

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, DESIGNATING CERTAIN
3 LAND GENERALLY LOCATED NORTH OF THE
4 OSCEOLA COUNTY BOUNDARY, SOUTH OF CLAPP
5 SIMMS DUDA RD., EAST OF NARCOOSSEE RD., AND
6 WEST OF THE SPLIT OAK FOREST MITIGATION
7 PARK, AND COMPRISED OF ABOUT 211 ACRES, AS
8 PLANNED DEVELOPMENT (PD) DISTRICT, IN PART,
9 AND PLANNED DEVELOPMENT DISTRICT WITH THE
10 AIRCRAFT NOISE OVERLAY (PD/AN) DISTRICT, IN
11 PART, ON THE CITY'S OFFICIAL ZONING MAPS;
12 PROVIDING SPECIAL LAND DEVELOPMENT
13 REGULATIONS OF THE PLANNED DEVELOPMENT
14 DISTRICT; PROVIDING FOR SEVERABILITY,
15 CORRECTION OF SCRIVENER'S ERRORS, AND AN
16 EFFECTIVE DATE.

17
18 **WHEREAS**, at its regularly scheduled meeting of August 20, 2013, the Municipal
19 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered
20 zoning application case number ZON2013-00019, requesting the Planned Development
21 zoning district designation, in part, and the Planned Development zoning district
22 designation along with the Aircraft Noise overlay district, in part, for approximately 211
23 acres of land, generally located north of the Osceola County Boundary, south of Clapp
24 Simms Duda Rd., east of Narcoossee Rd., and west of the Split Oak Forest Mitigation
25 Park, and more precisely described by the legal description attached to this ordinance as
26 **Exhibit "A"** (hereinafter the "Property"); and
27

28 **WHEREAS**, at the same meeting referenced above, the MPB also considered
29 annexation case ANX2013-00008 to annex the Property into the incorporated limits of
30 the City, and growth management plan (GMP) cases GMP2013-00016 and GMP2013-
31 00017 to assign future land use designations and to create a new GMP subarea policy
32 for the Property; and
33

34 **WHEREAS**, based upon the evidence presented to the MPB, including the
35 information and analysis contained in the "Staff Report to the Municipal Planning Board"
36 (hereinafter referred to as the "Staff Report"), and subject to certain conditions, the MPB
37 recommended that the City Council of the City of Orlando, Florida (the "Orlando City
38 Council"), approve said annexation, growth management plan, and zoning applications
39 and adopt ordinances regarding same; and
40

41 **WHEREAS**, the MPB found that the Project is consistent with the City's adopted
42 Growth Management Plan (the "GMP"); and
43

44 **WHEREAS**, on November 4, 2013, the City approved on first reading Ordinance
45 No. 2013-57, relating to annexation of the Property; and
46

47 **WHEREAS**, on November 25, 2013, the City adopted on second reading
48 Ordinance No. 2013-57, relating to annexation of the Property and approved on first
49 reading Ordinance No. 2013-64, relating to the Future Land Use Map Designation and
50 subarea policy for the Property; and

51
52 **WHEREAS**, on November 25, 2013, Orange County raised objections to the
53 City's adoption of Ordinance No. 2013-57, relating to annexation of the Property, and
54 approval on first reading Ordinance No. 2013-64, relating to the Future Land Use Map
55 Designation and subarea policy for the Property, based on environmental, conservation,
56 transportation, and legal concerns; and

57
58 **WHEREAS**, on December 17, 2013, the Orange County Board of County
59 Commissioners adopted Resolution No. 2013-M-55 (the "Resolution") in which the
60 County alleged that annexation of the Property was not proper because it is not
61 compact, is not contiguous, and is not developed for urban purposes, and initiated a
62 Conflict Resolution Procedure under Chapter 164, Florida Statutes, in an effort to
63 resolve the County's issues relating to Ordinance Nos. 2013-57 and 2013-64; and

64
65 **WHEREAS**, following the County's adoption of the Resolution, City and County
66 staff met pursuant to Chapter 164, Florida Statutes, specifically, Section 164.1053,
67 Florida Statutes, and have entered into an Interlocal Agreement pursuant to Section
68 164.1057, Florida Statutes, which was adopted by the Orlando City Council on March
69 17, 2014 and the Orange County Board of County Commissioners on March 25, 2014,
70 that includes many of the terms set forth in this Ordinance which resolved the conflict,
71 and is attached hereto as **Exhibit "B;"** and

72
73 **WHEREAS**, on March 17, 2014, the City approved on second reading Ordinance
74 No. 2013-64, relating to the Future Land Use Map Designation and subarea policy for
75 the Southeastern Oaks Area; and

76
77 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
78 with the intent and purpose of the planned development district zoning designation as
79 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando
80 City Code"); and

81
82 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
83 best interest of the public health, safety, and welfare, and is consistent with the
84 applicable provisions of the City's GMP.

