

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO DENSITY AND INTENSITY BONUSES; AMENDING PROVISIONS OF THE LAND DEVELOPMENT CODE RELATING TO THE MAXIMUM AVAILABLE DENSITY AND INTENSITY BONUSES IN CERTAIN ZONING DISTRICTS AND TO APPLICATION SUBMITTAL REQUIREMENTS FOR A BONUS; PROVIDING CRITERIA FOR APPROVAL OF A BONUS, INCLUDING OPTIONS FOR MINIMUM REQUIRED DESIGN ENHANCEMENTS; PROVIDING BONUS STANDARDS FOR THE PD ZONING DISTRICT AND AMENDING PROVISIONS RELATING TO THE REQUIRED PUBLIC ART CONTRIBUTION FOR BONUSES IN THE AC-3A ZONING DISTRICT; PROVIDING TECHNICAL, GRAMMATICAL, AND ORGANIZATIONAL AMENDMENTS; PROVIDING LEGISLATIVE FINDINGS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, section 163.3202(1), Florida Statutes, requires that the City of Orlando, Florida (the "City"), adopt or amend and enforce land development regulations that are consistent with and implement the City's adopted comprehensive plan; and

WHEREAS, section 163.3203(3), Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code for the City; and

WHEREAS, from time to time, amendments and revisions to the City's adopted comprehensive plan (the "Growth Management Plan"), progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the land development regulations of the City; and

WHEREAS, at its regularly scheduled meeting of February 17, 2015, the Municipal Planning Board recommended to the City Council of the City of Orlando, Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent with the applicable provisions of the City's adopted Growth Management Plan, are in the best interest of the public health, safety, and welfare, are in harmony with the purpose and intent of the Land Development Code of the City of Orlando, Florida (the "Land Development Code"), will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

WHEREAS, the Orlando City Council hereby finds and determines that this ordinance is consistent with the applicable provisions of the City's adopted Growth Management Plan, is in the best interest of the public health, safety, and welfare, is in harmony with the purpose and intent of the City's Land Development Code, will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

WHEREAS, the Orlando City Council hereby finds and declares that this ordinance is in the best interest of the public health, safety, and welfare; and

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

SECTION 1. FIGURE 1STD2.LDC, CHAPTER 58, AMENDED. Figure 1STD2.LDC, Part 1B, Chapter 58, Code of the City of Orlando, Florida, is hereby amended as follows:

<i>Standards (18,19)</i>	MXD-1	MXD-2	O-1	O-2	O-3	MU-1	MU-2
Gross Res. Density:							
Minimum	12 du/ac	30 du/ac		12 du/ac	30 du/ac	15 du/ac	30 du/ac
Maximum	21 du/ac (9)	75 du/ac (9)	21 du/ac (9)	40 du/ac (2,9)	75 du/ac (9)	30 du/ac (9)	75 du/ac (9)
<u>Conditional</u>		<u>200-du/ac</u>			<u>200-du/ac</u>		<u>200-du/ac</u>
Non-Residential F.A.R.:							
Minimum				0.30	0.40		0.40
Maximum	0.30	0.35 (9)	0.40 (9)	0.70 (9)	1.00(9)	0.50 (9)	1.00 (9)

SECTION 2. FIGURE 1B.LDC, CHAPTER 58, AMENDED. Figure 1B.LDC, Part 1B, Chapter 58, Code of the City of Orlando, Florida, is hereby amended as follows:

<i>Standards</i>	MXD-1	MXD-2	O-1	O-2	O-3	MU-1	MU-2
Gross Res. Density:							
Minimum	12 du/ac	30 du/ac		12 du/ac	30 du/ac	15 du/ac	30 du/ac
Maximum	21 du/ac (9)	75 du/ac (9)	21 du/ac (9)	40 du/ac (2,9)	75 du/ac (9)	30 du/ac (9)	75 du/ac (9)
<u>Conditional</u>		<u>200-du/ac</u>			<u>200-du/ac</u>		<u>200-du/ac</u>
Non-Residential F.A.R.:							
Minimum				0.30	0.40		0.40
Maximum	0.30	0.35 (9)	0.40 (9)	0.70 (9)	1.00(9)	0.50 (9)	1.00 (9)

SECTION 3. FOOTNOTE 9, AMENDED. Footnote 9, Part 1B, Chapter 58, Code of the City of Orlando, Florida, is hereby amended as follows:

9. This is a base standard which may be increased by a density or through the use of intensity bonuses.

SECTION 4. SEC. 58.367, AMENDED. Section 58.367, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 58.367. Applicability of oOther oOrdinances.

All building codes, housing codes, and other land development regulations of the City of Orlando are applicable to the PD district, ~~except for those permitting special exceptions and variances and~~ except to the extent that they conflict with a specific provision of the planned development ordinance approved Development Plan. In particular, planned developments that permit density and/or intensity above the base maximum standard for the applicable underlying (or default) zoning district must meet the standards for approval of a density or intensity bonus as provided at Part 6, Chapter 58 of this Code. Analogous land use regulations applying to the various areas of the development shall be as determined by the City Council as part of the approved Development plan or, if not determined therein, by the appropriate approving authority during the site plan approval process set forth in Part 2E, Chapter 65 of this Code, Part 2E, giving due regard to the purpose of each such regulation and the similarity of each area of the planned development to other zoning districts, in terms of permitted uses and development standards.

SECTION 5. PART 6A., CHAPTER 58, AMENDED. Part 6A., Chapter 58, Code of the City of Orlando, Florida, is hereby amended as follows:

6A. INTRODUCTION

Sec. 58.1000. ~~Density and Intensity Bonuses~~—Relationship to the Growth Management Plan.

~~The following~~Density and intensity bonuses ~~assist in the implementation of~~ GMP Future Land Use Objective 1.3 and Policies 1.3.1 and 1.3.2, ~~by~~ discouraging the proliferation of urban sprawl, encouraging a compact urban form, encouraging the redevelopment and renewal of blighted areas, ~~and provide incentivesizing for~~ infill development, ~~and~~ Density and intensity bonuses also implement Future Land Use Objective 2.4 and Policies 2.1.3, 2.2.5, and 2.4.1, to by encouraging a mixture of land uses and a density and intensity of development at or near to the maximum permitted so that public services and facilities can be provided efficiently, while also encouraging mixed-use development, multi-modal transit, pedestrian-oriented amenities, high quality building and site design, affordable housing, and other features that foster livability, community identity, and civic pride, ~~promote convenience, reduce travel distance, conserve energy and achieve high standards of design.~~

Sec. 58.1001. Purpose of bBonuses.

The purpose of density and intensity bonuses is to achieve superior urban design, a greater mixture of land uses, and to encourage housing opportunities where they may not otherwise be provided by the private marketplace. Bonuses are also intended to incentivize a compact urban form where travel distances are reduced, reliance on the single-occupant vehicle is reduced, multi-modal convenience is promoted, and energy is conserved.~~The bonuses set forth below are intended to provide incentives to help achieve superior design, and a greater mixture of land uses and~~

~~intensity than might otherwise occur in office districts, mixed-use corridors, activity centers and other districts in the absence of such bonuses. These incentives are also intended to encourage housing opportunities in situations where such opportunities might not otherwise be provided by the private market.~~

Secs. 58.1002 – 58.1099. Reserved.

SECTION 6. PART 6B., CHAPTER 58, AMENDED. Part 6B., Chapter 58, Code of the City of Orlando, Florida, is hereby amended as follows:

6B. BONUSES IN OFFICE AND RESIDENTIAL, MIXED RESIDENTIAL-OFFICE,
MIXED USE, ~~CORRIDOR~~ AND ACTIVITY CENTER DISTRICTS

Sec. 58.1100. General RRequirements.

Subject to the regulations of this subpart, density and intensity bonuses are available in the Office and Residential zoning districts (the districts identified as O-1, O-2, and O-3 on the City's zoning maps), the Mixed Residential-Office districts (the districts identified as MXD-1 and MXD-2 on the City's zoning maps), the Mixed Use districts (the districts identified as MU-1 and MU-2 on the City's zoning maps, and the Activity Center Districts (the districts identified as AC-N, AC-1, AC-2, AC-3, and AC-3A on the City's zoning maps). Figure 1 at Part 1B, Chapter 58, of this Code (including Figures 1STD1.LDC, 1STD2.LDC, and 1STD3.LDC, providing the "Table of Zoning District Regulations inside the Traditional City," and Figures 1A.LDC, 1B.LDC, and 1C.LDC, providing the "Table of Zoning District Regulations outside the Traditional City."), provides the regular maximum permitted density and intensity standards for each zoning district. Density is measured in dwelling units per acre and intensity is measured by floor area ratio. —A density bonus allows development to exceed the applicable regular maximum permitted density and an intensity bonus allows development to exceed the applicable regular maximum permitted intensity. A development may be granted only a density bonus, only an intensity bonus, or may be granted both a density and an intensity bonus. Bonuses may be granted only by approval of a master plan pursuant to Part 2H, Chapter 65, of this Code, or by zoning to the planned development district pursuant to Part 2Q, Chapter 58, of this Code. —The density and intensity standards set forth in Figures 1 and 2, Table of Zoning District Regulations, may be increased by the planning official in accordance with the requirements set forth below:

(a) Master Plan Approval. A bonus shall only be granted as part of a master plan approval in accordance with the requirements of Chapter 65, Part 2H, except as modified by this part.

————(b) AC-3A/T District. The following requirement shall also apply whenever a bonus is used in connection with a development in the AC-3A/T district:

~~Public Art. Prior to the issuance of any building permit, the developer shall set aside a sum equal to at least 1% of the total construction costs for the development. The set aside shall be contributed by the developer to a trust fund established by the City for public art and cultural facilities. The set aside shall be calculated based on site plans, architectural drawings, cost estimates, construction contracts and any other supporting documentation that would otherwise have to be submitted to the building official for the calculation and issuance of a building permit. The City Council shall consider recommendations by the Downtown Development Board and Public Art Advisory Board when allocating public art and cultural facilities funds.~~

Sec. 58.1101. Maximum available b~~B~~Bonus Available.

(a) ~~General~~ d~~D~~Description. A bonus shall not be considered an entitlement. In addition, the maximum available bonus ~~available~~ may not be appropriate in all situations. In some locations, the full bonus may not be compatible with the surrounding neighborhood, or may need infrastructure that is unavailable or impossible to accommodate. Council may approve a requested bonus, approve a requested bonus with reasonable conditions fairly calculated to mitigate the impact of the bonus, approve a lesser bonus, approve a lesser bonus with reasonable conditions fairly calculated to mitigate the impact of the bonus, or deny a requested bonus. ~~A bonus may be granted only when an applicant presents clear and convincing evidence that the proposed design, intensity and mix of uses will result in a superior product that is compatible with the surrounding neighborhood, achieves the minimum criteria and design objectives presented in this Part, and produces more desirable impacts than the same development without a bonus. A bonus shall not cause or allow the maximum density and/or intensity of a development to exceed the smallest of the following: A bonus may not exceed the least of the following:~~

~~(1.)~~ Double the density and ~~or~~ intensity allowed under the site's adopted future land use map designation, except in the O-3 district; or

~~(2.)~~ The maximum density and ~~or~~ intensity allowed under the next more intensive future land use map designation, as described in subsection (b) below; or

~~(3.)~~ For ~~residential~~ density, a maximum of 200 dwelling units per acre, except in the AC-3A district.

