

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, REZONING CERTAIN LAND**
3 **GENERALLY LOCATED NORTH OF GRANADA COURT,**
4 **SOUTH OF EAST MARKS STREET, EAST OF NORTH**
5 **MAGNOLIA AVENUE AND WEST OF IRMA AVENUE**
6 **AND COMPRISED OF 0.33 ACRES OF LAND, MORE OR**
7 **LESS, FROM THE AC-3A DOWNTOWN METROPOLITAN**
8 **ACTIVITY CENTER DISTRICT WITH THE TRADITIONAL**
9 **CITY OVERLAY DISTRICT TO THE PLANNED**
10 **DEVELOPMENT DISTRICT WITH THE TRADITIONAL**
11 **CITY OVERLAY DISTRICT; PROVIDING A**
12 **DEVELOPMENT PLAN AND SPECIAL LAND**
13 **DEVELOPMENT REGULATIONS OF THE PLANNED**
14 **DEVELOPMENT DISTRICT; PROVIDING FOR**
15 **SEVERABILITY, CORRECTION OF SCRIVENER'S**
16 **ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE**
17 **DATE.**
18

19 **WHEREAS**, at its regularly scheduled meeting of September 20, 2016, the
20 Municipal Planning Board (hereinafter referred to as the "MPB") of the City of Orlando,
21 Florida (hereinafter referred to as the "City"), considered zoning application case number
22 ZON2016-00016, requesting a rezoning of certain land generally located north of
23 Granada Court, south of East Marks Street, east of North Magnolia Avenue, and west of
24 Irma Avenue, comprised of 0.33 acres of land, more or less, and being more precisely
25 described by the legal description attached to this ordinance as **Exhibit A** (hereinafter
26 referred to as the "Property"), from the AC-3A Downtown Metropolitan Activity Center
27 District with the Traditional City overlay district to the Planned Development district with
28 the Traditional City overlay district; and
29

30 **WHEREAS**, based upon the evidence presented to the MPB, including the
31 information and analysis contained in the "Staff Report to the Municipal Planning Board"
32 for application case number ZON2016-00016 (entitled "Item #3B – Marks Street
33 Townhomes Planned Development" and hereinafter referred to as the "staff report"), and
34 subject to certain conditions contained within the staff report, the MPB recommended
35 that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve
36 said zoning application and adopt an ordinance in accordance therewith; and
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38 **WHEREAS**, zoning application case number ZON2016-00016 is requesting the
39 Planned Development zoning district for the purpose of permitting the development of a
40 ten unit townhome development (hereinafter referred to as the "Project"); and
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42 **WHEREAS**, the MPB found that the project is consistent with:

- 43
- 44 1. The *City of Orlando Growth Management Plan*, adopted as the City's
45 "comprehensive plan" for purposes of the Florida Community Planning Act,
46 sections 163.3164 through 163.3217, Florida Statutes (hereinafter referred to

47 as the “GMP”), including, without limitation, the goals, objectives, and policies
48 applicable to the Property’s existing Future Land Use Map designation of
49 Residential Medium Intensity; and

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

53
54 **WHEREAS**, the Orlando City Council hereby finds that the project and this
55 ordinance are in the best interest of the public health, safety, and welfare; and

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

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60 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
61 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
62 Orlando City Code, the Property is hereby rezoned from the AC-3A Downtown
63 Metropolitan Activity Center with the Traditional City overlay district to the Planned
64 Development district with the Traditional City overlay district on the City’s official zoning
65 maps (to be denoted as “PD/T” on the official maps of the City), as depicted in **Exhibit B**
66 to this ordinance. This planned development zoning district may be known as the “Marks
67 Street Townhomes Planned Development.”

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

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76 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
77 otherwise by this ordinance, the Property shall be governed by the land development
78 regulations of the MXD-2/T High Intensity Mixed Residential and Office District with the
79 Traditional City overlay district.

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81 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
82 Development zoning district for the Property is subject to the following special land
83 development regulations:

84
85 **1. Land Development**

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

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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 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) *Setbacks*. Staff may reduce the rear setback by two feet to allow an eight foot rear yard setback for additional streetscape and/or buffering as needed for placement of electrical and utility equipment.
- d) *Impervious surface ration (ISR)*. *The impervious surface ratio may not exceed 0.85.*
- e) *Building Height*. The maximum building height is 49 feet not including architectural detailing.
- f) Collection of trash must be organized on a pad and approved by the City of Orlando Solid Waste department.
- g) The location and appearance of site's utilities including potable water backflow preventers, electric meters and transformers, gas meters, and ancillary equipment will be determined as part of the final Appearance Review Board (ARB) process.
- h) Accessory buildings and swimming pools are prohibited.
- i) Balconies and other such overhangs shall not encroach into the right-of-way of the utility/sidewalk easement.
- j) The Project is subject to school concurrency and must coordinate with Orange County Public Schools.

