

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED EAST OF FORMOSA AVENUE, SOUTH OF INDIANA AVENUE, AND NORTH OF HARMON AVENUE AND COMPRISED OF 0.652 ACRES OF LAND, MORE OR LESS, AS THE PLANNED DEVELOPMENT DISTRICT WITH THE TRADITIONAL CITY AND WEKIVA OVERLAY DISTRICTS; 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 June 21, 2016, the Municipal Planning Board (hereinafter referred to as the "MPB") of the City of Orlando, Florida (hereinafter referred to as the "City"), considered zoning application case number ZON2016-00005, requesting the Planned Development zoning district with the Traditional City and Wekiva overlay districts designation for approximately 0.652 acres of land generally located east of Formosa Orange Avenue, south of Indiana Avenue, and north of Harmon Avenue, comprised of 0.652 acres of land, more or less, and being more precisely described by the legal description attached to this ordinance as Exhibit A (hereinafter referred to as 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 ZON2016-00005 (entitled "Item #5 – "Formosa North Planned Development" and hereinafter referred to as the "staff report"), and subject to certain conditions contained within the staff report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

**WHEREAS**, zoning application case number ZON2016-00005 is requesting the Planned Development zoning district with the Traditional City and Wekiva overlay districts for the purpose of permitting the development of twelve townhomes (hereinafter referred to as the "Project"); and

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

1. The *City of Orlando Growth Management Plan*, adopted as the City's "comprehensive plan" for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (hereinafter referred to as the "GMP"), including, without limitation, the goals, objectives, and policies applicable to the Property's existing Future Land Use Map designation of Residential Medium Intensity; and

2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code of the City of Orlando, Florida (the “LDC”); and

**WHEREAS**, the Orlando City Council hereby finds that the project and this ordinance are in the best interest of the public health, safety, and welfare; 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 designated as the Planned Development district with the Traditional City and Wekiva overlay districts on the City’s official zoning maps (to be denoted as “PD/TW” 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 “Formosa North Planned Development.”

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

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

**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. The site must be developed in accordance with the Development Plan, including the building separation and stormwater area provided through exfiltration/ and or low impact design. A stormwater retention area is not permitted in front of the units. 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 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.
- c) *Minor Modifications.* Minor modifications to the project, including changes to the design and site plan reviewed by the MPB or City Council may be approved by the planning official without further review by the MPB. Major changes require additional review by the MPB.
- d) *Intensity.* The maximum development intensity must not exceed twelve townhome units.
- e) *Setbacks.* The minimum building setbacks shall be as follows: twenty feet on Formosa Avenue (the front); twenty feet on the rear; and fifteen feet on the street sides. Open air porches may encroach up to six feet into the front yard setback, provided that the porch has a useable floor depth of at least six feet. Encroaching front porches must have roofs distinct from the roof of the rest of the house (i.e. not an extension of the primary roof). Encroaching front porches may be one story porches only, and no enclosed living space above the porch may encroach into the setback.
- f) *Impervious surface ratio (ISR).* The impervious surface ratio may not exceed 0.70.
- g) *Building Height.* The maximum height is thirty feet, with an appearance of 2.5 stories.
- h) *Prohibited Uses.* The following uses are prohibited: Accessory apartments, accessory cottage dwellings, assisted living facilities, emergency home/child, family day care, group housing (low density and high intensity), mobile homes,

multifamily, child day care/adult day care (6-31+ persons) and schools (elementary, middle and high).

- i) *Garages.* Each unit must provide at least a two car rear-loaded garage, regardless of the unit size.
- j) *On-street parking.* On street parking must be provided on Formosa Ave. Formosa Avenue is on the major thoroughfare plan and the City will not allow for driveways to access Formosa Avenue.
- k) *Pedestrian Connections.* Minimum five foot wide pedestrian connections must be provided from the public street to the principal building.
- l) *Administrative Master Plan.* An administrative master plan is required prior to building permit submittal.
- m) *Stormwater.* The stormwater must be exfiltration and/or low impact design. Pedestrian connections must be blended into the design to prevent bridges over a deep swale.
- n) *Wastewater.* Each fee simple unit must have its own lateral connection to the gravity main on Formosa Avenue. Double wye connections or other means of combined laterals are not allowed. Sanitary sewer laterals cannot cross under the stormwater retention area.
- o) *Lighting.*
  - a) All utilities, including street light poles, must be kept out of the pedestrian path.
  - b) Site lighting must comply with the City outdoor lighting code, section 63.400, Orlando City Code.
  - c) Light-emitting diode (LED) lamps are encouraged.

## 2. Urban Design

- a) *Appearance Review.* Prior to submittal for building permits, final architectural elevations must be modified to be consistent with conditions of approval herein. Elevations must be submitted for appearance review by the planning official to ensure consistency with the conditions of approval herein.
- b) *Articulation.* The buildings must be designed with a clearly articulated base, middle, and top, with finishing elements and materials wrapped around all facades of the building.

- c) *Durable materials.* All buildings must be finished with durable, high quality materials that are authentic to the style of architecture for which the building is proposed. Facades shall be finished with the same materials and architectural details. Side and rear building facades that are visible from a public street shall contain architectural detail comparable in appearance and complexity to the front of the building. Durable materials such as stone, brick, precast concrete, or limestone must be utilized at the base of each building. Stucco is not a durable material.
- d) *Roof Articulation/Treatment.* Buildings of four or more units must reflect roof articulation at front. Corner units and central units are typically the best suited to provide some relief/treatment by incorporating additional height, gables, or any variation that provides a change in the roof line.
- e) *Façade Articulation/Treatments.*
- i) All architectural elements, details, features, and finished on the exterior of the townhome units must be both consistent and compatible with the architectural style employed.
  - ii) Distinguishable architectural features such as color treatment can repeat every other lot (applicable to each floor below the roofline). Key elements for architectural articulation include porch railing design, roofing material, siding material, shutters, column/column base design, or windows details.
  - iii) The following façade treatments must be integrated into the elevations of every unit, and at least two integrated into the street-side elevation:
    - a) Minimum two color changes between the principal building and the architectural accents (i.e., columns, wainscot, reliefs, etc.).
    - b) Minimum one texture and/or material changes between the principal building and the architectural accents (i.e., columns, wainscot, reliefs, etc.).
    - c) Architectural banding to create shadow lines.
  - iv) Windows on all units must be recessed from the façade approximately 3-4 inches to provide additional design texture.
  - v) To create a traditional neighborhood and to provide natural surveillance and visual prominence along the streets, the proposed townhomes must be elevated a minimum of eighteen inches from the ground level.
- f) *Fencing.* Fencing height is not to exceed six feet measured from grade, and must be an approved CPTED fence of wrought-iron or wrought-iron type fence when adjacent to the front setback of the neighboring residential properties to the east. The remainder of the fencing at the rear of the property, adjacent to the alley, must be a six foot high masonry wall, as displayed on the site plan.
- g) *Corner Units.* Corner units should incorporate additional height, massing, distinctive architectural treatments, or entrances with distinguishing features to emphasize their prominent location.

- h) *Garage Door.* The garage door and its materials must be authentic to the style of architecture and character of the home. Transparency in the garage door is not required but encouraged.
- i) *Utilities and Mechanical Equipment.* All ground-level, wall and roof-mounted mechanical equipment (i.e. water meters, valves, pipes and pressure systems, transformer pads, backflow preventers etc.) must be screened from view of the public right-of-way. All air conditioning units must be screened by a wall to match the materials of the building and/or shrub hedging, a minimum of thirty-six inches in height at time of planting. Special attention and treatment must be given to corner units. All rooftop mechanical equipment must be integrated into the overall mass of the building by screening the equipment behind parapets or by recessing equipment into the roof system. All screening must be maintained a minimum one foot distance from said mechanical system.
- j) *Screening of Equipment.* All air conditioners, compressors, electrical equipment and other equipment must be screened from the street and public pathways by low walls, hedges, or other decorative fences and may not exceed four feet above grade. The requirements of section 58.982, Orlando City Code must also be met.

