

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, REZONING CERTAIN LAND
3 GENERALLY LOCATED WEST OF NORTH
4 WESTMORELAND DRIVE, SOUTH OF WEST
5 ROBINSON STREET, NORTH OF WEST JEFFERSON
6 STREET AND COMPRISED OF 0.53 ACRES OF LAND,
7 MORE OR LESS, FROM THE R-2B ONE TO FIVE FAMILY
8 RESIDENTIAL DISTRICT WITH THE TRADITIONAL CITY
9 AND PARRAMORE HERITAGE OVERLAY DISTRICTS
10 TO THE PLANNED DEVELOPMENT DISTRICT WITH
11 THE TRADITIONAL CITY AND PARRAMORE HERITAGE
12 OVERLAY DISTRICTS; PROVIDING A DEVELOPMENT
13 PLAN AND SPECIAL LAND DEVELOPMENT
14 REGULATIONS OF THE PLANNED DEVELOPMENT
15 DISTRICT; PROVIDING FOR SEVERABILITY,
16 CORRECTION OF SCRIVENER'S ERRORS, PERMIT
17 DISCLAIMER, AND AN EFFECTIVE DATE.
18

19 **WHEREAS**, at its regularly scheduled meeting of June 21, 2016, the Municipal
20 Planning Board (hereinafter referred to as the "MPB") of the City of Orlando, Florida
21 (hereinafter referred to as the "City"), considered zoning application case number
22 ZON2016-00009, requesting a rezoning of certain land generally located west of North
23 Westmoreland Drive, south of West Robinson Street and north of West Jefferson Street,
24 comprised of 0.53 acres of land, more or less, and being more precisely described by
25 the legal description attached to this ordinance as **Exhibit A** (hereinafter referred to as
26 the "Property"), from the R-2B One to Five Family Residential District with the
27 Traditional City and Parramore Heritage overlay districts to the Planned Development
28 district with the Traditional City and Parramore Heritage overlay districts; and
29

30 **WHEREAS**, based upon the evidence presented to the MPB, including the
31 information and analysis contained in the "Staff Report to the Municipal Planning Board"
32 for application case number ZON2016-00009 (entitled "Item #15 – Westmoreland
33 Apartments" and hereinafter referred to as the "staff report"), and subject to certain
34 conditions contained within the staff report, the MPB recommended that the City Council
35 of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning
36 application and adopt an ordinance in accordance therewith; and
37

38 **WHEREAS**, zoning application case number ZON2016-00009 is requesting the
39 Planned Development zoning district for the purpose of permitting the development of a
40 16 unit apartment building (hereinafter referred to as the "project"); and
41

42 **WHEREAS**, the MPB found that the project is consistent with:

- 43
- 44 1. The *City of Orlando Growth Management Plan*, adopted as the City's
45 "comprehensive plan" for purposes of the Florida Community Planning Act,
46 sections 163.3164 through 163.3217, Florida Statutes (hereinafter referred to

47 as the “GMP”), including, without limitation, the goals, objectives, and policies
48 applicable to the Property’s existing Future Land Use Map designation of
49 Residential Medium Intensity; and
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- 51 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
52 of the City of Orlando, Florida (the “LDC”); and that the project is
53

54 **WHEREAS**, the Orlando City Council hereby finds that the project and this
55 ordinance are in the best interest of the public health, safety, and welfare; and
56

57 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
58 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
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60 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
61 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
62 Orlando City Code, the Property is hereby rezoned from the R-2B One to Five Family
63 Residential District with the Traditional City and Parramore Heritage overlay districts to
64 the Planned Development district with the Traditional City and Parramore Heritage
65 overlay districts on the City’s official zoning maps (to be denoted as “PD/T/PH” on the
66 official maps of the City), as depicted in **Exhibit B** to this ordinance. This planned
67 development zoning district may be known as the “222 Westmoreland Apartments
68 Planned Development.”
69

70 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
71 58.367, Orlando City Code, except as expressly provided in this ordinance, the 222
72 Westmoreland Apartments Planned Development zoning district remains subject to all
73 applicable federal, state, and local laws, and nothing in this ordinance shall be construed
74 to exempt the Property from the lawful authority or jurisdiction of any federal, state, or
75 local agency.
76

77 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
78 otherwise by this ordinance, the Property shall be governed by the land development
79 regulations of the R-3B Medium Intensity Development District with the Traditional City
80 and Parramore Heritage overlay districts.
81

82 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
83 Development zoning district for the Property is subject to the following special land
84 development regulations:
85

86 **1. Land Development**
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- 88 a) *Development Plan.* Subject to any modifications expressly contained in the text
89 of this ordinance, development and maintenance of the Property must be
90 consistent with the development plan attached to this ordinance as **Exhibit C**
91 (hereinafter the “Development Plan”). In the event of a conflict between the text

92 of this ordinance and the Development Plan, the text of this ordinance shall
93 control. References in this ordinance to lots, parcels, buildings, phases, and
94 other development features refer to such features as identified on the
95 Development Plan.

96
97 b) Consistency. Unless amended by any conditions found herein or any
98 modifications recommended by the MPB and approved by City Council, this
99 project shall operate and be developed only as described and conditioned within
100 this report and in accordance with the attached site plan and any other plans or
101 commitments provided in the application package. Any changes in the use of the
102 site, the operation of the project, or the site plan as provided herein may require
103 an amendment to the project and review by the MPB and City Council (see
104 "Minor Modifications" condition below.) This approval is not transferable to
105 another Property. All other applicable state or federal permits must be obtained
106 before commencing development.

107
108 c) Minor Modifications. Minor modifications to the project, including changes to the
109 design and site plan reviewed by the MPB or City Council may be approved by
110 the planning official without further review by the MPB. Major changes shall
111 require additional review by the MPB.

112
113 d) *Density/Intensity*. Development shall be limited to 16 multifamily residential units
114 (30 du/ac).

115
116 e) Buffers. The minimum buffers are as follows*:

117
118 Front (West Jefferson Street) – none
119 Side (West Property Line) – 5-7 ft.
120 Street Side (North Westmoreland Drive) – none
121 Rear (North Property Line) – 8-10 ft.

122 *Dimensions refer to the range of acceptable buffer depth; each requires
123 plantings and/or screen wall.

124
125 f) *Setbacks*. The minimum setbacks are as follows:

126
127 Front (West Jefferson Street) - 15.1ft.
128 Side (West Property Line) – 6.1 ft.
129 Street Side (North Westmoreland Drive) – 10.2 ft.
130 Rear (North Property Line) – 20.1 ft.

131
132 g) *Impervious surface ration (ISR)*. The impervious surface ration may not exceed
133 0.70.

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135 h) *Demolition*. Demolition of the existing structure shall be prohibited until issuance
136 of foundation permit or building permit.

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- i) *Building Height.* The maximum height shall not exceed 30-ft. from grade to mid-peak of roof.

2. Urban Design

- a) *Metal Gates.* Decorative patterns on the metal gates must be similar to the patterns in the balcony.
- b) *Fencing.* Fences and walls may be no taller than 6-ft. in height. A 3-ft. masonry wall with a decorative metal fence along the top of the wall shall be provided along North Westmoreland Drive. The 4-ft. metal black fence along West Jefferson may remain or may be replaced with a 3-ft. masonry wall with metal fencing to match the fence/wall on North Westmoreland Drive. A similar masonry wall with metal fencing shall be provided on the west side of the property starting at the knee wall extending north to the end of the property line. The metal fencing on the masonry wall must match the metal fencing on North Westmoreland Drive.
- c) *Streetscape.* Final landscape and hardscape plans shall be submitted for ARB Final Review and approval prior to the issuance of a building permit.

3. Architecture.

- a) Molding/Trim detail is needed at all similar parapets.
- b) Windows shall be recessed a minimum of 3 to 4 inches from the façade to provide additional design texture and shadow lines.
- c) All first floor openings in the building façade shall be arched to match those shown on the easterly elevation (as seen from North Westmoreland Drive).
- d) Prior to the submittal for building permits, the exterior colors shall be submitted to the planning official for appearance review.

4. Transportation

- a) A sidewalk shall be constructed along the portion of Jefferson Street adjacent to the project. The minimum width of the sidewalk shall be 6-ft. if located adjacent to the curb or 5-ft. if a minimum 2-ft. wide landscaped buffer is provided from the curb. A sidewalk and City Services easement for the entire width of the sidewalk shall be dedicated at the time of platting or permitting.
- b) An ADA compliant sidewalk ramp is required at the corner of Westmoreland Drive and Jefferson Street.

- 181
182 c) All existing driveways that will be abandoned shall be removed and the curb,
183 parkway, and sidewalk shall be restored.
184
185 d) The proposed driveway shall be constructed to meet the design requirements of
186 the Orlando City Code and the City of Orlando Engineering Standards Manual.
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188 e) Parking shall be a minimum of twenty-two parking spaces (including one
189 handicap accessible parking space). Additionally, two bicycle racks that can
190 accommodate a total of ten bicycles shall be provided.
191

