



Planning & Zoning Board Regular Meeting

Agenda

July 5, 2022 @ 6:00 pm

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"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 June 7, 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. [SUB #22-05 Request of Marilyn King for: Subdivision approval to split the property at 358 Virginia Drive, zoned R-1AA.](#) 20 minutes
 - b. [ZTA #22-01. 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 Regulations" Section 58-72 "Office \(O-1\) District" and Section 58-76 "Commercial \(C-3\) District" so as to amend the development standards regarding setbacks.](#) 20 minutes
 - c. [ZTA #22-02. Request of the City of Winter Park for an Ordinance to codify the charter amendments approved by referendum on March 8, 2022.](#) 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	July 5, 2022
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the June 7, 2022 Meeting Minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[P&Z June 7, 2022 Draft Meeting Minutes.pdf](#)



Planning & Zoning Board Regular Meeting Minutes

June 7, 2022 at 6:00 p.m.

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

Present

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

(1) Call to Order

Chairman Richard James called the meeting to order at 6:02 p.m.

(2) Consent Agenda

Election of Chairman and Vice-Chairman:

Motion made by Michael Spencer, seconded by Jim Fitch to nominate Richard James as Chairman of the Board. Mr. James accepted the nomination.

By a roll call vote, the motion carried unanimously 6-0. (Alex Stringfellow was not present for the meeting.)

Motion made by Jim Fitch, seconded by Richard James to nominate David Bornstein as Vice-Chairman of the Board. Mr. Bornstein accepted the nomination.

By a roll call vote, the motion carried unanimously 6-0. (Alex Stringfellow was not present for the meeting.)

Approval of Minutes:

Motion made by Melissa Vickers, seconded by David Bornstein to approve the May 3, 2022 meeting minutes.

Motion carried unanimously with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)

(3) Staff Updates

Mr. Briggs noted that the Henderson Hotel property will be brought back with a new proposal as a restoration hardware development. It will be requested at the June 8, 2022 City Commission meeting to have a future joint work session with the Commission and the Planning and Zoning Board to have the plans publicly revealed and discussed.

(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

- SPR #22-08: Request of Konkol Custom Homes on behalf of the owners, Ryan and Emily Kwiatkowski, for approval of a new 1,397 square-foot addition to the existing home at 1045 Lake Bell Drive on Lake Bell, zoned R-1A.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map and proposed site plan of the property. He gave details on the required Floor Area Ratio (FAR) and impervious area, noting that the applicant was requesting only 18% FAR and 25% impervious area, which is significantly less than the required maximums of 33% FAR and 60% impervious area per the City's Land Development Code. Mr. Lewis then reviewed the lakefront approval criteria for the request. He noted that the applicant wants to remove one 18-inch caliper cypress tree 90-feet from the waterline of the property that interferes with meeting the required side and rear setbacks. The applicant will be required to plant multiple three-inch caliper shade trees in replacement of the cypress tree. Mr. Lewis also noted that there is a six-foot high vinyl fence that runs along both the east and west property lines, connecting from the house to the waterline. He then explained that the view of the site addition is blocked for the neighbor to the east due to heavy vegetation and the position of the neighboring home. He added that the neighbor to the west has a detached accessory structure on their property that blocks their view of the site addition. Mr. Lewis further noted that there is no stem or retaining wall component and the applicant was proposing a six-inch swale that would more than cover the addition and existing home.

Staff recommendation was for approval subject to fully mitigating the 18-inch caliper cypress tree.

The Board inquired about the following:

- if any comments had been received from neighbors to the property,
- clarification of the proposed rear setback to the lake,
- the average of the rear setbacks of the neighboring properties,
- and clarification on the cypress tree removal.

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

Motion made by Jim Fitch, seconded by Michael Spencer, for approval of a new 1,397 square-foot addition to the existing home at 1045 Lake Bell Drive on Lake Bell, zoned R-1A subject to the full mitigation of the 18-inch caliper cypress tree removal.

Motion carried with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)

- SPR #22-09: Request of Charles Clayton Construction for approval of a new 1,430 square-foot addition to the existing home and a new 164 square-foot addition to the existing pool house, at 314 Salvador Square on Lake Sue, zoned R-1AAA.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an aerial view and proposed site plan of the property. He noted that there are several neighboring properties but only two abut the lakefront side of the applicant's property. He also noted that the proposed additions will not affect any views of the neighboring properties due to the house being set extremely far forward on the lot. Mr. Lewis added that none of the proposed additions extend past the existing and/or required setbacks. He then expressed that the proposed lot area base FAR was 14.5%, significantly less than the required maximum of 33%, and the proposed impervious surface ratio was 32%, significantly less than the required maximum of 50%. He went on to explain that before the applicant knew that they had to go through a lakefront review for the additions, the applicant removed a 24-inch caliper live oak tree in good condition. They have since been issued an after the fact tree removal permit which the applicant has fully mitigated and is now required to plant three bald cypress trees and one live oak tree in replacement of the removal.

Staff recommendation was for approval.

The Board briefly inquired if there were any line of sight issues for the neighboring properties.

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

Motion made by Michael Spencer, seconded by David Bornstein, for approval of a new 1,430 square-foot addition to the existing home and a new 164 square-foot addition to the existing pool house, at 314 Salvador Square on Lake Sue, zoned R-1AAA.

Motion carried with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)

- CU #22-05: Request of PRN Real Estate & Investments, Ltd., a Florida limited partnership for Conditional Use approval to redevelop the property at 1133 W. Morse Blvd with a 16,500 square foot, two-story, office/showroom/warehouse building, zoned C-3.

Mrs. McGillis provided the Board a brief summary of the request. She presented to the Board an aerial view and proposed site plan of the property. She noted that the property is currently undergoing a process with Orange County to combine with the property to the north, which is a First Watch Restaurant location at 140 North Orlando Avenue and under the same ownership. She also noted that when the properties are combined they yield a FAR of 31%, which is well below the maximum required 45% FAR. Mrs. McGillis expressed that the project meets all of the C-3 zoning requirements and will have underground storm water retention. She then presented elevations for the property and noted that 47 parking spaces are required per code for the property. She went on to explain that 22 spaces will be provided on site in the rear of the property and the other 25 spaces will be covered by a shared parking easement with three neighboring properties, which are the Sleep Number and Stretch Lab building, First Watch restaurant, and a proposed Paradise Grills showroom. The shared parking agreement equates to 129 total parking spaces, which is enough parking to satisfy all of the uses for the combined properties.

Staff recommendation was for approval with the following conditions:

- That the frontage along Morse Boulevard be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.
- That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code).
- That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.

The Board inquired about and briefly discussed the following:

- clarification on combining the properties under Orange County,
- the proposed location and length of the retaining wall,
- and what would occur regarding FAR if one of the properties is sold.

Attorney Langley advised that for the record the Board should add the lot combination as a condition of the conditional use approval. Mrs. McGillis noted that the applicant has already submitted the forms for the lot combination with Orange County but it has not yet been reflected on the Orange County Property Appraiser's map.

The applicant's representative, Attorney Becky Wilson with Lowndes Law Firm at 215 North Eola Drive, Orlando, FL 32801 addressed the Board. Attorney Wilson noted that the applicant was okay with having the lot combination as a condition of approval and that the Orange County Property Appraiser's paperwork approving the combination had been received.

The Board heard public comment from the following resident:

Herman Eick of 200 N. Orlando Avenue, Winter Park, FL 32789 addressed the Board. Mr. Eick noted that he owned the Stretch Lab studio and had concerns with parking as he felt there were not enough spaces already, especially during peak business hours.

Ms. Sarkisian noted that possibly having some signage addressing the shared parking for the various properties had been discussed during a previous Planning and Zoning Board work session.

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

Attorney Wilson addressed Mr. Eick's comments by confirming that an easement exists on the property that is being combined, which allocates eleven spaces to Sleep Number and Stretch Lab. She also noted that the

applicant would be happy to work with the companies on signage for parking. Mr. Spencer inquired about the traffic generation from the applicant's property and Attorney Wilson expressed that the applicant is very confident that Winter Park's parking code exceeds what they will actually need.

