

ORDINANCE NO. 1229

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, AMENDING CHAPTER 21 ZONING OF THE MAITLAND CODE OF ORDINANCES TO ADD RESIDENTIAL SCALE RETAIL AND PERSONAL SERVICE USES AS PERMITTED CONDITIONAL USES IN THE RG-3 MULTI-FAMILY RESIDENTIAL DISTRICT WHERE PROPERTIES ZONED RG-3 MEET THE REQUIREMENTS OF POLICY 3.9.A OF THE FUTURE LAND USE ELEMENT OF THE 2030 CITY OF MAITLAND COMPREHENSIVE DEVELOPMENT PLAN; ESTABLISHING CONDITIONS, SIGNAGE, AND OTHER REGULATIONS FOR SUCH PERMITTED CONDITIONAL USES IN THE RG-3 DISTRICT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3184, Florida Statutes, provides for a local government to amend a local government comprehensive plan; and

WHEREAS, a FLUE amendment was adopted by the City of Maitland (City) by Ordinance No. 1222 on November 14, 2011, relative to the high-density residential land use district within the City, but limited the area to those which are contiguous to a rail line and adjacent to Downtown Maitland, thereby providing specificity in its location and is a limiting factor as to where the text amendment applied; and

WHEREAS, the City recognizes the importance of *Community Connectivity* in its 2030 CDP and desires to address connectivity in order to further promote mobility enhancements and create a pedestrian-friendly, walkable Downtown Maitland, and;

WHEREAS, the FLUE amendment evidenced the City's commitment toward revitalization and redevelopment while providing land use transitions between Downtown Maitland and adjacent residential neighborhoods; and

WHEREAS, to ensure the long-term viability of residential neighborhoods, the amendment required the adoption of performance standards, the development of regulations to regulate external signage and hours of operation for retail and service establishments, and further retail and service uses to be residential scale; and

WHEREAS, Chapter 21 Zoning, of the Maitland City Code specifies that regulations and requirements within the Zoning Code are established in accordance with the CDP, and the Zoning Code provides regulations to implement the goals, policies, and objectives of the CDP; and

WHEREAS, this Zoning Text Amendment (Zoning Amendment) was submitted to implement the requirements set forth in Policy 3.9.A of the Future Land Use Element of the 2030 CDP; and

WHEREAS, the Planning and Zoning Commission also sitting as the Local Planning Agency and Land Development Regulation Commission advertised and a held public hearing on June 7, 2012 to take public comment regarding the proposed Zoning Amendment; and

WHEREAS, the Planning and Zoning Commission, at its meeting on July 5, 2012 recommended approval of the Zoning Amendment (subject to the Planning and Zoning Commission Recommendation Report for Petition No. 2012 -01 (AZ) dated July 5, 2012); and

WHEREAS, the Planning and Zoning Commission has found the proposed Zoning Amendments to be consistent with the 2030 CDP and will promote the public health, safety, welfare, economic order and aesthetics of both the region and the community; and

WHEREAS, the Maitland City Council introduced this Ordinance on July 9, 2012 and subsequently in accordance with Section 166.041, Florida Statutes the Maitland City Council advertised and held public hearings on this ordinance on July 23, 2012 and August 13, 2012 to take public input; and

WHEREAS, the Maitland City Council concurs in the foregoing findings.

NOW THEREFORE, BE IT ENACTED by the Maitland City Council, that:

SECTION 1. Chapter 21 Zoning of the Maitland City Code is hereby amended to modify Section 21-13. V. Permitted Conditional Uses to add section (j.) Residential scale retail and/or personal service use for the RG-3, multiple family residential district consistent with Policy 3.9.A of Future Land Use Element of the 2030 City of Maitland CDP. The Zoning Amendment text for adoption is attached hereto and incorporated herein in Attachment "A."

SECTION 2. Severability Clause. In the event that any term, provision, clause, sentence or section of this ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences or sections of this ordinance, and this ordinance shall be read and/or applied as if the invalid, illegal or unenforceable term, provision, clause, sentence or section did not exist.

SECTION 3. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

SECTION 4. Effective Date.

ADOPTED by the City Council of the City of Maitland, Florida, on the 13th day of August, 2012.

CITY OF MAITLAND, FLORIDA

By: 
Howard Schieferdecker, Mayor

Attest: 
Maria Waldrop, City Clerk

Attachment A

Chapter 21. Zoning of the Maitland City Code as amended.

