



Certified Mail

August 8, 2024

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

Re: City of Orlando Ordinance No. 2024-28

Dear Sir or Madam:

Enclosed for your records please find a courtesy copy of City of Orlando Ordinance No. 2024-28, adopted by City Council on August 8, 2024.

Thank you for your attention to this matter.

A handwritten signature in blue ink, appearing to read "SHF", positioned above the typed name.

Stephanie Herdocia
City Clerk

Received by: Clerk of BCC 8/21/2024 mf
c: Deputy County Administrator Director Jon Weiss
Planning, Environmental, & Development Services Director Tanya Wilson
Planning Division Manager Alberto Vargas
Planning Administrator Nicolas Thalmueller
County Commissioners County Mayor County Administrator

OFFICE OF CITY CLERK

400 S. Orange Avenue, 2nd Floor – Orlando, Florida 32801-4990
Phone: 407.246.2251 Fax 407.246.3613 orlando.gov/cityclerk

ORDINANCE NO. 2024-28

1 AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA,
2 ANNEXING TO THE CORPORATE LIMITS OF THE CITY
3 CERTAIN LAND GENERALLY LOCATED NORTH OF
4 SILVER STAR ROAD, EAST OF EUNICE AVENUE,
5 WEST OF N. JOHN YOUNG PARKWAY, AND SOUTH OF
6 SHADER ROAD AND COMPRISED OF 6.32 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 INDUSTRIAL, ON THE
11 CITY'S OFFICIAL FUTURE LAND USE MAPS;
12 DESIGNATING THE PROPERTY AS INDUSTRIAL-
13 GENERAL WITH THE WEKIVA OVERLAY DISTRICT, ON
14 THE CITY'S OFFICIAL ZONING MAPS; PROVIDING FOR
15 AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND
16 USE AND ZONING MAPS; PROVIDING FOR
17 SEVERABILITY, CORRECTION OF SCRIVENER'S
18 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
19 DATE.
20

21 **WHEREAS**, on May 13, 2024, the City Council of the City of Orlando, Florida (the
22 "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the "petition")
23 bearing the signatures of all owners of property in an area of land generally located north of
24 Silver Star Road, east of Eunice Avenue, west of N. John Young Parkway, and south of
25 Shader Road, comprised of approximately 6.32 acres of land and being precisely described
26 by the legal description of the area by metes and bounds attached to this ordinance as Exhibit
27 A (hereinafter the "Property"); and
28

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

32 **WHEREAS**, at its regularly scheduled meeting of June 18, 2024, the Municipal
33 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the following
34 applications relating to the Property:
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- 36 1. Annexation case number ANX2024-10003 requesting to annex the Property
37 into the jurisdictional boundaries of the city; and
38
- 39 2. Growth Management Plan (hereinafter the "GMP") case number GMP2024-
40 10002 requesting an amendment to the city's GMP to designate the Property
41 as Industrial on the City's official future land use map; and
42
- 43 3. Zoning case number ZON2024-10003 requesting to designate the Property as
44 "Industrial-General" with the "Wekiva" overlay district, (I-G/W) on the City's
45 official zoning maps (together, hereinafter referred to as the "applications");
46 and
47

48 **WHEREAS**, based upon the evidence presented to the MPB, including the information
49 and analysis contained in the "Staff Report to the Municipal Planning Board" for application
50 case numbers ANX2024-10003, GMP2024-10002, and ZON2024-10003 (entitled "3122

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51 Shader Road Annexation”), the MPB recommended that the Orlando City Council approve
52 said applications and adopt an ordinance or ordinances in accordance therewith; and
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54 **WHEREAS**, the MPB found that application GMP2024-10002 is consistent with:
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- 56 1. The *State Comprehensive Plan* as provided at Chapter 187, Florida Statutes
57 (the “State Comprehensive Plan”); and
58
- 59 2. The *East Central Florida 2060 Plan* adopted by the East Central Florida
60 Regional Planning Council pursuant to sections 186.507 and 186.508, Florida
61 Statutes (the “Strategic Regional Policy Plan”); and
62
- 63 3. The *City of Orlando Growth Management Plan*, adopted as the city’s
64 “comprehensive plan” for purposes of the Florida Community Planning Act,
65 sections 163.3164 through 163.3217, Florida Statutes (the “GMP”); and
66

67 **WHEREAS**, the MPB found that application ZON2024-10003 is consistent with:
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- 69 1. The GMP; and
70
- 71 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
72 of the City of Orlando, Florida (the “LDC”); and
73

74 **WHEREAS**, sections 3 and 4 of this ordinance are adopted pursuant to the “process
75 for adoption of small-scale comprehensive plan amendment” as provided by section
76 163.3187, Florida Statutes; and
77

78 **WHEREAS**, the Orlando City Council hereby finds that:
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- 80 1. As of the date of the petition, the Property was located in the unincorporated
81 area of Orange County; and
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- 83 2. As of the date of the petition, the Property is contiguous to the city within the
84 meaning of subsection 171.031(11), Florida Statutes; and
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- 86 3. As of the date of the petition, the Property is reasonably compact within the
87 meaning of subsection 171.031(12), Florida Statutes; and
88
- 89 4. The petition bears the signatures of all owners of property in the area to be
90 annexed; and
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- 92 5. Annexation of the Property will not result in the creation of enclaves within the
93 meaning of subsection 171.031(13), Florida Statutes; and
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- 95 6. The Property is located wholly within the boundaries of a single county; and
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- 97 7. The petition proposes an annexation that is consistent with the purpose of
98 ensuring sound urban development and accommodation to growth; and
99
- 100 8. The petition, this ordinance, and the procedures leading to the adoption of this
101 ordinance are consistent with the uniform legislative standards provided by the

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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**.

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 the “Wekiva” overlay district (denoted on the city’s official zoning maps as the “I-G/W” district), as depicted in **Exhibit D** to this ordinance.

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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(6), 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.

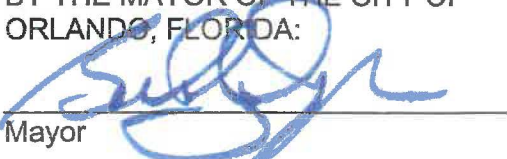
SECTION 10. EFFECTIVE DATE. This ordinance is effective upon adoption, except for sections one and two, which take effect on the 30th day after adoption, and sections three, four, five and six, which take effect on the 31st day after adoption unless this ordinance is lawfully challenged pursuant to subsection 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 READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 15 day of July, 2024.

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 28 day of July, 2024.

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 01 day of August, 2024.

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 12 day of August, 2024.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:

Mayor

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ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY
OF ORLANDO, FLORIDA:

SMH

City Clerk

Stephanie Hardocia

Print Name

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

Stacy

Assistant City Attorney

Stacy Fallon

Print Name



**EXHIBIT
A**

VERIFIED LEGAL DESCRIPTION FORM

MUNICIPAL PLANNING BOARD

The following legal description has been prepared by:

Terrence W. Rutter, Jr., PSM 7371, Accuright Surveys of Orlando
and submitted to the City Planning Bureau for verification.


Signature

5/22/24
Date



"This Description has been reviewed by the Engineering Division and is acceptable based on a comparison with:
PLAT GIS MAPPING
o.c.f.a.

By: Guy Date: 5-24-24
Guy ADKINS

Application Request (Office Use Only):

File No. ANX2024-10003; GMP2024-10002; ZON2024-10003

Legal Description Including Acreage (To be Typed By Applicant):

PART OF PARCEL 09-22-29-9248-00-101 (Written by Surveyor):

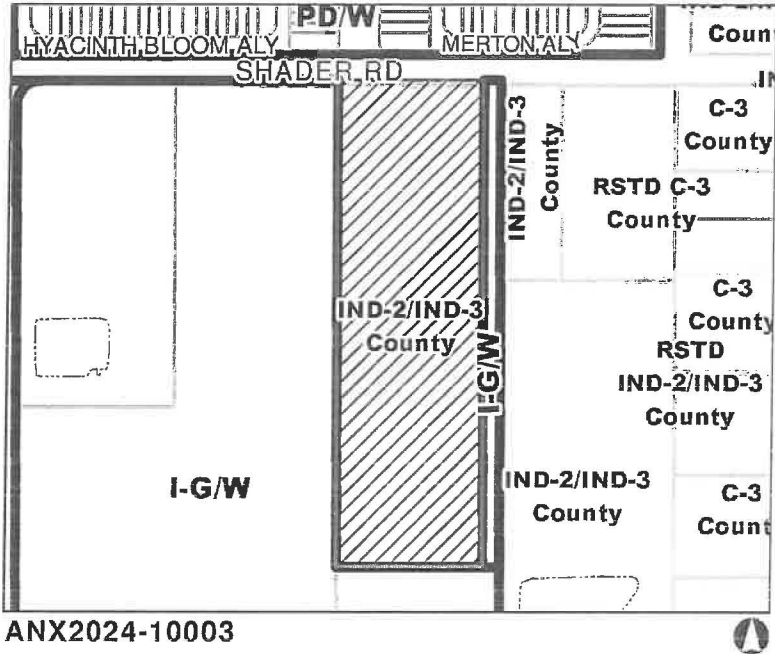
A PORTION OF LOT 10 AND LOT 15, BISHOP WHIPPLE'S SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "B", PAGE 137, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

