ORDINANCE NO.: 2010-47

AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA, RELATING TO ZONING AND THE DEVELOPMENT OF LAND; AMENDING CHAPTERS 58 AND 62 OF THE CITY'S LAND DEVELOPMENT CODE TO CREATE THE WASHINGTON SHORES SPECIAL PLAN OVERLAY DISTRICT; PROVIDING DEVELOPMENT STANDARDS WITHIN THE DISTRICT RELATING TO BUILDING DESIGN AND ARCHITECTURE, STREETSCAPE, LANDSCAPING, ACCESS MANAGEMENT, PARKING, ACCESSORY COTTAGE DWELLING UNITS, AND OTHER DEVELOPMENT STANDARDS; REZONING CERTAIN LAND IN AND AROUND THE WASHINGTON SHORES AND JOHNSON VILLAGE NEIGHBORHOODS WITH THE WASHINGTON SHORES SPECIAL PLAN OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, section 163.3202(1), Florida Statutes, requires that the City of Orlando, Florida (the "City") adopt or amend and enforce land development regulations that are consistent with and implement the City's adopted comprehensive plan; and

WHEREAS, section 163.3203(3), Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code for the City; and

WHEREAS, from time to time, amendments and revisions to the City's adopted comprehensive plan (the "Growth Management Plan") and progress in the field of planning and zoning make it necessary or desirable to amend or revise the land development regulations of the City; and

WHEREAS, at its regularly scheduled meeting of June 15, 2010, the Municipal Planning Board (MPB) recommended to the City Council of the City of Orlando, Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent with the applicable provisions of the City's adopted Growth Management Plan, are in the best interest of the public health, safety, and welfare, are in harmony with the purpose and intent of the City's Land Development Code, will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

WHEREAS, the MPB was provided with evidence and analysis through a Support Document that demonstrated the necessity of such special plan for the Washington Shores neighborhood; and
WHEREAS, the MPB found that the amendments to the City’s adopted Land Development Code included within this ordinance are consistent with the City’s adopted Growth Management Plan; and

WHEREAS, the ECHO housing is primarily intended for older parents and grandparents to live with their extended family; and

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

SECTION 1. AMENDING SECTION 62.407. Section 62.407, Code of the City of Orlando, Florida, is hereby amended as follows:


(A) Objectives. The Washington Shores Special Plan is intended to achieve the following objectives:

1. Support and enhance the pedestrian-oriented nature and characteristics of the Washington Shores neighborhood through the application of appropriate urban design guidelines.
2. Promote revitalization and redevelopment of properties in the Washington Shores neighborhood.
3. Encourage the application of Crime Prevention Through Environmental Design (CPTED) principles as a priority.
4. Program appropriate transitions between residential, commercial and office districts to provide opportunities for compatible development.
5. Encourage, rather than restrict, development, redevelopment and property improvements.
6. Require the use of Traditional City design elements outside of the Traditional City, consistent with GMP Policy 2.1.1.

(B) Application. The requirements and standards of this Special Plan shall apply to the area as depicted in [Figure 42(A)]. All new development or redevelopment within this area, including substantial enlargement, substantial improvement, or change of use shall be consistent with the requirements and standards of this Special Plan. The requirements and standards of this Special Plan shall apply in addition to the other requirements of the City’s Land Development Code (LDC). If there is any conflict between the remainder of the LDC and this Special Plan, this Special Plan shall apply.

[Insert Figure 42(A): Transect Map]

(C) Support Document. The Washington Shores Vision Plan Support Document accepted by the Orlando City Council on July 26, 2010 provides clarification of the intent of the regulations contained in this section.

(D) Appearance Review Required. Appearance review shall be required for all new development, substantial improvement, or substantial enlargement within the boundaries of the Washington Shores Special Plan Overlay district.
E) Standards for Appearance Review.

(1) Articulation. In order to promote traditional, main street scaled development, the mass
and materials of building shall be articulated along the street frontage. In order to articulate
and break down the mass of larger buildings, design treatments such as modulating
architectural details and materials, incorporating projecting and recessed elements, and
changes in roof lines are encouraged. Smaller scaled development, such as one, two and three
story buildings, may be articulated as one structure. A base, middle and top and appropriately
scaled architectural details shall be incorporated into the design of new buildings and
substantial improvements to existing buildings.

