

ORDINANCE 3317-24

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND ARTICLE VI, "SUBDIVISION AND LOT CONSOLIDATION REGULATIONS" SO AS TO ADOPT NEW REGULATIONS AND DEVELOPMENT STANDARDS, NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED FEBRUARY 14, 2024; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has adopted Chapter 163, Florida Statutes which requires all local communities to adopt amendments to their Land Development Codes to implement the growth and development policies of Comprehensive Plans adopted pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development; and

WHEREAS, the Winter Park City Commission adopted a new Comprehensive Plan on February 14, 2024 via Ordinance 3291-24; 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 Zoning Regulations portion of the Land Development Code having held an advertised public hearing on September 3, 2024, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed amendments to the Zoning Regulations portion of the Land Development Code and held advertised public hearings on September 25, 2024 and on October 9, 2024 and advertised notice of such public hearings via quarter page advertisements in the Orlando Sentinel pursuant the requirements of Chapter 166, Florida Statutes; and

WHEREAS, the portions of Chapter 58, Land Development Code, Article III, Zoning Regulations and Article IV Subdivision and Lot Consolidation Regulations, that are to be amended and modified as described in each section and amended to read as shown herein where words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified to implement the amendments to the City of Winter Park Comprehensive Plans Goals, Objectives, and Policies Document, dated February 14, 2024:

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

(e) *Development standards.*

(10) Townhouse development, meaning a residential unit where floors one and two or floors one, two and three are interconnected living spaces, shall be limited to no more than five units in a building before a mandatory break or separation between buildings shall be required of at least twenty (20) feet in width.

Sec. 58-68. Multifamily (high density R-4) district.

(d) *Minimum building site.*

~~(3) The minimum ground area required per dwelling unit shall be 1,750 square feet and the maximum density shall be 25~~ seventeen (17) units per acre.

(e) *Development standards.*

(2) The maximum floor area ratio shall be ~~200~~ one hundred ten percent (110%). The floor area ratio shall include the floor area of any attached or detached above-grade private parking garage. 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.

Sec. 58-69. Planned unit residential development (PURD) district.

(a) *Purpose and intent.*

(1) The planned unit residential development (PURD) district is established to encourage the development of large tracts of land as planned residential areas which provide a more varied and interesting urban pattern and are capable of incorporating new demands in the housing market and changes in design and technology in the building industry. This district is to be utilized when deemed in the best interests of the city to allow more flexibility and variation in lot dimensions and residential styling by aggregating yard areas into meaningful common open space.

(c) *Development requirements and standards for approval.*

- (6) Depending upon the building type, the structures within the building lots shall meet the setbacks, impervious coverage, building heights and floor area ratio of the applicable single-family residential (R-1A/R-1AA) standards or low density residential (R-2) regulations. The applicant for PURD may request variances to the minimum lot widths and lot sizes in order to aggregate that land into meaningful common open space and also variances for the setback requirements given smaller lot sizes. However, the applicant may not request any variance to exceed the maximum impervious lot coverage, building height or floor area ratio on the building lots above the applicable single-family or low-density regulations. There shall be no minimum setbacks, no minimum percentage of lot coverage and no minimum lot widths unless otherwise stated in this section. However, the location of proposed structures shall be shown on the development plan and the development of the PURD shall be subject to the minimum lot size, setback lines, lot coverage or floor area, specified in the approved plan. The proposed location arrangement of structures shall not be detrimental to existing or proposed adjacent dwellings or to the development existing character of the neighborhood.

- (12) After the completion of a planned unit residential development, the use of the land and the construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan ~~which shall be retained in the office of the building and zoning department of the city.~~

- (13) No changes may be made in the approved development plan except as provided below:

- a. Minor extensions, alterations or modifications of existing buildings or structures may be permitted after review and approval by the building zoning official provided they are substantially consistent with the purposes and intent of the development plan.
- b. Substantial change in permitted uses, location of buildings or other specifications of the development plan may be permitted, but only after public hearing and approval by the city commission upon receipt of the recommendation of the planning and zoning commission board.

- (d) *Review and approval procedure.* An application for a PURD shall be considered administratively as a petition for rezoning and will be subject to those procedures established in this article. Because of the nature of this district, additional procedures and requirements must be required; these are outlined in the following paragraphs. The application and additional supportive data shall be submitted to the building zoning official.

(2) *Preliminary concept plan.*

- b. An application for approval of the planned unit residential development (PURD) shall be reviewed by the planning and zoning ~~commission~~board and the city commission in public hearings with final approval being given by the city commission. In the review the following points will be considered:
1. Adherence to the city's comprehensive planning policies;
 2. The proper relation between the proposed development and the surrounding uses, and the effect of the plan upon the city's comprehensive plan;
 3. The adequacy of existing and proposed streets, utilities, and other public services to serve the development;
 4. The character, design and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separation and screening between uses where desirable to preserve the natural amenities of the land; and
 5. The adequacy of open space areas and recreation facilities within the PURD. If a PURD district is approved, the ~~building-zoning~~official shall change the zoning map to designate the appropriate PURD district and the date of approval. Planned unit residential developments shall also be subject to approval by the city commission receiving upon the recommendation of the planning and zoning ~~commission~~board of a comprehensive development plan (which shall substantially comply with the approved concept plan) prior to issuance of permits or authorization of development.

