

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED AT THE SOUTHWEST INTERSECTION OF PARK LAKE ST. AND HIGHLAND AVE., COMPRISED OF 0.98 ACRES OF LAND, MORE OR LESS, AS THE PLANNED DEVELOPMENT DISTRICT ALONG WITH THE TRADITIONAL CITY OVERLAY DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAPS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of April 19, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered zoning application case number ZON2015-00055, requesting the Planned Development zoning district designation for approximately 0.98 acres of land, generally located at the southwest intersection of Park Lake St. and Highland Ave., and 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 ZON2015-00055 (entitled "Item #6 – Park Lake Planned Development, 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 ZON2015-00055 requested the Planned Development (PD) zoning district designation for the purpose of permitting a 21 unit rear-loaded townhome development, hereinafter 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 existing Future Land Use Map designation of Residential High (RES-HIGH); 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 Residential High (RES-HIGH).

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 Mixed Residential-Office District with Traditional City Overlay (MXD-2/T) to Planned Development district with Traditional City Overlay (PD/T) on the City's official zoning maps (to be denoted as "PD/T" 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 "Park Lake Planned Development."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Park Lake 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 Mixed Residential-Office District with Traditional Overlay (denoted as "MXD-2/T" 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

1. *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.
2. *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.
3. *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.

4. *Existing uses and structures.* Lawfully established uses and lawfully constructed structures on the property as of the effective date of this ordinance are hereby made lawful and conforming to this ordinance.
5. *Impervious Surface Ratio (ISR).* ISR may not exceed to 85% (0.85).
6. *Building Height* - Maximum height of structures shall not exceed 47 ft.
7. *Lot Width* - The minimum permitted lot width shall be a minimum of 20 ft.
8. *Lot Area* - The minimum lot area permitted is 1,427 sq. ft. with a minimum average lot area of 2,045 sq. ft.
9. *Setbacks* - The minimum required setbacks for the overall property shall be as follows: 9.9 ft. on Park Lake St., 20 ft. on Highland Ave., 13 ft. along the south property line, 14 ft. along the west property line.
10. *Internal Projections* - Internal projections shall be limited to a depth of 3 ft. when overhanging within the two-way drive-aisle.
11. *Trash Pick-up* - Collection of trash bins shall occur internal to the site.
12. *Bufferyard* - Bufferyard A, a minimum of 7 ft. in width to include a maximum 6 ft. tall fence, shall be provided along the west and south property lines.
13. *Accessory Structures* - Accessory structures, pools, and fencing shall be prohibited on an individual lot basis.
14. *On-street Parking* - In order to preserve the street trees on Park Lake St., while maintaining on-street parking on that street, the applicant shall close the easternmost curb-cut. The drive aisle behind Building B would instead terminate

into a minimum landscape width of 7.5 ft. to include a hedge, a minimum of 3 ft. at the time of planting.

2) Urban Design

1. Streetscape

A. Streetscape Requirements:

i. Treatment – All streetscape shall be designed and constructed consistent with the requirements of Treatment 5 in the Downtown Streetscape Design Guidelines (the “DSDG”) with a minimum 7.5 ft. parkway strip and a minimum 6’ 5” ft. sidewalk shall be allowed along the entire project street frontage

ii. Street Trees – The existing oaks on Park Lake St. and crepe myrtles on Highland Ave. shall be preserved.

iii. Tree Ring – Along with the redevelopment of this property the damaged concrete tree ring around the large oak on Park Lake St. shall be repaired and/or replaced.

iv. Street Lights – Single acorn 40-watt LED streetlights, consistent with the DSDG and spaced based on OUC lighting requirements shall be installed along the Park Lake St. and Highland Ave. project frontage in the parkway strip between the curb and sidewalk.

v. Curbing – The applicant shall replace all the curbing along the project street frontage with concrete Type “B” vertical curb.

vi. Corner Treatments – Corner treatments shall be reconstructed to provide two directional accessibility ramps at the Park Lake/Highland intersection. The ramps shall be perpendicular to the centerline.

vii. Sidewalks – The sidewalks on Park Lake St. and Highland Ave. shall be removed and reconstructed to meet the requirements of the DSDG as part of the development of this property with 5’ sidewalks allowed.

viii. Curb Cuts – All existing curb cuts shall be removed and the streetscape and curbing on Highland Ave. and Park Lake St. shall be restored during construction.

ix. Valve and Junction Boxes – All at-grade junction, valve and control boxes in the streetscape zone shall be traffic bearing grade boxes and lids, painted per the downtown streetscape standards.

x. Pedestrian Crossings – The pedestrian crossings at the driveway cuts shall be level and at the same grade as the sidewalk adjacent to the driveway. A pavement treatment that contrasts with the vehicle lanes shall be used in order to clearly define the pedestrian zone. Reflective paint alone is not acceptable, but may be used in conjunction with pavers or other surfaces to outline the pedestrian path for night time

safety.

xi. Pedestrian Clear Zone – In no instance shall vertical structures or obstructions be allowed in the required pedestrian clear zone.

xii. Specialty Paving – Specialty paving and other materials not consistent with the DSDG, shall not be permitted inside the right-of-way or city services easements of the streetscape zone.