(2) Architectural Style. No one particular style is preferred; however, any architectural style
shall blend with the surrounding neighborhood and be authentic in detail to the particular
style. When an office building site is located on the same block face as or on a block face
across the street from a residential zoning district, the office building shall have a residential
architectural style.

(3) Materials. Durable, authentic materials shall be used on the ground floor of the exterior
façade of new buildings. The materials used on the base of the building shall be differentiated
from the body of the building to define a water table. Blank walls greater than 25 feet in
length shall be prohibited. Materials and architectural details shall continue on all facades of a
building to avoid blank walls.

(4) Entries. Commercial buildings shall incorporate at least one entrance per street frontage,
at grade. In order to promote the CPTED concept of territorial reinforcement, multifamily
buildings are strongly encouraged to have 12 to 24-inch raised entries for public/private space
definition. At least one public entrance of each principal structure shall be oriented toward the
front lot line or street side lot line. Pedestrian access from the public sidewalk, street right-of-
way or driveway to the public entrance shall be provided via an improved surface.

(5) Transparency. For multifamily residential development, a minimum 15 percent
transparency is required on all floors below the roof line on façades adjacent to a public
walkway, parking area, pedestrian path, or public/private park. All commercial development
shall incorporate a minimum 30 percent transparency on the ground floor and 15 percent on
each floor below the roof line. Any façade adjacent to a public walkway, plaza, or parking
area shall also incorporate 15 percent transparency for natural surveillance purposes. Clear
glass shall be used in ground floor storefronts and windows—low E energy efficient glass
minimum transmittance – 66 percent is permitted. Glass must be clear and free of obstructions
up to 5 feet behind the window in order to be considered as meeting the minimum
transparency requirements of this Section. Mirrored, tinted, or frosted glass shall be prohibited
on ground floors.

6) Signage. Pedestrian-scaled signs are encouraged. Signs affixed to glass or within 2 feet of
window surface shall not cover more than 20% of the window area between 3 and 7-feet from
grade. Signs may be permitted in first and second story windows. Signs above the second
story shall be prohibited. Monument signs may be allowed for Public Benefit uses. Such signs
shall be set back 5 feet from the property line, shall not exceed 6 feet in height, and shall not
be back-lit box signs with fully illuminated faces.

(F) Precise Plan Transitions. The following transition areas ("Transects"), as depicted in the Figure 42(B) (Transect map) and further described in Figure C (Transition Zones), are hereby created:

1. T3: Sub-Urban Transect. This transect shall consist of existing single family dwellings. This is a residential transect, and as such retail, commercial, and multi-family uses are not permitted. The majority of this transect is located outside of the Special Plan area. When property is designated as T3 within the Special Plan area, a maximum of two stories shall be permitted, with a maximum height of 30 feet.

2. T4: General Urban Transect. This transect is intended to promote a mix of building types, including rear-loaded townhomes, small apartments, office buildings, and public benefit uses. Commercial uses can be found along Goldwyn Ave.

The following development standards shall apply to properties designated T4 in Figure 42(B):

a. Maximum building mass. Three stories for all buildings. Architectural massing and materials shall be articulated approximately every 60 feet.

b. Roof Styles. Roof styles for new construction shall be consistent with those used on Traditional City residential structures, such as gable, gambrel, hip, jerkinhead, parapet, pyramidal, or shed. Mansard roofs are prohibited. The Appearance Review Official may approve an alternative roof style for new construction where 51% or more of the structures on the same block face and across the street are constructed of that style.

c. Parking Facilities. For all residential development, parking facilities shall not exceed 50% of the front façade.

d. Active Uses. Front porches and stoops are encouraged on residential buildings. Ground floor commercial uses are encouraged along Goldwyn Avenue to promote active uses along the street and define the private zone from the public zone.

e. Bonuses: Density and Intensity bonuses are discouraged.

f. Zoning District Regulation: When a T4 lot is zoned O-1, the minimum front yard and street side yard setback shall be 15 ft., the minimum side yard setback shall be 5 ft., the minimum rear yard setback shall be 20 ft., and the maximum ISR shall be 0.85.

(3) T5: Urban Center Transect. This transect area consists of a mix of building types, including larger multifamily, office and mixed-use buildings. Commercial uses are required at ground level. Buildings are oriented to the street and typically are attached. Some structured parking for larger buildings may be necessary. The following development standards shall apply to properties designated T5 in Figure 42(B):
a. Maximum Building Mass: Commercial, public benefit use and office uses are limited to four stories and residential uses are limited to five stories. For mixed-use buildings, the predominant use of the building shall determine the maximum number of stories. Architectural massing and materials must be articulated approximately every 120 feet.

b. Bonuses: Density or Intensity bonuses may be allowed when the resulting development does not exceed the maximum building profile allowed. In considering a request for a bonus, the follow standards shall apply in addition to those described in Chapter 58 Part 6:
   
   1. Development must be mixed use; and
   2. Project must consist of the development of multiple contiguous parcels rather than individual parcels.

c. Cross Access: Vehicular cross-access shall be provided between adjacent properties. Common alleyways or driveways shall be shared with adjacent properties located within the "T-4: General Urban" area(s).

d. Pedestrian-scaled Architectural Features. Where buildings are close to the street, canopies, awnings, colonnades, and other architectural features are encouraged along the ground floor. Encroachments into the sidewalk area may be permitted for awnings, canopies, marquees, or similar feature up to three feet. Outdoor dining and cafes are encouraged.

[Insert Figure 42(A). Transect Map]

[Insert Figure 42(B). Transition Zones]

(G) Streetscape

1. For all new development, a 13-foot streetscape consisting of a 5-foot furniture zone, a 7-foot pedestrian through zone, and a 1-foot frontage zone is required along the major roadways (Bruton Boulevard, Columbia Street, Goldwyn Avenue, Orange Center Boulevard). All other areas shall have a minimum 7-foot landscaped park strip and a 6-foot sidewalk.

2. Where driveways intersect the pedestrian path, the sidewalk shall remain flush in order to emphasize the pedestrian path. In order to delineate the pedestrian zone, the path shall be stamped or colored concrete or pavers, or similar material as approved by the Appearance Review officer, where the path crosses the driveway.

3. All streets and streetscape improvements shall incorporate street lights. Light fixtures shall meet the Orange County Lighting Ordinance standards, be approved by the Appearance Review Officer, and comply with transportation engineering requirements. Light poles shall be located within the furniture zones and park strips to prevent obstructions within the clear pedestrian path or conflicts with street trees.

4. Landscape Standards

   a. The standards for landscaping provided in Chapter 60 of this Code shall apply to all
new development. In addition, CPTED principles shall be emphasized in the site design, including low ground cover and shrubs that are easily maintained at a height of 30 inches. b. Landscaping shall not create hiding places and shall be maintained or designed to allow for the area between three and seven feet measured from grade to be clear of obstructions. c. Light fixtures, both on- and off-site, shall be coordinated with the landscape plan to prevent hiding places, ensure that lighting is not blocked or shaded by landscaping, and allow for natural surveillance of properties and pedestrian areas. d. Trees shall be maintained so that low-growing branches are trimmed to at least seven feet above grade. Shrubs and low landscaping should be trimmed to not exceed 30 inches from grade. This clear area allows for natural surveillance to occur on the street. Tree placement should take building windows and entrances into consideration to allow for visibility onto streets and into commercial businesses for CPTED purposes. e. Understory trees shall be used when overhead power lines conflict with tree locations, but increase to twice the amount of trees.

(H) Access Management

(1) Driveway Access. Residential and commercial development shall, wherever feasible, take driveway access from alleyways or other available side streets, rather than the main thoroughfares of the neighborhood. Additional curb cuts on main thoroughfares are not allowed unless the Planning Official and Transportation Official determine that no other possible ingress and egress solutions are practical. Excess curb cuts on major thoroughfares shall be closed upon substantial improvement or expansion where other ingress and egress solutions are possible.

(2) Vehicular cross-access shall be required between adjacent properties. Ultimately, unnecessary curb-cuts shall be closed on Columbia St., Bruton Blvd., Orange Center Blvd., and Goldwyn Ave., as access is consolidated.

(3) Cross access easements are required between all parking areas and adjacent properties. Rear placement is preferred for vehicular cross access easements.

