



city commission agenda

March 30, 2020
5:00 PM
Virtual Special
City Commission
meeting

mayor & commissioners				
seat 1 Marty Sullivan	seat 2 Sheila DeCiccio	Mayor Steve Leary	seat 3 Carolyn Cooper	seat 4 Todd Weaver

Virtual City Commission public comment procedures:

- The Public Comment Form located at cityofwinterpark.org/public-comment will be available during live meetings for members of the public to submit comments. These comments will be read into the official record during the City Commission Meeting.
- If you would like to provide comments prior to the meeting, please send them to MayorandCommissioners@cityofwinterpark.org. These comments will be received by the City Commissioners and staff, however, will not be read publicly into the record during the meeting. This is consistent with our normal procedures for emails received prior to a City Commission meeting.
- If you do not have the ability to submit comments online, the city will activate the public comment line 407-599-3410. This phone line will only be available during the live meeting. These calls will be answered by city staff and your verbal comments will be entered into the online system on your behalf. Phoned-in comments will be read during the meeting as part of the official record.
- All comments will be screened and not be read into the record if they violate our normal City Commission decorum procedures.

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Items for Discussion

- Commissioner Weaver request to follow-up from March 26, 2020 work session testing virtual meeting technology and discussion of COVID-19** 40 minutes
 1. Status update of city response to COVID-19
 2. Follow-up on March 26, 2020 work session relating to COVID-19

3. Citizen Comments - Items not on the agenda

4. Public Hearings

- a. **Resolution** 15 minutes
Establishing procedures for meetings conducted via communications media technology
- b. **Ordinance repealing adoption of Orange Avenue Overlay** 45 minutes
Ordinance rescinding and repealing the amendments to the Comprehensive Plan and Zoning ordinances that established the Orange Avenue Overlay District.
- c. **Ordinance declaring moratorium on applications in the Orange Avenue Overlay District** 45 minutes
Ordinance placing a temporary moratorium (suspension) on the acceptance, processing, and consideration of all development orders, conditional use applications, site plans, building permits or other development applications that would utilize the Orange Avenue Overlay District regulations and codes.

5. City Commission Reports

Appeals and Assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105)

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."



city commission **agenda item**

item type	Items for Discussion	meeting date	3/30/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Commissioner Weaver request to follow-up from March 26, 2020 work session testing virtual meeting technology and discussion of COVID-19

1. Status update of city response to COVID-19
2. Follow-up on March 26, 2020 work session relating to COVID-19

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Public Hearings	meeting date	3/30/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Resolution

Establishing procedures for meetings conducted via communications media technology

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Resolution

Upload Date

3/27/2020

Type

Backup Material

RESOLUTION 2229-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, WAIVING PHYSICAL QUORUM REQUIREMENTS FOR CITY COMMISSION AND OTHER BOARD MEETINGS; ESTABLISHING PROCEDURES FOR PUBLIC MEETINGS CONDUCTED VIA COMMUNICATIONS MEETING TECHNOLOGY (“CMT”); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS a respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting many countries, including the United States; and

WHEREAS the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with 60% - 95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID- 19 across the country; and

WHEREAS on March 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52 declaring a state of emergency within the State of Florida in response to the COVID-19 Public Health Emergency and authorizing local governments to waive the procedures and formalities otherwise required of them by law as they pertain to (i) performance of public

work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; (ii) entering into contracts; (iii) incurring obligations; (iv) employing permanent and temporary workers; (v) utilizing volunteer workers; (vi) renting equipment; (vii) acquiring and distributing, with or without compensation, of supplies, materials, and facilities; and (viii) appropriation and expenditure of public funds.