- (3) *Comprehensive development plan.* The application shall be supported by a development plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both existing and proposed. The following information shall also be presented for review:

- j. If a proposed development creates special problems or involves unusual circumstances or if the planning and zoning ~~commission~~board desires additional information to more adequately evaluate the proposal, such data may be required. Examples include an off-street parking and loading plan, an economic feasibility report or market analysis, a traffic study and circulation plan for the area or any other information needed.

- (5) *Staff review.* After all required information has been received, the administrative staff of the city will have 30 days to review it. During this time,

the staff may require the applicant to provide additional information which it deems necessary to adequately consider the comprehensive development plan.

- (6) *Public hearings.* After this review period, the planning and zoning ~~commission~~ board and city commission will hold public hearings. The administrative staff will present its recommendations to the commissions at these hearings. Approval of the comprehensive development plan will be contingent upon its conformance to the approved preliminary concept plan.
- (7) *Subdivision plan.* The applicant may file a preliminary subdivision plan with the development plan in order that tentative approval of the subdivision may be granted by the planning and zoning ~~commission~~ board. In no case, however, shall subdivision approval precede approval of the development plan. The ~~building-zoning~~ official shall issue building permits for structures in the area covered by the approved comprehensive development plan if they are in substantial conformity with the approved preliminary concept plan, the development schedule, and with all other applicable regulations. If the developer questions the ~~building-zoning~~ official, the matter will be resolved by the planning and zoning ~~commission~~ board.
- (8) *Revision of comprehensive development plan.* Any major or substantial changes in the approved comprehensive development plan which affects the intent and character of the development, the land use pattern and density, the location or dimensions of streets or structures, or similar substantial changes shall be reviewed and approved by the city commission subsequent to the receipt of the recommendation of the planning and zoning ~~commission~~ board. A request for a revision of the comprehensive development plan shall be supported by a written statement of why the revisions are necessary or desirable. The planning and zoning commission or city commission may require any additional supportive data they deem necessary.

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

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

- (2) An accessory building may be attached to a principal structure by a one-story open-sided roofed breezeway with a maximum width of eight feet connected perpendicular to the principal structure without meeting the setback requirements of the principal building and complying with the setbacks of the accessory building; however, all other zoning requirements must be met, such as impervious coverage, building coverage or floor area ratio, where applicable.

- (12) *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 maximum height of sixteen feet ~~height equal to or greater than six feet above natural~~ existing grade and a total footprint of 400 square feet or less shall maintain a side and rear setback of at least 10 ~~5~~ feet. If attached accessories are incorporated, including such as swings, slides and similar play items used by children, that are not six feet in height, ~~or over those play structures~~ accessory items 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.

(m) *Residential driveways; parking spaces; motor courts, sidewalks, etc.* Any residential sidewalk, driveway, parking space or other vehicle circulation area, whether of a paved surface such as asphalt, concrete or brick, or of an unpaved surface such as gravel, mulch or dirt, shall be setback at least two feet from the side or rear property lines, except where a common drive is permitted between adjoining properties or a nonconforming drive exists and does not create any drainage problem for an adjacent property.

(1) In all single-family residential districts, a driveway must be a minimum of nine feet wide, unless otherwise required by the City Engineer.

(2) On lots that are 60 feet wide or less, a one-foot setback may be utilized as the driveway setback along a side lot line. The drive and parking surfaces must be designed to prohibit the diversion of drainage from vehicle driveways, parking or circulation areas onto adjacent properties.

Sec. 58-75. ~~Commercial (C-2) district~~ Central Business District (CBD).

(a) *Purpose and intent.*

(1) ~~This commercial zoning district is limited to the commercial portion of~~ includes the geographic downtown area known as the central business district and the similar ~~commercial~~ area of the city within the Hannibal Square Neighborhood Commercial District (HSNCD) of the city's community redevelopment area (CRA). This zoning district is not categorized as commercial or mixed-use because of the unique provisions contained in the land development code such as vertical zoning and the existence of much of this district also being within a National Register Historic District. As detailed in the comprehensive plan, ~~commercial (C-2)~~ CBD district zoning is not permitted on any property except if it is within the central business district "~~potential C-2 zoning~~" area depicted in the CBD Map (D-2) in the definitions section, generally described as west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of and including the New York Avenue Corridor, or it is on properties abutting Morse Blvd between Capen and Virginia Avenues, abutting the south side of Morse Boulevard between Virginia and New York Avenues, abutting New England Avenue between Pennsylvania and New York Avenues, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting

Hannibal Square, East. No applications for ~~C-2CBD~~ zoning shall be accepted for any property outside these designated areas. Moreover, even properties within these designated areas shall have no vested right to ~~C-2CBD~~ zoning. This district has different requirements than other ~~commercial areas~~ zoning designations, especially pertaining to setbacks, parking requirements, height limitations and permitted land uses, including a prohibition on drive-in businesses. This district is established to encourage the continuation of the present unique Park Avenue business district of the city and to provide for its use within certain other defined geographical areas as specified in the comprehensive plan.

