

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, DESIGNATING CERTAIN
3 LAND GENERALLY LOCATED EAST OF
4 NARCOOSSEE ROAD, SOUTH OF KIRBY SMITH ROAD
5 AND WEST OF LAKE WHIPPOORWILL; AND
6 COMPRISED OF 48.78 ACRES OF LAND, MORE OR
7 LESS AS THE PLANNED DEVELOPMENT DISTRICT
8 ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING
9 A DEVELOPMENT PLAN, A TRIP EQUIVALENCY
10 MATRIX AND SPECIAL LAND DEVELOPMENT
11 REGULATIONS OF THE PLANNED DEVELOPMENT
12 DISTRICT; PROVIDING FOR AMENDMENT OF THE
13 CITY'S OFFICIAL ZONING MAPS; PROVIDING A
14 DISCLAIMER; PROVIDING FOR SEVERABILITY,
15 CORRECTION OF SCRIVENER'S ERRORS, AND AN
16 EFFECTIVE DATE.

17
18 **WHEREAS**, at its regularly scheduled meeting of February 16, 2016, the
19 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),
20 considered zoning application case numbers ZON2015-00052 and ZON2015-00053,
21 requesting an amendment to the City's official zoning maps for approximately 48.78
22 acres of land, generally located east of Narcoossee Road, south of Kirby Smith Road
23 and West of Lake Whippoorwill, and more precisely described by the legal description
24 attached to this ordinance as **Exhibit "A"** for Narcoossee Cove I and **Exhibit B** for
25 Narcoossee Cove II (hereinafter the "Property");

26
27 **WHEREAS**, based upon the evidence presented to the MPB, including the
28 information and analysis contained in the "Staff Report to the Municipal Planning Board"
29 for application case numbers ZON2015-00052 and ZON2015-00053 (entitled "Item #1–
30 Narcoossee Cove I & II"), the MPB recommended that the City Council of the City of
31 Orlando, Florida (the "Orlando City Council"), approve zoning application case numbers
32 ZON2015-00052 and ZON2015-00053 and adopt an ordinance in accordance therewith;
33 and

34
35 **WHEREAS**, the MPB found that application case numbers ZON2015-00052 and
36 ZON2015-0053 are consistent with:

37
38 1. The *City of Orlando Growth Management Plan*, adopted as the city's
39 "comprehensive plan" for purposes of the Florida Community Planning Act, sections
40 163.3164 through 163.3217, Florida Statutes (the "GMP"), including the property's future
41 land use map designation of Urban Village; and

42
43 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
44 of the City of Orlando, Florida (the "LDC"); and

45
46 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
47 best interest of the public health, safety, and welfare, and is consistent with the
48 applicable provisions of the city's GMP and LDC, including the property's future land use
49 map designation of Urban Village; and

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

53
54 **SECTION 1. ZONING MAP DESIGNATION.** After due notice and public
55 hearing, and pursuant to Part 2Q, Chapter 58, Orlando City Code, and other relevant
56 portions of the Orlando City Code, the property is hereby designated as Planned
57 Development district on the city's official zoning maps (to be denoted as "PD" on the
58 official maps of the city), as depicted in **Exhibit C** to this ordinance. This planned
59 development zoning district may be known as the "Narcoossee Cove I and II Planned
60 Development."

61
62 **SECTION 2. AMENDMENT OF OFFICIAL ZONING MAPS.** The city zoning
63 official, or designee, is hereby directed to amend the city's official zoning maps in
64 accordance with this ordinance.

65
66 **SECTION 3. OTHER DEVELOPMENT LAWS.** In accordance with section
67 58.367, Orlando City Code, except as expressly provided in this ordinance, the
68 Narcoossee Cove I and II Planned Development zoning district remains subject to all
69 applicable federal, state, and local laws, and nothing in this ordinance shall be construed
70 to exempt the property from the lawful authority or jurisdiction of any federal, state, or
71 local agency.

72
73 **SECTION 4. 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 AC-1 Community Activity Center District (denoted as "AC-1" on the
76 official maps of the City).

