

ORDINANCE NO. 2018-9

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, REZONING CERTAIN LAND
3 GENERALLY LOCATED SOUTH OF EAST COLONIAL
4 DRIVE, EAST OF NORTH MAGNOLIA AVENUE, NORTH
5 OF HILLCREST STREET AND WEST OF IRMA AVENUE
6 AND COMPRISED OF 1.42 ACRES OF LAND, MORE OR
7 LESS, FROM O-3/T OFFICE AND RESIDENTIAL WITH
8 THE TRADITIONAL CITY OVERLAY DISTRICT TO
9 PLANNED DEVELOPMENT WITH THE TRADITIONAL
10 CITY OVERLAY DISTRICT; PROVIDING A
11 DEVELOPMENT PLAN AND SPECIAL LAND
12 DEVELOPMENT REGULATIONS OF THE PLANNED
13 DEVELOPMENT DISTRICT; PROVIDING FOR
14 SEVERABILITY, CORRECTION OF SCRIVENER'S
15 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
16 DATE.
17

18 **WHEREAS**, at its regularly scheduled meeting of November 21, 2017, the
19 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),
20 considered zoning application case number ZON2017-10008, requesting a rezoning of
21 certain land generally located south of East Colonial Drive, east of North Magnolia
22 Avenue, north of Hillcrest Street and west of Irma Avenue, comprised of 1.42 acres of
23 land, more or less, and being more precisely described by the legal description attached
24 to this ordinance as **Exhibit A** (hereinafter the "Property"), from O-3/T Office and
25 Residential with the Traditional City Overlay zoning district to the Planned Development
26 with the Traditional City Overlay zoning district; and
27

28 **WHEREAS**, based upon the evidence presented to the MPB, including the
29 information and analysis contained in the "Staff Report to the Municipal Planning Board"
30 for application case number ZON2017-10008 (entitled "Item #3C-Colonial & Magnolia
31 Redevelopment" and hereinafter referred to as the "staff report"), and subject to certain
32 conditions contained within the staff report, the MPB recommended that the City Council
33 of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning
34 application and adopt an ordinance in accordance therewith; and
35

36 **WHEREAS**, zoning application case number ZON2017-10008 is requesting the
37 Planned Development zoning district for the purpose of permitting the redevelopment of
38 the existing site (the "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 Downtown
43 Activity Center; and
44

45 **WHEREAS**, the Orlando City Council hereby finds that the project is consistent
46 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 Downtown Activity Center.

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 O-3/T Office and Residential with the Traditional City Overlay district to the Planned Development with the Traditional City 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 “Colonial Magnolia Planned Development.”

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Colonial Magnolia 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/T Metropolitan Activity Center district with the Traditional City Overlay district.

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

A. Land Development

1. 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 controls.

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2. Land Use and Zoning. Except as provided herein, development of the property must be consistent with the development standards of the AC-3/T Metropolitan Activity Center district with the Traditional City Overlay district.
3. Minor Modifications. Minor modifications to the project, including changes to the design and site plan reviewed by the Municipal Planning Board or City Council, may be approved by the Planning Official without further review by the Municipal Planning Board. Major changes require additional review by the Municipal Planning Board.
4. Expiration. Upon approval of the PD by City Council, a building permit shall be obtained for the work requiring the PD amendment within five (5) years of the PD approval or the PD will expire and the land will revert to the default zoning. If the building permit for the work required the PD expires before a Certificate of Occupancy or Certificate of Completion is issued for the work requiring said PD, then the PD is no longer valid and the applicant must apply for a new PD if the applicant wishes to proceed with a development requiring said PD.
5. Phasing. The property may be developed in multiple phases. Each phase of the development must be developed in a manner that allows the individual phases to function independently of each other. Master Plan approval by the MPB is required for each phase.
6. Density/Intensity. Development is restricted to a minimum of 30 dwelling units per acre and/or 0.4 floor area ratio (FAR) and a maximum of 200 dwelling units per acre and/or 3.0 FAR. The floor area for all floors is counted for purposes of calculating FAR, including floors with personal storage use.
7. Impervious Surface Ratio (ISR). A maximum ISR of 0.95 is permitted.
8. Height. The maximum permitted building height is 100 feet.
9. Uses. Permitted and prohibited uses must comply with the AC-3A/T zoning district and the subarea policy in the Future Land Use Element of the City's Growth Management Plan.
 - a. Prohibited uses include:
 - (1) Vehicle fuel sales;
 - (2) Auto detailing;
 - (3) Automotive service;
 - (4) Intensive retail;
 - (5) Tattoo parlors;
 - (6) Pawnshops;
 - (7) Any business commonly known as "check cashing" establishment, or any business in which a material part of its service includes offering loans secured by future employment wages or other compensation (often known as "payday loans," or "pay day advances"), but not including retail businesses which provide a check cashing service as an incidental part of their business and financial institutions such as banks, credit unions, and trust companies; and
 - (8) Any business in which a material part of its service includes loaning money secured by vehicle titles (often known as "car-title loans"), but not

