

**CITY OF WINTER HAVEN FACT SHEET**  
**CITY COMMISSION MEETING**  
**April 27, 2015**

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**DATE:** April 8, 2015

**TO:** Honorable Mayor and City Commissioners

**VIA:** Deric C. Feacher, City Manager *DF*  
Merle Bishop, Growth Management Director *MHB*  
Erin CK Tilghman, Planning Manager *ECT*

**FROM:** Sean Byers, Senior Planner *SB*

**SUBJECT:** Ordinance O-15-18: Administrative request to amend Chapter 21 of the Winter Haven Code of Ordinances by revising Section 21-32, Table 21-32(C) and Section 21-43, C-1 Downtown Commercial-Downtown Business District Zoning District for the purpose of amending the maximum permitted development intensity, making revisions for consistency with the 2025 Winter Haven Comprehensive Plan, and revising building setback requirements.

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**BACKGROUND:**

The Downtown Commercial (C-1) zoning district was created in 2000, as part of the City's last major update to the land development regulations (Chapter 21 of the Winter Haven Code of Ordinances). Prior to creation of C-1, the downtown was zoned Business Retail and followed the same lot and building requirements as other commercial properties throughout the City. The C-1 now provides unique lot and building requirements for the downtown core that reflect the historic, walkable character of this area. Since its inception, the only changes to the C-1 zoning district include requiring all new buildings be constructed with a minimum of two floors, and increasing maximum building height from 85 feet to 125 feet.

With renewed interest in downtown development, and the presentation of development concepts, it became apparent some of the provisions contained in the C-1 zoning are not supportive of the types of development envisioned for downtown. Specifically, it has been found small lot sizes typical of downtown, and a maximum density limitation of 35 units per acre, limit most properties to only a few residential units regardless of building size or height. Other concerns relate to building setback requirements that could potentially allow suburban style development with large yards and parking areas within the highly urbanized downtown.

Significant changes proposed for the C-1 zoning district include the following:

- Addition of a table in Section 21-43 providing maximum development intensities reflecting proposed changes to the permitted development densities contained in the Primary Activity Center Future Land Use designation;
- Moves lot and building requirements from Table 21-32(C) to Section 21-43;
- Adds maximum front building setback requirements of 10 or 20 feet, if an outdoor seating area or courtyard is provided;

- Establishes rear building setbacks of 3 ½ feet or 7 ½ feet, if the parcel abuts an alley or another parcel;
- Removes maximum impervious surface area and maximum lot coverage requirements;
- Adds a maximum of 12 floors to the existing 125-foot maximum building height; and
- Revises text for consistency with the 2025 Comprehensive Plan.

**NOTIFICATION:**

All public notification requirements for this request were met.

**CONCLUSION:**

Proposed changes to the C-1 zoning district will bring it into conformance with current goals, objectives, and policies of the Primary Activity Center (PAC) Future Land Use designation as well as proposed development intensity changes to the PAC. These changes will also serve to further protect the historic, highly urban, pedestrian-oriented character of the City's downtown core.

**FINANCIAL IMPACT:**

There is no financial impact to the City with this request.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission, at its April 7, 2015 regular meeting, unanimously voted to recommend approval of this request. There were no public comments.

**RECOMMENDATION:**

Staff recommends the City Commission approve Ordinance O-15-18.

**ATTACHMENT:**

Ordinance O-15-18

**ORDINANCE NO. O-15-18**

AN ORDINANCE AMENDING CHAPTER 21, ARTICLE II, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA, RELATING TO LOT AND BUILDING REQUIREMENTS FOR THE DOWNTOWN COMMERCIAL-DOWNTOWN BUSINESS DISTRICT (C-1) ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a proposed amendment to the Winter Haven Land Development Code, has been studied, documented, advertised, and heard by the Winter Haven Planning Commission; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds that it is expedient to revise language pertaining to lot and building requirements for the Downtown Commercial-Downtown Business District (C-1) zoning district.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. That Chapter 21, Article II, Division 2, Table 21-32(C), of the Code of Ordinances of the City of Winter Haven, Florida is hereby amended to read as shown in Exhibit "A", attached hereto and made a part hereof.

