

## **ORDINANCE 3167-20**

### **AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT A NEW ZONING DISTRICT SECTION 58-83 OVERLAY DISTRICT (OD); PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, an eleven (11) member Orange Avenue Overlay Steering Committee was formed by City Commission Resolution and held twelve (12) advertised public meetings with public comment available, 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 recommended adoption of proposed amendments to the Zoning Regulations portion of the Land Development Code having held an advertised public hearing on December 3, 2019, and has recommended approval of this Ordinance to the City Commission; and

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

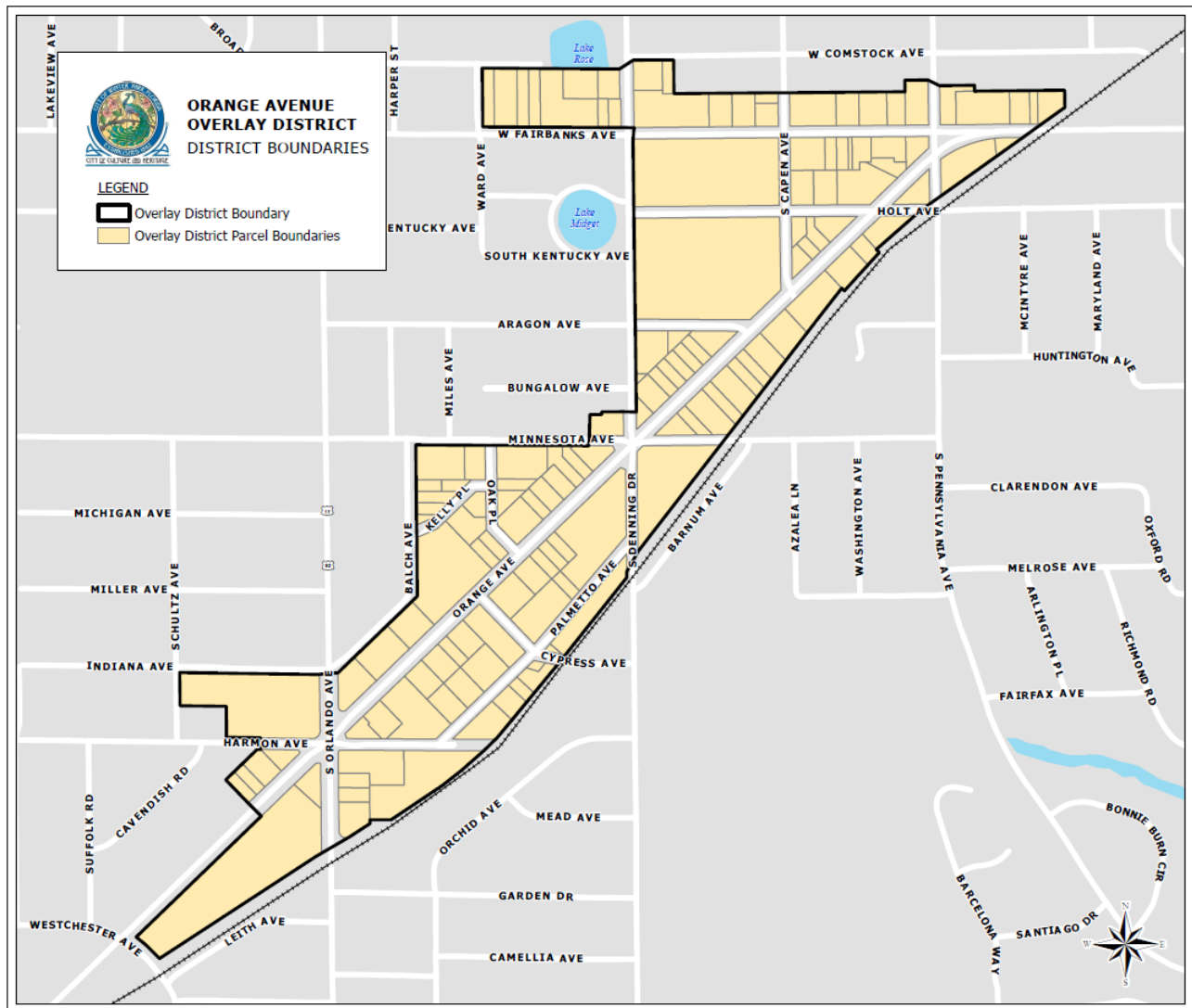
**WHEREAS**, Comprehensive Plan Policy 1-2.4.14, Mixed Use Designation directed. Within one year from the adoption of this Comprehensive Plan, the City will create a mixed use overlay or district for commercially designated parcels that would be intended to facilitate design and use flexibility to achieve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

**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 III "Zoning" of the Code of Ordinances is hereby amended and modified by adopting Section 58-83 Overlay Districts (OD), as follows:

- (1) *Establishment of Overlay District.* The Winter Park City Commission may adopt an overlay district as needed in order to implement specific purposes, intents, and design standards based upon the adopted Land Use Master Plan for the area being regulated, which shall be applied as additional standards to other regulations required by the City. Such overlay district shall be made a part of this section of the Land Development Code. Upon adoption, the boundaries of such overlay district shall be shown on the Winter Park Zoning Map.
- (2) *Applicability.*
  - (a) All projects located within an overlay district shall adhere to the requirements of the Land Development Code, except to the extent provisions of the adopted overlay district replace, supersede, or provide different requirements.
  - (b) Where any Section or provisions of an overlay district adopted into the Land Development Code are found to be in conflict with or which overlay district Sections or provisions replace, supersede, or override other Sections or provisions of the Land Development Code, the relevant Sections and provisions in the adopted overlay district shall apply and control. Any overlay district acts as an additional layer of zoning over the base zoning district.
- (3) *Overlay District.* The provisions and regulations for any Overlay District within the City of Winter Park are outlined below.
  - (1) *Orange Avenue Overlay District.* It is the intent of the Orange Avenue Overlay District ("OAO") to provide enhanced standards to protect and promote the unique characteristics of the Orange Avenue area and create a distinct gateway into Winter Park. This OAO is used to create a sense of place established through specific architectural styles, streetscape design, open space areas, setbacks, site design, landscaping and other regulatory controls. The following provisions and regulations apply to all properties located within the OAO unless expressly provided otherwise.
    - a. *Location and boundaries.* The OAO boundaries are identified on the following map. The provisions and regulations found herein shall only apply to the properties located within this defined area. Each parcel of property within the OAO is identified by tax parcel identification number on the attached Exhibit "A", and each Parcel, in addition to retaining its underlying zoning classification (as modified by these OAO regulations and provisions), shall reflect on "OAO" designation on the City's zoning map.



*b. Purpose.*

- (1) Encourage sustainable development, redevelopment, and adaptive reuse that will become a long-term asset to Winter Park;
- (2) Create and enhance connectivity to the surrounding neighborhoods and promote connectivity to all of Winter Park;
- (3) Utilize and incentivize private development and/or redevelopment to create solutions for the existing problems that small properties and business-owners in the Orange Avenue area face;
- (4) Create public improvements that will benefit all residents and visitors of Winter Park;
- (5) Provide the opportunity for existing businesses and properties to improve their structures, their businesses and their building facades;
- (6) Restrict uses and create regulations that promote the development of the Orange Avenue area as a special place within

Winter Park that promotes an environment of arts, healthy-living, cuisine, culture, heritage, social interaction, healthcare, local business, education, connectivity and community;

- (7) Create better connectivity to and the promotion of Mead Botanical Garden;
  - (8) Meet the goals of the Community Redevelopment Agency (CRA) in the areas of the OAO that fall within the CRA boundary;
  - (9) Protect and encourage development of an area that represents a significant opportunity for public and private investment, which is important to the long-term economic health of Winter Park;
  - (10) Establish regulations that protect the investment of existing and new businesses from unattractive, unsustainable and non-compatible uses;
  - (11) Ensure the area is visually pleasing and creates place that encourages community and is developed in a coordinated fashion;
  - (12) Follow the principles of the Vision Winter Park, Comprehensive Plan and Sustainability Plan documents;
  - (13) Encourage mixed-use development;
  - (14) Give special attention to landscaping, architectural detail, meaningful open space, buffering, signage, lighting, and building setbacks;
  - (15) Encourage architectural creativity, quality and variation to create a unique district with its own identity;
  - (16) Promote the history of Winter Park and the Orange Avenue area, including the area known as Designers Row;
  - (17) Keep the traditional scale within the OAO;
  - (18) Create an Arts & Cultural Corridor;
  - (19) Protect and promote Historic architecture, where it exists in the area; and
  - (20) Attract new businesses, retain small businesses and encourage locally-owned businesses in the Orange Avenue area.
- c. *Permitted Uses.* Any use not listed specifically as a permitted use herein shall be deemed to be prohibited in the OAO. The following uses shall be permitted by-right on any property within the OAO, unless otherwise specified within the subarea policies:
- (1) Antique Stores
  - (2) Bars, taverns, cocktail lounges (with food sales)
  - (3) Blueprinting, photocopying and printing offices
  - (4) Boutique Hotel

- (5) Breweries/distilleries (with or without food sales)
- (6) Corner market, corner store (up to 5,000 square feet and excluding convenience store with associated fuel sales)
- (7) Dry Cleaning (Drop-Off Only, with off-site processing & no drive-thru)
- (8) Financial institutions, including banks, savings and loan associations and credit unions (with a maximum of 2 drive-thru lanes, which are screened from view)
- (9) Fine arts museums, fine arts instruction, dance instruction and music instruction
- (10) Fitness facility, exercise or health club (up to 5,000 square feet)
- (11) Food Halls
- (12) Government services
- (13) Grocer (not including convenience store), up to 10,000 square feet
- (14) Health and wellness studios (up to 5,000 square feet)
- (15) Mixed-Use Development including any of the permitted uses listed herein
- (16) Nonprofit organization offices
- (17) Personal services (spa, barber shop, hair salon, nail salon, massage, cosmetic treatment)
- (18) Pet supply shop, pet grooming, pet daycare (provided that there shall be no outside kennels, pens or runs. No overnight or weekend boarding of animals)
- (19) Photography Studio
- (20) Professional offices (including medical and dental offices)
- (21) Recreational facilities up to 5,000 square feet
- (22) Residential uses such as condominiums, townhomes, apartments, lofts, studios. If more than 4 units is proposed as a part of any new development, remodel or addition, each of the units shall be a minimum of 750 square feet of living area. Excluding single-family detached homes.
- (23) Restaurants/Fast-Casual Dining/Fine-Dining
- (24) Retail businesses involving the sale of merchandise on the premises within enclosed buildings and excluding resale establishments or pawn shops (other than clothing resale stores), a maximum size of 10,000 square feet.
- (25) Theater
- (26) Uses customarily incidental and accessory to the permitted uses, including the repair of goods of the types sold in stores are permitted. Such repair must be carried on within a completely

enclosed building, may not be carried on as a separate business, and provided further that there shall be no manufacturing, assembling, compounding, processing or treatment of products other than that which is clearly incidental and essential to the permitted uses.

