

ORDINANCE NO. 2691-06

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO REPEAL 58-90 "PLANNED DEVELOPMENT (PD) OVERLAY" AND AMENDING SECTION 58-86 "CONDITIONAL USES" TO PROVIDE THE CITY COMMISSION VARIANCE AUTHORITY FOR SETBACKS AND LOT COVERAGE AND LIMITED BUILDING HEIGHT, PROVIDING FOR APPLICABILITY, PROVIDING AN EFFECTIVE DATE. (ZTA7:06)

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by repealing the entire Section 58-90 "Planned Development (PD) Overlay" and also amending within Section 58-86 "Conditional Uses", subsection (d) to provide the City Commission with variance authority for setbacks and lot coverage and limited building height to read as follows:

Sec. 58-86 Conditional uses.

(d) In order to streamline the development plan approval process, the city commission in the approval of conditional uses may also grant limited variances from other terms of this code. Those variances shall be limited to the size and height of accessory structures such as walls, fences and signs. Those variances shall also be limited to site and building design features involving the number of parking spaces, the location of storm water retention facilities, *building setbacks, building lot coverage and building height limited to no more than two (2) feet above the height limits of this code.*

**SECTION 2.** All ordinances or portions or ordinances in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall become effective immediately upon its final passage and adoption and shall apply only to building projects approved prospectively and shall not apply retrospectively to any project provided a preliminary development plan (PD) overlay approval or conceptual conditional use approval or any final development plan approvals involving planned development approvals or conditional uses as have been approved and adopted by the City Commission.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 11<sup>th</sup> day of December, 2006.

ATTEST:



City Clerk Cynthia S. Bonham



Mayor David C. Strong