



# PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY

REGULAR MEETING AGENDA

WEDNESDAY, APRIL 01, 2020 AT 5:30 PM

CITY HALL - COMMISSION CHAMBERS

1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

## CALL TO ORDER

Roll Call

Invocation

Pledge Of Allegiance

Approval Of The Agenda

## AWARDS AND PRESENTATIONS

100. Not Used

## INFORMATIONAL AGENDA

200. Not Used

## PUBLIC INPUT

*Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.*

## CONSENT AGENDA

300. Approval of the Minutes from the Wednesday, February 05, 2020 Planning And Zoning Board/Local Planning Agency Regular Meeting

Attachments: [Minutes](#)

## PUBLIC HEARINGS AGENDA

[400.](#) Ordinance 2020-02 amending Chapter 20 Zoning related Town Center District Code along with State Road 434 and Tuskawilla road corridors.

Attachments: [Ordinance 2020-02](#)

## REGULAR AGENDA

500. Not Used

## **REPORTS**

### **PUBLIC INPUT**

*Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.*

### **ADJOURNMENT**

### **PUBLIC NOTICE**

This is a Public Meeting, and the public is invited to attend and this Agenda is subject to change. Please be advised that one (1) or more Members of any of the City's Advisory Boards and Committees may be in attendance at this Meeting, and may participate in discussions.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs at (407) 327-1800 "at least 48 hours prior to meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26 *Florida Statutes*.

"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need 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" - per Section 286.0105 *Florida Statutes*.

CITY OF WINTER SPRINGS, FLORIDA  
MINUTES  
**PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**  
REGULAR MEETING  
FEBRUARY 05, 2020

**CALL TO ORDER**

Chairperson Kok Wan Mah called to order the Wednesday, February 5, 2020 Regular Meeting of the Planning and Zoning Board/Local Planning Agency at 5:31 p.m. in the Commission Chambers (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

**Roll Call:**

Chairperson Kok Wan Mah present  
Vice-Chairperson Kevin McCann, present  
Board Member James Evans, present  
Board Member Michael Ferrante, present  
Board Member Bart Phillips, present  
City Attorney Anthony A. Garganese, present  
Interim City Clerk Christian Gowan, present

A moment of silence was followed by the Pledge of Allegiance.

No changes were made to the Agenda.

**AWARDS AND PRESENTATIONS**

**100. Not Used**

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**INFORMATIONAL AGENDA**

**200. Not Used**

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## **PUBLIC INPUT**

*Chairperson Mah opened “Public Input”.*

No one spoke.

*Chairperson Mah closed “Public Input”.*

## **CONSENT AGENDA**

### **300. Approval of the Minutes from the Wednesday, January 8, 2020 Planning and Zoning Board/Local Planning Agency Special Meeting**

Chairperson Mah asked for a motion to approve the minutes of the January 8, 2020 Planning and Zoning Board/Local Planning Agency Special Meeting.

**“MOTION TO APPROVE.” MOTION BY VICE-CHAIRPERSON MCCANN. SECONDED BY BOARD MEMBER EVANS. DISCUSSION.**

#### **VOTE:**

**VICE-CHAIRPERSON McCANN: AYE**

**BOARD MEMBER FERRANTE: AYE**

**CHAIRPERSON MAH: AYE**

**BOARD MEMBER PHILLIPS: AYE**

**BOARD MEMBER EVANS: AYE**

**MOTION CARRIED.**

## **PUBLIC HEARINGS AGENDA**

### **400. Accessory Dwelling Unit – Nancy S. Freeman and John W. McHale III**

Ms. Marla Molina, Senior City Planner, Community Development Department introduced the item and gave staff’s recommendation that the Board forward a recommendation of denial.

*Mr. Mark Jones* presented on behalf of the applicant and noted hardships regarding cost and aesthetic requirements.

*Mr. John McHale III, 900 Dyson Drive, Winter Springs, Florida;* spoke as the owner of the property, noted that he did not want to take out trees, and also

mentioned that he was willing to put deed restrictions in place to ensure that the proposed Accessory Dwelling Unit (ADU) could not be rented out.

Discussion followed on alternative placement of the proposed ADU, possible deed restrictions, issues with short-term rentals, and the requirement that ADUs be subordinate to the primary structure

*Chairperson Mah opened the Public Hearing for Item 400*

*Mr. Robert Putnam, 955 Dyson Drive, Winter Springs, Florida* agreed with comments made by Board Members and strongly objected to the current planned ADU.

*Mr. Miguel Martin, 830 Dyson Drive, Winter Springs, Florida* read a statement he previously sent in and asked that if this were approved it be required that the ADU use existing utility connections.

