CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
January 12, 2010

REQUEST OF THE WINTER PARK TOWERS AT 1111 S. LAKEMONT AVENUE TO AMEND WITHIN CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE I COMPREHENSIVE PLAN, THE COMPREHENSIVE PLAN FUTURE LAND USE MAP ON 2.74 ACRES INTERNAL TO THE WINTER PARK TOWERS CAMPUS FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL AND TO AMEND POLICIES WITHIN THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO ALLOW THE CONSTRUCTION OF A NEW FOUR LEVEL, 383 SPACE PARKING GARAGE AND A NEW FIVE STORY, SIXTY UNIT RESIDENTIAL BUILDING.

REQUEST OF THE WINTER PARK TOWERS AT 1111 S. LAKEMONT AVENUE TO AMEND WITHIN CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING SO AS TO AMEND THE OFFICIAL ZONING MAP ON 2.74 ACRES INTERNAL TO THE WINTER PARK TOWERS CAMPUS FROM PLANNED UNIT RESIDENTIAL (PURD) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT.

REQUEST OF THE WINTER PARK TOWERS AT 1111 S. LAKEMONT AVENUE FOR CONDITIONAL USE APPROVAL TO ALLOW THE CONSTRUCTION OF A NEW FOUR LEVEL, 383 SPACE PARKING GARAGE AND A NEW FIVE STORY, SIXTY UNIT RESIDENTIAL BUILDING.

The Winter Park Towers at 1111 S. Lakemont Avenue is requesting approval to build a four level, 383 space parking garage and a five story, 60 unit residential retirement apartment building. In order to accomplish that building program, in the locations proposed, the Winter Park Towers is requesting four items:

Amending the Future Land Use Map of the Comprehensive Plan on 2.74 acres from low density residential to high density residential to permit rezoning.
Amending the Official Zoning Map on the same 2.74 acres from Planned Unit Residential (PURD) district to Multi-Family (high density R-4) district.
Amending in the Future Land Use Element of the Comprehensive Plan, Policy 1-3.8.4 to permit the land use changes as requested above, and
Conditional use approval of the specific project for the 383 space, four level parking garage and 60 unit, five story retirement apartment building.

Winter Park Towers Proposal Background

In October, 2006, the Winter Park Towers requested approval to build a new two story (3 level) parking deck over their existing surface parking lot to include 425 parking spaces, new architectural and hurricane fenestration upgrades to the existing eight story WP Towers apartment building, constructed in 1965, and construction of a new five story, 30 unit residential apartment building in the vicinity of Lakemont Court. See copy of proposed 2006 Master Plan attached.
The Planning Commission in 2006 agreed that the WP Towers has a parking problem which needs to be resolved with some version of a parking garage. The Planning Commission also agreed that allowing additional retirement units at the Towers meets a social need given our aging baby boom population. However, while there was concurrence on the desirability of these projects, the best location, the size, scale and height all were in need of further study. Thus, the Planning Commission tabled the requests at that time. The concerns related to the parking garage were the sheer size of the parking garage, the proximity to Lakemont Avenue and the proximity to the adjacent townhomes within Waterbridge. Although many of those townhomes have been purchased over the years by the WP Towers, those residents still warranted protections related to the issues of noise and lighting from the parking garage.

Other issues cited in 2006 were the need for a design charrette for this entire property so that the future residential buildings can be cited with proximity to this parking garage. There also were concerns with the lakeside location for the new residential building, Lakemont Avenue access issues (traffic signal) and relationships to the other neighborhoods on Lake Berry.

To that end, the WP Towers held resident and neighborhood meetings in 2007. That process and the examination of several alternatives lead to the current requests.

Winter Park Towers Master Plan

This project represents the current phase of the Winter Park Towers Master Plan that they wish to pursue. There is one other future phase, shown on their graphics which depicts a future two story, 16 unit garden apartment building proposed for the western portion of their existing surface parking lot. Thus, the calculations on the proposed size of the parking garage reflect both the need for new parking for those new 16 units as well as the loss of the existing parking when that existing surface parking lot is reconfigured.

The City’s code does not have a "Master Plan" approval process. That is typically handled through a "Development Agreement". So for that reason and others, this request will need to have a Development Agreement that outlines the parameters of the Master Plan and other commitments. Part of the reason for this is to provide certainty to the WP Towers that the future phase can be approved. Another is to provide certainty to the City and surrounding neighborhoods that this Master Plan is truly the final Master Plan and not just another step for increasing the density of development across the entire WP Towers campus. As we have experienced with the YMCA and as the City’s legal counsel has told us, the City can’t stop the WP Towers in ten years from now, or 20, 30, 40 years from now, from asking for future changes to the Comp. Plan, zoning, etc. However, if you have a Development Agreement that at least commits to no further expansions, as a basis for freezing density, then it is easier to ask future persons to honor the promises made in 2010.
Comprehensive Plan Future Land Use change/rezoning:

The proposed parking garage and new residential unit building sit on top of the existing line between the portions of the WP Towers property designated high-density residential (R-4) and designated low-density residential (PURD). The vast majority of the parking garage (except for the NW corner) is on the R-4 property and the majority of the residential building is on the PURD property. The main reason for this requested change is that the maximum permitted building height of R-4 is 55 feet (5-stories) while the maximum building height of PURD is 35 feet (3-stories).

While the change in land use and zoning also permits more density and intensity (floor area ratio or FAR) those are not needed to achieve the Master Plan looking at the WP Towers property holistically. The WP Towers property today (not counting Summerfield Village) has 10.418 acres zoned R-4 and 7.54 acres zoned PURD (equal to R-2).

Allowable Density: 10.418 acres x 25 units per acre = 260 units
7.54 acres x 10 units per acre = 75 units
Total units allowed = 335 units

The WP Towers has 178 existing units in the Towers, 35 units remaining in the Village, wants to build 60 more units now and 16 additional units later for a total of 324 units. So based on units per acre density in the holistic approach, the total desired residential units are 324 units and versus the 335 units allowed.

