

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF W. PRINCETON ST., EAST OF EDGEWATER DR., AND SOUTH AND WEST OF W. SMITH ST., AND COMPRISED OF 3.43 ACRES OF LAND, MORE OR LESS, AS PLANNED DEVELOPMENT DISTRICT WITH THE TRADITIONAL CITY, WEKIVA, AND EDGEWATER DRIVE SPECIAL PLAN AND APPEARANCE REVIEW ZONING OVERLAY DISTRICTS ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PRINCETON AT COLLEGE PARK PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of June 17, 2014, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2014-00013, requesting the Planned Development zoning district designation, along with the Traditional City, Wekiva, and the Edgewater Drive Special Plan and Appearance Review zoning overlay districts, for approximately 3.43 acres of land, generally located north of W. Princeton Street, east of Edgewater Drive, and south and west of W. Smith Street, 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 ZON2014-00013 (entitled "Item #8C – The Princeton at College Park 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 ZON2014-00013 is requesting the Planned Development zoning district designation for the purpose of permitting the development of up to 226 units of attached dwelling units (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 then-proposed Future Land Use Map designation of Community Activity Center and the then-proposed Subarea Policy S.4.7; 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 the Project and 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, including the applicable goals, objectives, and policies associated with the Property's Future Land Use Map designation of Community Activity Center and Subarea Policy S.4.7; 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 Property is hereby designated as Planned Development district with the Traditional City, Wekiva, and the Edgewater Drive Special Plan and Appearance Review zoning overlay districts, on the City's official zoning maps (to be denoted as "PD/TW/SP/AR" on the official maps of the City), as depicted in **Exhibit "B"** to this ordinance. This planned development zoning district may be known as "The Princeton at College Park Planned Development."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, The Princeton at College Park Planned Development zoning district 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.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the AC-1 Community Activity Center District along with the Traditional City, Wekiva, and the Edgewater Drive Special Plan and Appearance Review zoning overlay districts (denoted as "AC-1/TW/SP/AR" on the official maps of the City).

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

1) Land Development

- a) *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 "C"** (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. References in this ordinance to “transition areas” or “transects” (such as those denoted “T4,” “T5,” and “T6”) refer to such features as provided in the Edgewater Drive Special Plan found at section 62.309, Orlando City Code.

- 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 intensity and density.* The maximum permitted development program is as follows:
 - i) 44,518 square feet of non-residential use, except that greater intensity, including an intensity bonus, may be approved by master plan.
 - ii) 226 residential units.
- e) *Uses.* Land uses on the Property must comply with the list of permitted, conditional, and prohibited land uses for the AC-1/T/W/SP/AR zoning district as provided by section 3 of this ordinance, except as follows:
 - i) Commercial uses are prohibited in the T4 and T5 zones. These zones shall be limited to residential uses only.
 - ii) An independent senior living facility is a permitted use throughout The Princeton at College Park Planned Development district, but an assisted living facility is a prohibited use throughout the district.
- 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) *School capacity*. Building permits may not be issued for the Project unless Orange County Public Schools issues documentation confirming that the Property is subject to a valid Capacity Enhancement Agreement, if applicable, and that those bound by the agreement are in compliance with the terms and conditions of the agreement.

2) Urban Design

- a) *Garage bufferyard*. The western facade of the parking structure must be screened from the right-of-way and adjacent surface parking by providing and maintaining a "Bufferyard A" as described by Orlando City Code. If a "Bufferyard A" is practically impossible due to site constraints, loading zones, entrances, and walkways, the City planning official may approve a "green screen" treatment along these facades of the parking structure.
- b) *Architecture*. Architectural elevations for each building are subject to review and approval for consistency with this ordinance and applicable Orlando City Code as part of each final site plan application. 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 of the residential part of the Project must be substantially consistent with the elevations attached to this ordinance as **Exhibit "D."**
 - ii) *Balcony treatments*. Balconies visible from the right-of-way must provide opaque or an otherwise substantially occluded treatment to the safety railing or barrier. The design of the safety railing or barrier is subject to final review and approval by the City appearance review official. The purpose of this requirement is to substantially screen the right-of-way from items stored on balconies.
- c) *Ground floor residential units*. All perimeter ground floor residential units must provide direct and paved pedestrian access to the nearest adjacent public sidewalk. Ground floor units with patios must provide operable gates between the patio and the required pedestrian pathway connecting the unit to the adjacent public sidewalk. Design details of the gates, and any steps and associated landscaping is subject to final review and approval by the City appearance review official.
- d) *Service areas, mechanical equipment, utilities, venting*. Final site plans depicting service areas, mechanical equipment, utilities, venting, and other similar development infrastructure, both private and public, must conform to the following minimum regulations:

