

ORDINANCE NO. 2825-10

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" WITHIN THE FUTURE LAND USE ELEMENT SO TO AS AMEND POLICIES INVOLVING DENSITIES, BUILDING HEIGHTS AND MIX OF USES WITHIN THE CENTRAL BUSINESS DISTRICT AND MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CATEGORIES; AMEND POLICIES CONCERNING THE PROHIBITIONS ON SUBDIVISIONS AND CERTAIN FUTURE LAND USE MAP CHANGES AND TO CLARIFY CERTAIN OTHER POLICY PROVISIONS AND DEFINITIONS, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Winter Park City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09 which was subsequently determined to be in compliance by the Florida Department of Community Affairs with Chapter 163, Florida Statutes and Florida Administrative Code on May 14, 2009, and

WHEREAS, the City Commission now desires to amend and modify certain policies and definitions within the Future Land Use Element and Definitions section of the Comprehensive Plan, and

WHEREAS, these City initiated amendments of the Comprehensive Plan Future Land Use Element and Definitions section meet the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code 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 proposed amendments were reviewed and a recommendation provided following a duly noticed public hearing by the City's Planning and Zoning Board on June 8, 2010, and said amendments were found to be consistent with the Comprehensive Plan, and

WHEREAS, this ordinance has been approved on first reading by a supermajority of the City Commission on June 28, 2010 and authorized for transmittal to the Fl. DCA, as is required by Section 58-6 of the Code of Ordinances.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" of the Code of Ordinances is hereby amended by repealing and replacing within the Future Land Use Element Policy 1-2.3.3 on Page 1-6/7 involving the central business district future land use category to read as follows:

Policy 1-2.3.3: Central Business District (CBD). This land use designation includes the retail business, restaurant, professional office and residential uses up to a density of 17 units per acre that are permitted within the historic downtown core of Winter Park. Properties with this land use classification are zoned C-2. This designation differs from the other commercial, office or planned development designations in terms of the land use policies for this area which strive to maintain and enhance pedestrian orientation, preserve the scale of the historic premiere retail areas, enhance the eclectic mix of architectural styles, preserve and maintain the mix of retail, office and residential uses, preserve the open space vistas and non-commercialization of historic Central Park and the predominance of small distinctive specialty shops. The floor area ratio shall not exceed the percentages listed in the Maximum Future Land Use Density/Intensity Table and as governed by the maximum number of stories permitted in the Maximum Height Map within this Future Land Use Element and the maximum mix of residential unit areas within any such building shall be included on upper floors and shall not exceed fifty (50%) percent of the total building area, with the residences confined to the upper floors.

SECTION 2. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" of the Code of Ordinances is hereby amended by repealing and replacing within the Future Land Use Element Policy 1- 3.8.6 on Page 1-24 involving the medium density residential future land use category to read as follows:

Policy 1-3.8.6: Promote Appropriate Scale and Height for Medium Density Multi-Family Development. ~~Except within the Central Business District geographical area, no multi-family residential development within areas designated medium density residential (R-3) that are located within the city on properties east of Denning Drive shall not exceed two stories in height unless approved via conditional use by the City Commission. In addition, such third floors must be entirely contained within a sloping roof having a maximum 12:12 roof slope. Notwithstanding, the maximum floor area ratios permitted elsewhere in this element, any buildings limited to two stories shall be restricted to a maximum 75% FAR.~~

SECTION 3. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" of the Code of Ordinances is hereby amended by repealing and replacing within the Future Land Use Element various policies including Policy 1-4.1A.3 on Page 1-37; 1-4.B.14 on Page 1-39; 1-4.H.3 on Page 1-55; 1-4.1.H.7 on page 1-55; 1-4.1.H.8 on page 1-55 and 1-4.1.J.3 on Page 1-60 involving applications for amendments to future land use categories to read as follows:

Policy 1-4.1.A.3: Prohibited Comprehensive Plan Amendments from Residential to Office/Professional. Comprehensive plan amendments from residential to office/professional on the south side of Howell Branch Road from the Maitland city limits to

Temple Drive shall be deemed to be in conflict with the Comprehensive Plan.

