

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS FOR THE ORLANDO MEDICAL PLAZA PLANNED DEVELOPMENT, GENERALLY LOCATED NORTH OF FERNWOOD ST., SOUTH AND WEST OF E. COPELAND DR., AND EAST OF S. ORANGE AVE., AND COMPRISED OF 2.1, ACRES, MORE OR LESS; AMENDING THE DEVELOPMENT PLAN, DEVELOPMENT PROGRAM, LANDSCAPING PLAN, ARCHITECTURAL REGULATIONS, AND OTHER LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**WHEREAS**, at its regularly scheduled meeting of July 16, 2013, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2013-00007, requesting amendments to the land development regulations of the Orlando Medical Plaza Planned Development, comprised of approximately 2.1 acres of land, generally located north of Fernwood St., south and west of E. Copeland Dr., and east of S. Orange Ave., 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 ZON2013-00007 (entitled "Item #8 – Orlando Medical Plaza," and hereinafter referred to as the "Staff Report"), and subject to certain conditions, 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 ZON2013-00007 is requesting amendments to the land development regulations of the Planned Development zoning designation for the purpose of permitting a new 85-room, 8-story hotel and the renovation of an existing building on the Property (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

**WHEREAS**, the Orlando City Council hereby finds that 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; and

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

**SECTION 1. ZONING.** 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 land development regulations associated with the existing Planned Development zoning designation for the Property are hereby amended as set forth in this ordinance. This planned development zoning district may be known as the "Orlando Medical Plaza Planned Development."

**SECTION 2. AMENDED LDRs.** Before the adoption of this ordinance, development on the Property was governed by the planned development zoning ordinance adopted by the Orlando City Council on March 5, 1984 (City Clerk documentary number 18406), as amended on July 29, 1991 (City Clerk documentary number 24970), as further amended on August 23, 2004 (City Clerk documentary number 040823904; zoning case number ZON2004-00003), and as further amended on February 13, 2006 (City Clerk documentary number 0602131008; zoning case number ZON2005-00016). Together, these ordinances are hereinafter referred to as the "Prior PDs." This ordinance amends, restates, and supersedes the Prior PDs to provide new land development regulations for the Property.

**SECTION 2. LAND DEVELOPMENT REGULATIONS.** The Planned Development zoning district for the Property is subject to the following special land development regulations:

**1. General**

**1.1 Other laws.** Except as expressly provided in this ordinance, the Property 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.

**1.2 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 "B"** (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.

- 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. The planning official may also approve minor modifications and design modifications to fences, walls, landscaping, accessory structures, signs, and bufferyard requirements.
- 1.4 *Underlying zoning.* Except as expressly provided otherwise by this ordinance, the part of the Property designated as of the effective date of this ordinance as Office Medium Intensity on the City's Future Land Use Map (hereinafter referred to as the "West Parcel") shall be governed by the land development regulations applicable to the O-2/T/AN/SP zoning district, and the part of the Property designated as of the effective date of this ordinance as Residential Low Intensity on the City's Future Land Use Map shall be governed by the land development regulations applicable to the R-1/T/HP/AN zoning district.
- 1.5 *Uses.* Only uses permitted in the O-2/T zoning district and GMP Subarea Policy S.18.5 are allowed on the Property, except that the following uses are only allowed as secondary uses. For purposes of this ordinance, a "secondary use" means a use that comprises 49% or less of the Property's land area.
- 1.5.1 Hotel
  - 1.5.2 Personal service
  - 1.5.3 Light retailing
  - 1.5.4 Eating and drinking establishments.
- 1.6 *Intensity.* The floor to area ratio of the West Parcel may not exceed 1.71.
- 1.7 *Hotel height.* The proposed new hotel may not exceed 101 feet in height.
- 1.8 *Building encroachments.* Structural elements of buildings may not encroach into or over the public right-of-way, except for the following:
- 1.8.1 The three balconies along Orange Avenue projecting from the proposed new hotel as shown in the attached architectural elevations. These balconies must be at least 20 feet above the ground below and may project no more than 2 feet into the public right-of-way.
  - 1.8.2 The architectural roof element along Orange Avenue projecting from the proposed new hotel as shown in the attached

architectural elevations. This element may project no more than 2 feet into the public right-of-way.

