

ORDINANCE NO. 2017-37

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, AMENDING THE PARK LAKE
3 PRESBYTERIAN CHURCH PLANNED DEVELOPMENT
4 ZONING ORDINANCE TO ADD APPROXIMATELY 0.38
5 ACRES OF LAND GENERALLY LOCATED NORTH OF
6 EAST COLONIAL DRIVE, EAST OF IRMA AVENUE AND
7 WEST OF HIGHLAND AVENUE; PROVIDING AN
8 AMENDED LEGAL DESCRIPTION AND SPECIAL LAND
9 DEVELOPMENT REGULATIONS OF THE PLANNED
10 DEVELOPMENT DISTRICT; PROVIDING FOR
11 AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP;
12 PROVIDING FOR SEVERABILITY, CORRECTION OF
13 SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND
14 AN EFFECTIVE DATE.
15

16 **WHEREAS**, on August 30, 2010, the City Council of the City of Orlando, Florida
17 (the "Orlando City Council"), adopted City Ordinance #2010-25, creating the planned
18 development zoning district ordinance for approximately 1.5 acres of land generally
19 located north of East Colonial Drive, south of Park Lake Street, east of Irma Avenue, and
20 west of Highland Avenue (hereinafter referred to as the "Park Lake Presbyterian Church
21 PD Ordinance"); and
22

23 **WHEREAS**, at its regularly scheduled meeting of May 16, 2017, the Municipal
24 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered
25 zoning application case number ZON2017-00007, requesting an amendment to the Park
26 Lake Presbyterian Church PD Ordinance to add approximately 0.38 acres of land to the
27 Park Lake Presbyterian Church Planned Development zoning district, and to include
28 special land development regulations for the purpose of permitting the redevelopment of
29 the 0.38 acre portion into an art studio, art gallery or café (the "Project"); and
30

31 **WHEREAS**, based upon the evidence presented to the MPB, including the
32 information and analysis contained in the "Staff Report to the Municipal Planning Board"
33 for application case number ZON2017-00007 (entitled "Item #8-Park Lake Presbyterian
34 PD Amendment" and hereinafter referred to as the "staff report"), and subject to certain
35 conditions contained within the staff report, the MPB recommended that the Orlando City
36 Council approve said zoning application and adopt an ordinance in accordance
37 therewith; 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 designations of Residential
42 High Intensity and Office High Intensity; 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

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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 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 designations of Residential High Intensity and Office High Intensity.

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

SECTION 1. LEGAL DESCRIPTION AMENDED. Exhibit A to City of Orlando Ordinance #2010-25 is hereby deleted and replaced with the new Exhibit A attached to this ordinance as Attachment 1, comprising a total of 1.90 acres, more or less, generally located north of East Colonial Drive, west of Highland Avenue, and east of Irma Avenue (the "Property").

SECTION 2. 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 0.38 acres of land generally located north of East Colonial Drive, west of Highland Avenue, and east of Irma Avenue, more precisely shown on the existing and proposed maps attached to this ordinance as Attachment 2, which exhibit is incorporated into this ordinance (the "PD Amendment Property"), is hereby rezoned from the O-3/T Office and Residential zoning district with the Traditional City zoning overlay district, to the Planned Development zoning district with the Traditional City zoning overlay district (to be denoted as "PD/T" on the official zoning maps of the City), and is incorporated into the existing Planned Development zoning district known as the "Park Lake Presbyterian Church Planned Development."

SECTION 3. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Park Lake Presbyterian Church 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 4. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance or Ordinance #2010-25, the part of the Property designated as Residential High Intensity on the City's future land use map as of the effective date of this ordinance or Ordinance #2010-25, as applicable, is governed by the land development regulations of the MXD-2/T zoning district, and the part of the Property designated as Office High Intensity on the City's future land use map as of the effective

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date of this ordinance or Ordinance #2010-25, as applicable, is governed by the land development regulations of the O-3/T zoning district.