Policy 1-4.1.B.14: Maintain Residential Zoning in Certain Areas along Edwin Boulevard and Lakemont Avenue. No Comprehensive plan amendments from residential to office/professional or commercial shall be deemed to be in conflict with the Comprehensive Plan ~~occur~~ north of Edwin Boulevard along Lakemont Avenue or on properties fronting on Edwin Boulevard.

Policy 1-4.1.H.3: Restrictions on Multifamily Development. The City shall strongly discourage ~~prohibit~~ Comprehensive Plan Amendments from Low-Density to Medium-Density or High-Density Residential Multifamily Future Land Use Map designations.

Policy 1-4.1.H.7: Prohibit Non-Residential Uses on Certain Segments of New England Avenue and Symonds Avenue. ~~The City shall prohibit~~ Non-residential land uses and zoning on New England Avenue between Denning Drive and Pennsylvania Avenue and on Symonds Avenue between Capen Avenue and Pennsylvania Avenues shall be deemed to be in conflict with the Comprehensive Plan.

Policy 1-4.1.H.8: Prohibit Commercial, Office, or Non-residential Development on the East Side of Denning Drive or Webster Avenue. The conversion or redevelopment of any existing residential property fronting on the east side of Denning Drive or on Webster Avenue for commercial, office or other non-residential development shall be deemed to be in conflict with the Comprehensive Plan.

Policy 1-4.1.J.3: Protect Low-Density Residential Use West of Schultz Avenue within Lawndale, and Prevent Strongly Discourage Non-Residential Encroachment and Maintain the Low-Density Future Land Use Map Designation; Restriction on Rezoning. The City shall preserve and protect the low-density residential land use west of Schultz Avenue, within Lawndale, in this planning area, from commercial and office encroachment. The Future Land Use Map shall maintain the Low-Density Residential designation and ~~no~~ FLU map amendments to non-residential or Planned Development Mixed-Use shall be deemed to be in conflict with the Comprehensive Plan ~~permitted~~ within 200 feet of Shultz Avenue.

SECTION 4. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" of the Code of Ordinances is hereby amended by repealing and replacing within the Future Land Use Element Policy 1-3.6.7 on Page 1-21 and Policy 1-3.7.1 on page 1-22 involving applications for subdivisions or lot splits for estates or lakefront properties and for lot consolidations to read as follows:

Policy 1-3.6.7: Subdivision of Lot Splits of Single Family Estate Properties. Historically, Winter Park is a distinct residential community in part because of the existence of large estate properties. These existing estates, many with historical or architectural significance, provide a character that in turn creates value throughout the surrounding neighborhoods and the community. Thus, their preservation maintains the attractive character of Winter Park that helps to set it apart from other cities in Florida.

The existence of large estate properties dispersed throughout Winter Park adds great attractiveness, appeal and value to residents and potential buyers as contrasted with newer more uniform homogenous subdivisions. In order to protect these features and values and preserve neighborhood character, the City shall strongly discourage ~~not consider or approve~~ any subdivisions or lot splits of estate lots (one acre or greater) within areas designated single family residential.

Policy 1-3.6.9: Lot Consolidations. ~~Within one year after adoption of this Comprehensive Plan~~ The City shall draft land development regulations which would require Planning Commission recommendation and City Commission approval for the consolidation or aggregation of residential lots in order to preclude the formation of lot sizes and resultant larger building sizes that may be out of scale and size with existing street or neighborhood character. Lot consolidations resulting in the addition of more than 25 feet of new lot width and if such consolidation also results in consolidated new lot sizes greater than 150% 425% of the lot width or and lot area standards shall require the approval by the City Commission. The City Commission in consideration of lot consolidation requests may limit the applicable floor area ratio as a condition of approval in order to preserve neighborhood scale and character.

Policy 1-3.7.1: Preserve Lakefront Estates. It is a policy of the City and of this Comprehensive Plan to maintain the diversity of sizes of lakefront properties and estates and to strongly discourage ~~prohibit~~ the subdivision or split of such properties. The City shall preserve low densities along the City's lakefront property, including larger lakefront estates in order to perpetuate the unique character of Winter Park that sets it apart from other cities throughout Florida.