*Ms. Ellen Lopez for Ms. Aurea Lopez, 612 Morgan Street, Winter Springs, Florida* read a letter in opposition of the proposed ADU and provided the letter to the Clerk.

*Mr. Spenser Kisby, 855 Dyson Drive, Winter Springs, Florida* noted he had previously sent in a letter of opposition and that his position had not changed.

*Ms. Karen Erlandson, 940 Dyson Drive, Winter Springs, Florida* spoke in opposition of what she saw as a secondary residence being added to the lot.

*Mr. Tom Walles, 607 South Pinto Court, Winter Springs, Florida* agreed with others comments and mentioned reconfiguration of his own property as a potential model for an alternative to the proposed ADU.

*Mr. Tom Freeman, 414 River Drive, DeBary, Florida* noted he owned the property for forty (40) years, planted many of the trees, and did not agree that the project would hurt neighboring properties. Mr. Freeman asked the Board to approve the project.

*Ms. Sherri Moore, 925 Dyson Drive, Winter Springs, Florida* was sympathetic to the reasons for wanting the ADU but was worried a precedent might be set that would allow two homes on a single lot and change the character of the neighborhood.

*Mr. Jim Crouse, 994 Shetland Ave, Winter Springs, Florida* noted opposition to how the issue was approached and said he believed there was no justification for a variance. Furthermore, he noted he was in support of ADU's in general but not in favor of the one proposed.

*Mr. Steve Adamission, Mrs. Shirley Adamission, Ms. Catherine Brennan, Mr. Tom James, Ms. Cynthia Kisby, Mr. Martin Rosenthal, Mr. Bob Ruebusch, and Mrs. Phyllis Ruebusch* declined to speak but turned in Public Input Forms noting opposition to Item 401.

*Chairperson Mah* closed the Public Hearing from Item 400

Discussion followed on the possibility of continuing the item to a later date.

**“MOTION TO CONTINUE THIS FOR THE APRIL 1<sup>ST</sup> PLANNING AND ZONING BOARD/LPA MEETING, CONTINGENT UPON CITY STAFF PUTTING OUT THE FULL PUBLIC NOTIFICATIONS TO ALL RESIDENTS ON THE NEW PLANS.”  
MOTION BY BOARD MEMBER EVANS. SECONDED BY BOARD MEMBER FERRANTE. DISCUSSION.**

**VOTE:**

**BOARD MEMBER EVANS: AYE**

**CHAIRPERSON MAH: AYE**

**BOARD MEMBER PHILLIPS: AYE**

**BOARD MEMBER FERRANTE: AYE**

**VICE-CHAIRPERSON McCANN: AYE**

**MOTION CARRIED.**

**401. Wendy's Fast Food Restaurant - Final Engineering Review and Aesthetic Review**

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Ms. Molina introduced the item clarified that a monument sign was not a current consideration and noted Staff's recommendation that the Board forward a recommendation of approval.

*Mr. James Vandercrake, Infinity Engineering Group, 1208 East Kennedy Blvd, Tampa, Florida* said he appreciated staff assistance and was happy to answer questions.

Brief discussion.

*Chairperson Mah opened the Public Hearing for Item 401*

No one spoke

*Chairperson Mah closed the Public Hearing from Item 401*

**I MOVE TO APPROVE THE FINAL ENGINEERING ALONG WITH THE REQUESTED WAIVERS OF THE APPLICANT.” MOTION BY BOARD MEMBER EVANS. SECONDED BY BOARD MEMBER PHILLIPS. DISCUSSION.**

**VOTE:**

**BOARD MEMBER FERRANTE: AYE  
BOARD MEMBER PHILLIPS: AYE  
BOARD MEMBER EVANS: AYE  
VICE-CHAIRPERSON McCANN: AYE  
CHAIRPERSON MAH: AYE  
MOTION CARRIED.**

**BOARD MEMBER EVANS ASKED TO AMEND THE MOTION TO APPROVE FINAL ENGINEERING, AESTHETIC REVIEW, ALL APPLICABLE WAIVERS, AND THE DEVELOPERS AGREEMENT. MOTION BY BOARD MEMBER EVANS. SECONDED BY BOARD MEMBER PHILLIPS.**

**VOTE:**

**BOARD MEMBER FERRANTE: AYE  
BOARD MEMBER PHILLIPS: AYE  
BOARD MEMBER EVANS: AYE  
VICE-CHAIRPERSON McCANN: AYE  
CHAIRPERSON MAH: AYE  
MOTION CARRIED.**

## **REGULAR AGENDA**

**500. Not Used**

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## **REPORTS**

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No reports were given.