SECTION 5. SPECIAL LAND DEVELOPMENT REGULATIONS. The PD Amendment Property is subject to the following special land development regulations:

A. Land Development

1. *Floor Area Ratio (FAR)* - Overall non-residential intensity (FAR) of the PD Amendment Property must not exceed 1.0 (16,552.8 sq. ft.) (existing FAR of 0.54).
2. *Signage* - Only wall, projecting (blade), awning, marquee or window signs are allowed (no monument or pole signs). All signage must be permitted prior to fabrication and installation.
3. *PD Amendment Purpose* - The purpose of the PD amendment is to add additional property and uses to the overall development program, including an art studio, gallery or small café.
4. *Landscaping Buffers* - A minimum 7.5-ft. vehicle use buffer is required along the front (E. Colonial Dr.) Existing building setbacks along the east and west sides preclude provision of side buffers. No buffer is required along the rear (abutting other church-owned property within the overall PD).
5. *Building height* must not exceed 75 ft. (existing building height is 2-stories (± 30 ft.)).
6. *Phasing* - Redevelopment within the PD Amendment Property may be constructed in a single or multiple phases.
7. *Parking* - Minimum parking will be predicated on the actual uses within the PD. A minimum 72 spaces must be provided for the church and ancillary church uses, not including proposed art studio/gallery or café uses.
8. *Master Plan/Final Site Plan* - Proposed development or redevelopment of the PD Amendment Property is subject to review and approval of a master plan or final site plan prior to applying for necessary permits.

B. Urban Design

1. *Appearance Review*. An Appearance Review shall be required prior to building permits being issued for any phases of development.
2. Appearance Review Board (ARB) approval is required prior to applying for necessary permits.

C. Transportation Engineering

1. *Front Driveway* - The driveway to E. Colonial Dr. should be either:

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- a. Closed and replaced with a 5 ft. minimum width walkway from the sidewalk to the building entrance. The curbcut would need to be restored to a Type F curb and the sidewalk should be widened to 8 ft along the parcel frontage. The parking behind the covered drive area could be converted to 90 degree spaces with a 2-way drive aisle accessed from the north. The covered drive area could then be converted to outdoor seating space for the proposed café use; or
- b. Converted to entry only and narrowed to 18 ft. The sidewalk would need to be widened to 8 ft. outside the boundaries of the driveway and offset 5 to 6 ft. to the north within the driveway to bring it into ADA compliance. High visibility markings would also need to be installed for the driveway crosswalk.

The owner can entertain either option during Master Plan review prior to applying for building permits.

2. *Transportation Impact Fees* - Any new construction, change in use, addition, or redevelopment of a site or structure shall be subject to a review for Transportation Impact Fees. The Transportation Impact Fee is based on the square footage of the new use. This fee will be due at the time of building permit issuance.

Any exemptions or credits against the Transportation Impact Fee must be reviewed prior to permit issuance. All Transportation Impact Fee Credits shall be initiated and processed by the Transportation Impact Fee Coordinator. As per City Code Chapter-56, Section 56.06.E, demolition or termination of an existing use or structure which occurred less than ten (10) years from application for development permit issuance, may be eligible for a previous use credit from the last legally permitted use on the subject site.

D. Sewer/Wastewater

Master Plan, final site plan and building permit plans will be reviewed by the Water-Reclamation Division if any changes are proposed to sanitary sewer and/or sewer flows from the subject property.

SECTION 6. AMENDMENT OF OFFICIAL ZONING MAPS. The City zoning official, or designee, is hereby directed to amend the City's official zoning maps in accordance with this ordinance.

SECTION 7. ORDINANCE #2010-25 STILL IN EFFECT. This ordinance does not supersede or replace the previously adopted Ordinance #2010-25, the Park Lake Presbyterian Church PD Ordinance. Ordinance #2010-25 is still in full effect and governs

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the Park Lake Presbyterian Church Planned Development, except as expressly provided herein.

SECTION 8. 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 9. 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 10. DISCLAIMER. As provided by subsection 166.033(5), Florida Statutes, the 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 must be obtained before commencement of the development authorized by this development permit.

SECTION 11. 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 _____, 2017.

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 _____, 2017.

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 _____, 2017.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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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

**** [Remainder of page intentionally left blank.]****



VERIFIED LEGAL DESCRIPTION FORM

The following legal description has been prepared by

SWERDLOFF & PERRY SURVEYING, INC.
and submitted to the City Planning Division for verification.

M.C.S.-II, AIA
signature

MARCH 7, 2017
Date

"This description has been reviewed by the Bureau of Engineering and is acceptable based on a comparison with:

RECORD PLATS,

CITY MAPWORKS

AND AREA CALC'S.

