

**CITY OF WINTER PARK
PLANNING AND ZONING BOARD**

**Staff Report
November 7, 2017**

REQUEST OF RON SCARPA AND BOB WALKER FOR: SITE PLAN APPROVAL TO CONSTRUCT A TWO-STORY, SINGLE-FAMILY HOME OF 2,637-SQUARE FEET (37.9% FLOOR AREA RATIO) ON THE SOUTHERN PORTION OF THE SPLIT PROPERTY LOCATED AT 2034 EAST END AVENUE, ZONED R-1A.

On August 22, 2016 the City Commission approved a lot split/subdivision of 2098 East End Avenue pursuant to the conditions that: (1) the existing house on the 2098 East End lot would be preserved during the ownership by the developers, (2) that the existing live oak tree at the rear (west side) of this 2098 East End house will be preserved by the current and future owners, (3) that the maximum floor area ratio on both lots would be capped at 38% and (4) that the site plan, elevations and floor plan for the new home on the vacant lot (2034 East End) must be approved by the P&Z Board at a public hearing.

Since that time, the lot has been split into two lots, 2098 and 2034 East End Avenue. The applicant is now requesting approval of their site plan and elevations of the proposed home on the vacant lot at 2034 East End Avenue.

Current Development Request: The applicant is proposing a two-story, 2,637 square foot home, which with a lot area of 6,960 square feet yields a floor area ratio (FAR) of 37.9%. This conforms to the Commission requirement of capping the FAR at 38%. The site plan is meeting all of the other general Code requirements with respect to impervious coverage, setbacks, etc. The elevations of the proposed home (attached) depict a Florida vernacular architecture. Given the eclectic style of the neighborhood, the proposed architectural style is compatible based upon the advice of the City Architect.

Development Agreement: Also attached is the Development Agreement for the two lots that outlines the restrictions that both lots are capped at a 38% FAR, that the existing home at 2098 East End Avenue must be preserved during the time of ownership by the applicant, and that the existing live oak tree behind the home at 2098 East End Avenue must be preserved by present and future owners.

With the signed Development Agreement, this request is meeting all of the conditions placed on the lot split approval.

STAFF RECOMMENDATION IS FOR APPROVAL

THE SCARPA RESIDENCE

Lot 62 of 62/63 2098 E. End Ave., Winter Park, FL 32789

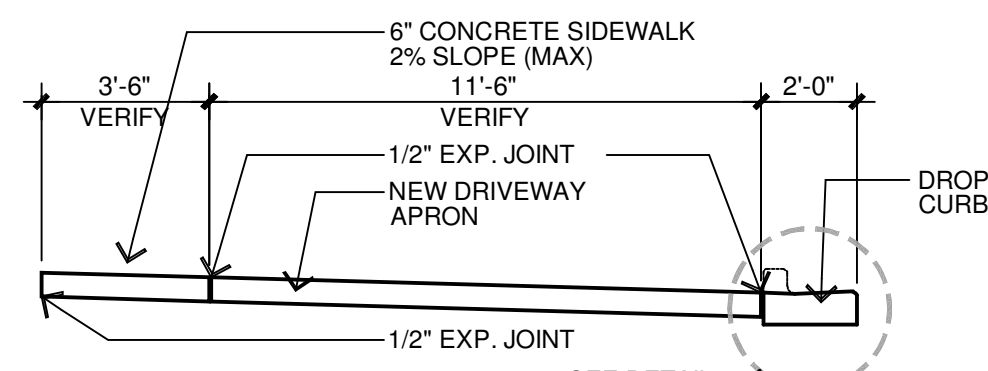
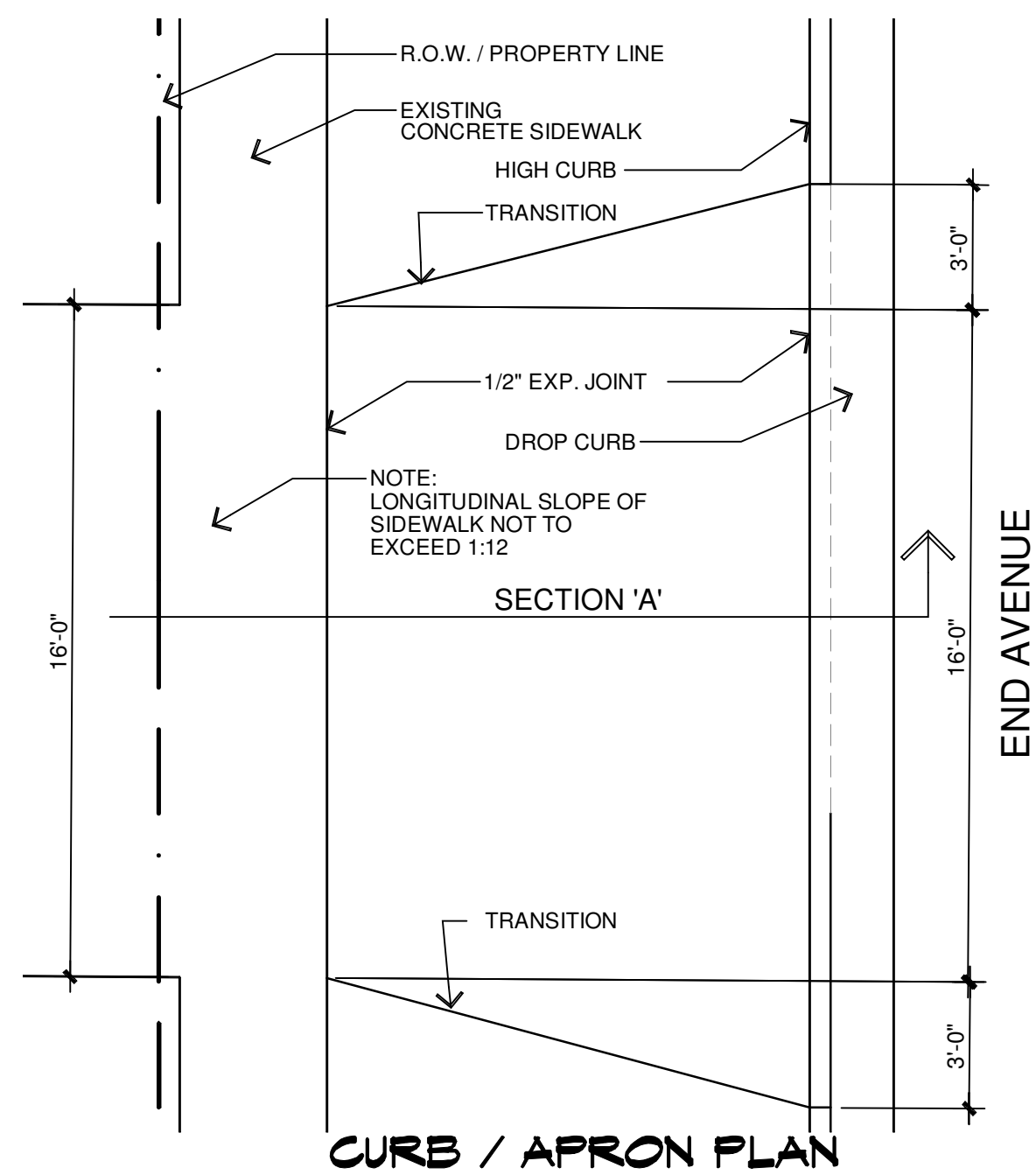
REVISIONS	BY
20 SEPT 2017	

DESIGNER
GREG HYATT
 CAD DRAFTING
 P.A./C.J.
 CHECKED
 SH
 DATE
 X-2-2017
 SCALE
 AS NOTED
 JOB NO.
 21724
 SHEET

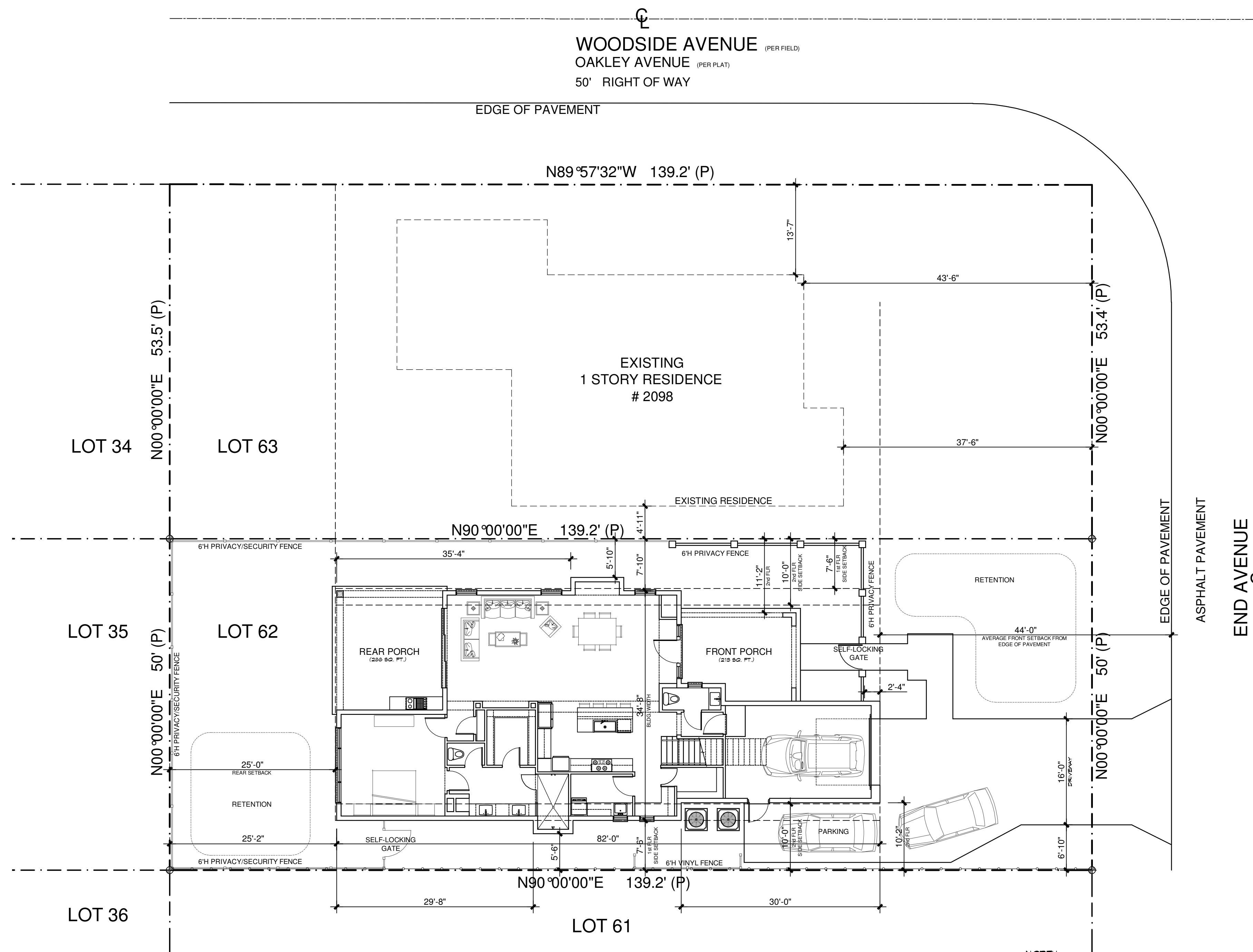
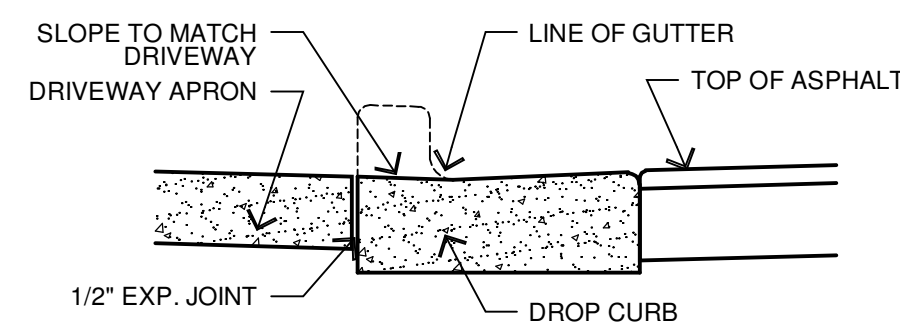
BAREFOOT brothers CONSTRUCTION

PROJECT: **THE SCARPA RESIDENCE**
 LOCATION: **2098 E. END AVE., WINTER PARK, FL 32789**
 BUILDER: **BAREFOOT BROTHERS CONSTRUCTION**

DESIGNER
DON BOLDEN, P.E.
 Florida Registration # 47524
 Certificate of Authorization # 26030
 P.O. Box 530783
 DeBary, FL 32753



- 3000 PSI CLASS CONCRETE REQUIRED
- EXISTING CURB TO BE REMOVED AND REPLACED WITH NEW DROP CURB
- 6" SIDEWALK SECTION TO BE INSTALLED THROUGH DRIVEWAY



SHEET INDEX	
C	COVER - SITE PLAN
2.1	FIRST FLOOR PLAN
2.2	SECOND FLOOR PLAN
3.1	EXTERIOR ELEVATIONS
5.1	ROOF PLAN

SITE / F.A.R. DATA (AT 38%)	
TOTAL SITE AREA	6,960 SQ. FT.
ALLOWABLE IMPERVIOUS AREA	3,480 SQ. FT. @ 50%
IMPERVIOUS AREAS:	
BUILDING FOOTPRINT	2,522 SQ. FT.
PARKING & HEAT PUMP PADS	298 SQ. FT.
DRIVEWAY & WALKWAY	739 SQ. FT.
TOTAL IMPERVIOUS AREA	3,469 SQ. FT. 49.8%
ALLOWABLE IMPERVIOUS AREA	3,480 SQ. FT. @ 50%
FLOOR AREA RATIO (F.A.R.):	
FIRST FLOOR AREA	2,522 SQ. FT.
SECOND FLOOR AREA	617 SQ. FT.
MINUS FRONT PORCH	219 SQ. FT.
MINUS REAR PORCH	288 SQ. FT.
TOTAL F.A.R.	2,637 SQ. FT. 37.9%
ALLOWABLE F.A.R.	2,645 SQ. FT. @ 38%

FRONT YARD LANDSCAPE COVERAGE	
TOTAL FRONT YARD AREA	1,600.0 SQ. FT.
HARD SURFACE AREA	690.5 SQ. FT. 43.2%
GREEN AREA	909.5 SQ. FT. 56.8%
MINIMUM GREEN AREA REQUIRED	800 SQ. FT. 50.0%

NOTE:
 SITE INFORMATION IS FROM A SURVEY BY:
 LEBRON GROUP
 LAND SURVEYING AND MAPPING, CORP.
 2236 WINTER WOODS BLVD. SUITE 1000
 WINTER PARK, FLORIDA 32792
 (407) 781-9329 LB #7615
 CONTRACTOR TO VERIFY ALL
 SITE INFORMATION, DIMENSIONS AND NEW
 CONSTRUCTION WITH SITE CONDITIONS PRIOR
 TO ANY SITE DEMOLITION AND / OR NEW
 CONSTRUCTION.

LEGAL DESCRIPTION:
 LOTS 62 AND 63, EDGEWOOD SUBDIVISION, ACCORDING TO THE
 PLAT THEREOF AS RECORDED IN PLAT BOOK "K", PAGE 57,
 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

NOTE:
 THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED REQUIREMENTS OF
 THE FLORIDA BUILDING CODE RESIDENTIAL FIFTH EDITION (2014) (AND ASCE 7-10).

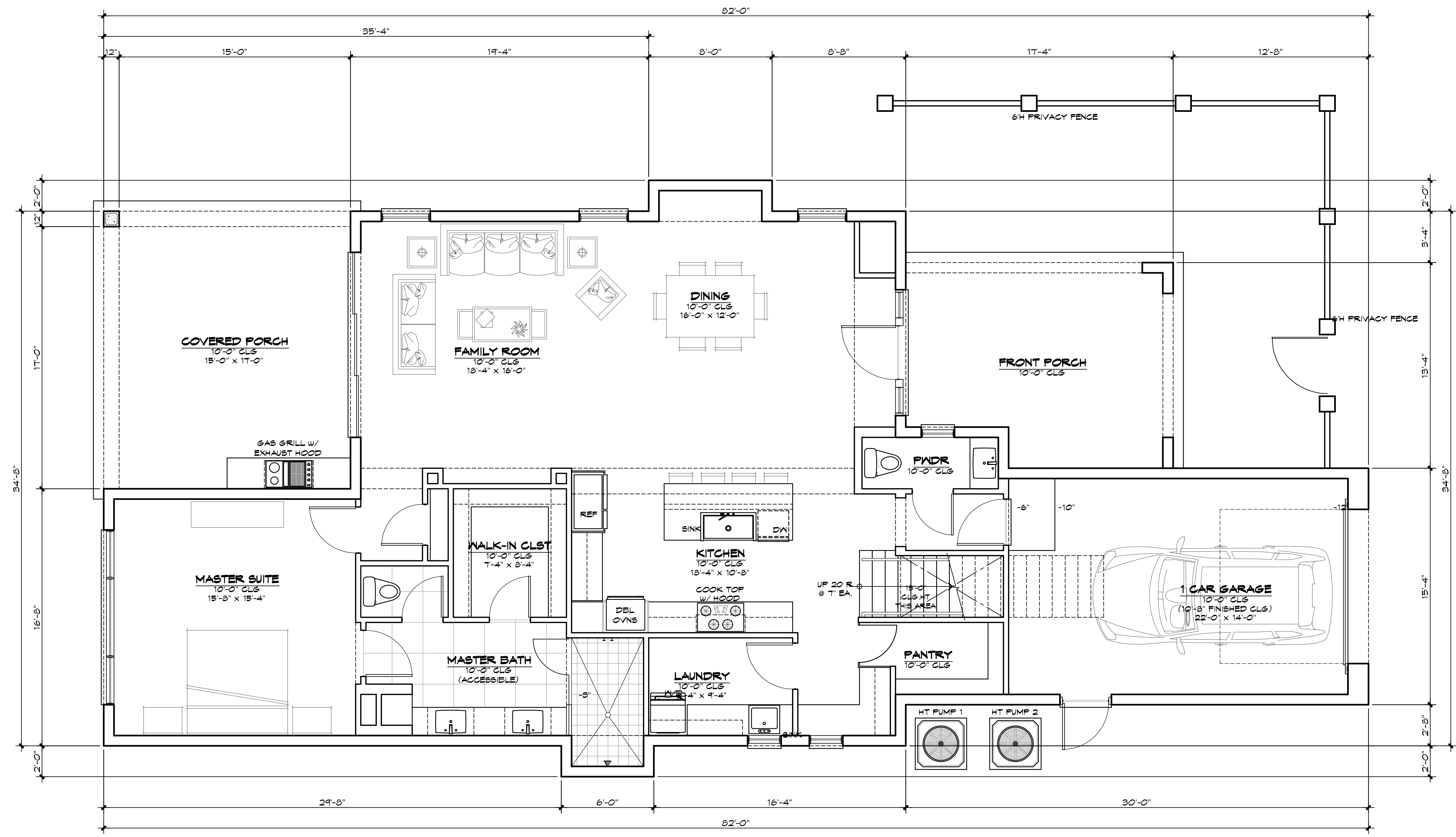
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 WIND SPEED (V ALLOWABLE) 108 MPH
 WIND IMPORTANCE FACTOR 1
 BUILDING CATEGORY II
 EXPOSURE CATEGORY C
 INTERNAL PRESSURE COEFF. 18
 COMPONENTS & CLADDING 29.4 PSF / 39.4 PSF
 BUILDING TYPE V

SITE PLAN
 scale: 1" = 10'

AREA TABULATION	
A/C AREA:	
FIRST FLOOR	1,663 SQ. FT.
SECOND FLOOR	899 SQ. FT.
CONDITIONED STORAGE	152 SQ. FT.
TOTAL A/C AREA	2,714 SQ. FT.
NON A/C AREA:	
1 CAR GARAGE	358 SQ. FT.
REAR COVERED PORCH	288 SQ. FT.
ENTRY	213 SQ. FT.
TOTAL NON A/C AREA	859 SQ. FT.
TOTAL AREA UNDER ROOF	3,573 SQ. FT.

REVISIONS	BY
20 SEPT 2017	
-	
-	

Greg Hyatt
 Designer
 1513 N. GRANDE AVENUE
 SUITE 8
 ORLANDO, FL 32804
 PHONE (407) 848-0020
 FAX (407) 848-0033
 WWW.HYATTDESIGN.COM



NOTE:
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WIND SPEED (V ULTIMATE)	140 MPH
WIND SPEED (V ALLOWABLE)	108 MPH
WIND IMPORTANCE FACTOR	1
BUILDING CATEGORY	II
EXPOSURE CATEGORY	C
INTERNAL PRESSURE COEFF.	.18
COMPONENTS & CLADDING	29.4 PSF/39.4 PSF
BUILDING TYPE	V

FIRST FLOOR PLAN
 scale: 1/4" = 1'-0"

DON BOLDEN, INC.
 Don Bolden, P.E.
 Florida Registration # 47524
 Certificate of Authorization # 26030
 P.O. Box 530783
 DeBary, FL. 32753

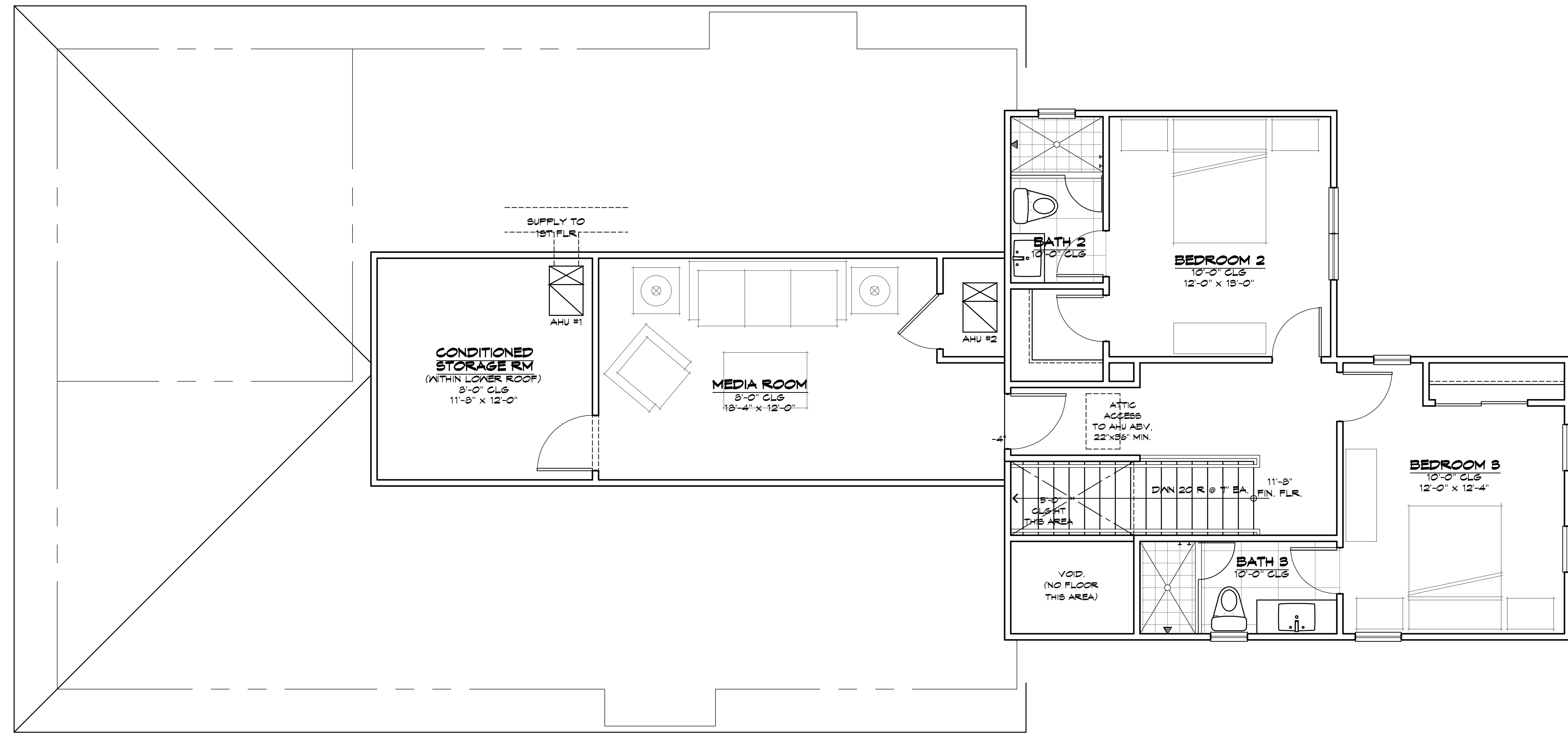
PROJECT: THE SCARPA RESIDENCE
LOCATION: 2068 E. END AVE., WINTER PARK, FL 32789
BUILDER: BAREFOOT BROTHERS CONSTRUCTION

DESIGNER	GREG HYATT
CAD DRAFTING	PA/CJ
CHECKED	SH
DATE	X-2-2017
SCALE	AS NOTED
JOB NO.	21724
SHEET	2.1

AREA TABULATION	
A/C AREA:	
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-	

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SUITE 8
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WWW.BAREFOOTCON.COM



PROJECT: THE SCARPA RESIDENCE
LOCATION: 2098 E. END AVE., WINTER PARK, FL 32789
BUILDER: BAREFOOT BROTHERS CONSTRUCTION

NOTE:
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WIND SPEED (V ALLOWABLE) 108 MPH
WIND IMPORTANCE FACTOR 1
BUILDING CATEGORY II
EXPOSURE CATEGORY C
INTERNAL PRESSURE COEFF. ±0.18
COMPONENTS & CLADDING 29.4 PSF/39.4 PSF
BUILDING TYPE V

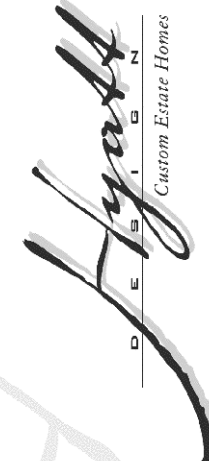
SECOND FLOOR PLAN
scale: 1/4" = 1'-0"

