

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, DESIGNATING CERTAIN**
3 **LAND GENERALLY LOCATED NORTH OF STATE**
4 **ROAD 528, EAST OF NARCOOSSEE RD., AND SOUTH**
5 **OF LEE VISTA BLVD., AND COMPRISED OF 9.69**
6 **ACRES OF LAND, MORE OR LESS, AS THE PLANNED**
7 **DEVELOPMENT DISTRICT, IN PART, AND AS THE**
8 **PLANNED DEVELOPMENT DISTRICT WITH THE**
9 **AIRCRAFT NOISE OVERLAY DISTRICT, IN PART, ON**
10 **THE CITY'S OFFICIAL ZONING MAPS; PROVIDING A**
11 **DEVELOPMENT PLAN AND SPECIAL LAND**
12 **DEVELOPMENT REGULATIONS OF THE PLANNED**
13 **DEVELOPMENT DISTRICT; PROVIDING FOR**
14 **SEVERABILITY, CORRECTION OF SCRIVENER'S**
15 **ERRORS, AND AN EFFECTIVE DATE.**
16

17 **WHEREAS**, at its regularly scheduled meeting of October 20, 2015, the
18 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),
19 considered zoning application case number ZON2015-00025, requesting the Planned
20 Development district zoning designation, in part, and the Planned Development district
21 zoning designation along with the Aircraft Noise zoning overlay district, in part, for
22 approximately 9.69 acres of land generally located north of State Road 528, east of
23 Narcoossee Road, and south of Lee Vista Boulevard, and being more precisely
24 described by the legal description attached to this ordinance as **Exhibit A** (hereinafter
25 the "property"); and
26

27 **WHEREAS**, based upon the evidence presented to the MPB, including the
28 information and analysis contained in the "Staff Report to the Municipal Planning Board"
29 for application case number ZON2015-00025 (entitled "Item #10 – Nona AARC Mixed
30 Use Planned Development (PD)"), and subject to certain conditions contained within the
31 staff report, the MPB recommended that the City Council of the City of Orlando, Florida
32 (the "Orlando City Council"), approve said zoning application and adopt an ordinance in
33 accordance therewith; and
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35 **WHEREAS**, zoning application case number ZON2015-00025 is requesting the
36 planned development zoning district for the purpose of permitting the phased
37 development of a 700-space airport parking facility, a 39,000 square foot recreation
38 center, a 7-story 140-room hotel with a 43,500 square foot banquet facility, and the
39 future redevelopment of the parking facility as commercial outparcels (the "project"); and
40

41 **WHEREAS**, the MPB found that the project is consistent with the City's adopted
42 Growth Management Plan (the "GMP") including the applicable goals, objectives, and
43 policies associated with the property's Future Land Use Map designation of Community
44 Activity Center; and

45
46 **WHEREAS**, the Orlando City Council hereby finds that the project is consistent
47 with the intent and purpose of the planned development district zoning designation as
48 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando
49 City Code”); and

50
51 **WHEREAS**, the Orlando City Council hereby finds that the project and this
52 ordinance is in the best interest of the public health, safety, and welfare, and is
53 consistent with the applicable provisions of the City’s GMP, including the applicable
54 goals, objectives, and policies associated with the Property’s Future Land Use Map
55 designation of Community Activity Center; and

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

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60 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
61 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
62 Orlando City Code, the property is hereby designated as the Planned Development
63 District, in part, and as the Planned Development District along with the Aircraft Noise
64 zoning overlay district, in part, on the city’s official zoning maps (to be denoted as “PD”
65 and “PD/AN,” respectively, on the official maps of the city), as depicted in **Exhibit B** to
66 this ordinance. This planned development zoning district may be known as the “Nona
67 AARC Planned Development.”

68
69 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
70 58.367, Orlando City Code, except as expressly provided in this ordinance, the Nona
71 AARC Planned Development zoning district remains subject to all applicable federal,
72 state, and local laws, and nothing in this ordinance shall be construed to exempt the
73 property from the lawful authority or jurisdiction of any federal, state, or local agency.

74
75 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
76 otherwise by this ordinance, the property shall be governed by the land development
77 regulations of the AC-1 Community Activity Center District, and the part of the property
78 covered by the Aircraft Noise zoning overlay district shall also be governed by the
79 applicable land development regulations of the Aircraft Noise zoning overlay district.

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81 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
82 Development zoning district for the property is subject to the following special land
83 development regulations:

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85 **1. General Development Regulations**

- 86
87 **a. Development Plan.** Subject to any modifications expressly contained in
88 the text of this ordinance, development and maintenance of the property

89 must be consistent with the development plan attached to this ordinance
90 as **Exhibit C** (hereinafter the “development plan”). In the event of a
91 conflict between the text of this ordinance and the development plan, the
92 text of this ordinance shall control. References in this ordinance to lots,
93 parcels, buildings, phases, and other development features refer to such
94 features as identified on the development plan.

95
96 **b. *Phasing.*** The property may be developed in multiple phases, but if
97 developed in multiple phases, each phase must be developed in a
98 manner that allows the individual phases to function independently of
99 each other and each phase of development is subject to review and
100 approval by specific parcel master plan. All specific parcel master plans
101 are subject to review and approval by the Orlando City Council upon
102 recommendation of the MPB. The purpose of this requirement is to
103 ensure that the first phase, and each subsequent phase, can fully function
104 and operate as intended by the development plan in the event that
105 subsequent phases are delayed or abandoned.

106
107 **c. *Variances and modifications.*** Zoning variances and modification of
108 standards may be approved pursuant to the procedures set forth in Part
109 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The
110 planning official may also approve minor modifications and design
111 modifications to fences, walls, landscaping, accessory structures, signs,
112 and bufferyard requirements. Additionally, recognizing that development
113 plans can change in small ways between the planning and permitting
114 stages of development, the planning official may approve up to a 10%
115 modification of any applicable numerical development standard if the
116 planning official finds that the proposed modification is consistent with the
117 applicable goals, objectives, and policies of the GMP, is compatible with
118 nearby existing land uses, would not result in inadequate public facilities,
119 and is otherwise consistent with the public health, safety, and welfare.
120 When approving such a modification of a development standard, the
121 planning official may impose one or more of the conditions of
122 development provided at section 65.334, Orlando City Code, but such
123 condition or conditions must be reasonably calculated to mitigate the
124 identifiable land use impacts of the modified standard.

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126 **d. *Existing uses and structures.*** Lawfully established uses and lawfully
127 constructed structures on the property as of the effective date of this
128 ordinance are hereby made lawful and conforming to this ordinance.

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130 **e. *Maximum building height.*** Buildings may not exceed 90' in height.

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132 **2. Urban Design Regulations**

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- a. *Signs.* Allowable sign area for this planned development shall be based on building frontage facing Narcoossee Rd. and frontage facing the required east-west and northwest/southeast cross-access roadways. Allowed sign types include wall, monument, projecting, and awning signs. Pole signs, digital readerboard signs, pennants, streamers and inflatable devices are prohibited. A Sign Master Plan shall be approved by Planning Official Determination prior to any sign permits being submitted. Ground and monument signs are limited to eight (8) ft in height. Ground and monument signs must match architectural details of the principal structure(s).

- b. *Appearance review.* An Appearance Review shall be required prior to building permits being issued. All Urban Design conditions of approval shall be addressed in revised drawings prior to requesting the Appearance Review and prior to applying for building permits. All buildings must conform to the following design regulations:
 - i. The principal façade of all buildings must face towards Narcoossee Road.

 - ii. Building entrances must be clearly expressed by the building's architecture and principal entrances must be visible from Narcoossee Road.

 - iii. The main building entrance(s) shall also be oriented toward Narcoossee Rd. or the east-west roadway.

 - iv. A base, middle, and top are required with architectural details to create an impervious, durable surface at the base of each of the buildings.

 - v. Buildings over three stories in height shall have a sculpted top where the building meets the sky, as determined during the Appearance Review process.

 - vi. Sixty percent of the building elevation facing Narcoossee Road and the required east-west street shall be articulated with canopies, porticos, or arcades and have at least three of the following features:
 - 1. Overhangs
 - 2. Recesses
 - 3. Raised cornice

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- 4. Arches
- 5. Peaked roof forms
- 6. Other architectural treatment acceptable to the appearance review officer.

- c. *Front Buffer.* Along Narcoossee Road, a minimum 20-ft landscape buffer shall be required, with canopy trees planted 50-ft. on-center, 10-ft. high understory trees planted at 25-35 ft. on-center, a minimum 3-ft. tall knee wall or row of hedges, and ground cover planted 12-24 inches on center.
- d. *Building Transparency.* Thirty percent building transparency is required for buildings facing Narcoossee Road, and for buildings facing the east/west street.
- e. *Fences.* Fencing shall be CPTED-style (open picket, aluminum, wrought-iron or steel mesh), no taller than 6 ft.
- f. *Landscape Plan(s).* A landscape plan shall be submitted for each phase as part of the Appearance Review process with the required “additional landscaping factor” required for a PD, as required by LDC Chapter 60, Landscaping Code.
 - i. The Phase I parking lot shall have a minimum 7.5-ft landscaping buffer along all perimeters (not the sub-standard 6-ft. and 5-ft. perimeter landscaping as shown on the proposed plans), except along the front third (1/3) of the parking area. A minimum 5 ft. buffer shall be allowed next to adjacent properties to the north and south of the subject property.

3. Subsequent Phase Requirements. This planned development is a framework plan, and subsequent phases beyond phase I shall require Specific Parcel Master Plan (SPMP) approval.

- a. A minimum of two entrances and exits are required for each use that utilizes structured parking.
- b. Ramps to the podium are required to meet parking code requirements of a flat surface of at least one full vehicle space prior to the beginning of the ramp.
- c. Architecture shall be treated such that it meets the ground, and parking podiums shall be treated with architectural relief such as pilasters clad with building materials that match the principal structure, such that the perception of the podium is that of a principal structure from a distance.

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- d. Each SPMP shall address loading and service areas, and shall not utilize the east/west street for access or backing and maneuvering.
- e. All subsequent phases shall be served by pedestrian pathways accessible to the street sidewalk system along Narcoossee Road and the east/west street.
- f. A minimum 20-ft. setback for subsequent phases is required from the north property line; further review for fire access will be needed and designed into the project as part of the SPMP process. This may require a two-way drive (24-ft) with a 7.5-ft. landscape strip on both sides to provide circulation and fire access.
- g. All parapets shall have a 3-dimensional treatment with returns, and no parapet shall exceed 15% of the height of the supporting wall.
- h. Sloping roofs shall have a minimum 1 ft. vertical rise for every 3 ft. of horizontal run, including roofs on phase I (which shall not have a hip-roof treatment).

4. Transportation Regulations

- a. *Parking.* Minimum and maximum parking for the various phases beyond Phase I shall be determined at time of SPMP review and approval.
- b. *Roadway Network.* A logical system of streets and blocks is needed to serve the development in the following manner:
 - i. A private street corridor shall be dedicated on the property running west to east. The corridor shall be designed as a street, built to City standards, and include, at minimum, the following:
 1. Between Narcoossee Road and the required north-south driveway access corridor (approximately 300 ft east of west property line), the east-west street shall be in a minimum 70 ft wide easement granted for the use of the public for movement through the property and to the City for provision of utilities as needed. This easement shall be granted with Phase I of this project.
 2. Between the north –south driveway access corridor and the east property line, the east-west corridor shall abut the north or south property line and shall be a minimum of 50 ft

265 wide. The corridor shall be contained within an easement
266 dedicated to the use of the public for movement through
267 the property and to the City for provision of utilities as
268 needed. This easement may be granted at the time when
269 Phase II of this project begins.
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- 271 3. Two 11-ft travel lanes.
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- 273 4. Curb and gutter (1.5-ft each side).
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- 275 5. A 7.5-ft park strip on the north side and a 5-ft. wide park
276 strip on the south side, planted with street trees at a
277 distance no greater than every 50-ft on both sides of said
278 strip.
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- 280 6. A 7-ft additional parkway area that can become a third lane
281 (for points of access onto development site) at potential
282 intersections determined during the subsequent SPMP
283 process.
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- 285 7. A 5-ft sidewalk on both sides.
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- 287 8. A 3-ft utility easement on both sides beyond the sidewalk.
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- 289 9. Additional on-site landscaping that buffers any structures
290 (including parking structures) from the back of sidewalk of
291 15-ft for subsequent phases of development beyond the
292 airport parking contemplated in Phase I (not included in the
293 private right-of-way).
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295 **ii.** The east-west street corridor shall include the possibility of
296 extension into the undeveloped properties to the east and north,
297 consistent with the City's subdivision requirements.
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299 **iii.** A minimum 70-ft. wide north-south cross-access driveway corridor
300 (parallel to Narcoossee Rd.) shall be located approximately 1/3 of
301 the distance into the property (approximately 300' east of
302 Narcoossee Road), which must include a minimum 7.5-ft. wide
303 park strip with trees, a min. 5-ft. wide sidewalk and a minimum 5-
304 ft. wide area for utilities for subsequent development on both sides
305 of the drive. The corridor shall be contained within a cross-access
306 easement dedicated to the use of the adjacent property owners to
307 the north and south of this parcel for movement through the

308 property. This easement shall be granted at the time when Phase
309 I of this project begins.

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311 **iv.** Circulation through the parking area shall be designed in such a
312 way to allow for vehicle travel on the side of the property opposite
313 of the east-west street to not be interrupted by the development of
314 the podium structure (set to occur with Phase II of the overall
315 development). The access lane shall be for two-way circulation
316 and connect to the east-west roadway in the rear of the property
317 or to another roadway further east (off-site). It is the preference of
318 the City that this roadway be external to the podium.

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321 **c.** *Turn Lanes.* At the time of Phase II starting on this development, the site
322 access intersection requires a northbound right turn lane to be
323 constructed allowing for deceleration from the Narcoossee Rd. through
324 traffic. Further, no exiting left-turn movements will be allowed from the
325 site driveway.

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327 **SECTION 5. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
328 errors found in this ordinance by filing a corrected copy of this ordinance with the city
329 clerk.

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331 **SECTION 6. SEVERABILITY.** If any provision of this ordinance or its
332 application to any person or circumstance is held invalid, the invalidity does not affect
333 other provisions or applications of this ordinance which can be given effect without the
334 invalid provision or application, and to this end the provisions of this ordinance are
335 severable.

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337 **SECTION 7. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

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339 **SECTION 8. EXPIRATION.** Pursuant to section 58.365, Orlando City Code, the
340 planned development zoning designation made by sections 1 and 4 of this ordinance is
341 hereby made contingent on a building permit for the project being issued by the City of
342 Orlando within two years of the effective date of this ordinance. For purposes of this
343 section, a "building permit" means a building permit issued pursuant to the Florida
344 Building Code. If a building permit is not issued within 2 years, or if the building permits
345 issued for the project all expire, then the zoning designation for the property shall
346 convert to the "default zoning district" as provided in section 3 of this ordinance. The
347 zoning official is hereby authorized and directed to correct the official zoning map series
348 of the city as necessary to conform to this section.

349
350 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
351 Florida, at a regular meeting, this _____ day of _____, 2016.
352

353 **DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in the City
354 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
355 of _____, 2016.
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357 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
358 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City
359 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
360 _____, 2016.
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362 BY THE MAYOR OF THE CITY OF
363 ORLANDO, FLORIDA:
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365 _____
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367 Mayor
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369 ATTEST, BY THE CLERK OF THE
370 CITY COUNCIL OF THE CITY OF
371 ORLANDO, FLORIDA:
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373 _____
374 City Clerk
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376 _____
377 Print Name
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379 APPROVED AS TO FORM AND LEGALITY
380 FOR THE USE AND RELIANCE OF THE
381 CITY OF ORLANDO, FLORIDA:
382

383 _____
384 Chief Assistant City Attorney
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386 _____
387 Print Name
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389 ****[Remainder of page intentionally left blank.]****