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Abstract

Density and intensity bonuses are available for development in office, mixed-use corridor, and activity center districts in order to provide incentives for infill and redevelopment and to reduce travel distance and promote energy conservation by limiting urban sprawl. Such development must provide connections to public transit and enhance bicycle and pedestrian accessibility. The ordinance also incorporates a transportation linkage incentive that allows reduction of the minimum required intensity in exchange for contributions to a city transportation trust fund.

Resource

CODE OF THE CITY OF ORLANDO, FLORIDA Codified through Ord. of Dec. 2, 2002, Document # 021202901. (Supp. No. 12)
Chapter 58 ZONING DISTRICTS AND USES
PART 6. DENSITY AND INTENSITY BONUSES

PART 6. DENSITY AND INTENSITY BONUSES

6A. INTRODUCTION

Sec. 58.1000. Density and Intensity Bonuses--Relationship to GMP.

The following intensity bonuses assist in the implementation of GMP Future Land Use Objective 1.3 and Policies 1.3.1 and 1.3.2, to discourage the proliferation of urban sprawl, encourage a compact urban form, encourage the redevelopment and renewal of blighted areas, and provide incentives for infill development; and Future Land Use Objective 2.4 and Policy 2.4.1, to encourage a mixture of land uses and an intensity of development at or near

to the maximum permitted, promote convenience, reduce travel distance, conserve energy and achieve high standards of design.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 7-23-2001, § 1, Doc. #33944)

Sec. 58.1001. Purpose of Bonuses.

The bonuses set forth below are intended to provide incentives to help achieve superior design, and a greater mixture of land uses and intensity than might otherwise occur in office districts, mixed use corridors, activity centers and other districts in the absence of such bonuses. These incentives are also intended to encourage housing opportunities in situations where such opportunities might not otherwise be provided by the private market.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 7-23-2001, § 2, Doc. #33944)

Secs. 58.1002--58.1099. Reserved.

6B. BONUSSES IN OFFICE, MIXED USE CORRIDOR AND ACTIVITY CENTER DISTRICTS*

*Editor's note: Ord. of 7-23-2001, §§ 3--15, Doc. #33944, repealed the former Pt. 6B relative to Bonuses in the Downtown Metropolitan Center District and enacted a new part as set out herein. The former Pt. 6B, §§ 58.1100--58.1106, derived from Ord. of 9-16-1991, Doc. #25094; Ord. of 4-20-1992, Doc. #25633; Ord. of 7-26-1993, Doc. #26769; Ord. of 5-20-1996, Doc. #29361; and Ord. of 5-11-1998, Doc. #31215.

Sec. 58.1100. General Requirements.

The density and intensity standards set forth in Figures 1 and 2, Table of Zoning District Regulations, may be increased by the Planning Official in accordance with the requirements set forth below:

(a) Master Plan Approval. A bonus shall only be granted as part of a Master Plan approval in accordance with the requirements of Chapter 65, Part 2H, except as modified by this Part.

(b) AC-3A/t District. The following requirements shall also apply whenever a bonus is used in connection with a development in the AC-3A/t district:

(1) Public Art. Prior to the issuance of any building permit, the developer shall set aside a sum equal to at least 1% of the total construction costs for the development. The set aside shall be contributed by the developer to a trust fund established by the City for public art

and cultural facilities. The set-aside shall be calculated based on site plans, architectural drawings, cost estimates, construction contracts and any other supporting documentation that would otherwise have to be submitted to the Building Official for the calculation and issuance of a building permit. The City Council shall consider recommendations by the Downtown Development Board and Public Art Advisory Board when allocating public art and cultural facilities funds.

(2) Ground Floor Commercial Use. Street-level commercial uses shall be required in accordance with the requirements of Section 62.505 when development is located along a mandatory street level commercial use area shown on Figure 45 (Chapter 62).

(Ord. of 7-23-2001, § 5, Doc. #33944)

Sec. 58.1101. Bonus Available.

