

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED WEST OF NARCOOSSEE ROAD, NORTH AND EAST OF BOGGY CREEK ROAD, AND SOUTH OF THE LAKE NONA PLANNED DEVELOPMENT, AND COMPRISED OF 1,169.4 ACRES OF LAND, MORE OR LESS, AS THE PLANNED DEVELOPMENT DISTRICT WITH THE AIRPORT NOISE OVERLAY DISTRICT, IN PART, AND THE PLANNED DEVELOPMENT DISTRICT WITH THE AIRPORT NOISE OVERLAY DISTRICT AND THE RESOURCE PROTECTION OVERLAY DISTRICT, IN PART; 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 September 18, 2018, 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 ZON2017-00011, requesting the Planned Development zoning district with the Airport Noise overlay district, in part, and the Planned Development district with the Airport Noise overlay district and the Resource Protection overlay district, in part, designation for approximately 1,169.4 acres of land generally located west of Narcoossee Road, north and east of Boggly Creek Road, and south of the Lake Nona planned development and more precisely described by the legal description attached to this ordinance as Exhibit A (hereinafter referred to as the "Property"); and

WHEREAS, at its regularly scheduled meeting of September 18, 2018, the MPB considered zoning application case number ZON2017-00011 to allow the development of 2,734 residential units, 100,000 square feet of non-residential development, a community park area, a fire station, and a school (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 ZON2017-00011 (entitled "Item #7 – "Poitras East PD" 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 Urban Village and Conservation; 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 Project is located in the City's Southeast Orlando Sector Plan Area and is therefore subject to GMP Future Land Use Goal 4 and associated objectives and policies and LDC Chapter 68;

WHEREAS, the master developer of the property is Tavistock Development Company, Inc., its successors or assigns ("Master Developer");

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 with the Airport Noise Overlay District, in part, on the City's official zoning maps (to be denoted as "PD/AN" on the official maps of the City), and the Planned Development district with the Airport Noise Overlay District and the Resource Protection Overlay District, in part, on the City's official zoning maps (to be denoted as "PD/AN/RP") as depicted in **Exhibit B** to this ordinance. This planned development zoning district may be known as the "Poitras East Planned Development."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Poitras East 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. *For any requirements not specifically addressed in these documents, property development is subject to the following underlying zoning districts:*

<i>Village Center</i>	<i>AC-1</i>
<i>Neighborhood Center</i>	<i>AC-N</i>
<i>Residential Neighborhood</i>	<i>R-3A</i>
<i>Public/Recreation/Institutional</i>	<i>P</i>
<i>Conservation</i>	<i>C</i>
<i>Aircraft Noise Overlay</i>	<i>AN</i>
<i>Resource Protection Overlay</i>	<i>RP</i>

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) **CONFORMANCE OF WITH POITRAS EAST PD REQUIRED**

Construction and development shall conform to approved site plans, elevations, and landscaping plans on file with the City Planning Division and all conditions contained in this report, or as modified by the Municipal Planning Board and City Council.

b) **CONSISTENCY WITH THE GMP.** Development and use of the Property must be consistent with all applicable goals, objectives, policies and strategies of the GMP, including without limitation Subarea Policy S.38.1.Southeast Orlando Sector Plan.

c) **MINOR MODIFICATIONS.** Minor modifications and design changes including but not limited to signs, landscaping, driveway locations, and other minor changes, that are required beyond those previously reviewed by the Municipal Planning Board, may be approved by the planning official without further review by the Municipal Planning Board. Major changes require additional review by the Municipal Planning Board.

d) **PD AMENDMENTS.** The Planning Official shall determine whether any proposed amendment to the Poitras East PD is substantial, Presumed Non-Substantial, or Minor Modification pursuant to Chapter 68, Figure 68-N. Minor modifications and design changes including but not limited to signs, landscaping, driveway locations, and other minor changes, that are required beyond those previously reviewed by the Municipal Planning Board, may be approved by the planning official without further review by the Municipal Planning Board.

