

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, ANNEXING TO THE
3 CORPORATE LIMITS OF THE CITY CERTAIN LAND
4 GENERALLY LOCATED NORTH OF TYSON RD., EAST
5 OF NARCOOSSEE RD., AND SOUTHWEST OF LAKE
6 WHIPPOORWILL, ADDRESSED AS 12873
7 NARCOOSSEE RD., AND COMPRISED OF 43.909
8 ACRES OF LAND, MORE OR LESS; DESIGNATING THE
9 PROPERTY AS THE PLANNED DEVELOPMENT
10 DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS;
11 PROVIDING A DEVELOPMENT PLAN AND SPECIAL
12 LAND DEVELOPMENT REGULATIONS OF THE
13 PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR
14 SEVERABILITY, CORRECTION OF SCRIVENER'S
15 ERRORS, AND AN EFFECTIVE DATE.
16

17 **WHEREAS**, on August 10, 2015, the City Council of the City of Orlando, Florida
18 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the
19 "petition") bearing the signatures of all owners of property in an area of land generally
20 located north of Tyson Road, east of Narcoossee Road, and southwest of Lake
21 Whippoorwill, addressed as 12873 Narcoossee Road, such land comprised of
22 approximately 43.91 acres of land and being precisely described by the legal description
23 of the area by metes and bounds attached to this ordinance as **Exhibit A** (hereinafter
24 the "property"); and
25

26 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
27 section 171.044, Florida Statutes; and
28

29 **WHEREAS**, at its regularly scheduled meeting of September 15, 2015, the
30 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),
31 considered the following applications relating to the property:
32

- 33 1. Annexation case number ANX2015-00008, requesting to annex the property
34 into the jurisdictional boundaries of the city; and
35
- 36 2. Zoning case number ZON2015-00008, requesting to designate the property
37 as the "Planned Development" district on the city's official zoning maps
38 (together, hereinafter referred to as the "applications"); and
39

40 **WHEREAS**, based upon the evidence presented to the MPB, including the
41 information and analysis contained in the "Staff Report to the Municipal Planning Board"
42 for application case numbers ANX2015-00008, GMP2015-00015, GMP2015-00016, and
43 ZON2015-00008 (entitled "Item #1 – Tyson's Corner II Annexation"), the MPB
44 recommended that the Orlando City Council approve said applications and adopt an
45 ordinance or ordinances in accordance therewith; and
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WHEREAS, the MPB found that application ZON2015-00008 is consistent with:

1. The *City of Orlando Growth Management Plan*, adopted as the City’s “comprehensive plan” for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code of the City of Orlando, Florida (the “LDC”); and

WHEREAS, the Orlando City Council hereby finds that:

1. As of the date of the petition, the property was located in the unincorporated area of Orange County; and
2. As of the date of the petition, the property is contiguous to the city within the meaning of subsection 171.031(11), Florida Statutes; and
3. As of the date of the petition, the property is reasonably compact within the meaning of subsection 171.031(12), Florida Statutes; and
4. The petition bears the signatures of all owners of property in the area to be annexed; and
5. Annexation of the property will not result in the creation of enclaves within the meaning of subsection 171.031(13), Florida Statutes; and
6. The property is located wholly within the boundaries of a single county; and
7. The petition proposes an annexation that is consistent with the purpose of ensuring sound urban development and accommodation to growth; and
8. The petition, this ordinance, and the procedures leading to the adoption of this ordinance are consistent with the uniform legislative standards provided by the Florida Municipal Annexation and Contraction Act for the adjustment of municipal boundaries; and
9. The petition proposes an annexation that is consistent with the purpose of ensuring the efficient provision of urban services to areas that become urban in character within the meaning of subsection 171.022(8), Florida Statutes; and
10. The petition proposes an annexation that is consistent with the purpose of ensuring that areas are not annexed unless municipal services can be provided to those areas; and

91
92 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
93 best interest of the public health, safety, and welfare, and is consistent with the
94 applicable provisions of the city’s GMP and LDC; and
95

96 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
97 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
98

99 **SECTION 1. ANNEXATION.** Pursuant to the authority granted by section
100 171.044, Florida Statutes, and having determined that the owner or owners of the
101 property have petitioned the Orlando City Council for annexation into the corporate limits
102 of the city, and having determined that the petition bears the signatures of all owners of
103 property in the area proposed to be annexed, and having made the findings set forth in
104 this ordinance, the property is hereby annexed into the corporate limits of the City of
105 Orlando, Florida, and the boundary lines of the city are hereby redefined to include the
106 property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area
107 is clearly shown on the map attached to this ordinance as **Exhibit B**.
108

109 **SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida Statutes,
110 the charter boundary article of the city is hereby revised in accordance with this
111 ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a
112 revision of the City Charter with the Florida Department of State. The City planning
113 official, or designee, is hereby directed to amend the city’s official maps in accordance
114 with this ordinance.
115

116 **SECTION 3. ZONING.** After due notice and public hearing, and pursuant to part
117 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City
118 Code, the property is hereby designated as Planned Development district on the city’s
119 official zoning maps (to be denoted as “PD” on the official maps of the city), as depicted
120 in **Exhibit C** to this ordinance. This planned development zoning district may be known
121 as the “Tyson’s Corner II Planned Development.”
122

123 **SECTION 4. OTHER DEVELOPMENT LAWS.** In accordance with section
124 58.367, Orlando City Code, except as expressly provided in this ordinance, the Tyson’s
125 Corner II Planned Development zoning district remains subject to all applicable federal,
126 state, and local laws, and nothing in this ordinance shall be construed to exempt the
127 property from the lawful authority or jurisdiction of any federal, state, or local agency.
128

129 **SECTION 5. DEFAULT ZONING DISTRICT.** Except as expressly provided
130 otherwise by this ordinance, the property shall be governed by the land development
131 regulations of the AC-1 Community Activity Center District (denoted as “AC-1” on the
132 official maps of the City).
133

134 **SECTION 6. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
135 Development zoning district for the property is subject to the following special land
136 development regulations:

137
138 **1) Land Development**

- 139
140 a) *Development Plan.* Subject to any modifications expressly contained in the text
141 of this ordinance, development and maintenance of the property must be
142 consistent with the development plan attached to this ordinance as **Exhibit D**
143 (hereinafter the “development plan”). In the event of a conflict between the text of
144 this ordinance and the development plan, the text of this ordinance shall control.
145 References in this ordinance to lots, parcels, buildings, phases, and other
146 development features refer to such features as identified on the development
147 plan.
148
- 149 b) *Variances and modifications.* Zoning variances and modification of standards
150 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,
151 Chapter 65, Orlando City Code, respectively. The planning official may also
152 approve minor modifications and design modifications to fences, walls,
153 landscaping, accessory structures, signs, driveway locations, and bufferyard
154 requirements. Additionally, recognizing that development plans can change in
155 small ways between the planning and permitting stages of development, the
156 planning official may approve up to a 10% modification of any applicable
157 numerical development standard if the planning official finds that the proposed
158 modification is consistent with the applicable goals, objectives, and policies of the
159 GMP, is compatible with nearby existing land uses, would not result in
160 inadequate public facilities, and is otherwise consistent with the public health,
161 safety, and welfare. When approving such a modification of a development
162 standard, the planning official may impose one or more of the conditions of
163 development provided at section 65.334, Orlando City Code, but such condition
164 or conditions must be reasonably calculated to mitigate the identifiable land use
165 impacts of the modified standard.
166
- 167 c) *Phasing.* The property may be developed in multiple phases, but if developed in
168 multiple phases, each phase must be developed in a manner that allows the
169 individual phases to function independently of each other. The purpose of this
170 requirement is to ensure that the first phase, and each subsequent phase, can
171 fully function and operate as intended by the development plan in the event that
172 subsequent phases are delayed or abandoned.
173
- 174 d) *Consistency with the GMP.* Development and use of the Property must be
175 consistent with all applicable goals, objectives, policies, and strategies of the
176 GMP, including without limitation Subarea Policy S.40.7. All applicable goals,
177 objectives, policies, and strategies of the GMP, including without limitation

