

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, DESIGNATING CERTAIN**
3 **LAND GENERALLY LOCATED NORTH OF W.**
4 **ROBINSON ST., EAST OF N. GARLAND AVE., SOUTH**
5 **OF W. LIVINGSTON ST., AND WEST OF STATE LN.,**
6 **AND COMPRISED OF 2.94 ACRES OF LAND, MORE**
7 **OR LESS, AS PLANNED DEVELOPMENT DISTRICT**
8 **WITH THE TRADITIONAL CITY ZONING OVERLAY**
9 **DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS;**
10 **PROVIDING SPECIAL LAND DEVELOPMENT**
11 **REGULATIONS OF THE ACE CAFÉ ORLANDO**
12 **PLANNED DEVELOPMENT DISTRICT; PROVIDING**
13 **FOR SEVERABILITY, CORRECTION OF SCRIVENER'S**
14 **ERRORS, AND AN EFFECTIVE DATE.**
15

16 **WHEREAS**, at its regularly scheduled meeting of October 21, 2014, the
17 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),
18 considered zoning application case number ZON2014-00019, requesting the Planned
19 Development zoning district designation, along with the Traditional City zoning overlay
20 district, for approximately 2.94 acres of land, generally located north of W. Robinson
21 Street, east of N. Garland Avenue, south of W. Livingston Street, and west of State
22 Lane, and more precisely described by the legal description attached to this ordinance
23 as **Exhibit "A"** (hereinafter the "Property"); and
24

25 **WHEREAS**, based upon the evidence presented to the MPB, including the
26 information and analysis contained in the "Staff Report to the Municipal Planning Board"
27 for application case number ZON2014-00019 (entitled "Item #22 – Ace Café Orlando
28 PD" and hereinafter referred to as the "Staff Report"), and subject to certain conditions
29 contained within the Staff Report, the MPB recommended that the City Council of the
30 City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and
31 adopt an ordinance in accordance therewith; and
32

33 **WHEREAS**, zoning application case number ZON2014-00019 is requesting the
34 Planned Development zoning district designation for the purpose of permitting the
35 development of a phased entertainment complex including up to approximately 21,700
36 square feet of office and retail use, up to approximately 22,600 square feet of eating and
37 drinking establishment use, and outdoor recreation use (the "Project"); and
38

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

44 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
45 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 Downtown Activity Center; and

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

SECTION 1. ZONING. After due notice and public hearing, and pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City Code, the Property is hereby designated as Planned Development district with the Traditional City zoning overlay district on the City’s official zoning maps (to be denoted as “PD/T” on the official maps of the City), as depicted in **Exhibit “B”** to this ordinance. This planned development zoning district may be known as the “Ace Café Orlando Planned Development.”

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, Ace Café Orlando 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 AC-3A Downtown Metropolitan Activity Center District along with the Traditional City zoning overlay district (denoted as “AC-3A/T” on the official maps of the City).

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

- a) *Development Plan.* Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be substantially consistent with the phased development plan attached to this ordinance as **Exhibit “C”** (hereinafter the “Development Plan”). In the event of a conflict between the text of this ordinance and the Development Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels,

buildings, phases, and other development features refer to such features as identified on the Development Plan.

- b) *Variances and modifications.* Zoning variances and modification of standards may be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The planning official may also approve minor modifications and design modifications to fences, walls, landscaping, accessory structures, signs, and bufferyard requirements.
- c) *Phasing.* The Property may be developed in multiple phases, but if developed in multiple phases, each phase must be developed in a manner that allows the individual phases to function independently of each other. The purpose of this requirement is to ensure that the first phase, and each subsequent phase, can fully function and operate as intended by the Development Plan in the event that subsequent phases are delayed or abandoned.
- d) *Historic preservation.* Prior to the issuance of the final certificate of occupancy or completion for the Project, the owner of the Property must install a City-approved bronze historic plaque on the exterior facade of the historic Harry P. Leu building. The location and message on the plaque is subject to review and approval by the City's historic preservation officer. The plaque must be maintained as approved on final site plans.
- e) *Outdoor vehicle display areas.* The Project is an indoor and outdoor entertainment complex associated with car culture. The Development Plan shows a number of outdoor "vehicle exhibit" areas. These areas must be constructed and maintained with a surface material that clearly distinguishes the display areas from nearby drive aisles. The surface material used in the drive aisles and the vehicle display areas is subject to review and approval by the City Engineer and the certificate of appearance approval pursuant to Chapter 65, Orlando City Code.
- f) *Setbacks.* Development on the Property must conform to the applicable setback regulations of the AC-3A/T zoning district, except that:
 - i) For the rear yard, a setback of at least 3' is required, while the maximum setback allowed is 215'.
 - ii) For purposes of the street-side-yard, the Property is hereby made exempt from section 62.620(c), Florida Statutes.
- g) *Uses.* Land uses on the Property must comply with the list of permitted, conditional, and prohibited land uses for the AC-3/T zoning district as provided by section 3 of this ordinance, except as follows:

- i) Retail sales of new, vintage and/or custom motorcycles and cars are hereby made a permitted use if associated with onsite retail, office, and restaurant uses. Automobile and motorcycle sales are hereby prohibited as a standalone use on the Property. Signs associated with automobile and motorcycle sales and leasing are hereby prohibited in the outdoor vehicle display areas.
- ii) Outdoor automobile and motorcycle service uses are hereby prohibited.
- iii) Outdoor automobile and motorcycle events are hereby made a permitted use on the Property.
- h) *Existing uses and structures.* Lawfully established uses and lawfully constructed structures on the Property as of the effective date of this ordinance are hereby made lawful and conforming to this ordinance.

2) Urban Design

- a) *Signs.* A master sign plan shall be submitted for review and approval by the planning official prior to obtaining a building permit for any new signs. The sign plan shall be approved, denied, or approved with conditions by planning official letter of determination. The sign plan must include, at a minimum, the locations, dimensions, areas, and types of each sign, and must conform to applicable provisions of the Orlando City Code and this ordinance. The Property must be built and maintained in accordance with the approved sign plan. The master sign plan must conform to the architectural elevations attached to this ordinance as Exhibit "D", and the following:
 - i) The proposed tower sign shown in the architectural elevations attached to this ordinance as Exhibit "D" are hereby approved as depicted except signage on the east elevation of the sign tower is hereby prohibited.
 - ii) Flags are allowed on the roof of the proposed café building, as depicted in Exhibit "D", but are hereby limited to 6 flags per west, and south elevation of the building.
 - iii) The bottom of the circular Ace Café logo signs shall be located no higher than 30 ft. above finished grade.
- b) *Service areas, mechanical equipment, utilities, venting.* Final site plans depicting service areas, mechanical equipment, utilities, venting, and other similar development infrastructure, both private and public, must conform to the following minimum regulations:

- i) Utilities, dumpsters, compactors, and other "back-of-house" facilities must be located on the interior of the lot or buildings to the maximum extent reasonably feasible, and should not be adjacent to sidewalks and other pedestrian areas if reasonably possible.
 - ii) All ground and roof-mounted mechanical equipment (both private and public) must be screened in accordance with the Orlando City Code and the conditions of the ARB.
 - iii) All venting and exhaust associated with food preparation must be directed to the roof of the building and may not be visible from the public right-of-way or the sidewalk. Such venting and exhaust pipes are prohibited on the facade of buildings. All other venting and exhaust equipment must be internal to the building to at least 10' above-ground and above that must be integrated into the architecture of the building. Vents and exhaust equipment may not discharge into pedestrian areas.
 - iv) Backflow preventers must be hidden from the public right-of-way and sidewalks where reasonably feasible and otherwise screened from view with complimentary architectural treatment or approved landscaping.
 - v) All fencing on the Property must be open-style fencing consistent with generally accepted Crime Prevention Through Environmental Design (CPTED) principles, such as aluminum or wrought-iron picket fencing. For purposes of this ordinance, chain-link fences are not consistent with CPTED principles, but may be used for temporary construction fencing consistent with this ordinance.
- c) *Architecture.* Architectural elevations for each building are subject to review and approval for consistency with this ordinance and applicable Orlando City Code as part of each final site plan application. The Property must be developed and maintained in accordance with the final approved architectural elevations. All approved elevations must conform to the following minimum requirements:
- i) Architecture of the Project must be substantially consistent with the elevations attached to this ordinance as **Exhibit "D."**
- d) *Landscaping.* A landscaping plan for all development is subject to the review and approval by the planning official, or designee, prior to the issuance of any building permit for the proposed work. The Property must be developed and maintained in accordance with the final approved landscaping plans. Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the following:

- i) Perimeter vehicular use area landscaping shall be a minimum of 4 ft. in depth.
- ii) All landscaping must meet or exceed the minimum landscaping requirements of Orlando City Code.
- iii) To the extent practicable, existing native trees should be preserved. Underground utilities located within the drip-lines of preserved existing trees must be installed with non-trenching techniques such as directional boring and tunneling. Melaleuca, chinaberry, Chinese tallow, Brazilian pepper, camphor, and Australian pine are all prohibited on the Property and if existing, must be removed during development.
- iv) Landscaping in vehicular use areas must be provided in accordance with Chapter 60 and the following additional requirements:
 - (1) Landscape parking islands must contain a minimum of one canopy tree with 3" caliper, a minimum overall height of 12 feet, and a minimum clear-trunk height of 6 feet.
 - (2) Perimeter landscape areas required for vehicular use areas adjacent to property lines and public rights-of-way must contain at least one tree for every 50 lineal feet or fraction thereof. Required trees must have a minimum caliper of 3", a minimum overall height of 12 feet, and a minimum clear-trunk height of 6 feet. Perimeter landscape areas must also contain a continuous row of evergreen groundcovers and plants not to exceed 4 feet in height. Required plants must be a minimum height of 18" at time of planting. At least 60% of the required plants must have a natural mature height of 3 feet.

