



Planning & Zoning Board Regular Meeting

Agenda

September 7, 2021 @ 6:00 pm

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed 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." (F.S. 286.0105).

please note

Times are projected and subject to change.

-
1. **Call to Order**
 2. **Consent Agenda**
 - a. [Approval of the August 3, 2021 Meeting Minutes.](#) 1 minute
 - b. [Guidelines and Best Practices for Meetings of the Planning and Zoning Board](#) 5 minutes
 3. **Staff Updates**
 4. **Citizen Comments (for items not on the agenda): Three minutes allowed for each speaker**
 5. **Action Items**
 6. **Public Hearings**
 - a. [SUB #21-06 Request of Ron Scarpa for:](#) 15 minutes
Subdivision approval to split the property at 1832 Pineview Circle, zoned R-1A into two single-family building lots.
 - b. [Request from the City of Winter Park:](#) 60 minutes
Consideration and appropriate action for the Ordinances to modify the Comprehensive Plan and to modify the Land Development Code to create a Zoning Overlay District known as the Orange Avenue Overlay (OAO).
 7. **Board Comments**
 8. **Adjournment**



Planning and Zoning Board

agenda item

item type	Consent Agenda	meeting date	September 7, 2021
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the August 3, 2021 Meeting Minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[August 3 draft.pdf](#)



Planning and Zoning Board Minutes

August 3, 2021 at 6:00 p.m.

401 S. Park Avenue | In-Person and Virtual | Winter Park, Florida

1. Present

Chairman Richard James called the meeting to order at 6:01 p.m. Present: Jim Fitch, Richard James, Michael Spencer, Melissa Vickers, Alex Stringfellow, Vashon Sarkisian, and David Bornstein. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Transportation Manager Sarah Walter, and Recording Secretary Mary Bush.

2. Approval of Minutes

Motion made by Jim Fitch, seconded by Michael Spencer, to approve the July 6, 2021 meeting minutes.

Motion carried unanimously with a 6-0 vote. (Melissa Vickers was not present for the approval of the minutes.)

3. Public Hearing:

- SUB #21-05. Request of Wooten Built, Inc. for: Subdivision approval to split the property at 280 E. Lake Sue Avenue, zoned R-1AA into two single-family building lots. Variances are requested from the R-1AA minimum lot dimension standards.

Mr. Briggs provided the Board a brief summary of the SUB #21-05 request. He reviewed the zoning and subdivision code criteria pertaining to the request. He noted that per code R-1AA zoning requires a minimum lot frontage of 100 feet for interior lots and 110 feet for corner lots, as well as 10,000 square feet of lot area. Due to the different setbacks for a corner lot, the applicant requested variances to divide the property into an interior lot with 67 feet of frontage and a corner lot with 73 feet of frontage. Mr. Briggs also noted that the applicant's requested lot sizes for the property split are in line with the average and median lot size of comparable lots within a 500 foot radius of the property. He advised that it is the general practice of the City staff not to recommend approval of subdivision lot dimension variances.

Staff recommendation was for denial due to the requested variances.

Mr. Fitch asked if there had been any objections to the project made by neighbors of the applicant to which Mr. Briggs replied that staff had not received any response, positive or negative, from neighbors.

Mr. Stringfellow asked if staff had noted the property's two previously platted lots of record to which Mr. Briggs replied yes and that the property is the only one on the block that has one home on two platted lots.

The applicant's builder, Clay Wooten with Wooten Built, Inc. at 5775 Autumn Chase Circle, Sanford, FL 32773 provided a brief presentation of the project's proposed site plan, elevations, and setbacks. He noted that he went door to door within a 500 foot radius of the project to speak to residents about the project. He indicated that he did not receive any negative feedback.

The Board inquired about the market price of the proposed homes being over a million dollars and expressed concerns with stacking due to the position of the driveway access of the corner lot.

No one from the public wished to speak. The public hearing was closed.

The Board expressed their support of the project and its compatibility and consistency with the historical plat. However, they raised the question whether from a traffic safety perspective, if it would

be better to have the corner lot with a side facing garage toward Winter Park Road and thus the driveway would be further from the intersection. Mr. Wooten agreed that he would revise the plans accordingly.

Motion made by David Bornstein, seconded by Jim Fitch, for approval of the request to split the property at 280 E. Lake Sue Avenue with the condition that the corner lot have a side facing garage toward Winter Park Road. Motion carried unanimously with a 7-0 vote.

- CPA #21-05. Request of the City of Winter Park for: An Ordinance amending Chapter 58, “Land Development Code”, Article I, “Comprehensive Plan” future land use map so as to establish a commercial future land use on the annexed properties at 647/653 Harold Avenue and to indicate the annexation on the other maps within the comprehensive plan.
- RZ #21-04. Request of the City of Winter Park for: An Ordinance amending Chapter 58, “Land Development Code”, Article III, “Zoning” and the official zoning map so as to establish commercial (C-3) zoning on the annexed properties at 647/653 Harold Avenue.

Mr. Briggs provided a brief summary of the requests to the Board. He noted that the two properties at 647 and 653 Harold Avenue, which are currently vacant, were previously annexed into the City. Since the properties were annexed the City must establish their Comprehensive Plan map and zoning designations. The County is designated commercial for both the Comprehensive Plan map and zoning so the annexed properties are to be designated commercial C-3 as well.

Staff recommendation was for approval.

No one from the public wished to speak. The public hearing was closed.

Motion made by Alex Stringfellow, seconded by Melissa Vickers, for approval of an Ordinance amending Chapter 58, “Land Development Code”, Article I, “Comprehensive Plan” future land use map so as to establish a commercial future land use on the annexed properties at 647/653 Harold Avenue and to indicate the annexation on the other maps within the comprehensive plan and for approval of an Ordinance amending Chapter 58, “Land Development Code”, Article III, “Zoning” and the official zoning map so as to establish commercial (C-3) zoning on the annexed properties at 647/653 Harold Avenue.

Motion carried unanimously with a 7-0 vote.

- CPA #21-06. Request of the City of Winter Park for: An Ordinance amending Chapter 58 “Land Development Code” Article I, “Comprehensive Plan” so as to add a new Property Rights Element including new Goals, Objectives, and Policies for this Element pursuant to House Bill 59: Growth Management.

Mr. Stephenson provided the Board a brief presentation of the CPA #21-06 request. He explained that the City is mandated by the State to adopt a new element of the Comprehensive Plan and present it to the Department of Economic Opportunity. Until the Property Right’s Element is adopted, the City cannot make any official changes to the Comprehensive Plan. Mr. Stephenson noted that the element had been presented to the City Commission who expressed concerns about the interpretation of the element’s proposed language. To address the concerns, City Attorney Dan Langley made minor revisions to the language.

Attorney Langley reviewed with the Board the goals and objectives of the Property Right’s Element along with his revisions, which included additional policies 10.1, 10.2, and 10.3. He emphasized that his revisions to the language of the element not only respect the goals and purpose of the property rights, but also signify respect for the people’s right to participate in the decisions that affect their lives and their property. He also pointed out that he inserted a statement expressing the point of revising and adopting the Property Right’s Element so not to mandate a requirement of articulating how each revision was considered in every City staff report and public hearing.

Staff recommendation was for approval to adopt the language of the Property Right's Element as presented with Attorney Langley's revisions.

Brief discussion ensued with the Board regarding the element's bare minimum language required by the State, how other jurisdictions are addressing the mandate, and emphasis on city wide notice.

No one from the public wished to speak. The public hearing was closed.

Motion made by Michael Spencer, seconded by Melissa Vickers, for approval of an Ordinance amending Chapter 58 "Land Development Code" Article I, "Comprehensive Plan" so as to add a new Property Rights Element including new Goals, Objectives, and Policies for this Element pursuant to House Bill 59: Growth Management and revised with added policies 10.1, 10.2, and 10.3.

Motion carried with a 6-1 vote. (In Favor: Michael Spencer, Melissa Vickers, Alex Stringfellow, Vashon Sarkisian, Jim Fitch, Richard James. Opposed: David Bornstein)

4. New Business:

No new business.

5. Planning Director's Report:

Mr. Stephenson led brief discussion on the open Planner III position with the City and provided a budget season update expressing emphasis on Transportation growth and staff's current work on the Transportation Master Plan. He noted that due to recent updates from the CDC regarding COVID-19, the upcoming Planning and Zoning Board work sessions will be virtual only until further notice but the regular meetings will stay hybrid.

Brief discussion ensued regarding the Board's proposed meeting guidelines and how they will be implemented at the next Planning and Zoning Board regular meeting and adding discussion on House Bill 403 regarding home occupation law to an upcoming meeting.

6. Board Update and Comments:

No Board updates or comments.

7. Upcoming Meeting Schedule:

The next regular meeting will be held on September 7, 2021.

Adjourn

Meeting adjourned at 7:01 p.m.

Respectfully Submitted,

Mary Bush

Recording Secretary



Planning and Zoning Board

agenda item

item type Consent Agenda	meeting date September 7, 2021
prepared by Mary Bush	approved by Bronce Stephenson
board approval Completed	
strategic objective	

subject

Guidelines and Best Practices for Meetings of the Planning and Zoning Board

motion / recommendation

Staff recommendation is for adoption of the guidelines.

background

The City Code of Ordinances provides that each Board adopt specific rules or guidelines for how a monthly advisory board meeting is conducted. The Planning & Zoning Board asked Staff to develop a set of guidelines and best practices for the monthly Board meetings.

During past Planning & Zoning Board meetings and work sessions, the Board discussed the different guidelines and practices that they thought were fair and just to everyone. Staff created the guidelines and best practices based on procedures regularly used during the meetings and the discussions of the Planning & Zoning Board.

Summary

These guidelines and best practices are to help the Public understand the procedures of the Board meetings. The guidelines and best practices inform citizens of their rights as either an Applicant or a member of the Public when addressing the Board. The guidelines and best practices also advise the Public on practices that will be allowed and not allowed during the meeting.

The guidelines and best practices are flexible and can be adjusted at any time by the Planning & Zoning Board to suit varied situations specific to each individual meeting.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Guidelines_and_Best_Practices_for_the_Planning_and_Zoning_Board_Meetings.pdf](#)



Guidelines and Best Practices for Meetings of the Planning & Zoning Board

Guidelines and Best Practices for Meetings of the Planning & Zoning Board

These Guidelines are flexible and can be adjusted by the Planning & Zoning Board to suit varied situations specific to each individual meeting.

The Board has indicated that they are comfortable with these following guidelines:

1. The Chair will call the meeting to order and will introduce each item.
2. All votes will be conducted as a roll-call votes given by the Recording Clerk.
3. For agenda items that are quasi-judicial in nature, the Board members should disclose any ex parte communications prior to the staff presentation on the agenda item.
4. For action items, the Chair will introduce the item, then Staff will present the item to the Board, summarize the topic at hand and give their recommendation to the Board. For applicable items, staff may suggest additional conditions to be attached to any approvals.
5. After the Staff presentation, the staff member presenting will remain at the podium to answer any questions from the Board.
6. After Staff presentation, the Chair will invite the Applicant to present to the Board. The Applicant and all members of their team will have a cumulative total of 15 minutes to present testimony and evidence to the Board.
7. After the Applicant's presentation, the Board can ask questions or have discussion with the Applicant. This time will not count towards the 15 minutes allocated for presentation.
8. After the Board hears testimony from the Applicant or their team, the Public Comment period is opened and any member of the public shall have 3 minutes to provide their input to the Board.
9. Q&A should not occur and comments should be addressed to the Board, not Staff or the Applicant.
10. If a representative (including legal counsel and expert/professional witness) of a larger group (at least four property owners/residents who are present for the Board meeting) would like more than 3 minutes to speak, such representative may have up to 10 minutes of speaking time per group provided that the owners/residents of those properties represented donate their time to the group representative. Owners/residents donating their time to the group representative must provide their name and address at the time the group representative is recognized to speak so that the Board may keep track of the individuals giving up their speaking time. Owners/residents represented by a group representative that spoke on their behalf will not be allowed to speak.
11. Any single property owner/resident can elect to have a representative speak in their stead, but the standard 3 minutes shall be allotted to the representative.
12. The Chair may ask that people not repeat the same comments and simply raise their hands if they are in opposition or ask that they say "I agree with what has been previously stated."

13. After all Public Comment has been given, the Chair shall close the Public Comment period and the Applicant may be provided up to 5 minutes speaking time for rebuttal or clarification.
14. At the discretion of the Board and upon request, more time may be given to speakers substantially affected by an application or to an Applicant when denial of the application is being recommended by Staff.
15. Persons who speak should state their name and address before giving their substantive comments and testimony.
16. Notwithstanding the time limits outlined herein or otherwise previously announced or applied at any public hearing, the Chair and Board have the right to curtail a presentation if such presentation is determined to be duplicative, irrelevant, redundant, or is otherwise inappropriate or disruptive or not in the best interests of the orderly and efficient performance of Board business.
17. No person shall engage in inappropriate or disruptive conduct during the Board meeting including, without limitation, the use of profanities or vulgarities, the display of abusive behavior, engaging in personal attacks, speaking when it is not their turn to speak, or otherwise causing substantial disruption of the proceeding. Persons should only speak on a matter during their allocated time and while at the podium. Persons should speak into the microphone so that their comments are audible and on recorded for the record. Any person or persons exhibiting inappropriate or disruptive conduct or otherwise violating the Board's rules and procedures may be asked to stop speaking and/or to leave the meeting.
18. The Chair, any Board member, the City Attorney, or the Planning Director can request a reminder of rules stated herein for any reason that they may find appropriate.
19. The Board can call a recess at any time. During a recess, Board members should not engage in conversation about any agenda topic and it is best to not hold conversations of any type with other Board members due to the possible perception that the Board is discussing a topic outside of a Public Meeting.
20. If any member of the Board needs to take a personal phone call, use the restroom or have any other need to temporarily leave the meeting room, they may do so without requesting a recess.
21. Whenever possible, Staff will provide the Board with an indication of any contentious items on a meeting agenda to allow for the preamble to be read prior to the meeting.



Planning and Zoning Board

agenda item

item type Public Hearings	meeting date September 7, 2021
prepared by Jeffrey Briggs	approved by Bronce Stephenson
board approval Completed	
strategic objective	

subject

SUB #21-06 Request of Ron Scarpa for:

item list

Subdivision approval to split the property at 1832 Pineview Circle, zoned R-1A into two single-family building lots.

motion / recommendation

background

Ron Scarpa (contract purchaser) has the property at 1832 Pineview Circle under contract for purchase to redevelop as two individual single-family homes. The Zoning is single-family residential (R-1A). The property now has one existing single-family home on it and thus would be demolished for the rebuild as two homes. During the City's review process of subdivisions or lot split requests, there are two criteria that are reviewed. First is the 'Zoning Test' as to conformance with the zoning criteria. The next is the 'Subdivision Code Test' which is conformance to the neighborhood character.

Zoning Test

The property has 121.75 feet of Frontage on Pineview Circle and 150 feet of lot depth (18,262 square feet). The applicant wants to divide the property equally into 60.875-foot wide lots, each with 9,131 square feet of lot area. The R-1A zoning requires a minimum lot frontage of 75 feet for interior lots and 110 feet for corner lots, as well as 8,500 square feet of lot area. Variances are requested from the R-1A minimum lot width dimensions of 60.875-foot lot widths in lieu of the 75 feet required.

Lot Conformance to Subdivision Code Test

There are 62 other homes within this immediate 500-foot radius neighborhood with the same R-1A zoning (see attached map). The average lot width is 72 feet but since a couple of large lots can affect the average, the better statistic is that the median lot width is 70

feet. The average lot size is 10,123 square feet and the median lot size is 8,364 square feet. In this immediate Lakemont Heights dead-end neighborhood, there are 37 homes with 70 feet of lot width (82%), 6 homes with 63-67 feet of lot width (13%) and 2 lots with 60 feet of lot width (4%). Lot size variances are to be based upon a finding of compatibility. If the Board determines that being 8 feet shorter than the predominate lot width is significant then that is sufficient justification for denial. If the Board finds that the 8-foot differential is not significant, in and of itself, then that can be justification for an approval. On the lot size comparison, there is a more positive picture as the proposed lots sizes of 9,131 sq. ft. fit compatibly between the median lot size (8,346 sq. ft.) and the average lot size (10,123 sq. ft.).

No Impact on Floor Area Ratio

The applicant is aware of the recent code change that limits the maximum floor area ratio to the same 38% FAR as exists today on the combined lots versus the maximum 43% FAR that would otherwise apply after the lots are split. As a result, the square footage of the future homes/structures on these lots is unchanged. The difference is that the square footage can be divided into two homes versus one home. Plans have been submitted to show what is expected to be built in conformance with the FAR and setbacks. The two homes can be a maximum of 3,470 square feet versus if only one home is built, it can be up to 6,940 sq. ft. in size. The applicant believes that the two smaller 3,470 sq. ft. homes are much more compatible with the neighborhood than one much larger home of up to 6,940 square feet in size.

Development Plans

The applicant has provided generalized site plans and front elevations for the type of homes that they plan to build. The applicants will comply with the normal single-family development standards, setbacks, etc. and are asking for no variances with respect to the single-family building parameters.

Summary

The Subdivision Code says that the City is to grant variances based upon a determination that the proposed lots are compatible with "neighborhood standards and existing conditions". There are comparisons presented that can support or deny that conclusion.

It is the general practice of the City staff not to recommend approval of subdivision lot dimension variances. Upon legal challenge the courts view the staff as the "experts" and if the "experts" say an applicant qualifies for a variance then it is extremely difficult for the city attorney to defend a denial. For that reason, so that the P&Z Board and City Commission can exercise your flexibility and to approve or deny that staff does not recommend approval in any situation requiring variances.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Location map.pdf](#)

ATTACHMENTS:

[Pictures.pdf](#)

ATTACHMENTS:

[1832 Pineview Circle Lot Split Test.pdf](#)

ATTACHMENTS:

[1832 Pineview Plan Set.pdf](#)

ATTACHMENTS:

[Letter for New Development.pdf](#)

OCA Web Map

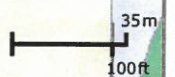
Florida turnpike	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Toll Road	Gated Roads	Rail Road	Residential	Commercial/Industrial/Vacant Land	County Boundary	Building
Road Under Construction	Proposed SunRail	Agriculture	Agricultural Curtilage	Parks	Hospital	

Interlachen C.C.



Spectrum Antenna Site

W.P. Christian Church



Created: 8/4/2021

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

Parcel Photos - 1832 Pineview Cir



1832 PINEVIEW CIR, WINTER PARK, FL 32792 6/22/2017 12:17 PM



Courtesy Orange County Property Appraiser



302204480801271 02/22/2006



LOT CONFORMANCE TO SUBDIVISION CODE TEST

1832 Pineview Circle

City of Winter Park
Florida

LEGEND

- Subject Site
- Single-Family Lots
Within 500' of Site
(62 total)

NOTES

Average Lot Width = 73 ft
Median Lot Width = 70 ft
Average Lot Size = 10,123 sq ft
Median Lot Size = 8,364 sq ft

