

ORDINANCE NO. 3126-18

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SUBSECTION 58-86 "OFF-STREET PARKING AND LOADING REGULATIONS" SO AS TO MODIFY THE RETAIL, OFFICE AND RESTAURANT PARKING REGULATIONS WITHIN THE CENTRAL BUSINESS DISTRICT, THE NEW ENGLAND AVENUE PORTION OF THE HANNIBAL SQUARE NEIGHBORHOOD COMMERCIAL DISTRICT AND THE ORANGE AVENUE CORRIDOR; PROVIDING FOR OFF-SITE PARKING OPTIONS; PROVIDING FOR A SHARED USE METHODOLOGY, PROVIDING FOR VESTING, CONFLICTS, CODIFICATION, 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 October 2, 2018, 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 October 22, 2018 and on November 12, 2018 and advertised notice of such public hearings via notices mailed to the 274 affected property owners; advertisements in the Orlando Sentinel pursuant the requirements of Chapter 166, Florida Statutes and placed the proposed amendments on the City's website on September 26, 2018; 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 COMMISSION OF 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 within Section 58-86 "Off-

street Parking and Loading Regulations", Subsections (a) (1) "Central business district exclusion" and (2) Hannibal square district exclusion" in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-86. Off-Street Parking and Loading Regulations.

(1) *Central business district exclusion.* The following described area shall be known as the central business district for the provision of off-street parking spaces, and shall be exempt from furnishing parking facilities, as required by this article. This exemption is made because of the traditional exclusion from providing parking in central business districts and the existing development within the district. Property owners, however, are encouraged to provide off-street parking space whenever possible.

Begin at the intersection of Lyman and New York Avenues, run thence east on Lyman Avenue to Knowles Avenue, thence north on Knowles Avenue to Canton Avenue, thence west on Canton Avenue to New York Avenue, thence south on New York and Lot 1-4, Block 14; Lots 1-4, Block 15, all Block 66; Lots 1-10 and 22, 23, Block 76; and Lots 1-8, Block 77, Town of Winter Park according to the plat thereof recorded in Public Records of Orange County, Florida.

a. The foregoing exclusion shall apply only to existing square footage or floor space. Parking shall be provided as required by this section for any net new building or net new floor space created by redevelopment, new construction, additions, alterations or remodeling or for any change in use requiring additional parking such as an office or retail space conversion to restaurant. Existing parking spaces may be counted to satisfy this requirement only where such existing spaces are in excess of the parking space requirements of this section for any existing floor space.

b. The foregoing exclusion shall not exempt properties within this exclusion area from compliance with subsection "Location of parking lots", which prohibits the use of remote leased parking to satisfy the parking requirements of any new building or new floor space.

(2) *Hannibal Square district exclusion.*

a. The following described area shall be known as the Hannibal Square district for the provisions of off-street parking spaces and shall be exempt from furnishing parking spaces and shall be exempt from furnishing parking facilities as required by this article. The Hannibal Square district shall include Lots 5-10, Block 42, Lots 11-13 and the west 50 feet of Lot 14, Block 41, Lots 1-6, Block 54 and Lots 8-10, Block 55, Town of Winter Park according to the plat thereof recorded in Public Records of Orange County, Florida.

b. On properties within this district that have existing buildings, as of January 1, 1998, the foregoing exclusion shall apply only to existing building square foot area. Such existing building square foot area may be renovated, reused and redeveloped even if it involves the demolition and subsequent reconstruction of a same size to the existing building square foot area without providing any off-street parking spaces. However, this exclusion shall not apply to additional building square footage or for any change in use requiring additional parking such as an office or retail space conversion to restaurant. Parking shall be provided, as required by this article, for any increase in building square foot area. Existing parking spaces may be counted to satisfy this requirement only where such existing spaces are in excess of the parking space requirements of this article for any existing building square foot area.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-86 "Off-

street Parking and Loading Regulations", Subsection (b) (9), (18) and (22) in the "Zoning" Article of the Land Development Code to read as follows:

(b) *Specific requirements for various uses and buildings.* Listed below are the minimum parking spaces required for various buildings and uses. When the computation results in a requirement for a fractional space, a fraction of one-half or less shall be disregarded. When the fraction exceeds one-half, one additional off-street parking space will be required. Parking spaces, other than handicapped spaces, shall be nine (9) feet wide by eighteen (18) feet deep. Variances to reduce the size of parking spaces are prohibited. The Central Business District, as specified in this section, shall be the geographic area depicted in the CBD Map D-2 within the Definitions section of this Code; the New England Avenue portion of the Hannibal Square Neighborhood Commercial District shall be the same as detailed in the Hannibal Square District exclusion area and the Orange Avenue Corridor shall include any property with frontage directly on Orange Avenue from Fairbanks Avenue to Orlando Avenue.

(9) *General business and retail commercial:* Within the Central Business District, the New England Avenue portion of the Hannibal Square Neighborhood Commercial District and along the Orange Avenue Corridor, one parking space for each 333 square feet of gross floor space and within the other areas of the City, one parking space for each 250 square feet of gross floor space in the building.

(18) *Office, professional or public buildings:* Within the Central Business District, the New England Avenue portion of the Hannibal Square Neighborhood Commercial District and along the Orange Avenue Corridor, one parking space for each 333 square feet of gross floor space and within the other areas of the City, one parking space for each 250 square feet of gross floor space in the building up to the first 20,000 square feet of floor area, and one space for each 333 square feet of floor space in the building for floor area more than 20,000 square feet in size. ~~or one parking space for each 220 square feet of gross floor space excluding areas of common public use and circulation. In computing the latter requirement the exclusion is to be used for public stairs, elevators, lobbies, arcades and atriums but not for common restrooms, mechanical areas or hallways beyond 20 feet from the lobby area.~~

(22) *Restaurants, food service establishments, nightclubs, taverns or lounges:* One parking space for each 50 square feet of floor space for patron use on the premises or one space for every three seats, whichever is greater. However, within the Central Business District, along the Orange Avenue Corridor and within the New England Avenue portion of the Hannibal Square Neighborhood Commercial District, the minimum requirement shall be one space for every four seats. Establishments with 12 seats or less shall be classified as retail.

SECTION 3. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-86 "Off-street Parking and Loading Regulations", Subsection (3) (h) in the "Zoning" Article of the Land Development Code to read as follows:

(3) *Design, construction and operation of parking lots and parking garages.*

h. *Mixed uses and shared parking.* In the case of mixed uses and shared parking, the total requirements for off-street parking and loading spaces shall be the sum of the requirements of the various uses computed separately as specified in the off-street parking regulations and off-street loading and unloading regulations of this article. The off-street parking and off-street loading space for one use shall not be considered as providing the required off-street parking and/or off-street loading space for any other use unless specifically approved by the city commission provided for

based upon the entire time period of usage and need as supported by the Urban Land Institute's Methodology for Shared Parking Exclusion report, as may be amended. In any multi-family building or mixed use building or project, that includes residential units, constructed after September 1, 2107, at least one of the required parking spaces provided for each residential unit shall be dedicated and reserved for each particular residential unit and shall be provided to each residential unit at no additional cost as part of a monthly or other lease term other than as included in the base lease rate applicable to all other similar units and shall not be an additional cost for purchase over the agreed upon purchase price of the residential unit.

SECTION 4. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-86 "Off-street Parking and Loading Regulations", Subsection (3) (f) in the "Zoning" Article of the Land Development Code to read as follows:

(3) Design, construction and operation of parking lots and parking garages.

f. *Location of parking lots.* Parking spaces provided pursuant to this section for any new building or building additions or increase in intensity of use, located in the area bounded by Swoope, New York, Fairbanks and Interlachen Avenues shall be on the same property as the principal building or on a remote, properly zoned lot within seven hundred fifty (750) ~~three hundred (300)~~ feet that is in the same ownership as the principal building/property and permanently dedicated and recorded as committed to parking uses. For other properties located outside of this area, parking provided pursuant to this section may be located on a remote, properly zoned lot within seven hundred fifty (750) ~~three hundred (300)~~ feet of the building, where such parking to be leased is in excess of the parking requirements for that building. Such distance shall be the walking distance measured from the nearest point of the parking lot to the nearest boundary of the lot on which the building is located that such parking lot is required to serve. In the event of new construction, addition, or change in intensity of use of the principal building or property being serviced by the remote parking lot, all existing parking spaces located on such remote lot shall be allocated to the existing building or principal use to meet the minimum requirements of this article, and any additional spaces may then be allocated to that portion of the building or property which is the subject of the new construction, addition, or change in intensity of use.

SECTION 5. VESTING. In order to not adversely affect development projects that may be in process and for which expenditures have been made in reliance upon the existing code provisions, the City will allow certain developments to be subject to the parking code existing prior to the adoption of this Ordinance provided such development projects meet the following requirements: (i) the development's site and building floor plans have been received and approved by the City prior to the effective date of this Ordinance; (ii) a building permit application for the development is received by the City prior to January 1, 2019; and (iii) a building permit for the development is issued by the City and construction is commenced no later than March 1, 2019. Provided however, for any development project that received a conditional use approval from the City Commission prior to the effective date of this Ordinance, the expiration of that conditional use approval per Section 58-90 shall apply as the deadline for the submission of a complete building permit application in lieu of the deadline of (ii) above, and the deadline for the receipt of the building permit and construction commencement shall be 60 days thereafter in lieu of the deadline in (iii) above.

SECTION 6. 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 7. 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 Ordinances of the City of Winter Park, Florida.

SECTION 8. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.


SECTION 9. 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 12th day of November, 2018.



Steve Leary, Mayor

ATTEST:



City Clerk Cynthia S. Bonham