

ORDINANCE NO. 2019-22

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, RELATING TO TRADITIONAL**
3 **CITY DESIGN STANDARDS IN ACTIVITY CENTER AND**
4 **MIXED USE CORRIDOR DISTRICTS; AMENDING**
5 **CHAPTERS 58 AND 62, LAND DEVELOPMENT CODE,**
6 **TO ADDRESS SETBACKS FOR LOTS WITH MULTIPLE**
7 **FRONTAGES, ALLOW REDUCTIONS IN MINIMUM**
8 **FLOOR TO AREA RATIO, AND TO CONSOLIDATE**
9 **PORTIONS OF THE TRADITIONAL CITY DESIGN**
10 **STANDARDS; PROVIDING LEGISLATIVE FINDINGS,**
11 **AND FOR SEVERABILITY, CODIFICATION,**
12 **CORRECTION OF SCRIVENER'S ERRORS, AND AN**
13 **EFFECTIVE DATE.**
14

15 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of Orlando,
16 Florida (the "city"), adopt or amend and enforce land development regulations that are
17 consistent with and implement the city's adopted comprehensive plan; and
18

19 **WHEREAS**, section 163.3202(3), Florida Statutes, encourages the use of innovative
20 land development regulations and requires that all land development regulations be
21 combined into a single land development code for the city; and
22

23 **WHEREAS**, from time to time, amendments and revisions to the city's adopted
24 comprehensive plan (the "Growth Management Plan"), progress in the field of planning
25 and zoning, or changes to state law make it necessary or desirable to amend the land
26 development regulations of the city; and
27

28 **WHEREAS**, at its regularly scheduled meeting of January 15, 2019, the Municipal
29 Planning Board recommended to the City Council of the City of Orlando, Florida (the
30 "Orlando City Council"), that the provisions of this ordinance are consistent with the
31 applicable provisions of the city's adopted Growth Management Plan, are in the best
32 interest of the public health, safety, and welfare, are in harmony with the purpose and
33 intent of the Land Development Code of the City of Orlando, Florida (the "Land
34 Development Code"), will not result in disorderly and illogical development patterns, and
35 will not result in incompatible land uses; and
36

37 **WHEREAS**, the Orlando City Council hereby finds and determines that this
38 ordinance is consistent with the applicable provisions of the city's adopted Growth
39 Management Plan, is in the best interest of the public health, safety, and welfare, is in
40 harmony with the purpose and intent of the city's Land Development Code, will not result
41 in disorderly and illogical development patterns, and will not result in incompatible land
42 uses; and
43

44 **WHEREAS**, the Orlando City Council hereby finds and declares that this ordinance
45 is in the best interest of the public health, safety, and welfare.

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

SECTION 1. CHAPTER 58, PART 1B, AMENDED. Chapter 58, Part 1B, Land Development Code, is hereby amended as follows:

1B. - ZONING TABLES

FG-1B.LDC - (Table of Zoning District Regulations Inside [and Outside of] the Traditional City ("T. City")) - MXD-1; MXD-2; O-1; O-2; O-3; MU-1; MU-2

FIGURE 1: Table of Zoning District Regulations. Use this table to determine district regulations that apply within each zoning district (includes districts inside and outside of the Traditional City ("T. City")). For additional regulations for specific uses, see Chapter 58, Parts 3 and 4. Numbers in parentheses refer to footnotes following the tables.

Standards	MXD-1	MXD-2	O-1	O-2	O-3	MU-1	MU-2

Principal Building Setbacks (ft.) (10,15):							

Side yard – Maximum (inside T. City)					25	25 (38)	25 (38)

FG-1C.LDC - (Table of Zoning District Regulations Inside [and Outside of] the Traditional City) - AC-N; AC-1; AC-2; AC-3; AC-3A; IC; IG; IP; H; P; C

FIGURE 1: Table of Zoning District Regulations. Use this table to determine regulations that apply within each zoning district (includes districts inside and outside of the Traditional City). Numbers in parentheses refer to footnotes following the tables.

