

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF STATE ROAD 417, EAST OF NARCOOSSEE ROAD, AND SOUTH OF MOSS PARK ROAD AND COMPRISED OF 2.65 ACRES OF LAND, MORE OR LESS, AS THE PLANNED DEVELOPMENT DISTRICT; PROVIDING A DEVELOPMENT PLAN AND SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of May 16, 2017, the Municipal Planning Board (hereinafter referred to as the "MPB") of the City of Orlando, Florida (hereinafter referred to as the "City"), considered zoning application case number ZON2017-00009, requesting the Planned Development zoning district designation for approximately 2.65 acres of land generally located north of State Road 417, east of Narcoossee Road, and south of Moss Park Road, and being more precisely described by the legal description attached to this ordinance as **Exhibit A** (hereinafter referred to as the "Property"); and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case number ZON2017-00009 (entitled "Item #2 – "Lake Nona Marketplace" and hereinafter referred to as the "staff report"), and subject to certain conditions contained within the staff report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

WHEREAS, Phase 1 of the subject development on the Property, which consists of 10,600 square feet of commercial uses was completed under Orange County zoning, and zoning application case number ZON2017-00009 is requesting the Planned Development zoning district for the purpose of permitting the development of Phase 2 of the development which consists of 25,000 square feet of commercial uses, or an equivalent amount of other uses allowed by the Village Center designation. (hereinafter referred to as the "Project"); and

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

1. The *City of Orlando Growth Management Plan*, adopted as the City's "comprehensive plan" for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (hereinafter referred to as the "GMP"), including, without limitation, the goals, objectives, and policies

applicable to the Property's existing Future Land Use Map designation of Residential Medium Intensity; and

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

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

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

SECTION 1. ZONING DESIGNATION. After due notice and public hearing, and pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City Code, the Property is hereby designated as the Planned Development district on the City's official zoning maps (to be denoted as "PD" on the official maps of the City), as depicted in **Exhibit B** to this ordinance. This planned development zoning district may be known as the "Lake Nona Marketplace Planned Development."

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

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the AC-1 Community Activity Center zoning district.

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

1. Land Development

- a) *Development Plan.* 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.
- b) *Southeast Orlando Sector Plan.* Pursuant to Subarea Policy 35.4 of the GMP and this ordinance, the Property is included in the Southeast Orlando Sector Plan

and therefore must conform to the applicable land development regulations of Chapter 68, Orlando City Code.

- c) *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.
- d) *Minor Modifications.* Minor modifications and design changes including but not limited to signs; landscaping; driveway locations; building locations; and other minor changes, that are required beyond those previously reviewed by the MPB may be reviewed by the planning official without further review from the Municipal Planning Board. Major changes require additional review by the MPB.
- e) *Existing Phase 1 Development.* Existing development, permitted prior to the effective date of this ordinance is considered legally non-conforming. Minor alterations that meet the standards of the AC-1 zoning district are allowed. Any substantial improvements or enlargements must meet the standards of the Lake Nona Marketplace PD.
- f) *Intensity.* The maximum development intensity must not exceed 37,500 square feet of commercial/retail or an equivalent amount of other uses allowed by the Village Center designation.
- g) *Setbacks.* The minimum building setbacks shall be as follows:
 - Front Yard- 0 feet
 - Side Yard-0 feet
 - Street Side- 0 feet
 - Rear Yard-5 feet
 - Accessory structure rear setback-1 foot
- h) *Impervious surface ratio (ISR).* The impervious surface ratio may not exceed 0.85.
- i) *Building Height.* The building height must be between one and three stories.

j) *Pedestrian Entrances.* Each use must have a primary pedestrian entrance that is highly visible and oriented towards Narcoossee Road.

k) *Allowed Uses.* The proposed development is for retail, office and restaurant. Other allowed uses for the Property include services, grocery, cinema, gas stations, hospitals, hotels, single-family residential, multi-family residential, civic uses including schools and colleges, park/plaza and/or other uses consistent with the AC-1 zoning district. Uses that cannot be accommodated within the approved site plan shown as Exhibit "C" must be reviewed as an amendment to this PD.

l) *Drive-Thru.* The drive-thru must be oriented to the side or rear and cannot face Narcoossee Road.

