



city commission public hearing

Item type	Public Hearing	meeting date	November 23, 2015		
prepared by	George Wiggins	approved by	<input type="checkbox"/>	City Manager	
department	Building & Permitting		<input type="checkbox"/>	City Attorney	
division			<input type="checkbox"/>	N/A	
board approval	Planning and Zoning Board Board of Adjustments	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N/A	final vote 6-0 & 5-0
strategic objective	<input type="checkbox"/> Exceptional Quality of Life	<input type="checkbox"/> Fiscal Stewardship	<input checked="" type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

Subject: Permit Streamline & Short Lot Ordinance with minor Residential Zoning Code Updates.

This ordinance originally came before the Commission on August 25, 2014 but was tabled due to concerns over density. It was heard at the same meeting a large scale comprehensive plan amendment was turned down which would have made several changes to our planned development zoning districts. The proposed ordinance provides appropriate rear and front setbacks to single family residential lots that are unusually short in lot depth. In addition, four other minor items are addressed to clarify and refine single family zoning rules for garages and articulation, elimination of an unneeded deed restriction requirement and correction of an error in the R-2 Zoning District.

Planning and Zoning Board Recommendation (8/5/2014):

Mr. Hahn stated that he fully supports what has been proposed and that staff has done a good job with the language clean-up. There was consensus from the other Board members of approval.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the proposed changes to Section 58-65, 58-66, 58-67 and 58-71 of the Land Development Code. Motion carried unanimously with a 6-0 vote.

Board of Adjustments Recommendation (5/21/2015):

The Board recognized the challenge of building a new home or making an addition on an existing home on shallow [short] lots having to meet the 25 foot rear setback. Adoption of the proposed ordinance may alleviate the numerous homes on shallow lots from having to come before the Board of Adjustments in every case.

Therefore, Cynthia Strollo made a motion, seconded by Ann Higbie to resubmit the ordinance and recommend approval to the City Commission. The motion was approved 5-0.

Summary:

The short lot depth setback issue had come to the attention of the Board of Adjustments over a variance request asking for relief from the rear setback and front setback for a home which has a lot depth of 84 feet. Implementing our required rear setbacks of 25 feet to the first floor and 35 feet to the second floor plus meeting the required established front setback left a very small buildable area for a modest two story home with very little opportunity to provide any architectural design flexibility.

Smaller rear setbacks are already allowed in the Zoning Code for single family zoned lots located in 5 blocks bounded by Denning Drive, New England Avenue, Lyman Avenue and Pennsylvania Avenue where lot depths are only 70 feet. In this area, a 10 foot rear setback is permitted for one story and a 25 foot setback is permitted for a two story building. The proposed code change will address the need for special reduced rear setbacks for all single family zoned lots and makes it clear that this allowance is not just limited to this one geographic area of the City.

In viewing properties in single family neighborhoods throughout the City it appears that it makes sense to have allow the smaller setbacks at the two different lot depths: 75 feet and 105 feet. There are approximately 100 lots that have 75 foot lot depths or less mostly in the west side area, and there are approximately 150 lots that have lot depths of 105 feet or less located on the area east of Winter Park Road near Corrine Drive (annexed into the City around 15 years ago), several in the west side area and in a few in other locations as well. Both of these lot sizes deserve special consideration, particularly since, the Zoning Code originally only required a rear setback of 10 feet to both floors of a new home until approximately early 1990's when we implemented stricter floor area ratio requirements and other provisions directed toward limiting the mass and scale of homes being built in established neighborhoods.

Proposed changes:

Lots that are 75 feet deep less: Allow 1st floor rear setback of 10' & 2nd floor setback of 25'

Lots which are 105 feet deep or less: Allow 1st floor rear setback of 15' & 2nd floor setback of 30'

As already established in the Code, the front setback is determined by averaging the two adjacent homes on each side of a residential property undergoing redevelopment.

Other items addressed in the ordinance:

- 1) Removal of deed restriction requirement when excluding the areas of open front porches, or screened rear and side porches:** This provision has not proved to be necessary and just slows down the permitting process for the applicant. The purpose of this requirement is to prevent the enclosure of open porches on new homes that take advantage of excluding the porch floor area from the overall gross floor area of the home. After having this in place for over 15 years, we have found this to be a meaningless tool because

anyone that proposes to enclose a porch must submit plans and obtain a building permit. At this point, our plan reviewer will also verify code compliance including whether there is sufficient allowed floor area to permit enclosing a porch and whether it encroaches into the setback. We have never had a case where an unauthorized porch enclosure was identified through the use of the recorded deed restriction.

