

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, DESIGNATING CERTAIN
3 LAND GENERALLY LOCATED SOUTH OF STATE
4 ROAD 417, NORTH OF TYSON ROAD AND EAST OF
5 NARCOOSSEE ROAD, ADDRESSED AS 10123
6 WILLIAM CAREY DRIVE AND 12345 NARCOOSSEE
7 ROAD AND COMPRISED OF 54.16 ACRES OF LAND,
8 MORE OR LESS AS THE PLANNED DEVELOPMENT
9 DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS;
10 PROVIDING A DEVELOPMENT PLAN AND SPECIAL
11 LAND DEVELOPMENT REGULATIONS OF THE
12 PLANNED DEVELOPMENT DISTRICT; PROVIDING
13 FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING
14 MAPS; PROVIDING FOR CONSENT TO THE
15 MUNICIPAL SERVICES TAXING UNIT FOR LAKE
16 WHIPPOORWILL; PROVIDING A DISCLAIMER;
17 PROVIDING FOR SEVERABILITY, CORRECTION OF
18 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.
19

20 **WHEREAS**, at its regularly scheduled meeting of February 16, 2016, the
21 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),
22 considered zoning application case number ZON2015-00054, requesting an amendment
23 to the City's official zoning maps for approximately 54.16 acres of land, generally located
24 south of State Road 417, north of Tyson Road, and east of Narcoossee Road,
25 addressed as 10123 William Carey Drive and 12345 Narcoossee Road, and more
26 precisely described by the legal description attached to this ordinance as **Exhibit "A"**
27 (hereinafter the "Property");
28

29 **WHEREAS**, based upon the evidence presented to the MPB, including the
30 information and analysis contained in the "Staff Report to the Municipal Planning Board"
31 for application case number ZON2015-00054 (entitled "Item #2-Pioneers Project"), the
32 MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando
33 City Council"), approve zoning application case number ZON2015-00054 and adopt an
34 ordinance in accordance therewith; and
35

36 **WHEREAS**, the MPB found that application case number ZON2015-00054 is
37 consistent with:
38

39 1. The *City of Orlando Growth Management Plan*, adopted as the city's
40 "comprehensive plan" for purposes of the Florida Community Planning Act, sections
41 163.3164 through 163.3217, Florida Statutes (the "GMP"), including the property's future
42 land use map designation of Urban Village; and
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44 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
45 of the City of Orlando, Florida (the "LDC"); and
46

47 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
48 best interest of the public health, safety, and welfare, and is consistent with the
49 applicable provisions of the city's GMP and LDC, including the property's future land use
50 map designation of Urban Village; and
51

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

54
55 **SECTION 1. ZONING MAP DESIGNATION.** After due notice and public
56 hearing, and pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant
57 portions of the Orlando City Code, the property is hereby designated as Planned
58 Development on the city's official zoning maps (to be denoted as "PD" on the official
59 maps of the city), as depicted in **Exhibit B** to this ordinance. This zoning district may be
60 known as the "Pioneers Project Planned Development."

61
62 **SECTION 2. AMENDMENT OF OFFICIAL ZONING MAPS.** The city zoning
63 official, or designee, is hereby directed to amend the city's official zoning maps in
64 accordance with this ordinance.

65
66 **SECTION 3. OTHER DEVELOPMENT LAWS.** In accordance with section
67 58.367, Orlando City Code, except as expressly provided in this ordinance, the Pioneers
68 Project Planned Development zoning district remains subject to all applicable federal,
69 state, and local laws, and nothing in this ordinance shall be construed to exempt the
70 property from the lawful authority or jurisdiction of any federal, state, or local agency.

71
72 **SECTION 4. DEFAULT ZONING DISTRICT.** Except as expressly provided
73 otherwise by this ordinance, the property shall be governed by the land development
74 regulations of the AC-1 Community Activity Center District (denoted as "AC-1" on the
75 official maps of the City).

76
77 **SECTION 5. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
78 Development zoning district for the property is subject to the following special land
79 development regulations:

80
81 **1) Land Development**

82
83 a) *Development Plan.* Subject to any modifications expressly contained in the text
84 of this ordinance, development and maintenance of the property must be consistent with
85 the development plan attached to this ordinance as **Exhibit C and Exhibit D**
86 (hereinafter the "development plan"). In the event of a conflict between the text of this
87 ordinance and the development plan, the text of this ordinance shall control. References
88 in this ordinance to lots, parcels, buildings, phases, and other development features
89 refer to such features as identified on the development plan.

90
91 b) *Variances and modifications.* Zoning variances and modification of standards
92 may be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter
93 65, Orlando City Code, respectively. The planning official may also approve minor
94 modifications and design modifications to landscaping, signs, driveway locations and
95 other minor modifications. Additionally, recognizing that development plans can change
96 in small ways between the planning and permitting stages of development, the planning
97 official may approve up to a 10% modification of any applicable numerical development
98 standard if the planning official finds that the proposed modification is consistent with the
99 applicable goals, objectives, and policies of the GMP, is compatible with nearby existing
100 land uses, would not result in inadequate public facilities, and is otherwise consistent
101 with the public health, safety, and welfare. When approving such a modification of a
102 development standard, the planning official may impose one or more of the conditions of

103 development provided at section 65.334, Orlando City Code, but such condition or
104 conditions must be reasonably calculated to mitigate the identifiable land use impacts of
105 the modified standard.

106
107 c) *Phasing*. The property may be developed in multiple phases, but if developed in
108 multiple phases, each phase must be developed in a manner that allows the individual
109 phases to function independently of each other. The purpose of this requirement is to
110 ensure that the first phase, and each subsequent phase, can fully function and operate
111 as intended by the development plan in the event that subsequent phases are delayed
112 or abandoned.

113
114 d) *Consistency with the GMP*. Development and use of the Property must be
115 consistent with all applicable goals, objectives, policies, and strategies of the GMP,
116 including without limitation Subarea Policy S.40.10. All applicable goals, objectives,
117 policies, and strategies of the GMP, including without limitation Subarea Policy S.40.10
118 are hereby incorporated into this ordinance as special land development regulations of
119 the Pioneers Project Planned Development zoning district.

120
121 e) *Specific Parcel Master Plan (SPMP) approval required*. All development on the
122 property is subject to review and approval by SPMP pursuant to Chapter 68, Orlando
123 City Code. Minor modifications to design standards may be approved as described at
124 section 68.609(e), Orlando City Code.

125
126 f) *Southeast Orlando Sector Plan applicable*. Pursuant to Subarea Policy 40.10 of
127 the GMP and this ordinance, the property is included within the Southeast Orlando
128 Sector Plan and therefore must conform to the applicable land development regulations
129 of Chapter 68, Orlando City Code. The Southeast Orlando Sector Plan Land Use
130 designations are Village Center for Parcels A and B, Residential Neighborhood for
131 Parcels C, D, and E, and Conservation for the remainder.

132
133 g) The Southeast Sector map shall be updated to show Village Center, Residential
134 Neighborhood, and Conservation land use designations prior to adoption of this
135 ordinance.

136
137 h) *Maximum development program*. Development on the property shall not exceed
138 350 multifamily units, 165,000 square feet of commercial/retail, 50,000 square feet of
139 office, and 35,000 square feet of public/civic or an equivalent amount of other uses
140 allowed by the Village Center designation.

141
142 i) *Maximum impervious surface ratio*. The impervious surface ratio may not exceed
143 0.85 for the Village Center area and 0.60 for the Residential Neighborhood Area.

144
145 j) *Building height*. Buildings may not exceed four stories, except that buildings
146 within 400' of Lake Whipoorwill may not exceed two stories.