d. *Conditional Uses.* The following uses shall be allowed only with approval of a Conditional Use on any property within the OAO, unless otherwise specified within subarea policies:

- (1) Bars, taverns, cocktail lounges (without food sales)
- (2) Breweries/distilleries (without food sales)
- (3) Fitness facility, exercise or health club over 5,000 square feet, but less than 10,000 square feet
- (4) Recreational facilities over 5,000 square feet, but less than 10,000 square feet
- (5) Buildings or retail uses over 10,000 square feet in size.

e. *Prohibited Uses.* Without limiting the uses that are prohibited in the OAO, the following uses shall be prohibited in the OAO:

- (1) Adult-oriented businesses
- (2) Automotive-related businesses (i.e. auto sales, auto repair, auto rental, body shops, auto wash, auto audio, auto glass, auto tinting, auto parts sales)
- (3) Fast food (with or without drive-thru)
- (4) Gas stations/convenience stores
- (5) Liquor stores
- (6) Pawn shops/check cashing
- (7) Tattoo parlors
- (8) Vape/smoke shops
- (9) Pain Management Clinics
- (10) Medical Marijuana Dispensaries, Processing, Growing, etc.
- (11) Billboards
- (12) Self-Storage/Mini-Storage

f. *Non-Conforming Uses.* Existing but non-conforming property uses and properties, which existed as of the date the OAO became effective, shall be allowed to continue in the same manner after the adoption of the OAO. However, such nonconforming uses and properties shall be subject to the provisions of this OAO when any of the conditions below occur. When any change as identified below occurs and the property owner seeks to continue the non-conforming use or non-conforming property, the owner must demonstrate that continuing such non-

conformity is no more intensive or incompatible with the OAO requirements than what existed prior to the change and the change shall not significantly impair the safe and efficient flow of traffic within the subject area. The Planning Director or Building Official or their designee may require the property owner to provide a site-specific traffic study to determine the potential impacts of the proposed changes as part of the site development plan.

- (1) The principle use on the property is discontinued for a period of three (3) calendar months;
- (2) The structure is destroyed or significantly altered by sixty (60) percent or greater; or
- (3) Enlargements of any existing non-conforming structures and/or uses are made to the property that increases the gross square footage.

*g. Residential Uses within the Overlay District.* The OAO shall not apply to existing residential uses or structures developed prior to the effective date of this section. Protections of existing residential uses shall be implemented. Properties currently used as and developed as residential prior to the effective date of this section shall continue to be subject only to current Land Development Code standards and protections governing such properties' underlying zoning designation and not those set forth in the OAO, unless and until such properties redevelop. Any change of use or redevelopment on the property shall require compliance with OAO standards. In order to protect existing structures that are used as a residence, new non-residential or mixed use development within the OAO shall have its structures setback at least 35 feet from the property boundaries of parcels with existing residential structures used as a residence that are not intended to be part of the proposed development, unless a written consent can be obtained from owner(s) of the affected existing residential structure(s) consenting to the waiver of such minimum setback requirement of this subsection. Parking garages shall be setback at least 100 feet from the property boundary of parcels used and developed as single-family or low-density residential.

*h. Landscaping Requirements.* Development and or redevelopment in the OAO shall comply with all landscaping requirements of other provisions of the Land Development Code and future corridor landscape plans, unless specifically addressed within the OAO. The opportunity to add additional trees and the requirement of meaningful open space is addressed in later sections of this OAO.

*i. Architectural Standards.*

- (1) *Building Height.* To allow for flexibility in design, but preserving development standards that will reduce building massing. Buildings shall be measured in stories. Only floors visible on the exterior of the building shall be counted towards building height (ex. A 4-story building wraps around a 5-story interior parking

garage, only the 4 stories would count as they are the only part visible).

The first floor of any building shall be allowed to be a maximum of 20 feet in height. Interior mezzanine, balcony or loft levels shall be allowed within the first story, as long as they do not cover more than 30% of the first-floor area and stay within the maximum 20-foot first floor height area. Interior mezzanines, balconies or lofts shall not be allowed above the first floor. Each floor above the first floor shall have a maximum height of 13 feet. Buildings shall be allowed to transfer unused floor heights to other floors, as long as the maximum cumulative height is not exceeded.

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

## (2) *Setbacks/Stepbacks*

For any building over two stories in height that is located along Orlando Avenue or Fairbanks Avenue that is built up to the allowable building line (established by setback or sidewalk requirement), each additional floor shall be setback a minimum of ten (10) feet, or shall be within the allowable envelope as depicted in the figures below. All setbacks are measured from the property line:

Figure 1 – Allowable Building Envelope Cross-Section:

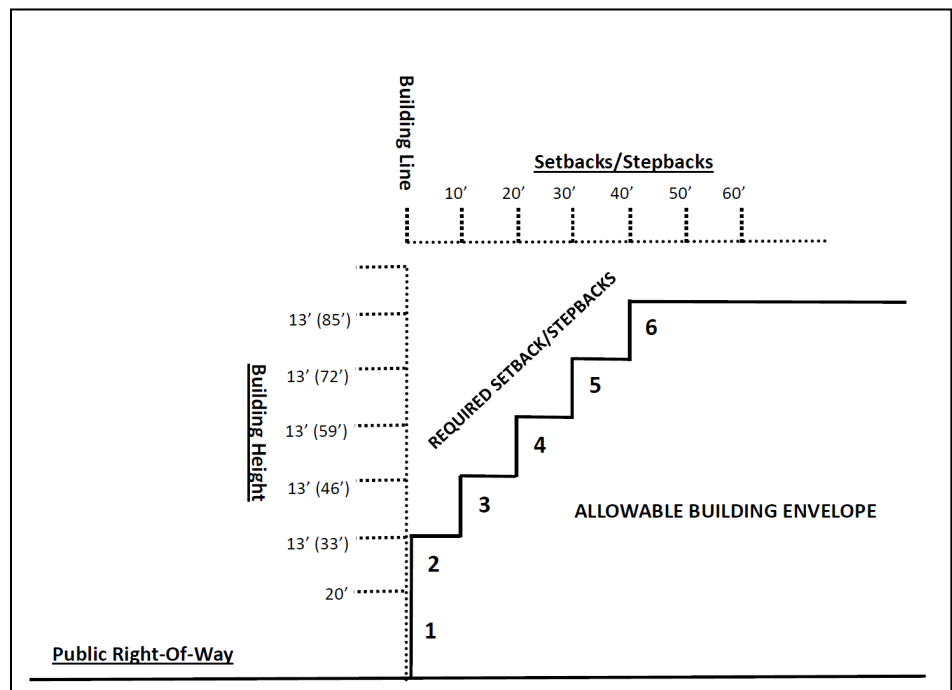




Figure 2 – Four Story Building Example:

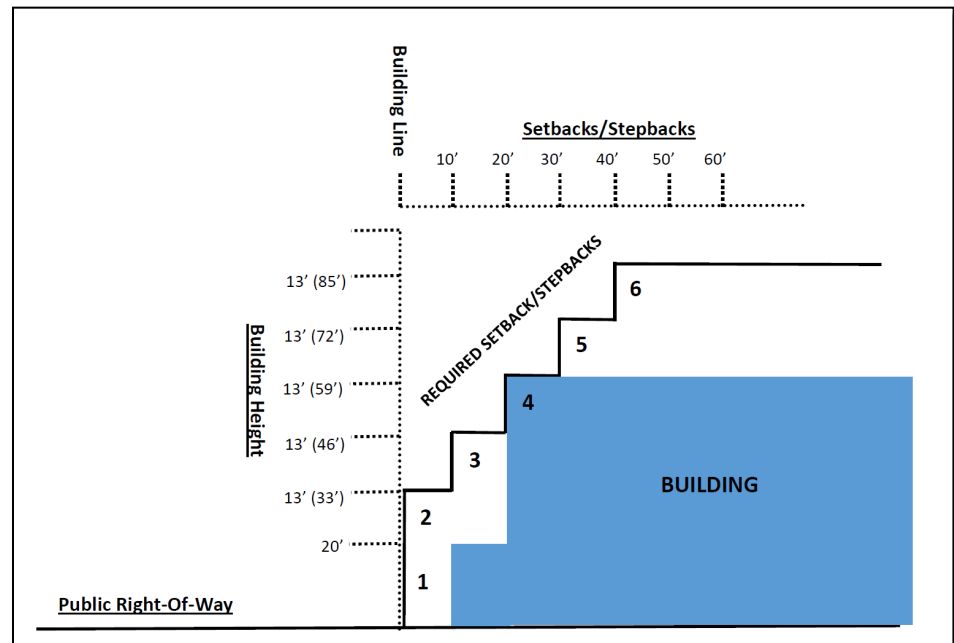


Figure 3 – Five Story Building Example:

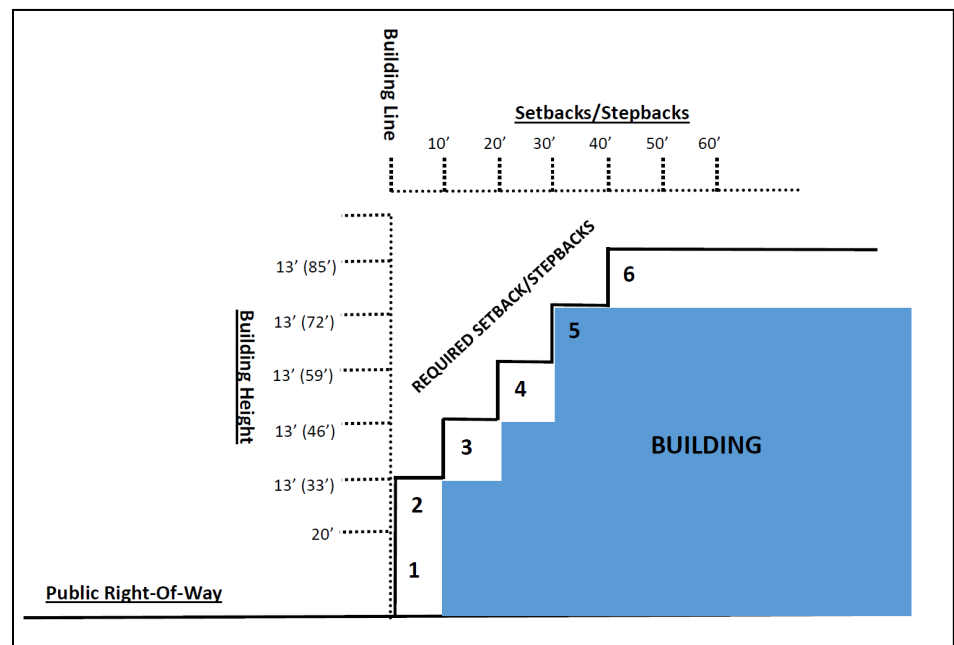
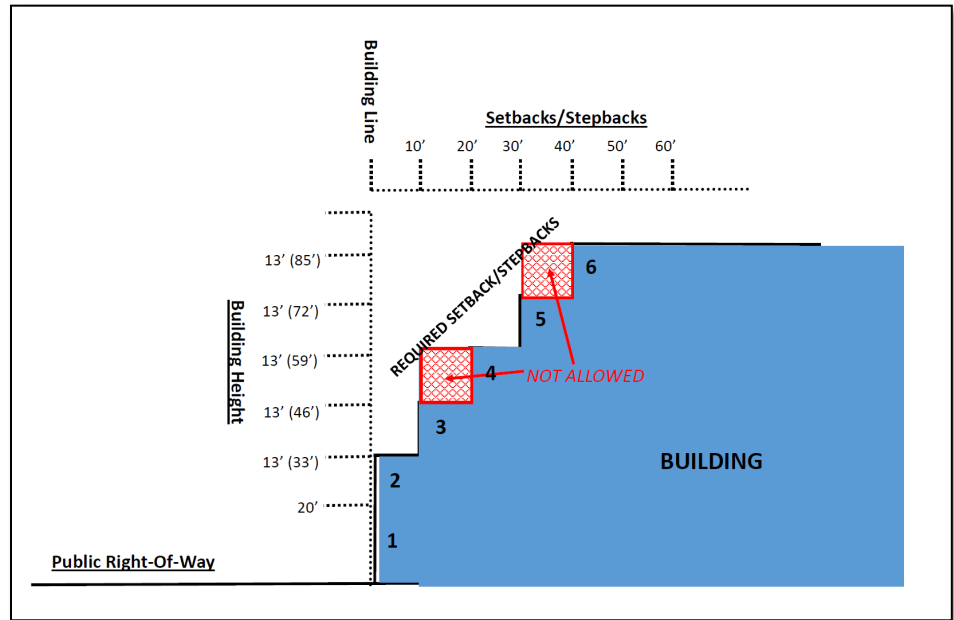
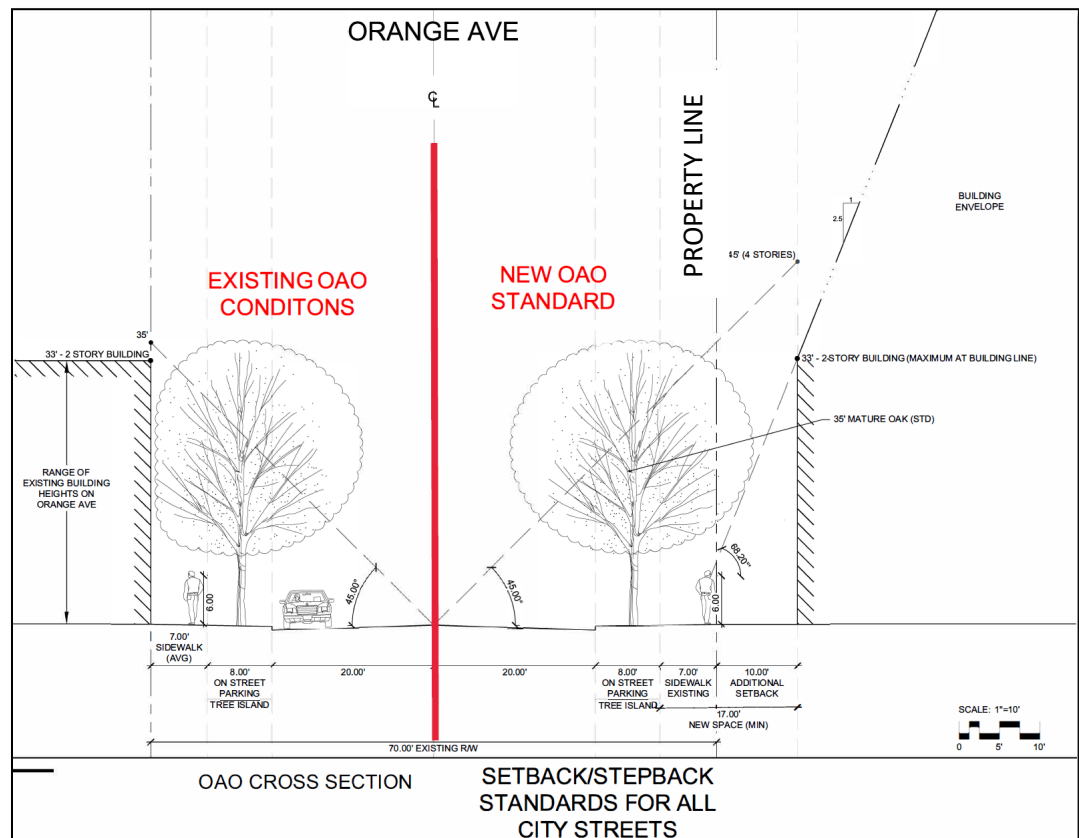


Figure 4 – Prohibited Building Example:



For all properties not fronting on Orlando Ave or Fairbanks Avenue, the following cross-section shall depict the setback/stepback requirements:

Figure 5 – Typical Cross-Section for City Streets (All Streets Except Fairbanks Ave or Orlando Ave):



If a building is constructed within the allowable building envelope as depicted above, the first floor shall always be defined and articulated as addressed later in the OAO. Additionally, the building shall not exceed more than three stories of vertical wall without a setback/stepback, cornice, balcony or other major façade breakup, which shall create visual and massing relief. All walls shall provide some sort of articulation, material or color change, window, balcony, terrace or other visual breakup of the building façade at least every 50 feet, both vertically and horizontally.

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

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

Building setbacks/stepbacks as defined herein shall not be required for properties abutting the railroad right-of-way. However, these rear facades shall provide some sort of articulation, material or color change, window, entryway or other breakup of the building façade at least every 50 feet, both vertically and horizontally.

- (2) *Corner Treatment.* Properties fronting on a street corner have two public facades, which gives the chance for special architectural treatment and detailing that will have the highest impact and visibility, at the corner location. To promote pedestrian safety, buildings placed on corner lots shall be setback to allow for line of sight for all modes of transportation, based on speeds and site conditions.
- (3) *Facades.* There shall be some sort of articulation, material or color change, window, entryway or other breakup of the building façade at least every 50 feet. Murals shall be allowed to contribute towards façade breakup.

No building shall exceed more than 200 feet of horizontal length without separation. If a building is set back more than 50 feet from the roadway, this requirement shall not be required. For buildings setback less than 50 feet, no more than 100 horizontal feet of façade of the same architectural style shall be allowed, to achieve variation of building design.

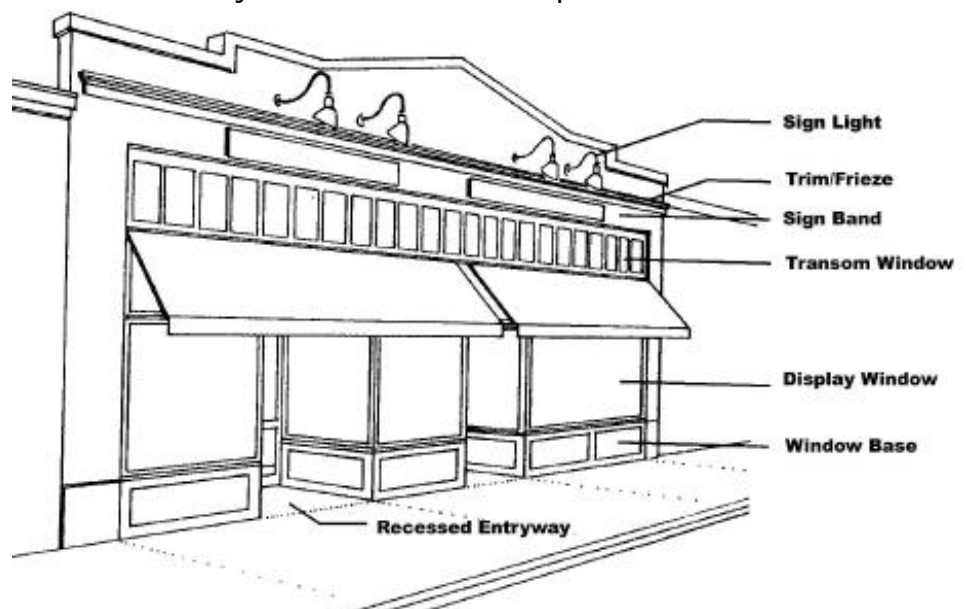
The building façade should be constructed parallel to the street and are encouraged to be placed as close to the street as established setbacks permit, however it may be more appropriate

for taller buildings to utilize greater setbacks/stepbacks, articulation or other architectural treatments to reduce visual massing. On low-rise buildings the different parts may be expressed through detailing at the building base and eave or cornice line.

