

ORDINANCE NO. 2018-26

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 EAST GRANT
5 STREET, WEST OF SOUTH FERN CREEK AVENUE,
6 AND EAST OF SOUTH SHINE AVENUE, AND
7 COMPRISED OF 1.81 ACRES OF LAND, MORE OR
8 LESS, AND AMENDING THE CITY'S BOUNDARY
9 DESCRIPTION; AMENDING THE CITY'S ADOPTED
10 GROWTH MANAGEMENT PLAN TO DESIGNATE THE
11 PROPERTY AS RESIDENTIAL-LOW INTENSITY ON THE
12 CITY'S OFFICIAL FUTURE LAND USE MAPS;
13 DESIGNATING THE PROPERTY AS THE 1-2 FAMILY
14 RESIDENTIAL DISTRICT WITH THE TRADITIONAL CITY
15 OVERLAY DISTRICT (R-2A/T) ON THE CITY'S OFFICIAL
16 ZONING MAPS; PROVIDING FOR AMENDMENT OF THE
17 CITY'S OFFICIAL FUTURE LAND USE AND ZONING
18 MAPS; PROVIDING FOR SEVERABILITY, CORRECTION
19 OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER,
20 AND AN EFFECTIVE DATE.

21
22 **WHEREAS**, on February 26, 2018, the City Council of the City of Orlando,
23 Florida (the "Orlando City Council"), accepted a petition for voluntary annexation
24 (hereinafter the "petition") bearing the signatures of all owners of property in an area of
25 land generally located south of East Grant Street, west of South Fern Creek Avenue,
26 and east of South Shine Avenue, comprised of approximately 1.81 acres of land and
27 being precisely described by the legal description of the area by metes and bounds
28 attached to this ordinance as **Exhibit 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 March 20, 2018, the Municipal
34 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the
35 following applications relating to the property:
36

- 37 1. Annexation case number ANX2018-10003 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 GMP2018-
41 10001 requesting an amendment to the city's GMP to designate the property
42 as Residential-Low Intensity on the City's official future land use map; and
43
- 44 3. Zoning case number ZON2018-10001 requesting to designate the property
45 as the "1-2 Family Residential District" with the "Traditional City Overlay"

ORDINANCE NO. 2018-26

district (R-2A/T) on the City's official zoning maps (together, hereinafter referred to as the "applications"); and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case numbers ANX2018-10003, GMP2018-10001 and ZON2018-10001 (entitled "Item #1 – Fern Creek Annexations"), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance or ordinances in accordance therewith; and

WHEREAS, the MPB found that application GMP2018-10001 is consistent with:

1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes (the "State Comprehensive Plan"); and
2. The *East Central Florida 2060 Plan* adopted by the East Central Florida Regional Planning Council pursuant to sections 186.507 and 186.508, Florida Statutes (the "Strategic Regional Policy Plan"); and
3. The *City of Orlando Growth Management Plan*, adopted as the city's "comprehensive plan" for purposes of the Florida Community Planning Act, sections 163.3164 through 163.3217, Florida Statutes (the "GMP"); and

WHEREAS, the MPB found that application ZON2018-10001 is consistent with:

1. The GMP; and
2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code of the City of Orlando, Florida (the "LDC"); and

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

WHEREAS, the Orlando City Council hereby finds that:

1. As of the date of the petition, the property was located in the unincorporated area of Orange County; and
2. As of the date of the petition, the property is contiguous to the city within the meaning of subsection 171.031(11), Florida Statutes; and

ORDINANCE NO. 2018-26

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

ORDINANCE NO. 2018-26

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**.

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 "Residential-Low 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 "1-2 Family Residential" district with the "Traditional City Overlay" district (denoted on the city's official zoning maps as the "R-2A/T" 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. DISCLAIMER. 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

ORDINANCE NO. 2018-26

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.

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 _____, 2018.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2018.

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 _____, 2018.

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 _____, 2018.

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

ORDINANCE NO. 2018-26

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

Assistant City Attorney

Print Name

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