85
86 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
87 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

88
89 **SECTION 1. ZONING.** After due notice and public hearing, and pursuant to part
90 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City

91 Code, the Property is hereby designated as Planned Development district, in part, and
 92 Planned Development district with the Aircraft Noise overlay district, in part, on the City's
 93 official zoning maps (to be denoted as "PD" and "PD/AN" on the official maps) as shown
 94 on the map attached hereto as **Exhibit "C"**. This planned development zoning district
 95 may be known as the "Southeastern Oaks Planned Development."
 96

97 **SECTION 2. LAND DEVELOPMENT REGULATIONS.** The Planned
 98 Development zoning district for the Property is subject to the following special land
 99 development regulations:

100
 101 **1. General**

102 1.1 Unless otherwise provided in this ordinance, the Property is subject to the
 103 standards and regulations of GMP Future Land Use Policy 4.1.9, Chapter
 104 68 of the Land Development Code – Southeast Orlando Sector Plan, the
 105 AC-1 zoning district for the "Village Center" portion of the Property and
 106 the R-1 zoning district for the "Residential Neighborhood" portion of the
 107 Property. The Property shall be developed consistent with the PD
 108 Development Plan, attached hereto as **Exhibit "D"**.

109 1.2 Prohibited uses include all uses prohibited by the underlying zoning
 110 district as well as:

- 111 1.2.1 Labor pools and labor halls, as defined by F.S. §§ 448.22(1) and
 112 (3), respectively;
- 113 1.2.2 Any business in which a material part of its services includes
 114 loans secured by vehicle titles (often known as "car-title loans"),
 115 but not including financial institutions such as banks, credit unions,
 116 trust companies, consumer finance and retail installment lenders;
- 117 1.2.3 Any business commonly known as "check cashing," or any
 118 business in which a material part of its services includes future
 119 employment wages or other compensation (often known as
 120 "payday loans," or "pay day advances"), but not including retail
 121 businesses which provide a check cashing service as an
 122 incidental part of their business and financial institutions such as
 123 banks, credit unions, and trust companies;
- 124 1.2.4 Tattoo, body art, or body piercing businesses;
- 125 1.2.5 Pawnshops, as defined by F.S. § 539.001(2)(1);
- 126 1.2.6 Bail bond agencies, as defined by F.S. § 648.25(1);
- 127 1.2.7 Flea markets, except for those operating in conjunction with not-
 128 for-profit functions;
- 129 1.2.8 Automobile sales and renting;
- 130 1.2.9 Massage parlors;
- 131 1.2.10 Fortune tellers, tarot card readers, palm readers, psychics, and
 132 similar businesses; and
- 133 1.2.11 Bottle clubs, as defined by the LDC.

ORDINANCE NO. 2014-15

- 134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
- 1.3 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 master site plan in the event that subsequent phases are delayed or abandoned. All parks, buffers and screenwalls for each phase of development must be installed before the issuance of 50% of the Certificates of Occupancy within that phase. All connecting walkways for each phase of development must be installed before the issuance of 25% of the Certificates of Occupancy within that phase.
 - 1.4 A specific parcel master plan (SPMP) is required for each phase of development. The SPMP submittal shall be consistent with the master plan requirements of City Code, subject to final site plan approval by the Southeast Town Design Review Committee (SETDRC). Development standards differing from those contained in this ordinance may be approved during the SPMP review and approval process. SPMPs are not required to include building elevations for single family dwelling units. Before submitting for a first building permit for a particular housing model (including single family units), builders shall request appearance review from the City Planning Division to ensure that elevations are consistent with this ordinance and final SPMP conditions of approval.
 - 1.5 Following SPMP approval and before a building permit is issued for the respective building, minor modifications to the quantifiable standards of this ordinance and the adopted SPMP may be approved by the planning official. Such modifications may not exceed 20% of the adopted numeric standard. The resulting standard must be consistent with the GMP and must be compatible with surrounding development. After a certificate of occupancy is issued for the respective building, zoning variances and modification of standards may only be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter 65, Orlando City Code, respectively.
 - 1.6 Each building permit application shall be reviewed by the City Planning Division, as part of the normal permit review process, to ensure that the permit application is consistent with this ordinance and final SPMP conditions of approval.
 - 1.7 Southeastern Oaks may contain a maximum of 500 dwelling units. It may also have a village center with a maximum of 300,000 square feet of non-residential uses, a portion of which may be converted to age-restricted dwelling units using a trip equivalency matrix submitted as part of an SPMP. Specific village center uses may include retail uses, senior housing facilities, civic uses such as a private high school and church, or other uses as allowed by the Southeast Sector Plan.

177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219

1.8 Consistent with the City's GMP Future Land Use Policy 2.3.3, the Conservation future land use map boundaries on the Property shall be amended by the planning official to match the boundaries of conservation areas approved by the appropriate water management district permit and/or any recorded easements required by the Interlocal Agreement attached hereto as **Exhibit "B"**. Thereafter, areas designated as Conservation on the City's future land use map may not be developed and the property owner must maintain conservation areas in accordance with water management district rules and permit conditions.

1.9 The park level of service standard requires 0.0017 acres of neighborhood parks, 0.003 acres of community parks, and 0.0027 acres of other open space per dwelling unit. Such parks shall be privately owned and maintained, and open to the public. A total of 2.35 acres of park land and 1.35 acres of open space are required for the 500 dwelling units in the Residential Neighborhood. At least half of this minimum requirement must be approved by SPMP by the time half of the residential land within the Project is approved by SPMP. Where feasible, rear yards must not be located along the perimeter of a park unless the intent is to create a linear park or trail connecting natural systems and a series of residential lots. Additional park land will be required consistent with the level of service standard if age-restricted dwelling units are built in the Village Center.

2. Residential Neighborhood Standards

2.1 Residential dwelling units existing on the effective date of this ordinance are subject to the requirements of the R-1 zoning district, and are eligible for variances and other land development approvals for new improvements consistent with the R-1 zoning district. Existing uses shall be considered as legal non-conforming uses.

2.2 For new development, Conventional LDC standards of the R-1 zoning district (LDC Chapter 58) or Traditional Design standards (LDC Chapter 68) may be used if residential development is less than 3 units per gross acre. The Traditional Design standards provided in LDC Chapter 68 are required if residential development is equal to or greater than 3 du/gross acre.

2.3 The following alternative residential standards may be approved by SPMP for projects meeting Traditional Design standards. Approval of one or more of these alternative standards will disqualify the units in the SPMP from the Transportation Impact Fee reduction identified in LDC Section 68.608.

- a. In lieu of meeting Sec. 68.301(a), the PD shall include at least two (2) housing types.
- b. In lieu of meeting Sec. 68.303(a), rear yards may be located along Clapp Simms Duda Road.

ORDINANCE NO. 2014-15

220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247

- c. In lieu of meeting Sec. 68.303(a), rear yards may be located along Clapp Simms Duda Road.
 - d. In lieu of meeting Sec. 68.303(d), garages may be provided in one of two ways: attached and recessed from the primary façade (not including porches, bays or other minor projections) by a minimum of 5 feet and at least 25 feet from the street right-of-way; or attached or detached, placed at the rear of the property, and accessed by either an alley or a side yard driveway. No more than 70% of the units may have a recessed, front-loaded garage.
 - e. In lieu of meeting Sec. 68.307(b), the front façade shall have a minimum 15% transparency at the ground level, and the street side yard façade shall have a minimum transparency of 10% at the ground level.
 - f. In lieu of meeting Sec. 68.307(c), the garage door design criteria are optional.
 - g. In lieu of meeting Sec. 68.308(b), the 18-inch elevation above grade is optional. Buildings that do not meet the minimum 18-inch elevation above grade shall have the primary façade at a 25 foot front setback.
 - h. Other alternatives to LDC Section 68.300 to 68.312, as approved by the SETDRC.
- 2.4 Typical residential development standards for projects meeting Traditional Design standards are provided in the following table. Actual dimensions for each lot and product type shall be established during SPMP review. Projects meeting R-1 zoning standards shall meet the requirements of the R-1 zoning district.
- 2.5 Accessory apartments and accessory cottage dwelling units are permitted on single family lots.

