CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
December 1, 2009

Request to amend the Conditional Use approval granted to construct a new Community Center on the property zoned PQP at 721 W. New England Avenue.

On May 5, 2009 the Planning Commission recommended approval and on May 26, 2009 the City Commission approved via conditional use a new 38,184 sq. ft. Community Center on the 4.53 acres of property, zoned PQP, at 721 West New England Avenue. Following that approval, the City undertook an RFP for a design-build team and selected Turner Construction/Schenkel & Shultz Architects. That team has proposed improvements and modifications to the previous plans that will provide a better interior floor plan and site plan layout. Since those changes trigger the threshold as a “significant change” this public hearing is to amend the previous conditional use approval pursuant to the revised site plan, floor plan and architectural elevations.

Revised Community Center Proposal

A comparison of the previous plans with the new proposal is as follows:

Maintenance of all Programming Spaces Identified in Original Plan: The new plan keeps all the programming spaces and square footages of the original plan’s program spaces for seniors, office, youth, teens, etc and simply re-configures them within the new layout. All the spaces identified as needed by the stakeholders during the last few years of consensus building of this project, have been maintained.

Building Layout: The previous plan included a long corridor running east/west through the facility. The new plan shortens this corridor while still keeping all the program spaces and uses while removing approximately 1,700 sq ft of corridor space. This provides for a slightly smaller building and more efficient building to operate. Additionally this shifts the massing of the building away from New England and the residential community and instead pushes it toward the back of the property.

- Gym is now located farther back from New England and takes the most massive element of the facility away from the residences on New England.

Additional Parking: The original plan had 100 parking spaces and this caused some concern from the Planning and Zoning Commission which was worried about users of the Center overflowing into the residential neighborhood. The revised plan provides for 119 spaces an increase of almost 20%.

Additional Park Area: The re-configuration of the building also allows for the addition of new green space near the theater stage area.
Removal of Cut-Through Traffic on Welbourne: At the original Community Center meetings, residents raised the concern of cars being able to cut through from Pennsylvania to Capen Ave. The new plan now removes the cut through of the street and allows for expanded pool deck space to move the pool away from proximity to the gym where shade could impact enjoyment of the facility. This change met with favor during community input meetings. The Fire Department has also indicated that this change would not affect their ability to serve the area.

Multi-purpose Rooms Programming Flexibility: TCSS has proposed that the multipurpose rooms be configured to allow for not only single use of the four rooms but to allow for moveable walls which can create large spaces and more opportunities for a diverse mix of events to take place in the center. The previous plan did not have the ability to implement this function and the relocation of the rooms to the Shady Park side of the facility also allow for events to take place that could include both indoor and outdoor components. All of this means improved flexibility for the type and scope of events while also allowing for more diverse revenue generating activities.

Senior Designated Space: Perhaps one of the most favorably viewed changes after meeting with the community has been the addition of private restrooms to the senior space at the facility. In the old plan seniors would have had to exit their room, walk through the main lobby of the center and past the restrooms designated for youth, before reaching the bathrooms made available for their use. This change allows seniors the comfort and security of not having to leave their designated space while still allowing for curb-side pick up and drop off, access to the kitchen, storage space, and their own external access to the facility away from the major trafficked areas of the center.

Corridors as Active Spaces: The long corridor in the original plan served only as a hallway to get from one destination to another. The new plan incorporates the hallways into active space making the corridors now serve as part of the heart of the center where visitors can congregate, read, use interactive media, and have activities. These changes now allow for more flexibility in what can take place in the center while creating a vibrant energetic area instead of a hallway.

Improved Security: Both the Boys and Girls Clubs and Staff responsible for running programs at the facility have cited the improved security as a major endorsement of the new plan. The wider shortened corridors and the ability to still maintain a centrally located reception area that can now monitor more of the programming areas than the previous plan, means that supervision and safety will be easier to maintain. As in the old plan, magnetic locks on doors can be used to control ingress and egress points from the building. The new plan also reduces the number of major entrances and exits by one, removing the northern exit and making it the access to the gym (original plan had a north, south, east, and west entrance/exit).
Separation of Quiet and Loud Spaces: As in the old plan the new plan maintains the separation of noisy and quiet spaces but removes the inefficiency of the long corridor. Louder spaces are now located to the Northwest of the facility and quieter spaces to the Southwest.

Gym Access and Exit: The original plan required that anyone coming to an event at the gym had to first enter into the facility and walk down one of the long corridors. Additionally the emergency exit from the gym opened directly into the pool area which could become a life-safety issue in the event of an emergency. The new layout allows for gym access directly to and from the parking lot. This allows the gym doors to be opened up to serve as the entrance for any games or tournaments and keeps visitors from having to enter the facility to access the gym. This further provides separation and of age groups and improves security by allowing youth activities to continue uninterrupted inside the center while a tournament takes place in the gym. In the event of an emergency, people can now exit directly to the parking lot.

Pool Facility: The removal of the Welbourne cut-through allows for expanded pool space at the north end of the facility while still maintaining all the features identified by the community as important: zero entry play area, training/aerobics area, lap lanes, and six foot depth.

Theater Stage: The revised stage design now allows for the ability to provide both outdoor and indoor stage productions with the use of moveable walls. This will allow the stage area in the gym to be used for large community gatherings while still allowing for outdoor functions in the park.

Operational Efficiency: The slightly smaller size of the facility and improved visibility functions (reduced staffing requirements) should allow for a more cost-efficient facility from an operational standpoint.

Maintains all other identified issues in original plan: The new plan still allows for concession areas to serve the Gym, Pool and Park Areas. It still maintains bathroom access for people using the Park or Splash Park, provides the ability to have community art located throughout the facility, and for multipurpose rooms to be built out to accommodate different programming needs such as mirror walls and special flooring for dance programs.

Approval by Stakeholders: Staff responsible for managing the new center, the Parks Board, the CRA Advisory Board, the Boys and Girls Clubs, and community representatives have all given favorable endorsements/opinions of the new layout.
Approval Process

Building upon the two year process this project has undertaken to develop consensus and create the best facility possible to serve the City for the next 40-50 years, it was the city staff's recommendation (Parks/CRA/Planning) as well as the CRA Advisory Board’s recommendation (on Oct. 29th) to approve the revised design. The improved layout, security, and program flexibility will allow the City to use the facility and make changes as programming preferences change over the years while still providing the maximum security for our residents. The City Commission (as the CRA governing board) approved the new design at their CRA meeting on November 9th.

STAFF RECOMMENDATION IS FOR APPROVAL

PROCESS SINCE THE CONDITIONAL USE WAS ORIGINALLY APPROVED AND SCHEDULE MOVING FORWARD:

May 2009: RFQ for Design Build
Summer 2009: Selection of TCSS approved as top-ranked firm by City Commission
August 2009: TCSS proposes alternate floor plan space layout
September 2009: Revised plan presented to staff, Boys and Girls Clubs, Parks Board
October 13: Met with community leaders to discuss revised plan (favorable opinion)
October 15: Community meeting to gather input on revised plan (favorable toward layout excepting the issue of the addition of a tennis court)
October 29: Approval by CRA Advisory Board
November 9: Approval by CRA Governing Board
December 1: Conditional Use review by P&Z
December 14: Conditional Use review by City Commission
Dec: RFP for Bank Loan Released
Jan/Feb 2010: Approval of Bank Loan Financing
April/May 2010: Construction starts
April/May 2011: Project Completed
CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
December 1, 2009

REQUEST OF RANDOLPH REAL ESTATE LLC TO ANNEX THE PROPERTY AT 639 OVERSPIN DRIVE AND TO CHANGE THE EXISTING COMPREHENSIVE PLAN AND ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO OFFICE SO THE EXISTING HOME AT 639 OVERSPIN DRIVE MAY BE CONVERTED TO AN OFFICE AND THE REAR YARD USED AS EXPANDED PARKING.

This request (tabled from last month’s meeting) is from Randolph Real Estate LLC (Doctor Ajayi) who has the medical office and sleep lab at 2660 West Fairbanks Avenue (corner of Fairbanks and Overspin, west of I-4). Dr. Ajayi has the adjacent single family property at 639 Overspin Drive under contract. He would like to annex that property into the City and change the Comp. Plan and Zoning from single family residential to office to combine that property for added sleep lab space and parking.