By [Signature] Date 4/19/2017

Application Request (Office Use Only)

File No. 26N2017-00007
PK LK PRESBY
PD AMEND

Legal Description Including Acreage (To be typed by Applicant):

LOTS 5, 6, 7 AND 8, DICKSON-IVES COMPANY SUBDIVISION,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK F,
PAGE 90, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

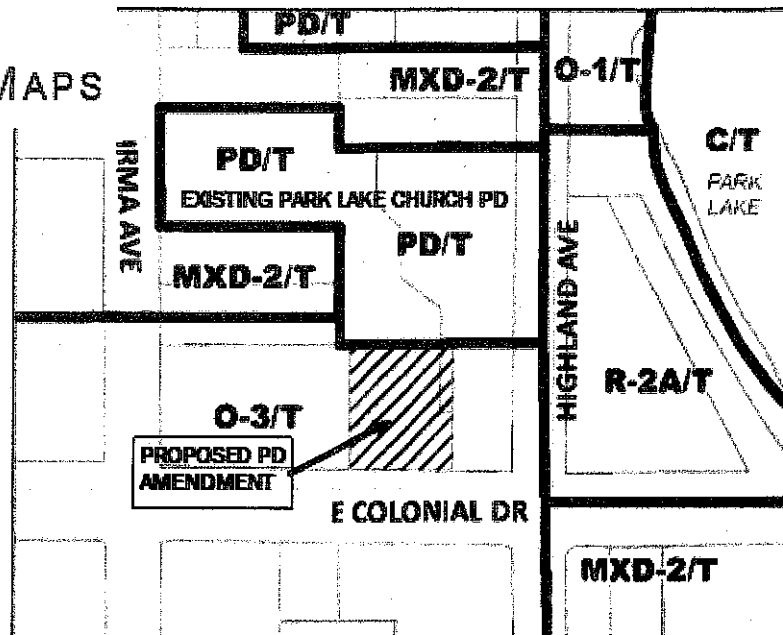
AND

LOTS 30, 31, 38 AND THE EAST 51 FEET OF LOT 39, BRITAIN AND
WAYS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK E,
PAGE 15, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS
THAT PART CONVEYED TO THE STATE OF FLORIDA BY DEED RECORDED
IN DEED BOOK 890, PAGE 441, OF THE PUBLIC RECORDS OF ORANGE
COUNTY, FLORIDA.

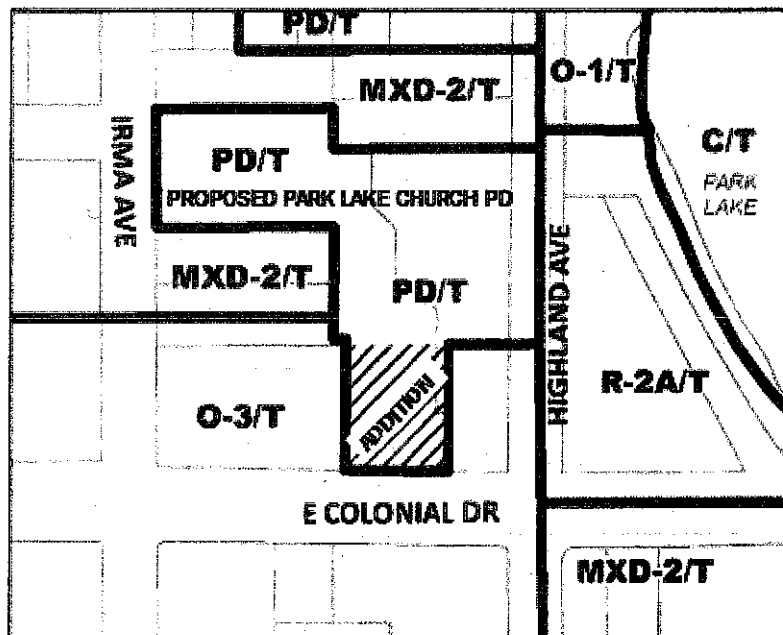
CONTAINS 1.9 ACRES, MORE OR LESS.

1 OF 1

EXISTING & PROPOSED MAPS



Zoning - Existing ZON2017-00007



Zoning - Proposed ZON2017-00007

