



Planning & Zoning Board Regular Meeting

Agenda

January 3, 2023 @ 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 December 6, 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. [SPR #22-16. Request of Slocum Platts Architects.](#) 10 minutes
Request of Randall Slocum with Slocum Platts Architects for approval to construct a new, two-story, 5,707 square-foot, single-family home located at 910 Poinciana Lane on Lake Maitland, zoned R-1AA.
 - b. [ZTA #23-01. Request of the City of Winter Park.](#) 10 minutes
Request of the City of Winter Park for an Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning", Section 58-94 "Appeals from interpretations and enforcement decisions of the building and zoning official", to modify the process for appeals.
 - c. [ZTA #23-02. Request of the City of Winter Park.](#) 10 minutes
Request of the City of Winter Park for an Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-72 "Office (O-1) district", to add a new permitted use for state licensed establishments involved in the rendering of a personal or business service limited to barber shops and hair salons, day spas, and cosmetic treatments subject to certain conditions.
 - d. [ZTA #23-03. Request of the City of Winter Park.](#) 5 minutes
Request of the City of Winter Park for an Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions for nonresidential zoning districts", to ensure that no air traffic hazards will be created by structures and other appendages by following the heights detailed in the Orlando/Orange County Airport Zoning Regulations text and map.
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	January 3, 2023
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the December 6, 2022 Meeting Minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[P&Z December 6, 2022 Draft Meeting Minutes.pdf](#)



Planning & Zoning Board Regular Meeting Minutes

December 6, 2022 at 6:00 p.m.

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

Present

Present: Richard James, David Bornstein, Melissa Vickers, Vashon Sarkisian, Jim Fitch, and Alex Stringfellow. Absent: Michael Spencer. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Jeff Briggs, Assistant Director of Planning and Transportation Allison McGillis, 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 5:58 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Vashon Sarkisian, seconded by Melissa Vickers to approve the November 5, 2022 meeting minutes with an amendment that the call to order should state that Chairman Richard James called the meeting to order rather than Vice-Chair David Bornstein.

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

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

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

(4) Public Hearings

- SPR #22-14: Request of Rob Smith with E2 Homes for approval to construct a new, two-story, 7,957 square-foot, single-family home located at 700 Via Lugano on Lake Maitland, zoned R-1AAA.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map and aerial of the property. He noted that no neighbor letters for or against the item were received. He then reviewed the building standards table with the Board, noting that the applicant's plans were at a 32.2% floor-area-ratio (FAR) and 43% impervious lot coverage, which both fall below maximum code requirements. He also noted that the average for the lakefront setbacks in the area is 60 feet and the applicant proposed a 69 foot 5 inch setback. Mr. Lewis then presented and spoke on the applicant's existing survey, tree and grading plan, and floor plan. He indicated that no trees were to be removed. He also indicated that there were two proposed swales on the property that together added up to about 100 cubic feet less than the applicant's entire required retention with natural retention from the existing, numerous cypress trees along the lakefront portion of the lot fulfilling the rest. With regard to the floor plan, Mr. Lewis noted that a small portion of the pool deck would extend into the 50-foot setback but was still within the allowed 10% impervious lot coverage within the 50-foot setback from the high-water line. He also noted that no views from the lake or the neighbors would be blocked by the proposal.

Staff recommendation was for approval.

Chairman James asked if the artificial turf portion of the applicant's request was included in the calculations for impervious lot coverage to which Mr. Lewis replied that it was included.

The applicant, Rob Smith of 66 Eastwind Lane, Maitland, FL 32751 addressed the Board. Mr. Smith noted that a lot of effort was placed on working around the existing trees on the property and minimizing the impact on them.

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

The Board briefly discussed the item. Mr. Bornstein inquired whether or not applications that meet all of the City standards can be placed as consent agenda items rather than as hearing items. City Attorney Langley advised that the Board could adopt a policy for it. He added, though, that if someone wants to come to the hearing and speak on any of the items then the specific item would have to be pulled off of the consent agenda and the person allowed to speak on it. He also noted that staff may not be able to pre-determine if the Board would desire to have discussion on an item.

Motion made by Alex Stringfellow, seconded by Melissa Vickers, for approval to construct a new, two-story, 7,957 square-foot, single-family home located at 700 Via Lugano on Lake Maitland, zoned R-1AAA.

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

- SPR #22-13: Request of Rob Smith with E2 Homes for approval to construct a new, one-story, 2,805 sq. ft., single-family home located at 410 Lakewood Drive on Lake Osceola, zoned R-1AAA.

Mr. Hull provided the Board a brief summary of the request. He presented to the Board an area map and aerial of the property. He noted that the applicant would only be using 12% of the allowed FAR and 35% of the allowed impervious lot coverage. He also noted that the applicant's lakefront setback is proposed at 66 feet 2 inches while the average lakefront setback of the adjacent homes is 60 feet. Mr. Hull then presented the proposed site plan for the property noting that only one tree was removed per previous approval by the City's Urban Forestry Department. He added that the applicant's proposed stormwater retention plan meets code requirements, there would be no blocked views from the lake or the neighbors, and no neighbor letters for or against the item had been received.

Staff recommendation was for approval.

Public attendee Jon Rose of 333 Trismen Terrace, Winter Park, FL 32789 requested to address the Board. Mr. Rose inquired about the setback on the southside of the lot, if there were to be any more trees to be planted, and where a fence could be placed on the property.

The applicant, Rob Smith of 66 Eastwind Lane, Maitland, FL 32751 addressed the Board. Mr. Smith noted that the original home on the lot was much larger and closer to the south property line than the new proposed home. He also noted that the tree that was removed had been deemed a hazard by the City's Urban Forestry Department.

The Board inquired if there were more public requests to speak but no one else from the public made a request. The public hearing was closed.

Mr. Fitch briefly asked for clarification on the square feet of the proposed home.

Motion made by David Bornstein, seconded by Alex Stringfellow, for approval to construct a new, one-story, 2,805 sq. ft., single-family home located at 410 Lakewood Drive on Lake Osceola, zoned R-1AAA.

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

- SPR #22-15: Request of Scott Webb with Hanson Custom Homes for approval to construct a new, two-story, 4,618 square-foot, single-family home located at 1891 Lake Spier Drive on Lake Spier, zoned R-1A.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map and aerial of the property. He noted that the request falls well under the FAR and impervious lot coverage requirements. He also noted that the request meets the front and side setback requirements but does not meet the lake front setback requirements. He added that the average lake front setback for the area is 65 feet and the applicant requested a 53.22 foot setback. Mr. Lewis pointed out that the original home on the lot had a setback of 50.56 feet and a finished floor elevation of 95.5 feet. Mr. Lewis then presented the proposed drainage plan and indicated that there would be sufficient swales across the property for proper stormwater retention. He also presented the site plan and elevations for the property noting that the proposed home had a single-story wing protruding down towards the lakefront along the west lot line. The nearest corner of the wing

to the west lot line is at slightly more than 64 feet and the opposite corner is at 54.35 feet. He went on to note that the applicant had removed one tree that was approved and permitted for removal by the Urban Forestry department due to health and safety concerns. Mr. Lewis briefly discussed the views from the lake and the neighbors, noting that the proposed home would keep the same 95.5 foot finished floor elevation as the original home. He added that the applicant's neighbor to the west has an existing six foot privacy fence, an eight by ten foot shed, eleven foot tall bamboo, and a four foot chain-link fence along their property line down to the lake front allowing for very minimal views of the lake by the neighbor to the east. Mr. Lewis indicated that he had spoken with the neighbor to the west about their concerns with possible damage to their existing fence, additional fill, and stormwater retention and they were currently comfortable with the applicant's request. Mr. Lewis also indicated that he had spoken to the neighbor to the east who expressed concerns about their lake views to the west. He briefly discussed the viewshed of the neighbor to the east, providing the Board with a visual outline of how the proposed home would fall in line with the previously existing screen enclosure of the original home.

Staff recommendation was for approval.

Chairman James asked for clarification on the lakefront setback for the lot.

The co-applicant and homeowner for the request, Brian Wilson of 1666 Joeline Court, Winter Park, FL 32789 addressed the Board. Mr. Wilson noted that the shape of the lot created a challenge for the shape and setbacks of the proposed home. He also noted that he tried to minimize any impacts to the neighbors when designing the home.

Chairman James asked if the home would be on septic to which the applicant responded yes, that it would be on septic. Brief discussion ensued about the ability of the home to be connected to sewer.

The Board heard public comment from the following resident:

Daryl LeBlanc of 1895 Lake Spier Drive, Winter Park, FL 32789 addressed the Board. Mr. Leblanc noted that he is the applicant's neighbor to the east. He indicated that his concern was with the western portion of the proposed home, which would block views such as the daily sunset. He expressed desire for the western portion of the proposed home to be minimized or mitigated.

Brief discussion ensued with the Board regarding the view from Mr. LeBlanc's property to the west end of the applicant's proposed home.

The project's architect, Chris Gooden of 1009 Summer Lakes Drive, Orlando, FL 32835 addressed the Board. Mr. Gooden noted that the proposed home would have a 10 foot wall height and a 14 foot roof peak on the western portion.

Mrs. McGillis reminded the Board that the lakefront criteria is with regards to the view of the lake and not the entire property.

Mr. Stringfellow inquired as to whether or not anything would preclude the applicant from hedging or fencing their entire eastern lot line.

Mr. Wilson addressed the Board and emphasized that he had carefully considered the neighbors views of the lake and felt that his proposed home would create a de minimis change to the views that existed with the original home.

Mr. Stringfellow asked for clarification of the width of the lot.

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

The Board briefly expressed their thoughts on the request. The Board overall felt that the applicant had tried his best to minimize any impacts on the views of the neighbors.

Motion made by Jim Fitch, seconded by David Bornstein, for approval to construct a new, two-story, 4,618 square-foot, single-family home located at 1891 Lake Spier Drive on Lake Spier, zoned R-1A.

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

(5) Action Items

No action items.

(6) Non-Action Items

Discussion of West Fairbanks Study Area by Canin Associates & Next Steps.

Brian Canin with Canin Associates provided the Board a brief update on the West Fairbanks Study. He noted that they are currently doing data gathering and have started work on the planning portion of the study as well. He indicated that he feels the area deserves a complete master plan and he spoke briefly on the City's inspirations for the area, which include arts and culture and enhancing the Winter Park brand. Mr. Canin then reviewed the study analysis and discussed design and art districts, the complex area aspects, required annexation, and various street views within the area. He also discussed the redevelopment area and its existing deficiencies such as there being no connectivity, many varied uses, lots of vacant land and parking lots, and significantly aged buildings. He also discussed the tax value ratio on lots and the unusual lot pattern that exists. He expressed that the area needs a pilot project and could become a very walkable, live and work area over time. Mr. Canin then provided the Board with a hard copy summary of the images he reviewed and discussed.

Brief discussion ensued with the Board about the number of acres within the study area, the size of the parks planned for the area, and the next steps for the Board. Mr. Canin indicated that he would have a confirmed number of acres provided to the Board after the meeting. Mrs. McGillis noted that the Board would have a work session in January to brainstorm how they would like to move forward.

Mr. Stringfellow recommended looking at the tax revenue benefits and incorporating the design district in the project as well.

(7) Staff Updates

No staff updates.

(8) Board Comments

The Board requested to have the topic of creating a consent agenda policy included on the February 2023 work session agenda.

(9) Upcoming Agenda Items

Mrs. McGillis noted that only minor code changes brought to the Board by staff would be on the next regular Board meeting agenda.

(10) Adjournment

Meeting adjourned at 7:13 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 January 3, 2023
prepared by Nicholas Lewis	approved by John Harbilas, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

SPR #22-16. Request of Slocum Platts Architects.

item list

Request of Randall Slocum with Slocum Platts Architects for approval to construct a new, two-story, 5,707 square-foot, single-family home located at 910 Poinciana Lane on Lake Maitland, zoned R-1AA.

motion / recommendation

Staff recommendation is for approval.

background

Randall Slocum with Slocum Platts Architects, is requesting approval to construct a new, two-story, 5,707 square-foot single family home at 910 Poinciana Lane on Lake Maitland. The property is zoned R-1AA and the unsubmerged portion of the property is 15,965 square feet in size. The proposed impervious lot coverage of 6,548 square feet is 41% of the total lot, which is under the maximum 50% as the code allows. In the R-1AA zoning district, the base Floor Area Ratio (FAR) for larger properties is 33% with an increase of up to 38% FAR if the side setbacks are also increased by up to 5% on a one-to-one ratio. The applicant is proposing a 5,707 square-foot home which equates to an FAR of 36%, which is permissible if the side setbacks are increased to 28% to the first-floor and 38% to the second-story. The proposal meets these increased setback standards.

Lakefront Lot Review Criteria:

Tree Preservation

The purpose and intent of the lakefront lots section of the code states that existing trees shall be preserved to the degree reasonably possible. All protected species are being preserved on the lot, with the exception of the 30-inch caliper oak tree in the northeast

corner of the lot. The City's Urban Forestry Department assessed the oak tree and determined that it is in poor health and condition and recommended that the tree be removed.

Views from the Lake

The code direction is to minimize the height and extent of stem walls or retaining walls facing the lake. Generally, the policy does not permit walls/swimming pool decks facing the lake in excess of three (3) feet in height. This plan complies with that provision. The issues that are typically dealt with about grades and pool decks/retaining walls are not present in this case because the lot is relatively flat, sloping from 68-feet in the front of lot to 66-feet along the lakefront and the pool and pool deck will be at grade.

View of Neighbors

The code direction is to minimize the degradation of traditional views across properties by new houses, additions, second-story additions, etc., alongside property lines toward the lake that may block traditional views. The average lakefront home is 54-feet. This proposed home will have a lakefront setback of 55-feet, practically in line with both neighboring properties, which are 52-feet and 56-feet respectively.

The lot depth is quite shallow, leaving little room for a swimming pool and pool deck. The result is that a small portion of the pool deck and fire pit area extends into the 50-foot setback. However, these areas are minimal and do not equate to the 10% impervious area allowed per code within 50-feet from the high-water line. The pool itself fully meets the 50-foot setback requirement.

Stormwater Retention

The code requires the retention of stormwater. The amount of impervious surface on the lot determines the needed depth/size of the retention. In this case, the applicants are proposing three swale retention areas throughout the property including a large swale lining the lakefront satisfying the stormwater requirements.

Summary

Overall, the plans meet the intent of the lakefront review criteria. The proposal also meets all single-family code requirements.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[910 Poinciana Lane_Area Map.pdf](#)

ATTACHMENTS:

[910 Poinciana Lane_Aerial Map.pdf](#)

