

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, REZONING CERTAIN LAND GENERALLY LOCATED SOUTH OF E. ANDERSON ST., EAST OF S. ORANGE AVE., AND WEST OF S. MAGNOLIA AVE., AND COMPRISED OF 0.26 ACRES OF LAND, MORE OR LESS, FROM THE AC-3A DOWNTOWN METROPOLITAN ACTIVITY CENTER DISTRICT WITH THE TRADITIONAL CITY OVERLAY DISTRICT TO THE PLANNED DEVELOPMENT DISTRICT WITH THE TRADITIONAL CITY OVERLAY DISTRICT; PROVIDING A DEVELOPMENT PLAN AND SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of September 20, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered zoning application case number ZON2016-00023, requesting a rezoning of certain land generally located south of E. Anderson St., East of S. Orange Ave., and West of S. Magnolia Ave., comprised of 0.26 acres of land, more or less, and being more precisely described by the legal description attached to this ordinance as **Exhibit A** (hereinafter the "Property"), from the AC-3A Downtown Metropolitan Activity Center with the Traditional City zoning overlay district to the Planned Development District with the Traditional City zoning overlay district; and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board," as amended, for application case number ZON2016-00023 (entitled "Item #14 – Magnolia Hotel PD" (n/k/a the "Anderson Hotel PD") and hereinafter referred to as the "staff report"), and subject to certain conditions contained within the staff report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

WHEREAS, zoning application case number ZON2016-00023 is requesting the planned development zoning district for the purpose of permitting the development of up to a multiple story, 130 room hotel, 150' in height, with ground floor restaurant and offsite and valet only parking service (the "Project"); and

WHEREAS, the MPB found that the project is consistent with the city's adopted Growth Management Plan (the "GMP") including the applicable goals, objectives, and policies associated with the property's Future Land Use Map designation of Downtown Activity Center; 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 are in the best interest of the public health, safety, and welfare, and are 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 Metropolitan Activity Center; and

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

SECTION 1. ZONING DESIGNATION. 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 rezoned from the AC-3A Downtown Metropolitan Activity Center District with the Traditional City zoning overlay district to the 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 “Anderson Hotel Planned Development.”

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Anderson Hotel 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, development of the property must comply with the land development regulations of the AC-3A Downtown Metropolitan Activity Center District with the Traditional City overlay zoning district.

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 consistent with the 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) *Allowable Uses; Underlying Zoning Designation.* The property may be redeveloped and used as a hotel together with ground floor restaurant, and offsite and valet only parking service. The hotel may have no more than 130 guest rooms. The underlying zoning designation for the property is AC-3A/T. Except as otherwise provided by this ordinance, the property shall be governed by the AC-3A/T zoning designation.
- c) *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. Additionally, recognizing that development plans can change in small ways between the planning and permitting stages of development, the planning official may approve up to a 10% modification of any applicable numerical development standard if the planning official finds that the proposed modification is consistent with the applicable goals, objectives, and policies of the GMP, is compatible with nearby existing land uses, would not result in inadequate public facilities, and is otherwise consistent with the public health, safety, and welfare. When approving such a modification of a development standard, the planning official may impose one or more of the conditions of development provided at section 65.334, Orlando City Code, but such condition or conditions must be reasonably calculated to mitigate the identifiable land use impacts of the modified standard.
- d) *Parking.* The hotel may be constructed without on-site parking. A Memorandum of Understanding for a minimum five (5) year commitment for forty (40) parking spaces for use by the valet services for the Property is required. The project must always maintain adequate off-site parking. All off-site parking must meet the requirements from Section 61.333 Figure 28, Orlando City Code, and must be approved through the Valet Committee and Parking Division.
- e) *Impervious surface ratio (ISR).* The property’s impervious surface ratio must not exceed 0.98, with the installation of a green roof that is greater than or equal to 24’ by 24’ in size.
- f) *Maximum building height.* Buildings and structures may not exceed 150 feet in height as measured from grade to mid-peak of roof.