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order No. 20-69, suspending any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place and authorizing the use of telecommunications media technology such as telephonic and video conferencing, as provided in § 120.54(5)(b)2., Florida Statutes; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in the City of Winter Park, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS the City must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS City is granted the authority under § 2(b), Art. VIII of the Florida Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS the City desires to cooperate with the aforementioned recommendations of the CDC and directives of the Governor's office while continuing to conduct its business, including public meetings of its City Commission; and

WHEREAS the City's Charter ordinarily requires a majority of its City Commission to be physically present to constitute a quorum;

WHEREAS to curb the spread of COVID-19 and avoid jeopardizing the safety of the public, its boards and Commission, and City staff, the City desires to conduct its meetings remotely via Communications Media Technology ("CMT") as permitted pursuant to the Governor's Executive Order No. 20-69 and must establish rules pertaining to the conduct of such meetings; and

WHEREAS this Resolution is authorized by Executive Orders Nos. 20-52 and 20-69; § 252.38, Florida Statutes; and any other applicable provisions of law; and

WHEREAS the City finds that this Resolution is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and accurate and are incorporated herein.

SECTION 2. Waiver of Procedures and Formalities. The City Commission of Winter Park hereby acknowledges the statewide declaration of emergency issued by Governor DeSantis and opts to waive the procedures and formalities required of it by law as authorized by Executive Order No. 20-52, including those parts of the City's Charter (*e.g.*, § 2.08(d)) that require a majority of the City Commission or any other boards of the City to be physically present to constitute a quorum. The City Commission further finds that due to the statewide declared state of emergency pursuant to Executive Order No. 20-52 and suspension of physical quorum requirements under Executive Order No. 20-69, participation in public meetings conducted via Communications Media Technology ("CMT") during this state of emergency will not be subject to or otherwise count against the 3 meeting per calendar year limitation established for City Commission members by the recently adopted Charter Amendment #8 (*i.e.*, § 2.08(c) of the Charter). The Commission also opts to waive those procedures and formalities required of it by law with regard to those purchasing matters outlined in § 252.38(3)(a)5., Florida Statutes, for the purposes of testing and acquiring whatever CMT resources the City Manager deems appropriate and sufficient for the successful conduct of public meetings via CMT. These waivers are retroactive to the effective date of Executive Orders Nos. 20-52 and 20-69 and will continue in effect throughout the duration of the Governor's declared statewide state of emergency and the effective dates of Executive Orders Nos. 20-52 and 20-69 as such may expire, be extended, or otherwise terminated by the Governor.

SECTION 3. Public Meetings via CMT. During this declared state of emergency and in the interest of minimizing exposure to COVID-19, the City Commission, pursuant to the authority provided by the Governor's Executive Orders No. 20-52 and 20-69, and § 252.38, Florida Statutes, the City Commission hereby resolves to allow itself and its various boards and bodies to meet via communications media technology ("CMT"), as permitted pursuant to § 120.54(5)(b)2., Florida Statutes, and § 2 of the Governor's Executive Order No. 20-69. This Resolution establishes the procedures that will be followed by the City in conducting such meetings with CMT.

SECTION 4. Procedures. The following procedures are recommended for the conduct of meetings and may be adjusted from time to time as technical or practical issues or problems are encountered.

A. *Notice.* Notice of public meetings via CMT must be provided in the same manner as required for the City's non-CMT meetings.

B. *Platform and Technology.* The City Manager is authorized to select whatever information technology resources, including software and hardware, he/she deems necessary for implementation of public CMT meetings and may authorize trials of available resources to determine what technologies best serve the City in the conduct of public meetings via CMT. The City Manager shall endeavor to implement those technologies so as to best keep the meeting open to the public without requiring Commissioners, board members, City staff, or the public to be physically present at the meeting and otherwise be potentially exposed to or allowed to transmit COVID-19.

C. *Conduct of the Meeting.* Participating officials and employees should all be registered as panelist speakers, where each is provided his/her own unique PIN or login when dialing or signing in so that speakers may be tracked. Whomever is presiding over the CMT meeting should, at the beginning of such meeting, inform the public as to what to expect during the meeting and the method by which members of the public may participate and submit their comments and concerns to the Commission or board. To prevent crosstalk, the presiding officer will be responsible for recognizing speakers in turn, and staff will provide technical assistance in muting or unmuting any given speaker.

