

ORDINANCE 3312-24

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 59 OF THE CITY CODE OF ORDINANCES RELATING TO MULTI-MODAL TRANSPORTATION IMPACT FEES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park desires to amend Section 59-6 to clarify an exemption to the Multi-Modal Transportation Impact Fees concerning the construction of buildings and structures previously approved by the City; and

WHEREAS, the City Commission finds that this Ordinance is in the best interests of the citizens of Winter Park.

NOW THEREFORE, BE IN ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance as legislative findings.

Section 2. City Code Amendment. Section 59-6 of the Winter Park Code of Ordinances is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 59-3. Interpretations of this chapter.

Interpretation of the provisions of this chapter will be made by the director of ~~planning~~public works and transportation.

Sec. 59-5. Definitions.

Director means the director of the ~~planning~~public works and transportation department of the city or his/her designee.

Sec. 59-6. Applicability of this chapter.

- (a) *Affected area.* This chapter applies to all new development within the city.
- (b) *Type of development affected.* Except where specifically exempted by the provisions of this chapter, this chapter applies to all new development.
- (c) *Type of development exempted.* The following types of development are exempt from the payment of multi-modal transportation impact fees pursuant to this chapter:
 - (1) Alterations of an existing dwelling unit where no additional units or square footage are created and the use is not changed;

- (2) The construction of accessory buildings or structures that will not increase the traffic generation associated with the principal building or structure or the land;
- (3) The construction of accessory buildings or structures approved by the historic preservation board qualifying as a "garage apartment" or "accessory cottage" determined to be conforming uses on designated historic landmarks or resources, or on properties in a designated historic district, pursuant to section 58-469(3).
- (4) The construction of a building or structure ~~that received, or any approvals in conjunction with an application filed with the City of Winter Park and approved by the city commission or other appropriate city body including but not limited to a conditional use approval, site plan approval by the city's development review committee, zoning approval or a building permit~~ prior to the effective date of this chapter. The effective date of this chapter shall be January 1, 2022.
- (5) Temporary uses; and
- (6) Essential public services.

Section 3. Codification. Section 2 of this Ordinance will 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, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance governs and controls to the extent of any such conflict.

Section 6. Effective Dates. This Ordinance shall become effective upon its adoption by the City Commission of the City of Winter Park, Florida.

First Reading held on August 14, 2024

Second Reading held on August 28, 2024

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 11th day of September, 2024.

Mayor Sheila DeCiccio

ATTEST:

Rene Cranis, City Clerk