

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, REZONING CERTAIN LAND**
3 **GENERALLY LOCATED NORTH OF PARK LAKE ST.,**
4 **EAST OF N. HYER AVE., SOUTH OF E. MARKS ST., AND**
5 **WEST OF THORNTON AVE., AND COMPRISED OF 0.56**
6 **ACRES OF LAND, MORE OR LESS, FROM THE O-1**
7 **OFFICE AND RESIDENTIAL DISTRICT WITH THE**
8 **TRADITIONAL CITY OVERLAY DISTRICT TO THE**
9 **PLANNED DEVELOPMENT DISTRICT WITH THE**
10 **TRADITIONAL CITY OVERLAY DISTRICT; PROVIDING**
11 **A DEVELOPMENT PLAN AND SPECIAL LAND**
12 **DEVELOPMENT REGULATIONS OF THE PLANNED**
13 **DEVELOPMENT DISTRICT; PROVIDING FOR**
14 **SEVERABILITY, CORRECTION OF SCRIVENER'S**
15 **ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE**
16 **DATE.**

17
18 **WHEREAS**, at its regularly scheduled meeting of July 19, 2016, the Municipal
19 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered zoning
20 application case number ZON2016-00014, requesting a rezoning of certain land
21 generally located north of Park Lake Street, east of N. Hyer Avenue, south of E. Marks
22 Street, and west of Thornton Avenue, comprised of 0.56 acres of land, more or less, and
23 being more precisely described by the legal description attached to this ordinance as
24 **Exhibit A** (hereinafter the "property"), from the O-1 Office and Residential District with
25 the Traditional City zoning overlay district to the Planned Development District with the
26 Traditional City zoning overlay district; and

27
28 **WHEREAS**, based upon the evidence presented to the MPB, including the
29 information and analysis contained in the "Staff Report to the Municipal Planning Board"
30 for application case number ZON2016-00014 (entitled "Item #10 – Eleven on Thornton
31 Townhomes PD" and hereinafter referred to as the "staff report"), and subject to certain
32 conditions contained within the staff report, the MPB recommended that the City Council
33 of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning
34 application and adopt an ordinance in accordance therewith; and

35
36 **WHEREAS**, zoning application case number ZON2016-00014 is requesting the
37 planned development zoning district for the purpose of permitting the development of up
38 to 11 townhomes (the "project"); and

39
40 **WHEREAS**, the MPB found that the project is consistent with the city's adopted
41 Growth Management Plan (the "GMP") including the applicable goals, objectives, and
42 policies associated with the property's Future Land Use Map designation of Office Low
43 Intensity; and

44
45 **WHEREAS**, the Orlando City Council hereby finds that the project is consistent
46 with the intent and purpose of the planned development district zoning designation as

47 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando
48 City Code”); and

49
50 **WHEREAS**, the Orlando City Council hereby finds that the project and this
51 ordinance is in the best interest of the public health, safety, and welfare, and is
52 consistent with the applicable provisions of the city’s GMP, including the applicable
53 goals, objectives, and policies associated with the property’s Future Land Use Map
54 designation of Office Low Intensity; and

55
56 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
57 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

58
59 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
60 pursuant to Part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
61 Orlando City Code, the property is hereby rezoned from the O-1 Office and Residential
62 District with the Traditional City zoning overlay district to the Planned Development
63 district with the Traditional City zoning overlay district on the city’s official zoning maps
64 (to be denoted as “PD/T” on the official maps of the city), as depicted in **Exhibit B** to this
65 ordinance. This planned development zoning district may be known as the “Eleven on
66 Thornton Townhomes Planned Development.”

67
68 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
69 58.367, Orlando City Code, except as expressly provided in this ordinance, the Eleven
70 on Thornton Townhomes Planned Development zoning district remains subject to all
71 applicable federal, state, and local laws, and nothing in this ordinance shall be construed
72 to exempt the property from the lawful authority or jurisdiction of any federal, state, or
73 local agency.

74
75 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
76 otherwise by this ordinance, development of the property must comply with the land
77 development regulations of the O-1 Office and Residential District and the Traditional
78 City zoning districts.

79
80 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The planned
81 development zoning district for the property is subject to the following special land
82 development regulations:

83
84 **1. Land Development**

- 85
86 a) *Development Plan.* Subject to any modifications expressly contained in the text
87 of this ordinance, development and maintenance of the property must be
88 consistent with the development plan attached to this ordinance as **Exhibit C**
89 (hereinafter the “development plan”). In the event of a conflict between the text of
90 this ordinance and the development plan, the text of this ordinance shall control.

ORDINANCE NO. 2016-82

91 References in this ordinance to lots, parcels, buildings, phases, and other
92 development features refer to such features as identified on the development
93 plan.