Product Type	Minimum Lot width (1)	Minimum Lot Depth	Minimum street frontage (2)	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Street Side Yard setback	Maximum Building Height – Stories (6)	Maximum ISR
Single Family detached front load	50 ft	100 ft	25 ft	16 ft (3)	15 ft	5 ft	15 ft	2 Stories	70%
Single Family detached rear load	30 ft	100 ft	25 ft	16 ft (4)	5 ft or greater than 16 ft	5 ft	15 ft	2 Stories	70%
Townhome rear load	20 ft	100 ft	20 ft	16 ft (4) (7)	5 ft or greater than 16 ft	0 ft (5)	15 ft	2 Stories	85%

(1) Corner lots shall be 10 feet wider than the rest of the lots on the block to accommodate the street side yard setback.
(2) Flag lots are prohibited.

- (3) The garage of front-loaded units shall have a minimum setback of 25 feet from the right-of-way. Open-air front porches may encroach up to 6 feet into the front yard setback, provided that the porch has a useable floor depth of at least six (6) feet.
- (4) Open-air front porches may encroach up to 6 feet into the front yard setback, provided that the porch has a useable floor depth of at least six (6) feet.
- (5) Minimum side yard setbacks for townhome end units shall be 5 feet.
- (6) Story is defined as that portion of a building included between the surface of any finished floor and the surface of the next finished floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it, unless such space is less than 5.5 feet in height. Wherever the height between two finished floors (or finished floor and ceiling) exceeds 25 feet, each height of 15 feet or portion greater than 5.5 feet thereof shall be construed to be one story.
- (7) An alternative setback, not less than 11 feet, may be proposed in an SPMP for townhomes that are not across the street from, and do not share a block face with, single family units.

248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280

3. Village Center Standards

- 3.1 To provide flexibility of development, the standard for Village Center composition of mix can be determined at the time of SPMP review.
- 3.2 Conventional LDC standards (LDC Chapter 58) or Traditional Design standards (LDC Chapter 68) may be used if the non-residential development is less than 0.4 FAR or residential development is less than 25 du/gross acre. The Traditional Design standards provided in LDC Chapter 68 are required if the non-residential development is equal or greater than 0.4 FAR or the residential development is equal to or more than 25 du/gross acre.

4. Transportation Standards

- 4.1 Parallel parking is prohibited in alley yards.
- 4.2 Street addresses must be clearly posted on both the street side and alley side of buildings that are served by alleys.
- 4.3 Street cross-sections must conform to the following requirements:
 - a. Parkways must be at least 7.5 feet wide.
 - b. Sidewalks must be at least 5 feet wide.
 - c. Alley tracts or easements must be at least 20 feet wide.
 - d. Where a multiuse trail roughly parallels a street, sidewalks and bike lanes are not required on the same side of the street as the trail, but on the opposite side of the street sidewalks are still required.
- 4.4 Approach to Narcoossee Road/Boggy Creek Road Intersection: Any driveway or roadway connection for the Village Center which is designed to create the approach to the Narcoossee Road/Boggy Creek Road intersection shall align as closely as possible to 90° and shall comply with all requirements, standards, and permits of Orange and Osceola Counties. In addition to the cost of construction of the approach, the applicant/owner shall be responsible for any costs associated with the Village Center improvements such as signalization retiming, realignment, or equipment relocation deemed necessary by the appropriate County Public Works Department.

