

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
2 OF ORLANDO, FLORIDA, REZONING CERTAIN LAND  
3 GENERALLY LOCATED NORTH AND WEST OF  
4 TRADEPORT DR., NORTH AND EAST OF BOGGY  
5 CREEK RD., AND SOUTH OF 8<sup>TH</sup> ST., COMPRISED OF  
6 APPROXIMATELY 231 ACRES OF LAND, TO THE  
7 PLANNED DEVELOPMENT DISTRICT, IN PART, THE  
8 PLANNED DEVELOPMENT DISTRICT WITH THE  
9 AIRCRAFT NOISE ZONING OVERLAY DISTRICT, IN  
10 PART, AND THE PLANNED DEVELOPMENT DISTRICT  
11 WITH THE RESOURCE PROTECTION ZONING  
12 OVERLAY DISTRICT, IN PART; PROVIDING A  
13 DEVELOPMENT PLAN AND SPECIAL LAND  
14 DEVELOPMENT REGULATIONS OF THE PLANNED  
15 DEVELOPMENT DISTRICT; PROVIDING A DISCLAIMER  
16 REGARDING PERMITS FROM STATE AND FEDERAL  
17 AGENCIES, FOR SEVERABILITY, CORRECTION OF  
18 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.  
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20 **WHEREAS**, at its regularly scheduled meeting of January 19, 2016, the  
21 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),  
22 considered zoning application case number ZON2015-00050, requesting a rezoning of  
23 certain land generally located north and west of Tradeport Drive, north and east of  
24 Boggy Creek Road, and south of 8<sup>th</sup> Street, comprised of approximately 231 acres of  
25 land, to the Planned Development district, in part, the Planned Development district with  
26 the Aircraft Noise zoning overlay district, in part, and the Planned Development district  
27 with the Resource Protection zoning overlay district, in part, such land being more  
28 precisely described by the legal description attached to this ordinance as **Exhibit A**  
29 (hereinafter the "property"); and  
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31 **WHEREAS**, based upon the evidence presented to the MPB, including the  
32 information and analysis contained in the "Staff Report to the Municipal Planning Board"  
33 for application case number ZON2015-00050 (entitled "Item #11 – Air Commerce Park  
34 Planned Development" and hereinafter referred to as the "staff report"), and subject to  
35 certain conditions contained within the staff report, the MPB recommended that the City  
36 Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning  
37 application and adopt an ordinance in accordance therewith; and  
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39 **WHEREAS**, zoning application case number ZON2015-00050 is requesting the  
40 planned development zoning district for the purpose of permitting the phased multi-  
41 building development of approximately 3 million square feet of industrial warehouse,  
42 office, and flex-space use in proximity to the Orlando International Airport (the "project");  
43 and  
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45 **WHEREAS**, the MPB found that the project is consistent with the city's adopted  
46 Growth Management Plan (the "GMP") including the applicable goals, objectives, and  
47 policies associated with the property's Future Land Use Map designation of Industrial, in

48 part, and Industrial with the Resource Protection designation, in part, and with applicable  
49 subarea policies, including Subarea Policy S.33.4 and Subarea Policy S.33.5; and

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

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56 **WHEREAS**, the Orlando City Council hereby finds that the project and this  
57 ordinance is in the best interest of the public health, safety, and welfare, and is  
58 consistent with the applicable provisions of the city’s GMP, including the applicable  
59 goals, objectives, and policies associated with the property’s Future Land Use Map  
60 designation of Industrial, in part, and Industrial with the Resource Protection designation,  
61 in part, and with applicable subarea policies, including Subarea Policy S.33.4 and  
62 Subarea Policy S.33.5; and

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

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67 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and  
68 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the  
69 Orlando City Code, the property is hereby rezoned from the Industrial-Park district, in  
70 part, the Industrial-Park district with the Resource Protection zoning overlay district, in  
71 part, the Public district, in part, and the Public district with the Aircraft Noise zoning  
72 overlay district, in part, to the Planned Development zoning district, in part, the Planned  
73 Development zoning district with the Resource Protection zoning overlay district, in part,  
74 and the Planned Development zoning district with the Aircraft Noise zoning overlay  
75 district, in part (to be denoted as “PD,” “PD/RP,” and “PD/AN,” respectively, on the  
76 official zoning maps of the city), as depicted in **Exhibit B** to this ordinance. This Planned  
77 Development zoning district may be known as the “Air Commerce Park Planned  
78 Development.”