- (2) The regulations outlined in this district encourage the continuation of the present aesthetically pleasing central business district, provide areas for the concentration of compatible land uses, and provide for appropriate ~~commercial~~ retail, office, restaurant and residential uses which will strengthen the city's economic base.
 - (3) For purposes of this section, the Park Avenue Corridor is that area which encompasses those properties having frontage on Park Avenue or on adjacent roads within 140 feet of Park Avenue.
- (b) *Permitted uses.* All permitted uses shall be conducted so as to emphasize the pedestrian orientation of the district. Thus, drive-in-type businesses or uses which have a drive-in component as part of their operation shall not be permitted. All uses permitted shall be conducted exclusively within a building except those uses permitted which are customarily conducted in the open such as off-street parking and outdoor patio seating for dining. Storage shall be limited to accessory storage of commodities sold at retail on the premises and storage shall be within a completely enclosed building. Bars, taverns, cocktail lounges, and fast food restaurants are prohibited in this zoning district. In addition, no single tenant building larger than 65,000 square feet is permitted regardless if portions of such single tenant business, such as a grocery store, may have a sublease for an interior coffee shop, bank, etc.

- (3) Banks, savings and loans, financial institutions, nonprofit organizations, travel agencies, photographic studios, interior design studios, barber shops, beauty/nail salons, spas, state-licensed massage therapists, cosmetic and skin care treatment businesses, governmental, educational, medical, real estate and other offices but only when such uses are located above the ground floor within the Park Avenue Corridor or located on any floor outside the Park Avenue Corridor. This shall be referred to as the Park Avenue corridor vertical zoning restrictions.

- (6) Fine dining restaurants, as well as ~~ice cream, tea, coffee, cheese, pastry and bakery stores with retail sales and consumption of food and beverage products on premises~~ specialty food and beverage establishments, except that only those

restaurants satisfying the criteria set forth below shall be permitted uses in the Park Avenue Corridor.

b. ~~*Non-fine-Fast casual dining restaurants.*~~ Certain other restaurants (other than fast food restaurants, which are a prohibited use) shall qualify for a permitted use in the Park Avenue Corridor, provided that they satisfy the following criteria and do not exceed the percentages set forth in this section:

1. Upon a patron's request, on-site food and beverage service shall be provided via table service by servers;
2. Appropriate visible signage is provided to notify patrons of the availability of table service;
3. The menu consists of a variety of food options including pre-entree items (soups, salads, appetizers, etc.) entrees, sides and desserts;
4. Non-disposable dinnerware (utensils, plates, etc.) shall be provided;
5. Food items are predominately freshly prepared on site rather than just the warming, microwaving or final preparation of pre-packaged items; and
6. All tables are bussed by restaurant staff.

The number of ~~non-fine dining~~fast casual restaurants shall not exceed 20 percent of the available first floor storefronts of either side of any city block in the Park Avenue Corridor, ~~nor 15 percent of the total number of businesses in the Park Avenue Corridor. If a restaurant currently operating within the Park Avenue Corridor as of the enactment of this ordinance [from which this section derived] ceases business operations, any applicant proposing a restaurant use in that location must satisfy the criteria for a permitted use restaurant (fine dining; non-fine dining, meeting the criteria of subsections 58-75(b)(6)b.1-6.; or coffee shop, bakery and dessert restaurant). Provided that the restaurant use has not been discontinued for a period greater than three months, as provided in subsection 58-64(d)(6) of this Code, a non-fine dining restaurant will be permitted in the location of an existing restaurant, regardless of the percentage limitations on non-fine dining restaurants.~~

c. ~~*Coffee shops, bakery and dessert Specialty food and beverage establishments.*~~ Certain restaurants that do not provide full service of food and beverages, but rather limit their offerings to particular food and beverages reflecting the core business of the restaurant and a limited number of ancillary non-core items, are permitted uses. These restaurants including, but are not limited to, ice cream, frozen yogurt, Italian ice, smoothie, cookie, tea, coffee, wine, cheese, pastry and bakery stores shall qualify as a permitted use in the Park Avenue Corridor. ~~The restaurants of this category must also provide retail sales and consumption of the named~~

~~core food or beverage products on premises. Such restaurants shall include, as part of their application for the business tax receipt, a menu identifying the core offerings of the business and a limited number of ancillary non-core items. The restaurants of this category shall not change their core offerings, nor significantly expand their ancillary, non-core offerings, without submitting an application to the City for another business tax receipt.~~

~~(7) Churches, nonprofit organizations' halls/lodges and schools less than 5,000 square feet in size. (See parking requirements for limitations).~~

(c) *Conditional uses.* The following uses may be permitted as conditional uses following review by the planning and zoning board and approval by the city commission in accordance with the provisions of this ~~C-2CBD~~ district section only. See section 58-90, conditional uses.

