

ORDINANCE NO. 3046-16

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD AND AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT AND ALSO WITHIN THE WEST FAIRBANKS CORRIDOR STUDY AREA "L" SO AS TO REVISE AND ADOPT NEW POLICIES CONCERNING BUSINESS TYPES TO BE PROHIBITED WITHIN SPECIFIED GATEWAY CORRIDOR ENTRANCES INTO THE CITY OF WINTER PARK IN ORDER TO ENHANCE THEIR AESTHETIC APPEAL AND IMPROVE PROPERTY VALUES ALONG SUCH GATEWAY CORRIDORS.

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

**WHEREAS**, the City Commission desires to amend the Comprehensive Plan, Future Land Use Element, in order to enhance and improve the aesthetic appeal and property values of certain gateway corridor entrances into the City of Winter Park, and

**WHEREAS**, such amendment 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 Winter Park Planning and Zoning Board, 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 June 7, 2016, 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 at which the City Commission has 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; and

**WHEREAS**, words with double underline shall constitute additions to the original text and strike through text 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 I, "Comprehensive Plan", is hereby amended by adding a new Future Land Use Policy 1-3.8.14 on Page 1-25 within the Goals, Objectives and Policies to read as follows:

**Policy 1-3.8.14: Enhance the Appeal and Improve the Property Values of Certain Gateway Corridor Entrances into the City of Winter Park.** In order to establish, maintain and enhance the character and aesthetic appeal of certain important gateway corridor entrances into the City of Winter Park, and to increase the property values along such gateway corridor entrances to the City, in order to distinguish those gateways as attractive entrances into the City, the City shall, along the roadway corridors identified below, prohibit certain business types along the frontage of those roadway corridors to exclude any new or used car sales businesses, auto repair businesses, resale stores or pawn shops, vapor lounges or smoke shops, adult oriented businesses, gas/service stations and convenience stores. This policy shall apply to the following gateway corridor entrances into the City:

1. West Fairbanks Avenue from I-4 east to Orlando Avenue;
2. South Orlando Avenue from the city limits north to Orange Avenue;
3. Aloma Avenue from the city limits west to Lakemont Avenue.

**SECTION 2.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan", is hereby amended by rescinding and deleting the Future Land Use Policy 1-4.1.L.4 within the West Fairbanks Corridor Planning Area "L" on Page 1-68 of the Goals, Objectives and Policies as follows:

~~**Policy 1-4.1.L.4: Support West Fairbanks Gateway Enhancements and Prohibit Certain Uses to Reinforce the Gateway Design and Land Use Principles.** In order to establish the character of this corridor as a gateway entrance to Winter Park, the City shall prohibit certain business types along the frontage of the corridor including new or used car sales, auto repair businesses, resale stores or pawn shops, tattoo businesses, adult oriented businesses, fast food businesses and convenience stores.~~

**SECTION 3. Codification.** This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**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 of Ordinance.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment

package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 12<sup>th</sup> day of September, 2016.

  
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Mayor Steve Leary

Attest:

  
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City Clerk Cynthia S. Bonham