SECTION 5. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" of the Code of Ordinances is hereby amended by repealing and replacing within the Future Land Use Element Policy, 1-2.1.6 on page 1-4 and Policy 1-3.8.11 on Page 1-24 & 1-25 that clarifies the intent of floor area ratio limitations and those geographic areas permitted to have a central business district future land use designation and in addition, also repealing altogether Policy 1-4.1.G.15 on Page 1-52 to read as follows:

Policy 1-2.1.6: Floor Area Ratio Limitations. The floor area ratios detailed in this Comprehensive Plan are the maximum density and intensity parameters potentially permitted in each respective future land use designation. These maximum floor area ratios are not an entitlement and are not achievable in all situations. Many factors may limit the achievable floor area ratio including limitations imposed by the Maximum Height Map, physical limitations imposed by property dimensions and natural features as well as compliance with applicable code requirements such as, but not limited to parking, setbacks, lot coverage and design standards. The City in the review and approval of conditional uses for specific projects may limit and restrict the achievable floor area ratios.

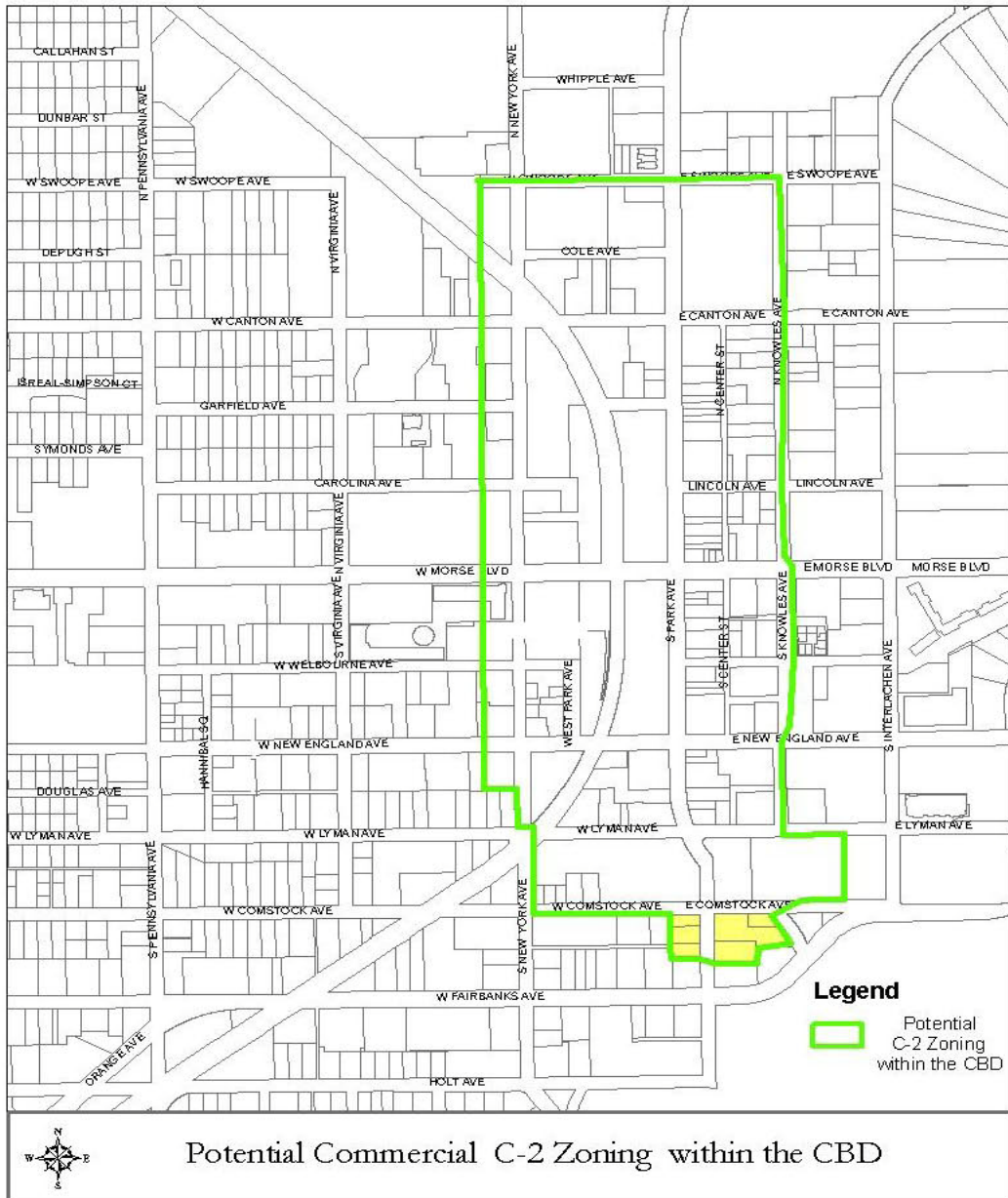
Policy 1-3.8.11: Restriction on the Use of CBD Future Land Use and (C-2) Zoning. The City shall only ~~not~~ permit the use of CBD future land use designations or (C-2) zoning on any property in ~~outside of~~ the Central Business District area depicted in the CBD Map

