

## **ORDINANCE 3193-20**

### **AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE III ZONING REGULATIONS OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE TO AMEND SUBSECTION 58-72 OFFICE (O-1) DISTRICT TO ESTABLISH A NEW CONDITIONAL USE FOR RESTAURANTS, CAFES, COFFEE SHOPS AND OTHER FOOD AND BEVERAGE ESTABLISHMENTS AND TO PROVIDE CRITERIA FOR SUCH CONDITIONAL USES. PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park (the "City") recognizes that certain types of food and beverage establishments can be compatible within multi-story office buildings as an ancillary activity to the predominate character and use of the building for offices and such mixed use requires special consideration and clarification of the intent of the Zoning Code; and

**WHEREAS**, the City recognizes that the Planning and Zoning Board and/or the City Commission desires that certain criteria and factors be necessary in order to promote such mixed use in office zoned areas as important for the character and environment of the City; and

**WHEREAS**, the City recognizes that the Planning and Zoning Board and/or the City Commission recognizes that the location and such other criteria are a part of the consideration for the approval of conditional uses but agrees that those types of conditional use applications may be heard; and

**WHEREAS**, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City's local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein; and

**WHEREAS**, this Ordinance is being adopted in the best interests of the health, safety and welfare of the citizens of Winter Park.

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

**SECTION I:** RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

**SECTION II:** EDITS. Portions of Chapter 58, Land Development Code, Article III, Zoning Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text. Provisions not included are not being amended.

**SECTION III:** AMENDMENT. Chapter 58, Land Development Code, Article III, Zoning Regulations, Section 58-72 "Office (O-1) District" is hereby amended in subsection (d) "Conditional uses" to establish a new conditional use, together with criteria as shown to read as follows:

**Sec. 58-72. Office (O-1) district.**

**(d) Conditional uses.**

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(8) Restaurants (as defined in the definitions section of the LDC), cafes, coffee shops and other food and beverage establishments (but not including bars, taverns and lounges), provided the following criteria are met:

1. Limited to adaptive reuse of existing O-1 properties with existing parking in excess of code requirements.
2. Such establishment may only be located on the ground floor within buildings of a minimum of three stories in height and having greater than 20,000 square feet of building. Such establishment may not occupy more than twenty-five (25%) percent of the floor area of the entire office building.
3. Proposed restaurants must include a compliant commercial kitchen.
4. The doors or any outdoor (covered or open) area that serves customers and the associated parking shall be located at least 300 feet from any single-family residential use.
5. A parking plan shall be submitted, which shows how parking will be accommodated on the site, including hours of operation.
6. No outdoor speakers, music or televisions shall be allowed.
7. Drive-thru or pickup windows shall not be allowed.
8. Delivery areas shall not be located within 300 feet of any single-family residential properties.
9. Dumpsters shall not be located within 300 feet of any single-family residential use and shall be screened, using materials to match the building.
10. Any restaurant signage shall be approved as part of the Conditional Use.

**SECTION IV:** INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

**SECTION V:** SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

**SECTION VI:** CODIFICATION. Section III of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

**SECTION VII:** This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 9th day of December, 2020.

**City of Winter Park**

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Steven M. Leary, Mayor

Attest:

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Rene Cranis, City Clerk