

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 OLD WINTER**
5 **GARDEN RD., EAST OF FERGUSON DR., SOUTH OF**
6 **W. COLONIAL DR., AND WEST OF HARALSON AVE.,**
7 **AND COMPRISED OF 0.42 ACRES OF LAND, MORE**
8 **OR LESS; AMENDING THE CITY’S ADOPTED**
9 **GROWTH MANAGEMENT PLAN TO DESIGNATE THE**
10 **PROPERTY AS INDUSTRIAL ON THE CITY’S OFFICIAL**
11 **FUTURE LAND USE MAPS; DESIGNATING THE**
12 **PROPERTY AS INDUSTRIAL-GENERAL ON THE**
13 **CITY’S OFFICIAL ZONING MAPS; PROVIDING FOR**
14 **AMENDMENT OF THE CITY’S OFFICIAL FUTURE**
15 **LAND USE AND ZONING MAPS; PROVIDING FOR**
16 **SEVERABILITY, CORRECTION OF SCRIVENER’S**
17 **ERRORS, AND AN EFFECTIVE DATE.**

18
19 **WHEREAS**, on September 21, 2015, the City Council of the City of Orlando,
20 Florida (the “Orlando City Council”), accepted a petition for voluntary annexation
21 (hereinafter the “petition”) bearing the signatures of all owners of property in an area of
22 land generally located north of Old Winter Garden Road, east of Ferguson Drive, south
23 of West Colonial Drive, and west of Haralson Avenue, such land comprised of
24 approximately 0.42 acres of land and being precisely described by the legal description
25 of the area by metes and bounds attached to this ordinance as **Exhibit A** (hereinafter
26 the “property”); and

27
28 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
29 section 171.044, Florida Statutes; and

30
31 **WHEREAS**, at its regularly scheduled meeting of October 20, 2015, the
32 Municipal Planning Board (the “MPB”) of the City of Orlando, Florida (the “city”),
33 considered the following applications relating to the property:

- 34
35 1. Annexation case number ANX2015-00014, requesting to annex the property
36 into the jurisdictional boundaries of the city; and
37
38 2. Growth Management Plan (hereinafter the “GMP”) case number GMP2015-
39 00030, requesting an amendment to the city’s GMP to designate the property
40 as “Industrial” on the city’s official future land use map; and
41
42 3. Zoning case number ZON2015-00027, requesting to designate the property
43 as the “Industrial-General” district on the city’s official zoning maps (together,
44 hereinafter referred to as the “applications”); and

45
46 **WHEREAS**, based upon the evidence presented to the MPB, including the
47 information and analysis contained in the “Staff Report to the Municipal Planning Board”

48 for application case numbers ANX2015-00014, GMP2015-00030, and ZON2015-00027
49 (entitled “Item #3 A., B., C. – Ewing Irrigation”), the MPB recommended that the Orlando
50 City Council approve said applications and adopt an ordinance in accordance therewith;
51 and

52
53 **WHEREAS**, the MPB found that application GMP2015-00030 is consistent with:

- 54
55 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes
56 (the “State Comprehensive Plan”); and
57
58 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida
59 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida
60 Statutes (the “Strategic Regional Policy Plan”); and
61
62 3. The *City of Orlando Growth Management Plan*, adopted as the city’s
63 “comprehensive plan” for purposes of the Florida Community Planning Act,
64 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
65

66 **WHEREAS**, the MPB found that application ZON2015-00027 is consistent with:

- 67
68 1. The GMP; and
69
70 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
71 of the City of Orlando, Florida (the “LDC”); and
72

73 **WHEREAS**, sections 3 and 4 of this ordinance are adopted pursuant to the
74 “process for adoption of small-scale comprehensive plan amendment” as provided by
75 section 163.3187, Florida Statutes; and
76

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

- 78
79 1. As of the date of the petition, the property was located in the unincorporated
80 area of Orange County; and
81
82 2. As of the date of the petition, the property is contiguous to the city within the
83 meaning of subsection 171.031(11), Florida Statutes; and
84
85 3. As of the date of the petition, the property is reasonably compact within the
86 meaning of subsection 171.031(12), Florida Statutes; and
87
88 4. The petition bears the signatures of all owners of property in the area to be
89 annexed; and
90
91 5. Annexation of the property will not result in the creation of enclaves within the
92 meaning of subsection 171.031(13), Florida Statutes; and
93

94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137

- 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 official, or designee, is hereby directed to amend the city’s official maps in accordance with this ordinance.

138 **SECTION 3. FLUM DESIGNATION.** Pursuant to section 163.3187, Florida
139 Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land
140 Use Map designation for the property is hereby established as “Industrial,” as depicted in
141 **Exhibit C** to this ordinance.
142

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

147 **SECTION 5. ZONING DESIGNATION.** Pursuant to the LDC, the zoning
148 designation for the property is hereby established as the “Industrial-General” district
149 (denoted on the city’s official zoning maps as the “I-G” district), as depicted in **Exhibit D**
150 to this ordinance.
151

152 **SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning
153 official, or designee, is hereby directed to amend the city’s official zoning maps in
154 accordance with this ordinance.
155

156 **SECTION 7. SCRIVENER’S ERROR.** The city attorney may correct scrivener’s
157 errors found in this ordinance by filing a corrected copy of this ordinance with the city
158 clerk.
159

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

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

175 **DONE, THE FIRST PUBLIC NOTICE,** in a newspaper of general circulation in
176 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
177 _____ day of _____, 2016.
178

179 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
180 Florida, at a regular meeting, this _____ day of _____, 2016.
181

182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218

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

[Remainder of page intentionally left blank.]