(a) General Description. A bonus shall not be considered an entitlement. In addition, the maximum bonus available may not be appropriate in all situations. A bonus may be granted only when an applicant presents clear and convincing evidence that the proposed design, intensity and mix of uses will result in a superior product that is compatible with the surrounding neighborhood, achieves the minimum criteria and design objectives presented in this Part, and produces more desirable impacts than the same development without a bonus. A bonus shall not cause or allow the maximum density and/or intensity of a development to exceed the smallest of the following:

(1) Double the density and/or intensity allowed under the adopted future land use designation;

(2) The maximum density and/or intensity allowed under the next more intensive future land use designation; or

(3) For residential densities, a maximum of 200 dwelling units per acre, except in the AC-3A district.

(b) Progression of Intensity. For the purposes of this Section, the progression from one future land use designation to the next more intensive future land use designation shall be as follows:

Future Land Use Designation

TABLE INSET:

District From To

O-1 Office Low Intensity Office Medium Intensity

O-2 Office Medium Intensity Office High Intensity

O-3 Office High Intensity Metropolitan Activity Center

MU-1 Mixed Use Corridor Medium Intensity Mixed Use Corridor High Intensity

MU-2 Mixed Use Corridor High Intensity Metropolitan Activity Center

AC-N Neighborhood Activity Center Community Activity Center

AC-1 Community Activity Center Urban Activity Center

AC-2 Urban Activity Center Metropolitan Activity Center

AC-3 Metropolitan Activity Center Downtown Activity Center

AC-3A Downtown Activity Center Double Intensity

(c) Maximum Bonus. The maximum allowed bonus shall be determined through the Master Plan approval process, based on the proposed development plan and site-specific conditions. A bonus may be approved, denied, conditionally approved, approved at a lower intensity or conditionally approved at a lower intensity. In no case shall the maximum bonus exceed the following:

Density (units per acre) Intensity (F.A.R.)

District* Max. Allowed by Adopted Future Land Use Desig. Max. Allowed by Next Future Land Use Desig. Max. Bonus Max. With Bonus Max. Allowed by Adopted Future Land Use Desig. Max. Allowed by Next Future Land Use Desig. Max. Bonus Max. With Bonus

O-1 21 40 19 40 0.4 0.7 0.3 0.7

O-2 40 200 40 80 0.7 1.0 0.3 1.0

O-3 200 200 0 200 1.0 3.0 1.0 2.0

MU-1 30 200 30 60 0.5 1.0 0.5 1.0

MU-2 200 200 0 200 1.0 3.0 1.0 2.0

AC-N 30 40 10 40 0.3 0.7 0.3 0.6

AC-1 40 100 40 80 0.7 1.0 0.3 1.0

AC-2 100 200 100 200 1.0 3.0 1.0 2.0

AC-3 200 200 0 200 3.0 4.0 1.0 4.0

AC-3A 200 N/A 200 400 4.0 N/A 4.0 8.0

* Includes districts inside and outside the Traditional City.

(Ord. of 7-23-2001, §§ 6, 7, Doc. #33944)

Sec. 58.1102. Submittal Requirements.

In addition to the Master Plan submittal requirements provided under Chapter 65, Part 2H, the Zoning Official, Planning Official or Municipal Planning Board may request additional information to properly evaluate the need, appropriateness or impact of the proposed bonus. Such additional information may include, but is not limited to, the following:

- (a) Exterior elevations or building sections to illustrate the height, bulk and design of the proposed development.
- (b) Perspective drawings, axonometric drawings, block-face elevations or computer simulations to illustrate the proposed development in context with adjacent buildings and the surrounding area.
- (c) Street sections to illustrate typical street dimensions, streetscape treatments, the height and bulk of the proposed development and the relationship of the proposed development to buildings and structures on the opposite side of the street.
- (d) Exterior lighting plans.
- (e) Exterior sign locations and details.
- (f) A level of service analysis, neighborhood traffic impact analysis or other type of traffic study.
- (g) Such other architectural and engineering data as may be required to permit a finding that the proposed bonus is justified and, if granted, would not negatively impact the surrounding area.

(Ord. of 7-23-2001, §§ 8, 9, Doc. #33944)

Sec. 58.1103. Design Objectives.

Substantial conformance to the following design objectives shall be required as a condition of any bonus. In order to achieve conformance to the design objectives, staff may request modifications to the proposed Master Plan. Such modifications may affect the location, orientation and design of proposed buildings and site improvements. Where the proposed Master Plan is inconsistent with an objective or the applicant considers an objective inappropriate, the City may approve waivers of the design objectives through the Master

Plan process. A waiver shall only be granted when it is justified by clear and convincing evidence submitted by the applicant, in writing, to the City.

