

ORDINANCE 3315-24

**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 REVISE THE CRITERIA FOR CONDITIONAL USES
FOR RESTAURANTS, CAFES, COFFEE SHOPS AND OTHER FOOD
ESTABLISHMENTS, 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 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.

(d) *Conditional uses.* The following uses may be permitted after review by the planning and zoning board and approval by the city commission in accordance with the provisions of this article. See section 58-90, conditional uses.

- (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. The distances defined below shall be measured in a straight line from point to point (i.e. corner of a residential unit to corner of closest parking space):
- 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. Waivers to this requirement may be granted if that these areas provide an adequate buffer to the residential use within 300 feet to mitigate noise concerns and ensure compliance with the city's noise ordinance. The buffer may be a combination of walls and/or landscaping and determined on a case-by-case basis.
 - 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, projection screens, 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. Waivers to this requirement may be granted if that these areas provide an adequate visual and sound buffer to the residential use within 300 feet to mitigate noise concerns and ensure compliance with the city's noise ordinance. The buffer may be a combination of walls and/or landscaping and determined on a case-by-case basis.
 - 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. Waivers to this requirement may be granted if that these areas provide an adequate visual and sound buffer to the residential use within 300 feet to mitigate noise concerns and ensure compliance with the city's noise ordinance. The buffer may be a combination of walls and/or landscaping and determined on a case-by-case basis.

- j. Any restaurant signage shall be approved as part of the conditional use.

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 17th day of October, 2024.

Mayor Sheila DeCiccio

ATTEST:

City Clerk Rene Cranis