77
78 **SECTION 5. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
79 Development zoning district for the property is subject to the following special land
80 development regulations:

81
82 **1) Land Development**

83
84 a) *Development Plan.* Subject to any modifications expressly contained in the text
85 of this ordinance, development and maintenance of the property must be consistent with
86 the development plans attached to this ordinance as **Exhibit D** for Narcoossee Cove I
87 and **Exhibit E** for Narcoossee Cove II (hereinafter the "development plan"). In the event
88 of a conflict between the text of this ordinance and the development plan, the text of this
89 ordinance shall control. References in this ordinance to lots, parcels, buildings, phases,
90 and other development features refer to such features as identified on the development
91 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, Chapter
95 65, Orlando City Code, respectively. The planning official may also approve minor
96 modifications and design modifications to landscaping, signs, driveway locations and
97 other minor modifications. Additionally, recognizing that development plans can change
98 in small ways between the planning and permitting stages of development, the planning
99 official may approve up to a 10% modification of any applicable numerical development
100 standard if the planning official finds that the proposed modification is consistent with the
101 applicable goals, objectives, and policies of the GMP, is compatible with nearby existing

land uses, would not result in inadequate public facilities, and is otherwise consistent with the public health, safety, and welfare. When approving such a modification of a development standard, the planning official may impose one or more of the conditions of development provided at section 65.334, Orlando City Code, but such condition or conditions must be reasonably calculated to mitigate the identifiable land use impacts of the modified standard.

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.

d) *Consistency with the GMP.* Development and use of the Property must be consistent with all applicable goals, objectives, policies, and strategies of the GMP, including without limitation Subarea Policy S.40.9. All applicable goals, objectives, policies, and strategies of the GMP, including without limitation Subarea Policy S.40.9 are hereby incorporated into this ordinance as special land development regulations of the Narcoossee Cove I and II Planned Development zoning district.

e) *Specific Parcel Master Plan (SPMP) approval required.* All development on the property is subject to review and approval by SPMP pursuant to Chapter 68, Orlando City Code. Minor modifications to design standards may be approved as described at section 68.609(e), Orlando City Code. The SPMP shall be heard by the MPB.

f) *Southeast Orlando Sector Plan applicable.* Pursuant to Subarea Policy 40.9 of the GMP and this ordinance, the property is included within the Southeast Orlando Sector Plan and therefore must conform to the applicable land development regulations of Chapter 68, Orlando City Code. The Southeast Orlando Sector Plan Land Use designations are Village Center for Parcel A, Residential Neighborhood for Parcels B, C, and D, and Conservation for the remainder.

g) *Maximum development program.*

(i) Narcoossee Cove I: Development on the property may not exceed 90,000 square feet of commercial/retail, 30,000 square feet of office, 225 multifamily units and 129 townhome units or an equivalent amount of other uses allowed by the Village Center designation.

(ii) Narcoossee Cove II: Development on the property may not exceed 11,700 square feet of commercial/retail, 2,500 square feet of office and 30 townhome units or an equivalent amount of other uses allowed by the Village Center designation.

h) *Maximum impervious surface ratio.* The impervious surface ratio may not exceed 0.85 for the Village Center area and 0.60 for the Residential Neighborhood Area.

i) *Building height.* Buildings may not exceed four stories, except that buildings within 400' of Lake Whippoorwill may not exceed two stories. Only residential uses are allowed within 400' of Lake Whippoorwill.

j) *Uses (Residential Neighborhood)*. Land uses within the Residential Neighborhood of the property must comply with the list of permitted uses within the Residential Neighborhood designation pursuant to Future Land Use Element Policy 4.1.9 and Chapter 68, Orlando City Code. The allowable land uses within the Residential Neighborhood portion of the property are single family and multi-family residential up to four-plexes; and ancillary dwelling units; parks; golf courses; and residential center.

k) *Uses (Village Center)*. Land uses within the Village Center portion of the property must comply with the list of permitted, conditional, and prohibited land uses for the Village Center designation pursuant to Future Land Use Element Policy 4.1.9, Chapter 68, Orlando City Code, and the AC-1 zoning district as provided by section 4 of this ordinance. The Village Center designation requires a mixture of land uses on the property. The public/civic and public park/green space area within the 100' buffer adjacent to Lake Whippoorwill (as defined by S.40.6) shall count toward the Village Center mix of uses provided there is public access to the area. The mixture of land uses shall be reviewed and approved by specific parcel master plan.

l) The following uses are prohibited:

- i) Labor pools and labor halls as defined by Chapter 448, Florida Statutes.
- ii) Bail bond agencies, as defined by Chapter 648, Florida Statutes.
- iii) Flea markets.
- iv) Automobile sales and rentals.
- v) Tattoo, body art, and body piercing establishments.
- vi) Fortune tellers, tarot card readers, palm readers, psychics, and like uses.
- vii) Any business commonly known as a "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.
- viii) Pawnshops, as defined by the Florida Pawnbroking Act.
- ix) Parking, principal use.
- x) Mobile food vending.
- xi) Bottle clubs, as defined by the Florida Beverage Law.
- xii) 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.

- xiii) Personal storage
- xiv) Retail, intensive
- xv) Service, intensive
- xvi) Service, automotive
- xvii) Service, major vehicle
- m) *Existing uses and structures.* Lawfully established uses on the property as of the effective date of this ordinance are hereby made lawful and conforming to this ordinance. Minor alterations which meet the AC-1 standards are allowed. Any substantial improvements or enlargements shall meet the Planned Development standards.
- n) *Setbacks.* Buildings must be setback from the property boundaries as follows:
 - i) At least 32.5' in the front yard (facing Narcoossee Road). This setback area includes the existing 15' wide utility easement area, 7.5' wide street tree area and a 10' wide landscape buffer yard.
 - ii) At least 20' building setback from the 100' buffer from the mean high water line of Lake Whippoorwill.
 - iii) 0' or 3' minimum to 30' maximum side setbacks from the rural settlement buffer.
 - iv) 0' or 3' minimum to 30' maximum side setbacks
 - v) Proposed setbacks will be reviewed as part of the SPMP.
- o) *Townhome Design.* The site must meet the townhome design standards in Section 58.510-58.513, Orlando City Code. If the site cannot be designed to meet City standards, an alternative development such as multifamily apartments may be required.
- p) *Bufferyards.* The development must be consistent with the bufferyard requirements in Chapter 60, Orlando City Code. The bufferyards adjacent to existing uses shall be established at the SPMP.
 - i) The bufferyard from Orange County properties located within the rural settlement must be at least 25', this occurs on the north of both Narcoossee Cove I and Narcoossee Cove II. If the adjacent properties are annexed or removed from the rural settlement, the buffer may be eliminated, but may be subject to further site plan review or a PD amendment.
 - ii) 100' buffer from the mean high water line of Lake Whippoorwill.
- q) *Lighting.* Site lighting must comply with section 63.400, Orlando City Code. All utilities, including street light poles, shall be kept out of the pedestrian path, and light-emitting diode (LED) lamps are encouraged.

r) Lake Front Trail. An ADA accessible trail shall be developed within the required conservation buffer adjacent to Lake Whippoorwill. The trail must be accessible to the public and privately maintained.

s) Docks. Three docks and one boat ramp are permitted within the Narcoossee Cove I PD, and one dock is permitted within the Narcoossee Cove II PD.

t) Trips. The trip equivalency matrix attached to this ordinance as **Exhibit F** may be used to increase or decrease a land use category by up to 20% of the approved land use program in section (5)(1)(g) herein.

2) Urban Design

a) Urban Design shall meet the requirements of Chapter 68, Orlando City Code.

b) Site Design. The retail on site must be within walking distance of the residential development and the multifamily development must be fully integrated into the site design. Gates and fences are prohibited.

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

3) Transportation

a) North South Road. The cross-section of the north-south road shall include a 6' sidewalk on one side and a 12' multi-use path on the other side. A 10' wide parkway on each side, 2' of curb and gutter on each side, a 7' wide parking lane on each side, 10' wide travel lanes on each side and a single 11' two-way center turn lane/raised median. This results in a combined easement and right-way width of 87'. It is the preference of the City that the 12' wide multi-use trail is located in a 20' City Services Easement. The location of the multi-use trail shall be determined during the SPMP process.

b) *East West Roads*. The east-west roads at median openings and at signalized intersections shall meet the existing cross section design for the existing roads on the west side of Narcoossee Road for at least the distance between Narcoossee Road and the main north/south road described in section (5)(3)(a) above. The remaining east-west roads shall include a 6' sidewalk on both sides, 8.5' of parkway on each side, 2' of curb and gutter on each side, 7' wide parking lanes on each side and 10' wide travel lanes on each side. This results in a total right-of-way width of 67'.

