

ORDINANCE 3227-21

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, AND THE 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, the Creation of the Orange Avenue Overlay process was an extensive multi-year community planning effort that involved continuous opportunities for public input and unique collaborative opportunities, such as: a community walkshop, surveys, citizen boards and focus groups, educational videos, open houses, charettes, written-only visioning, work sessions and much more; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and voted to recommend adoption of these proposed amendments to the Comprehensive Plan portion of the Land Development Code, having held a public hearing, which was noticed to every property Citywide, on September 7, 2021; 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 September 22, 2021 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, meets the requirements of law and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

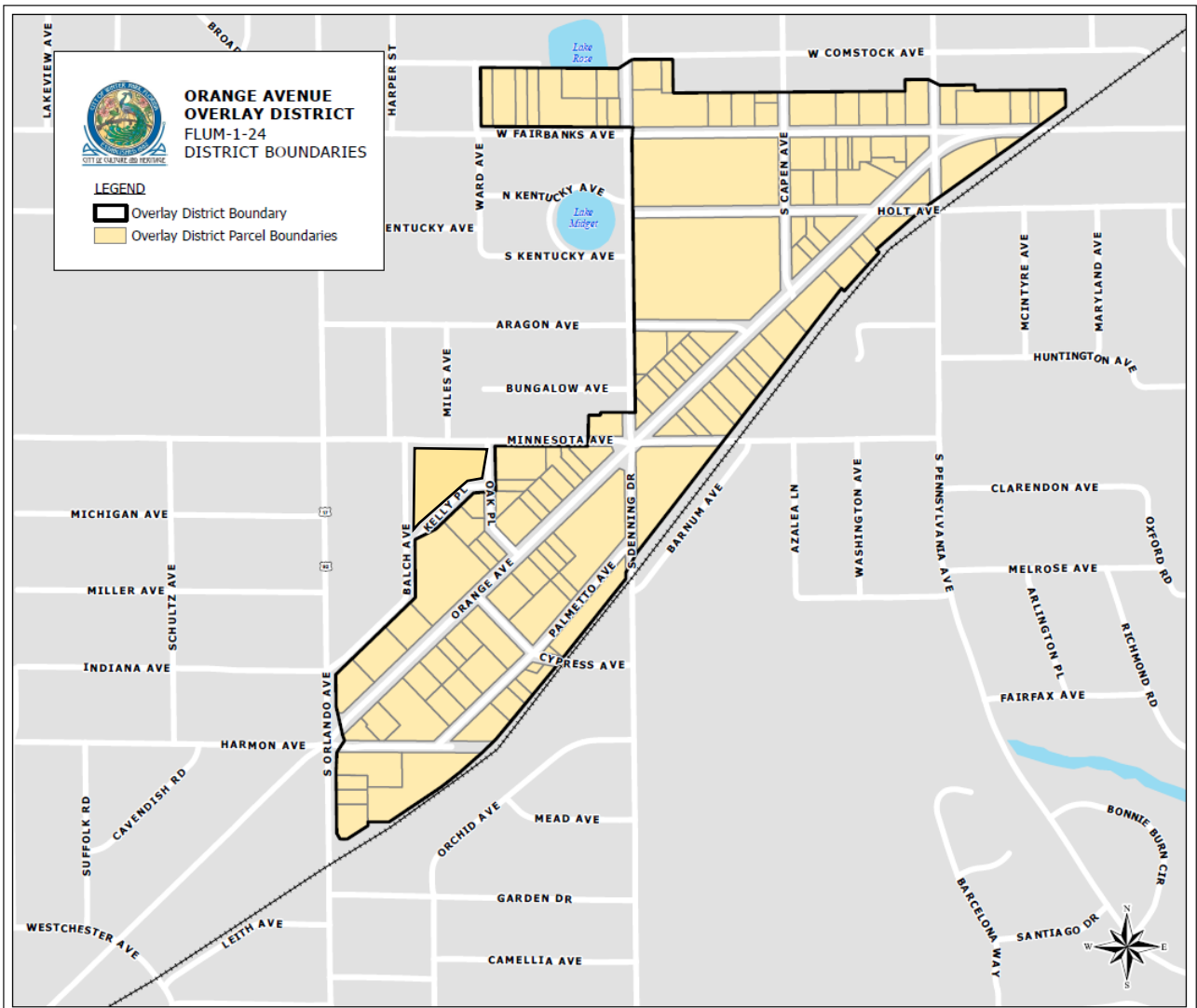
NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION 1. Amendment. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" is hereby amended to add new Goals, Objectives and Policies and FLUM-1-24 map and FLUM-1-25 subarea map to the Future Land Use Element of the City of Winter Park Comprehensive Plan to read as follows:

GOAL 1-9: Establishment of the 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, block structure, landscaping and other regulatory controls.

