

ORDINANCE NO. 2018-01

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 CERTAIN
5 LAND GENERALLY LOCATED SOUTH OF RUGBY
6 STREET, WEST OF ANN ARBOR AVENUE AND EAST
7 OF EDGEWATER DRIVE, COMPRISED OF 0.21 ACRES
8 OF LAND, MORE OR LESS, FROM RESIDENTIAL LOW
9 INTENSITY TO OFFICE LOW INTENSITY; CHANGING
10 THE PROPERTY'S ZONING DESIGNATION FROM 1-2
11 FAMILY RESIDENTIAL ZONING DISTRICT WITH THE
12 TRADITIONAL CITY, WEKIVA, SPECIALLY PLANNED
13 AREA, AND APPEARANCE REVIEW OVERLAY
14 DISTRICTS TO OFFICE AND RESIDENTIAL ZONING
15 DISTRICT WITH THE TRADITIONAL CITY, WEKIVA,
16 SPECIALLY PLANNED AREA, AND APPEARANCE
17 REVIEW OVERLAY DISTRICTS; PROVIDING FOR
18 AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND
19 USE AND ZONING MAPS; PROVIDING FOR
20 SEVERABILITY, CORRECTION OF SCRIVENER'S
21 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
22 DATE.
23

24 **WHEREAS**, at its regularly scheduled meeting of November 21, 2017, the
25 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),
26 considered the following applications relating to land generally located south of Rugby
27 Street, west of Ann Arbor Avenue and east of Edgewater Drive, and comprised of 0.21
28 acres of land, more or less, such land being more precisely described by the legal
29 description attached to this ordinance as **Exhibit A**, (hereinafter the "Property"):
30

- 31 1. Growth Management Plan (hereinafter the "GMP") case number GMP2017-
32 10014, requesting an amendment to the city's GMP to change the Property's
33 Future Land Use Map designation from "Residential Low Intensity" to "Office
34 Low Intensity"; and
35
- 36 2. Zoning case number ZON2017-10007 requesting an amendment to the
37 City's Official Zoning Map Series to change the Property's zoning map
38 designation from the "1-2 Family Residential Zoning District with the
39 Traditional City, Wekiva, Specially Planned Area, and Appearance Review
40 Overlay Districts" to the "Office and Residential Zoning District with the
41 Traditional City, Wekiva, Specially Planned Area, and Appearance Review
42 Overlay Districts" (together, hereinafter referred to as the "applications"); and
43

44 **WHEREAS**, based upon the evidence presented to the MPB, including the
45 information and analysis contained in the "Staff Report to the Municipal Planning Board"
46 for the applications (entitled "Item #2 – Valle Dentistry"), the MPB recommended that the

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Orlando City Council approve said applications and adopt an ordinance or ordinances in accordance therewith; and

WHEREAS, the MPB found that application GMP2017-10014 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 ZON2017-10007 is consistent with:

1. 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 Florida Statutes, the State Comprehensive Plan, the Strategic Regional Policy Plan, and the City's GMP and LDC.

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 "Residential Low Intensity" (denoted as "RES-LOW" on the city's official Future Land Use Maps) to "Office Low Intensity" (denoted as "OFFICE-LOW" on the city's official Future Land Use Maps) as depicted in **Exhibit B** to this ordinance.

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89 **SECTION 2. AMENDMENT OF FLUM.** The city planning official, or designee, is
90 hereby directed to amend the city's adopted Future Land Use Maps in accordance with
91 this ordinance.

92
93 **SECTION 3. ZONING DESIGNATION.** Pursuant to the LDC, the zoning
94 designation for the property is hereby changed from the "1-2 Family Residential Zoning
95 District with the Traditional City, Wekiva, Specially Planned Area, and Appearance
96 Review Overlay Districts" (denoted as "R-2A/TW/SP/AR" on the city's official zoning
97 maps) to the "Office and Residential Zoning District with the Traditional City, Wekiva,
98 Specially Planned Area, and Appearance Review Overlay Districts" (denoted as "O-
99 1/TW/SP/AR" on the city's official zoning maps), as depicted in **Exhibit C** to this
100 ordinance. In accordance with section 62.301 of the LDC, an appearance review is
101 required before issuance of building permits for the property.

102
103 **SECTION 4. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning
104 official, or designee, is hereby directed to amend the city's official zoning maps in
105 accordance with this ordinance.

106
107 **SECTION 5. SEVERABILITY.** If any provision of this ordinance or its application
108 to any person or circumstance is held invalid, the invalidity does not affect other
109 provisions or applications of this ordinance which can be given effect without the invalid
110 provision or application, and to this end the provisions of this ordinance are severable.

111
112 **SECTION 6. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
113 errors found in this ordinance by filing a corrected copy of this ordinance with the city
114 clerk.

115
116 **SECTION 7. OTHER STATE AND FEDERAL PERMITS.** As provided by
117 subsection 166.033(5), Florida Statutes, issuance of a development permit by a
118 municipality does not in any way create any right on the part of an applicant to obtain a
119 permit from a state or federal agency and does not create any liability on the part of the
120 municipality for issuance of the permit if the applicant fails to obtain requisite approvals
121 or fulfill the obligations imposed by a state or federal agency or undertakes actions that
122 result in a violation of state or federal law. In accordance with subsection 166.033(5),
123 Florida Statutes, it is hereby made a condition of this ordinance that all other applicable
124 state or federal permits be obtained before commencement of the development.

125
126 **SECTION 8. EFFECTIVE DATE.** This ordinance is effective upon adoption,
127 except for sections one through four, which take effect on the 31st day after adoption
128 unless this ordinance is lawfully challenged pursuant to subsection 163.3187(5), Florida
129 Statutes, in which case sections one through four shall not be effective until the state
130 land planning agency or the Administration Commission issues a final order declaring

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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 _____, 2018.

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 _____, 2018.

**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
_____, 2018.

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:

Assistant City Attorney

Print Name

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