

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED EAST OF NARCOOSSEE ROAD, SOUTH OF KIRBY SMITH ROAD AND WEST OF LAKE WHIPPOORWILL AND COMPRISED OF 48.78 ACRES OF LAND, MORE OR LESS; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS URBAN VILLAGE IN PART, AND CONSERVATION IN PART, ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; 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 A LOT SPLIT APPLICATION; PROVIDING FOR CONSENT TO THE MUNICIPAL SERVICES TAXING UNIT FOR LAKE WHIPPOORWILL; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, on February 8, 2016, 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 east of Narcoossee Road, south of Kirby Smith Road and west of Lake Whippoorwill, such land comprised of approximately 48.78 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** for Narcoossee Cove I and **Exhibit B** for Narcoossee Cove II (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 February 16, 2016, 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 ANX2015-00028, requesting to annex the property into the jurisdictional boundaries of the city; and

2. Growth Management Plan (hereinafter the "GMP") case number GMP2015-00050, requesting an amendment to the city's GMP to designate the property as "Urban Village" in part, and "Conservation" in part, on the city's official future land use map; (hereinafter referred to as the "applications");

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 ANX2015-00028, GMP2015-00050, GMP2015-00051, ZON2015-00052 and ZON2015-00053 (entitled "Item #1- Narcoossee Cove I and II"),

the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance in accordance therewith; and

WHEREAS, the MPB found that applications GMP2015-00050 and GMP2015-00051 are 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, sections 3 through 6 of this ordinance are adopted pursuant to the process for adoption of a large-scale amendment as provided by section 163.3184(3), Florida Statutes; 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 this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the applicable provisions of Florida Statutes, the State Comprehensive Plan, the Strategic Regional Policy Plan, and 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 C**.

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 163.3184, 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" in part and "Conservation" in part, as depicted in **Exhibit D** 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 163.3184(3), Florida Statutes, the text of the City's Growth Management Plan is hereby amended to add subarea policy S.40.9, which shall be inserted after subarea policy S.40.8 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.40.9

The properties within the boundary of this Subarea Policy are located within the Southeast Orlando Sector Plan area and shall be zoned Planned Development (PD). The provisions specified in Future Land Use Policy 2.4.4, Goal 4 and associated objectives and policies shall apply within this area.

The maximum development capacity of this area shall be as follows:

1) Narcoossee Cove I-354 dwelling units, 90,000 sq. ft. of commercial/retail and 30,000 sq. ft. of office, or an equivalent amount of other non-residential uses allowed by the Village Center designation.

2) Narcoossee Cove II-30 dwellings units, 11,700 sq. ft. of commercial/retail and 2,500 sq. ft of office or an equivalent amount of other non-residential uses allowed by the Village Center designation.

3) Any increase in development capacity beyond that allowed by this subarea policy shall require a GMP amendment and shall be supported by data and analysis that demonstrate adequate facilities and services are available to accommodate the proposed density and intensity of development. Prior to development, each development site shall be reviewed by the Southeast Town Design Review Committee (SETDRC) as part of a specific parcel master plan that addresses building layout, parking, and other site planning issues as identified in the Land Development Code.

Transportation

The proposed roadway network within the project shall conform to the City of Orlando's Major Thoroughfare Plan, as may be amended from time to time. Each specific parcel master plan shall include typical street cross sections if new streets are proposed.

SECTION 6. SUBAREA POLICY MAPS. Pursuant to section 163.3184(3), 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.40.9, as depicted in **Exhibit E** to this ordinance.

SECTION 7. LOT SPLIT APPLICATION. A lot split application must be approved through Orange County prior to the second reading of this ordinance.

SECTION 8. CONSENT TO MUNICIPAL SERVICES TAXING UNIT (MSTU). Pursuant to section 125.01(1)(q), Florida Statutes, the Orlando City Council hereby consents to the boundaries of the Lake Whipoorwill MSTU for aquatic weed control, general maintenance, and improvements of the lake including that certain part of the corporate territory of the City of Orlando as annexed by this ordinance. The City's consent expires on the date on which Orange County discontinues the MSTU levy. This consent applies only with respect to levies lawfully existing as of the effective date of this ordinance. Additionally, the City's consent is hereby conditioned on the City maintaining its full constitutional authority to levy ad valorem taxes of up to 10 mills for municipal purposes. Therefore, the City's consent provided by this section shall terminate as of the date the Orlando City Council levies an ad valorem millage rate that when added to the existing MSTU levy would, if the City's consent to the MSTU was not terminated, exceed the constitutional 10 mill cap. The purpose of this term and condition is to maintain the City's ability, if ever necessary, to levy its full constitutional allotment of ad valorem taxes without restriction by virtue of the County's MSTU.

SECTION 9. 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 10. 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 11. 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 the state land planning agency notifies the city that the plan amendment package is complete. If timely challenged, this ordinance does not become effective until the state land planning agency or the Administration Commission enters a final order determining this amendment to be "in compliance" as defined at section 163.3184(1)(b), 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 _____, 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
ORLANDO, FLORIDA:

City Clerk

Print Name

ORDINANCE NO. 2016-34

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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