DON BOLDEN ENG., INC.
Don Bolden, P.E.
Florida Registration # 47524
Certificate of Authorization # 26030
P.O. Box 530783
DeBary, FL. 32753

DESIGNER	GREG HYATT
CAD DRAFTING	PA/CJ
CHECKED	SH
DATE	X-2-2017
SCALE	AS NOTED
JOB NO.	21724
SHEET	2.2

REVISIONS	BY
20 SEPT 2017	

1515 N. GRANDE AVENUE
 SUITE 6
 ORLANDO, FL 32804
 PHONE (407) 844-0020
 FAX (407) 844-0033
 WWW.BAREFOOTCON.COM



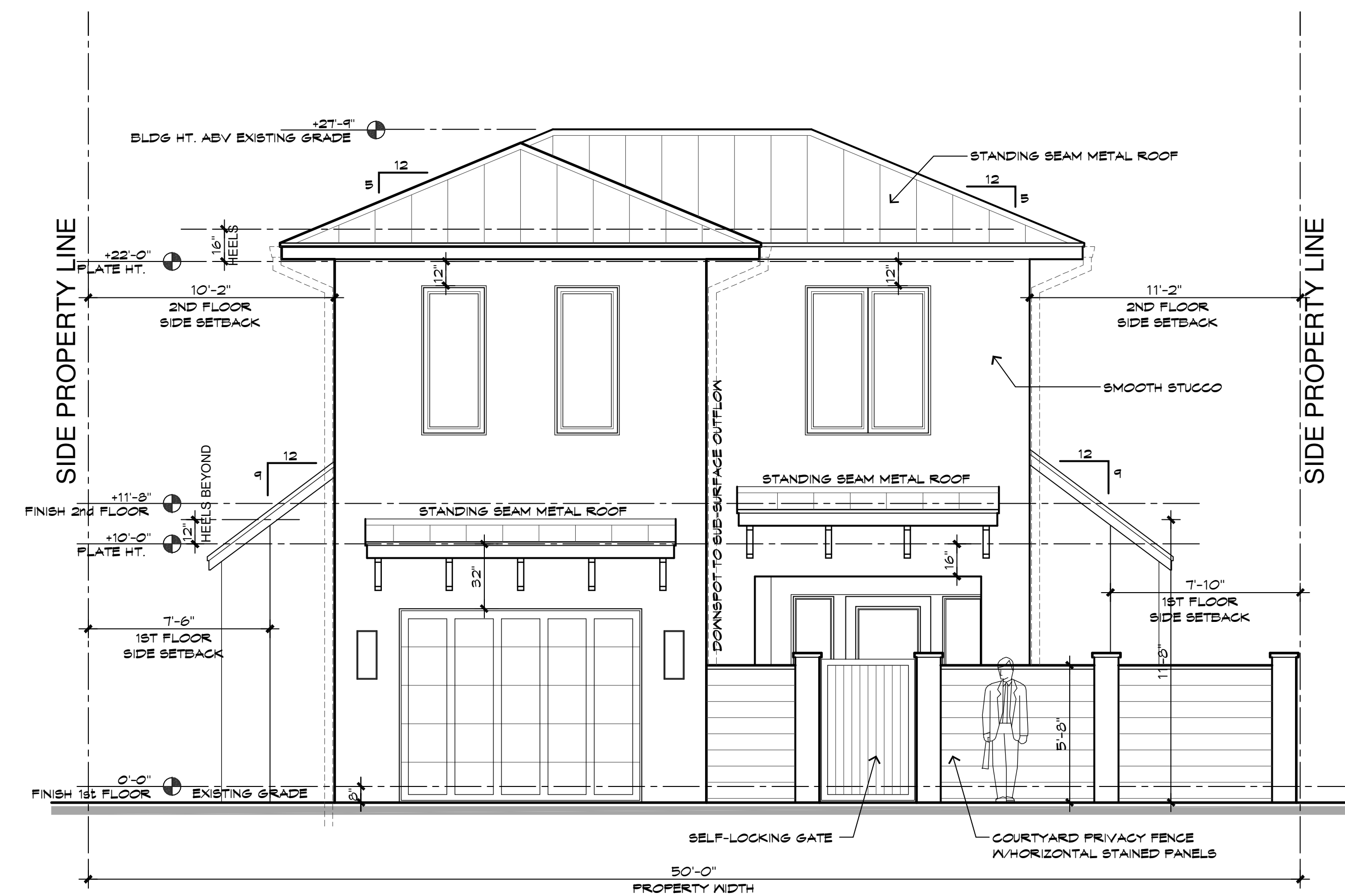
Greg Hyatt
 Custom Home



PROJECT: THE SCARPA RESIDENCE
LOCATION: 2018 E. END AVE., WINTER PARK, FL 32789
BUILDER: BAREFOOT BROTHERS CONSTRUCTION

DESIGNER	GREG HYATT
CAD DRAFTING	PA/CJ
CHECKED	SH
DATE	X-X-2017
SCALE	AS NOTED
JOB NO.	21724
SHEET	

3.1



FRONT ELEVATION

scale: 1/4" = 1'-0"

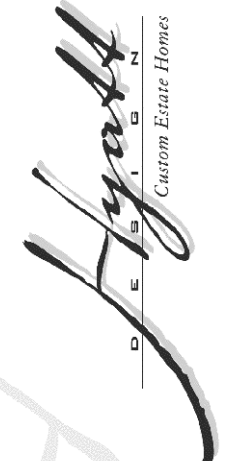
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EXPOSURE CATEGORY	C
INTERNAL PRESSURE COEFF.	.18
COMPONENTS & CLADDING	29.4 PSF/39.4 PSF
BUILDING TYPE	V

DON BOLDEN ENG., INC.
 Don Bolden, P.E.
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REVISIONS	BY
20 SEPT 2017	

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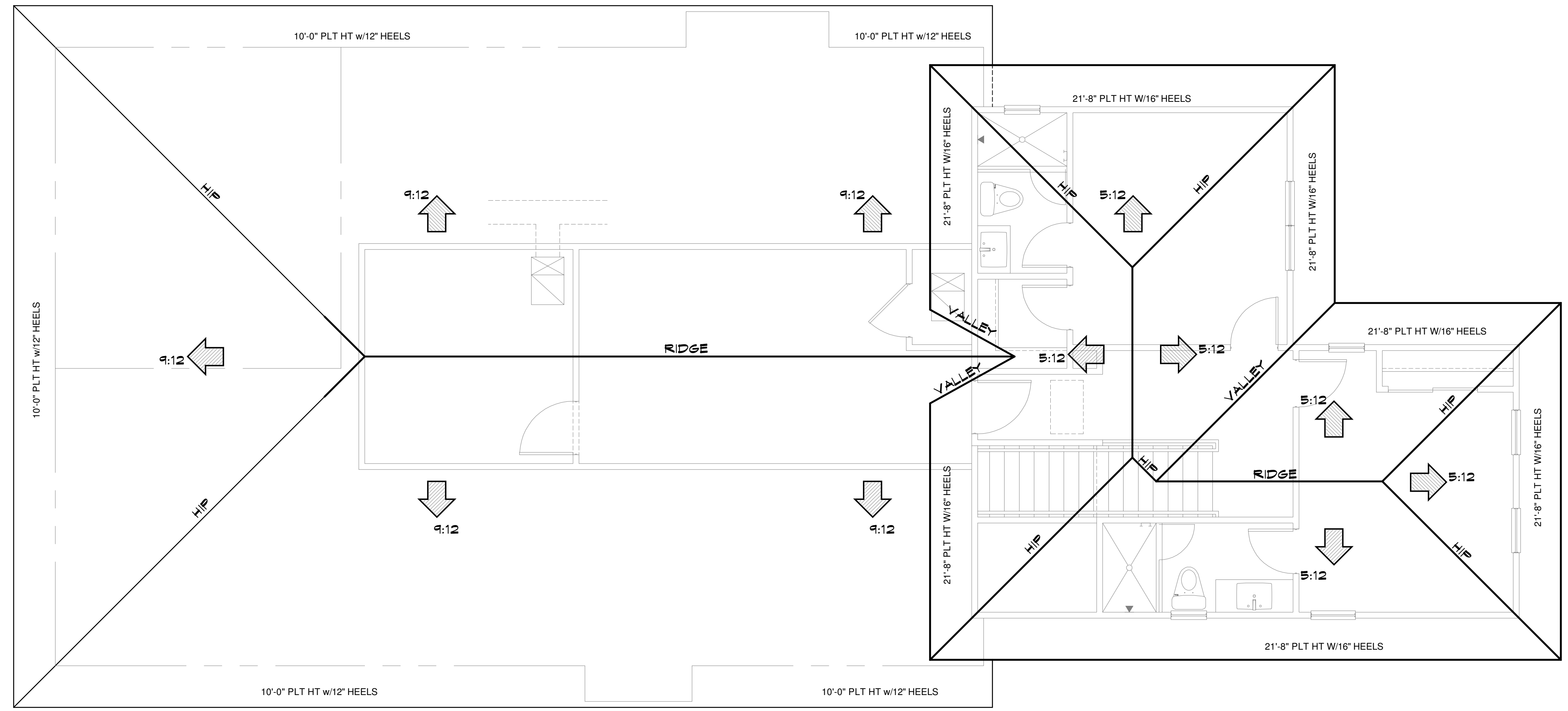


Greg Hyatt
 Custom Home Designer



PROJECT: THE SCARPA RESIDENCE
LOCATION: 2098 E. END AVE., WINTER PARK, FL 32789
BUILDER: BAREFOOT BROTHERS CONSTRUCTION

DESIGNER	GREG HYATT
CAD DRAFTING	PA/CJ
CHECKED	SH
DATE	X-2-2017
SCALE	AS NOTED
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SHEET	5.1



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INTERNAL PRESSURE COEFF.	.18
COMPONENTS & CLADDING	29.4 PSF/39.4 PSF
BUILDING TYPE	V

ROOF PLAN
 scale: 1/4" = 1'-0"

DON BOLDEN ENG., INC.
 Don Bolden, P.E.
 Florida Registration # 47524
 Certificate of Authorization # 26030
 P.O. Box 530783
 DeBary, FL. 32753

Prepared by and return to:
Jeffrey Briggs, Planning Director
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

DEVELOPER'S AGREEMENT FOR
2098 & 2034 East End Avenue
AND GRANT OF EASEMENT FOR
2098 East End Avenue

THIS AGREEMENT ("Agreement") entered into and made as of the ____ day of _____, 2017 by and between the **CITY OF WINTER PARK, FLORIDA**, 401 S. Park Avenue, Winter Park, FL. 32789 (hereinafter referred to as the "**City**"), and **RSRW PROPERTIES LLC**, 1033 Montana Street, Orlando, FL 32803, (hereinafter referred to as "**Owner/Developer**");

W I T N E S S E T H

WHEREAS, the Owner/Developer of certain real properties at 2098 East End Avenue, having Orange County Tax Parcel Identification Number 18-22-30-2444-00-630, and 2034 East End Avenue, having Orange County Tax Parcel Identification Number 18-22-30-2444-00-620, lying within the municipal boundaries of the City of Winter Park, as more particularly described in **Exhibit "A"** attached to and incorporated into the Agreement by reference (hereinafter referred to as "**Properties**"); and

WHEREAS, the Developer is the current fee simple owner of the Properties and hereby join into and consent to this Agreement and agree that this Agreement is binding upon the Properties; and

WHEREAS, the Developer desires to facilitate the development of the Properties, in compliance with the laws and regulations of the City and of other governmental authorities, as well as provide assurances that the Project will be compatible with surrounding properties; and

WHEREAS, on August 22, 2016, the City Commission granted certain lot split approvals and other zoning code exceptions, provided that Developer abide by the restrictions mutually agreed upon for the operation and future use of the Properties, and that this Agreement shall set out the development entitlements, exceptions, conditions and terms of the City's approvals; and

WHEREAS, this Agreement is not a statutory development agreement pursuant to Chapter 163, Florida Statutes (Florida Local Government Development Agreement Act), and is being entered into by the City pursuant to the City's home rule authority as a condition of development approvals.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, the City, Owners and the Developer agree as follows:

SECTION 1. RECITALS

The above recitals are true and correct and form a material part of the Agreement.

SECTION 2. CONDITIONS OF APPROVAL

Developer agrees to develop and maintain Properties in accordance with the conditions of approval imposed by the City Commission pertaining to the August 22, 2016 approval of the lot split, which are outlined below. Developer has satisfied the condition of approval that the final site plan, elevations, and floor plan for the proposed home at 2034 East End Avenue was reviewed and approved by the Planning and Zoning Board on November 7, 2017. The Properties are further subject to the conditions outlined as follows:

a. That the existing home at 2098 East End Avenue will be preserved during the time of ownership by the Owner/Developer, and that the existing live oak tree at the rear (west side) of this home will be preserved by current and future owners. To that end, this Document shall provide to the City of Winter Park, a tree preservation easement for the land encompassing that live oak tree and the dripline of that tree. No construction within the dripline of that live oak tree is permitted without the approval of the City. The removal of that live oak tree or limbs within the dripline is not permitted unless agreed to by the City's Urban Forestry Chief due to age, condition and health of said tree or by amendment of this Agreement by the City Commission.

b. That the maximum floor area ratio of the homes on both 2098 and 2034 East End Avenue shall be capped at 38%.

SECTION 3. AMENDMENTS TO THIS AGREEMENT

Amendments to this Agreement, if requested by the Developer, may be permitted if approved following review by the City in conformance with the City's Land Development Code and other applicable requirements of the City.

SECTION 4. AGREEMENT TO BE BINDING

This Agreement, including any and all supplementary orders and resolutions, together with the approved development plan, the master sign plan, and all final site plans, shall be binding upon the Developer and their successors and assigns in title or interest. The provisions of this Agreement and all approved plans shall run with the Property and shall be administered in a manner consistent with Florida Statutes and local law.

SECTION 5. ENFORCEMENT

This Agreement may be enforced by specific performance by either party. In no event shall the City be liable for monetary damages arising out of or concerning this Agreement. In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Developer shall be responsible for all costs and expenses, including attorney's fees, whether or not litigation is necessary, and if necessary, both at trial and on appeal, incurred in enforcing or ensuring compliance with the terms and conditions of this Agreement, which costs, expenses and fees shall also be a lien upon the Property superior to all others. In addition to the foregoing, the City shall be permitted without notice to immediately withhold the issuance of certificates of occupancy and building permits associated with the Project in the event Developer is in violation of any provision of this Agreement until such violation is cured to the City's satisfaction. Further, if Developer fails to timely pay the City any monies due pursuant to this Agreement, the City may record a Notice of Lien against the Property in the amount owed to the City. Interest on unpaid overdue sums shall accrue at the rate of eighteen percent (18%) compounded annually or at the maximum rate allowed by law if lower than 18%. A copy of such Notice of Lien shall also be delivered to Developer in the same manner as required under this Agreement for delivery of written notices. The recorded Notice of Lien shall constitute a lien upon the Property and the lien may be foreclosed upon for the benefit of the City any time after fifteen (15) days after the Notice of Lien has been recorded in the public records. City may foreclose the lien in accordance with the procedures established in Chapter 702, Florida Statutes, or successor or other statute providing for lien foreclosure procedures. Developer may obtain a release from the lien by paying the amount stated in the lien, plus accrued interest, plus attorney's fees and costs incurred by the City in filing and collecting upon the lien.

SECTION 6. GOVERNING LAW; VENUE

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The exclusive venue for purpose of litigation in any action to construe or enforce the provisions of this Agreement shall be in a court of competent jurisdiction in and for Orange County, Florida.

SECTION 7. RECORDING

This Agreement shall be recorded, at Developer's expense, among the Public Records of Orange County, Florida no later than fourteen (14) days after full execution. Notwithstanding the foregoing, the same shall not constitute any lien or encumbrance on title to the Property and shall instead constitute record notice of governmental regulations, which regulates the use and enjoyment of the Property.

SECTION 8. TIME IS OF THE ESSENCE

Time is hereby declared of the essence as to the lawful performance of all duties and obligations set forth in this Agreement.

SECTION 9. SEVERABILITY

If any part of this Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Agreement is declared severable.

SECTION 10. DEVELOPMENT PERMITS

Nothing herein shall limit the City's authority to grant or deny any development permit applications or requests subsequent to the effective date of this Agreement. The failure of this Agreement to address any particular City, County, State and/or Federal permit, condition, term or restriction shall not relieve Developer or the City of the necessity of complying with the law governing said permitting requirement, condition, term or restriction. Unless expressly authorized or granted herein, nothing in this Agreement shall constitute or be deemed to constitute or require the City to issue any approval by the City of any rezoning, Comprehensive Plan amendment, variance, special exception, final site plan, preliminary subdivision plan, final plat or subdivision plan, building permit, grading, stormwater drainage, engineering, or any other land use or development approval. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures with respect to same as otherwise set forth in the City's Code of Ordinances and subject to any conditions of approval thereof. This Agreement is approved under the City's home rule authority and is not a statutory development agreement under Chapter 163, Florida Statutes.

SECTION 11. SUBORDINATION/JOINDER

Owners represent and warrant to City that they are the fee simple owner of the Property. Unless otherwise agreed to by the City, all liens, mortgages and other encumbrances not satisfied or released of record, must be subordinated to the terms of this Agreement or the lienholder join in this Agreement. It shall be the responsibility of the Developer to promptly obtain the said subordination or joinder, if necessary, in form and substance acceptable to the City Attorney, prior to the City's execution of the Agreement. If the Developer fails to acquire ownership of the Property, or any portion thereof, the Developer's obligations under this Agreement shall remain the obligation of the Owners and their successors and assigns in interests.

SECTION 12. NOTICE

Any notices required or permitted under this Agreement shall be addressed to the City, Owners and the Developer at the addresses listed in the first paragraph of this Agreement, or at such other addresses designated in writing by the party to receive notice. Notices shall be either: (i) personally delivered (including without limitation, delivery by UPS, Federal Express or other commercial courier service), in which case they shall be deemed delivered on the date of delivery; or (ii) sent by certified mail, return receipt requested, in which case they shall be deemed delivered on the date shown on the receipt unless delivery is refused or intentionally delayed by the addressee, in which event they shall be deemed delivered on the date of deposit in the U.S. Mail.

SECTION 13. MISCELLANEOUS

a. Nothing contained in this Agreement nor in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the City of its home rule authority, police power, zoning authority and sovereign immunity under the Constitution and laws of the State of Florida or any other privilege, immunity or defense afforded to the City or the City's officials, officers, employees and agents under the law.

b. This Agreement is entered into voluntarily by the Developer and Owners without duress and after full review, evaluation and consideration by the Developer. Developer and Owners are represented by counsel, or alternatively, has been afforded an opportunity to retain counsel for review of this Agreement.

c. The captions or section headings of this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, or meaning of this Agreement.

d. City, Owners and Developer are not partners and this Agreement is not a joint venture and nothing in this Agreement shall be construed to authorize the Owners or Developer to represent or bind the City to matters not expressly authorized or provided in this Agreement.

e. None of the parties shall be considered the drafter of all or any portion of this Agreement for the purposes of interpreting all or any portion of this Agreement, it being recognized that all parties have contributed substantially and materially to the preparation of this Agreement.

SECTION 14. TERM; EFFECTIVE DATE

This Agreement shall not be effective and binding until the latest date that this Agreement is approved by and signed by all parties hereto. The Agreement will be effective for 50 years from the Effective Date.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, the Owner, Developer and the City have executed this Agreement as of the day and year first above written.

Witnesses

DEVELOPER

RSRW PROPERTIES LLC

Name: _____

By: _____

Name: _____

Its: _____

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, as _____ of the RSRW PROPERTIES LLC.
He (She) is personally known to me or has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

CITY OF WINTER PARK, FLORIDA

ATTEST:

By: _____
Mayor Steve Leary

By: _____
City Clerk

STATE OF FLORIDA)
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Steve Leary, as Mayor of the City of Winter Park, Florida, who is personally known to me.

Notary Public
Printed Name: _____
My commission expires: _____

Exhibit A – Legal Descriptions

2098 East End Avenue – ID# 18-22-30-2444-00-630

Lot 63, Edgewood subdivision, as recorded in Plat Book “K”, Page 57 of the Public Records of Orange County, Florida.

2034 East End Avenue – ID# 18-22-30-2444-00-620

Lot 62, Edgewood subdivision, as recorded in Plat Book “K”, Page 57 of the Public Records of Orange County, Florida.

**CITY OF WINTER PARK
PLANNING AND ZONING BOARD**

**Staff Report
November 7, 2017**

REQUEST OF WEINGARTEN NOSTAT INC. FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE PORTION OF THE WINTER PARK CORNER SHOPPING CENTER AT 1903-1999 ALOMA AVENUE (FORMER WHOLE FOODS MARKET SITE) BY RECONSTRUCTING A NEW 30,348 SQUARE FOOT GROCERY AND 12,250 SQUARE FEET OF NEW RETAIL SHOP SPACE, ON PROPERTY ZONED C-1.

Weingarten Nostat, Inc. owners of the Winter Park Corners shopping center located at 1903-1999 Aloma Avenue are requesting Conditional Use approval to redevelop the portion of the shopping center (former Whole Foods Market site) by reconstructing a new 30,348 square foot grocery store and 12,250 square feet of retail space. The entire property measures 9.16 acres, and is zoned C-1. The grocery store tenant will be a Sprouts Farmers Market, which is a natural and organic grocer, and will be their first location in Central Florida. This is a Conditional Use because the building size exceeds 10,000 square feet.

Site and Context: The 9.16 acre property currently holds retail spaces and restaurants, as well as the former Whole Foods Market/Title Boxing building. The project would demolish that Whole Foods Market building, and rebuild a building in generally the same locations with parking in the front and side. The plan also proposes new retail spaces will fill-in the current gap between the two buildings. To the north across Edwin Boulevard and to the west across Lakemont Avenue are single-family properties. To the south are several commercial buildings followed by the Winter Park Hospital. To the east is the Aloma Shopping Center which holds a Publix Supermarket.

Development Request: The proposed Sprouts Farmers Market is 30,348 square feet, and the proposed retail building is 12,250 square feet, both will be one-story in height. The current drive-through lanes for the Bank of American tenant space are also being removed for ten (10) additional parking spaces and landscaping. The drive-through lanes are then being replaced with a drive-up Bank of America ATM in the southwest portion of the site. The existing building facades on the site are going to get a face-lift with a new façade. The project meets the C-1 development standards in terms of density and intensity, landscaping, storm water retention, etc. Based on the property size of 9.16 acres, the project has a 23% floor area ratio (FAR) which is well within the 45% maximum FAR.

The Bank of America tenant (east end of the existing building) the existing drive-thru teller lanes are proposed to be removed for more parking and a small 1,500 square feet building addition. Part of this approval also is to allow a remote ATM site up along the Aloma Avenue frontage. Architectural approval of this end cap and ATM will be a condition of approval.

Traffic Impacts: The existing building that is to be demolished is approximately 45,000 square feet and the new buildings are approximately 42,500 square feet. Based on this scenario that the square footage of the shopping center is being reduced slightly and that they are essentially exchanging a Whole Foods supermarket for a Sprouts supermarket, the traffic generation should be no more than experienced in the past.

It is possible that the Winter Park Hospital will bring forth plans to create a new entrance to the Hospital campus from Aloma Avenue. This will allow the Hospital to have an Aloma Avenue address which will direct and focus visitors to the 'front door' of the Hospital on the east side versus everyone today who arrives at 200 N. Lakemont Avenue address, to find only the Emergency Room entrance. A key component of this plan is the installation of a new traffic light allowing safe turning movements then into and out of the Hospital campus. It also will provide the opportunity for the same safe turning movements into and out of this Aloma Corners shopping center at the "Whole Foods/Sprouts" driveway. The only problem is the current design offsets the two driveways. Thus, staff is suggesting a condition regarding coordination with the Winter Park Hospital.

Parking Analysis: The existing shopping center was constructed prior to 1960, so therefore falls under the previous parking code requirements at one space for every four seats of restaurant seating and one space for every 250 square feet of retail/commercial. The redeveloped areas fall under the current parking requirements based on one space per 250 square feet for the approximately 40,000 square feet of new retail and one space for every three seats for the 130 seats of restaurant space proposed. The total parking required is 474 spaces, and the project yields 451 spaces. Because the applicant is requesting at least a new 130 seat restaurant, they need a 5% variance (23 spaces) to meet code.

As most patrons of this shopping center have experienced, this is a popular shopping center and restaurant destination particularly on the Thursday-Saturday night peak period. It also will likely become even more popular with a new grocery store that is making its debut in the Central Florida area. This in return means more of a parking demand than the typical parking code requirements address.

Staff is not in support of this parking variance. Every restaurant in town would like to have extra seats with a 5% parking variance to not provide parking. The parking in this shopping center on Thursday-Saturday nights was not sufficient when the Whole Foods was in operation. Thus, staff cannot support adding more restaurant seating without the required parking. Therefore, the newly constructed retail spaces may only have a restaurant with a total of 60 seats (which can be split up among tenant spaces) with the 451 parking spaces provided, and meet the parking code requirements.

Storm Water Retention: One major site improvement is that this entire 9.16 acre shopping center will be retrofitted to meet the storm water retention requirements of the City and St. Johns River Water Management District. The stormwater will be captured through an underground system. This is a major undertaking by the applicants and a significant improvement on the current conditions.

Landscaping and Tree Preservation: A specific detailed landscape plan with types, sizes, quantities, etc. is attached. Since the property was already developed, we are not dealing with removals of significant trees. The existing parking rows that do not conform to the current parking lot landscape requirements are not required to be modified as they

are not being impacted. The new parking lot area which will be reconstructed after excavation for the underground storm water exfiltration system will generally meet the new landscape code requirements.

As previously mentioned, the applicant is installing a new underground stormwater system that requires removing pavement in the portion of the parking lot facing Aloma Avenue. This is one of the parking areas that does not meet the landscape island requirements since there are more than 10 spaces in a row. Rather than make the storm water upgrade punitive both via the expense and loss of parking, the staff is in support of a minor three space parking variance to allow this parking strip to meet code.

