

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF STATE ROAD 528, EAST OF NARCOOSSEE RD., AND SOUTH OF LEE VISTA BLVD., AND COMPRISED OF 9.69 ACRES OF LAND, MORE OR LESS, AS THE PLANNED DEVELOPMENT DISTRICT, IN PART, AND AS THE PLANNED DEVELOPMENT DISTRICT WITH THE AIRCRAFT NOISE OVERLAY DISTRICT, IN PART, 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 October 20, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered zoning application case number ZON2015-00025, requesting the Planned Development district zoning designation, in part, and the Planned Development district zoning designation along with the Aircraft Noise zoning overlay district, in part, for approximately 9.69 acres of land generally located north of State Road 528, east of Narcoossee Road, and south of Lee Vista Boulevard, 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 ZON2015-00025 (entitled "Item #10 – Nona AARC Mixed Use Planned Development (PD)"), 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 ZON2015-00025 is requesting the planned development zoning district for the purpose of permitting the phased development of a 700-space airport parking facility, a 39,000 square foot recreation center, a 7-story 140-room hotel with a 43,500 square foot banquet facility, and the future redevelopment of the parking facility as commercial outparcels (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 Community Activity Center; 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 Community Activity Center; 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 the Planned Development District, in part, and as the Planned Development District along with the Aircraft Noise zoning overlay district, in part, on the city’s official zoning maps (to be denoted as “PD” and “PD/AN,” respectively, 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 “Nona AARC Planned Development.”

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Nona AARC 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-1 Community Activity Center District, and the part of the property covered by the Aircraft Noise zoning overlay district shall also be governed by the applicable land development regulations of the Aircraft Noise zoning overlay district.

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

1. General Development Regulations

- 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 and each phase of development is subject to review and approval by specific parcel master plan. All specific parcel master plans are subject to review and approval by the Orlando City Council upon recommendation of the MPB. 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. Additionally, recognizing that development plans can change in small ways between the planning and permitting stages of development, the planning official may approve up to a 10% modification of any applicable numerical development standard if the planning official finds that the proposed modification is consistent with the applicable goals, objectives, and policies of the GMP, is compatible with nearby existing land uses, would not result in inadequate public facilities, and is otherwise consistent with the public health, safety, and welfare. When approving such a modification of a development standard, the planning official may impose one or more of the conditions of development provided at section 65.334, Orlando City Code, but such condition or conditions must be reasonably calculated to mitigate the identifiable land use impacts of the modified standard.
- d. *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.
- e. *Maximum building height.* Buildings may not exceed 90' in height.

2. Urban Design Regulations

- 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

- 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.

- 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

wide. The corridor shall be contained within an easement dedicated to the use of the public for movement through the property and to the City for provision of utilities as needed. This easement may be granted at the time when Phase II of this project begins.

3. Two 11-ft travel lanes.
4. Curb and gutter (1.5-ft each side).
5. A 7.5-ft park strip on the north side and a 5-ft. wide park strip on the south side, planted with street trees at a distance no greater than every 50-ft on both sides of said strip.
6. A 7-ft additional parkway area that can become a third lane (for points of access onto development site) at potential intersections determined during the subsequent SPMP process.
7. A 5-ft sidewalk on both sides.
8. A 3-ft utility easement on both sides beyond the sidewalk.
9. Additional on-site landscaping that buffers any structures (including parking structures) from the back of sidewalk of 15-ft for subsequent phases of development beyond the airport parking contemplated in Phase I (not included in the private right-of-way).

ii. The east-west street corridor shall include the possibility of extension into the undeveloped properties to the east and north, consistent with the City's subdivision requirements.

iii. A minimum 70-ft. wide north-south cross-access driveway corridor (parallel to Narcoossee Rd.) shall be located approximately 1/3 of the distance into the property (approximately 300' east of Narcoossee Road), which must include a minimum 7.5-ft. wide park strip with trees, a min. 5-ft. wide sidewalk and a minimum 5-ft. wide area for utilities for subsequent development on both sides of the drive. The corridor shall be contained within a cross-access easement dedicated to the use of the adjacent property owners to the north and south of this parcel for movement through the

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

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

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

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 sections 1 and 4 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. If a building permit is not issued within 2 years, or if the building permits issued for 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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

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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