

ORDINANCE 3162-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE VI SUBDIVISION REGULATIONS OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE SUBSECTION 58-376 CONCERNING SUBDIVISIONS AND LOT SPLITS; TO ALLOW CONSIDERATION OF THE DESIGNATION AND PRESERVATION OF HISTORIC HOMES AND/OR HISTORIC SPECIMEN LIVE OAK TREES AS SPECIAL CONDITIONS AND CIRCUMSTANCES FOR MINIMUM LOT SIZE VARIANCES SUBJECT TO THE NORMAL PUBLIC NOTICE AND PUBLIC HEARING PROCESS.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the preservation of historic homes and historic specimen live oak trees can be considered as special conditions and circumstances in the review of subdivision and lot split requests; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission desires that such factors be allowed to be considered as trade-offs in the consideration of variances for lot sizes when reviewing subdivision; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission recognizes that such factors are only one part of the consideration of variances and the offer to preserve and protect historic homes and historic specimen live oak trees and such offers do not entitle anyone to the approval of variances requested for lots sizes; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City's local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein; and

WHEREAS, this Ordinance is consistent with the Comprehensive Plan and is being adopted in the best interests of the health, safety and welfare of the citizens of Winter Park.

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

SECTION I: RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: EDITS. Portions of Chapter 58, Land Development Code, Article VI, Subdivision and Lot Consolidation Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text. Provisions not included are not being amended.

SECTION III: AMENDMENT. Chapter 58, Land Development Code, Article VI, Subdivision and Lot Consolidation Regulations, Section 58-376 is hereby amended to create a new subsection in 58-376 (f) and to renumber the existing subsection 58-376 (f) Appeals to subsection 58-376 (g). as shown below:

Sec. 58-376. – Variances and appeals from subdivision regulations.

(f) *Historic homes and live oak trees.* The Planning and Zoning Board and the City Commission may consider the preservation and protection of historic homes and/or the preservation and protection of historic or specimen live oak trees as a special condition and circumstance pursuant to subsection (a)(1) for the purposes of granting variances to minimum lot sizes in conjunction with subdivisions or lot splits. In considering the preservation of an existing building, the Historic Preservation Board shall first determine that the building is recommended for inclusion on the Winter Park Register of Historic Places and such listing and inclusion shall be required as a condition of such lot size variance and related subdivision or lot split approval. In consideration of the preservation of historic live oak tree(s), any such variance approval and related subdivision or lot split approval shall be conditioned upon the granting of a tree preservation easement to the City, with terms acceptable to the City, to ensure the preservation of such tree(s).

(fg) *Appeals.* Any person aggrieved by the city commission's decision regarding a preliminary or final subdivision plan or plat, or the city commission's decision regarding any variance, may file a petition for a writ of certiorari in the Circuit Court of Orange County.

SECTION IV: INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION V: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION VI: CODIFICATION. Section III of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION VII: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 10th day of February, 2020.

Steven M. Leary, Mayor

Attest:

Rene Cranis, City Clerk