

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, AMENDING AND RESTATING**
3 **THE BOUNDARIES AND LAND DEVELOPMENT**
4 **REGULATIONS OF THE 8301 MCCOY PLANNED**
5 **DEVELOPMENT ZONING DISTRICT RELATING TO**
6 **CERTAIN LAND GENERALLY LOCATED NORTH OF**
7 **MCCOY RD., SOUTH OF DAKOTA DRIVE AND WEST OF**
8 **NARCOOSSEE ROAD, AND COMPRISED OF 10.4**
9 **ACRES OF LAND, MORE OR LESS, PROVIDING A**
10 **DEVELOPMENT PLAN AND SPECIAL LAND**
11 **DEVELOPMENT REGULATIONS OF THE PLANNED**
12 **DEVELOPMENT DISTRICT; PROVIDING FOR**
13 **SEVERABILITY, CORRECTION OF SCRIVENER'S**
14 **ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE**
15 **DATE.**

16
17 **WHEREAS**, at its regularly scheduled meeting of April 18, 2017, the Municipal
18 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered zoning
19 application case number ZON2017-00005, requesting amendments to the 8301 McCoy
20 Road Planned Development zoning district to expand the boundary to include an
21 additional 5.2 acre parcel of land generally located, and north of McCoy Road, south of
22 Dakota Drive and west of Narcoossee Road being, more precisely described by the legal
23 description attached to this ordinance as **Exhibit A** to the existing 8301 McCoy Planned
24 Development; and

25
26 **WHEREAS**, based upon the evidence presented to the MPB, including the
27 information and analysis contained in the "Staff Report to the Municipal Planning Board"
28 for application case number ZON2017-00005 (entitled "Item #11 – 8301 McCoy PD
29 Amendment" and hereinafter referred to as the "Staff Report"), and subject to certain
30 conditions contained within the Staff Report, the MPB recommended that the City
31 Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning
32 application and adopt an ordinance in accordance therewith; and

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34 **WHEREAS**, zoning application case number ZON2017-00005 will permit the
35 development of up to 134,600 square feet of non-residential use (the "Project"); and

36
37 **WHEREAS**, the MPB found that the Project is consistent with the City's adopted
38 Growth Management Plan (the "GMP") including the applicable goals, objectives, and
39 policies associated with the Property's Future Land Use Map designation of Airport
40 Support District Medium Intensity; and

41
42 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
43 with the intent and purpose of the planned development district zoning designation as
44 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando
45 City Code"); and

46

47 **WHEREAS**, the Orlando City Council hereby finds that the Project and this
48 ordinance is in the best interest of the public health, safety, and welfare, and is
49 consistent with the applicable provisions of the City’s GMP, including the applicable
50 goals, objectives, and policies associated with the Property’s Future Land Use Map
51 designation of Airport Support District Medium Intensity; and
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53 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
54 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
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56 **SECTION 1. ZONING DISTRICT AND AMENDMENT TO THE PD LAND**
57 **DEVELOPMENT REGULATIONS.** The parcel located at 8301 McCoy Road was
58 designated as Planned Development District with the Airport Noise zoning overlay district
59 on the City’s official zoning map series by City of Orlando Ordinance #2015-51, adopted
60 by the Orlando City Council on November 16, 2015. Ordinance #2015-51 is hereby
61 amended, restated, and completely superseded by this ordinance. This ordinance
62 designates the western parcel located at 8281 McCoy Road, comprised of approximately
63 5.2 acres, and described in **Exhibit A** to this Ordinance as the Planned Development
64 district with the Airport Noise zoning overlay district on the City’s official zoning maps and
65 retains the zoning designation from Ordinance #2015-51 for the parcel located at 8301
66 McCoy Road and described in **Exhibit A**. The 8301 McCoy Road Planned Development
67 District will hereafter be comprised of the parcels located at 8281 McCoy Road and 8301
68 McCoy Road (“the Property”), and will be denoted as “PD/AN” on the City’s official zoning
69 maps as depicted in **Exhibit B**.
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71 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
72 58.367, Orlando City Code, except as expressly provided in this ordinance, the 8301
73 McCoy Road Planned Development zoning district remains subject to all applicable
74 federal, state, and local laws, and nothing in this ordinance shall be construed to exempt
75 the Property from the lawful authority or jurisdiction of any federal, state, or local agency.
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77 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
78 otherwise by this ordinance, the Property shall be governed by the land development
79 regulations of the AC-2 Urban Activity Center District along with the Aircraft Noise zoning
80 overlay district (denoted as “AC-2/AN” on the official maps of the City).
81

