



**CITY OF
MOUNT
DORA**

**Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7113
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E-mail: plandev@cityofmoundora.com

DATE: April 21, 2021
TO: Planning and Zoning Commission
FROM: Development Review Committee
Vince Sandersfeld, Planning Director
SUBJECT: Discussion Item: Amendments to the City's Land Development Code Pertaining to Building Height

Note: Discussion item continued from February 17, 2021 and January 20, 2021 PZC Meetings.

Recommendation:

Planning and Zoning Commission to review building height regulations and provide recommendation which may be forwarded to City Council. Other recommendations may be considered.

Note: This is a discussion item. Amendments to the City's Land Development Code will require a separate public hearing series through the City's normal process.

Discussion:

Following building height discussions at the January 20, 2021 and again on February 17, 2021, Planning and Zoning Commission meetings the members requested additional information and a draft ordinance pertaining to proposed LDC Amendment building height modifications.

Downtown has a wide mix of building types and architectural styles. This variety should be embraced and new projects that exhibit architectural creativity are encouraged. New infill and renovation projects should draw design inspiration from older, traditional buildings in creative new ways. Downtown should continue to be a walkable environment. The City's Historic Preservation Board has regulations under Section 3.6 of the City's Land Development Code and reviews all building changes through the Certificate of Appropriateness application process.

During the recent Comprehensive Plan Evaluation and Appraisal Report (EAR-Based Amendments) a series of public hearings and workshops were conducted. In November 2019, the City presented an open house of the updates to the Vision Plan and several city-wide issues were identified. One of these themes (Major Local Issue) included the downtown and lakefront. Attachment 1 is the summary board resulting from the Comprehensive Plan Vision Update at the November 14, 2019, workshop.

Examples of building height and design element are illustrated in Attachment 2. The two buildings (Winter Park and Fernandina Beach) presented illustrate additional opportunities for design related to building height in contrast to an existing condo located in Mount Dora. When additional building height is allowed, there is flexibility in the design and related to the roof line. The current code height limitation tend to focus on parapet type walls resulting in architectural styles with basic design elements.

Attachment 2 outlines a summary of the building height with background data and has been updated to reflect the PZC discussions. The recommendation for the lake-front within 100 feet maintain the existing LDC height at 25 feet. No changes recommended to the current height for buildings along Lake Dora (remain maximum 25 feet).

The study recommends other zoning district change from 35 feet to 55 feet, except within 25 feet adjacent to single-family or duplex zoning district or use shall be a maximum height 35 feet (R-3, C-2 and PLI).

Highland Street recommendation change from 35 feet to 45 feet except within 25 feet adjacent to single-family or duplex zoning district or use shall be a maximum height 35 feet.

Attachment #4 and 5 are current Land Development Code design requirements and the Historic Preservation Board with specific design specifications and criteria. There are numerous design standards related to building heights and compatibility. Approvals processes for new or building additions are required to adhere to these code requirements.

Staff has drafted two ordinance versions for consideration in order to provide a hierarchy of possible Land Development Code tools: Option “A” proposes building height by zoning district. Option “B” proposed building height greater the 35 feet through the City’s normal “Conditional Use Permit” (CUP). Project requesting building height greater than 35 feet must provide justification for consideration by Planning and Zoning Commission through the CUP process. Both ordinances will require Historic Preservation Board consideration through the Certificate of Appropriateness process in cases where the proposed buildings (or additions) are located within the Historic Preservation Review Boundary Area.