- g) *Final Site Plan.* A signed and sealed final site plan may be submitted concurrently to the City with an application for a building permit and shall be subject to review and approval by the City project planner, zoning official and planning official prior to the issuance of any building permit for work on the property. The City project planner, zoning official and planning official shall review the final site plan for conformity with this ordinance and all other applicable laws and plans. The property shall be developed and maintained in accordance with the approved final site plan.
- h) *Density/Intensity.* Intensity shall be consistent with the approved bonus for the property and a maximum 7.97 floor area ratio (FAR).
- i) *Public Art.* A one percent (1.0%) of the total construction costs of the project must be contributed to the City public art fund and/or the project shall provide art on-site consistent with the requirements of section 58.1100(b), Orlando City Code.
- j) *Signage.* All signage must meet the requirements of Chapter 64, Orlando City Code. High-rise signs are permitted consistent with section 64.400, Downtown Special Sign District of the Orlando City Code, but require an ARB Major Review prior to any City permitting. Any other signage on the property require an ARB (Non-Major) Review prior to any City permitting.
- k) *Solid waste.* All exterior solid waste disposal units must be screened by solid walls treated to match the adjoining principal structure on the property and must have decorative gates or other approved screening, or, alternatively, all exterior solid waste disposal units must be stored within the building envelope on the property.
- l) *Deliveries.* Deliveries to the property shall be restricted to between the hours of 19:30 to 6:30 unless permission is granted otherwise by the City Engineer or his or her designee.

2. Urban Design

- a) *Architecture.* This Project is located in the DDB/CRA Overlay District and requires Appearance Review Board (ARB) approval for any new construction project. This Project is required to receive a Major Certificate of Appearance Approval from the ARB prior to submittal of building permits for vertical construction. Final architectural plans, elevations, materials and finishes must be submitted for ARB final review and approval prior to submittal for building permits.
- b) *General Architectural Requirements*
 - i. Balconies, Canopies and Awnings — Balconies, canopies and awnings on the building may project into the city services easements. Canopies or awnings that project into the right-of-way will require Transportation Engineering approval. Balconies and canopies must be no less than 17 feet, 6 inches above finished grade to meet maintenance access

- requirements.
- ii. Exterior Doors—A minimum 4 inch by 6 inch security view panel must be provided in all pedestrian accessible exterior doors including emergency exit doors to provide visibility and security for pedestrians exiting the building.
- iii. Transparency -- All ground floor building walls facing a street must contain a minimum of 30% transparent materials or glass. A minimum of 15% transparency must be provided on all other floors above the ground level. All glass at the ground level must be clear. Minimum light transmittance must be 80%. High performance or low-e glass may be considered as an alternative with a minimum transmittance of 60%.
- iv. No windows at the ground floor level must be dry-walled or have permanent partitions installed on the interior to block natural surveillance. Tinted, reflective, or spandrel glass does not count towards meeting the transparency requirements.
- v. Skyline Architecture -- The proposed rooftop architecture should provide a unique identity to the building within the Downtown skyline. Refinement of the skyline architecture should continue to be addressed during the final design process. Additional architectural fenestration or features should be considered. Special attention should also be paid to the lighting of the skyline architecture.
- vi. South Elevation – Because of transparency limitations a public art display and artistic lighting should be architecturally integrated into the design of the south façade.
- vii. Service Area—Decorative doors or gates that are architecturally integrated with the building design must be utilized at the loading area. The doors or gates must be closed when the loading area is not in use.

d) Mechanical Equipment

- i. Venting & Exhaust—All restaurant venting and exhaust must be directed to the roof of the building and must not be visible from the public right-of-way. Restaurant venting is not permitted on any street facing façade of the building. All other vents and exhaust must be a minimum of 12 feet. above grade and must be integrated into the building design so as to be seamless with the overall architecture of the building. Exterior vents must be painted to match the color of the façade around them.
- ii. Transformer Area Screening—Transformer areas outside the building envelope must be screened with decorative, opaque wall and gates up to 6 feet in height. Landscaping must include a hedge that is 36-inches tall at the time of planting.
- iii. Mechanical Equipment—All ground mounted and rooftop mechanical equipment must be screened to the top of the equipment and meet the screening conditions of the Land Development Code. An interior screen wall or parapet for rooftop mechanical equipment may be required. The interior screen wall or parapet must be the same height as the installed mechanical equipment height.
- iv. Backflow Preventer—Backflow preventer[s] must be located so as to not be directly visible from the right-of-way and should be screened from view as necessary. They must be clearly identified on the final utilities plan.

