

ORDINANCE NO. 1236

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, AMENDING THE 2030 CITY OF MAITLAND COMPREHENSIVE DEVELOPMENT PLAN (2030 CDP) BY AMENDING THE FUTURE LAND USE ELEMENT TO ADD A POLICY AND STANDARDS GOVERNING DEVELOPMENT OF THE MAITLAND CONCOURSE NORTH ("MCN") PROPERTY AND TO CREATE A LAND USE CATEGORY TO ALLOW RESTRICTED-MIXED OFFICE, RESIDENTIAL (10.0-20.0 DU/ACRE), COMMERCIAL USES ("R-MORC"); AMENDING THE FUTURE LAND USE MAP SERIES - MAP-1 CDP 2030, TO CHANGE THE LAND USE CATEGORY OF A PORTION OF THE MCN PROPERTY LOCATED ON THE NORTH SIDE OF THE MAITLAND BOULEVARD CORRIDOR EAST OF I-4 AND WEST OF MAITLAND AVENUE, BETWEEN CONCOURSE PARKWAY AND LAKE FAITH VILLAS : FROM PROFESSIONAL OFFICE TO: RESTRICTED - MIXED OFFICE, RESIDENTIAL (10.0-20.0 DU/ACRE), COMMERCIAL (R-MORC), PARKS AND RECREATION, AND LOW-MEDIUM DENSITY RESIDENTIAL (4.5-10.0 DU/ACRE); AND FROM PARKS AND RECREATION TO: LOW- MEDIUM DENSITY RESIDENTIAL (4.5-10.0 DU/ACRE) AND RESTRICTED - MIXED OFFICE, RESIDENTIAL (10.0-20.0 DU/ACRE), COMMERCIAL (R-MORC); PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3187, Florida Statutes, provides for a local government to amend a local government comprehensive plan; and

WHEREAS, on September 27, 2010, the City Council adopted a comprehensive plan by Ordinance 1201, entitled Maitland Comprehensive Development Plan 2030, pursuant to Chapter 163, Florida Statutes; and

WHEREAS, it is the desire of the City of Maitland to ensure that future development balances land use and transportation and future development is directed in a harmonious pattern with existing development and the natural environment; and

WHEREAS, to ensure the long-term viability of residential neighborhoods and conformity and compatibility with surrounding uses, the land use amendment provides that development shall be achieved through the planned development process which shall regulate such as; signage and lighting, hours of operation, address buffers, transportation issues, design of parking structures, address environmental issues, and so forth; and

WHEREAS, Maitland Boulevard is recognized in the 2030 CDP and Future Land Use Map Series, Map 3, with a Functional Classification as a Principal Arterial (Other) (Access Controlled), with the function of providing regional, and metropolitan continuity and unity; and

WHEREAS, the 2030 CDP indicates an adopted LOS F service volume for Maitland Boulevard (from I-4 to U.S. 17-92 after it is widened to 6 lanes, with 76,000 daily vehicular trips on this roadway; and

WHEREAS, the Transportation Element of the 2030 CDP lists examples of typical abutting land uses on Roadways with a Functional Classification of a Principal Arterial (Other) (Access Controlled) as Community/ Retail Office Centers and Multi-family; and

WHEREAS, the MCN Property is located along Maitland Boulevard, between I-4 and Maitland Avenue and less than one mile west of the future Maitland Commuter Rail Station; and

WHEREAS, the MCN Property subject to this CDP amendment fronts Maitland Boulevard for nearly one-third of one mile; and

WHEREAS, the Local Planning Agency held a public hearing on November 1, 2012, to provide for public comment; and

WHEREAS, the Maitland Local Planning Agency, at its meeting on January 17, 2013 recommended approval of the amendment (subject to the Planning and Zoning Commission Recommendation Report for Petition No. 2012 -02 (ALU) dated January 17, 2013) prepared for transmittal to the Florida Department of Economic Opportunity (DEO);

and

WHEREAS, the City submitted its proposed amendment, Petition 2012-02 (ALU), to the DEO, functioning as the Florida Land Planning Agency, for review and comment by that agency, as well as the East Central Florida Regional Planning Council, Orange County, Florida, and all other governmental agencies required by law and those which had requested copies of the proposed revisions to the 2030 Comprehensive Development Plan, for review and comment by those entities; and

