

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 OF
5 APPROXIMATELY 1.08 ACRES OF LAND GENERALLY
6 LOCATED NORTH OF EAST LIVINGSTON STREET,
7 EAST OF NORTH MAGNOLIA AVENUE, AND SOUTH OF
8 EAST AMELIA STREET; FROM OFFICE HIGH
9 INTENSITY, IN PART, AND RESIDENTIAL MEDIUM
10 INTENSITY, IN PART, TO DOWNTOWN ACTIVITY
11 CENTER; FURTHER AMENDING THE CITY'S GROWTH
12 MANAGEMENT PLAN TO ESTABLISH A NEW
13 SUBAREA POLICY FOR THE SAME PROPERTY;
14 CHANGING THE PROPERTY'S ZONING DESIGNATION
15 FROM HIGH INTENSITY OFFICE-RESIDENTIAL WITH
16 THE TRADITIONAL CITY OVERLAY DISTRICT, IN PART,
17 TO DOWNTOWN ACTIVITY CENTER WITH THE
18 TRADITIONAL CITY OVERLAY, IN PART, AND FROM
19 MEDIUM INTENSITY MIXED RESIDENTIAL-OFFICE
20 WITH THE TRADITIONAL CITY AND HISTORIC
21 PRESERVATION OVERLAYS, IN PART, AND ONE TO
22 FIVE FAMILY RESIDENTIAL DISTRICT, WITH THE
23 TRADITIONAL CITY AND HISTORIC PRESERVATION
24 OVERLAYS, IN PART, TO DOWNTOWN ACTIVITY
25 CENTER WITH THE TRADITIONAL CITY AND HISTORIC
26 PRESERVATION OVERLAYS; PROVIDING FOR
27 AMENDMENT OF THE CITY'S GROWTH MANAGEMENT
28 PLAN AND ZONING MAPS; PROVIDING FOR
29 SEVERABILITY, CORRECTION OF SCRIVENER'S
30 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
31 DATE.

32
33 **WHEREAS**, at its regularly scheduled meeting of May 15, 2018, the Municipal
34 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the
35 following applications relating to land generally located to the north of East Livingston
36 Street, east of North Magnolia Avenue, and south of East Amelia Street, and comprised
37 of 1.08 acres of land, more or less, such land being more precisely described by the
38 legal description attached to this ordinance as **Exhibit A-1** (hereinafter the "Property"):
39

- 40 1. Growth Management Plan (hereinafter the "GMP") case number GMP2018-
41 10011, requesting an amendment to the City's GMP to change the Property's
42 Future Land Use Map designation from "Office High Intensity" (OFFICE-
43 HIGH) and "Residential Medium Intensity" (RES-MED) to "Downtown Activity
44 Center" (DT-AC); and
- 45
46 2. GMP case number GMP2018-10012, requesting an amendment to the City's
47 GMP to adopt subarea policy S.14.18 to address height transition to the

Historic District to the east and adjust the boundaries of S.14.9 to correct a Scrivener's Error; and

3. Zoning case number ZON2018-10005, requesting an amendment to the City's Official Zoning Map Series to change the Property's zoning map designation from the High Intensity Office-Residential with the Traditional City Overlay, in part, to Downtown Activity Center with the Traditional City Overlay, in part, and from Medium Intensity Mixed Residential-Office with the Traditional City and Historic Preservation Overlays, in part, and One to Five Family Residential District, with the Traditional City and Historic Preservation Overlays, in part, (together, hereinafter referred to as the "applications"); 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 the applications (entitled "Items #8A., B., and C.– 409 N. Magnolia Redevelopment"), 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 GMP2018-10011 and GMP2018-10012 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, the MPB found that application ZON2018-10005 is consistent with:

1. 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
2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code of the City of Orlando, Florida (the "LDC"); and

WHEREAS, sections 1 and 2 of this ordinance are adopted pursuant to the process for adoption of a small-scale comprehensive plan amendment as provided by section 163.3187, 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 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. 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" (OFFICE-HIGH) and "Residential Medium Intensity" (RES-MED) to "Downtown Activity Center" (DT-AC) on the City's official Future Land Use Maps, as depicted in **Exhibit B** to this ordinance.

SECTION 2. 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 3. SUBAREA POLICY S.14.18. Pursuant to section 163.3187(1)(c), Florida Statutes, the text of the City's Growth Management Plan is hereby amended to add subarea policy S.14.18, which shall be inserted after subarea policy S.14.17 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.14.18

Retail, service, and eating & drinking uses are allowed only as an accessory to a residential, office, and/or lodging principal use. Building heights within 100 feet of the east property line must not exceed 76 feet as measured from the base elevation of Magnolia Avenue, in order to ensure a reasonable and appropriate height transition from the Downtown Activity Center to the Lake Eola Heights Historic District. Rooftop amenities, that do not include habitable space, are allowed to exceed the 76 foot height limitation. No buildings are allowed within the portion of the site that is part of the Historic Preservation (HP) zoning overlay.

SECTION 4. SUBAREA POLICY MAPS. Pursuant to section 163.3187, Florida Statutes, the City's Growth Management Plan subarea policy maps are hereby amended to include the Subarea Policy Property within the newly created subarea policy S.14.18, as depicted in **Exhibit C** to this ordinance.

SECTION 5. ZONING DESIGNATION. Pursuant to the City's Land Development Code, the zoning designation for the property is hereby changed from the "High Intensity Office-Residential District with the Traditional City Overlay District," in part, (denoted as "O-3/T" on the city's official zoning maps) to the "Metropolitan Activity Center District" with the Traditional City Overlay District, in part (denoted as "AC-3A/T"

on the city's official zoning maps and described in **Exhibit A-2**), and from the "Medium Intensity Mixed Residential-Office District" with the Traditional City and Historic Preservation Overlay Districts, in part, (denoted as MXD-1/T/HP on the city's official zoning maps), and "One to Five Family Residential District" with the Traditional City and Historic Preservation Overlay Districts, in part, (denoted as R-2B/T/HP on the City's official zoning maps) to the "Downtown Metropolitan Activity Center District" with the Traditional City and Historic Preservation Overlay Districts, in part (denoted as AC-3A/T/HP on the city's official zoning maps and described in **Exhibit A-3**), all depicted on the zoning map in **Exhibit D** to this ordinance.

SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP. The city zoning official, or designee, is hereby directed to amend the city's official zoning maps in accordance with this ordinance.

SECTION 7. 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 8. 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 9. OTHER STATE AND FEDERAL PERMITS. As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this ordinance that all other applicable state or federal permits be obtained before commencement of the development.

SECTION 10. EFFECTIVE DATE. This ordinance becomes effective upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2018.

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, this _____ day of _____, 2018.

**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
_____, 2018.

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

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