

ORDINANCE NO. 2849-11

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND WITHIN THE MULTI-FAMILY ZONING DISTRICTS AND ALL THE NON-RESIDENTIAL ZONING DISTRICTS OF THE CITY, THE STANDARDS FOR SIGNIFICANT CHANGES REQUIRING CONDITIONAL USE APPROVAL ON BUILDINGS OVER 10,000 SQUARE FEET, THE STANDARDS FOR SIGNIFICANT CHANGES TO CONDITIONAL USE APPROVALS AND OTHER ZONING APPROVALS AND THE STANDARDS FOR BUILDING APPROVALS IN THE HANNIBAL SQUARE NEIGHBORHOOD COMMERCIAL DISTRICT, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at its August 2, 2011 meeting; and

WHEREAS, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning change set forth hereunder and considered advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park's Comprehensive Plan; and

WHEREAS, the City Commission hereby find that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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", Section 58-68 "Medium Density Multiple Family Residential (R-3) District", subsection (c) (7) is hereby amended to read as follows:

Sec. 58-68. Medium Density Multiple Family Residential (R-3) District.

(c) *Conditional uses.*

(7) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size, but not including detached accessory buildings such as garages, carports, storage buildings, etc.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-69 "Multi-family (High Density R-4) District", subsection (c) (7) is hereby amended to read as follows:

Sec. 58-69. Multi-family (High Density R-4) District.

(c) *Conditional uses.*

(7) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size, but not including detached accessory buildings such as garages, carports, storage buildings, etc.

SECTION 3. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-72 "Office (O-1) District", subsections (d) (2) and (g) (6) is hereby amended to read as follows:

Sec. 58-72. Office (O-1) District.

(d) *Conditional uses.*

(2) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

(g) *Hannibal Square Neighborhood Commercial District.*

(6) In this HSNCD area, all new buildings and building additions over 500 square feet shall require site and building plan approval by the city commission at a public hearing. Prior to that hearing, the planning and zoning commission shall also review such site and building plans at a public hearing and shall provide their recommendation.

SECTION 4. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-73 "Office (O-2) District", subsections (c) (3) and (g) (3) is hereby amended to read as follows:

Sec. 58-73. Office (O-2) District.

(c) *Conditional uses.*

(3) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

(g) *Hannibal Square Neighborhood Commercial District.*

(3) In this HSNCD area, all new buildings and building additions over 500 square feet shall require site and building plan approval by the city commission at a public hearing. Prior to that hearing, the planning and zoning commission shall also review such site and building plans at a public hearing and shall provide their recommendation.

SECTION 5. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-74 "Commercial (C-1) District", subsection (c) (2) is hereby amended to read as follows:

Sec. 58-74. Commercial (C-1) District.

(c) *Conditional uses.*

(2) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

SECTION 6. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-75 "Commercial (C-2) District", subsections (c) (6) and (j) (6) is hereby amended to read as follows:

Sec. 58-75. Commercial (C-2) District.

(c) *Conditional uses.*

(6) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

(j) *Hannibal Square Neighborhood Commercial District.*

(6) In this HSNCD area, all new buildings and building additions over 500 square feet shall require site and building plan approval by the city commission at a public hearing. Prior to that hearing, the planning and zoning commission shall also review such site and building plans at a public hearing and shall provide their recommendation.

SECTION 7. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-76 "Commercial (C-3) District", subsections (c) (1) (k) and (g) (4) is hereby amended to read as follows:

Sec. 58-76. Commercial (C-3) District.

(c) *Conditional uses.*

(1) (k) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

(g) *Hannibal Square Neighborhood Commercial District.*

(4) In this HSNCD area, all new buildings and building additions over 500 square feet shall require site and building plan approval by the city commission at a public hearing. Prior to that hearing, the planning and zoning commission shall also review such site and building plans at a public hearing and shall provide their recommendation.

SECTION 8. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-77 "Commercial (C-3A) District", subsections (c) (4) and (g) (6) is hereby amended to read as follows:

Sec. 58-77. Commercial (C-3A) District.

(c) *Conditional uses.*

(4) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

(g) *Hannibal Square Neighborhood Commercial District.*

(6) In this HSNCD area, all new buildings and building additions over 500 square feet shall require site and building plan approval by the city commission at a public hearing. Prior to that hearing, the

planning and zoning commission shall also review such site and building plans at a public hearing and shall provide their recommendation.

SECTION 9. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-78 "Limited Industrial and Warehouse (I-1) District", subsection (c) (5) is hereby amended to read as follows:

Sec. 58-78. Limited Industrial and Warehouse (I-1) District.

(c) *Conditional uses.*

(5) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

SECTION 10. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-79 "Public and Quasi-Public (PQP) District", subsections (d) (2) and (g) (6) is hereby amended to read as follows:

Sec. 58-79. Public and Quasi-Public (PQP) District.

(d) *Conditional uses.*

(2) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

(g) *Hannibal Square Neighborhood Commercial District.*

(6) In this HSNCD area, all new buildings and building additions over 500 square feet shall require site and building plan approval by the city commission at a public hearing. Prior to that hearing, the planning and zoning commission shall also review such site and building plans at a public hearing and shall provide their recommendation.

SECTION 11. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-81 "Parks and Recreation (PR) District", subsection (c) (3) is hereby amended to read as follows:

Sec. 58-81. Parks and Recreation (PR) District.

(c) *Conditional uses.*

(3) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

SECTION 12. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-82 "Planned Development One (PD-1) District", subsection (d) (1) (c) is hereby amended to read as follows:

Sec. 58-82. Planned Development One (PD-1) District.

