

BCC Mtg. Date: November 1, 2016



CITY OF ORLANDO

September 22, 2016

Orange County Comptroller
P.O. Box 38
Orlando, FL 32802

Re: Ordinance No. 2016-63

Dear Comptroller Haynie:

Pursuant to section 171.044, Florida Statutes, the City Council of the City of Orlando, Florida adopted City Ordinance(s) 2016-13 adopted on July 11, 2016 annexing certain land into the corporate limits of the City of Orlando.

Until the Florida Statute is amended, it currently still requires the City to also send it to the Orange County Chief Administrative Officer and the Clerk of the Courts which we have also done.

The enclosed copies are intended for the files of the Board of County Commissioners and **not** for recording in the Official Records.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Elizabeth Davidson".

Elizabeth Davidson
Assistant City Clerk

Enclosure(s)

OCT 11 2016 JK

Received by: Clerk of BCC
c: Deputy County Attorney Joel Prinsell
Community Environmental & Development Services Director Jon Weiss
Zoning Division Manager Carol Hossfield
Planning Division Manager Alberto Vargas
Planner II Steven Thorp

Office of City Clerk

400 S. Orange Avenue, 2nd. Floor – Orlando, Florida 32801-4990 – Phone: 407-246-2251 -
Fax 407-246-3613 – <http://www.cityoforlando.net/cityclerk>

**CITY OF ORLANDO
COUNCIL AGENDA ITEM**H102nd
Rel # 2**Items Types:**

Hearings/Ordinances/2nd Read

District: 4**Contract ID:****Exhibits:** Yes**Grant Received by City?:** No**For Meeting of:**

September 15, 2016

From:**Document Number:****On File (City Clerk) :** Yes**Draft Only:** No**Subject:**

Ordinance No. 2016-63 annexing the subject property, assigning the Residential Low Intensity and Mixed Use Corridor Medium Intensity future land use designations and initial zoning of R-2A/T and MU-1/T for property located at 1401 E. Michigan Street, which located north of E. Michigan Street, east of S. Brown Street and south of E. Crystal Lake Avenue (1401 E. Michigan Street). (Economic Development)

Summary:

The attached ordinance will annex the subject property, assigning the Residential Low Intensity and Mixed Use Corridor Medium Intensity future land use designations and initial zoning of R-2A/T and MU-1/T for property located at 1401 E. Michigan Street, which is generally located north of E. Michigan Street, east of S. Brown Street and south of E. Crystal Lake Avenue, addressed at 1401 E. Michigan Street and is approximately 0.697 acres. The property is currently developed with a single family house and is being annexed for future residential development. The subject property is contiguous to the City limits and is reasonably compact. If annexed, the property will not create an enclave.

The proposed future land use is Residential Low Intensity and Mixed Use Corridor Medium Intensity and the proposed initial zoning is R-2A/T and MU-1/T. The applicant is proposing residential development. The Municipal Planning Board recommended approval of the annexation (ANX2016-00004), the GMP amendment to assign Residential Low Intensity and Mixed Use Corridor Medium Intensity future land use designations (GMP2016-00007) and the initial zoning of R-2A/T and MU-1/T (ZON2016-00007) on June 21, 2016. The first reading of this ordinance was heard on August 15, 2016.

Fiscal & Efficiency Data:

Attached.

Recommended Action:

Adopt the attached ordinance number 2016-63 and authorize the Mayor and City Clerk or Mayor Pro Tempore and City Clerk to execute on behalf of the City upon its final 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: Michelle Beamon, michelle.beamon@cityoforlando.net, 407.246.3145

Approved By:**Department****Date and Time**City Council Meeting: 9/15/16
Item: 2-2 Documentary: 160915/202

