

1 AN ORDINANCE OF THE CITY OF ORLANDO,  
2 FLORIDA, AMENDING THE PLANNED DEVELOPMENT  
3 ZONING DISTRICT REGULATIONS FOR THE NEWTON  
4 CENTRE PLANNED DEVELOPMENT, GENERALLY  
5 LOCATED TO NORTH OF E. MURIEL ST., SOUTH OF E.  
6 HARDING ST., AND EAST OF S. ORANGE AVE., WITH  
7 AN ADDRESS OF 2121 S. ORANGE AVE., AND  
8 COMPRISED OF 1.03 ACRES OF LAND, MORE OR  
9 LESS, AMENDING THE PLANNED DEVELOPMENT  
10 DISTRICT'S DEVELOPMENT STANDARDS, SITE  
11 PLANS, AND CONDITIONS OF DEVELOPMENT;  
12 DIRECTING AMENDMENT OF THE OFFICIAL ZONING  
13 MAP SERIES; PROVIDING FOR SEVERABILITY,  
14 CORRECTION OF SCRIVENER'S ERRORS, AND AN  
15 EFFECTIVE DATE.

16  
17 **WHEREAS**, at its regularly scheduled meeting of April 21, 2015, the Municipal  
18 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered  
19 zoning application case number ZON2015-00005, requesting the amendment of the  
20 Planned Development zoning district designation along with the Traditional City and  
21 Orange Michigan Special Plan zoning overlay districts, for approximately 1.03 acres of  
22 land, generally located north of E. Muriel St., south of E. Harding St., east of S. Orange  
23 Ave., addressed as 2121 S. Orange Ave., and more precisely described by the legal  
24 description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and  
25

26 **WHEREAS**, based upon the evidence presented to the MPB, including the  
27 information and analysis contained in the "Staff Report to the Municipal Planning Board"  
28 for application case number ZON2015-00005 (entitled "Item #7 – Newton Corner PD  
29 Amendment" and hereinafter referred to as the "Staff Report"), and subject to certain  
30 conditions contained within the Staff Report, the MPB recommended that the City  
31 Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning  
32 application and adopt an ordinance in accordance therewith; and  
33

34 **WHEREAS**, zoning application case number ZON2015-00005 is requesting the  
35 amendment of the Planned Development zoning district designation for the purpose of  
36 allowing for 9,000 sq. ft. of commercial uses (retail and restaurant) in lieu of the  
37 previously approved townhomes on Lot 1 of the Newton Corner development (the  
38 "Project"); and  
39

40 **WHEREAS**, the MPB found that the Project is consistent with the City's adopted  
41 Growth Management Plan (the "GMP") including the applicable goals, objectives, and  
42 policies associated with the Property's Future Land Use Map designation of Mixed Use  
43 Corridor Medium; and

**WHEREAS**, the Orlando City Council hereby finds that the Project 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 City Code”); and

**WHEREAS**, the Orlando City Council hereby finds that the Project and 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, including the applicable goals, objectives, and policies associated with the Property’s Future Land Use Map designation of Mixed Use Corridor Medium.

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

**SECTION 1. ZONING AMENDMENT.** After due notice and public hearing, and pursuant to Chapter 58, Orlando City Code, and other relevant portions of the Orlando City Code, the land development regulations established by the planned development zoning ordinances adopted by the Orlando City Council on April 1, 2002 (City Documentary #020401703), April 14, 2003 (City Documentary #030414703), January 26, 2004 (City Documentary #040126903), and December 15, 2008 (City Documentary #0812151103), hereinafter, the “Newton Centre Planned Development Ordinances,” are hereby amended as described herein.

**SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, The Newton Centre 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 PD Planned Development District with Traditional City and Orange Michigan Special Plan zoning overlay districts and MU-1 Mixed Use with Traditional City zoning overlay district (denoted as “PD/T/SP” and “MU-1/T/SP,” on the official maps of the City) as depicted in **Exhibit “B”** to this ordinance.