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including financial institutions such as banks, credit unions, trust companies, consumer finance, and retail installment lenders.

- b. In addition to the uses allowed by the AC-3A/T zoning district, personal storage is also allowed.

10. Retail. A mixture of at least two uses is required. Ground floor commercial use must be provided along East Colonial Drive and North Magnolia Avenue.
11. High-Rise Signs. Signage consistent with AC-3A/T zoning district is permissible, but no high rise signs are permitted along the southern or eastern facades.
12. Parking. Parking is subject to the Downtown Parking Area standards. The minimum requirement for non-residential uses is 1 space per 1,000 square feet of gross floor area (GFA) with a maximum of 3 parking spaces per 1,000 square feet GFA.
13. Setbacks. All street frontages have a maximum setback of 15 feet, as measured from the property line. The eastern boundary has a maximum setback of 30 feet.
14. Landscaping. A minimum of 3 feet of landscaping is required along the eastern property line.
15. Drive-through. No CUP will be required for one (1) drive-through within the project. The drive-through must be internal to the site.

B. Urban Design

1. Appearance Review Board
- a. This project is located in the Downtown Development Board/Community Redevelopment Area (DDB/CRA) Overlay District, which requires review by the Appearance Review Board (ARB) for any new construction.
- b. An ARB Courtesy Review is required for major projects prior to the MPB hearing for any Master Plan.
- c. An ARB Major Certificate of Appearance Approval (CofAA) is required prior to submittal of building permits.
2. Streetscape
- a. Design Guidelines - All streetscape must be designed and constructed in accordance with the standards and specifications of the Downtown Orlando Streetscape Guidelines.
- b. Maintenance – The property owner must provide a City Services Easement for any portion of the required streetscape zone outside of the right-of-way in order to allow City maintenance of those portions of the streetscape zone outside of the right-of-way.
- c. Minimum Width - At a minimum the streetscape on East Colonial Drive and North Magnolia Avenue must be 15-feet from back-of-curb and provide a 5-foot Streetscape Furniture and Street Tree Zone (furniture zone) combined with an unencumbered 10-foot Pedestrian Clear Zone (sidewalk). The streetscape zone on Hillcrest Street must be a minimum 13-feet wide with a 7-foot wide parkway strip and a 6-foot sidewalk.
- d. Treatment 4 – The streetscape treatment on East Colonial Drive and North Magnolia Avenue must match Treatment 4 of the streetscape design