147
148 k) *Uses (Residential Neighborhood)*. Land uses within the Residential
149 Neighborhood of the property must comply with the list of permitted uses within the
150 Residential Neighborhood designation pursuant to Future Land Use Element Policy
151 4.1.9 and Chapter 68, Orlando City Code. The allowable land uses within the
152 Residential Neighborhood portion of the property are single family and multi-family

153 residential up to four-plexes; and ancillary dwelling units; parks; and golf courses. Only
 154 residential uses are allowed within 400' of Lake Whippoorwill.

155
 156 l) *Uses (Village Center)*. Land uses within the Village Center portion of the property
 157 must comply with the list of permitted, conditional, and prohibited land uses for the
 158 Village Center designation pursuant to Future Land Use Element Policy 4.1.9, Chapter
 159 68, Orlando City Code, and the AC-1 zoning district as provided by section 4 of this
 160 ordinance. Only residential uses are allowed within 400' of Lake Whippoorwill. The
 161 Village Center designation requires a mixture of land uses on the property. The mixture
 162 of land uses shall be reviewed and approved by specific parcel master plan.

163
 164 m) The following uses are prohibited:

- 165 i) Labor pools and labor halls as defined by Chapter 448, Florida Statutes.
- 166 ii) Bail bond agencies, as defined by Chapter 648, Florida Statutes.
- 167 iii) Flea markets.
- 168 iv) Automobile sales and rentals.
- 169 v) Tattoo, body art, and body piercing establishments.
- 170 vi) Fortune tellers, tarot card readers, palm readers, psychics, and like uses.

171
 172 vii) Any business commonly known as a “check cashing” establishment, or any
 173 business in which a material part of its service includes offering loans secured by future
 174 employment wages or other compensation (often known as “payday loans,” or “pay day
 175 advances”), but not including retail businesses which provide a check cashing service as
 176 an incidental part of their business and financial institutions such as banks, credit unions,
 177 and trust companies.

- 178 viii) Pawnshops, as defined by the Florida Pawnbroking Act.
- 179 ix) Parking, principal use.
- 180 x) Mobile food vending.
- 181 xi) Bottle clubs, as defined by the Florida Beverage Law.

182 xii) Any business in which a material part of its service includes loaning money
 183 secured by vehicle titles (often known as “car-title loans”), but not including
 184 financial institutions such as banks, credit unions, trust companies, consumer
 185 finance, and retail installment lenders.

- 186 xiii) Personal storage
- 187 xiv) Retail, intensive
- 188 xv) Service, intensive

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- xvi) Service, automotive
- xvii) Service, major vehicle

n) *Existing uses and structures.* Lawfully established uses on the property as of the effective date of this ordinance are hereby made lawful and conforming to this ordinance. Minor alterations which meet the AC-1 standards are allowed. Any substantial improvements or enlargements shall meet the Planned Development standards.

o) *Setbacks.* Buildings must be setback from the property boundaries as follows:

i) At least 32.5' setback from Narcoossee Road. This setback area includes 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 20' building setback from the 100' buffer from the mean high water line of Lake Whippoorwill.

iii) Minimum 0' to 3' side yard setback.

iv) Minimum 25' side yard setback from Orange County rural settlement.

v) Proposed setbacks will be reviewed as part of the SPMP.

p) *Pedestrian Connections.* Minimum 5' wide pedestrian connections shall be provided from the public street to the principal building.

q) *Bufferyards.* The development must be consistent with the bufferyard requirements in Chapter 60, Orlando City Code. The bufferyards adjacent to existing uses shall be established at the SPMP.

i) The bufferyard on the south property line adjacent to Orange County rural settlement properties shall be 25'. If the adjacent property is annexed or removed from the rural settlement, the buffer may be eliminated, but may be subject to further site plan review or a PD amendment.

ii) A 100' buffer along the mean high water line of Lake Whippoorwill.

r) *Lighting.* Site lighting must comply with the section 63.400, Orlando City Code. All utilities, including street light poles, shall be kept out of the pedestrian path, and light-emitting diode (LED) lamps are encouraged.

s) *Lake Front Trail.* An ADA accessible trail shall be developed within the required conservation buffer adjacent to Lake Whippoorwill along portions of the lake front that are not already developed within the existing Pioneers campus. The trail must be accessible to the public, privately maintained, and must connect to a parallel trail along the internal street frontage to provide a continuous route through the site.

t) *Docks.* The existing docks and boat ramp on the property are permitted, however, no additional docks or boat ramps may be developed.

