

BCC Mtg. Date: March 08, 2022

**CITY OF ORLANDO  
COUNCIL AGENDA ITEM**

HRG ORD 2ND RD #4

**Items Types:**

Hearings/Ordinances/2nd Read

**District: 4**

**Contract ID:**

**Exhibits: Yes**

**Grant Received by City?: No**

**For Meeting of:**

February 7, 2022

**From:**

**Document Number:**

**On File (City Clerk) : Yes**

**Draft Only: No**

**Subject:**

Ordinance No. 2022-12 Annexing the Subject Properties, Assigning the Residential Medium Intensity Future Land Use Designation and Initial Zoning of R-2B for 1955 Peel Ave. and the Adjacent Property Generally Located East of Peel Avenue, North of East Grant Street and West of Suehaven Drive (Peel Avenue Townhomes Resubmission, ANX2020-10015, GMP2020-10036, ZON2020-10031)(Economic Development)

**Summary:**

This ordinance annexing two parcels at 1955 Peel Ave. was originally heard before City Council in September 2021. However, an error in the legal description omitted part of the property. To comply with Florida statutes, this ordinance is being resubmitted in full to City Council for two readings.

This ordinance annexes the subject property at 1955 Peel Avenue and an adjacent, unaddressed parcel, assign the Residential Medium Intensity future land use designation and initial zoning of R-2B.

The properties are currently developed with a single-story home and are being annexed to develop approximately 12 townhomes. The subject properties are contiguous to the City limits and are reasonably compact. If annexed, the properties will not create an enclave.

Council accepted the petition for annexation on March 22, 2021. The Municipal Planning Board recommended approval of the annexation (ANX2020-10015), the GMP amendment (GMP2020-10036) and the initial zoning (ZON2020-10031) on April 20, 2021.

**Fiscal & Efficiency Data:**

Fiscal impact statement attached.

**Recommended Action:**

Adopting Ordinance No. 2022-12 and authorizing the Mayor and City Clerk to execute the same, after review and approval by the City Attorney.

Agenda Item attachment(s) on file in the City Clerks Office.

**Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.**

**Contact:** Megan Barrow, [megan.barrow@orlando.gov](mailto:megan.barrow@orlando.gov), 407-246-3363; Melissa Clarke, [melissa.clarke@orlando.gov](mailto:melissa.clarke@orlando.gov), 407.246.3477

**Approved By:**

City Council Meeting: 2-7-22  
Item: 12-4 Documentary: 2202071204

Received by: Clerk of BCC February 7, 2022 LL

County Mayor  
Commissioner Districts 2, 3, & 6 only  
County Administrator  
Utilities Department Director Ray Hanson

**Department**  
Budget Outside Routing Approval  
City Clerk

**Date and Time**  
1/26/2022 9:19 AM  
1/26/2022 2:40 PM

**ATTACHMENTS:**

| Name:   | Description:                   | Type:           |
|---|--------------------------------|-----------------|
| <input type="checkbox"/> <a href="#">Ord 2022-12 Peel Ave Townhomes Annexation.docx</a> | Ordinance 2022-12              | Backup Material |
| <input type="checkbox"/> <a href="#">Ord 2022-12 Exhibits A-D.pdf</a>                   | Ordinance 2022-12 Exhibits A-D | Backup Material |
| <input type="checkbox"/> <a href="#">Fiscal Impact Statement - Peel Avenue ANX.pdf</a>  | FIS                            | Backup Material |

***"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."***

BCC Mtg. Date: March 08, 2022

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 EAST OF PEEL AVENUE,**  
5                   **NORTH OF EAST GRANT STREET AND WEST OF**  
6                   **SUEHAVEN DRIVE AND COMPRISED OF 1.87 ACRES**  
7                   **OF LAND, MORE OR LESS; AMENDING THE CITY'S**  
8                   **ADOPTED GROWTH MANAGEMENT PLAN TO**  
9                   **DESIGNATE THE PROPERTY AS RESIDENTIAL**  
10                   **MEDIUM INTENSITY ON THE CITY'S OFFICIAL FUTURE**  
11                   **LAND USE MAPS; DESIGNATING THE PROPERTY AS**  
12                   **ONE TO FIVE FAMILY RESIDENTIAL ON THE CITY'S**  
13                   **OFFICIAL ZONING MAPS; PROVIDING FOR**  
14                   **AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND**  
15                   **USE AND ZONING MAPS; PROVIDING FOR**  
16                   **SEVERABILITY, CORRECTION OF SCRIVENER'S**  
17                   **ERRORS, PERMIT DISCLAIMER AND AN EFFECTIVE**  
18                   **DATE.**