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- 177 guidelines. This includes, double-acorn street lights, large 5'x10' tree wells
178 with high-rise live oak street trees, and a 5'x5' sidewalk grid with a 2"
179 troweled edge and a medium broom finish.
- 180 e. Treatment 5 – The streetscape treatment on Hillcrest Street will be Treatment
181 5 and include single acorn streetlights and high-rise live oak trees in the
182 parkway strip.
- 183 f. Curbing - Unless otherwise approved through a future SPMP Master Plan or
184 ARB Major Review all streets must have Type "A", vertical curb with gutter.
- 185 g. Structural Soil - To minimize root damage to adjacent pavement areas
186 structural soil or a Planning Official approved equivalent must be installed
187 around all canopy street trees consistent with Detail 3.4-O and 3.4-P of the
188 Downtown Streetscape Guidelines.
- 189 h. Root Barriers - Where a canopy tree is installed within 10 feet of any existing
190 or proposed underground utility line, a root barrier 2' in height and at least 10'
191 in length must be installed along the underground utility or the utility may be
192 wrapped in the root barrier.
- 193 i. Crosswalks – The 15-foot minimum streetscape zone from back of curb must
194 be the priority in all instances. Crosswalks at driveways and curb cuts must
195 be raised to be at the same grade as the sidewalk adjacent to the driveway in
196 order to clearly define the pedestrian area. The driveway slope transition from
197 street grade to the sidewalk grade must occur in the 6-foot Streetscape
198 Furniture Zone. The crosswalk surface must be treated with the same
199 streetscape treatment materials as the sidewalk surface, or a contrasting
200 material color or texture from the vehicular use area. Reflective paint alone is
201 not acceptable, however may be used in conjunction with pavers or other
202 surface to outline the pedestrian path for night time safety. Refer to Detail
203 3.2K of the streetscape guidelines for more information.
- 204 j. Overhead Lines - All above ground utility lines should be undergrounded
205 during construction of the proposed streetscape improvements, unless
206 otherwise agreed to by staff to occur at a later date. Regardless of timing of
207 the undergrounding of the utility lines, the owner must provide utility
208 easements to accommodate such undergrounding.
- 209 3. Service Areas, Mechanical Equipment, Utilities, Venting
- 210 a. Service Area/Utilities - All utilities should be located on the interior of the
211 parking garage or building, and not adjacent to the pedestrian sidewalks or
212 streetscape zones to the fullest extent possible.
- 213 b. Venting & Exhaust - All restaurant venting and restaurant exhaust must be
214 either directed to the roof of the building or located in the parking area, and
215 must not be visible from the public right-of-way. Exhaust is not permitted on
216 any street facing façade of the building. All other venting for mechanical and
217 utilities must be a minimum of 12 ft. above grade, must be designed and
218 integrated with the building so as to be seamless with the overall architecture
219 of the building and must not vent over primary pedestrian areas.

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- c. Dumpsters - All dumpsters and trash compactors must either be internal to buildings or screened with solid walls to match the principal structure. Decorative gates must be installed to coordinate with principal structure and painted to match the color of the enclosure walls.
- d. Fencing - Any fencing on the site must be an open, CPTED-approved fence, such as welded wire, architectural mesh or aluminum picket fencing. Chain link fencing is prohibited (except for construction fencing).

4. Architecture

- a. Materials - Durable materials such as stone, brick, pre-cast, etc. are encouraged at the ground level. Stucco may be appropriate on upper levels, but not at the base of any building.
- b. Architectural Form – All buildings must be designed to express a unique base, middle and distinctive skyline architecture.
- c. Principal Entrances - All buildings must have at least one entrance oriented directly toward (i.e. parallel to) the public street. Principal pedestrian entrances from the right-of-way must be architecturally treated and emphasized with canopies, awnings, hardscape, landscape or other material changes at the ground level.
- d. Floor Height – The minimum ground floor height, in order to accommodate internal compactors and transformers, must be a minimum 17'-6".
- e. Articulation – Not more than 30 feet of any exterior façade shall be unbroken by architectural changes such as materials, colors, patterns, windows, columns, canopies, recesses, projections, etc.
- f. Transparency – The ground floor building walls of all structures facing a right-of-way must contain a minimum of 15% of transparent materials, located between 3 and 7 feet measured from ground level. All other floors must also have 15% transparency. Reflective glass and glass block are not counted as transparent materials. Transparent materials on walls not parallel to the street and on doors shall not be counted toward the minimum transparency requirement.
- g. Glazing - 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%. No windows shall be dry-walled, or have permanent partitions installed on the interior to block natural surveillance. Tinted or reflective glass shall not be permitted. Spandrel glass shall not be counted toward transparency.
- h. Exterior Doors – At a minimum a 4-inch by 6-inch view panel must be provided in all exterior solid doors to provide visibility for entering and exiting pedestrians.
- i. Stormwater Run-off - Water shall not flow across the streetscape or plaza areas from any downspout, nor shall any downspout project into the public ROW. Canopies must incorporate downspouts or other rain water management systems to prevent water spill onto the pedestrian path or ROW. Exposed rooftop overflow spouts must incorporate a trench drain from

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the spout to the street so rooftop overflow does not sheet flow across sidewalks or streetscape zones.