Allowable FAR: 10.418 acres (453,808 sq. ft.) x 200% FAR = 907,616 sq. ft.
7.54 acres (328,442 sq. ft.) x 55% FAR = 180,643 sq. ft.
Total FAR allowed = 1,088,259 sq. ft.

The WP Towers has 311,305 sq. ft. in the existing Towers building, 67,000 sq. ft. in the remaining Village units, has proposed 78,000 sq. ft. for the new 60 units, has proposed 103,950 sq. ft. for the new parking garage and 20,800 sq. ft. for the future 16 units for a total of 581,055 sq. ft. So the WP Towers is not coming close to the maximum amount of building area that is potentially permitted on their total campus.

If these two projects could be located on the current property, zoned R-4, there would be no need for a rezoning. The current 10.418 acres zoned R-4 permits 260 units and the 178 existing units, plus the new 60 units requested now plus the future 16 units add up to 254 units. The current 10.418 acres, zoned R-4 permits 907,616 sq. ft of building and the existing towers, the parking garage, the 60 new units and the future 16 units comprise 514,055 sq. ft. (FAR of 113% vs. 200% permitted).

So the sole reason for the rezoning is that the project location is north of the existing R-4 line and the sole reason for requesting R-4 is the 55 feet of building height desired.
Concurrency Analysis

Every Comprehensive Plan amendment and every conditional use for projects over 20 residential units must undergo a concurrency review. That analysis, prepared by staff, is on accompanying pages. Typically, concurrency (except for traffic) is not a major issue. That is the similar conclusion in this case.

Building Height and Proximity to Lake Berry:

From the staff's perspective, the major issue with this project is the location of the five story, 55 foot tall residential building at a 98 foot setback from Lake Berry. This is exactly the same issue that was put forth in 2006 with the original request.

The City has always been very protective with respect to lakefront development. The 1976 Comprehensive Plan as well as the Comprehensive Plans of 1991 and 2009 speak to requiring “the lowest density of development” on lakefront parcels. This was a very big part of the discussion when the Windsong community was developed. To maintain the natural appearance of the lake, the City and Windsong agreed to create the “north shore” park which kept Windsong’s entire north shore of Lake Berry undeveloped as natural open space. The homes are located across the street and largely out of view. For the homes on Chase Landing Way, the average setback is 75 feet and for the homes on Preserve Point Drive, the average lakefront setback is 150 feet. These lakefront setbacks are for single family homes that are 35 feet tall. So it isn’t surprising that the City and the residents around Lake Berry are concerned about a 55 foot tall building proposed to be 98 feet from the lake.

The solution then is all about reducing the height of the building or increasing the lakefront setback. When one increases the lakefront setback for lakefront buildings, it reduces the visual impact of structures and protects the natural environment of the lakefront. This was the direction given to the WP Towers in 2006 by city staff, P&Z member comments and neighbor input. The WP Towers listened to that concern, they then undertook their design charrette process and responded by moving the five story residential building back further from the lake to approximately a 150 foot setback. It was back behind the ‘line’ of the eight story building. (see drawing attached) Staff wasn’t sure if that solved the issue but it certainly was a big step in the right direction.

Now with this current request, the WP Towers has changed course and moved the five story building back to the original location which is 50 feet closer to the lake than the results of the design charrette, by creating a 50 foot separation between the parking garage and the residential building. The reason is to provide windows on the interior side. So in weighing the relative merits of Comprehensive Plan policy protections for lakefronts, concerns of P&Z members, concerns of the Lake Berry residents versus having interior windows on the units, the windows are more important. We are told that windows on just one wall is a hardship. Staff is trying to figure out how most of the residents in the existing Winter Park Towers building can survive with such a hardship since they also have windows on only one side of their unit.
The argument is that the five story building is in 'line' with the existing Towers building. First, it is only in 'line' with the two story portion of the Towers, not the eight story portion. Second, it doesn't work to be in 'line' if the lake shore moves closer. The existing Towers building is setback 200 feet from Lake Berry. If this new five story building were in 'line' with the existing 200 foot building setback of the existing Towers building then there would be no issue.

There seems to be agreement that the parking garage is in the right location. There seems to agreement that buffering the view of the parking garage with residential units on the lakeside and north side, as shown, is the correct design solution. However, if you want to screen the view of the parking garage then you don't need a five story, 55 foot tall building to screen a parking garage that is 33 feet in height (to top of railing) on the western end. A three story, 35 foot tall building works to accomplish that end. The existing PURD zoning permits a three story building 35 feet in height. If you want to have a new residential building 98 feet from the lake when the existing Towers building is setback 200 feet from the lake then you have to reduce the height to that similar (35 feet) to other structures (single family homes) that the City permits on Lake Berry at a similar setback, consistent with the existing zoning. If you want a taller building, four or five stories then you need to increase the lakefront setback, just as the design charrette demonstrated.

So the WP Towers shouldn't be surprised that this is an issue. The issue was front and center in 2006. The design charrette solved the issue in whole or in part. Then the choice was made to move the building 50 feet closer to the lake re-creating the issue again. As a result, there are two options for a staff recommendation.

The first option is for the Planning Commission to consider an approval of the building and parking garage layout as submitted but to a lesser multi-family (R-3) zoning which has a three story, 35 foot height limit. This obviously reduces the height of the residential building but it also eliminates 24 units. The solution (since we are told the economics of 60 units is necessary to fund the parking garage) is to build additional units along the northern face of the parking garage. The graphic prepared by the staff (attached) shows how the residential building can be reconfigured at three stories and still comprise the 60 units desired.

The second option is to revert to the building and parking garage design from the design charrette with no separation between the two buildings. In this case the staff recommendation would agree to the multi-family (R-4) zoning but limit the height to a four story, 45 foot height limit. Again the loss of the twelve units on the fifth floor can be 'made up' by extending the residential building further along the north face. In both cases, the three or four story residential is of sufficient height to screen the parking garage.
Comprehensive Plan Policy text change:

The WP Towers is also asking the City to entertain a request for a policy or text change to the Policy 1-3.8.4 outlined below (less the underlined part). As it is currently written this policy would prohibit the City from granting the Comp. Plan future land use map change from Low Density Residential to High-Density Residential which in turn permits the rezoning from PURD to R-4.

The staff refers to this policy as the “Denning Drive Apartment” policy. As you recall, the issue in that case was the rezoning from R-1A to R-4 for the Denning Drive apartments/parking garage which abuts other properties to the south on Canton Avenue that are zoned single family. In order for that not to happen again, this policy was put into the Comprehensive Plan.

In this context, however, High Density Residential land use (R-4) already exists which abuts Low Density Residential (PURD). It also is a context where the change is internal to their own property so it does not negatively affect any adjacent properties, which was the purpose of the policy.

However, rather than try to re-write the policy intent, the WP Towers is suggesting the underlined added text as an amendment. It then narrowly focuses the exemption and reflects the exemption may occur only when the City agrees that the social need of housing for the elderly warrants such additional density.

Policy 1-3.8.4: Encourage Single-Family Detached Homes. The City shall encourage single detached homes as opposed to apartments and condominiums by prohibiting Future Land Use Map amendments from Single-Family Residential or Low-Density Residential to Medium or High-Density Residential unless such amendment is consistent with Housing Element Policy 3-1.4.3.

The referenced policy states: Policy 3-1.4.3: Housing For the Elderly. The City shall promote the development of housing alternatives specially designed for the elderly, including but not limited to adult living facilities and adult foster care homes. Site for elderly housing shall be approved only if such sites have access to the following facilities and services: 1. Serviced by potable water and wastewater systems. 2. Located on a paved street. 3. Located on site having adequate surface water management and solid waste collection and disposal.
Other Issues:

Aside from the specific project requested there are three other issues to address:

1. Traffic Light at Lakemont Avenue: The City has heard frustrations for years from WP Towers residents and visitors about the difficulty and safety of left turns out of and into the WP Towers property. A traffic light has been studied and the major complication is the offset between the WP Towers entrance/exit and Strathaven Road on the opposite side of Lakemont Avenue.

2. Further expansion into Waterbridge: The WP Towers owns 23 attached villa units in the adjacent part of Waterbridge on Melissa Ct., Serena Dr. and Sara Ct. The proposed WP Towers Master Plan needs to have geographical limits to further expansions into Waterbridge which staff would suggest be limited to those three streets now utilized.

3. Further wall screening for Waterbridge: Waterbridge residents have requested additional wall screening both in height and length down toward the lake to better shield their homes from noise (AC compressors/vehicles) and lights. The WP Towers is agreeable to providing additional wall screening.

STAFF RECOMMENDATION IS FOR APPROVAL SUBJECT TO A DEVELOPMENT AGREEMENT INCLUDING ONE OF THE TWO OPTIONS BELOW:

The Development Agreement contains the exhibits and representations for the current request, it establishes this approval as comprising an approval of the WP Towers Master Plan (including the future phase of the 16 units subject to conditional use review), it places limits and restrictions upon further density expansions, it limits expansion into Waterbridge to the three streets (Melissa, Serena and Sara) and requires those units to remain on the tax rolls, it requires the further buffer wall screening to Waterbridge as has been discussed and it provides for a cost sharing (2/3rd by the Towers/1/3rd by City) for any future approval of a new traffic light on Lakemont Avenue.

OPTION #1: Approval of the Comp. Plan text/map amendments, rezoning and conceptual plans (as submitted at a 98 foot setback) but limited and restricted to R-3 zoning (which has a three story, 35 foot height limit) and resubmission for conditional use approval of those revised plans.

OPTION #2: Approval of the Comp. Plan text/map amendments, rezoning and conceptual plans (as submitted from the design charrette) but limited and restricted to a four story, 45 foot height limit) and resubmission for conditional use approval of those revised plans.

Both options allow additional units along northern face to reach 60 unit total.
CONCURRENCY ANALYSIS

DATE: JANUARY 12, 2010

SUBJECT: WINTER PARK TOWERS PARKING GARAGE AND RESIDENTIAL UNITS

PURPOSE: The City’s Comprehensive Plan and Land Development Code require a concurrency analysis for any residential project over 20 units and for any amendments to the comprehensive plan. In addition to the specific request the City is required to analyze the full entitlements that the increase in density would provide allow per the multi-family

BACKGROUND: The Winter Park Towers is requesting a change in future land designation from low density residential to high density residential for 2.74 acres of land. The specific request is to add sixty new units of residential retirement housing. The full entitlement at 25 units per acre for the 2.74 acre parcel would permit 68 units. While the 383 parking garage is a significant structure, the parking garage in and of itself does not generate capacity needs. Those are generated by the residential living units and the other health service functions of this retirement community.

CONCURRENCE ANALYSIS:

Potable water and sanitary sewer capacity. The potential 68 additional residential units of retirement housing create a demand (740 gpd per unit) for 50,320 gpd. There is ample sufficient water production and sanitary sewer treatment capacity for this project.

Transportation/roadway capacity. The applicant’s submittals contains a traffic impact report which analyses the specific request for 60 added units but the conclusions are the same extrapolated for 68 units. That analysis shows the peak hour level of service requirements to the nearby roadway system are satisfied.

Drainage/Storm water management. This project will meet the permitting requirements of the St. Johns River Water Management District as well as the City’s code which in turn meet the level of service standards for drainage.