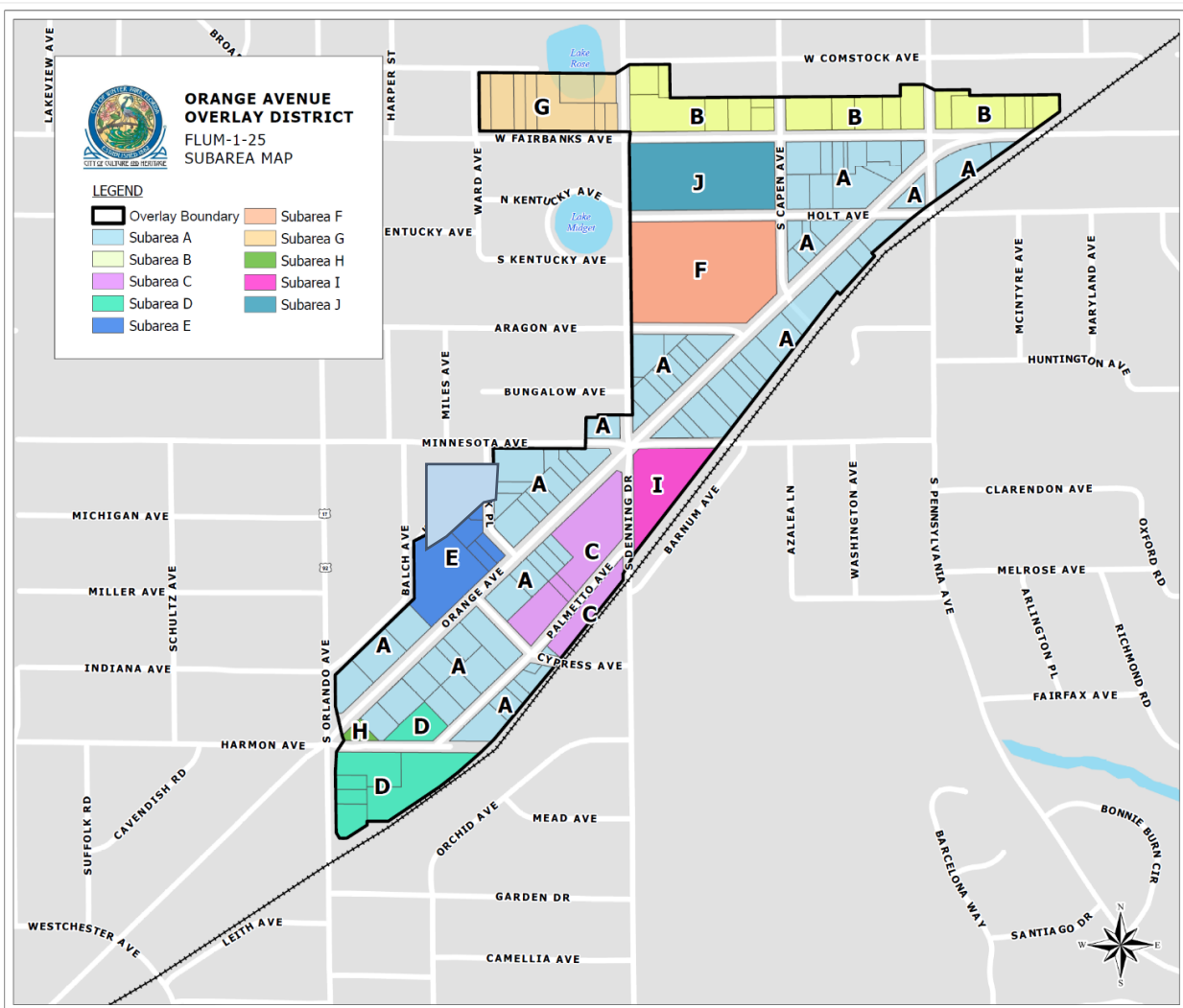
OBJECTIVE 1-9.1: Orange Avenue Overlay District. The boundaries of the Orange Avenue Overlay District are identified in FLUM-1-24 and the Policies regarding this Overlay District shall be established as defined herein.