1.8.3 The blade sign along Orange Avenue projecting from the proposed new hotel as shown in the attached architectural elevations. This element may project no more than 4 feet into the public right-of-way.

All such encroachments must be approved and are subject to a right-of-way encroachment agreement or other similar instrument between the Property owner and the authority having jurisdiction of the pertinent right-of-way.

1.9 *Setbacks.* Office buildings must have a front yard setback of at least 5 feet, but have no minimum side yard setback, except that all buildings along Orange Avenue may be built to the right-of-way, provided that buildings existing as of the effective date of this ordinance must provide and maintain the minimum 13 feet clear zone as required by the Orange-Michigan Special Plan overlay district. Building columns along Orange Avenue that encroach into the 13 feet clear zone must be designed and maintained to minimize physical and visual intrusion to the pedestrian. Such encroaching columns are subject to review and approval by the planning official before building permits are issued.

## 2. Urban Design

2.1 *Architecture.* Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the architectural elevations attached to this ordinance as **Exhibit "C."** An architectural elevations package for all development is subject to the review and approval by the city appearance review officer, 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 architectural elevations package or packages. The final approved architectural elevations package or packages must also conform to the following:

2.1.1 All exterior building materials must be lasting, low-maintenance, durable materials that express a sense of permanence and solidity. Ground floor facade must be constructed and maintained with durable stone or cast-stone up to at least 3 feet above ground level. Remaining portions of all ground floor facades (except for parking garages) must be built and maintained with stone, brick, stucco, or similar material. EIFS and other synthetic finishes are prohibited on the ground floor.

- 2.1.2 *Transparency.* For all new construction or substantial improvement of existing buildings, a minimum of 30 percent of each ground floor facade and 10 percent of any additional story's facade facing a public or private street must be transparent.
- 2.1.2.1 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 the ground floor.
- 2.1.2.2 Required ground floor transparency must be between 3 and 7 feet above the ground.
- 2.1.2.3 In determining minimum transparency requirements, the planning official shall calculate the area of each story's building facade that faces a public or private street by multiplying the linear building frontage by the height of each story (for ground floors, the distance from finished grade to finished first floor ceiling, for all other floors the distance from finished floor to finished ceiling). The planning official may utilize alternative methods of calculating area for unique circumstances provided that the purpose and intent of this ordinance is met.
- 2.1.3 All facades must have decorative architectural details that are appropriate to the style of the building. Blank walls are prohibited – uninterrupted expanses of facade may not extend more than 15 feet by horizontal measure. Facades must incorporate windows, color changes, texture changes, green screens, or other prominent vertical architectural features in order to meet this requirement.
- 2.1.4 Exterior doors must include view panels (or be substantially made of clear glass).
- 2.1.5 Wall-mounted and ground-mounted utility equipment must be screened from adjacent rights-of-way with hedges or walls. Roof-mounted utility equipment must be integrated into the building or screened with parapets or other appropriate architectural treatment. Restaurant venting and exhaust must be directed to the roof and may not be attached to the facade of the building. All other venting and exhaust must be at least 10 feet above the ground and must be architecturally integrated into the building.

2.1.6 All fencing on the Property must be open-styled fencing consistent with generally accepted Crime Prevention Through Environmental Design (CPTED) principles. Chain-link fences are prohibited.

2.2 *Landscaping plan.* 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 “D”** (hereinafter the “Landscaping Plan”), and the following:

2.2.1 All trees placed within public rights-of-way or easements shall be 'Florida Fancy' as defined by the latest edition of the “Florida Grades and Standards for Nursery Plants” publication as of the effective date of this ordinance.

2.2.2 New tree wells along Orange Avenue must be irrigated and planted with “CU-Structural Soil” or an approved equivalent. Structural soil must be placed to a depth of at least 36 inches.

2.2.3 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.

2.3 *Signs.* A master sign plan is subject to the review and approval by the planning official, or designee, prior to the issuance of any building permit for the proposed sign work. The Property must be developed and maintained in accordance with the final approved master sign plan. The master sign plan must include the location, dimensions, areas, and types of all existing and proposed signs on the Property, and must conform to the following additional minimum regulations:

2.3.1 The high rise sign depicted in the Development Plan on the south façade of the proposed hotel is prohibited.

2.3.2 The master sign plan must conform to section 64.246, Orlando City Code, except that a conditional use permit for the high rise sign is not required.

2.3.3 No more than 108 square feet of low rise sign area is allowed on the Property.

2.3.4 Only one monument sign is allowed on the Property. The monument sign may not exceed 6 feet in height. Plastic-faced internally illuminated monument signs are prohibited. The monument sign must be set back at least 10 feet from the Property's boundaries.

2.3.5 The monument sign on Orange Avenue and the two smaller monument signs on Fernwood Street, all existing as of the effective date of this ordinance, must be removed before any building permit is issued for new signs pursuant to the master sign plan.

2.3.6 Signs are prohibited on east-facing facades of all buildings.

2.4 *Photometric plan.* If exterior lighting is proposed, a signed and sealed lighting plan is subject to review 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. 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:

2.4.1 In parking areas, light poles may not exceed 30 feet in height.

2.4.2 In parking areas, to prevent light spilling into neighboring residential areas, light fixtures must be constructed and maintained with house-side shields and reflectors. Light bulbs may not exceed 400 watts.

2.4.3 Security lights may not substitute for parking lot or pedestrian light fixtures. Security-style light fixtures are only allowed in service, storage, loading, and similar areas.

2.4.4 Security light fixtures may not extend beyond the fascia or roofline of any building.

2.4.5 Shields for security lighting must be similar in color to the surface to which it is affixed.

2.4.6 In service areas, lighting under awnings, canopies, porte-cocheres, and the like, must be recessed, or if not recessed, the lighting fixture must be opaque on all sides except for the bottom.

2.4.7 In pedestrian areas, lighting fixtures must be decorative in appearance, style, and finish, and may not exceed 15 feet in height.

### **3. Transportation**

3.1 *Drop-off areas.* Guest or visitor drop-off areas and porte-cocheres must be designed to accommodate at least one design-vehicle, and if covered, must provide at least 14 feet of vertical clearance and must be adjacent to a secured, accessible building entrance. All drop-off areas must be connected by sidewalk to the onsite parking.

3.2 *Restaurant loading.* Restaurant service delivery is prohibited from E. Copeland Drive.

3.3 *Sidewalks.* New sidewalks must be built and maintained to include an approved "window-pane" pattern, or approved equivalent, and sidewalks alongs Orange Avenue must meet the requirements of the Orange-Michigan Special Plan. Where there is insufficient right-of-way to meet the dimensional standards of the special plan, the Property owner must dedicate additional right-of-way or grant a City-services and sidewalk easement to the public in order to meet the dimensional standards of the special plan. Where existing buildings prevent such a dedication or grant, the Property must comply to the extent possible.

3.4 *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.

### **4. Construction regulations**

4.1 *Off-street construction parking.* The Project is located in an area where on-street parking is limited due to parking demands from nearby residential, office, and medical uses. Construction parking associated with the Property may not utilize on-street parking for construction personnel or construction related deliveries for the Project. The Project must provide

off-street parking for construction personnel, and supply off-street parking for construction traffic in a remote lot with shuttle transportation to the construction site. The location of the off-site parking is subject to review and approval by the planning official.

4.2 *Construction mitigation.* The sidewalks along S. Orange Avenue and E. Copeland Drive must remain open and unobstructed at all times unless construction safety requires a temporary closure. Public sidewalk and walkways must be covered and protected as required by the Florida Building Code.

4.3 *Construction fencing.* A solid construction fence, constructed of plywood or corrugated metal, must be provided, where necessary, to screen the storage of equipment, materials, and other construction related activities. The fence must be contained in good condition throughout construction. Chain-linked fencing is prohibited.

4.4 *Staging and delivery.* Construction staging and delivery is prohibited in the public right-of-way.

4.5 *Construction hours.* Construction is only allowed between 7 a.m. and 7 p.m., Monday through Saturday.

**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.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**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 \_\_\_\_\_, 2013.

**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

ORDINANCE NO. 2013-63

Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_,  
2013.

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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