BCC Mtg. Date: November 1, 2016

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 NORTH OF E. MICHIGAN
5 STREET, EAST OF S. BROWN STREET, AND SOUTH OF
6 E. CRYSTAL LAKE AVENUE, ADDRESSED AS 1401 E.
7 MICHIGAN STREET, AND COMPRISED OF 0.697 ACRES
8 OF LAND, MORE OR LESS; AMENDING THE CITY'S
9 ADOPTED GROWTH MANAGEMENT PLAN TO
10 DESIGNATE THE PROPERTY AS RESIDENTIAL LOW
11 INTENSITY, IN PART, AND MIXED USE CORRIDOR
12 MEDIUM INTENSITY VILLAGE, IN PART, ON THE CITY'S
13 OFFICIAL FUTURE LAND USE MAPS; DESIGNATING
14 THE PROPERTY AS THE R-2A FAMILY DISTRICT
15 ALONG WITH THE TRADITIONAL CITY OVERLAY, IN
16 PART AND THE MU-1 MEDIUM INTENSITY MIXED USE
17 CORRIDOR DISTRICT ALONG WITH THE TRADITIONAL
18 CITY OVERLAY DISTRICT, IN PART, ON THE CITY'S
19 OFFICIAL ZONING MAPS; PROVIDING FOR
20 AMENDMENT OF THE CITY'S OFFICIAL FUTURE LAND
21 USE AND ZONING MAPS; PROVIDING FOR
22 SEVERABILITY, CORRECTION OF SCRIVENER'S
23 ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE
24 DATE.

25
26 **WHEREAS**, on May 23, 2016, the City Council of the City of Orlando, Florida
27 (the "Orlando City Council"), accepted a petition for voluntary annexation (hereinafter the
28 "petition") bearing the signatures of all owners of property in an area of land generally
29 located north of E. Michigan Street, east of S. Brown Street and south of E. Crystal Lake
30 Avenue, such land comprised of approximately 0.697 acres of land and being precisely
31 described by the legal description of the area by metes and bounds attached to this
32 ordinance as **Exhibit A** (hereinafter the "property"); and
33

34 **WHEREAS**, the petition was filed with the Orlando City Council pursuant to
35 section 171.044, Florida Statutes; and
36

37 **WHEREAS**, at its regularly scheduled meeting of June 21, 2016, the Municipal
38 Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered the
39 following applications relating to the property:
40

41 1. Annexation case number ANX2016-00004, requesting to annex the property
42 into the jurisdictional boundaries of the city; and
43

44 2. Growth Management Plan (hereinafter the "GMP") case number GMP2016-
45 00007, requesting an amendment to the city's GMP to designate the property as
46 "Residential Low Intensity" in part, and "Mixed Use Corridor Medium Intensity" in part, on
47 the City's official future land use map; (hereinafter referred to as the "applications"); and
48

49 3. Zoning case number ZON2016-00007, requesting to designate the property
50 as the MU-1 "Medium Intensity Mixed Use Corridor" district, along with the "Traditional
51 City" overlay district, in part, and the "R-2/A Family District," along with the "Traditional

City" overlay district, in part, 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 ANX2016-00004, GMP2016-00007, ZON2016-00007, (entitled "Item #1- 1401 E. Michigan Street"), the MPB recommended that the Orlando City Council approve said applications and adopt an ordinance in accordance therewith; and

WHEREAS, the MPB found that application GMP2016-00007 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, sections 3 and 4 of this ordinance are adopted pursuant to the process for "process for adoption of a 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
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 subsection 171.022(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

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 "Residential Low Intensity," in part and "Mixed Use Corridor Medium Intensity," in part, 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 City's Land Development Code, the zoning designation for the property is hereby established as the

"R-2A Family District" along with the "Traditional City" overlay district, in part (denoted on the City's official zoning maps as the "R-2A/T" district) and the "MU-1 Medium Intensity Mixed Use Corridor" district, along with the "Traditional City" overlay district, in part, (denoted on the City's official zoning maps as the "MU-1/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. DISCLAIMER. In accordance with Section 166.033(5), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the City for issuance of this 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. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

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. 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 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 section 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.

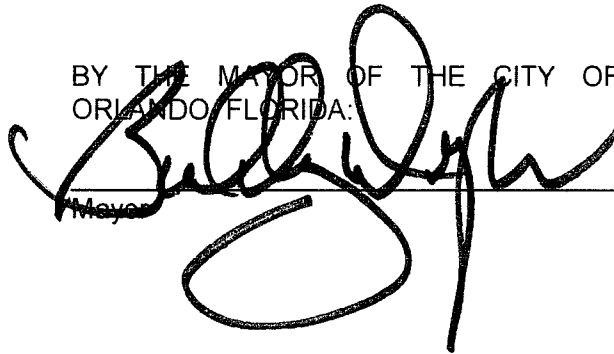
DONE, THE FIRST PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 28 day of August, 2016.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 29 day of August, 2016.

