

ORDINANCE NO. 2020-42

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, AMENDING THE CITY'S
3 GROWTH MANAGEMENT PLAN TO AMEND THE
4 FUTURE LAND USE MAP DESIGNATION FOR CERTAIN
5 LAND GENERALLY LOCATED NORTH OF STATE
6 ROAD 528, SOUTH OF BELTWAY COMMERCE
7 CENTER, EAST OF STATE ROAD 417, AND WEST OF
8 THE ORANGE COUNTY LANDFILL, COMPRISING
9 APPROXIMATELY 243 ACRES OF LAND, MORE OR
10 LESS; AMENDING FUTURE LAND USE SUBAREA
11 POLICY S.39.5; PROVIDING FOR AMENDMENT OF THE
12 CITY'S FUTURE LAND USE MAPS; PROVIDING FOR
13 AMENDMENT OF THE CITY'S GROWTH MANAGEMENT
14 PLAN; PROVIDING FOR SEVERABILITY, CORRECTION
15 OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.
16

17 **WHEREAS**, at its regularly scheduled meeting of May 26, 2020, the Municipal
18 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered Growth
19 Management Plan (hereinafter the "GMP") application case numbers GMP2020-10006
20 and GMP2020-10007, requesting amendments to the city's GMP to amend the future land
21 use designation for certain land generally located north of State Road 528, south of
22 Beltway Commerce Center, east of State Road 417, and west of the Orange County
23 Landfill, comprising approximately 243 acres of land, more or less, described by the legal
24 description attached to this ordinance as Exhibit A (hereinafter "the Property"), and to
25 amend subarea policy S.39.5 to increase allowable industrial development to 3.388 million
26 square feet; and
27

28 **WHEREAS**, based upon the evidence presented to the MPB, including the
29 information and analysis contained in the "Staff Report to the Municipal Planning Board"
30 for the application (entitled "Vista Commerce Park (Brunetti East) GMP Amendments"),
31 the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando
32 City Council"), approve said application and adopt an ordinance in accordance therewith;
33 and
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35 **WHEREAS**, the MPB found that the application is consistent with:
36

- 37 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida
38 Statutes (the "State Comprehensive Plan"); and
39
- 40 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida
41 Regional Planning Council pursuant to sections 186.507 and 186.508,
42 Florida Statutes (the "Strategic Regional Policy Plan"); and
43
- 44 3. The *City of Orlando Growth Management Plan*, adopted as the city's
45 "comprehensive plan" for purposes of the Florida Community Planning
46 Act, sections 163.3164 through 163.3217, Florida Statutes; and

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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 as provided by subsection 163.3184(3), Florida Statutes.

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

SECTION 1. FLUM DESIGNATION. Pursuant to section 163.3184, Florida Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land Use Map designation for the Property of "Industrial" (denoted as "INDUST" on the city's official Future Land Use Maps) and "Conservation" (denoted as "CONSERV" on the city's official Future Land Use Maps) is amended as depicted in Exhibit B, attached and incorporated into 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. AMENDING FUTURE LAND USE SUBAREA POLICY S.39.5. The City's Growth Management Plan, Future Land Use Element, Subarea Policy S.39.5, is amended as depicted in Exhibit C, attached and incorporated into this ordinance, to read as follows:

Because this area is located within a Formerly Used Defense Site, and because the site is located directly adjacent to the Orange County landfill, any development proposals must be supported by engineering and environmental studies demonstrating the suitability of the development for the uses proposed. The property owner shall comply with all Defense Environmental Restoration Program (DERP-FUDS), and Military Munitions Response Program requirements and protocols as recommended and established by the U.S. Department of Defense – U.S. Army Corps of Engineers as part of the development of the property.

The boundaries of environmentally sensitive areas shall be determined through and based upon appropriate environmental studies and analysis. Development must conform to Conservation Policies 1.4.1 through 1.4.6 and be coordinated with all appropriate governmental agencies to minimize any potential adverse environment impacts.

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Roads that cross major wetland systems must incorporate bridges or oversized culverts to maintain wildlife corridors.

Prior to development, an overall master plan that addresses the entire land area and maximum development program shall be reviewed and approved. The maximum development program shall be limited to ~~4,500,000~~ 3,388,000 square feet of permitted uses. ~~Notwithstanding the foregoing, the property owner agrees that no certificates of occupancy may be issued before June 1, 2015, for development which will generate more than 1,000 external average daily trips. At such time as the property owner is ready to proceed with development that generates more than 1,000 external average daily trips, but in no event before June 1, 2015,~~ the property owner shall submit to the City transportation official a traffic impact analysis. The traffic impact analysis shall (i) address roadway links and intersections on which the development is projected to use more than five percent of the adopted level of service capacity, (ii) shall include appropriate mitigation measures, if required, complying with the laws, ordinances, and transportation requirements that are in effect at the time analysis is performed; (iii) shall be reviewed for sufficiency prior to the commencement of development that exceeds 1,000 external average daily trips; and (iv) shall assess impacts to State SIS facilities consistent with the appropriate statutory requirements.

The following structures and uses are prohibited within this area: billboards, residential, emergency shelters, treatment/recovery facilities, adult entertainment, and intensive retailing. Allowable uses must be consistent with Future Land Use Figure LU-1 and the Land Development Code.

SECTION 4. 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 5. 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 6. 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 7. EFFECTIVE DATE. This ordinance is effective upon adoption, except for the amendments adopted by sections one through four, 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, then 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 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.

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