

ORDINANCE 3166-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, an eleven (11) member Orange Avenue Overlay Steering Committee was formed by City Commission Resolution, held twelve (12) advertised public meetings, and oversaw the language creating the Orange Avenue Overlay District and voted to recommend approval of the language to the Planning & Zoning Board and City Commission; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and voted unanimously to recommend adoption of these proposed amendments to the Zoning Regulations portion of the Land Development Code, having held a public hearing, which was noticed to every property Citywide, on December 3, 2019; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held an advertised public hearing, which was noticed to every property Citywide, on January 13, 2020 and was continued to January 16, 2020 and will have a second advertised public hearing after review and compliance with any requested changes by required State Agencies, and provided for public participation in the process in accordance with the requirements of State law and the Comprehensive Plan; and

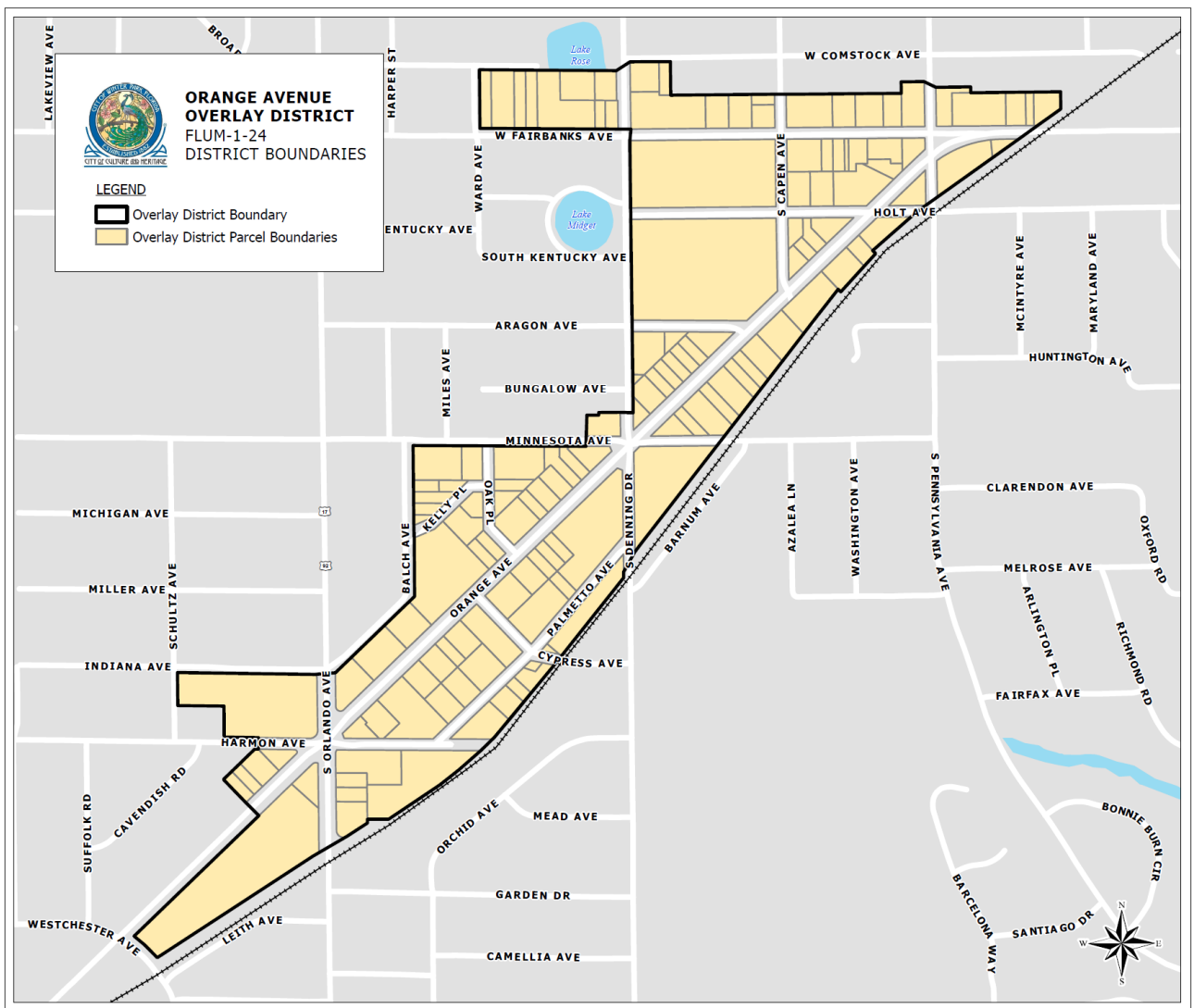
WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

