

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, REZONING CERTAIN LAND GENERALLY LOCATED WEST OF NARCOOSSEE ROAD, NORTH OF LAKE NONA, EAST OF HEINTZELMAN BOULEVARD AND SOUTH OF BEACHLINE EXPRESSWAY (SR 528), AND COMPRISED OF 1,342 ACRES OF LAND, MORE OR LESS, CHANGING THE PROPERTY'S ZONING DESIGNATION FROM INDUSTRIAL PARK WITH THE AIRCRAFT NOISE OVERLAY DISTRICT, IN PART, AIRPORT SUPPORT DISTRICT HIGH INTENSITY WITH THE AIRCRAFT NOISE OVERLAY DISTRICT, IN PART AND NO CITY ZONING WITH THE AIRCRAFT NOISE OVERLAY DISTRICT, IN PART TO THE PLANNED DEVELOPMENT DISTRICT WITH THE AIRCRAFT NOISE OVERLAY DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR A DEVELOPMENT PLAN AND SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of August 16, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2016-00018, requesting the Planned Development zoning district designation with the Aircraft Noise overlay district for approximately 1,342 acres of land, generally located south west of Narcoossee Road, north of Lake Nona, east of Heintzelman Boulevard and south of Beachline Expressway (SR 528), 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 ZON2016-00018 (entitled "Item #14A & B-OIA East Airfield"), and hereinafter referred to as the Staff Report and subject to certain conditions, 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 ZON2016-00018 is requesting the Planned Development zoning district designation for the purpose of permitting the development of airport related uses (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 then-proposed Future Land Use Map designations of Airport Support District-High Intensity, in part, Airport Support District-Medium Intensity,

in part and Metropolitan Activity Center, in part, and Subarea policies S.35.1 and S.35.4;
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 are in the best interest of the public health, safety, and welfare, and are 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 designations of Airport Support District-High Intensity, in part, Airport Support District-Medium Intensity, in part and Metropolitan Activity Center, in part; and

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

SECTION 1. ZONING. 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 with the Aircraft Noise Overlay 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 the "OIA East Airfield Planned Development."

SECTION 2. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the OIA East Airfield Planned Development zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance may 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 is governed by the land development regulations of the I-P Industrial Park District (denoted as "I-P" on the official maps of the City) for light manufacturing and office uses, and I-G General Industrial District (denoted as "I-G" on the official maps of the City) for heavy manufacturing uses in Airport Support District-High Intensity areas only. All other uses will be governed by the AC-2 Urban Activity Center District (denoted as "AC-2" 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:

1) Land Development

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- 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 controls. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Development Plan.
- b) *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 signs, landscaping, driveway locations and other minor changes. 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 20% 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 and the principles of the Southeast Orlando Sector Plan and/or the applicable PD ordinance, 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.
- c) *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. The phasing must be generally consistent with **Exhibit D**.
- d) *Consistency with the GMP*. Development and use of the Property must be consistent with all applicable goals, objectives, policies, and strategies of the GMP, including without limitation Subarea Policies S.35.1 and S.35.4. All applicable goals, objectives, policies, and

strategies of the GMP, including without limitation Subarea Policies S.35.1 and S.35.4 are hereby incorporated into this ordinance as special land development regulations of the OIA East Airfield Planned Development zoning district.

- e) *Southeast Orlando Sector Plan applicable.* The property is included within the Southeast Orlando Sector Plan and therefore must conform to the applicable land development regulations of Chapter 68, Orlando City Code, unless otherwise approved by the Southeast Town Design Review Committee ("SETDRC").
- f) *Specific Parcel Master Plan (SPMP) approval required.* Consistent with Section 21.3.2 of the Amended and Restated Operation and Use Agreement between the City and GOAA, approved by the Orlando City Council on August 10, 2015, all development on the OIA East Airfield is subject to the full land development review process as required by the Land Development Code ("LDC"). Therefore, development within the East Airfield PD must be reviewed by the SETDRC consistent with the procedures found in LDC, Chapter 68, Part 6-Plan Benefits and Administrative Review Procedures. The SETDRC's review of projects located within Parcels A, B, C, D, and E (the "Aircraft Operations Area") will be limited to compliance with this ordinance including noise attenuation (including building orientation), building height, and the landscaping and buffer requirements all as specified herein. The City acknowledges that the Aircraft Operations Area is intended to be part of the operating airfield and therefore functionality is of paramount concern and in reviewing projects must take precedence over aesthetics. As such, appearance review is not required in the Aircraft Operation Area. The Aircraft Operations Area is regulated by the Federal Government and its Federal Aviation Administration pursuant to Federal statutes, regulations, orders, guidance and advisory circulars relating to and including, but not limited to, taxiways, apron, ramp, airfield lighting, security, security fencing, access, line of sight, airspace and necessary setbacks from same and therefore have preempted the City's ability to regulate same.
- g) *Appearance Review.* Appearance review is required to ensure the portions of the Project outside the Aircraft Operations Area on Parcel F, G, and H are developed in general conformance with the building elevations and landscaping approved during SPMP review.
- h) *Maximum development program.* Development on the Property must not exceed 6.1 million square feet of airport related development. Approximately 2,970,000 square feet are allocated to the Airport Support District-High

