

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, REZONING CERTAIN LAND GENERALLY LOCATED SOUTH OF SR 528, EAST OF SR 417 AND NORTH OF WEWAHOOTTEE ROAD, AND COMPRISED OF 2,558.63 ACRES OF LAND, MORE OR LESS, DESIGNATING THE PROPERTY AS THE PLANNED DEVELOPMENT DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR A DEVELOPMENT PLAN, A PHASING PLAN, A TRIP EQUIVALENCY MATRIX, ROADWAY CROSS SECTIONS 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 November 17, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2015-00033, requesting the Planned Development zoning district designation for approximately 2,558.63 acres of land, generally located south of SR 528, east of SR 417, and north of Wewahoottee Road 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 ZON2015-00033 (entitled "Item #12-Starwood Annexation"), and hereinafter referred to as the Staff Report and subject to certain conditions, 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 ZON2015-00033 is requesting the Planned Development zoning district designation for the purpose of permitting the phased development of a mixed-use community of up to 6,400 residential units (of which 2,000 units are multifamily), 145,000 square feet of office space, 150,000 square feet of retail space and 145,000 square feet of industrial space (the "Project"); and

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

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 then-proposed Future Land Use Map

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

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 Property is hereby designated as Planned Development district on the City’s official zoning maps (to be denoted as “PD” 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 “Starwood Planned Development.”

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Starwood 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. Approval by the City of an SPMP (as hereinafter defined), engineering plans, plats, or building permits is evidence that the applicable plan is compliant with the this ordinance and all applicable City codes.

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 R-3A Low Intensity Development District (denoted as “R-3A” on the official maps of the City) for residential development less than 12 du/acre, O-1 Office and Residential District (denoted as “O-1” on the official maps of the City) for residential greater than 12 du/acre, AC-1 Community Activity Center District (denoted as “AC-1” on the official maps of the City) for the Community Activity Center Future Land Use designation area, and I-P Industrial Park District (denoted as “I-P” on the official maps of the City) for the Industrial Future Land Use designation area.

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) *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 signs, landscaping, driveway locations and other minor changes. 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.
- c) *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. The phasing shall be generally consistent with **Exhibit D**.
- d) *Consistency with the GMP.* Development and use of the Property must be consistent with all applicable goals, objectives, policies, and strategies of the GMP, including without limitation Subarea Policy S.40.8. All applicable goals, objectives, policies, and strategies of the GMP, including without limitation

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.

- 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.
- xiii) Adult entertainment facility.
- 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 Pinecastle 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) *Stormwater ponds.* Stormwater ponds shall be treated as an amenity.
- k) *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:
 - 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.

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%

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.

10. A small number of forty-five feet front loaded lots may be approved in an SPMP in limited locations where a typical fifty feet lot does not fit.
11. May be reduced to four feet for lots less than thirty-five feet wide.
 - d) The façade(s) facing the front yard, street side yard, alley side yard and/or open space tract must be at least 15% transparent for each story below the roofline. Authenticity of window scale or style shall be appropriate for the style of house and taken into consideration for this evaluation.
 - e) The architectural details and exterior finish materials for units on corner lots, alley corner lots or open space facing lots must be similar on the front and the entire street-side, alley side, or open space facing elevations.
 - f) Building foundations for the front façade must be elevated at least eighteen inches above the finished sidewalk grade by incorporating either a raised concrete pad or a raised wood joist floor with perimeter foundation.
 - g) Front doors must face the street. Rear-loaded units must have direct pedestrian walkway access to the sidewalk, and the walkway must be at least three feet wide. Front-loaded units must have pedestrian access from the front door to the sidewalk or the driveway.
 - h) Front-loaded garages may not comprise more than 50% of the building's linear front façade based on the interior width of the garage.
 - i) For front-loaded garages, single garage doors may not exceed sixteen feet in width. If the garage opening is wider than sixteen feet, the garage must have two distinct doors separated by a post at least one foot in width. Three-wide garage bays with doors are prohibited on front-loaded lots.
 - j) Driveways for front-loaded lots may not exceed eighteen feet wide at the street right-of-way (a.k.a. the throat). Driveways may be widened to a maximum width of twenty feet as measured five feet back from the property line.
 - k) For corner-lots on rear-loaded blocks, a three foot tall continuous shrub hedge or street wall must run from the front façade of the lot's building to the rear setback line. The purpose of this requirement is to shield parked cars in rear-loaded driveways from the view of the side street. The hedge or wall shall be delineated on the site plan of the building permit application package.
 - l) Privacy fencing and Crime Prevention Through Environmental Design ("CPTED") compliant fencing are both permitted in rear yards. Chain-link fences are prohibited.