Solid Waste collection and disposal capacity. Winter Park’s commercial franchise with Waste-Pro and the capacity at the Orange County landfill are sufficient for this project.
Public School capacity. This project being restricted to retirement housing is exempt from the requirement of school concurrency.

Park and recreation facility capacity. While these additional units of retirement housing would, practically speaking, have little or no effect on park land capacity or recreational facility needs, the city’s level of service standard is based upon population factors alone. Thus, the new anticipated population of 120 persons requires the commitment of 52,272 sq. ft (1.2 acres) of park land based on the city’s level of service standard of 10 acres per 1,000 population. Sufficient surplus park land capacity exists to accommodate this population growth at this time. That surplus capacity is expected to be completely utilized by population growth within the next five years.

To purchase the 1.2 acres of new park land needed for this project would cost the city $325,000 - $350,000. Park impact fees for this project will be $120,000. The City staff has advised the planning commission and city commission that this park level of service standard is not able to achieved or maintained in the long term and the situation looms of a residential building moratorium when the current park land capacity is exhausted.
Memorandum

TO: Jeff Briggs
FROM: Rebecca Furman
DATE: December 17, 2009
RE: Winter Park Towers
     Response to Planning Department Information Request

Please find the Winter Park Tower’s response to your email questions sent on 11/10 and 11/19. I’ve numbered the Planning Department’s questions and followed our response in bold.

1. Existing Conditions: The current 10.418 acre R-4 property has how much/square footage building and is a FAR of?
   The building is 311,305 SF and that is equal to 0.68 FAR

2. Proposed Conditions: The new development adds what size/square footage for the new 60 residential units? 78,000 SF Is there a typical unit size? 1000 to 1300 SF It also adds what size/square footage for the parking garage? The garage will be 207,900 SF. The top floor (51,975 SF) is open and, therefore, is not included in the FAR calculations. In addition, the underground floor (51,975 SF) is not included in FAR. Both of these exclusions are pursuant to the Future Land Use Policy 1-2.1.4. The remaining 103,950 SF of parking has been used in calculating FAR. Is the parking garage square footage included in the FAR? Yes

3. The remaining PURD parcel (Lakemont Court/Lakemont Circle not Summerfield) with the 35 remaining units of garden appts. and detached homes is how much square footage? So we can be sure the remnant parcel does not exceed the 55% permitted FAR.
   The remaining PURD parcel will contain 67,000 SF of buildings and that is equal to a 0.24 FAR.
4. What is the height of the parking garage? Use the height from the East/Lakemont elevation. Trying to give them the visible height so would like the height to the roof level and then the parapet. 

The height of the garage on the eastern elevation is 19 ft to finished floor; 23 ft to top of railing; and 33 ft to top of architectural feature. Due to grade changes, the western height of the garage is 29 ft to finished floor; 33 ft to top of railing; and 43 ft to the top of the architectural feature.

5. Can you confirm (or not) that the main entrance/exit road is being realigned to line up with Strathaven Road across Lakemont Avenue? The plans do not show that off-site relationship. The current plan does not show the realignment.

6. Can you confirm that the architectural enhancements to the existing Towers building is still contemplated? Timing?
We have already spent over $3,000,000.00 for enhancements to the existing building. We are willing to consider other architectural enhancements that are complementary to the proposed buildings.

7. The parking and traffic analysis (unless I’m reading this wrong) doesn’t have any parking analysis. Obviously the City is interested in knowing why a 383 space paring garage is being requested. If we have 308 existing parking spaces and you need 150 more for the new 60 units, that comes to 458 spaces. Together the existing and new will yield 691 spaces. We all agree the Towers has an existing parking problem. How did you conclude that you need 233 more parking spaces to remedy the existing parking deficit?

8. So we need some parking analysis. If the answer is that in the future you may lose spaces for additional residential (the proposed garage apartment building or something like it that is shown in the book) then it would be a good idea to lay out the entire Master Plan as the rationale for the parking number.

9. There is nothing presented that demonstrates the logic for building 383 more parking spaces. There is a parking problem but how many more parking spaces do the Towers need to solve the problem. If people think the new project is too tall or too close to the lake then they will ask to downsize the parking garage so we have less parking garage to screen. If the answer is that the parking garage cannot be downsized because it is sized to accommodate a future residential project then there will be criticism for not presenting the entire master plan. That presents an easy excuse to table.

Study forthcoming See attached pages

10. The proximity to the lake for the new building is still going to be a concern. Below is a cut n paste paragraph from the October 3, 2006 staff report. The new building may be “in line” with the existing Towers but it is actually much closer to the lake than the existing Towers building and only in line with the two story section. The in line theory works if it is in line with the eight
story component but not the two story component. When you build that building on top of the ‘hill’ that exists there then you really see a building with another story of height from the lake (grade height plus building height). The elevations do not accurately depict those grade conditions.

The current homes are located approximately 50 ft. from Lake Berry. Our proposal almost doubles that setback (proposed setback of 98 ft.). Also note, the building is not on the “hill”. The garage is building into the hill with the highest elevation to the east shielding from view most of the garage (since it is underground at that point). The western portion of the garage, as the grade dips towards the Lake, is then exposed due to the elevation change. At that lower point to the west is where the proposed five story building is located. Admittedly, this elevation is higher than the Lake but it is also located behind a significant stand of trees. The topography maps are difficult to read so we will work to create exhibits which better depict this grade change.

11. We have R-4 property next to R-2 (PURD) property. In a perfect world, you do a transition in intensity between the two. The Towers is asking for R-4 and asking for 100% of the intensity that comes with R-4. (Not for what you want to do now (FAR – wise) but for a to be revealed later project). It would be nice to be an applicant and to say I know R-4 gives me……….. But I only want ……….

If there is opposition then anyone looking for a compromise or a transition would immediately think of R-4 to R-3 to R-2. The lesser R-3 lowers the height to 3 stories (or 4 stories or visible height in effect given the grade conditions). A three story building can screen the parking garage if it is smaller. Why can’t it be smaller. Then we circle back to #1.

