

ORDINANCE NO. 2861-11

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW PUBLIC NOTICE AND ADOPTION PROCEDURES FOR AMENDMENTS TO THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, SUBSTITUTING FOR THE CURRENT AMENDMENT PROCEDURES, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Winter Park City Commission desires to revise the public notice and amendment procedures in the City Code regarding comprehensive plan amendments to conform to the new Growth Management Act and to simplify the process; and

WHEREAS, the Planning and Zoning Board 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 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 I "Comprehensive Plan" of the Code of Ordinances is hereby amended within Section 58-6 "Amendments to the comprehensive plan" subsections (a) (3) and (a) (5) to read as follows:

Sec. 58-6. Amendments to the comprehensive plan.

(a) Amendments to the comprehensive plan shall at a minimum conform to the requirements as specified within Florida Statutes Chapter 163, Part II.

(3) No recommendation for transmittal or adoption of any amendment to the comprehensive plan shall be made by the planning and zoning commission until and unless a public hearing has been held. In addition to the public notice requirements of Florida Statutes Chapter 163, Part II, the city shall also conform to the following notice requirements. Notice shall be provided based upon the type and size of the request as detailed below. In cases where requests are not specifically indicated in this section, the planning director shall determine the most appropriate level of public notice.

a. For any proposed map amendment to the comprehensive plan involving land of less than 80,000 square feet , notice of the public hearings for transmittal in the case of large scale amendments or for adoption in the case of small scale amendments shall be published in a newspaper of general circulation within the city at least 15 days in advance of the public 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 requested for map amendment at least 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. For any proposed map amendment to the comprehensive plan involving land of 80,000 square feet or more or for any comprehensive plan text amendment to the goals, objectives and policies of the comprehensive plan affecting more than 80,000 square feet of land shall require notice of the public hearings for transmittal in the case of large scale amendments or for adoption in the case of small scale amendments, to be published in a newspaper of general circulation within the city at least 30 days in advance of the public hearings; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property affected by the map amendment and mailed to all owners of record of property within 1,500 feet of the property requested for map amendment as well as mailed to all households as determined from the listing of utility billing addresses within the entire city limits at least 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. Any public notice required after the initial public hearing for which a city-wide notice has already been mailed by the planning and zoning board or city commission due to tabling, continuance, postponement or any other action by the planning board shall revert to the 15 day notice so as to allow for requests to be heard at the next regular or special meeting of the planning and zoning board or city commission. This city-wide notice mailing requirement shall not apply to any comprehensive plan text amendment that changes the City's five year capital improvements plan or narrative thereto or other portions of the capital improvements element required to be adopted annually in order to coincide with the annual adoption of the city's budget and capital improvements program and shall also not apply to any comprehensive plan map amendment related to annexations that have been previously approved pursuant to Chapter 171, Florida Statutes, as may be necessary to update the city boundaries or to establish existing or future land use designations for annexed properties as long as there is no change to the existing and future land use designations in the Orange County Comprehensive Plan.

(5) Upon the filing of the recommendations report by the planning and zoning board , or upon failure to do so with respect to any proposed comprehensive plan text or map amendment, the city commission shall hold the first public hearing on the ordinance to transmit and adopt the comprehensive plan amendment, and in a timely fashion in accordance with Florida law, the city commission will hold a second public hearing on the ordinance to adopt such comprehensive plan amendment, with such notice and hearings to be conducted in the manner prescribed by law. With respect to small-scale amendments that do not require transmittal to the State of Florida, there shall be two public hearings on the ordinance for adoption of such small-scale amendments, giving at least 15 days' notice of time and place of such hearings, which notice shall first be published in a newspaper having a general circulation in the City of Winter Park, Florida.

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.

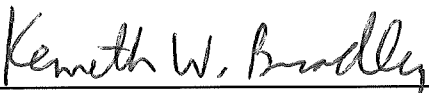
SECTION 3. CODIFICATION. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this

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


SECTION 5.- 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 14th day of November, 2011.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham