

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 TO THE SOUTH AND
5 SOUTHWEST OF THE INTERSECTION OF
6 NARCOOSSEE RD. AND HARBOR BEND CIR., AND
7 COMPRISED OF 8.62 ACRES OF LAND, MORE OR
8 LESS; AMENDING THE CITY'S ADOPTED GROWTH
9 MANAGEMENT PLAN TO DESIGNATE THE PROPERTY
10 AS OFFICE LOW INTENSITY ON THE CITY'S OFFICIAL
11 FUTURE LAND USE MAPS; DESIGNATING THE
12 PROPERTY AS THE O-1 OFFICE AND RESIDENTIAL
13 DISTRICT ALONG WITH THE AIRCRAFT NOISE
14 OVERLAY DISTRICT ON THE CITY'S OFFICIAL ZONING
15 MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S
16 OFFICIAL FUTURE LAND USE AND ZONING MAPS;
17 PROVIDING FOR SEVERABILITY, CORRECTION OF
18 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.
19

20 **WHEREAS**, on September 21, 2015, the City Council of the City of Orlando,
21 Florida (the "Orlando City Council"), accepted a petition for voluntary annexation
22 (hereinafter the "petition") bearing the signatures of all owners of property in an area of
23 land generally located to the south and southwest of the intersection of Narcoossee
24 Road and Harbor Bend Circle, such land comprised of approximately 8.62 acres of land
25 and being precisely described by the legal description of the area by metes and bounds
26 attached to this ordinance as **Exhibit A** (hereinafter the "property"); and
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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:
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- 35 1. Annexation case number ANX2015-00018, 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 00035, requesting an amendment to the city's GMP to designate the property
40 as "Office Low Intensity" on the city's official future land use map; and
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- 42 3. Zoning case number ZON2015-00031, requesting to designate the property
43 as the "O-1 Office and Residential District" along with the "Aircraft Noise"
44 overlay district on the city's official zoning maps (together, hereinafter
45 referred to as the "applications"); and
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47 **WHEREAS**, based upon the evidence presented to the MPB, including the
48 information and analysis contained in the “Staff Report to the Municipal Planning Board”
49 for application case numbers ANX2015-00018, GMP2015-00035, and ZON2015-00031
50 (entitled “Item #8 – 6440 Narcoossee Road”), the MPB recommended that the Orlando
51 City Council approve said applications and adopt an ordinance in accordance therewith;
52 and

53
54 **WHEREAS**, the MPB found that application GMP2015-00035 is consistent with:

- 55
- 56 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes
57 (the “State Comprehensive Plan”); and
 - 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 3. The *City of Orlando Growth Management Plan*, adopted as the city’s
62 “comprehensive plan” for purposes of the Florida Community Planning Act,
63 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
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67 **WHEREAS**, the MPB found that application ZON2015-00031 is consistent with:

- 68
- 69 1. The GMP; and
 - 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
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74 **WHEREAS**, sections 3 and 4 of this ordinance are adopted pursuant to the
75 “process for adoption of small-scale comprehensive plan amendment” as provided by
76 section 163.3187, Florida Statutes; and

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

- 79
- 80 1. As of the date of the petition, the property was located in the unincorporated
81 area of Orange County; and
 - 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
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 - 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

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- 92 5. Annexation of the property will not result in the creation of enclaves within the
93 meaning of subsection 171.031(13), Florida Statutes; and
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95 6. The property is located wholly within the boundaries of a single county; and
96
97 7. The petition proposes an annexation that is consistent with the purpose of
98 ensuring sound urban development and accommodation to growth; and
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100 8. The petition, this ordinance, and the procedures leading to the adoption of
101 this ordinance are consistent with the uniform legislative standards provided
102 by the Florida Municipal Annexation and Contraction Act for the adjustment of
103 municipal boundaries; and
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105 9. The petition proposes an annexation that is consistent with the purpose of
106 ensuring the efficient provision of urban services to areas that become urban
107 in character within the meaning of subsection 171.022(8), Florida Statutes;
108 and
109
110 10. The petition proposes an annexation that is consistent with the purpose of
111 ensuring that areas are not annexed unless municipal services can be
112 provided to those areas; and
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114 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
115 best interest of the public health, safety, and welfare, and is consistent with the
116 applicable provisions of Florida Statutes, the State Comprehensive Plan, the Strategic
117 Regional Policy Plan, and the city's GMP and LDC; and
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119 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
120 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
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122 **SECTION 1. ANNEXATION.** Pursuant to the authority granted by section
123 171.044, Florida Statutes, and having determined that the owner or owners of the
124 property have petitioned the Orlando City Council for annexation into the corporate limits
125 of the city, and having determined that the petition bears the signatures of all owners of
126 property in the area proposed to be annexed, and having made the findings set forth in
127 this ordinance, the property is hereby annexed into the corporate limits of the City of
128 Orlando, Florida, and the boundary lines of the city are hereby redefined to include the
129 property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area
130 is clearly shown on the map attached to this ordinance as **Exhibit B**.
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132 **SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida Statutes,
133 the charter boundary article of the city is hereby revised in accordance with this
134 ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a
135 revision of the City Charter with the Florida Department of State. The city planning

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

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

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

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148 **SECTION 5. ZONING DESIGNATION.** Pursuant to the LDC, the zoning
149 designation for the property is hereby established as the "O-1 Office and Residential
150 District" along with the "Aircraft Noise" overlay district (denoted on the city's official
151 zoning maps as the "O-1/AN" district), as depicted in **Exhibit D** to this ordinance.

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

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

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

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

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

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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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