2. Urban Design

a) *Dumpsters.* Dumpsters cannot be located in any required parking space or vehicular use area, or in any required bufferyard or landscaping area. Dumpsters must be opaquely screened from view from public streets and adjacent properties. All dumpsters and trash compactors must be screened with solid walls to match the principal structure. Decorative gates that coordinate with the principal structure must be installed.

b) *Lighting Plan.* A lighting plan compliant with Chapter 63, Orlando City Code, and including photometrics and all proposed exterior lighting fixtures must be submitted at time of permitting.

c) *Transformer Screening.* Transformer areas outside the building envelope must be screened on three sides with landscaping and/or a decorative, opaque wall and gates up to 6-feet in height. Landscaping must include a hedge that is a minimum 36 inches tall at the time of planting and maintained at a minimum of 49 inches.

d) *Restaurant Venting.* All restaurant venting and restaurant exhaust must be directed to the roof of the building and must not be visible from the street. Restaurant venting is not permitted on any street facing façade. All other venting and exhaust for mechanical and other utilities must be a minimum of 10 feet above grade and must be integrated with the building design to be seamless with the overall architecture of the building. Exhaust venting cannot be directed over pedestrian areas.

e) *Mechanical Equipment.* All ground mounted and rooftop mechanical equipment must be screened from view and meet the screening conditions of the Orlando City Code. An interior screen wall or parapet for rooftop mechanical equipment is required. The interior screen wall or parapet must be the same height as the installed mechanical equipment height. This applies to the north and west building faces.

- f) *Backflow Preventer.* Backflow preventers must not be directly visible from the right-of-way or should be screened from view where necessary.
- g) *Minimum Required Landscape Score.* All landscape plans must achieve the Minimum Required Landscape Score (MRLS) for the proposed type and intensity of development, and meet the requirements of Chapters 60 and 61, Orlando City Code. A spreadsheet showing compliance with the MRLS must be included with the plans.
- h) *Consistent Phase II Landscaping.* The landscaping must be consistent with the Phase 1 landscape package.
- i) *Facades and Materials.* A base, middle, and top must be expressed on all facades. All facades must be finished with the same materials and architectural details. Side and rear building facades that are visible from a street and public view must contain architectural detail comparable in appearance and complexity to the front of the building.
- j) *Durable Finish.* Buildings must be finished with durable, high quality materials that are authentic to the style of architecture for which the building is proposed.
- k) *3D Parapets.* All parapets must have a 3D appearance. Add dimension returns on parapet; typically 5 feet is added so that the parapet is less two dimensional.
- l) *Windows.* All windows on the building must be recessed from the façade to provide additional design texture and shadow lines to the building façade.
- m) *Transparency.* Facades facing Narcoossee Road require 30% window transparency. Tinted or spandrel glass must not be included in ground floor transparency requirements. Low-E high efficiency glass with a minimum transmittance of 60% is permitted.
- n) *Paved Open Spaces.* All paved open spaces must provide ample furniture to encourage seating and create gathering areas.
- o) *Perimeter Landscaping.* A minimum 3 feet of perimeter landscaping is required in areas between the vehicular use area and the adjacent building.
- p) *Signage.* All signage must comply with Chapter 64, Orlando City Code. Maximum allowed copy area is 636 square feet. Management control of tenant signs is required pursuant to Chapter 64, Part 2, Orlando City Code.

3. Transportation

- a) Crosswalks. All three driveway crosswalks must be modified to include high-visibility "ladder" style markings meeting MUTCD standards. This can be accomplished with pavement marking paint and does not require thermoplastic material.
- b) Drive Thru Aisle- The minimum width of a drive thru aisle is 12 feet and the minimum radius for the entrance turning maneuver is 20 feet per City Engineering Standard. Pavement marking may be used at the east end of the divider to achieve this turning radius and direct drivers to the correct entry path.
- c) Dumpster Orientation. The dumpster may be oriented to the west as shown in the site plan, attached hereto as **Exhibit C**. Minimum door width is 12 feet measured from inside wall to inside edge of center gatepost per side for a double enclosure.

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 _____, 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/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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