

**ORDINANCE NO. 3110-18**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL AND PROHIBITED USES AND DEVELOPMENT STANDARDS WITHIN THE CITY BY ADOPTING A NEW MEDICAL ARTS ZONING DISTRICT AND AMENDING THE MULTI-FAMILY (R-3) DISTRICT AND PARKING LOT (PL) DISTRICT AS NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature has adopted Chapter 163, Florida Statutes which requires all local communities to adopt amendments to their Land Development Codes to implement the growth and development policies of Comprehensive Plans adopted pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development: and

**WHEREAS**, the Winter Park City Commission adopted a new Comprehensive Plan on April 24, 2017 via Ordinance 3076-17; and

**WHEREAS**, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of proposed amendments to the Zoning Regulations portion of the Land Development Code having held an advertised public hearing on April 3, 2018, and rendered its recommendations to the City Commission; and

**WHEREAS**, the Winter Park City Commission has reviewed the proposed amendments to the Zoning Regulations portion of the Land Development Code and held advertised public hearings on May 14, 2018 and on June 11, 2018 and advertised notice of such public hearings in the Orlando Sentinel pursuant the requirements of Chapter 166, Florida Statutes and placed the proposed amendments on the City's website on March 28, 2018; and.

**WHEREAS**, the portions of Chapter 58, Land Development Code, Article III, Zoning Regulations that are to be amended and modified as described in each section and amended to read as shown herein where words with single underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.

**NOW THEREFORE, BE IT ENACTED BY 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 adding a new Section 58-82 Medical Arts (MA) District, utilizing Section 58-82 reserved, thereby creating a new

zoning district in the "Zoning" Article of the Land Development Code to read as attached as Exhibit "A" to this ordinance.

**SECTION 2.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-68 Medium Density Multiple Family (R-3) District subsections (c) (5) (8) (10); (d) (3) and (e) (1), (6) (7) in the "Zoning" Article of the Land Development Code to read as follows:

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

(c) *Conditional uses.* The following uses may be permitted after review by the planning and zoning board and approval by the city commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

(5) Residential complexes which are developed and operated by the Winter Park Housing Authority, or by nonprofit 501(c) corporations providing affordable housing and receiving financial support for affordable or workforce housing from agencies of the federal, state or city government. ~~For such projects the following minimum requirements are met:~~

~~a. The density shall not exceed one unit per 1,000 square feet of ground area;~~

~~b. Parking spaces provided shall not be less than one space per residential unit;~~

~~c. No minimum apartment size shall be required; however, the average size of all the residential units shall not be less than 500 square feet in floor area;~~

~~d. The site on which the complex is to be located shall be served by public utilities and streets capable of accommodating the increased residential densities permitted by this section;~~

~~e. The property owner enters into a formal agreement with the city to pay all taxes and fees required by the city or enters into contractual agreement for a payment in lieu of taxes to the city, whichever shall apply because of ownership.~~

(8) Buildings with a third floor within the central business district, provided that such conditional use approvals require two public hearing approvals by the city commission and buildings with a third floor outside the central business district subject to the normal public hearing approvals outlined in Section 58-90;

(10) Bed and breakfast inns provided such property location is one hundred (100) feet from any single family zoned property residence.

(d) *Minimum building site and maximum density.*

(1) The minimum building site required for either a single family residence or a duplex shall be the same as required by the R-2 district.

(2) The minimum building site for a multiple family complex of shall be 15,000 square feet with a minimum front width of 100 feet and a minimum depth of 100 feet. For properties with less than 15,000 square feet in size, the provisions of the R-2 zoning district shall apply.

(3) ~~The minimum ground area per dwelling unit shall be 2,500 square feet and the maximum density shall be seventeen (17) units per acre.~~

(e) *Development standards.*

(1) Development in the R-3 district, at the discretion of the property owner, may meet the requirements of the R-2 district or shall meet the following R-3 development standards. The requirements of R-2 district must be met for lots which are 65 feet wide or less.

