

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, REZONING CERTAIN LAND**
3 **GENERALLY LOCATED SOUTH OF SR 528, EAST OF**
4 **SR 417 AND NORTH OF WEWAHOOTTEE ROAD, AND**
5 **COMPRISED OF 2,558.63 ACRES OF LAND, MORE OR**
6 **LESS, DESIGNATING THE PROPERTY AS THE**
7 **PLANNED DEVELOPMENT DISTRICT ON THE CITY'S**
8 **OFFICIAL ZONING MAPS; PROVIDING FOR A**
9 **DEVELOPMENT PLAN, A PHASING PLAN, A TRIP**
10 **EQUIVALENCY MATRIX, ROADWAY CROSS SECTIONS**
11 **AND SPECIAL LAND DEVELOPMENT REGULATIONS**
12 **OF THE PLANNED DEVELOPMENT DISTRICT;**
13 **PROVIDING FOR SEVERABILITY, CORRECTION OF**
14 **SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND**
15 **AN EFFECTIVE DATE.**

16
17 **WHEREAS**, at its regularly scheduled meeting of November 17, 2015, the
18 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),
19 considered zoning application case number ZON2015-00033, requesting the Planned
20 Development zoning district designation for approximately 2,558.63 acres of land,
21 generally located south of SR 528, east of SR 417, and north of Wewahoottee Road and
22 more precisely described by the legal description attached to this ordinance as **Exhibit**
23 **"A"** (hereinafter the "Property"); and
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25 **WHEREAS**, based upon the evidence presented to the MPB including the
26 information and analysis contained in the "Staff Report to the Municipal Planning Board"
27 for application case number ZON2015-00033 (entitled "Item #12-Starwood Annexation"),
28 and hereinafter referred to as the Staff Report and subject to certain conditions, the MPB
29 recommended that the City Council of the City of Orlando, Florida (the "Orlando City
30 Council") approve said zoning application and adopt an ordinance in accordance
31 therewith; and
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33 **WHEREAS**, zoning application case number ZON2015-00033 is requesting the
34 Planned Development zoning district designation for the purpose of permitting the
35 phased development of a mixed-use community of up to 6,400 residential units (of which
36 2,000 units are multifamily), 145,000 square feet of office space, 150,000 square feet of
37 retail space and 145,000 square feet of industrial space (the "Project"); and
38

39 **WHEREAS**, as used herein the terms "Property Owner" or "Owner" means
40 Carlsbad Orlando, LLC and any successor in title to the Property, or portion thereof,
41 including any duly formed homeowners' association or Community Development District
42 ("CDD").
43

44 **WHEREAS**, the MPB found that the Project is consistent with the City's adopted
45 Growth Management Plan (the "GMP") including the applicable goals, objectives, and
46 policies associated with the Property's then-proposed Future Land Use Map

47 designations of Office Low Intensity, Community Activity Center, Industrial and
48 Conservation and the then-proposed Subarea Policy S.40.8; and

49
50 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
51 with the intent and purpose of the planned development district zoning designation as
52 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando
53 City Code”); and

54
55 **WHEREAS**, the Orlando City Council hereby finds that the Project and this
56 ordinance is in the best interest of the public health, safety, and welfare, and is
57 consistent with the applicable provisions of the City’s GMP, including the applicable
58 goals, objectives, and policies associated with the Property’s Future Land Use Map
59 designations of Office Low Intensity, Community Activity Center, Industrial, and
60 Conservation, and Subarea Policy S.40.8; and

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

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65 **SECTION 1. ZONING.** After due notice and public hearing, and pursuant to part
66 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City
67 Code, the Property is hereby designated as Planned Development district on the City’s
68 official zoning maps (to be denoted as “PD” on the official maps of the City), as depicted
69 in **Exhibit “B”** to this ordinance. This planned development zoning district may be
70 known as the “Starwood Planned Development.”

71
72 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
73 58.367, Orlando City Code, except as expressly provided in this ordinance, the
74 Starwood Planned Development zoning district remains subject to all applicable federal,
75 state, and local laws, and nothing in this ordinance shall be construed to exempt the
76 Property from the lawful authority or jurisdiction of any federal, state, or local agency.
77 Approval by the City of an SPMP (as hereinafter defined), engineering plans, plats, or
78 building permits is evidence that the applicable plan is compliant with the this ordinance
79 and all applicable City codes.

80
81 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
82 otherwise by this ordinance, the Property shall be governed by the land development
83 regulations of the R-3A Low Intensity Development District (denoted as “R-3A” on the
84 official maps of the City) for residential development less than 12 du/acre, O-1 Office
85 and Residential District (denoted as “O-1” on the official maps of the City) for residential
86 greater than 12 du/acre, AC-1 Community Activity Center District (denoted as “AC-1” on
87 the official maps of the City) for the Community Activity Center Future Land Use
88 designation area, and I-P Industrial Park District (denoted as “I-P” on the official maps of
89 the City) for the Industrial Future Land Use designation area.

