

1 **AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA,**
2 **AMENDING AND RESTATING THE PLANNED DEVELOPMENT**
3 **ZONING ORDINANCE OF CERTAIN PROPERTY GENERALLY**
4 **LOCATED NORTH AND SOUTH OF LEEVISTA BOULEVARD**
5 **AND EAST AND WEST OF THE CENTRAL FLORIDA**
6 **GREENWAY, COMMONLY KNOWN AS THE BELTWAY**
7 **COMMERCE CENTER AND COMPRISED OF 514 ACRES MORE**
8 **OR LESS; PROVIDING CONDITIONS OF THE PLANNED**
9 **DEVELOPMENT ZONING DISTRICT; PROVIDING FOR**
10 **SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS,**
11 **PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.**
12

13 **WHEREAS**, Beltway Commerce Center CD93, Ltd. (the "Developer") is the Developer of
14 approximately 513.980 acres of real property generally located at the intersection of the Central
15 Florida GreeneWay (SR 417) and LeeVista Boulevard, as more particularly described in **EXHIBIT**
16 **"A,"** attached hereto and incorporated herein (the "Property"); and

17 **WHEREAS**, on November 26, 1991, Orange County (the "County") approved the
18 Development Order for Beltway Commerce Center Development of Regional Impact regarding
19 the Property (O.R. Book 4366, Page 3658); and

20 **WHEREAS**, on August 18, 1992, the County adopted an Amended Development Order
21 for Beltway Commerce Center Development of Regional Impact regarding the Property (O.R.
22 Book 4455, Page 1982); and

23 **WHEREAS**, on February 17, 1998, the County adopted another Amended Development
24 Order for Beltway Commerce Center Development of Regional Impact regarding the Property
25 (O.R. Book 5426, Page 1474); and

26 **WHEREAS**, on or about July 27, 1998, that portion of the Property generally located west
27 of SR 417 and consisting of approximately 61.589 acres, as more particularly described in
28 **EXHIBIT "B-1,"** attached hereto and incorporated herein (the "West Property") was annexed into
29 the City and assigned a PD zoning designation; and

30 **WHEREAS**, on August 4, 2005, the County adopted an Addendum #1 to the Amended
31 Development Order (Approved February 17, 1998) for Beltway Commerce Center Development
32 of Regional Impact (the "DRI Addendum") regarding the Property (O.R. Book 8109, Page 2777);
33 and

34 **WHEREAS**, on or about January 11, 2007, that portion of the Property lying east of SR
35 417 and consisting of approximately 452.391 acres, as more particularly described in **EXHIBIT**
36 **"B-2,"** attached hereto and incorporated herein (the "East Property"), was annexed into the City;
37 and

38 **WHEREAS**, on October 29, 2007, the City adopted the First Amended and Restated
39 Development Order for Beltway Commerce Center Development of Regional Impact regarding
40 the Property (the "DRI"); and

41 **WHEREAS**, the City annexed the East Property in consideration of the terms and
42 conditions of that certain Developer's Agreement recorded among the Public Records of Orange
43 County, Florida at Official Records Book 9050, Page 4510 (the "Developer's Agreement"); and

44 **WHEREAS**, the Property was vested in the City's Transportation Concurrency System,
45 subject to the terms of that certain *Vista East Properties Annexation and Developers' Agreement*
46 dated July 27, 1998, and recorded among the Public Records of Orange County, Florida, at
47 Official Records Book 5540, Pages 3647-3807, as further amended (the "Annexation
48 Agreement"), for 38,941 average daily trips ("ADT's");

49 **WHEREAS**, on April 23, 2007, the Orlando City Council approved that certain major
50 subdivision plat (SUB2007-00019) pursuant to which the Developer dedicated right-of-way to
51 extend LeeVista Boulevard from its current terminus east of SR 417 to Young Pine Road as
52 depicted on the Master Plan (the "LeeVista Boulevard Extension"); and

53 **WHEREAS**, on May 7, 2007, the Orlando City Council approved a certain Master Plan
54 (MPL2007-00003) to allow 667,424 square feet ("SF") of industrial warehouse on a 73.65 acre
55 site in the East Property; and

56 **WHEREAS**, on October 29, 2007, City Council approved an ordinance assigning the
57 Urban Activity Center, Industrial and Conservation Future Land Use Map Designations to the East
58 Property, as well as creation of Subarea Policy S.39.4, regarding land uses allowed on the East
59 Property; and

60 **WHEREAS**, at its regularly scheduled meeting of August 21, 2007, the Municipal Planning
61 Board (the "MPB"), recommended to City Council approval of land use application ZON2006-
62 00060 regarding assignment of a PO zoning designation to the East Property; and

63 **WHEREAS**, on November 12, 2007, the City Council adopted an ordinance assigning
64 PD/AN and PD zoning designations on the East Property and approved a Master Plan in
65 connection therewith; and

66 **WHEREAS**, the Property is located within the Formerly Used Defense Site known as the
67 former Pinecastle Jeep Range. A Qualitative Reconnaissance and Munitions Constituents
68 Sampling Report, dated October 12, 2006, and a Site Inspection Report, dated June 13, 2007,
69 prepared for the Army Corps of Engineers, (collectively, the "Reports") have been prepared in
70 regard to the Property. The Reports conclude that, during the qualitative reconnaissance portion
71 of the investigations, there were no identified munitions and explosives, explosives of concern, or
72 munitions debris located on the Property; and

73 **WHEREAS**, on September 24, 2007, a revised map issued by the U. S. Army Corps of
74 Engineers ("USACE") excluded the Property from the Bomb Target Area of the Former Pinecastle
75 Jeep Range.

76 **WHEREAS**, on June 29, 2010, the Developer submitted a Request to Rescind the Beltway
77 Commerce Center DRI Development Order, which included documentation of completion of the
78 environmental mitigation for the portion of the Project that has been developed. No additional
79 mitigation was required prior to rescission of the DRI Development Order; and

80 **WHEREAS**, on February 25, 2013, the City approved an Order Rescinding the Beltway
81 Commerce Center DRI Development Order, and at the same City Council hearing, determined
82 that this Ordinance, as it may be from time to time amended, will supersede the terms and
83 conditions of the Developer's Agreement and set forth the rights and obligations governing the
84 Project.

85 **WHEREAS**, the Orlando City Council hereby finds that the Planned Development ("PD")
86 is consistent with the intent and purpose of the planned development district zoning designation
87 as established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando City
88 Code"); and

89 **WHEREAS**, the Orlando City Council hereby finds that the PD and this Ordinance are in
90 the best interest of the public health, safety, and welfare, and are consistent with the applicable
91 provisions of the City's GMP, including the applicable goals, objectives, and policies associated
92 with the Property's Future Land Use Map designations of Office Low Intensity, Urban Activity
93 Center, Industrial, and Conservation, and Subarea Policy S.39.4.

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

96 **SECTION ONE. ZONING.** After due notice and public hearing, the zoning designation for
97 the West Property described in **EXHIBIT "B-1"** is hereby established as a PD/AN (Planned
98 Development with the Airport Noise Overlay) District, and the East Property described in **EXHIBIT**
99 **"B-2"** is hereby established as a PD (Planned Development) and PD/AN (Planned Development
100 with the Airport Noise Overlay) District. The Airport Noise Overlay District and associated
101 regulations are set forth in Section 2R and Section 2S of the Orlando City Code.

102 **SECTION TWO. OTHER DEVELOPMENT LAWS.** In accordance with section 58.367,
103 Orlando City Code, except as expressly provided in this Ordinance, the Beltway Commerce
104 Center PD zoning district remains subject to all applicable federal, state, and local laws, and
105 nothing in this Ordinance shall be construed to exempt the Property from the lawful authority or
106 jurisdiction of any federal, state, or local agency. Approval by the City of an SPMP (as hereinafter
107 defined), engineering plans, plats, or building permits is evidence that the applicable plan is
108 compliant with this Ordinance and all applicable provisions of the Orlando City Code.

