

March 1, 2024

Orange County Chief Administrative Officer  
201 S. Rosalind Avenue  
Orlando, FL 32801

Re: City of Orlando Ordinance No. 2023-47

Dear Sir or Madam:

Pursuant to Florida Statutes section 171.044 (3):

“An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within 7 days after the adoption of such ordinance.”

Enclosed is a copy of the adopted annexation ordinance referenced above that was passed during the City Council meeting on January 8, 2024. This document is being sent to you as required by the above provision and is NOT intended for recording. The City has also sent a copy to the Orange County Comptroller and Orange County Chief Administrative Officer, as required by the current Florida Statutes. There has been a revision to the date on page 4 of this Ordinance.

Thank you for your attention to this matter. If you have any questions, please call me at the telephone number below.

Sincerely,



Stephanie Herdocia  
City Clerk

Enclosure

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AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED NORTH OF SILVER STAR ROAD; EAST OF MERCY DRIVE AND SOUTH OF SHADER ROAD AND COMPRISED OF 4.88 ACRES OF LAND, MORE OR LESS, AND AMENDING THE CITY'S BOUNDARY DESCRIPTION; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS INDUSTRIAL, ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS INDUSTRIAL-GENERAL WITH THE WEKIVA OVERLAY DISTRICT, ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

WHEREAS, on September 25, 2023, the City Council of the City of Orlando, Florida (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the "petition") bearing the signatures of all owners of property in an area of land generally located north of Silver Star Road, east of Mercy Drive and south of Shader Road, comprised of approximately 4.88 acres of land and being precisely described by the legal description of the area by metes and bounds attached to this ordinance as Exhibit A (hereinafter the "Property"); and

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

WHEREAS, at its regularly scheduled meeting of October 17, 2023, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the following applications relating to the Property:

1. Annexation case number ANX2023-10005 requesting to annex the Property into the jurisdictional boundaries of the city; and
2. Growth Management Plan (hereinafter the "GMP") case number GMP2023-10019 requesting an amendment to the city's GMP to designate the Property as Industrial on the City's official future land use map; and
3. Zoning case number ZON2023-10016 requesting to designate the Property as "Industrial-General" with the Wekiva overlay district, (I-G/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 ANX2023-10005, GMP2023-10019, and ZON2023-10016 (entitled "Eco-Rock Asphalt Annexation-2930 Eunice Ave."), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance or ordinances in accordance therewith; and

52  
53 **WHEREAS**, the MPB found that application GMP2023-10019 is consistent with:

- 54  
55 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes  
56 (the "State Comprehensive Plan"); and  
57  
58 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida  
59 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida  
60 Statutes (the "Strategic Regional Policy Plan"); and  
61  
62 3. The *City of Orlando Growth Management Plan*, adopted as the city's  
63 "comprehensive plan" for purposes of the Florida Community Planning Act,  
64 sections 163.3164 through 163.3217, Florida Statutes (the "GMP"); and  
65

66 **WHEREAS**, the MPB found that application ZON2023-10016 is consistent with:

- 67  
68 1. The GMP; and  
69  
70 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code  
71 of the City of Orlando, Florida (the "LDC"); and  
72

73 **WHEREAS**, sections 3 and 4 of this ordinance are adopted pursuant to the "process  
74 for adoption of small-scale comprehensive plan amendment" as provided by  
75 section 163.3187, Florida Statutes; and  
76

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

- 78  
79 1. As of the date of the petition, the Property was located in the unincorporated  
80 area of Orange County; and  
81  
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  
84  
85 3. As of the date of the petition, the Property is reasonably compact within the  
86 meaning of subsection 171.031(12), Florida Statutes; and  
87  
88 4. The petition bears the signatures of all owners of property in the area to be  
89 annexed; 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  
93  
94 6. The Property is located wholly within the boundaries of a single county; and  
95  
96 7. The petition proposes an annexation that is consistent with the purpose of  
97 ensuring sound urban development and accommodation to growth; and  
98  
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  
101 Florida Municipal Annexation and Contraction Act for the adjustment of  
102 municipal boundaries; and

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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**.