- 2) **Adding allowance for a third garage bay under certain conditions:** This only allows adding a third bay to a two car garage if stepped back from the other two bays of the garage so as to provide articulation along the front of the home. Practically all new homes on large lots are designed with 3 bays for the garage. There is also a limit on the garage the door width to 9 feet. Having this door stepped back with a similar size limitation seems to also accomplish breaking up the mass also.
- 3) **Side wall articulation clarification:** The code language allowing use of chimneys, imitation chimney or bay windows to accomplish articulation needed to be made clear that these are the features that can be used which project into the side setback.
- 4) **Correction of error in R-2 Zoning District:** When these provisions were adopted the impervious coverage requirement for a detached dwelling was intended to be 65% which is the same as for duplexes and cluster housing because of the greater density allowed in this District versus in a single family zoned district. It does not make sense to penalize someone wanting to construct a single family dwelling in this District by requiring stricter impervious coverage than the duplex or cluster housing units that can be built next door on the adjacent R-2 Zoned property.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE, ARTICLE III, “ZONING” AMENDING SECTION 58-65 & 58-66 “RESIDENTIAL DISTRICTS “R-1AAA, R-1AA & R-1A,” TO REMOVE AN UNNECESSARY DEED RESTRICTION REQUIREMENT TO STREAMLINE THE PERMITTING PROCESS, AMENDING SECTION 58-71 GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH REAR SETBACKS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES WITH SHORT LOT DEPTHS, AMENDING SECTION 58-67 “LOW DENSITY RESIDENTIAL (R-2) DISTRICT” TO CORRECT A SINGLE FAMILY DWELLING COVERAGE ERROR AND MODIFY CERTAIN MISCELLANEOUS RESIDENTIAL PROVISIONS IN SECTIONS 58-65, 58-66 & 58-71; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN 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 Section 58-65 “R-1AAA Lakefront district” subsection (f)(1)(h) and Section 58-66 “R-1A & R-1AA district” subsection (f)(1)(h) is amended to read as follows:

- (f)Site and building improvement regulations.
 - (1)Floor area ratio.

h. The area within an open street front porch and entry may be excluded from the "gross floor area," subject to the limitations in this paragraph. This exclusion shall be limited to a maximum area of 400 square feet. The area on the first floor within an open or screened rear or open side porch, lanai, porte cochere or other covered area shall not be included within the "gross floor area." This exclusion shall be limited to a maximum area of 500 square feet. On the second floor, rear or side porches must have exterior sides that are 75 percent open in order to utilize up to 300 square feet of the total allowable 500 square feet of excludable gross floor area. ~~Properties utilizing this exemption shall record a deed covenant outlining the restrictions precluding the screening or enclosing of such porch or entry.~~ An open front porch, entry area or porte cochere utilizing this exemption shall also comply with the provisions in subsection 58-65(f)(5)c.

SECTION 2 . That Chapter 58 “Land Development Code”, Article III "Zoning" of the Code of Ordinances Section 58-66 “R-1A & R-1AA district” subsection (f)(1)(h) is amended to read as follows:

(f)(7) [See Section 58-66(f)(9) for special reduced rear and front setbacks on certain lots with shallow depths of 105 feet or less.]

(f)(9) a. Lots with short lot depth. Lots with an average depth of 75 feet or less may utilize a ten (10) foot rear setback to a one-story structure and a 25 foot rear setback to the two-story portion of any building. Properties with an average lot depth of 105 feet or less may

setback to the two-story portion of any building. Any front facing garage opening must be set back at least 20 feet.

[Note: Existing Paragraphs “a” through “c” remain and shall be re-lettered “b” through “d”.

SECTION 3. That Chapter 58 “Land Development Code”, Article III "Zoning" of the Code of Ordinances Section 58-65 “R-1AAA Lakefront district” subsection (f)(8) and Section 58-66 “R-IA & R-1AA district” subsection (f)(8) is amended by to read as follows:

(8) Side wall articulation. Each side wall shall provide architectural articulation by stepping the wall plane in or out by at least two 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 six 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 two feet. ~~Other architectural features that project, such as Bay windows, chimneys or imitation chimneys up to eight feet wide may be utilized~~ to accomplish articulation and may extend up to two feet into the required side setback except where the permitted side setback is six feet or greater.. See subsection 58-71(g) for additional chimney setback allowance.

SECTION 4. That Chapter 58 “Land Development Code”, Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding to Sections 58-67 “Low density residential (R-2) district” a new subsection (f)(1) to read as follows:

Section 58- 67. Low density residential (R-2) district.

(f) *General development standards:*

(1) *Part 1, for properties over 65 feet in width:*

	Single Family detached
Max. impervious coverage	50% <u>65%</u>

[Note to Municode: The only change in the table is to increase the max. impervious coverage for single family detached dwellings from 50% to 65%.]

SECTION 5. That Chapter 58 “Land Development Code”, Article III "Zoning" of the Code of Ordinances Section 58-71 “General provisions for residential zoning districts” Subsections (i)(3) and (w) is hereby amended and modified as follows including deleting

the text of subsection (w) and re-lettering remaining subsections within Section 58-7 to (w) through (jj):

Section 58-71. General provisions for residential zoning districts.

(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 two feet behind or at least two 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 six 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 such as glazing, hardware and raised panels integrated into the door or other finishes matching the primary structure.

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.

4. A third front facing garage bay with a maximum door width of 9 feet if recessed back at least 4 feet from the adjacent front wall is permitted under #2 or #3 above.

In addition, no street facing garage shall have a garage opening exceeding 10 feet in height.
~~(w) Lots with shallow depth. The platted lots within blocks 46 through 53 of the Town of Winter Park subdivision or any other lot with an average a lot depth of 70 feet or less shall be enabled to utilize a ten (10) foot in lieu of the 25-foot rear setback given the unusual shallow depth of these platted lots, provided the overall building height does not exceed one story within the typical 25-foot rear setback area.~~

SECTION 6. 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 7. This ordinance shall become effective immediately upon adoption.

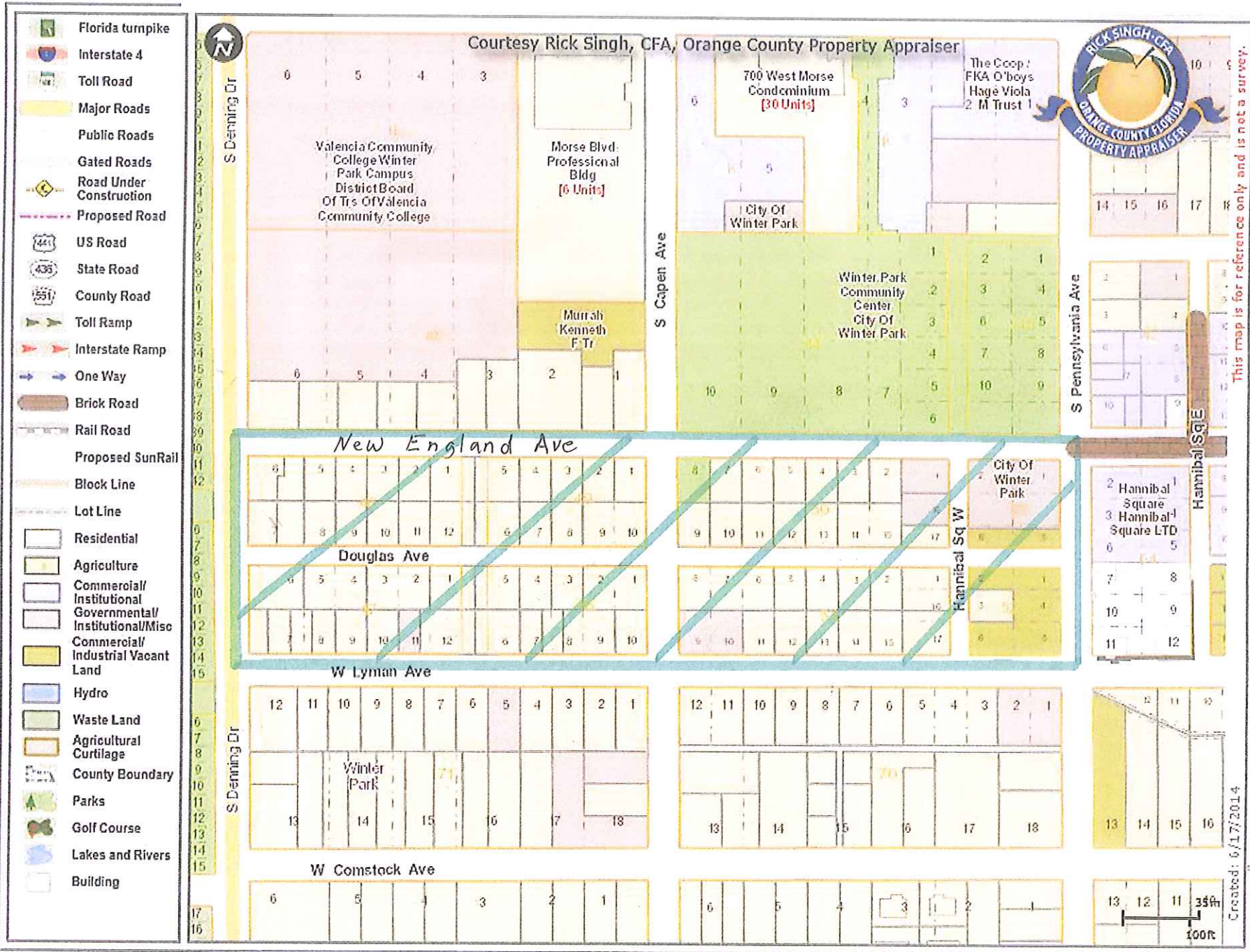
ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2015.