- i) Utilities, dumpsters, compactors, and other "back-of-house" facilities must be located on the interior of parking garages and buildings to the maximum extent reasonably feasible, and should not be adjacent to sidewalks and other pedestrian areas if reasonably possible.
- ii) All ground and roof-mounted mechanical equipment (both private and public) must be screened in accordance with the Orlando City Code and the conditions of the appearance review official. Rooftop mechanical equipment must be screened from the perspective of the sixth and seventh floors of the neighboring Wellesley building.
- iii) Where physically practicable, public and private utility equipment must be installed underground.
- iv) Backflow preventers must be hidden from the public right-of-way and sidewalks where reasonably feasible and otherwise screened from view with complimentary architectural treatment or approved landscaping.
- e) *Pocket parks.* The Development Plan shows improvements to two "pocket parks," one across W. Smith Street from the Project and the other at the tip of the confluence of Princeton and Smith streets. While these improvements are conceptual in nature, improvement of these pocket parks is hereby required of the Property owner as a condition of this ordinance and must be complete before the issuance of the first residential certificate of occupancy for the Project. Final design of the proposed park improvements are subject to review and approval by the appearance review official and other City officials with responsibility for these areas. Improvement to and maintenance of these pocket parks are also subject to appropriate agreements with the City of Orlando.

3) Transportation

- a) *Walkability and streetscape.* The Project must provide sidewalks and streetscape consistent with the Edgewater Drive Special Plan and other applicable City regulations, except that the streetscapes adjacent to the surface parking lot to the drive aisle to the parking structure on both W. Smith Street and Princeton Street must be full hardscape-style streetscapes (i.e., no parkstrips) with tree wells and planters only. In this area of the streetscape, the back-of-curb must be treated with a double row of brick, generally consistent with the prevailing pattern and design along Edgewater Drive. Final design of the tree wells and any other planters in this area are subject to final review and approval by the City appearance review official.

- b) *Public easements.* The owner of the Property must dedicate a City-services and sidewalk easement as necessary to accommodate any portion of the public sidewalk that is not within the public right-of-way.
- c) *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.
- d) *Other pedestrian facilities.* In addition to the sidewalks and other pedestrian facilities required by the Edgewater Drive Special Plan, Orlando City Code, and other City plans and standards, the Project must provide:
- i) A single City-approved pedestrian crosswalk connecting the Property to the island pocket park at the confluence of Princeton and Smith streets. The final design of this crosswalk is subject to review and approval by the City engineer and City appearance review official. This crosswalk must be located within the Princeton Street street-corner visibility area.
 - ii) A single City-approved pedestrian crosswalk connecting the island pocket park at the confluence of Princeton and Smith streets and the public sidewalk running along the north side of Princeton Street. The final design of this crosswalk is subject to review and approval by the City engineer and City appearance review official. This crosswalk must be located at a right angle, perpendicular to W. Smith Street and within 225 feet of the intersection centerline of Princeton Court.
 - iii) A single City-approved pedestrian crosswalk connecting the island pocket park at the confluence of Princeton and Smith streets and the public sidewalk running along the south side of Princeton Street. The final design of this crosswalk is subject to review and approval by the City engineer and City appearance review official. This crosswalk must be located at a right angle, perpendicular to Princeton Street and must not interfere with any driveways to or from Princeton Street.

These facilities must be constructed and accepted by the City before the issuance of the first residential certificate of occupancy for the Project.

- e) *W. Smith Street Pavement Treatment.* As a traffic-calming measure, the Project must provide (at no expense to the City) City-approved textured pavement treatment on W. Smith Street commencing just to the west of the island pocket park and running westward for at least 25 feet. Mid-block crossing are prohibited within this treatment area, unless otherwise approved by the City engineer. This treatment must be constructed and accepted by the City before the issuance of the first residential certificate of occupancy for the Project.
- f) *Pedestrian ramps at intersections.* Sidewalks at street intersections and street intersections with driveways must provide disability access ramps consistent with the standards of the Americans with Disability Act. At street intersections, such ramps must be provided for each direction of pedestrian crossing.
- g) *On-street and off-street loading.* The Development Plan shows on-street loading areas on Princeton and Smith streets. These loading areas must be accommodated onsite and must be provided before the issuance of the first residential certificate of occupancy for the Project. Loading areas for non-residential uses shall be provided in accordance with Orlando City Code.

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 the effective date of City of Orlando Ordinance #2014-42, relating to the Property's Future Land Use Map designation and Subarea Policy S.4.7.

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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