

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NARCOOSSEE RD. AND TYSON RD., AND COMPRISED OF 1.377 ACRES, MORE OR LESS, AS PLANNED DEVELOPMENT DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING SPECIAL LAND DEVELOPMENT REGULATIONS OF THE TYSON'S CORNER PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**WHEREAS**, at its regularly scheduled meeting of August 19, 2014, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2014-00008, requesting the Planned Development zoning district designation for approximately 1.377 acres of land, generally located at the northeast corner of the intersection of Narcoossee Road and Tyson Road , and more precisely described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

**WHEREAS**, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case number ZON2014-00008 (entitled "Item #1 – Tyson's Corner Annexation" and hereinafter referred to as the "Staff Report"), and subject to certain conditions contained within the Staff Report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

**WHEREAS**, zoning application case number ZON2014-00008 is requesting the Planned Development zoning district designation for the purpose of permitting the development of up to 14,000 square feet of commercial use or up to 84,375 square feet of indoor climate-controlled personal storage use (the "Project"); and

**WHEREAS**, the MPB found that the Project is consistent with the City's adopted Growth Management Plan (the "GMP") including the applicable goals, objectives, and policies associated with the Property's then-proposed Future Land Use Map designation of Urban Village and the then-proposed Subarea Policy S.40.3; and

**WHEREAS**, the Orlando City Council hereby finds that the Project is consistent with the intent and purpose of the planned development district zoning designation as 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 is 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 designation of Urban Village and Subarea Policy S.40.3; and

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

**SECTION 1. ZONING.** 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 designated as Planned Development district on the City's official zoning maps (to be denoted as "PD" 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 "Tyson's Corner Planned Development."

**SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Tyson's Corner 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-1 Community Activity Center District (denoted as "AC-1" on the official maps of the City).

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

**1) Land Development**

a) *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 shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Development Plan.

b) *Variances and modifications.* Zoning variances and modification of standards may be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The planning official may also

approve minor modifications and design modifications to fences, walls, landscaping, accessory structures, signs, and bufferyard requirements.

- c) *Phasing*. The Property may be developed in multiple phases, but if developed in multiple phases, each phase must be developed in a manner that allows the individual phases to function independently of each other. The purpose of this requirement is to ensure that the first phase, and each subsequent phase, can fully function and operate as intended by the Development Plan in the event that subsequent phases are delayed or abandoned.
- d) *Consistency with the GMP*. Development and use of the Property must be consistent with all applicable goals, objectives, policies, and strategies of the GMP, including without limitation Subarea Policy S.40.3. All applicable goals, objectives, policies, and strategies of the GMP, including without limitation Subarea Policy S.40.3 are hereby incorporated into this ordinance as special land development regulations of the Tyson's Corner Planned Development zoning district. The property is in the Southeast Orlando Sector Plan and must be developed consistent with Future Land Use Policy 2.4.4, Goal 4 and associated objectives and policies.
- e) *SPMP approval required*. All development on the Property is subject to review and approval by specific parcel master plan pursuant to Chapter 68, Orlando City Code. Minor modifications to design standards may be approved as described at section 68.609(e), Orlando City Code.
- f) *Maximum impervious surface ratio*. The impervious surface ratio may not exceed 0.85.
- g) *Building height*. Buildings may not exceed three stories.
- h) *Uses*. Land uses on the Property must comply with the list of permitted, conditional, and prohibited land uses for the Village Center designation pursuant to Chapter 68, Orlando City Code, and the AC-1/AN zoning district as provided by section 3 of this ordinance, except that residential uses are prohibited. The Village Center designation requires a mixture of land uses on the Property. The mixture of land uses shall be reviewed and approved by specific parcel master plan. The following uses are also prohibited:
  - i) Treatment and Recovery Facility.
  - ii) Labor pools and labor halls as defined by Chapter 448, Florida Statutes.
  - iii) Whole Blood Facility.
  - iv) Wholesaling.

- v) Warehousing, except for indoor climate-controlled personal storage use.
- vi) Tattoo, body art, and body piercing establishments.
- vii) Fortune tellers, tarot card readers, palm readers, psychics, and like uses.
- viii) Any business commonly known as a “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.
- ix) Funeral home.
- x) Adult entertainment.
- xi) Flea markets.
- xii) Bottle clubs, as defined by the Florida Beverage Law.
- xiii) 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 including financial institutions such as banks, credit unions, trust companies, consumer finance, and retail installment lenders.
- i) *Existing uses and structures.* Lawfully established uses and lawfully constructed structures on the Property as of the effective date of this ordinance are hereby made lawful and conforming to this ordinance.
- j) *Maximum intensity.* The maximum development intensity may not exceed 14,000 square feet of retail use, or up to 84,375 square feet of indoor climate-controlled personal storage, or other non residential use allowed by the Village Center designation, provided that the maximum development intensity of all uses together may not exceed the daily traffic generation equal to the daily traffic generation of 14,000 square feet of retail use (or closest functional equivalent) as determined by reference to the *Trip Generation Manual*, 9<sup>th</sup> Edition, by the Institute of Transportation Engineers.
- k) *Setbacks.* Buildings must be setback from the Property boundaries as follows:
  - i) At least 32.5’ in the front yard (facing Narcoossee Road). This setback area shall include the existing 15’-wide utility easement area, and the required 7.5’-wide street tree area and 10’-wide landscape buffer yard.