WHEREAS, Maitland received comments from the agencies to which the revised Comprehensive Development Plan was transmitted and has responded to those comments; and

WHEREAS, the Maitland Local Planning Agency has found the amendment to the Comprehensive Development Plan to be internally consistent, and that the revised plan will promote the public health, safety, welfare, economic order and aesthetics of both the region and the community; and

WHEREAS, the City Council concurs in the foregoing findings; and

WHEREAS, in accordance with Sections 163.3184, 163.3187 and 166.041, Florida Statutes, the City has advertised and held three public hearings, on November 1, 2012, January 28, 2013, and March 25, 2013 to consider the adoption of the amendment to the Future Land Use Element; and

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

SECTION 1. The Future Land Use Element of the City of Maitland's 2030 CDP is amended to create the R-MORC land use category and add a Policy and Standards as evidenced on Exhibit A attached hereto and incorporated herein.

SECTION 2. The Future Land Use Map Series - Map 1, 2030 CDP is amended as evidenced on Exhibit B, attached hereto and incorporated herein. (For informational purposes only and not intended to be part of the Future Land Use Map, attached is Exhibit C, which is a Sketch of Description of the subject property which was included in the transmittal documents.)

SECTION 3. **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.

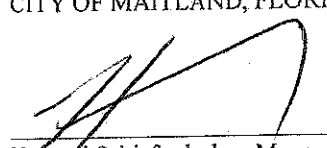
SECTION 4. **Ordinances and Resolutions in Conflict.** All ordinances or resolutions or parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

SECTION 5. **Effective Date.** The effective date of this plan amendment shall be the date a final order is issued by the DEO or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the DEO.

ADOPTED by the City Council of the City of Maitland, Florida, on the 26th day of MARCH, 2013.

CITY OF MAITLAND, FLORIDA

By:


Howard Schieferdecker, Mayor

Attest:

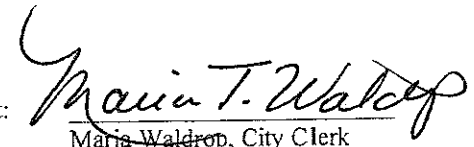

Maria Waldrop, City Clerk

EXHIBIT A
CDP TEXT AMENDMENT

(The CDP policies and standards shown below are as recommended by the City Council and are shown below in underlined text.)

POLICY 3.28 Subject to the restrictions set forth in this Policy 3.28, the City shall allow a mix of office, residential, commercial and public/semi-public uses on the north side of the Maitland Boulevard Corridor east of I-4, between Concourse Parkway and Lake Faith Villas (the "Maitland Concourse North Property") consistent with the Comprehensive Development Plan provisions for traffic, infrastructure concerns, and when impacts to adjacent residential areas are appropriately addressed.

STANDARD 3.28.1 The Maitland Concourse North Property shall be restricted to Planned Development ("PD") Zoning District.

STANDARD 3.28.2. Within planned development (PD) regulations, include performance standards for buffers, traffic circulation, infrastructure and setbacks, to control the development of the Maitland Concourse North Property and to ensure compatibility with surrounding land uses.

STANDARD 3.28.3. CONSERVATION. That portion of the Maitland Concourse North Property that is currently designated Conservation on the Future Land Use Map shall continue to be so designated on the Future Land Use Map.

STANDARD 3.28.4. PARKS & RECREATION AREA. Not less than ten (10) acres of property located generally within the northwesterly corner of the Maitland Concourse North Property between Lake Charity and Lake Hope (the "MCN Parks and Recreation Area") shall be restricted and committed to passive Parks and Recreation Uses and shall be so designated on the Future Land Use Map.

STANDARD 3.28.4.(a) The Passive Park area shall be for passive recreational purposes only and may include nature trails, nature observation area(s), jogging trails, bicycle paths, picnic areas, and similar passive recreational uses, and shall not incorporate active recreational uses such as playgrounds, ball fields, basketball courts, or tennis courts.

STANDARD 3.28.5. LOW-MEDIUM DENSITY RESIDENTIAL (4.5 – 10.0 D.U./Acre). That portion of the Maitland Concourse North Property lying (i) within one hundred seventy five (175') feet landward and immediately contiguous to the Normal High-Water Elevation ("NHWE") of Lake Hope and (ii) located generally within the northeasterly corner of the Maitland Concourse North Property between Lake Hope and Lake Faith shall be restricted to Low-Medium Density Residential uses (4.5 - 10.0 D.U./Acre) and shall be designated on the Future Land Use Map as "Low-Medium Density Residential - (4.5 - 10.0 D.U./Acre).

STANDARD 3.28.6. PROFESSIONAL OFFICE. That portion of the Maitland Concourse North Area located east of Concourse Parkway, both west and northwest of the FDOT Detention Pond out-parcel, and south of the MCN Parks and Recreation Area, shall be restricted to Professional Office uses and shall be designated on the Future Land Use map as "Professional Office".

STANDARD 3.28.7. RESTRICTED-MIXED OFFICE/RESIDENTIAL (10.0 - 20.0 D.U./Acre)/COMMERCIAL. All other property within the Maitland Concourse North Property may be permitted for a mix of office, residential (10.0 – 20.0 D.U./Acre), and commercial uses and shall be designated on the Future Land Use Map as "Restricted - Mixed Office/Residential (10.0 - 20.0 D.U./Acre)/Commercial" ("R-MORC").

STANDARD 3.28.7. (a). Commercial structures within the R-MORC category shall be residential scale and character. The commercial uses shall generally provide for the daily shopping and service needs of the community including by way of example and not limitation uses such as apparel, banking, professional and personal services, grocery, restaurant, and convenience goods.

Standard 3.28.7 (b). Hotel use within the R-MORC category shall provide accommodations and services primarily to serve business travelers, visitors and community residents. It shall be so located on the site so that surrounding neighborhoods are appropriately buffered.

STANDARD 3.28.7 (c) Commercial uses within R-MORC category shall not include "Big Box" retail, drive-through establishments of any kind, gasoline service stations with or without convenience stores, or industrial uses.

STANDARD 3.28.7.(d) A Big box retail use shall be defined as a single use retail establishment exceeding 50,000 square feet of gross floor area in a freestanding building, where general or specialty merchandise is sold or rented to businesses and/or the general public. This definition includes membership warehouse clubs and discount stores. A retail use in the R-MORC category may include 65,000 square feet of freestanding building area when the physical layout of the retail building is designed in a village style development pattern, creates a place-based design, with a walkable pedestrian-friendly atmosphere and includes a vertical or horizontal mixed-use environment. Such use shall not be considered to fall within the definition of Big Box retail per Standard 3.28.7 (c).

STANDARD 3.28.7.(e) Within planned development regulations, reasonable standards to regulate external signage and lighting and their impact on adjacent or nearby residential properties shall be incorporated.

STANDARD 3.28.7.(f) Within planned development regulations, reasonable standards to regulate hours of operation for commercial uses shall be incorporated.

STANDARD 3.28.7. (g) Within the planned development regulations performance standards shall be included to ensure conformity and compatibility with surrounding uses.

STANDARD 3.28.7 (h) Height within the R-MORC category shall be limited to no more than four (4) stories.

STANDARD 3.28.8. That portion of the Maitland Concourse North Property that has a land use designation of Professional Office ("PO") shall be restricted and limited to a floor area ratio of 0.30 (excluding parking structures) and that portion of the Maitland Concourse North Property that has a land use designation of Restricted-Mixed Office/Residential (10.0-20.0 D.U./Acre/Commercial ("R-MORC")) shall be allowed a floor area ratio up to, but not to exceed, 0.50 (excluding parking structures); provided, however, that the maximum total site floor area ratio for the Maitland Concourse North Property shall be calculated based upon the total site development (including the MCN Parks and Recreation Area, all nonresidential uses and all residential uses but excluding parking structures) and shall be restricted to a floor area ratio of not more than 0.30.