255
256 u) Trips. The trip equivalency matrix attached to this ordinance as **Exhibit E** may be
257 used to increase or decrease a land use category by up to 20% of the approved land
258 use program in Section 5.1(h) herein.

259
260 v) Level C Environmental Assessment. For undeveloped portions of the property, a
261 Level C environmental assessment is required prior to SPMP.

262
263 w) Capacity Enhancement Agreement with Orange County Public Schools (“OCPS”).
264 The current Capacity Enhancement Agreement (OC-10-011) with OCPS shall be
265 renewed or extended if it expires prior to the approval of the first SPMP.

266
267 **2) Urban Design**

268
269 a) Urban Design shall meet the requirements of Chapter 68, Orlando City Code.
270 Specific urban design review will occur during the SPMP process.

271
272 b) *Signs*. A sign plan for each phase or parcel is subject to review and approval by
273 the City planning official. The planning official shall review and approve, deny, or
274 approve with conditions each sign plan by official letter of determination. The Property
275 must be developed and maintained in accordance with the final approved sign plan or
276 plans. In addition to the applicable sign regulations of Chapter 64 and Chapter 68,
277 Orlando City Code, offsite and pole signs are prohibited on the property, while
278 monument signs are encouraged.

279
280 **3) Transportation**

281
282 a) North South Road Intersection with East West Road. The north-south
283 intersection at the northern end of the parcel shall form a T-intersection with the east-
284 west road across from existing Tagore Place.

285
286 b) North-South Road. The cross section of the north-south road that runs across
287 the entire parcel shall include 6 feet of sidewalk on the west or north side, 10 feet of
288 parkway on each side, 2 feet of curb and gutter on each side, 7 feet of parking lane on
289 each side, 10 feet of travel lane on each side, a single 11 foot two way turn lane in the
290 middle, and 12 feet of multi-use trail on the south/east side. Minor modifications to this
291 cross section may be approved during SPMP review.

292
293 c) East-West Road. The cross section design of the east-west roads shall be
294 determined during the SPMP process and shall be based on the traffic impact study.

295
296 d) Median Openings and Intersections. The east-west roads at median openings
297 and signalized intersections shall meet the existing cross section design for the
298 perpendicular existing roads on the west side of Narcoossee Road.

299
300 e) Internal Access Road. The internal access road east of the main north-south
301 road shall provide 70’ feet of right of way. The cross section design shall be determined
302 during the SPMP process.

303
304 f) Right-of-Way. The north-south road and the east-west roads at signals and
305 medians will be dedicated to the city as right-of-way.

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g) Bicycle Lanes. It is the preference of the city that the bicycle lanes described in the two way arterial cross section of Chapter 68, Orlando City Code, are included as 12' wide multi-use trails in a 20' wide City Services Easement. The location of the multi-use path shall be determined during the SPMP, but should generally be parallel to the north-south road and connect the entire length of the property from north to south, with stub-outs at adjacent properties.

h) Design Speeds. All public roadways shall be designed to a minimum speed of 30 mph. Any deviation from these design criteria shall take into account limitations in roadway geometry, sight line requirements as determined by the Florida Greenbook, and on-street parking. All variations shall be subject to review by the City transportation engineer, and approval of design variances shall be at the discretion of the City transportation engineer.