Attorney Langley stated the condition on the lot combination so it could be incorporated into a motion. He stated that in order to meet the FAR requirement of the code, the 1133 West Morse Blvd parcel and the 140 North Orlando Avenue (First Watch parcel), must be legally combined prior to any development of the site and no further lot splits shall occur without further City approval.

Motion made by David Bornstein, seconded by Michael Spencer, for Conditional Use approval to redevelop the property at 1133 W. Morse Blvd with a 16,500 square foot, two-story, office/showroom/warehouse building, zoned C-3 with the following conditions:

- That the frontage along Morse Boulevard be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.
- That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code).
- That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.
- That in order to meet the FAR requirement of the code, the 1133 West Morse Blvd parcel and the 140 North Orlando Avenue (First Watch parcel), must be legally combined prior to any development of the site and no further lot splits shall occur without further City approval.

Motion carried with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)

- CU #22-06: Request of CentreCorp Inc. for Conditional Use approval to redevelop the property at 220 N. Orlando Avenue with a 5,297 square foot, one-story, office/showroom/warehouse building, zoned C-3.

Mrs. McGillis provided the Board a brief summary of the request. She stated that the applicant is proposing a new 5,297 square foot one story building to be used as an office/showroom/warehouse called Paradise Grills. She expressed that the project meets all of the C-3 zoning regulations, stormwater underground retention will be provided, parking will be located in the rear of the property, the existing curb cut will be eliminated, and landscaping will be provided along the Orlando Avenue frontage. Mrs. McGillis presented the proposed elevations of the building and noted that the parking will be part of the shared parking easement with Sleep Number and Stretch Lab building, First Watch restaurant, and the proposed Ferguson Plumbing building. She also noted that the building will not have any storage space, only showroom space, so only 16 parking spaces are required and two of those spaces will be part of the shared parking easement.

Staff recommendation was for approval with the following conditions:

- That the frontage along North Orlando Avenue and the portion along Symonds Avenue not used as access be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.
- That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code).
- That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.

The Board inquired about and briefly discussed the following:

- why there is no connection for the parking through the driveway next to the Sleep Number and Stretch Lab building,
- clarification on what other C-3 use there could be for the proposed building in the future,
- clarification of the number of required spaces for all four properties,
- requiring directional signage for additional available parking,
- and clarification of the number of different property owners for the four properties.

The applicant's representative, Attorney Becky Wilson with Lowndes Law Firm at 215 North Eola Drive, Orlando, FL 32801 addressed the Board. Attorney Wilson clarified the ownership of the buildings and noted that the applicant is happy to discuss the signage concern.

The Board continued discussion and inquired about the following:

- what happens to the parking if Paradise Grills is sold in the future,
- and any contamination from the previous structure that was a dry cleaner.

Attorney Wilson noted that the cleanup for the prior dry cleaning structure is part of a State program and they are about to actively begin cleaning up the site.

The Board heard public comment from the following resident:

Herman Eick of 200 N. Orlando Avenue, Winter Park, FL 32789 addressed the Board. Mr. Eick, who owns the Stretch Lab studio, expressed concerns with parking as he felt there were not enough spaces already, especially during peak business hours. He inquired with the Board about situations where the use of a property results in higher demand parking than what is required to by zoning.

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

The Board briefly expressed their thoughts on the request, expressing concerns regarding parking and signage for parking.

Motion made by Vashon Sarkisian, seconded by Michael Spencer, for Conditional Use approval to redevelop the property at 220 N. Orlando Avenue with a 5,297 square foot, one-story, office/showroom/warehouse building, zoned C-3 with the following conditions:

- That the frontage along North Orlando Avenue and the portion along Symonds Avenue not used as access be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.
- That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code).
- That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.
- That the applicant must add shared parking signage within the property.

Motion carried with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)

Chairman James called for a recess at 6:53 p.m. and reconvened the meeting at 7:00 p.m.

- CPA #22-01, RZ #22-01, SUB #22-01: Request of Charles Veigle, Sr. and Kathleen Greene to amend the comprehensive plan future land use map and zoning map to change the designation of Office (O-1) to Single Family Residential (R-1AA) on the property at 2525 Audrey Avenue and for subdivision plat approval to divide the property into three single family home lots.

Mr. Harbilas provided the Board a brief summary of the request. He presented aerial views of the property and noted that it was currently vacant. He also noted that the applicant had agreed, with the guidance of the City's Urban Forestry division, to save the trees that are in good health along the property's east side and waterfront. Mr. Harbilas indicated that there is an unusual bump out of the right-of-way (ROW) that seems to cut into the site and a portion of which is just dirt that has been utilized by the adjacent Allstate property over the course of time. He added that this area will include the connection to a shared driveway including its connection to the actual drivable roadway at Audrey Avenue and Ololu Drive. Mr. Harbilas then presented the plat of the property and emphasized that the City's Comprehensive Plan speaks to requiring public access for development of large un-platted lakefront lots, but since this lot was platted as a part of lot 13 of the West Winter Park Plat the policy does not apply. The applicant will, though, be required to replat as a part of the subdivision process. He then went on to present the proposed site plan and noted that the plan had been reviewed by all City departments and was in conformance with code. He mentioned that before the meeting, the Allstate ownership contacted the City regarding concerns about the driveway design as it intersects with the ROW.

Staff recommendation was for approval with the following conditions:

- That a Note is provided on the Plat indicating that the boathouse/dock dimensions be limited to no more than 30 feet into the lake, that the structures be no wider than 16 feet and that the structures be permitted a 5-foot side setback measured on the land with the Lake Killarney Advisory Board permitted to grant variances as necessary to protect the existing cypress trees.
- That the Plans for the road construction within the right-of-way area be subject to the approval of the City Traffic Engineer in order to assess the adequacy of backup access for the existing Allstate Insurance office parking lot; and
- That the Allstate Insurance Office be granted a right-of-way utilization permit to maintain the existing monument sign in its current location; and
- That the proposed perimeter wall stop at the front leading edge of the existing Allstate Insurance Office building.

The Board inquired about and briefly discussed the following:

- clarification of the location of the Allstate property and the ROW,
- whether or not the proposed three single family home lots will come back before the Planning and Zoning Board,
- the proposed width of the driveway,
- the accessibility for fire and safety vehicles,
- and resolving the issue with the ROW in advance of any approval.

Attorney Langley inquired about how the ROW use permit would be obtained for the existing Allstate monument signage. Mr. Briggs noted that the City is trying to provide confirmation to the Allstate property owners that it intends to grant a ROW utilization permit so that Allstate does not have to take down their sign. Attorney Langley recommended that the third condition of approval state that the project design of the driveway/road improvements should accommodate the possibility for the Allstate group to obtain a ROW use permit to keep their current signs in place.

The applicant's representative, Scott Taylor (address not provided) addressed the Board. Mr. Taylor spoke on the various revisions made to the request since it was initially submitted. He noted that the applicant was willing to accept the four conditions as outlined. He expressed that the biggest considerations at this point are the current zoning and allowed parking spaces for the lot.

The Board inquired with Mr. Taylor regarding the proposed homes being on a septic or sewer system. Mr. Taylor confirmed that the homes are to be on a sewer system.

The Board heard public comment from the following residents:

Attorney Vivien Monaco of the Watson Sloan Law Firm, at 100 S. Orange Avenue, Suite 1000, Orlando, FL 32801 addressed the Board and spoke on behalf of Victor and Madonna Morel, owners of the Allstate Insurance office at 2531 Audrey Avenue, which is adjacent to the applicant's property. Attorney Monaco read a letter that was written and provided to the Board by the Morels in hopes of receiving some kind of assistance with their concerns with the driveway design as it intersects with the ROW. Attorney Monaco provided a brief presentation to the Board with background on the history of the Morels' 18 year ownership of the Allstate Insurance property. She also noted that the Morels have no objection to the changes to the Comprehensive Plan Future Land Use, the rezoning, and the subdivision to residential for the request, but are concerned about the proposed driveway as shown on the site plan. She explained how the proposed driveway in front of the Morels' property would significantly affect safe and adequate ingress and egress and noted that staff already addressed the Morels' concerns regarding the proposed privacy wall. Attorney Monaco also reviewed a written communication to the Morels by the applicant's lawyer regarding a proposed driveway access to the applicant's property in 2004 but no action was taken by the applicant to move forward with the proposal. She then went on to review photos of the Allstate Insurance property detailing and discussing the existing six parking spaces and the Morels' permits for parking. She noted that the Morels object to the proposed interference with their access and parking for their property. Attorney Monaco further explained that the Morels had properly obtained a permit for the pole sign and were only made aware in the last few days that the sign was in the ROW. She expressed that the Morels feel that none of their parking spaces are in the ROW and are not in favor of the changes to the ROW. Attorney Monaco respectfully requested that an additional condition of approval be added to state that the final site plan shall not detrimentally affect safe and adequate ingress or egress to 2531

Audrey Avenue and shall not affect the number or the placement of the six parking spaces as they currently exist.

