

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE ORLANDO LUTHERAN TOWERS PLANNED DEVELOPMENT ZONING ORDINANCE TO AMEND THE DENSITY, INCREASE THE MAXIMUM IMPERVIOUS SURFACE RATIO AND TO REMOVE APPROXIMATELY 0.22 ACRES OF LAND (410 AND 416 MARIPOSA STREET) FROM THE PLANNED DEVELOPMENT ZONING DISTRICT, SUCH LAND BEING GENERALLY LOCATED ON THE SOUTH SIDE OF MARIPOSA STREET BETWEEN SOUTH OSCEOLA AVENUE AND LAKE AVENUE; PROVIDING A CONFORMING LEGAL DESCRIPTION, PROVIDING FOR SEVERABILITY, PERMIT DISCLAIMER, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, on June 2, 2014, the City Council of the City of Orlando, Florida (the "Orlando City Council"), adopted City Ordinance #2014-13, amending the planned development zoning district ordinance for approximately 3.3 acres of land generally located north of East Jackson Street, south of East Pine Street, east of Lake Avenue, and west of South Osceola Avenue, (hereinafter referred to as the "Orlando Lutheran Towers PD Ordinance"); and

WHEREAS, at its regularly scheduled meeting of July 21, 2020, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2020-10008, requesting amendments to the Orlando Lutheran Towers PD Ordinance; 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 ZON2020-10008 (entitled "Item #7- OLT PD Amendment along with an addendum thereto, and hereinafter referred to as the "Staff Report,"), and subject to certain conditions, 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 ZON2020-10008 is requesting an amendment to the City's adopted planned development zoning ordinances to increase the maximum Impervious Surface Ratio for the Orlando Lutheran Planned Development and to remove approximately 0.22 acres (410 and 416 Mariposa Street) from the Orlando Lutheran Planned Development; and

WHEREAS, the MPB found that the application is consistent with the City's adopted Growth Management Plan (the "GMP"); and

WHEREAS, the Orlando City Council hereby finds that the application 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 43 City Code"); and

WHEREAS, the Orlando City Council hereby finds that this ordinance is 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. LEGAL DESCRIPTION AMENDED. Exhibit A to City of Orlando Ordinance #2014-13 is hereby deleted and replaced with **Exhibit A** to this ordinance.

SECTION 2. Section 2 of Ordinance #2014-13 is hereby amended to read as follows:

1. General

1.5 Density. ~~The maximum density of Phase A is 233 dwelling units, and the maximum density of the PO is 710 dwelling units. A proposed reduction in either the residential or commercial portion of the Phase A density or intensity shall be considered a nonmaterial change and may be approved administratively through a planning official letter of determination.~~
The maximum density of the various phases of the PD is as follows:
Phase A- 233 dwelling units
Phase B- 299 dwelling units
Phase C-108 dwelling units
The overall maximum density for all three phases of the PD is 666 dwelling units, of which 640 dwelling units have been built as of the effective date of this ordinance. A proposed reduction in either the residential or commercial portion of the Phase A density or intensity shall be considered a nonmaterial change and may be approved administratively through a planning official letter of determination.

1.9 Impervious Surface Ratio. The maximum ISR of Phase A is 0.96, and the maximum ISR for the PD is ~~0.897~~ 0.94.

SECTION 3. AMENDMENT OF OFFICIAL ZONING MAPS. The City zoning official, or designee, is hereby directed to amend the City's official zoning maps in accordance with this ordinance.

SECTION 4. 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 5. DISCLAIMER. In accordance with Section 166.033(6), 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. 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. PRIOR ORDINANCES. Except as provided in this ordinance, the Property remains subject to the applicable provisions of the prior Orlando Lutheran Towers Planned Development ordinances.

SECTION 9. 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 _____, 2020.

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 _____, 2020.

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 _____, 2020.

ORDINANCE NO. 2020-63

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

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

Assistant City Attorney