Neighborhood Compatibility: This property abuts and backs up to single-family properties along Edwin Boulevard. Back in the 1960's, a block wall was constructed in the rear to screen the loading/service area and dumpsters. That wall and the street trees accomplish that purpose. However, due to age, that wall is in disrepair, so staff is suggesting a condition of approval that the applicant's reface this wall and add additional landscaping buffer, if necessary.

Project Signage: The applicant has included a preliminary sign package as part of the Conditional Use submittal. The existing signs are primarily getting retrofitted with enhanced design, and appear to be meeting the City's sign code and are not larger than what exists today. Variances are not being granted for their signage.

Other Department Requests: To further the City's vision to create a more walkable environment, the Public Works Department has requested that the applicant install a five foot minimum sidewalk along Lander Road adjacent to the project. This will give the neighborhood to the north safe and walkable access to the project.

Architectural Articulation Variance: The architectural elevations of the new building construction facades are attached. The new retail store addition facade image is consistent with the look and appearance of the existing shopping center. The facade and image of the new Sprouts grocery store is very disappointing to the city architect and planning staff. The simplicity and lack of architecture, articulation and visual interest is likely motivated by cost factors in the real estate transaction. The façade images importantly do not meet the C-1 zoning code requirement which states that, "terracing and articulation providing additional setbacks are required to create relief to the overall massing of the building facades. Such design features of building facade articulation are required at least every 60 feet, on average, along the primary building facades facing streets or the building frontage and where the building fronts its primary parking lot area." The Sprouts building image has little or no architectural design features to create relief to the overall massing of the building, other than the front entrance. It also is not consistent with the City's Comprehensive Plan policies to avoid the "big box" styles and does not to "promote quality redevelopment that strengthens the character of the City".

In the packet are images of other Sprouts grocery stores built elsewhere in the Nation that have attractive architectural styles, articulation and visual interest. You can see that Sprouts has produced quality architecture and visual interest in the past. They can do that again in this case if they try. The planning staff is not in support of this façade articulation variance and feels that the applicant needs to put forth more effort into quality redevelopment. To that end, the city architect has begun a dialogue directly with the Sprouts architectural firm in Kansas City. In the interim, the staff is recommending

the exact same condition of approval imposed upon the Rollins College Facilities building, which is that the final elevations come back to the P&Z Board for approval after the collaborative design process is completed.

Conditional Use Process: Winter Park's conditional use process provides the opportunity for major projects to combine the "preliminary" and "final" Conditional Use approvals if they provide all of the information required for both. The applicants have satisfied that requirement with the exception of the architectural elevations.

Staff Summary: The proposed project is being built in conformance with the C-1 zoning code with regard to the site plan layout, but is requesting variances for parking and articulation requirements. Furthermore, the building elevations are not in conformance the Comprehensive Plan policies to promote quality redevelopment that strengthens the character of the City. Staff is not in support of the elevations as submitted nor the parking variance, and is recommending that the applicant work with the city architect and submit the final architectural elevations to the Planning & Zoning Board for final approval.

STAFF RECOMMENDATION IS FOR APPROVAL of the Conditional Use with a variance only for three parking spaces to provide landscape opportunities adjacent to Aloma Avenue, subject to the following conditions:

1. That the final architectural elevations and materials of the Grocery Store building, the western end cap addition and the new ATM structure be approved by the P&Z Board with input from the city architect.
2. That a three parking space variance be granted to allow three additional landscape islands in the 40 space parking strip fronting Aloma Avenue.
3. That the project be limited to 60 new restaurant seats, which can be split up among tenant spaces.
4. That the project reface (stucco and paint) the existing wall in the rear of the project facing Edwin Boulevard and add street trees along Lander Road as may be necessary to screen the rear view of the loading and service areas.
5. That the applicant install a five foot minimum sidewalk along Lander Road adjacent to the east side of the project and incorporate street trees where possible with species coordinated with Urban Forestry.
6. The electric transformer/switch gear and all backflow preventers shall be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view.
7. That the newly constructed square footage comply with the City's bike parking ordinance.
8. That the applicant coordinate with Florida Hospital prior to building permit to consider design opportunities that may allow for a future traffic signal.



Sprouts Farmers Market

Nationwide

AVG. 30,000 SQUARE FEET





SPROUTS
FARMERS MARKET

FARM FRESH PRODUCE

NATURAL FOODS



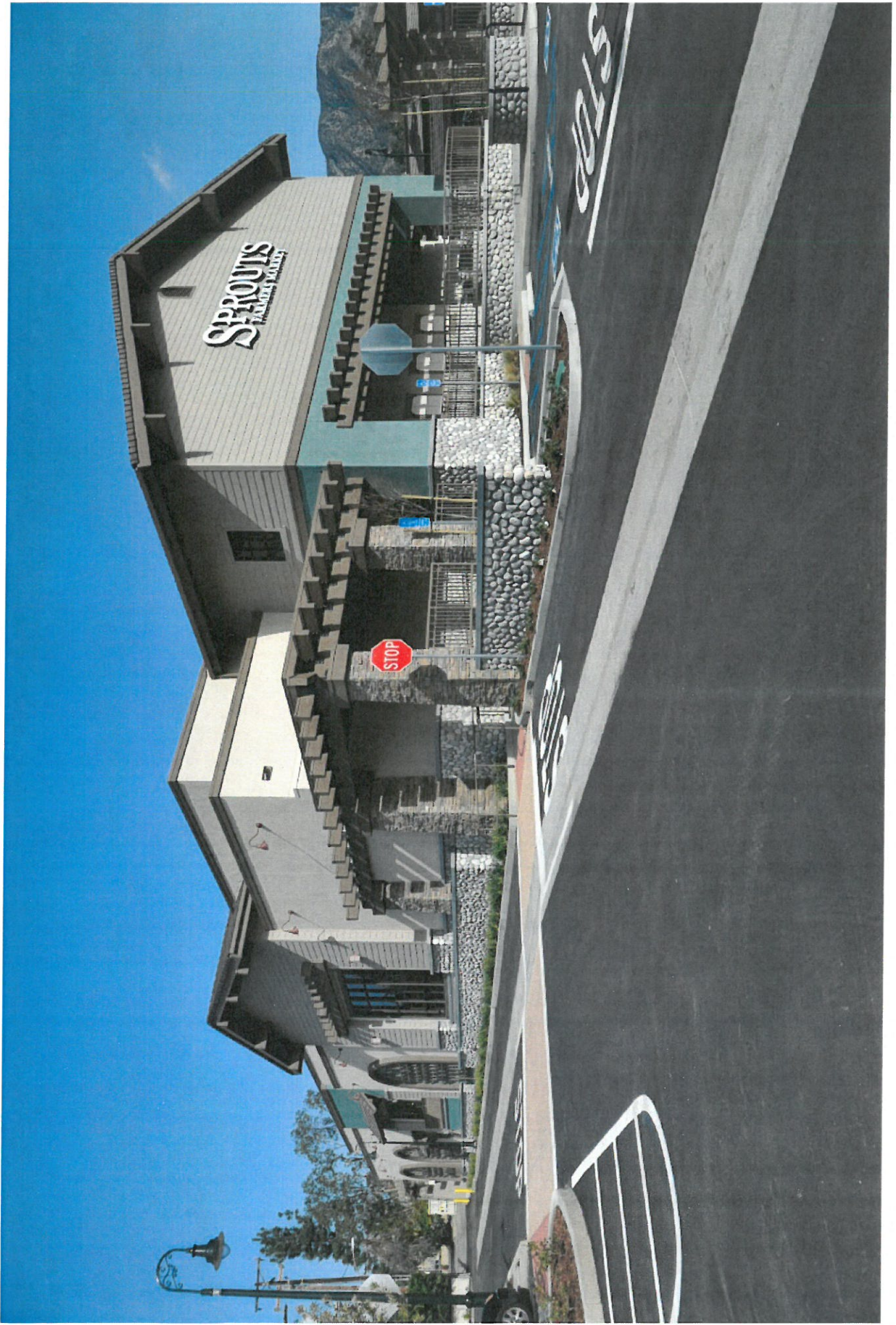
HANDICAPPED PARKING

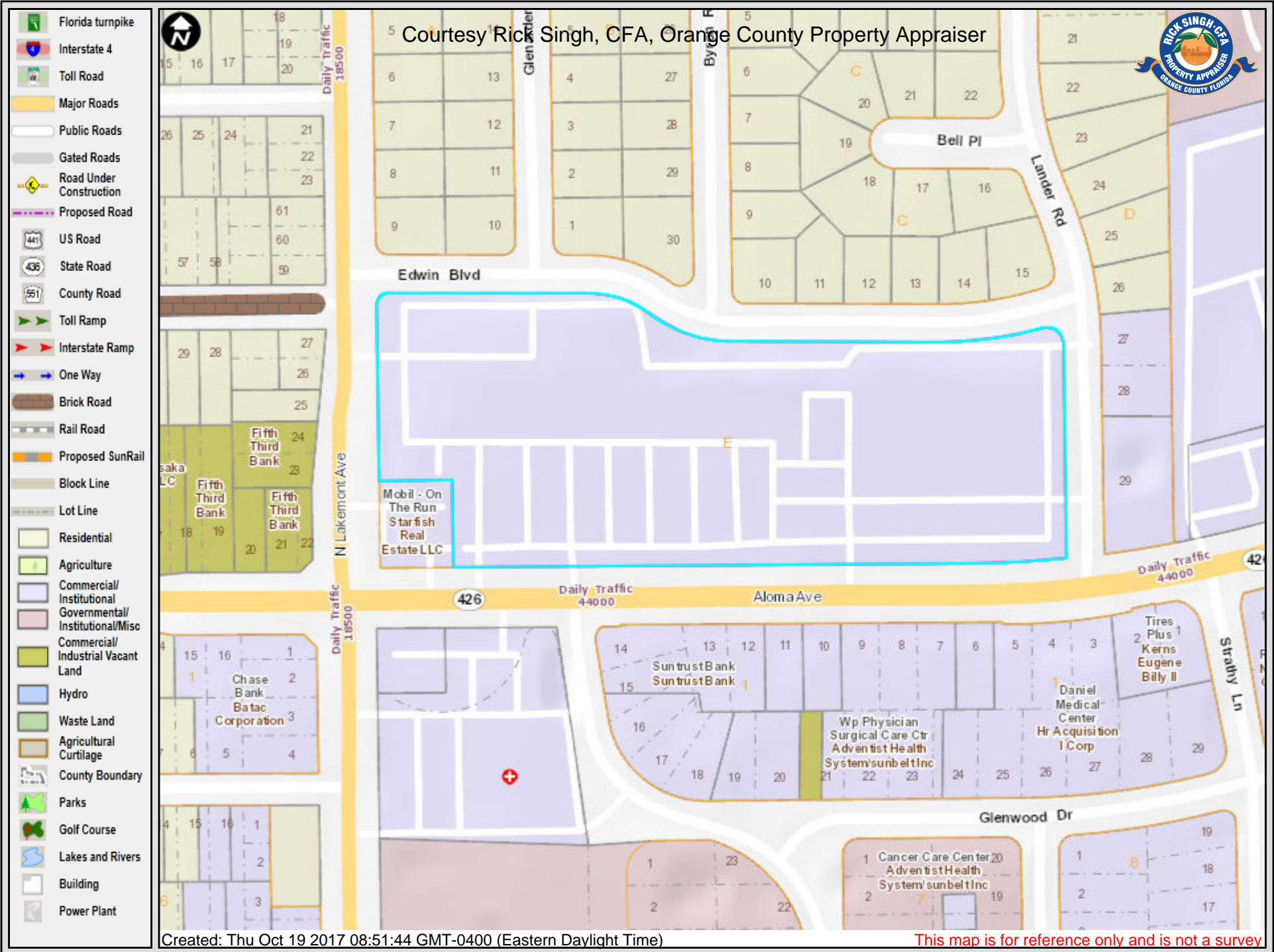


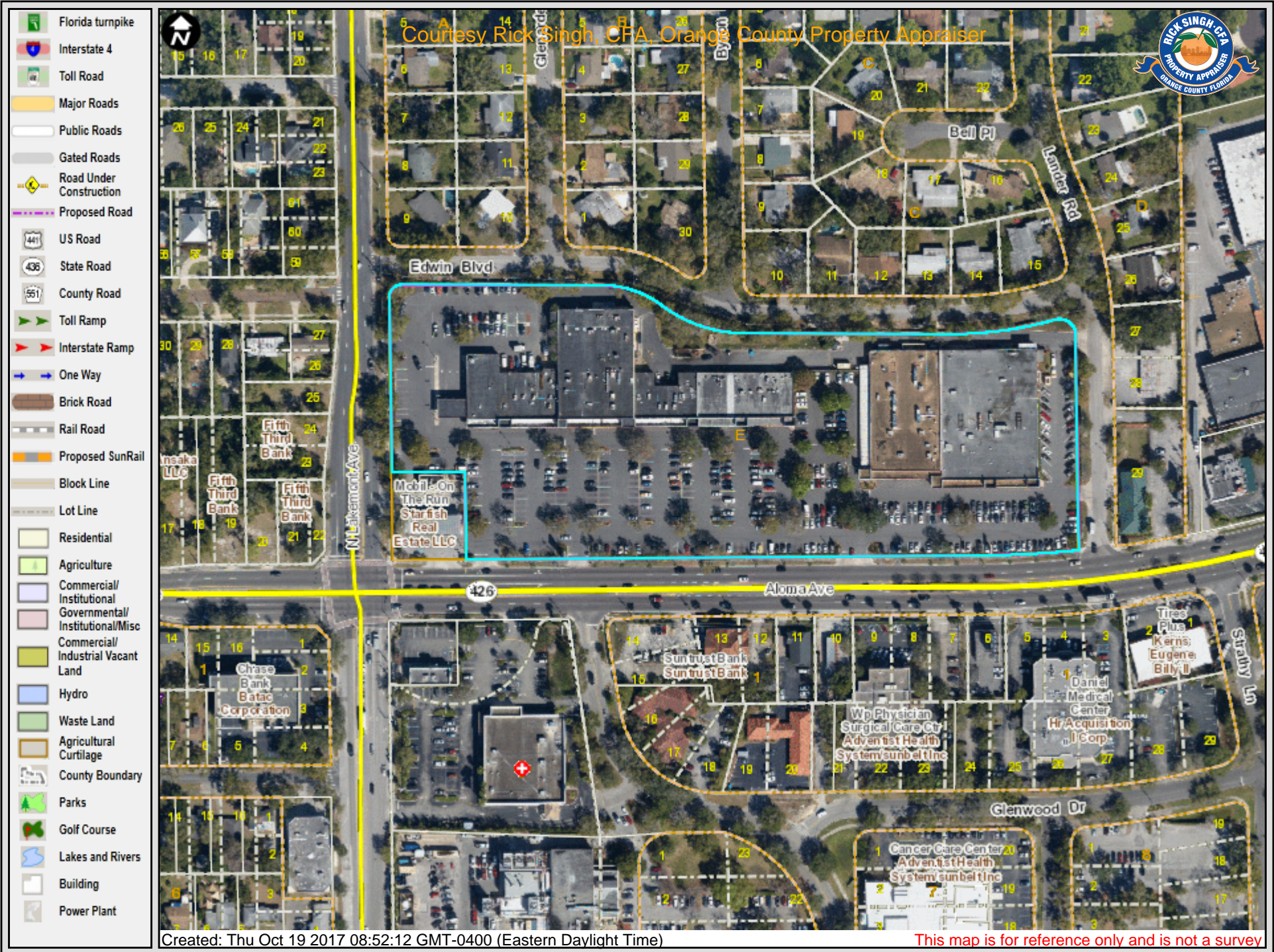
SPROUTS
FARMERS MARKET

**NATURAL
FOODS**

**FARM FRESH
PRODUCE**







Winter Park Corners Parking Analysis
Aloma Avenue & Lander Road, Winter Park, Florida

Parking Required

Tenant	Floor Area (S.F.)	Number of seats	Parking Requirement	No. of Parking Required
Bank of America	5,000		One parking space for each 250 S.F. of gross floor space	20.0
Computer Repair Doctor	750			3.0
Corners Custom Picture Framing	1,425			5.7
T-Mobile	1,016			4.1
Massage Envy	3,400			13.6
Christine's Nails	1,050			4.2
Winter Park Eyewear	1,050			4.2
Unique Hair	650			2.6
Designer Resale	1,050			4.2
Hair Cuttery	1,050			4.2
European Wax Center	1,050		4.2	
New Retail	8,750		This includes the future 1,500 SF at the old bank drive thru area	35.0
Total	26,241			105.0

Tenant	Floor Area (S.F.)	Number of seats	Parking Requirement	No. of Parking Required
Giovanni's Italian Restaurant	3,225	88	One parking space for every four seats for existing and one per 3 seats for new	22.0
Outback Steakhouse	6,809	254		63.5
Mechine's Frozen Yogurt	1,260	25		6.3
Winter Park Burger Company	1,050	34		8.5
Smallcakes Cupcakery	1,050	8		2.0
Jersey Mike's Subs	1,050	28		7.0
Tijuana Flats	2,100	90		22.5
Rice and Beans Cocina Latina	2,100	50		12.5
Jumbo Chinese Restaurant	2,100	82		20.5
New Restaurant	5,000	130		
Total	25,744	789		208.1

Tenant	Floor Area (S.F.)	Number of seats	Parking Requirement	No. of Parking Required
Orange County Courthouse	10,500		One parking space for each 250 S.F. for 85% the area and one parking space per 1,000 S.F. for the remaining 15% of the area	37.3
Grocery	30,348			107.7
Total	40,848			145.0

Tenant	Floor Area (S.F.)	Number of Student / Staff	Parking Requirement	No. of Parking Required
School of Massage Therapy	4,093	20 Students / 6 Staff	One parking space for every two students plus one space for each employee/staff	16
Total	4,093			16
Total Parking Spaces Required				474.1

With 5% deviation
450.3548467

Parking Spaces Provided

Regular	431
Handicap	20
Total Parking Spaces Provided	451

Note: Existing restaurants calculated at one space per 4 seats. Future restaurants will be calculated at one space per 3 seats.

All tenants above 10,000 S.F. are calculated as one space per 250 S.F. for 85% of the area and one space per 1,000 S.F. for the remaining 15% of the area.

LEGAL DESCRIPTION

ALL OF BLOCK "E", EASTGATE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "T", PAGE 127, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; LESS: RIGHT-OF-WAY FOR SR #426 ON THE SOUTH THEREOF; ALSO LESS AND EXCEPT:

A PORTION OF BLOCK "E", EASTGATE SUBDIVISION, AS RECORDED IN PLAT BOOK "T", PAGE 127, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (LESS THAT PART IN RIGHT-OF-WAY OF STATE ROAD NO. 426), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF BLOCK "E", EASTGATE SUBDIVISION, AS RECORDED IN PLAT BOOK "T", PAGE 127, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°57'30" WEST ALONG THE WEST LINE OF SAID BLOCK "E" AND THE EAST RIGHT-OF-WAY LINE OF LAKEMONT AVENUE 3.34 FEET TO THE NORTH RIGHT-OF-WAY LINE FOR STATE ROAD NO. 426 (ALOMA AVENUE) AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°57'30" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF LAKEMONT AVENUE 137.32 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN NORTH 89°18'27" EAST 115.00 FEET; THENCE SOUTH 00°57'27" EAST 137.68 FEET TO THE SAID NORTH RIGHT-OF-WAY LINE FOR STATE ROAD NO. 426; THENCE SOUTH 89°29'13" WEST ALONG SAID RIGHT-OF-WAY LINE 115.00 FEET TO THE POINT OF BEGINNING.

NOTE:

THIS BUILDING/LOT LIES IN ZONES "X", BASED ON FLOOD INSURANCE RATE MAP NO. 12095C0255F, COMMUNITY NO. 120186, CITY OF WINTER PARK, ORANGE COUNTY, FLORIDA.

PROPOSED DEVELOPMENT PARKING ANALYSIS:

Tenant	Floor Area (S.F.)	Number of seats	Parking Requirement	No. of Parking Required
Winter Park Corners Parking Analysis				
Aloma Avenue & Lander Road, Winter Park, Florida				
Parking Required				
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Rice and Beans Cocina Latina	2,100	90		22.5
Jumbo Chinese Restaurant	2,100	82		20.5
New Restaurant	5,000	130		43.3
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Tenant	Floor Area (S.F.)	Number of seats	Parking Requirement	No. of Parking Required
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Grocery	30,348		1,000 S.F. for the remaining 15% of the area	107.7
Total	40,848			145.0
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All tenants above 10,000 S.F. are calculated at one space per 250 S.F. for 85% of the area and one space per 1,000 S.F. for the remaining 15% of the area.

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CONTACT: ROBERT ZIEGENFUSS, PE

ARCHITECT
CUHACI & PETERSON
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Z DEVELOPMENT SERVICES
CA 29354

708 E. COLONIAL DR., STE 100
ORLANDO, FL 32803
PH: (407) 271-8910
FAX: (407) 442-0604

DATE	REVISION

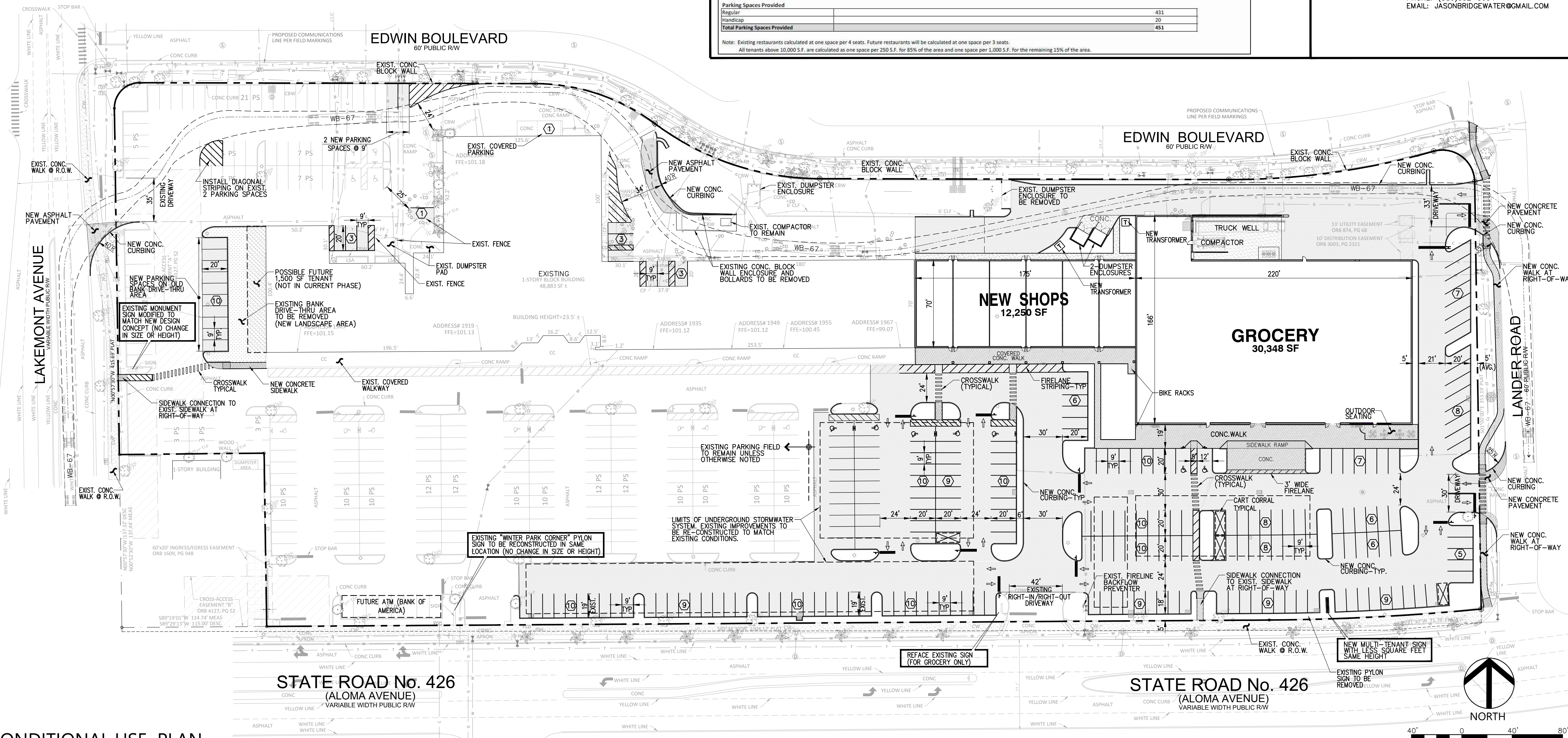
ROBERT ZIEGENFUSS, P.E., LEED AP
FL REG. # 56752

WINTER PARK CORNERS
1903 ALOMA AVENUE
WINTER PARK, FLORIDA 32792

DATE: 10-24-17
DRAWN: JR
CHECKED: RZ

CUP

PROJECT NO.: 2017.113



CONDITIONAL USE PLAN

PLANT LEGEND

SHADE TREES

 LIVE OAK - QUERCUS VIRGINIANA
4" CAL./6' SPRD./14' HT.


UNDERSTORY TREE

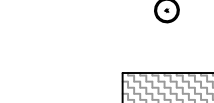
 LIGUSTRUM TREE - LIGUSTRUM LUCIDUM
3" CAL./8' SPRD./8' HT./MULTI-TRUNKED

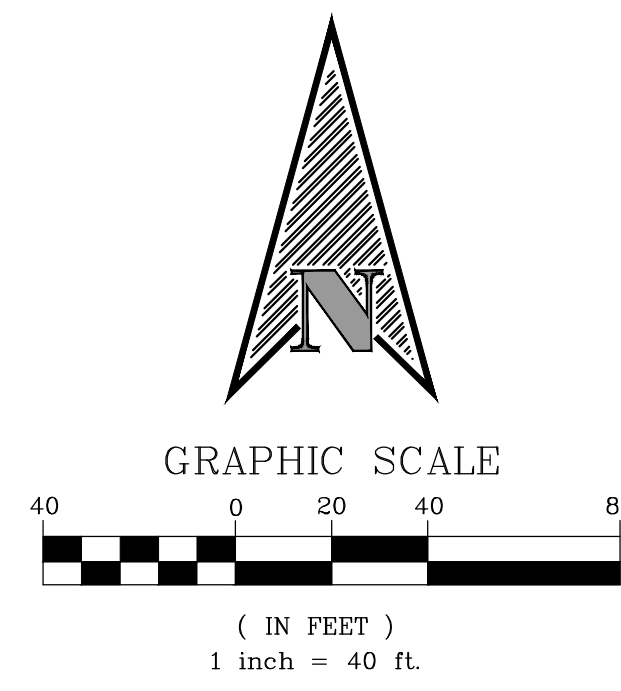
 CRAPE MYRTLE - LAGERSTROEMIA INDICA
3" CAL./6' SPRD./10' HT.

 ITALIAN CYPRESS - CUPRESSUS SEMPERVIRENS
3" CAL./2' SPRD./10' HT.

SHRUBS / GROUNDCOVER

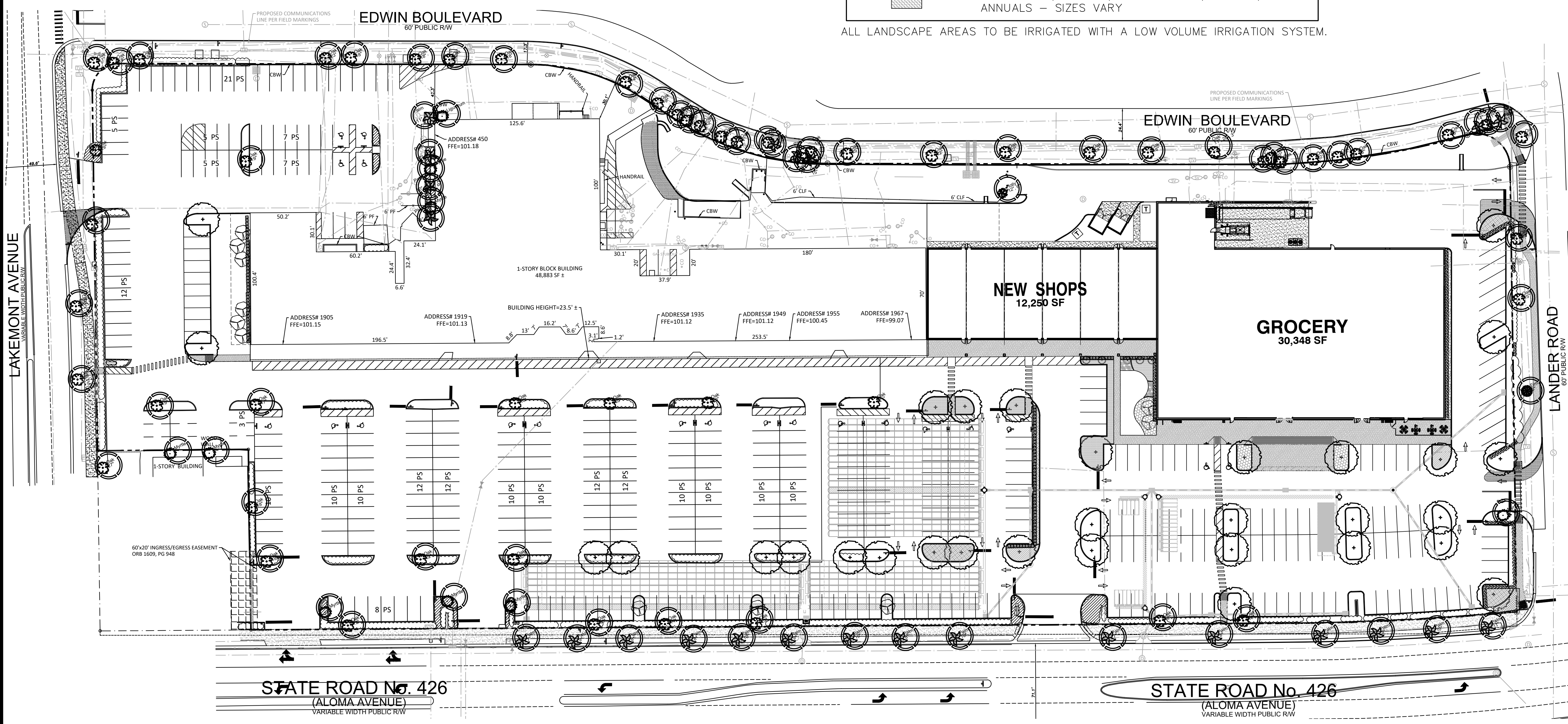
 DWARF WALTER'S VIBURNUM, SWEET VIBURNUM,
FAKAHATCHEE GRASS, AZAELA, BURFORD HOLLY
PODOCARPUS, PINEAPPLE GUAVA, PHILODENDRON
WILD COFFEE, MIRROR-LEAF VIB., FLORIDA ANISE,
CRINUM LILY, CARDBOARD PALM, SAGO PALM

 LIRIOPE, ASIAN JASMINE, INDIAN HAWTHORN,
BUGLE WEED, BULBINE, MONDO GRASS, JUNIPER,
ANNUALS - SIZES VARY



 EXISTING TREE TO REMAIN (TYP.)

ALL LANDSCAPE AREAS TO BE IRRIGATED WITH A LOW VOLUME IRRIGATION SYSTEM.



Z DEVELOPMENT
S e r v i c e s
CA 29354
708 E. COLONIAL DR., STE 100
ORLANDO, FL 32803
PH: (407) 271-8910
FAX: (407) 442-0604

REVISION	DATE	REVISION	DATE
REVISED BASE	10/25/17		

Date: 10/25/17
SEAL:


WINTER PARK CORNERS
1903 ALOMA AVENUE
WINTER PARK, FLORIDA 32792

DATE: 08-02-17
DRAWN: JB
CHECKED: JB
L-1
CUP LANDSCAPE PLAN
PROJECT NO.: 2017.113

48 HOURS BEFORE YOU DIG
CALL SUNSHINE
1-800-432-4770 or 811
IT'S THE LAW IN FLORIDA
FLORIDA LAW REQUIRES
EXCAVATORS TO NOTIFY
OWNERS OF UNDERGROUND
FACILITIES NO LESS THAN TWO
(2) DAYS PRIOR TO EXCAVATION

CADDSAPES, INC.
Florida Landscape Architecture Firm
3162 Parma Drive Landscape Architect
Dellona, FL 32738 Jason Bridgewater, RLA
Office: 407-310-5567 Florida Water Star AP
LCA# 26000550
jasonbridgetwater@gmail.com
© Caddscapes, Inc. 2017

TOTAL SHEETS
L-1 - L-15



Photographs of Existing Elevation



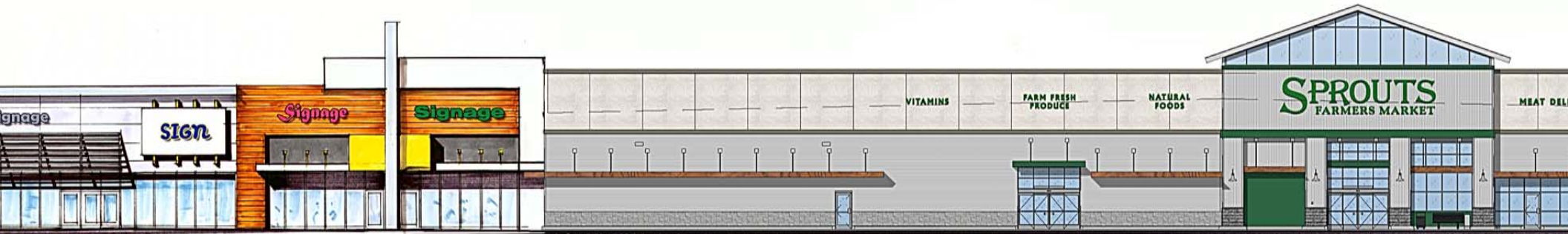
Partial Elevation - 'A'

See Elv 'B'

See Elv 'B'



Partial Elevation - 'B'



Partial Elevation - 'C'

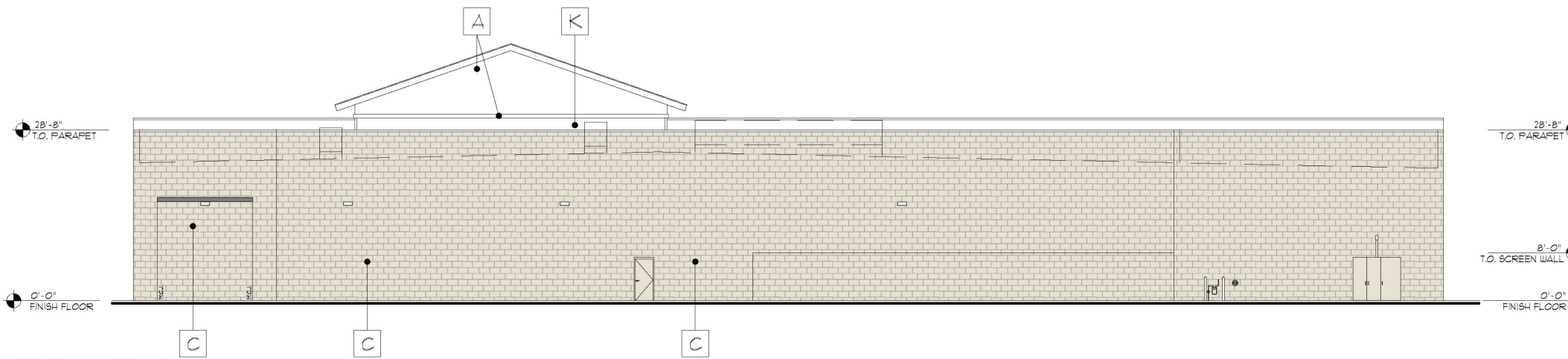


WINTER PARK CORNERS

1903 Aloma Avenue - Winter Park, FL • C&P Project #2170641 • 10-27-17



1 SOUTH ELEVATION
1/16" = 1'-0"



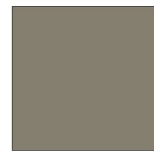
2 NORTH ELEVATION
1/16" = 1'-0"

MATERIAL LEGEND

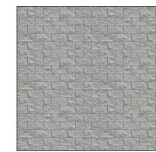
- A - EIFS
- C - SMOOTH FACE CMU
- D - SPLIT FACE CMU
- K - METAL
- L - WOOD
- M - VISUAL GLASS
- N - SPANDREL GLASS



PAINT COLOR EIFS
SW 1005 PURE WHITE
SHERWIN WILLIAMS



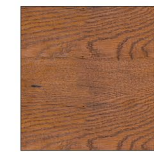
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SW 1053 ADAPTIVE
SHADE
SHERWIN WILLIAMS



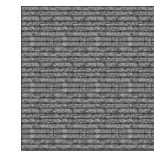
PAINT COLOR
SW 1668 MARCH
WIND
SHERWIN WILLIAMS



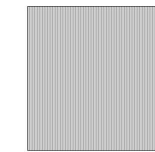
PAINT COLOR
SW 6134
ESPALIER
SHERWIN WILLIAMS



WOOD TEXTURED
BREAK METAL
CANOPIES



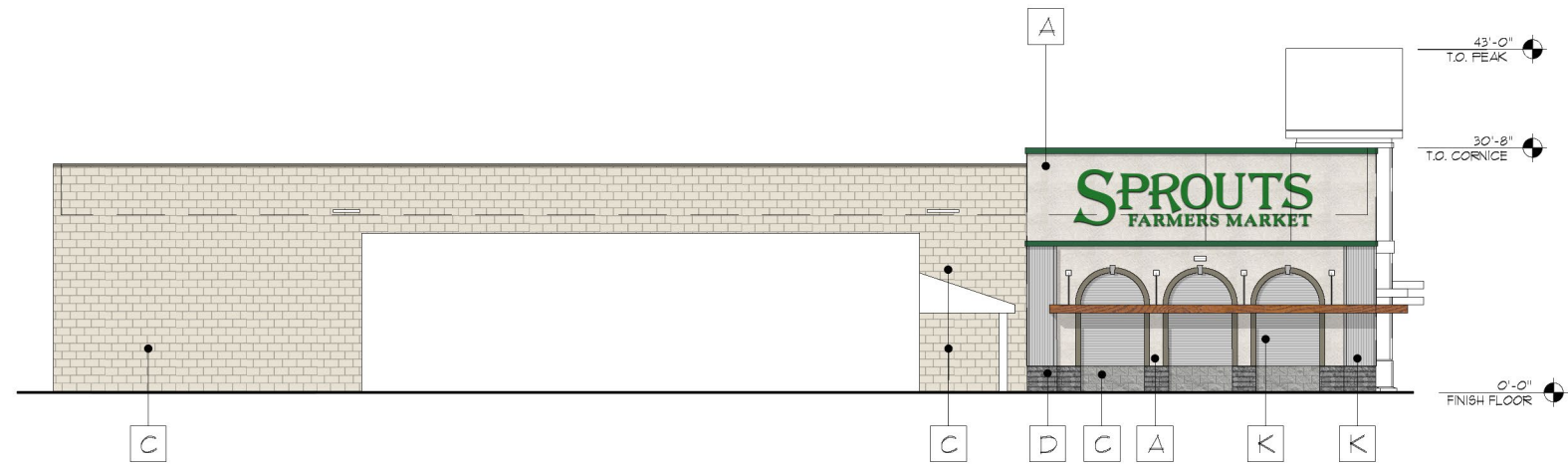
PRE CAST
CONCRETE
PANELS W
GALVALUME
FINISH BY
BERRIDGE



STANDING SEAM
ROOFING V-PANEL
GALVALUME FINISH
BY BERRIDGE



PAINT COLOR
SW 1011 NATURAL
CHOICE SHERWIN
WILLIAMS



1 SOUTH ELEVATION
1/16" = 1'-0"



2 NORTH ELEVATION
1/16" = 1'-0"

MATERIAL LEGEND

- A - EIFS
- C - SMOOTH FACE CMU
- D - SPLIT FACE CMU
- K - METAL
- L - WOOD
- M - VISUAL GLASS
- N - SPANDREL GLASS



PAINT COLOR EIFS
SW 1005 PURE WHITE
SHERWIN WILLIAMS



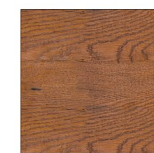
PAINT COLOR
SW 1053 ADAPTIVE
SHADE
SHERWIN WILLIAMS



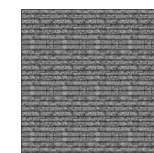
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SW 1668 MARCH
WIND
SHERWIN WILLIAMS



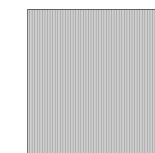
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SHERWIN WILLIAMS



WOOD TEXTURED
BREAK METAL
CANOPIES



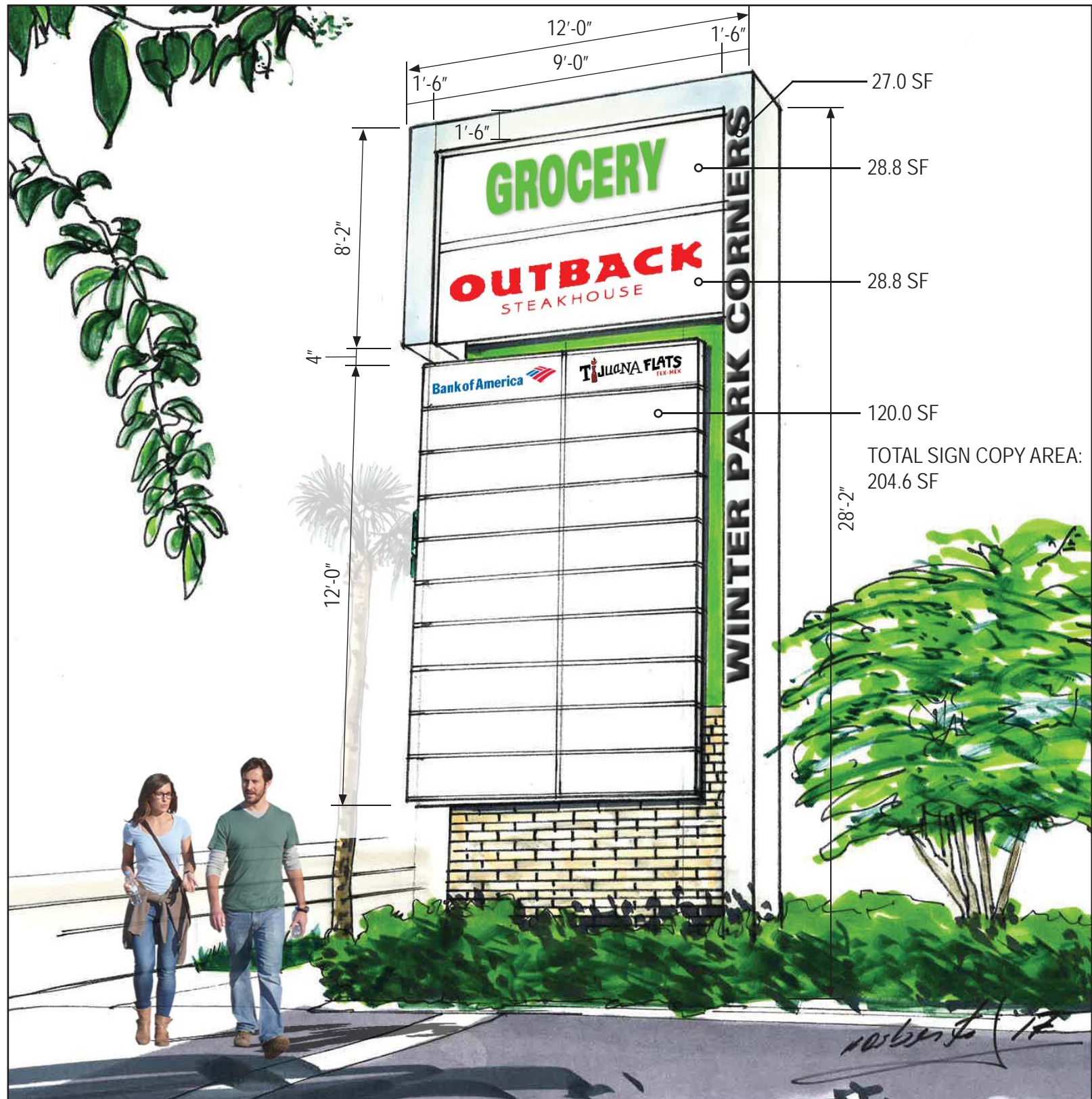
PRE CAST
CONCRETE
PANELS W
GALVALUME
FINISH BY
BERRIDGE



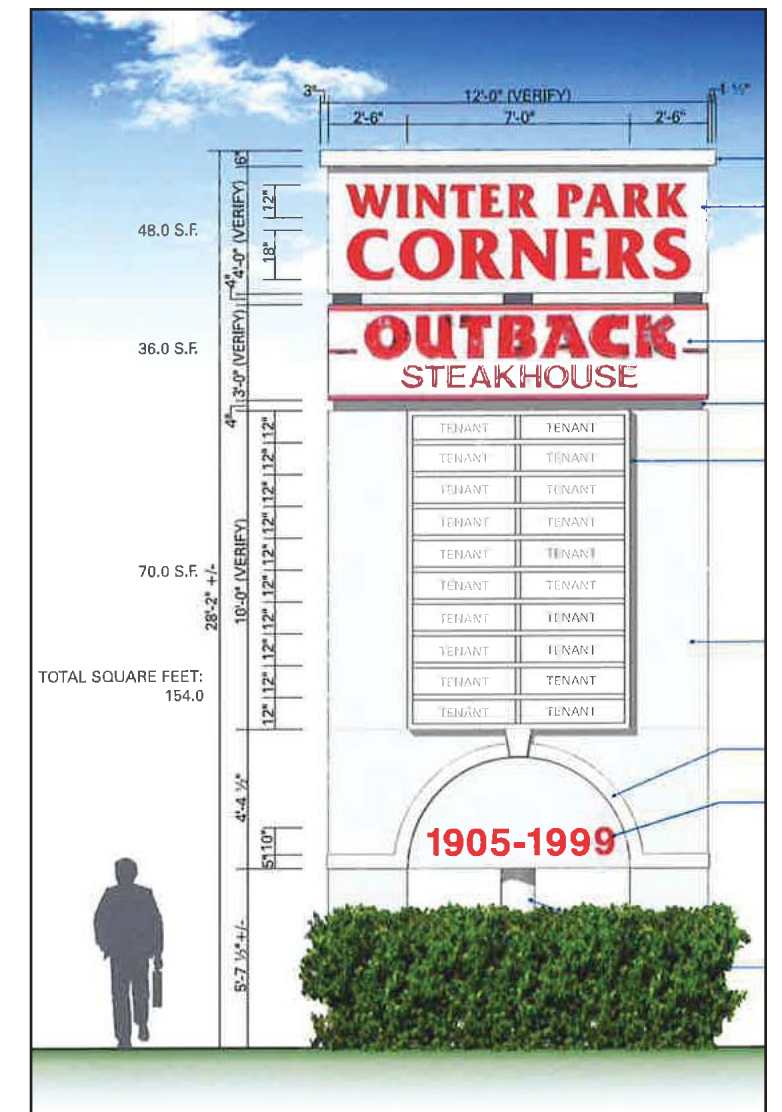
STANDING SEAM
ROOFING V-PANEL
GALVALUME FINISH
BY BERRIDGE



PAINT COLOR
SW 1011 NATURAL
CHOICE SHERWIN
WILLIAMS



SIGNAGE 1 - PROPOSED

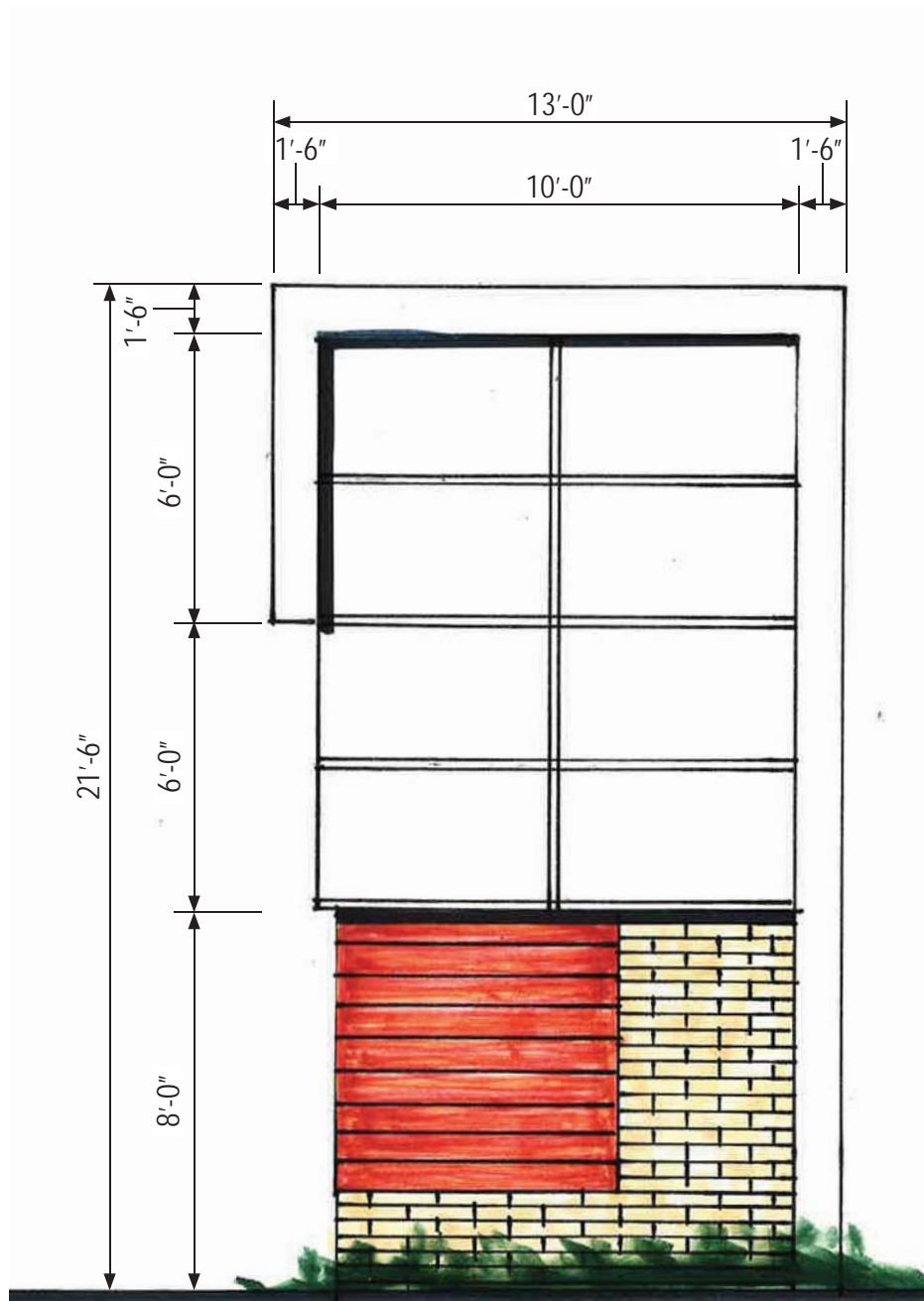


EXISTING



EXISTING

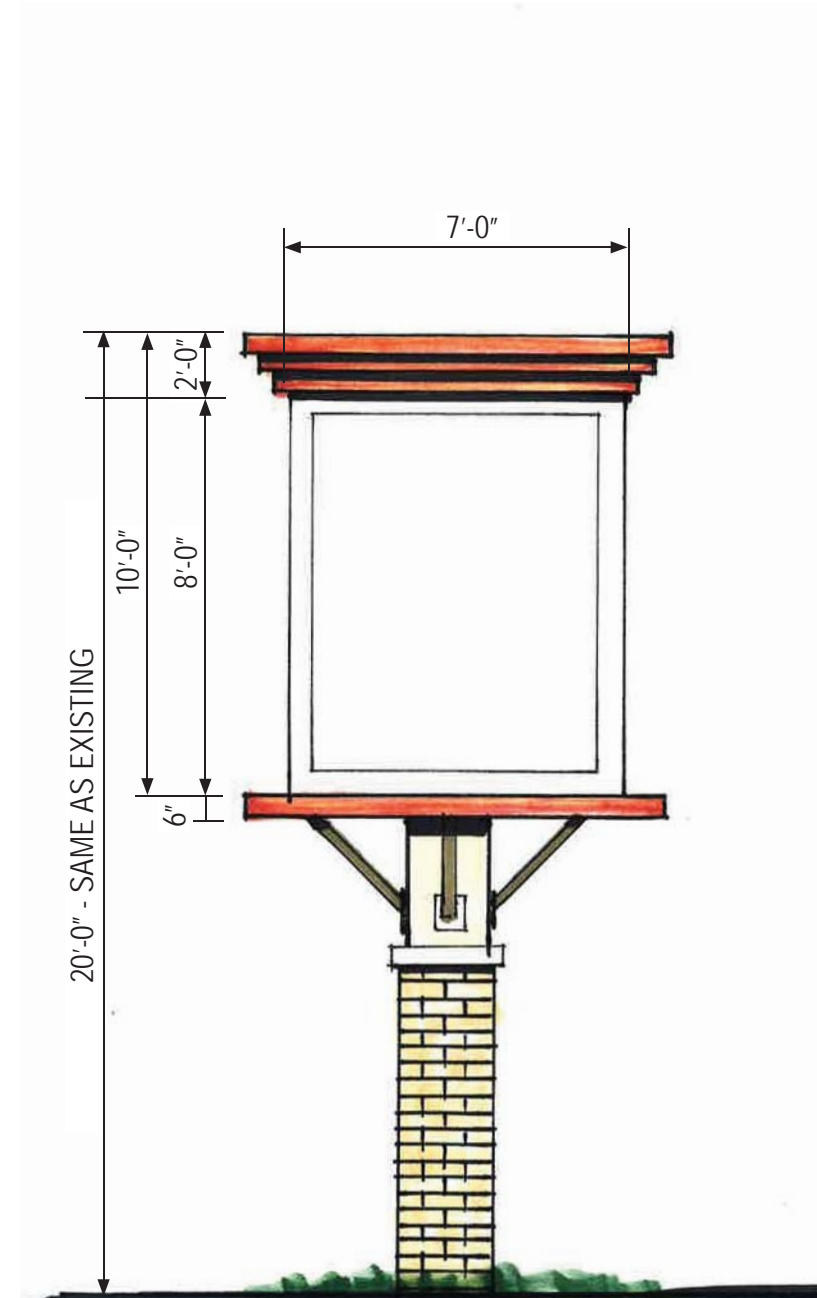
SIGNAGE 1



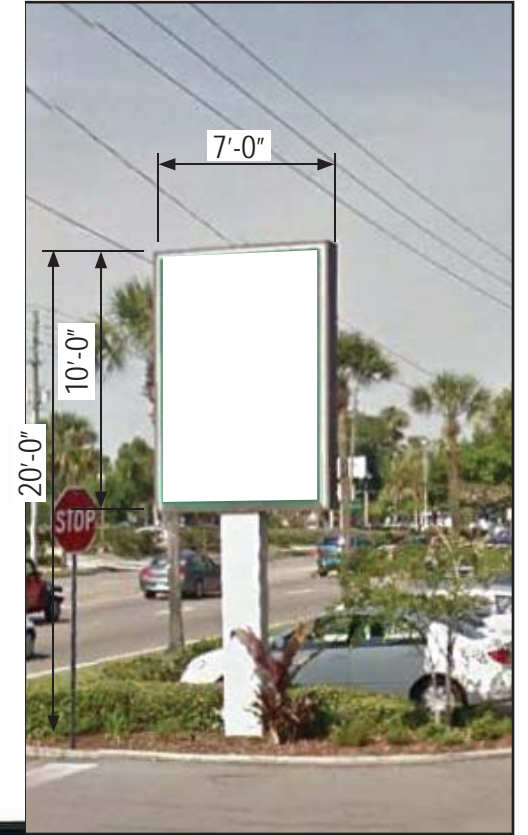
SIGNAGE 2 - PROPOSED
120 SF TOTAL SIGN
COPY AREA



