

**ORDINANCE NO. 2888-12**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF COMMERCIAL (C-3) DISTRICT TO MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT ON THE PROPERTY AT 271 N. PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING; CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the owner of the property more particularly described herein has requested rezoning in compliance with the Comprehensive Plan, and the requested zoning will achieve conformance with the Comprehensive Plan future land use designation for this property, and such municipal zoning 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; and

**WHEREAS**, the Planning and Zoning Board and City Staff of the City of Winter Park have recommended approval of this Ordinance at their September 11, 2012 meeting; and

**WHEREAS**, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

**WHEREAS**, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

**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 III, "Zoning" and the Official Zoning Map are hereby amended so as to change the existing zoning designation of commercial (C-3) district to medium density multi-family residential (R-3) district zoning on the property at 271 N. Pennsylvania Avenue (the "Property"), said property being more particularly described as follows:

Lot 12 (less the North 100 feet thereof), Block E, Capens Addition to Winter Park as recorded in Plat Book "A", Page 95 of the Public Records of Orange County, Florida.

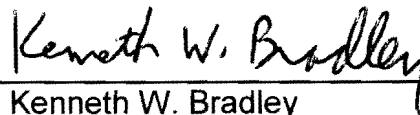
Property Tax ID # 06-22-30-1168-05-122 and # 06-22-30-1168-05-121

**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 shall become effective upon the effective date of Ordinance 2887-12 and this Ordinance will not become effective unless title to the Property becomes vested in Rex-Tibbs Construction Company, Inc. or its assignee. If Ordinance 2887-12 does not become effective, then this Ordinance shall be null and void.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 8th day of October, 2012.



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Mayor, Kenneth W. Bradley

Attest:



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City Clerk, Cynthia S. Bonham, MMC