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Standards	AC-N	AC-1	AC-2	AC-3	AC-3A	IC	IG	IP	H	P	C	UR

Principal Building Setbacks (ft.) (10, 15):												

Side yard - Maximum (inside T. City)	25 (6) (38)	30 (6) (38)	30 (6) (38)	30 (6) (38)	25 (6)					(8)		

FG-2B.LDC - (Table of allowable uses in zoning districts Inside [and Outside of] the Traditional City) – R-1S; R-2A; R-2B; R-3A; R-3B; R-3C; R-3D; MXD-1; MXD-2; O-1; O-2; O-3; MU-1; MU-2; AC-N; AC-1; AC-2; AC-3; AC-3A; IC; IG; IP; P; H; C

FIGURE 2: Use this table to determine what uses are permitted, conditionally permitted, or prohibited in each zoning district (includes districts inside and outside of the Traditional City). Numbers in parentheses refer to footnotes following the tables.

	O-2	O-3	MU-1	MU-2	AC-N	AC-1	AC-2	AC-3	AC-3A	IC	IG	IP	P
NON-RESIDENTIAL													

Parking/Principal Use (37)	C	C	(5)	(5)	C	(5)	(5)	C		P	P	P	C

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FOOTNOTES:

6. When frontage in one block face is located partly in a commercial or R-3D district and partly in another residential or office district, the front yard and street side yard requirements of office or other residential district shall apply within the commercial or R-3D district for a distance of 50 ft. or to the nearest side street or other natural barrier (whichever is the shortest distance). The front half of this setback may not be used for signs and the entire setback may not be used for vehicular use areas except when the office or residential district street side yard allows a vehicular use area to be located closer to the property line.

20. Minimum and maximum setbacks from streets are contained in Chapter 62, Section 62.608, Designation of Streets in Mixed Use Corridor Districts and in Activity Centers and Sec. 62.609. - Building Standards.

37. Parking as a principal use shall be located no closer than a 1760 feet radius from any other principal use parking.

38. Development on corner lots may be exempt from the maximum side setbacks due to design restrictions of accommodating drive aisles and parking between the building and the side yard. This exemption may be granted through a Planning Official Determination during the site plan process.

SECTION 2. CHAPTER 58, PART 6C, AMENDED. Chapter 58, Part 6C, Land Development Code, is hereby amended as follows:

6C. – REDUCTION IN REQUIRED MINIMUM INTENSITY

Sec. 58.1118. - Availability of Reductions.

The minimum intensity standards set forth in Figure 1 may be reduced by the Planning Official for permitted and conditional uses only, in exchange for a contribution

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by the developer to the City of Orlando Trust Fund for Alternative Transportation in the Traditional City.

Incentive Available.

District	Minimum FAR	Available Reduction		Additional Reduction for Eating & Drinking Establishments and Gas Stations	
		Available Reduction	FAR with Reduction	Additional Reduction	FAR with Available and Additional Reduction
AC-1	0.35	0.15	0.20	0.10	= 0.10
AC-2	0.50	0.20	0.30	0.20	= 0.10
AC-3	0.75	0.30	0.45	0.35	= 0.10
MU-2	0.40	0.15	0.25	0.15	= 0.10

General Procedure. Full details of the operation and procedure for issuance of the Reduction in Required Minimum Intensity ~~incentive~~ are described below, except for the following:

- (a) The contributions shall be used to construct bicycle, pedestrian and transit improvements within the Traditional City.
- (b) The developer, at his/her option, may dedicate a portion of the building site acceptable to the City for the development of transit improvements. The assessed value of the dedicated land, as shown on the most recent certified tax roll of the Orange County Property Appraiser, may be deducted from the total cost of the contribution.
- (c) The amount of contribution shall be twenty percent (20%) of the transportation impact fee for every 0.05 FAR reduction or portion thereof.
- (d) Criteria for approval of a reduction in minimum intensity. The reduction in minimum intensity may be granted when an applicant presents clear and convincing evidence that the proposed design, intensity and use(s) will result in a superior development that is compatible with the surrounding neighborhood and achieves the criteria for approval provided in this section. The following design enhancements represent options for creating a superior development. While not

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a strict point-based system, a development that meets a greater number of these enhancements is eligible for a greater reduction than a development that meets only one or two enhancements. If improvements to the streetscape or other public property is part of a selected option, then such improvements must be maintained by the property owner or owners of the subject development unless appropriate maintenance obligations are accepted by the City.