109 **SECTION THREE. CONDITIONS OF THE PLANNED DEVELOPMENT.**

110 **A.** The PD/AN zoning district for the West Property establishes this area exclusively as Wetlands
111 Conservation in accordance with the PD Master Plan attached hereto as **EXHIBIT "C"** and
112 incorporated herein.

113 **B.** The PD/AN and the PD zoning district for the East Property is subject to the following
114 conditions:

115 **I. GENERAL DEVELOPMENT REQUIREMENTS.**

116 1. *Development Elements and Composition.*

- 117 i. Subject to any modifications expressly contained in the text of this Ordinance,
118 development and maintenance of the East Property must be consistent with the PD Master

Plan attached to this Ordinance as **EXHIBIT “C”**. In the event of a conflict between the text of this Ordinance and the Master 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 Master Plan.

- ii. Development shall consist of the following, unless the equivalency matrix conversion factors attached hereto as **EXHIBIT “D”** are used to alter this development program:

Commercial	160,000 SF
Office	550,000 SF
Industrial/Warehouse	1,550,000 SF
Residential (Attached and Detached)	500 Dwelling Units
Public Benefit Use	Per Equivalency Matrix
Hotel	Per Equivalency Matrix

(Commercial shall include big box retail; Industrial/Warehouse shall include office/warehouse, warehouse and flex space uses; Residential specifically addresses detached single family residential units and attached townhome units.)

2. *Trips.*

Based on ITE Trip Generation, 9th ed. rates, 5% internal capture for all land uses as stipulated in the Vista East Annexation Agreement, and 10% pass by trips for Commercial uses, the development program cannot exceed 38,941 ADT. An exchange of the approved land uses may be requested of the City by using the equivalency matrix conversion factors attached hereto as **EXHIBIT “D.”**

3. *Matrix Conversion.*

Exchanges shall not allow land uses to be traded between phases or to parcels that are not authorized by the City’s Growth Management Plan to have the proposed use. Additionally, the change must address changes to potable water usage and identify if the potable water capacity and allocation under the applicable consumptive use permit are available.

4. *General Permitted Uses.*

Permitted uses specifically include office and commercial uses on Site B; office uses on Sites A, H-1 and H-3; industrial uses (including, office/warehouse, warehouse and “flex space” uses) on Sites A, H-1, H-3, and G; and single family detached and attached (townhome) residential uses on Sites C, D, E, and F as depicted on the Master Plan; provided that such uses will not be permitted in the wetland conservation areas. Additional permitted uses may be allowed, if they are not prohibited under Subsection Three B.I.6. herein, and if consistent with the site’s default zoning district, as determined through a planning official Determination.

5. *Specific Uses- Public Benefit Uses.*

Public Benefit Use and Hotels are permitted uses on Site B consistent with using a conversion factor based upon trip generation and, as permitted by applicable the Land Development Code.

6. *Prohibited Uses.*

The following uses shall be prohibited on the property:

- i. Adult entertainment establishments.
- ii. Private bottle clubs, as defined by the Florida Beverage Law.

- iii. New or used mobile home sales.
- iv. Massage Parlors.
- v. Bail bond agencies, as defined by the Chapter 648, Florida Statutes.
- vi. Labor pools and labor halls, as defined by Chapter 448, Florida Statutes.

7. *Default Zoning Districts.*

For any requirements not specifically addressed in this Planned Development for sites as shown on the Master Plan, the uses and regulations of:

- i. AC-2 (Urban Activity) zoning district shall apply to Site B.
- ii. R-3A (Residential Low Intensity Development) zoning district shall apply to residential development less than 12 du/ac., O-1 (Office and Residential) zoning district shall apply to all development greater than 12 du/ac., in the Office Low Intensity Future Land Use areas in Sites C, D, E, and F.
- iii. I-P (Industrial Park) zoning district shall apply to Sites A, H-1, H-3 and G.
- iv. C (Conservation) zoning district shall apply to the wetland conservation area(s), as depicted on the Master Plan.

8. *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 signs, landscaping, driveway locations and other minor changes.

Additionally, recognizing that development plans can change in small ways between the planning and permitting stages of development, the planning official may approve up to a 10% modification of any applicable numerical development standard if the planning official finds that the proposed modification is consistent with the 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.

9. *Specific Parcel Master Plan ("SPMP").*

Specific site development shall be subject to review and approval through the SPMP process. SPMPs are subject to review and approval for compliance with this Ordinance and applicable provisions of the Orlando City Code by the Municipal Planning Board and the Orlando City Council prior to issuance of any building permit for the respective parcel. The property must be developed and maintained in accordance with the respective approved SPMP.

10. *Phasing.*

The Beltway Commerce Center 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 one another and to individually meet the requirements of the Orlando City Code.

The purpose of this requirement is to ensure that each phase can fully function and operate as intended by the Master Plan in the event that subsequent phases are delayed or abandoned.

11. Consistency with the Growth Management Plan (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.39.4.

12. Residential Connectivity Index Requirements.

In accordance with section 61.221(e), Orlando City Code, development shall provide a minimum connectivity ratio of 1.4 (links over nodes), where each street and cul-de-sac is counted as one link, and each intersection and end of a cul-de-sac is counted as one node. Alleys count as a street for the purposes of this evaluation. The analysis shall be done at each SPMP to ensure this condition is cumulatively met at the overall Project level. The connectivity index shall be met to the greatest extent possible and site constraints will be taken into consideration when the evaluation is conducted.

13. Maximum Block Size.

The development shall provide a local street connection spaced at intervals not to exceed 660 feet along each boundary that abuts land that may be developed or redeveloped. On each boundary of less than 660 feet, a vehicular and pedestrian cross access easement shall be dedicated to the City to create a network of driveways that connect to a side street. Maximum block size must be met to the greatest extent possible. Site constraints will be taken into consideration when this evaluation is conducted.

II. RESIDENTIAL DEVELOPMENT REQUIREMENTS.

A. Orange County Public Schools.

The type and amount of all residential units shall be in compliance with the applicable Orange County Public School Capacity and Concurrency requirements and related agreement(s), as it or they may be amended from time to time.

B. Residential Building Design and Related Site Standards.

1. General Requirements.

Lot sizes and building designs should be varied to avoid a monotonous streetscape. Specific residential elevations shall be approved through the planning official Determination process. The following standards apply to single family detached and townhome dwellings:

- i. At least 3 distinct models with at least 3 alternate elevations for each such model must be provided.
- ii. Identical single family homes may not neighbor each other and may not face each other from across the street unless at least three of the following architectural elements are varied from each other:

- (a) Roof style.
- (b) Exterior color and material.
- (c) Architectural banding, trim, or cornice detail.
- (d) Window trim, the number of mullions or muntins, or shutters;
- (e) A covered entryway or front porch design; or
- (f) Change of façade material.

- iii. Townhome clusters in a neighborhood must have 3 different architectural elevations.
- iv. All townhome units in the PD shall be rear-loaded and accessed by an alley.
- v. Alleys are required for detached single family units where the lot width is less than 50 feet. Through the SPMP process an alternate design standard may be approved for a limited number of front-loaded lots where a wetland or other site limitation creates a need for lots less than 50 feet wide.
- vi. Typical residential development standards are provided in the table (below). Actual dimensions for each lot and product type shall be established during SPMP review.