## **ADJOURNMENT**

Chairperson Mah adjourned the Regular Meeting at 7:10p.m.

*RESPECTFULLY SUBMITTED:*

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CHRISTIAN GOWAN  
INTERIM CITY CLERK

NOTE: These Minutes were approved at the \_\_\_\_\_, 2020 Planning and Zoning Board/Local Planning Agency Regular Meeting.





# **PUBLIC HEARING AGENDA ITEM 400**

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY  
APRIL 01, 2020 | REGULAR MEETING

## **TITLE**

Ordinance 2020-02 amending Chapter 20 Zoning related Town Center District Code along with State Road 434 and Tuskawilla road corridors.

## **SUMMARY**

During the City Commission workshop process, the City Commission directed the City Attorney and staff to prepare an Ordinance to update Chapter 20 with regards to setbacks, building frontage, buffer, and streetscape requirements in the Town Center Zoning District and the 434 Corridor/Tuskawilla Road corridor. Additionally, the City Commission directed the Ordinance to reduce multiple waiver requests in the Town Center Code and to consolidate the Town Center Code process with the regular development permit process under the City Code for purposes of standardizing development permit procedure and eliminating any unintended steps.

The City Commission has previously recognized that since the Town Center District Code's adoption in 2000, the Town Center has operated, in many respects, under its own set of rules and procedures especially regarding conditional use applications which may be filed requesting waivers from the various standard provisions of the Town Center Code. The City Commission has recently expressed an interest in standardizing the process by consolidating it with the general zoning regulations applicable to other zoning districts. The attached Ordinance was prepared at the City Commission's direction.

## **RECOMMENDATION**

The Planning & Zoning Board shall conduct a public hearing and make recommendation regarding Ordinance No. 2020-02.

**ORDINANCE NO. 2020-02**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, AMENDING CHAPTER 20 ZONING RELATED TO STREETScape REQUIREMENTS ALONG THE STATE ROAD 434 AND TUSKAWILLA ROAD CORRIDORS; SPECIFICALLY AMENDING THE TOWN CENTER DISTRICT CODE, STATE ROAD 434 CORRIDOR OVERLAY DISTRICT AND SUPPLEMENTAL ZONING DISTRICT REQUIREMENTS; MODIFYING BUILDING SETBACKS, BUILDING STEP-BACKS AND BUILDING HEIGHT REQUIREMENTS WITHIN THE TOWN CENTER DISTRICT AND STATE ROAD 434 CORRIDOR OVERLAY DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, INCORPORATION INTO THE CODE; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Commission previously adopted the Town Center District Code and the State Road 434 Corridor Overlay District which govern development of property along the State Road 434; and

**WHEREAS**, in consideration of recent citizen and developer input regarding the development of land along the State Road 434 corridor and Tuskawilla Road, the City Commission finds that modifications to the Town Center District Code, State Road 434 Corridor Overlay District and Supplemental Zoning District regulations are necessary to enhance aesthetics, public safety, property values and the pedestrian and natural environment related to building orientation, streetscape and travel along the State Road 434 and Tuskawilla Road corridors; and

**WHEREAS**, the City Commission hereby finds that State Road 434 and Tuskawilla are major roadway corridors that run through the heart of the jurisdictional limits of the City, and that each corridor has unique streetscape attributes that impact the overall appearance and quality of life of the Winter Springs community; and

**WHEREAS**, the City Commission also finds that creating and maintaining a sustainable streetscape along the State Road 434 and Tuskawilla corridors will play an important role in forming the visual image of Winter Springs being a sustainable city, and will be an important

effective strategy to mitigate against the occurrence of urban blight and deterioration, and alternatively, be an effective strategy to help the City provide an attractive, safe and healthy sustainable urban environment and achieve sustainable development and economic prosperity; and

**WHEREAS**, creating and maintaining a sustainable streetscape ensures that spaces are long-lasting and function as a part of the greater ecosystem employing technologies that manage stormwater runoff and reduce carbon footprint, improve pedestrian space, health and safety, improve aesthetics, reduce urban noise and light pollution, and overall help create a better place and image for present and future residents and businesses within the City of Winter Springs; and

**WHEREAS**, on \_\_\_\_\_, the City’s Land Planning Agency reviewed the proposed amendments to the Town Center District Code, State Road 434 Corridor Overlay District and Supplemental Zoning Regulations and has found the amendments consistent with the City’s Comprehensive Plan and recommends approval of the amendments; and

**WHEREAS**, the City Commission of the City of Winter Springs, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Winter Springs.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:**

