

**ORDINANCE NO. 2865-12**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO OFFICE AND PROFESSIONAL ON THE PROPERTY AT 1210 DALLAS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; AND AMENDING PLANNING AREA "J" POLICY 1-4.1.J.11 IN THE FUTURE LAND USE ELEMENT TO ADD AN EXCEPTION TO THE ENCROACHMENT OF NON-RESIDENTIAL LAND USE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

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

**WHEREAS**, the owner of the property more particularly described herein has requested an amendment to the Comprehensive Plan for this property, and such amendment meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

**WHEREAS**, the City Commission also 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 December 6, 2011, 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 9, 2012 and January 23, 2012 and provided for 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" future land use plan map is hereby amended so as to change the future land use map designation of single family residential to office and professional on the property at 1210 Dallas Avenue, said property being more particularly described as follows:

Lot 18, Block 3, Killarney Estates Resurvey as recorded in Plat Book "L", Page 9 of the Public Records of Orange County, Florida.

Property Tax ID # 12-22-29-4172-03-180

**SECTION 2.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan", Planning Area "J" Policy 1-4.1.J.11 in the Future Land Use Element on Page 1-61 of the Goals, Objectives and Policies is amended to read as follows:

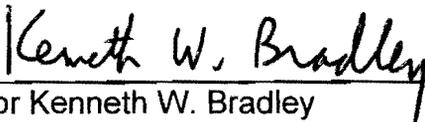
Policy 1-4.1.J.11: Protect Single-Family Residential Use in the Killarney neighborhood from Non-Residential Land Use Encroachment. The City shall preserve and protect single-family residential land use within the Killarney neighborhood from commercial and office encroachment, excluding parcels that have or obtain the Parking Lot (PL) zoning designation along the edges where commercial, office and residential meet. All development should include appropriate landscape buffers, including walls if necessary, so as not to have a negative impact on the residential neighborhood.

**SECTION 3. 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 4. Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 5. Effective Date.** This Ordinance may not become effective until 31 days after adoption. If challenged within 30 days after adoption, this Ordinance may not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 23rd day of January, 2012.

  
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Mayor Kenneth W. Bradley

Attest:  
  
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City Clerk Cynthia Bonham