

ORDINANCE 3295-24

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SECTIONS 58-65 THROUGH 58-71, COLLECTIVELY, THE RESIDENTIAL ZONING CODE PROVISIONS, SECTION 58-91 BOARD OF ADJUSTMENTS, AND SECTION 58-95 "DEFINITIONS" PROVIDING FOR ANNUAL ASSESSMENT AND UPDATES, TO THE CURRENT REGULATIONS, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park recently amended the City's land developments regulations pertaining to single-family residential uses, and has assessed their applicability and enforcement after a year of being enacted; and

WHEREAS, this Ordinance seeks to maintain similar entitlements and yields as permitted under the preexisting single-family regulations so as not to impact economic yields or values; 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 Land Development Code set forth in this Ordinance having held an advertised public hearing on XXXX 2024, and has recommended approval of this Ordinance to the City Commission; and

WHEREAS, the City Commission has conducted the necessary public hearings to adopt the land development regulation amendments set forth in this Ordinance; and

WHEREAS, the City Commission hereby finds that this Ordinance is consistent with the City of Winter Park Comprehensive Plan; and

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.

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 Regulations", Sections 58-65 through 58-71 of the City of Winter Park Land Development Code is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

ARTICLE III. ZONING REGULATIONS

Sec. 58-65. R-1A, R-1AA and R-1AAA districts.

(f) *Site and building improvement regulations.*

(1) *Floor area ratio (FAR).*

- e. The area within an open street-front porch and entry of the principal structure may be excluded from the "gross floor area," subject to the limitations in this paragraph. This exclusion shall be limited to a maximum area of 400 square feet. The area within an open or screened rear or open side porch, lanai, porte cochere or other covered area of the principal structure shall not be included within the "gross floor area." This exclusion shall be limited to a maximum area of 500 square feet total, regardless of which floor the exception is located on. An open front porch, entry area or porte cochere utilizing this exemption shall also comply with the provisions in subsection 58-65(f)(5)c.

(4) *Attics.*

- a. Any living area directly within the roof slope(s) not accessed by a pulldown ladder, that is over five feet in height, is permitted up to an additional three percent of the maximum floor area ratio allowed for the lot. These areas include bonus rooms, air-conditioned storage areas, etc. In addition, dormers or windows above the second-story may only face the public right-of-way or waterbodies. Homes with a mansard, gambrel, or flat roof types may not utilize this exception. This area shall also comply with the Building code.

(5) *Setbacks.*

- c. *Second-story setbacks.* For the purposes of determining required setbacks, a building wall that exceeds 12 feet in height above the ~~natural~~ existing grade to the wall plate shall be located on a lot so as to be in compliance with the setback requirements for the two-story portion of the building. In the case of a gable end or similar walls, the height shall be measured from the existing grade to the top plate at the bottom of the gable.

(6) *Front yard setbacks.*

- a. *Standardized calculation method.* The front yard setback shall be calculated using twenty percent (20%) of the lot depth or the setback of the existing or most recently demolished home, whichever is greater. In the case of measuring the setback from the existing or mostly recently demolished home, the setback calculation shall be measured to a permitted and/or inhabited structure ~~that received a Certificate of Occupancy~~. The front setback shall not exceed a maximum ten (10) foot difference beyond the existing home. In instances where a lot has been vacant for at least seven (7) years ~~never been built upon~~, the 20% of the lot depth measurement shall be utilized.
- c. Single-story front porch areas of the principal structure which are a minimum of seventy-five percent (75%) open-air, may encroach into the required front and/or street-side setback by a maximum of seven feet.

Sec. 58-66. Low density residential (R-2) district.

(f) *General development standards:*

(1) Part 1, for properties over 70 feet in width:

	Single family detached	Duplexes	Townhomes/ Cluster housing
Minimum land area (sq. ft.)	6,000	9,000	12,000
Minimum lot width (ft.)	50	50	70
Min. land area/unit	6,000	4,500	4,000
Minimum building setbacks (ft.)			
Front yard	25	25	25
1st Floor	25	25	25
2nd Floor	30	30	30
Side yard, first floor	10	10	10
Side yard, two-story second floor	15	10	10
Rear yard, one-story first floor	10	10	10
Rear yard, two-story second floor	20	20	25
Max. building coverage*	40%	35%	35%
Max. floor area ratio	55%	55%	55%
Max. impervious coverage	65%	65%	65%
Max. building height (ft.)	30	30	30
Max. building stories	2	2	2
* For determination of the allowable building coverage and floor area ratio, up to 300 square feet of area per dwelling unit may be excluded for open front porches or side and rear porches. Screen pool enclosures may also be permitted an additional eight percent of the lot area in addition to the permitted building coverage. Common driveways are permitted between two adjoining lots.			

(2) *Part 2, for properties which are 70 feet in width or less:*

	Principal dwelling <u>Single Family Detached</u>	Cottage dwelling	Single family dwelling*	Duplex dwelling**
Max. floor area ratio ¹	30%	20%	55%	50%
Max. blgd. building coverage	35%		40%	35%
Minimum living area (sq. ft.)	1,000	500	1,000	1,000/unit
Maximum area of porches (sq.ft.) #	400 ²	300 ²	700 ²	600 ²
Minimum building setbacks (ft.)				

Distance to main bldg. front at 1st story <u>Front yard</u>	25	25	25	25
Distance to 2nd floor in front	30	30	30	30
Side yard, to 1st floor wall <u>first floor</u> ³	7	7	7	7
Side yard, driveway side ⁴	11	11	11	11
Side yard, to 2nd floor wall <u>second floor</u>	10	10	10	10 ⁵
Rear yard, to 1st floor wall <u>first floor</u>	10	10	10	10
Rear yard, to 2nd floor wall <u>second floor</u> ⁶	25 <u>0</u>	25 <u>0</u>	25 <u>0</u>	25 <u>0</u>
Max. impervious coverage ⁷	65%	65%	65%	60%
Max. building height (ft.)	30	30	30	30
Max. building stories	2	2	2	2
* See subsection (f)(4) for additional requirements.				
** See subsection (f)(6) for additional requirements.				
# Not counted in the floor area ratio.				
Notes:				
<p>1. If a single-family residence, only, is built on the lot, the maximum floor area ratio is 55 percent. The maximum total floor area ratio on a property developed with a principal dwelling and a cottage dwelling shall be 50 percent with the principal dwelling having a larger gross floor area than the cottage dwelling.</p> <p>2. Only open porches in the front and screened or open porches in the rear and side of the building may be excluded from the floor area ratio up to a total area as indicated in table.</p> <p>3. The seven-foot side setback shall only be permitted on one side of the lot except as in note 4 below, and a <u>A</u> five-foot side setback to an attached or detached garage or carport shall be permitted on either side of an interior lot subject to limiting the building wall height to eight feet and limiting the building wall length to 22 feet.</p> <p>4. The 11-foot side setback shall be provided on one side of an interior lot to the first and second floor walls to allow driveway access. Where two abutting properties utilize one common driveway, the side setback may be ten feet. Where properties utilize a rear or alley access, the seven-foot first floor setback may be utilized on both sides of the lot.</p> <p>5. For duplexes, side building walls over 20 feet in length and over 17 feet in height above the existing grade must be set back an additional five feet from the lot line at the second-floor wall and continue at the additional five-foot setback for at least ten feet along the side of the building before returning to the ten-[foot] side setback. Alternate methods to accomplish this relief from having long two-story boxlike buildings along the side lot line may be approved by staff.</p> <p>6. For lots that have rear lot lines adjoining non-residential zoning, the second-floor setback may be ten feet.</p>				

