

ORDINANCE 3361-25

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE"; REVISING ARTICLE III, "ZONING," SECTION 58-64, "NONCONFORMING LOTS, NONCONFORMING USES, AND NONCONFORMING STRUCTURES," TO UPDATE REGULATIONS RELATING TO STRUCTURAL RENOVATION AND VALUATION THRESHOLDS; AND AMENDING ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS," DIVISION 1, "STORMWATER MANAGEMENT," TO REVISE PERFORMANCE STANDARDS FOR NEW DEVELOPMENT AND REDEVELOPMENT, ESTABLISH A STORMWATER UTILITY FEE IN LIEU OPTION FOR SMALL SITES, AND UPDATE TECHNICAL AND DESIGN STANDARDS; 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;

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 November 4, 2025, and has recommended approval of this Ordinance to the City Commission.

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 58-64 "Nonconforming lots, nonconforming uses and nonconforming structures" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-64. Nonconforming lots, nonconforming uses and nonconforming structures.

- (c) *Nonconforming structures.* Where a lawful structure exists at the effective date or amendment of this article that could not be built under the terms of this article by reason of restrictions on area, lot coverage, height, yards, floor area ratio, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

~~(2) If a nonconforming structure or portion thereof be demolished or destroyed through repair, remodeling, reconstruction or any other means to an extent of more than 50 percent of the assessed value of the improvements detailed on the most current records of the Orange County Property Appraiser, at the time of demolition or destruction, it shall not be reconstructed or restored except in conformity with the provisions of these zoning regulations. Alternatively, the assessed value may be determined using the average of the market rate value as determined by an independently certified and licensed property appraiser and the most current records of the Orange County Property Appraiser. Removal and replacement of a nonconforming portion of a building with a new structure (such as new walls or roof) is not to be permitted. When 90 percent or more of the roof structure of a nonconforming building is removed, and interior floor areas are remodeled including the substantial removal of existing plumbing, electrical and mechanical systems, then that building shall be deemed to have exceeded the 50 percent destruction threshold referenced in this paragraph. Building renovations phased over a two-year period shall be combined to determine applicability of the 50 percent threshold criteria.~~

(2) If a nonconforming structure or portion thereof be demolished or destroyed through repair, remodeling, reconstruction or any other means to an extent of more than 50 percent of the assessed value of the improvements detailed on the most current records of the Orange County Property Appraiser, at the time of demolition or destruction, it shall not be reconstructed or restored except in conformity with the provisions of these zoning regulations. Alternatively, the assessed value of the structure may be determined using the market-rate value as determined by an independently licensed property appraiser by the State of Florida. The following exceptions shall apply:

(a) *Nonconforming structures on residential lots.* Single-story additions, or interior renovations without changes to or removal of exterior walls, which meet all applicable land development code standards, may be excluded from the 50 percent building assessment requirement. In all cases, any two-story addition shall apply to this assessment. Removal and

replacement of a nonconforming portion of a building with a new structure (such as new walls) is not permitted.

(b) *Nonconforming structures on nonresidential lots.* In order to allow for the remodeling and renovation of nonresidential buildings within the city that do not result in any increase to the building footprint or square footage, these projects shall be excluded from the 50 percent building assessment threshold. This provision shall not apply to any structure or portion of a structure where a nonconforming use currently exists.

SECTION 2. That Chapter 58 "Land Development Code", Article V, "Environmental Protection Regulations" of the Code of Ordinances, Sections 58-162 through 58-165, is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-162. Performance standards for new development.

- (d) The above performance standards shall apply to all new nonresidential and multi-family residential building projects on vacant land, or land made vacant after the demolition of existing structures. These requirements shall also apply to all building projects whose construction value exceeds 50 percent of the assessed value of the ~~improvements-existing building(s)~~ improvements detailed on the most current property tax assessment role. Building ~~renovations-improvements~~ improvements phased over a two-year period shall be combined to determine applicability of the 50-percent threshold criteria. Exception: Reconstruction costs associated with property maintenance and/or improvements required to meet current building code standards, including but not limited to reroofs, electric panel changes, window/door replacements, fixtures/equipment replacements, exterior sidings/soffit replacements, installation of hurricane shutters, and architectural and structural repairs.