e) **PD EXPIRATION.** The Poitras East PD shall expire 5 years from adoption unless a building permit for vertical development has been issued.

f) **MODIFICATIONS AND VARIANCES.** After a building is constructed, requests for a modification or variance shall follow the procedures contained in the Orlando City Code pertaining to Modifications of Development Standards and Zoning Variances.

g) **CONDITIONAL USE PERMITS.** Uses that may be allowed as a Conditional Use as shown in Chapter 58, Figure 2 of the Land Development Code may be reviewed by the Southeast Town Design Review Committee through the Specific Parcel Master Plan Process and do not require a separate Conditional Use hearing.

h) **DEVELOPMENT MAP.** *Development and use of the property shall be subject to the development plan shown in **Exhibit C**. Streets, rights-of-way, building lots, easements, parks, common areas, and stormwater areas shall be generally located as depicted on the development plan.*

- i) MAXIMUM DEVELOPMENT PROGRAM. Development of the Poitras East Property is limited to 2,734 residential units, 100,000 square feet of non-residential floor area, plus a community park area, fire station, and a school.
- j) TRIP EQUIVALENCY MATRIX. Land Uses may be converted based on the trip equivalency matrix shown on **Exhibit D**.
- k) PHASING. The Poitras East Property may be developed in multiple phases, but each phase must be developed in a manner that allows the individual phases to function independently of each other.
- l) Notwithstanding anything in the Orlando City Code and the GMP to the contrary, the following land uses are prohibited on the Property:
 - i. Labor pools and labor halls as defined by Chapter 448, Florida Statutes;
 - ii. 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 wagers or other compensations (often known as "payday loans," or "payday 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;
 - iii. Tattoo, body art, and body piercing establishments;
 - iv. Pawnshops, as defined by the Florida Pawnbroking Act.
 - v. Bail bond agencies, as defined by Chapter 648, Florida Statutes;
 - vi. Automobile sales and rentals;
 - vii. Massage Parlors;
 - viii. Fortune telling, tarot card reading, palm readers, psychics, and like establishments;
 - ix. Bottle Clubs, as defined by the Florida Beverage Law;
 - x. Parking as a principal use;
 - xi. Adult entertainment facility.
- m) SPECIFIC PARCEL MASTER PLAN (SPMP). Pursuant to Section 68.603, Orlando City Code, prior to the issuance of permits for any construction within an individual development parcel, a Specific Parcel Master Plan (SPMP) shall be submitted to the City for review and approval by the Southeast Town Design Review Committee (the "SETDRC").
- n) ADHERENCE TO AMENDED MULTIFAMILY DESIGN CRITERIA. All multifamily development shall conform to design criteria outlined in Chapter 58 Parts 3H and 3I, Orlando City Code, which address design standards for multifamily

developments unless otherwise approved by the Southeast Town Design Review Committee.

o) RESIDENTIAL NEIGHBORHOOD DESIGN CRITERIA. In addition to the requirements of the Southeast Orlando Sector Plan, the following criteria shall apply unless otherwise approved by the Southeast Town Design Review Committee:

1. Front-loaded single family lots shall be at least 50 feet wide.
2. Where possible, rear yards should not be located on the perimeter of a park.
3. For property adjacent to the Primary Conservation Network ("PCN"), as shown in GMP Figure LU-2A, the SPMP shall identify the wetland area, upland buffer, PCN easement boundary, and treatment of the transition to the development site. The preferred treatment (in order from wetland to development site) is: wetland, upland buffer, multi-use trail, parkway, street, parkway, sidewalk, and front yard (or building if there is a 0' setback).
4. Stormwater ponds shown on the development plan shall be visually accessible to the public. A pedestrian or multi-use trail around each stormwater pond is recommended.

p) GATED NEIGHBORHOODS. Up to 20% of the total proposed residential units may be gated if the transportation conditions are met. The City prefers that only sites surrounded by wetlands on three sides be considered for gated neighborhoods. In lieu of the requirement for traditional design standards described in Future Land Use Element Policy 4.1.9, a hybrid of conventional and traditional design standards may be approved in an SPMP for gated neighborhoods that have a gross density of up to 5 dwelling units per acre.

q) NEIGHBORHOOD AND RESIDENTIAL CENTERS. Pursuant to Section 68.205, Orlando City Code, neighborhoods must be scaled to the pedestrian, with Neighborhood and Residential Centers within a comfortable 1/4 to 1/3 mile walking distance of most homes. Future SPMPs must demonstrate that more than 50% of residential units are within 1,750 feet of a neighborhood or residential center.

r) STORMWATER PONDS. Stormwater ponds shall be treated as an amenity.

s) FENCING. Fencing on the site, except for residential privacy fences in side or rear yards, shall be an open, CPTED-approved fence, such as aluminum or wrought-iron picket fencing. Chain link fences are prohibited.

- t) MAXIMUM IMPERVIOUS SURFACE RATIO (ISR). The maximum allowed ISR shall default to the underlying zoning district standards.
- u) BUILDING HEIGHT. The building height shall be between one and three stories within Village and Neighborhood Center districts and between one and two stories within Residential Neighborhood districts.
- v) PRIMARY FRONTAGE ALONG NARCOOSSEE. Building facades in Village Centers with primary frontage along Narcoossee Road shall include no more than 50% of cumulative building frontage associated with uses that include a drive-thru.
- w) MINIMUM OPEN SPACE REQUIREMENTS. Subarea Policy S.38.1 specifies that at least 20% (±370.8 acres) of Poitras property shall be reserved as open space in the form of parks and preserved environmentally-sensitive uplands and wetlands. Future Development on Poitras West must provide enough open space acreage to meet this minimum standard.
- x) RESOURCE PROTECTION OVERLAY. The RP Overlay District is intended to provide information to property owners, City officials and the general public about the approximate locations of major environmental features which may restrict or otherwise affect the development of land. Development within Poitras East RP Overlay boundaries is not permitted. The boundaries of the RP Overlay may be altered administratively upon submission by the applicant of an approved permit the applicable state and federal environmental review agencies.
- y) SCHOOL CONCURRENCY AND CAPACITY ENHANCEMENT. This project is subject to School Capacity Enhancement Agreement # _____, approved by the Orange County School Board on _____. Each phase of the project will be subject to school concurrency review, consistent with the applicable City and County Codes and inter-local agreements.

Transportation

- a) CIRCULATION PLAN. The cross sections, final alignments, traffic control devices, traffic calming devices and all other engineering details for the street, sidewalk, and trail networks required for this development will be specified and approved in a Circulation Plan that must be submitted to the City for SPMP review prior to approval of any SPMP's for other development within Poitras East.
- b) TRAFFIC CONTROL. At all potential traffic signal locations, sufficient land must be allocated during platting to accommodate modern roundabouts. Roundabouts will be constructed at these locations unless it is demonstrated to the City Transportation Engineer that a roundabout is not the superior option at that location. The developer is responsible for any costs associated with the engineering studies needed to justify the use of signals instead of roundabouts.

- c) **FRAMEWORK STREET NETWORK.** Within two years of the adoption of this ordinance, the Master Developer shall enter into an agreement with Osceola County to identify and fund improvements for that portion of Boggy Creek Road that is south and directly adjacent to the Poitras East property, from the eastern PD boundary to the westernmost north/south road in the PD.
- d) **COMPLETE STREETS.** The design of all streets shall conform to the City's adopted Complete Streets policy, provided in the GMP Transportation Element Objectives 1.33 to 1.36 and associated policies.
- e) **Platting of the framework streets will not occur until roadway design has reached 30% to ensure that adequate space for roadway geometry is provided.**
- f) **CONNECTIVITY INDEX REQUIREMENTS.** In accordance with Section 61.221(e), Orlando City Code, development must provide a minimum connectivity ratio of 1.4 (links over nodes) where each street and cul-de-sac is counted as one line, and each intersection and end of cul-de-sac is counted as one node. Alleys count as a street for the purposes of this evaluation. This evaluation shall be done at the overall project level, however, the analysis shall be done at each SPMP stage to ensure this condition is met at the overall project level. The connectivity index must be met to the greatest extent possible. Site constraints will be taken into consideration when this evaluation is conducted.