Since last month’s meeting several actions have occurred to provide more details on the expansion and to assure the neighboring property (Kwastel’s @ 657 Overspin) that their privacy and security concerns would be met. Please see the attached letter from the applicant. The major issues addressed are as follows:

1. Soils/Sinkhole/Retention/Septic Tank – Dr. Ajayi realizes that these issues need to be resolved and he does not want to buy the property if there are soils problems that make his plans impossible or too costly. The closing will not occur under a full soil boring geotech report is prepared that assures Dr. Ajayi and the City that the soils can support the construction of the parking lot, the storm water retention exfiltration and relocation of the septic tank to the front yard. If the septic cannot be relocated then the flow will be piped to the office building septic tank and drainfield.

2. Security for the Neighboring Property – Dr. Ajayi has agreed to do an elevation survey and photo survey of the Mr. and Mrs. Kwastel’s property and home and guarantee in writing that if for any reason any damage occurs from the construction, it will be remedied.

3. Privacy Fencing and Lighting - The Kwastel’s do not want a block wall but prefer a vinyl privacy fence. The parking lot lighting is agreed to have a timer and go off at 11:00 pm with lower bollard lighting in use after that time.
4. Architecture – Dr. Ajayi agrees to the design controls for residential appearance, limit to one story and no front yard signage.
5. Dumpster – the location shown is the best spot but a more attractive wall buffer and front yard landscaping will be installed. The City’s franchise prohibits pickups before 7:00 am.
6. Development Agreement - All of these conditions and representations will be put into a new Development Agreement, prepared by the City Attorney covering both properties and replacing the existing agreement.
7. Ordinance Timing – Both ordinances for the annexation and land use designations will not become effective until the closing occurs and the development agreement is executed.

STAFF RECOMMENDATION IS FOR APPROVAL subject to the following conditions:

1. That the existing development agreement be revised and restated (by the city attorney) to incorporate the current conditions related to parking and permitted usage as well as to incorporate new conditions for 639 Overspin, that both properties be tied via binding lot agreement to the existing property at 2660 W. Fairbanks and thus require approval of the City to be split, sold separately or used other than in conjunction with the office building at 2660 W. Fairbanks and that the use of the building be confined to the sleep lab usage as proposed and to incorporate all of the conditions and representations made by the applicant.
2. That the development agreement include that vehicular access from Overspin Drive is prohibited.
3. That any future change to those existing or proposed conditions requires a future application, notice to neighbors and rehearing by P&Z/City Commission.

If the Planning Commission wants to review and approve the development agreement prior to its execution to make sure everything is covered, that is fine with staff.

Background from the November 3rd staff report:

About two years ago, Dr. Ajayi completed his new 6,000 square foot, two story medical office building. This is exactly the type of redevelopment that the City has desired along Fairbanks Avenue especially if you remember the appearance of the former International Produce store that preceded his building.

Dr. Ajayi’s building is 3,000 sq. ft. of medical space on the first floor used during the day and the second floor is a similar 3,000 sq. ft. of sleep lab that is used only at nights. Dr. Ajayi’s property has 22 parking spaces which exceeds the 15 spaces required for medical use on the first floor (one per 200 sq. ft.) and the City
and Dr. Ajayi entered into an agreement that prohibits his use of the second floor during the daytimes as medical office space, restricts the second floor usage to sleep lab use at night and covers the any potential future sale or change in use of the building.

Unfortunately, Dr. Ajayi's practice is of the type that draws more patients than there is available parking. The parking issue stems from the daytime turn-over in the medical office space as the sleep study work concludes by 7:00 am. For a brief period his staff was parking along Overspin Drive. However, after the City received complaints and those complaints were relayed to Dr. Ajayi, he secured leased parking off-site for his employees.

Dr. Ajayi is interested in combining the adjacent property at 639 Overspin Drive into a unified development to accomplish two goals. First, it will provide another 10 on-site parking spaces for patients or staff. Second, his plans are to convert the current residence to a sleep lab for women. The current sleep lab is only for pediatric (children) use. That residence building will not be used as medical clinic exam space but only as sleep lab. Dr. Ajayi is willing to incorporate those commitments into a formal agreement.

Comprehensive Plan - Annexation

The two Comprehensive Plan policies that govern this request involving the annexation requests are as follows:

**Policy 1-3.13.3: Criteria for Pursuing Annexation and Required Cost/Benefit Study.** Winter Park shall pursue the annexation of growth areas adjacent to the City limits when it would align municipal boundaries, unite sections of the City, or generate revenues in excess of the cost of providing services while providing City control over the quality and scale of development. An annexation cost-benefit study shall be required for all annexations of growth areas through referendums.

In this case there are no additional costs to provide city services to this property so all the added revenue from property taxes and fees are above the cost of providing services.

**Policy 1-3.13.4: Intergovernmental Coordination with Orange County on Annexations.** Winter Park shall provide written notice to Orange County in advance of any annexation requests to be considered by the City Commission. The City shall coordinate all annexations and designations of annexation reserve areas with Orange County and adjacent municipalities of Orlando and Maitland, and Eatonville. The coordination with Orange County and municipalities adjacent to proposed annexation areas shall include coordinating land use and service delivery issues at an early stage in the annexation process as well as formal notice of all potential annexations consistent with state law.
The City has notified Orange County and will respond to any concerns or objections.

Comprehensive Plan – Future Land Use/Rezoning

Typically, the major concern about the rezoning of residences to offices is the precedent setting nature of the request. If this were a ‘stand-alone’ rezoning request then it would be a valid concern about future requests marching down the Overspin Drive. Staff would not be in favor of the rezoning if that were the case. However, this request expands the current office building as one unified development. Note that there is no vehicular access from Overspin Drive to the existing or new parking lots. Dr. Ajayi is also willing for any agreement to include a binding lot provision that ties these two properties together indefinitely so that they cannot sell off this one property later to a separate user with just an easement to the rear parking. It does not mean that Dr. Ajayi could not sell the entire property at some future time but the buyer would need to utilize both buildings for their business.

Neighbor Input

When the sleep lab and medical practice opened the illegal staff parking on their street was a problem for two-three weeks but that has been solved. Dr. Ajayi invited the neighbors to an open house but no one came. The immediate neighbors, the Kwastel’s at 657 Overspin appear to be the only ones affected.
November 17, 2009

Mr. Jeff Briggs, Planning Director
City of Winter Park
401 Park Avenue South
Winter Park, Florida 32789

Subject: Dr. Akin Ajayi – 639 Overspin Drive Property

Dear Mr. Briggs:

With regard to the meeting I had with Mr. Bernie Kwastel regarding Dr. Ajayi's intended use of the 639 Overspin Drive Property, I would like to take this opportunity to address Mr. Kwastel's concerns as well as those raised by members of the P&Z board:

- Soils/Sink hole: Obviously this issue raises concerns and warrants further investigation. With that being said, the costs of such investigative work is significant and we prefer to conduct the required testing only after verification that the site can be utilized for the intended purposes. As such, the contract for purchase is contingent upon the ability to annex and secure the correct zoning as well as the normal contingencies associated with a purchase, we have elected to release this work after verification of the property being able to move forward through the annexation/rezoning process. We can assure all that there will be a thorough investigation and we will distribute the reporting to anyone concerned. A full geo-tech (soils) report will be completed prior to closing on the purchase.

- Retention: Retention is anticipated to be via exfiltration system. Said system shall be designed by a Professional Engineer and shall take into consideration both the location of the existing on site septic, the proximity to Mr. Kwastel's septic system and any potential impact on same.

- Septic Tank: As with the two items listed above, this too is a part of our due diligence investigation. As such, as it will be an influential item in the final site layout, we will have the geo-tech firm conduct the necessary borings to determine if there is a different option available for relocation of the entire system or potentially just the drain-field. The Civil Engineer will then verify the viability with Orange County Health Department.

- Fencing: Based on my meeting with Mr. Kwastel he expressed a desire to have a decorative fence as opposed to a hardwall installed between the two properties. We interpret this as a PVC/ Vinyl and not a wood or chain link material. To clarify this, he also requested that they have some input on the design of the fence which neither we as the developer or Dr. Ajayi as the potential owner have any issue with. Furthermore, the fence would be extended around Mr. Kwastel's property.

- Landscaping: In addition to the fence between properties we intend on establishing a dense landscape buffer between the properties similar to that which exists now between Dr. Ajayi's current facility and the neighboring property on Overspin. This buffer is anticipated to be a combination of viburnum (or similar) hedge and understory trees. Additional landscape is planned fronting Overspin to discourage any parking there. A concept plan is attached as a graphic representation.