Discussion ensued between Attorney Langley and Attorney Monaco regarding the following:

- whether or not she submitted to the staff proposed conditions that her client agreed with and just added additional conditions not previously discussed with the staff,
- if it was her contention that the project be required to redesign her client's property in order to keep six parking spaces in place,
- and if she was stating that the city's Planning and Zoning Board has to mandate that the access remain unimpeded along the entire width of frontage of her client's property in order to preserve onsite conditions.

Attorney Monaco explained that she believed that the additional conditions were created in response to her client's concerns. She also explained that neither she nor her client had been able to speak to an engineer prior to the meeting to discuss the technical aspects of the parking but feels that the current proposed design will seriously impede access to the parking and maneuverability.

Mr. Fitch inquired about who was requiring the two foot wide concrete island and why two spaces were lost on the Allstate Insurance property. Mr. Harbilas addressed Mr. Fitch's inquiries and confirmed that the proposed concrete island and stop sign are based on the traffic requirements from the City's traffic engineer.

Victor Morel owner of the Allstate Insurance property at 2531 Audrey Avenue, Winter Park, FL 32789 addressed the Board. Mr. Morel expressed concerns with the parking, access, and maneuverability of the proposed project in relation to the Allstate Insurance property.

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

Mr. Taylor addressed Attorney Monaco and Mr. Morel's comments and noted that the applicant is trying to comply with everything that the City has asked for and has done so at great expense. He added that the roadway to the property is not private and will be part of a City street. He then implored the Board to accept the recommendations of staff with the additional language brought up by Attorney Langley for the request.

The Board briefly discussed the request and expressed their thoughts. The Board inquired about clarification on the ownership of the street and ROW and who maintains it, redirecting the proposed driveway, narrowing the road, and the possibility of moving the stop sign and curb forward and if it would affect the perimeter wall. Vice-Chair Bornstein recommended that line of sight standards be considered for the locations of the future proposed homes on the applicant's lot when it comes time to establish them.

Motion made by Michael Spencer, seconded by David Bornstein, to amend the comprehensive plan future land use map and zoning map to change the designation of Office (O-1) to Single Family Residential (R-1AA) on the property at 2525 Audrey Avenue and for subdivision plat approval to divide the property into three single family home lots with the following conditions:

- That a Note is provided on the Plat indicating that the boathouse/dock dimensions be limited to no more than 30 feet into the lake, that the structures be no wider than 16 feet and that the structures be permitted a 5-foot side setback measured on the land with the Lake Killarney Advisory Board permitted to grant variances as necessary to protect the existing cypress trees.
- That the Plans for the road construction within the right-of-way area be subject to the approval of the City traffic Engineer in order to assess the adequacy of backup access for the existing parking lot on the property at 2531 Audrey Avenue; and
- That the site plan's project design of the driveway/road improvements should accommodate the possibility for the property at 2531 Audrey Avenue to apply for and obtain a ROW use permit to keep their current signs in place; and
- That the proposed perimeter wall stop at the front leading edge of the existing property at 2531 Audrey Avenue.

Motion carried with a 5-1 vote. (In-Favor: Richard James, Melissa Vickers, Michael Spencer, Vashon Sarkisian, and David Bornstein. Opposed: Jim Fitch. Alex Stringfellow was not present for the meeting.)

(8) Board Comments

No Board Comments.

(9) Upcoming Agenda Items

Chairman James inquired about the planned topics for the next Board meeting in July. Mr. Briggs stated that the agenda will be very light with one lot split and a few staff items.

(10) Adjournment

Meeting adjourned at 8:03 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 July 5, 2022
prepared by Jeffrey Briggs	approved by Allison McGillis, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

SUB #22-05 Request of Marilyn King for: Subdivision approval to split the property at 358 Virginia Drive, zoned R-1AA.

motion / recommendation

Staff recommendation is for approval.

background

Marilyn King (owner of 358 Virginia Drive) is requesting to subdivide the two platted lots (Lots #2 & #7) at 358 Virginia Drive, in order to develop a new single-family home on the south portion of the property while maintaining the existing home and designating it as a historic landmark.

The existing home at 358 Virginia Drive is primarily on the northern platted lot. The southern portion of the property fronts onto East Lake Sue Avenue, and the majority of the southern platted lot would be the new homesite.

Zoning Test

The property, if subdivided, would have the existing home lot at 358 Virginia Drive with 112 feet of frontage and 23,299 square feet of land area. The new lot fronting on East Lake Sue Avenue would also have 112 feet of frontage and 15,333 square feet of land area.

The R-1AA zoning requires a minimum of 100 feet for interior lots, as well as 10,000 square feet of lot area. Both lots then exceed the minimum requirements for both lot width and lot area and no lot dimension variances requested. The new lot line would be created five feet from the existing guest house structure and create a non-conforming rear setback. However, this setback variance only affects these two properties and no other variances are requested for any of the existing or future improvements.

Justification for the Lot Setback Variance

The applicant has offered to designate the existing home on the Winter Park Register of Historic Places. The existing Mediterranean Mission style home, built in 1941, typifies the elegant luxury homes of that era. The city's subdivision code specifically provides allowances for variances when they result in the designation and preservation of historic homes. That code section is cited below.

Sec. 58-376 (f) Historic homes and live oak trees. The planning and zoning board and the city commission may consider the preservation and protection of historic homes and/or the preservation and protection of historic or specimen live oak trees as a special condition and circumstance pursuant to subsection (a)(1) for the purposes of granting variances to minimum lot sizes in conjunction with subdivisions or lot splits. In considering the preservation of an existing building, the historic preservation board shall first determine that the building is recommended for inclusion on the Winter Park Register of Historic Places and such listing and inclusion shall be required as a condition of such lot size variance and related subdivision or lot split approval. In consideration of the preservation of historic live oak tree(s), any such variance approval and related subdivision or lot split approval shall be conditioned upon the granting of a tree preservation easement to the city, with terms acceptable to the city, to ensure the preservation of such tree(s).

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."

This is a large 38,362 square foot (0.89 acre) property, so even with the property split, the two lots are quite large. The existing house will be on a 23,029 square foot lot. The new lot will be 15,333 square feet in size. Both have 112 feet of lot width. There are 68 other homes within this immediate 500-foot radius neighborhood, with the same R-1AA zoning (see attached map). The average lot width is 88-feet, and the median lot width is 70-feet. The average lot size is 13,393 square feet, and the median lot size is 9,801 square feet. Both proposed lots exceed those sizes.

Development Plans

No changes are planned for the existing home. Once designated as historic, any significant changes to the exterior would need to be approved by the Historic Preservation Board following notice and public hearing. The site plan and elevations for the new home are included in the packet which depict a two-story, 4,398 square foot home, which is a floor area ratio of 28.7% versus the code maximum of 33%. The impervious coverage shown is 6,734 sf which is 43.7% versus the maximum of 50%. The home is specifically located in order to save three major live oak trees on the property.

Storm Water Improvements

The new lot sits in a location where significant storm water flows down Winter Park Road and also down East Lake Sue Avenue, all headed for one street inlet that connects via pipe running through this subject property on the way to the lake. The volumes of water during the heaviest rain events has, on occasion, overwhelmed the drainage system and flooded this property. Also, the City has no easement for the existing pipe. The Public Works staff has agreed to rebuild that inlet to open it wider to convey more water and to enlarge the storm pipe linking the inlet to the main drainage line. In return the applicant will grant the city an easement for the existing storm pipe. Work on that project is expected to begin in the fall of 2022.