STANDARD 3.28.9 To provide for a diversified mix and clustering of office, residential and commercial uses, the overall land use mix percentages for the Maitland Concourse North Property shall be a combination of two or more of the uses set forth in Table 3.28.8:

<p align="center"><u>Table 3.28.8</u> <u>Maitland Concourse North Property</u> <u>Overall Land Use Mix</u></p>	
<u>Land Use Type</u>	<u>Maximum Acres, Residential Unit Density Or Nonresidential FAR Intensity¹</u>
<u>Parks & Recreation</u>	<u>10.12 acres</u>
<u>Residential</u>	<u>Up to 350 units</u>
<u>Office/Professional Office</u>	<u>Up to 500,000 sq. ft.</u>
<u>Commercial</u>	<u>Up to 200,000 sq. ft.</u>
<u>Hotel</u>	<u>Up to 100,000 sq. ft.</u>
<u>[Maximum square feet for all uses (excluding Parks & Recreation and parking structures)]</u>	<u>Up to 869,022 sq. ft.2</u>

1. Maximum Total Site F.A.R. limit, excluding parking structures = 0.30

2. Based upon the "controlled water elevation level" being the "Normal High Water Elevation", 66.5 acres above the Normal High Water Elevation x 0.30 F.A.R. = 869,022 sq. ft.

A 10.12 acre credit may be allocated and transferred from that portion of the Maitland Concourse North Property that has a land use designation of Parks & Recreation to that portion of the Maitland Concourse North Property that has a land use designation of Restricted-Mixed Office/Residential (10.0-20.0 D.U. Acre/Commercial ("R-MORC").

The composition of the land use mix for each proposed development upon individual parcel(s) will be determined on a case-by-case basis during the development review process. Specific uses permitted will be monitored by the City to ensure continuity and consistency with the Overall Land Use Mix. The Overall Land Use Mix is designed to ensure that there is an appropriate mix of uses within the entire Maitland Concourse North Property in order to provide a variety of complementary uses and a compatible mix of uses.

STANDARD 3.28.10. To encourage flexible and creative concepts for the overall site, a master stormwater drainage plan for the overall Maitland Concourse North Property shall be incorporated into the planned development (PD) regulations, which master stormwater drainage plan may provide for reciprocal drainage facilities between and among the various land use designations within the overall Maitland Concourse North Property. Such drainage facilities serving one or more land use designations may be partially or totally located within one or more different land use designations. Stormwater ponds shall be designed to serve as amenities and/or to provide additional buffering.

STANDARD 3.28.11. One or more multi-level parking structures may be provided to accommodate parking requirements.

STANDARD 3.28.11. (a) Specific design standards for structured parking shall be required as part of any PD development plan application within the R-MORC future land use category that includes structured parking uses. Such standards shall include provisions such that:

All exterior facades of parking garages shall be designed so as to achieve architectural compatibility within the project.

