

ORDINANCE 3318-24

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 102 "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK SO AS TO ESTABLISH ANNEXATION REQUIREMENTS FOR THE PROVISION OF CITY SANITARY SEWER SERVICE AS NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED FEBRUARY 14, 2024; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has adopted Chapter 163, Florida Statutes which requires all local communities to adopt amendments to their Land Development Codes to implement the growth and development policies of Comprehensive Plans adopted pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development: and

WHEREAS, the Winter Park City Commission adopted a new Comprehensive Plan on February 14, 2024 via Ordinance 3291-24; and

WHEREAS, the Winter Park City Commission has reviewed the proposed amendments to the Code of Ordinances and held advertised public hearings on September 25, 2024 and on October 9, 2024 and advertised notice of such public hearings in the Orlando Sentinel pursuant the requirements of Chapter 166, Florida Statutes; and

WHEREAS, the portions of Chapter 102 "Utilities" of the Code of Ordinances, that are to be amended and modified as described in each section and amended to read as shown herein where words with single underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.

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

SECTION 1. That Chapter 102 "Utilities", Article IV "Sewers and Sewage Disposal" of the Code of Ordinances is hereby amended and modified by adding a new 102-101 "Annexation prerequisite for provision of sewer" to read as follows:

Sec. 102-101. – Annexation prerequisite for provision of sewer.

- (a) Annexation or consent to annexation required. The provision of sanitary sewer service to property outside the city limits of the City of Winter Park in unincorporated Orange County shall require annexation into the City of Winter Park or a consent to annexation provided to the City. If such property is contiguous to the City of Winter Park or within an enclave of unincorporated land, then a voluntary annexation petition shall be filed with the City that permits a subsequent annexation of such property. If

such property is not contiguous and does not meet the requirements for annexation per state statutes then a consent to future annexation agreement must be executed by the property owner, to be recorded in the Public Records of Orange County that provides consent to annexation allowing the City of Winter Park to proceed with annexation at a future time when conditions permit satisfaction with state statutes. Such agreement shall run with title to the land to provide notice to future owners of the commitment to annexation and the consent provided. Based upon the circumstances, if the City has no interest in annexation of the property involved, or if the property is within the city limits of another municipality, then neither consent to annexation shall be required.

SECTION 2. 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 3. CODIFICATION. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida;

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 immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 17th day of October, 2024.

Mayor Sheila DeCiccio

ATTEST:

Rene Cranis, City Clerk