- Lighting: We would propose that the traditional "Shoebox" pole mounted fixtures (limited to no greater than 16 ft) with glare shields be provided for the new parking lot; however, their limitation on use be set to shut them off by 11:00 PM and start them no earlier than 5:30 AM. This condition can become a part of the Developers Agreement. For lighting between those hours some low level bollards could be used to illuminate a pathway to
the door for ingress/egress. In consideration of the fact that this facility is intended for use as a sleep study the Dr. is also sensitive to the level of lighting. A concept plan is attached for review.

- Dumpster: We contend that the location shown on the conceptual drawing is best for a number of reasons. The proposed location keeps the dumpster the maximum distance from residential on all sides thus keeping down noise levels. Additionally the present location adds visual screening along Overspin. An alternate layout has been included that aligns the enclosure more with the existing building.

- Architecture: It is our intent to match the renovation of this building to the architectural style of the main building located at the corner. Similar colors and detailing are to be used and it is our intent to finish all four sides of the existing building. The building, (as long as it exists), and any improvements shall be limited to a single story and maintain its pedestrian level appeal.

- Property Owner's Protection: Given the concerns of the neighboring property owner as well as for the protection of the Dr. and ourselves, we will document all existing conditions via photographic record as well as through survey work as is customarily done on urban infill/reconstruction projects. Said documentation will be provided to the City, the neighbor and retained by CDG as the developer.

- Misc: We have no issues in accepting an approval with said approval being contingent on the Planning Department verifying that the afore listed conditions are met and that the properties be subjected to a binding lot agreement.

The real estate transaction will not close unless the result of all due diligence work and the outcome of the request for annexation and rezoning are all positive. With the understanding that the effective date of the annexation and rezoning would be tied to the closing date of the real estate transaction, all parties are protected. Those items listed above are critical elements in the overall pre-closing investigation of the property and any condition that is uncovered which would cause the project to be economically or physically infeasible will nullify the purchase contract and thus stave eliminate/terminate the request for annexation/rezoning.

We trust the information contained in this letter satisfactorily responds to the questions raised by the P & Z Board. However, in the event you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

Richard J. Tracey  
Vice President
West (Neighbor) Elevation

- Existing Masonry Walls To Be Painted
- Aluminum "Prairie Style" Windows
- Standing Seam Metal Roof Assembl
Scheme #1
Development Group

Scale: 1/18 = 1'-0''

East (Street) Elevation

Existing Masonry Walls to Be Painted

Aluminum Prairie Style Windows

New Planter Wall

New Pumpheter Screen Wall
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED" SO AS TO ANNEX THE PROPERTY AT 639 OVERSPIN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

SECTION 1. That Section 1.02 "Corporate Limits Described," of the Charter Laws of the City of Winter Park be hereby amended and modified so as to annex the property at 639 Overspin Drive, more particularly described as follows:

Lot 25, Block "C" Dubsdread Heights subdivision as recorded in Plat Book "J", Page 115 of the Public Records of Orange County, Florida.

Property Tax ID # 11-22-29-2248-03-250

SECTION 2. This ordinance shall take effect upon occurrence of the following: (1) execution of a Development Agreement for the properties at 2660 W. Fairbanks Avenue and 639 Overspin Drive, and (2) purchase and closing by Randolph Real Estate LLC of 639 Overspin Drive; provided, however, that should these actions not be accomplished by June 1, 2010, then this Ordinance shall lapse and not be of any further force or effect.

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

Attest:

______________________________  City Clerk
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP AND ARTICLE III, "ZONING" OFFICIAL ZONING MAP SO AS TO ESTABLISH OFFICE FUTURE LAND USE AND OFFICE (O-2) ZONING ON THE ANNEXED PROPERTY AT 639 OVERSPIN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

SECTION 1. That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan” future land use plan map and Article III, “Zoning” official zoning map are hereby amended so as to establish office future land use and office (O-2) zoning on the annexed property at 639 Overspin Drive, more particularly described as follows:

Lot 25, Block "C" Dubsdread Heights subdivision as recorded in Plat Book “J”, Page 115 of the Public Records of Orange County, Florida.

Property Tax ID # 11-22-29-2248-03-250

SECTION 2. This ordinance shall take effect upon occurrence of the following: (1) execution of a Development Agreement for the properties at 2660 W. Fairbanks Avenue and 639 Overspin Drive, and (2) purchase and closing by Randolph Real Estate LLC of 639 Overspin Drive; provided, however, that should these actions not be accomplished by June 1, 2010, then this Ordinance shall lapse and not be of any further force or effect.

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

Attest:

________________________
City Clerk
Attn: Mr Jeff Briggs
Winter Park, Department of Building and Zoning

REZONING AND ANNEXATION OF ADJACENT PROPERTY ON OVERSPIN RD

This narrative explains the intent of the contract expansion that I would like to undertake. The property will be bought through Randolph Real Estate LLC of which I am the principal owner and will be combined with the current property on 2660 West Fairbanks road, Winter Park, FL.

The project consists of an existing single family residential home that would be converted into a women's sleep diagnostics center. The core function of the facility would be as an adult women's sleep lab, mainly being occupied overnight. The function would be consistent with that of the surrounding neighborhood in that the facility would be encouraging a quiet, peaceful setting in the night time hours, and little or no day time activity. Access will be through the existing facility parking lot directly to the north, with all traffic internal to the site and Fairbanks Avenue. It is my intent to renovate the existing building and incorporate similar design elements and coloration to those used on the 2660 W. Fairbanks building.

The new construction work will consist of the demolition of the existing carport and driveway off of Overspin Drive, and the renovation of the existing 1,400 s.f. (approx.) building for use as a diagnostic sleep center. A new entrance to the facility will be provided on the north side of the building, away from Overspin Drive. A new parking area will be constructed behind the facility and tie into the property directly to the north. The parking area, subject to final engineering design and City approval will consist of twelve parking spaces, 7 required for the facility (1400 s.f. / 200 = 7) and the 5 additional spaces being consigned to the property to the north. Retention will be provided by an underground exfiltration system under the new parking area. As the developer/owner I acknowledge that a binding lot agreement / development order will be required between the City and I defining all terms of the development approval and prohibiting the sale of "a portion" of the lots.

Hopefully this works for you. If you need any additional info or clarification please do not hesitate to call my representatives, Rich Tracey or John Slaven at (407)875-1590 or me at (321)303-0069

Thank you

[Signature]

Akinyemi Ajayi, MD
Principal owner, Randolph Real Estate LLC
DEVELOPER’S AGREEMENT

For

2660 West Fairbanks

THIS AGREEMENT entered into and made as of the 21st day of December, 2007, by and between the CITY OF WINTER PARK, FLORIDA, 401 S. Park Avenue, Winter Park, FL 32789 (hereinafter referred to as the “City”), and RANDOPH REAL ESTATE LLC, 1645 Lake Rhea Drive, Windermere, FL 34786, (hereinafter referred to as “Owner/Developer”);

WITNESSETH

WHEREAS, Randolph Real Estate LLC is the Owner/Developer of certain real property at 2660 West Fairbanks Avenue lying within the municipal boundaries of the City of Winter Park, (hereinafter referred to as “Property”) more particularly described as:

Lots 1, 2 and 3 (less the west 20 feet & less RAW on North), Block J, Dubsdread Heights as recorded in Plat Book “J”, Page 115 of the Public Records of Orange County, Florida.

Tax ID # 11-22-29-2248 03 010

WHEREAS, the Owner/Developer desires to develop the Property for construction of an Pediatric Pulmonary and Pediatric Sleep Diagnostic Center; and

WHEREAS, the Owner/Developer desires to facilitate the orderly development of the Subject Property, in compliance with the laws and regulations of the City, and of other governmental authorities, and the Owner/Developer desires to seek relief from the parking standards in the City’s Land Development Code.

WHEREAS, the City of Winter Park has agreed to consent to development of the facility so long as the Owner/Developer acknowledge that parking is in accordance with the minimum standards set forth in the City’s Land Development Code and set forth provisions for the future use of the property and such acknowledgment be in the form of a recordable Development Agreement

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

SECTION 1. RECITALS
The above recitals are true and correct and form a material part of the Agreement.

