

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 BUTLER DR., EAST
5 OF S. ORANGE AVE., SOUTH OF E. PINELOCH AVE.,
6 AND WEST OF CENTER ST. AND OAK PL., AND
7 COMPRISED OF 10.678 ACRES OF LAND, MORE OR
8 LESS; AMENDING THE CITY'S OFFICIAL ZONING
9 MAPS TO DESIGNATE THE NEWLY ANNEXED LAND
10 ALONG WITH LAND ALREADY EXISTING WITHIN THE
11 CORPORATE LIMITS OF THE CITY AS THE AC-2
12 URBAN ACTIVITY CENTER DISTRICT, IN PART, AND
13 THE AC-2 URBAN ACTIVITY CENTER DISTRICT ALONG
14 WITH THE ORANGE/MICHIGAN SPECIAL PLAN
15 OVERLAY DISTRICT, IN PART, SUCH LAND
16 COMPRISED OF 11.391 ACRES OF LAND, MORE OR
17 LESS; PROVIDING FOR SEVERABILITY, CORRECTION
18 OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.
19

20 **WHEREAS**, on November 16, 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 north of Butler Drive, east of S. Orange Avenue, south of E.
24 Pineloch Avenue, and west of Center Street and Oak Place, such land comprised of
25 approximately 10.678 acres of land and being precisely described by the legal
26 description of the area by metes and bounds attached to this ordinance as **Exhibit A**
27 (hereinafter the "property"); and
28

29 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
30 section 171.044, Florida Statutes; and
31

32 **WHEREAS**, at its regularly scheduled meeting of November 17, 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:
35

- 36 1. Annexation case number ANX2015-00022, requesting to annex the property
37 into the jurisdictional boundaries of the city; and
38
- 39 2. Zoning case number ZON2015-00038, requesting to designate the property
40 (along with additional contiguous land already existing within the corporate
41 limits of the City of Orlando, and together comprised of approximately 11.391
42 acres of land, and hereinafter referred to as the "zoning application property,"
43 such zoning application property being precisely described by the legal
44 description of the area by metes and bounds attached to this ordinance as
45 **Exhibit B**) as the "AC-2 Urban Activity Center District," in part, and as the
46 "AC-2 Urban Activity Center District" along with the "Orange/Michigan

47 Special Plan” overlay district, in part, on the city’s official zoning maps
48 (together, hereinafter referred to as the “applications”); and
49

50 **WHEREAS**, based upon the evidence presented to the MPB, including the
51 information and analysis contained in the “Staff Report to the Municipal Planning Board”
52 for application case numbers ANX2015-00022, GMP2015-00042, GMP2015-00043, and
53 ZON2015-00038 (entitled “Item #2 – South Gate Annexation”), the MPB recommended
54 that the Orlando City Council approve said applications and adopt an ordinance in
55 accordance therewith; and
56

57 **WHEREAS**, the MPB found that application ZON2015-00038 is consistent with:
58

- 59 1. The *City of Orlando Growth Management Plan*, adopted as the city’s
60 “comprehensive plan” for purposes of the Florida Community Planning Act,
61 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
62
- 63 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
64 of the City of Orlando, Florida (the “LDC”); and
65

66 **WHEREAS**, the Orlando City Council hereby finds that:
67

- 68 1. As of the date of the petition, the property was located in the unincorporated
69 area of Orange County; and
70
- 71 2. As of the date of the petition, the property is contiguous to the city within the
72 meaning of subsection 171.031(11), Florida Statutes; and
73
- 74 3. As of the date of the petition, the property is reasonably compact within the
75 meaning of subsection 171.031(12), Florida Statutes; and
76
- 77 4. The petition bears the signatures of all owners of property in the area to be
78 annexed; and
79
- 80 5. Annexation of the property will not result in the creation of enclaves within the
81 meaning of subsection 171.031(13), Florida Statutes; and
82
- 83 6. The property is located wholly within the boundaries of a single county; and
84
- 85 7. The petition proposes an annexation that is consistent with the purpose of
86 ensuring sound urban development and accommodation to growth; and
87
- 88 8. The petition, this ordinance, and the procedures leading to the adoption of
89 this ordinance are consistent with the uniform legislative standards provided
90 by the Florida Municipal Annexation and Contraction Act for the adjustment of
91 municipal boundaries; and

92
93 9. The petition proposes an annexation that is consistent with the purpose of
94 ensuring the efficient provision of urban services to areas that become urban
95 in character within the meaning of subsection 171.022(8), Florida Statutes;
96 and

97
98 10. The petition proposes an annexation that is consistent with the purpose of
99 ensuring that areas are not annexed unless municipal services can be
100 provided to those areas; and

101
102 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
103 best interest of the public health, safety, and welfare, and is consistent with the
104 applicable provisions of Florida Statutes and the city's GMP and LDC; and

105
106 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
107 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

108
109 **SECTION 1. ANNEXATION.** Pursuant to the authority granted by section
110 171.044, Florida Statutes, and having determined that the owner or owners of the
111 property have petitioned the Orlando City Council for annexation into the corporate limits
112 of the city, and having determined that the petition bears the signatures of all owners of
113 property in the area proposed to be annexed, and having made the findings set forth in
114 this ordinance, the property is hereby annexed into the corporate limits of the City of
115 Orlando, Florida, and the boundary lines of the city are hereby redefined to include the
116 property. In accordance with subsection 171.044(3), Florida Statutes, the annexed area
117 is clearly shown on the map attached to this ordinance as **Exhibit C**.

118
119 **SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida Statutes,
120 the charter boundary article of the city is hereby revised in accordance with this
121 ordinance. The city clerk, or designee, is hereby directed to file this ordinance as a
122 revision of the City Charter with the Florida Department of State. The city planning
123 official, or designee, is hereby directed to amend the city's official maps in accordance
124 with this ordinance.

125
126 **SECTION 3. ZONING DESIGNATION.** Pursuant to the LDC, the zoning
127 designation for the zoning application property is hereby made the "AC-2 Urban Activity
128 Center District," in part (denoted on the city's official zoning maps as the "AC-2" district),
129 and the "AC-2 Urban Activity Center District" along with the "Orange/Michigan Special
130 Plan" overlay district (denoted on the city's official zoning maps as the "AC-2/SP"
131 district), as depicted in **Exhibit D** to this ordinance.

132
133 **SECTION 4. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning
134 official, or designee, is hereby directed to amend the city's official zoning maps in
135 accordance with this ordinance.

136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181

SECTION 5. 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 6. 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 7. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one and two, which take effect on the 30th day after adoption, and sections three and four, which take effect upon the effective date of City of Orlando Ordinance No. 2016-14.

DONE, THE FIRST 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 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

182 Print Name

183

184

185 APPROVED AS TO FORM AND LEGALITY

186 FOR THE USE AND RELIANCE OF THE

187 CITY OF ORLANDO, FLORIDA:

188

189

190 _____
City Attorney

191

192

193 _____
Print Name

194

195

[Remainder of page intentionally left blank.]