Attachment:

- Attachment 1 Major Local Issue Workshop Summary Board
- Attachment 2 Building Design Examples
- Attachment 3 LDC Code Study (Updated)
- Attachment 4 LDC Architectural design requirements
- Attachment 5 Historic Preservation Requirements

[Attachments on file with the
Planning and Dev. Dept.](#)

- Option A Ordinance (draft) Building Height By Zoning District
- Option B Ordinance (draft) Building Height By CUP Process



ORDINANCE NO: 2021-xx (Draft)

Draft
Option A
Ordinance for
Building Height by Zoning District

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO REVISIONS TO THE CITY OF MOUNT DORA LAND DEVELOPMENT CODE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENTS TO THE CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER III, ZONING REGULATIONS REVISING BUILDING HEIGHT REGULATIONS BY ZONING DISTRICT; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Chapter 166, confers upon a local government, the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizens; and

WHEREAS, pursuant to its home rule powers, the City of Mount Dora may regulate land use matters and design standards within the City limits through the adoption of Land Development regulations; and

WHEREAS, from time to time the City of Mount Dora provides updates and amendments to its Land Development regulations; and

WHEREAS, on June 16, 2020, pursuant to City of Mount Dora Ordinance No.: 2020-04, the City adopted the Mount Dora Comprehensive Plan 2045 EAR-Based Amendments which necessitated various updates to the City's Land Development Code; and

WHEREAS, the City finds that the amendments to its Land Development Code, as set forth herein, are consistent with all applicable policies of the City of Mount Dora Comprehensive Plan; and

WHEREAS, the City has determined that the amendments to its Land Development Code, as set forth herein, advance a legitimate public purpose and promote and protect the health, safety and welfare of the citizens of the City of Mount Dora.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The City of Mount Dora has complied with all requirements and procedures of the Florida law in processing this Ordinance. The above recitals are hereby adopted.

SECTION 2. AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE. The City of Mount Dora Land Development Code, is hereby revised and amended as follows:

Note: Underlined words constitute additions to existing text, ~~strikethrough~~ constitutes deletions from existing text and asterisks (***) indicate omitted parts which are intended to remain unchanged.

3.4.4. *R-3 Multifamily Residential District:*

5. *Site development standards:*

- g. Maximum building height: ~~35 feet~~ 55 feet, except any multiple-family structure within 25 feet adjacent to single-family or duplex zoning district or use shall be a maximum height 35 feet.

Within 100 feet of Lake Dora: 25 feet.

3.4.7. *C-2 Downtown Commercial District.*

- 5. *Site development standards:* Within the downtown area, development will generally be required to be compatible with the existing downtown character.

- b. Maximum building heights: ~~35 feet~~ 55 feet, except within 25 feet adjacent to single-family or duplex zoning district or use shall be a maximum height 35 feet.

Within 100 feet of Lake Dora: 25 feet.

3.4.7-A. *C-2-A Peripheral Commercial District.*

5. *Site development standards:*

- b. Building height maximum: ~~35 feet~~ 45 feet, except within 25 feet adjacent to single-family or duplex zoning district or use shall be a maximum height 35 feet.

- i. Exception: Buildings within 100 feet of Lake Dora shall be at a maximum of 25 feet.

3.4.11. *WP-1 Workplace District.*

5. *Site development standards:*

OPTION A

Draft Ordinance No. 2021-xx (Building Height by Zoning District)

Page 2 of 5

- c. Maximum building height (ft.): ~~35~~ 55 feet
Within 100 feet of Lake Dora: 25 feet

3.4.12. *WP-2 Workplace District*

5. *Site development standards:*

- c. Maximum building height (ft.): ~~35~~ 55 feet
Within 100 feet of Lake Dora: 25 feet

3.4.13. *PLI Public Lands and Institutions District.*

5. *Site development standards:*

- b. Maximum building height: ~~35 feet~~ 55 feet, except within 25 feet adjacent to single-family or duplex zoning district or use shall be a maximum height 35 feet.

3.4.16. *MU-1 Mixed Use Transitional and MU-2 Mixed Use Downtown Districts:*

- 7. *Site development standards:* The following requirements shall be observed in all mixed-use developments, except where the requirement is more specifically attributed to horizontal mixed use, or vertical mixed use, as the case may be.