~~(2) Churches, nonprofit organizations' halls/lodges, and schools 5,000 square feet or larger in size. (See parking requirements for limitations).~~

~~(23) Buildings with a third floor and up to 40 feet in height provided that such conditional use approvals require two public hearing approvals by the city commission;~~

~~(34) Retail stores in excess of 6,000 square feet per floor;~~

~~(5) Reserved.~~

~~(46) 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.~~

(d) *Accessory uses permitted.* Accessory uses shall be permissible for businesses containing more than one type of permitted use. The business tax receipt shall pertain to the principal use. Accessory uses shall not exceed forty percent (40%) of the leasable square footage and may not exceed twelve customer seats.

(1) For example, a 1,000 square foot bookstore may be permitted to operate a 400 square foot coffee shop for on- or off-site consumption with eight customer seats.

~~(ed) *Minimum building lot size.* There shall be no minimum lot size in this district.~~

~~(fe) *Development standards.*~~

(7) Residential density.

a. The maximum residential density shall not exceed 17 units per acre.

(gf) *Nonconforming uses.*

(hg) *Park Avenue Corridor Vertical zoning restrictions special circumstances.*

(ih) *Restaurants.* The following standards and criteria shall apply:

- (1) The city has established that outside of the Park Avenue Corridor all existing and proposed restaurants are conditional uses in this zoning district, except fine dining restaurants, and ~~ice cream, tea, coffee, cheese, pastry and bakery stores specialty food or beverage establishments~~, with retail sales and consumption on premises. For those restaurants that are conditional uses, renovations, changes in decor, floor plan, menu or operating hours up to midnight are not deemed to be significant changes which require amendment of the conditional use permit. Changes which result in the addition of building area, seating or operating hours beyond midnight are deemed to be significant changes which require amendment/approval of a conditional use.
- (2) In order for these restaurant ~~C-2CBD~~ zoning regulations to be effectively applied, this article contains strict definitions of fine dining restaurants, ~~non-fine fast casual dining~~ restaurants, and ~~coffee shops, bakery and dessert restaurants specialty food or beverage establishments~~, which are either permitted uses or require conditional use approval, and cocktail lounges, taverns, and bars, as well as fast food restaurants, which are prohibited uses. Generally, if there is consumption of either food or alcoholic beverages on the premises, then the conditional use requirement applies with the exceptions of the permitted uses shown in subsection (b)(6) above. If the business is solely for food or alcoholic beverage sale for consumption off the premises, then conditional use approval is not required. With food stores or convenience stores where the primary business is the retail sale of food and beverages for consumption off premises, or when prepared sandwiches or other food is clearly incidental to the principal retail activity, then limited consumption on premises (up to ten seats) inside the premises is permitted without conditional use approval. Otherwise, if a restaurant does not fit under one of the permitted uses in subsection (b)(6) above, then conditional use approval is required.

(ji) *Standards and criteria for conditional uses.*

- (1) *General.* These standards are in addition to the standards set forth in section 58-90. Each application for a conditional use shall be accompanied by a site plan, drawn to scale, showing the location and area of the building with respect to the adjacent building including all driveways, sidewalks and off-street parking spaces. The site plan submittal shall also include floor plan(s) depicting the area intended to be devoted to customer use, employee use, and storage needs. Upon approval of any application, said site and floor plan and accompanying data plus any conditions imposed by the city commission shall become part of the conditional use permit. It may be amended only by the city commission after receipt of a recommendation from the planning and zoning

~~commission board~~. A conditional use permit may be issued after a hearing based on the following criteria:

- a. The proposed use is in keeping with the character of the central business district or CRA area as a distinctive retail and restaurant district of individual specialty stores and fine dining restaurants;
- b. The proposed use will not negatively affect the aesthetic character of the area nor create or significantly increase vehicle and pedestrian conflicts;
- c. The proposed use will not cause traffic congestion due to vehicles obstructing the public streets while waiting to use any facility, or in any manner obstruct traffic;
- d. The proposed use provides a degree of private off-street parking that is in keeping with its peak and normal demand for parking.

(kj) *Hannibal Square Neighborhood ~~Commercial Business District~~.*

(lk) *Central business district area facade review.*

- (1) In addition to the other requirements and regulations of the ~~C-2CBD~~ zoning district, and prior to the issuance of a building permit for the construction, renovation or remodeling of any building exterior facade, an approval by the planning department for the building facade construction, renovation or remodeling is required.