2. That Chapter 21, Article II, Division 2, Section 21-43, of the Code of Ordinances of the City of Winter Haven, Florida is hereby amended to read as shown in Exhibit "B", attached hereto and made a part hereof.

3. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

4. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

5. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, section of this ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

6. This ordinance shall become effective immediately upon the effective date of Ordinance O-15-17.

INTRODUCED on first reading this 27<sup>th</sup> day of April, 2015.

PASSED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF WINTER HAVEN, FLORIDA

\_\_\_\_\_  
MAYOR-COMMISSIONER

ATTEST:

\_\_\_\_\_  
CITY CLERK

Approved as to form:

\_\_\_\_\_  
CITY ATTORNEY

Ordinance O-15-18 Exhibit "A"  
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New text is underlined and deleted text is ~~stricken through~~. Highlighted text clarifies questions from Planning Commission.

**Table 21-32(C)**  
**Table of Commercial, Industrial, and Institutional Development Standards**

**Note-** Requirements set forth in the text for each zoning district, found in sections 21-42 through 21-51, take priority over those in this table.

	<b>OP</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>I-1</b>	<b>I-2</b>	<b>PI</b>	<b>PR</b>	<b>CN</b>
Future Land Use Designation	<del>Com-Office</del>	<del>Com-Retail</del>	<del>Com-Retail</del>	<del>Com-Retail</del>	<del>Com-Retail</del>	<del>Industrial</del>	<del>Industrial</del>	<del>Institutional</del>	<del>Rec &amp; Open Space</del>	<del>Conservation</del>
Maximum Density		<u>36</u> <u>See Note 2</u>		36 in CAC						1du/5ac
Floor Area Ratio	See Note 1	See Note 2	See Note <u>43</u>	See Note <u>43</u>	See Note <u>43</u>	See Note <u>54</u>	See Note <u>54</u>	0.9	0.35	
Minimum Living Area (s.f.)		<u>400</u> <u>See Note 2</u>		400						500
Minimum Lot Area (s.f.)	7,500	<del>3,000</del> <u>See Note 2</u>	5,000	5,000	7,500	7,500	20,000	5,000		
Minimum Lot Width (feet)	60	<u>0</u> <u>See Note 2</u>	50	50	75	50	100	50		75
Minimum Lot Depth (feet)	100	<u>0</u> <u>See Note 2</u>	100	100	100	125	100	100		
Front Setback (feet)	25	<u>0</u> <u>See Note 2</u>	25	25	25	25	35	25		40
Rear Setback (feet)	20	See Note <u>32</u>	10	10	10	25	25	10		40
Side Setback (feet)	7½	<u>0</u> <u>See Note 2</u>	5	5	5	5	15	5		20
Corner Lot Street-Side Setback	20	<u>0</u> <u>See Note 2</u>	20	20	20	20	30	20		35
Maximum Building Height (feet)	60	<u>125</u> <u>See Note 2</u>	35	65	35	85	85	45		35
Maximum Lot Coverage		<u>100%</u> <u>See Note 2</u>	80%	80%	80%	50%	50%	80%	10%	1%
Maximum Impervious Surface Ratio	70%	<u>100%</u> <u>See Note 2</u>	80%	80%	80%	75%	75%	65%	50%	5%

Ordinance O-15-18 Exhibit "A"  
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Table Notes:

1. The floor area ratios (FAR) for those parcels located within the office professional (OP) zoning district shall be as follows:  
Parcels less than one (1) acre in area = seventy-five one hundredths (0.75).  
Parcels between one (1) acre and five (5) acres in area = one (1.0).  
Parcels greater than five (5) acres = one and thirty-five one hundredths (1.35).
2. ~~The floor area ratios (FAR) for parcels located in the downtown commercial (C-1) zoning district shall be as follows:  
Parcels less than five (5) acres in area = six (6.0).  
Parcels greater than five (5) acres in area = sixty-five one hundredths (0.65).~~ See Section 21-43 for C-1 development standards.
3. ~~The average of the setbacks for the adjoining structures located on the two (2) adjacent parcels.~~
43. The floor area ratios for those parcels located within the neighborhood commercial (C-2), highway commercial (C-3), and general commercial (C-4) zoning districts shall be as follows:  
  
Parcels less than one (1) acre in area = seventy-five one hundredths (0.75).  
Parcels between one (1) acre and five (5) acres in area = sixty-five one hundredths (0.65).  
Parcels greater than five (5) acres = fifty-five one hundredths (0.55).  
Parcels located in a community activity center less than five (5) acres = 6.0.  
Parcels located in a community activity center greater than five (5) acres = sixty-five one hundredths (0.65).
54. The floor area ratios for parcels located in the light industrial (I-1) and heavy industrial (I-2) zoning districts shall be as follows:  
  
Parcels not located within business park center (BPC) future land use = five tenths (0.5).  
Parcels located within a business park center (BPC) future land use that are used for purposes other than offices = three tenths (0.3).  
Parcels located within a business park center (BPC) future land use that are used for offices = five tenths (0.5).
65. Where a utility or drainage easement is greater than the required building setback, the utility easement line shall serve as the setback line for the structure.

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New text is underlined and deleted text is ~~stricken through~~.

**Sec. 21-43. C-1, ~~Downtown commercial-Downtown business district~~Commercial- Downtown**

- (a) Permissible Future Use classification: ~~Commercial-Retail~~. Primary Activity Center.
- (b) The purpose of ~~this~~ the C-1, Commercial- Downtown zoning district is to provide for residential, office, commercial, institutional, and cultural uses in the City's central business district (CBD) a distinct area recognized and defined by the City. This zoning district is exempt from certain sign, landscaping and setback regulations, due to the unique historic quality of this district and the unique arrangements of the buildings along the downtown streets. The district is hereby defined as bounded by Avenue D-NW, First Street, Avenue C-SW, and 6<sup>th</sup> Street (U.S. 17). Within the C-1 zoning district, the following development intensity standards shall apply to individual parcels:

<u>Commercial and Institutional Floor Area Ratio (FAR)</u>		
<u>Parcel Size</u>	<u>Maximum Floor Area Ratio</u>	
<u>0.50 acres or less</u>	<u>6.0</u>	
<u>More than 0.50 acres</u>	<u>3.0</u>	
<u>Residential Density</u>		
<u>Density Tier</u>	<u>Parcel Size</u>	<u>Maximum Permitted Density</u>
<u>1</u>	<u>Up to 0.35 acres</u>	<u>200 units per gross acre</u>
<u>2</u>	<u>0.36 acres to 0.50 acres</u>	<u>150 units per gross acre</u>
<u>3</u>	<u>0.51 acres to 0.75 acres</u>	<u>100 units per gross acre</u>
<u>4</u>	<u>0.76 acres to 1.00 acre</u>	<u>50 units per gross acre</u>
<u>5</u>	<u>Greater than 1.00 acre</u>	<u>40 units per gross acre</u>

When a parcel located in a higher density tier is permitted fewer total dwelling units than a parcel in a lower density tier, the property owner of that parcel may apply to allow a total number of units equal to the maximum number permitted in the next lower tier.

- (c) Additional development standards:
  - (1) ~~Within the central business district, all land uses are exempt from the requirement to provide off-street parking, off-street loading areas, and landscaping.~~
  - (2) ~~It is the intent of this Code to encourage the construction and remodeling and renovation in this zoning district. The City commission finds that it is in the best interest of the City that this zoning district be revitalized through the efforts of private enterprise, with the cooperation of local government.~~
  - (3) ~~In this district, the owner may erect or repair awnings or similar structures over public property provided that such awning meets all existing building code requirements for construction, does not extend below eight (8) feet in height above the existing sidewalk,~~

~~and does not exceed or extend beyond a vertical line extending upward from a point thirty-six (36) inches inside the existing curb line.~~

- (4) To encourage high intensity urban form in the downtown core, the minimum height for any new building constructed in the C-1 zoning district after 2007 shall be two (2) stories.

