

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 SOUTH OF LEE VISTA**
5 **BOULEVARD, NORTH OF MCCOY ROAD AND WEST**
6 **OF NARCOOSSEE ROAD AND COMPRISED OF 2.121**
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 I-C**
12 **INDUSTRIAL-COMMERCIAL DISTRICT ALONG WITH**
13 **THE AIRCRAFT NOISE OVERLAY DISTRICT, ON THE**
14 **CITY’S OFFICIAL ZONING MAPS; PROVIDING FOR**
15 **AMENDMENT OF THE CITY’S OFFICIAL FUTURE**
16 **LAND USE AND ZONING MAPS; PROVIDING FOR**
17 **SEVERABILITY, CORRECTION OF SCRIVENER’S**
18 **ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE**
19 **DATE.**

20
21 **WHEREAS**, on January 23, 2017, the City Council of the City of Orlando, Florida (the
22 “Orlando City Council”), accepted a petition for voluntary annexation (hereinafter the “petition”)
23 bearing the signatures of all owners of property in an area of land generally located south of Lee
24 Vista Boulevard, north of McCoy Road and west of Narcoossee Road, such land comprised of
25 approximately 2.121 acres of land and being precisely described by the legal description of the
26 area by metes and bounds attached to this ordinance as **Exhibit A** (hereinafter “the property”);
27 and

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

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32 **WHEREAS**, at its regularly scheduled meeting of February 21, 2017, the Municipal
33 Planning Board (the “MPB”) of the City of Orlando, Florida (the “city”), considered the
34 following applications relating to the property:

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36 1. Annexation case number ANX2016-00015, requesting to annex the property into the
37 jurisdictional boundaries of the city; and
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39 2. Growth Management Plan (hereinafter the “GMP”) case number GMP2016-00023,
40 requesting an amendment to the city’s GMP to designate the property as “Industrial” on the
41 City’s official future land use map; and
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43 3. Zoning case number ZON2016-00030, requesting to designate the property as the I-C
44 “Industrial-Commercial” district, along with the “Aircraft Noise” overlay district, on the City’s
45 official zoning maps (together, hereinafter referred to as the “applications”); and
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47 **WHEREAS**, based upon the evidence presented to the MPB, including the information
48 and analysis contained in the “Staff Report to the Municipal Planning Board” for application case
49 numbers ANX2016-00015, GMP2016-00023, and ZON2016-00030, (entitled “Item #1-Fredos
50 Internacional LLC Annexation”), the MPB recommended that the Orlando City Council approve

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51 said applications and adopt an ordinance in accordance therewith; and to section 171.044, Florida
52 Statutes; and

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54 **WHEREAS**, the MPB found that application GMP2016-00023 is consistent with:

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

58
59 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida Regional
60 Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes (the “Strategic
61 Regional Policy Plan”); and

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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, sections 163.3164
65 through 163.3217, Florida Statutes (the “GMP”); and

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67 **WHEREAS**, the MPB found that application ZON2016-00030 is consistent with:

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69 1. The GMP; and

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71 2. Chapters 58 through 68, Code of the City of Orlando, Florida (the “LDC”); and

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

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

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

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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 meaning
86 of subsection 171.031(12), Florida Statutes; and

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

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

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

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99 8. The petition, this ordinance, and the procedures leading to the adoption of this
100 ordinance are consistent with the uniform legislative standards provided by the Florida Municipal
101 Annexation and Contraction Act for the adjustment of municipal boundaries; and
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103 9. The petition proposes an annexation that is consistent with the purpose of ensuring
104 the efficient provision of urban services to areas that become urban in character within the
105 meaning of subsection 171.022(8), Florida Statutes; and
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107 10. The petition proposes an annexation that is consistent with the purpose of ensuring
108 that areas are not annexed unless municipal services can be provided to those areas; and
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110 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the best
111 interest of the public health, safety, and welfare, and is consistent with the applicable provisions
112 of Florida Statutes, the State Comprehensive Plan, the Strategic Regional Policy Plan, and the
113 city's GMP and LDC; and
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115 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE**
116 **CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**
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118 **SECTION 1. ANNEXATION.** Pursuant to the authority granted by section 171.044,
119 Florida Statutes, and having determined that the owner or owners of the property have petitioned
120 the Orlando City Council for annexation into the corporate limits of the city, and having
121 determined that the petition bears the signatures of all owners of property in the area proposed to
122 be annexed, and having made the findings set forth in this ordinance, the property is hereby
123 annexed into the corporate limits of the City of Orlando, Florida, and the boundary lines of the
124 city are hereby redefined to include the property. In accordance with subsection 171.044(3),
125 Florida Statutes, the annexed area is clearly shown on the map attached to this ordinance as
126 **Exhibit B.**
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128 **SECTION 2. CITY BOUNDARIES.** Pursuant to section 171.091, Florida Statutes, the
129 charter boundary article of the city is hereby revised in accordance with this ordinance. The city
130 clerk, or designee, is hereby directed to file this ordinance as a revision of the City Charter with
131 the Florida Department of State. The city planning official, or designee, is hereby directed to
132 amend the city's official maps in accordance with this ordinance.
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134 **SECTION 3. FLUM DESIGNATION.** Pursuant to section 163.3187, Florida Statutes,
135 the City of Orlando, Florida, adopted Growth Management Plan Future Land Use Map
136 designation for the property is hereby established as "Industrial" as depicted in **Exhibit C** to this
137 ordinance.
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139 **SECTION 4. AMENDMENT OF FLUM.** The City planning official, or designee, is
140 hereby directed to amend the city's adopted future land use maps in accordance with this
141 ordinance.
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143 **SECTION 5. ZONING DESIGNATION.** Pursuant to the City's Land Development
144 Code, the zoning designation for the property is hereby established as the "I-C Industrial-
145 Commercial District" along with the "Aircraft Noise" overlay district (denoted on the City's
146 official zoning maps as the "I-C/AN" district), as depicted in **Exhibit D** to this ordinance.
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SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP. The City zoning official, or designee, is hereby directed to amend the city’s official zoning maps in accordance with this ordinance.

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

SECTION 8. 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 9. 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 10. 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, four, five, and six, which take effect on the 31st day after adoption unless this ordinance is lawfully challenged pursuant to section 163.3187(5), Florida Statutes, in which case sections three, four, five, and six shall not be effective until the state land planning agency or the Administration Commission issues a final order declaring this ordinance “in compliance” as defined at sections 163.3184(1)(b) and 163.3187(5)(d), Florida Statutes.

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 _____, 2017.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2017.

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 _____, 2017.

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 _____, 2017.

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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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