

ORDINANCE NO. 2017-40

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 HOFFNER
5 AVENUE, WEST OF PONDEROSA DRIVE AND SOUTH
6 OF VAN ROAD, AND COMPRISED OF 0.402 ACRES OF
7 LAND, MORE OR LESS, AND AMENDING THE CITY'S
8 BOUNDARY DESCRIPTION; AMENDING THE CITY'S
9 ADOPTED GROWTH MANAGEMENT PLAN TO
10 DESIGNATE THE PROPERTY AS MIXED USE
11 CORRIDOR MEDIUM INTENSITY ON THE CITY'S
12 OFFICIAL FUTURE LAND USE MAPS; DESIGNATING
13 THE PROPERTY AS THE MEDIUM INTENSITY MIXED
14 USE CORRIDOR DISTRICT WITH THE AIRCRAFT
15 NOISE OVERLAY DISTRICT ON THE CITY'S OFFICIAL
16 ZONING MAPS; PROVIDING FOR AMENDMENT OF
17 THE CITY'S OFFICIAL FUTURE LAND USE AND
18 ZONING MAPS; PROVIDING FOR SEVERABILITY,
19 CORRECTION OF SCRIVENER'S ERRORS, PERMIT
20 DISCLAIMER, AND AN EFFECTIVE DATE.
21

22 **WHEREAS**, on April 24, 2017, the City Council of the City of Orlando, Florida
23 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the
24 "petition") bearing the signatures of all owners of property in an area of land generally
25 located north of Hoffner Avenue, west of Ponderosa Drive, and south of Van Road,
26 comprised of approximately 0.402 acres of land and being precisely described by the
27 legal description of the area by metes and bounds attached to this ordinance as **Exhibit**
28 **A** (hereinafter the "property"); and
29

30 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
31 section 171.044, Florida Statutes; and
32

33 **WHEREAS**, at its regularly scheduled meeting of May 16, 2017, the Municipal
34 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the
35 following applications relating to the property:
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- 37 1. Annexation case number ANX2017-00003 requesting to annex the property
38 into the jurisdictional boundaries of the city; and
39
- 40 2. Growth Management Plan (hereinafter the "GMP") case number GMP2017-
41 00005 requesting an amendment to the city's GMP to designate the property
42 as Mixed Use Corridor Medium Intensity on the City's official future land use
43 map; and
44
- 45 3. Zoning case number ZON2017-00006 requesting to designate the property
46 as the "Medium Intensity Mixed Use Corridor" district with the "Aircraft Noise

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47 Overlay” district on the City’s official zoning maps (together, hereinafter
48 referred to as the “applications”); and

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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 ANX2017-00003, GMP2017-00005 and ZON2017-00006
53 (entitled “Item #1 – 4550 Ponderosa Drive”), the MPB recommended that the Orlando
54 City Council approve said applications and adopt an ordinance or ordinances in
55 accordance therewith; and

56
57 **WHEREAS**, the MPB found that application GMP2017-00005 is consistent with:

- 58
- 59 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes
60 (the “State Comprehensive Plan”); and
 - 61
 - 62 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida
63 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida
64 Statutes (the “Strategic Regional Policy Plan”); and
 - 65
 - 66 3. The *City of Orlando Growth Management Plan*, adopted as the city’s
67 “comprehensive plan” for purposes of the Florida Community Planning Act,
68 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
 - 69

70 **WHEREAS**, the MPB found that application ZON2017-00006 is consistent with:

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- 72 1. The GMP; and
 - 73
 - 74 2. The *City of Orlando Land Development Code*, Chapters 58 through 68,
75 Code of the City of Orlando, Florida (the “LDC”); and
 - 76

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

80
81 **WHEREAS**, the Orlando City Council hereby finds that:

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- 83 1. As of the date of the petition, the property was located in the unincorporated
84 area of Orange County; and
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 - 86 2. As of the date of the petition, the property is contiguous to the city within the
87 meaning of subsection 171.031(11), Florida Statutes; and
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 - 89 3. As of the date of the petition, the property is reasonably compact within the
meaning of subsection 171.031(12), Florida Statutes; and

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4. The petition bears the signatures of all owners of property in the area to be annexed; and
5. Annexation of the property will not result in the creation of enclaves within the meaning of subsection 171.031(13), Florida Statutes; and
6. The property is located wholly within the boundaries of a single county; and
7. The petition proposes an annexation that is consistent with the purpose of ensuring sound urban development and accommodation to growth; and
8. The petition, this ordinance, and the procedures leading to the adoption of this ordinance are consistent with the uniform legislative standards provided by the Florida Municipal Annexation and Contraction Act for the adjustment of municipal boundaries; and
9. The petition proposes an annexation that is consistent with the purpose of ensuring the efficient provision of urban services to areas that become urban in character within the meaning of section 171.021, Florida Statutes; and
10. The petition proposes an annexation that is consistent with the purpose of ensuring that areas are not annexed unless municipal services can be provided to those areas; and

WHEREAS, the Orlando City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the applicable provisions of Florida Statutes, the State Comprehensive Plan, the Strategic Regional Policy Plan, and the City’s GMP and LDC.

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

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

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

SECTION 3. FLUM DESIGNATION. Pursuant to section 163.3187, Florida Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land Use Map designation for the Property is hereby established as “Mixed Use Corridor Medium Intensity” as depicted in **Exhibit C** to this ordinance.

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

SECTION 5. ZONING DESIGNATION. Pursuant to the LDC, the zoning designation for the property is hereby established as the “Medium Intensity Mixed Use Corridor” district with the “Aircraft Noise Overlay” district (denoted on the city’s official zoning maps as the “MU-1/AN” district), as depicted in **Exhibit D** to this ordinance.

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. 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 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. OTHER STATE AND FEDERAL PERMITS. As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the 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. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this ordinance that all other applicable state or federal permits be obtained before commencement of the development.

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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 subsection 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.

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:

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Assistant City Attorney

Print Name

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