**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 "Industrial" 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 "Industrial-General" with Wekiva overlay district (denoted on the city's official zoning maps as the "I-GW" 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.

154 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its application to  
155 any person or circumstance is held invalid, the invalidity does not affect other provisions or  
156 applications of this ordinance which can be given effect without the invalid provision or  
157 application, and to this end the provisions of this ordinance are severable.

158  
159 **SECTION 8. SCRIVENER'S ERROR.** The city attorney may correct scrivener's errors  
160 found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

161  
162 **SECTION 9. DISCLAIMER.** As provided by subsection 166.033(6), Florida Statutes,  
163 issuance of a development permit by a municipality does not in any way create any right on  
164 the part of an applicant to obtain a permit from a state or federal agency and does not create  
165 any liability on the part of the municipality for issuance of the permit if the applicant fails to  
166 obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or  
167 undertakes actions that result in a violation of state or federal law. In accordance with  
168 subsection 166.033(5), Florida Statutes, it is hereby made a condition of this ordinance that  
169 all other applicable state or federal permits be obtained before commencement of the  
170 development.

171  
172 **SECTION 10. EFFECTIVE DATE.** This ordinance is effective upon adoption, except  
173 for sections one and two, which take effect on the 30<sup>th</sup> day after adoption, and sections three,  
174 four, five and six, which take effect on the 31<sup>st</sup> day after adoption unless this ordinance is  
175 lawfully challenged pursuant to subsection 163.3187(5), Florida Statutes, in which case  
176 sections three, four, five and six shall not be effective until the state land planning agency or  
177 the Administration Commission issues a final order declaring this ordinance "in compliance"  
178 as defined at sections 163.3184(1)(b) and 163.3187(5)(d), Florida Statutes.

179  
180 **DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at  
181 a regular meeting, this 11 day of December, 2023.

182  
183 **DONE, THE FIRST PUBLIC NOTICE,** in a newspaper of general circulation in the City  
184 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 24 day of  
185 December, 2023.

186  
187 **DONE, THE SECOND PUBLIC NOTICE,** in a newspaper of general circulation in  
188 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 31 day of  
189 December, 2023.

190  
191 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON FINAL**  
192 **PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the  
193 City of Orlando, Florida, at a regular meeting, this 8 day of January,  
194 2024

195  
196 BY THE MAYOR OF THE CITY OF  
197 ORLANDO, FLORIDA:

198  
199   
200 Mayor

201  
202 City Council Meeting: 1-8-2024

203 Item: 12-01 Documentary: 2401081201

205 ATTEST, BY THE CLERK OF THE  
206 CITY COUNCIL OF THE CITY  
207 OF ORLANDO, FLORIDA:

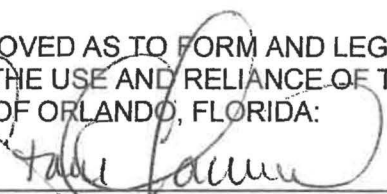
208   
209 \_\_\_\_\_

210 City Clerk

211 Stephanie Herdacia  
212 \_\_\_\_\_

213 Print Name

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215  
216 APPROVED AS TO FORM AND LEGALITY  
217 FOR THE USE AND RELIANCE OF THE  
218 CITY OF ORLANDO, FLORIDA:

219   
220 \_\_\_\_\_

221 Assistant City Attorney

222 Stacy Fallon  
223 \_\_\_\_\_

224 Print Name



# VERIFIED LEGAL DESCRIPTION FORM

The following legal description has been prepared by

William P. Hinkle, P.S.M. Dewberry Engineers Inc.  
and submitted to the City Planning Division for verification

William P. Hinkle  
Signature

10/27/23  
Date



"This Description has been reviewed by the Engineering Division and is acceptable based on a comparison with: PLATS, GIS MAPPING

By: [Signature] Date: 11-7-23  
GUY ADMIN S

Application Request (Office Use Only)

