

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 NORTH OF DAUBERT ST.,
5 EAST OF MALTBY AVE., SOUTH OF ROUSH AVE.,
6 AND WEST OF JAMAJO BLVD., AND COMPRISED OF
7 1.88 ACRES OF LAND, MORE OR LESS; AMENDING
8 THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN
9 TO DESIGNATE THE PROPERTY AS RESIDENTIAL
10 LOW INTENSITY, IN PART, AND INDUSTRIAL, IN
11 PART, ON THE CITY'S OFFICIAL FUTURE LAND USE
12 MAPS; DESIGNATING THE PROPERTY AS THE R-1
13 ONE FAMILY RESIDENTIAL DISTRICT ALONG WITH
14 THE AIRCRAFT NOISE OVERLAY DISTRICT, IN PART,
15 AND THE INDUSTRIAL-COMMERCIAL DISTRICT
16 ALONG WITH THE AIRCRAFT NOISE OVERLAY
17 DISTRICT, IN PART, ON THE CITY'S OFFICIAL
18 ZONING MAPS; PROVIDING FOR AMENDMENT OF
19 THE CITY'S OFFICIAL FUTURE LAND USE AND
20 ZONING MAPS; PROVIDING FOR SEVERABILITY,
21 CORRECTION OF SCRIVENER'S ERRORS, AND AN
22 EFFECTIVE DATE.

23
24 **WHEREAS**, on September 21, 2015, the City Council of the City of Orlando,
25 Florida (the "Orlando City Council"), accepted a petition for voluntary annexation
26 (hereinafter the "petition") bearing the signatures of all owners of property in an area of
27 land generally located north of Daubert Street, east of Maltby Avenue, south of Roush
28 Avenue, and west of Jamajo Boulevard, such land comprised of approximately 1.88
29 acres of land and being precisely described by the legal description of the area by metes
30 and bounds attached to this ordinance as **Exhibit A** (hereinafter the "property"); and
31

32 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
33 section 171.044, Florida Statutes; and
34

35 **WHEREAS**, at its regularly scheduled meeting of October 20, 2015, the
36 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),
37 considered the following applications relating to the property:
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- 39 1. Annexation case number ANX2015-00012, requesting to annex the property
40 into the jurisdictional boundaries of the City; and
41
- 42 2. Growth Management Plan (hereinafter the "GMP") case number GMP2015-
43 00027, requesting an amendment to the City's GMP to designate the property
44 as "Industrial," in part, and "Residential Low Intensity," in part, on the City's
45 official Future Land Use Map; and
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- 47 3. Zoning case number ZON2015-00024, requesting to designate the property
48 as the “Industrial-Commercial” district, along with the “Aircraft Noise” overlay
49 district, in part, and the “R-1 One Family District,” along with the “Aircraft
50 Noise” overlay district, in part, on the City’s official zoning maps (together,
51 hereinafter referred to as the “applications”); and
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53 **WHEREAS**, based upon the evidence presented to the MPB, including the
54 information and analysis contained in the “Staff Report to the Municipal Planning Board”
55 for application case numbers ANX2015-00012, GMP2015-00027, and ZON2015-00024
56 (entitled “Item #2 A., B., C. – Daubert St. and Lake Baldwin Ln.” and hereinafter referred
57 to as the “staff report”), the MPB recommended that the Orlando City Council approve
58 said applications and adopt an ordinance in accordance therewith; and
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60 **WHEREAS**, the MPB found that application GMP2015-00027 is consistent with:

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- 62 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes
63 (the “State Comprehensive Plan”); and
64
 - 65 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida
66 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida
67 Statutes (the “Strategic Regional Policy Plan”); and
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 - 69 3. The *City of Orlando Growth Management Plan*, adopted as the City’s
70 “comprehensive plan” for purposes of the Florida Community Planning Act,
71 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
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73 **WHEREAS**, the MPB found that application ZON2015-00024 is consistent with:

- 74
- 75 1. The *City of Orlando Growth Management Plan*, adopted as the City’s
76 “comprehensive plan” for purposes of the Florida Community Planning Act,
77 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
78
 - 79 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
80 of the City of Orlando, Florida (the “LDC”); and
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82 **WHEREAS**, sections 3 and 4 of this ordinance are adopted pursuant to the
83 “process for adoption of small-scale comprehensive plan amendment” as provided by
84 section 163.3187, Florida Statutes; and
85

