



Planning & Zoning Board Regular Meeting

Agenda

November 1, 2022 @ 6:00 pm

City Hall Commission Chambers
401 S. Park Avenue

welcome

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assistance & appeals

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"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

-
1. **Call to Order**
 2. **Consent Agenda**
 - a. [Approval of the October 4, 2022 Meeting Minutes.](#) 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 to update the lakefront zoning regulations.](#) 30 minutes
 - b. [Request of the City of Winter Park for: An Ordinance to update the storm water retention code.](#) 30 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 1, 2022
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the October 4, 2022 Meeting Minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[P&Z October 4, 2022 Draft Meeting Minutes.pdf](#)



Planning & Zoning Board Regular Meeting Minutes

October 4, 2022 at 6:00 p.m.

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

Present

Present: David Bornstein, Melissa Vickers, Vashon Sarkisian, Jim Fitch, and Alex Stringfellow. Absent: Richard James and Michael Spencer. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Jeff Briggs, Assistant Director of Planning and Transportation Allison McGillis, Senior Planner & Zoning Official John Harbilas, Planner I Nicholas Lewis, Planning Technician Aaron Hull, and Recording Secretary Mary Bush.

(1) Call to Order

Vice-Chair David Bornstein called the meeting to order at 5:59 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Jim Fitch, seconded by Melissa Vickers to approve the September 6, 2022 meeting minutes.

Motion carried unanimously with a 5-0 vote. (Richard James and Michael Spencer were not present for the meeting.)

(3) Staff Updates

Mr. Briggs noted that there was currently only one possible lakefront item to be discussed at the next Board meeting scheduled for November 1, 2022. He added that the topic of modifying the single family lakefront regulations will be revisited at the next Board work session scheduled for October 25, 2022.

(4) Public Comments (for items not on Agenda)

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

(5) Non-Action Items

No non-action items.

(6) Action Items

No action items.

(7) Public Hearings

- Request of City of Winter Park for an Ordinance to amend Chapter 58, "Land Development Code", Article III, "Zoning" to revise the zoning regulations and development standards for single-family zoned properties.

Mr. Harbilas provided the Board a brief summary of the request. He noted that there was nothing new added to the development standards that had not already been discussed with the Board during their previous four work sessions and one joint work session with the City Commission. He noted that the building height for lots less than 12,500 square feet was fixed at 32 feet including parapets per the Board's final work session. He

added that the Board was provided a summary of the changes that were previously proposed and agreed upon by the Board in their Board meeting packet. Mr. Harbilas then briefly noted some of the changes that included removing excessive language, removing sliding scales, and overall simplifying and clarifying the provisions of the code.

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 Alex Stringfellow, for approval of an Ordinance to amend Chapter 58, "Land Development Code", Article III, "Zoning" to revise the zoning regulations and development standards for single-family zoned properties.

Motion carried unanimously with a 5-0 vote. (Richard James and Michael Spencer were not present for the meeting.)

(8) Board Comments

No Board comments.

(9) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(10) Adjournment

Meeting adjourned at 6:07 p.m.

/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 1, 2022
prepared by Jeffrey Briggs	approved by Allison McGillis, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

Request of the City of Winter Park for: An Ordinance to update the lakefront zoning regulations.

motion / recommendation

Staff recommendation is for approval.

background

The City's history with regard to the review of waterfront (lakes/canals/streams) construction including boathouses/docks began in 1975 when the Zoning Code was amended to require the Planning and Zoning Board approval of all new construction and substantial redevelopment on waterfront properties including homes, boathouses/docks etc. Over the ensuing years, the Zoning Code was amended from time to time, to address issues with the implementation of those waterfront plan reviews but there has not been a major update in 15+ years.

Over time, the authority for review and approval of seawalls and docks/boathouses was transferred to the Lakes and Waterways Board. In 1985, the authority for approval of any seawalls was transferred to the Lakes and Waterways Board. In 2000, the authority for the approval of boathouses and docks on waterfront properties was transferred to the Lakes and Waterways Board. That change was very beneficial since both the Lakes Division staff and the Lakes Board are the experts on all things being done in the water. It also helped significantly for the Lakes Division staff to be aware of all of the boathouse/dock permits, and conditions of approval for such, as the Lakes staff was frequently watching the progress of construction of boathouse/docks and seawalls while doing their normal responsibilities on the lakes.

Updates to the Responsibilities for Boathouse/Dock Approvals:

One major change proposed in the Ordinance is to transfer the development regulations for waterfront boathouses/docks /gazebos from the Chapter 58 "Zoning" to Chapter 118

“Waterways” in order to give the Lakes and Waterways Board and the Lake Killarney Advisory Board complete authority over those structures. The current issue is that since the boathouse regulations are codified within the Zoning Chapter, it is the Board of Zoning Adjustment (BZA) that must grant variances. Today an applicant for a variance must receive an approval from the Lakes Board and then they need the variance from the BZA. The reality (in practice) is that the BZA always trusts the judgment of the Lakes Board in making their decision. If the Lakes Board denies the request due to the variance, then the BZA can’t over-ride that decision. If the Lakes Board approves the variance, then the BZA never second guesses the Lakes Board. Property owners can not understand if the Lakes Board approves the plans, inclusive of a variance, why it needs to be approved a second time by the BZA. It is an unnecessary duplication of actions.

Other changes to the Waterfront Development Regulations:

The planning staff has also updated the waterfront regulations for the following topics:

1. Improving storm water grading regulations to prevent issues with drainage onto adjacent properties.
2. Clarifies the lakefront setbacks for fences and walls.
3. Clarifies the permitted pools/patios deck heights above natural grade on the lakefront lots and the location of pool cabanas
4. Clarifies the location of pools/patios decks on lakefront lots with walk-out basements.

With respect to improving storm water grading regulations, these code modifications strengthen language to ensure that storm water runoff does not flow onto adjacent properties. This includes a requirement, if needed, to build retaining walls or curbs on the side property lines to control the flow of water, to construct inlets and pipes to convey storm water down to the lakefront and to construct stem walls in order to maintain existing grades within side setback areas.

With respect to clarifying lakefront setbacks, these code modifications strengthen language regarding protection of views of the water by adjoining waterfront properties. The new code text requires privacy fences on side lot lines to be of open materials such as aluminum picket or wrought iron back to 75-feet from the high-water line before a solid fence or wall can be built versus the current regulation for 50 feet. The new text also limits the potential of large patio structures within the 50-foot setback by reducing the allowable impervious coverage in that area from 10% to 5%.

With respect to clarifying permitted heights of pools/patios decks on lakefront lots and regulations for accessory structures such as pool cabanas, the Code now is a 3-foot maximum height for pool decks above existing natural grade. On properties with significant grade drops that require more than the 3-feet, a new home may request up to 5-feet above existing grade so long as a minimum of 2-feet of step-downs are within the principal structure or from the finished floor elevation down to the swimming pool/deck.