Summary

Because both lots conform to the Zoning Test, and to the Subdivision Code Test, and because of the applicant's willingness to designate the existing house to the Winter Park Register of Historic Places, staff is recommending approval of this request and the setback variance requested.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Map and aerial.pdf](#)

ATTACHMENTS:

[Subdivision test map.pdf](#)

ATTACHMENTS:

[Site Plans for 358 Virginia lot split.pdf](#)

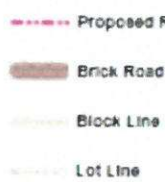
ATTACHMENTS:

[Architectural Elevations.pdf](#)

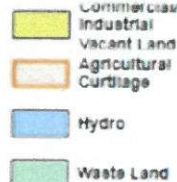
OCA Web Map



Major Roads
Public Roads
Gated Roads
Road Under Construction



Residential
Agriculture
Commercial/Institutional
Governmental/Institutional/Misc



6 Lot Number
06060 Parcel Number
3106 Parcel Address
111.9 Parcel Dimension

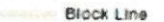
Orange County Property Appraiser

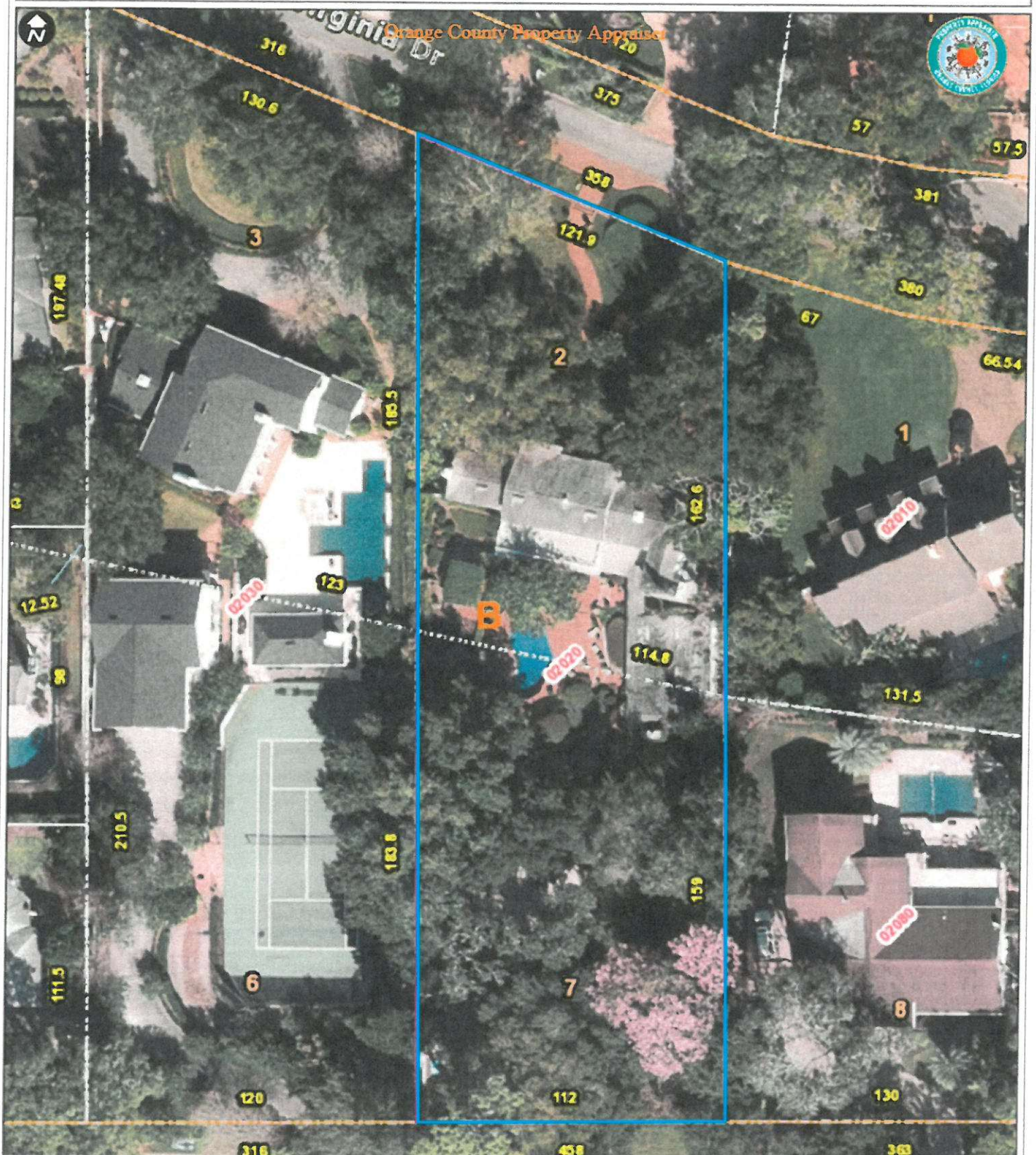


Created: 6/8/2022 12:1

This map is for reference only and is not a survey.

OCA Web Map

 Florida turnpike	 Major Roads	 Proposed Road	 Residential	 Commercial/Industrial/Vacant Land	 Parks	 Lot Number
 Interstate 4	 Public Roads	 Brick Road	 Agriculture	 Agricultural/Cutlery	 Lakes and Rivers	 Parcel Number
 Toll Road	 Gated Roads	 Block Line	 Commercial/Institutional	 Hydro	 Building	 Parcel Address
 Road Under Construction	 Lot Line	 Lot Line	 Governmental/Institutional/Misc	 Waste Land	 Block Number	 Parcel Dimensions



Created: 6/8/2022 12:06 Aerial: 2020

This map is for reference only and is not a survey



LOT CONFORMANCE TO SUBDIVISION CODE TEST

358 Virginia Drive

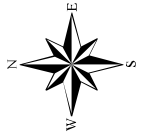
City of Winter Park
Florida

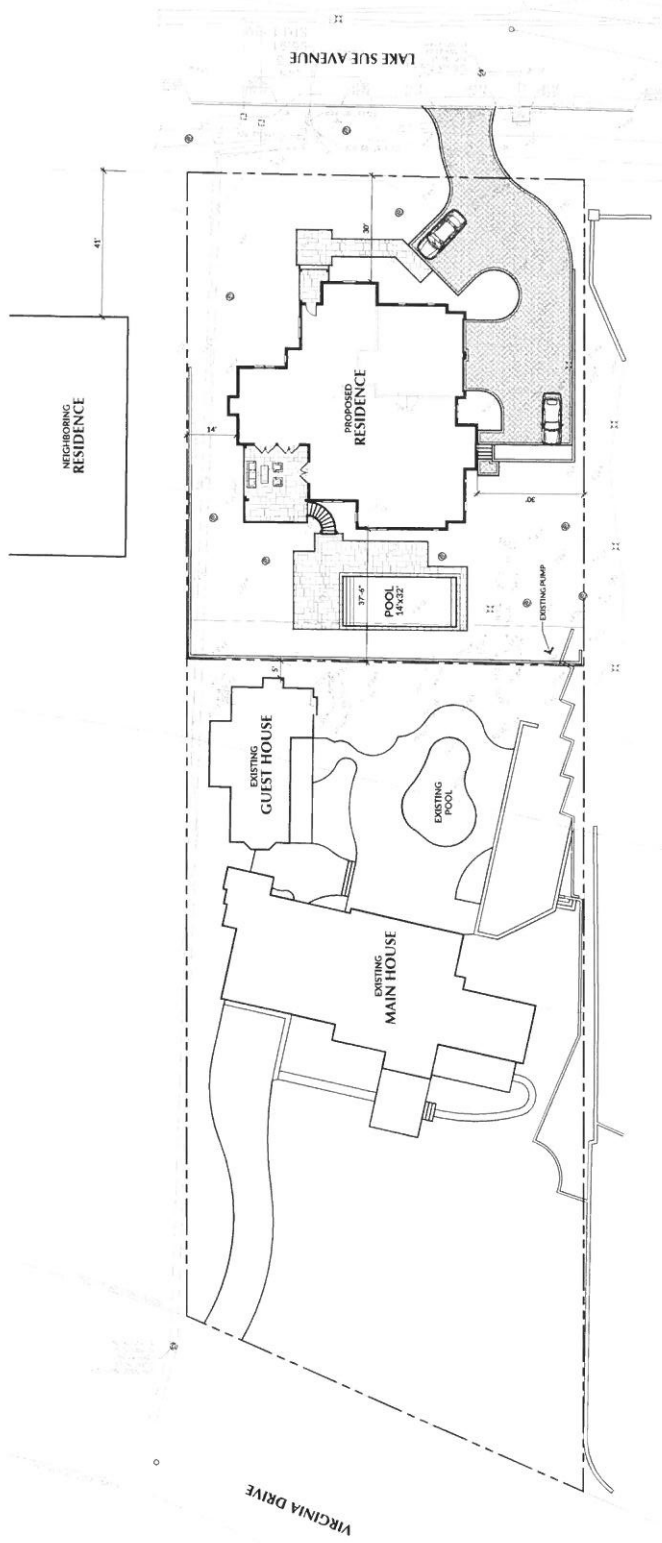
LEGEND

- Subject Site
- Single-Family Lots
Within 500' of Site
(68 total)

