

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, ANNEXING TO THE
3 CORPORATE LIMITS OF THE CITY CERTAIN LAND
4 GENERALLY LOCATED AT THE NORTHEAST
5 CORNER OF THE INTERSECTION OF NARCOOSSEE
6 RD. AND TYSON RD., AND COMPRISED OF 1.377
7 ACRES, MORE OR LESS; AMENDING THE CITY'S
8 ADOPTED GROWTH MANAGEMENT PLAN TO
9 DESIGNATE THE PROPERTY AS URBAN VILLAGE ON
10 THE CITY'S OFFICIAL FUTURE LAND USE MAPS AND
11 ESTABLISHING A NEW SUBAREA POLICY FOR THE
12 SAME PROPERTY TO PROVIDE A MAXIMUM
13 DEVELOPMENT PROGRAM, REQUIRED LAND
14 DEVELOPMENT REGULATIONS, AND INCLUSION IN
15 THE SOUTHEAST ORLANDO SECTOR PLAN;
16 PROVIDING FOR AMENDMENT OF THE CITY'S
17 OFFICIAL FUTURE LAND USE MAPS; PROVIDING FOR
18 SEVERABILITY, CORRECTION OF SCRIVENER'S
19 ERRORS, AND AN EFFECTIVE DATE.
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21 **WHEREAS**, on April 28, 2014, the City Council of the City of Orlando, Florida
22 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the
23 "Petition") bearing the signatures of all owners of property in an area of land generally
24 located at the northeast corner of the intersection of Narcoossee Road and Tyson Road,
25 comprised of approximately 1.377 acres of land and being precisely described by the
26 legal description of the area by metes and bounds attached to this ordinance as **Exhibit**
27 **"A"** (hereinafter the "Property"); and
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29 **WHEREAS**, the Petition was filed with the Orlando City Council pursuant to
30 section 171.044, Florida Statutes; and
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32 **WHEREAS**, at its regularly scheduled meeting of August 19, 2014, the Municipal
33 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered the
34 following applications relating to the Property:
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- 36 1. Annexation case number ANX2014-00005, requesting to annex the Property
37 into the jurisdictional boundaries of the City; and
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- 39 2. Growth Management Plan (hereinafter the "GMP") case number GMP2014-
40 00009, requesting an amendment to the City's GMP to designate the
41 Property as "Urban Village" on the City's official Future Land Use Map, and
42 requesting an amendment to the City's GMP to establish and include the
43 Property in Future Land Use Element Subarea Policy S.40.3 for the purposes
44 of setting a maximum development program, minimum required land
45 development regulations, and including the Property within the Southeast
46 Orlando Sector Plan (together, hereinafter referred to as the "Applications");
47 and

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49 **WHEREAS**, based upon the evidence presented to the MPB, including the
50 information and analysis contained in the “Staff Report to the Municipal Planning Board”
51 for application case numbers ANX2014-00005, GMP2014-00009, GMP2014-00010, and
52 ZON2014-00008 (entitled “Item #1 – Tyson’s Corner Annexation” and hereinafter
53 referred to as the “Staff Report”), the MPB recommended that the Orlando City Council
54 approve said Applications and adopt an ordinance or ordinances in accordance
55 therewith; and

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

- 59
60 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes
61 (2013) (the “State Comprehensive Plan”); and
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63 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida
64 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida
65 Statutes (2013) (the “Strategic Regional Policy Plan”); and
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67 3. The *City of Orlando Growth Management Plan*, adopted as the City’s
68 “comprehensive plan” for purposes of the Florida Community Planning Act,
69 sections 163.3164 through 163.3217, Florida Statutes (2013) (the “GMP”);
70 and
71

72 **WHEREAS**, sections 3 through 6 of this ordinance are adopted pursuant to the
73 “process for adoption of small-scale comprehensive plan amendment” as provided by
74 section 163.3187, Florida Statutes (2013); and
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76 **WHEREAS**, the Orlando City Council hereby finds that:

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

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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

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

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

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

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

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

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166 **Policy S.40.3**

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

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

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

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

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186 **Transportation**

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

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

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198 **SECTION 7. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
199 errors found in this ordinance by filing a corrected copy of this ordinance with the City
200 Clerk.

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202 **SECTION 8. SEVERABILITY.** If any provision of this ordinance or its
203 application to any person or circumstance is held invalid, the invalidity does not affect
204 other provisions or applications of this ordinance which can be given effect without the
205 invalid provision or application, and to this end the provisions of this ordinance are
206 severable.

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208 **SECTION 9. EFFECTIVE DATE.** This ordinance is effective upon adoption,
209 except for sections one and two, which take effect on the 30th day after adoption, and
210 sections three, four, five, and six, which take effect on the 31st day after adoption unless
211 this ordinance is lawfully challenged pursuant to section 163.3187(5), Florida Statutes, in
212 which case sections three, four, five, and six, shall not be effective until the state land
213 planning agency or the Administration Commission issues a final order declaring this
214 ordinance "in compliance" as defined at sections 163.3184(1)(b) and 163.3187(5)(d),
215 Florida Statutes.

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217 **DONE, THE FIRST PUBLIC NOTICE**, in a newspaper of general circulation in
218 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
219 _____ day of _____, 2014.

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

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224 **DONE, THE SECOND PUBLIC NOTICE**, in a newspaper of general circulation in
225 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
226 _____ day of _____, 2014.

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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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