(a) Site Design.

(1) Development plans should promote a balanced transportation system, recognizing the importance of the automobile, but also providing direct connections and accommodations for public transit, bicycles and pedestrians.

(2) Landscape and streetscape treatments should exceed the minimum standards normally found acceptable for a development without a bonus.

(3) Pedestrian connections should be provided at mid-block locations to enhance pedestrian accessibility.

(4) Shared access and circulation systems are encouraged in order to minimize curb cuts, provide direct access between adjacent uses and improve traffic circulation.

(5) Sidewalks should have sufficient width to accommodate pedestrians and any utility poles, utility equipment, fire hydrants, signs and other structures or equipment that may infringe on the sidewalk area, including those that cannot be relocated elsewhere.

(b) Building Design.

(1) Buildings on corner lots and buildings that terminate views shall be considered significant structures. Such structures should incorporate additional height, massing, distinctive architectural treatments or other distinguishing features to emphasize their prominent location.

(2) Long, windowless, uninterrupted walls shall be avoided. In general, transparent windows shall comprise at least 30 percent of street side exterior elevations. Building wall offsets, projections and recesses may also be used to add architectural interest and variety.

(3) Major architectural treatments on the principle building facade should be continued around all sides of the building that are visible from the public realm.

(4) Rooftops of high-rise buildings should be sculpted to create an interesting form and enhance the collective skyline.

(5) In mixed-use buildings, the ground floor should be differentiated from upper floors through the use of strong cornice lines, awnings, distinct but compatible exterior colors or materials, exterior lighting, colonnades or overhangs that cover the sidewalk, increased setbacks for upper floors or similar treatments.

(6) Appropriate safety and security features should be incorporated into building and site design consistent with the concepts and principles of Crime Prevention Through Environmental Design (CPTED).

(7) Buildings and structures on corner lots shall comply with the requirements for a Street Corner Visibility Area.

(c) Orientation.

(1) The primary facade of all buildings should contain the primary entrance and face a public street.

(2) The primary building entrance should be a prominent feature that is visible and directly accessible from a public street, well lit and easily accessible by employees and visitors. To the extent possible, the primary building entrance should be defined and articulated with pediments, pilasters, columns, porticoes, porches, overhangs, railings or other architecturally compatible elements.

(d) Parking.

(1) Shared parking is encouraged.

(2) Parking structures should reflect the character, scale and massing of the primary structure.

(3) Exterior wall materials for parking structures should be compatible with the exterior wall materials and finish of the principal building.

(4) Where feasible, liner buildings and/or ground floor uses should be incorporated into the street side of parking structures to maximize architectural interest and human activity.

(5) Parking lot layout, landscaping, buffering and screening should minimize direct views of parked vehicles from streets and sidewalks; avoid spill-over light, glare, noise and exhaust fumes onto adjacent properties; and provide a reasonable measure of shade from the tree canopy.

(6) Parking lots along the street frontage are discouraged. In cases where parking lots are located along the street frontage, the primary facade of the principal building should front directly onto a publicly accessible walkway that leads directly from the street to the establishment's front door without crossing a vehicular travel way.

(7) Bicycle parking accommodations shall be provided.

(e) Service Areas.

(1) Service and loading activities should be placed in visually unobtrusive locations and take access from secondary streets, where feasible.

(2) Service areas should be screened from streets and adjacent properties. Screen walls, if used, shall be compatible with the exterior walls of the primary structure.

(f) Signs.

(1) Signs affixed to the exterior of a building should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs used on the building site.

(2) Where feasible, signs located on buildings with the same block face should be placed at the same height in order to create a unified sign band.

(Ord. of 7-23-2001, §§ 10, 11, Doc. #33944)

Sec. 58.1104. Minimum Criteria.

Strict conformance to the following minimum criteria shall be required as a condition of any bonus:

(a) Development shall contain at least two use types from the following categories:

(1) Multifamily residential dwellings

(2) Offices

(3) Light Retailing/Personal Services

(4) Eating & Drinking Establishments

(5) Hotel/Motel

(6) Indoor Recreation

(7) Public Benefit Use

(8) Child Care Centers

(b) Development along the mandatory street-level commercial area shown in Figure 45 (Chapter 62) shall conform to the requirements of Chapter 62, Part 5.

