

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED WEST OF NARCOOSSEE ROAD, NORTH OF TAVISTOCK LAKES BOULEVARD, AND SOUTH OF TYSON ROAD AND COMPRISED OF 14.63 ACRES OF LAND, MORE OR LESS, AS THE PLANNED DEVELOPMENT DISTRICT; PROVIDING A DEVELOPMENT PLAN AND SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

**WHEREAS**, at its regularly scheduled meeting of October 20, 2015, the Municipal Planning Board (hereinafter referred to as the "MPB") of the City of Orlando, Florida (hereinafter referred to as the "City"), considered zoning application case number ZON2015-00030, requesting the Planned Development zoning district designation for approximately 14.63 acres of land generally located west of Narcoossee Road, north of Tavistock Lakes Boulevard, and south of Tyson Road, and being more precisely described by the legal description attached to this ordinance as **Exhibit A** (hereinafter referred to as the "Property"); and

**WHEREAS**, zoning application case number ZON2015-00030 requested the Planned Development zoning district for the purpose of permitting the development 37,000 square feet of mixed use development; and

**WHEREAS**, at its regularly scheduled meeting of July 19, 2016, the MPB considered zoning application case number ZON2015-00057, a request to amend ZON2015-00030 to increase the development program from 37,000 square feet to 75,000 square feet; (hereinafter referred to as the "Project"); 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 ZON2015-00057 (entitled "Item #3 – "Blackfin Shoppes" 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**, the MPB found that the project 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 (hereinafter referred to as the "GMP"), including, without limitation, the goals, objectives, and policies applicable to the Property's existing Future Land Use Map designation of Residential Medium Intensity; 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 the project and this ordinance are in the best interest of the public health, safety, and welfare; and

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

**SECTION 1. ZONING DESIGNATION.** 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 the 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 “Blackfin Shoppes Planned Development.”

**SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Blackfin Shoppes 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 and maintenance 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.
- b) *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.
- c) *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.

d) *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. Notwithstanding anything in the Orlando City Code and the GMP to the contrary, the following land uses are prohibited on the Property:

- i. Treatment/Recovery Facilities;
- ii. Tattoo, body art or body piercing establishments;
- iii. Fortune telling, tarot card reading, palm reading and psychic services establishments;
- iv. Check cashing facilities (facilities which deal primarily in the issuance of cash advances based upon the receipt of future wages, commonly known as "payday loans" or "payday advances.");
- v. Funeral home;
- vi. Adult Entertainment;
- vii. Flea Markets;
- viii. Bottle Clubs;
- ix. Car title loan facilities;
- x. Temporary Labor facilities;
- xi. Whole Blood Facilities;
- xii. Wholesale/Warehouse.

e) *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.

f) *Appearance Review.* Appearance Review is required to ensure the Project is developed in general conformance with the approved building elevations and landscaping as proposed during SPMP review.

***Transportation Planning***

g) *Easement Dedication.* A cross access easement to the existing parcel to the north (Lake Nona High School), is required.

**SECTION 5. 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 6. 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 7. 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 8. EFFECTIVE DATE.** This ordinance takes effect when the associated Growth Management Plan amendment for Blackfin Shoppes (Ordinance # 2017-50) becomes effective.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**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 \_\_\_\_\_, 2017.

**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 \_\_\_\_\_, 2017.

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

\_\_\_\_\_  
Print Name

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

202  
203 \_\_\_\_\_  
204 Assistant City Attorney

205  
206 \_\_\_\_\_  
207 Print Name

208 \*\* [Remainder of page intentionally left blank.]  
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