**Section 1.** **Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Commission of Winter Springs.

**Section 2.** **SR 434 and Tuskawilla Road Streetscape Corridor Requirements.** The City of Winter Springs Code of Ordinances, Chapter 20, Zoning, Article VII, SR 434 and Tuskawilla Road Streetscape Corridor Requirements is hereby created as set forth below (underlined type indicates additions and ~~strikeout~~ type indicates deletions):

## **CHAPTER 20 – ZONING**

### **ARTICLE VII. S.R. 434 AND TUSKAWILLA ROAD STREETSCAPE REQUIREMENTS.**

#### **Sec. 20-600. – Intent.**

State Road 434 and Tuskawilla Road are major roadway corridors that run through the heart of the jurisdictional limits of the City, and these roadways have unique streetscape attributes that impact the overall appearance and quality of life of the Winter Springs community. The intent of this Article is to create and maintain a sustainable streetscape strategy along the State Road 434 and Tuskawilla corridors that will play an important role in forming the visual image of Winter Springs being a sustainable city. It is further the intent of this sustainable streetscape

strategy to mitigate against the occurrence of urban blight and deterioration, and to employ streetscape strategies that more effectively manage stormwater runoff and reduce carbon footprint, improve pedestrian space, health and safety, improve aesthetics, enhance property values, reduce urban noise and light pollution, and overall help create a better place and image for present and future residents and businesses within the City of Winter Springs. It is not the intent of this section to mandate the dedication or conveyance of additional public right-of-way along said corridors from development in order to accomplish the required streetscape treatment. This section also does not apply to properties that were previously developed prior to the adoption of this article unless and until such properties seek to redevelop.

**Sec. 20-605. – Streetscape Requirements.**

(a) There shall be a minimum streetscape area of 27 feet in depth for properties located along the State Road 434 and Tuskawilla Road corridors.

(b) The total 27 feet of required streetscape area shall consist of three component parts which include: (i) 5-foot landscape area; (ii) 6-foot sidewalk; and (iii) 16-foot landscape and treescape area for planting canopy trees which will line the right-of-way and installing any authorized street furnishings.

(c) Depending on the existing depth of available right-of-way for streetscape, the 27 feet will either be entirely within the right-of-way or entirely on the subject property under development or a combination of both the available right-of-way and the subject property. For example, as illustrated in Section 20-610 of this article, there are three possible required streetscape scenarios:

1. If there is 27 feet of existing right-of-way, the streetscape is required to be located entirely within the right-of-way.
2. If there is no existing available right-of-way, the streetscape is required to be located entirely on the subject property.
3. If there is only 10 feet of available right-of-way, the streetscape is required to be located within the 10 feet of available right-of-way and within 17 feet of the subject property, etc.

For purposes of this subsection, the term “available” means that the authority with jurisdiction over the right-of-way has granted permission to construct, install and maintain the streetscape required by this article.

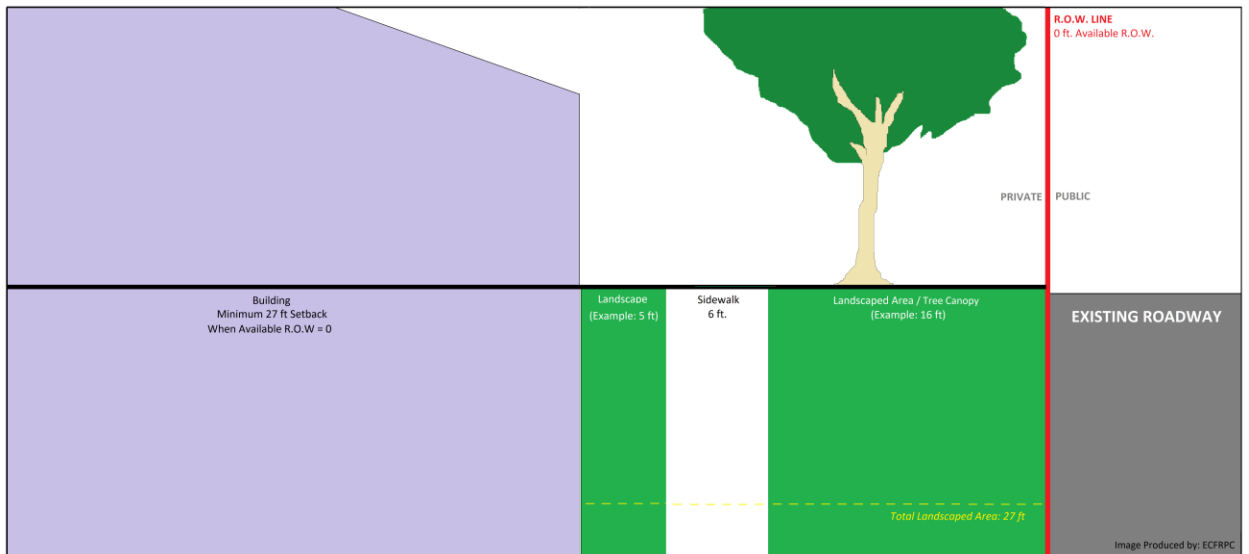
(d) Streetscape trees required to be planted under this article shall be canopy trees of the size and type authorized on the City’s approved species list for streetscape canopy trees. Trees shall be planted within the required 16 foot landscape area between the sidewalk and roadway with a minimum 15 foot separation between trees. Authorized street furnishing may also be installed

