ORDINANCE NO. 3368-26

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD A NEW POLICY WITHIN THE TEXT OF THE FUTURE LAND USE ELEMENT TO PERMIT THE SUBDIVISION OR LOT SPLIT OF LAKEFRONT PROPERTY THAT MEETS SPECIFIC CRITERIA, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Winter Park City Commission adopted its Comprehensive Plan on February 14, 2024 via Ordinance 3291-24, and

WHEREAS, the City received an application requesting a text amendment to the Future Land Use Element to the Comprehensive Plan; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed text amendment to the Comprehensive Plan, having held an advertised public hearing on June 2, 2026, provided for participation by the public in the process and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed text amendment to the Comprehensive Plan and held advertised public hearings at which the City Commission has provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process; and

WHEREAS, proper notice has been given for all public hearings on the proposed text amendment to the Comprehensive Plan; and

WHEREAS, the City Commission desires to amend the Comprehensive Plan, Future Land Use Element, in order to add a new policy within the Future Land Use Element to permit the subdivision or lot split of lakefront property with a minimum of 3.5 acres subject to specific conditions; and

WHEREAS, such text amendment meets the criteria established by Chapter 166, Florida Statutes, is internally consistent with the Goals, Objectives and Policies of the Comprehensive Plan, and is otherwise in compliance with law.

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 I, "Comprehensive Plan" Future Land Use Element is hereby amended to add a new Policy

1-5.1.8 as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Policy 1-5.1.8: Additional Lakefront Lot Considerations. Notwithstanding anything to the contrary contained herein, the City shall permit the subdivision or lot split of a lakefront property with a minimum of 3.5 upland acres, which is zoned R-1AAA and has a Single Family Residential Future Land Use designation (which lot exists as of October 1, 2025), into two resultant lots subject to the following standards:

(1) each lot shall have a minimum of 150 linear feet of frontage on both the lake boundary line and right-of-way boundary line;
(2) each lot shall be a minimum of 1.5 acres in size;
(3) the maximum gross floor area of the primary structure allowed on each lot created by the lot split/subdivision is 15,000 square feet, and the retained square footage required in condition #5 below on the lot with the principal structure required to be retained and the square footage of any detached accessory structures on either lot shall not count towards the 15,000 square foot maximum for that lot; provided, however, the total gross floor area of all of the structures on each lot shall not exceed 35% FAR;
(4) one of the two lots shall have a home architecturally designed with a Mediterranean, Mission style, or James Gamble Rogers II's influence; and
(5) for any subdivision or lot split of property that has either a historical designation or that meets the criteria to be eligible for a historical designation, a minimum of 80% of the square footage and 70% of the linear footage of the front facade of the existing primary structure shall be retained. No demolition permit shall be issued for the demolition or removal of any portions of the existing primary structure required to be retained. Such retained portions shall remain part of the original structure and shall be permanently maintained or repaired. Improvements or alterations to the retained portions may be permitted, provided such improvement or alteration does not result in the demolition or replacement of the required retained portions of the primary structure. Any additions to be attached to the required retained portion of the primary structure and other structures on the property must maintain the architectural character of the primary structure as Mediterranean, Mission, or James Gamble Rogers II. Prior to approval of the subdivision or lot split, the property owner shall execute and record a restrictive covenant that runs with the land, approved by the City Commission, that reflects the foregoing permanent retention requirements, binds successors and assigns of the property, and provides that the City of Winter Park has the right to enforce this provision and the restrictive covenant, without limitation, by mandatory injunction, conditioning any building permit for the property on compliance with this provision, and any other means.

SECTION 2. CODIFICATION. Section 1 of this Ordinance shall be incorporated into the City of Winter Park Comprehensive Plan. Any section, paragraph number, subsection number, letter, and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and other similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be made.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.

SECTION 4. CONFLICTS. If any ordinance or part thereof is in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 5. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this 11th day of November 2026.

By: _____
Mayor Sheila DeCiccio

ATTEST:

By: _____
Kim Breland, City Clerk