



Planning & Zoning Board Regular Meeting

Agenda

November 7, 2023 @ 6:00 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

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please note

Times are projected and subject to change.

1. Call to Order**2. Consent Agenda**

- a. Approve the minutes of October 3, 2023. 1 minute

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker**4. Public Hearings (Public participation and comment on these matters must be in person.)**

- a. Request of the City of Winter Park for an Ordinance of the City of Winter Park, Florida amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions for non-residential zoning districts", to provide definitions and submittal and reporting requirements and other provisions for certification and implementation of development pursuant to the Live Local Act of Florida Statutes. 15 minutes
- b. SUB# 23-02 Request of Robert Lazarus, on behalf of the property owner Thomas Family Trust, for: Subdivision approval to split the property at 627 Country Club Drive, into two (2) residential lots for single-family homes. 15 minutes

5. Action Items**6. Non-Action Items****7. Staff Updates****8. Board Comments****9. Upcoming Agenda Items****10. Adjournment**



Planning & Zoning Board

agenda item

item type

Consent Agenda

meeting date

November 7, 2023

prepared by**approved by****subject**

Approve the minutes of October 3, 2023.

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

1. Draft Planning & Zoning Board Meeting Minutes October 3, 2023



Planning & Zoning Board Regular Meeting Minutes

October 3, 2023 at 6:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

David Bornstein, Melissa Vickers, Vashon Sarkisian, Warren Lindsey, and Michael Spencer. Also Present: City Attorney Dan Langley. Staff: Director of Planning & Zoning Jeff Briggs; Senior Planner & Zoning Official John Harbilas; Planner II Nicholas Lewis; Planner I Corinna Lundgren; and Recording Secretary Mary Bush.

Absent

Jim Fitch and Alex Stringfellow

1. Call to Order

Chairman David Bornstein called the meeting to order at 5:58 p.m.

2. Consent Agenda

- a. Approve the minutes of September 5, 2023.

Motion made by Melissa Vickers, seconded by Michael Spencer to approve the September 5, 2023 meeting minutes.

The motion carried unanimously by a 5-0 vote. (Jim Fitch and Alex Stringfellow were absent from the meeting.)

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker

The Board heard public comment from the following resident:

Budd Crossman of 625 S. Phelps Avenue, Winter Park, FL 32789 addressed the Board. Mr. Crossman spoke about concerns regarding more and more massive homes being built in the City. He urged the City to require the owners of homes being built to use metal roofs, closed cell foam insulation, and PV cells to reduce the increasing

demand for electricity that is creating higher electricity costs.

No one else from the public wished to speak. The public hearing was closed.

4. Public Hearings (Public participation and comment on these matters must be in person.)

a. SPR #23-10. Request of Michael Schaefer.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map, aerial, site plan, and proposed elevations for the property. He noted that the applicant was proposing a 2,248-square-foot home which equates to a Floor Area Ratio (FAR) of 22%, well under the 40% maximum code requirement. He also noted that the applicant's proposal included a four-foot encroachment into the front setback, putting the proposal roughly in line with the existing homes on either side. He added that it also included a slight encroachment into the lakefront setback and one additional request for a 38-foot sidewall segment in lieu of the maximum of 36-feet to make room for the side-entry, three-car garage. Mr. Lewis went on to express that the applicant was requesting to remove one of the nine cypress trees located in the rear of the property and would be required to fully mitigate the tree's removal via the City Tree Ordinance. He also expressed that staff had proposed, and the applicant had agreed to, a condition to add a vinyl fence with plantings facing the lakefront along the rear of the driveway to avoid any views of the driveway from the lakefront. He then noted that the applicants were proposing two swale retention areas on the property and a small berm located across the lakefront to help the eight remaining cypress trees with their natural retention to meet the required stormwater storage.

Staff recommendation was for approval with the following conditions:

- That the removal of the one cypress tree be fully mitigated through the City's Urban Forestry Department; and
- That a six foot tall privacy fence with hedges facing the lakefront side of the fence be placed so as the driveway cannot be viewed from the lakefront.

The Board inquired about whether the property was on a sewer system or septic system, if the utilities were underground, and if a condition was needed for the proposed swales.

The applicant, Michael Schaeffer of 2207 Kindle Avenue, Winter Park, FL 32789 addressed the Board. Mr. Schaeffer noted that he had spoken with both neighbors on each side of the property about the proposed project. He also expressed concerns

regarding the proposed measurements for the home's garage door.

The Board asked Mr. Schaeffer if he agreed with the proposed conditions presented by staff. Mr. Schaeffer indicated that he was fine with the condition as proposed. The Board also asked if Mr. Schaeffer had considered undergrounding the utilities on the property. Mr. Schaeffer expressed that if his utility provider, Duke Energy, allowed undergrounding, then he would prefer to underground the utilities.

No one from the public wished to speak. The public hearing was closed.

Motion made by Warren Lindsey, seconded by Michael Spencer, for approval to construct a new, two-story, 2,248 square-foot, single-family home located at 2207 Kindel Avenue on Lake Bell, zoned R-1A with the following conditions:

- **That the removal of the one cypress tree be fully mitigated through the City's Urban Forestry Department; and**
- **That a six foot tall privacy fence with hedges facing the lakefront side of the fence be placed so as the driveway cannot be viewed from the lakefront.**

The motion carried unanimously by a 5-0 vote. (Jim Fitch and Alex Stringfellow were absent from the meeting.)

b. SPR #23-11. Request of Charles Clayton.

Mr. Lewis presented an area map, an aerial, and elevations for the project. He noted that the proposed property meets the 35% FAR requirement, is below the 50% impervious coverage requirement, meets the lakefront setback average, and the pool setback meets the 50-foot minimum requirement. He then detailed the applicant's front setback requests and noted that due to the curvature of the lake the lot is much deeper on its western portion as compared to its eastern portion. He went on to present the applicant's landscape plan and noted that there are no trees to be removed, a nine-foot setback is required from all the cypress tree locations on the property, a small berm across the lakefront for retention is required, and there are proposed swale locations on both sides of the property. Mr. Lewis then reviewed the lakefront review criteria as it related to the request. He noted that no neighbor letters had been received in either favor or opposition of the request and that the request meets the requirements for stormwater retention.

Staff recommendation was for approval with the following condition:

- That the front yard landscape and hardscape calculations be broken down diagrammatically to ensure the 50% front yard landscape requirement is met.

The applicant, Charlie Clayton of 940 Old England Avenue, Winter Park, FL 32789 addressed the Board. Mr. Clayton noted that every tree on the lot would stay and that he had met with the HOA Board for the community, and they had no objections to the request.

No one from the public wished to speak. The public hearing was closed.

Motion made by Melissa Vickers, seconded by Vashon Sarkisian, for approval to construct a new, two-story, 6,433 square-foot, single-family home located at 1214 N. Park Avenue on Lake Maitland, zoned R-1AAA with the following condition:

- **That the front yard landscape and hardscape calculations be broken down diagrammatically to ensure the 50% front yard landscape requirement is met.**

The motion carried unanimously by a 5-0 vote. (Jim Fitch and Alex Stringfellow were absent for the meeting.)

c. Request of Metro Winter Park, LLC: for Conditional Use approval for a two-story, 53-unit multi-family project on the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave.

Mr. Briggs provided the Board with a summary of the request. He noted that the request had been tabled at the August 1, 2023, Planning & Zoning Board meeting to address concerns raised during the meeting. He also noted that due to the time that had lapsed since the August 1st meeting, a public notice of the request was mailed to all the property owners within a 1,500-foot radius of the subject property. He then presented the applicant's original site plan as a frame of reference and as a reminder of the six duplexes that had been proposed along the frontage of Capen Avenue, which created concerns regarding compatibility with the adjacent neighborhood. Mr. Briggs noted that the applicant replaced the duplexes with seven single-family homes to try and resolve the concerns brought up at the August Planning & Zoning Board meeting. He went on to note that stormwater retention was also a concern that was brought up at the meeting. He indicated that the applicant had been able to increase the stormwater retention from a two-inch standard to a three-inch standard as requested by staff with the creation of two new surface retention swales. He also indicated that at the corner of Swoope and Capen Avenues there will be a retention area that will mostly stay dry and serve as green open space. He then noted that the applicant had been able to revise their plans to meet staff's requirement for a 20-foot clearance separation

for any improvements that would impact the root system and potentially cause harm to the three live Oak trees in the center of the property. He added that the applicant did this in part by reducing the footprint size of building 12.

Staff recommendation was for approval with the following conditions:

- That the six parcels be combined into one replat inclusive of utility easements necessary and that the single-family units be shown as individual lots, so that if there is a desire by current or future owners to sell those individually, it is platted for such.
- That there be no physical improvements within a 20-foot radius of the three existing live oak trees in the interior of the project. Initial pruning/limb removals shall be done under the supervision of the City's forestry staff.
- That the project shall use at least 4 architectural styles from the attached "Style Inspiration" front elevations on the 7 single unit buildings along the Capen Avenue frontage, repeating a style no more than twice. In the event that a style is repeated, it shall include a differentiating color pallet.
- That the landscape plans for both two new surface retention areas include new cypress trees and perimeter fakahatchee or muhly grass/hedging on the sides with vehicular frontage at the corner.

The Board inquired if other City departments had reviewed the stormwater concerns, if there was any opportunity for on-street parking along Capen Avenue, and if the single-family homes would have garages.

The applicant's attorney, Becky Wilson at 215 N. Eola Drive, Orlando, FL 32801 addressed the Board. Ms. Wilson noted that there was a total of 53 units proposed, each with a two-car garage. She also noted that there would be 29 additional visitor parking spaces onsite, and that on-street parking was currently allowed and occurs, but the right-of-way (ROW) just had not yet been completely built.

The Board heard public comment from the following residents in opposition to the request:

Mary Daniels of 650 W. Canton Avenue, Winter Park, FL 32789; Sheila Reid of 780 Carver Street, Winter Park, FL 32789; Bill Cole of 794 W. Swoope Avenue, Winter Park, FL 32789; LaWanda Thompson of 664 W. Lyman Avenue, Winter Park, FL 32789; Ruben Paige of 840 Carver Street, Winter Park, FL 32789; Charles Newton of 631 Swoope Avenue, Winter Park, FL 32789; and Terry Freeman of 663 Dunbar Street,

Winter Park, FL 32789.

No one else from the public wished to speak. The public hearing was closed.

Ms. Wilson addressed the Board. She noted that the property is currently zoned R-3 which allows 17 units per acre. She explained that the applicant's lot is five acres and therefore the applicant would be allowed to build about 84 units with a conditional use permit. She added that the applicant was not asking for any variances and had been willing to accommodate all of the requests of the City. Ms. Wilson then spoke about the surrounding buildings and how they compared to the proposed request. She explained that the applicant had to exceed the St. John's River Water Management Districts' standards, which the City's standards alone already exceed. She then added that she was not suggesting any on-street parking be removed to meet any required radius at the entrance from Swoope Avenue into the project.

The Board inquired about an ingress and egress off Dunbar Street, additional internal parking, the possible loss of parking on Webster Avenue to allow for a right turn only, if there would be sidewalks along Capen and Swoope Avenues, and clarification of the size of the garages for the homes. The Board also asked if a physical component of the existing church building could be saved for historical use before the church is torn down.

The Board then inquired why there was no neighborhood meeting held regarding the concerns of the neighborhood. Ms. Wilson explained that she never suggested it to the applicant since the applicant was not asking to change the future land use or zoning map and she had heard from the community at the August 1st Planning & Zoning Board meeting.

The Board provided their thoughts on the request. Some Board members shared mixed feelings and standing concerns regarding the request, while others felt the applicant had made reasonable adjustments to the request for approval.

The Board recommended that a policy be implemented to require a community meeting for similar requests moving forward and asked that the topic be discussed at future Planning & Zoning Board work sessions.

Motion made by Alex Stringfellow, seconded by Warren Lindsey, for Conditional Use approval for a two-story, 53-unit multi-family project on the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave. with the following conditions:

- **That the six parcels be combined into one replat inclusive of utility easements necessary and that the single-family units be shown as**

individual lots, so that if there is a desire by current or future owners to sell those individually, it is platted for such.

- **That there be no physical improvements within a 20-foot radius of the three existing live oak trees in the interior of the project. Initial pruning/limb removals shall be done under the supervision of the City's forestry staff.**
- **That the project shall use at least 4 architectural styles from the attached "Style Inspiration" front elevations on the 7 single unit buildings along the Capen Avenue frontage, repeating a style no more than twice. In the event that a style is repeated, it shall include a differentiating color pallet.**
- **That the landscape plans for both two new surface retention areas include new cypress trees and perimeter fakahatchee or muhly grass/hedging on the sides with vehicular frontage at the corner.**

Motion carried by a 3-2 vote. (In Favor: David Bornstein, Warren Lindsey, and Michael Spencer. Opposed: Vashon Sarkisian and Melissa Vickers.)

d. Request of the City of Winter Park for: An Ordinance of the City of Winter Park, Florida amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions for non-residential zoning districts", to provide definitions and submittal and reporting requirements and other provisions for certification and implementation of development pursuant to the Live Local Act of Florida Statutes.

Mr. Briggs provided a summary of the item. He explained that effective July 1, 2023, the Florida Legislature amended State Statutes to enact the Live Local Act in order to promote the construction of affordable housing. He further explained that there are some facets of the Act that are positive, including the express approval of inclusionary housing ordinances that can require affordable housing as a component of housing projects in certain circumstances. However, there are certain terms in the Act that are not defined as to their meaning as well as other local zoning over-rides that are of concern in the Act.

He noted in particular, the Act overrides local zoning regulations for any housing project, if that project includes a minimum of 40% of the units as affordable housing. In that case:

1. "A municipality must authorize multi-family and mixed-use residential as allowable uses in any area zoned for commercial, industrial or mixed use if at least 40% of the residential units are, for a period of 30 years, affordable as defined in S. 420.004.

2. A municipality may not require a zoning or land use change, special exception, conditional use or comprehensive plan amendment for the building height, zoning and densities authorized under this section.

3. "A municipality may not restrict the density authorized by this section below the highest density on any land in the municipality where residential development is allowed."

4. A municipality may not restrict the height below the highest currently allowed height for a commercial or residential development located within 1 mile of the proposed development or 3 stories."

5. "A proposed development must be administratively approved if the development satisfies the municipality's land development regulations for multi-family developments in areas zoned for such, with the exceptions of densities and height.

Mr. Briggs went on to express that the first purpose of the Ordinance is to provide definitions as to terms used in the Act that are otherwise not defined in order to avoid legal debates between developers and the City as to the meaning of such terms. He urged that the City needs to be proactive in defining such terms as the City understands their meaning to be. He then expressed that the second purpose of the Ordinance is to provide an application and certification process with submittal requirements in order to certify that the proposed housing development does provide such affordable housing as required, submits a commitment to doing such, and provides such information or reporting requirements during the operation of the housing development. He explained that otherwise, under the Act, one can declare that they are providing affordable housing but never demonstrate how they are doing such at any time during the initial approval process, during construction or operation for the 30 years required. He also added that there are no penalties within the Act for non-compliance.

Staff and City Attorney Langley recommended approval.

The Board inquired about how long a development would have to be affordable housing under the Act.

The Board requested to review the definitions, the submissions, reporting requirements, and penalties before deciding on the request.

Motion made by Warren Lindsey, seconded by Michael Spencer, to table the request of the City of Winter Park for an Ordinance of the City of Winter Park, Florida amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions for non-residential zoning districts", to provide definitions and submittal and reporting requirements and other provisions for certification and implementation of development pursuant to the Live Local Act of Florida Statutes to the November 7, 2023 Planning & Zoning Board meeting.

The motion carried unanimously by a 5-0 vote. (Jim Fitch and Alex Stringfellow were absent for the meeting.)

e. Request of the City of Winter Park for: An ordinance of the City of Winter Park, Florida, amending the Comprehensive Plan and Chapter 58 "Land Development Code" Article I, "Comprehensive Plan" so as to adopt a new Comprehensive Plan, goals, objectives and policies document, substituting for the current 2017 Comprehensive Plan adopted on April 24, 2017 together with all subsequent amendments thereto; providing for transmittal; providing for codification, severability, conflicts and an effective date.

Mr. Briggs provided a summary of the request, noting that it had been briefly discussed at the September 24, 2023 Planning & Zoning Board work session. He reviewed the proposed changes which included implementing the City's charter provisions for when four votes are needed for future land use zoning, clarification on transferring development rights if half of a lot is zoned single-family and the other half is zoned R-2, requiring apartment and townhome projects to have a separation in the amount of units in a building, changing the density in R-4 districts from 25 to 17 units, clarifying how the City interprets zoning along Park Avenue, updating the FAR provision for rear parking lots, clarifying institutional future land use revocation, and implementing historical preservation provisions on lakefront lots. Mr. Briggs informed the Board that consultant Pat Tillman from Inspire Place Making Consulting was present for any questions on the current south of Fairbanks Avenue (SOFA) district study.

A brief discussion ensued with the Board about the proposed housing linkage fee and what other cities are doing regarding housing linkage fees.

Staff recommendation was for approval.

No one from the public wished to speak. The public hearing was closed.

Motion made by Melissa Vickers, seconded by Vashon Sarkisian, to approve an ordinance of the City of Winter Park, Florida, amending the Comprehensive Plan and Chapter 58 "Land Development Code" Article I, "Comprehensive Plan" so as to adopt a new Comprehensive Plan, goals,

objectives and policies document, substituting for the current 2017 Comprehensive Plan adopted on April 24, 2017 together with all subsequent amendments thereto; providing for transmittal; providing for codification, severability, conflicts and an effective date.

The motion carried unanimously by a 5-0 vote. (Jim Fitch and Alex Stringfellow were absent for the meeting.)

5. Action Items

6. Non-Action Items

7. Staff Updates

8. Board Comments

The Board reiterated their desire to consider instituting a mandatory or recommended policy for certain development applicants to have a community meeting.

Mr. Briggs noted that the topic would be placed on an upcoming work session agenda for the Board.

Chairman Bornstein expressed disappointment that not all Board members were able to attend the meeting, since the agenda included a significant action item for the City.

9. Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 7:55 p.m.

ATTEST:

/s/ Recording Secretary Mary Bush



Planning & Zoning Board

agenda item

item type

Public Hearings (Public participation and comment on these matters must be in person.)

meeting date

November 7, 2023

prepared by

Jeffrey Briggs, Director of Planning and Zoning

approved by

Jeffrey Briggs, Director of Planning and Zoning

subject

Request of the City of Winter Park for an Ordinance of the City of Winter Park, Florida amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions for non-residential zoning districts", to provide definitions and submittal and reporting requirements and other provisions for certification and implementation of development pursuant to the Live Local Act of Florida Statutes.

motion | recommendation

Staff recommendation is for approval.

background

Effective July 1, 2023 the Florida Legislature amended State Statutes to enact a Live Local Act in order to promote the construction of affordable housing. There are some facets of the Act that are positive, including the express approval of inclusionary housing ordinances that could require affordable housing to be a component of housing projects in certain circumstances. However, there are certain terms in the Act that are not defined as to their meaning in the Act and other local zoning over-rides that are of concern in the Act.

In particular, the Act overrides local zoning regulations for any housing project, if that project includes a minimum of 40% of the units as affordable housing. In that case:

1. "A municipality must authorize multi-family and mixed-use residential as allowable uses in any area zoned for commercial, industrial or mixed use if at least 40% of the residential units are, for a period of 30 years, affordable as defined in S. 420.004. A municipality may not require a zoning or land use change, special exception, conditional use or comprehensive plan amendment for the building height, zoning and densities authorized under this section.
2. "A municipality may not restrict the density authorized by this section below the highest density on any land in the municipality where residential development is allowed."
3. "A municipality may not restrict the height below the highest currently allowed height for a commercial or residential development located within 1 mile of the proposed

development or 3 stories.”

4. “A proposed development must be administratively approved if the development satisfies the municipality’s land development regulations for multi-family developments in areas zoned for such, with the exceptions of densities and height.”

The first purpose of this Ordinance is to provide definitions as to terms used in the Act that are otherwise not defined in order to avoid legal debates between developers and the City as to the meaning of such terms. The City needs to be proactive in defining such terms as the City understands their meaning to be.

The second purpose of this Ordinance is to provide an application and certification process with submittal requirements in order to certify that the proposed housing development does provide such affordable housing as required, submits commitment to do such, and provides such information or reporting requirements during the operation of the housing development.

Otherwise, under the Act, one can declare that they are providing affordable housing but never demonstrate how they are doing such at any time during the initial approval process, during construction or operation for the 30 years required. There also are no penalties within the Act for non-compliance.

Most cities in Florida are enacting similar ordinances as proposed by staff. We have borrowed liberally from the regulations adopted by the City of Tampa.

strategic objectives

alternatives | other considerations

fiscal impact

attachments

1. Live Local Implementation Ordinance_City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE
III, "ZONING" SECTION 58-84 "GENERAL PROVISIONS FOR
NON-RESIDENTIAL ZONING DISTRICTS", TO PROVIDE
DEFINITIONS AND SUBMITTAL AND REPORTING
REQUIREMENTS AND OTHER PROVISIONS FOR CERTIFICATION
AND IMPLEMENTATION OF DEVELOPMENT PURSUANT TO THE
LIVE LOCAL ACT, 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 in order to provide certification standards and implementation criteria for development proposed in conformance with the Live Local Act of Florida Statutes;

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;

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 58-84 "General provisions for non-residential zoning districts" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

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

(hh) General provisions for development proposed in conformance with the Live Local Act of Florida Statutes.

- (a) **Definitions.** For the purposes of this subsection, the following definitions are provided for terminology not defined in Florida Statutes with respect to implementation consistent with the Winter Park Land Development Code:

Allowed as used in Fla Stat. 166.0415 shall mean as allowed under the provisions of the city land development code at the time of a proposal is submitted for development subject to Fla Stat. 166.0415 and shall not mean as allowed historically back in time previous to the present.

Commercial as used in Fla. Stat. 166.0415 shall mean only the commercial zoning districts of the city which are only properties zoned C-1, C-3, C-3A and PD-OC as used in Ravaudage, and no other zoning district.

Height within one mile as used in Fla Stat. 166.0415 shall mean one mile as can be traveled by human beings along the public streets of the city within the normal permitted lanes of travel from the center point of the proposed development site and shall not mean a straight-line distance as a bird might be able to travel.

Highest allowed density as used in Fla Stat. 166.0415 shall mean 17 units per acre as this is the highest residential density currently allowed and is expressed in units per acre and shall not mean density as used elsewhere in Chapter 166 Fla Stat. when referring to intensity terminology applied to floor area ratio.

Highest currently allowed height as used in Fla Stat. 166.0415 shall only mean such height allowed by right within the municipality and not heights allowed if such height would require conditional use approval under the city land development code based upon the size in square footage of the project proposed project under the Live Local Act.

Industrial as used in Fla Stat 166.0415 shall mean only the industrial I-1 zoning district of the city and no other zoning district.

Mixed Use as used in Fla Sta. 166,0415 shall not apply in the City, as no mixed use zoning district exists within the city.

- (b) **Process for Approval.** The approval process for a qualifying development located within an eligible zoning district, shall include payment of a fee, and if application is not made by the owner of record, then a contract or agreement to purchase (that permits black-out of the financial purchase details) but is clear as to dates of effectiveness and due diligence periods, an application on a form provided by the city, site development plans, and affidavit of commitment to City of Winter Park's Affordable Housing standards for income qualification, monitoring, and inspection during the full minimum 30 years of operation including acknowledgement of the auditing requirements for eligibility of all tenants living within the designated affordable housing units in order to establish compliance with the provisions of the Live Local Act and penalties for non-compliance as further outlined below. Upon application, the city shall complete a sufficiency review of the materials submitted and provide a response that the application is complete or specifically what items are still required at a date sixty (60) days after submittal. The applicant shall then provide the items that are required for the sufficiency review which shall then begin another sufficiency review period that shall be completed at a date sixty (60) days following re-submittal and so on until a complete application is provided. A contract to purchase must be in full force and effect during the sufficiency and review periods established within this Section. If any due diligence period or other contract matter expires within such time periods, then the city shall not begin or complete the sufficiency review or application review.

- (c) **Minimum Requirements.** The minimum requirements for certification of compliance with the Live Local Act are as follows:

Site Development Plan which includes the following:

1. Scale, date, and north arrow.
2. Legal Description of the property.
3. Site Data Table including gross square footage of the site and project, total impervious coverage and principal setbacks.
4. Dimensioned location, size, height and use of all proposed structures.
5. Project units, number of affordable units per area median income, and affordability period.
6. Label uses of adjacent parcels.
7. Location, dimension and method of buffering from adjacent uses.
8. Location and method of screening of refuse stations, storage areas and off-street parking and loading areas.
9. Method of stormwater retention.
10. Location, size and total amount of greenspace.
11. Tree table with tree retention and applicable mitigation.
12. The location, width, pavement type, right-of-way name and other related appurtenances of all public rights-of-way adjoining, traversing or proximate to the site.
13. Location and dimensions of proposed project ingress/egress, parking and service areas, including typical parking space dimensions.
14. Vehicle Use Area buffering adjacent to rights of way.
15. Southern Florida Building Code definitions for types of construction proposed and existing.
16. Proposed means of vehicular and pedestrian access from the site(s) within the development to adjacent streets and/or alleys, showing all existing and proposed curb cuts and sidewalks.
17. Building Elevations (4-sided) for each proposed building.
18. Commitment to complete a transportation study prior to issuance of the building permit.
19. Any other information required under the specific site plan districts pertaining to this article or which may be required, when commensurate with the intent and purpose of this Code, by city reviewing staff.
20. An affidavit confirming a 30-year commitment to provide affordable housing

and monetary cap on all rent charges including any and all other fees as may be assessed to the occupants of units deemed to be affordable, such that all rents and fees shall not exceed 30% of the gross revenue of all occupants of affordable units; affidavit attesting to agreement and acceptance as to the annual audit requirements by a certified public accounting firm attesting to satisfaction of the such income and total rental fees and affidavit attesting to agreement and understanding that violations of such commitments shall be subject to a fine of no less than \$5,000.00 per day for each violation determined by the annual audit and for each day the annual audit is not received by the city after March 1st of every year and affidavit agreement that any such fines shall constitute a lien on said property if not paid to the city within 60 days of receipt of the audit by the city by March 1st of every year and agreement to reimburse the city for any legal expenses in the enforcement of these provisions.

21. A statement indicating the petitioners' commitment to comply with specific chapters of the City Code applicable to the project (i.e., tree and landscaping, fire, etc.) at the time of permitting.
 22. Compliance with all land development regulations applicable to the zoning district in which the project is proposed, except only as otherwise preempted by the Live Local Act with respect to height.
- (d) **Project Narrative.** Application shall contain a narrative which demonstrates compliance with section 166.04151(7)(a)-(g), Florida Statutes.
- (e) **Affidavit of Commitment and Restrictive Covenants.** As a condition of approval and prior to any site or building permits for the project being requested or obtained, the applicant (and the property owner, if different from the applicant) must execute and have recorded in the public records of Orange County, Florida, an Affidavit of Commitment and Restrictive Covenants. Such Affidavit of Commitment and Restrictive Covenants shall: (i) have terms acceptable to the city, (ii) run with and be binding upon the land for no less than thirty (30) years from the issuance of a certificate of occupancy for the last principal structure of the project (iii) be enforceable by the city; (iv) detail the affordable housing and project conditions and restrictions required by this section, the Live Local Act and on the approval of the project; (v) provide for monitoring, and compliance requirements; and (vi) provide for the city's enforcement remedies. Mortgage holders will be required to execute and record a subordination of their lien interest to such Affidavit of Commitment and Restrictive Covenants prior to or simultaneously with the recording of the Affidavit of Commitment and Restrictive Covenants. The city will provide the monitoring and compliance forms upon submittal of the application, deemed complete and sufficient.
- (f) **Equivalent Treatment of all Dwelling Unit Requirements.** As a condition of approval prior to any site or building permits for the project being requested or obtained, such project must demonstrate and commit that all affordable

dwelling units and market rate dwelling units shall be located within the same structure. all common areas and amenities shall be accessible and available to all residents (both affordable and market rate dwelling units). access to the required affordable dwelling units shall be provided through the same principal entrance(s) utilized by all other dwelling units in the development. in addition, the sizes and number of bedrooms in the affordable dwelling units shall be proportional to the square footage and number of bedrooms in the market rate dwelling units (e.g., for number of bedrooms, if 25 percent of the market rate dwelling units consist of two bedrooms, then 25 percent of the affordable dwelling units shall also have two bedrooms.

- (g) **Agent Authorization.** An affidavit with the property owner's notarized authorization.
- (h) **Timeframe for Review and Issuance of Approval:** Upon receipt of a complete application, the city will complete its review and provide a response sixty (60) days from receipt of such materials as required by this subsection.
- (i) **Fee:** The fee for a qualifying development will be \$2642.00 plus \$111/acre or portion thereof or as otherwise amended within the adopted Fee Schedule from time to time by the City Commission at public hearing.
- (j) **Duration of Approval:** An approval received through this process shall be effective for three (3) months from the date of approval. The application process and certification of compliance with the live local act shall begin again if a building permit has not been issued by the city within six (6) months of an approval under this section.

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 ____ day of _____ 2023.

By: _____
Mayor Phil Anderson

ATTEST:

By: _____
Rene Cranis, City Clerk



Planning & Zoning Board

agenda item

item type

Public Hearings (Public participation and comment on these matters must be in person.)

meeting date

November 7, 2023

prepared by

John Harbilas, Senior Planner

approved by

Mary Bush, Administrative Coordinator III

subject

SUB# 23-02 Request of Robert Lazarus, on behalf of the property owner Thomas Family Trust, for: Subdivision approval to split the property at 627 Country Club Drive, into two (2) residential lots for single-family homes.

motion | recommendation

Staff recommendation is for approval.

background

Robert Lazarus (agent) is requesting to subdivide the 0.34 acre property at 627 Country Club Drive, in order to develop two new single-family homes.

The property is currently zoned R-2, and backs up to Office zoned properties to the north which face Lee Road. To the south east, is another single family home, which shares a similar R-2 zoning.

Zoning Test:

The property, when subdivided, would have two lots (Lot 1A and 1B), at 50 feet wide each. Both lots would face Country Club Drive. Lot 1A would be 6,615 square feet and Lot 1B would be 7,975 square feet.

The R-2 zoning requires a minimum of 50 feet for interior lots, as well as 6,000 square feet of lot area. Both lots then meet or exceed the minimum requirements for both lot width and lot area and no lot dimension variances are requested.

Lot Conformance to Subdivision Code Test:

The Subdivision Code or Lot Conformance Test in the Subdivision Regulations is intended to determine if the proposed lots are comparable to the existing neighboring lot size and character, which the Code defines as the other properties within a 500-foot radius.

Sec 58-377 (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 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 subdivision.”

There are 23 other homes within this immediate 500-foot radius neighborhood, with the same R-2 zoning. The average lot width is 52-feet, and the median lot width is 57-feet. The average lot size is 8,174 square feet, and the median lot size is 6,926 square feet. While both proposed lots fall near or below the middle of the spectrum, it should be recognized that half the properties examined are deep lakefront lots, along with two other lots that exceed 100ft in width, which skews the numbers. Furthermore, the subject property is predominantly surrounded by office uses, similar to those along Ellen Drive, which are similar in size to the proposed lots.

Development Plans:

The site plans and elevations for the new homes are included in the packet, which depicts a two-story structure on each lot. Lot 1A proposes a 3,320 square foot home, which is a floor area ratio of 48% versus the code maximum of 55%. The impervious coverage shown is 3,700 sf which is 54.3% versus the maximum of 65%. Lot 1B proposes a 3,312 square foot home, which is a floor area ratio of 41% versus the code maximum of 55%. The impervious coverage shown is 4,100 sf which is 51.3% versus the maximum of 65%. Both homes conform to the standard zoning setbacks.

Summary:

Because both lots conform to the Zoning Test, and both lots generally conform to the Subdivision Code Test, staff is recommending approval of this request.

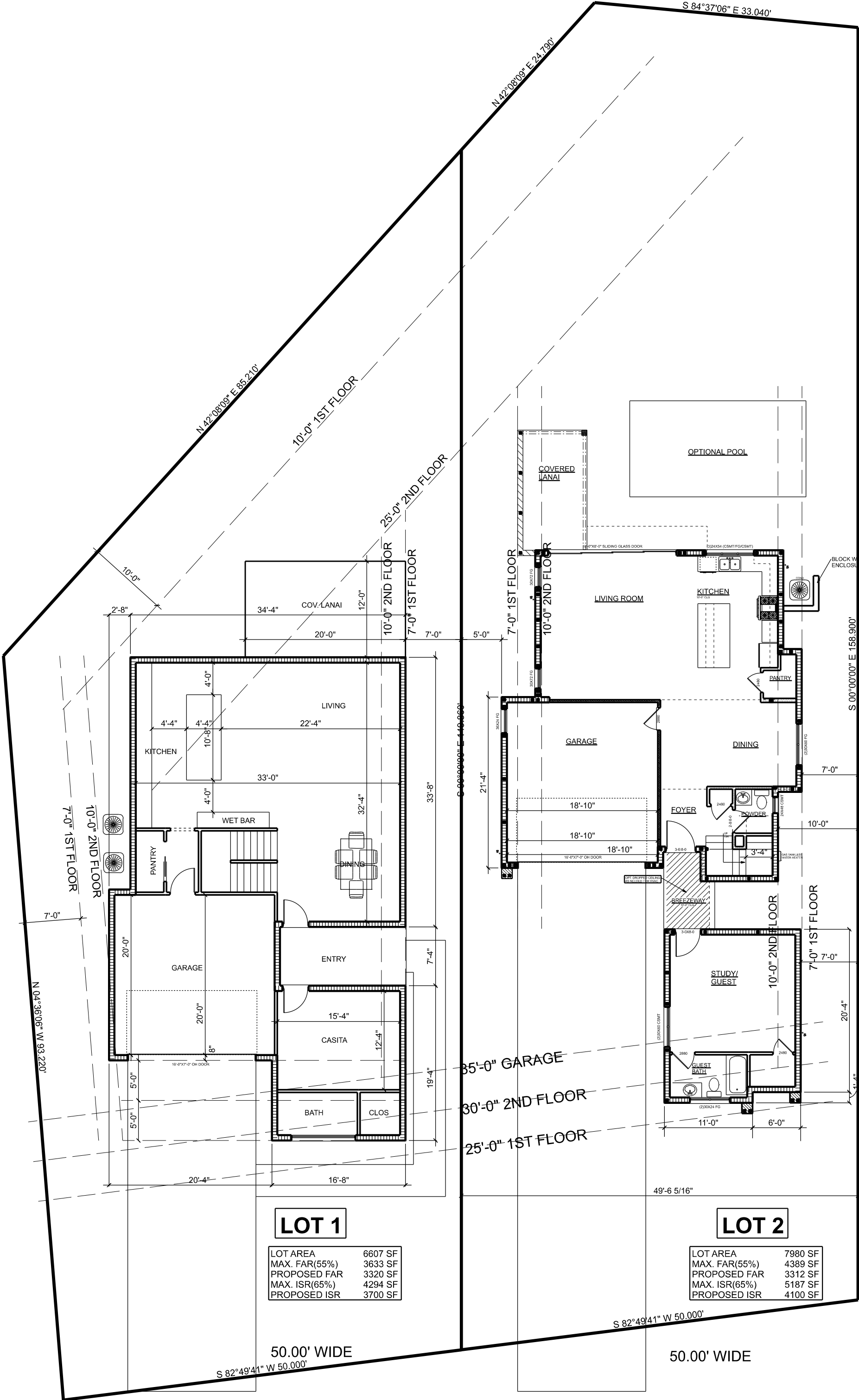
strategic objectives

alternatives | other considerations

fiscal impact

attachments

1. Site Plan with zoning info
2. 627 Country Club elevations
3. Location maps - 627 Country Club





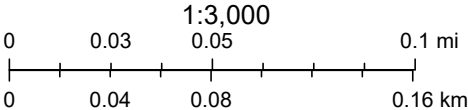
LOT 1B FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

Aerial Map - 627 County Club Dr

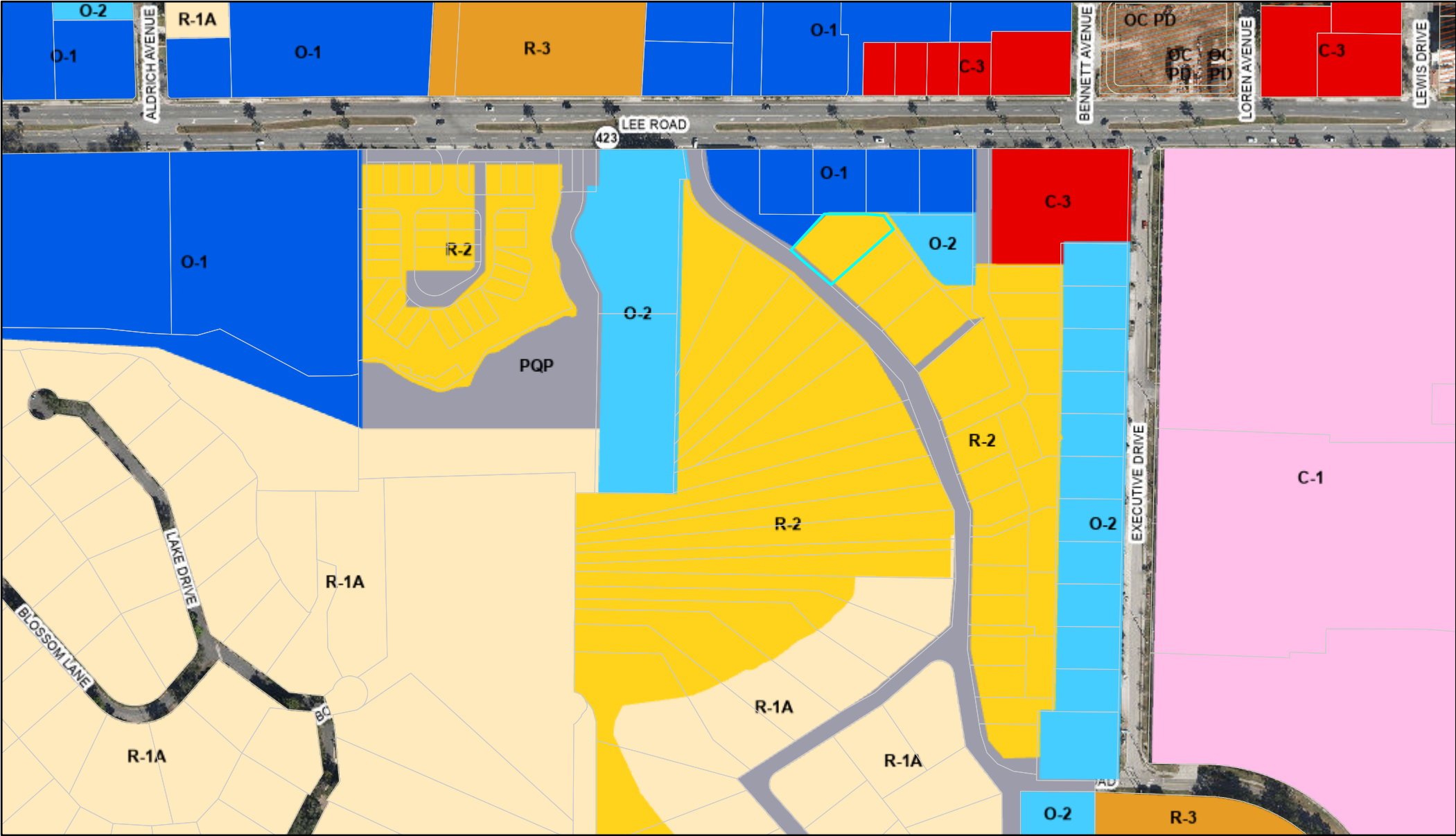


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Zoning Map



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