This provision would not be allowed to have any exception or variance, so that the negotiations with the planning staff and P&Z that are continually occurring, will be ended. In that way P&Z is not creating different decisions on pool deck heights on one property versus another. Also, accessory structures (such as pool cabanas) that are permitted when utilizing this exception, will not be allowed at the 10-foot side setback and must conform to the setbacks of the principal structure.

With respect to clarifying floor level location of pools/patios decks, the Code still will permit walkout basements, however, swimming pools and decks must be located only on the lowest living area level, in line with the existing natural grade. This limits the possibility for large stem/retaining walls for swimming pools/decks by avoiding placement of the pool/deck on a second floor level with a three story home on the lakefront (two floors plus walkout basement) far above the natural grade.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance Updating Lakefront Zoning Regs_NL updates.docx](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" PROVIDING FOR UPDATES AND MODERNIZATION TO THE CURRENT REGULATIONS, AND AMENDING CHAPTER 114 "WATERWAYS" TO INCORPORATE THE REGULATIONS CONCERNING DOCKS AND BOATHOUSES, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the purpose of providing environmental protections for the City in the management of construction on waterfront properties on lakes, canals and streams and to update and modernize the waterfront zoning regulations and to clarify the authority of the appointed boards having jurisdiction in the review of waterfront construction and of docks, boathouses and gazebos and in furtherance of the protection of due process and the general welfare of the City 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 and is intended to promote, enable and facilitate economic competition;

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 Regulations, Section 58-87 "Lakefront lots, canalfront lots, streamfront lots, boathouses and docks" of the City of Winter Park Land Development Code is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

- **ARTICLE III ZONING REGULATIONS.**
- **Sec. 58-87. - Lakefront ~~lots, canalfront lots, streamfront lots, boathouses and docks~~ other waterfront properties.**

(a) *Purpose and intent.* It is the intent of this section to insure that buildings and structures on waterfront properties including canalfront lots, lakefront lots and streamfront lots are ~~not~~ constructed or placed such that no boating hazards will be created, that construction shall be compatible with the natural grade of the property, precluding large stem walls, swimming pool or patio walls, terrace or retaining walls facing the water, that water pollution from stormwater runoff and other sources will be

minimized by providing adequate stormwater retention and conveyance, that views of water from adjoining waterfront properties will not be unduly impaired, that existing trees shall be preserved to the degree reasonably possible and that the appearance of the property and the shore when viewed from the water will be kept as natural as reasonably possible. The city's lakes, canals and streams are among the city's greatest assets, and it is in the public interest to require that their aesthetic appeal and water quality be maintained and enhanced when possible.

(b) *Building plans.*

(1) A building permit shall not be issued for any new structure or building, addition over five hundred (500) square feet to any existing structure or building, ~~fence or wall~~ or significant change to an existing property on a lakefront, canalfront or streamfront lot until satisfactory building plans are reviewed and approved by the planning and zoning board that are deemed in compliance with the objectives established in the aforementioned purpose and intent. The planning department shall review all such plans and provide a recommendation to the planning and zoning board. A decision by the planning and zoning board shall be done at a public hearing after review of comments from city staff and notification of the adjacent waterfront property owners.

(2) In cases involving the construction of swimming pools (without screen pool enclosures), or patios, or hardscape additions of under one thousand (1,000) square feet, the planning department shall provide an administrative review which will result in approval, approval with conditions or denial of the permit. In such cases, the owner may appeal the planning department's determinations to the planning and zoning board.

(3) In all other cases, the planning and zoning board shall review and approve construction upon lakefront lots, canalfront lots and streamfront lots when deemed in compliance with the objectives established in the aforementioned purpose and intent.

~~(4) The lakes and waterways board shall review and approve construction of boathouses, docks, gazebos over the lakes or other water bodies. However, review and approval by the lakes and waterways board of boathouses, docks and gazebos shall not be required if the structure is replacing an existing boathouse, dock or gazebo and is in the same location and is meeting the code requirements set forth in this section. The review and approval by the lakes and waterways board is only required when variances are requested or when there is not an existing boathouse, dock or gazebo on the property/water or when the location of the boathouse, dock or gazebo is being changed by more than five feet from the current location.~~

~~(4)(5)~~ The requirements of this section are minimum requirements, and the planning and zoning board ~~or the lakes and waterways board~~ may impose more restrictive requirements and conditions on the height, bulk, location and any other aspect of the proposed development where necessary in order to accomplish the purpose and intent of this section. ~~Review by the planning and zoning board or the lakes and waterways~~

~~board shall be at a public hearing following notification of adjacent waterfront property owners.~~

~~(c) *Docks and boathouses.* The following minimum or maximum standards shall apply to all construction or renovation of docks and boathouses:~~

~~(1) Before a building permit is issued, the plans for docks and boathouses shall be approved by the lakes and waterways board after review of comments from city staff and notification of the adjacent lakefront property owners.~~

~~(2) The total area of docks and boathouses built at the water's edge over land and water shall not exceed 600 square feet. In the case of canalfront lots (other than boathouse lots on canals as set forth in subsection (f) hereafter), the maximum total area of docks, boathouses, decks, stairs and any other attachments shall be based on the length of the canal frontage as follows:~~

- ~~a. Seventy-five feet or less of frontage, 450 sq. ft.~~
- ~~b. Seventy-six feet to 100 feet of frontage, 500 sq. ft.~~
- ~~c. Over 100 feet of frontage, 550 sq. ft.~~
- ~~d. The maximum width of canal boathouses shall be 20 feet.~~

~~(3) All new docks and boathouses shall be constructed ten feet from a side lot line. This side setback can be reduced to five feet if written approval is presented from the adjacent property owners.~~

~~(4) All new docks and boathouses shall not extend over 30 feet into the water from the elevations specified in this section. However, on Lake Killarney the maximum distance may be 50 feet.~~

~~(5) The highest point of a boathouse or gazebo roof or any railing shall not exceed 11 feet and the roofs must be pitched so as to eliminate flat roofs and use of such areas as sundecks. The height shall be measured from the surface of the dock or floor to the highest point of the roof or railing. In addition, the surface of any dock, sundeck or floor of any boathouse, gazebo, etc., shall not be more than two feet above the elevations specified in this subsection.~~

~~(6) In order that all docks or boathouses be utilized only for boating and other recreational activities and not as living space, there shall be no bathrooms or cooking facilities permitted in them, nor as an improvement to any existing boathouse. There also shall not be any enclosed rooms over water except for storage rooms limited in size to a maximum of 80 square feet.~~

~~(7) Only one boathouse shall be permitted for each lakefront property owner. In the case of common ownership of lakefront property such as in a condominium arrangement or property owned by a subdivision, there shall only be one boathouse permitted.~~

~~(8) The sale or lease of a portion of lakefront after January 1, 1980, shall be construed as a subdivision and shall not enable the owners to make application for a dock and boathouse unless that subdivision has received the approval of the city commission.~~

~~(9) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. On lots that are divided by a public street, landscape buffering shall be required to substantially cover 50 percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural surroundings. Off-street parking areas shall remain without asphalt, concrete, brick, gravel, grass paver or other improved surface.~~

~~(10) As a condition for a permit to build or repair any lakefront dock or boathouse, the lakefront water area along shorelines that do not meet the vegetation standards of subsection [114-6\(a\)](#) of this Code shall be required to be planted so that no more than 50 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.~~

(c) Submission requirements. Applications shall require the following submissions:

(1) Existing conditions survey including the existing contours or spot elevations at the side property lines and as otherwise occur on the property. The survey shall also include the location of existing trees having a diameter of six (6) inches or greater measured two (2) feet from the ground and the approximate locations of the adjacent building corners and swimming pool deck corners closest to the lake.

