

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF W. GRANT ST. AND LUCERNE TER., AND COMPRISED OF 1.10 ACRES OF LAND, MORE OR LESS, AS PLANNED DEVELOPMENT DISTRICT WITH THE TRADITIONAL CITY AND SPECIAL PLAN ZONING OVERLAY DISTRICTS ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of March 17, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2015-00004, requesting the Planned Development zoning district designation, along with the Traditional City and Special Plan zoning overlay districts, for approximately 1.10 acres of land, generally located at the northeast corner of W. Grant St. and Lucerne Ter., and more precisely described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

WHEREAS, the developer of the property desires to construct 23 townhome units on fee simple lots, some of which will not have direct frontage on a public street necessitating the need for a Planned Development; 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 ZON2015-00004 (entitled "Item #8 – W. Grant St. 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, the applicant in zoning application case number ZON2015-00004 requested the Planned Development (PD) zoning district designation for the purpose of permitting the development of the 23 unit rear-loaded townhome development (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 partially existing and partially then-proposed Future Land Use Map designation of Office-Low 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

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 Office Low-Intensity.

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 zoning designation for the Property is hereby changed from the Office district with the Traditional City and Special Plan zoning overlay districts, to Planned Development district with the Traditional City and Special Plan zoning overlay districts on the City’s official zoning maps (to be denoted as “PD/T/SP” 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 “W. Grant St. Townhomes PD.”

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the W. Grant St. Townhomes 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 Office Low Intensity District along with the Traditional City and Special Plan zoning overlay districts (denoted as “O-1/T/SP” 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.

- 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) *Height.* Maximum height shall not exceed 32 ft., not including architectural detailing.
- e) *Lot Width.* The minimum permitted lot width is 18.5 ft. for Lot 13. All other lots are required to be a minimum of 20 ft. in width.
- f) *Lot Area.* The minimum lot area permitted is 1,392 sq. ft. with a minimum average lot area of 1,667 sq. ft.
- g) *Setbacks.* The minimum required setbacks for the overall property shall be as follows: 12 ft. on Grant St., 15 ft. on Lucerne Ter., 10 ft. along the north property line and 43 ft. along the east property line, consistent with the proposed site plan.
- h) *School Capacity.* The project shall be subject to school concurrency and shall coordinate with OCPS.
- i) *Overhangs.* Balconies and other such overhangs shall not encroach into the Rights-Of-Way of the utility/sidewalk easement(s).
- j) *Trash Pick-up.* Collection of trash shall occur, and trash bins shall be located, internal to the site.
- k) *Bufferyard.* Along the northern property line, if a wall or opaque fencing is not provided as part of the required bufferyard, a hedge shall be provided. Said hedge shall be a minimum of 4 ft. in height at the time of installation.
- l) *Pedestrian Circulation.* A pedestrian connection shall be provided from Grant St. to the internal sidewalk along the rear units.

m) *Accessory Buildings*. Accessory buildings and pools shall be prohibited.

n) *Impervious Surface Ratio (ISR)*. The development ISR shall be limited to 0.85

2) Urban Design

a) *Architecture*. Architectural elevations for each building are subject to appearance 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 Project must be substantially consistent with the elevations attached to this ordinance as **Exhibit "D,"** except as otherwise approved by certificate of appearance approval.

b) *Lighting*. A signed and sealed lighting plan consistent with the City's lighting ordinance (Ord. No. 2013-73) shall be submitted with permitting drawings.

c) *Utilities and Mechanical Equipment*. All ground-level, wall and roof-mounted mechanical equipment (i.e. water meters, valves, pipes and pressure systems, transformer pads, back-flow preventers, etc.) shall be screened from view of the public rights-of-way. Ground-level utilities and mechanical equipment, including all air conditioning units, shall be screened by a wall to match the materials of the building and/or shrub hedging, a minimum of 36" high at the time of planting. All rooftop mechanical equipment shall be integrated into the overall mass of the building by screening the equipment behind parapets or by recessing equipment into the roof system. All screening shall be maintained at a minimum of one (1) foot distance from said mechanical equipment.

d) *Fences and Walls*. Along the north property line, any wall or fencing shall be no taller than 6 feet. Any additional fencing on the site shall be subject to review. Chain link fences are prohibited. No fencing is allowed along common areas or within setback areas.

e) *Building*.

i) *Transparency*. A minimum 30% transparency is required on primary facades (i.e., oriented toward the public rights-of-way) for each floor below the roofline. The window systems shall be similar in design (i.e. mullions, trim, recess, etc.) as shown in the application. Clear glass (minimum of 80% light transmittance) shall be used for visibility and natural surveillance; mirrored or

reflective glass is prohibited. No windows shall be dry-walled, or have permanent partitions installed on the interior, to block natural surveillance.

ii) *Orientation.* Primary buildings oriented towards Grant Street and Lucerne Terrace, and those units facing an interior common open space or green space, shall be articulated and establish an architectural focus. Elevations shall be designed to have distinctive architectural treatments that include, but are not limited to, window banding and trim, wainscot, and a detailed open-porch design. The site plan must reflect pedestrian connection from buildings to sidewalks.

iii) *Height/scale/massing.* The building must be designed with a clearly articulated base, middle and top, with finishing elements and materials wrapped around all facades of the building.

iv) *Façade articulation/treatments.*

All architecture elements, details, features, and finishes on the exterior of the townhome units must be both consistent and compatible with the architectural style employed.

Distinguishable architectural features such as color treatment can repeat every other lot (applicable to each floor below the roofline). Key elements for architectural articulation include porch railing design, roofing material, siding material, shutters, column/column base design, or windows details.