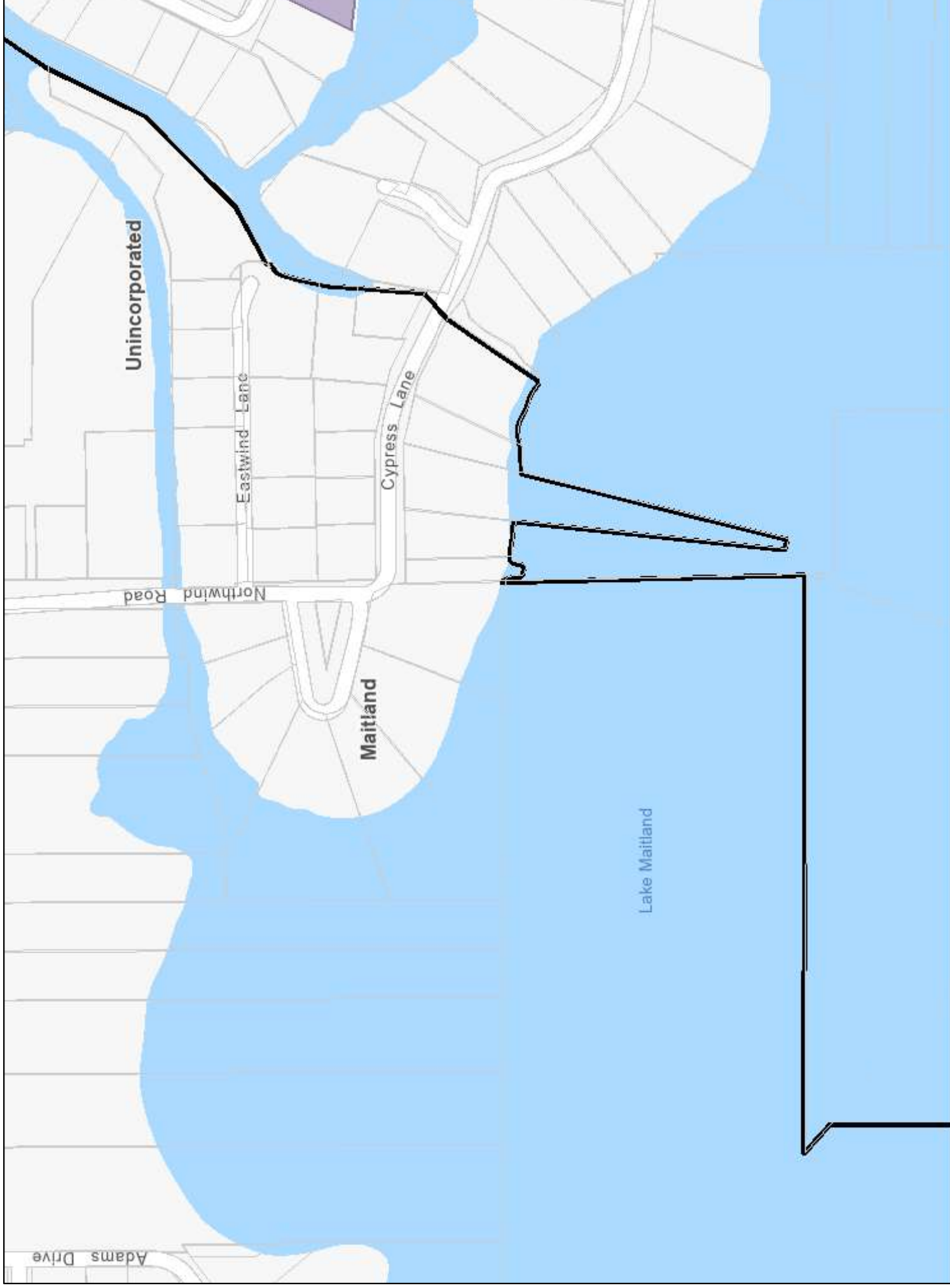
ATTACHMENTS:

[910 Poinciana Lane - Lakefront Table.pdf](#)

ATTACHMENTS:

[910 Poinciana Lane_Plan Set.pdf](#)

910 Poinciana Lane - Area Map



910 Poinciana Lane - Aerial Map



Lakefront Site Plan Review: 910 Poinciana Lane

	R-1AA Requirements	Proposed
Zoning	N/A	R-1AA
Future Land Use	N/A	SFR
Lot Width	100 ft.	115 ft.
Lot Depth	N/A	233 ft. (avg.)
Lot Area	10,000 sf	15,965 sf
Floor Area Ratio	33% (5,265 sf) 38% (6,063 sf)	36% (5,707 sf)
Impervious Lot Coverage	50% (7,978 sf)	41% (6,548 sf)
Front Setback	25 ft.	25 ft. 6 in.
Side Setbacks	16 ft./21 ft.	16 ft./ 21 ft. 6 in.
Lakefront Setbacks	54 ft. (avg.)	55 ft.
Pool Lakefront Setback	50 ft.	50 ft.





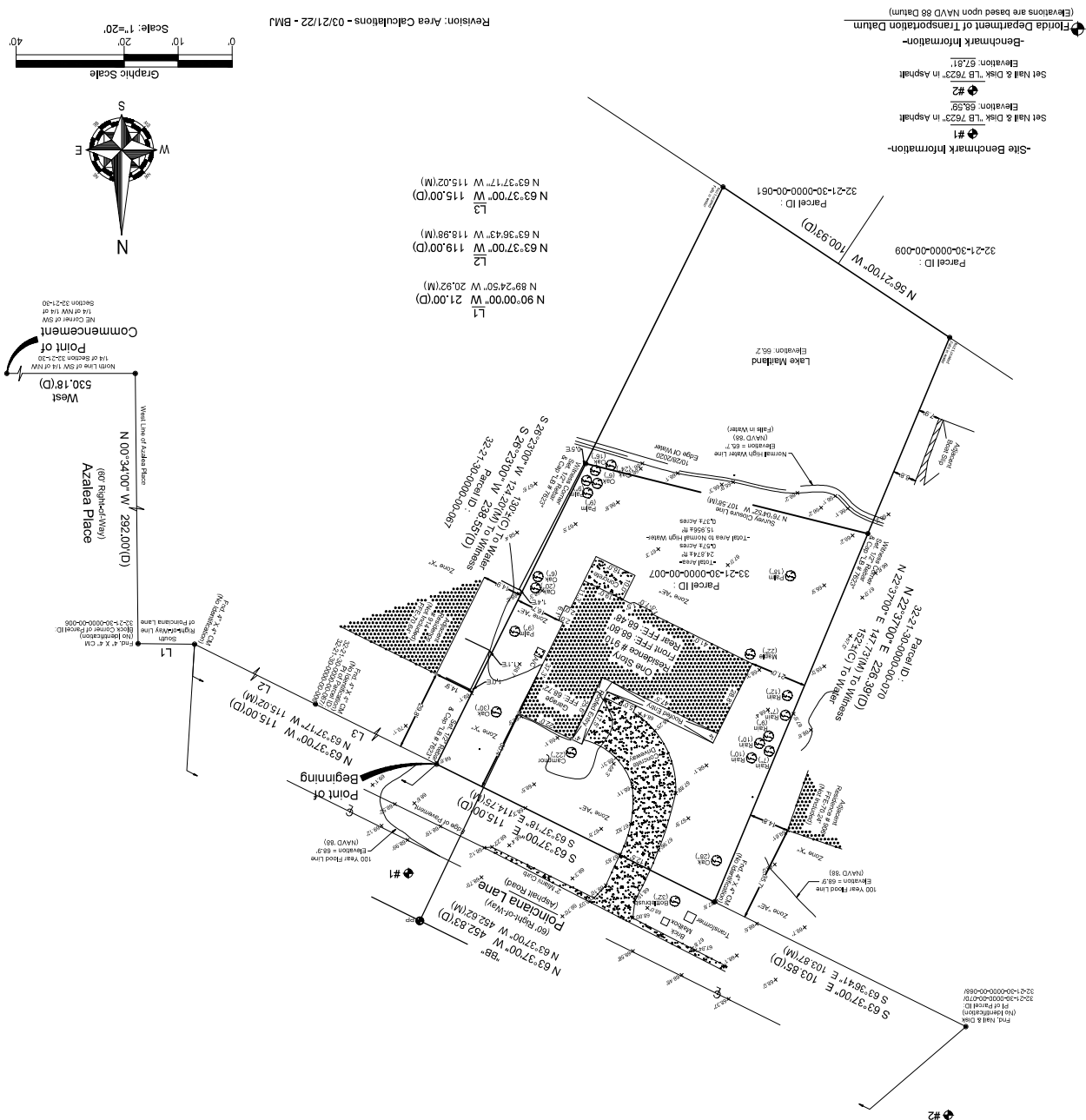
WILLIAM P. PLATTB 4903262



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[illegible]

Legal Description:

[illegible]

AREA CALCULATIONS	
910	
POINCIANA LANE	
SITE AREA	15,956 SF
1ST FLOOR HVAC	3,279 SF
2ND FLOOR HVAC	1,689 SF
TOTAL HVAC	4,968 SF
GARAGE	689 SF
ENTRANCE	82 SF
MECHANICAL	81 SF
LANAI	267 SF
BALCONIES	283 SF
TOTAL NON-HVAC	1,402 SF
NET TOTAL	6,370 SF

REAR YARD REAR SETBACK LINE TO LAKE SHORE LINE	
910	
POINCIANA LANE	
REAR YARD	5,496 SF
TOTAL IMPERVIOUS ALLOWABLE (10.00%)	550 SF
TOTAL IMPERVIOUS SHOWN (9.83%)	540 SF
TOTAL PERVIOUS SHOWN (90.17%)	4,956 SF

IMPERVIOUS CALCULATIONS	
910	
POINCIANA LANE	
SITE AREA	15,956 SF
1ST FLOOR HVAC	3,279 SF
GARAGE	689 SF
ENTRANCE	82 SF
COVERED LANAI	267 SF
POOL DECK & SIDEWALK	910 SF
DRIVEWAY & SIDEWALKS	1,242 SF
MECHANICAL SLABS & WALLS	79 SF
TOTAL IMPERVIOUS SHOWN (41.04%)	6,548 SF
TOTAL IMPERVIOUS ALLOWABLE (50.00%)	7,978 SF
TOTAL PERVIOUS SHOWN (58.96%)	9,408 SF