(Ord. of 7-23-2001, §§ 12, 13, Doc. #33944)

Secs. 58.1105--58.1115. Reserved.

6C. TRANSPORTATION LINKAGE INCENTIVE*

*Editor's note: Ord. of 7-23-2001, §§ 17--24, Doc. #33944, repealed the former Pts. 6C and 6C(1) relative to Bonuses in Activity Center Districts and Housing Linkage Incentive, respectively, and renumbered Pt. 6C(2) as 6C as set out herein. The former Pt. 6C, §§ 58.1110--58.1113, derived from Ord. of 9-16-1991, Doc. #25094; and Ord. of 7-26-1993, Doc. #26769. The former Pt. 6C(1), §§ 58.1114, 58.1115, derived from Ord. of 9-16-1991, Doc. #25094; Ord. of 4-20-1992, Doc. #25633; Ord. of 7-26-1993, Doc. #26769; Ord. of 5-20-1996, Doc. #29361.

Sec. 58.1116. Purpose and Relationship to the Growth Management Plan.

Goal 1 in the Transportation Element of the Growth Management Plan encourages the development of a balanced transportation system that supports building a livable community and improves access and travel choices through enhancement of roads, public transit, bicycle and pedestrian systems, intermodal facilities, demand management programs and traffic management techniques.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361; Ord. of 7-23-2001, § 25, Doc. #33944)

Sec. 58.1117. General Requirements.

In the AC-1t, AC-2t, AC-3t, and MU-2t districts located within the Traditional City, the intensity standards set forth in Figure 1, Table of Zoning District Regulations, may be decreased by the Planning Official in accordance with the requirements of the following incentive.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361)

Sec. 58.1118. Reduction in Required Minimum Intensity.

The minimum intensity standards set forth in Figure 1 may be reduced by the Planning Official for permitted and conditional uses only, in exchange for a contribution by the developer to the City of Orlando Trust Fund for Alternative Transportation in the Traditional City.

Incentive Available.

TABLE INSET:

District Minimum

FAR Available

Incentive FAR With

Incentive Additional

Incentive--

Eating &

Drinking

Establishments Eating &

Drinking

Establishments--

FAR With Add'l

Incentive

AC-1 0.35 0.15 0.20 0.10 = 0.10

AC-2 0.50 0.20 0.30 0.20 = 0.10

AC-3 0.75 0.35 0.40 0.30 = 0.10

MU-2 0.40 0.15 0.25 0.15 = 0.10

General Procedure. Full details of the operation and procedure for issuance of the Reduction in Required Minimum Intensity incentive are described below, except for the following:

(a) The contributions shall be used to construct bicycle, pedestrian and transit improvements within the Traditional City.

(b) The developer, at his/her option, may dedicate a portion of the building site acceptable to the City for the development of transit improvements. The assessed value of the dedicated land, as shown on the most recent certified tax roll of the Orange County Property Appraiser, may be deducted from the total cost of the contribution.

(c) The amount of contribution shall be one percent (1%) of construction cost for every 0.05 FAR reduction or portion thereof.

(d) For eating and drinking establishments, the following site design standards must be met to qualify for the additional incentive:

- (1) Maximum number of parking spaces permitted is 12:1000 sf GFA;
- (2) Cross-access easements and/or shared parking agreements are required where the City deems them necessary;
- (3) All Traditional City design standards are incorporated into the site design;
- (4) Pole signs are prohibited;
- (5) Transit stops and/or shelters are required where determined reasonably necessary by the City, in cooperation with Lynx;
- (6) If an eating and drinking establishment is abutting a Class I or II use (shown in Figure 6: Land Use Intensity Table, Chapter 58) and includes a drive-in facility, a 5 ft. minimum height masonry wall, located 5 ft. from the property line, shall be provided as part of the required buffer area; in addition, the landscaping requirements of Chapter 60, Section 60.253, shall be provided between the wall and the abutting property.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361; Ord. of 7-23-2001, § 26, Doc. #33944)

Secs. 58.1119--58.1132. Reserved.