

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING AND RESTATING THE BOUNDARIES AND LAND DEVELOPMENT REGULATIONS OF THE 8301 MCCOY PLANNED DEVELOPMENT ZONING DISTRICT RELATING TO CERTAIN LAND GENERALLY LOCATED NORTH OF MCCOY RD., SOUTH OF DAKOTA DRIVE AND WEST OF NARCOOSSEE ROAD, AND COMPRISED OF 10.4 ACRES OF LAND, MORE OR LESS, PROVIDING 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 April 18, 2017, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered zoning application case number ZON2017-00005, requesting amendments to the 8301 McCoy Road Planned Development zoning district to expand the boundary to include an additional 5.2 acre parcel of land generally located, and north of McCoy Road, south of Dakota Drive and west of Narcoossee Road being, more precisely described by the legal description attached to this ordinance as Exhibit A to the existing 8301 McCoy Planned Development; 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 ZON2017-00005 (entitled "Item #11 – 8301 McCoy PD Amendment" 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 ZON2017-00005 will permit the development of up to 134,600 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 DISTRICT AND AMENDMENT TO THE PD LAND DEVELOPMENT REGULATIONS.** The parcel located at 8301 McCoy Road was designated as Planned Development District with the Airport Noise zoning overlay district on the City's official zoning map series by City of Orlando Ordinance #2015-51, adopted by the Orlando City Council on November 16, 2015. Ordinance #2015-51 is hereby amended, restated, and completely superseded by this ordinance. This ordinance designates the western parcel located at 8281 McCoy Road, comprised of approximately 5.2 acres, and described in **Exhibit A** to this Ordinance as the Planned Development district with the Airport Noise zoning overlay district on the City's official zoning maps and retains the zoning designation from Ordinance #2015-51 for the parcel located at 8301 McCoy Road and described in **Exhibit A**. The 8301 McCoy Road Planned Development District will hereafter be comprised of the parcels located at 8281 McCoy Road and 8301 McCoy Road ("the Property"), and will be denoted as "PD/AN" on the City's official zoning maps as depicted in **Exhibit B**.

**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 134,600 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) *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. All plants installed along the south perimeter must be a minimum of 3 ft. tall at time of planting, and ever green to form an opaque buffer. Due to the overhead power lines, the installed trees must be approved understory trees that will grow to a maximum height of 20 ft. With the use of stabilized parking rather than a durable all-weather surface, the entire length of the west property line, excluding the wet retention pond must be landscaped. The plants selected must form an opaque buffer and range in height up to a minimum of 14 ft. Plant selection will be evaluated during permit phase. Existing trees along the western perimeter of the site must be preserved to the extent practicable, excluding exotic invasive trees.
  - 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.

viii) Transportation Engineering. Only one joint use driveway directly onto McCoy Road will be allowed to serve future development on either of the two parcels included in the conceptual plan submitted. The location of this driveway will be determined by the owners and City staff at the same time of redevelopment.

ix) Wastewater. Plans must be reviewed by the Water Reclamation department and must depict utilities including connection to sanitary sewer facilities. Sewer connection of this property will require a private lift station and force main connection into the City's force main in McCoy Road.

**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. 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 8. 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 \_\_\_\_\_, 2017.

**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 \_\_\_\_\_, 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/MAYOR PRO TEMPORE  
OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor/Mayor Pro Tempore

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:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Print Name

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