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91 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
 92 Development zoning district for the Property is subject to the following special
 93 land development regulations:

94
 95 **1) Land Development**

- 96
 97 a) *Development Plan.* Subject to any modifications expressly contained in the text
 98 of this ordinance, development and maintenance of the Property must be
 99 consistent with the Development Plan attached to this ordinance as **Exhibit C**
 100 (hereinafter the “Development Plan”). In the event of a conflict between the text
 101 of this ordinance and the Development Plan, the text of this ordinance shall
 102 control. References in this ordinance to lots, parcels, buildings, phases, and
 103 other development features refer to such features as identified on the
 104 Development Plan.
 105
- 106 b) *Variances and modifications.* Zoning variances and modification of standards
 107 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,
 108 Chapter 65, Orlando City Code, respectively. The planning official may also
 109 approve minor modifications and design modifications to signs, landscaping,
 110 driveway locations and other minor changes. Additionally, recognizing that
 111 development plans can change in small ways between the planning and
 112 permitting stages of development, the planning official may approve up to a 10%
 113 modification of any applicable numerical development standard if the planning
 114 official finds that the proposed modification is consistent with the applicable
 115 goals, objectives, and policies of the GMP, is compatible with nearby existing
 116 land uses, would not result in inadequate public facilities, and is otherwise
 117 consistent with the public health, safety, and welfare. When approving such a
 118 modification of a development standard, the planning official may impose one or
 119 more of the conditions of development provided at section 65.334, Orlando City
 120 Code, but such condition or conditions must be reasonably calculated to mitigate
 121 the identifiable land use impacts of the modified standard.
 122
- 123 c) *Phasing.* The Property may be developed in multiple phases, but if developed in
 124 multiple phases, each phase must be developed in a manner that allows the
 125 individual phases to function independently of each other. The purpose of this
 126 requirement is to ensure that the first phase, and each subsequent phase, can
 127 fully function and operate as intended by the Development Plan in the event that
 128 subsequent phases are delayed or abandoned. The phasing shall be generally
 129 consistent with **Exhibit D**.
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- 131 d) *Consistency with the GMP.* Development and use of the Property must be
 132 consistent with all applicable goals, objectives, policies, and strategies of the
 133 GMP, including without limitation Subarea Policy S.40.8. All applicable goals,
 134 objectives, policies, and strategies of the GMP, including without limitation

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Subarea Policy S.40.8 are hereby incorporated into this ordinance as special land development regulations of the Starwood Planned Development zoning district.

- e) *SPMP approval required.* All development on the Property is subject to review and approval by specific parcel master plan ("SPMP") to the Municipal Planning Board prior to the issuance of building permits.

- f) *Maximum development program.* Development on the Property may not exceed 4,400 single family residential units, 2,000 multifamily units, 145,000 sq. feet of office space, 150,000 sq. feet of retail space, and 145,000 sq. feet of industrial use. The trip equivalency matrix, **Exhibit E**, may be used to increase or decrease a land use category by up to 20% of the approved land use program. Any use of the trip equivalency matrix shall be included in an SPMP application identified in section (e) above. Any increase in residential units is subject to review and approval of school capacity enhancement and school concurrency.
 - i) Eating and drinking establishments are permitted as an accessory use to the community centers that are located within the Residential or Multifamily areas of the PD Plan.

- g) *Prohibited uses.*
 - i) Labor pools and labor halls as defined by Chapter 448, Florida Statutes.

 - ii) Any business in which a material part of its service includes loans secured by vehicle titles (often known as "car-title loans"), but not including financial institutions such as banks, credit unions, trust companies, consumer finance, and retail installment lenders.

 - iii) Any business commonly known as "check cashing" establishment, or any business in which a material part of its service includes offering loans secured by future employment wages or other compensation (often known as "payday loans," or "pay day advances"), but not including retail businesses which provide a check cashing service as an incidental part of their business and financial institutions such as banks, credit unions, and trust companies.

 - iv) Tattoo, body art, and body piercing establishments.

 - v) Pawnshops, as defined by the Florida Pawnbroking Act.

 - vi) Bail bond agencies, as defined by Chapter 648, Florida Statutes.

 - vii) Automobile sales and rentals.

 - viii) Massage parlors.

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- ix) Fortune tellers, tarot card readers, palm readers, psychics, and like establishments.
- x) Bottle clubs, as defined by the Florida Beverage Law.
- xi) Parking as a principle use.
- xii) Service, intensive.
- h) *Connectivity index requirements.* In accordance with section 61.221(e), development shall provide a minimum connectivity ratio of 1.4 (links over nodes), where each street and cul-de-sac is counted as one link, and each intersection and end of a cul-de-sac is counted as one node. Alleys count as a street for the purposes of this evaluation. This evaluation shall be done at the overall project level; however, the analysis shall be done at each SPMP stage to ensure this condition is met at the overall project level. The connectivity index must be met to the greatest extent possible. Site constraints will be taken into consideration when this evaluation is conducted.
- i) *UXO conditions.* Development restrictions related to the Property's location within the former Pine Castle Jeep Range have been terminated as noted below. There are no further requirements, conditions or restrictions regarding development of the Property based on its inclusion in the former Pinycastle Jeep Range.
 - i) The Agreement Regarding Site Investigation and Potential Remediation dated June 18, 2008, and recorded July 2, 2008, in OR Book 9722, Page 3947, of the Public Records of Orange County, Florida was terminated by that certain Termination executed by Orange County, Florida and Carlsbad Orlando, LLC, dated February 9, 2016, and recorded on May 3, 2016, as Instrument # 20160224139, of the Public Records of Orange County, Florida.
 - ii) The Release/Waiver Agreement (RWA 08-002) (Starwood) recorded on July 23, 2008, in Official Records Book 9735, Page 3618, of the Public Records of Orange County, Florida, was terminated by that certain School Mitigation Agreement for Capacity Enhancement executed by Orange County Public Schools and Carlsbad Orlando, LLC, dated _____, 2016, and recorded on _____ as Document # _____ in the Public Records of Orange County, Florida.
- j) *UXO Agreement.* Prior to any building permit issuance, a record of the termination or satisfaction of the UXO agreement must be transmitted to the City.
- k) *Stormwater ponds.* Stormwater ponds shall be treated as an amenity.

