

**ORDINANCE NO. 2875-12**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-65 "R-1AAA LAKEFRONT DISTRICT," SECTION 58-66 "R-1AA AND R-1A DISTRICTS," SECTION 58-70 "PURD DISTRICT", AND SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS" SO AS TO ENACT REVISIONS TO SINGLE FAMILY AND ACCESSORY BUILDING REGULATIONS; AMENDING SECTIONS 58-78, 58-869(B) & SECTION 58-95 BY ADDING PAIN MANAGEMENT CLINIC AS A PERMITTED USE IN THE I-1 ZONING DISTRICT, ESTABLISHING PARKING REQUIREMENTS, & ADDING A DEFINITION OF PAIN MANAGEMENT CLINIC; AMENDING ARTICLE V, "LANDSCAPE REGULATIONS" SECTIONS 58-333 & 336 BY ADDING SPECIAL BUFFER REQUIREMENTS FOR VEHICLE USE AREAS ABUTTING RESIDENTIAL AREAS; PROVIDING FOR CONFLICT, SEVERABILITY AND EFFECTIVE DATE.**

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:**

**SECTION 1.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by amending Section 58-65 "Lakefront (R-1AAA) District" Subsection (f) to read as follows:

**Sec. 58-65. R-1AAA lakefront district.**

(f) *Site and building improvement regulations.*

(2) Impervious lot or site coverage.

b. Buildings, accessory structures, patios, decks, drives and other impervious surfaces shall not cover more than 50 percent of the total land area of the lot and at least 50 percent of the front yard area must consist of pervious surfaces with landscaping material. In any area of the front yard hard surfaces such as concrete, asphalt, brick, pavers or similar materials and driveways with stone or gravel may cover a maximum of 50 percent of the front yard area. Mulch drives are prohibited. The front yard area includes that area between the front lot line and the front wall(s) or front porch of the home. One story homes may utilize a maximum impervious coverage of 60 percent.

(5) *Front yard setbacks.*

**e. See Section 58-71(i)(3) for provisions on garages and carports.**

(6) *Side yard setbacks*

e. One or Two story homes on lots over 60 feet and up to 110 feet in width which have a first floor side wall height of 11 feet or less measured from the natural grade to the top of the roof sheathing may utilize a side setback of 10 feet to the first floor wall. To utilize this setback allowance homes with a gable end side wall must limit the gable end width to 24 feet and the roof height to 24 feet. The side wall height of a gable end wall is measured from pre-construction existing grade to plate height or to a point twelve (12) feet below the gable roof ridge whichever is a lower in elevation. One story homes with a flat roof may utilize a side setback of 10 feet when the maximum height of the roof is 13 feet.

g. Special side setback option for narrow lots (65 feet wide or less) with rear parking areas or garages: Provide a side setback of 11 feet on one side to allow driveway access and provide a minimum setback of 6 feet on the other side with a side wall height limit of 11 feet measured from existing grade to the top of the roof sheathing and a second floor setback of 10 feet. The driveway may utilize a side setback of one foot subject to not diverting drainage onto the neighboring property. The maximum allowed floor area ratio is permitted when using this option.

i. Lot width is measured at the front building line across the lot. The building line is located at the required front setback for vacant home sites or properties being redeveloped and at the front building wall closest to the street of the existing homes. If an existing home has an open front porch or carport encroaching into the established front setback as determined above in paragraph (5), then the building line shall be determined to be located 5 feet behind the front support columns of the porch or carport. For unusual shaped lots such as pie shaped lots that have a reducing or increasing width toward the rear of the lot, an average lot width may be utilized as measured between the front setback line and the required rear setback line. In addition, the lot width shall be determined by the building director for other unusual lot configurations.

(7) *Rear yard setbacks.* The rear setback shall be 25 feet to a one-story structure and 35 feet to the two-story portion of any building. The rear setback may be reduced to 25 feet from 35 feet for two-story components when those consist of a second story loft or mezzanine that is within the normal scale and height (not to exceed 18 feet) of a typical one-story structure.

The rear setback may be reduced to ten feet when the rear yard of the residential property abuts non-residentially zoned property or property zoned R-3 or R-4, State of Florida railroad property or a permanent storm water retention area over 25 feet in width.

