



City of Winter Park

Analysis of Potential Policy and Regulatory Impediments to Economic Development

September 2, 2013

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Executive Summary

Since its founding, the City of Winter Park has continually attracted growth due, in part, to its strategic location in the Greater Orlando Metro area, its mild climate, its cultural and aesthetic appeal, and its superior quality of life. However, the city was not immune to the impacts of the Great Recession. Like many communities around the nation, Winter Park has struggled to regain jobs, lower unemployment rates, encourage the local real estate market, and maintain the quality of service to its citizens.

By most measures, the city is on the road to recovery, but regional, national and global factors continue to hold back the health of some economic sectors. Given these conditions, the city has been taking steps to reinforce its economic position in an increasingly competitive post-recession environment. One of these measures consisted in retaining WRT, a national planning and design firm, to review the effect of the city's current comprehensive plan and Land Development Code (LDC) on economic development, and to make recommendations for changes to both document which may be necessary to increase their effectiveness in maintaining the economic vitality of the city. WRT's analysis and recommendations are the subject of this report.

WRT designed a simple approach and methodology to complete the assignment within a short timeframe. The major steps of the process comprise:

- A project kickoff during which WRT conducted s interviews with various stakeholders and interested parties. In total, WRT conducted sixteen interviews with twenty-two individuals.
- A Comprehensive Plan, LDC, and Economic Development Plan review, focused on land use patterns and development regulations which might impact economic development in the city. The review was not a complete evaluation and appraisal of the plan, but a strategic examination of “hot button” issues that may impede the city's economic recovery.
- Preparation of a draft document for review in a public meeting with staff, the Planning and Zoning Commission (P&Z), and the Economic Development Advisory Board (EDAB). Feedback received during and after this meeting was used to prepare this report.

While a wide range of opinions and issues were identified through the stakeholder interviews and technical review, the issues were found to be categorizable into two major “types” or groupings:

1. **Core Issues** which transcend the specifics of content of the comprehensive plan and LDC and which, without resolution, will continue to afflict the city, including:

- Lack of Agreement on the Role and Purpose of the Comprehensive Plan versus the Land Development Code
- Absence of a Shared Consensus on Community Vision
- Perceived Conflict between the Notions of Growth and Preservation
- Using a “One-Size Fits All” Approach
- Disagreement on Adopting a Traditional versus Form-Based Zoning Approach
- Lack of Clear Long-Term Economic Development Goals in the Comprehensive Plan

2. Specific Policy and Regulatory Issues which emerged from discussions from the stakeholders as well as from the technical review of the policy and regulatory documents and a review of the current statutes, including:

- Not Discouraging the Proliferation of Sprawl according to revised indicators of Chapter 163, F.S.
- Impact of Concurrency Requirements which are no longer required by Chapter 163, F.S.
- Impact of the Definition of Floor Area Ratio (FAR) on ability to provide off-street parking in areas in need of revitalization
- Burden of Combined Density and Floor Area Ratio Requirements on ability to create mixed use development in areas in need of revitalization
- Inconsistency in the Definition and Application of Building Height
- Inconsistency in the Application of Planned Unit Residential Development
- Limitations of Current Planned Development Districts on opportunities for creative redevelopment and mixed use in areas in need of revitalization
- Burden of the Parking Lot (PL) Zoning District

The last section of this report offers recommendations (in some cases alternatives) to address these issues. As immediate next steps, WRT recommends the following immediate next steps:

1. Develop a strategy for the Planning and Zoning Commission and the Economic Development Advisory Board to coordinate and work together on issues related to the impact of specific comprehensive plan policies and land development code regulations on economic development in the city.
2. Develop a methodology for conducting a (9- to 12-month long) city-wide visioning process, with ample opportunities for meaningful public input. It is important having a community vision statement as the cornerstone of a comprehensive plan because the vision represents the consensus of the citizens. At a minimum, the outcome of this process should be a consensus vision statement that reflects broad consensus on values, aspirations and priorities for the future. Ideally, the process should also include a strategic analysis of existing conditions and trends to identify areas where those conditions and trends diverge from the consensus vision.
3. Given the significant changes introduced by the legislature in 2011, initiate a review of the comprehensive plan against the revised requirements of Chapter 163, F.S., to identify all areas of inconsistency and determine the need to update the plan prior to the state's 2016 deadline. Take advantage of this opportunity to remove extraneous and duplicative regulatory wording from the comprehensive plan in order to establish the statutory distinction between the plan and its implementing regulations. Consider incorporating new historic preservation and economic development elements and strategies in the plan.

1. Background

Since its planning and incorporation in the 1880's as a winter resort town for northerners, the City of Winter Park has been renowned as a well-designed and fiscally prosperous community. The city has continually attracted growth due, in part, to its strategic location in the Greater Orlando Metro area, its mild climate, its cultural and aesthetic appeal, and its superior quality of life.

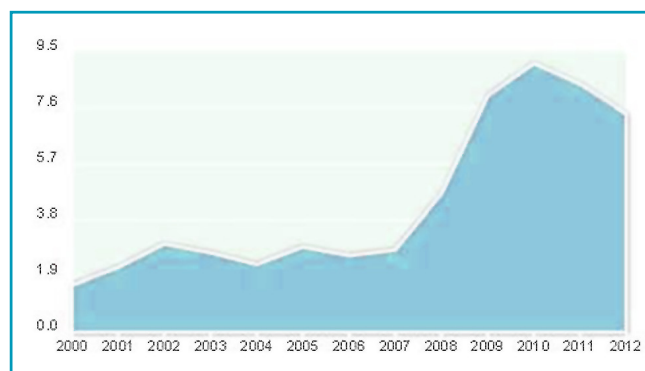
Between 2000 and 2012 alone, the city's population increased by about 22 percent to 28,924 people, according to U.S. Census Bureau estimates. The city's well-educated work force appeals to higher-wage employers —such as those in the professional, scientific, and technical services; finance and insurance; real estate; and healthcare industries— creating higher levels of income than those of Orange County and the state of Florida as a whole. According to the U.S. Census Bureau, Winter Park's median household income (2007-2011) was \$57,432, compared to Orange County's \$49,731 and Florida's \$47,827 ¹.

However, the City of Winter Park was not immune to the impacts of the Great Recession. Since 2007, the city has struggled to curtail the combined effect of high living costs, job loss and unemployment, the limits of its service economy, and sluggish home sales, new construction and redevelopment.

While historically the cost of living index for the city has been higher than the nation's and the state's, particularly as it relates to housing costs (as of 2010, 15 and 24 percent above, respectively), during the recession years the rate of income and family purchasing power growth slowed down as jobs were lost.

Unemployment peaked at 9.1 percent in late 2009 to early 2010 (dropping to 7.4 percent by August 2012).

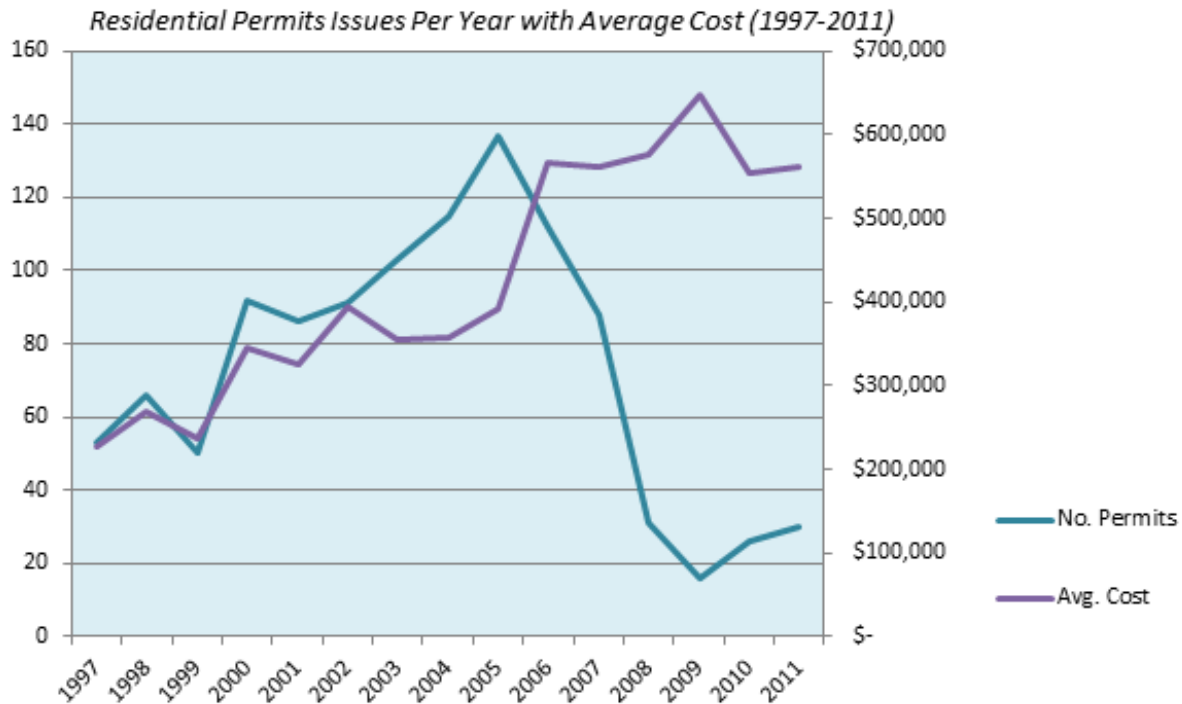
The percent of individuals living below the poverty line in Winter Park increased by more than 4 percent (to 12.5 percent) during the recession, although that number has also gone down again since to pre-recession levels.



Winter Park - Unemployment by Year, 2000-2012 (%)

Residential building permits issued per year by the city went from a high of 137 in 2005 down to 16 in 2009; the numbers are slowly inching up, with 30 permits issued in 2011.

¹ U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/12/1278300.html>; City Data, <http://www.city-data.com/city/Winter-Park-Florida.html#ixzz2YYHmQW8Q>; Area Vibes, <http://www.areavibes.com/winter+park-fl/employment/>



By most measures, the city is now on the road to recovery. According to the City of Winter Park 2012 Economic Development Plan Update, “Winter Park tends to lead the region in overall indicators with unemployment still significantly below the State average and vacancy rates for retail and office properties at the lowest level of any commercial district in the surrounding area.” In June 2013, Bay News 9 reported that, “[f]or the first time in more than 20 years Park Avenue is completely rented out,”² confirming a positive economic trend.



² Schipper, Joel. “Winter Park Avenue sees resurgence.” Bay News 9, June 21, 2013. <http://www.baynews9.com/content/news/baynews9/news/article.html/content/news/articles/cfn/2.html>

Despite these encouraging signs, the Economic Development Plan Update cautions that the climb to full recovery will continue to be slow due to the influence of regional, national and international factors related to job creation, tourism and investment. It is because of these factors that Winter Park's "job totals remain 5,000 below 2006 highs," and "[t]he office market still remains the weakest sector in the region," according to the Economic Development Plan Update report.

Given these conditions, how will Winter Park continue to leverage its many assets to maintain and strengthen its economic position in an increasingly competitive post-recession environment? How will the city cope with evolving real estate market conditions and preferences to keep attracting jobs, quality development, and the kind of growth that will help the city continue to renew itself without losing its essence?

To address such weighty questions, the city has taken several important steps in the past few years, among them:

- In 2011, the city's Economic Development/CRA Department and Economic Development Advisory Board completed and started implementing an economic development plan. The plan outlines a five-pronged approach:
 - o Promote Development and Grow the Tax Base
 - o Promote and Enhance Community Character & Livability
 - o Engage in Economic Gardening
 - o Target and Grow Business Clusters
 - o Achieve Strategic Partnerships
- In January 2013, the City Commission adopted a resolution (No. 2119-13) supporting Central Florida's "Open for Business" initiative, which promotes a business-friendly climate, great service, job creation and business investment through the streamlining of development permitting processes.
- In February 2013, planning and design firm WRT was retained to review the city's current comprehensive plan and Land Development Code in order to understand the effect of these policies and regulations on economic development, and to make recommendations for changes to both document which may be necessary to increase their effectiveness in maintaining the economic vitality of the city. WRT's analysis and recommendations are the subject of this report.

2. Overview of Process

With a short timeframe to complete the assignment, WRT designed a simple approach and methodology with the input of the city's CRA and Economic Development and Planning and Zoning Department directors. The process consists of the following six steps:

A. Project Kickoff

This step consisted of a 2-day visit which was used to conduct an organizational meeting with staff; a brief tour to of the city to become more familiar with its functional structure and to identify those areas where economic development efforts are (or should be) focused; to get introduced to the City Commission; and to hold small group or individual interviews with various stakeholders and interested parties.

The interviews included elected officials, appointed board members, employers, property and business owners, civic organizations, and representatives from the development community (developers, realtors, builders, architects, etc.) and ultimately extended beyond the initial 2-day visit to encompass an additional day-trip and some telephone interviews.

In total, WRT conducted sixteen 1 to 1.5 hour interviews with twenty-two individuals over three days. Key policy and regulatory issues identified by the interviewees are characterized later in another section of this report.