Policy 1-XXX: Conflicts. The Policies set forth in and for the Orange Avenue Overlay District (OAO) shall prevail to control and govern the development of the property defined in Map FLUM-1-24 over any conflicting goals, objectives and policies found in the other provisions of the Future Land Use Element of the Comprehensive Plan, including any Planning Area Policies.

Policy 1-XXX: 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, block structure, 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.

Policy 1-XXX: 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 unless initiated at the direction of, or otherwise authorized by, the City Commission. Each area has unique characteristics, issues and opportunities. The base and maximum achievable Floor Area Ratio (FAR), height and residential densities (if applicable) for each subarea are defined herein. An incentive menu system is established for certain properties within the Orange Avenue Overlay District (OAO) to possibly earn additional FAR up to their maximum achievable FAR, by providing certain public improvements and area-wide solutions, as outlined in the Land Development Code.



- (1) Subarea A.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 60% (only with residential)
 - c. Maximum Height: 2 Stories for any properties abutting Orange Avenue and Minnesota 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% (only with residential)
 - c. Maximum Height: 3 Stories (but with maximum height of 35 feet)
 - d. Maximum Residential Density: 17 units per acre

- (3) Subarea C.
 - a. Maximum Floor Area Ratio: 10%
 - b. Maximum Floor Area Ratio exclusively for Parking Structure: 65%
 - c. Maximum Height: 2 stories, or 35 feet (including any awnings or shade structures) for Commercial Structures.
 - d. Maximum Height of Parking Structure: 4-levels including the rooftop deck, with a maximum height of 35 feet to the top of the parapet wall.
 - e. Maximum Residential Density: Residential uses shall not be permitted.

- (4) Subarea D.
 - a. Base Floor Area Ratio: 60%
 - b. Maximum Achievable Floor Area Ratio: 100%
 - c. Maximum Height: 5 stories, but with maximum height of 56 feet
 - d. Maximum Residential Density: 17 units per acre
 - i. Up to a 20% Residential Density increase may be permitted when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.

- (5) Subarea E.
 - a. Base Floor Area Ratio: 45%
 - b. Maximum Achievable Floor Area Ratio: 60% (this additional 15% achievable FAR shall only be used for the construction of onsite parking structures to serve the subject property.)
 - c. Maximum Height: 2 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: 2 stories, but with a maximum of 35 feet.
 - 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: N/A.

(9) Subarea I.

- a. Base Floor Area Ratio: 45%
- b. Base Floor Area with Residential: 60%
- c. Maximum Achievable Floor Area Ratio: 100%
- d. Maximum Height: 3 Stories
- e. Maximum Residential Density: 17 units per acre
 - i. Up to a 20% Residential Density increase may be permitted when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.

(10) Subarea J.

- a. Base Floor Area Ratio: 60%
- b. Maximum Achievable Floor Area Ratio: 100%
- c. Maximum Height: 3 stories fronting on Fairbanks Avenue and/or Denning Drive, increasing to 4 stories when setback 80 feet from Fairbanks Avenue and/or Denning Drive. 4 stories fronting Holt and Capen Avenues.
- d. Maximum Residential Density: 17 units per acre
 - i. Up to a 20% Residential Density increase may be permitted when such allowances are used exclusively for the construction of workforce housing maintained for a period of not less than 20 years. An agreement with terms acceptable to the City and with City Attorney review shall be executed as part of the Conditional Use approval.

Policy 1-XXX: Meaningful Open Space Requirements. 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 required meaningful open-space areas provided shall be greenspace and at least 50% of hardscape areas shall be pervious or semi-pervious. At least 90% of the open space shall be provided at ground level.

Policy 1-XXX: Parallel Orange Avenue Access. When Palmetto Drive, Vivian Drive and Harmon Drive provide secondary and primary access to properties within the OAO area, protection of on-street parking, maximizing ease of traffic flow and maintaining the existing 50-foot public right-of-way shall be matter of priority should realignment or vacation be requested.