4. The maximum bonus standards provided in the following table:

<u>District¹</u>	<u>Density (units per acre)</u>			<u>Intensity (F.A.R.)</u>		
	<u>Max. allowed by zoning district</u>	<u>Max. bonus</u>	<u>Max. with bonus</u>	<u>Max. allowed by zoning district</u>	<u>Max. bonus</u>	<u>Max. with bonus</u>
<u>O-1</u>	<u>21</u>	<u>19</u>	<u>40</u>	<u>0.4</u>	<u>0.3</u>	<u>0.7</u>
<u>O-2</u>	<u>40</u>	<u>40</u>	<u>80</u>	<u>0.7</u>	<u>0.3</u>	<u>1.0</u>
<u>O-3</u>	<u>75</u>	<u>125</u>	<u>200</u>	<u>1.0</u>	<u>2.0</u>	<u>3.0</u>

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<u>MXD-1</u>	<u>21</u>	<u>9</u>	<u>30</u>	<u>0.3</u>	<u>0</u>	<u>0.3</u>
<u>MXD-2</u>	<u>75</u>	<u>125</u>	<u>200</u>	<u>0.35</u>	<u>0</u>	<u>0.35</u>
<u>MU-1</u>	<u>30</u>	<u>30</u>	<u>60</u>	<u>0.5</u>	<u>0.5</u>	<u>1.0</u>
<u>MU-2</u>	<u>75</u>	<u>125</u>	<u>200</u>	<u>1.0</u>	<u>1.0</u>	<u>2.0</u>
<u>AC-N</u>	<u>30</u>	<u>10</u>	<u>40</u>	<u>0.3</u>	<u>0.3</u>	<u>0.6</u>
<u>AC-1</u>	<u>40</u>	<u>40</u>	<u>80</u>	<u>0.7</u>	<u>0.3</u>	<u>1.0</u>
<u>AC-2</u>	<u>100</u>	<u>100</u>	<u>200</u>	<u>1.0</u>	<u>1.0</u>	<u>2.0</u>
<u>AC-3</u>	<u>200</u>	<u>0</u>	<u>200</u>	<u>1.5</u>	<u>2.5</u>	<u>4.0</u>
<u>AC-3A</u>	<u>200</u>	<u>200</u>	<u>400</u>	<u>3.0</u>	<u>5.0</u>	<u>8.0</u>
<u>PD²</u>	See footnote 2 to this table			See footnote 2 to this table		

Footnote 1 — Includes districts inside and outside the Traditional City.

Footnote 2 – For the planned development zoning district, use the standards of the underlying (or “default”) zoning district.

(b) Progression of iIntensity. For the purposes of this sSection, the progression from one future land use map designation to the next more intensive future land use map designation shall be as follows:

Future Land Use Designation

District	From	To
O-1	Office Low Intensity	Office Medium Intensity
O-2	Office Medium Intensity	Office High Intensity
O-3	Office High Intensity	Metropolitan Activity Center
MU-1	Mixed Use Corridor Medium Intensity	Mixed Use Corridor High Intensity
MU-2	Mixed Use Corridor High Intensity	Metropolitan Activity Center
AC-N	Neighborhood Activity Center	Community Activity Center
AC-1	Community Activity Center	Urban Activity Center
AC-2	Urban Activity Center	Metropolitan Activity Center
AC-3	Metropolitan Activity Center	Downtown Activity Center
AC-3A	Downtown Activity Center	Double <u>the density and iIntensity of the future land use map designation</u>

(c) Maximum bBonus. ~~The maximum allowed bonus shall be determined through the Master Plan approval process, based on the proposed development plan and site-specific conditions. A bonus may be approved, denied, conditionally approved, approved at a lower intensity or conditionally approved at a lower intensity. In no case shall the maximum bonus exceed the following:~~

District*	Density (units per acre)				Intensity (F.A.R.)			
	Max. Allowed by Adopted Future Land-Use Desig.	Max. Allowed by Next Future Land-Use Desig.	Max. Bonus	Max. With Bonus	Max. Allowed by Adopted Future Land-Use Desig.	Max. Allowed by Next Future Land-Use Desig.	Max. Bonus	Max. With Bonus
<u>O-1</u>	<u>21</u>	<u>40</u>	<u>19</u>	<u>40</u>	<u>0.4</u>	<u>0.7</u>	<u>0.3</u>	<u>0.7</u>

O-2	40	200	40	80	0.7	1.0	0.3	1.0
O-3	200	200	0	200	1.0	3.0	1.0	2.0
MU-1	30	200	30	60	0.5	1.0	0.5	1.0
MU-2	200	200	0	200	1.0	3.0	1.0	2.0
AC-N	30	40	10	40	0.3	0.7	0.3	0.6
AC-1	40	100	40	80	0.7	1.0	0.3	1.0
AC-2	100	200	100	200	1.0	3.0	1.0	2.0
AC-3	200	200	0	200	3.0	4.0	1.0	4.0
AC-3A	200	N/A	200	400	4.0	N/A	4.0	8.0

* ~~Includes districts inside and outside the Traditional City.~~

Sec. 58.1102. Submittal rRequirements.