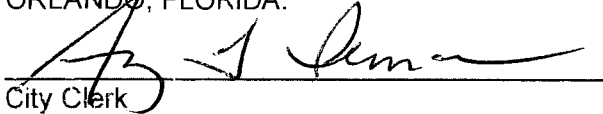
DONE, THE SECOND PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 4 day of September, 2016.

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 15 day of September, 2016.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:



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



City Clerk

Amy T. Iennaco

Print Name

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

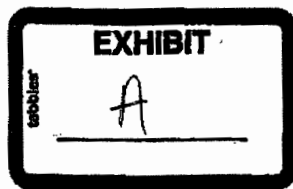


City Attorney

Melissa Clarke

Print Name

[Remainder of page intentionally left blank.]



VERIFIED LEGAL DESCRIPTION FORM

MUNICIPAL PLANNING BOARD

The following legal description has been prepared by Andrew Perry, P.S.M. of
M.A.P. Land Surveying, Inc. and submitted to the City Planning Bureau for verification.

Andrew Perry
Signature

7/22/2016
Date

"This description has been reviewed by the Bureau of Engineering and is acceptable based on a comparison with:

THE RECORD PLAT,
OR. Co. P.A. RECORDS,
RAN TRAV & CLOSE.

By [Signature] Date 8.2.2016

Application Request (Office Use Only):

