

1           **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**  
2           **OF ORLANDO, FLORIDA, DESIGNATING CERTAIN**  
3           **LAND GENERALLY LOCATED NORTH OF E.**  
4           **JACKSON ST., EAST OF S. EOLA DR., SOUTH OF**  
5           **MARIPOSA ST., AND WEST OF S. SUMMERLIN AVE.,**  
6           **AND COMPRISED OF 1.11 ACRES OF LAND, MORE**  
7           **OR LESS, AS PLANNED DEVELOPMENT DISTRICT**  
8           **WITH THE TRADITIONAL CITY AND AIRCRAFT NOISE**  
9           **ZONING OVERLAY DISTRICTS, ON THE CITY'S**  
10           **OFFICIAL ZONING MAPS; PROVIDING SPECIAL LAND**  
11           **DEVELOPMENT REGULATIONS OF THE PLANNED**  
12           **DEVELOPMENT DISTRICT; PROVIDING FOR**  
13           **SEVERABILITY, CORRECTION OF SCRIVENER'S**  
14           **ERRORS, AND AN EFFECTIVE DATE.**  
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16           **WHEREAS**, at its regularly scheduled meeting of April 15, 2014, the Municipal  
17 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered  
18 zoning application case number ZON2014-00002, requesting the Planned Development  
19 zoning district designation, along with the Traditional City zoning overlay and the Aircraft  
20 Noise zoning overlay districts, for approximately 1.11 acres of land, generally located  
21 north of E. Jackson Street, east of S. Eola Drive, south of Mariposa Street, and west of  
22 S. Summerlin Avenue, and more precisely described by the legal description attached to  
23 this ordinance as **Exhibit "A"** (hereinafter the "Property"); and  
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25           **WHEREAS**, based upon the evidence presented to the MPB, including the  
26 information and analysis contained in the "Staff Report to the Municipal Planning Board"  
27 for application case number ZON2014-00002 (entitled "Item #12 – Thornton Park  
28 Townhomes PD" and hereinafter referred to as the "Staff Report"), and subject to certain  
29 conditions contained within the Staff Report, the MPB recommended that the City  
30 Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning  
31 application and adopt an ordinance in accordance therewith; and  
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33           **WHEREAS**, zoning application case number ZON2014-00002 is requesting the  
34 Planned Development zoning district designation for the purpose of permitting the  
35 development of a 28-unit townhome project (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") including the applicable goals, objectives, and  
39 policies associated with the Property's Future Land Use Map designation of Residential  
40 Medium Intensity; and  
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42           **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent  
43 with the intent and purpose of the planned development district zoning designation as  
44 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando  
45 City Code"); and  
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47           **WHEREAS**, the Orlando City Council hereby finds that the Project and this  
48 ordinance is in the best interest of the public health, safety, and welfare, and is  
49 consistent with the applicable provisions of the City’s GMP, including the applicable  
50 goals, objectives, and policies associated with the Property’s Future Land Use Map  
51 designation of Residential Medium Intensity; and

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

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56           **SECTION 1. ZONING.** After due notice and public hearing, and pursuant to part  
57 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City  
58 Code, the Property is hereby designated as Planned Development district with the  
59 Traditional City zoning overlay and the Aircraft Noise zoning overlay districts, on the  
60 City’s official zoning maps (to be denoted as “PD/T/AN” on the official maps of the City),  
61 as depicted in **Exhibit “B”** to this ordinance. This planned development zoning district  
62 may be known as the “Thornton Park Townhomes Planned Development.” This  
63 ordinance completely replaces and supersedes all previously adopted planned  
64 development zoning ordinances relating to the Property.

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

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72           **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided  
73 otherwise by this ordinance, the Property shall be governed by the land development  
74 regulations of the R-3B Medium Intensity Development District along with the Traditional  
75 City and Aircraft Noise overlay zoning districts (denoted as “R-3B/T/AN” on the official  
76 maps of the City).

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

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82       **1) Land Development**

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

90 other development features refer to such features as identified on the  
91 Development Plan.

