

**ORDINANCE NO. 2795-10**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-65 "R-1AAA LAKEFRONT DISTRICT," SECTION 58-66 "R-1AA AND R-1A DISTRICTS," SECTION 58-70 "PURD DISTRICT", SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS" AND SECTION 58-95 "DEFINITIONS," "SO AS TO ENACT NEW SINGLE FAMILY AND ACCESSORY BUILDING REGULATIONS AND DEFINITIONS; PROVIDING FOR CODIFICATIONS, CONFLICT, SEVERABILITY AND 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 amending Section 58-65 "Lakefront (R-1AAA) District" to read as follows:

**Sec. 58-65. R-1AAA lakefront district.**

(a) *Purpose and intent.* This district is established within the city to provide areas for single family dwellings and necessary accessory buildings that minimize impacts on the lakes, which are among the city's greatest assets. The regulations enumerated for this district are designed to promote the construction of and continued use of land for a single family dwelling and to provide as conditional uses certain structures and uses required to serve the residents, such as churches and noncommercial recreational area. Prohibited are uses of the land that would overburden public facilities or create impacts to adjacent lakes; thus, diminishing their water quality and aesthetic appeal. Areas zoned R-1AAA shall be those existing low-density residential areas adjacent to lakes or other water bodies, plus certain undeveloped areas whose development in a manner prescribed by this district would fulfill the intent of the comprehensive plan.

(b) *Permitted uses.* Detached single family dwellings.

(c) *Accessory uses permitted.* Accessory buildings including private garages to serve the residences, accessory living quarters which contain no cooking facilities, a recreation room, guest house, greenhouse, dock, boathouse, swimming pools, spas are permitted. Storm water retention facilities servicing exclusively uses permitted in this district are permitted. In addition, for properties which contain a residence that is 5,000 square feet in gross floor area or larger, a second kitchen may be included in a dwelling or cabana subject to not having a separate utility meter and not allowing this portion of the dwelling to be rented, let

or hired out for occupancy whether compensations be paid directly or indirectly and subject to executing a deed restriction which outlines the above restrictions. That deed restriction shall be recorded prior to the issuance of the building permit and shall be removed only with the consent of the city.

(d) *Conditional uses.* The following uses may be permitted within this district only after review by the planning and zoning commission and approval by the city commission in accordance with provisions of this article.

(1) Churches or similar places of worship with necessary accessory structures, but not including mission or revival tents. Churches may not operate day nurseries, kindergartens or schools (grades 1-12) without first receiving conditional use approval for this use.

(2) Public parks, playgrounds, playing fields and neighborhood municipal recreation buildings and uses in keeping with the character and requirements of the district.

(3) Libraries, community centers and other public buildings.

(4) Tennis courts.

(e) *Minimum building site.*

(1) The minimum lot area for the R-1AAA lakefront district shall be 25,000 square feet with a minimum width at the building line, which is the front setback line of the main residence of 150 feet and a minimum frontage at the street and at the lake of 150 feet.

(2) The creation of new lakefront "flag" lots within this district shall be prohibited. Flag lots are any lot with dimensions at the street less than would exist at the building line front setback for the main residence.

(f) *Site and building improvement regulations.*

(1) *Floor area ratio.*

a. Limitations on allowable floor area are established for the following purposes:

1. To provide adequate living space for single family dwellings;
2. To assure that the overall bulk and mass of all buildings on each site will be harmoniously related to the size of the building sites on which they are constructed;
3. To prevent out-of-scale developments that are inconsistent with the preservation of neighborhood character and open space.

b. Buildings and accessory structures constructed in the single family zoning districts shall not exceed a gross floor area based on lot size as follows:

1. Properties with an area of 11,600 square feet or less shall use a maximum floor area ratio of 38%.
2. Properties with an area between 11,600 square feet to 13,600 square feet shall have a maximum gross floor area of 4,500 square feet.

3. Properties with an area larger than 13,600 square feet shall use a maximum floor area ratio of 33%.
4. Additional allowance for greater gross floor area may be permitted in accordance with the side setback standards in Section 58-65(f)(6).
  - c. For one story homes or homes with the second floor located within a sloping roof that has a roof slope of 12:12 or less the allowable floor area ratio may be increased by up to 5% for properties less than 11,600 square feet in area or properties over 13,600 square feet in area. For homes utilizing this special allowance with lot areas between 11,600 to 13,600 square feet a gross floor area of up to 5,200 square feet is permitted. Homes qualified to receive this additional special floor area allowance may provide roof dormers with a maximum width of 8 feet, occupying up to 45% of the roof area within the same roof plane and the dormer(s) must be placed at least 2.5 feet back from the required setback of the home. In addition, one story homes may utilize a maximum allowable impervious coverage of 60%.
  - d. Gross floor area shall be defined as the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior surface of the walls or columns of open roofed structures. Basement areas or other below grade floor areas are excluded when more than one-half of that basement or floor height is below the established existing grade or curb level or edge of street when no curb is present. The area of stairways, elevators and multi-story rooms or atriums shall be counted on each floor level. The area within carports, screened or roofed porches and balconies shall be counted, except those areas permitted to be excluded in this Article and except as provided in the definitions for "gross floor area".
  - e. The area of screen pool enclosures shall not be counted in the floor area ratio. However, the area within screen pool enclosures shall not exceed eight percent of the lot area unless approved by the planning and zoning commission. Properties may exceed the eight percent limitation for screen pool enclosures without planning and zoning commission approval provided the total area of all structures, including screen pool enclosures, does not exceed the combination of the permitted floor area ratio and the eight percent of lot area. This approval shall insure that the screen enclosure and pool equipment is adequately set back, adequately buffered by landscaping, sufficiently designed to accommodate onsite retention, and appropriate in size and scale so as to negate any detriment to adjacent properties.
  - f. Floor area ratio on lakefront lots shall only be computed using the site area used for the building. Land area located across a street and separated from the building site shall not be included in the available land area calculation.
  - g. The gross floor area of a single family building shall include the area of stairways, elevators, atriums, and volume ceiling spaces on each floor level, when such height would permit a floor level to exist with seven and one-half feet clearance. This is deemed to occur when the interior floor to ceiling height exceeds 17 1/2 feet.
  - h. The area within an open street front porch and entry may be excluded from the "gross floor area," subject to the limitations in this paragraph. This exclusion shall be limited to a maximum area of 400 square feet. The area on the first floor within an open or screened rear or open side porch, lanai, porte cochere or other covered area shall not be included within

