

ORDINANCE 3250-22

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" AND ARTICLE III, "ZONING REGULATIONS" TO CODIFY THE APPLICABLE CITY CHARTER AMENDMENTS ADOPTED ON MARCH 8, 2022 REGARDING SUPERMAJORITY VOTES NEEDED FOR CERTAIN COMPREHENSIVE PLAN AMENDMENTS AND ZONING REGULATION 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 providing reference to the amendments to the city charter approved by voter referendum on March 8, 2002 via the codification of such matters in the land development code for ease of access for such matters to the public and in 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 and is intended to promote, enable and facilitate economic competition;

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 I "Comprehensive Plan", of the City of Winter Park Land Development Code is hereby amended by adding a new subsection 58-7 "Supermajority Voting Requirement", as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-7. – Supermajority Voting Requirement.

Pursuant to Section 2.08(c) of the City Charter, the affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters:

(a) Comprehensive plan future land use map amendment or change in use of park land to a use that is not a recreational or park use;

(b) Comprehensive plan future land use map amendment or change in use of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district;

(c) Comprehensive plan future land use map amendment of lakefront property from a residential use to a commercial use, mixed-use, medium-density residential use, or high-density residential use;

(d) Approval of a comprehensive plan future land use map amendment that changes the use of property from a residential category to a non-residential category, except that this subsection does not apply to changes from a residential use to a public, quasi-public or recreational use;

(e) Approval of a comprehensive plan text or map amendment or land development code amendment that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five (25) percent from the existing maximum allowed residential units per acre or floor area ratio; in evaluating floor area ratio increases for the purposes of this provision, parking garage square footage is included;

(f) Approving a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code.

SECTION 2. 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 (g) 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.

(g) *Commission decisions.* The decision of the planning and zoning ~~commission~~ board and the city commission may be made to affirm or deny the original request of the applicant or it may modify the request to approve a portion of the request or alternative version of the zoning text or map amendment. The planning and zoning ~~commission~~ board may recommend and the city commission may impose conditions upon the approval of a zoning amendment. Such conditions may not restrict the range of permitted uses within a zoning district but such conditions may restrict or impose requirements upon the development or use of such land such as limitations on building size, height, setbacks or other site design or building design or use features,

The decision of the city commission on any zoning text or map amendment shall be by ordinance. Pursuant Section 2.08(c) of the City Charter, the affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters:

(i) A rezoning or change in use of park land to a use that is not a recreational or park use;

(ii) A rezoning or change in use of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district;

(iii) A rezoning of lakefront property from a residential use to a commercial use, mixed-use, medium-density residential use, or high-density residential use;

(iv) A zoning map amendment that changes the use of property from a residential category to a non-residential category, except that this subsection does not apply to changes from a residential use to a public, quasi-public or recreational use;

(v) A zoning map or text amendment or land development code amendment that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five (25) percent from the existing maximum allowed residential units per acre or floor area ratio; in evaluating floor area ratio increases for the purposes of this provision, parking garage square footage is included;

(vi) Approving a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code.

SECTION 3. CODIFICATION. Section 1 and Section 2 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

SECTION 4. 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 5. 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 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

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 August 2022.

By: _____
Mayor Phillip M. Anderson

ATTEST:

By: _____
Rene Cranis, City Clerk