

ORDINANCE NO. 2020-20

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, ANNEXING TO THE
3 CORPORATE LIMITS OF THE CITY CERTAIN LAND
4 GENERALLY LOCATED NORTH OF LEE VISTA
5 BOULEVARD, EAST OF CONWAY ROAD, SOUTH OF
6 HOFFNER AVENUE, AND WEST OF S. SEMORAN
7 BOULEVARD, AND COMPRISED OF 70.46 ACRES OF
8 LAND, MORE OR LESS, AND AMENDING THE CITY'S
9 BOUNDARY DESCRIPTION; AMENDING THE CITY'S
10 ADOPTED GROWTH MANAGEMENT PLAN TO
11 DESIGNATE THE PROPERTY AS COMMUNITY
12 ACTIVITY CENTER, INDUSTRIAL AND CONSERVATION
13 ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS;
14 DESIGNATING THE PROPERTY AS THE PLANNED
15 DEVELOPMENT ZONING DISTRICT, WITH AIRCRAFT
16 NOISE AND SEMORAN GATEWAY SPECIAL
17 PLANOVERLAY, AND AS THE CONSERVATION
18 ZONING DISTRICT, WITH THE AIRCRAFT NOISE
19 OVERLAY, ON THE CITY'S OFFICIAL ZONING MAPS;
20 PROVIDING A SITE PLAN AND SPECIAL LAND
21 DEVELOPMENT REGULATIONS FOR THE PLANNED
22 DEVELOPMENT; PROVIDING FOR AMENDMENT OF
23 THE CITY'S OFFICIAL FUTURE LAND USE AND
24 ZONING MAPS; PROVIDING FOR SEVERABILITY,
25 CORRECTION OF SCRIVENER'S ERRORS, PERMIT
26 DISCLAIMER, AND AN EFFECTIVE DATE.

27
28 **WHEREAS**, on January 13, 2020, the City Council of the City of Orlando, Florida
29 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the
30 "petition") bearing the signatures of all owners of property in an area of land generally
31 located north of Lee Vista Boulevard, east of Conway Road, south of Hoffner Avenue,
32 and west of S. Semoran Boulevard, comprised of approximately 70.46 acres and being
33 precisely described by the legal description of the area by metes and bounds attached to
34 this ordinance as **Exhibit A** (hereinafter the "property"); and
35

36 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
37 section 171.044, Florida Statutes; and
38

39 **WHEREAS**, at its regularly scheduled meeting of January 21, 2020, the
40 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),
41 considered the following applications relating to the property:
42

- 43 1. Annexation case number ANX2019-10010 requesting to annex the property
44 into the jurisdictional boundaries of the city; and
45
- 46 2. Growth Management Plan (hereinafter the "GMP") case number GMP2019-
47 10023 requesting an amendment to the city's GMP to designate the property

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as “Community Activity Center,” “Industrial” and “Conservation” on the City’s official future land use map; and

3. Zoning case number ZON2019-10025 requesting to designate the property as the “Planned Development District” with the “Aircraft Noise Overlay” and “Semoran Gateway Special Plan Overlay,” and as the “Conservation District” with the “Aircraft Noise Overlay,” on the City’s official zoning maps (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 application case numbers ANX2019-10010, GMP2019-10023 and ZON2019-10025 (entitled “Item #1A, B, C – Park, Bark & Fly”), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance or ordinances in accordance therewith; and

WHEREAS, the MPB found that application GMP2019-10023 is 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 ZON2019-10025 is consistent with:

1. 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 3 and 4 of this ordinance are adopted pursuant to the “expedited state review process for adoption of comprehensive plan amendments” as provided by section 163.3184, Florida Statutes; and

WHEREAS, the Orlando City Council hereby finds that:

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1. As of the date of the petition, the property was located in the unincorporated area of Orange County; and
2. As of the date of the petition, the property is contiguous to the city within the meaning of subsection 171.031(11), Florida Statutes; and
3. As of the date of the petition, the property is reasonably compact within the meaning of subsection 171.031(12), Florida Statutes; and
4. The petition bears the signatures of all owners of property in the area to be annexed; and
5. Annexation of the property will not result in the creation of enclaves within the meaning of subsection 171.031(13), Florida Statutes; and
6. The property is located wholly within the boundaries of a single county; and
7. The petition proposes an annexation that is consistent with the purpose of ensuring sound urban development and accommodation to growth; and
8. The petition, this ordinance, and the procedures leading to the adoption of this ordinance are consistent with the uniform legislative standards provided by the Florida Municipal Annexation and Contraction Act for the adjustment of municipal boundaries; and
9. The petition proposes an annexation that is consistent with the purpose of ensuring the efficient provision of urban services to areas that become urban in character within the meaning of section 171.021, Florida Statutes; and
10. The petition proposes an annexation that is consistent with the purpose of ensuring that areas are not annexed unless municipal services can be provided to those areas; and

WHEREAS, the property owners and the city are entering into a separate developer's agreement to address remaining development matters relating to the property; 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 Florida Statutes, the State Comprehensive Plan, the Strategic Regional Policy Plan, and the City's GMP and LDC.

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

134
135 **SECTION 1. ANNEXATION.** Pursuant to the authority granted by section
136 171.044, Florida Statutes, and having made the findings set forth in this ordinance, the
137 property described in **Exhibit A** is hereby annexed into the corporate limits of the City of
138 Orlando, Florida, and the boundary lines of the City are hereby redefined to include the
139 property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area
140 is clearly shown on the map attached to this ordinance as **Exhibit B**.

141
142 **SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida Statutes,
143 the charter boundary article of the city is hereby revised in accordance with this
144 ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a
145 revision of the City Charter with the Florida Department of State. The city planning
146 official, or designee, is hereby directed to amend the city's official maps in accordance
147 with this ordinance.

148
149 **SECTION 3. FLUM DESIGNATION.** Pursuant to section 163.3184, Florida
150 Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land
151 Use Map designation for the Property is hereby established as "Industrial," "Community
152 Activity Center," and "Conservation" (denoted as "INDUST," "COMM-AC" and
153 "CONSERV" on the City's Future Land Use Maps), as depicted in **Exhibit C** to this
154 ordinance.

155
156 **SECTION 4. AMENDMENT OF FLUM.** The city planning official, or designee, is
157 hereby directed to amend the city's adopted future land use maps in accordance with
158 this ordinance.

159
160 **SECTION 5. ZONING DESIGNATION.** Pursuant to the LDC, the zoning
161 designation for the property is hereby established as the "Planned Development" district
162 with the "Aircraft Noise Overlay" district, as the "Planned Development" district with the
163 "Aircraft Noise Overlay" district and the "Semoran Gateway Special Plan Overlay"
164 district, and as the "Conservation" district with the "Aircraft Noise Overlay" district,
165 (denoted on the city's official zoning maps as the "PD/AN," "PD/AN/SP," and "C/AN"
166 district), as depicted in **Exhibit D** to this ordinance. The portion of the property with the
167 planned development zoning district shall be known as the "Park Bark N Fly PD."

168
169 **SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning
170 official, or designee, is hereby directed to amend the city's official zoning maps in
171 accordance with this ordinance.

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SECTION 7. SPECIAL LAND DEVELOPMENT REGULATIONS. The portion of the property with Planned Development zoning district is subject to the following special land development regulations:

A. General

1. Site Plan. Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the property must be consistent with the site plan attached to this ordinance as **Exhibit E** (the "Site Plan"). In the event of a conflict between the text of this ordinance and the Site Plan, the text of this ordinance controls.
2. Minor Modifications. Minor modifications and design changes including but not limited to signs, landscaping, driveway locations, and other minor changes, that are required beyond those previously reviewed by the Municipal Planning Board or City Council, may be approved by the Planning Official without further review by the Municipal Planning Board. Major changes require additional review by the Municipal Planning Board.
3. Expiration. Upon approval of the PD by City Council, the planned development zoning designation is contingent on a building permit for the next phase of the project being issued by the City of Orlando within five (5) years of the PD approval. If a building permit is not issued for the next phase of development within five years, or if the building permits issued for the next phase of the project expire before a Certificate of Occupancy or Certificate of Completion is issued, then the PD is no longer valid and the applicant must apply to City Council to rezone the property or amend the PD if the applicant wishes to proceed with a development requiring said PD.

