

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF TYSON RD., EAST AND SOUTH OF STATE ROAD 417, AND WEST OF NARCOOSSEE RD., AND COMPRISED OF 220.2 ACRES OF LAND, MORE OR LESS, AS THE EDUCATION VILLAGE PLANNED DEVELOPMENT DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case number ZON2014-00012 (entitled "Item #7 – Education Village PD Amendment" and hereinafter referred to as the "Staff Report"), and subject to certain conditions contained within the Staff Report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

WHEREAS, zoning application case number ZON2014-00012 is requesting the Planned Development zoning district designation for the purpose of combining the previously approved Education Village Planned Development zoning district and the Education Commerce Center Planned Development zoning district into a single planned development zoning district permitting the phased use and development of up to 770 attached residential units, 726,000 square feet of commercial, retail, and service use, 255,500 square feet of civic use, and a public high school (the "Project"); and

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

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

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

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

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

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

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

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

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

1) Land Development

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

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

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

- i) Treatment and recovery facility.
- ii) Body art shop.
- iii) Fortune telling, tarot card reading, palm reading, and psychic services.
- iv) Any business commonly known as "check cashing" establishment, or any business in which a material part of its service includes offering loans secured by future employment wages or other compensation (often known as "payday loans," or "pay day advances"), but not including retail businesses which provide a check cashing service as an incidental part of their business and financial institutions such as banks, credit unions, and trust companies.
- v) Funeral home.
- vi) Adult entertainment.
- vii) Flea markets.
- viii) Bottle club.
- ix) Any business in which a material part of its service includes loaning money secured by vehicle titles (often known as "car-title loans"), but not including financial institutions such as banks, credit unions, trust companies, consumer finance, and retail installment lenders.
- x) Temporary labor service.
- xi) Whole blood facility.
- xii) Wholesaling.
- xiii) Warehousing.

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

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

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

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

- f) *Pedestrian crossings.* Where sidewalks cross vehicular rights-of-way, colored, striped, or textured pavement must be used to demarcate the continuation of the pedestrian zone across the drive aisle. Reflective paint or tape alone is inadequate to meet this requirement, but may be used in conjunction with other approved treatments. All pavement markings and treatments must be designed, installed, and maintained in accordance with the current Manual of Uniform Traffic Control Devices.
- g) *Dumpsters and compactors.* Specific Parcel Master Plans must depict the location and size of dumpsters and trash compactors, including concrete pads and enclosures with doors. Dumpsters and compactors may not be located directly adjacent to a public street. Dumpsters and trash compactors must be screened with solid walls. Walls and gates must match nearby principal buildings. If located outside, screening walls must be softened from the perspective of the public rights-of-way and neighboring properties with approved low hedges, groundcover, and understory landscaping. Dumpsters and compactors must be located to provide at least 50' of clear back-up space and must be constructed and maintained in accordance with the current City of Orlando Engineering Standards Manual.
- h) *Weller Blvd. Extension.* As of the effective date of this ordinance, Weller Boulevard is proposed for extension from its current terminus near its intersection with the proposed Suttner Avenue. The proposed extensions are identified as "Segment 2," "Segment 3," and Segment 4," as depicted on the Circulation Plan. Before the issuance of any certificate of completion or occupancy by the City for any project on Parcel A, the owner of the Property must dedicate to the public the right-of-way necessary to complete these segments of Weller Boulevard.
 - i) *Segment 2 construction.* The owner of the Property (in coordination with others if appropriate) is 100% responsible for the construction of Segment 2 of the Weller Boulevard extension and must complete this construction before any certificate of occupancy is issued by the City for development on Parcel A.
 - ii) *Segment 3 and 4 construction.* The owner of the Property (in coordination with others if appropriate) is 100% responsible for the construction of Segment 3 and Segment 4 of the Weller Boulevard extension and must complete this construction before or concurrent with the completion of the proposed Nemours Parkway where it intersects with Weller Boulevard.

- i) *Access to Narcoossee Road.* Access to and from Narcoossee Road and the Property must be consistent with the Orange County Narcoossee Road Corridor Land Use and Access Management Plan, dated April 24, 2013 as shown on Exhibit G.
- j) *Vickery Place Turn Lane.* When warranted based on traffic increases, the party or parties responsible for the SPMP development project that triggers the need for the traffic operations improvement shall be fully responsible for the design and construction of an additional eastbound left turn lane at the Vickery Place eastbound approach to Narcoossee.
- k) *Tagore Place Turn Lane.* When warranted based on traffic increases, the party or parties responsible for the SPMP development project that triggers the need for the traffic operations improvement shall be fully responsible for the design and construction of an additional eastbound left turn lane at the Tagore Place eastbound approach to Narcoossee.
- l) *Multi-use Trail Easement.* Prior to, or concurrent with, the recording of the first plat that is adjacent to the 25 ft. upland buffer area along the western boundary of the subject property, the owner/applicant must dedicate a 12 ft. wide multi-use trail easement to the City. The easement may be located within the 25 ft. upland buffer area or such other location within the Planned Development (PD), such that there is a continuous north-south trail corridor through the PD connecting existing or planned trail segments that are part of the City's adopted trail system. The owner/applicant shall provide the City or its designee appropriate temporary construction easements, when and if necessary.

SECTION 5. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 7. EFFECTIVE DATE. This ordinance takes effect upon adoption.

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

ORDINANCE NO. 2014-32

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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