	Single Family	Duplexes	Multi-family housing
Min. land area (sq. ft.)	6,000	9,000	15,000
Min. lot width (ft.)	50	50	100
Min. land area per unit	6,000	4,500	<del>2,500</del> 2,562
Min. building setbacks (ft.):			
front yard	25	25	25
side yard	10	10	20
rear yard--one-story	10	10	20
rear yard--two-story	25	25	25
Max. building coverage	35%	35% **	40% **
Max. impervious coverage	60%	65%	70%
Max. building height (ft.)	30	30	35/30*
Min. off-street parking	2/unit	2/unit	2.5/unit

\*Note: The Comprehensive Plan limits development in the R-3 zoning district to a maximum of two stories and 30 feet of building height in the area bounded by Minnesota, Azalea Lane, Melrose and Pennsylvania Avenues, and the area bounded by Orlando, Orange, Fairbanks Avenues and Denning Drive.

\*\*Note: In cases where the interior building floor plan design includes a first floor bedroom space in order to accommodate the housing needs of the elderly or mobility impaired, the building footprint coverage may be increased by the actual size of the first floor bedroom space, up to a maximum of three (3%) percent, but this shall not allow any variance or exception to the required amount of open space pervious coverage.

(6) The intent of the Code requirement for 2.5 (2½) spaces for multiple family projects is to provide resident and visitor parking spaces for guests, service calls, deliveries, etc. For multiple family projects providing 2.5 (2½) parking spaces per unit, the provision of those resident and visitor spaces may not be exclusively within enclosed garages or carports and there must be at least one visitor parking space for each two units that are open and accessible for guests, service calls, deliveries, etc. Multiple family projects may not sell or lease any of the code required visitor parking spaces to individual unit owners or residents. In cases where the City may grant or has granted a variance or exception enabling the total parking spaces for any multiple family project to be less than the code required 2.5 (2½) spaces per unit, then at least fifteen (15%) percent of the total number of



parking spaces approved by the City must be made available as visitor parking. All such visitor parking spaces shall be clearly marked on the pavement or have signage provided, indicating their use for visitor parking. In cases where there is restricted access security or gates for resident parking, then such restricted access security or gates, etc. shall not prohibit access to the required number of visitor parking spaces. Parking necessary for on-site management or other on-site employees shall be provided in parking spaces in excess of the number required as visitor parking. The City's Code Enforcement Board may enforce these provisions when it is witnessed by city staff that on any four consecutive occasions within any two consecutive day period, the same resident vehicle or management employee vehicle is utilizing any designated visitor parking spaces. Two car garages utilized to meet the parking requirements shall be a minimum size of 22 x 22 feet.

(7) Except within the Central Business District geographical area, multi-family residential development within areas designated R-3, shall not exceed two stories in height unless approved via conditional use by the City Commission. In addition, such third floors must have a roof slope of a maximum 12:12 roof slope (45 degree angle) for the third floor starting at the second floor eave height. When the roof slope height reaches the maximum roof height, then a flat roof is permitted or the roof slope may function as a parapet wall. Dormer windows are permitted on the third floor to provide light into such spaces but the dormers may not exceed forty-five (45%) percent of within the same roof plane and must be placed at least 2.5 (2½) feet back from the second floor wall below. Alternative methods of compliance may be approved by the city commission such as terracing and enhanced setbacks for the third floor, such as in wedding cake manner, that setbacks at least seventy-five (75%) percent of the third floor walls without roof porch coverings from the floor walls below for a significant distance on the sides facing streets or other properties.

**SECTION 3.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding to Section 58-80 Parking Lot (PL) District, new Section (c) entitled "Cross Access easements" to read as follows:

**Sec. 58-80. Parking Lot (PL) District.**

(c) Cross access easements.

- (1) It is deemed to be in the public interest that private parking lots, under certain conditions be required by design and function to have inter-connectivity with other adjacent properties so that vehicles and traffic may have alternate means of access to side streets or away from residential streets thereby promoting traffic safety and energy efficiency.
- (2) As a term and condition of the City granting parking lot (PL) zoning, the city may require and the owner be obligated to grant to the city, a perpetual easement through the proposed parking lot that would allow use by other adjacent owners so that parking lots are interconnected and achieve the public interest cited above. The city shall declare that intent to require such easement, at the time the zoning is granted, so that the owner may choose not to accept parking lot zoning if the easement is unacceptable to the owner. However, once adopted, the easement may not be vacated except by subsequent action by the City Commission.