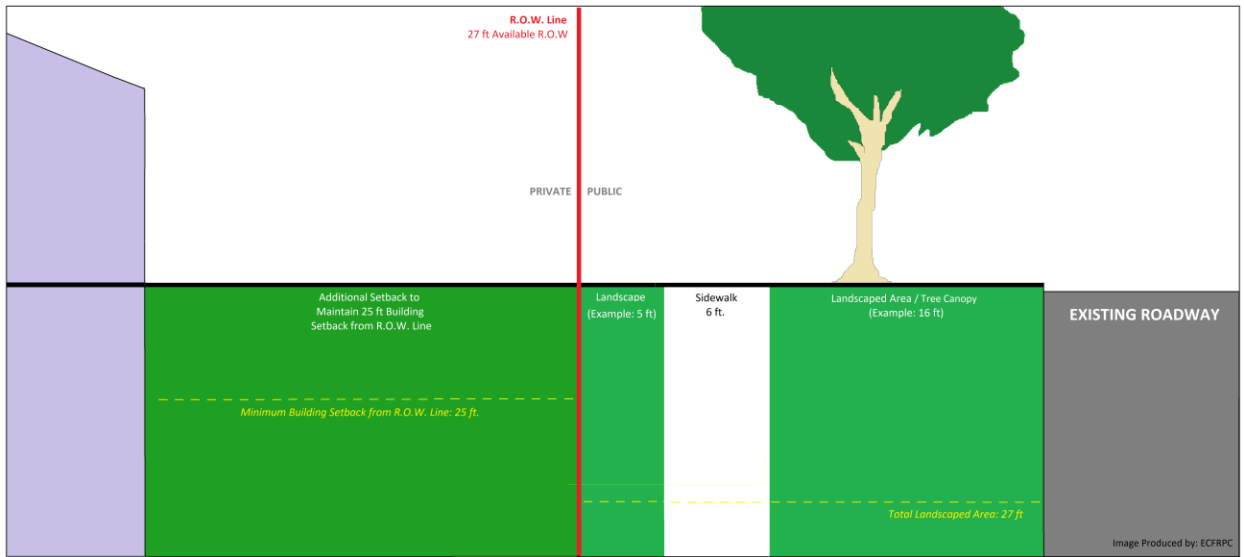
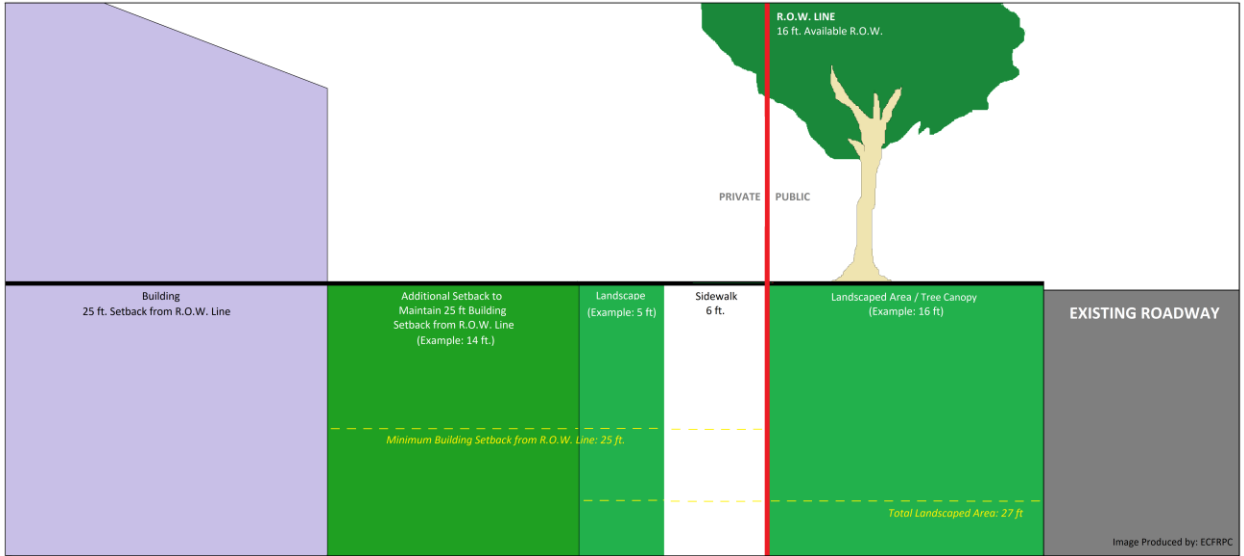
and maintained within the 16 foot landscape area such as benches, bus shelters, lighting, trash receptacles, bicycle racks, and public signage and art.