The following façade treatments shall be integrated into the elevations of every unit, and at least two of the following shall be integrated into the street side elevation:

- 1) Minimum two color changes between the principal building and the architectural accents (i.e., columns, wainscot, reliefs, etc.).
- 2) Minimum one texture and/or material changes between the principal building and the architectural accents (i.e., columns, wainscot, reliefs, etc.).
- 3) Architectural banding to create shadow lines.

Primary pedestrian entries shall be clearly expressed and be recessed or framed by a sheltering element such as an awning, arcade, porch or portico.

Rear elevations that face shared driveway may contain a lesser degree of architecture details but shall include appearance and complexity similar to the front of the building, including window trim.

Major architectural treatments on the front façade of corner units shall be continued around the side of the building (Streetside condition on Lucerne Terrace). Street side yard architectural details and finish materials shall be the same as the front façade. This will also be reviewed at the time of building permit submittal.

v) *Roof articulation/treatments.* Buildings of four or more units shall reflect roof articulation at front and rear. Corner units and central units are typically the best suited to provide some relief/treatment by incorporating additional height, gables, or any variation that provides a change in the roof line.

vi) *Garages.* Garages shall be articulated architecturally to the rear elevation. Parking garage entrances/exits shall be treated with architectural elements to blend in with the overall building design. Garage doors shall include some transparency, such as a row of windows on the top.

vii) *Access.* The townhome units shall be rear loaded and accessed through a joint use driveway. Access to the rear driveway is to be provided off of Lucerne Terrace and Grant Street.

Curb cuts shall meet the required minimum 50-foot distance separation from the intersection.

Driveway width at the property line (throat) at both access points shall range between 16-18 feet.

Joint use driveways or any segment of such driveways providing access to the rear units shall have no less than 16-feet wide of pavement for two-way vehicular circulation. The main driveway or any segment of such driveway providing access to the proposed town home units facing Grant Street shall be no less than 20 feet wide for two-way circulation.

f) *Landscaping.*

i) *General.* 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 feet from overhead electric lines.

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

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

Hedges, excluding those in bufferyards, shall 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:

- 1) a weather-based evapotranspiration controller,
- 2) zoned soil-moisture sensors, or
- 3) a low volume system using drip emitters for shrubs and groundcover and flood bubblers for trees. Impact sprinklers are prohibited.

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.

All landscaping and fencing shall be consistent with generally accepted Crime Prevention Through Environmental Design (CPTED) principles. Walls may not be made of painted concrete block, but may be decoratively finished with stucco or split-face concrete.

- ii) *Street Trees*. Canopy trees installed in the public rights-of-way within a planting area less than 10 feet wide (or on private property within 5 feet of a public sidewalk) shall be installed with appropriate techniques to protect sidewalks, curbs, and other infrastructure.

- i) *Crosswalk*. Proposed crosswalks shall be at same grade as adjacent sidewalk or pedestrian path in order to clearly define the pedestrian area. The crosswalk surface shall be treated with a contrasting material color or texture from the vehicular path. Reflective paint alone is not acceptable, however may be used in conjunction with pavers or other surface to outline the pedestrian path for night time safety.

3) Transportation

- a) *Work within Road rights-of-way*. For any construction work planned or required within a public right-of-way or City sidewalk easement adjacent to a public right-of-way (including but not limited to: irrigation, drainage, utility, cable, sidewalk, driveway, road construction/reconstruction or landscaping), the Owner/Applicant shall submit the following:

- i) Maintenance of traffic (M.O.T.) plans.
- ii) Roadway plans including paving, grading, pavement markings and signage.
- iii) A copy of all required County and State permits.
- b) *City Services Sidewalk Easement Dedication.* A 10 foot City Services Sidewalk Easement shall be dedicated to the City and be located the entire length of the property along W. Grant Street.
- c) *On-site Sidewalk System.* A detailed pavement treatment or delineated pedestrian connection shall be shown between sidewalk crossings on the north side of the rear drive aisle. A sidewalk connection shall be provided from the public sidewalk on W. Grant Street to the proposed sidewalk located along the rear drive aisle (at unit – 14).
- d) *Roadway.* The curb line located along Lucerne Terrace right-of-way shall be continued south from the proposed driveway radius to the corner of W. Grant Street. Type “F” curbs shall be provided along the length of the right-of-way of Lucerne Terrace as it abuts the subject property.
- e) *Street Trees.* The developer is responsible for the installation of street trees prior to issuance of the first certificate of occupancy or at the time curbing installation for the Grant St ROW, whichever occurs first. The Street Tree specifications are 12'-14' height of canopy tree.
- f) *Storm Water.* The existing storm inlet within the east end driveway must be relocated outside of the radius of the return. The owner/developer is required to design and construct an on-site storm water system in accordance with the Orlando Urban Storm Water Management Manual and the approved Master Drainage Plan. Approval from St. Johns River Water Management District is required. The system is to be privately owned and maintained.
- g) *Wastewater.* Sanitary sewer main extension in the new street shall be privately owned and maintained. Sanitary sewer laterals are not allowed to connect into manholes.

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 _____, 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, this _____ day of _____, 2015.

DONE, THE SECOND READING, A 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, this _____ day of _____, 2015.

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

Mayor / Mayor Pro Tempore

Printed Name

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

City Clerk

Celeste Brown

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

ORDINANCE NO. 2015-32

401

402 City Attorney

403

404

405 Printed Name

406

407

[Remainder of page intentionally left blank.]