19  
20                   **WHEREAS**, on March 22, 2021, the City Council of the City of Orlando, Florida  
21 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the  
22 "petition") bearing the signatures of all owners of property in an area of land generally  
23 located east of Peel Avenue, north of East Grant Street, and west of Suehaven Drive,  
24 such land comprised of approximately 1.87 acres of land and being precisely described  
25 by the legal description of the area by metes and bounds attached to this ordinance as  
26 **Exhibit A** (hereinafter the "property"); and  
27

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

31                   **WHEREAS**, at its regularly scheduled meeting of April 20, 2021, the Municipal  
32 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the  
33 following applications relating to the property:  
34

35                   1. Annexation case number ANX2020-10015, requesting to annex the property  
36 into the jurisdictional boundaries of the city; and  
37

38                   2. Growth Management Plan (hereinafter the "GMP") case number GMP2020-  
39 10036, requesting an amendment to the city's GMP to designate the property as  
40 "Residential Medium Intensity" on the city's official future land use map; and  
41

42                   3. Zoning case number ZON2020-10031, requesting to designate the property  
43 as One to Five Family Residential on the city's official zoning maps (hereinafter referred  
44 to as the "applications");  
45

46                   **WHEREAS**, based upon the evidence presented to the MPB, including the  
47 information and analysis contained in the "Staff Report to the Municipal Planning Board"  
48 for application case numbers ANX2020-10015, GMP2020-10036, ZON2020-10031  
49 (entitled "Peel Ave. Townhomes Annexation"), the MPB recommended that the Orlando  
50 City Council approve said applications and adopt an ordinance in accordance therewith;  
51 and

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**WHEREAS**, the MPB found that application GMP2020-10036 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 ZON2020-10031 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 a small-scale 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
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

ORDINANCE NO. 2022-12

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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 subsection 171.031(8), 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; and

**WHEREAS**, on September 13, 2021, the Orlando City Council adopted Ordinance 2021-59 (Documentary #2109131204) to annex the Property; designate the Property as Residential Medium Intensity on the City’s adopted Future Land Use Map and designate the Property as One to Five Family Residential on the City’s Official Zoning Map; and

**WHEREAS**, the entire Property was included in the annexation Petition that was approved by the MPB and Orlando City Council, but due to a scrivener’s error, the entire Property was not included in the metes and bounds legal description attached to Ordinance 2021-59; and

**WHEREAS**, one of the purposes of this ordinance is to correct the metes and bounds legal description for the Property; annex the entire Property; and assign the Residential Medium Intensity Future Land Use and One to Five Family Residential zoning to the entire Property, as originally intended by the Orlando City Council, and

**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.

153       **SECTION 3. FLUM DESIGNATION.** Pursuant to section 163.3187, Florida  
154 Statutes, the City of Orlando, Florida, adopted Growth Management Plan Future Land  
155 Use Map designation for the property is hereby established as "Residential Medium  
156 Intensity" as depicted in Exhibit C to this ordinance.  
157

158       **SECTION 4. AMENDMENT OF FLUM.** The city planning official, or designee, is  
159 hereby directed to amend the city's adopted future land use maps in accordance with  
160 this ordinance.  
161

162       **SECTION 5. ZONING DESIGNATION.** Pursuant to the LDC, the zoning  
163 designation for the property is hereby established as the "One to Five Family  
164 Residential" district (denoted on the city's official zoning maps as the "R-2B" district), as  
165 depicted in Exhibit D to this ordinance.  
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167       **SECTION 6. AMENDMENT OF OFFICIAL ZONING MAP.** The city zoning  
168 official, or designee, is hereby directed to amend the city's official zoning maps in  
169 accordance with this ordinance.  
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171       **SECTION 7. PRIOR ORDINANCES.** This ordinance supersedes Ordinance  
172 2021-59 (Documentary #2109131204).  
173