7. Maximum impervious coverage includes principal and cottage dwelling and all other impervious surfaces.

(3) *Additional development standards (lots 70 feet or less in width):*

- e. No front entry garages are permitted, except when provided in the rear half of the lot or on a corner lot.
- ~~e~~.f. Open front porches or covered entryways must be provided or a similar alternate front entryway must be provided.
- ~~f~~.g. The principal dwelling may be placed in either the front or the rear of the lot.
- ~~g~~.h. For corner lots the street side setback shall be 14 feet and the interior side setback shall be seven feet to the first-floor wall only. Other site development requirements remain the same as established for lots 65 feet or less in width.
- ~~h~~.i. The area between the building and the street shall be landscaped with grass, plantings or both, and any unusual designs shall be subject to the approval of the ~~parks director of Parks and Recreation~~ Zoning Official.
- ~~i~~.j. Screen pool enclosures may also be permitted an additional eight percent of the lot area in addition to the permitted building area.
- ~~j~~.k. Minor deviations of the floor area ratio for a principal dwelling and a cottage dwelling may be considered up to plus or minus one percent.
- ~~k~~.l. When utilizing one common driveway between two properties, the required side setback of 11 feet may be reduced to seven feet to the first-floor wall and ten feet to the second-floor wall.

(4) *Additional development standards for development of a single-family residence, only:*

- a. Front entry garages are permitted only if set back at least 35 feet from the front property line, and placed behind the front building line of the dwelling by at least four feet.

Sec. 58-67. Medium density multiple-family residential (R-3) district.

(e) *Development Standards.*

- (9) 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, based on a finding that said features are compatible with adjacent projects.

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

(b) *Grading of building site.*

(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:

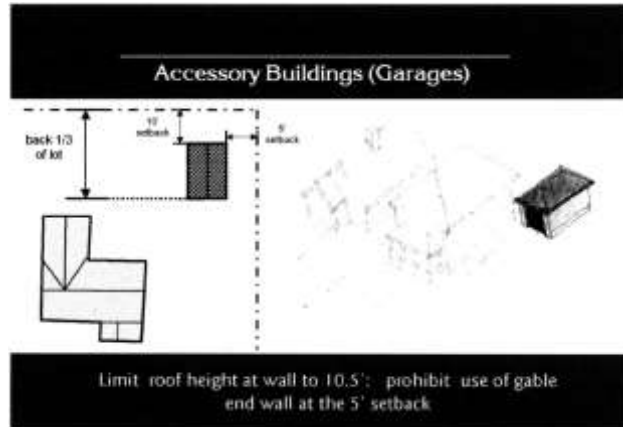
b. Terraced retaining walls are required to retain water on site to prevent storm water runoff into a water body or other properties. On the waterfront side of lakefront properties terraced retaining walls must not exceed three feet in height above the ~~natural~~ existing grade.

(g) *Projections into setbacks.* Eaves, roof overhangs, canopies, chimneys and flues, and awnings may project into the minimum yard or setback areas up to three and one-half feet. Fabric canopies, awnings, balconies, etc., with ground supports, second floor open porches, two-story high columns or similar features are considered a structure, and to be part of the main structure, and thus shall observe the setback requirements of the districts in which they are located. Cantilevered bay windows which project from the wall at a minimum height of 24-inches above finished grade may project two feet into the ~~front, and rear~~ required setbacks and are limited to a maximum width of eight feet.

(h) Accessory buildings, structures, air-conditioning equipment and other accessory uses in residential zones.

(3) Mechanical equipment, which includes air-conditioning equipment, swimming pool equipment, generators, and similar type equipment, shall not be located in any front yard or required side yard with street frontage unless totally shielded from view from the street by walls or vinyl fences otherwise complying with the zoning code. Mechanical equipment may be located up to ten feet from a rear lot line as long as they are adjacent to the accessory structure or principal structure. Mechanical equipment shall not be located in any required side yard or within ten feet from the rear lot line except that they may be permitted up to ~~six~~ five feet from a side or rear property line if ~~surrounded~~ screened by ~~block~~ a solid fence or wall that is at a minimum equal in height of the equipment. Propane tanks shall not be located within five feet of any side or rear lot line. Any mechanical equipment placed on a roof must be screened from view from surrounding properties and from public streets.

- A (6) Accessory buildings in rear yards. The exterior walls of accessory buildings shall not exceed 10.5 feet in height. Additionally, accessory buildings located less than ten feet from an interior side lot line must have a sloped or flat roof, e.g., the side wall adjacent to the lot line cannot be a gable end wall. A garage not exceeding 620 square feet may be located five feet from the interior side lot line and ten feet from the rear lot line. Additionally, private garages (attached or detached) shall be limited in size to no greater than 50 percent of the living area of the dwelling. A rear garage utilizing the setbacks in this section must be partially located in the rear third of the lot depth, except on waterfront properties.