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- l) *Maximum block size.* The development shall provide a local street connection spaced at intervals not to exceed 660 feet along each boundary that abuts land that may be developed or redeveloped. On each boundary of less than 660 feet, a vehicular and pedestrian cross-access easement shall be dedicated to the City to create a network of driveways that connect to a side street. The maximum block size must be met to the greatest extent possible. Site constraints will be taken into consideration when this evaluation is conducted.

- a) *Location of traffic signals.* The locations of proposed traffic signals on all streets shall be reviewed and approved by the City Transportation Engineering Department. The design and construction shall be the responsibility of the Property Owner and Traffic Impact fees shall not be utilized for any signalization needs, except as detailed in the Starwood Development Agreement between the City of Orlando and Carlsbad Orlando, LLC (City Document # _____), and as recorded as Document # _____), as recorded in the Public Records of Orange County, Florida.

- b) *Fiber optic conduit.* At the time of construction, each segment of the primary roads shown in the PD shall include fiber optic conduits for signalization. The type and size shall be reviewed and approved by the City Transportation Engineering Department.

- c) *Parking to serve the Discovery Center and Trail Head Station.* The parking to serve the Discovery Center, Trail Head Station and Model Home Neighborhood, and the proposed Trail Head Station is permitted to be on a separate parcel from the Discovery Center building.

- d) A properly marked crosswalk shall be provided between the parking lot and the community center if they are on opposite sides of the street. The designated area that will have restricted parking will be outside of the right-of-way. The parking area shall meet the landscaping requirements of the City's Land Development Code ("LDC").

2) Residential Development Standards

- a) All residential construction shall be in compliance with the applicable Orange County Public School Capacity Enhancement Agreement(s), as it or they may be amended from time to time.

- b) Lot sizes and building designs should be varied to avoid a monotonous streetscape. The following standards apply to single family detached, duplex and townhome dwellings:

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- i) If one hundred or more units of the same building type are proposed, at least four distinct models with at least three alternate elevations for each such model must be provided.
- ii) If less than one hundred units of the same building type are proposed, at least three distinct models with at least three alternate elevations for each such model must be provided.
- iii) Identical single family homes may not neighbor each other and may not face each other from across the street unless at least three of the following architectural elements are varied from each other:
 - (1) Roof style.
 - (2) Exterior color and material.
 - (3) Architectural banding, trim, or cornice detail.
 - (4) Window trim, the number of mullions or muntins, or shutters.
 - (5) A covered entryway or front porch design.
- iv) All townhome units in the PD shall be rear-loaded and accessed by an alley. Alleys are required for detached single family where the lot width is less than fifty feet. The MPB shall have the authority to approve an alternate standard where a wetland or other site limitation creates a need for a limited number of front loaded lots less than 50 feet wide.
- c) Typical residential development standards are provided in the table below. Actual dimensions for each lot and product type shall be established during SPMP review.

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Table 1: Residential Development Standards									
Product Type	Minimum Lot Width (1)	Minimum Lot Depth	Minimum Street Frontage (2)	Front Yard Setback	Rear Yard Setback (3)	Side Yard Setback	Street Side Yard Setback (6)	Maximum Building Height - Stories (4)	Maximum ISR
Single Family Detached Front Load	50 ft.	100 ft.	25 ft.	16 ft. (5) (6)	15 ft.	5 ft.	15 ft.	3 stories	70%
Single Family Detached Rear Load	30 ft.	100 ft.	25 ft.	16 ft. (6)	5 ft. or greater than 16 ft. (8) (9)	5 ft. (11)	15 ft.	3 stories	70%
Duplex Rear Load	25 ft.	100 ft.	25 ft.	16 ft. (6)	5 ft. or greater than 16 ft. (8) (9)	5 ft. / 0 ft. for shared wall	15 ft.	3 stories	75%
Townhome Rear Load	18 ft.	80 ft.	18 ft.	16 ft. (6)	5 ft. or greater than 16 ft. (8) (9)	0 ft. (7)	15 ft.	3 stories	90%
Multi-Family/ Condo	varies	varies	25 ft.	20 ft. maximum	varies, establish in SPMP	varies, establish in SPMP	15 ft. maximum	5 stories	75%

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Table Notes:

1. Corner lots shall be ten feet wider than the rest of the lots on the block to accommodate the street side yard setback. However, porches are allowed to encroach into this additional ten ft.
2. Flag lots are prohibited.
3. Rear yard building and accessory building setback for lots abutting wetland conservation areas shall be fifteen feet This building setback does not include accessory uses such as pools, pool enclosures/screens, patios, decks. The setback for these accessory uses shall be a minimum of five feet from the rear lot line.
4. Story is defined as that portion of a building included between the surface of any finished floor and the surface of the next finished floor above it, or if there is no floor above it, then the space between such floor and ceiling next above it, unless such space is less than 5.5 feet in height. Wherever the height between two finished floors (or finished floor and ceiling) exceeds twenty-five feet, each height of fifteen feet or portion greater than 5.5 feet thereof will be considered one story.
5. The garage of front-loaded units shall have a minimum setback of twenty feet from the right-of-way and shall not project in front of the front façade.
6. Open air front porches may encroach up to six feet into the front yard setback and street side setback, provided that the porch has a useable floor depth of at least six feet free of columns and other obstructions.
7. Minimum side yard setback for townhome end units shall be five feet.
8. Rear yard setback for detached accessory garage shall be five feet off an alley.
9. Rear yard fence setback is five feet off an alley.