Table 1. Residential Development Standards

Product Type	Minimum Lot Width (1), (10)	Minimum Lot Depth	Minimum Street Frontage (2)	Front Yard Setback	Rear Yard Setback (3)	Side Yard Setback	Street Side Yard Setback (6)	Maximum Building Height – Stories (4)	Maximum ISR
SF Detached Front Load	50 ft.	100 ft.	25 ft.	16 ft. (5) (6)	15 ft.	5 ft.	15 ft.	3 stories	70%
SF Detached Rear Load	30 ft.	100 ft.	25 ft.	16 ft. (6)	5 ft. or greater than 16 ft. (8), (9)	5 ft. (9)	15 ft.	3 stories	70%
Townhome Rear Load	18 ft.	80 ft.	18 ft.	16 ft. (6)	5 ft. or greater than 16 ft. (8), (9)	0 ft. (7)	15 ft.	3 stories	90%

Reference Notes for Table 1. Residential Development Standards.

(1) Corner lots must be 10 feet wider than the rest of the lots on the block to accommodate the street side yard setback.

(2) Flag lots are prohibited.

(3) Rear yard building and accessory building setback for lots abutting upland buffer areas will be 15 feet. This building setback does not include accessory uses such as pools, pool enclosures/screens, patios, decks. The setback for these accessory uses shall be a minimum of 5 feet from the rear lot line.

(4) Story is defined as that portion of a building included between the surface of any finished floor and the surface of the next finished floor above it. If there is no floor above it, then the space between the floor and ceiling above it, unless this space is less than 5.5 feet in height. Wherever the height between two finished floors (or finished floor and ceiling) exceeds 25 feet, each height of 15 feet or portion greater than 5.5 feet will be considered one story.

(5) The garage of front-loaded units must have a minimum setback of 24 feet from the right-of-way line and may not project more than 5 feet in front of the front façade.

(6) Open air front porches may encroach up to 6 feet into the front yard setback and street side setback, provided that the porch has a useable floor depth of at least 6 feet free of columns and other obstructions.

(7) Minimum side yard setback for townhome end units is 5 feet.

(8) Rear yard fence setback is 5 feet off of an alley; provided sight line requirements are met.

(9) May be reduced to 4 feet for lots less than 35 feet wide, if gutters are provided.

(10) 45-foot wide lots may be approved for a limited number of lots through the SPMP process.

(End of notes.)

- vii. The façade(s) facing the front yard, street side yard, alley side yard and/or open space tract must be at least 15% transparent for each story below the roofline. Windows shall be included in all garage doors. Authenticity of window scale or style must be appropriate for the style of house and taken into consideration for the corner side, alley or open space elevation. Transparency is to be calculated based on linear feet of air conditioned living space and an 8-foot floor-to-ceiling height, unless the actual floor-to-ceiling height is less than 8 feet.
- viii. The architectural details and exterior finish materials for units on corner lots, alley corner lots or open space facing lots must be similar to the front façade on the entire street-side, alley side, or open space facing elevations. However, the planning official Determination process may find that some additional architectural detail needs to be added to the street side of garage areas in lieu of windows (*i.e.*, shutters, Bahama shutters, colored panels or similar treatments).
- ix. Building foundations for the front façade must be elevated at least 18 inches above the crown of the road by incorporating either a raised concrete pad, a raised wood joist floor with perimeter foundation, grading, or a combination of the above.
- x. Front doors must face the street. Rear-loaded units must have direct pedestrian walkway access to the sidewalk, and the walkway must be at least 3 feet wide. Front-loaded units must have pedestrian access from the front door to the sidewalk or the driveway. The sidewalk must be a minimum of 3 feet wide.
- xi. Front-loaded garages may not comprise more than 50% of the building's linear front façade based on the interior width of the garage, except on lots less than 50 feet wide.
- xii. Building on front-loaded single family lots of less than 50 feet in width and that have a two-car garage must: a) be 2 stories tall with living space above the garage; or b) If 1 story tall, be located on a lot at least 45 feet wide and incorporate windows into the garage doors.
- xiii. For front-loaded garages, single garage doors may not exceed 16 feet in width. If the garage opening is wider than 16 feet, the garage must have 2 distinct doors separated by a post at least 1 foot in width or an architectural door treatment that creates the same visual effect. Three-wide garage bays with doors are prohibited on front-loaded lots.
- xiv. Driveways for front-loaded lots may not exceed 18 feet wide at the street right-of-way (the throat). Driveways may be widened to a maximum width of 20 feet as measured 5 feet back from the property line.
- xv. For corner-lots on rear-loaded blocks, a 3-foot tall continuous hedge or street wall must run from the rear of the lot's building to the rear lot line. The purpose of this requirement is to shield parked cars in rear-loaded driveways from view of the side street. The hedge or wall shall be delineated on the parcel site plan of the building permit package.
- xvi. Privacy fencing and Crime Prevention Through Environmental Design ("CPTED") compliant fencing are both permitted in rear yards. Chain-link fences are prohibited.
- xvii. The principal façades of townhomes must exhibit a variety of architectural details, including without limitation, window banding, wainscoting, and variable porch designs and columns, color schemes, and rooflines.
- xviii. Mechanical equipment for residential units may not be located in the front or street side yard of a unit and must meet the following additional standards:
- (a) Mechanical equipment may not be located any closer than 40 feet from the front property line.
 - (b) Mechanical equipment for residential units with a side yard setback of less than 5 feet shall be located in the rear yard of the lot.

- (c) Mechanical equipment and associated screening should be shown on the parcel site plan, in the building permit process.
- (d) All other aspects of the Orlando City Code for mechanical equipment shall apply.

2. *Additional Site Planning Requirements.*

The following details general requirements:

- i. Any canopy trees installed in the public right-of-way in a planting area that is less than 10 feet in width (or on private property less than 5 feet from public sidewalks) must be installed with appropriate techniques to protect sidewalks, curbs, and infrastructure. Such techniques may include structural soil, pavement-supporting structures, root tunnels, and root barriers, and must be approved by the Appearance Review Official, at time of permitting.
- ii. Existing trees (not including those classified as invasive, exotic species) must be preserved to the extent practical. The placement of underground utilities, including irrigation, within the drip-lines of existing trees to be preserved must be done by means of tunneling rather than trenching.
- iii. Any plants identified as a Category I invasive exotic species by the Florida Exotic Pest Plant Council must be removed.
- iv. Tree clearing (excluding the clearing of invasive exotic species) must not commence on any development site until any required Master Plans, Specific Parcel Master Plans, Conditional Use Permits, final site plans, and variances have been approved, and applications for full site and building development permits have been submitted for review. Contact the City Parks Division arborist prior to any clearing or tree removal.
- v. Canopy street tree planting must be completed along all roadway frontages abutting all sites. The street trees must be installed in accordance with the Orlando City Code. In locations where installation of street trees within the street right-of-way or a City services easement is infeasible, the trees must be installed on the site within 10 feet of the right-of-way.
- vi. Landscaping of single family and two family residential lots must comply with Section 60.223 of the Orlando City Code. Landscaping themes should be consistent within each residential neighborhood site.
- vii. Rear-loaded residential lots must have a continuous row of evergreen shrubs between the driveway and the side street, with allowances for driver's clear sight lines.
- viii. Townhome sites must meet the requirements of Chapters 60 and 61, Orlando City Code pertaining to multi-family landscape standards. Because this is a Planned Development, it is required that the Development Factor used in determining the Minimum Required Landscape Score ("MRLS") is 0.5 point higher than would be required for the same land use when not in a Planned Development.
- ix. Common area and open space landscape plans shall be included with each SPMP.

3. *Landscaping, Water Reduction and Wildlife Retention.*

- a. To minimize dependence on ground irrigation and to promote retention of wildlife habitat, xeriscape principles of native vegetation (consistent with the SJRWMD protocols) shall be utilized in landscaping to the maximum extent possible.
- b. Ecologically viable portions of mature upland plant communities shall be preserved and maintained in their original state to the greatest extent practicable.

c. To ameliorate the appearance of stormwater ponds in residential areas, native vegetation plantings (a minimum of 15% of shoreline surface area) shall be planted around the perimeter of the ponds, consistent with Chapters 60 and 61.

