

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO DEVELOPMENT REVIEW IN THE CREATIVE VILLAGE; AMENDING CHAPTER 65 OF THE LAND DEVELOPMENT CODE TO ESTABLISH THE CREATIVE VILLAGE DEVELOPMENT REVIEW COMMITTEE; PROVIDING POWERS AND DUTIES; PROVIDING FOR GEOGRAPHIC AND SUBJECT MATTER JURISDICTION OF THE COMMITTEE; FURTHER PROVIDING FOR MEMBERSHIP AND OFFICERS OF THE COMMITTEE, STAFF SUPPORT, AND FOR REQUESTS FOR QUASI-JUDICIAL HEARING; PROVIDING LEGISLATIVE FINDINGS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, section 163.3202(1), Florida Statutes, requires that the city of Orlando, Florida (the "city"), adopt or amend and enforce land development regulations that are consistent with and implement the city's adopted comprehensive plan; and

WHEREAS, section 163.3203(3), Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code for the city; and

WHEREAS, from time to time, amendments and revisions to the city's adopted comprehensive plan (the "Growth Management Plan"), progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the land development regulations of the city; and

WHEREAS, at its regularly scheduled meeting of October 18, 2016, the Municipal Planning Board recommended to the City Council of the City of Orlando, Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent with the applicable provisions of the city's adopted Growth Management Plan, are in the best interest of the public health, safety, and welfare, are in harmony with the purpose and intent of the Land Development Code of the City of Orlando, Florida (the "Land Development Code"), will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

WHEREAS, the Orlando City Council hereby finds and determines that this ordinance is consistent with the applicable provisions of the city's adopted Growth Management Plan, is in the best interest of the public health, safety, and welfare, is in harmony with the purpose and intent of the city's Land Development Code, will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

48 **WHEREAS**, in accordance with section 2.113, Code of the City of Orlando,
49 Florida, the Orlando City Council hereby finds as follows:
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51 1. The establishment of the CVDRC (as provided herein) will create sufficient
52 betterment to the community to justify the City Council's delegation of a portion of its
53 authority; and
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55 2. The CVDRC is a better option than any other board, public or private, already
56 in existence that could serve the same purpose; and
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58 3. The costs, both direct and indirect, of establishing and maintaining the board
59 do not offset its potential benefit; and
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61 4. The CVDRC is not likely necessary to enable the City to obtain state or federal
62 grants or other financing; and
63

64 5. The CVDRC is not likely necessary in order to comply with state or federal
65 legislation; and
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67 6. The CVDRC shall not have bonding authority; and
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69 7. The CVDRC shall not have final authority to enter into contracts and spend
70 City funds; and
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72 8. The creation of the CVDRC is the best method of achieving the benefit
73 desired.
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75 **WHEREAS**, the Orlando City Council hereby finds and declares that this
76 ordinance is in the best interest of the public health, safety, and welfare; and
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78 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
79 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
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81 **SECTION 1. PART 1K, CH. 65, ESTABLISHED.** Part 1K, Chapter 65, Code of
82 the City of Orlando, Florida, is hereby established, and shall read as follows:
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84 **1K. – CREATIVE VILLAGE DEVELOPMENT REVIEW COMMITTEE**
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86 **Sec. 65.214. – Creative Village Development Review Committee established;**
87 **purpose.**
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89 Pursuant to section 2.113 of this code, there is hereby established a Creative
90 Village Development Review Committee (CVDRC). The primary purpose of the CVDRC
91 is to review certain applications for land development orders and to make
92 recommendations to Council on whether to approve, approve with conditions, or deny
93 such applications.
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95 **Sec. 65.215. – CVDRC duties; meetings.**
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(a) Review applications. The primary duty of the CVDRC is to review certain applications for land development orders and to make recommendations to Council on whether to approve, approve with conditions, or deny such applications.

(b) Provide advice. At the request of Council, the MPB, the planning official, the DDB, the CRA, or other City official or board, the CVDRC should provide advice regarding the use and development of land within the CVDRC's geographic jurisdiction.

(c) Meetings. The CVDRC should hold meetings as necessary to make timely decisions on applications and requests for advice. The executive secretary is responsible for scheduling meetings and also for establishing deadlines for the submission of applications.

Sec. 65.216. – CVDRC jurisdiction.

(a) Geographic jurisdiction. The geographic jurisdiction of the CVDRC is hereby made coterminous with the boundaries of the Creative Village planned development.

(b) Subject matter jurisdiction. Notwithstanding anything in this code to the contrary, the CVDRC is responsible for review of applications for the following land development orders:

1. Major certificate of appearance approval as provided by Part 4F, Chapter 65 of this code.
2. Minor certificate of appearance approval when the applicant seeks reconsideration of a denial or approval with conditions by the appearance review official as provided by section 65.513 of this code.
3. Specific parcel master plan as required by the Creative Village planned development zoning ordinance.
4. Conditional use permit as provided by Part 2D, Chapter 65 of this code.
5. Zoning variances (including design variances) as provided by Part 2J, Chapter 65 of this code.
6. Major subdivision plat as provided by Part 3D, Chapter 65 of this code.
7. Abandonments of streets and rights-of-way as provided by Part 4E, Chapter 65 of this code.
8. Master plan (including without limitation plans for public improvements) as required by the Creative Village planned development zoning ordinance.
9. Street name change as provided by Part 4I, Chapter 65 of this code.
10. Any other land development order required by the Creative Village planned development zoning ordinance.

Applications reviewed by the CVDRC are hereby made exempt from review by the ARB, MPB, and TRC.

Sec. 65.217. – CVDRC membership; officers.

The CVDRC shall consist of the following five members: the City planning official, the director of the City's Transportation Department, the director of the City's Public Works Department, the executive director of the City's Community Redevelopment Agency, and a member of the City's Appearance Review Board. The member of the Appearance Review Board shall be selected by the Appearance Review Board. The CVDRC shall elect a presiding officer, and may provide for other officers as it deems appropriate.

Sec. 65.216. – Staff support.

(a) *Executive secretary.* The City's zoning official, or his or her designee from City staff, shall be the executive secretary of the CVDRC. The executive secretary must attend each meeting of the CVDRC and is primarily responsible for the effective operation of the CVDRC. The executive secretary is a nonvoting ex officio member of the CVDRC.

(b) *Recording secretary.* The executive secretary shall appoint a member of City staff to be the recording secretary of the CVDRC. The recording secretary must attend each meeting of the CVDRC and is primarily responsible for keeping the records and papers of the CVDRC. The recording secretary must also perform other CVDRC duties as assigned by the executive secretary. The recording secretary is a nonvoting ex officio member of the CVDRC.

(c) *Development review official.* The City's planning official shall appoint a professional planner from his or her staff to be the development review official. The official shall be responsible for accepting, reviewing, and processing applications for land development orders before the CVDRC and also for performing other duties as assigned by the executive secretary.

(d) *Counsel.* The city attorney may appoint one of his or her assistant attorneys to provide legal advice to the CVDRC.

Sec. 65.217. – Requests for quasi-judicial hearing.

Requests for a quasi-judicial hearing on applications considered by the CVDRC may be filed pursuant to Article XXXII, Chapter 2, of this code, but may be filed only by the applicant or by the planning official on behalf of the City.

Secs. 65.2148 – 65.249. – Reserved.

SECTION 2. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. 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 4. 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 5. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2017.

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, the _____ day of _____, 2017.

DONE, THE SECOND READING AND 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, the _____ day of _____, 2017.

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

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

City Attorney

ORDINANCE NO. 2017-1

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249
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Print Name

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