

**OAO - FINAL DRAFT AMENDING THE COMPREHENSIVE PLAN
1.13.2020**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA, AMENDING CHAPTER 58 "LAND
DEVELOPMENT CODE" ARTICLE I, "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, an eleven (11) member Orange Avenue Overlay Steering Committee was formed by City Commission Resolution, held twelve (12) advertised public meetings, and oversaw the language creating the Orange Avenue Overlay District and voted to recommend approval of the language to the Planning & Zoning Board and City Commission; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and voted unanimously 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 December 3, 2019; 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 January 13, 2020 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 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 by adding to the Goals, Objectives and Policies in the Future Land Use Element 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.

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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 1-8.1.1: Conflicts and Inconsistencies. Where any Policies within this Comprehensive Plan, including any Planning Area Policies, are found to be in conflict with the Policies set forth for the Orange Avenue Overlay District, the following Policies found herein shall apply and shall supersede any language found to be in conflict.

Policy 1-8.1.2: 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 be allowed. Each area has unique characteristics, issues and opportunities. The maximum FAR,

- (3) Subarea C.
 - a. Maximum Achievable Floor Area Ratio: 125%
 - b. Maximum Height: 4 Stories
 - c. Maximum Residential Density: 17 units per acre
- (4) Subarea D.
 - a. Maximum Achievable Floor Area Ratio: 200%
 - b. Maximum Height: 7 Stories
 - c. Maximum Residential Density: 17 units per acre
- (5) Subarea E.
 - a. Maximum Achievable Floor Area Ratio: 80%
 - b. Maximum Height: 4 Stories
 - c. Maximum Residential Density: 17 units per acre
- (6) Subarea F.
 - a. Maximum Achievable Floor Area Ratio: 20%
 - b. Maximum Height: 2 Stories
 - c. Maximum Residential Density: Residential uses shall not be permitted.
- (7) Subarea G.
 - a. Maximum Achievable Floor Area Ratio: 45%
 - b. Maximum Height: 3 stories
 - c. Maximum Residential Density: 17 units per acre
- (8) Subarea H.
 - a. Maximum Achievable Floor Area Ratio: 0%
 - b. Maximum Height: N/A
 - c. Maximum Residential Density: Residential uses shall not be permitted.
- (9) Subarea I.
 - a. Maximum Achievable Floor Area Ratio: 125%
 - b. Maximum Height: 3 Stories
 - c. Maximum Residential Density: 17 units per acre
- (10) Subarea J.
 - a. Maximum Achievable Floor Area Ratio: 200%
 - b. Maximum Height: 5 Stories
 - c. Maximum Residential Density: 17 units per acre
- (11) Subarea K.
 - a. Maximum Achievable Floor Area Ratio: 80%
 - b. Maximum Height: 3 Stories
 - c. Maximum Residential Density: 17 units per acre

Policy 1-8.1.3: Subarea D Residential Density Transfers. At the time of the adoption of this OAO, the owner of properties within Subarea D or vacated rights-of-way within Subarea D, shall be allowed to transfer the existing residential density entitlements, based on the maximum units per acre of the underlying zoning, from other properties within the OAO that are under common ownership on the date of the first reading of the Ordinance, as reflected on the map below to this Subarea D, though not the square footage. Once the residential density entitlements are transferred from such other commonly-owned properties, no residential units can be constructed on the property from which the density transfers occurs, and the documents to be recorded in the Orange County Public Records memorializing this restriction shall be reviewed and approved by the City and thereafter recorded. No properties, other nodes of intensity, allowing for residential uses, which are key to the successful creation of mixed-use districts and create development that can fund the needed parking and regional stormwater areas in the district. By clustering the intensity, there will be a reduction in overall massing and building heights throughout the OAO. Density Transfer shall only allow the transfer of currently entitled units into the defined Subarea D. This language shall not allow transfer of units into other Subareas. The map below depicts the properties within this Subarea D that qualify for this density transfer.



Policy 1-8.1.4: Subarea J Residential Density Transfers. At the time of the adoption of this OAO, the owner of the Subarea J property shall be allowed to transfer the existing residential density entitlements, based on the maximum units per acre of the underlying zoning, from properties within the OAO that are under common ownership on the date of the first reading of the Ordinance, as reflected on the below map to this Subarea J. Once the residential density entitlements are transferred from other commonly-owned properties, no residential units can be constructed on the site from which the density transfers occur and documents to be recorded in the Orange County Public Records memorializing this restriction shall be reviewed and approved by the City and thereafter recorded. No properties, other than those shown on the below map owned by Holler Holdings or a subsidiary, shall be eligible for density transfer. The intent is to create nodes of intensity and create development that can fund the needed parking and regional stormwater areas in the district. By clustering the intensity, there will be a reduction in overall massing and building heights throughout the OAO. The map below depicts the properties within this Subarea J that qualify for this density transfer.



Policy 1-8.1.5: 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 1.5 acres in size and above, or any project covering

1.5 acres, that is redeveloped shall provide at least 25% meaningful open space, which is open to and available to the public. At least 50% of open-space areas provided shall be greenspace. 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. The intent is that each of these areas create the opportunity for social interaction, relaxation, recreation and reflection.

Policy 1-8.1.6: Floor Area Ratio for Parking Structures. Parking structures shall not count towards the floor area ratio (FAR) for any project/property within the Orange Avenue Overlay District, provided that the conditions listed within the Land Development Code are met for each structure. Parking structures that do not provide the requirements listed in the Land Development Code shall not be exempt from FAR calculations.

Policy 1-8.1.7: Variances and Special Exceptions. No variances to maximum number of stories, maximum allowable Floor Area Ratio, allowed uses, required open space or maximum residential density shall be granted. Variances to other development standards shall be considered, with sufficient showing of reasoning and hardship, as outlined in Section 58-92.

Policy 1-8.1.8: Existing Single-Family Residential Uses. The OAO shall not apply to existing single-family residential uses, neighborhoods, or residential developments. Protections of existing single-family residential uses shall be implemented. Properties currently used as single-family residential shall continue to be subject only to current Land Development Code standards and protection. Any change of use on the property shall require compliance with OAO standards.

SECTION 2. Vesting. In order to not adversely affect development projects that may be in process and for which expenditures have been made in reliance upon the existing code provisions, the City will allow certain developments to be subject to the underlying zoning of the property prior to the adoption of this Ordinance provided such development's site and building floor plans 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.

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.

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 sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," 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. 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 _____, 2020.

Mayor Steve Leary

Attest:

City Clerk