FLOOR AREA RATIO CALCS.	
910	
POINCIANA LANE	
SITE AREA	15,956 SF
MAX FAR (38.00%)	6,063 SF
FAR SHOWN (35.27%)	5,628 SF
1ST FLOOR HVAC	3,279 SF
2ND FLOOR HVAC	1,689 SF
TOTAL HVAC	4,968 SF
GARAGES	689 SF
MECHANICAL	(81) SF
ENTRANCE	(82) SF
BALCONIES	283 SF
LANAI	267 SF
LANAI & BALCONY EXEMPTION	-500 SF
NET TOTAL	5,707 SF



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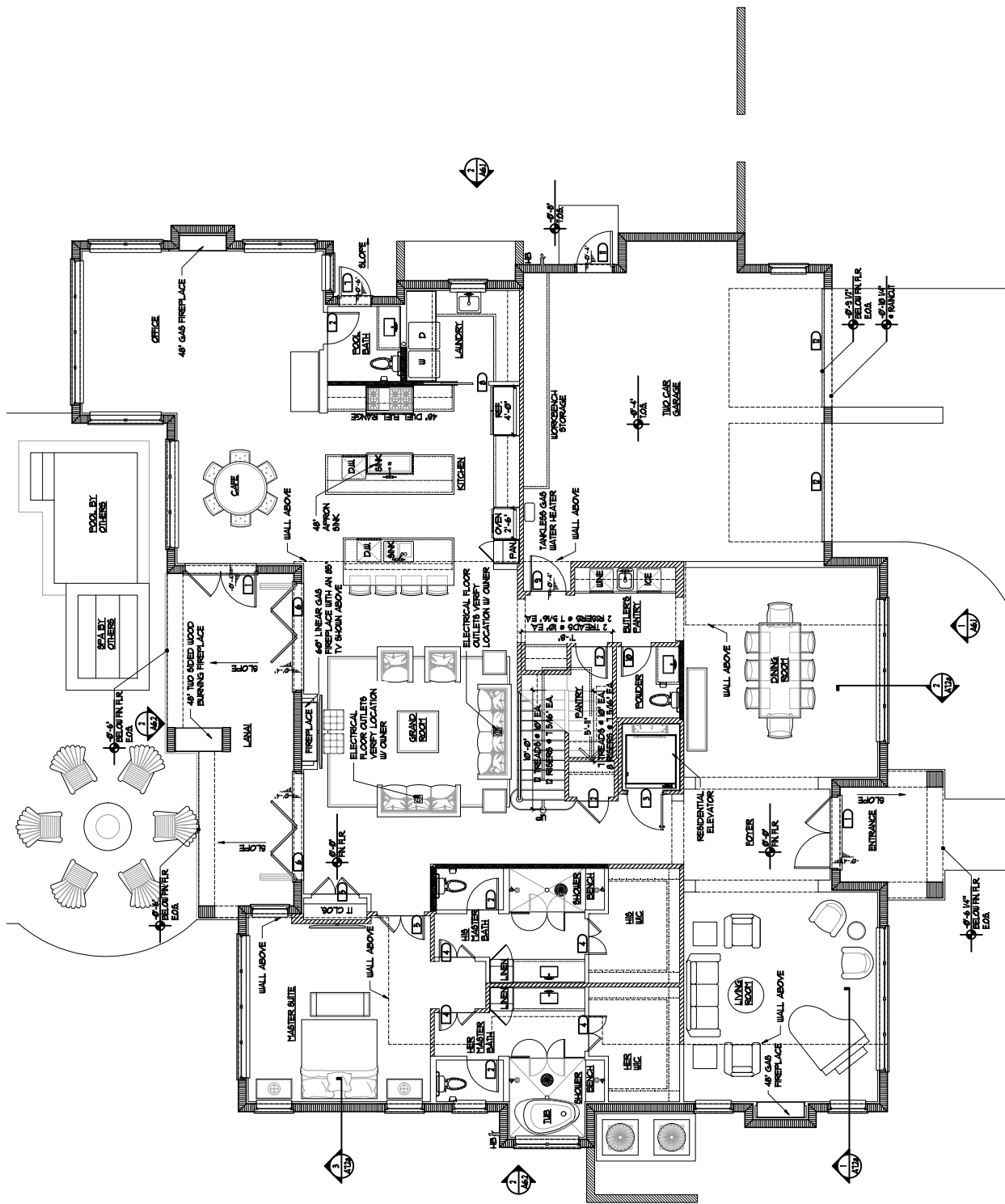
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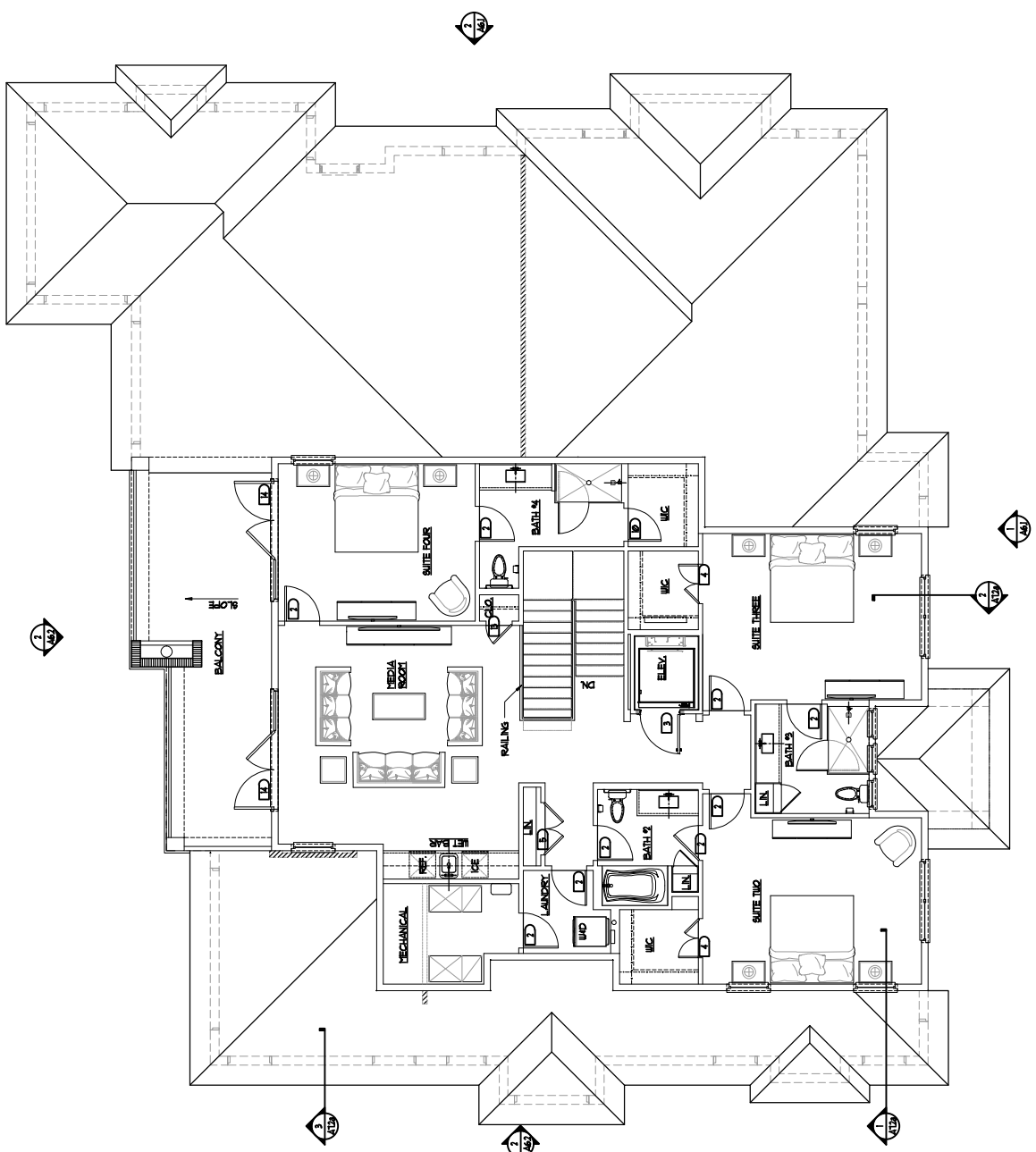
GENERAL NOTES:
SEE SHEET A02 FOR APPLICABLE GENERAL NOTES.