Mayor Steve Leary

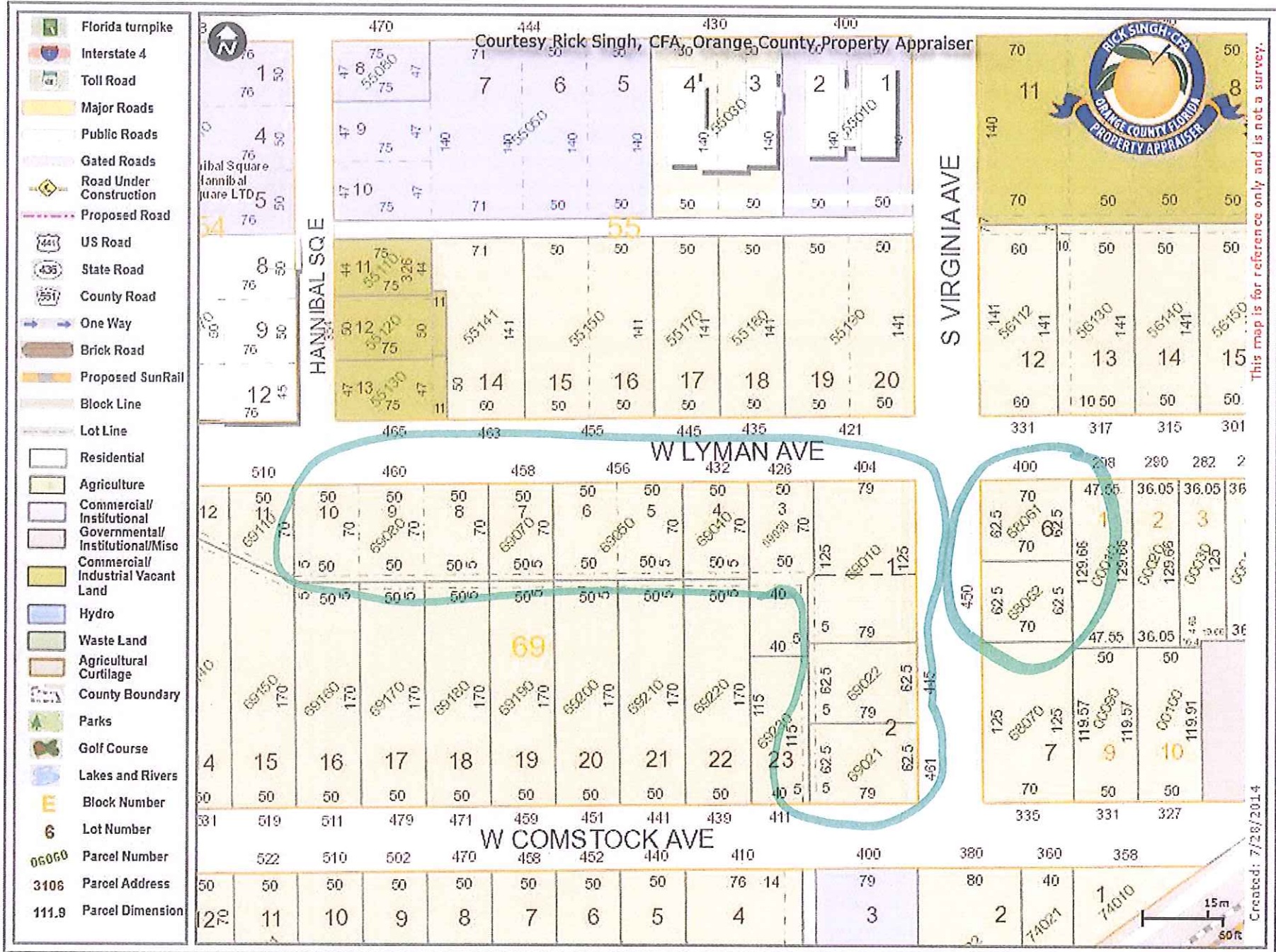
ATTEST:

City Clerk Cynthia S. Bonham

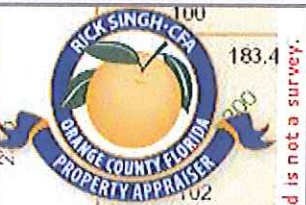
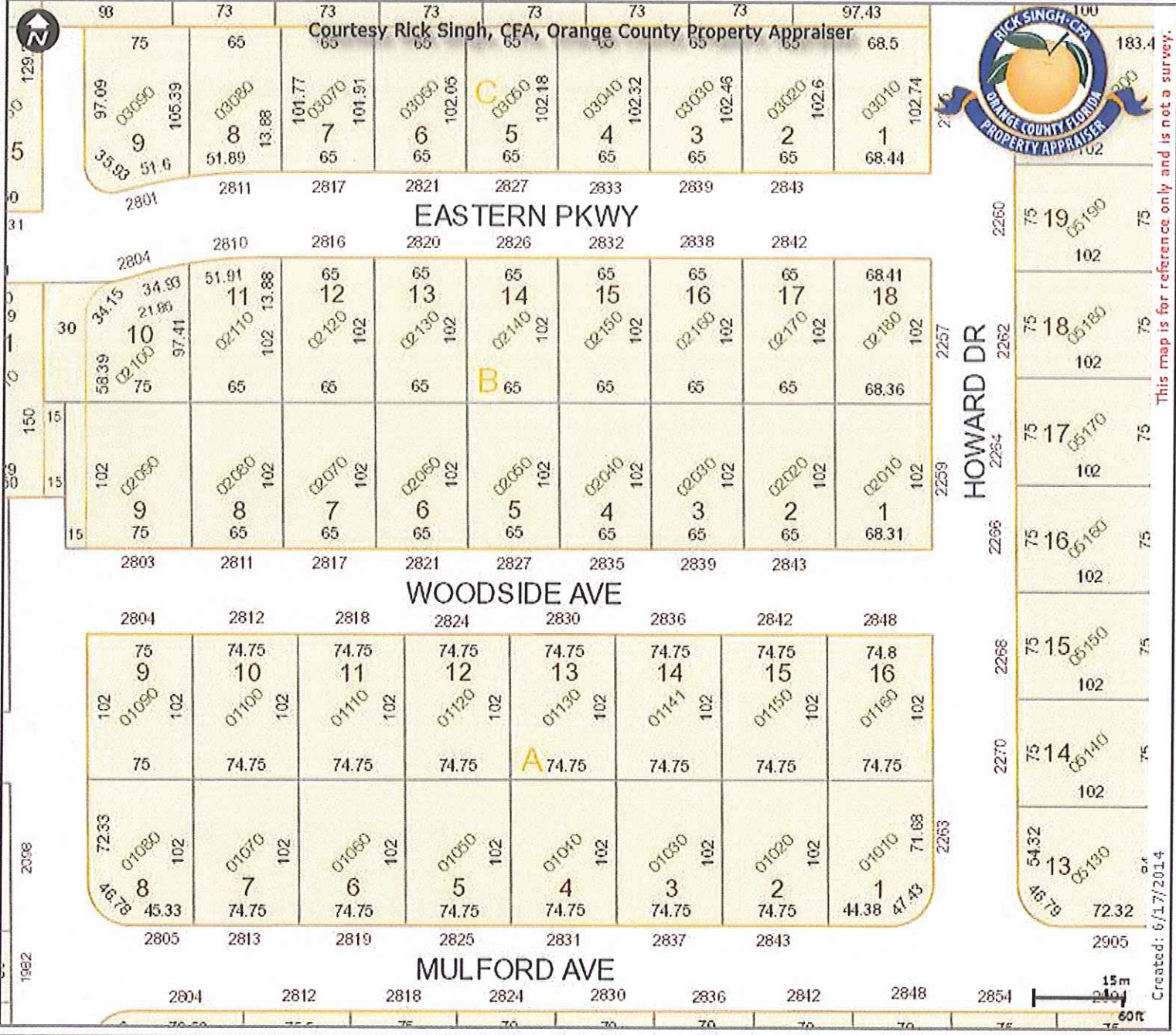
CURRENT AREA WITH SPECIAL REAR SETBACKS