174       **SECTION 8. SCRIVENER'S ERROR.** The city attorney may correct scrivener's  
175 errors found in this ordinance by filing a corrected copy of this ordinance with the city  
176 clerk.  
177

178       **SECTION 9. SEVERABILITY.** If any provision of this ordinance or its  
179 application to any person or circumstance is held invalid, the invalidity does not affect  
180 other provisions or applications of this ordinance which can be given effect without the  
181 invalid provision or application, and to this end the provisions of this ordinance are  
182 severable.  
183

184       **SECTION 10. DISCLAIMER.** In accordance with Section 166.033(6), Florida  
185 Statutes, the issuance of this development permit does not in any way create any right  
186 on the part of the applicant to obtain a permit from a state or federal agency and does  
187 not create any liability on the part of the City for issuance of this permit if the applicant  
188 fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal  
189 agency or undertakes actions that result in a violation of state or federal law. All other  
190 applicable state or federal permits must be obtained before commencement of the  
191 development authorized by this development permit.  
192

193       **SECTION 11. EFFECTIVE DATE.** This ordinance is effective upon adoption,  
194 except for sections one and two, which take effect on the 30<sup>th</sup> day after adoption, and  
195 sections three, four, five, and six, which take effect on the 31<sup>st</sup> day after the state land  
196 planning agency notifies the city that the plan amendment package is complete. If timely  
197 challenged, this ordinance does not become effective until the state land planning  
198 agency or the Administration Commission enters a final order determining this  
199 amendment to be "in compliance" as defined at section 163.3187, Florida Statutes.  
200

201       **DONE, THE FIRST READING,** by the City Council of the City of Orlando,  
202 Florida, at a regular meeting, this 24<sup>th</sup> day of January, 2022.  
203

ORDINANCE NO. 2022-12

204 **DONE, THE FIRST PUBLIC NOTICE**, in a newspaper of general circulation in  
205 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this  
206 23rd day of January, 2022.


208 **DONE, THE SECOND PUBLIC NOTICE**, in a newspaper of general circulation in  
209 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this  
210 30th day of January, 2022.

212 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**  
213 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City  
214 Council of the City of Orlando, Florida, at a regular meeting, this 7th day of  
215 February, 2022.

218 BY THE MAYOR OF THE CITY OF  
219 ORLANDO, FLORIDA:

222   
223 \_\_\_\_\_  
224 Mayor

224 ATTEST, BY THE CLERK OF THE  
225 CITY COUNCIL OF THE CITY OF  
226 ORLANDO, FLORIDA:

227   
228 \_\_\_\_\_  
229 City Clerk

230 Stephanie Herdavia  
231 \_\_\_\_\_  
232 Print Name

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

239   
240 \_\_\_\_\_  
241 Assistant City Attorney

242 Melissa C. Clarke  
243 \_\_\_\_\_  
244 Print Name

245  
246 \*\*[Remainder of page intentionally left blank.]\*\*  
247

City Council Meeting: 2-7-22  
Item: 12-4 Documentary: 2202071204



# VERIFIED LEGAL DESCRIPTION FORM

**EXHIBIT  
A**

(APPENDIX C)

The following legal description has been prepared by Charles Rob DeFoor Professional Land Surveyor LLC and submitted to the City Planning Bureau for verification.