We are requesting R-4 since that is the zoning category we currently have which allows a parking garage. The proposed plan does not maximize the R-4 density or FAR nor does the previously mentioned 2007 Master Plan. We will consider density and FAR maximum if you would like to propose such. In addition, the transition (moving south to north) from the 8-story tower, to a 5-story building, to a 2-story apartment building to cottages is appropriate planning transitions.

Additionally, keep in mind that our campus is unique. All residential types and styles are inter-connected with walking trails and golf carts paths. All of the amenities are shared and enjoyed by the residents of the different types of housing. We have activities and meals that facilitate interaction between those in the different types of housing. So, although we do meet the traditional planning transitions, we also strive to create a special mixture of types of housing to accommodate the needs of our residents as they move from independent living (cottages) to more dependent living (tower). This is typical of retirement living campuses.

12. I would think that someone will suggest adding units along the northern side of the parking garage to reduce the height of the units from the lakeside and to strive toward some lesser height and intensity than 100% of what R-4 permits. I understand the popularity of lakefront units but ……. 
We have considered this and it is not feasible. It should be noted that those units to the west are mostly used to screen the view of the garage from the Lake. There is also concern about retaining open/green space. The northern side of the parking garage is planned to be open space and likely an area in which we relocate the camellia garden. The northern side of the garage is close to the stream that feeds into Lake Berry, we are trying to stay away from that sensitive area.

MRF/nle
Winter Park Towers

Parking Analysis

Current

Code: The current Winter Park code would require a total of 610 parking spaces if applied to the existing facilities, based on the following:

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<th>Unit</th>
<th>Required Spaces/Unit</th>
<th>Required Spaces</th>
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<tr>
<td>Residential</td>
<td>178 residential units</td>
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<tr>
<td>Health Center</td>
<td>120 beds</td>
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<td>Assisted Living Facility</td>
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<tr>
<td>Day Shift Staff</td>
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<td>130</td>
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<tr>
<td>TOTAL Required Spaces</td>
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Actual Needs: The actual current parking needs have proven to be far less than the code would require, due largely to the actual parking needs of the residential units. While the code addresses average needs for all types of homes, including large families with multiple cars, the residents of the subject property average over one car per unit. Experience at this facility and other similar facilities operated by Westminster have shown an average need of about 1.8 spaces per unit. The actual total peak parking demand currently being experienced on site is about 432 spaces.

Available Spaces: Currently, there are 198 marked, paved parking spaces that serve the existing facilities. The number of paved spaces is well below the actual need and the balance of the parking need is provided in grassed areas.

Proposed

Code: Applying the code to the existing plus proposed program would result in a requirement for total of 760 parking spaces based on the following:

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<td>Residential</td>
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<td>Health Center</td>
<td>120 beds</td>
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<tr>
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<tr>
<td>TOTAL Required Spaces</td>
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<td>760</td>
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Anticipated Actual Need: It is expected that the average number of cars per residential units will increase slightly as the characteristics of the population of the site change. At an overall average of 1.8 spaces per residential unit, the anticipated peak parking need is projected to be about 590 total spaces.
Proposed Available Spaces: With the addition of the 383 space garage, the proposed number of total paved, marked spaces will be 581. This will eliminate the need for parking in grassed areas, allowing those areas to return to useable open space. Once the new garage is completed and has been in operation for a certain time frame, it is hoped that some number of the existing paved, surface spaces can also be eliminated. The location of the spaces to be removed will be determined in part with an eye toward the final future phase of growth on the site, when it is projected that about 14 residential units will be added.

The new garage will provide a significant upgrade for residents in the form of covered spaces that are more conveniently located and are connected to the existing and proposed residences by covered walkways, providing a safer, weather-protected trip to and from their cars.

**Summary**

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<th>Proposed Program</th>
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p:\20\20385 - winter park towers\parking analysis.docx
The Planning Commission has suggested making single family homes over 10,000 square feet a conditional use. The Planning staff recommendation is not in favor of this zoning code change for the following reasons:

1. History: Single Family homes over 10,000 square feet were conditional uses from 1976 to 1998. There were only a few applications during that time period but the Planning Commission and City Commission in 1998 approved removing that conditional use requirement from the zoning code. The experience has shown it was not needed and did not accomplish the goals desired. Since that time, the City has permitted twenty-one homes over 10,000 square feet with no issues. Primarily these have been in Windsong and on lakefront estate properties.

2. Permit Delays: The City Commission has established expedited permitting as a goal for the City to achieve. Commissioner Bridges discussed this at the recent Nov. 23rd City Commission and the entire Commission was in agreement that the City needs to improve and speed permitting where projects are in compliance with code. Adding this conditional use requirement for homes that otherwise meet all the zoning code requirements adds unneeded expense for the property owners, creates unneeded work for the Planning staff/Planning Commission and adds a three month delay to the issuance of building permits.

3. Limited Purpose: The reason the Planning Commission and City Commission removed the conditional use requirement in 1998 was based on the experience with the Horace Grant house (115 Palmer Avenue) and Charles Clayton house (1190 N. Park Avenue). In both cases neighbors turned out to complain that the houses were too big for the neighborhood and not architecturally compatible. They were approved by the planning Commission and City Commission because no objective detrimental impact could be proved from the construction of these homes. So the neighbors asked why are they conditional uses if you can’t do anything? The City concluded that all this did was establish expectations from neighbors that the City could not fulfill and as such single family houses should not be conditional uses and they were removed from the code.