- i. Streetscape treatments that exceeds the minimum standards normally required of the development's location.
- ii. Landscaping that exceeds by at least 10% the minimum number of points required by Part 2H, Chapter 60 of this Code.
- iii. At least one additional mobility strategy than the minimum number of strategies required by Section 59.209 of this Code.
- iv. Site design and building materials that exceed the minimum environmental sustainability requirements in place at the time of development. Such enhancements should consider energy efficiency, stormwater design, solar or other renewable energy sources, recycling, and sustainable materials options, all of which should be judged against the best-available technology and any relevant and generally accepted environmental certification programs.
- v. Superior architectural design, including all of the following, where applicable:
 1. Buildings on corner lots and buildings that terminate views must incorporate additional height or other features that emphasize their prominent location.
 2. In mixed-use buildings, the ground floor must be differentiated from upper floors through the use of architectural treatments.
 3. The primary building entrance must be a prominent feature that is defined and articulated with pediments, pilasters, columns, porticoes, porches, overhangs, railings, or other architecturally compatible elements.
 4. Transparent windows must comprise more than 30% of the primary and secondary street facing elevations.
 5. Use of durable, high-quality materials that are appropriate for the climate, such as stone, steel, glass, precast concrete, or masonry. Such materials and associated architectural features must wrap around all sides of the building that are visible from the public realm. Traditional stucco may be appropriate in a historic context or for a Mediterranean-style building. Buildings incorporating EIFS (Exterior Insulation Finishing System) or other faux-stucco finish for more than 10% of a street-facing façade do not meet this enhancement option.
- vi. Underground utilities, if currently aboveground.

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- vii. An architecturally enhanced street wall surrounding the parking area with a trellis or other architectural features.
- viii. Another enhancement not otherwise required by code that is proposed by the applicant and approved as part of the master plan or planned development zoning district. Examples might include a publicly accessible park or plaza, public art or a premium transit stop.
- ix. For eating and drinking establishments, the following site design standards must be met to qualify for the additional incentive:
 - 1. Maximum number of parking spaces permitted is 12:1000 sf GFA;
 - 2. Cross-access easements and/or shared parking agreements are required where the City deems them necessary;
 - 3. All Traditional City design standards are incorporated into the site design;
 - 4. Pole signs are prohibited;
 - 5. Transit stops and/or shelters are required where determined reasonably necessary by the City, in cooperation with Lynx;
 - 6. If an eating and drinking establishment is abutting a Class I or II use (shown in Figure 6: Land Use Intensity Table, Chapter 58) and includes a drive-in facility, a 5 ft. minimum height masonry wall, located 5 ft. from the property line, shall be provided as part of the required buffer area; in addition, the landscaping requirements of Chapter 60, Section 60.253, shall be provided between the wall and the abutting property.
- (e) The reduction in required minimum intensity must be applied through a Master Plan application, a Planning Official determination, or a similar type of application.

SECTION 3. CHAPTER 62, PART 6, AMENDED. Chapter 62, Part 6, Land Development Code, is hereby amended as follows:

PART 6. - TRADITIONAL CITY DESIGN STANDARDS

DESIGN STANDARDS IN MU-1t AND MU-2t MIXED USE CORRIDOR DISTRICTS AND IN ACTIVITY CENTER DISTRICTS

The following standards shall apply to all uses except one and two family dwellings in mixed use corridor districts and activity center districts in the Traditional City.

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Sec. 62.608. - Designation of Streets in Mixed Use Corridor Districts and Activity Center Districts.

Purpose. Development in Traditional City mixed-use corridor districts and activity center districts shall be pedestrian-oriented with buildings close to and oriented to the street and vehicular use areas located to the side or rear of buildings. Certain design standards in this section apply only to the parts of a building oriented toward a street. All streets in these districts are designated either Main Streets or Town Streets as follows:

- (a) Main Streets. The following list of streets shall be designated as Main Streets. The setback for lots adjacent to Main Streets shall be a maximum of 5 feet subject to (c) below.

DESIGNATED MAIN STREETS

All streets within the AC-3At district.

Amelia Street.