(2) Site plan showing the location of all existing or proposed buildings, structures, pool decks, retaining or terrace walls, hardscape and paved areas, drives and curb cuts. The site plan shall include indications of the trees proposed to be removed. The site plan shall also indicate the proposed first floor elevation and the elevation of all exterior patio/lania/pool decks, retaining walls, etc. The site plan shall include the front and side and waterfront setbacks measured to the ordinary high water proposed to the principal structure and to the furthest edge of any patio/lania/pool deck.

(3) Statistical table to indicate the square footage of the property as measured to the ordinary high water elevation, square footage of the building elements and square footage of the combined impervious surfaces.

(4) Building elevations of the proposed principal and accessory structures including pool cabanas. The elevations shall include the existing ground level to indicate extent of retaining or stem walls proposed.

(5) Drainage plan (which may also be included on the site plan) showing the method of conveyance of storm water drainage and the areas designed for storm water retention including any curbs or walls necessary to contain drainage on-site or swales, inlets and pipes necessary for conveyance.

(d) *Other Structures on lakefront, canalfront or streamfront lots.* The following standards shall apply to all construction on lakefront, canalfront or streamfront lots:

(1) *Stormwater retention.* Lakefront, canalfront and streamfront lots shall be developed to maximize the amount of natural rainfall which is percolated into the soil via retention systems and to prevent ~~minimize~~ direct overland runoff into the water or onto adjoining properties. With the exception of boathouses, docks or other over-water construction, storm water runoff from structures and other impervious surfaces shall be directed into swales or terraces on the lot or restrained by berms so as to provide for the on-site retention and percolation of the first one inch of runoff. Properties being developed or redeveloped shall eliminate any direct piped discharges of storm water into the water, so that this runoff is directed to the on-site retention and percolation areas. The planning and zoning board may require, as conditions necessitate, the submission of soil and water table information, topographic detail, drainage calculations and professionally designed plans so as to insure these requirements are met. All storm water retention compliance shall prioritize the preservation of existing trees and the impacts of fill or excavation on tree root systems shall be minimized and the planning and zoning board shall have the authority to require berm or alternative retention methods and volumes where necessary to protect the root systems and survivability of existing oak and cypress trees. In addition, the City may require for proper conveyance of storm water, the implementation of inlet and pipe drainage systems incorporated into the property so that runoff is properly conveyed down the side setback areas.

(2) No lakefront, canalfront or streamfront lot owner shall grade the lot in such a way as to interfere with the natural drainage of adjoining lots or in a way that diverts drainage from their lot onto adjoining lots. In order to prevent stormwater runoff onto adjacent properties, new construction on sloping sites shall require stemwall construction in order to maintain the existing grades within the side setback areas. The planning and zoning ~~board commission~~ may also require, as conditions necessitate, the construction of physical features, such as curbs, walls or inlets ~~grading, swaling~~ and piping of roof gutters ~~so as to ensure that runoff on a lot does not negatively impact adjoining lots.~~

(3) *Views of Neighbors.* Structures on lakefront, canalfront or streamfront lots shall, to the extent reasonably possible, be designed and located to minimize their obstruction or degradation of traditional views to and through the property to the water from adjoining waterfront properties. Structures in this context shall also include fences and walls. Structures shall also be located so that existing trees shall be preserved to the degree reasonably possible. The planning and zoning board, may as conditions necessitate, reduce the height of structures, alter their location, size and design so as to accomplish these objectives. The planning and zoning board shall also have limited authority to grant exceptions to the front and side setback standards when deemed necessary to accomplish these objectives.

(4) *Tree Preservation.* Structures on lakefront, canalfront or streamfront lots shall be developed and landscaped so that when viewed from the water, those structures are as unobtrusive as is reasonably possible. When a lot is being redeveloped, or a lot's structure is being extended or altered, the planning and zoning board ~~commission~~ may require the planting of new trees and other landscaping in order to achieve this objective. The planning and zoning board shall also require the preservation of shade trees whenever possible in order to keep the lakefront environment as natural as reasonably possible.

(5) *Views from the lake.* To the extent practical, vehicles shall not be visible from the lake. To achieve this objective, the parking of vehicles in any area between the rear of the principal building and the water shall be prohibited. Driveways and other parking surfaces for vehicles when located on the side of lots shall be screened by walls or fences (not including wood fences) or landscaping at least four feet in height that can effectively screen the view of the vehicles from the lake. This shall not apply to driveways and parking areas in the front of the lot that may be situated such that vehicles are visible from the lake.

~~(6)~~(5) Structures on lakefront lots require the approval of the planning and zoning board prior to the issuance of a building permit. As conditions necessitate, the planning and zoning board ~~or city commission~~ may impose increased setbacks in concert with their waterfront review ~~or conditional-use~~ authority as necessary to accomplish the objectives in this section. Structures in this context shall also include parking lots, driveways, swimming pools, cabanas, gazebos, screen enclosures, tennis courts and other accessory buildings.

~~(7)~~(6) *Setbacks - Single family/duplex.* The setback from the water's ordinary high-water elevation for single family and duplex buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall be the average established by the adjacent water front properties ~~within 200 feet of the subject property, or 50 feet, whichever is greater.~~ That average lakefront setback determination shall be the point at which construction is permitted. The planning and zoning board shall have the authority to approve water front setbacks less than the average determined above to a minimum of 50 feet in accordance with their water front review authority based upon the determination by the planning and zoning board that such construction does not unduly impair the views of water of adjoining waterfront properties.

(8) *Setbacks - Multi-family/non-residential/mixed use.* The water front setback from the ordinary high-water elevation for multi-family (three or more units) or non-residential or mixed-use buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall correspond to the height of the proposed structure. For buildings and structures thirty-five (35) feet in height or less, the water front setback shall be a minimum of seventy-five (75) feet. As the height of the building or structure increases, for each one-foot increase in height

over thirty-five (35) feet in height, the water front setback shall increase by two and one (2½) feet. Parking lots, driveways, swimming pools or other accessory structures shall be -half setback a minimum of fifty (50) feet from the ordinary high-water elevations below. The planning and zoning board shall also have limited authority to grant exceptions to the lakefront setback standards when new construction replaces an existing structure(s) that are nonconforming to the current required lakefront setbacks but may not increase that nonconformity.

