

**Draft Orange Avenue Overlay Comprehensive Plan Amendment
Draft 8/2/21**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA, AMENDING CHAPTER 58 "LAND
DEVELOPMENT CODE" ARTICLE I, AND THE
COMPREHENSIVE PLAN SO AS TO ADOPT NEW
GOALS, OBJECTIVES AND POLICIES OF THE FUTURE
LAND USE ELEMENT TO ESTABLISH THE ORANGE
AVENUE OVERLAY DISTRICT; PROVIDING FOR
CONFLICTS; SEVERABILITY AND AN EFFECTIVE
DATE.**

WHEREAS, the Creation of the Orange Avenue Overlay process was an extensive multi-year community planning effort that involved continuous opportunities for public input and unique collaborative opportunities, such as: a community workshop, surveys, citizen boards and focus groups, educational videos, open houses, charettes, written-only visioning, work sessions and much more; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and voted to recommend adoption of these proposed amendments to the Zoning Regulations portion of the Land Development Code, having held a public hearing, which was noticed to every property Citywide, on _____; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held an advertised public hearing, which was noticed to every property Citywide, on _____ and will have a second advertised public hearing after review and compliance with any requested changes by required State Agencies, and provided for public participation in the process in accordance with the requirements of State law and the Comprehensive Plan; and

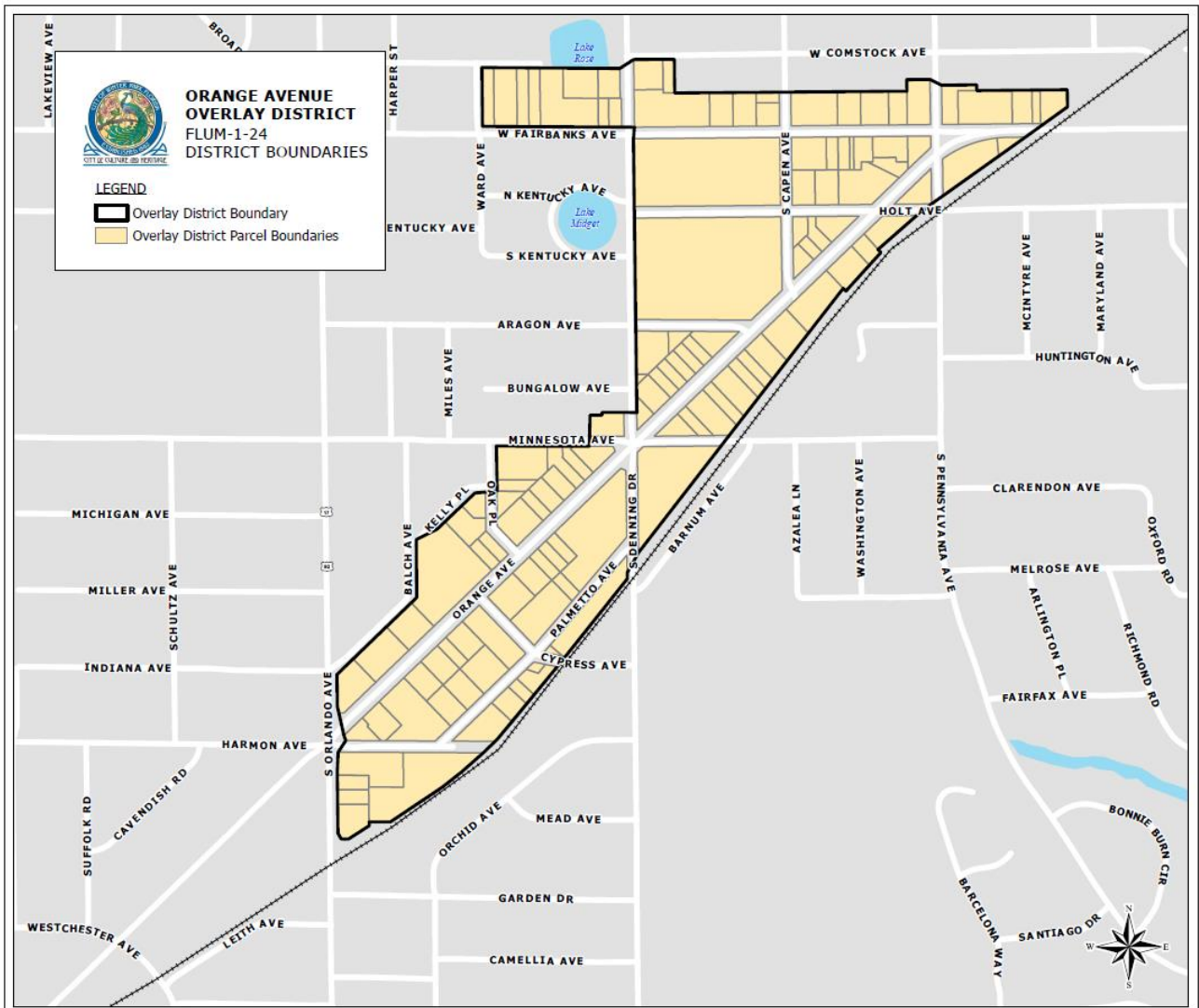
WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose, meets the requirements of law and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

SECTION 1. Amendment. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" is hereby amended to add new Goals, Objectives and Policies and FLUM-1-24 map and FLUM-1-25 subarea map to the Future Land Use Element of the City of Winter Park Comprehensive Plan to read as follows:

GOAL 1-8: Establishment of the Orange Avenue Overlay District. The City shall establish the Orange Avenue Overlay District in order to implement specific purposes, intents, and design standards, which shall be applied as additional standards to other regulations required by the City to an area defined as the Orange Avenue Overlay District.

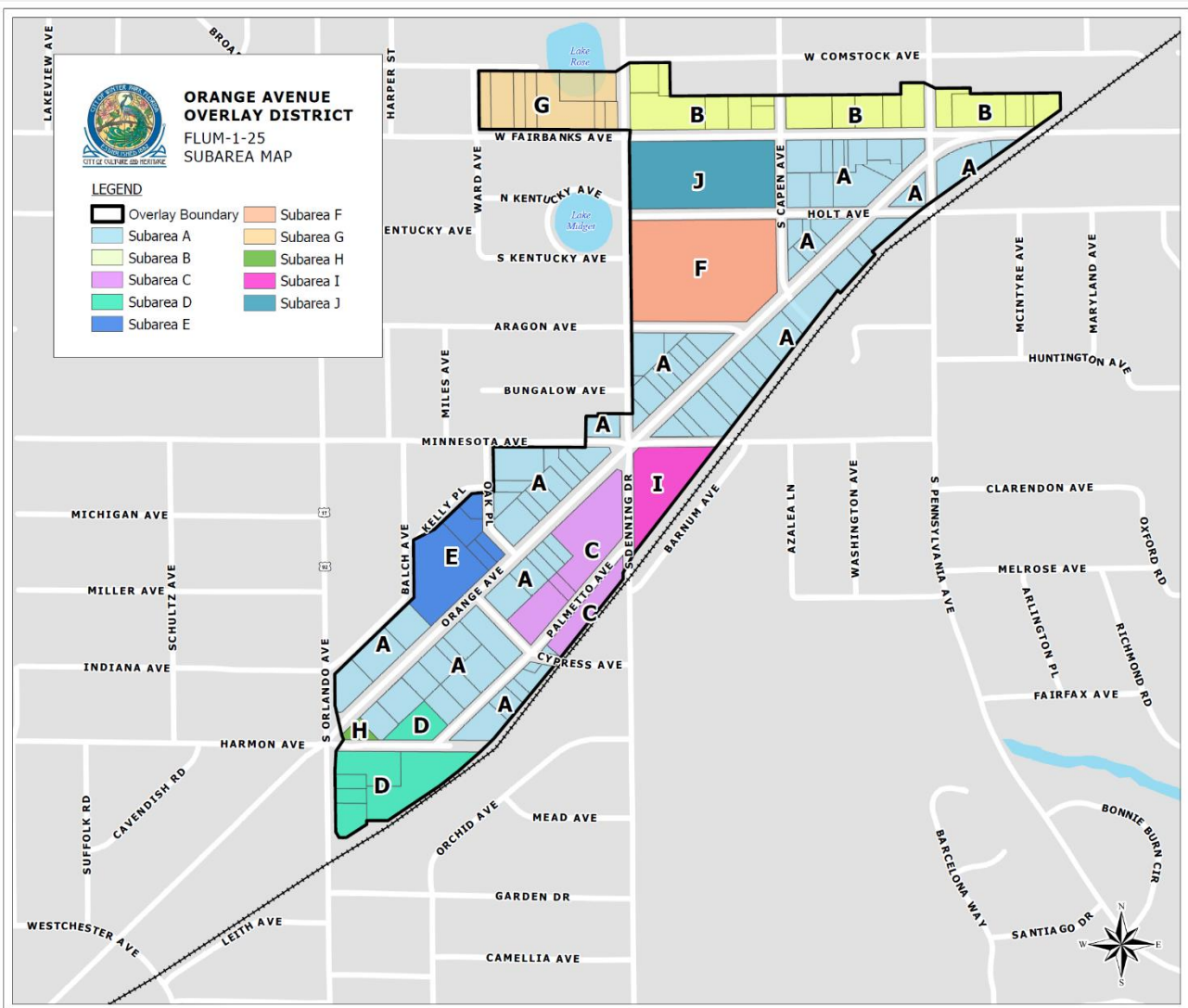
OBJECTIVE 1-8.1: Orange Avenue Overlay District. The boundaries of the Orange Avenue Overlay District are identified in FLUM-1-24 and the Policies regarding this Overlay District shall be established as defined herein.



Policy 1-XXX: Conflicts. The Policies set forth in and for the Orange Avenue Overlay District (OAO) shall prevail to control and govern the development of the property defined in Map FLUM-1-24 over any conflicting goals, objectives and policies found in the other provisions of the Future Land Use Element of the Comprehensive Plan, including any Planning Area Policies.

Policy 1-XXX: Orange Avenue Overlay District Subareas. The Orange Avenue Overlay District Subarea Map, FLUM-1-25, shall delineate the different subareas and their specific development standards. Changes to the subarea map shall not be allowed unless initiated at the direction of, or otherwise authorized by, the City Commission. Each area has