

ORDINANCE 3265-23

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-72 "OFFICE (O-1) DISTRICT", TO ADD A NEW PERMITTED USE FOR STATE LICENSED ESTABLISHMENTS INVOLVED IN THE RENDERING OF A PERSONAL OR BUSINESS SERVICE LIMITED TO BARBER SHOPS AND HAIR SALONS, DAY SPAS, AND COSMETIC TREATMENTS SUBJECT TO CERTAIN CONDITIONS, 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 58-72 "Office (O-1)" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

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

(a) *Purpose and intent.*

- (1) The purpose and intent of this office district is to provide areas in the city to accommodate business and professional offices as well as residential development if the residential components are predominately located above the ground floor. Areas zoned for office use shall be appropriately located throughout the city to serve the general public and not create an adverse effect on adjacent residential areas. A mix of uses within buildings is permitted subject to the criteria specified in this district.
- (2) The city encourages the location of office structures in appropriate locations so that business and professional services can adequately and conveniently serve the city's residents.

(b) *Permitted uses.*

- (1) Hospitals (but not animal hospitals);
- (2) Professional offices, such as those of architects, medical doctors, interior designers, physical therapists, state-licensed massage therapists, dentists, engineers, attorneys, public accountants, stockbroker's offices, real estate offices, executive or administrative offices for business, insurance offices, travel agencies, and post offices;
- (3) Medical and dental laboratories;
- (4) Financial institutions, including banks, savings and loan associations and credit unions;
- (5) Off-street parking lots except those parking lots may not be used for the parking of construction equipment, trucks, drill rigs or by car/truck/van rental companies;
- (6) Professional services of photographic studios and photographic production when done in conjunction with photographic studios for their exclusive use;
- (7) Fine arts museums and fine arts instruction including: Art instruction limited to painting, sculpture, pottery and photography; dance instruction limited to ballet, tap, jazz and modern dance; music instruction limited to piano, symphony instruments, acoustic guitar but not electric guitar or other amplified instruments.
- (8) Churches, nonprofit organizations' offices, and schools less than 5,000 square feet in size. (see parking requirements for limitations).
- (9) Veterinary clinics (but not 24-hour veterinary hospitals) provided that they are located in single-tenant buildings and located at least 200 feet from the nearest residential building measured building to building. In addition, there shall be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages.

(10) State licensed establishments involved in the rendering of a personal or business service limited to barber shops and hair salons, day spas, and cosmetic treatments. There shall be no sale of merchandise unless it is ancillary to the main use. Nail salons and tattoo shops/body art are prohibited (unless the only service provided is permanent makeup). These licensed establishments are further limited to one- and two-story buildings only, and must occupy a space less than 1,000 square-feet in size.

- (c) *Accessory uses permitted.* The ~~city commission~~ City Commission, following a public hearing, may approve the location of the following accessory and ancillary uses

within structures 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 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. The ~~city commission~~ City Commission may recommend other restrictions or requirements including a maximum floor area, which would allow these accessory commercial uses to be in harmony with the otherwise office environment and which would prevent these accessory uses from having an adverse effect on the surrounding area.

- (1) Restaurant or cafeteria;
 - (2) Newspaper, card and gift shop, florist, fitness center or health club.
 - (3) Pharmacy store within a medical office building which sells prescription and nonprescription drugs, medicines and medically related equipment only.
- (d) *Conditional uses.* The following uses may be permitted after review by the ~~planning and zoning board~~ Planning and Zoning Board and approval by the ~~city commission~~ City Commission in accordance with the provisions of this article. See section 58-90, conditional uses.
- (1) Drive-in/drive-thru components of any business.
 - (2) Buildings over 10,000 square feet or 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) Any conditional use provided in the R-3 or R-4 districts utilizing and limited to the site and improvement regulations of this district for those conditional uses.
 - (4) Fitness facility, exercise or health club.
 - (5) Any building with residential units as a component of the building. However, time shares are not permitted.
 - (6) Churches, nonprofit organizations' offices, and schools 5,000 square feet or larger in size. (See parking requirements for limitations).
 - (7) Buildings within the Central Business District with a third floor up to 40 feet in height provided that such conditional use approvals require two public hearing approvals by the ~~city commission~~ City Commission.
 - (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:

- a. Limited to adaptive reuse of existing O-1 properties with existing parking in excess of code requirements.
 - b. 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 25 percent of the floor area of the entire office building.
 - c. Proposed restaurants must include a compliant commercial kitchen.
 - d. 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.
 - e. A parking plan shall be submitted, which shows how parking will be accommodated on the site, including hours of operation.
 - f. No outdoor speakers, music or televisions shall be allowed.
 - g. Drive-thru or pickup windows shall not be allowed.
 - h. Delivery areas shall not be located within 300 feet of any single-family residential properties.
 - i. Dumpsters shall not be located within 300 feet of any single-family residential use and shall be screened, using materials to match the building.
 - j. Any restaurant signage shall be approved as part of the conditional use.
- (e) *Minimum building site.* There shall be no minimum building site size except that each site shall have a minimum frontage of 50 feet on a publicly dedicated right-of-way.
- (f) *Development standards.*
- (1) Any building constructed within this district shall adhere to the following minimum or required setbacks for front, rear and side yards. The front setback from all streets shall be a minimum of ten feet from the property line and a minimum of 15 feet on Orlando Avenue. For properties along Orange Avenue, the front setback may be reduced to the average front setback of the existing buildings within that block if approved by the ~~city commission~~ City Commission. Side yard setbacks shall be a minimum of five feet from each property line unless the parcel shares a common line with a residentially-zoned parcel, then a 15-foot setback shall be observed. The rear setback shall be a minimum of 30 feet from the property line. The rear setback may be reduced to ten feet from the property line if the rear yard does not abut a residentially zoned property, and if the building is oriented towards the front of the

