

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF E. MARKS ST., EAST OF LAKE DRUID, SOUTH OF PLAZA TERRACE DR., AND WEST OF WOODCOCK RD., AND COMPRISED OF 19.5 ACRES OF LAND, MORE OR LESS, AS PLANNED DEVELOPMENT DISTRICT, IN PART, AND PLANNED DEVELOPMENT DISTRICT WITH THE AIRCRAFT NOISE OVERLAY DISTRICT, IN PART, ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING 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 March 18, 2014, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2014-00005, requesting the Planned Development zoning district designation for approximately 19.5 acres of land, generally located north of E. Marks St., east of Lake Druid, south of Plaza Terrace Dr., and west of Woodcock Rd., and 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 ZON2014-00005 (entitled "Item #6 – Elan @ Audubon Pk. (FKA Orlando Hts.) PD Amendment 980 Warehouse Rd." 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 ZON2014-00005 is requesting the Planned Development zoning district designation for the purpose of permitting the development of a 450-unit multifamily project (the "Project"); and

WHEREAS, the MPB found that the Project is consistent with the City's adopted Growth Management Plan (the "GMP"); 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

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 Property is hereby designated as Planned Development district, in part, and
55 Planned Development district with the Aircraft Noise overlay district, in part, on the City's
56 official zoning maps (to be denoted as "PD" and "PD/AN" on the official maps of the
57 City), as depicted in **Exhibit "B"** to this ordinance. This planned development zoning
58 district may be known as the "Elan @ Audubon Park Planned Development."

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60 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
61 58.367, Orlando City Code, except as expressly provided in this ordinance, the Elan @
62 Audubon Park Planned Development zoning district remains subject to all applicable
63 federal, state, and local laws, and nothing in this ordinance shall be construed to exempt
64 the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

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66 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
67 otherwise by this ordinance, the Property shall be governed by the Low Intensity Office
68 and Residential zoning district (denoted as "O-1" on the official maps of the City) where
69 the Office Low Intensity future land use designation applies to the Property, and by the
70 Medium Intensity Office and Residential zoning district (denoted as "O-2" on the official
71 maps of the City) where the Office Medium Intensity future land use designation applies
72 to the Property.

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

77
78 **1) Land Development**

- 79
80 a) *Development Plan.* Subject to any modifications expressly contained in the text
81 of this ordinance, development and maintenance of the Property must be
82 consistent with the development plan attached to this ordinance as **Exhibit "C"**
83 (hereinafter the "Development Plan"). In the event of a conflict between the text
84 of this ordinance and the Development Plan, the text of this ordinance shall
85 control. References in this ordinance to lots, parcels, buildings, phases, and
86 other development features refer to such features as identified on the
87 Development Plan.
88

- b) *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.
- c) *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. If developed in phases, phases after the first phase are subject to review and approval by letter of determination by the planning official.
- d) *Building height.* Buildings within the Office Low Intensity future land use map designation may be no taller than 38' in height.
- e) *Permitted use.* Permitted principal uses on the Property are:

- (1) Multifamily

2) Urban Design

- a) *Architecture.* Architectural elevations for each building are subject to review and approval by the city appearance review officer, or designee, prior to the issuance of any building permit for the proposed building. The Property must be developed and maintained in accordance with the final approved architectural elevations. All approved elevations must conform to the following minimum requirements:
 - i) Architecture must be substantially consistent with the elevations attached to this ordinance as **Exhibit "D."**
 - ii) No two adjacent buildings may have substantially identical exterior color schemes.
 - iii) Primary pedestrian entryways into buildings must clearly expressed and must be recessed from the façade or include a substantial sheltering elements such as an awning, arcade, canopy, porch, or portico.
 - iv) For each floor below a building's roofline, facades facing internal streets, driveways, and parking areas must be at least 15% transparent as measured by surface area. For all building facades, glass in ground floor windows must transmit at least 80% of visible light and all other window glass must transmit

at least 66% of visible light. Tinted and reflective glass is prohibited on all buildings and on all facades.

v) Blank expanses of walls greater than 30' in length are prohibited on all buildings and on all facades. The materials, architectural details, window styles, and other façade treatments used on a building must be consistent and continued around all sides of the building.

vi) All principal buildings (excludes garages and other standalone accessory structures) must be set back at least 10' from the back of curb of any vehicular use area.

vii) For standalone garages, carports, and other accessory buildings and structures:

(1) All facades of standalone garages must be finished to match the architectural style and materials of adjacent principal buildings.