3) Transportation

- a) *Walkability and streetscape.* The Project must provide sidewalks and streetscape (along the Property's boundaries abutting N. Garland Avenue and W. Livingston Street) consistent with applicable City plans and regulations, certificate of appearance approval, and the following:
 - i) The pedestrian zone [sidewalk] shall be clear to the sky and unobstructed by vertical impediments in the sidewalk or architectural projections overhead. Awnings and canopies with at least 14' of clearance may be permitted to overhang the pedestrian zone. The pedestrian zone may occupy both public and private property.

- ii) It is recommended that the hardscape paving pattern along W. Livingston Street be preserved. A minimum of 15-feet from the back of curb shall be reserved for the streetscape along W. Livingston.
- iii) The sycamore street trees along W. Livingston shall be removed and replaced with Pheonix dactylifera [date palm] to match the date palms on the north side of W. Livingston Street.
- iv) Prior to the issuance of a certificate of occupancy for phase one of the Project the N. Garland streetscape shall be constructed by the applicant from the south property line to the W. Livingston intersection. The streetscape shall meet the requirements of Streetscape Treatment 4 [window pane] and shall be constructed consistent with the Downtown Streetscape Design Guidelines.
- v) Structural soil or an approved equivalent and root shields shall be used for planting new street trees to reduce long term impacts to the hardscape and utilities.
- vi) The applicant must provide a 10'-wide City services and sidewalk easement wherever such easement or equivalent right-of-way does not already exist.
- vii) The N. Garland streetscape shall include an 18-foot sidewalk from back-of-curb. A 6-foot wide furniture zone with 6-foot by 9-foot tree wells and double acorn street lights shall be included in the 18-feet. A 2-foot wide landscape buffer shall be provided between the sidewalk and the Garland Avenue streetwall. A cross section is attached to this ordinance as **Exhibit "E"**.
- viii) All vertical obstructions and utility poles including street light poles, shall be located in the streetscape furniture zone and shall not impact or impede the pedestrian clear path/sidewalk.
- ix) A final streetscape plan shall be submitted for an ARB Major Review prior to issuance of building permits.

b) Parking

i) Display/Exhibit Parking Area

- (1) Design – The primary purpose of the Display/Exhibit Parking Area [Display Area] is for the staging and exhibition of motor vehicles for automobile, truck, and motorcycle shows [Automotive Shows]. As such the Display Area shall be designed with a high level of detail that includes specialty paving, theming, grading, decorative lighting, durable, high quality display accessories, and staging fixtures that establish its identity

on the site as a “showcase area.” Untreated asphalt or untreated concrete shall not be permitted in the Display Area. Concrete banding, vertical, or mountable curbing that defines specific portions or details of the Display Area shall be permitted.

(2) Secondary Use – When not being utilized as a an exhibit area for Automotive Shows and events, the Display Area may be used as a self-parking area for patrons of the Ace Café and its on-site operations and vendors only. Paid parking shall be prohibited. Ace Café shall monitor the Display Area to ensure this condition is enforced.

(3) Parking Space Design – Since self-parking for patrons will be permitted in the Display Area for the periods of non-event times during the Ace Café operating hours, the showcase area design of the Display Area shall also incorporate parking space and parking aisle designs that comply with the requirements of the Land Development Code. “Striping” of the parking spaces and the defining of the parking bay separators shall be decorative in nature thru the utilization of durable materials or other methods that define the parking spaces. The use of paint or thermoplastic striping is not permitted.

(4) Landscaping – Row end landscape areas shall be incorporated into the design of the Display Area. Contrary to the landscape code in the LDC, trees will not be required in these landscaped areas though the use of understory trees, palm trees, or plant materials that provide verticality to the row end landscape zones is encouraged. The use of Florida native plant materials and/or creation of low impact design areas such as rain gardens is also encouraged and preferred over understory and palm trees in the row end landscape areas.

ii) *Perimeter Parking Areas.* During the Ace Café hours of operation, self-parking for patrons of the Ace Café site shall be permitted during both event and non-event periods in the parking spaces along the outside of the internal driveway loop. The perimeter driveway loop parking spaces shall be paved with asphalt or concrete. Paint or thermoplastic striping is also permitted in the perimeter parking bays, though the use of decorative paving and striping in the perimeter bays is encouraged.

iii) *Valet Parking*

(1) An Ace Café managed or independent contractor valet parking service shall be permitted to operate on-site for the off-site parking of patrons.