Examples Of areas with shallow lot depths

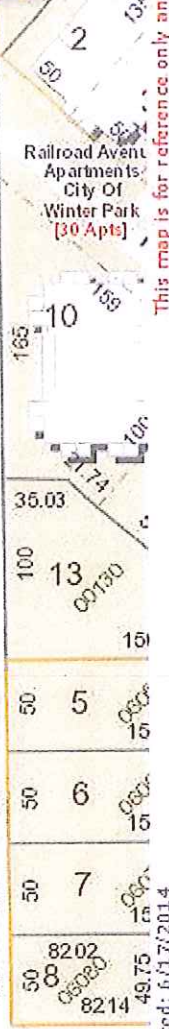
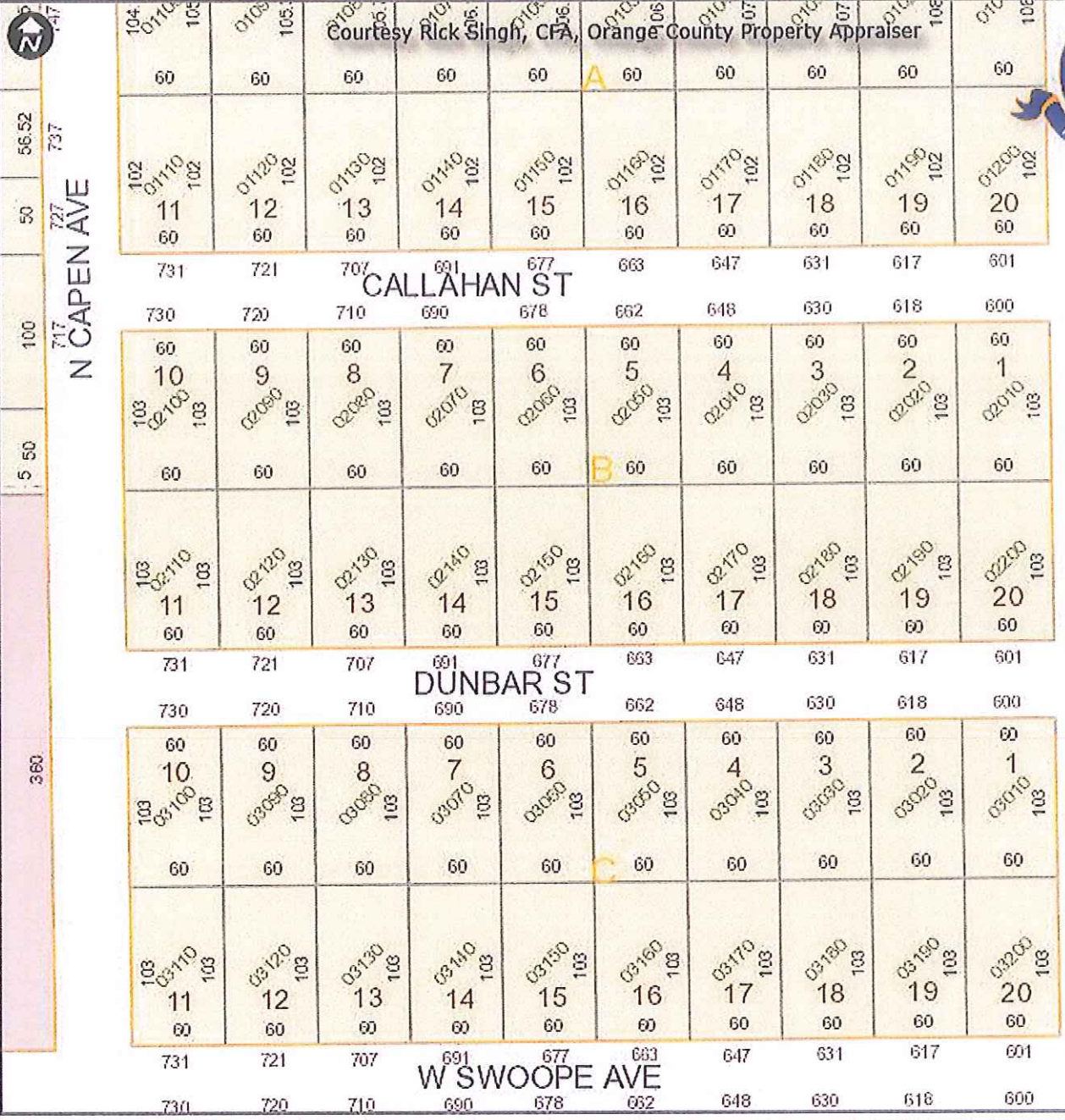


- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
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- State Road
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- County Boundary
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- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension



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

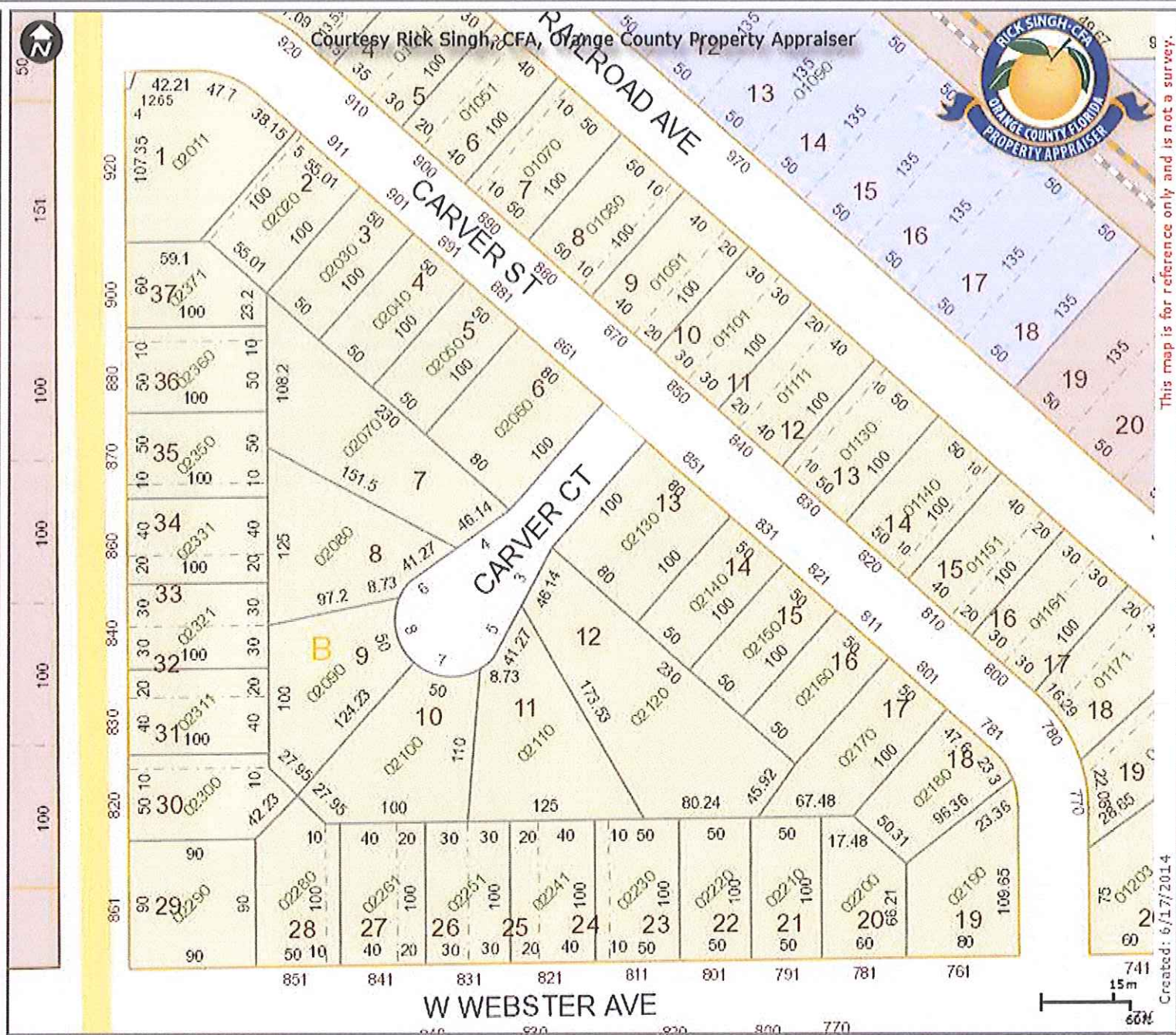
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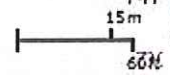
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
