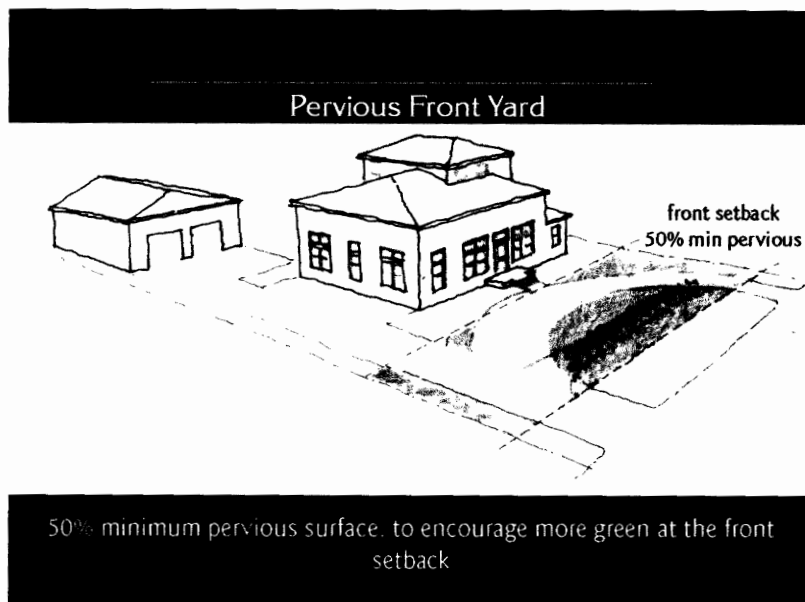
the "gross floor area." This exclusion shall be limited to a maximum area of 500 square feet. On the second floor, rear or side porches must have exterior sides that are 75 percent open in order to utilize up to 300 square feet of the total allowable 500 square feet of excludable gross floor area. Properties utilizing this exemption shall record a deed covenant outlining the restrictions precluding the screening or enclosing of such porch or entry. An open front porch, entry area or porte cochere utilizing this exemption shall also comply with the provisions in Section 58-65(f)(5)(c).

(2) *Impervious lot or site coverage.*

a. Limitations on allowable impervious lot or site coverage are established for the following purposes:

1. To provide sufficient area on each building site for landscaping and open space;
2. To protect existing vegetation including trees;
3. To assure adequate percolation of rainfall into the soil thereby avoiding excessive erosion or runoff of water onto neighboring properties and promoting aquifer recharge.

b. Buildings, accessory structures, patios, decks, drives and other impervious surfaces shall not cover more than 50 percent of the total land area of the lot and at least 50 percent of the front yard area must consist of pervious surfaces with landscaping material. In any area of the front yard hard surfaces such as concrete, asphalt, brick, pavers or similar materials and driveways with stone or gravel may cover a maximum of 50% of the front yard area. Mulch drives are prohibited. The front yard area includes that area between the front lot line and the front wall(s) or front porch of the home.



c. Impervious lot or site coverage shall be defined as the percentage of the lot land area that is covered with impervious materials such as buildings, swimming pools, decks, patios, driveways, etc. Standard engineering coefficients of permeability may be utilized for mixed

surfaces.

d. On lakefront lots, land located across a street and separated from the building site shall not be included in the available land area calculation.