4) Parks.

a) Lake Buffer. The 3.88 acre green space along the shoreline of Lake Whippoorwill is lake buffer area, a portion of which may be used to meet park requirements consistent with Chapter 68, section 68.500, figure 68-M, Orlando City Code.

b) Level of Service. Consistent with GMP Recreation Policy 1.1.1, Future Land Use Policies 4.1.13 and 4.1.14, Future Land Use Subarea Policy S.40.6 and Chapter 68, Orlando City Code (Southeast Orlando Sector Plans), specifically section 68.500 and figure 68-M, the developer shall dedicate a total of 3.25 acres of park land per 1,000 population (unit equivalent of 0.0074 acres per residential unit). At least 2.05 acres per 1,000 population shall be in functional community and neighborhood parks, including such amenities as multi-use trails, pool/clubhouse areas, active park space or other use as approved in the Pioneers Project PD. The remaining 1.2 acres per 1,000 population may be made up of village greens and plazas, conservation buffers and the Primary Conservation Network if such areas are visually accessible by the general public (not in private backyards). Specific park acreage amounts will be determined in conjunction with Specific Parcel Master Plan reviews.

c) Land used for stormwater retention, drainage structures or wetlands will not be counted towards park land requirements.

d) Park Land and Design.

- i. Parks shall be prominent within their neighborhoods and easily accessible. All residential units shall be within 0.25 miles of a public park.
- ii. Park land shall have well-drained soils suitable for building and development.
- iii. At least 50% of the perimeter of any park or recreation facility shall be bound by public and private streets (excluding alleys).
- iv. All parks and recreation facilities shall incorporate the principles of Crime Prevention Through Environmental Design (CPTED).
- v. Parks shall be designed and constructed to meet the Americans with Disabilities Act (ADA) requirements and guidelines.
- vi. Parks shall be open to the public and shall not be fenced or gated or otherwise restricted in who has use of them. Portions of parks may be fenced and gated

356 upon approval by the City planning official if deemed necessary for maintenance or
357 operational requirements.

358 vii. Residential developers shall be responsible for dedicating the appropriate
359 amount of park land as part of the development approval.

360 viii. Neighborhood parks shall have vehicular access sufficient for public safety
361 vehicles.

362 ix. Each phase of development that includes residential shall include sufficient
363 park acreage to meet the neighborhood park level of service standard.

364 x. Neighborhood parks shall be constructed concurrent with the infrastructure
365 (streets, street lights, etc), for each development phase.

366 xi. Neighborhood parks shall be located within a single family or multifamily
367 neighborhood on a neighborhood street.

368 xii. All sports fields and sports courts, such as tennis and basketball courts, must
369 be constructed with the appropriate sports lighting with restricted controls for maximum
370 use of the facility.

371 xiii. Parks and other recreation facilities shall undergo specific parcel master plan
372 review by the MPB, with comments from the City Families, Parks and Recreation
373 Department.

374 xiv. Park and recreation facility amenities shall be provided per the Recreation
375 Element of the City's Comprehensive Plan.

376 xv. Neighborhood parks shall be constructed when 25% of the residential units
377 in the neighborhood have been constructed.

378
379 **SECTION 6. DISCLAIMER.** In accordance with Section 166.033(5), Florida
380 Statutes, the issuance of this development permit does not in any way create any right
381 on the part of the applicant to obtain a permit from a state or federal agency, and does
382 not create any liability on the part of the City for issuance of this permit if the applicant
383 fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal
384 agency or undertakes actions that result in a violation of state or federal law. All other
385 applicable state or federal permits must be obtained before commencement of the
386 development authorized by this development permit.

387
388 **SECTION 7. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
389 errors found in this ordinance by filing a corrected copy of this ordinance with the city
390 clerk.

391
392 **SECTION 8. SEVERABILITY.** If any provision of this ordinance or its
393 application to any person or circumstance is held invalid, the invalidity does not affect
394 other provisions or applications of this ordinance which can be given effect without the
395 invalid provision or application, and to this end the provisions of this ordinance are
396 severable.

397
398 **SECTION 9. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

399
400 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
401 Florida, at a regular meeting, this _____ day of _____, 2016.

402
403 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
404 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
405 of _____, 2016.

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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 _____, 2016.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:

Mayor

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:

City Attorney

Print Name

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