(d) *Conditional uses.*

(1) (c) Buildings over ten thousand (10,000) square feet or any significant change over 500 square feet or addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to a building that result in a building over 10,000 square feet.

SECTION 13. That Chapter 58 "Land Development Code", Article III "Zoning" is hereby amended and modified by repealing within Section 58-83 "Planned Development Two (PD-2) District", subsection (d) (1) (c) is hereby amended to read as follows:

Sec. 58-83. Planned Development Two (PD-2) District.

(d) *Conditional uses.*

(1)(c) Buildings over ten thousand (10,000) square feet or any significant change over 500 square feet or addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to a building that result in a building over 10,000 square feet.

SECTION 14 That Chapter 58 "Land Development Code", Article III "Zoning" Section 58-89 "Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses, within 58-89 (l) "Significant Changes to Buildings or Approved Plans", subsection (l) (3) is hereby amended to read as follows:

Sec. 58-89. Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses.

(l) Significant Changes to Buildings or Approved Plans.

(3) In the second instance, the planning and development director must insure that the plan documents submitted for site development and building permits are consistent with the plan documents given final approval by the city commission. Any such determination of significant change by the planning and community development director in this instance may be appealed to the city commission following recommendation from the planning and zoning commission. In order to determine whether a significant change shall be deemed to occur, the following criteria shall be used:

- a. When there is an increase in the height of a building of more than one (1) foot; or
- b. When there is an increase in the square footage of a proposed building of more than 500 square feet above grade; or
- c. When there is an increase in the impervious lot coverage of more than 1,000 square feet; or
- d. When there is a change in the architectural style of the building; or
- e. When there is a major shift or relocation of the site and floor plan(s) or the distribution of uses within the building or major shift or relocation in the features of building location, storm water retention, parking area and/or driveways; or
- f. When additional variances are requested that have not previously been made part of the public record in the review by the planning and zoning commission and/or the city commission; or

g. When the planning director or city commission believes a material change has been made in a plan detail that was critical to the consensus or decision made by the board or commission.

SECTION 15. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-71 "General Provisions for Residential Zoning Districts", subsection 58-71 (x) "Significant changes to buildings or approved plans", is hereby amended to read as follows:

Sec. 58-71. General Provisions for Residential Zoning Districts.

(x) *Significant changes to buildings or approved plans.* Various sections of this zoning article require approvals by the planning and zoning commission and/or city commission. Within the section for conditional uses there are specific requirements defining significant changes for conditional uses. For all other types of approvals, the standards below will determine whether a significant change or substantial deviation shall be deemed to have occurred which then would require a subsequent review and approval for those changes by the planning and zoning commission and/or the city commission as follows:

- (1) When there is an increase in the height of a building of more than one (1) foot; or
- (2) When there is an increase in the square footage of a proposed building of more than 500 square feet above grade; or
- (3) When there is an increase in the impervious lot coverage of more than 1,000 square feet; or
- (4) When there is a change in the architectural style of the building; or
- (5) When there is a major shift or relocation of the site and floor plan(s) or distribution of uses within the building or major shift or relocation in the features of building location, storm water retention, parking area and/or driveways; or
- (6) When additional variances are requested that were not part of the original public record in the review by the planning and zoning commission and/or the city commission; or
- (7) When the planning director, building director or city commission finds that a material change has been made to a plan detail that was critical to the decision rendered by the board or the commission.

SECTION 16. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-84 "General Provisions for Non-Residential Zoning Districts", subsection 58-84 (s) "Significant changes to buildings or approved plans", is hereby amended to read as follows:

Sec. 58-84. General Provisions for Non-Residential Zoning Districts.

(s) *Significant changes to buildings or approved plans.* Various sections of this zoning article require approvals by the planning and zoning commission and/or city commission. Within the section for conditional uses there are specific requirements defining significant changes for conditional uses. For all other types of approvals, the standards below will determine whether a significant change or substantial deviation shall be deemed to have occurred which then would require a subsequent review and approval for those changes by the planning and zoning commission and/or the city commission as follows:

- (1) When there is an increase in the height of a building of more than one (1) foot; or
- (2) When there is an increase in the square footage of a proposed building of more than 500 square feet; or
- (3) When there is an increase in the impervious lot coverage of more than 1,000 square feet; or
- (4) When there is a change in the architectural style of the building; or
- (5) When there is a major shift or relocation of the site and floor plan(s) or distribution of uses within the building or major shift or relocation in the features of building location, storm water retention, parking area and/or driveways; or
- (6) When additional variances are requested that were not part of the original public record in the review by the planning and zoning commission and/or the city commission; or
- (7) When the planning director, building director or city commission believe a material change has been made to a plan detail that was critical to the consensus or decision made by the board or commission.

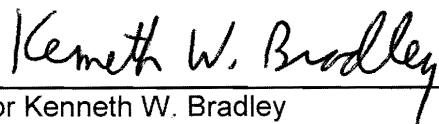
SECTION 17 - SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 18 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

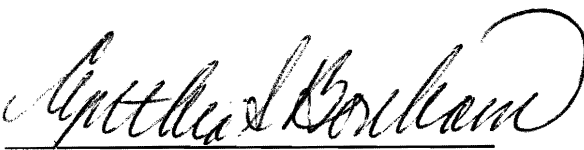
SECTION 19. CODIFICATION. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

SECTION 20.- EFFECTIVE DATE. 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 September, 2011.



Mayor Kenneth W. Bradley



City Clerk Cynthia S. Bonham