

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 NORTH OF W.  
5 COLONIAL DR., EAST AND SOUTH OF FAIRVILLA RD.,  
6 AND WEST OF MERCY DR., AND COMPRISED OF 1.33  
7 ACRES OF LAND, MORE OR LESS; AMENDING THE  
8 CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO  
9 DESIGNATE THE PROPERTY AS INDUSTRIAL ON THE  
10 CITY'S OFFICIAL FUTURE LAND USE MAPS;  
11 DESIGNATING THE PROPERTY AS THE INDUSTRIAL-  
12 GENERAL DISTRICT ALONG WITH THE WEKIVA  
13 OVERLAY DISTRICT ON THE CITY'S OFFICIAL ZONING  
14 MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S  
15 OFFICIAL FUTURE LAND USE AND ZONING MAPS;  
16 PROVIDING FOR SEVERABILITY, CORRECTION OF  
17 SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND  
18 AN EFFECTIVE DATE.

19  
20 **WHEREAS**, on June 20, 2016, the City Council of the City of Orlando, Florida  
21 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the  
22 "petition") bearing the signatures of all owners of property in an area of land generally  
23 located north of W. Colonial Drive, east and south of Fairvilla Road, and west of Mercy  
24 Drive, such land comprised of approximately 1.33 acres of land and being precisely  
25 described by the legal description of the area by metes and bounds attached to this  
26 ordinance as **Exhibit A** (hereinafter 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 July 19, 2016, the Municipal  
32 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the  
33 following applications relating to the property:

- 34  
35 1. Annexation case number ANX2016-00008, 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 GMP2016-  
39 00011, 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 ZON2016-00012, requesting to designate the property  
43 as the "Industrial-General" district along with the "Wekiva" overlay district on  
44 the city's official zoning maps (together, hereinafter referred to as the  
45 "applications"); and  
46

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 ANX2016-00008, GMP2016-00011, and ZON2016-00012  
50 (entitled “Item #1 – Medical Village at Pine Hills”), the MPB recommended that the  
51 Orlando City Council approve said applications and adopt an ordinance in accordance  
52 therewith; and

53  
54           **WHEREAS**, the MPB found that application GMP2016-00011 is consistent with:

- 55  
56           1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes  
57 (the “State Comprehensive Plan”); and  
58  
59           2. The *East Central Florida 2060 Plan* adopted by the East Central Florida  
60 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida  
61 Statutes (the “Strategic Regional Policy Plan”); and  
62  
63           3. The *City of Orlando Growth Management Plan*, adopted as the city’s  
64 “comprehensive plan” for purposes of the Florida Community Planning Act,  
65 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and  
66

67           **WHEREAS**, the MPB found that application ZON2016-00012 is consistent with:

- 68  
69           1. The GMP; and  
70  
71           2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code  
72 of the City of Orlando, Florida (the “LDC”); and  
73

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  
83           2. As of the date of the petition, the property is contiguous to the city within the  
84 meaning of subsection 171.031(11), Florida Statutes; and  
85  
86           3. As of the date of the petition, the property is reasonably compact within the  
87 meaning of subsection 171.031(12), Florida Statutes; and  
88  
89           4. The petition bears the signatures of all owners of property in the area to be  
90 annexed; and  
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  
94  
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  
99  
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  
104  
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  
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:**  
121

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 "Industrial," as depicted in  
142 **Exhibit C** to this ordinance.

143  
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.

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

152  
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.

156  
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.

160  
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.

166  
167 **SECTION 9. OTHER STATE AND FEDERAL PERMITS.** As provided by  
168 subsection 166.033(5), Florida Statutes, issuance of a development permit by a  
169 municipality does not in any way create any right on the part of an applicant to obtain a  
170 permit from a state or federal agency and does not create any liability on the part of the  
171 municipality for issuance of the permit if the applicant fails to obtain requisite approvals  
172 or fulfill the obligations imposed by a state or federal agency or undertakes actions that  
173 result in a violation of state or federal law. In accordance with subsection 166.033(5),  
174 Florida Statutes, it is hereby made a condition of this ordinance that all other applicable  
175 state or federal permits be obtained before commencement of the development.

176  
177 **SECTION 10. EFFECTIVE DATE.** This ordinance is effective upon adoption,  
178 except for sections one and two, which take effect on the 30<sup>th</sup> day after adoption, and  
179 sections three, four, five, and six, which take effect on the 31<sup>st</sup> 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.

189  
190 **DONE, THE FIRST READING**, by the City Council of the City of Orlando,  
191 Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

192  
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.

196  
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.

201  
202  
203 BY THE MAYOR OF THE CITY OF  
204 ORLANDO, FLORIDA:

205  
206  
207 \_\_\_\_\_  
Mayor

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

211  
212 \_\_\_\_\_  
213 City Clerk

214  
215 \_\_\_\_\_  
216 Print Name

217  
218  
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

225  
226 \_\_\_\_\_  
227 Print Name