SECTION 1. Amendment. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" is hereby amended by adding to the Goals, Objectives and Policies in the Future Land Use Element to read as follows:

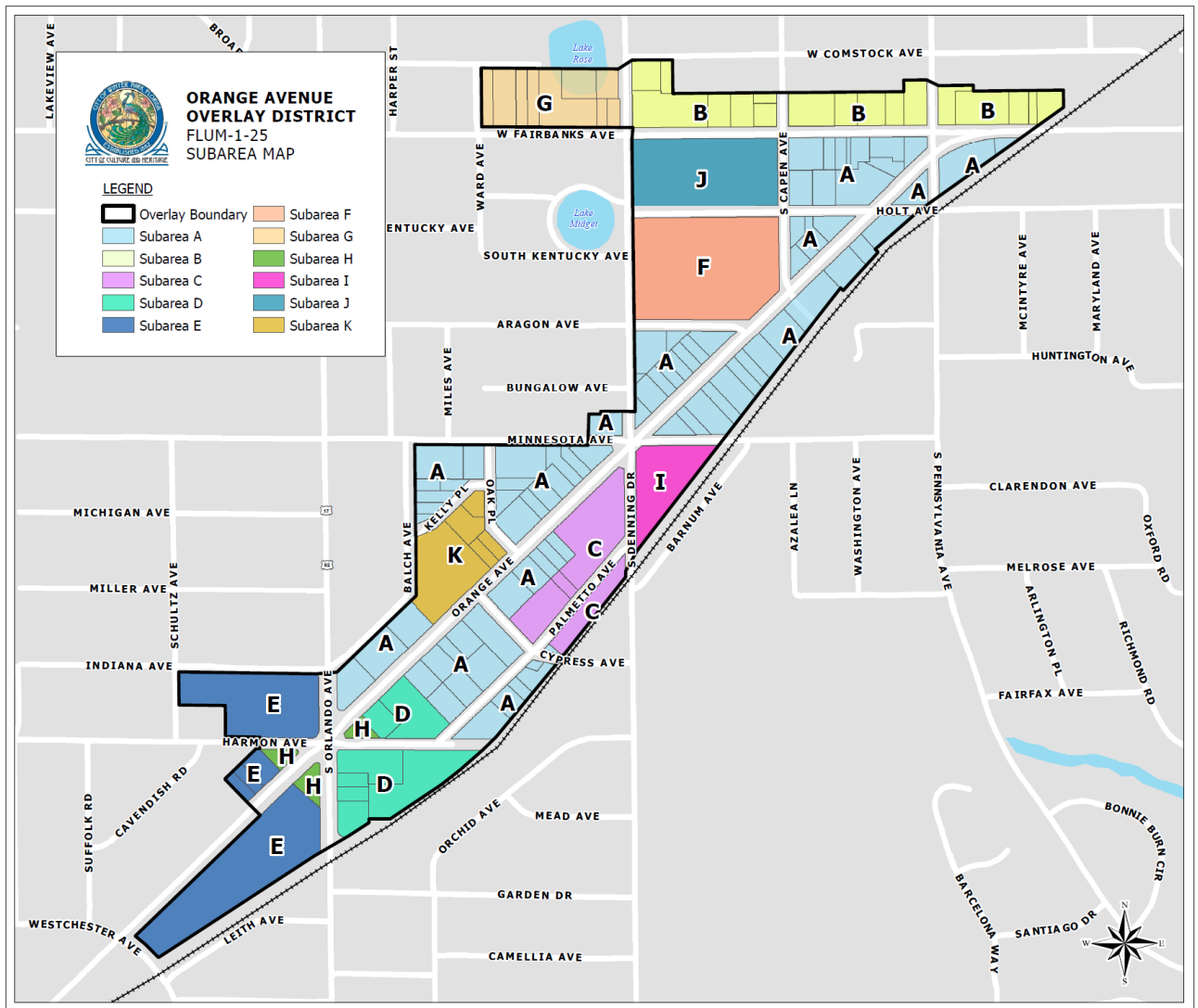
GOAL 1-8: Establishment of the Orange Avenue Overlay District. The City shall establish the Orange Avenue Overlay District in order to implement specific purposes, intents, and design standards, which shall be applied as additional standards to other regulations required by the City to an area defined as the Orange Avenue Overlay District.