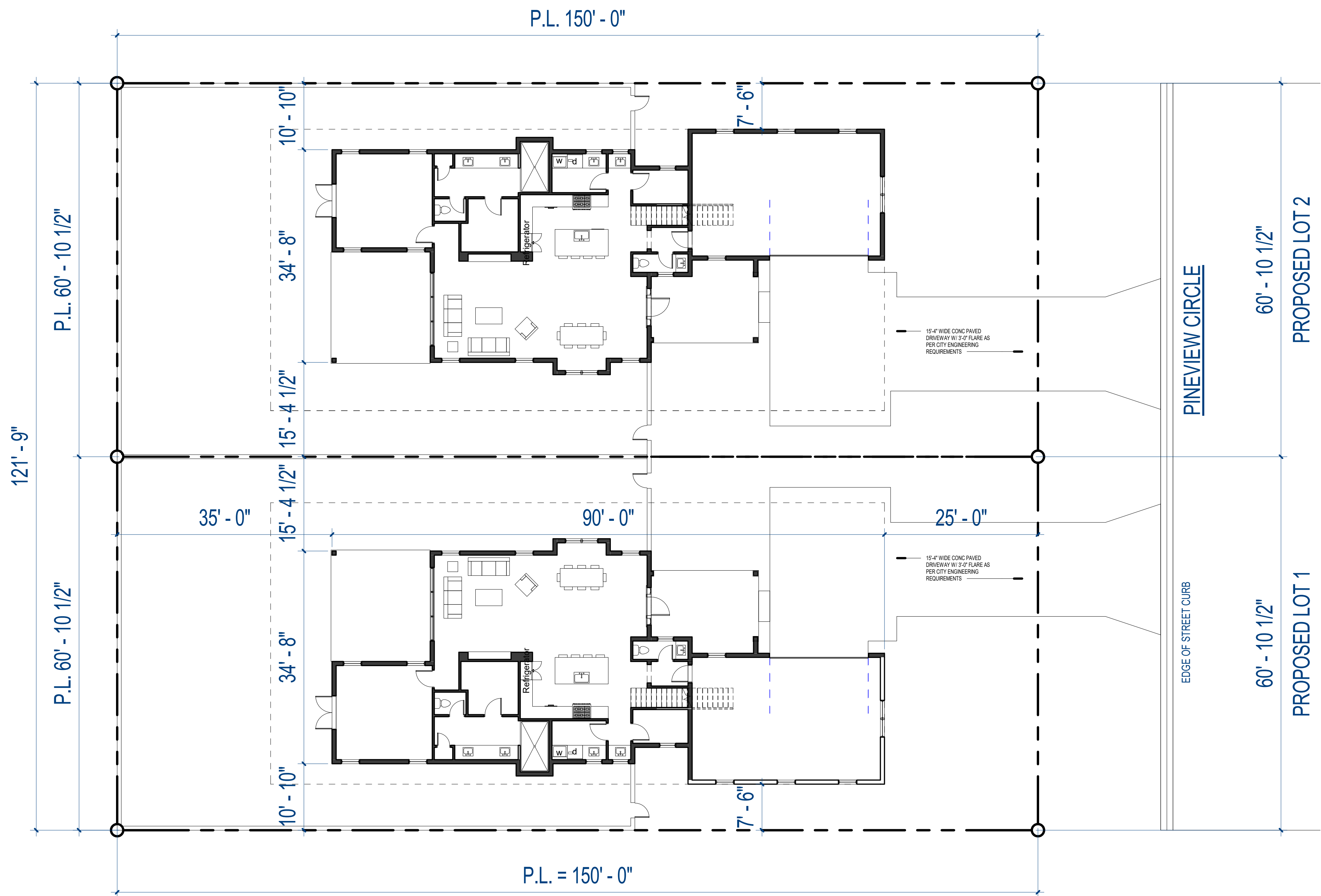


(407) 450-0945
wvereb@outlook.com

1832 Pineview Circle,
Winter Park, FL

<u>COVERAGE CALCULATIONS</u>	
PROPERTY ADDRESS	: 1832 PINEVIEW CIRCLE
EXISTING ZONING	: R1-A
LOT AREA	: 18,262.5 sqft (+/-)
<u>LOT SPLIT CALCULATIONS</u>	
PROPOSED LOT 1 AREA	: 9,131.25 sqft
PROPOSED LOT 2 AREA	: 9,131.25 sqft
<u>FLOOR AREA RATIO:</u>	
ALLOWED (43%)	: 3,926.43
PROPOSED	: 3,516 (38%)
<u>IMPERVIOUS COVERAGE</u>	
ALLOWED (50%)	: 4,565.32 sqft
TOTAL PROPOSED	: 3,742 (40%)
<u>SETBACKS:</u>	
FRONT (FROM P.L.)	<u>PROPOSED</u> : 25'-0"/31'-0"
REAR	<u>ALLOWED</u> : 25'-0"/25'-0"
RIGHT SIDE	<u>PROPOSED</u> : 35'-0"/52'-4"
LEFT SIDE	<u>ALLOWED</u> : 25'-0"/35'-0"
	<u>PROPOSED</u> : 16'-2.5"/15'-4.5"
	<u>ALLOWED</u> : 7'-6"/10'-0"
	<u>PROPOSED</u> : 7'-6"/12'-8"
	<u>ALLOWED</u> : 7'-6"/10'-0"
<u>BUILDING HEIGHT:</u>	
	<u>PROPOSED</u> : 27'-3"
	<u>ALLOWED</u> : 30'-0"
<u>LEGAL DESCRIPTION:</u>	
LAKEMONT HEIGHTS S/15 LOT 27 (LESS S 1 FT 8 IN) & S 56 FT 9 IN OF LOT 26 BLK A	

<u>AREA TABULATION</u>	
FIRST FLOOR	: 1658
SECOND FLOOR	: 1185
TOTAL LIVING	: 2843
GARAGE	: 672
TOTAL FAR	: 3516 (.38%)
FRONT PORCH	: 213
REAR PORCH	: 288
TOTAL	: 4017



① SITE PLAN
3/32" = 1'-0"

[illegible]

Ron Scarpa

Site Study

SITE PLAN

Date	8/3/2021
Drawn By	WV
Checked By	WV
1	
Scale	As indicated

1832 Pineview Circle,
Winter Park, FL

[illegible]

Ron Scarpa

Site Study

LEVEL 1 PLAN

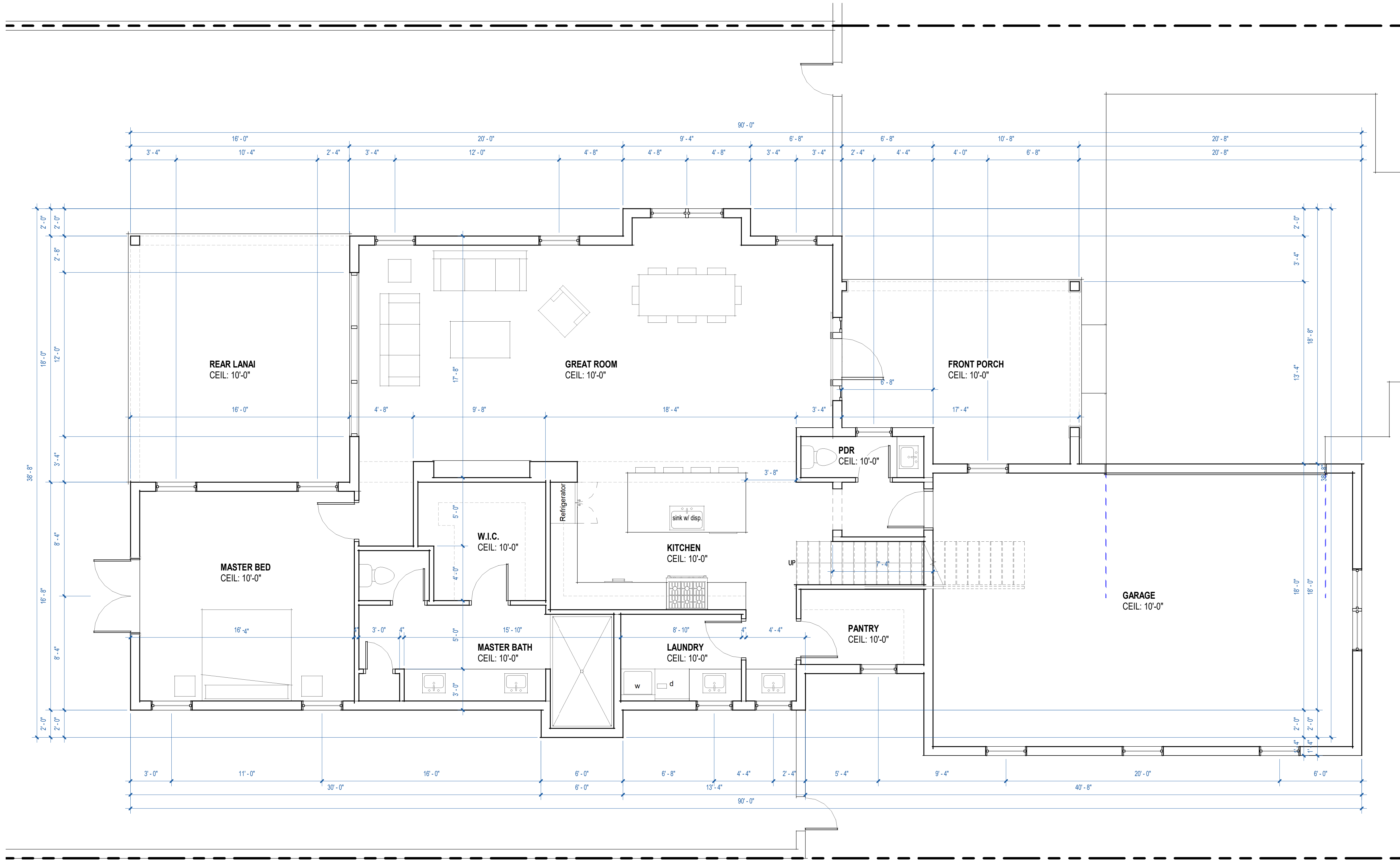
Date 8/3/2021

Drawn By WV

Checked By WV

2

Scale $1/4" = 1'-0"$



① LEVEL 1
1/4" = 1'-0"

1832 Pineview Circle,
Winter Park, FL

[illegible]

Ron Scarpa

Site Study

LEVEL 2 PLAN

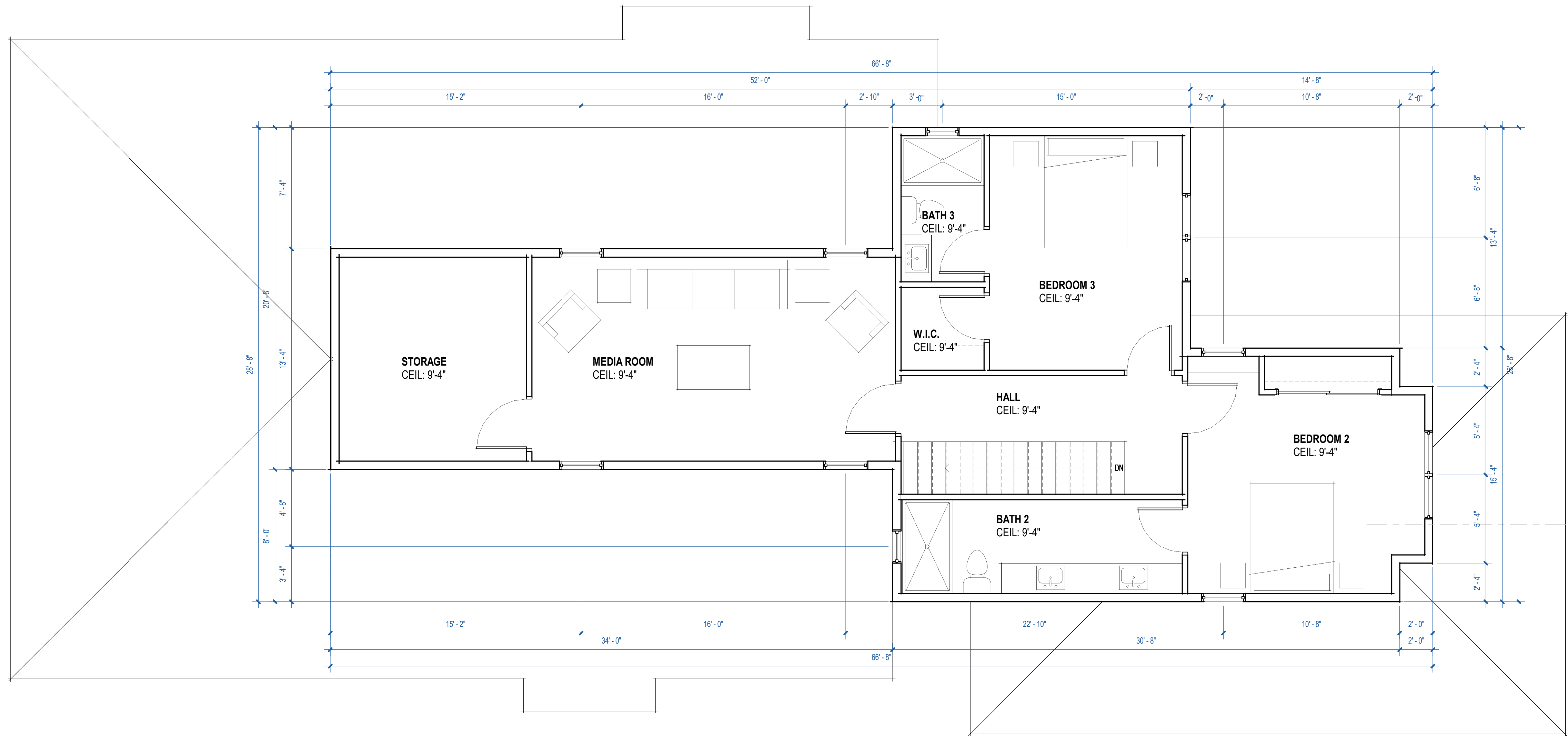
Date 8/3/2021

Drawn By WV

Checked By WV

3

Scale $1/4" = 1'-0"$



① LEVEL 2
1/4" = 1'-0"

1832 Pineview Circle,
Winter Park, FL

[illegible]

Ron Scarpa

Site Study

ROOF PLAN

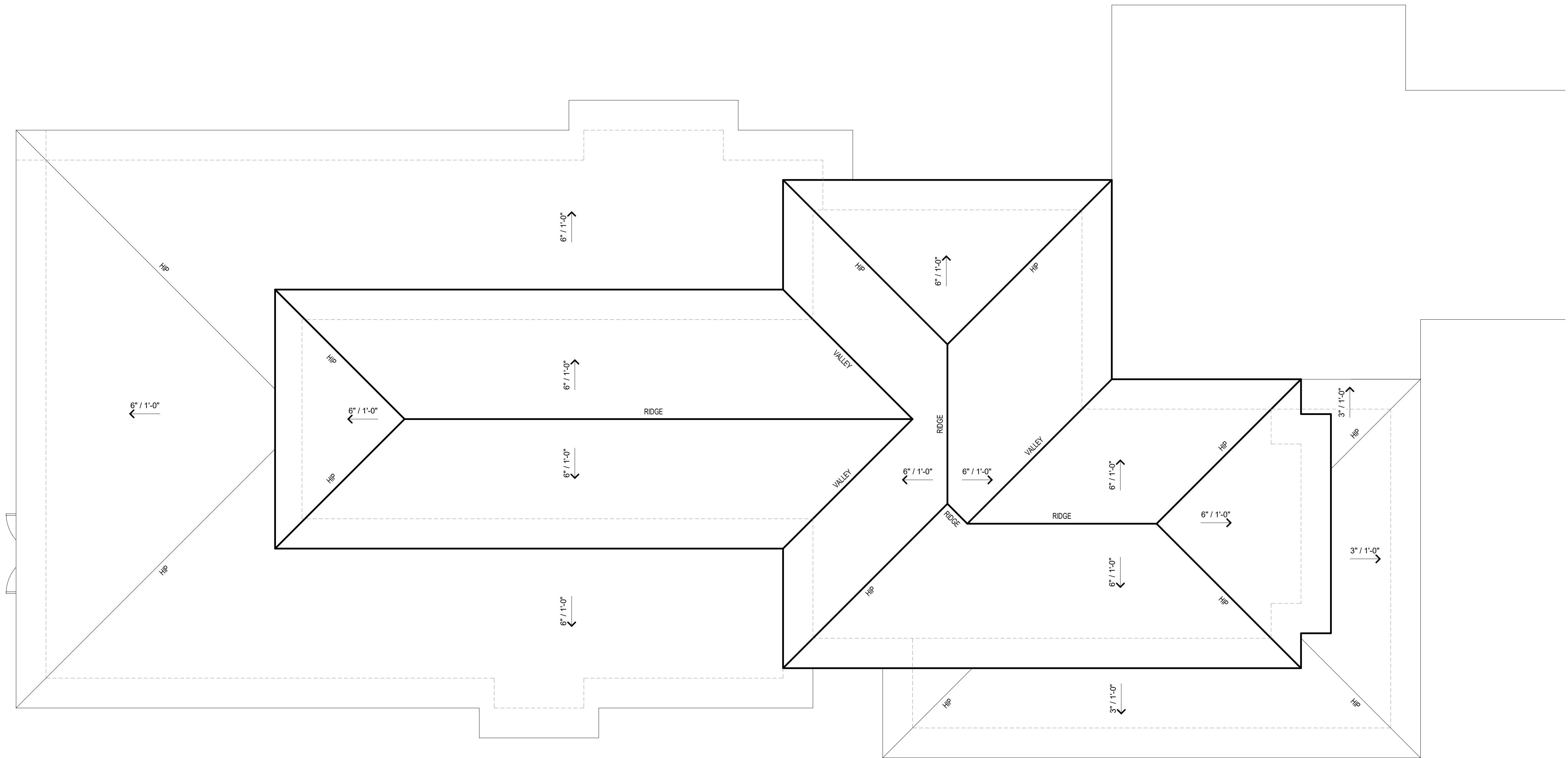
Date 8/3/2021

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Checked By WV

4

Scale $1/4" = 1'-0"$



① ROOF
1/4" = 1'-0"

1832 Pineview Circle,
Winter Park, FL

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Ron Scarpa

Site Study

ELEVATIONS

Date 8/3/2021

Drawn By WV

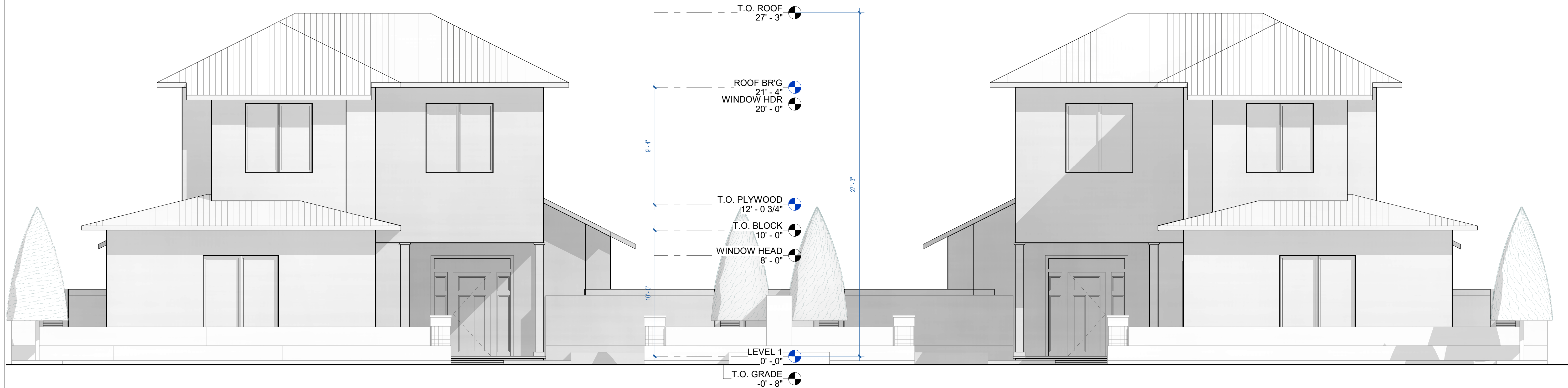
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5

Scale $1/4" = 1'-0"$



② ELEVATION - LEFT
1/4" = 1'-0"



① ELEVATION - FRONT
1/4" = 1'-0"

1832 Pineview Circle,
Winter Park, FL

[illegible]

Ron Scarpa

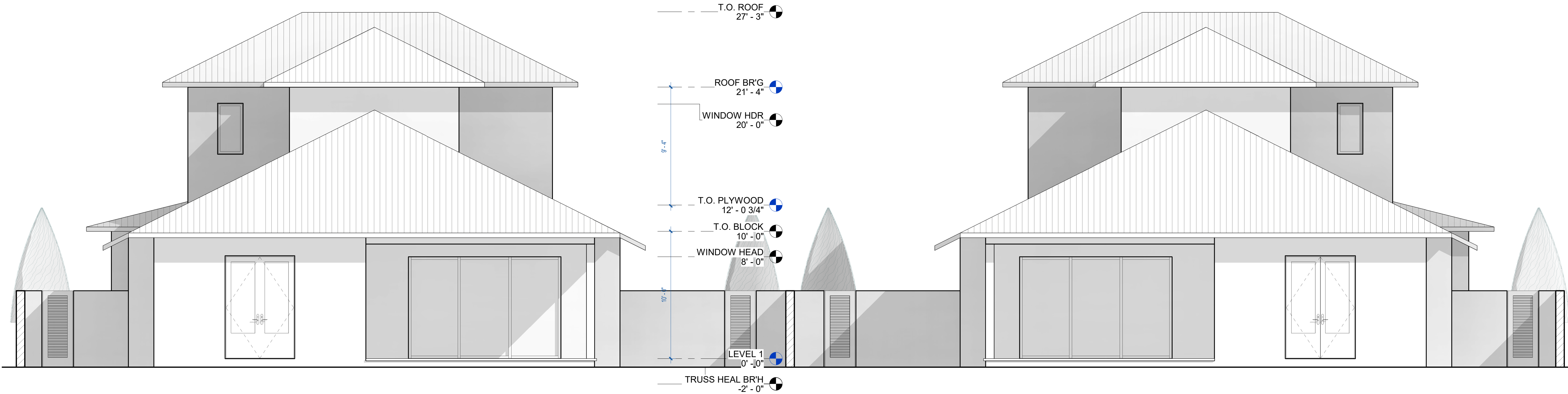
Site Study

ELEVATIONS

Date	8/3/2021
Drawn By	WV
Checked By	WV
6	
Scale	1/4" = 1'-0"



② ELEVATION - RIGHT
1/4" = 1'-0"



① ELEVATION - REAR
1/4" = 1'-0"



(407) 450-0945
vereb@outlook.com

1832 Pineview Circle,
Winter Park, FL

[illegible]

Ron Scarpa

Site Study

SONOMETRIC

Date 8/3/2021

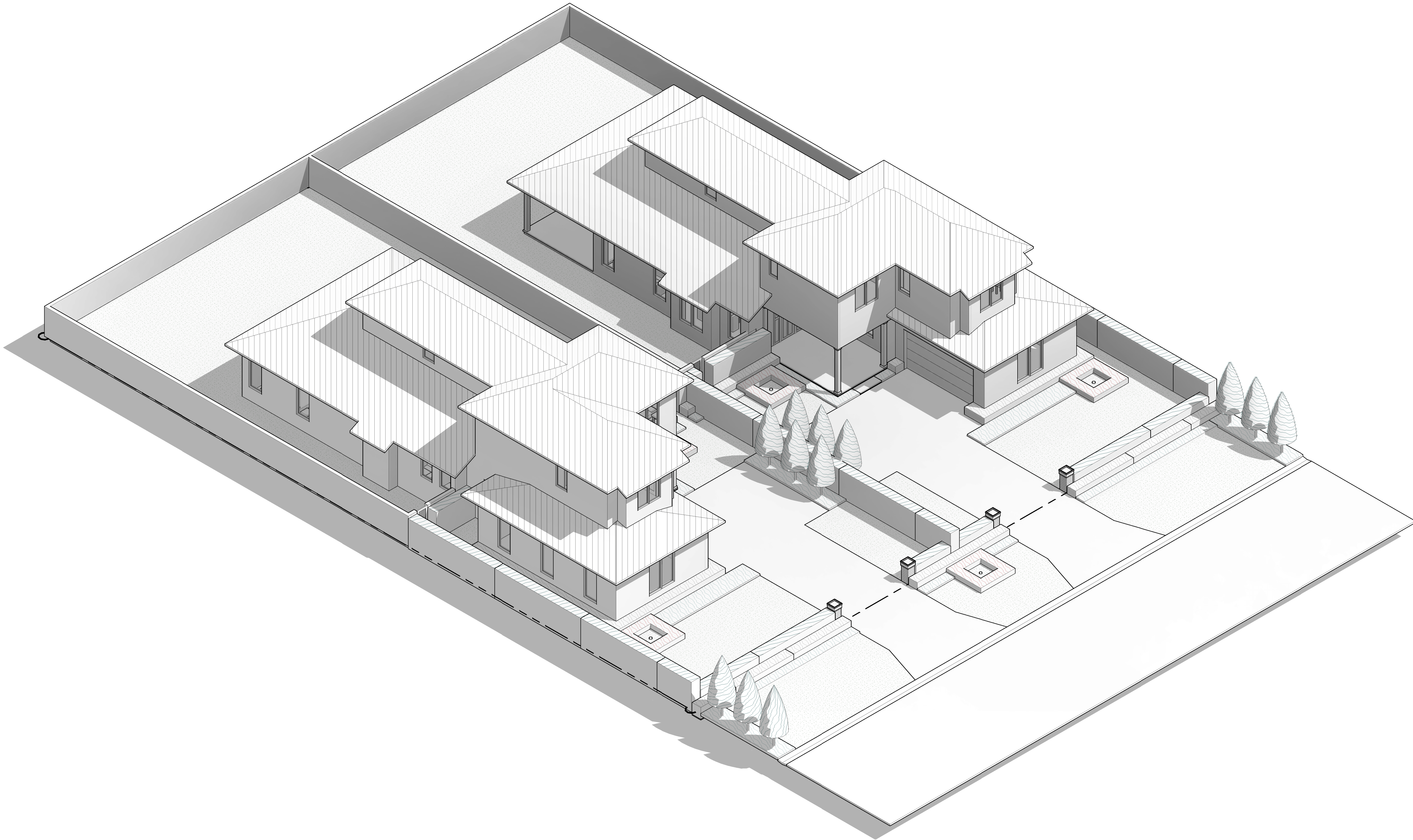
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Checked By WV

7

Scale

8/3/2021 12:35:46 PM



1 ISONOMETRIC 1









MAP OF SURVEY	DESCRIPTION



5/21/21
Brenda K Smith

"NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER." OR THE DIGITAL SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RONALD K. SMITH, PSM 5797.