- (4) 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 board~~ for review as outlined below.
- (5) 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 board~~ for their consideration.
- (6) Decisions by the planning department and/or the planning and zoning ~~commission board~~ shall be made based on the conformance of plans and application materials to design guidelines and criteria adopted by the city commission.
- (7) The decision of the planning and zoning ~~commission 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. In that case,

the decision of the planning and zoning ~~commission-board~~ shall be a recommendation with the final decision made by the city commission.

(m) *Morse Boulevard design guidelines.*

- (2) In addition to the other requirements and regulations of the C-2CBD 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.

- (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-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-board~~ for their consideration.
- (7) Decisions by the planning department and/or the planning and zoning ~~commission-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.
- (8) The decision of the planning and zoning ~~commission-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. In that case, the decision of the planning and zoning ~~commission-board~~ shall be a recommendation with the final decision made by the city commission.

Sec. 58-78. Limited industrial and warehouse (I-1) district.

(b) *Permitted uses.* All uses of land located within this district must not be obnoxious by reason of sound, fumes, repulsive odors and the like whether the same constitutes an actual nuisance or not, and the uses shall not, in any way, detract from the desirability of the city as a residential community. Permitted uses include:

- (9) Tattoo and permanent makeup establishments and Adult entertainment establishments if otherwise complying with the applicable Winter Park or Orange County adult entertainment code;

Sec. 58-80. Parking lot (PL) district.

(de) Cross access easements.

- (1) ~~It is~~If deemed to be in the public interest, ~~that~~ private parking lots, under certain conditions, may be required by design and function to have inter-connectivity with other adjacent properties so that vehicles and traffic may have alternate means of access to side streets or away from residential streets thereby promoting traffic safety ~~and energy efficiency.~~

Sec. 58-84. General provisions for non-residential zoning districts.

(ff) Reserved Sidewalks. On lots where no sidewalk exists or lots where existing sidewalks are substandard, the City shall require sidewalk installation subject to building permit and City Engineer review.

(ii) Cross access across parking lots. If deemed to be in the public interest, private parking lots, under certain conditions, may be required by design and function to have inter-connectivity with other adjacent properties so that vehicles and traffic may have alternate means of access to side streets or away from residential streets thereby promoting traffic safety.

Sec. 58-86. Off-street parking and loading regulations.

(c) *General provisions for off-street parking.* The off-street parking, loading and unloading requirements shall apply to all new structures or buildings or any existing buildings that may be altered or added to after the effective date of this article, except as otherwise provided in this article. The terms "existing spaces" or "existing parking facilities" used in this section shall mean all parking spaces servicing a particular building or use regardless of whether such spaces are located on the same property as the building or use or on another lot or property.

(2) *Minimum distance and setbacks*

- b. *Single-family, duplex, cottage dwelling, garage apartment and similar uses.* Parking spaces established to meet the minimum requirements of this section shall not be located within the first 20 feet of any required front yard or required street side yard for the zoning district in which the parking spaces are located. Additionally, motorized vehicles shall not be parked on

the grass, lawn, landscaped or unlandscaped areas (excluding approved driveway surfaces) along any street frontage and visible from the street. Parking must be provided within an area whose surface is specifically prepared for parking and surfaced with concrete, asphalt, brick or similar approved material delineating such parking space and must comply with the allowable impervious area for the property.

Sec. 58-89. Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses.

- (a) *Applications for zoning changes and amendments.* The regulations, restrictions, and district boundaries set out in this article may from time to time be amended, supplemented, changed or repealed. The procedure shall be as follows:

(4) Any request requiring zoning changes or amendments shall require a Transportation Impact Assessment (TIA) per the requirements provided under Section 58-90(k)(1).

(45) To the extent any article III zoning code text amendment is intended to prevail over or supersede any article III zoning code or other code provision, the provisions to be superseded must be stated with particularity. Without specific reference to the provisions to be superseded, there is no basis under the text amendment for property owners, applicants, or others to avoid compliance therewith as well as any other code provisions applicable to the matter under consideration. This provision does not prohibit the inclusion or application of non-codified conflicts clauses in ordinances adopting article III zoning code text amendments and other code amendments.

