

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, DESIGNATING CERTAIN**
3 **LAND GENERALLY LOCATED NORTH OF TYSON RD.,**
4 **EAST AND SOUTH OF STATE ROAD 417, AND WEST**
5 **OF NARCOOSSEE RD., AND COMPRISED OF 220.2**
6 **ACRES OF LAND, MORE OR LESS, AS THE**
7 **EDUCATION VILLAGE PLANNED DEVELOPMENT**
8 **DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS;**
9 **PROVIDING SPECIAL LAND DEVELOPMENT**
10 **REGULATIONS OF THE PLANNED DEVELOPMENT**
11 **DISTRICT; PROVIDING FOR SEVERABILITY,**
12 **CORRECTION OF SCRIVENER'S ERRORS, AND AN**
13 **EFFECTIVE DATE.**
14

15 **WHEREAS**, at its regularly scheduled meeting of June 17, 2014, the Municipal
16 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered
17 zoning application case number ZON2014-00012, requesting the Planned Development
18 zoning district designation for approximately 220.2 acres of land, generally located north
19 of Tyson Road, east and south of State Road 417, and west of Narcoossee Road, and
20 more precisely described by the legal description attached to this ordinance as **Exhibit**
21 **"A"** (hereinafter the "Property"); and
22

23 **WHEREAS**, based upon the evidence presented to the MPB, including the
24 information and analysis contained in the "Staff Report to the Municipal Planning Board"
25 for application case number ZON2014-00012 (entitled "Item #7 – Education Village PD
26 Amendment" and hereinafter referred to as the "Staff Report"), and subject to certain
27 conditions contained within the Staff Report, the MPB recommended that the City
28 Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning
29 application and adopt an ordinance in accordance therewith; and
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31 **WHEREAS**, zoning application case number ZON2014-00012 is requesting the
32 Planned Development zoning district designation for the purpose of combining the
33 previously approved Education Village Planned Development zoning district and the
34 Education Commerce Center Planned Development zoning district into a single planned
35 development zoning district permitting the phased use and development of up to 770
36 attached residential units, 726,000 square feet of commercial, retail, and service use,
37 255,500 square feet of civic use, and a public high school (the "Project"); and
38

39 **WHEREAS**, the MPB found that the Project is consistent with the City's adopted
40 Growth Management Plan (the "GMP") including the applicable goals, objectives, and
41 policies associated with the Property's Future Land Use Map designation of Urban
42 Village; and
43

44 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
45 with the intent and purpose of the planned development district zoning designation as

46 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando
47 City Code”); and

48
49 **WHEREAS**, the Orlando City Council hereby finds that the Project and this
50 ordinance is in the best interest of the public health, safety, and welfare, and is
51 consistent with the applicable provisions of the City’s GMP, including the applicable
52 goals, objectives, and policies associated with the Property’s Future Land Use Map
53 designation of Urban Village; and

54
55 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
56 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

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58 **SECTION 1. ZONING.** After due notice and public hearing, and pursuant to part
59 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City
60 Code, the Property is hereby designated as Planned Development district on the City’s
61 official zoning maps (to be denoted as “PD” on the official maps of the City), as depicted
62 in **Exhibit “B”** to this ordinance. This planned development zoning district may be
63 known as the “Education Village Planned Development.” This ordinance completely
64 replaces and supersedes all previously adopted planned development zoning
65 ordinances relating to the Property.

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67 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
68 58.367, Orlando City Code, except as expressly provided in this ordinance, the
69 Education Village Planned Development zoning district remains subject to all applicable
70 federal, state, and local laws, and nothing in this ordinance shall be construed to exempt
71 the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

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73 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
74 otherwise by this ordinance, the Property shall be governed by the land development
75 regulations of the Village Center zoning district (denoted as “VC” on the official maps of
76 the City).

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

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82 **1) Land Development**

- 83
84 a) *Development Plan.* Subject to any modifications expressly contained in the text
85 of this ordinance, development, maintenance, and use of the Property must be
86 consistent with the development plan attached to this ordinance as **Exhibit “C”**
87 (hereinafter the “Development Plan”). In the event of a conflict between the text
88 of this ordinance and the Development Plan, the text of this ordinance shall
89 control. References in this ordinance to lots, parcels, buildings, phases, and

90 other development features refer to such features as identified on the
91 Development Plan.