Mixed Uses. The C-1 zoning district permits both commercial and multi-family residential uses with the goal of creating a highly urbanized, interactive core of the City where residents have opportunities to live, work, shop, learn, and socialize in close proximity. For parcels developed with both residential and commercial uses, the breakdown of residential and commercial intensities permitted on a parcel shall be as follows:

<u>Maximum Residential Density</u>	<u>Maximum Commercial Square Footage</u>
<u>4.0 to 25.0 units per gross acre</u>	<u>80% of Floor Area Ratio</u>
<u>25.01 to 50.0 units per gross acre</u>	<u>70% of Floor Area Ratio</u>
<u>50.01 to 75.0 units per gross acre</u>	<u>60% of Floor Area Ratio</u>
<u>75.01 to 100.0 units per gross acre</u>	<u>50% of Floor Area Ratio</u>
<u>100.01 to 150 units per gross acre</u>	<u>40% of Floor Area Ratio</u>
<u>150.01 to 200 units per gross acre</u>	<u>30% of Floor Area Ratio</u>

- (d) Building form standards. All development within the C-1 zoning district shall follow the building form standards as set forth below:

<u>Lot and Building Standard</u>		<u>Requirement</u>	
<u>Lot Area</u>		Minimum 3,000 square feet	
<u>Lot Width</u>		None	
<u>Lot Depth</u>		None	
<u>Living Area</u>		Minimum 400 square feet	
<u>Building Setbacks</u>	<u>Front</u>	Minimum 0 feet	
		<u>Maximum</u>	<u>10 feet if no outdoor seating or courtyard area</u>
			<u>20 feet if outdoor seating area or courtyard is present</u>
			<u>Buildings with 5 or more floors- None</u>
	<u>Side</u>	None	
	<u>Side Street</u>	Minimum 0 feet	
		<u>Maximum</u>	<u>10 feet if no outdoor seating or courtyard area</u>
			<u>20 feet if outdoor seating area or courtyard is present</u>
			<u>Buildings with 5 or more floors- None</u>
	<u>Rear</u>	<u>Abutting an alley- 3 ½ feet</u>	
<u>Abutting a parcel- 7 ½ feet</u>			
<u>Building Height</u>		Maximum 12 floors up to 125 feet above average finished grade; Minimum 2 functional floors above average finished grade	
<u>Lot Coverage</u>		None	
<u>Impervious Surface Ratio</u>		None	



- (e) Additional development standards: In recognition of the unique, historic quality of this district, and the unique arrangements and orientation of the buildings along downtown streets, the following development standards will apply to parcels located in the C-1 zoning district:
- (1) Within the C-1 district, all land uses are exempt from requirements to provide off-street parking, off-street loading areas, and landscaping; however, where feasible, best management practices (BMP) shall be implemented for on-site stormwater collection and treatment.
  - (2) It is the intent of this Code to encourage the construction and remodeling and renovation in this zoning district. The City commission finds that it is in the best interest of the City that revitalization occur within this zoning district through the efforts of private enterprise, with the cooperation of local government.
  - (3) In this district, the owner may erect or repair awnings, balconies, overhangs, or similar structures over public property provided they meet all existing building code requirements for construction, do not extend below eight (8) feet in height above the existing sidewalk, do not exceed or extend beyond a vertical line extending upward from a point thirty-six (36) inches inside the existing curb line, and do not interfere with existing utilities.
- (f) Existing construction. Buildings existing or permitted prior to (Month Day), 2015 shall not be subject to the maximum building setback and minimum building height requirements contained in Section 21-43(b).