~~In addition to the Master Plan submittal requirements provided under Chapter 65, Part 2H, the Zoning Official, Planning Official or Municipal Planning Board may request additional information to properly evaluate the need, appropriateness or impact of the proposed bonus. Such additional information may include, but is not limited to, the following:~~
In addition to the regular submittal requirements for a master plan application or an application for rezoning to the planned development district, applicants requesting a bonus must also submit such information, data, plans, and renderings as is reasonably necessary to evaluate the request against the criteria for approval provided at section 58.1103, of this Code, and to evaluate the request for consistency with the Growth Management Plan. Unless waived by the planning official for cause, such additional information, data, plans, and renderings shall include, without limitation, the following:

(a) Exterior elevations or building sections thate illustrate the height, bulk, and design of the proposed development.

(b) Perspective drawings, axonometric drawings, block-face elevations, or computer simulations thate illustrate the proposed development in context with adjacent buildings and the surrounding area.

(c) Street sections thate illustrate typical street dimensions, streetscape treatments, the height and bulk of the proposed development, and the relationship of the proposed development to buildings and structures on the opposite side of the street.

(d) Exterior lighting plans.

(e) Exterior sign locations and details.

~~(f) A level of service analysis, neighborhood traffic impact analysis or other type of traffic study.~~
An infrastructure analysis to demonstrate that adopted level of service standards are maintained or achieved for parks, schools, transportation, potable water, wastewater, stormwater, and solid waste.

(g) Landscaping plan.

~~(hg) Such other architectural and engineering data as may be required to permit a finding that the proposed bonus is justified and, if granted, would not negatively impact the surrounding area.~~

Sec. 58.1103. Design Objectives.

~~Substantial conformance to the following design objectives shall be required as a condition of any bonus. In order to achieve conformance to the design objectives, staff may request modifications to the proposed Master Plan. Such modifications may affect the location, orientation and design of proposed buildings and site improvements. Where the proposed Master Plan is inconsistent with an objective or the applicant considers an objective inappropriate, the City may approve waivers of the design objectives through the Master Plan process. A waiver shall only be granted when it is justified by clear and convincing evidence submitted by the applicant, in writing, to the City.~~

~~(a) Site Design.~~

~~(1) Developments plans should promote a balanced transportation system, recognizing the importance of the automobile, but also providing direct connections and accommodations for public transit, bicycles and pedestrians.~~

~~(2) Landscape and streetscape treatments should exceed the minimum standards normally found acceptable for a development without a bonus.~~

~~(3) Pedestrian connections should be provided at mid-block locations to enhance pedestrian accessibility.~~

~~(4) Shared access and circulation systems are encouraged in order to minimize curb cuts, provide direct access between adjacent uses and improve traffic circulation.~~

~~(5) Sidewalks should have sufficient width to accommodate pedestrians and any utility poles, utility equipment, fire hydrants, signs and other structures or equipment that may infringe on the sidewalk area, including those that cannot be relocated elsewhere.~~

~~(b) Building Design.~~

~~(1) Buildings on corner lots and buildings that terminate views shall be considered significant structures. Such structures should incorporate additional height, massing, distinctive architectural treatments or other distinguishing features to emphasize their prominent location.~~

~~_____ (2) Long, windowless, uninterrupted walls shall be avoided. In general, transparent windows shall comprise at least 30 percent of street side exterior elevations. Building walls offsets, projections and recesses may also be used to add architectural interest and variety.~~

~~_____ (3) Major architectural treatments on the principle building façade should be continued around all sides of the building that are visible from the public realm.~~