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- 178 Subarea Policy S.40.7 are hereby incorporated into this ordinance as special
179 land development regulations of the Tyson's Corner II Planned Development
180 zoning district.
181
- 182 e) *SPMP approval required.* All development on the property is subject to review
183 and approval by specific parcel master plan pursuant to Chapter 68, Orlando City
184 Code. Minor modifications to design standards may be approved as described at
185 section 68.609(e), Orlando City Code.
186
- 187 f) *Southeast Orlando Sector Plan applicable.* Pursuant to Subarea Policy 40.7 of
188 the GMP and this ordinance, the property is included within the Southeast
189 Orlando Sector Plan and therefore must conform to the applicable land
190 development regulations of Chapter 68, Orlando City Code.
191
- 192 g) *Maximum development program.* Development on the property may not exceed
193 163,000 square feet of commercial use, 288 multifamily units, and 42,000 square
194 feet of public benefit use, except that the 42,000 square feet of available public
195 benefit use may be converted to a non-residential use permitted within the
196 Village Center future land use designation.
197
- 198 h) *Maximum impervious surface ratio.* The impervious surface ratio may not exceed
199 0.85.
200
- 201 i) *Building height.* Buildings may not exceed four stories, except that buildings
202 within 400' of Lake Whippoorwill may not exceed two stories.
203
- 204 j) *Uses.* Land uses on the property must comply with the list of permitted,
205 conditional, and prohibited land uses for the Village Center designation pursuant
206 to Chapter 68, Orlando City Code, and the AC-1/AN zoning district as provided
207 by section 5 of this ordinance. The Village Center designation requires a mixture
208 of land uses on the property. The mixture of land uses shall be reviewed and
209 approved by specific parcel master plan and may take into account uses in the
210 adjacent Tyson's Corner Planned Development. The following uses are also
211 prohibited:
212
- 213 i) Labor pools and labor halls as defined by Chapter 448, Florida Statutes.
214
- 215 ii) Tattoo, body art, and body piercing establishments.
216
- 217 iii) Fortune tellers, tarot card readers, palm readers, psychics, and like uses.
218
- 219 iv) Any business commonly known as a "check cashing" establishment, or any
220 business in which a material part of its service includes offering loans
221 secured by future employment wages or other compensation (often known

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222 as “payday loans,” or “pay day advances”), but not including retail
223 businesses which provide a check cashing service as an incidental part of
224 their business and financial institutions such as banks, credit unions, and
225 trust companies.

226

227 v) Flea markets.

228

229 vi) Bottle clubs, as defined by the Florida Beverage Law.

230

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

235

236 viii) Pawnshop, as defined by the Florida Pawnbroking Act.

237

238 ix) Bail bond agencies, as defined by Chapter 648, Florida Statutes.

239

240 x) Automobile sales and rentals.

241

242 xi) Mobile food vending.

243

244 xii) Parking, principal use.

245

246 xiii) Personal storage.

247

248 xiv) Retail, intensive

249

250 xv) Service, intensive.

251

252 xvi) Service, automotive.

253

254 xvii) Service, major vehicle.

255

256 k) *Existing uses and structures.* Lawfully established uses and lawfully constructed
257 structures on the property as of the effective date of this ordinance are hereby
258 made lawful and conforming to this ordinance.

259

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

261

262 i) At least 32.5’ in the front yard (facing Narcoossee Road). This setback area
263 includes the existing 15’-wide utility easement area, the 7.5’-wide street tree
264 area and 10’-wide landscape buffer yard.

265

- 266 ii) At least 21' from the southern property boundary (the street side yard
267 abutting Tyson Road). This setback area includes the area necessary for an
268 additional travel lane on Tyson Road, a bike lane, sidewalk and 10'-wide
269 landscape buffer yard.
270
271 iii) Between 0' and 3' from the northern property boundary (the side yard).
272
273 iv) A 25' buffer from the property's eastern boundary plus a 20' setback, for a
274 total of 45'
275
276 v) A 100' buffer from the ordinary high water line of Lake Whippoorwill plus a 20'
277 setback, for a total of 120'.
278

279 **2) Urban Design**

- 280
281 a) *Signs.* A sign plan for each specific parcel master plan is subject to review and
282 approval by the City planning official. The planning official shall review and
283 approve, deny, or approve with conditions each sign plan by official letter of
284 determination. The Property must be developed and maintained in accordance
285 with the final approved sign plan or plans. In addition to the applicable sign
286 regulations of Chapter 64 and Chapter 68, Orlando City Code, offsite and pole
287 signs are prohibited on the property, while monument signs are encouraged.
288

