

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, DESIGNATING CERTAIN
3 LAND GENERALLY LOCATED EAST OF FORMOSA
4 AVENUE, SOUTH OF INDIANA AVENUE, AND NORTH
5 OF HARMON AVENUE AND COMPRISED OF 0.652
6 ACRES OF LAND, MORE OR LESS, AS THE PLANNED
7 DEVELOPMENT DISTRICT WITH THE TRADITIONAL
8 CITY AND WEKIVA OVERLAY DISTRICTS; PROVIDING
9 A DEVELOPMENT PLAN AND SPECIAL LAND
10 DEVELOPMENT REGULATIONS OF THE PLANNED
11 DEVELOPMENT DISTRICT; PROVIDING FOR
12 SEVERABILITY, CORRECTION OF SCRIVENER'S
13 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
14 DATE.

15
16 **WHEREAS**, at its regularly scheduled meeting of June 21, 2016, the Municipal
17 Planning Board (hereinafter referred to as the "MPB") of the City of Orlando, Florida
18 (hereinafter referred to as the "City"), considered zoning application case number
19 ZON2016-00005, requesting the Planned Development zoning district with the
20 Traditional City and Wekiva overlay districts designation for approximately 0.649 acres
21 of land generally located east of Formosa Orange Avenue, south of Indiana Avenue, and
22 north of Harmon Avenue, comprised of 0.652 acres of land, more or less, and being
23 more precisely described by the legal description attached to this ordinance as **Exhibit**
24 **A** (hereinafter referred to as the "Property"); and
25

26 **WHEREAS**, based upon the evidence presented to the MPB, including the
27 information and analysis contained in the "Staff Report to the Municipal Planning Board"
28 for application case number ZON2016-00005 (entitled "Item #5 – "Formosa North
29 Planned Development" and hereinafter referred to as the "staff report"), and subject to
30 certain conditions contained within the staff report, the MPB recommended that the City
31 Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning
32 application and adopt an ordinance in accordance therewith; and
33

34 **WHEREAS**, zoning application case number ZON2016-00005 is requesting the
35 Planned Development zoning district with the Traditional City and Wekiva overlay
36 districts for the purpose of permitting the development of twelve townhomes (hereinafter
37 referred to as the "Project"); and
38

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

- 40
41 1. The *City of Orlando Growth Management Plan*, adopted as the City's
42 "comprehensive plan" for purposes of the Florida Community Planning Act,
43 sections 163.3164 through 163.3217, Florida Statutes (hereinafter referred to
44 as the "GMP"), including, without limitation, the goals, objectives, and policies
45 applicable to the Property's existing Future Land Use Map designation of
46 Residential Medium Intensity; and

47
48 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
49 of the City of Orlando, Florida (the “LDC”); and
50

51 **WHEREAS**, the Orlando City Council hereby finds that the project and this
52 ordinance are in the best interest of the public health, safety, and welfare; and
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54 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
55 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
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57 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
58 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
59 Orlando City Code, the Property is hereby designated as the Planned Development
60 district with the Traditional City and Wekiva overlay districts on the City’s official zoning
61 maps (to be denoted as “PD/TW” on the official maps of the City), as depicted in
62 **Exhibit B** to this ordinance. This planned development zoning district may be known as
63 the “Formosa North Planned Development.”
64

65 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
66 58.367, Orlando City Code, except as expressly provided in this ordinance, the Formosa
67 North Planned Development zoning district remains subject to all applicable federal,
68 state, and local laws, and nothing in this ordinance shall be construed to exempt the
69 Property from the lawful authority or jurisdiction of any federal, state, or local agency.
70

71 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
72 otherwise by this ordinance, the Property shall be governed by the land development
73 regulations of the R-3B Medium Intensity Development District with the Traditional City
74 and Wekiva overlay districts.
75

76 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
77 Development zoning district for the Property is subject to the following special land
78 development regulations:
79

80 **1. Land Development**
81

- 82 a) *Development Plan.* Subject to any modifications expressly contained in the text
83 of this ordinance, development and maintenance of the Property must be
84 consistent with the development plan attached to this ordinance as **Exhibit C**
85 (hereinafter the “Development Plan”). In the event of a conflict between the text
86 of this ordinance and the Development Plan, the text of this ordinance shall
87 control. The site must be developed in accordance with the Development Plan,
88 including the building separation and stormwater area provided through
89 exfiltration/ and or low impact design. A stormwater retention area is not
90 permitted in front of the units. References in this ordinance to lots, parcels,

91 buildings, phases, and other development features refer to such features as
 92 identified on the Development Plan.