- m) The principal facades of townhomes must exhibit a variety of architectural details, including without limitation, window banding, wainscot, and variable porch designs and columns, color schemes, and rooflines.
- n) Gating of private streets for single family and townhome residential development is allowed for, subject to compliance with Orlando Fire Department requirements. A maximum of 20% of single family and townhome units may be gated (1,280 units total for the PD).
- o) Mechanical equipment for residential units may not be located in the front or street side yard of a unit and must meet the following additional standards:
 - i) Mechanical equipment may not be located any closer than forty feet from the front property line.
 - ii) Mechanical equipment for residential units with a side yard setback of less than five feet shall be located in the rear yard of the lot.
 - iii) Mechanical equipment and associated screening should be shown on the parcel site plan.
 - iv) All other aspects of the LDC for mechanical equipment (Ch. 58, Part 5B (18)) shall apply.
- p) Multifamily building elevations must conform to the following minimum requirements:
 - i) The façade(s) facing the front yard, street side yard, alley side yard and/or open space must be at least 15% transparent for each story below the roofline.
 - ii) The architectural details and exterior finish materials for units on corner lots, alley side or open space facing units must be similar on the front, or entire street-side, alley side or open space facing elevations. Common architectural features shall be included on all four sides of the building.
 - iii) For corner lots on rear-loaded blocks, a three foot tall continuous shrub hedge or street wall must run from the front façade of the lot's building to the rear alley. The purpose of this requirement is to shield parked cars in rear-loaded driveways from the view of the side street. The hedge or wall shall be delineated on the site plan of the building permit application package.
 - iv) Primary pedestrian entrances to multifamily buildings must face a street or mews and be clearly expressed, or framed by a substantial sheltering element such as an arcade, porch, or portico.

- 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:

- 473
474 (1) Security lighting shall not be substituted for parking lot or pedestrian lighting
475 fixtures, and are restricted to lighting service, storage, loading and other
476 similar uses.
477
- 478 (2) Security lighting shall not extend beyond the fascia or roofline of any
479 building.
480
- 481 (3) Shields for security lighting shall be similar in color with the surface to which
482 the fixture is attached.
483
- 484 iii) Service areas: Lighting under awnings, canopies, porte-cocheres, should be
485 recessed. If not recessed, the box type or other lighting fixture shall be opaque on
486 all sides (no light shall emanate from any side of the fixture).
487
- 488 iv) Pedestrian Areas: Lighting fixtures shall be decorative in appearance, style and
489 finish and shall not exceed fifteen feet in height.
490
- 491 v) Parking Garage Lighting:
492
- 493 (1) For color renditions and security purposes, all parking garages shall have
494 interior lighting that is metal halide or better (color rendition range).
495
- 496 (2) All parking garage lighting shall not exceed twenty feet above the top level
497 and shall be shielded, and designed to minimize light spillover at the edge
498 of the garage.
499
- 500 c) Landscaping shall meet the requirements of LDC Chapter 60. Landscaping themes
501 should be consistent throughout the PD. Common area and open space landscape
502 plans shall be included in each SPMP.
503
- 504 d) Bufferyards shall meet the requirements of LDC Chapter 60.
505
- 506 e) Front door orientation toward the street is required. At least one public pedestrian
507 entrance of all principal structures shall be oriented toward the primary street.
508 Vehicular openings such as those for garages and carports shall not constitute
509 public entrances.
510
- 511 f) Pedestrian connections from the building to the street are required. Direct
512 pedestrian access shall be provided from the principal entrance of the building to
513 the sidewalk on the closest public right-of-way. Pedestrian access shall be
514 provided from the rear parking facilities to the ground floor uses, either through
515 rear building entrances, pedestrian ways along the perimeter of buildings, or by
516 pedestrian thoroughways which connect the rear parking lots to the sidewalks along

the front street. Pedestrian throughways may be exterior and located between buildings or may be incorporated into the interior design of a structure. Pedestrian throughways shall be a minimum of five feet wide.

- g) Drive-throughs are permitted at the rear or interior side of the principal structure. Drive-through windows facing the primary street are not permitted.
- h) Screening of mechanical equipment shall be provided consistent with LDC Section 58.982.
- i) Screening of dumpsters and loading areas is required. Service areas and dumpster enclosures must incorporate architectural materials and design details similar to the principal buildings. Service areas shall have gates or screens that shield the areas from view when not in use. Design of gates shall be solid and have architectural interest to complement the building. Screen walls shall conceal the trailers when parked at a loading bay.
- j) SPMPs on commercial and community parcels should consider including vehicular access to the adjacent residential parcels and provide logical transition in scale and massing from commercial or mixed uses to residential areas.
- k) The following requirements apply to all commercial, office and mixed development.
 - i) The maximum building setback on the primary street frontage shall be twenty feet. An additional setback for a plaza area, outdoor dining areas, or other pedestrian-oriented outdoor space may be permitted as part of the SPMP.
 - ii) Vehicular use areas are prohibited between the building and the primary street frontage.
 - iii) Parking areas shall be located to the side or rear of the building.
 - iv) The minimum building frontage on the primary street shall be 65% of the lot frontage.
 - v) Common architectural features shall be included on the front, sides and rear [if visible from an adjacent street] of the building.
 - vi) Transparency. The ground floor building wall shall contain a minimum of 30% of transparent materials facing the primary street, and 15% of transparent materials facing any secondary streets. The transparent area shall be located between three and seven feet measured from ground level. Clear glass (or Low-E with minimum 60% transmittance) will count toward transparency. Reflective glass, spandrel glass, and glass block are not permitted as transparent materials. Transparent

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

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

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

4) Commercial Area Accessory Structures

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

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

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

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

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

ii) Offsite signs are prohibited.

iii) Pole signs are prohibited.