Section 21-13: RG-2, RG-3 Multi-Family Residential Districts

(V) Permitted Conditional Uses

Uses and structures which may be allowed through the permitted conditional use process:

(j) Residential scale retail and/or personal service use where parcels zoned RG-3 meet the requirements set forth in Future Land Use Element, Policy 3.9.A., of the 2030 City of Maitland CDP. A mix of residential- scale retail and personal service uses within the high-density residential land use district as shown on the Future Land Use Map Series - Map 1, 2030 CDP, shall be provided for where the land use district is contiguous to a rail line and adjacent to Downtown Maitland and the development is designed to include mobility enhancements which reduce automobile trips, improve pedestrian connectivity and which provide transition to and from Downtown Maitland. Such uses shall also be limited to:

- 1) A maximum of 10% of the upland area square footage of a project's site acreage (excluding land below the control water elevation level) may be used for residential scale retail and/or personal service use building area within a unified multi-family residential and/or office development as a permitted conditional use or through the Planned Development process. Residential scale retail and/or personal service uses may be stand-alone structures or be integrated into the multi-family residential (multi-family) and/or office structures.
- 2) Regulation of External signage and their impact on adjacent or nearby residential properties shall meet the requirements of Chapter 5 of the Maitland Code of Ordinances, except that no sign shall exceed five (5) feet in height, measured from top of the sign to the ground. Architectural elements may be utilized on the face of the building to enhance building identity, but shall not include wording, and shall be neutral and non-contrasting color. Signage and architectural elements shall be generally consistent with the architectural character of the building it serves, shall be residential in scale and character, and compatible with surrounding residential properties. Such signage shall be ~~and are~~ subject to review and approval by the Planning and Zoning Commission and the Maitland City Council. No neon, internally lit, flashing, motion (animated), changing or pole signs are permitted.
- 3) Hours of Operation for the residential-scale retail and personal service uses shall be compatible with the residential character of the neighborhood, but shall not extend beyond the hours of 7 a.m.-12 a.m. unless otherwise approved by the City.
- 4) Performance standards shall ensure conformity and compatibility with surrounding uses and shall also include the following regulations concerning lighting, noise, vibration, odor, buffering etc.:
 - a) Lighting: Project lighting shall adhere to the corresponding lighting regulations ~~per~~ of the City of Maitland Code. Generalized Lighting Criteria shall ~~to~~ include:
 - 1) A ~~inclusion~~ of photometrics plan shall be submitted at the site plan approval stage.
 - 2) Use of "shoe-box" sharp cut-off type fixtures or Dark Skies - type lighting shall be provided to limit spread of light in outdoor/parking areas and to minimize lighting spill over onto adjoining parcels;
 - 3) Lighting on buildings shall incorporate wall-pack type fixtures that direct light to the ground, ~~and ceiling levels.~~
 - 4) Light placement shall ~~to follow~~ incorporate CEPTD guidelines and standards to enhance safety.
 - b) Noise: The project shall be designed to adhere to the applicable noise/sound regulations ~~per~~ of the City of Maitland Code. Noise control shall include but not be limited to, noise attenuation for equipment ~~to follow accepted practices~~ such as, shielding of A/C units and compressors; ~~placement of A/C units on roof areas; buffering of ground-mounted units with fencing, walls, and landscape; limiting non-residential~~

truck deliveries to certain hours (7 a.m. to 7 p.m. unless otherwise approved by the City); controlling outdoor music provided at by sit-down restaurants or similar uses to conform to be limited to acceptable decibel levels per City of Maitland noise regulations and controlling (to be established by the City of Maitland. Special event permits to establish, as well as hours of operation to operations and acceptable decibel levels, be compatible with surrounding uses and with the residential character of the neighborhood.

- c) Vibrations: The proposed project is to be a ~~MF~~ multi-family and/or office-use with support retail and commercial. No storage or heavy equipment use or materials handling or related activities that would create vibrations out of character with the residential portions of the project to occur on-site.
- d) Odor: No activities shall be permitted that would create a consistent pattern of odor production that is incompatible with the residential character of the district, including the emission of pollutants and offensive fumes or gases. ~~No industrial or waste producing uses are anticipated. Normal waste associated with MF and retail/commercial activities are anticipated.~~
- e) Buffering: The proposed project shall, at a minimum, adhere to the City of Maitland's Landscape Code regulations including ~~with respect to buffering between to adjacent uses and properties and internal uses, etc. Owner/Developer may enhance buffering requirements.~~
- 5) Development on the site shall adhere to ~~Residential Scale and Character~~ and Residential Scale retail uses and service uses defined in Section 21-23 Definitions of the Maitland City Code. Design elements of residential scale and character listed in Section 21-24 shall also be followed.
- 6) Projects within this zoning category may undergo the Planned Development (PD) process, and depending on the character, magnitude and location of the specific project, the City staff may elect to apply ~~increase~~ development standards that ~~and to~~ ensure compatibility with, and protection of, existing adjoining uses.