



City Commission Work Session Minutes

September 15, 2022 at 1:00 p.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

Mayor Phil Anderson; Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada and Todd Weaver; City Manager Randy Knight; and City Clerk Rene Cranis.

Planning and Zoning Board members: David Bornstein, Vashon Sarkisian, Alex Stringfellow, Jim Fitch and Michael Spencer.

Also Present

Director of Planning and Transportation Jeff Briggs; Asst. Director of Planning and Transportation Allison McGillis; Senior Planner John Harbilas; and City Attorney Dan Langley.

1) Call to Order

Mayor Anderson called the meeting to order at 1:03 p.m.

2) Discussion Item(s)

- a. Discussion of proposed changes to the Single-Family zoning regulations.

Director of Planning and Transportation Jeff Briggs said that at the commission's direction, staff has been working on modifications to the single-family zoning rules with two goals; to simplify single-family residential zoning and mitigate some of the visual impacts of mass and scale on the new homes that are being built around the city.

Senior Planner John Harbilas explained that 85% of the update to the code is primarily clean-up of language and the remaining revisions are to simplify the code and processes. He gave a presentation summarizing proposed changes to accessory structures, setbacks, impervious surface ratio, FAR, attics, etc. The main points of discussion were related to building height, attics, and front setbacks.

- Building Height:

Mr. Harbilas reviewed the current code regulations for building height related to flat roofs and noted that the consensus of the P&Z Board was that more freedom is needed for architects to design within a certain height limit, not necessarily pick and choose the type of structure. He stated that the city has homes with both pitch and flat roofs and stated there is a question of whether there is a need to limit the height of flat roofs as they related to a standard pitch roof.

In response to comments by Mayor Anderson about runoff on teardowns/rebuilds, Mr. Harbilas stated that the stormwater changes related to “elevation to fill” are not part of these revisions being discussed but will be looked at soon.

Commissioner Weaver noted that energy efficiency is reduced due to the surface area of the flat roof homes as well as higher ceiling height. He feels the city should limit roof height at the corners.

Lengthy discussion followed on options for calculating maximum building height, the appearance of massing and setbacks, and scenarios based on height calculation and setbacks. Mayor Anderson suggested staff do a survey of best practices of comparative communities on how they have dealt with roof height and pitches.

Mr. Bornstein urged caution in regulating architectural style. He stated that it is better to standardize height without using percentages and mid-point calculations. Setbacks are best way to maintain a level of massing.

Discussion was held on architectural style and retaining the charm of Winter Park neighborhoods and allowing a higher height with limitations on height of the second-floor ceiling. Consensus was to look at best practices for calculating max heights for flat versus pitched roofs and side setbacks/calculations.

- Attics:

Mr. Harbilas said the current code allows some areas to be excluded from the FAR calculation. Depending on roof type and size of area, non-air-conditioned spaces can be excluded. Staff’s concern is areas being called attics are showing up as unfinished and later being finished without a permit or inspection and the square footage not being included in FAR. He noted that an issue with dormer windows facing neighbors has been resolved and provided an example of a home with multiple attic locations that were not included in the square footage. Staff has proposed that in instances where an attic is on the same level of a habitable floor it should count toward the FAR.

Mr. Harbilas presented examples of different homes in the city with finished attics that visually appear to be a third-story dormer, with different views and uses. He raised the question of whether these attics created additional massing to the building versus being an architectural feature.

Mr. Stringfellow explained that the P&Z Board’s concern is that the finished attics have not been permitted and inspected which could create safety issues.

Commissioner Weaver asked if a third-story residential building requires an elevator. Mr. Harbilas said that city code only allows one and two-story structures. He presented two options for calculating FAR:

- Option A: Attic areas above the first or second floor within a sloping roof with a maximum slope of 12:12 and within the allowed building height may be permitted, and are excluded from FAR calculations. Attic spaces which are accessed via a permanent stairway or elevator shall count towards the FAR calculations. In addition, dormers or windows above the second-story may only face the public right-of-way. Homes with a mansard or gambrel-roof types may not utilize this exception. This area shall also comply with the building code.
- Option B: Any living area within the roof slope(s) not accessed by a pulldown ladder, that is over five (5) feet in height is permitted up to an additional 3% of the maximum FAR allowed for the lot (or equivalent to 3% of the total lot area). These areas include bonus rooms, air-conditioned storage areas, etc. In addition, dormers or windows above the second-story may only face the public right-of-way. Homes with a mansard, gambrel, or flat roof types may not utilize this exception. This area shall also comply with the building code.

Commissioner Weavers feels dormers should not be allowed on sides facing neighbors.

Discussion followed on options to address calculation of FAR the importance of gaining compliance from homeowners who may not obtain a permit since a finished attic space may cause the home to exceed the maximum FAR. Mayor Anderson suggested providing incentives to residents who comply with the building code. Consensus was to move forward with Option B and further discussion was held on scenarios.

- Front Setbacks:

Mr. Harbilas summarized the current code and presented two options: A) The greater of the existing setback of the home or 20% of lot depth or B) the lesser of the existing front setback of the home or 24% of lot depth. He showed several properties of differing lot depths and setbacks based on each option. Discussion followed on setbacks and encroachment of front porches and front-facing garages.

Commissioner Weaver added that the city needs to consider the impact of septic tanks and tree canopies in front of homes. Mr. Harbilas explained the need for septic will require increased setbacks but variances could be obtained from Board of Adjustments and discussion continued on impacts of both options.

Mr. Briggs responded to questions related to setbacks and explained that Option A will prevent another situation like what happened on the Selkirk property. Mayor Anderson spoke about the issues that created the Selkirk situation and whether it is over-correcting. Mr. Harbilas explained that the options are not over-correcting setbacks in either situation. The proposed options are simplifying, clarifying, and eliminating the

requirement for a survey. Further discussion was held on the likelihood of repeating the error on the Selkirk property.

Commissioner Weaver asked if there is a way to define the lot width of a property where part of the lot is in a lake. Mr. Harbilas stated the lot depth is calculated from front property line to the water line.

City Attorney Langley spoke about the current calculation of setbacks. He explained that the proposed change will avoid creation of non-conforming setbacks in the neighborhood. After further discussion on unintended consequences and ways to cure the non-conformance with front setbacks, there was general agreement to move forward with Option A.

Discussion followed on how the city would grant variances for lots with extenuating circumstances. Mr. Langley said the criteria for granting setback variances could be revised. Mr. Harbilas added that staff can include language to allow staff to administratively grant variances in certain circumstances. Mayor Anderson agreed and said he is more comfortable with staff providing some relief in some instances.

Commissioner Sullivan asked for a breakdown of lots above and below 12,500 square feet and said he feels the city needs to look at FAR calculations for significantly smaller lots. Mr. Harbilas stated side setbacks are lower for smaller lots and the proposed changes will not the impact smaller lots.

3) Adjournment

The meeting adjourned at 2:59 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis