

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE CITY'S GROWTH MANAGEMENT PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FOR CERTAIN LAND GENERALLY LOCATED TO THE NORTH OF BROOKHAVEN DRIVE, EAST OF ALDEN ROAD, SOUTH OF VIRGINIA DRIVE AND WEST OF FERRIS AVENUE, COMPRISED OF 1.7 ACRES OF LAND, MORE OR LESS, FROM INDUSTRIAL TO MIXED USE CORRIDOR-MEDIUM INTENSITY; CHANGING THE PROPERTY'S ZONING DESIGNATION FROM THE GENERAL INDUSTRIAL DISTRICT WITH THE TRADITIONAL CITY OVERLAY DISTRICT TO THE MEDIUM INTENSITY MIXED USE CORRIDOR DISTRICT WITH THE TRADITIONAL CITY OVERLAY DISTRICT; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND ZONING MAPS; PROVIDING A DISCLAIMER REGARDING PERMITS FROM STATE AND FEDERAL AGENCIES; AND PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of January 19, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the following applications relating to land generally located to the north of Brookhaven Drive, east of Alden Road, south of Virginia Drive and west of Ferris Avenue, and comprised of 1.7 acres of land, more or less, such land being more precisely described by the legal description attached to this ordinance as **Exhibit A** (hereinafter the "property"):

1. Growth Management Plan (hereinafter the "GMP") case number GMP2015-00049, requesting an amendment to the City's GMP to change the property's Future Land Use Map designation from "Industrial" to "Mixed Use Corridor-Medium Intensity;" and
2. Zoning case number ZON2015-00048, requesting an amendment to the City's Official Zoning Map Series to change the property's zoning map designation from the "General Industrial District," along with the "Traditional City" overlay district, to the "Medium Intensity Mixed Use Corridor District," along with the "Traditional City" overlay district (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 #13A & B – "The Yard Crossman"), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance in accordance therewith; and

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.

SECTION 3. ZONING DESIGNATION. Pursuant to the city's LDC, the zoning designation for the property is hereby changed from the "General Industrial District," along with the "Traditional City" zoning overlay district (denoted as "I-G/T" on the city's official zoning maps) to the "Medium Intensity Mixed Use Corridor District," along with the "Traditional City" zoning overlay district (denoted as "MU-1/T" on the city's official zoning maps), as depicted in **Exhibit C** to this ordinance.

SECTION 4. 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 5. DISCLAIMER. In accordance with Section 166.033(5), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the City for issuance of this 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. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

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. 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 8. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one through four, which take effect on the 31st day after adoption unless this ordinance is lawfully challenged pursuant to section 163.3187(5), Florida Statutes, in which case sections one through four 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) and 163.3187(5)(d), Florida Statutes.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2016.

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 _____, 2016.

**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

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