D. *Identification of Speakers and Topics.* Each speaker, prior to speaking or providing comment, should identify himself/herself with the understanding that persons virtually attending the meeting may not have video access and may not recognize the speaker by voice alone. Furthermore, to the extent feasible, staff should use the visual aspect of the meeting to display the topic that is currently being discussed for the benefit of all who may be watching or participating in the meeting.

E. *Public Participation Procedures.*

- (1) City staff shall make available a public comment form on the City's website during live meetings for members of the public to submit comments. Comments submitted during the meeting will be read into the official record during the meeting.
- (2) Comments provided prior to the meeting should be sent to MayorandCommissioners@cityofwinterpark.org. Consistent with the City's normal procedures for emails received prior to a City Commission meeting, the City Commissioners and staff will read these comments but such comments will not be read publicly into the records during the meeting.
- (3) For members of the public who do not have the ability to submit comments online, City staff will activate the public comment line at 407-

599-3410. The public comment line will be available only during live meetings. City staff will answer the calls and enter your verbal comments into the online system on your behalf. Such comments will be read during the meeting as part of the official record.

- (4) All comments will be screened and not be read into the record if they violate City Commission or board decorum policies.

F. *General Guidelines.* The rules established herein are intended to provide a general framework for the conduct of public CMT meetings as authorized pursuant to the Governor's Executive Orders Nos. 20-52 and 20-69. The City Manager, Mayor, or Board Chair, as may be applicable, is authorized to make changes to these procedures as may be necessary to overcome technical difficulties or practical challenges in implementing public meetings via CMT, so long as such changes comport with Executive Order No. 20-69 and § 120.54(5)(b)2., Florida Statutes.

SECTION 5. Duration. This resolution shall continue throughout the declared state of emergency and the effective dates of Executive Orders Nos. 20-52 and 20-69 as such may expire, be extended, or otherwise be terminated by the Governor.

SECTION 6. Severability. If any portion of this resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the resolution will continue in full force and effect.

SECTION 7. Effective Date. This resolution will become effective immediately and no longer be in effect after the conclusion of the Governor's declared statewide emergency and the expiration of Executive Orders Nos. 20-52 and 20-69, subject to any extensions or early terminations thereof as may be ordered by the Governor of the State of Florida.

READ AND ADOPTED this 30th day of March, 2020.

CITY OF WINTER PARK, FLORIDA

ATTEST:

Steve Leary, Mayor

Rene Cranis, City Clerk



city commission **agenda item**

item type	Public Hearings	meeting date	3/30/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Ordinance repealing adoption of Orange Avenue Overlay

Ordinance rescinding and repealing the amendments to the Comprehensive Plan and Zoning ordinances that established the Orange Avenue Overlay District.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Ordinance repealing adoption of OAO

Commissioner Cooper amended ordinance

Upload Date

3/26/2020

3/30/2020

Type

Backup Material

Backup Material

ORDINANCE _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING ORDINANCE 3166-20 AND ORDINANCE 3167-20, WHICH RESPECTIVELY AMENDED THE COMPREHENSIVE PLAN AND ZONING CODE TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT AND GOVERNING POLICIES AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code amendment) concerning the establishment of the Orange Avenue Overlay District and related policies and land development regulations on March 9, 2020; and

WHEREAS, the City Commission wishes to rescind Ordinances 3166-20 and 3167-20 before they become effective and to begin the process anew to adopt the Orange Avenue Overlay District; and

WHEREAS, the City Commission directs City staff to re-initiate the process to amend the Comprehensive Plan and the Zoning Code to create the Orange Avenue Overlay District with the updates as directed by the Local Planning Agency and the City Commission to be completed for transmittal to the State review agencies by July 31, 2020 with such extensions as may be needed due to unforeseen circumstances; and

WHEREAS, since Ordinance 3166-20 and Ordinance 3167-20 are not yet effective, they are not currently part of the Comprehensive Plan or Land Development Regulations of the City of Winter Park; and

WHEREAS, the City Commission now 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 OF WINTER PARK, FLORIDA:

SECTION 1. Rescind. That Ordinances 3166-20 and 3167-20 adopted on March 9, 2020 are hereby rescinded (repealed) and are null and void.