4. Limitation on Conditional Uses. Conditional uses don’t work as a control on architectural style. Case in point is the Sabo residence approved by the Planning Commission at 201 W. Fawsett Road in May 2008 (see
Neighbors complained about the incompatible architectural style but P&Z concluded your authority is not as an architectural review board. Secondly the City cannot reduce the permitted FAR without proving a detrimental impact on surrounding properties. Traffic volume is the same regardless of how big a home is (which is not true for multi-family/office/commercial projects over 10,000 sq. ft. as conditional uses). There is no negative impact on property values or any of the other standards for approval. All of the surrounding single family properties are permitted a FAR of 38%-43%. Just because they have not used their full FAR yet does not allow the City the legal right to prohibit the first property owner who wants to use the maximum FAR from using the FAR permitted by the Comprehensive Plan and Zoning Code.

5. Application to 511 W. Canton Avenue: This is a ‘one of a kind’ situation that developed from three lots owned by one family that are extra deep (247 ft) and extra large in square footage. Even if we had a conditional use requirement then it would not satisfy the neighbors. The two issues for the neighbors are incompatible architectural style (modern/contemporary) and size (14,000 sq. ft.) as compared to the neighboring properties. If this were a conditional use, the architectural style cannot be changed because the neighbors don’t like it. We permit modern/contemporary architecture for homes under 10,000 square feet throughout the City so there is no basis to force a change to the style just because the proposed home is over 10,000 sq. ft. if it can legally be built at 9,999 sq. ft. Regulating the size for compatibility is another problem. Even if legally the City could do it, is a 9,999 sq. ft. home which does not require conditional use approval any more compatible with the surrounding neighborhood of 2,000 sq. ft. homes?

The City has learned from our prior experience that conditional uses for single family homes over 10,000 square feet have limited legal applicability, do not work to satisfy the expectations of neighbors and create unneeded expense and permitting delays for the vast majority of homes with no issues.

**STAFF RECOMMENDATION IS FOR DENIAL OF THE CHANGE TO ADD A CONDITIONAL USE REQUIREMENT FOR HOMES OVER 10,000 SQUARE FEET**
MEMORANDUM

TO: PLANNING & ZONING COMMISSION

FROM: GEORGE WIGGINS, DIRECTOR OF BLDG/LEGISLATIVE AFFAIRS

DATE: DECEMBER 30, 2009

SUBJECT: PROPOSED RESIDENTIAL ZONING CODE ORDINANCE & SUMMARY

THE PREPARED DOCUMENTS THAT I AM FORWARDING TO YOU INCLUDE THE PROPOSED ORDINANCE AND A SUMMARY WHICH MAY REQUIRE FURTHER FINE TUNING DUE TO THE COMPLEXITY OF THE VARIOUS PROVISIONS INCLUDING SETBACKS BASED ON PERCENTAGE OF LOT WIDTH.

THE AREAS COVERED ARE THE PRESCRIPTIVE PROVISIONS AND THE BUILDING SETBACKS WHICH INCLUDE INCENTIVES THAT ALLOW LARGER FLOOR AREA SUBJECT TO MEETING THE MORE RESTRICTIVE SETBACKS. THE 27% BEGINNING LOT WIDTH SETBACK GOT SCALED BACK TO 25% AS A STARTING POINT AFTER VIEWING THE ACTUAL NUMBERS AND DISCUSSION WITH DREW. AS DISCUSSED ALSO, A PROVISION WAS ADDED TO ALLOW A LOWER SIDE WALL HEIGHT TO HAVE LESS SETBACK.

ALONG WITH PRESCRIPTIVE PROVISIONS, I HAVE ADDED A PROVISION THAT ADDRESSES LIMITING THE VISIBILITY OF SOLAR PANELS FROM A PUBLIC STREET. THIS CAME UP AFTER OUR LAST MEETING WITH A HOME WHICH WILL HAVE PANELS ACROSS THE FRONT ROOF AREA AND HIGHLY VISIBLE FROM THE STREET. IF YOU FEEL THAT THE ENERGY SAVING FEATURE OF ENCOURAGING USE OF SOLAR PANELS ON ROOFS OVERSHADOWS THE APPEARANCE ISSUE THEN THIS ITEM CAN BE REMOVED.

PLEASE LET ME KNOW OF ANY NEEDED CORRECTIONS.
Residential Zoning Code Changes

Comprehensive Plan
Adopted 2/23/09

• Policy 1-3.6.2:

• Pursuant to the City’s strategic plan, the City shall review and revise its Land Development Code within one year of adoption of this Comprehensive Plan, to ensure that the scale and character of new development/redevelopments compatible with existing single-family neighborhoods.

City of Winter Park Strategy Map 2009

Strategic Objective
Maintain the city’s appeal through controlled, compatible & sustainable redevelopment
SUMMARY
(12/30/09)
Recent revisions in red underlined text.

Based on workshops, surveys of codes from other towns, work sessions with the Planning Commission and recommendations from the consultant, Nore Winter, the approach utilized for revising the single family residential zoning requirements includes two basic areas of changes:

**Building setbacks** – addressing open space

**Prescriptive requirements** - addressing a variety of issues including mass and scale of buildings.

Currently two worksheets are used to regulate residential standards with one using a smaller base floor area allowance and the other worksheet using a 5% increase in allowable floor area expressed as floor area ratio. The proposed changes will allow use of one worksheet with building side setbacks based on percent of lot width.

**Building setbacks** (including Floor Area Ratio Incentives)

**Lots using the base FAR (33%-38%)**

Application of the 25% setback requirement (1st floor) will apply to all lot widths except lots 61’ to 76’ shall continue to use a 10’ side setback; lots 60’ to 50’ shall continue to use a 7.5’ setback.

Application of the 35% setback requirement (2nd floor) will apply to all lot widths except lots 60’ to 50’ shall use a 10’ side setback and lots 61’ to 71’ shall use a side setback of 13’.

This 25%/35% 1st floor/2nd floor criteria are larger side setbacks for all lots that are over 60 feet in width.