B. Comprehensive Plan and LDC Review

In this step, WRT examined elements of the *2009 Comprehensive Plan* (referred hereinafter as the comprehensive plan) regarding land use patterns and development regulations which might impact economic development in the city. The review focused on the Future Land Use, Transportation, Housing, and Parks and Recreation elements of the comprehensive plan.

WRT's review is not intended as a complete evaluation and appraisal of the plan, which the city does not have to address for several years. Instead, WRT's strategic focus enables the city to take action now on specific "hot button" issues as necessary to sustain and reinforce the economic development recovery, while providing a transitional step to the completion of a potential comprehensive plan evaluation and appraisal review in 2016-2017.

Because the current plan was found in compliance well before the sweeping statutory changes to Chapter 163, Part II, Florida Statutes (F.S.) which were adopted in 2011 by the legislature, the City of Winter Park likely will, by the state's determination due date of early 2016, determine that a need exists to amend the plan to reflect those changes. While WRT did not methodically evaluate the plan's elements in the context of Chapter 163, we did take recent changes into consideration to prevent the potential creation of conflicts with the amended statutes.

WRT also studied Chapter 58 (*Land Development Code*) of the *Winter Park Code of Ordinances*, with special attention to Articles I-III as they relate to the topics and issues referenced above, as well as the City's *2011 Economic Development Plan* and "Year 2" (2012) update.

Finally, a variety of supplementary plan reports and studies were collected and reviewed to gain additional perspective, including the City's *1991 Comprehensive Plan*; Resident Survey results from 2004-2008; *Central Business District Façade Design Guidelines*; *Morse Boulevard Façade Design Guidelines*; *West Fairbanks Design Standards*; Urban Land Institute's *2012 Technical Assistance Panel* study on West Fairbanks Avenue; *2013 Parking Study* by BASE Consultant's P.A;

and many others. A complete list of documents collected and reviewed is included in the Appendix.

C. Draft Report

Based on the analysis of the previously referenced documents and stakeholder input, a draft report (this document) was prepared to summarize WRT's findings with regards to weaknesses and potential impediments to economic development that are contained in the present Comprehensive Plan and Land Development Code (Chapter 58). The report also recommends approaches for correcting these issues based on based practices and direct experience of the consultant.

D. Draft Report Public Presentation

WRT presented the draft results of the analysis to Planning and Zoning Commission (P&Z), the Economic Development Advisory Board (EDAB) and the community in a public meeting. This joint meeting included an extensive question and answer and board discussion period.

E. Final Report

WRT made refinements to the draft report based on feedback received from staff, the P&Z, and the EDAB during the public presentation, in preparation for a final report submittal.

F. Final Presentation

WRT will present its final recommendations at a City Commission workshop.

3. Overview of Policy and Regulatory Documents

City of Winter Park Comprehensive Plan

The current comprehensive plan was adopted in February of 2009 (Ordinance No. 2762-09), and received a finding of compliance from the former Florida Department of Community Affairs in May of 2009. Amendments to the Future Land Use and Intergovernmental Coordination Elements were adopted in October 2010. The Capital Improvements Element was amended in September 2011.

From WRT's examination, the plan appears to follow statutory changes to Chapter 163, Part II, F.S. up to the year 2007 but not those introduced in 2008 (many of which were, in any case, modified or repealed in 2011). The document includes the following elements:

1. Future Land Use
2. Transportation
3. Housing
4. Public Facilities
5. Conservation

6. Recreation and Open Space
7. Intergovernmental Coordination
8. Capital Improvements
9. School Facilities

The current plan does not include any of the optional elements which were previously authorized in Chapter 163. Given the community's concern with issues of community design and historic preservation, the absence of plan elements devoted to those topics was somewhat unexpected, although related policies are woven into the required elements and complementary plans and studies exist to address these matters.

It is not known whether the city submitted an evaluation and appraisal report as the foundation for the 2009 amendments. In 2007, the city had submitted an amendment to its previous comprehensive plan (adopted through Ordinance No. 2720-07), which the state planning agency found not in compliance.

City of Winter Park Land Development Code

The *Land Development Code* (LDC) is contained in Chapter 58 of the city's Code of Ordinances. The LDC, adopted wholesale in 1998, has been amended and updated piecemeal over time to meet changing needs and to maintain consistency with the goals, objectives and policies the Comprehensive Plan.

The approval of property rezonings has been the most common means to amend the LDC. Between January and June of 2013, fourteen such amendments were adopted by ordinance.

City of Winter Park Economic Development Plan

The city's Economic Development Department completed a short-term (3-year) economic development plan in July 2011, with involvement from the Economic Development Advisory Board and input from local residents and various stakeholders.

A cluster analysis was prepared to validate community input throughout the planning process. The cluster analysis identifies seven business clusters as areas that the city wishes to target (most of them exist in Winter Park already). Similarly, a SWOT analysis was performed to assess the city's competitive strengths, weaknesses, opportunities and threats. Many of the weaknesses and threats are directly or indirectly connected to the city's ability to attract development and growth.

"WEAKNESSES

1. Limited land development opportunities

Due to our geographic location, Winter Park has a very limited inventory of available land and buildings for sale or for lease. Properties that are available are not maintained in a database for easy sharing.

2. Inefficient business permitting and development process

The City's business climate is favorable, however the permitting and plan check process has been rated unfavorable by many business customers. Departments must collaborate with businesses to resolve challenges and capitalize on opportunities.

3. Regional perception

Winter Park is seen by many as a great place to live, but possibly difficult to do business in. Unpredictable business and development environment, politicization of development process, and perceived slow and difficult city decision-making are some of the factors that have contributed to this concern.

4. Lack of economic vision

Winter Park does not have an adopted economic development vision and strategy. The city is not capitalizing their ability to attract, grow and retain businesses through the development of an economic development plan."

"THREATS

1. Unhealthy regional economy

The local economy continues to improve, however the Central Florida region is still suffering from high unemployment, above average number of foreclosures, and low national tourist numbers.

2. Lack of economic development community consensus

Winter Park does not have a consensus on growth. There is a need to define the differences between economic and population growth.

3. Regional economic development competition

Due to the recent economic crisis, most surrounding cities have developed and implemented economic development measures in order to attract businesses and increase their tax base".

Many of these same issues were raised in stakeholder interviews conducted by WRT for this analysis.

The *2011 Economic Development Plan* seeks to resolve Weakness #4 by establishing an economic development mission, "[t]o promote a diverse, sustainable, and proactive economic environment that incorporates all elements of the City's identity, focused on community, culture, and commerce," and corresponding goal, objectives and implementation strategies. However, these policies have not been integrated into the *2009 Comprehensive Plan* and do not connect directly to the Future Land Use Element or the *Land Development Code*.

Table 1. City of Winter Park's 2011 Economic Development Plan Objectives and Strategies

Source: City of Winter Park 2011 Economic Development Plan

Objective	Strategies
<ul style="list-style-type: none"> Promote Development and Grow the Tax Base 	<ul style="list-style-type: none"> a. Develop corridor master plans b. Identify a strategy to address annexation
<ul style="list-style-type: none"> Promote and Enhance Community Character & Livability 	<ul style="list-style-type: none"> a. Evaluate entertainment, arts and culture, recreation and events from an economic development perspective b. Strengthen pedestrian, bicycle and transit connections c. Ensure that workforce housing is available
<ul style="list-style-type: none"> Engage in Economic Gardening 	<ul style="list-style-type: none"> a. Market brand image and establish advertising program b. Create a business climate that gives local businesses an edge c. Create a business climate that grows entrepreneurship and businesses
<ul style="list-style-type: none"> Target and Grow Business Clusters 	<ul style="list-style-type: none"> a. Create growth map for Targeted Business Clusters b. Leverage ED programs to grow targeted business clusters c. Advance higher education/economic development partnerships to grow business clusters
<ul style="list-style-type: none"> Achieve Strategic Partnerships 	<ul style="list-style-type: none"> a. Establish a Quarterly Economic Development Roundtable Program b. Implement Business Improvement Districts (eg: Park, W. Fairbanks, New England, Aloma) c. Establish performance metrics and work with ED Partners to attain and monitor

Year to year priority actions and funding for implementation are identified in the plan. Progress tracking is being performed by the Economic Development Department. The first implementation report was completed in July 2012. During the first year, the city was successful in launching and completing a majority of the identified Year 1 Action Steps, including: engagement of a ULI *Technical Assistance Panel* to develop study for W. Fairbanks Ave.; execution of a land swap for the state office building; completion of an analysis of workforce/affordable housing; development of a commercial real estate inventory; and launching of an economic development web-site.

4. Identification and Analysis of Key Issues

As part of its kickoff activities, WRT conducted 16 in-person and phone interviews with 22 individuals or groups which represent a variety of community stakeholders. The primary purpose of the interviews was to provide insight into the range of local perspectives, opinions, concerns and expectations.

This initial scan of community perceptions and concerns complements WRT's review of the *2009 Comprehensive Plan* and *Land Development Code*, and it is particularly useful in identifying

issues seen as most important by the community. It is also helpful in recognizing conflicts and the potential challenges to a successful process.

A summary account of key issues identified through the stakeholder interviews and WRT's document review is provided below. To respect the candor of the interview participants, this summary does not quote specific individuals.

The range of opinions is wide and in some cases, starkly divergent. Even in cases where participants share concern about an issue, their reasons are often in conflict. However, for purposes of the analysis, the issues were found to be categorizable into two major "types" or groupings: overarching issues, and specific policy and regulation issues.

It is important to highlight that despite the array of expressed perceptions and concerns, a common thread came through clearly in literally every interview: the participants' **strong love of community** and **sense of place**. These sentiments may not seem uncommon: denizens of almost every community feel that their hometown is special. However, Winter Park residents (whether natives, recent or long-term transplants) share an exceptional awareness of and fierce appreciation for their community's uniqueness.

Core Issues and Problems

1) Disagreement in Understanding of the Role and Purpose of the Comprehensive Plan

The City of Winter Park *2009 Comprehensive Plan* is not unconventional in its organization or types of content, but it is unusual in its highly detailed regulatory nature and style. For example, without going farther than the second page of the Future Land Use Element, Policy 1-1.1.2 states:

"...Design criteria shall also address screening unsightly structures and appurtenances, maintaining varied rooflines and fenestration (i.e. character and interrelationships of façade design components including windows, dormers, entryways, and roof design), and facade and entryway landscaping. The City shall reserve the authority to require applicants for large scale development or redevelopment to submit engineered three-dimensional model, virtual computer images, or other satisfactory evidence that provides a realistic measure of building mass, scale, access to sunlight (i.e. shadow analysis), and relationships to surroundings."

This language is very specific and prescriptive, to the point that potential submittal requirements for "applicants" are laid out. Such phrasing is better suited to the Land Development Code.

Similar phrasing appears in other policies and in fact some of it might actually come from a zoning code or land development regulation. For example, Policy 1-3.2.6: Planned Development

Land Use states, after spelling out a list of standards for new planned developments: “...[t]he objective of these development codes is to provide meaningful guidance...” (emphasis added)

Many interviewees’ opinions concurred that the current comprehensive plan replicates (or in some cases contradict) a number of “regulations” from the *Land Development Code*, though others maintained the necessity to memorialize these regulations as policies and standards in the plan, with the aim to give the regulations more “teeth.” However, if the regulations are appropriately established, then there should be no need for them to be duplicated in the comprehensive plan.

Illustrative Comments

- “There is an inconsistency between the height limit for stories in the business district and the current floor area ratio. Also, private parking garages began to be included in FAR in this version of the plan. Do floor area ratios even have to be in the comprehensive plan to begin with?”
- “We need a plan that calls us to greatness. Instead this plan is packed full of minutiae, things that most other cities don’t have. It needs to be a living, breathing document and instead it wants to be static.”
- “Everything that is in this plan has a good reason for being there.”

2) Absence of a Shared Consensus on Community Vision

The 2009 Comprehensive Plan does not include a “community vision,” which was encouraged in language introduced into Chapter 163 in 2005. Most of the interviewed stakeholders concede that no community vision exists, although several partial or focused visioning efforts have been conducted in the past. The results have been mixed for various reasons.

Some of WRT’s interviewees doubted the likelihood of ever arriving at a consensus vision, due to perceptions that differences of opinion in the community run too deep. WRT does not share this worry. However, we view the lack of a collective community vision as one of the fundamental causes of conflict over the comprehensive plan.

Perhaps the closest to a “vision statement” that can be found in the current plan can be found in the following two sections of the Future Land Use Element:

“GOAL 1-1: MAINTAIN INDIVIDUAL IDENTITY, CHARACTER, NATURAL ENVIRONMENT, AND SOCIO-ECONOMIC AND ETHNIC DIVERSITY. [...]Although Winter Park lies within a rapidly urbanizing metropolitan area, the City will maintain its individual identity and character by allowing new growth and redevelopment which (i) enhances the City’s attractive environment; (ii) preserves the City’s economic, socio-economic and ethnic diversity; (iii) strengthens the City’s excellence, character and reputation by promoting quality infill development conducive

to the most efficient provision of services; and (iv) protects the City's natural resources and environmental assets."

