

ORDINANCE NO. 92 - 49

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PURSUANT TO FLORIDA STATUTE 163.360, APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR THE WINTER GARDEN COMMUNITY REDEVELOPMENT AREA AS SET FORTH IN RESOLUTION NO. 92 - 04 OF THE CITY COMMISSION; MAKING CERTAIN FINDINGS AND DETERMINATIONS; FINDING THAT THE PLAN CONFORMS TO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Garden, Florida has adopted Resolution No. 92 - 04, finding the existence of certain slum and blighted areas within the boundary of the Winter Garden Community Redevelopment Area (the "Area") and, Community Redevelopment Reserve Area (the "Reserve Area"), and determining that the rehabilitation, conservation or redevelopment, or a combination thereof, of the Area and Reserve Area by the Community Redevelopment Agency is necessary in the best interests of the public health, safety, morals, or welfare of the residents and citizens of the City of Winter Garden; and

WHEREAS, the City Commission of the City of Winter Garden, Florida has adopted Ordinance No. 92 - 48, creating a Community Redevelopment Agency to carry out and effectuate the purposes of community redevelopment within the boundaries of the Area; and

WHEREAS, the City Commission and the Community Redevelopment Committee has commissioned a study which has confirmed the findings of blight; and

WHEREAS, action must be taken immediately to prevent further blight and deterioration and to protect and enhance public expenditures previously made by the City in the Area; and

WHEREAS, the Orange County Board of County Commissioners has, by resolution, delegated to the City the right and authorization to exercise powers as described and provided in Chapter 163, Part III, Florida Statutes, such powers to include the power to prepare (or to have prepared) a Community Redevelopment Plan (the "Plan") in accordance with Section 163.360, Florida Statutes; and

WHEREAS, the Orange County Board of County Commissioners has adopted a resolution approving the Community Redevelopment Plan; and

WHEREAS, the Winter Garden Planning And Zoning Commission, acting as the City's designated Local Planning Agency, has determined that the Community Redevelopment Plan is consistent with the City's adopted Comprehensive Plan; and

WHEREAS, the City desires to proceed under Part III, Chapter 163, Florida Statutes (the "Act"), to establish the necessary means by which redevelopment can be accomplished in the Area; and

WHEREAS, after due consideration and public hearings as required by law, the City Commission of the City of Winter Garden, Florida, deems it appropriate to approve the Community Redevelopment Plan for the Area. NOW THEREFORE,

BE IT ENACTED BY THE COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:

1. The Community Redevelopment Plan for the Community Redevelopment Area and Reserve Area, having been duly received and considered as provided by law, is hereby approved and adopted as attached hereto as Exhibit "A", more specifically referred to as Winter Garden Community Redevelopment Plan, and made a part of this Ordinance be reference. Said Plan is hereby designated as the

official Community Redevelopment Plan for the Community Redevelopment Area, the boundaries of which are described in the Plan. It is the purpose and intent of the City Commission that the Community Redevelopment Plan be implemented in the Area.

2. The City Commission expressly finds that the Community Redevelopment Plan satisfies the requirements of Florida Statute 163.360, because:

a. Even though no families are anticipated to be displaced as a result of the project, a feasible method exists for the location of any such families in decent, safe and sanitary dwelling accommodations within their means and without undue hardship;

b. The Community Redevelopment Plan conforms to the City of Winter Garden Comprehensive Plan as a whole;

c. The Plan gives due consideration to providing adequate park and recreation areas and facilities that may be desirable;

d. The Plan affords the maximum opportunity, consistent with the sound needs of the City as-a-whole, for the rehabilitation or redevelopment of the Community Redevelopment Area by private enterprise;

e. The Plan is necessary and in the interests of public health, safety, morals and welfare of the residents of the City of Winter Garden, and will effectuate the purpose of the Act by revitalizing the area economically and socially, thereby increasing the tax base, promoting sound growth, improving housing conditions, and eliminating the conditions which the Florida Legislature has found in the Act to constitute a menace which is injurious to the public health, safety, welfare and morals of the residents; and

f. The Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the Community Redevelopment Area; zoning and planning changes, if any; land uses; maximum densities; and building requirements.

3. In accordance with Florida Statute 163.360(7)(b), the City Commission does hereby determine that:

a. Non-residential uses in the Community Redevelopment Area are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives; and

b. Acquisition of property within the Community Redevelopment Area may require the exercise of governmental action, as authorized by Part III of Chapter 163, Florida Statute, or other applicable constitutional, statutory, or ordinance provisions, because of:

1. defective, or unusual conditions of, title or diversity of ownership which prevents the free alienation of such land;
2. tax delinquency;
3. improper subdivisions;
4. outmoded street patterns;
5. deterioration of site;

6. economic disuse;
7. unsuitable topography of faulty lot layouts;
8. lack of correlation of the area with other areas of the county or city by streets and modern traffic requirements;
9. inadequate parking facilities;
10. roadway, bridges or public transportation facilities incapable of handling the volume of traffic flow; or
11. any combination of the above or other conditions which retard development of the area.

4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

5. This Ordinance shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 25th DAY OF June, 1992.

FIRST READING:
ADVERTISED:

June 11, 1992
June 14, 1992

Jack Quesinberry
Jack Quesinberry - Mayor/
Commissioner

ATTEST:

Helen Duckwiler
Helen Duckwiler, City Clerk