86 **WHEREAS**, the Orlando City Council hereby finds that:

- 87
- 88 1. As of the date of the petition, the property was located in the unincorporated
89 area of Orange County; and
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 - 91 2. As of the date of the petition, the property is contiguous to the City within the
92 meaning of subsection 171.031(11), Florida Statutes; and

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3. As of the date of the petition, the property is reasonably compact within the meaning of subsection 171.031(12), Florida Statutes; and
4. The petition bears the signatures of all owners of property in the area to be annexed; and
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 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

136 property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area
137 is clearly shown on the map attached to this ordinance as **Exhibit B**.
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139 **SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida Statutes,
140 the charter boundary article of the City is hereby revised in accordance with this
141 ordinance. The City clerk, or designee, is hereby directed to file this ordinance as a
142 revision of the City Charter with the Florida Department of State. The City planning
143 official, or designee, is hereby directed to amend the City's official maps in accordance
144 with this ordinance.
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146 **SECTION 3. FLUM DESIGNATION.** Pursuant to section 163.3187, Florida
147 Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land
148 Use Map designation for the property is hereby established as "Industrial," in part, and
149 as "Residential Low Intensity," in part, as depicted in **Exhibit C** to this ordinance.
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151 **SECTION 4. AMENDMENT OF FLUM.** The City planning official, or designee,
152 is hereby directed to amend the City's adopted Future Land Use Maps in accordance
153 with this ordinance.
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155 **SECTION 5. ZONING DESIGNATION.** Pursuant to the City's Land
156 Development Code, the zoning designation for the property is hereby established as the
157 "R-1 One Family Residential District," along with the "Aircraft Noise" overlay district
158 (denoted on the City's official zoning maps as the "R-1/AN" district), in part, and as the
159 "Industrial-Commercial," along with the "Aircraft Noise" overlay district (denoted on the
160 City's official zoning maps as the "I-C/AN" district), in part, as depicted in **Exhibit D** to
161 this ordinance.
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163 **SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP.** The City zoning
164 official, or designee, is hereby directed to amend the City's official zoning maps in
165 accordance with this ordinance.
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167 **SECTION 7. SCRIVENER'S ERROR.** The City attorney may correct scrivener's
168 errors found in this ordinance by filing a corrected copy of this ordinance with the City
169 clerk.
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171 **SECTION 8. SEVERABILITY.** If any provision of this ordinance or its
172 application to any person or circumstance is held invalid, the invalidity does not affect
173 other provisions or applications of this ordinance which can be given effect without the
174 invalid provision or application, and to this end the provisions of this ordinance are
175 severable.
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177 **SECTION 9. EFFECTIVE DATE.** This ordinance is effective upon adoption,
178 except for sections one and two, which take effect on the 30th day after adoption, and
179 sections three, four, five, and six, which take effect on the 31st day after adoption unless

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180 this ordinance is lawfully challenged pursuant to section 163.3187(5), Florida Statutes, in
181 which case sections three, four, five, and six shall not be effective until the state land
182 planning agency or the Administration Commission issues a final order declaring this
183 ordinance "in compliance" as defined at sections 163.3184(1)(b) and 163.3187(5)(d),
184 Florida Statutes.

185
186 **DONE, THE FIRST PUBLIC NOTICE**, in a newspaper of general circulation in
187 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
188 _____ day of _____, 2016.

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

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193 **DONE, THE SECOND PUBLIC NOTICE**, in a newspaper of general circulation in
194 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
195 _____ day of _____, 2016.

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197 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
198 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City
199 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
200 _____, 2016.

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202
203 BY THE MAYOR OF THE CITY OF
204 ORLANDO, FLORIDA:
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206 _____
207 Mayor

208 ATTEST, BY THE CLERK OF THE
209 CITY COUNCIL OF THE CITY OF
210 ORLANDO, FLORIDA:

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212 _____
213 City Clerk

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215 _____
216 Print Name

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219 APPROVED AS TO FORM AND LEGALITY
220 FOR THE USE AND RELIANCE OF THE
221 CITY OF ORLANDO, FLORIDA:

222
223 _____
224 City Attorney

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226 _____
227 Print Name

ORDINANCE NO. 2016-5

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