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80 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section  
81 58.367, Orlando City Code, except as expressly provided in this ordinance, the Air  
82 Commerce Park Planned Development zoning district remains subject to all applicable  
83 federal, state, and local laws, and nothing in this ordinance shall be construed to exempt  
84 the property from the lawful authority or jurisdiction of any federal, state, or local agency.

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86 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided  
87 otherwise by this ordinance, the property shall be governed by the land development  
88 regulations of the Industrial-Park (I-P) zoning district along with the applicable zoning  
89 overlay districts depicted in **Exhibit B**.

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91           **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned  
92 Development zoning district for the property is subject to the following special land  
93 development regulations:  
94

95           **1. General Development Regulations**

- 96
- 97           a. *Development Plan.* Subject to any modifications expressly contained in  
98 the text of this ordinance, development and maintenance of the property  
99 must be consistent with the development plan attached to this ordinance  
100 as **Exhibit C** (hereinafter the “development plan”). In the event of a  
101 conflict between the text of this ordinance and the development plan, the  
102 text of this ordinance shall control. References in this ordinance to lots,  
103 parcels, buildings, phases, and other development features refer to such  
104 features as identified on the development plan.  
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- 106           b. *Phasing.* The property may be developed in multiple phases, but if  
107 developed in multiple phases, each phase must be developed in a  
108 manner that allows the individual phases to function independently of  
109 each other. The purpose of this requirement is to ensure that the first  
110 phase, and each subsequent phase, can fully function and operate as  
111 intended by the development plan in the event that subsequent phases  
112 are delayed or abandoned.  
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- 114           c. *Site plan review.* All development is subject to review and approval by  
115 master plan and final site plan prior to the issuance of any building permit  
116 for the respective work. Applications for master plan and final site plan  
117 shall be processed in accordance with Part 2H, Chapter 65, Orlando City  
118 Code, except that notwithstanding anything in the Orlando City Code to  
119 the contrary, master plans shall be reviewed and approved in accordance  
120 with the “Administrative review process outside the Southeast Orlando  
121 Sector Plan area,” as provided by subsection 65.334(b), Orlando City  
122 Code. The property must be development and maintained in accordance  
123 with approved final master plans and final site plans.  
124
- 125           d. *Variances and modifications.* Zoning variances and modification of  
126 standards may be approved pursuant to the procedures set forth in Part  
127 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The  
128 planning official may also approve minor modifications and design  
129 modifications to fences, walls, landscaping, accessory structures, signs,  
130 and bufferyard requirements. Additionally, recognizing that development  
131 plans can change in small ways between the planning and permitting  
132 stages of development, the planning official may approve up to a 10%  
133 modification of any applicable numerical development standard if the  
134 planning official finds that the proposed modification is consistent with the

135 applicable goals, objectives, and policies of the GMP, is compatible with  
136 nearby existing land uses, would not result in inadequate public facilities,  
137 and is otherwise consistent with the public health, safety, and welfare.  
138 When approving such a modification of a development standard, the  
139 planning official may impose one or more of the conditions of  
140 development provided at section 65.334, Orlando City Code, but such  
141 condition or conditions must be reasonably calculated to mitigate the  
142 identifiable land use impacts of the modified standard.

- 143  
144 e. *Existing uses and structures.* Lawfully established uses and lawfully  
145 constructed structures on the property as of the effective date of this  
146 ordinance are hereby made lawful and conforming to this ordinance.

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148 **2. Urban Design Standards**

- 149  
150 a. *Signs.* A master sign plan for the property must be reviewed and  
151 approved by the planning official before any building permit is issued by  
152 the city for a permanent sign on the property. The purpose of the master  
153 sign plan is to ensure a consistent sign theme and design across the  
154 entire planned development. The master sign plan is subject to review  
155 and approval by planning official letter of determination and must conform  
156 to the applicable sign regulations of Chapter 64, Orlando City Code, and  
157 all other applicable provisions of the GMP and Orlando City Code. The  
158 property must be developed and maintained consistent with the approved  
159 master sign plan. Maximum sign area shall be established by each  
160 master plan. High-rise signs, if any, may not face towards residential  
161 uses. All signs must be constructed and maintained with durable and  
162 lasting materials. Channel letters, halo-lit signs, externally lit, or metal  
163 faces with push through letters are preferred. Plastic cabinet signs and  
164 pole signs are prohibited.
- 165  
166 b. *Bufferyards.* Bufferyard requirements shall be established by each master  
167 plan.
- 168  
169 c. *Street trees and parkstrips.* Street trees must be installed and maintained  
170 along all streets as required by Orlando City Code. All parkstrips must be  
171 at least 7.5' in width. Where a canopy tree is installed in a parkstrip that is  
172 less than 10' wide, the tree must be installed and maintained with a  
173 special design or construction technique intended to prevent damage to  
174 the adjacent infrastructure (e.g., sidewalks, roads, and curbs and gutters)  
175 by the growing tree. Typical techniques may include structural soils, sand-  
176 based structural soils, root cells, or root barriers, but any such technique  
177 is subject to final review and approval by the zoning official, or designee.  
178

- 179 d. *Building entrances.* Each principal building must have its main pedestrian  
180 entrance facing towards the adjacent public or private street. All main  
181 entrances must be clearly expressed by the architecture of the building.  
182
- 183 e. *Building transparency.* Each principal building must provide at least 15%  
184 transparency on two or more sides of the building. The transparency must  
185 be provided by clear glass windows or “low-emissivity” glass windows that  
186 transmit at least 60% of visible light. The transparency must also occur on  
187 the ground floor of the building, which for purposes of this part means  
188 between grade and 10’ above grade on the exterior of the building.  
189
- 190 f. *Architecture.* Principal buildings must be architecturally articulated at least  
191 every 80-lineal-feet. For purposes of this part, architectural articulation  
192 means details such as windows, canopies, awnings, changes in parapet  
193 height, material changes, projections, recesses, or similar features  
194 approved by the appearance review official. Architectural elevations for all  
195 principal buildings are subject to review and approval by the appearance  
196 review official as part of each final site plan.  
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198 **3. Transportation Regulations**  
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- 200 a. *Parking.* Minimum parking regulations shall be established by each  
201 master plan.  
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- 203 b. *Clear pedestrian paths.* Aboveground utilities (e.g., street lights, utility  
204 poles and boxes) are prohibited in paved pedestrian pathways such as  
205 sidewalks.  
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- 207 c. *Dumpsters and compactors.* Final site plans must depict the location and  
208 size of dumpsters and trash compactors, including concrete pads and  
209 enclosures with doors. Dumpsters and compactors may not be located  
210 directly adjacent to a public street. Dumpsters and trash compactors must  
211 be screened with solid walls if not located internal to a parking garage or  
212 principal building. Walls and gates must match nearby principal buildings.  
213 If located outside, screening walls must be softened from the perspective  
214 of the public rights-of-way and neighboring properties with approved low  
215 hedges, groundcover, and understory landscaping.  
216
- 217 d. *Loading docks.* The location, orientation, and, if applicable, the required  
218 buffering of loading docks shall be subject to review and approval by  
219 master plan. Loading docks may not face adjacent public rights-of-way  
220 unless substantially screened from view of the adjacent public right-of-  
221 way by approved landscaping or functionally equivalent buffering.  
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ORDINANCE NO. 2016-27

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- e. *Fences.* Fencing on the property must be open-style fencing consistent with generally accepted Crime Prevention Through Environmental Design (CPTED) principles, such as aluminum or wrought-iron picket fencing. Chain-link fences are prohibited (except for temporary construction fencing) unless the fence is 6-gauge, black vinyl-clad, with matching top and bottom rails.
  