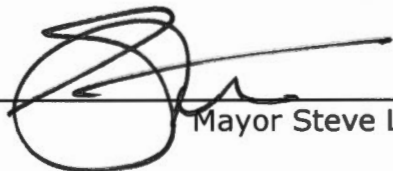
**SECTION 4. SEVERABILITY.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**SECTION 5. 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;

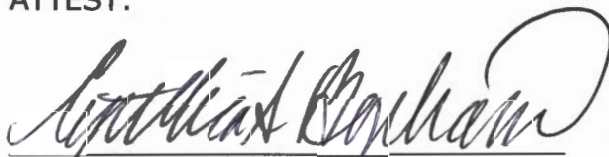
**SECTION 6. CONFLICTS.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately 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 11th day of June, 2018.

  
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Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham



## **Exhibit A**

### **Sec. 58-82. Medical Arts (MA) District.**

#### **(a) Purpose:**

(1) The Medical Arts district provides for and encourages the development and operation of hospitals, clinics, medical offices and wellness/fitness facilities. Accessory complementary specialty retail businesses, and food service are permitted to serve the users, visitors and employees of the development standards may be clustered and spread across all or portions of the medical/wellness campus, regardless of intervening streets. The Medical Arts district should encourage the development of diverse urban infill medical projects that also include open space areas and public gathering places. The increased building density permitted by this Medical Arts district contrasted with other zoning districts is balanced by the provision of health care that is important to the community at large. Each building use project shall incorporate designs and architecture that enhances the surrounding area and which encourages traditionally designed, pedestrian friendly neighborhoods.

#### **(b) Application:**

(1) The Medical Arts (MA) zoning district is appropriate for and limited to the land area of the Winter Park Hospital and the adjacent vicinity where medical, wellness and associated businesses exist and are encouraged to further develop, as depicted and limited to the boundaries in Figure 1-14a of the Future Land Use Element of the Comprehensive Plan. Medical Arts (MA) zoning is only permitted within the Medical Arts future land use designation. Medical Arts (MA) zoning shall not be permitted in the Central Business District or Hannibal Square Neighborhood Commercial District. Medical Arts district zoning shall not be utilized or applicable unless at least eighty (80%) of the floor space within the building is devoted to medical or wellness related business.

(2) Application for Medical Arts zoning in concert with or separate from application for Medical Arts future land use designation in the Comprehensive Plan shall in accordance with Section 58-89 and shall be made with a conceptual development plan showing existing and proposed development and any other improvements contemplated such as roadways. Such prospective or conceptual development plan is intended to provide some generalized information on the location, proposed use and size of future buildings, as may be known by the applicant at the time of application.

#### **(c) Permitted uses.**

(1) Hospitals; (but not animal hospitals or veterinary clinics) and the following associated uses:

(a) Medical offices, such as those of medical doctors, physical therapists, state licensed massage therapists, and dentists;

(b) Medical and dental laboratories;

(c) Wellness and fitness facilities related to physical therapy facilities;

(d) Nursing homes or health rehabilitation facilities but not including assisted living or memory care facilities.

(e) Off-street parking lots and parking garages to serve the permitted and accessory uses;

(d) Accessory uses permitted. The location of the following accessory and ancillary uses within structures is permitted in this district. These uses must be located within the primary office structure (not within a separate structure) and must be primarily for the use and convenience of occupants and users of the building. These uses shall not have separate public entrances to the outdoors nor separate outdoor advertising signs or any other advertising signs which encourage use by the general public.

(1) Restaurant or cafeteria;

(2) Card and gift shop, florist, or bank/credit union.

(3) Pharmacy store within a medical office building which sells prescription and nonprescription drugs, medicines and medically related equipment only.

(e) Conditional uses. The following uses may be permitted as conditional uses following review by the planning and zoning board and approval by the City Commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

(1) Drive-in components of any business;

(2) Buildings over 10,000 square feet, 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.