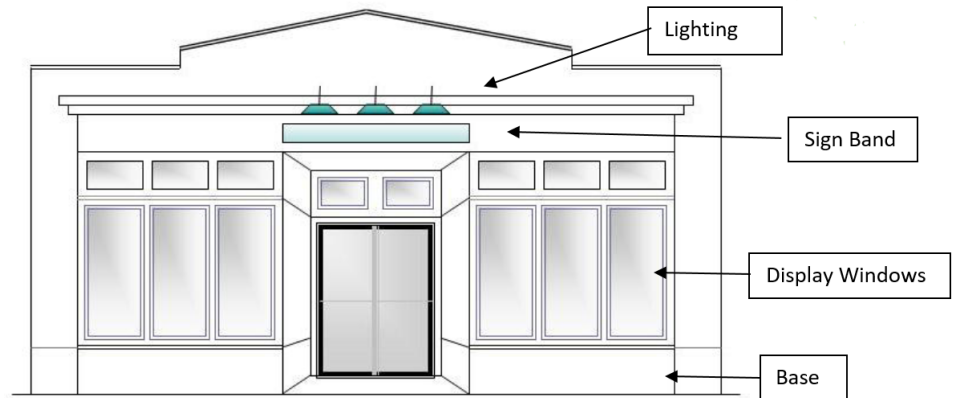
Commercial Façade Treatment Example 1:



Commercial Façade Treatment Example 2:



### Commercial Façade Treatment Example 3:



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

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

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

- (5) *Lower Story Requirements.* The lower story of the building has the most immediate visual impact on the passerby. Traditionally, buildings along urban streets have a high proportion of glazing to solid wall surface, with higher floor to floor heights, on the first story. To maintain continuity with this treatment, buildings on Orange Avenue shall have 25% minimum glass on the first story and shall be allowed height up to 20 feet. The first floor shall be clearly defined and articulated from upper stories.
- (6) *Building Entrance.* Primary building entrances in the OAO shall be clearly defined, and shall be recessed or framed by a sheltering element such as an awning, arcade, overhang, or portico (in order

to provide weather protection for pedestrians). Awnings are encouraged. Awning standards include:

- (a) Awnings for a building façade shall be of compatible color, look, shape, and height;
  - (b) Awnings shall provide vertical clearance of no less than eight (8) feet above sidewalks; and
  - (c) Awnings are not allowed to hang over vehicular traffic ways.
- (8) *Architectural Towers, Spires, Green Roof Features, Solar Panels, Penthouse Areas, Chimneys, Or Other Architectural Appendages.* Any architectural tower, spire, chimney, flag pole or other architectural appendage to a building shall conform to the underlying subarea height limit. However, when necessary to meet the building code requirements, chimneys may exceed the height by the minimum required.

Architectural appendages, roof decks, solar panels, roof garden or green roof features, penthouse areas that do not exceed allowable FAR and are less than 5% of the overall building gross square footage, embellishments and other architectural features may be permitted to exceed the roof heights specified in that subarea, on a limited basis encompassing no more than 30 percent of the building roof length and area, up to ten feet of additional height upon approval of the City Commission, based on a finding that said features are compatible with adjacent projects.

- (9) *Mechanical Penthouses, Rooftop Mechanical and Air-Conditioning Equipment, Stair Tower Enclosures, Elevators and Parapets.* Mechanical penthouses, mechanical and air-conditioning equipment, stair tower enclosures, or elevators on rooftops of buildings shall not exceed a total height of ten feet above the allowable building height. Any penthouses shall only be used for mechanical equipment to serve the building. Parapets, or mansard roofs serving as parapets, may extend a maximum of five feet above the height limit in the underlying zoning district unless other parapet heights are more restrictive for the respective underlying zoning district. In addition, mechanical equipment and air-conditioning equipment on rooftops shall be screened from view from ground level on all buildings in all zoning districts and shall be located to the maximum extent possible so that they are not visible from any street.
- (10) *Architectural Review.* In addition to meeting the architectural standards as set forth in this section, for developments requiring a conditional use approval, having a land area of more than 80,000 square feet, having more than 25 residential units, or having structures exceeding 35,000 gross square feet above grade, professionally prepared fully rendered 3-D digital architectural perspective images and elevations that show all

sides of the proposed building(s), parking areas, parking structures and any other site improvement shall be submitted to and reviewed by and commented upon by a City retained professional architect or by a City established architectural review committee, consisting of two (2) Licensed Architects, a Licensed Landscape Architect and a Licensed Professional Engineer (only if the project involves a parking garage), to ensure high quality architecture consistent with the goals and objectives of the OAO. The comments and recommendations of such professional architect or architectural review committee shall be transmitted to the Planning and Zoning Board and City Commission for consideration in rendering a decision on the proposed conditional use sought for the proposed development.

j. *Parking Requirements & Access Management.*

- (1) *Parallel Orange Avenue Access.* Where Palmetto Drive, Vivian Drive and Harmon Drive provide secondary and primary access to properties within the OAO area, portions of these roadways may be considered to be closed, vacated or re-aligned, so long as a through access road, as approved by the City Commission, is maintained to allow vehicular access between Orlando Avenue and Denning Drive. A road that allows public through-access in perpetuity via recorded easement or a dedicated public street shall be allowed in-lieu of vacated streets, if approved by the City Commission. Any road shall be constructed at a minimum street width of 24 feet unobstructed and shall have unobstructed vertical clearance per National Fire Protection Act (NFPA) codes.
- (2) *Off-Street Parking Requirements.* Unless specifically provided within the OAO, parking spaces, parking management plans and parking leases shall be provided in accordance with the other Land Development Code requirements.
  - (a) *General Business and Retail Commercial:* One parking space for each 333 square feet of gross floor space.
  - (b) *Office, Professional or Public Buildings:* One parking space for each 333 square feet of gross floor space.
  - (c) *Medical Office:* One parking space per 200 square feet of gross floor space.
  - (d) *Hotel:* One parking space for each guest room shall be provided. Other ancillary uses in the hotel (restaurant, spa, retail, meeting space, etc.) shall only be required to provide parking at 50% of the off-street parking requirements defined in Section 58-86.
  - (e) *Restaurants, Food Service Establishments, Nightclubs, Taverns or Lounges:* One space for every four seats.
  - (f) *Multi-family residential:*
    - (1) Each one-bedroom or studio unit shall be required to provide 1.25 dedicated parking spaces per unit.

- (2) Each two-bedroom unit shall be required to provide 1.5 dedicated spaces per unit.
  - (3) Each three-bedroom or above unit shall be required to provide 2 dedicated parking spaces per unit.
- (3) *Off-street Parking Design.* Parking access to properties along Orange Avenue, Orlando Avenue and Fairbanks Avenue shall be from side streets if frontage is available on a side street. If side street frontage is not available, access from cross-access easements shall be utilized. If cross-access is not available, a driveway will be allowed from Orange Avenue, Orlando Avenue, or Fairbanks Avenue, providing the driveway and building gap surrounding it is minimized. Any new driveways or curb cuts along Fairbanks Avenue or Orlando Ave shall require FDOT coordination prior to submittal. Throughout the OAO, cross-access agreements are required, to reduce the number of curb cuts and driveways. The intent is to maintain the building street wall without large voids for access driveways. The goal in this parking arrangement is to decrease the visibility of parking from the street as much as possible, by having parking behind the building and to reduce the turning movements with limited visibility across multiple lanes of traffic.
- (4) *Off-site Parking.* Required parking may be located within 750 feet of the building, or within the closest parking structure where excess parking is available for lease. In the event of new construction, addition, or change in intensity of use of the principal building or property being serviced by the remote parking lot, all existing parking spaces located on such remote lot shall be allocated to the existing building or principal use to meet the minimum requirements of this article, and any additional spaces may then be allocated to that portion of the building or property which is the subject of the new construction, addition, or change in intensity of use.
- (5) *Bicycle Parking Requirements.* Unless specifically provided within the OAO, bicycle Parking shall be required in accordance with other Land Development Code Standards. Where large projects provide parking garages, 20% of the required bike parking shall be provided onsite. The other 80% of required bike parking may be located within City right-of-way throughout the OAO. The City shall determine where the off-site parking shall be located.
- (6) *Parking Exclusion.* A parking exclusion shall apply only to existing square footage or floor space. Parking shall be provided as required by the OAO or other provisions of the Land Development Code, where not specifically addressed herein. The OAO shall apply for any net new building or net new floor space created by redevelopment, new construction, additions, alterations, or remodeling or for any change in use requiring additional parking such as an office or retail space conversion to restaurant. Existing



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

- (7) *Floor Area Ratio for Parking Structures.* Parking structures shall not count towards the floor area ratio (FAR) for any property within the OAO, as long as all of the following conditions are met for each structure:
- (a) Parking constructed shall allow for a minimum of 50% of the parking spaces to be shared-parking, meaning the parking spaces are available for lease at or below fair market value (based on area parking lease comps) to other properties in the area that can utilize the parking during hours when the parking is not needed by the users of the property where the garage is located.
  - (b) Provide for multi-property parking collectives. For smaller-scale garages, multiple property owners may create a collective where parking can be built on a property that can serve multiple properties that do not have adequate available parking.
  - (c) Provide level-two electric vehicle charging stations for a minimum of 2% of all spaces within the structure.
  - (d) Provide and construct parking spaces at least 10% above what is required to meet code minimum requirements. This excess parking must either be available for lease at or below fair market value (based on area parking lease comps) to properties in the area or shall be provided for free public parking.
  - (e) Of the required 50% shared parking that is available (not leased or in use by the onsite businesses at the time), these spaces shall be made available to the general public for free on Saturday and/or Sunday mornings from 6:00 A.M. to 11:00 A.M. for community events in the OAO or for public events at Mead Botanical Garden.
  - (f) Parking structures shall be screened at least 50% on all visible sides with green walls, living walls, liner building, murals (that do not include advertising of any type), shade trees or vegetative screening, or other screening treatments.
  - (g) Subarea A properties shall get priority for parking garage spaces that are required to be available for lease. Parking spaces within parking garages shall also be eligible for purchase by other properties, preference of those purchase agreements shall be given to Subareas A and B.

Parking provided to accommodate residential units or hotel guests shall not be required to be shared or count towards the

shared parking ratio requirement. Because these spaces will not be available for shared or public use, one (1) additional free parking space shall be required for each ten (10) spaces that are dedicated for hotel or residential use. These public spaces shall be maintained as 24-hour, free public parking and shall not count towards additional entitlement achievement.

Parking structures shall meet height, building setback, allowable building envelope area and screening requirements as outlined in the OAO.

Parking garages shall be set back from the Orange Avenue, Fairbanks Avenue or Orlando Avenue frontages and screened by liner buildings or other treatments as required in the OAO. Parking should also be accessed from side streets to the maximum extent feasible. They shall also be designed in an architectural style that is compatible with its building counterpart and shall also conform to the City's parking garage design guidelines.

Parking structures on the north side of Fairbanks Avenue shall not be allowed. Parking structures west of Orlando Avenue shall not be exempt from FAR for structures greater than 2 levels (ground +1).

Parking structures that do not provide the requirements listed above shall not be exempt from FAR calculations.

k. *Public Notice and Hearing Requirements.*

- (1) City-wide notice, as defined in Section 58-89, shall be required for any proposed development within the OAO that requires Conditional Use approval with a land area of more than 80,000 square feet, a building of more than 35,000 square feet or having more than 25 residential units. All Conditional Use requests within the OAO shall be required to send public notice to all properties within 1,000 feet of the subject property, post signage on the property and publish notice in a newspaper of local circulation.
- (2) For any proposed development within the OAO that requires a conditional use approval with a land area of more than 80,000 square feet, a building of more than 35,000 square feet or having more than 25 residential units, there must be at least two (2) public hearings before the city commission on the proposed conditional use conducted at least ten (10) days apart prior to approval of such conditional use. If the city commission denies the required conditional use at the first public hearing such shall be the final decision of the city commission and a second public hearing is not required.