WALL LEGEND

 3-1/2" WOOD STUDS WITH 5/8" DRYWALL EACH SIDE
 INT. BEARING WOOD STUDS WITH 5/8" DRYWALL EACH SIDE (SEE STRUCT.)
 3-1/2" WOOD STUDS WITH 5/8" DRYWALL EACH SIDE FILL WITH SOUND BATT INSULATION
 5-1/2" WOOD STUDS WITH 1/2" PL. WOOD EXTERIOR 5/8" DRYWALL INTERIOR
 8" CONCRETE BLOCK WITH DO PT. FURRING @ 16" O.C.

AREA CALCULATIONS		
910		
POINCIANA LANE		
SITE AREA	15,956 SF	
EXIST FLOOR HVAC	5,270 SF	
PROPOSED FLOOR HVAC	1,680 SF	
TOTAL FLOOR HVAC	6,950 SF	
POOL GARAGE	480 SF	
ENTRANCE	81 SF	
MECHANICAL	82 SF	
LANAI	267 SF	
BALCONIES	285 SF	
TOTAL NON-HVAC	1,402 SF	
TOTAL FLOOR AREA	6,370 SF	
NET TOTAL	8,320 SF	





AREA CALCULATIONS	
970	
POINCIANA LANE	
SITE AREA	13,956.3 F
1ST FLOOR HVAC	3,279.3 F
2ND FLOOR HVAC	1,689.3 F
TOTAL HVAC	4,968.3 F
GARAGE	689.3 F
ENTRANCE	82.3 F
MECHANICAL	81.3 F
LANAI	267.3 F
BALCONIES	283.3 F
TOTAL NON-HVAC	1,403.3 F
NET TOTAL	6,370.3 F

WALL LEGEND	
	3-1/2" WOOD STUDS WITH 3"x6" DRIFTLUM EACH SIDE
	INT. BEARING WOOD STUDS WITH 3"x6" DRIFTLUM EACH SIDE (SEE STRUCT.)
	3-1/2" WOOD STUDS WITH 3"x6" DRIFTLUM EACH SIDE
	BATT INSULATION
	5-1/2" WOOD STUDS WITH 1/2" PL WOOD EXTERIOR 3"x6" DRIFTLUM INTERIOR
	8" CONCRETE BLOCK WITH DO RT. FINISHING @ 15' O.C.
	AND 3"x6" DRIFTLUM ON EXTERIOR

SEE SHEET A62 FOR APPLICABLE GENERAL NOTES.

RESERVED FOR DIGITAL SIGNATURE

RESERVED FOR DIGITAL SIGNATURE

910
GIAO
WINTER PARK

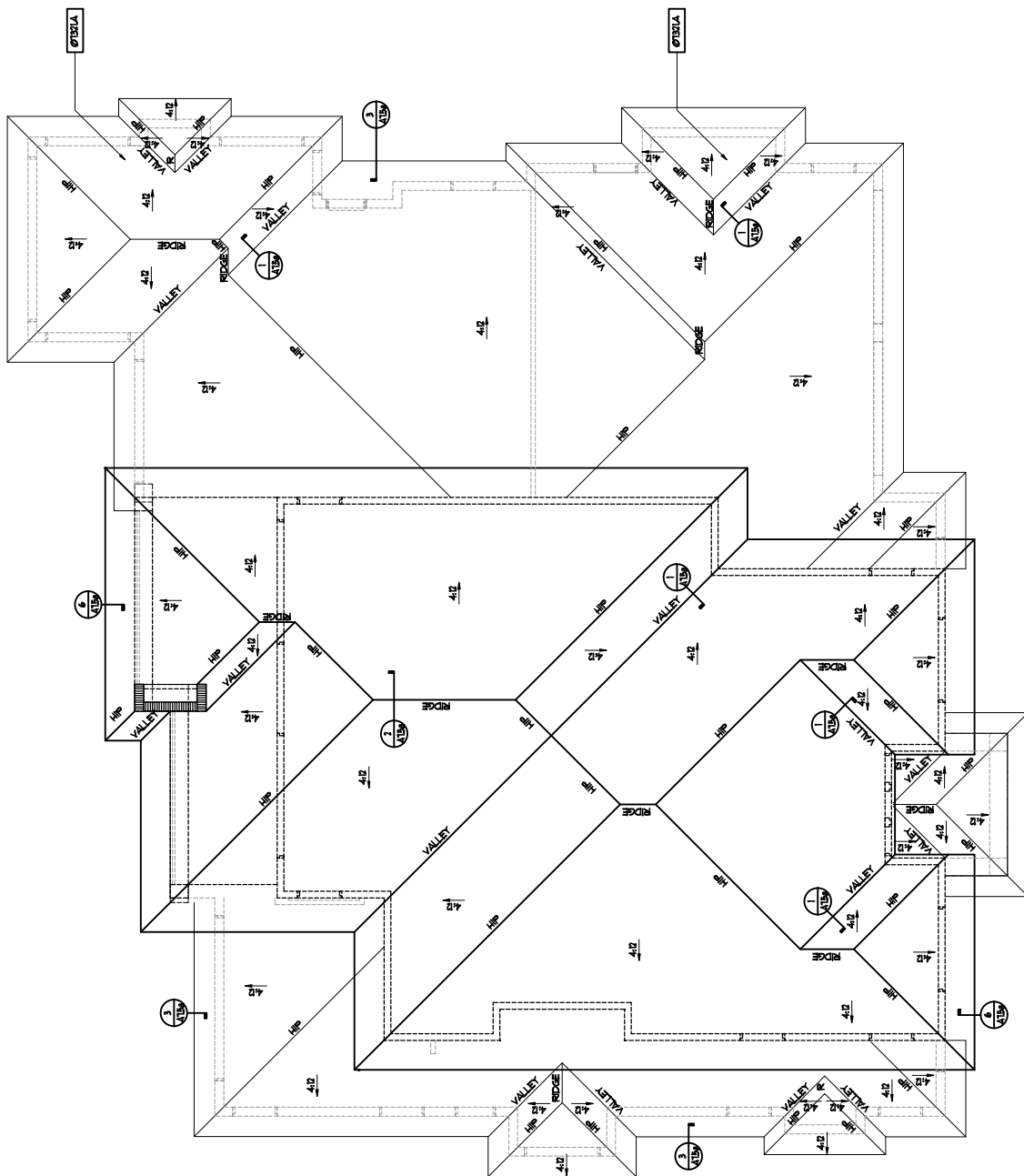
GIACALONE RESIDENCE
910 POINCIANA LANE
R PARK
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[illegible]

REFERENCE KEYNOTES	DIVISION 07 - THERMAL AND MOISTURE PROTECTION
07321A	- CONCRETE ROOFING TILES; INSTALL PER MANUFACTURER'S SPECIFICATIONS





Planning & Zoning Board

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date January 3, 2023
prepared by Allison McGillis	approved by John Harbilas, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

ZTA #23-01. Request of the City of Winter Park.

item list

Request of the City of Winter Park for an Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning", Section 58-94 "Appeals from interpretations and enforcement decisions of the building and zoning official", to modify the process for appeals.

motion / recommendation

Staff recommendation is for approval of the Ordinance.

background

The city attorney has recommended the attached changes to the section of the land development code regarding appeals from interpretations and enforcement decisions of the building and zoning official. Currently, any person may appeal a decision by the building or zoning official that is "aggrieved by any decision". These changes set up the process for obtaining such a decision, and clarifies the process for an appeal. In particular, the ordinance proposes criteria for who has standing to appeal and the timing for such appeals. The city attorney will discuss in more detail at the meeting.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Appeals Ordinance.docx](#)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE
III, "ZONING" SECTION 58-94 "APPEALS FROM
INTERPRETATIONS AND ENFORCEMENT DECISIONS OF THE
BUILDING AND ZONING OFFICIAL", TO MODIFY THE PROCESS
FOR APPEALS, PROVIDING FOR CODIFICATION, SEVERABILITY,
CONFLICTS AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance;

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

WHEREAS, the City Commission hereby finds that the land development regulations adopted herein are consistent with the Comprehensive Plan;

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-94 "Appeals from interpretations and enforcement decisions of the building and zoning official." is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-94. - Appeals from interpretations and enforcement decisions of the building and zoning official.

