

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, REZONING CERTAIN LAND
3 GENERALLY LOCATED SOUTH OF RIXEY STREET,
4 WEST OF JAMAJO BOULEVARD, EAST OF LAKE
5 BALDWIN LANE AND NORTH OF HARGRAVE STREET
6 AND COMPRISED OF 0.96 ACRES OF LAND, MORE OR
7 LESS, FROM THE ONE FAMILY RESIDENTIAL ZONING
8 DISTRICT WITH THE AIRCRAFT NOISE OVERLAY
9 DISTRICT IN PART; THE PLANNED DEVELOPMENT
10 DISTRICT WITH THE AIRCRAFT NOISE OVERLAY
11 DISTRICT IN PART AND NO CITY ZONING IN PART, TO
12 THE PLANNED DEVELOPMENT ZONING DISTRICT
13 WITH THE AIRCRAFT NOISE OVERLAY DISTRICT;
14 PROVIDING A DEVELOPMENT PLAN AND SPECIAL
15 LAND DEVELOPMENT REGULATIONS OF THE
16 PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR
17 SEVERABILITY, CORRECTION OF SCRIVENER'S
18 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
19 DATE.
20

21 **WHEREAS**, at its regularly scheduled meeting of March 21, 2017, the Municipal
22 Planning Board (hereinafter referred to as the "MPB") of the City of Orlando, Florida
23 (hereinafter referred to as the "City"), considered zoning application case number
24 ZON2017-00003, requesting a rezoning of certain land generally located south of Rixey
25 Street, west of Jamajo Boulevard, east of Lake Baldwin Lane, and north of Hargrave
26 Street, comprised of 0.96 acres of land, more or less, and being more precisely
27 described by the legal description attached to this ordinance as **Exhibit A** (hereinafter
28 referred to as the "Property"), from the R-1, One Family Residential zoning district with
29 the Aircraft Noise overlay district, in part, the Planned Development zoning district with
30 the Aircraft Noise overlay district, in part and no city zoning in part, to the Planned
31 Development zoning district with the Aircraft Noise overlay district and
32

33 **WHEREAS**, based upon the evidence presented to the MPB, including the
34 information and analysis contained in the "Staff Report to the Municipal Planning Board"
35 for application case number ZON2017-00003 (entitled "Item #1C-Lake Baldwin 5 PD"
36 and hereinafter referred to as the "staff report"), and subject to certain conditions
37 contained within the staff report, the MPB recommended that the City Council of the City
38 of Orlando, Florida (the "Orlando City Council"), approve said zoning application and
39 adopt an ordinance in accordance therewith; and
40

41 **WHEREAS**, zoning application case number ZON2017-00003 is requesting the
42 Planned Development zoning district for the purpose of permitting the development of a
43 five unit rear-loaded townhome development and four single family residences
44 (hereinafter referred to as the "Project"); and
45

46 **WHEREAS**, the MPB found that the project is consistent with:
47

- 48 1. The *City of Orlando Growth Management Plan*, adopted as the City's
49 "comprehensive plan" for purposes of the Florida Community Planning Act,
50 sections 163.3164 through 163.3217, Florida Statutes (hereinafter referred to
51 as the "GMP"), including, without limitation, the goals, objectives, and policies
52 applicable to the Property's existing Future Land Use Map designation of
53 Residential Medium Intensity; and
54
55 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
56 of the City of Orlando, Florida (the "LDC"); and
57

58 **WHEREAS**, the Orlando City Council hereby finds that the project and this
59 ordinance are in the best interest of the public health, safety, and welfare; and
60

61 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
62 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
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64 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
65 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
66 Orlando City Code, the Property is hereby rezoned from the One Family Residential
67 zoning district with the Aircraft Noise overlay district, in part, the Planned Development
68 zoning district with the Aircraft Noise overlay district, in part, and no city zoning, in part, to
69 the Planned Development district with the Aircraft Noise overlay district on the City's
70 official zoning maps (to be denoted as "PD/AN" on the official maps of the City), as
71 depicted in **Exhibit B** to this ordinance. This planned development zoning district may
72 be known as the "Lake Baldwin 5 Planned Development."
73