~~_____ (4) Rooftops of high-rise buildings should be sculpted to create an interesting form and enhance the collective skyline.~~

~~_____ (5) In mixed-use buildings, the ground floor should be differentiated from upper floors through the use of strong cornice lines, awnings, distinct but compatible exterior colors or materials, exterior lighting, colonnades or overhangs that cover the sidewalk, increased setbacks for upper floors or similar treatments.~~

~~_____ (6) Appropriate safety and security features should be incorporated into building and site design consistent with the concepts and principles of Crime Prevention Through Environmental Design (CPTED).~~

~~_____ (7) Buildings and structures on corner lots shall comply with the requirements for a Street Corner Visibility Area.~~

~~_____ (c) Orientation.~~

~~_____ (1) The primary façade of all buildings should contain the primary entrance and face a public street.~~

~~_____ (2) The primary building entrance should be a prominent feature that is visible and directly accessible from a public street, well lit and easily accessible by employees and visitors. To the extent possible, the primary building entrance should be defined and articulated with pediments, pilasters, columns, porticoes, porches, overhangs, railings or other architecturally compatible elements.~~

~~_____ (d) Parking.~~

~~_____ (1) Shared parking is encouraged.~~

~~_____ (2) Parking structures should reflect the character, scale and massing of the primary structure.~~

~~_____ (3) Exterior wall materials for parking structures should be compatible with the exterior wall materials and finish of the principle building.~~

~~_____ (4) Where feasible, liner buildings and/or ground floor uses should be incorporated into the street side of parking structures to maximize architectural interest and human activity.~~

~~_____ (5) Parking lot layout, landscaping, buffering and screening should minimize direct views of parking vehicles from streets and sidewalks; avoid spill-over light, glare, noise and exhaust fumes onto adjacent properties; and provide a reasonable measure of shade from the tree canopy.~~

~~_____ (6) Parking lots along the street frontage are discouraged. In cases where parking lots are located along the street frontage, the primary façade of the principal building should front directly onto a publicly accessible walkway that leads directly from the street to the establishment's front door without crossing a vehicular travel way.~~

~~_____ (7) Bicycle parking accommodations shall be provided.~~

~~_____ (e) Service Areas.~~

~~_____ (1) Service and loading activities should be placed in visually unobtrusive locations and take access from secondary streets, where feasible.~~

~~_____ (2) Service areas should be screened from streets and adjacent properties. Screen walls, if used, shall be compatible with the exterior walls of the primary structure.~~

~~_____ (f) Signs.~~

~~_____ (1) Signs affixed to the exterior of a building should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs used on the building site.~~

~~_____ (2) Where feasible, signs located on buildings with the same block face should be placed at the same height in order to create a unified sign band.~~

~~Sec. 58.1104. Minimum Criteria.~~

~~_____ Development must contain at least two of the following uses:~~

~~_____ (1) Multifamily residential dwellings~~

~~_____ (2) Offices~~

~~_____ (3) Light Retailing or Personal Services~~

~~(4) Eating & Drinking Establishments~~

~~(5) Hotel or Motel~~

~~(6) Indoor Recreation~~

~~(7) Public Benefit Use~~

~~(8) Child Day Care Centers~~

Sec. 58.1103. Criteria for approval of a bonus.

A bonus may be granted only when an applicant presents clear and convincing evidence that the proposed design, density, intensity, and mix of uses will result in a superior development that is compatible with the surrounding neighborhood and achieves the criteria for approval provided in this section. To qualify for a bonus, the project must meet the criteria for approval in subsections (a) to (d) below. In addition, the project must meet one or more of the design enhancements provided at section 58.1104, of this Code.

(a) Public goods and services to serve the proposed development must be available, made available by the applicant in proportion to the demand generated by the development, or included in a financially feasible plan.

(b) The development must include space for at least two of the following uses. The secondary use must comprise at least 10% of the building area (except with respect for paragraph 11 below, which has a different minimum area requirement). The secondary use may not be reserved for use only by the principal user (for example, a residents-only gym or an employee cafeteria). The secondary use must be a permitted use or a lawfully allowed conditional use in the zoning district.

