

ORDINANCE NO. 2018-47

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, REZONING CERTAIN LAND
3 GENERALLY LOCATED NORTHWEST OF THE
4 INTERSECTION OF NARCOOSSEE ROAD AND BOGGY
5 CREEK ROAD AND COMPRISED OF 10.9 ACRES OF
6 LAND, MORE OR LESS, FROM AC-N/AN
7 NEIGHBORHOOD ACTIVITY CENTER WITH THE
8 AIRCRAFT NOISE OVERLAY DISTRICT TO PLANNED
9 DEVELOPMENT WITH THE AIRCRAFT NOISE
10 OVERLAY DISTRICT; PROVIDING A DEVELOPMENT
11 PLAN AND SPECIAL LAND DEVELOPMENT
12 REGULATIONS OF THE PLANNED DEVELOPMENT
13 DISTRICT; PROVIDING FOR SEVERABILITY,
14 CORRECTION OF SCRIVENER'S ERRORS, PERMIT
15 DISCLAIMER, AND AN EFFECTIVE DATE.
16

17 **WHEREAS**, at its regularly scheduled meeting of May 15, 2018, the Municipal
18 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered
19 zoning application case number ZON2018-10004, requesting a rezoning of certain land
20 generally located northwest of the intersection of Narcoossee Road and Boggly Creek
21 Road, comprised of 10.9 acres of land, more or less, and being more precisely
22 described by the legal description attached to this ordinance as **Exhibit A** (hereinafter
23 the "Property"), from AC-N/AN Neighborhood Activity Center with the Aircraft Noise
24 Overlay zoning district to the Planned Development with the Aircraft Noise Overlay
25 zoning district; and
26

27 **WHEREAS**, based upon the evidence presented to the MPB, including the
28 information and analysis contained in the "Staff Report to the Municipal Planning Board"
29 for application case number ZON2018-10004 (entitled "Item #13B-Nona Cove PD" and
30 hereinafter referred to as the "staff report"), and subject to certain conditions contained
31 within the staff report, the MPB recommended that the City Council of the City of
32 Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt
33 an ordinance in accordance therewith; and
34

35 **WHEREAS**, zoning application case number ZON2018-10004 is requesting the
36 Planned Development zoning district for the purpose of permitting the development of
37 260 multi-family units, a personal storage facility and commercial uses (the "Project");
38 and
39

40 **WHEREAS**, the MPB found that the project is consistent with the City's adopted
41 Growth Management Plan (the "GMP"); and
42

43 **WHEREAS**, the Orlando City Council hereby finds that the project is consistent
44 with the intent and purpose of the planned development district zoning designation as
45 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando
46 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.

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 AC-N/AN Neighborhood Activity Center with the Aircraft Noise Overlay zoning district to the Planned Development with the Aircraft Noise Overlay zoning district on the City's official zoning maps (to be denoted as "PD/AN" on the official maps of the City), as depicted in **Exhibit B** attached hereto. This planned development zoning district may be known as the "Nona Cove Planned Development."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Nona Cove 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 MU-1/AN Medium Intensity Mixed Use Corridor district with the Airport Noise Overlay district.

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. *Site Plan.* Subject to any modifications expressly contained in the text of this ordinance, development of the Property must be consistent with the site plan attached to this ordinance as **Exhibit C**. In the event of a conflict between the text of this ordinance and the site plan, the text of this ordinance shall control.
2. *Minor Modifications.* Minor modifications to the project, including changes to the design and site plan reviewed by the Municipal Planning Board or City Council, may be approved by the Planning Official without further review by the Municipal Planning Board. Major changes require additional review by the Municipal Planning Board.
3. *Phasing.* The property may be developed in multiple phases. Each phase of the development must be developed in a manner that allows the individual phases to

ORDINANCE NO. 2018-47

function independently of each other. Master Plan approval by the MPB is required for amendments relating to substantial building shifts or change in architecture, otherwise a Planning Official Letter of Determination is required per building site, prior to submitting for permits.

