

ORDINANCE NO. 3019-15

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA, AMENDING CHAPTER 58 “LAND
DEVELOPMENT REGULATIONS”, ARTICLE III,
"ZONING" SECTIONS 58-87 SO AS TO UPDATE THE
ORDINARY HIGH WATER ELEVATIONS OF THE LAKES
WITHIN THE CITY AND PROVIDE FOR
CLARIFICATIONS OF THE WATERFRONT REVIEW
PROCEDURES AND DEVELOPMENT STANDARDS;
PROVIDING FOR CODIFICATION, FOR CONFLICTS,
SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission wishes to clarify the development standards on water front properties within the City and to update the ordinary high water elevations for the most current data; and

WHEREAS, this Ordinance promotes the health, safety and welfare of the City residents; and

WHEREAS, words with double underline shall constitute additions to the original text and strike through text shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

Section 1. Chapter 58, Land Development Code, Section 58-87, Lakefront lots, canalfront lots, streamfront lots, wetlands, boathouses and docks, Subsections (d) (1), (3), (5), (6) (7) and (8) are hereby amended to read as follows:

* * *

Sec. 58-87. Lakefront lots, canalfront lots, streamfront lots, wetlands, boathouses and docks.

(d) *Other structures on lakefront, canalfront or streamfront lots.* The following standards shall apply to all construction on lakefront, canalfront or streamfront lots:

(1) Lakefront, canalfront and streamfront lots shall be developed to maximize the amount of natural rainfall which is percolated into the soil and to minimize direct overland runoff into the water. With the exception of boathouses, docks or other over-water construction, storm water runoff from structures and other impervious surfaces shall be directed into swales or terraces on the lot or restrained by berms so as to provide for the on-site retention and percolation of the first one inch of runoff. Properties being developed or redeveloped shall eliminate any direct piped discharges of storm water into the water, so that this runoff is directed to the onsite

retention and percolation areas. The planning and zoning ~~commission~~ board may require, as conditions necessitate, the submission of soil and water table information, topographic detail, drainage calculations and professionally designed plans so as to insure these requirements are met. All storm water retention compliance shall prioritize the preservation of existing trees and the impacts of fill or excavation on tree root systems shall be minimized and the planning and zoning board shall have to authority to require berm or alternative retention methods and volumes where necessary to protect the root systems and survivability of existing oak and cypress trees.

(3) Structures on lakefront, canalfront or streamfront lots shall, to the extent reasonably possible, be designed and located to minimize their obstruction or degradation of traditional views to and through the property to the water. Structures in this context shall also include fences and walls. Structures shall also be located so that existing trees shall be preserved to the degree reasonable possible. The planning and zoning ~~commission~~ board, may as conditions necessitate, reduce the height of structures, alter their location, size and design so as to accomplish ~~this~~ these objectives. The planning and zoning ~~commission~~ board shall also have limited authority to grant ~~variances~~ exceptions to the front and side setback standards when deemed necessary to accomplish ~~this~~ these objectives.

(5) Structures on lakefront lots require the approval of the planning and zoning ~~commission~~ board prior to the issuance of a building permit. As conditions necessitate the planning and zoning ~~commission~~ board or city commission may impose increased setbacks in concert with their waterfront review or conditional use authority as necessary to accomplish the objectives in this section. Structures in this context shall also include swimming pools, cabanas, gazebos, screen enclosures, tennis courts and other accessory buildings.

(a) Setbacks - Single family/duplex. The setback from the lake's water's ordinary high water elevation for single family and duplex buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall be the average established by the adjacent lake water front properties within 200 feet of the subject property, or 50 feet, whichever is greater. The planning and zoning ~~commission~~ board shall have the authority to approve lake water front ~~and canal front~~ setbacks less than the average determined above to a minimum of 50 feet in accordance with their lake water front review authority.