1. Multifamily residential

2. Office

3. Light retailing

4. Personal service

5. Eating and drinking

6. Hotel

7. Indoor recreation

8. Public benefit use

9. Child day care center

10. Multifamily residential that has been certified affordable in accordance with the City of Orlando Affordable Housing Certification Process.

11. Live/work units, defined as units that includes a complete dwelling unit with kitchen and bathroom, as well as space suitable for running a business, provided that the business is a permitted or lawfully approved conditional use in the zoning district. To qualify as a live/work unit for the purposes of this part, the live/work unit must be occupied entirely by a single housekeeping unit.

12. In the Downtown Community Redevelopment Area, publicly accessible open space that is open to the sky and at least 2,500 square feet in area. To ensure that the open space is functional, reasonably contiguous, and consistent with applicable design regulations, the site plan for the open space is subject to review and approval as part of the master plan or planned development zoning application.

13. In the Downtown Community Redevelopment Area, ground floor space that is suitable for retail uses. For the purposes of this part, "suitable for retail uses" means, at a minimum, ceiling heights of at least 16', depth of at least 40', and street facing facades must be at least 30% transparent between 3' and 7' above grade.

(c) The density, intensity, height, and bulk of the building or buildings must be generally compatible with the surrounding neighborhood while also advancing the applicable goals, objectives, and policies of the Growth Management Plan, particularly those identified in section 58.1000 of this Code. For the purposes of this part, "compatible with the surrounding neighborhood" does not necessarily mean "identical to" or even "similar to" the surrounding neighborhood. Developments using a density and/or intensity bonus will often be, by their nature, more dense, more intense, or both more dense and more intense than the surrounding neighborhood, but general compatibility with the surrounding neighborhood can still be achieved by ensuring that the subject development presents a logical transition between itself and the surrounding neighborhood.

(d) The development must be consistent with all applicable design regulations. Examples include a transect-based special plan overlay, the Downtown design guidelines, and the Traditional City overlay district. If no special design regulations apply, then the development must conform to the "Design Standards in MU-1/T and MU-2/T Mixed Use Corridor Districts," found at sections 62.608 through 62.614 of this Code.

Sec. 58.1104. Design enhancements.

The following design enhancements represent options for creating a superior development. While not a strict point-based system, a development that meets a greater number of these enhancements is eligible for a greater bonus than a development that meets only one or two enhancements. If improvements to the streetscape or other public property is part of a selected option, then such improvements must be maintained by the property owner or owners of the subject development unless appropriate maintenance obligations are accepted by the City.

(a) Streetscape treatment that exceeds the minimum standards normally required of the development's location.

(b) Landscaping that exceeds by at least 10% the minimum number of points required by Part 2H, Chapter 60 of this Code.

(c) At least one additional mobility strategy than the minimum number of strategies required by section 59.209 of this Code.

(d) Site design and building materials that exceed the minimum environmental sustainability requirements in place at the time of development. Such enhancements should consider energy efficiency, stormwater design, solar or other renewable energy sources, recycling, and sustainable materials options, all of which should be judged against the best-available technology and any relevant and generally accepted environmental certification programs.

(e) For a high-rise building, a roofline that is sculpted to create an interesting form and enhance the collective skyline, or alternatively, a green-roof, active roof deck, or solar panels while maintaining an attractive and cohesive architectural form.

(f) Superior architectural design, including all of the following, where applicable:

1. Buildings on corner lots and buildings that terminate views must incorporate additional height or other features that emphasize their prominent location.

2. In mixed-use buildings, the ground floor must be differentiated from upper floors through the use of architectural treatments.

3. The primary building entrance must be a prominent feature that is defined and articulated with pediments, pilasters, columns, porticoes, porches, overhangs, railings, or other architecturally compatible elements.

