

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO THE CITY'S GROWTH MANAGEMENT PLAN ("GMP"); PROVIDING THE SUMMER 2017 PACKAGE OF GMP AMENDMENTS PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS; AMENDING THE GMP TO CREATE FUTURE LAND USE ELEMENT SUBAREA POLICY S.12.10; AMENDING THE FUTURE LAND USE ELEMENT FIGURE LU-1 RELATING TO COMMERCIAL USES IN THE INDUSTRIAL COMMERCIAL DISTRICT; DELETING AND REPLACING THE HISTORIC PRESERVATION ELEMENT FIGURE HP-2 RELATING TO LOCAL HISTORIC LANDMARKS; PROVIDING FOR AMENDMENT OF THE CITY'S GROWTH MANAGEMENT PLAN; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, from time to time it becomes necessary for the City to amend its adopted Growth Management Plan; and

WHEREAS, paragraph 163.3167(1)(b), Florida Statutes, gives cities the power and responsibility to "adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth;" and

WHEREAS, subsection 163.3167(2), Florida Statutes, provides that "[e]ach local government shall maintain a comprehensive plan of the type and in the manner set out in [the Community Planning Act]," sections 163.2511 – 163.3253, Florida Statutes; and

WHEREAS, for purposes of the Community Planning Act, the City of Orlando, Florida's (the "City") comprehensive plan is the *Growth Management Plan* (the "GMP"); and

WHEREAS, at section 163.3168, Florida Statutes, the Florida Legislature "recognizes the need for innovative planning and development strategies to promote a diverse economy and vibrant rural and urban communities, while protecting environmentally sensitive areas," and the "substantial advantages of innovative approaches to development directed to meet the needs of urban, rural, and suburban areas," while encouraging local governments "to apply innovative planning tools;" and

WHEREAS, from time to time, due to state law, including the Community Planning Act and the State Comprehensive Plan, as provided at Chapter 187, Florida Statutes (the "State Comprehensive Plan"), 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"), the comprehensive plans of other nearby local governments, plans and policies of federal, state, and regional agencies, changes to the jurisdictional boundaries of the City of Orlando, the natural development of the built-environment and economy, requests from property owners, along with the changing needs and desires of the people of Orlando and general progress in the field of planning make it necessary or desirable to amend the City's Growth Management Plan; and

WHEREAS, the process for the adoption of amendments to the comprehensive plan is provided at sections 163.3184 and 163.3187, Florida Statutes; and

WHEREAS, at its regularly scheduled meeting of April 18, 2017, the City's Municipal Planning Board (the "MPB") considered (1) application case number GMP2017-00004, proposing an amendment to the GMP to create a new subarea policy to address the right of way dedication and transfer of development rights associated with the ultimate Division Avenue cross section, (2) application case number GMP2017-00006, proposing an amendment to the GMP to amend the Future Land Use Element Figure LU-1 to clarify that commercial uses are allowed as the primary or sole use within the I-C zoning district, (3) application case number GMP2017-00007, proposing an amendment to the GMP to amend the Historic Preservation Element Figure HP-2 to identify the Bob Carr Theater, the Armory, and the Carl Dann House as local historic landmarks within the City; 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 number GMP2017-00004 (entitled "Item #3 – Division Avenue Subarea Policy"), application case number GMP2017-00006 (entitled "Item #4 – Industrial FLU Allowed Uses"), and application case number GMP2017-00007 (entitled "Item #5 – Historic Preservation Element Figure HP-2 Update"), the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said applications and adopt an ordinance or ordinances in accordance therewith; and

WHEREAS, the MPB found that the applications are consistent with:

1. The State Comprehensive Plan; and
2. The Strategic Regional Policy Plan; and
3. The Growth Management Plan; 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 State Comprehensive Plan, the Strategic Regional Policy Plan, and the City's GMP; and

WHEREAS, this ordinance is adopted pursuant to the "expedited state review process for adoption of comprehensive plan amendments" as provided by subsection 163.3184(3), Florida Statutes; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. SUBAREA 12 POLICIES, AMENDED. Pursuant to subsection 163.3184(3), Florida Statutes, the text of the City's Growth Management Plan is hereby amended to add Subarea Policy S.12.10, as depicted in **Exhibit "A"**, which shall be inserted after S.12.9.1 in the Future Land Use Element, and shall read as follows (underlined text are additions to the Growth Management Plan):

Policy S.12.10 In order to incentivize property owners to donate land for the Division Avenue cross section, a transfer of development rights program is enacted for this area. The subject area is Division Avenue from W. Gore Street on the north to W. Kaley Street to the south. When the property owners donate their land, the City may allow a transfer for the development rights (up to 100% of the density and/or intensity of the applicable zoning district) from the donated property to the remainder of their site. This can be done without the need to further amend the City's Growth Management Plan, provided there is a determination by the planning official that such transfer will not cause an impact on surrounding properties which cannot be effectively mitigated through building placement, buffers or other means acceptable to the City.

SECTION 2. FUTURE LAND USE ELEMENT FIGURE LU-1, AMENDED. The City's Growth Management Plan, Future Land Use Element, Figure LU-1, is hereby amended as provided in **Exhibit "B"** to this ordinance (~~strikethroughs~~ denote deleted text and underlines denote added text).

SECTION 3. HISTORIC PRESERVATION ELEMENT FIGURE HP-2, AMENDED. The City's Growth Management Plan, Historic Preservation Element Figure HP-2 is hereby deleted and replaced with a new Figure HP-2, as provided in **Exhibit "C"** to this ordinance (~~strikethroughs~~ denote deleted text and underlines denote added text).

SECTION 4. AMENDMENT OF GMP. The city planning official, or designee, is hereby directed to amend the City's adopted Growth Management Plan in accordance with this ordinance.

SECTION 5. 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 6. 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 7. EFFECTIVE DATE. This ordinance is effective upon adoption, except for the amendments adopted by sections one through three, which, pursuant to subparagraph 163.3184(3)(c) 4., Florida Statutes, become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete, or if timely challenged, upon the state land planning agency or the Administration Commission entering a final order determining the adopted amendment to be in compliance.

DONE, THE FIRST PUBLISHED ADVERTISEMENT, 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 _____, 2017.

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

DONE, THE SECOND PUBLISHED ADVERTISEMENT, 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 _____, 2017.

DONE, THE SECOND READING AND ADOPTION 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 _____, 2017.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

Print Name

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:

Assistant City Attorney

Print Name

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