

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.

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

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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

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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

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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

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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.

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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."
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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:
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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.

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- 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.

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- 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.
- 1.10 In lieu of City Code Sections 68.310 and 68.321(f), a waiver from the Southeast Sector Fire Sprinkler requirements may be granted for the single family residential portion of the PD only pursuant to a separate agreement between the City Council and property owner/developer.
- 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.

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- 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.
 - 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 | 0 ft (5) | 15 ft | 2 Stories | 85% |

| | | | | | | | | | |
|--|--|--|--|--|---------------|--|--|--|--|
| | | | | | than 16 ft | | | | |
|--|--|--|--|--|---------------|--|--|--|--|

- (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.

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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

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

- 324 4.11 Orange County Approval/Permits: Documentation of approval and
325 permitting for any modifications to roadways under the jurisdiction of
326 Orange County, including addition of driveways and intersections, shall
327 be provided with plans submitted for City Engineering and construction
328 permits unless annexation of the road right-of-way has been completed
329 prior to submittal.
- 330 4.12 A trip equivalency matrix approved by the City Planning Official shall
331 govern any proposed change of use for conversion of retail to age-
332 restricted dwelling units at the time of submittal of the SPMP.

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334 **5. Signage**

- 335 5.1 A Master Sign package for each phase or parcel is subject to review and
336 approval by the City Planning Official, or designee, prior to the issuance
337 of any building permit for the respective phase or parcel. The Property
338 must be developed and maintained in accordance with the final approved
339 sign package.
- 340 5.2 Signs on the Property must comply with the City's generally applicable
341 sign code, and the following:
- 342 5.2.1 Offsite signs are prohibited.
- 343 5.2.2 Pole signs are prohibited.
- 344

345 **6. Additional Planning and Environmental Considerations**

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

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

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

362

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

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

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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 _____, 2013.

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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