

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED NORTH OF WD JUDGE DR., EAST OF MERCY DR., SOUTH OF W. PRINCETON ST., AND WEST OF N. JOHN YOUNG PKWY., AND COMPRISED OF 9.6 ACRES OF LAND, MORE OR LESS; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS INDUSTRIAL ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS THE PLANNED DEVELOPMENT DISTRICT ALONG WITH THE WEKIVA ZONING OVERLAY DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING A DEVELOPMENT PLAN AND SPECIAL LAND DEVELOPMENT REGULATIONS OF THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, on September 15, 2015, 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 north of WD Judge Drive, east of Mercy Drive, south of W. Princeton Street, and west of N. John Young Parkway, such land comprised of approximately 9.6 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 October 20, 2015, 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 ANX2015-00015, requesting to annex the property into the jurisdictional boundaries of the city; and
2. Growth Management Plan (hereinafter the "GMP") case number GMP2015-00031, requesting an amendment to the city's GMP to designate the property as "Industrial" on the city's official future land use map; and
3. Zoning case number ZON2015-00028, requesting to designate the property as the "Industrial-Park" district along with the "Wekiva" zoning overlay district

on the city's official zoning maps (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 ANX2015-00015, GMP2015-00031, and ZON2015-00028 (entitled "Item #4 – Star Communications Annexation"), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance or ordinances in accordance therewith, except that the zoning designation for the property should be the "Planned Development" district along with the "Wekiva" zoning overlay district instead of the requested designation of "Industrial-Park" along with the "Wekiva" zoning overlay district; and

WHEREAS, the MPB found that application GMP2015-00031 is consistent with:

1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes (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 (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 (the "GMP"); and

WHEREAS, the MPB found that application ZON2015-00028 is consistent with:

1. 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 (the "GMP"); and
2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code of the City of Orlando, Florida (the "LDC"); 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, sections 3 and 4 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; 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 GMP and LDC; 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 "Industrial," 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. 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 along with the Wekiva zoning overlay district on the city's official zoning maps (to be denoted as "PD/W" on the official maps of the city), as depicted in **Exhibit D** to this ordinance. This planned development zoning district may be known as the "Star Communications Planned Development."

SECTION 6. OTHER DEVELOPMENT LAWS. In accordance with section 58.367, Orlando City Code, except as expressly provided in this ordinance, the Star Communication 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 7. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the property shall be governed by the land development regulations of the I-P Industrial Park zoning district along with the Wekiva zoning overlay district (denoted as "PD/W" on the official maps of the City).

SECTION 8. SPECIAL LAND DEVELOPMENT REGULATIONS. The Planned Development zoning district for the property is subject to the following special land development regulations:

1) Land Development

- 181 a) *Development Plan.* Subject to any modifications expressly contained in the text
 182 of this ordinance, development and maintenance of the property must be
 183 consistent with the development plan attached to this ordinance as **Exhibit E**
 184 (hereinafter the “development plan”). In the event of a conflict between the text of
 185 this ordinance and the development plan, the text of this ordinance shall control.
 186 References in this ordinance to lots, parcels, buildings, phases, and other
 187 development features refer to such features as identified on the development
 188 plan.
- 189
- 190 b) *Variances and modifications.* Zoning variances and modification of standards
 191 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,
 192 Chapter 65, Orlando City Code, respectively. The planning official may also
 193 approve minor modifications and design modifications to fences, walls,
 194 landscaping, accessory structures, signs, and bufferyard requirements.
 195 Additionally, recognizing that development plans can change in small ways
 196 between the planning and permitting stages of development, the planning official
 197 may approve up to a 10% modification of any applicable numerical development
 198 standard if the planning official finds that the proposed modification is consistent
 199 with the applicable goals, objectives, and policies of the GMP, is compatible with
 200 nearby existing land uses, would not result in inadequate public facilities, and is
 201 otherwise consistent with the public health, safety, and welfare. When approving
 202 such a modification of a development standard, the planning official may impose
 203 one or more of the conditions of development provided at section 65.334,
 204 Orlando City Code, but such condition or conditions must be reasonably
 205 calculated to mitigate the identifiable land use impacts of the modified standard.
 206
- 207 c) *Uses.* The only permitted principal use on the property is Communication Tower.
 208 Permitted accessory uses are only those typically associated with supporting the
 209 Communication Tower use. Notwithstanding anything in the Orlando City Code to
 210 the contrary, the property may have up to two communication towers.
 211
- 212 d) *Existing uses and structures.* Lawfully established uses and lawfully constructed
 213 structures on the property as of the effective date of this ordinance are hereby
 214 made lawful and conforming to this ordinance.
 215
- 216 e) *Site clearing and buffering.* As of the adoption of this ordinance, the property is
 217 undeveloped and substantially covered in relatively mature vegetation, including
 218 canopy trees. The site may be developed with up to two communication towers,
 219 and associated accessory structures (to include, without limitation, clearing to
 220 accommodate ground radials extending from the base of a tower up to a distance
 221 from the base equal to the height of the tower), but such development must
 222 retain as much existing natural vegetation as is technically and financially
 223 reasonably practicable. The purpose of this requirement is to use the existing
 224 vegetation to form a significant natural landscape buffer between the

communication towers and surrounding land uses. Final site plans must show undisturbed areas of the property and are subject to review and approval by the planning official for compliance with this part.

SECTION 9. 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 10. 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 11. 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 12. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one through six, which take effect on the 30th day after 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 _____, 2016.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2016.

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 _____, 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

270 ORLANDO, FLORIDA:

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273 City Clerk

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

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