ORDINANCE NO. 2014-15

- 281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
- 4.5 Canal Bridge: The master developer shall provide a new bridge spanning the canal on Clapp-Simms-Duda Road, the general specifications of which are included in the Interlocal Agreement, attached hereto as **Exhibit "B."**
 - 4.6 Mobility Management Requirement: The proposed project is located within Mobility Area C and will generate more than 40 daily trips. The owner/applicant shall comply with the Mobility Management Requirements of Orlando City Code, Chapter 59, Part 2, Section 59.209. The owner/applicant shall submit a completed Request for Mobility Management Determination at the time of building permit application.
 - 4.7 Road ROW Dedication/Reservation: All roadways within the development shall be constructed within rights-of-way dedicated to the City of Orlando or easements assigned for private roadway use. Sidewalks may be installed within those rights-of-way or in Sidewalk and Utility easements of at least 5 ft width paralleling and adjacent to those rights-of-way. Dedicated rights-of-way or easements shall align with rights-of-way or easements traversing adjacent properties regardless of jurisdictional lines.
 - 4.8 Road Cross Section Residential: The master developer shall be responsible for the design, permitting, and construction of all roadways within the residential portion of the project. All such roadways shall be designed and built with curb-and-gutter cross sections and shall include sidewalks on both sides of the roadway. All aspects of the roadways shall conform to the City Code and Engineering Standards Manual in effect at the time of permit submittal. The roadways may be either publicly dedicated or privately owned and maintained but accessible to the public.
 - 4.9 Public Sidewalk Requirements: A 10 foot wide multi-purpose path shall be installed along the south side of Clapp Simms Duda Road for the extent of the property included in each SPMP. The work shall be completed and accepted by the City of Orlando Public Works Dept. prior to issuance of Certificates of Occupancy for this development. The master developer shall also add to the existing bridge or provide a new bridge to accommodate pedestrian/bicycle traffic at their expense.
 - 4.10 Roadway Lighting: The master developer shall be responsible for roadway lighting installation in accordance with Orlando Utilities Commission and City of Orlando Public Works specifications and approval. However, dark skies lighting shall be used to maintain the rural nature of the area.
 - 4.11 Orange County Approval/Permits: Documentation of approval and permitting for any modifications to roadways under the jurisdiction of Orange County, including addition of driveways and intersections, shall be provided with plans submitted for City Engineering and construction permits unless annexation of the road right-of-way has been completed

325 prior to submittal.

- 326 4.12 A trip equivalency matrix approved by the City Planning Official shall
327 govern any proposed change of use for conversion of retail to age-
328 restricted dwelling units at the time of submittal of the SPMP.

329
330 **5. Signage**

- 331 5.1 A Master Sign package for each phase or parcel is subject to review and
332 approval by the City Planning Official, or designee, prior to the issuance
333 of any building permit for the respective phase or parcel. The Property
334 must be developed and maintained in accordance with the final approved
335 sign package.

- 336 5.2 Signs on the Property must comply with the City's generally applicable
337 sign code, and the following:

338 5.2.1 Offsite signs are prohibited.

339 5.2.2 Pole signs are prohibited.

340
341 **6. Additional Planning and Environmental Considerations**

342 The planning and environmental considerations included in Sections
343 4.1.A and 4.1.B of the Interlocal Agreement between the City and County
344 for the Southeastern Oaks Area, attached hereto as **Exhibit "B"**, are
345 hereby incorporated by reference and adopted in their entirety. If there is
346 any conflict between the terms of this Ordinance and the Interlocal
347 Agreement, then the terms of the Interlocal Agreement shall apply.

348
349 **SECTION 3. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
350 errors found in this ordinance by filing a corrected copy of this ordinance with the City
351 Clerk.

352
353 **SECTION 4. SEVERABILITY.** If any provision of this ordinance or its
354 application to any person or circumstance is held invalid, the invalidity does not affect
355 other provisions or applications of this ordinance which can be given effect without the
356 invalid provision or application, and to this end the provisions of this ordinance are
357 severable.

358
359 **SECTION 5. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

360
361 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
362 Florida, at a regular meeting, this _____ day of _____, 2014.

363
364 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
365 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
366 of _____, 2014.

325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367

368 **DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE**, by an
369 affirmative vote of a majority of a quorum present of the City Council of the City of
370 Orlando, Florida, at a regular meeting, this _____ day of _____,
371 2013.

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

374 _____
375
376
377 Mayor / Mayor Pro Tempore

378 ATTEST, BY THE CLERK OF THE
379 CITY COUNCIL OF THE CITY OF
380 ORLANDO, FLORIDA:

381 _____
382
383 City Clerk

384
385 APPROVED AS TO FORM AND LEGALITY
386 FOR THE USE AND RELIANCE OF THE
387 CITY OF ORLANDO, FLORIDA:

388 _____
389
390 City Attorney

391
392
393
394 ****[Remainder of page intentionally left blank.]****

395