(2) Garage doors must be at least 10% transparent as measured by surface area.

(3) Garages and carports may not interrupt pedestrian pathways. The location of garages and carports must be coordinated with principal buildings.

(4) Entry gatehouses, pergolas, mail kiosks, and other similar accessory structures must incorporate the architectural style of the Project's principal buildings. The scale, height, and mass of these structures must be pedestrian-oriented.

viii) Each principal building must provide a primary façade oriented directly parallel to the adjacent private street or other vehicular use area.

b) *Lighting.* If exterior lighting is proposed, a signed and sealed lighting plan is subject to review and approval by the planning official and shall be submitted with the permitting drawings. The Property must be developed and maintained in conformity with the final approved lighting plan. Exterior lighting systems must be consistent with Orange County's existing lighting ordinance (Orange County Ord. No. 2003-08, §1, 6-3-03), unless otherwise approved by the planning official. Light-poles and other lighting utilities may not encroach within pedestrian pathways. The lighting plan must also conform to the following regulations:

i) In open-air vehicular use areas, light poles may not exceed 20' in height.

ii) In open-air vehicular use areas, light poles must be located in a manner that prevents conflicts with trees and other landscaping.

c) *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. Screening walls must be softened from the perspective of the public rights-of-way and neighboring properties with approved low hedges and groundcover landscaping. Dumpsters must be maintained free of offensive odor and vermin. Dumpsters and compactors may be emptied by hauling trucks only between 8 a.m. and 6 p.m., Monday through Saturday. Dumpsters and compactors must be closed and secured between 10 p.m. and 7 a.m., every day.

d) *Other site improvements.*

i) *Fences and walls.* All fencing on the Property must be open-style fencing consistent with generally accepted Crime Prevention Through Environmental Design (CPTED) principles, such as aluminum or wrought-iron picket fencing. For purposes of this ordinance, chain-link fences are not consistent with CPTED principles, but may be used around playgrounds in accordance with sub-subsection f) of this subsection. Fences and walls may be no taller than 6' in height. A solid wall more than 4' in height is only allowed along the northern property line abutting adjacent residential uses. Elsewhere, perimeter walls may be solid (opaque) up to 4' in height and not more than 40% opaque above 4' in height. The perimeter fence to be built along the western boundary of the Property (separating the Project from the neighboring proposed City park) may have gate access connecting the Property to the City park, providing that such access has automatic locking mechanisms that prevent gate access to the park during hours that the park is closed to the public.

ii) *Sidewalks.* The final site plan must show a complete internal pedestrian circulation plan. The plan must show paths connecting each of the Project's buildings and structures. Each principal building must be connected to an adjacent sidewalk with a pathway at least 5' in width. Where sidewalks are adjacent to vehicular use areas, the sidewalk must be at least 7' in width or at least 5' in width if parking stalls effectively prevent vehicles from overhanging the sidewalk.

iii) *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.

iv) *Internal road design.* All internal private roads and drive aisles must be built to mimic the appearance of standard public streets with City-standard sidewalks, curbs, landscape strips and street trees.

e) *Landscaping.* A landscaping plan for all 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. Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the landscaping plan attached to this ordinance as **Exhibit “E”** (hereinafter the “Landscaping Plan”), and the following:

i) All landscaping must meet or exceed the minimum landscaping requirements of Orlando City Code.