4. Transparent windows must comprise at least 30% of all street facing elevations.

5. Use of durable, high-quality materials that are appropriate for the climate, such as stone, steel, glass, precast concrete, or masonry. Such materials and associated architectural features must wrap around all sides of the building that are visible from the public realm. Traditional stucco may be appropriate in a historic context or for a Mediterranean-style building. Buildings incorporating EIFS (Exterior Insulation Finishing System) or other faux-stucco finish for more than 10% of a street-facing façade do not meet this enhancement option.

(g) Underground utilities, if currently aboveground.

(h) Parking garage is located such that it is interior to the site or lined with habitable space along all street-facing facades. The habitable space must meet applicable transparency requirements and must be included in locations not otherwise required by code, in particular on upper floors of the building.

(i) Another enhancement not otherwise required by code that is proposed by the applicant and approved as part of the master plan or planned development zoning district. Examples might include a publicly accessible park or plaza, public art, a premium transit stop, or public parking.

Sec. 58.1105. Special regulations for bonuses in the AC-3A district.

Public art. The Downtown Metropolitan Activity Core Center (AC-3A) is the zoning district with the highest maximum density and intensity under the City's Land Development Code. Density and intensity bonuses are appropriate and available in the AC-3A district, but given the high densities and intensities already available without a bonus, special consideration must be given to the impact of a bonus in this district. Projects receiving a density or intensity bonus in the AC-3A district will be among the densest and most intense developments in the City and such density and intensity may present unique aesthetic impacts to the public realm and will also contribute uniquely to the demand for public goods and services, including goods such as public art. The Council hereby finds that art in public places is a public good that not only contributes to the overall quality of life in the City Beautiful, but can also help mitigate some of the visual, aesthetic, and social impacts of dense urban environments. The need for public art increases as an area becomes more populated. Density and intensity bonuses therefore contribute to the need for more public art. Therefore, projects receiving a density or intensity bonus (or both) in the AC-3A district must provide public art that fairly and proportionally mitigates the project's impact on the public realm, including the extent to which it generates new demand for public art. For purposes of this part, public art means art in any physical and lasting media that has been planned and executed with the intention of being staged in the public realm, accessible to all. Typical examples include sculptures, statues, and murals. Because the purpose of this part is to mitigate the public impacts of the bonus, public art required by this part must be installed and

maintained in a public area of the project site itself, or within close proximity to the site. The size, amount, location, and other quantitative and qualitative features of the public art are subject to review and approval as part of the master plan or planned development zoning application, but the reasonable costs associated with providing the public art must be roughly proportionate to the impacts of the bonus. In general terms this means that the greater the bonus, the greater the amount of public art that is required. Public art installed pursuant to this part must be maintained by the property owner or owners of the subject development unless appropriate maintenance obligations are accepted by the City

(a) Payment in lieu of installation. In lieu of the actual installation of public art pursuant to this section, an applicant may satisfy the public art requirement of this section by making a cash contribution to the City which contribution shall be reasonably calculated to compensate the City for providing public art that is fairly proportional to the impacts of the bonus. Proceeds from such a contribution must be spent by the City within a reasonable amount of time on public art in close proximity to the subject site. Contributions must be made prior to the issuance of any building permit for the proposed development. In general terms, the greater the bonus, the greater the contribution, but in no event may the contribution exceed 0.01% of the total construction cost of the development for every 1% of the maximum available bonus approved for the project. For example, a project approved for a 100% bonus (i.e., 400 units to the acre and/or 8.0 F.A.R. in the AC-3A district) would be capped at a contribution equal to 1% of the total construction cost of the development, while a project approved for a 1% bonus (i.e., 202 units to the acre and/or 3.05 F.A.R. in the AC-3A district) would be capped at a contribution equal to 0.01% of the total construction cost of the development.

Secs. 58.110~~65~~ – 58.1115. Reserved.

SECTION 7. CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 8. 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 9. 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 10. 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, the _____ day of _____, 2015.

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, the _____ day of _____, 2015.

DONE, THE SECOND READING, THE PUBLIC HEARING, 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, the _____ day of _____, 2015.

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

Mayor / Mayor Pro Tempore

Print Name

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

Print Name

THIS ORDINANCE DRAFTED BY AND
APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

Print Name

****[Remainder of page intentionally left blank.]****