192 **5. Landscaping**

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194 a) *Landscaping.* A landscaping plan for the project is subject to the review and
195 approval by the planning official, or designee, prior to the issuance of any
196 building permit for the proposed work. A spreadsheet showing compliance with
197 the Minimum Required Landscape Score must be included with the landscape
198 plan. The Property must be developed and maintained in accordance with the
199 final approved landscaping plans. Subject to any modifications expressly
200 contained in the text of this ordinance, development and maintenance of the
201 Property must be consistent with the landscaping plan attached to this ordinance
202 as **Exhibit “D”** (hereinafter the “Landscaping Plan”), and the following:
203
204 i) All landscaping must meet or exceed the minimum landscaping requirements
205 of the current Orlando City Code.
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207 ii) The irrigation system must meet the requirements of the current Orlando City
208 Code.
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210 iii) Detention ponds on the property must be landscaped with drought tolerant,
211 native plantings that can tolerate periodic moist conditions.
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213 iv) A 4-ft. tall vine covered lattice screen will be used to screen the air
214 conditioning units.
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216 v) Trees shall be selected and placed to enhance the pedestrian experience
217 along all street frontages. Required street trees shall be spaced according to
218 species type and in accordance with the requirements of the Orlando City
219 Code. Street landscaping standards shall be met at the time of permitting.
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221 **6. Lighting**

- 222
223 a) All requirements of Chapter 63.100, Orlando City Code shall be met at the time
224 of permitting.
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226 b) All utilities, including street light poles shall be kept out of the pedestrian path.

227
228 c) Light-emitting diode (LED) lamps are encouraged.

229
230 **7. Wastewater** - Construction plans shall depict all private and public mains to be
231 connected to serve the project. Sanitary sewer shall be constructed to convey
232 flow to the existing sewer main on North Westmoreland Drive via a new main line
233 on West Jefferson Street at no cost to the City.

234
235 **8. Dumpsters** - The final site plan shall show the location and size of the on-site
236 solid waste compactor(s)/dumpsters with concrete pads, and enclosures with
237 doors. The solid waste container(s) shall not be located directly adjacent to any
238 single family houses or directly adjacent to the public street and must have a
239 minimum opening of 12-ft. wide and a clear depth of 10-ft. forward of any bollards
240 within the dumpster enclosure. Dumpsters shall be located to provide a
241 minimum 50-ft. of clear backup space and constructed per the requirements of
242 the City of Orlando Engineering Standards Manual, or the Refuse Collection
243 Bureau Staff may approve the use of commercial hand pick-up of refuse from
244 any non-residential entity. If curb pick-up is utilized, the dumpster shall not block
245 the sidewalk or roadway. All dumpsters and trash compactors shall be screened
246 with solid walls to match the principal structure. Decorative gates shall be
247 installed to coordinate with the principal structure. Landscape screen including
248 low hedge and groundcover is recommended to soften the view from the public
249 right of way.

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251 **9. Other Site Improvements**

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253 a) Stairwells should be constructed of an open design (not behind solid walls), and
254 the staircase design should allow for visibility.

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256 b) Bicycle parking should be observable from entrances, well-lit, securely fastened,
257 and not hidden behind landscaping or sheer walls and should not impede
258 pedestrian movement.

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260 c) All air conditioners, compressors, electrical equipment and other equipment shall
261 be screened from the street and public pathways by low walls, hedges, or other
262 decorative fences and may not exceed 4-ft. above grade.

263
264 **SECTION 5. DISCLAIMER.** In accordance with Section 166.033(5), Florida
265 Statutes, the issuance of this development permit does not in any way create any right on
266 the part of the applicant to obtain a permit from a state or federal agency, and does not
267 create any liability on the part of the City for issuance of this permit if the applicant fails to
268 obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or
269 undertakes actions that result in a violation of state or federal law. All other applicable

270 state or federal permits must be obtained before commencement of the development
271 authorized by this development permit.

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273 **SECTION 6. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
274 errors found in this ordinance by filing a corrected copy of this ordinance with the city
275 clerk.

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277 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its
278 application to any person or circumstance is held invalid, the invalidity does not affect
279 other provisions or applications of this ordinance which can be given effect without the
280 invalid provision or application, and to this end the provisions of this ordinance are
281 severable.

282
283 **SECTION 8. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

284
285 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
286 Florida, at a regular meeting, this _____ day of _____, 2016.

287
288 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
289 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
290 of _____, 2016.

291
292 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
293 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City
294 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
295 _____, 2016.

296
297 BY THE MAYOR OF THE CITY OF
298 ORLANDO, FLORIDA:

299
300
301 _____
302 Mayor

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305
306 ATTEST, BY THE CLERK OF THE
307 CITY COUNCIL OF THE CITY OF
308 ORLANDO, FLORIDA:

309
310 _____
311 City Clerk

312
313 _____
314 Print Name

315
316
317

ORDINANCE NO. 2016-72

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

321

322

323 _____
City Attorney

324

325

326 _____
Print Name

327

328

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