- 92
- 93 b) *Variances and modifications.* Zoning variances and modification of standards
94 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,
95 Chapter 65, Orlando City Code, respectively. The planning official may also
96 approve minor modifications and design modifications to fences, walls,
97 landscaping, accessory structures, signs, and bufferyard requirements.
98 Modifications to the Development Plan may be reviewed and approved pursuant
99 to Part 2E, Chapter 65, Orlando City Code.
- 100
- 101 c) *Phasing.* The Property may be developed in multiple phases, but if developed in
102 multiple phases, each phase must be developed in a manner that allows the
103 individual phases to function independently of each other. The purpose of this
104 requirement is to ensure that the first phase, and each subsequent phase, can
105 fully function and operate as intended by the Development Plan in the event that
106 subsequent phases are delayed or abandoned. Each Specific Parcel Master Plan
107 for the Property must include a transportation phasing plan that demonstrates
108 that the respective parcel can provide adequate egress and ingress for all modes
109 of transportation even if subsequent parcels are delayed or abandoned.
- 110
- 111 d) *Maximum development program.* The maximum permitted development program
112 for the Property in aggregate and for each individual parcel shown on the
113 Development Plan shall be limited as provided in the Development Program table
114 attached to this ordinance as **Exhibit "D."**
- 115
- 116 e) *Southeast Orlando Sector Plan.* The Property is within the jurisdictional
117 boundaries of the Southeast Orlando Sector Plan. Development and use of the
118 Property must conform to applicable regulations of Chapter 68, Orlando City
119 Code, including without limitation the procedures for review and approval of
120 Specific Parcel Master Plans.
- 121
- 122 f) *Uses.* Land uses on the Property must comply with the list of permitted,
123 conditional, and prohibited land uses for the Village Center zoning district. The
124 Property must also comply with the mixture of land uses required of the Village
125 Center zoning district as provided in Chapters 58 and 68 of the Orlando City
126 Code. Final approval of land uses on each parcel shall be made in the respective
127 Specific Parcel Master Plan, but in no case shall a land use or land uses be
128 approved if such an approval or approvals would result in the generation of more
129 than 3,121 "P.M. Peak-Hour Trips," as calculated pursuant to the *Trip Generation*
130 *Manual*, 9th Edition, by the Institute of Transportation Engineers. Notwithstanding
131 anything in the Orlando City Code and the GMP to the contrary, the following
132 land uses are prohibited on the Property:
- 133

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- 134 i) Treatment and recovery facility.
- 135
- 136 ii) Body art shop.
- 137
- 138 iii) Fortune telling, tarot card reading, palm reading, and psychic services.
- 139
- 140 iv) Any business commonly known as "check cashing" establishment, or any
- 141 business in which a material part of its service includes offering loans
- 142 secured by future employment wages or other compensation (often known as
- 143 "payday loans," or "pay day advances"), but not including retail businesses
- 144 which provide a check cashing service as an incidental part of their business
- 145 and financial institutions such as banks, credit unions, and trust companies.
- 146
- 147 v) Funeral home.
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- 149 vi) Adult entertainment.
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- 151 vii) Flea markets.
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- 153 viii) Bottle club.
- 154
- 155 ix) Any business in which a material part of its service includes loaning money
- 156 secured by vehicle titles (often known as "car-title loans"), but not including
- 157 financial institutions such as banks, credit unions, trust companies, consumer
- 158 finance, and retail installment lenders.
- 159
- 160 x) Temporary labor service.
- 161
- 162 xi) Whole blood facility.
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- 164 xii) Wholesaling.
- 165
- 166 xiii) Warehousing.
- 167

168 Notwithstanding anything in the Orlando City Code and the GMP to the
169 contrary, Personal Storage Facilities are an allowable use on the Property if the
170 use is set back at least 250 feet from Narcoossee Road. Outdoor storage is
171 prohibited at any Personal Storage Facility use. Drive-through uses may be
172 approved by Specific Parcel Master Plan if the use is otherwise consistent with
173 the Land Development Code.

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- 175 g) *Existing uses and structures.* Lawfully established uses and lawfully constructed
- 176 structures on the Property as of the effective date of this ordinance are hereby
- 177 made lawful and conforming to this ordinance.

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2) Transportation

- a) *Circulation plan.* Subject to any modifications expressly contained in the text of this ordinance or made by Specific Parcel Master Plan, development, maintenance, and use of the Property must be consistent with the circulation plan attached to this ordinance as Exhibit "E" (hereinafter the "Circulation Plan"). In the event of a conflict between the text of this ordinance and the Circulation Plan, the text of this ordinance shall control. References in this part to lots, parcels, roads, natural features, and other development features refer to such features as identified on the Circulation Plan.

- i) *Tagore Place.* Tagore Place must extend into Parcel G in order to meet the minimum street frontage requirements of the Land Development Code. The extended portion of Tagore Place may be a private street but must conform to the Cross Section Plan.

- b) *Onsite road cross sections.* Subject to any modifications expressly contained in the text of this ordinance or made by Specific Parcel Master Plan, development, maintenance, and use of the Property must be consistent with the road cross section plans attached to this ordinance as Exhibit "F" (hereinafter the "Cross Section Plan"). In the event of a conflict between the text of this ordinance and the Cross Section Plan, the text of this ordinance shall control. References in this part to lots, parcels, roads, natural features, and other development features refer to such features as identified on the Cross Section Plan.

- i) *Cross sections D-D and I-I.* Cross sections D-D and I-I must provide sidewalks on both sides of the street unless and alternative is approved by Specific Parcel Master Plan which alternative must provide functionally adequate pedestrian circulation.

- c) *Narcoossee Road signalization.* The party or parties responsible for development on the properties east and west of Narcoossee Road must enter into a signalization agreement with the City for the purpose of establishing proportionate fair share payments for warranted full access traffic signalization, associated with traffic generation attributed to the properties' development.