property. However, within the Hannibal Square Neighborhood Commercial District area, as set forth in this section, new buildings shall have a required ten-foot front setback and may be permitted zero-foot side setbacks unless the parcel shares a common line with a residentially-zoned parcel, then a 15-foot side setback shall be observed. For any required front setback, the distance may be increased upon the determination by the public works director and police chief that a traffic sight distance safety problem may exist, to the extent required to remedy the problem.

- (2) Reserved.
- (3) The maximum floor area ratio and building lot coverage shall be 45 percent. The floor area ratio shall include the floor area of any attached or detached above-grade private parking garage. The 45 percent floor area ratio and building lot coverage may be increased by an additional five percent if the parking for the increased five percent floor area ratio is located entirely underground beneath the building's footprint or if the building's upper floor(s) are cantilevered over such parking. The city may allow an increase in floor area ratio (FAR), not to exceed 0.98 percent including parking garage, for the redevelopment of the property at 2005 Mizell Avenue, in order to encourage the redevelopment of a community asset that provides health and wellness related uses. Such additional FAR will only be considered by ~~city commission~~ City Commission if said development improves the road network, provides enhancements to the city parks and additional parking options in the sub-area. The additional FAR may only be granted through a conditional use permit and shall be limited to the floor area of the parking garage.
- (4) Exclusively residential buildings are not permitted. Residential units are not permitted on the first or ground floor. When residential units are included on the second floor or above, the floor area ratio of the project may be up to 60 percent FAR, but the maximum floor space that can be devoted to nonresidential (office) uses is 45 percent floor area ratio. Limited residential use of the first or ground floor of such buildings may be permitted when such space is limited to the functions of entrance lobby/elevator/stair access, leasing or management office, or residential amenity spaces, such as health/fitness, meeting/activity room or storage. However, in no case shall more than 15 percent of the first or ground floor be devoted to these ancillary residential uses (not counting the area of parking garages).
- (5) 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. Land located across a street and/or separated from the building site shall not be included in the floor area ratio calculations.
- (6) The maximum residential density shall not exceed 17 units per acre.
 - (7) 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 30 feet; for those properties shown with a three-story maximum height, the maximum building height shall be 42.5 feet unless the property is located within the central business district, where the maximum height for three stories shall be 40 feet. Variances for more than three stories in the central business district are prohibited. For those properties shown with a four-story maximum height, the maximum building height shall be 55 feet; for those properties shown with a five-story maximum height, the maximum building height shall be 65 feet, and for the properties shown permitting up to eight stories, the maximum height shall be 95 feet. Unless specifically approved by the ~~city commission~~ City Commission as a conditional use, buildings developed with less than the maximum building stories shall conform to the height for the applicable stories. For example, if a two-story building is developed within an area permitting a four-story building, the two-story building shall conform to the 30-foot height limit. Parking garage levels shall be counted as stories for each level except for any basement level or the open roof level.
 - (8) 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 feet above the height limits in this subsection. Mechanical penthouses, mechanical and air-conditioning equipment, elevator/stair towers and related nonoccupied structures may be permitted to extend up to ten feet above the height limits in this subsection. Upon approval of the City Commission, 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 30 percent of the building roof length and area, for 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.
 - (9) For properties not shown on the maximum height map located adjacent to four-lane roadways, the maximum height shall not exceed 55 feet, and the

maximum height shall not exceed 42.5 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 55 feet.

- (10) Terracing and articulation providing additional setbacks are required to create relief to the overall massing of the building facades. Such design features of building facade articulation are required at least every 60 feet, on average, along the primary building facades facing streets, or along the building frontage where the building fronts the primary parking lot area. For any building over two stories in height and over 200 feet in length, there shall be a 35-foot break on at least the first floor, the design of which shall be a component of the architectural review process required for conditional use. For any building over two stories or 30 feet in height, a significant portion comprising at least 75 percent of the top floor shall be terraced and stepped back from the exterior face of the next lower floor by at an average of at least five feet. Parking structures are exempt from this terracing requirement.
- (11) Development shall not exceed 85 percent impervious coverage in this district.
- (12) Whenever the rear or side property lines within this district share a common property line with parcels zoned residential, either a solid wall or fence (other than wood) shall be provided along the entire common line. The wall or fence shall be six feet in height; except that such wall or fence shall be only three feet in height from the front setback line of the adjoining parcel to the front property line of the adjoining parcel.
- (13) 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, stormwater; division 6, tree preservation; division 8, landscape regulations; division 9, irrigation regulations; and division 10, exterior lighting), subdivision regulations (article VI), historic preservation (article VIII) and concurrency management regulations (article II).