82 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
83 Development zoning district for the Property is subject to the following special land
84 development regulations:
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86 **Land Development**
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- 88 a) *Development Plan.* Subject to any modifications expressly contained in the text
89 of this ordinance, development and maintenance of the Property must be
90 consistent with the development plan attached to this ordinance as **Exhibit C**
91 (hereinafter the “Development Plan”). In the event of a conflict between the text
92 of this ordinance and the Development Plan, the text of this ordinance shall

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93 control. References in this ordinance to lots, parcels, buildings, phases, and
94 other development features refer to such features as identified on the
95 Development Plan.

96
97 b) *Phasing*. The Property may be developed in multiple phases, but if developed in
98 multiple phases, each phase must be developed in a manner that allows the
99 individual phases to function independently of each other. The purpose of this
100 requirement is to ensure that the first phase, and each subsequent phase, can
101 fully function and operate as intended by the Development Plan in the event that
102 subsequent phases are delayed or abandoned.

103
104 c) *Variances and modifications*. Zoning variances and modification of standards
105 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,
106 Chapter 65, Orlando City Code, respectively. The planning official may also
107 approve minor modifications and design modifications to fences, walls,
108 landscaping, accessory structures, signs, and bufferyard requirements.

109
110 d) *Permitted uses*. Only the following uses are permitted on the Property:

- 111
112 i) Civic clubs
113 ii) Conservation
114 iii) Communication tower
115 iv) Kennel
116 v) Light manufacturing and processing
117 vi) Medical/dental lab
118 vii) Office
119 viii) Principal use parking
120 ix) Public benefit use
121 x) Personal storage
122 xi) Light retail
123 xii) Business, entertainment, personal, and automotive services
124 xiii) Temporary professional
125 xiv) Vehicle sales and rental
126 xv) Warehouse/showroom
127 xvi) Wholesale/warehouse

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129 e) *Maximum intensity*. Intensity on the Property may not exceed 134,600 square
130 feet of non-residential use.

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132 f) *Maximum building height*. Buildings may not exceed 75' in height.

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134 g) *Setbacks*. The minimum required setback for principal buildings is 35' in the front
135 yard and 5' for rear and side yards.

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137 h) *Maximum ISR*. The impervious surface ratio may not exceed 0.8.

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- 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.

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

186
187 ix) Wastewater. Plans must be reviewed by the Water Reclamation department
188 and must depict utilities including connection to sanitary sewer facilities.
189 Sewer connection of this property will require a private lift station and force
190 main connection into the City's force main in McCoy Road.

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192 **SECTION 5. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
193 errors found in this ordinance by filing a corrected copy of this ordinance with the city
194 clerk.

195
196 **SECTION 6. SEVERABILITY.** If any provision of this ordinance or its
197 application to any person or circumstance is held invalid, the invalidity does not affect
198 other provisions or applications of this ordinance which can be given effect without the
199 invalid provision or application, and to this end the provisions of this ordinance are
200 severable.

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202 **SECTION 7. OTHER STATE AND FEDERAL PERMITS.** As provided by
203 subsection 166.033(5), Florida Statutes, issuance of a development permit by a
204 municipality does not in any way create any right on the part of an applicant to obtain a
205 permit from a state or federal agency and does not create any liability on the part of the
206 municipality for issuance of the permit if the applicant fails to obtain requisite approvals
207 or fulfill the obligations imposed by a state or federal agency or undertakes actions that
208 result in a violation of state or federal law. In accordance with subsection 166.033(5),
209 Florida Statutes, it is hereby made a condition of this ordinance that all other applicable
210 state or federal permits be obtained before commencement of the development.

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212 **SECTION 8. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

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

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217 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
218 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
219 of _____, 2017.

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221 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
222 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City
223 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
224 _____, 2017.
225

ORDINANCE NO. 2017-30

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

N:\EXECUTIVE\161\Melissa Clarke\PD Ordinances 2017\Amending and Restating 8301 McCoy Road PD Ordinance ZON2017-00005.docx

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