- 93
 94 b) *Variances and modifications.* Zoning variances and modification of standards
 95 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,
 96 Chapter 65, Orlando City Code, respectively. The planning official may also
 97 approve minor modifications and design modifications to fences, walls,
 98 landscaping, accessory structures, signs, and bufferyard requirements.
 99 Additionally, recognizing that development plans can change in small ways
 100 between the planning and permitting stages of development, the planning official
 101 may approve up to a 10% modification of any applicable numerical development
 102 standard if the planning official finds that the proposed modification is consistent
 103 with the applicable goals, objectives, and policies of the GMP, is compatible with
 104 nearby existing land uses, would not result in inadequate public facilities, and is
 105 otherwise consistent with the public health, safety, and welfare. When approving
 106 such a modification of a development standard, the planning official may impose
 107 one or more of the conditions of development provided at section 65.334,
 108 Orlando City Code, but such condition or conditions must be reasonably
 109 calculated to mitigate the identifiable land use impacts of the modified standard.
 110
- 111 c) *Minor Modifications.* Minor modifications to the project, including changes to the
 112 design and site plan reviewed by the MPB or City Council may be approved by
 113 the planning official without further review by the MPB. Major changes require
 114 additional review by the MPB.
 115
- 116 d) *Intensity.* The maximum development intensity must not exceed twelve
 117 townhome units.
 118
- 119 e) *Setbacks.* The minimum building setbacks shall be as follows: twenty feet on
 120 Formosa Avenue (the front); twenty feet on the rear; and fifteen feet on the street
 121 sides. Open air porches may encroach up to six feet into the front yard setback,
 122 provided that the porch has a useable floor depth of at least six feet.
 123 Encroaching front porches must have roofs distinct from the roof of the rest of the
 124 house (i.e. not an extension of the primary roof). Encroaching front porches may
 125 be one story porches only, and no enclosed living space above the porch may
 126 encroach into the setback.
 127
- 128 f) *Impervious surface ratio (ISR).* The impervious surface ratio may not exceed
 129 0.70.
 130
- 131 g) *Building Height.* The maximum height is thirty feet, with an appearance of 2.5
 132 stories.
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- 134 h) *Prohibited Uses.* The following uses are prohibited: Accessory apartments,
 135 accessory cottage dwellings, assisted living facilities, emergency home/child,
 136 family day care, group housing (low density and high intensity), mobile homes,

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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.

- 181 c) *Durable materials.* All buildings must be finished with durable, high quality
 182 materials that are authentic to the style of architecture for which the building is
 183 proposed. Facades shall be finished with the same materials and architectural
 184 details. Side and rear building facades that are visible from a public street shall
 185 contain architectural detail comparable in appearance and complexity to the front
 186 of the building. Durable materials such as stone, brick, precast concrete, or
 187 limestone must be utilized at the base of each building. Stucco is not a durable
 188 material.
 189
- 190 d) *Roof Articulation/Treatment.* Buildings of four or more units must reflect roof
 191 articulation at front. Corner units and central units are typically the best suited to
 192 provide some relief/treatment by incorporating additional height, gables, or any
 193 variation that provides a change in the roof line.
 194
- 195 e) *Façade Articulation/Treatments.*
 196
- 197 i) All architectural elements, details, features, and finished on the exterior of the
 198 townhome units must be both consistent and compatible with the architectural
 199 style employed.
 200
- 201 ii) Distinguishable architectural features such as color treatment can repeat every
 202 other lot (applicable to each floor below the roofline). Key elements for
 203 architectural articulation include porch railing design, roofing material, siding
 204 material, shutters, column/column base design, or windows details.
 205
- 206 iii) The following façade treatments must be integrated into the elevations of every
 207 unit, and at least two integrated into the street-side elevation:
 208 a) Minimum two color changes between the principal building and the
 209 architectural accents (i.e., columns, wainscot, reliefs, etc.).
 210 b) Minimum one texture and/or material changes between the principal
 211 building and the architectural accents (i.e., columns, wainscot, reliefs, etc.).
 212 c) Architectural banding to create shadow lines.
 213
- 214 iv) Windows on all units must be recessed from the façade approximately 3-4
 215 inches to provide additional design texture.
 216
- 217 v) To create a traditional neighborhood and to provide natural surveillance and
 218 visual prominence along the streets, the proposed townhomes must be elevated
 219 a minimum of eighteen inches from the ground level.
 220
- 221 f) *Fencing.* Fencing height is not to exceed six feet measured from grade, and must
 222 be an approved CPTED fence of wrought-iron or wrought-iron type fence when
 223 adjacent to the front setback of the neighboring residential properties to the east.
 224 The remainder of the fencing at the rear of the property, adjacent to the alley,
 225 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.

- 226
227 h) *Garage Door.* The garage door and its materials must be authentic to the style of
228 architecture and character of the home. Transparency in the garage door is not
229 required but encouraged.
230
231 i) *Utilities and Mechanical Equipment.* All ground-level, wall and roof-mounted
232 mechanical equipment (i.e. water meters, valves, pipes and pressure systems,
233 transformer pads, backflow preventers etc.) must be screened from view of the
234 public right-of-way. All air conditioning units must be screened by a wall to match
235 the materials of the building and/or shrub hedging, a minimum of thirty-six inches
236 in height at time of planting. Special attention and treatment must be given to
237 corner units. All rooftop mechanical equipment must be integrated into the overall
238 mass of the building by screening the equipment behind parapets or by recessing
239 equipment into the roof system. All screening must be maintained a minimum one
240 foot distance from said mechanical system.
241
242 j) *Screening of Equipment.* All air conditioners, compressors, electrical equipment
243 and other equipment must be screened from the street and public pathways by
244 low walls, hedges, or other decorative fences and may not exceed four feet above
245 grade. The requirements of section 58.982, Orlando City Code must also be met.
246

247 **3. Transportation**

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249 a) An additional five feet of either right-of-way or easement is required along the
250 Formosa Avenue frontage in order to meet the requirements of section 61.221,
251 Orlando City Code. The sidewalk must be located within this right-of way or an
252 easement, and must be repaired in accordance with current standards.
253
254 b) A five foot sidewalk must be constructed adjacent to the property line along
255 Indiana Avenue and Harmon Avenue.
256
257 c) All existing driveway aprons and curb cuts must be removed and the curb,
258 parkway, and sidewalk must be restored.
259
260 d) At all entrances to the Project there must be clear sight distances for drivers and
261 pedestrians that are not blocked by signs, buildings, building columns,
262 landscaping, or other visual impediments. No structure, fence, wall, or other
263 visual impediment may obstruct vision between two feet and eight feet in height
264 above street level. The street corner/driveway visibility area must be shown and
265 noted on construction plans and any future site plan submittals. The applicant
266 must design the site plan as necessary to comply with the Florida Greenbook
267 and the Florida Department of Transportation ("FDOT") Design Standards Index.
268 Sight lines must be provided on both site plans and landscape plans.
269

- 270 e) For the purpose of maneuverability, the distance between the face of the garage
271 structure and the far side of the access driveway must be no less than twenty-
272 four feet or twenty-two feet plus a minimum two foot landscaped buffer beyond
273 for vehicle overhang.
274
- 275 f) A minimum eight foot wide parking lane must be constructed along the Formosa
276 Avenue frontage to provide public parking in proximity to the residential units.
277 The parking lane must be designed to preserve two eleven foot travel lanes on
278 Formosa Avenue. The parking must be offset from adjacent intersection
279 according to FDOT Design Index 17346.
280
- 281 g) For any construction work planned or required within a public right-of-way or City
282 sidewalk easement adjacent to a public right-of-way (including but not limited to:
283 irrigation, drainage, utility, cable, sidewalk, driveway, road
284 construction/reconstruction or landscaping), the Owner/Applicant must submit the
285 following:
286 i) Maintenance of traffic plans (M.O.T.);
287 ii) Roadway plans including paving, grading, pavement markings and signage;
288 and
289 iii) A copy of all required county and state permits. If permits are pending attach
290 a copy of the application.
291
- 292 h) Solid waste collection is not permitted off of Formosa Avenue. Solid waste
293 collection must be coordinated with the Solid Waste Division prior to permit
294 issuance.
295
- 296 i) Homeowner Association documents must include the requirement that the
297 garage is the primary parking for units.
298
- 299 j) Handicap ramps must be constructed at the street intersection(s) and driveway
300 connection(s) to comply with the Americans with Disabilities Act. Pedestrian
301 ramps at street corners must be designed to provide a separate ramp in each
302 direction.
303

304 **4. Landscaping**
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- 306 a) Trees placed underneath overhead electric lines must be of a type that will not
307 naturally exceed twenty feet in height at maturity. Canopy trees must not be
308 planted closer than fifteen feet from overhead electric lines.
309 b) Landscaping beds must be mulched to a depth of at least 2.5". All mulch must be
310 organic and cypress mulch is prohibited. Approved mulch varieties include pine
311 bark nuggets, pine straw, shredded oak pallets, melaleuca, and eucalyptus.
312 c) Plants listed by the Florida Exotic Pest Plant Council as a Category I or II
313 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.

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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

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