- (a) A property owner may request a written decision from the building and zoning official setting forth the interpretation rendered in the application or enforcement of the code to that property owner's property in the event that (i) the property owner is unsure of his/her/its rights under this article and wants an interpretation of this article as applied to that property owner's property; or (ii) property owner desires to challenge an interpretation, application or enforcement of this article as applied to that property owner's property. The property owner's request for a written decision under this section should explain the circumstances and the applicable code provisions at issue in sufficient detail to give the building and zoning official adequate information to issue a written decision. Upon the receipt of a sufficient request for a written decision on the interpretation, application or enforcement of this article, the building and zoning official must issue a written decision within ten (10) days and send the same to the requesting property owner and to the owners of the properties adjacent to the requesting property owner's property. This section does not apply to final decisions

~~on or the issuance of development orders or building permits. Appeals concerning interpretation or enforcement of this article may be taken to the planning and zoning commission by any person aggrieved by any decision of the building and zoning official enforcing or interpreting this article. Such appeals shall be taken within 30 days of rendition in writing of that decision by the building and zoning official. Upon written request of a person aggrieved, the building and zoning official shall forthwith render in writing any previously unwritten decision. Appeals shall be commenced by filing with the building and zoning official a notice of appeal specifying the ground thereof. The building and zoning official shall within seven days of such an appeal being filed transmit to the planning and zoning commission all papers constituting the record upon which the decision appealed from was made by him.~~

- ~~(b)~~ A written decision issued by the building and zoning official under this section may be appealed by the property owner that sought the written decision or by any person aggrieved by the written decision by filing a written notice of appeal with the building and zoning official within fifteen (15) days from the rendition of the written decision. The written notice of appeal must state the grounds of the appeal and articulate in detail why the building and zoning official's written decision (or a portion thereof) is incorrect. The appeal will be transmitted to the planning and zoning board for a hearing.
- ~~(b)~~ The planning and zoning board ~~commission~~ shall hear the appeal at their first regular meeting ~~next~~ that is scheduled in the period between 20 days and 45 days after the filing of the appeal providing sufficient time for notice of such hearing to be distributed in the same manner as for variances to this article. Such notice shall reflect that the decision of the planning and zoning board ~~commission~~ is subject to appeal by the city commission. The appellant shall pay to the city a fee prescribed by the city commission to cover the administrative costs of such an appeal. At the hearing the aggrieved person and parties in interest may appear in person or by agent or attorney. The building and zoning official may be represented by the city attorney or by such city official as he may designate.
- (c) Review of the decision of the planning and zoning board ~~commission~~ may be taken in the manner described below to the city commission.
- (d) On written application by the person aggrieved, the building and zoning official, the city manager or any member of the city commission, the city commission shall schedule a public hearing to review in such manner as the city commission may choose the decision of the planning and zoning commission on such an appeal.
- (e) Such application shall be filed in writing with the building and zoning official within 15 days of the rendition of the planning and zoning commission's decision on the original appeal. Notice of the hearing shall be mailed to the person aggrieved and to all owners of property within 200 feet of the property affected.
- (f) At the conclusion of the public hearing, the city commission may affirm the decision of the planning and zoning commission or override that decision and either reinstate the original decision of the building and zoning official or substitute its own decision

for that of both the planning and zoning commission and the building and zoning official.

- (g) An appeal to the planning and zoning commission and an application for review before the city commission shall stay all proceedings in furtherance of the decision appealed from or from which review is sought, unless the building and zoning official certifies to the city manager after the notice of appeal or application for review is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

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

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 4. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this ____ day of _____ 2023.

By: _____
Mayor Phil Anderson

ATTEST:

By: _____
Rene Cranis, City Clerk



Planning & Zoning Board

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date January 3, 2023
prepared by Allison McGillis	approved by Allison McGillis, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

ZTA #23-02. Request of the City of Winter Park.

item list

Request of the City of Winter Park for an Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-72 "Office (O-1) district", to add a new permitted use for state licensed establishments involved in the rendering of a personal or business service limited to barber shops and hair salons, day spas, and cosmetic treatments subject to certain conditions.

motion / recommendation

Staff recommendation is for approval of the Ordinance.

background

Staff is proposing to add a new permitted use to the Office (O-1) zoning district to allow State licensed establishments involved in the rendering of a personal or business service, with certain restrictions/limitations. There has been a recent increase, especially post pandemic, in these types of cosmetology establishments requesting to locate within small-sized suites within, one-two story, office buildings with O-1 zoning. Primarily, the landlords of these smaller office buildings with small suites plead their case to staff and state that they cannot lease their building to any other office-type user other than a beauty care business. The majority of the smaller office users have switched to a work-from-home business model, and in return leaves the smaller office tenant spaces vacant.

In response to this interest from several small businesses and landlords of smaller office buildings, staff is proposing that the permitted use be defined as the following: "State licensed establishments involved in the rendering of a personal or business service limited to barber shops and hair salons, day spas, and cosmetic treatments. There shall be no sale of merchandise unless it is ancillary to the main use. Nail salons and tattoo shops/body art are prohibited (unless the only service provided is permanent makeup).

These licensed establishments are further limited to one- and two-story buildings only, and must occupy a space less than 1,000 square-feet in size."

The limitations proposed are intended to be geared towards small businesses (not chains like Hair Cuttery, Great Clips, etc.) and prohibit business that have a strong odor that could be disruptive to other offices in the same building. The businesses also have the same parking requirements as office spaces, and oftentimes have similar business hours to a regular office user.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Salons in O-1 Ordinance.docx](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-72 "OFFICE (O-1) DISTRICT", TO ADD A NEW PERMITTED USE FOR STATE LICENSED ESTABLISHMENTS INVOLVED IN THE RENDERING OF A PERSONAL OR BUSINESS SERVICE LIMITED TO BARBER SHOPS AND HAIR SALONS, DAY SPAS, AND COSMETIC TREATMENTS SUBJECT TO CERTAIN CONDITIONS, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance;

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

WHEREAS, the City Commission hereby finds that the land development regulations adopted herein are consistent with the Comprehensive Plan;

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-72 "Office (O-1)" 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.

(a) Purpose and intent.

- (1) The purpose and intent of this office district is to provide areas in the city to accommodate business and professional offices as well as residential development if the residential components are predominately located above the ground floor. Areas zoned for office use shall be appropriately located throughout the city to serve the general public and not create an adverse effect on adjacent residential areas. A mix of uses within buildings is permitted subject to the criteria specified in this district.
- (2) The city encourages the location of office structures in appropriate locations so that business and professional services can adequately and conveniently serve the city's residents.

(b) *Permitted uses.*

- (1) Hospitals (but not animal hospitals);
- (2) Professional offices, such as those of architects, medical doctors, interior designers, physical therapists, state-licensed massage therapists, dentists, engineers, attorneys, public accountants, stockbroker's offices, real estate offices, executive or administrative offices for business, insurance offices, travel agencies, and post offices;
- (3) Medical and dental laboratories;
- (4) Financial institutions, including banks, savings and loan associations and credit unions;
- (5) Off-street parking lots except those parking lots may not be used for the parking of construction equipment, trucks, drill rigs or by car/truck/van rental companies;
- (6) Professional services of photographic studios and photographic production when done in conjunction with photographic studios for their exclusive use;
- (7) Fine arts museums and fine arts instruction including: Art instruction limited to painting, sculpture, pottery and photography; dance instruction limited to ballet, tap, jazz and modern dance; music instruction limited to piano, symphony instruments, acoustic guitar but not electric guitar or other amplified instruments.
- (8) Churches, nonprofit organizations' offices, and schools less than 5,000 square feet in size. (see parking requirements for limitations).
- (9) Veterinary clinics (but not 24-hour veterinary hospitals) provided that they are located in single-tenant buildings and located at least 200 feet from the nearest residential building measured building to building. In addition, there shall be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages.
- (10) State licensed establishments involved in the rendering of a personal or business service limited to barber shops and hair salons, day spas, and cosmetic treatments. There shall be no sale of merchandise unless it is ancillary to the main use. Nail salons and tattoo shops/body art are prohibited (unless the only service provided is permanent makeup). These licensed establishments are further limited to one- and two-story buildings only, and must occupy a space less than 1,000 square-feet in size.

- (c) *Accessory uses permitted.* ~~The city commission~~City Commission, following a public hearing, may approve the location of the following accessory and ancillary uses within structures permitted in this district. These uses must be located within the primary office structure (not within a separate structure) and must be primarily for the use and convenience of occupants of the building. These uses shall not have separate public entrances to the outdoors nor separate outdoor advertising signs or any other advertising signs which encourage use by the general public. The city

~~commission~~City Commission may recommend other restrictions or requirements including a maximum floor area, which would allow these accessory commercial uses to be in harmony with the otherwise office environment and which would prevent these accessory uses from having an adverse effect on the surrounding area.

- (1) Restaurant or cafeteria;
 - (2) Newspaper, card and gift shop, florist, fitness center or health club.
 - (3) Pharmacy store within a medical office building which sells prescription and nonprescription drugs, medicines and medically related equipment only.
- (d) *Conditional uses.* The following uses may be permitted after review by the ~~planning and zoning board~~Planning and Zoning Board and approval by the ~~city commission~~City Commission in accordance with the provisions of this article. See section 58-90, conditional uses.
- (1) Drive-in/~~drive-thru~~ components of any business.
 - (2) Buildings over 10,000 square feet or any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.
 - (3) Any conditional use provided in the R-3 or R-4 districts utilizing and limited to the site and improvement regulations of this district for those conditional uses.
 - (4) Fitness facility, exercise or health club.
 - (5) Any building with residential units as a component of the building. However, time shares are not permitted.
 - (6) Churches, nonprofit organizations' offices, and schools 5,000 square feet or larger in size. (See parking requirements for limitations).
 - (7) Buildings within the Central Business District with a third floor up to 40 feet in height provided that such conditional use approvals require two public hearing approvals by the ~~city commission~~City Commission.
 - (8) Restaurants (as defined in the definitions section of the LDC), cafes, coffee shops and other food and beverage establishments (but not including bars, taverns and lounges), provided the following criteria are met:
 - a. Limited to adaptive reuse of existing O-1 properties with existing parking in excess of code requirements.
 - b. Such establishment may only be located on the ground floor within buildings of a minimum of three stories in height and having greater than 20,000 square feet of building. Such establishment may not occupy more than 25 percent of the floor area of the entire office building.
 - c. Proposed restaurants must include a compliant commercial kitchen.

- d. The doors or any outdoor (covered or open) area that serves customers and the associated parking shall be located at least 300 feet from any single-family residential use.
 - e. A parking plan shall be submitted, which shows how parking will be accommodated on the site, including hours of operation.
 - f. No outdoor speakers, music or televisions shall be allowed.
 - g. Drive-thru or pickup windows shall not be allowed.
 - h. Delivery areas shall not be located within 300 feet of any single-family residential properties.
 - i. Dumpsters shall not be located within 300 feet of any single-family residential use and shall be screened, using materials to match the building.
 - j. Any restaurant signage shall be approved as part of the conditional use.
- (e) *Minimum building site.* There shall be no minimum building site size except that each site shall have a minimum frontage of 50 feet on a publicly dedicated right-of-way.
- (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. 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~~ 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 ten 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) Reserved.
 - (3) The maximum floor area ratio and building lot coverage shall be 45 percent. The floor area ratio shall include the floor area of any attached or detached above-grade private parking garage. The 45 percent floor area ratio and

building lot coverage may be increased by an additional five percent if the parking for the increased five percent floor area ratio is located entirely underground beneath the building's footprint or if the building's upper floor(s) are cantilevered over such parking. The city may allow an increase in floor area ratio (FAR), not to exceed 0.98 percent including parking garage, for the redevelopment of the property at 2005 Mizell Avenue, in order to encourage the redevelopment of a community asset that provides health and wellness related uses. Such additional FAR will only be considered by ~~city commission~~City Commission if said development improves the road network, provides enhancements to the city parks and additional parking options in the sub-area. The additional FAR may only be granted through a conditional use permit and shall be limited to the floor area of the parking garage.

- (4) Exclusively residential buildings are not permitted. Residential units are not permitted on the first or ground floor. When residential units are included on the second floor or above, the floor area ratio of the project may be up to 60 percent FAR, but the maximum floor space that can be devoted to nonresidential (office) uses is 45 percent floor area ratio. Limited residential use of the first or ground floor of such buildings may be permitted when such space is limited to the functions of entrance lobby/elevator/stair access, leasing or management office, or residential amenity spaces, such as health/fitness, meeting/activity room or storage. However, in no case shall more than 15 percent of the first or ground floor be devoted to these ancillary residential uses (not counting the area of parking garages).
- (5) The maximum floor area ratios outlined above are not an entitlement and are not achievable in all situations. Many factors may limit the achievable floor area ratio including limitations imposed by the maximum height map, concurrency management/level of service standards, physical limitations imposed by property dimensions and natural features as well as compliance with applicable code requirements such as, but not limited to, parking and internal circulation, setbacks, landscaping requirements, impervious lot coverage, design standards and on-site and off-site improvements and design amenities required to achieve land use compatibility. Land located across a street and/or separated from the building site shall not be included in the floor area ratio calculations.
- (6) The maximum residential density shall not exceed 17 units per acre.
- (7) Building heights shall not exceed the height limits imposed by the maximum height map. For those properties shown with a two-story maximum, the maximum building height shall be 30 feet; for those properties shown with a three-story maximum height, the maximum building height shall be 42.5 feet unless the property is located within the central business district, where the maximum height for three stories shall be 40 feet. Variances for more than three stories in the central business district are prohibited. For those properties shown with a four-story maximum height, the maximum building height shall be 55 feet; for those properties shown with a five-story maximum height, the

maximum building height shall be 65 feet, and for the properties shown permitting up to eight stories, the maximum height shall be 95 feet. Unless specifically approved by the ~~city commission~~City Commission as a conditional use, buildings developed with less than the maximum building stories shall conform to the height for the applicable stories. For example, if a two-story building is developed within an area permitting a four-story building, the two-story building shall conform to the 30-foot height limit. Parking garage levels shall be counted as stories for each level except for any basement level or the open roof level.

- (8) Parapet walls, or mansard roofs functioning as parapet walls, may be added to the permitted building height but in no case shall extend more than five feet above the height limits in this subsection. Mechanical penthouses, mechanical and air-conditioning equipment, elevator/stair towers and related nonoccupied structures may be permitted to extend up to ten feet above the height limits in this subsection. Upon approval of the City Commission, Architectural appendages, embellishments and other architectural features may be permitted to exceed the roof heights specified in this section, on a limited basis, encompassing no more than 30 percent of the building roof length and area, for up to eight feet of additional height, ~~upon approval of the city commission,~~ based on a finding that said features are compatible with adjacent projects.
- (9) For properties not shown on the maximum height map located adjacent to four-lane roadways, the maximum height shall not exceed 55 feet, and the maximum height shall not exceed 42.5 feet for properties located adjacent to two-lane roadways. For corner properties adjacent to both four-lane and two-lane roadways, the maximum height shall be 55 feet.
- (10) Terracing and articulation providing additional setbacks are required to create relief to the overall massing of the building facades. Such design features of building facade articulation are required at least every 60 feet, on average, along the primary building facades facing streets, or along the building frontage where the building fronts the primary parking lot area. For any building over two stories in height and over 200 feet in length, there shall be a 35-foot break on at least the first floor, the design of which shall be a component of the architectural review process required for conditional use. For any building over two stories or 30 feet in height, a significant portion comprising at least 75 percent of the top floor shall be terraced and stepped back from the exterior face of the next lower floor by at an average of at least five feet. Parking structures are exempt from this terracing requirement.
- (11) Development shall not exceed 85 percent impervious coverage in this district.
- (12) Whenever the rear or side property lines within this district share a common property line with parcels zoned residential, either a solid wall or fence (other than wood) shall be provided along the entire common line. The wall or fence shall be six feet in height; except that such wall or fence shall be only three

feet in height from the front setback line of the adjoining parcel to the front property line of the adjoining parcel.

- (13) Other code sections related to development that should be referenced include, but are not limited to, off-street parking regulations, maximum height map, general provisions, definitions, sign regulations, (article IV), environmental protection, (article V) (this section includes division 1, stormwater; division 6, tree preservation; division 8, landscape regulations; division 9, irrigation regulations; and division 10, exterior lighting), subdivision regulations (article VI), historic preservation (article VIII) and concurrency management regulations (article II).

