

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN FUTURE LAND USE ELEMENT SUBAREA POLICY S.26.5 TO INCREASE THE FLOOR AREA RATIO FOR NON-RESIDENTIAL DEVELOPMENT WITHIN THE SUBAREA POLICY BOUNDARY SOUTH OF WALLACE ROAD; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of November 15, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered land development order application case number GMP2016-00021 requesting an amendment to the Growth Management Plan's (the "GMP") Subarea Policy S.26.5 to increase the floor area ratio for non-residential development within the subarea policy boundary south of Wallace Road, 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 numbers GMP2016-00021 and ZON2016-00025 and entitled "Item #7 – Double Eagle PD" and hereinafter referred to as the "Staff Report"), the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said applications and adopt an ordinance in accordance therewith; and

WHEREAS, the MPB found that the applications 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; 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. GROWTH MANAGEMENT PLAN AMENDMENT. The City planning official or designee is hereby directed to amend the City’s Growth Management Plan in accordance with this Ordinance.

SECTION 2. SUBAREA POLICY. Pursuant to subsection 163.3184(3), Florida Statutes, Subarea Policy S.26.5, in the Future Land Use Element of the Growth Management Plan is hereby amended as follows (words ~~stricken~~ are deletions; words underlined are additions; **** denote omitted text):

Policy S.26.5

Non-residential development within the subarea policy boundary south of Wallace Road shall be limited to the following uses and intensities: Dwelling Unit Commercial—300 units; Retail/Commercial and Office ~~0-30~~ 0.38 FAR, however such uses shall only be permitted at the southwest corner of Wallace Road and Turkey Lake Road on a maximum total land area of 4.450 acres, inclusive of Double Eagle Way; and Golf Course—53 acres. Residential development within this subarea policy boundary shall not exceed 12 dwelling units per acre. A bufferyard shall be provided along the western property line bordering the existing off-site residential development. In addition, a portion of the golf course shall be located along the east side of the bufferyard. The bufferyard shall have an average width of 40 feet, a minimum width of 25 feet, and extensive landscaping to screen the existing off-site residential development. Landscape plans for the bufferyard shall be subject to approval by the City Planning Official.

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 is effective upon adoption, except for the amendment adopted by sections one and two 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

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