- a. *Ordinary high-water elevations.* For convenience, the ordinary high-water elevations of the city's principal lakes are listed below. These elevations have been determined by the Florida Department of Environmental Protection (FDEP) Bureau of Survey and Mapping. All elevations reference NGVD (88 datum). For the canal and stream front locations, the ordinary high-water elevations are to be provided by the public works department.

1. Lake Berry69.4 feet
2. Lake Killarney82.0 feet.
3. Lake Maitland65.7 feet.
4. Lake Mizell65.7 feet.
5. Lake Osceola65.7 feet.
6. Lake Sue70.7 feet7.
7. Lake Sylvan71.2 feet.
8. Lake Virginia65.7 feet.
9. Lake Bell88.6 feet.
- 10.Lake Spier89.7 feet.
- 11.Lake Forrest100.0 feet.
- 12.Lake Grace100.8 feet.
- 13.Lake Rose87.8 feet.
- 14.Lake Tuscany69.1 feet.
- 15.Lake Baldwin90.7 feet.
- 16.Lake Temple66.6 feet

(9)(6) Structures on canalfront or streamfront lots require the approval of the planning and zoning board prior to the issuance of a building permit. Other than boathouses, the waterfront setback shall be at least fifty (50) feet from the canal bulkhead or stream. Structures in this context shall also include driveways, parking lots, swimming pools and pool decks, screen enclosures, tennis courts, cabanas and other accessory buildings. Swimming pools and decks on canalfront or streamfront lots may be permitted a minimum of twenty-five (25) feet from the canal bulkhead or stream ordinary high-water elevation, provided the swimming pool has an elevation of no more than two (2) feet above the existing grade on the side closest to the canal or stream. The planning and zoning board may require, as conditions necessitate, the imposition of increased setbacks to accomplish the objectives in this section.

(10)(7) Fences or walls on lakefront, canalfront, or streamfront lots.

a. Fences or walls on lakefront, canalfront, or streamfront lots shall not be permitted to extend into the water beyond the ordinary high-water elevation or into a canal beyond the bulkhead. Fences and walls shall not be permitted which run parallel to or across the lakefront, canalfront or streamfront property anywhere within the fifty (50) foot setback from the ordinary high-water elevation.

b. Fences that are open, such as aluminum picket, wrought iron, or green or black clad vinyl chain link, but not walls, or any fences of solid materials such as wood or vinyl, may be permitted which run parallel to or across the lakefront, canalfront or streamfront on only that portion of the land between the rear of the main structure and the fifty (50) foot setback provided such fence does not exceed four (4) feet in height above existing grade.

c. Retaining walls, terrace walls, standalone decks and patios, railings or other structures higher than three (3) feet above existing grade shall not be permitted within the ~~fifty~~ (50) foot setback. Other accessory structures or improvements, that do not exceed three (3) feet in height within the 50-foot setback such as walkways, railings, standalone patios and, decks, fire pits, etc., shall not cover more than five (5%) ~~ten~~ percent of the land area within that 50-foot setback. Standalone patios, decks and fire pits shall have a minimum setback of fifteen (15) feet from the ordinary high-water elevation.

d. In order to maintain water views across properties, Fences running down the sides of properties up to seventy-five (75) feet, setback from the ordinary high-water line, shall be permitted a height of up to six (6) feet. or parallel to or across the waterfront Fences within the seventy-five (75) foot setback, shall be substantially open, limited to materials such as aluminum picket, wrought iron, or green or black clad vinyl chain link, which allow visibility across property lines and to the water. Wood shadow box fences shall not qualify as open fencing. The ~~p~~Planning and ~~z~~Zoning ~~b~~Board may permit fences closer than the 50 feet but only on canalfront or streamfront lots as necessary to enclose swimming pools.

(11)(8) Conformance to grades. Many waterfront lots have existing grade slopes down to the water that are otherwise uncommon in the region. The typical home design with a finished first floor level and the swimming pool and patios decks at the same level cannot be accomplished on these sloping sites.

a. The design of the floor levels and swimming pool or patio decks must conform to the terrain and natural slope of the property.

b. Swimming pool and spa decks, patios and terraces shall not be constructed more than three (3) feet in height above the average existing grade elevation on the lakeside edge of the deck, patio, or terrace. The height is measured from the existing natural grade and not the finished grade; and shall be measured from the average or midpoint of existing grade when a property slopes from side to side, across the width of the pool deck, patio or terrace. The three (3) feet height limit shall be measured to the level of the predominant swimming pool deck elevation, patio or terrace elevation and cannot be mitigated with the construction of retaining or walls or negative/infinity edge water collection areas or landscape terrace walls.

c. The facade of exposed retaining walls facing the lake shall be screened with landscape materials across the length of the retaining wall except for any sections involving stairs down to the lakefront.

d. On lots with severe grade drops of over seven (7) feet throughout the length of the house, as measured by the contours starting at the front of the main structure to the end of the proposed structure, the Planning and Zoning Board may approve swimming pool and spa decks, patios and terraces higher than three (3) feet above existing grade on the water side. This approval is subject to the project design including step-downs within the principal structure and/or from the first floor elevation down to the swimming pool, patio, or terrace deck, that at a minimum shall be equal to the number of feet requested above the three (3) foot allowance. if approved by four members of the planning board. For example, a swimming pool deck, patio or terrace deck height requested at five (5) feet above existing grade, shall have a minimum of two (2) feet of step-downs within the principal structure and/or from the finished floor elevation down to the swimming pool deck, patio or terrace deck. This restriction shall not be provided any exception or variance.

(12) Any property that requests and is permitted a swimming pool, patio or terrace deck elevation in excess of three (3) feet above existing grade on the waterfront side, shall not be permitted to construct an accessory structure on top of that elevated swimming pool, patio or terrace deck. This restriction shall not be provided any exception or variance.

(13) Walk-out basement levels on waterfront homes that create three floors of living area, or usable basement areas for garage/storage, etc. on the waterfront side of the home shall be permitted where grades permit. However, swimming pools and associated decks and patios, shall be located only on the lowest living area level, in line with the existing natural grade.

There shall be no basis for an exception or variance to be permitted for a swimming pool and associated deck or patio, to be in violation of the three (3) foot elevation limit

above existing natural grade. One can choose to do a walkout basement, or subgrade living area, only if the pool is accessed from the same lowest living area level.

(d)(e) Retaining walls or seawalls. Retaining walls shall not exceed a maximum width of twenty-four (24) inches. The construction of retaining walls or seawalls shall be done in accordance with the Lakeshore Protection regulations within this Code of Ordinances.

