON2013-00031 is requesting an
33 amendment to the City's adopted planned development zoning ordinances for the
34 purpose of permitting a 22-story, 233-unit multifamily building with approximately 22,300
35 square feet of commercial use, and an integrated parking garage (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"); and
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40 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
41 with the intent and purpose of the planned development district zoning designation as
42 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando
43 City Code"); and
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45 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
46 best interest of the public health, safety, and welfare, and is consistent with the
47 applicable provisions of the City's GMP; and
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49 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
50 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
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52 **SECTION 1. ZONING.** After due notice and public hearing, and pursuant to part
53 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City
54 Code, the land development regulations associated with the zoning designation for the
55 Property are hereby amended as set forth in this ordinance. This planned development
56 zoning district may be known as the "Orlando Lutheran Towers Planned Development."
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58 **SECTION 2. AMENDED LDRs.** Development on the Property is currently
59 governed by the planned development zoning ordinance adopted by the Orlando City
60 Council on October 13, 2003 (City Clerk documentary number 031013710; zoning case
61 number ZON2002-00046), as amended on June 19, 2006 (City Clerk documentary
62 number 0606191003; zoning case number ZON2005-00038), as further amended on
63 August 20, 2007 (City Clerk documentary number 0708201006; zoning case number
64 ZON2007-00011), and as further amended on September 23, 2013 (Ordinance No.
65 2013-49; City Clerk documentary number 1309231201; zoning case number ZON2013-
66 00014). Together, these ordinances are hereinafter referred to as the "Prior PDs." This
67 ordinance amends the Prior PDs primarily to provide new land development regulations
68 for Phase A of the Property (the "2014 Parcel"). The 2014 Parcel remains subject to the
69 Prior PDs except where inconsistent with the following amended land development
70 regulations.
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72 **1. General**
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74 1.1 *Other laws.* Except as expressly provided in this ordinance, the Property
75 remains subject to all applicable federal, state, and local laws, and
76 nothing in this ordinance shall be construed to exempt the Property from
77 the lawful authority or jurisdiction of any federal, state, or local agency.
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79 1.2 *Revised Development Plan.* Subject to any modifications expressly
80 contained in the text of this ordinance, development and maintenance of
81 the 2014 Parcel must be consistent with the revised development plan
82 attached to this ordinance as **Exhibit "B"** (hereinafter the "Revised 2014
83 Parcel Development Plan"). In the event of a conflict between the text of
84 this ordinance and the Revised 2014 Parcel Development Plan, the text
85 of this ordinance shall control. References in this ordinance to lots,
86 parcels, buildings, phases, and other development features refer to such
87 features as identified on the Revised 2014 Parcel Development Plan or
88 the development plans contained within the Prior PDs.

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- 1.3 *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.
- 1.4 *Intensity.* The maximum floor-to-area ratio for Phase A is 0.73, and the maximum floor-to-area ratio for the PD is 0.35.
- 1.5 *Density.* The maximum density of Phase A is 233 dwelling units, and the maximum density of the PD is 710 dwelling units. A proposed reduction in either the residential or commercial portion of the Phase A density or intensity shall be considered a nonmaterial change and may be approved administratively through a planning official letter of determination.
- 1.6 *Maximum building height.* The maximum building height for Phase A is 265 feet.
- 1.7 *Setbacks.* Buildings on the Phase A parcel must have the following minimum setbacks:
 - 1.7.1 1' 9" from E. Church Street
 - 1.7.2 1' 6" from Lake Avenue
 - 1.7.3 3' 1" from E. Pine Street
 - 1.7.4 1' from the eastern property boundary.
- 1.8 *Minimum City-services easements.* Before the issuance of any building permit for the Project, City-services easements on the 2014 Parcel must be dedicated to the City along the length of the 2014 Parcel's frontage along Lake Street, Church Street, and Pine Street. The precise locations and dimensions of the easement areas are subject to review and approval by the City engineer, but must be at least 5'6"-wide on Lake Street, 6'-wide on Church Street, and 5'10" on Pine Street. Balconies and other building projections may extend over these easement areas, consistent with building setback requirements, if they are at least 14' above grade and meet the minimum building setback requirements. Doors, fence gates, and other similar features may not swing into any City-services easement area.
- 1.9 *Impervious Surface Ratio.* The maximum ISR of Phase A is 0.96, and the maximum ISR for the PD is 0.897

2. Urban Design

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- 2.1 *Signs.* A master sign plan, including both the residential and commercial signage, shall be submitted for review and approval by the planning official prior to obtaining a building permit for any new signage. The sign plan shall be approved, denied, or approved with conditions by planning official letter of determination. The sign plan must include the locations, dimensions, areas, and types of each sign on the 2014 Parcel. The Property must be built and maintained in accordance with the approved sign plan.