EXISTING SIGNAGE 2
180 SF TOTAL SIGN
COPY AREA

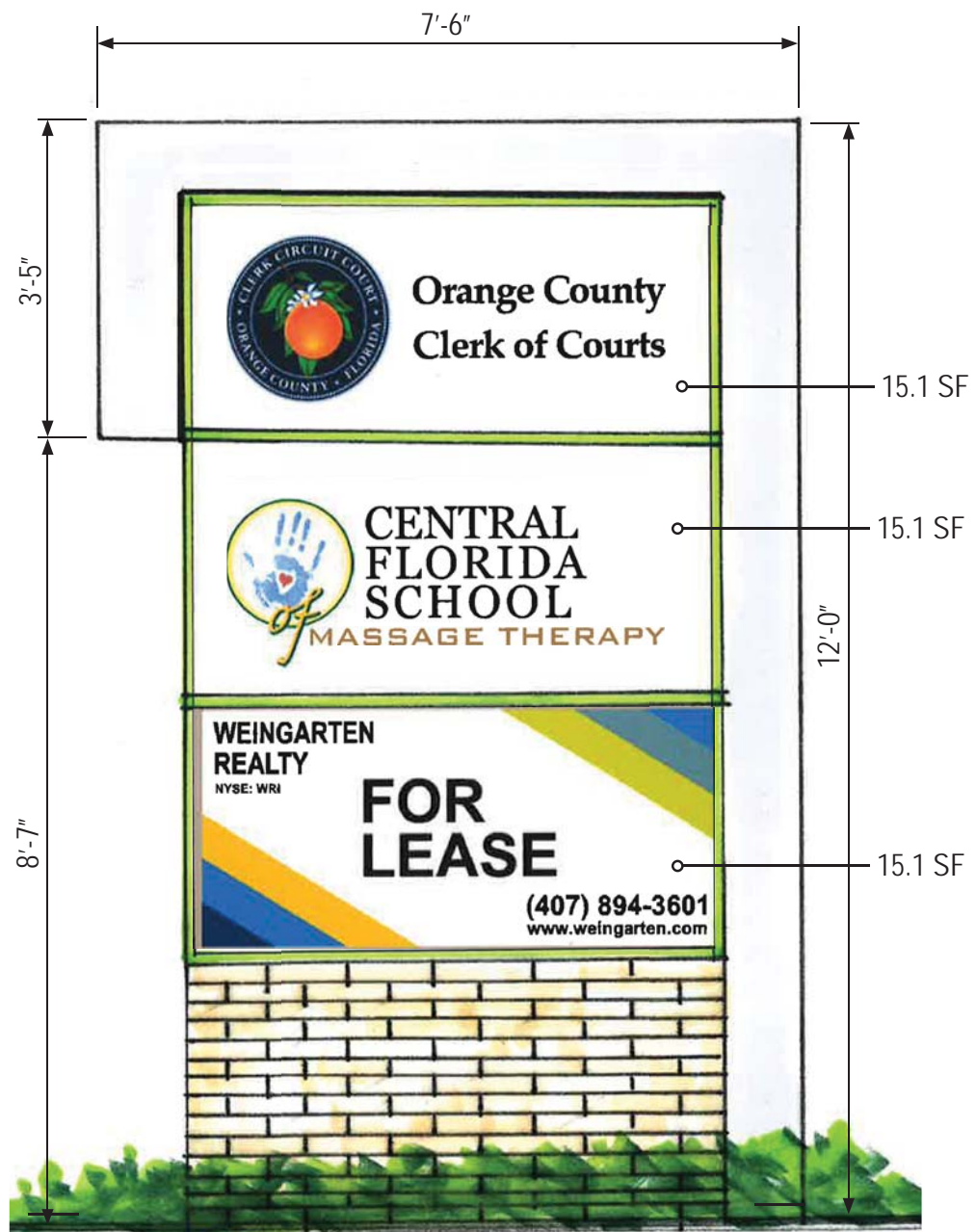


SIGNAGE 3 - PROPOSED
56.5 SF TOTAL SIGN
COPY AREA

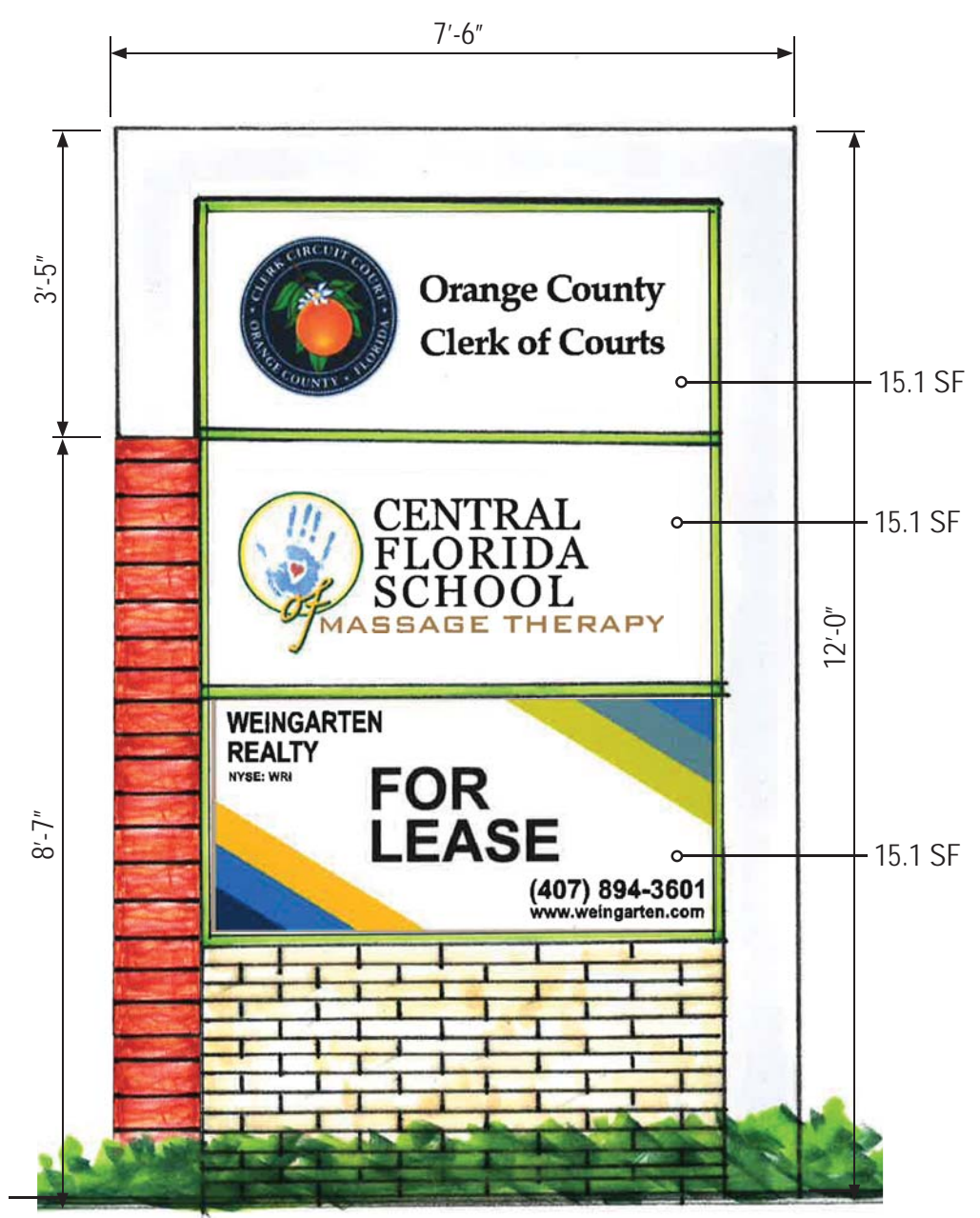


EXISTING SIGNAGE 3
70.0 SF TOTAL SIGN COPY
AREA

SIGNAGE 2 AND 3



TOTAL SIGN COPY AREA:
NO CHANGES FROM EXISTING
OPTION 1



TOTAL SIGN COPY AREA:
NO CHANGES FROM EXISTING
OPTION 2



TOTAL SIGN COPY AREA:
3 X 15.1 SF = 45.3 SF
EXISTING

SIGNAGE 4 - OPTIONS AND EXISTING

TO :: PLANNING BOARD ON ISSUE 1903-1999 ALOMA AVENUE, WP CORNERS SC

I AM A RESIDENT LIVING ON THE EASTSIDE OF THE CITY OF WINTER PARK AND I WISH TO EXPRESS MY CONCERNS WITH THE DECLINE IN THE APPEARANCE OF THE BUSINESS DISTRICT ALONG ALOMA AVENUE. THE "WINTER PARK CORNERS SHOPPING CENTER" HAS NOT BEEN AN ASSET IN THE COMMUNITY FOR MANY YEARS. ISSUES INCLUDE THE POORLY MAINTAINED WALL ALONG EDWIN BLVD, LACK OF ONSITE STORM WATER RETENTION, POOR TRAFFIC MANAGEMENT TO/FROM THE PROPERTY, THE REMOVAL OF A TREE CANOPY ON THE SITE AND MANY OF THE EXISTING AGING TREES ARE IN POOR CONDITION. THE CENTER HAS A HISTORY OF REMOVAL OF LANDSCAPING AND IGNORING REPLACEMENT WITH QUALITY PLANTINGS. OVERALL, THIS PROPERTY AND THE MOBIL GAS STATION ARE NOT ADHERING TO PRESENT DAY COMMUNITY STANDARDS. IF THIS PROPERTY OWNER IS UNWILLING TO MAKE THE NECESSARY IMPROVEMENTS TO THE ENTIRE SHOPPING CENTER, AT THIS TIME, I WOULD SUPPORT A NO VOTE ON THIS DEVELOPMENT PLAN.

THE CITY OF WINTER PARK AND THE PLANNING AND ZONING BOARD HAS A PAST PRACTICE OF REQUIRING A VISUALLY APPEALING ENVIRONMENT, DECORATIVE LIGHTING, ART WORK (IE FOUNTAINS, BENCHES), AND GREEN SPACE WITH QUALITY PLANTINGS THAT WILL SURVIVE LONG TERM IN COMMERCIAL SHOPPING AREAS. EXAMPLES OF NEW SHOPPING AREAS INCLUDE TRADER JOES ON ORLANDO AVE, SHOPS AT MORSE/ORLANDO AVE, AND WHOLE FOODS AT LEE/ORLANDO AVE. I BELIEVE THE EASTSIDE COMMUNITY EXPECTS AND DEMANDS THE SAME FROM THIS SHOPPING CENTER OPERATOR. THE CENTER NEEDS MATURE LANDSCAPING THROUGHOUT THE PROPERTY AND IT NEEDS TO BE PROFESSIONALLY MAINTAINED SO THE PAST DECAY IS NOT REPEATED IN THE FUTURE.

ISSUES OF CONCERN::

- 1) LACK OF STORM WATER RETENTION ON THE PROPERTY. OTHER BUSINESSES ARE REQUIRED TO MANAGE STORM WATER. WHY NOT WITH THIS PROPERTY?
- 2) UNDERGROUNDING OF UTILITIES TO THE PROPERTY. THE POWER LINES SERVICING THE SHOPPING CENTER ARE THE PRIMARY CAUSE FOR THE DESTRUCTION OF THE TREE CANOPY ALONG EDWIN BLVD. IS THIS GOING TO BE CORRECTED WITH THIS PROJECT?
- 3) FAILURE TO MAINTAIN A VISUALLY APPEALING LANDSCAPE ALONG ALOMA AND LAKEMONT STREETS. AT NIGHT IT'S A SEA OF COLORED SIGNS AND ASPHALT. A TEXTBOOK EXAMPLE OF URBAN BLIGHT AND A SHOPPING CENTER DESIGNED FOR THE 1950'S AND 60'S.
- 4) POOR TRAFFIC FLOW TO/FROM THE PROPERTY. ADDING ANOTHER 7AM TO 10PM OPERATING GROCERY STORE AND RETAIL TO THE AREA WILL ONLY ADD TO THE CONGESTION. HOW IS THIS GOING TO BE FIXED TODAY?
- 5) WHAT IMPROVEMENTS ARE BEING PROPOSED THAT ENHANCE A PEDESTRIAN AND BICYCLE FRIENDLY AND SAFE ENVIRONMENT WHEN ACCESSING THE ENTIRE SHOPPING CENTER?

I BELIEVE A SOLUTION IS REQUIRED FOR THESE ISSUES AND IF THERE ARE NONE THE
COMMUNITY DESERVES AN EXPLANATION WHY THE PLAN FOR DEVELOPMENT IS
PROCEEDING. THE COMMUNITY WILL SURVIVE WITHOUT THIS SHOPPING CENTER.

CORDIALLY,



A CONCERNED RESIDENT OF WP

CITY OF WINTER PARK PLANNING AND ZONING BOARD

Staff Report
November 7, 2017

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL PROHIBITED USES AND DEVELOPMENT STANDARDS WITHIN THE ZONING DISTRICTS OF THE CITY; ADOPTING NEW DEVELOPMENT STANDARDS, DENSITIES AND INTENSITIES OF DEVELOPMENT; ADOPTING CHANGES NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE II, "CONCURRENCY MANAGEMENT REGULATIONS" SO AS TO ADOPT CHANGES TO THE CONCURRENCY MANAGEMENT REGULATIONS OF THE CITY NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017.

These two proposed Ordinances make the changes required to implement the recently adopted new Comprehensive Plan within the City's Land Development Code.

The first Ordinance includes the changes needed to the Zoning Code (Article III, Land Development Code) as necessary to implement the policy changes in the Comprehensive Plan adopted on March 24, 2017. The second Ordinance includes the changes needed to the Concurrency Management Regulations (Article II, Land Development Code). A summary of those changes are as follows:

1. Sec. 58-82 and 58-83 – Implements the Comp. Plan policy decision to remove the PD-1 and PD-2 zoning districts.
2. Sec. 58-82 – Implements the Comp. Plan policy decision to adopt a new Medical Arts zoning district.
3. Sec. 58-69 – Implements the Comp. Plan policy decision to change the R-4 zoning district to clarify that it only relates to existing R-4 properties; remove the affordable housing density incentives and clarify the visitor parking requirements.
4. Sec. 58-68 – Implements the Comp. Plan policy decisions to change the R-3 zoning district to fully implement the maximum 17 units/acre; remove the affordable housing density incentives; implement the policy on third floor sloped roofs and dormers; clarify the visitor parking requirements; and address the most common exception request for master bedrooms on the first floor.

5. Sec. 58-75 – Implements the Comp. Plan policy decisions to change the C-2 zoning district to remove drive-ins as a conditional use; require that the first floor along New England Avenue must be business occupancy with residential only on the upper floors as is the current policy along Park Avenue; implement the policy limiting building height to two stories opposite Central Park; and implement the policy prohibiting 'big box' stores over 65,000 square feet.
6. Sec. 58-71 & 58-84 - Implements the Comp. Plan policy decision to remove the affordable housing density incentives in the General Provisions sections of the Zoning Code.
7. Article II - Land Development Code – Concurrency Management: Updates and revises the city's concurrency regulations with regard to the elimination of transportation concurrency.

Staff Recommendation is for APPROVAL of the Ordinances.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL PROHIBITED USES AND DEVELOPMENT STANDARDS WITHIN THE ZONING DISTRICTS OF THE CITY; ADOPTING NEW DEVELOPMENT STANDARDS, DENSITIES AND INTENSITIES OF DEVELOPMENT; ADOPTING CHANGES NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has adopted Chapter 163, Florida Statutes which requires all local communities to adopt amendments to their Land Development Codes to implement the growth and development policies of Comprehensive Plans adopted pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development: and

WHEREAS, the Winter Park City Commission adopted a new Comprehensive Plan on April 24, 2017 via Ordinance 3076-17; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of proposed amendments to the Zoning Regulations portion of the Land Development Code having held an advertised public hearing on November 7, 2017, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed amendments to the Zoning Regulations portion of the Land Development Code and held advertised public hearings on November 27, 2017 and on December 11, 2017 and advertised notice of such public hearings via quarter page advertisements in the Orlando Sentinel pursuant the requirements of Chapter 166, Florida Statutes and placed the proposed amendments on the City's website on October 31, 2017; and.

WHEREAS, the portions of Chapter 58, Land Development Code, Article III, Zoning Regulations, that are to be amended and modified as described in each section and amended to read as shown herein where words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

NOW THEREFORE, BE IT ENACTED BY 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 Section 58-82 Planned Development One (PD-1) District and Section 58-83 Planned Development Two (PD-2) District in their entirety and thereby removing these two zoning districts from the "Zoning" Article of the Land Development Code but reserving those numbered sections for future use, as follows:

Sec. 58-82. Reserved

Sec. 58-83. Reserved

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding a new Section 58-82 Medical Arts (MA) District, utilizing Section 58-82 reserved above, thereby creating a new zoning district in the "Zoning" Article of the Land Development Code to read as attached as Exhibit "A" to this ordinance.

SECTION 3. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-69 Multi-Family (High Density R-4) District subsections (a) (3); (b) (5) and (e) (10) in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-69. Multi-family (High Density R-4) District.

(a) Purpose and intent.

(1) The purpose of this district is to permit certain areas within the city to be developed for high density residential use. Areas which may be suitable for intense development include areas around the urban core and adjacent to major arterial streets.

(2) The regulations for this district attempt to encourage developments which are compatible with the existing residential character of the city and would not negatively impact existing residential neighborhoods. To accomplish this, appropriate open space, sufficient setbacks, buffers, density limits and height limitations are required. Only those areas of the city with sufficient public facilities such as utilities and roads capable of accommodating the use generated by the high-density permitted by this district can be so zoned.

(3) In conformance with the Comprehensive Plan, this R-4 zoning district designation is intended for multi-family residential use and is limited to properties with this R-4 zoning designation in existence prior to January 1, 2017. This R-4 zoning district designation shall not be approved for or assigned to any property within the City that were not zoned R-4 as of January 1, 2017. However, properties which were zoned R-4 prior to January 1, 2017 are permitted to develop and redevelop based upon the use and development standards in this district.

(b) Permitted uses.

(5) Residential complexes which are developed and operated by the Winter Park Housing Authority, or by nonprofit 501(c) corporations providing affordable housing and receiving financial support for affordable or workforce housing from agencies of the federal, state or city government. ~~provided that the following minimum requirements are met:~~

- ~~a. The density shall not exceed one unit per 1,000 square feet of ground area;~~
- ~~b. Parking provided shall not be less than one space per residential unit;~~
- ~~c. No minimum apartment size shall be required; however, the average size of all the residential units shall not be less than 500 square feet in floor area;~~
- ~~d. The site on which the complex is to be located shall be served by public utilities and streets capable of accommodating the increased residential densities permitted by this section;~~
- ~~e. The property owner enters into a formal agreement with the city to pay all taxes and fees required by the city or enters into a contractual agreement for a payment in lieu of taxes to the city, whichever shall apply because of ownership.~~

(e) *Development standards.*

(10) The intent of the Code requirement for 2.5 (2½) spaces for multiple family projects is to provide visitor parking spaces for guests, service calls, deliveries, etc. For multiple family projects providing 2.5 (2½) parking spaces per unit, the provision of those visitor spaces may not be exclusively within enclosed garages or carports and there must be at least one visitor parking space for each two units that are open and accessible for guests, service calls, deliveries, etc. Multiple family projects may not sell or lease any of the code required visitor parking spaces to individual unit owners or residents. In cases where the City may grant or has granted a variance or exception enabling the total parking spaces for any multiple family project to be less than the code required 2.5 (2½) spaces per unit, then at least fifteen (15%) percent of the total number of parking spaces approved by the City must be made available as visitor parking. All such visitor parking spaces shall be clearly marked on the pavement or have signage provided, indicating their use for visitor parking. In cases where there is restricted access security or gates for resident parking, then such restricted access security or gates, etc. shall not prohibit access to the required number of visitor parking spaces. Parking necessary for on-site management or other on-site employees shall be provided in parking spaces in excess of the number required as visitor parking. The City's Code Enforcement Board may enforce these provisions when it is witnessed by city staff that on any four consecutive occasions within any two consecutive day period, the same resident vehicle or management employee vehicle is utilizing any designated visitor parking spaces.

SECTION 4. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-68 Medium Density Multiple Family (R-3) District subsections (c) (5) (8) (10); (d) (2) (3) and (e) (1), (6) (7) in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-68. Medium Density Multiple Family Residential (R-3) District.

(c) *Conditional uses.* The following uses may be permitted after review by the planning and zoning board and approval by the city commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

(5) Residential complexes which are developed and operated by the Winter Park Housing Authority, or by nonprofit 501(c) corporations providing affordable housing and receiving financial support for affordable or workforce housing from agencies of the federal, state or city government. For such projects the following minimum requirements are met:

- a. The density shall not exceed one unit per 1,000 square feet of ground area;

- ~~b. Parking spaces provided shall not be less than one space per residential unit;~~
- ~~c. No minimum apartment size shall be required; however, the average size of all the residential units shall not be less than 500 square feet in floor area;~~
- ~~d. The site on which the complex is to be located shall be served by public utilities and streets capable of accommodating the increased residential densities permitted by this section;~~
- ~~e. The property owner enters into a formal agreement with the city to pay all taxes and fees required by the city or enters into contractual agreement for a payment in lieu of taxes to the city, whichever shall apply because of ownership.~~

(8) Buildings with a third floor within the central business district, provided that such conditional use approvals require two public hearing approvals by the city commission and buildings with a third floor outside the central business district subject to the normal public hearing approvals outlined in Section 58-90;

(10) Bed and breakfast inns provided such property location is one hundred (100) feet from any single family zoned property residence.

(d) *Minimum building site and maximum density.*

(1) The minimum building site required for either a single family residence or a duplex shall be the same as required by the R-2 district.

(2) The minimum building site for a multiple family complex of three to six units shall be 7,500 square feet with a minimum front width of 50 feet. The minimum building site for a multiple family complex of six units or greater shall be 15,000 square feet with a minimum front width of 100 feet and a minimum depth of 100 feet. For properties with less than 15,000 square feet in size, the provisions of the R-2 zoning district shall apply.

(3) ~~The minimum ground area per dwelling unit shall be 2,500 square feet and the maximum density shall be seventeen (17) units per acre.~~

(e) *Development standards.*

(1) Development in the R-3 district, at the discretion of the property owner, may meet the requirements of the R-2 district or shall meet the following R-3 development standards. The requirements of R-2 district must be met for lots which are 65 feet wide or less.