(8) *Side wall articulation.* Each side wall shall provide architectural articulation by stepping the wall plane in or out by at least 2 feet when the side wall plane and side roof line extend more than 36 feet along the side lot line. The articulation must be provided on one story

walls, on both floors for two story high walls, and on the first floor of two story homes where the second floor is set back from the first floor by at least two feet and includes roof articulation unless the omission of roof line articulation is critical to maintain the architectural style of the home. The inset or projection must extend a distance of at least 6 feet along the side property line and may continue for another 36 feet of wall length before repeating the articulation. Projections designed to accomplish this articulation requirement must meet the required side setback. The minimum inset or projection is 2 feet. Other architectural features that project, such as bay windows, chimneys or imitation chimneys up to 8 feet wide may be utilized and may extend up to two (2) feet into the required side setback except where the permitted side setback is 6 feet. See Section 58-71(g) for additional chimney setback allowance.

Alternate allowances for articulation:

- a. For existing homes without articulation which have a side wall length of 48 feet or less, extending the existing side wall without articulation is permitted for a maximum additional distance of twelve (12) feet for one story homes.
- b. A one story side entry garage set back at least 24 feet from the side lot line with entry door(s) recessed at least 8 inches from the plane of the garage wall that faces the side lot line.
- c. Glazed openings covering over 25% of the side wall that provide relief in the mass of the wall area by recessing the plane of the glazed surface by at least 2 inches from the wall plane and with a maximum side wall length of 48 feet.
- d. An open or screened porch having one side in line with the side wall plane or within 2 feet of the side wall plane at the rear of a one story home with roof line articulation when the wall plane changes.
- e. Articulation breaks of 12 inches in lieu of 2 feet including the roof line, combined with the use of contrasting materials with a minimum 3 inch depth, such as brick, stone, siding or similar materials that provide relief in the mass of the wall.

(9) *Special setback situations.*

- a. Special setbacks exist for corner lots and through lots that may impose more restrictive setbacks for principal and accessory structures, garages, swimming pools and other improvements. See Section 58-7(i).

**SECTION 2.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by amending Section 58-66 "R-1AA and R-1A districts" Subsection (f) to read as follows:

Sec. 58-66. R-1AA and R-1A districts.

(f) *Site and building improvement regulations.*

[Municode note: Insert here, the site and building improvement regulations which are amended in **Section 1** which are the same as amended in the Lakefront (R-1AAA) District under Section 58-65(f). The codified version shall include all amended text and previous diagrams remain unchanged.]

**SECTION 3.** That Chapter 58 “Land Development Code”, Article III “Zoning” of the Code of Ordinances is hereby amended and modified by amending Section 58-70 “Planned unit residential development (PURD) district” to amend subsection (e) to read as follows:

(a) Approved development plan standards for approved PURD’s.

Except as shown below, the applicable zoning standards (based on the comprehensive plan) shall apply for all principal and accessory structures. See Section 58-71 “General provisions for residential zoning districts” for applicable standards for corner lots, accessory structures, fences, and other miscellaneous criteria not included within the PURD development standards. In addition, for Waterbridge and Windsong subdivisions, the development standards of Section 58-65 Lakefront (R-1AAA) District, subsection (f)(8) “Side wall articulation” shall be applied and other development standards of Section 58-65(f) may be utilized in lieu of the Waterbridge or Windsong development standards if used exclusively without mixing the two sets of development standards within one property. However, the Windsong Subdivision standards shall apply for lot types “A,” “B,” and “C,” exclusively. The building heights in Section 58-65(f)(2) shall apply in all PURD’s, and the impervious coverage criteria of Section 58-65(f)(2) shall apply to single family home lots in Waterbridge Subdivision.

**SECTION 4.** That Chapter 58 “Land Development Code”, Article III “Zoning” of the Code of Ordinances is hereby amended by amending Section 58-71 “General provisions for residential districts” subsections (c)(1), (h)(2), and (i)(2)b,& d and adding a new paragraph (n) to read as follows:

Sec. 58-71. General provisions for Residential 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. One flag pole may be placed on a residential lot or parcel subject to a height limit of five (5) feet less than the permitted building height and located in front of the home encroaching up to ten (10) feet into the front setback and not within the required side and rear yard setbacks established for the subject property.

*(h) Corner lot and other residential setbacks.*

(2) Corner lot. In case of corner lots, the side yard setback toward the street shall be 15 feet on lots where the front of the lot has a width at the building line of 65 feet or less. On corner lots where the front of the lot has a width at the building line of more than 65 feet to 75 feet, a setback of 20 feet to the first floor and 22.5 feet to the second floor shall be provided on the street side yard. A setback of 25 feet shall be provided on corner lots over 75 feet in width, and the rear yard setback may be reduced by five (5) feet on each floor. As an alternative, corner lots over 75 feet in width may utilize a side yard setback toward the street of 20 feet when the rear setbacks of 25 feet and 35 feet are provided to the first and second floors walls. These special corner lot setbacks are applicable within the R-1AAA, R-1AA and R-1A districts and within single family areas of planned unit residential districts

(PURD). The street side yard setback for lots over 65 feet in width for lots in the R-2 district shall be twenty (20) feet. Accessory buildings (structures), swimming pools, spas and tennis courts shall also be set back according to these setbacks. The 22.5 and 25 foot side yard setbacks shall not apply to properties in the R-3, and R-4 districts.