S:\ORANGE\OCS-15 - LAKEMONT HEIGHTS\Part of lots 26 & 27 Blk A\OCS-15 LOTS 26&27 BLK A.dwg - May 21, 2021

LEGEND	
	- CABLE TV RISER
	- CENTERLINE
	- CLEAN OUT
CBW	- CONCRETE BLOCK WALL
CC	- COVERED CONCRETE
CCF	- CHAIN FENCE
CM	- CONCRETE MONUMENT
CMC	- CONCRETE
CONC	- COVERED
COVID	- CONCRETE PAD
CP	- CONCRETE WALKWAY
Δ	- CENTRAL ANGLE
D	- DESCRIBED & MEASURED
D&M	- DRAINAGE EASEMENT
DESC	- DESCRIPTION
	- DOT MANHOLE
DOC #	- DOCUMENT #
DOW	- DRIVEWAY
EP	- EDGE OF PAVEMENT
	- ELECTRIC BOX
	- ELECTRIC METER
EL	- ELEVATION
ESMT	- EASEMENT
FE	- FIRE FLOOR ELEVATION
FH	- FLOOD INSURANCE RATE MAP
FIRM	- FLOOD INSURANCE RATE MAP
FND	- FOUND
	- GUY WIRE ANCHOR
IR	- IRON PIPE
	- IRON ROD
IR	- IRON LENGTH

1	- LICENSED BUSINESS
2	- LIGHT POLE
3	- LIT
4	- LIVE
5	- LIVE AND DEAD
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100	- LIVE AND DEAD

BOUNDARY SURVEY CERTIFIED TO: BAREFOOT BROTHERS

[illegible]

Site Study SURVEY

8

Scale



ABOVE IMAGERY IS AN ARTIST'S ILLUSTRATION AND MAY NOT ACCURATELY DEPICT ALL LANDSCAPE AND ARCHITECTURAL ELEMENTS. PLEASE REFER TO THE PROJECT LANDSCAPE AND ARCHITECTURAL DRAWINGS FOR ANY CLARIFICATIONS. NOT FOR CONSTRUCTION

[illegible]

Ron Scarpa

Site Study

RENDERING

Date 8/3/2021

Drawn By WV

Checked By WV

R1

Scale



ABOVE IMAGERY IS AN ARTIST'S ILLUSTRATION AND MAY NOT ACCURATELY DEPICT ALL LANDSCAPE AND ARCHITECTURAL ELEMENTS. PLEASE REFER TO THE PROJECT LANDSCAPE AND ARCHITECTURAL DRAWINGS FOR ANY CLARIFICATIONS. NOT FOR CONSTRUCTION

[illegible]

Ron Scarpa

Site Study

RENDERING

Date	8/3/2021
Drawn By	WV
Checked By	WV

R2

Scale



ABOVE IMAGERY IS AN ARTIST'S ILLUSTRATION AND MAY NOT ACCURATELY DEPICT ALL LANDSCAPE AND ARCHITECTURAL ELEMENTS. PLEASE REFER TO THE PROJECT LANDSCAPE AND ARCHITECTURAL DRAWINGS FOR ANY CLARIFICATIONS. NOT FOR CONSTRUCTION

[illegible]

Ron Scarpa

Site Study

RENDERING

Date 8/3/2021

Drawn By WV

Checked By WV

R3

Scale



ABOVE IMAGERY IS AN ARTIST'S ILLUSTRATION AND MAY NOT ACCURATELY DEPICT ALL LANDSCAPE AND ARCHITECTURAL ELEMENTS. PLEASE REFER TO THE PROJECT LANDSCAPE AND ARCHITECTURAL DRAWINGS FOR ANY CLARIFICATIONS. NOT FOR CONSTRUCTION.

[illegible]

Ron Scarpa

Site Study

RENDERING

Date 8/3/2021

Drawn By WV

Checked By WV

R4

Scale

Todd Boyer

1816 Palmer Ave

Winter Park, FL 32792

Re: 1832 Pineview Circle, Winter Park FL 32792

Mr. Jim Mitchell,

As the President of Lakemont Height Voluntary Homeowners Association I believe 98% of the neighborhood is excited at the prospect of two new homes in the subdivision!

I am aware of some of the neighbors' complaints over the years to the current condition of the existing home at 1832 Pineview Circle, which has been in dilapidated for over 20 years with most maintenance - dollars not worth the investment to the current homes condition and aesthetics.

The addition of two new homes will help revitalize the Lakemont Heights Neighborhood which is one of the only neighborhoods in Winter Park that has not seen this type of renewal.

I expect the Planning and Zoning Department and Planning and Zoning Board will see this is a positive for the Lakemont Heights Subdivision. I can speak for myself that "saving" many older homes that have attributes that many people favor is a positive thing. I don't believe anyone would consider the existing home desirable or resembling most of the homes in the Lakemont Heights Neighborhood.

Thank you and if you have any questions please give me a call!

Todd

407-234-6634



Planning and Zoning Board

agenda item

item type Public Hearings	meeting date September 7, 2021
prepared by Bronce Stephenson	approved by Bronce Stephenson
board approval Completed	
strategic objective	

subject

Request from the City of Winter Park:

item list

Consideration and appropriate action for the Ordinances to modify the Comprehensive Plan and to modify the Land Development Code to create a Zoning Overlay District known as the Orange Avenue Overlay (OAO).

motion / recommendation

Staff recommends approval of the Ordinance for the Comprehensive Plan Amendment that will create the Orange Avenue Overlay,

background

The process of creating the Orange Avenue Overlay (OAO) has been going on since late 2018, and has included extensive input from the public, a Steering Committee, Expert Consultants, Staff, City Attorneys, the Planning & Zoning Board, and the City Commission. It is the intent of the OAO to provide enhanced standards to protect and promote the unique characteristics of the Orange Avenue area and create a distinct gateway into Winter Park. This OAO is used to create a sense of place established through specific architectural styles, streetscape design, open space areas, setbacks, site design, landscaping and other regulatory controls

A previous version of the OAO was approved with numerous amendments, but was rescinded prior to being adopted. It was the intent of the City Commission to revise the OAO and adopt a new version, which is what is being brought forward now. The approval of the OAO will require the approval of two (2) Ordinances, an Amendment of the Comprehensive Plan and an Amendment of the Land Development Code.

Citywide notice has been in Winter Park households for more than 30 days and advertised the date and time of Public Hearings by the Planning & Zoning Board (Local Planning Agency) and the City Commission. After approval of the Ordinance amending the Comprehensive Plan at 1st Reading by the City Commission, the Ordinance and

supporting documentation will be sent to numerous State agencies, including the Department of Economic Opportunity (DEO). The agencies have 30 days to review the amendment and send comments back to the City through transmittal through DEO. If no technical amendments are requested by DEO, the Ordinance will head to a 2nd Public Hearing by the City Commission.

The Planning & Zoning Board will likely only take action on the Comprehensive Plan Ordinance and send a recommendation for approval, approval with amendments, or denial, to the City Commission. This will allow approximately another month for consideration and discussion of the Land Development Code element of the OAO, which is not required to be sent to DEO or other organizations. The Planning & Zoning Board will need to state their desire to continue consideration of the Land Development Code Ordinance to a date and time certain.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Draft Orange Avenue Overlay Comprehensive Plan Amendment 8.2.21.pdf](#)

ATTACHMENTS:

[OAO_P&Z_Notes_Comments&PossibleAmendments.pdf](#)

ATTACHMENTS:

[Citywide Trifold 11x17 OAO.pdf](#)

ATTACHMENTS:

[Draft Orange Avenue Overlay Land Development Code Amendment 8.2.21.pdf](#)

**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 walkshop, 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

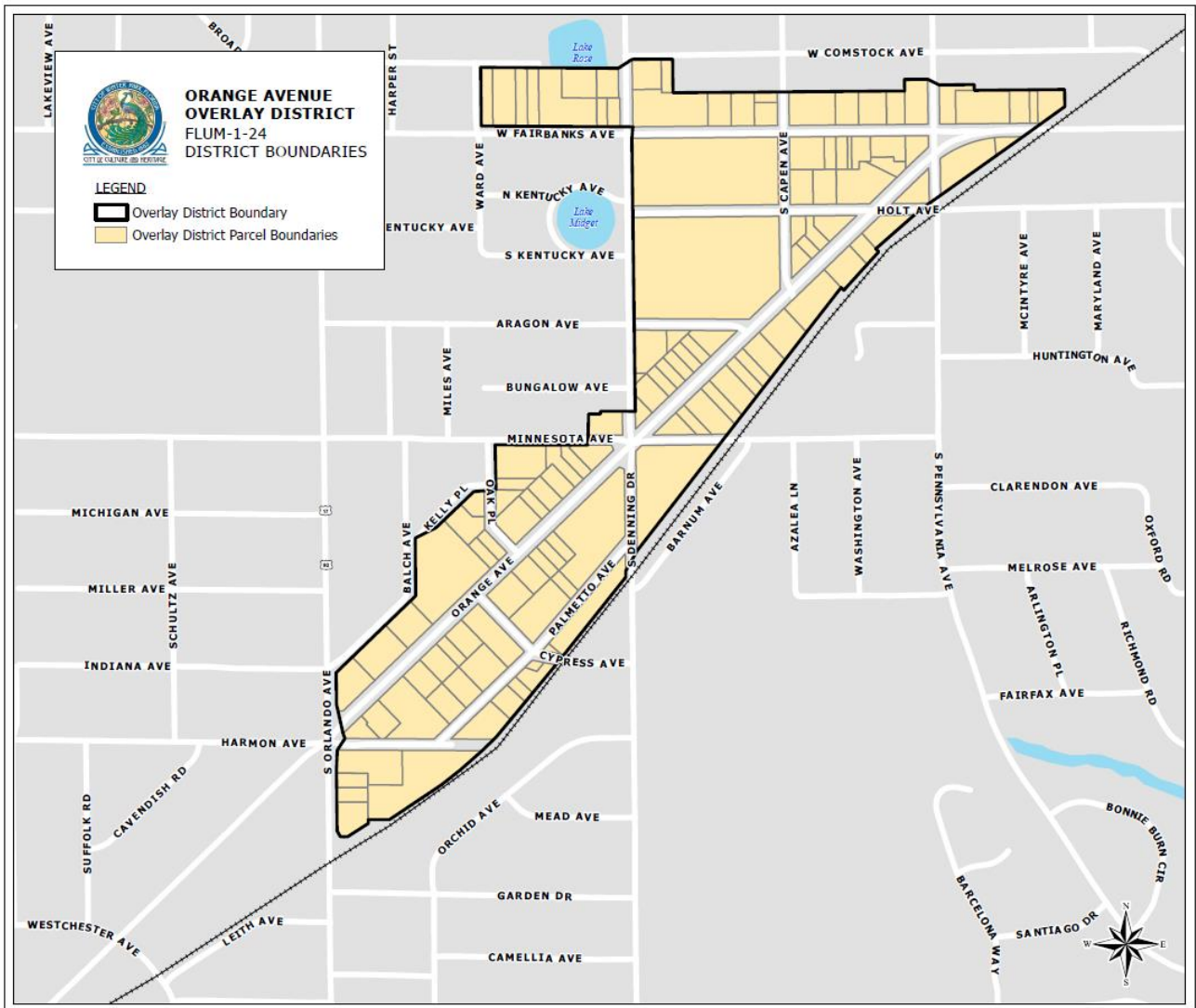
WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose, meets the requirements of law and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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.

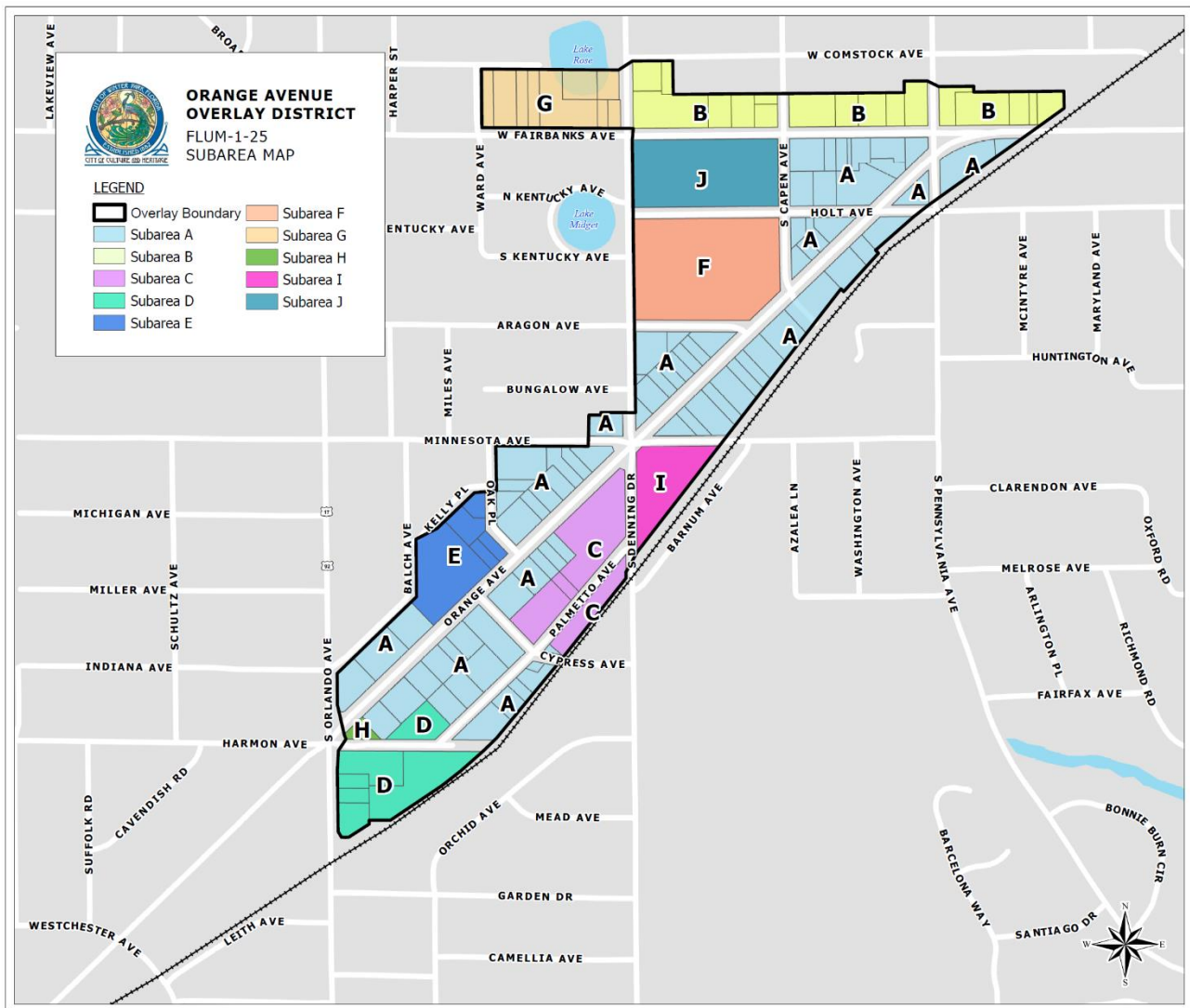
OBJECTIVE 1-8.1: Orange Avenue Overlay District. The boundaries of the Orange Avenue Overlay District are identified in FLUM-1-24 and the Policies regarding this Overlay District shall be established as defined herein.



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

Draft Orange Avenue Overlay Comprehensive Plan Amendment
Draft 8.24.21
P&Z NOTES AND DISCUSSIONS OF POSSIBLE AMENDMENTS

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 walkshop, 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~~Comprehensive Plan 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:

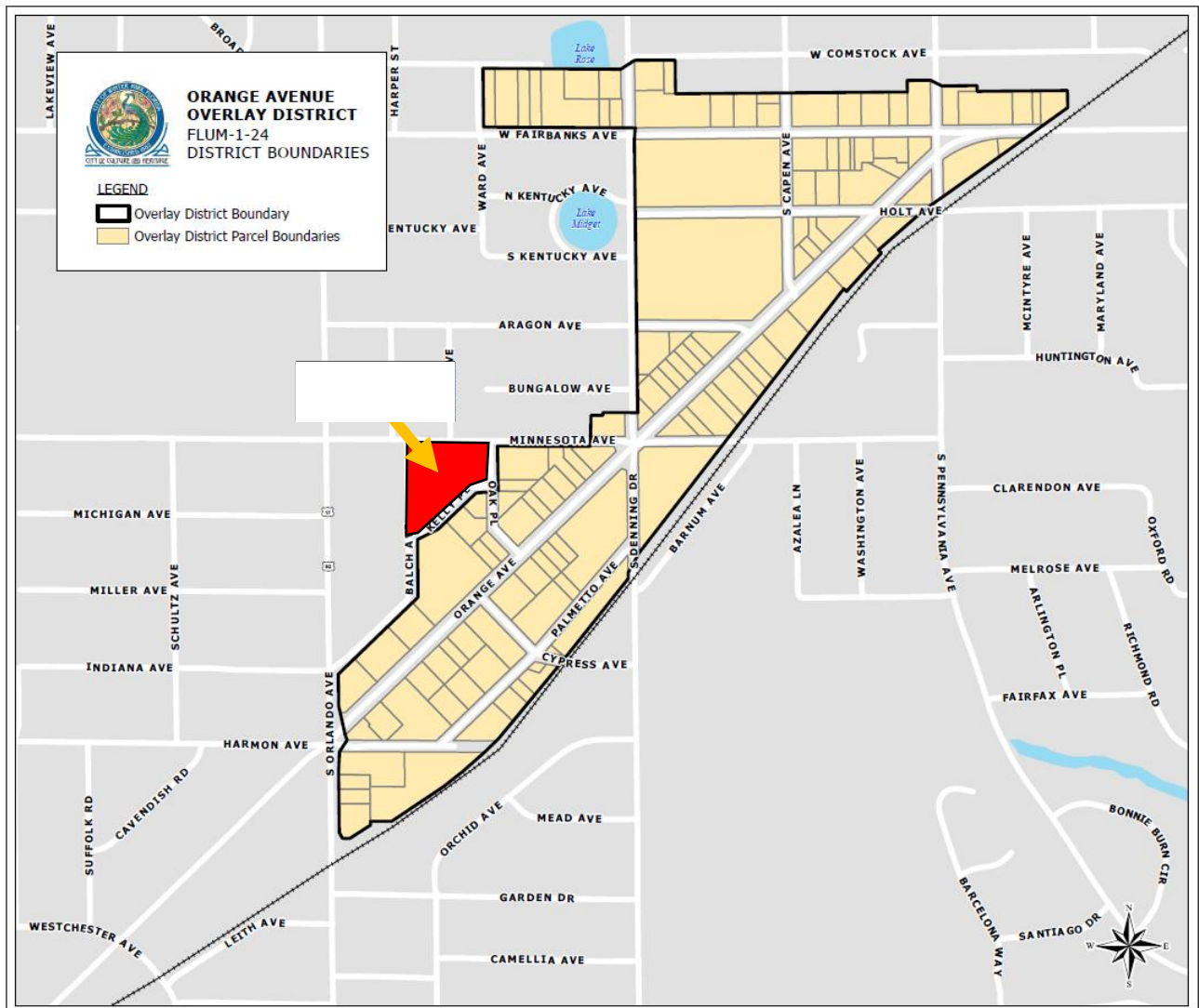
SECTION 1. Amendment. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" is hereby amended to add new Goals, Objectives and Policies and FLUM-1-24 map and FLUM-1-25 subarea map to the Future Land Use Element of the City of Winter Park Comprehensive Plan to read as follows:

GOAL 1-8: Establishment of the Orange Avenue Overlay District.