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- 93 b) *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 fences, walls,  
97 landscaping, accessory structures, signs, and bufferyard requirements.  
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- 99 c) *Phasing.* The Property may be developed in multiple phases, but if developed in  
100 multiple phases, each phase must be developed in a manner that allows the  
101 individual phases to function independently of each other. The purpose of this  
102 requirement is to ensure that the first phase, and each subsequent phase, can  
103 fully function and operate as intended by the Development Plan in the event that  
104 subsequent phases are delayed or abandoned.  
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- 106 d) *Maximum development program.* The maximum permitted development program  
107 is limited to 28 attached residential dwelling units.  
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- 109 e) *Uses.* Land uses on the Property must comply with the list of permitted,  
110 conditional, and prohibited land uses for the R-3B/T/AN zoning district as  
111 provided by section 3 of this ordinance.  
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- 113 f) *Existing uses and structures.* Lawfully established uses and lawfully constructed  
114 structures on the Property as of the effective date of this ordinance are hereby  
115 made lawful and conforming to this ordinance.  
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- 117 g) *Maximum impervious surface ratio.* The impervious surface ratio may not exceed  
118 0.83.  
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- 120 h) *Minimum setbacks.* Buildings must be setback from the Property boundaries as  
121 follows:  
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- 123 i) At least 5' along Mariposa Street.  
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- 125 ii) At least 8' along Summerlin Avenue.  
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- 127 iii) At least 9' along E. Jackson Street.  
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- 129 iv) At least 12' along the western Property boundary.  
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- 131 i) *Overhangs.* Balconies and other structural elements are prohibited over all public  
132 easement areas.  
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**2) Urban Design**

- a) *Bufferyard.* The Development Plan proposes a bufferyard along the western Property boundary. As proposed, this bufferyard varies in width from 1’ to 12’. This arrangement is hereby approved in lieu of the bufferyard requirements of the Land Development Code if the bufferyard is planted with vegetation consistent with or greater than the requirements of the Land Development Code and the bufferyard includes a 6’ tall opaque wall or fence.
- b) *Streetwall.* Vehicular use areas abutting the public right-of-way or public sidewalks must be screened by an approved street wall not exceeding 5’ in height.

**3) Transportation**

- a) *Driveways; sight distance requirements.* At all street entrances to and exits from the Project site, street corner visibility must conform to the standards of FDOT Standard Index #17346, Sheet #12 (“Minimum Parking Restrictions for Nonsignalized Intersections”).
- b) *Walkability and streetscape.* The Project must provide sidewalks and streetscape consistent with the South Eola Neighborhood Small Area Plan, dated as of April 21, 2006, for the length of the Property along Mariposa Street and E. Jackson Street. The Project is hereby made exempt from the right-of-way dedication requirements of the City’s existing Major Thoroughfare Plan, Part 2B, Chapter 61, Orlando City Code, for the length of the Property along Summerlin Avenue if the public sidewalk along Summerlin is at least 7’ wide and provides an unobstructed clear path for pedestrians. The owner of the Property must dedicate a City-services and sidewalk easement along the length of East Jackson Street and Mariposa Street as necessary to accommodate any portion of the public sidewalk that is not within the public right-of-way.
- c) *Pedestrian crossings.* 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. All pavement markings and treatments must be designed, installed, and maintained in accordance with the current Manual of Uniform Traffic Control Devices.
- d) *Dumpsters and compactors.* Final site plans must depict the location and size of dumpsters and trash compactors, including concrete pads and enclosures with doors. Dumpsters and compactors may not be located directly adjacent to a public street. Dumpsters and trash compactors must be screened with solid

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walls. Walls and gates must match nearby principal buildings. If located outside, screening walls must be softened from the perspective of the public rights-of-way and neighboring properties with approved low hedges, groundcover, and understory landscaping. Dumpsters and compactors must be located to provide at least 50' of clear back-up space and must be constructed and maintained in accordance with the current City of Orlando Engineering Standards Manual.

**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 \_\_\_\_\_, 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

224 FOR THE USE AND RELIANCE OF THE  
225 CITY OF ORLANDO, FLORIDA:

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228 \_\_\_\_\_  
City Attorney

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