Central Boulevard from Garland Avenue to Rosalind Avenue.

Court Avenue.

East Colonial Drive.

E. Church Street from S. Orange Avenue to Rosalind Avenue.

East Princeton Street

East Washington Street.

Edgewater Drive.

Garland Avenue between Church Street and Central Boulevard.

Jackson Street from Orange Avenue to Rosalind Avenue.

Jefferson Street from Garland Avenue to Palmetto Avenue.

Livingston Street from Garland Avenue to Rosalind Avenue.

Magnolia Avenue from Amelia Street to South Street.

Mills Avenue.

North Orange Avenue.

Palmetto Avenue.

Parramore Avenue.

Pine Street from Garland Avenue to Rosalind Avenue.

Robinson Street from Garland Avenue to Rosalind Avenue.

Robinson Street from Glenwood Avenue to N. Primrose Drive.

State Lane.

South Orange Avenue.

Wall Street.

West Church Street.

West Central Boulevard.

West Par Street.

West Princeton Street.

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West Smith Street.

- (b) Town Streets. All streets not designated Main Streets shall be designated Town Streets. The setback for lots adjacent to town Streets shall be a maximum of 15 feet.

Sec. 62.609. - Building Standards.

Upon substantial enlargement, substantial improvement or new construction, all principal structures shall be oriented toward the street by incorporating the following into the building frontage that faces that street:

- (a) Building Setbacks. For new construction, substantial enlargement or substantial improvements, a minimum of 70% of the front building wall shall meet the maximum setback. Porches, colonnades, marquees, overhangs or similar overhead structures parallel to the street may be counted toward the 70% front building wall at the required setback, but not more than 20% of the required 70%.

- (b) Building Frontage.

- i. Determining frontage.

1. The primary frontage is the narrow side of a corner lot.
2. The secondary frontage is the long side of a corner lot.
3. Other frontages. If a property is fronting three streets, the primary frontage shall be the narrow side of the lot facing an arterial street (if one is present) and the secondary street shall be the long side of the lot. The third street frontage shall also be a secondary street with street side setbacks, however, the third street frontage shall be exempt from the maximum setback.
4. In cases of uncertainty, such as when a secondary frontage faces a main street, the Zoning Official can consider an alternative standard.

- ii. The building must account for 60% of the lot frontage on the primary street frontage. If there is more than one street frontage, this requirement only applies to one of the frontages.

- iii. At least one public entrance of all principal structures shall be oriented toward either the Main or Town Street. Vehicular openings such as those for garages and carports shall not constitute a public entrances.

- iv. The ground floor building wall facing the street shall contain a minimum of 30% of transparent materials on the primary frontage, located between 3 and 7 feet measured from ground level, and 15% of transparent materials on the secondary frontage, located between 3 and 7 feet measured from ground

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level; unless otherwise approved by the Zoning Official. Transparency minimums are not required on any third or fourth frontage. Reflective glass and glass block are not permitted as transparent materials. Transparent materials on walls not parallel or approximately parallel to the street and on doors shall not be counted toward the minimum transparency requirement.

(c) Building Design & Materials.

- i. No one particular style is dictated over another; however, architecture should be authentic to the style employed.
- ii. Buildings must provide a base, middle, and top pattern with durable materials finished and wrapped on all façades. The base must be constructed out of materials, such as brick, stone, pre-cast materials, or similar, not stucco or EIFS.

Sec. 62.611. – Streetwall and Vehicular Use Areas.

Purpose. The purpose of the streetwall is to complete the continuation of building walls along a street. A streetwall is not to be used in lieu of meeting the maximum setback requirements from streets.

Upon substantial enlargement, substantial improvement or new construction for principal buildings the following standards shall apply:

- (a) Vehicular use areas must be screened by a streetwall. Breaks may be permitted in the streetwall to provide pedestrian access to the site and for the purpose of tree protection.
- (b) Parking facilities shall be permitted at the rear or interior side of the principal structure.
- (c) All standards of Chapter 58 (Fences and Walls) shall apply except as follows:
 - i. Chain link and wood fences shall be prohibited.
 - ii. The streetwall shall be a minimum of 3' and a maximum of 5' in height. Walls greater than 3' in height above grade shall be no more than 50% solid.
 - iii. The streetwall shall be located within the required maximum setback from a street.

