

ORDINANCE NO. 2890-12

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION FOR THE PROPERTY LOCATED AT 940 W. CANTON AVENUE FROM OFFICE (O-1) DISTRICT MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT AND TO CHANGE THAT PROPERTY'S DESIGNATION ON THE MAXIMUM HEIGHT MAP FROM A MAXIMUM THREE STORIES TO A MAXIMUM FOUR STORIES AND TO AMEND THE C-1 COMMERCIAL DISTRICT TEXT PROVIDING FOR NEW RESIDENTIAL DENSITY ALLOWANCES FOR AND LIMITED TO THE PROPERTY 1020 W. CANTON AVENUE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the properties at 940 and 1020 W. Canton Avenue were affected by a change to the City's Land Development Code, which reduced the potential density and building height (stories); and

WHEREAS, the owner has requested an amendment to the Land Development Code in recognition of these facts; and

WHEREAS, the zoning text amendment is consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning meets the criteria established by Chapter 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 City Staff recommends this Ordinance, and the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their September 11, 2012 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and 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 Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Commission hereby finds 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 COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. Official Zoning Map Amendment. That Chapter 58 “Land Development Code”, Article III, “Zoning” and the Official Zoning Map is hereby amended so as to change the zoning designation from Office (O-1) District to Multi-Family (High Density R-4) District 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 III, “Zoning”, is hereby amended to change within Section 58-85 “Maximum Height Map Regulations” the designation of the property at 940 W. Canton Avenue, as described in Section 1 from a maximum three (3) stories to a maximum of four (4) stories.

SECTION 3. R-4 Text Amendment. That Chapter 58 “Land Development Code”, Article III, “Zoning”, Section 58-74 “Commercial (C-1) district, subsection (e) (6) is hereby amended to read as follows:

(e) *Development standards.*

(6) Residential density:

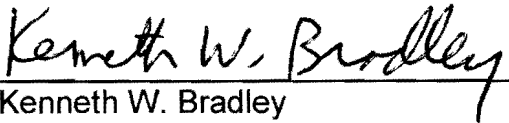
- (a) The maximum residential density shall not exceed seventeen (17) units per acre.
- (b) Notwithstanding this residential density limit, the property at 1020 W. Canton Avenue may be used at a maximum residential density of up to 25 units per acre. This density allowance may only be applied to residential use within the adjacent portion of the development site at 940 W. Canton Avenue as described in Section 1.

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.

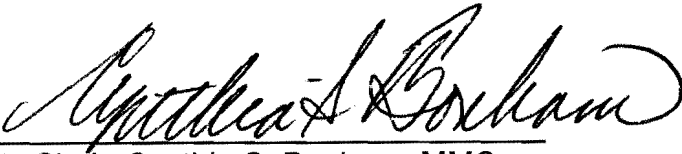
SECTION 6. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance 2889-12. If Ordinance 2889-12 does not become effective, then this Ordinance shall be null and void.

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