

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE PLANNED DEVELOPMENT ZONING DISTRICT REGULATIONS FOR APPROXIMATELY 2.93 ACRES OF LAND GENERALLY LOCATED NORTH OF E. JACKSON ST., EAST OF S. OSCEOLA AVE., SOUTH OF E. CHURCH ST., AND WEST OF S. EOLA DR.; PROVIDING AN AMENDED LEGAL DESCRIPTION, DEVELOPMENT PLAN, AND 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 August 18, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2015-00020, requesting an amendment to the planned development zoning district and special land development regulations for approximately 2.93 acres of land generally located north of E. Jackson Street, east of S. Osceola Avenue, south of E. Church Street, and west of S. Eola Drive, and being 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 ZON2015-00020 (entitled "Item #12 – 520 E. Church St. 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 ZON2015-00020 is requesting the planned development zoning district for the purpose of permitting the phased development of up to 586 attached dwelling units, including 20 live-work-retail units, and approximately 9,800 square feet of commercial use (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 High 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 High Intensity; and

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

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56 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
57 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
58 Orlando City Code, the Property is hereby rezoned from the Planned Development
59 zoning district with the Traditional City zoning overlay district, in part, and the MXD-2
60 Mixed Residential-Office District with the Traditional City zoning overlay district, in part,
61 to the Planned Development zoning district with the Traditional City zoning overlay
62 district (to be denoted as "PD/T" on the official zoning maps of the City), as depicted in
63 **Exhibit B** to this ordinance. This Planned Development zoning district may be known as
64 the "520 E. Church Street Planned Development." This ordinance hereby supersedes all
65 previously adopted Planned Development zoning ordinances relating to the Property.

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67 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
68 58.367, Orlando City Code, except as expressly provided in this ordinance, the 520 E.
69 Church Street Planned Development zoning district remains subject to all applicable
70 federal, state, and local laws, and nothing in this ordinance shall be construed to exempt
71 the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

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73 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
74 otherwise by this ordinance, the Property shall be governed by the land development
75 regulations of the MXD-2 Mixed Residential-Office District along with the Traditional City
76 zoning overlay district.

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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:

81
82 **1. Land Development**

- 83
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) *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.
- c) *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. Additionally, recognizing that development plans can change in small ways between the planning and permitting stages of development, the planning official may approve up to a 10% modification of any applicable numerical development standard if the planning official finds that the proposed modification is consistent with the applicable goals, objectives, and policies of the GMP, is compatible with nearby existing land uses, would not result in inadequate public facilities, and is otherwise consistent with the public health, safety, and welfare. When approving such a modification of a development standard, the planning official may impose one or more of the conditions of development provided at section 65.334, Orlando City Code, but such condition or conditions must be reasonably calculated to mitigate the identifiable land use impacts of the modified standard.
- d) *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.
- e) *Density and intensity*. This planned development (the "PD") may not exceed 200 dwelling units per acre, with Phase I being limited to 363 units. The intensity may not exceed 0.75 FAR.
- f) *Maximum Impervious Surface Ratio (ISR)*. The maximum ISR per development site of the PD may not exceed 0.94. The use of rooftop or amenity-deck gardens to assist with ISR must be consistent with LDC2008-00002 and requires review and approval through a Letter of Determination.
- g) *Phase II approval*. Phase II of the PD is subject to review and approval by master plan pursuant to Part 2H, Chapter 65, Orlando City Code.

- h) *Setbacks.* The minimum required setbacks for Phase I shall be as follows: 1.7 ft. on Mariposa St., 8.1 ft. on E. Church St., 5.2 ft. on S. Eola Dr., and 1.4 ft. on S. Osceola St. Phase II setbacks shall be established by master plan approval.
- i) *Parking.* Parking must be provided consistent with the requirements of Part 3, Chapter 61, Orlando City Code. At least one additional parking space must be provided for each Live/Work/Retail unit. Also, consistent with section 61.322(d), Orlando City Code, up to 2% of all parking spaces may be motorcycle spaces.
- j) *Maximum building height.* Buildings in Phase I may not exceed 200' in height and buildings in Phase II may not exceed 170' in height.
- k) *Proportionate share for transportation improvements.* The proportionate share transportation contribution required by Subarea Policy S.7.4., GMP, must be satisfied before the issuance of any vertical building permit for the Project.
- l) *Lots bound.* All lots of land comprising the Property must be bound together by instrument reviewed and approved by the City Attorney before the issuance of any vertical building permits for the Project.