	Single Family	Duplexes	Multi-family housing
Min. land area (sq. ft.)	6,000	9,000 <u>6,000</u>	15,000 <u>7,500</u>
Min. lot width (ft.)	50	50	100
Min. land area per unit	6,000	4,500 <u>3,000</u>	2,500 <u>2,562</u>
Min. building setbacks (ft.):			

front yard	25	25	25
side yard	10	10	20
rear yard--one-story	10	10	20
rear yard--two-story	25	25	25
Max. building coverage	35%	35% **	40% **
Max. impervious coverage	60%	65%	70%
Max. building height (ft.)	30	30	35/30*
Min. off-street parking	2/unit	2/unit	2.5/unit

*Note: The Comprehensive Plan limits development in the R-3 zoning district to a maximum of two stories and 30 feet of building height in the area bounded by Minnesota, Azalea Lane, Melrose and Pennsylvania Avenues, certain locations.

**Note: In cases where the interior building floor plan design includes any first floor bedroom space in order to accommodate the housing needs of the elderly or mobility impaired, the building footprint coverage may be increased by up to three (3%) percent, but this shall not allow any variance or exception to the required amount of open space pervious coverage.

(6) The intent of the Code requirement for 2.5 (2½) spaces for multiple family projects is to provide visitor parking spaces for guests, service calls, deliveries, etc. For multiple family projects providing 2.5 (2½) parking spaces per unit, the provision of those visitor spaces may not be exclusively within enclosed garages or carports and there must be at least one visitor parking space for each two units that are open and accessible for guests, service calls, deliveries, etc. Multiple family projects may not sell or lease any of the code required visitor parking spaces to individual unit owners or residents. In cases where the City may grant or has granted a variance or exception enabling the total parking spaces for any multiple family project to be less than the code required 2.5 (2½) spaces per unit, then at least fifteen (15%) percent of the total number of parking spaces approved by the City must be made available as visitor parking. All such visitor parking spaces shall be clearly marked on the pavement or have signage provided, indicating their use for visitor parking. In cases where there is restricted access security or gates for resident parking, then such restricted access security or gates, etc. shall not prohibit access to the required number of visitor parking spaces. Parking necessary for on-site management or other on-site employees shall be provided in parking spaces in excess of the number required as visitor parking. The City's Code Enforcement Board may enforce these provisions when it is witnessed by city staff that on any four consecutive occasions within any two consecutive day period, the same resident vehicle or management employee vehicle is utilizing any designated visitor parking spaces.

(7) Except within the Central Business District geographical area, multi-family residential development within areas designated R-3, shall not exceed two stories in height unless approved via conditional use by the City Commission. In addition, such third floors must have a roof slope of a maximum 12:12 roof slope (45 degree angle) for the third floor starting at the second floor eave height. When the roof slope height reaches the maximum roof height, then a flat roof is permitted or the roof slope may function as a parapet wall. Dormer windows are permitted on the third floor to provide light into such spaces but the dormers may not exceed forty-five (45%) percent of within the same roof plane and must be placed at least 2.5 (2½) feet back from the second floor wall below. Alternative methods of compliance may be approved by the city commission such as

terracing and enhanced setbacks for the third floor, such as in wedding cake manner, that setbacks at least seventy-five (75%) percent of the third floor walls without roof porch coverings from the floor walls below for a significant distance on the sides facing streets or other properties.

SECTION 4. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-75 Commercial (C-2) District subsections (a) (1); (b) (1) (3) (4); (c) (5); and (e) (10) in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-75. Commercial (C-2) District.

(a) *Purpose and intent.*

(1) This commercial zoning district is limited to the commercial portion of the geographic downtown area known as the Central Business District and the similar commercial area of the city within the Hannibal Square Neighborhood Commercial District (HSNCD) of the City's Community Redevelopment Area (CRA). As detailed in the Comprehensive Plan, Commercial (C-2) district zoning is not permitted on any property except if it is within the Central Business District "potential C-2 zoning" area depicted in the CBD Map (D-2) in the definitions section, generally described as west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of and including the New York Avenue Corridor or it is on properties abutting Morse Blvd between Capen and Virginia Avenues, abutting New England Avenue between Pennsylvania and New York Avenues, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. No applications for C-2 zoning shall be accepted for any property outside these designated areas. Moreover, even properties within these designated areas shall have no vested right to C-2 zoning. This district has different requirements than other commercial areas especially pertaining to setbacks, parking requirements, height limitations and permitted land uses, including a prohibition on drive-in businesses. This district is established to encourage the continuation of the present unique Park Avenue business district of the city and to provide for its use within certain other defined geographical areas as specified in the Comprehensive Plan.

(b) *Permitted uses.* All permitted uses shall be conducted so as to emphasize the pedestrian orientation of the district. Thus, drive-in type businesses or uses which have a drive-in component as part of their operation shall not be permitted ~~except to a limited degree in the area on Morse Boulevard, west of Virginia Avenue and confined to non-retail use.~~ All uses permitted shall be conducted exclusively within a building except those uses permitted which are customarily conducted in the open such as off-street parking and out-door patio seating for dining. Storage shall be limited to accessory storage of commodities sold at retail on the premises and storage shall be within a completely enclosed building. Bars, taverns and cocktail lounges are prohibited in this zoning district. In addition, no single tenant building larger than 65,000 square feet is permitted regardless if portions of such single tenant business, such as a grocery store, may have a sublease for an interior coffee shop, bank, etc.

(1) Retail businesses involved in the sale of merchandise on the premises within enclosed buildings but excluding resale establishments or pawn shops (other than clothing resale stores) and excluding smoke shops, cigar stores and liquor stores provided the store is more than 300 feet from residentially used properties.

(3) Bank, savings and loans, financial institutions, travel agencies, photographic studios, interior design studios, barber shops, beauty/nail salons, spas, state licensed massage therapists, cosmetic and skin care treatment businesses, governmental, educational, medical, real estate and other offices but only when such uses are located above the ground floor within the Park Avenue Corridor

or located on any floor outside the Park Avenue Corridor. This shall be referred to as the Park Avenue corridor vertical zoning restrictions.

(4) Residences located on any floor outside of the Park Avenue Corridor ~~or~~ but only above the ground floor within the Park Avenue Corridor and on properties with frontage on New England Avenue between Pennsylvania and Park Avenues.

(c) *Conditional uses.* The following uses may be permitted as conditional uses following review by the planning and zoning board and approval by the city commission in accordance with the provisions of this C-2 district section only. See Sec. 58-90 Conditional Uses.

~~(5) Drive-in business components limited to the locations to properties on Morse Boulevard, west of Virginia Avenue and limited to non-retail use.~~

(e) *Development standards.*

(10) All properties facing on Park Avenue or adjacent roads within 140 feet of Park Avenue or that are located across from Central Park and all properties that abut Central Park, where development would impact the open vista of Central Park shall be limited to two stories in height as depicted on the Maximum Height Map. Variances or approvals of development in violation of this policy are prohibited.

SECTION 5. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by removing within Section 58-71 General Provisions for Residential Zoning Districts; subsection (ii) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-71. General Provisions for Residential Zoning Districts.

~~(ii) *Affordable and workforce housing density bonus.* The development of affordable/ workforce housing is a priority of the State Comprehensive Plan and the City's Comprehensive Plan. As such, in some cases incentives are necessary to insure the provision of affordable/ workforce housing especially within Winter Park with extremely high land costs, along with typical construction costs. The City Commission on a case by case basis may permit the maximum densities within the zoning districts to be exceeded by up to five units per acre when such allowances are used exclusively for the construction of affordable/workforce housing. This incentive shall not permit additional floor area ratio, building lot coverage or building height but is intended to allow additional units within the building parameters otherwise permitted by the respective zoning district.~~

SECTION 6. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by removing within Section 58-84 General Provisions for Non-Residential Zoning Districts; subsection (aa) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-84. General Provisions for Non-Residential Zoning Districts.

~~(aa) *Affordable and workforce housing density bonus.* The development of affordable and workforce housing is a priority of the State Comprehensive Plan and the City's Comprehensive Plan. As such, in some cases incentives are necessary to insure the provision of affordable and workforce housing especially within Winter Park with extremely high land costs, along with typical construction costs. The City Commission on a case by case basis may permit the maximum~~

~~densities within the zoning districts to be exceeded by up to five units per acre when such allowances are used exclusively for the construction of affordable or workforce housing. This incentive shall not permit additional floor area ratio, building lot coverage or building height but is intended to allow additional units within the building parameters otherwise permitted by the respective zoning district.~~

SECTION 7. 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 8. 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;

SECTION 9. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its 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 _____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

Exhibit A

Sec. 58-82. Medical Arts (MA) District.

(a) Purpose:

(1) The Medical Arts district provides for and encourages the development and operation of hospitals, clinics, medical offices and wellness/fitness facilities. Accessory complementary specialty retail businesses, food service and residential units are permitted to serve the users, visitors and employees of the medical facilities. The provisions of this zoning district shall differ from other zoning districts in that the development standards may be clustered and spread across all or portions of the medical/wellness campus, regardless of intervening streets. The Medical Arts district should encourage the development of diverse urban infill medical projects that also include open space areas and public gathering places. The increased building density permitted by this Medical Arts district contrasted with other zoning districts is balanced by the provision of health care that is important to the community at large. This district shall encourage master planning but may also incorporate single use properties for the specified medical and wellness purposes. Each building use project shall incorporate designs and architecture that enhances the surrounding area and which encourages traditionally designed, pedestrian friendly neighborhoods.

(b) Application:

(1) The Medical Arts (MD) zoning district is appropriate for limited areas along the major commercial corridors that possess prior office or commercial zoning, as specified in the Comprehensive Plan, in order to permit the efficient use of land, as well as the clustering of building density. Medical Arts (MD) zoning shall not be permitted in the Central Business District or Hannibal Square Neighborhood Commercial District. The adoption of Medical Arts (MD) zoning shall only occur in locations where specific provisions are to be applied on a case by case basis to ensure the compatibility of character and intensity of the Medical Arts district with the surrounding development. Medical Arts district zoning shall not be utilized or applicable unless at least eighty (80%) of the floor space within the building is devoted to medical or wellness related business, except as may be necessary for employee housing.

(2) Application for Medical Arts zoning in concert with application for Medical Arts future land use designation in the Comprehensive Plan shall be made with a Master Plan that depicts the contemplated development plans, densities and building heights to be utilized or constructed within a ten (10) year time horizon. The optional adoption of a Development Agreement as part of such a request for future land use or zoning change may allow for the formal adoption of such Master plan subject to the restrictions and limitations included in the Development Agreement. The Development Agreement may also allow the city staff to review, process and issue building permits for individual building projects that are consistent with an adopted and approved Master Plan without a subsequent conditional use review subject to any design or other conditions that may be included in the Development Agreement.

(3) Applications for approval or amendments of a Medical Arts Zoning Master Plan shall follow the notice and public hearings procedures established for conditional uses.

(c) Permitted uses.

- (1) Hospitals; (but not animal hospitals or veterinary clinics)
- (2) Medical offices, such as those of medical doctors, physical therapists, state licensed massage therapists, and dentists;
- (3) Medical and dental laboratories;
- (4) Wellness and fitness facilities; physical therapy facilities;
- (5) Nursing homes or health rehabilitation facilities but not including assisted living or memory care facilities.
- (6) Off-street parking lots and parking garages to serve the permitted and accessory uses;

(d) Accessory uses permitted. The location of the following accessory and ancillary uses within structures is permitted in this district. These uses must be located within the primary office structure (not within a separate structure) and must be primarily for the use and convenience of occupants and users of the building. These uses shall not have separate public entrances to the outdoors nor separate outdoor advertising signs or any other advertising signs which encourage use by the general public.

- (1) Restaurant or cafeteria;
- (2) Card and gift shop, florist, or bank/credit union.
- (3) Pharmacy store within a medical office building which sells prescription and nonprescription drugs, medicines and medically related equipment only.
- (4) Residential units utilized exclusively by the employees of the permitted uses, where at least one of the full time residents of each residential unit must be a full or part-time employee or student intern of the hospital, medical office or wellness facility.

(e) Conditional uses. The following uses may be permitted as conditional uses following review by the planning and zoning board and approval by the City Commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

- (1) Drive-in components of any business;
- (2) Buildings over 10,000 square feet, any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

(e) Minimum building site. The minimum building site size shall be no less than two acres and the site shall have a minimum frontage of one hundred (100) feet on a publicly dedicated right-of-way.

(f) Development standards.

- (1) Any building constructed within this district shall adhere to the following minimum or required setbacks for front, rear and side yards. The front setback from all streets shall be a minimum of ten

(10) feet from the property line and a minimum of fifteen (15) feet on Orlando Avenue and on the north side of Fairbanks Avenue and twenty (20) feet on the south side of Fairbanks Avenue. For properties along Orange Avenue, the front setback may be reduced to the average front setback of the existing buildings within that block if approved by the City Commission. Side yard setbacks shall be a minimum of five (5) feet from each property line unless the parcel shares a common line with a residentially zoned parcel, then a fifteen (15) foot setback shall be observed for any one or two story building. No building over two stories in height shall be located within 100 feet of an adjoining single family or townhouse building. The rear setback shall be a minimum of thirty (30) feet from the property line.

(2) The maximum floor area ratio shall be one hundred (100%) percent. The floor area ratio shall include the floor area of any attached or detached above grade private parking garage. The permitted floor area ratio may be calculated on a campus wide or area wide collective basis of the properties in the same ownership and MD zoning without respect to intervening streets so that the average of the private land areas in the respective blocks do not collectively exceed the permitted one hundred (100%) floor area ratio even though that number may be exceeded in one or more portions of the overall campus or site area.

(3) The maximum floor area ratios outlined above are not an entitlement and are not achievable in all situations. Many factors may limit the achievable floor area ratio including limitations imposed by the Maximum Height Map, concurrency management/level of service standards, physical limitations imposed by property dimensions and natural features as well as compliance with applicable code requirements such as, but not limited to, parking and internal circulation, setbacks, landscaping requirements, impervious lot coverage, design standards and on-site and off-site improvements and design amenities required to achieve land use compatibility. Land located across a street and/or separated from the building site shall not be included in the floor area ratio calculations.

(4) Building heights shall not exceed the height limits imposed by the Maximum Height Map. For those properties shown with a two story maximum, the maximum building height shall be thirty (30) feet; for those properties shown with a three story maximum height, the maximum building height shall be forty-two and a half (42½) feet. For those properties shown with a four story maximum height, the maximum building height shall be fifty-five (55) feet; for those properties shown with a five story maximum height, the maximum building height shall be sixty-five (65) feet. Unless specifically approved by the City Commission, as a conditional use, buildings developed with less than the maximum building stories shall conform to the height for the applicable stories. For example, if a two story building is developed within an area permitting a four story building, the two story building shall conform to the thirty (30) foot height limit. Parking garage levels shall be counted as stories for each level except for any basement level or the open roof level.

(5) Parapet walls or mansard roofs functioning as parapet walls may be added to the permitted building height but in no case shall extend more than five (5) feet above the height limits in this subsection. Mechanical penthouses, mechanical and air conditioning equipment, elevator/stair towers and related non-occupied structures may be permitted to extend up to ten (10) feet above the height limits in this subsection. Architectural appendages, embellishments and other architectural features may be permitted to exceed the roof heights specified in this section, on a limited basis, encompassing no more than thirty (30%) percent of the building roof length and area, up to eight (8) feet of additional height, upon approval of the city commission, based on a finding that said features are compatible with adjacent projects.

(6) For properties not shown on the Maximum Height Map, located on a property or a campus adjacent to four lane roadways, the maximum height shall not exceed fifty-five (55) feet, or the maximum height shall not exceed forty-two and a half (42 1/2) feet for properties located adjacent

to two lane roadways. For corner properties adjacent to both four lane and two lane roadways, the maximum height shall be fifty-five (55) feet.

(7) Development shall not exceed eighty-five (85%) percent impervious coverage in this district, however the approval of a Master Plan should incorporate open space, plazas and public gathering places.

(8) Whenever the rear or side property lines within this district share a common property line with parcels zoned residential, either a solid wall or vinyl fence shall be provided along the entire common line. The wall or fence shall be six (6) feet in height; except that such wall or fence shall be only three (3) feet in height from the front setback line of the adjoining parcel to the front property line of the adjoining parcel.

(9) Parking garages constructed within the district shall be constructed and maintained in strict conformance with the parking garage design guidelines, as detailed in Sec. 58-84 and as may be adopted and amended by resolution of the city commission.

(10) Other code sections related to development that should be referenced include but are not limited to Off-street Parking Regulations, Maximum Height Map, General Provisions, Definitions, Sign Regulations (Article IV), Environmental Protection (Article V) (this section includes Division 1 Storm Water, Division 6 Tree Preservation, Division 8 Landscape Regulations Division 9 Irrigation Regulations and Division 10 Exterior Lighting), Subdivision Regulations (Article VI), Historic Preservation (Article VIII) and Concurrency Management regulations (Article II).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE II, "CONCURRENCY MANAGEMENT REGULATIONS" SO AS TO ADOPT CHANGES TO THE CONCURRENCY MANAGEMENT REGULATIONS OF THE CITY NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has adopted Chapter 163, Florida Statutes which requires all local communities to adopt amendments to their Land Development Codes to implement the growth and development policies of Comprehensive Plans adopted pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development: and

WHEREAS, the Winter Park City Commission adopted a new Comprehensive Plan on April 24, 2017 via Ordinance 3076-17; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of proposed amendments to the Zoning Regulations portion of the Land Development Code having held an advertised public hearing on November 7, 2017, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed amendments to the Concurrency Management Regulations portion of the Land Development Code and held advertised public hearings on November 27, 2017 and on December 11, 2017 and advertised notice of such public hearings via quarter page advertisements in the Orlando Sentinel pursuant the requirements of Chapter 166, Florida Statutes and placed the proposed amendments on the City's website on October 31, 2017; and.

WHEREAS, the portions of Chapter 58, Land Development Code, Article II, Concurrency Management Regulations, that are to be amended and modified as described in each section and amended to read as shown herein where words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

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

SECTION 1. That Chapter 58 "Land Development Code", Article II "Concurrency Management Regulations" of the Code of Ordinances is hereby amended and modified by enacting the changes, additions and deletions a to read as attached as Exhibit "A" to this Ordinance.

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. 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;

SECTION 4. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its 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 _____ day of _____, 2017.

Steve Leary, Mayor

ATTEST:

City Clerk

EXHIBIT A
ARTICLE II. CONCURRENCY MANAGEMENT
REGULATIONS

Sec. 58-31. Introduction; summary.

This Article implements the concurrency management regulations mandated by Chapter 163, Florida Statutes and ~~Rule 9J-5 Florida Administrative Code~~, as well as serving as an implementation mechanism for the City's Comprehensive Plan.

Sec. 58-32. Purpose.

- (a) The purpose of this Article is to enable growth and development to proceed in the City in compliance with the City's Comprehensive Plan. As such, this Article implements the concurrency provisions of the Comprehensive Plan that are mandated by Chapter 163, Florida Statutes and ~~Rule 9J-5 Florida Administrative Code~~ and to provide for the implementation of the City's Comprehensive Plan.
- (b) The City Commission has determined and recognized that new growth and development may necessitate expansions and improvements of infrastructure. In order to assure capacity in infrastructure systems for new growth, all new development will be reviewed to determine the effect of such development on the infrastructure systems within the City. No new development or redevelopment will be permitted which would have the effect of degrading the level of service of any infrastructure system below that level established in the Comprehensive Plan.
- (c) The City of Winter Park sponsors or experiences several special events each year such as the Winter Park Arts Festival. Such events generate temporary peak demands on the infrastructure. It would be an unnecessary and unreasonable expense to the public to develop public infrastructure to support completely such temporary periods of usage. It is not the purpose of this Article to require the complete infrastructure for these occasional special events.

Sec. 58-33. Concurrency requirements.

- (a) ~~A~~ An administrative concurrency approval shall be required to be granted by the City prior to the issuance of any development order or approval except as exempted in the Article. The following are determined to be development orders requiring a concurrency approval:
 - (1) Building Permit
 - (2) Permitted Use Approval
 - (3) Conditional Use Approval
 - (4) Site Plan Approval
 - (5) Final Plat
 - (6) Planned Unit Development
 - (7) Development Agreement, pursuant to 163.3220
 - ~~(8) Development of Regional Impact (D.R.I.)~~
 - ~~(9) Florida Quality Development (F.Q.D.)~~

- (b) A concurrency approval shall be required prior to commencement of construction of any new public facilities, or expansion thereof, whether or not a final development order or building permit is issued by the City.
- (c) A concurrency approval shall be required prior to the commencement of construction within the City of any new public facilities by any other government, school board or quasi-governmental agency.
- (d) A concurrency approval shall not be required to be granted by the City and the following development orders are exempted from the requirements of this Article:
 - (1) Development orders or building permits for single family homes or duplexes within existing platted subdivisions of record recorded prior to the effective date of the Article where all infrastructure required within the subdivision to support the property has been provided and accepted by the City.
 - (2) Development orders or building permits for other residential or non-residential development where the following standards are not exceeded:
 - Roads: ~~20 average daily trip ends~~
 - Water: ~~700 gallons per day~~ Residential projects of 10 units or less or 10,000 square feet or less for non-residential projects.
 - Sewer: ~~700 gallons per day~~ Residential projects of 10 units or less or 10,000 square feet or less for non-residential projects.
 - (3) ~~Development of Regional Impact (D.R.I.), Florida Quality Development (F.Q.D.) or development included in a Development Agreement adopted by the City Commission pursuant to Chapter 163, Florida Statutes. Development pursuant to a building permit issued prior to the effective date of this Article and consistent with the Comprehensive Plan, provided however, that no such building permit shall be extended except in conformance with this Article. If, however, the Code Enforcement Director determines such a building permit has lapsed or expired, pursuant to the Building Code, then no subsequent building permit shall be issued except in conformance with this Article. In addition, if the Planning Official determines that the developer is proposing a change in the plan of development resulting in impacts on public services greater than those impacts caused by the previously approved development, then no change shall be approved except in accordance with this Article.~~

Sec. 58-34. Change of use.

- (a) *Increased Impact on Public Facilities or Services.* If a proposed change of use shall have a greater impact on public facilities and/or services than the previous use, a capacity approval shall be required for the net increase only.
- (b) *Decreased Impact on Public Facilities and Services.* If the proposed change of use shall have an impact on public facilities and/or services which is equal to or less than the previous use, then the proposed change, redevelopment or modification of use may proceed without the encumbrance of additional capacity in accordance with the provisions of this Article.

(c) *Definition of "Previous Use"*. For purposes of this Section, the term "previous use" shall mean either: (1) the use existing on the site when a concurrency evaluation is sought; or (2) if no active use exists on the site at the time when a concurrency evaluation is sought, then the most recent use on the site within the 10 year period immediately prior to the date of application. The applicant shall provide reasonable sufficient evidence to the satisfaction of the City which establishes the existence of such use. Such evidence may include, but shall not be limited to, utility records, phone bills, income tax returns, tax bills, occupational licenses, etc.

Sec. 58-35. Concurrency approval application and review procedures.

(a) Development projects shall be reviewed to determine the effect of the project on the capacity of the following infrastructure systems:

- ~~(a) — Traffic Circulation/Roadway Capacity~~
- (1) Potable Water Production Capacity
 - (2) Sanitary Sewer Treatment Capacity
 - (3) Park and Recreation Facility Conservation Land Capacity
 - (4) Drainage/Stormwater Management
 - (5) Solid Waste Collection and Disposal Capacity

(b) Review shall be initiated by the owner, developer or authorized agent by submitting a ~~completed Concurrency Application~~. ~~The application shall include a~~ site plan drawn from or based on a survey of the site, legal description of the property and all other information requested so that a determination of the size, scale and nature of the infrastructure impacts can be determined. Incomplete submittals will be returned to the applicant. Applications shall be reviewed in the order of acceptance as complete.

Sec. 58-36. Concurrency determination and issuance of concurrency approval.

(a) Upon completion of a review by City staff, a ~~written~~ concurrency determination shall be made by city staff issued stating whether infrastructure capacity is available to accommodate the proposed project. ~~The determination shall specify the capacity needed for the project. For any project needing an approval by the City Commission, the staff report shall indicate is inadequate infrastructure capacity exists and in the absence of such indication, adequate capacity shall be deemed to be available. For any project needing only a building permit approval the staff review comments shall indicate if inadequate infrastructure capacity exists and in the absence of such indication, adequate capacity shall be deemed to be available.~~

~~(b) — If the necessary capacity is available, the determination shall constitute a temporary reservation of that capacity for the project for a period of 30 days. During this temporary reservation period, a Concurrency Approval shall be issued upon payment of fees as established by the City Commission.~~

~~(c) — If the necessary capacity is available, but action by the City Commission is required for approval of the development and the request for Commission action has been submitted, the temporary reservation period shall extend for 30 days following Commission action.~~

(b) If the necessary capacity is not available, the concurrency determination shall identify each infrastructure system where capacity is not available and the extent of the deficiency.

Sec. 58-37. Expiration of concurrency approvals.

(a) The concurrency approval shall expire upon the expiration of the building permit or development order for which the certificate was issued including any extensions, renewals, or subsequent development orders for the same project.

~~(b) The expiration date for a Concurrency Approval issued in relation to a Development of Regional Impact (D.R.I.), a Florida Quality Development (F.Q.D.), or Development Agreement pursuant to Chapter 163.220 shall be specified in the development order or agreement.~~

(b) Where not otherwise provided a Concurrency Approval shall expire after one year.

Sec. 58-38. Standards utilized for the review of concurrency approvals.

(a) The standards utilized for review of available capacity for the issuance of concurrency approvals shall be the level of service standards established in the City's Comprehensive Plan.

Sec. 58-39. Concurrency evaluations.

(a) The City shall conduct a concurrency evaluation prior to the issuance or denial of a concurrency approval. The City shall utilize evaluation methodologies as may be approved by the City Commission and the City may also consider, utilize and rely upon in whole or in part, other appropriate methodologies, evaluations, studies, documents, or other information submitted by the applicant that are deemed to provide accuracy in the quantification of infrastructure capacity impacts.