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



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

Policy 1-8.1.2: Orange Avenue Overlay District Subareas. The Orange Avenue Overlay District Subarea Map, FLUM-1-25, shall delineate the different subareas and their specific development standards. Changes to the subarea map shall not be allowed. Each area has unique characteristics, issues and opportunities. The base and maximum achievable Floor Area Ratio (FAR), height and residential densities for each subarea are defined below. A percentage-based upgrade system is established for certain properties within the Orange Avenue Overlay District to possibly earn additional FAR up to their maximum achievable FAR, by providing certain public improvements and area-wide solutions is outlined in the Land Development Code.



- (1) Subarea A.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 65%
 - c. Maximum Height: 2 Stories for any properties abutting Orange Avenue, and 3 stories for all other properties within the subarea.
 - d. Maximum Residential Density: 17 units per acre
- (2) Subarea B.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 60%
 - c. Maximum Height: 3 Stories
 - d. Maximum Residential Density: 17 units per acre
- (3) Subarea C.
 - a. Base Floor Area Ratio: 25%

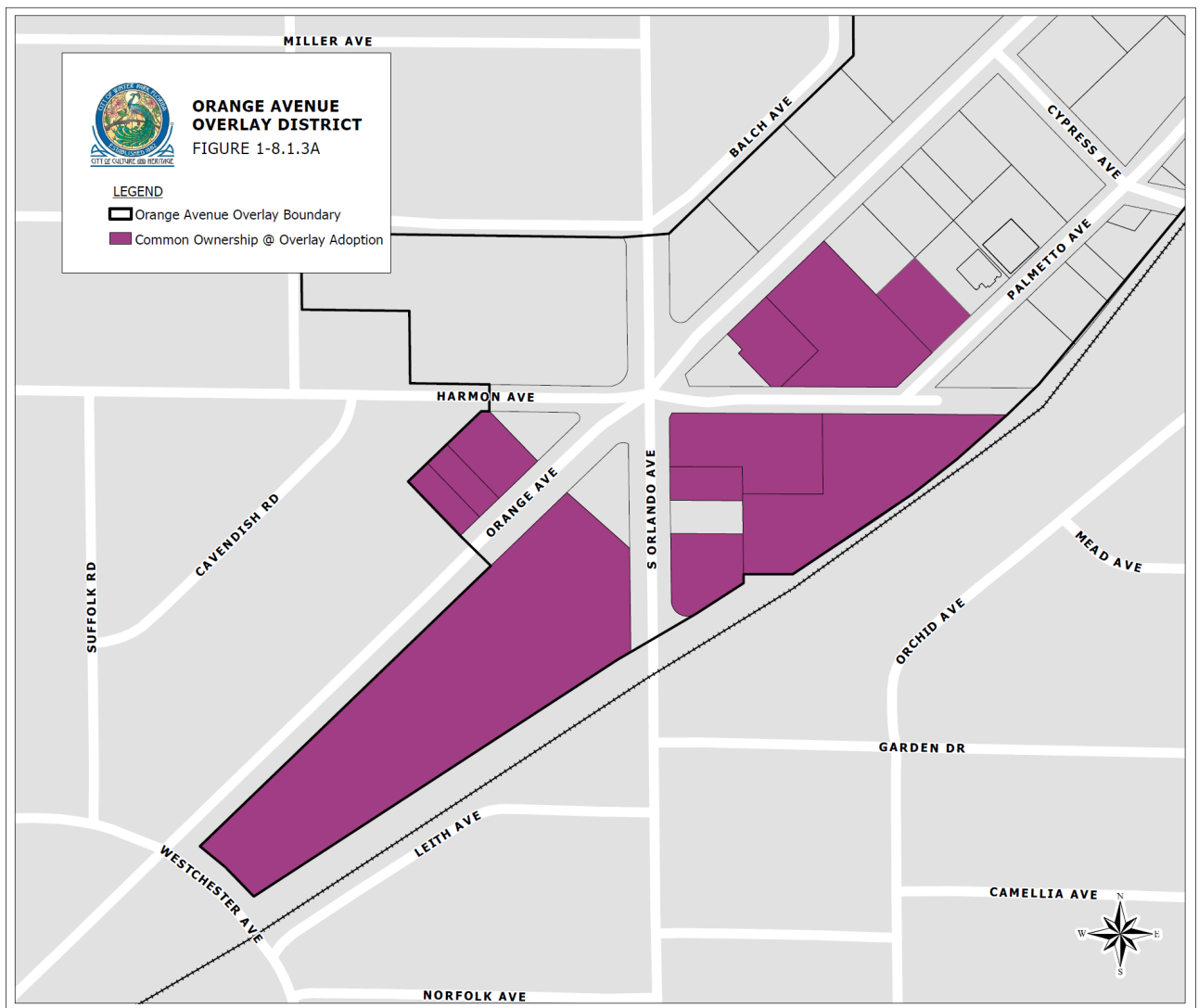
- b. Maximum Achievable Floor Area Ratio: 25% (provided, however, for arts and cultural uses, up to 60% shall be the maximum achievable FAR)
 - c. Maximum Height: 4 Stories
 - d. Maximum Residential Density: 17 units per acre
- (4) Subarea D.
 - a. Base Floor Area Ratio: 100%
