

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, DECLARING AND IMPLEMENTING A TEMPORARY MORATORIUM UNTIL JULY 31, 2020, ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT ORDERS, CONDITIONAL USE APPLICATIONS, SITE PLANS, BUILDING PERMITS AND OTHER DEVELOPMENT APPLICATIONS THAT WOULD UTILIZE THE ORANGE AVENUE OVERLAY DISTRICT POLICIES, REGULATIONS, CODES, AND PROVISIONS ADOPTED MARCH 9, 2020 BY WAY OF ORDINANCE 3166-20 AND ORDINANCE 3167-20 AND EXTENDING THE EFFECTIVE DATE OF SUCH ORDINANCES TO BE NO EARLIER THAN UPON THE EXPIRATION OF THE TEMPORARY MORATORIUM; PROVIDING FOR EXTENSION OR TERMINATION OF THE TEMPORARY MORATORIUM BY ORDINANCE OR RESOLUTION; PROVIDING FOR NON-CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park (“City”), as provided in section 2(b), Article VIII of the Florida Constitution and chapters 163 and 166, Florida Statutes, enjoys all home rule authority, police power, land development and zoning authority, governmental and proprietary powers necessary to conduct municipal government and perform municipal functions, and the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the City is considering modifications to the Orange Avenue Overlay District adopted by the City Commission on March 9, 2020 by way of Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code amendment), with an effective date of April 16, 2020 based on the Florida Department of Economic Opportunity’s notification to the City of comprehensive plan amendment completeness; and

WHEREAS, the aforesaid ordinances implementing the Orange Avenue Overlay District have not yet taken effect; and

WHEREAS, the City Commission desires to extend the effective date of Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code amendment) to be no earlier than upon the termination of the temporary moratorium established by this Ordinance; and

WHEREAS, the City finds that in order to protect the health, safety and welfare of its citizens, property owners, and businesses for the development and redevelopment of property located within the Orange Avenue Overlay District, which area is depicted in the map attached hereto as **Exhibit “A”** (herein “Orange Avenue Overlay District” or “District”) and incorporated herein, additional modifications are required; and

WHEREAS, the City desires to place the property owners, tenants, businesses, residents and other members of public and all parties on notice that the City is considering such amendments and creating a temporary moratorium on the acceptance, processing, and consideration of applications for development orders, conditional use applications, site plans, building permits and other development applications that would utilize the Orange Avenue Overlay District policies, regulations, codes and provisions concerning properties located within the Orange Avenue Overlay District; and

WHEREAS, the City, in good faith, determines that this Ordinance is in the best interest of the City and its residents, businesses, and property owners, and promotes the health, safety, and welfare of the public as the creation of standards and requirements relating to development and redevelopment within the Orange Avenue Overlay District will improve aesthetics, increase property values, improve safety for all modes of transportation, make projects more desirable to commercial and non-commercial tenants, increase walkability connectivity to other areas of Winter Park and the surrounding Metropolitan area, protect against blight and decay, and otherwise fit the City's vision for development within the area, and protect the well-being of the citizens, businesses, and property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

SECTION 1. Intent. The above recitals are hereby adopted as the legislative purpose of this Ordinance and as the City Commission's legislative findings.

SECTION 2. Moratorium. The City hereby places a temporary moratorium (suspension) on the acceptance, processing, and consideration of all development orders, conditional use applications, site plans, building permits and other development applications that would utilize the Orange Avenue Overlay District policies, regulations and codes adopted by Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code amendment) for all properties proposing development within the Orange Avenue Overlay District identified on the map attached hereto as Exhibit "A" until July 31, 2020, unless terminated earlier by the City Commission. The effective date of Ordinance 3166-20 and Ordinance 3167-20 shall be extended so that such ordinances shall not become effective any earlier than the termination of the temporary moratorium established by this Ordinance. Thus, Ordinance 3166-20 and Ordinance 3167-20 are not effective during the temporary moratorium established by this Ordinance. Provided however, building permits or other development applications for development pursuant to the existing comprehensive plan policies, zoning, development and building codes and regulations in effect prior to the adoption of the Orange Avenue Overlay District are excepted from such temporary moratorium. For the purpose of this Ordinance, the terms "development order" and "development permit" mean the same as defined in section 163.3164, Florida Statutes. The moratorium established by this Ordinance may be extended or terminated early by adoption of an ordinance or resolution of the City Commission.

SECTION 3. Non-Codification. Given the temporary nature and effect of this Ordinance, it is the intent of the City Commission that this Ordinance shall not be codified.

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 controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

FIRST READING this ____ day of _____, 2020.

SECOND READING this ____ day of _____, 2020.

ADOPTED this ____ day of _____, 2020, by the City Commission of the City of Winter Park, Florida.

**CITY COMMISSION
CITY OF WINTER PARK**

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

EXHIBIT "A"
Orange Avenue Overlay District