SECTION 2. PARKING RELIEF
The Owner/Developer consents and agrees that parking as indicated on the plan is deficient per City’s Land Development Code based upon the requirement for one parking space for each 200 square feet needed for medical use. As a direct consequence of the parking deficiency, the Owner/Developer acknowledges and agrees that as long as the first floor is used as a medical office, the second floor will be utilized solely as a sleep laboratory with primarily usage at hours offset from the medical use on the first floor and the second floor is only to be used in conjunction with the same medical use of the first floor and the first floor may not be rented, leased or used by other third parties to this agreement. In furtherance, the City of Winter Park agrees that the entire building in the future may be converted completely to non-medical office use as it is deemed to meet the non-medical office parking standard of one parking space for each 250 square feet.

Developer’s Agreement
Page No. 1
SECTION 3. EXPANSIONS, AMENDMENTS & MODIFICATIONS TO THIS AGREEMENT.
Expansions, amendments, and modifications to this Development Agreement, if requested by the Owner/Developer, may be permitted as approved following review by the City of Winter Park in conformance with the City's Land Development Code.

SECTION 4. AGREEMENT TO BE BINDING
This Developer’s Agreement, including any and all supplementary orders and resolutions, together with the approved development plan and all final site plans shall be binding upon the Owner/Developer and their successors and assigns in title or interest. The provisions of the Developer’s Agreement and all approved plans shall run with the land and shall be administered in a manner consistent with Florida Statutes and local law.

SECTION 5. ENFORCEMENT
In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Owner/Developer shall be responsible for all costs and expenses, including attorney’s fees whether or not litigation is necessary and if necessary, both 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 Subject Property superior to all others. Interest on unpaid overdue sums shall accrue at the rate of eighteen percent (18%) compound annually or at the maximum rate allowed by law.

SECTION 6. GOVERNING LAW; VENUE
This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The Venue for purpose of litigation shall in Orange County, Florida.

SECTION 7. RECORDING
This Developer’s Agreement shall be recorded, at Owner/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 may affect 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 Developer’s Agreement.

SECTION 9. SEVERABILITY
If any part of this Developer’s Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Developer’s 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 Developer’s Agreement is declared severable.

SECTION 10. EFFECTIVE DATE
This Agreement shall not be effective and binding until the latest date that (1) this Agreement is approved by and signed by all parties hereto.

Developer’s Agreement
Page No. 2
IN WITNESS WHEREOF, the Owner/Developer and the City have executed this Agreement as of the day and year first above written.

Signed, Sealed and Delivered
In the Presence of:

[Signature]
Printed Name: Joee Adams

[Signature]
Printed Name: Mary Alice Lemback

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 7th day of December, 2007, by

Akin Ajayi, as President of Randolph Real Estate LLC (Owner/Developer),
a Florida corporation, who is (personally known to me) or who has produced
_________________________ as identification and who did (did not) take an oath

[Signature]
Printed Name: Delores A. Williams
Notary Public
My commission expires: February 12, 2009

CITY OF Winter Park, FLORIDA

By: Jeff Briggs
Planning Director

ATTEST:
By: Amanda Holmes
City Clerk

Developer's Agreement
Page No. 3
The foregoing instrument was acknowledged before me this 14th day of December 2007, by
Jeff Bridges, of the City of Winter Park, Florida, who are personally known to me and they
acknowledged executing the same freely and voluntarily under authority vested in them and that the seal
affixed thereto is the true and corporate seal of the City of Winter Park, Florida.

__________________________ as identification and who did (did not) take an oath.

Lisa M. Clark
Notary Public
Printed Name:
My commission expires:
REQUEST OF ROLLINS COLLEGE AND NOVASOL ENERGY TO AMEND THE CONDITIONAL USE APPROVAL FOR THE SUNTRUST BUILDING AT 400 S. PARK AVENUE, ZONED C-2, TO INSTALL SOLAR PANELS ON A PORTION OF THE TOP DECK OF THE PARKING GARAGE.

This is a request of Rollins College (as building owner) and NovaSol Energy (as project applicant) for conditional use approval to allow the construction of 42,075 square feet of solar panels on the roof (fourth level) of the Sun Trust Building parking garage at 400 S. Park Avenue.

Rollins College desires to set a leadership example in the move toward renewable energy, energy conservation and a "green" community providing a decrease in carbon footprint. Electricity from solar power is more expensive than buying it from the city's fossil fuel generating sources but Rollins College believes this project sets an example and Rollins College should be in a leadership role. Rollins has looked at all potential sites on campus and this location gives them the best coverage and best security for the equipment.

The City's Utility Advisory Board has reviewed this project and provided its support for this request. (see minutes attached)

Project Analysis

Included in the packets is a photo depiction from an aerial view of the solar panels on the roof of the parking garage, a side elevation drawing and photos of the existing parking garage exterior.

When this project was first proposed to staff and the UAB, the solar array structure was to cover the entire roof. Due primarily to appearance concerns, the decision was made to reduce the coverage to the two interior parking segments providing a setback of 47 feet from the north and south edges of the parking garage roof. The structure itself leaves seven feet of underside clearance above the parking spaces and is another three feet, eight inches in height for a total height of just above ten feet. That matches the height of the rooftop elevator/stair tower structures on the corners of the parking garage.
The solar array structure will not be visible in line of sight from locations close to the parking garage. It will not be visible from the east and west sides. From the north and south sides, if you get far enough away from the structure it can be seen. Staff stood on the roof of the parking garage and held a pole ten feet in the air. About 500 feet away you will be able to see the structure. To the north, the 500 feet takes you on Knowles Avenue to about midway between Welbourne Avenue and Morse Blvd. On the south side, the 500 feet takes you across Fairbanks Avenue to some spots within the college campus. So it will not be totally invisible but is not visible for the most part.

The Comprehensive Plan and Zoning Code does not permit four story buildings in this location of the CBD. A “story” in the zoning code is defined as “the space between a floor and the ceiling or roof above it”. There is no definition of “ceiling” or “roof” in the zoning code but in the Building Code a “roof” is “weatherproof structure” and this solar array has openings that allow rain to flow between the separation between the solar panels. Thus, this structure is not a ‘story’ per the code definitions.

The plans presented are preliminary conceptual drawings. Conditional use approvals are a two step process. Preliminary approval and then review and approval of the final development (construction) plans. As such, a preliminary approval is in order at this point.

**STAFF RECOMMENDATION IS FOR PRELIMINARY APPROVAL OF THE CONDITIONAL USE** subject to the condition that the final development (construction) plans be reviewed and approved by the Planning and Zoning Commission prior to issuance of a building permit.
Parcel ID: 302207003300011

This map is for reference only and is not a survey.

Present: Mike Whiting, Lee Upton, John Reker, Patricia Elwood (teleconference), Don Doyle, Linda Lindsey, Dan Swanson, Greg Seidel, David Smith

City of Winter Park Staff: Jerry Warren, Electric Director; David Zusi, Water and Wastewater Utility Director; Terry Hotard, Asst Electric Director; Mark Brown, Electric Eng. Analyst; Delsia Margraf, Utility Billing Manager; Debbie Wilkerson, Recording Secretary.

Absent:

Others: Scott Bitikofer, Facilities Management, Rollins College

I. CALL TO ORDER

Chairman Whiting called the regular meeting of the Utility Advisory Board to order at 12:06 p.m.

II. ADMINISTRATIVE ITEMS

A. Approval of Minutes:

Don Doyle moved to approve the August 26, 2009, minutes as presented, seconded by Dan Swanson motion carried unanimously.

III. NEW BUSINESS

Presentation on Rollins College Solar Facility

Haseeb Qadri presented a PowerPoint presentation that outlined the proposed solar energy installation for Rollins College on top of the parking garage located on Lyman Ave. The presentation covered details about his company and staff. He discussed the future affordability of solar energy. He explained the reasons why the SunTrust garage was chosen. He outlined the benefits of the installation for Rollins College, the City of Winter Park and the environment. The presentation included pictures of what the proposed site would look like on top of the garage. Mr. Qadri and Mr. Bitikofer responded to questions regarding exceeding building height limitations, alternative locations, safety issues and solar panel warranties.

Mr. Whiting moved that the UAB support the construction of the Rollin’ College solar energy facility at the proposed location on top of the SunTrust parking garage.