 - b. Maximum Achievable Floor Area Ratio: 150% (provided, however, for mixed use projects that include at least 40% FAR for the residential use, the maximum achievable FAR shall be 200%)
 - c. Maximum Height: 6 Stories
 - d. Maximum Residential Density: 17 units per acre
- (5) Subarea E.
 - a. Base Floor Area Ratio 60%
 - b. Maximum Achievable Floor Area Ratio: 80%
 - c. Maximum Height: 4 Stories
 - d. Maximum Residential Density: 17 units per acre
- (6) Subarea F.
 - a. Base Floor Area Ratio: 20%
 - b. Maximum Achievable Floor Area Ratio: 20%
 - c. Maximum Height: 2 Stories
 - d. Maximum Residential Density: Residential uses shall not be permitted.
- (7) Subarea G.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 45%
 - c. Maximum Height: 3 stories
 - d. Maximum Residential Density: 17 units per acre
- (8) Subarea H.
 - a. Base Floor Area Ratio: 0%
 - b. Maximum Achievable Floor Area Ratio: 0%
 - c. Maximum Height: N/A
 - d. Maximum Residential Density: Residential uses shall not be permitted.
- (9) Subarea I.
 - a. Base Floor Area Ratio: 60%
 - b. Maximum Achievable Floor Area Ratio: 125%
 - c. Maximum Height: 3 Stories
 - d. Maximum Residential Density: 17 units per acre
- (10) Subarea J.
 - a. Base Floor Area Ratio: 100%

- b. Maximum Achievable Floor Area Ratio: 150% (provided, however, for mixed use projects that include at least 40% FAR for the residential use, the maximum achievable FAR shall be 200%)
- c. Maximum Height: 3 Stories fronting on Fairbanks Avenue, and 4 Stories when located 50 feet back from Fairbanks Avenue right-of-way boundary.
- d. Maximum Residential Density: 17 units per acre

(11) Subarea K.

- a. Base Floor Area Ratio: 60%
- b. Maximum Achievable Floor Area Ratio: 80%
- c. Maximum Height: 3 Stories
- d. Maximum Residential Density: 17 units per acre

Policy 1-8.1.3: Subarea D Residential Density Transfers. At the time of the adoption of this OAO, the owner of properties within Subarea D or vacated rights-of-way within Subarea D, shall be allowed to transfer the existing residential density entitlements, based on the maximum units per acre of the underlying zoning, from properties within the OAO that are under common ownership on the date of the first reading of the Ordinance, as reflected on the map below to this Subarea D, though not the square footage. Once the residential density entitlements are transferred from such other commonly-owned properties, no residential units can be constructed on the property from which the density transfers occurs, and the documents to be recorded in the Orange County Public Records memorializing this restriction shall be reviewed and approved by the City and thereafter recorded. Properties transferring units out are then not candidates for utilization of the development enhancement menu to earn the maximum FAR defined for the subarea, and are therefore capped at the base FAR (which is outlined in the Land Development Code) for said subarea in which they lie. No properties, other than those shown on the below map owned by Demetree Holdings or a substantially related affiliate shall be eligible for density transfer. The intent is to create nodes of intensity, allowing for residential uses, which are key to the successful creation of mixed-use districts and create development that can fund the needed parking and regional stormwater areas in the district. By clustering the intensity, there will be a reduction in overall massing and building heights throughout the OAO. Density Transfer shall only allow the transfer within Subarea D and currently entitled units into the defined Subarea D. This language shall not allow transfer of units into other Subareas. The map below depicts the properties within this Subarea D that qualify for this density transfer and the parcel ID's are listed for the properties shown

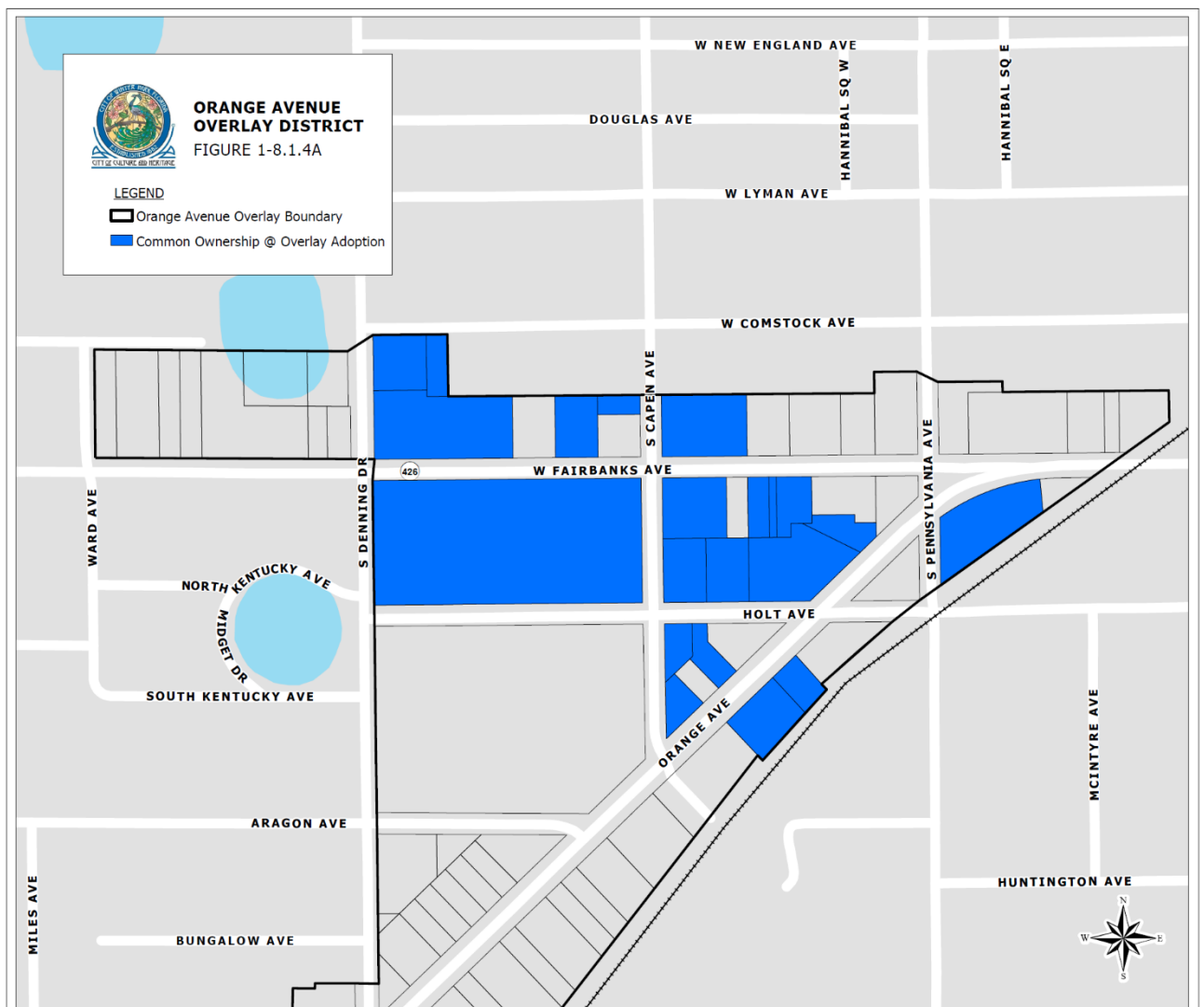


Orange County Parcel IDs that are owned by Demetree Global or a substantially related affiliate and permitted to transfer residential units to Subarea D:

12-22-29-6600-01-990, 12-22-29-7506-00-001, 12-22-29-7506-01-010, 12-22-29-7506-01-020, 12-22-29-7506-01-030, 12-22-29-6600-00-980, 12-22-29-6600-00-951, 12-22-29-6600-02-230, 12-22-29-6600-01-970, 12-22-29-6432-07-010, 12-22-29-6432-07-030, 12-22-29-6432-07-040, 12-22-29-6432-08-010, and 12-22-29-6600-01-460.

Policy 1-8.1.4: Subarea J Residential Density Transfers. At the time of the adoption of this OAO, the owner of the Subarea J property shall be allowed to transfer the existing residential density entitlements, based on the maximum units per acre of the underlying zoning, from properties within the OAO that are under common ownership on the date of the first reading of the Ordinance, as reflected on the below map to this Subarea J, though not the square footage. Once the residential density entitlements are transferred from other commonly-owned properties, no residential units can be constructed on the site from which the density transfers occur and documents to be recorded in the Orange County Public Records memorializing this restriction shall be

reviewed and approved by the City and thereafter recorded. Properties transferring units out are then not candidates for utilization of the development enhancement menu to earn the maximum FAR defined for the subarea and are therefore capped at the base FAR (which is outlined in the Land Development Code) for said subarea in which they lie. No properties, other than those shown on the below map owned by Holler Holdings or a substantially related affiliate, shall be eligible for density transfer. The intent is to create nodes of intensity, allowing for residential uses, which are key to the successful creation of mixed-use districts and create development that can fund the needed parking and regional stormwater areas in the district. By clustering the intensity, there will be a reduction in overall massing and building heights throughout the OAO. Density transfer shall only allow the transfer within Subarea J and currently entitled units into the defined Subarea J. The map below depicts the properties within this Subarea J that qualify for this density transfer and the parcel ID's are listed for the properties shown.



Orange County Parcel IDs that are owned by Holler Holdings or a substantially related affiliate and permitted to transfer residential units to Subarea J: 05-22-30-9400-92-020, 05-22-30-9400-72-060, 05-22-30-9400-72-052, 05-22-30-9400-72-070, 05-22-30-9400-72-110, 05-22-30-9400-72-121, 05-22-30-9400-73-071, 07-22-30-6512-91-052, 07-22-30-2824-00-010, 07-22-30-2824-00-021, 07-22-30-2824-00-022, 07-22-30-6512-91-070, 07-22-30-6512-91-080, 07-22-30-2824-00-081, 07-22-30-2824-00-042, 07-22-30-6512-90-001, 07-22-30-0564-00-031, 07-22-30-0564-00-050, 07-22-30-3616-00-021, 07-22-30-3616-00-050, and 07-22-30-3616-00-062.