- c. *Maximum height* shall be restricted by district as follows:

- (1) *MU-1:* ~~The height for a vertical mixed use building shall not exceed five stories in height, or Building height is limited to 60 feet, whichever is greater.~~ No parking structure shall exceed a height of ~~50~~ 55 feet. Multiple story buildings are allowed, so long as redevelopment or new development provided proper setbacks from established residential neighborhood.
- (2) *MU-2:* Building height is limited to ~~35~~ 55 feet and cannot exceed 25 feet in height for building that are located within 100 feet of Lake Dora or in any other location in the MU-2 district where surrounding scenic views of Lake Dora cannot be maintained.

- 3.5.6. *Height.* Building heights ~~may not exceed 35 feet for all zoning districts, except 60 feet within the MU-1 district, 65 feet within the C-3 district, and no height limit for the EC district; limitations are listed in each zoning district;~~ however, chimneys, water, fire,

telecommunication, radio and television towers, church spires, cooling towers, elevator bulkheads, smokestacks, and similar structures, and their necessary mechanical appurtenances may exceed ~~35 feet~~, the maximum height of the underlying zoning district of this code subject to the restrictions herein, and any height limitations placed on such structures by the Federal Aviation Administration. No building or other structure shall exceed 25 feet if such building or structure is to be located within 100 feet of Lake Dora, or in any other location where surrounding scenic views of Lake Dora would be destroyed. Flagpoles may not exceed 45 feet in height in all zoning districts.

SECTION 3. IMPLEMENTATION OF ADMINISTRATIVE ACTIONS.

The City Manager is hereby authorized and directed to take such actions as deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed prudent.

SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS.

A. The revisions to City of Mount Dora Land Development Code, as set forth in Sections 3 above shall be codified in the City of Mount Dora Code of Ordinances.

B. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the City of Mount Dora Land Development Code.

C. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 5. SAVINGS CLAUSE. All prior actions of the City pertaining to the amendments to the City of Mount Dora Land Development Code, as well as any and all other applicable matters, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 6. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 7. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon enactment by the City of Mount Dora.

PASSED AND ADOPTED this _____ day of _____, 2021.

FIRST READING: _____

SECOND READING: _____

CATHERINE T. HOECHST
MAYOR of the City of Mount Dora, Florida

ATTEST:

GWEN KEOUGH-JOHNS, MMC
CITY CLERK

For the use and reliance of
City of Mount Dora only.
Approved as to form and legality.

Sherry G. Sutphen
City Attorney



Draft
Option B
Ordinance for Conditional Use
Permit Building Height by Zoning
District

ORDINANCE NO: 2021-xx (Draft)

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO REVISIONS TO THE CITY OF MOUNT DORA LAND DEVELOPMENT CODE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENTS TO THE CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER III, ZONING REGULATIONS REVISING BUILDING HEIGHT REGULATIONS BY ZONING DISTRICT; PROVIDING CERTAIN ZONING DISTRICTS BUIDLING HEIGHTS THROUGH A CONDITIONAL USE PERMIT; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Chapter 166, confers upon a local government, the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizens; and

WHEREAS, pursuant to its home rule powers, the City of Mount Dora may regulate land use matters and design standards within the City limits through the adoption of Land Development regulations; and

WHEREAS, from time to time the City of Mount Dora provides updates and amendments to its Land Development regulations; and

WHEREAS, on June 16, 2020, pursuant to City of Mount Dora Ordinance No.: 2020-04, the City adopted the Mount Dora Comprehensive Plan 2045 EAR-Based Amendments which necessitated various updates to the City’s Land Development Code; and

WHEREAS, the City finds that the amendments to its Land Development Code, as set forth herein, are consistent with all applicable policies of the City of Mount Dora Comprehensive Plan; and

WHEREAS, the City has determined that the amendments to its Land Development Code, as set forth herein, advance a legitimate public purpose and promote and protect the health, safety and welfare of the citizens of the City of Mount Dora.

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Note: Underlined words constitute additions to existing text, ~~strikethrough~~ constitutes deletions from existing text and asterisks (***) indicate omitted parts which are intended to remain unchanged.

