

ORDINANCE 3225-21

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 58-89 OF THE CITY CODE CONCERNING ZONING CHANGES AND AMENDMENTS; ADDING A SUBSECTION CONCERNING SUPERSEDING CLAUSES WITHIN ZONING CODE TEXT AMENDMENTS; CLARIFYING PROVISIONS RELATING TO PERSONS WHO MAY MAKE APPLICATIONS FOR ZONING TEXT AND MAP AMENDMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the purpose of promotion and protection of due process and general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance.

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, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-89 of the City of Winter Park Land Development Code is hereby amended by amending subsection 58-89(a)(1) and adding a new subsection 58-89 (a)(4) as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-89. Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses.

(a) *Applications for zoning changes and amendments.* The regulations, restrictions, and district boundaries set out in this article may from time to time be amended, supplemented, changed or repealed. The procedure shall be as follows:

(1) A zoning text or map amendment may be proposed by the city commission or the planning and zoning ~~board commission~~. A zoning map amendment may be proposed by any individual, corporation, limited liability company, trust, partnership or other entity having a bona-fide interest in such property affected by the proposed amendment. A "bona fide interest" in the property is determined by either: (i) having a fee simple ownership in the property affected by the amendment, or (ii) by standing under a contract to purchase such land property and having written consent of the fee simple property owner(s) for the proposed amendment. All zoning text or map amendments must be made by ordinance.

(2) Applications shall be submitted on a standard application form accompanied by all pertinent information which may be required for proper consideration of the matter, along with payment of fees and charges as established by the city commission.

(3) Applicants shall include prospective plans indicating the desired development scenario proposed as a result of an approval per the plan submission requirements established for conditional uses. Applicants shall also indicate if the proposed development includes a request for community redevelopment area (CRA) funds, including the amount requested and the purpose of such funding.

(4) To the extent any Article III zoning code text amendment is intended to prevail over or supersede any Article III zoning code or other code provision, the provisions to be superseded must be stated with particularity. Without specific reference to the provisions to be superseded, there is no basis under the text amendment for property owners, applicants, or others to avoid compliance therewith as well as any other code provisions applicable to the matter under consideration. This provision does not prohibit the inclusion or application of non-codified conflicts clauses in ordinances adopting Article III zoning code text amendments and other code amendments.

SECTION 2. CODIFICATION. Section 1 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 4. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

DONE AND 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 November 2021.

Mayor Phillip M. Anderson

ATTEST:

Rene Cranis, City Clerk