unique characteristics, issues and opportunities. The base and maximum achievable Floor Area Ratio (FAR), height and residential densities (if applicable) for each subarea are defined herein. An incentive menu system is established for certain properties within the Orange Avenue Overlay District (OAO)

to possibly earn additional FAR up to their maximum achievable FAR, by providing certain public improvements and area-wide solutions, as outlined in the Land Development Code.



- (1) Subarea A.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 60% (only with residential)
 - c. Maximum Height: 2 Stories for any properties abutting Orange Avenue and Minnesota Avenue, and 3 stories for all other properties within the subarea.
 - d. Maximum Residential Density: 17 units per acre

- (2) Subarea B.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 60% (only with residential)
 - c. Maximum Height: 3 Stories (but with maximum height of 35 feet)
 - d. Maximum Residential Density: 17 units per acre

- (3) Subarea C.
 - a. Maximum Floor Area Ratio: 20%
 - b. Maximum Floor Area Ratio of Possible Parking Structure: 65%
 - c. Maximum Height: 2 stories, with possible rooftop area.
 - d. Maximum Height of Parking Structure: 2 levels, plus open top level.
 - e. Maximum Residential Density: 0 units per acre

- (4) Subarea D.
 - a. Base Floor Area Ratio: 60%
 - b. Maximum Achievable Floor Area Ratio: 100%
 - c. Maximum Height: 5 stories, but with maximum height of 56 feet
 - d. Maximum Residential Density: 17 units per acre
 - i. The City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.