NOTES

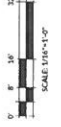
- Average Lot Width = 88 ft
- Median Lot Width = 70 ft
- Average Lot Size = 13,932 sq ft
- Median Lot Size = 9,801 sq ft





IMPERVIOUS CALCULATIONS

TOTAL SITE AREA:	15,230.5 F.
FLOOR PLAN:	3,368.5 F.
DRIVEWAY:	2,455.5 F.
FRONT PORCH:	64.5 F.
FRONT WALK:	360.5 F.
REAR COVERED PORCH:	282.5 F.
REAR PORCH AND STEPS:	152.5 F.
REAR LOWER PATIO:	462.5 F.
TOTAL IMPERVIOUS AREA:	7,065.5 F. (46%)





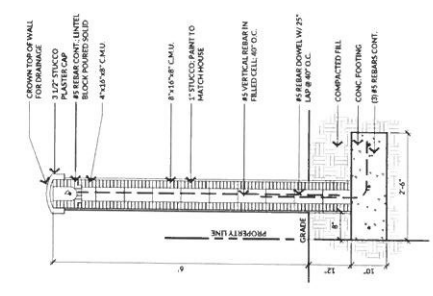
JOE KNIGHT
Landscape Architect
140401773-0000
140401773-0000
140401773-0000

DATE	140401773-0000
PROJECT	140401773-0000
CLIENT	140401773-0000
LOCATION	140401773-0000
SCALE	140401773-0000
DATE	140401773-0000
PROJECT	140401773-0000
CLIENT	140401773-0000
LOCATION	140401773-0000
SCALE	140401773-0000

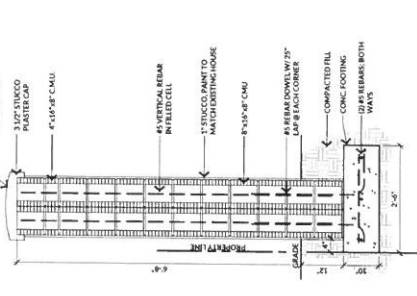
Hardscape Plan
Prepared for: Marilyn King
Winter Park, Florida

Project: 140401773-0000
Client: 140401773-0000
Location: 140401773-0000
Scale: 140401773-0000
Date: 140401773-0000
Project: 140401773-0000
Client: 140401773-0000
Location: 140401773-0000
Scale: 140401773-0000
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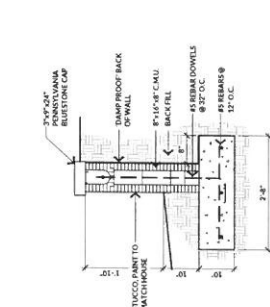
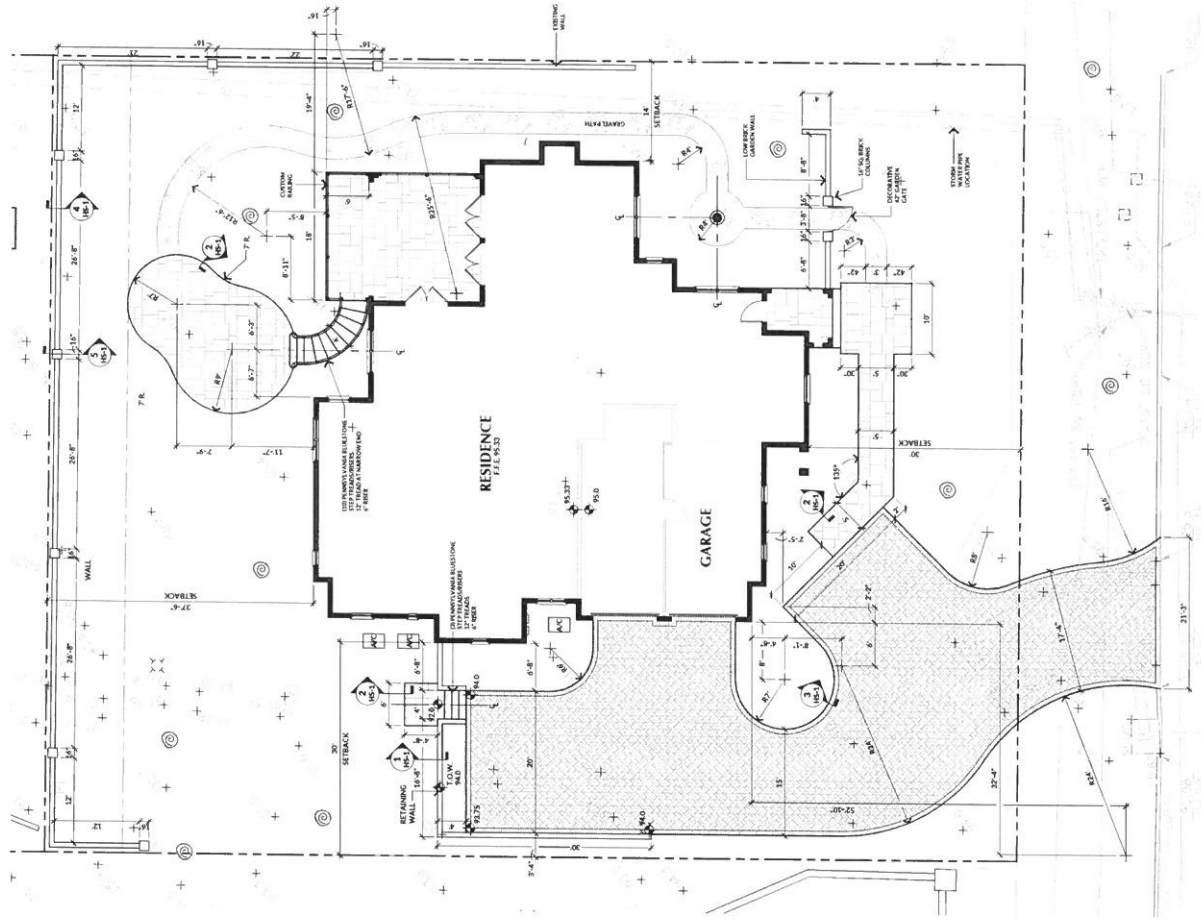
HS-1
1/8"=1'-0"



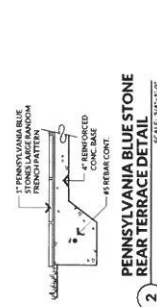
4 PRIVACY WALL DETAIL
SCALE: 3/4"=1'-0"



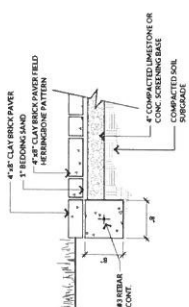
5 COLUMN DETAIL
SCALE: 3/4"=1'-0"