- 2.2 *Transparency.* A minimum of 30 percent of each ground floor facade and 15 percent of any additional story's facade facing a public or private street must be transparent.
 - 2.2.1.1 Clear glass is required on the ground floor (minimum 80% light transmittance, or 60% for low-emissivity glass). Mirrored, tinted, and spandrel glass is prohibited on all floors.
 - 2.2.1.2 Windows may not be blocked with drywall or any other material that prevents natural surveillance.

- 2.3 *Pedestrian connections.* A minimum 5 ft. pedestrian walkway shall be provided adjacent to the driveway entry into the service area from E. Pine Street.

- 2.4 *Principal Entrances.* Principal pedestrian entrances from the street shall be architecturally treated and emphasized with canopies, awnings, or other material changes at the ground level. The three corners of the building on the ground level with active space should be further enhanced with a canopy or other architectural projection/element.

- 2.5 *Parking Garage.*
 - 2.5.1 The parking garage shall be articulated architecturally on all elevations, and designed to achieve an architectural unity with the remainder of the building by reflecting the character, scale and massing of the occupied spaces of the building. Garage screening shall be provided that reflects the fenestration pattern, finish materials and colors of the rest of the building.
 - 2.5.2 Exterior wall materials for parking garages shall match or be compatible with the exterior wall materials and finishes of the buildings they serve.

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- 2.5.3 Parking garages shall be designed to minimize direct views of parked vehicles from streets and sidewalks and to avoid spill-over light, glare, noise and exhaust fumes onto public use areas or adjacent properties. Lighting that may be potentially visible from the garage shall be shielded.
- 2.5.4 Angled exterior ramping shall not be visible from the right-of-way and shall be obscured from view through the use of exterior cladding, metal screening, or other alternative methods.
- 2.5.5 Up to 15% of the required parking spaces in any parking garage may be designed as compact spaces. Such spaces shall be prominently marked and posted and shall be no less than 7 feet 6 inches wide and 16 feet 0 inches deep. Compact spaces are prohibited in parking lots.
- 2.5.6 The slope of the grade preceding the exit of a parking garage shall not exceed 2% for a minimum of 25 feet.
- 2.5.7 Decorative gates architecturally integrated with the building design shall be utilized to screen the entry into the trash compactor and delivery/service area and shall be closed when the area is not in use.
- 2.5.8 The art panels and green screen material, patterns, art work and plant material shall be presented as part of an ARB Final Review.
- 2.5.9 Although not a condition precedent to the issuance of any building permit, it is recommended that a 20-foot building setback easement be negotiated and established with Baptist Terrace in order to provide sufficient setback for future development to meet the fire code setback requirements that would allow the solid six-story east façade of the Citi Tower parking garage to have openings and additional architectural detailing.
- 2.6 Materials. Durable materials such as stone, brick, pre-cast, etc. shall be utilized at the ground level.
- 2.7 Pedestrian Scale Detailing. A durable stone, cast stone, pre-cast concrete, or such other material that may be deemed appropriate and durable by the Appearance Review Officer, shall be utilized along the