2. Urban Design

- a) *Streetscape.* Streetscape plans for each building site 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 streetscape plans, including conditions of development provided by appropriate Certificates of Appearance Approval approved by the Orlando City Council after review by the City's Appearance Review Board (the "ARB"). All approved plans must conform to the following minimum requirements, unless otherwise approved by appropriate Certificates of Appearance Approval:
 - i) The Downtown Orlando Streetscape Design Guidelines.
 - ii) Maintenance responsibilities for the streetscape and outdoor dining areas must be provided by agreement between the City and the Property owner prior to the issuance of the first certificate of occupancy for the Project.
 - iii) All parts of the streetscape not included within the public right-of-way must be included within a City-services easement area, which easement area is created and conveyed to the City by instrument subject to review and

approval by the City Attorney before the issuance of the first certificate of occupancy for the Project.

iv) General Streetscape Requirements:

- (1) Street Trees – High rise live oaks trees must be planted as the primary street tree in the planter islands and parkway strip. Sylvester Palms may be used as accent trees at the building entrances. Sylvester Palms may also be used on both sides of Mariposa Street.
- (2) Structural Soil – To minimize root damage to adjacent pavement areas, structural soil or a planning official-approved equivalent must be installed around all canopy street trees consistent with Detail 3.4-O and 3.4-P of the Downtown Orlando Streetscape Guidelines.
- (3) Street Lights – Double acorn LED streetlights, consistent with the Downtown Streetscape Design Guidelines shall be used on all streets and spaced based on OUC lighting requirements.
- (4) Corner Treatments – The corner treatment at all corners shall be Lawrenceville Brick, with a 6" thick sub-base for the first 6' from back of curb and all ADA ramps transitioning to a 4" thick sub-base to the face of building. Corner treatments shall provide two accessibility ramps at each corner perpendicular to the centerline.
- (5) Valve and Junction Boxes – All at-grade junction, valve, and control boxes in the streetscape zone shall be traffic-bearing grade boxes and lids.
- (6) Pedestrian Crossings – The pedestrian crossings at the garage and service area entries shall be raised to be at the same grade as the sidewalk adjacent to the driveway. A pavement treatment a minimum of 7' wide that contrasts with the vehicle lanes shall be used in order to clearly define the pedestrian area. Reflective paint alone is not acceptable, however it may be used in conjunction with pavers or other surfaces to outline the pedestrian path for night-time safety. The mid-block curb cuts into the garage and service areas shall meet the mid-block curb cut standard in the Downtown Streetscape Guidelines.
- (7) Building Entries – Building entries should face the street and be recessed, or the doorways shall open inward so that ingress, egress, and entry doors do not conflict or open directly into the pedestrian clear zone.

(8) Curb Cuts – All existing curb cuts shall be removed and the streetscape and curbing restored during construction.

(9) ARB Final Review – Final landscape and hardscape plans shall be submitted for ARB final review and approval prior to the issuance of any building permits for vertical construction.

v) E. Church Street:

(1) Width – The minimum streetscape width on E. Church Street shall be 15-feet from the back-of-curb of the on-street parking spaces. The parkway strip shall be a minimum of 7-feet wide along the entire project frontage. The pedestrian clear zone shall be a minimum of 8-feet in width, though 10-feet is recommended by ARB staff.

(2) Treatment 5 – The E. Church Street streetscape shall meet the requirements of Treatment 5 in the streetscape design guidelines.

vi) S. Eola Drive:

(1) Width – The minimum streetscape width on S. Eola Drive shall be 15-feet from the back-of-curb of the on-street parking spaces. The parkway strip shall be a minimum of 7-feet wide along the entire project frontage. The pedestrian clear zone shall be a minimum of 8-feet in width, though 10-feet is recommended by ARB staff.

(2) Treatment 5 – The S. Eola Drive streetscape shall meet the requirements of Treatment 5 in the streetscape design guidelines.

vii) Mariposa Street [north side]:

(1) Width – The minimum streetscape width on the north side of Mariposa Street shall be 13-feet from the back-of-curb. The parkway strip shall be a minimum of 5-feet wide along the entire project frontage. The pedestrian clear zone shall be a minimum of 8-feet in width.