- d) *Walkability and bikeability.* Each Specific Parcel Master Plan must provide pedestrian and cycling facilities in accordance with the Land Development Code. The main entrance of each principal building on the Property must connect to adjacent public sidewalks by way of a minimum 5'-wide sidewalk.

- e) *Disability ramps at street intersections.* Sidewalks at street intersections and street intersections with driveways must provide disability access ramps

222 consistent with the standards of the Americans with Disability Act. At street
 223 intersections, such ramps must be provided for each directions of pedestrian
 224 crossing.

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 226 f) *Pedestrian crossings.* Where sidewalks cross vehicular rights-of-way, colored,
 227 striped, or textured pavement must be used to demarcate the continuation of the
 228 pedestrian zone across the drive aisle. Reflective paint or tape alone is
 229 inadequate to meet this requirement, but may be used in conjunction with other
 230 approved treatments. All pavement markings and treatments must be designed,
 231 installed, and maintained in accordance with the current Manual of Uniform
 232 Traffic Control Devices.

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 234 g) *Dumpsters and compactors.* Specific Parcel Master Plans must depict the
 235 location and size of dumpsters and trash compactors, including concrete pads
 236 and enclosures with doors. Dumpsters and compactors may not be located
 237 directly adjacent to a public street. Dumpsters and trash compactors must be
 238 screened with solid walls. Walls and gates must match nearby principal buildings.
 239 If located outside, screening walls must be softened from the perspective of the
 240 public rights-of-way and neighboring properties with approved low hedges,
 241 groundcover, and understory landscaping. Dumpsters and compactors must be
 242 located to provide at least 50' of clear back-up space and must be constructed
 243 and maintained in accordance with the current City of Orlando Engineering
 244 Standards Manual.

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 246 h) *Weller Blvd. Extension.* As of the effective date of this ordinance, Weller
 247 Boulevard is proposed for extension from its current terminus near its intersection
 248 with the proposed Suttner Avenue. The proposed extensions are identified as
 249 "Segment 2," "Segment 3," and Segment 4," as depicted on the Circulation Plan.
 250 Before the issuance of any certificate of completion or occupancy by the City for
 251 any project on Parcel A, the owner of the Property must dedicate to the public the
 252 right-of-way necessary to complete these segments of Weller Boulevard.

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 254 i) *Segment 2 construction.* The owner of the Property (in coordination with
 255 others if appropriate) is 100% responsible for the construction of Segment 2
 256 of the Weller Boulevard extension and must complete this construction before
 257 any certificate of occupancy is issued by the City for development on Parcel
 258 A.

259
 260 ii) *Segment 3 and 4 construction.* The owner of the Property (in coordination
 261 with others if appropriate) is 100% responsible for the construction of
 262 Segment 3 and Segment 4 of the Weller Boulevard extension and must
 263 complete this construction before or concurrent with the completion of the
 264 proposed Nemours Parkway where it intersects with Weller Boulevard.
 265

- 266 i) *Access to Narcoossee Road.* Access to and from Narcoossee Road and the
267 Property must be consistent with the Orange County Narcoossee Road Corridor
268 Land Use and Access Management Plan, dated April 24, 2013 as shown on
269 Exhibit G.
270
- 271 j) *Vickery Place Turn Lane.* When warranted based on traffic increases, the
272 party or parties responsible for the SPMP development project that
273 triggers the need for the traffic operations improvement shall be fully
274 responsible for the design and construction of an additional eastbound left
275 turn lane at the Vickery Place eastbound approach to Narcoossee.
276
- 277 k) *Tagore Place Turn Lane.* When warranted based on traffic increases, the
278 party or parties responsible for the SPMP development project that
279 triggers the need for the traffic operations improvement shall be fully
280 responsible for the design and construction of an additional eastbound left
281 turn lane at the Tagore Place eastbound approach to Narcoossee.
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- 283 l) *Multi-use Trail Easement.* Prior to, or concurrent with, the recording of the first
284 plat that is adjacent to the 25 ft. upland buffer area along the western boundary
285 of the subject property, the owner/applicant must dedicate a 12 ft. wide multi-use
286 trail easement to the City. The easement may be located within the 25 ft. upland
287 buffer area or such other location within the Planned Development (PD), such
288 that there is a continuous north-south trail corridor through the PD connecting
289 existing or planned trail segments that are part of the City's adopted trail system.
290 The owner/applicant shall provide the City or its designee appropriate temporary
291 construction easements, when and if necessary.
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293 **SECTION 5. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
294 errors found in this ordinance by filing a corrected copy of this ordinance with the City
295 Clerk.
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297 **SECTION 6. SEVERABILITY.** If any provision of this ordinance or its
298 application to any person or circumstance is held invalid, the invalidity does not affect
299 other provisions or applications of this ordinance which can be given effect without the
300 invalid provision or application, and to this end the provisions of this ordinance are
301 severable.
302

303 **SECTION 7. EFFECTIVE DATE.** This ordinance takes effect upon adoption.
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305 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
306 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 _____, 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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