

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF LEE VISTA BLVD., EAST OF NARCOOSSEE RD., SOUTH OF ELMSTONE CIR., AND WEST OF LIGHTNER DR., AND COMPRISED OF 4.091 ACRES OF LAND, MORE OR LESS, AS PLANNED DEVELOPMENT DISTRICT WITH THE AIRCRAFT NOISE ZONING OVERLAY DISTRICT, ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of July 15, 2014, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2014-00016, requesting the Planned Development zoning district designation, along with the Aircraft Noise zoning overlay district, for approximately 4.091 acres of land, generally located north of Lee Vista Boulevard, east of Narcoossee Road, south of Elmstone Circle, and west of Lightner Drive, and more precisely described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case number ZON2014-00016 (entitled "Item #3 – 6621 Narcoossee Annexation" and hereinafter referred to as the "Staff Report"), and subject to certain conditions contained within the Staff Report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

WHEREAS, zoning application case number ZON2014-00016 is requesting the Planned Development zoning district designation for the purpose of permitting the development of up to 44,550 square feet of non-residential uses (the "Project"); and

WHEREAS, the MPB found that the Project is consistent with the City's adopted Growth Management Plan (the "GMP") including the applicable goals, objectives, and policies associated with the Property's Future Land Use Map designation of Airport Support District Medium Intensity; and

WHEREAS, the Orlando City Council hereby finds that the Project is consistent with the intent and purpose of the planned development district zoning designation as established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando City Code"); and

WHEREAS, the Orlando City Council hereby finds that the Project and this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the applicable provisions of the City's GMP, including the applicable goals, objectives, and policies associated with the Property's Future Land Use Map designation of Airport Support District Medium Intensity; and

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

SECTION 1. ZONING. 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 Planned Development district with the Aircraft Noise zoning overlay district, on the City's official zoning maps (to be denoted as "PD/AN" on the official maps of the City), as depicted in **Exhibit "B"** to this ordinance. This planned development zoning district may be known as the "6621 Narcoossee Planned Development."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the 6621 Narcoossee Planned Development zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the AC-2 Urban Activity Center District along with the Aircraft Noise overlay zoning district (denoted as "AC-2/AN" on the official maps of the City).

SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS. The Planned Development zoning district for the Property is hereby made subject to the following special land development regulations:

1) Land Development

- a) *Development Plan.* Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the development plan attached to this ordinance as **Exhibit "C"** (hereinafter the "Development Plan"). In the event of a conflict between the text of this ordinance and the Development Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Development Plan.

- b) *Variances and modifications.* Zoning variances and modification of standards may be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The planning official may also approve minor modifications and design modifications to fences, walls, landscaping, accessory structures, signs, and bufferyard requirements.
- c) *Phasing.* The Property may be developed in multiple phases, but if developed in multiple phases, each phase must be developed in a manner that allows the individual phases to function independently of each other. The purpose of this requirement is to ensure that the first phase, and each subsequent phase, can fully function and operate as intended by the Development Plan in the event that subsequent phases are delayed or abandoned.
- d) *Maximum development intensity.* Notwithstanding anything in this ordinance to the contrary, the maximum permitted development intensity is limited to the generation of no more than 1,000 average daily trips as calculated pursuant to the *Trip Generation Manual*, 9th Edition, by the Institute of Transportation Engineers. The maximum size of the development is 44,550 sq. ft. of gross floor area.
- e) *Uses.* Land uses on the Property must comply with the list of permitted, conditional, and prohibited land uses for the AC-2/AN zoning district as provided by section 3 of this ordinance, except that residential uses are prohibited. The Airport Support District Medium Intensity future land use designation requires a mixture of land uses, but is primarily an office or industrial designation with supporting retail uses. Therefore, retail uses may never exceed 25% of gross floor area.
- f) *Site plans required.* All development on the Property is subject to review and approval by master plan and final site plan pursuant to Part 2H, Chapter 65, Orlando City Code.
- g) *Maximum impervious surface ratio.* The impervious surface ratio may not exceed 0.70.
- h) *Setbacks.* Buildings must be setback from the Property boundaries as follows:
 - i) Either 0' exactly, or a minimum of 20' in the front yard (facing Narcoossee Road).
 - ii) Minimum of 20' from the northern property boundary (the northern side yard).
 - iii) Either 0' exactly or a minimum of 3' from the southern property boundary (the southern side yard).

- iv) At least 10' in the rear yard (facing the eastern property boundary).

2) Urban Design

- a) *Bufferyard.* The Project must provide bufferyards in accordance with Part 2E, Chapter 60, Orlando City Code, except that the bufferyard along the northern property boundary must be a "Bufferyard C," and the bufferyard along the southern property boundary must be a "Bufferyard B," without regard for the adjacent land use intensities. The requirement that the northern bufferyard be a "Bufferyard C" is contingent on permission from the Florida Department of Transportation to allow the bufferyard to encroach into an existing easement area benefiting the Department. If the "Bufferyard C" cannot be accommodated within the easement area, the planning official may approve an alternative bufferyard designed and maintained to provide adequate screening between the Project and the existing land uses to the north.
- b) *Signs.* A sign plan for each phase of development is subject to review and approval by the City planning official. The planning official shall review and approve, deny, or approve with conditions each sign plan by official letter of determination. The Property must be developed and maintained in accordance with the final approved sign plan or plans. In addition to the typical sign regulations of Chapter 64, offsite and pole signs are prohibited on the Property.
- c) *Building height.* Buildings may not exceed 3 stories.

3) Transportation

- a) *Parking and drive aisles.* Parking spaces are prohibited between Narcoossee Road and the principal structure on the Property that is closest to Narcoossee Road. A drive aisle between Narcoossee Road and the principal structure on the Property that is closest to Narcoossee Road may be developed if approved by master and final site plan.
- b) *Walkability and streetscape.* The Project must provide sidewalks and streetscape along Narcoossee Road that are consistent with the City's adopted plans and standards for this segment of Narcoossee Road. Implementation of the City's streetscape and sidewalk plans will require the City to take responsibility of the sidewalk and streetscape from the Florida Department of Transportation, from the back of the Narcoossee Road curb to the easternmost extent of the Narcoossee Road right-of-way, along the entire length of the western boundary of the Property. As part of this effort, the owner of the Property must provide the City, before the issuance of the first building or engineering permit for work on the Property (other than for mass grading), with four copies of a boundary and

topographic survey of this section of right-of-way, a sketch of description and description of this section of right-of-way, site plan for this section of right-of-way, a landscape plan, including maintenance schedule, for this section of right-of-way, and a maintenance of traffic plan. This information and material will be used to create a right-of-way maintenance agreement between the City and the Florida Department of Transportation.

- c) *Pedestrian connection.* The main entrance of the principal building closest to Narcoossee Road must be oriented toward Narcoossee Road. This entrance must provide a paved pedestrian connection directly to the public sidewalk along Narcoossee Road. This pedestrian connection must be paved to at least 5' in width.

SECTION 5. 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 6. 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 7. EFFECTIVE DATE. This ordinance takes effect upon the effective date of Ordinance 2014-44.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2014.

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 _____, 2014.

DONE, THE SECOND READING, 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 _____, 2014.

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

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

City Attorney

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