- f. *Walkability.* Master and final site plans must show a complete pedestrian circulation plan connecting all building and development sites with the public sidewalk system. The main entrance of all principal buildings must connect directly with the nearest adjacent public sidewalk by paved sidewalk at least 5-ft. in width.
  
- g. *Pedestrian crossings.* Where sidewalks cross vehicular rights-of-way, colored, striped, or textured pavement must be used to demarcate the continuation of the pedestrian zone across the drive aisle. Reflective paint or tape alone is inadequate to meet this requirement, but may be used in conjunction with other approved treatments. All pavement markings and treatments must be designed, installed, and maintained in accordance with the current Manual of Uniform Traffic Control Devices (MUTCD).
  
- h. *Roadway improvements.* The developer must extend and improve four (4) road segments within and adjacent to the industrial park. The new road segments will create better north/south and east/west connectivity for the area as well as serving the needs of the new industrial tenants.
  - i. All road segments for this development must comply with the Orlando City Code and Engineering Standards in effect at the time of submission of plans for permitting.
  
  - ii. The typical cross section for all four (4) segments must be as shown in **Exhibit D** to this ordinance and must include a 5-ft. wide sidewalk on one side of the roadway and an 11-ft. wide multi-use trail on the opposite side of the roadway.
  
  - iii. The four (4) road segments required for the ultimate build-out of this planned development are shown in **Exhibit E** to this ordinance.
  
  - iv. All four (4) road segments must be constructed by the developer and maintained as public roads.
  
  - v. The timing of the construction for the four (4) road segments shall be as follows:

ORDINANCE NO. 2016-27

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1. Segment 1: Seven Seas Lane – 8<sup>th</sup> Street to Rayburn Street Extension

Constructed concurrent with any Certificate of Occupancy for Tract C or for Certificates of Occupancy for 200 ksf of development each on Tract A and Tract B.

2. Segment 2: Seven Seas Lane – Boggy Creek Road to Rayburn Street

Constructed concurrent with Certificates of Occupancy for 400 ksf of development on Tract D or for any development on Tract C if Segment 1 has not been completed.

3. Segment 3: Rayburn Street Extension – Boggy Creek Road to Seven Seas Lane

To be constructed as an internal access road. If additional right-of-way west of the project cannot be provided or obtained, then Segment 3 will not be pursued and Segment 2 will be constructed as an alternative. Segment 3 construction time frame will be similar to the conditions for construction of Segment 2.

4. Segment 4: Rayburn Street – Seven Seas Lane to east lot line of the planned development

Constructed concurrent with Certificates of Occupancy for developments totaling 2,000 ksf anywhere in the planned development.

- vi. The intersection of Seven Seas Lane and Rayburn Street must be constructed as a single lane roundabout sized to accommodate use by 70 ft long design vehicles (tractor-trailers). This roundabout shall be constructed with the first of Segments 2 or 3 as detailed above.
- vii. The intersection of Seven Seas Lane and 8<sup>th</sup> Street shall be re-aligned to the east by ~100 ft to align with an extension of Seven Seas Lane north of 8<sup>th</sup> as envisioned in compliance with the Southport Vision Plan.
- viii. The alignments of Segments #1, #2, #3, and #4 shall be as shown on **Exhibit E** to this ordinance.

