

ORDINANCE NO. 2832-10

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" SUBSECTION (d) (5) SO AS TO MODIFY THE LAKEFRONT SETBACK PROVISIONS, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by repealing within Section 58-87 "Lakefront lots, canalfront lots, streamfront lots, boathouses and docks.", subsection (d) (5) to read as follows:

Sec. 58-87. Lakefront lots, canalfront lots, streamfront lots, boathouses and docks.

Amend subsection (d) (5) "Other structures on lakefront, canalfront or streamfront lots" to read:

(5) Buildings and other structures on lakefront lots require the approval of the planning and zoning commission and the city commission, if included as a conditional use, prior to the issuance of a building permit. As conditions necessitate, the planning and zoning commission or city commission may impose increased setbacks in concert with their waterfront review or conditional use authority as necessary to accomplish the objectives in this section. Structures in this context shall also include swimming pools, cabanas, gazebos, screen enclosures, tennis courts and other accessory buildings.

(a) Setbacks: Single Family/Duplex: The setback from the lake's ordinary high water elevations for single family and duplex buildings and any other accessory structures on those properties (other than boathouses, docks, over water gazebos or retaining walls) shall be the average established by the adjacent lakefront properties within 200 feet of the subject property, or 50 feet, whichever is greater. The planning and zoning commission shall have the authority to approve lakefront and canal front setbacks less than the average to a minimum of 50 feet in accordance with their lakefront review authority.

(b) Setbacks: Multi-Family/Non-Residential/Mixed use: The lakefront setback from the lake's ordinary high water elevations for multi-family (3 or more units) or non-residential or mixed use buildings and any other accessory structures on

those properties (other than boathouses, docks, over water gazebos or retaining walls) shall correspond to the height of the proposed structure. For buildings and structures 35 feet in height or less, the lakefront setback shall be a minimum of 75 feet. As the height of the building or structure increases, for each additional one foot increase in height over 35 feet in height, the lakefront setback shall increase by two and a half (2.5) feet.

(c) Ordinary High Water Elevations: For convenience, the ordinary high water elevations of the city's principal lakes are listed below. These elevations have been determined by the Florida Department of Environmental Protection (FDEP) Bureau of Survey and Mapping. All elevations reference NGVD ('29 datum).

a. Lake Berry . . .	70.0 feet
b. Lake Killarney . . .	82.8 feet
c. Lake Maitland . . .	66.5 feet
d. Lake Mizell . . .	66.5 feet
e. Lake Osceola . . .	66.5 feet
f. Lake Sue . . .	71.5 feet
g. Lake Sylvan . . .	72.0 feet
h. Lake Virginia . . .	66.5 feet
i. Lake Bell . . .	89.4 feet
j. Lake Spier	90.5 feet
k. Lake Forrest	88.9 feet
l. Lake Grace	101.6 feet
m. Lake Rose	88.6 feet
n. Lake Tuscany	69.9 feet
o. Lake Baldwin	91.5 feet

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.

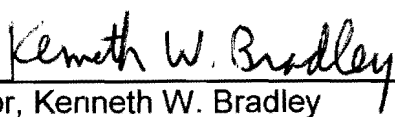
SECTION 3 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4.- 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 22nd day of November, 2010.



City Clerk, Cynthia S. Bonham



Mayor, Kenneth W. Bradley