

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 E. MICHIGAN  
5 STREET, EAST OF S. BROWN STREET, AND SOUTH OF  
6 E. CRYSTAL LAKE AVENUE, ADDRESSED AS 1401 E.  
7 MICHIGAN STREET, AND COMPRISED OF 0.697 ACRES  
8 OF LAND, MORE OR LESS; AMENDING THE CITY'S  
9 ADOPTED GROWTH MANAGEMENT PLAN TO  
10 DESIGNATE THE PROPERTY AS RESIDENTIAL LOW  
11 INTENSITY, IN PART, AND MIXED USE CORRIDOR  
12 MEDIUM INTENSITY VILLAGE, IN PART, ON THE CITY'S  
13 OFFICIAL FUTURE LAND USE MAPS; DESIGNATING  
14 THE PROPERTY AS THE R-2A FAMILY DISTRICT  
15 ALONG WITH THE TRADITIONAL CITY OVERLAY, IN  
16 PART AND THE MU-1 MEDIUM INTENSITY MIXED USE  
17 CORRIDOR DISTRICT ALONG WITH THE TRADITIONAL  
18 CITY OVERLAY DISTRICT, IN PART, ON THE CITY'S  
19 OFFICIAL ZONING MAPS; PROVIDING FOR  
20 AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND  
21 USE AND ZONING MAPS; PROVIDING FOR  
22 SEVERABILITY, CORRECTION OF SCRIVENER'S  
23 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE  
24 DATE.

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26 **WHEREAS**, on May 23, 2016, the City Council of the City of Orlando, Florida  
27 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the  
28 "petition") bearing the signatures of all owners of property in an area of land generally  
29 located north of E. Michigan Street, east of S. Brown Street and south of E. Crystal Lake  
30 Avenue, such land comprised of approximately 0.697 acres of land and being precisely  
31 described by the legal description of the area by metes and bounds attached to this  
32 ordinance as **Exhibit A** (hereinafter the "property"); and  
33

34 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to  
35 section 171.044, Florida Statutes; and  
36

37 **WHEREAS**, at its regularly scheduled meeting of June 21, 2016, the Municipal  
38 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the  
39 following applications relating to the property:  
40

41 1. Annexation case number ANX2016-00004, requesting to annex the property  
42 into the jurisdictional boundaries of the city; and  
43

44 2. Growth Management Plan (hereinafter the "GMP") case number GMP2016-  
45 00007, requesting an amendment to the city's GMP to designate the property as  
46 "Residential Low Intensity" in part, and "Mixed Use Corridor Medium Intensity" in part, on  
47 the City's official future land use map; (hereinafter referred to as the "applications"); and  
48

49 3. Zoning case number ZON2016-00007, requesting to designate the property  
50 as the MU-1 "Medium Intensity Mixed Use Corridor" district, along with the "Traditional  
51 City" overlay district, in part, and the "R-2/A Family District," along with the "Traditional

52 City” overlay district, in part, on the City’s official zoning maps (together, hereinafter  
53 referred to as the “applications”); and

54  
55 **WHEREAS**, based upon the evidence presented to the MPB, including the  
56 information and analysis contained in the “Staff Report to the Municipal Planning Board”  
57 for application case numbers ANX2016-00004, GMP2016-00007, ZON2016-00007,  
58 (entitled “Item #1– 1401 E. Michigan Street”), the MPB recommended that the Orlando  
59 City Council approve said applications and adopt an ordinance in accordance therewith;  
60 and

61  
62 **WHEREAS**, the MPB found that application GMP2016-00007 is consistent with:

63  
64 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes  
65 (the “State Comprehensive Plan”); and

66  
67 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida  
68 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes  
69 (the “Strategic Regional Policy Plan”); and

70  
71 3. The *City of Orlando Growth Management Plan*, adopted as the city’s  
72 “comprehensive plan” for purposes of the Florida Community Planning Act, sections  
73 163.3164 through 163.3217, Florida Statutes (the “GMP”); and