(g) *Hannibal Square Neighborhood Commercial District.*

- (1) The Hannibal Square Neighborhood Commercial District (HSNCD) area in this context shall be restricted to the following areas:
 - a. Properties abutting Morse Boulevard between Capen Avenue and Virginia Avenue;
 - b. Properties abutting New England Avenue between Pennsylvania and New York Avenues;

- c. Properties abutting Pennsylvania Avenue between Lyman and Garfield Avenues, including those existing commercial properties just north of Garfield Avenue; and
 - d. Properties abutting Hannibal Square East.
- (2) In order to implement the comprehensive plan and the community redevelopment area (CRA) plan, there are established special provisions for the development of buildings and other improvements in this area which shall take precedence over other provisions of this article as henceforth specified.
 - (3) In this HSNCD area, third floors shall be restricted and limited to residential use only, and a deed restriction to that effect, enforceable by the city, shall be required to be recorded as a condition of obtaining a building permit for the construction of a third floor.
 - (4) Building heights on the north end of Pennsylvania Avenue shall be two stories maximum when transitioning to residential.
 - (5) Development approvals must ensure that compatible land use relationships occur, particularly between land uses within perimeter areas of the HSNCD and areas 500 feet outside this area so as to protect the surrounding residential areas and institutional uses.
 - (6) In this HSNCD area, all new buildings and building additions over 500 square feet shall require site and building plan approval by the ~~city commission~~ City Commission at a public hearing. Prior to that hearing, the ~~planning and zoning board~~ Planning and Zoning Board shall also review such site and building plans at a public hearing and shall provide their recommendation.
 - (7) Notwithstanding the limitations otherwise imposed by this O-1 district, for any lots fronting on New England Avenue from Virginia to New York Avenues, development may be permitted with enhanced density and intensity up to a maximum 100 percent floor area ratio (FAR) provided the following development standards are complied with:
 - a. No parking garages would be permitted.
 - b. The street front building setback shall be ten feet.
 - c. The redevelopment plans would require rear alley access out to Virginia Drive or provisions shall be made for that rear alley access to be phased in over time as the properties individually redevelop.
 - d. The maximum building width along New England Avenue shall be 125 feet before a 15-foot separation is required to break up the mass and create a separate building.

- e. The redevelopment plans on the north and south side of New England Avenue require a 50-foot rear setback from the center lot line of the block as a buffer protection to adjacent residential properties. The 50 feet also provides room for parking along the alley as outlined above.
 - f. There shall be a one-foot setback for each one foot of floor height for any third floor and building corner visibility setbacks as deemed necessary.
- (h) *Morse Boulevard design guidelines.*
- (1) The Morse Boulevard designated area is defined as those properties fronting Morse Boulevard between New York Avenue and Denning Drive and additionally the properties in the blocks bounded by Morse Boulevard, Denning Drive, Canton Avenue and Harper Street.
 - (2) In addition to the other requirements and regulations of the O-1 zoning district and prior to the issuance of a building permit for the construction, renovation or remodeling of any building or building exterior facade fronting on a street within the Morse Boulevard designated area, an applicant is required to obtain approval of the plans by the planning department.
 - (3) For purposes of this subsection, replacements, renovations or changes to canopies or awnings and to signage on walls, canopies or awnings shall be considered remodeling of the building facade.
 - (4) Building elevation drawings and other plans shall be submitted with sufficient detail to indicate the building materials, composition, color, etc., so that the visual appearance of the resultant work is readily apparent.
 - (5) The planning department shall render a decision on all applications for building permits for building facade construction, renovation or remodeling. The decision of the planning department shall be made within ten working days, excluding holidays, of the receipt of a complete set of plans and application materials, unless referred to the ~~planning and zoning commission~~ Planning and Zoning Board for review as outlined below.
 - (6) The planning department's decision shall be either an approval, an approval with conditions or denial. Any applicant for building facade approval may elect to appeal a decision of the planning department to the ~~planning and zoning commission~~ Planning and Zoning Board for their consideration.
 - (7) Decisions by the planning department and/or the ~~planning and zoning commission~~ Planning and Zoning Board shall be made based on the conformance of plans and application materials to the Morse Boulevard design guidelines and criteria adopted by the ~~city commission~~ City Commission.

- (8) The decision of the ~~planning and zoning commission~~ Planning and Zoning Board shall be the final decision of the city, except where a building project also requires conditional use or other land development approval by the ~~city commission~~ City Commission. In that case, the decision of the ~~planning and zoning commission~~ Planning and Zoning Board shall be a recommendation with the final decision made by the ~~city commission~~ City Commission.

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.

By: _____
Mayor Phillip M. Anderson

ATTEST:

By: _____
Rene Cranis, City Clerk