

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, REZONING CERTAIN LAND GENERALLY LOCATED SOUTH OF WEST CHURCH STREET, WEST OF SOUTH JOHN YOUNG PARKWAY, EAST OF SOUTH COTTAGE HILL ROAD AND NORTH OF HEROLD DRIVE AND COMPRISED OF 12.61 ACRES OF LAND, MORE OR LESS, FROM R-3B MEDIUM INTENSITY DEVELOPMENT, R-1 ONE FAMILY RESIDENTIAL AND O-1 OFFICE AND RESIDENTIAL DISTRICTS 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 April 18, 2017, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2017-00004, requesting a rezoning of certain land generally located south of West Church Street, west of South John Young Parkway, east of Cottage Hill Road, and north of Herold Drive, comprised of 12.61 acres of land, more or less, and being more precisely described by the legal description attached to this ordinance as **Exhibit A** (hereinafter the "Property"), from R-3B Medium Intensity Development, R-1 One Family Residential and O-1 Office and Residential zoning districts 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 ZON2017-00004 (entitled "Item #11-Guardian Care PD" 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 ZON2017-00004 is requesting the Planned Development zoning district for the purpose of permitting the redevelopment of the existing site by expanding the nursing facility and adding independent living facilities (the "Project"); and

WHEREAS, the MPB found that the project is consistent with the City's adopted Growth Management Plan (the "GMP") including the applicable goals, objectives and policies associated with the property's Future Land Use Map designations of Residential Medium Intensity, Residential Low Intensity and Office Low Intensity; and

WHEREAS, the Orlando City Council hereby finds that the project is consistent with the intent and purpose of the planned development district zoning designation as established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando City Code”); 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 is consistent with the applicable provisions of the City’s GMP, including the applicable goals, objectives, and policies associated with the Property’s Future Land Use Map designations of Residential Medium Intensity, Residential Low Intensity and Office Low Intensity.

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 R-3B Medium Intensity Development, R-1 One Family Residential and O-1 Office and Residential zoning districts 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 “Guardian Care Planned Development.”

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Guardian Care 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 R-3B Medium Intensity Development, R-1 One Family Residential and O-1 Office and Residential zoning districts.

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

A. Land Development

1. *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.

2. Land Use and Zoning. Except as provided herein, development of the property shall be consistent with the development standards of the R-3B (Res-Med), O-1 (Office-Low), and R-1 (Res-Low) zoning district.
3. General Code Compliance. Development of the proposed project should be consistent with the conditions in this report, and all codes and ordinances of the City of Orlando, the State of Florida, and all other applicable regulatory agencies. All other applicable state or federal permits must be obtained before commencing development.
4. Fencing. The Proposed Community Garden perimeter shall be surrounded by a 4 ft. high fence or wall.
5. Minor Modifications. Minor modifications and design changes including but not limited to fences, signs, landscaping, interior alterations, and other minor changes, that are required beyond those previously reviewed by the Municipal Planning Board, may be approved by the Planning Official without further review by the Municipal Planning Board. Major changes shall require additional review by the Municipal Planning Board.
6. Expiration. Upon approval of the PD by City Council, a building permit shall be obtained for the work requiring the PD amendment within five (5) years of the PD approval or the PD will expire and the land will revert to the default zoning. No extensions shall be granted to the duration of the PD. If the building permit for the work required the PD expires before a Certificate of Occupancy or Certificate of Completion is issued for the work requiring said PD, then the PD is no longer valid and the applicant must apply for a new PD if the applicant wishes to proceed with a development requiring said PD.
7. Density. Overall density shall not exceed 21 dwelling units per acre, currently proposing 16 du/acre.
8. ISR. Impervious Surface coverage shall not exceed 70%.
9. Signage. All signage must be permitted prior to fabrication and installation.
10. Vehicular Use Location. The purpose of the PD is to allow parking and curb cut on the south perimeter, R-1 zoned, of the site, where parking is not permitted.
11. Height. The building height must not exceed 55 ft.
12. Phasing. Each phase of the development must be so planned and so related to previous development, surrounding properties, and the available public facilities and services that a failure to proceed with subsequent phases of development will have no adverse impact on the completed phase(s) or surrounding properties.
13. Specific Parcel Master Plan
 - a) Each phase or sub-phase of the Guardian Care Framework Plan shall require approval of a Specific Parcel Master Plan by the Municipal Planning Board prior to submittal of building permits for that phase or sub-phase of the Development.

- b) Each Specific Parcel Master Plan shall include architectural elevations and all proposed buildings and vertical structures for review and approval.
- c) Each Specific Parcel Master Plan shall also provide detailed site plans that include: dimensions, grading, roadway cross-sections, lighting, utilities, landscape, hardscape, signage and mechanical equipment plans including details, color and specifications of all proposed building, surface and plant materials.
- d) Each Specific Parcel Master Plan shall also demonstrate that each phase or sub-phase is providing sufficient facilities, utilities, parking, drainage and impervious surface to support its development and function independently of or jointly with any other phases or sub-phases.

B. Transportation Engineering

1. A sidewalk must be constructed along the perimeter of the project along South Cottage Hill Road, at time of Phase III development. This will also include handicapped ramps that meet current FDOT guidelines at both Cottage Hill Road at Church Street in the east-west direction and Cottage Hill Road at South Street in the east-west direction.
2. Driveway, parking lot and parking space dimensions shall comply with Orlando City Code and ESM.
3. On-site sidewalks shall be a minimum of 5 feet wide when adjacent to drive aisles and 6 feet wide when adjacent to parking stalls unless wheel stops are used, at time of Phase III development.
4. Provide pedestrian connections from a logical building location to Church Street, at time of Phase III development.
5. At all project entrances, clear sight distances for drivers and pedestrians shall not be 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 shall be shown and noted on construction plans and any future site plan submittals. The applicant shall design the site plan as necessary to comply with the Florida Greenbook and the FDOT Design Standards Index. Sight lines shall be provided on both site plans and landscape plans.

C. Urban Design

1. It is strongly encouraged that the standing seam metal roof accent the entrance feature, the porte cochere, entrance porches and octagon shape roof.
2. Create a base (water table) to the building with a change of color (preferably darker). The transition of color can be divided by banding. Add control joints/banding below the window sills. Ensure that a stacked stone base at the porte cochere's columns, or other durable non-stucco materials. Provide access

walkway to garden; ensure that all landscaping and parking lot islands meet minimum code standards (to be reviewed at the time of permitting).

D. Waste Water

1. Plans shall be reviewed by the Water Reclamation department and shall depict utilities including sanitary sewer facilities. A hydraulic analysis shall accompany the plans that calculates what the net increase of wastewater flow will be resulting from the proposed development and demonstrates the receiving sanitary sewer can accommodate the increase in flow.
2. A pre-application meeting with the Water Reclamation Division is recommended to discuss required hydraulic analysis.

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.

ORDINANCE NO. 2017-39

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

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