

ORDINANCE NO. 2018-43

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, REZONING CERTAIN LAND
3 GENERALLY LOCATED SOUTH OF EAST ROBINSON
4 STREET, WEST OF NORTH THORNTON AVENUE, EAST
5 OF NORTH HYER AVENUE, AND NORTH OF EAST
6 JEFFERSON STREET AND COMPRISED OF 0.70
7 ACRES OF LAND, MORE OR LESS, FROM O-1/T LOW
8 INTENSITY OFFICE-RESIDENTIAL WITH THE
9 TRADITIONAL CITY OVERLAY DISTRICT, IN PART,
10 AND R-2A/T ONE FAMILY RESIDENTIAL WITH THE
11 TRADITIONAL CITY OVERLAY DISTRICT, IN PART, TO
12 PLANNED DEVELOPMENT WITH THE TRADITIONAL
13 CITY OVERLAY DISTRICT; PROVIDING A
14 DEVELOPMENT PLAN AND SPECIAL LAND
15 DEVELOPMENT REGULATIONS OF THE PLANNED
16 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 May 15, 2018, the Municipal
22 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered
23 zoning application case number ZON2018-10006, requesting a rezoning of certain land
24 generally located south of east Robinson Street, west of North Thornton Avenue, east of
25 North Hyer Avenue, and north of East Jefferson Street, comprised of 0.70 acres of land,
26 more or less, and being more precisely described by the legal description attached to
27 this ordinance as **Exhibit A** (hereinafter the "Property"), from O-1/T Low Intensity Office-
28 Residential with the Traditional City Overlay District, in part, and R-2A/T One Family
29 Residential with the Traditional City Overlay District, in part to the Planned Development
30 District with the Traditional City Overlay zoning district; and
31

32 **WHEREAS**, based upon the evidence presented to the MPB, including the
33 information and analysis contained in the "Staff Report to the Municipal Planning Board"
34 for application case number ZON2018-10006 (entitled "Item #12–Thornton Park 11 PD"
35 and hereinafter referred to as the "staff report"), and subject to certain conditions
36 contained within the staff report, the MPB recommended that the City Council of the City
37 of Orlando, Florida (the "Orlando City Council"), approve said zoning application and
38 adopt an ordinance in accordance therewith; and
39

40 **WHEREAS**, zoning application case number ZON2018-10006 is requesting the
41 Planned Development zoning district for the purpose of permitting the development of
42 11 rear loaded townhomes and a duplex (the "Project"); and
43

44 **WHEREAS**, the MPB found that the project is consistent with the City's adopted
45 Growth Management Plan (the "GMP"); and
46

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47 **WHEREAS**, the Orlando City Council hereby finds that the project is consistent
48 with the intent and purpose of the planned development district zoning designation as
49 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando
50 City Code”); and

51
52 **WHEREAS**, the Orlando City Council hereby finds that the project and this
53 ordinance are in the best interest of the public health, safety, and welfare, and is
54 consistent with the applicable provisions of the City’s GMP.

55
56 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
57 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

58
59 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
60 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
61 Orlando City Code, the Property is hereby rezoned from O-1/T Low Intensity Office-
62 Residential with the Traditional City Overlay District, in part, and R-2A/T One Family
63 Residential with the Traditional City Overlay District, in part to the Planned Development
64 District with the Traditional City Overlay zoning district on the City’s official zoning maps
65 (to be denoted as “PD/T” on the official maps of the City), as depicted in **Exhibit B** to
66 this ordinance. This planned development zoning district may be known as the
67 “Thornton-Park 11 Planned Development.”

68
69 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
70 58.367, Orlando City Code, except as expressly provided in this ordinance, the Nona
71 Cove Planned Development zoning district remains subject to all applicable federal,
72 state, and local laws, and nothing in this ordinance shall be construed to exempt the
73 Property from the lawful authority or jurisdiction of any federal, state, or local agency.

74
75 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
76 otherwise by this ordinance, the default zoning for the townhome portion of the Project is
77 O-1/T, Low Intensity Office-Residential with the Traditional City Overlay District and the
78 default zoning for the duplex portion of the development is R-2A/T, One Family
79 Residential with the Traditional City Overlay District.

80
81 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
82 Development zoning district for the Property is subject to the following special land
83 development regulations:

84 85 **A. Land Development**

- 86 1. Minor Modifications. Minor modifications to the project, including changes to the
87 design and site plan reviewed by the Municipal Planning Board or City Council,
88 may be approved by the Planning Official without further review by the Municipal
89 Planning Board. Major changes require additional review by the Municipal
90 Planning Board.

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2. Consistency. Unless amended by any conditions found herein or any modifications recommended by the MPB and approved by City Council, this project shall operate and be developed only as described and conditioned within this report and in accordance with the site plan attached hereto as **Exhibit C** and any other plans or commitments provided in the application package.
3. Impervious Surface Ratio (ISR). A maximum ISR of 0.74 is permitted for the townhome development as a whole and 0.67 is permitted for the duplex.
4. Height. The maximum townhome height is limited to 33.5 feet. The duplex is limited to 30 feet in height. Parapet walls, elevator bulkheads and such similar mechanical appurtenances may be erected above the established height limits in accordance with Section 58.203, Orlando City Code.
5. Setbacks. The minimum required townhome setbacks are as follows; north- 11.5 feet, west- 19.5 feet, and east- 20 feet. The minimum required duplex setbacks are as follows; south- 5.2 feet, west- 12.3 feet, and east- 12.3 feet.
6. Bufferyard. Bufferyard A must be provided along the eastern property line of the overall development.
7. Accessory Structures. Accessory structures are not permitted.
8. Kneewalls. A kneewall, maximum 3 feet in height, must be provided along North Hyer Ave. to screen the alley.
9. Lot sizes. The minimum townhome lot width is 20 feet, with a minimum lot area of 1,387 square feet and a minimum average lot area of 2,100 square feet.
10. Fencing. A 6 foot tall fence must be provided along the southern development boundary.
11. Porches. Flip the porches to the north side of the duplex building.