~~located on page D-4 within the definitions sections of this Comprehensive Plan. described as west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of and including the New York Avenue Corridor. CBD future land use and C-2 zoning may also be permitted or on properties abutting Morse Blvd between Capen and Virginia Avenues, abutting New England Avenue between Pennsylvania and New York Avenues, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. Applications for Central Business District future land use designations or C-2 zoning shall not be permitted accepted or processed by the City for any property outside these designated areas. Properties within these designated areas are not deemed entitled to Central Business District future land use or to C-2 zoning nor should any property owner have any reasonable expectation that CBD FLU/C-2 zoning will be allowed. These are simply the area locations where properties may be candidates for C-2 which may or may not be granted by the City Commission on a case by case basis. at their discretion.~~

~~**Policy 1-4.1.G.15: Limit Use of CBD Future Land Use Designation.** The City shall restrict the use of the Central Business District future land use designations and CBD (C-2) zoning district to those properties west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of Virginia Avenue. Properties with CBD future land use and zoning outside this geographic area in effect upon adoption of the Comprehensive Plan shall be entitled to utilize the uses and densities permitted.~~

SECTION 6. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" of the Code of Ordinances is hereby amended by repealing and replacing within the Definitions section of the Comprehensive Plan, Goals, Objectives and Policies; the definition and map of the "Central Business District Future Land Use Designated Area and Central Business District C-2 Zoning Map" on shown and described on Page D-4 to be re-titled as the "Potential Commercial C-2 Zoning Map within the CBD" to show and read as follows on the following page:

~~Central Business District Future Land Use Designated Area and Potential Commercial C-2 Zoning within the CBD Central Business District C-2 Zoning Map shows~~ The Central Business District Future Land Use Designated Area is shown within the green-outlined areas and is the only areas designated as with the potential candidates for CBD Future Land Use and associated C-2 zoning that are located within the Central Business District. Other candidates for C-2 zoning are described in Policy 1-3.8.11. The red-outlined area depicts the Winter Park Central Business District Boundary as shown on page D-3-

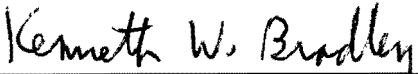


SECTION 7 - SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 8 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

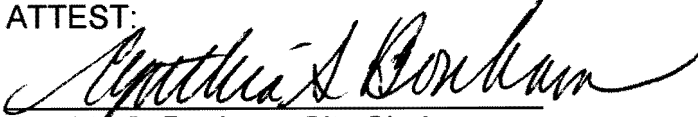
SECTION 9. EFFECTIVE DATE. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1) (b), F.S., whichever is applicable. No development 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 Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 11th day of OCTOBER, 2010.



Kenneth W. Bradley, Mayor

ATTEST:



Cynthia S. Bonham, City Clerk