Parks

- a) **MINIMUM PARKS REQUIREMENT.** The PD must include a minimum of 5.4 acres of neighborhood parks and 9.4 acres of community parks. Such acreage must be designed to meet city standards for CPTED, access, and facilities. At least 8.7 acres of village greens, plazas or open space is also required and may be passive parks, trails, or other facilities as proposed in a SPMP.
- b) **COMMUNITY PARK AGREEMENT.** A separate Community Park (between the Master Developer and the City) agreement is required before permits are issued for residential construction. Neighborhood Parks will be constructed by the developer with the infrastructure for each neighborhood so as to be complete when homes are ready for occupancy. Neighborhood Parks will be privately owned and maintained. Community Parks will be constructed by the developer prior to when 25% of homes are permitted. Community Parks will be publicly owned and maintained by the City.
- c) **REGULAR COMMUNITY PARK SHAPE.** Community Parks shall have regular shapes sized to allow for active recreation courts and fields to be easily fitted within the boundary without creating hidden or unusable spaces along edges. Park configuration can be determined during the park agreement process.
- d) **NEIGHBORHOOD PARKS.** Neighborhood parks shall be prominent within their neighborhoods and easily accessible. All residential units shall be within 0.25 miles of a public park within their neighborhood.

- e) VISUAL MONITORING. At least 50% of a park's perimeter should front onto a public street. There should be public views into all areas of each park to allow visual monitoring and foster the feeling of safety while using the park. If businesses or homes border a park they should face to the park, not have the back or side of the building or an alleyway face the park.
- f) SPMP FOR PARK PARCELS. Specific parcel master plans must be submitted for approval prior to final acceptance of park parcel configurations and locations and before start of construction of the associated neighborhood or surrounding development.
- g) CONSERVATION, STORMWATER, DRAINAGE AND WETLAND AREAS
Conservation area is not to be counted in the required park acreage. Land used for stormwater retention, drainage structures, wetlands or conservation areas will not be counted towards park land requirements.
- h) WELL-DRAINED SOILS. Park land shall have well-drained soils suitable for building and development.
- i) ADA REQUIREMENTS. Parks shall be designed and constructed to meet the Americans with Disabilities Act (ADA) requirements.

Fire

- a) FIRE STATION. The Master Developer must convey, at no cost to the City, fee simple ownership of a two acre parcel of buildable land with a road network, offsite stormwater retention, and utilities for the construction of a fire station. The parcel location shall be a mutually agreed upon site, and shall be determined in a separate agreement between the City and the Master Developer prior to approval of the Transportation Circulation Plan. The location shown on the development plan on **Exhibit C** is a suitable location.
- b) RESIDENTIAL FIRE SPRINKLERS EXEMPTION. The Poitras East development is exempt from Section 68.310, Orlando City Code, which requires all properties/buildings of more than 100 habitable square feet to be equipped with fire sprinklers.

Water Reclamation

- a) TERRITORIAL SEWER AREA AGREEMENT. In the event that all or a portion of the subject property needs sanitary sewer service by the City Water Reclamation Division, an amendment to the Territorial Sewer Area Agreement between the City and Orange County is required.

- b) **SANITARY SEWER MASTER PLAN.** A comprehensive sanitary sewer master plan and analysis must be prepared by the Master Developer to make a determination about what infrastructure improvements will need to take place to serve development of the Poitras East prior to an amendment to the Territorial Sewer Area Agreement between the City and Orange County.
- c) **RECLAIMED WATER MASTER PLAN.** A comprehensive reclaimed water master plan and analysis shall be prepared by the Master Developer to make a determination about what infrastructure improvements will need to take place to serve the irrigation needs of the Poitras East property prior to or concurrent with the first SPMP for development.

Green Works

- a) **POITRAS EAST SUSTAINABILITY ACTION PLAN.** A sustainability action plan (SAP) that establishes a foundation for neighborhood sustainability is required prior to or concurrent with the first SPMP and/or permit application. This plan must advance strategies, actions, and performance measures that address seven focus areas of sustainability including energy & green buildings, local food systems, green economy, livability, solid waste, transportation, and water. The developer must coordinate with Green Works Orlando to ensure consistency with the goals and performance measures of the Green Works Community Action Plan including: required canopy cover, expansion of food waste recovery programs, inclusion of community agriculture projects, increased adoption of renewable energy systems (commercial and residential), neighborhood waste diversion, and more.
- b) **GREEN INFRASTRUCTURE AND LOW IMPACT DEVELOPMENT.** Loss of wetland habitats should necessitate increased green infrastructure and bio-retention systems to manage water runoff speeds and capture/breakdown pollutant particulates along major roadways identified and included in the Transportation Circulation Plan. Moreover, Low Impact Development best practices must be incorporated into all site developments.
- c) **SMART MOBILITY.** The Master Developer should include ride-share spaces in their Transportation Circulation Plan to improve sustainable mobility options and mitigate demand for personal automobile vehicles. Within Neighborhood Centers, the Master Developer should design safe areas for ride-hailing loading/unloading where convenient access to building entryways is maximized at each building site. Charging stations for electric vehicles should be included within Village and Neighborhood Centers. The developer should include in the Transportation Circulation Plan a plan to assemble local transit routes connecting local schools, town centers, employment nodes (Medical City), and the east-west portions of Poitras.

d) SUSTAINABLE CONSTRUCTION. All new construction must meet best management practices for:

- Energy conservation
- Water conservation
- Clean energy sources
- Minimizing the heat island effect
- Quantity and quality of stormwater runoff
- Resource management (reducing materials, recycling, using products with fewer chemicals, etc.)

With each SPMP application, the applicant must demonstrate that best practices are met, either by providing independent data and analysis, or by using the certification criteria from one of the following organizations:

- US Green Building Council's Leadership in Energy and Environmental Design (LEED) program
- The Florida Green Building Coalition (FGBC)
- The Green Building Initiative's Green Globes program, or
- Any other nationally recognized green building system that is approved by the Florida Department of Management Services (FDMS)

In order to lessen the urban heat-island effect of pavement and thereby reduce cooling costs, at least 10% of parking areas and driveways must incorporate at least one of the following surfaces:

- White Portland-cement concrete pavement
- Pervious concrete
- Open grid or turf-block pavement

Development Review

1) Requirements

- a) The property is required to plat in accordance with Section 65.401, Orlando City Code prior to the issuance of building permits.
- b) This site is located within a floodplain. The finished floor elevation must be one foot above the 100' flood elevation.
- c) In accordance with Federal Emergency Management Act (FEMA) requirements; a letter of map revision maybe required from the applicant as part of this application review.

- d) The City Council Adopted the Engineering Standards Manual (ESM), Fifth Edition on April 18, 2016. All plans must conform to the ESM and all construction must be accomplished in accordance to the ESM.
- e) All future elevation shown on a boundary/topographic survey shall use the North American Vertical Datum of 1988 (NAVD 88).
- f) All new construction, change in use, additions, or redevelopments are required to submit a Concurrency Management application as a part of the building plan review process.
- g) Construction activities including clearing, grading and excavating activities shall obtain an Environmental Protection Agency (EPA) National Pollution Discharge Elimination System (NPDES) permit, except: Operations that result in the disturbance of one acre total land area which are not part of a larger common plan of development or sale.
- h) If the proposed wetlands are to be altered, the applicant needs to submit documentation from South Florida Water Management District and/or the Army Corp of Engineers.

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 upon adoption, except for section one, which becomes effective 31 days after the state land planning agency notifies the city that the plan amendment package for Ordinance 2018-66 is complete, or if timely challenged, upon the state land planning agency or the Administration Commission entering a final order determining the adopted amendment for Ordinance 2018-66 to be in compliance.

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/Mayor Pro Tempore

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

City Clerk

Print Name

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

Assistant City Attorney

Print Name

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