

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE CITY'S GROWTH MANAGEMENT PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FOR CERTAIN LAND GENERALLY LOCATED NORTH OF E. SOUTH ST., EAST OF S. EOLA DR., SOUTH OF E. JACKSON ST., AND WEST OF S. SUMMERLIN AVE., COMPRISED OF 1.87 ACRES OF LAND, MORE OR LESS, FROM RESIDENTIAL HIGH INTENSITY, IN PART, AND RESIDENTIAL MEDIUM INTENSITY, IN PART, TO PUBLIC, RECREATIONAL AND INSTITUTIONAL; FURTHER AMENDING THE GROWTH MANAGEMENT PLAN TO AMEND SUBAREA POLICY S.7.4; CHANGING THE PROPERTY'S ZONING DESIGNATION FROM THE HOLDING DISTRICT WITH THE TRADITIONAL CITY AND AIRCRAFT NOISE OVERLAY DISTRICTS TO THE PUBLIC USE DISTRICT WITH THE TRADITIONAL CITY AND AIRCRAFT NOISE OVERLAY DISTRICTS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of May 17, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the following applications relating to land generally located to the north of E. South Street, east of S. Eola Drive, south of E. Jackson Street, and west of S. Summerlin Avenue, and comprised of 1.87 acres of land, more or less, such land being more precisely described by the legal description attached to this ordinance as **Exhibit A** (hereinafter the "property"):

1. Growth Management Plan (hereinafter the "GMP") case number GMP2016-00004, requesting an amendment to the City's GMP to change the property's Future Land Use Map designation from "Residential High Intensity," in part, and "Residential Medium Intensity," in part, to "Public, Recreational and Institutional," and to amend Subarea Policy S.7.4 to recognize the property's planned future use as a park; and
2. Zoning case number ZON2016-00004, requesting an amendment to the City's Official Zoning Map Series to change the property's zoning map designation from the "Holding District," along with the "Traditional City" and "Aircraft Noise" overlay districts, to the "Public Use District," along with the "Traditional City" and "Aircraft Noise" overlay districts (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 the applications (entitled “Item #2 A. and B. – Constitution Green”), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance in accordance therewith; and

WHEREAS, the MPB found that application GMP2016-00004 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 ZON2016-00004 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, sections 1 through 3 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. 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 changed from “Residential High Intensity” (denoted as “RES-HIGH” on the City’s official Future Land Use Maps), in part, and “Residential Medium Intensity” (denoted as “RES-MED” on the City’s official Future Land Use Maps) to “Public, Recreational and Institutional” (denoted as “PUB-REC-INST” on the City’s official Future Land Use Maps), as depicted in **Exhibit B** to this ordinance.

SECTION 2. 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 3. SUBAREA POLICY S.7.1. Pursuant to section 163.3187(1)(c), Florida Statutes, the city's Growth Management Plan Subarea Policy S.7.4 is hereby amended as follows (words ~~stricken~~ are deletions; words underlined are additions; **** denote omitted text):

Policy S.7.4 To encourage the efficient use of City services and facilities, accommodate the demand for high-rise multifamily residential dwelling units, enhance the economic viability of infill development, ensure an appropriate transition from high density to low density uses and protect the single family residential character of property located east of Summerlin Avenue, the following future land use designations and building heights shall be considered reasonable and appropriate:

Location	Future Land Use Designation	Maximum Building Height
East side of Eola Drive		
Robinson Street to Washington Street	Office Medium intensity	200 ft.
Washington Street to South Street	Residential High Intensity	130 ft.
West side of Summerlin Avenue		
Robinson Street to Washington Street	Office Medium Intensity	55 ft.
South side of Central Boulevard	Residential Medium Intensity	75 ft.
North side of Pine Street to <u>South Jackson Street</u>	Residential Medium Intensity	55 ft.

To mitigate the impact of new development on pedestrian, bicycle, transit and vehicular mobility, any development obtaining increased densities or intensities through the approval of a future land use map amendment, conditional use, rezoning, or bonus shall fund a proportionate share of the Eola Neighborhood Small Area Plan Transportation Analysis Report.

SECTION 4. ZONING DESIGNATION. Pursuant to the City's Land Development Code, the zoning designation for the property is hereby changed from the "Holding District," along with the "Traditional City" and "Aircraft Noise" zoning overlay districts (denoted as "H/T/AN" on the city's official zoning maps) to the "Public Use District," along with the "Traditional City" and "Aircraft Noise" zoning overlay districts (denoted as "P/T/AN" on the city's official zoning maps), as depicted in **Exhibit C** to this ordinance.

SECTION 5. 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 6. 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 7. 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 8. 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 9. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one through five, 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 one through five 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 READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2016.

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 _____, 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
ORLANDO, FLORIDA:

City Clerk

Print Name

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

City Attorney

Print Name

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