

ORDINANCE NO. 2889-12

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" IN THE FUTURE LAND USE ELEMENT SO AS TO CHANGE THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FOR THE PROPERTY LOCATED AT 940 W. CANTON AVENUE FROM OFFICE TO HIGH DENSITY RESIDENTIAL AND TO CHANGE THAT PROPERTY'S DESIGNATION ON THE MAXIMUM HEIGHT MAP FROM A MAXIMUM THREE STORIES TO A MAXIMUM FOUR STORIES AND TO ADD A NEW POLICY PROVIDING FOR NEW RESIDENTIAL DENSITY ALLOWANCES FOR AND LIMITED TO THE PROPERTIES AT 940 AND 1020 W. CANTON AVENUE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Winter Park City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09, and

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

WHEREAS, the owner of the property at 940 W. Canton Avenue, as petitioner for a future land use amendment, is desirous of amending the future land use designation from Office to High Density Residential; and

WHEREAS, Section 163.3187(1)(c) allows the City to revise the text of the City's Comprehensive Plan utilizing the small scale adoption process when such text revisions relate to and are adopted simultaneously with small scale future land use map amendments; and

WHEREAS, the adjacent properties at 940 and 1020 W. Canton Avenue are part of a mixed-use master plan development; and

WHEREAS, the adjacent properties at 940 and 1020 W. Canton Avenue are under unified control; and

WHEREAS, prior to owning the property at 940 W. Canton Avenue, petitioner developed the adjacent property located at 1020 W. Canton Avenue for office and retail uses; and

WHEREAS, the properties at 940 and 1020 W. Canton Avenue were affected by a change to the City's Comprehensive Plan in 2009, which reduced density from 25 units/acre to 17 units/acre; and

WHEREAS, the property at 940 W. Canton Avenue was affected by a change to the City's Comprehensive Plan in 2009, which reduced the maximum building height from 55 feet, with additional height permitted for architectural appendages and mechanical screening, to three (3) stories; and

WHEREAS, the property at 940 W. Canton Avenue was approved in 2006 for a four (4) story multi-family residential project consistent with the density and maximum height standards that were applicable to these properties prior to the changes made to the Comprehensive Plan in 2009 (the "2006 Residential Project"); and

WHEREAS, due to the adjacent properties at 940 and 1020 W. Canton Avenue being part of a unified mixed-use development under common control, the property at 1020 W. Canton Avenue was included in calculating the density for the 2006 Residential Project; and

WHEREAS, the adjacent properties at 940 and 1020 W. Canton Avenue are located adjacent to a property approved for a building over 55 feet in height; and

WHEREAS, the adjacent properties at 940 and 1020 W. Canton Avenue are unique because they serve as an appropriate buffer between adjacent commercial uses and residential uses located further to the east; and

WHEREAS, the adjacent properties at 940 and 1020 W. Canton Avenue are also unique because of their proximate location to multiple employment centers; and

WHEREAS, the Comprehensive Plan amendment meets the criteria established by Chapter 163 and 166, Florida Statutes; 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 Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on September 11, 2012, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on September 24, 2012 and October 8, 2012 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. Future Land Use Map Amendment. That Chapter 58 "Land

Ordinance No. 2889-12

Page 2

Development Code”, Article I, “Comprehensive Plan” future land use plan map is hereby amended so as to change the future land use map designation from Office to High Density Residential on the property at 940 W. Canton Avenue, more particularly described as follows:

Block A of Hill’s Addition to Winter Park subdivision and the vacated right-of-way lying immediately west thereof per Ordinance 615 adopted Dec. 18, 1957, as recorded in Plat Book “C”, Page 50 of the Public Records of Orange County, Florida.

Property Tax ID # 01-22-29-3604-01-000

SECTION 2. Maximum Height Map Amendment. That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan”, is hereby amended to change within the Maximum Height Map (Map 1-3) on page 1-70 the designation of the property at 940 W. Canton Avenue, described in Section 1 from a maximum three (3) stories to a maximum of four (4) stories.

SECTION 3. Comprehensive Plan Text Amendment. That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan”, is hereby amended to add a new Policy in Planning Area “J”, Policy 1-4.1.J.15, in the Future Land Use Element on Page 1-61 of the Goals, Objectives and Policies to read as follows:

Policy 1-4.1.J.15: Provide for Additional Residential Density at 940 and 1020 W. Canton Avenue. Notwithstanding the residential density limits established elsewhere within this element, this specific policy shall enable the adjacent properties at 940 and 1020 W. Canton Avenue (together, the “Properties”), to be used at a combined maximum residential density of up to 25 units per acre for the following reasons:

- The Properties are part of a mixed-use master plan development;
- The Properties are under unified control;
- The Properties are located adjacent to a property approved for a building over 55 feet in height;
- The Properties serve as an appropriate buffer between adjacent commercial uses and residential uses located further to the east;
- The Properties are located proximate to multiple employment centers; and
- The 940 W. Canton Avenue parcel has been previously approved for a four (4) story multi-family residential project under the density and maximum height standards that were applicable prior to the changes made to the Comprehensive Plan in 2009; due to the Properties being part of a unified mixed-use development under common control, the 1020 W. Canton Avenue parcel was included in calculating the density for this project.

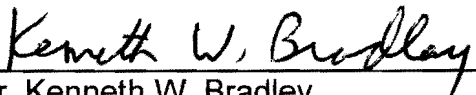
This density allowance for both properties may only be applied to residential development within the 940 W. Canton Avenue parcel. All other provisions within the High Density Residential future land use designation shall apply to that property.

SECTION 4. 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 5. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

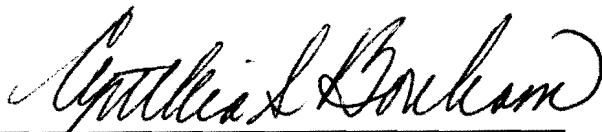
SECTION 6. Effective Date. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 8th day of October, 2012.



Mayor, Kenneth W. Bradley

Attest:



City Clerk, Cynthia S. Bonham, MMC