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

By: R. Allen Date: 1/11/2022  
Rid

Signature \_\_\_\_\_ Digitally signed by Charles R DeFoor  
Date \_\_\_\_\_ Date: 2022.01.10 14:53:52 -05'00'



Application Request (Office Use Only)

File No. ANX2020-10015  
GMP2020-10036  
ZON 2020-10031

Legal Description Including Acreage (To be typed by Applicant): By Surveyor Listed Above

### LEGAL DESCRIPTION:

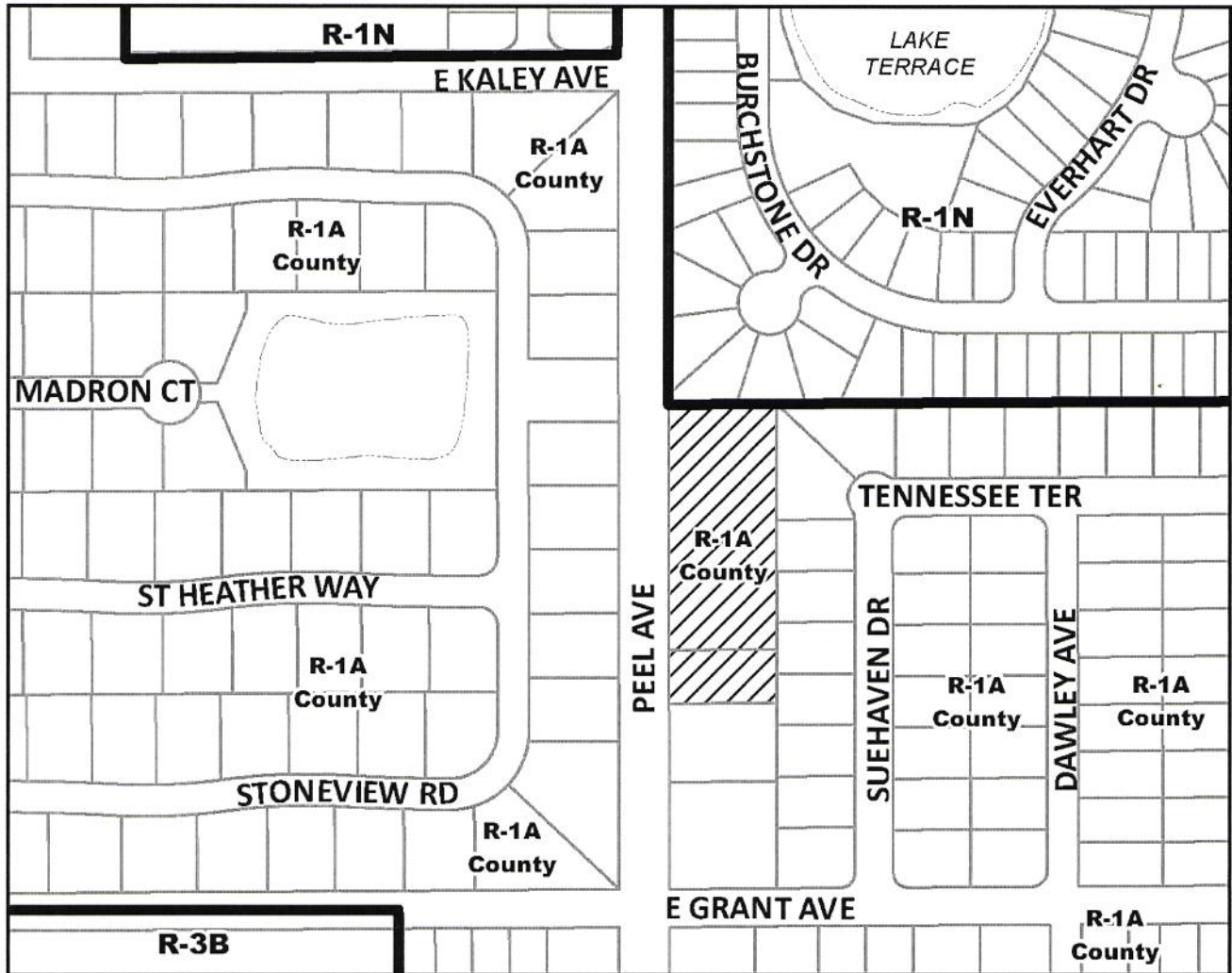
COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 89 DEG. 47' 30" E, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, 40.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF PEEL AVENUE; THENCE RUN N 00 DEG. 00' 04" W, ALONG SAID RIGHT-OF-WAY LINE (ALSO BEING THE BASIS OF BEARING FOR THIS DESCRIPTION), 199.87 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 3984, PAGE 4854, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE CONTINUE N 00 DEG. 00' 04" W, ALONG SAID EAST RIGHT-OF-WAY LINE, 125.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00 DEG. 00' 04" W, ALONG SAID EAST RIGHT-OF-WAY LINE, 474.88 FEET TO THE SOUTHWEST CORNER OF ASHBURY PARK, AS RECORDED IN PLAT BOOK 33, PAGES 96-97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N 89 DEG. 47' 39" E, ALONG THE SOUTH LINE OF SAID ASHBURY PARK, 172.22 FEET TO THE NORTHWEST CORNER OF SUE HAVE, AS RECORDED IN PLAT BOOK 4, PAGE 93, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S 00 DEG. 02' 18" W, ALONG THE WEST LINE OF SAID SUE HAVEN, 475.50 FEET; THENCE N 89 DEG. 59' 59" W, 171.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.87 ACRES MORE OR LESS

