

## ORDINANCE 3296-24

### **AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-83 "ORANGE AVENUE OVERLAY DISTRICT (OAO)" TO REVISE THE DEFINITIONS OF BUILDING STORY AND MIXED-USE, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park deems it necessary for the general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance;

**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;

**WHEREAS**, the City Commission hereby finds that the land development regulations adopted herein are consistent with the Comprehensive Plan;

**NOW THEREFORE, BE IT ENACTED** by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

**SECTION 1.** That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-83 "Orange Avenue Overlay District (OAO)" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

#### **Sec. 58-83. Orange Avenue Overlay District (OAO)**

(c) (1) c. *Permitted Uses.*

16. Mixed-use development (can be vertical or horizontal) ~~that includes two or more uses allowed within the OAO~~ refer to Sec. 58-83 (c)(u) for the definition of mixed-use.

(c) (1) j. *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. For parking garages, levels visible on the exterior of the building shall be counted towards building height (ex. A three-story building wraps around a four-level interior parking garage, only the three stories would count as they are the only part visible).

The first story of any building shall be allowed to be a maximum of 18 feet in height. When mezzanines, balconies or lofts are provided, first story heights

of 20 feet may be allowed. Mezzanine, balcony or loft levels shall be allowed within the first story, as long as they do not cover more than 30 percent of the first-story area and stay within the maximum 20-foot first story height area. Interior mezzanines, balconies or lofts shall not be allowed above the first story. Each story above the first story shall have a maximum height of 12 feet. These building story maximums may not be achievable in all Subareas based on the specific Subarea overall height limit. Unused building story height may be transferred between stories.

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

(c) (1) s. *Orange Avenue Overlay District subareas and standards for development.*  
4. *Subarea D.*

i. *Subarea D development standards:*

C. Maximum height: 5 stories ~~or~~ and up to 56 feet

(c) (1) u. *Definitions.*

3. Building story: Building story means a section of a building between the surface of a floor and the top of the floorplate of the floor above it.
12. 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 must ~~can~~ be some combination of residential, commercial uses permitted by the OAO (including, but not limited to, restaurant/food service, personal service such as salon/spa/fitness, and retail), and office uses such as business offices/financial services, industrial, 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 in a building or on the subject property, 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. The mix of uses shall be from separate use categories outlined above, a combination of two uses from the same category (for example two residential uses, two different types of office uses, or two commercial uses) shall not be deemed a "mixed-use" development. The

intent is to combine two different land use categories (for example residential and office, office and commercial).

**SECTION 2. CODIFICATION.** Section 1 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

**SECTION 3. SEVERABILITY.** The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

**SECTION 4. CONFLICTS.** In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this 24th day April, 2024.

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Mayor Sheila DeCiccio

ATTEST:

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City Clerk Rene Cranis