- v. Fencing—Any fencing on the site must be an open, CPTED-approved fencing, such as architectural mesh or aluminum or wrought-iron picket fencing. Chain link fencing is prohibited.
- vi. DAS — Distributed Antennae Systems [DAS] will need to be integrated into the building architecture for life safety, police department and fire department localized communication services.
- vii. Final Elevations—The location and configuration of all exterior venting and mechanical equipment must be depicted on the building elevations. Final building elevations with venting depicted must be submitted for ARB Staff review prior to submittal of building permits.

e) Signage. All signage must meet the requirements of Chapter 64, Orlando City Code. High-rise signs are permitted consistent with Section 64.400, Orlando City Code, but require an ARB major review prior to permitting. All other signage require ARB review prior to submittal for sign permits.

f) Telecommunications Equipment Screening. Buildings should be designed to accommodate future placement of telecommunications equipment. Screening areas should be built into rooftop areas so that the placement and screening of the equipment does not become an afterthought.

g) Streetscape Design Guidelines: All streetscape design and construction are required to comply with the Downtown Orlando Streetscape Design Guidelines as they may be amended from time-to-time.

h) City Services Easement—A city services easement must be provided by the Property owner for any portion of the 15-foot streetscape zone along South Anderson Street outside of the right-of-way and for any portion of the 11-foot streetscape zone along South Magnolia Avenue.

i) Maintenance Agreement— The Applicant must enter into a maintenance and agreement with the City to define the maintenance and liability responsibilities for the streetscape zone on the Project site.

j) Street Lights – Double acorn 40-watt LED streetlights, consistent with the Downtown Streetscape Design Guidelines and spaced per OUC lighting requirements must be used on South Anderson Street and South Magnolia Avenue in the streetscape zone.

k) Curbing—All curbing for the project must be Type F vertical curb with gutter pan.

l) Corner Treatments and Furniture Zone — A 6-inch thick concrete sub-base for the first 5-feet from back of curb is required in the corner treatments, accessibility ramps and streetscape furniture zone transitioning to a 4-inch thick concrete sub-base to the back of sidewalk. Corner treatments must provide two directional accessibility ramps at each corner perpendicular to the centerline. .

- m) Valve and Junction Boxes—All at-grade vaults, junction, valve, control boxes and vaults in the streetscape zone must be traffic bearing grade boxes and lids, painted per the downtown streetscape standards.
- n) Pedestrian Crossings—The pedestrian crossings at the motor court and service drive must be level and at the same grade as the sidewalk adjacent to the driveway. A pavement treatment that contrasts with the vehicle lanes must be used in order to clearly define the pedestrian zone. Reflective paint alone is not acceptable but may be used in conjunction with pavers or other surfaces to outline the pedestrian path for night time safety.
- o) Building Entries—Building entries should face the street and be recessed, so the entry doors do not conflict or open directly into the pedestrian clear zone.
- p) Pedestrian Clear Zone —Vertical structures or obstructions are prohibited in the required pedestrian clear zone.
- q) The streetscape zone width on South Anderson Street must be 15-feet from the back-of-curb. The furniture zone must be a minimum of 5-feet wide and include double acorn street lights and under-story trees in decorative planters. The pedestrian clear zone must be a minimum of 8-feet wide and located in the arcade space between the building column and the face of the building. A sidewalk café may be provided along the South Anderson Street frontage if a clear zone with a minimum of 5-feet is provided.
- r) The South Anderson streetscape must meet the requirements of Treatment 4 in the Downtown Streetscape Design Guidelines. A 5-foot wide sidewalk grid with a 2-inch troweled edge and medium broom finish perpendicular to the centerline must be installed from back-of-curb to the back-of-sidewalk or building face.
- s) The streetscape zone width on South Magnolia Avenue must be a minimum of 10-feet from the back-of-curb. The furniture zone must be a minimum of 4-feet wide and include double acorn street lights. The pedestrian clear zone must be a minimum of 6-feet wide. Because of the reduced pedestrian clear zone width outdoor dining and sidewalk cafes are not be permitted along the South Magnolia Avenue frontage.
- t) The South Magnolia streetscape must meet the requirements of Treatment 4 in the Downtown Streetscape Design Guidelines. A 5-foot wide sidewalk grid with troweled edge and medium broom finish must be installed from the back-of-curb to the back-of-sidewalk or building face.
- u) Model. Prior to permitting, a physical 1"=100' scale model of the project should be provided for the DDB/CRA model located in the Downtown Information Center.

v) Lighting

- i) A lighting plan compliant with the City's lighting regulations, Part 2M, Chapter 63, Orlando City Code, including photometrics and all proposed exterior lighting fixtures must be submitted for ARB review and approval prior to the issuance of building permits.
- ii) The skyline architecture of the building should be significantly lit in order to make the building unique in the night time skyline.
- iii) Night time building elevations must be submitted for ARB staff review prior to submittal of building permits.