~~(f) Boathouse lots on canals.~~ The boathouse lots which exist along the canals interconnecting the lakes within the city were platted and accepted by the city under the premise that these lots would serve as lake access for the residents of that subdivision. As such, the purpose and intention of these boathouse lots is to serve as accessory lots to the main residential properties within that subdivision. In accordance with the policies contained within the comprehensive plan, the following regulations shall apply:

~~(1) The buildability and use of all canal boathouse lots, which are determined to be accessory lots, shall be restricted to the owners of real property within the subdivision in which these accessory boathouse lots were platted.~~

~~(2) Canal boathouse lots which are held January 1, 1981, by property owners residing outside of the subdivision for which they are platted shall be nonconforming boathouse lots which may still be used for constructing a boathouse and for lake access. However, any canal boathouse lots owned by real property owners on January 1, 1981, in the subdivision for which they were platted, shall only be buildable and used to serve the lake access needs of residents of that subdivision.~~

~~(3) Minimum lot widths shall be 50 feet.~~

~~(4) Canal boathouses shall be constructed a minimum of five feet from side lot line. There shall be no front setback.~~

~~(5) The highest point of a canal boathouse shall be no more than ten feet above the ordinary high water elevation of the closest lake as detailed in this section.~~

~~(6) Canal boathouses shall not exceed 400 square feet in size for all areas of boathouses, stairs, and decking.~~

~~(7) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum of loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. Landscape buffering shall be required to substantially cover 50 percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural surroundings. Off-street parking areas shall remain without asphalt, concrete, brick, gravel, grass paver or other improved surface.~~

~~(e)(g)~~ *Wetlands*. Located adjacent to certain streams, lakes and canals are wetland areas, as defined by the Florida Department of Environmental Protection (FDEP) and St. Johns River Water Management District (SJRWMD) methodology, soil types, hydrological requirements and vegetation types in which no adding of soil or other fill materials shall be permitted. In addition, the use of these wetland areas for any structure shall be permitted only as a conditional use granted only upon the affirmative vote of four members of the City Commission and said structures shall be limited to elevated boardwalks or gazebos. The criteria utilized to evaluate such conditional use requests shall include, but not be limited to: the effect on the wetland's function; environmental impacts on the wetlands from the construction process; the loss of environmentally sensitive areas and the precedent for similar construction in other such wetland areas including conformance to the comprehensive plan. For any other building or structure(s) there shall be a fifty (50) foot minimum setback required from the edge of such designated wetlands.

SECTION 2. That Chapter 114 "Waterways", is hereby amended by establishing a new Section 114-31 in order to transfer the existing regulation of boathouse and docks from the Chapter 58, "Zoning Regulations" to the Chapter 114, "Waterways" Section 114-31 as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 114-31 – Regulations for boathouses, docks and other waterfront structures.

(a) Boathouses, docks and other waterfront structures. The following minimum or maximum standards and procedures shall apply to all construction or renovation of boathouses, docks and other waterfront structures:

(1) Before a building permit is issued, the plans for boathouses, docks and any other waterfront structures shall be approved by either the lakes and waterways advisory board or lake killarney advisory board pursuant to their jurisdictions. This shall be done at a public hearing after review of comments from city staff and notification of the adjacent lakefront property owners. However, review and approval of boathouses, docks and gazebos shall not be required if the structure is replacing an existing boathouse, dock or gazebo and is in the same location and is meeting the code requirements set forth in this section. The review and approval by the lakes and waterways board is only required when variances are requested or when there is not an existing boathouse, dock or gazebo on the property/water or when the location of the boathouse, dock or gazebo is being changed by more than five feet from the current location.

(2) The total area of boathouses, docks and any other waterfront structure built over land and/or water shall not exceed six hundred (600) square feet. In the case of canal-front lots (other than the Venetian canal boathouse lots as set forth in subsection (b)

hereafter), the maximum total area of docks, boathouses, decks, stairs and any other attachments shall be based on the length of the canal frontage as follows:

- (a) Seventy-five feet or less of frontage, 450 sq. ft.
- (b) Seventy-six feet to 100 feet of frontage, 500 sq. ft.
- (c) Over 100 feet of frontage, 550 sq. ft.
- (d) The maximum width of canal boathouses shall be 20 feet.

(3) All new docks and boathouses shall be constructed ten (10) feet from a side lot line. This side setback can be reduced to five (5) feet if written approval is presented from the adjacent property owners.

(4) All new docks and boathouses shall not extend over thirty (30) feet into the water from the elevations specified in this article. However, on Lake Killarney the maximum distance may be fifty (50) feet.

(5) The highest point of a boathouse or gazebo roof or any railing shall not exceed eleven (11) feet and the roofs must be pitched with a minimum 2:12 slope on all sides of the peak, so as to eliminate flat roofs and use of such areas as sundecks. The height shall be measured from the surface of the dock or floor to the highest point of the roof or railing. In addition, the surface of any dock, sundeck or floor of any boathouse, gazebo, etc., shall not be more than two (2) feet above the elevations specified in this subsection.

(6) In order that all boathouses or other waterfront structure, be utilized only for boating and other recreational activities and not as living space, there shall be no bathrooms or cooking facilities permitted in them, nor as an improvement to any existing boathouse. There also shall not be any enclosed rooms over water except for storage rooms limited in size to a maximum of eighty (80) square feet.

(7) Only one boathouse shall be permitted for each lakefront or waterfront property owner. In the case of common ownership of lakefront property such as in a condominium arrangement or property owned by a subdivision, there shall only be one (1) boathouse permitted. However, based upon the relative lake frontage of a multi-family residential the respective board may consider that factor in the consideration of variances.

(8) The sale or lease of any portion of lakefront or waterfront, shall be construed as a subdivision and shall not enable the owners to make application for a dock and boathouse unless that subdivision has received the approval of the city commission.

(9) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. On waterfront lots that are separated by a public street, landscape buffering shall be required to substantially cover fifty (50%) percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with and does not detract from the natural

surroundings. Off-street parking areas shall remain without asphalt, concrete, brick, gravel, grass paver or other improved surface.

(10) As a condition for a permit to build or repair any lakefront dock or boathouse, the lakefront water area along shorelines that do not meet the vegetation standards of subsection 114-6(a) of this Code shall be required to be planted so that no more than fifty (50) feet, or fifty (50%) percent (whichever is less) of the shoreline remains clear of vegetation.

(b) *Boathouse lots on the venetian canal and kraft gardens.* The Kronenberger subdivision boathouse lots which exist along the Venetian canal interconnecting Lake Osceola and Lake Maitland or that exist on Lake Maitland adjacent to Kraft Gardens were platted and accepted by the city under the premise that these lots would serve as lake access and accessory uses only for the residents of that subdivision. As such, the purpose and intention of these boathouse lots is to serve as accessory lots to the main residential properties within that subdivision. In accordance with the policies contained within the comprehensive plan, the following regulations shall apply to these properties:

(1) The buildability and use of all canal boathouse lots, which are determined to be accessory lots, shall be restricted to the owners of real property within the Kronenberger subdivision in which these accessory boathouse lots were platted.

(2) Such canal or lake boathouse lots which are held January 1, 1981, by property owners residing outside of the subdivision for which they are platted shall be nonconforming boathouse lots which may still be used for constructing a boathouse and for lake access. However, any such canal or lake boathouse lots owned by real property owners on January 1, 1981, in the subdivision for which they were platted, shall only be buildable and used to serve the lake access needs of residents of that subdivision.

(3) Minimum lot widths shall be fifty (50) feet.

(4) Canal boathouses shall be constructed a minimum of five (5) feet from side lot line. There shall be no front setback.

