

**ORDINANCE 3185-20**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, ARTICLE III, "ZONING" OF THE LAND DEVELOPMENT CODE, TO AMEND SECTION 58-71; CONCERNING LOT GRADING AND FILLING REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to amend its Land Development Code to prohibit the filling with elevated lot grades adjacent to or near other surrounding properties so as to require the use of retaining walls or other barriers or to create an unnatural lot grade transition unless approved by the building director or the public works director; and

**WHEREAS**, the City finds that this Ordinance advances the interests of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:**

**SECTION 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2. Amendment of City Code.** The following sections and subsections of Chapter 58, Article III of the City Code are hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; stars \* \* \* \* \* indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code):

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

(a) Suitability of buildings. Any proposed building shall be considered as to its suitability of design and type of construction in relation to the district and to the immediate neighborhood site, and if such design, lot grading or construction is markedly incongruous with the character of such neighborhood as to be detrimental to the value of adjacent or nearby properties, then the ~~code enforcement~~ building director or the public works director shall deny the application for a building permit.

(b) Grading of building site.

(1) Every lot which is used for a building site shall be so graded that it will be dry and free from standing water and the grade around the walls

of every new building at the point where the sill meets these walls shall not be less than 12 inches above the crown line established or to be established for the street on which such a building faces, unless the lot has drainage away from the street to the lake or canal or has other adequate means of drainage as may be checked and approved by the building director or the public works director ~~city engineer~~ at the request of the city building director. If the street on which the lot faces has a slope between lot lines, an elevation half-way between the high and low points is to be used for determining the height of crown line.

(2) No lot owner shall grade ~~his~~ a lot in such a way as to interfere with the natural drainage of adjoining lots, ~~or~~ divert the drainage of ~~his~~ a lot onto adjoining lots, ~~nor~~ ~~to~~ interfere with the natural drainage of any lot so that the drainage of such lot is diverted in a manner that is inconsistent with permitted stormwater management systems or upon any public street or thoroughfare in ~~such~~ a manner or in such amounts as to flood ~~such~~ a public street or thoroughfare.

(3) In addition, no lot shall be filled with elevated lot grades adjacent to or near other surrounding properties so as to require the use of retaining walls or other barriers to create an unnatural lot grade transition unless approved by the building director or the public works director based on one or more of the following criteria:

1. Verified topographic conditions on the property exist which include grading that requires the use of a retaining wall to prevent drainage onto adjacent properties.

2. Terraced retaining walls are required to retain water on site to prevent storm water runoff into a water body or other properties. On the waterfront side of lakefront properties terraced retaining walls must not exceed three (3) feet in height above the natural grade.

3. The proposed retaining wall is located a large distance from the nearest residential property, such as, but not limited to 30 feet, or a distance determined proportionately based on the lot width in a manner that is designed to provide no adverse or increased storm water drainage onto an adjacent property.

4. Terraced retaining walls are used for aesthetic landscaping only and are designed in a manner that does not create storm water drainage onto neighboring residential properties.

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**SECTION 3. Codification.** Section 2 of this Ordinance shall be codified 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 4. Severability.** If any 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 5. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION 6. Effective date.** This Ordinance shall become effective immediately upon adoption by the City Commission.

**ADOPTED** this 14<sup>th</sup> day of October, 2020, by the City Commission of the City of Winter Park, Florida.

CITY OF WINTER PARK

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Steve Leary, Mayor

ATTEST:

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Rene Cranis, City Clerk