Mr. Upton questioned length of time the construction would disrupt traffic in the area around the SunTrust garage and possibly negatively impact businesses in the area. Mr. Qadri responded stated the actually construction of the mounting structure for the solar panels would be about 3 weeks, with the solar panels installation taking about 6 weeks. Mr. Bitikofer explained that it was prefabed off site and goes up very quickly.
Mr. Doyle questioned if the electric utility would require any special personnel to deal with the solar facility and if there would be any cost to the city. Mr. Warren explained that no additional personnel would be required and the only cost to the city would be revenue loss, which would be minimal since Rollins would continue to purchase the majority of their power from the City.

Mr. Reker questioned whether there would ever be feedback into the City’s system. Mr. Bitikofer stated that the possibility of their load being so light that that would happen is very remote.

The Board held a brief discussion of the installation schedule, parking loss in the garage, (none), and reliability (very good), strength of the structure, (must adhere to all safety codes).

Motion seconded by Don Doyle, motion carried unanimously.

Update Joint UAB/ERB Conservation Task Force

Chm. Whiting provided task force updates from the meeting held on September 15, 2009. He explained that after discussion regarding goals, the task force agreed that it needed to focus on a complete energy conservation package instead of just piecemeal programs. Discussion was held on various ways to fund a program. Progress Energy will be invited to the next task force meeting to explain how their program works.

IV. ACTION ITEMS

Undergrounding Projects Budget Evaluation

Mr. Seidel reiterated that he was looking for additional information as to how it became necessary that underground projects be scaled back.

Mr. Warren explained that the Osceola project was scaled back. The biggest savings was going to be realized by revising the Glenridge/Lake Sue project. The project was originally designed to have the ability to transfer capacity between the two substations as well as an opportunity to underground some power lines. It was discovered that there was a short piece of undergrounding that could be done as an interim piece, as well as a real short piece of undersized overhead conductor located at the corner of Lakemont and Glenridge. The compromise project was to underground the short piece and replace the conductor to provide the transfer capacity.

Mr. Warren stated that we anticipate saving about one million dollars savings in PLUG-IN projects. He would like to leave Temple project until last because he did not want to shorten it. He explained that the cost estimated for the undergrounding projects was flawed and once he realized that he pulled in the reins and brought it to the Board. He requested
APPLICATION FOR CONDITIONAL USE
CONDITIONAL USE 

General Instructions: To request approval of a Conditional Use, complete this application and submit it to the Planning Department along with a fee of $100 ($600 for building reviews) and all additional information necessary for public hearing before the Planning and Zoning and City Commissions. If applicable, submit eight sets of plans: one typical blueprint, seven 11 x 17 or smaller. All required documents must be submitted with application.

I. APPLICANT

Name: S. Haseeb Qadri
Address: 121 S. Orange Ave, Ste 1500
Orlando, FL 32801
Phone: (407) 377-6641
Email Address: haseeb@novasolenergy.com

II. OWNER

Owner: Rollins College
Address: 1000 Holt Ave.
Winter Park, FL 32889
Phone: (407) 646-2000

Is the property under contract for purchase or lease? 

☑ Yes ☒ No

If the applicant is NOT the owner, attach a copy of the purchase or lease contract or option on the property, or a letter signed by the owner of record authorizing the applicant to act as agent for the owner. This information is requested to establish the legal status of the applicant and will be held in confidence, except as the information pertains to the zoning application.

Is the contract for purchase or lease contingent upon this approval? 

☑ Yes ☒ No

III. PROPERTY

Street Address: 400 Park Ave, Winter Park, FL 32789
Zoning Classification: C-2
Parcel #: 07-22-30-0003-00-0001
Legal Description: Provide complete and accurate legal description below including Plat Book and Page Number OR attach a copy of the legal description to this application. See attached.

IV. CONDITIONAL USE REQUESTED: The applicant requests Conditional Use Approval for:

Installation of solar panels on portion of top deck of parking.

IV. CERTIFICATION

I certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that I am:

☐ the owner of the property described herein

☑ a party to an agreement for purchase or lease of this property

☒ an agent for the owner or purchaser/lessee of this property

If applicable, it is understood and agreed that approval of this application by the Planning and Zoning Commission is contingent upon the recording of restrictive covenants designating the terms and conditions of an approval. These restrictive covenants will be executed by the owner of the property and recorded by the City of Winter Park. Said owner will be responsible for all fees associated with the recording of this document.

SIGNATURE: ___________________________ DATE: 11/4/09
AGENT AUTHORIZATION

I, Jeffrey Eisenbarth, as Treasurer and Vice President for Business & Finance for Rollins College, a Florida not-for-profit corporation, the property owner of the Rollins College Parking Garage at Suntrust, as more particularly described as Parcel Identification No.: 07-22-30-0033-00-011 (the "Property"), hereby give permission for S. Haseeb Qadri, as President and CEO of Novasol Energy Corp, a Florida corporation, to act as Rollins College’s agent for the purpose of applying for conditional use approval from the City of Winter Park for the Property and to appear or cause others to appear on Rollins College’s behalf before any of the City’s administrative or legislative bodies considering this approval and to act in all respects as my agent in matters pertaining to the application.

Jeffrey Eisenbarth, as Treasurer and Vice President for Business & Finance for Rollins College

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 4th day of NOVEMBER, 2009 by Jeffrey Eisenbarth, as Treasurer and Vice President for Business & Finance for Rollins College, who did not take an oath and is personally known to me or who has produced as identification.

Frank M. Dayao
Notary Public, State of FLORIDA
Printed Name: FRANK M. DAYAO
My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
Frank M. Dayao
Commission #D924591
Expires: NOV. 02, 2013
BONDING TIER ATLANC BONDING CO., INC.
ORDINANCE NO. __________


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

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by amending Section 58-65 "Lakefront (R-1AAA) District" to read as follows:

Sec. 58-65. R-1AAA Lakefront District

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

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

(b) Permitted uses. Detached single family dwellings.

(c) Accessory uses permitted. Accessory buildings including private garages to serve the residences, accessory living quarters which contain no cooking facilities, a recreation room, guest house, greenhouse, dock boathouse, swimming pools, spas. Stormwater retention facilities servicing exclusively uses permitted in this district. In addition, for properties which contain a residence that is 5,000 square feet in gross floor area or larger, a second kitchen may be included in a dwelling or cabana subject to not having a separate utility meter and not allowing this portion of the dwelling to be rented, let or hired out for occupancy whether
compensations be paid directly or indirectly and subject to executing a deed restriction which outlines the above restrictions. That deed restriction shall be recorded prior to the issuance of the building permit and shall be removed only with the consent of the city.

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

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

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


4. Tennis courts.

5. Homes with a gross floor area of 10,000 square feet or greater.

(e) **Minimum building site.**

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

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

(f) **Site and building improvement regulations.**

1. **Floor area ratio.**

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

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

   b. Buildings and accessory structures constructed in the single family zoning districts on properties up to 11,600 square feet in size shall not exceed floor area ratio of 38 percent. Buildings and accessory structures constructed on properties of 11,600 to 13,600 square feet in size shall not exceed more than shall utilize a base floor area of 4,500 square feet in floor area for total structures on the property. Buildings and accessory structures on properties exceeding 13,600 square feet in size shall not exceed area ratio of 38 not exceed a floor area ratio of 33 percent.

   c. One story homes or homes with the second floor located within a sloping roof that has a maximum roof slope of 12:12 may be permitted to increase the allowable floor area ratio by 5% or to an allowable gross area of 5,200 square feet for properties of 11,600 to 13,600 square feet in size. Homes qualified to receive this additional 5% floor area may provide roof dormers with a maximum width of 8 feet, occupying up to 35% of the roof area in the same roof plane and must be placed at least 2.5 feet back from the first floor exterior wall of the home. In addition, in addition, these homes must meet the required side setbacks as delineated within the table in subsection 9(d).
d. Floor area shall be defined as the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior surface of the walls. Basement areas or other below grade floor areas are excluded when more than one-half of that basement or floor height is below the established curb level. The area of stairways, elevators and multi-story rooms or atriums shall be counted on each floor level. The area within carports, screened or roofed porches and balconies shall be counted, except any areas permitted to be excluded in this Article under special conditions.