1 RETAINING WALL SECTION
SCALE: 3/4"=1'-0"



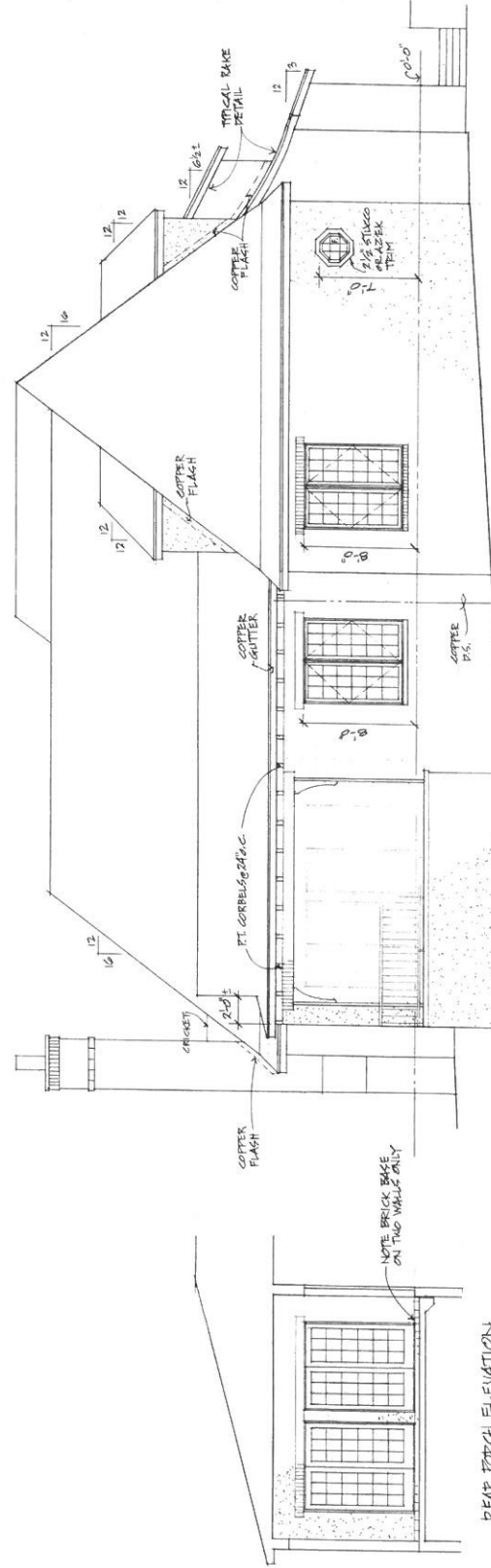
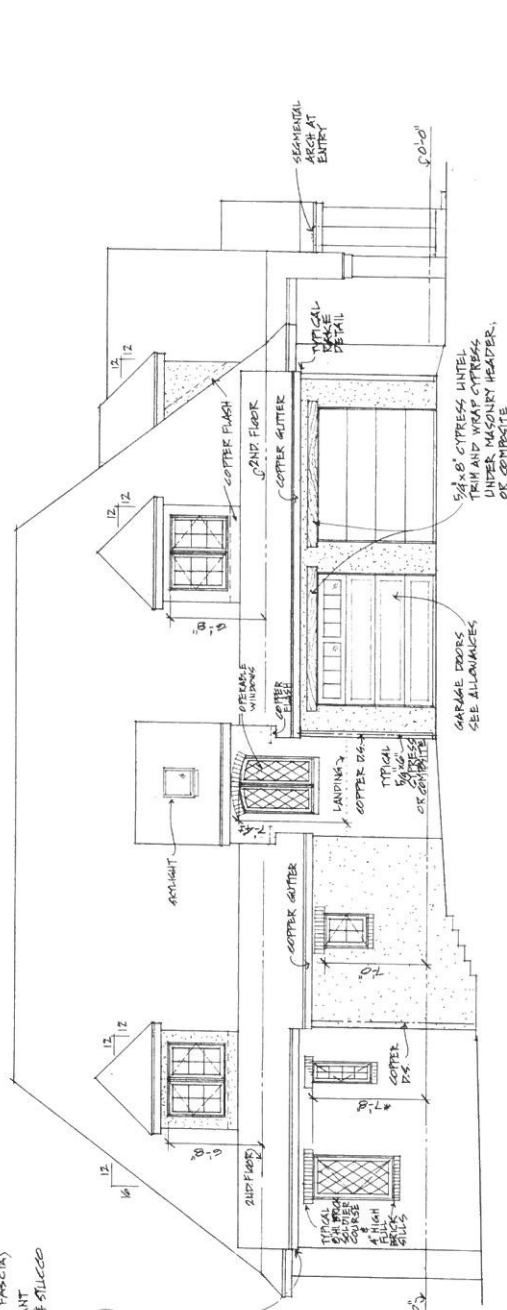
2 PENNSYLVANIA BLUE STONE REAR TERRACE DETAIL
SCALE: 3/4"=1'-0"

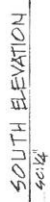
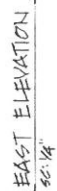


3 DRIVEWAY PAVING SECTION
SCALE: 1/4"=1'-0"

IMPERVIOUS CALCULATIONS

TOTAL SITE AREA	15,333 SF
TOTAL IMPERVIOUS AREA	6,794 SF (44.3%)
DRIVEWAY	2,241 SF
FRONT PORCH	246 SF
REAR PORCH	246 SF
REAR COVERED PATIO	246 SF
TOTAL IMPERVIOUS AREA	6,794 SF (44.3%)







item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date July 5, 2022
prepared by Allison McGillis	approved by Allison McGillis, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

ZTA #22-01. 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 Regulations" Section 58-72 "Office (O-1) District" and Section 58-76 "Commercial (C-3) District" so as to amend the development standards regarding setbacks.

motion / recommendation

Staff recommendation is for approval.

background

This zoning text amendment is to amend the front setback for properties fronting on Fairbanks Avenue with Office (O-1) zoning, and rear setbacks for properties that are not abutting residential properties with Office (O-1) and Commercial (C-3) zoning citywide.

Front Setback Analysis

This amendment to change the front setback along Fairbanks Avenue in O-1 from 15 feet on the north side and 20 feet on the south side of Fairbanks Avenue to 10 feet on both sides will bring the front setbacks consistent along both sides of the street. Furthermore, this change was implemented in 2017 for properties along Fairbanks Avenue with C-3 zoning, but was overlooked for O-1 properties since there are far less properties with O-1 zoning fronting on Fairbanks Avenue.

The original desire for the larger front setback was when the city thought that additional easement on private property was needed for the electrical undergrounding project, but that is not the case and therefore the front setback along Fairbanks Avenue should be consistent on both sides of the street and the same as C-3 zoned properties.

Rear Setback Analysis

This amendment also includes a change the rear setback for properties zoned C-3 and O-1 from 30 feet to 10 feet, if the rear of the property is not abutting a residentially zoned

property and if the building is oriented towards the front of the lot.

The original intent for the increased rear setback was to encourage development at the front of the lot with parking in the rear, and to provide a larger buffer when adjacent to residential properties. However, if the lot is not abutting residential, requiring a 10-foot setback (same as the front) is more reasonable. Also, sometimes with smaller lots that do not have much width, the larger 30-foot setback creates a problem in the rear of the lot. This amendment will allow a building to be oriented along one side of the lot and span the entire length of the lot (if not abutting residential) and still keep the majority of the parking lot hidden from the front.

Side Setback Analysis

The last portion of this amendment includes a removal of a section in the development standards for both O-1 and C-3, which permits a person constructing a building in either zoning district to combine the minimum side yard setbacks and provide them on only one side of the lot with approval from the Planning & Zoning Board. The procedure to do this is to submit a site plan showing the locations of the proposed building as well as the location of existing adjacent buildings to the Planning & Zoning Board for approval, as long as the property is not adjacent to a residentially-zoned parcel. The effect of striking this section gives this side setback variance authority back to the Board of Adjustments, the Board who normally approves this type of side setback variance.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance Amending O-1 & C-3 setbacks.docx](#)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE
III, "ZONING REGULATIONS" SECTION 58-72 "OFFICE (O-1)
DISTRICT" AND SECTION 58-76 "COMMERCIAL (C-3) DISTRICT"
SO AS TO AMEND THE DEVELOPMENT STANDARDS REGARDING
SETBACKS; PROVIDING FOR CODIFICATION, CONFLICTS,
SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the purpose of promotion and protection of due process and general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance,

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida;

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 58-72 "Office (O-1) District" is hereby amended as shown below (underlined language are additions; stricken through language are deletions; subsections not included are not being modified):

Sec. 58-72. Office (O-1) district.

(f) Development standards.