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

**1) Land Development**

- 87 a) *Development Plan.* Subject to any modifications expressly contained in the text  
 88 of this ordinance, development and maintenance of the Property must be  
 89 consistent with the development plan attached to this ordinance as **Exhibit “C”**  
 90 (hereinafter the “Development Plan”). In the event of a conflict between the text  
 91 of this ordinance and the Development Plan, the text of this ordinance shall  
 92 control. References in this ordinance to lots, parcels, buildings, phases, and  
 93 other development features refer to such features as identified on the  
 94 Development Plan. References in this ordinance to “transition areas” or  
 95 “transects” (such as those denoted “T4” or “T5”) refer to such features as  
 96 provided in the Orange Michigan Special Plan found at section 62.309, Orlando  
 97 City Code.  
 98
- 99 b) *Variances and Modifications.* Zoning variances and modification of standards  
 100 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,  
 101 Chapter 65, Orlando City Code, respectively. The planning official may also  
 102 approve minor modifications and design modifications to fences, walls,  
 103 landscaping, accessory structures, signs, and bufferyard requirements.  
 104 Additionally, recognizing that development plans can change in small ways  
 105 between the planning and permitting stages of development, the planning official  
 106 may approve up to a 10% modification of any applicable numerical development  
 107 standard if the planning official finds that the proposed modification is consistent  
 108 with the applicable goals, objectives, and policies of the GMP, is compatible with  
 109 nearby existing land uses, would not result in inadequate public facilities, and is  
 110 otherwise consistent with the public health, safety, and welfare. When approving  
 111 such a modification of a development standard, the planning official may impose  
 112 one or more of the conditions of development provided at section 65.334,  
 113 Orlando City Code, but such condition or conditions must be reasonably  
 114 calculated to mitigate the identifiable land use impacts of the modified standard.  
 115  
 116
- 117 c) *Maximum Impervious Surface Ratio (ISR).* The maximum ISR for the entire  
 118 Newton Corner PD (Lots 1 & 2) shall not exceed 0.75.  
 119
- 120 d) *Setbacks.* The minimum building setbacks shall be as follows: 20 ft. from back of  
 121 curb on Orange Ave., 8 ft. from Harding Ave., 15 ft. from Muriel St., and 20 ft. to  
 122 the rear (east side facing Lot 2), which can include the cross access easement  
 123 connecting Muriel Street to Harding Street.  
 124
- 125 e) *Easements Encroachment.* The southwestern edge of the parking lot and  
 126 proposed knee wall shall be removed from the existing 5 ft. City Services  
 127 easement or an encroachment agreement shall be obtained.  
 128

- f) *Streetwall.* A street wall, 3 ft. to 4 ft. in height, shall be required to screen the parking from the adjacent rights-of-way. A hedge, minimum 2 ft. in height, shall be provided between the streetwall and the property line.
- g) *Pedestrian Path.* The path along the southern building façade shall be increased to 5 ft. in width.
- h) *Uses.* No combination of uses shall be allowed which would result in a parking shortage, unless a parking agreement is entered into which provides the balance of the required parking spaces.
- i) *Parking Stalls.* The southernmost row of parking stalls shall be a minimum of 18.5 ft. in depth. Alternatively, they can remain at the proposed 17 ft. in depth if 1.5 ft. of landscape overhang area is provided between the kneewall and parking stalls.
- j) *Hedges.* A continuous hedge shall be provided on the subject property adjacent to the cross access driveway. The existing hedges may be maintained provided gaps shall be filled in with the same or comparable species.
- k) *FAR.* The maximum FAR for Lot 1 shall consistent with the MU-1/T district, 0.5.

## 2) Urban Design

- a) *Architecture.*
  - i) As currently proposed, the building has a suburban appearance; provide details and massing so that the building has a distinctly urban appearance. Multiple floors are encouraged; at a minimum, substantial variation in the height of the roofline are required. As described in the Special Plan, buildings within the T4 and T5 transects a “clean modern aesthetic with vernacular characteristics” is the standard.
  - ii) An appearance review is required prior to building permits being issued. All Urban Design conditions of approval addressed in revised drawings prior to Appearance Review meeting.
  - iii) A base, middle, and top shall be expressed, with materials finished and wrapped on all façades. A maximum of 4 colors shall be used. The Special Plan requires the base to be of durable materials and at least 2 ft. in height.
  - iv) Primary pedestrian entries shall be clearly expressed and highlighted, and recessed or framed by a sheltering element such as an awning, arcade, porch or portico.
  - v) A minimum 30% transparency is required on primary façades for each floor below the roofline. Ground floor glass shall be clear on all façades (minimum of 80% light transmittance, or a minimum 60% transmittance for low-e glass).

Tinted or reflective glass shall be prohibited in the first floor. Required transparency must be concentrated between 3 ft. and 7 ft. above grade.

- vi) Scoring of stucco or applying foam details are not appropriate exterior details. Durable materials and urban details are required. Brick, stone, tile, glass, and metal are examples of durable materials which express permanence and will accentuate an urban design style.
- vii) Building orientation. The building shall have the primary façade oriented directly (parallel) to the public street. Parcels abutting public street rights-of-way shall be designed to have buildings with primary façades oriented toward the street.