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

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

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

83  
84 2. As of the date of the petition, the property is contiguous to the city within the  
85 meaning of subsection 171.031(11), Florida Statutes; and

86  
87 3. As of the date of the petition, the property is reasonably compact within the  
88 meaning of subsection 171.031(12), Florida Statutes; and

89  
90 4. The petition bears the signatures of all owners of property in the area to be  
91 annexed; and

92  
93 5. Annexation of the property will not result in the creation of enclaves within the  
94 meaning of subsection 171.031(13), Florida Statutes; and

95  
96 6. The property is located wholly within the boundaries of a single county; and

97  
98 7. The petition proposes an annexation that is consistent with the purpose of  
99 ensuring sound urban development and accommodation to growth; and

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101 8. The petition, this ordinance, and the procedures leading to the adoption of  
102 this ordinance are consistent with the uniform legislative standards provided by the  
103 Florida Municipal Annexation and Contraction Act for the adjustment of municipal  
104 boundaries; and  
105

106 9. The petition proposes an annexation that is consistent with the purpose of  
107 ensuring the efficient provision of urban services to areas that become urban in  
108 character within the meaning of subsection 171.022(8), Florida Statutes; 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 provided to those  
112 areas; and  
113

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  
118

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**.  
131

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.  
138

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 "Residential Low  
142 Intensity," in part and "Mixed Use Corridor Medium Intensity," in part, as depicted in  
143 **Exhibit C** to this ordinance.  
144

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

149 **SECTION 5. ZONING DESIGNATION.** Pursuant to the City's Land  
150 Development Code, the zoning designation for the property is hereby established as the

151 “R-2A Family District” along with the “Traditional City” overlay district, in part (denoted on  
152 the City’s official zoning maps as the “R-2A/T” district) and the “MU-1 Medium Intensity  
153 Mixed Use Corridor” district, along with the “Traditional City” overlay district, in part,  
154 (denoted on the City’s official zoning maps as the “MU-1/T” district), as depicted in  
155 **Exhibit D** to this ordinance.

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

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161 **SECTION 7. DISCLAIMER.** In accordance with Section 166.033(5), Florida  
162 Statutes, the issuance of this development permit does not in any way create any right  
163 on the part of the applicant to obtain a permit from a state or federal agency, and does  
164 not create any liability on the part of the City for issuance of this permit if the applicant  
165 fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal  
166 agency or undertakes actions that result in a violation of state or federal law. All other  
167 applicable state or federal permits must be obtained before commencement of the  
168 development authorized by this development permit.

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170 **SECTION 8. SCRIVENER’S ERROR.** The city attorney may correct scrivener’s  
171 errors found in this ordinance by filing a corrected copy of this ordinance with the city  
172 clerk.

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174 **SECTION 9. SEVERABILITY.** If any provision of this ordinance or its  
175 application to any person or circumstance is held invalid, the invalidity does not affect  
176 other provisions or applications of this ordinance which can be given effect without the  
177 invalid provision or application, and to this end the provisions of this ordinance are  
178 severable.

179  
180 **SECTION 10. EFFECTIVE DATE.** This ordinance is effective upon adoption,  
181 except for sections one and two, which take effect on the 30<sup>th</sup> day after adoption, and  
182 sections three, four, five, and six, which take effect on the 31<sup>st</sup> day after adoption unless  
183 this ordinance is lawfully challenged pursuant to section 163.3187(5), Florida Statutes, in  
184 which case sections three, four, five, and six shall not be effective until the state land  
185 planning agency or the Administration Commission issues a final order declaring this  
186 ordinance “in compliance” as defined at sections 163.3184(1)(b) and 163.3187(5)(d),  
187 Florida Statutes.

188  
189 **DONE, THE FIRST PUBLIC NOTICE**, in a newspaper of general circulation in  
190 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this  
191 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

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ORDINANCE NO. 2016-63

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**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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