Page 1 of 1



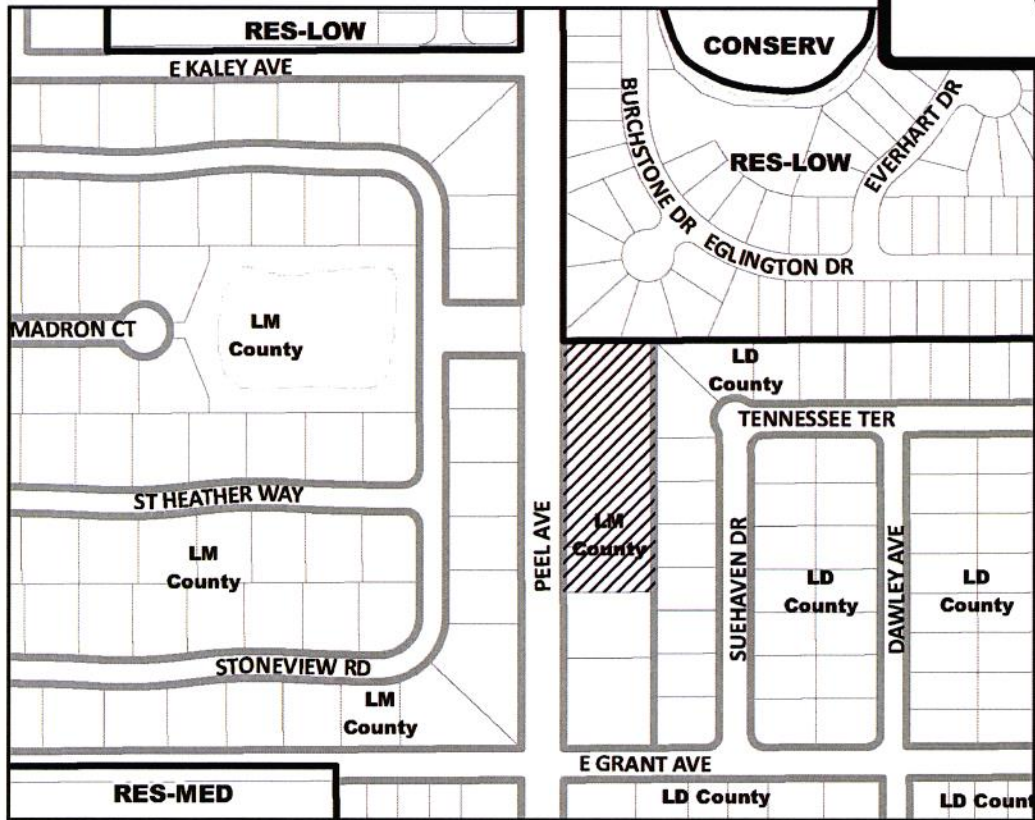
**EXHIBIT  
B**



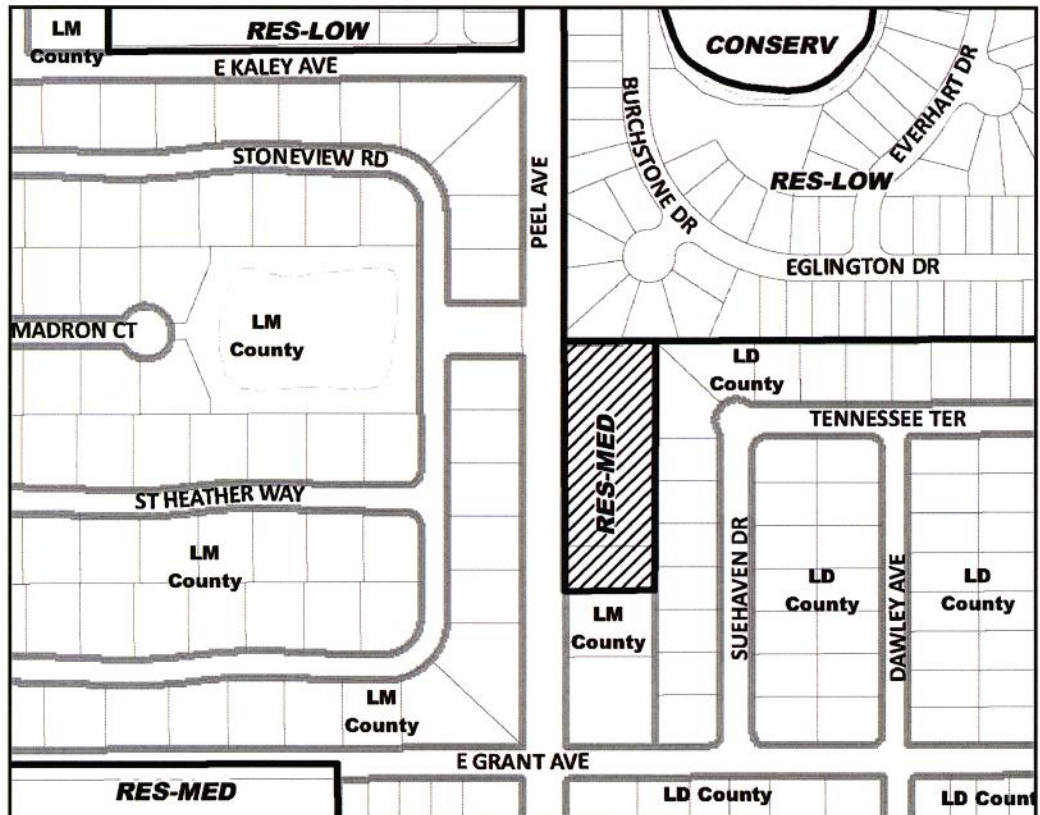