BEGIN AT THE INTERSECTION OF THE WEST LINE OF LOT 10, BISHOP WHIPPLE'S SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "B", PAGE 137, AND THE SOUTH RIGHT-OF-WAY LINE OF SHADER ROAD PER OFFICIAL RECORDS BOOK 338, PAGE 317, BOTH PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE N89°50'38"E ALONG SAID SOUTH RIGHT-OF-WAY LINE OF SHADER ROAD, A DISTANCE OF 290.37 FEET TO THE WEST LINE OF THE EAST 33 FEET OF SAID LOT 10; THENCE S00°26'24"E ALONG SAID WEST LINE OF THE EAST 33 FEET OF LOT 10, ITS SOUTHERLY EXTENSION AND THE WEST LINE OF THE EAST 33 FEET OF LOT 15, SAID BISHOP WHIPPLE'S, A DISTANCE OF 947.32 FEET TO THE SOUTH LINE OF THE NORTH 300 FEET OF SAID LOT 15; THENCE S89°33'06"W ALONG SAID SOUTH LINE OF THE NORTH 300 FEET OF SAID LOT 15, A DISTANCE OF 290.23 FEET TO THE WEST LINE OF SAID LOT 15; THENCE N00°26'54"W ALONG SAID WEST LINE OF LOT 15, ITS NORTHERLY EXTENSION AND SAID WEST LINE OF LOT 10, A DISTANCE OF 948.80 FEET TO THE POINT OF BEGINNING.

CONTAINS 6.318 ACRES MORE OR LESS.