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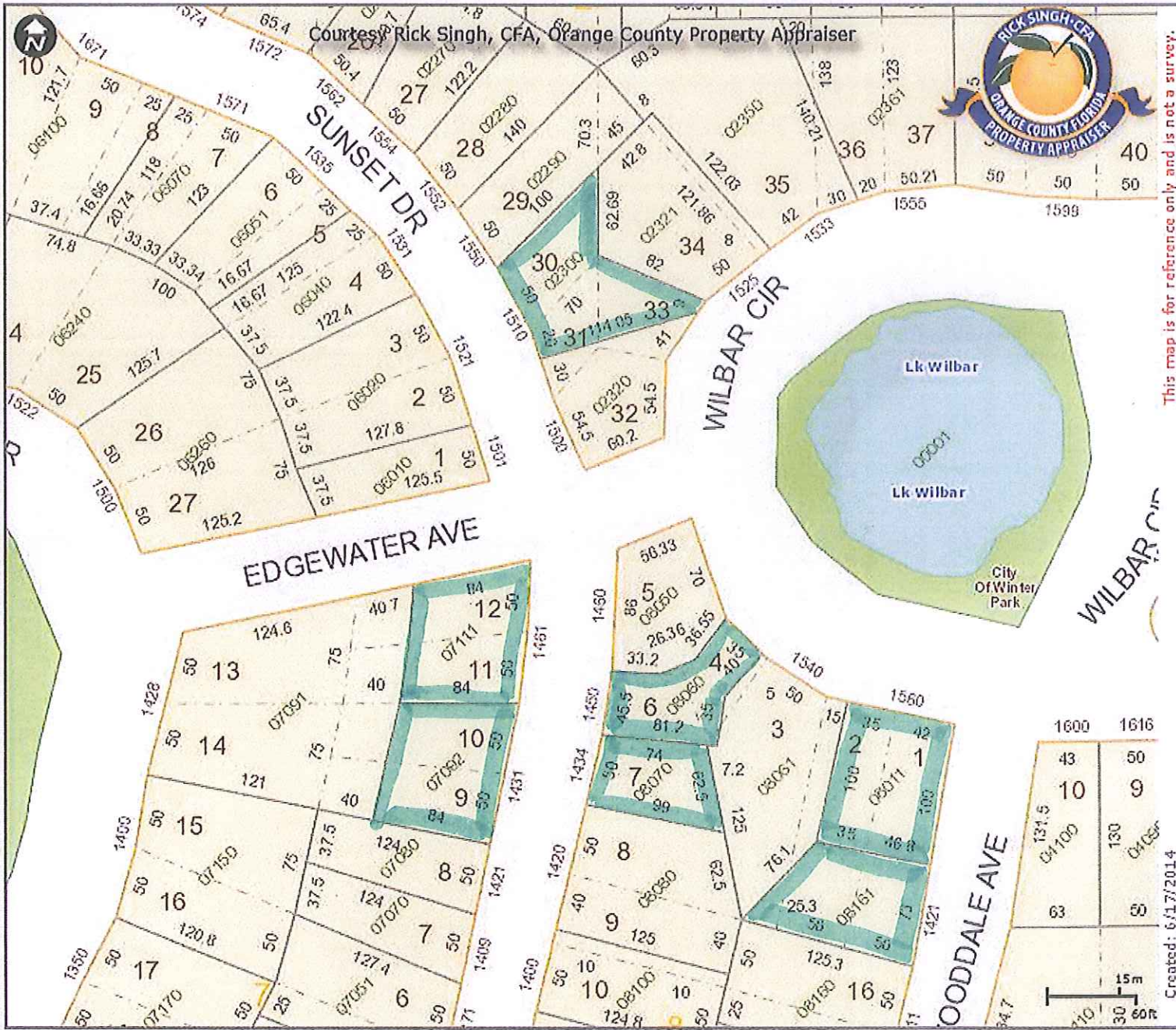
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W WEBSTER AVE