**ANX2020-10015**



**EXHIBIT  
C**



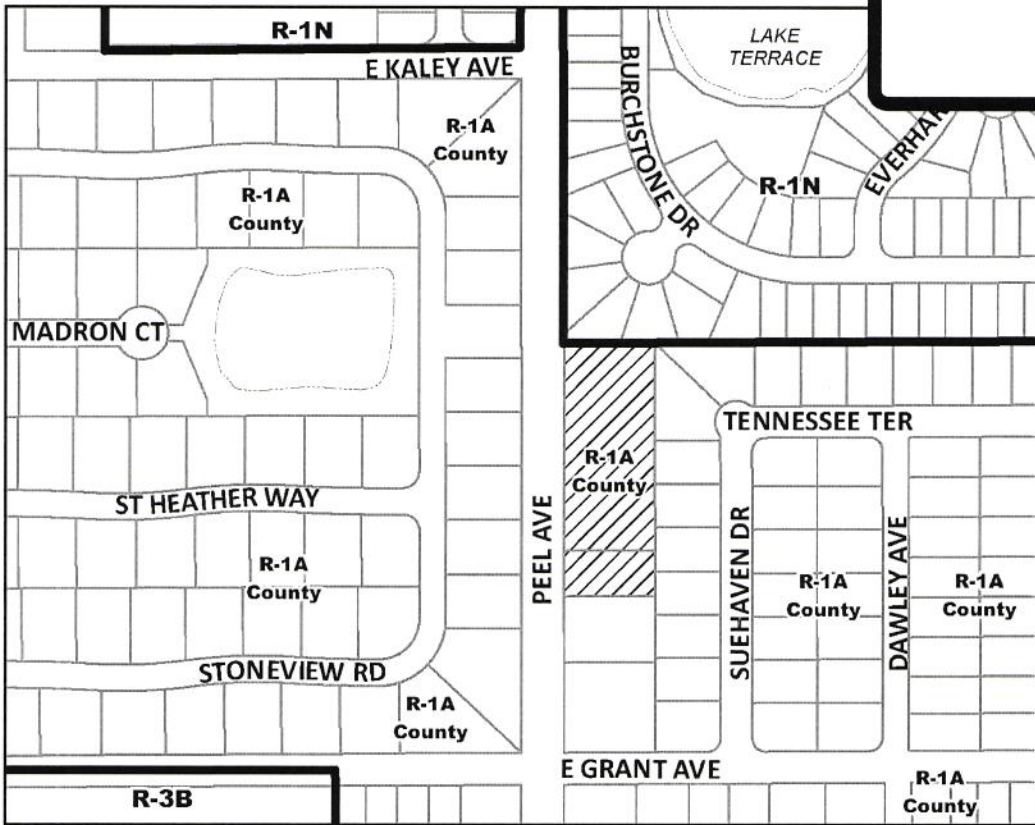
**Future Land Use - Existing GMP2020-10036**



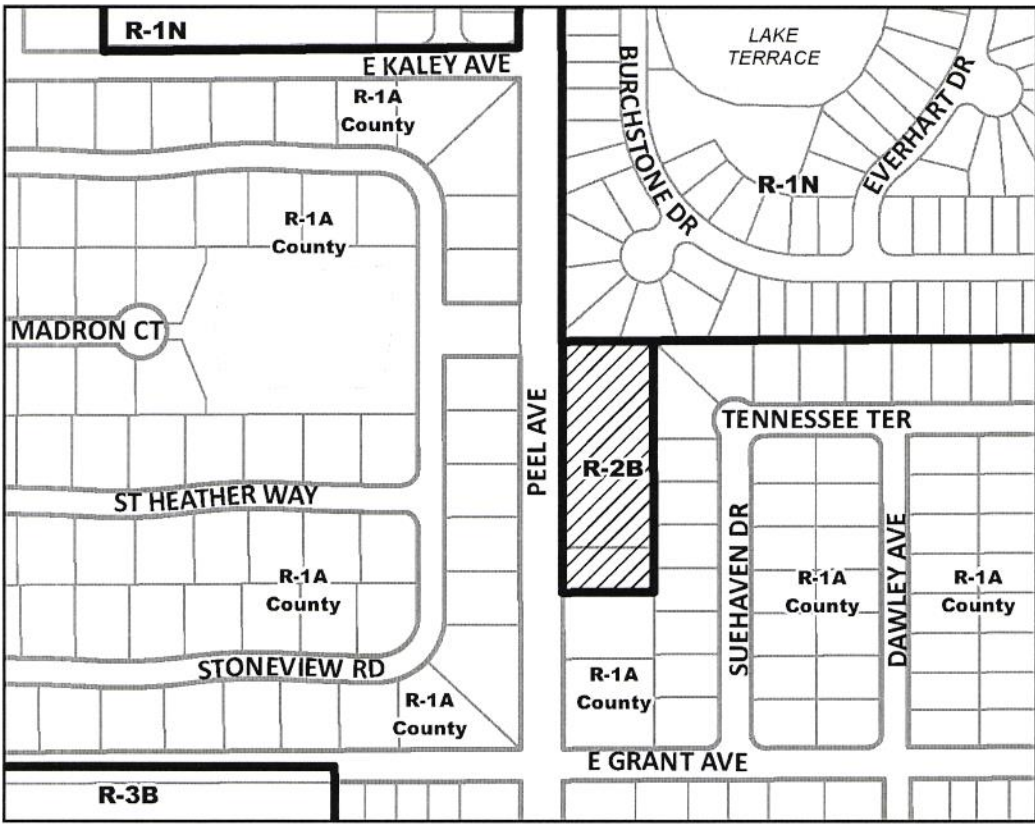
**Future Land Use - Proposed GMP2020-10036**



**EXHIBIT  
D**



**Zoning - Existing ZON2020-10031**



**Zoning - Proposed ZON2020-10031**





**Fiscal Impact Statement**

Indicate the **Total Fiscal Impact** of the action requested, including personnel, operating, and capital costs. Indicate costs for the current fiscal year and annualized costs. Include all related costs necessary to place the asset in service.

