

ORDINANCE NO. 2894-12

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-75 "COMMERCIAL (C-2) DISTRICT" SO AS TO INCREASE THE RESIDENTIAL DENSITY FOR AND LIMITED TO THE PROPERTY AT 444 W. NEW ENGLAND IN CONFORMANCE WITH THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the property at 444 W. New England Avenue was affected by a change to the City's Land Development Code, which reduced the potential density to 17 units per acre; and

WHEREAS, the owner has requested an amendment to the Land Development Code 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 zoning text amendment is consistent with the Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the 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 City Staff recommends this Ordinance, and the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their August 7, 2012 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing 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", Section 58-75 "Commercial (C-2) district", subsection (e) (7) is hereby amended to read as follows:

Sec. 58-75. Commercial (C-2) District.

(e) *Development standards.*

(7) Residential density:

(a) The maximum residential density shall not exceed seventeen (17) units per acre.

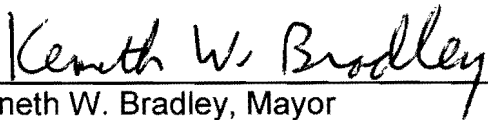
(b) Notwithstanding this residential density limit, the property at 444 W. New England Avenue may be used at a maximum residential density of up to 48 units per acre. This density allowance may only be applied to residential use within the existing second floor of the existing building as of the date of adoption of this subsection. 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. This Ordinance shall become effective upon the effective date of Ordinance 2893-12. If Ordinance 2893-12 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 12th day of November, 2012.



Kenneth W. Bradley, Mayor

Attest:



Cynthia S. Bonham, City Clerk