4. *Bufferyards.*

All residential development shall meet the bufferyard requirements of Chapter 60, Orlando City Code.

5. *Lighting.*

Lighting should incorporate CPTED standards and be consistent with sections 63.400-408, Orlando City Code. LED lighting is encouraged.

6. *Public Realm and Pedestrian System.*

- i. A complete pedestrian circulation plan must be provided that links all residential lots with continuous pedestrian walkways. A minimum 3-foot wide pedestrian pathway must connect from the principal building entrances to public sidewalks.
- ii. Whenever possible, natural features shall terminate vistas.
- iii. Retention ponds should be designed to serve as visual amenities and may include minimum 5-foot wide pedestrian paths with hard surface or mulch, hardscape multi-use trails and benches and bike racks.
- iv. Each neighborhood is encouraged to have a large gazebo, designed using CPTED best practices, and strategically located in an open space and under HOA control, to allow neighborhood gatherings and may include tables, benches, and other amenities.

7. *Signs.*

Neighborhood Sites C, D, E, and F may each have a neighborhood entryway monument sign of up to 6 feet in height and up to 20 feet in area at the entry way of the neighborhood.

C. Park Design Standards.

1. *Establishment of Park Space.*

Consistent with the City of Orlando's GMP Recreation and Open Space Element, open spaces, such as parks, playgrounds, squares, and greenbelts shall be located at accessible locations throughout the residential portion of the development. Parks should be the focus for public activity. They should be convenient and comfortable for walking, and development should front and be focused toward active open spaces.

While a minimum amount of park land is required, the developer is encouraged to introduce additional recreational space including trails, community gardens/orchards as well as dog runs/parks to encourage neighborhood activity. To be consistent with the City's Park's Level of Service (LOS) standards, the Developer shall be required to construct park land consistent with level of development and according to the following multiplier of a 0.0015 acre per residential unit.

2. *Trails.*

Paved trails shall not be counted toward community park LOS, but they may count toward Neighborhood Park LOS up to a maximum of 25% of the minimum required neighborhood parks.

3. *Park Land.*

Land used for stormwater retention, drainage structures or wetlands will not be counted towards park land requirements. Open spaces designated Conservation on the Future Land Use Map will not count toward meeting the required park acreages. Land used for dump sites or previous uses that produced contaminants or potentially unsafe conditions will not count toward required park acreages.

2. Parks and SPMP Review.

Parks and other recreation facilities shall undergo SPMP review by the MPB, with comments from the City Families, Parks and Recreation Department.

3. Private Park Standards.

All private parks and open spaces shall meet the following standards:

- i. Parks shall be designed and constructed to meet the Americans with Disabilities Act ("ADA") requirements and guidelines.
- ii. All parks and recreation facilities shall incorporate the principles of CPTED.
- iii. Parks being constructed to meet adopted LOS shall meet the following standards:

- (a) At least 50% of the perimeter of any park or recreation facility shall be bound by public streets or building frontages to allow ample views into the park for security reasons. Should the Property Owner propose an alternative, it will be reviewed and approved/disapproved by City Families, Parks and Recreation Department and Orlando Police Department on a case-by-case basis as part of an SPMP submittal.
- (b) Park land must have well-drained soils suitable for building and development. Wetlands and other questionable land will not be accepted. City Families, Parks and Recreation Department shall approve locations and configurations.
- (c) Parks shall be open to the public and shall not be 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.
- (d) 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.

- iv. The required neighborhood parks shall meet the following criteria:

- (a) Neighborhood parks shall be located within 200 feet of single family detached or attached (townhome) dwelling units.
- (b) Neighborhood parks shall be located within a single family or attached residential neighborhood on a neighborhood street.
- (c) Neighborhood parks shall have vehicular access sufficient for public safety vehicles.
- (d) Each phase of development that includes residential uses shall include sufficient park acreage to meet the neighborhood park level of service standard. Excess acreage within any one neighborhood may be used towards fulfilling the minimum neighborhood park acreage requirements for

future phases within the neighborhood it is intended to serve if the excess acreage is within 0.25 miles of all residences in the service area. All residential neighborhoods shall have at least one park within the boundary of that neighborhood, sized appropriately for the residents in that neighborhood. Residents of any neighborhood should not have to cross any road larger than 2 lanes with a posted speed limit greater than 25 mph to access their neighborhood park. For neighborhoods in excess of 75 lots, a tot lot/playground shall be included in a neighborhood park that serves that neighborhood.

- (e) Neighborhood parks shall be constructed concurrently with the construction of the neighborhood they serve and shall be completed by the Developer when 25% of the residential units in each neighborhood or phase has been constructed. Neighborhood parks are to be privately owned, developed and maintained by the Developer, community development district ("CDD"), homeowners' association ("HOA") or other association, but must remain open to the neighborhood residents.
- (f) Additional parks, open spaces and passive recreation areas may be constructed subject to review for conformance with CPTED principles.
- (g) Neighborhood parks are not eligible for impact fee credits.

III. NON-RESIDENTIAL DEVELOPMENT REQUIREMENTS.

A. Specific Development Standards Applying to Commercial, Hotels, Public Benefit Uses, Office and Mixed-Uses.

1. Applicability of Standards.

These standards apply to commercial uses as well public benefit uses, office and mixed-use uses and are not applicable to residential or industrial uses. Building setbacks, floor area ratio ("FAR"), height limits, impervious surface area ("ISR") requirements and other development standards not identified in this PD shall default to the underlying zoning district specified in Subsection Three B.1.7. herein or as determined by the planning official or through the SPMP process.

2. Building Features Orientation.

Front door orientation toward the street is required. At least one public pedestrian entrance of all principal structures must be oriented toward a primary street, prioritizing LeeVista Boulevard, then Road A and Road B. If there is not a primary street nearby, then entrances shall be oriented toward internal road networks to create the shortest pedestrian path toward the nearest public street. Vehicular openings such as those for non-residential garages and carports, do not constitute public entrances.

3. Drive-throughs.

Drive-throughs must be located on the sides or the rear of a building. The design and location of drive-throughs must be reviewed through the SPMP process to minimize their visual impacts to LeeVista Boulevard and Road A.

4. Pedestrian Connections.

Pedestrian Connections from the building to the street are required. Direct pedestrian access must be provided from the principal entrance of the building to the sidewalk on the closest public right-of-way. Pedestrian access must be provided from the rear parking facilities to the ground floor uses, either through rear building entrances, pedestrian ways along the perimeter of

buildings, or by pedestrian throughways which connect the rear parking lots to the sidewalks along the front street. Pedestrian throughways may be exterior and located between buildings or may be incorporated into the interior design of a structure. Pedestrian throughways must be a minimum of 5 feet wide.

5. Commercial Parcel SPMPs.

SPMPs on commercial parcels should consider including vehicular access to the adjacent residential parcels and provide logical transition in scale and massing from commercial or mixed uses adjacent to residential areas.

6. General Requirements.

The following requirements apply to all non-residential and non-industrial development.

- i. The maximum building setback along the primary street frontage is 20 feet. An additional setback for a plaza area, outdoor dining areas, or other pedestrian-oriented outdoor space may be permitted as part of the SPMP.
- ii. No more than a full bay of parking (drive-aisle plus parking on one or both sides) may be located between the front of the building and the street.
- iii. Common aesthetic architectural features shall be included on the buildings front and sides.
- iv. The ground floor building wall must contain a minimum of 30% of transparent materials facing the primary street, and 15% of transparent materials facing any secondary streets. The transparent area shall be located between three and seven feet measured from ground level. Clear glass (or Low-E with minimum 60% transmittance) will count toward transparency. Reflective glass, spandrel glass, and glass block are not permitted as transparent materials. Transparent materials on walls not parallel or approximately parallel to the street and on doors shall not be counted toward the minimum transparency requirement. Service doors shall include safety windows to allow for passive monitoring.

