

ORDINANCE NO. 2018-8

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, AMENDING THE CITY'S
3 GROWTH MANAGEMENT PLAN TO CHANGE THE
4 FUTURE LAND USE MAP DESIGNATION FOR CERTAIN
5 LAND GENERALLY LOCATED SOUTH OF EAST
6 COLONIAL DRIVE, EAST OF NORTH MAGNOLIA
7 AVENUE, NORTH OF HILLCREST STREET AND WEST
8 OF IRMA AVENUE, COMPRISED OF 1.42 ACRES OF
9 LAND, MORE OR LESS, FROM OFFICE HIGH
10 INTENSITY TO DOWNTOWN ACTIVITY CENTER;
11 CREATING SUBAREA POLICY S.14.18 TO
12 ENCOMPASS THE SUBJECT PROPERTY; PROVIDING
13 FOR AMENDMENT OF THE CITY'S FUTURE LAND USE
14 MAPS; PROVIDING FOR SEVERABILITY, CORRECTION
15 OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.
16

17 **WHEREAS**, at its regularly scheduled meeting of November 21, 2017, the
18 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),
19 considered Growth Management Plan (hereinafter the "GMP") application case numbers
20 GMP2017-10015 and GMP2017-10016, requesting an amendment to the city's GMP to
21 change the future land use map designation for approximately 1.42 acres of land
22 generally located south of East Colonial Drive, east of North Magnolia Avenue, north of
23 Hillcrest Street and west of Irma Avenue, from "Office High Intensity" to "Downtown
24 Activity Center" on the city's official Future Land Use Map, and adding a new subarea
25 policy for the redevelopment of the site. The change to the future land use map
26 designation affects the property described by the legal description attached to this
27 ordinance as **Exhibit "A"** (hereinafter "the Property"); and
28

29 **WHEREAS**, based upon the evidence presented to the MPB, including the
30 information and analysis contained in the "Staff Report to the Municipal Planning Board"
31 for the applications (entitled "Item #3A/B – Colonial and Magnolia Redevelopment"), the
32 MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando
33 City Council"), approve said applications and adopt an ordinance in accordance
34 therewith; and
35

36 **WHEREAS**, the MPB found that the applications are consistent with:
37

- 38 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida
39 Statutes (the "State Comprehensive Plan"); and
40
- 41 2. The *East Central Florida 2060 Plan* adopted by the East Central
42 Florida Regional Planning Council pursuant to sections 186.507 and
43 186.508, Florida Statutes (the "Strategic Regional Policy Plan"); and
44

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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 163.3187, Florida Statutes.

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

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 "Office High Intensity" (denoted as "OFFICE-HIGH" on the city's official Future Land Use Maps) to "Downtown Activity Center" (denoted as "DT-AC" on the city's official Future Land Use Maps) as depicted in **Exhibit B** to this ordinance.

SECTION 2. ADDING FUTURE LAND USE SUBAREA POLICY S.14.18. The City's Growth Management Plan, Future Land Use Element, is amended to add subarea policy S.14.18 for the area depicted in **Exhibit C**, to read as follows:

Subarea Policy S.14.18: In order to ensure compatibility with the properties to the east and south which have Office High Intensity Future Land Use designations, development within this subarea policy is subject to the following criteria:

1. The maximum building height is 100 feet.
2. The maximum density and intensity shall be 200 du/acre and/or 3.0 FAR.
3. The minimum density and intensity shall be 30 du/acre and/or 0.4 FAR.
4. Prohibited uses include:
 - a. Vehicle fuel sales;
 - b. Auto detailing;
 - c. Automotive service;
 - d. Intensive retail;
 - e. Tattoo parlors;
 - f. Pawnshops;
 - g. Any business commonly known as "check cashing" establishment.

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or any business in which a material part of its service includes offering loans secured by future employment wages or other compensation (often known as “payday loans,” or “pay day advances”), but not including retail businesses which provide a check cashing service as an incidental part of their business and financial institutions such as banks, credit unions, and trust companies; and

h. Any business in which a material part of its service includes loaning money secured by vehicle titles (often known as “car-title loans”), but not including financial institutions such as banks, credit unions, trust companies, consumer finance, and retail installment lenders.

5. Allowed Uses: In addition to the uses allowed by the AC-3A/T zoning district, personal storage is also allowed.

6. Design principles:

a. Ground floor commercial is required along E. Colonial Drive and N. Magnolia Avenue.

b. 15’ from back of curb on N. Magnolia Avenue and E. Colonial Drive, and 13’ from back of curb on Hillcrest Street, must be reserved for the streetscape.

c. No driveway access allowed on N. Magnolia Avenue.

d. This property is within the Lake Eola Heights planning district of the DTOutlook. As such, new design must be sensitive to the historic context of the surrounding neighborhood, the Lake Eola Heights historic residential neighborhood.

SECTION 3. AMENDMENT OF GROWTH MANAGEMENT PLAN. The city planning official, or designee, is directed to amend the City’s adopted Growth Management Plan in accordance with this ordinance.

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. 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. EFFECTIVE DATE. This ordinance is effective upon adoption, except for the amendments adopted by sections one through three, which, pursuant to section 163.3184(3)(c)4., Florida Statutes, become effective 31 days after the state land planning agency notifies the city that the plan amendment package is complete, or if timely

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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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

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:

Assistant City Attorney

Print Name