***Sec. 58-90. Conditional uses.

- (k) *Additional standards and submittal requirements for conditional use requests.* In addition to the general standards for conditional uses, certain conditional uses require other, more specific information and a determination that criteria and standards are achieved. These are as follows:

(1) ~~*Drive-in business Transportation Impact Study Assessment.*~~

- a. *Purpose.* ~~The city, as an existing urbanized area, does not lend itself to the establishment of new transportation corridors or to the expansion of existing streets. As a result, the city must strive to maintain the most effective and efficient movement of traffic on the existing road network. Since the drive-in components of any business can projects requiring conditional uses or zoning changes may increase traffic congestion, create safety hazards and adversely impact adjacent neighborhoods or existing streets when they are improperly designed or located, the city has determined that in order to protect the safety and convenience of its~~

~~citizens, drive-in components of any business shall be an application for qualifying conditional uses under this section to be disapproved or zoning changes or amendments under Section 58-89 are required to provide a Transportation Impact Assessment (TIA), approved or approved with conditions. In addition to the site plan and building plan submittals previously outlined, all applications for drive-ins shall contain the following information if required by the city planning staff. This requirement ensures the city is able to:~~

- ~~1. Applicants shall submit a traffic data and impact analysis, including the average daily traffic on adjacent streets and the peak hour(s) traffic on adjacent streets. This data shall also include daily and peak-hour traffic generation to and from the site, as well as the distribution of trips to the various entrances and exits. The peak-hour analysis shall be for the peak hour(s) of the business as well as the peak hours of the adjacent roadways. This data shall also include an analysis of internal traffic flow, including the nature and adequacy of stacking areas for average and peak periods. Relevant accident history data shall also be considered. Identify in advance any potential adverse impacts to the existing transportation system, such that appropriate mitigation strategies can be developed.~~
 - ~~2. Applicants shall submit projections of the number of customers and the location of other similar businesses within this area of the city. Assist in the early identification of issues related to traffic operations, including but not limited to driveway/access locations, traffic signals, and other elements of transportation facilities.~~
 - ~~3. Support long term planning solutions that foster responsible growth of transportation infrastructure consistent with the city's Comprehensive Plan, Transportation Master Plan, and vision for the community.~~
- b. ~~In order for the city to undertake its own analysis of these applications, all the above data shall be submitted no less than 30 days prior to the planning and zoning commission meeting date. This shall allow sufficient time to conduct traffic counts, turning movement studies, and to determine the adequacy of data submitted, as well as to question conclusions and findings by requesting supplementary information to back up previous submissions. The preparation of a TIA shall be necessary at the time an application is submitted for any project that generates vehicular trips. The amount of traffic generated by a proposed project shall be calculated using the methodology and guidelines of the latest edition of the Institute of Transportation Engineers (ITE), Trip Generation manual. A TIA is required for projects including, but not limited to, updates to previously approved developments, Comprehensive Plan amendments, conditional use requests, as well as zoning changes and amendments.~~

- c. ~~It is the intention of the city to permit drive-in businesses only when they impose no substantial adverse traffic impacts on adjacent streets and are consistent with existing character of the area. It is not the intention to permit drive-ins for a parcel which is not suited by location or configuration for such use. Thus, no permit shall be issued unless the city commission shall first determine that~~The level of detail required in the TIA document is dependent on the number of net new peak hour vehicular trips (with adjustments for internal capture and pass-by trips if applicable) produced by the project. As such there are four (4) levels of studies based upon net new vehicular weekday AM peak hour, weekday PM peak hour or weekend hour trips:
- ~~1. It is generally necessary or appropriate for the general welfare and public interest;~~*Level 1: 0-25 Net New Peak Hour Trips.* When a project's traffic impact to a roadway facility within the city's jurisdiction can clearly be determined without a TIA, a TIA may not be necessary. If an applicant believes that their project(s) meets this criterion (e.g. a project which may generate negligible trips), the applicant must submit a Request for Exemption Letter per the requirements of subsection d. below. The city may accept the Request for Exemption Letter in lieu of a TIA at its discretion.
 - ~~2. That the proposed use is consistent with the character of the surrounding neighborhood and that the property values are reasonably safeguarded~~*Level 2: 26-100 Net New Peak Hour Trips.* A project that generates twenty-six (26) or more weekday AM peak hour, weekday PM peak hour or weekend net new peak hour trips will require the preparation of a TIA. A Request of Exemption Letter may be submitted if an applicant believes the project is more in keeping with a Level 1 type project. However, approval of this letter, as with a Level 1 project, is strictly at the discretion of the city. In addition, as an option, applicants can submit a Methodology Letter prior to the submittal of the TIA per the requirements of subsection e.;
 - ~~3. That the size of the property is enough to accommodate the use during peak periods without substantial adverse effect on adjacent streets;~~*Level 3: 101+ Net New Peak Hour Trips.* A project that generates over one-hundred (100) trips or more weekday AM peak hour, weekday PM peak hour or weekend net new peak hour trips may require the preparation of a more detailed TIA than would be required of Level 2 projects. The requirement for additional detail is at the discretion of the city and will be negotiated as part of the methodology review process involving the Methodology Letter prior to the submittal of the TIA.
 - ~~4. That no significant deterioration of traffic flow and/or turning movements will result on adjacent streets from this use;~~*Level 4: any project which increases traffic by more than ten percent (10%) on any adjacent collector or local street at any time of day, including but*

not limited to peak hour, non-peak hour, and special events, shall require at minimum the preparation of a Level 2 TIA as outlined in subsection 2 above. The city may require the preparation of a Level 3 TIA as outlined in subsection 3 above at its discretion.