(1) Any building constructed within this district shall adhere to the following minimum or required setbacks for front, rear and side yards. The front setback from all streets shall be a minimum of ten feet from the property line and a minimum of 15 feet on Orlando Avenue ~~and on the north side of Fairbanks Avenue and 20 feet on the south side of Fairbanks Avenue.~~ For properties along Orange Avenue, the front setback may be reduced to the average front setback of the existing buildings within that block if approved by the city commission. Side yard setbacks shall be a minimum of five feet from each property line unless the parcel shares a common line with a residentially-zoned parcel, then a 15-foot setback shall be observed. The rear setback shall be a minimum of 30 feet from the property line. The rear setback may be reduced to 10 feet from the property line if the rear yard does not abut a residentially zoned property, and if the building is oriented towards the front of the property. However, within the Hannibal Square Neighborhood Commercial District area, as set forth in this section, new buildings shall have a required ten-foot front setback and may be permitted zero-foot side setbacks unless the parcel shares a common line with a residentially-zoned parcel,

then a 15-foot side setback shall be observed. For any required front setback, the distance may be increased upon the determination by the public works director and police chief that a traffic sight distance safety problem may exist, to the extent required to remedy the problem.

~~(2) If a person constructing a building within this district desires to combine the minimum side yard setbacks and provide them on only one side of the lot, a site plan showing the locations of the proposed building as well as the location of existing adjacent buildings must be submitted to the planning and zoning commission for approval prior to the issuance of a building permit. This reduction to the required side setback, however, shall not be permitted if adjacent to a residentially-zoned parcel.~~

SECTION 2. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-76 "Commercial (C-3) District" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-76. Commercial (C-3) district.

(e) Development standards.

(1) Any building constructed within this district shall adhere to the following minimum or required setbacks for front, rear and side yards. The front setback to all streets shall be a minimum of ten feet from the property line and a minimum of 15 feet on Orlando Avenue. For properties along Orange Avenue, the front setback may be reduced to the average front setback of the existing buildings within that block if approved by the city commission. Side yard setbacks shall be a minimum of five feet from each property line, unless the parcel shares a common line with a residentially-zoned parcel, then a 15-foot setback shall be observed. The rear setback shall be a minimum of 30 feet from the property line unless the rear yard abuts a residentially zoned parcel, then a 35-foot setback shall be observed. The rear setback may be reduced to 10 feet from the property line if the rear yard does not abut a residentially zoned property, and if the building is oriented towards the front of the property. However, within the Hannibal Square Neighborhood Commercial District area, as set forth in this section, new buildings shall have a required ten-foot front setback and may be permitted zero-foot side setbacks, unless the parcel shares a common line with a residentially-zoned parcel, then a 15-foot setback shall be observed. For any required front setback, the distance may be increased upon the determination by the public works director and police chief that a traffic sight distance safety problem may exist, to the extent required to remedy the problem.

~~(2) If a person constructing a building within this district desires to combine the minimum side yard setbacks and provide them on only one side of the lot, a site plan showing the locations of the proposed building as well as the location of existing adjacent building must be submitted to the planning and zoning commission for approval prior to the issuance to a building permit to ensure~~

~~sufficient compatibility with adjacent properties. This reduction to the required side setback, however, shall not be permitted if adjacent to a residentially-zoned parcel.~~

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

SECTION 4. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 5. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this ____ day of _____ 2022.

By: _____
Mayor Phil Anderson

ATTEST:

By: _____
Rene Cranis, City Clerk



item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date July 5, 2022
prepared by Jeffrey Briggs	approved by Allison McGillis, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

ZTA #22-02. Request of the City of Winter Park for an Ordinance to codify the charter amendments approved by referendum on March 8, 2022.

motion / recommendation

Staff recommendation is for approval.

background

On March 8, 2022, the voters approved by referendum, Charter Amendments that require approval by a minimum of 4 votes for certain types of land development matters involving amendments to the Comprehensive Plan and/or Zoning Regulations. These provisions were effective immediately upon adoption.

While these provisions exist within the City Charter, they are not readily apparent for anyone reading the Chapter 58 Land Development Code provisions, which outline the procedures for amendments to the Comprehensive Plan or Zoning Regulations. In order to these rules to be more readily apparent, and to avoid inconsistency (city charter says one thing but zoning code says another). it is desirable to codify these provisions within the city code sections concerning amendments to the Comprehensive Plan (Section 58-6) and Zoning Regulations (Section 58-89).

The staff has taken the verbiage directly from the City Charter Amendment ordinance. If there are any interpretation questions that arise in the future, those will be dealt with at that time.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance Codifying Charter Amendments.docx](#)

ATTACHMENTS:

[Charter Amendment Ordinance.pdf](#)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE
I, "COMPREHENSIVE PLAN" AND ARTICLE III, "ZONING
REGULATIONS" TO CODIFY THE APPLICABLE CITY CHARTER
AMENDMENTS ADOPTED ON MARCH 8, 2022 REGARDING
SUPERMAJORITY VOTES NEEDED FOR CERTAIN
COMPREHENSIVE PLAN AMENDMENTS AND ZONING
REGULATION AMENDMENTS. 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 reference to the amendments to the city charter approved by voter referendum on March 8, 2002 via the codification of such matters in the land development code for ease of access for such matters to the public and in protection of due process and general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance.

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida 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 I "Comprehensive Plan", Section 58-6 of the City of Winter Park Land Development Code is hereby amended by amending subsection 58-6 (a)(8) as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-6. - Amendments to the comprehensive plan.

(a) Amendments to the comprehensive plan shall, at a minimum, conform to the requirements as specified within F.S. Ch. 163, pt. II.

(8) The decision of the city commission on any comprehensive plan amendment shall be by ordinance. Pursuant to the City Charter amended by the referendum vote on March 8, 2022, the affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters:

(i) comprehensive plan future land use map amendment, or change in use of park land to a use that is not a recreational or park use; and (ii) comprehensive plan

future land use map amendment, or change in use of land currently zoned public and quasi-public (POP) district or zoned parks and recreation (PR) district.

(ii) comprehensive plan future land use map amendment of lakefront property from a residential use to a commercial use, mixed-use, medium-density residential use, or high-density residential use; and (ii) approval of a comprehensive plan future land use map amendment that changes the use of property from a residential category to a non-residential category, except that this subsection does not apply to changes from a residential use to a public, quasi-public or recreational use.

(iii) comprehensive plan text or map amendment, land development code amendment (including any changes to definitions) that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five (25%) percent from the existing maximum allowed residential units per acre or maximum applicable floor area ratio; in evaluating floor area ratio increases for the purposes of this provision, parking garage square footage is included.

(iv) approval of a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code.

That decision may be made to affirm or deny the original request of the applicant or it may modify the request to approve a portion of the request or alternative version of comprehensive plan text or map amendment. The city commission may impose conditions upon the approval of a comprehensive plan amendment. Such conditions may restrict the range of permitted uses within a comprehensive plan designation and such conditions may also restrict or impose requirements upon the development or use of such land such as limitations on building size, height, setbacks or other site design or building design or use features.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-89 of the City of Winter Park Land Development Code is hereby amended by amending subsection 58-89 (g) as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-89. Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses.

(g) *Commission decisions.* The decision of the planning and zoning ~~commission~~ board and the city commission may be made to affirm or deny the original request of the applicant or it may modify the request to approve a portion of the request or alternative version of the zoning text or map amendment. The planning and zoning commission board may recommend and the city commission may impose conditions upon the approval of a zoning amendment. Such conditions may not restrict the range of permitted uses within a zoning district but such conditions may restrict or impose

requirements upon the development or use of such land such as limitations on building size, height, setbacks or other site design or building design or use features.

The decision of the city commission on any zoning text or map amendment shall be by ordinance. Pursuant to the City Charter amended by the referendum vote on March 8, 2022, the affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters:

(i) zoning text or map amendment, or change in use of park land to a use that is not a recreational or park use; and (ii) zoning text or map amendment, or change in use of land currently zoned public and quasi-public (POP) district or zoned parks and recreation (PR) district.