It is the intent of the Orange Avenue Overlay District ("OAO") to provide enhanced standards to protect and promote the unique characteristics of the Orange Avenue

area and create a distinct gateway into Winter Park. This OAO is used to create a sense of place established through specific architectural styles, streetscape design, open space areas, setbacks, site design, landscaping and other regulatory controls. 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.

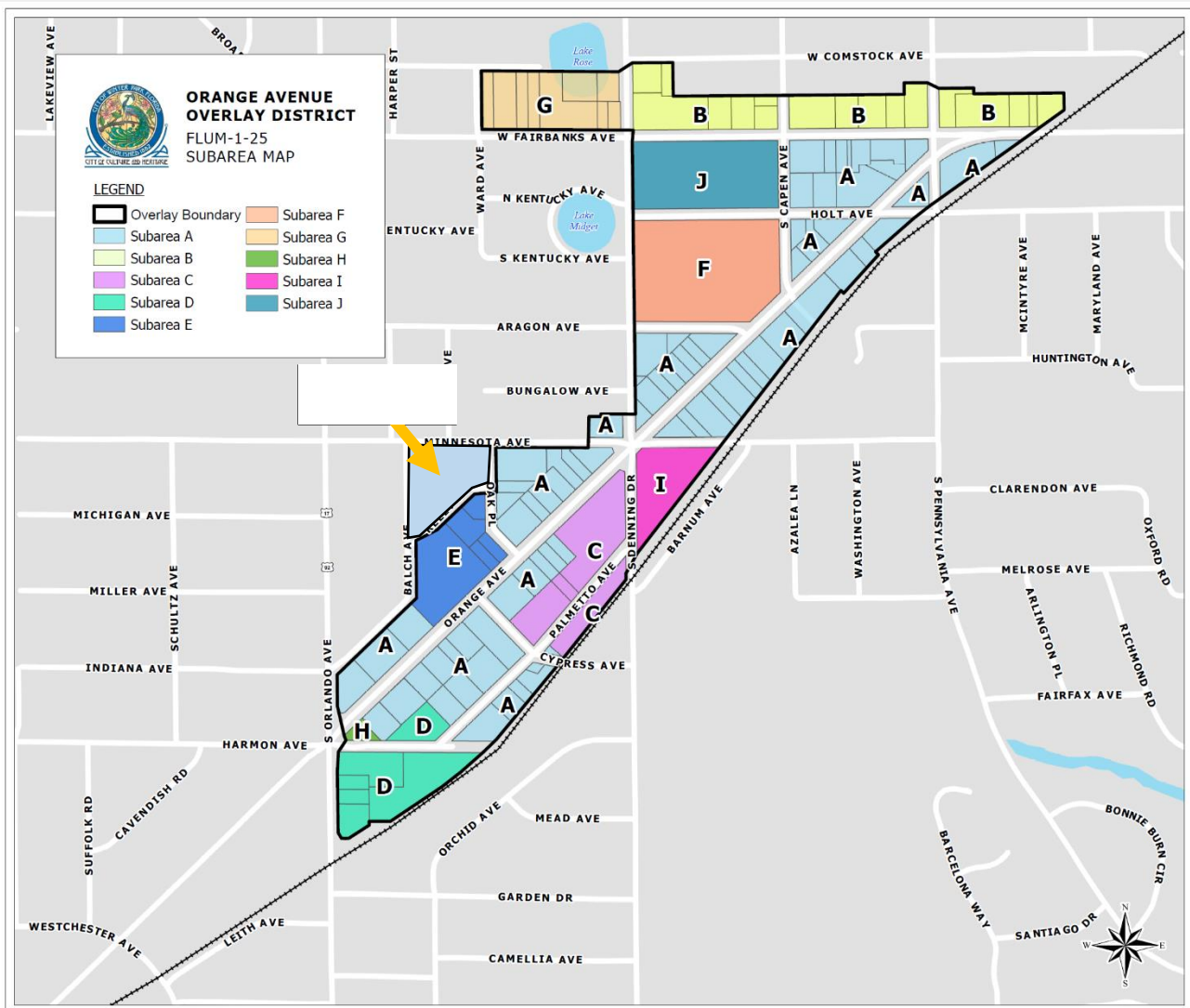
OBJECTIVE 1-8.1: Orange Avenue Overlay District. The boundaries of the Orange Avenue Overlay District are identified in FLUM-1-24 and the Policies regarding this Overlay District shall be established as defined herein.



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: The standards detailed in the OAO are the maximum density and intensity parameters potentially permitted in each respective subarea. These maximum standards are not an entitlement and are not achievable in all situations. Many factors may limit the achievable FAR including limitations imposed by the maximum height, physical limitations imposed by property dimensions and natural features as well as compliance with applicable code requirements such as, but not limited to parking, setbacks, lot coverage and design standards.

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~~ Residential uses shall not be permitted.
- (4) Subarea D.
- a. Base Floor Area Ratio: 60%
 - b. Maximum Achievable Floor Area Ratio: ~~100~~125%
 - c. Maximum Height: 5 stories, but with maximum height of 56 feet
 - d. Maximum Residential Density: 17 units per acre
 - i. Up to a 20% Residential Density increase for workforce housing shall be permitted.
 - 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~~125%
 - d. Maximum Height: 3 Stories
 - e. Maximum Residential Density: 17 units per acre

- i. Up to a 20% Residential Density increase for workforce housing shall be permitted.

~~i.—~~

(10) Subarea J.

- a. Base Floor Area Ratio: 60%
- b. Maximum Achievable Floor Area Ratio: 125%
- c. Maximum Height: 4 Stories
- d. Maximum Residential Density: 17 units per acre
 - i. Up to a 20% Residential Density increase for workforce housing shall be permitted.
 - ~~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 City of Winter Park Intent to Create a Transportation and Mobility Infrastructure Fee. ~~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 shall be an advertised Public Hearing before the Local Planning Agency (Planning & Zoning Board) and 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 For new construction projects between 10,000 square feet and 35,000 square feet requiring Conditional Use Approval (and notice as defined in the Code), there shall be at least 1 Public Hearing before the Local Planning Agency (Planning & Zoning Board) and 2 Public Hearings before the City Commission.~~

~~**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. For any units that meet the workforce housing criteria, the required parking spaces shall be exempt from counting towards FAR.~~

~~**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



citywide PUBLIC NOTICE

ORANGE AVENUE OVERLAY DISTRICT



City of Winter Park
401 South Park Avenue
Winter Park, FL 32789

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U.S. POSTAGE
PAID
ORLANDO FL
ACG

PUBLIC HEARINGS

Planning & Zoning Board
TUESDAY 09-07-21 * @ 6 p.m.

City Commission
WEDNESDAY 09-22-21 * @ 3:30 p.m.

*Dates are subject to change. For updates,
please access cityofwinterpark.org/citywide-notices.

2021

City Hall Commission Chambers
2nd Floor | 401 South Park Avenue
Winter Park, Florida 32789

access more info @ cityofwinterpark.org/oao

citywide PUBLIC NOTICE



ORANGE AVENUE OVERLAY DISTRICT

PUBLIC HEARINGS

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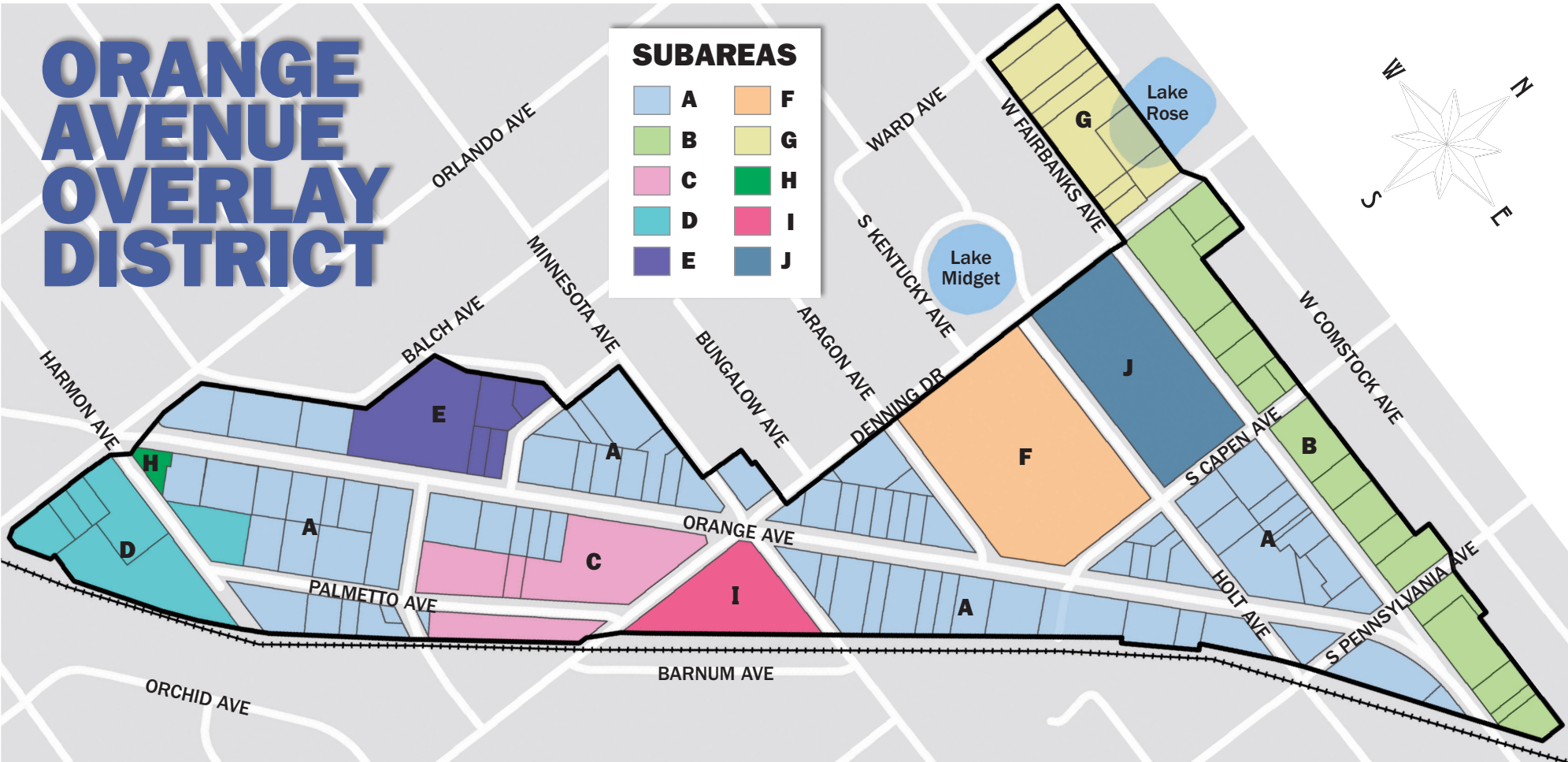
City Hall Commission Chambers
2nd Floor | 401 South Park Avenue
Winter Park, Florida 32789

The City of Winter Park is considering the creation of the Orange Avenue Overlay District (OAO), a Zoning Overlay, which would generate new Land Development Code standards for development and redevelopment of properties within the Overlay District. The OAO is being considered as directed by the city's Comprehensive Plan. As a part of the creation of the OAO, the City of Winter Park Comprehensive Plan would be amended to reflect and accommodate the new development standards of the OAO. The OAO is intended to incentivize reinvestment opportunities for properties in the area and help existing small businesses.

For more information about OAO including draft language and maps, please access cityofwinterpark.org/oao.

PLEASE NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/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. (F.S. 286.0105).

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning & Transportation Department at 407-599-3324 at least 48 hours in advance of the meeting.



**DRAFT ORANGE AVENUE OVERLAY
LAND DEVELOPMENT CODE AMENDMENT
8.2.2021 VERSION**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA, AMENDING CHAPTER 58 "LAND
DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS
TO ADOPT A NEW ZONING DISTRICT SECTION 58-83
ORANGE AVENUE OVERLAY DISTRICT (OAO)
CREATING REGULATIONS FOR THE ORANGE AVENUE
OVERLAY DISTRICT; PROVIDING FOR CONFLICTS;
REPEAL; 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 walkshop, 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 recommended adoption of proposed amendments to the Zoning Regulations portion of the Land Development Code having held an advertised public hearing on _____, and has recommended approval of this Ordinance to the City Commission; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on this Ordinance set forth hereunder and considered findings and advice of staff, citizens, the Orange Avenue Overlay Steering Committee, the Planning & Zoning Board and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the Land Development Code changes set forth hereunder; and

WHEREAS, Comprehensive Plan Policy 1-2.4.14, Mixed Use Designation directed. Within one year from the adoption of this Comprehensive Plan, the City will create a mixed use overlay or district for commercially designated parcels that would be intended to facilitate design and use flexibility to achieve pedestrian scale, innovative transit connectivity and maximizing open space within a commercially viable and architecturally desirable design. Complementary uses may include, but are not limited to retail, entertainment, office, civic and residential uses. The City shall also prepare companion land development code regulations that implement the proposed mixed use overlay or district simultaneously with any policy amendments related to this overlay or district. All policies related to this overlay or district will be subject to a Comprehensive Plan amendment; and

WHEREAS, the City Commission hereby finds that the land development regulations set forth in this Ordinance are consistent with the Comprehensive Plan as recently

amended to establish the Orange Avenue Overlay District goals, objectives and policies; 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:

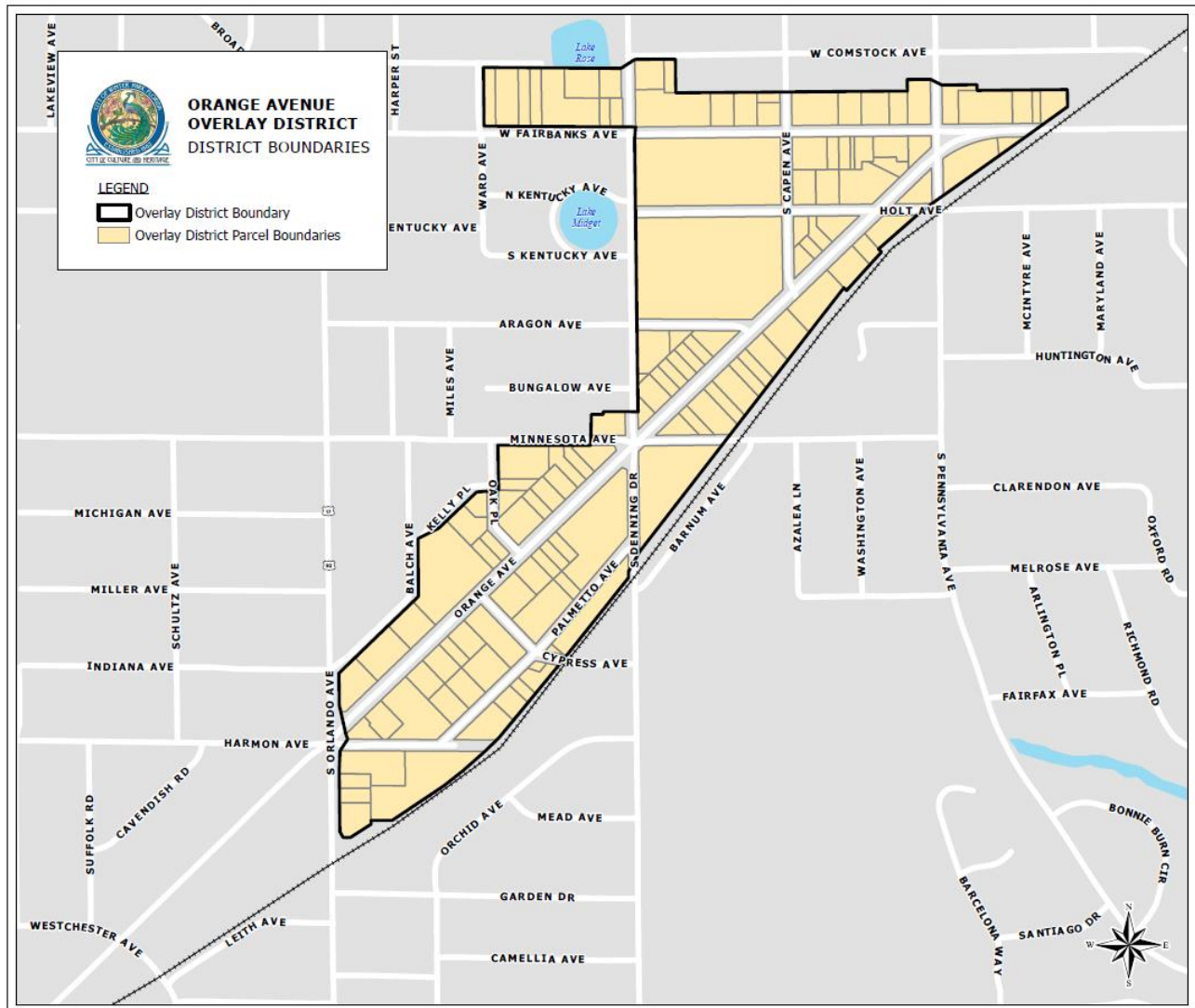
SECTION 1. Amendment. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adopting a new Section 58-83 Orange Avenue Overlay District (OAO), to read as follows:

Section 58-83. Orange Avenue Overlay District (OAO).

- (1) *Establishment of Orange Avenue Overlay District.* The Winter Park City Commission adopts this overlay district as needed in order to implement specific purposes, intents, and design standards based upon the adopted Comprehensive Plan goals, objectives and policies for the Orange Avenue Overlay District, which shall be applied as additional standards to other regulations required by the City. Such overlay district shall be made a part of this section of the Land Development Code. Upon adoption, the boundaries of such overlay district shall be shown on the Winter Park Zoning Map.
- (2) *Applicability.*

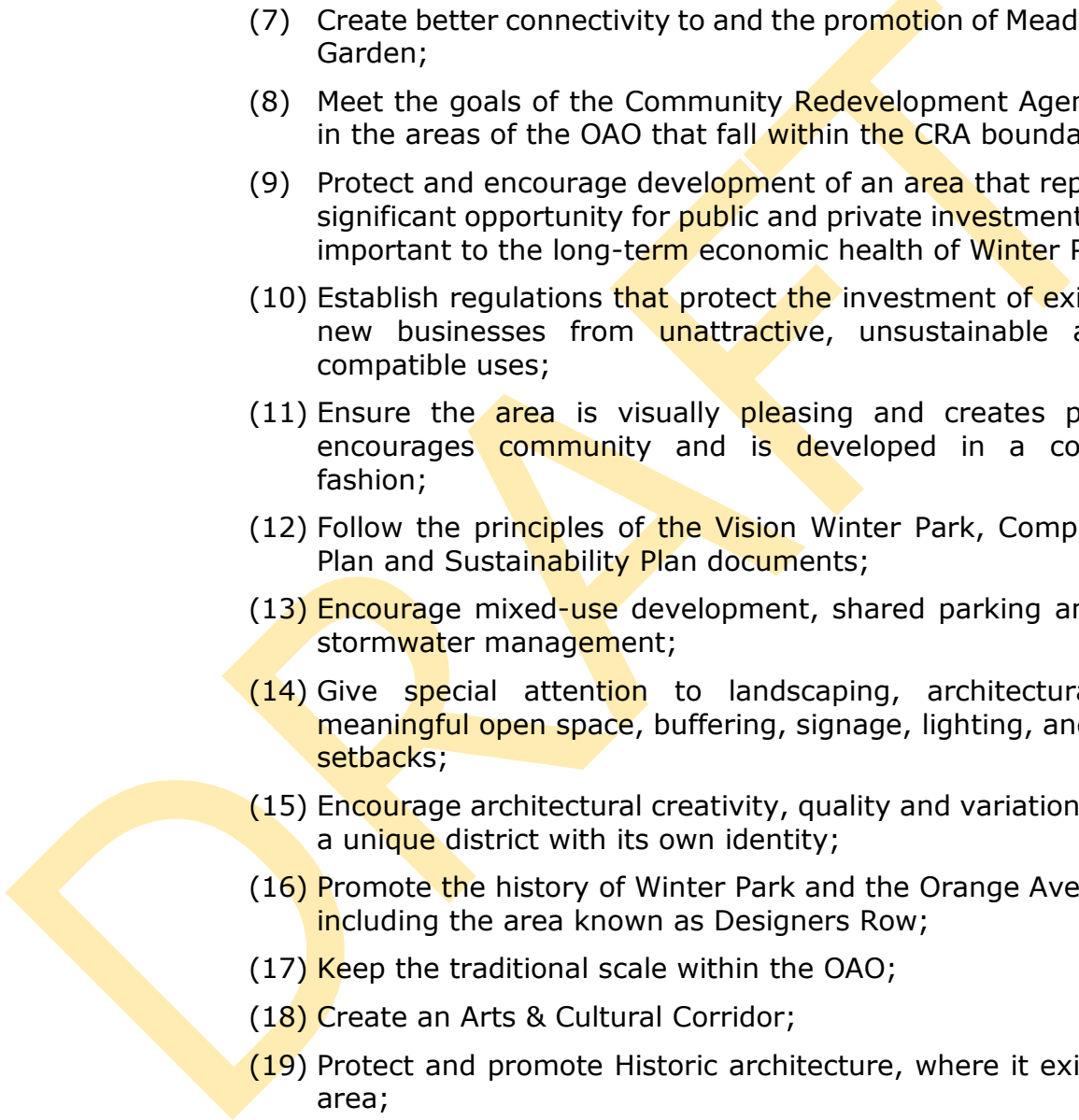
An overlay district acts as an additional layer of zoning over the base (or underlying) zoning district. All development projects located within this overlay district shall adhere to the requirements of this Section and other applicable provisions of the Land Development Code. The provisions of this Section shall prevail to govern the development of property within the overlay district over conflicting provisions found in other parts of the Land Development Code, including the provisions of the applicable base zoning district.
- (3) *Orange Avenue Overlay District.* The provisions and regulations for the Orange Avenue Overlay District within the City of Winter Park are outlined below.
 - (1) *Orange Avenue Overlay District.* It is the intent of the Orange Avenue Overlay District ("OAO") to provide enhanced standards to protect and promote the unique characteristics of the Orange Avenue area and create a distinct gateway into Winter Park. This OAO is used to create a sense of place established through specific architectural styles, streetscape design, open space areas, setbacks, site design, landscaping and other regulatory controls. The following provisions and regulations apply to all properties located within the OAO unless expressly provided otherwise.
 - a. *Location and boundaries.* The OAO boundaries are identified on the following map. The provisions and regulations found herein shall only apply to the properties located within this defined area. Each parcel of property within the OAO is identified by tax parcel identification

number on Exhibit "A" attached to the ordinance adopting this section, and each Parcel, in addition to retaining its underlying zoning classification (as modified by these OAO regulations and provisions), shall reflect on "OAO" designation on the City's zoning map.



b. Purpose.