289 **3) Transportation**

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291 a) *Pedestrian connections.* The main entrance or entrances of principal buildings
292 facing Narcoossee Road must be oriented toward Narcoossee Road. These
293 entrances must provide a paved pedestrian connection directly to the public
294 sidewalk along Narcoossee Road. These pedestrian connections must be paved
295 to at least 5' in width. Pedestrian connections must connect all buildings to
296 public streets.
297
298 b) *Parking.* Shared parking between the proposed Institutional/Religious and the
299 proposed commercial uses may be approved by specific parcel master plan if the
300 shared parking arrangement is provided by an agreement running with the
301 applicable lands. The terms and conditions of the agreement are subject to
302 review and approval as part of the review and approval of the applicable specific
303 parcel master plans, and such terms and conditions may be approved only if
304 such specific parcel master plan is approved upon a finding that the shared
305 parking arrangement will provide adequate parking for the Institutional/Religious
306 use and the commercial uses.
307
308 c) *Internal street connections.* Street "A" must connect to Tyson Road. Street "A"
309 must also align and connect with the segment of the North/South connector

310 (provided in the Lake Whipoorwill subarea plan) on the adjacent property to the
311 north. Street "B" must connect Street "A" to Narcoossee Road. Streets "A" and
312 "B" may be privately or publically maintained roads, but must be open to the
313 public. Whether public or private, both streets must be built and maintained to the
314 standards of the city's Engineering Standards Manual.
315

- 316 d) *Public sidewalk/multi use path.* A 12' public sidewalk/multi-use path is required
317 on the north edge of the ROW for the length of the property adjacent to Tyson
318 Road. The sidewalk may be meandered as necessary to provide adequate
319 green space for street trees and a grass parkway in addition to the sidewalk.
320
- 321 e) *Connectivity.* In addition to the internal street layout provided on the development
322 plan, the planned development must provide street connectivity with surrounding
323 properties as provided by section 61.221, Orlando City Code.
324
- 325 f) *Bicycle Parking.* Long term and short term bicycle parking spaces shall be
326 provided for employees and others for use as provided by section 61.333,
327 Orlando City Code. The short term bike racks should be placed near the
328 entrance to the building, for use by the general public. The remaining long term
329 spaces may be located within buildings for use by employees. In all instances,
330 the racks shall be located so as not to create conflicts with pedestrians or other
331 vehicles.
332
- 333 g) *Dumpsters.* Dumpsters and compactors must be located to allow direct access
334 without excessive truck maneuvers and must not allow more than 50' of truck
335 backing maneuvers.
336

337 **SECTION 7. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning
338 official, or designee, is hereby directed to amend the city's official zoning maps in
339 accordance with this ordinance.
340

341 **SECTION 8. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
342 errors found in this ordinance by filing a corrected copy of this ordinance with the city
343 clerk.
344

345 **SECTION 9. SEVERABILITY.** If any provision of this ordinance or its
346 application to any person or circumstance is held invalid, the invalidity does not affect
347 other provisions or applications of this ordinance which can be given effect without the
348 invalid provision or application, and to this end the provisions of this ordinance are
349 severable.
350

351 **SECTION 10. EFFECTIVE DATE.** This ordinance is effective upon adoption,
352 except for sections one through six, which take effect on the 30th day after adoption.
353

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354 **DONE, THE FIRST PUBLIC NOTICE**, in a newspaper of general circulation in
355 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
356 _____ day of _____, 2016.

357
358 **DONE, THE FIRST READING**, by the City Council of the City of Orlando,
359 Florida, at a regular meeting, this _____ day of _____, 2016.

360
361 **DONE, THE SECOND PUBLIC NOTICE**, in a newspaper of general circulation in
362 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
363 _____ day of _____, 2016.

364
365 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
366 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City
367 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
368 _____, 2016.

369
370
371 BY THE MAYOR OF THE CITY OF
372 ORLANDO, FLORIDA:

373
374 _____
375 Mayor

376 ATTEST, BY THE CLERK OF THE
377 CITY COUNCIL OF THE CITY OF
378 ORLANDO, FLORIDA:

379
380 _____
381 City Clerk

382
383 _____
384 Print Name

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

390
391 _____
392 City Attorney

393
394 _____
395 Print Name

396
397 ****[Remainder of page intentionally left blank.]****