4. Density/Intensity. Development is restricted to a maximum of 260 multifamily units, 45,000 square feet of commercial use, and 124,000 square feet of personal storage use.
5. Impervious Surface Ratio (ISR). A maximum ISR of 0.85 is permitted.
6. Height. The maximum permitted building height is 70 feet. Personal storage is further limited to a height of 58 feet and all buildings located within 100 feet of the western property boundary are limited to a height of 50 feet with additional architectural details up to 55 feet in height.
7. Uses. Permitted uses must comply with the MU-1/AN zoning district. Prohibited uses include motels, hospitals, automotive services, attached dwellings, emergency shelters, group housing, mobile homes, treatment/recovery facilities, duplexes. No Conditional Use Permit is required for drive-through or personal storage facilities. Outdoor storage is prohibited.
8. Speakerbox. Drive-through speaker boxes are prohibited within 135 feet of the residential zoning district. Those within 300 feet of the residential district must be oriented away from such district.
9. Dumpsters. The dumpster is prohibited within the required bufferyard.
10. Signs. High-rise signs are prohibited. Ground signs on Narcoossee Road are limited to a height of 12 feet. Signage for the multifamily development must comply with Section 64.257, Orlando City Code, which includes a maximum height of 6 feet and 18 square feet of copy area.
11. Bufferyard. A densely landscaped, 25 foot wide bufferyard C, to include a 6 foot tall pre-cast concrete wall is required between the personal storage site and the residential neighborhood to the west. Pre-cast wall must include a finished surface on both sides of the wall and design is to be reviewed at the time of Appearance Review.

B. Urban Design

1. Streetscape
 - a. All street trees in parkway strips shall be high-rise live oak trees spaced 25-50 feet on-center unless an alternative is approved by the planning official.
 - b. Parkway strips adjacent to public rights-of-way must be a minimum 7.5 feet wide.
 - c. The Developer must provide sidewalks and crosswalks on the property to ensure pedestrian, transit, and bicycle access.
 - d. No vertical impediments such as utility poles, light poles or utility boxes shall be located in the Pedestrian Clear Zones and sidewalks.
 - e. A pavement treatment that contrasts with the vehicle lanes must be used at all crosswalks in order to clearly define the pedestrian zone. Reflective paint

ORDINANCE NO. 2018-47

alone is not acceptable, but may be used in conjunction with pavers or other surfaces to outline the pedestrian path for night time safety.

- f. Building entries should face the street and be recessed, or the door ways shall open inward so that ingress, egress, and entry doors do not conflict or open directly into the pedestrian clear zone.

2. Master Sign Plan

- a. Master Sign Plan. Prior to issuance of a Certificate of Occupancy, a Master Sign Plan must be submitted and approved by the planning official through a Letter of Determination.

3. Service areas, Mechanical Equipment, utilities, venting.

- a. Service Area/Utilities. All utilities, trash disposal pick-up, and other maintenance facilities should not be located adjacent to the pedestrian sidewalks or streetscape zones to the fullest extent possible. In no instance shall access to service areas require a back-in from or back-out movement to a public right-of-way.
- b. Mechanical Equipment. All ground and roof mounted mechanical equipment including transformers, traffic signal control boxes outside of the furniture zone, and any other above ground utility structures shall be screened and meet the conditions of the Orlando City Code. All above ground utility lines on the project site shall be placed underground during construction of the proposed improvements.
- c. Venting & Exhaust. All restaurant venting and restaurant exhaust must be directed to the roof of the building, must not be visible from the public right-of-way, and is not permitted on any façade of the building. All other venting and exhaust for mechanical equipment and utilities must be a minimum of 12 feet above grade, and must be designed and integrated into the building so as to be seamless with the overall architecture of the building and shall not vent over primary pedestrian areas.
- d. Backflow Preventers. Backflow preventer/s must be located so as not to be directly visible from the right-of-way and should be screened from view with a vegetative screen, opaque fencing or masonry wall.
- e. All dumpsters and trash compactors must be screened with solid walls to match the principal structure. Decorative gates must be installed to coordinate with the principal structures and must be painted to match or compliment the color of the enclosure walls. A landscape screen including low hedges and groundcover if feasible must be provided to soften the view from the public right-of-way and adjacent properties. In no instance shall access to service areas require a back-in from or a back-out movement to a public right-of-way.
- f. Fencing. All fencing on the site shall be open, CPTED-approved fencing, such as aluminum or wrought-iron picket fencing or wire mesh fencing. Chain link fences are prohibited (except for construction fencing as described above).

4. Lighting

ORDINANCE NO. 2018- 47

- a. Lighting Standards. A signed and sealed lighting plan with photometrics consistent with the lighting ordinance or a photometric plan is subject to approval by the planning official.
- b. Security Lighting. Security lighting may not be substituted for parking or pedestrian area lighting fixtures. Security lighting is restricted to lighting service, storage, loading and other similar uses. Security lighting may not extend beyond the fascia or roof-line of any building.
- c. Light Shields. Shields for security lighting must be similar in color with the surface to which the fixture is attached.
- d. Service Areas. Lighting under awnings, canopies, and porte-cocheres should be recessed. If not recessed, the box type or other lighting fixture must be opaque on all sides (no light may emanate from any side of the fixture).
- e. Pedestrian and Plaza Areas. Lighting fixtures must be decorative in appearance, style and finish and must not exceed 15' in height.