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. Conflicts. To the extent any provision or provisions of this Ordinance conflict with the provision or provisions of other Ordinances, the provisions of this Ordinance control.

SECTION 4. Effective Date. This Ordinance shall become effective immediately following approval of the 2nd Reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

Mayor Steve Leary

Attest:

Rene Cranis, City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING ORDINANCE 3166-20 AND ORDINANCE 3167-20, WHICH RESPECTIVELY AMENDED THE COMPREHENSIVE PLAN AND ZONING CODE TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT AND GOVERNING POLICIES AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Commission has reconsidered its votes on Ordinance 3166-20, establishing the Orange Avenue Overlay, and Ordinance 3167-20, the associated land development code amendment, (referred to collectively as the Orange Avenue Overlay), and now repeals those ordinances before the ordinances become effective, to avoid causing prejudice to any of the landowners in the Overlay area; and

WHEREAS, the City Commission is repealing the Orange Avenue Overlay to allow more time for Staff to provide analysis and data, and to offer the public additional information and opportunity for public comment, since many changes in substance were made at the second reading of the ordinances. Chapter 163.3181(1) of Florida Statute expresses the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. There were public hearings on prior versions of the Orange Avenue Overlay, however at the second reading of the ordinances many changes in substance were made to the Overlay, preventing full opportunity for public understanding and informed comment on the final version; and

WHEREAS, the Orange Avenue Overlay, if allowed to become effective, creates the potential for developments that are of scale and size that are unprecedented in this City. Many citizens have asked for more time to study and to understand the Overlay, and to obtain expanded traffic analysis and graphic examples in order to better evaluate the potential outcome of these development standards within the Orange Avenue Overlay, and

WHEREAS, it is the intention of the City Commission to further study and potentially amend proposed Orange Avenue Overlay policies and regulations; specifically, to examine the value to the City from the transfer of residential development rights; intensities of land use; the regulations pertaining to parking garages; the use of existing public right of ways and

WHEREAS, Ordinance 3166-20 was not to become effective until April 16, 2020. By repealing Ordinance 3166-20 and Ordinance 3167-20 before April 16, 2020,

the City Commission is providing ample notice to the property owners in the Orange Avenue Overlay that they should make no investment backed decisions based on Ordinances 3166-20 or 3167-20. Further that a copy of this Ordinance shall be mailed to all property owners within the geographic area referred to as Orange Avenue Overlay to ensure all owners are aware of this repeal of the Orange Avenue Overlay.

NOW, THEREFORE, the City Commission of the City of Winter Park, Florida hereby ordains as follows:

Section 1. Recitals. The above recitals are hereby adopted as the legislative findings of the City Commission. The City Commission finds and determines that there is competent substantial evidence to support the findings and determinations made.

Section 2. Repeal of Ordinance No. 3166-20 and Ordinance No 3167-20. Ordinance No. 3166-20 and Ordinance No. 3167-20 (establishing the Orange Avenue Overlay) are hereby repealed and are null, void and of no effect.

Section 3. Conflicts. All Ordinances, or parts of Ordinances in conflict with any provisions of this Resolution are hereby repealed to the extent of the conflict.

Section 4. 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 Ordinances.

Section 5. Effective date. This Ordinance shall become effective immediately after passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of _____ 2020.

Mayor

ATTEST:

City Clerk



city commission **agenda item**

item type	Public Hearings	meeting date	3/30/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Ordinance declaring moratorium on applications in the Orange Avenue Overlay District

Ordinance placing a temporary moratorium (suspension) on the acceptance, processing, and consideration of all development orders, conditional use applications, site plans, building permits or other development applications that would utilize the Orange Avenue Overlay District regulations and codes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

OA0 Moratorium Ordinance

Upload Date

3/26/2020

Type

Backup Material

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