- (5) Subarea E.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 60% (additional square footage only allowed for parking structure)
 - c. Maximum Height: 2 Stories
 - d. Maximum Residential Density: 17 units per acre

- (6) Subarea F.
 - a. Base Floor Area Ratio: 20%
 - b. Maximum Achievable Floor Area Ratio: 20%
 - c. Maximum Height: 2 Stories
 - d. Maximum Residential Density: Residential uses shall not be permitted.

- (7) Subarea G.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 45%
 - c. Maximum Height: 2 stories
 - d. Maximum Residential Density: 17 units per acre

- (8) Subarea H.
 - a. Base Floor Area Ratio: 0%
 - b. Maximum Achievable Floor Area Ratio: 0%
 - c. Maximum Height: N/A
 - d. Maximum Residential Density: Residential uses shall not be permitted.

- (9) Subarea I.
 - a. Base Floor Area Ratio: 45%
 - b. Base Floor Area with Residential: 60%
 - c. Maximum Achievable Floor Area Ratio: 100%
 - d. Maximum Height: 3 Stories
 - e. Maximum Residential Density: 17 units per acre

- i. The City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.

(10) Subarea J.

- a. Base Floor Area Ratio: 60%
- b. Maximum Achievable Floor Area Ratio: 100%
- c. Maximum Height: 4 Stories
- d. Maximum Residential Density: 17 units per acre
 - i. The City Commission may permit the maximum density in this subarea to be exceeded by up to 10% per acre when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.

Policy 1-XXX: Meaningful Open Space Requirements. It is the intent of the OAO to ensure that the development and enhancement of properties includes the creation of meaningful, useable, accessible, green and beautiful open space that invites the public to relax, interact, recreate, unwind and stimulate social connection. Where properties are planned for redevelopment, meaningful open space and the design of structures around these open spaces is the most important consideration. At a minimum, each property 2 acres in size and above, or any project covering 2 acres, that is redeveloped shall provide a minimum of 25% meaningful open space, which is open to and available to the public. At least 50% of required meaningful open-space areas provided shall be greenspace and at least 50% of hardscape areas shall be pervious or semi-pervious. Pervious areas such as retention ponds, parking lot islands or landscape planting areas around building bases shall not be counted as open space. Existing park space shall not count towards open space requirements. Open space shall be areas that are open and inviting to the public. Open space can include green areas, hardscape areas, semi-pervious areas, balcony or roof areas that are open to the public and other similar-type spaces. At least 90% of the open space shall be provided at ground level.

Policy 1-XXX: Parallel Orange Avenue Access. Where Palmetto Drive, Vivian Drive and Harmon Drive provide secondary and primary access to properties within the OAO area, portions of these roadways may be considered to be closed, vacated or re-aligned subject to City Commission approval, so long as a parallel public access road and dedicated public right-of-way of at least the same width as the portion of road proposed to be closed and vacated is to be provided and maintained to allow vehicular access between Orlando Avenue and Denning Drive. Protection of on-street parking, maximizing ease of traffic flow for Palmetto Avenue and maintaining the existing 50-foot public right of way shall be matters of priority should re-alignment be requested.

Policy 1-XXX: Contribution to Transportation and Mobility Infrastructure. Development and redevelopment within the OAO requiring a conditional use approval

shall contribute to the cost of transportation and mobility improvements prior to permitting based upon the estimated cost to fund the design, engineering, permitting, and construction of those transportation and mobility projects within or proximate to the OAO that are impacted by such development or redevelopment. The owner and developer of a project shall enter into an agreement with the City addressing the project's contribution to transportation infrastructure, as part of conditional use approval. In the event the City establishes a mobility fee, road impact fee, special assessment or other funding mechanism a project's payment of such required fee may be applied towards the requirements of this policy.