File No. ANX 2023-10005  
GMP 2023-10019  
ZON 2023-10016  
(GSA)

Legal Description Including Acreage (To be typed by Applicant):

**LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)**

THE NORTH HALF OF LOT 13 AND THE NORTH HALF OF LOT 14, WILLIS R. MUNGER'S LAND SUBDIVISION IN SECTION 16, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK E, PAGE 3, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS THE EAST 30 FEET OF LOT 13 FOR ROAD RIGHT-OF-WAY BEING A PORTION OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

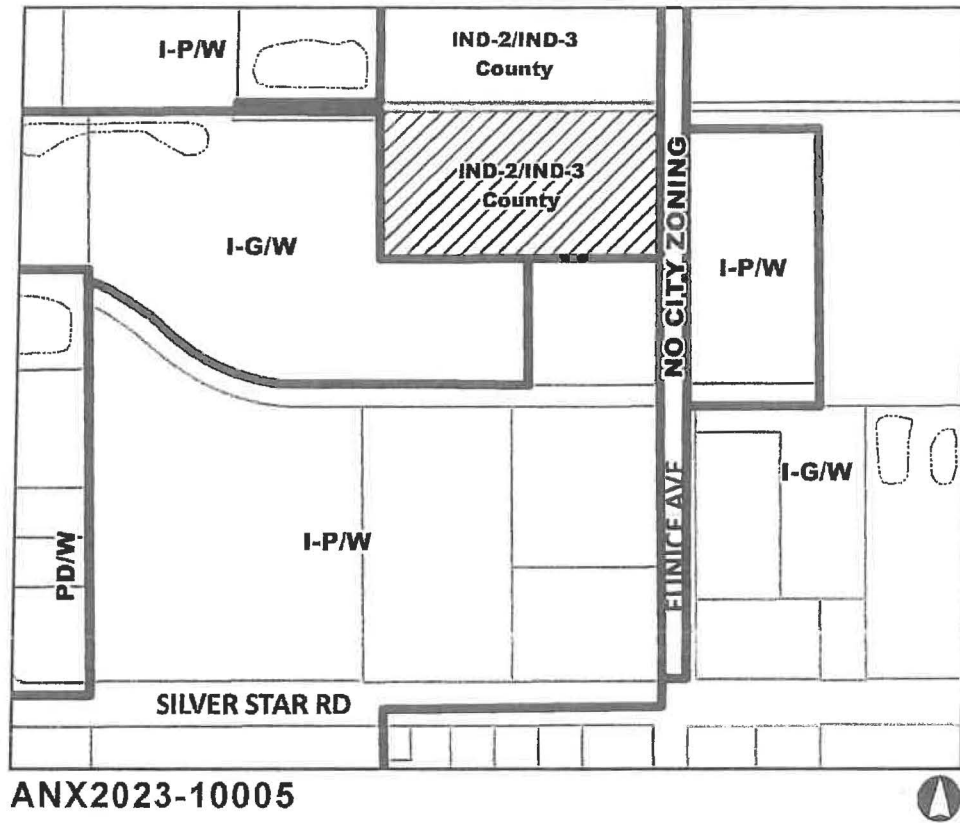
COMMENCE AT THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, RUN N89°56'45"E, A DISTANCE OF 666.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N89°56'45"E ALONG SAID NORTH LINE, A DISTANCE OF 636.91 FEET TO A POINT ON THE WEST RIGHT OF WAY OF EUNICE AVENUE; THENCE ALONG SAID WEST LINE, RUN S00°56'30"E, A DISTANCE OF 332.11 FEET TO A POINT ON THE SOUTH LINE OF THE N 1/2 OF SAID LOT 13; THENCE RUN ALONG THE SOUTH LINE OF THE N 1/2 OF SAID LOT 13 AND THE SOUTH LINE OF THE N 1/2 OF SAID LOT 14, S89°55'29"W, A DISTANCE OF 635.86 FEET TO THE WEST LINE OF SAID LOT 14; THENCE ALONG SAID WEST LINE, RUN N01°07'23"W, A DISTANCE OF 332.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 211,400 SQUARE FEET OR 4.85 ACRES, MORE OR LESS.

