

ORDINANCE NO. 2020-64

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, REZONING CERTAIN LAND
3 GENERALLY LOCATED ON THE SOUTH SIDE OF
4 MARIPOSA STREET BETWEEN SOUTH OSCEOLA
5 AVENUE AND LAKE AVENUE AND COMPRISED OF
6 0.69 ACRES OF LAND, MORE OR LESS, FROM
7 PLANNED DEVELOPMENT WITH THE TRADITIONAL
8 CITY OVERLAY DISTRICT, IN PART, AND HIGH
9 INTENSITY MIXED RESIDENTIAL-OFFICE WITH THE
10 TRADITIONAL CITY OVERLAY DISTRICT, IN PART, TO
11 PLANNED DEVELOPMENT WITH THE TRADITIONAL
12 CITY OVERLAY DISTRICT, PROVIDING A
13 DEVELOPMENT PLAN AND SPECIAL LAND
14 DEVELOPMENT REGULATIONS OF THE PLANNED
15 DEVELOPMENT DISTRICT; PROVIDING FOR
16 SEVERABILITY, CORRECTION OF SCRIVENER'S
17 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
18 DATE.
19

20 **WHEREAS**, at its regularly scheduled meeting of July 21, 2020, the Municipal
21 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered
22 zoning application case number ZON2020-10009, requesting a rezoning of certain land
23 generally located on the south side of Mariposa Street between South Osceola and Lake
24 Avenue and comprised of 0.69 acres of land, more or less, and being more precisely
25 described by the legal description attached to this ordinance as **Exhibit A** (hereinafter
26 the "Property"), from Planned Development with the Traditional City overlay district
27 (PD/T), in part, and High Intensity Mixed Residential-Office with the Traditional City
28 overlay district (MXD-2/T), in part, to the Planned Development zoning district with the
29 Traditional City overlay district, (PD/T); and
30

31 **WHEREAS**, based upon the evidence presented to the MPB, including the
32 information and analysis contained in the "Staff Report to the Municipal Planning Board"
33 for application case number ZON2020-10009 (entitled –"Mariposa Grove PD" and
34 hereinafter referred to as the "staff report"), and subject to certain conditions contained
35 within the staff report, the MPB recommended that the City Council of the City of
36 Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt
37 an ordinance in accordance therewith; and
38

39 **WHEREAS**, zoning application case number ZON2020-10009 is requesting the
40 Planned Development zoning for the development of a 138 unit, 14-story, mixed-use
41 senior affordable housing development with a proposed 18,500 square feet of ground
42 floor commercial and amenity space, and an integrated parking garage (the "Project");
43 and
44

45 **WHEREAS**, the MPB found that the Project is consistent with the City's adopted
46 Growth Management Plan (the "GMP") including the applicable goals, objectives and

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47 policies associated with the Property's Future Land Use Map designation of Residential
48 High-Intensity (RES-HIGH), and Subarea policies S.7.1 and S.7.4; and
49

50 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
51 with the intent and purpose of the planned development district zoning designation as
52 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando
53 City Code"); and
54

55 **WHEREAS**, the Orlando City Council hereby finds that the Project and this
56 ordinance are in the best interest of the public health, safety, and welfare, and is
57 consistent with the applicable provisions of the City's GMP, including the applicable
58 goals, objectives, and policies associated with the Property's Future Land Use Map
59 designation of Residential High-Intensity (RES-HIGH), and Subarea policies S.7.1 and
60 S.7.4.
61

62 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
63 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
64

65 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
66 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
67 Orlando City Code, the Property is hereby rezoned from Planned Development with the
68 Traditional City overlay district (PD/T), in part, and High Intensity Mixed Residential-
69 Office with the Traditional City overlay district, in part (MXD-2) to the Planned
70 Development zoning district with the Traditional City overlay district (PD/T), as depicted
71 in **Exhibit B** to this ordinance. This planned development zoning district may be known
72 as the "Mariposa Planned Development."
73

74 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
75 58.367, Orlando City Code, except as expressly provided in this ordinance, the Mariposa
76 Planned Development zoning district remains subject to all applicable federal, state, and
77 local laws, and nothing in this ordinance shall be construed to exempt the Property from
78 the lawful authority or jurisdiction of any federal, state, or local agency.
79