- (7) Garages and carports for single-family dwellings on any lot and two-family dwellings on lots over 65 70 feet wide:
- a. Front Streetfront-facing garages must meet one of the following design standards:
 1. The front wall of the garage must be offset at least three feet from the main wall of the home with a maximum of two doors no greater than nine feet wide, with the garage door face recessed at least six inches from the plane of garage wall. Alternatively, For an existing home undergoing a remodel or enclosing a carport, one garage door may be permitted up to 18 feet wide with architectural design features such as glazing, hardware and raised panels integrated into the door or other finishes matching the primary structure. The main wall of the home is considered to be a solid wall which separates air-conditioned living space from the outdoors.
 - b. Open carports must be located at least two three feet behind or at least two three feet in front of the main house wall. In cases where the front setback is permitted to be less than 20 feet, the minimum front setback to the garage or carport opening shall be at least 20 feet after complying with one of the design standards in this section. Alternate methods to accomplish the step back shall be reviewed on a case-by-case basis. In addition, no front-facing garages on the front half of the lot shall have doors exceeding ten feet in height.

~~(9) No combination of accessory structures, singly or together, shall exceed ten percent of the lot area. In addition, no lot shall contain more than two storage sheds (buildings).~~

~~(910)~~ A guesthouse or garage apartment shall not be constructed on a lot for occupancy before completion of the main buildings. This shall not prohibit the erection of other accessory buildings prior to the construction of the principal building, when such accessory buildings are neither constructed nor used for dwelling purposes.

~~(101)~~ Guesthouses or garage apartments are permitted accessory uses when they provide accommodations for guests, domestic service employees or members of a family occupying the main building on the same property. Guesthouses or garage apartments shall not exceed 1,000 square feet of floor area. Guesthouses or garage apartments as permitted accessory uses may not have a kitchen area or cooking facilities. They also may not have separate utility meters or be rented, let or hired out for occupancy whether compensations be paid directly or indirectly.

~~(112)~~ An arbor, pergola or trellis structure may be placed up to five feet from side and rear lot lines and the overhead beams or framing members may be permitted to terminate on top of a six-foot wall or solid fence subject to a maximum length of 18 feet when attached along a side or rear yard wall or fence. The overall maximum height shall be ten feet, except within the building area of the lot, the structure may extend to no higher than the height of the principal building on the property. In front-yard and street-yard setback areas, a decorative arbor or trellis may be placed 15 feet from any front lot line or ten feet from any street side yard lot line, subject to approval by the Zoning Official and a maximum size of 50 square feet.

~~(123)~~ *Play structures.* Play structures, tree forts and similar play structures used by children that incorporate an elevated-floor-level-type of raised or elevated platform for walking or playing upon which has a height equal to or greater than six feet above natural existing grade shall maintain a side and rear setback of at least 15 feet. If attached accessories are incorporated, including swings, slides and similar play items used by children, that are not six feet in height or over those play structures may be permitted a side and rear setback of five feet. Play structures include playground-type equipment, swings, slides, forts and similar structures used by children. All other provisions of accessory building regulations shall also apply.

~~(134)~~ Backyard chicken coop accessory structures.

(i) Reserved. Additional cooking facilities. For properties which contain a single-family residence that is 5,000 square feet in gross floor area of larger, a second kitchen may be included in a dwelling or cabana subject to not having a separate utility meter.

(j) Swimming pools and screen enclosures.

- (1) Swimming pools and spas are permitted to have a rear setback of ~~ten~~ 7.5 feet and a side setback of 7.5 feet for lots which are ~~670~~ feet wide or less and are permitted to have a side and rear setback of ten feet for lots which are over ~~670~~ feet in width. The setback to a lake, canal or stream shall not be construed as a side or rear setback. Swimming pools and spas shall not be permitted in any required front or street-side yard.

(n) *Walls and fences.*

- (2) Height and setbacks in residential districts.