*b) Orange Avenue Streetscape.*

- i) Per the Orange Michigan Special Plan guidelines, the streetscape along Orange Ave. shall consist of a 6 ft. wide landscape section, a 7 ft. wide preferred pedestrian travel area, and a 7 ft. wide “courtyard” or furniture zone.
  - 1) The landscape section shall start at the back of curb and extend 6 ft. (congruent with the east face of the existing concrete OUC power poles). This area shall contain the minimum 6 ft. by 6 ft. tree wells (larger tree wells may be approved at a time of permitting) containing understory trees and constructed to meet the City Landscape Code requirements. Trees shall be planted so that the west face of the trunks will be no less than 48 in. from the back of curb at anticipated maturity. The areas outside the tree wells shall be paved in materials appropriate for pedestrian use. The closest tree wells to Harding St. and Muriel St. shall be outside the required FDOT sightline triangles. The minimum street tree size at time of planting shall be 12 ft. height, with 3 in. caliper. Final selection of species and spacing may be adjusted to meet the sight line needs of motorists.
  - 2) The preferred pedestrian travel area along Orange Ave. shall begin 6 ft. east of the curb (at the east face of the OUC power poles) and extend 7 ft. further to the east. To the maximum extent possible, this area shall be free of obstructions or barriers to access for all users. The surface shall be constructed of materials which minimize trip or slip hazards at time of installation and in future years.
  - 3) The furniture zone may contain street side dining areas, benches, menu boards, and other amenities aimed at encouragement of pedestrian use of the block, consistent with the features described in the special plan.
- v) A City Services and Sidewalk easement shall be dedicated to the City for the area between the east edge of the rights-of-way and the east edge of the preferred pedestrian travel area.

vi)

*c) Parking.*

- i) Parking shall generally be adjacent to or behind the building. Parking adjacent to the public or private street shall have a streetwall 3 ft. to 4 ft. in height between parking and street.

d) *Lighting.*

- i) All utilities, including street light poles, shall be kept out of the pedestrian path.
- ii) Site lighting shall comply with the new City outdoor lighting code.

e) *Dumpsters.*

- i) All dumpsters and trash compactors shall be screened with solid walls to match the principal structure. Decorative gates shall be installed to coordinate with principal structure. Landscape screen including low hedge and groundcover required to soften the view from the public right-of-way.

f) *Signs.*

- i) Any high-rise signs shall be oriented toward Orange Ave. and away from residential neighborhoods.
- ii) Signs shall be of durable materials. Channel letters, halo-lit signs, externally lit, or metal faces with push through letters are preferred. Signs shall be consistent in style and construction for all tenants.
- iii) Pole signs are prohibited.
- iv) Plastic-faced cabinet signs are prohibited.

g) *Site Improvements.*

- i) Fencing is discouraged. If fencing is provided, any fencing along public rights-of-way shall be open, CPTED-approved fence, such as aluminum or wrought-iron picket fencing.
- ii) Provide stamped concrete, pavers, or an alternative material treatment with a smooth surface for all pedestrian crosswalks.
- iii) A sidewalk connection from the residential neighborhood shall be provided.

h) *Landscaping.*

- i) Landscaping must comply with City Code. Because this is a PD, the landscape score factor of 4.0 is increased to 4.5.
- ii) Tree clearing (excluding the clearing of invasive exotic species) shall not commence on any parcel until full site and building development plans have been approved.

### 3) Transportation

- a) *Bicycle Parking.* Five (5) short term spaced are required. The locations for the short term spaces or racks shall be indicated on the plan and be placed so as not to create conflicts with pedestrian or other vehicular movements.
- b) *FDOT/Orange County Approvals.* The Owner/Applicant shall provide a copy of the FDOT and Orange County permits and approvals (or a letter of intent of approval) to the City of Orlando prior to final permit/construction plans approval.
- c) *Parking Design.* Curbs at both ends of the block shall be extended west of their current location to create better defined on-street parking and provide a better pedestrian environment. The curb extensions and the associated hardscape and landscape improvements shall be completed by the developer at the time of site construction. All work within the FDOT rights-of-way shall be completed with proper permitting from the FDOT-District 5 Orlando Operations Center.
- d) *Maintenance Agreement.* The property owner shall enter into an agreement with the City accepting maintenance responsibility for all items on or above the surface in the entire area between the back of curb and the building façade. This agreement shall be written so as to attach this responsibility to any future sales of the parcel.

**SECTION 5. 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 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 7. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

**SECTION 8. EXPIRATION.** Pursuant to section 58.365, Orlando City Code, the Planned Development zoning designation made by Sections 1 and 4 of this ordinance is hereby made contingent on a building permit for the Project being issued by the City of Orlando within two 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 for vertical construction of the residential portion of the Project. If such a building permit is not issued within 2 years, or if the building permits issued for the

residential portion of the Project all expire, then the zoning designation for the Property shall convert to the "default zoning district" as provided in Section 3 of this ordinance. The zoning official is hereby authorized and directed to correct the official zoning map series of the City as necessary to conform to this section.

**DONE, THE FIRST READING**, by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**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 \_\_\_\_\_, 2015.

**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 \_\_\_\_\_, 2015.

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

\_\_\_\_\_  
Mayor / Mayor Pro Tempore

\_\_\_\_\_  
Printed Name

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

\_\_\_\_\_  
City Clerk

Celeste T. Brown

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



ORDINANCE NO. 2015-40

351 City Attorney

352

353

354 Printed Name

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