~~5. That no undue traffic safety or traffic hazards will be created.~~

d. Request for Exemption Letter. At a minimum, the Request for Exemption Letter shall provide the following information:

1. Purpose (also include grounds for exemption)

2. Project Description

3. Site Location/Site Plan

4. Area of Influence/Study Area

5. Trip Generation (based on latest version of the ITE Trip Generation manual)

6. Trip Distribution

e. Methodology Letter. A Methodology Letter is required prior to the submittal of a Level 2 or Level 3 TIA in order to:

1. Identify if the project will require a Level 2 or Level 3 TIA.

2. Identify any critical issues such as, but not limited to, trip generation, trip distribution, the extent of the study, the Area of Influence, the horizon years, specific time periods to be analyzed, and data sources.

3. Ensure that all relevant issues are adequately addressed in the TIA and that no extraneous elements are included in the study.

At a minimum, the Methodology Letter shall provide the following information:

1. Purpose

2. Project Description

3. Site Location/Site Plan

4. Area of Influence/Study Area

5. Planned and Programmed Improvements

6. Trip Generation (based on the latest version of ITE Trip Generation Manual)

7. Trip Distribution

8. Trip Assignment

9. Future Traffic Volumes

f. Report Format. In order to provide consistency and facilitate review of the TIA, the following outline shall be followed to the extent possible:

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List of Tables

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2. Existing Roadway and Traffic Conditions

3. Future Roadway Conditions

4. Future Traffic Conditions

5. Transportation Assessment

6. Mitigation Strategies

7. Summary/Conclusions

8. Appendix

A. Traffic Count Data

- Average Daily 24-Hour Traffic Volumes (as necessary)
- Peak Hour Turning Movement Volumes (AM/PM/Mid-day as necessary)

B. Capacity Analysis Summary Sheets

- Existing Conditions
- Future Conditions (per phase if required)
- Future Mitigated Condition (per phase if required)

Sec. 58-94. Appeals from interpretations and enforcement decisions of the ~~building and zoning~~ official.

- (a) A property owner may request a written decision from the ~~building and zoning~~ official setting forth the interpretation rendered in the application or enforcement of the Code to that property owner's property in the event that (1) the property owner is unsure of his/her/its rights under this article and wants an interpretation of this article as applied to that property owner's property; or (2) property owner desires to challenge an interpretation, application or enforcement of this article as applied to that property owner's property. The property owner's request for a written decision under this section should explain the circumstances and the applicable Code provisions at issue in sufficient detail to give the ~~building and zoning~~ official adequate information to issue a written decision. Upon the receipt of a sufficient request for a written decision on the interpretation, application or enforcement of this article, the ~~building and zoning~~ official must issue a written decision within ten days and send the same to the requesting property owner and to the owners of the properties adjacent to the requesting property owner's property. This section does not apply to final decisions on or the issuance of development orders or building permits.

- (b) A written decision issued by the ~~building and zoning~~ official under this section may be appealed by the property owner that sought the written decision or by any person aggrieved by the written decision by filing a written notice of appeal with the ~~building and zoning~~ official within fifteen days from the rendition of the written decision. The written notice of appeal must state the grounds of the appeal and articulate in detail why the ~~building and zoning~~ official's written decision (or a portion thereof) is incorrect. The appeal will be transmitted to the planning and zoning board for a hearing. The planning and zoning board shall hear the appeal at their regular meeting that is scheduled in the period between 20 days and 45 days after the filing of the appeal providing sufficient time for notice of such hearing to be distributed in the same manner as for variances to this article. Such notice shall reflect that the decision of the planning and zoning board is subject to appeal by the city commission. The appellant shall pay to the city a fee prescribed by the city commission to cover the administrative costs of such an appeal. At the hearing the aggrieved person and parties in interest may appear in person or by agent or attorney. The ~~building and zoning~~ official may be represented by the city attorney or by such city official as he may designate.
- (c) Review of the decision of the planning and zoning board may be taken in the manner described below to the city commission.
- (d) On written application by the person aggrieved, the ~~building and zoning~~ official, the city manager or any member of the city commission, the city commission shall schedule a public hearing to review in such manner as the city commission may choose the decision of the planning and zoning board on such an appeal.
- (e) Such application shall be filed in writing with the ~~building and zoning~~ official within 15 days of the rendition of the planning and zoning board's decision on the original appeal. Notice of the hearing shall be mailed to the person aggrieved and to all owners of property within 200 feet of the property affected.
- (f) At the conclusion of the public hearing, the city commission may affirm the decision of the planning and zoning board or override that decision and either reinstate the original decision of the ~~building and zoning~~ official or substitute its own decision for that of both the planning and zoning board and the ~~building and zoning~~ official.
- (g) An appeal to the planning and zoning board and an application for review before the city commission shall stay all proceedings in furtherance of the decision appealed from or from which review is sought, unless the ~~building and zoning~~ official certifies to the city manager after the notice of appeal or application for review is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

Sec. 58-95. Definitions.