74 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
75 58.367, Orlando City Code, except as expressly provided in this ordinance, the Lake
76 Baldwin 5 Planned Development zoning district remains subject to all applicable federal,
77 state, and local laws, and nothing in this ordinance shall be construed to exempt the
78 Property from the lawful authority or jurisdiction of any federal, state, or local agency.
79

80 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
81 otherwise by this ordinance, the Property shall be governed by the land development
82 regulations of the R-2A One Family Residential zoning district with the Aircraft Noise
83 overlay district.
84

85 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
86 Development zoning district for the Property is subject to the following special land
87 development regulations:
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89 **1. Land Development**
90

ORDINANCE NO. 2017-28

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- a) 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. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Development Plan.
- b) 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) Construction and development must conform to approved site plans, elevations, and landscaping plans on file with the City Planning Division and all conditions approved by the Municipal Planning Board and City Council.
- d) Townhome use is limited to the Lake Baldwin frontage.
- e) The minimum required front setback (Lake Baldwin Lane) is 15ft. for the townhomes.
- f) A maximum impervious surface ratio of 0.55 is permitted per individual single-family residential lot and for the townhome development as a whole.
- g) The maximum building height is 35 ft.
- h) The detached garage for the townhomes are not permitted as accessory cottage dwellings. They are permitted at a maximum height of 2 stories, subject to section 58.901, Orlando City Code.
- i) Vehicular access is prohibited onto and from Lake Baldwin Lane.
- j) Bufferyard A, a minimum of 3 ft. in width including a maximum 6 ft. tall wall, must be provided along the east property line of the townhome development.

- 140 k) Balconies and other such overhangs must not encroach into the right-of-way of
141 the utility/sidewalk easement.
- 142
- 143 l) If a wall or opaque fencing is not provided as part of the required bufferyard, a
144 hedge must be provided. Said hedge must be a minimum of 4ft. in height at the
145 time of installation.
- 146
- 147 m) A pedestrian connection must be provided from North Fern Creek Avenue to the
148 internal sidewalk along the rear units.
- 149
- 150 n) Accessory buildings and swimming pools are prohibited.
- 151

152 **2. Building Design Standards-Single Family**

- 153
- 154 a) An appearance review, via Letter of Determination, must be conducted prior to the
155 issuance of building permits. All urban design conditions of approval must be
156 addressed in revised drawings prior to Appearance Review meeting.
- 157
- 158 b) All architecture materials, window proportions and details must be authentic to the
159 style. Overall building must have architectural features that are appropriate to the
160 style employed.
- 161
- 162 c) Garage doors must have transparency at a minimum in the upper panel.
- 163

164 **3. Building Design Standards-Townhomes**

- 165
- 166 a) Development of townhomes on the property must be generally consistent with the
167 conceptual elevations shown in **Exhibit D**, and an appearance review, via Letter
168 of Determination must be conducted prior to issuance of building permits.
- 169
- 170 b) A minimum of 15% transparency is required for each floor below the roof line on
171 facades adjacent to a public right-of-way, internal pedestrian walkway, or mews.
172 Rear elevations must also incorporate a minimum of 10% transparency on each
173 level above the garage. Incorporating transparency within the garage doors on
174 alleyways is strongly encouraged. End units must incorporate a minimum of 10%
175 transparency on side facades for each floor below the roof line.
- 176
- 177 c) To create a traditional neighborhood and to provide natural surveillance and visual
178 prominence along the streets, each unit must incorporate an elevated front entry
179 at a minimum 18 inches. The entrance must be clearly defined off of the street,
180 mews, or public right-of-way. Pedestrian's paths from the units must have direct
181 connections from the porch/entry ways to the public sidewalk.
- 182
- 183 d) Architectural treatments, such as porches, balconies and entrances must be
184 designed to be balance within each elevation. Symmetry of scale and massing is

185 encouraged on building facades. A balance of elements is encouraged on all
186 facades.