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

iii) Tree clearing (except for species identified in the “2013 List of Invasive Plant Species” by the Florida Exotic Pest Plant Council) is prohibited until full site development is commenced.

iv) Wet detention ponds on the Property must provide and maintain littoral zone landscaping consistent with section 8.6 (“Littoral Zone”) of Part V (“Best Management Practices”) of the document entitled “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Boundaries of the St. Johns River Water Management District,” effective October 1, 2013.

f) *Playgrounds.* Playgrounds on the Property must meet the following minimum regulations:

i) Playgrounds must meet or exceed the 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.
- iv) Landscaping in or around playgrounds must include plants identified by the Orlando City Code as butterfly attractors.
- v) If chain link fencing is used near playgrounds, it must be vinyl-coated black, at least 6-guage in diameter, and include top and bottom rails. All rails, posts, and hardware must be painted with exterior glossy black paint.
- vi) Playgrounds must be wheelchair accessible.

3) Transportation

- a) *Warehouse Rd. right-of-way dedication.* The owner of the Property must dedicate right-of-way to the City for the planned extension of Warehouse Road. The dedication must occur before the issuance of any certificate of occupancy for the Project. The dedication must be adequate to accommodate a minimum 30' wide right-of-way and must extend approximately 670 feet from the southeast corner of the Property northward along the eastern boundary of the Property. The final configuration and dimensions of the dedicated right-of-way is subject to review and approval by the City engineer, or designee. The owner of the Property must also grant easements to the City sufficient for the construction, operation, and maintenance of the extended Warehouse Road. Ninety-degree parking stalls are allowed within this right-of-way until construction of the extended Warehouse Road. As long as minimum landscape buffering requirements are maintained along the western side of this newly dedicated right-of-way, new parallel parking spaces to replace some of the temporary ninety-degree parking stalls may encroach into the right-of-way by up to 3'.
- b) *Emergency access.* A minimum 20' wide limited access emergency connection must be provided from the southwestern corner of the southernmost parking lot of the Property to the existing improved surface in the adjacent future City park on the western boundary of the Property. This emergency access must connect to Coy Drive. The final configuration and dimensions of the emergency access are subject to review and approval by the City engineer and must be fully constructed prior to the issuance of any certificate of occupancy for the Project. Because this access will be restricted to emergency use only, the owner of the Property is fully responsible for designing and installing a City-approved physical barrier that prevents its use except for emergency purposes. Based on the

access characteristics of the Project as of the effective date of this ordinance, preferred emergency access will be at the primary entrance from Maguire Boulevard. Any proposed change to the emergency access to the Property shall constitute a substantial modification of the Development Plan and may be approved only by amendment to this ordinance.

- c) *Transit shelter contribution.* Prior to the issuance of any building permit for the Property, the owner must deposit \$32,000 with the City for the purpose of the construction and installation of two transit shelters on Maguire Road near its intersection with Warehouse Road.
- d) *Walkability.* Final site plans must show onsite pedestrian connectivity between buildings and from buildings to the main entry road of the Project. The owners must also provide a minimum 5' wide sidewalk along both sides of the main entry road connecting to the adjacent City trail. The final location, configuration, and dimensions of all pedestrian paths and sidewalks are subject to review and approval by the City planning official, or designee.
- e) *Bike parking.* Each residential building in the Project must provide bicycle racks with at least 1 parking space for every 5 dwelling units. Clubhouses, pools, and other common facilities must provide bicycle racks with at least 4 parking spaces. All racks must meet standard City design requirements and must be located adjacent to building entrances without conflicting with pedestrian or vehicular use areas. The final location and configuration of all bicycle racks are subject to review and approval by the City planning official, or designee.

SECTION 5. EXPIRATION. Pursuant to section 58.365, Orlando City Code, the Project must be commenced within 5 years of the effective date of this ordinance. If the Project has not commenced within 5 years then the zoning designation on the Property shall revert to the Holding district. The zoning official is hereby directed to amend the City's official zoning maps in accordance with this section, if necessary. For the purpose of this section, the word "commenced" means that a building permit for at least one principal building has been issued by the authority having jurisdiction.

SECTION 6. 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 7. 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 8. 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 _____, 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.

DONE, THE SECOND READING, 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 _____, 2014.

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

Mayor / Mayor Pro Tempore

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

City Clerk

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

City Attorney

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