

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, DESIGNATING CERTAIN**
3 **LAND GENERALLY LOCATED SOUTH OF E. GORE**
4 **STREET AND WEST OF S. DELANEY AVENUE, MORE**
5 **SPECIFICALLY WITH AN ADDRESS OF 900-908 S.**
6 **DELANEY AVENUE, AND COMPRISED OF ABOUT 0.53**
7 **ACRES, AS PLANNED DEVELOPMENT DISTRICT WITH**
8 **TRADITIONAL CITY OVERLAY DISTRICT, BRADSHAW**
9 **TERRACE APPEARANCE REVIEW DISTRICT, AND**
10 **AIRCRAFT NOISE OVERLAY DISTRICT (PD/T/AR/AN)**
11 **ON THE CITY’S OFFICIAL ZONING MAPS; PROVIDING**
12 **SPECIAL LAND DEVELOPMENT REGULATIONS OF**
13 **THE PLANNED DEVELOPMENT; PROVIDING FOR**
14 **SEVERABILITY, CORRECTION OF SCRIVENER’S**
15 **ERRORS, AND AN EFFECTIVE DATE.**

16
17 **WHEREAS**, at its regularly scheduled meeting of October 21, 2014, the
18 Municipal Planning Board (the “MPB”) of the City of Orlando, Florida (the “City”),
19 considered zoning application case number ZON2014-00021, requesting the Planned
20 Development zoning district designation with the Traditional City Overlay District, the
21 Bradshaw Terrace Appearance Review District, and the Airport Noise Overlay District
22 (PD/T/AR/AN) for approximately 0.53 acres of land, generally located southwest of the
23 intersection of E. Gore Street and S. Delaney Avenue, more precisely described by the
24 legal description attached to this ordinance as **Exhibit “A”** (hereinafter the “Property”);
25 and

26
27 **WHEREAS**, based upon the evidence presented to the MPB, including the
28 information and analysis contained in the “Staff Report to the Municipal Planning Board”
29 (hereinafter referred to as the “Staff Report”), and subject to certain conditions, the MPB
30 recommended that the City Council of the City of Orlando, Florida (the “Orlando City
31 Council”), approve said zoning application and adopt an ordinance regarding same; and

32
33 **WHEREAS**, the MPB found that the Project is consistent with the City’s adopted
34 Growth Management Plan (the “GMP”); and

35
36 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
37 with the intent and purpose of the planned development district zoning designation as
38 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando
39 City Code”); and

40
41 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
42 best interest of the public health, safety, and welfare, and is consistent with the
43 applicable provisions of the City’s GMP.

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

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48 **SECTION 1. ZONING.** After due notice and public hearing, and pursuant to part
49 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City
50 Code, the Property is hereby designated as Planned Development with the Traditional
51 City Overlay District, the Bradshaw Terrace Appearance Review District, and the Airport
52 Noise Overlay District (PD/T/AR/AN) on the City’s official zoning maps, as depicted in
53 **Exhibit “B”** to this ordinance. This planned development zoning district may be known
54 as the “Delaney Commons Planned Development.”
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56 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
57 58.367, Orlando City Code, except as expressly provided in this ordinance, The Delaney
58 Commons Planned Development zoning district remains subject to all applicable federal,
59 state, and local laws, and nothing in this ordinance shall be construed to exempt the
60 Property from the lawful authority or jurisdiction of any federal, state, or local agency.
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62 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
63 otherwise by this ordinance, the Property shall be governed by the land development
64 regulations of the Office Low Intensity District along with the Traditional City Overlay
65 District, the Bradshaw Terrace Appearance Review District, and the Airport Noise
66 Overlay District (denoted as “O-1/T/AR/AN”) on the official maps of the City.
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68 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
69 Development zoning district for the Property is subject to the following special land
70 development regulations:
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72 **1. Land Development**

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74 1.1 Development Plan. Subject to any modifications expressly contained in
75 the text of this ordinance, development and maintenance of the Property
76 must be consistent with the development plan attached to this ordinance
77 as **Exhibit “C”** (hereinafter the “Development Plan”). In the event of a
78 conflict between the text of this ordinance and the Development Plan, the
79 text of this ordinance shall control. References in this ordinance to lots,
80 parcels, buildings, phases, and other development features refer to such
81 features as identified on the Development Plan.
82

83 1.2 Variances and Modifications. Zoning variances and modification of
84 standards may be approved pursuant to the procedures set forth in Part
85 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The
86 planning official may also approve minor modifications and design
87 modifications to fences, walls, landscaping, accessory structures, signs,
88 and bufferyard requirements.
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- 1.3 Parking. Maximum parking for the proposed PD shall not exceed 44 spaces. Interior parking lot landscaping is allowed to be located on the exterior edges of the property.
- 1.4 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.
- 1.5 Signs. A maximum of 22.2 sq. ft. of total sign area is available for the site. Permits are required prior to fabrication and construction of all signs.
- 1.6 Setbacks and Buffers. The PD shall allow the 2-story medical office building to encroach to within 15.2 ft. from the front lot line, where a 25 ft. setback is required, and to allow a reduced 5.5 ft. west side buffer adjacent to the proposed office building.
- 1.7 Phasing. The PD site shall be developed in a single phase.
- 1.8 Impervious Surface Ratio. The ISR shall not exceed 70%.
- 1.9 Floor to Area Ratio. The FAR shall not exceed 0.4.
- 1.10 Building Height. Maximum building height shall not exceed 30 ft.
- 1.11 Planned Development 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 O-1/T/AR/AN 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.