(2) Treatment 5 – The north side of the Mariposa Street streetscape shall meet the requirements of Treatment 5 in the streetscape design guidelines.

(3) Street Trees – The street trees on the northside of Mariposa Street shall be Sylvester Palms.

viii) Mariposa Street [south side]:

- (1) Width – The minimum streetscape width on the south side of Mariposa Street shall be 13-feet from the back-of-curb of the on-street parking spaces. The parkway strip shall be a minimum of 5-feet wide along the entire project frontage. The pedestrian clear zone shall be a minimum of 8-feet in width.
- (2) Treatment 5 – The north side of the Mariposa Street streetscape shall meet the requirements of Treatment 5 in the streetscape design guidelines.
- (3) Street Trees – The street trees on the northside of Mariposa Street shall be Sylvester Palms.

ix) Jackson Street:

- (1) Width – The minimum streetscape width on Jackson Street shall be 15-feet from the back-of-curb. The parkway strip shall be a minimum of 10-feet wide along the entire project frontage. The pedestrian clear zone shall be a minimum of 5-feet in width.
- (2) Treatment 5 – The north side of the Mariposa Street streetscape shall meet the requirements of Treatment 5 in the streetscape design guidelines.
- (3) Street Trees – The street trees on Jackson Street shall be high-rise live oak trees.

x) S. Osceola Avenue:

- (1) Width – The minimum streetscape width on S. Osceola Avenue shall be 15-feet from the back-of-curb. The parkway strip shall be a minimum of 7-feet wide along the entire project frontage. The pedestrian clear zone shall be a minimum of 8-feet in width. This width should provide additional area for landscaping adjacent to the S. Osceola parking garage frontage on the south side of the subject property.
- (2) Treatment 5 – The north side of the Mariposa Street streetscape shall meet the requirements of Treatment 5 in the streetscape design guidelines.
- (3) Street Trees – The street trees on S. Osceola Avenue shall be high-rise live oak trees.

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, including conditions of development provided by appropriate Certificates of Appearance Approval approved by the Orlando City Council after review by the City's Appearance Review Board (the "ARB"). All approved elevations must conform to the following minimum requirements, unless otherwise approved by appropriate Certificates of Appearance Approval:

i) Subject to review and approval by the City Engineer, canopies and awnings at building entries may project into the City-services easement areas. Canopies or awnings that project into the right-of-way are prohibited unless reviewed and approved by the City Engineer. In no instance may a canopy be less than 17' 6" above finished grade to meet transportation maintenance requirements. Awnings shall be a minimum of 9-feet above finished grade.

ii) Exterior Doors – A minimum 4"x6" security view panel shall be provided in all pedestrian accessible exterior doors including emergency exit doors to provide visibility and security for pedestrians exiting the building.

iii) North Building:

(1) Retail spaces and the live-work-retail space at the ground level shall provide doorways that face the street along with a sidewalk connection from the doorway to the primary sidewalk.

(2) Windows – The windows on all facades shall be recessed from the façade to provide additional design texture and shadow lines to the building façade. The addition of window sills or trim treatments is also recommended.

iv) South Building:

(1) Street facing residential units at the ground level shall provide doorways that face the street along with a sidewalk connection from the doorway to the primary sidewalk.

(2) Windows – The windows on all facades shall be recessed from the façade to provide additional design texture and shadow lines to the building façade.

- (3) Service Area – Decorative doors or gates that are architecturally integrated with the building design shall be utilized at the loading area. The doors or gates shall be closed when the loading area is not in use.

v) Parking Garage:

- (1) Elevations – The parking garage elevations shall be designed to be architecturally integrated with the building they serve. The openings and materials of the parking garage facades should mimic the rhythm and pattern of the rest of the building structure. This especially applies to the south building's attached parking garage.
- (2) Vertical Openings – The long vertical openings of both garage facades shall be eliminated and replaced with openings that mimic the window and opening patterns of each building they share.
- (3) South Building Attached Garage – A dense landscape buffer or green screens shall be utilized along the ground level of the street facing facades that do not have an active use. The design of such buffer or green screen shall be approved by certificate of appearance approval.
- (4) Openings – The openings in the parking garage facades shall incorporate an architectural mesh infill. At the ground level the mesh shall be security grade.
- (5) Screening – The parking garage shall be designed to minimize direct views of parked vehicles from streets and sidewalks. An opaque minimum 36-inch tall wall shall be installed to avoid headlight and spill-over light glare. Noise and exhaust fumes onto public use areas or adjacent properties shall be mitigated. Lighting that may be potentially visible from the garage shall be shielded.
- (6) Pedestrian Connection – A minimum 5 ft. pedestrian walkway shall be provided adjacent to the driveway entries into the parking garage.
- (7) Ramping – Angled exterior ramping shall not be visible from the right-of-way and shall be obscured from view through the use of exterior metal screening, or other alternative methods. Interior ramping and walls that might be visible thru the garage openings shall be painted a dark gray or black.
- (8) Egress Slope – The slope of the grade preceding the exit of a parking garage shall not exceed 2% for a minimum of 25 feet from the garage entry.

- (9) Transformers – Electrical transformers incorporated into the ground level of a parking garage shall provide a minimum of 17'-6" of clearance above grade and demonstrate that there is adequate space and access for maintenance and replacement equipment movement and turning. Final transformer location shall be approved by certificate of appearance approval.

vi) Transparency:

- (1) The ground floor building walls facing all streets shall contain a minimum of 30% of transparent materials. A minimum of 15% transparency shall be provided on all other floors facing the street above the ground level.
- (2) All glass at the ground level shall be clear. Minimum light transmittance shall be 80%. High performance or low-e glass may be considered as an alternative with a minimum transmittance of 60%.
- (3) No windows at the ground floor level shall be dry-walled, or have permanent partitions installed on the interior to block natural surveillance.
- (4) Tinted, reflective, and spandrel glass does not count towards meeting the transparency requirements.

vii) Mechanical Equipment:

- (1) Venting & Exhaust – All potential restaurant venting and restaurant exhaust shall be directed to the roof of the building and shall not be visible from the public right-of-way. Restaurant venting is not permitted on any street facing façade of the buildings. All other venting and exhaust for mechanical and other utilities shall be a minimum of 12 ft. above grade and shall be integrated with the building design so as to be seamless with the overall architecture of the building.
- (2) Transformer Area Screening – Transformer areas outside the building envelope shall be screened with decorative, opaque fencing and gates up to 6-feet in height.
- (3) Mechanical Equipment – All ground mounted and rooftop mechanical equipment shall be screened from view and meet the screening conditions of the Land Development Code.

(4) Backflow Preventer – Backflow preventers shall be located so as to not be directly visible from the right-of-way and should be screened from view where necessary. They shall be clearly identified on the final utilities plan.

(5) Fencing – Any fencing on the site shall be an open, CPTED-approved fence, such as aluminum or wrought-iron picket fencing. Chain link fencing is prohibited.

(6) Overhead Powerlines – Existing overhead powerlines on the development site shall be undergrounded during construction, subject to impact fee credits being provided as described in **Exhibit D**.

(7) Final Elevations – The location and configuration of all exterior venting and mechanical equipment shall be depicted on the building elevations in the Final ARB Review application.

viii) Signage. A Master Sign Plan [MSP] including both the residential, retail, and high-rise signage shall submitted for a separate ARB Major Review approval prior to the issuance of a Certificate of Occupancy for the tower or retail spaces. The MSP shall clearly show how signage will be allocated between the tenants and the site as a whole and provide placeholders for locations of proposed signage. High-rise signs are permitted consistent with section 64.246 of the Land Development Code but will require an ARB Major Review prior to permitting unless incorporated into the MSP. High-rise sign shall be counted toward the total allowable copy are for the project.

ix) Telecommunications Equipment Screening. Buildings should be designed to accommodate future placement of telecommunications equipment. Screening areas should be built into rooftop areas so that the placement and screening of the equipment does not become an afterthought.

3. Transportation

a) *Transportation impact fee for TOD.* Notwithstanding anything at section 56.15, Orlando City Code, to the contrary, Phase I of the Project is subject to the terms and conditions of the Transit Oriented Development Transportation Impact Fee agreement attached to this ordinance as **Exhibit D**.

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 OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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

City Clerk

Print Name

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

Chief Assistant City Attorney

Print Name

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