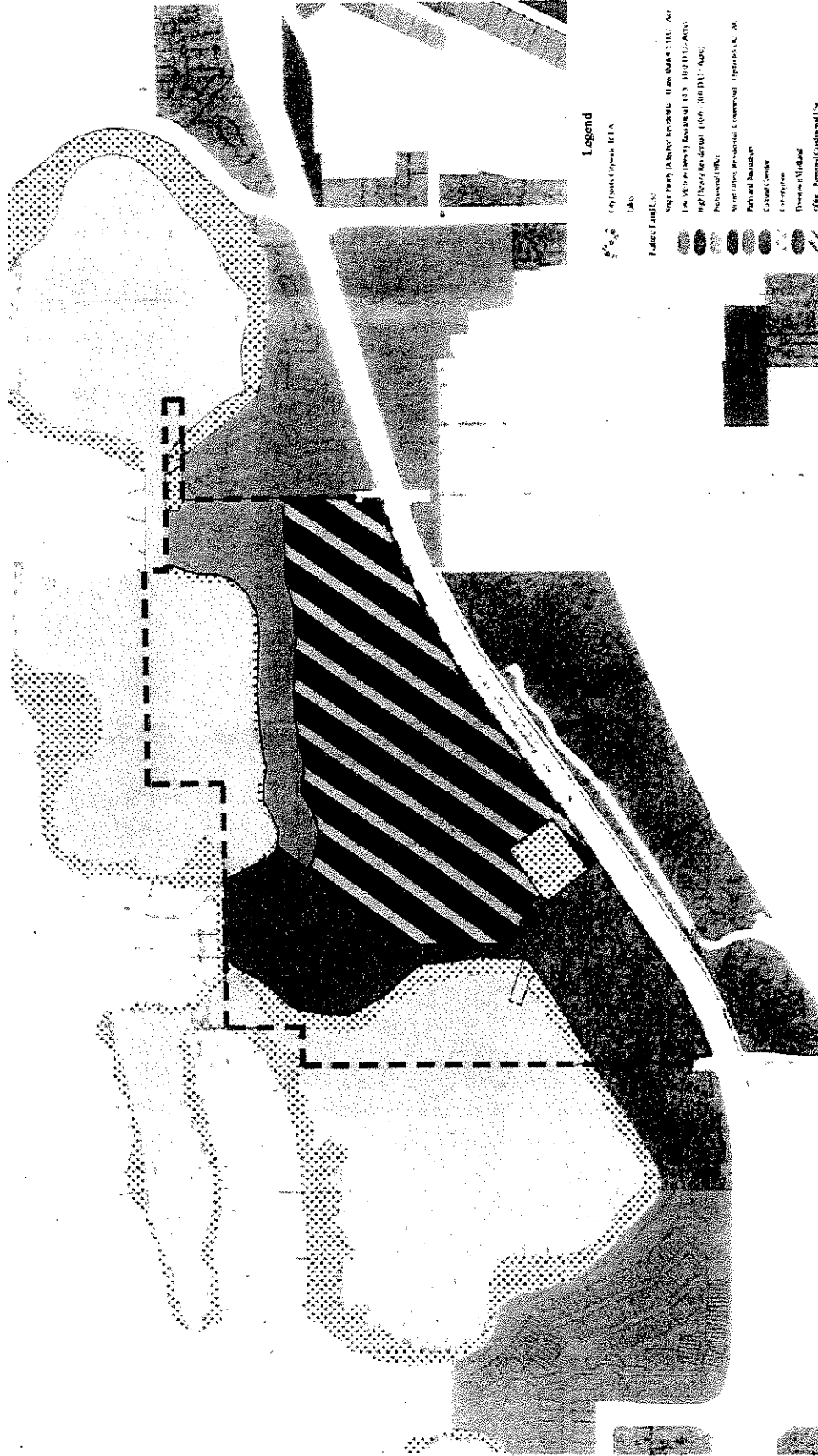
Parking garages shall comply with applicable building design standards for building architecture, facade, scale, height, features, lighting, compatibility, and placement on the site.

Parking garages shall be designed to provide for compatibility and continuity with the surrounding areas. Design options may, but shall not be required to, include provisions for parking garages to be designed with exterior liner buildings.

Standard 3.28.12. If a rational nexus between an improvement and a resulting public benefit exists, the City may consider the granting of fee credits during the planned development review process and/or other City Land Development review process, for application processing fees, building permit fees, inspection charges, impact fees, water and sewer connection fees and other applicable fees in order to offset the cost of construction of items such as parking garage(s), buffering, transportation improvements, public infrastructure improvements, and to encourage the preservation of land which provides additional significant buffering (for the Maitland Concourse North Property, not including the 10 acres of Passive Park and Recreation Land Use on the MCN property) for surrounding residential properties.

Standard 3.28.13: Through the PD process, development may be required to increase buffer widths, in excess of current landscape code requirements, between external adjacent or dissimilar uses, in order to protect these land uses from the effects associated with a more intense land use.

EXHIBIT B



Proposed Land Use Map Amendment
North Maitland Concourse
Battaglia Group

Exhibit C