(g) *Hannibal Square Neighborhood Commercial District.*

- (1) The Hannibal Square Neighborhood Commercial District (HSNCD) area in this context shall be restricted to the following areas:
- a. Properties abutting Morse Boulevard between Capen Avenue and Virginia Avenue;
 - b. Properties abutting New England Avenue between Pennsylvania and New York Avenues;
 - c. Properties abutting Pennsylvania Avenue between Lyman and Garfield Avenues, including those existing commercial properties just north of Garfield Avenue; and
 - d. Properties abutting Hannibal Square East.
- (2) In order to implement the comprehensive plan and the community redevelopment area (CRA) plan, there are established special provisions for the development of buildings and other improvements in this area which shall take precedence over other provisions of this article as henceforth specified.
- (3) In this HSNCD area, third floors shall be restricted and limited to residential use only, and a deed restriction to that effect, enforceable by the city, shall be required to be recorded as a condition of obtaining a building permit for the construction of a third floor.
- (4) Building heights on the north end of Pennsylvania Avenue shall be two stories maximum when transitioning to residential.
- (5) Development approvals must ensure that compatible land use relationships occur, particularly between land uses within perimeter areas of the HSNCD and areas 500 feet outside this area so as to protect the surrounding residential areas and institutional uses.
- (6) In this HSNCD area, all new buildings and building additions over 500 square feet shall require site and building plan approval by the ~~city commission~~ City Commission at a public hearing. Prior to that hearing, the ~~planning and zoning board~~ Planning and Zoning Board shall also review such site and building plans at a public hearing and shall provide their recommendation.

- (7) Notwithstanding the limitations otherwise imposed by this O-1 district, for any lots fronting on New England Avenue from Virginia to New York Avenues, development may be permitted with enhanced density and intensity up to a maximum 100 percent floor area ratio (FAR) provided the following development standards are complied with:
- a. No parking garages would be permitted.
 - b. The street front building setback shall be ten feet.
 - c. The redevelopment plans would require rear alley access out to Virginia Drive or provisions shall be made for that rear alley access to be phased in over time as the properties individually redevelop.
 - d. The maximum building width along New England Avenue shall be 125 feet before a 15-foot separation is required to break up the mass and create a separate building.
 - e. The redevelopment plans on the north and south side of New England Avenue require a 50-foot rear setback from the center lot line of the block as a buffer protection to adjacent residential properties. The 50 feet also provides room for parking along the alley as outlined above.
 - f. There shall be a one-foot setback for each one foot of floor height for any third floor and building corner visibility setbacks as deemed necessary.

(h) *Morse Boulevard design guidelines.*

- (1) The Morse Boulevard designated area is defined as those properties fronting Morse Boulevard between New York Avenue and Denning Drive and additionally the properties in the blocks bounded by Morse Boulevard, Denning Drive, Canton Avenue and Harper Street.
- (2) In addition to the other requirements and regulations of the O-1 zoning district and prior to the issuance of a building permit for the construction, renovation or remodeling of any building or building exterior facade fronting on a street within the Morse Boulevard designated area, an applicant is required to obtain approval of the plans by the planning department.
- (3) For purposes of this subsection, replacements, renovations or changes to canopies or awnings and to signage on walls, canopies or awnings shall be considered remodeling of the building facade.
- (4) Building elevation drawings and other plans shall be submitted with sufficient detail to indicate the building materials, composition, color, etc., so that the visual appearance of the resultant work is readily apparent.
- (5) The planning department shall render a decision on all applications for building permits for building facade construction, renovation or remodeling. The decision of the planning department shall be made within ten working days, excluding holidays, of the receipt of a complete set of plans and application

materials, unless referred to the ~~planning and zoning commission~~Planning and Zoning Board for review as outlined below.

- (6) The planning department's decision shall be either an approval, an approval with conditions or denial. Any applicant for building facade approval may elect to appeal a decision of the planning department to the ~~planning and zoning commission~~Planning and Zoning Board for their consideration.
- (7) Decisions by the planning department and/or the ~~planning and zoning commission~~Planning and Zoning Board shall be made based on the conformance of plans and application materials to the Morse Boulevard design guidelines and criteria adopted by the ~~city commission~~City Commission.
- (8) The decision of the ~~planning and zoning commission~~Planning and Zoning Board shall be the final decision of the city, except where a building project also requires conditional use or other land development approval by the ~~city commission~~City Commission. In that case, the decision of the ~~planning and zoning commission~~Planning and Zoning Board shall be a recommendation with the final decision made by the ~~city commission~~City Commission.

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

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 4. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this ____ day of _____ 2023.

By: _____
Mayor Phil Anderson

ATTEST:
By: _____
Rene Cranis, City Clerk



Planning & Zoning Board

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date January 3, 2023
prepared by Allison McGillis	approved by John Harbilas, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

ZTA #23-03. Request of the City of Winter Park.

item list

Request of the City of Winter Park for an Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions for nonresidential zoning districts", to ensure that no air traffic hazards will be created by structures and other appendages by following the heights detailed in the Orlando/Orange County Airport Zoning Regulations text and map.

motion / recommendation

Staff recommendation is for approval of the Ordinance.

background

Staff is proposing a minor edit to Section 58-84 "General provisions for nonresidential zoning districts" to add back a provision into this section of the zoning code that was originally in this section in the 1990s and was unintentionally removed. This provision states that, "To ensure no air traffic hazards will be created, no structure, antenna, tower or appendage to a building may exceed the heights detailed in the Orlando/Orange County Airport Zoning Regulations text and map."

Recently the FAA undertook a survey asking for our code and we discovered it had been accidentally repealed. This will reinstate it into the Code.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Non-Res General Provisions Ordinance.docx](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-84 "GENERAL PROVISIONS FOR NONRESIDENTIAL ZONING DISTRICTS", TO ENSURE THAT NO AIR TRAFFIC HAZARDS WILL BE CREATED BY STRUCTURES AND OTHER APPENDAGES BY FOLLOWING THE HEIGHTS DETAILED IN THE ORLANDO/ORANGE COUNTY AIRPORT ZONING REGULATIONS TEXT AND MAP, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance;

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

WHEREAS, the City Commission hereby finds that the land development regulations adopted herein are consistent with the Comprehensive Plan;

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-84 "General Provisions for Nonresidential Zoning Districts" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-84. General provisions for nonresidential zoning districts.

(c) *Architectural towers, spires, chimneys, or other architectural appendages, etc.*

- (1) Any architectural tower, spire, chimney, flag pole or other architectural appendage to a building shall conform to that districts height limit. However, when necessary to meet the building code requirements, chimneys may exceed the height by that minimum required distance.
- (2) If provided for within the respective nonresidential zoning district, architectural appendages, embellishments and other architectural features may be permitted to exceed the roof heights specified in that section, on a limited basis encompassing no more than 30 percent of the building roof length and area, up to eight feet of additional height upon approval of the city commission, based on a finding that said features are compatible with adjacent

projects. For any such approval not part of a conditional use request, the planning and zoning commission will review the plans at a public hearing after notification of such request is mailed to all owners of property within 500 feet. The planning and zoning commission will make a recommendation to the city commission for their final decision.

- (3) See subsection 58-427(b)(7) for the regulations for alternative cell tower structures.
- (4) To ensure no air traffic hazards will be created, no structure, antenna, tower or appendage to a building may exceed the heights detailed in the Orlando/Orange County Airport Zoning Regulations text and map.

(g) *Corner lot setbacks.*

- (1) *Front of lot.* For corner lots, each side with street frontage shall be considered a street front for setback purposes. On such lots with two street frontages, the lot shall have two front setbacks and two side setbacks on the interior property lines. On lots with three street frontages, the lot shall have three front setbacks and one side setback on the interior property line.
- (2) *Through-lots.* In case of through-lots, front yards shall be provided on all street frontages.
- (3) *Lots of unusual shape.* For any lots of unusual shape, not forming part of a general rectangular lot pattern, the zoning official~~building director~~ shall prescribe front, side and rear yard setbacks as applicable.

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

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 4. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this ____ day of _____ 2023.

By: _____
Mayor Phil Anderson

ATTEST:

By: _____
Rene Cranis, City Clerk