- 187
- 188 e) All facades must be finished with durable, high quality materials. All architectural
189 materials, window proportions and details must be authentic to the style. Overall
190 buildings must have architectural features that are appropriate to the style;
191 however, variation by unit is strongly encouraged to emphasize a townhouse
192 effect.
- 193
- 194 f) All buildings must be finished with durable, high quality materials. Materials and
195 details must continue on all facades of the building. This includes, but is not
196 limited to window trim, cornice lines, and other architectural design features
197 presented.
- 198
- 199 g) Windows on all units must be recessed from the façade approximately 1-3 inches
200 to provide additional design texture.
- 201
- 202 h) All ground-level, wall and roof-mounted mechanical equipment (i.e. water meters,
203 valves, pipes and pressure systems, transformer pads, backflow preventers, etc.),
204 shall be screened from view of the public right-of-way. Ground level utilities and
205 mechanical equipment, including all air-conditioning units, must be screened by a
206 wall to match the materials of the building and/or shrub hedging, a minimum of 36"
207 at time of planting. All screening must be maintained at a minimum one foot
208 distance from said mechanical equipment.
- 209
- 210 i) Chain link fences are prohibited. Fencing must be an approved wrought-iron type
211 CPTED fence. Walls may not be made of painted concrete block. Solid walls
212 taller than 3 ft. from street grade are prohibited unless required to satisfy the
213 bufferyard requirements.

214

215 **4. Landscaping**

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- 217 a) All landscaping must meet or exceed the requirements of Chapter 60, Orlando
218 City Code.
- 219
- 220 b) All mulch must be organic. Approved mulch varieties include pine bark nuggets,
221 pine straw, shredded oak pallets, melaleuca, and eucalyptus. Cypress mulch is
222 prohibited.
- 223
- 224 c) At least half of all installed shrub and groundcover and at least 70% of all
225 installed trees must be drought tolerant species native to Central Florida.
- 226
- 227 d) Landscaping must focus on the use of native species with established tree
228 canopy over walkways and roads in order to perpetuate positive traditional city
229 design standards.

230
231 **5. Transportation Engineering**
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- 233 a) The distance between the rearmost face of the ground floor of the structure and
234 the far side of the driveway/alley must be no less than 24 ft. plus a minimum 2 ft.
235 landscaped buffer beyond for vehicle overhang for the purpose of backing and
236 turning by vehicles entering or exiting the required garage or parking space.
237
238 b) A minimum 5 ft. wide sidewalk must be constructed adjacent to the Rixey St.
239 right-of-way. Any portion of the public sidewalk not within the right-of-way will
240 require a City Services Easement. The sidewalk must intersect with the existing
241 asphalt path that runs parallel to Lake Baldwin Lane.
242

243 **SECTION 5. OTHER STATE AND FEDERAL PERMITS.** In accordance with
244 Section 166.033(5), Florida Statutes, the issuance of this development permit does not in
245 any way create any right on the part of the applicant to obtain a permit from a state or
246 federal agency, and does not create any liability on the part of the City for issuance of this
247 permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed
248 by a state or federal agency or undertakes actions that result in a violation of state or
249 federal law. All other applicable state or federal permits must be obtained before
250 commencement of the development authorized by this development permit.
251

252 **SECTION 6. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
253 errors found in this ordinance by filing a corrected copy of this ordinance with the city
254 clerk.
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256 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its
257 application to any person or circumstance is held invalid, the invalidity does not affect
258 other provisions or applications of this ordinance which can be given effect without the
259 invalid provision or application, and to this end the provisions of this ordinance are
260 severable.
261

262 **SECTION 8. EFFECTIVE DATE.** This ordinance takes effect upon adoption.
263

264 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
265 Florida, at a regular meeting, this _____ day of _____, 2017.
266

267 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
268 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
269 of _____, 2017.
270

271 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
272 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City
273 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
274 _____, 2017.
275

ORDINANCE NO. 2017-28

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BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor/Mayor Pro Tempore

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:

Assistant City Attorney

Print Name

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