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- 338 10. A small number of forty-five feet front loaded lots may be approved in an SPMP
339 in limited locations where a typical fifty feet lot does not fit.
340 11. May be reduced to four feet for lots less than thirty-five feet wide.
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342 d) The façade(s) facing the front yard, street side yard, alley side yard and/or open
343 space tract must be at least 15% transparent for each story below the roofline.
344 Authenticity of window scale or style shall be appropriate for the style of house and
345 taken into consideration for this evaluation.
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347 e) The architectural details and exterior finish materials for units on corner lots, alley
348 corner lots or open space facing lots must be similar on the front and the entire
349 street-side, alley side, or open space facing elevations.
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351 f) Building foundations for the front façade must be elevated at least eighteen inches
352 above the finished sidewalk grade by incorporating either a raised concrete pad or
353 a raised wood joist floor with perimeter foundation.
354
355 g) Front doors must face the street. Rear-loaded units must have direct pedestrian
356 walkway access to the sidewalk, and the walkway must be at least three feet wide.
357 Front-loaded units must have pedestrian access from the front door to the sidewalk
358 or the driveway.
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360 h) Front-loaded garages may not comprise more than 50% of the building's linear
361 front façade based on the interior width of the garage.
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363 i) For front-loaded garages, single garage doors may not exceed sixteen feet in
364 width. If the garage opening is wider than sixteen feet, the garage must have two
365 distinct doors separated by a post at least one foot in width. Three-wide garage
366 bays with doors are prohibited on front-loaded lots.
367
368 j) Driveways for front-loaded lots may not exceed eighteen feet wide at the street
369 right-of-way (a.k.a. the throat). Driveways may be widened to a maximum width of
370 twenty feet as measured five feet back from the property line.
371
372 k) For corner-lots on rear-loaded blocks, a three foot tall continuous shrub hedge or
373 street wall must run from the front façade of the lot's building to the rear setback
374 line. The purpose of this requirement is to shield parked cars in rear-loaded
375 driveways from the view of the side street. The hedge or wall shall be delineated
376 on the site plan of the building permit application package.
377
378 l) Privacy fencing and Crime Prevention Through Environmental Design ("CPTED")
379 compliant fencing are both permitted in rear yards. Chain-link fences are
380 prohibited.
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- 382 m) The principal facades of townhomes must exhibit a variety of architectural details,
383 including without limitation, window banding, wainscot, and variable porch designs
384 and columns, color schemes, and rooflines.
385
- 386 n) Gating of private streets for single family and townhome residential development
387 is allowed for, subject to compliance with Orlando Fire Department requirements.
388 A maximum of 20% of single family and townhome units may be gated (1,280 units
389 total for the PD).
390
- 391 o) Mechanical equipment for residential units may not be located in the front or street
392 side yard of a unit and must meet the following additional standards:
393
- 394 i) Mechanical equipment may not be located any closer than forty feet from the front
395 property line.
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- 397 ii) Mechanical equipment for residential units with a side yard setback of less than
398 five feet shall be located in the rear yard of the lot.
399
- 400 iii) Mechanical equipment and associated screening should be shown on the parcel
401 site plan.
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- 403 iv) All other aspects of the LDC for mechanical equipment (Ch. 58, Part 5B (18)) shall
404 apply.
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- 406 p) Multifamily building elevations must conform to the following minimum
407 requirements:
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- 409 i) The façade(s) facing the front yard, street side yard, alley side yard and/or open
410 space must be at least 15% transparent for each story below the roofline.
411
- 412 ii) The architectural details and exterior finish materials for units on corner lots, alley
413 side or open space facing units must be similar on the front, or entire street-side,
414 alley side or open space facing elevations. Common architectural features shall be
415 included on all four sides of the building.
416
- 417 iii) For corner lots on rear-loaded blocks, a three foot tall continuous shrub hedge or
418 street wall must run from the front façade of the lot's building to the rear alley. The
419 purpose of this requirement is to shield parked cars in rear-loaded driveways from
420 the view of the side street. The hedge or wall shall be delineated on the site plan
421 of the building permit application package.
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- 423 iv) Primary pedestrian entrances to multifamily buildings must face a street or mews
424 and be clearly expressed, or framed by a substantial sheltering element such as
425 an arcade, porch, or portico.

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- v) Pool pumps and heating units, air conditioning compressors, and natural gas tanks must be screened from adjacent rights-of-way and parking lots with an opaque fence or a continuous and effective vegetative buffer of height sufficient to completely camouflage the equipment. The hedge or wall shall be delineated on the site plan of the building permit application package.
- vi) Parking must be located on-street or to the side or rear of buildings. Parking and vehicular use areas are prohibited within front and street side yard setbacks.
- vii) Minimum parking requirements may be accommodated with nearby on-street parking if approved by the City during SPMP review.
- viii) The maximum building setback on the primary street frontage shall be twenty feet. An additional setback for a plaza area, outdoor eating space, or other pedestrian-oriented outdoor space may be permitted as part of the SPMP.
- ix) The minimum building frontage on the primary street shall be 65% of the lot frontage.
- x) If a parking garage is proposed facing a street, it must be lined with active uses, including residential, office or retail space, along the primary and secondary street frontages.

3) Commercial, Office and Mixed Use Development Standards.

- a) Building setbacks, height limits, impervious surface area requirements and other development standards not identified in this PD shall default to the underlying zoning.
- b) Lighting:
 - i) Parking areas:
 - (1) A light fixture shall be a maximum of thirty feet in height.
 - (2) A light fixture shall not be located in the landscape island.
 - (3) To keep light rays and glare from encroaching onto adjacent properties, illumination shall be installed with house side shields and reflectors to confine the light rays to the premises. Wattage shall not exceed 400 watts per bulb.
 - ii) Security Lighting:

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- (1) Security lighting shall not be substituted for parking lot or pedestrian lighting fixtures, and are restricted to lighting service, storage, loading and other similar uses.
 - (2) Security lighting shall not extend beyond the fascia or roofline of any building.
 - (3) Shields for security lighting shall be similar in color with the surface to which the fixture is attached.
- iii) Service areas: Lighting under awnings, canopies, porte-cocheres, should be recessed. If not recessed, the box type or other lighting fixture shall be opaque on all sides (no light shall emanate from any side of the fixture).
- iv) Pedestrian Areas: Lighting fixtures shall be decorative in appearance, style and finish and shall not exceed fifteen feet in height.
- v) Parking Garage Lighting:
- (1) For color renditions and security purposes, all parking garages shall have interior lighting that is metal halide or better (color rendition range).
 - (2) All parking garage lighting shall not exceed twenty feet above the top level and shall be shielded, and designed to minimize light spillover at the edge of the garage.
- c) Landscaping shall meet the requirements of LDC Chapter 60. Landscaping themes should be consistent throughout the PD. Common area and open space landscape plans shall be included in each SPMP.
- d) Bufferyards shall meet the requirements of LDC Chapter 60.
- e) Front door orientation toward the street is required. At least one public pedestrian entrance of all principal structures shall be oriented toward the primary street. Vehicular openings such as those for garages and carports shall not constitute public entrances.
- f) Pedestrian connections from the building to the street are required. Direct pedestrian access shall be provided from the principal entrance of the building to the sidewalk on the closest public right-of-way. Pedestrian access shall be provided from the rear parking facilities to the ground floor uses, either through rear building entrances, pedestrian ways along the perimeter of buildings, or by pedestrian thoroughways which connect the rear parking lots to the sidewalks along

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- 514 the front street. Pedestrian throughways may be exterior and located between
515 buildings or may be incorporated into the interior design of a structure. Pedestrian
516 throughways shall be a minimum of five feet wide.
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- 518 g) Drive-throughs are permitted at the rear or interior side of the principal structure.
519 Drive-through windows facing the primary street are not permitted.
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- 521 h) Screening of mechanical equipment shall be provided consistent with LDC Section
522 58.982.
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- 524 i) Screening of dumpsters and loading areas is required. Service areas and
525 dumpster enclosures must incorporate architectural materials and design details
526 similar to the principal buildings. Service areas shall have gates or screens that
527 shield the areas from view when not in use. Design of gates shall be solid and
528 have architectural interest to complement the building. Screen walls shall conceal
529 the trailers when parked at a loading bay.
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- 531 j) SPMPs on commercial and community parcels should consider including vehicular
532 access to the adjacent residential parcels and provide logical transition in scale
533 and massing from commercial or mixed uses to residential areas.
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- 535 k) The following requirements apply to all commercial, office and mixed development.
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- 537 i) The maximum building setback on the primary street frontage shall be twenty feet.
538 An additional setback for a plaza area, outdoor dining areas, or other pedestrian-
539 oriented outdoor space may be permitted as part of the SPMP.
540
- 541 ii) Vehicular use areas are prohibited between the building and the primary street
542 frontage.
543
- 544 iii) Parking areas shall be located to the side or rear of the building.
545
- 546 iv) The minimum building frontage on the primary street shall be 65% of the lot
547 frontage.
548
- 549 v) Common architectural features shall be included on the front, sides and rear [if
550 visible from an adjacent street] of the building.
551
- 552 vi) Transparency. The ground floor building wall shall contain a minimum of 30% of
553 transparent materials facing the primary street, and 15% of transparent materials
554 facing any secondary streets. The transparent area shall be located between three
555 and seven feet measured from ground level. Clear glass (or Low-E with minimum
556 60% transmittance) will count toward transparency. Reflective glass, spandrel
557 glass, and glass block are not permitted as transparent materials. Transparent

558 materials on walls not parallel or approximately parallel to the street and on doors
559 shall not be counted toward the minimum transparency requirement.

560
561 vii) Drive-throughs shall be built internal to the building, in a parking garage, or at the
562 rear of the building and screened from the street.

563
564 viii) At least 51% of the ground floor of the building's primary street frontage shall be
565 occupied with active uses including light retail, eating and drinking, and other uses
566 as approved in an SPMP. Parking garages do not count toward the active use
567 area.

568
569 **4) Commercial Area Accessory Structures**

570
571 a) The following standards for walls and fences apply to community, commercial, and
572 mixed use areas and are not applicable to single family or townhome lots.

573
574 b) Walls and fences must be made of masonry, brick, stone, wrought iron, simulated
575 wrought iron, aluminum, synthetic wood, or other durable material. Chain-link,
576 PVC, and wood stockade fences are prohibited.

577
578 c) Except for walls and fences at least 75% transparent, walls and fences thirty-five
579 feet or longer must have columns, pilasters, or offsets at least every thirty-five feet.

580
581 d) Signs on the Property must comply with the City's generally applicable sign code,
582 and the following:

583
584 i) A Master Sign Plan for multi-tenant commercial areas must be approved by the
585 planning official prior to the issuance of the first sign permit for the commercial
586 area.

587
588 ii) Offsite signs are prohibited.

589
590 iii) Pole signs are prohibited.

591
592 iv) Monument signs shall not exceed twelve feet in height.

593
594 v) Wayfinding and site identification signage for the entire project is allowed subject
595 to approval of a SPMP. Individual tenant signage shall conform to the design
596 principles established in the master sign plan.

597
598 **5) Agricultural Uses**

599
600 a) Existing agricultural uses may remain or be expanded within the PD and are
601 considered legally non-conforming uses.

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- i) Such uses are exempt from the requirement to clear weeds from the Property as described in Section 30A, Article V of the City Code.
- ii) Fences, including barbed wire, chain link, plain wire, mesh or other types of fencing (except razor wire), may be maintained, replaced, or relocated as needed to facilitate such uses.

6) Transportation

- a) *Dowden Road Naming.* To best serve Emergency Services providers and avoid confusion for the general public, the name for the primary road traversing the development shall be “Dowden Road” for the entire length to the newly established eastern City Limit.
- b) *Dowden Road and Starwood North/South Connector Road.* All aspects of right-of-way dedication, design, funding and construction of Dowden Road (f.k.a. Innovation Way North) and the Starwood North-South Connector road shall proceed as detailed in the VISTA EAST 2.0 Memorandum of Terms between the City of Orlando, Carlsbad Orlando, LLC, and other parties (Doc. #150727C11).
- c) *Roadway Cross Sections.* Typical cross sections for all public and private roadways shall follow the agreed upon dimensions and locations as shown in **Exhibit F**. The City reserves the right, through coordination with the applicant, to adjust framework streets shown on the Planned Development in order to provide better overall network connectivity. Street cross sections shall be included in SPMP applications for review and approval by the City. Street cross sections shown on the Planned Development may be adjusted as part of SPMP approval to provide a design more consistent with the needs of the both the future residents of the development and the needs of the City. This would include the addition of interior network roads.
 - i) Sidewalks adjacent to on street parking or traveled ways shall be a minimum of six feet wide. All others shall be a minimum of five feet wide.
 - ii) Where bike lanes are used, they shall be constructed on both sides of the street whether a multi-use trail is present or not.
 - iii) On street parking on collector roads and any marked parking lane shall be a minimum width of eight feet.
 - iv) Unmarked on street parking on local streets shall be a minimum width of seven feet.

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- 645 v) A maximum of one foot of the gutter pan may be used as part of any parking lane
646 width.
647
- 648 vi) The traveled way width shall not include any portion of the gutter pan.
649
- 650 vii) For two way alleys – a minimum asphalt width of eighteen feet with a one foot
651 ribbon curb on each side on a twenty-six foot wide tract.
652
- 653 viii) For one way alleys – a minimum asphalt width of twelve feet with at least six inches
654 of ribbon curb on each side on a twenty foot wide tract.
655
- 656 ix) Alleyways either accessing parcels that do not have street frontage or that are
657 used for fire access shall have a minimum asphalt width of eighteen feet with a
658 one foot ribbon curb on each side on a twenty-six foot wide tract.
659
- 660 x) The alleys shall be privately owned and maintained and shall be designated as
661 such on all plats.
662
- 663 xi) On alleys, the five foot building setbacks shall be kept clear of obstructions (i.e.
664 fences, landscaping, etc.) between two feet and eight feet above the roadway.
665
- 666 xii) The parkway strip on all road cross sections must be a minimum of seven feet in
667 width.
668
- 669 d) *Vesting of External Trips.* Vested rights for external trips generated by Starwood,
670 shall follow the agreements established in the Starwood Development Agreement
671 between the City of Orlando and Carlsbad Orlando, LLC, (City Doc. # _____),
672 as recorded in the Public Records of Orange County, Florida.
673
- 674 e) *Street Network.* With the exceptions of Dowden Road and the North/South
675 Connector Road described above, the Property Owner or CDD shall fully fund the
676 design, permitting, and construction of all required collector and local streets in the
677 development. This applies to streets regardless of whether they are to be
678 designated and maintained as public or private streets and includes any
679 signalization as required and approved by the City that is not an intersection with
680 Dowden Road or the North/South Connector Road.
681
- 682 i) All streets and alleys, whether public or private, shall conform with all aspects of
683 City Code and the Engineering Standards Manual in effect at the time of permitting.
684
- 685 ii) The design of all streets shall conform to the City's adopted Complete Streets
686 policy, provided in the GMP Transportation Element Objectives 1.33 to 1.36 and
687 associated policies.
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- iii) At wetland crossings, the parkway strip may be eliminated and trails or sidewalks constructed on the back-of-curb to minimize wetland impacts.
 - iv) An interconnected network of collector streets shall be constructed according to the general alignments shown in the PD Development Plan. Final alignment of all collector streets shall be approved by the City.
 - (1) The timing of the construction of specific segments shall provide, as nearly as possible, at least two access points to each occupied neighborhood, including gated neighborhoods. Final access shall be determined at the time of SPMP.
 - (2) Where applicable, the rights-of-way for the collector street network shall be extended to the boundary limits of properties within this PD. If the adjoining property is not developed at the time of construction of the collector street, the street shall be terminated in a ninety foot diameter turn-around or at the intersection of a local street.
 - (3) Recordation of major subdivision plats which convey the right-of-way or easements required for collector streets needed to access the City's Major Thoroughfare network shall be accomplished prior to the issuance of any Certificates of Occupancy for any parcels served by such collector streets.
 - (4) Cul-de-sac streets are allowed in the Starwood PD. Any one cul-de-sac street must not be comprised of more than thirty residential units. However, due to the site constraints and wetlands, an alternative standard may be proposed and approved as part of an SPMP.
 - v) Any public or private streets and alleys not included on the PD Development Plan shall be designated as Local streets.
 - vi) All public roadways shall be designed to a minimum 30 mph. Any deviation from this design criteria shall take into account limitations in roadway geometry, sight line requirements as determined by the Florida Greenbook and on-street parking. All variations shall be subject to review by the City Transportation Engineer. Approval of design variations shall be at the discretion of the City Transportation Engineer.
 - f) *Multi-Use Trail Network.* Multi-Use Trails shall be provided consistent with the PD Development Plan. With the exceptions of the multi-use trails along Dowden Road and the North/South Connector Road described above, the Owner or a CDD shall fully fund the design, permitting, and construction of all required multi-use trails in the development. This applies to trails regardless of whether they are to be designated and maintained as public or private facilities.

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- i) Multi-use or bike trails paralleling Dowden Road or the North South Connector Road shall be a minimum width of eleven feet of asphalt and shall have six inch wide concrete ribbon curbs and eighteen inches of unobstructed sod on both sides of the pavement. Alternatively, the entire trail may be constructed of concrete at a minimum width of twelve feet with two feet of unobstructed sod on both sides of the pavement. Trail width and materials may be reduced where crossing wetlands or at other locations necessitated by surrounding impediments.
- ii) Multi-use or bike trails paralleling the roads constructed to the cross section “B-B” or in any other locations where credit toward the neighborhood parks level of service is granted (see part 7.c. below), shall be a minimum width of nine feet of asphalt and shall have six inch wide concrete ribbon curbs and eighteen inches of unobstructed sod on both sides of the pavement. Alternatively, the entire trail may be constructed of concrete at a minimum width of ten feet with two feet of unobstructed sod on both sides of the pavement.
- iii) Multi-use or bike trails in other areas of the development should be constructed to the same dimensions as those under Section 6.f.ii above. Trail width and materials may be reduced where crossing wetlands or at other locations necessitated by surrounding impediments.
- iv) Trails routes and dimensions must be included in each applicable (SPMP). Trails shall be included in subdivision plats for each development phase and all applications or permits.
- v) Where multi-use trails share rights-of-way or easements with streets, the trails shall be constructed prior to, or concurrent with, the street infrastructure for each development phase.
- vi) The trail system shall be built to provide bicycle and pedestrian connectivity to all lots and tracts of the Planned Development. The proposed trail system shall provide users of all ages a safe and convenient method to access the school site, parks, residential, commercial, and office areas of the proposed development.
- vii) For residential neighborhoods and commercial areas that are located more than 1,000 feet from the multi-use trails along arterial or collector streets, local multi-use trails or paths should be extended from the arterial network to provide connections to these areas.
- viii) Multi-use trails shall be directly connected to the proposed school sites within the Planned Development. The proposed trail needs to provide students and parents with a safe and convenient way to access the educational institution.

- 777 g) *Parking*. Parallel parking is prohibited in alley yards.
778
779 h) *Bike Lanes*. All bicycle lanes adjacent to on-street parking within the development
780 shall be at least five feet in width.
781
782 i) Each SPMP within the Property exceeding forty daily trips shall comply with the
783 Mobility Management Requirements for Mobility Area "C" of the Orlando City Code,
784 Chapter 59.
785
786 j) *Addressing*. Street addresses must be clearly posted on both the street side and
787 alley side of buildings that are served by alleys.
788

789 **7) Park Design and Phasing Criteria**

- 790
791 a) The Owner must dedicate at least the amount park land consistent with overall City
792 level of service standards of 3.25 acres per 1,000 population, which has a Unit
793 Equivalent of 0.0074 acres per residential unit, which totals 47.36 acres of
794 combined community and neighborhood parks. At least thirty acres (out of the
795 47.36 total acres) must be provided in one parcel for a community park, and the
796 conveyance shall be eligible for park impact fee credits.
797
798 b) Park and recreation facility amenities shall be provided per the Recreation Element
799 of the City's Comprehensive Plan.
800
801 c) Paved trails shall not be counted toward community park LOS but they may count
802 toward neighborhood LOS up to a maximum of 25% of the minimum required
803 neighborhood parks. Land used for stormwater retention, drainage structures or
804 wetlands will not be counted towards park land requirements. Open spaces
805 designated Conservation on the Future Land Use Map will not count toward
806 meeting the required park acreages.
807
808 d) Parks and other recreation facilities shall undergo specific parcel master plan
809 review by the MPB, with comments from the City Families, Parks and Recreation
810 Department.
811
812 e) All public or private parks and open spaces shall meet the following standards;
813
814 i) Parks shall be designed and constructed to meet the Americans with Disabilities
815 Act ("ADA") requirements and guidelines.
816
817 ii) All parks and recreation facilities shall incorporate the principles of CPTED.
818
819 f) Parks being constructed to meet adopted LOS shall meet the following standards;
820

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- 821 i) At least 50% of the perimeter of any park or recreation facility shall be bound by
822 public streets or building frontages to allow ample views into the park for security
823 reasons. Should the Property Owner propose an alternative, it will be reviewed and
824 approved/disapproved by City Families, Parks and Recreation Department and
825 Orlando Police Department on a case-by-case basis as part of an SPMP submittal.
826
- 827 ii) Park land must have well-drained soils suitable for building and development.
828 Wetlands and other questionable land will not be accepted. City Families, Parks
829 and Recreation Department shall approve locations and configurations.
830
- 831 iii) Parks shall be open to the public and shall not be restricted in who has use of
832 them. Portions of parks may be fenced and gated, upon approval by City planning
833 official if deemed necessary for maintenance or operational requirements. Parks
834 in gated communities are allowed to meet neighborhood LOS, provided they are
835 open to all residents of that neighborhood.
836
- 837 iv) All sports fields and sports courts, such as tennis and basketball courts, must be
838 constructed with the appropriate sports lighting with restricted controls for
839 maximum use of the facility.
840
- 841 g) The required neighborhood parks shall meet the following criteria:
842
- 843 i) Neighborhood parks shall be located within ¼ mile of single family or multifamily
844 units.
845
- 846 ii) Neighborhood parks shall be located within a single family or multifamily
847 neighborhood on a neighborhood street.
848
- 849 iii) Neighborhood parks shall have vehicular access sufficient for public safety
850 vehicles.
851
- 852 iv) Each phase of development that includes residential uses shall include sufficient
853 park acreage to meet the neighborhood park level of service standard. Excess
854 acreage within any one neighborhood may be used towards fulfilling the minimum
855 neighborhood park acreage requirements for future phases within the
856 neighborhood it is intended to serve if the excess acreage is within 0.25 miles of
857 all residences in the service area. All residential neighborhoods shall have at least
858 one park within the boundary of that neighborhood, sized appropriately for the
859 residents in that neighborhood. For neighborhoods in excess of seventy-five lots,
860 a tot lot/playground shall be included in a neighborhood park that serves that
861 neighborhood. Residents of any neighborhood should not have to cross a
862 framework street to access their neighborhood park.
863

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- 864 v) Neighborhood parks shall be constructed concurrent with the infrastructure
865 (streets, streetlights, etc.) for each development phase.
866
- 867 vi) Neighborhood parks shall be constructed by the Owner when 25% of the
868 residential units in each neighborhood or phase has been constructed.
869 Neighborhood parks are to be privately owned, developed and maintained by the
870 Owner, CDD, homeowners' association or other association, but must remain open
871 to the neighborhood residents.
872
- 873 h) The required community parks shall meet the following criteria:
874
- 875 i) The thirty acre community park shall be located in a prominent central location to
876 be agreed upon by the City and the applicant prior to approval of the first SPMP
877 within Phase 2 of the project.
878
- 879 ii) Community park land must be configured in normal, regular shapes suitable for
880 development into active uses, such as baseball or softball diamonds, soccer or
881 multi-purpose fields and other activities.
882
- 883 iii) The community park shall have vehicular access sufficient for public safety
884 vehicles.
885
- 886 iv) The community park shall have parking areas for vehicles and bicycles.
887
- 888 v) The community park shall include active use areas such as playing fields, sports
889 courts and playgrounds.
890
- 891 vi) The community park will be constructed by the Property Owner or CDD, but
892 owned, operated and maintained by the City. The community park shall be
893 constructed when 33% of the residential units have been constructed. The park
894 location, type of facilities, funding responsibilities, timing, construction
895 responsibilities and impact fee credits shall be determined in a separate agreement
896 between the City and the Owner (the "Park Agreement"). Pursuant to the Park
897 Impact Fee Ordinance, on or before June 30, 2017, in anticipation of the
898 conveyance of the community park, the City shall establish a park impact fee credit
899 account for the Owner in the amount of \$300,000 that can be drawn upon as
900 building permits are issued prior to the execution of the Park Agreement. Once
901 the Park Agreement is executed, the park impact fee credit account shall be "trued
902 up" to reflect the total amount of park impact fees granted, less the amount
903 previously allocated to specific building permits within the development.
904
- 905 i) Additional parks, open spaces and passive recreation areas may be constructed
906 subject to review for conformance with CPTED principles.
907

908 **8) Civic Buildings**

- 909
- 910 a) The Property Owner shall convey, at no cost to the City, fee simple ownership of
- 911 a two acre parcel suitable for construction of a fire station. The parcel location shall
- 912 be a mutually acceptable site, and shall be determined in a separate agreement
- 913 between the City and the Property Owner. Such agreement shall be completed
- 914 within 180 days following a request by either party. If within seven years following
- 915 the effective date of this Ordinance, the City begins collecting impact fees for fire
- 916 services, then the contribution of the two acre parcel for a fire station shall be
- 917 eligible for impact fee credits based upon the fair market value of the parcel as of
- 918 the date it was conveyed to the City.
- 919
- 920 b) Consistent with its obligations under applicable Capacity Enhancement
- 921 Agreements, if requested by Orange County Public Schools (OCPS), the Property
- 922 Owner shall coordinate with OCPS to reserve at least one high school site and one
- 923 elementary school site.

924

925 **SECTION 7. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning

926 official, or designee, is hereby directed to amend the city's official zoning maps in

927 accordance with this ordinance.

928

929 **SECTION 8. DISCLAIMER.** In accordance with Section 166.033(5), Florida

930 Statutes, the issuance of this development permit does not in any way create any right

931 on the part of the applicant to obtain a permit from a state or federal agency, and does

932 not create any liability on the part of the City for issuance of this permit if the applicant

933 fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal

934 agency or undertakes actions that result in a violation of state or federal law. All other

935 applicable state or federal permits must be obtained before commencement of the

936 development authorized by this development permit.

937

938 **SECTION 9. SCRIVENER'S ERROR.** The city attorney may correct scrivener's

939 errors found in this ordinance by filing a corrected copy of this ordinance with the city

940 clerk.

941

942 **SECTION 10. SEVERABILITY.** If any provision of this ordinance or its

943 application to any person or circumstance is held invalid, the invalidity does not affect

944 other provisions or applications of this ordinance which can be given effect without the

945 invalid provision or application, and to this end the provisions of this ordinance are

946 severable.

947

948 **SECTION 11. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

949

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950 **DONE, THE FIRST PUBLIC NOTICE**, in a newspaper of general circulation in
951 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
952 _____ day of _____, 2016.

953
954 **DONE, THE FIRST READING**, by the City Council of the City of Orlando,
955 Florida, at a regular meeting, this _____ day of _____, 2016.
956

957 **DONE, THE SECOND PUBLIC NOTICE**, in a newspaper of general circulation in
958 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
959 _____ day of _____, 2016.
960

961 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
962 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City
963 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
964 _____, 2016.
965

966
967 BY THE MAYOR OF THE CITY OF
968 ORLANDO, FLORIDA:
969

970 _____
971 Mayor
972

973 ATTEST, BY THE CLERK OF THE
974 CITY COUNCIL OF THE CITY OF
975 ORLANDO, FLORIDA:
976

977 _____
978 City Clerk
979

980 _____
981 Print Name
982

983
984 APPROVED AS TO FORM AND LEGALITY
985 FOR THE USE AND RELIANCE OF THE
986 CITY OF ORLANDO, FLORIDA:
987

988 _____
989 City Attorney
990

991 _____
992 Print Name
993

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