e. The area of screen pool enclosures shall not be counted in the floor area ratio. However, the area within screen pool enclosures shall not exceed eight percent of the lot area unless approved by the planning and zoning commission. Properties may exceed the eight percent limitation for screen pool enclosures without planning and zoning commission approval provided the total area of all structures, including screen pool enclosures, does not exceed the combination of the permitted floor area ratio and the eight percent of lot area. This approval shall insure that the screen enclosure and pool equipment is adequately set back, adequately buffered by landscaping, sufficiently designed to accommodate onsite retention, and appropriate in size and scale so as to negate any detriment to adjacent properties.

f. Floor area ratio on lakefront lots shall only be computed using the site area used for the building. Land area located across a street and separated from the building site shall not be included in the available land area calculation.

g. The gross floor area of a single family building shall include the area of stairways, elevators, atriums, and volume ceiling spaces on each floor level, when such height would permit a floor level to exist with seven and one-half feet clearance. This is deemed to occur when the interior floor to ceiling height exceeds 17 1/2 feet.

h. The area within an open street front porch and entry shall not be included within the "gross floor area." This exclusion shall be limited to a maximum area of 520 square feet. The area on the first floor within an open or screened rear or open side porch, lanai, porte cochere or other covered area shall not be included within the "gross floor area." This exclusion shall be limited to a maximum area of 900 square feet. On the second floor, rear or side porches must have exterior sides that are 90 percent open in order to utilize up to 300 square feet of the total allowable 900 square feet of excludable gross floor area. Properties utilizing this exemption shall record a deed covenant outlining the restrictions precluding the screening or enclosing of such porch or entry.

(2) Impervious lot or site coverage.

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

b. Buildings, accessory structures, patios, decks, drives and other impervious surfaces shall not cover more than 50 percent of the total land area of the lot and at least 50 percent of the front yard area must consist of pervious surfaces with landscaping material. Hard surfaces such as concrete, asphalt, brick, pavers or similar materials (including driveways and walkways) may cover a maximum of 50% of the front yard area. The front yard area includes that area between the front lot line and the front wall(s) or front porch of the home.
c. Impervious lot or site coverage shall be defined as the percentage of the lot land area that is covered with impervious materials such as buildings, swimming pools, decks, patios, driveways, etc. Standard engineering coefficients of permeability may be utilized for mixed surfaces.

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

(3) **Building height.**

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

1. To protect the value and enjoyment of neighboring properties by avoiding excessively massive buildings or buildings which dominate over neighborhood structures;

2. To preserve reasonable access to light, air and privacy for all properties;

3. To prevent the inequitable loss of private views or the unreasonable interference with significant public views resulting from excessively tall or poorly planned structures.

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

1. No building shall have more than two stories. Attic area above the second floor within a sloping roof with a maximum slope of 12:12 and within the allowed building height may be air conditioned and finished space and must be included in the gross floor area to be used in calculating the allowable floor area ratio.

2. No building or portion thereof shall exceed 30 feet in height. Exception: homes with a roof slope of 8:12 or greater may be permitted to have 2 feet of additional building height.
c. **Building height** shall be defined as the vertical distance measured from the average elevation of the existing lot grade measured directly adjacent to the front of the building.

d. Properties or lots exceeding 10,000 square feet with at least 90 feet of width at the building line are permitted building heights of 35 feet if the side setbacks are increased to 20 feet. **Exception**: homes with a roof slope of 8:12 or greater may be permitted to have 2 feet of addition height.

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

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

(4) **Setbacks**.

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

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

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

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

(5) **Front yard setbacks.**

a. The front setback shall be the average front setback established within the subdivision or block (measured on the same side of the street as the property on which a building or addition is proposed) when a front setback has been established by the construction of homes on more than 50 percent of the lots within the subdivision or block. In the case of a property being redeveloped by demolition of the existing home, the front setback may be determined by utilizing the average front setback in the block or the front setback of the home being demolished if that setback does not result in the new home being located more than five feet in front of the average front setback line, and the new home is limited to one-story in front of the average front setback. In the case where there are no adjacent residences on the same street frontage, then the front setback of the home being demolished may apply. The front setback shall be the average of the adjacent 2 homes on each side of the subject property on the same side of street. If one of the 4 homes is setback 50 percent greater or 50 percent smaller than the other 3 homes, then drop that larger or smaller setback number from the average and use the 3 remaining homes to determine the average. If the adjacent lot is vacant, then go to the next adjacent home for the front setback comparison. If the subject lot is a corner lot or one lot away from a corner, then use the adjacent 3 homes.

![Front Setback Determination Diagram](image)

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

c. For houses which desire to construct an open front porch or entry, the front setbacks established above may be reduced by up to five feet in order to permit the addition of an open front porch or entry. Properties utilizing this exemption shall record a deed covenant outlining the restrictions precluding the screening or enclosing of such porch or entry.

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

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

(6) Side yard setbacks
a. The side setback shall be seven and one-half feet to the one-story portion of buildings on lots 60 feet or less in width at the building line.
b. The side setback shall be ten feet to the one-story portion of buildings on lots greater than 60 feet in width at the building line.
c. The side setback shall be ten feet to the two-story portion of buildings on lots 60 feet or less in width at the building line.
d. The side setback shall be 12 1/2 feet to the two-story portion of buildings on lots greater than 60 feet in width.

e. Special side setback option for narrow lots with rear garages:

For lots 60 feet or less in width with rear yard garages or parking: Provide a side setback of 11 feet on one side to allow driveway access and provide a minimum setback of 7 feet on the other side. The driveway may utilize a side setback of one foot subject to not diverting drainage onto the neighboring property.

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

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

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

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

(8) Side wall articulation. Each side wall shall provide architectural articulation when the
side wall plane and side roof line (on both floors) of a home extends more than 36 feet
along the side lot line by providing a minimum inset or projection for the height of the wall
and the inset or projection must extend a distance of at least 6 feet along the side property
line. Projections designed to accomplish this articulation requirement must meet the
required side setback. For lots less than 80 feet in width, the minimum inset or projection is
2 feet. For lots over 80 feet in width, the minimum inset or projection is 3 feet. Other
architectural features that project such as bay windows may be utilized if they meet the
criteria and do not extend into the required side setback. Both side walls of the home must
meet the criteria.

(9) Special setback situations.
a. Special setbacks exist for corner lots and through lots that may impose more restrictive
setbacks for principal and accessory structures, garages, swimming pools and other
improvements.
b. Flag lots shall observe a 20-foot setback from the property side parallel to the street on the side closest to the street.

c. Any residential construction on lots within 200 feet of the lake's edge or with canal frontage shall have the approval of the planning and zoning commission. The setback from the lake's edge for structures other than boathouses, docks, gazebos, or retaining walls shall be the average established by the adjacent lakefront properties within 200 feet of the subject property, or 50 feet, whichever is greater. The planning and zoning commission shall have the authority to approve lakefront and canal front setbacks less than the average to a minimum of 50 feet in accordance with their lakefront review authority.

d. In order to allow an additional five percent increase in the allowable floor area ratio as described in subsection (f)(1) "floor area ratio", the following standards addressing second floor setbacks must be met:

**TABLE INSET:**

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<th>Single Family Lot Types #</th>
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<th>Manor</th>
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# Homes which qualify for the five percent floor area ratio increase under this table of increased second floor setbacks shall use a maximum floor area of 5,200 square feet on lots with areas of 11,600 square feet to 13,600 square feet.

* Subject to a minimum lot size greater than 50,000 square feet and providing a side setback of 35' to the portion of roof exceeding a height of 30'.

Corner lots may utilize the five percent floor area ratio increase by meeting the required second floor setback on the interior side of the lot only.

Architectural exception: Gable roofs and other architectural elements, for example chimneys, turrets, stair towers, dormers etc. shall be entitled to special setbacks and are hereinafter called the "architectural exception". The "architectural exception" elements shall
not be more than 20-feet zero inches in height and may encroach into the required second floor setback and be located as established in the table with the following conditions: (1) They shall be set back at least five feet zero inches from the front yard setback line; and (2) no individual gable roof or architectural element shall exceed 24 feet zero inches in width; and the maximum cumulative width of all "architectural exception" encroachments on any one side or rear setback shall not exceed 40 feet.

Bonus room allowance: Attic rooms above a one-story portion of a home and located under a sloping roof may be used as an occupiable bonus room if the remainder of the home complies with the second floor setback as outlined in the table and the floor area in the bonus room is included in the calculation of the additional five percent floor area ratio increase, and even though the second floor setback to the second floor wall within the bonus room does not meet the required second floor setback.