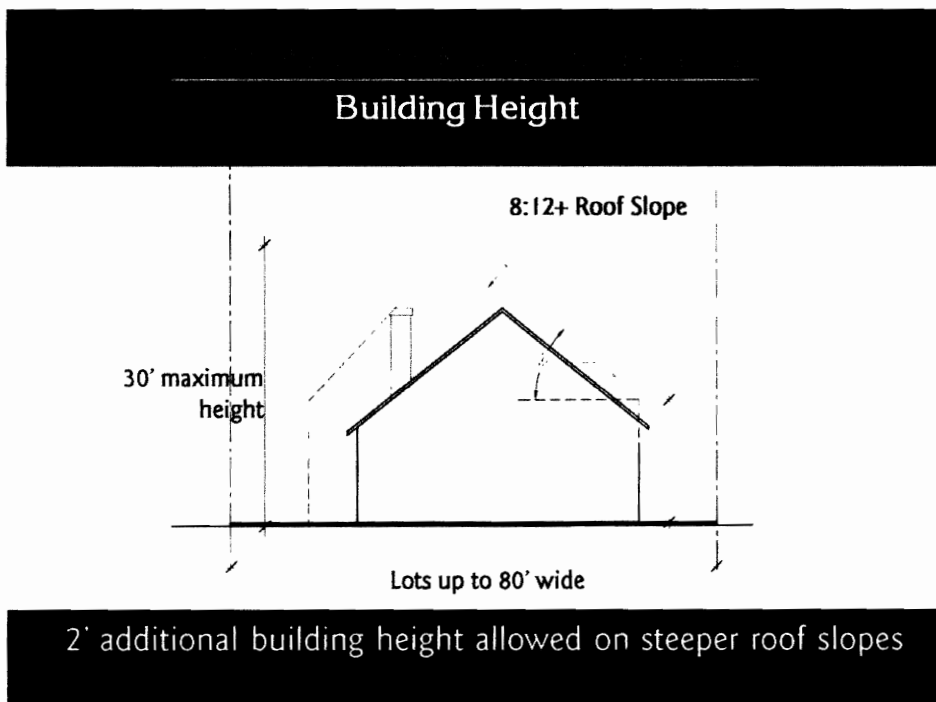
(3) *Building height.*

a. Limitations on the maximum allowable height of structures are established for the following purposes:

1. To protect the value and enjoyment of neighboring properties by avoiding excessively massive buildings or buildings which dominate over neighborhood structures;
2. To preserve reasonable access to light, air and privacy for all properties;
3. To prevent the inequitable loss of private views or the unreasonable interference with significant public views resulting from excessively tall or poorly planned structures.

b. Height limits. The following limits shall apply to all height determinations in residential districts:

1. No building shall have more than two stories except as permitted in this section. Attic area above the second floor within a sloping roof with a maximum slope of 12:12 and within the allowed building height may be air conditioned and finished space and may be excluded from the gross floor area to be used in calculating the allowable floor area ratio. Homes with a mansard or gambrel roof types may not utilize this exception. This area shall also comply with the building code.
2. No building or portion thereof shall exceed 30 feet in height. Exception: homes with a roof slope of 8:12 or greater may be permitted to have two feet of additional building height.



c. Building height shall be defined as the vertical distance measured from the average elevation of the existing lot grade measured directly adjacent to the front of the building or proposed building.

d. Properties or lots with at least 80 feet of width at the building line are permitted building heights of 35 feet if the side setbacks are increased to 20 feet. Exception: homes with a roof slope of 8:12 or greater are permitted 2 feet of additional building height.

e. Properties or lots exceeding 50,000 square feet in size with at least 100 feet width at the building line may be permitted building heights of 40 feet if side setbacks are increased to 35 feet.

f. The special side setbacks referenced above shall be measured to the two-story roof component of the building over 30 feet in height.

#### (4) *Setbacks.*

a. Minimum setback standards are established for the following purposes:

1. To provide open space on each building site;
2. To assure a harmonious relationship of buildings on each site to the public right-of-way;
3. To protect access within building sites for emergency exiting and fire protection access.
4. To protect trees by providing greater area for them.

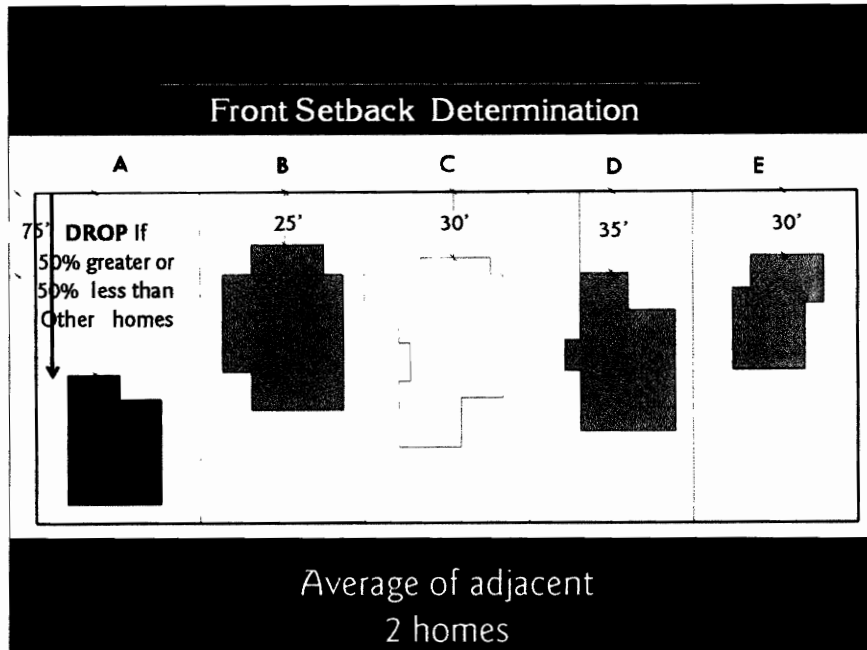
b. Effect of setback standards. Setback standards define a yard area on the building site that is parallel and adjacent to the property line from which the setback is measured. Setbacks shall be maintained at not less than the minimum width specified by the setback standard. This minimum yard area shall be maintained as unoccupied space and shall be kept open and unobstructed from the ground upward along its full length and width. Required yard dimensions shall be measured between the property line of the building and that part of any structure or improvement nearest to the property line.

c. Second story setbacks. For the purposes of determining required setbacks, a building wall that exceeds 12 feet in height above the natural grade to the wall plate shall be located on a lot so as to be in compliance with the setback requirements for the two-story portion of the building. In the case of a gable end or similar walls, the height shall be measured from the grade to the top plate at the bottom of the gable. Framed or trussed knee walls that add to the height of the wall shall be included when determining the allowable height of the wall.

#### (5) *Front yard setbacks.*

a. The front setback shall be the average of the adjacent two homes on each side of the subject property located on the same side of street. If one of the four homes is set back 50 percent greater or 50 percent less than the other three homes, then that larger or smaller setback number shall be removed from the average, and the front setback of the three remaining homes shall be used to determine the average. If the adjacent lot is vacant, then the next adjacent home shall be used for the front setback comparison. If the subject lot is a corner lot or one lot away from a corner, then the adjacent three homes shall be used to compute the setback. The front setback shall be measured to the front vertical wall of the

home, however, when the adjacent homes have an open front porch qualifying as an open front porch under Section 58-65(f)(5)(c), the front setback measurement shall be made to a point five feet behind the porch column line, and the new home or addition utilizing this front setback average may not include a two story structure or structural component in front of the main house wall of the existing adjacent homes.



b. The front setback shall be 25 feet when an average front setback has not been established as described above.

c. For an open front or street side yard porch or entry, the front setbacks established above and the street side yard setback on corner lots may be reduced by up to five feet in order to permit the addition of an open front porch or entry. Properties utilizing this exemption shall record a deed covenant outlining the restrictions precluding the screening or enclosing of such porch or entry. Open front porches or entry areas utilizing this setback exception shall have a maximum height of 12 feet from grade to the wall plate or to the top of the beam above the columns. The gable end walls on these porches may extend an additional maximum height of 6 feet. In order to exclude open front porches or entry areas from the floor area ratio, the exterior sides of these building elements must be approximately 75% open when measured from the floor to the underside of the opening with a maximum enclosed area of 3 feet above the opening to the wall plate or top of the support beam.

d. Notwithstanding the required or established front setback for a residence, no garage or carport shall be located so as to provide a front setback or street side yard setback of less than 20 feet to the garage or carport opening.

**(6) Side yard setbacks**

a. The side setback for one story homes or the first floor of two story homes is equal to 25% of the lot width in feet equally divided on each side of the home, except the side setback is 7.5 feet for lots which are 60 feet wide or less.

b. The side setback for two story homes measured to the second story wall shall be 35% of the lot width in feet equally divided on each side of the home, except the second floor side setback is 10 feet for lots which are 60 feet wide or less.

c. Special setbacks to allow increased floor area:

In order to allow additional floor area for two story homes, the required side setback on both floors must increase in feet by 1% of the lot width for each 1% increase in the allowable floor area up to a maximum allowable increase of 5% for properties less than 11,600 square feet in area or for properties over 13,600 square feet in area.

For homes utilizing this special setback allowance with lot areas between 11,600 to 13,600 square feet use 4,500 square feet of gross floor area as the allowable base area. This base area may be increased to a maximum of 5,200 square feet by increasing the side setback in increments of 140 square feet for each 1% increase in the side setbacks until reaching the maximum of 5,200 square feet. For example, to allow a gross floor area of 4,640 square feet (4,500 + 140), the required side setbacks must be increased by 1% on both floors which is 26% of the lot width on the first floor and 36% on the second floor.

Exception to allow 5% increase in the floor area ratio for narrow lots:

Lots which are 60 feet wide or less shall use a second floor setback of 12.5 feet or greater.

d. General side setback rules: The lot width is measured at the building line across the front of the existing or proposed home. The required setback must be rounded up to the next whole number when the required setback number is one half foot or greater, and rounded down to the next whole number when the required setback is less than one half foot. Lots over 200 feet in width shall use the required setback for lots which are 200 feet in width.

e. Two story homes on lots over 60 feet and up to 100 feet in width which have a first floor side wall height of 11 feet or less measured from the natural grade to the top of the roof sheathing may utilize a side setback of 10 feet to the first floor wall .

f. The table below provides examples of the required side setbacks for various lot widths in accordance with paragraphs "a," "b," "c" and "d" above:

**Setbacks Based on % of lot width at 1<sup>st</sup> & 2nd floors Using 25% - 35%**

| <b>Lot width</b>                    | <b>50'</b> | <b>60'</b> | <b>75'</b> | <b>80'</b> | <b>90'</b> | <b>100'</b> | <b>125'</b> | <b>175'</b> | <b>200'</b> |
|-------------------------------------|------------|------------|------------|------------|------------|-------------|-------------|-------------|-------------|
| 1 <sup>st</sup> floor setback [25%] | 7.5'       | 7.5'       | 10'        | 10'        | 11'        | 13'         | 16'         | 22'         | 25'         |
| 2 <sup>nd</sup> floor setback [35%] | 10'        | 10'        | 13'        | 14'        | 16'        | 18'         | 22'         | 31'         | 35'         |



**Setbacks Based on % of lot width at 1<sup>st</sup> & 2nd floors Using 30% - 40%**

| <b>Lot width</b>                    | <b>50'</b> | <b>60'</b> | <b>75'</b> | <b>80'</b> | <b>90'</b> | <b>100'</b> | <b>125'</b> | <b>175'</b> | <b>200'</b> |
|-------------------------------------|------------|------------|------------|------------|------------|-------------|-------------|-------------|-------------|
| 1 <sup>st</sup> floor setback [30%] | 7.5'       | 9'         | 11'        | 12'        | 14'        | 15'         | 19'         | 26'         | 30'         |
| 2 <sup>nd</sup> floor setback [40%] | 12.5'      | 12.5'      | 15'        | 16'        | 18'        | 20'         | 25'         | 35'         | 40'         |

g. Special side setback option for narrow lots (60 feet wide or less) with rear parking areas or garages: Provide a side setback of 11 feet on one side to allow driveway access and provide a minimum setback of 7 feet on the other side. The driveway may utilize a side setback of one foot subject to not diverting drainage onto the neighboring property. The maximum allowed floor area ratio is permitted when using this option.

h. For lots with a front to rear sloping topography, an average side wall height of 12 feet measured from the natural or pre-existing site grade to the wall plate may be utilized at the required side setback. Walls averaging higher than 12 feet must be located at the required second floor setback.

i. Lot width is measured at the front building line across the lot. The building line is located at the required front setback for vacant home sites or properties being redeveloped and at the front building wall closest to the street of the existing homes. If an existing home has an open front porch or carport encroaching into the established front setback as determined above in paragraph (5), then the building line shall be determined to be located 5 feet behind the front support columns of the porch or carport.

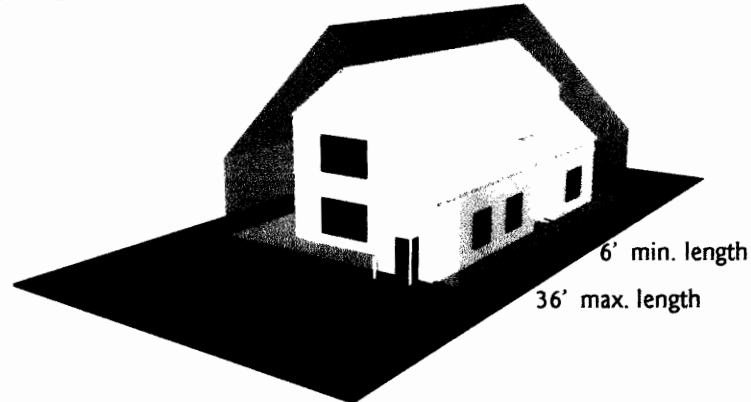
(7) *Rear yard setbacks.* The rear setback shall be 25 feet to a one-story structure and 35 feet to the two-story portion of any building. The rear setback may be reduced to 25 feet from 35 feet for two-story components when those consist of a second story loft or mezzanine that is within the normal scale and height (not to exceed 18 feet) of a typical one-story structure.

The rear setback may be reduced to ten feet when the rear yard of the residential property abuts non-residentially zoned property or property zoned R-3 or R-4.

(8) *Side wall articulation.* Each side wall shall provide architectural articulation when the side wall plane and side roof line extends more than 36 feet along the side lot line on both floors for two story homes and on the wall nearest to the side lot line of other homes by providing a minimum inset or projection for the height of the wall. The inset or projection

must extend a distance of at least 6 feet along the side property line. Projections designed to accomplish this articulation requirement must meet the required side setback. For lots less than 80 feet in width, the minimum inset or projection is 2 feet. For lots over 80 feet in width, the minimum inset or projection is 3 feet. Other architectural features that project, such as bay windows, may be utilized if they meet the criteria and do not extend into the required side setback. Both side walls of the home must meet the criteria.

## Side Wall Articulation



## Break-up building along side setback

### (9) *Special setback situations.*

a. Special setbacks exist for corner lots and through lots that may impose more restrictive setbacks for principal and accessory structures, garages, swimming pools and other improvements. See Section 58-71(h).

b. Flag lots shall observe a 20-foot setback from the property side parallel to the street on the side closest to the street.

c. Any residential construction on lots within 200 feet of the lake's edge or with canal frontage shall have the approval of the planning and zoning commission. The setback from the lake's edge for structures other than boathouses, docks, 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.

(10) Privacy view protection: For two story homes on corner lots with a side yard adjacent to an existing one story home, an additional second floor setback of 5 feet in the rear half of lot must be provided. Balconies overlooking the adjacent one story home shall be non-functional with no access from the new home. The requirements of this subsection may be

omitted with a letter of approval from the adjacent property owner, subject to providing an additional landscaping buffer to act as a privacy barrier. Details of the proposed landscaping barrier must be presented and approved during the building permit review of the plans.

(g) *Nonconforming lots.* Lots of record that have widths at the building line or frontages at the street or lake, or that have lot areas less than that required by this R-1AAA district shall also observe the following provision, in addition to those defined elsewhere in this article.

(1) When two or more adjoining lots of record with continuous frontage are in a single ownership on or any time after January 23, 1979, and such adjoining lots have a width at the building line or frontage at the street or lot areas less than is required by this R-1AAA district in which they are located, such lots shall be considered as one tract so as to create one or more lots which conform to, or more closely conform to the building line, frontage and area requirements of this district.

(2) Any single lot of record on January 23, 1979, may be used for a single family dwelling, provided it has a minimum width at the building line of at least 50 feet. However, such a lot must not have been of continuous frontage with other lots in the same ownership on or at any time after January 23, 1979.

**SECTION 2.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by amending Section 58-66 "R-1AA and R-1A districts" to read as follows:

Sec. 58-66. R-1AA and R-1A districts.

(a) *Purpose and intent.* These districts are established within the city to provide areas for single family dwellings and necessary accessory buildings. The regulations enumerated for this district are designed to encourage and promote the construction of and the continued use of the land for single family dwellings, to promote and encourage a suitable environment for family life, to prohibit uses of the land which would substantially interfere with development or continuation of single family dwellings in the districts, and to prevent use of the land for purposes which would overburden the public facilities. Permitted as conditional uses within these districts will be certain structures and uses required to serve the residents such as public schools, churches and noncommercial recreational uses. Areas zoned for R-1AA and R-1A districts shall be those existing low-density residential areas plus certain undeveloped areas which should develop in a similar manner according to the comprehensive plan.

(b) *Permitted uses.* Detached single family dwellings.

(c) *Accessory uses permitted.* Accessory buildings including private garages to serve the residences, accessory living quarters which contain no cooking facilities, a recreation room, guest house, greenhouse, dock boathouse, swimming pools, spas are permitted. Storm water retention facilities servicing exclusively uses permitted in this district are permitted. In addition, for properties which contain a residence that is 5,000 square feet in gross floor area or larger, a second kitchen may be included in a dwelling or cabana subject to not having a separate utility meter and not allowing this portion of the dwelling

to be rented, let or hired out for occupancy whether compensations be paid directly or indirectly and subject to executing a deed restriction which outlines the above restrictions. That deed restriction shall be recorded prior to the issuance of the building permit and shall be removed only with the consent of the city.

(d) **Conditional uses.** The following uses may be permitted within this district only after review by the planning and zoning commission and approval by the city commission in accordance with provisions of this article.

(1) Churches or similar places of worship with necessary accessory structures, but not including mission or revival tents. Churches may not operate day nurseries, kindergartens or schools (grades 1-12) without first receiving conditional use approval for this use;

(2) Public playgrounds, parks, playing fields and neighborhood municipal recreation buildings and uses in keeping with the character and requirements of the district;

(3) Libraries, community centers and other public buildings;

(4) Tennis courts;

(5) Affordable or workforce housing developments within a designated community redevelopment area (CRA).

(e) *Minimum building site.*

(1) The minimum lot area for the R-1AA district shall be 10,000 square feet with a minimum frontage at the building line of 100 feet.

(2) The minimum lot area for the R-1A district shall be 8,500 square feet with a minimum frontage at the building line of 75 feet.

(f) *Site and building improvement regulations.*

**[Municode note:** Insert here, the site and building improvement regulations which are the same as required in the Lakefront (R-1AAA) District under Section 58-65(f) except for 58-65(f)(9)(c) as reflected beginning on pages 2 at “(f) *Site and building improvement regulations*” and continuing through page 11 ending at item “(10) Privacy view protection” of this Ordinance. The codified version shall include all new text and diagrams.]

(g) *Affordable or workforce housing developments.*

(1) The city may permit, within any designated community redevelopment area (CRA), as a conditional use, the use of land and buildings in this district as affordable or workforce housing developments. These developments shall be restricted to the use as independent households or living units including kitchens and all other normal amenities. This shall not include any use of these households or living units as an adult congregate living facility or any other type of assisted living facility where services are provided for food shopping, meal preparation, cleaning, laundry, nursing care, etc. The city

commission may place conditions upon such conditional use approvals including conformance to operational, maintenance and management regulations.

(2) Each affordable or workforce housing unit shall have no less than 750 square feet and no more than 1,000 square feet of living area. Such units may be developed as independent detached buildings or as attached units of no more than three units in any building. No building shall be more than one-story in height.

(3) The collective size or square footage of buildings developed as affordable or workforce housing shall not exceed the applicable floor area ratio for such property. Buildings developed as affordable or workforce housing shall meet all other applicable single family zoning requirements except that the city commission may approve buildings with only one parking space per unit and/or utilizing a ten-foot rear building setback.

(4) Prior to the issuance of a building permit for the development of affordable or workforce housing, as approved via conditional use, the property owner shall record a deed restriction and covenant running with title to the land, the text of which shall be approved by the city attorney, restricting the use of the property as follows:

a. Affordable housing shall be restricted such that with regard to a unit for sale, it must be sold for less than 80 percent of the median price of the single family homes sold the previous year in the Orlando metropolitan area, and with regard to units for rent, the unit must rent monthly for less than 80 percent of the median monthly cost of similar sized one bedroom units for the previous year in the Orlando metropolitan area.

b. Affordable housing shall be restricted such that the tenants or purchasers shall not have annual incomes in excess of 80 percent of the median annual family income for the Orlando metropolitan area.

c. Workforce housing shall be restricted such that with regard to a unit for sale, it must be sold for less than 120 percent of the median price of the single family homes sold the previous year in the Orlando metropolitan area, and with regard to units for rent, the unit must rent monthly for less than 120 percent of the median monthly cost of similar sized one bedroom units for the previous year in the Orlando metropolitan area.

d. Workforce housing shall be restricted as affordable housing such that the tenants or purchasers shall not have annual incomes in excess of 120 percent of the median annual family income for the Orlando metropolitan area.

e. These deed restrictions and covenants shall run with the land to successors in title to the property and may only be removed with the consent of the city.

f. These restrictions and covenants shall also require the property owner to provide to the city any information including copies of leases, contracts and other data to ascertain compliance with these conditions regarding the use of the property as elderly housing sold or rented as affordable housing.

g. These restrictions and covenants shall also require that the property owner of an

elderly affordable housing development provide to the city an annual report outlining compliance with city codes regarding the maintenance and upkeep of the grounds, landscaping, buildings and parking lot.

h. These restrictions and covenants shall also require that the property owner convert such property to a single family use (notwithstanding any nonconforming setbacks) in conformance with the R-1A or R-1AA zoning if such project fails to comply with these requirements for affordable housing.

**SECTION 3.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by amending Section 58-70 "Planned unit residential development (PURD) district" to amend subsection (e) to read as follows:

(a) Approved development plan standards for approved PURD's. Except as shown below, the applicable zoning standards (based on the comprehensive plan) shall apply for all principal and accessory structures. In addition, for Waterbridge and Windsong subdivisions, the development standards of Section 58-65 Lakefront (R-1AAA) District, subsection (f)(8) "Side wall articulation" shall be applied and other development standards of Section 58-65(f) may be applied except where the approved Windsong and Waterbridge development standards contain more restrictive requirements.