Intensity areas within the planned development, and approximately 3,130,000 square feet are allocated to the Airport Support District-Medium Intensity areas.

- i) Allowable Uses. The following uses are allowed in the OIA East Airfield PD: heavy manufacturing, light Manufacturing, warehouse, office, hotel, retail and service, automobile and truck rental, civic and parks. The uses set forth herein may have direct access to the airfield at Orlando International Airport, including all necessary taxiways, ramps and aprons.
- j) Maximum impervious surface ratio. The impervious surface ratio must not exceed 0.80 for light manufacturing and office uses; 0.90 for heavy manufacturing uses and 0.90 for all other uses. Common storm water, wetlands within the Planned Development and other common open space shall be included within the calculation of impervious surface ration for any specific site.
- k) Alternative Mix of Uses. The following alternative mix of uses is allowed in the Project:

Land Use	Minimum Land Area Required	Maximum Land Area Allowed
Residential	0%	0%
Support Retail, Hotel & Service	0%	50%
Office	15%	75%
Industrial	0%	75%
Civic	2.5%	No Maximum

- l) Building Height. The maximum building height for uses within Aircraft Operations Area of the PD (Parcels A, B, C, D and E) is one hundred ten feet or ten stories. This increase height is necessary in order to accommodate the construction and/or maintenance of large commercial aircraft with tail height in excess of 75 feet. The maximum building height for all other areas is seventy-five feet or seven stories.
- m) Setbacks. Light manufacturing and office uses must follow the building setbacks required in the I-P zoning district; heavy manufacturing uses in the Airport Support District-High Intensity areas must follow the building setbacks required in the I-G- zoning district; and all other uses must follow the building setbacks required in the AC-2 zoning district.
- n) Lighting. GOAA must use best practices for lighting in the entire PD area which includes modern lighting technology (e.g. LED bulbs) and design standards which limit glare and spill through the indiscriminate

broadcasting of light away from the area sought to be illuminated. Within the Aircraft Operations Area (Parcels A, B, C, D, and E), GOAA and its tenants will follow FAA guidance, and outside the Airport Operations Areas, GOAA and its tenants will be governed by Chapter 63, part 2M, Orlando City Code. The express intent of this section is to ensure that the most appropriate and least intrusive lighting technology is used in order to protect nearby residential uses.

o) Landscape Buffers. Landscape buffers must be consistent with the Landscape Buffers Key Plan, attached as **Exhibit E** and associated cross sections.

p) Parks. A +/-25 acre park must be constructed on the southwest portion of the site, as depicted in the PD Development Plan. The park will be developed by the entity that purchases the land from the Greater Orlando Aviation Authority ("GOAA"), and must undergo SPMP review prior to the issuance of building permits. GOAA will avoid removing any trees or otherwise working in the area east of the existing Dowden Road until that road is realigned, except to the extent that they may need to be impacted to support development of the park.

q) Transportation Improvements.

i) Dowden Road will be realigned as depicted in the PD Development Plan. This realignment must occur before or simultaneously with the planned extension of Dowden Road to Heintzelman Boulevard.

ii) Narcoossee Road will have no more than one full access point to the Project site as indicated in the PD Development Plan.

iii) In terms of transportation accessibility and capacity, each phase of the Project must function independently. It is understood that the primary access to Parcels G and H is via existing Dowden Road and primary access to Parcel F is via the future realigned Dowden Road. GOAA will design and construct the Cargo Road extension via Heintzelman Boulevard with sufficient capacity in each phase to serve as the primary access route from the north into the Airport Operations Area (Parcels A, B, C, D and E), including but not limited to, ensuring that the intersection of Heintzelman Boulevard and Cargo Road and the segment of Cargo Road east of Heintzelman Boulevard operate at sufficient levels of service through all phases of the development such that people in vehicles are not encouraged to shift to alternate routes off-site. Consistent with the traffic study, prior to full build out of the PD Development plan, portions of the Airport Operations Area may be served by Dowden Road and/or Narcoossee Road. Similarly, the internal Project roadway system will be designed and constructed in conjunction with each phase

and individual development site to achieve the objective of minimizing traffic impacts to Narcoossee Road and other off-site facilities. GOAA acknowledges that Cargo Road is ultimately planned to be a four-lane road at full build out.