- (1) Encourage sustainable development, redevelopment, and adaptive reuse that will become a long-term asset to Winter Park;
- (2) Create and enhance connectivity to the surrounding neighborhoods and promote connectivity to all of Winter Park;
- (3) Utilize and incentivize private development and/or redevelopment to create solutions for the existing problems that small properties and business-owners in the Orange Avenue area face;
- (4) Create public improvements that will benefit all residents and visitors of Winter Park;

- 
- (5) Provide the opportunity for existing businesses and properties to improve their structures, their businesses and their building facades;
 - (6) Restrict uses and create regulations that promote the development of the Orange Avenue area as a special place within Winter Park that promotes an environment of arts, healthy-living, cuisine, culture, heritage, social interaction, healthcare, local business, education, connectivity and community;
 - (7) Create better connectivity to and the promotion of Mead Botanical Garden;
 - (8) Meet the goals of the Community Redevelopment Agency (CRA) in the areas of the OAO that fall within the CRA boundary;
 - (9) Protect and encourage development of an area that represents a significant opportunity for public and private investment, which is important to the long-term economic health of Winter Park;
 - (10) Establish regulations that protect the investment of existing and new businesses from unattractive, unsustainable and non-compatible uses;
 - (11) Ensure the area is visually pleasing and creates place that encourages community and is developed in a coordinated fashion;
 - (12) Follow the principles of the Vision Winter Park, Comprehensive Plan and Sustainability Plan documents;
 - (13) Encourage mixed-use development, shared parking and shared stormwater management;
 - (14) Give special attention to landscaping, architectural detail, meaningful open space, buffering, signage, lighting, and building setbacks;
 - (15) Encourage architectural creativity, quality and variation to create a unique district with its own identity;
 - (16) Promote the history of Winter Park and the Orange Avenue area, including the area known as Designers Row;
 - (17) Keep the traditional scale within the OAO;
 - (18) Create an Arts & Cultural Corridor;
 - (19) Protect and promote Historic architecture, where it exists in the area;
 - (20) Attract new businesses, retain small businesses and encourage locally-owned businesses in the Orange Avenue area; and
 - (21) Enhance pedestrian walkability, connectivity and safety and to create a safe, comfortable and convenient pedestrian experience with shaded sidewalks, interesting business fronts, connected destinations and walkable block sizes.

c. *Permitted Uses.* Any use not listed specifically as an allowed use herein shall be deemed to be prohibited in the OAO. The following uses up to 10,000 square feet shall be allowed by-right on any property within the OAO, unless otherwise specified within the applicable subarea policies:

- (1) Antique Stores
- (2) Bars, taverns, cocktail lounges (with food sales and 51% of revenue must be from food sales)
- (3) Blueprinting, photocopying and printing offices
- (4) Boutique Hotel with 100 rooms or less and has minimal food and beverage operations, no banquet facilities permitted
- (5) Breweries/distilleries (with food sales)
- (6) Market or corner store (up to 5,000 square feet and excluding convenience store)
- (7) Dry Cleaning (Drop-Off Only, with off-site processing & no drive-thru)
- (8) Financial institutions, including banks, savings and loan associations and credit unions (with a maximum of 2 drive-thru lanes, which are screened from view)
- (9) Fine arts museums, fine arts instruction, dance instruction and music instruction
- (10) Fitness facility, exercise or health club (up to 5,000 square feet)
- (11) Food Halls
- (12) Government services
- (13) Grocer (not including convenience store), up to 10,000 square feet.
- (14) Health and wellness studios (up to 5,000 square feet)
- (15) Mixed-Use Development (can be vertical or horizontal) that includes two or more uses allowed within the OAO.
- (16) Nonprofit organization offices
- (17) Personal services (spa, barber shop, hair salon, nail salon, massage, cosmetic treatment) cannot be a standalone massage parlor, must be part of a spa or cosmetology salon
- (18) Pet supply shop, pet grooming, pet daycare (provided that there shall be no outside kennels, pens or runs. No overnight or weekend boarding of animals)
- (19) Photography Studio
- (20) Professional offices (including medical and dental offices)
- (21) Recreational facilities up to 5,000 square feet

- (22) Residential uses such as condominiums, townhomes, apartments, lofts, studios unless not allowed by the applicable subarea restrictions. If more than 4 units is proposed as a part of any new development, remodel or addition, each of the units shall be a minimum of 750 square feet of living area
 - (23) Restaurants/Fast-Casual Dining/Fine-Dining
 - (24) Retail businesses involving the sale of merchandise on the premises within enclosed buildings and excluding resale establishments or pawn shops (other than clothing resale stores), a maximum size of 10,000 square feet.
 - (25) Theater
 - (26) Uses customarily incidental and accessory to the permitted uses, including the repair of goods of the types sold in stores are permitted. Such repair must be carried on within a completely enclosed building, may not be carried on as a separate business, and provided further that there shall be no manufacturing, assembling, compounding, processing or treatment of products other than that which is clearly incidental and essential to the permitted uses. No external signage shall be permitted for accessory uses.
 - (27) Shared office space
- d. *Conditional Uses.* The following uses shall be allowed only with approval of a Conditional Use on any property within the OAO, unless otherwise specified within the applicable subarea policies:
- (1) Bars, taverns, cocktail lounges (without food sales)
 - (2) Breweries/distilleries (without food sales)
 - (3) Fitness facility, exercise or health club over 5,000 square feet, but less than 10,000 square feet
 - (4) Recreational facilities over 5,000 square feet, but less than 10,000 square feet
 - (5) Buildings or permitted uses within this section over 10,000 square feet in size
 - (6) Resale/antique stores
 - (7) Vehicle sales showroom provided the following criteria are met that all product and inventory must be housed within a fully enclosed building, that all repair and service must be conducted within a fully enclosed building with no outside storage permitted, that the hours of retail operation are limited to 8 am to 6 pm Monday-Friday and 9 am to 5 pm on Saturday and that 30% of subject property, exclusive of stormwater retention, shall be devoted to green open space visible from an arterial roadway.

- e. *Prohibited Uses.* All uses not permitted or conditionally permitted within the OAO are prohibited. Without limiting the uses that are

prohibited in the OAO, the following uses shall be prohibited in the OAO:

- (1) Adult-oriented businesses
- (2) Automotive-related businesses (i.e. auto sales, auto repair, auto rental, body shops, auto wash, auto audio, auto glass, auto tinting, auto parts sales)
- (3) Standalone massage parlors (not part of a health spa)
- (4) Fast food (with or without drive-thru)
- (5) Gas stations/convenience stores
- (6) Liquor stores
- (7) Pawn shops/check cashing
- (8) Tattoo parlors
- (9) Vape/smoke shops
- (10) Pain Management Clinics
- (11) Medical Marijuana Dispensaries, Processing, Growing, etc.
- (12) Billboards

f. Non-Conforming Uses/Structures. Existing but non-conforming properties uses and non-conforming structures, which existed as of the date the OAO became effective, shall be allowed to continue as legally non-conforming in the same manner after the adoption of the OAO as existed prior to the effective date of the OAO except as provided herein. Nonconforming uses and non-conforming structures shall be subject to and comply with the provisions of this OAO when any of the conditions below occur that cause the non-conforming use or non-conforming structure to be deemed abandoned and become illegal unless otherwise allowed to remain pursuant to a special permit granted by the city commission pursuant to section 58-64(f).

- (1) A non-conforming principal use on the property is discontinued for a period of three (3) calendar months then such non-conforming use shall be deemed abandoned and become an illegal use;
- (2) A non-conforming structure is destroyed or significantly altered by sixty (60) percent or greater then such structure shall be brought into compliance with the OAO requirements; or
- (3) Enlargements of any existing non-conforming structures and/or uses are made to the property that increases the gross square footage then such property shall be brought into compliance with the OAO requirements.

Discontinuance of a non-conforming use will be determined by any of the following: (i) if the business relocates, (ii) if there is an interruption in utility service, (iii) a failure to pay applicable local business taxes or

the expiration of a local business tax receipt, (iv) the absence of signage indicating the existence of the nonconforming use on the property, or (v) any other relevant evidence indicating discontinuation of the nonconforming use for the requisite time period. In determining the date of discontinuance, the date of the first indication of abandonment will be relied upon. A nonconforming use shall also be considered to be abandoned if a permitted use moves in place of a non-conforming use.

The Planning & Transportation Director or City Traffic Engineer or their respective designee may require the property owner to provide a site-specific traffic study to determine the potential impacts of the proposed changes to uses or structures as part of the site development plan.

- g. Residential Uses within the Overlay District.* The OAO shall not apply to existing residential uses or structures developed prior to the effective date of this section. Protections of existing residential uses shall be implemented. Properties currently used as and developed as residential prior to the effective date of this section shall continue to be subject only to current Land Development Code standards and protections governing such properties' underlying zoning designation and not those set forth in the OAO, unless and until such properties redevelop. Any change of use or redevelopment on the property shall require compliance with OAO standards. In order to protect existing structures that are used as a residence, new non-residential or mixed use development within the OAO shall have its structures setback at least 35 feet from the property boundaries of parcels with existing residential structures used as a residence that are not intended to be part of the proposed development, unless a written consent can be obtained from owner(s) of the affected existing residential structure(s) consenting to the waiver of such minimum setback requirement of this subsection. Parking garages shall be setback at least 100 feet from the property boundary of parcels used and developed as single-family or low-density residential.
- h. Landscaping Requirements.* Development and or redevelopment in the OAO shall comply with all landscaping requirements of other provisions of the Land Development Code and future corridor landscape plans, unless specifically addressed within the OAO. In addition to other requirements of Section 58-334 of the Land Development Code, all street frontages within the OAO shall contain at least one shade tree for every 50 feet of linear lot line. Side yards and rear yards not facing streets shall contain at least one understory tree for every 30 linear feet of side or rear lot lines.
- i. Block Structure and Circulation Requirements.*
- (1) 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

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.

(2) Block Configuration/Lot Standards: 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.

- (a) New or redeveloped buildings within the OAO shall have building widths of between a minimum of 50 feet and a maximum of 300 feet wide where they interface with pedestrian oriented street frontages.
- (b) Development shall provide a continuous driveway or alley that connects to adjacent parcels and roadways and provides access for emergency vehicles and city services.
- (c) To the extent possible, given the size and shape of the parcel, new or redeveloped blocks shall be between a minimum perimeter of 1000 linear feet and a maximum perimeter of 1500 linear feet. The City goal is to encourage walkability based upon successful Park Avenue Corridor block perimeters of 1300 linear feet. Where existing block perimeters are smaller than 1500 linear feet, no further breakdown is required. Where block perimeters are larger than 1500 linear feet, new development shall be organized to break the land mass into walkable blocks.
- (d) Driveways or alleys shall be constructed at widths adequate for dumpsters, trash compactors and circulation of solid waste collection vehicles, large truck delivery and allow emergency vehicles to maneuver past parked delivery vehicles and waste receptacles.

(3) Street Realignment and 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 approved by the City Commission, is dedicated 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 concern should the roadway be re-aligned. Any road shall be constructed with a minimum street travel lane width of 24 feet unobstructed and shall have unobstructed vertical clearance per National Fire Protection Act (NFPA) codes, shall replace all existing on-street parking and maintain the existing 50-foot public right of way.

(4) Street Sections: Any new, realigned, or redesigned street sections within the OAO shall be designed to create and maintain a quality

comfortable walking environment encouraging the use of multimodal transit options including:

- (a) On-street parking is to be provided to the maximum extent possible to buffer pedestrians from vehicular traffic. Parking space dimensions shall be not less than 9ft x 18ft.
 - (b) Vehicular traffic lanes on streets with bus routes shall be designed at not less than 12 feet to support safe circulation of busses.
 - (c) Bus transfers are to be located inside project boundaries to lesson traffic delays and increase safety on major roads. Bus transfers shall be coordinated and approved by Lynx.
 - (d) Shaded sidewalks and benches for resting and waiting for public transit shall be provided.
 - (e) Care shall be taken to minimize curb cuts and maximize visibility surrounding curb cuts.
 - (f). New development in conjunction with the City shall pursue approval from FDOT to utilize the FDOT rail right of way for pedestrian/bicycle trails where appropriate prior to submission of project plans for City approval.
- (5) **Sidewalks:** All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. A minimum 17-foot sidewalk is to be provided along Orange Avenue. Fairbanks Avenue and Orlando Avenue shall provide sidewalks at least ten feet wide with a minimum 5-foot landscape buffer along the back of curb, between the roadway and sidewalk. All other sidewalks in the OAO shall be 10-feet in width with a minimum 5-foot landscape buffer. If sufficient right-of way is not available, the building may need to be set back to accommodate these wider sidewalks and the additional space required to create the required sidewalks as defined herein shall be dedicated to public access through easement. Sidewalks shall be constructed in accordance with the standards for sidewalks set forth in City of Winter Park Engineering Standards and Landscape standards and constructed at the sole cost of the developer.
- (a) Restaurants and cafes with seating within the public right-of-way shall be subject to the regulations contained in Chapter 90, Article VI - Sidewalk Cafes, of the Winter Park code of Ordinances.
- (6) **New Streetscapes:** In order to improve the pedestrian experience, new development or redevelopment shall provide the streetscape area

including sidewalks, lighting, landscape and street furniture and will dedicate pedestrian easements over this area prior to certificate of occupancy.

(7) Access Standard:

- (a) All city services including utility access, utility equipment, solid waste containers shall be placed at the rear of lots and accessed by driveways or alleys opening to side streets.
- (b) Garage and parking shall be accessed through driveways or alleys opening to side streets.

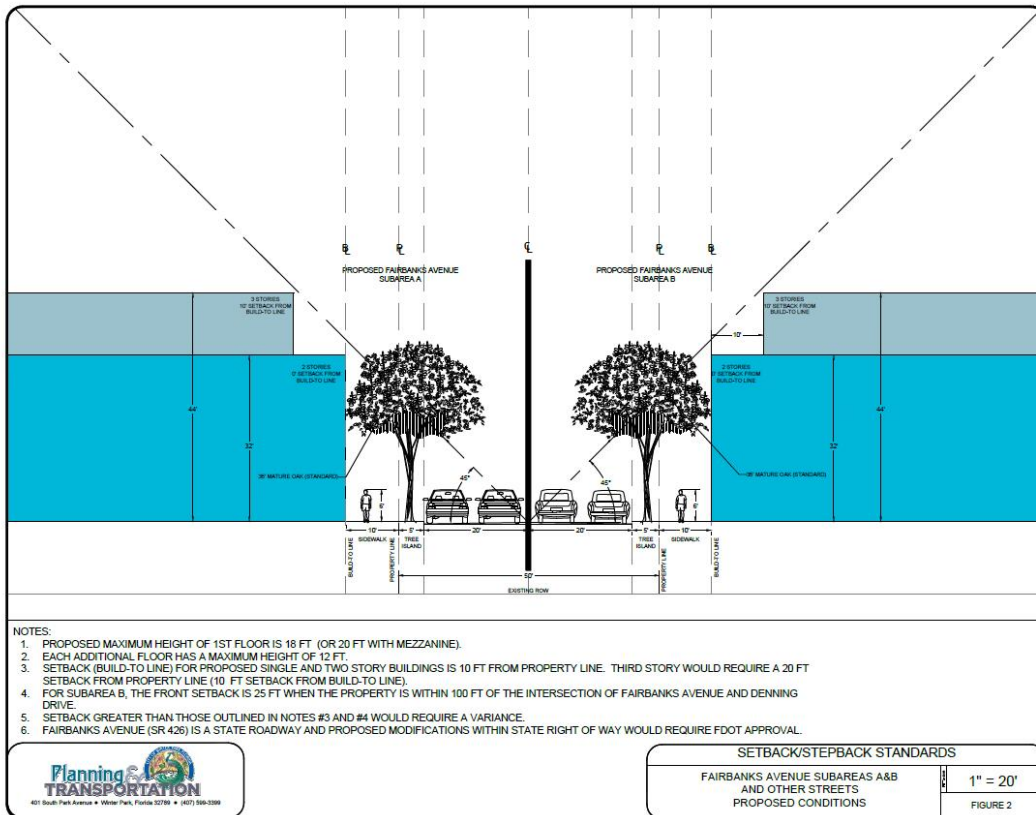
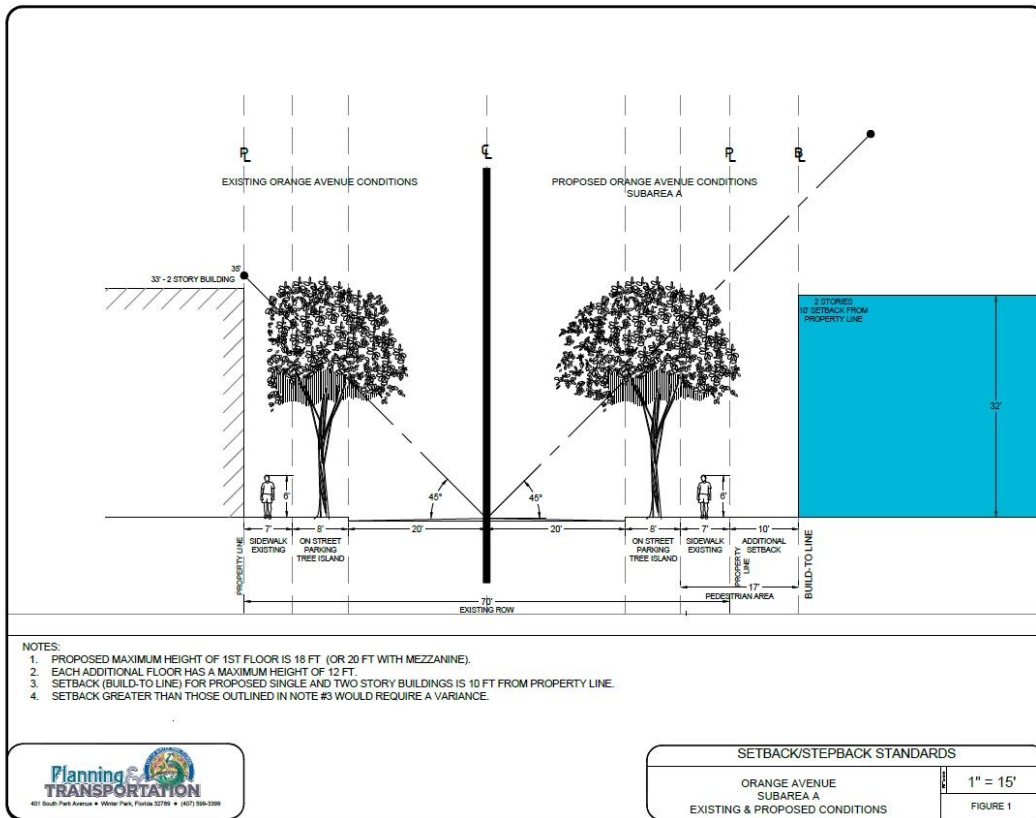
j. *Architectural Standards.* Development within all Subareas defined later in this section shall meet the following architectural standards.

- (1) *Building Height.* To allow for flexibility in design, but preserving development standards that will reduce building massing, buildings shall be measured in stories. For parking garages, levels visible on the exterior of the building shall be counted towards building height (ex. A 3-story building wraps around a 4-level interior parking garage, only the 3 stories would count as they are the only part visible).

The first floor of any building shall be allowed to be a maximum of 18 feet in height. When mezzanines, balconies or lofts are provided, first floor heights of 20 feet may be allowed. Mezzanine, balcony or loft levels shall be allowed within the first story, as long as they do not cover more than 30% of the first-floor area and stay within the maximum 20-foot first floor height area. Mezzanines, balconies or lofts shall not be allowed above the first floor. Each floor above the first floor shall have a maximum height of 12 feet.

For multi-story buildings over two stories in height, there shall be terracing and/or additional setbacks to accomplish vertical articulation is mandated to create relief to the overall massing of the building facades, as discussed later in this section.

- (2) *Setbacks/Stepbacks.* For any building over two stories in height that is built up to the allowable building line or "build-to" line, each additional floor shall be setback a minimum of ten (10) feet, or shall be within the allowable envelope as depicted in the figures below. The build to line is established by the greater of setback or sidewalk requirement. All setbacks are measured from the property line. Setbacks greater than the established "build-to" line require a variance. The required building stepbacks only apply to street frontages.