Policy 1-8.1.5: Meaningful Open Space Requirements. It is the intent of the OAO to ensure that the development and enhancement of properties includes the creation of meaningful, useable, accessible, green and beautiful open space that invites the public to relax, interact, recreate, unwind and stimulate social connection. Where properties are planned for redevelopment, meaningful open space and the design of structures around these open spaces is the most important consideration. At a minimum, each property 1.5 acres in size and above, or any project covering 1.5 acres, that is redeveloped shall provide a minimum of 25% meaningful open space, which is open to and available to the public. At least 50% of open-space areas provided shall be greenspace and 80% of the required open-space area shall be pervious or semi-pervious. Pervious areas such as retention ponds, parking lot islands or landscape planting areas around building bases shall not be counted as open space. Existing park space shall not count towards open space requirements. Open space shall be areas that are open and inviting to the public. Open space can include green areas, hardscape areas, semi-pervious areas, balcony or roof areas that are open to the public and other similar-type spaces. At least 90% of the open space shall be provided at ground level.

Policy 1-8.1.6: Floor Area Ratio for Parking Structures. Parking structures shall not count towards the floor area ratio (FAR) for any project/property within the Orange Avenue Overlay District, provided that the conditions listed within the Land Development Code are met for each structure. Parking structures that do not provide the requirements listed in the Land Development Code shall not be exempt from FAR calculations, and therefore must count the parking garage square footage towards their FAR calculations. However, parking structures west of Orlando Avenue shall not be exempt from FAR for structures greater than two levels (ground level plus one).

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

Policy 1-8.1.8: Residential Uses within the Overlay District. The OAO shall not apply to existing residential uses. Protections of existing residential uses and structures shall be implemented. Properties currently used and developed as residential prior to the effective date of this section shall continue to be subject only to current Land Development Code standards and protections governing such properties' underlying zoning designation and not those set forth in the OAO, unless and until such properties

redevelop. Any change of use or redevelopment on the existing residentially developed properties shall require compliance with OAO standards. In order to protect existing structures that are used as a residence, new non-residential or mixed use development within the OAO shall have its structures setback at least 35 feet from the property boundaries of parcels with existing residential structures used as a residence that are not intended to be part of the proposed development, unless a written consent can be obtained from owner(s) of the affected existing residential structure(s) consenting to the waiver of such minimum setback requirement of this subsection. Parking garages shall be setback at least 100 feet from the property boundary of parcels used and developed as single-family or low-density residential.

SECTION 2. Vesting. In order to not adversely affect development projects that may be in process and for which expenditures have been made in reliance upon the existing code provisions, the City will allow certain developments to be subject to the underlying zoning of the property prior to the adoption of this Ordinance provided such development's site and building floor plans have been received and approved by the City prior to the effective date of this Ordinance. However, for any development project that received a conditional use approval from the City Commission prior to the effective date of this Ordinance, the expiration of that conditional use approval per Section 58-90 shall apply.

SECTION 3. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 4. Conflicts. To the extent any provision or provisions of this Ordinance conflict with the provision or provisions of other Ordinances, the provisions of this Ordinance control.

SECTION 5. Codification. Section 1 of this Ordinance shall be codified and made a part of the City of Winter Park Comprehensive Plan, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6. Effective Date. The Comprehensive Plan amendments provided for under this Ordinance and this Ordinance do not become effective until 31 days after adoption of this Ordinance. If timely challenged, this Ordinance and the comprehensive plan amendments may not become effective until the State Land Planning Agency or the Administration Commission enters a final order determining that the adopted amendments are in compliance.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2020.

Mayor Steve Leary

Attest:

City Clerk Rene Cranis