

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE EDUCATION VILLAGE PLANNED DEVELOPMENT ZONING ORDINANCE RELATING TO APPROXIMATELY 220.2 ACRES OF LAND GENERALLY LOCATED WEST OF NARCOOSSEE ROAD, SOUTH OF STATE ROAD 417, NORTH OF TYSON ROAD; PROVIDING AMENDED DEVELOPMENT AND LAND USE PLANS, PROVIDING FOR SEVERABILITY, PERMIT DISCLAIMER, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of July 18, 2017, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered zoning application case number ZON2017-00015, requesting amendments to the Planned Development zoning district for approximately 220.2 acres of land generally located west of Narcoossee Road, south of State Road 417, and north of Tyson Road, and being 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 ZON2017-00015 (entitled "Item #8 –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 requested 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; and

WHEREAS, on September 8, 2014, the Orlando City Council approved the consolidated Education Village PD, referenced as Documentary #1409081203; and

WHEREAS, zoning application case number ZON2017-00015 is requesting an amendment to the Education Village PD to revise the Southeast Sector Plan designation from Village Center to Airport Support District-Medium Intensity for approximately 39.87 acres within the Education Village PD to reduce the residential units by 370 dwelling units, add 350,000 square feet of light industrial uses, and add 75,000 square feet of civic/recreation uses; 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 designations of Urban Village; and

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

SECTION 1. ZONING AMENDMENT. After due notice and public hearing, and pursuant to Chapter 58, Orlando City Code, and other relevant portions of the Orlando City Code, development plans and land development regulations adopted by the Orlando City Council for the Education Village PD on September 8, 2014, (City documentary #1409081203) are hereby amended, as follows:

SECTION 2. SECTION (3), AMENDED. Section (3) of Ordinance No. 2014-32 is hereby deleted and replaced as follows: **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) and Airport Support District-Medium Intensity (denoted as "ASD-1" on the official maps of the City.

SECTION 3. SECTION (4), AMENDED. Section (4) of Ordinance No. 2014-32 is hereby deleted and replaced as follows: **SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned Development zoning district for the Property is subject to the following special land development regulations:

1) Land Development

- f) *Uses.* Land uses on the Property must comply with the list of permitted, conditional, and prohibited land uses for the Village Center and Airport Support District-Medium Intensity zoning districts. The Property must also comply with the mixture of land uses required of the Village Center and Airport Support District-Medium Intensity zoning districts 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. Light Manufacturing, wholesale and warehouse uses are allowed in the Airport Support District-Medium Intensity portion of the PD. However, of these uses, there are some that would not be suitable for the area. The following uses are prohibited:

1. Chemical products manufacturing
2. Truck shop
3. Commercial vehicle storage
4. Commercial vehicle terminals
5. Contractors storage yard
6. Heavy equipment rental
7. Machinery storage
8. Meat and poultry storage
9. Storage yard

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.

h) The development program for the Airport Support District-Medium Intensity portion of the Education Village PD permits the development of up to 350,000 square feet of light manufacturing uses, 400 multi-family residential units, and 75,000 square feet of civic/recreation uses.

SECTION 4. EXHIBIT C, AMENDED. Exhibit C to Ordinance No. 2014-32 (the "Development Plan") is hereby stricken and replaced with **Exhibit B** to this ordinance.

SECTION 5. EXHIBIT D, AMENDED. Exhibit D to Ordinance No. 2014-32 (the "Maximum Development Program") is hereby stricken and replaced with **Exhibit C** to this ordinance.

SECTION 6. PRIOR ORDINANCES. Except as provided in this ordinance, the Property remains subject to all applicable provisions of the Education Village PD Ordinance.

SECTION 7. AMENDMENT OF OFFICIAL ZONING MAPS. The City zoning official, or designee, is hereby directed to amend the City's official zoning maps in accordance with this ordinance.

SECTION 8. 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 9. 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 10. 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 11. 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 _____, 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

ORDINANCE NO. 2017-61

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

231

232

233 _____
Assistant City Attorney

234

235

236 _____
Print Name

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