7. Commercial Active Uses.

At least 51% of the ground floor of a commercial building's primary street frontage on Site B must be occupied with active uses including light retail, eating and drinking, and other uses as approved in an SPMP. Parking garages do not count toward the active use area requirement.

8. Personal Storage Facilities.

Personal storage facilities are allowed on Site B through a Conditional Use Permit ("CUP") review process, consistent with section 58.770-774, Orlando City Code.

B. Specific Development Standards Applying to Industrial Uses.

1. Applicability of Standards.

These standards apply to industrial uses. Building setbacks, FAR, height limits, ISR requirements and other development standards not identified in this PD shall default to the underlying zoning district specified in Subsection Three B.1.7. herein or as determined by planning official Determination or SPMP process.

2. Appearance Review.

Appearance Review is required prior to application for industrial/warehouse building permits.

3. Architecture.

The following details industrial architectural standards:

- i. For industrial building façades, a base, middle, and top must be expressed, with materials, finishes, and details wrapped on all façade corners to a logical architectural end point.
- ii. Primary pedestrian entries must be clearly expressed and highlighted, and recessed or framed by a sheltering element such as an awning, arcade, porch, portico, or canopy.
- iii. A minimum of 30% transparency required on the LeeVista Boulevard façades for the ground floor (from exterior grade to 14 feet above grade). A Minimum of 15% of building transparency is allowed on all other façades facing a right-of-way (Road B, GreeneWay). Ground floor glass within lobby areas and office areas of the buildings must be clear on all façades (minimum of 80% light transmittance), or low-e glass with a minimum light transmittance of 60%.
- iv. Building façades (excluding loading area façades) must be articulated at least every 100 linear feet with projections, recesses, façade/parapet height changes, windows, colors, material changes, score lines, canopies, arcades, architectural details, or combinations thereof, and evaluated for appropriateness and compliance during the appearance review.
- v. Architectural details and forms must be authentic to and consistent with the architectural style chosen for the individual building.
- vi. Changes in parapet height must incorporate returns from the façade, to give the impression of architectural depth and mass.
- vii. A landscape buffer averaging at least 15 feet in width, where no section is less than 10 feet in width, at certain points as identified on the SPMP site plan between the SR 417 (Central Florida GreeneWay) right-of-way and the industrial site vehicular areas. The landscape buffer must be evergreen, opaque, and continuous. Plants used must include both understory and canopy trees of species selected to grow to varying heights. The landscape buffer will be evaluated during the appearance review for compliance. Other landscape perimeters must comply with Chapter 61 of the Orlando City Code and I-P default zone requirements.
- viii. Buildings on Site A shall be setback a minimum of 35 feet from Road B back of curb.

4. *Building Orientation.*

Each building must have a pedestrian entrance oriented directly (parallel) to the public or private street. Parcels abutting public street rights-of-way must be designed to have buildings with primary façades oriented toward the street. The number and location of entrances and associated 5-foot wide connected walkway system shall be determined at time of SPMP. As it concerns Site A, any industrial building greater than 800 feet in length which fronts along LeeVista Boulevard shall have, at a minimum, 2 entrances and a 5-foot wide walkway system connecting to public street rights-of-way.

5. *Other.*

Industrial/warehouse development may allow ancillary retail uses, not to exceed 10% of the gross building area, and which are consistent and compatible with the primary use (*i.e.*, showroom for building contractors and clients. This use requires approval through the planning official determination process.

C. **Other Non-residential Standards**

1. *Applicability of Standards.*

These standards apply to industrial as well as commercial, hotel, public benefit uses, office and mixed-use uses but are not applicable to residential uses.

2. Dumpsters.

Any dumpsters within the loading zone areas in Industrial sites only must be appropriately sited to ensure screening from off-site locations, and shall include enhanced landscaping at the ends of loading zone areas to mitigate the potential views of the dumpsters and loading areas. Any common dumpster corrals and/or trash compactor corrals not located within the loading zone areas must be screened with solid walls to match the principal structure. Unfinished concrete or stucco are not acceptable exterior finishes. Durable, opaque, decorative gates must be installed to coordinate with principal structure. The tops of dumpster and compactor enclosures must be finished with a capstone, coping, masonry course, or similar architectural detail such as beveled edges and reveals. A landscape screen including a low hedge and groundcover is required around the base of the enclosure.

3. Signs.

- i. Separate Master Sign Plans are required for the commercial site (Site B) and for the existing and proposed industrial uses (Sites A, H-1, H-3 and G) to ensure consistent signage of high quality across all pertinent parcels. No sign will be permitted until the Master Sign Plan for the applicable site has been approved. The following shall be addressed as part of these two Master Sign Plans:

- (a) Any high-rise signs must be oriented away from residential neighborhoods.
- (b) Signs must be made of durable materials. Channel letters, halo-lit signs, externally lit, or metal faces with push through acrylic letters, front and back-lit channel letters, and signs of similar quality are acceptable. Plastic cabinet signs are prohibited. Ground signs and monument signs are allowed where approved in the master sign plan. Pole signs are prohibited.
- (c) Monument signs cannot exceed 15 feet in height for industrial Commerce Center signs. Wall signs must be placed appropriately and proportionately to the wall space and architectural features of the façade.
- (d) LED lamps are preferred.
- (e) Off-site signs are prohibited.
- (f) Shopping Center signs on Site B shall be limited to a maximum of 20 feet in height consistent with the Sign Code. Individual monument signs shall be limited to 10 feet in height.
- (g) All other proposed signage shall be reviewed as part of the Master Sign Plan process.

4. Non-Residential Loading Area Screening.

Loading docks must be adequately screened from public streets; enhanced landscaping including trees, shrubs, and groundcovers may be required, especially as it concerns potential views from the GreeneWay and public rights-of-way into the loading areas.

5. Site Improvements.

- i. Except where otherwise required or approved in site specific reviews, any fencing along public rights-of-way must be open, CPTED-approved fence, such as aluminum or

wrought-iron picket fencing. Any chain link fencing on site must be 6-gauge vinyl-clad black fencing, with top and bottom rails.

- ii. Screen walls may be required in some cases, depending upon building and site layout, and exposure to rights-of-way and residential neighborhoods. Some screen walls may involve combinations of fence and opaque walls.
- iii. A complete pedestrian circulation plan must be provided that links all parcels with continuous pathways. A minimum 5-foot wide pedestrian pathway must connect from the principal building entrances and exits to the sidewalks.
- iv. Internal private streets must be designed for the appearance of a public street, with sidewalks, curbs, and street trees.

6. *Mechanical Equipment Screening.*

Screening of mechanical equipment shall be provided consistent with section 58.982, Orlando City Code.

7. *Landscaping - General.*

- i. Any canopy trees installed in the public right-of-way in a planting area that is less than 10 feet in width (or on private property less than 5 feet from public sidewalks) must be installed with appropriate techniques to protect sidewalks, curbs, and infrastructure. Such techniques may include structural soil, pavement-supporting structures, root tunnels, and root barriers, and must be approved by the Appearance Review Official at time of permitting.
- ii. Any plants identified as a Category I invasive exotic species by the Florida Exotic Pest Plant Council must be removed.
- iii. Tree clearing (excluding the clearing of invasive exotic species) must not commence on any development site until any required master plans, specific parcel master plans, conditional use permits, final site plans, and applications for full site and building development permits have been approved, as per the Orlando City Code. Contact the City Parks Division arborist prior to any clearing or tree removal.
- iv. Canopy street tree planting must be completed along all roadway frontages abutting all sites. The street trees must be installed in accordance with the Orlando City Code. In locations where installation of street trees within the street right-of-way or a City services easement is infeasible, the trees must be installed on the site within 10 feet of the right-of-way.
- v. Commercial, office, industrial, recreational, and institutional sites must meet the requirements of Orlando City Code Chapters 60 and 61. Because this is a Planned Development, the Development Factor to be used in determining the Minimum Required Landscape Score ("MRLS") is 0.5 point higher than would be required for the same land use when not in a Planned Development.
- vi. Common area and open space landscape plans must be included in each SPMP.

8. *Landscaping - Water Reduction and Wildlife Retention.*

To minimize dependence on ground irrigation and to promote retention of wildlife habitat, xeriscape principles of native vegetation (consistent with the SJRWMD protocols) shall be utilized in landscaping to the maximum extent possible. Ecologically viable portions of mature upland plant communities shall be preserved and maintained in their original state to the greatest extent practicable.

9. *Lighting.*

- i. All utilities, including street light poles, shall be kept out of the pedestrian path.
- ii. Outdoor lighting must comply with Chapter 63, Part 2M, Orlando City Code.
- iii. White LED lamps are encouraged.
- iv. House-side shields are required to deflect light spill away from residential neighborhoods.
- v. Security lighting may not be substituted for parking lot or pedestrian lighting fixtures, and are restricted to service, storage, loading, and similar uses.
- vi. Lighting under awnings, canopies, porte-cocheres, and similar structures, should be recessed into the structures. If not recessed, the lamp and housing fixtures must comply with the requirements of outdoor lighting in Chapter 63. No lamp may be lower than the housing shields.

10. *Bufferyards.*

All non-residential development shall meet the bufferyard requirements of Chapter 60, Orlando City Code unless otherwise addressed herein.

IV. TRANSPORTATION NETWORK REQUIREMENTS1. *Roadway Cross Sections.*

Cross sections are included in **EXHIBIT "E."** The City reserves the right, through coordination with the Developer, to adjust framework streets and street cross sections at time of SPMP approval to provide a design more consistent with the needs of both the future residents of the development and the needs of the City. This would include the addition of interior network roads.

Consistent with **EXHIBIT "E,"** all local streets will include a minimum of 60 feet of right-of-way or 50 feet of right-of-way and 10 feet of City Services easements. Local streets will also include 5-foot wide (minimum) sidewalks and 7-foot wide (minimum) parkways on both sides of the street. Local streets may have on-street parking on one, two, or neither side. Where parking is provided on local streets or on Road A or Road B, curb extensions will be provided at intersections and mid-block locations to create visual narrowing and additional room for landscaping.

2. *Sidewalk Widths.*

Sidewalks adjacent to on-street parking or travel-ways shall be a minimum of 6 feet wide. All others shall be a minimum of 5 feet wide.

3. *Bike Facilities and Trails.*

- i. The LeeVista Boulevard extension, Road A and B cross sections must include bike facilities outside of the curbs. This may be accomplished with a 12-foot minimum width multi-use trail or with a standard 5-foot wide sidewalk and a separated 6-foot wide bike path. Bike trails may be asphalt with 1-foot wide concrete ribbon curbs on both sides, or entirely concrete. Smooth transitions from the bike lanes on LeeVista Boulevard to the trails must be created when this street is extended eastward.
- ii. Bicycle support facilities, including bicycle parking, shall be made available at all sites in accordance with the Orlando City Code and the Engineering Standards Manual in effect at the time of construction.
- iii. Trail routes and dimensions must be included in each applicable SPMP and plat submittal.
- iv. Trails and sidewalks parallel to streets must be constructed with the street segment.

4. *On-Street Parking.*

- 697 i. On-street parking shall be a minimum width of 7 feet.
 698 ii. A maximum of 1-foot of the gutter pan may be used as part of any parking lane width.
- 699 5. *Alleys.*
 700 i. For two-way alleys, a minimum asphalt width of 18 feet with a 1-foot ribbon curb on each
 701 side on a 26-foot wide tract.
 702 ii. For one-way alleys, a minimum asphalt width of 12 feet with at least 6 inches of ribbon
 703 curb on each side on a 20-foot wide tract.
 704 iii. Alleyways serving parcels that do not have street frontage shall have a minimum asphalt
 705 width of 18 feet with a 1-foot ribbon curb on each side on a 26-foot wide tract, whether
 706 one-way or two-way.
 707 iv. The alleys shall be privately owned and maintained and shall be designated as such on
 708 all plats.
 709 v. On alleys, the 5-foot building setbacks shall be kept clear of obstructions (*i.e.*, fences,
 710 landscaping, etc.) between 2 feet and 8 feet above the roadway.
- 711 6. *Street Network.*
 712 The Developer, HOA or property owners' association ("POA") shall fully fund the design,
 713 permitting, and construction of all required collector and local streets in the development,
 714 notwithstanding the conditions detailed in Specific Transportation Provisions. This applies to
 715 streets regardless of whether they are to be designated and maintained as public or private streets
 716 and includes any signalization as required and approved by the City that is not an intersection
 717 with LeeVista Boulevard.
- 718 7. *General Standards.*
 719 All streets and alleys, whether public or private, shall conform with all applicable aspects of the
 720 Orlando City Code and the Engineering Standards Manual in effect at the time of permitting.
- 721 8. *Complete Street Requirements.*
 722 The design of all streets shall conform to the City's adopted Complete Streets policy, provided in
 723 the GMP Transportation Element Objectives 1.33 to 1.36 and associated policies.
- 724 9. *Wetland Crossings.*
 725 At wetland crossings, the parkway strip may be eliminated and trails or sidewalks constructed on
 726 the back-of-curb to minimize wetland impacts.
- 727 10. *Interconnected Network Elements.*
 728 An interconnected network of collector and local streets shall be constructed according to the
 729 general alignments shown in the Master Plan. Final alignment of all streets shall be approved by
 730 the City.
- 731 i. The timing of the construction of specific segments shall provide, as nearly as possible, at
 732 least 2 access points to each occupied neighborhood. Access shall be determined at the
 733 time of SPMP.
 734 ii. Where applicable, the rights-of-way for the street network shall be extended to the
 735 boundary limits of properties within this PD. If the adjoining property is not developed at
 736 the time of construction of the collector street, the street shall be terminated in a turn-

around or at the intersection of a local street, unless an alternative design is approved as part of the SPMP process based on circulation patterns.

- iii. Turnarounds (cul-de-sacs) are required on all streets and must have a minimum pavement diameter of 80 feet and a minimum right-of-way diameter of 100 feet. If a street “stub” serves driveways for 4 or fewer homes, the turnaround is not required.
- iv. At least 1 street connection to LeeVista Boulevard or Young Pine Road must be platted before Certificates of Occupancy are issued for the lots served by such connection.
- v. Cul-de-sac streets are allowed in the Beltway Commerce Center PD. Any cul-de-sac street must not serve more than 30 residential units. However, due to the site constraints and wetlands, an alternative standard may be proposed and approved as part of an SPMP.

11. Design Geometry.

All public roadways shall be designed to a minimum 30 mph. Any deviation from this 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.

12. Parking.

Parallel parking is prohibited in alleys.

13. Addressing.

Street addresses must be clearly posted on both the street side and alley side of buildings that are served by alleys.