6. Parking Garage

- a. Parking garages must be constructed internal to the property and wrapped with buildings to the greatest extent possible.
- b. Parking garage must be designed to not have a "back of house" on any side, and must be designed to achieve an architectural unity with the surrounding principal structures.
- c. Parking Garage Openings. Screening of the garage openings and the use of faux mullion patterns that mimic the rhythm of the adjacent buildings must be provided. Alternative designs can be submitted that meet the intent of screening garage openings. All floors of the parking garages must have a minimum 36 inch tall opaque wall to block head-lights and views of vehicles. Green screens are also permitted to screen ground floor areas.
- d. Parapet Elevation. The roof parapet line of parking garages must be horizontally level and not reflect the parking deck ramp angle.
- e. Ground Floor Entries. Ground floor garage entrances may have open grate gates and must provide connections to the public sidewalks.
- f. Exterior Doors. At a minimum a 4-inch by 6-inch view panel must be provided in all solid exterior doors to provide visibility for entering and exiting pedestrians.
- g. Pedestrian Connections. A minimum 5 foot wide pedestrian connection to the sidewalk must be provided.
- h. Stormwater Run-off. Water must not spill out onto the sidewalk from any downspout, nor may any downspout project into the public ROW. Canopies must incorporate downspouts or other rain water management systems to prevent water spill onto the pedestrian path or ROW.
- i. Ramping must not be visible from any street. If ramping is adjacent to a street facing faced then it must be obscured from view.

ORDINANCE NO. 2018- 47

- j. Exterior light fixtures must be shielded to prevent light spilling from the garage onto adjacent properties. Light fixtures on the top deck of the parking garage may not exceed 25 feet in height.
7. Architecture: Retail/Commercial/Restaurant
- a. Appearance Approval – The Project must be generally consistent with the elevations depicted in **Exhibit D** attached hereto. Architectural elevations and perspective renderings must be included in the Letter of Determination review for each building site. No one particular style is dictated over another; however, architecture should be authentic to the style employed.
- b. Architectural continuity between the buildings is required to be incorporated into each building so that there are not random buildings that are unrelated to each other. Continuity can be provided by applying commonly related building materials or architectural theme.
- c. Parapets must have a 3-d appearance. Typically 5 feet is added so that the parapet is less two dimensional.
- d. The rear of the building must provide the same materials and details as the front of the building.
- e. Materials. Durable materials such as stone, brick, pre-cast concrete or limestone are required at the water table at a minimum 36 inches starting at ground level. Stucco may be appropriate on upper levels, but not at the base of any building. An alternative to these requirements may be approved as part of the final Appearance Review or by the planning official.
- f. Architectural Form. All buildings shall be designed to express a unique base, middle and distinctive skyline top. An alternative to these requirements may be approved as part of the final Appearance Review or by the planning official.
- g. Principal Entrances. All buildings shall have at least one entrance oriented directly toward [i.e. parallel to] the public street unless oriented to a street intersection. Principal pedestrian entrances from the right-of-way shall be architecturally treated and emphasized with canopies, awnings, hardscape, landscape or other material changes at the ground level.
- h. Articulation. Not more than 30 feet of any exterior façade shall be unbroken by architectural changes such as materials, colors, patterns, windows, columns, canopies, recesses, projections, etc.
- i. Glazing. Ground floor principal facades must include a minimum of 30% transparency for each floor below the roof measured from the ground level. Secondary facades facing parking lots or pedestrian areas or open space must include a minimum of 15% transparency. All glass at the ground level must be clear. Minimum light transmittance shall be 80%. High performance or low-e glass may be considered as an alternative with a minimum transmittance of 60%. No windows shall be dry-walled, or have permanent partitions installed on the interior to block natural surveillance. Tinted or reflective glass shall not be permitted. Spandrel glass shall not be counted toward transparency.

