

ORDINANCE NO. 2706-07

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA, AMENDING CHAPTER 58 "LAND
DEVELOPMENT CODE" ARTICLE III, "ZONING" WITHIN
SECTION 58-75 "GENERAL COMMERCIAL (C-3) DISTRICT"
SO AS TO REVISE AND MODIFY THE LIST OF PERMITTED
AND CONDITIONAL USES AND TO AMEND AND REVISE
THE SITE DEVELOPMENT STANDARDS AND AMENDING
WITHIN SECTION 59-86 "CONDITIONAL USES" SO AS TO
REVISE THE EXPIRATION DATES FOR CONDITIONAL
USES, PROVIDING AN EFFECTIVE DATE. (ZTA 1:07)**

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

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by repealing within Section 58-75 "General Commercial (C-3) District", subsection (e) (1) "Site improvement regulations" to read as follows:

- (e) Site improvement regulations
 - (1) Any building constructed within this district shall adhere to the following minimum or required setbacks for front, rear and side yards. The street front setbacks shall be a minimum measured from the property line of ten (10) feet, fifteen (15) feet on Orlando Avenue and twenty (20) feet on the south side of Fairbanks Avenue and fifteen (15) feet on the north side of Fairbanks Avenue. Side yard setbacks shall be a minimum of five (5) feet unless the parcel shares a common line with a residentially zoned parcel, then a fifteen (15) foot side yard shall be observed. The rear yard setback shall be a minimum thirty (30) feet unless the rear yard abuts a parcel zoned for residential purposes, then the minimum setback shall be thirty-five (35) feet. For properties along Orange Avenue, the front setback may be reduced to the average front setback of the existing buildings within that block if approved by the City Commission. For any required street front setback, the distance may be increased upon determination by the public works director and police chief that a traffic sight distance safety problem may exist.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by repealing within Section 58-75 "General Commercial (C-3) District", subsections (b) and (c) for permitted and conditional uses to read as follows:

- (b) Permitted uses.

- (1) Retail businesses involving the sale of merchandise on the premises within enclosed buildings only but excluding resale or pawn shops. Examples would include antique stores, art shop or art supply store, bakery (if primarily for retail sales on premises), bicycle shop, book or stationery store, camera store and photographer's studio, clothing and wearing apparel shop, confectionery store, delicatessen, drug store or pharmacy, florist shop, grocery store or supermarket, hardware store, jewelry store, pet shop, sporting goods shop, electronics and appliance sales and service, liquor store (if store is more than 300 feet from residential properties), convenience stores (unless in conjunction with fuel sales). Outdoor display of samples or of merchandise for sale shall only be permitted for nursery plants (provided all incidental equipment and supplies, including fertilizer and empty cans are stored within a completely enclosed building), and only permitted in conjunction with a display or sales building.
- (2) Establishments involved in the rendering of a personal or business service including banks or similar financial institutions, barber, beauty or nail shops, (but specifically excluding tattoo, body art or fortune telling businesses), car rental agencies, day care/schools, dry cleaning establishments, hotel or motels (including those operated as time share ownership), laundries, post office, theaters, travel agencies, and restaurants, bars, taverns, cocktail lounges (provided that if these establishments are serving alcoholic beverages for consumption on the premises, they are located more than 300 feet from residential properties).
- (3) Funeral homes or mortuaries without incinerators;
- (4) Business, financial, governmental, medical and professional offices, agencies and clinics;
- (5) Off-street parking lot or parking garage except not involving the parking or storage of construction equipment, trucks, drill rigs, etc.
- (6) Permanent recreational facilities within enclosed soundproof buildings, both publicly and privately owned including lodges;
- (7) Blueprinting, photocopying and printing offices;
- (8) Animal hospital provided that there shall be no outside kennels, pens or runs, and there is no overnight boarding of animals unless the structure is located not closer than two hundred fifty (250) feet from a residentially zoned parcel of land;
- (9) Private and public schools including pre-schools/day care, vocational schools, colleges;
- (10) Convenience stores or service station operations selling retail gasoline/diesel and other petroleum products along a variety of retail products with or without the service/ repair of vehicles;

- (11) Uses customarily incidental and accessory to the permitted uses, including the repair of goods of the types sold in stores, permitted. Such repair must be carried on within a completely enclosed building, may not be carried on as a separate business, and provided further that there shall be no manufacturing, assembling, compounding, processing or treatment of products, other than that which is clearly incidental and essential to the permitted uses;
- (12) Residential units located within a mixed use building of at least 500 square feet in size limited to the site and improvement standards established in the C-3 district or residential units as a single use building limited to the site and improvement standards established in the R-4 district.

(c) Conditional Uses

- (1) The following uses may also be permitted as conditional uses following review by the Planning and Zoning Commission and approval by the City Commission in accordance with the provisions of this Article. Upon approval of any applications, said site plan and accompanying data plus any conditions imposed shall become part of the conditional use permit. It may be amended only by the city commission after receipt of a recommendation from the planning and zoning commission.
 - a. New and used motor vehicle, boat or trailer sales but per the policies of the Comprehensive Plan restricted and limited to locations north of Webster Avenue, west of Denning Drive and east of Bennett Avenue .
 - b. Cemetery monument sales but excluding outdoor display.
 - c. Public utility substations or sub-installations.
 - d. Convenience stores or service station operations selling retail gasoline/diesel and other petroleum products along a variety of retail products with or without the service/ repair of vehicles;
 - e. Businesses involving the repair and servicing of motor vehicles or boats.
 - f. Automatic car washes, paint and body shops.
 - g. Retail and/or wholesale automobile part sales.
 - h. Office/showroom/warehouse use.
 - i. Drive-in components of any business.
 - j. Restaurants, bars, taverns, cocktail lounges providing alcoholic beverages for consumption on the premises and package liquor stores when located within three hundred (300) feet of residential properties.

- k. Buildings over ten thousand (10,000) square feet.

SECTION 3. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by repealing within Section 58-86 "Conditional uses", subsections (b) (1) and (2) and consolidating them to read as follows:

Sec. 58-86. Conditional uses.

- (b) The public notice, procedures and regulations for the review of conditional uses by the planning and zoning commission and the city commission shall be the same as outlined for zoning changes and amendments, except that a simple majority of the city commission may override any recommendation for denial or modify any conditions of approval in the recommendation of the planning and zoning commission. Conditional uses involving the use of land or buildings for a particular type of business or business activity determined to be a conditional use, such as, but not limited to, motor vehicle sales, live amplified musical entertainment, day care, etc. shall expire either one year from the date of the approval by the city commission if such use or business type has not yet been commenced or such conditional use shall expire ninety (90) days from the time the business ceases to operate from the property or building. This shall apply if the business is closed for ninety (90) consecutive days regardless of whether a valid occupational license continues to exist. Conditional uses involving approvals for the construction of buildings, structures and other facilities shall expire after two years from the approval by the city commission or from the date of the final development plan approval by the city commission (in the case of preliminary conceptual approvals) unless a complete building permit application and construction plans are submitted or construction is underway or as may otherwise be specifically set forth in the conditional use approval or in the accompanying development agreement. For phased projects without timetables specified in the conditional use approval or in the accompanying development agreement, all phases must be under construction within five years from the date construction commences on the first phase. The city commission may extend conditional uses or re-establish conditional use approvals that have expired at the discretion of the city commission. The advertisement and notification requirements shall not apply to the re-establishment of expired conditional uses.

SECTION 4. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 12th day of March, 2007.



Mayor David C. Strong

ATTEST:



City Clerk