(b) Concurrency evaluations shall be conducted prior to the issuance of all development orders specified in this article as requiring a concurrency approval. In addition, a concurrency evaluation shall be prepared for review in conjunction with all preliminary plats in excess of four lots. For any project needing an approval by the City Commission, the staff report shall indicate is inadequate infrastructure capacity exists and in the absence of such indication, adequate capacity shall be deemed to be available. For any project needing only a building permit approval the staff review comments shall indicate if inadequate infrastructure capacity exists and in the absence of such indication, adequate capacity shall be deemed to be available.

(c) Concurrency evaluations shall also be prepared for review in conjunction with applications for Comprehensive Plan text and map amendments and re-zonings. For any project needing an approval by the City Commission, the staff report shall indicate is inadequate infrastructure capacity exists and in the absence of such indication, adequate capacity shall be deemed to be available.

Sec. 58-40. Methods of capacity evaluation.

(a) In performing concurrency evaluations the city staff shall determine the amount of infrastructure capacity necessary to serve the proposed development. If such amount of infrastructure capacity that will be generated can be provided, then

the development shall be deemed to be concurrent and, accordingly the requested capacity approval may be issued. If the amount of infrastructure capacity that will be generated cannot be provided, then the development shall be deemed not to be concurrent and, accordingly the requested capacity approval shall not be issued.

(b) In order to measure the demands for infrastructure capacity from development, the following methods shall be utilized:

<u>Infrastructure System</u>	<u>Method</u>
Sanitary Sewer	Capacity - Established by Florida Dept. of Environmental Regulation Demand - Customer demand based on past usage by similar users.
Potable Water	Capacity - Established by Florida Dept. of Environmental Regulation Demand - Customer demand based on records of past usage by similar users.
Solid Waste	Capacity - As determined by Orange County Demand - Average customer demand based on records of past usage
Parks & Recreation	Capacity - Total existing park <u>and conservation land</u> acreage Demand - Number of permanent residential housing units x 2.2 persons.
Traffic Circulation	Capacity - Florida Highway Capacity Manual Demand - Institute of Traffic Engineers (ITE) Manual, latest edition
Drainage	Established in the Stormwater Management Ordinance of Article 6 Land Development Code.

(c) In performing capacity evaluations for potable water and sanitary sewer capacity, the evaluation is ~~not~~ limited to an assessment of the infrastructure capacity available at the applicable water production plant or sanitary sewage treatment facility. The concurrency evaluation does ~~not~~ address the adequacy of capacity in

water distribution pipes or sewer collection pipes necessary to serve the proposed development. The city may require the developer to fund or for the developer to cost share with the city, upgrades to the water distribution or sanitary sewer collection system in the general area of the project to address capacity sufficiency. It is the responsibility of applicants for ~~Concurrency Approvals~~ to ascertain whether the water distribution system or sewer collection system is adequately sized or in place as is necessary for that development. The performance of concurrency evaluations and the issuance of concurrency approvals ~~also~~ does not relieve applicants of the responsibility to obtain permits from applicable State or Federal agencies requiring such approvals.

(d) In performing concurrency evaluations for drainage, the evaluation is not limited to an assessment of the conformance to the City's storm water management ordinance as contained in this Land Development Code. The city may require the developer to fund or for the developer to cost share with the city, upgrades to the storm water conveyance system in the general area of the project to address capacity sufficiency. The performance of concurrency evaluations and the issuance of Concurrency Approvals also does not relieve applicants of the responsibility to obtain permits from applicable State or Federal agencies requiring such approvals.

~~(e) — In performing concurrency evaluations for traffic circulation or roadway capacity, the evaluation shall conform to the following parameters:~~

~~(a) — Level of Service for Backlogged or Constrained Facilities — the City shall not approve development which would increase the traffic volume on the State arterial roadways in the City by more than an additional five percent over the existing traffic volumes provided in the Traffic Element of the Comprehensive Plan. The City shall not approved development which would increase the traffic volume on backlogged or constrained County or City roadways by more than an additional 20 percent over the traffic volume provided in the Traffic Circulation Element of the Comprehensive Plan.~~

~~(b) — Time Frame of Traffic Analysis — level of service shall be based on the peak hour (p.m.) directional traffic flow. Staff shall adjust the traffic count information as needed to reflect average peak hour/peak directional conditions as derived from traffic count stations.~~

~~(c) — Trip Generation Rates — these shall be based on the latest edition of ITE's Trip Generation Manual or other specific local site surveys deemed by the City to be representative of the proposed use. All generated trips shall be assumed to be external, unless documented. Any internal capture passerby, or transit that is assumed, must be documented and agreed upon prior to analysis and subject to acceptance by City staff. Trip Distribution and Assignment method shall be approved by the City prior to analysis.~~

~~(d) — Traffic Studies Required — for projects that generate more than 100 total new net trip ends per day, the applicant shall provide a traffic study which is certified by a Florida registered professional engineer or transportation planner approved by the City. For projects that generate between 21 and 100 total new net trip ends per day, the applicant has the option of submitting a traffic study. For projects generating 20 or less new net trip ends per day, there shall be no requirement for a traffic study. The City staff shall be responsible for tracking and logging the cumulative impact of all development projects.~~

- (e) ~~—Traffic Impact Area—In determining the impact of a project on roadways, the review shall encompass the impact within, at minimum, one half mile of the development site. However, the City may require a larger traffic impact area to be studied based on the scale of the project and its traffic generation.~~

Sec. 58-41. Proportionate fair share option to mitigate deficit transportation facilities.

- (a) ~~*Purpose and Intent.* The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair Share Program, as required by and in a manner consistent with §163.3180(16), F.S.~~
- (b) ~~*Findings.* The City Commission finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and that the City's Proportionate Fair Share Program:~~
- ~~(1) Provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative and creative efforts of the public and private sectors;~~
 - ~~(2) Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair share of the cost of expanding or improving a transportation facility;~~
 - ~~(3) Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic and transportation congestion;~~
 - ~~(4) — Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the City to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvements Element; and~~
 - ~~(5) Is consistent with §163.3180(16), F.S. and the City's Comprehensive Plan.~~
- (c) ~~*Applicability.* The Proportionate Fair Share Program shall apply to any development project in the City of Winter Park where the project's traffic impact study and the City's traffic engineer determines that there is insufficient capacity on one or more segments to satisfy the development project's transportation concurrency requirements.—The Proportionate Fair Share Program does not apply to Developments of Regional Impact (DRIs) using proportionate fair share under §163.3180(12), F.S., or to developments exempted from concurrency as provided in this concurrency chapter.~~
- (d) ~~*General Requirements.*~~

- ~~(1) An applicant whose project meets the criteria of Section 168.03 may choose to satisfy transportation concurrency requirements by making a proportionate fair share contribution, pursuant to the following requirements:~~

 - ~~a. The proposed development is consistent with the comprehensive plan and applicable land development regulations, and~~
 - ~~b. The five year schedule of capital improvements in the City's Capital Improvements Element (CIE), which includes Federal, State, County and other local governments capital improvements, includes one or more transportation improvements that, upon completion, will provide sufficient capacity for the deficient segments to accommodate the traffic generated by the proposed development.~~
- ~~(2) The City may choose to allow an applicant to satisfy transportation concurrency for a deficient segment, through the Proportionate Fair Share Program, by the developer contributing to an improvement that, upon completion, will create additional capacity on the deficient segment sufficient to accommodate the additional traffic generated by the applicant's proposed development even if the improvement project for the deficient segment is not contained in the 5 year schedule of capital improvements in the CIE where:~~

 - ~~a. The City Commission holds an advertised public hearing to consider the proportionate share agreement and corresponding future changes to the 5 year CIE, and~~
 - ~~b. The City adopts, by ordinance, an amendment adding the improvement to the 5-year schedule of capital improvements in the CIE. To qualify for consideration under this section, the proposed improvement must be reviewed by the City Commission, and determined to be financially feasible pursuant to §163.3180(16)(b)1, F.S., consistent with the comprehensive plan, and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional contributions, payments or revenue sources to fund the improvement project are reasonably anticipated during a period not to exceed 10 years.~~
- ~~(3) If the funds allocated for the five year schedule of Capital Improvements in the CIE are insufficient to fully fund construction of a transportation modification required by concurrency, the City may still enter into a binding proportionate fair share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair share is calculated if the proportionate fair share amount in such agreement is sufficient to pay for one or more projects which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, sufficiently benefit the impacted transportation system.~~
- ~~(4) Transportation projects shall include, but not be limited to: highway related improvements such as roadway modification, roadway widening, intersection improvements; and system related improvements such as traffic management~~

~~systems, transportation systems management, intelligent transportation systems, expansion of the transit fleet to increase service frequency, bus rapid transit and other fixed guideway corridors, transit service expansion to new areas, or other mobility projects improving the pedestrian and/or bicycle level of service.~~

- ~~(5) Any improvement project proposed to meet a developer's fair share obligation must meet design standards of the City for locally maintained roadways, Orange County for county maintained roads and of the Florida Department of Transportation (FDOT) for the state highway system.~~

~~(e) Application Process.~~

- ~~(1) Upon identification of a lack of capacity to satisfy transportation concurrency, the applicant may choose to satisfy transportation concurrency through the proportionate fair share program pursuant to the requirements of Section 168.02.9.~~

- ~~(2) Prior to submitting an application for a proportionate fair share agreement, the applicant shall attend a pre-application meeting with the City Manager or designee to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. The pre-application meeting may be held in conjunction with a traffic study meeting.~~

- ~~(3) Eligible applicants shall submit an application to the City that includes an application fee as established by resolution and the following:~~

- ~~a. Name, address, and phone number of owner(s), developer and agent;~~
- ~~b. Property location, including parcel identification numbers;~~
- ~~c. Legal description and survey of property;~~
- ~~d. Project description, including type, intensity, and amount of development;~~
- ~~e. Phasing schedule, if applicable;~~
- ~~f. Description of requested proportionate fair share mitigation method(s);~~
- ~~g. Copy of concurrency application;~~
- ~~h. Copy of the project's Traffic Impact Statement (TIS) or Traffic Impact Analysis (TIA); and~~
- ~~i. Location map depicting the site and affected road network.~~

~~The application shall be submitted at the time of application for development plan review, Special Use Permit approval, subdivision or minor subdivision approval, or rezoning.~~

- ~~(4) The City Manager or designee shall review the application and certify that the application is sufficient and complete. Should the application require the City to use~~

~~the professional services of a consultant, the applicant shall bear all expenses incurred by the City for use of such consultant services. If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the proportionate fair share program as indicated in Section 168.02.9, then the applicant shall be notified in writing of the reasons for such deficiencies. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application shall be deemed abandoned. The City Commission may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to affect a cure.~~

- ~~(5) When an application is deemed sufficient, complete, and eligible, a proposed proportionate fair share obligation and binding agreement will be prepared by the City or the applicant with direction from the City and delivered to the appropriate parties for review.~~
- ~~(6) The City shall notify the applicant regarding the date of the City Commission meeting at which the agreement will be considered for final approval. No proportionate fair share agreement will be effective until approved by the City Commission.~~

~~(f) *Determining Proportionate Fair-Share Obligation.*~~

- ~~(1) Proportionate fair share mitigation for concurrency impacts may include, separately or collectively, private funds, contributions of land, and construction and contribution of facilities as provided in §163.3180 (16)(c), F.S. Construction and contribution of facilities shall be subject to final inspection and approval by the appropriate governmental agency.~~
- ~~(2) A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ based on the form of mitigation as provided in §163.3180 (16)(c), F.S.~~
- ~~(3) The methodology used to calculate an applicant's proportionate fair share obligation shall be as provided for in Section 163.3180 (12), F. S., as follows: The cumulative number of peak hour, peak direction trips from the complete build out of the proposed development, or build-out of the stage or phase being approved, that are assigned to the proportionate share program segment divided by the change in the peak hour directional maximum service volume (MSV) of the proportionate share program segment resulting from construction of the proportionate share program improvement, multiplied by the anticipated construction cost of the proportionate share project in the year that construction will occur. This methodology is expressed by the following formula:~~

$$\text{Proportionate Fair Share} = \sum [\text{Development Trips}_i] \div (\text{SV Increase}_i) \times \text{Cost}_i$$

~~(Note: In the context of the formula, the term “cumulative” does not include a previously approved stage or phase of a development.)~~

~~Where: Σ = Sum of all deficient links proposed for proportionate fair share mitigation for a project.~~

~~Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment “i” and have triggered a deficiency per the concurrency management system;~~

~~SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment “i”;~~

~~Cost_i = Adjusted cost of the improvement to segment “i”. Cost shall consist of all improvements and associated costs, including design, right of way acquisition, planning, engineering, inspection, and physical development costs, directly associated with construction at the anticipated cost in the year that construction will occur.~~

- ~~(4) For purposes of determining proportionate fair share obligations, the City shall determine improvement costs based upon the actual and/or anticipated costs of the improvement in the year that construction will occur. These costs will be determined or approved by the City’s public works department.~~
- ~~(5) If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be based on an engineer’s certified cost estimate provided by the applicant and approved by the City’s public works director or other method approved by the City’s public works director.~~
- ~~(6) If the City has accepted right of way dedication for the proportionate fair share payment, credit for the dedication of the non-site related right of way shall be valued on the date of the dedication at 100 percent of the most recent assessed value by the County Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the City and at no expense to the City. Said appraisal shall assume no approved development plan for the site. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City. If the estimated value of the right of way dedication proposed by the applicant (based on a City-approved appraisal) is less than the City estimated total proportionate fair share obligation for that development, then the applicant must also pay the difference. If the estimated value of the right of way dedication proposed by the applicant (based on a City approved appraisal) is more than the City estimated total proportionate fair share obligation for the development, then the City will give the applicant traffic impact fee credit for the difference, if available.~~
- ~~(7) — The City, at its discretion, may allow developments to contribute proportionate fair share to system wide projects, either solely or in conjunction with highway~~

~~related improvements. For the purposes of determining proportionate fair share obligations for system wide transportation improvements such as transit service, the City shall determine improvement/modification cost based upon the actual cost of the improvement/modification as obtained from the City's public works department. The transit costs shall be calculated as follows:~~

~~Development's net, new peak hour trip generation X (Transit Service Cost/Transit Service New Peak Trips) / CF, where:~~

~~Transit Service Cost = actual cost of the service improvements within City (first 3 years)~~

~~Transit Service New Peak Trips = the new transit trips available in the peak hour based on the transit service or transit service enhancements~~

~~CF = the conversion factor of person trips to vehicle trips (the current vehicle occupancy rate per the local transportation model is 1.20, and should be confirmed before use).~~

~~(g) Impact Fee Credit for Proportionate Fair Share Mitigation. If the City adopts transportation impact fees, the following provisions shall apply.~~

~~(1) Proportionate fair share mitigation payments for a development project shall be applied as a credit toward the traffic impact fees assessed to that development project.~~

~~(2) Impact fee credits for a proportionate fair share contribution will be determined when the traffic impact fee obligation is calculated for the proposed development. If the applicant's proportionate fair share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant must pay the remaining impact fee amount.~~

~~(3) A proportionate fair share contribution is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any traffic impact fee credit based upon proportionate fair share contributions for a proposed development may not be transferred to any other location.~~

~~(4) The amount of traffic impact fee (TIF) credit for a proportionate fair share contribution may be up to but shall not exceed the project's proportionate fair share amount and will be determined based on the following formula:~~

~~$$\text{TIF Credit} = \frac{[(\text{Proportionate fair share impacted roadways' VMT}) \div (\text{Total Project VMT})] \times (\text{Total Project Traffic Impact Fee Liability})}{1}$$~~

~~Where:~~

~~VMT (Vehicle miles of travel on a link) = (length of link) X (number of trips assigned to that link)~~

~~Total Project VMT = Total vehicle miles of travel on all links impacted by proportionate fair-share project~~

~~(5) A proportionate fair share impact fee credit shall be applied consistent with the following formula:~~

~~Applicant payment = [(Total project traffic impact fees assessed) + (Proportionate Share Payment)] - (TIF CREDIT)~~

~~(h) *Proportionate Fair Share Agreements.*~~

~~(1) Upon executing a proportionate fair share agreement (Agreement) and satisfying other concurrency requirements, an applicant shall receive concurrency approval for subject trips. Should the applicant fail to apply for building permits within the timeframe provided for in the City concurrency approval, then the project's concurrency vesting shall expire, and the applicant shall be required to reapply. Once a proportionate share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.~~

~~(2) Payment of the proportionate fair share contribution for a project and payment of other impact fees assessed to that project shall be due and must be paid prior to the effective date of the proportionate fair share agreement. The effective date shall be specified in the agreement and shall be the date the agreement is approved by the City Commission.~~

~~(3) All developer improvements accepted as proportionate fair share contributions must be completed within 3 (three) years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement and be accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. The security instrument shall conform to specifications set by the City Commission and approved by the City attorney. It is the intent of this section that any required improvements be completed within 3 (three) years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement.~~

~~(4) Dedication of necessary right of way for facility improvements pursuant to a proportionate fair share agreement must occur prior to the effective date of the proportionate fair share agreement.~~

~~(5) Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair share contributions to the extent the change would increase project costs or generate additional traffic that would require mitigation.~~

- ~~(6) Applicants may withdraw from a proportionate fair share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the City are nonrefundable.~~
- ~~(7) The City may enter into proportionate fair share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.~~
- ~~(i) *Appropriation of Fair Share Revenues.*~~
- ~~(1) Proportionate fair share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the City Capital Improvements Element, or as otherwise established in the terms of the proportionate fair share agreement. Proportionate fair share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).~~
- ~~(2) In the event a scheduled facility improvement is removed from the CIP or CIE, then the proportionate fair share revenues collected for its construction may be applied toward the construction of alternative improvements within that same corridor or sector where the alternative improvement will mitigate the impacts of the development project on the congested roadway(s) for which the original proportionate fair share contribution was made.~~

Sec. 58-41. Infrastructure capacity reporting and monitoring.

- (a) Periodically, the city staff shall complete and submit to the City Commission an Annual Capacity Availability Report. This report shall evaluate development permitting activity for the previous year and determine existing conditions with regard to available capacity for the infrastructure facilities subject to concurrency. The report shall specify the capacity used during the previous year and shall evaluate and project the capacity available and the time remaining until available infrastructure capacity is exhausted. The report shall also include any vested capacity as well as that for which development orders have been issued. The report shall include survey data available from published sources and data specifically compiled by the city in order to monitor and maintain an accurate assessment of available infrastructure capacity and the use of existing infrastructure capacity.

Sec. 58-42. Capacity reservations in furtherance of the comprehensive plan.

- (a) Infrastructure capacity may be reserved to accommodate redevelopment activities within Community Redevelopment Districts established pursuant to Chapter 163 in furtherance of the goals, objectives and policies of the Comprehensive Plan. The actual percentage or amount of capacity reserved and the nature of development entitled to use the reserved capacity shall be established by the City Commission.
- (b) Infrastructure capacity may be reserved to accommodate public facilities provided for in the Capital Improvements Element of the Comprehensive Plan. The actual percentage or amount of capacity reserved for a particular public facility shall be established by the City Commission.

Sec. 58-43. Appeals.

(a) A concurrency determination, concurrency approval, or exemption determination may be appealed by the applicant by filing a written notice of appeal within 15 days after receipt of the decision. While an appeal is pending, capacity shall be temporarily reserved for the project which is the subject of the appeal.

(b) Appeals must also include any fees established by the city commission. The city commission shall function as the concurrency appeals board. Appeals shall be heard by the city commission within 30 days of filing. The city manager, after consideration of information from effected City departments, shall provide to the city commission a staff recommendation on the appeal. The decision of the concurrency appeals board shall be the final administrative action.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE"
ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING
REGULATIONS AND DEVELOPMENT STANDARDS WITHIN THE
ZONING DISTRICTS OF THE CITY; PROVIDING FOR
CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Florida Legislature has adopted Chapter 163, Florida Statutes which requires all local communities to adopt amendments to their Land Development Codes to implement the growth and development policies of Comprehensive Plans adopted pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development: and

WHEREAS, the Winter Park City Commission adopted a new Comprehensive Plan on April 24, 2017 via Ordinance 3076-17; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of proposed amendments to the Zoning Regulations portion of the Land Development Code having held an advertised public hearing on November 7, 2017, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed amendments to the Zoning Regulations portion of the Land Development Code and held advertised public hearings on November 27, 2017 and on December 11, 2017 and advertised notice of such public hearings via quarter page advertisements in the Orlando Sentinel pursuant the requirements of Chapter 166, Florida Statutes and placed the proposed amendments on the City's website on October 31, 2107; and.

WHEREAS, the portions of Chapter 58, Land Development Code, Article III, Zoning Regulations, that are to be amended and modified as described in each section and amended to read as shown herein where words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

NOW THEREFORE, BE IT ENACTED BY 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 within Section 58-81 Parks and recreation District, subsection (e) (4) in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-81. Parks and Recreation (PR) District.

(e) *Development standards.*

(4) Building heights shall not exceed two story height limits and the maximum building height shall be ~~thirty (30)~~ forty-five (45) feet for flat roof buildings and ~~thirty-five (35)~~ feet for peaked roof buildings. Parapet walls or mansard roofs functioning as parapet walls on flat roofed buildings may be added to the permitted building height but in no case shall extend more than five (5) feet above the height limits in this subsection. Mechanical penthouses, mechanical and air conditioning equipment, elevator/stair towers shall not extend more than ten (10) feet above the height limits in this subsection. Architectural appendages, embellishments and other architectural features may be permitted to exceed the roof heights specified in this section, on a limited basis, encompassing no more than thirty (30%) percent of the building roof length and area, up to eight (8) feet of additional height, upon approval of the City Commission, based on a finding that said features are compatible with adjacent properties.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-86 Off-Street Parking and Loading Regulations subsections (b) (21); (h); and (j); and adding new subsections (n) (o) and (p) in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-86. Off-Street Parking and Loading Regulations.

(b) *Specific requirements for various uses and buildings.* Listed below are the minimum parking spaces required for various buildings and uses. When the computation results in a requirement for a fractional space, a fraction of one-half or less shall be disregarded. When the fraction exceeds one-half, one additional off-street parking space will be required. Parking spaces, other than handicapped spaces, shall be nine (9) feet wide by eighteen (18) feet deep. Variances to reduce the size of parking spaces are prohibited.

(21) *Residential dwellings.* Two spaces per dwelling unit for any residential project of two units or less. Two and one-half spaces per dwelling unit for any residential project of three units or more. The planning and zoning commission may recommend and the city commission may approve variances to these provisions where conditions warrant. The intent of the Code requirement for 2.5 spaces for multiple family projects is to provide visitor parking spaces for guests, service calls, deliveries, etc. For multiple family projects providing 2.5 parking spaces per unit, the provision of those visitor spaces may not be exclusively within enclosed garages or carports and there must be at least one visitor parking space for each two units that are open and accessible for guests, service calls, deliveries, etc. Multiple family projects may not sell or lease any of the code required visitor parking spaces to individual unit owners or residents. In cases where the City may grant or has granted a variance or exception enabling the total parking spaces for any multiple family project to be less than the code required 2.5 spaces per unit, then at least fifteen (15%) percent of the total number of parking spaces approved by the City must be made available as visitor parking. All such visitor parking spaces shall be clearly marked on the pavement or have signage provided, indicating their use for visitor parking. In cases where there is restricted access security or gates for resident parking, then such restricted access security or gates, etc. shall not prohibit access to the required number of visitor parking spaces. Parking necessary for on-site management or other on-site employees shall be provided in parking spaces in excess of the number required as visitor parking. The City's Code Enforcement Board may enforce these provisions when it is witnessed by city staff that on any four consecutive occasions within any two consecutive day period, the same resident vehicle or management employee vehicle is utilizing any designated visitor parking spaces.

h. *Mixed uses.* In the case of mixed uses, the total requirements for off-street parking and loading spaces shall be the sum of the requirements of the various uses computed separately as specified

in the off-street parking regulations and off-street loading and unloading regulations of this article. The off-street parking and off-street loading space for one use shall not be considered as providing the required off-street parking and/or off-street loading space for any other use unless specifically approved by the city commission. In any multi-family building or mixed use building or project constructed after February 22, 2010, that includes residential units, constructed after September 1, 2107, at least one of the required parking spaces provided for each residential unit shall be dedicated and reserved for each particular residential unit and shall be provided to each residential unit at no additional cost as part of a monthly or other lease term other than as included in the base lease rate applicable to all other similar units and shall not be an additional cost for purchase over the agreed upon purchase price of the residential unit.

j. Off-Site Parking and Remote Parking Lots encumbered. Where the provisions of off-street parking for a building or other use established subsequent to the adoption of this article involves one or more parcels or tracts of land that are not a part of the site plot on which the principal use is situated, the applicant for a permit for the principal use shall submit his application for a building permit, and an instrument duly executed and acknowledged, which subjects that parcel or tract of land to parking uses in connection with the principal use for which it is available. The initial term of this instrument shall be at least thirty (30) five years in length. The instrument shall not be acceptable if the agreement can be terminated by either party, unless such termination is conditioned and predicated on the coincident termination of the use that necessitated the instrument agreement for parking. When a principal use has encumbered a remote parking lot in accordance with the regulations outlined herein to provide the required minimum parking spaces, then hereafter, the business tax receipt for the principal use will not be renewed by the city until the owner of the subject building presents sufficient evidence to the city that the required spaces will be provided for said use. ~~for a period of not less than five years and/or until the operator of the principal use presents sufficient evidence to the city that the required parking spaces will be provided for a period of not less than one year.~~ The applicant shall cause said instrument to be recorded in the office of the clerk of the circuit court of Orange County, Florida. A certified copy of the instrument shall be provided to the city at the time of application for a building permit or, if no building permit is required, upon the application for a business tax receipt for a use that must provide additional parking under this article. Such encumbrance shall be null and void and of no effect, if and when the city shall rescind or terminate off-street parking requirements for the building to be served by the encumbered lot, parcel or tract.

n. Parking garages. Parking garages shall be designed, constructed and maintained in accordance with the parking garage design guidelines outlined in Sections 58-71 and 58-84 of this Article. For any parking garage or deck there shall be at least two car lengths (35 feet) of stacking or queuing required whenever there is a parking ticket device or entrance gate so that such stacking does not extend over a public sidewalk or street. No parking ticket device or gate may be added to an existing parking garage unless this requirement is satisfied.

o. Parking garage management plans. The construction of any parking garage shall require the submission and approval by the City of a Parking Management Plan (PMP). The PMP shall include, at a minimum, the following elements:

1. The PMP shall include any method of charging for use of the parking structure and the proposed charges to be incurred for use of the parking garage. Without the express approval of the City, the parking garage shall not charge any fees in any manner to park within the parking garage or include charges to tenants for the ability to park within the parking garage. Any proposal to change for parking either directly or indirectly with tenant leases shall include the method by which visitors to the residential units or customers/clients to the businesses shall be entitled to park without payment of fees so that such visitors/customers/clients are not incentivized to park off-site on streets or other properties.