City Council Meeting: 1-8-2024

Item: 12-01 Documentary: 2401081201



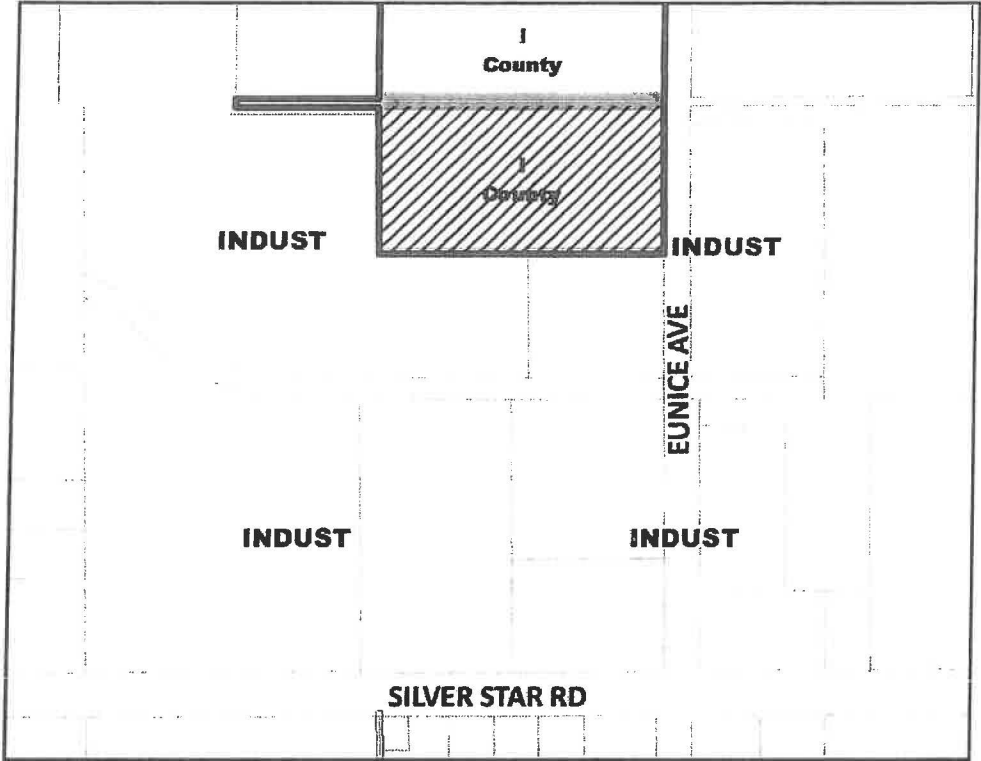


City Council Meeting: 1-8-2024  
Item: 12-01 Documentary: 2401081201