Required Yard	Max. Height (feet)	Max. Column Height (feet)	Min. Column Spacing (feet)	Fence/Wall Types Permitted
Front	3 ¹	4 ¹	10	Decorative
Street-Side	3 ^{1,2}	4 ¹	10	Decorative and Privacy
Interior Side	6	6 <u>7</u>	20	Decorative and Privacy
Rear	6	6 <u>7</u>	20	Decorative and Privacy

¹ Above street curb elevation.

² Street-side yard areas of corner lots may construct a decorative or privacy fence six feet in height above the existing ground level when setback at least ten feet from the street-side property line subject to vegetative planting on the street facing side of the fence.

In front yards and in side yards with street frontages, walls and fences shall not exceed three feet in height above the existing grade. However, these decorative front yard or street frontage walls and fences may be permitted columns or posts to exceed this height limit by one foot provided they are spaced at least ten feet apart. Light fixtures may also be placed on columns at driveway entrances up to one foot in height. In street-side yard areas of corner lots, a decorative privacy fence or wall may be constructed six feet in height above the existing ground level when setback at least ten feet from the street-side property line, subject to vegetative planting on the street facing side of the fence. In all other side and rear yard areas, walls and fences may be a maximum of six feet in height above the existing grade. No wall or fence shall be permitted which would in any way obstruct or impair the visibility of automobiles at intersections and points of ingress and egress to the public right-of-way. For walls and solid fences located on any street, a setback of one foot from the lot line is required to prevent interference with pedestrian mobility on existing or future sidewalks. Gates located on any street must match the material of the fencing or no less than 60 percent open in composition, whichever is greater. Walls and fences on the lakefront, canalfront, or streamfront side of properties shall meet the requirements established in this article for such waterfront properties. For purposes of

locating walls and fences, front yards shall be the area from the front lot line to the front building wall or as determined by the Zoning Official.

- (3) *Materials permitted in residential districts.* In any residential district, all fences in the front yard or and those within ten feet of a side yard lot line with street frontage shall be decorative. In all yards, chain link, chicken wire, attachable mesh/plastic screening, or similar-type permanent fences shall be prohibited. Barbed wire, electrically-charged fences and solid or mostly solid metal fences shall not be erected in any residential district. A wall, fence or similar structure erected in any residential district shall not contain material or substances such as broken glass, spikes, nails, barbs or similar materials designed to inflict pain or injury on any person or animal.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning Regulations", Sections 58-91 of the City of Winter Park Land Development Code is hereby repealed and replaced as shown below (underlined language are new sections; ~~stricken through~~ language are repealed sections):

Sec. 58-91. Board of Adjustments-Establishment and procedure.

(b) *Proceedings.*

- (2) The chairperson, or in his or her absence the vice-chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. ~~The building and zoning official of the city~~ City Planning and Zoning Director or their designee shall serve as secretary liaison to this board. ~~The secretary~~ staff liaison shall not be entitled to vote.

SECTION 3. That Chapter 58 "Land Development Code", Article III "Zoning Regulations", Section 58-95 "Definitions" of the City of Winter Park Land Development Code is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-95. Definitions

Duplex means a two-family dwelling within a single building under single ownership.

Story means a section of a building between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between floor and ceiling or roof next above it. Basement areas with floor levels more than one-half below existing grade shall not be considered a story. Mezzanines and lofts, while not meeting the definition of a story under the Florida Building Code, shall be considered as a story for the purposes of this Code. ~~Attic areas shall not be considered as a story unless improved for habitation.~~ For single-family homes, areas within the principal roof slope, including attics, conditioned storage areas, and the like, shall not be considered a story.

Structure means any combination of materials assembled at a fixed location and requiring attachment to the land through pilings, footings, foundations and the like, to give support or shelter and/or provide for human habitation or use, such as a building, tower, framework, tunnel, tent, stadium, platform, tank, fence, sign, flagpole, swimming pool, or the like that is over three feet in height above existing grade.

SECTION 4. CODIFICATION. Sections 1, 2, and 3, of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

SECTION 5. 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 6. 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 7. EFFECTIVE DATE. Once adopted, this Ordinance shall become effective.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this 24th day of April, 2024.

Sheila DeCiccio, Mayor

ATTEST:

City Clerk Rene Cranis