2. Urban Design

- a) Architectural elevations for all buildings require appearance review prior to submitting to Permitting to ensure compliance with conditions herein.
- b) All streetscape design and construction is required to comply with the design and construction requirements of the Downtown Orlando Streetscape Design Guidelines as they may be amended from time to time.
- c) All streetscape must be designed and constructed consistent with the requirements of Treatment 5 in the Downtown Streetscape Design Guidelines with a minimum 7.5 foot parkway strip and a minimum six foot sidewalk along the entire project street frontage.
- d) The existing curbing along the Marks Street frontage must be replaced with type B vertical concrete curbing.
- e) All existing curb cuts must be removed and the streetscape and curbing restored during construction.
- f) The Property owner must enter into an agreement with the City to define maintenance responsibilities for the streetscape and other aspects of the public realm.
- g) City Services Easement. A city services easement must be provided by the applicant for any portion of the streetscape zone outside of the right-of-way.
- h) All at-grade junction, valve and control boxes in the streetscape zone must be traffic bearing grade boxes and lids, painted per the downtown streetscape standards.
- i) The pedestrian crossings at the driveway cuts must be level and at the same grade as the sidewalk adjacent to the driveway. A pavement treatment that contrasts with the vehicle lanes must be used in order to clearly define the pedestrian zone. Reflective paint alone is not acceptable, but may be used in conjunction with pavers or other surfaces to outline the pedestrian path for night time safety.
- j) Vertical structures or obstructions are prohibited in the required pedestrian clear zone.
- k) Specialty paving and other materials not consistent with the Downtown Streetscape Design Guidelines are not allowed inside the right-of-way or city services easement of the streetscape zone. Specialty paving, materials and vertical structures are permitted outside of the City maintained streetscape zone.

- 185
186 l) High rise Live Oak trees must be added to the parkway strip spaced per
187 Downtown Streetscape Design Guideline standards.
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189 m) Final streetscape plans must be submitted for ARB major review and approval
190 prior to submittal for building permits.
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192 n) A tree removal permit is required to remove trees. The Property owner must work
193 with the City arborist to evaluate the viability of the existing on-site trees to
194 determine if mitigation is required before removing any trees.
195

196 **3. Architecture**

- 197
198 a) Final architectural plans, elevations, materials and finishes must be submitted for
199 ARB final major review and approval prior to submittal for building permits.
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201 b) The windows on all facades must be recessed one to three inches from the
202 façade to provide additional design texture and shadow lines on the building
203 facades. The addition of window sills or trim treatment is also recommended.
204
205 c) A decorative CPTED fence must be installed along the east, west and south
206 property lines. The wall must include a decorative top and columns or pilasters.
207 A design and color selection must be selected and depicted on the elevation in
208 the final ARB major review application.
209
210 d) A new material must be incorporated on the front entry facades. It is encouraged
211 that either the same treatment of materials be used on the tower features or that
212 a third material that compliments the modern form and design of the building is
213 used.
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215 e) Fascia board must be used to give the tops on the building a more grounded
216 appeal.
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218 f) All garage door panels must be frosted glass.
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220 g) A minimum of 15% transparency must be provided on all floors facing the street.
221 Transparency or vegetation must be provided on the tower features, internal to
222 the driveway.
223
224 h) All glass at the ground level must be clear. Minimum light transmittance is 80%.
225 High performance or low e-glass may be considered as an alternative with a
226 minimum transmittance of 60%. No windows at the ground floor level can be dry-
227 walled, or have permanent partitions installed on the interior to block natural
228 surveillance. Tinted, reflective, or spandrel glass does not count towards
229 meeting the transparency requirements.

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4. Landscaping

- a) All landscaping must meet or exceed the minimum landscaping requirements of the current Orlando City Code.
- b) The driveway must consist of pavers with an apron leading to Marks Street.
- c) Internal to the site, landscaping planting areas must be provided in the driveway.
- d) Where opaque fencing is not included in required bufferyards, the bufferyard must include city-approved hedges at least four inches in height at the time of planting.

5. Lighting

A lighting plan that complies with the City’s lighting regulations in Chapter 63.400, Orlando City Code, including photometrics and all proposed exterior lighting fixtures must be submitted and approved prior to the issuance of building permits.

