

ORDINANCE NO. 2019-26

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 AT THE NORTHEAST
6 CORNER OF SOUTH KIRKMAN ROAD AND RALEIGH
7 STREET, COMPRISED OF 1.1 ACRES OF LAND, MORE
8 OR LESS, FROM OFFICE-LOW INTENSITY TO
9 NEIGHBORHOOD ACTIVITY CENTER; CHANGING THE
10 PROPERTY'S ZONING DESIGNATION FROM LOW
11 INTENSITY OFFICE-RESIDENTIAL TO
12 NEIGHBORHOOD ACTIVITY CENTER; PROVIDING FOR
13 AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND
14 USE AND ZONING MAPS; PROVIDING FOR
15 SEVERABILITY, CORRECTION OF SCRIVENER'S
16 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
17 DATE.
18

19 **WHEREAS**, at its regularly scheduled meeting of February 19, 2019, the
20 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),
21 considered the following applications relating to land generally located at the northeast
22 corner of South Kirkman Road and Raleigh Street, and comprised of 1.1 acres of land,
23 more or less, such land being more precisely described by the legal description attached
24 to this ordinance as **Exhibit A** (hereinafter the "Property"):
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- 26 1. Growth Management Plan (hereinafter the "GMP") case number GMP2018-
27 10025, requesting an amendment to the city's GMP to change the Property's
28 Future Land Use Map designation from "Office-Low Intensity" to
29 "Neighborhood Activity Center"; and
30
- 31 2. Zoning case number ZON2018-10016 requesting an amendment to the
32 City's Official Zoning Map Series to change the Property's zoning map
33 designation from the "Low Intensity Office-Residential" to the "Neighborhood
34 Activity Center" (together, hereinafter referred to as the "applications"); and
35

36 **WHEREAS**, based upon the evidence presented to the MPB, including the
37 information and analysis contained in the "Staff Report to the Municipal Planning Board"
38 for the applications (entitled "Item #9A & B – 5641 Raleigh Street Commercial"), the
39 MPB recommended that the Orlando City Council approve said applications and adopt
40 an ordinance or ordinances in accordance therewith; and
41

42 **WHEREAS**, the MPB found that application GMP2018-10025 is consistent with:
43

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

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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 ZON2018-10016 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 "Office-Low Intensity" (denoted as "OFFICE-LOW" on the city's official Future Land Use Maps) to "Neighborhood Activity Center" (denoted as "NEIGH-AC" 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 LDC, the zoning designation for the property is hereby changed from the "Low Intensity Office-Residential" (denoted as "O-1" on the city's official zoning maps) to the "Neighborhood

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Activity Center” (denoted as “AC-N” 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. 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. 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. 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 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 subsection 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 _____, 2019.

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 _____, 2019.

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

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Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2019.

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