ORDINANCE NO. 2016-27

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- ix. Rights-of-way needed for road Segments #1 and 3 shall be dedicated at the time of platting of the earlier of Tract B or Tract C. This must include the right-of-way needed for the roundabout if Segment #2 has not been dedicated.
- x. Right-of-way needed for road Segment #2 shall be dedicated at the time of Tract D. This shall include the right-of-way needed for the roundabout if Segment #1 has not been dedicated.
- xi. Right-of-way needed for road Segment #4 shall be dedicated at the time of Platting of Tract C.
- xii. 8<sup>th</sup> Street between Seven Seas Lane and the eastern property line of Tract A shall be improved at the time of development on Tract A. The cross section shall include two (2) travel lanes, left turn lanes meeting FDOT standards for the two (2) project driveways and a sidewalk along the south side of the roadway. Open swales may be used for the drainage of this road segment. Improvements shall also include expansion of the pavement on the bridge at the east side of Tract A, installation of warning signs and pavement markings for the narrow bridge condition, and guardrails or similar protection for the box culvert structure.
- xiii. 8<sup>th</sup> Street between Seven Seas Lane and the western property line of Tract B shall be improved at the time of development on Tract B. The cross section shall include two (2) travel lanes, left turn lanes meeting FDOT standards for the two (2) project driveways and a sidewalk along the south side of the roadway. Open swales may be used for the drainage of this road segment.
- i. *Proportionate Fair Share Agreement.* The owner/developer must participate in discussions with the city and other land owners in the area to develop a proportionate fair share plan for the improvement of Dowden Rd/8<sup>th</sup> Street/Express Street to a full urban cross section capable of sustaining the high level of truck traffic anticipated with development to the full intensity of industrial use in the area. This condition does not obligate the owner/developer to contribute a specific fair share to this project, but does commit them to participating in the process to establish such a funding mechanism to bring this road to an acceptable operating characteristic.
- j. *Design speed.* All newly constructed roads must have a design speed of a minimum 30 MPH.



- 355 k. *Seven Seas/Rayburn intersection.* The Seven Seas Drive and Rayburn  
356 Street intersection must be constructed as a round-about to facilitate the  
357 phasing of the road network and provide traffic calming.  
358

359 **SECTION 5. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's  
360 errors found in this ordinance by filing a corrected copy of this ordinance with the City  
361 Clerk.  
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363 **SECTION 6. DISCLAIMER.** In accordance with Section 166.033(5), Florida  
364 Statutes, the issuance of this development permit does not in any way create any right  
365 on the part of the applicant to obtain a permit from a state or federal agency, and does  
366 not create any liability on the part of the City for issuance of this permit if the applicant  
367 fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal  
368 agency or undertakes actions that result in a violation of state or federal law. All other  
369 applicable state or federal permits must be obtained before commencement of the  
370 development authorized by this development permit.  
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372 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its  
373 application to any person or circumstance is held invalid, the invalidity does not affect  
374 other provisions or applications of this ordinance which can be given effect without the  
375 invalid provision or application, and to this end the provisions of this ordinance are  
376 severable.  
377

378 **SECTION 8. EXPIRATION.** Pursuant to section 58.365, Orlando City Code, the  
379 planned development zoning designation made by section one of this ordinance is  
380 hereby made contingent on a building permit for the project being issued by the City of  
381 Orlando within five years of the effective date of this ordinance. For purposes of this  
382 section, a "building permit" means a building permit issued pursuant to the Florida  
383 Building Code. If a building permit is not issued within five years, or if the building  
384 permits issued for the project all expire, then the zoning designation for the property  
385 shall convert to the "default zoning district" as provided in section three of this ordinance.  
386 The zoning official is hereby authorized and directed to correct the official zoning map  
387 series of the city as necessary to conform to this section.  
388

389 **SECTION 9. EFFECTIVE DATE.** This ordinance takes effect upon adoption.  
390

391 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,  
392 Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
393

394 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City  
395 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this \_\_\_\_\_ day  
396 of \_\_\_\_\_, 2016.  
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398 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**  
399 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City

ORDINANCE NO. 2016-27

400 Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of  
401 \_\_\_\_\_, 2016.

403 BY THE MAYOR OF THE CITY OF  
404 ORLANDO, FLORIDA:

405 \_\_\_\_\_  
406  
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408 Mayor

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410 ATTEST, BY THE CLERK OF THE  
411 CITY COUNCIL OF THE CITY OF  
412 ORLANDO, FLORIDA:

413 \_\_\_\_\_  
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415 City Clerk

416 \_\_\_\_\_  
417  
418 Print Name

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

423 \_\_\_\_\_  
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425 Chief Assistant City Attorney

426 \_\_\_\_\_  
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428 Print Name

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