(e) Regardless of where the required streetscape is located, any building constructed on the subject property shall be required to be satisfy the required front setback from the right-of-way boundary. Buildings cannot be located within the required streetscape area so in instances when the subject development property is required to be used for streetscape in excess of 25 feet, the building front setback will be greater than 25 ft in order to accommodate the streetscape required by this article.

**Sec. 20-610. Appropriate Streetscape Illustrations.**

The following streetscape illustrations are examples of streetscapes that comply with the requirements of this article, and shall be used as a guide for determining compliance with this article:





**CHAPTER 20 – ZONING**

**DIVISION 12. – TOWN CENTER DISTRICT CODE**

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**Section 3. Town Center District Code Amendments.** The City of Winter Springs Code of Ordinances, Chapter 20, Article III, Division 12, Town Center District Code, is hereby amended as set forth below (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Chapter 20, Article III, Division 12. It is intended that the text in Chapter 20, Article III, Division 12 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

## CHAPTER 20 – ZONING

### DIVISION 12. – TOWN CENTER DISTRICT CODE

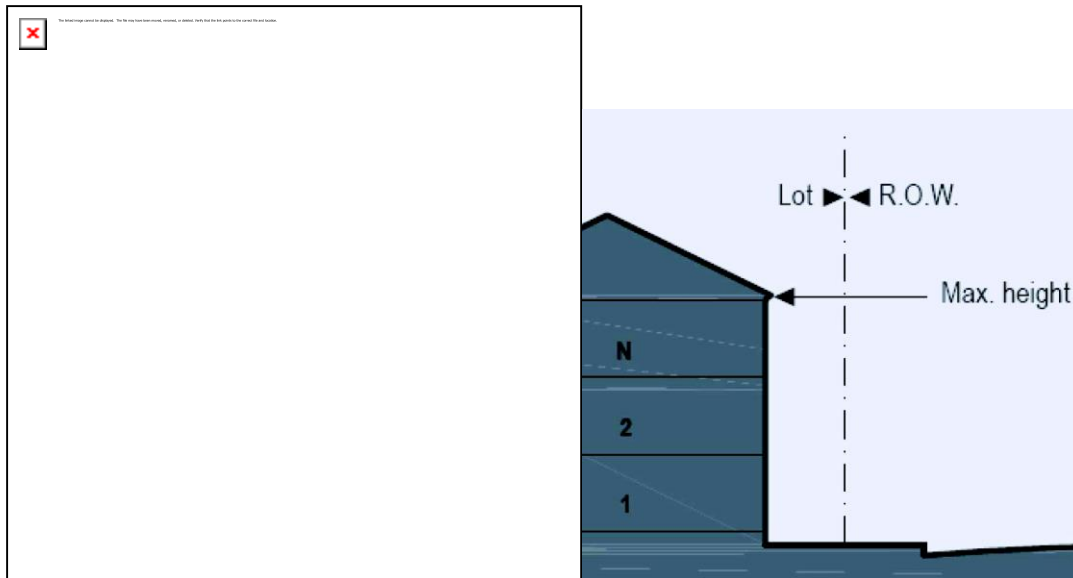
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#### Sec. 20-324. - General provisions.

The following general provisions apply to all street types.

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- (12) *Building height.* Proposed buildings greater than three (3) stories in height shall require conditional use review and permit. Cupolas, spires, domes, pinnacles, chimneys, penthouses and similar architectural features may be erected to a height greater than any limit prescribed in this Code provided, each feature does not exceed six hundred (600) square feet in area and does not extend more than thirty (30) feet above the designated height limit for each transect zone. Building height is measured as the vertical distance from the lowest point on the tallest side of the structure to the top of the cornice, eave or similar architectural feature. Subject to aesthetic review approval, buildings greater than three (3) stories must have a building step-back consisting of an architectural design element that is applied to each story above three (3) stories of the development. A step back requires that any portion of a building above three (3) stories is further pushed-in towards the center of the property for purposes of reducing the scale of the building and enhancing its aesthetic character while exposing and emphasizing the ground-level elements of a structure, increasing views of surroundings areas, and increasing solar and wind pass through.



