

**ORDINANCE NO. 2893-12**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" IN THE FUTURE LAND USE ELEMENT SO AS TO ADD A NEW POLICY INCREASING THE RESIDENTIAL DENSITY FOR AND LIMITED TO, THE PROPERTY AT 444 W. NEW ENGLAND; 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 property at 444 W. New England Avenue was affected by a change to the City's Comprehensive Plan, which reduced density to 17 units/acre; and

**WHEREAS**, the owner has requested an amendment to the Comprehensive Plan in recognition of the fact that the adoption of the 17 units per acre standard made the parcel non-conforming, as the existing building exceeds that density limit. This amendment will remedy the non-conformity and allow greater flexibility in tenant usage within the existing floor space and eliminate a barrier to future investment; and

**WHEREAS**, the Comprehensive Plan amendment meets the criteria established by Chapter 163 and 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 City Commission desires to amend the Future Land Use Element in order to add a new policy to eliminate a non-conformity and allow greater tenant flexibility within the existing building; 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 August 7, 2012, 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 August 27, 2012 and November 12, 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", is amended to add a new Policy in Planning Area "H", Policy 1-4.1.H.12 in the Future Land Use Element on Page 1-56 of the Goals, Objectives and Policies to read as follows:

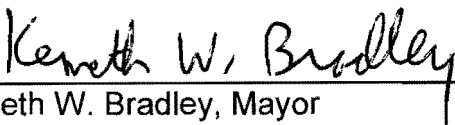
**Policy 1-4.1.H.12: Provide for Additional Residential Density at 444 W. New England Avenue.** Notwithstanding the residential density limits established for the Central Business District future land use category elsewhere within this element, this specific policy shall enable the property at 444 W. New England Avenue, to be used at a maximum residential density of up to 48 units per acre. This density allowance may only be applied to residential use within the existing second floor of the existing building as of the date of adoption of this Policy. Residential units are not permitted on the ground floor of the building located at 444 W. New England Avenue.

**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. Effective Date.** An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be 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 12th day of November, 2012.

  
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Kenneth W. Bradley, Mayor

Attest:

  
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Cynthia S. Bonham, City Clerk