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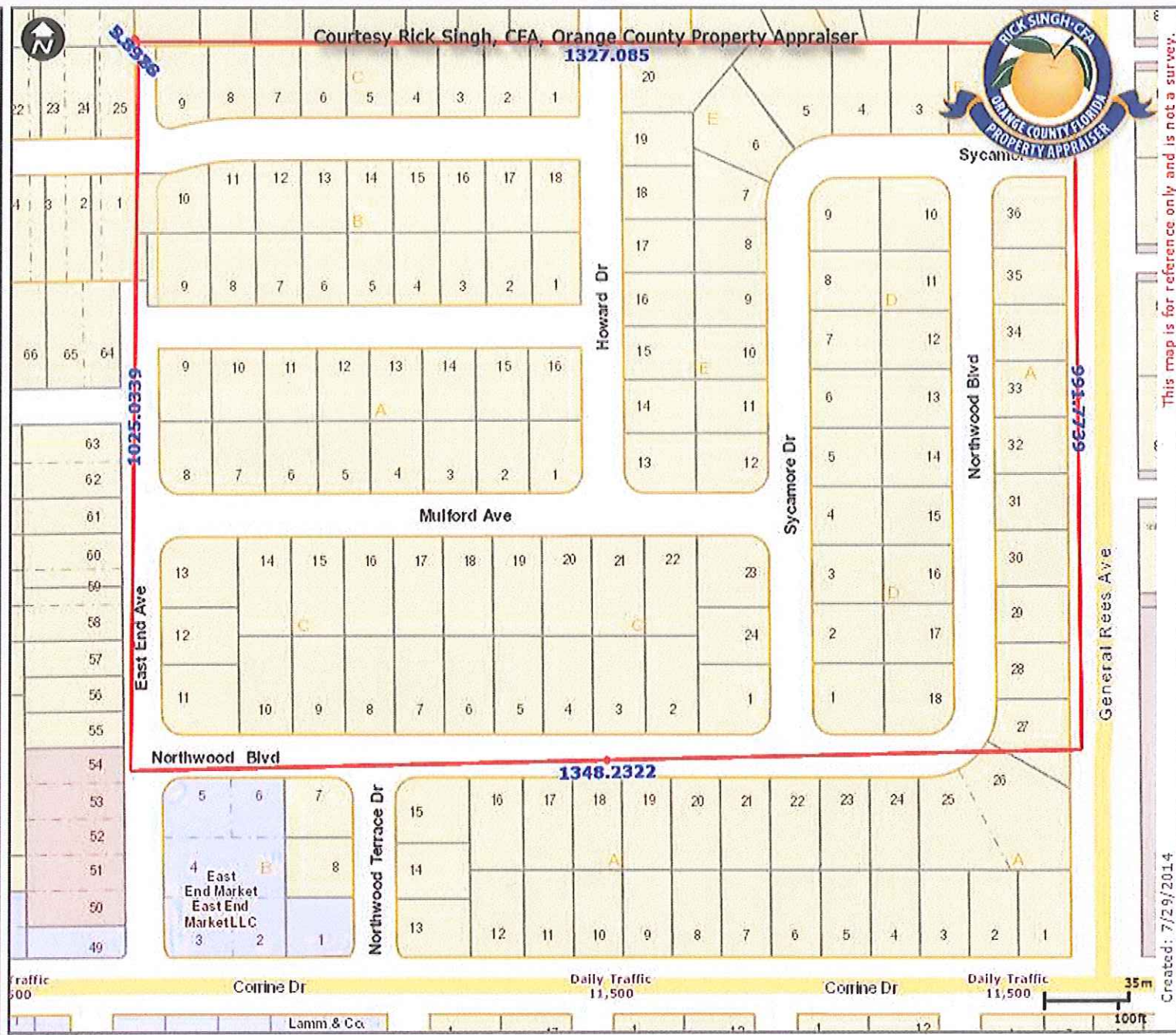
Courtesy Rick Singh, CFA, Orange County Property Appraiser



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