2. The PMP shall also include and require the City approval of signage and the location of such signage that reserves parking for specific tenant business usage. The City may require that such reserved parking signage provide for the public use of those spaces at nights or on weekends when such businesses are closed in order to facilitate the public benefit of the parking structure.
3. The PMP shall also include the contacts for the property management company responsible for the maintenance and upkeep of the parking structure. Any dangerous or unsightly conditions such as trash, broken glass or graffiti shall be remedied with 48 hours of contact from the City or the failure to remedy shall be immediate grounds for action by the Code Enforcement Board.

It shall be the responsibility of the Owner(s) of the parking structure to request approval of any amendment to the PMP and no changes to the operations of the parking garage shall be undertaken without such consent.

Both the Owner(s) of the parking structure and the City may seek amendments or changes to the PMP. The City may seek changes to the PMP when the operation of the parking garage creates situations that adversely affect the City or other property owners.

p. Drainage. The Owner(s) and the Owner's engineer of record shall be responsible for ensuring proper design and construction of stormwater drainage systems and improvements to accommodate stormwater drainage associated with parking garages, structures and lots. The Owner(s) and their successors and assigns shall be responsible for ensuring the proper operation, maintenance and repairs of all private stormwater drainage systems and improvements that accommodate stormwater drainage parking garages, structures and lots. Owner(s) shall take particular caution when designing and construction parking garages and structures that are below grade and related stormwater systems and improvements to adequately address stormwater flows from adjacent public and private lands and public rights-of-way as stormwater drainage could flow down grade into such parking garages and structures. The City is not responsible for stormwater drainage flows (or for preventing the same) into below grade parking garages and structures. The City and its officers, employees and agents shall be held harmless by the Owner(s) and its successors and assigns from any and all stormwater drainage issues relating to parking garages, structures and lots, including but not limited to, in regards to below grade parking garages and structures which may receive stormwater flows from adjacent private or public properties and public rights-of-way. The City's approval of plans and issuance of permits and inspections approvals concerning parking garages, structures and lots or any stormwater drainage systems or improvements relating thereto shall not be construed as a guarantee, warranty or representation by the City or any of its officers, employees or agents that the Owner's or Owner's engineer of record's design plan is going to properly function or prevent stormwater drainage problems, or that the improvements are properly constructed or constructed in accordance with the applicable design plan or permits.

SECTION 3. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-90 Conditional Uses, subsections (a) (2) and (c) (2), in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-90. Conditional uses.

- (a) *Applications for conditional uses.*

(1) Within this article, various types of land uses, various types of structures, various types of businesses, certain types or sizes of buildings or certain types of licenses or business certificates have been deemed to require a conditional use approval prior to beginning operation or development. These conditional use approval requirements are to insure that such activities and projects are in conformance with the comprehensive plan policies and that they do not result in lack of compatibility and adverse effects with the type and size of buildings and the character of the surrounding area. Aside from the ability to deny such conditional uses or impose conditions upon such conditional use approvals in order to achieve these objectives, the city may also reduce the size, height and intensity of such buildings, structures and uses of land below that normally permitted within the zoning district in order to insure that these objectives are achieved.

(2) The planning and zoning ~~board~~ ~~commission~~ may recommend and the city commission may impose conditions upon the approval of a conditional use request. Conditional use applications encompass the entire site or property involved and do not relate only to the component of the plans requiring such conditional use approval. For residential development projects, (other than one single family home or duplex) the total square footage of the collective buildings shall be utilized to determine if a conditional use requirement applies but for the type of notice the size of the largest individual building shall be the determinant. ~~As such c~~Conditions may be imposed regarding the manner in which the entire conditional use property is developed and used and the city may impose restrictions otherwise not applicable by other typical land development codes as part of the conditional use approval. Such conditions may also include trial periods or time limits placed upon an approval. Such conditions may also be limited to the time period during which the applicant maintains the business certificate or occupational license for the business requesting such conditional use approval. Such conditions may also require infrastructure improvements for transportation, mobility, water, sewer, storm water and such.

(c) *Approval of Conditional Uses.*

(1) A simple majority of the city commission may override any recommendation for denial or modify any conditions of approval in the recommendation of the planning and zoning board.

(2) In order to streamline the development plan approval process, the city commission in the approval of conditional uses may also grant limited exceptions from the terms of this article. Those exceptions shall be limited to the size, number and height of accessory structures such as walls, fences and signs and shall also be limited to site and building design features involving floor area ratio (but for floor area ratio, said exemption shall be limited exclusively to floor area ratio in a parking garage and further limited to no more than five (5%) of the total floor area ratio permitted by this article), the location or number of parking spaces (but for parking, said exemption shall be limited to no more than a five (5%) percent variance from the code requirements of this article), the location of storm water retention facilities, building setbacks, building lot coverage and building height, but for building height, said exception shall be limited to no more than five (5) feet above the height limits of this article.

SECTION 4. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-87 Lakefront Lots, Canalfront Lots, Steamfront Lots, Wetlands, Boathouses and Docks, subsection (d) (5); (d) (5) (b) and (6) in the "Zoning" Article of the Land Development Code to read as follows:

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

(d) *Other structures on lakefront, canalfront or streamfront lots.* The following standards shall apply to all construction on lakefront, canalfront or streamfront lots:

(5) Structures on lakefront lots require the approval of the planning and zoning board prior to the issuance of a building permit. As conditions necessitate, the planning and zoning board 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 parking lots, driveways, swimming pools, cabanas, gazebos, screen enclosures, tennis courts and other accessory buildings.

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

(b) Setbacks - Multi-family/non-residential/mixed use. The water front setback from the water's ordinary high water elevation 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 the 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 water front setback shall be a minimum of 75 feet. As the height of the building or structure increases, for each one foot increase in height over 35 feet in height, the water front setback shall increase by two and a half (2.5) feet. Parking lots, driveways, swimming pools or other accessory structures shall be setback a minimum of fifty (50) feet from the ordinary high water elevations below.

(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 (88 datum). For canal and stream front locations, the ordinary high water elevations are to be provided by the public works department.

1. Lake Berry 69.4 feet
2. Lake Killarney.... 82.0 feet
3. Lake Maitland.... 65.7 feet
4. Lake Mizell.... 65.7 feet
5. Lake Osceola.... 65.7 feet
6. Lake Sue.... 70.7 feet
7. Lake Sylvan.... 71.2 feet
8. Lake Virginia.... 65.7 feet
9. Lake Bell.... 88.6 feet
10. Lake Spier.... 89.7 feet
11. Lake Forrest.... 100.0 feet
12. Lake Grace.... 100.8 feet
13. Lake Rose.... 87.8 feet
14. Lake Tuscany.... 69.1 feet
15. Lake Baldwin.... 90.7 feet
16. Lake Temple.... 66.6 feet

(6) Structures on canalfront or streamfront lots require the approval of the planning and zoning board prior to the issuance of a building permit. Other than boathouses, the waterfront setback shall be at least 50 feet from the canal bulkhead or stream. Structures in this context shall also include driveways, parking lots, swimming pools and pool decks, screen enclosures, tennis courts, cabanas and other accessory buildings. Swimming pools and decks on canalfront or streamfront lots may be permitted a minimum of 25 feet from the canal bulkhead or stream ordinary high water elevation, provided the swimming pool has an elevation of no more than two feet above the existing grade on the side closest to the canal or stream. The planning and zoning board may require, as conditions necessitate, the imposition of increased setbacks to accomplish the objectives in this section.

SECTION 5. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by removing within Section 58-71 General Provisions for Residential Zoning Districts; subsections (i) (2) (a) and (b); (n) (2) and n (6); (8); (h) (5) and (o); and adding new subsections (ii); (mm) and (nn) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-71. General Provisions for Residential Zoning Districts.

(i) *Accessory buildings, structures, air conditioning equipment and other accessory uses in residential zones.*

(2) An accessory building may be attached to a principal structure by a one-story open sided roofed breezeway with a maximum width of eight (8) feet connected to the principal structure without meeting the setback requirements of the principal building and complying with the setbacks of the accessory building; however, all other zoning requirements must be met, such as impervious coverage, building coverage or floor area ratio, where applicable.

a. Accessory structures for the housing of persons such as guest houses, bedrooms and garage apartments including bathrooms but excluding swimming pool cabanas, shall not be located in any required yard. Pool cabanas and greenhouses no more than 500 square feet in area may be located five feet from the side lot line and ten feet from the rear lot line. Cabanas which include or are used as accessory living quarters or guest houses must meet the same setbacks as the principal home.

b. Air conditioning equipment, swimming pool equipment and electric generators shall not be located in any front yard or required side yard with street frontage unless totally shielded from view from the street by shrubbery or walls and fences otherwise complying with the zoning code. Air conditioning equipment may be located up to ten (10) feet from a rear lot line as long as they are adjacent to the accessory structure or principal structure. Air conditioning compressors and electric generators shall not be located in any side yard or within ten (10) feet from the rear lot line except that they may be permitted six (6) feet from a side or rear property line if written permission is granted by the adjacent property owner. Any air conditioning equipment placed on a roof must be screened from view from surrounding properties and from public streets.

(n) Walls and fences.

(2) *Height and setbacks in residential districts.* In front yards and in side yards with street frontages, walls and fences shall not exceed three feet in height above the street curb elevation. However, these decorative front yard or street frontage walls and fences may be permitted columns or posts to exceed this height limit by one foot provided they are spaced at least ten feet apart. Light fixtures may also be placed on columns at driveway entrances up to one foot in height. In street-side yard areas of corner lots, a decorative fence or wall may be constructed five feet in height above the

existing ground level when setback at least ten feet from the street-side property line. In all other side and rear yard areas, walls and fences may be a maximum of six feet in height above the ground. Where compliance with these height limits could cause a hardship due to the natural sloping topography of a particular lot, the administrative official may permit portions of a fence or wall to be up to eight feet in height in areas where the normal maximum height would be six feet; and where fences are normally limited to three feet in height above the street curb elevation, the administrative official may permit the fence to be measured from the natural ground level rather than the curb. No wall or fence shall be permitted which would in any way obstruct or impair the visibility of automobiles at intersections and points of ingress and egress to the public right-of-way. For walls and solid fences located on any street, a setback of one (1) foot from the lot line is required to prevent interference with pedestrian mobility on existing or future sidewalks. Gates located on any street must match the openness of the fencing or no less than 60% open in composition whichever is greater. Walls and fences on the lakefront, canalfront, or streamfront side of properties shall meet the requirements established in this article for such waterfront properties. For purposes of locating walls and fences, front yards shall be the area from the front lot line to the front building wall or as determined by the building director.

(6) Walls and fences shall be finished on both sides with similar architectural treatments and color on both surfaces so that, for example, a brick-veneered masonry wall shall have brick veneer on both sides or a stuccoed masonry wall shall have a stucco finish on both sides, a painted wood fence would be painted on both sides, unless different surface treatments and color are agreed upon by the property owners on both sides of the wall and the building director.

(8) Corner lots with nonconforming walls or fences for one or two family dwellings: When an existing dwelling has a nonconforming building wall or fence located along a street side yard at a distance of 10 feet or greater from the street side lot line, a new fence or wall complying with a permitted material up to six (6) high is allowed to be constructed at the same nonconforming street side setback as a replacement in the same location.

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

(5) Garage and carport setbacks. All ~~corner~~ lots shall maintain a setback to a garage or carport opening door(s)/entry of at least twenty (20) feet from any street front lot line so as to preclude the parking of autos vehicles over a sidewalk or in the right-of-way. Unless approved as part of an overall project development plan by the City Commission, any garage doors or carport entry facing a public or private alley or access easement or other roadway used by more than two (2) residences shall maintain a setback of at least twenty (20) feet from the garage door(s) or carport entry to the roadway pavement of the public or private alley or access easement so as to preclude the parking of vehicles over the roadway. In addition, for garages doors and a carports entry facing a side or rear interior property line, a minimum distance of 22 feet shall be provided in front of garages and carports for the minimum parking exiting and turn around space.

(o) Building to have access on a public street. Every building hereafter erected or moved shall be on a lot ~~adjacent to~~ with frontage on a public street or previously approved private street. The structures on these lots shall be so located so as to provide safe and convenient access for servicing, fire protection, other emergency vehicles, and required off-street parking. Furthermore, no building hereafter erected or moved shall be on a lot solely adjacent to an unpaved road.

(ii) Parking Shelters. For multi-family residential projects, the City may permit open accessory detached shelter structures for shade and rain protection for vehicles provided that the parking shelter is at least eighty (80%) open, that the posts or columns meet a minimum five (5) foot setback from adjacent properties, that the structures meets all Building Code wind load

requirements; are not more than one story in height and limited to no more than 10 feet in height to the roof eave. Such parking shelters shall only cover a row of parking one space deep and may not span across a landscape island or the drive aisle. Such shelters may only located in the rear of the property or side of the property and not located in any area within twenty-five (25) feet of a right-of-way. Furthermore, such parking shelters must be architecturally consistent with the principle building and as such, metal post and canvas type coverings are not permitted.

(mm) Gated streets and gated communities. Consistent with the subdivision regulations provisions that prohibit private streets, and in order to promote vehicular and pedestrian ingress and egress access and for providing uninhibited emergency services access to any neighborhood, in subdivision or other housing community or housing projects, the use of gates or other access controls to restrict access to streets, neighborhoods, condominiums or other housing communities shall be prohibited. This shall not interpreted to prohibit the access management controls and gates to private residential parking garages provided unrestricted access is provided to visitor parking, that may be required per this Code or by a condition of approval of a residential project by the city commission nor shall it be interpreted to prohibit gates on driveways to any individual single family home.

(nn) Rooftop decks. Open or covered rooftop decks on all or portions of the top floor of flat roofed buildings for use by the residents for other than access to mechanical and air conditioning equipment shall not be permitted unless approved by the Planning and Zoning Board, or City Commission, (if part of a conditional use request), on a case by case basis, at a public hearing, following notice to all property owners within 300 feet, based upon the evaluation of the potential impact of night-time sound and activity and the impact upon the peaceful use and enjoyment of nearby properties.

SECTION 6. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-84 General Provisions for Non-Residential Zoning Districts; revising subsection (r) and adding new subsections (aa) (ff) and (gg) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-84. General Provisions for Non-Residential Zoning Districts.

(r) Display of merchandise outside commercial buildings within the C-2 zoning district. Only within the Central Business District and the Hannibal Square Business District, those properties which are zoned C-2 are allowed One display of merchandise may to be located outside of a commercial business exclusive of beautification elements such as plants (that are not for sale). This display must be placed within two (2) feet of the front wall or window of the building. This display must not block or impede pedestrian traffic or be placed on the public sidewalk and at least six (6) feet of clear sidewalk width must remain for pedestrian traffic. This display must be no more than six (6) feet in height and no more than two (2) feet in width. The display must be safely secured and removed under windy conditions. The display must be removed when the business is not open. An outside display is not permitted if the business chooses to place an outdoor portable sign.

(aa) Parking Shelters. For office and commercial properties, the City may permit open parking shelter structures for shade and rain protection for vehicles provided that the shelter is at least eighty (80%) open, that the posts or columns meet a minimum five (5) foot setback from adjacent properties, that the structures meets all Building Code wind load requirements; are not more than one story in height and limited to no more than 10 feet in height to the roof eave. Such parking shelters shall only cover a row of parking one space deep and may not span across a landscape island or the drive aisle. Such shelters may only located in the rear of the property or side of the

property and not located in any area within twenty-five (25) feet of a right-of-way. Furthermore, such parking shelters must be architecturally consistent with the principle building and as such, metal post and canvas type coverings are not permitted.

(ff) Rooftop decks. Open or covered rooftop decks on all or portions of the top floor of flat roofed buildings for use by the residents or tenants for other than access to mechanical and air conditioning equipment shall not be permitted unless approved by the Planning and Zoning Board, or City Commission, (if part of a conditional use request), on a case by case basis, at a public hearing, following notice to all property owners within 300 feet, based upon the evaluation of the potential impact of night-time sound and activity and the impact upon the peaceful use and enjoyment of nearby properties.

(gg) Alcohol sales and consumption. Chapter 10 of the Code of Ordinances establishes classifications for city licenses permitting the sale and consumption of alcoholic beverages. The sale and/or consumption of alcoholic beverages is limited and restricted only to the business types listed below and any other business type not listed, such as salons, spas, is not permitted alcoholic beverage sales and consumption. As such, alcoholic beverage sales and consumption is limited only to the following locations and uses listed below.

- (1) Commercially zoned retail stores but only for off-site consumption. Retail food and beverage retail stores may be permitted limited on-site consumption only for samples during wine/beer tastings, cooking school demonstrations, as special events;
- (2) Commercially zoned restaurants and food and beverage establishments having a seating capacity of not less than 24 seats for on-site and off-site consumption;
- (3) Adult congregate living facilities having a minimum of 50 living units and a seating capacity for not less than 100 seats but only for on-site consumption;
- (4) Golf clubs, tennis clubs and other private recreational facilities but only for on-site consumption;
- (5) Theatres for live performances or for films/movies with not less than 100 seats but only for on-site consumption;

(hh) Commercial Design Standards. The City has adopted in this Article, design standards for the Central Business District and Morse Boulevard areas which is also inclusive of the Hannibal Square Business District. Until additional further design standards are adopted for the other commercial corridors and non-residentially zoned properties within the City, the City is adopting, by reference, and implementing the Orange County design standards as codified in in Chapter 9, Article VIII of the Orange County Code of Ordinances. The Planning and Community Development Director, or their designee shall have the authority to approve commercial building projects in accordance with those regulations and shall be permitted to grant waivers, as necessary for application to the context as appropriate for application within the City of Winter Park.

SECTION 7. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by removing within Section 58-95 Definitions to amend the definition of "gross floor area"; subsection (1) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-95. Definitions.

For the purposes of this article, certain terms or words used herein shall be interpreted as follows:

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:

(1) Basement areas or other below grade floor areas are excluded from the "gross floor area" when more than one-half of that basement or floor height is below the existing grade or below the established curb level, if the lot grade is lower than the established curb level. ~~However, in multi-family residential condominiums and apartment projects and in office, commercial or industrial projects, these basement floor areas shall be restricted to parking, service, mechanical, or storage uses. Furthermore, these basement areas when used for service, mechanical, or storage purposes shall be limited in size for those uses to no more than 7 1/2 percent of the first floor area.~~

SECTION 8. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding within Section 58-76 Commercial (C-3) District; subsection (b) (8) and (e) (1) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-76. Commercial (C-3) District.

(b) *Permitted uses.*

(8) Animal hospitals, veterinary clinics, ~~pet stores~~ and other animal care businesses provided that they are in a freestanding building or have consent of the other tenants within that building; that there shall be no outside kennels, pens or runs, and there shall be no overnight or weekend boarding of animals unless the structure is located more than 200 250 feet from a residentially zoned parcel of land from the nearest residential building measured building to building.

(e) *Development standards.*

(1) Any building constructed within this district shall adhere to the following minimum or required setbacks for front, rear and side yards. The front setback to all streets shall be a minimum of ten (10) feet from the property line and a minimum of fifteen (15) feet on Orlando Avenue ~~and on the north side of Fairbanks Avenue and twenty (20) feet on the south side of Fairbanks Avenue.~~ For properties along Orange Avenue, the front setback may be reduced to the average front setback of the existing buildings within that block if approved by the City Commission. Side yard setbacks shall be a minimum of five (5) feet from each property line unless the parcel shares a common line with a residentially zoned parcel, then a fifteen (15) foot setback shall be observed. The rear setback shall be a minimum of thirty (30) feet from the property line unless the rear yard abuts a residentially parcel, then a thirty-five (35) foot setback shall be observed. However, within the Hannibal Square Neighborhood Commercial District area, as set forth in this section, new buildings shall have a required ten (10) foot front setback and may be permitted zero-foot side setbacks unless the parcel shares a common line with a residentially zoned parcel, then a fifteen (15) foot setback shall be observed. For any required front setback, the distance may be increased upon the determination by the public works director and police chief that a traffic sight distance safety problem may exist, to the extent required to remedy the problem.

SECTION 9. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by amending within Section 58-64 Nonconforming Lots, Nonconforming Uses and Nonconforming Structures; subsections (c) (2) and (c) (3) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-64. Nonconforming Lots, Nonconforming Uses and Nonconforming Structures.

(c) *Nonconforming structures.*

(2) If a nonconforming structure or portion thereof be demolished or destroyed through repair, remodeling, reconstruction or any other means to an extent of more than 50 percent of its replacement cost at the time of demolition or destruction, it shall not be reconstructed or restored except in conformity with the provisions of these zoning regulations. Removal and replacement of a nonconforming portion of a building with a new structure (such as new walls or roof) is not to be permitted. When 90% or more of the roof structure of a nonconforming building is removed, and interior floor areas are remodeled including the substantial removal of existing plumbing, electrical and mechanical systems, then that building shall be deemed to have exceeded the 50% destruction threshold referenced in this paragraph.

(4) Should such nonconforming structure be demolished, destroyed, or damaged by fire, wind storm, hurricane, tornado, flood, explosion, or other such calamity, such structure may be rebuilt or restored to its original dimensions and building setback as long as the nonconformities are not increased beyond the pre-existing condition and the building is rebuilt at same setback but not less than least five (5) feet from the closest property line for those portions of the building which had nonconforming setbacks.

SECTION 10. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by amending within Section 58-66 R-1AA and R-1A Districts; subsections (e) (1) and (2) in the "Zoning" Article of the Land Development Code as follows:

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

(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. Corners lots shall have an extra 10 feet of lot width required.

(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. Corners lots shall have an extra 10 feet of lot width required.

SECTION 11. 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 12. 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;

SECTION 13. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 14. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its 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 _____ day of _____, 2017.

Mayor Steve Leary

ATTEST:

City Clerk

**CITY OF WINTER PARK
PLANNING AND ZONING BOARD**

**Staff Report
November 7, 2017**

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS AND DEVELOPMENT STANDARDS WITHIN THE ZONING DISTRICTS OF THE CITY.

This proposed Ordinance make the changes that the Planning and Building Department staff felt were needed to update the Zoning Code and to address situations where the zoning text needed improvement. A summary of those changes are as follows:

1. Sec. 58-81 Parks and Recreation (PR) District: Amends the maximum height permitted from 35 to 45 feet.
2. Sec. 58-86 – Parking Code changes:
 - a. Establishes a minimum 15% standard for visitor parking spaces within multi-family projects in surface lots and in parking garages and that at minimum at least one space must be provided without additional cost to each residential unit.
 - b. Increases the minimum term for off-site parking leases to permit building construction from 5 years to 30 years.
 - c. Provides a reference to the parking garage design standards and the requirement for parking garage management plan.
 - d. Provides a reference for storm water design requirements, particularly those involving drainage entering from adjacent public streets.
3. Sec 58-90 – Conditional Uses:
 - a. Provides the ability for the City Commission to provide an exception for up to 5% floor area ratio if confined to a parking garage (Lakeside Crossing).
 - b. Restricts the ability for the City Commission to provide exceptions for parking of more than 5% of the code requirements.
 - c. Clarifies the calculation method for conditional uses and notice.
 - d. Clarifies that conditions of approval may require developer funded infrastructure upgrades needed for mobility, water, sewer, etc.
4. Sec. 58-87 – Lakefront Lots: Clarifies that the minimum 50 foot lakefront and wetland setback which applies to structures and swimming pools also applies to driveways and parking lots.
5. Sec. 58-71 – General Provisions for Residential Zoning Districts:
 - (a) Clarifies that pool cabanas cannot be used for habitation at the closer setbacks.

- (b) Updates rules for walls and fences requiring a setback from sidewalks, gates to match fence styles, the same finish on both sides of a fence and allowance to replace nonconforming fences if setbacks are met.
 - (c) Requires garage door setbacks of 20 feet from private alleys as the Code now does from public streets and sidewalks.
 - (d) Clarifies the setbacks, heights and other provisions for parking within carports in office building surface parking lots.
 - (e) Incorporates into the Zoning Code, the current prohibition in the Subdivision Code on private streets and gated communities.
 - (f) Requires rooftop recreation decks on multi-family projects to be approved by the City Commission.
6. Sec. 58-84 – General Provisions for Non-Residential Zoning Districts:
- (a) Limits the display of merchandise outside commercial businesses to only the Central Business District and Hannibal Square Business district zoned C-2 and not outside commercial businesses city-wide.
 - (b) Clarifies the setbacks, heights and other provisions for parking within carports in multi-family parking lots.
 - (c) Requires rooftop recreation decks on multi-family projects to be approved by the City Commission.
 - (d) Incorporates the alcoholic beverage regulations from Chapter 10 “Alcoholic Beverages” into the Chapter 58 (Zoning Code) since State alcoholic beverages licenses require “zoning” approval from the City.
7. Sec. 58-95 – Definitions: Provides the clarification on the calculation of floor area for carports in office/multi-family parking lots and provides consistency for basements excluded from floor area ratio for residential and commercial.
8. Sec. 58-76 – Commercial (C-3) Districts: Consistency for vet clinics and pet care businesses as treated in the office zoning districts and consistency of the 10 foot street front setbacks on West Fairbanks Avenue, as is the case city-wide.
9. Sec. 58-64 – Nonconforming Structures: Clarifies that if a nonconforming structure is destroyed by fire, tornado, hurricane, etc. that it can be rebuilt to its original dimensions but must be at least five feet from a neighboring properties and that when 90% of the roof and interior of a building is removed for renovation that the entire building must be rebuilt in compliance with current codes.
10. Sec. 58-66 – R-1AA and R-1A Districts: Incorporates in the Zoning Code, the Subdivision Code requirement on lot dimensions that corner lots must have 10 feet of additional width.

Staff Recommendation is for APPROVAL of the Ordinance.