

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
2 OF ORLANDO, FLORIDA, REZONING CERTAIN LAND  
3 GENERALLY LOCATED SOUTH OF EAST CONCORD  
4 STREET, NORTH OF MOUNT VERNON STREET, EAST  
5 OF NORTH FERN CREEK AVENUE AND WEST OF  
6 ALTALOMA AVENUE AND COMPRISED OF 0.53 ACRES  
7 OF LAND, MORE OR LESS, FROM THE LOW INTENSITY  
8 OFFICE AND RESIDENTIAL ZONING DISTRICT WITH  
9 THE TRADITIONAL CITY OVERLAY DISTRICT TO THE  
10 PLANNED DEVELOPMENT DISTRICT WITH THE  
11 TRADITIONAL CITY OVERLAY DISTRICT; PROVIDING  
12 A 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 October 18, 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 ZON2016-00019, requesting a rezoning of certain land generally located south of East  
23 Concord Street, north of Mount Vernon Street, east of North Fern Creek Avenue, and  
24 west of Altaloma Avenue, comprised of 0.53 acres of land, more or less, and being more  
25 precisely described by the legal description attached to this ordinance as **Exhibit A**  
26 (hereinafter referred to as the "Property"), from the O-1/T Low Intensity Office and  
27 Residential zoning district with the Traditional City overlay district to the Planned  
28 Development district with 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 ZON2016-00019 (entitled "Item #15–Fern Creek Towns  
33 Townhome 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  
37

38 **WHEREAS**, zoning application case number ZON2016-00019 is requesting the  
39 Planned Development zoning district for the purpose of permitting the development of a  
40 ten unit rear-loaded townhome development (hereinafter referred to as the "Project");  
41 and  
42

43 **WHEREAS**, the MPB found that the project is consistent with:  
44

- 45 1. The *City of Orlando Growth Management Plan*, adopted as the City's  
46 "comprehensive plan" for purposes of the Florida Community Planning Act,

47 sections 163.3164 through 163.3217, Florida Statutes (hereinafter referred to  
48 as the "GMP"), including, without limitation, the goals, objectives, and policies  
49 applicable to the Property's existing Future Land Use Map designation of  
50 Residential Medium Intensity; and

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

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

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

60  
61 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and  
62 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the  
63 Orlando City Code, the Property is hereby rezoned from the Low Intensity Office and  
64 Residential zoning district with the Traditional City overlay district to the Planned  
65 Development district with the Traditional City overlay district on the City's official zoning  
66 maps (to be denoted as "PD/T" on the official maps of the City), as depicted in **Exhibit B**  
67 to this ordinance. This planned development zoning district may be known as the "Fern  
68 Creek Towns Townhome Planned Development."

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

76  
77 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided  
78 otherwise by this ordinance, the Property shall be governed by the land development  
79 regulations of the O-1 Low Intensity Office and Residential zoning district with the  
80 Traditional City overlay district.

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

85  
86 **1. Land Development**

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

92 of this ordinance and the Development Plan, the text of this ordinance shall  
93 control. References in this ordinance to lots, parcels, buildings, phases, and  
94 other development features refer to such features as identified on the  
95 Development Plan.

- 96  
97 b) *Variances and modifications.* Zoning variances and modification of standards may  
98 be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter  
99 65, Orlando City Code, respectively. The planning official may also approve minor  
100 modifications and design modifications to fences, walls, landscaping, accessory  
101 structures, signs, and bufferyard requirements. Additionally, recognizing that  
102 development plans can change in small ways between the planning and permitting  
103 stages of development, the planning official may approve up to a 10% modification  
104 of any applicable numerical development standard if the planning official finds that  
105 the proposed modification is consistent with the applicable goals, objectives, and  
106 policies of the GMP, is compatible with nearby existing land uses, would not result  
107 in inadequate public facilities, and is otherwise consistent with the public health,  
108 safety, and welfare. When approving such a modification of a development  
109 standard, the planning official may impose one or more of the conditions of  
110 development provided at section 65.334, Orlando City Code, but such condition or  
111 conditions must be reasonably calculated to mitigate the identifiable land use  
112 impacts of the modified standard.  
113
- 114 c) *School Capacity.* The project is subject to school concurrency and must  
115 coordinate with Orange County Public Schools.  
116
- 117 d) *Setbacks.* The minimum required setbacks for the overall property must be as  
118 follows: 10 ft. on E Concord Street., 20 ft. on Fern Creek Avenue., 31 ft. along  
119 the south property line, and 20 ft. along the east property line, consistent with the  
120 proposed site plan.  
121
- 122 e) *Impervious surface ration (ISR).* *The impervious surface ratio may not exceed*  
123 *0.70.*  
124
- 125 f) *Building Height.* The maximum building height is 30 feet not including  
126 architectural detailing.  
127
- 128 g) *Trash.* Collection of trash bins must occur internal to the site.  
129
- 130 h) *Lot Width.* All lots are required to be a minimum of 18.67 feet wide.  
131
- 132 i) *Lot Area.* The minimum lot area permitted is 1,400 square feet with a minimum  
133 average lot area of 1,660 square feet.  
134
- 135 j) *Overhangs.* Balconies and other such overhangs must not encroach into the  
136 right-of-way of the utility/sidewalk easement.  
137