**Lots using increased FAR (38%-43% Max)**

Application of the 30% setback requirement (1st floor) will apply to all lot widths except lots 69’ to 61’ shall use a 10’ side setback; lots 60’ to 50’ shall continue to use a 7.5’ setback.

Application of the 40% setback requirement (2nd floor) will apply to all lot widths except lots 72’ to 51’ shall use a 15’ side setback; lots 60’ to 50’ shall continue use a 12.5’ side setback.

**For one story homes or homes with a second floor under a sloping roof** use the 25% criteria for setbacks. [This also handles the larger lot by assigning larger setbacks.]

**Special setback allowance for a side wall with lower height:**

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

**General rules for applying setback requirements:**

The required side setback does not increase above the percentage amounts above for lots over 200’ in width but shall remain constant for larger lots.

The required side setback shall based on the % above rounded up to the next whole number if the calculated setback is over .5’ or rounded down to the next whole number if less than .4’.
Prescriptive Requirements:

1. **Side wall articulation:** The side wall plane and side roof line (on both floors for two story homes and on the wall nearest to the side lot line) 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 be utilized only if they meet the criteria.

   ![Side Wall Articulation Diagram]

2. **Rear setbacks:** Unchanged from current Code.

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<thead>
<tr>
<th>Floor wall</th>
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<tr>
<td>1st Floor</td>
<td>25'</td>
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<tr>
<td>2nd Floor</td>
<td>35'</td>
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3. **Front setback:** Simplified approach from current requirement. 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 75% 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.

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.
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 **not** 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.**

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.

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.

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 **first floor** 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 s.f. (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.**
9. Opening criteria: In order to exclude open front porches or porte cochere from the floor area ratio, the exterior sides of these building elements must be at least 75% open 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) with a maximum enclosed area of 3 feet above the opening.

10. Any air conditioning unit placed on a roof must be screened from view from surrounding properties and the public street.

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.
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.

![Residential Zoning Regulations - Revisions](2nd_Floor_under_Sloping_Roof.png)

5% additional FAR allowed for 2nd floor w/ sloping roof

13. **Apply the new prescriptive provisions for articulation & accessory buildings in Windsong and Waterbridge planned developments and allow use of all new residential standards 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.** Note: Specific criteria will need to be adopted to address the review process for these larger homes.

15. **Solar panels shall be placed in locations that are not easily visible from the public right of way.**

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

3. **Two "courtyard" 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.
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 75% 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 250 sf, 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.
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.

(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.

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

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

1. Properties with an area of 11,600 square feet or less shall use a maximum floor area ratio of 38%.
2. Properties with an area between 11,600 square feet to 13,600 square feet shall have a maximum gross floor area of 4,500 square feet.
3. Properties with an area larger than 13,600 square feet shall use a maximum floor area ratio of 33%.
4. Additional allowance for greater gross floor area may be permitted in accordance with the side setback standards in Section 58-65(f)(6).

c. For one story homes or homes with the second floor located within a sloping roof that has a roof slope of 12:12 or less the allowable floor area ratio may be increased by 5% for properties less than 11,600 square feet in area or properties over 13,600 square feet in area. For homes utilizing this special allowance with lot areas between 11,600 to 13,600 square feet a gross floor area of 5,200 square feet is permitted. Homes qualified to receive this additional special floor area allowance may provide roof dormers with a maximum width of 8 feet, occupying up to 35% of the roof area in the same roof plane and the dormer(s) must be placed at least 2.5 feet back from the required setback of the home.

d. Gross floor area shall be defined as the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior surface of the walls or columns of open roofed structures. Basement areas or other below grade floor areas are excluded when more than one-half of that basement or floor height is below the established curb level or edge of street when not curb is present. The area of stairways, elevators and multi-story rooms or atriums shall be counted on each floor level. The area within carports, screened or roofed porches and balconies shall be counted, except those areas permitted to be excluded in this Article 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 may be excluded from the "gross floor area," subject to the limitations in this paragraph. This exclusion shall be limited to a maximum area of 620,000 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 900,500 square feet. On the second floor, rear or side porches must have exterior sides that are 90% open in order to utilize up to 300 square feet of the total allowable 900,500 square feet of excludable gross floor area. Properties utilizing this exemption shall record a deed covenant outlining the restrictions precluding the screening or enclosing of such porch or entry. An open front porch, entry area or porte cochere utilizing this exemption shall also comply with the provisions in Section 58-65(f)(5)(d).

(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 or proposed building.

d. Properties or lots exceeding 40,000 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 be included when determining 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 set back 50 percent greater or 50 percent less 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.

![Diagram of Front Setback Determination]

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.

c. 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 or entry areas utilizing this 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 entry areas from the floor area ratio, the exterior sides of these building elements must be approximately 75% open when measured from the floor to the underside of the opening with a maximum enclosed area of 3 feet above the opening to the wall plate or top of support beam.
d. Notwithstanding the required or established front setback for a residence, no garage or carport shall be located so as to provide a front setback or street side yard setback of less than 20 feet to the garage or carport opening.

(6) **Side yard setbacks**

a. The side setback 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.

a. The side setback for one story homes or the first floor of two story homes is equal to 25% of the lot width in feet equally divided on each side of the home.

**Exceptions:**

1. Lots which are 60 feet wide or less shall use a first floor setback of 7.5 feet.
2. Lots which are over 60 feet to 76 feet in width shall use a first floor setback of 10 feet.

b. The side setback for two story homes measured to the second story wall shall be 35% of the lot width in feet equally divided on each side of the home.

