

ORDINANCE NO. 2764-09

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

(ZTA 1:09)

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

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

Sec. 58-83. Lakefront lots, canalfront lots, streamfront lots, boathouses and docks

Add to subsection (c):

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

Amend subsection (d) (4) (5) (6) and (7) to read:

(4) Structures on lakefront, canalfront or streamfront lots shall be developed and landscaped so that when viewed from the water, those structures are as unobtrusive as is reasonably possible. When a lot is being redeveloped, or a lot's structure is being extended or altered, the planning and zoning commission may require the planting of new trees and other landscaping in order to achieve this objective. To the extent practical, vehicles shall not be visible from the lake. To achieve this objective, the parking of vehicles in any area between the rear of the principal building and the water shall be prohibited. Driveways and other parking surfaces for vehicles when located on the side of lots shall be screened by walls or fences (not including wood fences) or landscaping at least four feet in height that can effectively screen the view of the vehicles from the lake. This shall not apply to driveways and parking areas in the front of the lot that may be situated such that vehicles are visible from the lake.

(5) Structures on lakefront lots require the approval of the planning and zoning commission prior to the issuance of a building permit. The setback from the lake's edge for structures other than boathouses, docks, over water 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. For convenience, the ordinary high water elevations of the city's principal lakes are listed below. These elevations have been determined by the Florida Department of Environmental Protection (FDEP) Bureau of Survey and Mapping. All elevations reference NGVD ('29 datum). Structures in this context shall also include swimming pools, cabanas, gazebos, screen enclosures, tennis courts and other accessory buildings. As conditions necessitate, the planning and zoning commission may impose the increased setbacks in concert with their waterfront review authority as necessary to accomplish the objectives in this section.

- a. Lake Berry 70.0 feet
- b. Lake Killarney 82.8 feet
- c. Lake Maitland 66.5 feet
- d. Lake Mizell 66.5 feet
- e. Lake Osceola 66.5 feet
- f. Lake Sue 72.5 feet
- g. Lake Sylvan 72.0 feet
- h. Lake Virginia 66.5 feet
- i. Lake Bell 89.4 feet

(6) Structures on canalfront or streamfront lots require the approval of the Planning and Zoning Commission prior to the issuance of a building permit. Other than boathouses, the waterfront setback shall be at least 50 feet from the canal bulkhead or stream. Structures in this context shall also include screen enclosures, tennis courts, cabanas and other accessory buildings. Swimming pools on canalfront or streamfront lots may be permitted a minimum of 25 feet from the canal bulkhead or stream ordinary high water elevation, provided the swimming pool has an elevation of no more than two feet above the existing grade on the side closest to the canal or stream. The planning and zoning commission may require, as conditions necessitate, the imposition of increased setbacks to accomplish the objectives in this section.

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

Amend subsection (f) (5) to read as follows:

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

SECTION 2. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 9th day of March, 2009.



City Clerk Cynthia Bonham