- 138 k) Bufferyard. If a wall or opaque fencing is not provided as part of the required  
139 bufferyard, a hedge must be provided. Said hedge must be a minimum of 4ft. in  
140 height at the time of installation.  
141  
142 l) Pedestrian circulation. A pedestrian connection must be provided from North  
143 Fern Creek Avenue to the internal sidewalk along the rear units.  
144  
145 m) Accessory buildings and swimming pools are prohibited.  
146  
147 n) Air Condition Unit. The air condition units along East Concord Street must be  
148 screened with proper buffering to eliminate visibility from the public view.  
149

150 **2. Urban Design**

- 151  
152 a) Appearance Review. Architectural elevations for all buildings require appearance  
153 review prior to submitting to Permitting to ensure compliance with the conditions  
154 herein.  
155  
156 b) Equipment Screening. All air conditioners, compressors, electrical equipment and  
157 other equipment must be screened from the street and public pathways by low  
158 walls, hedges, or other decorative fences and may not exceed 4 feet above grade.  
159  
160 c) Utilities and Mechanical Equipment. The project must comply with Section  
161 58.982, Orlando City Code. All ground-level, wall and roof-mounted mechanical  
162 equipment (i.e. water meters, valves, pipes and pressure systems, transformer  
163 pads, backflow preventers, etc.) must be screened from view of the public right-of-  
164 way. Utilities and mechanical equipment, including all a/c units, must be screened  
165 by a wall to match the materials of the building and/or shrub hedging, a minimum  
166 of 36 inches at time of installation.  
167  
168 d) Rooftop Equipment. If rooftop mechanical equipment is used, it must be  
169 integrated into the overall mass of the building by screening the equipment behind  
170 parapets or by recessing equipment into the roof system. All screening must be  
171 maintained at a minimum one foot distance from said mechanical equipment.  
172  
173 e) Building Façade. All buildings must be finished with durable, high quality  
174 materials that are authentic to the style of architecture for which the building is  
175 proposed. All facades must be finished with the same materials and architectural  
176 details. Side and rear building facades that are visible from a public street must  
177 contain architectural detail comparable in appearance and complexity to the front  
178 of the building.  
179  
180 f) Façade Design. The buildings must be designed with a clearly articulated base,  
181 middle, and top, with finishing elements and materials wrapped around all facades  
182 of the building.

183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227

- g) Garages. Proposed garage door and its materials must be authentic to the style of architecture and character of the home. Transparency in the garage door is required.

**3. Façade Articulation Treatments**

- a) All architecture elements, details, features, and finishes on the exterior of the townhome units must be both consistent and compatible with the architectural style employed.
- b) 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.
- c) The following facade treatments must be integrated into the elevations of every unit: 1) minimum two color changes between the principal building and the architectural accents (i.e., columns, wainscot, reliefs, etc.); 2) minimum one texture and/or material changes between the principal building and the architectural accents (i.e., columns, wainscot, reliefs, etc.); and 3) architectural banding to create shadow lines.
- d) Architectural banding to create shadow lines.
- e) Windows on all units must be recessed from the façade approximately 1-3 inches to provide additional design texture.
- f) 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 18 inches from the ground level.
- g) Special attention to corner units. Corner units must incorporate distinctive architectural treatments, such as, wrap around porches or entrances with distinguishing features to emphasize their prominent location.
- h) Corner unit Orientation. At least one public entrance must be oriented towards the front lot line or street side lot line.
- i) The mail box location and installation must be done by the developer. Developer must submit mailbox design to US Postal Service for approval.