6. Wastewater –

The Property owner must coordinate with the City’s Capital Improvements Project Manager regarding the sewer connection for the Project.

7. Transportation Planning

- a) Construction plans for the Project must meet the submittal requirements of the Orlando City Code and the Orlando Engineering Standards Manual (ESM).
- b) The Property owner must provide maintenance of traffic plans (M.O.T) and roadway plans, including paving, grading, pavement marking and signage 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).
- c) A detailed pavement treatment or delineated pedestrian (sidewalk) connection must be shown between building entrances, with a connection to be provided to the public sidewalk.
- d) The Property owner must provide written confirmation from the City’s Fire Safety Engineer that the proposed access driveway and building figuration can accommodate emergency vehicles and confirmation from the City’s Solid Waste Division Manager that the proposed driveway and building configuration can be adequately served for regular scheduled garbage pick-up.

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- e) The homeowner association documents must include the following restriction regarding vehicular parking: "Each unit has been provided two designated parking spaces within their garage only."
- f) The Property owner must provide documentation of the steps that will be taken to protect the adjacent residential neighborhoods from construction cut-through traffic and construction parking. Construction worker/equipment parking and materials staging must be shown on the permit plan submitted. M.O.T. plans are required.

8. Transportation Engineering

- a) The shared access driveway must be minimum of twenty feet wide to allow for two-way traffic, solid waste access, and emergency vehicle access.
- b) No building or balcony can overhang the twenty foot wide shared driveway.
- c) For the purpose of maneuverability, the distance between the face of the garage structure and the far side of the shared access driveway must be no less than twenty-four feet.
- d) The shared access driveway must extend a minimum of ten feet beyond the last garage door to allow for backing and U-turn maneuvers.
- e) If solid waste vehicles are not expected to use the shared driveway, a location for collection must be designated along the Marks Street right-of-way that is separate from the roadway and pedestrian space.
- f) On site sidewalks must be a minimum of four feet wide and must be a minimum of six feet wide when adjacent to drive aisles.
- g) All unused or abandoned curb cuts/driveways must be removed and all curbs, gutters, parkways and sidewalks must be restored to ESM requirements and standards.
- h) A minimum seven foot wide parking lane must be constructed on Marks Street along the project frontage to improve the availability of visitor parking. Alternatively, documentation of a shared parking agreement with a nearby parking lot or garage must be provided.

9. Mechanical Equipment

- a) All venting exhaust must be directed to the roof or the rear of each building.
- b) Transformers cannot be located between a building and the adjacent street. Transformer areas must be screened on three sides with landscaping and/or

321 decorative, opaque fencing, up to six feet in height. Landscaping must be a
322 minimum of 36 inches tall at the time of planting.

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- 324 c) All ground mounted and rooftop mechanical equipment must be screened from
325 view and meet the screening conditions of the Land Development Code. An
326 interior screen wall for rooftop mechanical equipment may be required to provide
327 additional screening at eye level.
- 328
- 329 d) Backflow preventers must be located so as to not be directly visible and as far
330 away as possible from the right-of-way. Backflow preventers should be screened
331 from view where necessary with landscaping. They must be clearly identified on
332 the final utilities plan.
- 333
- 334 e) Any interior fencing on the site must be open CPTED-approved fence, such as
335 aluminum or wrought-iron picket, or architectural mesh. Chain link fencing is
336 prohibited.
- 337
- 338 f) Existing overhead powerlines on the development site must be undergrounded
339 during construction.
- 340
- 341 g) The location and configuration of all exterior venting and mechanical equipment
342 must be depicted on the building elevations and site plan in the final ARB major
343 review application.
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345 **SECTION 5. OTHER STATE AND FEDERAL PERMITS.** In accordance with
346 Section 166.033(5), Florida Statutes, the issuance of this development permit does not in
347 any way create any right on the part of the applicant to obtain a permit from a state or
348 federal agency, and does not create any liability on the part of the City for issuance of this
349 permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed
350 by a state or federal agency or undertakes actions that result in a violation of state or
351 federal law. All other applicable state or federal permits must be obtained before
352 commencement of the development authorized by this development permit.

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354 **SECTION 6. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
355 errors found in this ordinance by filing a corrected copy of this ordinance with the city
356 clerk.

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358 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its
359 application to any person or circumstance is held invalid, the invalidity does not affect
360 other provisions or applications of this ordinance which can be given effect without the
361 invalid provision or application, and to this end the provisions of this ordinance are
362 severable.

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

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DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2017.

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 _____, 2017.

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 _____, 2017.

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.]**