- l. *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 at least 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 open space areas shall be pervious or semi-pervious. Pervious areas such as retention ponds, parking lot islands or landscape planting areas
- m. around building bases shall not be counted as open space. Existing park space shall not count towards open space requirements. Open space shall be areas that are open and inviting to the public. Open space can include green areas, hardscape areas, semi-pervious areas, balcony or roof areas that are open to the public and other similar-type spaces. At least 90% of the open space shall be provided at ground level. The intent is that each of these areas create the opportunity for social interaction, relaxation, recreation and reflection.
- n. *Signage Requirements.* Signage within the OAO shall comply with the following requirements:
  - (1) Each occupant shall be permitted a maximum of two signs indicating the business, commodities, service or other activity sold, offered or conducted on the premises. Where one occupancy has two signs, only the following combinations of sign types shall be permitted: One wall or canopy sign; one projecting sign and one wall or canopy sign; one canopy sign and one under-canopy sign. These signs shall also comply with the applicable provisions of Sections 58-125 through 58-128.
  - (2) Projecting signs on properties or buildings within the OAO shall be limited to an area of each face of 20 square feet and shall have a minimum clearance of seven feet.
  - (3) The maximum copy area of canopy signs shall be two square feet per linear foot of canopy front and sides. These signs should also comply with applicable provisions of Section 58-128.
  - (4) Signs attached to the underside of a canopy (under-canopy signs) shall have a copy area no greater than six square feet, with a maximum letter height of nine inches, subject to a minimum clearance of seven feet from the sidewalk.
  - (5) OAO properties may not have digital, electronic, and/or internally-illuminated signs, such as backlit plastic, acrylic or glass. Front lighting of signs is encouraged. External illumination must be provided by a light source that is installed to prevent direct light from shining onto the street or adjacent properties. Flashing or moving lights are not permitted. Backlit halo-type

opaque sign lettering is permitted; however, the light color must be white or subdued and muted such as a pastel shade. Sign faces and sides may not be translucent and must be an opaque material such as metal or wood.

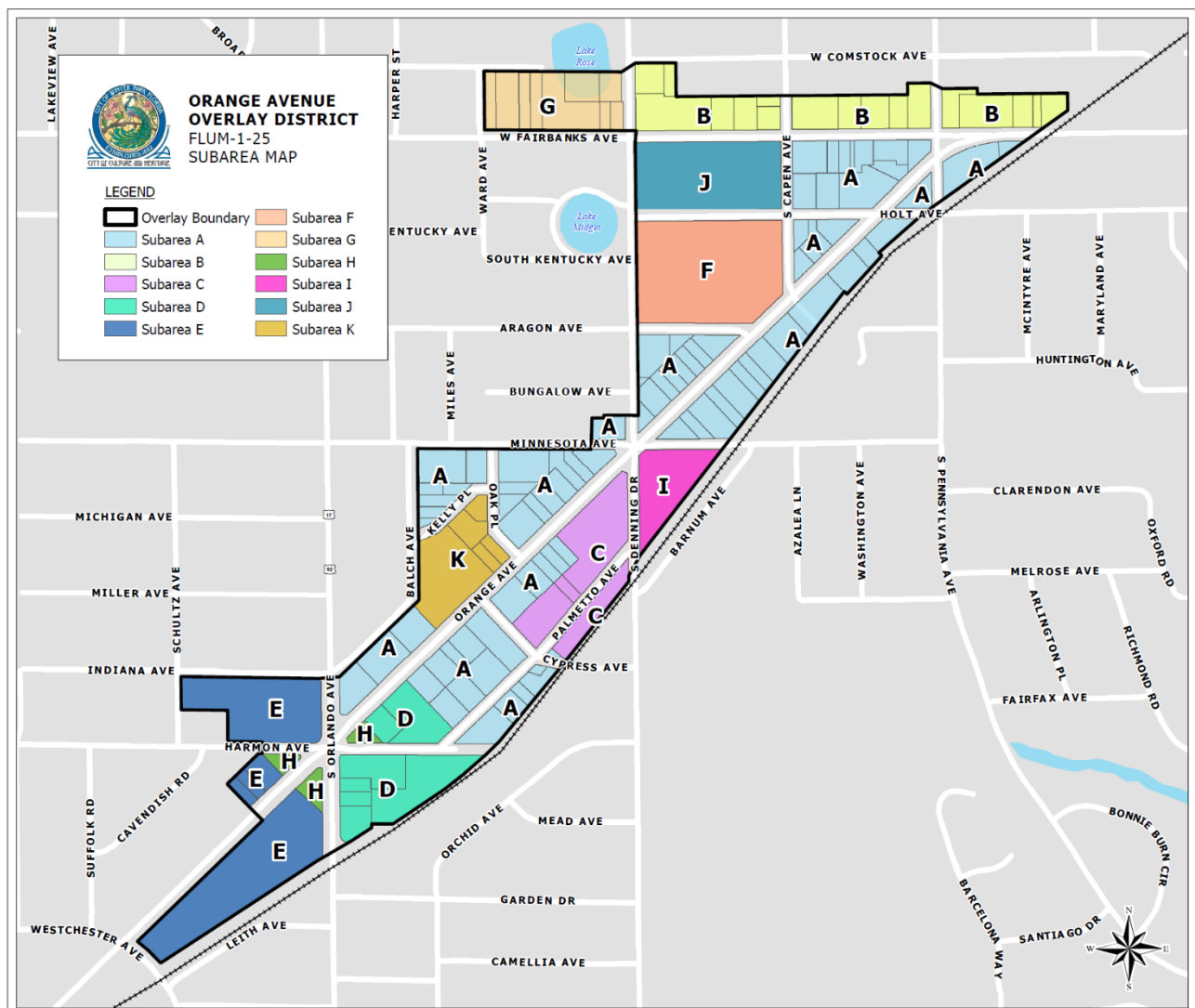
- (6) Ground signs or monument signs (excluding pole and pylon signs) are only permitted within the Subareas C, D, E, I, J and K. Ground signs within these subareas are limited to 30 square feet in size, and shall be located as to prevent interference with pedestrian and vehicular traffic. The design and location of such signs shall be subject to the approval of the Planning and Community Development director and/or Building Department director via a sign location and design plan to ensure that the sign does not interfere with pedestrian traffic, parking or does not create excessive signage in one area.

o. *Sidewalk Design and Utilization.*

- (3) All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. A minimum 17-foot sidewalk is to be provided along Orange Avenue. Fairbanks Avenue and Orlando Avenue shall provide sidewalks at least ten feet wide with a minimum 2-foot landscape buffer along the back of curb, between the roadway and sidewalk. If sufficient right-of way is not available, the building may need to be set back to accommodate these wider sidewalks and the additional space required to create the required sidewalks as defined herein shall be dedicated to public access through easement. Sidewalks shall be constructed in accordance with the standards for sidewalks set forth in City of Winter Park Engineering Standards and constructed at the sole cost of the developer.
- (4) Restaurants and cafes with seating within the public right-of-way shall be subject to the regulations contained in Chapter 90, Article VI - Sidewalk Cafes, of the Winter Park code of Ordinances.

- p. *Display of Merchandise Outside of Commercial Buildings.* Only properties within the OAO with frontages along Orange Avenue are allowed one display of merchandise to be located outside of a commercial business exclusive of beautification elements such as plants (that are not for sale). This display must be placed within two feet of the front wall or window of the building. This display must not block or impede pedestrian traffic or be placed on the public sidewalk and at least six feet of clear sidewalk width must remain for pedestrian traffic. This display must be no more than six feet in height and no more than two feet in width. The display must be safely secured and removed under windy conditions. The display must be removed when the business is not open. An outside display is not permitted if the business chooses to place an outdoor portable sign.

- q. *Transportation Infrastructure Proportionate Fair Share.* Development and redevelopment within the OAO requiring a conditional use approval shall pay a proportionate fair share of the estimated cost necessary to fund the design, engineering, permitting and construction of those transportation projects within or proximate to the OAO that are impacted by such development or redevelopment projects that utilize additional entitlements provided under the OAO. The owner and developer of a project shall enter into a proportionate fair share agreement with the city, with terms and conditions acceptable to the city, as part of conditional use approval. The city has initiated action to develop a traffic model, identify needed transportation improvements and establish a formula for calculating a proportionate fair share system.
- r. *Orange Avenue Overlay District Subareas and Standards for Development.* The subarea map depicted below delineates the different subareas of the OAO and the specific standards, requirements and opportunities for each subarea. Each subarea has unique characteristics, issues and opportunities.



After the adoption of the OAO, no changes to the subarea map shall be allowed. Variances to maximum number of stories, maximum allowable Floor Area Ratio, permitted uses, required open space or maximum residential density shall not be granted. Variances to other development standards shall be considered, with sufficient showing of reasoning and hardship, as outlined in Section 58-92.

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

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

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

- (a) *Exemptions.* The following Land Development Code Requirements shall not be required to be met for renovation or remodel of existing structures that will maintain the existing use, size and conditions of the property:
1. Floor Area Ratio (to the extent existing structure already exceeds FAR)
  2. Minimum Parking Requirements
  3. Stormwater Retention (but a minimum of 10 cubic feet of stormwater treatment and storage shall be created)
  4. Impervious Surface Percentage
  5. Setbacks
  6. Landscaping

7. Height (no increase in stories)

- (b) *Reconstruction of Buildings.* Given the age of buildings within Subarea A, the properties within this subarea shall be allowed to reconstruct the same building footprint (and square footage) when the building on the site is completely demolished, regardless of non-conforming status, on the site without being required to meet all development standards. Reconstruction of buildings shall be required to provide stormwater retention and the sidewalk widths as described herein. All building and life safety codes shall be met with all reconstruction.