*(i) Accessory buildings, structures and uses in residential zones.*

(2)

b. Air-conditioning equipment, swimming pool equipment and electric generators shall not be located in any front yard or side yard with street frontage unless totally shielded from view from the street by shrubbery or walls and fences otherwise complying with the zoning code. Air-conditioning equipment may be located up to ten feet from a rear lot line as long as they are adjacent to the accessory structure or principal structure. Air-conditioning compressors and electric generators shall not be located in any side yard or within ten feet from the rear lot line except that they may be permitted six feet from a side or rear property line if written permission is granted by the adjacent property owner. In addition, for lots over 75 feet in width, air conditioning compressors and electric generators may be located 10 feet from the side lot line. Any air-conditioning equipment placed on a roof must be screened from view from surrounding properties and from public streets.

d. Accessory buildings in rear yards. The exterior walls of accessory buildings shall not exceed 10.5 feet in height measured from natural grade to the roof sheathing surface unless placed at the same setback as required for the principal building. Additionally, accessory buildings located less than ten feet from an interior side lot line must have a sloped or flat roof, e.g., the side wall adjacent to the lot line cannot be a gable end wall. Accessory buildings greater than 600 square feet (including garages) must comply with building setbacks of the principal building, except a garage with a maximum area of 820 square feet which meets the requirements of this section may be located ten feet from the rear lot line and must meet the required side setback of the home. A rear garage utilizing the setbacks in this section must be located in the rear third of the lot depth. All accessory buildings exceeding 320 square feet in size shall comply with the setback requirements of the principal building, except that a garage not exceeding 600 square feet may be located five feet from the interior side lot line and ten feet from the rear lot line. Additionally, private garages (attached or detached) shall be limited in size to no greater than 50 percent of the living area of the dwelling.

(3) Garages and carports for single-family dwellings on any lot and two-family dwellings on lots over 65 feet wide:

a. Front-facing garages must meet one of the following design standards:

1. The front wall of the garage must be located at least 2 feet behind or at least 2 feet in front of the main wall of the home with a maximum of two doors no greater than 9 feet, wide with the garage door face recessed at least 6 inches from the plane of garage wall. For an existing home undergoing a remodel or enclosing a carport, one garage door may be permitted up to 18 feet wide with architectural design features integrated into the door.

2. The garage wall face must be set back at least four feet behind the front building wall.

3. The garage must have a side entry or be located at the rear of the property behind the main dwelling.

Open carports must be located at least 2 feet behind or at least 2 feet in front of the main house wall. In cases where the front setback is permitted to be less than 20 feet, the minimum front setback to the garage or carport opening shall be at least 20 feet after complying with one of the design standards in this section. Alternate methods to accomplish the step back shall be reviewed on a case-by-case basis. In addition, no front facing garages on the front half of the lot shall have doors exceeding 10 feet in height.

(n) Walls and fences.

(7) Existing nonconforming walls or fences on corner lots located within a required setback may be repaired or replaced subject to verification that the new wall or fence does create a traffic visibility obstruction, is not closer than five (5) feet to a street side property line and is constructed of a material permitted by this section. In addition, where a hedge or landscaping material was required as a screening buffer due to a variance or a condition of a permit, the hedge or landscaping material shall be maintained and irrigated to ensure continued viability.

**SECTION 4.** That Chapter 58 “Land Development Code”, Article III “Zoning” of the Code of Ordinances is hereby amended and modified as follows:

Section 58-78(b) is amended to add under Permitted Uses, new paragraph 13, Pain Management Clinics.

Section 58-86(b) is amended to add under “Specific Requirements,” new paragraph 28 to read: Pain Management Clinics: one parking space for each 100 square foot of gross floor space in the building.

Section 58-95 is amended by adding a new definition “Pain Management Clinic”, as follows:

Pain Management Clinic means any privately-owned clinic, facility or office, whatever its title, including but not limited to a “wellness center”, “urgent care facility”, or “detox center,” which has at least one of the following characteristics:

1. Where a physician practices who issues prescriptions for a Dangerous Drug to more than twenty (20) patients in a single day;

It holds itself out through a sign or advertising in any medium as being in business to prescribe or dispense pain medication, whether for Acute Pain or Chronic Pain;

3. It holds itself out through a sign or advertising in any medium as being in business to provide services for the treatment or management of pain and where the services are also accompanied with the prescription or dispensing of a Dangerous Drug for the treatment of pain, whether Acute Pain or Chronic Pain; or

4. It meets the definition of Pain Management Clinic in Section 458.3265, Florida Statutes, as may be amended from time to time, or is registered as a Pain Management Clinic with the State.