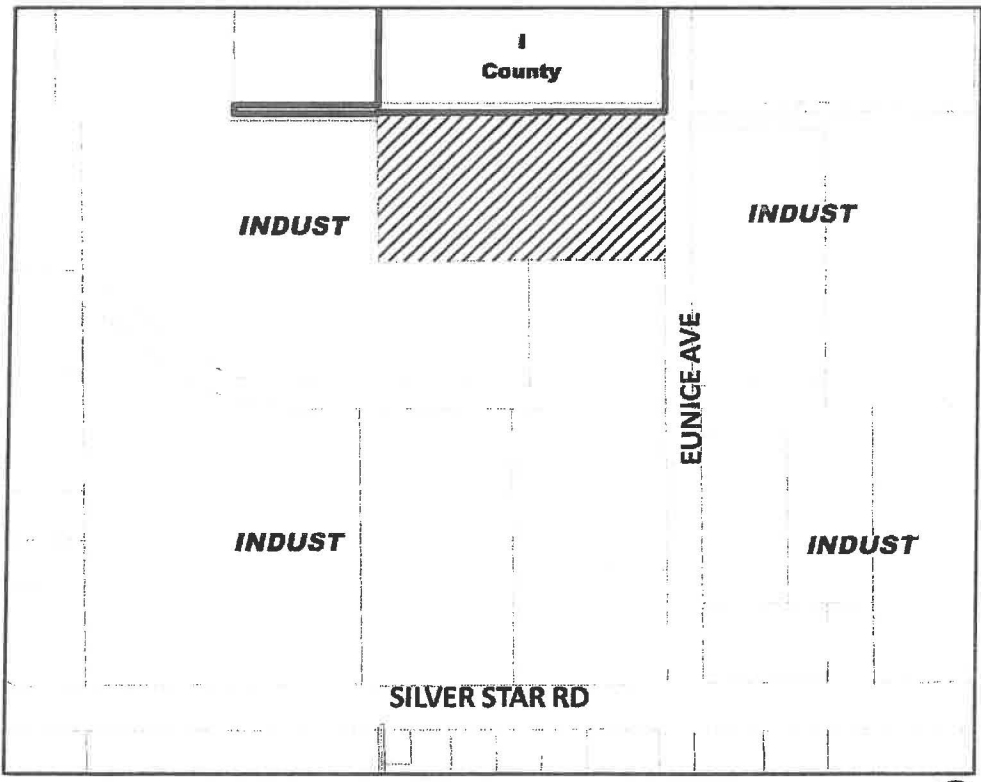


# Future Land Use Map

**EXHIBIT  
C**



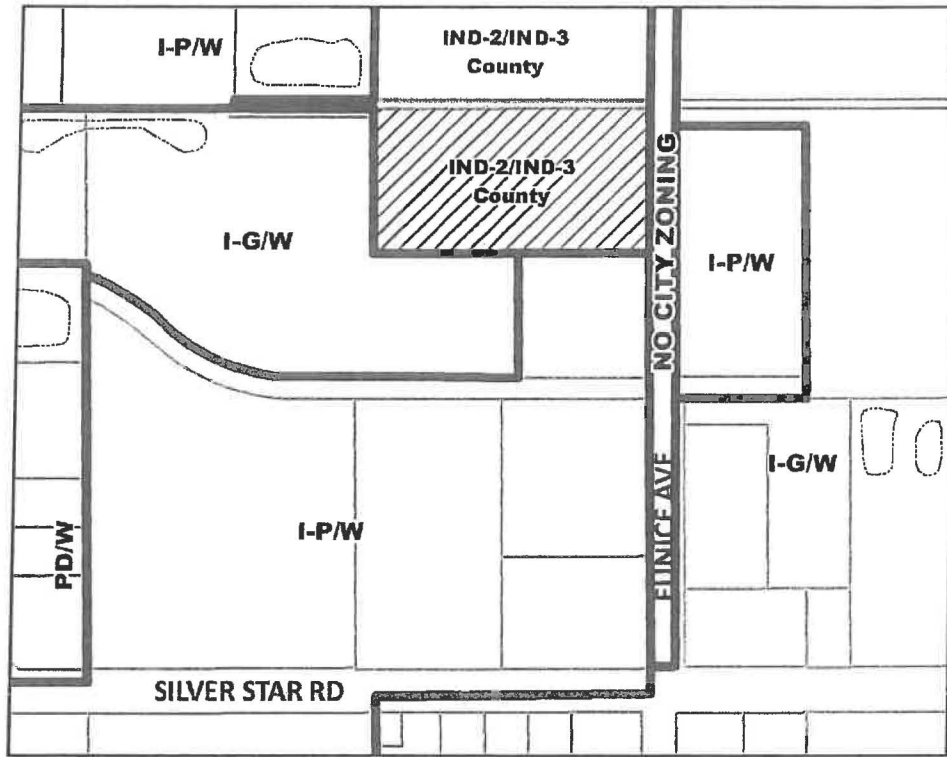
**Future Land Use - Existing GMP2023-10019**