**Sec. 20-325 – Transect Standards.**

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(b) *Transect zone design standards.*

T5 (Urban Center Zone)

(1) **Description.** The T5 urban center zone comprises the core of the town center and is synonymous with the city’s urban central business district. It shall consist of a higher intensity mix of uses that include retail, offices, and residential. T5 areas typically have fairly small blocks with wide sidewalks regularly- spaced tree plantings, ~~and buildings set close to the street.~~

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(2) **Dimensional requirements.** Applications are subject to standard administrative provisions in section 20-321 of this Code.

<b>Lot Design Guidelines</b>	
<b>Lot orientation</b>	
Lot width	18 ft. min., 180 ft. max.



<b>Lot Design Guidelines</b>	
Lot depth	30 ft. min., 160 ft. max.
Lot coverage	100% max.
<b>Principle building setbacks (from property line)</b>	
Front/principle plane	$\theta$ <u>25</u> ft.- <u>8-50</u> ft. max (from front property line). <u>The minimum required front setback shall be the average of the front setback of the two developed lots abutting each side of the property. When one or more of the abutting lots is vacant, the next developed lot on the same block shall be used. When there is only one abutting lot on the same block face, it shall be used in this calculation.</u>
Rear	$\geq$ <u>15</u> ft. (from rear property line)
Side	$\theta$ <u>5</u> ft. min, <u>24-100</u> ft. max. (from side property line)
Frontage buildout	<del>80-20%</del> <u>20%</u> min. (at front setback)
<b>Accessory building setbacks</b>	
Front	20 ft. min. + building setback (from front property line)
Rear	$\geq$ <u>15</u> ft. min. (from rear property line).
Side	$\theta$ <u>5</u> ft. min. (from side property line)
<b>Building height</b>	
Principle	2 stories min., 5 stories max. *
Accessory	2 stories min.
<b>Private frontages</b>	
Common yard	Prohibited

<b>Lot Design Guidelines</b>	
Porch and fence	Permitted
Terrace/light court	Permitted
Forecourt	Permitted
Stoop	Permitted
Shopfront, awning and balcony	Permitted
Gallery/arcade/colonnade	Permitted

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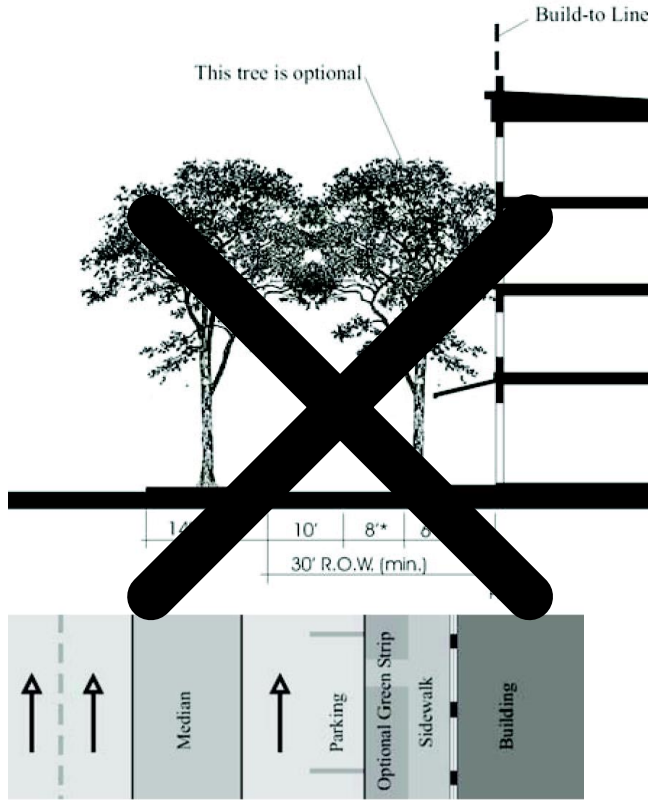
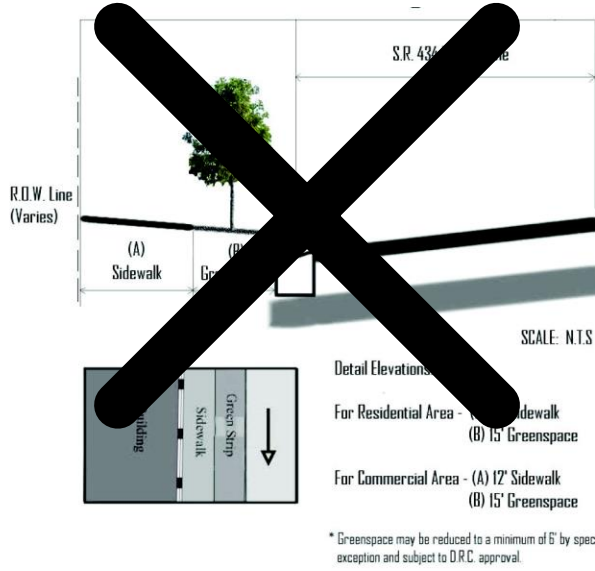
(c) *Thoroughfare standards.*