(4) All new development shall be designed to support the future creation of a system of medians along Goldwyn Avenue and Orange Center Boulevard to calm traffic, control access, discourage cut through traffic, and provide landscaping opportunities within the right-of-way.

(5) Alleyways. In order to prevent homeowners, specifically on Goldwyn Ave., and business patrons from backing out into oncoming traffic, alleyways are encouraged along the rear property line of all new development. Cross access easements between properties shall be provided to accommodate site circulation parallel to streets. The following standards shall apply when implementing the alley network:

a. One-way alleys should provide a total width of 16 feet to accommodate a 12-foot pavement width with a 2-foot parkway on each side.

b. Two-way alleys should provide a total width of 20 to 24 feet to accommodate a 16-to 20-foot pavement width with a 2-foot parkway on each side.
c. For properties that are adjacent to an alleyway, in order to allow for natural surveillance of the alleyways, fences or walls shall not exceed 6 feet in height as measured from alley grade, and shall be no more that 60 percent opaque above 4 feet in height.

d. If located 10 feet or more from the alley property line, the fence or wall may be 100 percent opaque.

(I) Parking. The following parking standards shall apply within the Special Plan area, in addition to the Parking Standards contained in Chapter 61 of this Code.

(1) Parking Location. Surface parking lots shall be located in the rear of the property or to the side of the principal building. No parking spaces shall be located in front of any portion of a principal façade. Side yard parking, or any parking adjacent to a street, must be screened by a 30 inch high knee wall and dense hedge maintained at 15 inches in height. Structured Parking garages shall be designed on the interior of buildings, or finished with materials and details that simulates the appearance of a building when viewed from the street. Pedestrian scaled architectural features, such as punched openings representing windows, and awnings or canopies are encouraged to blend in with the principal structure and surrounding properties.

(2) Shared Parking District. The Washington Shores Special Plan Overlay shall be considered a Shared Parking District. The following method may be used to calculate parking for mixed-use projects with dissimilar adjacent uses, reciprocal parking and vehicular cross-access easements (open parking between uses): the actual parking required is calculated by adding the total number of spaces required by each separate use and dividing the total by the appropriate factor from the Shared Parking Factor matrix. Other uses may submit a shared parking study prepared by a qualified transportation consultant.

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(1) Conditional Use Permit. Proposed buildings that exceed the maximum transition profiles enumerated above are only allowed when approved by Conditional Use Permit. In granting a Conditional Use Permit for a proposed building that exceeds to maximum transition profiles required by this Section, the Municipal Planning Board shall consider the factors and standards applicable to all Conditional Use Permits and may prescribe appropriate conditions and safeguards as stated in Chapter 65. In addition to the factors and standards in Chapter 65, the Municipal Planning Board shall evaluate Conditional Use Permit applications based on the following requirements:

(1) The design of the proposed building should create transitions within the development site.
so that the building steps down to transition properly to adjacent properties; and

(2) Additional height and mass must be located toward the middle of the block or building, or adjacent to a more intense transect zone; and

(3) Building mass at the perimeter of the building site, particularly any area located adjacent to a lower intensity transect zone, must conform to the allowed heights of the transect zone and may be restricted further where additional transitions are desirable to mitigate the impacts of the proposed building; and

(4) The proposed building must meet the intent of this Section to provide for logical transitions in building height, mass, and scale from activity centers to lower density residential neighborhoods.
Figure 42(B): Transition Zones

**T3: Sub-Urban**

**General Character:** Consists of low-density residential areas. Setbacks are deep and landscaping surround residences and they tend to have porches and fences. Commercial and office uses are prohibited.

**Building Mass:** 1 to 2 stories typical, bonuses are prohibited

*Very few T-3 zones are actually used within the Special Plan boundaries*

**T4: General Urban**

**General Character:** Consists of a mixed use but primarily residential urban fabric. It may have a wide range of building type including rowhouses, and offices. Setbacks are variable.

**Building Mass:** Up to 3 stories with architectural massing and material articulated approximately every 60 feet. In the O-1 zoning district, specific O-2 standards are permissible.

**T5: Urban Center**

**General Character:** Consists of higher density mixed use buildings that accommodate retail, offices, or apartments. It has substantial pedestrian activity zones with trees within the public right-of-way. Vehicular cross access required between adjacent properties.