ii) At least 21' from the southern property boundary (the street side yard abutting Tyson Road). This setback area shall include the area necessary for an additional travel-lane on Tyson Road, a bike lane, sidewalk, and the required 10'-wide landscape buffer yard.

iii) Exactly 0' or at least 3' from the northern property boundary (the side yard).

iv) At least 20' for the rear yard.

l) *Parking.* Parking spaces are prohibited between Narcoossee Road and structures on the Property. A drive aisle between Narcoossee Road and a structure on the Property may be developed if approved by specific parcel master plan.

m) *Mix of uses.* To provide flexibility given the small amount of developable acreage of this PD, the required mix of uses in a Village Center may be revised at the time of SPMP review to allow a single use, consistent with Future Land Use Policy 4.1.9. At the time of SPMP review, the required mix of uses will be evaluated district wide to ensure the land use mix is achieved.

## 2) Urban Design

a) *Signs.* A sign plan for each specific parcel master plan is subject to review and approval by the City planning official. The planning official shall review and approve, deny, or approve with conditions each sign plan by official letter of determination. The Property must be developed and maintained in accordance with the final approved sign plan or plans. In addition to the applicable sign regulations of Chapter 64 and Chapter 68, Orlando City Code, offsite and pole signs are prohibited on the Property, while monument signs are encouraged.

b) *Traditional Neighborhood Design.* The development must meet Traditional Neighborhood Design under the Southeast Orlando Sector Plan, as shown in Chapter 68, Orlando City Code. The locations where conventional LDC is allowed, as provided in Figure 68-A, are not applicable to this PD.

c) *Special design regulations for personal storage use.* If the Project is an indoor climate-controlled personal storage use then the Project must be designed, constructed, and maintained consistent with the following minimum design regulations:

i) Building facades visible from the public right-of-way must appear as an office or retail building similar to such uses already existing along the Narcoossee Road corridor in Orlando. This may be achieved through the use of doors,

windows, awnings, and other similar and architecturally appropriate façade treatments. Garage or storage unit doors may not face any public right-of-way. Garage and storage unit doors may not constitute more than half of any other building façade. Sections of blank wall may not exceed 20' in length before being substantially interrupted by a window, entryway, pilaster, green-screen, change in plane, or similar approved element. While no specific architectural style is required, the property owner has provided elevations shown in **Exhibit "D"** to show the level of detail and quality of materials that will be included in an SPMP application.

- ii) "Butler-style" (steel) buildings are prohibited. Exterior building material must be stucco, brick, stone, approved functional equivalent, or combination thereof.
- iii) Buildings that can accommodate more than one story must be designed, built, and maintained to have a multistory appearance through the architecturally appropriate use of windows, doors, awnings, canopies, banding, and similar treatments.
- iv) For purposes of this ordinance, building facades facing Narcoossee Road and Tyson Road are "primary" facades. The primary facades must provide at least 30% transparency on each floor. All other facades must provide at least 15% transparency on each floor. For windows to meet the minimum transparency requirements of this part, they must transmit at least 80% of visible light.
- v) Access to storage units must be internal to the building where storage units are on the primary facades. Outdoor access to storage units is only allowed on non-primary facades but such access must still be screened and hidden from all public rights-of-way.
- vi) Building architecture may not constitute signage and unique or symbolic business elements shall be secondary to the overall architectural design.
- vii) Outdoor storage is prohibited.

### 3) Transportation

- a) *Corner-clip dedication.* Prior to the issuance of any building permit for the Project, the Property owner must dedicate right-of-way or convey a City-services easement covering an area triangular in shape and at least 10' on each side and generally located at the northeast corner of the intersection of Narcoossee Road and Tyson Road (the "corner-clip"). The precise location and dimensions of the corner-clip is subject to review and approval by the City Engineer, or designee, and must conform to the City's adopted Engineering Standards Manual. The

instrument of dedication or conveyance and the scope of the easement are subject to review and approval by the City Attorney.

- b) *Pedestrian connections.* The main entrance or entrances of the principal building or buildings facing Narcoossee Road must be oriented toward Narcoossee Road. This entrance or entrances must provide a paved pedestrian connection directly to the public sidewalk along Narcoossee Road. This pedestrian connection or connections must be paved to at least 5' in width.
- c) *Cross access.* In accordance with Orlando Land Development Code (LDC), Chapter 61 (Sections 61.108 – 61.113), the property owner shall provide cross access easements to the adjacent properties to ensure that the parking, access, and circulation may be easily tied in to create a unified system.

**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 the effective date of City of Orlando Ordinance #2014-58, relating to the Property's Future Land Use Map designation and Subarea Policy S.40.3.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**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 \_\_\_\_\_, 2014.

**DONE, THE SECOND READING, 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 \_\_\_\_\_, 2014.

BY THE MAYOR/MAYOR PRO TEMPORE  
OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE  
CITY COUNCIL OF THE CITY OF  
ORLANDO, FLORIDA:

\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
City Attorney

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