

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, REZONING CERTAIN LAND GENERALLY LOCATED WEST OF SOUTH ORANGE AVENUE, SOUTH OF WEST HARDING STREET, NORTH OF WEST MURIEL STREET AND COMPRISED OF 1.68 ACRES OF LAND, MORE OR LESS, FROM THE MU-1 MEDIUM INTENSITY MIXED USE CORRIDOR DISTRICT WITH THE TRADITIONAL CITY AND SPECIAL PLAN (ORANGE MICHIGAN) OVERLAY DISTRICTS IN PART, AND THE R-3B MEDIUM INTENSITY DEVELOPMENT DISTRICT WITH THE TRADITIONAL CITY AND SPECIAL PLAN (ORANGE MICHIGAN) OVERLAY DISTRICTS IN PART TO 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 July 19, 2016, 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 ZON2016-00010, requesting a rezoning of certain land generally located west of South Orange Avenue, south of West Harding Street, north of West Muriel Street, comprised of 1.68 acres of land, more or less, and being more precisely described by the legal description attached to this ordinance as Exhibit A (hereinafter referred to as the "Property"), from the MU-1 Medium Intensity Mixed Use Corridor District with the Traditional City and Special Plan (Orange Michigan) overlay districts, in part, and the R-3B Medium Intensity Development District with the Traditional City and Special Plan (Orange Michigan) overlay districts, in part, to the Planned Development district; 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 ZON2016-00010 (entitled "Item #4 – S Orange Medical Complex Planned Development" 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**, zoning application case number ZON2016-00010 is requesting the Planned Development zoning district for the purpose of permitting the development of a three-story, 21,500 square foot medical office with mixed use retail and school, and an intensity bonus of 0.26 FAR (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 that the project is

**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 rezoned from the MU-1 Medium Intensity Mixed Use Corridor District with the Traditional City and Special Plan (Orange Michigan) overlay districts, in part, and the R-3B Medium Intensity Development District with the Traditional City and Special Plan (Orange/Michigan) overlay districts, in part, to 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 "S Orange Medical Complex Planned Development."

**SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the S Orange Medical Complex 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, lots 3, 4, 5, 54, and 55 of the Property shall be governed by the land development regulations of the MU-1 Medium Intensity Mixed Use Corridor District with the Traditional City and Special Plan (Orange/Michigan) overlay districts and lots 51, 52, 53, 54, and 56 shall be governed by the land development regulations of the R-3B Medium Intensity Development District with the Traditional City and Special Plan (Orange/Michigan) overlay districts.

**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. 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) *Intensity.* Development shall be limited to a maximum of .76 FAR.
- d) *Setbacks.* The minimum building setbacks shall follow the setbacks required in the MU-1/T/SP.
- e) *Impervious surface ration (ISR).* *The impervious surface ratio may not exceed 0.83.*
- f) *Demolition.* Demolition of the existing structures is prohibited until issuance of foundation permit or building permit.
- g) *Building Height.* The maximum height must not exceed 50-ft. from grade to mid-peak of roof.
- h) *Uses.* A minimum of 10% of the gross square footage must remain as either light retail and/or daycare. Retail uses must be independent of the medical office use.

Lot 50 may only be used for storm water retention as proposed or for residential use. The parking lot may not encroach into this lot.

- i) Phasing. The property may be developed in multiple phases, but if developed in multiple phases, each phase must be developed in a manner that allows the individual phases to function independently of each other. If the Property is developed in multiple phases, the parking lot must be developed during the first phase with all required infrastructure. Permits for the parking and associated infrastructure must be obtained within two years of the effective date of this ordinance. Additionally, the permits for the 3-story medical office building must be obtained within one year of the completion of the parking lot. If the project is not phased, building permits must be obtained within two years of the effective date of this ordinance.

## **2. Urban Design**

- a) A durable material such as precast concrete, polished block, or tile must be used on the building's base along the entire perimeter of the building. The base is at minimum, the first two feet of the building façade measured from grade. Stucco is not a durable material.
- b) The cornice treatment shall be extended the entire length of the façade on the north and south sides of the proposed building.
- c) The column base must be of a durable material, not stucco.
- d) Fencing. The wall adjacent to the residential must be a maximum of 4 feet in height within the first 15 feet of the adjacent front yard setback and then may rise to 6 feet in height. The street wall must measure a minimum of 7.5 feet from the back of the sidewalk along both Harden Street and Muriel Street to allow for the placement of street trees between the street wall and the sidewalk. The street wall must have columns at every 30 feet to provide articulation.

## **3. Transportation**

- a) All existing driveways that will be abandoned must be removed and the curb, gutter, parkway, and sidewalk must be restored.
- b) A cross access easement must be provided to adjacent property on Orange Avenue.
- c) The proposed driveway on Harding Street must be constructed with radii to match the proposed driveway on Muriel Street.

- d) At all entrances to the Project there must be clear sight distances for drivers and pedestrians that are not blocked by signs, buildings, building columns, landscaping, or other visual impediments. No structure, fence, wall, or other visual impediment shall obstruct vision between 2 feet and 8 feet in height above street level. The street corner/driveway visibility area must be shown and noted on construction plans and any future site plan submittals.
- e) The site plan must comply with all aspects of the Orlando City Code pertaining to transportation and transportation impact fees for the land uses in the project and the Florida Greenbook and Florida Department of Transportation Design Standards Index. Site lines must be provided on both site plans and landscape plans.
- f) On-street parking stalls shall be installed on Orange Avenue. FDOT parking offsets shall be met from existing intersections and driveways.
- g) The sidewalk on Orange Avenue must comply with the South Orange Special Plan. City Service and sidewalk easements shall be dedicated to provide a minimum 13 foot width for streetscape from the existing back-of- curb.
- h) Sidewalk access shall be provided from Muriel Street and Harding Street to the internal sidewalk behind the proposed building.
- i) The minimum width of the internal sidewalk perpendicular to parking shall be 7 feet or five feet if wheel stops are used.
- j) Pedestrian walkways must be provided within all parking lots serving commercial, office, and multi-family residential development and must be designed to provide direct connections between all building entrances, adjacent rights-of-way, transit stops, and outparcels.
- k) Pedestrian crosswalks at all driveway curb cuts must be constructed with brick or pavers to delineate the pedestrian path from the vehicular path.
- l) Final site plans shall show improvements made in the right-of-way by the Christ Church project along Muriel Street.
- m) Parents or guardians picking up or dropping off children at the proposed daycare must park their vehicle in the parking lot and walk the child to the daycare.
- n) All existing driveways that will be abandoned shall be removed and the curb, parkway, and sidewalk shall be restored.
- o) The proposed driveway must be constructed to meet the design requirements of the Orlando City Code and the City of Orlando Engineering Standards Manual.

- p) At least seventy-nine parking spaces must be provided.

#### 4. Landscaping

- a) *Landscaping.* A landscaping plan for the project is subject to the review and approval by the planning official, or designee, prior to the issuance of any building permit for the proposed work. A spreadsheet showing compliance with the Minimum Required Landscape Score must be included with the landscape plan. The Property must be developed and maintained in accordance with the final approved landscaping plans. Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the landscaping plan attached to this ordinance as **Exhibit “D”** (hereinafter the “Landscaping Plan”), and the following:

- i) All landscaping must meet or exceed the minimum landscaping requirements of the current Orlando City Code.
- ii) The irrigation system must meet the requirements of the current Orlando City Code.
- iii) The stormwater pond on the property must have a park-like appearance. The slopes should be less than 4:1 and the bottom must be landscaped (no gravel bottoms allowed). Litter management is required.
- iv) The stormwater pond must be planted with native plantings that can thrive in both wet and dry conditions. African Iris, Sand Cord grass, Muhly grass and Blue Porterweed are recommended plant selections. Sugar Maple, Bald Cypress and River Birch are recommended tree selections. Cypress mulch is not allowed.
- v) All street trees shall be canopy trees as defined in Chapter 61, Orlando City Code, and must be at least 12 feet in height and 2 inches caliper.
- vi) All other parking lot and site landscape requirements of Chapter 60, Orlando City Code are applicable to the Project.
- vii) Tree removal must be in compliance with the Orlando City Code.

#### 5. Lighting

- a) All requirements of Chapter 63.400, Orlando City Code must be met at the time of permitting.
- b) All utilities, including street light poles must be kept out of the pedestrian path.

c) Light-emitting diode (LED) lamps are encouraged.

**6. Wastewater** – A sewer capacity analysis must be conducted to determine the impacts of the change of use.

**7. Dumpsters** - The final site plan must show the location and size of the on-site solid waste compactor(s)/dumpsters with concrete pads, and enclosures with doors. The solid waste container(s) shall not be located adjacent to any single family houses or directly adjacent to the public street and must have a minimum opening of 12-ft. wide and a clear depth of 10-ft. forward of any bollards within the dumpster enclosure. Dumpsters shall be located to provide a minimum 50-ft. of clear backup space and constructed per the requirements of the City of Orlando Engineering Standards Manual, or documentation shall be provided from the City's Solid Waste Division indicating curb pick-up other approved arrangement.

**8. Other Site Improvements**

a) Stairwells should be constructed of an open design (not behind solid walls), and the staircase design should allow for visibility.

b) At least 6 short term bicycle parking spaces must be provided. Bicycle parking must be placed near entrances, on impervious surfaces, and situated to avoid conflicts with other vehicles or pedestrians. The spaces must also be well-lit, securely fastened, and not located in remote or low-traffic areas or hidden behind landscaping.

c) All air conditioners, compressors, electrical equipment and other equipment shall be screened from the street and public pathways by low walls, hedges, or other decorative fences and may not exceed 4-ft. above grade.

**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 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:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Print Name

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