**SECTION 4.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended by amending Section 58-71 "General provisions for residential districts" subsections (h)(2)(c), (i)(2), (j)(1), (k) and (ff) to read as follows:

Sec. 58-71. General provisions.

*(h) Corner lot and other residential setbacks.*

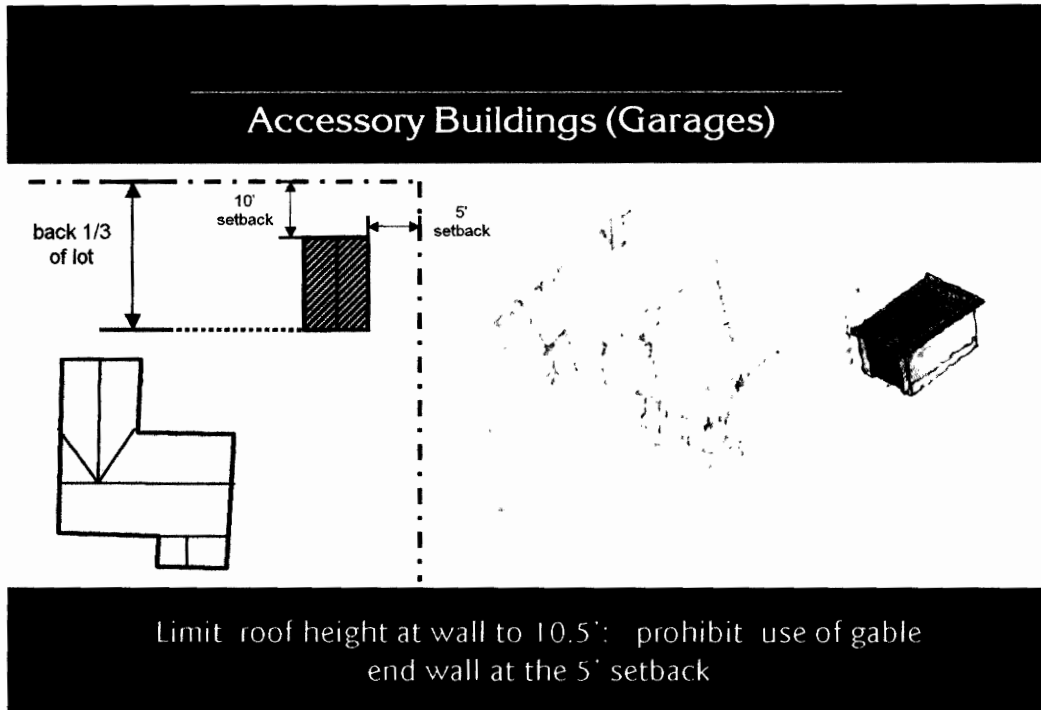
(2) Corner lot. In case of corner lots, the side yard setback toward the street shall be 15 feet on lots where the front of the lot has a width at the building line of 65 feet or less. On those corner lots where the front of the lot has a width at the building line of more than 65 feet to 75 feet, a setback of 20 feet to the first floor and 22.5 feet to the second floor shall be provided on the street side yard. A setback of 25 feet shall be provided on corner lots over 75 feet in width, and the rear yard setback may be reduced by five (5) feet on each floor. These special corner lot setbacks are applicable within the R-1AAA, R-1AA and R-1A districts and within single family areas of planned unit residential districts (PURD). Accessory buildings, swimming pools, spas and tennis courts shall also be set back according to these setbacks. The 22 ½ and 25 foot side yard setbacks shall not apply to properties in the R-3, and R-4 districts. The street side yard setback for lots over 65 feet in width for lots in the R-2 district shall be twenty (20) feet.

*(i) Accessory buildings, structures and uses in residential zones.*

(2)

c. Accessory buildings in rear yards: The exterior walls of accessory buildings shall not exceed 10.5 ft in height measured from natural grade to the roof sheathing surface unless placed at the same setback as required for the principal building. Additionally, accessory buildings located less than 10 feet from an interior side lot line must have a sloped or flat

roof, e.g., the side wall adjacent to the lot line cannot be a gable end wall. Accessory buildings greater than 550 square feet (including garages) must comply with building setbacks of the principal building, except a garage with a maximum area of 820 square feet which meets the requirements of this section may be located 10 feet from the rear lot line and must meet the required side setback of the home. A rear garage utilizing the setbacks in this section must be located in the rear third of the lot depth. All accessory buildings exceeding 320 square feet in size shall comply with the setback requirements of the principal building, except that a garage not exceeding 550 square feet may be located five feet from the interior side lot line and ten feet from the rear lot line. Additionally, private garages (attached or detached) shall be limited in size to no greater than 50 percent of the living area of the dwelling.



