

ORDINANCE NO. 3096-17

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL PROHIBITED USES AND DEVELOPMENT STANDARDS WITHIN THE ZONING DISTRICTS OF THE CITY; ADOPTING NEW DEVELOPMENT STANDARDS, DENSITIES AND INTENSITIES OF DEVELOPMENT; ADOPTING CHANGES NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has adopted Chapter 163, Florida Statutes which requires all local communities to adopt amendments to their Land Development Codes to implement the growth and development policies of Comprehensive Plans adopted pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development: and

WHEREAS, the Winter Park City Commission adopted a new Comprehensive Plan on April 24, 2017 via Ordinance 3076-17; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of proposed amendments to the Zoning Regulations portion of the Land Development Code having held an advertised public hearing on November 7, 2017, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed amendments to the Zoning Regulations portion of the Land Development Code and held advertised public hearings on November 27, 2017 and on December 11, 2017 and advertised notice of such public hearings via quarter page advertisements in the Orlando Sentinel pursuant the requirements of Chapter 166, Florida Statutes and placed the proposed amendments on the City's website on October 31, 2017; and.

WHEREAS, the portions of Chapter 58, Land Development Code, Article III, Zoning Regulations, that are to be amended and modified as described in each section and amended to read as shown herein where words with single underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by repealing Section 58-82 Planned Development One (PD-1) District and Section 58-83 Planned Development Two (PD-2) District in their entirety and thereby removing these two zoning districts from the "Zoning" Article of the Land Development Code but reserving those numbered sections for future use, as follows:

Sec. 58-82. Reserved

Sec. 58-83. Reserved

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-69 Multi-Family (High Density R-4) District subsections (a) (3); (b) (5) and (e) (10) in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-69. Multi-family (High Density R-4) District.

(a) Purpose and intent.

(1) The purpose of this district is to permit certain areas within the city to be developed for high density residential use. Areas which may be suitable for intense development include areas around the urban core and adjacent to major arterial streets.

(2) The regulations for this district attempt to encourage developments which are compatible with the existing residential character of the city and would not negatively impact existing residential neighborhoods. To accomplish this, appropriate open space, sufficient setbacks, buffers, density limits and height limitations are required. Only those areas of the city with sufficient public facilities such as utilities and roads capable of accommodating the use generated by the high-density permitted by this district can be so zoned.

(3) In conformance with the Comprehensive Plan, this R-4 zoning district designation is intended for multi-family residential use and is limited to properties with this R-4 zoning designation in existence prior to January 1, 2017. This R-4 zoning district designation shall not be approved for or assigned to any property within the City that were not zoned R-4 as of January 1, 2017. However, properties which were zoned R-4 prior to January 1, 2017 are permitted to develop and redevelop based upon the use and development standards in this district.

(b) Permitted uses.

(5) Residential complexes which are developed and operated by the Winter Park Housing Authority, or by nonprofit 501(c) corporations providing affordable housing and receiving financial support for affordable or workforce housing from agencies of the federal, state or city government. ~~provided that the following minimum requirements are met:~~

~~a. The density shall not exceed one unit per 1,000 square feet of ground area;~~

~~b. Parking provided shall not be less than one space per residential unit;~~

~~c. No minimum apartment size shall be required; however, the average size of all the residential units shall not be less than 500 square feet in floor area;~~

~~d. The site on which the complex is to be located shall be served by public utilities and streets capable of accommodating the increased residential densities permitted by this section;~~

~~e. The property owner enters into a formal agreement with the city to pay all taxes and fees required by the city or enters into a contractual agreement for a payment in lieu of taxes to the city, whichever shall apply because of ownership.~~

(e) *Development standards.*

(10) The intent of the Code requirement for 2.5 (2½) spaces for multiple family projects is to provide visitor parking spaces for guests, service calls, deliveries, etc. For multiple family projects providing 2.5 (2½) parking spaces per unit, the provision of those visitor spaces may not be exclusively within enclosed garages or carports and there must be at least one visitor parking space for each two units that are open and accessible for guests, service calls, deliveries, etc. Multiple family projects may not sell or lease any of the code required visitor parking spaces to individual unit owners or residents. In cases where the City may grant or has granted a variance or exception enabling the total parking spaces for any multiple family project to be less than the code required 2.5 (2½) spaces per unit, then at least fifteen (15%) percent of the total number of parking spaces approved by the City must be made available as visitor parking. All such visitor parking spaces shall be clearly marked on the pavement or have signage provided, indicating their use for visitor parking. In cases where there is restricted access security or gates for resident parking, then such restricted access security or gates, etc. shall not prohibit access to the required number of visitor parking spaces. Parking necessary for on-site management or other on-site employees shall be provided in parking spaces in excess of the number required as visitor parking. The City's Code Enforcement Board may enforce these provisions when it is witnessed by city staff that on any four consecutive occasions within any two consecutive day period, the same resident vehicle or management employee vehicle is utilizing any designated visitor parking spaces.

SECTION 3. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-70 Planned Unit Residential Development (PURD) District subsections (c) (1) and (2) in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-70. Planned Unit Residential Development (PURD) District.

(c) *Development requirements and standards for approval.*

(1) The parcel for which a PURD is proposed must be compact in shape and be in a single ownership or control. The parcel must be a minimum of two acres in size, unless provided an exception by the City Commission.

(2) The overall density of development permitted on this tract shall not exceed five units per acre for properties designated as single-family in the comprehensive plan except in the approved PURD areas where the density of single-family, zero lot line or townhouse development may be increased to eight units per acre or ten units per acre for properties designated as low density or multi-family in the comprehensive plan. This calculation shall not include the land areas to be dedicated to the City as road right-of-ways or storm water retention areas necessary for those road right-of-ways. The residential units permitted in this district may be provided by a mixture of housing types provided that the number of multi-family units does not exceed 50 percent of the total residential units; the remaining units shall include cluster housing, attached and detached single family residences.

SECTION 4. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-75 Commercial (C-2) District subsections (a) (1); (b) (1) (3) (4); (c) (5); and (e) (10) in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-75. Commercial (C-2) District.

(a) *Purpose and intent.*

(1) This commercial zoning district is limited to the commercial portion of the geographic downtown area known as the Central Business District and the similar commercial area of the city within the Hannibal Square Neighborhood Commercial District (HSNCD) of the City's Community Redevelopment Area (CRA). As detailed in the Comprehensive Plan, Commercial (C-2) district zoning is not permitted on any property except if it is within the Central Business District "potential C-2 zoning" area depicted in the CBD Map (D-2) in the definitions section, generally described as west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of and including the New York Avenue Corridor or it is on properties abutting Morse Blvd between Capen and Virginia Avenues, abutting New England Avenue between Pennsylvania and New York Avenues, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. No applications for C-2 zoning shall be accepted for any property outside these designated areas. Moreover, even properties within these designated areas shall have no vested right to C-2 zoning. This district has different requirements than other commercial areas especially pertaining to setbacks, parking requirements, height limitations and permitted land uses, including a prohibition on drive-in businesses. This district is established to encourage the continuation of the present unique Park Avenue business district of the city and to provide for its use within certain other defined geographical areas as specified in the Comprehensive Plan.

(b) *Permitted uses.* All permitted uses shall be conducted so as to emphasize the pedestrian orientation of the district. Thus, drive-in type businesses or uses which have a drive-in component as part of their operation shall not be permitted ~~except to a limited degree in the area on Morse Boulevard, west of Virginia Avenue and confined to non-retail use.~~ All uses permitted shall be conducted exclusively within a building except those uses permitted which are customarily conducted in the open such as off-street parking and out-door patio seating for dining. Storage shall be limited to accessory storage of commodities sold at retail on the premises and storage shall be within a completely enclosed building. Bars, taverns and cocktail lounges are prohibited in this zoning district. In addition, no single tenant building larger than 65,000 square feet is permitted regardless if portions of such single tenant business, such as a grocery store, may have a sublease for an interior coffee shop, bank, etc.

(1) Retail businesses involved in the sale of merchandise on the premises within enclosed buildings but excluding resale establishments or pawn shops (other than clothing resale stores) and excluding vapor lounges, smoke shops, cigar stores and liquor stores provided the store is more than 300 feet from residentially used properties.

(3) Bank, savings and loans, financial institutions, travel agencies, photographic studios, interior design studios, barber shops, beauty/nail salons, spas, state licensed massage therapists, cosmetic and skin care treatment businesses, governmental, educational, medical, real estate and other offices but only when such uses are located above the ground floor within the Park Avenue Corridor or located on any floor outside the Park Avenue Corridor. This shall be referred to as the Park Avenue corridor vertical zoning restrictions.

(4) Residences located on any floor outside of the Park Avenue Corridor ~~or~~ but only above the ground floor within the Park Avenue Corridor and on properties with frontage on New England Avenue between Pennsylvania and Park Avenues.

(c) *Conditional uses.* The following uses may be permitted as conditional uses following review by the planning and zoning board and approval by the city commission in accordance with the provisions of this C-2 district section only. See Sec. 58-90 Conditional Uses.

~~(5) Drive-in business components limited to the locations to properties on Morse Boulevard, west of Virginia Avenue and limited to non-retail use.~~

(e) *Development standards.*

(10) All properties facing on Park Avenue or adjacent roads within 140 feet of Park Avenue or that are located across from Central Park and all properties that abut Central Park, where development would impact the open vista of Central Park shall be limited to two stories in height as depicted on the Maximum Height Map. Variances or approvals of development in violation of this policy are prohibited.

SECTION 5. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by amending within Section 58-74 Commercial (C-1) and Section 58-76 (C-3) Districts; subsections (b) (1) in C-1 zoning and subsection (b) (3) in C-3 zoning in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-74. Commercial (C-1) District.

(b) *Permitted uses.*

(1) Retail business involving the sale of merchandise on the premises within enclosed buildings but excluding resale establishments or pawn shops (other than clothing resale stores), vapor lounges and smoke shops.

Sec. 58-76. Commercial (C-3) District.

(b) *Permitted uses.*

(1) Retail businesses involving the sale of merchandise on the premises within enclosed buildings and excluding resale establishments or pawn shops (other than clothing resale stores), vapor lounges and smoke shops. Liquor stores, provided the store is more than 300 feet from external residentially used properties. Convenience stores (unless in conjunction with fuel sales). The retail sale of motorized scooters (not motorcycles) is permitted except that only one scooter may be displayed outside the building within two feet of the building façade, and absolutely no scooter display is permitted in the area designated on the site plan for parking.

SECTION 6. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by removing within Section 58-71 General Provisions for Residential Zoning Districts; subsection (ii) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-71. General Provisions for Residential Zoning Districts.

~~(ii) *Affordable and workforce housing density bonus.* The development of affordable/ workforce housing is a priority of the State Comprehensive Plan and the City's Comprehensive Plan. As such, in some cases incentives are necessary to insure the provision of affordable/ workforce housing especially within Winter Park with extremely high land costs, along with typical construction costs. The City Commission on a case by case basis may permit the maximum densities within the zoning districts to be exceeded by up to five units per acre when such allowances are used exclusively for the construction of affordable/workforce housing. This incentive shall not permit additional floor area~~

~~ratio, building lot coverage or building height but is intended to allow additional units within the building parameters otherwise permitted by the respective zoning district.~~

SECTION 7. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by removing within Section 58-84 General Provisions for Non-Residential Zoning Districts; subsection (aa) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-84. General Provisions for Non-Residential Zoning Districts.

~~(aa) Affordable and workforce housing density bonus. The development of affordable and workforce housing is a priority of the State Comprehensive Plan and the City's Comprehensive Plan. As such, in some cases incentives are necessary to insure the provision of affordable and workforce housing especially within Winter Park with extremely high land costs, along with typical construction costs. The City Commission on a case by case basis may permit the maximum densities within the zoning districts to be exceeded by up to five units per acre when such allowances are used exclusively for the construction of affordable or workforce housing. This incentive shall not permit additional floor area ratio, building lot coverage or building height but is intended to allow additional units within the building parameters otherwise permitted by the respective zoning district.~~

SECTION 8. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by modifying within Section 58-89 Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses; subsection (m) in the "Zoning" Article of the Land Development Code as follows:

Sec. 58-89. Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses.

(m) *Rezoning Discouraged.*

In furtherance of the policies of the Comprehensive Plan, some types of re-zonings are discouraged in certain areas, as set forth in the Future Land Use Element Policies ~~1-3.8.4, 1-4.1.A.3, 1-4.1.B.14, 1-4.1.C.5, 1-4.1.F.1, 1-4.1.F.6, 1-4.1.H.6, 1-4.1.H.7, 1-4.1.H.8, 1-4.1.I.2, 1-4.1.J.1, 1-4.1.J.3, and 1-4.1.J.11.~~

SECTION 9. SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 10. CODIFICATION. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida;

SECTION 11. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 12. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 11th day of December, 2017.

ATTEST:



City Clerk Cynthia S. Bonham



Mayor Steve Leary