- j. Glazing for personal storage. Front façade must include a minimum of 25% transparency for each floor below the roof line. Secondary facades must include a minimum of 15% transparency. All glass at the ground level shall be clear. Minimum light transmittance shall be 80%. High performance or low-e glass may be considered as an alternative with a minimum transmittance of 60%. No windows shall be dry-walled, or have permanent partitions installed on the interior to block natural surveillance. Tinted or reflective glass shall not be permitted.
- k. For all Loading Zones: Screen walls must conceal trailers when parked at loading bays to the extent that such loading bays are not seen from the public ROW and the adjacent residential neighborhood.
- 8. Architecture: Multi-family
 - a. Appearance Approval. The Project must be generally consistent with the elevations depicted in **Exhibit E** attached hereto. Architectural elevations and perspective renderings must be included in and approved as part of the Specific Parcel Master Plan review.
 - b. Materials. Durable materials such as stone, brick, pre-cast concrete or limestone are required at the water table at a minimum 36 in. at ground level. Stucco may be appropriate on upper levels, but not at the base of any building. An alternative to these requirements may be approved as part of the final Appearance Review or by the planning official.
 - c. Principal Entrances. All buildings shall have at least one entrance oriented directly toward [i.e. parallel to] the public street unless oriented to a street intersection. Principal pedestrian entrances from the right-of-way shall be architecturally treated and emphasized with canopies, awnings, hardscape, landscape or other material changes at the ground level.
 - d. Articulation. Not more than 30 feet of any exterior façade shall be unbroken by architectural changes such as materials, colors, patterns, windows, columns, canopies, recesses, projections, etc. Each window must be recessed 1 to 3 inches to create shadow lines and to create additional architectural detail. An alternative to these requirements may be approved as part of the final Appearance Review or by the planning official.
 - e. The courtyard wall, along the internal spine road, is limited to a maximum height of 6 feet.
- 9. Landscape and Fencing
 - a. A signed and sealed landscaping plan package for each phase shall be subject to and approval by the City Planning Division prior to the issuance of any building permit for that respective phase. The Property shall be developed and maintained in conformity with the final approved landscaping plan package. The approved landscaping plan must be generally consistent with the general design intent of the buffer landscape plan depicted in **Exhibit F** attached hereto and follow the minimum landscape requirements listed below.
 - b. All parking rows must terminate with a landscaped bed that includes at least one canopy tree.

ORDINANCE NO. 2018-47

- c. All landscape plans must achieve the Minimum Required Landscape Score (MRLS) required 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 Minimum Required Landscape Score must be included with the plans.
- d. A pavement treatment that contrasts with the vehicle lanes must be used in order to clearly define the pedestrian zone at all crosswalks. Reflective paint alone is not acceptable, but may be used in conjunction with stamped concrete or asphalt or other surfaces to outline the pedestrian path for night time safety.
- e. Existing trees (not including those classified as invasive, exotic species) must be preserved to the extent practical. The placement of underground utilities, including irrigation, within the driplines of existing trees to be preserved must be done by means of tunneling rather than trenching. Any melaleuca, chinaberry, Chinese tallow, Brazilian pepper, camphor, or Australian pines existing on the site must be removed.
- f. Landscaping around the Trash Enclosure shall include a hedge that is a minimum 36-inches tall at the time of planting and maintained at a minimum 48 inches.
- g. Tree clearing (excluding the clearing of invasive exotic species) must not commence on any parcel until full site and building development plans have been approved.
- h. Fence materials and colors should complement the building design and the prevailing materials and design in the vicinity of the project.
- i. Fencing spanning over 20 feet must include articulation such as columns to complement the principal architecture and style of the project.
- j. The fence located at the rear of the residential properties must be replaced with a pre-cast concrete wall designed to properly tie into the existing masonry wall. The pre-cast concrete wall must be at a minimum 6 feet tall. Fencing spanning over 30 feet must include articulation such as columns to complement the principal architecture and style of the building with a similar design.
- k. The streetscape along the internal spine road must be designed as follows- a minimum of 7.5 feet wide landscape area adjacent to the building, a minimum 5 foot wide sidewalk and the park strip adjacent to the spine road must be a minimum width of 6 feet with an average of 7.5 feet.
- l. Landscape adjacent to Boggy Creek Rd must provide street trees. Street trees are required within established rights-of-way along public and private streets.
- m. Street trees are required along Boggy Creek Road. If they cannot be accommodated in the ROW then they are permitted within the property boundary, adjacent to the property line.
- n. The sidewalk must extend along the north side of the parking garage.
- o. A pleasing view of the retention pond must be provided, especially as seen along the right of way on Boggy Creek Road. Existing pond must act as a site

amenity accessible only to the apartment community residents and include at least one splash fountain jet inside the pond.

- p. The landscape buffer section adjacent to the residential neighborhood must include the following:
- i. Minimum of 14 feet-25 feet high canopy trees planted 25-50 feet on center;
 - II. Minimum 6 feet-10 feet high understory trees spaced evenly between the canopy trees;
 - III. Cabbage palms with clear trunk heights ranging from 12 feet-20 feet, planted cluster; and
 - IV. 3 feet high continuous shrub row, 3-gal. minimum, planted 36 inches on center.

C. Transportation

1. Two ADA compliant crosswalks must be constructed across the entrance from Boggy Creek Rd to connect the sidewalk in front of the proposed apartment building and the sidewalks along the south side of the internal driveway leading east to the McDonald's and WaWa parcels.
2. 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.
3. The need for a deceleration lane for this new entrance will be determined by Orange County Traffic Engineering. The applicant will provide all necessary information and studies as may be requested by that agency. A copy of the final approved plan for this entrance must be attached to plans submitted to City Permitting Services to avoid delays in the approval process.

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

ORDINANCE NO. 2018-47

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:

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