**4. Transparency**

- 228 a) A minimum of 15% transparency must be provided on all floors facing the street.  
229  
230 b) All glass at the ground level must be clear. Minimum light transmittance must be  
231 80%. High performance or low-e glass may be considered as an alternative with  
232 a minimum transmittance of 60%.  
233  
234 c) Tinted, reflective, or spandrel glass does not count towards meeting the  
235 transparency requirements.  
236

237 **5. Landscaping**  
238

- 239 a) A landscaping plan for the project is subject to the review and approval by the  
240 planning official, or designee, prior to the issuance of any building permit for the  
241 proposed work. The property must be developed and maintained in accordance  
242 with the final approved landscaping plans. Subject to any modifications expressly  
243 contained in the text of this ordinance, development and maintenance of the  
244 property must be consistent with the landscaping plan attached to this ordinance  
245 as **Exhibit D**  
246  
247 b) All landscaping must meet or exceed the requirements of Chapter 60, Orlando  
248 City Code.  
249  
250 c) ROW/Street trees. Street trees must be installed Fern Creek and Concord Ave.  
251  
252 d) Landscape islands must be provided internal to the site along the drive aisle  
253 adjacent to the garages.  
254  
255 e) All mulch must be organic. Approved mulch varieties include pine bark nuggets,  
256 pine straw, shredded oak pallets, melaleuca, and eucalyptus. Cypress mulch is  
257 prohibited.  
258  
259 f) At least half of all installed shrub and groundcover and at least 70% of all  
260 installed trees must be drought tolerant species native to Central Florida.  
261  
262 g) All landscaping and fencing must be consistent with generally accepted Crime  
263 Prevention Through Environmental De-sign (CPTED) principles. Walls may not  
264 be made of painted concrete block, but may be decoratively finished with stucco  
265 or split-face concrete.  
266

267 **6. Fences/Walls**  
268

- 269 a) Chain link is prohibited on the site.  
270  
271 b) Fencing height is not to exceed 6-feet in height measured from grade, and must  
272 be an approved CPTED fence of wrought-iron or wrought-iron type fence.

273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318

- 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.

**7. Pedestrian Connections**

- a) Pedestrian access from the public sidewalk must be realigned along Concord Ave. Sidewalks along the property line must be minimum 6-feet in width.
- b) Crosswalks must be constructed with pavers and/or textured colored concrete or similar. 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) Parking Lane. A minimum 9 ft. wide parking lane must be constructed along Fern Creek Avenue to provide additional public parking. This parking must be offset from the intersection according to FDOT Index 17346. The sidewalk adjacent to this parking lane must be widened to 6 ft. and must be adjacent to the back-of-curb.
- b) Curbcut Removal. All unused or abandoned curbcuts / driveways must be removed and all curbs, gutters, parkways and sidewalks must be restored to Orlando Engineering Standards Manual (ESM) requirements and standards.
- c) Maneuverability. The distance between the face of the garage structure and the far side of the access driveway must be no less than 24 ft.
- d) Compactor/Dumpster. The final site plan must show the location and size of the on-site solid waste compactor(s) / dumpster(s) with concrete pads, and enclosures with doors. The solid waste container(s) must not be located adjacent to any single family houses or directly adjacent to the public street. Dumpsters must be located to provide a minimum 50 feet of clear backup space and constructed per Orlando Engineering Standards Manual (ESM) requirements, OR documentation must be provided from the City's Solid Waste Division indicating curb pick-up or other approved arrangement.

**9. Transportation Planning**

- a) Orlando Fire Department Approval. The owner must provide written confirmation from the City's fire safety engineer that the proposed access driveway and building figuration must be able to accommodate emergency vehicle services.

319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363

- b) Solid Waste Approval. The owner must provide written confirmation from the city's solid waste division manager must be provided that the proposed driveway and building configuration can be adequately served for regular scheduled garbage pick-up.
- c) 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.
- d) Construction Plan. The Owner/Applicant must provide documentation as to the steps that will be taken to protect the adjacent residential neighborhoods from construction cut-thru traffic and construction parking. Construction worker/equipment parking and materials staging must be shown and noted on the permit plan submittal. MAINTENANCE OF TRAFFIC (M.O.T.) PLANS ARE REQUIRED.
- e) On-Street Parking. Provide on-street parking spaces along N. Fern Creek, if development plan allows for the proper spacing from the corner of Concord Street.

**10. Wastewater**

Lateral Connections. Each fee simple unit must have its own lateral connection to the gravity main. Double wye connections or other means of combined laterals are not allowed. Proposed sanitary sewer must be privately owned and maintained.

**SECTION 5. OTHER STATE AND FEDERAL PERMITS.** 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.



364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412

**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 \_\_\_\_\_, 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.]\*\*