3.4.4. *R-3 Multifamily Residential District:*

3. Conditional uses (See section 2.5.1.5):

m. Building height greater than 35.01 Feet: Building height greater than 35.01 with a maximum height of 55 feet. Additional setback from multiple-family structure to adjacent to single-family or duplex zoning district within 25 feet setback shall be restricted to a maximum height 35 feet.

3.4.7. *C-2 Downtown Commercial District.*

3. Conditional uses (See section 2.5.1.5): Any building or structure that is, in the opinion of the development review coordinator, not clearly permitted in the C-2 district may be required to obtain a conditional use permit.

a. Building height greater than 35.01 Feet: Building height greater than 35.01 with a maximum height of 55 feet. Additional setback from multiple-family structure to adjacent to single-family or duplex zoning district within 25 feet setback shall be restricted to a maximum height 35 feet.

3.4.7-A. *C-2-A Peripheral Commercial District.*

3. Conditional uses (See section ~~2.5~~ 2.5.1.5):

e. Building height greater than 35.01 Feet: Building height greater than 35.01 with a maximum height of **45 feet**. Additional setback from multiple-family structure to adjacent to single-family or duplex zoning district within 25 feet setback shall be restricted to a maximum height 35 feet.

3.4.11. *WP-1 Workplace District.*

3. Conditional uses (See section 2.5.1.5):

d. Building height greater than 35.01 Feet: Building height greater than 35.01 with a maximum height of 55 feet. Additional setback from multiple-family structure to adjacent to single-family or duplex zoning district within 25 feet setback shall be restricted to a maximum height 35 feet.

3.4.12. *WP-2 Workplace District*

3. Conditional uses (See section 2.5.1.5):

e. Building height greater than 35.01 Feet: Building height greater than 35.01 with a maximum height of 55 feet. Additional setback from multiple-family structure to adjacent to single-family or duplex zoning district within 25 feet setback shall be restricted to a maximum height 35 feet.

3.4.13. *PLI Public Lands and Institutions District.*

3. Conditional uses (See section 2.5.1.5):

g. Building height greater than 35.01 Feet: Building height greater than 35.01 with a maximum height of 55 feet. Additional setback from multiple-family structure to adjacent to single-family or duplex zoning district within 25 feet setback shall be restricted to a maximum height 35 feet.

3.4.16. *MU-1 Mixed Use Transitional and MU-2 Mixed Use Downtown Districts:*

3A. Conditional uses (See section 2.5.1.5):

a. Building height greater than 35.01 Feet: Building height greater than 35.01 with a maximum height of 55 feet. Additional setback from multiple-family structure

to adjacent to single-family or duplex zoning district within 25 feet setback shall be restricted to a maximum height 35 feet.

3.5. Supplemental regulations.

3.5.6. *Height.* Building heights ~~may not exceed 35 feet for all zoning districts, except 60 feet within the MU-1 district, 65 feet within the C-3 district, and no height limit for the EC district; limitations are listed in each zoning district. In certain zoning districts heights greater the 35.01 feet may be considered through the Conditional Use Permit process of this code. however, chimneys~~ Chimneys, water, fire, telecommunication, radio and television towers, church spires, cooling towers, elevator bulkheads, smokestacks, and similar structures, and their necessary mechanical appurtenances may exceed ~~35 feet, the maximum height of the underlying zoning district of this code~~ subject to the restrictions herein, and any height limitations placed on such structures by the Federal Aviation Administration. No building or other structure shall exceed 25 feet if such building or structure is to be located within 100 feet of Lake Dora, or in any other location where surrounding scenic views of Lake Dora would be destroyed. Flagpoles may not exceed 45 feet in height in all zoning districts.

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PASSED AND ADOPTED this _____ day of _____, 2021.

FIRST READING: _____

SECOND READING: _____

CATHERINE T. HOECHST
MAYOR of the City of Mount Dora, Florida

ATTEST:

GWEN KEOUGH-JOHNS, MMC
CITY CLERK

For the use and reliance of
City of Mount Dora only.
Approved as to form and legality.

Sherry G. Sutphen
City Attorney