**Description:** Annexations of 1955 Peel Ave. and adjacent unaddressed property, generally located east of Peel Avenue, north of East Grant Street and west of Suehaven Drive

**Expenses**

Will the action be funded from the Department's current year budget?  Yes  No

If No, please identify how this action will be funded, including any proposed Budget Resolution Committee (BRC) action(s). (enter text here)

|                     | <b>Current Fiscal Year<br/>Cost Estimate</b> | <b>Estimated Annualized<br/>Cost Thereafter</b> |
|---------------------|--|---|
| Personnel           | \$0  | \$0   |
| Operating/Capital   | \$0  | \$0   |
| <b>Total Amount</b> | \$0  | \$0   |

Comments (optional): (enter text here)

**Revenues**

What is the source of any revenue and the estimated amount? Annual property tax Amount \$2752

Is this recurring revenue?  Yes  No

Comments (optional): (enter text here)

**Funding**

Expenses/Revenues will be recorded to:

|                           | <b>Source #1</b>         | <b>Source #2</b>         | <b>Source #3</b>         |
|---------------------------|--------------------------|--------------------------|--------------------------|
| Fund                      | <u>General Fund</u>      | <u>(enter text here)</u> | <u>(enter text here)</u> |
| Department /Division      | <u>Citywide</u>          | <u>(enter text here)</u> | <u>(enter text here)</u> |
| Cost Center/Project/Grant | <u>(enter text here)</u> | <u>(enter text here)</u> | <u>(enter text here)</u> |
| <b>Total Amount</b>       | \$2752                   | \$0                      | \$0                      |

# Orlando Sentinel

633 North Orange Avenue  
MP 130  
Orlando, FL 32801

Account Name: City of Orlando  
Account Number: CU00118969

To Whom It May Concern:

This is to confirm that the advertisement for City of Orlando published in *The Orlando Sentinel* on the following dates.

Publication Date: Jan 23, 2022

Ad Caption: Ordinance 2022-12

Section: Orange Zone

Size: 2 x 10.5 (2 x 10.5)

Order ID: 7131620

Cost: \$597.70

Should you need further information, please feel free to contact me.

Sincerely,



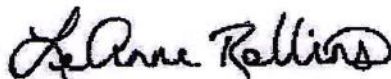
Rose Williams  
Account Representative Assistant  
The Orlando Sentinel

/mdu

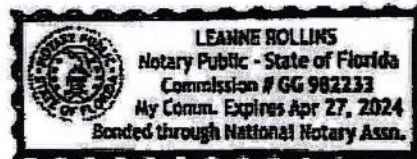
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State of Florida  
County of Orange

The foregoing instrument was acknowledged before me this  
1 day of February, 2022, by Rose Williams,  
who is personally known to me.



Notary Public  
State of Florida at Large



# Orlando Sentinel

633 North Orange Avenue  
MP 130  
Orlando, FL 32801

Account Name: City of Orlando  
Account Number: CU00118969

To Whom It May Concern:

This is to confirm that the advertisement for City of Orlando published in *The Orlando Sentinel* on the following dates.

**Publication Date:** Jan 30, 2022

**Ad Caption:** Ordinance 2022-12

**Section:** Orange Zone

**Size:** 2 x 10.5 (2 x 10.5)

**Order ID:** 7131623

**Cost:** \$597.70

Should you need further information, please feel free to contact me.

Sincerely,



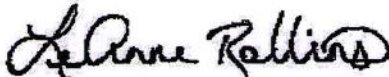
Rose Williams  
Account Representative Assistant  
The Orlando Sentinel

/mdu

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State of Florida  
County of Orange

The foregoing instrument was acknowledged before me this  
1 day of February, 2022, by Rose Williams,  
who is personally known to me.



Notary Public  
State of Florida at Large