2. Urban Design

- 2.1 Lighting. A signed and sealed lighting plan consistent with the City's lighting ordinance (LDC Chapter 63 Part 2M) shall be submitted with permitting drawings.
- 2.2 Transparency. Minimum 30% transparency is required on primary façades facing E. Gore St. and 15% on Delaney Ave. for each floor below the roofline. Ground floor glass shall be clear on all façades

(minimum of 80% light transmittance). All other glass shall meet a minimum 66% transmittance. Tinted or reflective glass shall be prohibited.

2.3 Screening of Mechanical Equipment. All mechanical equipment shall be screened from view at ground level as viewed from any public or private right-of-way, common areas, or abutting property. Such screening shall utilize parapet walls, opaque fencing, screen walls, and/or shrubs and other vegetation, maintained at a minimum one (1) foot distance from mechanical equipment.

2.4 Landscaping. The following are landscaping requirements for this PD:

(a) Trees placed underneath overhead electric lines shall be of a type that will not naturally exceed 20 feet in height at maturity. Canopy trees shall not be planted closer than 15' from overhead electric lines.

(b) Landscaping beds must be mulched to a depth of at least 2.5". All mulch must be organic and cypress mulch is prohibited. Approved mulch varieties include pine bark nuggets, pine straw, shredded oak pallets, melaleuca, and eucalyptus.

(c) Plants listed by the Florida Exotic Pest Plant Council as a Category I or II invasive exotic may not be installed on the Property.

(d) Hedges should be a minimum of 30-inches in height at installation and be maintained to a minimum height of 36-inches after the first year. Individual shrubs in hedge shall be installed at a minimum spacing of 30-inches between plants along the entire length of the fence line.

Irrigation systems shall be designed and maintained with industry standard water efficiency measures or equipment, such as a) a weather-based evapotranspiration controller, b) zoned soil-moisture sensors, or c) a low volume system using drip emitters for shrubs and groundcover and flood bubblers for trees. Impact sprinklers are prohibited.

(e) At least half of all installed shrub and groundcover and at least 70% of all installed trees shall be drought tolerant species native to Central Florida.

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(f) Existing specimen Oak tree along Delaney St. frontage shall remain at existing location and be protected during construction and thereafter.

(g) Canopy trees installed in the public right-of-way within a planting area less than ten (10) ft. wide (or on private property of within five feet of a public sidewalk) must be installed with appropriate techniques to protect sidewalks, curbs, and other Infrastructure.

2.5 Crosswalks. Crosswalks at driveways and curb-cuts shall be raised to be at same grade as sidewalk adjacent to the driveway in order to clearly define the pedestrian area. The crosswalk surface shall be treated with the same streetscape treatment materials as the sidewalk surface, or a contrasting material color or texture from the vehicular path. Reflective paint alone is not acceptable. However, it may be used in conjunction with pavers or other surface to outline the pedestrian path for night time safety.

3. Transportation Planning

3.1 Easement Dedication. A 5 ft. wide City Services Easement is required for the proposed sidewalk on E. Gore St. The owner/applicant shall dedicate or provide a separate instrument for the five (5) ft. of City Services Easement for the length of the property along E. Gore St. to meet LDC requirements. In addition, the owner/applicant shall remove the existing sidewalk and construct a new sidewalk within the dedicated easement area.

3.2 Bicycle Parking. A minimum of four (4) short-term bicycle parking spaces shall be provided, in accordance with the standards of LDC Chapter 61, Part 3D, and shall be made available prior to the issuance of any Certificate of Occupancy/Completion for the use being served. A pedestrian path shall be provided connecting the bicycle parking area to the principal entrance.

3.3 Pedestrian Connection. A pedestrian connection from the parking area to the Delaney Avenue sidewalk is required.

4. Transportation Impact Fees

4.1 Fees. Any new construction, change in use, addition, or redevelopment of a site or structure shall be subject to a review for Transportation Impact

219 Fees. Any Transportation Impact Fee required of this PD shall be due at
220 the time of building permit issuance.

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222 4.2 Credits. Any exemptions or credits against the Transportation Impact Fee
223 must be reviewed prior to permit issuance. All Transportation Impact Fee
224 Credits shall be initiated and processed by the Transportation Impact Fee
225 Coordinator. Credit shall be available for the previous use located on the
226 subject site.

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228 4.3 Concurrency. All new construction, changes in use, additions or
229 redevelopments are required to submit a Concurrency Management
230 application as a part of the building plan review process.

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232 **SECTION 5. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
233 errors found in this ordinance by filing a corrected copy of this ordinance with the City
234 Clerk.

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236 **SECTION 6. SEVERABILITY.** If any provision of this ordinance or its
237 application to any person or circumstance is held invalid, the invalidity does not affect
238 other provisions or applications of this ordinance which can be given effect without the
239 invalid provision or application, and to this end the provisions of this ordinance are
240 severable.

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242 **SECTION 7. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

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244 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
245 Florida, at a regular meeting, this _____ day of _____, 2015.

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247 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
248 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
249 of _____, 2015.

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251 **DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE,** by an
252 affirmative vote of a majority of a quorum present of the City Council of the City of
253 Orlando, Florida, at a regular meeting, this _____ day of _____,
254 2015.

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

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259 _____
260 Mayor / Mayor Pro Tempore

261 ATTEST, BY THE CLERK OF THE
262 CITY COUNCIL OF THE CITY OF

263 ORLANDO, FLORIDA:

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265

266 _____
City Clerk

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268 APPROVED AS TO FORM AND LEGALITY

269 FOR THE USE AND RELIANCE OF THE

270 CITY OF ORLANDO, FLORIDA:

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273 _____
City Attorney

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