(5) The highest point of a canal boathouse shall be no more than ten (10) feet above the ordinary high-water elevation of the closest lake as detailed in this section.

(6) Canal boathouses shall not exceed four hundred (400) square feet in size for all areas of boathouses, stairs, and decking. Lake lots shall be permitted the typical lake dimensions.

(7) Canal boathouses shall be located so as not to interfere with navigation and to result in the minimum of loss of existing large oak, pine or cypress trees. Electric service shall be provided via underground wiring. Landscape buffering shall be required to substantially cover fifty (50%) percent of the structure as viewed from the street. Boathouses shall only be painted or have exterior covering of a color that blends in with

and does not detract from the natural surroundings. Off-street parking areas shall remain without asphalt, concrete, brick, gravel, grass paver or other improved surface.

(c) *Retaining walls or seawalls.* The construction of retaining walls within fifteen (15) feet of the ordinary high water elevation or seawalls shall be done in accordance with the Lakeshore Protection regulations within this Code of Ordinances.

SECTION 2. CODIFICATION. Sections 1 and 2 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 Phillip 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 1, 2022
prepared by Jeffrey Briggs	approved by Allison McGillis, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

Request of the City of Winter Park for: An Ordinance to update the storm water retention code.

motion / recommendation

Staff recommendation is for approval.

background

The City's history with regard to storm water retention requirements is as follows:

1. In 1975 storm water retention was first required but just new subdivisions.
2. In 1989 storm water retention was first required for all new buildings.
3. In 1994 storm water retention was also required to be retrofit on-site for existing developed properties that were undergoing renovations, expansions, etc. and a fee-in-lieu provided for, where deemed impractical, within the CBD.
4. In 2006 the storm water code was modified to provide for underground exfiltration systems and adopt design criteria for such.
5. In 2008 the storm water retention code was modified to address a problem of excessive fill for exfiltration systems by limiting such to two feet.

Except for the 2006 & 2008 updates, the storm water management code is largely unchanged since 1994. As a result, it is timely to address issues in the implementation of the code and coordination with other codes of the city.

As a joint project of Public Works and Planning, the staff is suggesting updates to the storm water code for the following areas:

1. Allowing for alternate method of compliance via payment of a fee-in-lieu.
 - a. Now only allowed within the CBD and would also allow within Hannibal Square.
 - b. Would allow if the project is an interior remodel only, provided that underground storm water retention is the only solution as surface retention that would otherwise take away required parking, required landscape areas or trees.

- c. Would allow for historically designated properties.
2. Adds new mandatory setbacks of retention areas from shade trees, that is the same as the distance required for construction barriers around trees.
3. Requires that the design and construction of city storm water retention areas function both as storm water retention for water quality and flood control but also as neighborhood open space and park areas with significant landscaping, benches, public access with such design to be reviewed by the Parks and Recreation Board.
4. Modifies the regulations on fill dirt added to sites prohibiting altering the existing drainage patterns. Also allows the City to require remediation in the form of walls, curbs and other corrective actions to remedy issues of drainage flowing onto adjacent properties.
5. Designates artificial turf as an impervious surface and provides for setbacks for its' use.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance Updating Stormwater Code.docx](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-95 "DEFINITIONS" AND ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 1, "STORMWATER MANAGEMENT" PROVIDING FOR UPDATES AND MODERNIZATION TO THE CURRENT STORMWATER RETENTION REGULATIONS, ADDING REGULATIONS GOVERNING ARTIFICIAL TURF INSTALLATIONS AND MAINTENANCE OF ARTIFICIAL TURF, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the purpose of providing environmental protections for the City in the management of stormwater runoff to update and modernize the stormwater management regulations that have not been updated for 14 years in furtherance of the general welfare of the City 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 and is intended to promote, enable and facilitate economic competition;

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. Amendment of City Code. Section 58-95 of Chapter 58, Article III of the City Code of Ordinances is hereby amended as shown below, all as follows (words that are stricken out are deletions; underlined are additions; stars * * * * * indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code; provisions not included are not being amended):

Sec. 58-95. - Definitions.

For the purposes of this article, certain terms or words used herein shall be interpreted as follows:

* * * *

Artificial Turf or synthetic grass means an artificial grass mat manufactured with man-made materials such as polypropylene, polyethylene, and/or other materials, which is used to replicate the appearance of natural grass.

* * * *

Impervious coverage means the percentage of the lot land area that is covered with impervious materials such as building, swimming pools (including pool water and pool decks), decks, patios, driveways, etc. Standard engineering coefficients of permeability may be utilized for mixed surfaces. Artificial turf shall also be considered an impervious coverage. Land located across a street and separated from the building site shall not be included in the available land area calculation.

* * * *

SECTION 2. That Chapter 58 "Land Development Code", Article V "Environmental Protection Regulations, Article I "Stormwater Management of the City of Winter Park Land Development Code is hereby amended by amending Division 1 as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

DIVISION 1. - STORMWATER MANAGEMENT

Sec. 58-161. - Purpose and intent.

The city finds that the uncontrolled drainage of developed land has a significant adverse impact upon the health, safety and welfare of the city by increasing the siltation and pollution of ground and surface water, by accelerating the eutrophication of receiving waters, by diminishing groundwater recharge and by increasing the incidence and severity of flooding. In order to minimize these detrimental effects of stormwater runoff, the following stormwater management regulations are enacted to provide for the mitigation of stormwater impacts from new development and from the redevelopment of existing properties.

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

(a) In order to achieve the benefits of stormwater management, the city shall require the provision of onsite stormwater retention for all new construction of buildings and parking lots.

(b) The stormwater management requirement for new development shall be the retention onsite of the first inch of runoff from all impervious surfaces.

(c) The stormwater retention requirements of this ~~section~~ division shall be achieved through the retention of stormwater runoff in surface retention facilities, such as grassed swales or retention ponds, or in subsurface exfiltration systems.

(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 fifty (50%) percent of the assessed value of the improvements detailed on the most current OCPA property tax assessment role. Building renovations phased over a two-year period shall be combined to determine applicability of the fifty (50%) percent threshold criteria.

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 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 fifty (50%) percent of the assessed value of the improvements detailed on the most current OCPA property tax assessment role. Building renovations phased over a two-year period shall be combined to determine applicability of the fifty (50%) percent threshold criteria.

(c) The stormwater management requirement for new development shall be the retention onsite of the first inch of runoff from all impervious surfaces, or in subsurface exfiltration systems.

(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, or in subsurface exfiltration systems, or at the sole discretion of the city, via a payment of a fee-in-lieu, as further detailed in this division.

(e) The following stormwater performance standards for the retrofit of existing development shall apply to all building projects whose construction value exceeds twenty-five (25%) percent of the assessed value of the improvements detailed on the most current OCPA property tax assessment role. Building renovations or additions phased over a two-year period shall be combined to determine when the twenty-five (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 (0.5) inch of stormwater runoff from all impervious surfaces.

(g) The stormwater retention requirements of this section shall be accomplished by utilizing surface stormwater facilities, or in subsurface exfiltration systems, or at the sole discretion of the city, via a payment of a fee-in-lieu, as further detailed in this division.

(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.

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

(a) In recognition of the existing fully developed density of properties within the central business district, special stormwater retention requirements are provided for the development or redevelopment of these properties.

(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 (0.5) 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, as further detailed in this Division. 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 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.

(a) In recognition that single family properties have limitations on the percentage of impervious surfaces allowed, there are qualitative rather than quantitative stormwater retention requirements for these building projects.

(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. 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 fifty (50%) percent of the assessed value of the improvements detailed on the most current OCPA property tax assessment role. Building renovations phased over a two-year period shall be combined to determine applicability of the fifty (50%) percent threshold criteria.

(d) The drainage type of each property, whether A, B or C graded lot shall not be changed by the construction or by the addition of fill dirt. In order to comply with the Zoning provisions of Section 58-71 (b) (2) no property shall be graded in such a way as to interfere with the natural drainage of adjoining lots or divert drainage or to cause overflow from retention areas to increase storm water flow onto adjoining properties over the amount naturally occurring prior to construction of any new improvements. The City may require physical barriers such as curbs or walls to be constructed in order to accomplish this requirement when there has been a demonstrated increase in runoff onto adjoining properties. Conversely, when a property constructs a wall or other physical barrier that precludes an adjoining property from allowing storm water to flow onto the subject site, then the city may require weep holes or openings in the bottom of such wall or physical barrier in order to accommodate the natural flow.

(e) In any case where fill is brought onto a property that raises the natural grade of the lot and the construction type does not include a stem wall keeping the side or rear setback areas at the existing grade prior to construction, then the structure shall require gutters and downspouts hooked to an underground pipe system to carry the storm water to its intended destination and thereby preclude water flowing onto an adjoining property.

(f) In the implementation and construction of retention for single family properties there may be situations that arise after the issuance of a certificate of occupancy where the retention system does not function per the original design and creates runoff problems to adjacent properties or streets. The City shall be empowered to require modifications and changes to the retention system including but not limited to those design parameters outlined above. on a property within two (2) years from the date of the certificate of occupancy in order to insure the retention system functions properly and remedies any unanticipated problems.

(g) No storm water retention area requiring fill to create or excavation of the ground to create, shall be allowed within ten (10) feet of any protected shade tree that is up to twelve (12) inches DBH, or fourteen (14) feet for such up to nineteen (19) inches DBH, or eighteen (18) feet for any such tree, twenty (20) inches or greater DBH.

Sec. 58-166. - Stormwater management technical standards.

(a) It is the responsibility of the applicant to submit sufficient information for the building official and public works director or their designees to determine whether the

requirements of this division are being met. The public works department may from time to time issue design guidelines that are to be followed in meeting the requirements of this division.

(b) Submittal information should detail elevations or contours, direction of flow, and other grading or fill information. Submittals should also detail the computations and calculations utilized to demonstrate satisfaction of the retention requirements. Submittals should also detail the type of soil conditions present and the depth to the water table. A soils report and/or survey may be required to verify the conditions represented on the plan.

(c) It shall be the duty of the property owner to provide proper maintenance of the stormwater management system so that the system continues to meet the requirements of this division. The city shall have the power to inspect stormwater management systems and facilities and to require such maintenance, repair, and replacement of facilities as necessary. Necessary maintenance and repair shall be made within a time period not to exceed thirty (30) days after notification by the city of the problem and required corrective action.

Sec. 58-167. - Surface stormwater system standards.

(a) Surface stormwater systems utilized to accomplish the stormwater retention and percolation requirements shall be designed so as to be readily accessible from rights-of-way, parking lots, court yards, or other open areas so that maintenance and clean-out of these areas can be easily accomplished.

(b) The side slopes and bottoms of all retention areas shall have a grass or other landscape material cover. The maximum depth of retention areas shall be four feet from the surrounding average grade. The maximum side slopes of retention areas shall not exceed three to one.

(c) Spillways or other entrance channels to retention areas shall be designed to prevent the flushing of these retention areas by heavy rains.

(d) Retention areas shall be designed and function such that all retained water is removed after the third day. If this is not accomplished by percolation and evaporation, the retention area must be improved to include an underdrain system or other bottom materials that will accomplish this requirement.

(e) The design shall not allow or permit the grade of the site to be elevated above two (2) feet from the existing grade of the adjoining properties or adjoining right-of-way.

(f) The drainage type of each property, whether A, B or C graded lot shall not be changed by the construction or by the addition of fill dirt. In order to comply with the

Zoning provisions of Section 58-71 (b) (2) no property shall be graded in such a way as to interfere with the natural drainage of adjoining lots or divert drainage or to cause overflow from retention areas to increase storm water flow onto adjoining properties over the amount naturally occurring prior to construction of any new improvements. The City may require physical barriers such as curbs or walls to be constructed in order to accomplish this requirement when there has been a demonstrated increase in runoff onto adjoining properties. Conversely, when a property constructs a wall or other physical barrier that precludes an adjoining property from allowing storm water to flow onto the subject site, then the city may require weep holes or openings in the bottom of such wall or physical barrier in order to accommodate the natural flow.

(g) In any case where fill is brought onto a property that raises the natural grade of the lot and the construction type does not include a stem wall keeping the side or rear setback areas at the existing grade prior to construction, then the structure shall require gutters and downspouts hooked to an underground pipe system to carry the storm water to its intended destination and thereby preclude water flowing onto an adjoining property.

(h) In the implementation and construction of retention for properties there may be situations that arise after the issuance of a certificate of occupancy where the retention system does not function per the original design and creates runoff problems to adjacent properties or streets. The City shall be empowered to require modifications and changes to the retention system including but not limited to those design parameters outlined above, on a property within two (2) years from the date of the certificate of occupancy in order to insure the retention system functions properly and remedies any unanticipated problems.

(i) No storm water retention area requiring fill to create or excavation of the ground to create, shall be allowed within ten (10) feet of any protected shade tree that is up to twelve (12) inches DBH, or fourteen (14) feet for such up to nineteen (19) inches DBH, or eighteen (18) feet for any such tree, twenty (20) inches or greater DBH.

(j) Any stormwater pond on land owned by the city or as created to serve the needs of residential subdivisions of over 20 lots shall be designed to appear and function as a joint use storm water retention and park space and integrated into the environment in a visually attractive manner. Ponds shall be designed with slopes that avoid the need for fencing, and shall have curvilinear (non-rectangular) designs, with significant irrigated landscaping along the edge areas not used for side slopes and retention that shall also include shade trees. Those edges shall also provide areas for pedestrian access with benches. The interior of the stormwater pond shall also include cypress trees and/or other vegetation that can handle being submerged for varying periods of time. The design plans shall be reviewed by the Parks and Recreation Board in order to provide for coordination to serve both the needs of storm water retention for water

quality and flood control and also as passive park area for neighborhood usage and open space aesthetics.

Sec. 58-168. - Underground stormwater system standards.

(a) *Generally.* Underground stormwater seepage systems may be permitted in all zoning districts upon city staff approval to accomplish stormwater retention and percolation requirements provided those systems are designed for the prevention of clogging by fine material and for ease of clean with convention sewer cleaning equipment.

(b) *Design criteria.*

(1) Underground stormwater treatment systems shall be designed by a licensed professional engineer.

(2) Underground stormwater treatment systems shall be designed so as to accept a retention volume calculated for two inches of runoff from all contributing impervious areas.

(3) A system overflow outfall shall be required.

(4) The bottom of the stormwater treatment system shall be constructed a minimum of one foot above the estimated high ground elevation. The estimated high groundwater elevation and a modeled recovery analysis shall be performed by a licensed geotechnical engineer.

(5) Filtration media shall consist of a gravel or river rock to be approved by city staff. A limestone based or crushed concrete media is not permitted.

(6) A pretreatment structure shall be incorporated to remove all debris and sedimentation from the stormwater runoff prior to entering the ex-filtration system.

(7) Proper inspection and maintenance access ports/manholes shall be installed on all structures and ex-filtration termination points.

(8) The design shall meet such site or project-specific additional criteria as the director of public works may require.

(9) The design shall not allow or permit the grade of the site to be elevated above two feet from the existing grade of the adjoining properties or adjoining right-of-way.

(10) No storm water retention area requiring fill to create or excavation of the ground to create, shall be allowed within ten (10) feet of any protected shade tree that is up

to twelve (12) inches DBH, or fourteen (14) feet for such up to nineteen (19) inches DBH, or eighteen (18) feet for any such tree, twenty (20) inches or greater DBH.

(c) Inspection and maintenance criteria.

(1) Upon initial construction completion, an "as-built" drawing confirming that the stormwater treatment system was constructed according to the city approved drawings shall be signed and sealed by the engineer of record and submitted to the city public works department.

(2) Inspection, maintenance, and testing procedures (including report forms) shall be provided by the engineer of record and submitted to the city for approval, and approved by the city, before a permit is issued.

(3) Monthly inspections shall be performed by responsible party and findings logged and/or recorded. Monthly inspection logs shall be submitted annually to the city public works department.

(4) Routine maintenance and cleaning operations shall be performed and logged and/or recorded. Maintenance and cleaning logs shall be submitted annually to the city public works department.

(5) A volume test shall be performed on the underground stormwater treatment system and an engineer certified volume test report, satisfactory to the city, submitted every three years to the city public works department.

(6) As a means of ensuring the future maintenance, repair, or replacement of the underground stormwater treatment system, the owner of the property shall be required to enter into an agreement suitable for recording in the public records, which shall run with the land and bind future owners of the property, reflecting the owner's responsibility to perform future maintenance, repairs, or replacement, as deemed reasonably necessary by the city, and in addition the owner's responsibility to pay for such future maintenance, repairs, or replacement, as deemed reasonably necessary by the city, regardless of by whom the future maintenance, repairs, or replacement is performed. The city shall have the right, but not the obligation, to perform or have performed future maintenance, repairs, or replacement, as deemed reasonably necessary by the city, and the property owner shall be responsible for the costs of such future maintenance, repairs, or replacement, the recorded agreement referred to herein shall reflect this obligation of the property owner.

Sec. 58-169. - Disposition of stormwater runoff.

(a) All stormwater systems shall include a method for the disposition of excess stormwater runoff. This disposition is to be into rights-of-way of the city with storm drainage facilities.

(b) In cases where the disposition of stormwater runoff is other than to rights-of-way with storm drainage facilities, the approval of the city engineer or public works director shall be required for the design and disposition of stormwater runoff into other areas such as lakes, ponds, streams, canals, wetlands, or rights-of-way without storm drainage facilities.

Sec. 58-170 – Fee-in-lieu provisions.

(a) In certain circumstances, the city may accept a storm water fee-in-lieu payment, based upon a calculation adopted in the city fee schedule to approximate the cost of otherwise providing such required storm water retention on-site. Payment of a fee-in-lieu versus construction of on-site storm water retention shall be at the sole discretion of the city engineer or public works director and shall not be an option available by choice by the property owner, developer, contractor, etc. in connection with any permit requiring storm water retention. The city may also propose a partial fee-in-lieu alternative when some amount of retention is possible on-site but the project cannot retain the full volume required, in which case the fee-in-lieu shall cover the pro-rata portion.

(b) A fee-in-lieu shall not be permitted on vacant sites or sites made vacant or substantially vacant via the demolition of a building/structure or substantial demolition of a building/structure. The instances when a fee-in-lieu may be considered by the city would include:

(1) Properties within the Central Business District or Hannibal Square Commercial District.

(2) Properties required to be retrofitted for storm water retention that are maintaining the parking lot and building location/dimensions unchanged but are only doing interior alterations and remodeling in circumstances where the property cannot lose any required parking spaces for the creation of surface swales/retention and where the only option or remaining option to reach the required retention volume is the creation of an underground exfiltration retention system.

(3) Properties where the ability to create required surface retention volume requires the removal of shade trees deemed important to preserve by the staff of the city's urban forestry division.

(4) Properties individually designated on the Winter Park Register of Historic Places or designated as 'contributing' properties within city historic districts.

Sec. 58-171. – Artificial Turf Installation.

(a) The following requirements shall govern the installation of artificial turf.

- (1) A permit shall be required to install and at a minimum, be installed according to the manufacturer's specifications and may be subject to further City stormwater requirements.
- (2) New total impervious area coverage to include the artificial turf shall be submitted with the permit application.
- (3) The first one inch of stormwater runoff from the artificial turf must be retained on site in accordance with Sec. 58-163.
- (4) Installations are not allowed under tree canopies, or within the drip line of any tree.
- (5) Installations are not permitted in any front or side street facing yard areas and not allowed within five (5) feet of any side or rear property line.
- (6) Installation of artificial turf within public and private rights-of-way is prohibited.
- (7) Artificial turf may not be installed within 50 feet of any artificial or natural water body.
- (8) Within Historic Districts, artificial turf may not be installed where it is visible from any rights-of-way.
- (9) Artificial turf is prohibited within drainage features (e.g. retention ponds, swales, and etc.)

(b) Maintenance of artificial turf. The property owner shall routinely maintain artificial turf, including cleaning, brushing, debris removal, repairing and replacement. Such maintenance activities shall ensure that artificial turf continues to function as designed and permitted. The aforesaid requirements of this subsection (c) apply to all artificial turf installed within the city limits whether such: (i) was installed prior or after the adoption of this subsection, or (ii) was not required to obtain a permit or enter into an agreement required by this section at the time of its installation. All artificial turf must be replaced if it falls into disrepair with fading, holes or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.

The property owner's failure to maintain, repair and/or replace artificial turf in compliance with this section or any agreement entered into with the City as required herein shall constitute a violation of this subsection.

SECTION 2. CODIFICATION. Section 1 and 2 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 become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida (the "Effective Date"), and shall apply to all applications for permits received on or after the Effective Date.

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