

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS FOR A PORTION OF THE DOUBLE EAGLE WAY PLANNED DEVELOPMENT DISTRICT, GENERALLY LOCATED SOUTH OF WALLACE ROAD AND WEST OF TURKEY LAKE ROAD., AND COMPRISED OF 0.37 ACRES OF LAND, MORE OR LESS; PROVIDING AN AMENDED DEVELOPMENT PLAN FOR THE PLANNED DEVELOPMENT DISTRICT; PROVIDING AMENDED SPECIAL LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of November 15, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2016-00025, requesting amendments to the land development regulations of the Double Eagle Way planned development zoning district, generally located south of Wallace Road and west of Turkey Lake Road, for approximately 0.37 acres of land, and being more precisely described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter 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 ZON2016-00025 (entitled "Item #7 – Double Eagle 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 ZON2016-00025 is requesting an amendment to the land development regulations of the Double Eagle Way planned development zoning district for the purpose of permitting the development of an additional 5,800 square foot building and increasing the floor area ratio from 0.30 to 0.38 (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 designation of Metropolitan Activity Center; 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

47 **WHEREAS**, the Orlando City Council hereby finds that the Project and this
48 ordinance is in the best interest of the public health, safety, and welfare, and is
49 consistent with the applicable provisions of the City's GMP, including the applicable
50 goals, objectives, and policies associated with the Property's Future Land Use Map
51 designation of Metropolitan Activity Center; and

52
53 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
54 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

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56 **SECTION 1. PD AMENDMENT.** After due notice and public hearing, and
57 pursuant to Part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
58 Orlando City Code, the land development regulations of the Double Eagle Way planned
59 development zoning district, as established by that certain zoning ordinance adopted by
60 the Orlando City Council on May 9, 2005, and bearing City of Orlando Documentary
61 #050509909, (hereinafter the "prior zoning ordinance"), is hereby amended further as
62 follows:

- 63
64 a) *Development Plan.* In the event of a conflict between the text of this ordinance
65 and the Amended Development Plan **Exhibit "B"**, the text of this ordinance shall
66 control. In the event of a conflict between the Amended Development Plan and
67 development plans adopted by the prior zoning ordinance, the Amended
68 Development Plan shall control. References in this ordinance to lots, parcels,
69 buildings, phases, and other development features refer to such features as
70 identified on the development plan. **Exhibit B** to the prior ordinance (the
71 "Development Plan") is hereby stricken and replaced with the new **Exhibit B,**
72 incorporated herein and attached to this ordinance as **Attachment 1.**

73
74 **SECTION 2. Section three (I) is added to the prior zoning ordinance as**
75 **follows: Conditions specific to the 0.37 acre corner property.** In addition to all other
76 conditions in the prior ordinance, the Property is subject to the following:

- 77
78 1) *Maximum intensity.* The maximum development intensity for the entire PD must
79 not exceed 69,760 square feet of non-residential uses. The maximum
80 development intensity of the Property must not exceed 5,800 square feet of non-
81 residential uses.
82
83 2) *Development Standards.* Development of the Property is subject to the standards
84 contained in the prior zoning ordinance and the minimum design standards
85 herein. In the event of a conflict between this ordinance and other codes and
86 ordinances of the City of Orlando, the provisions of this ordinance shall control.
87
88 3) *Building Setbacks.* The front and street side building setback is 20 feet.
89
90 4) *Transportation.*
91

- i) A sight line evaluation at the proposed loading dock must be provided at time of permitting in order to ensure visibility and the safety of pedestrians and other vehicles.
- ii) Bike racks must be installed to provide space for 4 bicycles to be secured. The racks must be located on an impervious surface to avoid interference with pedestrian or other vehicular movements and must conform to City standards. The location of the bike racks must be shown on plans submitted to permitting services and should be near the entrance of the new building.
- iii) The minimum required parking for the new building must be provided on the Property as shown on the Development Plan.
- iv) Access to the Property must be via the existing vehicular access points on Wallace Road and Turkey Lake Road.

5) Urban Design.

- i) Elevations. Elevations must match the existing building, and provide dimensional returns on the parapets, a minimum of 5 feet. Transparency must match the existing principal building, and in no case shall transparency be below 30% of the area between 3-7 feet in elevation on each level facing the street.
- ii) Monument Sign. If the existing monument sign conflicts with the proposed building, the sign must be moved in order to create a greater setback between the building and the sign.
- iii) Equipment. All mechanical equipment, including backflow preventers must be screened with landscaping or appropriate architectural techniques.
- iv) Setback between buildings. A minimum 20 foot setback must be provided between the buildings to allow the existing pedestrian path to continue in a comfortable environment and to allow for adequate separation between buildings for fire, access, etc.
- v) Landscaping. Landscaping plans will be reviewed at the time of permitting. All landscaping must meet or exceed the minimum requirements of Orlando City Code and must match or exceed the existing landscaping for the other principal building.
- vi) Building Height. The maximum building height is 2 stories.

SECTION 3. 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 4. 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 5. OTHER STATE AND FEDERAL PERMITS. As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the 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. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this ordinance that all other applicable state or federal permits be obtained before commencement of the development.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect on the effective date of Ordinance 2017-35.

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

181 ATTEST, BY THE CLERK OF THE
182 CITY COUNCIL OF THE CITY OF
183 ORLANDO, FLORIDA:

184
185 _____
186 City Clerk

187
188 APPROVED AS TO FORM AND LEGALITY
189 FOR THE USE AND RELIANCE OF THE
190 CITY OF ORLANDO, FLORIDA:

191
192 _____
193 Assistant City Attorney

194 **[Remainder of page intentionally left blank.]**