3. Transportation

- a) *Multi-Use Trail Relocation.* The Property owner must contribute \$50,000 for the project to an escrow account established for the construction by the City of a multi-use trail for the subject area surrounding the property, which contribution is in lieu of the requirement for any feasibility study, design and/or construction of any on-site bike lane identified in Figure R-20A of the City's GMP, as more particularly provided in that certain Developer's Agreement Regarding Multi-Use Trail Contribution For Future Design Engineering and Construction entered into by and between the Property owner and the City.
- b) *Motor Court; Guest Drop-Off Area.* The motor court and guest drop-off area must be designed, built and maintained in an effort to accommodate up to ten (10) motor vehicles of standard size. The final site plan must provide scaled and dimensioned depictions of the motor court and guest drop-off areas, and the project must be built and maintained in accordance with the approved final site plan depictions. Future cross access must be provided from the Property to the property to the west.
- c) *Bicycle Parking.* Bike racks must be installed to provide space for 9 bikes to be secured. The racks must conform to City standards and be located on an impervious surface so as not to interfere with pedestrian or other vehicular movements. The location must be shown on plans submitted to Permitting Services. Two long term spaces must also be provided for use by employees. These may be placed indoors or under cover in an outdoor area, or in bike lockers located outside. Placement of racks for employee use should also be placed to avoid conflicts with other vehicular and pedestrian traffic and the selected locations must be shown on the plans submitted for permitting.
- d) Deliveries must only occur during times of very low pedestrian and vehicular activity. Delivery times are subject to the approval of the City Transportation Engineer. During weekdays, deliveries are only allowed between the hours of 7:30

p.m. and 6:30 a.m. unless other times are approved by the city engineer or his designee. Deliveries outside of these hours and on the weekends must be coordinated with City personnel. No deliveries are allowed during any special events that can be impacted by deliveries to this site.

- e) A minimum 62 foot freight loading zone must be provided on the west side of Magnolia Avenue south of the site, between the two existing driveways of the property to the south. This will require the removal of at least six on-street, angled parking spaces on Magnolia Avenue. The freight zone may be signed to allow for part-time on-street parking and part-time freight zone use. The Property owner must reimburse the City for any angled spaces that cannot be incorporated into the freight zone.
- f) Public right-of-way. For any construction work planned or required within a public right-of-way or City sidewalk easement adjacent to a public right-of-way (including but not limited to: irrigation, drainage, utility, cable, sidewalk, driveway, road construction/reconstruction or landscaping), the Property owner must submit Maintenance of traffic plans (M.O.T.), roadway plans including paving, grading, pavement markings and signage, and a copy of all required county and state permits.

4. Transportation Impact Fees

- a) Any new construction, change in use, addition, or redevelopment of a site or structure is subject to a review for Transportation Impact Fees.
- b) Any exemptions or credits against the Transportation Impact Fee must be reviewed prior to permit issuance. All Transportation Impact Fee Credits must be initiated and processed by the Transportation Impact Fee Coordinator. Credit is available for the previous use located on the subject site.
- c) The Property owner must comply with all applicable requirements of Chapter 59, Orlando City Code to ensure that all public facilities and services are available concurrent with the proposed development, and that the potential impacts on public facilities and services are mitigated.

5. Fire.

Any new construction must adhere to the requirements of the Florida Fire Prevention Code, 2012 Edition, and the City of Orlando Fire Prevention Code. Fire hydrants are required. All portions of a building without sprinklers must be within 300 foot hose lay distance of a fire hydrant, and all portions of a building with sprinklers must be within 500 feet hose lay distance of a fire hydrant.

6. Wastewater.

A sewer capacity analysis must be conducted to determine the impacts of the Project on the downstream collection system.

7. Stormwater.

The Property owner must ensure that there are no high groundwater conditions that would compromise or preclude exfiltration.

8. Development Review

- a) At the time of development, the owner/developer is required to pay an on-site inspection fee that is a percentage of the cost of the on-site improvements, excluding the building.
- b) The Property owner is required to design and construct an on-site storm water system in accordance with the approved Master Drainage Plan. The system is to be privately owned and maintained.
- c) All plans must conform to the Engineering Standards Manual (ESM), and all construction must be accomplished in accordance to the ESM.
- d) This property is required to plat in accordance with Section 65.401, Orlando City Code prior to the issuance of building permits.
- e) All future elevations shown on a boundary/topographic survey must use the North American Vertical Datum of 1988 (NAVD 88).
- f) A valid survey is required to be submitted with the Final Plat and Engineering Plans that is signed and sealed by a license PSM.

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. OTHER STATE AND FEDERAL PERMITS. As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the 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. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this ordinance that all other applicable state or federal permits be obtained before commencement of the development.

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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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

Print Name

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