(c) *Subarea A Development Standards:*

1. Base Floor Area Ratio: 45%
2. Maximum Achievable Floor Area Ratio: 65%
3. Maximum Height: 2 Stories for any properties abutting Orange Avenue, and 3 stories for all other properties within the subarea.
4. Maximum Impervious Coverage: 85%
5. Setbacks: None, except front setbacks must allow for at least a 17-foot wide sidewalk along Orange Avenue. Fairbanks Avenue and Orlando Avenue shall each be designed to provide for a 10-foot wide sidewalk with a minimum 2-foot landscape buffer on the back of curb. Where the building requires an additional setback to achieve the required sidewalk, the area shall be dedicated as a public access easement. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2
6. Maximum Residential Density: 17 units per acre

(2) *Subarea B.*

(a) *Subarea B Development Standards:*

1. Base Floor Area Ratio: 45%
2. Maximum Achievable Floor Area Ratio: 60%
3. Maximum Height: 2 stories at front setback line and at rear setback line. Structures may increase to 3 stories if the 3<sup>rd</sup> floor is set back an additional 10 feet from front and rear setback lines. 3<sup>rd</sup> floors shall only allow residential uses.
4. Maximum Impervious Coverage: 85%
5. Setbacks:
  - a. Street: 20 feet. Front setbacks must allow for at least a 10-foot wide sidewalk and 2-foot landscape buffer area on the back of curb along Fairbanks Avenue. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2

- b. Side: 0
    - c. Rear: 30
    - d. Third stories shall require an additional 10-foot setback from the front and rear setbacks.
  - 6. Maximum Residential Density: 17 units per acre
- (b) *Additional Development Regulations.* For properties within this Subarea B with an underlying zoning of single-family residential, these properties shall only be used for residential use or open space.
- (3) Subarea C.
- (a) *Subarea C Development Standards:*
    - 1. Base Floor Area Ratio: 25
    - 2. Maximum Achievable Floor Area Ratio: 25% (provided, however, for arts and cultural uses, up to 60% shall be the maximum achievable FAR)
    - 3. Maximum Height: 4 Stories
    - 4. Maximum Impervious Coverage: 85%
    - 5. Setbacks: 0 front setback along Orange Avenue, Denning Drive, or Palmetto Avenue, except front setbacks must allow for at least a 17-foot wide sidewalk. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2
    - 6. Maximum Residential Density: 17 units per acre
  - (b) *Intersection and Open Space Viewshed.* Due to the unique shape of Subarea C and proximity to a unique intersection, this additional requirement creating a viewshed shall apply. The viewshed area is banded by the lines described as follows: Start where the property lines of Subarea C meet at the intersection of Denning Drive and Orange Avenue; then travel 150 feet southwest along Orange Avenue's southeast right of way line; thence easterly to the point on the west boundary of South Denning Drive that is 150 feet south of the starting point; then north along the west boundary of South Denning Drive to the starting point ("viewshed"). This viewshed shall be an open space area not available for the construction of structures or storage or placement of equipment, material or items otherwise allowed in the OAO. This viewshed is in addition to other setback requirements for Subarea C.
  - (c) *Road Closures.* Closing and vacation of the Palmetto Avenue right-of-way may be considered, subject to City Commission approval, as the street bisects the property and



creates limited development opportunities of the site. Driveways that allow public through-access may be allowed in-lieu of vacated streets, if deemed necessary. Closed and vacated right-of-way shall be entitled at the same level as the subarea it falls within.

(d) *Additional Development Requirements.*

A monument sign at least 3 feet in height and 5 feet in width, set in a landscaped bed, shall be required to be provided at the intersection of Denning Drive, Minnesota Drive and Orange Avenue, which directs the public to Mead Botanical Garden. The City shall approve the design and location of the sign.

1. 1.5 acres of park space oriented towards Denning Drive shall be preserved, including the required linear park space for the rail trail as outlined in CT.1 of the Development Enhancement Menu.

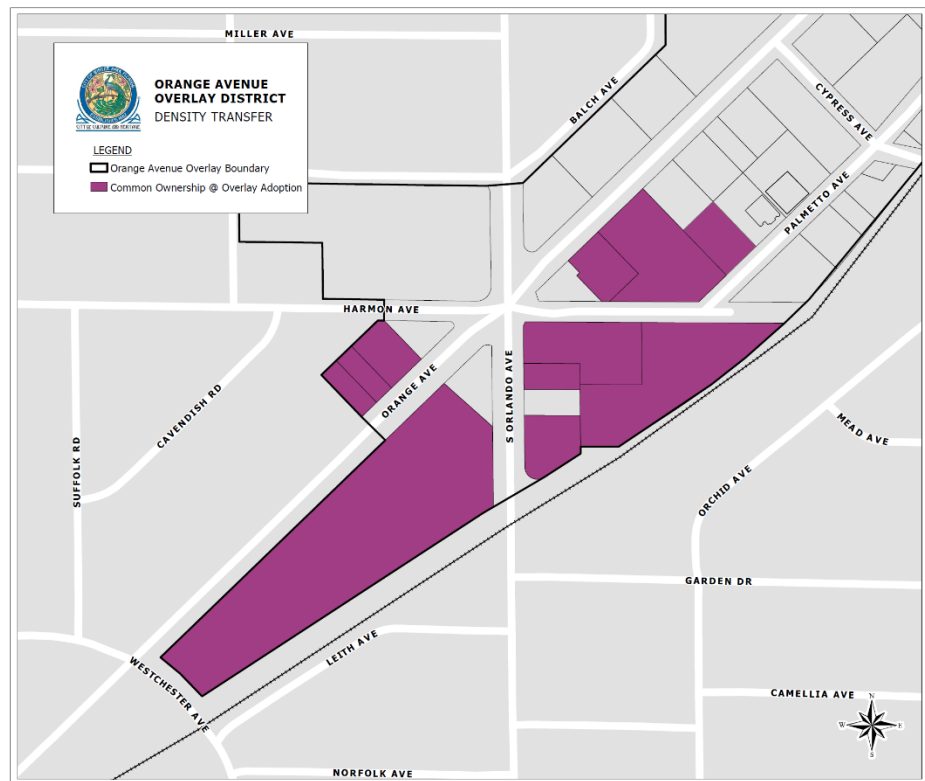
(4) *Subarea D.*

(a) *Subarea D Development Standards:*

1. Base Floor Area Ratio: 100%
2. 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%)
3. Maximum Height: 6 Stories
4. Maximum Impervious Coverage: 75%
5. Setbacks:
  - a. Street: 20 feet along Orlando Ave. Setbacks must allow for at least a 10-foot wide sidewalk and 2-foot landscape buffer area on the back of curb along Orlando Avenue., 0 feet along Orange Avenue-except front setbacks must allow for at least a 17-foot wide sidewalk. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2
  - b. Rear: 20
6. Maximum Residential Density: 17 units per acre

- (b) *Density Transfer.* 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 available residential units to Subarea D are then not eligible for utilization of the development enhancement menu to earn additional FAR and are therefore capped at the base FAR 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 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.

- (c) *Required Development Enhancements.* In order to be eligible for any Development Enhancement Bonuses, any future development of the property within Subarea D shall include the following item(s) from the Development Enhancement Menu: CT.1
- (d) *Road Closures.* Closing and vacation of the Harmon Avenue or Vivian Avenue right-of-way may be considered, subject to City Commission approval, as the street bisects the property or creates limited development of the site. Private driveways that allow public through-access shall be allowed in-lieu of vacated streets, if necessary. Closed and vacated right-of-way shall be entitled at the same level as the subarea it falls within.

(5) Subarea E.

- (a) *Subarea E Development Standards.*
  - 1. Base Floor Area Ratio: 60%
  - 2. Maximum Achievable Floor Area Ratio: 80%
  - 3. Maximum Height: Maximum 4 Stories.
  - 4. Maximum Impervious Coverage: 85%
  - 5. Setbacks:
    - a. Street: 20 feet. Setbacks must allow for at least a 10-foot wide sidewalk and 2-foot landscape buffer area along Orlando Avenue. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2
    - b. Side: 5 feet
    - c. Rear: 20 feet. If abutting residential, shall be a minimum of 20 feet or equal to building height, whichever is greater.
  - 6. Maximum Residential Density: 17 units per acre
- (b) *Road Closures.* Closing and vacation of the Vivian Avenue right-of-way may be considered, subject to City Commission approval, as the street essentially serves as a private driveway and parking lot extension for a single property. Driveways that allow public through-access shall be allowed in-lieu of vacated streets. Closed and vacated right-of-way shall be entitled at the same level as the subarea it falls within.

(6) Subarea F.

(a) *Subarea F Development Standards:*

1. Base Floor Area Ratio: 20%
2. Maximum Achievable Floor Area Ratio: 20%
3. Maximum Height: 2 Stories
4. Maximum Impervious Coverage: 50%
5. Setbacks: 20 feet. Setbacks must allow for at least a 17-foot wide sidewalk. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2
6. Maximum Residential Density: No Residential Uses Allowed

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

(7) Subarea G.

(a) *Subarea G Development Standards:*

1. Base Floor Area Ratio: 45%
2. Maximum Achievable Floor Area Ratio: 45%
3. Maximum Height: 3 Stories
4. Maximum Impervious Coverage: 85%
5. Setbacks: 20 feet. Setbacks must allow for at least a 10-foot wide sidewalk and 2-foot landscape buffer area along Orlando Avenue. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2
6. Maximum Residential Density: 17 Units/Acre

*Additional Development Requirements.* This Subarea G represents an opportunity to expand Martin Luther King Jr., Park and to create an increased greenway connection to Mead Botanical Garden and other areas of the city. It is the intent of the City of Winter Park to acquire these properties for the extension of Martin Luther King, Jr. Park and to provide for transportation improvements. Any properties acquired by the City of Winter Park shall be dedicated as parkland or towards transportation improvements.

(8) Subarea H.

(a) *Subarea H Development Standards:*

1. Base Floor Area Ratio: 0%
2. Maximum Achievable Floor Area Ratio: 0%

3. Maximum Height: N/A
4. Maximum Impervious Coverage: N/A
5. Setbacks: N/A
6. Maximum Residential Density: N/A

(9) *Subarea I.*

(a) *Subarea I Development Standards:*

1. Base Floor Area Ratio: 60%
2. Maximum Achievable Floor Area Ratio: 125%
3. Maximum Height: 3 Stories
4. Maximum Impervious Coverage: 75%
5. Setbacks: 0 front setback, except front setbacks must allow for at least a 17-foot wide sidewalk. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2
6. Maximum Residential Density: 17 units per acre

(b) *Required Development Enhancements.* In order to be eligible for any Development Enhancement Bonuses, any future development of the property within Subarea I shall include the following item(s) from the Development Enhancement Menu: CT.7. The City of Winter Park shall determine the area required to be dedicated for intersection improvements.

(c) *Intersection and Open Space Viewshed.* Due to the unique shape of the property and proximity to a unique intersection, this additional requirement creating a viewshed shall apply. The viewshed area is bounded by the lines described as follows: start where the property lines of Subarea I meet at the intersection of Denning Drive and Minnesota Avenue; then travel 50 feet east along Minnesota Avenue's southern right of way line; thence south westerly to the point on the east boundary of S. Denning Drive that is 30 feet south of the starting point; then north to the starting point ("viewshed"). This viewshed shall be an open space area not available for the construction of structures or storage or placement of equipment, material or items otherwise allowed in the OAO. This viewshed is in addition to other setback requirements for Subarea I.

