

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  
5 CERTAIN LAND GENERALLY LOCATED TO THE  
6 NORTH OF BROOKHAVEN DRIVE, EAST OF ALDEN  
7 ROAD, SOUTH OF VIRGINIA DRIVE AND WEST OF  
8 FERRIS AVENUE, COMPRISED OF 1.7 ACRES OF  
9 LAND, MORE OR LESS, FROM INDUSTRIAL TO MIXED  
10 USE CORRIDOR-MEDIUM INTENSITY; CHANGING THE  
11 PROPERTY'S ZONING DESIGNATION FROM THE  
12 GENERAL INDUSTRIAL DISTRICT WITH THE  
13 TRADITIONAL CITY OVERLAY DISTRICT TO THE  
14 MEDIUM INTENSITY MIXED USE CORRIDOR DISTRICT  
15 WITH THE TRADITIONAL CITY OVERLAY DISTRICT;  
16 PROVIDING FOR AMENDMENT OF THE CITY'S  
17 OFFICIAL FUTURE LAND USE AND ZONING MAPS;  
18 PROVIDING A DISCLAIMER REGARDING PERMITS  
19 FROM STATE AND FEDERAL AGENCIES; AND  
20 PROVIDING FOR SEVERABILITY, CORRECTION OF  
21 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.  
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23 **WHEREAS**, at its regularly scheduled meeting of January 19, 2016, the  
24 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),  
25 considered the following applications relating to land generally located to the north of  
26 Brookhaven Drive, east of Alden Road, south of Virginia Drive and west of Ferris  
27 Avenue, and comprised of 1.7 acres of land, more or less, such land being more  
28 precisely described by the legal description attached to this ordinance as **Exhibit A**  
29 (hereinafter the "property"):  
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- 31 1. Growth Management Plan (hereinafter the "GMP") case number GMP2015-  
32 00049, requesting an amendment to the City's GMP to change the property's  
33 Future Land Use Map designation from "Industrial" to "Mixed Use Corridor-  
34 Medium Intensity;" and  
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- 36 2. Zoning case number ZON2015-00048, requesting an amendment to the  
37 City's Official Zoning Map Series to change the property's zoning map  
38 designation from the "General Industrial District," along with the "Traditional  
39 City" overlay district, to the "Medium Intensity Mixed Use Corridor District,"  
40 along with the "Traditional City" overlay district (together, hereinafter referred  
41 to as the "applications"); and  
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43 **WHEREAS**, based upon the evidence presented to the MPB, including the  
44 information and analysis contained in the "Staff Report to the Municipal Planning Board"  
45 for the applications (entitled "Items #13A & B – "The Yard Crossman"), the MPB  
46 recommended that the Orlando City Council approve said applications and adopt an  
47 ordinance in accordance therewith; and

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**WHEREAS**, the MPB found that application GMP2015-00049 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 ZON2015-00048 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 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 “Industrial” (denoted as “INDUST” on the city’s official Future Land Use Maps) to “Mixed Use Corridor-Medium Intensity” (denoted as “MUC-MED” 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.

93           **SECTION 3. ZONING DESIGNATION.** Pursuant to the city’s LDC, the zoning  
94 designation for the property is hereby changed from the “General Industrial District,”  
95 along with the “Traditional City” zoning overlay district (denoted as “I-G/T” on the city’s  
96 official zoning maps) to the “Medium Intensity Mixed Use Corridor District,” along with  
97 the “Traditional City” zoning overlay district (denoted as “MU-1/T” on the city’s official  
98 zoning maps), as depicted in **Exhibit C** to this ordinance.  
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100           **SECTION 4. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning  
101 official, or designee, is hereby directed to amend the city’s official zoning maps in  
102 accordance with this ordinance.  
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104           **SECTION 5. DISCLAIMER.** In accordance with Section 166.033(5), Florida  
105 Statutes, the issuance of this development permit does not in any way create any right  
106 on the part of the applicant to obtain a permit from a state or federal agency, and does  
107 not create any liability on the part of the City for issuance of this permit if the applicant  
108 fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal  
109 agency or undertakes actions that result in a violation of state or federal law. All other  
110 applicable state or federal permits must be obtained before commencement of the  
111 development authorized by this development permit.  
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113           **SECTION 6. SCRIVENER’S ERROR.** The city attorney may correct scrivener’s  
114 errors found in this ordinance by filing a corrected copy of this ordinance with the city  
115 clerk.  
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117           **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its  
118 application to any person or circumstance is held invalid, the invalidity does not affect  
119 other provisions or applications of this ordinance which can be given effect without the  
120 invalid provision or application, and to this end the provisions of this ordinance are  
121 severable.  
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123           **SECTION 8. EFFECTIVE DATE.** This ordinance is effective upon adoption,  
124 except for sections one through four, which take effect on the 31<sup>st</sup> day after adoption  
125 unless this ordinance is lawfully challenged pursuant to section 163.3187(5), Florida  
126 Statutes, in which case sections one through four shall not be effective until the state  
127 land planning agency or the Administration Commission issues a final order declaring  
128 this ordinance “in compliance” as defined at sections 163.3184(1)(b) and 163.3187(5)(d),  
129 Florida Statutes.  
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131           **DONE, THE FIRST READING,** by the City Council of the City of Orlando,  
132 Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
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134           **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City  
135 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this \_\_\_\_\_ day  
136 of \_\_\_\_\_, 2016.

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**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 \_\_\_\_\_, 2016.

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:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Print Name

\*\*[Remainder of page intentionally left blank.]\*\*