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- 219 base of the building to a height of 36", except where storefront glass is
220 provided.
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- 222 2.8 Existing Trees on Site. There are multiple large canopy trees on this site
223 and within the ROW. These trees shall remain, at minimum, until such
224 time as a building permit has been issued for the foundation of the
225 building and construction commences.
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- 227 2.9 Windows. The windows on the residential units shall be recessed from
228 the façade to provide more texture and shadow lines.
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- 230 2.10 Exterior Doors. Security view panels shall be provided in all exterior solid
231 doors to provide visibility for pedestrians exiting, including emergency exit
232 doors.
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- 234 2.11 Service Area/Utilities. All utilities, trash disposal pick-up, and other
235 maintenance facilities should be located on the interior of the parking
236 garage, and not adjacent to the pedestrian sidewalks to fullest extent
237 possible.
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- 239 2.12 Venting & Exhaust. All potential restaurant venting and restaurant
240 exhaust shall be directed to the roof of the building and shall not be
241 visible from the public right-of-way. Restaurant venting is not permitted
242 on any façade of the building. All other venting and exhaust for
243 mechanical and utilities shall be a minimum of 10 ft. above grade and
244 shall be integrated with the building design so as to be seamless with the
245 overall architecture of the building.
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- 247 2.13 Mechanical Equipment. All mechanical equipment shall be screened and
248 meet the conditions of the LDC. The transformer yard wall shall be
249 architecturally integrated into the ground floor design of the building
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- 251 2.14 Backflow Preventer. Backflow preventer[s] shall be located so as to not
252 be directly visible from the right-of-way and should be screened from view
253 where necessary. They shall be clearly identified on the final site plan
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- 255 2.15 Fencing. Any fencing on the site shall be an open, CPTED-approved
256 fence, such as aluminum or wrought-iron picket fencing. Chain link
257 fences are prohibited.
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- 259 **3. Transportation**
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- 3.1 *Right-of-way cross sections.* All streets, sidewalks, and streetscapes bounding the Phase A parcel must conform to plan attached to this ordinance as “**Exhibit C**.” The streetscape must also conform to the following minimum requirements:
- 3.1.1 *Street trees.* High rise live oaks shall be planted in the on-street parking bump-outs along Lake Avenue (at approximately 60’ on-center). High rise live oaks must be used as canopy trees on all streets abutting the 2014 Parcel.
- 3.1.2 One or two street trees must be installed and maintained in 6’x9’ tree wells along Church Street.
- 3.1.3 *Structural soil.* To minimize root damage to adjacent pavement areas, structural soil or an approved equivalent shall be installed around all canopy street trees consistent with Detail 3.4-O and 3.4-P of the Downtown Streetscape Guidelines.
- 3.1.4 *Street lights.* Double acorn streetlights consistent with the Downtown Streetscape Design Guidelines shall be used on all streets and spaced based on the OUC lighting requirements. The street lights shall be located no closer than 2-feet to any sidewalk connections to the on-street parking areas or intersection hardscape.
- 3.1.5 *Understory trees.* Understory trees may be used as accent trees in the parkway areas between the street trees but shall be located no closer than 10’ to any street light and 20’ to any canopy tree.
- 3.1.6 *Lymmo station.* The layout of the LYMMO station stop on the northeast corner of the Church Street and Lake Avenue intersection shall be shown on future construction drawings for this project and the Church Street streetscape.
- 3.1.7 *Pedestrian paths.* Sidewalks and streetscape on all streets shall be constructed based on the requirements for Streetscape Treatment 4 of the Downtown Streetscape Design Guidelines. All cells in the sidewalk must be finished with 2”-3” troweled edges and a medium broom finish that is perpendicular to the centerline of the street. Intersection corner treatments and on-street parking spaces shall be Lawrenceville brick and installed according to the guidelines for Downtown Streetscape Treatment 4.

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3.1.8 Corner treatments shall provide two accessibility ramps at each corner perpendicular to the centerline.

3.1.9 The pedestrian crossing at the loading zone and garage entry shall be raised to be at same grade as the sidewalk adjacent to the driveway. In order to clearly define the pedestrian area the pedestrian crossing surface shall be Lawrenceville brick or another approved surface. Reflective paint alone is not an acceptable option but may be used in conjunction with pavers or other alternative to outline the pedestrian path for night time safety. The mid-block curb cuts into the garage shall meet the mid-block curb cut standard in the Downtown Streetscape Guidelines for Treatment 4.

3.2 *Minimum parking requirements.* The Project must provide at least 340 onsite parking spaces.

SECTION 3. 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 4. 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 5. EFFECTIVE DATE. This ordinance takes effect upon adoption.

SECTION 6. EXPIRATION. This ordinance expires two years from adoption unless a foundation permit (or its functional equivalent) has been issued by the City for the Project. The planning official may grant a one year extension using the same procedures and standards of review provided at section 65.336, Orlando City Code, for the administrative extension of master plans.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2014.

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 _____, 2014.

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348 **DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE**, by an
349 affirmative vote of a majority of a quorum present of the City Council of the City of
350 Orlando, Florida, at a regular meeting, this _____ day of _____,
351 2014.

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BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

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

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City Clerk

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

City Attorney

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