**Building Mass:** Four stories for retail, office and public benefit use and five stories for residential uses. Active uses are required on the ground floor. Articulation is required approximately every 120 ft.
Figure C: Washington Shores Special Plan Overlay district boundary

LEGEND

Orlando City Limits
Corridor

PROPOSED

City of Orlando, Economic Development Department
City Planning Division, February 2010

CODING: Words stricken are deletions; words underlined are additions; **** denotes omitted text.
Figure 8: ECHO housing neighborhood boundaries
SECTION 2. AMENDING SECTION 58.502. Section 58.502, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 58.502. Elderly Cottage Housing Opportunity (ECHO housing).

(A) Purpose. Elderly Cottage Housing Opportunity (ECHO Housing), is intended to expand the supply of intergenerational dwelling options. ECHO housing units are small, self-contained dwelling units intended for the elderly, placed in the rear yard of an existing home of a family member.

(B) Zoning Official Letter of Determination. Those interested in constructing an ECHO housing unit must apply for a Zoning Official Letter of Determination, issued by the Zoning Official, only after its issuance can a Building Permit be sought. If construction has not commenced within twelve (12) months of the zoning official determination, all zoning and permitting approvals become null and void.

(C) Requirements for eligible residential lots

(1) Zoning. Lots zoned R-1A, R-1A, R-1, R-1N, R-2A and that conform to the lot size standards for single-family lots on Figure 1 of Chapter 58: Zoning Districts and Uses shall be eligible for ECHO housing. As a part of a pilot program, location shall be limited to the scope of the Washington Shores Special Plan study area as depicted in Figure 8 (ECHO housing neighborhood boundaries).

[Insert Figure 8. ECHO housing neighborhood boundaries]

(2) Principal structure. The ECHO housing unit shall not be used as a replacement for the main dwelling. Therefore, the principal structure must be in good living condition prior to issuance of a Zoning Official Letter of Determination.

(3) Tandem. Both the principal structure and the ECHO housing unit structure must remain in the ownership of the same individual. No Tandem lots shall be permitted.

(D) Restrictions

(1) Same Family. The person(s) living in the ECHO housing unit must be part of the same family living within the principal structure.

(2) Limitation. Only one ECHO housing unit allowed per site.

(3) Occupants. The ECHO housing unit shall be limited to 2 occupants or less.

(4) Size. ECHO housing unit shall be restricted to 450 sq ft and one-story in height.

(5) Setbacks. Same as Accessory Structures.

(6) Other accessory structures. A shed less than 100 sq ft. shall be permissible on site in addition to the ECHO housing unit; no other accessory structures are allowed.
(E) Architecture and Design

(1) Design Compatibility. Building quality and design of a permanent ECHO housing unit must match that of the principal structure and have a permanent foundation. ECHO housing units shall have the same exterior finish as the principal structure located on the same lot and shall incorporate at least two similar architectural details found on such principal structure into their design. Examples of similar architectural details include, but are not limited to, windows, doors, roof style, cornice detailing, vents, and dormers. No mobile homes, recreational vehicles or travel trailers permitted. Appearance review is required.

(2) Parking. No additional parking is required for an ECHO housing unit; however the principal unit must have a conforming required parking.

(3) Covered walkway. A cover walkway may be attached to the principal structure from the ECHO housing unit, without the unit being considered part of the principal structure for setback purposes. However, this area shall not be screened in to create a porch, breezeway or other type of feature.

(F) Other. All other standards for Accessory structures shall apply.

SECTION 3. REZONING. The official zoning map of the City of Orlando shall be amended to show "/SP" overlay for all the properties shown on Figure C (Washington Shores Special Plan Overlay district boundary)

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. CODIFICATION; SCRIVENER’S ERROR. The City Clerk shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified subsections of this ordinance if necessary to facilitate the finding of the law. The City Attorney may correct scriveners errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 6. RENUMBERING. The City Clerk shall re-designate existing Figure 8, Octave Band Noise Spectrum of section 58.382 to be Figure 7C.

SECTION 7. EFFECTIVE DATE. This ordinance takes effect immediately upon final passage.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this day of October, 2010.

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 October, 2010.
DONE, THE SECOND READING, 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 15th day of October, 2010.

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

[Signature]
Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

[Signature]
City Clerk

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

[Signature]
City Attorney Kyle Shepard