B. Land Development

1. Land Use and Zoning - Unless otherwise stated, development of the Park Bark N Fly PD must be consistent with the development standards provided herein and of the default IG/AN & AC-1/AN/SP zoning designations.
2. Floor Area Ratio (FAR) - Non-residential intensity (FAR) of the overall development site cannot collectively exceed 0.7. Maximum density (for future potential residential redevelopment) within the default AC-1/AN/SP portion cannot exceed 40 dwelling units per acre.
3. Impervious Surface - Impervious Surface coverage must not exceed 85%, per the more restrictive default AC-1/AN/SP zoning.
4. Signage - The existing Park Bark & Fly is allowed 52 sq. ft. of signage; the Hertz Car Sales & Rental is allowed 140 sq. ft. of signage, in addition to the shared electronic message center (EMC) sign. All existing previously permitted signs will be considered nonconforming. The EMC must be removed if residential uses are developed on the property. Dwell time for EMC messages must each be no less than 8 seconds in duration.

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5. Landscape Buffers consistent with Table 4 (see below) are required for the overall site and proposed uses.

Table 4 Buffer & Landscaping Standards

Proposed Uses	Default Zoning	Required (R) & Proposed (P) Buffer Setbacks (Min.)(ft.)*				
		Area (acres)	Front (S. Semoran)	Side (N) (Mobile Home Park & Vacant)	Rear (W) (agricultural)	Wetland (S)
Airport & RV Parking	I-G/AN	±43.1	R: 7.5 ft. lot line (LL) P: 15 ft. buffer with 3-ft. tall hedge(need street trees)	R: 5-7-ft. Bufferyard A P: 20+ ft. w. trees & bushes	R: 8-10-ft. Bufferyard B P: 20+ ft. w. trees & bushes	R: 25 P: 264
Used Car Sales & Rentals & Outparcel	AC-1/AN/SP	±13.3		R: 7.5 ft. LL P: 7.5 ft. LL	R: 7.5 ft. LL P: 7.5 ft. LL	R: 25 P: 393

* Dimensions refer to range of acceptable buffer depth; each requires plantings and/or screen fence or wall

6. Phasing - Development and expansion of the existing uses will be completed in multiple phases. Each phase (airport and RV parking, Hertz Car Sales & Rental and future outparcel use) should be able to operate without reliance on previous or subsequent phases within the overall development.
7. Master Plan - For the expansion of the airport/RV parking, auto sales/rental use or a new use for the outparcel north of the Park Bark & Fly entry drive, master plan approval is required, per LDC Section 65.331.
8. Billboard - The existing billboard will be allowed to remain as a legal nonconforming use, subject to LDC Section 64.271.
9. Permitted Uses.
 - a. Parking as a Principal Use is a permitted use in the PD and the provisions of Footnote 37 of Section 58.110 1B Zoning Tables FG-2B, LDC shall not apply.
 - b. Recreational Vehicle and Boat Storage is a permitted use in the portion of the property shown on the site plan.
 - c. Automobile Sales and Rentals is a permitted use in the portion of the property shown on the site plan and shall not be subject to the acreage requirements of the Semoran Gateway Special Plan.

C. Transportation

1. Pervious or Semi-Pervious Parking Surfaces (RV Parking Area) - Any use of pervious or semi-pervious parking or drive aisle surface material must first be approved by the City Engineer. Such approval should be obtained prior to submittal of plans to Permitting Services to avoid review delays.

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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. 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 10. DISCLAIMER. As provided by subsection 166.033(6), 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(6), 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 11. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one and two, which take effect on the 30th day after adoption, and sections three through seven, which take effect on the 31st day after adoption unless this ordinance is lawfully challenged pursuant to subsection 163.3184(5), Florida Statutes, in which case sections three through seven shall not be effective until the state land planning agency or the Administration Commission issues a final order declaring this ordinance "in compliance" as defined at sections 163.3184(1)(b), Florida Statutes.

DONE, THE FIRST 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 _____, 2020.

DONE, THE FIRST READING AND HEARING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2020.

DONE, THE SECOND 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 _____, 2020.

DONE, THE SECOND READING AND 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 _____, 2020.

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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

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