B. Tree Preservation/Mitigation

i. Preservation – There are several mature specimen trees remaining on the site, especially around the project edges. The applicant is attempting to preserve some of those trees located in the streetscape zone. ARB Staff encourages the applicant to use their best efforts to preserve as many of the edge mature trees as feasible. Each preserved tree will enhance the value and aesthetic vitality of the project area.

ii. Tree Removal/Mitigation – A tree removal permit is required to remove trees. As part of the tree removal permit process the applicant shall work with the City arborist to evaluate the viability of the existing on-site trees and if any mitigation will be required for the removal of any trees.

2. Architecture

A. General Architecture

i. Windows – The windows on all facades shall be recessed 1 to 3 inches from the façade to provide additional design texture and shadow lines on the building facades. The addition of window sills or trim treatments is also recommended.

ii. Screen Wall/Fence – A 6 ft. tall decorative PVC fence shall be installed along the west and south property lines.

B. Transparency

i. Transparency Requirement – A minimum of 15% transparency shall be provided on all floors facing the street. Increased transparency shall be provided on the east and west elevations of Building A and the north and south elevations of Building B.

ii. Light Transmittance – 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%.

iii. No windows at the ground floor level shall be dry-walled, or have permanent partitions installed on the interior to block natural surveillance.

iv. Tinted, reflective, or spandrel glass does not count towards meeting the transparency requirement.

3. Mechanical Equipment

A. Venting & Exhaust – All venting exhaust shall be directed to the roof or the rear of each building.

B. Transformers – Transformers shall not be located between a building and the adjacent street. Transformer areas shall be screened with landscaping and/or decorative, opaque fencing, up to 6 ft. in height on three sides. Landscaping shall be a minimum of 36 inches tall at the time of planting.

C. Mechanical Equipment – All ground mounted and rooftop mechanical equipment shall be screened from view and meet the screening conditions of the Land Development Code

D. Backflow Preventer – Backflow preventer[s] shall be located so as to not be directly visible from and as far away as possible from the right-of-way and should be screened from view where necessary. They shall be clearly identified on the final utilities plan.

E. Fencing – Any interior fencing on the site, visible from the right-of-way shall be an open, CPTED-approved fence, such as aluminum or wrought-iron picket, or welded wire. Chain link fencing is prohibited. Perimeter fencing shall be opaque to screen adjacent views and decorative PVC fencing shall be allowed.

F. Final Elevations – The location and configuration of all exterior venting and mechanical equipment shall be depicted on the building elevations in the Final ARB [Major] Review application.

3) Transportation Planning/Engineering

1. Handicap Ramps – Handicap (“HC”) ramps shall be constructed at the street intersection(s) and driveway connection(s) to comply with the Americans with Disability Act (“ADA”). Pedestrian ramps at street corners shall be designed to provide a separate ramp in each direction.

2. Public Sidewalk - A 5 ft. wide public sidewalk is required adjacent to the street rights-of-way/property line for the length of the property along all public streets. A City Services Easement shall be provided as necessary adjacent to the public road right-of-way to accommodate any portion of the public sidewalk that is not within the public right-of-way.

3. City Services Sidewalk Easement - A 5 ft. City Services Sidewalk Easement is required for the length of the property along Park Lake St.

4. Pedestrian Entrance - Provide a secondary pedestrian entrance on the west side of the development to provide access to properties in the rear of the parcel.

5. Drive Aisle/Side Units – Drive aisle shall be platted as a public access easement that is privately maintained. The side of the units that face the drive aisle shall be a minimum 24 ft. from the far side of the drive aisle. This is to provide sufficient

maneuvering space for vehicles.

6. Solid Waste Compactors/Dumpsters. Individual trash bin pick up has been determined as acceptable under Section 1.11 and no dumpster or compactors shall be utilized-

7. Visual Impediments – At all project entrances, clear sight distances for drivers and pedestrians shall not be blocked by signs, buildings, building columns, landscaping, or other visual impediments. No structure, fence, wall, or other visual impediment shall obstruct vision between 2 ft. and 8 ft. in height above street level. The street corner / driveway visibility area shall be shown and noted on construction plans and any further site plan submittals. The applicant shall design the site plan as necessary to comply with the Florida Greenbook and the FDOT Design Standards Index and shall show sight lines on all sit and landscaping plans.

4) Wastewater / Public Works

1. New private sanitary main shall be extended onto the property with each fee simple unit having its own lateral connection to new private main. No double or otherwise multiple connections will be permitted. A pre-application meeting with the Wastewater Division prior to submitting construction plans is required.

2. All sanitary sewer construction shall be in compliance with all applicable sections of the ESM and all applicable City Standard Details. Sanitary sewer discharge into the City's sewer system shall be in compliance with Chapter 30, Sewer Use Ordinance of the City Code.

3. The location of stormwater retention / detention and treatment system must be submitted.

4. Proof that the Seasonal High Groundwater Table will accommodate the stormwater system must be submitted.

5. The City Stormwater System point of outfall must be submitted.

6. Verification that the elevation of development outfall is above the base water elevation in the City Stormwater System must be submitted.

7. The developer must provide engineering documentation supporting the Drainage Concept Plan (stormwater retention / detention and treatment) before the project infrastructure permit is approved for construction.

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. OTHER STATE AND FEDERAL PERMITS. As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the 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. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this ordinance that all other applicable state or federal permits be obtained before commencement of the development.

SECTION 8. 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/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:

Interim City Clerk
Amy T. Iennaco

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

City Attorney

ORDINANCE NO. 2016-55

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