- 94
- 95 b) *Phasing*. The property may be developed in multiple phases, but if developed in
96 multiple phases, each phase must be developed in a manner that allows the
97 individual phases to function independently of each other. The purpose of this
98 requirement is to ensure that the first phase, and each subsequent phase, can
99 fully function and operate as intended by the development plan in the event that
100 subsequent phases are delayed or abandoned.
- 101
- 102 c) *Variances and modifications*. Zoning variances and modification of standards
103 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,
104 Chapter 65, Orlando City Code, respectively. The planning official may also
105 approve minor modifications and design modifications to fences, walls,
106 landscaping, accessory structures, signs, and bufferyard requirements.
107 Additionally, recognizing that development plans can change in small ways
108 between the planning and permitting stages of development, the planning official
109 may approve up to a 10% modification of any applicable numerical development
110 standard if the planning official finds that the proposed modification is consistent
111 with the applicable goals, objectives, and policies of the GMP, is compatible with
112 nearby existing land uses, would not result in inadequate public facilities, and is
113 otherwise consistent with the public health, safety, and welfare. When approving
114 such a modification of a development standard, the planning official may impose
115 one or more of the conditions of development provided at section 65.334,
116 Orlando City Code, but such condition or conditions must be reasonably
117 calculated to mitigate the identifiable land use impacts of the modified standard.
- 118
- 119 d) *Minimum lot width*. All lots must be at least 20 ft. in width.
- 120
- 121 e) *Impervious surface ratio*. The property's impervious surface ratio may not exceed
122 0.85.
- 123
- 124 f) *Lot area*. All lots must be at least 1,468 square feet in area, and the average lot
125 area must be at least 2,198 square feet.
- 126
- 127 g) *Setbacks*. The minimum required setbacks for principal buildings are the
128 setbacks provided in the development plan.
- 129
- 130 h) *Overhangs*. Balconies and other overhangs may not encroach into (nor over) the
131 right-of-way nor into (nor over) any city-services easement area.
- 132
- 133 i) *Solid waste*. Solid waste bins must be stored in an area internal to the
134 development site. For purposes of this part, "internal to the development site"

135 means within the project's onsite alleyway and behind the facades of the
136 principal buildings adjacent to Marks Street.

- 137
- 138 j) *Accessory structures.* Accessory structures and pools are prohibited on individual
139 lots but may, if otherwise consistent with this ordinance and other applicable
140 laws, be provided as an accessory to the common development.
- 141
- 142 k) *Existing uses and structures.* Lawfully established uses and lawfully constructed
143 structures on the property as of the effective date of this ordinance are hereby
144 made lawful and conforming to this ordinance.

145

146 **2. Urban Design**

147

- 148 a) *Architecture.* Architectural elevations for each building are subject to review and
149 approval by the city appearance review officer, or designee, prior to the issuance
150 of any building permit for the proposed building. The property must be developed
151 and maintained in accordance with the final approved architectural elevations. All
152 approved elevations must conform to the following minimum requirements:

- 153
- 154 i) The project's architecture must be substantially consistent with the elevations
155 attached to this ordinance as **Exhibit D.**
- 156
- 157 ii) *Outdoor mechanical equipment and venting.* All outdoor ground-mounted
158 mechanical equipment must be screened with city-approved landscaping at
159 least 3' in height at the time of planting. Outdoor vents must be on the rear of
160 buildings or on a rooftop. In addition to being screened with landscaping,
161 backflow preventers must be installed as far away from the right-of-way as is
162 technically and financially feasible.
- 163
- 164 iii) Porches and balconies must be at least 6' in depth and open to the air on at
165 least three sides.

- 166
- 167 b) *Landscaping.* A landscaping plan for the project is subject to the review and
168 approval by the planning official, or designee, prior to the issuance of any
169 building permit for the proposed work. The property must be developed and
170 maintained in accordance with the final approved landscaping plans. Subject to
171 any modifications expressly contained in the text of this ordinance, development
172 and maintenance of the property must be consistent with the landscaping plan
173 attached to this ordinance as **Exhibit E** (hereinafter the "landscaping plan"), and
174 the following:

- 175
- 176 i) All landscaping must meet or exceed the minimum landscaping requirements
177 of Orlando City Code.
- 178

- 179 ii) *Bufferyard*. Where opaque fencing is not included in required bufferyards, the
180 bufferyard must include city-approved hedges at least 4' in height at the time
181 of planting.

182
183 **3. Transportation**

- 184
185 a) *Internal sidewalks*. Sidewalks and pedestrian paths internal to the development
186 site must be constructed and maintained of city-approved concrete at least 6' in
187 width if adjacent to a vehicular area. The entrance of each townhome must be
188 connected by a sidewalk to the adjacent public sidewalk.

189
190 **SECTION 5. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
191 errors found in this ordinance by filing a corrected copy of this ordinance with the city
192 clerk.

193
194 **SECTION 6. SEVERABILITY.** If any provision of this ordinance or its
195 application to any person or circumstance is held invalid, the invalidity does not affect
196 other provisions or applications of this ordinance which can be given effect without the
197 invalid provision or application, and to this end the provisions of this ordinance are
198 severable.

199
200 **SECTION 7. OTHER STATE AND FEDERAL PERMITS.** As provided by
201 subsection 166.033(5), Florida Statutes, issuance of a development permit by a
202 municipality does not in any way create any right on the part of an applicant to obtain a
203 permit from a state or federal agency and does not create any liability on the part of the
204 municipality for issuance of the permit if the applicant fails to obtain requisite approvals
205 or fulfill the obligations imposed by a state or federal agency or undertakes actions that
206 result in a violation of state or federal law. In accordance with subsection 166.033(5),
207 Florida Statutes, it is hereby made a condition of this ordinance that all other applicable
208 state or federal permits be obtained before commencement of the development.

209
210 **SECTION 8. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

211
212 **DONE, THE FIRST READING**, by the City Council of the City of Orlando,
213 Florida, at a regular meeting, this _____ day of _____, 2016.

214
215 **DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in the City
216 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
217 of _____, 2016.

218
219 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
220 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City
221 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
222 _____, 2016.
223

ORDINANCE NO. 2016-82

224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251

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

[Remainder of page intentionally left blank.]