

ORDINANCE NO: 2693-07

AN CITIZEN INITIATIVE ORDINANCE OF THE CITIZENS OF WINTER PARK, FLORIDA, REQUIRING APPROVAL BY THE ELECTORS OF THE CITY OF WINTER PARK BEFORE THE CITY CAN AUTHORIZE OR ALLOW TO BE AUTHORIZED THE USE OF ANY LANDS OWNED OR CONTROLLED BY THE CITY IN CENTRAL PARK OR THE CENTRAL BUSINESS DISTRICT OF WINTER PARK FOR THE CONSTRUCTION, RENOVATION, OR OPERATION OF A COMMUTER RAIL STATION; PROVIDING A DEFINITION OF THE TERM "CENTRAL BUSINESS DISTRICT" AND PHRASE "OWNED OR CONTROLLED;" PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, this citizen initiative ordinance is being proposed pursuant to Article V, Section 5.04 of the City Charter of Winter Park; and

WHEREAS, the purpose of this ordinance is to allow the registered electors of Winter Park the opportunity to approve or reject the use of any lands owned or controlled by the City in Central Park or the Central Business District of Winter Park for the construction, renovation, or operation of a commuter rail station; and

WHEREAS, the citizens of Winter Park desire to ensure that development and redevelopment in Winter Park will maintain the unique ambiance and character of the City by preserving the Village scale of the City; and

WHEREAS, the City of Winter Park must strive to control development and its consequences on the unique ambiance and character of the City and on acceptable levels of service that affect traffic, parking, pedestrian and building congestion, and parks; and

WHEREAS, there is a current proposal for development of a commuter rail transit system along the CSX rail corridor, which it is anticipated would run on the railroad tracks adjacent to and through Central Park; and

WHEREAS, the creation of a commuter rail station in the City of Winter Park is a matter of significant local concern for the citizens of Winter Park and could have an impact on City's unique ambiance and character and on traffic, pedestrian and building congestion, parking, and parks, as well as impact the retail and other businesses operating within the City; and

WHEREAS, prior to the use of any lands owned or controlled by the City in Central Park or the Central Business District of Winter Park for the construction, renovation, or operation of a commuter rail station, the citizens of Winter Park deem it is desirable to first hold a referendum election by which the citizens can approve or reject said use of land.

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

Section 1. Use of City Owned Lands for Commuter Rail Station.

(a) Unless authorized by the electors of the City of Winter Park at a duly held referendum election, the City shall not authorize or allow to be authorized the use of any land, which is owned or controlled by the City in Central Park or in the Central Business District of Winter Park, for the construction, renovation, or operation of a commuter rail station.

(b) For purposes of this section, the term "Central Business District" shall mean a geographic area of Winter Park, Florida which is bounded on Webster Avenue on the north, Park Avenue on the east, Holt Avenue on the south, and Virginia Avenue on the west. The phrase "owned or controlled" shall refer to land that is in the possession of the City by and through fee simple deed, lease, dedication, easement, license or any other document which has conveyed an interest in land to the City.

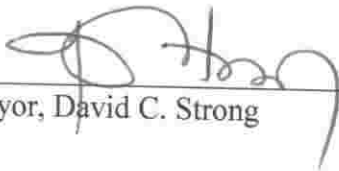
Section 2. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 3. Incorporation Into Code. Upon adoption, this Ordinance shall be incorporated into the Winter Park City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission, without any change in substance, pursuant to Article V. Section 5.08(a) of the City of Winter Park Charter, or upon approval by majority vote of the qualified electors of the City of Winter Park in accordance with Article V. Section 5.08(b) of the City of Winter Park Charter.

ADOPTED at a regular meeting of the City Commission of the City of Winter park, Florida, held at City Hall, Winter Park, Florida, on the 16th day of January, 2007.



Mayor, David C. Strong


ATTEST:



City Clerk, Cynthia S. Bonham

ALTERNATIVELY, ADOPTED at a duly held election of the qualified electors of the City of Winter Park, Florida, on the 16th day of JANUARY, 2007, by a vote of 5 in favor of the initiative ordinance and 0 not in favor.

ATTEST TO ELECTION RESULTS:



City Clerk, Cynthia S. Bonham