(3) Assisted living or memory care facilities.

(e) Minimum building site. The minimum building site size shall be no less than two acres and the site shall have a minimum frontage of one hundred (100) feet on a publicly dedicated right-of-way.

(f) Development standards.

(1) Any building constructed within this district shall adhere to the following minimum required setbacks for front, rear and side yards, as set forth in the Office (O-1) zoning district.

(2) The maximum floor area ratio shall be one hundred (100%) percent. The floor area ratio shall include the floor area of any attached or detached above grade private parking garage. The permitted floor area ratio may be calculated on a campus wide or area wide collective basis of the properties in the same common ownership and MD zoning without respect to intervening streets so that the average of the private land areas in the respective blocks do not collectively exceed the permitted one hundred (100%) floor area ratio even though that number may be exceeded in one or more portions of the overall campus or site area.

(3) The maximum floor area ratios outlined above are not an entitlement and are not achievable in all situations. Many factors may limit the achievable floor area ratio including limitations imposed by the Maximum Height Map, concurrency management/level of service standards, physical limitations imposed by property dimensions and natural features as well as compliance with applicable code requirements such as, but not limited to, parking and internal circulation, setbacks, landscaping requirements, impervious lot coverage, design standards and on-site and off-site improvements and design amenities required to achieve land use compatibility.



(4) Building heights shall not exceed the height limits imposed by the Maximum Height Map. For those properties shown with a two story maximum, the maximum building height shall be thirty (30) feet; for those properties shown with a three story maximum height, the maximum building height shall be forty-two and a half (42½) feet. For those properties shown with a four story maximum height, the maximum building height shall be fifty-five (55) feet; for those properties shown with a five story maximum height, the maximum building height shall be sixty-five (65) feet. Unless specifically approved by the City Commission, as a conditional use, buildings developed with less than the maximum building stories shall conform to the height for the applicable stories. Parking garage levels shall be counted as stories for each level except for any basement level or the open roof level.

(5) Parapet walls or mansard roofs functioning as parapet walls may be added to the permitted building height but in no case shall extend more than five (5) feet above the height limits in this subsection. Mechanical penthouses, mechanical and air conditioning equipment, elevator/stair towers and related non-occupied structures may be permitted to extend up to ten (10) feet above the height limits in this subsection. Architectural appendages, embellishments and other architectural features may be permitted to exceed the roof heights specified in this section, on a limited basis, encompassing no more than thirty (30%) percent of the building roof length and area, up to eight (8) feet of additional height, upon approval of the city commission, based on a finding that said features are compatible with adjacent projects.

(6) For properties not shown on the Maximum Height Map, located on a property or a campus adjacent to four lane roadways, the maximum height shall not exceed fifty-five (55) feet, or the maximum height shall not exceed forty-two and a half (42 1/2 ) feet for properties located adjacent to two lane roadways. For corner properties adjacent to both four lane and two lane roadways, the maximum height shall be fifty-five (55) feet.

(7) Development shall not exceed eighty-five (85%) percent impervious coverage in this district.

(8) Whenever the rear or side property lines within this district share a common property line with parcels zoned residential, either a solid wall or vinyl fence shall be provided along the entire common line. The wall or fence shall be six (6) feet in height; except that such wall or fence shall be only three (3) feet in height from the front setback line of the adjoining parcel to the front property line of the adjoining parcel.

(9) Parking garages constructed within the district shall be constructed and maintained in strict conformance with the parking garage design guidelines, as detailed in Sec. 58-84 and as may be adopted and amended by resolution of the city commission.

(10) Other code sections related to development that should be referenced include but are not limited to Off-street Parking Regulations, Maximum Height Map, General Provisions, Definitions, Sign Regulations (Article IV), Environmental Protection (Article V) (this section includes Division 1 Storm Water, Division 6 Tree Preservation, Division 8 Landscape Regulations Division 9 Irrigation Regulations and Division 10 Exterior Lighting), Subdivision Regulations (Article VI), Historic Preservation (Article VII) and Concurrency Management regulations (Article II).