All other site and building regulations not specifically addressed in this paragraph shall apply, such as but not limited to impervious coverage, corner lot setbacks, accessory building setbacks, etc.

(10) Privacy view protection: For two story homes on corner lots with a side yard adjacent to an existing one story home, an additional second floor setback of 5 feet in the rear half of lot must be provided. Balconies overlooking the adjacent one story home shall be non-functional with no access from the new home. This requirement may be omitted with a letter of approval from the adjacent property owner subject to providing an additional landscaping buffer to act as a privacy barrier. Details of the proposed landscaping barrier must be presented and approved during the building permit review of the plans.

(11) Garages and Carports:

a. Front facing garages must be set back at least 4 feet behind the front building wall. In cases where the front setback is permitted to be less than 20 feet, the minimum front setback to the garage opening shall be at least 20 feet after complying with the 4 foot minimum step back behind the front building wall.

b. Detached garages located in front of or within 20 feet behind the front wall of a home must adhere to the same required side yard setback as the main residence.

c. Two courtyard garages in front of a home.
   (1) An additional 5 feet of front setback shall be required.
   (2) The entry drive width is limited to 16 feet from the front lot line to the front wall of the garages.
   (3) Windows or similar architectural features shall be provided in the garage wall facing street.
   (4) Landscaping shall be provided to buffer 20% of side wall of the garages including one or more understory or shade trees in front of each
garage wall facing the street. Specific details of proposed landscaping shall be shown on building plans.

d. Porte cocheres. The roof height of a porte cochere in front of a home must not exceed 14 feet unless located behind the front setback by 5 feet or more. A porte cochere attached to the side of a home may utilize a side yard setback of 5 feet from an interior side lot line subject to having three sides of the structure at least 80% open and subject to a maximum height of 13 feet from natural grade to roof top. If a porte cochere has an area greater than 550 square feet, then the principal building setbacks shall be required.

e. Definition: Porte cochere shall mean a structure attached to a home with a roof over an adjacent driveway for the purpose of sheltering persons while entering or leaving a vehicle.

(9) **One-story dwelling provisions.** Homes limited to one story with a maximum building height of 25 feet may utilize an additional five percent increase in the allowable floor area ratio as required in subsection 58-65(f)(1) and a maximum impervious coverage of 60 percent subject to other limitations as provided in subsection 58-65(f)(2). These one story homes which qualify for the five percent floor area ratio increase shall use a maximum floor area of 5,200 square feet on lots with areas of 11,600 square feet to 13,600 square feet.

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

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

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

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

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

(a) Purpose and intent. These districts are established within the city to provide areas for single family dwellings and necessary accessory buildings. The regulations enumerated for this district are designed to encourage and promote the construction of and the continued use of the land for single family dwellings, to promote and encourage a suitable environment for family life, to prohibit uses of the land which would
substantially interfere with development or continuation of single family dwellings in the
districts, and to prevent use of the land for purposes which would overburden the public
facilities. Permitted as conditional uses within these districts will be certain structures
and uses required to serve the residents such as public schools, churches and
noncommercial recreational uses. Areas zoned for R-1AA and R-1A districts shall be
those existing low-density residential areas plus certain undeveloped areas which
should develop in a similar manner according to the comprehensive plan.
(b) Permitted uses. Detached single family dwellings.
(c) Accessory uses permitted. Accessory buildings including private garages to serve
the residences, accessory living quarters which contain no cooking facilities, a
recreation room, guest house, greenhouse, dock boathouse, swimming pools, spas.
Stormwater retention facilities servicing exclusively uses permitted in this district. In
addition, for properties which contain a residence that is 5,000 square feet in gross floor
area or larger, a second kitchen may be included in a dwelling or cabana subject to not
having a separate utility meter and not allowing this portion of the dwelling to be rented,
let or hired out for occupancy whether compensations be paid directly or indirectly and
subject to executing a deed restriction which outlines the above restrictions. That deed
restriction shall be recorded prior to the issuance of the building permit and shall be
removed only with the consent of the city.
(d) Conditional uses. The following uses may be permitted within this district only after
review by the planning and zoning commission and approval by the city commission in
accordance with provisions of this article.
(1) Churches or similar places of worship with necessary accessory structures, but not
including mission or revival tents. Churches may not operate day nurseries or
kindergartens without first receiving conditional use approval for this use;
(2) Public playgrounds, parks, playing fields and neighborhood municipal recreation
buildings and uses in keeping with the character and requirements of the district;
(3) Libraries, community centers and other public buildings;
(4) Tennis courts;
(5) Elderly Affordable housing developments within a designated community
redevelopment area (CRA);
(6) Homes with a gross floor area of 10,000 square feet or greater.

e) Minimum building site.
(1) The minimum lot area for the R-1AA district shall be 10,000 square feet with a
minimum frontage at the building line of 100 feet.
(2) The minimum lot area for the R-1A district shall be 8,500 square feet with a
minimum frontage at the building line of 75 feet.

(f) Site and building improvement regulations.
The site and building improvement regulations shall be the same as required in the
Lakefront (R-1AAA) District. See Section 58-65(f).

(g) Elderly Affordable housing developments.
(1) The city may permit, within any designated community redevelopment area (CRA),
as a conditional use, the use of land and buildings in this district as elderly affordable
housing developments. These developments shall be restricted to the use as independent households or living units including kitchens and all other normal amenities. These living units shall also be restricted for the use and occupancy by elderly persons. This shall not include any use of these households or living units as an adult congregate living facility or any other type of assisted living facility where services are provided for food shopping, meal preparation, cleaning, laundry, nursing care, etc. The city commission may place conditions upon such conditional use approvals including conformance to operational, maintenance and management regulations.

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

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

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

a. Such housing shall be restricted for the use and occupancy by elderly persons at least 62 years of age. In cases with a married couple, at least one person must be at least 62 years of age.

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

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

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

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

f. These restrictions and covenants shall also require that the property owner of an elderly affordable housing development provide to the city an annual report outlining compliance with city codes regarding the maintenance and upkeep of the grounds, landscaping, buildings and parking lot.

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

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

(e) Approved development plan standards for approved PURD’s. Except as shown below, the applicable zoning standards (based on the comprehensive plan) shall apply for all principal and accessory structures. In addition, for Waterbridge and Windsong subdivisions the development standards of Section 58-65 “Lakefront (R-1AAA) District subsection (f)(8) “Side wall articulation” shall be applied.

**SECTION 4.** That Chapter 58 “Land Development Code”, Article III “Zoning” of the Code of Ordinances is hereby amended by adding a new Section 58-82 “General provisions” subsection (k) (5) to read as follows:

**Sec. 58-71. General provisions.**

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

(5) Accessory buildings in rear yards: The exterior walls shall not exceed 10.5 ft in height measured from natural grade to the roof sheathing surface unless placed at the same setback as required for the principle building. Additionally, accessory buildings located less than 10 feet from an interior side lot line must have a sloped or flat roof, eq: the side wall adjacent to the lot line cannot be a gable end wall. Accessory buildings greater than 550 square feet (including garages) must comply with building setbacks of the principal building, except a garage with a maximum area of 820 square feet and meeting the conditions in this paragraph may be located 10 feet from the rear lot line. (GW amendment).
Renumber subsections (5) – (9) to (6)-(10).

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

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

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

SECTION 7. Within one year the following plans that were prepared based on prior development standards may be submitted for a building permit application after the effective date of the adoption of this ordinance:

1) Plans that were approved under the lakefront site plan review process by the Planning and Zoning Commission.

2) Plans that received a zoning variance by the Board of Adjustment.

3) Plans approved by the Historic Preservation Commission.
SECTION 8. Plans submitted for a building permit may utilize the current development standards in Sections 58-65 & 58-66 for thirty (30) days after the adoption of this ordinance and may be applied to the principal residential building only. Provisions for accessory buildings and pervious coverage shall meet the standards of this ordinance upon adoption unless application and full plan requirements are submitted prior to adoption of this ordinance. This ordinance shall be in full effect thirty (30) days after 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 ________________, 2010.

__________________________________ Mayor

ATTEST:

__________________________________
City Clerk
Prescriptive Residential Code Changes (11/10/09)
Setback Table to be addressed separately
Recent revisions in underlined text.

