

**ORDINANCE NO. 2817-10**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" SO AS TO REPEAL AND RE-ADOPT POLICY 1-3.8.4 IN THE FUTURE LAND USE ELEMENT REGARDING THE CONDITIONS UNDER WHICH FUTURE LAND USE MAP CHANGES ARE PERMITTED FROM SINGLE FAMILY OR LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY OR HIGH DENSITY RESIDENTIAL, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature has adopted Chapter 163, Florida Statutes which requires all local communities to adopt Comprehensive Plans pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development: and

**WHEREAS**, the Winter Park City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09, and

**WHEREAS**, the City Commission desires to amend one policy in the text of the Future Land Use Element, and

**WHEREAS**, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment having held an advertised public hearing on January 12, 2010, provided for participation by the public in the process and rendered its recommendations to the City Commission; and

**WHEREAS**, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on January 25, 2010 and June 28, 2010 and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

**NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" is hereby amended so as to repeal and re-adopt Policy 1-3.8.4 in the Future Land Use Element on Page 1-23 of the Goals, Objectives and Policies to read as follows:

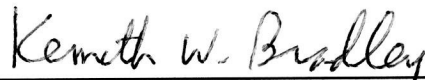
**Policy 1-3.8.4: Encourage Single-Family Detached Homes.** The City shall encourage single family detached homes as opposed to apartments and condominiums by strongly discouraging Future Land Use Map amendments from Single-Family Residential or Low-Density Residential to Medium or High-Density Residential. The intent of this policy is to provide a smooth transition of density/intensity of land use. However, the sole exception to this policy shall be with respect to an existing residential elderly housing development that is larger than 10 acres, the parcel to be changed is internal to the development, being at least 200 feet from Low Density or Single Family in other ownership and there is a step down in intensity towards the perimeter of the development.

**SECTION 2. Severability.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**SECTION 3. Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 4.** The effective date of this Plan Amendment shall be the date a Final Order is issued by the Florida Department of Community Affairs or the Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, development agreements or land uses dependent on this ordinance or Plan Amendment may be issued or commenced before the Plan Amendment has become effective. If the final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 28<sup>th</sup> day of June, 2010.



Mayor Kenneth W. Bradley

Attest:



City Clerk Cynthia Bonham