File No. ANX2016-00004
GMP2016-00007
ZON2016-00007

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

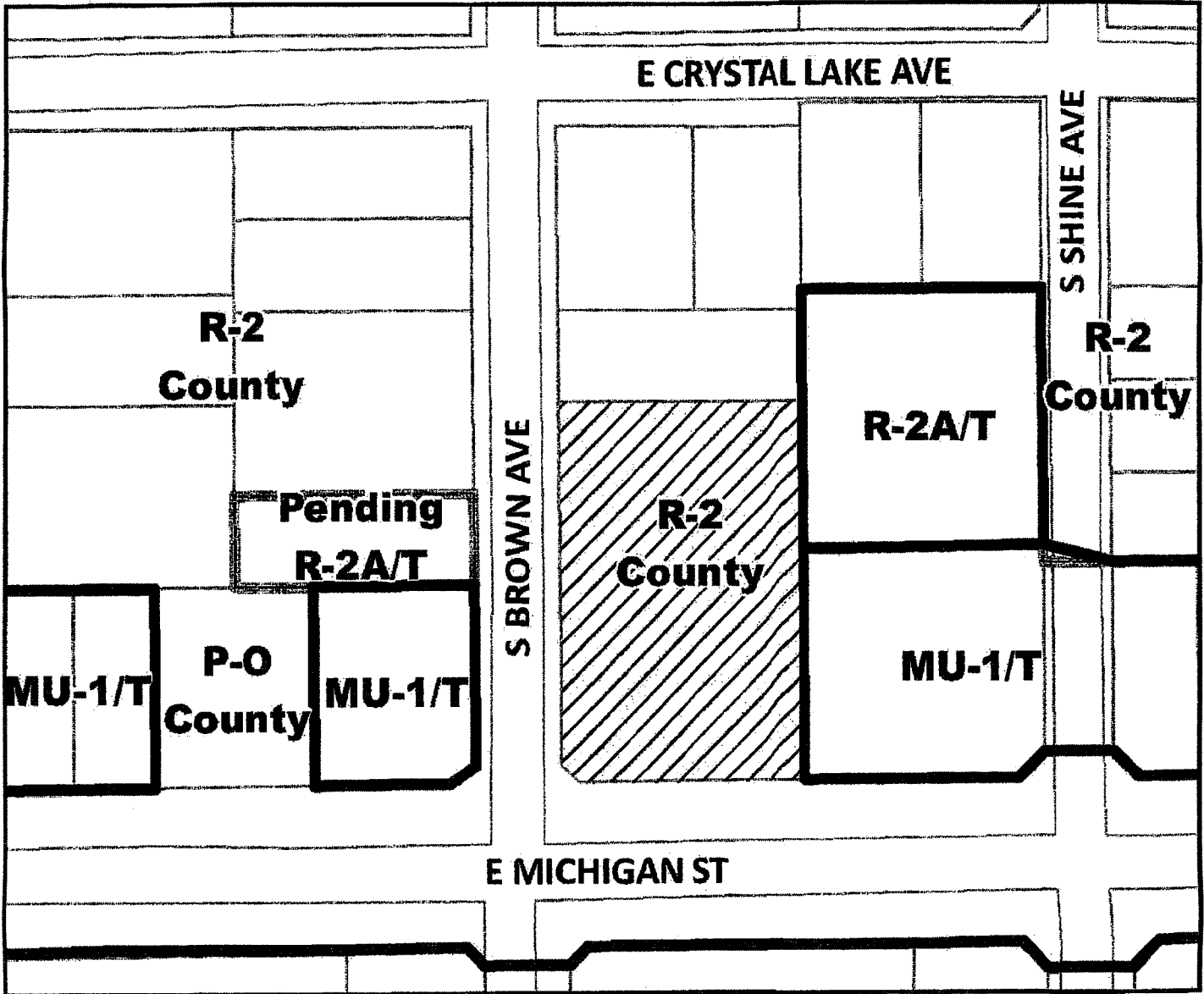
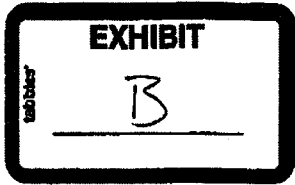
LOTS 12 THROUGH 16 (LESS RIGHT OF WAY ON SOUTH PER OFFICIAL RECORDS BOOK 2037, PAGE 759), MICHIGAN AVENUE PARK, AS RECORDED IN PLAT BOOK M, PAGE 87, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 12, MICHIGAN AVENUE PARK, AS RECORDED IN PLAT BOOK M, PAGE 87, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N 89°40'37" E ALONG THE NORTH LINE OF SAID LOT 12 A DISTANCE OF 141.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE S 00°00'00" E ALONG THE EAST LINE OF LOTS 12, 13 AND 14 OF SAID MICHIGAN AVENUE PARK A DISTANCE OF 214.78 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF MICHIGAN AVENUE; THENCE N 89°44'34" W ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 131.02 FEET; THENCE N 44°39'00" W A DISTANCE OF 14.21 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF S. BROWN AVENUE; THENCE N 00°00'00" W ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 203.29 FEET TO THE POINT OF BEGINNING.