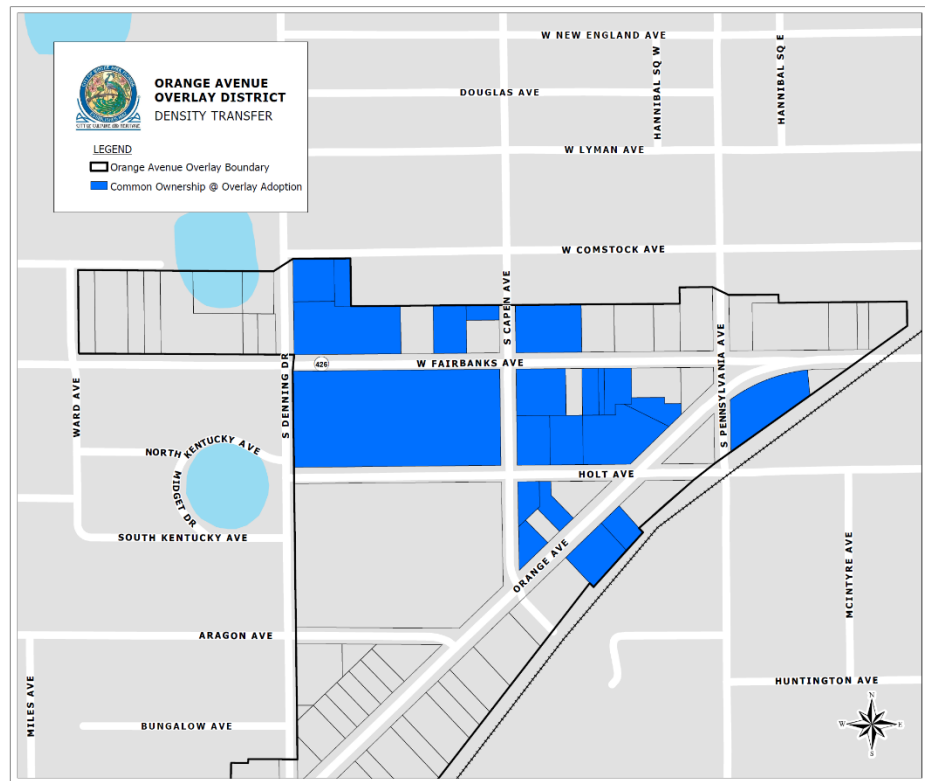
(10) *Subarea J.*

(a) *Subarea J Development Standards:*

1. Base Floor Area Ratio: 100%
2. 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%)
3. Maximum Height: 3 Stories fronting on Fairbanks Avenue, and 4 Stories when located 50 feet back from Fairbanks Avenue right-of-way boundary.
  4. Maximum Impervious Coverage: 75%
  5. Setbacks: 20 feet Street Setback. Setbacks must allow for at least a 10-foot wide sidewalk and 2-foot landscape buffer area at the back of curb along all adjacent streets. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2
  6. Maximum Residential Density: 17 units per acre
- (b) *Required Development Enhancements:* In order to be eligible for any Development Enhancement Bonuses, any future development of the property within Subarea J shall include the following item(s) from the Development Enhancement Menu: CT.7. The City of Winter Park shall determine the area required to be dedicated for intersection improvements and the required land may be property under common ownership located offsite from Subarea J.
- (c) *Road Closures.* Closing and Vacation of either the South Capen Avenue or Holt Avenue rights-of-way may be considered, subject to City Commission approval, given that these roads are not heavily trafficked and mainly serve only the subject property in this area. If these streets are closed, they shall remain open to the public and be used only for pedestrian or bicycle access, and may not be used towards open space requirements for the adjacent properties.
- (d) *Density Transfer.* 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 available residential units to Subarea J are then not eligible for utilization of the development enhancement menu to earn additional FAR and are therefore capped at the base FAR 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.

(11) Subarea K.

(a) *Subarea K Development Standards:*

1. Base Floor Area Ratio: 60%
2. Maximum Achievable Floor Area Ratio: 80%
3. Maximum Height: Maximum 3 Stories.
4. Maximum Impervious Coverage: 85%
5. Setbacks:
  - a. 0 front setback along Orange Avenue, except front setbacks must allow for at least a 17-foot wide sidewalk. Where the building requires an additional setback to achieve a 17-foot sidewalk, the area shall be dedicated as a public access easement. Additionally, all building setbacks shall be measured from the property line and shall meet the requirements as depicted in Section 3.1.i.2
  - b. Side: 5 feet
  - c. Rear: 20 feet. If abutting residential, shall be a minimum of 20 feet or equal to building height, whichever is greater.
6. Maximum Residential Density: 17 units per acre

s. *Orange Avenue Overlay District Development Enhancements/Bonuses.* Enhanced development entitlements shall be considered for the OAO, but shall be earned, rather than simply granted.

(1) *Percentage-Based Development Enhancement Menu.* A percentage-based upgrade system for properties within the OAO is hereby established. For properties to obtain additional development entitlements (FAR) beyond what is provided in the relevant subarea or underlying zoning, the following provisions and Tables are established.

Property owners or developers may use any combination of the Development Enhancement Menu to obtain up to the Maximum Achievable Floor Area Ratio. Certain subareas shall require certain Enhancements to be met. Each development enhancement utilized shall be required to be designed and shown on any development plans submitted for development of a property. Off-site improvements shall require plan submittal for the area where the improvements are proposed. Any enhancement or improvement shall be designed by a licensed professional (Architect, Civil Engineer, Landscape Architect, Structural Engineer, etc) as determined by staff.

The following OAO Development Enhancement Menu was created to address the wide-ranging issues affecting the Orange Avenue area, while meeting the goals of the Comprehensive Plan, the Vision Winter Park plan and the Winter Park Sustainability Plan. To ensure that the intent of the Development Enhancement Menu is met, any project that utilizes this menu shall be reviewed by



the Planning & Community Development Director or their designee in order to determine whether and to what extent an increase in FAR is allowed.

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

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
<b>S.1</b>	<i>Shared Electric Vehicle On-Site</i>	1% Entitlement Bonus for Each Shared Electric Vehicle On-Site.	Max 2 Vehicle Credit	2%
<b>S.2</b>	<i>Green Roof</i>	At least 50% of the total surface area of the principal building's roof is a green roof constructed in accordance with ASTM green building standards.	10%	10%
<b>S.3</b>	<i>Renewable Energy</i>	For Each Percentage of the Total Electricity Used On the Property That Is Generated Onsite, a 1% Entitlement Increase Shall Be Granted.	10%	10%
<b>S.4</b>	<i>Recycling</i>	Recycling Receptacles provided for each use on the site building and large collection receptacle placed in the dumpster area of the site.	2%	2%
<b>S.5</b>	<i>Rainwater Reuse</i>	At least 75% of rain water from the roofs of structures is captured and recycled for landscape irrigation.	5%	5%

**Table 2: Orange Avenue Overlay District Development Enhancement Menu – Infrastructure & Stormwater Category**

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
<b>IS.1</b>	<i>Stormwater Retention Beyond Code Minimum Requirements</i>	Each 1% of additional water quality treatment and stormwater retention capacity, beyond what is required to accommodate development of a site provided (that can feasibly receive off-site stormwater) shall earn a 1% entitlement bonus. The calculation shall be based on the retention required on the site to meet City and St. Johns requirements. Vaulting, Underground Storage or Raingarden Areas Shall Be Allowed.	Max 25% Entitlements Bonus	25%

**Table 3: Orange Avenue Overlay District Development Enhancement Menu – Arts & Culture Category**

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
<b>AC.1</b>	<i>Public Art</i>	Each Public Art Installation Shall Earn 1% Entitlement Bonus	Max 5 Locations	5%
<b>AC.2</b>	<i>Gateway Feature</i>	Creation of signage, art or other type of gateway feature that welcomes people to Winter Park.	5%	5%
<b>AC.3</b>	<i>Space For Non-Profit Arts &amp; Cultural Organizations</i>	For each 1,000 square feet of space that is built specifically and solely for non-profit arts and cultural facilities, a 1% entitlement bonus shall be granted. The space provided for these non-profit users shall not count towards the FAR of the site. The space shall only be rented to Arts & Cultural organizations with non-profit 501.C.3 status, in perpetuity. Parking shall also be provided and shared parking is encouraged. The rents charged shall not exceed 80% of the median rents charged	Max 15% Entitlement Bonus	15%

		for similar properties in the area. The rents shall not increase more than 3% per year.		
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**Table 4: Orange Avenue Overlay District Development Enhancement Menu – Parking Category**

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
<b>P.1</b>	<i>Public Parking</i>	Each 5 Dedicated Public Parking Spaces, Which Remain Free for Public Parking at All Times, Shall Earn a 1% Entitlement Bonus	Max 10% Entitlement Bonus	10%
<b>P.2</b>	<i>Screening of Parking Structures</i>	Parking structures shall be screened at least 50% on all visible sides with green walls, living walls, murals (that do not include advertising of any type), shade trees or vegetative screening, or other screening treatments. This enhancement is in addition to the requirements for FAR exemption.	10%	10%

**Table 5: Orange Avenue Overlay District Development Enhancement Menu – Miscellaneous Category**

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
<b>M.1</b>	<i>5G Small Cell Facilities Placed On Building</i>	Each 5G Small Cell Placement on Structure Earns 1% Entitlement Bonus	Max 5 Locations	5%
<b>M.2</b>	<i>Workforce Housing Provided</i>	Each Unit Provided at Orange County Workforce Housing Standards Shall Earn a 0.5% Entitlement Increase	Max 20 Units	10%