Fine dining restaurant means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross

revenue is derived from food sales versus alcoholic beverages. Additionally, fine dining restaurants shall meet all of the following criteria:

- (1) A host or hostess must be regularly present to greet and arrange for seating of patrons;
- (2) Food and beverage service (other than bar service) is provided via table service by servers;
- (3) Dinnerware (utensils, plates, etc.) shall be non-disposable;
- (4) Ordering, food service and payment is done at the table; and
- (5) The menu shall consist of fine dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of beverages.

Establishments which include a drive-thru or where ordering or payment is done at a counter/cashier and then the food and/or beverage is brought to the table or customer by restaurant staff shall not be considered fine dining restaurants. Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders. Take-out orders shall not exceed ~~ten~~ forty percent (40%) of the gross food revenue.

~~Ice cream and coffee shops~~ Specialty food or beverage establishments means any establishment primarily devoted to the sale of ice cream, frozen yogurt, Italian ice, cookies, pastries, coffee, teas and other similar food or beverages.

~~Non-fine~~ Fast casual dining restaurants means any restaurant that satisfies all of the following criteria:

- (1) Upon a patron's request, on-site food and beverage service shall be provided via table service by servers;
- (2) Appropriate visible signage is provided to notify patrons of the availability of table service;
- (3) The menu consists of a variety of food options including pre-entree items (soups, salads, appetizers, etc.) entrees, sides and desserts;
- (4) Non-disposable dinnerware (utensils, plates, etc.) shall be provided;
- (5) Food items are predominately freshly prepared on site rather than just the warming, microwaving or final preparation of pre-packaged items; and
- (6) All tables are bussed by restaurant staff.

SECTION 2. That Chapter 58 "Land Development Code", Article IV "Subdivision and Lot Consolidation Regulations" of the Code of Ordinances is hereby amended and modified to implement the amendments to the City of Winter Park Comprehensive Plans Goals, Objectives, and Policies Document, dated February 14, 2024:

Sec. 58-377. Conformance to the comprehensive plan.

- (b) In existing developed areas and neighborhoods, all proposed lots shall conform to the immediate existing area of neighborhood density and layout on the same street frontage or as deemed to be the same street within 300 feet. The proposed lot sizes, widths, depths, shape, access arrangement, buildable areas and orientation shall conform to the neighborhood standards and existing conditions. This provision is specifically intended to allow the denial or revision by the city of proposed lot splits, lot consolidations, plats, replats or subdivisions when those are not in conformance with the existing neighborhood density or standards, even if the proposed lots meet the minimum technical requirements of the zoning regulations.
- (c) In determining the existing area or neighborhood density and standards, for the consideration of lot splits, plats, replats or subdivision of other than estate lots or lakefront lots, the planning and zoning ~~commission board~~ and city commission shall consider the frontage and square foot area of ~~home sites and vacant properties with comparable zoning within an area of 500-foot radius from the proposed subdivisions~~ surrounding properties with the same zoning classification within 300 feet of the subject property and in the same block as the subject property.

- (e) Pursuant to the policies of the comprehensive plan, in the consideration of lot splits, lot consolidations, plats, replats or subdivisions of single-family estate properties, it shall be recognized that, historically, Winter Park is a distinct residential community in part because of the existence of large estate lots. These existing estate lots, many with historical or architectural significance, provide a character that in turn creates value throughout the surrounding neighborhoods and the community. Thus, preservation of the estate lots maintains the attractive character of Winter Park that helps to set it apart from other cities in Florida. The existence of large estate lots dispersed throughout Winter Park adds great attractiveness, appeal and value to residents and potential buyers as contrasted with newer more uniform homogenous subdivisions. In order to protect these features and values and preserve neighborhood character, the city shall ~~strongly discourage~~ prohibit any subdivisions or lot splits of estate lots within areas designated single-family residential except as provided under the Comprehensive Plan.
- (f) Pursuant to the policies of the comprehensive plan, in the consideration of lot splits, plats, replats or subdivisions of lakefront estate lots, it is the city's policy to maintain the diversity of sizes of lakefront properties and lakefront estate lots and to ~~strongly discourage~~ prohibit the subdivision or split of such properties except as provided under the Comprehensive Plan. The city shall preserve low densities along the city's lakefront property, including larger lakefront estate lots in order to perpetuate the unique character of Winter Park that sets it apart from other cities throughout Florida.

SECTION 3. SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 4. CODIFICATION. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance to include Sections 1 through Section 8 shall become codified and be made a part of the Zoning Article of Chapter 58 of the Code of Ordinances of the City of Winter Park, Florida;

SECTION 5. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

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:

Rene Cranis, City Clerk