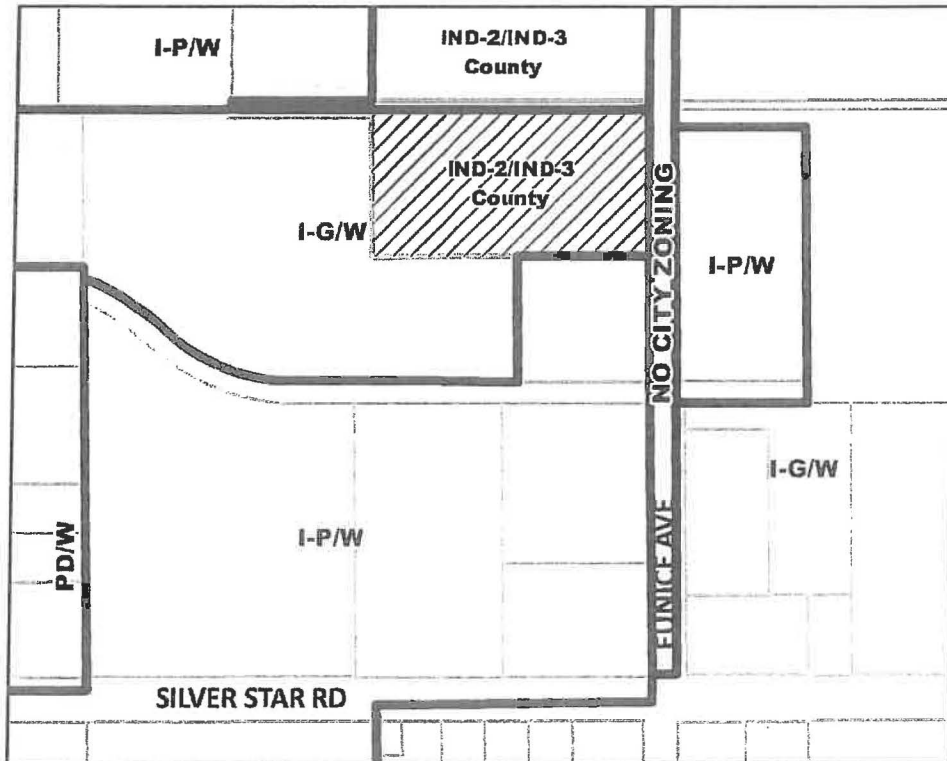
**Future Land Use - Proposed GMP2023-10019**



City Council Meeting: 1-8-2024  
Item: 12-11 Documentary: 2401081201



Zoning - Existing ZON2023-10016



Zoning - Proposed ZON2023-10016



City Council Meeting: 1-8-2024  
Item: 12-01 Documentary: 2401081201

## Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference: **Ordinance 2023-47**

AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED NORTH OF SILVER STAR ROAD; EAST OF MERCY DRIVE AND SOUTH OF SHADER ROAD AND COMPRISED OF 4.88 ACRES OF LAND, MORE OR LESS, AND AMENDING THE CITY'S BOUNDARY DESCRIPTION; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS INDUSTRIAL, ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS INDUSTRIAL-GENERAL WITH THE WEKIVA OVERLAY DISTRICT, ON THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND USE AND ZONING MAPS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the City of Orlando hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance is for a voluntary annexation of 2930 Eunice Ave. The site is currently part of the operations of Eco-Rock Asphalt. A Growth Management Plan (GMP) amendment and initial zoning are also part of the request, to assign a future land use designation of industrial (INDUST) and an initial zoning of Industrial General with the Wekiva overlay district ("I-P/W").

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Orlando, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Orlando's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The proposed ordinance is for voluntary annexation. Compliance costs would include the applicable property taxes as assessed by the Orange County Property Appraiser at the appropriate time. The ordinance itself imposes no new charges or fees, but once annexed into the city, the newly-annexed property will be subject to those costs assessed to cover the cost of growth's effect on vital infrastructure and services such as roads, sewers, schools and parks.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

One (1); The entity which owns the property subject to the voluntary annexation.

4. Additional information the governing body deems useful (if any):

*[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of Orlando staff solicited comments from businesses in the city as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on city website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].*

N/A