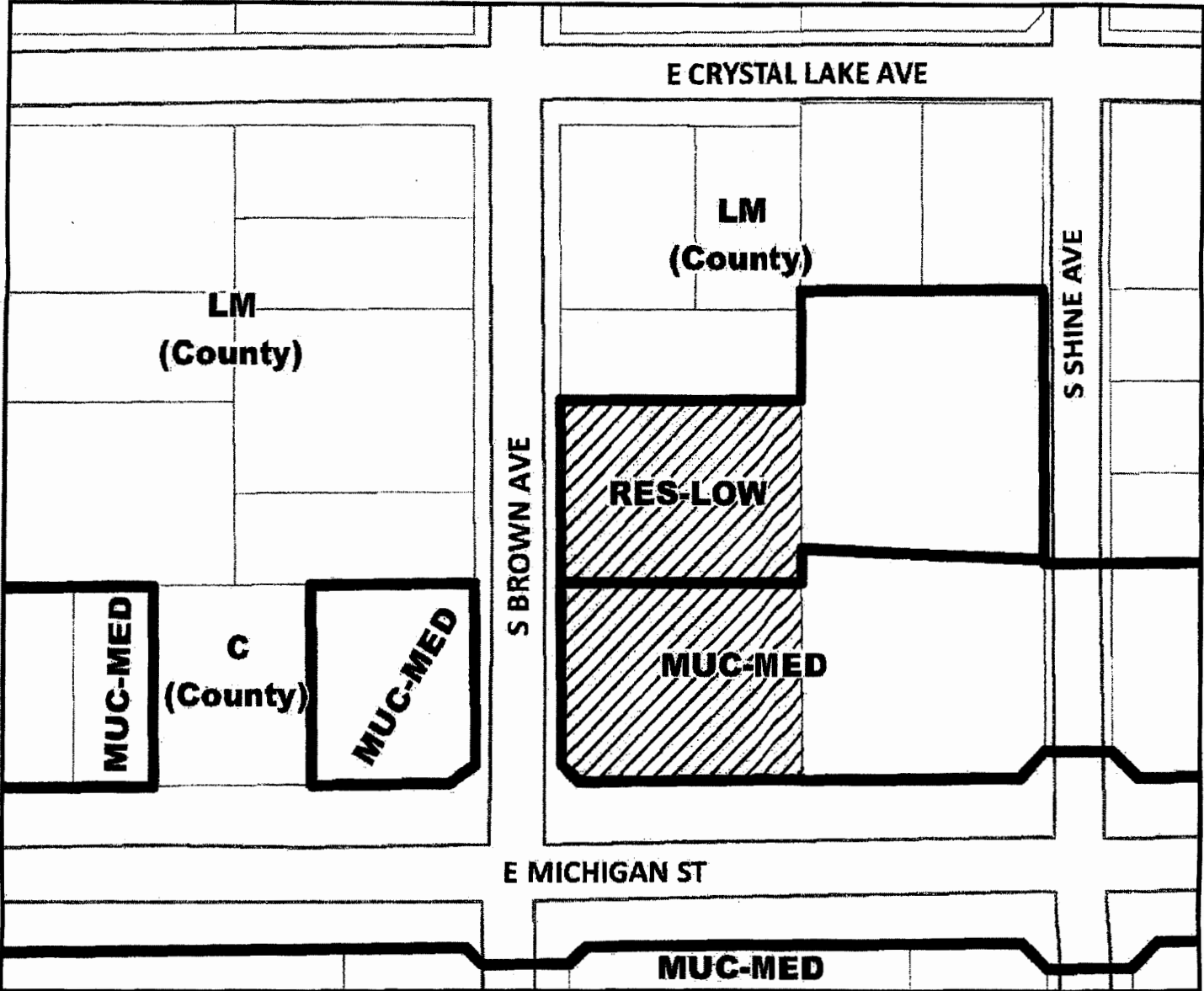
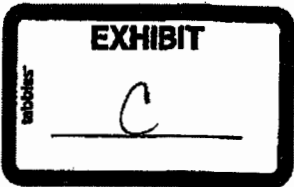
HAVING AN AREA OF 30,133 SQUARE FEET, OR 0.692 ACRES MORE OR LESS.

| OF |



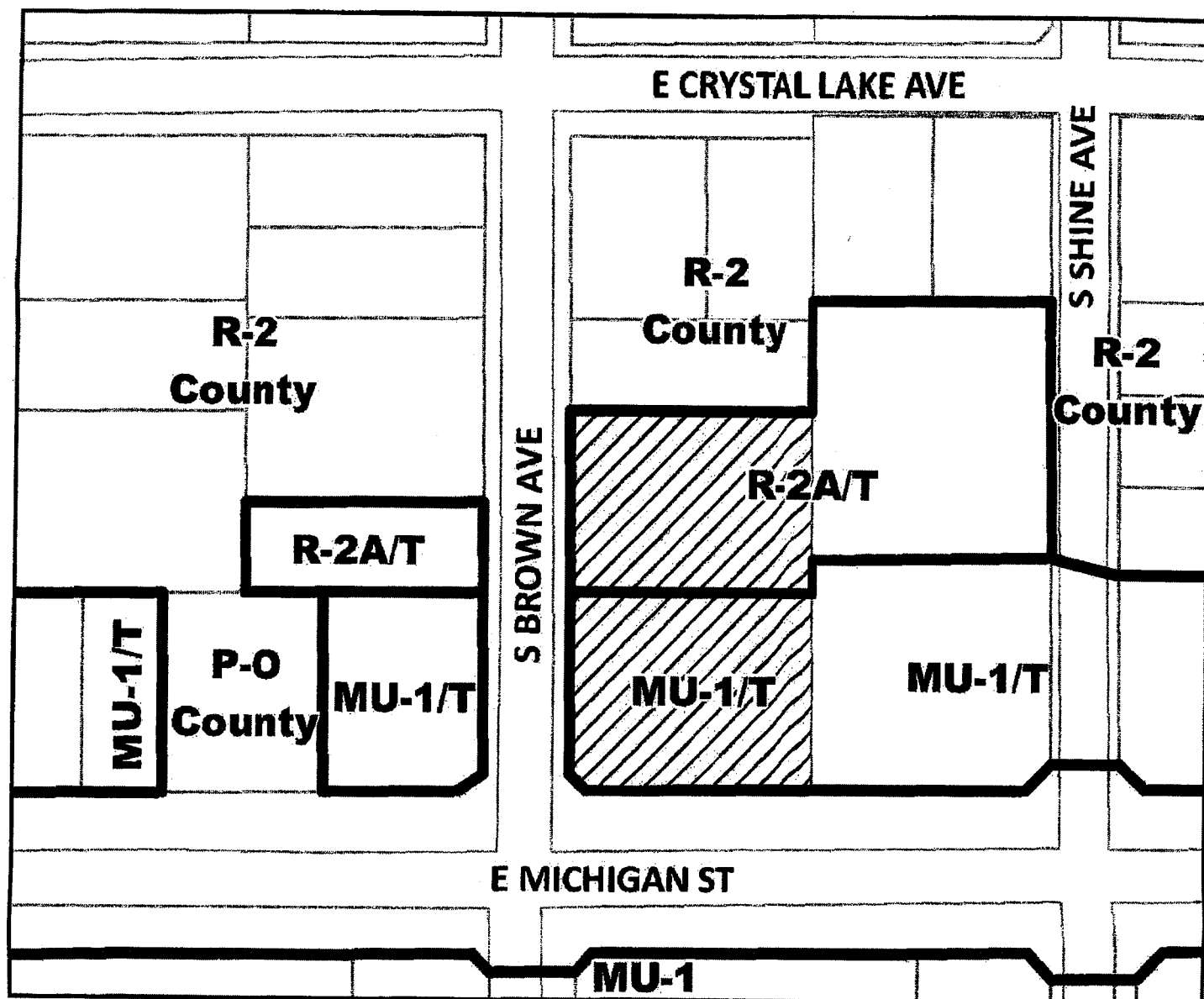
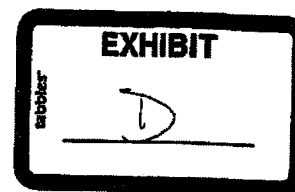
ANX2016-00004





Future Land Use - Proposed GMP2016-00007





Zoning - Proposed ZON2016-00007



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 continuing costs in future years. Include all related costs necessary to place the asset in service.

1. DESCRIPTION: Annexation of a 0.679 acre property located north of E. Michigan Street, east of S. Brown Street and south of E. Crystal Lake Avenue.

COSTS:

2. Does the acceptance of this action require the hiring of additional or new personnel or the use of overtime?
☐ Yes ☒ No (if Yes, include all personnel costs below).

3. Is the action funded in the current year budget and/or through reallocation of existing Department resources:
☒ Yes ☐ No If No, how will this item be funded? _____ PLEASE NOTE: If the action is funded by a grant received by the City please include the fiscal year of the funding award, grantor name, granting agency or office name (if any), grant name and when the grant agreement was approved by City Council.

Did this item require BRC action? ☐ Yes ☒ No If Yes, BRC Date: _____ BRC Item #: _____

4. This item will be charged to Fund/Dept/Program/Project: Not Applicable.

5.	(a) Current Year Estimate	(b) Next Year Annualized	(c) Annual Continuing Costs Thereafter
Personnel	\$0	\$	\$
Operating			
Capital			
Total	<u>\$0</u>	<u></u>	<u></u>

6. If costs do not continue indefinitely, explain nature and expiration date of costs: _____

7. OTHER COSTS

(a). Are there any future costs, one-time payments, lump sum payments, or other costs payable for this item at a later date that are **not** reflected above: ☐ Yes ☒ No

(b) If yes, by Fiscal Year, identify the dollar amount and year payment is due: \$ _____ Payment due date _____

(c) What is the nature of these costs: _____

REVENUE:

8. What is the estimated increase in "valuation" added to the tax rolls? \$ 302,076. Tax roll increase is:

☒ real property, ☐ tangible personal property, ☐ other (identify _____).

