

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, AMENDING THE CITY'S
3 ADOPTED GROWTH MANAGEMENT PLAN TO
4 CHANGE THE FUTURE LAND USE MAP DESIGNATION
5 FOR CERTAIN LAND GENERALLY LOCATED WEST OF
6 NARCOOSSEE ROAD, NORTH OF BIPE LANE, AND
7 EAST OF SOUTH GOLDENROD ROAD, COMPRISED OF
8 8.62 ACRES OF LAND, MORE OR LESS, FROM OFFICE
9 LOW INTENSITY TO OFFICE MEDIUM INTENSITY;
10 CHANGING THE PROPERTY'S ZONING DESIGNATION
11 FROM O-1/AN TO O-2/AN; PROVIDING FOR
12 AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND
13 USE AND ZONING MAPS; PROVIDING FOR
14 SEVERABILITY, CORRECTION OF SCRIVENER'S
15 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
16 DATE.

17
18 **WHEREAS**, at its regularly scheduled meeting of June 21, 2016, the Municipal
19 Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered the
20 following applications relating to land generally located to the west of Narcoossee Road,
21 north of Bipe Lane, and east of South Goldenrod Road, and comprised of 8.62 acres of
22 land, more or less, such land being more precisely described by the legal description
23 attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"):

- 24
25 1. Growth Management Plan (hereinafter the "GMP") case number GMP2016-
26 00010, requesting an amendment to the City's GMP to change the Property's
27 Future Land Use Map designation from "Office Low Intensity" to "Office
28 Medium Intensity"; and
29
30 2. Zoning case number ZON2016-00011, requesting an amendment to the
31 City's Official Zoning Map Series to change the Property's zoning map
32 designation from the "O-1 Low Intensity Office-Residential District," with the
33 Aircraft Noise Overlay District to the "O-2 Medium Intensity Office-Residential
34 District" with the "Aircraft Noise Overlay District" (together, hereinafter
35 referred to as the "Applications"); and
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37 **WHEREAS**, based upon the evidence presented to the MPB, including the
38 information and analysis contained in the "Staff Report to the Municipal Planning Board"
39 for the Applications (entitled "Items #7A & B – 6440 Narcoossee Road" and hereinafter
40 referred to as the "Staff Report"), the MPB recommended that the Orlando City Council
41 approve said Applications and adopt an ordinance in accordance therewith; and
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43 **WHEREAS**, the MPB found that application GMP2016-00010 is consistent with:

- 44
45 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes
46 (the "State Comprehensive Plan"); and
47

- 48 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida
49 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida
50 Statutes (the “Strategic Regional Policy Plan”); and
51
52 3. The *City of Orlando Growth Management Plan*, adopted as the City’s
53 “comprehensive plan” for purposes of the Florida Community Planning Act,
54 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
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56 **WHEREAS**, the MPB found that application ZON2016-00011 is consistent with:
57

- 58 1. The *City of Orlando Growth Management Plan*, adopted as the City’s
59 “comprehensive plan” for purposes of the Florida Community Planning Act,
60 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
61
62 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
63 of the City of Orlando, Florida (the “LDC”); and
64

65 **WHEREAS**, sections 1 and 2 of this ordinance are adopted pursuant to the
66 “process for adoption of small-scale comprehensive plan amendment” as provided by
67 section 163.3187, Florida Statutes; and
68

69 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
70 best interest of the public health, safety, and welfare, and is consistent with the
71 applicable provisions of the City’s GMP and LDC; and
72

73 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
74 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
75

76 **SECTION 1. FLUM DESIGNATION.** Pursuant to section 163.3187, Florida
77 Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land
78 Use Map designation for the Property is hereby changed from “Office Low Intensity”
79 (denoted as “OFFICE-LOW” on the City’s official Future Land Use Maps) to “Office
80 Medium Intensity” (denoted as “OFFICE-MED” on the City’s official Future Land Use
81 Maps), as depicted in **Exhibit “B”** to this ordinance.
82

83 **SECTION 2. AMENDMENT OF FLUM.** The City planning official, or designee,
84 is hereby directed to amend the City’s adopted Future Land Use Maps in accordance
85 with this ordinance.
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87 **SECTION 3. ZONING DESIGNATION.** Pursuant to the City’s Land
88 Development Code, the zoning designation for the Property is hereby changed from “O-
89 1,” along with the “Aircraft Noise Overlay District” (denoted as “O-1/AN” on the City’s
90 official zoning maps) to “O-2,” along with the “Aircraft Noise Overlay District” denoted as
91 “O-2/AN” on the City’s official zoning maps), as depicted in **Exhibit “C”** to this
92 ordinance.

93
94 **SECTION 4. AMENDMENT OF OFFICIAL ZONING MAP.** The City zoning
95 official, or designee, is hereby directed to amend the City’s official zoning maps in
96 accordance with this ordinance.
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98 **SECTION 5. OTHER STATE AND FEDERAL PERMITS.** As provided by
99 subsection 166.033(5), Florida Statutes, issuance of a development permit by a
100 municipality does not in any way create any right on the part of an applicant to obtain a
101 permit from a state or federal agency and does not create any liability on the part of the
102 municipality for issuance of the permit if the applicant fails to obtain requisite approvals
103 or fulfill the obligations imposed by a state or federal agency or undertakes actions that
104 result in a violation of state or federal law. In accordance with subsection 166.033(5),
105 Florida Statutes, it is hereby made a condition of this permit that all other applicable
106 state or federal permits be obtained before commencement of the development.
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108 **SECTION 6. SCRIVENER’S ERROR.** The City Attorney may correct scrivener’s
109 errors found in this ordinance by filing a corrected copy of this ordinance with the City
110 Clerk.
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112 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its
113 application to any person or circumstance is held invalid, the invalidity does not affect
114 other provisions or applications of this ordinance which can be given effect without the
115 invalid provision or application, and to this end the provisions of this ordinance are
116 severable.
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118 **SECTION 8. EFFECTIVE DATE.** This ordinance is effective upon adoption,
119 except for sections one, two, three, and four, which take effect on the 31st day after
120 adoption unless this ordinance is lawfully challenged pursuant to section 163.3187(5),
121 Florida Statutes, in which case sections one, two, three, and four shall not be effective
122 until the state land planning agency or the Administration Commission issues a final
123 order declaring this ordinance “in compliance” as defined at sections 163.3184(1)(b) and
124 163.3187(5)(d), Florida Statutes.
125

126 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
127 Florida, at a regular meeting, this _____ day of _____, 2016.
128

129 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
130 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
131 of _____, 2016.
132

133 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
134 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City
135 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
136 _____, 2016.

ORDINANCE NO. 2016-56

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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:

City Attorney

Print Name

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