(ii) zoning text or map amendment of lakefront property from a residential use to a commercial use, mixed-use, medium-density residential use, or high-density residential use; and (ii) approval of a zoning text or map amendment that changes the use of property from a residential category to a non-residential category. except that this subsection does not apply to changes from a residential use to a public, quasi-public or recreational use.

(iii) zoning text or map amendment, or other land development code amendment (including changes to definitions) that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five (25%) percent from the existing maximum allowed residential units per acre or floor area ratio; in evaluating floor area ratio increases for the purposes of this provision. parking garage square footage is included.

(iv) approval of a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code.

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

SECTION 4. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 5. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this ____ day of _____ 2022.

By: _____
Mayor Phil Anderson

ATTEST:

By: _____
Rene Cranis, City Clerk

ORDINANCE 3221-21

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK SECTIONS 2.08 AND 2.11; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF WINTER PARK ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 8, 2022; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.

WHEREAS, the City Commission of the City of Winter Park, Florida pursuant to Chapter 166, Florida Statutes, and Section 1.03, Charter of the City of Winter Park, Florida, may submit to the electors of the City proposed amendments to the City Charter; and

WHEREAS, the City Commission finds it in the best interests of the City and its residents to propose and submit to the electors of the City of Winter Park for referendum vote the City Charter amendments provided for herein, at the election to be held on March 8, 2022.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

Section 2. Charter Amendment #1. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.08. - Procedure.

- (a) *Meetings*. The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than

twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.

- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) conveyance of fee simple ownership of real property owned by the city. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.

(b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
- (2) Establish a rule or regulation the violation of which carries a penalty;
- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charge for municipal services or grant administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

Section 3. Amendment #1 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 2 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

Question #1:

Require Supermajority Vote to Sell City Property

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor to approve the conveyance of fee simple title of city owned property?

Yes ____

No ____

Section 4. Charter Amendment #2. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.
- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) comprehensive plan future land use map amendment, rezoning or change in use of park land to a use that is not a recreational or park use; and (ii) comprehensive plan future land use map amendment, rezoning or change in use of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members majority of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
 - (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
 - (2) Establish a rule or regulation the violation of which carries a penalty;
 - (3) Levy taxes authorized by general law;
 - (4) Grant, renew or extend a franchise;
 - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
 - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
 - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
 - (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
 - (9) Establish zoning.

Section 5. Amendment #2 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 4 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

Question #2:

Require Supermajority Vote to Rezone Parks and Public Lands

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor to (i) approve a comprehensive plan future land use map amendment or rezoning of city-owned park land; and (ii) approve a comprehensive plan future land use map amendment, rezoning or change of use of land currently zoned public and quasi-public district or zoned parks and recreation district.

Yes _____

No _____

Section 6. Charter Amendment #3. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.
- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting,

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either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) comprehensive plan future land use map amendment or rezoning of lakefront property from a residential use to a commercial use, mixed-use, medium-density residential use, or high-density residential use; and (ii) approval of a comprehensive plan future land use map amendment or zoning map amendment that changes the use of property from a residential category to a non-residential category, except that this subsection does not apply to changes from a residential use to a public, quasi-public or recreational use. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.

- (d) *Quorum.* At least three (3) members majority of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members a majority of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;

- (2) Establish a rule or regulation the violation of which carries a penalty;
- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charge for municipal services or grant administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

Section 7. Amendment #3 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 6 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

Question #3:

Require Supermajority Vote for Residential and Lakefront Property Map Amendments

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor of a comprehensive plan future land use map amendment or rezoning (i) from a residential category to a non-residential category, or (ii) to lakefront property from a residential use to a commercial use, mixed-use, medium density residential use or high density residential use?

Yes ____

No ____

Section 8. Charter Amendment #4. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.
- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) approval of a comprehensive plan amendment, land development code amendment or rezoning that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five percent from the existing maximum allowed residential units per acre or floor area ratio; in evaluating floor area ratio increases for the purposes of this provision, parking garage square footage is included. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time

and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
 - (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
 - (2) Establish a rule or regulation the violation of which carries a penalty;
 - (3) Levy taxes authorized by general law;
 - (4) Grant, renew or extend a franchise;
 - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
 - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
 - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
 - (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
 - (9) Establish zoning.

Section 9. Amendment #4 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 8 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

Question #4:

Require Supermajority Vote for Density/Intensity Increases

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor of approval of a comprehensive plan amendment, land development code amendment or rezoning that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five percent from the existing maximum allowed density or intensity of use?

Yes ____

No ____

Section 10. Charter Amendment #5. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.
- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.

- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) approving a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
 - (2) Establish a rule or regulation the violation of which carries a penalty;

- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charge for municipal services or grant administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

Section 11. Amendment #5 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 10 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

Question #5:

Require Supermajority Vote to Approve Development in Wetlands

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor of development orders authorizing development within wetlands?

Yes ____

No ____

Section 12. Charter Amendment #6. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the

affirmative vote of a majority of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a substantive or material change in the ordinance during the city commission's adoption process ~~substance in the text, then the reading at the time of change will be deemed the first reading~~ the city commission will conduct at least one reading and public hearing of the ordinance after such change is made. Further, if during the city commission's adoption process for an ordinance amending the comprehensive plan or the zoning of property there is a change made in the ordinance that results in an increase in the maximum allowed residential units per acre (density) or maximum allowed floor area ratio (intensity) for uses, or in a change to the permitted uses, prior to adoption the city commission will conduct at least one reading and public hearing of the ordinance after such change is made.

(b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
- (2) Establish a rule or regulation the violation of which carries a penalty;
- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charge for municipal services or grant administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

Section 13. Amendment #6 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 12 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

Question #6:

Ordinance Changes During Adoption Process

Shall Section 2.11 of the Winter Park City Charter be amended to require an additional public meeting and reading of a proposed ordinance before its adoption if during the adoption process either (i) a substantive or material change is made, or (ii) a change is made to a proposed zoning or comprehensive plan amendment ordinance resulting in an increase in the maximum allowed density or intensity of uses or a change to the permitted uses?

Yes ____

No ____

Section 14. Referendum. The forgoing proposed amendments to the Charter of the City of Winter Park and their accompanying ballot questions shall be individually placed on the City ballot and submitted to the qualified electors of the City of Winter Park at the election held on **March 8, 2022**. The qualified voters shall have an opportunity to vote on the proposed amendments to the Charter. The City Clerk is hereby authorized and directed to advertise the referendum election authorized herein in accordance with the applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal law. In the event it becomes necessary, as determined by the City Commission, to make modifications to any ballot question, ballot summary or to remove a proposed charter amendment from the ballot contained herein after adoption of this Ordinance, the City Commission may make such modification by resolution. In the event it becomes necessary, as determined by the City Commission, to reschedule the referendum on the proposed amendments to the City Charter set forth herein, the City Commission may make such modification by resolution.

Section 15. Codification & Corrections. Any City Charter amendment provided for in this Ordinance, which receives affirmative votes from the majority of the votes cast shall be incorporated into the City Charter of the City of Winter Park. Any section, paragraph number, cross references, letter and/or any heading, may be changed or modified in the existing Charter and the charter amendments proposed herein adopted as necessary to effectuate the foregoing, including for consistency with other charter amendments adopted. There is overlap in the charter amendments proposed by Sections 2 through 11. Voter rejection of one or more charter amendments proposed by Sections 2 through 11 of the Ordinance does not negate other the charter amendments that are approved by the voters within these sections; the City Clerk is given liberal authority to renumber the subsections and make other typographical corrections as needed to consolidate and codify all voter approved provisions. Grammatical, typographical and similar like errors may be corrected,

and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Charter may be freely made.

Section 16. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 17. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

Section 18. Directions to City Staff. City Staff under the direction of the City Manager are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance and the City Charter amendments and referendum provided for herein. If the City Charter is amended, a copy of the revised City Charter shall be filed with the Department of State in accordance with Section 166.031(2), Florida Statutes.

Section 19. Effective Dates. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida. Any City Charter amendment provided for herein shall become effective immediately upon approval by the certified voters of the City of Winter Park and certification by the Orange County Supervisor of Elections or other appropriate officer or entity.

First Reading held on September 22, 2021

Second Reading held on October 13, 2021

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 13th day of October, 2021.

Mayor Phillip M. Anderson

ATTEST:

Rene Cranis, City Clerk