This ordinance is intended to correct a problem in our Code as it relates to the ordinary high water elevations of the various lakes on which Planning and Zoning Commission Lake Front Reviews are performed. Staff consulted with Tim Egan, the City’s Lakes and Waterway’s Division Environmental Resource Manager to obtain the accurate ordinary high water elevations. Based on data provided to him by the Florida Department of Environmental Protection Bureau of Survey and Mapping all the lakes listed in our code will be updated to the most accurate data with the passage of this ordinance.

Tim also suggested a few other changes. One minor change that more accurately states the terminology “ordinary” over “normal”. Staff made the changes throughout this code section. The second change that Tim suggested was to add a new provision to 58-83 (c) (10). This provision will require lakefront property owners to vegetate a minimum of 50% (on properties with over 100 feet of lake shore the percentage could be greater).

These changes to the ordinance will better enable staff to provide more accurate information as well as take additional measures to protect our lake shore.

STAFF RECOMMENDATION IS FOR APPROVAL
ORDINANCE NO. _________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN SECTION 58-83 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" SO AS TO MODIFY AND CLARIFY THE PROVISIONS FOR THE APPLICABLE WATERFRONT SETBACK.

(ZTA 1:09)

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

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by repealing within Section 58-74 "Lakefront lots, canalfront lots, streamfront lots, boathouses and docks.", to read as follows:

Subsection (c)

(10) As a condition for a permit to build or repair any lakefront dock or boathouse, shorelines that do not meet the vegetation standards of Section 114-6(a) of the Code of Ordinances shall be required to be planted so that no more than 50 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.

Subsection (d)

(5) Any residential construction on lots within 200 feet of the lake's edge or with canal frontage shall have the approval of the planning and zoning commission. The setback from the lake's edge for structures other than boathouses, docks, gazebos, or retaining walls shall be the average established by the adjacent lakefront properties within 200 feet of the subject property, or 50 feet, whichever is greater. The planning and zoning commission shall have the authority to approve lakefront and canal front setbacks less than the average to a minimum of 50 feet in accordance with their lakefront review authority. Structures on lakefront lots other than boathouses, docks or other over water construction shall be setback at least 60 feet from the normal high water elevation. For convenience, the normal high water elevations of the city's principal lakes are listed below. These elevations have been determined by the Florida Department of Environmental Protection (FDEP) Bureau of Survey and Mapping. All elevations reference NGVD ('29 datum). Structures in this context shall also include swimming pools, cabanas, screen enclosures, tennis courts and other accessory buildings. This lakefront setback is a minimum standard that may routinely be increased by the planning and zoning commission, in concert with the special lakefront setback requirements.
established in the R-1AAA/R-1AA/R-1A zoning districts. As conditions necessitate, the planning and zoning commission may impose the increased setbacks in concert with their waterfront review authority as necessary to accomplish the objectives in this section:

<table>
<thead>
<tr>
<th></th>
<th>Lake Berry</th>
<th>70.0 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Lake Killarney</td>
<td>85.0 feet</td>
</tr>
<tr>
<td>b</td>
<td>Lake Maitland</td>
<td>66.5 feet</td>
</tr>
<tr>
<td>c</td>
<td>Lake Mizell</td>
<td>66.6 feet</td>
</tr>
<tr>
<td>d</td>
<td>Lake Osceola</td>
<td>66.6 feet</td>
</tr>
<tr>
<td>e</td>
<td>Lake Sue</td>
<td>72.5 feet</td>
</tr>
<tr>
<td>f</td>
<td>Lake Sylvan</td>
<td>72.0 feet</td>
</tr>
<tr>
<td>g</td>
<td>Lake Virginia</td>
<td>66.6 feet</td>
</tr>
<tr>
<td>h</td>
<td>Lake Bell</td>
<td>89.4 feet</td>
</tr>
<tr>
<td>i</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(6) Structures on canalfront or streamfront lots, other than boathouses, shall be setback at least 50 feet from the canal bulkhead or stream. Structures in this context shall also include screen enclosures, tennis courts, cabanas and other accessory buildings. Swimming pools on canalfront or streamfront lots may be permitted a minimum of 25 feet from the canal bulkhead or stream normal 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 commission may require, as conditions necessitate, the imposition of increased setbacks to accomplish the objectives in this section.

(7) Fences on lakefront, canalfront, or streamfront lots shall not be permitted to extend into the water beyond the normal ordinary high water elevation or into a canal beyond the bulkhead. Fences and walls shall not be permitted which run parallel to or across the lake, canal or stream within the 50-foot setback. The 50-foot setback shall also apply to any retaining walls, terrace wall, decks, railings or other structure higher than three feet above grade. Fences running down the sides of properties within the 50-foot setback or across the waterfront shall be substantially open fences limited to the materials of aluminum picket, such as wrought iron, or green or black cladded vinyl, chain link, etc. which allow visibility across property lines and to the lake. The planning and zoning commission may permit fences closer than the 50 feet on canalfront or streamfront lots as necessary to enclose swimming pools.

