

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, REZONING CERTAIN LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH HIAWASSEE ROAD AND LAKE DEBRA DRIVE, AND WEST OF METROWEST BLVD., ADDRESSED AS 2001 SOUTH HIAWASSEE ROAD AND COMPRISED OF 3.8 ACRES OF LAND, MORE OR LESS, FROM THE AC-2 URBAN ACTIVITY CENTER DISTRICT TO THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAPS; PROVIDING A DEVELOPMENT PLAN AND SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING A DISCLAIMER; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of March 15, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2016-00003, requesting a rezoning of certain land generally located at the southeast corner of South Hiawassee Road and Lake Debra Drive, and west of Metrowest Boulevard, comprised of 3.8 acres of land, more or less, 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 ZON2016-00003 (entitled "Item #4 – Excellence Senior Living @ Metrowest" and hereinafter referred to as the "Staff Report"), the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve zoning application case number ZON2016-00003 and adopt an ordinance in accordance therewith; and

WHEREAS, zoning application case number ZON2016-00003 is requesting the planned development zoning district in order to develop a four story, one hundred fifty-three unit assisted living facility (the "Project"); and

WHEREAS, the MPB found that application case number ZON2016-00003 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 Urban Activity Center; 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 Urban Activity Center; and

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

SECTION 1. ZONING MAP DESIGNATION. After due notice and public hearing, and pursuant to Part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City Code, the Property is hereby rezoned from the AC-2 Urban Activity Center district (denoted as "AC-2" on the City's official zoning maps) to the Planned Development district (denoted as "PD" on the City's official zoning maps), as depicted in **Exhibit B** to this ordinance. This planned development zoning district may be known as the "Excellence Senior Living @ Metrowest Planned Development."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Excellence Senior Living @ Metrowest Planned Development zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the AC-2 zoning district.

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) Phasing. The Property shall be constructed in a single phase.
- 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 landscaping, signs, driveway locations, and other minor modifications. 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) Density. The maximum density shall not exceed 100 dwelling units per acre.

e) Maximum Impervious Surface Ratio. The maximum ISR is 0.90.

f) South Side Setback. The required setback on the south side of the project is 10'.

g) Building Height. The maximum building height shall be 75 feet.

h) Parking. A minimum of 38 parking spaces shall be provided.

2. Urban Design

a) Appearance Review. An appearance review is required prior to the issuance of building permits.

b) Architecture

i) Architectural elevations shall be generally consistent with those provided in the application except as otherwise directed herein. Minor changes may be approved by staff, but significant deviation from the elevations approved by shall require planning official approval via Determination.

ii) First floor windows must align vertically with the windows on the floors above. If possible, a window shall be added to the left side of the main entrance so that symmetry is provided via an equal number of windows in the recessed area on either side of the entrance.

iii) Glass on the ground floor shall be clear on all facades (minimum of 80% light transmittance), or low e-glass with a minimum light transmittance of 60%. All other glass shall meet a minimum of 60% transmittance. Darkly tinted or reflective glass is prohibited.

iv) A water table base of durable materials (such as brick, stone, or CMU) shall be provided to the front (west) façade. This water table base must wrap around to the north and east facades for a length of at least 60'. The designer's proposed alternatives will be considered.

- v) The existing stormwater pond shall be treated as a visual amenity, with the addition of features such as landscaping, fountains or sculpture.

c) Lighting

- i) All utilities, including street light poles shall be kept out of the pedestrian path. All site lighting must comply with Chapter 63, Part 2M, Orlando City Code. White light-emitting diode (LED) lamps are encouraged.
- ii) Site lighting must be coordinated with the landscaping design to minimize conflicts with tree planting.
- iii) Plastic panel box signs are prohibited. All signs shall be of durable materials. Internally lit signs must be metal front-lit channel letters; halo-lit channel letters; front and back-lit channel letters; or metal panel faces with push through acrylic letters. Externally let signs are allowed for metal or wood signs. Sign options of similar quality may be considered. Light-Enhancing Diode (LED) lamps are preferred.
- d) Dumpsters. All dumpsters and trash compactors shall be screened with solid walls to match the principal structure. Decorative gates shall be installed to coordinate with the principal structure. Landscape screen including low hedge and groundcover are required to soften the view from the public right-of-way.
- e) Fencing is not required, but any fencing along public rights-of-way shall be open, CPTED-approved fencing, such as aluminum or wrought-iron picket fencing. Any chain link fencing on site shall be six-gage vinyl clad black fencing, with top and bottom rails.
- f) Pedestrian Crosswalks. Pedestrian crosswalks must be provided across driveways. The material of the crosswalk must be easily identifiable and clearly delineated from the rest of the driveway. The surface should be smooth and easily accessible by wheelchair, without grade changes of more than ¼". Broom-finished concrete with saw cut joints is preferred.

g) Landscaping.

- i) Any canopy trees installed in the public right-of-way in a planting area that is less than 10' in width (or on private property less than 5' from public sidewalks), shall be installed with appropriate techniques to protect sidewalks, curbs, and infrastructure. Such techniques may include structural soil, pavement-supporting structures, root tunnels and root barriers, and must be approved by the appearance review official at the time of permitting.
- ii) Existing trees (not including those classified as invasive, exotic species) shall be preserved to the extent practical. The placement of underground utilities, including irrigation, within the drip lines of existing trees to be preserved shall be done by means of tunneling rather than trenching. Any melaleuca, chinaberry, Chinese tallow, Brazilian pepper, camphor, or Australian pines existing on the site shall be removed.

iii) Tree clearing (excluding the clearing of invasive exotic species), shall not commence until full site and building development plans have been approved.

h) Transportation.

i) Lake Debra Entrance. The driveway onto Lake Debra Drive shall be 24-ft. wide unless this creates excessive negative impact on trees in the area.

ii) Easement in the Lake Debra Drive Right of Way. The developer shall verify that the "private 20' easement" paralleling Lake Debra Drive allows the City access for sidewalk and utility maintenance or dedicate said easement to the public.

i) Transportation Impact Fees

i) Any new construction, change in use, addition, or redevelopment of a site or structure shall be subject to a review for Transportation impact fees. An estimated Transportation impact fee in the amount of \$89,838, based on the construction of a 186-bed Senior Living Facility (\$483 per bed), will be due at the time of building permit issuance, subject to change upon final permit review.

ii) The applicant shall comply with all applicable requirements of Chapter 59, Orlando City Code, to ensure that all public facilities and services are available concurrent with the proposed development, and that the potential impacts on public facilities and services are mitigated.

SECTION 5. AMENDMENT OF OFFICIAL ZONING MAPS. The City zoning official, or designee, is hereby directed to amend the City's official zoning maps in accordance with this ordinance.

SECTION 6. DISCLAIMER. In accordance with Section 166.033(5), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the City for issuance of this permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

SECTION 7. 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 8. 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 9. 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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

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:

City Attorney

Print Name