

ORDINANCE NO. 2819-10

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE," ARTICLE VI, "SUBDIVISION REGULATIONS" SO AS RENAME SAID ARTICLE VI AS THE "SUBDIVISION AND LOT CONSOLIDATION REGULATIONS"; ADDING NEW DEFINITIONS TO SECTION 58-371 "DEFINITIONS"; AMENDING SECTION 58-377, "CONFORMANCE TO THE COMPREHENSIVE PLAN" TO INCORPORATE POLICY DIRECTION FROM THE COMPREHENSIVE PLAN AND ADDING A NEW SECTION 58-392 "LOT CONSOLIDATIONS" TO ESTABLISH REQUIREMENTS FOR THE REVIEW AND APPROVAL OF LOT CONSOLIDATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Winter Park has recommended approval of this Ordinance at its July 6, 2010 meeting as consistent with the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park's Comprehensive Plan; and

WHEREAS, the City Commission hereby find 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.

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

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

SECTION 1. That Chapter 58 "Land Development Code", Article VI "Subdivision Regulations" of the Code of Ordinances is hereby amended by renaming Article VI as "Subdivision and Lot Consolidation Regulations".

SECTION 2. Section 58-371 "Definitions" is hereby amended by adding three new definitions as follows:

* * *

Estate lot means any single family residential lot that is one acre or greater in size.

* * *

Lakefront lot means any lot or property which is bounded by Lakes Maitland, Osceola, Virginia, Mizell, Sue, Sylvan, Berry, Forrest, Killarney, Temple, Tuscany, Spier and Bell.

* * *

Lot consolidation means land, vacant or improved, which has been divided into two or more lots, properties, parcels, sites, units, plots or interests, whether such legal description is by subdivision lot and block description or metes and bounds description, and whether by deed, lease, map, plat or other recorded instrument, that are subsequently combined into a single lot, property, parcel, site, unit, plot or interest, for use or potential use as a single entity, whether or not said lots are combined into one deed or other ownership arrangement.

* * *

SECTION 3. Section 58-377 is hereby amended to read as follows:

Sec. 58-377. Conformance to the comprehensive plan.

(a) In the City of Winter Park, as a substantially developed community, the review of lot splits, lot consolidations, plats, replats or subdivisions within developed areas of the city shall insure conformance with the adopted policies of the comprehensive plan as a precedent to the conformance with other technical standards or code requirements.

(b) In existing developed areas and neighborhoods, all proposed lots shall conform to the existing area of neighborhood density and layout. The proposed lot sizes, widths, depths, shape, access arrangement, buildable areas and orientation shall conform to the neighborhood standards and existing conditions. This provision is specifically intended to allow the denial or revision by the city of proposed lot splits, lot consolidations, plats, replats or subdivisions when those are not in conformance with the existing neighborhood density or standards, even if the proposed lots meet the minimum technical requirements of the zoning regulations.

(c) In determining the existing area or neighborhood density and standards, for the consideration of lot splits, plats, replats or subdivision of other than estate lots or lakefront lots, the planning and zoning commission and city commission shall consider the frontage and square foot area of home sites and vacant properties with comparable zoning within an area of 500-foot radius from the proposed subdivision.

(d) In order to implement the policies of the comprehensive plan the city commission may also impose restrictions on the size, scale, and style of proposed building, structures, or other improvements. This provision shall enable the city commission to impose restrictions on the size, height, setback, lot coverage, impervious area or right-of-way access such that proposed building and other improvements match the dimension and character of the surrounding area or neighborhood.

(e) Pursuant to the policies of the Comprehensive Plan, in the consideration of lot splits, lot consolidations, plats, replats or subdivisions of single family estate properties, it shall be recognized that historically, Winter Park is a distinct residential community in part because of the existence of large estate lots. These existing estate lots, many with historical or architectural significance, provide a character that in turn creates value throughout the surrounding neighborhoods and the community. Thus, preservation of the estate lots maintains the attractive character of Winter Park that helps to set it apart from other cities in Florida. The existence of large estate lots dispersed throughout Winter Park adds great attractiveness, appeal and value to residents and potential buyers as contrasted with newer more uniform homogenous subdivisions. In order to protect these features and values and preserve neighborhood character, the City shall strongly discourage any subdivisions or lot splits of estate lots within areas designated single family residential.

(f) Pursuant to the policies of the Comprehensive Plan, in the consideration of lot splits, plats, replats or subdivisions of lakefront estate lots it is the City's policy to maintain the diversity of sizes of lakefront properties and lakefront estate lots and to strongly discourage the subdivision or split of such properties. The City shall preserve low densities along the City's lakefront property, including larger lakefront estate lots in order to perpetuate the unique character of Winter Park that sets it apart from other cities throughout Florida.

SECTION 4. A new Section 58-392 "Lot Consolidations for Residential Lots" is added to read as follows:

Sec. 58-392 – Lot Consolidations of Residential Lots.

(a) Pursuant to the policies of the Comprehensive Plan regarding residential lot consolidations, Planning Commission recommendation and City Commission approval is required for the following types of lot consolidations of residential lots (or portions thereof):

(1) The new consolidated lot's dimensions are 150% greater than certain dimensional standards for that area, as described below:

(i) For a property on a block composed of properties where the average lot frontage is greater than 60 feet, approval is required where the new lot's frontage or area will be 150% greater than the minimum lot frontage or area requirements for that zoning district. For example, for a property zoned R-1A, the 150% threshold shall be met if the new lot exceeds

by 150% the R-1A minimum 75 foot lot width or the minimum 8,500 square foot area.

(ii) For a property on a block composed of properties where the average lot frontage is less than or equal to 60 feet, approval is required where the new lot's frontage or area will be 150% greater than the average frontage or area on that block; or

(2) The new lot will be 150% greater than the existing lot through the aggregation of lot(s) (or portions thereof) which: (1) are located behind the subject property, and (2) front on another street.

(b) Exceptions. Notwithstanding the requirements of subsection 58-392 (a) above, a lot consolidation approval by the City Commission shall not be required for the following:

(1) The new lot adds twenty-five (25) feet or less of width. However, this exception shall not apply to new lots which add lot depth.

(2) The property owner voluntarily executes a binding deed restriction to run with title to the entire parcel which limits and restricts the maximum allowable floor area ratio to the total square footage that would have been permitted prior to the consolidation. Said deed restriction shall prohibit the removal of the deed restriction without the express approval of the city commission. Any subsequent request for removal of the deed restriction shall comply with the process and procedures for lot consolidation as outlined in this section.

(c) The following shall be considered in the review of residential lot consolidations:

(1) The proposal will not adversely affect access, design or other public safety concerns relevant to the original approval of plats, if any;

(2) The proposal will not violate any plat conditions;

(3) The proposal will not violate this Code;

(4) The proposal will not invalidate any easements;

(5) No new streets will be created; and

(6) The proposal will not be out of scale with the existing street or with the neighborhood character.

(d) In their consideration of lot consolidation requests, the City Commission may limit the applicable floor area ratio, require greater setbacks or impose other restrictions as a condition of approval in order to preserve neighborhood scale and character.

(e) The public notice, process and procedure for the review of lot consolidation requests shall be the same as for the review of subdivision plats in Sections 58-373 – 58-376.

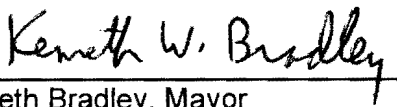
SECTION 5. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 6. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 7. 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; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon its final 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 23rd day of August, 2010.


Kenneth Bradley, Mayor

ATTEST:


City Clerk Cynthia S. Bonham