

ORDINANCE NO. 3006-15

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-71 AND 58-84 SO AS TO ADOPT PARKING GARAGE DESIGN GUIDELINES GOVERNING THE CONSTRUCTION OF PARKING GARAGES WITHIN THE CITY OF WINTER PARK, PROVIDING FOR REVIEW PROCEDURES; APPEAL PROCEDURES AND FOR RESOLUTION OF INTERPRETATIONS REGARDING SUCH GUIDELINES; PROVIDING FOR A DEFINITION OF PARKING GARAGE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Commission desires to implement design guidelines to govern the exterior and interior appearance and function of parking garages in order to protect the public health safety and welfare of the City; and

WHEREAS, this land development code regulation is deemed the minimum necessary regulation in order to accomplish the necessary oversight of such parking garage structures and does not affect in any way the amount of building square footage, the size, the permitted uses or the conditional uses currently allowed within the various zoning districts of the City, and

WHEREAS, this land development code amendment is consistent with the Comprehensive Plan, and meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the City Staff recommends this Ordinance, and the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their July 7, 2015 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 findings and 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 amendment consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the land development code changes set forth hereunder; and

WHEREAS, the City Commission hereby finds 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 CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-71 "General provisions residential zoning districts", is hereby amended and modified by adding a new subsection (ll) as follows:

Sec. 58-71. General provisions for residential zoning districts.

(ll) Parking garage design guidelines. Parking garages shall conform to the parking garage design guidelines and procedures outlined within Section 58-84. This requirement however, shall not apply to parking garages below grade within basements, defined as having at least half the height of the entire parking structure below existing grade or for parking garages that are totally enclosed by other liner building areas that are not visible from any public street other than the entrance/exit feature,

SECTION 2. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions non-residential zoning districts, is hereby amended and modified by adding a new subsection (ee) as follows:

Sec. 58-84. General provisions for non-residential zoning districts.

(ee) *Parking garage design guidelines.*

(1) The construction of parking garages within the non-residential zoning districts shall conform to and only be permitted when in conformance with parking garage design guidelines as may be adopted by Resolution by the City Commission. This requirement shall apply to any parking garages to be constructed within the City of Winter Park, other than parking garages within basements that are defined as having at least half the height of the entire parking structure below existing grade or parking garages that are totally enclosed by other liner building areas that are not visible from any public street other than the entrance/exit feature.

(2) In addition to the other requirements and regulations of the respective zoning district and prior to the issuance of a building permit for the initial construction, or renovation or remodeling of any existing parking garage other than for the scenarios outlined above, an applicant shall be required to obtain approval of the parking garage plans by the planning department.

(3) Building elevation drawings and other plans as determined by the planning department shall be submitted of sufficient detail to indicate the building materials, composition, color, etc. so that the visual appearance of the exterior and interior of the parking garage is readily apparent, as well as any proposed landscape buffer, signage and lighting.

(4) The planning department shall render a decision on all applications for building permits for parking garage construction, renovation or remodeling. After a determination that the plans presented are sufficient for the purposes of this review, the decision of the planning department shall be made within fifteen working days, excluding holidays, of the receipt of a complete and sufficient set of plans and application materials, unless referred to the planning and zoning commission for review as outlined below.

(5) The planning department's decision shall be either a continuance based upon the specific defined need for additional plan information, an approval, an approval with conditions or denial. Any applicant for parking garage approval may elect to appeal a decision of the planning department to the planning and zoning board for their consideration.

(7) Decisions by the planning department and/or the planning and zoning board shall be made at a public hearing based on the conformance of plans and application materials to the parking garage design guidelines and criteria adopted by the city commission.

(8) The decision of the planning and zoning board shall be the final decision of the City except where a building project also requires conditional use or other land development approval by the city commission. In that case, the decision of the planning and zoning board shall be a recommendation with the final decision made by the city commission.

(9) The parking garage design guidelines shall be adopted and subsequently amended by the City Commission by Resolution following a public hearing and recommendation from the Planning and Zoning Board. **SECTION 3.** That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-95 "Definitions", is hereby amended and modified by adding a new definition for "parking garage" to read as follows:

Sec. 58-95. Definitions.

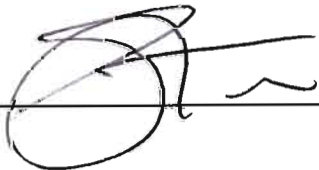
Parking garage means any structure of more than one level on which vehicles park for an associated multi-family, commercial, office or other non-residential, recreational or educational facility. This definition is to be inclusive of multi-level parking garages and single level parking decks. Parking garage shall not mean garages or carports, at grade, used to provide shelter for vehicles.

SECTION 4. Severability. If any 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 5. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall become immediately effective upon its 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 10th day of August 2015.



Mayor Steve Leary

Attest:


City Clerk Cynthia Bonham