**Table 6: Orange Avenue Overlay District Development Enhancement Menu – Meaningful Open Space Category**

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
<b>OS.1</b>	<i>Open Space Beyond Minimums</i>	Each 1/4 acre (10,890 square feet) of additional dedicated open space available to the public beyond the required minimum shall earn a 5% Entitlement Bonus, or 20% per acre.	20%	20%
<b>OS.2</b>	<i>Shade Tree Planting</i>	Each 50-inches of Shade Tree Caliper Planted Onsite Beyond Minimum Requirements Shall Earn 1% Entitlement Bonus. Species Shall Be City Arborist Approved and Planted with Irrigation. A minimum 5" caliper tree shall be required.	Max 500-Inch Tree Caliper Bonus	10%
<b>OS.3</b>	<i>Tree Fund Donation</i>	Payment may be made into the City of Winter Park Tree Replacement Trust Fund, so that meaningful trees can be planted throughout the City to maintain and grow our tree canopy. For each donation of \$10,000 to the Tree Replacement Trust Fund, a 1% Entitlement Increase Shall Be Granted.	Maximum \$50,000 Donation	5%
<b>OS.4</b>	<i>Mead Garden Improvements</i>	Donation to Mead Botanical Garden Improvements/Restoration/Enhancements Shall Earn a 1% Entitlement Increase for Each \$10,000 Donation. The Funds Shall Only Be Used for Capital Improvements or Enhancements in Mead Botanical Garden.	Max \$100,000.00 Donation	10%

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
<b>OS.5</b>	<i>Donation of Land for Parks</i>	For each 5,000 square feet of land donated to the City of Winter Park for park space (which is accepted by the City Commission as meaningful and useful park land), shall earn an additional 1% Entitlement Increase.	Maximum 20%	20%
<b>OS.6</b>	<i>Martin Luther King, Jr. Park Expansion</i>	Donation to the City of Winter Park, Park Acquisition Fund Shall Earn a 1% Entitlement Increase for Each \$10,000 Donation. Funds Shall Only Be Used for the Acquisition of Additional Park Land. The Funds Shall Only Be Used For the Acquisition of the Area Identified as Subarea "G" herein, to expand Martin Luther King, Jr. Park.	Max \$100,000.00 Donation	10%
<b>OS.7</b>	<i>Social Connection Amenities</i>	Provide amenities, that support community interaction and are open to the general public, creating third places:	Max Based on Type	—
		Yard games (life-size chess/checkers, bocce ball, bean-bag toss, walking labyrinth)		3 earns 1%
		Multi-Generational Play Areas		3%
		Fountain/splash pad/water feature		3%
		Stage areas for music/art performance		2%
		Dedicated Standalone Public Restrooms (not a part of a business onsite)		2%
		Public seating/gathering spaces of significant size (street furniture, seating walls, outdoor furniture, fire pits)		2%

**Table 7: Orange Avenue Overlay District Development Enhancement Menu – Connectivity & Transportation Category**

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
<b>CT.1</b>	<i>Rail-Trail Construction &amp; Easement</i>	Option A - Provide Dedicated Utility & Public Access Easement of a Minimum of 20 feet and Construction of Rail-Trail with a 12-foot Trail Width, to match regional trail widths and 4-foot planting strip along each side within said 20 foot easement, earns 1% Entitlement Bonus for each 50 linear feet of trail, with decorative light pole (as selected by City of Winter Park to match other areas of town) & shade or understory tree of minimum 5" caliper (as selected by Urban Forestry) with irrigation for every 50 feet of railroad frontage. The trail and easement shall connect from the property line where the rail enters, to the property line where the rail exits. The trail shall be designed to align with existing or future trail locations and the design of the trail shall be determined on the site plan when a project is submitted for consideration	Max 20%	20%

Category Number	Enhancement	Description & Potential Bonus	Enhancement Achievement Maximums	Maximum FAR Increase
		Option B - Provide Dedicated Utility & Public Access Easement of a Minimum of 23 feet and Construction of Rail-Trail with a 15-foot Trail Width to meet and exceed regional trail widths and 4-foot planting strip along each side within said 23 foot easement, earns 1% Entitlement Bonus, with decorative light pole (as selected by City of Winter Park to match other areas of town) & shade or understory tree (as selected by Urban Forestry) for every 50 feet of railroad frontage. The trail and easement shall connect from the property line where the rail enters, to the property line where the rail exits. The trail shall be designed to align with existing or future trail locations and the design of the trail shall be determined on the site plan when a project is submitted for consideration	Max 25%	25%
CT.2	<i>Off-Site Trails</i>	Donation to the Construction of Bike/Pedestrian Trails. Due to the unique circumstances and properties in each area, every section of future trail will have challenges and opportunities. Because no two areas are the same, it is preferable to have developers pay into a trails fund, with design and installation provided by the City. Each \$10,000 donation shall earn a 1% entitlement bonus.	Max \$100,000 donation	10%
CT.3	<i>Denning Drive Mobility Extension</i>	Complete Extension of Denning Drive from Orange Ave to Mead Botanical Garden, Minimum 12' Wide Multi-Use Paved Path With Decorative Lighting, and Shade Tree in Grate with Irrigation Every 50 feet, with Required ADA Crossings & Signage on E side of Denning Drive	25%	25%
CT.4	<i>Rideshare Dedicated Curb</i>	Each 24 feet of marked and dedicated rideshare curb in front of the building shall earn a 0.5% Entitlement Bonus	2 Dedicated Spaces	1%
CT.5	<i>Bicycle/Pedestrian Repair Facilities &amp; Rest Areas</i>	Provide bicycle/pedestrian amenities that are available to the community near any Bike Trail facility. One of each of these facilities shall be allowed to locate in one or more of the following locations: Rail Trail area as defined in this chapter, In Martin Luther King, Jr. Park along a bike trail, Along the new Bike Path connecting to Mead Botanical Garden, or along the Denning Drive bicycle facilities. Each location shall require the following elements under a covered roof or shade area: Bicycle Fix-It Stations with bike lift, air pump and tools; water fountain and water bottle filling; bike rack; trash and recycling receptacles; and a bench.	2% per location, Max 3 locations per development. Can be located off-site	6%
CT.6	<i>Covered Transit Stops</i>	Bench, Trash Receptacle, Recycling Receptacle and Covered Area Provided for Transit Users At a Stop on a Bus Route	1%	1%
CT.7	<i>Land Donation for Transportation Improvements</i>	Each 100 square feet of land dedicated to the City of Winter Park or FDOT as right-of-way for needed transportation improvements, shall earn a 1% Entitlement Bonus	Max 25%	25%

t. *Definitions.*

- (a) *Affordable Housing:* Affordable housing means a dwelling unit, with regard to a unit for sale, which costs less than 80 percent of the median price of the single-family homes sold the previous year in the Orlando metropolitan area; and with regard to a unit for rent, one which rents monthly for less than 80 percent of the median monthly cost of similar sized units for the previous year in the Orlando metropolitan area and for which the purchaser's or renter's income or combined family income does not exceed 80 percent of the median family income for the Orlando metropolitan area.
- (b) *Boutique Hotel:* A boutique hotel is largely characterized by its smaller size, personalized service and local personality, which can vary dramatically depending on where the property is located. They cater to the individual, providing very personalized, intimate service. These properties are designed to blend into the community and reflect the neighborhoods and cultures around them.
- (c) *Building Story:* Building story means a section of a building between the surface of a floor and the floorplate of the floor above it.
- (d) *Common Ownership or Commonly Owned:* Properties shall be deemed to be under "common ownership" or "commonly owned" if the properties are owned by the same entity or affiliated entities with substantially similar control and management.
- (e) *Density Transfer:* The ability to transfer existing underlying zoning density entitlements from one property to another as specifically outlined only in Subareas D or J and the transfer maps for those subareas. The property has to be commonly owned and is subject to the provisions of the OAO. Once residential entitlements are transferred from other commonly-owned properties, no residential units can be constructed on the site from which transfers occur.
- (f) *EIFS:* Exterior Insulation and Finish System. A non-load bearing exterior wall cladding system consisting of a thermal insulation board, adhesively and/ or mechanically attached to the substrate, base coat with reinforced fiberglass mesh and a textured finish coat.
- (g) *Fast Casual Restaurant:* Fast casual restaurants offer consumers freshly-prepared, higher-quality food in an informal setting, with counter service to keep things speedy.
- (h) *Floor Area Ratio (FAR):* The gross floor area divided by the land area of the building site excluding land areas across a public street under the same ownership. The gross floor area ratio is the

square footage of the building or buildings on the property (and contiguous properties being used in connection with such building(s)) divided by the area of such property in square feet. This mathematical expression (gross floor area ÷ land area = floor area ratio) shall determine the maximum building size permitted.

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

- (n) *Mixed-Use*: Mixed-use development combines two or more types of land use into a building or set of buildings that are physically and functionally integrated and mutually supporting. This can be some combination of residential, commercial, industrial, office, institutional, or other land uses. The form of mixed-use development can be vertical or horizontal. Vertical mixed-use occurs when different uses inhabit the same building and sit atop one another, such as residential or office uses over ground floor retail. Horizontal mixed-use occurs when uses are placed next to each other, such as an apartment building that is adjacent to offices, restaurants, or retail shops. Mixed-use areas often create the main street/downtown, activity center, or commercial corridor of a local community, district, or neighborhood. They frequently involve stacking uses – residential or office above retail, for example, in low or midrise buildings, but are predominately made up of a variety of individual buildings arranged around streets and around public squares or other open spaces.
- (o) *Multi-Generational Play Area*: Instead of focusing exclusively on children, these playgrounds broaden their scope to include equipment, activities and amenities for those older than age 12—and perhaps significantly older—so that anyone who visits the playground, regardless of age or ability, can find something there they enjoy.
- (p) *Multi-Modal Transportation*: This concept is that all modes of transportation should have equality and there shouldn't be the typical hierarchy where private automobiles have more opportunities at the cost of pedestrians, cyclists, public transportation users and handicapped persons.
- (q) *Overlay District*: An area where certain additional requirements are mapped upon an underlying zoning district(s). The district modifies or supplements the underlying zoning regulations and allows for flexibility in design and the ability to apply more area specific requirements including, but not limited to, architecture, height, setbacks, use, open space, landscaping, historic preservation, floor area ratio, parking, public improvements, access, stormwater, etc. In the instance of conflicting requirements, the stricter shall apply.
- (r) *Percentage-Based Development Enhancement*: In exchange for the ability to obtain additional development entitlements above those currently allowed by the underlying zoning and the OAO, certain public improvements and area-wide solutions will be required by those who develop or redevelop properties and the requirements for Development Enhancement Bonuses must be met. Property owners or developers may use any combination of the Development Enhancement Menu to earn their way up to the Maximum Achievable Floor Area Ratio.

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



income or combined family income does not exceed 120 percent of the median family income for the Orlando metropolitan area.

**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 Land Development Code, and the sections of this Ordinance may be renumbered or relettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

**SECTION 6. Effective Date.** This Ordinance shall become effective upon the comprehensive plan amendments provided for under Ordinance \_\_\_\_\_ become effective. If Ordinance \_\_\_\_\_ does not become effective, then this Ordinance shall be null and void.

**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.

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Mayor Steve Leary

Attest:

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City Clerk