80 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
81 otherwise by this ordinance, the Property shall be governed by the land development
82 regulations of the High Intensity Mixed Residential-Office zoning district with the
83 Traditional City overlay district (MXD-2/T).
84

85 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
86 Development zoning district for the Property is subject to the following special land
87 development regulations:
88

89 **A. Land Development**

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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** and the elevations attached as **Exhibit D**. In the event of a conflict between the text of this ordinance and the Development Plan or elevations, the text of this ordinance controls.
2. Minor Modifications. Minor modifications to the Project, including changes to the design and site plan reviewed by the MPB or City Council may be approved by the planning official or without further review by the MPB. Major changes require additional review by the MPB.
3. Floor Area Ratio (FAR) – The ground floor commercial uses are not to exceed 10,500 sq. ft. however the remaining 8,000 sq. ft. of proposed ground floor space may be used as amenity space for the residents of the building and is not open to the general public.
4. Density. The Project is approved for a density bonus of 125 du/ac bringing the total approved density to 200 du/ac or 138 dwelling units.
5. Setbacks.
 - a. Front Setback -Minimum 0 feet; maximum 5 feet
 - b. Western Side- 0 feet
 - c. Eastern Side- 0 feet
 - d. Rear Yard- 25 feet.

The front of the property shall be deemed Mariposa Street and the rear shall be East Jackson Street.
6. Secondary Use. A minimum of 10% of other uses are required to meet the density bonus. Affordable housing is considered the primary use and the secondary uses are comprised of the ground floor commercial space and the non-income restricted units. The affordable housing units must be certified by the City of Orlando Housing and Community Development Department.
7. Height. The maximum building height is 170 feet.
8. Impervious Surface Ratio (ISR). The maximum ISR for the Project is 0.92.
9. Easement. An easement must be secured from Orlando Lutheran Towers in order to construct at 0-foot setback along the common property line. Should the easement not be secured, a 10-foot setback is required.

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10. Determination. A Final Site Plan/Appearance Review Planning Official Determination is required prior to submitting to permitting to ensure these conditions of approval and the requirements for density bonus are adhered to.

B. Urban Design

1. Appearance Review Board (ARB). The City of Orlando Appearance Review Board must approve the Project prior to the issuance of building permits.
2. Streetscape. All streetscapes must meet the width, design and construction requirements of the Downtown Streetscape Design Guidelines (or an approved alternative). A minimum 12-foot streetscape along Mariposa and 15-foot streetscape along Jackson is required. The sidewalk may be narrowed to avoid impacting trees on Jackson. However, the sidewalk must not be reduced to less than 6 feet in width when going around the trees.
3. Signs. A Master Sign Plan must be approved by the ARB prior to the issuance of a Certificate of Completion of Certificate of Occupancy.
4. Lighting. An exterior building and site lighting plan must be approved by the ARB prior to issuance of a building permits.

C. Transportation

1. Except as where noted in this ordinance, all aspects of the site plan must conform to all applicable minimum standards set forth in the Orlando City Code and the City Engineering Standards Manual that are in force at the time of construction of the Project. Materials and designs for transportation related elements of the Project must also meet or exceed standards in the versions of the Orlando City Code and Engineering Standards Manual in effect at the time of submittal for permits.
2. Sight Distance. At all project entrances, clear sight distances for drivers and pedestrians must not be blocked by signs, buildings, building columns, landscaping, or other visual impediments. No structure, fence, wall, or other visual impediment can obstruct vision between 2 feet and 8 feet in height above street level. The street corner / drive-way visibility area must be shown and noted on construction plans and any future site plan submittals. The applicant must design the site plan as necessary to comply with the Florida Greenbook and the FDOT Design Standards Index. Sight lines must be provided on both site plans and landscape plans. All building facades must have a base, middle, and top, expressed, with materials, finishes, and details with those treatments wrapping all facade corners to a logical architectural end point.
3. Solid Waste. The final site plan must show the location and size of the on-site solid waste compactor(s) / dumpster(s) with concrete pads, and enclosures with doors. Dumpsters must be located to provide a minimum 50 feet of clear backup

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space and constructed per Orlando Engineering Standards Manual (ESM) requirements, or documentation must be provided from the City's Solid Waste Division indicating curb pick-up or other approved arrangement.