Policy 1-xxx: Multi-Modal Transportation Impact Fee. The City shall establish a multi-modal transportation impact fee requiring development projects to contribute towards the costs of design, engineering, permitting and construction of transportation and mobility projects. Development and redevelopment within the OAO will be required to pay multi-modal transportation impact fee(s) in accordance with the ordinance to be adopted by the City. In the event such multi-modal transportation impact fee is not effective at the time that a development project within the OAO is requesting a conditional use approval, the owner and developer

of such project shall enter into an agreement with the City addressing the project's contribution to transportation and mobility infrastructure impacted by such project as one of the conditions for conditional use approval, if approved. Any such agreement will provide credits for any multi-modal transportation impact fees that are ultimately paid by the development project.

Policy 1-XXX: Appearance Review. All development, redevelopment and external renovation occurring within the OAO shall comply with the architectural standards as set forth in the OAO policies and implementing land development regulations. All external renovation, redevelopment and development projects within the OAO shall undergo review by the Orange Avenue Overlay Appearance Review Advisory Board.

Policy 1-XXX: Public Hearings for Conditional Uses. Prior to approval, there shall be an advertised Public Hearing before the Local Planning Agency (Planning & Zoning Board) and at least two public hearings conducted before the City Commission and city-wide notice given for a Conditional Use application for a project within the OAO that has: (i) a land area of more than 80,000 square feet, (ii) a building of more than 35,000 square feet, or (iii) more than 25 residential units.

For projects between 10,000 square feet and 35,000 square feet requiring Conditional Use Approval (and notice as defined in the Code), there shall be at least 1 Public Hearing before the Local Planning Agency (Planning & Zoning Board) and 2 Public Hearings before the City Commission.

Policy 1-XXX: Floor Area Ratio for Parking Structures. Parking structures shall count towards the Floor Area Ratio (FAR) for any project/property within the Orange Avenue Overlay District, except for any underground levels, parking dedicated for public parking in perpetuity, and the open top level. Additionally, the required 10% of parking spaces provided above and beyond minimum code requirements (which is required to be leased to small businesses in the OAO) shall not count towards the FAR of a project. For any units qualifying for the workforce housing exemption, not to exceed 20% of the total project, the required parking spaces shall be exempt.

Policy 1-XXX: Block Structure. Any additional development or redevelopment of parcels in excess of 1.5 acres within the OAO shall be required to create a block structure and pedestrian corridors conducive to pedestrian safety, comfort, or vehicular circulation.

SECTION 2. Vesting. In order to not adversely affect development projects that are in process and for which expenditures have been made in reliance upon the existing code provisions, the City will allow such development projects to be subject to the underlying zoning and future land use of the property, land development regulations and conditions of development approval existing prior to the adoption of this Ordinance provided such development's site and building floor plans and/or conditional use 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, and the City Commission will not

approve any Conditional Use extensions of those development projects that have been approved prior to the effective date of this Ordinance. Further, to address claims of an inordinate burden to an existing use of real property or a vested right to a specific use of property, the City Commission may adopt land development regulations to allow, upon further City Commission approval, development of property within the OAO pursuant to the underlying zoning and future land use of the property existing prior to the adoption of this Ordinance and other applicable land development regulations without compliance with or the benefit of the goals, objectives and policies of this Ordinance and its implementing land development regulations._

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. This Ordinance further confirms and readopts the repeal of Ordinance 3166-20 and Ordinance 3167-20. The proposed comprehensive plan amendment set forth in Ordinance 3166-20 (previously rescinded and repealed prior to its effective date) is not and was never a part of, incorporated into or codified into the City of Winter Park Comprehensive Plan.

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 provisions of this Ordinance may be renumbered or re-lettered to accomplish this intention. The provisions of Section 1 of this Ordinance shall constitute the entirety of Comprehensive Plan goals, objectives, policies and maps of and for the Orange Avenue Overlay District. The word "Ordinance" may be changed to "Section," "Article," "Goal," "Objective," "Policy" 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 unless timely challenged. 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 8th day of December 2021.

Mayor Phillip M. Anderson

Attest:

City Clerk Rene Cranis