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(2) SR 434 Street Edge. The streetscape requirements set forth in Chapter 20, Article VII S.R. 434 and Tuskawilla Road Streetscape Requirements shall apply.

~~(Each are acceptable options. Proposed parking configurations will be evaluated and can consist of angled, parallel, or back in angle parking).~~

**[THE FOLLOWING ILLUSTRATIONS ARE HEREBY REPEALED AND SHALL BE REMOVED FROM THE CITY CODE]**



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**Section 4. SR 434 Amendments.** The City of Winter Springs Code of Ordinances, Chapter 20, Article VI, Division 2, S.R. 434 Corridor Vision Plan is hereby amended as set forth below (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Chapter 20, Article VI, Division 2. It is intended that the text in Chapter 20, Article VI, Division 2 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

## **DIVISION 2. - GENERAL DESIGN STANDARDS FOR NEW DEVELOPMENT AREA**

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### **Sec. 20-464. - Building height.**

Proposed buildings greater than three (3) stories in height shall require conditional use review and permit. However, No building shall exceed five (5) stories in height. For the purpose of these design standards, building height shall be measured from ground level to the highest point of the coping of a flat roof or the mean height level between eaves and ridge for gable, hip or gambrel roofs. Cupolas, spires, domes, pinnacles, chimneys, penthouses and similar architectural features may be erected to a height greater than any limit prescribed in this Code provided, each feature does not exceed six hundred (600) square feet in area and does not extend more than thirty-feet above the designated height limit. Building height is measured as the vertical distance from the lowest point on the tallest side of the structure to the top of the cornice, eave or similar architectural feature. Subject to aesthetic review approval, buildings greater than three (3) stories must have a building step-back consisting of an architectural design element that is applied to each story above three (3) stories of the development. A step back requires that any portion of a building above three (3) stories is further pushed-in towards the center of the property for purposes of reducing the scale of the building and enhancing its aesthetic character while exposing and emphasizing the ground-level elements of a structure, increasing views of surroundings areas, and increasing solar and wind pass through.

### **Sec. 20-465. - Setbacks.**

It is the intent of the City to create a sense of place along the S.R. 434 Overlay corridor. ~~It has been determined that a zero-foot setback allows flexibility in site and building design, and eliminates suburban sprawl. Buildings that are constructed to the property line are encouraged. No improvement shall be located on any property closer to any property line than the minimum setbacks set forth below:~~

Buildings	
S.R. 434	Minimum <del>0</del> <u>25</u> -feet, Maximum 100-feet
Collector Street	Minimum <del>0</del> <u>25</u> -feet, Maximum <del>50</del> <u>100</u> -feet
Internal Street/ <u>Alley</u>	Minimum <del>0</del> <u>5</u> -feet, Maximum 25-feet
Side	Minimum 10-feet
Rear	Minimum 10-feet

(b) The following improvements are specifically excluded from the setback restrictions:

- (1) Steps and walks;
- (2) Landscaping and landscape berms;
- (3) Planters three (3) feet in height or less; or
- (4) Other improvements such as balconies, stoops, and awnings may be permitted under applicable regulations of the city.

**Sec. 20-466. Reserved Required Streetscape.** The streetscape requirements set forth in Chapter 20, Article VII S.R. 434 and Tuskawilla Road Streetscape Requirements shall apply.

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**Section 5. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 6. Incorporation Into Code.** This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

**Section 7. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 8. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to the City Charter.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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**CHARLES LACEY, Mayor**

**ATTEST:**

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**CHRISTIAN GOWAN**  
**Interim City Clerk**

**APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
FOR THE CITY OF WINTER SPRINGS ONLY.**

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**ANTHONY A. GARGANESE**  
**City Attorney**

First Reading:  
Legal Ad Published:  
Effective Date: