

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF MCCOY RD., SOUTHEAST OF THE CURRENT SOUTHEASTERN TERMINUS OF HAZELTINE NATIONAL DR., AND WEST OF NARCOOSSEE RD., AND COMPRISED OF 5.22 ACRES OF LAND, MORE OR LESS, AS THE PLANNED DEVELOPMENT DISTRICT WITH THE AIRCRAFT NOISE OVERLAY DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING A DEVELOPMENT PLAN AND 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 August 18, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2015-00009, requesting the planned development zoning district and the aircraft noise overlay zoning district designations for land generally located north of McCoy Road, southeast of the current southeastern terminus of Hazeltine National Drive, and west of Narcoossee Road, comprised of approximately 5.22 acres of land, and being 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 ZON2015-00009 (entitled "Item #9 – 8301 McCoy Road" 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 ZON2015-00009 is requesting the planned development zoning district for the purpose of permitting the development of up to 67,300 square feet of non-residential use (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 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 Planned Development district with the Airport 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 "8301 McCoy Road Planned Development."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, The 8301 McCoy Road 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 zoning overlay 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 subject to the following special land development regulations:

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) *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.
- c) *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.
- d) *Permitted uses*. Only the following uses are permitted on the Property:
- i) Civic clubs
 - ii) Conservation
 - iii) Communication tower
 - iv) Kennel
 - v) Light manufacturing and processing
 - vi) Medical/dental lab
 - vii) Office
 - viii) Principal use parking
 - ix) Public benefit use
 - x) Personal storage
 - xi) Light retail
 - xii) Business, entertainment, personal, and automotive services
 - xiii) Temporary professional
 - xiv) Vehicle sales and rental
 - xv) Warehouse/showroom
 - xvi) Wholesale/warehouse
- e) *Maximum intensity*. Intensity on the Property may not exceed 67,300 square feet of non-residential use.
- f) *Maximum building height*. Buildings may not exceed 75' in height.
- g) *Setbacks*. The minimum required setback for principal buildings is 35' in the front yard and 5' for rear and side yards.
- h) *Maximum ISR*. The impervious surface ratio may not exceed 0.8.
- i) *Existing uses and structures*. Lawfully established uses and lawfully constructed structures on the Property as of the effective date of this ordinance are hereby made lawful and conforming to this ordinance.

- j) Parking on unimproved surfaces that are located north of the existing building shall be permitted for up to 15 months following the adoption of the PD ordinance. Within one year following the PD ordinance approval, all required permits to pave the parking areas shall be submitted and approved and the paving and required landscaping for the new parking area must be completed within 3 additional months of the permits being issued. Failure to comply with any of the above may be subject to possible code enforcement action.
- k) *Additional regulations applicable at substantial improvement or enlargement.* In addition to all other land development regulations applicable to the Property upon substantial improvement or substantial enlargement, the following additional land development regulations apply to the Property upon substantial improvement or substantial enlargement:
- i) *Landscaping.* Landscaping must conform to the landscaping regulations applicable to the AC-2 zoning district.
 - ii) *Sidewalk.* A minimum 5'-wide sidewalk must connect the front entrance of the principal structure with the adjacent public right-of-way.
 - iii) *Outdoor lighting.* Outdoor lighting must conform to Part 2M, Chapter 63, Orlando City Code.
 - iv) *Parking.* Parking must conform to section 61.303, Orlando City Code.
 - v) *Signs.* Signs must conform to section 64.201, Orlando City Code. Ground and pole signs are permitted.
 - vi) *Aircraft noise.* Development must conform to the applicable GMP goals, objectives, and policies, and land development regulations of the aircraft noise overlay district.
 - vii) *Administrative master plan.* Development is subject to review and approval by administrative master plan pursuant to Part 2H, Chapter 65, Orlando City Code.

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.

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 OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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:

Chief Assistant City Attorney

Print Name

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