

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

**WHEREAS**, at its regularly scheduled meeting of June 21, 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 west of Narcoossee Road, north of Bipe Lane, and east of South Goldenrod Road, and comprised of 8.62 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 GMP2016-00010, requesting an amendment to the City's GMP to change the Property's Future Land Use Map designation from "Office Low Intensity" to "Office Medium Intensity"; and
2. Zoning case number ZON2016-00011, requesting an amendment to the City's Official Zoning Map Series to change the Property's zoning map designation from the "O-1 Low Intensity Office-Residential District," with the Aircraft Noise Overlay District to the "O-2 Medium Intensity Office-Residential District" with the "Aircraft Noise 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 #7A & B – 6440 Narcoossee Road" and hereinafter referred to as the "Staff Report"), 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 GMP2016-00010 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 ZON2016-00011 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 “Office Low Intensity” (denoted as “OFFICE-LOW” on the City’s official Future Land Use Maps) to “Office Medium Intensity” (denoted as “OFFICE-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 Land Development Code, the zoning designation for the Property is hereby changed from “O-1,” along with the “Aircraft Noise Overlay District” (denoted as “O-1/AN” on the City’s official zoning maps) to “O-2,” along with the “Aircraft Noise Overlay District” denoted as “O-2/AN” 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. OTHER STATE AND FEDERAL PERMITS.** As provided by subsection 166.033(5), 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(5), Florida Statutes, it is hereby made a condition of this permit that all other applicable state or federal permits be obtained before commencement of the development.

**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, two, three, and four, which take effect on the 31<sup>st</sup> day after adoption unless this ordinance is lawfully challenged pursuant to section 163.3187(5), Florida Statutes, in which case sections one, two, three, and 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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