5. Parking Garages

- a. Parking Garage Articulation – Parking garages must be designed to not have a “back of house” on any side, and must be designed to achieve an architectural unity with the surrounding principal structures.
- b. Cladding - Garage cladding must be provided that reflects the fenestration pattern, finish materials and colors of the buildings they serve.
- c. Garage Ramps - Angled exterior ramping must not be visible from the right-of-way and must be obscured from view through the use of exterior cladding, metal screening, or other alternative methods.
- d. Screening - Screening on the ground floor of parking garages must be security grade mesh. Screen materials should also be used on the upper floors of parking garages to mute views into the garage.
- e. Parking Garage Openings – Parking garage openings must incorporate materials, mullion patterns and/or architectural accents that mimic and compliment architecture of the primary buildings the garage serves. The ground floor of parking garages that do not have an active use must have a minimum 36” tall opaque wall to block headlights and views of vehicles.
- f. Ground Floor Entries - Ground floor entrances may have gates with open grate gates and must provide connections from the entrance to the public sidewalks.
- g. Exterior Doors – At a minimum a 4-inch by 6-inch view panel must be provided in all solid exterior doors to provide visibility for entering and exiting pedestrians.
- h. Pedestrian Connections – a minimum 5’-wide pedestrian connection to the public sidewalk must be provided at all vehicle entries and exits into the parking garage.
- i. Parking Garage Lighting - Interior fixtures must be shielded to prevent light spilling from the garage. Light fixtures on the top deck of the parking garage shall not exceed 20-feet in height and must be shielded to prevent light spilling from the boundary of the garage deck. Wattage shall not exceed 400 watts per bulb.

6. Lighting

- a. Lighting Standards -- A lighting plan compliant with the City’s lighting regulations (Chapter 63 2M.) including photometrics and all exterior lighting fixtures must be submitted for ARB approval prior to submittal of building permits.
- b. Security Lighting - Security lighting shall not be substituted for parking or pedestrian area lighting fixtures. Security lighting is restricted to lighting service, storage areas, loading areas and other similar uses. Security lighting shall not extend beyond the fascia or roofline of any building.
- c. Light Shields - Shields for security lighting must be similar in color with the surface to which the fixture is attached.

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- d. Service Areas - Lighting under awnings, canopies, and porte-cocheres should be recessed. If not recessed, the box type or other lighting fixture must be opaque on all sides (no light shall emanate from any side of the fixture).
- e. Pedestrian Areas - Lighting fixtures must be decorative in appearance, style and finish and shall not exceed 15' in height.

7. Master Sign Program

- a. Master Sign Plan (MSP) - Prior to issuance of the first Certificate of Occupancy a Master Sign Plan for the PD must be receive a Major Certificate of Appearance Approval from the Appearance Review Board.
- b. Sign Program Guidelines - The Master Sign Plan must establish a uniform sign format or program for the project and include individual sign area, design criteria, sign type, location for all exterior signs and a total sign area allocation for the project.

C. Transportation Engineering

1. Two driveways onto Hillcrest Ave. may be approved for this site, but the westernmost driveway may not be as close to the Magnolia Ave. intersection as depicted in the submitted plan. The final separation distance and permitted movements require approval by the City Transportation Engineer.
2. The traffic signal mast arm pole and controller box located near the northwest corner of the parcel has been damaged by vehicles on several occasions. The City will be requesting a triangular "corner clip" from the owner to allow this equipment to be relocated as a part of the final building and streetscape design on this parcel.
3. The final site and land use will be required to comply with the City Codes and Engineering Standards Manual which are in effect at the time of permitting. The building will also be subject to applicable Impact Fees and will be assessed at the rates in effect at the time of permitting.
4. All loading facilities and vehicular use areas must be designed so as to eliminate the need for backing and maneuvering from, on, or onto streets, sidewalks, pedestrian walkways or bikeways on all 3 sides of this building site. This includes activity associated with all uses on the site include solid waste collection.
5. No driveway access is allowed on North Magnolia Ave.

D. Engineering/Zoning

The owner/developer is required to design and construct an on-site stormwater system. Approval from St. Johns River Water Management District is required. The system needs to be privately owned and maintained.

SECTION 5. DISCLAIMER. In accordance with Section 166.033(5), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the city for issuance of this permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or

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undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

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

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

City Attorney

Print Name

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