Policy 1-XXX: Appearance Review. All development, redevelopment and external renovation occurring within the OAO shall comply with the architectural standards as set forth in the OAO policies and implementing land development regulations. All external renovation, redevelopment and development projects within the OAO shall undergo an architectural appearance review by the City.

Policy 1-XXX: Public Hearings for Conditional Uses. Prior to approval, there must be at least two public hearings conducted before the City Commission and city-wide notice given for a Conditional Use application for a project within the OAO that has: (i) a land area of more than 80,000 square feet, (ii) a building of more than 35,000 square feet, or (iii) more than 25 residential units. This Policy shall only apply to new construction projects between 10,000 square feet and 35,000 square feet.

Policy 1-XXX: Floor Area Ratio for Parking Structures. Parking structures shall count towards the Floor Area Ratio (FAR) for any project/property within the Orange Avenue Overlay District, except for any underground levels, parking dedicated for public parking in perpetuity, and the open top level. Additionally, the required 10% of parking spaces provided above and beyond minimum code requirements (which is required to be leased to small businesses in the OAO) shall not count towards the FAR of a project.

Policy 1-XXX: Block Structure. The OAO is designed to enhance pedestrian walkability, connectivity and safety and to create a safe, comfortable and convenient pedestrian experience. Towards this end, the OAOs multimodal transportation system is based on inter-connected streets forming small blocks similar to successful patterns of the more walkable areas of the City such as the Park Avenue Corridor. Any additional development or redevelopment of parcels in excess of 2 acres within the OAO shall be required to create a block structure and pedestrian corridors conducive to pedestrian safety, comfort, and vehicular circulation.

SECTION 2. Vesting. In order to not adversely affect development projects that are in process and for which expenditures have been made in reliance upon the existing code provisions, the City will allow such development projects to be subject to the underlying zoning and future land use of the property, land development regulations and conditions of development approval existing prior to the adoption of this Ordinance provided such development's site and building floor plans and/or conditional use have been received and approved by the City prior to the effective date of this Ordinance. However, for any development project that received a conditional use approval from the City Commission prior to the effective date of this Ordinance, the expiration of that conditional use approval

per Section 58-90 shall apply, and the City Commission will not approve any Conditional Use extensions of those development projects that have been approved prior to the effective date of this Ordinance.

SECTION 3. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 4. Conflicts. To the extent any provision or provisions of this Ordinance conflict with the provision or provisions of other Ordinances, the provisions of this Ordinance control. This Ordinance further confirms and readopts the repeal of Ordinance 3166-20 and Ordinance 3167-20. The proposed comprehensive plan amendment set forth in Ordinance 3166-20 (previously rescinded and repealed prior to its effective date) is not and was never a part of, incorporated into or codified into the City of Winter Park Comprehensive Plan.

SECTION 5. Codification. Section 1 of this Ordinance shall be codified and made a part of the City of Winter Park Comprehensive Plan, and the provisions of this Ordinance may be renumbered or re-lettered to accomplish this intention. The provisions of Section 1 of this Ordinance shall constitute the entirety of Comprehensive Plan goals, objectives, policies and maps of and for the Orange Avenue Overlay District. The word "Ordinance" may be changed to "Section," "Article," "Goal," "Objective," "Policy" or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6. Effective Date. The Comprehensive Plan amendments provided for under this Ordinance and this Ordinance do not become effective until 31 days after adoption of this Ordinance unless timely challenged. If timely challenged, this Ordinance and the comprehensive plan amendments may not become effective until the State Land Planning Agency or the Administration Commission enters a final order determining that the adopted amendments are in compliance.

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 _____, 2021.

Phil Anderson, Mayor

Attest:

City Clerk Rene Cranis