

ORDINANCE NO. 2018-65

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 INDIANA AVENUE,  
5 WEST OF I-4, NORTH OF HARMON AVENUE AND EAST  
6 OF FORMOSA AVENUE, AND COMPRISED OF 0.16  
7 ACRES OF LAND, MORE OR LESS, AND AMENDING  
8 THE CITY'S BOUNDARY DESCRIPTION; AMENDING  
9 THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN  
10 TO DESIGNATE THE PROPERTY AS RESIDENTIAL-  
11 LOW INTENSITY ON THE CITY'S OFFICIAL FUTURE  
12 LAND USE MAPS; DESIGNATING THE PROPERTY AS  
13 THE 1-2 FAMILY RESIDENTIAL DISTRICT WITH THE  
14 TRADITIONAL CITY AND WEKIVA OVERLAY DISTRICT  
15 (R-2A/T/W) ON THE CITY'S OFFICIAL ZONING MAPS;  
16 PROVIDING FOR AMENDMENT OF THE CITY'S  
17 OFFICIAL FUTURE LAND USE AND ZONING MAPS;  
18 PROVIDING FOR SEVERABILITY, CORRECTION OF  
19 SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND  
20 AN EFFECTIVE DATE.

21  
22 **WHEREAS**, on October 8, 2018, 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 south of Indiana Avenue, west of I-4, north of Harmon Avenue and east of  
26 Formosa Avenue, comprised of approximately 0.16 acres of land and being precisely  
27 described by the legal description of the area by metes and bounds attached to this  
28 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 October 16, 2018, the  
34 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"),  
35 considered the following applications relating to the property:

- 36  
37 1. Annexation case number ANX2018-10012 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 10026 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 ZON2018-10017 requesting to designate the property  
45 as the "1-2 Family Residential District" with the "Traditional City Overlay" and

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the “Wekiva Overlay” district (R-2A/T/W) 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 ANX2018-10012, GMP2018-10026, and ZON2018-10017 (entitled “Item #1A, B & C – 2032 Indiana Ave 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 GMP2018-10026 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 ZON2018-10017 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

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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

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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" and the "Wekiva Overlay" district (denoted on the city's official zoning maps as the "R-2A/T/W" 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

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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.

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

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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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