If a building is constructed within the allowable building envelope as depicted above, the first floor shall always be defined and articulated as addressed later in the OAO. Additionally, the building shall not exceed more than two stories of vertical wall without a setback/stepback, cornice, balcony or other major façade breakup, which shall create visual and massing relief. All walls shall provide two or three of the articulation options listed below, offset a minimum of 4 feet.

Each subarea of the OAO may define additional required setbacks for that area that may differ from what is defined in this section. The defined building envelope depicted above shall be maintained, regardless of any setbacks.

All setbacks and/or stepbacks shall provide space for the healthy development of shade tree crowns. The City Arborist shall review and recommend species selection and positioning to ensure compliance.

Rear building setbacks/stepbacks as defined herein shall not be required for properties abutting the railroad right-of-way. However, these rear facades shall provide articulation offset 4 feet, material change, window, entryway or other breakup of the building façade at least every 30 feet, both vertically and horizontally.

- (3) Facades. The intent of this subsection is to provide visual interest to all facades by requiring a minimum level of detail features on facades. These detail features shall not consist solely of applied graphics or paint. There shall be some sort of articulation, material or color change, window, entryway or other breakup of the building façade at least every 50 feet. Murals shall be allowed to contribute towards façade breakup.

(a) All facades of buildings with a gross floor area of ten thousand square feet or more shall be required to incorporate at least three (3) of the following facade treatments. At least one of these treatments shall repeat horizontally. All such design elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

(b) All facades of buildings with a gross floor area of less than thousand (10,000) square feet shall be required to incorporate at least two (2) of the following facade treatments. At least one (1) of these treatments shall repeat horizontally. All such design elements shall repeat at intervals of no more than twenty-five (25) feet, either horizontally or vertically.

1.Expression of a vertical architectural treatment with a minimum width of twelve (12) inches.

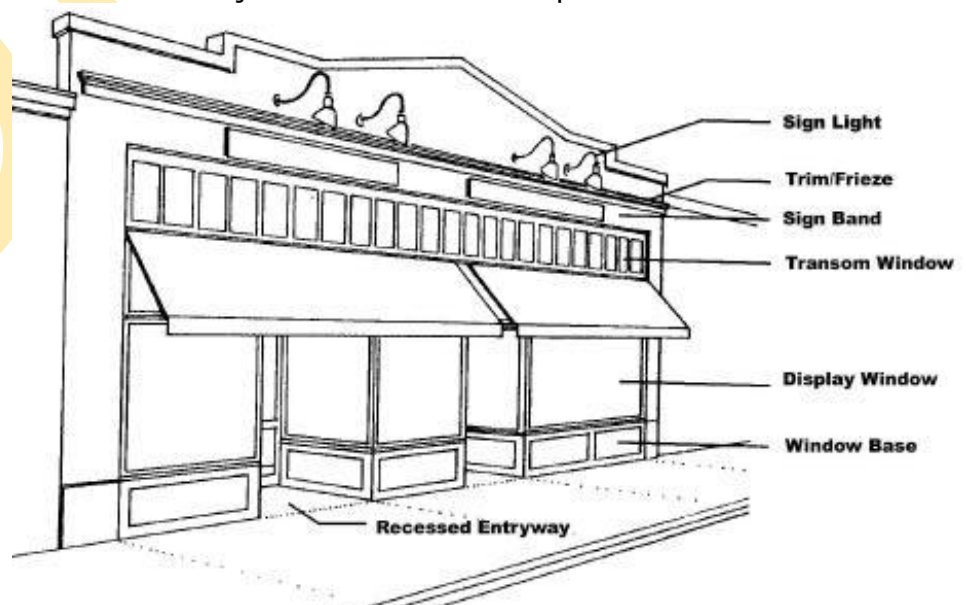
2. Building stepbacks, offsets or projections, a minimum of four (4) feet in depth.
3. Texture and /or material change.
4. Architectural banding.
5. Pattern change.
6. Other treatment that, in the opinion of the Planning & Transportation Director after review by the OAO Appearance Review Advisory Board, meets the intent of this subsection.

(c) No building shall exceed more than 300 feet of horizontal length on any street facing façade. When multiple buildings are included on the same parcel, those buildings shall be separated by 20 feet to support growth of healthy canopy crowns or provide courtyard, parking or other gathering spaces on the site.

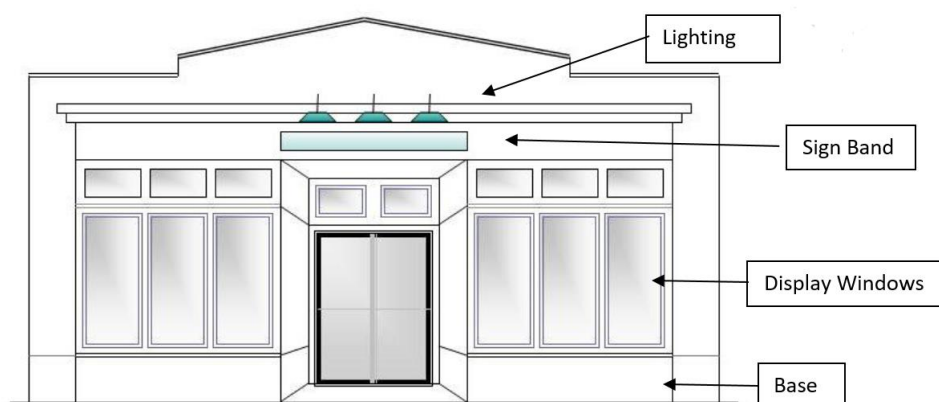
Commercial Façade Treatment Example 1:



Commercial Façade Treatment Example 2:



Commercial Façade Treatment Example 3:



- (4) *Additional Façade Treatment Requirements.* Roof lines, parapets and building heights shall be architecturally articulated and diverse in design form with adequately scaled and proportioned architectural treatments which complement the building's design.

The window, wall and roofing treatment should be of high-quality materials and consistent on both the front and the back of the building and any street facing side wall of the building. Allowable building materials shall include brick, natural stone, glass, architectural metal, concrete, wood, or similar material with a longer life expectancy. Exterior Insulation and Finish System (EIFS) shall not be allowed. Stucco, hardiboard siding (or similar materials) or concrete block shall not exceed more than 50% of any façade. Detailing is encouraged to enhance the façade.

Structures shall be sited so as to create visual relationships with sidewalks, street alignments, trees, green space and neighboring businesses; create visual anchors at entries, provide interesting architectural perspectives featuring appropriate facade treatments and maximize the pedestrian relationship to the sidewalk. They shall also take into consideration the existing structures and be in unison with their scale and style.

- (5) *Glazing Requirements.* The lower story of the building has the most immediate visual impact on the passerby. Traditionally, buildings along urban streets have a high proportion of glazing to solid wall surface, with higher floor to floor heights, on the first story. To maintain continuity with this treatment, non-residential buildings on Orange Avenue shall have 60% minimum glass on the first story and shall be allowed height up to 20 feet. Along other roads within the OAO, non-residential buildings shall have 40% minimum glass on the first story. The first floor shall be clearly defined and articulated from upper stories.

- (6) *Building Entrance.* Primary building entrances in the OAO shall be clearly defined, and shall be recessed or framed by a sheltering element such as an awning, arcade, overhang, or portico (in order to provide weather protection for pedestrians). Awnings are encouraged. Awning standards include:
- (a) Awnings for a building façade shall be of compatible color, look, shape, and height;
 - (b) Awnings shall provide vertical clearance of no less than eight (8) feet above sidewalks; and
 - (c) Awnings are not allowed to hang over vehicular traffic ways.
- (7) *Architectural Towers, Spires, Green Roof Features, Solar Panels, Chimneys, Or Other Architectural Appendages.* Any architectural tower, spire, chimney, flag pole or other architectural appendage to a building shall conform to the underlying subarea height limit. However, when necessary to meet the building code requirements, chimneys may exceed the height by the minimum required.

Architectural appendages, roof decks, embellishments and other architectural features may be permitted to exceed the roof heights specified in that subarea, on a limited basis encompassing no more than 15% of the building roof area or 15% of building street facing façade width not to exceed 30 linear feet of a given façade, or up to ten feet of additional height upon approval of the City Commission, based on a finding that said features are compatible with adjacent projects.

Solar panels, roof garden or green roof features may be permitted to exceed the roof heights specified in that subarea, on a limited basis encompassing no more than 30% of the building roof area or 30% of building street facing façade width not to exceed 30 linear feet of a given façade, or up to ten feet of additional height upon approval of the City Commission, based on a finding that said features are compatible with adjacent projects.

- (9) *Mechanical Penthouses, Rooftop Mechanical and Air-Conditioning Equipment, Stair Tower Enclosures, Elevators and Parapets.* Mechanical penthouses, mechanical and air-conditioning equipment, stair tower enclosures, or elevators on rooftops of buildings shall not exceed a total height of ten feet (building code official shall have the ability to give administrative variances to this requirement based on life-safety or equipment needs for elevation) above the allowable building height. Any penthouses shall only be used for mechanical equipment to serve the building. Parapets, or mansard roofs serving as parapets, may extend a maximum of five feet above the height limit in the underlying zoning district unless other parapet heights are more restrictive

for the respective underlying zoning district. In addition, mechanical equipment and air-conditioning equipment on rooftops shall be screened from view from ground level on all buildings in all zoning districts and shall be located to the maximum extent possible so that they are not visible from any street.

- (10) *Appearance Review.* In addition to meeting the architectural standards as set forth in this section. All external renovation or development projects and Conditional Use requests within the OAO shall undergo Appearance Review.

For developments requiring a conditional use approval having a land area of more than 80,000 square feet, having more than 25 residential units, or having structures exceeding 35,000 gross square feet above grade, professionally prepared fully rendered 3-D digital architectural perspective images and elevations that show all sides of the proposed building(s), parking areas, parking structures and any other site improvement shall be submitted to and reviewed by and commented upon by the Orange Avenue Overlay Appearance Review Advisory Board to ensure high quality architecture consistent with the goals and objectives of the OAO. At the request of the Director of Planning an Acoustical Engineer may be invited to comment on projects having rooftop or open-air elements. The comments and recommendations of the Orange Avenue Overlay Appearance Review Advisory Board shall be transmitted to the Building Official, Director of Planning, Planning and Zoning Board and City Commission for consideration in rendering a decision on the proposed conditional use or building permit sought for the proposed development.

For all external renovation requirements not requiring a conditional use, 3-D or 2-D colored digital architectural perspective images and elevations that show all sides of the proposed building(s), parking areas, parking structures and any other site improvement shall be submitted to and reviewed by and commented upon by the Orange Avenue Overlay Appearance Review Advisory Board to ensure high quality architecture consistent with the goals and objectives of the OAO. The comments and recommendations of the Orange Avenue Overlay Appearance Review Advisory Board shall be transmitted to the Building Official or Director of Planning prior to submitting for a building permit sought for the proposed development.

k. Parking Requirements & Access Management.

- (1) To the extent net street parking, over and above that currently existing within the OAO, is provided by the developer prior to certificate of occupancy, such net new parking directly adjacent to the development lot may count towards satisfying code parking requirements.

- (2) *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, so long as a parallel access road, as approved by the City Commission, is dedicated and maintained to allow public 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 concern should the roadway be re-aligned. Any road shall be constructed with a minimum street travel lane width of 12 feet unobstructed and shall have unobstructed vertical clearance per National Fire Protection Act (NFPA) codes, shall replace all existing on-street parking and maintain the existing 50-foot public right of way. No on-street parking permitted along a curved roadway segment where the curve exceeds 60 degrees.
- (3) *Off-Street Parking Requirements.* Unless specifically provided within the OAO, parking spaces, parking management plans and parking leases shall be provided in accordance with Land Development Code requirements.
- (a) *General Business and Retail Commercial:* One parking space for each 333 square feet of gross floor space.
 - (b) *Office, Professional or Public Buildings:* One parking space for each 333 square feet of gross floor space.
 - (c) *Medical Office:* One parking space per 200 square feet of gross floor space.
 - (d) *Hotel:* One parking space for each guest room shall be provided. Other ancillary uses in the hotel (restaurant, spa, retail, meeting space, etc.) shall be required to provide parking in accordance with the off-street parking requirements defined in Section 58-86 subject to a credit of 50% of the rooms.
 - (e) *Restaurants, Food Service Establishments, Nightclubs, Taverns or Lounges:* One space for every four seats.
 - (f) *Multi-family residential:*
 - (1) Each one-bedroom or studio unit shall be required to provide 1.25 dedicated parking spaces per unit.
 - (2) Each two-bedroom unit shall be required to provide 2.0 dedicated spaces per unit.
 - (3) Each three-bedroom or above unit shall be required to provide 2.5 dedicated parking spaces per unit.
- (4) *Off-street Parking Access Design.* Parking access to properties along Orange Avenue, Orlando Avenue and Fairbanks Avenue shall be through an alley originating from side streets or from a side street if frontage is available on a side street. In mid-block

locations without existing alleys, new alleys shall be provided and accessed from the frontage street. Garages shall not be located in front of the primary building. If side street frontage is not available, access from cross-access easements preferably in the form of shared rear alleys shall be utilized. If cross-access is not available, a driveway will be allowed from Orange Avenue, Orlando Avenue, or Fairbanks Avenue, provided the driveway and building gap surrounding it is not more than 20 feet. Any new driveways or curb cuts along Fairbanks Avenue or Orlando Ave shall require FDOT coordination prior to submittal. Throughout the OAO, cross-access agreements, preferably in the form of shared rear alleys are required, to reduce the number of curb cuts and driveways. The intent is to maintain the building street wall without large voids for access driveways and improve traffic circulation by providing rear access for services and deliveries. The goal in this parking arrangement is to decrease the visibility of parking from the street as much as possible, by having parking behind the building and to reduce the turning movements with limited visibility across multiple lanes of traffic.

- (5) *Off-site Parking.* Required parking may be located within 750 feet of the building, or within the closest parking structure where excess parking is available for lease. In the event of new construction, addition, or change in intensity of use of the principal building or property being serviced by the remote parking lot, all existing parking spaces located on such remote lot shall be allocated to the existing building or principal use to meet the minimum requirements of this article, and any additional spaces may then be allocated to that portion of the building or property which is the subject of the new construction, addition, or change in intensity of use.
- (6) *Bicycle Parking Requirements.* Unless specifically provided within the OAO, bicycle Parking shall be required in accordance with other Land Development Code Standards. Where large projects provide parking garages, 20% of the required bike parking shall be provided onsite. The other 80% of required bike parking may be located within City right-of-way, along bike paths, or within greenspace areas throughout the OAO. The City shall determine where the off-site bicycle parking shall be located.
- (7) *Parking Exclusion.* A parking exclusion shall apply only to existing square footage or floor space. Parking shall be provided as required by the OAO parking standards or other provisions of the Land Development Code, where not specifically addressed herein. The OAO shall apply for any net new building or net new floor space created by redevelopment, new construction, additions, alterations, or remodeling or for any change in use requiring additional parking such as an office or retail space conversion to restaurant. Existing parking spaces may be counted to satisfy this

requirement only where such existing spaces are in excess of the parking space requirements of this section for any existing floor space.

(8) *Floor Area Ratio for Parking Structures.* In subareas where the city encourages the use of structured parking, an opportunity to achieve increased floor area ratio (FAR) is included in the Subarea development standards. Parking structures shall count towards the floor area ratio (FAR) for any property within the OAO (except for underground level and open top level), developments that provide parking at least 10% above what is required by minimum code requirements or parking structures meeting the following conditions are eligible to take advantage of the Bonuses offered in the OAO Development Enhancement Menu.

- i. Provide for multi-property parking collectives. For smaller-scale garages, multiple property owners may create a collective where parking can be built on a property that can serve multiple properties that do not have adequate available parking.
- ii. Provide level-two electric vehicle charging stations for a minimum of 2% of all spaces within the structure.
- iii. Provide and construct parking spaces at least 10% above what is required to meet code minimum requirements. This excess parking must be available for lease at or below fair market value (based on comparable area parking leases) to small businesses in the OAO located in Subarea A. When parking spaces to satisfy the 10% requirement are located on the primary parcel as part of structured parking, the square footage associated with those spaces shall not be included in FAR calculations. At the discretion of the City Commission, a portion of this additional parking may be provided in another location of verified parking deficiency within the OAO. Any parking spaces provided under this provision shall be constructed in conformance with the standards of the Subarea in which they are constructed, subject to an approved Parking Management Plan and supported by a recorded instrument acceptable to the City Manager with review and advice from the City Attorney. Provision of parking spaces shall run concurrent with the primary development use. The City's preference is structured parking. Should the City Commission agree to accept surface parking spaces as part of the required 10% additional parking, the number of spaces will be adjusted to reflect the comparable value of surface versus structured parking based on current market values as determined by the Office of Management and Budget.
- iv. Stairwells required for parking garages shall be designed to have open walls, visible to the outside of the garage.

- v. Parking structures shall be designed to allow sufficient airflow to ensure that all structured parking remain "open-air." Mechanical ventilation shall not be allowed for structured parking within the OAO, unless the parking structure is located below ground.
- vi. Parking structures shall be screened at least 50% on all visible sides with green walls, living walls, liner buildings (with adequate spacing to allow air and light to enter garage), murals (that do not include advertising of any type), mature shade trees or vegetative screening, or designed with architectural details to match the primary structure. that soften the appearance from looking like a stark parking garage wall.
- vii. Subarea A properties shall be offered priority for parking spaces that are required to be available for lease. Parking spaces shall also be eligible for purchase by other properties, first opportunity to purchase shall be given to Subareas A.
- viii. Parking structures shall meet height, building setback, allowable building envelope area and screening requirements as outlined in the OAO.
- ix. Parking garages shall be set back from the Orange Avenue, Fairbanks Avenue or Orlando Avenue frontages in accordance with requirements of Section 58-83(3).i. (2) Setbacks Allowable Building Envelope Cross-Section based on height. Parking structures shall be screened as required in the OAO. Parking shall be accessed from private drives or public/private alleys originating and terminating on side streets to the maximum extent feasible. They shall be designed in an architectural style that is compatible with its building counterpart and shall also conform to the City's parking garage design guidelines, be subject to Parking Management Plans and standards in Section 58-84 and Section 58-86.
- x. Parking structures shall not be permitted on the north side of Fairbanks Avenue.

1. Public Notice and Hearing Requirements.

- (1) In addition to notice required by state law, City-wide notice, as defined in Section 58-89, shall be required for OAO code text amendments and any proposed development within the OAO that requires Conditional Use approval and has a land area of more than 80,000 square feet, or a building of more than 35,000 square feet or having more than 25 residential units. Said notice of the hearing shall be published in a newspaper of general circulation within the city at least 30 days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of record of property within 1,500 feet of the property, and mailed to all households as determined from

the listing of utility billing addresses within the entire city limits at least 30 days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each parcel, street side, and shall be erected by the applicant.

- (2) In addition to notice required by state law and Section 58-89, for proposed development within the OAO requiring Conditional Use Approval, but not qualifying for city-wide notice, public notice shall be required as follows: Said notice of the hearing shall be published in a newspaper of general circulation within the city at least 15 days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of property of record within 1,500 feet of the property requested for Conditional Use, at least 15 days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each parcel, street side, and shall be erected by the applicant.
- (3) All changes to OAO zoning code text and subarea maps and approval of Conditional Uses for all projects that meet the size, density or intensity requirements for city-wide notice, shall be deemed approved when the change has received the affirmative vote of a majority of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If the city commission approves the required conditional use at the first public hearing, such approval shall not be considered final until the second approval at the second public hearing.

m. 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 at least 25% meaningful open space, which is predominately visible from public right of ways, 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.

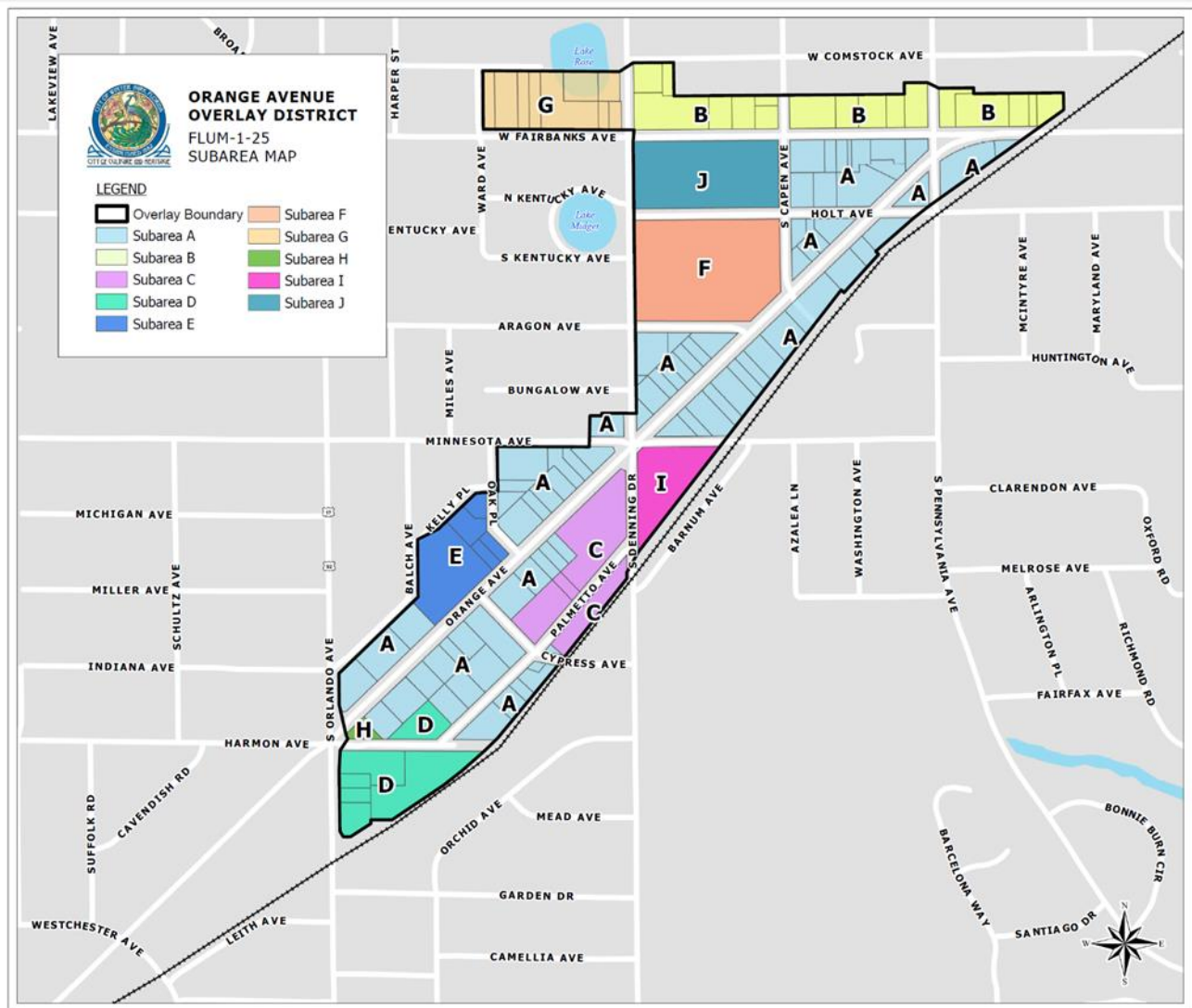
- n. Signage Requirements.* Signage within the OAO with frontage along Orange Avenue shall comply with the following requirements:
- (1) Each occupant shall be permitted a maximum of two signs indicating the business, commodities, service or other activity sold, offered or conducted on the premises. Where one occupancy has two signs, only the following combinations of sign types shall be permitted: One wall or canopy sign; one projecting sign and one wall or canopy sign; one canopy sign and one under-canopy sign. These signs shall also comply with the applicable provisions of Sections 58-125 through 58-128.
 - (2) Projecting signs on properties or buildings within the OAO shall be limited to an area of each face of 20 square feet and shall have a minimum clearance of seven feet.
 - (3) The maximum copy area of canopy signs shall be two square feet per linear foot of canopy front and sides. These signs should also comply with applicable provisions of Section 58-128.
 - (4) Signs attached to the underside of a canopy (under-canopy signs) shall have a copy area no greater than six square feet, with a maximum letter height of nine inches, subject to a minimum clearance of seven and a half feet from the sidewalk.
 - (5) OAO properties may not have digital, electronic, and/or internally-illuminated signs, such as backlit plastic, acrylic or glass. Front lighting of signs is encouraged. External illumination must be provided by a light source that is installed to prevent direct light from shining onto the street or adjacent properties. Flashing or moving lights are not permitted. Backlit halo-type opaque sign lettering is permitted; however, the light color must be white or subdued and muted such as a pastel shade. Sign faces and sides may not be translucent and must be an opaque material such as metal or wood.
 - (6) Ground signs or monument signs (excluding pole and pylon signs) are only permitted within the Subareas C, D, E, I, J and K. Ground signs within these subareas are limited to 30 square feet in size, and shall be located as to prevent interference with pedestrian and vehicular traffic. The design and location of such signs shall be subject to the approval of the Planning and Community Development director and/or Building Department director via a sign location and design plan to ensure that the sign does not interfere with pedestrian traffic, parking or does not create excessive signage in one area.
- o. Sidewalk Design and Utilization.* All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. A minimum 17-foot

sidewalk is to be provided along Orange Avenue. Fairbanks Avenue and Orlando Avenue shall provide sidewalks at least ten feet wide with a minimum 5-foot landscape buffer along the back of curb, between the roadway and sidewalk. All other sidewalks in the OAO shall be at least 10-feet in width with a minimum 5-foot landscape buffer. If sufficient right-of way is not available, the building may need to be set back to accommodate these wider sidewalks and the additional space required to create the required sidewalks as defined herein shall be dedicated to public access through easement. Sidewalks shall be constructed in accordance with the standards for sidewalks set forth in City of Winter Park Engineering Standards and Landscape standards and constructed at the sole cost of the developer. Restaurants and cafes with seating within the public right-of-way shall be subject to the regulations contained in Chapter 90, Article VI - Sidewalk Cafes, of the Winter Park code of Ordinances.

- p. Display of Merchandise Outside of Commercial Buildings.* Only properties within the OAO with frontages along Orange Avenue are allowed one display of merchandise to be located outside of a commercial business exclusive of beautification elements such as plants (that are not for sale). This display must be placed within two feet of the front wall or window of the building. This display must not block or impede pedestrian traffic or be placed on the public sidewalk and at least six feet of clear sidewalk width must remain for pedestrian traffic. This display must be no more than six feet in height and no more than two feet in width. The display must be safely secured and removed under windy conditions. The display must be removed when the business is not open. An outside display is not permitted if the business chooses to place an outdoor portable sign.
- q. 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, as part of conditional use approval addressing the project's contribution to transportation infrastructure. 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 satisfy requirements of this policy.
- r. Stormwater Management:* To increase efficiency of land use, at the discretion of the Director of Planning and Transportation or the Director of Public Works, stormwater management systems serving multiple building developments may be considered provided such systems are made available before certificate of occupancy and

recorded with a legal instrument acceptable to the City with review and advice from the City Attorney.

- s. *Orange Avenue Overlay District Subareas and Standards for Development.* The subarea map depicted below delineates the different subareas of the OAO and the specific standards, requirements and opportunities for each subarea. Each subarea has unique characteristics, issues and opportunities.



After the adoption of the OAO, no changes to the subarea map shall be allowed. Variances to height, number of stories, FAR, permitted/prohibited uses, required open space or maximum residential density shall not be granted for any property or development within the Orange Avenue Overlay District. Variances to other development standards shall be considered, with sufficient

showing of reasoning and hardship, as outlined in Section 58-90 and 58-92.

The standards detailed in the OAO are the maximum density and intensity parameters potentially permitted in each respective subarea. These maximum standards are not an entitlement and are not achievable in all situations. Many factors may limit the achievable FAR including limitations imposed by the maximum height, physical limitations imposed by property dimensions and natural features as well as compliance with applicable code requirements such as, but not limited to parking, setbacks, lot coverage and design standards.

Parcels to be developed or redeveloped within Subareas D, I & J shall contain at least 25% of the Cumulative Gross Floor Area as Mixed-Use, ensuring that no single-use developments occur that may not create the vibrant mixed-use district that is desired. Mixed-use can be vertical or horizontal.

Residential units are limited on the first floor along Orange Avenue for all Subareas. Limited residential use of the first or ground floor of such buildings may be permitted when limited to the functions of entrance lobby/elevator/stair access, leasing or management office or residential amenity spaces such as health/fitness, meeting/activity room or storage. However, in no case shall more than 15 percent of the first or ground floor be devoted to (not counting the area of parking garages) these ancillary residential uses.

(1) *Subarea A.* In order to allow for the remodeling and renovation of the buildings within this subarea and to enhance the OAO, these properties shall not be required to comply with those Land Development Code standards listed below, as long as additional square footage is not added to the buildings. If additional square footage is added, as to parking requirements, the properties shall be required only to provide the required parking for the new net square footage of the property. Any additional impervious surface created shall meet all City of Winter Park stormwater requirements for the new impervious area. All remodels, renovations or reconstructions that are allowed to remain as legally non-conforming under other Land Development Code requirements, shall still be required to meet applicable building and life safety codes as determined by the City Building Official and Fire Official. If the use of the building is changed (i.e. office conversion to café), parking shall be provided as required by Code.

(a) *Exemptions.* The following Land Development Code Requirements shall not be required to be met for renovation or remodel of existing structures that will maintain the existing use, gross square footage, number of stories and conditions of the property:

1. Floor Area Ratio (to the extent existing structure already exceeds FAR)
 2. Minimum Parking Requirements
 3. Stormwater Retention (but a minimum of 10 cubic feet of stormwater treatment and storage shall be created)
 4. Impervious Surface Percentage
 5. Setbacks
 6. Landscaping
 7. Height (no increase in stories)
- (b) *Reconstruction of Buildings.* Given the age of buildings within Subarea A, the properties within this subarea shall be allowed to reconstruct the same building footprint (and square footage) when the building on the site is completely demolished, regardless of non-conforming status, on the site without being required to meet all development standards. Reconstruction of buildings shall be required to provide stormwater retention and the sidewalk widths as described herein. All building and life safety codes shall be met with all reconstruction.
- (c) *Subarea A Development Standards:*
1. Base Floor Area Ratio (FAR): 45%
 2. Maximum Achievable FAR with Residential: 60%
 3. Maximum Height: 2 Stories for any properties abutting Orange Avenue and Minnesota Avenue, and 3 stories for all other properties within the subarea.
 4. Maximum Impervious Coverage: 85%
 5. Setbacks: Maximum front setback is 0 feet, but must allow for at least a 17-foot wide sidewalk along Orange Avenue. Fairbanks Avenue and Orlando Avenue and other streets in the OAO shall each be designed to provide for a 10-foot wide sidewalk with a minimum 5-foot landscape buffer on the back of curb. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer or street tree canopy clearance, the area shall be dedicated as a public access easement. Side setback is a minimum of 0 feet, and rear setback is a minimum of 10 feet.
 6. Maximum Residential Density: 17 units per acre
 7. Historic Preservation: It is a purpose of the OAO to protect and promote historic resources within the OAO. Towards that end the CRA in conjunction with the City, shall provide financial and administrative assistance to historic assets to submit applications for designation on the local and National Register of Historic Places. Additionally, discounts on license and permit fees shall be offered to incentivize registration on the local register of Historic Places. Applications for façade grants from historic assets shall be given prioritization.

(2) Subarea B.

(a) *Subarea B Development Standards:*

1. Base Floor Area Ratio: 45%
2. Maximum Achievable FAR with Residential: 60%
3. Maximum Height: 2 stories when property line is shared with residential use or zoning. Structures on parcels not having a common boundary with residential may increase to 3 stories if the 3rd floor is set back an additional 10 feet from front and rear setback lines. 3rd floors shall only allow residential uses.
4. Maximum Impervious Coverage: 85%
5. Setbacks:
 - a. Front/Street: 25 feet within 100 feet of the Fairbanks and Denning intersection, otherwise front setback is 20 feet. Front setbacks must allow for at least a 10-footwide sidewalk and 5-foot landscape buffer area on the back of curb along Fairbanks Avenue. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
 - b. Side: 0
 - c. Rear: 35 ft
 - d. Third stories shall require an additional 10-foot setback from the front and rear setbacks.
6. Maximum Residential Density: 17 units per acre

- (b) *Additional Development Regulations.* For properties within this Subarea B with an underlying zoning of single-family residential, these properties shall only be used for single-family residential use, open space, or transportation improvements.

(3) Subarea C.

(a) *Subarea C Development Standards:*

1. Base Floor Area Ratio: 20%
2. Bonus FAR exclusively for Structured Parking: 65%
3. Maximum Achievable FAR with Parking Structure: 85%
4. Total FAR must be divided between multiple buildings
5. Maximum Height: 2 Stories or 35 feet (including any awnings or shade structures) for Commercial Structures and Parking garage shall be allowed up to 4-levels including the rooftop deck.
6. Maximum Impervious Coverage: 75%
7. Setbacks: 0 front setback along Orange Avenue, Denning Drive, or Palmetto Avenue, except front setbacks on Orange must allow for at least a 17-foot wide sidewalk and setbacks on Denning and Palmetto

must allow for a 10-foot wide sidewalk and 5-foot landscape buffer on back of curb. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. The bike trail may substitute for applicable sidewalk requirements at the discretion of the Director of Planning. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.

8. Maximum Residential Density: 0 units per acre

- (b) *Intersection and Open Space Viewshed.* Due to the unique shape of Subarea C and proximity to a unique intersection, this additional requirement creating a viewshed shall apply. The viewshed area is banded by the lines described as follows: Start where the property lines of Subarea C meet at the intersection of Denning Drive and Orange Avenue; then travel 150 feet southwest along Orange Avenue's southeast right of way line; thence easterly to the point on the west boundary of South Denning Drive that is 150 feet south of the starting point; then north along the west boundary of South Denning Drive to the starting point ("viewshed"). This viewshed shall be an open space area not available for the construction of structures or storage or placement of equipment, material or items otherwise allowed in the OAO.
- (c) *Palmetto Re-Alignment.* Palmetto Avenue may be relocated to allow for different development scenarios on the site. 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 concern should the roadway be realigned.
- (d) *Additional Development Requirements.*
 - (1) A monument sign at least 3 feet in height and 5 feet in width, set in a landscaped bed, shall be required to be provided at the intersection of Denning Drive, Minnesota Drive and Orange Avenue, which directs the public to Mead Botanical Garden. The City shall approve the design and location of the sign.
 - (2) Include 1.5 acres of contiguous park space plus bicycle/pedestrian trail.
 - (3) No residential use.
 - (4) City to retain ownership of this parcel in perpetuity.
 - (5) Stormwater requirements to exceed code.
 - (6) Contribute to parking needs of small businesses in the area.

- (7) Walkways that are at least 5 feet wide (paved or bricked) must exist between buildings onsite and extend from the park area to Cypress Ave.

(4) Subarea D.

(a) Subarea D Development Standards:

1. Base Floor Area Ratio (FAR): 60%
2. Maximum Achievable FAR with Enhancements: 100%
3. Maximum Height: 5 Stories or 56 feet
4. Maximum Impervious Coverage: 75%
5. Setbacks:
 - a. Street: Minimum 50 feet along Orlando Avenue. Setbacks must allow for at least a 10-foot wide sidewalk and 5-foot landscape buffer area on the back of curb along Orlando Avenue and Palmetto Avenue. 0 feet along Orange Avenue except front setbacks must allow for at least a 17-foot wide sidewalk. The bike trail may substitute for applicable sidewalk requirements on one side of realigned Palmetto, at the discretion of the Director of Planning. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
6. Rear: 35 feet
7. Maximum Residential Density: 17 units per acre

(a) Residential Uses shall only be allowed above the ground floor fronting Orange Avenue. On a case by case basis 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 inclusionary affordable/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.

(b) *Required Development Enhancements.* In order to be eligible for any Development Enhancement Bonuses, any future development of the property within Subarea D shall include structured parking and the following item(s) from the Development Enhancement Menu: CT.1.

(c) *Road Realignment.* Realignment of the Harmon Avenue or Vivian Avenue right-of-way may be considered, subject to City Commission approval and shall require dedication of equivalent Right-Of-Way for the re-alignment of Palmetto Ave. Harmon Avenue currently serves as access to businesses on Palmetto Avenue. Replacement of on-street

parking and maximizing ease of traffic flow for Palmetto Avenue shall be matters of priority concern should the City Commission approve closing or vacation of Harmon Ave or Vivian Avenue. No on-street parking permitted along a curved roadway segment where the curve exceeds 60 degrees.

(5) *Subarea E.*

(a) *Subarea E Development Standards:*

1. Base Floor Area Ratio: 45%
2. Maximum Achievable Floor Area Ratio with structured parking: 60%.
3. Maximum Height: Maximum 2 Stories
4. Maximum Impervious Coverage: 85%
5. Setbacks:
 - a. 0 front setback along Orange Avenue, except front setbacks must allow for at least a 17-foot wide sidewalk and 5-foot landscape buffer at back of curb. All other street frontages must allow for a 10-foot sidewalk and 5-foot landscape buffer at back of curb. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
 - b. Side: 5 feet
 - c. Rear: 20 feet. If abutting residential, shall be a minimum of 35 feet or equal to building height, whichever is greater.
6. Maximum Residential Density: 17 units per acre

(6) *Subarea F.*

(a) *Subarea F Development Standards:*

1. Base Floor Area Ratio: 20%
2. Maximum Achievable Floor Area Ratio: 20%
3. Maximum Height: 2 Stories
4. Maximum Impervious Coverage: 50%
5. Setbacks: 20 feet. Orange Avenue setbacks must allow for at least a 17-foot wide sidewalk and 5-foot landscape buffer area on the back of curb. Setbacks on Capen Avenue, Aragon Avenue and Denning Drive must allow for at least a 10-foot wide sidewalk and 5-foot landscape buffer area on the back of curb. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. Where the building requires an additional setback to achieve the required sidewalk, landscape

buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.

6. Maximum Residential Density: No Residential Uses Allowed

- (b) *Additional Subarea Requirements:* This area shall not be used for any other future purpose than public space, recreation, open sports/recreation facilities, including ancillary structures, or the parking needed to support these uses. No offices, classrooms, residences or other college uses shall be allowed on the property.

(7) Subarea G.

Subarea G Development Standards:

1. Base Floor Area Ratio: 45%
2. Maximum Achievable Floor Area Ratio: 45%
3. Maximum Height: 2 Stories at max of 35 ft
4. Maximum Impervious Coverage: 85%
5. Setbacks: Front setback shall be 25 feet. Setbacks must allow for at least a 10-foot wide sidewalk and 5-foot landscape buffer area along Fairbanks Avenue. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement. Side setback is a minimum of 5 feet, and rear setback is a minimum of 10 feet.
6. Maximum Residential Density: 17 Units/Acre

Additional Development Requirements. This Subarea G represents an opportunity to expand Martin Luther King Jr., Park to create an increased greenway connection to Mead Botanical Garden, for cleanup of environmental hazards threatening water quality, educational opportunities regarding karst formation (sinkholes) and to improve traffic flow. It is the intent of the City of Winter Park to acquire these properties for the extension of Martin Luther King, Jr. Park and to provide for transportation improvements.

(8) Subarea H.

(a) *Subarea H Development Standards:*

1. Base Floor Area Ratio: 0%
2. Maximum Achievable Floor Area Ratio: 0%
3. Maximum Height: N/A
4. Maximum Impervious Coverage: N/A
5. Setbacks: N/A
6. Maximum Residential Density: N/A

(9) Subarea I.

- (a) *Subarea I Development Standards:*
1. Base Floor Area Ratio (FAR): 45%
 2. Maximum FAR with Residential: 60%
 3. Maximum Achievable FAR with Enhancements: 100%
 4. Maximum Height: 3 Stories
 5. Maximum Impervious Coverage: 75%
 6. Setbacks: Orange Avenue 0 front setback, except front setbacks must allow for at least a 17-foot wide sidewalk. On Denning Drive and Minnesota Avenue setbacks must allow for at least a 10-ft wide setback and a 5-ft planting strip back of curb. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
 2. Maximum Residential Density: 17 units per acre. Residential Uses shall only be allowed above the ground floor. On a case-by-case basis 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 inclusionary affordable/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.
- (b) *Required Development Enhancements.* In order to be eligible for any Development Enhancement Bonuses, any future development of the property within Subarea I shall include structured parking and the following item(s) from the Development Enhancement Menu: CT.7. The City of Winter Park shall determine the area required to be dedicated for intersection improvements.
- (c) *Intersection and Open Space Viewshed.* Due to the unique shape of the property and proximity to a unique intersection, this additional requirement creating a viewshed shall apply. The viewshed area is bounded by the lines described as follows: start where the property lines of Subarea I meet at the intersection of Denning Drive and Minnesota Avenue; then travel 50 feet east along Minnesota Avenue's southern right of way line; thence south westerly to the point on the east boundary of S. Denning Drive that is 30 feet south of the starting point; then north to the starting point ("viewshed"). This viewshed shall be an open space area not available for the construction of structures or storage or placement of equipment, material or items otherwise allowed in the OAO. This viewshed is in addition to other setback requirements for Subarea I.

(10) Subarea J.

(a) *Subarea J Development Standards:*

1. Base Floor Area Ratio: 60%
2. Maximum Achievable Floor Area Ratio with Enhancements: 100%
3. Maximum Height: 3 stories fronting on Fairbanks Avenue and Denning Drive. 4 Stories when setback 80 feet from Fairbanks Avenue and Denning Drive. 4 stories fronting on Holt and Capen Avenues.
4. Maximum Impervious Coverage: 75%
5. Setbacks: 35 feet from the back of sidewalk on Fairbanks Avenue. Setbacks must allow for at least a 10-foot wide sidewalk and 5-foot landscape buffer area at the back of curb along Fairbanks Avenue. On Holt Avenue, Denning Drive and Capen Avenue setbacks must allow for at least a 10-ft wide sidewalk and a 5-ft planting strip back of curb. Where the building requires an additional setback to achieve the required sidewalk, landscape buffer, or street tree canopy clearance, the area shall be dedicated as a public access easement.
6. Maximum Residential Density: 17 units per acre. Residential Uses shall only be allowed above the ground floor. On a case-by-case basis 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 inclusionary affordable/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.
7. Vehicle access to the property shall only be allowed from Capen Avenue or Holt Avenue. A service alley of at least 30 feet is required to extend from Holt to Capen.

- (b) *Required Development Enhancements:* In order to be eligible for any Development Enhancement Bonuses, any future development of the property within Subarea J shall include structured parking and the following item from the Development Enhancement Menu – *Land Donation for Transportation Improvements*. The City of Winter Park shall determine the area required to be dedicated for transportation improvements and the required land may be property under common ownership located offsite from Subarea J within the OAO boundaries.

- t. *Orange Avenue Overlay District Development Enhancements/Bonuses.* Enhanced development entitlements shall be considered for the OAO developments including structured parking, but shall be earned based upon a project meeting certain established criteria, rather than simply granted.

- (1) *Square-Foot-Based Development Enhancement Menu.* A square-foot-based upgrade system for properties with new developments or redevelopments that include parking dedicated to the public in perpetuity within the OAO is hereby established. For properties to obtain additional development entitlements, Floor Area Ratio (FAR) beyond what is provided in the relevant subarea or underlying zoning, the following provisions and Tables are established.
- (2) Property owners or developers providing parking dedicated to the public in perpetuity may use any combination of the Development Enhancement Menu to obtain up to the Maximum Achievable Floor Area Ratio. Certain subareas shall require certain Enhancements to be met. Each development enhancement utilized shall be required to be designed and shown on any development plans submitted for development of a property. Off-site improvements shall require plan submittal for the area where the improvements are proposed. Any enhancement or improvement shall be designed by a licensed professional (Architect, Civil Engineer, Landscape Architect, Structural Engineer, etc.) as determined by the Planning Director.
- (3) For physical improvements from the Development Enhancement Menu, the City may require a development agreement with terms acceptable to the City setting forth the ownership, operation, maintenance and replacement responsibilities for such Enhancement(s). Unless otherwise stated in the Development Enhancement Menu or a development agreement, the property owner/developer is obligated, at its expense, to operate, maintain, and replace with comparable product at the end of the enhancements' useful life based on industry standards and best practices any physical improvement enhancement made within or upon the development project for the life of the development project. For physical improvement(s) from the Development Enhancement Menu made to City-owned property or other public property, the City may require the property owner/developer, at its expense, to cause the operation, maintenance and replacement of such improvement(s) for up to twenty (20) years from completion in the manner set forth in a development agreement. For any amenities placed upon private property intended to be accessed and/or used by the public, the property owner/developer may be required to grant easements to the City permitting public access and use of such amenities without subjecting the City to any operation, maintenance and replacement responsibilities or liability arising from such public access or use.
- (3) The following OAO Development Enhancement Menu was created to address the wide-ranging issues affecting the Orange Avenue area, while meeting the goals of the Comprehensive Plan, the Vision Winter Park plan and the Winter Park Sustainability Plan. To ensure that the intent of the Development Enhancement Menu is met, any project that utilizes this menu shall be reviewed by the Planning Director in order to make a recommendation to the City

Commission as to whether and to what extent an increase in FAR is allowed.

- (4) Where the City requires Transportation, Affordable Housing or Parks Usage Fees, those fees are separate from enhancements proposed in the following Enhancement/Incentives Menu. Unless otherwise stated within this section, enhancements are not eligible to serve as credits against otherwise required fees.
- (5) The relationship between the Enhancements that will benefit the community and the Incentive that will benefit the developer is based on the following components:
 - a. The "Enhancement Cost" to be borne by the Developer
 - b. The "Incentive" to the Developer expressed as additional floor area allowed over and above the Baseline FAR
 - c. The Value of each additional square foot of floor area, the "FAR Value"
 - d. The "Multiplier" as established by Commission Policy

- (6) The calculation of the Incentive relative to the Enhancement is expressed as follows:

Incentive (in Square Feet) = Enhancement Cost (Dollars) times Multiplier (set by Policy) divided by FAR Value (Dollars per SF)

Example: For an Enhancement with a cost of \$10,000, FAR Value of \$70 per SF of FAR and a Multiplier of 2.0, the Incentive is calculated as follows:

Incentive (SF) = \$10,000 x 2.0 / (\$70/SF) = 400 Additional SF of FAR

Check: 400 Additional SF of FAR x \$70/SF = \$28,000 of Value to Developer (i.e. a \$18,000 profit on a \$10,000 cost; or 180% profit)

- (7) The "Enhancement Cost" shall be the installation cost plus the present value of the 20-year maintenance requirement, if applicable. Enhancement Cost shall be determined by staff as directed by the City Manager in their sole discretion. Staff (at the direction of city manager) may consider actual costs, estimated costs, comparable market values, consultant estimates or any other means or methods that staff may choose.
- (8) The value of each additional square foot allowed by increasing the FAR, "FAR Value," shall initially be [\$70] per SF. FAR Value shall be subject to approval by the Commission, upon recommendations from staff, but as a minimum shall increase 2.5% per year. Staff shall make recommendations to increase the FAR Value not less than every 10 years. Staff recommendations shall primarily consider recent sale comparisons expressed as the Sales Price

divided by the greater of the SF permissible under the Baseline FAR or the actual SF approved at the time of the sale closing.

- (9) The “Multiplier” is set as a policy matter by the Commission to provide a range of profit on cost or a risk premium over the cost of the Enhancement.

Examples of Multipliers and the Policy may include:

- a. “Threshold Enhancements” or “Permissible Enhancements” = [1.25 times] (e.g., 25% profit on cost or risk premium)
- b. “Encouraged Enhancements” = [1.5 times] (e.g., 50% profit on cost or risk premium)
- c. “Strongly Encouraged Enhancements” = [2.0 times] (e.g., 100% profit on cost or risk premium)

Table 1: Orange Avenue Overlay District Development Enhancement Menu – Sustainability Category

Category Number	Enhancement	Description & Potential Bonus	Multiplier	Maximum FAR Increase
S.1	<i>Renewable Energy/Solar PV Panel Systems</i>	The cost of installing the system earns an increase in square footage.	1.5	10%

Table 2: Orange Avenue Overlay District Development Enhancement Menu – Arts & Culture Category

Category Number	Enhancement	Description & Potential Bonus	Multiplier	Maximum FAR Increase
AC.1	<i>Space for Non-Profit Arts & Cultural Organizations</i>	For each 1,000 square feet of space that is built specifically and solely for non-profit arts and cultural facilities. The space provided for these non-profit users shall not count towards the FAR of the site. The space shall only be rented to Arts & Cultural organizations with non-profit 501.C.3 status, in perpetuity. Parking shall also be provided and shared parking is encouraged. The rents charged shall not exceed 80% of the median rents charged for similar properties in the area. The rents shall not increase more than 3% per year.	1.5	15%

Table 3: Orange Avenue Overlay District Development Enhancement Menu – Parking Category

Category Number	Enhancement	Description & Potential Bonus	Multiplier	Maximum FAR Increase
P.1	<i>Public Parking</i>	Each 3 Dedicated Public Parking Spaces within a Parking Structure, Which Remain Free for Public Parking at All Times.	1.25	10%

Table 4: Orange Avenue Overlay District Development Enhancement Menu – Meaningful Open Space Category

Category Number	Enhancement	Description & Potential Bonus	Multiplier	Maximum FAR Increase
OS.1	Open Space Beyond Minimums	Additional dedicated open space available to the public beyond the required minimum.	1.5	20%
OS.2	Shade Tree Planting	Each 25-inches of Shade Tree Caliper Planted Onsite Beyond Minimum Requirements. Species Shall Be City Arborist Approved and Planted with Irrigation. A minimum 5" caliper tree shall be required.	1.5	10%
OS.3	Tree Fund Donation	Payment may be made into the City of Winter Park Tree Replacement Trust Fund, so that meaningful trees can be planted throughout the City to maintain and grow our tree canopy.	1.5	5%
OS.4	Mead Garden Improvements	Donation to City of Winter Park designated for Mead Botanical Garden Improvements/Restoration/Enhancements. The Funds Shall Only Be Used for Capital Improvements or Enhancements in Mead Botanical Garden with a maximum donation of \$100,000.	1.25	10%
OS.5	Donation of Land for Parks	For land donated to the City of Winter Park for park space located adjacent to existing public parkland (which is accepted by the City Commission as meaningful and useful park land). Donated park land cost shall equal FAR value.	2.0	20%
OS.6	Martin Luther King, Jr. Park Expansion	Donation to the City of Winter Park, Park Acquisition Fund. Funds Shall Only Be Used for the Acquisition of Additional Park Land. The Funds Shall Only Be Used For the Acquisition of the Area Identified as Subarea "G" herein, to expand Martin Luther King, Jr. Park. Maximum donation of \$100,000.	2.0	10%
OS.7	Social Connection Amenities	Stage areas for music/art performance	1.25	2%
		Dedicated Standalone Public Restrooms (not a part of a business onsite)		2%

Table 5: Orange Avenue Overlay District Development Enhancement Menu – Connectivity & Transportation Category

Category Number	Enhancement	Description & Potential Bonus	Multiplier	Maximum FAR Increase
CT.1	<i>Rail-Trail Construction & Easement</i>	Provide Dedicated Utility & Public Access Easement of a Minimum of 20 feet and Construction of Rail-Trail with a 12-foot Trail Width, to match regional trail widths and 4-foot planting strip along each side within said 20 foot easement, with decorative light pole (as selected by City of Winter Park to match other areas of town) & shade or understory tree of minimum 5" caliper (as selected by Urban Forestry) with irrigation for every 50 feet of railroad frontage. The trail and easement shall connect from the property line where the rail enters, to the property line where the rail exits. The trail shall be designed to align with existing or future trail locations and the design of the trail shall be determined on the site plan when a project is submitted for consideration. Enhancement costs shall not include land costs.	1.25	20%
CT.2	<i>Off-Site Trails</i>	Donation to the Construction of Bike/Pedestrian Trails. Due to the unique circumstances and properties in each area, every section of future trail will have challenges and opportunities. Because no two areas are the same, it is preferable to have developers pay into a trails fund, with design and installation provided by the City. Maximum donation of \$100,000.	1.5	10%
CT.3	<i>Bicycle/Pedestrian Repair Facilities & Rest Areas</i>	Provide bicycle/pedestrian amenities that are available to the community near any Bike Trail facility. One of each of these facilities shall be allowed to locate in one or more of the following locations: Rail Trail area as defined in this chapter, along the new Bike Path connecting to Mead Botanical Garden, or along the Denning Drive bicycle facilities. Each location shall require the following elements under a covered roof or shade area: Bicycle Fix-It Stations with bike lift, air pump and tools; water fountain and water bottle filling; bike rack; trash and recycling receptacles; and a bench. Maximum cost of \$25,000.	1.5	6%
CT.4	<i>Land Donation for Transportation Improvements</i>	Land dedicated to the City of Winter Park as right-of-way for needed transportation improvements. Right-of-way land cost shall equal 25% of FAR value.	1.5	25%

u. *Definitions.*

- (a) *Affordable Housing:* Affordable housing means a dwelling unit, with regard to a unit for sale, which costs less than 80 percent of the median price of the single-family homes sold the previous year in the Orlando metropolitan area; and with regard to a unit for rent, one which rents monthly for less than 80 percent of the median monthly cost of similar sized units for the previous year in the Orlando metropolitan area and for which the purchaser's or renter's income or combined family income does not exceed 80 percent of the median family income for the Orlando metropolitan area.
- (b) *Boutique Hotel:* A boutique hotel has minimal food and beverage operations, no banquet facilities and has 100 rooms or less. It is largely characterized by its smaller size, personalized service and local personality, which can vary dramatically depending on where the property is located. They cater to the individual, providing very personalized, intimate service. These properties are designed to blend into the community and reflect the neighborhoods and cultures around them.
- (c) *Building Story:* Building story means a section of a building between the surface of a floor and the floorplate of the floor above it.
- (d) *Common Ownership or Commonly Owned:* Properties shall be deemed to be under "common ownership" or "commonly owned" if the properties are owned by the same entity or affiliated entities with substantially similar control and management.
- (e) *EIFS:* Exterior Insulation and Finish System. A non-load bearing exterior wall cladding system consisting of a thermal insulation board, adhesively and/ or mechanically attached to the substrate, base coat with reinforced fiberglass mesh and a textured finish coat.
- (f) *Fast Casual Restaurant:* Fast casual restaurants offer consumers freshly-prepared, higher-quality food in an informal setting, with counter service to keep things speedy.
- (g) *Floor Area Ratio (FAR):* The gross floor area divided by the land area of the building site excluding land areas across a public street under the same ownership. The gross floor area ratio is the square footage of the building or buildings on the property (and contiguous properties being used in connection with such building(s)) divided by the area of such property in square feet. This mathematical expression (gross floor area ÷ land area = floor area ratio) shall determine the maximum building size permitted. The floor area of parking structures is included in the calculation of the Floor Area Ratio with the exception of

underground parking, open-air top-level parking and the 10% parking in excess of code required in accordance with Section 58:83 j(7)(c).

- (h) *Food Hall*: Unlike food courts made up of fast food chains, food halls typically mix local artisan restaurants, butcher shops and other food-oriented boutiques under one roof.
- (i) *Green Roof*: A green roof or living roof is a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. Green roofs serve several purposes for a building, such as absorbing rainwater, providing insulation, creating a habitat for wildlife, increasing benevolence and decreasing stress of the people around the roof by providing a more aesthetically pleasing landscape, and helping to lower urban air temperatures and mitigate the heat island effect.
- (j) *Green Wall/Living Wall*: Living walls or green walls are self-sufficient vertical gardens that are attached to the exterior or interior of a building. They differ from green façades (e.g. ivy walls) in that the plants root in a structural support which is fastened to the wall itself. The plants receive water and nutrients from within the vertical support instead of from the ground.
- (k) *Impervious Area*: Impervious Areas are man-made areas that cannot absorb water from rain or snow. Impervious Area Examples: Roofs; Roads; Sidewalks; Driveways; Parking Lots.
- (l) *Meaningful Open Space*: Privately -owned property that is not a part of the inside of a building. These areas are intended to provide for the use and benefit of the general public, and are legally accessible by the general public. These areas are accessible and designed for outdoor living, gathering, landscaping, recreation, pedestrian activity, meaningful, useable, accessible, green and beautiful open space that invites the public to relax, interact, recreate, unwind and stimulate social connection. Open space shall not be retention ponds, parking lot islands or landscape planting areas around building bases. Meaningful opens spaces are 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. The intent is that each of these areas create the opportunity for social interaction, relaxation, recreation and reflection.
- (m) *Mixed-Use*: Mixed-use development combines two or more types of land use into a building or set of buildings that are physically and functionally integrated and mutually supporting. This can be

some combination of residential, commercial, industrial, office, institutional, or other land uses. The form of mixed-use development can be vertical or horizontal. Vertical mixed-use occurs when different uses inhabit the same building and sit atop one another, such as residential or office uses over ground floor retail. Horizontal mixed-use occurs when uses are placed next to each other, such as an apartment building that is adjacent to offices, restaurants, or retail shops. Mixed-use areas often create the main street/downtown, activity center, or commercial corridor of a local community, district, or neighborhood. They frequently involve stacking uses – residential or office above retail, for example, in low or midrise buildings, but are predominately made up of a variety of individual buildings arranged around streets and around public squares or other open spaces.

- (n) *Multi-Generational Play Area:* Instead of focusing exclusively on children, these playgrounds broaden their scope to include equipment, activities and amenities for those older than age 12—and perhaps significantly older—so that anyone who visits the playground, regardless of age or ability, can find something there they enjoy.
- (o) *Multi-Modal Transportation:* This concept is that all modes of transportation should have equality and there shouldn't be the typical hierarchy where private automobiles have more opportunities at the cost of pedestrians, cyclists, public transportation users and handicapped persons.
- (p) *Overlay District:* An area where certain additional requirements are mapped upon an underlying zoning district(s). The district modifies or supplements the underlying zoning regulations and allows for flexibility in design and the ability to apply more area specific requirements including, but not limited to, architecture, height, setbacks, use, open space, landscaping, historic preservation, floor area ratio, parking, public improvements, access, stormwater, etc. In the instance of conflicting requirements, the stricter shall apply.
- (q) *Percentage-Based Development Enhancement:* In exchange for the ability to obtain additional development entitlements above those currently allowed by the underlying zoning. Subject to approval by the City Commission, certain public improvements and area-wide solutions will be required by those who develop or redevelop properties and the requirements for Development Enhancement Bonuses must be met. Subject to approval by the City Commission, property owners or developers may propose use of any combination of the Development Enhancement Menu to earn their way up to the Maximum Achievable Floor Area Ratio.

- (r) *Pervious Area:* A pervious surface is a surface that allows the percolation of water into the underlying soil. Pervious surfaces include grass, mulched groundcover, planted areas, vegetated roofs, permeable paving as well as porches and decks erected on pier foundations that maintain the covered lot surface's water permeability.
- (s) *Placemaking:* As both an overarching idea and a hands-on approach for improving a neighborhood, city, or region, placemaking inspires people to collectively reimagine and reinvent public spaces as the heart of every community. Strengthening the connection between people and the places they share, placemaking refers to a collaborative process by which we can shape our public and private realm in order to maximize shared value. More than just promoting better urban design, placemaking facilitates creative patterns of use, paying particular attention to the physical, cultural, and social identities that define a place and support its ongoing evolution. With community-based participation at its center, an effective placemaking process capitalizes on a local community's assets, inspiration, and potential, and it results in the creation of quality public spaces that contribute to people's health, happiness, and well-being.
- (t) *Public Improvements:* Any drainage facility, roadway, parkway, pedestrian way, off-street parking area, lot improvements, sidewalk, bike lane, park, public facility, pedestrian crossing, boulevard or other facility which benefits the public.
- (u) *Residential Density:* Measured in dwelling units per gross acre. Maximum densities determine the number of apartment, townhome, condominium or other multifamily units allowed.
- (v) *Walkability:* A measure of how well streets are designed to incorporate pedestrian scale elements and to create equal access for pedestrians. A walkable area has health, environmental, and economic benefits. It keeps pedestrians interested, safe and engaged with the built environment around them. With community-based participation at its center, an effective placemaking process capitalizes on a local community's assets, inspiration, and potential, and it results in the creation of quality public spaces that contribute to people's health, happiness, and well-being.
- (w) *Workforce Housing:* A dwelling unit, with regard to a unit for sale, which costs less than 120 percent of the median price of the single-family homes sold the previous year in the Orange County metropolitan area; and with regard to a unit for rent, one which rents monthly for less than 120 percent of the median monthly cost of similar sized units for the previous year in the Orange County metropolitan area, and for which the purchaser's or

renter's income or combined family income does not exceed 120 percent of the median family income for the Orange County metropolitan area.

v. Vested Rights.

(1) In order to not adversely affect development projects that are actively in the process of being developed for which expenditures have been made in reliance upon the previously existing land development regulations prior to the effective date of this Section as evidenced by such development project's site and building floor plans and/or conditional use having been received and approved by the City prior to the effective date of this Section, the City will allow such development projects to proceed subject to compliance with the underlying zoning and future land use of the property existing prior to the adoption of this Section, other applicable land development regulations and conditions of approval without the need to comply with the development standards of this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies for which this Section implements. Provided however, a conditional use approval or other development order that has been approved by the City which subsequently expires, whether prior to or after adoption of this Section, does not create a vested right to develop a property without compliance with this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies which this Section implements. The City Commission will not approve any Conditional Use extensions of those development projects within the OAO that have been approved prior to the effective date of this Ordinance.

(2) If a property owner believes that this Section and/or the Comprehensive Plan Future Land Use Element Goal 1-8 (and its corresponding Objectives and Policies which this Section implements) creates an inordinate burden on an existing use of real property or a vested right to a specific use of real property, the property owner may apply for a vested rights determination by the City Commission to allow development of such real property within the OAO subject to the underlying zoning and future land use of the property existing prior to the adoption of this Section and compliance with other applicable land development regulations. The Director of Planning and Transportation is authorized to develop a vested rights determination application, the minimum submittal requirements for such application and a reasonable fee associated with the review and processing of such application. The property owner requesting a vested rights development under this subsection has the burden of proof to show that the property owner has a vested right to develop its real property without being subject to the provisions of this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies which this Section implements. The City Commission will conduct a quasi-judicial public hearing on the vested rights determination request to consider whether to approve or disapprove the property owner's request for a vested rights determination. If the City Commission approves the vested rights determination, the applicable real property will be able to develop subject to compliance with the underlying zoning and future land use of the property existing prior to the adoption of this Section and other

applicable land development regulations without compliance with or benefitting (including benefitting from any increased densities or intensities allowed by the OAO) from the development standards of this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies which this Section implements. An approval of a vested rights determination may be subject to a requirement that the property owner and city execute an agreement, with terms acceptable to the city, specifying the uses, densities and intensities allowed and other applicable restrictions upon the development of the real property at issue.

(3) Upon the City's receipt of a written claim of an inordinate burden on an existing use of real property or a vested right to a specific use of real property caused by the provisions of this Section and/or the Comprehensive Plan Future Land Use Element Goal 1-8 (and its corresponding Objectives and Policies which this Section implements), the City Commission shall have the authority, but not the obligation, to authorize the applicable property to develop subject to compliance with the underlying zoning and future land use of the property existing prior to the adoption of this Section and other applicable land development regulations without compliance with or benefitting (including benefitting from any increased densities or intensities allowed by the OAO) from the development standards of this Section and the Comprehensive Plan Future Land Use Element Goal 1-8 and its corresponding Objectives and Policies which this Section implements. This provision shall not be construed as a limitation on the City's authority to make, accept and implement settlement offers and settlement agreements pursuant to applicable law.

SECTION 2. Repeal. Ordinance 3166-20 and Ordinance 3167-20 were rescinded and repealed prior to such ordinances effective dates and were never a part of or incorporated into the Comprehensive Plan or land development regulations. Therefore, in no event shall any development project have any vesting status pursuant to the provisions of Ordinance 3166-20 or Ordinance 3167-20. This Ordinance further confirms and readopts the repeal of Ordinance 3167-20.

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 Land Development Code, and the sections and subsections of this Ordinance may be renumbered or relettered 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. This Ordinance shall become effective upon the comprehensive plan amendments establishing the Orange Avenue Overlay

District goals, objectives and policies as provided for under Ordinance _____ become effective. If Ordinance _____ does not become effective, then this Ordinance is not effective and shall not become part of the City's land development regulations.

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.

Mayor Phil Anderson

Attest:

City Clerk