

**ORDINANCE NO. 3119-18**

**AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AMENDING THE ZONING REGULATIONS TEXT FOR THE SECTION 58-75 COMMERCIAL (C-2) ZONING DISTRICT AND SECTION 58-95 DEFINITIONS MAP D-2 TO ENABLE THE APPROVAL OF COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 338 WEST MORSE BOULEVARD AND TO AMEND THE "OFFICIAL ZONING MAP" TO CHANGE FROM OFFICE (O-1) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 338 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the owners of property at 338 W. Morse Boulevard have requested a Zoning text and map amendments 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 Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their July 10, 2018 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.

**WHEREAS**, words with single 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. Zoning Text Amendments.** That Chapter 58 "Land Development Code", Article III, "Zoning" is hereby amended so as to change in Section 58-75 Commercial (C-2) District, Subsection (a) (1) to read as shown below and to change within Section 58-95 "Definitions" to amend the "Central Business District vs. Commercial C-2 Zoning Map D-2" as shown in Exhibit "A" to this Ordinance regarding the property at 338 W. Morse Boulevard.

## **Sec. 58-75. Commercial (C-2) District.**

### *(a) Purpose and intent.*

(1) This commercial zoning district is limited to the commercial portion of the geographic downtown area known as the Central Business District and the similar commercial area of the city within the Hannibal Square Neighborhood Commercial District (HSNCD) of the City's Community Redevelopment Area (CRA). As detailed in the Comprehensive Plan, Commercial (C-2) district zoning is not permitted on any property except if it is within the Central Business District "potential C-2 zoning" area depicted in the CBD Map (D-2) in the definitions section, generally described as west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of and including the New York Avenue Corridor or it is on properties abutting Morse Blvd between Capen and Virginia Avenues, abutting the south side of Morse Boulevard between Virginia and New York Avenues, abutting New England Avenue between Pennsylvania and New York Avenues, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. No applications for C-2 zoning shall be accepted for any property outside these designated areas. Moreover, even properties within these designated areas shall have no vested right to C-2 zoning. This district has different requirements than other commercial areas especially pertaining to setbacks, parking requirements, height limitations and permitted land uses, including a prohibition on drive-in businesses. This district is established to encourage the continuation of the present unique Park Avenue business district of the city and to provide for its use within certain other defined geographical areas as specified in the Comprehensive Plan.

**SECTION 2. 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 of Office (O-1) District to Commercial (C-2) District zoning on the property at 338 W. Morse Boulevard, more particularly described as follows:

LOTS 7 AND 8 AND LOT 134 (LESS W 5 FT) AND LOT 135 IN BLOCK 34; PER THE PLAT OF THE REVISED MAP OF THE TOWN OF WINTER PARK AND OLD TOWN AS RECORDED IN PLAT BOOK "A", PAGES 67-72 & B, PAGE 86 AND MISC. BOOK 3, PAGE 220 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.  
Property Tax ID # 05-22-30-9400-34-070

**SECTION 3. 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 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 upon the effective date of Ordinance 3118-18. If Ordinance 3118-18 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 13th day of August, 2018.

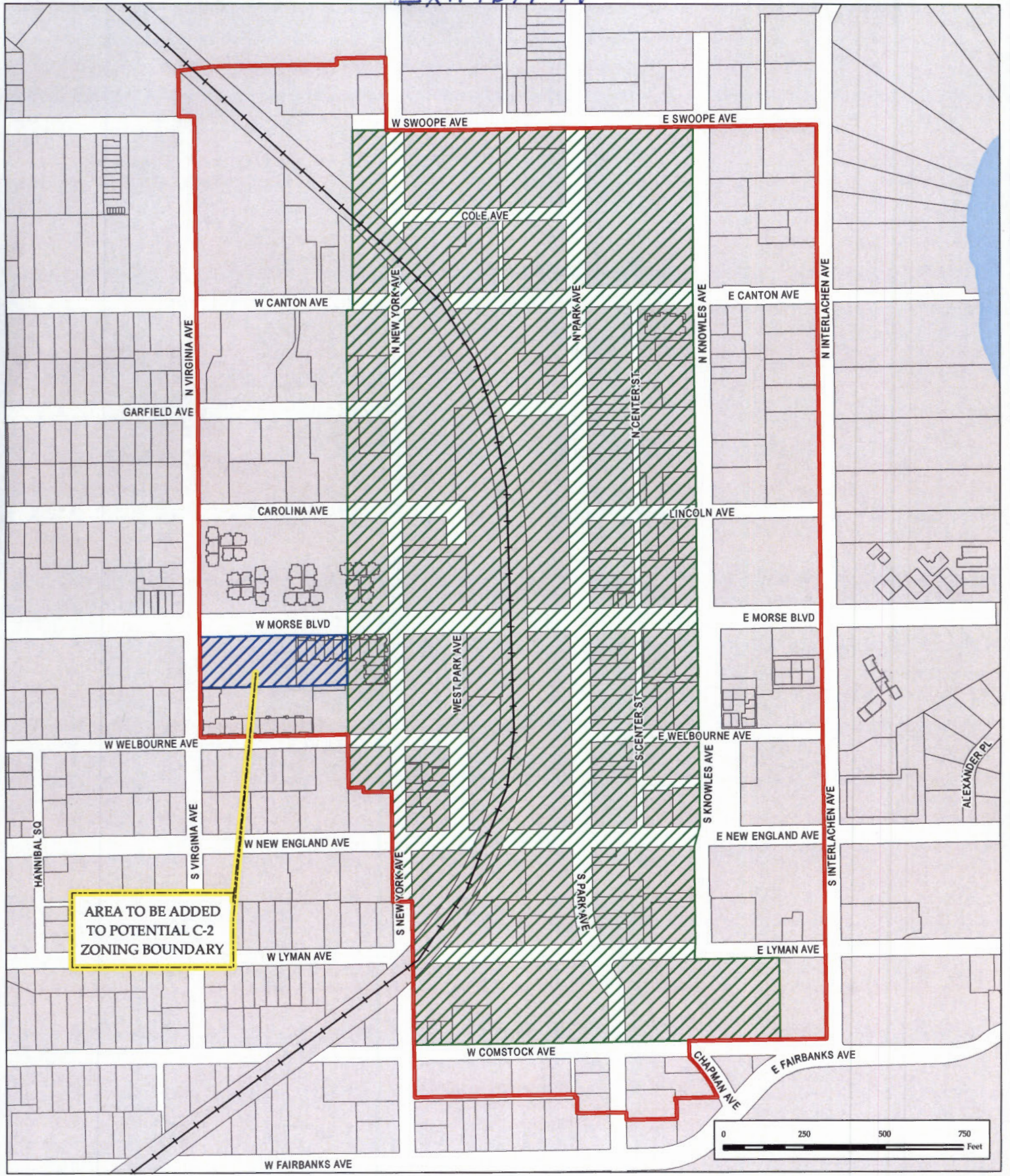


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Mayor Steve Leary

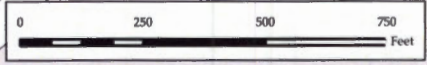
Attest:



\_\_\_\_\_  
City Clerk Cynthia Bonham



AREA TO BE ADDED TO POTENTIAL C-2 ZONING BOUNDARY



**CENTRAL BUSINESS DISTRICT  
VS COMMERCIAL C-2 ZONING MAP**  
City of Winter Park, Florida

- Legend**
- Central Business District Boundary
  - Potential C-2 Zoning

**MAP D-2**  
June 2018

