

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED AT THE NORTHWEST INTERSECTION OF NARCOOSSEE ROAD AND MCCOY ROAD, AND COMPRISED OF 29.6 ACRES OF LAND, MORE OR LESS, AS PLANNED DEVELOPMENT DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**WHEREAS**, at its regularly scheduled meeting of September 15, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2015-00022, requesting Planned Development (PD) rezoning to allow commercial uses with the AC-2 zoning designation on approximately 29.6 acres of land generally located at the northwest intersection of Narcoossee Road (S.R. 15) and McCoy Road, 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 ZON2015-00022 (entitled "Item #7 – Off Lease Only PD & Master Plan" 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 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 Medium (AIR-MED); and

**WHEREAS**, the Orlando City Council hereby finds that the zoning application 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 adopting 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 Medium (AIR-MED).

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

48  
49 **SECTION 1. ZONING.** After due notice and public hearing, and pursuant to part  
50 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City  
51 Code, the special land development regulations of the Planned Development zoning  
52 designation for the Property are provided in this ordinance as described herein.  
53

54 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section  
55 58.367, Orlando City Code, except as expressly provided in this ordinance, the Off  
56 Lease Only PD remains subject to all applicable federal, state, and local laws, and  
57 nothing in this ordinance shall be construed to exempt the Property from the lawful  
58 authority or jurisdiction of any federal, state, or local agency.  
59

60 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided  
61 otherwise by this ordinance, the Property shall be governed by the land development  
62 regulations of the PD Planned Development District with the Airport Noise (AN) overlay  
63 district, in part, on the official maps of the City as depicted in **Exhibit "B"** to this  
64 ordinance. The underlying zoning shall default to the standards of the ASD-1 or AC-2  
65 zoning designations, consistent with LDC section 68.207.  
66

67 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned  
68 Development zoning district for the Property is subject to the following special land  
69 development regulations:  
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71 **1) Land Development**

- 72  
73 a) *Development Plan.* Subject to any modifications expressly contained in the text  
74 of this ordinance, development and maintenance of the Property must be  
75 consistent with the development plan attached to this ordinance as **Exhibit "C"**  
76 (hereinafter the "Development Plan"). In the event of a conflict between the text  
77 of this ordinance and the Development Plan, the text of this ordinance shall  
78 control. References in this ordinance to lots, parcels, buildings, phases, and  
79 other development features refer to such features as identified on the  
80 Development Plan.  
81  
82 b) *Conformance with Master Plan Required.* Construction and development shall  
83 conform to approved site plans, elevations, and landscaping plans on file with the  
84 City Planning Division and all conditions contained in this report, or as modified  
85 by the Municipal Planning Board and City Council. When submitting plans to the  
86 Permitting Division for permitting, the applicant shall attach to each submittal a  
87 copy of this staff report, and the excerpts of the Municipal Planning Board  
88 minutes.  
89

- c) *Final Site Plan.* Once a Master Plan is approved by the City Council, the applicant authority to submit an application for Final Site Plan approval. The Final Site Plan shall be prepared in accordance with LDC §65.346-50. The Project Planner, Zoning Official, and Planning Official shall review the Final Site Plan for conformance with the requirements of the Master Plan approval, and all final details shall be included in any approval for a building permit by the Permitting Division. The Final Site Plan may be submitted concurrently with an application for a building permit, but approval of the building permit shall be contingent upon satisfactory review of the Final Site Plan by the Project Planner, Zoning Official, and Planning Official and any changes required to the final details must be shown on all revisions to the permit documents.
- d) *Phasing.* The Property will be developed in multiple phases, consistent with the Development Plan. Each phase must be developed in a manner that allows the individual phases to function independently of each other. Master Plan approval shall be required for each phase. Phase 1 of this PD will include intensive retail uses in the form of vehicle sales or leasing. The area outside of the Phase 1 boundary may be further subdivided or reconfigured, provided that more customer-oriented commercial uses are provided along the Narcoossee Rd. and McCoy Rd. intersection.
- e) *Cross Access.* Cross access between the various parcels shall be provided as depicted in the framework development plan. The exact location shall be determined at the time of Master Plan but the quantity may not be reduced.
- f) *Allowable Uses.* Permitted uses shall be consistent with the AC-2 zoning district with the addition of Intensive retail. Big Box retail, support retail, and services shall also be permitted.
- f) *Prohibited Uses.* Drive-in facilities, treatment/recovery facilities, group housing, mobile homes, residential care facilities, schools (elementary, middle or high), whole blood facilities, vertiports, full service grocery stores and retail shopping centers are prohibited.
- g) *Billboards.* The onsite billboard shall be removed by completion of the first phase of development.
- h) *Bufferyard.* A minimum 10 ft. bufferyard shall be provided between the Phase 1 screen wall and the future developments to the south. Plantings shall be consistent with Bufferyard B option 2 in LDC section 60.222.
- i) *Maximum Impervious Surface Ratio (ISR).* The maximum ISR for each individual building site shall not exceed 0.90.

- j) *Pole and Monument Signs.* Pole signs are prohibited and monument signs shall not exceed 10 ft. in height.
- k) *Temporary Parking Lot.* The temporary parking lot shall conform to the following:
- A. Use of stone shall be prohibited within 15 ft. of the ROW.
  - B. A landscape hedge, minimum 24 inches high at planting, shall be provided for screening along Narcoossee Rd.
  - C. Permits for this temporary lot shall not be issued until permit application has been made for Phase 1 construction.
  - D. The temporary parking area shall be restored to its original or an improved state by January 31, 2017 or issuance of a certificate of occupancy or completion for Phase 1, whichever occurs first.
  - E. Vehicle repair and maintenance shall be prohibited in the employee/customer parking lot.
  - F. A copy of the required approval of the City Engineer shall be attached to any plans submitted to City Permitting.

## 2) Urban Design

- a) *Appearance Review.* An appearance review shall be required prior to building permits being issued for each phase of development.
- b) *Orientation.* Each new building along Narcoossee Road shall have a primary façade oriented directly (parallel) to the Narcoossee Road right-of-way.
- c) *Utility and Light Pole Locations.* All utilities, including street light poles, shall be kept out of the pedestrian path.
- d) *Dumpsters and Trash Compactors.* All dumpsters and trash compactors shall be screened with solid walls to match the principal structure (s). Decorative gates shall be installed to coordinate with principal structure (s). Landscape screening, including low hedge and groundcover, are required to soften the view from the public right of way.
- e) *Signs.* Signs shall be made of durable materials. Plastic cabinet signs and pole signs shall be prohibited. Ground signs (also known as monument signs) must have details and finishes that match or complement the exterior finishes of the principal building, or of decorative site design features which match or complement those of the overall site design. Ground signs may be internally or externally lit, but internally lit plastic façade panels are prohibited. Light-Enhancing Diode (LED) lamps are preferred.
- f) *Fencing.* Fencing and free-standing walls are not required. However, any fencing along and within 80 feet of the Narcoossee Road right-of-way shall be open, CPTED-approved fence, such as aluminum or wrought-iron picket fencing, or

welded-wire picket fencing, black. Any chain link fencing on site shall be 6-gage vinyl-clad black fencing, with top and bottom rails. Solid screen walls are acceptable, but shall not be more than 6' in height (although decorative pilasters and features may be up to 7' in height); and shall have openings or apertures not more than 60 feet apart, for Crime Prevention Through Environmental Design (CPTED) purposes. The openings may have CPTED fences. No perimeter wall shall have more than 60' of length without a pilaster. All screen walls shall have a cap, and be finished appropriately with durable materials.

- g) *Sidewalk Connections.* A complete pedestrian circulation plan shall be provided that links all parcels with continuous pathways. A minimum 5-foot wide pedestrian pathway shall connect from all principal building entrances and exits to the sidewalks.
- h) *Street Trees.* Street tree planting shall be completed along all roadway frontages abutting and through the site. In locations where installation of street trees within the street right-of-way or a City services easement is infeasible, the trees shall be installed on the site within 10 feet of the right-of-way.
- i) *Existing Trees.* Existing trees (not including those classified as invasive, exotic species) shall be preserved to the extent practical. The placement of underground utilities, including irrigation, within the drip lines of existing trees to be preserved shall be done by means of tunneling rather than trenching. Any melaleuca, chinaberry, Chinese tallow, Brazilian pepper, camphor, or Australian pines existing on the site shall be removed.
- j) *Tree Clearing.* Tree clearing (excluding the clearing of invasive exotic species) shall not commence on any phase until full site and building development plans have been approved for that phase.
- k) *Landscaping.* An overall landscape concept shall be developed which repeats at least 15% species and sizes across all phases. Due to the nature of the Phase 1 use (vehicle sales or leasing), it is understood that strict adherence to that code is not preferable in the lease car parking / display areas. Therefore, the number of trees normally required in a standard parking lot design for that area may be placed in the perimeter of the lease car parking area or elsewhere on the site.

### 3) Transportation

- a) *Parking Space Requirements.* The number of parking stalls in Phase I shall be limited to a maximum of 100 stalls, four (4) of which shall be handicapped



accessible. The area between the building and the inventory area that is to be used for customer viewing of vehicles is not considered as part of the parking area and shall not be included in the 100 stall limit.

- b) *Pedestrian Crossings*. Clearly marked crosswalks shall be designated with high-intensity markings in a "ladder" pattern per Manual of Uniform Traffic Control Devices (MUTCD) standards where the driveways cross the sidewalk on Narcoossee Rd and between the handicapped accessible parking stalls located north of the building and the walkway in front of the building.
- c) *Driveway Removal*. The center curb cut on Narcoossee Road shall be removed due to Narcoossee Road classification on the Major Thoroughfare plan. The Owner/Applicant shall remove all unapproved curb cuts / driveways and shall restore all curbs, gutters, parkways and sidewalks to Orlando Engineering Standards Manual (ESM) requirements and standards.
- d) *Road ROW/ Easement*. Per City Code requirement, roadways in commercial districts need 70 ft. of ROW or easement. This right of way shall extend along the entire west edge of the property.

**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 adoption.

**SECTION 8. EXPIRATION.** Pursuant to section 58.365, Orlando City Code, the Planned Development zoning designation made by Section 3 of this ordinance is hereby made contingent on a building permit for the Project being issued by the City of Orlando within two years of the effective date of this ordinance. For purposes of this section, a "building permit" means a building permit issued pursuant to the Florida Building Code for vertical construction of the residential portion of the Project. If such a building permit is not issued within 2 years, or if the building permits issued for the residential portion of the Project all expire, then the zoning designation for the Property shall convert to the "default zoning district" as provided in Section 3 of this ordinance. The zoning official is hereby authorized and directed to correct the official zoning map series of the City as necessary to conform to this section.

**DONE, THE FIRST READING**, by the City Council of the City of Orlando,  
Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**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 \_\_\_\_\_, 2015.

**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  
\_\_\_\_\_, 2015.

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

\_\_\_\_\_  
Mayor / Mayor Pro Tempore

\_\_\_\_\_  
Printed Name

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

\_\_\_\_\_  
City Clerk

Celeste T. Brown

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

\_\_\_\_\_  
City Attorney

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Printed Name

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