(b) Setbacks - Multi-family/non-residential/mixed use. The lake water front setback from the ~~lake's~~ ordinary high water elevation for multi-family (3 or more units) or non-residential or mixed use buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall correspond to the height of the proposed structure. For buildings and structures 35 feet in height or less, the lake water front setback shall be a minimum of 75 feet. As the height of the building or structure increases, for each one foot increase in height over 35 feet in height, the lake water front setback shall increase by two and a half (2.5) feet.

(c) Ordinary High Water Elevations. 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)~~ NGVD (88 datum). For the canal and stream

front locations, the ordinary high water elevations are to be provided by the public works department.

1. Lake Berry	<u>69.4 feet</u>	70.0 feet
2. Lake Killarney....	<u>82.0 feet</u>	82.8 feet
3. Lake Maitland....	<u>65.7 feet</u>	66.5 feet
4. Lake Mizell....	<u>65.7 feet</u>	66.5 feet
5. Lake Osceola....	<u>65.7 feet</u>	66.5 feet
6. Lake Sue....	<u>70.7 feet</u>	72.5 feet
7. Lake Sylvan....	<u>71.2 feet</u>	72.0 feet
8. Lake Virginia....	<u>65.7 feet</u>	66.5 feet
9. Lake Bell....	<u>88.6 feet</u>	89.4 feet
10. Lake Spier....	<u>89.7 feet</u>	90.5 feet
11. Lake Forrest....	<u>100.0 feet</u>	88.9 feet
12. Lake Grace....	<u>100.8 feet</u>	101.6 feet
13. Lake Rose....	<u>87.8 feet</u>	88.6 feet
14. Lake Tuscany....	<u>69.1 feet</u>	69.9 feet
15. Lake Baldwin....	<u>90.7 feet</u>	91.5 feet
16. Lake Temple....	<u>66.6 feet</u>	

(6) Structures on canalfront or streamfront lots require the approval of the planning and zoning ~~commission~~ board 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 swimming pools and pool decks, screen enclosures, tennis courts, cabanas and other accessory buildings. Swimming pools and decks 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~~ board may require, as conditions necessitate, the imposition of increased setbacks to accomplish the objectives in this section.

(7) Fences or walls 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 lakefront, canalfront or streamfront anywhere within the 50-foot setback from the ordinary high water elevation. Fences but not walls may be permitted which run parallel to or across the lakefront, canalfront or streamfront on that portion of the land between the rear of the main structure and the 50-foot setback provided such fence does not exceed four (4) feet in height above existing grade. The 50-foot setback shall also apply to any Retaining walls, terrace walls, decks, railings or other structures higher than three feet above existing the lowest grade shall not be permitted within the 50-foot setback. Other accessory structures or improvements that do not exceed three (3) feet in height within the 50 foot setback such as walkways, railings, patios, decks, fire pits, etc. shall not cover more than ten (10%) percent of the land area within that 50 foot setback. Fences running down the sides of properties within the 50-foot setback or parallel to or across the waterfront shall be substantially open fences limited to the materials such as of aluminum picket, wrought iron, or green or black clad vinyl chain link which allow visibility across property lines and to the lake water. Wood shadow box fences shall not qualify as open fencing.

The planning and zoning commission board may permit fences closer than the 50 feet but only on canalfront or streamfront lots as necessary to enclose swimming pools.

(8) Swimming pool and spa decks, patios and terraces shall not be constructed more than three feet in height above the average existing grade elevation on the lakeside edge of that deck, patio or terrace. In addition, the facade of these retaining walls facing the lake shall be screened with landscape plantings across the length of the retaining wall except for any sections involving stairs down to the lakefront. On lots with severe grade drops of over seven feet throughout the length of the house, the planning and zoning commission board may approve swimming pool and spa decks, patios and terraces higher than three feet above existing grade on the lake water side if approved by four members of the planning commission board.

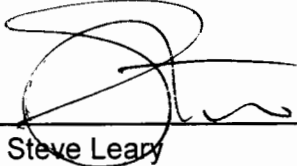
Section 2. Incorporation Into Code. This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held at City Hall, Winter Park, Florida, on the 9th day of November, 2015.



Mayor Steve Leary

ATTEST:



Cynthia Bonham, City Clerk