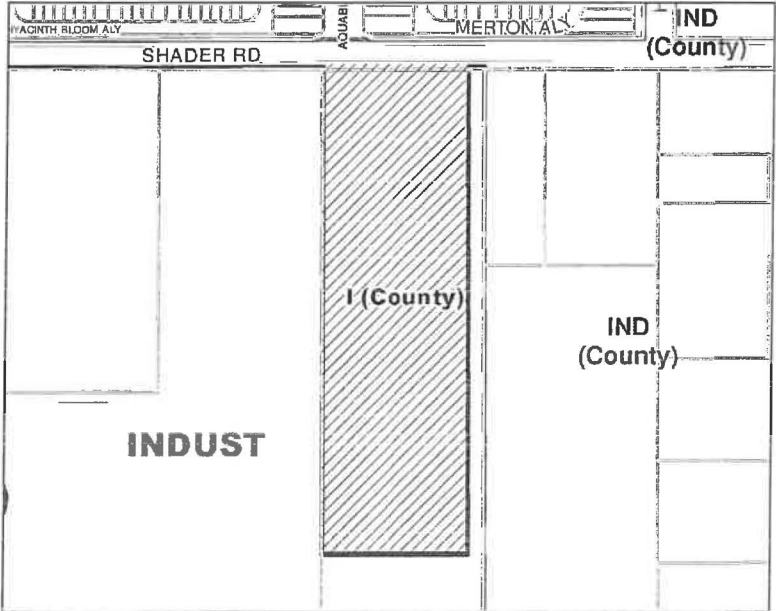
**EXHIBIT
B**

LOCATION MAP

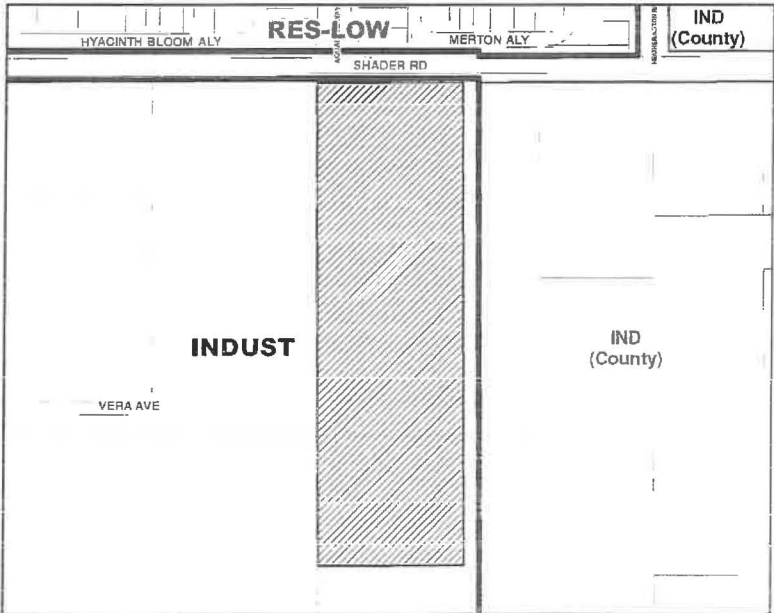


Future Land Use Map

EXHIBIT C



Future Land Use - Existing GMP2024-10002

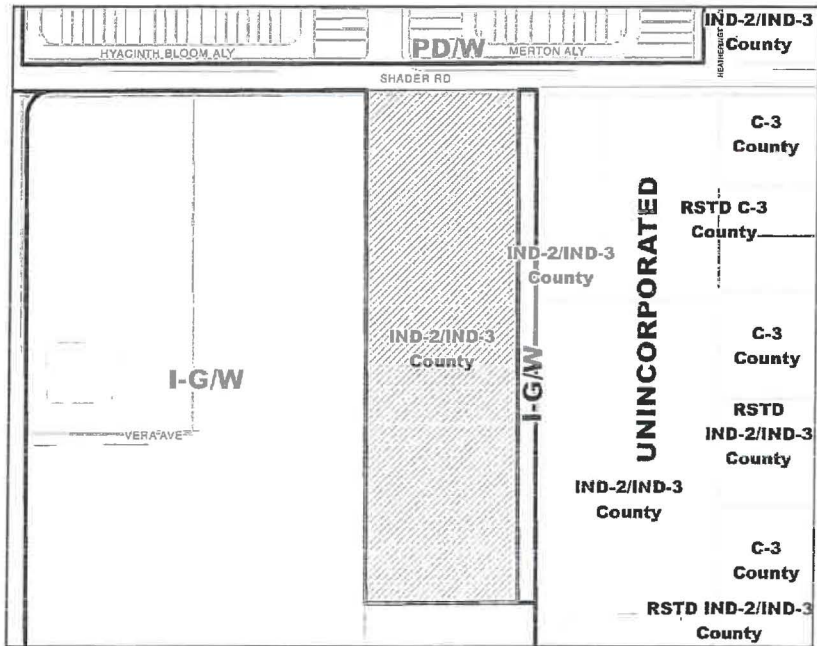


Future Land Use - Proposed GMP2023-10002

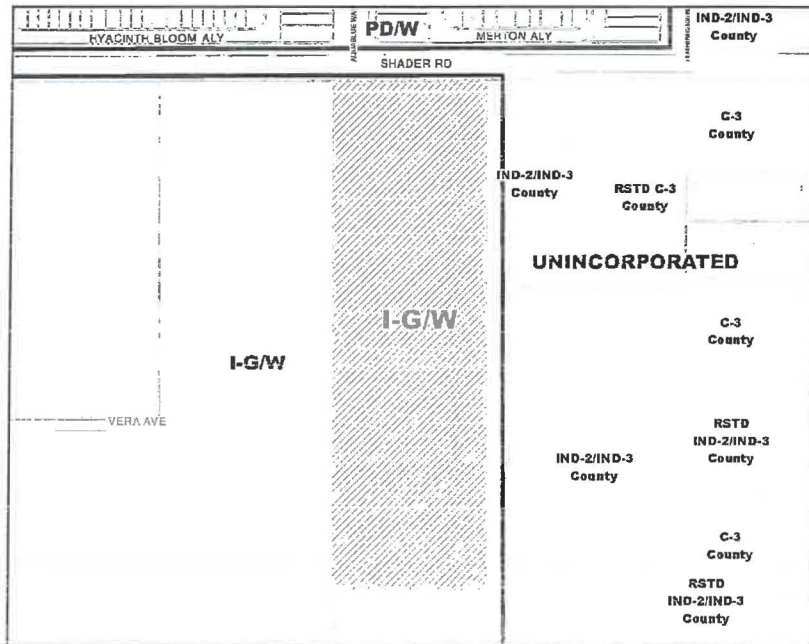


Zoning Map

EXHIBIT D



Zoning - Existing ZON2024-10003



Zoning - Proposed ZON2024-10003