Sec. 58-163. Performance standards for the retrofit of existing development.

- (a) In order to achieve the benefits of stormwater management on nonresidential and multi-family residential properties undergoing redevelopment, ~~renovation~~ improvements or additions, the city shall require the provision of onsite stormwater retention.
- (b) The following performance standards shall apply to all new nonresidential and multi-family residential building projects on vacant land, or land made vacant after the demolition of existing structures. These requirements shall also apply to all building projects whose construction value exceeds 50 percent of the assessed value of the ~~improvements-existing building(s)~~ improvements detailed on the most

current property tax assessment role. Building renovations-improvements phased over a two-year period shall be combined to determine applicability of the 50 percent threshold criteria. Exception: Reconstruction costs associated with property maintenance and/or improvements required to meet current building code standards, including but not limited to reroofs, electric panel changes, window/door replacements, fixtures/equipment replacements, exterior sidings/soffit replacements, installation of hurricane shutters, and architectural and structural repairs.

- (c) The stormwater management requirement for new development shall be the retention onsite of the first inch of runoff from all impervious surfaces.
- (d) The stormwater retention requirements of this section shall be achieved through the retention of stormwater runoff in surface retention facilities, such as grassed swales or retention ponds.
- (e) For properties with a total area less than one acre that trip the valuation threshold outlined in this section, property owners may opt to increase their Stormwater Utility Fee in lieu of providing stormwater retention onsite. This increase would equal five times their existing Stormwater Utility Fee for a duration of 10 years. This increased fee shall go into effect during the first fee payment cycle after the project is complete.
- ~~(e) The following stormwater performance standards for the retrofit of existing development shall apply to all building projects whose construction value exceeds 25 percent of the assessed value of the improvements detailed on the most current property tax assessment role. Building renovations or additions phased over a two-year period shall be combined to determine when the 25-percent threshold criteria has been achieved.~~
- ~~(f) The stormwater management requirement for the redevelopment, renovation or additions to existing buildings shall be the retention onsite of the first one-half inch of stormwater runoff from all impervious surfaces.~~
- ~~(g) The stormwater retention requirements of this section shall be accomplished by utilizing surface stormwater facilities.~~
- ~~(h) These stormwater management requirements for the retrofit of existing development do not allow properties constructed in conformance with the requirements for the first inch of retention to revert to a lesser requirement.~~

Section 58-164. Performance standards for properties within the central business district.

- (b) On properties within these districts the stormwater retention requirement shall be either:
- (1) The provision of onsite stormwater retention of the first one-half inch from all impervious surfaces into surface or subsurface facilities; or
 - (2) The payment to the city of a fee in lieu of stormwater management to be equal to the cost of providing subsurface stormwater retention facilities. These fees are to be earmarked and utilized by the city for construction and improvement to capital facilities of the offsite stormwater management system within the city drainage basin. Such cost estimates shall be certified by a registered engineer. The ~~stormwater board of appeals~~ City Commission shall act to resolve any conflicts or disputes regarding the appropriate fee in lieu of stormwater management.

Sec. 58-165. Performance standards for properties within single family zoning districts.

- (b) The stormwater management requirement for development and redevelopment on properties within single family districts shall include some method or methods of onsite retention for the ~~building, parking, and driveway areas proposed~~ impervious areas. These methods shall include, but not be limited to: the provision of swales or other retention areas; the sloping of parking areas and drives to landscaped areas versus directly to the street; the guttering of building runoff to landscaped open areas where setbacks limit the amount of pervious area available; and other such methods which provide opportunities for the percolation of stormwater.
- (c) The above performance standards shall apply to all single family residential building projects on vacant land, or land made vacant after the demolition of existing structures. ~~These requirements shall also apply to all building projects whose construction value exceeds 50 percent of the assessed value of the improvements detailed on the most current property tax assessment role. Building renovations phased over a two year period shall be combined to determine applicability of the 50 percent threshold criteria.~~

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

SECTION 4. 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 5. 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 6. 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 10th day December 2025.

Mayor Sheila DeCiccio

ATTEST:

Deputy City Clerk Kim Breland