(2) Parking of automobiles utilizing the valet car service shall occur off-site. No on-site valet parking shall be permitted.

(3) Staging of automobiles to be valet parked shall be permitted to occur along the internal loop driveway of the Ace Café site however automobiles utilizing valet parking services shall not be permitted to be parked on-site.

(4) The Ace Café property may operate a valet parking service during Ace Café business hours. After hours valet parking operations shall not be permitted.

iv) Additional Parking Operation Requirements

(1) Hours of Operation – The Display Area and perimeter parking areas shall be maintained and secured in a way that does not allow on-site public parking or non-patron parking during Ace Café non-business hours. However, display and show vehicles shall be allowed to remain on-site overnight and/or during Ace Café non-business hours.

(2) Accessible Parking – Accessible parking spaces at a ratio of 1 accessible space per 25 standard spaces shall be required for the project. The accessible parking spaces shall meet ADA requirements and shall be located outside of the Display Area.

(3) Employee Parking – Employee and management parking shall occur off-site. Parking accommodations for permanently or temporarily disabled employees shall be allowed on-site.

(4) Maintenance – The Display Area and additional parking areas shall be regularly maintained and pressured cleaned to avoid staining and the build-up of automotive waste and fluid on the Display Area and parking area surfaces. Ace Café shall be responsible for the Maintenance of the Display Area.

v) Modification or Termination of Permissions and/or Conditions of Parking Operations. Prior to commencement of its third year of operations Ace Café must schedule a minimum of 150 events per year. Ace Café may request a one-year extension of this deadline with the approval of the Planning Official 30-days prior to the end of Ace Café's second year of operations. Such events may include the following:

(1) Hot Rod Nights

- (2) Specific Model Meets [Mustangs, Volkswagen, Camaro, Mini Cooper, etc.]
- (3) Bike [Motorcycle] Night and Meets
- (4) Car and Motorcycle Club Meets
- (5) Motorcycle Meets [Honda, Indian, Harley, etc.]
- (6) Streetfighter Meets [High Performance Motorcycles]
- (7) Classic Car Meets [Antique and Show Cars]
- (8) Exotic Car Meets [Porsche, Lamborghini, Ferrari]
- (9) Manufacturer or Nationality Meets [Ford, German, BMW, Italian, Chevrolet]
- (10) Vendor Shows or displays [Motoring Accessories, Motor Fashion]

If this requirement of Ace Café is not met prior to the commencement of Ace Café's third year of operations the permissions and/or operational conditions above may be modified or terminated at the discretion of the Planning Official. The Planning Official must provide 30-days notice to the operators of the Ace Café prior to modification or termination of the permissions and/or conditions above. These parking permissions and conditions of operation shall apply exclusively to the operation of an Ace Café on the subject property. If in the future Ace Café ceases business operations on the subject site the conditions and permissions above shall expire and be terminated.

- vi) *Design Approval*. The design and materials of the Display Area, internal driveway loop, and perimeter parking spaces must be approved as part of a major certificate of appearance approval prior to submission for building permits for exterior improvements on the Property.
- c) *Parking*. No vehicle may be parked outside on the Property for more than 7 consecutive days. Trailer parking is hereby prohibited.
- d) *Dumpsters and compactors*. Final site plans must depict the location and size of dumpsters and trash compactors, including concrete pads and enclosures with doors. Dumpsters and compactors may not be located directly adjacent to a public street. Dumpsters and trash compactors must be screened with solid walls. Walls and gates must match nearby principal buildings. If located outside,

screening walls must be softened from the perspective of the public rights-of-way and neighboring properties with approved low hedges, groundcover, and understory landscaping. Dumpsters and compactors must be located to provide at least 50' of clear back-up space and must be constructed and maintained in accordance with the current City of Orlando Engineering Standards Manual.

- e) *Pedestrian ramps at intersections.* Sidewalks at street intersections and street intersections with driveways must provide disability access ramps consistent with the standards of the Americans with Disability Act. At street intersections, such ramps must be provided for each direction of pedestrian crossing.

SECTION 6. EXPIRATION. Pursuant to section 58.365, Orlando City Code, the Project must be commenced within 5 years of the effective date of this ordinance. If the Project has not commenced within 5 years then the zoning designation on the Property shall revert to the AC-3A/T district. The zoning official is hereby directed to amend the City's official zoning maps in accordance with this section, if necessary. For the purpose of this section, the word "commenced" means that a building permit for at least one principal building has been issued by the authority having jurisdiction.

SECTION 6. 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 7. 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. 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 _____, 2014.

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 _____, 2014.

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 _____, 2014.

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

Mayor / Mayor Pro Tempore

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:

City Attorney

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