### 3. Transportation

- a) An additional five feet of either right-of-way or easement is required along the Formosa Avenue frontage in order to meet the requirements of section 61.221, Orlando City Code. The sidewalk must be located within this right-of way or an easement, and must be repaired in accordance with current standards.
- b) A five foot sidewalk must be constructed adjacent to the property line along Indiana Avenue and Harmon Avenue.
- c) All existing driveway aprons and curb cuts must be removed and the curb, parkway, and sidewalk must be restored.
- d) At all entrances to the Project there must be clear sight distances for drivers and pedestrians that are not blocked by signs, buildings, building columns, landscaping, or other visual impediments. No structure, fence, wall, or other visual impediment may obstruct vision between two feet and eight feet in height above street level. The street corner/driveway visibility area must be shown and noted on construction plans and any future site plan submittals. The applicant must design the site plan as necessary to comply with the Florida Greenbook and the Florida Department of Transportation ("FDOT") Design Standards Index. Sight lines must be provided on both site plans and landscape plans.

- e) For the purpose of maneuverability, the distance between the face of the garage structure and the far side of the access driveway must be no less than twenty-four feet or twenty-two feet plus a minimum two foot landscaped buffer beyond for vehicle overhang.
- f) A minimum eight foot wide parking lane must be constructed along the Formosa Avenue frontage to provide public parking in proximity to the residential units. The parking lane must be designed to preserve two eleven foot travel lanes on Formosa Avenue. The parking must be offset from adjacent intersection according to FDOT Design Index 17346.
- g) For any construction work planned or required within a public right-of-way or City sidewalk easement adjacent to a public right-of-way (including but not limited to: irrigation, drainage, utility, cable, sidewalk, driveway, road construction/reconstruction or landscaping), the Owner/Applicant must submit the following:
  - i) Maintenance of traffic plans (M.O.T.);
  - ii) Roadway plans including paving, grading, pavement markings and signage; and
  - iii) A copy of all required county and state permits. If permits are pending attach a copy of the application.
- h) Solid waste collection is not permitted off of Formosa Avenue. Solid waste collection must be coordinated with the Solid Waste Division prior to permit issuance.
- i) Homeowner Association documents must include the requirement that the garage is the primary parking for units.
- j) Handicap ramps must be constructed at the street intersection(s) and driveway connection(s) to comply with the Americans with Disabilities Act. Pedestrian ramps at street corners must be designed to provide a separate ramp in each direction.

#### 4. Landscaping

- a) Trees placed underneath overhead electric lines must be of a type that will not naturally exceed twenty feet in height at maturity. Canopy trees must not be planted closer than fifteen feet from overhead electric lines.
- b) Landscaping beds must be mulched to a depth of at least 2.5". All mulch must be organic and cypress mulch is prohibited. Approved mulch varieties include pine bark nuggets, pine straw, shredded oak pallets, melaleuca, and eucalyptus.
- c) Plants listed by the Florida Exotic Pest Plant Council as a Category I or II invasive exotic may not be installed on the Property.

- d) Hedges should be a minimum of thirty inches in height at installation and be maintained to a minimum height of thirty-six inches after the first year. Individual shrubs in hedge should be installed at a minimum spacing of thirty inches between plants along the entire length of the fence line.
- e) At least half of all installed shrub and groundcover and at least 70% of all installed trees must be drought tolerant species native to central Florida.
- f) All landscaping and fencing must be consistent with generally accepted Crime Prevention Through Environmental Design (CPTED) principles. Walls may not be made of painted concrete block, but may be decoratively finished with stucco or split-face concrete.
- g) Canopy trees installed in the public right-of-way within a planting area less than ten feet wide (or on private property within five feet of a public sidewalk) must be installed with appropriate techniques to protect sidewalks, curbs, and other Infrastructure.
- h) Irrigation systems must be designed and maintained with industry standard water efficiency measures or equipment, such as:
  - i) A weather-based evapotranspiration controller,
  - ii) Zoned soil-moisture sensors, or
  - iii) A low volume system using drip emitters for shrubs and groundcover and flood bubblers for trees. Impact sprinklers are prohibited.

**SECTION 5. 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 6. 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 7. 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 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:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Print Name

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