

## ORDINANCE 3264-23

### **AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-84 "GENERAL PROVISIONS FOR NONRESIDENTIAL ZONING DISTRICTS", TO ENSURE THAT NO AIR TRAFFIC HAZARDS WILL BE CREATED BY STRUCTURES AND OTHER APPENDAGES BY FOLLOWING THE HEIGHTS DETAILED IN THE ORLANDO/ORANGE COUNTY AIRPORT ZONING REGULATIONS TEXT AND MAP, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park deems it necessary for the general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance;

**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;

**WHEREAS**, the City Commission hereby finds that the land development regulations adopted herein are consistent with the Comprehensive Plan;

**NOW THEREFORE, BE IT ENACTED** by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

**SECTION 1.** That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-84 "General Provisions for Nonresidential Zoning Districts" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

#### **Sec. 58-84. General provisions for nonresidential zoning districts.**

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- (c) *Architectural towers, spires, chimneys, or other architectural appendages, etc.*
- (1) Any architectural tower, spire, chimney, flag pole or other architectural appendage to a building shall conform to that districts height limit. However, when necessary to meet the building code requirements, chimneys may exceed the height by that minimum required distance.
  - (2) If provided for within the respective nonresidential zoning district, architectural appendages, embellishments and other architectural features may be permitted to exceed the roof heights specified in that section, on a limited basis encompassing no more than 30 percent of the building roof length and area, up to eight feet of additional height upon approval of the city

commission, based on a finding that said features are compatible with adjacent projects. For any such approval not part of a conditional use request, the planning and zoning commission will review the plans at a public hearing after notification of such request is mailed to all owners of property within 500 feet. The planning and zoning commission will make a recommendation to the city commission for their final decision.

- (3) See subsection 58-427(b)(7) for the regulations for alternative cell tower structures.
- (4) To ensure no air traffic hazards will be created, no structure, antenna, tower or appendage to a building may exceed the heights detailed in the Orlando/Orange County Airport Zoning Regulations text and map.

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(g) *Corner lot setbacks.*

- (1) *Front of lot.* For corner lots, each side with street frontage shall be considered a street front for setback purposes. On such lots with two street frontages, the lot shall have two front setbacks and two side setbacks on the interior property lines. On lots with three street frontages, the lot shall have three front setbacks and one side setback on the interior property line.
- (2) *Through-lots.* In case of through-lots, front yards shall be provided on all street frontages.
- (3) *Lots of unusual shape.* For any lots of unusual shape, not forming part of a general rectangular lot pattern, the zoning official ~~building director~~ shall prescribe front, side and rear yard setbacks as applicable.

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**SECTION 2. CODIFICATION.** Section 1 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

**SECTION 3. SEVERABILITY.** The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

**SECTION 4. CONFLICTS.** In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this 8th day of February, 2023.

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Mayor Phillip M. Anderson

ATTEST:

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Rene Cranis, City Clerk