

ORDINANCE NO. 2025-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA; AMENDING SECTION 20-323 PERMITTED USES IN THE TOWN CENTER DISTRICT CODE REGARDING CORNER STORES OR NEIGHBORHOOD CONVENIENCE STORES WITH GAS PUMPS ON PROPERTIES WITH A T-5 TRANSECT DESIGNATION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law, and the City's inherent police power to establish zoning regulations within the jurisdictional limits of the City of Winter Springs; and

WHEREAS, the Section 20-323 establishes the list of allowed uses within the Town Center District and a corner store or neighborhood convenience store without gas pumps is currently a permitted use on properties with a T3, T4 and T5 transect designation and a corner store or neighborhood convenience store with gas pumps is currently allowed by conditional use on properties with a T5 transect designation; and

WHEREAS, however, since the adoption of Ordinance No. 2001-13, the City Commission has determined that it is necessary for the City to establish zoning distance requirements for gasoline stations as more specifically set forth in Section 20-418 of the Winter Springs City Code; and

WHEREAS, the City Commission finds that modern trends in neighborhood corner convenience stores have evolved significantly to meet changing consumer preferences and such stores have become convenience hubs for enhanced and expanded grocery and retail offerings; alcohol, coffee and other beverages; prepared food services and seating; and fueling; and

WHEREAS, the City Commission finds that the current application of Section 20-418 restricts its ability to consider a corner neighborhood convenience store with gas pumps in the Town Center and has determined that a revision is necessary to allow the Commission to potentially consider a request for such a corner neighborhood store in the future; and

WHEREAS, the City's Land Planning Agency conducted a public hearing to consider this Ordinance on _____, 2025, and after receiving testimony and evidence and deliberating about the merits of the Ordinance, made a recommendation to the City Commission; and

WHEREAS, the City Commission of the City of Winter Springs, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Winter Springs.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Commission of Winter Springs.

Section 2. **Code Amendment.** The City of Winter Springs Code of Ordinances, Section 20-323, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions), while asterisks (* * *) indicate a deletion from this Ordinance of text existing in Section 20-323 including the table of listed uses. It is intended that the text in Section 20-323 including the table of listed uses denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance).

Sec. 20-323. Permitted uses.

	T1	T2	T3	T4	T5	C/P
	*	*	*	*	*	*
Corner store or neighborhood convenience store without gas pumps			P	P	P	
Corner store or neighborhood convenience store with gas pumps					CU ⁽¹⁾	
*	*	*	*	*	*	*

(1) Notwithstanding Section 20-418 of the City Code regarding gasoline stations, a conditional use may be approved by the City Commission for an expanded neighborhood convenience store. The store must be between 4,000 to 5,000 square feet and primarily offer traditional convenience store items, including dairy, bakery, tobacco, beverages, grocery, health and beauty aids, newspapers and magazines, lottery sales as may be approved by the State, and confectionery. Additionally, it must feature expanded grocery products, fresh fruits and vegetables, significant fast or prepared food operations and seating, coffee bars or kiosks, and gasoline sales with no more than twelve (12) fueling positions. The store must also be located at the corner of an arterial road intersection.

P—Permitted by right.

CU—Conditional use.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior

ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Incorporation Into Code.** This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and 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 5. **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 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to the City Charter.

ADOPTED by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the _____ day of _____, 2025.

KEVIN McCANN, Mayor

ATTEST:

CHRISTIAN GOWAN, City Clerk

**APPROVED AS TO LEGAL FORM AND SUFFICIENCY
FOR THE CITY OF WINTER SPRINGS ONLY.**

ANTHONY A. GARGANESE
City Attorney

1st Legal Ad Published: _____

First Reading: _____

2nd Legal Ad Published: _____

Effective Date: _____