

ORDINANCE NO. 2860-11

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO REVISE THE PUBLIC NOTICE REQUIREMENTS FOR ZONING AMENDMENTS AND CONDITIONAL USES AND THE EXTENSION OR RE-ESTABLISHMENT OF CONDITIONAL USES, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Commission of the City of Winter Park has recommended approval of this Ordinance at its October 4, 2011 meeting; and

**WHEREAS**, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning text change set forth hereunder and considered 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's Comprehensive Plan; and

**WHEREAS**, the City Commission hereby find 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 OF WINTER PARK:**

**SECTION 1.** That Chapter 58 "Land Development Code", Article III "Zoning" Section 58-89 "Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses", within subsection within 58-89 (c) "Requirements for public notification and hearings", subsection (c) (2) "Public notice requirements" paragraphs (a) (b) and (c) are amended to read as follows:

**Sec. 58-89. Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses.**

(c) *Requirements for public notification and hearings.*

(2) *Public notice requirements.*

- a. In addition to notice required by state law, for any proposed conditional uses involving drive-in business components, two-story buildings in the O-2 district of less than 10,000 gross square feet above grade, residential projects of three units or less, conditional use for restaurant or liquor licenses, new or used car sales, vehicle repair or service, parking lots or recreational facilities, said notice of the hearing shall be published in a newspaper of general circulation within the city at least fifteen (15) days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken

shall be posted upon the property and mailed to all owners of record of property within 500 feet of the property requested for rezoning at least fifteen (15) days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant.

- b. In addition to notice required by state law, for any amendment to the official zoning map for land of less than one acre and for conditional uses involving church expansions, residential projects of four to twenty-five units, buildings over 10,000 gross square feet and less than 35,000 gross square feet above grade, day care, nursing homes and assisted living complexes said notice of the hearing shall be published in a newspaper of general circulation within the city at least fifteen (15) days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of property of record within 1,500 feet of the property requested for rezoning at least fifteen (15) days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant.
  
- c. In addition to notice required by state law, for any proposed amendment to the official zoning map for land of more than 80,000 square feet and for conditional uses involving residential projects with over twenty-five units, buildings over 35,000 gross square feet above grade and third floor projects in the central business district, said notice of the hearing shall be published in a newspaper of general circulation within the city at least thirty (30) days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of record of property within 1,500 feet of the property, and mailed to all households as determined from the listing of utility billing addresses within the entire city limits at least thirty (30) days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant. Said postings of properties shall remain in place through the public hearing process. The city shall monitor this posting and provide replacements for any postings lost due to weather, vandalism, etc. However, the absence of a posting due to these conditions beyond the control of the city or the applicant shall not constitute a breach of this requirement provided a good faith effort is made to comply.

**SECTION 2.** That Chapter 58 "Land Development Code", Article III "Zoning" Section 58-90 "Conditional uses", within subsection 58-90 (d) "Expiration and re-establishment of conditional uses", subsection (d) (2) is amended to read as follows:

**Sec. 58-90. Conditional uses.**

(d) Expiration and re-establishment of conditional uses.

(2) The city commission may extend conditional uses or re-establish conditional use approvals that have expired at the discretion of the city commission. The advertisement and notification requirements shall not apply to the re-establishment of expired conditional uses except that for conditional uses approvals involving buildings over 10,000 square feet or involving three story buildings within the central business district geographic area as defined in this code, the

advertisement and notification requirements shall apply the same as for the initial approval of the conditional use in order for the city commission to extend or re-establish such conditional use approvals that have expired. For projects requiring city-wide notice, the alternative use of a quarter page display advertisement in a newspaper of general circulation shall substitute. However, for the re-establishment of any such conditional use requiring city-wide notice that has been expired in excess of three (3) years, the re-establishment of such conditional use shall require the city-wide notice.

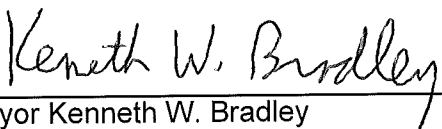
**SECTION 3. Severability.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**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.** This ordinance shall become effective immediately upon its final passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 14<sup>th</sup> day of November, 2011.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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City Clerk Cynthia S. Bonham