Exceptions. There is an affirmative defense that a business is not a Pain Management Clinic if it has at least one of the following characteristics:

1. Licensed as a hospital or other licensed facility pursuant to Chapter 395, Florida Statutes, as may be amended;

The majority of the physicians who provide services in the clinic primarily provide surgical services;

3. Affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

4. Does not prescribe or dispense controlled substance for the treatment of pain;  
or

5. Operated for the sole purpose of service to a governmental entity.

**SECTION 5.** That Chapter 58 “Land Development Code”, Article III “Zoning” of the Code of Ordinances is hereby amended and modified as follows:

Section 58-86 “Off-Street Parking and Loading Regulations” (c) is amended by renumbering (4) Bicycle parking to (5) and adding a new paragraph as follows:

(4) Driveways serving as access to parking areas or other areas accessed from streets: Vehicular access to parking areas or other areas being accessed by motorized vehicles from a public or approved private street is not permitted unless an approved driveway apron is constructed in the public right of way from the abutting street to the adjacent property after obtaining the required permit and meeting all requirements and standards of the Public Works Department.

**SECTION 6.** That Chapter 58 “Land Development Code”, Article V “Environmental regulations of the Code of Ordinances is hereby amended as follows:

In Section 58-333 “General criteria for all properties” amend paragraph (i) to read as follows:

(i) Deviations due to topography, building layout, or other special circumstances may be granted by the building official, the planning and zoning board, or the City Commission on a case-by-case basis subject to meeting the intent of the landscape regulations.

In Section 58-336 “Non-residential and multifamily properties” renumber existing paragraph (e)(2) to (e)(2)(a) and add a new paragraph (e)(2)(b) to read as follows:

**b.)Special landscape and wall buffer requirements for vehicle use areas across the street from residential areas.**

The development of parking lots or vehicle use areas on properties fronting on streets directly across from residential properties must be developed with a landscape buffer so as to be in harmony with the existing residential properties. In order to accomplish this, the following mandatory design criteria for this landscape buffer is required:

A minimum ten (10') foot setback from the property line to such parking lot or vehicle use area must be provided from the street front property line across the street from the residential properties, and a five (5') high stucco masonry wall with a neutral color must be provided at this ten (10') foot setback with six (6') columns placed every twenty to thirty (20 - 30') feet along the length of the wall. Staggering the wall to provide articulation at setbacks greater than ten (10') is permitted.

Within the required ten (10') foot setback, a landscape buffer shall be provided which shall consist of a minimum of seven gallon plantings spaced every (30) inches of podocarpus, viburnum or Florida anise planting so as to create a hedge, along with a minimum of 65 gallon ligustrum, Japanese, bluberry or magnolia trees spaced every thirty (30) feet apart among the hedge. In addition, the exterior landscape area shall have one gallon groundcover spaced 18 inches apart of either asian jasmine, ground mound lantana or yellow bulbine. As a future substitute for the hedges the exterior face of the wall may be planted with wandering fig in order to create a "green wall" within two years from the time of planting, with the hedging material planted simultaneously to provide a buffer until the vine has substantially covered the wall after which the hedging material may be removed. An in-ground irrigation system shall be provided in order to ensure that all planting materials will grow and thrive.

Solid waste containers, trash containers, storage enclosures or any other structures shall not be constructed or placed in locations that are visible to the residential properties on the opposite side of the street.

In Section 58-336 "Non-residential and multifamily properties" amend paragraph (j) to read as follows:

**(j) Solid waste storage areas.** All solid waste refuse facilities shall be screened on three sides by a solid wall with opaque gates and a hedge maintained at a six-foot height in a minimum four-foot wide planting area clear of wall footers. A vine maintained at a six-foot height in a minimum two-foot wide planting area clear of wall footers may be substituted for a hedge. The wall shall be a minimum of six feet in height using architectural design, materials, and colors that are consistent with those of the primary structure. Smaller planting areas around the container or alternate methods to accomplish the goal of an attractive enclosure may be authorized in existing parking lots and new projects with limited space.



**SECTION 7.** All ordinances or portions or ordinances in conflict herewith are hereby repealed, any part of this ordinance declared to be unlawful by any court shall not constitute repeal of the remainder of the ordinance.

**SECTION 8.** This ordinance shall become effective immediately upon adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 11th day of June , 2012.

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Mayor Kenneth W. Bradley

ATTEST:

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City Clerk Cynthia S. Bonham