

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
2 OF ORLANDO, FLORIDA, ANNEXING TO THE  
3 CORPORATE LIMITS OF THE CITY CERTAIN LAND  
4 GENERALLY LOCATED AT THE SOUTHWEST  
5 CORNER OF THE INTERSECTION OF S. SEMORAN  
6 BLVD. AND HOFFNER AVE., AND COMPRISED OF 0.75  
7 ACRES OF LAND, MORE OR LESS; AMENDING THE  
8 CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO  
9 DESIGNATE THE PROPERTY AS COMMUNITY  
10 ACTIVITY CENTER ON THE CITY'S OFFICIAL FUTURE  
11 LAND USE MAPS; DESIGNATING THE PROPERTY AS  
12 THE AC-1 DISTRICT ALONG WITH THE AIRCRAFT  
13 NOISE AND SEMORAN GATEWAY SPECIAL PLAN  
14 OVERLAY DISTRICTS ON THE CITY'S OFFICIAL  
15 ZONING MAPS; PROVIDING FOR AMENDMENT OF  
16 THE CITY'S OFFICIAL FUTURE LAND USE AND  
17 ZONING MAPS; PROVIDING FOR SEVERABILITY,  
18 CORRECTION OF SCRIVENER'S ERRORS, AND AN  
19 EFFECTIVE DATE.  
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21 **WHEREAS**, on November 16, 2015, the City Council of the City of Orlando,  
22 Florida (the "Orlando City Council"), accepted a petition for voluntary annexation  
23 (hereinafter the "petition") bearing the signatures of all owners of property in an area of  
24 land generally located at the southwest corner of the intersection of S. Semoran  
25 Boulevard and Hoffner Avenue, such land comprised of approximately 0.75 acres of land  
26 and being precisely described by the legal description of the area by metes and bounds  
27 attached to this ordinance as **Exhibit A** (hereinafter the "property"); and  
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29 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to  
30 section 171.044, Florida Statutes; and  
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32 **WHEREAS**, at its regularly scheduled meeting of December 15, 2015, the  
33 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),  
34 considered the following applications relating to the property:  
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- 36 1. Annexation case number ANX2015-00025, requesting to annex the property  
37 into the jurisdictional boundaries of the city; and  
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- 39 2. Growth Management Plan (hereinafter the "GMP") case number GMP2015-  
40 00046, requesting an amendment to the city's GMP to designate the property  
41 as "Community Activity Center" on the city's official future land use map; and  
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- 43 3. Zoning case number ZON2015-00045, requesting to designate the property  
44 as the "AC-1 Community Activity Center District" along with the "Aircraft  
45 Noise" and "Semoran Gateway Special Plan" overlay districts on the city's  
46 official zoning maps (together, hereinafter referred to as the "applications");  
47 and

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49       **WHEREAS**, based upon the evidence presented to the MPB, including the  
50 information and analysis contained in the “Staff Report to the Municipal Planning Board”  
51 for application case numbers ANX2015-00025, GMP2015-00046, and ZON2015-00045  
52 (entitled “Item #1 – 7-Eleven at 5630 Hoffner Ave.”), the MPB recommended that the  
53 Orlando City Council approve said applications and adopt an ordinance in accordance  
54 therewith; and

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56       **WHEREAS**, the MPB found that application GMP2015-00046 is consistent with:

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58       1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes  
59       (the “State Comprehensive Plan”); and  
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61       2. The *East Central Florida 2060 Plan* adopted by the East Central Florida  
62       Regional Planning Council pursuant to sections 186.507 and 186.508, Florida  
63       Statutes (the “Strategic Regional Policy Plan”); and  
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65       3. The *City of Orlando Growth Management Plan*, adopted as the city’s  
66       “comprehensive plan” for purposes of the Florida Community Planning Act,  
67       sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and  
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69       **WHEREAS**, the MPB found that application ZON2015-00045 is consistent with:

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71       1. The GMP; and  
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73       2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code  
74       of the City of Orlando, Florida (the “LDC”); and  
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76       **WHEREAS**, sections 3 and 4 of this ordinance are adopted pursuant to the  
77 “process for adoption of small-scale comprehensive plan amendment” as provided by  
78 section 163.3187, Florida Statutes; and  
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80       **WHEREAS**, the Orlando City Council hereby finds that:

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82       1. As of the date of the petition, the property was located in the unincorporated  
83       area of Orange County; and  
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85       2. As of the date of the petition, the property is contiguous to the city within the  
86       meaning of subsection 171.031(11), Florida Statutes; and  
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88       3. As of the date of the petition, the property is reasonably compact within the  
89       meaning of subsection 171.031(12), Florida Statutes; and  
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91       4. The petition bears the signatures of all owners of property in the area to be  
92       annexed; and  
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ORDINANCE NO. 2016-16

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5. Annexation of the property will not result in the creation of enclaves within the meaning of subsection 171.031(13), Florida Statutes; and
6. The property is located wholly within the boundaries of a single county; and
7. The petition proposes an annexation that is consistent with the purpose of ensuring sound urban development and accommodation to growth; and
8. The petition, this ordinance, and the procedures leading to the adoption of this ordinance are consistent with the uniform legislative standards provided by the Florida Municipal Annexation and Contraction Act for the adjustment of municipal boundaries; and
9. The petition proposes an annexation that is consistent with the purpose of ensuring the efficient provision of urban services to areas that become urban in character within the meaning of subsection 171.022(8), Florida Statutes; and
10. The petition proposes an annexation that is consistent with the purpose of ensuring that areas are not annexed unless municipal services can be provided to those areas; 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; and

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

**SECTION 1. ANNEXATION.** Pursuant to the authority granted by section 171.044, Florida Statutes, and having determined that the owner or owners of the property have petitioned the Orlando City Council for annexation into the corporate limits of the city, and having determined that the petition bears the signatures of all owners of property in the area proposed to be annexed, and having made the findings set forth in this ordinance, the property is hereby annexed into the corporate limits of the City of Orlando, Florida, and the boundary lines of the city are hereby redefined to include the property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area is clearly shown on the map attached to this ordinance as **Exhibit B**.

**SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida Statutes, the charter boundary article of the city is hereby revised in accordance with this ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a revision of the City Charter with the Florida Department of State. The city planning

138 official, or designee, is hereby directed to amend the city's official maps in accordance  
139 with this ordinance.

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141 **SECTION 3. FLUM DESIGNATION.** Pursuant to section 163.3187, Florida  
142 Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land  
143 Use Map designation for the property is hereby established as "Community Activity  
144 Center," as depicted in **Exhibit C** to this ordinance.

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146 **SECTION 4. AMENDMENT OF FLUM.** The city planning official, or designee, is  
147 hereby directed to amend the city's adopted future land use maps in accordance with  
148 this ordinance.

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150 **SECTION 5. ZONING DESIGNATION.** Pursuant to the LDC, the zoning  
151 designation for the property is hereby established as the "AC-1 Community Activity  
152 Center District" along with the "Aircraft Noise" and "Semoran Gateway Special Plan"  
153 overlay districts (denoted on the city's official zoning maps as the "AC-1/AN/SP" district),  
154 as depicted in **Exhibit D** to this ordinance.

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156 **SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning  
157 official, or designee, is hereby directed to amend the city's official zoning maps in  
158 accordance with this ordinance.

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160 **SECTION 7. SCRIVENER'S ERROR.** The city attorney may correct scrivener's  
161 errors found in this ordinance by filing a corrected copy of this ordinance with the city  
162 clerk.

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164 **SECTION 8. SEVERABILITY.** If any provision of this ordinance or its  
165 application to any person or circumstance is held invalid, the invalidity does not affect  
166 other provisions or applications of this ordinance which can be given effect without the  
167 invalid provision or application, and to this end the provisions of this ordinance are  
168 severable.

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170 **SECTION 9. EFFECTIVE DATE.** This ordinance is effective upon adoption,  
171 except for sections one and two, which take effect on the 30<sup>th</sup> day after adoption, and  
172 sections three, four, five, and six, which take effect on the 31<sup>st</sup> day after adoption unless  
173 this ordinance is lawfully challenged pursuant to section 163.3187(5), Florida Statutes, in  
174 which case sections three, four, five, and six shall not be effective until the state land  
175 planning agency or the Administration Commission issues a final order declaring this  
176 ordinance "in compliance" as defined at sections 163.3184(1)(b) and 163.3187(5)(d),  
177 Florida Statutes.

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179 **DONE, THE FIRST PUBLIC NOTICE,** in a newspaper of general circulation in  
180 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this  
181 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ORDINANCE NO. 2016-16

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**DONE, THE FIRST READING**, by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**DONE, THE SECOND 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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