**(3) Garages and Carports for single family or two family dwellings:**

a. Front facing garages must be set back at least 4 feet behind the front building wall. In cases where the front setback is permitted to be less than 20 feet, the minimum front setback to the garage opening shall be at least 20 feet after complying with the 4 foot minimum step back behind the front building wall. The depth of the open porch cannot be included in the required 4 foot garage setback. Alternate methods to accomplish the step back shall be reviewed on a case by case basis.

b. Detached garages located in front of or within 25 feet behind the front wall of a home must adhere to the same required side yard setback as the main residence.

c. Requirements when two courtyard garages are located in front of a home:

1. An additional 5 feet of front setback shall be required to the garage wall.

2. The entry drive width is limited to 16 feet from the front lot line to the front wall of the garages,
3. Windows or similar architectural features shall be provided in the garage wall facing the street.
4. Landscaping shall be provided to buffer at least 20% of side wall of the garages including one or more understory or shade trees in front of each garage wall facing the street. Specific details of proposed landscaping shall be shown on building plans.

d. *Porte cochere*. The roof height of a *porte cochere* in front of a home must not exceed 14 feet unless located behind the front setback by 5 feet or more. A *porte cochere* attached to the side of a home may utilize a side yard setback of 5 feet from an interior side lot line subject to the following: three sides of the structure must be at least 75% open; a maximum height of 13 feet from natural grade to roof top and a maximum roof overhang of 12 inches. If a *porte cochere* has an area greater than 250 square feet, then the principal building setbacks shall be applied.

[Note to Municode: Renumber Section 58-71(i)(3) to (4) and renumber succeeding paragraphs (5) through (10)]

(j)

(1) Swimming pools and spas are permitted to have a rear setback of ten (10) feet and a side setback of 7.5 feet for lots which are 60 feet wide or less and are permitted to have a side and rear setback of ten (10) feet for lots which are over 60 feet in width. The setback to a lake, canal or stream shall not be construed as a side or rear setback.

(k) Tennis courts. Tennis courts require side and rear setbacks of ten(10) feet. Their associated backstop and side fencing shall also conform to these setbacks and shall not exceed twelve (12) feet in height. The composition of this fencing shall be chain link or other decorative fencing that does not impede the flow of air and which received the approval of the building director. The location of tennis courts, the composition and height of tennis court fences, the nature of any lighting and control of storm water shall be subject to the approval of the planning and zoning and city commissions.

(ff) Solar panels shall be placed in locations that, to the greatest extent possible, are not visible from the public right of way or, as an alternative, other technologies such as roofing materials designed as photo voltaic collectors shall be used if the optimum location is visible from the public right of way.

[Note to Municode: Insert new text in (ff) and re-letter existing text from (ff) to (gg) and re-letter succeeding paragraphs to create a new (jj).]

**SECTION 5.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended by amending a Section 58-92 "Definitions" by adding the following definitions:

*Dormer* means a projecting structure with a window which is set vertically on a sloping building roof, having its own roof, which may be flat, arched, gabled or hip in shape.



Gross floor area means, for the purpose of determining the floor area ratio of a building, the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior surface of the walls or exterior of columns for roofed structures without walls. The means of deriving "gross floor area" for special circumstances is clarified as follows:

(7) Attic spaces shall not be counted within the "gross floor area" provided such floor space is used only for the storage of household items and not used as habitable space by the occupants of the residence except where permitted in Section 58-65(f) and 58-66(f).

[Note: Renumber the remaining items (8) and (9)]

*Porte cochere* means a structure attached to a home with a roof over an adjacent driveway for the purpose of sheltering persons while entering or leaving a vehicle.

*Wall plate* means the bearing point at the top of a wall where the roof structure is placed. For example, for a frame wall the top of the double top plate on which the roof trusses or roof joists bear. For a masonry wall, the bearing point of the roof trusses or roof joists at the top of the wall.

**SECTION 6.** All ordinances or portions of ordinances in conflict herewith are hereby repealed.

**SECTION 7.** The following plans that were prepared based on zoning requirements which were in effect immediately prior to the adoption of this ordinance may be submitted for a building permit, processed and reviewed for compliance under the previous requirements up to one year after the effective date of the adoption of this ordinance:

- 1) Plans that were approved under the lakefront site plan review process by the Planning and Zoning Commission.
- 2) Plans that received a zoning variance by the Board of Adjustment.
- 3) Plans approved by the Historic Preservation Commission.

Any of the above-referenced approved plans which were approved over one year prior to the adoption of this Ordinance, and comply with the provisions of this Ordinance are exempt from the one year time period in this section and do not need to go back to the respective Board unless the rules of that Board or Commission provide more restrictive time limits. Plans approved by the above referenced Board or Commissions may grant a time extension to this section on a case by case basis.

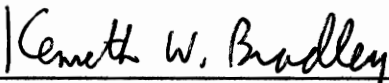
**SECTION 8.** Plans submitted for a building permit may utilize the current development standards in Sections 58-65 & 58-66 for sixty (60) days after the adoption of this ordinance and those standards may be applied to the principal residential building only. Provisions for accessory buildings and pervious coverage shall meet the standards of this

ordinance upon adoption unless application and full plan requirements are submitted prior to adoption of this ordinance. However, with respect to any real property which is the subject of a pending lawsuit or administrative proceeding with the City of Winter Park, as of First Reading of this Ordinance on February 8, 2010, and which may be impacted by the code amendments set forth herein, plans submitted for a building permit may utilize the current development standards in Sections 58-65 & 58-66 for ninety (90) days after a final order or settlement agreement is entered in the lawsuit or administrative proceeding.

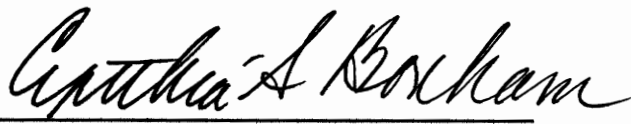
**SECTION 9.** Sections 7 and 8 shall not be codified but all other sections shall be codified.

**SECTION 10.** This ordinance shall become effective immediately upon 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 February, 2010.

  
\_\_\_\_\_  
Mayor Kenneth W. Bradley

ATTEST:

  
\_\_\_\_\_  
City Clerk Cynthia S. Bonham