New Prescriptive Requirements (Issue addressed or resolved identified in red text):

1. **Side wall articulation**: The side wall plane and side roof line (on both floors for 2
story homes) must have articulation when the side wall extends more than 36
feet by having a minimum inset or projection for the height of the wall and must
extend a distance of at least 6 feet along the side property line. Projections from
the side wall must meet the required side setback. For lots less than 80 feet in
width the minimum inset or projection is 2 feet. For lots over 80 feet in width the
minimum inset or projection is 3 feet. Other architectural features that project
such as bay windows may utilized only if they meet the criteria.
Utilizing a jogging wall plane 30 to 40 feet in length breaks up the mass of the
building.

2. **Rear setbacks**: Utilize the following existing setbacks for each floor measured to
vertical wall surface or to column of porches:

<table>
<thead>
<tr>
<th>1st Floor wall</th>
<th>25'</th>
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</thead>
<tbody>
<tr>
<td>2nd Floor wall</td>
<td>35'</td>
</tr>
</tbody>
</table>

These larger setbacks (25' and 35' respectively) have been adequate for use in
residential lots.

3. **Front setback**: Use average of adjacent 2 homes on each side of the subject
property on the same side of street. If one of the 4 homes is set back 50%
greater or 50% less than the other 3 homes, then drop that number from the
average and use the 3 remaining homes to determine the average. If the
adjacent lot is vacant then go to the next adjacent lot for the front setback
comparison. If the subject lot is a corner lot or one lot away from a corner, then
use the adjacent 3 homes. In cases where the average front setback is less than
20 feet, the minimum front setback to a garage opening is 20 feet. An open front
porch may project 5 feet into the required front or street side yard setback. For
lots with front lot lines that are not generally perpendicular to the side lot lines
and create a projection out on one side of the lot, the front setback shall be
applied at the non-projecting side of the lot and shall be extended across the lot
perpendicular to the side lot line. A front porch is considered open by having at
least 80% of the side facing the street open as measured from floor to the
underside of the beam above vertically and measured horizontally across the
face of the open porch.
Used in Austin successfully. Simplifies the method of measurement and results in
having the new home to be in scale with the nearest homes on the block. Does
not necessarily require that homes line up with each other permitting diversity of
front setback along a street without having one home be predominantly closer to
the street.

4. **Building height**: For roof slopes 8/12 or greater allow 2' of extra height,
otherwise 30 ft is max height for lots up to 80 ft wide; 35 feet for lots 80 feet
and wider; 40 feet for lots exceeding 50,000 square feet in size with at least 100 feet width at the building line if the side setbacks are increased to 35 feet measured to the two-story roof component of the building over 30 feet in height (currently in effect also). Building height is measured from the pre-existing natural grade immediately in front of the house to the highest point of the roof. Provides an incentive for steeper roofs resulting in having less bulk for various home designs. Most towns measure height to the average of the roof slope or halfway up the roof which effectively results in a height allowance of 32 to 35 feet for homes with a 30 height limit. The resulting negative impact of height measurement to ridge (only) is to flatten the roof creating the appearance of greater mass.

5. Attic area above second floor: Within a sloping roof with a maximum roof slope of 12:12 and within the allowed building height, air conditioned and finished space may be created above the second floor and will count as gross floor area to be used in calculating the floor area ratio. Mansards or gambrel roofs types shall not be included in this provision. The area above the second floor may be excluded from the gross floor area of the home for the purpose of calculating the allowable floor area ratio if the side setback to this area is at least twice the first floor required side setback. Allows a habitable use of attic area within the building envelop that has no negative impact on overall mass of the home.

6. Front yards: At least 50% must be pervious surface with landscaping material and no hard surfaces, such as concrete, asphalt, brick or pavers including driveway and walking surfaces within the pervious area. The existing overall 50% impervious coverage limit remains in place also. Addresses overuse of hard surfaces in front yard and encourages more area for landscaping.

7. Privacy view protection: For corner lot two story homes with a side yard adjacent to an existing one story home, provide an additional second floor setback of 5 feet in the rear half of lot. Balconies overlooking the adjacent one story home shall be nonfunctional with no access from the new home. This requirement may be omitted with a letter of approval from the adjacent property owner subject to providing an additional landscaping buffer to act as a privacy barrier. Details of the proposed landscaping barrier must be presented and approved with the building permit review of the plans. Addresses complaints of losing privacy from new 2nd floor home overlooking rear yard of existing one story homes.

8. Accessory buildings in rear yards: The exterior walls shall not exceed 10.5 ft in height measured from natural grade to the roof sheathing surface unless placed at the same setback as required for the home. Additionally, accessory buildings located less than 10 feet from an interior side lot line must have a sloped or flat roof, eg: the side wall adjacent to the lot line cannot be a gable end wall. Accessory buildings greater than 550 sf (including garages) must comply with building setbacks of the principal building, except a garage with a maximum area of 820 square feet and meeting the conditions in this paragraph may be located 10 feet from the rear lot line. (GW amendment).
Addresses concerns from having tall accessory buildings only 5 feet from side lot line and limits the size of accessory buildings in rear yards so as not to be overpowering for adjacent property owners while encouraging rear yard placement of garages.

9. In order to exclude open front porches or porte cocheres from the floor area ratio, the exterior sides of these building elements must be at least 80% on all exterior sides as measured from the floor to the underside of the beam above vertically and measured horizontally across the face of the open porch or porte cochere (carport). Having an openness criteria prevents partially enclosing these spaces and adding visually to the mass of the building.

10. Any air conditioning unit placed on a roof must be screened from view from surrounding properties and the public street. Although rare in a residential setting, this provision addresses the need to screen these mechanical units if placed on a roof.

11. Lots with a front to rear sloping topography, an average side wall height of 12 feet measured from the natural or pre-existing site grade to the wall plate may be utilized at the required side setback. Walls higher than 12 feet must be located at the required second floor setback. Addresses how to measure allowable side wall for sloping properties in order to determine when to implement the larger 2nd floor side setback when the wall height exceeds 12’ from natural grade to eave height.

12. Allow 5% floor area ratio increase (to 38% or 43%) depending on lot size for homes with a 2nd floor living area under a sloping roof (with ability to have dormers). The maximum allowed roof slope for this provisions is 12:12.

13. Apply the new prescriptive provisions for articulation & accessory buildings in Windsong and Waterbridge planned developments except on lots that require stricter requirements under the approved development standards for those subdivisions.

14. Any home with a gross floor area greater than 10,000 square feet shall be a conditional use requiring approval by the Planning & Zoning Commission and City Commission.

**GARAGES & CARPORTS**

1. Front facing garages must be set back at least 4 feet behind the front building wall. In cases where the front setback is permitted to be less than 20 feet, the minimum front setback to the garage opening shall be at least 20 feet after complying with the 4 foot minimum step back behind the front building wall. Provides architectural setback for front garages. Additional setback for front garages.
2. Detached “courtyard” garages located in front of or within 20 feet behind the front wall of a home must adhere to the same required side yard setback as the main residence.
   Addresses the appearance from street that the mass of the entire home (behind or next to the garage) extends across the lot to within 5 feet of the side lot line when detached garages are placed in or near the front of a home.

3. Two garages in front of a home.
   (1) Provide an additional 5 feet of front setback to garage wall,
   (2) Entry drive width is limited to 16 feet from the front lot line to the front wall of the garages,
   (3) Provide windows or similar architectural features in garage wall facing street.
   (4) Provide landscaping to buffer 20% of side wall of garage including one or more understory or shade trees in front of each garage wall facing the street. Show details of proposed landscaping on plans.
   These provisions are intended to reduce the impact of garages placed in front of homes as viewed from the street.

4. Porte cocheres. The roof height of a porte cochere in front of a home must not exceed 14 feet unless located behind the front setback by 5 feet or more. A porte cochere attached to the side of a home may utilize a side yard setback of 5 feet from an interior side lot line subject to having three sides of the structure at least 80% open and subject to a maximum height of 13 feet from natural grade to roof top. If a porte cochere has an area greater than 550 sf (i.e. two car garage), then the principal building setbacks shall be required.

Definition: Porte cochere shall mean a roofed structure attached to a home over an adjacent driveway for the purpose of sheltering persons getting in or out of vehicles.
Addresses high porte cocheres in front of homes that tend to give the appearance of a high imposing structure that hides the front view of the home and the architecture and allows a small open porte cochere to have a smaller side setback to encourage parking back from the front and toward the rear of the lot.