

ORDINANCE NO. 2971-14

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA;
ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS,
OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE
ELEMENT RELATED TO REPEALING THE REQUIREMENT FOR A
SUPERMAJORITY VOTE OF THE CITY COMMISSION TO APPROVE
CERTAIN CONDITIONAL USES; PROVIDING FOR SEVERABILITY,
CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Section 2.08(d) of the Charter of the City of Winter Park ("Charter") provides that a quorum of the City Commission shall exist when a majority of the Commissioners are present; and

WHEREAS, Section 2.01 of the Charter provides that the City Commission consists of five (5) members, and therefore, a majority of the City Commission consists of three (3) members; and

WHEREAS, Section 2.11 of the Charter provides that a proposed ordinance shall be adopted when it has received the affirmative vote of a majority of the City Commission physically present on at least two (2) separate days at either regular or special meetings of the Commission; and

WHEREAS, when only three (3) Commissioners are in attendance at a meeting of the City Commission, an ordinance may pass on two (2) votes of the Commissions that are physically present;

WHEREAS, the City Commission adopted its Cornprehensive Plan on February 23, 2009 via Ordinance 2762-09 and desires to modify the Policies regarding the procedures for the approval of conditional uses specified in the Comprehensive Plan that were adopted by Ordinance 2793-10, and

WHEREAS, the City Commission via the adoption of Ordinance 2909-13 on April 22, 2013 resolved the conflict between the Charter and the Comprehensive Plan by removing Policies requiring a supermajority (four votes) needed for the adoption of Comprehensive Plan amendment ordinances; and

WHEREAS, the City Commission seeks to achieve conformity for the approval of conditional uses by removing policies in the Comprehensive Plan requiring a supermajority (four votes) needed for the approval of certain conditional uses; and

WHEREAS, the goal of the City Commission is to remove conflicts that exist between those provisions of the Charter and Comprehensive Plan which require an affirmative vote of a supermajority of the Commissioners in order to pass an ordinance or conditional uses, and Section 2.11 of the Charter, which requires only a majority of the

Commissioners physically present in order to pass an ordinance; and

WHEREAS, the municipal charter is the paramount law of the municipality; and

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

Section 1. Incorporation of Recitals as Legislative Findings. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission. The City Commission finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

Section 2. Revisions to Comprehensive Plan Policy 1-1.1.3. That the Comprehensive Plan is hereby amended so as to repeal and re-adopt Policy 1-2.6.2; Policy 1-3.2.2 and Policy 1-3.8.9 in the Future Land Use Element of the Goals, Objectives and Policies to read as follows and revising that subsection to read as follows:

Policy 1-2.6.2: Conservation (CON). The FLUM shall designate lands that are natural and conservation resources as "CON." It is the intent of the "CON" land use designation to provide for the long-term protection and preservation of environmentally sensitive natural resource systems. The Conservation Future Land Use Map designation is designed to indicate the specific areas, of wetland floodways and the 100-year flood plain, for the Howell Branch Creek areas between Lakes Sue and Virginia and north of Lake Maitland that shall be conserved in their natural condition so that the physical and biological functions of the land may be optimized. No development other than structures that benefit the general public, such as boardwalks or access way for maintenance, are permitted on this land and/or stream front wetland floodplain areas. Access is limited so that these areas may also serve as a safe haven area for wildlife. The City shall have the option of obtaining a conservation easement from the property owner(s) to protect sum lands. The only exception and intensity of use potentially permitted is a boardwalk or gazebo for the passive enjoyment of this natural area provided the construction and use is non-intrusive and non-disruptive to the primary purpose as a natural conservation area.

Policy 1-3.2.2: Maintain the Character and Scale of the Central Business District: The City shall maintain the character and scale of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. This Comprehensive Plan imposes a two story and 30' height limit throughout the Central

Business District as depicted on the Winter Park Central Business District Boundary Map located in the Definitions section of this Comprehensive Plan. These height restrictions may be increased to a maximum 3 stories and a 40' height limit if the development is approved by the City Commission as a Conditional Use and conforms to the Maximum Height Map. Third floors approved by conditional use in the CBD must be setback on street frontages equal to their height of a one foot setback for each one foot height of the third floor. Properties designated low density residential, and other properties identified as limited to two stories on the Maximum Height Map are not candidates for the 3 story and 40 foot height Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages may be excluded from floor area calculations by the City Commission.

Policy 1-3.8.9: Preserve the Pedestrian Scale and Orientation of the CBD and Restrict Building Height. The City shall preserve the pedestrian scale and orientation of the Winter Park Central Business District Boundary Map, as defined in the Definitions section of this Comprehensive Plan, by limiting development for any property to two stories in height (30 feet) or three stories (40 feet) (including any mezzanine levels) on a case by case basis via conditional use approval by the City Commission for any third floor. The pedestrian orientation is also protected by prohibiting new drive-in businesses within the C-2 zoning locations east of Virginia Avenue. Approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor. Properties designated low density residential and properties limited to two stories on the Maximum Height Map are not candidates for the 3 story and 40' height conditional use.

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.

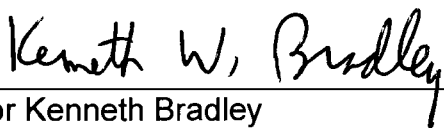
Section 4. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

Section 5. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date Of Ordinance. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state


land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 14th day of July, 2014.



Mayor Kenneth Bradley

Attest:



Cynthia Bonham, MMC, City Clerk