

1 AN ORDINANCE OF THE CITY COUNCIL OF THE
2 CITY OF ORLANDO, FLORIDA, AMENDING THE
3 SHAH PLANNED DEVELOPMENT ZONING
4 DISTRICT; PROVIDING FOR ADDITIONAL
5 CONDITIONS; PROVIDING THAT ORDINANCE
6 DOCUMENTARY NO. 0605011002 STILL IN
7 EFFECT; PROVIDING FOR PERMIT DISCLAIMER,
8 CORRECTION OF SCRIVENER'S ERRORS,
9 SEVERABILITY, AND AN EFFECTIVE DATE.
10

11 **WHEREAS**, at its regularly scheduled meeting of December 18, 2018, the
12 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),
13 considered zoning application case number ZON2018-10021, requesting an
14 amendment to the Shah PD Planned Development zoning district (City of Orlando
15 Ordinance Documentary No. 0605011002, the "Shah PD"), which amendment
16 concerns property generally located north of Vineland Road, east of Peregrine
17 Avenue and west of Kirkman Road, comprising approximately 3.15 acres of land,
18 and being more particularly described and depicted in Exhibit A to the Shah PD
19 (the "Property"); and
20

21 **WHEREAS**, the Property owner, JNS Real Properties, LLC (the "Owner"),
22 requested an amendment to the Shah PD to allow uses not contemplated in the
23 original PD, including a new +/- 2,000 square foot eating and drinking
24 establishment as well as permit the existing medical offices and personal services
25 on the subject property (the "2018 Shah PD Amendment" or the "Project"); and
26

27 **WHEREAS**, based upon the evidence presented to the MPB, including the
28 information and analysis contained in the "Staff Report to the Municipal Planning
29 Board" for application case number ZON2018-10021 (entitled "Item #6-Shah 2018
30 PD Amendment"), the MPB recommended that the City Council of the City of
31 Orlando, Florida (the "Orlando City Council"), approve said request and adopt an
32 ordinance in accordance therewith; and
33

34 **WHEREAS**, the MPB found that the Project is consistent with:
35

- 36 1. The City's adopted Growth Management Plan (the "GMP"), including the
37 applicable goals, objectives, and policies associated with the Property's
38 Future Land Use Map designation of Metropolitan Activity Center; and
39 2. The City's Land Development Code, Chapters 58 through 68, Code of
40 the City of Orlando, Florida (the "LDC"); and
41

42 **WHEREAS**, the Orlando City Council finds that the Project and this
43 Ordinance are in the best interest of the public health, safety, and welfare.
44

45 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE**
46 **CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**
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48 **SECTION 1. PD AMENDMENT.** The Shah PD is amended to allow a new
49 2,000 square foot eating and drinking establishment in Suite 110, as well as to
50 allow the existing nonconforming medical offices and personal services uses to
51 continue as permissible uses in their existing suites. The Project must meet all
52 requirements of the Shah PD, as amended herein.
53

54 **SECTION 2. ADDITIONAL CONDITIONS.** Section 2 of the Shah PD is
55 hereby amended as follows:
56

57 **M. Land Development.**
58

- 59 1. General Code Compliance. Development of the Property should be
60 consistent with the conditions in the staff report and all codes and
61 ordinances of the City of Orlando, the State of Florida, and all other
62 applicable regulatory agencies. All other applicable state or federal
63 permits must be obtained before commencing development.
64
- 65 2. Variances and modifications. Zoning variances and modification of
66 standards may be approved pursuant to the procedures set forth in
67 Part 2J and Part 2F, Chapter 65, Orlando City Code, respectively.
68 The planning official may also approve minor modifications and
69 design modifications to fences, walls, landscaping, accessory
70 structures, signs, and bufferyard requirements. Additionally,
71 recognizing that development plans can change in small ways
72 between the planning and permitting stages of development, the
73 planning official may approve up to a 10% modification of any
74 applicable numerical development standard if the planning official
75 finds that the proposed modification is consistent with the applicable
76 goals, objectives, and policies of the GMP, is compatible with nearby
77 existing land uses, would not result in inadequate public facilities,
78 and is otherwise consistent with the public health, safety, and
79 welfare.
80

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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.

3. Conformance. Construction and development shall conform to approved site plans, elevations, and landscaping plans on file with the City Planning Division and all conditions contained in this ordinance. When submitting plans to the Permitting Division for permitting, the applicant shall attach to each submittal a copy of the staff report, and the excerpts of the Municipal Planning Board minutes.

4. Permitted Land Uses. The following land uses are allowed for the Shah PD retail/office building:

a. Medical office uses are permitted in Suite 101-105 of Phase I for up to 6,945 sq. ft.

b. Personal Service uses are permitted in Suite 106-108 of Phase I for up to 4,327 sq. ft. Barbershops and beauty salons are permitted in only Suite 106 and 107.

c. An eating and drinking establishment is permitted in Suite 110 of Phase I for up to 2,017 sq. ft.

d. The remaining suites comprising approximately 13,703 sq. ft. must be occupied by light retail or general office uses including: Suites 109, 110, 201, 202, 203, 205, 207, 209, 210, 211, and 212.

5. Hours of Operation for Restaurant. The outdoor portion of the proposed restaurant must be closed by 11:00 p.m.

6. Outdoor Dining. Outdoor dining is permitted under the existing covered, open-air walkway, but must not be expanded without further review by the Planning Official via determination application. No bar is to be located outside or open to the outside the building.

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7. Noise. No amplified speakers are allowed for the proposed outdoor dining area.
8. Final Site Plan. Phase II for the hotel is required to submit a final site plan via determination application in order to approve the layout and ensure sufficient parking is provided. The determination must be submitted and approved prior to submittal of a building permit application.

N. Transportation Planning and Engineering.

1. Parking. The minimum number of parking spaces required for the proposed restaurant and existing uses in Phase I on the site shall be provided. Parking for the Phase II hotel will be reviewed upon the application submittal for the hotel development and will be required to meet the LDC minimum requirements.
2. Pedestrian Clear Zone. Outdoor seating and dining may not be situated such that the pedestrian pathway along the east side of the building is reduced to less than 5 ft. of clear width for pedestrians. Additional width may be added to the existing walkway only if drive aisle and parking stall dimensions are not reduced to below City standard levels.
3. SW Parking Spaces. In order to count the 2 parking spaces in the SW corner of the site, they must be properly marked.
4. Restaurant Spaces. Converting 2,000 sq. ft. of retail space to restaurant adds 5 spaces to the parking demand for Phase I. As such, there will be 5 fewer spaces available for the Phase II hotel once it is developed. This, in conjunction with the existing medical offices and beauty salons, will reduce the number of available spaces that may be counted toward the Phase II Code minimum number of spaces. All other spaces must be created on the site or obtained with an off-site (remote) parking agreement.

SECTION 3. ORDINANCE NO. 0605011002 STILL IN EFFECT. This ordinance does not supersede or replace the previously adopted Ordinance Documentary No. 0605011002, the Shah PD. The Shah PD is still in full effect and governs the development of land within the Shah PD, except as expressly amended herein.

SECTION 4. 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 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 5. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

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

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2019.

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 _____, 2019.

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 _____, 2019.

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