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- iv. A streetwall shall not be required along the recessed part of a building which has at least 70% of the front wall meeting the required maximum setback from a Main or Town Street.

Sec. 62.613. – Reserved.

Sec. 62.614. - Pedestrian-Related Design Features.

Direct pedestrian access shall be provided from the principal entrance of the building to the sidewalk on the closest public right-of-way. Pedestrian access shall be provided from the rear parking facilities to the ground floor uses, either through rear building entrances, pedestrian ways along the perimeter of buildings, or by pedestrian throughways which connect the rear parking lots to the sidewalks along the front lot line. Pedestrian throughways may be exterior and located between buildings or may be incorporated into the interior design of a structure. Pedestrian throughways shall be a minimum of 5 feet wide.

For through lots, each lot shall have pedestrian access to both rights-of-way.

Sec. 62.615. - Automotive Service Stations.

The building must meet the maximum street setbacks. The fuel pump canopy does not count as part of the building for the purposes of determining building frontage, FAR and maximum setbacks.

- (a) The gas pumps must be located to the side or rear of the building.
- (b) A maximum of 4 fuel positions (may be dual sided for a total of 8 fueling pumps) per gas station is allowed.
- (c) Only one curbcut per street frontage is allowed.
- (d) The fuel canopy must have similar architecture to the building. The fuel canopy must meet the minimum building setbacks and is exempt from the maximum setbacks.
- (e) No more than one gas station is allowed per block face.
- (f) Appearance review by a Determination application is required for all auto service stations.

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Sec. 62.616. - Drive-in Facilities.

For all lots, the take-out windows shall be located on side or rear of building.

Midblock Sites.

- (a) Drive-in curbcuts and driveways shall be a maximum width of 12 feet for one-way with exit to rear access drive except where the block face across the street is zoned as a residential zoning district. In such cases, two-way access to the frontage street with no rear access shall be permitted, with a maximum driveway width of 24 feet.

Corner Sites.

- (a) Drive-in curbcuts and driveways shall be a maximum width of 12 feet one way in.
- (b) Parking shall be accessed only via a side street/shared access drive.
- (c) Take-out windows shall not face the street side.

Sec. 62.617. - Reserved.

Sec. 62.618. - Temporary Vacant Lots.

Lots vacant for a period of more than six (6) months shall install either a CPTED style wall, fence, or a series of bollards along the perimeter of the site and restore the area to a sodded state.

DESIGN REQUIREMENTS FOR TRADITIONAL CITY INDUSTRIAL DISTRICTS

Sec. 62.619. – Purpose.

The purpose of the design standards is to ensure buildings built in any industrial district adds to community character. Key areas of opportunity for attaining quality design in industrial projects include: minimizing and screening loading areas and outdoor storage. These standards shall apply to all industrial districts within the Traditional City. This shall apply to new construction, substantial enlargements and substantial improvements.

Sec. 62.620. - Building Design Standards for Industrial Buildings in Traditional City

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- (a) One pedestrian entrance must face a right-of-way.
- (b) Buildings shall provide a base, middle, and top expressed with materials finished and wrapped on all façades facing a right-of-way.
- (c) Not more than 60 linear feet of the principal building façade(s) shall be unarticulated by architectural details. Such details may include windows, canopies, awnings, changes in parapet height, material changes, projections, recesses, or similar features.
- (d) Walls and/or fences adjacent to the right-of-way must provide a minimum of 3 feet landscape buffer, which may be planted with climbing vines, hedges, or similar living plant material.
- (e) Materials such as chain link or barbed wire fences are strongly discouraged along street frontages.
- (f) Loading facilities shall not be visible from the right-of-way unless properly screened and authorized by the Zoning Official.

Sec. 62.621. - Building Design Standards for Office and Other Non-Industrial Uses in Traditional City

Office and other non-industrial uses located in an industrial district, upon substantial enlargement, substantial improvement or new construction, must comply with section 62.609 for building design standards.

Sec. 62.622-62.629. - Reserved.

SECTION 4. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

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

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

DONE, THE SECOND 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 AND 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