14. On-Site Streets.

The Developer will be responsible for the design and construction of the extension of LeeVista Boulevard to the intersection with Young Pine Road, Road A from LeeVista Boulevard to Young Pine Road, and Road B from LeeVista Boulevard to the southernmost property line. No transportation impact fee credits will be awarded for this activity with the exception of the cost of the canal crossing. The City will provide impact fee credits for 41% of the cost of the culvert, bridge, or other crossing structure if such structure is designed and constructed sufficiently wide to accommodate 2 additional travel lanes

- i. LeeVista Boulevard will be completed by the Developer and accepted by the City prior to issuance of Certificates of Occupancy for any permanent buildings on Sites D, E or F.
- ii. The western segment of Road A (LeeVista Boulevard to Site C) will be completed by the Developer and accepted by the City prior to the issuance of Certificates of Occupancy for any permanent buildings on Site C. A date certain for the completion of the eastern segment of Road A (Young Pine Road to Site C) will be determined during SPMP review of proposed development within Site C.
- iii. Road B contiguous to Site A will be completed by the Developer and accepted by the City prior to the issuance of Certificates of Occupancy for any permanent buildings on Site A or on the property south of Beltway Commerce Center served by Road B access, whichever occurs first.

15. Transportation Impact Fees.

- i. Total impact fee credit balance for LeeVista Boulevard is \$769,547.91. This balance is available until depleted and may be used for any transportation impact fees applicable to

development within Beltway Commerce Center. In addition, the City issued a Transportation Impact Fee Prior Rate Determination Letter for Beltway Commerce Center (#00053) that has a current expiration date of September 23, 2022, and is subject to being further extended pursuant to Section 252.363(1)(a), Florida Statutes.

- ii. Any new construction, change in use, addition, or redevelopment of a site or structure shall be subject to a review for Transportation Impact Fees. A Transportation Impact Fee assessment will be done at the time of building permit review. This fee will be calculated based on the proposed building's use and gross square footage, as submitted in the final permit set of plans. Any Transportation Impact Fees assessed on this Project shall be due prior to building permit issuance.

16. *Timing.*

Nothing set forth herein, nor any SPMP review process, shall preclude the Developer from beginning work on the LeeVista Boulevard Extension, Road A or Road B and dedicating right-of-way for the LeeVista Boulevard Extension, Road A or Road B to the City by plat dedication, provided that the City Public Works Department reviews and approves the design for the LeeVista Boulevard Extension, Road A or Road B, as applicable, and the City accepts such dedication(s).

17. *Park and Ride Lot.*

The Developer shall reserve a one-acre site on the commercial parcel, Site B (in proximity to SR 417), at no cost to any governmental agency, for use by the Orlando/Orange County Expressway Authority, FDOT, LYNX, successor agencies or other applicable mass transit providers for the operation of a park and ride lot. The Developer shall identify the location of this lot at the time of SPMP submittal for the commercial parcel (Site B).

V. SEWER, WATER, STORMWATER AND GENERAL UTILITIES SYSTEM REQUIREMENTS.

1. *General Stormwater System.*

The Developer obtained a conceptual surface water management system from the SJRWMD. The conditions of the SJRWMD conceptual approval and all other SJRWMD permits or amendments thereto shall be applicable to the Project in lieu of the storm water management requirements of the City of Orlando Engineering Standards Manual (ESM) and the Master Drainage Plan. Notwithstanding the foregoing, the Developer shall use reasonable efforts to design future components of the surface water management system to satisfy the requirements of the Orlando Urban Stormwater Management Manual; provided, however, this obligation shall be inapplicable to the extent compliance with the Orlando Urban Stormwater Management Manual would be inconsistent with the SJRWMD approval or would not be technically or economically feasible.

2. *Jurisdictional Wetlands.*

With respect to the jurisdictional wetlands located on the Property and impacted by the Project, the City agrees that the jurisdictional limits of wetlands within the Property and any mitigation for impacts to those wetlands, as determined by the SJRWMD, shall be accepted by the City in any City permitting or development processes.

3. *Services and Territorial Agreements.*

The City shall provide municipal services to the Property consistent with the Territorial Agreements that certain Amended and Restated Water Service Territorial Agreement by and between the Orlando Utilities Commission ("OUC") and Orange County dated May 4, 1994, and

that certain Wastewater Service Territorial Agreement by and between the City and Orange County dated May 4, 1994, (collectively referred to as the "Territorial Agreement"). The City shall provide the following municipal services to the Property: police and fire protection, street and storm drainage maintenance, trash and garbage removal, electricity and any other municipal service not required to be provided by the County or OUC pursuant to the Territorial Agreements.

4. Orange County Water and Wastewater.

The Developer shall obtain water and wastewater services from the County, subject to County Rate Resolutions and Ordinances. Development plans shall not be approved unless and until wastewater capacity has been obtained and is available.

5. Water and Wastewater Extensions.

The Developer shall, at its expense, extend water and wastewater mains of adequate size to service the entire Property.

6. Stormwater and Potential Impacts.

The Property's stormwater control system shall be designed not to adversely impact any abutting property.

7. Pre-treatment Facilities.

To ensure that only domestic quality wastewater enters the wastewater treatment system, pre-treatment facilities shall be required in any location within the Property where industrial strength wastewater is to be disposed of in the wastewater treatment system. When on-site pre-treatment fails to meet adequate standards, the Developer shall contract for the removal of industrial strength wastes to properly permitted facilities.

8. Non-Potable Water Irrigation.

The development shall use non-potable groundwater, treated wastewater, or treated stormwater for landscape irrigation and all other non-potable uses, if practicable and unless prohibited by the Florida Department of Environmental Protection ("FDEP") or the SJRWMD.

9. Surface Water Management.

The proposed surface water management system shall be designed, constructed and operated so as to ensure that the natural functions and hydro-periods of the on-site and offsite wetlands shall not be adversely impacted or diminished.

10. Water Quality Treatments.

The Developer shall incorporate water quality and water quantity treatment for the proposed surface water management system in accordance with SJRWMD criteria and the City of Orlando's ESM. The Developer, HOA or POA, as applicable, shall mitigate any degradation in the treatment and, or attenuation of all upstream or downstream on-site and off-site flows, per City, and SJRWMD rules.

11. Stormwater Runoff Treatment.

Stormwater runoff from roadway crossings through the on-site wetlands shall receive treatment to the same standard as other stormwater runoff on the Property.

12. Prohibitions Regarding Water, Wastewater and Drainage.

On-site water and wastewater facilities shall not be permitted. At the time of development, the Developer shall provide storm drainage calculations, geotechnical report and existing topographic and boundary survey for the on-site drainage system.

13. Stormwater Ownership.

The stormwater system shall be privately owned and maintained.

14. Off-Site Drainage Agreement.

No building permits shall be issued until a written agreement and a drainage easement are provided to the City regarding any off-site drainage.

15. Floodplain Impacts.

Any properties that impact the floodplain shall abide by FEMA rules and regulations under Title 44, CFR and the City's Community Rating System ("CRS") requirements.

16. Road B and Utilities.

As it concerns Road B construction, the Developer shall be responsible for securing input from the pertinent utility providers, including electrical, water and sanitary sewer utilities, prior to the construction of the road to ensure effective and efficient installation of utilities.

VI. WETLAND AND RELATED REQUIREMENTS.

1. East Property Wetland Buffer.

The wetland buffers within the East Property shall maintain an average width of 25 feet and a minimum width of 15 feet, as set forth in the Master Plan.

2. Buildings and Buffer Area.

No buildings shall be located within 50 feet of a jurisdictional wetland line.

3. Other Buffers and SPMP.

All other buffer areas shall be governed as depicted on and/or referenced in the PD, Master Plan, or in any applicable SPMP.

4. Wetland Mitigation.

Unavoidable losses of viable wetlands shall be mitigated through restoration of wetlands or preservation of functional wetlands within the same watershed and in accordance with adopted rules and policies of the City and the SJRWMD. Wetlands to be enhanced or uplands to be retained as mitigation shall be located conterminously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural habitat areas. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetland mitigation.

5. SJRWMD and Roadways.

Unavoidable wetland impacts associated with road alignments and the revised Master Plan shall comply with an approved SJRWMD mitigation plan.