c) Design Speeds. All public roadways shall be designed to a minimum speed of 30 mph. Any deviation from these design criteria shall take into account limitations in roadway geometry, sight line requirements as determined by the Florida Greenbook,

and on-street parking. All variations shall be subject to review by the City transportation engineer, and approval of design variations shall be at the discretion of the City transportation engineer.

d) Cross Access Easement. A cross access easement shall be granted on the east side of Narcoossee Cove II that aligns with the cross access provided on parcels to the south. In addition to the internal street layout provided on the development plan, the planned development must provide street connectivity with surrounding properties as provided by section 61.221, Orlando City Code.

4) Parks.

a) Narcoossee Cove I. A portion of the 4.06 acre, 100' wide public park and green space along the shoreline of Lake Whippoorwill may be used to meet park requirements consistent with Chapter 68, section 68.500 and figure 68-M, Orlando City Code.

b) Narcoossee Cove II. A portion of the 0.28 acre, 100' wide public park and green space along the shoreline of Lake Whippoorwill may be used to meet park requirements consistent with Chapter 68, section 68.500 and figure 68-M, Orlando City Code.

c) Specific park acreage amounts will be determined in conjunction with Specific Parcel Master Plan reviews. Consistent with GMP Recreation Policy 1.1.1, Future Land Use Policies 4.1.13 and 4.1.14, Future Land Use Subarea Policy S.40.6 and Chapter 68, Orlando City Code (Southeast Orlando Sector Plans), specifically section 68.500 and figure 68-M, the developer shall dedicate a total of 3.25 acres of park land per 1,000 population (unit equivalent of 0.0074 acres per residential unit). At least 2.05 acres per 1,000 population shall be in functional community and neighborhood parks, including such amenities as multi-use trails, pool/clubhouse areas, active park space or other use approved in the Narcoossee Cove I and II PD. The remaining 1.2 acres per 1,000 population may be made up of village greens and plazas, conservation buffers and the Primary Conservation Network if such areas are visually accessible by the general public (not in private backyards).

d) Park Land and Design.

- i) Parks shall be prominent within their neighborhoods and easily accessible. All residential units shall be within 0.25 miles of a public park.
- ii) Park land shall have well-drained soils suitable for building and development.
- iii) At least 50% of the perimeter of any park or recreation facility shall be bound by public and private streets (excluding alleys).
- iv) All parks and recreation facilities shall incorporate the principles of Crime Prevention Through Environmental Design (CPTED).
- v) Parks shall be designed and constructed to meet the Americans with Disabilities Act (ADA) requirements and guidelines.
- vi) Parks shall be open to the public and shall not be fenced or gated or otherwise restricted in who has use of them. Portions of parks may be

fenced and gated upon approval by the City planning official if deemed necessary for maintenance or operational requirements.

vii) Residential developers shall be responsible for dedicating the appropriate amount of park land as part of the development approval.

viii) Neighborhood parks shall have vehicular access sufficient for public safety vehicles.

ix) Each phase of development that includes residential shall include sufficient park acreage to meet the neighborhood park level of service standard.

x) Neighborhood parks shall be constructed concurrent with the infrastructure (streets, street lights, etc.), for each development phase.

xi) Neighborhood parks shall be located within a single family or multifamily neighborhood on a neighborhood street.

xii) All sports fields and sports courts, such as tennis and basketball courts, must be constructed with the appropriate sports lighting with restricted controls for maximum use of the facility.

xiii) Parks and other recreation facilities shall undergo specific parcel master plan review by the MPB, with comments from the City Families, Parks and Recreation Department.

xiv) Park and recreation facility amenities shall be provided per the Recreation Element of the City's Comprehensive Plan.

xv) Neighborhood parks shall be constructed when 25% of the residential units in the neighborhood have been constructed.

SECTION 6. DISCLAIMER. In accordance with Section 166.033(5), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the City for issuance of this permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

SECTION 7. 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 8. 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 9. 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 _____, 2016.

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 _____, 2016.

DONE, THE SECOND READING, A PUBLIC HEARING, 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 _____, 2016.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

Print Name

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

City Attorney

Print Name

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