

ORDINANCE NO. 3028-16

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO CHANGE WITHIN SECTION 58-72 OFFICE (O-1) DISTRICT, SUBSECTION (F) DEVELOPMENT STANDARDS SO AS TO ALLOW FOR A BUILDING FLOOR AREA RATIO OF UP TO NINETY-EIGHT (98%) PERCENT, CONDITIONED UPON USE FOR HEALTH AND WELLNESS RELATED USES, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has amended the Comprehensive Plan to provide for additional floor area ratio allowance for Health and Wellness related uses at 2005 Mizell Avenue; and

WHEREAS, this Land Development Code amendment is needed to implement the policy amendment within the Comprehensive Plan so that the two Codes are consistent and not in conflict; and

WHEREAS, the zoning text amendment is consistent with the Comprehensive Plan, the requested zoning text changes will achieve conformance with the Comprehensive Plan, 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 November 3, 2015 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; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning", Section 58-72 "Office (O-1) district", subsection (f) (3) is hereby amended to read as follows:

Sec. 58-72. Office (O-1) District.

(f) *Development standards.*

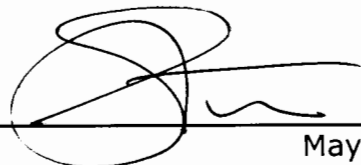
(3) The maximum floor area ratio and building lot coverage shall be forty-five (45%) percent. The floor area ratio shall include the floor area of any attached or detached above grade private parking garage. The forty-five (45%) percent floor area ratio and building lot coverage may be increased by an additional five (5%) percent if the parking for the increased five percent floor area ratio is located entirely underground beneath the building's footprint or if the building's upper floor(s) are cantilevered over such parking. The City may allow an increase in Floor Area Ratio (FAR), not to exceed 0.98 percent including parking garage, for the redevelopment of the property at 2005 Mizell Avenue, in order to encourage the redevelopment of a community asset that provides health and wellness related uses. Such additional FAR will only be considered by City Commission if said development improves the road network, provides enhancements to the City parks and additional parking options in the sub-area. The additional FAR may only be granted through a Conditional Use Permit and shall be limited to the floor area of the parking garage.

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

SECTION 4. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance 3027-16. If Ordinance 3027-16 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 25th day of January, 2016.



Mayor Steve Leary

ATTEST:



Cynthia S. Bonham, City Clerk