6. Buffer Areas Widths.

Buffer areas of native upland vegetation averaging 50 feet wide and with a minimum width of 25 feet shall be retained around all regionally significant wetlands, except where impacts from the roadway crossings and the Master Plan are approved by SJRWMD.

7. Upland Buffers and Fencing.

Upland buffers between on-site wetlands/marshes/lakes and any type of development or land alteration shall be delineated with temporary construction fencing placed on the upland edge of the buffers prior to construction to allow these areas to be maintained with existing native vegetation or be re-planted with native, transitional zone or upland vegetation.

8. Upland Buffers, Siting Limitations, and Restrictions.

Use of upland buffers adjacent to on-site wetlands/marshes/lakes shall be limited to nature trails, passive recreation, and components of the stormwater management system. The use of pesticides, herbicides or fertilizers shall be consistent with SJRWMD best practices in these buffers and the wetlands they protect unless approved by SJRWMD to control invasive species.

9. Wildlife Corridors.

To protect the attributes of the wildlife travel corridor (wetland numbers W-1 and W-5 as shown on the PD Master Plan) which runs north and south through the Property and continues off-site, any crossing of the wildlife travel corridor shall provide suitable wildlife underpasses in both wetland and upland areas of the crossing.

10. Conservation Easement.

The on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes, and their developmental uses have previously been restricted by the Conservation Easement that is recorded at Official Records Book 9509, Page 2921, of the Public Records of Orange County, Florida.

11. Retained Wetlands.

All of the site's retained wetlands shall be preserved and incorporated into the stormwater management system in such a manner that a natural hydro-period is maintained or restored.

12. Stormwater and Wetlands.

Failure of any portion of the permitted stormwater management plan shall not be justification for additional alteration of wetlands regardless of whether the wetlands are protected, viable, transitional or altered

13. Infrastructure and Wetlands.

- i. Subject to Subsection 13.ii. below, the following minimum distances to adjacent wetland areas shall be adhered to in Project design and construction:

- (a) Stormwater detention basins -- no closer than 200 feet,
- (b) Roadways with underdrains --no closer than 50 feet.

- ii. The minimum distances set forth in the above condition 13(i), need not be met provided one or more of the following conditions are met.

- (a) Adverse impacts on affected wetland vegetative communities from excessive drying out in part due to lateral subsurface seepage from the wetland area(s) into the basin(s) during drought or low water periods have been determined not to be an applicable issue of concern by the SJRWMD, or
- (b) The SJRWMD accepts tests, calculations or other information furnished by the Developer through the permitting and Project review process which demonstrate that deviation from the 50-foot and 200-foot distances are appropriate; or
- (c) The elevations of the bottoms of the stormwater detention ponds or roadway underdrains are higher than the ordinary low water elevation in each potentially impacted wetland area.

14. Permits.

Before obtaining any construction permits, the Developer will be required to submit approved permits from the Florida Fish and Wildlife Conservation Commission ("FFWCC") to address the presence of on-site Gopher Tortoises, if any are determined to be present on a development parcel.

All permits from the pertinent Federal and State agencies, including FFWCC, shall be secured, as well as appropriate surveys for wildlife and plant species shall be conducted, consistent with agency rules, prior to any development or alteration of habitat on the Property.

VII. MISCELLANEOUS.

1. Agricultural Uses.

Until such time as the individual parcels of the Property are developed, the Developer retains the right to continue the cattle grazing use of the parcels.

2. Archeological Resources: Notification of Construction Personnel.

Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the Project manager. In the event of discovery of artifacts of historical or archaeological significance during Project construction, the Developer shall stop construction at the site of discovery and notify the City and the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a 100-foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site.

3. Hazardous Materials Management Plan.

The Developer has prepared a Hazardous Materials Management Plan which has been approved by the FDEP and recorded at Official Records Book 9050, Page 4661 of the Public Records of Orange County, Florida.

4. Land Fill and Residential Contract of Sale.

The Property is located within a 1-mile radius of present and future Orange County solid waste management activities including, but not limited to, landfill and possible incineration activities. Because of the Property's proximity to these activities, impacts of varying degrees may be experienced as a result of the operations of such facilities. Each contract for sale or lease for all or any portion of the Property that is proposed for residential uses shall include a Notice stating

that the Property is located in proximity to the Orange County Landfill. By acceptance of a deed or lease to any portion of the Property, the Developer, for itself and on behalf of its successors and assigns, hereby covenants and agrees, so long as the County's waste management facilities are being operated in accordance with the applicable statutes, rules and regulations, that it shall never have any cause of action for damage or any cause whatsoever arising out of, or in connection with or related to such impacts as a result of the matters set forth herein against the owner or operator of the landfill, nor its elected and appointed public officials or employees, nor any predecessor in title, nor any successors to the foregoing parties.

VIII. FORMERLY USED DEFENSE SITE ("FUDS") REQUIREMENTS.

1. Notification.

The Developer shall provide any successor-in-interest with notice of the East Property's location within the Former Pinecastle Jeep Range. Such notification shall be included in the Covenants, Conditions and Restrictions provided to any successors-in-interest to the Developer and shall include a copy of Release No. 13-006 issued by the U.S. Army Corps of Engineers ("USACE") on 2/14/2013 stating that no further remedial action is required for the Demonstration Range East, which includes the portion of the Beltway Commerce Center Property located south of LeeVista Boulevard and a portion of the Orange County Landfill or for the "Remaining Area" located north of LeeVista Boulevard that also includes a portion of the Beltway Commerce Center Property.

2. DERP-FUDS Program Requirements, Reports and Permits.

The Developer has complied with all Defense Environmental Restoration Program ("DERP-FUDS") and Military Munitions Response Program requirements and protocols as recommended and established by the U.S. Department of Defense – USACE. The Developer has previously provided to the City Final Verification Reports for Beltway Commerce Center prepared by Munitions Management Group, LLC following clearance of Munitions and Explosives of Concern ("MEC") in accordance with USACE protocols. These reports are on file with the city clerk's office. Building permits (including infrastructure and engineering permits) issued for the portion of the Beltway Commerce Center Property located within Demonstration Range East south of the canal, shall require construction support for deep excavations and foundations only.

SECTION FOUR. OFFICIAL ZONING MAP. The city clerk and the zoning official are hereby authorized and directed to amend and correct the Official Zoning Map to reflect the terms of this Ordinance.

SECTION FIVE. COMPLIANCE WITH REGULATIONS. Development of the East Property shall be conducted in accordance with all state and federal rules and regulations. Other than as specifically set forth herein, the Property is subject to all codes, ordinances and policies of the City of Orlando, including, but not limited to, Chapter 68, Orlando City Code.

SECTION SIX. SEVERABILITY. If any section, subsection, paragraph, subparagraph, sentence clause, phrase or portion of this Ordinance is used any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION SEVEN. RESPONSIBILITIES. Except as otherwise stated herein, all obligations, responsibilities and rights imposed by this Ordinance shall inure to the Developer.

For the purpose of this Ordinance, the term "Developer" shall mean and include the owner of the property (Beltway Commerce Center CD93, Ltd.) as well as its successors, transferees, agents and assignees of any nature whatsoever.

SECTION EIGHT. 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 NINE. SCRIVENER'S ERRORS. The city attorney is authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION TEN. EFFECTIVE DATE. This Ordinance shall take effect upon the effective date of Ordinance Number 2018-22.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2018.

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 _____, 2018.

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 _____, 2018.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE
CITY OF ORLANDO, FLORIDA:

Mayor

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

City Clerk

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Print Name

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APPROVED AS TO FORM AND LEGALITY

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FOR THE USE AND RELIANCE OF THE

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CITY OF ORLANDO, FLORIDA:

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Assistant City Attorney

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Print Name