

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 A PORTION OF AN APPROXIMATELY 1.75 ACRE DEVELOPMENT SITE GENERALLY LOCATED NORTH OF W. MURIEL ST., EAST OF S. LUCERNE TER., SOUTH OF W. HARDING ST., AND WEST OF S. ORANGE AVE., FROM RESIDENTIAL MEDIUM INTENSITY TO MIXED USE CORRIDOR MEDIUM INTENSITY; FURTHER AMENDING THE GROWTH MANAGEMENT PLAN TO REMOVE A PORTION OF THE DEVELOPMENT SITE FROM THE BOUNDARIES OF SUBAREA POLICY S.12.1; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND SUBAREA POLICY MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of July 19, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered land development order application case number GMP2016-00009, requesting an amendment to the city's adopted Growth Management Plan Future Land Use Map to change the future land use map designation for a portion of an approximately 1.75 acre development site generally located north of W. Muriel Street, east of S. Lucerne Terrace, south of W. Harding Street, and west of S. Orange Avenue, and more precisely described by the legal description attached to this ordinance as **Exhibit A** (hereinafter the "property"), from Residential Medium Intensity to Mixed Use Corridor Medium Intensity, and to further amend the city's adopted Growth Management Plan to remove a portion of the same development site from the boundaries of Subarea Policy S.12.1; 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 application case number GMP2016-00009 (entitled "Item #4A – S. Orange Medical Complex"), the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said application and adopt an ordinance in accordance therewith; and

WHEREAS, the MPB found that the application 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 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 "process for adoption of small-scale comprehensive plan amendment" as provided by section 163.3187, Florida Statutes; 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 a portion of the property is hereby changed from "Residential Medium Intensity" to "Mixed Use Corridor Medium Intensity," as depicted in Exhibit B to this ordinance.

SECTION 2. SUBAREA POLICY S.12.1. Pursuant to section 163.3187, Florida Statutes, the city's Growth Management Plan subarea policy maps are hereby amended to remove portions of the property from the boundaries of Subarea Policy S.12.1, as depicted in Exhibit C to this ordinance.

SECTION 3. AMENDMENT OF GMP MAPS. The city planning official, or designee, is hereby directed to amend the city's adopted Future Land Use Maps and the Subarea Policy maps in accordance with this ordinance.

SECTION 4. 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 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. 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 ordinance that all other applicable state or federal permits be obtained before commencement of the development.

SECTION 7. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one through three, 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 three 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, THE 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:

ORDINANCE NO. 2016-70

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City Attorney

Print Name

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