B. Urban Design

1. General
 - a. Transformers. Transformers shall not be located between a building and the adjacent street. Transformer areas must be screened with landscaping and/or decorative, opaque fencing, up to 6 feet in height. Landscaping must be a minimum of 36 inches tall at the time of planting. Parkway strips must be at minimum 7.5 feet wide.
 - b. 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 for rooftop mechanical equipment may be required to provide additional screening at eye level.
 - c. Backflow Preventer. Backflow preventer[s] shall be located so as to not be directly visible from and as far away as possible from the right-of-way and should be screened from view where necessary. They shall be clearly identified on the final utilities plan.
 - d. Mailbox. Mailbox cluster should not be located in the front primary façade and street or within the right of way, subject to final coordination with the United States Postal Service.

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- e. Meters. Each unit must have its own utility meter. Gang meters are strongly discouraged along the right of way.
 - f. Landscaping. All landscape plans must achieve the Minimum Required Landscape Score (MRLS) required for the proposed type and intensity of development. A spreadsheet showing compliance with the Minimum Required Landscape Score must be included with the plans when submitted for permits.
 - g. Tree Protection. Existing trees (not including those classified as invasive, exotic species) shall be preserved to the extent practical. The large oak tree at the corner of Hyer Ave and East Robinson Street must be saved. The placement of underground utilities, including irrigation, within the drip lines of existing trees to be preserved shall be done by means of tunneling rather than trenching. Any melaleuca, chinaberry, Chinese tallow, Brazilian pepper, camphor, or Australian pines existing on the site shall be removed.
 - h. Shrubs. At least half of all installed shrub and groundcover and at least 70% of all installed trees must be drought tolerant species native to Central Florida.
 - i. Fencing. Any fencing on the site shall be an open, CPTED-approved fence, such as aluminum or wrought-iron picket, or architectural mesh. Chain link fencing is prohibited. Fencing spanning over 20 feet must include articulation such as columns to match the principal architecture and style of the building.
 - j. Appearance Approval. Architectural elevations for all buildings shall require Appearance Review prior to submitting to Permitting, via a Planning Official determination.
2. Architecture -Townhomes
- a. The Project must match the elevations depicted in **Exhibit D** attached hereto.
 - b. No one particular style is dictated over another; however, architecture should be authentic to the style employed.
 - c. All buildings shall be finished with durable, high quality materials. All facades must be finished with the same materials and architectural details. Side and rear building façades that are visible from a public street must contain architectural detail comparable in appearance and complexity to the front of the building.
 - d. Windows on all units shall be recessed from the façade approximately 2-4 inches to provide additional design texture.
 - e. Parapets must have a 3-d appearance. Typically 2-3 feet is added so that the parapet is less two dimensional.
 - f. To create a traditional neighborhood and to provide natural surveillance and visual prominence along the streets, the proposed townhomes must be elevated a minimum of 18 inches from the ground level.
 - g. Corner units should incorporate additional height, massing, distinctive architectural treatments, or entrances with distinguishing features to emphasize their prominent location.

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- h. Proposed garage door and its materials must be authentic to the style of architecture and character of the home. Transparency in the garage door is not required but encouraged.

3. Architecture-Duplex.

- a. The Project must match the elevations depicted in **Exhibit E** attached hereto.
- b. No one particular style is dictated over another; however, architecture should be authentic to the style employed.
- c. All buildings shall be finished with durable, high quality materials. All facades shall be finished with the same materials and architectural details. Side and rear building façades that are visible from a public street shall contain architectural detail comparable in appearance and complexity to the front of the building.
- d. Windows on all units shall be recessed from the façade approximately 2-4 inches to provide additional design texture.
- e. While not inside the historic district, this property is still adjacent to the Lake Lawsons Historic District so the scale, mass, and site design must have an appropriate transition into the adjacent historic district. The following development standards shall apply:
1. The duplex mass must transition down to the adjacent historic neighborhood and residential character is required. In order to maintain the residential character of the historic district, front porches and other traditional residential-style architectural features are encouraged, and may be required during Appearance Review to ensure that a residential character is achieved in the building design. For the duplex development, gable, hip or similar residential roof styles is required.
 2. Porch features must remain as unscreened covered porches and must remain as non-air-conditioned living spaces.

C. Transportation

1. The on-street parking stalls may begin 30 feet from the STOP control at Robinson Street. The stalls must be a minimum of 22 feet long and 7 feet wide. The sidewalk must be a minimum of 6 feet wide where abutting the parking stalls. Location of stalls must meet FDOT offsets per Florida Design Manual Chapter 212. Parking on the east side of Hyer Avenue to the north and south of the on-street parking bays must be restricted with appropriate curb marking and signage.
2. All aspects of the site plan are required to conform to all applicable minimum standards set forth in the editions of the Orlando City Code and the City Engineering Standards Manual that are in force at the time of any construction of this Project.
3. Proper sightlines must be maintained at all driveways and parking areas. Site plans and landscaping plans submitted to Permitting Services should include sightline triangles. AutoTurn analysis for emergency vehicles and solid waste collection should be attached to plans to expedite processing.
4. Copies of any required permits for work in FDOT (Robinson) or City (Hyer) rights

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of way must be attached to plans submitted to Permitting Services.

D. Water Reclamation

A site utility plan depicting sewer connection to each unit and connection to the City's sewer system is required.

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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

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

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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:

City Attorney

Print Name

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