

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF E. JACKSON ST., EAST OF S. EOLA DR., SOUTH OF MARIPOSA ST., AND WEST OF S. SUMMERLIN AVE., AND COMPRISED OF 1.11 ACRES OF LAND, MORE OR LESS, AS PLANNED DEVELOPMENT DISTRICT WITH THE TRADITIONAL CITY AND AIRCRAFT NOISE ZONING OVERLAY DISTRICTS, 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 April 15, 2014, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2014-00002, requesting the Planned Development zoning district designation, along with the Traditional City zoning overlay and the Aircraft Noise zoning overlay districts, for approximately 1.11 acres of land, generally located north of E. Jackson Street, east of S. Eola Drive, south of Mariposa Street, and west of S. Summerlin Avenue, 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 ZON2014-00002 (entitled "Item #12 – Thornton Park Townhomes PD" 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 ZON2014-00002 is requesting the Planned Development zoning district designation for the purpose of permitting the development of a 28-unit townhome project (the "Project"); 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 Residential Medium Intensity; 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

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
52

53 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
54 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
55

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).
77

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

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

- 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.
- d) *Maximum development program.* The maximum permitted development program is limited to 28 attached residential dwelling units.
- e) *Uses.* Land uses on the Property must comply with the list of permitted, conditional, and prohibited land uses for the R-3B/T/AN zoning district as provided by section 3 of this ordinance.
- f) *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.
- g) *Maximum impervious surface ratio.* The impervious surface ratio may not exceed 0.83.
- h) *Minimum setbacks.* Buildings must be setback from the Property boundaries as follows:
 - i) At least 5' along Mariposa Street.
 - ii) At least 8' along Summerlin Avenue.
 - iii) At least 9' along E. Jackson Street.
 - iv) At least 12' along the western Property boundary.
- i) *Overhangs.* Balconies and other structural elements are prohibited over all public easement areas.

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

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

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

City Attorney

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