

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NARCOOSSEE RD. AND TYSON RD., AND COMPRISED OF 1.377 ACRES, MORE OR LESS; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS URBAN VILLAGE ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS AND ESTABLISHING A NEW SUBAREA POLICY FOR THE SAME PROPERTY TO PROVIDE A MAXIMUM DEVELOPMENT PROGRAM, REQUIRED LAND DEVELOPMENT REGULATIONS, AND INCLUSION IN THE SOUTHEAST ORLANDO SECTOR PLAN; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, on April 28, 2014, the City Council of the City of Orlando, Florida (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the "Petition") bearing the signatures of all owners of property in an area of land generally located at the northeast corner of the intersection of Narcoossee Road and Tyson Road, comprised of approximately 1.377 acres of land and being precisely described by the legal description of the area by metes and bounds attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

WHEREAS, the Petition was filed with the Orlando City Council pursuant to section 171.044, Florida Statutes; and

WHEREAS, at its regularly scheduled meeting of August 19, 2014, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered the following applications relating to the Property:

1. Annexation case number ANX2014-00005, requesting to annex the Property into the jurisdictional boundaries of the City; and
2. Growth Management Plan (hereinafter the "GMP") case number GMP2014-00009, requesting an amendment to the City's GMP to designate the Property as "Urban Village" on the City's official Future Land Use Map, and requesting an amendment to the City's GMP to establish and include the Property in Future Land Use Element Subarea Policy S.40.3 for the purposes of setting a maximum development program, minimum required land development regulations, and including the Property within the Southeast Orlando Sector Plan (together, hereinafter referred to as the "Applications"); 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 numbers ANX2014-00005, GMP2014-00009, GMP2014-00010, and ZON2014-00008 (entitled “Item #1 – Tyson’s Corner Annexation” and hereinafter referred to as the “Staff Report”), the MPB recommended that the Orlando City Council approve said Applications and adopt an ordinance or ordinances in accordance therewith; and

WHEREAS, the MPB found that application case numbers GMP2014-00009 and GMP2014-00010 are consistent with:

1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes (2013) (the “State Comprehensive Plan”); and
2. The *East Central Florida 2060 Plan* adopted by the East Central Florida Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes (2013) (the “Strategic Regional Policy Plan”); and
3. The *City of Orlando Growth Management Plan*, adopted as the City’s “comprehensive plan” for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (2013) (the “GMP”); and

WHEREAS, sections 3 through 6 of this ordinance are adopted pursuant to the “process for adoption of small-scale comprehensive plan amendment” as provided by section 163.3187, Florida Statutes (2013); and

WHEREAS, the Orlando City Council hereby finds that:

1. As of the date of the Petition, the Property was located in the unincorporated area of Orange County; and
2. As of the date of the Petition, the Property is contiguous to the City within the meaning of subsection 171.031(11), Florida Statutes; and
3. As of the date of the Petition, the Property is reasonably compact within the meaning of subsection 171.031(12), Florida Statutes; and
4. The Petition bears the signatures of all owners of property in the area to be annexed; and
5. Annexation of the Property will not result in the creation of enclaves within the meaning of subsection 171.031(13), Florida Statutes; and
6. The Property is located wholly within the boundaries of a single county; and

7. The Petition proposes an annexation that is consistent with the purpose of ensuring sound urban development and accommodation to growth; and
8. The Petition, this ordinance, and the procedures leading to the adoption of this ordinance are consistent with the uniform legislative standards provided by the Florida Municipal Annexation and Contraction Act for the adjustment of municipal boundaries; and
9. The Petition proposes an annexation that is consistent with the purpose of ensuring the efficient provision of urban services to areas that become urban in character within the meaning of subsection 171.022(8), Florida Statutes; and
10. The Petition proposes an annexation that is consistent with the purpose of ensuring that areas are not annexed unless municipal services can be provided to those areas; and

WHEREAS, the Orlando City Council hereby finds that application case numbers GMP2014-00009 and GMP2014-00010 are consistent with:

1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes (2013) (the “State Comprehensive Plan”); and
2. The *East Central Florida 2060 Plan* adopted by the East Central Florida Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes (2013) (the “Strategic Regional Policy Plan”); and
3. The *City of Orlando Growth Management Plan*, adopted as the City’s “comprehensive plan” for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (2013) (the “GMP”); and

WHEREAS, the Orlando City Council hereby finds that 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 Land Development Code and GMP; and

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

SECTION 1. ANNEXATION. Pursuant to the authority granted by section 171.044, Florida Statutes, and having determined that the owner or owners of the Property have petitioned the Orlando City Council for annexation into the corporate limits of the City, and having determined that the petition bears the signatures of all owners of property in the area proposed to be annexed, and having made the findings set forth in this ordinance, the Property is hereby annexed into the corporate limits of the City of

Orlando, Florida, and the boundary lines of the City are hereby redefined to include the Property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area is clearly shown on the map attached to this ordinance as **Exhibit “B.”**

SECTION 2. CITY BOUNDARIES. Pursuant to section 171.091, Florida Statutes, the charter boundary article of the City is hereby revised in accordance with this ordinance. The City Clerk, or designee, is hereby directed to file this ordinance as a revision of the City Charter with the Florida Department of State. The City Planning Official, or designee, is hereby directed to amend the City’s official maps in accordance with this ordinance.

SECTION 3. FLUM DESIGNATION. Pursuant to section 163.3187, Florida Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land Use Map designation for the Property is hereby established as “Urban Village” as depicted in **Exhibit “C”** to this ordinance.

SECTION 4. AMENDMENT OF FLUM. The City Planning Official, or designee, is hereby directed to amend the City’s adopted Future Land Use Maps in accordance with this ordinance.

SECTION 5. SUBAREA POLICY. Pursuant to section 163.3187(1)(c), Florida Statutes, the text of the City’s Growth Management Plan is hereby amended to add subarea policy S.40.3, which shall be inserted after subarea policy S.40.2 in the Future Land Use element of the Growth Management Plan, and shall read as follows (underlined text are additions to the Growth Management Plan):

Policy S.40.3

Property within this subarea is hereby made a part of the Southeast Orlando Sector Plan area and new development in this area must be approved by zoning to the Planned Development district. Future Land Use Policy 2.4.4, Goal 4, and associated objectives and policies shall apply within this subarea.

The maximum development program of this area shall be 14,000 square feet of retail or 84,375 square feet of indoor storage, or an equivalent amount of other non-residential uses that are consistent with the Village Center designation.

Any increase in the development program beyond that allowed by this subarea policy shall require an amendment to this subarea policy and must be supported by data and analysis that demonstrates that adequate facilities and services are available to accommodate the proposed density and intensity. Each development site is subject to specific parcel master plan review by the Southeast Town Design Review Committee and final approval by the Orlando City Council. Each specific parcel

master plan shall address building layout, parking, and other site planning matters identified by the Land Development Code.

Transportation

The road network within this subarea must conform to the City's Major Thoroughfare Plan, as may be amended from time to time. Each specific parcel master plan must include typical street cross sections for review by the Southeast Town Design Review Committee and final approval by the Orlando City Council.

SECTION 6. SUBAREA POLICY MAPS. Pursuant to section 163.3187(1)(c), Florida Statutes, the City's Growth Management Plan subarea policy maps are hereby amended to include the Property within the newly created subarea policy S.40.3, as depicted in **Exhibit "D"** to this ordinance.

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 is effective upon adoption, except for sections one and two, which take effect on the 30th day after adoption, and sections three, four, five, and six, which take effect on the 31st day after adoption unless this ordinance is lawfully challenged pursuant to section 163.3187(5), Florida Statutes, in which case sections three, four, five, and six, shall not be effective until the state land planning agency or the Administration Commission issues a final order declaring this ordinance "in compliance" as defined at sections 163.3184(1)(b) and 163.3187(5)(d), Florida Statutes.

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 _____, 2014.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2014.

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 _____, 2014.

**DONE, THE SECOND READING, THE 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
_____, 2014.

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

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

City Attorney

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