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

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

5) Agricultural Uses

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

- 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.

- v) A maximum of one foot of the gutter pan may be used as part of any parking lane width.
- vi) The traveled way width shall not include any portion of the gutter pan.
- vii) For two way alleys – a minimum asphalt width of eighteen feet with a one foot ribbon curb on each side on a twenty-six foot wide tract.
- viii) For one way alleys – a minimum asphalt width of twelve feet with at least six inches of ribbon curb on each side on a twenty foot wide tract.
- ix) Alleyways either accessing parcels that do not have street frontage or that are used for fire access shall have a minimum asphalt width of eighteen feet with a one foot ribbon curb on each side on a twenty-six foot wide tract.
- x) The alleys shall be privately owned and maintained and shall be designated as such on all plats.
- xi) On alleys, the five foot building setbacks shall be kept clear of obstructions (i.e. fences, landscaping, etc.) between two feet and eight feet above the roadway.
- xii) The parkway strip on all road cross sections must be a minimum of seven feet in width.
- d) *Vesting of External Trips.* Vested rights for external trips generated by Starwood, shall follow the agreements established in the Starwood Development Agreement between the City of Orlando and Carlsbad Orlando, LLC, (City Doc. # _____), as recorded in the Public Records of Orange County, Florida.
- e) *Street Network.* With the exceptions of Dowden Road and the North/South Connector Road described above, the Property Owner or CDD shall fully fund the design, permitting, and construction of all required collector and local streets in the development. This applies to streets regardless of whether they are to be designated and maintained as public or private streets and includes any signalization as required and approved by the City that is not an intersection with Dowden Road or the North/South Connector Road.
- i) All streets and alleys, whether public or private, shall conform with all aspects of City Code and the Engineering Standards Manual in effect at the time of permitting.
- ii) The design of all streets shall conform to the City's adopted Complete Streets policy, provided in the GMP Transportation Element Objectives 1.33 to 1.36 and associated policies.

- 692 iii) At wetland crossings, the parkway strip may be eliminated and trails or sidewalks
693 constructed on the back-of-curb to minimize wetland impacts.
694
- 695 iv) An interconnected network of collector streets shall be constructed according to
696 the general alignments shown in the PD Development Plan. Final alignment of all
697 collector streets shall be approved by the City.
698
- 699 (1) The timing of the construction of specific segments shall provide, as nearly
700 as possible, at least two access points to each occupied neighborhood,
701 including gated neighborhoods. Final access shall be determined at the
702 time of SPMP.
703
- 704 (2) Where applicable, the rights-of-way for the collector street network shall be
705 extended to the boundary limits of properties within this PD. If the adjoining
706 property is not developed at the time of construction of the collector street,
707 the street shall be terminated in a ninety foot diameter turn-around or at the
708 intersection of a local street.
709
- 710 (3) Recordation of major subdivision plats which convey the right-of-way or
711 easements required for collector streets needed to access the City's Major
712 Thoroughfare network shall be accomplished prior to the issuance of any
713 Certificates of Occupancy for any parcels served by such collector streets.
714
- 715 (4) Cul-de-sac streets are allowed in the Starwood PD. Any one cul-de-sac
716 street must not be comprised of more than thirty residential units. However,
717 due to the site constraints and wetlands, an alternative standard may be
718 proposed and approved as part of an SPMP.
719
- 720 v) Any public or private streets and alleys not included on the PD Development Plan
721 shall be designated as Local streets.
722
- 723 vi) All public roadways shall be designed to a minimum 30 mph. Any deviation from
724 this design criteria shall take into account limitations in roadway geometry, sight
725 line requirements as determined by the Florida Greenbook and on-street
726 parking. All variations shall be subject to review by the City Transportation
727 Engineer. Approval of design variations shall be at the discretion of the City
728 Transportation Engineer.
729
- 730 f) *Multi-Use Trail Network.* Multi-Use Trails shall be provided consistent with the PD
731 Development Plan. With the exceptions of the multi-use trails along Dowden Road
732 and the North/South Connector Road described above, the Owner or a CDD shall
733 fully fund the design, permitting, and construction of all required multi-use trails in
734 the development. This applies to trails regardless of whether they are to be
735 designated and maintained as public or private facilities.

- 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.

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

7) Park Design and Phasing Criteria

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

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

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

8) Civic Buildings

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

SECTION 7. AMENDMENT OF OFFICIAL ZONING MAP. The city zoning official, or designee, is hereby directed to amend the city's official zoning maps in accordance with this ordinance.

SECTION 8. DISCLAIMER. In accordance with Section 166.033(5), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the City for issuance of this permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

SECTION 9. 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 10. 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 11. EFFECTIVE DATE. This ordinance takes effect upon adoption.

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

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

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

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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

City Clerk

Print Name

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

City Attorney

Print Name

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