9. What is source of the revenue and the estimated annual recurring revenue? Source: Ad Valorem Tax \$ 2,008

10. If non-recurring, what is the estimated Fiscal Year and amount of non-recurring revenue that will be realized?

Source N/A Fiscal year _____ \$ _____ non-recurring revenue

11. What is the Payback period? N/A years

12. JUSTIFICATION: Document justification for request. Include anticipated economies or efficiencies to be realized by the City, including reductions in personnel or actual cost (cash flow) reductions to be realized in your budget. The annexation will add to the City's ad valorem tax base.

13. APPROVED: Dean Grandin, Division Manager (Submitting Director or authorized Division Mgr **Only**)

FIS 3/14/08

Published Daily
ORANGE County, Florida

STATE OF FLORIDA

COUNTY OF ORANGE

Before the undersigned authority personally appeared

Brandon DeLoach / Maria Torres / Ingrid Quiles, who on oath says that he or she is an Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper published at the ORLANDO SENTINEL in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of 11200-Misc. Legal, **Ordinance #2016-63** was published in said newspaper in the issues of Aug 28, 2016; Sep 04, 2016.

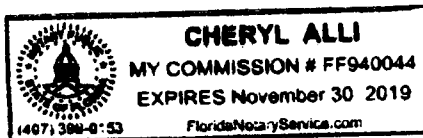
Affiant further says that the said ORLANDO SENTINEL is a newspaper published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, Florida, in said ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Brandon DeLoach
Signature of Affiant

Brandon DeLoach
Printed Name of Affiant

Sworn to and subscribed before me on this 6 day of September, 2016,
by above Affiant, who is personally known to me (X) or who has produced
identification ().

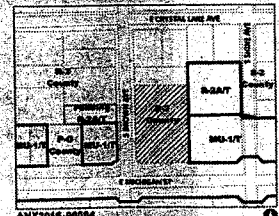
Cheryl Alli
Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

Notice of Proposed Enactment

On September 15, 2016 the Orlando, City Council will consider proposed ordinance #2016-63, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, ANNEXING TO THE CORPORATE LIMITS OF THE CITY CERTAIN LAND GENERALLY LOCATED NORTH OF E. MICHIGAN STREET, EAST OF S. BROWN STREET, AND SOUTH OF E. CRYSTAL LAKE AVENUE, ADDRESSED AS 1401 E. MICHIGAN STREET, AND COMPRISED OF 0.697 ACRES OF LAND, MORE OR LESS; AMENDING THE CITY'S ADOPTED GROWTH MANAGEMENT PLAN TO DESIGNATE THE PROPERTY AS RESIDENTIAL LOW INTENSITY, IN PART, AND MIXED USE CORRIDOR MEDIUM INTENSITY VILLAGE, IN PART, ON THE CITY'S OFFICIAL FUTURE LAND USE MAPS; DESIGNATING THE PROPERTY AS THE R-2A FAMILY DISTRICT ALONG WITH THE TRADITIONAL CITY OVERLAY, IN PART AND THE MU-1 MEDIUM INTENSITY MIXED USE CORRIDOR DISTRICT ALONG WITH THE TRADITIONAL CITY OVERLAY DISTRICT, IN PART, 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.



A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by Council with respect to any matter considered at the hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The proposed ordinance and a complete legal description by metes and bounds of the area proposed for annexation may be inspected by the public at the Office of the City Clerk located on the 2nd floor of Orlando City Hall, 400 S. Orange Avenue, Orlando, Florida. Qualified persons with disabilities needing auxiliary aid or service, or other assistance, so they can participate equally in this meeting should contact the Office of the City Clerk at (407) 246-2251 as soon as possible but no later than 48 hours before the meeting.