"Policy 1-1.1.2: Maintain 'Village' Character. The City shall strive to maintain the overall low-density 'village character' of Winter Park consistent with the Future Land Use Map. When exercising the authority of the 'conditional approval' process, and the variance process, the 'village character' shall be preserved. [...]The desire is to achieve a beautiful, pleasant, principally village scale pedestrian orientated community by fostering and encouraging good design, pedestrian connectivity, landscaping and buffering, harmonious building colors, materials and signage, outdoor lighting photometrics, and good proportional relationships in design of building mass and scale."

This vision, while valid for particular districts, does not appear to acknowledge other sectors of the city which due to configurational and/or functional factors may never fully conform to this image, such as West Fairbanks Avenue, East Aloma Avenue, or the U.S. 17-92/Orlando Avenue corridor.

The city's previous comprehensive plan, which dates back to 1991, went farther in laying out an overall vision of a "future Winter Park," as well as individual visions for various districts throughout the city, referred to as "land use study areas."



Major corridors and gateways into the city are very different from Park Avenue in design and function and should be treated accordingly

Illustrative Comments

- “There is no true vision in the city except for Park Avenue, which is “don’t do anything” there.”
- “In our comp plan here, we have less vision and more regulations.”
- “The community may never get to a consensus on a single vision, even though the goals are not as different or wide apart as the factions think.”

3) Perceived Conflict between the Notions of Growth and Preservation

While every interviewee agrees that the city’s history and design character are crucial to its sustained economic development and celebrated quality of life, some see an inconsistency between the notions of growth and historic preservation. This discrepancy is at the core of many of the other issues raised in this process. Growth is seen as equated with change, and change may be seen as negative, especially related to the preservation of community character.



The goals of historic preservation, economic development, and community growth are not incompatible, and can be harmonized in the community’s regulatory framework. In fact, over-regulation often can hinder investment in preservation

Illustrative Comments

- “There is...a tension perceived here between having a community where our children can find a job – can stay here – and the community we all love. But we must find a balance between a reasonable amount of economic development and opportunity, and retaining the good things that have made Winter Park special.”
- “The plan needs to pay homage to the past but with an eye to the future.”
- “Our dilemma is, how can we encourage “modern” things and serve new demographics without destroying the essence of Winter Park?”
- “I remember this town the way it used to be and love it as much now as I loved it then. But change is inevitable and as a matter of economic health, it is desirable and necessary. The comprehensive plan should not be used as a tool to prohibit change.”
- “History is important and we want to memorialize it but not to the point that we get stuck there.”
- “The job is to figure out how to protect those things we hold dear. Nobody wants to inhibit economic growth as long as economic growth complements heritage tourism.”

4) “One-Size Fits All” Approach

The City of Winter Park is composed of a variety of distinct “districts,” each with its own unique character and needs. In the comprehensive plan, these are identified as “planning areas,” though there should be a finer grain analysis of such districts than this assignment can provide. The plan policies and implementing regulations should reflect and celebrate the differences between these areas, while placing each in context of an overall city vision.

While there are various existing and proposed studies, plans and guidelines for specific areas and corridors such as Fairbanks Avenue, Lee, Denning and Aloma, these other plans are not referenced in policy or integrated into the fabric of the plan.

On the contrary, the wording of some existing policies seems to negate the character distinctions between, for example, Park Avenue and other various commercial districts in the city. For example:

“Policy 1-3.2.1: Enhance the Ambiance and Quality of Winter Park’s Wide Ranging Business Climate...In order to maintain the city’s village character, in any new planned development project, single tenant retail developments over 65,000 square feet are not permitted.” (emphasis added)

Illustrative Comments

- “Everybody cares about and cherishes the character of Winter Park but one size can’t fit all here, each area is different and should be treated differently.”
- “Protecting Park Avenue is great, but Fairbanks and Aloma are not Park Avenue! Other parts of the city need to change.”
- “Everything in this city lives and breathes around Park Avenue, but you have at least two Winter Parks, –a core which embodies...how people see or want to see Winter Park, and “the rest,” this other area many want to ignore. Each area has different needs, but the same thought process seems to be applied everywhere.”

5) Traditional versus Form-Based Zoning

The stakeholder interviews indicate that disagreement exists within the community as to whether the city’s primary policy and regulatory focus should be on land use control, development performance, or building form – or all three. This difference is reflected in a somewhat inconsistent approach to zoning.

The comprehensive plan and the LDC mostly embrace the Euclidean perspective on the regulation of development. Euclidean zoning has traditionally focused on controlling land use and bulk through a variety of dimensional parameters (e.g., FAR, density, building height limits, setbacks, parking ratios, etc.). An exhaustive effort is made in the comprehensive plan and LDC to appropriately separate and prohibit land uses to prevent land use incompatibilities, and to regulate the density and intensity of development to prevent negative impacts (traffic generation, visual impacts, etc.).

At the same time, both documents also attempt to regulate form and scale to prevent “character” incompatibilities through a long list of tools that includes *“setbacks, height limits, lot coverage restrictions and impervious coverage restrictions, floor area ration [sic], limiting wall heights at side yard setbacks, reducing heights along sensitive edges, second floor step backs on front and side, establishing maximum wall plane lengths that reflect the traditional width of buildings along the street, roof pitches, and alignment of front setbacks.”* (Policy 1-3.6.1)

The community has shown an affinity for the form-based approach, and indeed for many residents the greatest concern revolves around building form (particularly regarding the CBD): How does a building appear from the street? How does it interface with the public realm and its surroundings?

This concern about form has even made it into the comprehensive plan. Policy 1-3.8.8 compels the city to “[i]nvestigate...the application of a form based code to more effectively provide for the review of development in accordance with the policies of this Comprehensive Plan.” A successful implementation of this policy is not substantiated by the city’s recent history of experimentation with the form-based codes. Winter Park has conducted a variety of form-based plan-

ning efforts and considered adopting a form-based. Ultimately a lack of action and even some backlash against such efforts demonstrates the community's indecision regarding the most appropriate regulatory approach for Winter Park.

Key Differences	
Traditional Zoning	Form Based Codes
Use-based	De-emphasize use
Districts	Neighborhoods/streets
Emphasis on individual uses of property, rigid use of lot size & building placement	Emphasis on building relationships & on fitting building to its use & surroundings
Segregation of land uses	Mixed uses
Uniformity in neighborhoods	Diversity in neighborhoods
Limited ability to effect change	Ability to transform or preserve
Limited design standards	Focus on building/site form
Setbacks	Build to lines
Focus on site; little on right-of-way	Attention to street & streetscape

Source: http://switchboard.nrdc.org/blogs/kbenfield/miami_21_leads_the_way_on_zoni.html

Illustrative Comments

- 'New Urbanism failed in Winter Park because of lack of agreement on a vision for anything beyond Park Avenue. Whenever anyone talks about a vision, the conversation instantly turns to Park Avenue or Hannibal Square, nobody talks about other parts of the city.'
- "The New Urbanists were trying to drop Park Avenue onto West Fairbanks, and it doesn't work."
- "Winter Park doesn't need that model, we already have that model occurring naturally on Park Avenue."

6) Lack of Integration between the City's Economic Development Goals and the Comprehensive Plan

The current plan does not include an economic development element, although economic development objectives and policies are included into the Future Land Use element (e.g., Objective 1-3.2). The Economic Development Department completed a strategic 3-year Economic Development Plan in 2011 which contains the city's economic development mission, goals and strategic objectives. These goals and objectives are in various stages of implementation, but are part of a short-term strategy and were never integrated into the comprehensive plan.

Illustrative Comments

- "The economic development plan does not relate to comprehensive plan and it should. Our tax base is relying more and more on our residents."
- "The Economic Development Plan has been only partially implemented because the city does not have resources to tackle all of it."

7) Clarifying the Purpose of the Land Development Code

There is concurrence among most of the interviewees that the purpose of some, perhaps many regulations included in the LDC is unclear. From the policy perspective, the purpose of the LDC is to carry out the city's comprehensive plan by regulating specific land activities. If the comprehensive plan is, essentially, the "what we want to do" of the community, the LDC is the "how we are going to do it."

Specific Policy and Regulatory Issues

The following is a list of issues raised during the interviews and also identified by WRT as the key regulatory problems.

8) Discouraging the Proliferation of Sprawl

Winter Park is nearly built out and surrounded by other municipalities and jurisdictions of varying urban and suburban character. As a mature, self-contained community, the city is in an optimal situation to fulfill the statutory requirements of Chapter 163, F.S. (§163.3177(6)(a)) to discourage the proliferation of sprawl. The comprehensive plan does in fact comply with the 2008 version of Chapter 163, F.S. through Objective 1-3.16.

However, in 2011, a revised definition of "urban sprawl" is adopted into Chapter 163, which re-introduces, with minor revisions, a series of primary indicators that a plan or a plan amendment must meet to demonstrate that it does not discourage the proliferation of urban sprawl. One of those indicators is that the plan should not "discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities." (§163.3177(6)(a) 10).

9) Concurrency

The comprehensive plan follows the 2008 concurrency requirements of Chapter 163. The Land Development Code (Chapter 58) incorporates the language of Ordinance No. 2788-09, §1, 11-23-09, encompassing the city's concurrency management regulations (Article II).

In 2012, the legislature deleted transportation, parks and recreation, and schools from the list of public facilities and services that are subject to the concurrency requirement on a statewide basis. (§163.3180(1)). The premise of concurrency is shifted away from an emphasis on public facilities being available concurrent with development to their being provided so as to achieve and maintain the adopted level of service standards. This creates an opportunity for the city to decide whether to opt out of concurrency regarding those three types of public facilities while considering to replace the current concurrency system with something different, more tailored and better suited to the city's mobility and economic development needs.

The number of communities that are opting out of one or more of these requirements has been rising since 2012.

In the area of **transportation**, at least thirteen county or municipal governments have chosen to repeal their plans' transportation concurrency requirement. BikeWalkLee (a coalition working to complete the streets of Lee County) published a research paper in 2012, researching the state of the art around Florida for communities that have rescinded their transportation concurrency.³ The paper documents the status of eight communities and their decision to opt out. The local communities consulted saw many advantages to repealing concurrency and few, if any, disadvantages. The tools that they are replacing concurrency with ranges from mobility fees, developer agreements, impact fees, phasing in a replacement system, or nothing.

In the area of **parks and recreation**, the issue is whether the adopted level of service (LOS) standard is reasonable, given land and fiscal constraints on the city's ability to procure additional park land to maintain the current LOS. Today, the city has an adopted LOS standard of 10 acres per 1,000 persons. In a review of twenty communities in Central Florida and around the state, only one was found to have a higher LOS than Winter Park, and most were significantly lower (Table 2).

The population of Winter Park is served by 296.45 acres of park land. Although land-locked (with the exception of its planned annexation areas) Winter Park will continue to grow in population. The city is projected to grow by about 5,500 people by 2028, requiring 345 acres of park land to meet the adopted standard. Therefore, by 2028 the city could experience a deficit of nearly 49 acres. At current land prices, acquiring additional park land could cost the city \$36,750,000 plus operation and maintenance costs.



Given projected population growth, the city could experience a deficit of approximately 49 acres of park land by the year 2028

³ BikeWalkLee: Moving beyond Transportation Concurrency: A Path Forward for Lee County. November 12, 2012

Table 2. Comparison of Park and Recreation Level of Service in Various Florida Communities

Community	Location (FL County)	Population (2012 Estimate, US Census Bureau)	Adopted Park and Recreation LOS	Comprehensive Plan Date (adoption or amendment)
Apopka	Orange	44,474	• 3.0 ac of total park land per 1,000 residents	2011
DeBary	Volusia	19,319	• 4.0 acres of total park land per 1,000 residents	EAR-Based Amendments, 2010
Key Biscayne	Miami Dade	12,792	• 2.5 ac of total park land per 1,000 residents	EAR-Based Amendments, 2012
Lady Lake	Lake	14,098	• 4.0 ac of total park land per 1,000 residents • additional LOS for certain facility types	1992
Lake Mary	Orange	14,574	• N/A	N/A
Longboat Key	Manatee/ Sarasota	6,993	• 12 ac of public open space and recreation area per 1,000 peak seasonal functional	2007
Longwood	Seminole	13,751	• 0.2 ac of mini-parks per 1,000 residents • 3.5 acres of neighborhood and community park land per 1,000 residents	Amendments through 2011
Maitland	Orange	16,337	• 2.5 ac of neighborhood park land and 2.5 ac of community park land per 1,000 residents	2010
Naples	Collier	20,115	• 2 ac of community park land and conservation areas • 1 ac of neighborhood, linear and mini-parks per 1,000 population, plus	EAR-Based Amendments, 2007
Ocoee	Orange	38,354	• 4 ac of total park land per 1,000 residents	2002
Oviedo	Seminole	35,291	• 2 ac of neighborhood park land per 1,000 population • 10 ac of community park land per 1,000 population • LOS for specific facility types	2010 City may utilize State and County park lands and trails that are located within the City's jurisdictional boundaries. JPA with Seminole for possible annexation of over 9,000 ac
Palm Beach	Palm Beach	8,532	• 6 ac of total park land per 1,000 population for peak seasonal population	EAR-Based Amendments, 2008. Latest amendment, 2011 Only two of the four major recreation areas within the Town are fully under the jurisdiction of the town itself
Winter Garden	Orange	37,063	• 5 ac of total park land per 1,000 residents	2010
Winter Park	Orange	28,924	• 10.0 ac of total park land per 1,000 residents	2009
Winter Springs	Seminole	33,540	• 8 ac of total park land per 1,000 residents, including open space • 4 ac open space per 1,000 residents (defined as "undeveloped lands suitable for passive recreation or conservation")	EAR-Based Amendments adopted between 9/2009 and 1/2013

10) Definition of Floor Area Ratio (FAR) (Policy 1-2.1.4)

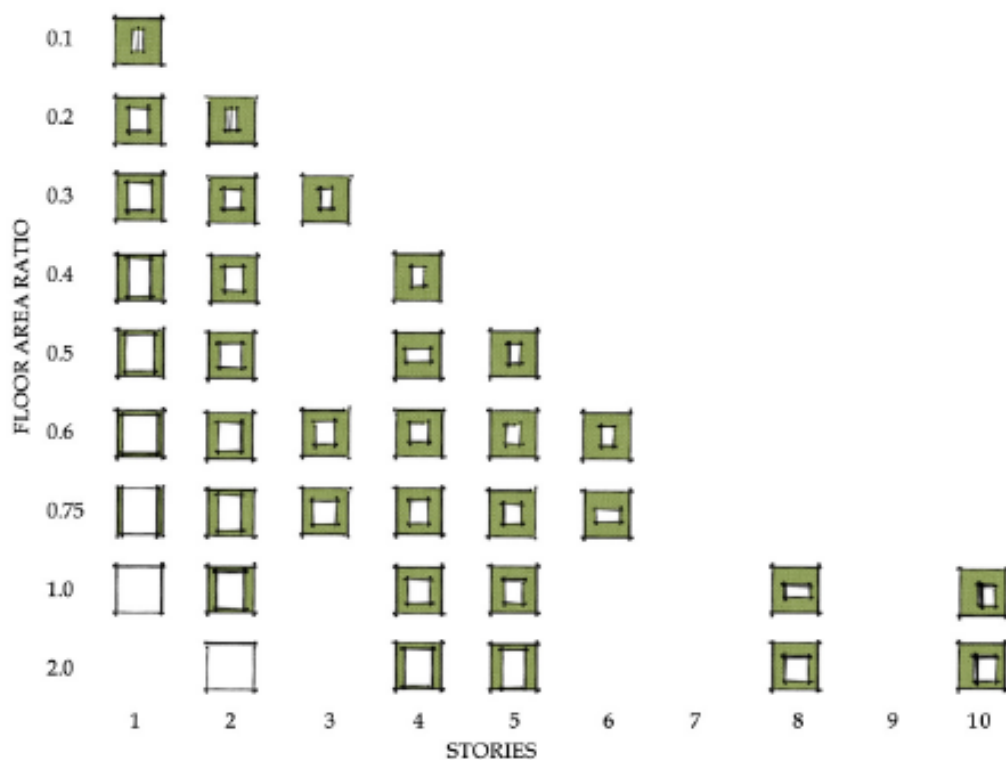
Policy 1-2.1.4 is written as a definition, although it is not included in the definitions section of the plan. The definition is very specific and narrow, going to the extreme of including methods for calculation in the policy. It is not standard to have this type of regulatory language included as a policy in the plan document.

The definition specifies that the “floor area of private parking garages (above grade) or parking levels shall be counted toward the floor area ratio when such parking is provided to meet the parking requirements of the *Land Development Code* except for the top open parking level if it is open and uncovered.”

Including private structured garages in the definition of FAR, while not unheard of, is unusual. Few communities wish to penalize the provision of on-site parking, especially in a developed urban district. However, it is understandable that protections may have been desired for the core historic districts in Winter Park. If the concern is with the appearance of bulk of structured parking facilities, such concerns can be resolved through the adoption of stringent form and appearance standards.

Example of Floor Area Ratio (FAR) Description

An FAR is the ratio of total net floor area of a building to the total lot area. An FAR describes the intensity of the use on a site and not the building height or site coverage; however, building height and site coverage standards are critical in determining the arrangement and form of the buildings at the intensity permitted by the FAR. FAR includes all habitable structures on a lot but does not include the area within parking lots or parking structures.



11) Density and Floor Area Ratio (Policies 1-2.1.3 and 1-2.1.4; Future Land Use Element Table 3; Sec. 58-95)

The purpose of applying FAR to residential is understood – curtail excessively large units and address issues of building volume. But building height, combined with setbacks, stepbacks (where appropriate), building coverage and guidelines for breaking up the mass of a building should be effective without the need to also apply FAR. If the intent is to encourage mixed use development in both infill and redevelopment sites, the city might wish to offer a combination of both, rather than one or the other, and provide clear methods for calculating the combination of density and floor area in mixed land uses on a single site or building.

12) Building Heights (Policy 1-2.1.5 and Sec. 58-82).

The comprehensive plan defines building height in terms of number of stories, whereas the LDC defines height in terms of number of linear feet per floor. While the plan indicates that if conflicts arise, the comprehensive plan policies prevail, using two measures with the same ultimate intent seems an unnecessary hurdle that has the potential to create conflicts and create confusion as to what is achievable.

13) Planned Unit Residential Development (Sec. 58-70)

The comprehensive plan indicates compatibility of this land use designation with the single family and low density residential future land use designations in the table of zoning district compatibility. However, PURD is only mentioned in text description of the single family residential designation.

In addition, the LDC regulations relative to PURD include provisions for multi-family dwellings, but the comprehensive plan limits the description to single-family, zero lot line or townhouse development under single family residential. With these restrictions, maximum building heights for multi-family dwellings may be unachievable when combined with the prescribed floor area ratio.

14) Planned Development Districts (Policies 1-2.3.6 and 1-2.3.7; Sec. 58-82 and 58-83).

Planned Development is a tool intended to provide flexibility and promote development or redevelopment of larger scale projects that help the community achieve specific goals. Typically, Planned Development districts may be created anywhere in a community for the purpose of permitting property to be developed with one or more uses not otherwise permitted or conditional in the zoning district in which the property is located, subject to certain development regulations and one or more development site plans; or subject to development regulations not otherwise permitted in the zoning district in which the property is located. However, the Winter Park comprehensive plan and LDC proactively identifies those parcels where the PD zoning is deemed to be appropriate, detracting from the purpose of a planned development to offer development flexibility and to take advantage of potential future opportunities for the benefit of the community. In addition, the properties that are identified in the comp plan as suitable for PD are pre-scrutinized relative to their dimensions and development capacity.

Still, this land use designation and zoning category is the closest one Winter Park has to a real mixed use district. Although the districts provide for different densities and intensities, it is unclear why the two districts could not have been combined into a single designation, providing a wider range of allowable densities and intensities.

The city adopted these districts relatively recently and has not had an opportunity to test them. Part of the reason is likely to be that the maximum size thresholds are too low to make this tool attractive enough to developers. The low size threshold has the additional effect of creating an onerous and impractical process for developers: *“The maximum property size for any PD project shall be three acres. For properties between three acres and six acres, only 50 percent up to a maximum of three acres may be used for a PD project, with the balance of the property limited to traditional zoning. On properties larger than six acres, there must be multiple PD projects and in no case shall any individual PD project encompass a site larger than three acres. For example, on a nine-acre site, two separate PD projects of three acres each may be permitted with the remaining portion of the site developed under traditional zoning. Allowable densities shall be based on the portion used for the PD project, not the total site area.”*

For this zoning designation to fulfill its purpose and incentivize redevelopment and economic development opportunities, the city should consider either increasing the maximum size threshold or remove the existing impediments for properties larger than 3 acres to be considered as a whole.

15) Parking Lot (PL) Zoning District (Sec. 58-80)

It is highly unusual to see parking lots considered as a principal use in a citywide comprehensive plan, much less designated as a distinct future land use or zoning district. Most communities would deem the perpetuation of surface parking lots a problem, since such lots oftentimes are part of a scarce inventory of infill and redevelopment opportunities in the community. Surface parking lots that are ancillary uses to a principal use should not be treated separately from their principal use, unless there is a special circumstance (e.g., the property that serves as parking for a principal use is in different ownership.) Assigning a specific zoning designation to surface parking lots may also create split zoning issues if lots that are part of the same ownership or project end up with different zoning district.

Other Issues

16) Factionalism and Mistrust

Related to other attitudes and issues, the interviews revealed a polite “us versus them” factional mentality infused by suspicion of the “others’” motives. Some of the comprehensive plans policies and corresponding regulations respond to this mistrust.

One example of this is the recently amended Policy 1-1.1.3 and repealed Policy 1-1.1.5 of the Future Land Use Element, which contained a required supermajority vote for ordinances

amending the comprehensive plan. This policy, introduced in 2009, was found to be in conflict with the city's Charter.

Illustrative Comments

- “The political pendulum seems to swing every so often between pro and anti-growth factions. This might not be a problem if each faction did not try to change the plan and codes every time.”
- “Common ground? There isn't one!”
- “A lot of the plan was written with a...mindset that “we don't trust the voters to elect smart people to the commission in the future...since they got lucky enough to vote us in this time, we are going to adopt this plan which makes it very difficult to change things.”
- “If there's one thing I would wish to see come out of the process is something that is consistent and lasting, that is not going to be subject to change at everybody else's whim.”

17) Development Approval/Permitting Process

Great strides have been made to expedite procedural approvals. City staff is universally praised for their capability and willingness to work with the business community. However, many interviewees pointed to the fact that staff is so often required to come up with highly creative solutions to facilitate projects as an indication of the need for regulatory reform.

Illustrative Comments

- “...there are plenty of things both in the plan and the code to stop a project. But staff here is always working out some way to get to the finish line.”
- “The issues here have never been at the staff level; staff is very competent. But they keep getting hamstrung by an ever changing political environment and the policy dictates coming down.”
- “The problem is that the great parts of Winter Park have not invaded the parts that we want them to. To me, this is in due in no small part to the stifling nature of our regulations. That the reverse has not happened either tells me that fears of the ruin of Park Avenue are questionable.”

18) Incompatible expectations for the future image of West Fairbanks Avenue and other major arterial corridors

Principal arterials that are operated by FDOT, including US 17-92 (Orlando Avenue), SR 423 (Lee Road), SR 426 (Fairbanks and Aloma Avenues), and SR 527 (Orange Avenue) are not well suited to a full pedestrian orientation due to the high traffic volumes that they carry, although multi-modal improvements are possible and should be encouraged whenever feasible. The strategic corridor planning approach adopted in the Economic Development Plan offers opportunities for the integration of realistic engineering, urban design and land use improvements.

5. Conclusions and Recommendations

This section provides conclusions and findings regarding key issues identified in the previous section, and outlines WRT’s recommendations for priorities and next steps.

Clarifying the Role and Purpose of the Comprehensive Plan

A comprehensive plan is a local government’s guide to community physical, social, and economic development. The purpose of a comprehensive plan is to set the principles, guidelines, standards, and strategies “for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area” (§163.3177, F.S.) –not to serve as, replace, or duplicate, detailed land development regulations. Regulatory language is not, and should not be purview of a comprehensive plan.

Significantly, the new Chapter 163, F.S. stipulates that, “[i]t is not the intent [of the statutes] to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. Accordingly, the plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.” (§163.3177(1), F.S.)

Given the significant changes introduced by the legislature in 2011, WRT recommends that the city take advantage of the upcoming opportunity to update the comprehensive plan to comply with the amended requirements of Chapter 163, F.S., to sort out these differences and to “clean up” the language of the comprehensive plan of extraneous and duplicative regulatory wording.

Addressing the Absence of a Shared Consensus on Community Vision

A vision statement sets the tone and provides a “destination” for the comprehensive plan that every citizen can understand. While the “community vision” language was removed from Chapter 163, F.S., in 2011, WRT recommends that the city consider engaging in a community-wide visioning process in the next couple of years, prior to the deadline to decide on the next full comprehensive plan update.

We believe it is important having a community vision statement as the cornerstone of a comprehensive plan because the vision represents the consensus of the citizens. Consensus does not imply unanimity, but a process where everyone’s input is carefully considered and the outcome best meets the needs of the community as a whole.

Not everyone needs to agree with every aspect of a vision statement, but if the consensus building process is conducted effectively, individual interests, concerns and aspirations are tested

against the best interest of the community. As people work through issues, they have their own needs reflected back to them against the context of the community needs, which encourages them to consider interests beyond their own. For this reason, a consensus vision requires less enforcement (less regulation).

The Winter Park comprehensive plan and LDC tends to over-regulate – and is perceived as doing so – because it lacks that consensus. Not representing a shared agreement on the future, the plan becomes a tool used to try to predict and preempt potential “attacks.” This is the reason why the plan strives to cover so much ground and in so many different ways (e.g., building form simultaneously regulated by density, FAR, height, setbacks, lot coverage, and on and on), becoming unnecessarily complex and repetitive.

A vision statement does not need to be incorporated into the comprehensive plan itself to be effective. For example, in 2005 the Village of Key Biscayne in South Florida decided to undergo a community visioning process in advance of its first Comprehensive Master Plan evaluation and appraisal. The Village’s *2020 Vision Plan* is a stand-alone document, which informs and complements the Master Plan as well as the Capital Improvement Plan. The City of Tallahassee is now conducting a similar process (*Imagine Tallahassee*). The final vision will not be integrated into the comprehensive plan, but will be used in conjunction with it to frame decisions about economic development and capital investment. The Town of Palm Beach adopted *A Legacy Worth Keeping* in 2001 following extensive and inclusive public participation. The vision statement is incorporated into the town’s strategic plan (updated in 2010).

Resolving the Perceived Conflict between Growth and Preservation

Just like growth does not necessarily equate to economic development, growth does not necessarily equate to change, much less to “bad” change. However, altering mindsets about these notions is difficult. WRT recommends more community dialogue and education about the balance between growth and preservation, which can be conducted as part of a community-wide visioning process. In addition, when the city updates its comprehensive plan in 2016 to comply with the amended requirements of Chapter 163, F.S., we recommend that the city consider incorporating a new historic preservation element in the comprehensive plan.

Many residents identify Winter Park with the city’s historic downtown. To these residents, it is critical to retain the “village” atmosphere that, to them, epitomizes the city. However, Winter Park is not a monolithic community. The historic downtown and neighborhoods do not represent the sole identity of Winter Park. There are areas in Winter Park today that are in need of renewal, with configurations and functional characteristics quite different from those of the historic downtown. Imposing too-stringent regulations can create unintended impediments to rehabilitation, re-use, and redevelopment and therefore deter necessary reinvestment in areas that are experiencing obsolescence.

Preservation and thoughtful renovation of historic properties in the city's core are an important part of a sustainable approach to growth. Historic preservation is good for a community in a multitude of ways: among them, it can help to create jobs and strengthen the local economy (tourism), increases property values, reduce impact on resources and the environment (re-use of buildings instead of new construction), and contribute to pride in community identity and sense of place.

Addressing the Lack of Clear Economic Development Goals in the Comprehensive Plan

The current plan does not include an economic development element, although economic development objectives and policies are included into the Future Land Use element (e.g., Objective 1-3.2). WRT recommends that the city consider incorporating an economic development element in the comprehensive plan. While the 2011 Economic Development Plan contains the city's economic development mission, goals and strategic objectives, that plan is a short term strategy (3-year action plan). A longer term economic development vision, fully integrated and coordinated with a land use, mobility and community services strategy, should be developed as part of the city-wide visioning process.

Choosing between Form-Based and Conventional Regulations

Form-based regulations are a coding tool that emphasizes the physical form of the built environment with the goal of creating a specific type of "place." The focus is placed on factors like building mass, placement on the lot, building height, the form and creation of streets and other public spaces, building fenestration and transparency. The current LDC already espouses aspects of the form-based approach, but mostly it favors the traditional Euclidean approach.

The comprehensive plan includes a policy compelling the city to "investigate the application of a form based code." (Policy 1.-3.8.8).The city has undergone several efforts trying to develop form-based regulations, without adopting any of them.

Having a form-based code shouldn't become the goal itself, but rather the focus should be on which regulatory approach best advances the goals of the comprehensive plan. A form-based approach may address goals of a walkable community or encouraging mixed use developments. But any elements of the form-based code that don't advance the city's goals should not be included. WRT suggests a hybrid code, one that embraces the differences between Park Avenue and other districts and corridors in the city, as a more appropriate solution than a pure form-based code. A hybrid code is one where conventional standards have been modernized and enhanced with the integration of graphic urban design (form-based) standards that address building placement, minimum and maximum building heights, building types, window coverage, and other form based aspects. Hybrid codes typically do not go as far in prescribing built form elements as a pure form-based code. A hybrid's code primary advantage is that it provides much greater predictability than a conventional code in terms of built form without the need for a detailed, area-specific regulating plan.

Streamlining and Clarifying the Land Development Code

To draft purposeful and effective land development regulations, two simple questions need to be asked: “What are we trying to do with this regulation – achieve something or prevent something from happening?” and “Why? What purpose does this serve?”

The LDC should be vigilantly and continually monitored from the perspective of these two questions to ensure that the legitimate public purposes underpinning a regulation are served. Often, in the rush to respond to the latest issue or crisis, only the terms of the regulation get debated and decided, not the purposes the regulation is to achieve.

The basic purposes for the regulations are as follows:

1) Preventing a public harm. The following are examples of some of types of “harms” that regulations may be intended to prevent:

- i. Nuisances
- ii. Economic harm
- iii. Harm to public health
- iv. Visual impacts
- v. Noise impacts
- vi. Smoke/Pollution
- vii. Vibrations
- viii. Odors
- ix. Light – whether blockage of sunlight or the intrusion of artificial light
- x. Unsafe situations – whether in structural safety, hazards, or from crime

To ensure that a regulation is actually going to prevent a harm, it is important to regulate the actual causes of the harm, rather than trying to regulate the resulting harm.

2) Advance a goal or goals. A few examples of goals headings that are served by regulations include:

- i. Amenity enhancement
- ii. Regulatory efficiency
- iii. Compatibility
- iv. Economic stability or growth
- v. Job stability or growth
- vi. Coastal protection and management
- vii. Environmental protection
- viii. Quality of life protection
- ix. Efficiency in the provision of services
- x. Sustainability
- xi. Energy efficiency and green design
- xii. Aesthetic advancement

- xiii. Urban infill and redevelopment
- xiv. Neighborhood planning
- xv. Regulating based on need

Discouraging the Proliferation of Sprawl

In 2011 a revised definition of “urban sprawl” is introduced into Chapter 163 along with primary indicators that a plan or a plan amendment does not discourage the proliferation of urban sprawl. One of the indicators that must be met now is that the plan should not “discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.” (§163.3177(6)(a) 10). WRT recommends a thorough examination of the plan and the implementing LDC to eliminate potential impediments to infill development and redevelopment that may prevent the proliferation of sprawl to surrounding neighborhoods and communities. One of the issues that must be examined in this light is the restrictive application of FAR, density, building heights, parking and stormwater in areas of the city that are in need of revitalization.

For example, one of the key issue the definition and application of FAR restriction is the inclusion of parking garages in the calculation of FAR. The following are suggested as alternative or complimentary approaches:

- Eliminate private parking garages from the calculation of floor area ratio in Policy 1-2.1.4, across the board , or
- Maintain private garages in the calculation of FAR in key corridors and historic districts of the CBD, such as the Park Avenue area, Morse Avenue, Hannibal Square, etc. but exempt them in other parts of the city.
- Keep private garages in the calculation of FAR, but increase the allowance from 200% to 300%.
- Consider reducing commercial parking requirement in the city’s core districts (CBD) to urban standards. In the CBD, but particularly the Park Avenue area, the city needs to execute a comprehensive mobility strategy, including parking to address present and future parking shortages. The strategy may include providing transit options (trolleys or shuttles), making walking and biking more practical and more attractive (creating pleasant and safe linkages to other parts of the community, with pedestrian and bicyclist amenities), encouraging shared parking, or requiring fees-in-lieu of parking for new development going toward the construction of municipal garages

Maintaining, Abandoning or Modifying Concurrency

WRT recommends that the city consider opting out of the concurrency system for all of a portion of the transportation and parks and open space public facilities systems. The following are alternative courses of action for the city regarding transportation:

- Opt out of concurrency entirely, maintaining only the Proportionate Fair Share assessment (Policy 2-4.5), or adopt supplemental or replacement tools such as developer agreement, impact fees, or mobility fees. If a Winter Park chooses to opt out of transportation concurrency, the city also the legal authority to replace, revise, or eliminate their current LOS standards.
- Rescind concurrency tactically, e.g., exempt major corridors, but continue to require compliance from projects on collector roads.
- “Tweak” the current system, taking advantage of the new local flexibility and authority to achieve a transportation system more tailored to the city’s goals and vision.

In the area of parks and recreation, WRT suggests considering the following options:

- Adjust the adopted LOS from 10 acres/1,000 persons to 8 acres/1,000 persons to continue to meet long term parks and recreation needs with the current park land inventory.
- Review the city’s long-term annexation strategy (not the highest recommended option)
- Develop a non-residential system development charge (SDC) allowing the city to require non-residential development to pay a fee or dedicate park land as a condition of building permit approval. There are different ways to calculate a non-residential SDC. In some cases the fee is based on the number of employees, the number of parking spaces needed for the facility, the impervious surface area size of the building, or a flat fee. The advantage of using the number of employees is that there is a clear rational nexus between the number of employees and the needed park space.

To effect this policy change, the city would first have to amend the comprehensive plan to remove the concurrency provisions, but the amendment is not subject to state review. (§163.3180(1)(a), F.S.). Replacing the concurrency provisions with alternative policy language is the second step. If mobility fees are adopted, developing a mobility plan would be the next step, a necessary one to establish a mobility fee system. Mobility fees provide the flexibility to use the fees for investments in all modes of transportation.

NOTE: WRT is not recommending changes to the public school facilities concurrency sections.

Reconciling Expectations for West Fairbanks Avenue and Other Principal Arterial Corridors

It is important to recognize that the city’s principal arterial corridors will in all likelihood continue to be primarily auto-oriented roads. With that in mind, development standards for these corridors should focus on easing impediments to redevelopment, addressing traffic and access through a managed approach, offering shared parking, and encouraging regional/corridor-wide stormwater management solutions to create practical opportunities for intense redevelopment and infill. A nodal approach (with concentrations of development at key intersections to create “moments” along the corridor) may be well suited to the redevelopment of these corridors.

West Fairbanks Avenue has been addressed in planning efforts several times, including through the recent ULI Technical Assistance Panel (TAP) study. The study recommends a series of marketing, branding and regulatory actions that the city should move forward with quickly, taking advantage of the momentum created by the city's \$8 million investment in sanitary sewer system expansion, plus another \$1.4 million in streetscape improvements. With the infrastructure improvement project near completion, the city needs to move forward with implementation of the recommendations included in the TAP report, including:

- Ensure consistency of city policies and reinforce the shared vision for the corridor.
- Identify opportunities where the City can assist with land assemblage
- Rezone and buffer lots along Karolina Ave. should be rezoned and buffered.
- Discard idea of a form based code approach for West Fairbanks Corridor.



Standards for principal arterial corridors should focus on traffic and access management, shared parking, “regional” stormwater management solutions and other approaches to ease development and redevelopment along distinct character types

Immediate Next Steps

1. Develop a strategy for the Planning and Zoning Commission and the Economic Development Advisory Board to coordinate and work together on issues related to the impact of specific comprehensive plan policies and land development code regulations on economic development in the city.
2. Develop a methodology for conducting a (9- to 12-month long) city-wide visioning process, with ample opportunities for meaningful public input. At a minimum, the outcome of this process should be a consensus vision statement that reflects broad consensus on values, aspirations and priorities for the future. Ideally, the process should also include a strategic analysis of existing conditions and trends to identify areas where those conditions and trends diverge from the consensus vision.



3. Initiate a detailed review of the comprehensive plan against the revised requirements of Chapter 163, F.S., to identify all areas of inconsistency and determine the need to update the plan prior to the state's deadline.

6. Appendix

Documents and Sources Consulted or Referenced

Provided by the City of Winter Park:

1. BASE Consultants, P.A. City of Winter Park Parking Study. June 2013.
2. City of Winter Park 1991 Comprehensive Plan (electronic file)
3. City of Winter Park Central Business District Façade Design Guidelines (electronic file)
4. City of Winter Park Central Business District Current Architectural Design Guidelines (hard copy)
5. City of Winter Park Future Land Use Map (electronic file)
6. City of Winter Park GIS layers: Parcels, Roads, Future Land Use, Boundaries, Zoning (electronic files)
7. City of Winter Park Morse Boulevard Façade Design Guidelines (electronic file)
8. City of Winter Park Strategic Plan: Comprehensive Plan Review, no date (hard copy)
9. City of Winter Park Zoning Map (electronic file)
10. City Winter Park West Fairbanks Design Standards (electronic file)

Provided by others:

11. BFC New England, LLC: Land Development Code Issues. Presented to the commission in February 2010 (electronic file – Battaglia).
12. City of Winter Park Resident 2004-2008 Resident Surveys. (electronic links provided by Cooper)
13. City of Winter Park. Commission Agenda Item re: Downtown Parking Study. Memo dated December 2011 (electronic file – Battaglia)
14. City of Winter Park 2006 Vision Post Card Survey Results Summary. Undated. (hard copy – Cooper)
15. City of Winter Park. Downtown Historic Park Historic District (hard copy map – Cooper)
16. “Comparative analysis of comprehensive plan issues.” Undated (hard copy – Bellows)
17. Donovan D. Rypkema: “The Economics of Historic Preservation.” Keynote Address given at the Alexandria Historic Preservation Conference and Town Meeting. May 5, 2007. (hard copy – Cooper)
18. “Highest and Best Use Analysis, 967 Cherokee Avenue.” September 16, 2010 (hard copy - Holler)
19. “Highest and Best Use Analysis, 500 S. Park Avenue.” August 21, 2010 (hard copy – Holler)
20. Kerr & Downs. City of Winter Park 2008 Citizen Survey: Executive Summary. Undated (hard copy, partial – Cooper)
21. Profile Marketing Research. City of Winter Park 2006 Resident Survey: Key Findings and Implications. January 2007 (hard copy, partial – Cooper)
22. Tourtellot, Jonathan. 2008 Destinations Rated: Historic Places Rated. National Geographic Travel. Nov./Dec. 2008. Based on a survey conducted by the Society's Center for Sustainable Destinations. (hard copy of article – Cooper)
23. Winter Park Comprehensive Plan Update Issues/analysis for adoption hearing. July 23, 2007 (hard copy – Battaglia)
24. Winter Park Magazine (Spring 2013 issue courtesy of the Chamber of Commerce)
25. Parking Powerpoint. Undated. (electronic file – Battaglia)
26. Winter Park Code of Ordinances, Chapter 22, Buildings and Building Regulations (electronic file – Battaglia)
27. Winter Park Commission agenda package (memo). August 27, 2010 (electronic file – Battaglia).
28. Policy Recommendations Exhibit to Battaglia memo in the agenda above (electronic file – Battaglia).

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29. BikeWalkLee. "Moving beyond Transportation Concurrency: A Path Forward for Lee County." November 12, 2012.
30. City of DeBary: Comprehensive Plan: <http://debary.org/docs/compplan.pdf>
31. City of Longboat Key: Comprehensive Plan: <http://www.longboatkey.org/pView.aspx?id=18984&catid=469>
32. City of Longwood Comprehensive Plan: [http://www.longwoodfl.org/filestorage/210/212/412/417/2011_Comprehensive_Plan_\(Full\).pdf](http://www.longwoodfl.org/filestorage/210/212/412/417/2011_Comprehensive_Plan_(Full).pdf)
33. City of Longwood Design Handbook: http://www.longwoodfl.org/filestorage/210/212/412/417/Design_Guidebook.pdf
34. City of Maitland: Comprehensive Plan: <http://www.itsmymaitland.com/myJSSImages/file/CDP2030.pdf>
35. City of Mount Dora: Comprehensive Plan <http://ci.mount-dora.fl.us/index.aspx?nid=322>
36. City of Ocoee: Comprehensive Plan: http://www.ocoe.org/Departments/DS/Planning/docs/2011-01-01-ComprehensivePlan/Title_MainTOC_Tables020111.pdf
37. City of Oviedo: <http://meeting.cityofoviedo.net/Publications/FilesStartHere/Other%20Publications/Comprehensive%20Plan.pdf>
38. City of Naples Comprehensive Plan: <http://www.naplesgov.com/DocumentCenter/Home/View/94>
39. City of Winter Garden Comprehensive Plan http://www.cwgdn.com/files/planning-and-zoning/COMP_PLAN_2020.pdf
40. City Data: Winter Park City Data (General Information). <http://www.city-data.com/city/Winter-Park-Florida.html>
41. Area Vibes: City of Winter Park Livability Score. www.areavibes.com/winter+park-fl
42. City of Winter Park. 2009 Comprehensive Plan (Downloaded from city website): GOPs, DIAs and supplemental docs
43. City of Winter Park. Land Development Code (partial electronic download from MuniCode): Chapter 58, Articles I-VIII and Sec. 58, 61-95. <http://library.municode.com/index.aspx?clientId=11730>
44. City of Winter Park Economic Development Department. City of Winter Park 2011 Economic Development Plan. Economic Development/CRA Department. July 2011 (Downloaded from city website: <http://cityofwinterpark.org/Docs/Departments/EDCRA/2011EDPlan.pdf>)
45. City of Winter Park Economic Development Department. Economic Development Plan Update: Year 2 Update and Annual Summary FY 2012. July 2012 (Downloaded from city website: <http://cityofwinterpark.org/Docs/Departments/EDCRA/EconomicDevelopmentPlanYr2Update.pdf>)
46. City of Winter Park Fairbanks Avenue Roadway & Wastewater Improvement Project. Undated. (Downloaded from city website: http://cityofwinterpark.org/Pages/Departments/Public_Works/Fairbanks_Avenue_Improvement_Project.aspx#ULI-TAP-Discussion)
47. City of Winter Springs Comprehensive Plan: <http://www.winterspringsfl.org/EN/web/dept/cd/48964/compplan.htm>
48. Florida Department of Economic Opportunity: <http://www.floridajobs.org/community-planning-and-development/programs/comprehensive-planning/evaluation-and-appraisal-of-comprehensive-plans>
49. Town of Lady Lake Comprehensive Plan: <http://www.ladylake.org/wp-content/uploads/2010/10/2030-Comprehensive-Plan.pdf>
50. Town of Palm Beach Comprehensive Plan: <http://www.townofpalmbeach.com/webfiles/PZB/Comprehensive%20Plan.pdf>
51. Sperling's Best Places: City of Winter Park. www.bestplaces.net
52. ULI Technical Assistance Panel: West Fairbanks Avenue Recommendations. September 2012. (Downloaded from city website: http://cityofwinterpark.org/Docs/Departments/Public_Works/Fairbanks/WFA_WhitePaper_2012-09-01.pdf)

53. ULI Technical Assistance Panel: West Fairbanks Avenue Briefing Book. September 2012. (Downloaded from city website: http://cityofwinterpark.org/Docs/Departments/Public_Works/Fairbanks/WestFairbanksBriefingBook.pdf)
54. Village of Key Biscayne Comprehensive Master Plan:
http://keybiscayne.fl.gov/clientuploads/Building,%20Zoning%20Planning%20&%20Public%20Works/Planning%20Division/Comprehensive%20Master%20Plan%20-%20EAR/VKB_MasterPlan_1995_Amended12-9-08_Corr9-2-10.pdf



City of Winter Park

PRESENTATION TO A JOINT MEETING OF THE
PLANNING COMMISSION AND
ECONOMIC DEVELOPMENT ADVISORY BOARD
AUGUST 15, 2013



CITY OF WINTER PARK
**ANALYSIS OF POTENTIAL POLICY AND
REGULATORY IMPEDIMENTS TO
ECONOMIC DEVELOPMENT**
(JULY 2013 DRAFT)



WALLACE ROBERTS & TODD: WHO WE ARE

- Integrated planning & design
- National experience + local perspective
- Values-driven planning
- Proven track record of innovation and practical solutions



Community and Environmental Planning



Landscape Architecture



Urban Design



Architecture


TODAY'S AGENDA

1. Background
 2. Process
 3. Review of Policy and Regulatory Documents
 4. Identification and Analysis of Key Issues
 5. Summary of Recommendations
 6. Next Steps
 7. Discussion
- 

BACKGROUND: WINTER PARK AND THE RECESSION

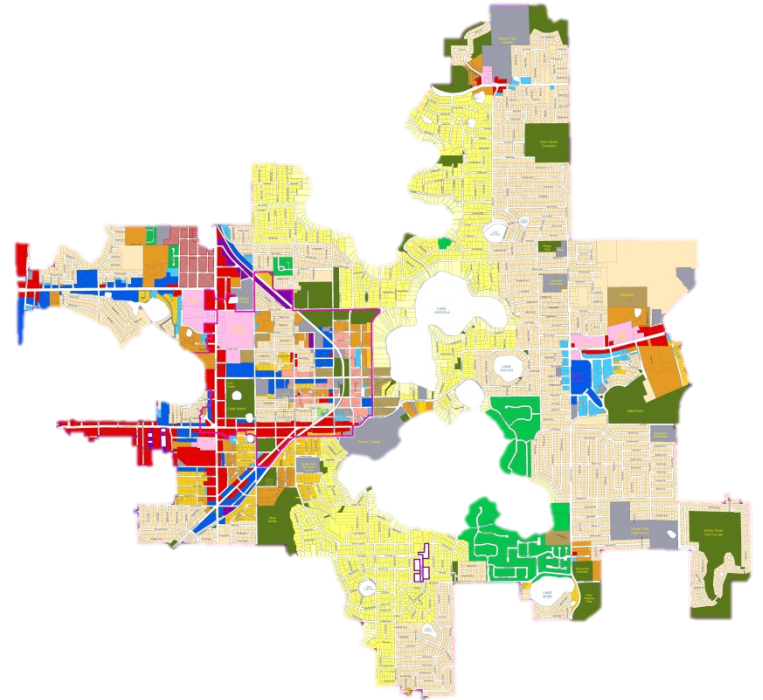
Winter Park was not immune to the impacts of the Great Recession.

Since 2007, the city has endeavored to reinforce strengths, while reversing economic factors that could undermine the city's competitive position.

- Overall cost of living
 - Housing costs
 - Jobs
 - Real estate and development
- 

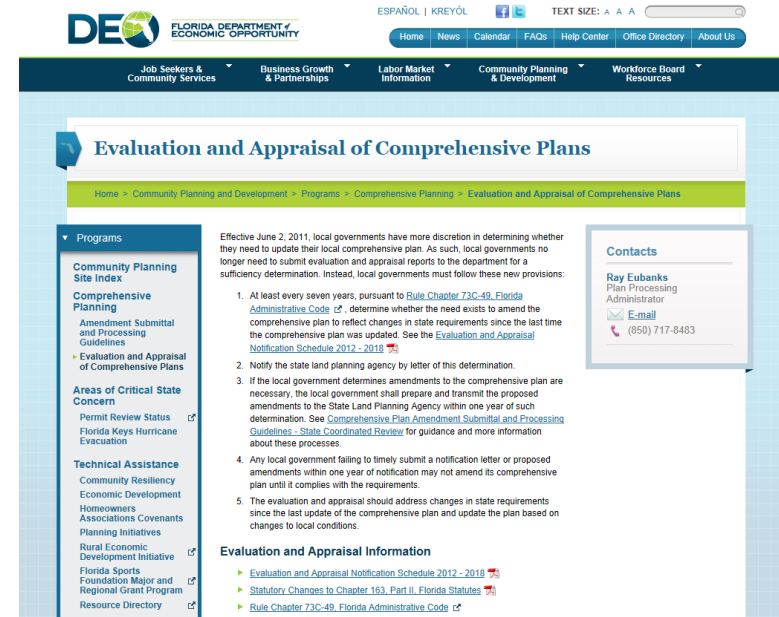
BACKGROUND: WRT'S ASSIGNMENT (SCOPE)

- Review the Comprehensive Plan and Land Development Code to understand the potential effect of current policies and regulations on economic development.
- Recommend adjustments that may be necessary to reinforce and maintain the city's economic vitality.



BACKGROUND: WHAT THIS IS NOT...

- A complete evaluation and appraisal or an amendment of the comprehensive plan or the LDC
- A market analysis
- An economic development study
- An urban design study



PROCESS



LISTEN



IDENTIFY KEY
ISSUES



STRATEGIC
FOCUS

PROCESS

Task	Month 1				Month 2				Month 3				Month 4				Month 5				Month 6			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Project Kickoff																								
TM-1																								
Staff Review																								
Comp Plan/LDC Review																								
Draft Report																								
Staff Review																								
Public Meeting																								
Final Report																								
Staff Review																								
Final Presentation(s)																								

POLICY AND REGULATORY DOCUMENTS

City of Winter Park Comprehensive Plan

- Adopted in February 2009 (Ordinance No. 2762-09).
- Found in compliance by former Florida DCA in May of 2009.
- Supersedes comprehensive plan from 1991.
- Follows statutory changes to Chapter 163, Part II, F.S. up to 2007
- Includes all “required” elements, but no optional elements previously authorized in Chapter 163.

POLICY AND REGULATORY DOCUMENTS

City of Winter Park Land Development Code

- Chapter 58 of the Code of Ordinances.
- Adopted wholesale in 1998
- Amended and updated piecemeal
- Rezoning is the most routine type of amendment

POLICY AND REGULATORY DOCUMENTS

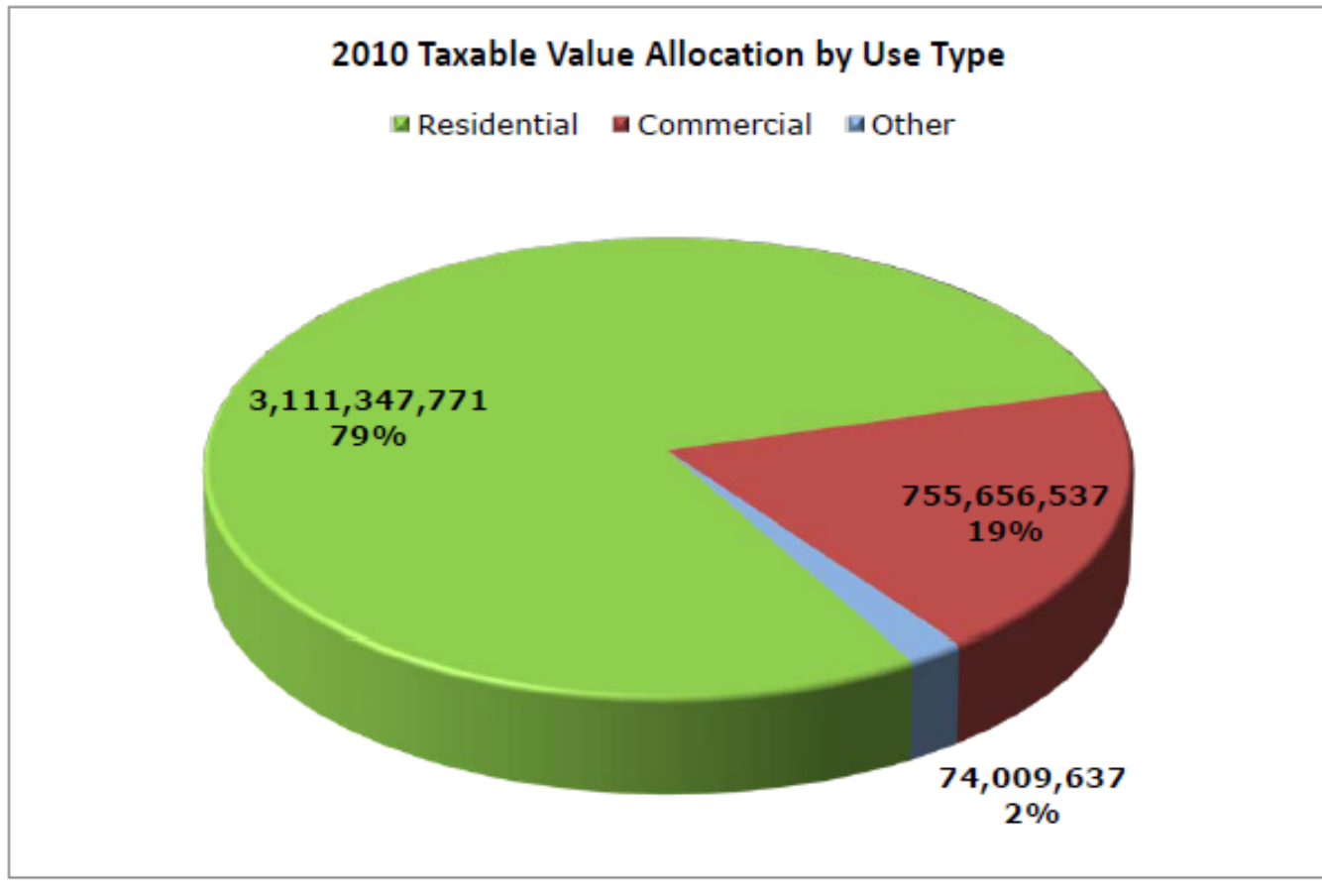
City of Winter Economic Development Plan

- Short-term (3-year) economic development plan completed in 2011.
- Ancillary cluster analysis identifies seven business clusters:
 - Education and Knowledge Creation
 - Financial and Professional Services
 - Real Estate and Development
 - Creative Services
 - Arts and Culture
 - Retail & Services
 - Health Care Services

POLICY AND REGULATORY DOCUMENTS

City of Winter Economic Development Plan

- Tax base composition



POLICY AND REGULATORY DOCUMENTS

City of Winter Economic Development Plan

MISSION FOR WINTER PARK

To promote a diverse, sustainable, and proactive economic environment that incorporates all elements of the City's identity, focused on community, culture, and commerce.

Winter Park shall expand and implement activities and programs over the next three years that will promote and support the five key strategic objectives.

STRATEGIC OBJECTIVES

1. Promote Development and Grow the Tax Base
2. Promote and Enhance Community Character & Livability
3. Engage in Economic Gardening
4. Target and Grow Business Clusters
5. Achieve Strategic Partnerships

POLICY AND REGULATORY DOCUMENTS

City of Winter Economic Development Plan

- Implementation:
 - Funding: \$286,600
 - Action Plan
 - Tracking, monitoring and reporting
- Year 1 Accomplishments

Economic Development Plan Update

YEAR 2 UPDATE AND ANNUAL SUMMARY FY 2012



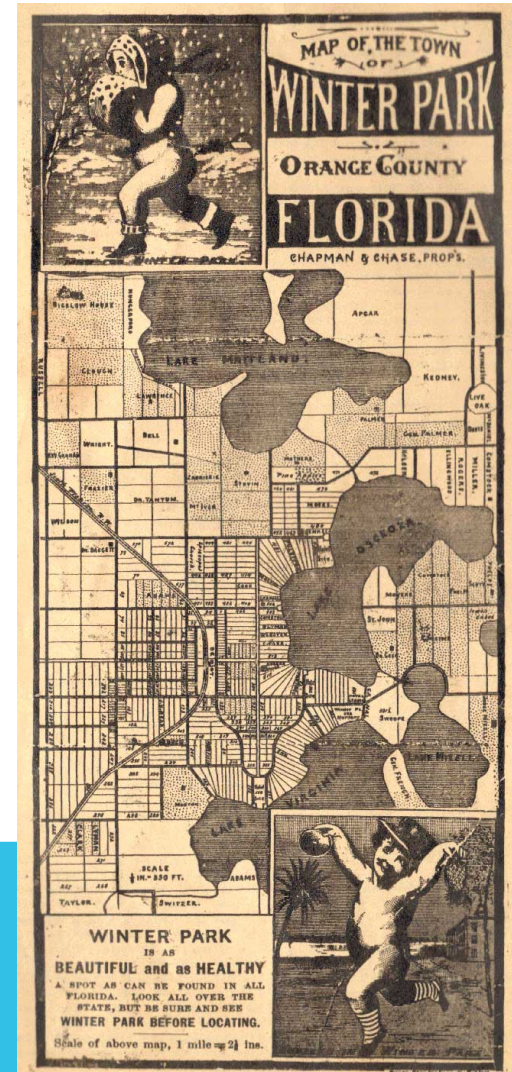
CITY OF WINTER PARK
ECONOMIC DEVELOPMENT DEPARTMENT
July 2012

IDENTIFICATION OF KEY ISSUES: CONTEXT

A growing, changing community with a long history of planning...

“Excited about his vision of a community, Chase contacted boyhood friend Oliver Chapman and the two men purchased 600 acres of land around the shores of several lakes for \$13,000. They hired surveyor Samuel A. Robinson of Orlando to lay out a tidy grid of residential streets with curves encircling sites designated for hotels, schools, churches, and a large central park in the downtown district.”

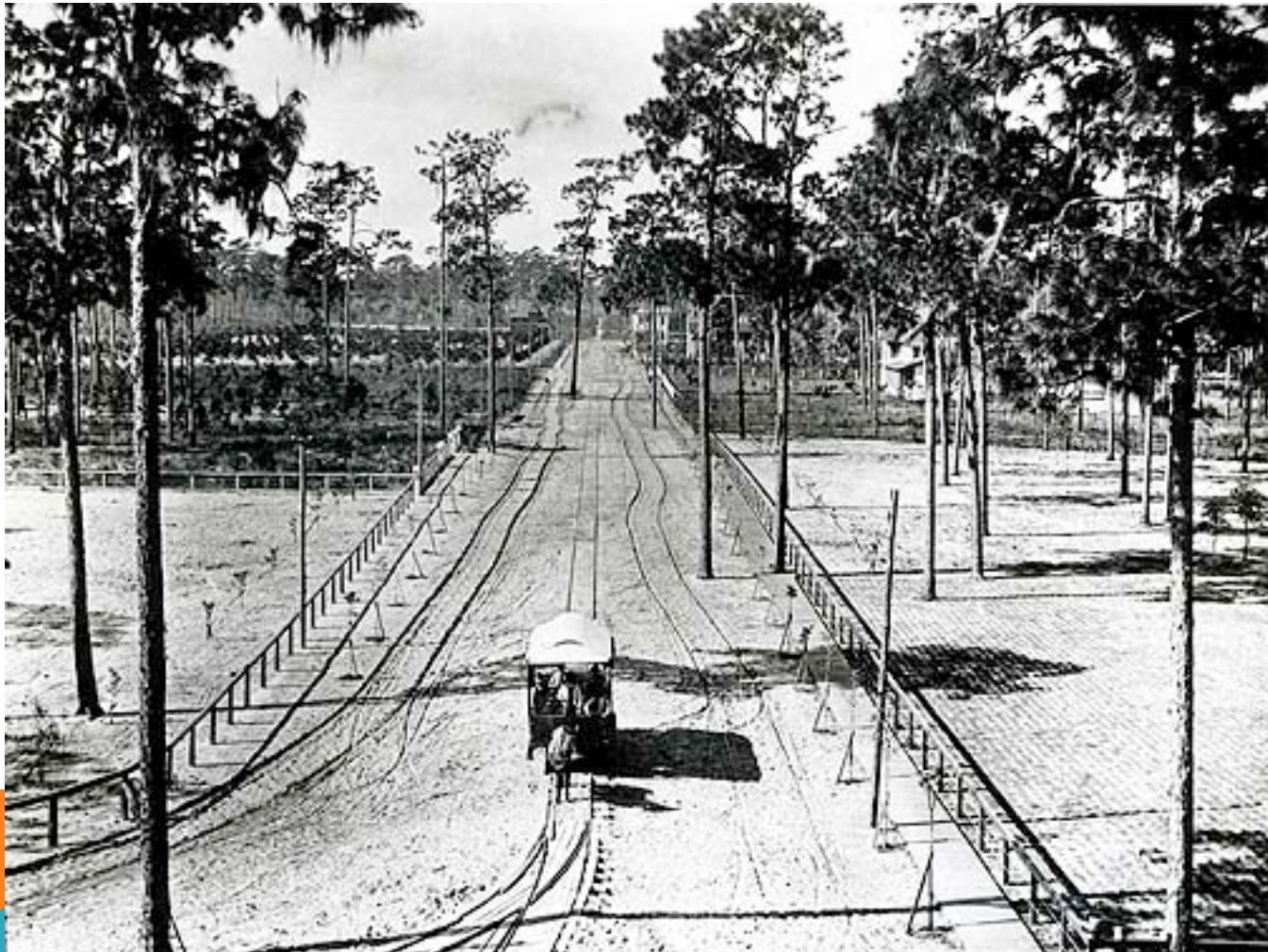
Winter Park Historical Association (<http://www.wphistory.org/explore-history/winter-park>)



CONTEXT



CONTEXT



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CONTEXT



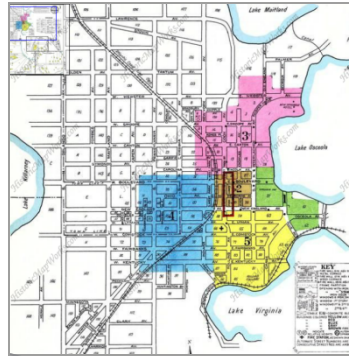
CONTEXT



Park Avenue during Art Festival, Winter Park, Florida

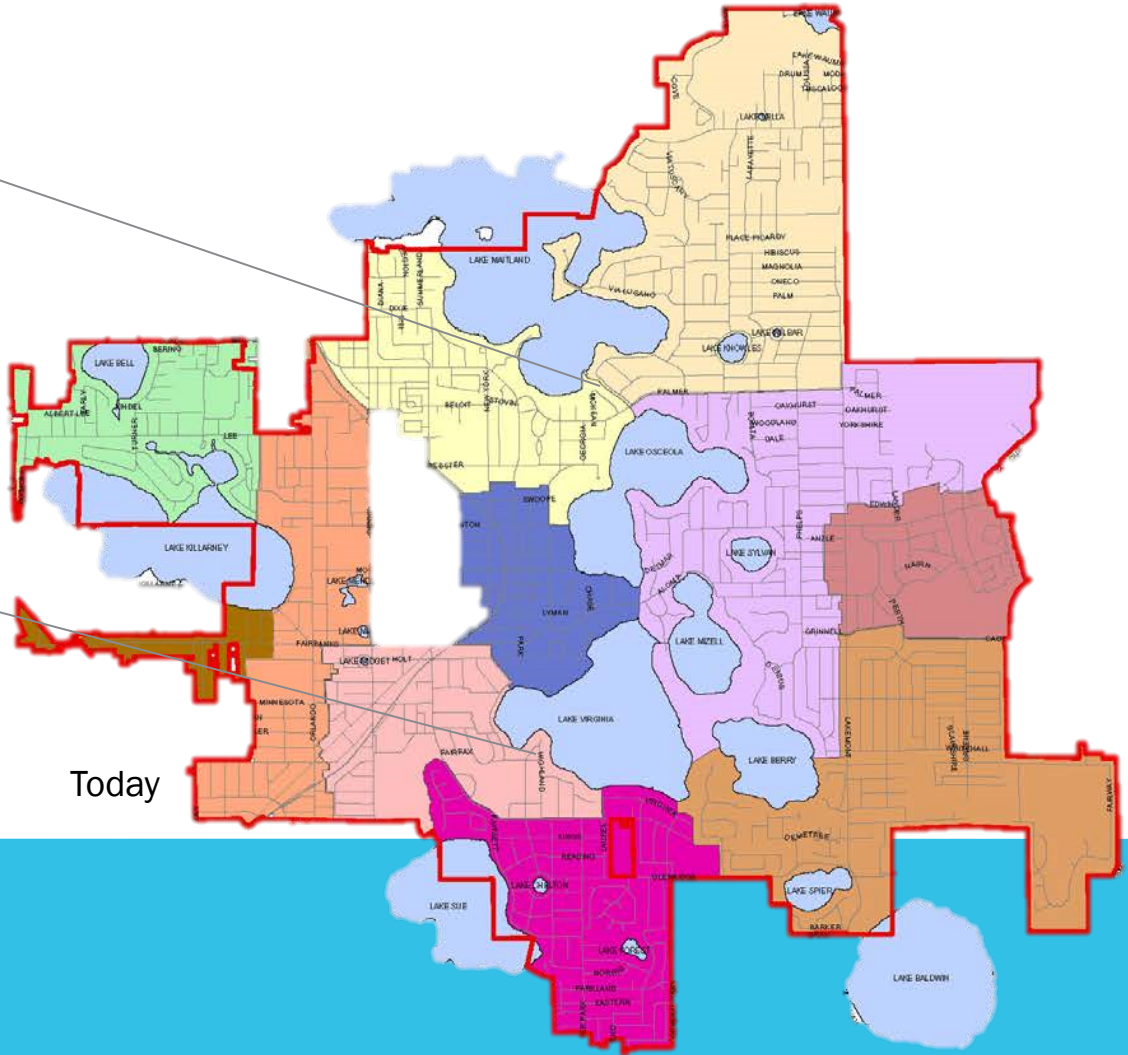
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CONTEXT



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CONTEXT



4

IDENTIFICATION AND ANALYSIS OF KEY ISSUES

- Core (Overarching) Issues and Problems
- Specific Policy and Regulatory Issues
- Other Issues

CORE ISSUES AND PROBLEMS

Disagreement in Understanding of the Role and Purpose of the Comprehensive Plan

- Conflicting perspectives on what a comprehensive plan should be: high-level policy guide versus a locus for detailed rules and directives to give LDC “more teeth.”
- Language in various policies and strategies appears to have been directly appropriated from development codes.
- If the regulations are well composed, then there should be no need to duplicate them in the comprehensive plan.

“We need a plan that calls us to greatness. Instead this plan is packed full of minutiae, things that most other cities don’t have. It needs to be a living, breathing document and instead it wants to be static.”

CORE ISSUES AND PROBLEMS

Absence of a Shared Consensus on Community Vision

- The 2009 Comprehensive Plan does not include a “community vision.”
- Today, vision-like language in the plan revolves around a “village” image of Winter Park and does not acknowledge other, newer sectors of the city.
- Some in the community doubt that a consensus vision can be arrived at, due to perceptions that differences of opinion in the community run too deep.

“There is no true vision in the city except for Park Avenue, which is “don’t do anything” there.”

CORE ISSUES AND PROBLEMS

Perceived Conflict between the Notions of Growth and Preservation

- There is agreement that the city's history and design character are crucial to its sustained economic development and celebrated quality of life
- Some perceive growth and preservation as inconsistent, because growth is equated with change (negative).
- Many residents identify Winter Park with the city's historic downtown which to them epitomizes the city. However, Winter Park is not monolithic and the historic downtown and neighborhoods are not the sole identity of Winter Park.

“...we must find a balance between a reasonable amount of economic development and opportunity, and retaining the good things that have made Winter Park special.”

CORE ISSUES AND PROBLEMS

“One-Size Fits All” Approach

- The City of Winter Park is composed of a variety of distinct “districts,” each with its own unique character and needs
- The plan should reflect and celebrate the differences between these areas. Some existing policies seem to negate existing character distinctions.
- Various existing and proposed studies, plans and guidelines for specific areas and corridors such as Fairbanks Avenue, Lee, Denning and Aloma are not referenced in the plan.

“Everything in this city lives and breathes around Park Avenue, but you have at least two Winter Parks, –a core which embodies...how people see or want to see Winter Park, and “the rest,” this other area many want to ignore.”

CORE ISSUES AND PROBLEMS

Traditional versus Form-Based Zoning

- Preferences vary between a land use control, development performance, or building form regulatory focus – or all three.
- The comprehensive plan and the LDC mostly embrace an Euclidean approach (emphasizing separation of land uses, and regulation of density and intensity) but also attempt to regulate form and scale to prevent “character” incompatibilities
- The greatest concerns revolve around building form (particularly in the CBD): How does a building appear from the street? How does it interface with the public realm and its surroundings?

Policy 1-3.8.8 requires the city to “[i]nvestigate...the application of a form based code to more effectively provide for the review of development in accordance with the policies of this Comprehensive Plan.”

CORE ISSUES AND PROBLEMS

Lack of Integration between the City's Economic Development Goals and the Comprehensive Plan

- The current plan does not include economic development element.
- The city completed a strategic 3-year Economic Development Plan in 2011.
- The Economic Development Plan goals and objectives have not been integrated into the comprehensive plan.

“The economic development plan does not relate to our comprehensive plan and it should. Our tax base is relying more and more on our residents.”

CORE ISSUES AND PROBLEMS

Clarifying the Purpose of the Land Development Code

- The purpose of some regulations included in the LDC is unclear: (“Why is this here? What is it supposed to accomplish?”)
- The purpose of the LDC should be to carry out the city’s comprehensive plan by regulating specific land activities.
- If the comprehensive plan is the “what we want to do,” the LDC is the “how we are going to do it.”

SPECIFIC POLICY AND REGULATORY ISSUES

Discouraging the Proliferation of Sprawl

- Winter Park meets the 2008 statutory requirements of Chapter 163, F.S. to discourage the proliferation of sprawl (Objective 1-3.16).
- In 2011, a new definition of “urban sprawl is introduced into Chapter. One of the indicators that must be met now is to not “discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.” (§163.3177(6)(a)

SPECIFIC POLICY AND REGULATORY ISSUES

Concurrency

- The comprehensive plan follows the 2008 concurrency requirements of Chapter 163.
- The Land Development Code (Chapter 58) incorporates concurrency management regulations (Article II).
- In 2012, the legislature deleted transportation, parks and recreation, and schools from the list of facilities and services subject to the concurrency. (§163.3180(1)).
- The number of communities opting out of one or more of these requirements has been rising since 2012.

SPECIFIC POLICY AND REGULATORY ISSUES

Concurrency

- Transportation: Burden on staff and developers, lack of staff resources, effectiveness (major corridors are FDOT owned/maintained)
- Parks and Recreation: Reasonableness of current LOS (10 ac/1000 persons – one of the highest in the state). Winter Park as a mature, landlocked community, expecting additional growth, will require more park land than it can provide under its current LOS.
- The city is projected to grow by about 5,500 people by 2028), requiring 345 acres of park land to meet the adopted standard. Therefore by 2028 the city could experience a deficit of nearly 49 acres. At current land prices, acquiring additional park land could cost the city \$36,750,000 plus operation and maintenance costs.

SPECIFIC POLICY AND REGULATORY ISSUES

Concurrency: Transportation Options

- Opt out of concurrency entirely, maintaining only the Proportionate Fair Share assessment (Policy 2-4.5), or adopt supplemental or replacement tools such as developer agreement, impact fees, or mobility fees.
- Rescind concurrency *surgically*, e.g., exempt major corridors that are in need of redevelopment, but continue to require compliance from projects on collector roads and special districts
- “Ttweak” the current system, taking advantage of the new local flexibility and authority to achieve a transportation system more tailored to the city’s goals and vision.

SPECIFIC POLICY AND REGULATORY ISSUES

Concurrency: Park and Recreation Options

- Adjust the adopted LOS from 10 acres/1,000 persons to 8 acres/1,000 persons to continue to meet long term parks and recreation needs with the current park land inventory.
- Review the city's long-term annexation strategy as means to slow population growth
- Develop a non-residential system development charge (SDC) allowing the city to require non-residential development to pay a fee or dedicate park land as a condition of building permit approval.

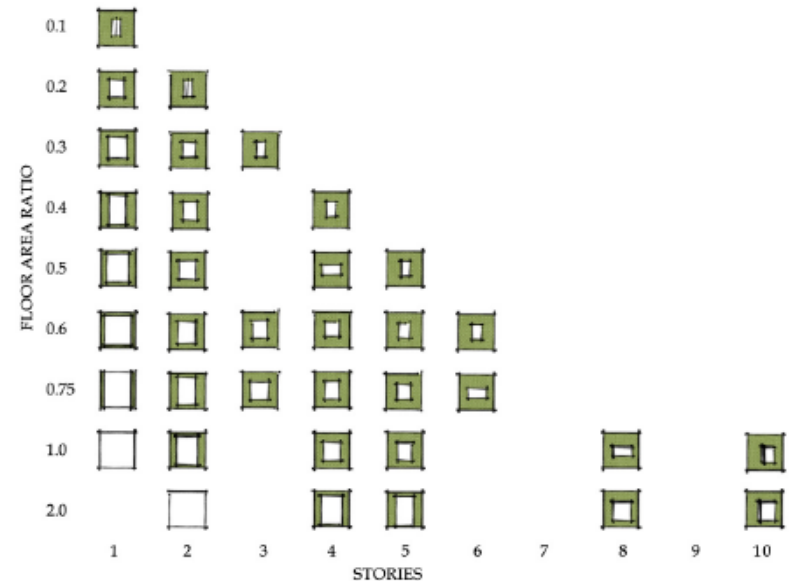
SPECIFIC POLICY AND REGULATORY ISSUES

Definition of Floor Area Ratio (FAR)

- FAR definition (Policy 1-2.1.4) is very specific and narrow, going to the extreme of including methods for calculation in the policy.
- If the concern is with the **appearance of bulk** of structured parking facilities, such concerns can be resolved through Form and appearance standards.

Floor Area Ratio (FAR) Summary Table

An FAR is the ratio of total net floor area of a building to the total lot area. An FAR describes the intensity of the use on a site and not the building height or site coverage; however, building height and site coverage standards are critical in determining the arrangement and form of the buildings at the intensity permitted by the FAR. FAR includes all habitable structures on a lot but does not include the area within parking lots or parking structures.



SPECIFIC POLICY AND REGULATORY ISSUES

Definition of Floor Area Ratio (FAR) Options

- Remove detail that is contained in the comprehensive plan policy (maintain in LDC).
 - Eliminate private parking garages from the calculation of floor area ratio in Policy 1-2.1.4, across the board, or maintain private garages in the calculation of FAR in key corridors of the CBD, such as the Park Avenue area, Morse Avenue, Hannibal Square, etc. but exempt them in other parts of the city, or
 - Keep private garages in the calculation of FAR, but increase the allowance from 200% to 300%.
 - Consider reducing commercial parking requirement in the city's core districts (CBD) to even more urban standards.
- 4
- Execute a comprehensive mobility strategy, including parking to address present and future parking shortages, transit, walking and biking, shared parking, fees in lieu, and other options.

SPECIFIC POLICY AND REGULATORY ISSUES

Density and Floor Area Ratio

- To encourage mixed use development in both infill and redevelopment sites, offer a combination of density and floor area provision, rather than one or the other.
- Provide clear methods for calculating the combination of density and floor area in mixed land uses on a single site or building.
- To discourage “MacMansions” and excessively large building volumes, use a combination of building height, setbacks, stepbacks (where appropriate), building coverage and guidelines for breaking up the mass of a structure.

SPECIFIC POLICY AND REGULATORY ISSUES

Building Heights

- The comprehensive plan defines building height in terms of number of stories, whereas the LDC defines height in terms of number of linear feet per floor.
- If the main concern is the building height, volume, scale and outer appearance, using height in total feet combined with standards or guidelines for articulating the building façade (floor lines) should be sufficiently effective.



SPECIFIC POLICY AND REGULATORY ISSUES

Planned Unit Residential Development Inconsistencies

- PURD is only mentioned in text description of the single family residential designation, but not on the low density residential designation.
- The LDC regulations relative to PURD include provisions for multi-family dwellings, but the comprehensive plan limits the housing types to single-family, zero lot line or townhouse development under single family residential.
- Maximum building heights for multi-family dwellings may be unachievable when combined with the prescribed floor area ratio.

SPECIFIC POLICY AND REGULATORY ISSUES

Planned Development Districts

- PD is a tool intended to provide flexibility and promote development or redevelopment of larger scale projects that help the community achieve specific goals.
- This land use designation and zoning category is the only and closest thing Winter Park has to a real mixed use district. However, a single district providing a range of allowable densities and intensities might have sufficed.
- The city adopted these districts relatively recently and has not had an opportunity to test them.
- The maximum size thresholds may be too low and the requirement to subject properties larger than the maximum to two different processes make the application of this zoning tool too onerous and unattractive to developers

SPECIFIC POLICY AND REGULATORY ISSUES

Parking Lot (PL) Future Land Use

- Parking lots are not typically considered as a principal use in a citywide comprehensive plan, much less designated as a distinct future land use or zoning district.
- Surface parking lots that are ancillary uses to a principal use should not be treated separately from their principal use.



NEXT STEPS

1. Feedback from boards
2. Document revision – summary of recommendations
3. Public presentation/input solicitation
4. Final recommendations/final report

DISCUSSION
QUESTIONS
COMMENTS

7

