

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, REZONING CERTAIN LAND GENERALLY LOCATED NORTH OF E. CONCORD ST., EAST OF N. MAGNOLIA AVE., SOUTH OF HILLCREST ST., AND WEST OF HIGHLAND AVE., AND COMPRISED OF 0.66 ACRES OF LAND, MORE OR LESS, FROM THE O-1 OFFICE AND RESIDENTIAL DISTRICT WITH THE TRADITIONAL CITY OVERLAY DISTRICT, IN PART, AND THE O-2 OFFICE AND RESIDENTIAL DISTRICT WITH THE TRADITIONAL CITY OVERLAY DISTRICT, IN PART, TO THE PLANNED DEVELOPMENT DISTRICT WITH THE TRADITIONAL CITY OVERLAY DISTRICT; PROVIDING A DEVELOPMENT PLAN AND SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of July 19, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered zoning application case number ZON2016-00013, requesting a rezoning of certain land generally located north of E. Concord Street, east of N. Magnolia Avenue, south of Hillcrest Street, and west of Highland Avenue, comprised of 0.66 acres of land, more or less, and being more precisely described by the legal description attached to this ordinance as **Exhibit A** (hereinafter the "property"), from the O-1 Office and Residential District with the Traditional City zoning overlay district, in part, and the O-2 Office and Residential District with the Traditional City zoning overlay district, in part, to the Planned Development District with the Traditional City zoning overlay district; and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case number ZON2016-00013 (entitled "Item #12 – Lake Eola Heights Townhomes PD" and hereinafter referred to as the "staff report"), and subject to certain conditions contained within the staff report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

WHEREAS, zoning application case number ZON2016-00013 is requesting the planned development zoning district for the purpose of permitting the development of up to 12 townhomes (the "project"); and

WHEREAS, the MPB found that the project is consistent with the city's adopted Growth Management Plan (the "GMP") including the applicable goals, objectives, and policies associated with the property's Future Land Use Map designation of Office Low Intensity, in part, and Office Medium Intensity, in part; 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 Office Low Intensity, in part, and Office Medium Intensity, in part; and

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

SECTION 1. ZONING DESIGNATION. After due notice and public hearing, and pursuant to Part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City Code, the property is hereby rezoned from the O-1 Office and Residential District with the Traditional City zoning overlay district, in part, and the O-2 Office and Residential District with the Traditional City zoning overlay district, in part, to the Planned Development district with the Traditional City zoning overlay district 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 “Lake Eola Heights Townhomes Planned Development.”

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Lake Eola Heights Townhomes 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, development of the property must comply with the land development regulations of the O-1 Office and Residential District and the Traditional City zoning districts for the portions of the property designated as Office Low Intensity on the city’s Future Land Use Map, and must comply with the land development regulations of the O-2 Office and Residential District and the Traditional City zoning districts for the portions of the property designated as Office Medium Intensity on the city’s Future Land Use Map.

SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS. The planned development zoning district for the property is subject to the following special land development regulations:

1. Land Development

- a) *Development Plan.* Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the property must be consistent with the development plan attached to this ordinance as **Exhibit C** (hereinafter the “development plan”). In the event of a conflict between the text of this ordinance and the development plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the development plan.
- b) *Phasing.* The property may be developed in multiple phases, but if developed in multiple phases, each phase must be developed in a manner that allows the individual phases to function independently of each other. The purpose of this requirement is to ensure that the first phase, and each subsequent phase, can fully function and operate as intended by the development plan in the event that subsequent phases are delayed or abandoned.
- c) *Variances and modifications.* Zoning variances and modification of standards may be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The planning official may also approve minor modifications and design modifications to fences, walls, landscaping, accessory structures, signs, and bufferyard requirements. Additionally, recognizing that development plans can change in small ways between the planning and permitting stages of development, the planning official may approve up to a 10% modification of any applicable numerical development standard if the planning official finds that the proposed modification is consistent with the applicable goals, objectives, and policies of the GMP, is compatible with nearby existing land uses, would not result in inadequate public facilities, and is otherwise consistent with the public health, safety, and welfare. When approving such a modification of a development standard, the planning official may impose one or more of the conditions of development provided at section 65.334, Orlando City Code, but such condition or conditions must be reasonably calculated to mitigate the identifiable land use impacts of the modified standard.
- d) *Minimum lot width.* All lots must be at least 20 ft. in width.
- e) *Impervious surface ratio.* The property’s impervious surface ratio may not exceed 0.74.
- f) *Maximum building height.* Buildings and structures may not exceed 55 ft. in height.

- g) *Lot area.* All lots must be at least 1,420 square feet in area, and the average lot area must be at least 2,445 square feet.
- h) *Setbacks.* The minimum required setbacks for principal buildings are the setbacks provided in the development plan.
- i) *Balconies.* Balconies may not encroach into (nor over) the right-of-way nor into (nor over) any city-services easement area.
- j) *Solid waste.* Solid waste bins must be stored in an area internal to the development site. For purposes of this part, "internal to the development site" means within the project's onsite alleyway and behind the front facade of the principal building facing E. Concord Street.
- k) *Accessory structures.* Accessory structures and pools are prohibited on individual lots but may, if otherwise consistent with this ordinance and other applicable laws, be provided as an accessory to the common development.
- l) *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.

2. Urban Design

- a) *Architecture.* Architectural elevations for each building are subject to review and approval by the city appearance review officer, or designee, prior to the issuance of any building permit for the proposed building. The property must be developed and maintained in accordance with the final approved architectural elevations. All approved elevations must conform to the following minimum requirements:
 - i) Subject to final approval by certificate of appearance approval, the project's architecture must be substantially consistent with the elevations attached to this ordinance as **Exhibit D.**
 - ii) *Outdoor mechanical equipment and venting.* All outdoor ground-mounted mechanical equipment must be screened with city-approved landscaping at least 3 ft. in height at the time of planting. Outdoor vents must be on the rear of buildings or on a rooftop. In addition to being screened with landscaping, backflow preventers must be installed as far away from the right-of-way as is technically and financially feasible.
- b) *Landscaping.* A landscaping plan for the project is subject to the review and approval by the planning official, or designee, prior to the issuance of any building permit for the proposed work. The property must be developed and

maintained in accordance with the final approved landscaping plans. Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the property must be consistent with the landscaping plan attached to this ordinance as **Exhibit E** (hereinafter the "landscaping plan"), and the following:

- i) All landscaping must meet or exceed the minimum landscaping requirements of Orlando City Code.
- ii) *Bufferyard*. Where opaque fencing is not included in required bufferyards, the bufferyard must include city-approved hedges at least 4 ft. in height at the time of planting.
- iii) The entry stoop on the E. Concord-facing end-unit (shown in **Exhibit D**) must be built and maintained as a porch. The porch must be at least 6 ft. in depth and open to the air on at least three sides. The entries of each of the east-facing units must also be porches of at least 6 ft. in depth and open to the air on at least three sides.

3. Transportation

- a) *Internal sidewalks*. Sidewalks and pedestrian paths internal to the development site must be constructed and maintained of city-approved concrete at least 6 ft. in width if adjacent to a vehicular area. The entrance of each townhome must be connected by a sidewalk to the public sidewalk on E. Concord Street. Sidewalks are prohibited to the east of unit 12 and to the west of unit 7 unless the sidewalk provides a logical connection to other internal pedestrian paths.

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 OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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

City Clerk

Print Name

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

Chief Assistant City Attorney

Print Name

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