**Subsection (f)**

5) The highest point of a canal boathouse shall be no more than ten feet above the normal ordinary high water elevation of the closest lake as detailed in this section.

**SECTION 2.** This ordinance shall become effective immediately upon its final passage and adoption.
ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of ________________, 2009.

__________________________________________ Mayor

__________________________________________ City Clerk
An Ordinance of the City of Winter Park, Florida, Amending Chapter 58 “Land Development Code” Article V “Environmental Protection Regulations” Division 8, “Landscape Regulations” so as to adopt new landscaping regulations.

An Ordinance of the City of Winter Park, Florida, Amending Chapter 58 “Land Development Code” Article V “Environmental Protection Regulations” Division 9, “Irrigation Regulations” so as to adopt new irrigation regulations.

As a request from the City Commission staff assembled a work group composed of 2 Landscape Architects (Stephen Pategas and Tom McMacken) and staff from Building, Planning, Parks and Utilities Department. Over the last several months the work group has been researching other ordinances and has been working to prepare a revised Landscape Ordinance and a new Irrigation Ordinance. With the uncertain future of water resources in Florida both the revision to the Landscape Ordinance and the creation of the Irrigation Ordinance is a necessity. Additionally, the revision to the approved plant and tree materials will help to reduce the presence of invasive species. Further examination has also gone into reasonable spacing of trees to aid in survival and longevity.

Below is a summary of each ordinance. For the Landscape Ordinance staff has done a comparison to show what is existing and what is being proposed.

**LANDSCAPE ORDINANCE**

The proposed Landscape Ordinance has been reformatted in a more user friendly format to include:

- Purpose and Intent
- Definitions section

General Requirements for all properties:
- General Requirements for new construction and redeveloping properties – this applies to renovations exceeding 50% of the Orange County Property Appraisers assessment for improvements

Specific Requirements for:
- Specific Requirements for 1 and 2 family dwellings with the limitation that 40% of pervious area must be low water use areas as defined in the Irrigation Ordinance
- Specific Requirements for Non-Residential and Multi-Family properties to include:
  - Limit of 70% of pervious area to be low water use zones
· Enhanced landscaping for building façade and vehicle use areas (see table below), retention areas, intersection clearances, service areas, solid waste storage areas, merchandise display areas and drive-through areas.

· Landscape material specifications and installation criteria
· Maintenance of landscaping and irrigation systems
· Prohibited plant species
· Approved plant and tree materials
· Enforcement

<table>
<thead>
<tr>
<th>Existing Landscape Ordinance</th>
<th>Proposed Landscape Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Five (5) foot landscape strip along rights-of-way.</td>
<td>Eight (8) foot landscape strip along rights-of-way.</td>
</tr>
<tr>
<td>Five (5) foot minimum width for screened landscape buffer adjacent to residential.</td>
<td>Ten (10) foot minimum width for screened landscape buffer adjacent to residential.</td>
</tr>
<tr>
<td>Interior landscaping to account for five (5) % of the parking lot area.</td>
<td>Interior landscaping to account for Seven and one-half (7.5) % of the parking lot area.</td>
</tr>
<tr>
<td>Each separate landscaped area or island shall be a minimum 140 sq. feet.</td>
<td>Each separate landscaped area or island shall be a minimum 216 sq. feet.</td>
</tr>
<tr>
<td>Low Water Use 1 &amp; 2 family dwellings—Not included in current ordinance</td>
<td>40% of pervious area to low water use (.5 inch of irrigation per week) for 1 &amp; 2 family dwelling units</td>
</tr>
<tr>
<td>Low Water Use non-residential and multi-family properties—Not included in current ordinance</td>
<td>70% of pervious area to low water use (.5 inch of irrigation per week) for non-residential and muti-family properties</td>
</tr>
<tr>
<td>Stormwater retention guidelines – Not included in current ordinance</td>
<td>Stormwater retention is not allowed within ten (10) feet of the normal high water level or a seawall.</td>
</tr>
</tbody>
</table>

**IRRIGATION ORDINANCE**

This is a completely new ordinance to establish uniform minimum standards and requirements for the design and installation of safe, cost-effective, reliable irrigation systems for turf and landscape areas that promote the efficient use and protection of water and other natural resources.

The new ordinance format follows very similarly to the Landscape Ordinance:

· Purpose and Intent
· Applicability of the ordinance – applies to both residential and non-residential properties. Also applies to renovations exceeding 50% (based on Property Appraisers Assessment)
· Definitions
· Water Use Criteria
  · 1&2 Family Dwellings – 40% of pervious area to be low water use (.5 inch of irrigation per week)
Non-residential and multi-family projects – provide professional plans; 70% of pervious area to be low water use

- Irrigation Restrictions – days and hours permitted
- Irrigation systems and maintenance
- Exemptions
- Water Shortages
- Variances

STAFF RECOMMENDATION IS FOR APPROVAL OF THESE ORDINANCES