4. The South Eola Small Area Plan requires on street parking to be included adjacent to this property on Mariposa Street. Due to the increased setback provided on Jackson Street in order to preserve existing trees, staff approves an exception to this streetscape to remove the requirement for on street parking.
5. Curb Cuts. The curb cut for the driveway must be a minimum of 24 feet. The Owner/Applicant must remove all unused or unapproved curb cuts / driveways and must restore all curbs, gutters, parkways and sidewalks to Orlando Engineering Standards Manual (ESM) requirements and standards.
6. Parking Garage. Parking Garage. Parking garages must meet all Orlando City Code requirements found in Section 61.307. Parking ramp slopes cannot exceed a 6.67%. Ramps with larger slopes will be non-parking. A grade difference of 8% or greater requires transition slopes at the top and bottom. Up to 15% of the required parking spaces in any parking garage may be designed as compact spaces. Such spaces shall be prominently marked and posted and shall be no less than 7 feet 6 inches wide and 16 feet 0 inches deep. Compact spaces are prohibited in parking lots. Two 2-wheeled motor vehicle spaces must be provided.
7. Vehicle Parking. A maximum 28% reduction in the required number of residential parking spaces is allowed. No reduction in the number of required commercial parking is allowed.
8. Bicycle Parking. Bicycle parking shall be provided in accordance with the standards of Chapter 61, Part 3D of the Orlando Land Development Code, and must be made available prior to the issuance of any Certificate of Occupancy for the use being served. Locations must be shown on plans submitted to Permitting Services. A total of 20 short term and 14 long term bicycle parking spots are required. The long-term spaces must be located inside the apartment building, in a "bike shed" or otherwise be protected from the weather. Outdoor bike racks meeting the requirement for short term parking must be installed on an impervious surface, within 50 feet of the primary entrance, and situated to avoid conflicts with pedestrians or other vehicles.

D. Development Review

1. Street Trees. The owner is responsible for the installation of street trees prior to final of the building permit. The street tree specifications are 12 feet-14 feet height of canopy tree.

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2. The existing driveway aprons (all unused) must be removed and the parkway restored as part of the site development.

4. The plaza area on Jackson Street must be wider than 5 feet to accommodate site furnishings.

E. Wastewater

1. The owner must provide a sewer capacity study of the public sanitary sewer main between the proposed point of connection on East Jackson Street and the manhole at East South Street and South Osceola Avenue. The capacity study must evaluate the impact of the Project on the existing downstream sewer main. Flows in the Downtown Sewer Master Plan (Tetra Tech 2015) must be used as a baseline.

2. Construction and Utility Plans for the Project must be submitted to the Water Reclamation Division for review and approval prior to permit issuance.

F. Fire

1. Water Supply. All portions of a sprinklered building must be within 500 feet hose lay distance of a fire-hydrant.

G. Housing

1. The density bonus for the Project requires two separate uses and at least 10% of the Project must be dedicated to the secondary use.

2. Any substantial changes to the Project or financing are subject to additional review from the City of Orlando Housing and Community Development Department.

3. All affordable units must be certified by the Housing and Community Development Department and must be a part of a restrictive covenant that shall be applied to the property.

H. Public Works

1. A model demonstrating the water quality recovery analysis is required.

2. All proposed and existing sidewalks that is touched during construction must be updated to the newest ADA requirement.

4. Proposed sidewalks must be constructed along the entire length of the property and shall be located against the public right-of-way.

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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. EXPIRATION. Pursuant to section 58.365, Orlando City Code, the planned development zoning designation made by section one of this ordinance is hereby made contingent on a building permit for the initial phase of the Project being issued by the City of Orlando within five years of the effective date of this ordinance. For purposes of this section, a "building permit" means a building permit issued pursuant to the Florida Building Code.

SECTION 7. 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 8. 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 9. EFFECTIVE DATE. This ordinance is effective 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.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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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:

Assistant City Attorney