- iv) The owner will require its tenants to route their traffic, including all truck traffic serving the Project site to access the northwest side of the site from Heintzelman Boulevard instead of Narcoossee Road and/or Dowden Road. The only exception will be traffic, including truck traffic, to potential facilities located along the realigned Dowden Road and non-tenant traffic on Dowden Road. GOAA will include provisions into its leases with future tenants requiring compliance with these requirements.
- v) The City acknowledges GOAA's past successful efforts to advocate for funding of airport access transportation projects. GOAA shall continue its role to advocate for available State or Federal funding to assist the City in closing its funding gap for its Narcoossee Road widening project. Future development within the East Airfield site which is not deemed an "essential airport service," as defined by Section 56.15 - Exemptions, of the Orlando City Code, Ord. No. 2014-72, § 2, adopted on December, 15, 2014, shall be subject to the payment of the City's Transportation Impact Fee by third parties other than GOAA.
- r) Signs. All building signage must comply with Chapter 64, Orlando City Code. A master sign plan is subject to review and approval as an SPMP before building permits are issued. The Property must be developed and maintained in accordance with the final approved sign plan.
- s) Noise.
 - i) The following provisions of Chart 1, Chapter 42, Orlando City Code apply to the noise levels on the Property, except noises from motor vehicles such as automobiles, trucks, and airplanes which are regulated by state and federal law. Chart 1, Class B applies to areas designated Airport Support District-High Intensity, and Class A applies to all remaining areas including areas designated Airport Support District-Medium Intensity.

Chart 1

Type of Property Generating Noise	Class A Standard 7AM-10 PM	Class A Standard 10PM-7AM	Class B Standard
Multi-Use	65dBA/70dBC	55dBA/60dBC	65dBA/70dBC
Commercial	70dBA/75dBC	65dBA/70dBC	75dBA/80dBC
Industrial	75dBA/80dBC	75dBA/70dBC	85dBA/90dBC

- ii) GOAA must provide its portable noise monitors for purposes of enforcing the noise levels in the OIA East Airfield PD.
- iii) There will be no aircraft engine run ups during the hours of 10pm to 5am, except in the northernmost area designated as Airport Support District-High Intensity if the engines point to the north. Run-ups are allowed in the western area designated as Airport Support District-Medium Intensity during the hours of 5am to 7am only if it occurs in hush houses. Run-ups are prohibited in the eastern area designated as Airport Support District-Medium Intensity between 10pm and 7am.*
- iv) Aircraft Engine Operations Limited. No operation of aircraft engines is permitted in the eastern portion of the Airport Support District-Medium Intensity requiring tug-in/tug-out operations in that area between 10pm and 7am.*
- v) Buildings must be oriented to provide noise shielding for the nearest residential areas.
- vi) GOAA must include provisions requiring compliance with Chapter 42, Orlando City Code in lease agreements within the PD area. Prospective tenants must submit evidence to the City demonstrating that their operations will comply with the Noise ordinance. Upon notification from the City of a violation of the Noise Ordinance, GOAA will require the tenant to take corrective action to comply with the Noise ordinance which may include a notice of default under the lease. The City may also pursue any available remedies to achieve compliance with the Noise ordinance.
- t) Water Issues. GOAA will conduct water quality monitoring in and around the EADA and share the monitoring data with the NorthLake Park community concurrent with the required submittals of the annual reports to the SFWMD and the City pursuant to permits and Development Order conditions. GOAA will use best efforts to relocate the outfall which sends water from the site to the waterbody Lake Nona. "Best efforts" means that GOAA will engineer its stormwater management system to avoid the need for such a discharge point, and that it will seek approval from appropriate regulatory agencies to relocate the outfall.

***The applicable areas are identified on the Landscape Buffers Key Plan which is attached to this Ordinance as Exhibit E.**

SECTION 5. AMENDMENT OF OFFICIAL ZONING MAP. The city zoning official, or designee, is hereby directed to amend the city's official zoning maps in accordance with this ordinance.

SECTION 6. OTHER STATE AND FEDERAL PERMITS. As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this ordinance that all other applicable state or federal permits be obtained before commencement of the development.

SECTION 7. 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 8. 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 9. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST 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 _____, 2017.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2017.

DONE, THE SECOND 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 _____, 2017.

**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
_____, 2017.

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:

City Attorney

Print Name