**Exceptions:**

1. Lots which are 60 feet wide or less shall use a second floor setback of 12.5 feet.
2. Lots which are over 60 feet to 71 feet in width shall use a second floor setback of 13 feet.
3. Homes with a second floor under a sloping roof with a maximum roof slope of 12:12 and with any gable end walls facing a side lot line complying with the second floor setback in this paragraph or paragraph “c” below, whichever is applicable.
4. Two story homes on lots over 60 feet in width which have a first floor side wall height of 11 feet or less measured from the natural grade to the top of the roof sheathing may utilize a side setback of 10 feet to the first floor wall.

c. Special setbacks for increased floor area: In order to allow additional floor area for two story homes, the required side setback for the first floor must increase in feet by 1% for each 1% increase in the allowable floor area up to a maximum allowable increase of 5% for properties less than 11,600 square feet in area or properties over 13,600 square feet in area. For homes utilizing this special allowance with lot areas between 11,600 to 13,600 square feet a gross floor area of 5,200 square feet is permitted.

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

1. Lots which are 60 feet wide or less shall use a first floor setback of 7.5 feet.
2. Lots which are 60 feet wide or less shall use a second floor setback of 12.5 feet.
3. Lots which are over 60 feet to 71 feet in width shall use a first floor setback of 11 feet.
4. Lots which are over 60 feet to 72 feet in width shall use a second floor setback of 15 feet.
d. General side setback rules: The lot width is measured at the building line across the front of the existing or proposed home. The required setback must be rounded up to the next whole number when the required setback number is over .5 feet, rounded up to .5 feet when the required setback is .4 to .5 feet and rounded down to the next whole number when the required setback is less than .4 feet. Lots over 200 feet in width shall use the required setback for lots which are 200 feet in width.

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

<table>
<thead>
<tr>
<th>Lot width</th>
<th>50'</th>
<th>60'</th>
<th>75'</th>
<th>80'</th>
<th>90'</th>
<th>100'</th>
<th>125'</th>
<th>175'</th>
<th>200'</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st floor setback [25%]</td>
<td>7.5'</td>
<td>7.5'</td>
<td>10'</td>
<td>10'</td>
<td>11'</td>
<td>12.5'</td>
<td>16'</td>
<td>22'</td>
<td>25'</td>
</tr>
<tr>
<td>2nd floor setback [35%]</td>
<td>10'</td>
<td>10'</td>
<td>13'</td>
<td>14'</td>
<td>16'</td>
<td>17.5'</td>
<td>22'</td>
<td>31'</td>
<td>35'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot width</th>
<th>50'</th>
<th>60'</th>
<th>75'</th>
<th>80'</th>
<th>90'</th>
<th>100'</th>
<th>125'</th>
<th>175'</th>
<th>200'</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st floor setback [30%]</td>
<td>7.5'</td>
<td>7.5'</td>
<td>11'</td>
<td>12'</td>
<td>13.5'</td>
<td>15'</td>
<td>19'</td>
<td>26'</td>
<td>30'</td>
</tr>
<tr>
<td>2nd floor setback [40%]</td>
<td>12.5'</td>
<td>12.5'</td>
<td>15'</td>
<td>16'</td>
<td>18'</td>
<td>20'</td>
<td>25'</td>
<td>35'</td>
<td>40'</td>
</tr>
</tbody>
</table>

f. Special side setback option for narrow lots with rear parking areas or 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.

g. 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.
h. 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 for two story homes and on the wall nearest to the side lot line) 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. **See Section 58-71.**

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:**

<table>
<thead>
<tr>
<th>Single-Family Lot Types</th>
<th>Villa</th>
<th>Cottage</th>
<th>Manor</th>
<th>Estate-1</th>
<th>Estate-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot width at front setback</td>
<td>&lt;= 60’</td>
<td>&gt; 60’ to 80’</td>
<td>&gt; 80’ to 125’</td>
<td>&gt; 125’ to 175’</td>
<td>&gt; 175’</td>
</tr>
<tr>
<td>Side Setback</td>
<td>7.5’ 1st flr wall</td>
<td>10’ 1st flr wall</td>
<td>15’ 2nd flr wall</td>
<td>15’ 1st flr wall</td>
<td>20’ 1st flr wall</td>
</tr>
<tr>
<td></td>
<td>12.5’ 2nd flr wall</td>
<td>17.5’ 2nd flr wall</td>
<td>25’ 2nd flr wall</td>
<td>25’ 2nd flr wall</td>
<td>25’ 2nd flr wall</td>
</tr>
<tr>
<td>Architectural Exception Setback</td>
<td>40’</td>
<td>12.5’</td>
<td>12.5’</td>
<td>20’</td>
<td>22.5’</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>30’</td>
<td>30’</td>
<td>35’</td>
<td>40’ *</td>
<td>40’ *</td>
</tr>
<tr>
<td>Rear-yard setback</td>
<td>25’ 1st flr wall</td>
<td>25’ 1st flr wall</td>
<td>25’ 1st flr wall</td>
<td>25’ 1st flr wall</td>
<td>30’ 1st flr wall</td>
</tr>
<tr>
<td></td>
<td>35’ 2nd flr wall</td>
<td>35’ 2nd flr wall</td>
<td>35’ 2nd flr wall</td>
<td>35’ 2nd flr wall</td>
<td>40’ 2nd flr wall</td>
</tr>
</tbody>
</table>

* 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.

(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-1AAA district shall also observe the following provision, in addition to those defined elsewhere in this article.

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

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

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) except for 58-65(f)(9)(c).

(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:
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.

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.

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.

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.

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.

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.

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:

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

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

(1) 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, eg: 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 620 square feet and meeting the conditions in this paragraph may be located 10 feet from the rear lot line and must meet the required side setback of the home.

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

a. Front facing garages must be set back at least 4 feet behind the front building. 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. An open porch cannot be included in the required 4 foot garage setback.

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

c. 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.

a. 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 75% 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 550 250 square feet, then the principal building setbacks shall be required.

b. 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.

(3) Solar panels shall be placed in locations that are not easily visible from the public right of way.

Note: Renumber Section 58-71(i) to insert new text.

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 zoning requirements which were in effect immediately prior to the adoption of these requirements may be submitted for a building permit and processed and reviewed under the previous requirements 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